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9 Attorneys for Plaintiff
10 ROSA GONZALEZ

FILED
Superior Court of California
County of Los Angeles

AUG 13 2018

Sherri R. Carter, Executive Officer/Clerk of Court
By *Paul A. [Signature]* Deputy

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

14 ROSA GONZALEZ,

15 Plaintiff,

16 vs.

17 COUNTY OF LOS ANGELES, a municipal
18 corporation, and DOES 1 through 100,
19 inclusive,

20 Defendants.

) CASE NO. BC 591 056

) [Assigned to the Hon. Maureen Duffy-
Lewis, Judge, Dept. "38"]

) **SECOND AMENDED COMPLAINT FOR
DAMAGES:**

) **1. RETALIATION IN VIOLATION OF
CALIFORNIA FAIR
EMPLOYMENT AND HOUSING
ACT**

) **DEMAND FOR JURY TRIAL**

) **Action Filed: August 13, 2015**

) **FSC: January 4, 2019**

) **Trial: January 14, 2019**

21 **GENERAL ALLEGATIONS**

22
23 1. At all times relevant hereto, ROSA GONZALEZ ("Plaintiff") is, and at all
24 times relevant, a resident of the County of Los Angeles, State of California, and Plaintiff is,
25 and at all times relevant, a competent adult.

26
27 2. At all times relevant hereto, Plaintiff was and is currently a Deputy Sheriff
28 employed by the Los Angeles County Sheriff's Department and has been so employed

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1 since February 19, 1999.

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

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

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

23 6. Plaintiff is informed and believes, and thereupon alleges, that at all times
24 material herein the Defendants, and each of them, were the agents, servants, and
25 employees, or ostensible agents, servants, or employees of each other Defendant, and as
26 such, were acting within the course and scope of said agency and employment or
27 ostensible agency and employment, except on those occasions when Defendants were
28 acting as principals, in which case, said Defendants, and each of them, were negligent in

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1 the selection, hiring, and use of the other Defendants.

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

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

8
9 **FACTS APPLICABLE TO ALL CAUSES OF ACTION**

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

14 10. Plaintiff began her career as a Deputy Sheriff with the Los Angeles Sheriff's
15 Department in February 1999. In or about December 2011, Plaintiff was assigned to East
16 LA Station (hereinafter "East LA") where Plaintiff was subjected to sexual and gender
17 based harassment by male Deputies.

18 11. Plaintiff became aware that Deputies referred to females as "The bus,"
19 "Glob," and referred to Plaintiff as "Mama G." Plaintiff thought that the statement Mama G
20 was a term of endearment until or around the Summer of 2013 Plaintiff learned that she
21 was referred to as "Queen FUPA," a highly derogatory gender based term.

22 12. In 2014, Plaintiff took the examination for the position of Field Training
23 Officer and she scored 21st Department wide on the examination. On or about July 23,
24 2014, the Master Field Training Sergeant at East LA Station assigned Plaintiff to act as a
25 mentor to new deputies.

26 13. On or about July 31, 2014, Plaintiff was called into the Watch Commander's
27 Office by Sergeants Hish and Florence, neither of whom were Plaintiff's direct
28 supervisors.

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1 14. During the July 31st meeting, Plaintiff was criticized by Hish for allegedly
2 hazing a deputy that she was mentoring and that Plaintiff had allegedly handled two
3 emergency calls improperly. Both Hish and Flores demanded that Plaintiff resign her
4 position as mentor immediately. Plaintiff disputes that she handled the calls improperly
5 and did not haze any deputy that she mentored, however she was removed from the
6 mentor's position the following day.

7 15. On or about August 4, 2014, Plaintiff filed a formal grievance against
8 Sergeants Hish and Flores alleging that she was subjected to discrimination and disparate
9 treatment on account of her gender. The grievance was denied by Plaintiff's Captain, but
10 granted by Chief Denham, and Plaintiff was subsequently transferred to Norwalk Station
11 and no action was taken against the Sergeants. It should be noted that East LA Station is
12 essentially run by a gang of deputies know as the "Banditos" and that the gang is highly
13 misogynistic using female deputies as their "women" and denying promotional
14 opportunities.

15 16. After reporting Sergeants Hish and Flores, Plaintiff was subjected to
16 ostracism and alleges on information and belief that she was not provided backup when
17 requested.

18 17. In or about December, 2014 Plaintiff took the Sergeant's promotional exam
19 and passed the written portion of the examination. However, in February of 2015 she was
20 notified that Sergeant Hish had given her an appraisal of promotability score of 74, which
21 effectively moved Plaintiff into Band 2 in Custody track and Band 3 in Patrol track for the
22 rank of sergeant. As a result of the low AP score, Plaintiff will not promote to the rank of
23 sergeant. Plaintiff further contends that the AP score of 74 was not indicative of her true
24 abilities and that Sergeant Hish intentionally gave her a low score to keep her from
25 promoting to Sergeant.

26 18. On August 13, 2016 Plaintiff filed the instant lawsuit for FEHA retaliation.

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1 **FIRST CAUSE OF ACTION**
2 **FOR RETALIATION IN VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT**
3 **AND HOUSING ACT AGAINST DEFENDANTS, AND EACH OF THEM**

4 19. Plaintiff incorporates the allegations set forth in paragraphs 1 through 18 as
5 if set forth in full herein.

6 20. Plaintiff was retaliated against for reporting unlawful conduct and implicating
7 the aforementioned male deputies at East LA for gender discrimination, and for filing the
8 instant lawsuit for FEHA retaliation.

9 21. Plaintiff has been subjected to a series of retaliatory adverse employment
10 actions including, but not limited to, the following.

11 22. Plaintiff was punitively transferred out of East LA Station after she reported
12 gender discrimination against her fellow deputies and supervisors.

13 23. Plaintiff's feels that her safety is in jeopardy by deputies that have, and will in
14 the future, refuse to back her up and provide support while she is working the field.

15 24. Plaintiff was rated poorly on her Field Training Officer evaluation in June of
16 2015, and was also given an unfairly low performance evaluation for the May 2014 to May
17 2015 rating period.

18 25. Plaintiff was given a false AP score in an attempt to keep her from promoting
19 to the rank of sergeant, and despite promises by the Department that she would receive a
20 new AP score based on her appeal, the Department refused to release her new AP score
21 because Plaintiff would not sign a settlement agreement releasing the Department from
22 liability for the allegations herein.

23 26. In order to further prevent Plaintiff from being promoted to sergeant, when it
24 became clear that the Department was going to begin promoting from Band 3 of the
25 custody track on the Sergeant's List (where Plaintiff is banded), it initiated a frivolous
26 investigation against her in order to disqualify her from being considered for promotion.
27 As a result, Plaintiff was not promoted to sergeant.

28 27. On March 8, 2016, the Department issued Plaintiff a written reprimand

1 based on the frivolous investigation into her, which was placed in her permanent
2 personnel file and has and will continue to negatively impact her ability to advance and
3 promote in the Department.

4 28. In addition, on a subsequent Sergeant's List, which Plaintiff was also on, the
5 Department deliberately passed over Plaintiff and refused to promote her before the list
6 expired in or around June of 2017, in retaliation for one or more of her protected activities.

7 29. Due to Defendant's retaliatory actions, Plaintiff developed high blood
8 pressure, borderline left ventricular hypertrophy, and other symptoms, which resulted in
9 her being taken out of the field and losing her Field Training Officer pay.

10 30. All of the above actions will adversely and materially affect Plaintiff's ability
11 to advance and/or promote, and obtain coveted positions in the future.

12 31. Said actions and conduct of the Department, consisting of the
13 aforementioned retaliation against Plaintiff, constituted unlawful employment practices
14 under California *Government Code* section 12940(h).

15 32. The aforementioned unlawful employment practices on the part of the
16 Department were a substantial factor in causing damages and injuries to Plaintiff.

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

22 34. As a result of the aforesaid unlawful acts of the Department, Plaintiff was
23 personally humiliated and had become mentally upset, distressed and aggravated.
24 Plaintiff claims general damages for such mental distress and aggravation in an amount of
25 be proven at time of trial.

26 35. As a result of the unlawful conduct of the Department, Plaintiff was required
27 to retain attorneys and is entitled to attorneys' fees pursuant to *Government Code* section
28 12965.

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1 36. Plaintiff has duly filed a new administrative complaint with the California
2 Department of Fair Employment and Housing ("DFEH") substantially alleging the acts and
3 conduct of the County as herein above described. The DFEH issued a "right-to-sue"
4 notice on or about May 7, 2015, issued a second "right-to-sue" notice on or about March
5 7, 2016, issued an amended second "right-to-sue" notice on or about March 9, 2016, and
6 issued a third "right-to-sue" notice on or about March 20, 2018, true and correct copies of
7 which are attached hereto as Exhibit "1."
8

9 **PRAYER**

10 **WHEREFORE**, Plaintiff seeks judgment against Defendants, and each of them, as
11 follows:

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

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

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

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

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

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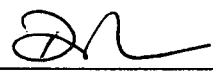
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- 6. Costs of suit herein incurred;
- 7. Pre-judgment interest;
- 8. Such other and further relief as the Court may deem just and proper.

Dated: August 10, 2018

LAW OFFICES OF GREGORY W. SMITH

By: 

GREGORY W. SMITH
DIANA WANG WELLS
LEILA K. AL FAIZ
Attorneys for Plaintiff
ROSA GONZALEZ

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EXHIBIT "1"

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DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 | TDD (800) 700-2320
<http://www.dfeh.ca.gov> | email: contact.center@dfeh.ca.gov

March 20, 2018

Rosa Gonzalez
9100 Wilshire Blvd. Suite 345E
Beverly Hills, California 90212

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 201803-01630121
Right to Sue: Gonzalez / County of Los Angeles Sheriff's Department (Los Angeles County Board of Supervisors)

Dear Rosa Gonzalez,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective March 20, 2018 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

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

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

Sincerely,

Department of Fair Employment and Housing

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PROOF OF SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

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

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

DATE OF SERVICE : August 10, 2018
DOCUMENT SERVED : **SECOND AMENDED COMPLAINT FOR DAMAGES**
PARTIES SERVED : Thomas C. Hurrell, Esq.
 Diane Martinez, Esq.
 Susan Mavian, Esq.
 Maria Tuason, Esq.
 Hurrell Cantrall LLP
 One California Plaza
 300 S. Grand Avenue, 13th Floor
 Los Angeles, California 90071

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

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

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

EXECUTED at Beverly Hills, California on August 10, 2018.



Kalei Aricayos

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