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EDWARD JORDAN and
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ORIGINAL FILED
Superior Court of California
County of Los Angeles

MAR 18 2015

Sherri R. Carter, Executive Officer/Clerk
By Cristina Grijalva, Deputy

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

EDWARD JORDAN and
DE'WANA HUBBARD,

Plaintiffs,

v.

CITY OF LOS ANGELES, a government
entity; and DOES 1 through 100, inclusive,

Defendants.

CASE NO.:

BC 575 699

COMPLAINT FOR DAMAGES

1. Discrimination in Violation of FEHA
(Cal. Gov't Code § 12940 *et seq.*)
2. Harassment in Violation of FEHA
(Cal. Gov't Code § 12940 *et seq.*)
3. Retaliation in Violation of FEHA
(Cal. Gov't Code § 12940 *et seq.*)

DEMAND FOR JURY TRIAL

COMES NOW Plaintiffs, EDWARD JORDAN and DE'WANA HUBBARD, and hereby
demand a trial by jury, and based on information and belief complain and allege as follows:

THE PARTIES

1. At all times relevant hereto, Plaintiffs EDWARD JORDAN ("Jordan") and
DE'WANA HUBBARD ("Hubbard") were employed with the Los Angeles Police Department
("the LAPD" or "Department"), and were competent adults.

1 2. Plaintiffs are informed and believe and thereon allege that, at all times relevant
2 hereto, Defendant CITY OF LOS ANGELES (“City” or “Defendant”) was a public entity violating
3 laws within the State of California in the County of Los Angeles. At all times pertinent hereto,
4 Defendant City owned, controlled, and operated the law enforcement agency known as the LAPD.

5 3. Plaintiffs are informed and believe and thereupon allege that Defendants DOES 1
6 through 100, inclusive, and each of them, at all times relevant hereto, were individuals or public,
7 business, and/or other entities whose form is unknown committing torts in and/or engaged in
8 purposeful economic activity within the County of Los Angeles, State of California.

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

18 5. Plaintiffs are informed and believe, and thereon allege, that at all times material
19 herein the Defendants, and each of them, were the agents, servants, or employees, or ostensible
20 agents, servants, and employees of each other Defendant, and as such, were acting within the
21 course and scope of said agency and employment or ostensible agency and employment, except on
22 those occasions when Defendants were acting as principals, in which case, said Defendants; and
23 each of them, were negligent in the selection, hiring, and use of the other Defendants.

24 6. At all times mentioned herein, each of the Defendants was the co-tortfeasor of each
25 of the other Defendants in doing the things hereinafter alleged.

26 7. Plaintiffs are further informed and believe that at all times relevant hereto,
27 Defendants, and each of them, acted in concert and in furtherance of the interests of each other
28 Defendant. The conduct of each Defendant combined and cooperated with the conduct of each of

1 the remaining Defendants so as to cause the herein described incidents and the resulting injuries
2 and damages to Plaintiffs.

3 **VENUE AND JURISDICTION**

4 8. At all relevant times hereto, Plaintiff Jordan was residing in Los Angeles County,
5 State of California.

6 9. At all relevant times hereto, Plaintiff Hubbard was residing in Riverside County,
7 State of California.

8 10. At all relevant times hereto, the Defendants, and each of them, were residents of the
9 County of Los Angeles, State of California.

10 11. The wrongful conduct alleged against the Defendants, and each of them, occurred in
11 the County of Los Angeles, State of California. At all relevant times hereto, the conduct at issue
12 was part of a continuous and ongoing pattern of behavior.

13 12. This Court is the proper court because the wrongful acts that are the subject of this
14 action occurred here, at least one Defendant now resides in its jurisdictional area, and injury to
15 person or damage to personal property occurred in its jurisdictional area.

16 13. Plaintiffs have complied with and/or exhausted any applicable claims statutes and/or
17 administrative and/or internal remedies and/or grievance procedures, and/or are excused from
18 complying therewith.

19 14. Plaintiff Jordan has complied with the claim presentation requirement of California
20 Government Code § 945.4 and § 912.4. He filed a complaint with the Department of Fair
21 Employment and Housing ("DFEH") on or about March 10, 2015, and was issued a right-to-sue
22 notice the same day.

23 15. Plaintiff Hubbard has complied with the claim presentation requirement of
24 California Government Code § 945.4 and § 912.4. She filed a complaint with the Department of
25 Fair Employment and Housing ("DFEH") on or about March 10, 2015, and was issued a right-to-
26 sue notice the same day.

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GENERAL ALLEGATIONS

16. At all relevant times to this claim, Plaintiffs were sworn police officers for the Los Angeles Police Department. Plaintiffs were qualified for the positions they held by reason of their education and training. Plaintiff Jordan joined the LAPD in March 1988, and joined LAPD Legal Affairs Division ("Legal Affairs") in August 2001. Plaintiff Hubbard joined the LAPD in October 1994 and joined Legal Affairs in April 2014.

17. At all times relevant herein, Plaintiff Jordan held the title and rank of Detective, holding a supervisor position in the Police Litigation Section of Legal Affairs, later renamed the Civil Litigation Section. During the course of his employment with the City, Jordan has performed his various responsibilities as a Detective in an exemplary fashion and otherwise capably performed each and every condition of his employment agreement. Jordan's race is African-American.

18. At all times relevant herein, Plaintiff Hubbard held the title and rank of Detective III, holding a supervisor position in the Civil Litigation Section of Legal Affairs. Hubbard was Jordan's supervisor within Legal Affairs. During the course of her employment with the City, Hubbard has performed her various responsibilities as a Detective III in an exemplary fashion and otherwise capably performed each and every condition of her employment agreement. Hubbard's race is African-American.

19. Legal Affairs is a division within the LAPD comprised of: (1) the Civil Litigation Section, which includes two Civil Litigation Units ("A" and "B"), the Traffic Litigation Unit, and the Legal Unit; and (2) the Employment Litigation Section, which includes the Employment Litigation Unit, the Training Unit, and the Discovery Section. Legal Affairs is primarily responsible for providing a wide variety of services and legal assistance to the LAPD and Office of the City Attorney in civil litigation, including contacting witnesses, obtaining discovery, reviewing documents, and otherwise assisting in the Department's legal strategies.

20. Prior to joining the Civil Litigation Section, Jordan was assigned to the Employment Litigation Section as a Detective I from in or around August 2001 to approximately June 2014 (excluding a temporary assignment in Rampart Division from in or around 2009 to 2010), and

1 provided a variety of legal assistance regarding LAPD employee-related complaints, lawsuits, and
2 other matters. In or around June 2014, Jordan applied for an open Detective II position in the Civil
3 Litigation Section.

4 21. During the oral interview process, in or around June 2014, Hubbard attended a
5 meeting with Lieutenant II Doug Wade (“Wade”), the head of the Civil Litigation Section, and
6 Detective III Conrad Torrez (“Torrez”), Hubbard’s counterpart and the supervising Detective of
7 Civil Litigation Unit A. During the meeting, Torrez insisted to Hubbard that the new Legal Affairs
8 Detective II join his Unit, as there was a shortage of Detective IIs in Torrez’s Unit.

9 22. In or around July 2014, Jordan received the open position in the Civil Litigation
10 Section and promoted to Detective II. However, Torrez later informed Hubbard that she could
11 have Jordan, despite previously insisting that the new Detective II join his Unit. Wade and Torrez
12 thereafter placed Jordan in Hubbard’s Unit, Unit B, under the guise that they were “looking out for
13 her,” even though she already had three other Detective IIs in her Unit. Torrez’s comments
14 indicated that he specifically did not want Jordan in his Unit, and that he was discriminating
15 against Jordan based on his race.

16 23. Sometime thereafter, Hubbard attended another meeting with Wade and Torrez
17 during a new round of oral interviews for a second open Detective II position. During the meeting,
18 Torrez repeatedly mentioned his strong desire for Detective I Dave Purcell, who is White and not
19 African-American, to obtain the open Detective II position and join his Unit. Torrez’s comments
20 further demonstrate that Torrez was discriminating against Jordan by “pawning” him off to
21 Hubbard and by handpicking his own “favored” Detectives for his Unit. Torrez’s conduct was a
22 sign of the pervasive discriminatory culture at Legal Affairs that Hubbard and Jordan were in and
23 would be subjected to thereafter.

24 24. On or about August 27, 2014, approximately two months after being assigned to the
25 Civil Litigation Section, Jordan was sitting at his desk when a banana peel flew through the air, and
26 landed behind him. Jordan heard a soft thud, but did not immediately see the banana peel.
27 Hubbard, who was seated nearby, saw the banana peel on the ground, but was unaware of how it
28 got there. Once Jordan saw the banana peel, Jordan immediately called Hubbard, his supervisor,

1 over to his desk, and directed her attention to the banana peel. Hubbard was visibly upset and
2 humiliated as well, and understood Jordan had nothing to do with the banana peel's appearance on
3 the floor behind him.

4 25. Jordan thereafter went to pick up the banana peel to throw it away. At about the
5 time Jordan had the banana peel in his hand, Detective I Anthony Umansky ("Umansky"), a White
6 officer assigned to Detective Torrez's unit, approached Jordan's desk, eating a banana. Umansky
7 grabbed the banana peel from Jordan, and then mockingly said words to the effect of, "Oh, you got
8 it. I didn't think you saw it. I was going to throw another one to make sure you saw it." Umansky
9 had a cavalier smirk on his face, and repeatedly admitted to throwing the banana peel in Jordan's
10 direction.

11 26. Jordan was hurt and angered that the banana peel was launched to so blatantly
12 harass him based on his race. African-Americans have historically been, and in some circles, still
13 are, racially associated with monkeys or apes. The banana peel was thrown at Jordan to make him
14 aware that this floor of Legal Affairs considered African-Americans to be lesser officers, more akin
15 to monkeys. Jordan immediately reported to Hubbard Umansky's derogatory act of launching the
16 banana peel in his direction.

17 27. Jordan then reported Umansky's discriminatory act to Detective III John McNight
18 and Detective Carolyn Jones, and advised that he could not return to Civil Litigation Section that
19 day. Detective Jones advised Jordan that she would report Umansky's misconduct to her
20 immediate supervisor. Jordan was so upset he left the office area, and later left work entirely.
21 Hubbard separately reported Umansky's discriminatory and harassing act to Lieutenant Leonard
22 Cross ("Cross").

23 28. On or about September 2, 2014, Jordan returned to work after taking the rest of the
24 week off due to Umansky's harassing and discriminatory conduct. Despite his overt act of racism,
25 Umansky was not reassigned, and retained his position and full parking access, among other
26 Department privileges. Jordan reported the hostile work environment at Legal Affairs to Captain II
27 Roseira Moreno ("Moreno"), the Commanding Officer of Legal Affairs. Jordan also reported that
28

1 he was no longer able to work near Umansky and under such hostile work conditions. Captain
2 Moreno placed Jordan on loan to Employee Litigation Unit (“ELU”) that same day.

3 29. During the few days Jordan was on loan to ELU, Captain Moreno minimized the
4 harassment and advised Jordan to utilize the Department’s Ombudsperson as means of resolving
5 his issues with Umansky, rather than investigate Jordan’s claims of potential misconduct. On or
6 about September 3, 2014, Jordan reluctantly met with Sergeant Brad Lovitt and Officer Tim
7 McRath of the Work Environment Liaison Division (“WELD”) office, and reported what he
8 reasonably believed to be harassment and discrimination against him based on his race. At the end
9 of the meeting, Lovitt informed Jordan he would follow up with Captain Moreno and would
10 immediately refer the case to Internal Affairs to be investigated for misconduct. Plaintiffs are
11 informed and believe that the Department initiated a formal 1.28 complaint regarding the hostile
12 work environment at Legal Affairs sometime thereafter.

13 30. On or about September 4, 2014, Jordan filed a 15.7 correspondence to Captain
14 Moreno and formally reported misconduct, including the discrimination and harassment against
15 him based on his race. The Department then immediately discontinued Jordan’s loan to ELU. On
16 or about September 8, 2014, when Jordan inquired as to why his loan was discontinued, Captain
17 Moreno advised Jordan that due to his reporting and obtaining legal counsel, Jordan would be
18 assigned to the Training Unit—ironically, the unit that assists in providing Department-wide
19 training about the inappropriate nature of discrimination and retaliation in the workplace. The
20 Department could have, and should have, moved Jordan back to the Civil Litigation Unit—the unit
21 to which he promoted—but unreasonably chose not to as pretext to further discriminate and harass
22 him. Further, Captain Moreno was well aware of the ongoing discrimination and harassment
23 within Legal Affairs due to Plaintiffs’ prior reporting, yet still refused to discipline Umansky and
24 move Jordan back to Civil Litigation. The Department’s decision to permit Umansky to stay and
25 to instead reassign Jordan signals that Jordan—and not Umansky—was the “problem child,” and
26 caused significant damage to Jordan’s reputation within the Department, as detailed below.

27 31. Furthermore, Legal Affairs has a history of discriminating against African-
28 Americans. The harassment and dislike of African-Americans was evident from the beginning of

1 Hubbard's tour at Legal Affairs. During an initial meeting with Lieutenant Wade and Detective
2 Torrez, Wade advised Hubbard that he did not like the Commanding Officer, Captain Moreno, and
3 admonished Hubbard not to speak to anyone outside of Lieutenant Wade's immediate command.
4 Lieutenant Wade also directly expressed his displeasure with Hubbard's selection into the unit.
5 Hubbard told Wade that she would not allow the hostile treatment of anyone, by anyone, and that
6 she would not allow Wade to dictate who she was permitted to speak to in the chain of command.
7 Moreover, Hubbard was denied privileges and benefits associated with her position as a supervisor.
8 She was not permitted to interview officers applying for positions under her command, unlike
9 Detective Torrez, who was allowed to interview and select his subordinates. In or around May
10 2014, Hubbard reported to Lieutenant Cross that she reasonably believed she was being targeted
11 and singled out within Legal Affairs because of her race.

12 32. In or around September 2014, Hubbard was also denied equal access to training she
13 needed to be successful in her position, and was set up to fail. Hubbard was asked to attend an
14 unscheduled meeting with Lieutenant Wade and Detective Torrez to discuss some of the pending
15 Legal Affairs cases. Hubbard was asked numerous questions about the cases, but could not
16 adequately respond, as she had not been given a list of cases that would be discussed beforehand.
17 Hubbard was not given adequate time to prepare for the meeting. Detective Torrez, however, was
18 clearly given the information and time to prepare for the questions asked during the meeting.
19 Lieutenant Wade thus set Hubbard up for failure, or at least embarrassment. Hubbard was also left
20 out of numerous meetings as a means of ostracizing her from the unit. The tone and conduct of
21 Lieutenant Wade and Detective Torrez during and after the meeting reinforced what was already
22 established in or around April 2014—Hubbard was not wanted in the unit, and was being
23 ostracized, harassed, and retaliated against on the basis of her race and for reporting the misconduct
24 up the chain of command.

25 33. On or about September 8, 2014, Hubbard met with Lieutenant Cross and reported
26 the ongoing discrimination and harassment against her based on her race. Hubbard also reported
27 on multiple occasions the harassment and discrimination against her to Captain Moreno and
28 Lieutenant Darius Bone ("Bone"), as well as that Wade and Torrez were ostracizing her from the

1 unit presumably because of her reporting to Lieutenant Cross. Hubbard also reported that she
2 could no longer work under such hostile work conditions, and that as long as she remained in the
3 unit, she feared she would be subjected to further humiliating, discriminatory conduct based on her
4 race. At one point during their conversations, Moreno told Hubbard words to the effect of, “I knew
5 we had a problem, but they retired before I could do anything about it.” By “they”, Moreno was
6 referring to Detective III Scott Shepherd and Detective III Efrain Baeza, former supervisors within
7 Legal Affairs. Moreno’s comments verified the pervasive discriminatory culture Hubbard and
8 Jordan had come into at Legal Affairs—the tone had been set from the top, and everyone else
9 continued the pattern and practice of discrimination even after they had retired.

10 34. Due to ongoing harassment and discrimination, Hubbard suffered an anxiety attack
11 on or about September 10, 2014, and went out Injured On Duty (“IOD”). While out IOD, on or
12 about September 14, 2014, Hubbard submitted a formal statement to Captain Moreno and again
13 reported the hostile work environment at Legal Affairs, including but not limited to: Wade and
14 Torrez admonishing Hubbard not to speak to anyone outside of Wade’s immediate command, the
15 case debriefing incident involving Wade and Torrez, and that Hubbard was being ostracized from
16 the unit for her protected activity. Hubbard also reported that she could no longer work under such
17 hostile work conditions in the Civil Litigation Unit because of the ongoing discrimination,
18 harassment, and retaliation against her and Jordan.

19 35. For reporting the race-based harassment and discrimination to their supervisors up
20 the chain of command, the Department retaliated against Hubbard and Jordan, rather than taking
21 appropriate action to stop the harassment. Among other adverse employment actions, Jordan was
22 transferred out of his unit in Legal Affairs and sent to the Training Unit, a unit that is perceived as
23 less prestigious than the Civil Litigation Unit, where he had been previously assigned. Plaintiffs
24 are informed and believe that another African-American officer was recently reassigned within
25 Legal Affairs for similarly voicing an opinion to Captain Moreno. Moreover, Jordan was given an
26 undesirable, less prestigious job assignment. In the Training Unit, Jordan’s primary role was
27 merely to assist the Detective III with administrative functions, including attending and observing
28 training classes. While a supervisor in the Civil Litigation Unit, however, Jordan had been

1 assigned to numerous major civil cases, including employment matters, and worked closely with
2 the City Attorneys on specialized assignments, including deaths from officer-involved shootings
3 and all major Use of Force cases. Jordan's duties and responsibilities had included attending all
4 meetings, depositions, court appearances, and trials, as well as collecting discovery, reviewing
5 documents, and otherwise assisting in the Department's legal strategies. The unilateral decision to
6 remove Plaintiff from his coveted investigatory assignments in the Civil Litigation Unit for a
7 demeaning administrative position humiliated Plaintiff, caused damage to his reputation within the
8 Department, and was further discrimination and retaliation against him.

9 36. In further retaliation, Jordan was assigned a desk across the room from the other
10 officers in his assigned unit. Jordan's desk faces away from the room, with his back exposed to the
11 entire room of sworn officers. The seating arrangement requires Jordan to turn and look behind
12 him to be included in conversation with anyone in the unit. Not only is Jordan isolated in his
13 seating assignment, but also the desk is not appropriate for his position as supervisor in the unit.
14 Other supervisors had a return table and two chairs for visitors. Jordan was assigned a desk used
15 by non-supervisors, which did not have room for visitors and/or subordinates to sit and discuss
16 workplace tasks, for example. Notably, a supervisor's cubicle directly adjacent to the three other
17 supervisors open cubicle has been open and available the entire time Jordan has been assigned to
18 the Training Unit. And, a Police Officer III (non supervisor) has a larger supervisor cubicle, rather
19 than Jordan. The psychology of the space—exposed back and subordinate-sized desk—reinforces
20 that Jordan is being harassed and punished for his protected activity.

21 37. Due to the ongoing harassment and discrimination against him, on or about
22 September 17, 2014, Jordan was forced to spend approximately six hours in the emergency room
23 for high blood pressure, shortness of breath, and hypertension, with high enough levels of
24 hypertension that warranted a brain scan. Jordan was also required to seek psychiatric care for his
25 injuries in or around October 2014.

26 38. In or around late September/early October 2014, Hubbard was similarly retaliated
27 against. Hubbard met with Captain Moreno and was notified she would be administratively
28 transferred out of the unit because of her reporting and because she disclosed she might be getting

1 legal representation. Hubbard was temporarily transferred to the Training Unit sometime
2 thereafter, and was assigned an inappropriate, non-supervisor desk right next to Jordan—across the
3 room and facing away from the other officers assigned to their unit, her back similarly exposed.
4 The Department deliberately isolated Plaintiffs from the rest of the unit as means of identifying
5 them as “problem children” or “troublemakers” within the Department. Moreover, contrary to
6 Department policy and practice, Captain Moreno ordered Hubbard to report her time directly to
7 Moreno, rather than to Detective III Gregg Smith (“Smith”), to unfairly scrutinize her time and
8 work performance. All of these slights were a message to Hubbard and Jordan that they were
9 going to be sorry they reported the discrimination and harassment in Legal Affairs.

10 39. The retaliation against Jordan and Hubbard continued. On or about October 8,
11 2014, Jordan attempted to visit Legal Affairs’ Time Keeper, but was unable to obtain electronic
12 access to the 7th floor offices, as his keycard was not functioning properly. Jordan was forced to
13 phone his co-worker, Detective II Tim Lai (“Lai”), from inside the Legal Affairs office to assist
14 Jordan in gaining entry. Lai not only had come out into the hallway to assist Jordan, but had to
15 provide Jordan access to the men’s room as well. Jordan had not been previously notified that his
16 keycard had been deactivated. All sworn officers in the offices where Jordan was currently
17 assigned had full electronic keycard access. Jordan was the only officer that did not.

18 40. The next day, on or about October 9, 2014, Jordan reported to Detective Smith that
19 his keycard had been deactivated without any prior notification, and that he did not even have
20 access to the parking lot entrance. Smith thereafter attempted to retrieve Plaintiff’s access, but the
21 Department failed to assist or otherwise provide Plaintiff with the building access to which he was
22 entitled. Around this same time, the Department similarly deactivated Hubbard’s keycard without
23 prior notification. Deactivating Jordan and Hubbard’s keycards was not only humiliating, but also
24 further ostracized them within the unit, caused significant damage to their reputations, and was
25 further retaliation for their prior protected activity.

26 41. In or around October 2014, Captain Moreno informed Hubbard they would attempt
27 to transfer her out of the unit “for [her] protection,” including being placed on temporary loan to
28 Special Assistant for Constitutional Policing (“SACP”), as there were no Detective III vacancies

1 within Legal Affairs. Hubbard was later notified she would be admin transferred to Juvenile
2 Division, but would remain on loan to Legal Affairs. After the transfer to Juvenile Division did not
3 go through, on or about November 2, 2014 Hubbard was officially admin transferred to the
4 Planning and Research Division (“PRD”), a unit within SACP that provides administrative support
5 to the Chief of Police and Chairs of the Department-wide standing committees, and oversees the
6 Special Projects Section and Procedures and Directives Section, which updates and maintains the
7 LAPD Manual. In further retaliation, as there is no Detective III spot allocated to PRD, Plaintiff
8 was assigned demeaning projects well beneath her rank and paygrade, including but not limited to
9 research for an LAPD Legislative Update and research for a Special Order relating to Proposition
10 47. The last time Hubbard performed such work was as a Police Officer II.

11 42. Plaintiffs’ careers have been materially and adversely affected, and irreparably
12 harmed and damaged by the conduct of the Defendants. Plaintiffs were retaliated against for
13 reporting what they reasonably believed to be harassment, discrimination, and inappropriate race-
14 based practices, for engaging in protected activity, including standing up for their rights and the
15 rights of others, and opposing the improper conduct by supervisors and command staff. As a direct
16 and proximate consequence of reporting such misconduct and testifying honestly about such
17 misconduct—which constitutes protected activity under state and federal law—Defendants, and
18 each of them, retaliated against, discriminated against, and harassed Plaintiffs and subjected
19 Plaintiffs to adverse employment actions. Those adverse employment actions include but are not
20 limited to: being denied a work environment free of discrimination and/or retaliation, being subject
21 to race-based taunts, being denied privileges and benefits associated with their positions, denied or
22 forced to transfer, being ostracized within the unit, damage to their reputation, and interference
23 with Plaintiffs’ ability to do their jobs.

24 43. Plaintiffs have suffered both general and special damages in the past and present
25 and will continue to suffer such damages in the future for an unknown period of time. Plaintiffs
26 have also suffered and continue to suffer losses in earnings and other employment benefits, as well
27 as past and future non-economic injury. This has caused damage to their professional reputation,
28 their ability to promote, their ability to be selected for other units, their ability to work, has caused

1 negative ratings, will cause them to have to take a different retirement path, has caused them to
2 lose overtime opportunities and pay, and will adversely affect their income, pension, and other
3 benefits. Moreover, it has adversely affected Plaintiffs' personal health and well being, including
4 medical expenses that are anticipated into the future and may force an early retirement.

5 44. Plaintiff Jordan has also suffered extensive general damages in the form of anxiety,
6 anguish, and mental suffering. Jordan's damages are continuing and in an amount not yet
7 determined, but in excess of \$25,000.

8 45. Plaintiff Hubbard has also suffered extensive general damages in the form of
9 anxiety, anguish, and mental suffering. Hubbard's damages are continuing and in an amount not
10 yet determined, but in excess of \$25,000.

11 46. The conduct of Defendants, and each of them, was a violation of Plaintiffs' rights,
12 as described above, as well as their rights under both state and federal law, including but not
13 limited to the Fair Employment and Housing Act (CAL. GOV'T C. §§ 12940, *et seq.*), and
14 California Labor Code § 1102.5. Therefore, Defendants, and each of them, are liable under FEHA
15 and Labor Code § 1102.5, are liable for retaliation in violation of public policy as identified in
16 *Tameny v. Atlantic Richfield Co.* (1980) 27 Cal.3d 167 and its progeny, and may be liable for
17 constructive discharge. The wrongful conduct of Defendants, and each of them, is continuing and
18 ongoing as of the present date.

19 **FIRST CAUSE OF ACTION**

20 **BY PLAINTIFFS AGAINST ALL DEFENDANTS**

21 DISCRIMINATION IN VIOLATION OF FEHA, CAL. GOV'T C. §§ 12940, *ET SEQ.*

22 47. Plaintiffs re-allege and incorporate by reference each and every allegation contained
23 in paragraphs 1–46 of this complaint as though fully set forth herein again.

24 48. At all times herein mentioned, Government Code §§ 12940, *et seq.* was in full force
25 and effect and was binding upon Defendants, and each of them.

26 49. At all times herein mentioned, Plaintiffs were in the protected class of persons, *i.e.*,
27 minority race, and engaged in protected activities contemplated by Government Code §§ 12940, *et*
28 *seq.* Plaintiffs are informed and believe that Defendants, and each of them, harassed them based on

1 their race, and for reporting and speaking out against wrongful and discriminatory treatment based
2 on their race, speaking out against improper conduct, and for generally attempting to protect and
3 secure their rights and the rights of others under the FEHA.

4 50. Commencing before and during 2014, and continuing to the present, Defendants
5 created and allowed to exist a racially hostile environment and discriminated against Plaintiffs on
6 the basis of their race. Such discrimination was in violation of Government Code §§ 12940, *et seq.*
7 and the public policy embodied therein.

8 51. At all times herein mentioned, Defendants, and each of them, had actual and/or
9 constructive knowledge of the discriminatory conduct levied against Plaintiffs by Defendants,
10 fellow employees and superiors. Moreover, such retaliation, harassment, and discriminatory
11 conduct was also conducted and/or condoned by Defendants, and each of them.

12 52. As a direct, foreseeable and proximate result of Defendants' discriminatory conduct
13 and failure to act, Plaintiffs suffered and continue to suffer humiliation, embarrassment, anxiety,
14 mental anguish and emotional distress. Plaintiffs were required to and did employ, and will in the
15 future employ, physicians and health care providers to examine, treat and care for Plaintiffs, and
16 did, and will in the future, incur medical and incidental expenses. The exact amount of such
17 expenses is unknown to Plaintiffs at this time.

18 53. As a direct, foreseeable and proximate result of the Defendants' discriminatory
19 conduct, Plaintiffs suffered and continue to suffer losses in earnings and other employment benefits
20 all to their damage in an amount in excess of the minimum jurisdictional limits of this court, the
21 precise amount of which will be proven at trial.

22 54. As a further legal result of the above-described conduct of Defendants, and each of
23 them, Plaintiffs have and will continue to incur attorneys' fees and costs in an amount according to
24 proof.

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1 will in the future, incur medical and incidental expenses. The exact amount of such expenses is
2 unknown to Plaintiffs at this time.

3 61. As a direct, foreseeable and proximate result of the Defendants' harassing conduct,
4 Plaintiffs suffered and continue to suffer losses in earnings and other employment benefits all to
5 their damage in an amount in excess of the minimum jurisdictional limits of this court, the precise
6 amount of which will be proven at trial.

7 62. As a further legal result of the above-described conduct of Defendants, and each of
8 them, Plaintiffs have and will continue to incur attorneys' fees and costs in an amount according to
9 proof.

10 THIRD CAUSE OF ACTION

11 BY PLAINTIFFS AGAINST ALL DEFENDANTS

12 RETALIATION IN VIOLATION OF FEHA, CAL. GOV'T C. §§ 12940, *ET SEQ.*

13 63. Plaintiffs re-allege and incorporate by reference each and every allegation contained
14 in paragraphs 1–62 of this complaint as though fully set forth herein again.

15 64. At all times herein mentioned, Government Code §§ 12940, *et seq.*, was in full force
16 and effect and were binding upon Defendants, and each of them. Said sections required
17 Defendants, and each of them, to refrain from retaliating against employees for their opposition to
18 employment practices prohibited under FEHA.

19 65. At all times herein mentioned, Plaintiffs were in the protected class of persons, *i.e.*,
20 minority race, and engaged in protected activities contemplated by Government Code §§ 12940, *et*
21 *seq.* Plaintiffs are informed and believe that Defendants, and each of them, retaliated against them
22 for speaking out against inappropriate workplace behavior, reporting and speaking out against
23 wrongful and discriminatory, harassing, and retaliatory treatment based on their race, speaking out
24 against improper conduct, and for generally attempting to protect and secure their rights and the
25 rights of others under the FEHA.

26 66. Commencing before and occurring in 2014, and continuing to the present,
27 Defendants created and allowed to exist a racially hostile environment and discriminated against
28

1 Plaintiffs on the basis of their race. Such retaliation was in violation of Government Code §§
2 12940, *et seq.* and the public policy embodied therein.

3 67. At all times herein mentioned, Defendants, and each of them, had actual and/or
4 constructive knowledge of the retaliatory conduct levied against Plaintiffs by Defendants, fellow
5 employees and superiors. Moreover, such retaliation, harassment and discriminatory conduct was
6 also conducted and/or condoned by Defendants, and each of them.

7 68. As a direct, foreseeable and proximate result of Defendants' retaliatory conduct,
8 Plaintiffs suffered and continue to suffer humiliation, embarrassment, anxiety, mental anguish and
9 emotional distress. Plaintiffs were required to and did employ, and will in the future employ,
10 physicians and health care providers to examine, treat and care for Plaintiffs, and did, and will in
11 the future, incur medical and incidental expenses. The exact amount of such expenses is unknown
12 to Plaintiffs at this time.

13 69. As a direct, foreseeable and proximate result of the Defendants' retaliatory conduct,
14 Plaintiffs suffered and continue to suffer losses in earnings and other employment benefits all to
15 their damage in an amount in excess of the minimum jurisdictional limits of this court, the precise
16 amount of which will be proven at trial.

17 70. As a further legal result of the above-described conduct of Defendants, and each of
18 them, Plaintiffs have and will continue to incur attorneys' fees and costs in an amount according to
19 proof.

20 PRAYER

21 WHEREFORE, Plaintiffs seek judgment against all Defendants, and each of them, on all
22 Causes of Action for:

23 1. Physical, mental, and emotional injuries, pain, distress, suffering, anguish, fright,
24 nervousness, grief, anxiety, worry, shame, mortification, injured feelings, shock, humiliation and
25 indignity, as well as other unpleasant physical, mental, and emotional reactions, damages to
26 reputation, and other non-economic damages, in a sum to be ascertained according to proof;

27 2. Health care, services, supplies, medicines, health care appliances, modalities, and
28 other related expenses in a sum to be ascertained according to proof;

- 1 3. Loss of wages, income, earnings, earning capacity, support, domestic services,
2 benefits, and other economic damages in a sum to be ascertained according to proof;
3 4. Other actual, consequential, and/or incidental damages in a sum to be ascertained
4 according to proof;
5 5. Attorney fees and costs of suit pursuant to statute;
6 6. Costs of suit herein incurred;
7 7. Pre-judgment interest; and
8 8. Such other and further relief as the Court may deem just and proper.

9
10 Dated: March 17, 2015

McNICHOLAS & McNICHOLAS, LLP

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12 By: _____

Matthew S. McNicholas
Alyssa K. Schabloski
Justin D. Nussen
Attorneys for Plaintiffs
EDWARD JORDAN and
DE'WANA HUBBARD

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17 **DEMAND FOR JURY TRIAL**

18 Plaintiffs hereby demand a jury trial.

19
20 Dated: March 17, 2015

McNICHOLAS & McNICHOLAS, LLP

21
22 By: _____

Matthew S. McNicholas
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