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JONATHAN CHANEY

FILED  
Superior Court of California  
County of Los Angeles

OCT 17 2014

Sherri R. Carter, Executive Officer/Clerk  
By Moses Soto, Deputy

D-54 ERNEST HIROSHIGE

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

JONATHAN CHANEY,

Plaintiff,

vs.

CITY OF CARSON, a Municipal  
corporation; and DOES 1 through 50,  
Inclusive,

Defendants.

CASE NO.

BC560923

COMPLAINT FOR DAMAGES

1. DISCRIMINATION BASED UPON RACE (*Government Code* §12940, et seq.);
2. RETALIATION (*Government Code* §12940, et seq.);
3. FAILURE TO TAKE ALL REASONABLE STEPS TO PREVENT DISCRIMINATION AND RETALIATION (*Government Code* §12940, et seq.);
4. VIOLATION OF LABOR CODE SECTION 6400, et seq.;
5. RETALIATION (Violation of *Labor Code* Section 6310)
6. RETALIATION (Violation of *Labor Code* Section 1102.5)
7. RETALIATION (Violation of *Labor Code* Section 98.6)

Plaintiff JONATHAN CHANEY alleges:

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CIT/CASE: BC560923  
LER/DEF#:  
RECEIPT #: CCH524690105  
DATE PAID: 10/17/14 03:59 PM  
PAYMENT: \$435.00  
RECEIVED:  
CHECK: \$435.00  
CASH: \$0.00  
CHANGE: \$0.00  
CARD: \$0.00

## INTRODUCTION

1. Plaintiff JONATHAN CHANEY ("Plaintiff") was employed by Defendant CITY OF CARSON, a Municipal corporation ("CARSON") beginning in or about June, 2012, as a "Recreationist III." Plaintiff was originally hired by CARSON to work at Hemingway Park, where he worked approximately 30 hours per week. Plaintiff's responsibilities with CARSON including running leagues and enrichment programs.

2. Eventually, Plaintiff's supervisors began to demand that Plaintiff coach the City basketball teams for CARSON (the "Coaching Position"). Because Plaintiff was already a basketball coach for Rancho Dominguez High School, he was precluded from coaching for CARSON under the California Interscholastic Federation rules (the "Rules"). He therefore refused the Coaching Position. In response to Plaintiff's refusal to accept the Coaching Position, Defendant CARSON threatened to cite Plaintiff with "insubordination," and also threatened to terminate him. In or about November 2013, Plaintiff provided a copy of the Rules to supervisory personnel at CARSON. Because Plaintiff was able to prove that the Rules prevented Plaintiff from accepting the Coaching Position, CARSON instead transferred Plaintiff to work at the Veterans Sports Center (the "Center").

3. Plaintiff began working at the Center on or about February 17, 2014. On or about February 19, 2014, Plaintiff was accosted by a Center patron, Louis Rivera ("Rivera"). Rivera used offensive racial slurs against Plaintiff ("nigger" and "little boy"), and physically assaulted Plaintiff (the "Assault"). Plaintiff immediately reported the racial harassment, Assault and unsafe/hostile work environment to supervisory personnel Michael Whittiker ("Whittiker"), CARSON's Veteran's Park Site Manager and the head of CARON's Department of Parks & Recreation.

4. At all times mentioned herein, Defendant CARSON had the means and the ability to establish rules of conduct at its public venues, and/or to prevent unlawful conduct by members of the public utilizing CARSON facilities. CARSON further had the ability to exclude any patrons from its venues. Plaintiff is informed, believes, and thereon alleges that at all times mentioned herein, Defendant CARSON failed to take all reasonable steps to

1 prevent harassment, the Assault and unsafe/hostile working conditions from occurring on its  
2 premises.

3 5. Plaintiff is informed, believes, and thereon-alleges that Defendant CARSON had  
4 prior notice of Rivera's outrageous behavior, both physical and verbal. Specifically, other  
5 employees and patrons had complained, both verbally and in writing, about Rivera's  
6 inappropriate language and behavior.

7 6. In retaliation for Plaintiff's complaints to CARSON about the racial harassment  
8 by Rivera, the Assault and the unsafe/hostile work environment, on or about February 19,  
9 2014, Plaintiff was put "on-call" by Mr. Whittiker. Plaintiff was not allowed to return to work  
10 for almost two months.

11 7. Following his initial report to Mr. Whittiker, Plaintiff was not interviewed by  
12 Defendant CARSON about his complaints, and was never advised as to the outcome of any  
13 purported "investigation." Plaintiff is informed, believes, and thereon alleges that, at all times  
14 mentioned herein, Defendant CARSON failed to conduct any investigation whatsoever into  
15 Plaintiff's complaints of racial harassment and discrimination, as required by law.

16 8. Plaintiff was eventually permitted to return to work on or about April 16, 2014.

17 9. On or about April 30, 2014, Defendant CARSON subjected Plaintiff to an illegal  
18 and retaliatory meeting (the "Meeting"). The Meeting was attended by CARSON Councilman  
19 Eliot Santarina; City Attorney Bill Winder; Superintendent of Parks & Recreation, Cedric  
20 Hicks ("Mr. Hicks"); Mr. Whittiker, and others. Defendant CARSON did not even pretend to  
21 investigate Plaintiff's complaints. Instead, Councilman Santarina began the Meeting by  
22 announcing that he was there "on behalf of Mr. Rivera" and revealed that he had known  
23 Rivera since they were "little boys."

24 10. At the end of the Meeting, Plaintiff was terminated. Plaintiff is informed,  
25 believes, and thereon alleges that he was terminated in retaliation for his complaints of racial  
26 harassment, racial discrimination, the Assault, and an unsafe and hostile work environment.

27 11. Plaintiff was required by statute to file a claim with the California Department of  
28 Fair Employment and Housing (DFEH), pursuant to California *Government Code* §12965(b)

1 and the California Fair Employment and Housing Act (FEHA). Plaintiff filed such a claim in  
2 a timely manner and a "right-to-sue" letter was issued. (Attached hereto as Exhibit A is a true  
3 and correct copy of the claim and "right-to-sue" letter.) Plaintiff has thus exhausted all  
4 administrative remedies.

#### 5 GENERAL ALLEGATIONS

6 12. This is a complaint by an individual for damages arising out of the outrageous,  
7 oppressive and intrusive conduct of all Defendants. Plaintiff seeks compensatory damages.

8 13. The true names and capacities of the Defendants sued herein as DOES 1 through  
9 50, inclusive, are unknown to Plaintiff, who therefore sues these Defendants by such fictitious  
10 names. Plaintiff will ask leave of the Court to amend this Complaint to show their true names  
11 and capacities when same have been ascertained. Plaintiff is informed and believes, and  
12 thereon alleges, that each of the Defendants, herein designated as a DOE, proximately caused  
13 the injuries and damages to Plaintiff as hereinafter alleged.

14 14. Plaintiff is informed and believes, and thereon alleges, that each of the  
15 Defendants designated herein as a DOE is legally responsible in some manner for the events  
16 and happenings herein referred to, and negligently, wantonly, recklessly, tortiously and/or  
17 unlawfully proximately caused the injuries and damages thereby to Plaintiff as herein alleged.

18 15. At all times relevant to this action, each of the fictitiously named Defendants was  
19 an employee, agent, servant, partner, member, shareholder, officer, director, co-conspirator, or  
20 alter ego of Defendants, and was acting within the course and scope of such agency or  
21 employment.

22 16. Plaintiff is informed, believes, and thereon alleges that at all times mentioned  
23 herein, Defendant CARSON was a Municipal corporation, existing under the laws of the State  
24 of California.

25 17. At all times herein mentioned, Plaintiff was an individual who resided in the City  
26 of Long Beach, County of Los Angeles, State of California, was an employee of Defendant  
27 CARSON, and was and is a citizen of the State of California.

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**FIRST CAUSE OF ACTION**

**HARASSMENT/DISCRIMINATION BASED UPON RACE**

**(Government Code §12940, et seq.)**

**(Against Defendants CARSON and DOES 1-50)**

18. The allegations of Paragraphs 1 through 17 are realleged and incorporated herein by reference except where to do so would be inconsistent with pleading a cause of action for Harassment/Discrimination Based Upon Race.

19. The Fair Employment Housing Act ("FEHA") prohibits employment harassment and/or discrimination based on race.

20. Plaintiff is Black and of African American descent. As such, Plaintiff is a member of a class protected from race discrimination.

21. When Defendants, and each of them, engaged in the acts of discrimination alleged in this Complaint, they treated Plaintiff adversely because of his race.

22. In doing the acts referenced above, Defendants, and each of them, violated their affirmative duty to Plaintiff.

23. As a proximate result of the aforesaid acts of Defendants, Plaintiff has foreseeably suffered and continues to suffer substantial loss of earnings and employment benefits in an amount according to proof at the time of trial. Plaintiff claims such amount as damages together with prejudgment interest pursuant to *Government Code* §12945, et seq. and/or any other provision of law providing for prejudgment interest.

24. As a direct and proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff has suffered/continues to suffer and incurred/continues to incur:

- a. Substantial loss of earnings, employment benefits and reduced future earning capacity in an amount according to proof at the time of trial. Plaintiff claims such amount as damages together with prejudgment interest pursuant to applicable law;
- b. Additional expenses in his efforts to regain employment, all to his damage in an amount according to proof at the time of trial;

- 1 c. Necessary and reasonable attorneys' fees in order to enforce his rights  
2 and to obtain benefits due him, all to his further damage in an amount  
3 according to proof;
- 4 d. Embarrassment, humiliation, emotional distress, mental anguish and  
5 severe shock to his nervous system, and thereby sustained serious  
6 injuries to his physical and mental health, strength and activity, causing  
7 him extreme physical and emotional pain, all to his general damage in  
8 such amount as may be proven at time of trial.
- 9 e. Medical expenses, the exact nature and extent of which are unknown to  
10 Plaintiff at this time. Plaintiff will seek leave of court to amend this  
11 complaint when the same have been ascertained; and
- 12 f. Additional future medical expenses all to his further damage in an  
13 amount to be proven at trial; and
- 14 g. Other incidental and consequential damages in an amount according to  
15 proof at the time of trial.

16 Wherefore, Plaintiff prays for judgment against the Defendants as hereinafter set forth.

17 **SECOND CAUSE OF ACTION**

18 **RETALIATION**

19 **(Government Code §12940, et seq.)**

20 **(Against Defendants CARSON and DOES 1-50)**

21 25. The allegations of Paragraphs 1 through 24 are realleged and incorporated herein  
22 by reference except where to do so would be inconsistent with pleading a cause of action for  
23 Retaliation.

24 26. At all times relevant herein, Defendants, and each of them, were employers as  
25 that term is defined in *Government Code* §12926, et seq., and as such, were barred from  
26 retaliating in employment decisions.

27 27. During his employment, Plaintiff complained that he was being harassed and  
28 discriminated against because of his race, and that he was being subjected to a hostile and

1 unsafe work environment. When he did so, he was a protected person, engaged in a protected  
2 activity.

3 28. When he was a protected person, engaged in a protected activity, Defendants, and  
4 each of them, engaged in acts of retaliation as alleged in this complaint as set forth above.

5 29. Defendants retaliated against Plaintiff because he Black and of African American  
6 descent, and because Plaintiff complained of racial harassment and discrimination, and that he  
7 was being subjected to a hostile and unsafe work environment. Therefore, a causal link exists  
8 between the protected nature and activities Plaintiff was engaged in and Defendants' actions.

9 30. As a proximate result of the aforesaid acts of Defendants, Plaintiff has  
10 foreseeably suffered and continues to suffer substantial loss of earnings and employment  
11 benefits in an amount according to proof at the time of trial. Plaintiff claims such amount as  
12 damages together with prejudgment interest pursuant to *Government Code* §12945, et seq.  
13 and/or any other provision of law providing for prejudgment interest.

14 31. As a direct and proximate result of the aforesaid acts of Defendants, and each of  
15 them, Plaintiff has suffered/continues to suffer and incurred/continues to incur:

16 a. Substantial loss of earnings, employment benefits and reduced future  
17 earning capacity in an amount according to proof at the time of trial.  
18 Plaintiff claims such amount as damages together with prejudgment  
19 interest pursuant to applicable law;

20 b. Additional expenses in his efforts to regain employment, all to his  
21 damage in an amount according to proof at the time of trial;

22 c. Necessary and reasonable attorneys' fees in order to enforce his rights  
23 and to obtain benefits due him, all to his further damage in an amount  
24 according to proof;

25 d. Embarrassment, humiliation, emotional distress, mental anguish and  
26 severe shock to his nervous system, and thereby sustained serious  
27 injuries to his physical and mental health, strength and activity, causing  
28 him extreme physical and emotional pain, all to his general damage in

- 1 such amount as may be proven at time of trial.
- 2 e. Medical expenses, the exact nature and extent of which are unknown to
- 3 Plaintiff at this time. Plaintiff will seek leave of court to amend this
- 4 complaint when the same have been ascertained; and
- 5 f. Additional future medical expenses all to his further damage in an
- 6 amount to be proven at trial; and
- 7 g. Other incidental and consequential damages in an amount according to
- 8 proof at the time of trial.

9 Wherefore, Plaintiff prays for judgment against the Defendants as hereinafter set forth.

10 **THIRD CAUSE OF ACTION**

11 **FAILURE TO TAKE ALL REASONABLE STEPS**  
12 **TO PREVENT DISCRIMINATION AND RETALIATION**

13 **(Government Code §12940, et seq.)**

14 **(Against Defendants CARSON and DOES 1-50)**

15 32. The allegations of Paragraphs 1 through 31 are realleged and incorporated herein  
16 by reference except where to do so would be inconsistent with pleading a cause of action for  
17 for Failure to Take All Reasonable Steps to Prevent Discrimination and Retaliation.

18 33. *Government Code* §12940 provides that it is an unlawful employment practice for  
19 an employer, because of the person's race or complaints of unlawful conduct, to discriminate  
20 and retaliate against the employee. An entity shall take all reasonable steps to prevent the  
21 discrimination and retaliation from occurring.

22 34. The facts alleged in the Introduction constitute violations of FEHA in that  
23 Defendants, and each of them, discriminated and retaliated against Plaintiff. Plaintiff alleges  
24 that Defendants' discrimination and retaliation against Plaintiff was an unlawful employment  
25 practice in that Defendants, and each of them, failed to take all reasonable steps necessary to  
26 prevent harassment, discrimination, and retaliation from occurring in violation of *Government*  
27 *Code* §12940 of the Fair Employment and Housing Act.

28 35. As a proximate result of the aforesaid acts of Defendants, Plaintiff has

1 foreseeably suffered and continues to suffer substantial loss of earnings and employment  
2 benefits in an amount according to proof at the time of trial. Plaintiff claims such amount as  
3 damages together with prejudgment interest pursuant to *Government Code* §12945, et seq.  
4 and/or any other provision of law providing for prejudgment interest.

5 36. As a direct and proximate result of the aforesaid acts of Defendants, and each of  
6 them, Plaintiff has suffered/continues to suffer and incurred/continues to incur:

- 7 a. Substantial loss of earnings, employment benefits and reduced future  
8 earning capacity in an amount according to proof at the time of trial.  
9 Plaintiff claims such amount as damages together with prejudgment  
10 interest pursuant to applicable law;
- 11 b. Additional expenses in his efforts to regain employment, all to his  
12 damage in an amount according to proof at the time of trial;
- 13 c. Necessary and reasonable attorneys' fees in order to enforce his rights  
14 and to obtain benefits due him, all to his further damage in an amount  
15 according to proof;
- 16 d. Embarrassment, humiliation, emotional distress, mental anguish and  
17 severe shock to his nervous system, and thereby sustained serious  
18 injuries to his physical and mental health, strength and activity, causing  
19 him extreme physical and emotional pain, all to his general damage in  
20 such amount as may be proven at time of trial.
- 21 e. Medical expenses, the exact nature and extent of which are unknown to  
22 Plaintiff at this time. Plaintiff will seek leave of court to amend this  
23 complaint when the same have been ascertained; and
- 24 f. Additional future medical expenses all to his further damage in an  
25 amount to be proven at trial; and
- 26 g. Other incidental and consequential damages in an amount according to  
27 proof at the time of trial.

28 Wherefore, Plaintiff prays for judgment against the Defendants as hereinafter set forth.

1 **FOURTH CAUSE OF ACTION**

2 **VIOLATION OF LABOR CODE SECTION 6400, et seq.**

3 **(Against Defendants CARSON and DOES 1-50)**

4 37. The allegations of Paragraphs 1 through 36 are realleged and incorporated herein  
5 by reference except where to do so would be inconsistent with pleading a cause of action for  
6 Violation of Labor Code Section 6400, et seq.

7 38. At all times mentioned herein, Defendant CARSON had a duty to take  
8 "reasonable steps to provide a safe and secure workplace." *City of Palo Alto v. Service*  
9 *Employees International Union (SEIU)* 77 Cal.App.4th 327 (1999).

10 39. *Labor Code* Section 6400 provides:

11 (a) Every employer shall furnish employment and a place of employment  
12 that is safe and healthful for the employees therein.

13 40. *Labor Code* Section 6401 provides:

14 Every employer shall . . . adopt and use practices, means, methods,  
15 operations, and processes which are reasonably adequate to render such  
16 employment and place of employment safe and healthful. Every employer  
17 shall do every other thing reasonably necessary to protect the life, safety, and  
18 health of employees.

19 41. *Labor Code* Section 6401.7 provides:

20 (a) Every employer shall establish, implement, and maintain an effective  
21 injury prevention program . . . and shall include, but not be limited to, the  
22 following elements:

23 . . .  
24 (3) The employer's methods and procedures for correcting unsafe or  
25 unhealthy conditions and work practices in a timely manner.

26 42. *Labor Code* Section 6402 provides:

27 No employer shall require, or permit any employee to go or be in any  
28 employment or place of employment which is not safe and healthful.

1 43. California Code of Regulations, Title 8, Section 3203 provides:  
2 "... every employer shall establish, implement and maintain an effective  
3 Injury and Illness Prevention Program (Program). The Program shall be in  
4 writing and, shall, at a minimum:

5 ...  
6 (3) Include a system for communicating with employees in a form readily  
7 understandable by all affected employees on matters relating to occupational  
8 safety and health, including provisions designed to encourage employees to  
9 inform the employer of hazards at the worksite without fear of reprisal.  
10 Substantial compliance with this provision includes meetings, training  
11 programs, posting, written communications, a system of anonymous  
12 notification by employees about hazards, labor/management safety and  
13 health committees, or any other means that ensures communication with  
14 employees.

15 44. *Code of Civil Procedure* § 527.8(b)(1) provides:  
16 "Course of conduct" is a pattern of conduct composed of a series of acts over  
17 a period of time, however short, evidencing a continuity of purpose ...

18 45. *Code of Civil Procedure* § 527.8(b)(2) provides:  
19 "Credible threat of violence" is a knowing and willful statement or course of  
20 conduct that would place a reasonable person in fear for his or her safety, or  
21 the safety of his or her immediate family, and that serves no legitimate  
22 purpose.

23 46. When Rivera engaged in the acts described herein, including without limitation  
24 the Assault and the racial harassment against Plaintiff and other CARSON employees, he was  
25 engaged in a course of conduct that posed a credible threat of violence.

26 47. At all times mentioned herein, Plaintiff feared for his personal safety in the  
27 workplace based on his belief that Rivera's course of conduct constituted a credible threat of  
28 violence to his person, and to other persons.

1       48.     At all times mentioned herein, Defendant CARSON had various remedies  
2 available to counteract the potentially dangerous and/or unsafe/hostile work environment  
3 and/or the credible threat of violence posed by Rivera against, amongst others, Plaintiff,  
4 including, without limitation:

5           a.     Seeking a temporary restraining order and/or permanent injunction on  
6 behalf of its employees, including Plaintiff, under *Code of Civil*  
7 *Procedure* § 527.8;

8           b.     Sending a Letter to Rivera;

9           c.     Denying or limiting Rivera's access to its premises;

10          d.     Requesting an investigation and/or intervention by local law  
11 enforcement personnel;

12          e.     Creating a *Confidential Information Collection and Evaluation Center*  
13 (CICEC) or other hotline for employee reports of incidents involving  
14 dangerous, threatening, or harassing conduct against CARSON  
15 employees.

16       49.     Plaintiff is informed, believes, and thereon alleges that at all times mentioned  
17 herein, Defendant CARSON negligently failed to take all reasonable steps to prevent  
18 harassment, the Assault and unsafe/hostile working conditions from occurring on its premises.  
19 Despite its obligation to "protect the life, safety, and health of employees," Defendant  
20 CARSON failed to take any action to prevent Rivera from threatening or otherwise harassing  
21 its employees.

22       50.     As a direct and proximate result of the aforesaid acts of Defendants, and each of  
23 them, Plaintiff has suffered/continues to suffer and incurred/continues to incur:

24           a.     Substantial loss of earnings, employment benefits and reduced future  
25 earning capacity in an amount according to proof at the time of trial.  
26 Plaintiff claims such amount as damages together with prejudgment  
27 interest pursuant to applicable law;

28           b.     Additional expenses in his efforts to regain employment, all to his

- 1 damage in an amount according to proof at the time of trial;
- 2 c. Necessary and reasonable attorneys' fees in order to enforce his rights
- 3 and to obtain benefits due him, all to his further damage in an amount
- 4 according to proof;
- 5 d. Embarrassment, humiliation, emotional distress, mental anguish and
- 6 severe shock to his nervous system, and thereby sustained serious
- 7 injuries to his physical and mental health, strength and activity, causing
- 8 him extreme physical and emotional pain, all to his general damage in
- 9 such amount as may be proven at time of trial.
- 10 e. Medical expenses, the exact nature and extent of which are unknown to
- 11 Plaintiff at this time. Plaintiff will seek leave of court to amend this
- 12 complaint when the same have been ascertained; and
- 13 f. Additional future medical expenses all to his further damage in an
- 14 amount to be proven at trial; and
- 15 g. Other incidental and consequential damages in an amount according to
- 16 proof at the time of trial.

17 Wherefore, Plaintiff prays for judgment against the Defendants as hereinafter set forth.

18 **FIFTH CAUSE OF ACTION**

19 **RETALIATION**

20 **(Violation of Labor Code Section 6310)**

21 51. The allegations of Paragraphs 1 through 50 are realleged and incorporated herein  
22 by reference except where to do so would be inconsistent with pleading a cause of action for  
23 Retaliation in Violation of Labor Code Section 6310.

24 52. *Labor Code* Section 6310 provides:

25 (a) No person shall discharge or in any manner discriminate against any  
26 employee because the employee has done any of the following:

27 (1) Made any oral or written complaint to the division, other  
28 governmental agencies having statutory responsibility for or

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assisting the division with reference to employee safety or health,  
his or her employer, or his or her representative.  
(b) Any employee who is discharged, threatened with discharge, demoted,  
suspended, or in any other manner discriminated against in the terms and  
conditions of employment by his or her employer because the employee has  
made a bona fide oral or written complaint to . . . his or her employer, or his  
or her representative, of unsafe working conditions . . . shall be entitled to  
reinstatement and reimbursement for lost wages and work benefits caused by  
the acts of the employer.

53. As a direct and proximate result of the aforesaid acts of Defendants, Plaintiff has  
suffered/continues to suffer and incurred/continues to incur, and is therefore entitled to  
recover:

- a. Necessary and reasonable attorneys' fees in order to enforce his rights  
and to obtain benefits due him, all to his further damage in an amount  
according to proof;
- b. Substantial loss of earnings, employment benefits and reduced future  
earning capacity in an amount according to proof at the time of trial.  
Plaintiff claims such amount as damages together with prejudgment  
interest pursuant to applicable law;
- c. Additional expenses in his efforts to regain employment, all to his  
damage in an amount according to proof at the time of trial;
- d. Other incidental and consequential damages in an amount according to  
proof at the time of trial.

Wherefore, Plaintiff prays for judgment against Defendants as hereinafter set forth.

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1 **SIXTH CAUSE OF ACTION**

2 **RETALIATION**

3 **(Labor Code §1102.5)**

4 **(Against Defendants CARSON and DOES 1-50)**

5 54. The allegations of Paragraphs 1 through 53 are realleged and incorporated herein  
6 by reference except where to do so would be inconsistent with pleading a cause of action for  
7 Retaliation in violation of *Labor Code* §1102.5.

8 55. *Labor Code* §1102.5(b) provides, in pertinent part, as follows:

9 An employer, or any person acting on behalf of the employer, shall not  
10 retaliate against an employee for disclosing information . . . to a government  
11 or law enforcement agency, to a person with authority over the employee or  
12 another employee who has the authority to investigate, discover, or correct  
13 the violation or noncompliance . . . if the employee has reasonable cause to  
14 believe that the information discloses a violation of state or federal statute, or  
15 a violation of or noncompliance with a local, state, or federal rule or  
16 regulation, regardless of whether disclosing the information is part of the  
17 employee's job duties.

18 56. *Labor Code* §1102.5(e) provides:

19 A report made by an employee of a government agency to his or her  
20 employer is a disclosure of information to a government or law enforcement  
21 agency pursuant to subdivisions (a) and (b).

22 57. In doing the things herein alleged, Defendants, and each of them, violated *Labor*  
23 *Code* §1102.5 in that they retaliated against and terminated Plaintiff for making complaints to  
24 CARSON regarding the racial harassment, the Assault, the unsafe/hostile work environment  
25 and credible threat of violence posted by Rivera.

26 58. As a direct and proximate result of the aforesaid acts of Defendants, Plaintiff has  
27 suffered/continues to suffer and incurred/continues to incur, and is therefore entitled to  
28 recover:

- 1 a. Necessary and reasonable attorneys' fees in order to enforce his rights  
2 and to obtain benefits due him, all to his further damage in an amount  
3 according to proof;  
4 b. Substantial loss of earnings, employment benefits and reduced future  
5 earning capacity in an amount according to proof at the time of trial.  
6 Plaintiff claims such amount as damages together with prejudgment  
7 interest pursuant to applicable law;  
8 c. Additional expenses in his efforts to regain employment, all to his  
9 damage in an amount according to proof at the time of trial;  
10 d. Embarrassment, humiliation, emotional distress, mental anguish and  
11 severe shock to his nervous system, and thereby sustained serious  
12 injuries to his physical and mental health, strength and activity, causing  
13 him extreme physical and emotional pain, all to his general damage in  
14 such amount as may be proven at time of trial;  
15 e. Medical expenses, the exact nature and extent of which are unknown to  
16 Plaintiff at this time. Plaintiff will seek leave of court to amend this  
17 complaint when the same have been ascertained;  
18 f. Additional future medical expenses all to his further damage in an  
19 amount to be proven at trial; and  
20 g. Other incidental and consequential damages in an amount according to  
21 proof at the time of trial.

22 Wherefore, Plaintiff prays for judgment against Defendants as hereinafter set forth.

23 **SEVENTH CAUSE OF ACTION**

24 **RETALIATION**

25 **(Labor Code § 98.6)**

26 **(Against Defendants CARSON and DOES 1-50)**

27 59. The allegations of paragraphs 1 through 58 are realleged and incorporated herein  
28 by reference except where to do so would be inconsistent with pleading a cause of action for

1 Retaliation in violation of *Labor Code* § 98.6.

2 60. *Labor Code* §98.6 provides, in pertinent part, as follows:

3 (a) No person shall discharge an employee or in any manner  
4 discriminate against any employee . . . because the employee or  
5 applicant engaged in any conduct delineated in this chapter . . .

6 61. In doing the things herein alleged, Defendants and each of them violated *Labor*  
7 *Code* Section 98.6 in that they retaliated against and terminated Plaintiff for making for  
8 making complaints to CARSON regarding the racial harassment, the Assault, the  
9 unsafe/hostile work environment, and the credible threat of violence posted by Rivera.

10 62. As a direct and proximate result of the aforesaid acts of Defendants, Plaintiff has  
11 suffered/continues to suffer and incurred/continues to incur, and is therefore entitled to  
12 recover:

- 13 a. Necessary and reasonable attorneys' fees in order to enforce his rights  
14 and to obtain benefits due him, all to his further damage in an amount  
15 according to proof;
- 16 b. Substantial loss of earnings, employment benefits and reduced future  
17 earning capacity in an amount according to proof at the time of trial.  
18 Plaintiff claims such amount as damages together with prejudgment  
19 interest pursuant to applicable law;
- 20 c. Additional expenses in his efforts to regain employment, all to his  
21 damage in an amount according to proof at the time of trial;
- 22 d. Embarrassment, humiliation, emotional distress, mental anguish and  
23 severe shock to his nervous system, and thereby sustained serious  
24 injuries to his physical and mental health, strength and activity, causing  
25 him extreme physical and emotional pain, all to his general damage in  
26 such amount as may be proven at time of trial.
- 27 e. Medical expenses, the exact nature and extent of which are unknown to  
28 Plaintiff at this time. Plaintiff will seek leave of court to amend this

- 1 complaint when the same have been ascertained; and  
2 f. Additional future medical expenses all to his further damage in an  
3 amount to be proven at trial; and  
4 g. Other incidental and consequential damages in an amount according to  
5 proof at the time of trial.

6 63. Because the acts taken toward Plaintiff were carried out in a deliberate, cold,  
7 callous and intentional manner in order to injure and damage Plaintiff, Plaintiff requests the  
8 assessment of punitive damages against Defendants, and each of them, in an amount  
9 appropriate to punish and make an example of Defendants.

10 Wherefore, Plaintiff prays for judgment against Defendants as hereinafter set forth.

11 **PRAYER**

12 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- 13 1. For compensatory damages including losses arising from mental and emotional  
14 distress and other special and general damages according to proof at trial;  
15 2. For medical and related expenses according to proof;  
16 3. For lost earnings and related benefits and expenses according to proof;  
17 4. For reinstatement;  
18 5. For attorneys' fees and costs, as allowed by law;  
19 6. For prejudgment interest on all amounts claimed, as allowed by law; and  
20 7. For such other and further relief as the Court deems just and proper.

21

22 DATED: October 15, 2014

FRAIGUN LAW GROUP

23   
24 MARINA KATS FRAIGUN  
25 Attorneys for Plaintiff  
26 JONATHAN CHANEY  
27  
28

EXHIBIT "A"

EXHIBIT "A"



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN, JR.

## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR PHYLLIS W. CHENG

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

Cruz Raymond  
Public Services General Manager  
CITY OF CARSON  
P.O. Box 6234  
Carson, CA 90749

EEOC Number 480-2014-02492  
Case Name Jonathan Chaney  
Filing Date June 26, 2014

### NOTICE TO COMPLAINANT AND RESPONDENT

This is to advise you that the above-referenced complaint is being dual filed with the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

The EEOC is responsible for the processing of this complaint and the DFEH will not be conducting an investigation into this matter. Please contact EEOC directly for any discussion of the complaint or the investigation.


### NOTICE TO COMPLAINANT OF RIGHT TO SUE

This letter is also your Right to Sue notice. **This Right to Sue Notice allows you to file a private lawsuit in State court.** According to Government Code section 12965, subdivision (b), you may bring a civil action 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 lawsuit may be filed in a State of California Superior Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed.

If you have questions about the right to file under federal law, please contact the EEOC office nearest to you.

EEOC Northern California  
450 Golden Gate Avenue, 5th Floor West  
P.O. Box 36025  
San Francisco, CA 94106-3661  
(415) 522-3000

EEOC Southern California  
255 East Temple Street, 4th Floor  
Los Angeles, CA 90012  
(213) 894-1000

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To:    Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA  <input checked="" type="checkbox"/> EEOC         </div> <div>480-2014-02492</div> </div>	
<b>California Department Of Fair Employment &amp; Housing</b> and EEOC <small>State or local Agency, if any</small>			
Name (Indicate Mr., Ms., Mrs.) <b>Mr. Jonathan Chaney</b>		Home Phone (incl. Area Code) <b>(562) 856-3036</b>	
Date of Birth <b>09-26-1969</b>			
Street Address    City, State and ZIP Code <b>1626 Pine Avenue, Long Beach, CA 90813</b>			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>CITY OF CARSON</b>		No. Employees, Members    Phone No. (Include Area Code) <b>500 or More    (310) 830-7600</b>	
Street Address    City, State and ZIP Code <b>801 E. Carson Street, Carson, CA 90749</b>			
Name		No. Employees, Members    Phone No. (Include Area Code)	
Street Address    City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"><input checked="" type="checkbox"/> RACE</div> <div style="width: 50%;"><input type="checkbox"/> COLOR</div> <div style="width: 50%;"><input type="checkbox"/> SEX</div> <div style="width: 50%;"><input type="checkbox"/> RELIGION</div> <div style="width: 50%;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="width: 50%;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="width: 50%;"><input type="checkbox"/> AGE</div> <div style="width: 50%;"><input type="checkbox"/> DISABILITY</div> <div style="width: 50%;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="width: 50%;"><input type="checkbox"/> OTHER (Specify)</div> </div>		DATE(S) DISCRIMINATION TOOK PLACE Earliest    Latest <b>02-19-2014    04-30-2014</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>I. I began my employment with the City of Carson as a Recreationist III on or about May 1, 2013. On or about February 19, 2014, I was subjected to harassment, which includes but is not limited to being called a n****r and being pushed by a patron utilizing a City facility. I am aware that other city employees have made similar complaints to city management against this patron making racially derogatory and harassing comments. On or about February 19, 2014, I reported to Mike Whitaker, Site Manager, that I was being subjected to such derogatory comments. On the same day, I was instructed not to return to work by Mr. Whitaker. On or about April 30, 2014, I was discharged by Bill Wynder, City Attorney.</p> <p>II. No reason was given to me for the harassment. Mr. Whitaker informed that I was being removed from work while an investigation is conducted. I was informed by Mr. Wynder that I was being discharged due to my involvement in the February 19th altercation.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements <div style="text-align: center;"> <b>JUN 26 2014</b>          I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.          SIGNATURE OF COMPLAINANT    INTAKE       </div>	
I declare under penalty of perjury that the above is true and correct. <div style="display: flex; align-items: center;"> <div style="margin-right: 20px;"> <b>6/26/14</b>  <small>Date</small> </div> <div>   <small>Charging Party Signature</small> </div> </div>		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <small>(month, day, year)</small>	

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

480-2014-02492

**California Department Of Fair Employment & Housing**

and EEOC

State or local Agency, if any

- III. I believe that I have been discriminated against based on my race (Black), and in retaliation for complaining of discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

10/26/14

Date



Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

RECEIVED

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

EEOC/LADO

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

INTAKE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

MARINA KATS FRAIGUN, SBN 192563

FRAIGUN LAW GROUP

15250 Ventura Boulevard, Penthouse 1220

Sherman Oaks, CA 91403

TELEPHONE NO.: (818) 981-1800

FAX NO.:

ATTORNEY FOR (Name): Plaintiff JONATHAN CHANEY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 111 North Hill Street

MAILING ADDRESS:

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: Central District

CASE NAME:

Chaney v. City of Carson

FOR COURT USE ONLY

FILED  
Superior Court of California  
County of Los Angeles

OCT 17 2014

Sherri R. Carter, Executive Officer/Clerk

By [Signature] Deputy  
Mecris Soto

## CIVIL CASE COVER SHEET

- ☒ Unlimited (Amount demanded exceeds \$25,000) ☐ Limited (Amount demanded is \$25,000 or less)

## Complex Case Designation

- ☐ Counter ☐ Joinder

Filed with first appearance by defendant  
(Cal. Rules of Court, rule 3.402)

CASE NUMBER:

BC560023

JUDGE:

DEPT:

Items 1-5 below must be completed (see instructions on page 2).

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

## Auto Tort

- ☐ Auto (22)  
☐ Uninsured motorist (46)

## Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- ☐ Asbestos (04)  
☐ Product liability (24)  
☐ Medical malpractice (45)  
☐ Other PI/PD/WD (23)

## Non-PI/PD/WD (Other) Tort

- ☐ Business tort/unfair business practice (07)  
☐ Civil rights (06)  
☐ Defamation (13)  
☐ Fraud (16)  
☐ Intellectual property (19)  
☐ Professional negligence (25)  
☐ Other non-PI/PD/WD tort (35)

## Employment

- ☒ Wrongful termination (36)  
☐ Other employment (15)

## Contract

- ☐ Breach of contract/warranty (06)  
☐ Collections (09)  
☐ Insurance coverage (18)  
☐ Other contract (37)

## Real Property

- ☐ Eminent domain/inverse condemnation (14)  
☐ Wrongful eviction (33)  
☐ Other real property (26)

## Unlawful Detainer

- ☐ Commercial (31)  
☐ Residential (32)  
☐ Drugs (38)

## Judicial Review

- ☐ Asset forfeiture (05)  
☐ Petition re: arbitration award (11)  
☐ Writ of mandate (02)  
☐ Other judicial review (39)

Provisionally Complex Civil Litigation  
(Cal. Rules of Court, rules 3.400-3.403)

- ☐ Antitrust/Trade regulation (03)  
☐ Construction defect (10)  
☐ Mass tort (40)  
☐ Securities litigation (28)  
☐ Environmental/Toxic tort (30)  
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

## Enforcement of Judgment

- ☐ Enforcement of judgment (20)

## Miscellaneous Civil Complaint

- ☐ RICO (27)  
☐ Other complaint (not specified above) (42)

## Miscellaneous Civil Petition

- ☐ Partnership and corporate governance (21)  
☐ Other petition (not specified above) (43)

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

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

3. Type of remedies sought (check all that apply):

- a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify): Seven (7)

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

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

Date: October 15, 2014

MARINA KATS FRAIGUN

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

## NOTICE

Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.

File this cover sheet in addition to any cover sheet required by local court rule.

If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.

Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SHORT TITLE:

Chaney v. City of Carson

CASE NUMBER

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

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

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

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 5-7 ☐ HOURS/ ☒ DAYS

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

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

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

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

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

- |  |  |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle.    |
| 2. May be filed in central (other county, or no bodily injury/property damage).  | 7. Location where petitioner resides.                      |
| 3. Location where cause of action arose.   | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred.                       | 9. Location where one or more of the parties reside.       |
| 5. Location where performance required or defendant resides.                     | 10. Location of Labor Commissioner Office                  |

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

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

SHORT TITLE:

Chaney v. City of Carson

CASE NUMBER

Non-Personal Injury/Property  
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

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

SHORT TITLE:

Chaney v. City of Carson

CASE NUMBER

Judicial Review

Provisionally Complex Litigation

Enforcement  
of JudgmentMiscellaneous  
Civil ComplaintsMiscellaneous  
Civil Petitions

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

SHORT TITLE:

Chaney v. City of Carson

CASE NUMBER

**Item III. Statement of Location:** Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

**REASON:** Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.

☐1. ☒2. ☐3. ☐4. ☐5. ☐6. ☐7. ☐8. ☐9. ☐10.

ADDRESS:

701 E Carson Street

CITY:

Carson

STATE:

CA

ZIP CODE:

90745

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

Dated: October 15, 2014
  
 (SIGNATURE OF ATTORNEY/FILING PARTY)

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

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

**SUMMONS  
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

CITY OF CARSON, a Municipal corporation; and DOES 1 through 50,  
Inclusive

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

JONATHAN CHANEY

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

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

OCT 17 2014

Sherril R. Carter, Executive Officer/Clerk  
By M. Soto, Deputy  
Moses Soto

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desear el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es): **LOS ANGELES SUPERIOR COURT**  
111 North Hill Street  
Los Angeles, CA 90012

CASE NUMBER:  
(Número del Caso): **BC 560923**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
**FRAIGUN LAW GROUP 15250 Ventura Boulevard, Penthouse 1220, Sherman Oaks, CA 91403**

DATE: **OCT 17 2014**  
(Fecha)

SHERRIL R. CARTER, Clerk, by M. Soto, Deputy  
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



**NOTICE TO THE PERSON SERVED:** You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):  
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):
4. ☐ by personal delivery on (date):

<b>ATTORNEY OR PARTY WITHOUT ATTORNEY:</b> Marina Kats Fraigun (192563) THE FRAIGUN LAW GROUP 15250 Ventura Blvd. Penthouse 1220 Sherman Oaks, CA 91403  TELEPHONE NO.: (818) 986-7870  ATTORNEY FOR: Plaintiff	<b>FOR COURT USE ONLY</b>  <b>FILED</b> SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES  OCT 23 2014
<b>SUPERIOR COURT, COUNTY OF LOS ANGELES</b> STREET ADDRESS: 111 N HILL MAILING ADDRESS: 111 N HILL CITY AND ZIP CODE: LOS ANGELES, 90012 BRANCH NAME: CENTRAL CIVIL DISTRICT	BY <u>Sherrill Carter</u> Officer/Clerk BY <u>Sherrill Carter</u> Deputy
PLAINTIFF: JONATHAN CHANEY DEFENDANT: CITY OF CARSON, A MUNICIPAL CORPORATION	CASE NUMBER: BC560923
<b>PROOF OF SERVICE OF SUMMONS</b>	Ref. No. or File No.:

*Draft 54*

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - f. other (specify documents):  
 SUMMONS, COMPLAINT, CIVIL CASE COVER SHEET, CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION, NOTICE OF CASE ASSIGNMENT
3. a. Party served:  
 CITY OF CARSON, A MUNICIPAL CORPORATION
  - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made):  
 LATOYA BUTLER / DEPUTY CITY CLERK
4. Address where the party was served:  
 701 E CARSON STREET, CARSON, CA 90745
5. I served the party
  - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party on 10/21/2014 at 4:00 pm  
 Description: Age: 35, Sex: F, Race/Skin Color: BLACK, Height: 5'10, Weight: 130, Hair: BROWN, Glasses: N
6. The "Notice to the Person Served" (on the summons) was completed as follows:
  - d. On behalf of: CITY OF CARSON, A MUNICIPAL CORPORATION  
 under the following Code of Civil Procedure section:  
 416.50 (public entity)

7. Person who served papers
  - a. Name: Carlos Abrego  
 Firm: C.A. PROCESS SERVICE
  - b. Address: 14800 Rinaldi St #24, Mission Hills, CA 91345
  - c. Telephone number: (866) 491-3499
  - d. The fee for the service was: \$40.00
  - e. I am:
    - (3) a registered California process server:
      - (i) owner
      - (ii) Registration No.: 6456
      - (iii) County: Los Angeles

PLAINTIFF: JONATHAN CHANEY  
DEFENDANT: CITY OF CARSON, A MUNICIPAL CORPORATION

CASE NUMBER:  
BC560923

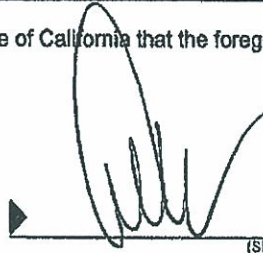
8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

10/23/14

Carlos Abrego

(NAME OF PERSON WHO SERVED PAPERS)



(SIGNATURE)

10/23/14

ORIGINAL

Exempt From Filing Fee  
Government Code § 61031

ALESHIRE & WYNDER, LLP  
WILLIAM W. WYNDER, State Bar No. 84753  
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Telephone: (310) 527.6660  
Facsimile: (310) 532.7395

Attorneys for CITY OF CARSON

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

JONATHAN CHANEY,

Plaintiff,

v.

CITY OF CARSON, a Municipal Corporation;  
and DOES 1 through 50, Inclusive,

Defendant.

Case No. BC 560923

Assigned for All Purposes to:  
Hon. Ernest M. Hiroshige  
Dept. 54

**ANSWER TO COMPLAINT FOR  
DAMAGES**

Action Filed: October 17, 2014  
Trial Date: none yet

Defendant, CITY OF CARSON ("City") answers the unverified Complaint for Damages (the  
"Complaint") of Plaintiff, JONATHAN CHANEY, ("Plaintiff") as follows:

**GENERAL DENIAL**

1. Pursuant to the provisions of Code of Civil Procedure § 431.30(d), the City generally  
and specifically denies each and every allegation contained in Plaintiff's Complaint, and specifically  
denies that Plaintiff sustained damages in the sum or sums alleged, or at all, by reason of any act,  
breach, or omission on the part of the City, or any of its agents, officers, or employees.

**AFFIRMATIVE DEFENSES**

As separate, distinct and affirmative defenses to the Complaint, the City further alleges, on  
information and belief, that:

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

DEC 03 2014

HERRI R. CARTER, Officer/Clerk  
JY. [Signature] Deputy  
Gloria Robinson

**First Affirmative Defense**

2. Plaintiff's Complaint is barred, in whole or in part, because the Complaint fails to state facts sufficient to constitute a cause of action against this responding party.

**Second Affirmative Defense**

3. Plaintiff's Complaint is barred because any damages sustained by Plaintiff were not proximately or legally caused by this responding party or any of its agents or employees.

**Third Affirmative Defense**

4. Plaintiff's Complaint is barred because Plaintiff failed to comply with California Government Code § 905 et seq. by failing to timely file a claim against the City.

**Fourth Affirmative Defense**

5. Plaintiff's Complaint is barred because Plaintiff failed to exhaust his administrative remedies pursuant to Labor Code § 98.6 and §2699.3.

**Fifth Affirmative Defense**

6. Plaintiff's Complaint is barred by the applicable statutes of limitation.

**Sixth Affirmative Defense**

7. At all times herein, Plaintiff's damages, if any, were occasioned by Plaintiff's own tortious conduct, including but not limited to Plaintiff's mutual physical altercation with a member of the public.

**Seventh Affirmative Defense**

8. Plaintiff has waived his rights to assert the claims and causes of action in their Complaint.

**Eighth Affirmative Defense**

9. Plaintiff's request for attorneys' fees is barred because said fees are not recoverable by statute or contract against the City.

**Ninth Affirmative Defense**

10. The City cannot be liable for the acts and omissions complained of in the Complaint, which are those of individuals and/or entities other than the answering City.



12/04/2014

**Tenth Affirmative Defense**

11. Plaintiff's cause of action against the City is barred, in whole or in part, by the doctrine of laches due to Plaintiff's unreasonable delays in bringing this action.

**Eleventh Affirmative Defense**

12. Any award in Plaintiff's favor, *arguendo*, should be barred or reduced by his failure to adequately mitigate any damages that might have been incurred, if any.

**Twelfth Affirmative Defense**

13. Plaintiff is barred from asserting each and every cause of action made in his Complaint because he is estopped from any purported right to recovery against the City by reason of Plaintiff's actions and/or inactions.

**Thirteenth Affirmative Defense**

14. The City is not legally responsible for the acts and/or omissions of the doe defendants named in Plaintiff's Complaint.

**Fourteenth Affirmative Defense**

15. The City reserves the right to plead additional affirmative defenses upon further discovery.

WHEREFORE, Defendant, City of Carson requests judgment as follows:

1. That Plaintiff take nothing by way of its Complaint;
2. That the City be awarded attorneys' fees and costs of suit; and,
3. For such other and further relief as the Court deems appropriate.

DATED: December 2, 2014

ALESHIRE & WYNDER, LLP  
WILLIAM W. WYNDER  
LAURA A. WALKER  
CHRISTINA M. BURROWS

By: CBurrows  
CHRISTINA M. BURROWS  
Attorneys for CITY OF CARSON

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 At the time of service, I was over 18 years of age and not a party to this action. I am employed  
4 in the County of Los Angeles, State of California. My business address is 2361 Rosecrans Ave., Suite  
475, El Segundo, CA 90245.

5 On December 2, 2014, I served true copies of the following document(s) described as  
6 **ANSWER TO COMPLAINT FOR DAMAGES** on the interested parties in this action as follows:

7 Marina Kats Fraigun  
8 FRAIGUN LAW GROUP  
9 15250 Ventura Boulevard  
10 Penthouse 1220  
11 Sherman Oaks, CA 91403

Attorneys for Plaintiff  
JONATHAN CHANEY

Telephone: (818) 981-1800  
Facsimile: (818) 981-1484  
E-mail: mfraigun@fraigunlaw.com

12 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the  
13 persons at the addresses listed in the Service List and placed the envelope for collection and mailing,  
14 following our ordinary business practices. I am readily familiar with the practice of Aleshire &  
15 Wynder, LLP for collecting and processing correspondence for mailing. On the same day that  
16 correspondence is placed for collection and mailing, it is deposited in the ordinary course of business  
17 with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident  
18 or employed in the county where the mailing occurred. The envelope was placed in the mail at El  
19 Segundo, California.

20 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
21 true and correct.

22 Executed on December 2, 2014, at El Segundo, California.

23   
24 DIANE N. BRANCHE

ALESHIRE &  
WYNDER, LLP  
ATTORNEYS AT LAW



12/04/2014

90745  
A6024

FILED  
Superior Court of California  
County of Los Angeles

OCT 17 2014

Sherri R. Carter, Executive Officer/Clerk  
By Moses Solo, Deputy

FRAIGUN LAW GROUP  
MARINA KATS FRAIGUN, SBN 192563  
15250 Ventura Boulevard  
Penthouse 1220  
Sherman Oaks, CA 91403  
E-Mail: mfraigun@fraigunlaw.com  
Telephone: (818) 981-1800  
Facsimile: (818) 981-1484

Attorneys for Plaintiff  
JONATHAN CHANEY

D-54 ERNEST HIROSHIGE

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

JONATHAN CHANEY,

Plaintiff,

vs.

CITY OF CARSON, a Municipal  
corporation; and DOES 1 through 50,  
Inclusive,

Defendants.

CASE NO. **BC560923**

COMPLAINT FOR DAMAGES

1. DISCRIMINATION BASED UPON RACE (*Government Code* §12940, et seq.);
2. RETALIATION (*Government Code* §12940, et seq.);
3. FAILURE TO TAKE ALL REASONABLE STEPS TO PREVENT DISCRIMINATION AND RETALIATION (*Government Code* §12940, et seq.);
4. VIOLATION OF LABOR CODE SECTION 6400, et seq.;
5. RETALIATION (Violation of *Labor Code* Section 6310)
6. RETALIATION (Violation of *Labor Code* Section 1102.5)
7. RETALIATION (Violation of *Labor Code* Section 98.6)

Plaintiff JONATHAN CHANEY alleges:

///  
///  
///  
///

CIT/CASE: BC560923  
LEA/DEF#:  
RECEIPT #: CCH524880103  
DATE PAID: 10/17/14 03:59 PM  
RECEIVED: 310  
CHECK: \$435.00  
CASH: \$0.00  
CHANGE: \$0.00  
CARD: \$0.00

## INTRODUCTION

1. Plaintiff JONATHAN CHANEY ("Plaintiff") was employed by Defendant CITY OF CARSON, a Municipal corporation ("CARSON") beginning in or about June, 2012, as a "Recreationist III." Plaintiff was originally hired by CARSON to work at Hemingway Park, where he worked approximately 30 hours per week. Plaintiff's responsibilities with CARSON including running leagues and enrichment programs.

2. Eventually, Plaintiff's supervisors began to demand that Plaintiff coach the City basketball teams for CARSON (the "Coaching Position"). Because Plaintiff was already a basketball coach for Rancho Dominguez High School, he was precluded from coaching for CARSON under the California Interscholastic Federation rules (the "Rules"). He therefore refused the Coaching Position. In response to Plaintiff's refusal to accept the Coaching Position, Defendant CARSON threatened to cite Plaintiff with "insubordination," and also threatened to terminate him. In or about November 2013, Plaintiff provided a copy of the Rules to supervisory personnel at CARSON. Because Plaintiff was able to prove that the Rules prevented Plaintiff from accepting the Coaching Position, CARSON instead transferred Plaintiff to work at the Veterans Sports Center (the "Center").

3. Plaintiff began working at the Center on or about February 17, 2014. On or about February 19, 2014, Plaintiff was accosted by a Center patron, Louis Rivera ("Rivera"). Rivera used offensive racial slurs against Plaintiff ("nigger" and "little boy"), and physically assaulted Plaintiff (the "Assault"). Plaintiff immediately reported the racial harassment, Assault and unsafe/hostile work environment to supervisory personnel Michael Whittiker ("Whittiker"), CARSON's Veteran's Park Site Manager and the head of CARON's Department of Parks & Recreation.

4. At all times mentioned herein, Defendant CARSON had the means and the ability to establish rules of conduct at its public venues, and/or to prevent unlawful conduct by members of the public utilizing CARSON facilities. CARSON further had the ability to exclude any patrons from its venues. Plaintiff is informed, believes, and thereon alleges that at all times mentioned herein, Defendant CARSON failed to take all reasonable steps to

1 prevent harassment, the Assault and unsafe/hostile working conditions from occurring on its  
2 premises.

3 5. Plaintiff is informed, believes, and thereon-alleges that Defendant CARSON had  
4 prior notice of Rivera's outrageous behavior, both physical and verbal. Specifically, other  
5 employees and patrons had complained, both verbally and in writing, about Rivera's  
6 inappropriate language and behavior.

7 6. In retaliation for Plaintiff's complaints to CARSON about the racial harassment  
8 by Rivera, the Assault and the unsafe/hostile work environment, on or about February 19,  
9 2014, Plaintiff was put "on-call" by Mr. Whittiker. Plaintiff was not allowed to return to work  
10 for almost two months.

11 7. Following his initial report to Mr. Whittiker, Plaintiff was not interviewed by  
12 Defendant CARSON about his complaints, and was never advised as to the outcome of any  
13 purported "investigation." Plaintiff is informed, believes, and thereon alleges that, at all times  
14 mentioned herein, Defendant CARSON failed to conduct any investigation whatsoever into  
15 Plaintiff's complaints of racial harassment and discrimination, as required by law.

16 8. Plaintiff was eventually permitted to return to work on or about April 16, 2014.

17 9. On or about April 30, 2014, Defendant CARSON subjected Plaintiff to an illegal  
18 and retaliatory meeting (the "Meeting"). The Meeting was attended by CARSON Councilman  
19 Eliot Santarina; City Attorney Bill Winder; Superintendent of Parks & Recreation, Cedric  
20 Hicks ("Mr. Hicks"); Mr. Whittiker, and others. Defendant CARSON did not even pretend to  
21 investigate Plaintiff's complaints. Instead, Councilman Santarina began the Meeting by  
22 announcing that he was there "on behalf of Mr. Rivera" and revealed that he had known  
23 Rivera since they were "little boys."

24 10. At the end of the Meeting, Plaintiff was terminated. Plaintiff is informed,  
25 believes, and thereon alleges that he was terminated in retaliation for his complaints of racial  
26 harassment, racial discrimination, the Assault, and an unsafe and hostile work environment.

27 11. Plaintiff was required by statute to file a claim with the California Department of  
28 Fair Employment and Housing (DFEH), pursuant to California *Government Code* §12965(b)

1 and the California Fair Employment and Housing Act (FEHA). Plaintiff filed such a claim in  
2 a timely manner and a "right-to-sue" letter was issued. (Attached hereto as Exhibit A is a true  
3 and correct copy of the claim and "right-to-sue" letter.) Plaintiff has thus exhausted all  
4 administrative remedies.

5 **GENERAL ALLEGATIONS**

6 12. This is a complaint by an individual for damages arising out of the outrageous,  
7 oppressive and intrusive conduct of all Defendants. Plaintiff seeks compensatory damages.

8 13. The true names and capacities of the Defendants sued herein as DOES 1 through  
9 50, inclusive, are unknown to Plaintiff, who therefore sues these Defendants by such fictitious  
10 names. Plaintiff will ask leave of the Court to amend this Complaint to show their true names  
11 and capacities when same have been ascertained. Plaintiff is informed and believes, and  
12 thereon alleges, that each of the Defendants, herein designated as a DOE, proximately caused  
13 the injuries and damages to Plaintiff as hereinafter alleged.

14 14. Plaintiff is informed and believes, and thereon alleges, that each of the  
15 Defendants designated herein as a DOE is legally responsible in some manner for the events  
16 and happenings herein referred to, and negligently, wantonly, recklessly, tortiously and/or  
17 unlawfully proximately caused the injuries and damages thereby to Plaintiff as herein alleged.

18 15. At all times relevant to this action, each of the fictitiously named Defendants was  
19 an employee, agent, servant, partner, member, shareholder, officer, director, co-conspirator, or  
20 alter ego of Defendants, and was acting within the course and scope of such agency or  
21 employment.

22 16. Plaintiff is informed, believes, and thereon alleges that at all times mentioned  
23 herein, Defendant CARSON was a Municipal corporation, existing under the laws of the State  
24 of California.

25 17. At all times herein mentioned, Plaintiff was an individual who resided in the City  
26 of Long Beach, County of Los Angeles, State of California, was an employee of Defendant  
27 CARSON, and was and is a citizen of the State of California.

28 ///

1 FIRST CAUSE OF ACTION

2 **HARASSMENT/DISCRIMINATION BASED UPON RACE**

3 *(Government Code §12940, et seq.)*

4 **(Against Defendants CARSON and DOES 1-50)**

5 18. The allegations of Paragraphs 1 through 17 are realleged and incorporated herein  
6 by reference except where to do so would be inconsistent with pleading a cause of action for  
7 Harassment/Discrimination Based Upon Race.

8 19. The Fair Employment Housing Act ("FEHA") prohibits employment harassment  
9 and/or discrimination based on race.

10 20. Plaintiff is Black and of African American descent. As such, Plaintiff is a  
11 member of a class protected from race discrimination.

12 21. When Defendants, and each of them, engaged in the acts of discrimination  
13 alleged in this Complaint, they treated Plaintiff adversely because of his race.

14 22. In doing the acts referenced above, Defendants, and each of them, violated their  
15 affirmative duty to Plaintiff.

16 23. As a proximate result of the aforesaid acts of Defendants, Plaintiff has  
17 foreseeably suffered and continues to suffer substantial loss of earnings and employment  
18 benefits in an amount according to proof at the time of trial. Plaintiff claims such amount as  
19 damages together with prejudgment interest pursuant to *Government Code §12945, et seq.*  
20 and/or any other provision of law providing for prejudgment interest.

21 24. As a direct and proximate result of the aforesaid acts of Defendants, and each of  
22 them, Plaintiff has suffered/continues to suffer and incurred/continues to incur:

- 23 a. Substantial loss of earnings, employment benefits and reduced future  
24 earning capacity in an amount according to proof at the time of trial.  
25 Plaintiff claims such amount as damages together with prejudgment  
26 interest pursuant to applicable law;
- 27 b. Additional expenses in his efforts to regain employment, all to his  
28 damage in an amount according to proof at the time of trial;

- 1 c. Necessary and reasonable attorneys' fees in order to enforce his rights  
2 and to obtain benefits due him, all to his further damage in an amount  
3 according to proof;
- 4 d. Embarrassment, humiliation, emotional distress, mental anguish and  
5 severe shock to his nervous system, and thereby sustained serious  
6 injuries to his physical and mental health, strength and activity, causing  
7 him extreme physical and emotional pain, all to his general damage in  
8 such amount as may be proven at time of trial.
- 9 e. Medical expenses, the exact nature and extent of which are unknown to  
10 Plaintiff at this time. Plaintiff will seek leave of court to amend this  
11 complaint when the same have been ascertained; and
- 12 f. Additional future medical expenses all to his further damage in an  
13 amount to be proven at trial; and
- 14 g. Other incidental and consequential damages in an amount according to  
15 proof at the time of trial.

16 Wherefore, Plaintiff prays for judgment against the Defendants as hereinafter set forth.

17 **SECOND CAUSE OF ACTION**

18 **RETALIATION**

19 **(Government Code §12940, et seq.)**

20 **(Against Defendants CARSON and DOES 1-50)**

21 25. The allegations of Paragraphs 1 through 24 are realleged and incorporated herein  
22 by reference except where to do so would be inconsistent with pleading a cause of action for  
23 Retaliation.

24 26. At all times relevant herein, Defendants, and each of them, were employers as  
25 that term is defined in *Government Code* §12926, et seq., and as such, were barred from  
26 retaliating in employment decisions.

27 27. During his employment, Plaintiff complained that he was being harassed and  
28 discriminated against because of his race, and that he was being subjected to a hostile and

1 unsafe work environment. When he did so, he was a protected person, engaged in a protected  
2 activity.

3 28. When he was a protected person, engaged in a protected activity, Defendants, and  
4 each of them, engaged in acts of retaliation as alleged in this complaint as set forth above.

5 29. Defendants retaliated against Plaintiff because he Black and of African American  
6 descent, and because Plaintiff complained of racial harassment and discrimination, and that he  
7 was being subjected to a hostile and unsafe work environment. Therefore, a causal link exists  
8 between the protected nature and activities Plaintiff was engaged in and Defendants' actions.

9 30. As a proximate result of the aforesaid acts of Defendants, Plaintiff has  
10 foreseeably suffered and continues to suffer substantial loss of earnings and employment  
11 benefits in an amount according to proof at the time of trial. Plaintiff claims such amount as  
12 damages together with prejudgment interest pursuant to *Government Code* §12945, et seq.  
13 and/or any other provision of law providing for prejudgment interest.

14 31. As a direct and proximate result of the aforesaid acts of Defendants, and each of  
15 them, Plaintiff has suffered/continues to suffer and incurred/continues to incur:

- 16 a. Substantial loss of earnings, employment benefits and reduced future  
17 earning capacity in an amount according to proof at the time of trial.  
18 Plaintiff claims such amount as damages together with prejudgment  
19 interest pursuant to applicable law;
- 20 b. Additional expenses in his efforts to regain employment, all to his  
21 damage in an amount according to proof at the time of trial;
- 22 c. Necessary and reasonable attorneys' fees in order to enforce his rights  
23 and to obtain benefits due him, all to his further damage in an amount  
24 according to proof;
- 25 d. Embarrassment, humiliation, emotional distress, mental anguish and  
26 severe shock to his nervous system, and thereby sustained serious  
27 injuries to his physical and mental health, strength and activity, causing  
28 him extreme physical and emotional pain, all to his general damage in

- 1 such amount as may be proven at time of trial.
- 2 e. Medical expenses, the exact nature and extent of which are unknown to
- 3 Plaintiff at this time. Plaintiff will seek leave of court to amend this
- 4 complaint when the same have been ascertained; and
- 5 f. Additional future medical expenses all to his further damage in an
- 6 amount to be proven at trial; and
- 7 g. Other incidental and consequential damages in an amount according to
- 8 proof at the time of trial.

9 Wherefore, Plaintiff prays for judgment against the Defendants as hereinafter set forth.

10 **THIRD CAUSE OF ACTION**

11 **FAILURE TO TAKE ALL REASONABLE STEPS**  
12 **TO PREVENT DISCRIMINATION AND RETALIATION**

13 **(Government Code §12940, et seq.)**

14 **(Against Defendants CARSON and DOES 1-50)**

15 32. The allegations of Paragraphs 1 through 31 are realleged and incorporated herein  
16 by reference except where to do so would be inconsistent with pleading a cause of action for  
17 for Failure to Take All Reasonable Steps to Prevent Discrimination and Retaliation.

18 33. *Government Code* §12940 provides that it is an unlawful employment practice for  
19 an employer, because of the person's race or complaints of unlawful conduct, to discriminate  
20 and retaliate against the employee. An entity shall take all reasonable steps to prevent the  
21 discrimination and retaliation from occurring.

22 34. The facts alleged in the Introduction constitute violations of FEHA in that  
23 Defendants, and each of them, discriminated and retaliated against Plaintiff. Plaintiff alleges  
24 that Defendants' discrimination and retaliation against Plaintiff was an unlawful employment  
25 practice in that Defendants, and each of them, failed to take all reasonable steps necessary to  
26 prevent harassment, discrimination, and retaliation from occurring in violation of *Government*  
27 *Code* §12940 of the Fair Employment and Housing Act.

28 35. As a proximate result of the aforesaid acts of Defendants, Plaintiff has

1 foreseeably suffered and continues to suffer substantial loss of earnings and employment  
2 benefits in an amount according to proof at the time of trial. Plaintiff claims such amount as  
3 damages together with prejudgment interest pursuant to *Government Code* §12945, et seq.  
4 and/or any other provision of law providing for prejudgment interest.

5 36. As a direct and proximate result of the aforesaid acts of Defendants, and each of  
6 them, Plaintiff has suffered/continues to suffer and incurred/continues to incur:

- 7 a. Substantial loss of earnings, employment benefits and reduced future  
8 earning capacity in an amount according to proof at the time of trial.  
9 Plaintiff claims such amount as damages together with prejudgment  
10 interest pursuant to applicable law;
- 11 b. Additional expenses in his efforts to regain employment, all to his  
12 damage in an amount according to proof at the time of trial;
- 13 c. Necessary and reasonable attorneys' fees in order to enforce his rights  
14 and to obtain benefits due him, all to his further damage in an amount  
15 according to proof;
- 16 d. Embarrassment, humiliation, emotional distress, mental anguish and  
17 severe shock to his nervous system, and thereby sustained serious  
18 injuries to his physical and mental health, strength and activity, causing  
19 him extreme physical and emotional pain, all to his general damage in  
20 such amount as may be proven at time of trial.
- 21 e. Medical expenses, the exact nature and extent of which are unknown to  
22 Plaintiff at this time. Plaintiff will seek leave of court to amend this  
23 complaint when the same have been ascertained; and
- 24 f. Additional future medical expenses all to his further damage in an  
25 amount to be proven at trial; and
- 26 g. Other incidental and consequential damages in an amount according to  
27 proof at the time of trial.

28 Wherefore, Plaintiff prays for judgment against the Defendants as hereinafter set forth.

**FOURTH CAUSE OF ACTION**

**VIOLATION OF LABOR CODE SECTION 6400, et seq.**

**(Against Defendants CARSON and DOES 1-50)**

37. The allegations of Paragraphs 1 through 36 are realleged and incorporated herein by reference except where to do so would be inconsistent with pleading a cause of action for Violation of Labor Code Section 6400, et seq.

38. At all times mentioned herein, Defendant CARSON had a duty to take "reasonable steps to provide a safe and secure workplace." *City of Palo Alto v. Service Employees International Union (SEIU)* 77 Cal.App.4th 327 (1999).

39. *Labor Code* Section 6400 provides:

(a) Every employer shall furnish employment and a place of employment that is safe and healthful for the employees therein.

40. *Labor Code* Section 6401 provides:

Every employer shall . . . adopt and use practices, means, methods, operations, and processes which are reasonably adequate to render such employment and place of employment safe and healthful. Every employer shall do every other thing reasonably necessary to protect the life, safety, and health of employees.

41. *Labor Code* Section 6401.7 provides:

(a) Every employer shall establish, implement, and maintain an effective injury prevention program . . . and shall include, but not be limited to, the following elements:

...

(3) The employer's methods and procedures for correcting unsafe or unhealthy conditions and work practices in a timely manner.

42. *Labor Code* Section 6402 provides:

No employer shall require, or permit any employee to go or be in any employment or place of employment which is not safe and healthful.

EXHIBIT 1

- 1 43. California Code of Regulations, Title 8, Section 3203 provides:  
2 "... every employer shall establish, implement and maintain an effective  
3 Injury and Illness Prevention Program (Program). The Program shall be in  
4 writing and, shall, at a minimum:  
5 ...  
6 (3) Include a system for communicating with employees in a form readily  
7 understandable by all affected employees on matters relating to occupational  
8 safety and health, including provisions designed to encourage employees to  
9 inform the employer of hazards at the worksite without fear of reprisal.  
10 Substantial compliance with this provision includes meetings, training  
11 programs, posting, written communications, a system of anonymous  
12 notification by employees about hazards, labor/management safety and  
13 health committees, or any other means that ensures communication with  
14 employees.
- 15 44. *Code of Civil Procedure* § 527.8(b)(1) provides:  
16 "Course of conduct" is a pattern of conduct composed of a series of acts over  
17 a period of time, however short, evidencing a continuity of purpose ...
- 18 45. *Code of Civil Procedure* § 527.8(b)(2) provides:  
19 "Credible threat of violence" is a knowing and willful statement or course of  
20 conduct that would place a reasonable person in fear for his or her safety, or  
21 the safety of his or her immediate family, and that serves no legitimate  
22 purpose.
- 23 46. When Rivera engaged in the acts described herein, including without limitation  
24 the Assault and the racial harassment against Plaintiff and other CARSON employees, he was  
25 engaged in a course of conduct that posed a credible threat of violence.
- 26 47. At all times mentioned herein, Plaintiff feared for his personal safety in the  
27 workplace based on his belief that Rivera's course of conduct constituted a credible threat of  
28 violence to his person, and to other persons.

1       48.     At all times mentioned herein, Defendant CARSON had various remedies  
2 available to counteract the potentially dangerous and/or unsafe/hostile work environment  
3 and/or the credible threat of violence posed by Rivera against, amongst others, Plaintiff,  
4 including, without limitation:

- 5           a.     Seeking a temporary restraining order and/or permanent injunction on  
6                 behalf of its employees, including Plaintiff, under *Code of Civil*  
7                 *Procedure* § 527.8;
- 8           b.     Sending a Letter to Rivera;
- 9           c.     Denying or limiting Rivera's access to its premises;
- 10          d.     Requesting an investigation and/or intervention by local law  
11                 enforcement personnel;
- 12          e.     Creating a *Confidential Information Collection and Evaluation Center*  
13                 (CICEC) or other hotline for employee reports of incidents involving  
14                 dangerous, threatening, or harassing conduct against CARSON  
15                 employees.

16       49.     Plaintiff is informed, believes, and thereon alleges that at all times mentioned  
17 herein, Defendant CARSON negligently failed to take all reasonable steps to prevent  
18 harassment, the Assault and unsafe/hostile working conditions from occurring on its premises.  
19 Despite its obligation to "protect the life, safety, and health of employees," Defendant  
20 CARSON failed to take any action to prevent Rivera from threatening or otherwise harassing  
21 its employees.

22       50.     As a direct and proximate result of the aforesaid acts of Defendants, and each of  
23 them, Plaintiff has suffered/continues to suffer and incurred/continues to incur:

- 24           a.     Substantial loss of earnings, employment benefits and reduced future  
25                 earning capacity in an amount according to proof at the time of trial.  
26                 Plaintiff claims such amount as damages together with prejudgment  
27                 interest pursuant to applicable law;
- 28           b.     Additional expenses in his efforts to regain employment, all to his

- 1 damage in an amount according to proof at the time of trial;
- 2 c. Necessary and reasonable attorneys' fees in order to enforce his rights
- 3 and to obtain benefits due him, all to his further damage in an amount
- 4 according to proof;
- 5 d. Embarrassment, humiliation, emotional distress, mental anguish and
- 6 severe shock to his nervous system, and thereby sustained serious
- 7 injuries to his physical and mental health, strength and activity, causing
- 8 him extreme physical and emotional pain, all to his general damage in
- 9 such amount as may be proven at time of trial.
- 10 e. Medical expenses, the exact nature and extent of which are unknown to
- 11 Plaintiff at this time. Plaintiff will seek leave of court to amend this
- 12 complaint when the same have been ascertained; and
- 13 f. Additional future medical expenses all to his further damage in an
- 14 amount to be proven at trial; and
- 15 g. Other incidental and consequential damages in an amount according to
- 16 proof at the time of trial.

17 Wherefore, Plaintiff prays for judgment against the Defendants as hereinafter set forth.

18 **FIFTH CAUSE OF ACTION**

19 **RETALIATION**

20 **(Violation of Labor Code Section 6310)**

21 51. The allegations of Paragraphs 1 through 50 are realleged and incorporated herein  
22 by reference except where to do so would be inconsistent with pleading a cause of action for  
23 Retaliation in Violation of Labor Code Section 6310.

24 52. *Labor Code* Section 6310 provides:

25 (a) No person shall discharge or in any manner discriminate against any  
26 employee because the employee has done any of the following:

27 (1) Made any oral or written complaint to the division, other  
28 governmental agencies having statutory responsibility for or

1 assisting the division with reference to employee safety or health,  
2 his or her employer, or his or her representative.

3 (b) Any employee who is discharged, threatened with discharge, demoted,  
4 suspended, or in any other manner discriminated against in the terms and  
5 conditions of employment by his or her employer because the employee has  
6 made a bona fide oral or written complaint to . . . his or her employer, or his  
7 or her representative, of unsafe working conditions . . . shall be entitled to  
8 reinstatement and reimbursement for lost wages and work benefits caused by  
9 the acts of the employer.

10 53. As a direct and proximate result of the aforesaid acts of Defendants, Plaintiff has  
11 suffered/continues to suffer and incurred/continues to incur, and is therefore entitled to  
12 recover:

- 13 a. Necessary and reasonable attorneys' fees in order to enforce his rights  
14 and to obtain benefits due him, all to his further damage in an amount  
15 according to proof;
- 16 b. Substantial loss of earnings, employment benefits and reduced future  
17 earning capacity in an amount according to proof at the time of trial.  
18 Plaintiff claims such amount as damages together with prejudgment  
19 interest pursuant to applicable law;
- 20 c. Additional expenses in his efforts to regain employment, all to his  
21 damage in an amount according to proof at the time of trial;
- 22 d. Other incidental and consequential damages in an amount according to  
23 proof at the time of trial.

24 Wherefore, Plaintiff prays for judgment against Defendants as hereinafter set forth.

25 ///

26 ///

27 ///

28 ///

1 SIXTH CAUSE OF ACTION

2 RETALIATION

3 (*Labor Code §1102.5*)

4 (Against Defendants CARSON and DOES 1-50)

5 54. The allegations of Paragraphs 1 through 53 are realleged and incorporated herein  
6 by reference except where to do so would be inconsistent with pleading a cause of action for  
7 Retaliation in violation of *Labor Code §1102.5*.

8 55. *Labor Code §1102.5(b)* provides, in pertinent part, as follows:

9 An employer, or any person acting on behalf of the employer, shall not  
10 retaliate against an employee for disclosing information . . . to a government  
11 or law enforcement agency, to a person with authority over the employee or  
12 another employee who has the authority to investigate, discover, or correct  
13 the violation or noncompliance . . . if the employee has reasonable cause to  
14 believe that the information discloses a violation of state or federal statute, or  
15 a violation of or noncompliance with a local, state, or federal rule or  
16 regulation, regardless of whether disclosing the information is part of the  
17 employee's job duties.

18 56. *Labor Code §1102.5(e)* provides:

19 A report made by an employee of a government agency to his or her  
20 employer is a disclosure of information to a government or law enforcement  
21 agency pursuant to subdivisions (a) and (b).

22 57. In doing the things herein alleged, Defendants, and each of them, violated *Labor*  
23 *Code §1102.5* in that they retaliated against and terminated Plaintiff for making complaints to  
24 CARSON regarding the racial harassment, the Assault, the unsafe/hostile work environment  
25 and credible threat of violence posted by Rivera.

26 58. As a direct and proximate result of the aforesaid acts of Defendants, Plaintiff has  
27 suffered/continues to suffer and incurred/continues to incur, and is therefore entitled to  
28 recover:

- 1 a. Necessary and reasonable attorneys' fees in order to enforce his rights  
2 and to obtain benefits due him, all to his further damage in an amount  
3 according to proof;  
4 b. Substantial loss of earnings, employment benefits and reduced future  
5 earning capacity in an amount according to proof at the time of trial.  
6 Plaintiff claims such amount as damages together with prejudgment  
7 interest pursuant to applicable law;  
8 c. Additional expenses in his efforts to regain employment, all to his  
9 damage in an amount according to proof at the time of trial;  
10 d. Embarrassment, humiliation, emotional distress, mental anguish and  
11 severe shock to his nervous system, and thereby sustained serious  
12 injuries to his physical and mental health, strength and activity, causing  
13 him extreme physical and emotional pain, all to his general damage in  
14 such amount as may be proven at time of trial;  
15 e. Medical expenses, the exact nature and extent of which are unknown to  
16 Plaintiff at this time. Plaintiff will seek leave of court to amend this  
17 complaint when the same have been ascertained;  
18 f. Additional future medical expenses all to his further damage in an  
19 amount to be proven at trial; and  
20 g. Other incidental and consequential damages in an amount according to  
21 proof at the time of trial.

22 Wherefore, Plaintiff prays for judgment against Defendants as hereinafter set forth.

23 **SEVENTH CAUSE OF ACTION**

24 **RETALIATION**

25 ***(Labor Code § 98.6)***

26 **(Against Defendants CARSON and DOES 1-50)**

27 59. The allegations of paragraphs 1 through 58 are realleged and incorporated herein  
28 by reference except where to do so would be inconsistent with pleading a cause of action for

1 Retaliation in violation of *Labor Code* § 98.6.

2 60. *Labor Code* §98.6 provides, in pertinent part, as follows:

3 (a) No person shall discharge an employee or in any manner  
4 discriminate against any employee . . . because the employee or  
5 applicant engaged in any conduct delineated in this chapter . . .

6 61. In doing the things herein alleged, Defendants and each of them violated *Labor*  
7 *Code* Section 98.6 in that they retaliated against and terminated Plaintiff for making for  
8 making complaints to CARSON regarding the racial harassment, the Assault, the  
9 unsafe/hostile work environment, and the credible threat of violence posted by Rivera.

10 62. As a direct and proximate result of the aforesaid acts of Defendants, Plaintiff has  
11 suffered/continues to suffer and incurred/continues to incur, and is therefore entitled to  
12 recover:

- 13 a. Necessary and reasonable attorneys' fees in order to enforce his rights  
14 and to obtain benefits due him, all to his further damage in an amount  
15 according to proof;
- 16 b. Substantial loss of earnings, employment benefits and reduced future  
17 earning capacity in an amount according to proof at the time of trial.  
18 Plaintiff claims such amount as damages together with prejudgment  
19 interest pursuant to applicable law;
- 20 c. Additional expenses in his efforts to regain employment, all to his  
21 damage in an amount according to proof at the time of trial;
- 22 d. Embarrassment, humiliation, emotional distress, mental anguish and  
23 severe shock to his nervous system, and thereby sustained serious  
24 injuries to his physical and mental health, strength and activity, causing  
25 him extreme physical and emotional pain, all to his general damage in  
26 such amount as may be proven at time of trial.
- 27 e. Medical expenses, the exact nature and extent of which are unknown to  
28 Plaintiff at this time. Plaintiff will seek leave of court to amend this

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- complaint when the same have been ascertained; and
- f. Additional future medical expenses all to his further damage in an amount to be proven at trial; and
- g. Other incidental and consequential damages in an amount according to proof at the time of trial.

63. Because the acts taken toward Plaintiff were carried out in a deliberate, cold, callous and intentional manner in order to injure and damage Plaintiff, Plaintiff requests the assessment of punitive damages against Defendants, and each of them, in an amount appropriate to punish and make an example of Defendants.

Wherefore, Plaintiff prays for judgment against Defendants as hereinafter set forth.

**PRAYER**

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. For compensatory damages including losses arising from mental and emotional distress and other special and general damages according to proof at trial;
2. For medical and related expenses according to proof;
3. For lost earnings and related benefits and expenses according to proof;
4. For reinstatement;
5. For attorneys' fees and costs, as allowed by law;
6. For prejudgment interest on all amounts claimed, as allowed by law; and
7. For such other and further relief as the Court deems just and proper.

DATED: October 15, 2014

FRAIGUN LAW GROUP

  
MARINA KATS FRAIGUN  
Attorneys for Plaintiff  
JONATHAN CHANEY

EXHIBIT "A"

EXHIBIT "A"



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN, JR.

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

DIRECTOR PHYLLIS W. CHENG

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | Videophone 816-226-5285 | TTY 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfefh.ca.gov

Cruz Raymond  
Public Services General Manager  
CITY OF CARSON  
P.O. Box 6234  
Carson, CA 90749

EEOC Number 480-2014-02492  
Case Name Jonathan Chaney  
Filing Date June 26, 2014

**NOTICE TO COMPLAINANT AND RESPONDENT**

This is to advise you that the above-referenced complaint is being dual filed with the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

The EEOC is responsible for the processing of this complaint and the DFEH will not be conducting an investigation into this matter. Please contact EEOC directly for any discussion of the complaint or the investigation.

**NOTICE TO COMPLAINANT OF RIGHT TO SUE**

This letter is also your Right to Sue notice. This Right to Sue Notice allows you to file a private lawsuit in State court. According to Government Code section 12965, subdivision (b), you may bring a civil action 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 lawsuit may be filed in a State of California Superior Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed.

If you have questions about the right to file under federal law, please contact the EEOC office nearest to you.

EEOC Northern California  
450 Golden Gate Avenue, 5th Floor West  
P.O. Box 36025  
San Francisco, CA 94106-3661  
(415) 522-3000

EEOC Southern California  
255 East Temple Street, 4th Floor  
Los Angeles, CA 90012  
(213) 894-1000

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

480-2014-02492

**California Department Of Fair Employment & Housing**

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

**Mr. Jonathan Chaney**

Home Phone (incl. Area Code)

**(562) 856-3036**

Date of Birth

**09-26-1969**

Street Address

City, State and ZIP Code

**1626 Pine Avenue, Long Beach, CA 90813**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**CITY OF CARSON**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(310) 830-7600**

Street Address

City, State and ZIP Code

**801 E. Carson Street, Carson, CA 90749**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)



RACE



COLOR



SEX



RELIGION



NATIONAL ORIGIN



RETALIATION



AGE



DISABILITY



GENETIC INFORMATION

☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**02-19-2014****04-30-2014**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

- I. I began my employment with the City of Carson as a Recreationist III on or about May 1, 2013. On or about February 19, 2014, I was subjected to harassment, which includes but is not limited to being called a n\*\*\*\*r and being pushed by a patron utilizing a City facility. I am aware that other city employees have made similar complaints to city management against this patron making racially derogatory and harassing comments. On or about February 19, 2014, I reported to Mike Whitaker, Site Manager, that I was being subjected to such derogatory comments. On the same day, I was instructed not to return to work by Mr. Whitaker. On or about April 30, 2014, I was discharged by Bill Wynder, City Attorney.

- II. No reason was given to me for the harassment. Mr. Whitaker informed that I was being removed from work while an investigation is conducted. I was informed by Mr. Wynder that I was being discharged due to my involvement in the February 19th altercation.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

6

6/26/14

Date

Charging Party Signature

NOTARY -- When necessary for State and Local Agency Requirements

JUN 26 2014

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT INTAKE

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):



FEPA



EEOC

480-2014-02492

**California Department Of Fair Employment & Housing**

and EEOC

State or local Agency, if any

- III. I believe that I have been discriminated against based on my race (Black), and in retaliation for complaining of discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

10/26/14  
Date

*[Signature]*  
Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

EEOC/LADO

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

RECEIVED

INTAKE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>MARINA KATS FRAIGUN, SBN 192563</b> <b>FRAIGUN LAW GROUP</b> 15250 Ventura Boulevard, Penthouse 1220 Sherman Oaks, CA 91403 TELEPHONE NO.: (818) 981-1800 FAX NO.: ATTORNEY FOR (Name): Plaintiff JONATHAN CHANEY		FOR COURT USE ONLY  <b>FILED</b> Superior Court of California County of Los Angeles  <b>OCT 17 2014</b>  Sherri R. Carter, Executive Officer/Clerk By <u>M. Soto</u> Deputy Mccrea Soto
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>LOS ANGELES</b> STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District		
CASE NAME: <b>Chaney v. City of Carson</b>		
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-5 below must be completed (see instructions on page 2).

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

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (06) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input checked="" type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Type of remedies sought (check all that apply):
- |   |   |   |
|---|---|---|
| a. <input checked="" type="checkbox"/> monetary | b. <input type="checkbox"/> nonmonetary; declaratory or injunctive relief | c. <input checked="" type="checkbox"/> punitive |
|---|---|---|
4. Number of causes of action (specify): Seven (7)
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: October 15, 2014

MARINA KATS FRAIGUN

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

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

Page 1 of 2

SHORT TITLE:

Chaney v. City of Carson

CASE NUMBER

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

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

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

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 5-7 ☐ HOURS/ ☒ DAYS

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

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

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

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

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

1. Class actions must be filed in the Stanley Mosk Courthouse, central district.
2. May be filed in central (other county, or no bodily injury/property damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office

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

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

SHORT TITLE:

Chaney v. City of Carson

CASE NUMBER

Non-Personal Injury/Property  
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

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

SHORT TITLE:

Chaney v. City of Carson

CASE NUMBER

Judicial Review

Provisionally Complex Litigation

Enforcement  
of JudgmentMiscellaneous  
Civil ComplaintsMiscellaneous  
Civil Petitions

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

SHORT TITLE:

Chaney v. City of Carson

CASE NUMBER

**Item III. Statement of Location:** Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

**REASON:** Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.

☐1. ☒2. ☐3. ☐4. ☐5. ☐6. ☐7. ☐8. ☐9. ☐10.

ADDRESS:

701 E Carson Street

CITY:

Carson

STATE:

CA

ZIP CODE:

90745

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

Dated: October 15, 2014



(SIGNATURE OF ATTORNEY/FILING PARTY)

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

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

**SUMMONS  
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

CITY OF CARSON, a Municipal corporation; and DOES 1 through 50,  
Inclusive

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

JONATHAN CHANEY

SUM-100

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

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

OCT 17 2014

Sherri R. Carter, Executive Officer/Clerk  
By M. Soto, Deputy  
Moses Soto

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desear el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es): **LOS ANGELES SUPERIOR COURT**  
111 North Hill Street  
Los Angeles, CA 90012

CASE NUMBER:  
(Número del Caso): **BC 560923**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
**FRAIGUN LAW GROUP 15250 Ventura Boulevard, Penthouse 1220, Sherman Oaks, CA 91403**

DATE: **OCT 17 2014**  
(Fecha)

Sherri R. Carter, Clerk, by M. Soto, Deputy  
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



**NOTICE TO THE PERSON SERVED:** You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):  
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):
4. ☐ by personal delivery on (date):

<b>ATTORNEY OR PARTY WITHOUT ATTORNEY:</b> Marina Kats Fraigun (192563) THE FRAIGUN LAW GROUP 15250 Ventura Blvd. Penthouse 1220 Sherman Oaks, CA 91403  TELEPHONE NO.: (818) 986-7870  ATTORNEY FOR: Plaintiff	<b>FOR COURT USE ONLY</b>  <b>FILED</b> SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES  OCT 23 2014
<b>SUPERIOR COURT, COUNTY OF LOS ANGELES</b> STREET ADDRESS: 111 N HILL MAILING ADDRESS: 111 N HILL CITY AND ZIP CODE: LOS ANGELES, 90012 BRANCH NAME: CENTRAL CIVIL DISTRICT	BY <u>RENEE L. CARTER</u> Officer/Clerk BY <u>[Signature]</u> Deputy
PLAINTIFF: JONATHAN CHANEY DEFENDANT: CITY OF CARSON, A MUNICIPAL CORPORATION	CASE NUMBER: BC560923
<b>PROOF OF SERVICE OF SUMMONS</b>	Ref. No. or File No.:

- 1 At the time of service I was at least 18 years of age and not a party to this action.
- 2 I served copies of:  
 f. other (specify documents):  
 SUMMONS, COMPLAINT, CIVIL CASE COVER SHEET, CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION, NOTICE OF CASE ASSIGNMENT
3. a. Party served:  
 CITY OF CARSON, A MUNICIPAL CORPORATION
- b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made):  
 LATOYA BUTLER / DEPUTY CITY CLERK
4. Address where the party was served:  
 701 E CARSON STREET, CARSON, CA 90745
5. I served the party  
 a. by personal service. I personally delivered the documents listed in Item 2 to the party or person authorized to receive service of process for the party on 10/21/2014 at 4:00 pm  
 Description: Age: 35, Sex: F, Race/Skin Color: BLACK, Height: 5'10, Weight: 130, Hair: BROWN, Glasses: N
6. The "Notice to the Person Served" (on the summons) was completed as follows:  
 d. On behalf of: CITY OF CARSON, A MUNICIPAL CORPORATION  
 under the following Code of Civil Procedure section:  
 416.50 (public entity)

7. Person who served papers
- a. Name: Carlos Abrego  
 Firm: C.A. PROCESS SERVICE
- b. Address: 14800 Rinaldi St #24, Mission Hills, CA 91345
- c. Telephone number: (866) 491-3499
- d. The fee for the service was: \$40.00
- e. I am:  
 (3) a registered California process server:  
 (i) owner  
 (ii) Registration No.: 6456  
 (iii) County: Los Angeles

CASE NUMBER:  
BC560923

Date:

(NAME OF PERSON WHO SERVED PAPERS)

(SIGNATURE)

104  
 (3)  
 105  
 (4)  
 106  
 (5)  
 107  
 (6)  
 108  
 (7)

ORIGINAL

Exempt From Filing Fee  
Government Code § 61031

ALESHIRE & WYNDER, LLP  
WILLIAM W. WYNDER, State Bar No. 84753  
wwwynder@awattorneys.com  
LAURA A. WALKER, State Bar No. 223448  
lwalker@awattorneys.com  
CHRISTINA M. BURROWS, State Bar No. 293933  
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2361 Rosecrans Ave., Suite 475  
El Segundo, California 90245  
Telephone: (310) 527.6660  
Facsimile: (310) 532.7395

Attorneys for CITY OF CARSON

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

JONATHAN CHANEY,

Plaintiff,

v.

CITY OF CARSON, a Municipal Corporation;  
and DOES 1 through 50, Inclusive,

Defendant.

Case No. BC 560923

Assigned for All Purposes to:  
Hon. Ernest M. Hiroshige  
Dept. 54

ANSWER TO COMPLAINT FOR  
DAMAGES

Action Filed: October 17, 2014  
Trial Date: none yet

Defendant, CITY OF CARSON ("City") answers the unverified Complaint for Damages (the  
"Complaint") of Plaintiff, JONATHAN CHANEY, ("Plaintiff") as follows:

**GENERAL DENIAL**

1. Pursuant to the provisions of Code of Civil Procedure § 431.30(d), the City generally  
and specifically denies each and every allegation contained in Plaintiff's Complaint, and specifically  
denies that Plaintiff sustained damages in the sum or sums alleged, or at all, by reason of any act,  
breach, or omission on the part of the City, or any of its agents, officers, or employees.

**AFFIRMATIVE DEFENSES**

As separate, distinct and affirmative defenses to the Complaint, the City further alleges, on  
information and belief, that:

01007.0512/231594.2

ANSWER TO COMPLAINT FOR DAMAGES

ALESHIRE &  
WYNDER, LLP  
ATTORNEYS AT LAW



12/04/2014

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

DEC 03 2014

HERRI R. CARTER, Officer/Clerk  
BY [Signature] Deputy  
Glorietta Robinson

**First Affirmative Defense**

2. Plaintiff's Complaint is barred, in whole or in part, because the Complaint fails to state facts sufficient to constitute a cause of action against this responding party.

**Second Affirmative Defense**

3. Plaintiff's Complaint is barred because any damages sustained by Plaintiff were not proximately or legally caused by this responding party or any of its agents or employees.

**Third Affirmative Defense**

4. Plaintiff's Complaint is barred because Plaintiff failed to comply with California Government Code § 905 et seq. by failing to timely file a claim against the City.

**Fourth Affirmative Defense**

5. Plaintiff's Complaint is barred because Plaintiff failed to exhaust his administrative remedies pursuant to Labor Code § 98.6 and §2699.3.

**Fifth Affirmative Defense**

6. Plaintiff's Complaint is barred by the applicable statutes of limitation.

**Sixth Affirmative Defense**

7. At all times herein, Plaintiff's damages, if any, were occasioned by Plaintiff's own tortious conduct, including but not limited to Plaintiff's mutual physical altercation with a member of the public.

**Seventh Affirmative Defense**

8. Plaintiff has waived his rights to assert the claims and causes of action in their Complaint.

**Eighth Affirmative Defense**

9. Plaintiff's request for attorneys' fees is barred because said fees are not recoverable by statute or contract against the City.

**Ninth Affirmative Defense**

10. The City cannot be liable for the acts and omissions complained of in the Complaint, which are those of individuals and/or entities other than the answering City.



12/04/2014

**Tenth Affirmative Defense**

11. Plaintiff's cause of action against the City is barred, in whole or in part, by the doctrine of laches due to Plaintiff's unreasonable delays in bringing this action.

**Eleventh Affirmative Defense**

12. Any award in Plaintiff's favor, *arguendo*, should be barred or reduced by his failure to adequately mitigate any damages that might have been incurred, if any.

**Twelfth Affirmative Defense**

13. Plaintiff is barred from asserting each and every cause of action made in his Complaint because he is estopped from any purported right to recovery against the City by reason of Plaintiff's actions and/or inactions.

**Thirteenth Affirmative Defense**

14. The City is not legally responsible for the acts and/or omissions of the doe defendants named in Plaintiff's Complaint.

**Fourteenth Affirmative Defense**

15. The City reserves the right to plead additional affirmative defenses upon further discovery.

WHEREFORE, Defendant, City of Carson requests judgment as follows:

1. That Plaintiff take nothing by way of its Complaint;
2. That the City be awarded attorneys' fees and costs of suit; and,
3. For such other and further relief as the Court deems appropriate.

DATED: December 2, 2014

ALESHIRE & WYNDER, LLP  
WILLIAM W. WYNDER  
LAURA A. WALKER  
CHRISTINA M. BURROWS

By: Christina M. Burrows

CHRISTINA M. BURROWS  
Attorneys for CITY OF CARSON

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 At the time of service, I was over 18 years of age and not a party to this action. I am employed  
4 in the County of Los Angeles, State of California. My business address is 2361 Rosecrans Ave., Suite  
475, El Segundo, CA 90245.

5 On December 2, 2014, I served true copies of the following document(s) described as  
6 **ANSWER TO COMPLAINT FOR DAMAGES** on the interested parties in this action as follows:

7 Marina Kats Fraigun  
8 FRAIGUN LAW GROUP  
9 15250 Ventura Boulevard  
10 Penthouse 1220  
11 Sherman Oaks, CA 91403

Attorneys for Plaintiff  
JONATHAN CHANEY

12 Telephone: (818) 981-1800  
13 Facsimile: (818) 981-1484  
14 E-mail: mfraigun@fraigunlaw.com

15 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the  
16 persons at the addresses listed in the Service List and placed the envelope for collection and mailing,  
17 following our ordinary business practices. I am readily familiar with the practice of Aleshire &  
18 Wynder, LLP for collecting and processing correspondence for mailing. On the same day that  
19 correspondence is placed for collection and mailing, it is deposited in the ordinary course of business  
20 with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident  
21 or employed in the county where the mailing occurred. The envelope was placed in the mail at El  
22 Segundo, California.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
24 true and correct.

25 Executed on December 2, 2014, at El Segundo, California.

26   
27 DIANE N. BRANCHE  
28

ALESHIRE &  
WYNDER, LLP  
ATTORNEYS AT LAW



12/04/2014