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FILED
Superior Court of California
County of Los Angeles

OCT 17 2014

Sherri R. Carter, Executive Officer/Clerk
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Attorneys for Plaintiff
JONATHAN CHANEY

D-54 ERNEST HIROSHIGE

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

11 JONATHAN CHANEY,
12
13 Plaintiff,

CASE NO. BC560923

COMPLAINT FOR DAMAGES

14 vs.

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

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)

18 Defendants.

24 Plaintiff JONATHAN CHANEY alleges:

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CIT/CASE: BC560923
LEA/DEF#:
RECEIPT #: CCH524890103
DATE PAID: 10/17/14 03:59 PM
PAYMENT: \$435.00 310
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CHECK: \$435.00
CASH: \$0.00
CHANGE: \$0.00
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INTRODUCTION

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

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

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

24 4. At all times mentioned herein, Defendant CARSON had the means and the ability
25 to establish rules of conduct at its public venues, and/or to prevent unlawful conduct by
26 members of the public utilizing CARSON facilities. CARSON further had the ability to
27 exclude any patrons from its venues. Plaintiff is informed, believes, and thereon alleges that
28 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)

PLAINTIFF'S COMPLAINT

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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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;

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- c. 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;
- d. Embarrassment, humiliation, emotional distress, mental anguish and severe shock to his nervous system, and thereby sustained serious injuries to his physical and mental health, strength and activity, causing him extreme physical and emotional pain, all to his general damage in such amount as may be proven at time of trial.
- e. Medical expenses, the exact nature and extent of which are unknown to Plaintiff at this time. Plaintiff will seek leave of court to amend this 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.

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

SECOND CAUSE OF ACTION

RETALIATION

(Government Code §12940, et seq.)

(Against Defendants CARSON and DOES 1-50)

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

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

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

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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

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such amount as may be proven at time of trial.

- e. Medical expenses, the exact nature and extent of which are unknown to Plaintiff at this time. Plaintiff will seek leave of court to amend this 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.

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

THIRD CAUSE OF ACTION

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

(Government Code §12940, et seq.)

(Against Defendants CARSON and DOES 1-50)

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

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

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

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.

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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.

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

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

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

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

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

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

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

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

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

50. 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

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- damage in an amount according to proof at the time of trial;
- c. 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;
- d. Embarrassment, humiliation, emotional distress, mental anguish and severe shock to his nervous system, and thereby sustained serious injuries to his physical and mental health, strength and activity, causing him extreme physical and emotional pain, all to his general damage in such amount as may be proven at time of trial.
- e. Medical expenses, the exact nature and extent of which are unknown to Plaintiff at this time. Plaintiff will seek leave of court to amend this 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.

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

FIFTH CAUSE OF ACTION

RETALIATION

(Violation of Labor Code Section 6310)

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

52. *Labor Code* Section 6310 provides:

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

- (1) Made any oral or written complaint to the division, other 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:

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- 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. Embarrassment, humiliation, emotional distress, mental anguish and severe shock to his nervous system, and thereby sustained serious injuries to his physical and mental health, strength and activity, causing him extreme physical and emotional pain, all to his general damage in such amount as may be proven at time of trial;
- e. Medical expenses, the exact nature and extent of which are unknown to Plaintiff at this time. Plaintiff will seek leave of court to amend this complaint when the same have been ascertained;
- 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.

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

SEVENTH CAUSE OF ACTION

RETALIATION

(Labor Code § 98.6)

(Against Defendants CARSON and DOES 1-50)

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

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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

FILED

EXHIBIT "A"

EXHIBIT "A"



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

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CHARGE OF DISCRIMINATION		Charge Presented To: Agency(ies) Charge No(s):	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 480-2014-02492	
California Department Of Fair Employment & Housing and EEOC <i>State or local Agency, if any</i>			
Name (Indicate Mr., Ms., Mrs.) Mr. Jonathan Chaney		Home Phone (Incl. Area Code) (562) 856-3036	Date of Birth 09-26-1969
Street Address 1626 Pine Avenue, Long Beach, CA 90813		City, State and ZIP Code	
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 801 E. Carson Street, Carson, CA 90749		City, State and ZIP Code	
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).)		DATE(S) DISCRIMINATION TOOK PLACE	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		Earliest Latest 02-19-2014 04-30-2014 <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	
I declare under penalty of perjury that the above is true and correct.		JUN 26 2014 SIGNATURE OF COMPLAINANT INTAKE	
5 6/26/14 Date Charging Party Signature		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. 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.

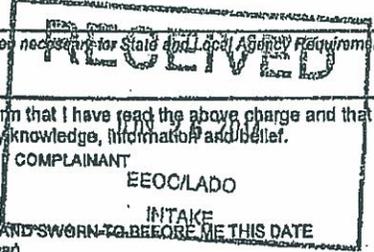
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

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

09/26/14
Date

[Handwritten 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)

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**

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
 Meesa Soto

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

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

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]
 (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.

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.

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

Miscellaneous Civil Complaints

Miscellaneous 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. <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			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, subs. (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

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), 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), the California Courts Online Self-Help Center (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), 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), en el Centro de Ayuda de las Cortes de California, (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 desecher 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 56 0923**

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)

(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
- as an individual defendant.
 - as the person sued under the fictitious name of (specify):
 - 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):
 - by personal delivery on (date):

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

Dept 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

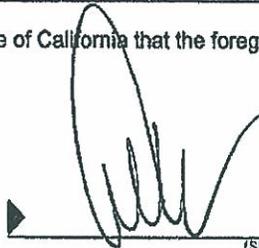
8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

10/23/14

Carlos Abrego

(NAME OF PERSON WHO SERVED PAPERS)



(SIGNATURE)

4012312014

ORIGINAL

Exempt From Filing Fee
Government Code § 61031

1 ALESHIRE & WYNDER, LLP
 2 WILLIAM W. WYNDER, State Bar No. 84753
 3 *wwynder@awattorneys.com*
 4 LAURA A. WALKER, State Bar No. 223448
 5 *lwalker@awattorneys.com*
 6 CHRISTINA M. BURROWS, State Bar No. 293933
 7 *cburrows@awattorneys.com*
 8 2361 Rosecrans Ave., Suite 475
 9 El Segundo, California 90245
 10 Telephone: (310) 527.6660
 11 Facsimile: (310) 532.7395

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

DEC 03 2014

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

7 Attorneys for CITY OF CARSON

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

11 JONATHAN CHANEY,

12 Plaintiff,

13 v.

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

16 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

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

21 **GENERAL DENIAL**

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

26 **AFFIRMATIVE DEFENSES**

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

ALESHIRE &
WYNDER, LLP
ATTORNEYS AT LAW



12/04/2014

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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.

ALSHIRE &
WYNDER LLP
ATTORNEYS AT LAW



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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

ALESHIRE &
WYNDER, LLP
ATTORNEYS AT LAW



12/04/2014

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

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

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

Marina Kats Fraigun
FRAIGUN LAW GROUP
15250 Ventura Boulevard
Penthouse 1220
Sherman Oaks, CA 91403

Attorneys for Plaintiff
JONATHAN CHANEY

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

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

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

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


DIANE N. BRANCHE

**ALESHIRE &
WYNDER, LLP**
ATTORNEYS AT LAW



12/04/2014

90745
A6024

1 FRAIGUN LAW GROUP
2 MARINA KATS FRAIGUN, SBN 192563
3 15250 Ventura Boulevard
4 Penthouse 1220
5 Sherman Oaks, CA 91403
6 E-Mail: mfraigun@fraigunlaw.com
7 Telephone: (818) 981-1800
8 Facsimile: (818) 981-1484

FILED
Superior Court of California
County of Los Angeles

OCT 17 2014

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

Attorneys for Plaintiff
JONATHAN CHANEY

D-54 ERNEST HIROSHIGE

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

11 JONATHAN CHANEY,
12
13 Plaintiff,

CASE NO. BC560923

COMPLAINT FOR DAMAGES

14 vs.

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

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)

18 Defendants.

24 Plaintiff JONATHAN CHANEY alleges:

25 ///
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27 ///
28 ///

CIT/CASE: BC560923
LEA/DEF#: _____
RECEIPT #: CH524890103
DATE PAID: 10/17/14 03:59 PM
PAYMENT: \$435.00 310
RECEIVED:
CHECK: \$435.00
DASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

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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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- c. 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;
- d. Embarrassment, humiliation, emotional distress, mental anguish and severe shock to his nervous system, and thereby sustained serious injuries to his physical and mental health, strength and activity, causing him extreme physical and emotional pain, all to his general damage in such amount as may be proven at time of trial.
- e. Medical expenses, the exact nature and extent of which are unknown to Plaintiff at this time. Plaintiff will seek leave of court to amend this 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.

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

SECOND CAUSE OF ACTION

RETALIATION

(Government Code §12940, et seq.)

(Against Defendants CARSON and DOES 1-50)

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

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

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

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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

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such amount as may be proven at time of trial.

- e. Medical expenses, the exact nature and extent of which are unknown to Plaintiff at this time. Plaintiff will seek leave of court to amend this 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.

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

THIRD CAUSE OF ACTION

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

(Government Code §12940, et seq.)

(Against Defendants CARSON and DOES 1-50)

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

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

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

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

FILED IN 2014

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.

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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.

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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

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damage in an amount according to proof at the time of trial;

c. 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;

d. Embarrassment, humiliation, emotional distress, mental anguish and severe shock to his nervous system, and thereby sustained serious injuries to his physical and mental health, strength and activity, causing him extreme physical and emotional pain, all to his general damage in such amount as may be proven at time of trial.

e. Medical expenses, the exact nature and extent of which are unknown to Plaintiff at this time. Plaintiff will seek leave of court to amend this 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.

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

FIFTH CAUSE OF ACTION

RETALIATION

(Violation of Labor Code Section 6310)

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

52. *Labor Code* Section 6310 provides:

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

(1) Made any oral or written complaint to the division, other 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:

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- 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. Embarrassment, humiliation, emotional distress, mental anguish and severe shock to his nervous system, and thereby sustained serious injuries to his physical and mental health, strength and activity, causing him extreme physical and emotional pain, all to his general damage in such amount as may be proven at time of trial;
- e. Medical expenses, the exact nature and extent of which are unknown to Plaintiff at this time. Plaintiff will seek leave of court to amend this complaint when the same have been ascertained;
- 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.

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

SEVENTH CAUSE OF ACTION

RETALIATION

(Labor Code § 98.6)

(Against Defendants CARSON and DOES 1-50)

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

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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

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EXHIBIT "A"

EXHIBIT "A"



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@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

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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.

01/26/14
Date

[Handwritten Signature]
Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

RECEIVED
EEOC/LADO
INTAKE
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

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)

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

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
 Mercedes Soto

CASE NAME:
Chaney v. City of Carson

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:
- | | | |
|--|---|---|
| <p>Auto Tort</p> <input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46) <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <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) <p>Non-PI/PD/WD (Other) Tort</p> <input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35) <p>Employment</p> <input checked="" type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | <p>Contract</p> <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) <p>Real Property</p> <input type="checkbox"/> Eminent domain/inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <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) | <p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <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) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|--|---|---|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |

3. 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] (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.

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.

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

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	1., 2., 3.
	<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	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	1., 2., 3.
	<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2., 5.
	<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2., 5.
	<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
	<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6.
	<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	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	1., 2., 3., 5.
	<input type="checkbox"/> A6031 Tortious interference	1., 2., 3., 5.
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	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	2., 6.
	<input type="checkbox"/> A6032 Quiet Title	2., 6.
	<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	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 Judgment

Miscellaneous Civil Complaints

Miscellaneous 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. <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			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, subs. (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

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), 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), the California Courts Online Self-Help Center (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), 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), en el Centro de Ayuda de las Cortes de California, (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 desecher 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 56 0923**

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)

Clerk, by M. Soto Deputy
(Secretario) **SHERRI R. CARTER** **M. Soto** (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
- as an individual defendant.
 - as the person sued under the fictitious name of (specify):
 - 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):
 - by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY: 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	FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES OCT 23 2014 BRETT L. CARTER Officer/Clerk BY <i>[Signature]</i> Deputy <small>Christina Robinson</small>
SUPERIOR COURT, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N HILL MAILING ADDRESS: 111 N HILL CITY AND ZIP CODE: LOS ANGELES, 90012 BRANCH NAME: CENTRAL CIVIL DISTRICT	
PLAINTIFF: JONATHAN CHANEY DEFENDANT: CITY OF CARSON, A MUNICIPAL CORPORATION	CASE NUMBER: BC560923
PROOF OF SERVICE OF SUMMONS	Ref. No. or File No.: <div style="text-align: right; font-size: 2em; font-family: cursive;">DRAFT 54</div>

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

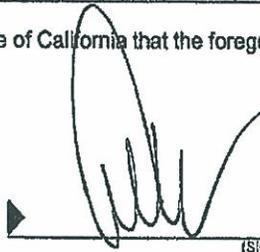
PLAINTIFF: JONATHAN CHANEY DEFENDANT: CITY OF CARSON, A MUNICIPAL CORPORATION	CASE NUMBER: BC560923
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8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 10/23/14

Carlos Abrego

(NAME OF PERSON WHO SERVED PAPERS)



(SIGNATURE)

10/23/2014

ORIGINAL

Exempt From Filing Fee
Government Code § 61031

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

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

DEC 03 2014

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

7 Attorneys for CITY OF CARSON

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

11 JONATHAN CHANEY,

12 Plaintiff,

13 v.

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

15 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

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

21 **GENERAL DENIAL**

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

26 **AFFIRMATIVE DEFENSES**

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

01007.0512/231594.2

ANSWER TO COMPLAINT FOR DAMAGES

ALESHIRE &
WYNDER, LLP
ATTORNEYS AT LAW



12/04/2014



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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.

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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

ALESHIRE &
WYNDER, LLP
ATTORNEYS AT LAW



12/04/2014

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 Attorneys for Plaintiff
8 FRAIGUN LAW GROUP JONATHAN CHANEY
9 15250 Ventura Boulevard
10 Penthouse 1220
11 Sherman Oaks, CA 91403

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

ALESHIRE &
WYNDER, LLP
ATTORNEYS AT LAW



12/04/2014