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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 KELLY WEBB,

11 ***Plaintiff,***

12 v.

13 COUNTY OF EL DORADO; PAMELA
14 KNORR; VERNON PIERSON; JOSEPH
15 HARN; and DOES 1 through 50 Inclusive,

16 ***Defendants***

Case No.

COMPLAINT FOR DAMAGES:

- 1) VIOLATIONS OF CIVIL RIGHTS LAWS, 42 USC §1983;
- 2) CONSPIRACY TO VIOLATE CIVIL RIGHTS LAWS, 42 USC §1985;
- 3) NEGLIGENCE TO PREVENT VIOLATION OF CIVIL RIGHTS LAWS, 42 USC §1986;
- 4) AGE DISCRIMINATION;
- 5) GENDER-BASED DISCRIMINATION;
- 6) RETALIATION; and
- 7) FAILURE TO PREVENT DISCRIMINATION AND RETALIATION

JURY TRIAL DEMANDED

17
18 Plaintiff complains and alleges:

19 **PARTIES AND JURISDICTION**

20 1. Plaintiff KELLY WEBB is a 52-year-old married female, who, at all relevant
21 times mentioned herein, resided and worked in El Dorado County, California. For
22 purposes of her §1985 claims, Plaintiff is a member of protected categories based upon
23 her gender (female) and age.

24 2. Defendant COUNTY OF EL DORADO ("COUNTY") is, including its
25 departments, units, and/or political subdivisions, operating as a public entity within the
26 State of California. At all relevant times, COUNTY regularly employed more than fifteen
27 (15) persons and was Plaintiff's employer.
28

1 3. Defendant PAMELA KNORR ("KNORR") is over age 18, and at all times
2 relevant to this action, she held the positions of COUNTY's Human Resources Director,
3 Interim Chief Administrative Officer, or Chief Administrative Officer ("CAO"), and was
4 Plaintiff's direct supervisor. Plaintiff alleges upon information and belief that KNORR
5 bears substantial culpability, along with her Co-Defendants, for Plaintiff's injuries and
6 damages as set forth herein.

7
8 4. Defendant VERNON PIERSON ("PIERSON") is over age 18, and at all times
9 relevant to this action, held the positions of COUNTY's duly elected District Attorney
10 ("DA") and Chief Technology Officer ("CTO"). Plaintiff alleges upon information and
11 belief that COUNTY empowered PIERSON with substantial authority over the terms and
12 conditions of Plaintiff's employment, and further that PIERSON bears substantial
13 culpability, along with his Co-Defendants, for Plaintiff's injuries and damages as set forth
14 herein.

15
16 5. Defendant JOSEPH HARN ("HARN") is over age 18, and at all times relevant
17 to this action, held the position of COUNTY's duly elected Auditor. Plaintiff alleges upon
18 information and belief that HARN bears substantial culpability, along with his Co-
19 Defendants, for Plaintiff's injuries and damages as set forth herein.

20 6. Plaintiff is informed and believes and based thereon alleges that at all
21 times relevant to this action, COUNTY's supervisors and managing agents, including but
22 not limited to Defendants KNORR, PIERSON, and HARN, exercised substantial
23 independent authority and judgment in their decision-making; thus, their personnel
24 decisions ultimately determined COUNTY's personnel policies and procedures.

25
26 7. This Court has subject matter jurisdiction pursuant to 42 U.S.C. §§1985 and
27 28 U.S.C. §§1331; the Court has pendent jurisdiction under 28 USC §1367.

28

1 8. This Court's personal jurisdiction over Defendants is proper in that they are
2 corporate entities, individuals, and employers who, at all times relevant hereto, actively
3 conspired to cause Plaintiff to be discriminated against, harassed, retaliated against,
4 singled out, defamed, humiliated, and targeted for unfair and/or unlawful treatment in
5 the workplace in violation of California law and Plaintiff's rights under the United States
6 Constitution.

7
8 9. The true names and capacities, whether individual, corporate, associate
9 or otherwise, of Defendants DOES 1 through 50 are unknown to Plaintiff, who therefore
10 sues these Defendants by such fictitious names. Plaintiff will amend this Complaint by
11 inserting the true names and capacities of each such Defendant when they are
12 ascertained. Plaintiff is informed and believes that an agency relationship exists
13 between Defendants and DOES 1 through 50.

14
15 10. Plaintiff alleges upon information and belief that each of the Defendants
16 designated herein as a DOE is in some manner responsible for the damages and injuries
17 alleged in this Complaint.

18 11. Plaintiff alleges upon information and belief that each Defendant herein
19 was at all times relevant hereto, the agent, representative, servant and employee of the
20 remaining Defendants, and was acting at least in part within the course and scope of
21 such relationship, and that the wrongful acts alleged herein were committed by such
22 Defendants, and each of them. Moreover, Plaintiff is informed and believes that
23 Defendants and DOES 1 through 50 are engaged in a joint enterprise.

24
25 **FACTUAL BACKGROUND**

26 12. Plaintiff, who has worked for COUNTY full time since May 11, 1985, was
27 tabbed on February 15, 2011 by former CAO Terri Daly to oversee COUNTY's Information
28 Technologies (IT) Department following the resignation of the previous Director. On or

1 about March 15, 2011, Plaintiff was formally appointed Acting IT Director, and received
2 a substantial pay raise.

3 13. On about July 11, 2011, and following several months of Plaintiff's good
4 work, Ms. Daly took an agenda item to the County Board of Supervisors with an IT
5 Management Plan. This Plan recommended: i) Plaintiff's continued appointment as
6 Acting IT Director; ii) that PIERSON serve as County's CTO ("CTO") by resolution; and ii)
7 that the Plan be continued for 12 - 18 months.
8

9 14. On or about July 23, 2013, by unanimous Board vote, COUNTY appointed
10 Plaintiff to the permanent IT Director position. After nearly three decades of COUNTY
11 service, Plaintiff was elated to have earned this promotion.¹ Roughly two (2) weeks later,
12 on or about August 6, 2013, and for reasons only COUNTY executives know, COUNTY's
13 Board **reversed** its decision appointing Plaintiff as IT Director. For the next year, Plaintiff
14 was not the permanent IT Director; rather, she was downgraded to "Interim."
15

16 15. On or about August 20, 2013, former COUNTY HR Director Karl Knobelauch
17 resigned, and KNORR – who just recently had fled her CAO position with Alpine County
18 under a growing cloud of misdeeds and poor performance – was appointed as the new
19 HR Director effective September 7, 2013.

20 16. Out of nowhere, and in a manner Plaintiff found deeply upsetting and
21 disrespectful, PIERSON in December 2013 asked Plaintiff about her retirement plans.
22 When Plaintiff told him her age at that time (51), PIERSON stated: "I thought you were
23 *older*." Plaintiff informed PIERSON – who should have known better than to speak as he
24 did – that she had no intention of retiring.
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¹ Shortly after receiving this good news, Plaintiff's relationship with PIERSON – which had been a good one – took a sharp decline.

1 17. Between January and February 7, 2014, PIERSON and KNORR engaged in
2 multiple discussions about changing COUNTY's IT Department management structure
3 without any involvement of Plaintiff, the IT Director. Also at this time, PIERSON began
4 what would become an obvious yet highly disturbing pattern of circumventing Plaintiff
5 within the IT Department, going around her to David Russell (a much younger male) for
6 questions and issues he should have known to direct toward Plaintiff.
7

8 18. On or about February 7, 2014, PIERSON once again asked Plaintiff about
9 her retirement plans, and again, Plaintiff – though somewhat in a state of shock – told
10 PIERSON that she had **no** plans to retire. In addition, PIERSON made it a point to discuss
11 the following additional topics:

12 **a)** PIERSON told Plaintiff that there were “political issues brewing” within
13 COUNTY, and because of these “issues,” her employment future as County IT
14 Director was “not safe.” PIERSON went on to say that “Terri Daly and (HARN)
15 had a ‘heart-to-heart’ discussion and a ‘meeting of the minds;” however,
16 PIERSON did not tell Plaintiff what this meant or why he chose to bring this
17 subject up;

18 **b)** Plaintiff asked PIERSON what HARN had to do with her IT Director
19 position. PIERSON would only say that Plaintiff – for no good or obvious
20 reason – needed to move to another position;

21 **c)** PIERSON also told Plaintiff that there was “a very good chance that
22 HARN would win the election” and remain Auditor for another 4-year term;

23 **d)** PIERSON bluntly stated that once the 2014 election was over, Plaintiff
24 would “not be safe” in her Interim IT Director position, presumably because of
25 some dustup or bad blood between HARN and Ms. Daly;

26 **e)** PIERSON said he would find Plaintiff a lateral COUNTY position,
27 indicating that he would check into the Health & Human Services Agency
28 (HHSA) or the Public Defender’s office and would further endeavor to see
that Plaintiff would not lose any compensation. Don Ashton, COUNTY’s HHSA
Director, was very well-liked according to PIERSON, and Plaintiff would “be
safe under Don;” and

f) PIERSON concluded this most upsetting conversation by strongly
urging Plaintiff to “think about (her) options” and move out of IT into another
department, blithely telling her: “Sometimes bad things happen to good
people.”

 19. Later that same day (February 7, 2014), Plaintiff met with then-CAO Terri
Daly late in the day to report on the distressing and threatening comments PIERSON had

1 been making to her. She left the conversation with Ms. Daly determined to take her
2 issues directly to new HR Director KNORR, since she believed PIERSON's (and therefore,
3 COUNTY's) actions regarding continued employment and retirement were
4 discriminatory, and motivated by Plaintiff's age and gender.

5 20. On or about February 12, 2014, Plaintiff finally met with KNORR regarding
6 the ageist comments PIERSON had repeatedly made, and the ominous tone he took
7 about Plaintiff's future employment as COUNTY IT Director. Much to Plaintiff's dismay
8 and disappointment, KNORR brushed aside PIERSON's actions, and chalked up Plaintiff's
9 concern over these issues as Plaintiff "over-reacting" and being "overly sensitive."
10 Rather than doing the HR Director's job and investigating obvious, unlawful ageism,
11 KNORR made Plaintiff feel like a mere complainer without a valid complaint.

12 21. On or about February 13, 2014, Terri Daly informed Plaintiff that she had
13 had a follow-up conversation with PIERSON. Later that day, PIERSON apologized to
14 Plaintiff for being insensitive with regard to the timing of his February 7, 2014 comments
15 about age and retirement, in light of Plaintiff having just lost her father on Feb. 10, 2014.
16 Nonetheless, PIERSON continued to pressure Plaintiff to leave the IT Department, which
17 Plaintiff found hurtful and completely inappropriate.

18 22. In March of 2014, COUNTY implemented something entitled a "Respectful
19 Workplace Policy," ostensibly to address an employment culture within COUNTY's
20 workforce in which rank-and-file members saw examples of blatant favoritism, ageism,
21 sexism, harassment and retaliation. As noted below, this "Respectful Workplace Policy"
22 did not apply to Plaintiff.

23 23. On or about May 13, 2014, after continued pressure from PIERSON and
24 certain COUNTY officials – and with no meaningful response from KNORR – Plaintiff spoke
25 out publicly at a Board of Supervisors' meeting in which the Board was hearing an
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1 agenda item related to the Cultural Assessment being done by COUNTY and the
2 Respectful Workplace issues. Plaintiff complained publicly to the Board and KNORR
3 about the terms and conditions of her employment, and what she viewed as an unfair
4 attack on her position. In addition to Plaintiff, County employees Mike Applegarth and
5 Terri Daly also spoke out at this meeting. These individuals have since left COUNTY
6 employment after many years of good service.
7

8 24. During that same month, Terri Daly informed Plaintiff that KNORR decided
9 to run a recruitment for the IT Director position, and that she (Plaintiff) would need to
10 compete for the position she had been capably handling for over 3 years. In June,
11 2014, Plaintiff met again with PIERSON, who informed Plaintiff that she would be
12 expected to compete for her IT Director position when KNORR ran the recruitment.
13 Once again, for no apparent reason other than to harass Plaintiff, PIERSON told Plaintiff
14 that she did not "have what it takes to take the team to the Super Bowl." Plaintiff found
15 this *ad hominem* attack undeserved, threatening, and deeply hurtful.
16

17 25. Between June 16 and July 31, 2014, COUNTY's "Respectful Workplace
18 Special Master" complaint and review process became open to County employees.
19 KNORR directed Plaintiff to meet with her and Mary Egan from MRG Consulting,
20 COUNTY's so-called Cultural Assessment vendor. The meeting occurred several days
21 later. As it turned out, this meeting had nothing to do with Plaintiff's feelings about
22 County's "Respectful Workplace" policy, but everything to do with Plaintiff's position as
23 COUNTY IT Director. Indeed, the entire focus of KNORR's and Ms. Egan's questions and
24 comments was the IT Director recruitment and whether or not Plaintiff was qualified to
25 compete to keep her job. Plaintiff left the meeting convinced that her chances of
26 retaining her job were slim-to-none.
27
28

1 26. On or about June 20, 2014, KNORR and Ms. Egan met with Plaintiff's
2 Assistant IT Director David Russell immediately after the Webb meeting. They did not tell
3 Plaintiff the purpose for this meeting; however, Plaintiff soon learned that the intent of
4 the meeting was to set up staff sessions and to ask the IT staff what they felt was
5 important to see in a "New IT Director."

6 27. On or about July 8, 2014, Plaintiff met with Lisa Sullivan from MRG
7 Consulting in regard to the cultural assessment. In this meeting, Plaintiff discovered that
8 Ms. Sullivan was slated to interview Plaintiff's entire staff on July 10 – 11, 2014. These
9 meetings were set up through David Russell, who was ordered not to tell Plaintiff about
10 them.

11 28. On or about July 9, 2014, Plaintiff sent two e-mails to her superiors
12 expressing her deep concern with the so-called "recruitment" process, and the direction
13 to get staff input regarding qualities and abilities of a "new
14 IT Director." Two days later, on or about July 11, 2014, Plaintiff again met with Lisa
15 Sullivan, who indicated that her report to KNORR (resulting from the meetings held with
16 Plaintiff's staff) would be used to establish the recruitment for the IT Director.

17 29. On or about July 15, 2014, KNORR sent an e-mail to PIERSON, Assistant CAO
18 Kim Kerr, HARN and Terri Daly stating that the recruitment for IT Director would open on
19 July 21, 2014. Plaintiff found this e-mail deeply troubling for several reasons:

20 **a)** PIERSON, while the COUNTY CTO, was also the person who had been
21 making ageist remarks and threatening Plaintiff's IT Director position for
22 months;

23 **b)** Plaintiff had received no direct communication from KNORR's HR
24 Department prior to receiving this e-mail;

25 **c)** HARN should have had no involvement in the recruitment, as this was
26 not within his area of expertise;

27 **d)** HARN was also part of the political issues surrounding Terri Daly.
28 Indeed, Ms. Daly, KNORR and Ms. Egan all told Plaintiff that she was being
targeted for this inappropriate behavior because of her relationship with Ms.
Daly. For that reason, Plaintiff was alarmed to see HARN included in decisions
affecting her IT Director's position; and

1 **e)** KNORR met with the Board of Supervisors in closed session on
2 Monday, July 14, 2014 under the heading of Public Employee Appointment -
3 IT Director. This suggested to Plaintiff that her removal as IT Director was a *fait*
4 *accompli*, and that KNORR was not waiting for the consultant's report to
5 move forward with finding Plaintiff's replacement;

6 30. On or about July 15, 2014, PIERSON came to Plaintiff's office and told her "I
7 warned you," strongly suggesting that Plaintiff consider other employment options.

8 31. On or about July 21, 2014, COUNTY's IT Director Recruitment officially
9 opened; however, as set forth above, Plaintiff believes the outcome had already been
10 decided.

11 32. On or about July 24, 2014, Plaintiff filed a formal Respectful Workplace
12 complaint directly to Shaw Valenza, LLP, an outside firm, claiming not only violations of
13 COUNTY's Respectful Workplace policy, but also EEO violations based upon her age
14 and gender.

15 33. On or about August 11, 2014, Plaintiff submitted her application for the
16 COUNTY IT Director position, **a job she had capably handled – with positive performance**
17 **evaluations – for nearly 3.5 years.**

18 34. In or around July 2014, KNORR re-wrote a portion of the COUNTY IT Director
19 position's job prerequisites, removing language from the posting whereby applicants like
20 Plaintiff would receive credit for professional experience in lieu of a college degree. In
21 the process, KNORR unfairly and unlawfully disqualified Plaintiff from the recruitment
22 based on her education qualifications and the fact that she had no college degree.

23 35. On or about August 26, 2014, COUNTY conducted three (3) closed-session
24 agenda items on the Board of Supervisors' agenda:

25 #46 14-1184 Anticipated Litigation - Significant exposure to Litigation. Title:
26 Respectful Workplace Report - IT Department. (Plaintiff's Respectful
27 Workplace Complaint);
28 #53 14-1151 Public Employee Appointment. Title: Information Technology
Director.

1 #58 14-1191 Public Employee Performance Evaluation. Title: Director of
2 Information Technologies (Return of Interim Director).

3 36. On or about August 26, 2014, Ms. Daly informed Plaintiff that she had been
4 demoted from IT Director to Principal Administrative Analyst effective the next day,
5 August 27, 2014. This was **not** the normal COUNTY process for such things. Typically, a
6 demoted employee would be allowed a transition period, but Plaintiff was not.

7
8 37. On or about August 27, 2014, Plaintiff began working at a lower-level
9 position in the CAO's office as Principal Administrative Analyst. After Defendants told
10 Plaintiff that she was not qualified to hold the IT Director position due to her lack of a
11 college degree, Plaintiff realized that she did not even meet COUNTY's minimum
12 qualifications for the Principal Administrative Analyst position, even though she had
13 been in that job for 14 years prior to her ascension to the IT Director position in 2011.

14 38. In the month of September 2014, COUNTY officials conducted IT Director
15 interviews. No one was hired to do Plaintiff's former job.

16 39. From roughly August 17, 2014 until the present day, COUNTY has employed
17 Assistant IT Director David Russell, an under-40 male with no college degrees, as the IT
18 Director in place of Plaintiff. COUNTY has given Mr. Russell all of Plaintiff's prior job
19 responsibilities, as well as a sizable pay raise.

20 40. In mid-November, 2014, KNORR – by now COUNTY's Interim CAO – placed
21 Kim Kerr, the Assistant CAO, on administrative leave, which made KNORR Plaintiff's new
22 direct supervisor. On her way out, Ms. Kerr told Plaintiff: "(KNORR) **is looking for reasons**
23 **to reprimand you, so be careful.**"

24
25
26 41. On or about November 13, 2014, agenda item #14-1489 went to the Board
27 in closed session, changing the management structure of COUNTY's IT Department. This
28 item utilized salary savings from removing Plaintiff from the IT Director position, and gave

1 a raise to Assistant IT Director David Russell. In addition, the item added 3.0 FTE mid-level
2 managers and left the IT Director position ostensibly vacant, although Mr. Russell
3 continues to run the day-to-day operations of the department with additional salary.

4 42. Since November 2014, KNORR has served as COUNTY's HR Director *and*
5 CAO. This unfortunate situation leaves Plaintiff with no meaningful avenue to seek
6 remedial action for continued discrimination, harassment and/or retaliation. In addition,
7 Michael Ciccozzi's hiring as Assistant CAO has created further complications; Ciccozzi
8 was the primary COUNTY HR attorney behind COUNTY's rejection of Plaintiff's Respectful
9 Workplace Complaint prior to COUNTY's investigator completing her investigation and
10 submitting a report. Plaintiff also has no union affiliation and, thus, no representation
11 from a union in the event of a grievance, policy violation or other action COUNTY or
12 KNORR might take against her.

13
14 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

15 43. On or about November 23, 2014, Plaintiff filed her Complaint of
16 Discrimination Under The Provisions of California's Fair Employment & Housing Act (the
17 "FEHA").

18 44. The California Department of Fair Employment & Housing (the "DFEH"),
19 which is responsible for processing all such Complaints, issued Plaintiff a right-to-sue
20 notice on that same day, November 23, 2014.

21
22 **FIRST CAUSE OF ACTION**

23 [First Amendment Retaliation (42 USC §1983) – Against Defendant COUNTY only]

24 45. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 44
25 of this Complaint as though fully set forth herein.

26 46. In doing the acts complained of herein, Defendant COUNTY and DOES 1
27 through 50, individually and/or while acting in concert with one another, did act under
28 color of state law to deprive Plaintiff of her Constitutionally protected rights, including,

1 but not limited to, the right to be free from retaliation for engaging in free speech
2 and/or petitioning the government for redress of grievances. These rights are
3 guarantees under the First Amendment to the United States Constitution.

4 47. Defendants' actions and failures as alleged above constitute a custom,
5 pattern, and practice within the COUNTY supervisory hierarchy of violations of the Civil
6 Rights Laws of the United States, which violations are actionable pursuant to 42 U.S.C.
7 §1983.
8

9 48. As set forth above, there was a close nexus in time between Plaintiff's
10 complaints in the public forum of the May 13, 2014 Board of Supervisors meeting and the
11 various harassing, retaliatory actions COUNTY took against her.

12 49. As a direct and proximate result of Defendants' acts, Plaintiff has suffered
13 compensatory damages, an undeserved demotion and decrease in salary and
14 benefits, loss of dignity, great humiliation, and emotional injuries manifesting in physical
15 illness and mental anguish.
16

17 50. Defendants' actions have caused and continue to cause Plaintiff incur
18 legal expenses and attorneys fees. Plaintiff is presently unaware of the precise amount
19 of such expenses and fees, and prays leave of court to amend this Complaint when
20 those amounts are more fully known.

21 **SECOND CAUSE OF ACTION**

22 [Conspiracy To Violate Civil Rights Laws (42 USC §1985(3)) – Against All Defendants]

23 51. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 50
24 of this Complaint as though fully set forth herein.

25 52. Pursuant to 42 U.S.C. §1985(3), liability shall arise "If two or more persons in
26 any State or Territory conspire or go in disguise on the highway or on the premises of
27 another, for the purpose of depriving, either directly or indirectly, any person or class of
28 persons of the equal protection of the laws, or of equal privileges and immunities under

1 the laws; or for the purpose of preventing or hindering the constituted authorities of any
2 State or Territory from giving or securing to all persons within such State or Territory the
3 equal protection of the laws..."

4 53. As described herein, Defendants, while acting in concert and under an
5 implied or oral agreement to deprive Plaintiff of her civil rights, took adverse
6 employment actions against Plaintiff, as alleged above, based upon her protected
7 categories including but not limited to her gender and age.

8 54. Defendants, while acting in concert and in furtherance of a preconceived
9 plan, wrongfully and intentionally discriminated against, harassed, and retaliated
10 against Plaintiff because of her protected categories; thus, Defendants treated Plaintiff
11 in an unequal and unfair manner without any rational or legitimate basis.

12 55. As a direct and proximate result of Defendants' acts, Plaintiff has suffered
13 compensatory damages, loss of past and future earnings, loss of dignity, great
14 humiliation, and emotional injuries manifesting in physical illness and mental anguish.

15 56. Defendants' actions have caused and continue to cause Plaintiff to incur
16 legal expenses and attorneys' fees. Plaintiff is presently unaware of the precise amount
17 of such expenses and fees, and prays leave of court to amend this Complaint when
18 those amounts are more fully known.

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21 **THIRD CAUSE OF ACTION**

22 [Neglect To Prevent Violation Of Civil Rights Laws (42 USC §1986) – Against All Defendants]

23 57. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 56
24 of this Complaint as though fully set forth herein.

25 58. Defendants violated Plaintiff's civil rights when they – with full knowledge of
26 the unlawful actions they were planning and conspiring to take against Plaintiff –
27 subjected Plaintiff to the deprivation of her right to petition the government for the
28

1 redress of grievances, and having power to prevent or aid in preventing the commission
2 of these civil rights violations, neglected or refused to do so.

3 59. As a proximate consequence of Defendants' violation of Plaintiff's civil
4 rights, she suffered compensatory damages, loss of past and future earnings, loss of
5 dignity, great humiliation, and emotional injuries manifesting in physical illness and
6 mental anguish.

7
8 60. As a further proximate consequence of Defendants violation of Plaintiff's
9 civil rights, Plaintiff is entitled to punitive damages against the non-entity Defendants
10 only, in an amount sufficient to deter the future unlawful conduct Plaintiff complains of
11 herein.

12 61. Defendants' actions have caused and continue to cause Plaintiff to incur
13 legal expenses and attorneys' fees. Plaintiff is presently unaware of the precise amount
14 of such expenses and fees, and prays leave of court to amend this Complaint when
15 those amounts are more fully known.
16

17 **FOURTH CAUSE OF ACTION**

[Age Discrimination [FEHA] – Against COUNTY only]

18 62. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 61
19 of this Complaint as though fully set forth herein.

20 63. California Government Code §12940(a) prohibits any employer from
21 discriminating against a person in compensation or in the terms, conditions, or privileges
22 of employment on the basis of that person's age.
23

24 64. At all times relevant to this action, Plaintiff was over the age of 40, was
25 extremely knowledgeable and competent in performing the tasks associated with her
26 job, was well-qualified for it, and was performing her assigned job duties satisfactorily.

27 65. As set forth above, Defendant COUNTY, in acting as it and its managing
28 agents did in their treatment of Plaintiff, and in refusing to consider her for the IT Director

1 position and by turning over all essential functions of Plaintiff's position to a younger,
2 non-college educated male with equal or lesser qualifications and experience than
3 Plaintiff, and subsequently demoting Plaintiff and reducing her compensation, did
4 indeed violate Government Code §12940(a).

5 66. As a direct, foreseeable, and proximate result of Defendant's
6 discriminatory actions, Plaintiff has suffered and continues to suffer substantial losses in
7 earnings and related employment benefits, as well as attorneys' fees, and has suffered
8 and continues to suffer extreme emotional distress, humiliation, damage to her
9 professional reputation, all to her damage in an amount to be proven at trial.

11 **FIFTH CAUSE OF ACTION**

12 [Gender-Based Discrimination [FEHA] – Against Defendant COUNTY only]

13 67. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 66
14 of this Complaint as though fully set forth herein.

15 68. California Government Code Section 12940, *et seq.*, makes it is an unlawful
16 employment practice for an employer such as COUNTY to discriminate in the terms and
17 conditions of employment on the basis of an employee's sex. In taking the adverse
18 employment actions above, including but by no means limited to the passing over of
19 Plaintiff for the IT Director position in favor of an equal or lesser-qualified male, and the
20 subsequent demotion of Plaintiff, COUNTY discriminated against Plaintiff based upon her
21 sex and/or gender.

22 69. COUNTY's conduct towards Plaintiff, as set forth above, constitutes an
23 unlawful employment practice in violation of California Government Code §12940.

24 70. As a direct, foreseeable, and proximate result of Defendant's
25 discriminatory actions, Plaintiff has suffered and continues to suffer substantial losses in
26 earnings and related employment benefits, as well as attorneys' fees, and has suffered
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1 and continues to suffer extreme emotional distress, humiliation, damage to her
2 professional reputation, all to her damage in an amount to be proven at trial.

3 **SIXTH CAUSE OF ACTION**

4 [Retaliation [FEHA] – Against Defendant COUNTY only]

5 71. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 70
6 of this Complaint as though fully set forth herein.

7 72. The FEHA expressly prohibits an employer from retaliating against any
8 individual who makes or has made a complaint of unlawful discrimination and/or
9 harassment. Gov't Code §12940(h).

10 73. Plaintiff repeatedly complained to Defendant COUNTY and its managing
11 agents, including but not limited to KNORR and PIERSON, about the unlawful, offensive,
12 and repetitive harassment she endured.

13 74. After Plaintiff made such complaints, Defendants treated Plaintiff
14 differently from other COUNTY employees.

15 75. Plaintiff has been damaged in that she was wrongfully denied the
16 opportunity to compete for the IT Director position she had previously (and quite
17 competently) done for 3.5 years, and was soon demoted to a lesser position, and she
18 suffers from anxiety, mental anguish, and related physical and emotional symptoms as a
19 direct result of Defendants' conduct.

20 **SEVENTH CAUSE OF ACTION**

21 [Failure To Prevent Discrimination and Retaliation [FEHA] – Against COUNTY only]

22 76. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 75
23 of this Complaint as though fully set forth herein.

24 77. Under the FEHA, Government Code §12940(k), there is an independent
25 cause of action that Plaintiff can bring against Defendants for their failure to take
26 reasonable steps to prevent gender-based discrimination and retaliation from occurring.
27
28

1 78. In this case, Defendant had a purported anti-harassment, anti-retaliation,
2 and complaint structure in place for its workforce that should have allowed Defendants
3 to take action to ensure that the working environment for Plaintiff was not permeated
4 with age discrimination and gender-based discrimination or retaliation and/or to rid the
5 environment of the unlawful harassment. Defendants failed and refused to abide by
6 COUNTY's own internal policies in treating Plaintiff as described herein; thus, these
7 Defendants did not fulfill their statutory duty to prevent discrimination and retaliation as is
8 required under the FEHA.
9

10 79. As a proximate result of Defendants' conduct, Plaintiff has sustained and
11 continues to sustain losses in earnings and other employment benefits.

12 80. As a proximate result of Defendants' conduct, Plaintiff has suffered and
13 continues to suffer humiliation, emotional distress, and mental and physical pain and
14 anguish, all to her damage in a sum according to proof.

15 81. Plaintiff has incurred and continues to incur legal expenses and attorneys
16 fees. Plaintiff is presently unaware of the precise amount of said expenses and fees and
17 prays leave of court to amend this complaint when said amounts are more fully known.
18

19 **PRAYER FOR RELIEF**

20 Wherefore, Plaintiff prays for judgment against Defendants, and each of them as
21 follows:

- 22 1. For economic damages in an amount according to proof;
- 23 2. For punitive damages against the individual, non-entity Defendants only;
- 24 3. For general damages in an amount according to proof;
- 25 4. For costs of suit, including but not limited to reasonable attorneys' fees;
- 26 5. For prejudgment interest in an amount according to proof;
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6. For such other and further relief as the court may deem proper.

7. Plaintiff demands a trial by jury.

Dated: May 27, 2015

BLACK LAW & MEDIATION

/s/ Kimberly Black

By: _____

Kimberly Black, Esq.
Attorneys for Plaintiff