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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE**

JANE DOE II, an individual,
Plaintiff,

v.

COUNTY OF RIVERSIDE, a public entity;
KELLI CATLETT, in her personal and official
capacity; SAM KALOUSTIAN, in his personal
and official capacity; DANIEL DELIMON, in
his personal and official capacity; LISA
DIMARIA in her personal and official capacity
and DOES 1 through 10, inclusive,

Defendants.

CASE NO.: CVRI2103362

SECOND AMENDED COMPLAINT FOR DAMAGES:

1. **DISCRIMINATION ON THE BASIS OF SEX IN VIOLATION OF FEHA [Gov. Code § 12940 et sub.];**
2. **FAILURE TO PREVENT DISCRIMINATION AND HARASSMENT IN VIOLATION OF FEHA [Gov. Code § 12940 et sub.];**
3. **SEXUAL HARASSMENT AND HOSTILE WORK ENVIRONMENT IN VIOLATION OF FEHA [Gov. Code § 12940, et sub.];**
4. **WHISTLEBLOWER RETALIATION IN VIOLATION OF LABOR CODE § 1102.5;**
5. **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS; AND**
6. **DECLARATORY RELIEF**

Plaintiff, ALYSIA CHANDLER, brings this action against Defendants, COUNTY OF RIVERSIDE, a public entity; KELLI CATLETT, in her personal and official capacity; SAM KALOUSTIAN, in his personal and official capacity; DANIEL DELIMON, in his personal and official capacity; LISA DIMARIA, in her personal and official capacity; and DOES 1

1 through 10, inclusive, herein alleges the following:

2 **PRELIMINARY ALLEGATIONS**

3 1. Plaintiff, ALYSIA CHANDLER (hereinafter referred to as "Plaintiff") was
4 employed as a Deputy District Attorney ("DDA") with the County of Riverside District
5 Attorney's Office ("RCDA") from December 5, 2016 to September 10, 2021. Plaintiff is
6 married with a young child; her child was born while working at the Riverside County District
7 Attorney's Office. Plaintiff is a resident of San Bernardino County, California. Plaintiff is no
8 longer suing under a fictitious name because she is no longer a DDA.

9 2. Defendant, County of Riverside (hereinafter referred to as "COUNTY" or
10 "RCDA") is a public entity pursuant to the laws of the State of California. The COUNTY
11 employs Plaintiff and her superiors through their agency the Riverside County District
12 Attorney's Office.

13 3. Defendant, Kelli Catlett ("CATLETT") is a Chief Deputy District Attorney
14 ("CDDA") and Defendant, Sam Kaloustian ("KALOUSTIAN") is a CDDA, both of whom
15 committed acts of unlawful sexual harassment themselves and ratified acts of unlawful sexual
16 harassment and gender discrimination by Defendant Daniel Delimon ("DELIMON") against
17 female DDAs, including Plaintiff. In addition, after DDA Courtney Breaux ("Breaux") and
18 Plaintiff filed their respective complaints against DELIMON, CATLETT and KALOUSTIAN
19 retaliated against Breaux and Plaintiff, including denying promotions to Breaux and extending
20 Plaintiff's probation. Plaintiff also suffered extensive medical issues due to the hostile and
21 stressful work environment created by CATLETT and KALOUSTIAN. CATLETT and
22 KALOUSTIAN set a hostile tone for the office, they cultivate a demeaning attitude against
23 women hires and protect the offenders, like DELIMON. CATLETT and KALOUSTIAN create
24 an environment of pervasive sexual favoritism and harassment towards those who fail to fit
25 their ever-changing standards.

26 4. Defendant, Lisa DIMARIA ("DIMARIA") is a Lead Deputy District Attorney
27 who committed acts of unlawful sexual harassment and gender discrimination against Plaintiff
28 and continues to cultivate a hostile work environment within RCDA.

1 10. On December 25, 2017, Plaintiff's sister unexpectedly died. Plaintiff took a
2 week of bereavement and returned to work after that week.

3 11. In January 2018, a new Lead DDA (aka acting manager) DELIMON was
4 assigned to the misdemeanor unit as Plaintiff's supervisor. The assigned Trial Team Lead
5 (TTL) was DDA Courtney Breaux. The TTL helped with day-to-day operations, disposition of
6 cases, and assisted DDAs with trial preparation. DELIMON was close friends with District
7 Attorney Mike Hestrin at the time. DELIMON's boss was KALOUSTIAN. DELIMON and
8 KALOUSTIAN were also close friends. KALOUSTIAN has since been promoted to CDDA.

9 12. Plaintiff's work environment became characterized by a pervasive sexual
10 favoritism, discrimination against those who did not fall within that favorite group, and
11 hostility towards pregnant women, new mothers, and those that expressed a desire to have
12 children and spend time with their families.

13 13. Even after the death of her sister, Plaintiff completed six (6) trials during the
14 first six months of 2018. DELIMON never came to watch her in any of these trials. During that
15 time, DELIMON was forming a romantic relationship with one of Plaintiff's co-workers and
16 his subordinate, Lindsey M., and was close friends with James A. and Shabnum A. All of
17 whom he supervised and provided them with preferential treatment such as consistently going
18 to lunch with them, providing them with less cases than those he did not favor, and assisting
19 them more with all their assignments verses others he supervised. DELIMON would frequently
20 go to lunch with all three, play football in the hallway at the office, allow them to come in late
21 and leave early. Plaintiff brought these concerns to CDDA CATLETT, but nothing was done
22 as DELIMON'S behavior continued without abatement.

23 14. Meanwhile, Plaintiff would get to work daily at 6:00 a.m. or earlier and leave
24 around 4:45 p.m. DELIMON started telling Plaintiff that she needed to stay past 5 p.m. even as
25 a salaried employee while his those DDAs he preferred could come and go as they pleased.

26 15. There were days that were extremely hard emotionally for Plaintiff after the
27 passing of her sister. There was one day where Plaintiff closed her door to work because she
28 started to cry at something that reminded of her sister. DELIMON asked TTL Courtney Breaux

1 why Plaintiff was upset, and he told TTL Breaux that Plaintiff needed to get over the death of
2 her sister because it had been a few months. Plaintiff heard the disparaging remark firsthand as
3 DELIMON was near Plaintiff's office.

4 16. Over the first several months of 2018, TTL Breaux assisted Plaintiff with trial
5 preparation and watched Plaintiff complete several trials. No one ever spoke to Breaux about
6 Plaintiff's trial performance and preparation. Nor did anyone ask Breaux her opinion as to
7 Plaintiff's work outside of trials in the day-to-day functions as a DDA.

8 17. In July 2018, Plaintiff had a monthly meeting with DELIMON and then MDDA
9 KALOUSTIAN. Plaintiff was told in the meeting to keep doing trials like she had been and
10 that she needed to listen and apply the advice DELIMON gave her. Based on Plaintiff's lack of
11 involvement with DELIMON, Plaintiff made more of an effort to discuss all her trial cases
12 with him. Plaintiff had difficulty speaking with DELIMON as he was rarely in his office and
13 was always socializing with his favorite DDAs. At that time, Jane Doe I., was also a part of the
14 same unit and experiencing similar treatment.

15 18. Beginning in July 2018, Plaintiff attempted to take eight (8) cases out to trial
16 over the course of four months. Plaintiff could not get any cases to go to trial as they either
17 pled to the court or defendants in criminal cases failed to appear. None of the Defendants
18 examined the cases that Plaintiff prepared for trial to observe her work on them. DDA Breaux
19 did review several of these cases to give feedback on the trial documents Plaintiff prepared.

20 19. In the summer of 2018, Plaintiff's Doctor prescribed anxiety medication and an
21 anti-depressant to help Plaintiff cope with the stress of work. Plaintiff had suffered several
22 anxiety attacks in 2018 due to the work environment and stress being placed on her. Therefore,
23 her doctor indicated that medication would be needed to help with this.

24 20. On July 23, 2018, DELIMON got in a verbal altercation with Plaintiff when he
25 tried to tell Plaintiff she had to handle competency a trial scheduled for the following day.
26 During this incident, Plaintiff told DELIMON how Plaintiff did not feel comfortable taking
27 this type of case at the last minute as Plaintiff had never done a competency trial and had not
28 spoken with any of the doctors who would be witnesses. DELIMON raised his voice and said

1 that Plaintiff would have the most knowledge of this type of case as Plaintiff had argued
2 motions in mental health court before. He spoke to Plaintiff in a very demeaning tone and told
3 Plaintiff that she had no other option but to take the case. The way DELIMON spoke to
4 Plaintiff was upsetting. This interaction caused Plaintiff to have a panic attack and she had to
5 take her prescribed anti-anxiety medication to calm down.

6 21. Plaintiff also spoke with another MDDA Jerry Fineman (He has since been
7 promoted to Assistant Deputy Attorney), as he was providing advice to Plaintiff and Breaux
8 about how to handle interactions with DELIMON which were becoming worse daily at this
9 point. Plaintiff and Breaux spoke with Fineman several times throughout the summer and fall
10 2018. Fineman told Plaintiff to try to speak with DELIMON more and to try to be receptive to
11 advice he was giving. During the conversations, Fineman indicated he was aware of the
12 demeaning treatment DELIMON was subjecting Plaintiff to.

13 22. At end of October 2018, Plaintiff went to CATLETT's office to discuss the
14 issues that Plaintiff was having with DELIMON and the tension that Breaux had with
15 DELIMON. CATLETT was the highest supervisor over Plaintiff's unit. Plaintiff spoke with
16 CATLETT for thirty minutes and CATLETT stated that she would handle the situation.
17 Plaintiff also meet with CATLETT a second time afterwards to express those things were not
18 getting better as far as morale and treatment within the unit of those DDAs that DELIMON
19 disfavored. Plaintiff also apprised CATLETT of DELIMON's inappropriate conduct with her
20 other co-workers Lindsey, James, and Shabnum. CATLETT again reassured Plaintiff that she
21 would handle the situation appropriately. At this point the preferential treatment was brought to
22 management attention numerous times, but the only person Plaintiff could trust was DDA
23 Breaux, yet Breaux faced similar discrimination regarding her workload, pressure, and the fact
24 that no one could be trusted in management because nothing was being done about our
25 concerns. Also, during this time, Plaintiff let the office know that she was planning to have
26 children soon.

27 23. Throughout October and November 2018, Plaintiff communicated with
28 CATLETT multiple times via text and phone calls regarding the tension in the unit and needing

1 to meet with her. Plaintiff met with CATLETT twice in person in the month of October to
2 discuss the way DELIMON was favoring other DDAs versus his treatment of Plaintiff.
3 Plaintiff expressed to CATLETT her concerns about how DELIMON was speaking down to
4 people including herself and Breaux, and DELIMON was being overly friendly with the group
5 of DDAs DELIMON liked. Plaintiff also told CATLETT that DELIMON would make Plaintiff
6 cover numerous last-minute assignments, including giving Plaintiff jury trials and expecting
7 Plaintiff to be ready within a day or two. This happened on three cases in October 2018.
8 DELIMON also always requested that Plaintiff cover the calendar so that Lindsey and James
9 could work on their cases. Plaintiff expressed these concerns and issues to CATLETT;
10 CATLETT reassured Plaintiff that she would speak to DELIMON and she would help Plaintiff
11 and Breaux navigate how to deal with the situation. Plaintiff repeatedly told CATLETT that
12 Plaintiff was concerned about the favoritism and the way DELIMON would treat Plaintiff
13 different because Plaintiff would also listen to Breaux as her TTL. CATLETT said that she
14 would work on “coaching” DELIMON. CATLETT also said that she would speak to
15 DELIMON about him constantly making Plaintiff take all the hand off trials. Aside from the
16 two in person meetings Plaintiff also called and text messaged CATLETT several times to
17 discuss how to improve things and give updates as to what was occurring in the unit.

18 24. DELIMON’s daily interaction with Plaintiff was either passive where he would
19 not even acknowledge her existence, or he would be rude and demeaning to make Plaintiff feel
20 less than other DDAs. Plaintiff would constantly see how he was nice to his favorite DDAs
21 including those he was having a sexual relationship with and how differently DELIMON
22 would treat Plaintiff and Breaux.

23 25. There were two times in October 2018 that DELIMON, James, Lindsey,
24 Shabnum, and Jessica R. left work earlier and went to happy hour at the Mission Inn during
25 work hours. (4pm) This opportunity was not extended to Plaintiff, Jane Doe I, Breaux, or
26 anyone else on the team. Rather, Plaintiff and others were working up to and through 5 p.m.

27 26. Around October 2018, DELIMON and KALOUSTIAN preferential treatment of
28 certain people was apparent. KALOUSTIAN continued to defer to DELIMON and did not

1 intervene when the disparities amongst DDAs within the unit were apparent. Anyone that
2 DELIMON liked was protected and spoke highly of. DELIMON and Breaux were at odds
3 because of how DELIMON was running the team and how he was speaking to those he
4 disliked, including Plaintiff. DELIMON was pushing Plaintiff to take trials out and dumping
5 every handoff trial on Plaintiff or Jane Doe I. Plaintiff was forced to take three (3) hand offs
6 over a weeks' time.

7 27. Also, in October 2018, Plaintiff had an employee development meeting with
8 KALOUSTIAN and DELIMON. During the meeting, DELIMON told Plaintiff in front of
9 KALOUSTIAN that Plaintiff need to stay out of office politics, and do not talk about the prior
10 position Plaintiff had as a TAP (temporary employee) with the administrative unit in the
11 RCDA's office. DELIMON told Plaintiff to keep her head down and work. He also told
12 Plaintiff that she should not be leaving before 5 p.m. because it looked bad even though
13 Plaintiff was coming into work at 6 a.m. every day and working weekends. While those
14 DELIMON liked came and went as they pleased.

15 28. In October and November 2018, there were several team meetings where
16 DELIMON praised Lindsey, Jessica, and James. He stated in at least two of the meetings that
17 Plaintiff need to work on getting more trials out despite the lack of trials actually going out was
18 not within Plaintiff's control.

19 29. On November 16, 2018, Plaintiff attempted to speak with KALOUSTIAN as he
20 was DELIMON's boss, because at this point DELIMON's tone and daily comments to Plaintiff
21 made it apparent that he did not like Plaintiff. Plaintiff text messaged KALOUSTIAN to meet
22 with Plaintiff so she could discuss the communication and treatment issues Plaintiff was having
23 with DELIMON. Instead of meeting with Plaintiff, she got an email response from
24 KALOUSTIAN stating that Plaintiff had to meet with CATLETT later that afternoon. On
25 November 16, 2018, at 4:30 pm, Plaintiff had a scheduled meeting with CATLETT. Plaintiff
26 went to CATLETT's office and ADA Elaina Bentley was also in there. Without any notice
27 they both began telling Plaintiff that her probation would be extended due to needing to
28 complete more trials and the fact that Plaintiff was moved to the Brady unit for the first three

1 months as a DDA. Plaintiff was taken aback and upset as Plaintiff had no warning of her
2 probation being extended. The MOU stated that Plaintiff should receive notice if an extension
3 of probation was needed, but her probation was extended during this meeting. Plaintiff believes
4 that the reason given to extend her probation was pretextual and substantially motivated by her
5 previous notice she intended to have children, that coupled with the fact that Plaintiff brought
6 forth her harassment concerns to management.

7 30. During that meeting CATLETT said it looked like Plaintiff was afraid to go to
8 trial because it had been a few months since Plaintiff did a trial. CATLETT then went on to
9 state that Plaintiff needed to listen more to DELIMON and that he would be going with
10 Plaintiff to court at the start of all her upcoming trials to watch Plaintiff and make sure that her
11 cases did not resolve without going to trial. This was after Plaintiff met with CATLETT
12 regarding how DELIMON was treating Plaintiff poorly compared to others.

13 31. At this point Plaintiff had completed ten (10) trials while on probation.
14 DELIMON and CATLETT passed DDA Olson probation after she completed nine (9) trials.
15 DELIMON also got Lindsey and James promoted to felonies, both DDAs had less trials than
16 Plaintiff had completed (9 trials for Lindsey and 7 trials for James.) This was one of the ways
17 that sexual favoritism affected employees. DELIMON's favorites also received less cases for
18 trial, factually stronger cases, and assistance with trial preparation whereas Plaintiff and Jane
19 Doe I did not receive this assistance and were bombarded with more cases than anyone else on
20 the team. The favoritism was also apparent as Lindsey, James, Jessica, Shabnum, and
21 DELIMON were socializing and going away on trips frequently outside of work and making
22 posts on social media. DELIMON was still the direct supervisor for all these DDAs while he
23 socialized with them outside of work.

24 32. During this meeting on November 16, 2018, Plaintiff let both CATLETT and
25 ADA Bentley know that Plaintiff was 5 weeks pregnant. With this knowledge, CATLETT still
26 directed Plaintiff to follow the directions she had given earlier in the meeting.

27 33. At the end of November, beginning of December 2018, Plaintiff had DELIMON
28 come with her to every trial department Plaintiff was sent to. Plaintiff was essentially being

1 watched the entire time. Plaintiff had to check in with DELIMON about every case and
2 Plaintiff had to call him to court anytime Plaintiff made a substantial appearance on the record.
3 DELIMON came to one of Plaintiff's trial cases and went back in chambers when the court
4 requested counsel. The Judge questioned why a supervisor was in chambers as Plaintiff was a
5 licensed prosecutor and could handle the case on her own. DELIMON told Plaintiff he wanted
6 to watch Plaintiff in chambers to make sure Plaintiff was fighting hard enough to object to the
7 court. This was witnessed by defense attorney Paul Lin.

8 34. In December 2018, one of Plaintiff's trial cases pled so DELIMON assigned
9 Plaintiff a three-defendant case for trial; Plaintiff received the trial on Friday and was told to be
10 ready for it that Monday, December 10, 2018. When DELIMON assigned it to Plaintiff,
11 DELIMON said Plaintiff would likely lose the case but to go out on it anyways for the
12 experience. DELIMON put tremendous stress on Plaintiff about completing the trial.
13 DELIMON watched Plaintiff the entire trial and was text messaging Plaintiff about things she
14 should argue and do. When Plaintiff did not do those things because Plaintiff did not see the
15 text message, he reprimanded Plaintiff after that day's proceedings. The case ended with a not
16 guilty verdict and DELIMON was giving Plaintiff negative comments for the entire trial. On
17 top of this stress, Plaintiff was starting to become nauseous and was spotting blood due to her
18 pregnancy. Plaintiff finished the trial on December 17, 2018.

19 35. In December 2018, the amount of stress that was put on Plaintiff during this
20 time was drastic. Plaintiff had two anxiety attacks the first two weeks of December because
21 DELIMON was constantly watching Plaintiff and putting pressure on her to be in court and in
22 trial. The amount of pressure that was put on Plaintiff also caused the physical symptoms of the
23 pregnancy to worsen. Plaintiff was consistently throwing up every morning and was nauseous
24 throughout the day. Even during the trial, Plaintiff would throw up multiple times a day due to
25 the stress and pregnancy. Plaintiff had lost over ten (10) pounds which was the opposite of
26 what Plaintiff needed due to her pregnancy. Because of the pressure, Plaintiff did not take
27 breaks from work and was under the stress of needing to prove herself in trial to keep her job
28 versus not passing probation and losing her job.

1 36. During this period, several DDAs-aside from Breaux, and defense attorneys
2 witnessed what Plaintiff was being put through including: Jane Doe I, DDA Lisa Hauck, PD
3 Patricia Mejia, PD Christine Juneau, VMB Heather Green, and VMB Paul Lin.

4 37. On December 18, 2018, Plaintiff went to her OBGYN appointment to check on
5 the progress of the pregnancy. At that point Plaintiff was around 10 weeks pregnant. When the
6 Doctor did the ultrasound, the baby did not have a heartbeat and the pregnancy was no longer
7 viable. The doctor stated that the baby was measuring around 7 weeks and likely stopped
8 growing then. Plaintiff's body was not able to miscarry on its own, Plaintiff had to go into the
9 doctor's office on December 19, 2018, to take medicine that would cause Plaintiff to miscarry
10 the pregnancy. The miscarriage itself was a terrible experience emotionally and physically as
11 the medicine induced labor like pain and severe bleeding. During the miscarriage Plaintiff was
12 severally weakened from the loss of blood, Plaintiff was violently vomiting due to the
13 medication the entire first night, and Plaintiff had severe cramping to the point where she was
14 curled up on the floor of the bathroom. The cramping and bleeding lasted for several weeks. It
15 was extremely painful for the first three days due to the contractions Plaintiff was
16 experiencing. Plaintiff also had the mental toll of knowing she lost her first pregnancy due to
17 the stress caused by the harassment at work. Knowing she would never be able to hold that
18 child was anguishing and still is. It also caused Plaintiff to have severe anxiety during her
19 subsequent pregnancy because Plaintiff was constantly worried that she could lose that one
20 also. Plaintiff is informed and believes that the stress and anxiety caused by the hostile and
21 harassing environment at the RCDA Office was a substantial factor in the loss of her
22 pregnancy.

23 38. Plaintiff let Breaux and CATLETT know that she had to have a medically
24 induced miscarriage and gave the doctor's note to CATLETT. Plaintiff did not discuss the
25 matter with anyone else. While Plaintiff was off work for three days, DELIMON made the
26 comment to Breaux that Plaintiff was just being lazy and wanted vacation time.

27 39. At the end of December 2018, Plaintiff was rotated out of the misdemeanor unit
28 that DELIMON was supervising and moved to the Domestic Violence Unit where Lead

1 Deputy District Attorney Daima Calhoun was the supervisor. Calhoun watched Plaintiff
2 complete two trials back-to-back in February 2019 and recommended that Plaintiff pass
3 probation.

4 40. In January 2019, DELIMON got Lindsey promoted to felonies when she had
5 less time in the office and less trials than Plaintiff. It also came to light that the two were dating
6 in January 2019. Plaintiff believes that the relationship started well before then and McDowell
7 was receiving preferential treatment due to the romantic relationship.

8 41. On January 23, 2019, RCDDAA Union Representative Allison Roach reached
9 out to several people, including Plaintiff to provide upper management with evaluations and
10 recommendations about lead attorneys. Plaintiff and another DDA, Lisa Hauck, had a meeting
11 with DDA Roach. They expressed several concerns about DELIMON and his treatment
12 towards those he disfavored; DDA Roach was taking extensive notes during the meeting.
13 During the meeting Plaintiff expressed the disparity in treatment and how DELIMON's
14 favorites were given preferential treatment while they were being given last minute cases and
15 had extreme pressure to handle these cases. Plaintiff also expressed that nothing appeared to be
16 done by CATLETT or other members of upper management to address the vast problems
17 Plaintiff and others were experiencing.

18 42. In March 2019, Plaintiff passed probation. After Plaintiff passed probation,
19 Lead Attorney Calhoun rotated out of the unit and new Managing Attorney was Scot Clark. In
20 mid-May 2019, Plaintiff found out she was 5 weeks pregnant. Plaintiff discontinued taking the
21 anti-depressant and anxiety medications due to her pregnancy and Plaintiff was also feeling
22 emotionally and mentally better at this point with work as she was not being placed under the
23 stress of DELIMON, KALOUSTIAN, and CATLETT. Plaintiff had all new supervisors at this
24 point.

25 43. In July 2019, Scot Clark rotated out of the unit and Plaintiff's new Managing
26 Attorney was Jake Silva. July 2019, Plaintiff was hospitalized twice with severe morning
27 sickness and dehydration. Chief Vicki Hightower made an informal agreement for Plaintiff to
28 start covering calendar, but Plaintiff had to still maintain her caseload and prepare any cases

1 for trial that would be handed off. Throughout her pregnancy, Plaintiff was extremely ill and
2 went through the County HR Department to obtain an accommodation for work after Plaintiff
3 was informed by Chief Hightower that the DA could not do an informal agreement and that
4 Plaintiff had to have a doctor's note. Per her doctor's note, Plaintiff was not allowed to do trials
5 or push or pull anything over 10 pounds, and Plaintiff had to have reasonable accommodations
6 for rest breaks, bathroom breaks, and time to eat. Plaintiff was assigned to handle the calendar.
7 The calendar DDA has to pull a bucket filled with case files that weighs over 10 pounds, and
8 Plaintiff did not receive any breaks or assistance from management during this time. Plaintiff
9 would have to ask the judge for a recess anytime she needed a break or ask other DDAs to
10 assist her.

11 44. In the summer 2019, Plaintiff was assigned to assist with DV filings and
12 misdemeanor DV calendar. Plaintiff also responded to all felony and misdemeanor DV
13 motions under 1473.7, 1016.5, and 851.8. DELIMON was demoted from Lead Attorney to
14 Homicide because it was discovered that he was having a romantic relationship with his
15 subordinate. DELIMON also recently resigned for supposedly showing up to a call out and was
16 allegedly intoxicated.

17 45. July 26, 2019, Plaintiff's father-in-law passed away unexpectedly. Plaintiff was
18 able to take a few days of bereavement to help her spouse and family. Plaintiff still had her
19 pregnancy accommodation as well. During this time Plaintiff had to find coverage for her
20 calendar days and cases. Management did not assist but told Plaintiff to check with her fellow
21 DDAs for coverage. Plaintiff went back to work on 7/29/19 due to her caseload and needing to
22 prepare cases for trial hand offs.

23 46. By September 2019, Plaintiff's feet and hands began to swell significantly due
24 to pregnancy and stayed that way until Plaintiff gave birth. Plaintiff was still walking to and
25 from court daily. When Plaintiff needed to set up case files for the calendar, Plaintiff had to
26 have the courtroom deputy assist her with unloading the files. When the bucket was filled with
27 files, Plaintiff had to track down a DDA who could assist Plaintiff with bringing it to court.
28 From September 2019 until Plaintiff went on leave in December 2019, no manager ever came

1 to assist or relieve Plaintiff on calendar. The Judge (Judge Jacqueline Jackson) in Plaintiff's
2 assigned department would let Plaintiff wear running shoes in court to help with the swelling
3 of Plaintiff's feet and legs, and Judge Jackson would allow Plaintiff to request a recess when
4 Plaintiff needed a bathroom break. Plaintiff had to ask the court for these breaks or track down
5 another DDA when court was in session. Plaintiff also was throwing up daily during her entire
6 pregnancy.

7 47. In September 2019, the issues with DELIMON were brought forth again when
8 Breaux had an interview for a promotion with Management which included Michael Hestrin
9 and John Aki. During the interview, Michael Hestrin confronted Breaux about not coming
10 forward directly to him about the issues with DELIMON and specifically told Breaux, "Why
11 should you be promoted when you lacked courage to come forward and tell us what was
12 happening with DELIMON?" Breaux did not receive a promotion following this interview.
13 Throughout the entire DELIMON period Breaux and Plaintiff told at least four members of
14 management about the hostile and harassing treatment they and other members of the team
15 experienced with DELIMON. Yet the pervasive and hostile environment never changed. This
16 caused extreme anxiety for Plaintiff knowing that management and the people in the charge of
17 the office were attacking those that tried to correct the situation. Plaintiff and those who came
18 forward were being punished by being denied promotions and having their probationary
19 periods extended. This anxiety caused Plaintiff exacerbated Plaintiff's physical symptoms
20 from her pregnancy.

21 48. In October 2019, the misdemeanor DV calendar assignment was now being
22 supervised by MDDA Jennifer Garcia. Plaintiff's CDDA once again was KALOUSTIAN.
23 Plaintiff went and spoke to Chief Hightower about her concerns with being supervised
24 KALOUSTIAN again and how she had suffered a great deal of stress and a miscarriage from
25 the work environment that KALOUSTIAN AND CATLETT allowed. Chief Hightower
26 indicated that KALOUSTIAN would need to follow Plaintiff's accommodation and tried to
27 reassure Plaintiff that it would not be an issue. Even with the change in management, Plaintiff
28 was still having to walk to court daily, ask the court for bathroom breaks, and track down

1 DDAs to help Plaintiff when the bucket was full. Management would not assist Plaintiff with
2 this despite her need for the accommodation due to her pregnancy.

3 49. Plaintiff also had to put in a rotation request. Plaintiff requested a non-trial
4 assignment when Plaintiff returned from leave, to accommodate Plaintiff's new family life.

5 50. On November 22, 2019, Plaintiff received an email from KALOUSTIAN
6 regarding MPU DDA movement. In that email he indicated that Plaintiff would need to move
7 offices from the 8th floor to the 4th floor by December 16, 2019. Plaintiff met with
8 KALOUSTIAN and MDDA Garcia that week to express concern about needing to move on
9 December 16, 2019, as Plaintiff's last day of work was December 20, 2019, before her
10 maternity leave was to start and Plaintiff was almost 8 months pregnant. Plaintiff had
11 difficulty moving and lifting things at this point and still had her work accommodation through
12 her doctor.

13 51. During the meeting, KALOUSTIAN commented about Plaintiff wearing
14 running shoes and how that did not look professional. Plaintiff explained that she had to wear
15 them due to swelling of her legs and feet and that Judge Jackson allowed this. KALOUSTIAN
16 just laughed it off. Plaintiff told KALOUSTIAN and Garcia that Plaintiff was concerned about
17 moving and packing anything as Plaintiff was so far into her pregnancy. They both reassured
18 Plaintiff that they would get other DDAs and supply team members to help the move.

19 52. In December 2019, with no assistance from management or other DDAs,
20 Plaintiff began to pack up her office. This was a challenging task as it was hard for Plaintiff to
21 bend over or lift things at this point. Plaintiff tried to not lift anything heavy, and Plaintiff had
22 to reach out to the supply team and get approval for them to help move her boxes and mini
23 fridge (the supply team typically does not help with this). The supply team assisted Plaintiff in
24 moving items, management did not help coordinate this and Plaintiff also had packed her entire
25 office by herself.

26 53. On January 9, 2020, Plaintiff gave birth and was diagnosed in February with
27 severe postpartum anxiety/depression and required medication and treatment to help with it.
28 Plaintiff's Doctor stated that she was more prone to getting postpartum anxiety and depression

1 because she had previous issues with anxiety shortly before her pregnancy.

2 54. In February 2020, Plaintiff received notification that she was promoted to
3 general felonies when she returned from maternity leave. General felonies is a trial assignment
4 that requires attorneys to be in court frequently and for long periods of time. This information
5 concerned Plaintiff as she was a new mother and breastfeeding her child. Plaintiff was
6 concerned about her ability to continue breastfeeding upon her return from leave.

7 55. In April 2020, Plaintiff received emails while on disability pregnancy leave
8 about her office being moved.

9 56. On May 4th, 2020, Plaintiff returned from maternity leave. Plaintiff's Managing
10 Attorney was Tony Fimbres. Plaintiff had a discussion with Fimbres on her first day back to
11 work and the court was still shut down due to COVID. Fimbres understood that Plaintiff had a
12 new baby at home and that Plaintiff was still breastfeeding her. Fimbres was going to try to
13 limit the number of trial cases he would assign Plaintiff and wanted to make sure that he could
14 accommodate Plaintiff's pumping schedule as much as possible when at work. Fimbres made
15 sure to accommodate any breaks Plaintiff needed to pump when Plaintiff was at work and not
16 telecommuting. Plaintiff also had a discretion memo for resolution of cases with Fimbres
17 indicated that Plaintiff could resolve cases how Plaintiff saw fit that had a max exposure of 8
18 years. Plaintiff also was assigned almost all the motion work for both felony prosecution teams
19 in exchange for less trial cases.

20 57. In July 2020, MDDA Tony Fimbres rotated out of the unit and Lead Attorney
21 Lisa DIMARIA was assigned. Plaintiff advised DIMARIA of the caseload accommodation
22 given by Fimbres, Plaintiff also expressed that she was still breastfeeding/pumping for her
23 infant daughter, and that Plaintiff was taking additional FMLA baby bonding time in
24 November 2020.

25 58. Even after expressing the need for accommodations and workload assignments
26 that were provided by MDDA Fimbres which allowed Plaintiff to continue to care for and feed
27 her infant daughter, DIMARIA has added and continued to add extra pressure and stress to
28 Plaintiff's work environment like DELIMON. DIMARIA constantly stresses the importance of

1 how Plaintiff should go out to trial even in a pandemic. DIMARIA also lowered Plaintiff's
2 discretion to 6 years exposure without reason. Beginning in July 2019 with the Lead Attorney
3 DIMARIA as Plaintiff's supervisor, Plaintiff's anxiety and depression started to become worse.
4 Plaintiff also noticed a severe decrease in her breastmilk production starting in July 2019.
5 Plaintiff started to produce about half the breastmilk she was previously producing.

6 59. In September 2020, Plaintiff was covering calendar more which made it
7 difficult to accommodate any set pumping schedule. Plaintiff typically pumped at 7:30 a.m.
8 before going to court, 10:30 a.m. when Plaintiff finish the morning court session, and 1 p.m.
9 before Plaintiff would go back to court in the afternoon, and at 3:30/4 p.m. With the calendar
10 in September, Plaintiff was having to go from 7:50 a.m. to 12:10 p.m. with no pumping breaks.
11 By the time Plaintiff would get back from court from covering calendar, Plaintiff's breasts
12 would be engorged and would hurt because they were full from lack of pumping. During this
13 time, DIMARIA never came to court to offer a break from calendar so that Plaintiff could
14 pump, nor was Plaintiff ever able to take a break and pump in court as Plaintiff did not have
15 the storage for milk if Plaintiff did pump in court. Plaintiff was not and still does not receive
16 any backup coverage anytime Plaintiff is on calendar. This is still causing issues with
17 Plaintiff's breasts becoming engorged and painful by the time Plaintiff can finish the morning
18 session in court.

19 60. On September 16, 2020, Plaintiff was in court all morning for a preliminary
20 hearing. Because the preliminary hearing went in the calendar department with Judge Magno,
21 Plaintiff had to go around 4.5 hours between pumps, usually Plaintiff tries to go no longer than
22 3 hours between pumps. As it got closer to 12 p.m., Plaintiff started having an immense
23 burning pain on her left breast and both of her breasts were engorged. Plaintiff went back to the
24 office, pumped to try to relieve the pressure, and then asked DIMARIA to work from home the
25 rest of the day because Plaintiff knew she was having a problem with her breasts. Later that
26 afternoon, she noticed her left breast was red all over, painful to the touch, and she was running
27 a fever. Plaintiff called her doctor to explain the issue, the doctor indicated that it was Mastitis,
28 and sent Plaintiff a prescription. For the next three days, Plaintiff's breasts were severely

1 engorged, red, painful to touch. The primary way to relieve the infection was to nurse and to
2 take the antibiotics. Plaintiff got mastitis twice before when her child was first born because of
3 not emptying her breasts effectively. This time Plaintiff got mastitis from an inability to empty
4 her breasts and pump every three hours.

5 61. Plaintiff continues to have difficulty pumping every three hours when she is on
6 court calendar as she still does not receive backup coverage. Plaintiff is also having difficulty
7 maintaining a pumping schedule as she is in a trial assignment which requires her to stay in
8 court until the preliminary hearings on her cases are complete. Plaintiff must go around 4.5
9 hours between pumps anytime she is on calendar or conducting a preliminary hearing (which is
10 at least once a week right now). Plaintiff continues to have pain and engorgement problems
11 weekly. When Plaintiff does get the break to pump since it has so long between pumps, it is
12 extremely painful.

13 62. On August 4, 2020, the office sent out an officewide revised telecommute
14 agreement where Plaintiff could work from home two to three days a week and telecommute
15 the others due to COVID. Plaintiff was placed on the blue team that allows her to telecommute
16 Mondays and Tuesdays and every other Friday so long as Plaintiff does not need to be in court.
17 In August and September Plaintiff was able to telecommute Mondays and Tuesdays for the
18 most part. Since September, the trial assignment had been getting overwhelmed with cases for
19 preliminary hearing and trial, DIMARIA assigned Plaintiff cases for preliminary hearing that
20 are almost always on her telecommute days so Plaintiff cannot pump regularly and had to stay
21 in court until her cases are done, instead of being able to nurse at home. Being scheduled to
22 come in on Plaintiff's telecommute days is again causing Plaintiff to have issues with
23 breastfeeding and pain from an inability to pump due to being in court for long periods of time.
24 Plaintiff is informed and believes this act is another form of discrimination, harassment, and
25 retaliation.

26 63. September 29, 2020, Plaintiff met with DIMARIA in her office to see if she had
27 more cases Plaintiff needed to take. DIMARIA told Plaintiff how she needed to get out to trial
28 because management wonders if Plaintiff is afraid to go out to trial. Plaintiff began to get upset

1 and started to cry because this was the same situation and pressure Plaintiff dealt with when
2 they extended her probation with DELIMON. DIMARIA told Plaintiff that she would not hold
3 this conversation against Plaintiff because DIMARIA knew Plaintiff was emotional because
4 she was hormonal and still breastfeeding. DIMARIA has since made several sly comments
5 about Plaintiff's responses being linked to her being hormonal and breastfeeding. Plaintiff has
6 witnesses firsthand, several DDAs have come back from maternity leave and received non-trial
7 assignments to accommodate their nursing and postpartum needs, these DDAs include Sandra
8 Kim, Meghan MacDonald, and Erica Mulhere, but Plaintiff was being pressured to do trials by
9 DIMARIA. Plaintiff believes the preferential treatment to other female DAs is due to seniority
10 and their more established careers with the office, rather than the office adhering to state and
11 federal guidelines. Plaintiff also believes she is being targeted due to her previous complaints.

12 64. On October 6, 2020, DIMARIA called Plaintiff at 9:45 a.m., to check on
13 Plaintiff because she was concerned about Plaintiff since she had not spoken with Plaintiff in a
14 few days. Plaintiff told her that she had been diving into work and working on her cases.
15 DIMARIA again said she would not hold it against Plaintiff that Plaintiff was emotional with
16 her.

17 65. On October 22, 2020, DIMARIA responded to an email in which Plaintiff
18 advised her that a case DIMARIA assigned to Plaintiff for preliminary was going to be handled
19 by an SPS/elder abuse prosecutor now. DIMARIA emailed Plaintiff back in a disparaging
20 manner and implied that Plaintiff was wrong for giving up a "great" case. This email was sent
21 after work hours and left Plaintiff upset because of DIMARIA's tone.

22 66. Since DIMARIA become the Lead Attorney in July 2020 for Plaintiff,
23 DIMARIA has confronted Plaintiff about needing to do trials during the pandemic, called
24 Plaintiff hormonal multiple times, caused significant stress and anxiety so much so that
25 Plaintiff has had two panic attacks from her meetings/email exchanges with DIMARIA. This
26 stress has also significantly decreased Plaintiff's milk supply. Plaintiff was able to produce 24
27 ounces a day when she first began working again in May 2020. Since DIMARIA became
28 Plaintiff's boss in July and the way she is treating Plaintiff, Plaintiff now only produces at most

1 12 ounces a day while at work. Plaintiff has seen firsthand the difference in treatment of her
2 versus other DDAs supervised by DIMARIA. Plaintiff has the highest felony caseload amongst
3 her peers and Plaintiff is almost in court daily and for long periods because she is assigned
4 preliminary hearings scheduled daily. Plaintiff is the only person amongst her peers that is
5 breastfeeding and needing to pump to feed her infant daughter. Plaintiff's work environment
6 can be characterized by a pervasive favoritism for those without children and hostility towards
7 new mothers and those that need to care for their children.

8 67. On November 2-15, 2020, Plaintiff took FMLA baby bonding time which had
9 been previously arranged. Plaintiff received text messages and emails from DIMARIA
10 regarding calendar coverage while Plaintiff was on leave and what happened with coverage.
11 DIMARIA's tone was accusatory in the emails and questioning why Plaintiff did not ensure
12 that the calendar was covered.

13 68. On November 18, 2020, Plaintiff had her employee development meeting with
14 DIMARIA. DIMARIA indicated she reviewed a few closed cases that Plaintiff pled to prison.
15 DIMARIA expressed how she did not agree with Plaintiff's plea as it was below her offer.
16 Plaintiff explained that it was within her discretion to plead them to prison the way Plaintiff did
17 and that Plaintiff spoke with TTL Chris Cook, and he agreed with the disposition. DIMARIA
18 told Plaintiff that neither Plaintiff nor TTL Cook were allowed to undercut her offers even
19 when they were within Plaintiff's discretion to do so.

20 69. In November 2020, DELIMON left the office being placed on administrative
21 leave after he showed up to a homicide call out while supposedly intoxicated.

22 70. On December 3, 2020, Plaintiff had two preliminary hearings scheduled in
23 department 41. Judge Magno would be hearing Plaintiff preliminary hearings in his calendar
24 department. While waiting for her case to be called call, DELIMON walked into court as he is
25 now on the Conflict Defense Panel. He was handling a case and remained in the courtroom.
26 Plaintiff's anxiety became severe, and Plaintiff almost suffered panic attack in court because
27 Plaintiff was about to start a preliminary hearing and DELIMON being in court made Plaintiff
28 feel as though he was going to watch and critic Plaintiff like he did when he was her

1 supervisor. It was a very real moment of PTSD for Plaintiff. The public defender, Magdalena
2 Cohen noticed a difference in Plaintiff's demeanor and could tell Plaintiff was struggling to be
3 in court. Ms. Cohen told Plaintiff she would let Plaintiff know when the judge called Plaintiff's
4 cases and told Plaintiff to wait outside the courtroom so that Plaintiff did not have to deal with
5 the situation at hand.

6 71. On December 4, 2020, Jennifer Halim, Ceciah Lucero, and Veronica Mittino all
7 passed probation with no extension even though they had less trials than Plaintiff—all three
8 had less than 10 trials while Plaintiff's probation was extended even after completing 10 trials.

9 72. On December 9, 2020, Plaintiff had an employee development meeting with
10 CDDA Brandon Smith via teams. Plaintiff explained to him all the issue she had been having
11 with DIMARIA in regard to not being allowed to resolve cases within her discretion, how she
12 continued to text and email Plaintiff while out on FMLA, DIMARIA's demeaning/derogatory
13 tone with Plaintiff in group messages, DIMARIA's comment about how Plaintiff cannot go to
14 a TTL to undercut her offers, and DIMARIA's comments about Plaintiff being hormonal
15 because Plaintiff is still breastfeeding. CDDA Smith indicated he is taking all this into account
16 and had to speak with other DDAs about DIMARIA. He said if it is a personality vs.
17 personality conflict there is not much that can be done, but if there is a consensus amongst
18 DDAs about DIMARIA he will work to fix it.

19 73. On or about December 28, 2020, Plaintiff filed a claim with the COUNTY.

20 74. On January 7, 2021, Plaintiff received an email from Chief Smith regarding
21 wanting to meet with me via teams at 10:30 a.m. CDDA Smith sent Plaintiff an invite request
22 stating it was a "Follow Up Meeting with" Plaintiff. Plaintiff logged into the meeting on teams
23 at 10:28 and CDDA John Henry appeared on it before CDDA Smith. CDDA Smith then joined
24 in. CDDA Smith stated CDDA Henry was in the meeting for the administrative side of it to
25 make sure that Plaintiff knew everything Plaintiff needed to about her rights. CDDA Smith
26 stated that based on the comments and allegations Plaintiff told him in their last meeting that
27 effective immediately DIMARIA was no longer Plaintiff's direct supervisor, and that Plaintiff
28 would go to CDDA Smith for everything that DIMARIA would do. He stated that Plaintiff

1 would still be a part of the unit and could go to TTL Cook. He also said that DIMARIA would
2 still oversee assigning cases as she would be overseeing the unit Plaintiff was in, but that
3 Plaintiff did not need to report to her. He asked how Plaintiff felt about that and Plaintiff said
4 that Plaintiff just been limiting her interactions with DIMARIA and still trying to be
5 professional and respectful. CDDA Smith stated that they would be opening up a C-25
6 investigation into the allegations. Plaintiff told him about DIMARIA's remarks, and that
7 Plaintiff and others would be interviewed to make sure that it is not a hostile work environment
8 or how they can fix it if it was. CDDA Henry stated that Lisa Pina (HR head) would be
9 emailing Plaintiff about ADA and FEHA paperwork so Plaintiff would know her rights and
10 can take whatever action her and her doctor deem appropriate. CDDA Smith asked if there was
11 anything he needed to know since he was Plaintiff's direct supervisor now. Plaintiff told him
12 that she was still breastfeeding her daughter. He and CDDA Henry stated they will not ask
13 Plaintiff about that but to come to him if Plaintiff need anything out of respect for Plaintiff's
14 privacy. The meeting lasted about 10 min. DA HR Administrative Deputy Lisa Pina emailed
15 Plaintiff stating that DA HR became aware of a recent claim Plaintiff filed and that elements of
16 the claim may make Plaintiff entitled to FMLA/CFRA; ADA/FEHA; and Worker's
17 compensation. Ms. Pina provided links about how to file a claim and guidelines pertaining to
18 each of these.

19 75. Sometime in January 2021 Plaintiff Spoke with DDA Allison Roach (a former
20 union representative) about the filing of Plaintiff's claim with the county. DDA Roach
21 commended Plaintiff's bravery and was upset that nothing appeared to be done regarding
22 following the law protecting breastfeeding mothers. DDA Roach stated that when she was
23 nursing several years ago, she made the office implement mandatory breastfeeding training for
24 managers to inform them of the rights that mothers have. DDA Roach was sympathetic about
25 the stress the office has put Plaintiff under and understood because she too was being placed
26 under similar stress for merely trying to be ethical and do her job.

27 76. In January 2021, Plaintiff also had an employee development meeting with
28 CDDA Smith since he was now Plaintiff's direct supervisor. They discussed cases that Plaintiff

1 had coming up and Plaintiff advised Smith that Plaintiff has been able to pump for the most
2 part without issues unless Plaintiff had to be in court all morning for cases. Plaintiff did let him
3 know that she did tend to have difficulties pumping when Plaintiff has multiple hearings or
4 long cause cases set. At this point even though he was Plaintiff's direct supervisor and Plaintiff
5 no longer reported to DIMARIA, DIMARIA was still assigning all of Plaintiff's cases. Plaintiff
6 was receiving multiple cases that were all set for preliminary the same day. Plaintiff let him
7 know that her case assignments for February and March meant Plaintiff would be doing a lot of
8 preliminary hearings disrupting her ability to pump. No steps were taken to accommodate
9 Plaintiff.

10 77. On January 26, 2021, Plaintiff was in court all morning and completed 4
11 preliminary hearings for defendant Peter Milosavljevic. This defendant had 8 open felony cases
12 and DIMARIA assigned all these hearings to Plaintiff. Plaintiff was able to complete 4 prelims
13 within 2 hours but was still in court from 8 a.m. to 12 p.m. By the time Plaintiff got back to the
14 office, her breasts were in pain and engorged from needing to pump.

15 78. In February 2021, Plaintiff was reassigned, and MDDA Jennifer Chang became
16 her direct supervisor. On February 4, 2021, Plaintiff had an employee development meeting
17 with MDDA Chang over teleconference system. During the meeting they discussed
18 expectations she had, cases Plaintiff had, and any concerns Plaintiff may have. During the
19 meeting Plaintiff advised Chang that she was still breastfeeding, and that Plaintiff needed to
20 take breaks at work to pump. Chang stated she understood and said let her know if Plaintiff
21 need help getting breaks to pump.

22 79. On February 17, 2021, Plaintiff had an interview with the investigator hired by
23 the COUNTY to investigate her complaint. The investigator told her that investigation would
24 be concluded in 8 to 10 weeks. As of the filing of this complaint the investigation has not been
25 concluded. Plaintiff is informed and believes that the COUNTY has delayed to conclusion of
26 the investigation in order not to substantiate Plaintiff's complaints.

27 80. On February 18, 2021, Plaintiff conducted a preliminary hearing in a case.
28 Plaintiff spoke extensively before to CDDA Smith as this case will likely turn into a murder.

1 Judge Magno kept the hearing in his department even though the case was a long cause hearing
2 that would take all morning. Plaintiff pumped prior to leaving for court at around 7:30 a.m.
3 Plaintiff began the prelim around 9 a.m. and got through the first of three witnesses around
4 9:25 p.m. Because the courtroom is still a calendar courtroom, Plaintiff was in court all
5 morning as the Judge was calling cases between Plaintiff's hearing. At 11:27 a.m., the prelim
6 resumed with Plaintiff's second of three witnesses. Plaintiff was not able to leave to pump at
7 all that morning. By the time Plaintiff got back to the office it was a little after 12 p.m. and
8 Plaintiff had to get a COVID vaccine at the Riverside Convention center location. Plaintiff
9 went and got the vaccine and still had to wait 15 minutes to make sure Plaintiff had no
10 reaction. At this point, Plaintiff had severe pain in her breasts because she needed to pump.
11 Plaintiff would not have time to go back to the office and pump after her vaccine because she
12 needed to go back to court to finish the hearing. Plaintiff was forced to sit in the corner of the
13 vaccine parking lot, cover herself, and pump in public.

14 81. The pain during this pump session was terrible as it was about 5 hours between
15 pumps. Plaintiff also produced substantially less milk than usually. Typically, Plaintiff would
16 get around 5 ounces total on her mid-day pump but only got about 1.5 ounces total. After
17 Plaintiff finished her vaccine wait and pumping, Plaintiff dropped the milk off in her office and
18 went straight to court. Plaintiff did not finish the prelim until after 2:30 p.m. MDDA Chang
19 knew Plaintiff was in court all day and was sympathetic to the fact that Plaintiff had difficulty
20 being able to pump that day. She told Plaintiff to go home once Plaintiff completed the
21 hearing. The next day Plaintiff discovered she had a clogged milk duct in her right breast.
22 Plaintiff had tenderness and pain all day when she went to feed her daughter

23 82. On or about February 23, 2021, Plaintiff discovered that DELIMON was now a
24 defense counsel on a case she was assigned. Plaintiff spoke with MDDA Chang requesting to
25 be reassigned to another case. Plaintiff told Chang the reason why she does not want to be in
26 the same room as DELIMON, how he put Plaintiff through a very difficult time, the added
27 stress he and the office placed on Plaintiff caused her miscarriage, and how he made comments
28 about Plaintiff's sister's death. Plaintiff still has anxiety attacks when around DELIMON.

1 Plaintiff was crying on the phone with Chang. She was very receptive and said give the case
2 back for reassignment, Plaintiff does not need to have cases with DELIMON, and she said she
3 would help Plaintiff anyway she could even if that meant another assignment in the office.
4 Plaintiff is informed and believes that the COUNTY has perpetuated the harassment
5 experience by Plaintiff by failing to appropriately discipline DELIMON for his various
6 misconduct and harassment, the COUNTY still allows him to continue to practice law as a
7 conflicts defense county attorney and still be in contact with Plaintiff.

8 83. On March 14, 2021, Plaintiff had an employee development meeting with
9 MDDA Chang. Plaintiff expressed to her that Plaintiff only has difficulties when she has
10 multiple hearings confirmed on one day, not because Plaintiff cannot handle the hearings, but
11 because Plaintiff has difficulty pumping. Chang expressed that she would try to help Plaintiff
12 with that by trying not to stack so many prelims on Plaintiff's team and trying to get the
13 misdemeanor attorneys to take some hearings. So far this has helped some, but Plaintiff is still
14 getting days where she will need to be in court all day as there are several hearings set.

15 84. On March 16, 2021, Plaintiff was in court all day conducting two preliminary
16 hearings on Gilbert Hernandez cases. Again, Judge Magno kept the hearings in his calendar
17 department and Plaintiff did not conclude the matters until almost 3:30 p.m. because Judge
18 Magno split the defendant's hearings up. This caused issues with Plaintiff's pumping schedule
19 particularly by the time Plaintiff was finished in court. It was almost 5 hours before Plaintiff
20 could pump again and having someone cover the second prelim was not an option since it was
21 Plaintiff's assigned case. When Plaintiff finally returned to the office and could pump, her milk
22 production was severally reduced from about 5 oz, to just over one ounce. Additionally,
23 Plaintiff had pain in both breasts and redness to her left breast. Plaintiff continued to pump and
24 nurse through the pain in hopes of relieving the pressure/clog that seemed to develop.

25 85. In April 2021, DDA Breaux told Plaintiff of issues she was now having with
26 DIMARIA. Breaux indicated that she was having difficulty getting files from DIMARIA and
27 that DIMARIA's dis-organization was having an impact on her job. During a team meeting
28 that month, DIMARIA muted Breaux and made disparaging remarks. Breaux notified CDDA

1 Smith. To this date, despite Plaintiff's complaints it does not appear that any training or
2 additionally investigation was done to fix issues relating to DIMARIA as the RCDA office
3 showed no disciplinary action or corrective procedures.

4 86. Plaintiff spoke with MDDA Chang about the potential of coming back to work
5 full time and not being allowed to telecommute. Plaintiff expressed to Chang that she had no
6 problem coming into work and that Plaintiff rarely gets to telecommute full days. Plaintiff did
7 again tell her that the problems she was having relating to finding time and locations for
8 pumping with Plaintiff's court appearances. Particularly on the days where Plaintiff has
9 numerous hearings set. Chang said to continue to communicate with her if Plaintiff need
10 assistance. Despite Plaintiff's communications the problem was still not satisfactorily
11 addressed.

12 87. On May 3, 2021, Plaintiff communicated with the COUNTY paid investigator
13 asking for a status on the investigation into Plaintiff's complaint. He replied that he has other
14 projects with priority over Plaintiff's. He stated that he completed all initial interviews on the
15 investigation and just needed to schedule the subject interviews. He said there was one more
16 investigation with priority over Plaintiff's. Plaintiff is informed and believes that the
17 investigation was not properly conducted, and that the investigation was not a priority for the
18 COUNTY, especially provided that the COUNTY investigator let Plaintiff know her case did
19 not have priority. This belief is also in part based on Plaintiff conversations with witnesses that
20 observed her treatment including defense attorneys Paul Lin and Patty Mejia who confirmed
21 they have not been contacted by the investigator despite Plaintiff advising the investigator that
22 they were witnesses.

23 88. On May 10, 2021, Plaintiff spoke with MDDA Jenn Chang regarding 4 prelims
24 Plaintiff had set for May 12. Chang said to let her know if Plaintiff need help getting a break
25 during them. Although MDDA Chang stated she is receptive to helping Plaintiff, there has
26 been no steps taken to assist in getting breaks to pump. Plaintiff has not received any relief
27 from anyone in court.

28 //

1 89. On May 24, 2021, CADA John Aki sent an office wide email indicating that
2 KALOUSTIAN would now be reassigned to oversee the Office Internal Affairs which includes
3 overseeing all complaints and C-25 investigations. Plaintiff is very concerned this change will
4 result in a lack of thorough investigation or meaningful change for the office regarding training
5 as KALOUSTIAN has made numerous comments and caused significant problems for
6 Plaintiff. Plaintiff is informed and believes that KALOUSTIAN is being rewarded even though
7 Plaintiff and other women have made repeated complaints about his management which were
8 not taken seriously by the COUNTY.

9 90. On June 3, 2021, Plaintiff had to cover the calendar for another DDA who was
10 on vacation. Plaintiff was in court from 8 a.m.-12 p.m. By the time Plaintiff got back to the
11 office, Plaintiff again had issues with being engorged and pain in her breast. The pain subsided
12 some once Plaintiff was able to pump. To date, no one has ever come to relieve Plaintiff when
13 in court. Plaintiff has mentioned it numerous times to all her supervisors since being back from
14 maternity leave in May 2020 about her need to be allowed to pump. The supervisors always
15 say, "Of course," but Plaintiff does not ever get relief coverage while she is in court.

16 91. June 4, 2021, Plaintiff awoke with a low-grade fever and redness on her left
17 breast. Knowing that this was a clogged milk duct, and the potential start of mastitis Plaintiff
18 began nursing around the clock and went home after her court appearance that morning so that
19 Plaintiff could continue to nurse her daughter and take Tylenol for pain as needed.

20 92. On August 26, 2021, Plaintiff was ordered to appear for a second interview
21 relating to her complaint. This time, instead of the investigator alone asking questions like the
22 previous interview, the investigator was accompanied by a member of management Will
23 Robinson. Mr. Robinson and the investigator proceeded to cross examine Plaintiff, switching
24 off asking questions, questioning Plaintiff's credibility, and attempting to undermine Plaintiff's
25 testimony. Plaintiff broke down crying a multiple occasions and Plaintiff and her counsel
26 repeatedly asked the investigator and Mr. Robinson not to treat Plaintiff as a hostile witness
27 and treat her with respect. Those requests were no granted. During the interview Plaintiff
28 informed the interviewer of the hostile work environment she continued to endure since the last

1 interview and how her requests for lactation accommodations were still not being granted. The
2 interviewer blamed Plaintiff for not demanding accommodations sufficiently. After the hostile
3 interview Plaintiff had a mental health crisis and was placed off work by her doctor.

4 93. Plaintiff submitted her resignation due to the hostile work environment and lack
5 of protection by her supervisor in the county effective September 10, 2021.

6 ADMINISTRATIVE REMEDIES

7 94. Plaintiff filed her claim with FEHA on or about January 5, 2021 and received
8 her right to sue letter satisfying compliance with that statutory framework. See attached
9 **Exhibit “1”** which is her FEHA claim and **Exhibit “2”** her right to sue, which are incorporated
10 herein. Exhibits “1” and “2” have been redacted to protect Plaintiff’s privacy.

11 COMPLIANCE WITH THE GOVERNMENT TORT CLAIM ACT

12 95. Plaintiff filed her governmental claim with the COUNTY on or about December
13 22, 2020. Attached hereto as **Exhibit “3”** is a copy of her governmental claim, which is
14 incorporated herein. Exhibit “3” has been redacted to protect Plaintiff’s privacy.

15 96. Plaintiff’s claim was rejected on January 21, 2021. Attached hereto as **Exhibit**
16 **“4”** is a copy of rejection of the claim, which is incorporated herein. Exhibit “4” has been
17 redacted to protect Plaintiff’s privacy.

18 FIRST CAUSE OF ACTION

19 **Discrimination on the Basis of Sex in Violation of FEHA (Gov. Code § 12940 et. sub.)** 20 *(Against Defendant County of Riverside Only)*

21 97. Plaintiff re-alleges and incorporates by reference herein, all of the allegations in
22 paragraphs 1 through 96, inclusive of this complaint.

23 98. Defendant is an employer pursuant to Gov. Code § 12926(d) because it
24 regularly employs five or more people.

25 99. At all relevant times, Plaintiff was employed by Riverside County from,
26 September 2015 to September 10, 2021, and thus qualifies as an employee pursuant to Gov.
27 Code § 12926(c).

28 100. Gov. Code § 12940(a) protects employees against discrimination by an
employer based upon sex. Gov. Code § 12940 (j)(4)(C) defines sexual harassment to include

1 pregnancy, childbirth, or related medical condition. Gov. Code § 12940 is a statute that
2 subjects employers including government entities to liability for discrimination harassment
3 hostile work environment and retaliation.

4 101. Throughout Plaintiff's time employed by Riverside County, Plaintiff has been
5 subjected to deliberate and intentional discrimination based on her sex. These actions violate
6 Plaintiff's rights under the Fair Employment and Housing Act (FEHA).

7 102. Defendant Riverside County discriminated against Plaintiff by subjecting her to
8 repeated harassment without showing any corrective measures imposed, arbitrarily extended
9 Plaintiff's probation, caused the loss of Plaintiff's first pregnancy, discriminated against
10 Plaintiff for requiring an accommodation due to pregnancy complications and for taking
11 maternity leave, and did not does not allow her to take lactation breaks causing her to develop
12 medical problems.

13 103. Throughout Plaintiff's employment with Riverside County, Plaintiff performed
14 her duties in an exemplary manner and is well-respected by all. Additionally, Plaintiff has
15 never received any forms of discipline or written reprimands in any way during her
16 employment nor was the Plaintiff's work performance fairly evaluated.

17 104. Plaintiff is informed and believes that the Riverside County District Attorney's
18 Office has unwritten polices which either intentionally or as applied discriminate against
19 female employees and how people are treated and handled when it comes to leaves of
20 absences, medical accommodations, lactation accommodations, and discipline. Alternatively,
21 Plaintiff is informed and believes even if the Riverside County District Attorney's Office has a
22 facially neutral policy, it has been applied in a manner which created a disparate impact on
23 women and mothers in general and Plaintiff in particular. These policies harmed Plaintiff and
24 other women and are continuing.

25 105. The various unlawful actions taken by Riverside County against Plaintiff was
26 based upon and constitutes unlawful sex discrimination in violation of her rights protected by
27 the FEHA and, in particular, California Government Code § 12940(a).

28 //

1 112. Defendant is an employer pursuant to Gov. Code 12926(d) because they
2 regularly employ five or more persons.

3 113. Plaintiff is informed and believes that the Riverside County District Attorney's
4 Office has unwritten policies which either intentionally or as applied discriminate against
5 female employees and how people are treated and handled when it comes to leaves of
6 absences, medical accommodations, lactation accommodations, and discipline. Defendant also
7 has policy that prohibits and discourages filing of complaints. Alternatively, Plaintiff is
8 informed and believes even if the Riverside County District Attorney's Office has a facially
9 neutral policy, it has been applied in a manner which created a disparate impact on women and
10 mothers in general and Plaintiff in particular.

11 114. In her time of employment, Plaintiff has been subjected to discrimination and
12 harassment based in part on her sex. This harassment took form of extending Plaintiff's
13 probation without any basis, disrespecting language including accusing Plaintiff of being too
14 emotional because she was pregnant, hostile treatment of Plaintiff by her supervisors, failure to
15 provide Plaintiff with equal opportunity for effective coaching, subjecting Plaintiff to
16 continued interaction with her harassers and subjecting Plaintiff to hostile interrogations for her
17 complaints.

18 115. Defendant has failed to take reasonable steps to prevent discrimination and
19 harassment, including failing to enact policies to correct problems, conducting sham
20 investigations whose sole purpose is to exonerate the accused. Multiple previous employees
21 have complained and Defendant has taken no steps to correct the problem. Defendant failed to
22 investigate despite knowledge of violation of the law and policies. Any proper investigation
23 would have protected Plaintiff from retaliation, a hostile work environment and determined
24 that her superiors violated laws and policies of the County.

25 116. Defendant's failure to take reasonable steps is a substantial factor in Plaintiff's
26 injuries.

27 117. As a direct and proximate cause of the discrimination set forth above, Plaintiff
28 suffered, and continues to suffer damages for, among other things, past and future economic

1 losses, to be shown according to proof together with prejudgment interest, all in an amount as
2 yet to be determined, but to be shown according to proof at the time of trial.

3 118. As a proximate result of the wrongful acts of Defendant, Plaintiff has suffered
4 and continues to suffer emotional distress, humiliation, anguish, and embarrassment. Plaintiff
5 is informed, and believes, and thereupon alleges, that she will continue to experience said
6 emotional suffering for a period in the future, not presently ascertainable, all in an amount
7 subject to proof at the time of trial.

8 119. As a further proximate result of the conduct of Defendants, and each of them,
9 Plaintiff is entitled to prejudgment interest pursuant to California Civil Code Section 3287
10 and/or any other provision of law providing for prejudgment interest.

11 120. Government Code § 12965(b) provides that a private plaintiff prevailing in an
12 action brought under FEHA, may be awarded his attorney's fees incurred in bringing and
13 prosecuting this action. In such regard, Plaintiff has incurred and will continue to incur
14 attorney's fees in the filing, prosecution, and maintenance of this action, as well as, other
15 litigation expenses and court costs. The exact amount of such attorney's fees, costs, and
16 expenses is not presently known, but will be shown according to proof at the time of trial.

17 **THIRD CAUSE OF ACTION**
18 **Sexual Harassment and Hostile Work Environment in Violation of FEHA**
19 **(Gov. Code § 12940 et. sub.)**
(Against all Defendants)

20 121. Plaintiff re-alleges and incorporates by reference herein, all of the allegations in
21 paragraphs 1 through 120, inclusive of this complaint.

22 122. Gov. Code § 12940(a) protects employees against discrimination by an
23 employer based upon sex. Gov. Code § 12940 (j)(4)(C) defines sexual harassment to include
24 pregnancy, childbirth, or related medical condition. Gov. Code § 12940 is a statute that
25 subjects employers including government entities to liability for discrimination harassment
26 hostile work environment and retaliation.

27 123. Plaintiff was and is subjected on a daily basis to harassment by Defendants, who
28 have the authority to fire her or retaliate against Plaintiff, including taking away job duties and

1 undermining her ability to perform her duties. Defendants constantly undermined her in the
2 eyes of her peers, which became retaliation for her simply performing her job duties, having
3 taken maternity leave, and needing lactation breaks.

4 124. Plaintiff was and is forced to endure a work environment in which her superiors
5 and coworkers personally subjected her to harassment which included undermining her
6 position, isolating her from her coworkers, making disparaging remarks about new mothers not
7 being capable to be DDA, demeaning and belittling her, applying subjective standards and
8 disproportionately punishing those they disfavored, and blaming Plaintiff for actions outside of
9 her control. Additionally, Defendants created an environment of pervasive sexual favoritism.

10 Defendants' actions subject them to personal liability under Government Code § 12940 (j) (3)

11 125. Specifically Defendant DELIMON: Denied Plaintiff training and assistance in
12 order to lavish attention on his sexual conquests and male friends (§ 13); harassed Plaintiff for
13 leaving at 4:45 despite the fact that Plaintiff arrived early and DELIMON allows his favorites
14 to come and go whenever they please (§ 14); DELIMON also made disparaging remarks about
15 Plaintiff (§ 15); DELIMON made demeaning comments to plaintiff and forced her to take
16 cases to trial with minimal preparation or notice triggering Plaintiff to have a panic attack (§
17 20); Plaintiff began being subjected to demeaning treatment by DELIMON on a daily basis (§
18 21); Plaintiff saw other women being treated the same way (§ 22); DELIMON also consistently
19 gave Plaintiff last minute trials with minimum preparation (§ 23); DELIMON either harassed
20 Plaintiff or ignored her all the while giving preferential treatment to his sexual conquests or
21 male employees preparation (§ 24, 25); DELIMON and KALUSTIAN humiliated Plaintiff in
22 employee meetings, lied about Plaintiff's work, office behavior, and preparation (§ 27, 28);
23 KALUSTIAN and CALLETT illegally extended Plaintiff's probation period for a pretextual
24 reason that was not applied to other employees (§29); this was based on lies by DELIMON
25 (§§30, 31); DELIMON then began subjecting Plaintiff to extreme scrutiny and disrupting
26 Plaintiff's performance at trial with micromanagement (§§ 33, 34); this caused Plaintiff
27 multiple panic attacks and affected her pregnancy (§35); caused a miscarriage (§37);
28 DELIMON made comments that Plaintiff was lazy because she needed medical leavy (§38);

1 DELIMON also gave promotions to women he was having a relationship and supervising
2 (¶¶40, 44); DELIMON's lies continued to affect Plaintiff after he was dismissed from County
3 (¶63).

4 126. Specifically Defendant KALOUSTIAN: Protected DELIMON, prevented
5 discipline of DELIMON, engaged in the same preferential treatment as DELIMON and refused
6 to protect Plaintiff and other female employees preparation (¶ 26); DELIMON and
7 KALUSTIAN humiliated Plaintiff in employee meetings, lied about Plaintiff's work and office
8 behavior preparation (¶ 27, 28); KALUSTIAN refused to meet with Plaintiff or listen to her
9 complaints and displayed clear animosity to Plaintiff (¶29); KALUSTIAN and CALLETT
10 illegally extended Plaintiff's probation period for a pretextual reason that was not applied to
11 other employees (¶29); this was based on lies by DELIMON (¶¶30, 31); KALUSTIAN ordered
12 Plaintiff to physically move her office despite Plaintiff being 8 months pregnant (¶¶50, 52);
13 KALUSTIAN also criticized Plaintiff for wearing tennis shoes despite it being necessary for
14 her pregnancy, he also laughed at her pregnancy issues (¶51).

15 127. Specifically Defendant CATLETT: Ignored Plaintiff's complaint about
16 harassment and allowed DELIMON treatment to continue unabated (¶ 13); Plaintiff met with
17 CALLETT and advised her of the daily demeaning treatment by DELIMON who promised
18 Plaintiff there would be changes but did nothing (¶¶ 22, 23); KALUSTIAN and CALLETT
19 illegally extended Plaintiff's probation period for a pretextual reason that was not applied to
20 other employees (¶29); this was based on lies by DELIMON (¶¶30, 31). Defendants
21 KALOUSTIAN and DELIMON could not have created the environment hostile to women in
22 general and pregnant women in particular without the active assistance of Defendant
23 CATLETT.

24 128. Specifically Defendant DIMARIA: Failed to provide pregnancy
25 accommodations despite previous supervisors accommodating Plaintiff (¶¶57, 58); DIMARIA
26 also put pressure on Plaintiff to conduct trials despite COVID risks, and subjected Plaintiff to
27 additional stress causing a decrease in milk production (¶58); DIMARIA consistently ignored
28 Plaintiff's need for lactation break which caused Plaintiff infections (¶¶59-61); DIMARIA

1 restricted Plaintiff from COVID accommodations endangering her health (§62); when
2 DIMARIA repeated lies by DELIMON and Plaintiff had an emotional response DEMARIA
3 said that Plaintiff was hormonal because she was breastfeeding (§63); she continued to make
4 similar comments (§64); and made other disparaging remarks which caused a further health
5 problems and decrease in milk production (§§64-67); DIMARIA assigned Plaintiff's workload
6 as to make untenable and make her pumping breaks impossible (§§76, 77, 80); this caused
7 Plaintiff infections and inability to feed her daughter (§§ 81, 84); DIMARIA made disparaging
8 remarks about other female employees in meetings magnifying the culture of hostility towards
9 women in the department (§85).

10 129. As a proximate result of the conduct of Defendants, Plaintiff suffered and will
11 suffer physical, mental, and emotional injuries, pain, distress, suffering, anguish, fright,
12 nervousness, grief, anxiety, worry, shame, mortification, injured feelings, shock, humiliation
13 and indignity, as well as other unpleasant physical, mental, and emotional reactions, damages
14 to reputation, and other non-economic damages, in a sum to be ascertained according to proof.

15 130. As a further proximate result of the conduct of Defendants, and each of them,
16 Plaintiff was required, and/or in the future may be required, to engage the services of health
17 care providers, and incurred expenses for health care, services, supplies, medicines, health care
18 appliances, modalities, and/or other related expenses in sum to be ascertained according to
19 proof.

20 131. As a further proximate result of the conduct of Defendants, and each of them,
21 Plaintiff suffered other incidental and consequential damages, in the amount according to
22 proof.

23 132. As a further proximate result of the conduct of Defendants, and each of them,
24 Plaintiff is entitled to prejudgment interest pursuant to California Civil Code Section 3287
25 and/or any other provision of law providing for prejudgment interest.

26 133. Government Code § 12965(b) provides that a private plaintiff prevailing in an
27 action brought under FEHA may be awarded attorney's fees incurred in bringing and
28 prosecuting this action. In such regards, Plaintiff has incurred and will continue to incur

1 attorney's fees in the filing, prosecution, and maintenance of this action, as well as other
2 litigation expenses and court costs. The exact amount of such attorney's fees, costs, and
3 expenses is not presently known, but will be shown according to proof at the time of trial.

4 **FOURTH CAUSE OF ACTION**
5 **Whistleblower Retaliation in Violation of Labor Code § 1102.5**
6 *(Against Defendant County of Riverside Only)*

7 134. Plaintiff re-alleges and incorporates by reference herein, all of the allegations in
8 paragraphs 1 through 133, inclusive of this complaint.

9 135. The State of California also has a public policy to protect employees from being
10 terminated in retaliation for reporting illegal activity or for refusing to participate in an activity
11 that would result in a violation of state or federal statute or regulation. Labor Code § 1102.5.
12 Labor Code § 1102.5 subjects employer including government entities to liability for
13 retaliation against whistleblowers.

14 136. Plaintiff spoke out against harassment and retaliation by lodging multiple
15 complaints about the hostile and harassing environment she was subjected to and was told not
16 to make complaints and rely on her harassers for assistance or be retaliated on in the extension
17 of her probationary period and possible termination of employment.

18 137. In retaliation, Plaintiff was subjected to a coordinated campaign led by her
19 superiors to defame her character, demean the quality of her work and harass her. This was
20 done in retaliation for Plaintiff complaining of illegal conduct discussed above.

21 138. In retaliation for her complaints, Plaintiff has been subjected to an environment
22 where she is not allotted the same lactation and medical accommodations that other mothers
23 received.

24 139. As a result of Plaintiff speaking up against the illegal practices and activities,
25 Defendant has made her working conditions intolerable and caused significant medical
26 problems including but not limited to the loss of Plaintiff's first pregnancy, severe medical
27 complications during Plaintiff's second pregnancy, and numerous lactation issues including
28 several infections.

//

1 Plaintiff (¶ 15); DELIMON made demeaning comments to plaintiff and forced her to take
2 cases to trial with minimal preparation or notice triggering Plaintiff to have a panic attack (¶
3 20); Plaintiff began being subjected to demeaning treatment by DELIMON on a daily basis (¶
4 21); Plaintiff saw other women being treated the same way (¶ 22); DELIMON also consistently
5 gave Plaintiff last minute trials with minimum preparation (¶ 23); DELIMON either harassed
6 Plaintiff or ignored her all the while giving preferential treatment to his sexual conquests or
7 male employees preparation (¶ 24, 25); DELIMON and KALUSTIAN humiliated Plaintiff in
8 employee meetings, lied about Plaintiffs work, office behavior, and preparation (¶ 27, 28);
9 KALUSTIAN and CALLETT illegally extended Plaintiff's probation period for a pretextual
10 reason that was not applied to other employees (¶29); this was based on lies by DELIMON
11 (¶¶30, 31); DELIMON then began subjecting Plaintiff to extreme scrutiny and disrupting
12 Plaintiff's performance at trial with micromanagement (¶¶ 33, 34); this caused Plaintiff
13 multiple panic attacks and affected her pregnancy (¶35); caused a miscarriage (¶37);
14 DELIMON made comments that Plaintiff was lazy because she needed medical leavy (¶38);
15 DELIMON also gave promotions to women he was having a relationship and supervising
16 (¶¶40, 44); DELIMON's lies continued to affect Plaintiff after he was dismissed from County
17 (¶63).

18 147. Specifically Defendant KALOUSTIAN: Protected DELIMON, prevented
19 discipline of DELIMON, engaged in the same preferential treatment as DELIMON and refused
20 to protect Plaintiff and other female employees preparation (¶ 26); DELIMON and
21 KALUSTIAN humiliated Plaintiff in employee meetings, lied about Plaintiffs work and office
22 behavior preparation (¶ 27, 28); KALUSTIAN refused to meet with Plaintiff or listen to her
23 complaints and displayed clear animosity to Plaintiff (¶29); KALUSTIAN and CALLETT
24 illegally extended Plaintiff's probation period for a pretextual reason that was not applied to
25 other employees (¶29); this was based on lies by DELIMON (¶¶30, 31); KALUSTIAN ordered
26 Plaintiff to physically move her office despite Plaintiff being 8 months pregnant (¶¶50, 52);
27 KALUSTIAN also criticized Plaintiff for wearing tennis shoes despite it being necessary for
28 her pregnancy, he also laughed at her pregnancy issues (¶51).

1 148. Specifically Defendant CATLETT: Ignored Plaintiff's complaint about
2 harassment and allowed DELIMON treatment to continue unabated (§ 13); Plaintiff met with
3 CALLETT and advised her of the daily demeaning treatment by DELIMON who promised
4 Plaintiff there would be changes but did nothing (§§ 22, 23); KALUSTIAN and CALLETT
5 illegally extended Plaintiff's probation period for a pretextual reason that was not applied to
6 other employees (§29); this was based on lies by DELIMON (§§30, 31). Defendants
7 KALOUSTIAN and DELIMON could not have created the environment hostile to women in
8 general and pregnant women in particular without the active assistance of Defendant
9 CATLETT.

10 149. Specifically Defendant DIMARIA: Failed to provide pregnancy
11 accommodations despite previous supervisors accommodating Plaintiff (§§57, 58); DIMARIA
12 also put pressure on Plaintiff to conduct trials despite COVID risks, and subjected Plaintiff to
13 additional stress causing a decrease in milk production (§58); DIMARIA consistently ignored
14 Plaintiff's need for lactation break which caused Plaintiff infections (§§59-61); DIMARIA
15 restricted Plaintiff from COVID accommodations endangering her health (§62); when
16 DIMARIA repeated lies by DELIMON and Plaintiff had an emotional response DEMARIA
17 said that Plaintiff was hormonal because she was breastfeeding (§63); she continued to make
18 similar comments (§64); and made other disparaging remarks which caused a further health
19 problems and decrease in milk production (§§64-67); DIMARIA assigned Plaintiff's workload
20 as to make untenable and make her pumping breaks impossible (§§76, 77, 80); this caused
21 Plaintiff infections and inability to feed her daughter (§§ 81, 84); DIMARIA made disparaging
22 remarks about other female employees in meetings magnifying the culture of hostility towards
23 women in the department (§85).

24 150. Defendants' actions exceeded the scope of the normal course of the employer-
25 employee relationship, violated statutory protections and violated fundamental public policy
26 against the treatment of women and mothers placing the injuries sustained by Plaintiff outside
27 the scope of workers compensation.

28 //

1 151. As a proximate result of the conduct of Defendants, Plaintiff suffered and will
2 suffer physical, mental, and emotional injuries, pain, distress, suffering, anguish, fright,
3 nervousness, grief, anxiety, worry, shame, mortification, injured feeling, shock, humiliation,
4 and indignity, as well as other unpleasant physical, mental, and emotional reactions, damages
5 to reputation, and other non-economic damages, in a sum to be ascertained according to proof.
6 These injuries included Plaintiff suffering a miscarriage, loss of lactation productivity,
7 numerous infections, and having trauma related to encountering Defendants.

8 152. As a further proximate result of the conduct of Defendants, and each of them,
9 Plaintiff was required, and/or in the future may be required, to engage the services of health
10 care providers, and incur expenses for health care, services, supplies, medicines, health care
11 appliances, modalities, and/or other related expenses in a sum to be ascertained according to
12 proof.

13 153. As a further proximate result of the conduct of Defendants, and each of them,
14 Plaintiff suffered other incidental, consequential and exemplary damages, in an amount
15 according to proof.

16 154. As a further proximate result of the conduct of Defendants, and each of them,
17 Plaintiff is entitled to prejudgment interest pursuant to California Civil Code Section 3287
18 and/or any other provision of law providing for prejudgment interest.

19 SIXTH CAUSE OF ACTION

20 **Declaratory Relief**

21 *(Against Defendant County of Riverside Only)*

22 155. Plaintiff re-alleges and incorporates by reference herein, all of the allegations in
23 paragraphs 1 through 154, inclusive of this complaint.

24 156. An actual controversy has arisen and now exists between Plaintiff and
25 Defendants concerning the validity of the COUNTY'S policy regarding the discrimination,
26 hostile work environment, retaliation over protected activities, and accommodations for
27 pregnant women and new mothers.

28 157. Plaintiff seeks a declaration that Riverside County violated her rights and public
policy by the actions of Defendants and that this case advanced a public policy and provided a

1 benefit to the public in exposing the illegal conduct and retaliation as alleged herein.

2 158. Plaintiff also seeks a declaration that Riverside County policies as applied
3 discriminate against female employees and shall not continue.

4 **PRAYER FOR RELIEF**

5 **WHEREFORE**, Plaintiff prays for judgment as to all causes of action as follows:

- 6 1. For economic and non-economic general, special and compensatory damages
7 according to proof;
- 8 2. For prejudgment and post judgment interest on any lost or unpaid wages, benefits,
9 retirement, according to law;
- 10 3. For reasonable attorney's fees and costs of suit incurred herein pursuant to Labor
11 Code § 1102.5, Government Code § 12965(b) and 12653 (b), CCP § 1021.5 and
12 any other relevant provision under California law for the claims provided herein
13 which allow for attorneys' fees;
- 14 4. For punitive damages against the individual Defendants; and
- 15 5. For such other and further relief as the court may deem just and proper.

16
17 Dated: March 22, 2022

WAGNER ZEMMING CHRISTENSEN, LLP

18
19 

20 DANIEL MOUSSATCHE, Esq.
21 DENNIS E. WAGNER, Esq.
22 Attorneys for Plaintiff, ALYSIA CHANDLER

Exhibit “1”

1 3. Complainant [REDACTED] resides in the City of **Riverside**, State of **California**.

2 4. Complainant alleges that on or about **January 5, 2021**, respondent took the
3 following adverse actions:

4 **Complainant was harassed** because of complainant's disability (physical or mental), other,
sexual harassment- hostile environment.

5 **Complainant was discriminated against** because of complainant's sex/gender, disability
6 (physical or mental), other, sexual harassment- hostile environment and as a result of the
7 discrimination was denied hire or promotion, reprimanded, denied any employment benefit
or privilege, denied reasonable accommodation for a disability, denied accommodation for
pregnancy, other.

8 **Complainant experienced retaliation** because complainant reported or resisted any form
9 of discrimination or harassment, requested or used a pregnancy-disability-related
10 accommodation and as a result was denied hire or promotion, reprimanded, denied
accommodation for pregnancy, other, denied work opportunities or assignments.

11
12 **Additional Complaint Details:**

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1 VERIFICATION

2 I, **Dennis E. Wagner**, am the **Attorney** in the above-entitled complaint. I have read
3 the foregoing complaint and know the contents thereof. The matters alleged are
4 based on information and belief, which I believe to be true.

5 On January 5, 2021, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Riverside, CA**

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Exhibit “2”



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

January 5, 2021

[REDACTED]
c/o 1325 Spruce St., Suite 200
Riverside, California 92507

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 202101-12248705
Right to Sue: [REDACTED] / County of Riverside et al.

Dear [REDACTED]

This letter informs you that the above-referenced complaint filed with the Department of Fair Employment and Housing (DFEH) has been closed effective January 5, 2021 because an immediate Right to Sue notice was requested.

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

This matter may qualify for DFEH's Small Employer Family Leave Mediation pilot program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in DFEH's free voluntary mediation service. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in DFEH's free voluntary mediation service. A request for mediation must be submitted to the DFEH within 30 days of receipt of the Notice of Case Closure and Right to Sue. If mediation is requested, the employee is prohibited from filing a civil action until mediation is complete. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from DFEH's receipt of a mediation request under section 12945.21 until mediation is complete. To request DFEH Small Employer Family Leave Mediation, email DRDOnlineRequests@dfeh.ca.gov and include the DFEH matter number indicated on the Right to Sue notice.

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

Sincerely,

Exhibit “3”

COUNTY OF RIVERSIDE

CLAIM FOR DAMAGES TO PERSON OR PROPERTY



INSTRUCTIONS:

1. Read claim *thoroughly*.
2. Fill out claim as indicated; attach additional information if necessary.
3. This office needs the original completed claim form and clear readable copies of attachments (if any) if originals are not available.
4. This claim form *must* be signed.

OFFICE USE ONLY

DELIVER OR U.S. MAIL TO: CLERK OF THE BOARD OF SUPERVISORS
ATTN. CLAIMS DIVISION
P.O. BOX 1147, 4080 LEMON ST., 1ST FL.
RIVERSIDE, CA 92502-1147 (951) 955-1080

TIME STAMP HERE

1. FULL NAME OF CLAIMANT **		8. WHY DO YOU CLAIM THE COUNTY IS RESPONSIBLE? See Attachment	
2. MAILING ADDRESS (STREET / PO BOX) c/o 1325 Spruce St., Suite 200			
CITY Riverside		STATE CA	ZIP CODE 92507
HOME TELEPHONE ()		BUSINESS TELEPHONE (951) 686-4800	
3. WHEN DID DAMAGE OR INJURY OCCUR (PLEASE BE EXACT) See Attachment		9. NAMES OF ANY COUNTY EMPLOYEES (AND THEIR DEPARTMENTS) INVOLVED BY INJURY OR DAMAGE (IF APPLICABLE) See Attachment	
4. WHERE DID DAMAGE OR INJURY OCCUR? See Attachment		10. WITNESSES TO DAMAGE OR INJURY: LIST ALL PERSONS AND ADDRESSES OF PERSONS KNOWN TO HAVE INFORMATION: See Attachment	
STREET CITY STATE ZIP CODE		NAME PHONE	
5. DESCRIBE IN DETAIL HOW DAMAGE OR INJURY OCCURRED: See Attachment		ADDRESS	
NAME		PHONE	
ADDRESS		NAME	
PHONE		ADDRESS	
6. WERE POLICE OR PARAMEDICS CALLED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		11. LIST DAMAGES INCURRED TO DATE (attach copies of receipts or repair estimates) See Attachment	
7. IF PHYSICIAN/HOSPITAL WAS VISITED DUE TO INJURY, INCLUDE DATE OF FIRST VISIT AND HOSPITAL'S NAME, ADDRESS AND PHONE NUMBER:			
DATE OF FIRST VISIT See Attachment		PHYSICIAN'S/HOSPITAL'S NAME	
PHYSICIAN'S/HOSPITAL'S ADDRESS		PHONE	
()		TOTAL DAMAGES TO DATE TOTAL ESTIMATED PROSPECTIVE DAMAGES Within the unlimited jurisdiction of the Superior Court \$ _____ \$ _____	

THIS CLAIM MUST BE SIGNED TO BE VALID. NOTE: PRESENTATION OF A FALSE CLAIM IS A FELONY (PENAL CODE SECTION 72.)

WARNING:

- > CLAIMS FOR DEATH, INJURY TO PERSON OR TO PERSONAL PROPERTY MUST BE FILED NOT LATER THAN SIX (6) MONTHS AFTER THE OCCURRENCE. (GOVERNMENT CODE SECTION 911.2)
- > ALL OTHER CLAIMS FOR DAMAGES MUST BE FILED NOT LATER THAN ONE (1) YEAR AFTER THE OCCURRENCE. (GOVERNMENT CODE SECTION 911.2)
- > SUBJECT TO CERTAIN EXCEPTIONS, YOU HAVE ONLY SIX (6) MONTHS FROM THE DATE OF THE WRITTEN NOTICE OF REJECTION OF YOUR CLAIM TO FILE A COURT ACTION. (GOVERNMENT CODE SECTION 945.8)
- > IF WRITTEN NOTICE OF REJECTION OF YOUR CLAIM IS NOT GIVEN, YOU HAVE TWO (2) YEARS FROM ACCRUAL OF THE CAUSE OF ACTION TO FILE A COURT ACTION. (GOVERNMENT CODE SECTION 945.8)

12. CLAIMANT OR PERSON FILING ON HIS/HER BEHALF Attorney		13. PRINT OR TYPE NAME DATE Dennis E. Wagner, Esq. 12/24/2020	
SIGNATURE RELATIONSHIP TO CLAIMANT			

****In the event a Public Records Request is submitted, Claimant requests her name be redacted from all responsive documents**

FEHA / GOVERNMENT TORT CLAIM

Claimant began working for County within District Attorney's Office as a volunteer law clerk in May 2014. Claimant continued working as a law clerk volunteer through September 2015. In September 2015, Claimant became a TAP (temporary employee) OA II in the administrative division in the District Attorney's Office.

On December 5, 2016, Claimant was sworn in and began in the County as a Deputy District Attorney. In her first year of service, she was supervised by Mark Singerton and received good evaluations.

On December 25, 2017, Claimant's sister unexpectedly died. Claimant took a week of bereavement and returned back to work after that week.

In January 2018, a new Lead DDA (aka acting manager) Daniel Delimon was assigned to the misdemeanor unit as Claimant's supervisor. Trial Team Lead (TTL) was Courtney Breaux. The TTL helped with day to day operations, disposition of cases, and assisted DDAs with trial preparation. Daniel Delimon was close friends with District Attorney Mike Hestrin. Daniel Delimon's boss was Sam Kahloustian (Kahloustian was an MDDA and has since been promoted to Chief Deputy district attorney).

Claimant's work environment became characterized by a pervasive sexual favoritism and hostility to pregnant women, new mothers, and those that expressed a desire to have children and spend time with their families.

Claimant completed 6 trials during the first six months of 2018. Delimon never came to watch her in any of these trials. During that time, he was forming a romantic relationship with one of claimant's co-workers and his subordinate, Lindsey M., and was close friends with James A. and Shabnum A. All of whom he supervised and provided them with preferential treatment such as consistently going to lunch with them, providing them with less cases than those he did not favor, and assisting them more with all of their assignments versus others he supervised. He would frequently go to lunch with all three, play football in the hallway, allow them to come in late and leave early. Claimant brought these concerns to Chief Kelli Catlett, but nothing appeared to be done.

Meanwhile, Claimant would get to work daily at 6:00am or earlier and leave around 4:45pm. Delimon started telling Claimant that she needed to stay past 5pm even as a salary employee while his those DDAs he preferred could come and go as they pleased.

There were days that were extremely hard emotionally for Claimant after the passing of her sister. There was one day where Claimant closed her door to work because she started to cry at something that reminded of her sister. Delimon asked TTL Courtney Breaux why Claimant was upset, and he said told TTL Breaux that claimant needed to get over the death of her sister because it had been a few months.

Over the first several months of 2018, TTL Courtney Breaux assisted Claimant with trial preparation and watched Claimant complete several trials. No one ever spoke to Courtney about Claimant's trial performance and preparation. Nor did anyone ask Courtney her opinion as to Claimant's work outside of trials in the day to day functions.

In July 2018, claimant had a monthly meeting with Delimon and then MDDA Sam Kahloustian. Claimant was told to keep doing trials like she had been and that she needed to listen and apply the advice Delimon gave her. Based on Claimant's lack of involvement with Delimon, Claimant made more of an effort to discuss all of her trial cases with him. Delimon was rarely in his office and was always socializing with his favorites. At that time, Jane Doe I, was also a part of the same unit and experiencing similar treatment.

Beginning in July 2018, Claimant attempted to take 8 cases out to trial over the course of four months. Claimant could not get any cases to go to trial as they either plead to the court or defendants failed to appear.

In the summer of 2018, Claimant's Doctor prescribed anxiety medication and an anti-depressant to help Claimant cope with the stress of work. Claimant had suffered several anxiety attacks in 2018 due to the work environment and stress being placed on her. Therefore, her doctor indicated that medication would be needed to help with this.

On July 23, 2018, Delimon also got in a verbal altercation with Claimant when he tried to tell Claimant she had to take a next day hand off competency trial. During this incident, Claimant told Delimon how Claimant did not feel comfortable taking this type of case last minute as Claimant had never done a competency trial and had not spoken with any of the doctors who would be witnesses. Delimon raised his voice and said that Claimant would have the most knowledge of this type of case as he knows Claimant had argued motions in mental health court before. He spoke to Claimant in a very demeaning tone and told Claimant that she had no other option but to take the case. The way Delimon spoke to Claimant was upsetting. It was so upsetting that Claimant had a panic attack and had to take her prescribed anti-anxiety medication to help calm down.

Claimant also spoke with another MDDA Jerry Fineman (He has since been promoted to assistant deputy attorney), as he was helping give advice to Claimant and Courtney about how to handle the situation with Delimon which was becoming worse daily at this point. Claimant and Courtney spoke with Fineman several times throughout the summer and fall 2018. Fineman told Claimant to try to speak with Delimon more and to just try to be receptive to advice he was giving. During the conversations, Fineman was aware of the demeaning treatment Delimon was subjecting Claimant.

At end of October 2018, Claimant went to Chief Kelli Catlett's office to discuss the issues that Claimant was having with Delimon and the tension that Courtney Breaux had with Delimon. Claimant spoke with Chief Catlett for 30 minutes and she stated that she would handle the situation. Claimant also meet with Chief Catlett a second time to express that things were not getting better as far as morale and treatment within the unit of those DDAs that Delimon disfavored. Claimant also apprised Chief Catlett of Delimon's inappropriate conduct with her other co-workers Lindsey, James, and Shabnum. Chief Catlett again

reassured Claimant that she would handle the situation appropriately. At this point the preferential treatment was brought to management attention, but the only person Claimant could trust was Courtney Breaux, yet Courtney faced similar discrimination in regards to her workload, pressure, and the fact that no one could be trusted in management because nothing was being done about our concerns. Also, during this time, Claimant let the office know that she wanted to start a family soon. It was understood that by that Claimant meant she was planning to have children.

Throughout October and November 2018, Claimant communicated with Chief Kelli Catlett multiple times via text regarding the tension in the unit and needing to meet with her. Claimant met with Catlett twice in person in the month of October to discuss the way Delimon was favoring other DAs versus his treatment of Claimant. Claimant expressed to Catlett her concerns about how Delimon was speaking down to people including herself and Courtney Breaux, but Delimon was being overly friendly with the group of DAs Delimon liked. Claimant also told Catlett that Delimon would also make Claimant cover last minute assignments and handed Claimant last minute jury trials and expected Claimant to be ready within a day or two. This happened on 3 cases in October 2018. Delimon also always requested that Claimant cover the calendar so that Lindsey and James could work on their cases. Catlett reassured Claimant that she would speak to Delimon and she would help Claimant and Courtney navigate how to deal with the situation. Claimant repeatedly told Catlett that Claimant was concerned about the favoritism and the way Delimon would treat Claimant different because Claimant would also listen to Courtney as her Trial Team leader. Catlett said that she would work on "coaching" Delimon. Catlett also said that she would speak to Delimon about him constantly making Claimant take all the hand off trials. Aside from the two in person meetings Catlett also called and text messaged Claimant several times to discuss how to improve things and give updates as to what was occurring in the unit.

Delimon's daily interaction with Claimant was either passive where he would not even acknowledge her existence, or he would be rude and demeaning to make Claimant feel less than other DAs. Claimant would constantly see how he was nice to his favorite DAs including those he was having a sexual relationship with and how Delimon would treat Claimant and Courtney like scum.

There were two times in October 2018 that Delimon, James A., Lindsey M., Shabnum A., and Jessica R. left work earlier and went to happy hour at the Mission Inn during work hours. (4pm) This opportunity was not extended to Claimant, Jane Doe I, Courtney Breaux, or anyone else on the team.

Around October 2018 Delimon and Sam Kahloustian's preferential treatment of certain people was apparent. Anyone that Delimon liked was protected and spoke highly of. Delimon and Courtney Breaux were at odds because of how Delimon was running the team and how he was speaking to those he disliked, including Claimant. Delimon was pushing Claimant to take a trial out and dumping every handoff trial on Claimant or Jane Doe I. Claimant was forced to take 3 hand offs over a weeks' time.

Also, in October 2018, Claimant had an employee development meeting with Kahloustian and Delimon. During the meeting, Delimon told Claimant in front of Kahloustian that Claimant need to stay out of office politics, and don't talk about the prior position Claimant had as a TAP (temporary employee) with the administrative unit in the DA's office. Delimon told Claimant to keep her head down and work. He also told Claimant that she should not be leaving before 5 p.m. because it looked bad even though Claimant was coming into work at 6am every day and working weekends. While those Delimon liked came and went as they pleased.

In October and November 2018, there were several team meetings where Delimon praised Lindsey M., Jessica R., and James A. He stated in at least two of the meetings that Claimant need to work on getting more trials out despite the lack of trials not being Claimant's fault.

On November 16, 2018, Claimant went to speak with Kahloustian as he was Delimon's boss, because at this point Delimon's tone and daily comments to Claimant made it apparent that he did not like Claimant. Claimant text messaged Kahloustian to meet with Claimant so she could discuss the communication and treatment issues Claimant was having with Delimon. Instead of meeting with Claimant, she got an email response from Kahloustian stating that Claimant had to meet with Chief Kelli Catlett later that afternoon. On November 16, 2018 at 4:30 pm, Claimant had scheduled meeting with Chief Kelli Catlett. Claimant went to Catlett's office and ADA Elaina Bentley was also in there. Without any notice they began telling Claimant that her probation would be extended due to needing to complete more trials and the fact that Claimant was moved to the Brady unit for the first three months as a DDA. Claimant was taken aback and upset as Claimant had no warning of this. The MOU stated that Claimant should receive notice if an extension of probation was needed, but her probation was extended during this meeting. Claimant believes that the reason given to extend her probation was pretextual and substantially motivated by her previous notice she intended to have children.

During that meeting Chief Catlett said it looked like Claimant was afraid to go to trial because it had been a few months since Claimant did a trial. Chief Catlett then went on to state that Claimant needed to listen more to Delimon and that he would be going with me to court at the start of all her upcoming trials to watch Claimant and make sure that her cases did not resolve without going to trial. This was after Claimant met with Chief Catlett regarding how Delimon was treating Claimant poorly compared to others.

At this point Claimant had completed 10 trials while on probation. Delimon and Catlett passed DDA Niki Olson probation after she completed 9 trials. Delimon also got Lindsey M. and James A. promoted to felonies, both DDAs had less trials than Claimant had completed (9 trials for Lindsey M. and 7 trials for James A.) This was one of the ways that sexual favoritism affected employees. Delimon's favorites also received less cases for trial, factually stronger cases, and assistance with trial preparation whereas Claimant and Jane Doe I did not receive this assistance and were bombarded with more cases than anyone else on the team. Lindsey M., James A., Jessica R., Shabnum A., and Delimon were socializing and going away on trips frequently outside of work and making posts on social medial.

During this meeting on November 16, 2018, Claimant let both Chief Catlett and ADA Bentley know that Claimant was 5 weeks pregnant.

At the end of November, beginning of December 2018, Claimant had Delimon come with her to every trial department Claimant was sent to. Claimant was essentially being watched the entire time. Claimant had to check in with Delimon about every case and Claimant had to call him to court anytime Claimant made a substantial appearance on the record. Delimon came to one of Claimant's trial cases and went back in chambers when the court requested counsel. The Judge questioned why a supervisor was in Chambers as Claimant was a licensed prosecutor and could handle the case on her own. Delimon told Claimant he wanted to watch Claimant in chambers to make sure Claimant was fighting hard enough to object to the court.

In December 2018, one of Claimant's trial cases pled so Delimon assigned Claimant a three-defendant case for trial; Claimant received the trial on Friday and was told to be ready for it that Monday, December 10, 2018. When Delimon assigned it to Claimant, Delimon said Claimant would likely lose the case but to go out on it anyways for the experience. Delimon put tremendous stress on Claimant about completing the trial. Delimon watched Claimant the entire trial and was text messaging Claimant about things she should argue and do. When Claimant did not do those things because Claimant did not see the text message, he reprimanded Claimant after that day's proceedings. Claimant ended up getting a not guilty verdict and Delimon was giving Claimant negative comments the entire trial. On top of this stress, Claimant was starting to become nauseous and was spotting blood due to the pregnancy. Claimant finished the trial on 12/17/18.

In December 2018, the amount of stress that was put on Claimant during this time was drastic. Claimant had two anxiety attacks the first two weeks of December because Delimon was constantly watching Claimant and putting pressure on her to constantly be in court in trial. The amount of pressure that was put on Claimant also caused the physical symptoms of the pregnancy to worsen. Claimant was constantly throwing up every morning and was nauseous throughout the day. Even during the trial, Claimant would throw up multiple times a day due to the stress and pregnancy. Claimant had lost over 10 pounds which was the opposite of what Claimant needed due to her pregnancy. Because of the pressure, Claimant did not take breaks from work and was constantly under the stress of needing to prove herself in trial to keep her job versus not passing probation and losing her job.

During this period, several DDAs-aside from Courtney, and defense attorneys witnessed what Claimant was being put through including: Jane Doe I, DDA Lisa Hauck, DDA Zina Gorgeouplous, PD Patricia Mejia, PD Christine Juneau, VMB Heather Green, and VMB Paul Lin.

On December 18, 2018, Claimant went to her OBGYN appointment to check on the progress of the pregnancy. At that point Claimant was around 10 weeks pregnant. When the Doctor did the ultrasound, the baby did not have a heartbeat and the pregnancy was no longer viable. The doctor stated that the baby was measuring around 7 weeks and likely stopped growing then. Due to the time of the year and Claimant's body not being able to miscarry on its own, Claimant had to go into the doctor's office on December 19, 2018, to take medicine

that would cause claimant to miscarry the pregnancy. The miscarriage itself was a terrible experience emotionally and physically as the medicine induced labor like pain and severe bleeding. During the miscarriage Claimant was severally weakened from the loss of blood, Claimant was vomiting consistently due to the medication the entire first night, and Claimant had severe cramping to the point where she was curled up on the floor of the bathroom. The cramping and bleeding lasted for several weeks. It was extremely painful for the first three days due to the contractions Claimant was experiencing. Claimant also had the mental toll of knowing she lost her first pregnancy due to the stress caused by the harassment at work. Knowing she would never be able to hold that child was anguishing and still is. It also caused Claimant to have severe anxiety during her subsequent pregnancy because Claimant was constantly worried that she could lose that one also.

Claimant let Courtney Breaux and Chief Catlett know that she had to have a medically induced miscarriage and gave the doctor's note to Chief Catlett. Claimant did not discuss the matter with anyone else. While Claimant was off work for three days, Delimon made the comment to Courtney Breaux that Claimant was just being lazy and wanted vacation time.

At the end of December 2018, Claimant was rotated away out of the misdemeanor unit that Delimon was supervising and moved to the Domestic Violence Unit where Lead Deputy District Attorney Daima Calhoun was the supervisor. Calhoun watched Claimant complete two trials back to back and recommended that Claimant pass probation.

In January 2019, Delimon got Lindsey M. promoted to felonies when she had less time on and less trials than Claimant. It also came to light that the two were dating in January 2019. Claimant believes that the relationship started before then and McDowell was receiving preferential treatment due to the relationship.

On January 23, 2019 RCDDAA Union Representative Allison Roach reached out to several people, including Claimant to provide upper management with evaluations and recommendations about lead attorneys. Claimant and another DA, Lisa Hauck, had a meeting with DA Roach. They expressed several of our concerns and Ms. Roach was taking extensive notes during the meeting. During the meeting they expressed the disparity in treatment and how Delimon's favorites were given preferential treatment while they were being given last minute cases and had extreme pressure to handle these cases.

In March 2019, Claimant passed probation. After Claimant passed probation, Lead Attorney Calhoun rotated out of the unit and new Managing Attorney was Scott Clark. Middle of May 2019, Claimant found out she was 5 weeks pregnant. Claimant discontinued taking the anti-depressant and anxiety medications due to her pregnancy and Claimant was also feeling emotionally and mentally better at this point with work as she was not being placed under the stress by Delimon, Kahloustian, and Catlett. Claimant had all new supervisors at this point.

In July 2019, Scott Clark was rotated out of the unit and Claimant's new Managing Attorney was Jake Silva. July 2019 Claimant was hospitalized twice with severe morning sickness and dehydration. Chief Vicki Hightower made an informal agreement for Claimant to start covering calendar, but Claimant had to still maintain her caseload and prep any cases for

trial that would be handed off. Throughout her pregnancy Claimant was extremely ill and went through the County HR Department to get an accommodation for work after Claimant was informed by Chief Hightower that the DA could not do an informal agreement and that Claimant had to have a doctor's note. Per her doctor's note, Claimant was not allowed to do trials or push or pull anything over 10 pounds, and Claimant had to have reasonable accommodations for rest breaks, bathroom breaks, and eating. Claimant was assigned to calendar. The calendar DA has to pull a bucket filled with case files that weighs over 10 pounds, and Claimant did not get any breaks or assistance from management during this time. Claimant would have to ask the judge for a recess anytime she needed a break or ask other DAs to assist her.

In the summer 2019, Claimant was assigned to assist with DV filings and misdemeanor DV calendar. Claimant also responded to all felony and misdemeanor DV motions under 1473.7, 1016.5, and 851.8. Delimon was demoted from Lead Attorney to Homicide because it was discovered that he was having a romantic relationship with his subordinate. Delimon was also recently was forced to resign for showing up to a call out and was supposedly intoxicated.

July 26, 2019, Claimant's father-in-law passed away unexpectedly. Claimant was able to take a few days of bereavement to help her spouse and family. Claimant had to find coverage for her calendar days and cases. Management did not assist but told Claimant to check with her fellow DAs for coverage. Claimant went back to work on 7/29/19 due to her caseload and needing to prepare cases for trial hand offs.

By September 2019, Claimant's feet and hands began to swell significantly due to pregnancy and stayed that way until Claimant gave birth. Claimant was still walking to and from court daily. When Claimant needed to set up case files for calendar, Claimant had to have the courtroom deputy assist with unloading the files. When the bucket was filled with files, Claimant had to track down a DA who could assist Claimant with bringing it to court. From September 2019 until Claimant went on leave in December 2019, no manager ever came to assist or relieve Claimant on calendar. The Judge (Judge Jacqueline Jackson) in Claimant's assigned department would let Claimant wear running shoes in court to help with the swelling of Claimant's feet and legs, and the Judge would allow Claimant to request a recess when Claimant needed a bathroom break. Claimant had to ask the court for these breaks or track down another DA when court was in session. Claimant also was throwing up on a daily basis during her entire pregnancy.

In September 2019, the issues with Delimon were brought forth again when Courtney Breaux had an interview for a promotion with Management which included Michael Hestrin and John Aki. During the interview, Michael Hestrin confronted Courtney about not coming forward directly to him about the issues with Delimon and specifically told Courtney, "Why should you be promoted when you lacked courage to come forward and tell us what was happening with Delimon?" Courtney did not receive a promotion following this interview. Throughout the entire Delimon time period Courtney and Claimant told at least four members of management about the hostile and harassing treatment they and other members of the team were by Delimon. Yet the pervasive and hostile environment never changed. This caused extreme anxiety for Claimant knowing

that management and the people in the charge of the office were attacking those that tried to correct the situation and claimant and those who came forward were being punished by being denied promotions. This anxiety caused Claimant exacerbated Claimant's physical symptoms from her pregnancy.

In October 2019, the misdemeanor DV calendar assignment was now being supervised by Managing Attorney Jennifer Garcia. Claimant's Chief once again was Sam Kahloustian. Claimant went and spoke to Chief Hightower about her concerns with being supervised Kahloustian again and how she had suffered a great deal of stress and a miscarriage from the work environment that Kahloustian and Catlett allowed. Chief Hightower indicated that Kahloustian would need to follow Claimant's accommodation and tried to reassure Claimant that it would not be an issue. Even with the change in management, Claimant was still having to walk to court daily, ask the court for bathroom breaks, and track down DAs to help Claimant when the bucket was full. Management would not assist Claimant with this.

Claimant also had to put in a rotation request. Claimant requested a non-trial assignment when Claimant returned from leave, in order to accommodate Claimant's new family life.

On November 22, 2019, Claimant received an email from Chief Kahloustian regarding MPU DDA movement. In that email he indicated that Claimant would need to move offices from the 8th floor to the 4th floor by December 16, 2019. Claimant met with Kahloustian and MDDA Garcia that week to express concern about needing to move on 12/16/19 as Claimant's last day of work was 12/20/19 before her leave was to start and Claimant was almost 8 months pregnant. Claimant had difficulty moving and lifting things at this point and still had her work accommodation through her doctor.

During the meeting, one of Chief Kahloustian's first comments was about Claimant wearing running shoes and how that did not look professional. Claimant explained that she had to wear them due to swelling of her legs and feet and that Judge Jackson allowed this. Kahloustian just laughed it off. Claimant told Kahloustian and Garcia that Claimant was concerned about moving and packing anything as Claimant was so far into her pregnancy. They both reassured Claimant that they would get other DAs and supply team members to help the move.

In December 2019, with no assistance from management or other DAs, Claimant began to pack up her office. This was a challenging task as it was hard for Claimant to bend over or lift things at this point. Claimant tried to not lift anything heavy, and Claimant had to reach out to the supply team and get approval for them to help move her boxes and mini fridge (the supply team typically does not help with this). The supply team assisted Claimant in moving items, management did not help coordinate this and Claimant also had pack her entire office by herself.

On January 9, 2020 Claimant gave birth and was diagnosed in February with severe postpartum anxiety/depression and required medication and treatment to help with it.

In February 2020, Claimant received notification that she was promoted to general felonies when she returned from maternity leave. General felonies is a trial assignment that requires attorneys to be in court frequently and for long periods of time.

In April 2020, Claimant received emails while on disability pregnancy leave about her office being moved.

On May 4th, 2020 Claimant returned from maternity leave. The Managing Attorney was Tony Fimbres. Claimant had a discussion with Fimbres on her first day back to work and the court was still shut down due to COVID. Fimbres understood that Claimant had a new baby at home and that Claimant was still breastfeeding her. Fimbres was going to try to limit the number of trial cases he would assign Claimant and wanted to make sure that he could accommodate the pumping schedule as much as possible when at work. Fimbres made sure to accommodate any breaks Claimant needed to pump when Claimant was at work and not telecommuting. Claimant also had a discretion memo for resolution of cases with Fimbres indicated that Claimant could resolve cases how Claimant saw fit that had a max exposure of 8 years. Claimant also was assigned almost all the motion work for both felony prosecution teams in exchange for less trial cases.

In July 2020, Tony Fimbres rotated out of the unit and Lead Attorney Lisa DiMaria was assigned. Claimant advised DiMaria of the caseload accommodation Claimant was given by Fimbres, Claimant also expressed that she was still breastfeeding/pumping for her infant daughter, and that Claimant was taking additional FMLA baby bonding time in November 2020.

Even after expressing the need for accommodations and workload assignments that were provided by Managing Attorney Fimbres which allowed Claimant to continue to care for and feed her infant daughter, DiMaria has added and continues to add extra pressure and stress to Claimant's work environment similar to Delimon. DiMaria constantly stresses the importance of how Claimant should go out to trial even in a pandemic. DiMaria also lowered Claimant's discretion to 6 years exposure without any reason why. Beginning in July 2019 with the Lead Attorney DiMaria as claimant's supervisor, Claimant's anxiety and depression started to become worse. Claimant also noticed a severe decrease in her breastmilk production starting in July 2019. Claimant started to produce about half the breastmilk she was previously producing.

In September 2020, Claimant was covering calendar more which made it difficult to accommodate any set pumping schedule. Claimant typically pumped at 7:30 a.m. before going to court, 10:30 a.m. when Claimant finish the morning court session, and 1 p.m. before Claimant would go back to court in the afternoon, and at 3:30/4 p.m. With the calendar in September, Claimant was having to go from 7:50 a.m. to 12:10 p.m with no pumping breaks. By the time Claimant would get back from court from covering calendar, Claimant's breasts would be engorged and would hurt because they were so full from lack of pumping. During this time, DiMaria never came to court to offer a break from calendar so that Claimant could pump, nor was Claimant ever able to take a break and pump in court as Claimant did not have the storage for milk if Claimant did pump in court. Claimant was not and still does not receive any backup coverage anytime Claimant is on calendar. This is still

causing issues with Claimant's breasts becoming engorged and painful by the time Claimant can finish the morning session in court.

On September 16, 2020, Claimant was in court all morning for a preliminary hearing. Because the preliminary hearing went in the calendar department with Judge Magno, Claimant had to go around 4.5 hours between pumps, usually Claimant tries to go no longer than 3 hours between pumps. As it got closer to 12 p.m., Claimant started having an immense burning pain on her left breast and both of her breasts were engorged. Claimant went back to the office, pumped to try to relieve the pressure, and then asked DiMaria to work from home the rest of the day because Claimant knew she was having a problem with her breasts. Later that afternoon, she noticed her left breast was red all over, painful to the touch, and she was running a fever. Claimant called her doctor to explain the issue, the doctor indicated that it was Mastitis, and sent Claimant a prescription. For the next three days, Claimant's breasts were severely engorged, red, painful to touch. The primary way to relief the infection was to nurse and to take the antibiotics. Claimant got mastitis twice before when her child was first born because of not emptying her breasts effectively. This time Claimant got mastitis from an inability to empty her breasts and pump every three hours.

Claimant continues to have difficulty pumping every three hours when she is on court calendar as she does not receipt backup coverage. Claimant is also having difficulty maintaining a pumping schedule as she is in a trial assignment which requires her to stay in court until the preliminary hearings on her cases are complete. Claimant must go around 4.5 hours between pumps anytime she is on calendar or conducting a preliminary hearing (which is at least once a week right now). Claimant continues to have pain and engorgement problems weekly. When Claimant does get the break to pump since it has so long between pumps, it is extremely painful.

On August 4, 2020, the office sent out an officewide revised telecommute agreement where Claimant can work from home two to three days a week and telecommute the others due to COVID. Claimant was placed on the blue team that allows her to telecommute Mondays and Tuesdays and every other Friday so long as Claimant does not need to be in court. In August and September Claimant was able to telecommute Mondays and Tuesdays for the most part. Currently, because the trial assignment is getting overwhelmed with cases for preliminary hearing and trial, DiMaria assigns Claimant cases for prelim that are almost always on her telecommute days so Claimant cannot pump regularly and has to stay in court until her cases are done, instead of being able to nurse at home. Being scheduled to come in on Claimant's telecommute days is again causing Claimant to have issues with breastfeeding and pain from an inability to pump due to being in court for long periods of time.

September 29, 2020, Claimant met with DiMaria in her office to see if she had more cases Claimant needed to take. DiMaria began speaking with Claimant and telling Claimant how she needed to get out to trial because management wonders if Claimant is afraid to go out to trial. Claimant began to get upset and started to cry because this is the same situation and pressure Claimant dealt with when they extended her probation with Delimon. DiMaria told Claimant that she would not hold this conversation against Claimant because

DiMaria knew Claimant was emotional because she was hormonal and still breastfeeding. DiMaria has since made several sly comments about Claimant's responses being linked to her being hormonal and breastfeeding. Claimant has witnesses firsthand, several DDAs have come back from maternity leave and received non-trial assignments to accommodate their nursing and postpartum needs, these DDAs include Sandra Kim, Meghan MacDonald, and Erica Mulhere, but Claimant is being pressured to do trials. Claimant believes the preferential treatment to other female DAs is due to seniority and their more established careers with the office, rather than the office adhering to state and federal guidelines.

On October 6, 2020, DiMaria called Claimant at 9:45am, to check on Claimant because she was concerned about Claimant since she had not spoken with Claimant in a few days. Claimant told her that she had been diving into work and working on her cases. DiMaria again said she would not hold it against Claimant that Claimant was emotional with her.

On October 22, 2020, DiMaria responded to an email in which Claimant advised her that a case DiMaria assigned to Claimant for preliminary was going to be handled by an SPS/elder abuse prosecutor now. DiMaria emailed Claimant back in a disparaging manner and implied that Claimant was wrong for giving up a "great" case. This email was sent after work hours and left Claimant upset because of DiMaria's tone.

Since DiMaria became the Lead Attorney in July 2020 for Claimant, DiMaria has confronted Claimant about needing to do trials during the pandemic, called Claimant hormonal multiple times, caused significant stress and anxiety so much so that Claimant has had two panic attacks from her meetings/email exchanges with Claimant. This stress has also significantly decreased Claimant's milk supply. Claimant was able to produce 24 ounces a day when she first began working again in May 2020. Since DiMaria became Claimant's boss in July and the way she is treating Claimant, Claimant now only produces at most 12 ounces a day while at work. Claimant has seen firsthand the difference in treatment of her versus other DAs supervised by DiMaria. Claimant has the highest felony caseload amongst her peers and claimant is almost in court daily and for long periods because she is assigned preliminary hearings on her telecommute days. Claimant is the only person amongst her peers that is breastfeeding and needing to pump to feed her infant daughter. Claimant's work environment can be characterized by a pervasive favoritism for those without children and hostility towards new mothers and those that need to care for their children.

On November 2-15, 2020, Claimant took FMLA baby bonding time which had been erroneously arranged. Claimant received text messages and emails from DiMaria regarding calendar coverage while Claimant was on leave and what happened with coverage. DiMaria's tone was accusatory in the emails and questioning why Claimant did not ensure that the calendar was covered.

On November 18, 2020, Claimant had her employee development meeting with DiMaria. DiMaria indicated she reviewed a few closed cases that Claimant pled to prison. DiMaria expressed how she did not agree with Claimant's plea as it was below her offer. Claimant explained that it was within her discretion to plead them to prison the way Claimant did and that Claimant spoke with TTL Chris Cook and he agreed with the disposition. DiMaria

told Claimant that neither Claimant nor TTL Cook were allowed to undercut her offers even when they were within Claimant's discretion to do so.

In November 2020, Delimon left the office after being placed on administrative leave after he showed up to a homicide call out while supposedly intoxicated.

On December 3, 2020, Claimant had two Preliminary hearings scheduled in dept 41. Judge Magno would be hearing Claimant prelims in his calendar department. While waiting for a prelim call, Delimon walked into court as he is now on the Conflict Defense Panel. He was handling a case and remained in the courtroom. Claimant's anxiety became severe and Claimant almost suffered panic attack in court because Claimant was about to start a preliminary hearing and Delimon being in court made Claimant feel as though he was going to watch and critic Claimant like he did when he was her supervisor. It was a very real moment of PTSD for Claimant. The public defender, Magdeline Cohen noticed a difference in Claimant's demeanor and could tell Claimant was struggling to be in court. Ms. Cohen told Claimant she would let Claimant know when the judge called Claimant's cases and told Claimant to wait outside the courtroom so that Claimant did not have to deal with the situation at hand.

On December 4, 2020, Jennifer Halim, Cecia Lucero, and Veronica Mittino all passed probation with no extension even though they had less trials than Claimant—all three had less than 10 trials while Claimant's probation was extended even after completing 10 trials.

On December 9, 2020, Claimant had an employee development meeting with Chief Brandon Smith via teams. Claimant explained to him all the issue she had been having with LDDA DiMaria in regard to not being allowed to resolve cases within her discretion, how she continued to text and email Claimant why out on FMLA, DiMaria's demeaning/derogatory tone with Claimant in group messages, DiMaria's comment about how Claimant cannot go to a Trial Team Leader (TTL) to undercut her offers, and DiMaria's comments about Claimant being hormonal because Claimant is still breastfeeding. Chief Smith indicated he is taking all this into account and had to speak with other DDAs about DiMaria. He said if it's a personality vs. personality conflict there is not much that can be done, but if there is a consensus amongst DAs about DiMaria he will work to fix it. No one has advised Claimant of anything since then.

The County of Riverside, through the office of the District Attorney, by reason of the foregoing, engaged in discrimination on the basis of sex and pregnancy in violation of FEHA. Retaliation for whistleblowing activity in violation of FEHA. The conduct also violates Labor Code § 1102.5.

Claimant seeks damages which are within the unlimited jurisdiction of the Superior Court.

Exhibit “4”



OFFICE OF THE
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA R. HARPER
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

January 21, 2020

Carl G months
(2) 2/4/5
months

[REDACTED]
c/o DENNIS WAGNER, ESQ.
1325 SPRUCE STREET, STE. 200
RIVERSIDE, CA 92507

RE: NOTICE OF REJECTION OF PORTIONS OF CLAIM AND RETURN OF ALL OTHER PORTIONS OF CLAIM AS UNTIMELY

Claimant: [REDACTED]
Date of Loss: January 2018 – December 2019
Claim No.: 517-20
Date Claim Received: 12/29/2020

Your government claim was received on December 29, 2020. The California Government Claims Act contains deadlines for filing government claims. Your government claim alleges multiple dates, some of which are within the filing deadline and others which are not.

The following portion of the claim is timely: 06/29/2020 – 12/29/2020.

The Board of Supervisors has rejected this portion of the claim on January 21, 2021. As to this portion *only*, the following warning applies:

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

This warning, and the six-month deadline, only apply to the extent a lawsuit would be based on California law, and do not apply to the extent a lawsuit would be based on federal law.

All other portions of the claim occurring prior to: **June 29, 2020**, are being returned pursuant to Government Code section 911.2 because those portions were not presented within six months after the event or occurrence as required by law. See sections 901 and 911.2 of the government Code. Because these portions of the claim were not presented within the time allowed by law, no action was taken on those portions of the claim.

As to those portions of the claim, the following warning applies:

WARNING

Your only recourse at this time is to apply without delay to the Board of Supervisors of the County of Riverside for leave to present a late claim. See sections 911.4 to 912.2 inclusive, and section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government code. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Kecia R. Harper
Clerk of the Board of Supervisors

By:


Board Assistant

I declare that my business address is 1st Floor, County Administrative Center, 4080 Lemon Street, Riverside California, that I am a citizen of the United States of America, employed by the County of Riverside and am not a party to the action. On the date stated below I mailed the foregoing notice by depositing a copy thereof in the outgoing mail at Riverside, California, in a sealed envelope, with postage prepaid, addressed to the person(s) listed above. I declare under penalty of perjury that the foregoing is true and correct.

Executed at Riverside, California on January 21, 2021.


Hannah Lumanauw, Board Assistant

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss:

I, the undersigned, declare:

I am employed in the County of Riverside, State of California. I am over the age of 18 years and not a party to this action; my business address is 1325 Spruce Street, Suite 200, Riverside, California 92507.

On the date written below, I served the document named below on the parties indicated below, in the following manner:

- (By Mail) I am familiar with this office’s practice for the collection and processing of documents for mailing with the United States Postal Service. The documents are deposited with the United States Postal Service on the same day in the ordinary course of business. I placed a true copy of the document thereof in a sealed envelope and caused said document(s) to be delivered in this manner.
- (By Overnight Mail) I am familiar with this office’s practice for the collection and processing of documents for overnight mail. The documents are collected by the delivery service company on the same day in the ordinary course of business. I caused said document(s) to be delivered in this manner.
- (By Facsimile) I am familiar with this office’s practice for the facsimile transmission of documents. I caused said document(s) to be sent to the facsimile numbers listed below and caused said machine to print a transmission record, a copy of which I have retained. The sending machine is (951) 686-4801.
- (By Personal Service) I am familiar with this office’s practice for the personal service of documents. I caused said document(s) to be delivered by hand to the offices of the addressee.
- (By E-Mail) I am familiar with this office’s practice for the transmission of documents via e-mail using Microsoft Outlook. I caused said document(s) to be sent to the e-mail address listed below with the options to obtain delivered and read receipts checked. The sending computer is assigned to Kim Connelly.

DOCUMENT: SECOND AMENDED COMPLAINT FOR DAMAGES

PARTIES SERVED:

Douglas C. Smith, Esq. dsmith@smitlaw.com Karen L. Capasso, Esq. kcapasso@smitlaw.com Jill Szalonek – jszalonek@smitlaw.com SMITH LAW OFFICES, LLP Riverside, CA 92501 Tel: 951.509.1355 Fax: 951.509.1356	<i>Attorneys for Defendants, COUNTY OF RIVERSIDE, KELLI CATLETT, SAM KALOUSTIAN, DANIEL DELIMON, and LISA DIMARIA</i>
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(STATE) I declare under penalty of perjury under the laws of the State of California, United State of America that the above is true and correct to the best of my knowledge.

Executed on March 20, 2022 at Riverside, California.

E. Townsend, Declarant