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7 BRENDA DENNSTEDT

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF RIVERSIDE

10
11 BRENDA DENNSTEDT, an individual;
12 Plaintiff,

13 v.

14 COUNTY OF RIVERSIDE, a Public Entity;
15 JEFFREY HEWITT, an individual; MATTHEW
16 SHANNON, an individual, and DOES 1 through
25, inclusive.

17 Defendants.
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Case No.: CVRI2200885

COMPLAINT OF PLAINTIFF BRENDA DENNSTEDT

1. **VIOLATIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT (GOVERNMENT CODE § 12940, et. seq.**
2. **HARASSMENT BASED ON SEX/ GENDER IN VIOLATION OF CALIFORNIA GOVERNMENT CODE § 12940(A) & (J)**
3. **WRONGFUL RETALIATION IN VIOLATION OF GOVERNMENT CODE SECTION 12940, SUBSECTION (H)**
4. **WRONGFUL FAILURE TO TAKE REASONABLE STEPS TO PREVENT HARASSMENT, DISCRIMINATION AND RETALIATION IN VIOLATION OF GOVERNMENT CODE SECTION 12940, SUBSECTIONS (J)(1) AND (K)**
5. **WRONGFUL RETALIATION IN VIOLATION OF GOVERNMENT CODE SECTION 12940, SUBSECTIONS (J)(1) AND (K)**
6. **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS; AND**
7. **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

1 Comes now Plaintiff, BRENDA DENNSTEDT, for a complaint alleges against all Defendants as
2 follows:

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4 **JURISDICTION AND VENUE**

- 5 1. This Court has jurisdiction over this matter pursuant to Article VI, § 10 of the Constitution of the
6 State of California.
- 7 2. Venue is proper in the County of Riverside in that Plaintiff is a resident of this County, and a
8 substantial portion of the events, acts omissions and transactions complained of herein occurred
9 in this County. Plaintiff has been damaged in an amount in excess of the jurisdictional amount of
10 this Court.

11 **THE PARTIES**

- 12 3. Plaintiff, BRENDA DENNSTEDT (sometimes referred to as “DENNSTEDT” or “Plaintiff”),
13 was and is a resident of the County of Riverside, State California. During the entire period of
14 time at issue in this lawsuit, Plaintiff resided in Riverside County, State of California.
- 15 4. DEFENDANT, COUNTY OF RIVERSIDE. (“County”) is a corporation doing business in the
16 State of California.
- 17 5. At all times mentioned, Defendant, JEFFREY HEWITT, (sometimes referred to as “HEWITT”),
18 is and at all times mentioned in this Complaint a Riverside County Supervisor, and had a
19 supervisory role with Plaintiff.
- 20 6. At all times mentioned, Defendant, MATTHEW “BOOMER” SHANNON, (sometimes referred
21 to as “SHANNON”), is and at all times mentioned in this Complaint was an employee of
22 Defendant County, and had a supervisory role with Plaintiff.
- 23 7. Plaintiff is informed and believes, and thereon alleges, that each of the Defendants was, at all
24 times herein mentioned, the agent, employee, partner and/or representative of one or more of the
25 remaining Defendants and was acting within the course and scope of such relationship. Plaintiff
26 is further informed and believes that each of the Defendants herein gave consent to, ratified, and
27 authorized the acts alleged herein to each of the remaining Defendants. DENNSTEDT is further
28 informed and believes and thereon alleges that each of the named Defendants and all DOES sue

1 herein under fictitious names are jointly or severally liable to DENNSTEDT for her damages
2 alleged herein.

3 8. At all times mentioned, PLAINTIFF is ignorant of the true names and capacities of Defendants
4 sued herein as DOES 1 through 25, inclusive, and therefore sues these Defendants by such
5 fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities
6 when ascertained.

7 9. DENNSTEDT is informed and believes and based thereon alleges that each of the fictitiously
8 named Defendants are responsible in some manner for the occurrences herein alleged, and that
9 PLAINTIFF'S damages as herein alleged were proximately caused by such Defendants.

10 10. DENNSTEDT is informed and believes and based thereon alleges that at all times herein
11 mentioned each of the Defendants was the agent, joint venturer, statutory partner and/or
12 representative of each of the remaining Defendants, and in doing the things alleged below, was
13 acting within the scope of such agency and/or employment. DENNSTEDT is informed and
14 believes and thereon alleges that each of the named Defendants and all DOES sued herein under
15 fictitious names are jointly or severally liable to DENNSTEDT for her damages alleged herein.
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17 BASIS OF COMPLAINT

18 11. This lawsuit is about public policy violations and discrimination which occurred pertaining to
19 Plaintiff DENNSTEDT. Throughout DENNSTEDT'S employment, SHANNON exhibited a
20 "take no prisoners" demeanor and pattern of behavior that kept employees in fear. HEWITT
21 watched it happen and even supported it. Often in meetings, SHANNON would look at an
22 employee assigned a task and say, "I don't care how you f-ing do it, just f-ing get it done."
23 DENNSTEDT also told SHANNON to tone down his intimidating rhetoric, which was not
24 appreciated. Neither HEWITT nor SHANNON understood the policy and ethical aspects of their
25 jobs. They routinely stepped over legal and ethical boundaries, and DENNSTEDT pointed it
26 out. This made her an object of HEWITT and SHANNON'S scorn and/or acquiescence. Add her
27 failure to tolerate the constant sexual harassment she received, and this proved too much for
28 SHANNON AND HEWITT, leading to her firing.

1 12. Plaintiff DENNSTEDT further alleges that Defendant COUNTY took the following adverse
2 actions against DENNSTEDT: discrimination, termination, harassment, retaliation, denied a
3 work environment free of discrimination, retaliation and/or harassment. DENNSTEDT believes
4 Defendant COUNTY, through SHANNON and HEWITT, committed these actions because of
5 sex/gender, and/or age. COUNTY is an employer with over 5 employees, who is subject to suit
6 under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et. seq.).

7 13. Based on the foregoing, DENNSTEDT believes COUNTY is subject to the FEHA for, among
8 other things:

9 -Retaliation for reporting Harassment and/or Discrimination, which is a protected activity under state
10 and federal law;

11 -Retaliation for reporting Harassment and/or Discrimination, which is a protected activity under state
12 and federal law;

13 -Wrongful Harassment, Termination and/or Discrimination in Violation of Government Code
14 Section 12940, Subsection (a) and (j)).

15 -Wrongful Retaliation in Violation of Government Code Section 12940, Subsection (h); and

16 -Failure to Undertake Reasonable Steps to Prevent Discrimination and Harassment from Occurring
17 under Government Code Section 12940(k).

18 14. Plaintiff DENNSTEDT further alleges that she was retaliated against, including but not limited
19 to termination, in violation of public policy pursuant to California Labor Code Section 1102.5
20 and/or California Labor Code Section 98.6.

21 **FURTHER FACTS**

22 15. In or about March 2019, Supervisor HEWIT asked DENNSTEDT to serve as his Legislative
23 Asst./Public Safety Liaison. Among other things, Supervisor HEWITT needed someone on his
24 staff with connections to (and credibility with) law enforcement. DENNSTEDT offered a unique
25 combination of competence, political skill, and relevant knowledge. That relevant knowledge
26 included the rules pertaining to conduct of the people's business, and specific experience
27 working in law enforcement.
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- 1 16. As someone in public office herself since 2003, DENNSTEDT “knew the ropes” surrounding
2 both the political and ethical implications of public service, and she intended to give the benefit
3 of that expertise to HEWITT in a team environment that would ensure success of his objectives
4 on behalf of the people of the County of Riverside. Questions and comments she received upon
5 her hire and initial work in the office made her understand that everyone knew her expertise to
6 be desperately needed in light of the issues in the office. Said another way, she was recognized
7 as a “fixer” in a situation where clearly things needed to be fixed.
- 8 17. While DENNSTEDT initially reported to the Supervisor himself, as of a couple of months into
9 her work, she began to report to Chief of Staff SHANNON. With no previous experience in
10 government, SHANNON immediately showed himself to be disinterested with rules related to
11 conducting government business. As further described below, the Supervisor’s acquiescence to
12 SHANNON’S leadership despite his ignorance and disdain for rules and ethics created a situation
13 where DENNSTEDT would be subjected to constantly “swimming upstream,” to the detriment
14 of the people they were supposed to serve, and ultimately to her own employment.

15
16 **Problems Ignoring Law, Ethics and Policy**

- 17 18. DENNSTEDT witnessed the ignorance and/or dismissal of proper policy and procedure almost
18 immediately. As an initial matter, none of the employees at the office underwent Sexual
19 Harassment training as required by law. Furthermore, the office failed to either (a) confirm
20 DENNSTEDT had undergone the training mandated under AB 1234, which requires local
21 officials to periodically refresh their knowledge of public service ethics laws and principles, or to
22 (b) do the training themselves.
- 23 19. At a meeting early in DENNSTEDT’s employment which included almost all staff members, as
24 well as HEWITT, SHANNON informed everyone that they were required to attend the
25 Supervisor’s political fundraisers. At that moment, DENNSTEDT asked to briefly speak to
26 SHANNON in private, as she did not want to embarrass him. She informed SHANNON that he
27 could not use County employees or resources for political purposes, including for the
28 supervisor’s fundraising and re-election activities. These are blatant violations of both County

1 policy and the California Government Code. The chief seemed to indicate his understanding of
2 the correction and DENNSTEDT never heard him openly talk about such a requirement again.

3 20. Later DENNSTEDT would learn that HEWITT and SHANNON kept that requirement in place,
4 and just communicated it to employees outside of DENNSTEDT's presence, or sent emails to
5 everyone on staff except DENNSTEDT.

6 21. Between her observation that SHANNON did not understand rules that he should, and her
7 concern that SHANNON would not convey things to the Supervisor, particularly related to her
8 observations about ethical, policy, or potential legal issues, DENNSTEDT would regularly circle
9 back with the Supervisor to tell him she had informed SHANNON about the issue at hand.

10 22. Getting wind of this, by Fall 2019, SHANNON specifically instructed DENNSTEDT not to go to
11 the Supervisor with any of those issues. She was left to "trust" SHANNON that he would take
12 issues to the Supervisor and correct them. In fact, this almost never happened.

13 23. This requirement that County employees attend political functions served as the first of many
14 issues DENNSTEDT would see related to a failure to follow relevant law or policy. Other issues
15 followed.
16

17 **Failure to File Proper Documents, and/or Inaccurate Reporting**

18 24. Constantly during her employment, DENNSTEDT reviewed forms that were inaccurate, often
19 given to her after they were filed, when her expertise would have prevented the issues on the
20 front side. The failure to clear up those inaccuracies amounted to agency violations, including
21 with the California Fair Political Practices Commission (FPPC). Upon review of the documents,
22 she noticed errors needing correction and pointed them out to HEWITT and SHANNON, who
23 stated they would make the corrections in amended filings. Often, they did not make the changes.

24 25. On another occasion, DENNSTEDT reviewed a Form 460 (Recipient Committee Campaign
25 Statement) which was ultimately filed on July 31, 2020. Among other things, it included
26 expenses that HEWITT purported to be fundraising expenses but, in fact, seemed to be for the
27 purchase of box seats at the stadium where the San Diego Padres play. More, HEWITT, against
28 DENNSTEDT's advice, failed to amend the committee name for his future election, and to file

1 the California Intention Statement (501) to reflect his future re-election campaign.

2 DENNSTEDT pointed out all of the foregoing to HEWITT and SHANNON. By and large, they
3 ignored her observations and left their forms short of compliance.

4 **Inappropriate Use of County Employees**

5 26. SHANNON had no problem using his power as Chief of Staff to order County Employees to
6 complete personal errands for him on county time. In at least one instance, he sent a county
7 employee to get his cell phone a SIM card. In another, he had a county employee deliver
8 groceries and medicine—during work time—to his personal residence as he quarantined with
9 COVID-19. DENNSTEDT stated to colleagues that this was inappropriate.

10 **Sexual Harassment/More Inappropriate Questions and Comments**

11 27. DENNSTEDT also experienced a myriad of sexual harassment issues while on the job, with
12 inappropriate conversations and actions, and constant comments about her looks and her age.
13 Starting almost immediately after she started working, Supervisor HEWITT would make
14 mention of her marital status while she was in his office. Specifically, he would comment about
15 how she was too young and too pretty, and she needed to be married and have a husband. More,
16 he was meeting with law enforcement and code enforcement folks, and he could “negotiate a
17 date for her.” He would also mention how she looked much younger than her age, asking “are
18 you sure you are the age you say?” These comments were always made in the context of her
19 physical appearance.
20

21 28. At that time, DENNSTEDT gave the Supervisor the benefit of the doubt, thinking he was being a
22 consoling friend when her daughter passed. In those first months, she was consoled by many
23 including HEWITT.

24 29. Instead of such comments dying down, they continued over time, and became more persistent
25 where they could not be justified as innocent courtesy. Time after time, during work, HEWITT
26 would ask her questions, like; “Are you seeing anybody yet?” “Are you dating?” She also
27 endured his constant offers to set her up with friends of his. HEWITT made these comments
28

1 more than a dozen times, and most of the time in SHANNON's presence. SHANNON made
2 similar comments on multiple occasions.

3 30. Immediately uncomfortable with the comments, she ultimately told them both to stop making
4 these comments, and that she did not need any help with her dating life. However, despite her
5 ask, the comments continued.

6 31. Following the passing of her daughter, DENNSTEDT understandably was in a state of mourning
7 for some time. This, along with an ankle injury that affected her mobility, caused her to gain
8 weight, which she lost after regaining mobility and reinstating her exercise regimen. On
9 December 10, 2019, DENNSTEDT wore a particular outfit after having lost weight. Beyond a
10 normal compliment about looking nice, HEWITT and the SHANNON had asked her such
11 questions as "Oh my who are you trying to please?" and "who are you hoping to unzip you out
12 of that dress?"

13 32. Again, HEWITT and SHANNON returned to their theme of talking about a date for
14 DENNSTEDT. By then, she had made very clear that she did not welcome such comments.
15 However, HEWITT and SHANNON "excused" their conduct because of DENNSTEDT's
16 background working in law enforcement. Specifically, as they stated [paraphrasing], "having
17 worked in the jails, [she] had heard much worse than this." SHANNON and HEWITT also often
18 referred to DENNSTEDT's age, saying things such as "are you sure you are [52 years old]? You
19 look awfully good for your age."
20

21 **SHANNON Bathrobe Incident**

22 33. HEWITT and SHANNON continued to demonstrate that they did not care how their conduct was
23 viewed. During one of the first Zoom meetings conducted for the office staff meeting following
24 the COVID shut down, SHANNON made the decision to appear in the meeting wearing only a
25 bathrobe, which offended many, including DENNSTEDT. During that meeting, he picked up his
26 laptop, walked outside, and smoked a cigarette, leaving his robe in full view.

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1 **Speaking Up for Female Employees**

2 34. DENNSTEDT found herself as the person looked to for speaking up on behalf of other
3 employees. Specifically, the women in the office became disillusioned when they found
4 HEWITT paid less attention to their projects and priorities than he did to that of the men in the
5 office. The women in the office noticed that the favor of the male employees seemed to coincide
6 with the men going to golf with HEWITT and SHANNON every week. In fact, every Monday
7 morning the men in the office, led by HEWITT and SHANNON, would rave about the great time
8 they'd had playing golf the weekend before, including during staff meetings.

9
10 35. The women in the office observed a correlation between golf time out of the office and project
11 prioritization by the Supervisor in the office. In this regard, the men were favored and the women
12 disfavored. The women specifically asked DENNSTEDT to speak to HEWITT about this issue.

13 36. On September 24, 2020, DENNSTEDT did so. Specifically, she stated to HEWITT that he
14 needed to find some time for the ladies in the office as he seems to for the men. His response
15 was to indicate that the women needed to go play golf as well. On DENNSTEDT's
16 recommendation, he agreed to schedule a lunch with the female staffers at which they could have
17 time with HEWITT to discuss their projects. The lunch was scheduled and cancelled twice and
18 did not occur during DENNSTEDT's employment.

19 **October 7, 2021 Office Party**

20 37. The Supervisor had a work event scheduled at District office on October 7, 2021. Among other
21 things, the district office, more isolated in location, emboldened the inclusion of alcoholic drinks
22 to be served. SHANNON did not worry about his conduct, even when it was improper or illegal.
23 On October 7, 2020, he told both HEWITT and DENNSTEDT of his recent activity in locating
24 property that had been stolen from his vehicle while in San Diego. (He had actually told the story
25 before, but decided to tell it again, with an audience of employees, for DENNSTEDT's benefit,
26 at the request of the Supervisor.)

27 38. Per SHANNON, using the ability to locate his stolen phone, he narrowed the location to the
28 backseat of a particular vehicle in a San Diego neighborhood. Asking someone standing outside,

1 he located the owner of the car. He knocked on the door; the man answering acknowledged
2 owning the car but denied stealing anything when SHANNON accused him of same.

3 SHANNON stated that he took a golf club and shattered the window of the vehicle in order to
4 get to his phone. Having reasonably believed a felony had taken place, DENNSTEDT reached
5 out to the chief investigator for the District Attorney's office and told the story that SHANNON
6 shared in her presence.

7 39. During the same event, at some point DENNSTEDT agreed to accompany SHANNON while he
8 purchased cigarettes. In his car, he expressed his displeasure with DENNSTEDT's statements to
9 HEWITT on September 24th that the women in the office felt slighted. Specifically, SHANNON
10 took the opportunity to admonish DENNSTEDT; referring to her speaking up; he said "Don't
11 you ever fucking do that again!" This was consistent with SHANNON's constant fear that
12 DENNSTEDT would state issues directly to HEWITT, effectively embarrassing him or "putting
13 him on the spot."
14

15 **Indecent Exposure Discussion and Ultimate Termination**

16 40. DENNSTEDT recommended that the Supervisor do a photo session with a newly trained
17 electronics sniffing dog used by the District Attorney's Sexual Assault Felony
18 Enforcement/Internet Crimes Against Children Task Force. The dog had just been received by
19 the District Attorney's Office. The Supervisor agreed, and so DENNSTEDT used her contacts to
20 set up the photo session.

21 41. On the day of the session, October 22, 2020, DENNSTEDT went to the Supervisor's office to
22 await the DA's representatives to arrive with the dog. While in the Supervisor's office with
23 HEWITT and SHANNON present, they started talking about masturbation. It started by referring
24 to the incident involving a CNN commentator, Jeffrey Toobin, who was caught exposing himself
25 during a Zoom meeting. HEWITT and SHANNON commenced a conversation, stating: "Can
26 you believe that guy (Toobin)?" "How many people do you think are doing that?" The
27 supervisor said "Well what else are you going to do? People get bored." SHANNON laughed as
28 this conversation proceeded.

- 1 42. DENNSTEDT was shocked. Already inappropriate in an office setting, the irony that they
2 would have this conversation while awaiting a photo opportunity to deal with the Sexual
3 Predator Unit was not lost on DENNSTEDT. Disgusted, DENNSTEDT stated, "I am not going
4 to be a part of this conversation." She left the Supervisor's office and waited for the DA's
5 representative from the lobby area.
- 6 43. When the DA's representative arrived, they did pictures in the conference room. DENNSTEDT,
7 the DA representatives, SHANNON and HEWITT attended. After completing the photo session,
8 the DA representative sought to confirm where the pictures should be sent. DENNSTEDT, who
9 had arranged the session and responsible for the related contacts, stated she could receive them.
10 In a show of control, SHANNON interjected in an irritated manner: "no I don't want them sent
11 to her; they should come to me directly." In mere minutes, SHANNON's demeanor had
12 changed: at first, while in the Supervisor's office, he was "fine," and even giggling and bubbly.
13 But, following the conversation that DENNSTEDT objected to and walked out on, he sought to
14 exclude DENNSTEDT from job functions that were naturally hers; this time, from receiving
15 pictures from her own contact at the DA's office.
- 16 44. On October 26, 2021, three days after this discussion, DENNSTEDT was terminated from her
17 position, and given no reason for same by SHANNON. She made a point to ask for her personnel
18 file as she is entitled to under CA Labor Code § 1198.5. To this date, she never received the
19 personnel file. She also asked to speak to a supervisor; she was refused, and was not even
20 allowed to retrieve her belongings. Instead, SHANNON escorted her out himself. When she
21 finally was allowed to return to her office on November 5, 2020, it was clear that someone had
22 gone through her things. More, her high-back leather chair, which she had in the Perris office,
23 had been taken by SHANNON and removed to his office in Riverside. Previously, SHANNON
24 told DENNSTEDT that "[this] chair should be in [his] office."

EXHAUSTION OF REMEDIES

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27 45. Prior to filing this action, Plaintiff timely filed a Complaint with the Department of Fair
28 Employment and Housing ("DFEH") alleging that the acts of Defendants were established

1 violations of FEHA, Government Codes Sections 12900, et seq. Plaintiff received "Right to
2 Sue" letter from the Department of Fair Employment and Housing against Defendants, and thus
3 brings this action timely. Plaintiff also filed a Government claim with the County of Riverside.
4 See attached Exhibits 1 and 2.

5 **FIRST CAUSE OF ACTION**

6 **(Against Defendant COUNTY, and DOES 1 through 25)**

7 **(Employment Discrimination in Violation of Government Code § 12940(a), (a), (c), (i), (j)(1))**

8 46. Plaintiff DENNSTEDT incorporates and re-alleges each allegation set forth above as if fully set
9 forth herein.

10 47. DENNSTEDT was employed by COUNTY during the times and in the position, which is
11 described with more particularity, above.

12 48. At all times herein mentioned, California's Fair Employment and Housing Act ("FEHA"), Cal.
13 Government Code § 12940 et seq., was in full force and effect and fully binding upon
14 Defendants. Plaintiff was a member of a group protected by the statute, in particular section
15 12940(a), prohibiting discrimination in employment based on sex/gender, and age. Plaintiff was
16 a female over the age of 40 who, by all accounts was performing competently in her position
17 with COUNTY.

18 49. While DENNSTEDT worked for COUNTY, DENNSTEDT was subjected to discrimination,
19 harassment, and/or discriminatory and retaliatory policies, practices and procedures based upon
20 her sex/gender, and/or age. The actions were ratified by COUNTY. The discriminatory practices
21 included, but were not limited to, being retaliated against for pointing out the failure to follow
22 relevant policies, rules and/or law, being constantly talked to and talked about in an
23 unprofessional manner, about dating, her body, her marriage status, and told that as a former
24 police officer she had heard worse, and being witness to inappropriate actions and comments,
25 and ultimately fired for not "going along" as HEWITT and SHANNON expected.

26 50. The termination of Plaintiff's employment by Defendants constitutes discrimination based on
27 sex/gender and /or age, and violated Government Code § 12940(a). Similar individuals,
28

1 including women, were subjected to disadvantageous terms, conditions, and/or privileges of
2 employment, including but not limited to refusal to hire or promote, based not on the content of
3 their character or work performance, but based on sex/gender, and/or age.

4 51. As a direct, foreseeable, and proximate result of Defendants' unlawful actions, Plaintiff suffered
5 and continues to suffer lost earnings, and other employment benefits and has incurred other
6 economic losses.

7 52. As a further direct, foreseeable, and proximate result of Defendants' unlawful actions, Plaintiff
8 has suffered emotional distress, humiliation, shame, and embarrassment all to the Plaintiff's
9 detriment causing her damages in an amount to be proven at time of trial.

10 53. Defendant COUNTY committed the acts herein despicably, maliciously, fraudulently, and
11 oppressively, with the wrongful intention of harming Plaintiff from an improper and evil motive
12 amounting to malice, and in conscious disregard of the rights or safety of Plaintiff and others.

13 54. COUNTY affected, facilitated, authorized, and/or ratified HEWITT AND/OR SHANNON's
14 actions. Plaintiff further believes that any alleged reasons for her termination were a pretext for
15 discrimination based on her sex/gender.

16 55. By engaging in the discriminatory activities and by maintaining the discriminatory policies,
17 practices and procedures more fully described above, and more specifically by demoting, failing
18 to properly train, berating, isolating, and retaliating against Plaintiff as set forth above,
19 COUNTY violated the fundamental, substantial, and well-established public policies embodied
20 in applicable law.

21 56. COUNTY knowingly and willfully conspired to cause Plaintiff DENNSTEDT to be terminated
22 because of sex/gender and/or age, and to deprive DENNSTEDT of the benefits and privileges of
23 her employment as described herein. In so doing, COUNTY violated the fundamental,
24 substantial, and well-established public policies embodied in Government Code section 12940(i),
25 by aiding, abetting, inciting, compelling, or coercing the doing of any of the acts forbidden under
26 Government Code section 12940, subsections (a) and (c), or by attempting to do so.
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1 57. As a direct and proximate result of COUNTY'S willful, knowing, and intentional violations of
2 the Fair Employment and Housing Act (FEHA) by discriminating against DENNSTEDT based
3 on sex/gender and/or age, and by their failure to take all reasonable steps necessary to prevent
4 harassment, retaliation and discrimination as herein below alleged, Plaintiff was terminated and
5 was damaged thereby. Plaintiff is also entitled to reasonable attorneys' fees under the Fair
6 Employment and Housing Act.

7 **SECOND CAUSE OF ACTION**

8 **(Against Defendant COUNTY, and DOES 1 through 25 only)**

9 **(Harassment Based on Sex/Gender in Violation of California Government Code § 12940(A) & (J))**

10 58. Plaintiff DENNSTEDT incorporates and re-alleges each allegation set forth above as if fully set
11 forth herein.

12 59. At all times herein mentioned, California's Fair Employment and Housing Act ("FEHA"), Cal.
13 Gov't Code §§ 12900, et seq., was in full force and effect and was fully binding upon
14 Defendants. Specifically, §§ 12940(j) prohibits an employer from sexually harassing an
15 employee on the basis on her sex/gender.

16 60. The actions of Defendants HEWITT and SHANNON (as managers) directed at Plaintiff, who
17 was their direct subordinate, as described herein, created a hostile working environment which
18 materially altered Plaintiff's working conditions, and which constitutes sexual harassment in
19 violation of Gov't Code §12940(j)(1).

20 61. As a direct, foreseeable, and proximate result of Defendants' unlawful actions, Plaintiff
21 DENNSTEDT suffered economic damages and harm, including back pay, benefits, and other
22 compensation.

23 62. As a direct, foreseeable, and proximate result of Defendants' unlawful actions, Plaintiff suffered
24 emotional distress, humiliation, shame, and embarrassment, all to the Plaintiff's detriment in an
25 amount to be proven at the time of trial.

26 63. Plaintiff is thus entitled to recover damages according to proof, in addition to reasonable
27 attorneys' fees under the Fair Employment and Housing Act.
28

1 **THIRD CAUSE OF ACTION**

2 **(Against Defendant COUNTY, and DOES 1 through 25 only)**

3 **(Wrongful Retaliation in Violation of Government Code Section 12940, Subsection (h))**

4 64. Plaintiff DENNSTEDT incorporates and re-alleges each allegation set forth above as if fully set
5 forth herein.

6 65. At all times herein mentioned, California's Fair Employment and Housing Act ("FEHA"), Cal.
7 Gov't Code §§ 12900, et seq., was in full force and effect and was fully binding upon Defendant.
8 Specifically, § 12940(h) makes it an unlawful employment practice for an employer to
9 discriminate against any person because the person has opposed any practices forbidden under
10 this part.

11 66. While DENNSTEDT worked for County, the policies and procedures implemented by County
12 created a custom and practice of discrimination and retaliation within County in general, and
13 against individuals in DENNSTEDT's department, in particular, when they questioned issues
14 related to the conditions of their employment, lack of access to Supervisor HEWITT, and the
15 failure to use appropriate and recognized processes. The actions were ratified by COUNTY.

16 67. On multiple occasions, Plaintiff DENNSTEDT opposed the sexually harassing behavior of
17 HEWITT and/or SHANNON. In response to her saying no to his sexual advances, Defendants
18 immediately terminated the employment of Plaintiff.

19 68. As a direct, foreseeable, and proximate result of Defendants' unlawful actions, Plaintiff has
20 suffered and continues to suffer losses in earnings and other employment benefits and has
21 incurred other economic losses. Plaintiff has further suffered substantial emotional distress,
22 humiliation, shame, and embarrassment, all to the Plaintiff's damage in an amount to be proven
23 at the time of trial. Further, Plaintiff is entitled to reasonable attorneys' fees under the Fair
24 Employment and Housing Act.
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1 **FOURTH CAUSE OF ACTION**

2 **(Against Defendant COUNTY, and DOES 1 through 25)**

3 **(Wrongful Failure to Take Reasonable Steps to Prevent Harassment, Discrimination and**
4 **Retaliation in Violation of Government Code Section 12940, Subsections (j)(1) and (k))**

5 69. Plaintiff DENNSTEDT incorporates and re-alleges each allegation set forth above as if fully set
6 forth herein.

7 70. Defendant At all times herein mentioned, California's Fair Employment and Housing Act
8 ("FEHA"), Cal. Gov't Code §§ 12900, et seq., was in full force and effect and was fully binding
9 upon Defendant. Specifically, § 12940(k) makes it an unlawful employment practice for an
10 employer to fail to take all reasonable steps necessary to prevent sexual harassment from
11 occurring.

12 71. As described above, Defendant COUNTY knew about and received complaints about the hostile
13 work environment and harassing behavior of Defendant HEWITT and/or SHANNON but did
14 nothing about his behavior. Defendant was informed by Plaintiff of HEWITT AND/OR
15 SHANNON'S behavior and discriminatory treatment and/or was aware of same yet failed to take
16 any action. Defendant COUNTY failed to adequately investigate HEWITT and/or SHANNON's
17 behavior when warned, failed to take all reasonable prevent them from harassing Plaintiff and
18 did not investigate or discipline them in response to Plaintiff's complaint. Defendant COUNTY
19 wrongfully terminated Plaintiff just days after being admonished by SHANNON for going
20 directly to HEWITT about problems occurring at the job. Defendant COUNTY failed to take all
21 reasonable steps necessary to prevent harassment from occurring in violation of § 12940(k).

22 72. As a direct, foreseeable, and proximate result of COUNTY'S unlawful actions, Plaintiff has
23 suffered and continue to suffer losses in earnings and other employment benefits and has
24 incurred other economic losses. Further, Plaintiff has suffered substantial emotional distress,
25 humiliation, shame, and embarrassment, all to the Plaintiff's damage in an amount to be proven
26 at the time of trial. More, Plaintiff is entitled to reasonable attorneys' fees under the Fair
27 Employment and Housing Act.
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1 **FIFTH CAUSE OF ACTION**

2 **(Wrongful Retaliation in Violation of Labor Code § 1102.5 Government Code § 12940(h))**

3 **(Against Defendant COUNTY, and DOES 1 through 25 only)**

4 73. Plaintiff DENNSTEDT incorporates and re-alleges each allegation set forth above as if fully set
5 forth herein.

6 74. At all times material to this Complaint, California Labor Code § 1102.5 and California
7 Government Code Section 12940(h) was in effect and binding on Defendant. This section
8 requires Defendants to refrain from retaliating against an employee for refusing to participate in
9 an activity that she reasonably believes would result in a violation of state or federal statute, or a
10 violation or noncompliance with a state or federal rule or regulation.

11 75. Plaintiff had a reasonable belief that Defendant COUNTY was violating state and/or federal laws
12 through HEWITT and/or SHANNON, and COUNTY management knew of said violations, and
13 as alleged hereinabove.

14 76. Defendants retaliated against Plaintiff for her whistleblowing, by harassing, threatening, and
15 terminating her, among other things, all in violation of Labor Code § 1102.5.

16 77. As a direct and proximate result of such retaliation, Plaintiff DENNSTEDT has been damaged in
17 a sum according to proof.

18 78. Plaintiff requests all available relief under Labor Code § 1102.5 including damages and the
19 imposition of a civil penalty of \$10,000.00 for each violation or an amount to be proven at trial.
20 Further, Plaintiff is entitled to reasonable attorneys' fees under the Fair Employment and
21 Housing Act.
22

23 **SIXTH CAUSE OF ACTION**

24 **(Intentional Infliction of Emotional Distress)**

25 **(Against Defendants HEWITT and SHANNON, and DOES 1 through 25 only)**

26 79. Plaintiff DENNSTEDT incorporates and re-alleges each allegation set forth above as if fully set
27 forth herein.
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1 80. At all relevant times, Plaintiff DENNSTEDT was a direct report to HEWITT and/or
2 SHANNON.

3 81. From the beginning of her employment, HEWITT and SHANNON, among others, conspired
4 outside the scope of their duties to commit certain wrongful acts. These acts were motivated by,
5 among other things, HEWITT AND/OR SHANNON'S desire to control Plaintiff and be able to
6 speak to her however they pleased, including in ways that were sexually suggestive. Those acts
7 included, but were not limited to, harsh treatment, beratement, and sexual harassment of
8 Plaintiff; being put in various uncomfortable situations on almost a daily basis, including being
9 subject to uncomfortable and inappropriate conversations which both HEWITT and SHANNON
10 participated in. SHANNON yelled at DENNSTEDT, which HEWITT did not object to, and
11 sought to cut off her contact with SHANNON about issues at the office. SHANNON yelled at
12 her frequently, threatened her employment, and ultimately helped to facilitate her isolation and
13 ultimately her retaliatory dismissal.
14

15 82. Defendants HEWITT and SHANNON intended to cause Plaintiff DENNSTEDT severe
16 emotional distress. Alternatively, HEWITT and SHANNON acted with reckless disregard of the
17 probability that Plaintiff would suffer emotional distress, knowing that Plaintiff would be present
18 when the conduct occurred.

19 83. Plaintiff suffered severe emotional distress; specifically, this extreme and outrageous conduct
20 caused emotional distress, humiliation, and degradation to Plaintiff. HEWITT and SHANNON'S
21 conduct was a substantial factor in causing Plaintiff's severe emotional distress.

22 84. The aforementioned conduct constitutes fraud, malice, or oppression, thereby entitling Plaintiff
23 DENNSTEDT to punitive damages. Defendants HEWITT and SHANNON committed the acts
24 herein despicably, maliciously, fraudulently, oppressively, and with the wrongful intention of
25 injuring Plaintiff, from an improper and evil motive amounting to malice, and in conscious
26 disregard of the rights and safety of plaintiff and others. Plaintiff is thus entitled to recover
27 punitive damages from Defendants, and each of them, in an amount according to proof.
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1 **SEVENTH CAUSE OF ACTION**

2 **(Negligent Infliction of Emotional Distress)**

3 **(Against Defendants HEWITT and SHANNON, and DOES 1 through 25 only)**

4 85. Plaintiff incorporates and re-alleges each allegation set forth above as if fully set forth herein.

5 86. Defendants HEWITT and SHANNON, and each of them, were negligent in bringing about the
6 severe emotional distress incurred by Plaintiff. Emotional distress flowed from conduct from
7 HEWITT and SHANNON that Plaintiff DENNSTEDT witnessed and was required to suffer
8 under.

9 87. Specifically, said emotional distress also came due to acts including, but not limited to, harsh
10 treatment, beratement, and sexual harassment of Plaintiff; being put in various uncomfortable
11 situations on almost a daily basis, including being subject to uncomfortable and inappropriate
12 conversations which both HEWITT and SHANNON participated in. SHANNON yelled at
13 DENNSTEDT, which HEWITT did not object to, and sought to cut off her contact with
14 SHANNON about issues at the office. SHANNON yelled at DENNSTEDT, and she suffered
15 harassment, threats to her employment and standing on her job, and intimidation.

16 88. Plaintiff DENNSTEDT's emotional distress included suffering, anguish, fright, horror,
17 nervousness, grief, anxiety, worry, shock, humiliation, and shame. Said emotional distress was
18 severe because an ordinary, reasonable person would be unable to cope with it. The conduct of
19 HEWITT and SHANNON, and each of them, was a substantial factor in causing said emotional
20 distress. Based on the foregoing, Plaintiff should receive damages according to proof at trial.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff BRENDA DENNSTEDT respectfully requests the following relief:

23 **ON THE FIRST, SECOND, THIRD, FOURTH, AND FIFTH CAUSES OF ACTION**

- 24
- 25 1. For damages according to proof, and for interest thereon at the going legal rate;
 - 26 2. For costs and expenses of suit incurred herein, including statutory attorney fees; and
 - 27 3. For such other and further relief as the Court deems just and proper.
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ON THE SIXTH CAUSE OF ACTION

1. For damages according to proof, including punitive damages, and for interest thereon at the going legal rate;
2. For costs and expenses of suit incurred herein, and
3. For such other and further relief as the Court deems just and proper.

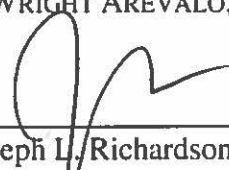
ON THE SEVENTH CAUSE OF ACTION

1. For damages according to proof,
2. For costs and expenses of suit incurred herein; and
3. For such other and further relief as the Court deems just and proper.

Dated: March 3, 2022

MCCUNE WRIGHT AREVALO, LLP

By: _____


Joseph L. Richardson
Brynna D. Popka
Attorneys for Plaintiff

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EXHIBIT 1



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

February 3, 2022

Brenda Dennstedt
42359 Chisolm Trl
Murrieta, CA 92562-5216

RE: Notice of Case Closure and Right to Sue
DFEH Matter Number: 202201-15894119
Right to Sue: Dennstedt / Riverside County Board of Supervisors et al.

Dear Brenda Dennstedt:

This letter informs you that the above-referenced complaint filed with the Department of Fair Employment and Housing (DFEH) has been closed effective February 3, 2022 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 mediation program. 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 mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. 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 the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact DFEH's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@dfeh.ca.gov and include the DFEH matter number indicated on the Right to Sue notice.



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KUSH, DIRECTOR

2218 Keusen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 854-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

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,

Department of Fair Employment and Housing

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EXHIBIT 2

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. **2021**
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

APR 21 2021

COPY

TIME STAMP HERE

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) 955-1060

1 FULL NAME OF CLAIMANT Brenda Dennstedt		8 WHY DO YOU CLAIM THE COUNTY IS RESPONSIBLE? Negligent hiring/supervision/retention of its Employees Jeff Hewitt and Boomer Shannon and wrongful discharge of Claimant	
2 MAILING ADDRESS (STREET / PO BOX) 3281 East Guasti Road, Suite 100			
CITY Ontario	STATE CA	ZIP CODE 91761	
HOME TELEPHONE () 909-557-1250	BUSINESS TELEPHONE () 909-557-1250	9 NAMES OF ANY COUNTY EMPLOYEES (AND THEIR DEPARTMENTS) INVOLVED IN INJURY OR DAMAGE (IF APPLICABLE). Jeff Hewitt and Boomer Shannon; Department: County Board of Supervisors	
3 WHEN DID DAMAGE OR INJURY OCCUR (PLEASE BE EXACT) 10/26/2020		NAME Jeff Hewitt; Boomer Shannon	DEPARTMENT County Board of Supervisors
4 WHERE DID DAMAGE OR INJURY OCCUR? County Administrative Center, Fifth Floor		10 WITNESSES TO DAMAGE OR INJURY: LIST ALL PERSONS AND ADDRESSES OF PERSONS KNOWN TO HAVE INFORMATION	
STREET 4080 Lemon Street, Riverside, CA 92502	CITY Riverside	STATE CA	ZIP CODE 92502
5 DESCRIBE IN DETAIL HOW DAMAGE OR INJURY OCCURRED		NAME Stephanie Garthwaite	PHONE
The County employed, hired, retained, or otherwise permitted County supervisor Jeff Hewitt, and Chief of Staff Boomer Shannon, while in the course and scope of their employment, to harass claimant by making disparaging and vulgar comments and otherwise engaging in gender and age discrimination resulting in claimant's wrongful discharge and causing claimant to suffer damages including ongoing emotional trauma/harassment arising from the harassment and negligent and intentional infliction of emotional distress as a result of the County Supervisor and Chief of Staff's conduct.		ADDRESS	
		NAME Mickey Valdivia	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 records if applicable) Ongoing emotional trauma and harassment, which exceeds \$25,000	
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	PHYSICIAN/HOSPITAL'S NAME		
PHYSICIAN/HOSPITAL'S ADDRESS	PHONE	TOTAL DAMAGES TO DATE Exceeds \$25,000	TOTAL ESTIMATED PROSPECTIVE DAMAGES Exceeds \$25,000

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 945.5)
- 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 945.6)

12 CLAIMANT OR PERSON FILING ON HIS/HER BEHALF <i>Bryna Popka</i>	13 PRINT OR TYPE NAME Bryna D. Popka, Esq.	DATE 4/8/2021
SIGNATURE	RELATIONSHIP TO CLAIMANT Attorney	