

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)
FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO CIVIL DIVISION

JUN 24 2022

BY: *abc*
ASHLEE BAYLESS CHAPA, DEPUTY

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

CALIFORNIA STATE UNIVERSITY; LANCE HIGGINS, an individual;
and DOES 1 through 25, inclusive.

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

JOANNA BARBER-MATTHEWS, an individual;

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

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

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

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

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

The name and address of the court is:
(El nombre y dirección de la corte es):

San Bernardino Superior Court, Central District, 247 W. Third St., San Bernardino CA 92415

CASE NUMBER: (Número del Caso):
CIV SB 2211347

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): Joseph L. Richardson, jlr@mccunewright.com
3281 East Guasti Road, Ste. 100, Ontario CA 91761

DATE:
(Fecha)

JUN 24 2022

Clerk, by **Ashlee Bayless Chapa**, Deputy
(Secretario) (Adjunto)

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

[SEAL]
copy

NOTICE TO THE PERSON SERVED: You are served

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

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

Joseph L. Richardson, Esq./SBN 212206 jlr@mccunewright.com
 McCune Wright Arevalo
 3281 East Guasti Rd., #100, Ontario CA 91761
 TELEPHONE NO: 909-557-1250 FAX NO: 909-557-1275
 ATTORNEY FOR (Name): Plaintiff

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Bernardino

STREET ADDRESS 247 W. Third Street
 MAILING ADDRESS 247 W. Third Street
 CITY AND ZIP CODE San Bernardino CA 92415
 BRANCH NAME Central District

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SAN BERNARDINO
 SAN BERNARDINO CIVIL DIVISION

JUN 24 2022

CASE NAME:
 Joanna Barber-Matthews v. California State Univerty

CIVIL CASE COVER SHEET

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

Complex Case Designation

Counter Joinder

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

CASE NUMBER: CIV SB 2211347
 JUDGE: SHARON L. CHAPA, DEPUTY
 DEPT:

Items 1-6 below must be completed (see instructions on page 2).

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

<input type="checkbox"/> Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	<input type="checkbox"/> Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	<input type="checkbox"/> Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
<input type="checkbox"/> Other PI/PD/W/D (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/W/D (23)	<input type="checkbox"/> Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	<input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20)
<input type="checkbox"/> Non-PI/PD/W/D (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/W/D tort (35)	<input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	<input type="checkbox"/> Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)
<input type="checkbox"/> Employment <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	<input type="checkbox"/> Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<input type="checkbox"/> Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. Large number of separately represented parties d. Large number of witnesses
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify):
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: June 21, 2022
 Joseph L. Richardson

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

CIV SB 2211347

JOANNA BARBER-MATTHEWS

Case No.:

vs.

CERTIFICATE OF ASSIGNMENT

CALIFORNIA STATE UNIVERSITY

A civil action or proceeding presented for filing must be accompanied by this Certificate. If the ground is the residence of a party, name and residence shall be stated.

The undersigned declares that the above-entitled matter is filed for proceedings in the SAN BERNARDINO District of the Superior Court under Rule 131 and General Order of this court for the checked reason:

General Collection

Nature of Action Ground

- 1. Adoption
2. Conservator
3. Contract
4. Equity
5. Eminent Domain
6. Family Law
7. Guardianship
8. Harassment
9. Mandate
10. Name Change
11. Personal Injury
12. Personal Property
13. Probate
14. Prohibition
15. Review
16. Title to Real Property
17. Transferred Action
18. Unlawful Detainer
19. Domestic Violence
20. Other Employment
21. THIS FILING WOULD NORMALLY FALL WITHIN JURISDICTION OF SUPERIOR COURT

The address of the accident, performance, party, detention, place of business, or other factor which qualifies this case for filing in the above-designed district is:

Defendant, California State University 5500 University Pkwy
NAME - INDICATE TITLE OR OTHER QUALIFYING FACTOR ADDRESS

San Bernardino CA 92407
CITY STATE ZIP CODE

I declare, under penalty of perjury, that the foregoing is true and correct and that this declaration was executed on June 21, 2022 at San Bernardino California.

Signature of Attorney/Party

JUN 24 2022

abc
BY: ASHLEE BAYLESS CHAPA, DEPUTY

1 Joseph L. Richardson, State Bar No. 212206
Jlr@mccunewright.com
2 Sandy G. Gonzalez, State Bar No. 330541
Sgg@mccunewright.com
3 McCUNE WRIGHT AREVALO, LLP
3281 East Guasti Road, Ste. 100
4 Ontario, California 91761
Telephone: (909) 557-1250
5 Facsimile: (909) 557-1275

6 Attorneys for Plaintiff
JOANNA MATTHEWS
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN BERNARDINO

10 Case No.: **CIV SB 2211347**

11 JOANNA BARBER-MATTHEWS, an individual;

12 Plaintiff,

13 v.

14 CALIFORNIA STATE UNIVERSITY; LANCE
15 HIGGINS, an individual; and DOES 1 through 25,
inclusive.

16 Defendants.
17
18
19
20
21
22
23
24
25
26
27
28

**COMPLAINT OF PLAINTIFF JOANNA
MATTHEW**

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; AND
8. INJUNCTIVE RELIEF

1 Comes now Plaintiff, JOANNA BARBER-MATTHEWS, for a complaint alleges against all
2 Defendants as follows:

3
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 San Bernardino in that Plaintiff is a resident of this county, and
8 a 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, JOANNA BARBER-MATTHEWS (sometimes referred to as "MATTHEWS" or
13 "Plaintiff"), was and is a resident of the County of San Bernardino, State California. During the
14 entire period of time at issue in this lawsuit, Plaintiff resided in San Bernardino County, State of
15 California.
- 16 4. DEFENDANT, CALIFORNIA STATE UNIVERSITY is a public entity composed of 23
17 campuses, including California State University San Bernardino, and it features divisions
18 including the California State University San Bernardino Police Department ("CSUSBPD"),
19 which services the CSUSB campus.
- 20 5. At all times mentioned, Defendant, LANCE HIGGINS, (sometimes referred to as "HIGGINS"),
21 is and at all times mentioned in this Complaint a police officer with CSUSBD, and had a
22 supervisory role with Plaintiff.
- 23 6. 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. MATTHEWS 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 MATTHEWS for her damages
2 alleged herein.

3 7. 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 8. MATTHEWS 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 9. MATTHEWS 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. MATTHEWS 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 MATTHEWS for her damages alleged herein.
16

17 **BASIS OF COMPLAINT**

18 10. This lawsuit is about public policy violations and discrimination which occurred pertaining to
19 Plaintiff MATTHEWS. Plaintiff MATTHEWS followed all of the rules to the best of her ability.
20 However, CSUSBPD, including HIGGINS, were "pragmatic" about creating situations where
21 they could state she violated a rule. She is still on a retaliatory leave as a result. CSUSBPD
22 either directly facilitated, or looked the other way while these things occurred, and ratified them
23 in any event.

24 11. Plaintiff MATTHEWS further alleges that Defendant CSUSBPD took the following adverse
25 actions against MATTHEWS: discrimination, termination, harassment, retaliation, denied a
26 work environment free of discrimination, retaliation and/or harassment. MATTHEWS believes
27 Defendant CSUSBPD, through HIGGINS, committed these actions because of sex/gender,
28 and/or race/ethnicity. PLAINTIFFS are informed and believe and thereon allege that Plaintiff

1 MATTHEWS, as a female and woman of color, is paid less in wages for her work in the same or
2 positions in CSUSBPD, actions because of sex/gender, and/or race/ethnicity. CSUSBPD is an
3 employer with over 5 employees, who is subject to suit under the California Fair Employment
4 and Housing Act (FEHA) (Gov. Code, § 12900 et. seq.).

5 12. As further described below, as a direct and proximate result of CSUSBPD'S willful, knowing,
6 and intentional violations of FEHA by retaliating against MATTHEWS because she complained
7 of harassment, retaliation, and/or discrimination, and by their failure to take all reasonable steps
8 necessary to prevent discrimination as hereinabove alleged, CSUSBPD retaliated against
9 MATTHEWS with unfair conduct, including an unwarranted and prolonged investigation
10 initiated by Supervisor Lance HIGGINS, just days after MATTHEWS made a report against
11 HIGGINS, and CSUSBPD damaged MATTHEWS thereby.

12 13. Based on the foregoing, MATTHEWS believes CSUSBPD is subject to the FEHA for, among
13 other things:

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

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

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

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

21 -Failure to Undertake Reasonable Steps to Prevent Discrimination and Harassment from occurring
22 under Government Code Section 12940(k).

23 14. Plaintiff MATTHEWS further alleges that she was retaliated against, including but not limited to
24 termination, in violation of public policy pursuant to California Labor Code Section 1102.5
25 and/or California Labor Code Section 98.6.
26

27 //

28 //

FURTHER FACTS

- 1
- 2 15. Joanna Barber-Matthews became a law enforcement officer nearly five years ago and took a job
- 3 nearly three years ago at the Cal State San Bernardino Police Department (CSUSBPD). She is a
- 4 married, LGBTQ+, Black and Latina woman.
- 5 16. Since she started her job at CSUSBPD, MATTHEWS has been a target by other officers, most
- 6 notably LANCE HIGGINS ("HIGGINS"), a sergeant and superior officer. Among other things,
- 7 she has been denied career advancement, had fellow officers including supervisors hypothesize
- 8 about her personal life, and suffered harassment (random equipment checks, unannounced
- 9 "drive-bys" while she worked calls, and surveillance in lieu of collaboration), and retaliation in
- 10 her position.
- 11 17. From early on, HIGGINS made his feelings about officers filing complaints against other
- 12 officers known. On or about November 11, 2020, while talking to MATTHEWS during a
- 13 vehicle check, HIGGINS informed her how he could not believe a particular woman would make
- 14 a harassment complaint against another sergeant.
- 15 18. Before long, MATTHEWS made several observations related to how things were at work, and
- 16 she found herself constantly singled out. For instance, HIGGINS constantly picked her out of
- 17 the officers and made her do equipment checks in front of other officers, which he did not do
- 18 with those other officers. On one occasion, on January 26, 2021, HIGGINS threw a set of keys at
- 19 her, turned around and walked away. On another occasion, MATTHEWS answered a Code 459
- 20 call (pertaining to a crime or incident); afterward, HIGGINS aggressively questioned her about
- 21 the call, and then told her he was actually watching her on video while she took the call. In fact,
- 22 as confidentially confirmed by another officer, HIGGINS should have been with her on 459 calls
- 23 as they should not be taken alone for safety reasons. HIGGINS did not watch other officers on
- 24 video.
- 25 19. When MATTHEWS went to her Lieutenant, Lt. Fleming (sometimes "Fleming") on the issue,
- 26 who was both HIGGINS' friend and his superior, Fleming told her "It's just HIGGINS, he just
- 27 wants to see you spread your wings and fly," and he ignored her concern.
- 28

- 1 20. On or about December 22, 2020, MATTHEWS briefly and inadvertently fell asleep while on
2 duty, acknowledged doing so, and had to write HIGGINS a memo regarding the incident.
3 HIGGINS threatened that if she did not find and name the related policy to include in the memo
4 before the end of her shift, he would turn her warning into a write up. This implied the policy
5 existed. She was later informed by Fleming that there was no such policy at all.
- 6 21. On February 9, 2021, HIGGINS accused MATTHEWS of being asleep on the job and flashed
7 his spotlight at her. She denied being asleep (because she wasn't asleep). HIGGINS argued with
8 her and insisted about her being asleep. MATTHEWS, who would acknowledge a mistake but
9 also dispute when being inaccurately accused, again found herself at odds with HIGGINS.
10 Perhaps as a result, HIGGINS rebuffed her several times when she asked him to read her reports,
11 stating he "did not want to have issues "over-correcting" her work." Apparently, the fact that
12 MATTHEWS would stand up for herself, or point out when things seemed out of bounds, meant
13 that HIGGINS could not be a help to her in ways someone in his position normally would have.
- 14 22. MATTHEWS went as long as she could hoping the harassment and other issues would abate.
15 Finally, when they did not, she went to the Chief of CSUSBPD as a last resort, and told the chief
16 all that had transpired. The Chief referred the matter to the HR department.
- 17 23. As a result of the discussion with the Chief, HR switched MATTHEWS' schedule so that she did
18 not work at the same time as HIGGINS. To MATTHEWS' knowledge, HIGGINS was not
19 actually disciplined for his harassing conduct. Still, MATTHEWS' desire was to continue on in
20 her job, and she felt that the change in schedule allowed her to do so. She picked her battles and
21 chose to continue on in her work without filing a formal complaint.
- 22 24. From February 2021 to July 2021, MATTHEWS did not have any problems with HIGGINS,
23 because they were not on the same schedule. There were other issues, however which were
24 emblematic of larger problems with CSUSBPD.
- 25 25. In March 2021, MATTHEWS had a virtual meeting with the Chief. During that meeting, they
26 spoke about making sure not to fall asleep and staying up during shifts due to officer safety.
27 While they stated this conversation happened with everyone, in fact, it had not. This information
28

1 was directed only at MATTHEWS, clearly based on what HIGGINS accused her of doing
2 before.

3 26. The chief also told MATTHEWS to let them know if she wanted to take any courses related to
4 her professional development. However, by that time, MATTHEWS had been seeking to take
5 the class that would allow her to carry her firearm (AR School) for her entire then 2.5-year
6 tenure at CSUSBPD. Meanwhile, others had received the classes, including her partner who had
7 been on the job for a year. She has yet to receive that class. So, even though she was not
8 working with HIGGINS for a time, she still dealt with the ramifications of things he said. Also,
9 she found herself precluded from advancing in her job.

10 HIGGINS Returns, and More Issues

11 27. When MATTHEWS and HIGGINS were put back on the same schedule in July 2021, his
12 harassment immediately returned, and intensified. More, she found the support from the rest of
13 the department wanting. Among other things:

- 14 -HIGGINS would conduct random flashlight checks on MATTHEWS and no one else.
- 15 -HIGGINS followed and surveilled MATTHEWS most nights, while not backing her on calls.
- 16 -HIGGINS would ask other officers on multiple occasions about MATTHEWS' location, stating he
17 needed to speak with her. When advised, HIGGINS would go to her location, drive past her, and not
18 make contact.
- 19 -MATTHEWS was forced to work around someone with COVID exposure despite (1) MATTHEWS
20 not being vaccinated and (2) MATTHEWS' wife being pregnant, which further necessitated her
21 caution. (Not long after this issue, MATTHEWS' wife miscarried).
- 22 -HIGGINS told MATTHEWS and another officer, "Officer DeLair (another Latina woman) reminds
23 him of his crazy ex-wife and that's why [he] doesn't like her."
- 24 -In "private" conversations, officers, including supervisors, attributed MATTHEWS' complaints at
25 the job to her "marital problems."
- 26

27 28. On August 24, 2021, HIGGINS forced MATTHEWS and another officer to try their keys to the
28 sergeant's door to make sure they did not have access. This is despite MATTHEWS informing him that

1 they did not have keys, and that officers are not allowed to have access. HIGGINS stated "they"
2 wanted to "make sure" no officers had keys. When asked, he would not clarify the identity of "they."
3 Ultimately, he stated that, in fact, HE wants to know.

4 Acquiescence and Being "Different"

5 29. MATTHEWS came to notice a constant acquiescence of HIGGINS' conduct by his colleagues
6 and supervisors. Furthermore, she noticed that officers of color were treated differently.
7 Specifically, while a supervisor or superior officer could be less than kind to colleagues, that lack
8 of kindness seemed to be less likely to happen with white officers. Also, the complaints of
9 officers of color seemed to be more likely to elicit retaliation.

10 30. MATTHEWS' issues were made worse by the fact that she could not expect help from
11 Lieutenant Fleming who was friendly with HIGGINS. Several times over a span of months, she
12 sought to discuss her HIGGINS-related issues, and he would always shut her down. More, it is
13 apparent that the Fleming would let HIGGINS know of her complaints, which did not improve
14 her situation after the fact. She came to expect, and in fact, received retaliation.

15 31. MATTHEWS also noticed that officers of color seemed to be treated differently than other
16 officers, often at the hands of white officers. HIGGINS is white. While MATTHEWS devoted
17 herself to the mission of the department, she noticed that there was a bit of a "club mentality"
18 present, where some were considered "in" and others "out." In several cases, she noticed
19 officers that were different (of color, female, LGBTQ+) were not "in."

20 32. MATTHEWS was (and is) actually all of those things. MATTHEWS is informed and believes,
21 and thereon alleges, that MATTHEW's complaints were used by officers, including HIGGINS,
22 to make larger points about the "differences" between MATTHEWS and other officers. Among
23 other things, her complaints would be passed off as a reaction to issues regarding her "marital
24 problems." While there is no truth to same, that was often used as a window for CSUSBPD
25 officers, including supervisors to deflect on the merit of MATTHEWS' complaints, as well as
26 hypothesize about MATTHEWS on issues other than work.
27
28

1 33. MATTHEWS' issues were part of a myriad of issues occurring in the CSUSBPD. In short,
2 complaints about things reasonably believed to be legal violations were not appreciated. The
3 issues at CSUSBPD culminated in a September 23, 2021, by a vote of No Confidence towards
4 the Chief.

5 1096 Complaint and Administrative Leave

6 34. On or about October 7, 2021, because things did not improve with her on the schedule with
7 HIGGINS, MATTHEWS filled out and submitted a 1096 (Title IX) complaint. She met with
8 Cristina Alvarez from the HR department in this regard and emailed her all of her notes of the
9 issues leading up to her filing in support of her claim. On October 10, 2021, MATTHEWS was
10 placed on an administrative leave for "allegations of dishonesty and filing false documentation,"
11 where she languishes today.

12 35. On October 18, 2021, Ms. Alvarez informed that the Title IX department was not notified about
13 her complaint because it was not accepted for investigation.

14 **EXHAUSTION OF REMEDIES**

15 36. Prior to filing this action, Plaintiff timely filed a Complaint with the Department of Fair
16 Employment and Housing ("DFEH") alleging that the acts of Defendants were established
17 violations of FEHA, Government Codes Sections 12900, et seq. Plaintiff received "Right to
18 Sue" letter from the Department of Fair Employment and Housing against Defendants, and thus
19 brings this action timely. Plaintiff also filed a Government claim with the CSUSBPD of
20 San Bernardino. See attached Exhibits 1 and 2.

21 **FIRST CAUSE OF ACTION**

22 **(Against Defendant CSUSBPD, and DOES 1 through 25)**

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

24 37. Plaintiff MATTHEWS incorporates and re-alleges each allegation set forth above as if fully set
25 forth herein.

26 38. MATTHEWS was employed by CSUSBPD during the times and in the position, which is
27 described with more particularity, above.
28

1 39. At all times herein mentioned, California's Fair Employment and Housing Act ("FEHA"), Cal.
2 Government Code § 12940 et seq., was in full force and effect and fully binding upon
3 Defendants. Plaintiff was a member of a group protected by the statute, in particular section
4 12940(a), prohibiting discrimination in employment based on sex/gender.

5 40. At all times herein mentioned MATTHEWS was employed by California State University San
6 Bernardino Police Department ("CSUSBPD") and performing competently in her position.
7 While MATTHEWS worked for CSUSBPD, MATTHEWS was subjected to discrimination,
8 harassment (including hostile environment harassment), and/or discriminatory and retaliatory
9 policies, practices and procedures based upon her race/color, and sex/gender, and/or sexual
10 orientation.

11 41. The discriminatory practices included, but were not limited to being retaliated against for
12 complaining about issues with her supervisor LANCE HIGGINS, including being accused of
13 failing asleep while working, being singled and watched on surveillance, being denied classes
14 that would allow her to carry her weapon, conducting random flashlight checks on
15 MATTHEWS, and other harassing, unfair and discriminatory treatment including ultimately
16 being placed on investigation on or about October 10, 2021, days after reporting said supervisor
17 on or about October 7, 2021. The discriminatory practices also included being paid less, as a
18 woman and person of color, than others at CSUSBPD, despite doing similar work and having
19 similar experience and qualifications.
20

21 42. The administrative leave jeopardizing Plaintiff's employment by Defendants constitutes
22 discrimination based on sex, gender, and/or race, and violated Government Code § 12940(a).
23 These discriminatory practices created a hostile work environment in which individuals,
24 particularly those individuals of color, and those of female sex/gender, and were subjected to
25 disadvantageous terms, conditions, and/or privileges of employment, including but not limited to
26 refusal to hire or promote, based not on the content of their character or work performance, but
27 based on race/ethnicity, and sex/gender.
28

1 43. As a direct, foreseeable, and proximate result of Defendants' unlawful actions, Plaintiff suffered
2 and continues to suffer lost earnings, and other employment benefits and has incurred other
3 economic losses.

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

7 45. CSUSBPD affected, facilitated, authorized, and/or ratified HIGGINS' actions. Plaintiff further
8 believes that any alleged reasons for her termination were a pretext for discrimination based on
9 her sex/gender.

10 46. By engaging in the discriminatory activities and by maintaining the discriminatory policies,
11 practices and procedures more fully described above, and more specifically by demoting, failing
12 to properly train, berating, isolating, and retaliating against Plaintiff as set forth above,
13 CSUSBPD violated the fundamental, substantial, and well-established public policies embodied
14 in applicable law.
15

16 47. CSUSBPD knowingly and willfully conspired to cause Plaintiff MATTHEWS to be placed on
17 administrative leave with no end in sight, because of sex/gender and race/ethnicity, and to
18 deprive MATTHEWS of the benefit and privileges of her employment as described herein. In so
19 doing, CSUSBPD violated the fundamental, substantial, and well-established public policies
20 embodied in Government Code section 12940(i), by aiding, abetting, inciting, compelling, or
21 coercing the doing of any of the acts forbidden under Government Code section 12940,
22 subsections (a) and (c), or by attempting to do so.

23 48. As a direct and proximate result of CSUSBPD'S willful, knowing, and intentional violations of
24 the Fair Employment and Housing Act (FEHA) by discriminating against MATTHEWS based
25 on sex/gender and/or race/ethnicity, and by their failure to take all reasonable steps necessary to
26 prevent harassment, retaliation and discrimination as herein below alleged, Plaintiff was
27 terminated and was damaged thereby. Plaintiff is also entitled to reasonable attorneys' fees
28 under the Fair Employment and Housing Act.

1 **SECOND CAUSE OF ACTION**

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

3 **(Harassment Based on Sex/Gender and Race/Ethnicity in Violation of California Government Code §**
4 **12940(A) & (J))**

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

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

11 51. The actions of HIGGINS and others directed at MATTHEWS created a hostile working
12 environment which materially altered MATTHEWS's working conditions, and which constitutes
13 sexual harassment in violation of Gov't Code §12940(j)(1).

14 52. As a direct, foreseeable, and proximate result of Defendants' unlawful actions, Plaintiff
15 MATTHEWS suffered economic damages and harm, including back pay, benefits, and other
16 compensation.

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

20 54. Plaintiff is thus entitled to recover damages according to proof, in addition to reasonable
21 attorneys' fees under the Fair Employment and Housing Act.

22 **THIRD CAUSE OF ACTION**

23 **(Against Defendant CSUSBPD, and DOES 1 through 25 only)**

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

25 55. Plaintiff MATTHEWS incorporates and re-alleges each allegation set forth above as if fully set
26 forth herein.
27
28

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

6 57. While MATTHEWS worked for CSUSBPD, the policies and procedures implemented by
7 CSUSBPD created a custom and practice of discrimination and retaliation within CSUSBPD in
8 general, and against individuals in Plaintiff's department, in particular, when they questioned
9 issues related to their treatment by a supervisor LANCE HIGGINS, which led to harassing
10 treatment and even retaliatory investigation immediately after MATTHEWS reported
11 Supervisor. The actions were ratified by CSUSBPD.

12 58. On multiple occasions, Plaintiff MATTHEWS opposed the harassing behavior of HIGGINS and
13 others. In response to her complaints of same, Defendant immediately put MATTHEWS on an
14 administrative leave that she remains on to this day.

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

22 **FOURTH CAUSE OF ACTION**

23 **(Against Defendant CSUSBPD, and DOES 1 through 25)**

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

26 60. Plaintiff MATTHEWS incorporates and re-alleges each allegation set forth above as if fully set
27 forth herein.
28

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

6 62. While MATTHEWS has worked for CSUSBPD, CSUSBPD failed to take reasonable steps to
7 prevent harassment, discrimination, and retaliation from occurring. Specifically, CSUSBPD,
8 among other things, failed to appropriately train CSUSBPD employees in the methods by which
9 harassment, discrimination and retaliation may be prevented, and failed to prevent such harmful
10 activity from occurring in the first instance; failed to properly investigate claims of harassment,
11 discrimination and retaliation; and failed to appropriately discipline CSUSBPD employees who
12 were known to have committed acts of wrongful harassment, discrimination, and/or retaliation.

13 63. As described above, Defendant CSUSBPD knew about and received complaints about the hostile
14 work environment and harassing behavior of Defendant HIGGINS, among others, but did
15 nothing about the behavior. Defendant was informed by Plaintiff of HIGGINS AND/OR
16 SHANNON'S behavior and discriminatory and retaliatory treatment and/or was aware of same
17 yet failed to take any action. Defendant CSUSBPD failed to adequately investigate HIGGINS
18 behavior when warned, failed to take all reasonable prevent them from harassing Plaintiff and
19 did not investigate or discipline them in response to Plaintiff's complaint. Defendant CSUSBPD
20 failed to take all reasonable steps necessary to prevent harassment from occurring in violation of
21 § 12940(k).
22

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

FIFTH CAUSE OF ACTION

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

(Against Defendant CSUSBPD, and DOES 1 through 25 only)

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

66. At all times material to this Complaint, MATTHEWS was employed by California State University San Bernardino Police Department (“CSUSBPD”) and performing competently in her position.

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

68. While MATTHEWS worked for CSUSBPD, MATTHEWS was subjected to discrimination, harassment (including hostile environment harassment), and/or discriminatory and retaliatory policies, practices and procedures based upon her race/color, and sex/gender, and/or sexual orientation. The discriminatory practices included, but were not limited to being retaliated against for complaining about issues with her supervisor/superior officer HIGGINS, including being accused of falling asleep while working, being singled and watched on surveillance being denied classes that would allow her to carry her weapon, conducting random flashlight checks on MATTHEWS, and other harassing, unfair and discriminatory treatment including ultimately being placed on investigation on or about October 10, 2021, days after reporting said supervisor/superior officer on or about October 7, 2021.

69. These discriminatory practices created a hostile work environment in which individuals, particularly those individuals of color, and those of female sex/gender, and were subjected to disadvantageous terms, conditions, and/or privileges of employment, including but not limited to

1 refusal to hire or promote, based not on the content of their character or work performance, but
2 based on race/ethnicity, and sex/gender.

3 70. Defendants retaliated against Plaintiff for her whistleblowing, by harassing, threatening, and
4 putting her in inexplicable and open-ended administrative leave that threatens her employment
5 and irrevocably damages her employment record, all in violation of Labor Code § 1102.5.

6 71. As a direct and proximate result of such retaliation, Plaintiff MATTHEWS has been and
7 continues to be damaged in a sum according to proof.

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

12 SIXTH CAUSE OF ACTION

13 (Intentional Infliction of Emotional Distress)

14 (Against Defendant HIGGINS, and DOES 1 through 25 only)

15 73. Plaintiff MATTHEWS incorporates and re-alleges each allegation set forth above as if fully set
16 forth herein.

17 74. At all relevant times, HIGGINS was in a superior position, higher than MATTHEWS.

18 75. From the beginning of her employment, HIGGINS, among others, conspired outside the scope
19 of their duties to commit certain wrongful acts. These acts were motivated by, among other
20 things, HIGGINS' and others' desire to control Plaintiff and be able to speak to her however they
21 pleased, including in ways that spoke to her personal life. Those acts included, but were not
22 limited to, harsh treatment, beratement, and harassment of Plaintiff; being put in various
23 uncomfortable situations on almost a daily basis, including being subject to uncomfortable and
24 inappropriate conversations which HIGGINS and others participated in. Also, being accused of
25 failing asleep while working, being singled and watched on surveillance, being denied classes
26 that would allow her to carry her weapon, conducting random flashlight checks on
27 MATTHEWS, and other harassing, unfair and discriminatory treatment including ultimately
28

1 being placed on administrative leave on or about October 10, 2021, days after reporting
2 HIGGINS on or about October 7, 2021.

3 76. Defendant HIGGINS intended to cause Plaintiff MATTHEWS severe emotional distress.
4 Alternatively, Defendants acted with reckless disregard of the probability that PLAINTIFF
5 would suffer emotional distress, knowing that PLAINTIFF would be present when the conduct
6 occurred.

7 77. Plaintiff MATTHEWS suffered severe emotional distress; specifically, this extreme and
8 outrageous conduct caused emotional distress, humiliation, and degradation to MATTHEWS.
9 The conduct of Defendants, including HIGGINS, was a substantial factor in causing Plaintiff's
10 severe emotional distress.

11 78. The aforementioned conduct constitutes fraud, malice, or oppression, thereby entitling Plaintiff
12 MATTHEWS to punitive damages. Defendant HIGGINS committed the acts herein despicably,
13 maliciously, fraudulently, oppressively, and with the wrongful intention of injuring
14 MATTHEWS, from an improper and evil motive amounting to malice, and in conscious
15 disregard of the rights and safety of plaintiff and others. Plaintiff is thus entitled to recover
16 punitive damages from Defendants, and each of them, in an amount according to proof.

17 **SEVENTH CAUSE OF ACTION**

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

19 **(Against Defendants CSUSBPD and HIGGINS, and DOES 1 through 25 only)**

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

21 80. Defendants CSUSBPD and HIGGINS, and each of them, were negligent in bringing about the
22 severe emotional distress incurred by Plaintiff MATTHEWS. Emotional distress flowed from
23 conduct from CSUSBPD and HIGGINS that Plaintiff MATTHEWS witnessed and was required
24 to suffer under.
25

26 81. Specifically, said emotional distress also came due to acts including, but not limited to, harsh
27 treatment, beratement, and sexual harassment of Plaintiff; being put in various uncomfortable
28 situations on almost a daily basis, including being subject to uncomfortable and inappropriate

1 conversations which HIGGINS and others participated in. Also, being accused of failing asleep
2 while working, being singled and watched on surveillance, being denied classes that would allow
3 her to carry her weapon, conducting random flashlight checks on MATTHEWS, and other
4 harassing, unfair and discriminatory treatment including ultimately being placed on
5 administrative leave on or about October 10, 2021, days after reporting HIGGINS on or about
6 October 7, 2021.

7 82. Plaintiff MATTHEWS's emotional distress included suffering, anguish, fright, horror,
8 nervousness, grief, anxiety, worry, shock, humiliation, and shame. Said emotional distress was
9 severe because an ordinary, reasonable person would be unable to cope with it. The conduct of
10 CSUSBPD and HIGGINS, and each of them, was a substantial factor in causing said emotional
11 distress. Based on the foregoing, Plaintiff MATTHEWS should receive damages according to
12 proof at trial.

13 **EIGHTH CAUSE OF ACTION**

14 **(Injunctive Relief)**

15 **(Against Defendants CSUSBPD and HIGGINS, and DOES 1 through 25 only)**

16 83. Plaintiff MATTHEWS incorporates and re-alleges each allegation set forth above as if fully set
17 forth herein.

18 84. At all times herein mentioned PLAINTIFF MATTHEWS, was and still is entitled to the rights
19 and privileges related to her employment under the law.

20 85. Based upon the intimidation, discrimination, retaliation suffered by PLAINTIFF at the hands of
21 DEFENDANT CSUSBPD, including but not limited to berating, harassment, and an open-ended
22 administrative leave she is still on, it is clear that DEFENDANT CSUSBPD has acted without
23 legal authority, under the law in CSUSBPD treatment of PLAINTIFF.

24 86. Alternatively, DEFENDANT CSUSBPD has ratified all illegal actions directed toward
25 PLAINTIFF. That ratification continues with, among other thing, and all things aforementioned,
26 CSUSBPD failure to investigate HIGGINS, being put on a leave that she remains on while
27 HIGGINS remains at work; being talked about as having "marital problems" in response to her
28

1 complaints, being denied advancement opportunities, being made to do things other officers are
2 not, being followed at work, and not being supported on calls by other officers in contrast to
3 Department policies and regulations.

4 87. PLAINTIFF seeks the following injunctive relief:

5 88. A declaration and temporary and permanent injunction that DEFENDANT CSUSBPD places
6 Plaintiff MATTHEWS back into her previously held employment even if an investigation
7 continues;

8 89. A declaration and temporary and permanent injunction that DEFENDANT CSUSBPD ends the
9 discriminatory practice of being paid less, as a woman and person of color, than others at
10 CSUSBPD, despite doing similar work and having similar experience and qualifications.

11 90. That neither Defendant CSUSBPD, DOES 1 through 25, nor any of them, may put HIGGINS in
12 a supervisory or other leadership role over PLAINTIFF, may not have Defendant HIGGINS give
13 orders or instructions to PLAINTIFF, and may not otherwise oversee PLAINTIFF, dictate the
14 terms of the employment of PLAINTIFF, including where she works, or the tasks set for her
15 employment., director or indirectly, and that DEFENDANT CSUSBPD is precluded from
16 requesting, ordering, coercing or otherwise forcing PLAINTIFF to be supervised, led, or
17 instructed by DEFENDANT HIGGINS;

18 91. A declaration and temporary and permanent injunction that DEFENDANT HIGGINS, in any
19 event, must stay 300 feet away from PLAINTIFF at all times, and that DEFENDANT
20 CSUSBPD is precluded from requesting, ordering, coercing or otherwise forcing PLAINTIFF to
21 do anything that could reasonably or foreseeably put PLAINTIFF within 300 feet of
22 DEFENDANT HIGGINS, without supervision by another party in a supervisory or leadership
23 role.

24 92. A declaration and temporary and permanent injunction that DEFENDANT CSUSBPD is
25 precluded from removing MATTHEWS from her employment for any retaliatory reason,
26 including but not limited to retaliation for making complaints about matters she reasonably
27 believed to be violations of policy and/or law; and are precluded from further retaliation and
28

1 discrimination of PLAINTIFF MATTHEWS of any kind, and in any fashion, directly or
2 indirectly.

3 93. PLAINTIFF MATTHEWS has no adequate remedy at law for the injuries and damages
4 described above, as she has been off of work for nearly 9 months. More, she will suffer
5 irreparable harm unless the conduct of DEFENDANTS and DOES 1 through 25 is enjoined, for
6 the reasons detailed hereinabove.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff JOANNA MATTHEWS respectfully requests the following relief:

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

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

13 **ON THE SIXTH CAUSE OF ACTION**

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

18 **ON THE SEVENTH CAUSE OF ACTION**

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

22 **ON THE EIGHTH CAUSE OF ACTION**

- 23 1. For injunctive relief returning Plaintiff MATTHEWS to her employment, and preventing
24 DEFENDANTS from further actions injurious to PLAINTIFF, including, putting
25 DEFENDANT HIGGINS in a supervisory or oversight position, or position of influence
26 over PLAINTIFF directly or indirectly; permanent physical separation between
27 PLAINTIFF and DEFENDANT HIGGINS; also, ending the discriminatory practice of
28

1 paying MATTHEWS less money for similar work, as a woman and person of color; and
2 declaration and temporary and permanent injunction DEFENDANTS are precluded from
3 any form of retaliation, direct or indirect, against PLAINTIFF.

- 4 2. For costs and expenses of suit incurred herein; and
5 3. For such other and further relief as the Court deems just and proper.

6 Dated: June 21, 2022

MCCUNE WRIGHT AREVALO, LLP

7
8
9 By:  _____

10 Joseph L. Richardson
11 Sandy G. Gonzalez
12 Attorneys for Plaintiff
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

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

KEVIN KISH, DIRECTOR

March 22, 2022

Joseph Richardson
3281 E. Guasti Rd.
Ontario, CA 91761

RE: **Notice to Complainant's Attorney**
DFEH Matter Number: 202202-16185118
Right to Sue: Matthews / California State University San Bernardino Police
Department

Dear Joseph Richardson:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing



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

March 22, 2022

RE: Notice of Filing of Discrimination Complaint
DFEH Matter Number: 202202-16185118
Right to Sue: Matthews / California State University San Bernardino Police
Department

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

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. You may 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.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

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

Department of Fair Employment and Housing

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**
4 **Under the California Fair Employment and Housing Act**
 (Gov. Code, § 12900 et seq.)

5 **In the Matter of the Complaint of**
6 Joanna Matthews

DFEH No. 202202-16185118

7 Complainant,

8 vs.

9 California State University San Bernardino Police
10 Department
11 5500 University Parkway
12 San Bernardino, CA 92407

13 Respondents

14 **1. Respondent California State University San Bernardino Police Department is an employer subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).**

15 **2. Complainant Joanna Matthews, resides in the City of Rancho Cucamonga, State of CA.**

16 **3. Complainant alleges that on or about October 10, 2021, respondent took the following adverse actions:**

17 **Complainant was harassed** because of complainant's race, color, sex/gender, sexual orientation, sexual harassment- hostile environment.

18 **Complainant was discriminated against** because of complainant's race, color, sex/gender, sexual orientation, sexual harassment- hostile environment and as a result of the discrimination was suspended, demoted, denied any employment benefit or privilege, denied work opportunities or assignments.

19 **Complainant experienced retaliation** because complainant reported or resisted any form of discrimination or harassment and as a result was suspended, demoted, denied any employment benefit or privilege, denied work opportunities or assignments.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Additional Complaint Details: Please see additional facts attached hereto.

1 VERIFICATION

2 I, **Joseph L. Richardson**, am the **Attorney** in the above-entitled complaint. I have
3 read 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 March 22, 2022, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
San Bernardino CA

Wrongful Termination /Discrimination in Violation of Government Code Section 12940, Subsection (a), (c), (i), (j)(1)

At all times herein mentioned MATTHEWS was employed by California State University San Bernardino Police Department ("CSUSBPD") and performing competently in her position. While MATTHEWS worked for CSUSBPD, MATTHEWS was subjected to discrimination, harassment (including hostile environment harassment), and/or discriminatory and retaliatory policies, practices and procedures based upon her race/color, and sex/gender, and/or sexual orientation. The discriminatory practices included, but were not limited to being retaliated against for complaining about issues with her supervisor Lance Higgins, including being accused of failing asleep while working, being singled and watched on surveillance, being denied classes that would allow her to carry her weapon, conducting random flashlight checks on MATTHEWS, and other harassing, unfair and discriminatory treatment including ultimately being placed on investigation on or about October 10, 2021, days after reporting said supervisor on or about October 7, 2021.

These discriminatory practices created a hostile work environment in which individuals, particularly those individuals of color, and those of female sex/gender, and were subjected to disadvantageous terms, conditions, and/or privileges of employment, including but not limited to refusal to hire or promote, based not on the content of their character or work performance, but based on race/ethnicity, and sex/gender.

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

While MATTHEWS worked for CSUSBPD, the policies and procedures implemented by CSUSBPD created a custom and practice of discrimination and retaliation within CSUSBPD in general, and against individuals on COMPLANANT'S department, in particular, when they questioned issues related to their treatment by a supervisor Lance Higgins, which led to harassing treatment and even retaliatory investigation immediately after MATTHEWS reported Supervisor. The actions were ratified by CSUSBPD.

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

While MATTHEWS was working for CSUSBPD, CSUSBPD failed to take reasonable steps to prevent harassment, discrimination, and retaliation from occurring. Specifically, CSUSBPD, among other things, failed to appropriately train its employees in the methods by which harassment, discrimination and retaliation may be prevented, and failed to prevent such harmful activity from occurring in the first instance; failed to properly investigate claims of harassment, discrimination and retaliation; and failed to appropriately discipline its employees who were known to have committed acts of wrongful harassment, discrimination, and/or retaliation.

In addition to the practices enumerated above, CSUSBPD has engaged in other practices in violation of FEHA, including Government Code section 12940(h), retaliation for engaging in protected activity.

As a direct and proximate result of CSUSBPD'S willful, knowing, and intentional violations of FEHA by retaliating against MATTHEWS because she complained of harassment, retaliation, and/or discrimination, and by their failure to take all reasonable steps necessary to prevent discrimination as hereinabove alleged, CSUSBPD retaliated against MATTHEWS with unfair conduct, including an unwarranted and prolonged investigation initiated by Supervisor Lance Higgins, just days after MATTHEWS made a report against Higgins, and CSUSBPD damaged MATTHEWS thereby.

As a direct and proximate result of CSUSBPD'S willful, knowing, and intentional violations of FEHA, and by their failure to take all reasonable steps necessary to prevent discrimination as hereinabove alleged, MATTHEWS was isolated, harassed, discriminated against, and retaliated against and was damaged.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 2



The California State University / Office of the Chancellor / Risk Management and Public Safety
401 Golden Shore, 5th Floor / Long Beach, CA 90802-4210
(562) 951-4580 / www.calstate.edu/risk_management/claims

OFFICE OF
RISK MANAGEMENT
JAN 25 2022

CSU Claim Form

RISK MANAGEMENT

Is your claim complete?

1	Include a check or money order for \$25 payable to "Trustees of the CSU."
2	Complete all sections relating to this claim and sign the form. Please print or type all information.
3	Attach receipts, bills, estimates or other documents that back up your claim.

Claimant Information

1	Joanna	Matthews	Barber	2	Tel:	909-921-3597
	Last Name	First Name	MI	3	Email:	ktls_2327@yahoo.com
4	7399 Solstice Place	Rancho Cucamonga		CA	91739	
	Mailing Address	City		State	Zip	
5	Best time and way to reach you:	any time				
6	Is the claimant under 18?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If YES, give date of birth:		

Attorney or Representative Information

MM DD YYYY

7	Richardson	Joseph	L	8	Tel:	909-557-1250
	Last Name	First Name	MI	9	Email:	
10	3281 E. Guasti Road, Suite 100	Ontario		CA	91761	
	Mailing Address	City		State	Zip	
11	Relationship to claimant:	Attorney				

Claim Information

12	Is your claim for a state-dated warrant (uncashed check)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	CSU campus that issued the warrant:	If NO, continue to Step 13.	
	Dollar amount of warrant:	Date of issue:	
	Proceed to Step 23		
	MM DD YYYY		
13	Date of Incident:	October 10, 2021	
	Was the incident more than six months ago?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	If YES, did you attach a separate sheet with an explanation for the late filing?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
14	CSU campus or CSU employees against whom this claim is filed:	Cal State University San Bernardino Police Dept.	
15	Dollar amount of claim:		
	If the amount is more than \$10,000, indicate the type of civil case:	<input type="checkbox"/> Limited civil case (\$25,000 or less)	<input checked="" type="checkbox"/> Non-limited civil case (over \$25,000)
	Explain how you calculated the amount:		
	Monetary and punitive damages. Lost wages.		
16	Location of the incident:	Cal State University San Bernardino Police Dept.	

17	Describe the specific damage or injury:	Workplace harassment, whistleblower retaliation, discrimination.
18	Explain the circumstances that led to the damage or injury:	Ms Matthews was placed on administrative leave as a result of complaints she made against her Chief and the California State University San Bernardino Police Dept.
19	Explain why you believe the CSU is responsible for the damage or injury:	California State University police departments (CSUPD) are part of the California State University system.
20	Does the claim involve a campus vehicle?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If YES, provide the vehicle license number, if known:	


Auto Insurance Information

21	Name of Insurance Carrier		
	Mailing Address	City	State Zip
	Policy Number:	Tel:	
	Are you the registered owner of the vehicle?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	If NO, state name of owner:		
	Has a claim been filed with your insurance carrier, or will it be filed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Have you received any payment for this damage or injury?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	If yes, what amount did you receive?		
	Amount of deductible, if any:		
	Claimant's Driver's License Number	Vehicle License Number:	
	Make of Vehicle:	Model:	Year:
	Vehicle ID Number		

For Bodily Injury Claims Only (Pursuant to the Medicare Secondary Payer Act):

22	If a claim for bodily injury is being made:	
	Date of Birth:	Social Security #:
	MM DD YYYY	

Notice and Signature

23	I declare under penalty of perjury under the laws of the State of California that all the information I have provided is true and correct to the best of my information and belief. I further understand that if I have provided information that is false, intentionally incomplete, or misleading I may be charged with a crime punishable by up to one year in state prison and/or a fine up to \$10,000 (Penal Code section 72).	
	Signature of Claimant or Representative	Date
		January 14, 2022
24	Mail the original completed form and all attachments with the \$25 filing fee or the "CSU Affidavit for Waiver of Filing Fee" request to: CSU Office of the Chancellor, Risk Management & Public Safety, 401 Golden Shore, 5th Floor, Long Beach, CA 90802-4210. Keep a copy for your records.	