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30-2021-01229991-CU-OE-CJC - ROA # 2 - DAVID H. YAMASAKI, Clerk of the Court By Arlene Gill, Deputy Clerk.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

Assigned for All Purposes
Judge Fred W. Slaughter

STACY THACKER, MICHELLE VANDERLINDEN, LAURA LETICIA ALVAREZ AND GRICELDA ARCINIEGA Plaintiffs, vs. COUNTY OF SAN BERNARDINO, GREGORY CHRISTOPHER GARDNER in his individual and official capacity and DOES 1 - 100, inclusive, Defendants.	CASE NO. 30-2021-01229991-CU-OE-CJC **COMPLAINT FOR MONETARY DAMAGES; DEMAND FOR JURY TRIAL** 1. HARASSMENT - HOSTILE WORK ENVIRONMENT. 2. QUID PRO QUO HARASSMENT 3. DISCRIMINATION 4. RETALIATION 5. FAILURE TO TAKE CORRECTIVE ACTION 6. ASSAULT 7. FALSE IMPRISONMENT. 8. BANE ACT

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff asserts the following claims and hereby demands a jury trial.

INTRODUCTION

1. This is a case about abuse of power, of an agency where the managers believed they were above the law. But no one is above the law. **Female employees were raped in the office. They were forced to perform oral sex. Top managers accessed porn sites during Public Defender training. They used a county car to take other public defenders to a strip club.** Is this the

behaivor we want to allow our public servants to engage in?

2. Defendant GREGORY CHRISTOPHER **GARDNER was THE Public Defender. He used his position of power and authority to coerce his subordinates to have a sexual relationship with him.** But he was not alone. **Chiefs and managers coerced their female subordinates (lawyers and others) to have oral sex in the office and intercourse and oral sex away from the office on alleged work endeavors.**

3. **Women have reported being raped and sexually assaulted at the Public Defender's office.** A female Chief Canady used her position of power to force a young man to stay with her, threatening to false report him for criminal acts if he tried to leave her home. No one should be forced to work in an office like the plaintiffs, and other similarly situated women have had to work in.

GENERAL ALLEGATIONS

4. Plaintiff, STACY THACKER was at all times herein a resident of the State of California, and employee of the COUNTY OF SAN BERNARDINO, and DOES 1 - 30 (hereinafter collectively "COUNTY" or "Defendant"). Some of the events, including assault by GARDNER to THACKER took place in NEWPORT BEACH making venue proper in Orange County

5. The head of the Public Defender's Office and the ultimate boss of Thacker was defendant Christopher GARDNER and Does 31-50 ("GARDNER" or part of "Defendants" hereinafter.)

6. Defendants Does 51-70, and each of them (hereinafter collectively referred to as "COUNTY" "GARDNER" or "Defendants") were employees, supervisors, managers, agents, joint venturers, directors, principals, or otherwise employed by or working with each of the other Defendants. The acts, omissions and conduct of Defendants and each of them were authorized, ratified and/or approved of by each of the other Defendants herein. GARDNER was a married man at all times that he engaged in harassment, assault and other intentional, reckless, negligent or otherwise unlawful acts towards Thacker.

7. The true names or capacities, whether individual, corporate, associate, or otherwise of Defendants Does 1 through 100, inclusive, are unknown to Plaintiffs, who therefore sue these Defendants by such fictitious names pursuant to California Code of Civil Procedure Section 474. Plaintiffs will amend this complaint to allege their true names and capacities when ascertained.

8. Plaintiffs are informed and believe and thereon allege that each of these fictitiously named Defendants engaged in intentional, reckless, or negligent conduct, and are responsible in some manner for the occurrences herein alleged, and that Plaintiffs' damages as herein alleged were directly and legally (proximately) caused by Defendants conduct.

9. Reference to actions or conduct of "Defendants" or to "Defendant" shall include the singular and plural and shall include all Defendants in this action, whether named or designated as a Doe. Reference to any singular Defendant shall include all Doe Defendants to which the facts later are shown to apply.

EXHAUSTION OF REMEDIES

10. On or about March 30, 2021 and April 22, 2021 THACKER filed a complaint with the DFEH and received an immediate right to sue. True and correct copies of the DFEH complaints & Right to Sue letters are attached hereto as Exhs "1" and "2" and incorporated by this reference.

11. On or about April 22, 2021 THACKER filed a governmental claim. A true and correct copy of that complaint is attached hereto as Exh "3" and incorporated by this reference. The claim was rejected 45 days after April 12, 2021 by operation of law. Exh "4". Accordingly, this complaint is timely and all procedural requirements were met. A supplemental government claim was filed on May 17, 2021. A true and correct copy of that complaint is attached hereto as Exh "5" and incorporated by this reference. As a supplemental claim, it was rejected by the defendants by operation of law.

12. On or about September 9, 2021 THACKER and VANDERLINDEN filed another supplemental government claim. A true and correct copy of that complaint is attached hereto as Exh "6" and incorporated by this reference. As a supplemental claim, it was rejected by the defendants by operation of law.

13. On or about October 20, 2021 ALVAREZ, ARCINIEGA, THACKER and VANDERLINDEN filed another supplemental government claim. A true and correct copy of that complaint is attached hereto as Exh "7" and incorporated by this reference. As a supplemental claim, it was rejected by the defendants by operation of law.

14. On or about September 14, 2021 VANDERLINDEN filed a complaint with the DFEH and received an immediate Right to Sue. A true and correct copy of the DFEH complaint & Right to

Sue letter is attached hereto as Exh "8" and incorporated by this reference.

15. On or about October 25, 2021 ALVAREZ filed a complaint with the DFEH and received an immediate Right to Sue. A true and correct copy of the DFEH complaint & Right to Sue letter is attached hereto as Exh "9" and incorporated by this reference.

16. On or about October 22, 2021 ARCINIEGA filed a complaint with the DFEH and received an immediate Right to Sue. A true and correct copy of the DFEH complaint & Right to Sue letter is attached hereto as Exh "10" and incorporated by this reference.

COMMON FACTUAL ISSUES

17. Each plaintiff is a woman. All of them are employees of the County of San Bernardino ("County".)

18. Each of the plaintiffs was ultimately under the command of GARDNER, because he was THE Public Defender.

19. GARDNER attempted to exchange sex for job benefits with THACKER, VANDERLINDEN and other women.

20. GARDNER created job assignments for women, like the plaintiffs, that he was sexually interested in so that he could use work as a basis to coerce his subordinate to have sex with him.

21. GARDNER used his position as the boss to invite himself to the homes of THACKER, VANDERLINDEN and other women.

22. GARDNER used his position as the boss to obtain sexual gratification from women such as THACKER and VANDERLINDEN. When VANDERLINDEN did not want to have sex with him, he forcibly grabbed her hand and placed it onto his penis.

23. GARDNER went to a seminar for work with THACKER, he plied her with drinks took her to a hotel room paid for with COUNTY funds to indulge himself sexually with her.

24. GARDNER was head of the Public Defenders Office and hence had managerial level authority over all of the plaintiffs.

25. GARDNER had the power to control some of each of the plaintiffs work assignments as he was the ultimate boss at the Public Defenders Office. GARDNER used that power and authority to seek sex from THACKER, VANDERLINDEN (and based upon information and belief, other

female employees of Defendants.)

26. GARDNER pursued a romantic (sexual) relationship with THACKER, VANDERLINDEN (and based upon information and belief, other female employees of Defendants.) GARDNER gave women that he was sexually interested in assignments to create a situation that insured that he could go to their homes, or that the women, like THACKER would have to be out of town with him for seminars and other work assignments so that he could use work as a way to pursue sex from his subordinates, like plaintiffs.

27. On November 29, 2016, GARDNER used his position of power to have THACKER attend a work seminar in Palm Springs. GARDNDR used his position of power to coerce THACKER to have dinner with him. He served her alcohol and then pursued a sexual relationship that night with his subordinate

28. GARDNER's harassment of plaintiff was part of a continuing violation that took place between 2016 and 2020. During this period plaintiff repeatedly attempted to prevent the harassment and after GARDNER had his way with her, THACKER repeatedly tried to end the relationship. In response, GARDNER retaliated by stalking THACKER, making excessive phone calls that included screaming and threats, and manipulation by GARDNER. GARDNER thus used his position of power as the boss to force himself upon THACKER, including sexually.

29. Between March and November 2020, the harassment, discrimination, retaliation, assault and other wrongful conduct escalated. Defendants went to THACKER's home unannounced, and repeatedly. GARDNER's harassing phone calls increased.

30. In May 2020, THACKER advised GARDNER that she would report his infidelity to GARDNER's wife. **As THACKER left, GARDNER pursued her, swerving into her lane while on the freeway.** This caused plaintiff fear, apprehension and trepidation. But, it had the desired effect. THACKER was terrified of serious bodily injury and retaliation from GARDNER if she reported his actions.

31. On August 2, 2020, GARDNER asked to meet with THACKER. The meeting was supposed to include work issues. GARDNER picked THACKER up from her residence and drove with her to Newport Beach. Rather than discuss work, GARDNER and THACKER went running in Newport

Beach. After the run, THACKER asked Mr. GARDNER about text messages he was sending his wife while THACKER was seated in the vehicle with GARDNER, after GARDNER had claimed he was divorcing his wife.

32. Realizing that GARDNER did not want to discuss work, but only hoped to have a clandestine "booty call," THACKER asked to go home and opened the door to the vehicle while the vehicle was stopped on a public street **in Newport Beach,** CA. GARDNER falsely imprisoned plaintiff and did not allow her to leave the vehicle and instead accelerated around a corner while the door was open. When the vehicle came to a stop, THACKER again tried to exit the vehicle. GARDNER then grabbed THACKER's arm and slammed it into the console of the vehicle causing injury and bleeding. Ms. Thacker asked Mr. Gardner to drive her to the police department so she could file a police report. He refused. Gardner then tried to convince Ms. Thacker not to file a police report because he would lose his job and his son would not be able to go to the college he was enrolled in because without a job and its income, Gardner could not afford the college. Gardner promised to let Ms. Thacker end the relationship and to stop being involved in her work assignments. Because he was the boss, and in reliance on his promises, Thacker did not file a report in August 2020.

33. In November 2020, GARDNER yelled into the phone that he was "coming for" THACKER and said, "I'll never stop" which causes THACKER great concern that GARDNER will contact THACKER at her home or work, creating further stress and worry and continuing the hostile work environment that THACKER had to endure.

34. In December 2020 **THACKER reported GARDNER's assault to the Newport Beach Police Department** in Report number 208948. GARDNER used his position of power to influence the investigation of the police report so that GARDNER would not be criminally prosecuted. GARDNER and CANNADY used their positions of power in other police reports as well based on information and belief.

35. One of the plaintiffs was raped at work.

36. The entire PD's office was one filled with lust and sexual harassment. Not only did Gardner sleep with different women, he also would kiss them on the lips, hug them, and grabbed a subordinates

hand touching it to his penis. It was part of an "Animal House" frat party sex atmosphere that is important for the public to be aware of.

37. Indeed, Gardner was not the only person in top management to use their positions of power to obtain sexual gratification. One supervisor, **Mark Shoup, obtained oral copulation at work** from

a young lawyer who is now at County Counsel.

38. Another supervisor, **Jeff Canty, accessed AshleyMadison.com (a cheating web site) and other porn sites during Public Defender training**. **He also used a county car to take other public defenders to a strip club.** This was a widely known fact that created a hostile work environment for all female employees whether they saw the porn or not.

39. Another Chief, Ms. Cannady, used her position to engage in sexual relations with a young man, and to force him into a sex-slave relationship. VANDERLINDEN reported the situation to GARDNER who refused to take any action against Ms. Cannady, who based on information and belief also had sexual relations with GARDNER. Mr. Gardner knew of the illicit activities when he was the PD, but failed to take proper corrective action. Instead, he bragged about using his position of authority and his connections to squelch the police report involving the young man and Chief. Similarly, Mr. Gardner used his position and contacts to eradicate any consequences from his assault on Ms. Thacker after she filed a police report against him. Based on information and belief, Gardner has used such contacts to erase other complaints against him as well.

40. **Laura Alvarez** is a Deputy Public Defender IV. She first reported to the County a hostile work environment in approximately 2011. Rather than investigate the claims and take appropriate corrective action as required by law, defendants retaliated against Alvarez, falsely claiming that she was a bad lawyer. Laura was called a bitch by Gregory "Chris" Gardner and a supervisor. Gardner also claimed that Alvarez was a "shity lawyer" after she reported sexual harassment and abuse at the Public Defender's Office.

41. Later, in around 2018, Tom Sone called Laura and had Laura speak to his good friend Gardner who asked for all the names of women she heard that Gardner was sleeping with. Sone is now the Acting Public Defender but failed to take any known corrective action after learning of Gardner's

sexploits.

42. Defendants were also aware of Public Defenders smoking wax (concentrated cannabis out of a bong) which was not legal at the time, but failed to take proper corrective action. Laura applied for the Chief's position, she applied for the promotion after reporting harassment. One of the Public Defender Chief's at the time, who is now a San Bernardino County Judge, ridiculed Laura and her desire for the promotion and a raise.

43. At least one current San Bernardino County Judge had a relationship with Gardner. Indeed, for a short while, she moved into an apartment with Gardner. He then returned to his wife, but later bragged how he was able to make the woman (and others) judges. Of course such positions of power and clout by the defendants demonstrates why it would be unfair to the plaintiffs to have proceedings in San Bernardino or Riverside Counties.

44. Things were so out of hand at the Public Defender's Office, that there was a saying, "you have to suck a dick to get promoted here."

45. **GRICELDA ARCINIEGA** is an Office Assistant III. Her boss was Richard LaFianza. **LaFianza rubbed his groin in front of "Gracie" and then invited her into his office**. She refused the obvious sexual come on, then was retaliated against with a lowered evaluation and denial of a job reclassification which would provided more money. Portions of Gracie's file regarding the reclassification have been removed in violation of law. LaFianza asked Gracie into his office several times asking her to help reach up for binders so that he could star at her body.

46. One of the attorneys, Bruce McMahon, also had a "**foot fetish.**" Michelle VANDERLINDEN complained to her supervisor and to Chris Gardner, who was aware of the fetish. The foot fetish lawyer asked Laura ALVAREZ if he could take a picture of her toes; he **asked Michelle for a pair of her shoes so that he could eat out of them**. He asked Gracie ARCINIEGA for a pair of her shoes after he stared at her feet. Gardner asked Michelle if the lawyer asked for her shoes, she said that he did, and Gardner said that he asks everyone for their shoes. It was also reported to Laura that the lawyer had toe nail clippings and dirty (used) panties shipped to the Gilbert Street address office. The lawyer even offered ladies $50 to give him their used shoes.

47. Employers are strictly liable for the actions of their supervisory and management employees. See

e.g., *Burlington Indus., Inc. v. Ellerth* (1998) 524 US 742, 757. Yet, the County was aware of Gardner's sexploits even when he was the Assistant Public Defender because there were blog posts reflecting that he and other top managers were taking trips on taxpayer money, and then engaging in extramarital affairs during those "work" trips. Of course, misappropriation of government funds is another concern because it can be a felony.

48. In an effort to escape liability, COUNTY has previously claimed that there was not a prior investigation of Mr. Gardner, but it is our understanding that Doreen Boxer, who is now a Court Commissioner, performed a prior sex harassment investigation of Gardner and that most Judges in the Riverside and San Bernardino Superior Courts have personal relationships or know of factual information in this case making Riverside and San Bernardino both inappropriate venues for this matter to be handled in.

49. Mr. Gardner would have never been able to perform his predatory "sexploits" to Ms. Thacker, nor to Ms. Vanderlinden, nor to any other employee in the class but for his position as the boss. This is nothing different than former Governor Cuomo or Harvey Weinstein.

50. Mr. Gardner had the power to control work assignments, as he was the ultimate boss at the Public Defenders Office. Gardner used that power and authority to seek sex from Thacker to get a penis rub from Ms. Vanderlinden. Based on information and belief, we will demonstrate several other female employees of Defendants experienced similar humiliation. Indeed at least one other woman sent in an **anonymous complaint to the Board of Supervisors** alleging the same misconduct. As this case progresses, we are likely to see that Mr. Gardner's "sexploits" were as numerous as Cuomo, Weinstein, Cosby, and the other perverts we have seen in the news. Tellingly, we have just been advised that there is another female who reported to Rasheed Alexander, the asst. Public Defender, about being sexually harassed by her Supervisor and nothing was done. Based on information and belief, defendant failed to comply with the law requiring investigation of that claim, which explains why the harassment was so wide spread at the County

51. At the same time that Gardner was professing his love for Thacker, claiming that he was going to leave his wife for her, Gardner told the same tale to other female subordinates, including Ms. Vanderlinden, hoping to get into their pants. Gardner bought flowers for different women who

worked under him, attempting to coerce sex and actually coercing sex from them, with promises of promotions if they engaged in such acts, and threats of adverse actions if they did not have sex with him. He was the boss after all. A woman can never truly "consent" to sex when the boss has the power and control over her livelihood. Gardner created a situation where female employees would have to choose between the ability to feed, clothe and shelter their children, or to succumb to his sexual lust. Work is what Gardner used as his club to force women to submit to his sexual lust.

52. Each of the plaintiffs were treated differently than other employees in the office because of their gender. The conduct was unwelcome, unwanted, pervasive and severe.

53. The actions of the defendants and each of them caused harm and injuries to each plaintiff in excess of the minimum jurisdiction of this court and in a sum to be proven at time of trial. Said harm and injury includes but is not limited to special (economic) damages, General (non-economic) damages, attorneys fees, litigation costs, future damages, and past damages. Damage to reputation. Lost earning capacity for future employment endeavors. Also increased tax liability by having recovery paid all at one time, rather than over a period of time, lost interest and investment opportunities on money that is past due, and such further relief as shown at time of trial and in excess of the minimum jurisdiction of this court.

FIRST CAUSE OF ACTION BY PLAINTIFF

FOR HARRASMENT- HOSTILE WORK ENVIRONMENT

AGAINST ALL DEFENDANTS.

54. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this reference with the same effect as if realleged herein.

55. THACKER, VANDERLINDEN, ALVAREZ AND ARCINIEGA were each an employee who was subjected to severe or pervasive sexually harassing conduct including for some without limitation of a physical and/or visual nature. GARDNER romantically pursued THACKER and VANDERLINDEN and would not tolerate their attempts to avoid sexual touching or intercourse. "No means no" but not in the eyes of GARDNER. GARDNER used his position of power to coerce sex from THACKER, sexual touching from VANDERLINDEN, kissing, hugging, and

groping all to create a hostile work environment for the other plaintiffs.

56. GARDNER used his position as head of the Public Defenders' Office to coerce THACKER and VANDERLINDEN to go on business trips with him, including to seminars that were paid for with tax payer dollars. Employees, like plaintiffs, had no choice but to accompany their boss on these trips for fear that her/their job would be placed in jeoprady otherwise. When THACKER attempted to stop the sexual abuse, GARDNER would threaten her verbally and physically. GARDNER would stalk THACKER. After GARDNER physically attacked THACKER, a police report was filed by THACKER against GARDNER.

57. A reasonable woman in each plaintiff's position would have considered the work environment to be hostile, intimidating, offensive, oppressive, or abusive

58. THACKER VANDERLINDEN, ALVAREZ AND ARCINIEGA (and other similarly situated women) considered the work environment to be hostile, intimidating, offensive, oppressive, or abusive.

59. GARDNER was a supervisor when engaging in the sexual harassment.

60. GARDNER would tell his female employees about his misery in his marriage and made derogatory comments about his wife, as an excuse to try and engage in sex with them. GARDNER claimed that he and his wife slept in different bedrooms, that he was getting a divorce and that he was moving out. It was a lie. When employees wanted to speak to his wife about GARDNER'S claims, he would go into a rage and threaten them with physical harm.

61. After the COUNTY learned of the harassment, GARDNER was forced to leave his position, but was honored with awards and accolades, demonstrating that the COUNTY rafiied and condoned GARDNER'S actions as being part of his work, while retaliating against those who reported harassment at work. Obviously, the COUNTY'S actions demonstrated a failure to properly investigate or take appropriate corrective action.

62. THACKER VANDERLINDEN, ALVAREZ AND ARCINIEGA were each harmed by the defendants.

63. Defendants conduct was a substantial factor in causing the harm to each plaintiff.

64. THACKER, VANDERLINDEN, ALVAREZ AND ARCINIEGA each suffered and will in the

future suffer, economic and non economic damages in a sum according to proof at time of trial and in excess of the minimum jurisdiction of the superior court.

65. Each plaintiff incurred attorneys fees and litigation costs and is entitled to interest and such other damages as shown at time of trial.

66. The actions of GARDNER were despicable, vile, malicious, wanton, fraudulent and oppressive. They were of the type that should not be tolerated by a reasonable society. Punitive damages are thus sought against GARDNER and all other non Municipal defendants. Punitive damages are NOT sought against COUNTY as it is statutorily immune.

67. THACKER was neither the first subordinate, nor the last one, that GARDNER and other managers sexually harassed and abused. THACKER was also not the first female employee to complain about GARDNER'S behavior. ALVAREZ reported harassment for years, but nothing was done. Instead, she was retaliated against. When the COUNTY learned of harassment they glossed over it, concealed it, and allowed GARDNER and other harassers to remain in charge, thereby ratifying and condoning GARDNER'S actions and those of other harassing supervisors and managers that were in the course and scope of employment.

68. Tolerating GARDNER'S behavior was part of a pattern and practice for defendant COUNTY. Illustratively, San Bernardino County Human Resources Director Andrew Lamberto, only came under sharp scrutiny after it was revealed he was convicted of a misdemeanor for agreeing to engage in prostitution. Until the conviction became publicly known, the COUNTY was happy to retain Lamberto, tolerating his conduct. Tellingly, Lamberto was arrested in Orange County in March, 2015 Lamberto was cited for the offense on March 27, a Friday, and informed county CEO Greg Devereaux of his transgression when he returned to work the following Monday. Devereaux disciplined Lamberto, including a "last chance agreement" which would mean that a repeat of such conduct would result in Lamberto's immediate termination. But Devereaux did not inform the Board of Supervisors of what occurred, and the matter stayed between Devereaux and Lamberto for seven months, until a local blogger first got wind of the story and the news leaked to the public.

69. When the public learned of the backroom deal, protests ensued seeking termination of both Devereaux and Lamberto.

70. "The Board of Supervisors needs to address the larger issue," said Esmie Grubbs, Inland Area Regional Director for SEIU Local 721, in a statement. "The termination of Andrew Lamberto is a response to public outcry, but how can our members trust in a system where the top administrator can decide what information the board knows, based solely on his judgement?"

71. But, Lamberto was not just fired. Instead, the County paid him a six month severance, allowed him to use his accured leave and if he gets another job during the time he is gone, he can cash out that leave.

72. Based on information and belief, the COUNTY continued its rewarding of top level managers who engage in illegal conduct by offering GARDNER a full years salary to leave the COUNTY. It allowed him to receive all of his accrued leave on top of the secret agreement. Then to assist GARDNER in finding another job, GARDNER had accolades heaped his way by the COUNTY after he resigned in secret, allowing GARDNER to hide from his wife the numerous adulterous affairs that GARDNER had with several female subordinates of his.

73. GARDNER not only created a hostile work environment, but he also engaged in quid pro quo harassment demanding sexual gratification from his employees, including without limitation the plaintiff in order to avoid problems from GARDNER about their work.

SECOND CAUSE OF ACTION BY PLAINTIFF

FOR QUID PRO QUO HARASSMENT

AGAINST ALL DEFENDANTS

74. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this reference with the same effect as if realleged herein.

75. The situations between Ms. Thacker and Ms. Vanderlinden are similar, and they are appropriate representatives for all other female victims. Mr. Gardner used his position as THE Public Defender and his ability to control work assignments as a subterfuge to obtain sex from female subordinates. In other words, Mr. Gardner's attempts to set up sexual liaisons were part of the work environment. Similarly, the harms caused to Laura Alvarez and Michelle Vanderlinden are representative of the harms suffered by other women in the Public Defender's Office.

76. Each plaintiff was an employee of COUNTY and a subordinate of GARDNER. GARDNER

worked in the course and scope of his employment with COUNTY at all applicable times.

77. GARDNER and other supervisors made unwanted sexual advances towards the plaintiffs.

78. The plaintiffs were victims of sexual assault at work, or from COUNTY employees outside of work.

79. Terms of employment, job benefits, or favorable working conditions were made contingent, by words or conduct, on female employees' acceptance of GARDNER'S and other managers or supervisor's sexual advances or conduct.

80. Refusal to accede to GARDNER'S and other managers' lust could result in loss of the plaitniff's and other employees jobs.

81. Participating in sexual relaions was required to maintain one's job and for promotional opportunities, which GARDNER dangled as a further way to obtain sex.

82. At the time of his conduct, GARDNER was a manager, supervisor or agent for COUNTY. The County has ratified and condoned the actions of GARDNER and other managers because it is providing indemnification and a defense for his behaivor.

83. GARDNER used his position of power to begin conversations with his female subordinates, set up dinner meetings with them, and even appear at their homes, all predicated upon their work, such as obtaining their opinions or assistance with various work assignments. However, what he really wanted was sex. Accordingly, Mr. Gardner engaged in work place conduct with Ms. Thacker, Ms. Vanderlinden (and other female subordinates) by meeting over dinner to "discuss work." Illustratively, Mr. Gardner met Ms. Thacker at a work seminar and transitioned from work, to flirting to sex.

84. Ms. Thacker made it crystal clear to Mr. Gardner that she did not want to continue any kind of sexual relationship, but he continued to pursue her, using his position of power as the boss to coerce sex from her. Similarly, Mr. Gardner used his position as the boss to compel Ms. Vanderlinden to go to dinners with him "to discuss business" and to force his way into her home. Mr. Gardner repeatedly kissed, hugged (including in a sexual way) and forced Ms. Vanderlinden's hand onto his penis. He used his position of power to have sexual intercourse with Ms. Thacker.

85. Each plaintiff was harmed because of the harassment.

86. Defendants' conduct was a substantial factorin causing each plaintiff's harm and injuries.

87. Each plaintiff suffered past, present and future economic and non economic damages, damages to their reputations, emotional distress. Each plaintiff incurred and will incur attorneys fees and litigation costs and is entitled to interest on their lost use of money, and such other damages as shown at time of trial.

88. The actions of GARDNER were despicable, vile, malicious, wanton, fraudulent and oppressive. They were of the type that should not ve tolerated by a reasonable society. Punitive damages are thus sought against GARDNER and all other non Municipal defendants. Punitive damages are NOT sought against COUNTY as Municipal entities are statutorily immune.

THIRD CAUSE OF ACTION BY PLAINTIFF

FOR DISCRIMINATION AGAINST

COUNTY DEFENDANTS ONLY

89. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this reference with the same effect as if realleged herein. However, plaintiffs do NOT seek punitive damages against the county because it is statutorily immune.

90. Each plaintiff was treated differently than other employees in her employment because of her gender.

91. Each plaintiff suffered adverse employment actions because of her gender, including but not limited to things such as assault, threats, lost promotional opportunities, write ups, ostracism, loss of special assignments, lost job opportunities, lack of invitations to work events, lowered evaluations, lost raises or pay and/or removal from work photographs and/or other changes to the terms and conditions of their employement.

92. Each plaintiff's gender was a motivating reason for the discrimination against each plaintiff, which included but was not limited to physical harassment, forced repeated sex, isolating each plaintiff from employees, and requiring THACKER to travel to seminars and other activites outside of work, but as part of THACKER'S employment as a few examples. Men did not have these requirements when working for defendants.

93. The discrimination caused each plaintiff harm.

94. Each plaintiff was damaged because of the actions of the defendants. Discrimination was an actual and legal cause of each plaintiff's injuries.

95. As a direct and legal result of defendants actions, each plaintiff suffered and will suffer in the future, economic and non economic damages in an amount in excess of the minimum jurisdiction of this court and to be proven at time of trial.

96. Each plaintiff is also entitled to attorneys fees, litigation costs, interest, and reimbursement for increased tax liability, as well as such other damages as proven at time of trial.

FOURTH CAUSE OF ACTION BY PLAINTIFF

AGAINST DEFENDANT COUNTY ONLY FOR RETALIATION

97. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this reference with the same effect as if realleged herein. However, each plaintiff does NOT seek punitive damages against the county because it is statutorily immune.

98. Plaintiffs complained about the harassment to managers. VANDERLINDEN also complained to GARDNER about Cannady's harassment of a young man. THACKER further told her boss, the head of the agency and her harasser, that his sexual advances were unwanted and that she wanted him to stop. ALVAREZ has been complaining about sexual abuse of women at work for years. She complained to GARDNER amongst others. Nothing was done. ARCIENEGA complained about her supervisor leering at her, and trying to get her into a room with him alone for an apparent sexual act.

99. When the plaintiffs complained they were subjected to more harassment, verbal and physical, threats and assault, lost promotions, denial of work assignments, lost raises or other adverse actions.

100. Illustratively, after complaining, THACKER was stalked. She was physically assaulted by GARDNER for which a police report was issued. Before reporting GARDNER'S conduct, GARDNER told THACKER the next supervisor position was hers. After reporting GARDNER'S harassment, the defendants took adverse action and did not promote THACKER. The denial of promotion was an adverse action because it caused a loss of pay, other promotional opportunities and lost pension benefits among other harms.

101. VANDERLINDEN was also sexually pursued by GARDNER. Before turning down his sexual advances, GARDNER told VANDERLINDEN the next supervisor position was hers. After rejecting GARDNER'S advances and harassment, GARDNER did not promote VANDERLINDEN. The denial of promotion was an adverse action because it caused a loss of pay, other promotional opportunities and lost pension benefits among other harms.

102. After ALVAREZ reported wrongdoing and harassment, she was denied a promotion.

103. After ARCIENGA reported harassment, she was denied a job reclassification that included a pay raise.

104. A few more examples of the adverse actions that THACKER suffered from: Before reporting GARDNER'S conduct, Thacker was invited to most of the townhall events, court meetings and community based organization meetings. Afer reporting, invitations were not sent to THACKER for the majority of these events, which are important for the job because they provide information about her agency. Before reporting the harassment and discrimination by GARDNER, THACKER was part of a volunteer client program every year prior, the volunteer selection was announced via all staff emails allowing THACKER to participate. However, after the report, she did not receive the invitation and was unable to volunteer to participate. One benefit of volunteering is it increases the breadth of experience, and shows commitment to the COUNTY so that it will improve promotional opportunities. Being deprived notification of these programs results in lost earnings, and lost earnings capacity thus it too is an adverse action.

105. Before rejecting sexual advances from and reporting GARDNER, THACKER had been hand picked for special projects. After reporting, GARDNER, THACKER has not been selected for any special assignments. Once again, the lack of opportunity, impacts promotional opportunities, and causes a lost earning opportunity and loss of earning capacity, as well as future pensions, thereby causing damages and creating an adverse employment condition.

106. Before rejecting sexual advances from GARDNER, VANDERLINDEN had been hand picked for special projects. After reporting, GARDNER, VANDERLINDEN has not been selected for any special assignments. Once again, the lack of opportunity, impacts promotional opportunities, and causes a lost earning opportunity and loss of earning capacity, as well as future pensions, thereby

causing damages and creating an adverse employment condition.

107. Defendants have also threatened to involuntarily transfer some of the plaintiffs, spreading rumors, further undermining the plaintiffs' ability to work, and resulting in other employees wanting to shun or ostracize the plaintiffs for fear they have done something wrong to cause the various actions defendants are taking against the plaintiffs.

108. The plaintiffs' protected activity, and resisting harassment was a motivating factor in defendants taking adverse action against each plaintiff.

109. Each plaintiff was harmed.

110. Defendants conduct was a substantial factor in causing the harm suffered by each plaintiff.

111. As a direct and legal result of defendants actions, each plaintiff suffered past and future economic and non economic damages, incurred attorneys fees and litigation costs and is entitled to interest and such other damages as shown at time of trial.

FIFTH CAUSE OF ACTION BY PLAINTIFF

FOR FAILURE TO TAKE CORRECTIVE ACTION

AGAINST DEFENDANT COUNTY ONLY

112. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this reference with the same effect as if realleged herein.

113. Based on information and belief, Defendant has suffered with a number of lawsuits alleging discrimination, harassment and/or retaliation putting the defendant on notice and providing knowledge of the need to eliminate harassment, discrimination and retaliation in the department.

114. Under the law, as well as their own policies, Defendant had an obligation to take corrective action to prevent further harassment of Plaintiffs, but failed to do so in violation of Cal. Gov. Code Sections 12940(k) and 12940(j)(1).

115. After Plaintiffs complained about and opposed the harassing, discriminatory, and retaliatory conduct set forth above, Defendant failed to conduct proper investigations, implement proper policies to prevent discrimination, harassment or retaliation, and failed to take corrective action or to properly punish those who engaged in misconduct, to deter further such actions.

116. There were earlier investigations carried out by individuals who are now judges in the San

Bernardino and/or Riverside County Court Houses, making venue in those locations improper.

117. In particular, defendant failed to complete its investigation of harassment by GARDNER as evidenced by the lack or a produced investigative report with findings, conclusions, recommendations and corrective action instituted to avoid future harassment.

118. As a direct and legal result of the conduct by Defendants towards Plaintiff, Plaintiff has suffered economic and non-economic damages in a sum according to proof at time of trial, and in excess of the minimum jurisdiction of this Court.

119. As a direct and legal result of the failure to take corrective action with prior lawsuits and complaints of discrimination, each plaintiff suffered harm and injury that was legally (proximately) caused by the conduct of the defendants and each of them. Said harm and injury includes but is not limited to special (economic) damages, General (non-economic) damages, attorneys fees, litigation costs, future damages, and past damages. Damage to reputation. Lost economic earning capacity for future employment endeavors. Also increased tax liability by having recovery paid all at one time, rather than over a period of time, lost interest and investment opportunities on money that is past due, and such further relief as shown at time of trial and in excess of the minimum jurisdiction of this court.

SIXTH CAUSE OF ACTION BY PLAINTIFF

FOR ASSAULT INCLUDING BUT NOT LIMITED TO SEXUAL

ASSAULT AGAINST ALL DEFENDANTS

120. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this reference with the same effect as if realleged herein.

121. Defendant GARDNER, was in the Course and Scope of his employment at all material times. As such the COUNTY is vicariously responsible for his actions, and GARDNER is directly responsible for his own actions.

122. GARDNER acted intending to cause harmful and offensive contact towards THACKER and VANDERLINDEN on multiple occasions.

123. GARDNER threatened to touch THACKER and VANDERLINDEN in an offensive or harmful manner, and/or ita appeared that GARDNER would carry out his threat to touch THACKER and

VANDERLINDEN in an offensive or harmful manner. The touching by GARDNER would offend a person of reasonable dignity.

124. Some of the times that Defendants threatened to touch THACKER and VANDERLINDEN it was to intimate parts of her body, and/or GARDNER'S such as their sexual organs, buttocks and or breasts.

125. Similarly, at least one woman was raped at work in the Public Defender's office. The COUNTY was aware of the sexual assault, but the man is still employed by the COUNTY.

126. THACKER, ALVAREZ and VANDERLINDEN did not consent to defendants' conduct.

127. THACKER, ALVAREZ and VANDERLINDEN were harmed

128. The assault was a substantial factor in causing the harm.

129. As a direct and legal result of defendants actions, plaintiffs suffered and will continue to suffer economic and non economic damages in a sum in excess of the minimum jurisdiction of this court, and according to proof at time of trial, and suffered such other damages as the court deems proper.

130. The actions of GARDNER were despicable, vile, malicious, wanton, fraudulent and oppressive. They were of the typ that should not ve tolerated by a reasonable society. Punitive damages are thus sought against GARDNER and all other non Municipal defendants. Punitive damages are NOT sought against COUNTY as it is statutorily immune.

SEVENTH CAUSE OF ACTION BY PLAINTIFF

FOR BATTERY, INCLUDING BUT NOT LIMITED TO SEXUAL BATTERY

AGAINST ALL DEFENDANTS

131. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this reference with the same effect as if realleged herein.

132. Defendant GARDNER, was in the Course and Scope of their employment at all material times. As such the COUNTY is vicariously responsible for their actions, and GARDNER is directly responsible for his own actions.

133. Defendants touched THACKER, ALVAREZ and VANDERLINDEN with the intent to harm of offend each plaintiff.

134. Some of the times that Defendants touched THACKER, ALVAREZ and VANDERLINDEN it was

to their sexual organs, buttocks and or breasts.

135. Plaintiffs did not consent to the touching.

136. THACKER, ALVAREZ and VANDERLINDEN were harmed by the conduct.

137. A reasonable person in THACKER, ALVAREZ and VANDERLINDEN's position would have been offended by the touching.

138. As a direct and legal result of the conduct by Defendants towards Plaintiffs, Plaintiffs have suffered economic and non-economic damages in a sum according to proof at time of trial, and in excess of the minimum jurisdiction of this Court.

139. The actions of GARDNER were despicable, vile, malicious, wanton, fraudulent and oppressive. They were of the typ that should not ve tolerated by a reasonable society. Punitive damages are thus sought against GARDNER and all other non Municipal defendants. Punitive damages are NOT sought against COUNTY as it is statutorily immune.

EIGHTH CAUSE OF ACTION BY PLAINTIFF

FOR VIOLATION OF THE BANE ACT

AGAINST ALL DEFENDANTS

140. Each and every allegation set forth in the preceding paragraphs is incorporated herein by this reference with the same effect as if realleged herein.

141. Defendant GARDNER, was in the Course and Scope of his employment at all material times. As such the COUNTY is vicariously responsible for his actions, and GARDNER is directly responsible for his own actions.

142. Defendants intentionally interfered with [or attempted to interfere with] THACKER, ALVAREZ ARCINIEGA and VANDERLINDEN'S civil rights by threats, intimidation, or coercion.

143. By threats, intimidation or coercion, defendants caused plaintiff to reasonably believe that if she exercised her right to work and be free of discrimination, harassment or retaliation defendants would commit violence against THACKER, ALVAREZ ARCINIEGA and VANDERLINDEN.

144. Defendants had the apparent ability to carry out the threats. Moreover, GARDNER and others acted violently against some plaintiffs to prevent them from exercising their right to work and be free of discrimination, harassment or retaliation.

145. Defendants wanted to deprive THACKER, ALVAREZ ARCINIEGA and VANDERLINDEN of their right to work and be free of discrimination, harassment or retaliation.

146. As a direct and legal result of the actions of defendants and each of them, THACKER, ALVAREZ ARCINIEGA and VANDERLINDEN was harmed.

147. Defendants conduct was a substantial factor in causing each plaintiff's harm.

148. As a direct and legal result of the conduct by Defendants towards Plaintiffs, Plaintiffs have suffered and will suffer economic and non-economic damages in a sum according to proof at time of trial, and in excess of the minimum jurisdiction of this Court. Each plaintiff has suffered attorneys fees, litigation costs, loss of interest and is entittled to civil penalties and all other damages that the court deems proper at the end of trial.

149. The actions of GARDNER were despicable, vile, malicious, wanton, fraudulent and oppressive. They were of the typ that should not ve tolerated by a reasonable society. Punitive damages are thus sought against GARDNER and all other non Municipal defendants. Punitive damages are NOT sought against COUNTY as it is statutorily immune.

WHEREFORE, Plaintiff prays for the following:

1. Loss of earnings and back pay including any increased tax liability thereon;
2. Loss of future earnings, promotions, opportunities to promote, front pay and all other employment benefits, such as pension rights;
3. All other lost pension, insurance and other employment benefits;
4. Medical, hospital and psychological bills, including past, present and future bills, and all other special damages;
5. Past, present and future general/ non economic damages (pain, suffering, emotional distress and all other non economic damages);
6. Litigation costs;
7. Attorneys fees;
8. Civil Penalties as authorized by statutes set out herein above;
9. Interest;

10. As to all defendants BUT NOT AGAINST THE MUNICIPAL DEFENDANTS, punitive damages.

11. Damages for increased income tax payments; and

12. Any other relief or damages allowed by law, or statutes not set out above and such further relief as the Court deems just and proper at conclusion of trial.

Dated: November 5, 2021

Respectfully Submitted,
Law Offices of Goldberg & Gage
A Partnership of Professional Law Corporations

By___/s/ Bradley C. Gage___
Terry M. Goldberg
Bradley C. Gage
Milad Sadr
Attorneys for Plaintiffs

O:\T\THACKER-STACY\PLEADINGS\COMPLAINT\11-05-21 - COMPLAINT - FINAL FINAL.wpd

"Exhibit 1"

Terry M. Goldberg*

Bradley C. Gage*

Milad Sadr

*A PROFESSIONAL LAW CORPORATION

LAW OFFICES
GOLDBERG & GAGE
A Partnership of Professional Law Corporations

*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088
Email: tgoldberg@goldbergandgage.com Email: bgage@goldbergandgage.com

March 30, 2021

Via FedEx
7733 0931 3947

County of San Bernardino- Human Resources
157 W Fifth Street
San Bernardino, California 92415

Re: DFEH Complaint No. 202103-13042826 by Stacy Thacker.

To Whom It May Concern:

Enclosed please find a copy of the DFEH complaint, Notice of Case Closure, and Right to Sue filed against the County of San Bernardino by Stacy Thacker.

If you have any questions, please do not hesitate to contact our office.

Very truly yours,
Law Offices of Goldberg & Gage
A Partnership of Professional Law Corporations

/s/ Yanira Barrera
Yanira Barrera, assistant to:
Bradley C. Gage

BCG/yb
Enclosures as stated above

O:\T\THACKER-STACY\DFEH\03-30-21- COVER LETTER DFEH AND RTS -THACKER (FINAL).wpd

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 I Elk Grove I CA I 95758
(800) 884-1684 (Voice) I (800) 700-2320 (TTY) | California's Relay Service at 711
http://www.dfeh.ca.gov I Email: contact.center@dfeh.ca.gov

March 30, 2021

Bradley C. Gage
23002 Victory Blvd
Woodland Hills, California 91367

RE: **Notice to Complainant's Attorney**
DFEH Matter Number: 202103-13042826
Right to Sue: Thacker / County of San Bernardino- Human Resources

Dear Bradley C. Gage:

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

STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency GAVIN NEWSOM, GOVERNOR

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

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March 30, 2021

RE: **Notice of Filing of Discrimination Complaint**
DFEH Matter Number: 202103-13042826
Right to Sue: Thacker / County of San Bernardino- Human Resources

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

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,

Department of Fair Employment and Housing

STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency GAVIN NEWSOM, GOVERNOR

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING KEVIN KISH, DIRECTOR

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http://www.dfeh.ca.gov I Email: contact.center@dfeh.ca.gov

March 30, 2021

Stacy Thacker
C/o Law Offices of Goldberg & Gage 23002 Victory Blvd
Woodland Hills, California 91367

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 202103-13042826
Right to Sue: Thacker / County of San Bernardino- Human Resources

Dear Stacy Thacker:

This letter informs you that the above-referenced complaint filed with the Department of Fair Employment and Housing (DFEH) has been closed effective March 30, 2021 because an immediate Right to Sue notice was requested.

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

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

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

Sincerely,

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 I Elk Grove I CA I 95758
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http://www.dfeh.ca.gov I Email: contact.center@dfeh.ca.gov

Department of Fair Employment and Housing

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

In the Matter of the Complaint of
Stacy Thacker DFEH No. 202103-13042826

Complainant,

vs.

County of San Bernardino- Human Resources
157 W Fifth Street
San Bernardino, California 92415

Respondents

---

1. Respondent **County of San Bernardino- Human Resources** is an **employer County of San Bernardino- Human Resources** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant **Stacy Thacker**, resides in the City of **Woodland Hills,** State of **California.**

3. Complainant alleges that on or about **November 3, 2020**, respondent took the following adverse actions:

Complainant was harassed because of complainant's sex/gender, other, sexual harassment- hostile environment, sexual harassment- quid pro quo.

Complainant was discriminated against because of complainant's sex/gender, other, sexual harassment- hostile environment, sexual harassment- quid pro quo and as a result of the discrimination was asked impermissible non-job-related questions, denied any employment benefit or privilege, denied work opportunities or assignments.

Complainant experienced retaliation because complainant reported or resisted any form of discrimination or harassment, participated as a witness in a discrimination or harassment complaint and as a result was asked impermissible non-job-related questions, denied any employment benefit or privilege, denied work opportunities or assignments.

Date Filed: March 30, 2021

Additional Complaint Details: Complainant does not reside in Woodland Hills, it is a computer default.

Date Filed: March 30, 2021

VERIFICATION

I, **Stacy Thacker**, am the **Complainant** in the above-entitled complaint. I have read the foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

On March 30, 2021, I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Woodland Hills, California

Date Filed: March 30, 2021

ORIGIN ID:SFRA (818) 340-9252
BRADLEY C. GAGE
GOLDBERG AND GAGE
23002 VICTORY BLVD
WOODLAND HILLS, CA 91367
UNITED STATES US

SHIP DATE: 30MAR21
ACTWGT: 1.00 LB
CAD: 2112966/INET4342

BILL SENDER

TO **HUMAN RESOURCES**
COUNTY OF SAN BERNARDINO
157 W. FIFTH STREET

SAN BERNARDINO CA 92415
(818) 340-9252 REF:
INV:
PO: DEPT:

56DJ2/5EF2/FE4A

J211121011901uv

FedEx Express

WED - 31 MAR 10:30A
PRIORITY OVERNIGHT

TRK# 0201 **7733 0931 3947**

WM RIVA

92415
CA-US SBD

After printing this label:
CONSIGNEE COPY - PLEASE PLACE IN FRONT OF POUCH
1. Fold the printed page along the horizontal line.
2. Place label in shipping pouch and affix it to your shipment.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of $100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of $100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is $1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

FedEx

TRACK ANOTHER SHIPMENT

773309313947

ADD NICKNAME

Delivered
Wednesday, March 31, 2021 at 11:25 am

DELIVERED

Signed for by: T.TERESA

GET STATUS UPDATES

OBTAIN PROOF OF DELIVERY

FROM

GOLDBERG AND GAGE
Bradley C. Gage

23002 VICTORY BLVD
WOODLAND HILLS, CA US 91367
818-340-9252

TO

HUMAN RESOURCES
COUNTY OF SAN BERNARDINO

157 W. FIFTH STREET
SAN BERNARDINO, CA US 92415
818-340-9252

Travel History

TIME ZONE
Local Scan Time

Wednesday, March 31, 2021

11:25 AM	SAN BERNARDINO, CA	Delivered
9:16 AM	SAN BERNARDINO, CA	On FedEx vehicle for delivery
7:35 AM	SAN BERNARDINO, CA	At local FedEx facility
3:07 AM	OAKLAND, CA	Departed FedEx location

Tuesday, March 30, 2021

10:26 PM	OAKLAND, CA	Arrived at FedEx location
8:10 PM	LOS ANGELES, CA	At destination sort facility
7:30 PM	CANOGA PARK, CA	Left FedEx origin facility
2:31 PM	CANOGA PARK, CA	Picked up

3:20 PM	Shipment information sent to FedEx

Shipment Facts

TRACKING NUMBER
773309313947

SERVICE
FedEx Priority Overnight

WEIGHT
0.5 lbs / 0.23 kgs

DELIVERY ATTEMPTS
1

DELIVERED TO
Receptionist/Front Desk

TOTAL PIECES
1

TOTAL SHIPMENT WEIGHT
0.5 lbs / 0.23 kgs

TERMS
Shipper

PACKAGING
FedEx Envelope

SPECIAL HANDLING SECTION
Deliver Weekday

SHIP DATE
3/30/21

STANDARD TRANSIT
3/31/21 by 10:30 am

ACTUAL DELIVERY
3/31/21 at 11:25 am

"Exhibit 2"

Terry M. Goldberg*

Bradley C. Gage*

Milad Sadr

*A PROFESSIONAL LAW CORPORATION

LAW OFFICES
GOLDBERG & GAGE
A Partnership of Professional Law Corporations

*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088
Email: tgoldberg@goldbergandgage.com Email: bgage@goldbergandgage.com

April 22, 2021

VIA CERTIFIED MAIL
7019 2970 0000 0378 8197

Gregory Christopher Gardner
638 Miramar Ave
Claremont, CA 91711

Re: DFEH Complaint No. 202104-13328222 by Stacy Thacker.

To Whom It May Concern:

Enclosed please find a copy of the DFEH complaint, Notice of Case Closure, and Right to Sue filed against Gregory Christopher Gardner by Stacy Thacker.

If you have any questions, please do not hesitate to contact our office.

Very truly yours,
Law Offices of Goldberg & Gage
A Partnership of Professional Law Corporations

/s/ Yanira Barrera
Yanira Barrera, assistant to:
Bradley C. Gage

BCG/yb
Enclosures as stated above

O:\T\THACKER-STACY\DFEH\GARDNER\04-22-21- COVER LETTER DFEH AND RTS -THACKER-GARDNER (FINAL).wpd

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

April 22, 2021

Bradley C. Gage
23002 Victory Blvd
Woodland Hills, California 91367

RE: **Notice to Complainant's Attorney**
DFEH Matter Number: 202104-13328222
Right to Sue: Thacker / Gardner

Dear Bradley C. Gage:

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

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

April 22, 2021

RE: **Notice of Filing of Discrimination Complaint**
DFEH Matter Number: 202104-13328222
Right to Sue: Thacker / Gardner

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

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,

Department of Fair Employment and Housing

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

April 22, 2021

Stacy Thacker
C/o Law Offices of Goldberg & Gage 23002 Victory Blvd
Woodland Hills, California 91367

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 202104-13328222
Right to Sue: Thacker / Gardner

Dear Stacy Thacker:

This letter informs you that the above-referenced complaint filed with the Department of Fair Employment and Housing (DFEH) has been closed effective April 22, 2021 because an immediate Right to Sue notice was requested.

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

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

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

Sincerely,

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

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

In the Matter of the Complaint of
Stacy Thacker

DFEH No. 202104-13328222

Complainant,

vs.

Gregory Christopher Gardner
638 Miramar Ave
Claremont, California 91711

Respondents

---

1. Respondent **Gregory Christopher Gardner** is an **employer Gregory Christopher Gardner** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant **Stacy Thacker**, resides in the City of **Woodland Hills,** State of **California.**

3. Complainant alleges that on or about **November 3, 2020**, respondent took the following adverse actions:

Complainant was harassed because of complainant's sex/gender, other, sexual harassment- hostile environment, sexual harassment- quid pro quo.

Complainant was discriminated against because of complainant's sex/gender, other, sexual harassment- hostile environment, sexual harassment- quid pro quo and as a result of the discrimination was asked impermissible non-job-related questions, denied any employment benefit or privilege, other, denied work opportunities or assignments.

Complainant experienced retaliation because complainant reported or resisted any form of discrimination or harassment, participated as a witness in a discrimination or harassment complaint and as a result was asked impermissible non-job-related questions, denied any employment benefit or privilege, other, denied work opportunities or assignments.

Date Filed: April 22, 2021

Additional Complaint Details: Other: Assault; Failure to take corrective action. Complainant was also assaulted by Gregory Christopher Gardener. Complainant does not reside in Woodland Hills, it is a computer default.

Date Filed: April 22, 2021

VERIFICATION

I, **Stacy Thacker**, am the **Complainant** in the above-entitled complaint. I have read the foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

On April 22, 2021, I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Woodland Hills, California

Date Filed: April 22, 2021

fices of Goldberg & Gage
Victory Blvd
nd Hills, CA 91367

$6.960
US POSTAGE
FIRST-CLASS
FROM 91367
APR 22 2021
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Gregory Christopher Gardner
638 E Miramar Ave
Claremont CA 91711-2031

SENDER: *COMPLETE THIS SECTION*

- Complete Items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Gregory Christopher Gardner
638 Miramar Ave
Claremont, CA 91711

9590 9402 6476 0346 4562 63

2. Article Number *(Transfer from service label)*

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by *(Printed Name)*
C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

7019 2970 0000 0378 8197

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL®

7019 2970 0000 0378 8197

7019 2970 0000 0378 8197

U.S. Postal Service™
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For delivery information, visit our website at *www.usps.com®*.

OFFICIAL USE

Certified Mail Fee	$ 3.60
Extra Services & Fees *(check box, add fee as appropriate)*	
☑ Return Receipt (hardcopy)	$ 2.55
☐ Return Receipt (electronic)	$
☐ Certified Mail Restricted Delivery	$
☐ Adult Signature Required	$
☐ Adult Signature Restricted Delivery	$
Postage	$ .51
Total Postage and Fees	$ 6.96

Postmark Here

Sent To Gregory Christopher Gardner
Street and Apt. No., or PO Box No. 638 Miramar Ave
City, State, ZIP+4® Claremont, CA 91711

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gregory Christopher Gardner
638 Miramar Ave
Claremont, CA 91711

9590 9402 6476 0346 4562 63

2. Article Number *(Transfer from service label)*

7019 2970 0000 0378 8197

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [signature] ☑ Agent ☐ Addressee

B. Received by *(Printed Name)* Gardner GG

C. Date of Delivery 4/24

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

"Exhibit 3"

Terry M. Goldberg*

LAW OFFICES
GOLDBERG & GAGE
A Partnership of Professional Law Corporations

Bradley C. Gage*

Milad Sadr

*A PROFESSIONAL LAW CORPORATION

*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088
Email: tgoldberg@goldbergandgage.com Email: bgage@goldbergandgage.com

April 22, 2021

Via Certified U.S. Mail
7019 2970 0000 0378 8180

County of San Bernardino- Human Resources
157 W Fifth Street
San Bernardino, California 92415

Re: **Government Claim**

Dear Sir or Madam:

Please consider this a notice of governmental claim, and to the extent any such claims are more than six months old, as an application for a late claim pursuant to California Government Code, Section 911.4. To the extent applicable, please also consider this a supplemental governmental claim.

A. NAME OF THE CLAIMANTS:

Stacy Thacker

B. ADDRESS TO SEND ALL NOTICES:

Law Offices of Goldberg & Gage, 23002 Victory Blvd., Woodland Hills, CA 91367.

C. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE OCCURRENCE OR TRANSACTIONS WHICH GIVE RISE TO THE CLAIMS ASSERTED:

Thacker is a woman and she is an employee of the County of San Bernardino.

1. Thacker is and was at all applicable times employed in the Office of the Public Defender as an Investigator.

2. Gardner was head of the Public Defenders Office and hence had managerial level authority over plaintiff.

3. Gardner was a married man at all times that he engaged in harassment, assault and other intentional, reckless, negligent or otherwise unlawful acts towards Thacker.

4. While Thacker worked under Gardner, he tried to pursue a romantic relationship with Thacker.

5. Gardner falsely represented that he was getting a divorce, which plaintiff reasonably and justifiably relied upon. The representation was not true.

6. Based on information and belief, Gardner falsely represented that he was getting a divorce, so that he could prey upon and attempt to have sexual relationships with several female employees of defendant County.

7. Gardner had the power to control some of Thacker's work assignments as he was the ultimate boss at the Public Defenders Office. Gardner used that power and authority to seek sex from Thacker (and other female employees of Defendants.)

8. Gardner pursued a romantic (sexual) relationship with Thacker and gave her assignments to created a situation that insured that Thacker would have to be out of town with him so that he could continue to pursue a romantic relationship with her. Gardner's harassment of plaintiff was part of a continuing violation that took place between 2016 and 2020. During this period plaintiff repeatedly attempted to prevent the harassment and after Gardner had his way with her, Thacker repeatedly tried to end the relationship. In response, Gardner retaliation by stalking Gardner, making excessive phone calls that included screaming and threats, and manipulation by Gardner. Gardner thus used his position of power as the boss to force himself upon Thacker, including sexually.

9. Between March and November 2020, the harassment, discrimination, retaliation, assault and other wrongful conduct escalated. Defendants went to Thacker's home worksite unannounced, and repeatedly. Gardner's harassing phone calls increased.

10. In May 2020 Gardner pursued Thacker in his vehicle, swerving into her lane while on the freeway. This caused plaintiff fear, apprehension and trepidation.

11. On August 2, 2020, Gardner asked to meet with Thacker. Gardner picked Thacker up from my residence in Redlands, CA and drove with her to Newport Beach. Gardner and Thacker went running in Newport Beach. After the run, Thacker asked Mr. Gardner about text messages he was sending his wife while Thacker was seated in the vehicle with Gardner.

12. Thereafter, Thacker asked to go home and opened the door to the vehicle while the vehicle was stopped on a public street in Newport Beach, CA. Gardner falsely imprisoned plaintiff and did not allow her to leave the vehicle and instead accelerated around a corner. When the vehicle came to a stop, Thacker again tried to exit the vehicle. Gardner then grabbed Thacker's arm and slammed it into the console of the vehicle causing injury and bleeding.

13. In November 2020, Gardner yelled into the phone that he was "coming for" Thacker and said, "I'll never stop" which causes Thacker great concern that Gardner will contact

Thacker at her home worksite or County worksite, creating further stress and worry and continuing the hostile work environment that Thacker had to endure.

14. In December 2020 Thacker reported Gardner's assault to the Newport Beach Police Department in Report number 208948.

15. Thacker was treated differently than most of the employees in the office because of her gender. The conduct was unwelcome and severe.

16. The harms are continuing.

17. The actions of the defendants and each of them caused harm and injuries to plaintiff in excess of the minimum jurisdiction of this court and in a sum to be proven at time of trial.

D. GENERAL DESCRIPTION OF THE INJURY, DAMAGE OR LOSS INCURRED.

Economic and non economic damages according to proof.

E. NAME OF PUBLIC EMPLOYEES CAUSING THE INJURY, DAMAGE OR LOSS TO COMPLAINANTS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:

Mr. Gardner former head of the Public Defenders Office.

F. THE AMOUNT OF CLAIMED DAMAGES EXCEEDS $10,000 AND JURISDICTION WILL BE PROPER IN LOS ANGELES SUPERIOR COURT.

If you contend this is not the proper location for a Governmental Claim, please advise of the proper address. Further, if County contends there are any administrative claims or remedies not pursued by complainant, please advise so that we can fulfill any administrative remedy requirements now. Thank you.

Very truly yours,
Law Offices of Goldberg & Gage
A Partnership of Professional Law Corporations

/s/ Bradley C. Gage
By Bradley C. Gage

Law Offices of Goldberg & Gage
23002 Victory Blvd
Woodland Hills, CA 91367

$6.9
US POSTA
FIRST-CLA
FROM 91
APR 23 2
stam
end

County of San Bernardino- Human Resources
157 W Fifth Street
San Bernardino CA 92415-0225

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

County of San Bernardino
Human Resources
157 W Fifth Street
San Bernardino, CA 92415

9590 9402 6476 0346 4563 00

2. Article Number *(Transfer from service label)*
7019 2970 0000 0378 8180

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 — Domestic Return Receipt

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
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7019 2970 0000 0378 8180

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

OFFICIAL USE

Certified Mail Fee
$

Extra Services & Fees *(check box, add fee as appropriate)*
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$

Postmark Here

Sent To
County of San Bernardino-Human Resources
Street and Apt. No., or PO Box No.
157 W. Fifth St.
City, State, ZIP+4®
San Bernardino, CA 92415

PS Form 3800, April 2015 PSN 7530-02-000-9047 — See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

County of San Bernardino
Human Resources
157 W Fifth Street
San Bernardino, CA 92415

9590 9402 6476 0346 4563 00

2. Article Number *(Transfer from service label)*

7019 2970 0000 0378 [illegible]

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [signature] ☐ Agent ☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

APR 26 2021

D. Is delivery address different from Item 1? ☑ Yes
If YES, enter delivery address below: ☐ No

92415-0440

3. Service Type

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- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
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- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

"Exhibit 4"

222 West Hospitality Lane, Third Floor, San Bernardino, CA 92415
www.SBCounty.gov

SAN BERNARDINO COUNTY

Department of Risk Management

LeAnna Williams
Director

Phone Number
909.386.8655

Fax Numbers
Admin/Fiscal: 909.382.3211
Workers Comp: 909.386.8711
Liability: 909.382.3211
Safety: 909.382.3212

April 12, 2021

Stacy Thacker
c/o Law Offices of Goldberg & Gage, APLC
23002 Victory Blvd.
Woodland Hills, CA 91367

RECEIVED
APR 15 2021
GOLDBERG & GAGE

RE: Claimant..... Stacy Thacker
Date of Loss.....11/03/2020
Our File.....137032

Dear Stacy Thacker:

We are in receipt of your claim against the County of San Bernardino and are currently investigating the circumstances surrounding your claim. A decision regarding the County's liability will be made upon completion of the investigation or within 45 days of our receipt of your claim.

If you have any questions, please contact me at (909) 386-8646.

Respectfully,

Michael R Lee
Liability Claims Rep III
DEPARTMENT OF RISK MANAGEMENT

Receipt of claim letter

BOARD OF SUPERVISORS
Col. Paul Cook (Ret.) First District | Janice Rutherford Second District | Dawn Rowe Vice Chair, Third District | Curt Hagman Chairman, Fourth District | Joe Baca, Jr. Fifth District
Leonard X. Hernandez Chief Executive Officer

"Exhibit 5"

Terry M. Goldberg*

LAW OFFICES
GOLDBERG & GAGE
A Partnership of Professional Law Corporations

Bradley C. Gage*

Milad Sadr

*A PROFESSIONAL LAW CORPORATION

*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088
Email: tgoldberg@goldbergandgage.com Email: bgage@goldbergandgage.com

May 17, 2021

Via Certified U.S. Mail
7019 0140 0001 0215 0324

County of San Bernardino- Human Resources
157 W Fifth Street
San Bernardino, California 92415

Re: **Government Claim**

Dear Sir or Madam:

Please consider this a notice of governmental claim, and to the extent any such claims are more than six months old, as an application for a late claim pursuant to California Government Code, Section 911.4. To the extent applicable, please also consider this a supplemental governmental claim.

A. NAME OF THE CLAIMANTS:

Stacy Thacker

B. ADDRESS TO SEND ALL NOTICES:

Law Offices of Goldberg & Gage, 23002 Victory Blvd., Woodland Hills, CA 91367.

C. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE OCCURRENCE OR TRANSACTIONS WHICH GIVE RISE TO THE CLAIMS ASSERTED:

Thacker is a woman and she is an employee of the County of San Bernardino.

1. Thacker is and was at all applicable times employed in the Office of the Public Defender as an Investigator.

2. Gardner was head of the Public Defenders Office and hence had managerial level authority over plaintiff.

3. Gardner was a married man at all times that he engaged in harassment, assault and other intentional, reckless, negligent or otherwise unlawful acts towards Thacker.

4. While Thacker worked under Gardner, he tried to pursue a romantic relationship with Thacker.

5. Gardner falsely represented that he was getting a divorce, which plaintiff reasonably and justifiably relied upon. The representation was not true.

6. Based on information and belief, Gardner falsely represented that he was getting a divorce, so that he could prey upon and attempt to have sexual relationships with several female employees of defendant County.

7. Gardner had the power to control some of Thacker's work assignments as he was the ultimate boss at the Public Defenders Office. Gardner used that power and authority to seek sex from Thacker (and other female employees of Defendants.)

8. Gardner pursued a romantic (sexual) relationship with Thacker and gave her assignments to created a situation that insured that Thacker would have to be out of town with him so that he could continue to pursue a romantic relationship with her. Gardner's harassment of plaintiff was part of a continuing violation that took place between 2016 and 2020. During this period plaintiff repeatedly attempted to prevent the harassment and after Gardner had his way with her, Thacker repeatedly tried to end the relationship. In response, Gardner retaliation by stalking Gardner, making excessive phone calls that included screaming and threats, and manipulation by Gardner. Gardner thus used his position of power as the boss to force himself upon Thacker, including sexually.

9. Between March and November 2020, the harassment, discrimination, retaliation, assault and other wrongful conduct escalated. Defendants went to Thacker's home worksite unannounced, and repeatedly. Gardner's harassing phone calls increased.

10. In May 2020 Gardner pursued Thacker in his vehicle, swerving into her lane while on the freeway. This caused plaintiff fear, apprehension and trepidation.

11. On August 2, 2020, Gardner asked to meet with Thacker. Gardner picked Thacker up from my residence in Redlands, CA and drove with her to Newport Beach. Gardner and Thacker went running in Newport Beach. After the run, Thacker asked Mr. Gardner about text messages he was sending his wife while Thacker was seated in the vehicle with Gardner.

12. Thereafter, Thacker asked to go home and opened the door to the vehicle while the vehicle was stopped on a public street in Newport Beach, CA. Gardner falsely imprisoned plaintiff and did not allow her to leave the vehicle and instead accelerated around a corner. When the vehicle came to a stop, Thacker again tried to exit the vehicle. Gardner then grabbed Thacker's arm and slammed it into the console of the vehicle causing injury and bleeding.

13. In November 2020, Gardner yelled into the phone that he was "coming for" Thacker and said, "I'll never stop" which causes Thacker great concern that Gardner will contact Thacker at her home worksite or County worksite, creating further stress and worry and continuing the hostile work environment that Thacker had to endure.

14. In December 2020 Thacker reported Gardner's assault to the Newport Beach Police Department in Report number 208948.

15. Thacker was treated differently than most of the employees in the office because of her gender. The conduct was unwelcome and severe.

16. The harms are continuing.

17. The actions of the defendants and each of them caused harm and injuries to plaintiff in excess of the minimum jurisdiction of this court and in a sum to be proven at time of trial

D. GENERAL DESCRIPTION OF THE INJURY, DAMAGE OR LOSS INCURRED.

Economic and non economic damages according to proof.
Discrimination, harassment, retaliation, failure to take corrective action, assault, including sexual assault, battery, including sexual battery, Bane Act, Ralph Act.

E. NAME OF PUBLIC EMPLOYEES CAUSING THE INJURY, DAMAGE OR LOSS TO COMPLAINANTS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:

Mr. Gardner former head of the Public Defenders Office

F. THE AMOUNT OF CLAIMED DAMAGES EXCEEDS $10,000 AND JURISDICTION WILL BE PROPER IN LOS ANGELES SUPERIOR COURT.

If you contend this is not the proper location for a Governmental Claim, please advise of the proper address. Further, if County contends there are any administrative claims or remedies not pursued by complainant, please advise so that we can fulfill any administrative remedy requirements now. Thank you.

Very truly yours,
Law Offices of Goldberg & Gage
A Partnership of Professional Law Corporations

/s/ Bradley C. Gage
By Bradley C. Gage

Law Offices of Goldberg & Gage
23002 Victory Blvd
Woodland Hills, CA 91367

$6.9
US POSTA
FIRST-CLA
FROM 91
MAY 17 2
stamp
end

County of San Bernardino- Human Resources
157 W Fifth Street
San Bernardino CA 92415-0225

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
County of San Bernardino-
Human Resources
157 W. Fifth Street
San Bernardino, CA 92415

9590 9402 6476 0346 4563 62

2. Article Number *(Transfer from service label)*
7019 0140 0001 0215 0324

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
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- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
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7019 0140 0001 0215 0324

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at *www.usps.com®*.
OFFICIAL USE

Certified Mail Fee
$ 3.60

Extra Services & Fees *(check box, add fee as appropriate)*
- ☑ Return Receipt (hardcopy) $ 2.85
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$ .51

Total Postage and Fees
$ 6.96

Postmark Here

Sent To
County of San Bernardino-Human Resources
Street and Apt. No., or PO Box No.
157 W. Fifth Street
City, State, ZIP+4®
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Human Resources
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"Exhibit 6"

Terry M. Goldberg*

LAW OFFICES
GOLDBERG & GAGE
A Partnership of Professional Law Corporations

Bradley C. Gage*

Milad Sadr

*A PROFESSIONAL LAW CORPORATION

*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088
Email: tgoldberg@goldbergandgage.com Email: bgage@goldbergandgage.com

September 9, 2021

Via Certified U.S. Mail

County of San Bernardino- Human Resources
157 W Fifth Street
San Bernardino, California 92415

Re: **Government Claim**

Dear Sir or Madam:

Please consider this a notice of governmental claim, and to the extent any such claims are more than six months old, as an application for a late claim pursuant to California Government Code, Section 911.4. To the extent applicable, please also consider this a supplemental governmental claim. In particular, this is a supplement to the May 17, 2021 and April 22, 2021 Governmental claims of Stacy Thacker which are incorporated by this reference as though fully set out herein.

A. NAME OF THE CLAIMANTS:

Stacy Thacker
Michelle Vanderlinden

Class Action: All women who were employed by the County of San Bernardino who were subjected to a hostile work environment, quid pro quo harassment, discrimination, retaliation and/or sexual assault, sexual battery, or common law battery, Bane Act, Ralph Act and other civil rights violations at any time in the past four and a half years. There has been a continuing violation, and the most recent acts were conducted within six months of the initial governmental claim from April, 2021. This supplemental claim relates back to the original claim.

B. ADDRESS TO SEND ALL NOTICES:

Law Offices of Goldberg & Gage, 23002 Victory Blvd., Woodland Hills, CA 91367.

C. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE OCCURRENCE OR TRANSACTIONS WHICH GIVE RISE TO THE CLAIMS ASSERTED:

The situations between Ms. Thacker and Ms. Vanderlinden are similar, and they are

appropriate class representatives for all other female victims. Mr. Gardner used his position as THE Public Defender and his ability to control work assignments as a subterfuge to obtain sex from female subordinates. In other words, Mr. Gardner's attempt to set up sexual liaisons were part of the work environment.

Mr. Gardner used his position of power to begin conversations with his female subordinates, set up dinner meetings with them, and even appear at their homes, all predicated upon their work, such as obtaining their opinions or assistance with various work assignments. However, what he really wanted was sex. Accordingly, Mr. Gardner engaged in work place conduct with Ms. Thacker, Ms. Vanderlinden (and other female subordinates) by meeting over dinner to "discuss work." Illustratively, Mr. Gardner met Ms. Thacker at a work seminar and transitioned from work, to flirting to sex. As you know, "[t]he **sexual** act need not be committed in the **workplace**, however, to have consequences there." *Doe v. Oberweis Dairy* (7th Cir. 2006) 456 F3d 704, 715 Additionally, "the fact that sex-related conduct was 'voluntary,' in the sense that the complainant was not forced to participate against her will, is not a defense to a sexual harassment suit brought under Title VII … The correct inquiry is whether respondent by her conduct indicated that the alleged sexual advances were unwelcome, not whether her actual participation in sexual intercourse was voluntary." [*Meritor Sav. Bank, FSB v. Vinson,* 477 US at 68.].

In our cases, Ms. Thacker made it crystal clear to Mr. Thacker that she did not want to continue any kind of sexual relationship, but he continued to pursue her, using his position of power as the boss to coerce sex from her. Similarly, Mr. Gardner used his position as the boss to compel Ms. Vanderlinden to go to dinners with him "to discuss business" and to force his way into her home. Mr. Gardner repeatedly kissed, hugged (including in a sexual way) and forced Ms. Vanderlindine's hand onto his penis. He used his position of power to have sexual intercourse with Ms. Thacker.

The entire PD's office was one filled with lust and sexual harassment. Not only did Gardner sleep with different women, he also would kiss them on the lips, hug them, and grabbed a subordinates hand touching it to his penis. It was part of an "Animal House" frat party sex atmosphere that is important for the public to be aware of.

Indeed, Gardner was not the only person in top management to use their positions of power to obtain sexual gratification. One supervisor, Mark Shoup, obtained oral copulation at work from a young lawyer who is now at County Counsel.

Another supervisor, Jeff Canty, accessed Madison and other porn sites during Public Defender training. He also used a county car to take other public defenders to a strip club. This was a widely known fact that created a hostile work environment for all female employees helping to demonstrate that this case is proper as a class action.

Another Chief, Ms. Cannady, used her position to engage in sexual relations with a young man, and then used her Public Defender connections, and PD employees to obtain beds in two drug rehab locations with the Salvation Army. Mr. Gardner knew of the illicit activities when he was the PD, but failed to take proper corrective action. Instead, he bragged about using his position of authority and his connections to squelch the police report involving the young man and Chief. Similarly, Mr. Gardner used his position and contacts to eradicate any consequences from his assault

on Ms. Thacker after she filed a police report against him. Based on information and belief, Gardner has used such contacts to erase other complaints against him as well.

Employers are strictly liable for the actions of their supervisory and management employees. See e.g., *Burlington Indus., Inc. v. Ellerth* (1998) 524 US 742, 757. Yet, the County was aware of Gardner's sexploits even when he was the Assistant Public Defender because there were blog posts reflecting that he and other top managers were taking trips on taxpayer money, and then engaging in extramarital affairs during those "work" trips. Of course, misappropriation of government funds is another concern because it can be a felony.

The County has previously claimed that there was not a prior investigation of Mr. Gardner, but it is our understanding that Doreen Boxer, who is now a Court Commissioner, performed a prior sex harassment investigation of Gardner and that most Judges in the Riverside Superior Court have personal relationships or know of factual information in this case making Riverside an inappropriate venue for this matter.

Throughout this case, the county has claimed that Ms. Thacker and Mr. Gardner were engaged in a consensual relationship, so there should be no liability. Once again such a position is naive. The whole relationship started because Gardner invited his subordinate, Ms. Thacker, to a work seminar, and then to dinner to discuss work. After Gardner plied Ms. Thacker with alcohol, he took her to a county paid hotel room for sex. Mr. Gardner changed Ms. Thacker's work assignments so that he would be directly over her. He set up dinner meetings with Ms. Thacker to discuss work, and then morphed those into sex. But for his position as the boss, he would never have succeeded in obtaining sex from Ms. Thacker. Ms. Thacker is not the only female employee treated this way based on information and belief which makes a class action appropriate.

Mr. Gardner would have never been able to perform his predatory "sexploits" to Ms. Thacker, nor to Ms. Vanderlinden, nor to any other employee in the class but for his position as the boss. This is nothing different than former Governor Cuomo or Havey Weinstein.

Mr. Gardner had the power to control some of Ms. Thacker's and Ms. Vanderline's work assignments, as well as the other female class members, as he was the ultimate boss at the Public Defenders Office. Gardner used that power and authority to seek sex from Thacker to get a penis rub from Ms. Vanderline. Based on information and belief, we will demonstrate several other female employees of Defendants experienced similar humiliation, further demonstrating commonality, and typicality for class certification. Indeed at least one other woman sent in an anonymous complaint to the Board of Supervisors alleging the same misconduct. As this case progresses, we are likely to see that Mr. Gardner's "sexploits" were as numerous as Cuomo, Weinstein, Cosby, and the other perverts we have seen in the news. Tellingly, we have just been advised tghat there is another female who reported to Rasheed Alexander, the asst. Public Defender, about being sexually harassed by her Supervisor and nothing was done. Based on information and belief, defendant failed to comply with the law requiring investigation of that claim, which explains why the harassment was so wide spread at the County.

The lawsuit will provide in part as follows: Mr. Gardner pursued a romantic (sexual) relationship with Thacker (and other women in the class) and gave her (and other women in the class) assignments to create a situation that insured that Thacker would have to be out of town with

him so that he could continue to pursue a romantic relationship with her. Gardner's harassment of plaintiff was part of a continuing violation that took place between 2016 and 2020 and thus helps to define the class period. During this period Ms. Thacker (and other women in the class) repeatedly attempted to prevent the harassment and after Gardner had his way with her, (and other women in the class) Ms. Thacker (and other women in the class) repeatedly tried to end the relationship. This included her sending Gardner texts to stop any relationship. In response, Gardner would discuss her work assignments, stalked her, and went to her home ostensibly for work matters, but in actuality as a way to convince Ms. Thacker (and other women in the class) not to stop a relationship. When pleading was not successful, Gardner, made excessive phone calls that included screaming and threats to Ms. Thacker, that would impact her job on the one hand if she would not resume her relationship with the boss, and promises on the other hand of promoting Thacker to a supervisory position as a quid pro quo for having a sexual relationship with Mr. Gardner. Mr. Gardner made the same proposition to Ms Vanderline, promising her also a supervisor position.

At the same time that Gardner was professing his love for Thacker, claiming that he was going to leave his wife for her, Gardner told the same tale to other female subordinates, hoping to get into their pants. Gardner bought flowers for different women who worked under him, attempting to coerce sex and actually coercing sex from them, with promises of promotions if they engaged in such acts, and threats of adverse actions if they did not have sex with him. He was the boss after all. A woman can never truly "consent" to sex when the boss has the power and control over her livelihood. Gardner created a situation where female employees would have to choose between the ability to feed, clothe and shelter their children, or to succumb to his sexual lust. Work is what Gardner used as his club to force women to submit to his sexual lust.

By May 2020, Thacker gathered the courage to stop the harassment even though she was in fear of losing her job in retaliation for her bravery. She told Gardner that she would tell his wife, and report the harassment at work. Thacker got into her car to do just that. Gardner pleaded with Thacker, telling her that if she reported him, he could be fired. Ms. Thacker started to drive away to report him. Gardner pursued Thacker in his vehicle, swerving into her lane while on the freeway. This caused Ms. Thacker fear of a high speed traffic accident, and other harm while creating severe emotional distress. Gardner's threats succeed. She was afraid for her personal safety and did not report him at that time.

Gardner was relentless. He continued to ignore Ms. Thacker's pleas to leave her alone to do her work without any requirement to sleep with the boss.

On August 2, 2020, Gardner asked to meet with Thacker. Gardner picked Thacker up from her residence in Redlands and drove with her to Newport Beach. Gardner and Thacker went to Newport Beach. Thereafter, Ms. Thacker asked Mr. Gardner about text messages he was sending his wife while Ms. Thacker was seated in the vehicle with Gardner. Ms. Thacker advised Gardner that he was lying to her and his wife and wanted to again report Gardner's harassment of her.

Ms. Thacker went to open the door to the vehicle while the vehicle was stopped on a public street in Newport Beach, CA. Gardner sped off, falsely imprisoned Ms. Thacker and did not allow her to leave the vehicle. Instead, Gardner accelerated around a corner. When the vehicle came to a stop, Thacker again tried to exit the vehicle. Gardner then grabbed Thacker's arm and slammed it into the console of the vehicle causing injury and bleeding. Ms. Thacker asked Mr. Gardner to

drive her to the police department so she could file a police report. He refused. Gardner then tried to convince Ms. Thacker not to file a police report because he would lose his job and his son would not be able to go to the college he was enrolled in because without a job and its income, Gardner could not afford the college. Gardner promised to let Ms. Thacker end the relationship and to stop being involved in her work assignments. Because he was the boss, and in reliance on his promises, Thacker did not file a report in August 2020.

In November 2020, Gardner yelled into the phone that he was "coming for" Thacker and said, "I'll never stop" (a relationship with Thacker) which caused and causes Thacker great concern that Gardner will contact Thacker at her home workaday or County workaday, creating further stress and worry and continuing the hostile work environment that Thacker had to endure.

In December 2020, the repeated threats by Mr. Gardner, and fear that there was no way out gave Ms. Thacker the resolve to report Gardner's assault to the Newport Beach Police Department. If you need a copy of the report, I am happy to provide it to you, in exchange for the information I have requested. Ms. Thacker also reported the harassment to Tom Sohn, the assistant public defender.

Around the same time, a different female employee apparently wrote an anonymous letter to the Board of Supervisors about Mr. Gardner's exploits. Based on information and belief, Gardner told yet a different female employee that he was worried about losing his job because of multiple acts of harassment coming forward by several women.

This Court should permit this action to be maintained as a class action pursuant to California Code of Civil Procedure §382 because:

(a) The questions of law and fact common to the Class predominate over any question affecting only individual members;

(b) A class action is superior to any other available method for the fair and efficient adjudication of the claims of the members of the Class;

(c) The Class is so numerous that it is impractical to bring all members of the Class before the Court;

(d) Plaintiff and the Class will not be able to obtain effective and economic legal redress unless the action is maintained as a class action;

(e) There is a community of interest in obtaining appropriate legal and equitable relief for the common law and statutory violations and other improprieties, and in obtaining adequate compensation for the damages and injuries which Defendants' actions have inflicted upon Plaintiff and the Class;

(f) There is a community of interest in ensuring that the combined assets and available insurance of the Defendants is sufficient to adequately compensate the members of the Class for the injuries sustained;

(g) Without class certification, the prosecution of separate actions by individual members of the Class would create a risk of:

(1) Inconsistent or varying adjudications with respect to individual members of the Class which would establish incompatible standards of conduct for Defendants; and/or

(2) Adjudications with respect to the individual members which would, as a practical matter, be dispositive of the interests of other members not parties to the adjudications, or would substantially impair or impede their ability to protect their interests, including but not limited to the potential for exhausting the funds available from those parties who are, or may be, responsible Defendants (particularly with respect to punitive damages for individual liability); and

(h) Defendants have acted or refused to act on grounds generally applicable to the Class, thereby making final injunctive relief appropriate with respect to the Class as a whole.

1. Questions of law and fact common to all potential Class Members predominate over any questions affecting only individual Class Members. Among the common questions of law and fact to the Class Members are:

a. Whether by threats, intimidation or coercion, Defendants cause class members to reasonably believe that if they exercised their rights under state or federal law, Defendants would commit violence against them and that Defendants had the apparent ability to carry out the threats.

b. Whether Defendants intended to deprive class members of their enjoyment of the interests protected by state and federal laws.

c. Whether Defendants created a hostile work environment.

d. Whether Defendants engaged in a quid pro quo harassment.

e. Whether Defendants engaged in wide spread discrimination based on sex.

f. Whether a substantial motivating reason for Defendants to intentionally threaten violence were class members' sex.

g. Whether class members were retaliated against for reporting harasssment, or threatened and intimidated into not reporting.

h. Whether Defendants violated class members' constitutional rights.

Counsel for the Class are experienced, qualified and generally able to conduct complex class action litigation. Illustratively, counsel were part of two class actions that were at the time the Country's largest ever class actions, and counsel are part of the Williams and White class action against the Beverly Hills Police Department along with the Law Offices of Benjamin Crump.

The persons who comprise the Class (sometimes hereinafter referred to as “Plaintiffs," "Plaintiff Class” or “Class”) are believed to beso numerous that the joinder of all such persons is impracticable and the disposition of their claims as a Class will benefit the parties and the Court.

The class action claims of named Plaintiff are typical of the claims of the Class they seek to represent.

D. GENERAL DESCRIPTION OF THE INJURY, DAMAGE OR LOSS INCURRED.

Economic and non economic damages according to proof. Attorneys fees. Punitive damages against the individual defendants. Civil Penalties and Fines. Costs of Suit. Such further relief as the court deems just.

Discrimination, harassment (hostile work environment and quid pro quo), retaliation, failure to take corrective action, assault, including sexual assault, battery, including sexual battery, Bane Act, Ralph Act. Civil Rights violations.

E. NAME OF PUBLIC EMPLOYEES CAUSING THE INJURY, DAMAGE OR LOSS TO COMPLAINANTS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:

Mr. Gardner former head of the Public Defenders Office and those individuals noted above.

F. THE AMOUNT OF CLAIMED DAMAGES EXCEEDS $10,000 AND JURISDICTION WILL BE PROPER IN LOS ANGELES SUPERIOR COURT.

If you contend this is not the proper location for a Governmental Claim, please advise of the proper address. Further, if County contends there are any administrative claims or remedies not pursued by complainant, please advise so that we can fulfill any administrative remedy requirements now. Thank you.

Very truly yours,
Law Offices of Goldberg & Gage
A Partnership of Professional Law Corporations

/s/ *Bradley C. Gage*
By Bradley C. Gage

SENDER: *COMPLETE THIS SECTION*

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1. Article Addressed to:

County of San Bernardino-
Human Resources
157 W. Fifth Street
San Bernardino, CA 92415

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2. Article Number *(Transfer from service label)*

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☐ Addressee

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"Exhibit 7"

Terry M. Goldberg*

LAW OFFICES
GOLDBERG & GAGE
A Partnership of Professional Law Corporations

Bradley C. Gage*

Milad Sadr

*A PROFESSIONAL LAW CORPORATION

*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088
Email: tgoldberg@goldbergandgage.com Email: bgage@goldbergandgage.com

October 20, 2021

Via Federal Express

County of San Bernardino- Human Resources
157 W Fifth Street
San Bernardino, California 92415

Re: **Supplemental Government Claim**

Dear Sir or Madam:

Please consider this a notice of governmental claim, and to the extent any such claims are more than six months old, as an application for a late claim pursuant to California Government Code, Section 911.4. To the extent applicable, please also consider this a supplemental governmental claim. In particular, this is a supplement to the April 22, 2021, May 17, 2021 and September 9, 2021 Governmental claims of Stacy Thacker and Michelle Vanderlinden which are incorporated by this reference as though fully set out herein.

A. NAME OF THE CLAIMANTS:

Stacy Thacker
Michelle Vanderlinden
Laura Alvarez
Gricelda Arciniega

Class Action: All women who were employed by the County of San Bernardino who were subjected to a hostile work environment, quid pro quo harassment, discrimination, retaliation and/or sexual assault, sexual battery, or common law battery, Bane Act, Ralph Act and other civil rights violations at any time in the past four and a half years. There has been a continuing violation, and the most recent acts were conducted within six months of the initial governmental claim from April, 2021. This supplemental claim relates back to the original claim.

B. ADDRESS TO SEND ALL NOTICES:

Law Offices of Goldberg & Gage, 23002 Victory Blvd., Woodland Hills, CA 91367.

C. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE OCCURRENCE OR TRANSACTIONS WHICH GIVE RISE TO THE CLAIMS ASSERTED:

The situations between Ms. Thacker and Ms. Vanderlinden are similar, and they are appropriate class representatives for all other female victims. Mr. Gardner used his position as THE Public Defender and his ability to control work assignments as a subterfuge to obtain sex from female subordinates. In other words, Mr. Gardner's attempt to set up sexual liaisons were part of the work environment. Similarly, the harms caused to Laura Alvarez and Michelle Vanderlinden are representative of the harms suffered by other women in the Public Defender's Office.

Mr. Gardner used his position of power to begin conversations with his female subordinates, set up dinner meetings with them, and even appear at their homes, all predicated upon their work, such as obtaining their opinions or assistance with various work assignments. However, what he really wanted was sex. Accordingly, Mr. Gardner engaged in work place conduct with Ms. Thacker, Ms. Vanderlinden (and other female subordinates) by meeting over dinner to "discuss work." Illustratively, Mr. Gardner met Ms. Thacker at a work seminar and transitioned from work, to flirting to sex. As you know, "[t]he sexual act need not be committed in the workplace, however, to have consequences there." *Doe v. Oberweis Dairy* (7th Cir. 2006) 456 F3d 704, 715 Additionally, "the fact that sex-related conduct was 'voluntary,' in the sense that the complainant was not forced to participate against her will, is not a defense to a sexual harassment suit brought under Title VII … The correct inquiry is whether respondent by her conduct indicated that the alleged sexual advances were unwelcome, not whether her actual participation in sexual intercourse was voluntary." [*Meritor Sav. Bank, FSB v. Vinson,* 477 US at 68.].

Ms. Thacker made it crystal clear to Mr. Gardner that she did not want to continue any kind of sexual relationship, but he continued to pursue her, using his position of power as the boss to coerce sex from her. Similarly, Mr. Gardner used his position as the boss to compel Ms. Vanderlinden to go to dinners with him "to discuss business" and to force his way into her home. Mr. Gardner repeatedly kissed, hugged (including in a sexual way) and forced Ms. Vanderlinden's hand onto his penis. He used his position of power to have sexual intercourse with Ms. Thacker.

The entire PD's office was one filled with lust and sexual harassment. Not only did Gardner sleep with different women, he also would kiss them on the lips, hug them, and grabbed a subordinates hand touching it to his penis. It was part of an "Animal House" frat party sex atmosphere that is important for the public to be aware of.

Indeed, Gardner was not the only person in top management to use their positions of power to obtain sexual gratification. One supervisor, Mark Shoup, obtained oral copulation at work from a young lawyer who is now at County Counsel.

Another supervisor, Jeff Canty, accessed AshleyMadison.com (a cheating web site) and other porn sites during Public Defender training. He also used a county car to take other public defenders to a strip club. This was a widely known fact that created a hostile work environment for all female employees helping to demonstrate that this case is proper as a class action.

Another Chief, Ms. Cannady, used her position to engage in sexual relations with a young man, and then used her Public Defender connections, and PD employees to obtain beds in two drug rehab locations with the Salvation Army. Mr. Gardner knew of the illicit activities when he was the PD, but failed to take proper corrective action. Instead, he bragged about using his position of authority and his connections to squelch the police report involving the young man and Chief.

Similarly, Mr. Gardner used his position and contacts to eradicate any consequences from his assault on Ms. Thacker after she filed a police report against him. Based on information and belief, Gardner has used such contacts to erase other complaints against him as well.

Laura Alvarez is a Deputy Public Defender IV. She first reported to the County a hostile work environment in approximately 2011. Rather than investigate the claims and take appropriate corrective action as required by law, defendants retaliated against Alvarez, falsely claiming that she was a bad lawyer. Laura was called a bitch by Gregory "Chris" Gardner and a supervisor. Gardner also claimed that Alvarez was a "shity lawyer" after she reported sexual harassment and abuse at the Public Defender's Office.

Later, in around 2018, Tom Sone called Laura and had Laura speak to his good friend Gardner who asked for all the names of women she heard that Gardner was sleeping with. Sone is now the Acting Public Defender but failed to take any known corrective action after learning of Gardner's sexploits.

Defendants were also aware of Public Defenders smoking wax (concentrated cannabis out of a bong) which was not legal at the time, but failed to take proper corrective action. Laura applied for the Chief's position, she applied for the promotion after reporting harassment. One of the Public Defender Chief's at the time, who is now a San Bernardino County Judge, ridiculed Laura and her desire for the promotion and a raise,

At least one current San Bernardino County Judge had a relationship with Gardner. Indeed, for a short while, she moved into an apartment with Gardner for a short while. He then returned to his wife, but later bragged how he was able to make the woman (and others) judges.

At the Public Defender's Office, there is a saying, "you have to suck a dick to get promoted here."

Gricelda Arciniega is an Office Assistant III. Her boss was Richard LaFianza rubbed his groin in front of "Gracie" and then invited her into his office. She refused the obvious sexual come on, then was retaliated against with a lowered evaluation and denial of a job reclassification which would provided more money. Portions of Gracie's file regarding the reclassification have been removed from it.

One of the attorneys also had a "foot fetish." Michelle complained to her supervisor and to Chris Gardner, who was aware of the fetish. The lawyer asked Laura if he could take a picture of her toes; he asked Michelle for a pair of her shoes so that he could eat out of them. He asked Gracie for a pair of her shoes after he stared at her feet. Gardner asked Michelle if the lawyer asked for her shoes, she said that he did, and Gardner said that he asks everyone for their shoes. It was also reported to Laura that the lawyer had toe nail clippings and dirty (used) panties shipped to the Gilbert Street address office. The lawyer even offered ladies $50 to give him their used shoes.

Employers are strictly liable for the actions of their supervisory and management employees. See e.g., *Burlington Indus., Inc. v. Ellerth* (1998) 524 US 742, 757. Yet, the County was aware of Gardner's sexploits even when he was the Assistant Public Defender because there were blog posts reflecting that he and other top managers were taking trips on taxpayer money, and then engaging

in extramarital affairs during those "work" trips. Of course, misappropriation of government funds is another concern because it can be a felony.

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Throughout this case, the county has claimed that Ms. Thacker and Mr. Gardner were engaged in a consensual relationship, so there should be no liability. Once again such a position is naive. The whole relationship started because Gardner invited his subordinate, Ms. Thacker, to a work seminar, and then to dinner to discuss work. After Gardner plied Ms. Thacker with alcohol, he took her to a county paid hotel room for sex. Mr. Gardner changed Ms. Thacker's work assignments so that he would be directly over her. He set up dinner meetings with Ms. Thacker to discuss work, and then morphed those into sex. But for his position as the boss, he would never have succeeded in obtaining sex from Ms. Thacker. Ms. Thacker is not the only female employee treated this way based on information and belief which makes a class action appropriate.

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Mr. Gardner had the power to control some of Ms. Thacker's and Ms. Vanderlinden's work assignments, as well as the other female class members, as he was the ultimate boss at the Public Defenders Office. Gardner used that power and authority to seek sex from Thacker to get a penis rub from Ms. Vanderlinden. Based on information and belief, we will demonstrate several other female employees of Defendants experienced similar humiliation, further demonstrating commonality, and typicality for class certification. Indeed at least one other woman sent in an anonymous complaint to the Board of Supervisors alleging the same misconduct. As this case progresses, we are likely to see that Mr. Gardner's "sexploits" were as numerous as Cuomo, Weinstein, Cosby, and the other perverts we have seen in the news. Tellingly, we have just been advised that there is another female who reported to Rasheed Alexander, the asst. Public Defender, about being sexually harassed by her Supervisor and nothing was done. Based on information and belief, defendant failed to comply with the law requiring investigation of that claim, which explains why the harassment was so wide spread at the County.

Mr. Gardner pursued a romantic (sexual) relationship with Thacker (and other women in the class) and gave her (and other women in the class) assignments to create a situation that insured that Thacker would have to be out of town with him so that he could continue to pursue a romantic relationship with her. Gardner's harassment of plaintiff was part of a continuing violation that took place between 2016 and 2020 and thus helps to define the class period. During this period Ms. Thacker (and other women in the class) repeatedly attempted to prevent the harassment and after Gardner had his way with her, (and other women in the class) Ms. Thacker (and other women in the class) repeatedly tried to end the relationship. This included her sending Gardner texts to stop any relationship. In response, Gardner would discuss her work assignments, stalked her, and went to her home ostensibly for work matters, but in actuality as a way to convince Ms. Thacker (and other

women in the class) not to stop a relationship. When pleading was not successful, Gardner, made excessive phone calls that included screaming and threats to Ms. Thacker, that would impact her job on the one hand if she would not resume her relationship with the boss, and promises on the other hand of promoting Thacker to a supervisory position as a quid pro quo for having a sexual relationship with Mr. Gardner. Mr. Gardner made the same proposition to Ms Vanderlinden, promising her also a supervisor position. Other Managers attempted to convert work into sexual relationships, by rubbing their groins and luring female employees into their offices attempting to obtain sex. When the women did not comply, they suffered with lowered evaluations and lost raises. Ms. Arciniega is one such example.

At the same time that Gardner was professing his love for Thacker, claiming that he was going to leave his wife for her, Gardner told the same tale to other female subordinates, including Ms. Vanderlinden, hoping to get into their pants. Gardner bought flowers for different women who worked under him, attempting to coerce sex and actually coercing sex from them, with promises of promotions if they engaged in such acts, and threats of adverse actions if they did not have sex with him. He was the boss after all. A woman can never truly "consent" to sex when the boss has the power and control over her livelihood. Gardner created a situation where female employees would have to choose between the ability to feed, clothe and shelter their children, or to succumb to his sexual lust. Work is what Gardner used as his club to force women to submit to his sexual lust.

By May 2020, Thacker gathered the courage to stop the harassment even though she was in fear of losing her job in retaliation for her bravery. She told Gardner that she would tell his wife, and report the harassment at work. Thacker got into her car to do just that. Gardner pleaded with Thacker, telling her that if she reported him, he could be fired. Ms. Thacker started to drive away to report him. Gardner pursued Thacker in his vehicle, swerving into her lane while on the freeway. This caused Ms. Thacker fear of a high speed traffic accident, and other harm while creating severe emotional distress. Gardner's threats succeeded. She was afraid for her personal safety and did not report him at that time.

Gardner was relentless. He continued to ignore Ms. Thacker's pleas to leave her alone to let do her work without any requirement to sleep with the boss.

On August 2, 2020, Gardner asked to meet with Thacker. Gardner picked Thacker up from her residence in Redlands and drove with her to Newport Beach. Gardner and Thacker went to Newport Beach. Thereafter, Ms. Thacker asked Mr. Gardner about text messages he was sending his wife while Ms. Thacker was seated in the vehicle with Gardner. Ms. Thacker advised Gardner that he was lying to her and his wife and wanted to again report Gardner's harassment of her.

Ms. Thacker went to open the door to the vehicle while the vehicle was stopped on a public street in Newport Beach, CA. Gardner sped off, falsely imprisoned Ms. Thacker and did not allow her to leave the vehicle. Instead, Gardner accelerated around a corner. When the vehicle came to a stop, Thacker again tried to exit the vehicle. Gardner then grabbed Thacker's arm and slammed it into the console of the vehicle causing injury and bleeding. Ms. Thacker asked Mr. Gardner to drive her to the police department so she could file a police report. He refused. Gardner then tried to convince Ms. Thacker not to file a police report because he would lose his job and his son would not be able to go to the college he was enrolled in because without a job and its income, Gardner could not afford the college. Gardner promised to let Ms. Thacker end the relationship and to stop

being involved in her work assignments. Because he was the boss, and in reliance on his promises, Thacker did not file a report in August 2020.

In November 2020, Gardner yelled into the phone that he was "coming for" Thacker and said, "I'll never stop" (a relationship with Thacker) which caused and causes Thacker great concern that Gardner will contact Thacker at her home work or work, creating further stress and worry and continuing the hostile work environment that Thacker had to endure.

In December 2020, the repeated threats by Mr. Gardner, and fear that there was no way out gave Ms. Thacker the resolve to report Gardner's assault to the Newport Beach Police Department. Ms. Thacker also reported the harassment to Tom Sohne, the assistant public defender.

Around the same time, a different female employee apparently wrote an anonymous letter to the Board of Supervisors about Mr. Gardner's exploits. Based on information and belief, Gardner told yet a different female employee that he was worried about losing his job because of multiple acts of harassment coming forward by several women.

This Court should permit this action to be maintained as a class action pursuant to California Code of Civil Procedure §382 because:

(a) The questions of law and fact common to the Class predominate over any question affecting only individual members;

(b) A class action is superior to any other available method for the fair and efficient adjudication of the claims of the members of the Class;

(c) The Class is so numerous that it is impractical to bring all members of the Class before the Court;

(d) Plaintiff and the Class will not be able to obtain effective and economic legal redress unless the action is maintained as a class action;

(e) There is a community of interest in obtaining appropriate legal and equitable relief for the common law and statutory violations and other improprieties, and in obtaining adequate compensation for the damages and injuries which Defendants' actions have inflicted upon Plaintiff and the Class;

(f) There is a community of interest in ensuring that the combined assets and available insurance of the Defendants is sufficient to adequately compensate the members of the Class for the injuries sustained;

(g) Without class certification, the prosecution of separate actions by individual members of the Class would create a risk of:

(1) Inconsistent or varying adjudications with respect to individual members of the Class which would establish incompatible standards of conduct for Defendants; and/or

(2) Adjudications with respect to the individual members which would, as a practical matter, be dispositive of the interests of other members not parties to the adjudications, or would substantially impair or impede their ability to protect their interests, including but not limited to the potential for exhausting the funds available from those parties who are, or may be, responsible Defendants (particularly with respect to punitive damages for individual liability); and

(h) Defendants have acted or refused to act on grounds generally applicable to the Class, thereby making final injunctive relief appropriate with respect to the Class as a whole.

1. Questions of law and fact common to all potential Class Members predominate over any questions affecting only individual Class Members. Among the common questions of law and fact to the Class Members are:

a. Whether by threats, intimidation or coercion, Defendants cause class members to reasonably believe that if they exercised their rights under state or federal law, Defendants would commit violence against them and that Defendants had the apparent ability to carry out the threats.

b. Whether Defendants intended to deprive class members of their enjoyment of the interests protected by state and federal laws.

c. Whether Defendants created a hostile work environment.

d. Whether Defendants engaged in a quid pro quo harassment.

e. Whether Defendants engaged in wide spread discrimination based on sex.

f. Whether a substantial motivating reason for Defendants to intentionally threaten violence were class members' sex.

g. Whether class members were retaliated against for reporting harassment, or threatened and intimidated into not reporting.

h. Whether Defendants violated class members' constitutional rights.

Counsel for the Class are experienced, qualified and generally able to conduct complex class action litigation. Illustratively, counsel were part of two class actions that were at the time the Country's largest ever class actions, and counsel are part of the Williams and White class action against the Beverly Hills Police Department along with the Law Offices of Benjamin Crump.

The persons who comprise the Class (sometimes hereinafter referred to as "Plaintiffs," "Plaintiff Class" or "Class") are believed to be so numerous that the joinder of all such persons is impracticable and the disposition of their claims as a Class will benefit the parties and the Court.

The class action claims of the named Plaintiffs are typical of the claims of the Class they seek to represent.

D. GENERAL DESCRIPTION OF THE INJURY, DAMAGE OR LOSS INCURRED.

Economic and non economic damages according to proof. Attorneys fees. Punitive damages against the individual defendants. Civil Penalties and Fines. Costs of Suit. Such further relief as the court deems just.

Discrimination, harassment (hostile work environment and quid pro quo), retaliation (which includes but is not limited to Labor Code section 1102.5 whistleblower retaliation), failure to take corrective action, assault, including sexual assault, battery, including sexual battery, Bane Act, Ralph Act. Civil Rights violations. Further, employees suffer without proper pay, lacking overtime in violation of the FSLA for all members of the investigation unit.

E. NAME OF PUBLIC EMPLOYEES CAUSING THE INJURY, DAMAGE OR LOSS TO COMPLAINANTS INCLUDE BUT ARE NOT LIMITED TO THE FOLLOWING:

Gregory Christopher Gardner former head of the Public Defenders Office and those individuals noted above.

F. THE AMOUNT OF CLAIMED DAMAGES EXCEEDS $10,000 AND JURISDICTION WILL BE PROPER IN LOS ANGELES SUPERIOR COURT.

If you contend this is not the proper location for a Governmental Claim, please advise of the proper address. Further, if County contends there are any administrative claims or remedies not pursued by complainant, please advise so that we can fulfill any administrative remedy requirements now. Thank you.

Very truly yours,
Law Offices of Goldberg & Gage
A Partnership of Professional Law Corporations

/s/ *Bradley C. Gage*
By Bradley C. Gage

TRACK ANOTHER SHIPMENT

774979551210

ADD NICKNAME

Delivered

DELIVERED

Signed for by: S.STEPHANIE

GET STATUS UPDATES

OBTAIN PROOF OF DELIVERY

FROM

GOLDBERG AND GAGE
Bradley C. Gage

23002 VICTORY BLVD
WOODLAND HILLS, CA US 91367
818-340-9252

TO

COUNTY OF SAN BERNARDINO
HUMAN RESOURCES

157 W FIFTH STREET
SAN BERNARDINO, CA US 92415
818-340-9252

MANAGE DELIVERY

Travel History

TIME ZONE
Local Scan Time

Thursday, October 21, 2021

9:45 AM	SAN BERNARDINO, CA	Delivered
9:15 AM	SAN BERNARDINO, CA	On FedEx vehicle for delivery
8:28 AM	SAN BERNARDINO, CA	At local FedEx facility
3:08 AM	OAKLAND, CA	Departed FedEx hub

Wednesday, October 20, 2021

"Exhibit 8"

Terry M. Goldberg*

Bradley C. Gage*

Milad Sadr

*A PROFESSIONAL LAW CORPORATION

LAW OFFICES
GOLDBERG & GAGE
A Partnership of Professional Law Corporations

*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088
Email: tgoldberg@goldbergandgage.com Email: bgage@goldbergandgage.com

September 14, 2021

Via FedEx

County of San Bernardino
385 N. Arrowhead Avenue
San Bernardino, CA 92401

Re: DFEH Complaint No. 202109-14736913 by Michelle Vanderlinden.

To Whom It May Concern:

Enclosed please find a copy of the DFEH complaint, Notice of Case Closure, and Right to Sue filed against the County of San Bernardino by Michelle Vanderlinden.

If you have any questions, please do not hesitate to contact our office.

Very truly yours,
Law Offices of Goldberg & Gage
A Partnership of Professional Law Corporations

/s/ Yanira Barrera
Yanira Barrera, assistant to:
Bradley C. Gage

BCG/yb
Enclosures as stated above

O:\V\VANDERLINDEN, MICHELLE\DFEH & RTS\09-14-21- COVER LETTER DFEH AND RTS -VANDERLINDEN (COUNTY OF SAN BERNARDINO-FINAL).wpd

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

September 14, 2021

Bradley C. Gage
23002 Victory Blvd
Woodland Hills, California 91367

RE: **Notice to Complainant's Attorney**
DFEH Matter Number: 202109-14736913
Right to Sue: Vanderlinden / County of San Bernardino et al.

Dear Bradley C. Gage:

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

STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency GAVIN NEWSOM, GOVERNOR

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING KEVIN KISH, DIRECTOR

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http://www.dfeh.ca.gov | Email: contact.center@dfeh.ca.gov

September 14, 2021

RE: **Notice of Filing of Discrimination Complaint**
DFEH Matter Number: 202109-14736913
Right to Sue: Vanderlinden / County of San Bernardino et al.

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

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,

Department of Fair Employment and Housing

STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency GAVIN NEWSOM, GOVERNOR

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING KEVIN KISH, DIRECTOR

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http://www.dfeh.ca.gov | Email: contact.center@dfeh.ca.gov

September 14, 2021

Michelle Vanderlinden
C/o Law Offices of Goldberg & Gage 23002 Victory Blvd
Woodland Hills, California 91367

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 202109-14736913
Right to Sue: Vanderlinden / County of San Bernardino et al.

Dear Michelle Vanderlinden:

This letter informs you that the above-referenced complaint filed with the Department of Fair Employment and Housing (DFEH) has been closed effective September 14, 2021 because an immediate Right to Sue notice was requested.

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

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

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

Sincerely,

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

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

In the Matter of the Complaint of
Michelle Vanderlinden

DFEH No. 202109-14736913

Complainant,

vs.

County of San Bernardino
385 N. Arrowhead Avenue
San Bernardino, California 92401

Christopher Gardner
385 N. Arrowhead Avenue
San Bernardino, California 91367

Respondents

---

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

2.Complainant is naming **Christopher Gardner** individual as Co-Respondent(s).

3. Complainant **Michelle Vanderlinden**, resides in the City of **Woodland Hills,** State of **California.**

4. Complainant alleges that on or about **December 10, 2020**, respondent took the following adverse actions:

Complainant was harassed because of complainant's sex/gender, marital status, other, sexual harassment- hostile environment, sexual harassment- quid pro quo.

Complainant was discriminated against because of complainant's sex/gender, marital status, other, sexual harassment- hostile environment, sexual harassment- quid pro quo and as a result of the discrimination was denied hire or promotion, asked impermissible non-job-related questions, denied any employment benefit or privilege, other, denied work opportunities or assignments.

Date Filed: September 14, 2021

Complainant experienced retaliation because complainant reported or resisted any form of discrimination or harassment, participated as a witness in a discrimination or harassment complaint and as a result was denied hire or promotion, asked impermissible non-job-related questions, denied any employment benefit or privilege.

Additional Complaint Details: Other: Hostile work environment, Quid Pro Quo harassment with unwanted touching. Discrimination, Sexual Assault and Retaliation. Complainant does not reside in Woodland Hills, it is a computer default.

Date Filed: September 14, 2021

VERIFICATION

I, **Michelle Vanderlinden**, am the **Complainant** in the above-entitled complaint. I have read the foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

On September 14, 2021, I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Woodland Hills, California

Date Filed: September 14, 2021

After printing this label:
1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.
Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com.FedEx will not be responsible for any claim in excess of $100 per package, whether the result of loss, damage, delay, non-delivery,misdelivery,or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim.Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental,consequential, or special is limited to the greater of $100 or the authorized declared value. Recovery cannot exceed actual documented loss.Maximum for items of extraordinary value is $1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our ServiceGuide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

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Summary Tracking Results

TRACKING ID	SHIP DATE	SHIPPER CITY, STATE	RECIPIENT CITY, STATE	STATUS	DELIVERY DATE	SCHEDULED DELIVERY DATE	SERVICE
774801276411	9/14/2021	WOODLAND HILLS, CA	SAN BERNARDINO, CA	Delivered	9/15/2021 11:32 am		FedEx Express
774801227652	9/14/2021	WOODLAND HILLS, CA	SAN BERNARDINO, CA	Delivered	9/15/2021 11:32 am		FedEx Express

OBTAIN PROOF OF DELIVERY

"Exhibit 9"

Terry M. Goldberg*

Bradley C. Gage*

Milad Sadr

*A PROFESSIONAL LAW CORPORATION

LAW OFFICES
GOLDBERG & GAGE
A Partnership of Professional Law Corporations

*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088
Email: tgoldberg@goldbergandgage.com Email: bgage@goldbergandgage.com

October 25, 2021

VIA CERTIFIED MAIL
7020 0640 0001 9462 0300

County of San Bernardino
385 N. Arrowhead Ave.
San Bernardino, CA 92401

Re: DFEH Complaint No. 202110-15170622 by Laura Alvarez.

To Whom It May Concern:

Enclosed please find a copy of the DFEH complaint, Notice of Case Closure, and Right to Sue filed against the County of San Bernardino by Laura Alvarez.

If you have any questions, please do not hesitate to contact our office.

Very truly yours,
Law Offices of Goldberg & Gage
A Partnership of Professional Law Corporations

Adriana Zagal, assistant to
Bradley C. Gage

BCG/az
Enclosures as stated above

O:\A\ALVAREZ, LAURA\DFEH\10-25-21- COVER LETTER DFEH AND RTS -ALVAREZ (FINAL).wpd

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

October 25, 2021

Bradley C. Gage
23002 Victory Blvd
Woodland Hills, California 91367

RE: **Notice to Complainant's Attorney**
DFEH Matter Number: 202110-15170622
Right to Sue: Alvarez / County of San Bernardino

Dear Bradley C. Gage:

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

STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency GAVIN NEWSOM, GOVERNOR

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING KEVIN KISH, DIRECTOR

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(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

October 25, 2021

RE: **Notice of Filing of Discrimination Complaint**
DFEH Matter Number: 202110-15170622
Right to Sue: Alvarez / County of San Bernardino

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

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,

Department of Fair Employment and Housing

STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency GAVIN NEWSOM, GOVERNOR

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING KEVIN KISH, DIRECTOR

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http://www.dfeh.ca.gov | Email: contact.center@dfeh.ca.gov

October 25, 2021

Laura Alvarez
c/o Law Offices of Goldberg & Gage 23002 Victory Blvd.
WOODLAND HILLS, California 91367

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 202110-15170622
Right to Sue: Alvarez / County of San Bernardino

Dear Laura Alvarez:

This letter informs you that the above-referenced complaint filed with the Department of Fair Employment and Housing (DFEH) has been closed effective October 25, 2021 because an immediate Right to Sue notice was requested.

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

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

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

Sincerely,

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

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

In the Matter of the Complaint of
Laura Alvarez

DFEH No. 202110-15170622

Complainant,

vs.

County of San Bernardino
385 N. Arrowhead Ave.
San Bernardino, California 92401

Respondents

---

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

2. Complainant **Laura Alvarez**, resides in the City of **WOODLAND HILLS,** State of **California.**

3. Complainant alleges that on or about **October 22, 2021**, respondent took the following adverse actions:

Complainant was harassed because of complainant's national origin (includes language restrictions), sex/gender, marital status, sexual harassment- hostile environment, sexual harassment- quid pro quo.

Complainant was discriminated against because of complainant's national origin (includes language restrictions), sex/gender, marital status, sexual harassment- hostile environment, sexual harassment- quid pro quo and as a result of the discrimination was denied hire or promotion, asked impermissible non-job-related questions, denied any employment benefit or privilege, denied work opportunities or assignments, denied or forced to transfer.

Complainant experienced retaliation because complainant reported or resisted any form of discrimination or harassment, participated as a witness in a discrimination or harassment complaint and as a result was denied hire or promotion, asked impermissible non-job-

Date Filed: October 25, 2021

related questions, denied any employment benefit or privilege, denied work opportunities or assignments, denied or forced to transfer.

Additional Complaint Details: Complainant does not reside in Woodland Hills, it is a computer default.

Date Filed: October 25, 2021

VERIFICATION

I, **Laura Alvarez**, am the **Complainant** in the above-entitled complaint. I have read the foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

On October 25, 2021, I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Woodland Hills, CA

Date Filed: October 25, 2021

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

County of San Bernardino
385 N. Arrowhead Ave.
San Bernardino, CA 92401

9590 9402 6476 0346 4564 30

2. Article Number *(Transfer from service label)*

7020 0640 0001 9462 0300

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL®

7020 0640 0001 9462 0300

7020 0640 0001 9462 0300

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

OFFICIAL USE

Certified Mail Fee
$ 3.75

Extra Services & Fees *(check box, add fee as appropriate)*

- ☒ Return Receipt (hardcopy) $ 3.05
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$ 0.73

Total Postage and Fees
$ 7.53

Postmark Here

Sent To 385 N. Arrowhead Ave.
Street and Apt. No., or PO Box No.
San Bernardino, CA 92401
City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

$7.530
US POSTAGE
FIRST-CLASS
FROM 91367
OCT 25 2021
stamps endicia

0625000768785

AW OFFICES
BERG & GAGE
of Professional Corporations

TORY BOULEVARD
ND HILLS, CA 91367

COUNTY OF SAN BERNARDINO
385 N. ARROWHEAD AVE
SAN BERNARDINO CA 92415-0103

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

County of San Bernardino
385 N. Arrowhead Ave.
San Bernardino, CA 92401

9590 9402 6476 0346 4564 30

2. Article Number *(Transfer from service label)*

7020 0640 0001 9462 0300

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RECEIVED
NOV 0 3 2021

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

"Exhibit 10"

Terry M. Goldberg*

LAW OFFICES
GOLDBERG & GAGE
A Partnership of Professional Law Corporations

Bradley C. Gage*

Milad Sadr

*A PROFESSIONAL LAW CORPORATION

*A PROFESSIONAL LAW CORPORATION

23002 VICTORY BOULEVARD ~ WOODLAND HILLS, CA 91367 ~ (818) 340-9252 ~ FAX (818) 340-9088
Email: tgoldberg@goldbergandgage.com Email: bgage@goldbergandgage.com

October 22, 2021

VIA CERTIFIED MAIL
7020 0640 0001 9462 0263

County of San Bernardino
385 N. Arrowhead Ave.
San Bernardino, CA 92401

Re: DFEH Complaint No. 2202110-15165922 by Gricelda Arciniega.

To Whom It May Concern:

Enclosed please find a copy of the DFEH complaint, Notice of Case Closure, and Right to Sue filed against the County of San Bernardino by Gricelda Arciniega.

If you have any questions, please do not hesitate to contact our office.

Very truly yours,
Law Offices of Goldberg & Gage
A Partnership of Professional Law Corporations

Adriana Zagal, assistant to
Bradley C. Gage

BCG/az
Enclosures as stated above

O:\A\ARCINIEGA, GRACIE\DFEH & RTS\10-22-21- COVER LETTER DFEH AND RTS -ARCINIEGA (FINAL).wpd

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 I Elk Grove I CA I 95758
(800) 884-1684 (Voice) I (800) 700-2320 (TTY) | California's Relay Service at 711
http://www.dfeh.ca.gov I Email: contact.center@dfeh.ca.gov

October 22, 2021

Bradley C. Gage
23002 Victory Blvd
Woodland Hills, California 91367

RE: **Notice to Complainant's Attorney**
DFEH Matter Number: 202110-15165922
Right to Sue: Arciniega / County of San Bernardino

Dear Bradley C. Gage:

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

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

October 22, 2021

RE: **Notice of Filing of Discrimination Complaint**
DFEH Matter Number: 202110-15165922
Right to Sue: Arciniega / County of San Bernardino

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

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,

Department of Fair Employment and Housing

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

October 22, 2021

Gricelda Arciniega
c/o Law Offices of Goldberg & Gage 23002 Victory Blvd.
WOODLAND HILLS, California 91367

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 202110-15165922
Right to Sue: Arciniega / County of San Bernardino

Dear Gricelda Arciniega:

This letter informs you that the above-referenced complaint filed with the Department of Fair Employment and Housing (DFEH) has been closed effective October 22, 2021 because an immediate Right to Sue notice was requested.

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

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

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

Sincerely,

STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency
GAVIN NEWSOM, GOVERNOR

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
KEVIN KISH, DIRECTOR

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(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

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

In the Matter of the Complaint of
Gricelda Arciniega

DFEH No. 202110-15165922

Complainant,

vs.

County of San Bernardino
385 N. Arrowhead Ave.
San Bernardino, California 92401

Respondents

---

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

2. Complainant **Gricelda Arciniega**, resides in the City of **WOODLAND HILLS,** State of **California.**

3. Complainant alleges that on or about **October 22, 2021**, respondent took the following adverse actions:

Complainant was harassed because of complainant's national origin (includes language restrictions), sex/gender, marital status, sexual harassment- hostile environment, sexual harassment- quid pro quo.

Complainant was discriminated against because of complainant's national origin (includes language restrictions), sex/gender, marital status, sexual harassment- hostile environment, sexual harassment- quid pro quo and as a result of the discrimination was denied hire or promotion, asked impermissible non-job-related questions, denied any employment benefit or privilege, denied work opportunities or assignments, denied or forced to transfer.

Date Filed: October 22, 2021

Complainant experienced retaliation because complainant reported or resisted any form of discrimination or harassment, participated as a witness in a discrimination or harassment complaint and as a result was denied hire or promotion, asked impermissible non-job-related questions, denied any employment benefit or privilege, denied work opportunities or assignments, denied or forced to transfer.

Additional Complaint Details: Complainant does not reside in Woodland Hills, it is a computer default.

Date Filed: October 22, 2021

VERIFICATION

I, **Gricelda Arciniega**, am the **Complainant** in the above-entitled complaint. I have read the foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

On October 22, 2021, I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Woodland Hills, CA

Date Filed: October 22, 2021

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

County of San Bernardino
385 N. Arrowhead Ave.
San Bernardino, CA 92401

9590 9402 6476 0346 4563 93

2. Article Number *(Transfer from service label)*

7020 0640 0001 9462 0263

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee
$ 3.75

Extra Services & Fees *(check box, add fee as appropriate)*

- ☒ Return Receipt (hardcopy) $ 3.05
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$ 0.73

Total Postage and Fees
$ 7.53

Postmark Here

Sent To 385 N. Arrowhead Ave
Street and Apt. No., or PO Box No.
San Bernardino CA 92401
City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

$7.530
US POSTAGE
FIRST-CLASS
FROM 91367
OCT 22 2021
stamps endicia
06250007687885

AW OFFICES
BERG & GAGE
of Professional Corporations

TORY BOULEVARD
ND HILLS, CA 91367

COUNTY OF SAN BERNARDINO
385 N. ARROWHEAD AVE
SAN BERNARDINO CA 92415-0103

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

County of San Bernardino
385 N. Arrowhead Ave.
San Bernardino, CA 92401

9590 9402 6476 0346 4563 93

2. Article Number *(Transfer from service label)*

7020 0640 0001 9462 0263

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Key J. Escon

☒ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery
OCT 25 2021

D. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below: ☐ No

92415 - 0140

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
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- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
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PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt