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5

6 **UNITED STATES DISTRICT COURT**
7 **Northern District of California**
8

9 MERCY AMBAT, ZAINABU ANDERSON, JOHN
10 ARITA, DENNIS CARTER, SHARON CASTILLO,
11 JOANNA CROTTY, TEQUISHA CURLEY, ALISA
12 DAVIS-ZEHNER, MARLA DENZER, PATTI
13 FLYNN, TERESA FOX, JON GRAY, TORI
14 JACKSON, LISA JANSSEN, MICHAEL JONES,
15 RICHARD LEE, SANDRA MACLIN-GIBSON,
16 SUKHWANT MANN, GLORIA MARTIN,
17 ARTURO MEDRANO, MARC NUTI, KEVIN
18 O'SHEA, ANTHONY PEPPERS, VINCENT
19 QUOCK, WENDY RODGERS-WELLS, LANA
20 SLOCUM, ERNEST SMITH, TONYETTE SMITH-
AL GHANI, MATTIE SPIRES-MORGAN,
21 KENNETH TAN, ANJIE VERSHER, BONNIE
22 WESTLIN, YVETTE WILLIAMS, ROLAND
23 ZANIE, MICHAEL ZEHNER, PAMELA WALKER,
24 GWENDOLYN HARVEY-NOTO, FELISHA
25 THOMAS, JENNIFER KEETON, OLGA
26 KINCADE, EMIKO THEODORIDIS, JEREMY
27 DEJUSUS and MARTHA ORTEGA
28

Plaintiffs,

vs.

CITY AND COUNTY OF SAN FRANCISCO,
***** , *****

Defendant.

No. **Case No. C-07-3622 SI**
(including No: C-08-2406 SI & C-09-2652 SI)

**THIRD AMENDED & CONSOLIDATED
COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

- 1) Gender Discrimination, Title VII
- 2) Gender Discrimination, FEHA
- 3) Gender Employment Restriction Title VII
- 4) Gender Employment Restriction, FEHA
- 5) Retaliation for Protected Activity, Title VII
- 6) Retaliation for Protected Activity, FEHA
- 7) Failure To Prevent Violation of FEHA
- 8) California Labor Code § 1102.5 et seq
- 9) Peace Officer Bill of Rights (Govt § 3309.5)

JURY TRIAL DEMANDED

1 Plaintiffs *****, ZAINABU ANDERSON, JOHN ARITA, DENNIS CARTER, SHARON
2 CASTILLO, JOANNA CROTTY, *****, *****, MARLA DENZER, PATTI FLYNN,
3 TERESA FOX, JON GRAY, TORI JACKSON, LISA JANSSEN, MICHAEL JONES, RICHARD LEE,
4 SANDRA MACLIN-GIBSON, SUKHWANT MANN, GLORIA MARTIN, ARTURO MEDRANO,
5 *****, KEVIN O'SHEA, ANTHONY PEPPERS, VINCENT QUOCK, WENDY RODGERS-WELLS,
6 *****, *****, TONYETTE SMITH-AL GHANI, MATTIE SPIRES-MORGAN, *****,
7 ANJIE VERSHER, BONNIE WESTLIN, YVETTE WILLIAMS, ROLAND ZANIE, *****,
8 PAMELA WALKER, GWENDOLYN HARVEY-NOTO, FELISHA THOMAS, JENNIFER KEETON,
9 OLGA KINCADE, EMIKO THEODORIDIS, *****, and MARTHA ORTEGA and complain of
10 Defendants CITY AND COUNTY OF SAN FRANCISCO, and allege:

11 **FACTS COMMON TO ALL CAUSES OF ACTION**

12 **A. Jurisdiction and Venue**

13 1. Jurisdiction of matters claimed herein is properly before the United States District Court,
14 Northern District of California pursuant to 28 USC 1331. Jurisdiction of all California claims is proper
15 pursuant to this court's Supplemental Jurisdiction, specifically, 28 USC 1367(a).

16 2. Venue of all matters claimed herein is properly before the United States District Court for the
17 Northern District of California as each of the acts alleged occurred within this district.

18 3. Pursuant to United States District Court, Northern District of California, Local Rule 3-2(d), this
19 action is being commenced in San Francisco, California, because the facts and circumstances of this
20 action arose in San Francisco County, California.

21 3.1 Pursuant to the Stipulation of the parties, through their attorneys, and order of this court, all
22 claims in the *Ambat* matter, all claims in the *Walker* matter (previously filed initially as United States
23 District Court, Northern District of California, and Number No. 3:CV-08-2406-PJH), and all claims of
24 plaintiffs entering after *Ambat* and *Walker* were originally filed, are consolidated into this, the Third
25 Amended and Consolidated Complaint for Damages and Injunctive Relief.

26 **B. Identity of Plaintiff**

27 4. Plaintiffs *****, ZAINABU ANDERSON, JOHN ARITA, DENNIS CARTER, SHARON
28 CASTILLO, JOANNA CROTTY, *****, *****, MARLA DENZER, PATTI FLYNN,
TERESA FOX, JON GRAY, TORI JACKSON, LISA JANSSEN, MICHAEL JONES, RICHARD LEE,

1 SANDRA MACLIN-GIBSON, SUKHWANT MANN, GLORIA MARTIN, ARTURO MEDRANO,
 2 ***** , KEVIN O'SHEA, ANTHONY PEPPERS, VINCENT QUOCK, WENDY RODGERS-WELLS,
 3 ***** , ***** , TONYETTE SMITH-AL GHANI, MATTIE SPIRES-MORGAN, ***** ,
 4 ANJIE VERSHER, BONNIE WESTLIN, YVETTE WILLIAMS, ROLAND ZANIE, ***** ,
 5 PAMELA WALKER, GWENDOLYN HARVEY-NOTO, FELISHA THOMAS, JENNIFER KEETON,
 6 OLGA KINCADE, EMIKO THEODORIDIS, ***** and MARTHA ORTEGA are Citizens of the
 7 United States and residents of the territorial jurisdiction of this court. Specifically, the City and County
 8 of San Francisco and the State of California. At all times relevant plaintiffs were employees of
 9 Defendant CITY AND COUNTY OF SAN FRANCISCO.

10 5. At all times relevant plaintiffs were employed in the City of San Francisco, County of San
 11 Francisco, State of California, and were discriminated against in that location.

12 **C. Identity of Defendant**

13 6. Defendant CITY AND COUNTY OF SAN FRANCISCO is a public entity operating and doing
 14 business in the City and County of San Francisco, State of California. At all relevant times, Defendant
 15 CITY AND COUNTY OF SAN FRANCISCO, was and is an employer within the definition of
 16 employer as defined for the purposes of discrimination under Title VII and the Fair Employment and
 17 Housing Act Government Code §§12900, *et seq.*, (herein referred to as "FEHA") in that said defendant
 18 employed more than twenty thousand employees, more than the minimum number of persons in the
 19 State of California to be classified as an employer under Title VII and FEHA.

20 7. At all relevant times, Defendant CITY AND COUNTY OF SAN FRANCISCO, was and is an
 21 employer within the definition of employer as defined for the purposes of discrimination under the Civil
 22 Rights Act of 1964, (42 USC 2000e) and the Fair Employment and Housing Act, California Government
 23 Code §§12900, *et seq.*, (herein referred to as "FEHA") in that said defendant employed more than
 24 fifteen employees, more than the minimum number of persons in the State of California to be classified
 25 as an employer under Title VII and FEHA.

26 8. That the conditions of employment occurred to the plaintiffs listed herein. As said complaint has
 27 been raised, defendant has chosen to instruct the victims of said discrimination, including the plaintiffs
 28 here, to move to another job or get another job rather than carry out there statutory duty to eliminate all
 forms of illegal discrimination. The changing of positions of these plaintiffs, to the extent that such
 change has occurred, has not reduced the incidents of discrimination but rather, has necessarily caused
 the harm of such discrimination to be felt by additional and new victims of such discriminatory conduct.

1 9. At all times relevant, Defendant City and County of San Francisco was prohibited from using
 2 gender as a basis for discrimination in the assignment of work in the jail by the laws of the State of
 3 California in California Penal Code Section 4021(b) which states: "It shall be unlawful for any ... jailer
 4 ... to search the person of any prisoner of the opposite sex, except in the company of an employee of the
 5 same sex as the prisoner. Except as provided herein, the provisions of this subdivision shall not be
 6 applied to discriminate against any employee by prohibiting appointment or work assignment of the
 7 basis of the sex of the employee."

8 **D. History Giving Rise To Suit**

9 **(i) Discrimination In Employment Against Female Deputies By Defendant**

10 10. *****, ZAINABU ANDERSON, SHARON CASTILLO, JOANNA CROTTY,
 11 *****, MARLA DENZER, PATTI FLYNN, TERESA FOX, TORI JACKSON,
 12 LISA JANSSEN, SANDRA MACLIN-GIBSON, GLORIA MARTIN, WENDY RODGERS-WELLS,
 13 *****, TONYETTE SMITH-AL GHANI, MATTIE SPIRES-MORGAN, ANJIE VERSHER,
 14 BONNIE WESTLIN, YVETTE WILLIAMS, PAMELA WALKER, GWENDOLYN HARVEY-NOTO,
 15 FELISHA THOMAS, JENNIFER KEETON, OLGA KINCADE, EMIKO THEODORIDIS and
 16 MARTHA ORTEGA were treated less favorably because of their gender, female.

17 11. About October 4, 2006, all females inmates were collected from the sections of the San
 18 Francisco County Jail system and then moved and reassigned to all inclusive sections unattainable by
 19 other sections, (known as "pods") in the San Francisco County Jail, specifically County Jail # 8, ("CJ
 20 #8").

21 12. Assignment of deputies in CJ #8 was realigned so that the female pods in CJ#8 housed only
 22 female prisoners which were staffed by only female deputies. On multiple occasions, letters and
 23 grievances were directed to the supervisors in charge, including Sheriff Hennessey, notifying them of
 24 the discriminatory assignment of only female deputies to the female pods of CJ#8 (see below). The
 25 Sheriff's Department's past practice had been that the primary deputy be female while the backup can
 26 be male. This practice was inconsistent with and in excess of the authorization for gender consideration
 27 found in the California Penal Code Section 4021 which states that a female deputy must be available and
 28 accessible for female inmates at all times, not that only female deputies can be assigned to female pods.
 Penal Code Section 4021 specifically prohibits gender based discriminatory work assignments in said
 female pods and elsewhere in the jail system.

13 13. Notably, in most, if not all federally operated and California state prisons, men and women have

1 consistently staffed both the male and female pods and jail facilities without regard to gender of the staff
2 or of the prisoner. There is no practice in the federal and California state prison and jail system that
3 excludes males from working in jails and prisons which house women.

4 14. However, in the San Francisco County Jail system, effective October 4, 2006, the City and
5 County of San Francisco, by and through the Sheriff's Department, instituted a new policy of
6 consolidating and housing all female inmates in one area, County Jail # 8, ("CJ #8"), more particularly
7 in three sections of the jail, commonly referred to as "pods," and using only female deputies to staff
8 these three female pods.

9 15. By written directive of October 18, 2007, Chief Arata to all of the jails, those female deputies
10 previously assigned to other jails, specifically County Jail 1 and 2, were reassigned to CJ#8 and only
11 women were then allowed to work in the woman pods of CJ #8.

12 16. The assignment of female deputies, including the female plaintiff employees, causes harm to
13 such female employees over and above the harm encountered by male deputies. Female deputies
14 working female only pods are constantly and continually put at a great risk of harm above and beyond
15 that experienced by male deputies who do not work the female side of the jail.

16 17. In the San Francisco jails and elsewhere, female inmates are more difficult to supervise than
17 male inmates. Female inmates require more attention, are more disruptive and tend to be more violent
18 towards each other and these deputies, and are allowed access to more dangerous items as compared to
19 male inmates.

20 18. Female deputies assigned to and supervising female inmate pods are exposed to increased risk of
21 physical harm since they work alone for periods of time (lunch, dinner, breaks, midnight shift) which
22 increases the risk of harm to these female deputies. Male and female deputies supervising male inmates
23 generally have at least two deputies per male inmate pod. When dealing with male prisoners in male
24 pods, during meal breaks a supervisor will fill in to maintain the two deputy minimum.

25 19. The female pods are generally designated for specific numbers of prisoners per pod. However,
26 due to overcrowding and the lack of space and bedding, the female pods of CJ#8 are often overcrowded
27 beyond their capacity. For example, in May, June and July 2007, there were many instances of
28 overcrowding by as much as 20 inmates in excess of the 86 capacity for the female pod which far
exceeded the available bed space. The male pods do not suffer from excessive numbers of inmates as
they are generally shipped to other jails when they arrive and no bed space is available. This condition,
and the limited number of female deputies, increases the risk of harm, the risk that one or two female

1 deputies would be hurt or killed in the situation, and increases the stress on female deputies beyond
2 those suffered by male deputies. Inmates have a history of attacking other inmates and harming the
3 inmates, such as attacks with hot scalding water causing second degree burns, where, in this setting
4 there is overcrowding and a lack of female deputies to supervise the situation safely.

5 20. Further, overcrowding is exacerbated by a policy in which inmates confined by reason of Parole
6 Revocation and pending Parole Hearings are given priority and space in CJ#8. San Francisco County
7 Jails receive funds from the Department of Corrections, State of California, for housing Parolees
8 awaiting hearings. San Francisco County female inmates are forced to sleep on the floor having their
9 bed reassigned to the Parole inmate. Female deputies are thus forced to quell the fights and hostility
10 created by this situation which is rarely encountered in the male only pods.

11 21. In the female pods, lights are not kept on 24 hours a day as is the case with most male pods (e.g.
12 F Pod). This increases the chance of danger to the sole female deputy watching over the inmates as she
13 cannot see where potential conflicts may arise, and is unequipped to handle any conflicts if they arise
14 due to a lack of personnel, especially when compared to her counterpart working the male pods.

15 22. Due to the policy of female only deputies in female pods, female deputies are often assigned a
16 transfer and detailed to these female pods without training and without understanding of the security
17 procedures for the operation of their position. Assignment without training places all of the employees,
18 inmates and deputies at greater risk of injury and places the security of the jail at higher risk.

19 23. The female population at CJ#8 is more dangerous than the population in the all male sections.
20 Female pods have all of the female population, including those who are unusually violent and
21 dangerous, randomly placed in the pod without regard to classification for security purposes, including
22 their history and level of danger. Female pods have those who are emotionally distressed and dangers to
23 themselves mixed in with normal prisoners. Female pods have those who are classified as, and have an
24 extensive history of violence, mixed in with the general female population, (e.g. MR3's and MR4's).
25 The male pods do not have such mixture of the various levels of dangerous prisoners. The male pods
26 have the dangerous prisoners segregated out and placed in special cells with extra deputies assigned to
27 handle those dangerous male prisoners.

28 24. The female pods for female prisoners have no equipment or facilities to safely handle those who
are dangerous, while male cells do have special means for handling dangerous prisoners. Male pods
have special doors and equipment to have the prisoner in leg and body chains before exiting the cell to
preclude an attack on the deputy. No such equipment or facilities is in place to handle the female

1 prisoners, thus allowing more frequent violent attacks against the female deputies in the female pods.

2 25. Female deputies who are assigned to these female pods have to perform substantial
3 administrative work, such as passing out medication, delivery of food and replacement clothing, which
4 takes there attention off of the other members of the pods and increases the level of safety risk for the
5 deputy. The male cells rarely have less than two deputies working and adjust for such a shift in the
6 deputy staffing.

7 26. Female deputies who are assigned to these female pods fail to get training in many other security
8 positions and fail to get adequate use of the facility to operate it in a safe manner. In order to give the
9 appearance of complying with internal orders and California jail management standards, management,
10 including defendant here, have knowingly and intentionally created false and misleading documentation
11 to demonstrate that certain female deputies assigned to female pods have been trained and certified as
12 competent to work other jail assignments when no such training and no such certification has occurred.

13 27. Female deputies who are assigned to these female pods fail to have the opportunity to function
14 in other positions, thus limiting their ability to compete for promotion when compared to others who
15 work in and function in numerous other positions.

16 28. Male deputies assigned to CJ #8 and similar jails enjoy a variety of assignments which relieve
17 and reduce fatigue and stress. Female deputies who are assigned to these female pods do not enjoy a
18 variety of assignments, have increased fatigue from this singular assignment, and have exacerbation of
19 this condition by repeatedly being forced to work additional shifts in these pods while in a fatigued
20 state, thereby additionally increasing their own risk of physical harm from female inmates.

21 29. Female deputies who are assigned to these female pods have their choice of other benefits of
22 employment such as shift, regular days off (RDOs) and vacation schedule limited because their seniority
23 is no longer the determining factor for receiving such benefits when compared to their male
24 counterparts.

25 (ii) **Discrimination In Employment Against Male Deputies By Defendant**

26 30. JOHN ARITA, DENNIS CARTER, JON GRAY, MICHAEL JONES, RICHARD LEE,
27 SUKHWANT MANN, ARTURO MEDRANO, *****, KEVIN O'SHEA, ANTHONY PEPPERS,
28 VINCENT QUOCK, *****, *****, and ROLAND ZANIE, *****, ***** have been treated less
favorably because of gender, male.

31. Since the segregation and movement of all the female inmates into one section on or about
October 4, 2006, the Department also implemented a shift bidding process for RDOs and shift

1 assignment that is segregated by gender. Instead of having RDOs and shift assignment based on
2 seniority, as has been the practice for years and is required under the collective bargaining agreement, it
3 has been based on gender first since October 2006. This has resulted in some of the more senior male
4 deputies having to take less favorable RDOs and shift assignments than would be the case if it were
5 based on seniority. When, in 1994-5, defendant attempted such gender based discrimination, complaints
6 were raised and the department relented, admitting it was unlawful gender based discrimination.

7 32. When it is necessary to recruit deputies for overtime in the female pods of CJ #8, it is posted in
8 writing by the San Francisco Sheriff's Department as overtime available to "female only," effectively
9 eliminating and discouraging any male deputies from signing up for overtime in CJ #8. On rare
10 occasions when only a male deputy can be found to fill the shift, he is then placed in overtime status and
11 traded to another facility for a female who then is assigned to work CJ #8. This puts both deputies at
12 increased risk of physical harm in a facility with which he/she is not familiar and an increased risk of
13 discipline for having made erroneous decisions in the booking, handling and release of prisoners in their
14 custody.

15 33. By the policy since October 2006, male deputies are discriminated against based on their gender
16 in their ability to work overtime and earn the wages from those hours. Overtime signups are supposed
17 to be based on seniority, with more senior deputies getting preference for available overtime. However,
18 due to the practice of staffing only female deputies in the female pods of CJ#8, less senior female
19 deputies are given opportunity for overtime that would otherwise be given to more senior male deputies.
20 Thus, male deputies who are seeking overtime work, who are ready, willing and able to work, have been
21 deprived work and therefore deprived income, as a result of this policy of having only female deputies
22 assigned to work the female only pods of the San Francisco County Jail.

23 34. The San Francisco Sheriff's Department has a rule, policy and procedure which precludes and/or
24 makes it very difficult for those who complain of gender based discrimination to do so without violating
25 rules, being brought up on disciplinary charges and otherwise being harmed for complaining of illegal
26 forms of discrimination, including gender based discrimination in employment.

27 (iii) **Retaliation against Lisa Janssen**

28 35. Plaintiff Deputy Lisa Janssen was retaliated against due to complaining of gender discrimination
in the San Francisco County Jails. Plaintiff Deputy Janssen complained about gender based assignments
and as a result was classified as insubordinate and sustained a written punishment. On or about January
9, 2007, Deputy Janssen was detailed from her normal assignment to the female pods in CJ #8 by her

1 watch commander for her normal watch. Plaintiff Deputy Janssen contacted and complained of such an
2 assignment as gender based discrimination to Lieutenant Stephen Tilton. Within days the complaint of
3 gender discrimination was acknowledged and made by Tilton the basis for an adverse employment
4 action by Tilton against Plaintiff Deputy Janssen. As a result, Plaintiff Deputy Janssen was then called
5 into a Chief's investigation for a Chief's reprimand to which Plaintiff Deputy Janssen provided a written
6 response. During the hearing before Chief Thomas Arata, Plaintiff Deputy Janssen again complained
7 that the policy was illegal and an act of gender based discrimination. During the hearing Arata and
8 Tilton stated that Plaintiff Deputy Janssen, and all deputies, are not allowed to question or complain
9 about orders even if the orders are discriminatory.

10 36. Plaintiff Deputy Janssen did as instructed on the day in question and worked without incident in
11 the female pod at CJ #8. Plaintiff Deputy Janssen was then brought up on charges of (a) conduct
12 towards superior officers and peers, (b) criticism of orders, (c) impermissible behavior, and (d)
13 unacceptable job performance, all for having complained to her supervisor that such assignment to CJ
14 #8 during her normal work shift at CJ#1, which was based on her gender, female, was illegal
15 discrimination by the Sheriff's Department.

16 37. Because of the complaint of discrimination, Arata and Tilton used that opportunity as the basis
17 for imposition of a Chief's Reprimand, a form of written discipline which follows her throughout her
18 employment career, which will hamper this deputy from advancing to other and higher positions of
19 authority in the department. This deputy has a history of annual reviews where she has been rated as
20 "exceeds expectations." This is the first time that Plaintiff Deputy Janssen has had any written
21 disciplinary action against her.

22 38. In a formal meeting with Chief Thomas Arata, during the course of an investigation by the
23 managers of the Sheriff's Department, Lieutenant Stephen Tilton indicated that plaintiff complained of
24 gender discrimination in assignment of wages, hours and working conditions and did so in a loud and
25 unruly manner. He did so in an effort to cause Plaintiff Deputy Janssen to sustain a potential future
26 discipline and potential loss of employment for having complained of illegal gender discrimination.
27 This deputy denied using a loud and boisterous manner and admitted that her complaint was based on
28 illegal gender discrimination in assignment of work.

39. In order to perpetuate the illegal policy of discrimination, further damage and harm plaintiff, and
to cause a chilling effect upon Janssen and any other deputy who might complain of discrimination,
Roderick Wallace, employed deceit and fraud in that he stated that he heard Janssen talk in a loud voice,

1 thus act insubordinately, when in fact he was not in a position to have heard anything. Wallace stated
2 that he heard Plaintiff Deputy Janssen in that she was emotional and irrational and that he could hear her
3 voice over the phone in the conversation with Lieutenant Tilton though he was not in a position to have
4 heard any of the conversation. The statements of Roderick Wallace were knowingly false, malicious
5 and intended to perpetuate the ongoing acts of discrimination and preclude anyone, including Plaintiff
6 Jansen, from presenting or formulating complaints of gender discrimination in employment, all
7 consistent with the policy, practice and procedure of the San Francisco Sheriff's Department.

8 40. As a result of having the charges brought and these statements made, Plaintiff Deputy Janssen
9 requested that an investigation include questioning of others who were present on her side of the phone
10 call as well as Tilton's side of the phone call. Plaintiff Janssen indicated that there were witnesses who
11 would be willing to speak of their observations that no such hostile, emotional or irrational comments
12 were made. Rather than carry out the function of the investigation, including the mandatory duty to take
13 all reasonable steps to end discrimination, Thomas Arata stated he had no interest in calling others or
14 doing any further investigation and that if the deputy wanted to get other witnesses she should but that
15 he had heard all that he needed to hear.

16 41. In an effort to prevent any future complaints of discrimination, the disciplinary order issued by
17 Thomas Arata stated that Plaintiff Deputy Janssen would be placed on progressive discipline leading to
18 termination if she was to again complain of orders issued to her, including complaining of gender based
19 discrimination in assignment of employment duties in the San Francisco County Jail System.

20 42. On or about April 5, 2007, Plaintiff Deputy Janssen, through her attorneys, filed a California
21 Government Code Claim entitled "Claim for Monetary Damages Per Section 910, et seq, Government
22 Code," with the City and County of San Francisco naming Lt. Stephen Tilton, Capt. Thomas Arata, and
23 Sgt. R. Wallace. On or about April 23, 2007, the City and County of San Francisco rejected said claim
24 and thereafter started a 6 month statute of limitations for bringing a claim.

25 43. On or about April 20, 2007, Plaintiff Deputy Janssen, through her attorneys, requested charges
26 by the State of California, Department of Labor, Labor & Workforce Development Agency, against City
27 and County of San Francisco, Sheriff's Office, Lt. Stephen Tilton, Capt. Thomas Arata, and Sgt. R.
28 Wallace pursuant to the provisions of Labor Code Section 2699 and 2699.3 More than 33 days have
expired since the request for such charges was made, hence Plaintiff Janssen has exercised all of her
administrative prerequisite to bringing claims under 1102.5 of the California Labor Code.

(iv) Retaliation against Mattie Spires-Morgan

1 44. Plaintiff Mattie Spires-Morgan was retaliated against due to complaining of harm done to her
2 and other female deputies due to gender discrimination in the San Francisco County Jails by the female
3 deputy only policy for female pods. She suffered unlawful and baseless charges for events that did not
4 occur in an effort to retaliate for having complained of discrimination and in an effort to preclude and
5 cause a chilling effect on future claims of gender based discrimination.

6 45. For months since the assignment of female only deputies into the female only pods at CJ #8,
7 Plaintiff Mattie Spires-Morgan made verbal complaints that women were more at risk for working these
8 female only pods. She verbally complained that safety of female deputies was at higher risk than for
9 males outside the female only pod.

10 46. At the end of January 2007, and again in the beginning of February 2007, while at “muster” (a
11 mandatory all deputy meeting lead by Sheriff’s Department managers at the beginning of the shift to
12 make assignments and discuss the condition of the jail), when asked if anyone had anything to say,
13 Plaintiff Mattie Spires-Morgan complained to the manager, Lt. John Minor, about the policy for female
14 only deputies in the female pods. She complained that the method and means of causing women only to
15 work these pods, as described here, is unsafe for the deputies. At two musters she complained that the
16 method of staffing these pods with only women was unsafe and that she or another deputy would likely
17 get hurt from the policy. Lt. Minor laughed at the complaint stating that nothing was going to happen
18 unless one of them (one of the female deputies) got hurt and then maybe something would be done.

19 47. As a direct result of the heightened level of safety concerns and because her supervisors would
20 do nothing more than laugh at her complaints of gender based discrimination in front of approximately
21 twelve (12) other deputies, on February 25, 2007, Plaintiff Mattie Spires-Morgan drafted a written
22 grievance regarding outstanding safety issues in the female pod of CJ #8 due to the gender based
23 discriminatory policy for assignment of female deputies to the female pods, which included short
24 staffing due to the refusal to place available men in the female pots, and lighting differences in the
25 female pods creating an even greater level of danger in the work place. Plaintiff Mattie Spires-Morgan
26 also complained in writing of the safety issues created by having only one deputy for the entire pod
27 where that deputy is responsible for providing food and providing the medications, which left no one
28 attentive to the remainder of the pod and the security needs for the remainder of the pod.

48. Plaintiff Mattie Spires-Morgan placed the grievance in Captain Johna Pecot’s inbox. Contrary to
her statutory duty to take all reasonable actions to end discrimination under California Government
Code Section 12940 (k), Pecot refused to take any action on the complaint of discrimination and

1 rejected it without any investigation or discussion with Plaintiff Mattie Spires-Morgan.

2 49. As a result of having made a written complaint of gender based discrimination to Pecot, within
3 300 days of filing the EEOC charges in this matter on March 28, 2007, Plaintiff Mattie Spires-Morgan
4 was subject to acts of retribution and retaliation by the management staff consisting of Capt. Johna
5 Pecot, Lt. John Minor and Sgt. Ed Ruppenstein.

6 50. On February 28, 2007, Plaintiff Mattie Spires-Morgan was summoned to meet with her
7 supervisors, Lt. Minor and Sgt. Ruppenstein. At this meeting Minor and Ruppenstein acknowledged the
8 discriminatory nature of the policy but refused to alter the female deputy only policy in the female pods
9 at CJ #8.

10 51. Immediately after making the grievance, and as a result of having filed the grievance, an internal
11 affairs action was begun against Plaintiff Mattie Spires-Morgan, which, upon information and belief was
12 controlled, authorized and approved by Capt. Johna Pecot, Lt. Minor and Sgt. Ruppenstein.

13 52. Contrary to established protocol, Plaintiff Mattie Spires-Morgan was not notified that she was
14 the subject of an investigation at the inception of the investigation. Plaintiff was actually informed by
15 the jail inmates that her supervisors were actively soliciting complaints of misconduct from these
16 inmates against Plaintiff Mattie Spires-Morgan. Contrary to established protocol, after her supervisors
17 began soliciting complaints, plaintiff was not told that she was being investigated for misconduct.
18 Plaintiff was not informed by a supervisor that they were conducting an investigation, the nature of the
19 investigation or the basis for the investigation.

20 53. The Memorandum of Understanding between the Sheriff's Department and the Union requires a
21 deputy must be informed of any such investigation. Additionally, the procedure employed by said
22 defendant was a violation of this deputy's rights under the California Peace Officer's Procedural Bill of
23 Rights.

24 54. On March 8, 2007, Plaintiff Mattie Spires-Morgan was approached by Lt. Minor and she was
25 then ordered to stay over and work an additional eight (8) hours involuntary overtime after finishing her
26 shift. When no deputy had been sent to relieve her following this 16 hour work period, Plaintiff Mattie
27 Spires-Morgan notified Sgt. Wallace that she needed to be relieved since she had worked at least 16
28 hours. After prodding by plaintiff, Sgt. Wallace relieved her at 3:15 p.m. Plaintiff Mattie Spires-
Morgan complained to Sgt. Wallace that she thought it was intentional that no relief had been sent until
she complained. Sgt. Wallace just laughed at her. The Sheriff's Department Policy and the MOU
states that no deputy can work more than 16 hours unless there is a natural disaster.

1 55. On March 9, 2007, Plaintiff Mattie Spires-Morgan finally received the inmate grievances from
2 Lt. Minor and Sgt. Ruppenstein which they had previously solicited and which were submitted to them
3 on February 23rd. It is common practice for supervisors to find out from the deputy whether the
4 allegations are true and if there were any other witnesses. However, in this case, they made no inquiry,
5 sought no information, and slid the grievances across the table. Both told her to respond to the
6 grievances. This was the first time she was shown grievances (15 days after they had been filed).

7 56. On March 23, 2007, Dave Gossman (the union representative for Plaintiff Mattie Spires-
8 Morgan) addressed a letter to Sheriff Hennessey in an attempt to find a remedy for the original
9 grievance filed by Plaintiff Mattie Spires-Morgan.

10 57. On March 23, 2007, Plaintiff Mattie Spires-Morgan was again ordered to work an additional
11 shift of 8 hours of involuntary overtime despite the fact that she was not next on the draft list. Plaintiff
12 Mattie Spires-Morgan had other deputies ahead of her on the draft list. There was no reason for
13 deviating from the draft list. It is utilized specifically so that deputies are drafted equally and in the
14 proper order. However, the rules relating to rotation of forced overtime were overlooked in order to
15 cause inconvenience to and continue to inflict harm against Plaintiff Mattie Spires-Morgan; to
16 intimidate her regarding the grievance drafted on February 25th; and to intimidate her from filing future
17 grievances which were based on gender discrimination.

18 58. On April 18, 2007, Plaintiff Mattie Spires-Morgan was informed she was under investigation for
19 charges that she permitted a fight in the female pod and other things. Plaintiff Mattie Spires-Morgan
20 was forced to and did undergo an interview in association with these charges. Ultimately, these charges
21 were dismissed since there was never a fight. At other times, plaintiff has been advised by various
22 inmates that their supervisor approached the inmates and ask that they bring charges against plaintiff.
23 All of such conduct, including such charges, have the effect of causing a chilling the exercise of her
24 rights to complain of gender based discrimination.

25 59. These charges were made in retaliation after she complained of a dangerous and discriminatory
26 work environment and after she consulted with a lawyer to protect her interests.

27 60. On or about April 5, 2007, Plaintiff Deputy Spires-Morgan, through her attorneys, filed a
28 California Government Code Claim entitled "Claim for Monetary Damages Per Section 910, et seq,
Government Code," with the City and County of San Francisco naming Lt. Stephen Tilton, Capt.
Thomas Arata, and Sgt. R. Wallace. On or about April 23, 2007, the City and County of San Francisco
rejected said claim and thereafter started a 6 month statute of limitations for bringing a claim.

1 61. On or about April 20, 2007, Plaintiff Deputy Spires-Morgan, through her attorneys, requested
2 charges by the State of California, Department of Labor, Labor & Workforce Development Agency,
3 against City & County of San Francisco, Sheriff's Office, pursuant to the provisions of Labor Code
4 Section 2699 and 2699.3 More than 300 days have expired since the request for such charges was
5 made, hence Plaintiff Mattie Spires-Morgan has exercised all of her administrative prerequisite to
6 bringing claims under 1102.5 of the California Labor Code.

7 **(v) Retaliation against Plaintiff Deputy Anjie Versher**

8 62. In the housing of male deputies, those who pose a substantial risk of harm to themselves, others
9 and the deputy staff are housed in specially equipped cells and housing areas with like individuals where
10 the staff can apply restraint devices in a manner which is safe for the deputized staff. However, in the
11 female only pods, where only females are allowed to work, the female inmates who suffer from mental
12 and emotional challenges (normally subject to "administrative segregation") which create a greater risk
13 of injury to the deputized staff have no similar housing, no specially equipped cells, no specially created
14 equipment, and no segregated housing areas where the staff can apply restraint devices in a manner
15 which is safe for the deputized staff.

16 63. Female deputies who work this area are necessarily incurring greater risk of injury and greater
17 safety risks than male deputies who are not permitted to work this area.

18 64. Female deputies who complain, such as Anjie Versher, have complained within the 300 days
19 prior to the filing of their EEOC complaint, and since then, have been counseled, disciplined, and
20 written up, and suffered other forms of discipline for conduct where the motivation for such discipline
21 by the defendant has been to cause a chilling effect on the complaints of gender based discrimination of
22 this deputies.

23 65. Prior to the change in staffing of female only pods at CJ #8, Plaintiff Versher had an outstanding
24 record of service to the San Francisco Sheriff's Department. She was, almost without exception, highly
25 regarded and had an exemplary service record. Her annual reviews were likewise at or above
26 expectations. This changed after she began to complain of gender based discrimination, treatment and
27 danger to women in the female only pods of CJ#8.

28 66. With the change in staffing occurring on or about October 4, 2006, Plaintiff Versher began
shortly thereafter to voice complaints and concerns as to her safety and the safety of other deputies in
the daily "muster." For approximately two to three months after the change in October 2006, whereby
only women would work CJ #8 female pods, Plaintiff complained to her immediate supervisors, and

1 then moving up the chain of command. She complained of gender based discrimination to Sgt. Wallace,
2 Lt. Tilton, then to her captain, Pecot.

3 67. Since her immediate supervisors refused to talk with her and seek a remedy to the illegal
4 discriminatory conduct and harm caused to plaintiff, towards the end of October 2006, Plaintiff Versher
5 did approach and complain directly to the top manager at her unit, specifically Chief Thomas Arata, the
6 top level jail commander. After voicing her complaint to him, he dismissed the complaint and told her
7 that she failed to follow the chain of command. Plaintiff Versher told him that she had complained and
8 that she did not trust Wallace, Tilton and Pecot because they were not responding to her complaints and
9 were retaliating against her. Arata told Deputy Versher that he would talk to Captain Pecot. Nothing
10 further happened and at no time did Captain Pecot approach Plaintiff.

11 68. In addition to verbal complaints, Plaintiff Versher filed a complaint of gender based
12 discrimination with the Department of Fair Employment and Housing on December 4, 2006. The
13 Department of Fair Employment and Housing issued a right to sue letter to plaintiff in this matter on or
14 about December 13, 2006.

15 69. In addition to verbal complaints, Versher filed a complaint of gender based discrimination with
16 the Superior Court of California, City and County of San Francisco on or about February 20, 2007.

17 70. Female Deputy Versher suffered reprisals and retaliation for having complained of the gender
18 based discrimination and the harm caused by the gender based discrimination.

19 71. As a result of repeated complaints, and while her work performance had not been altered or been
20 deficient, on or about December 23, 2006, Plaintiff was given an undeserving negative performance
21 evaluation.

22 (a) for having gone to complain to Chief Arata and not accepting the form of discrimination
23 without complaints, the review stated, "When given constructive criticism at times, Deputy
24 Versher argues the point" ... and "At times, Deputy Versher has not followed the proper
25 chain of command. Deputy Versher will seek answers or results to her issues from various
26 supervisors, circumventing the chain of command."

27 (b) As to her communication problems, as it relates to her communication with her superiors and
28 coworkers, her review states, "Deputy Versher effectively communicates with the inmate
29 population; however she has issues communicating her work related concerns with her
30 fellow deputies. Deputy Versher appears at times to be too forceful and has a problem
31 communicating her message."

1 (c) Further the review chastises Plaintiff Versher for her complaints that because she is not a
2 team player and does not see the benefit of such gender based discrimination to the
3 employer, she is occasionally uncooperative and needs to improve her ability to take
4 direction.

5 (d) When Plaintiff Versher challenged Lt. Bruno and asked the basis for these undeserving
6 scores and comments, especially since Lt. Bruno had not been in a position to have observed
7 most of the conduct alleged during the period of time for which the review was to apply, Lt.
8 Bruno stated that the information for such a complaint about Plaintiff Versher's performance
used for the review was given to her by Sgt. Wallace, Lt. Tilton, and Capt. Pecot.

9 72. Plaintiff reviewed and rebutted the work performance review as being undeserved and
10 challenged the basis for such review. Shortly after her written challenge, Plaintiff was asked by Capt.
11 Pecot if they could just shred the review and pretend it did not happen.

12 73. On or about February 12, 2007, Lt. Tilton prepared and served on Plaintiff Versher a second
13 "Employee Performance Appraisal." This time the appraisal was stellar and without significant
14 blemish, and commented that Plaintiff Versher was an excellent employee for the Sheriff's Department.
15 The second appraisal was for the same time period, same conduct, the same work and the same
16 performance as before. The difference between the two performance reviews being that the written
17 complaint to the Department of Fair Employment and Housing was served on defendant in the time
between the first and the second.

18 74. However, the reprisals did not stop. On May 16, 2007, plaintiff was called to a meeting with her
19 supervisors, Wallace, Tilton and Pecot. Plaintiff asked if she needed a union representative if there was
20 any claim of wrongdoing on Plaintiff's part. Plaintiff was told by Tilton that she was not in any trouble.
21 If there was any claim of wrongdoing, as a Peace Officer, Plaintiff was entitled to union representation
22 under the National Labor Relations Act and the California Peace Officer's Procedural Bill of Rights,
23 (California Government Code Section 3300.) Contrary to the specific representation of Tilton, upon
24 participating in the meeting, Plaintiff was accused by her superiors present, Wallace, Tilton and Pecot,
25 of violating San Francisco Sheriff's Departmental Rule Section 2.35 in that Plaintiff failed to notify her
26 superiors that she had a close relative in her custody and supervision, allegedly her niece, a woman by
27 the name of Tricia Hurd, and not informing her supervisors of a family member being under her
28 custody. At the time of the meeting and allegations against her, defendant knew that there was no truth
to such an allegation and continued to make the allegation and violation of the rights of this plaintiff

1 without regard to their investigation which demonstrated no family relationship.

2 75. On or about June 13, 2007, plaintiff took charge of CJ #8, in "D" pod, an all female pod staffed
3 by only female deputies. Plaintiff was required to staff the unit by herself with 56 inmates under her
4 immediate supervision and inspections about to occur.

- 5 (a) On top of an immense work load, plaintiff was told at the start of her shift that there were
6 three inmates in a holding cell.
- 7 (b) The written procedures of the San Francisco Sheriff's Department, specifically the San
8 Francisco Sheriff's Department County Jail # 8 Operation Manual, Pod Management and
9 Supervision, Procedure 36, Section III Routine Operation, Division D, commands that the
10 deputy who places prisoners in a holding cell notify her supervisor and advise if medical
11 attention is necessary.
- 12 (c) This holding cell for Pod D lacks any designation or protocol for the number of prisoners, the
13 type of prisoners, any limitations on use of the pod, and any limitations on housing of
14 prisoners.
- 15 (d) The female graveyard deputy put three prisoners into the holding cell because they were
16 "horse playing."
- 17 (e) Plaintiff worked the day shift (07:00 to 15:00 hours) by herself and without incident.
- 18 (f) There was neither protocol in place for plaintiff to alter or amend the holding cell assignment
19 nor any protocol for plaintiff to advise her supervisors of the presence of inmates in the
20 holding cell.
- 21 (g) The presence of these inmates in the holding cell and information as to why they were in the
22 holding cell was made known to the supervisor by reason of the log kept for that pod which
23 was signed by the graveyard deputy and the graveyard supervisor.
- 24 (h) Plaintiff had never been instructed, in writing or otherwise, to advise her supervisor or
25 anyone else when there are inmates in the holding cell from a prior shift.
- 26 (i) Plaintiff's supervisor had equal access to the information about the presence of inmates in the
27 cell by reason of the log.
- 28 (j) Regardless, on June 26, 2007, plaintiff sustained a written disciplinary action for not advising
her supervisor of the presence of three inmates in the holding cell and having three people in
a one person cell.
- (k) Said written disciplinary action was without any factual basis and was in whole or substantial

1 part, retaliation for having complained of gender based discrimination by Plaintiff Deputy
2 Versher.

3 76. That as a result of the repeated complaints by Plaintiff Versher, Plaintiff has sustained adverse
4 employment actions and harm likely to cause a reasonable deputy to be chilled in seeking to bring
5 complaints of discrimination to the employer.

6 77. On or about February 22, 2007, Plaintiff ANJIE VERSHER, filed a complaint with the City and
7 County of San Francisco's Controller's offer with respect to her retaliation complaints under Labor
8 Code Section 1102.5 and violation of Peace Officer's Procedural Bill of Rights, Government Code
9 Section 3300, et seq. Said complaints were rejected and denied in writing by the City and County of
10 San Francisco on or about March 6, 2007.

11 **E. Internal Complaints, Administrative Complaints And Issuance of Right To Sue**

12 78. The plaintiffs herein have provided numerous internal complaints, administrative complaints and
13 secured right to sue letters or otherwise exhausted administrative procedures.

14 79. On or about October 2, 2006, on behalf of each of the plaintiffs herein, the San Francisco Deputy
15 Sheriff's Association did write to Sheriff Michael Hennessey objecting to the policy in question as
16 illegal gender based discrimination. On or about October 18, 2006, in response to the letter sent to
17 Sheriff Michael Hennessey, Chief Arata indicated that the Sheriff's Department would continue with the
18 two tiered gender based assignment of hours and working conditions pursuant to the new policy.

19 80. On or about October 18, 2006, on behalf of each of the plaintiffs, the San Francisco Deputy
20 Sheriff's Association did write to Director of Employee Relations, Department of Human Resources, for
21 the City and County of San Francisco objecting to the policy as illegal gender based discrimination.

22 81. On or about October 19, 2006, on behalf of each of the plaintiffs herein, the San Francisco
23 Deputy Sheriff's Association did write to Under Sheriff Jan Dempsey objecting to the policy as illegal
24 gender based discrimination and offering alternatives to the female deputy only policy in female only
25 pods. The offer was rejected.

26 82. Shortly after the institution of female only deputies in female only pods on or about October 7,
27 2006, plaintiffs, including Plaintiff Anjie Versher, complained of said actions as discriminatory and
28 harmful to women in muster to her immediate supervisors. Thereafter, since her immediate supervisors
refused to talk with her and seek a remedy to the illegal discriminatory conduct and harm caused to
plaintiff, towards the end of October 2006, Plaintiff Versher did approach and complain directly to the
top manager at her unit, specifically Chief Thomas Arata, the top level jail commander. After voicing

1 her complaint to him, he dismissed the complaint and told her that she failed to follow the chain of
2 command. Plaintiff Versher told him that she had complained and that she did not trust them because
3 they were not responding to her complaints and were retaliating against her. Arata told Versher that he
4 would talk to Captain Pecot. Nothing further happened and at no time did Captain Pecot approach
5 Plaintiff.

6 83. In addition to verbal complaints, Plaintiff Versher filed a complaint of gender based
7 discrimination with the Department of Fair Employment and Housing on December 4, 2006. Said
8 Department of Fair Employment and Housing issued a right to sue letter to plaintiff in this matter on or
9 about December 13, 2006.

10 84. Further and in addition to verbal complaints, Plaintiff Versher filed a complaint of gender based
11 discrimination with the Superior Court of California in the City and County of San Francisco on or
12 about February 20, 2007.

13 85. After months of verbal complaints, on February 25, 2007, Plaintiff Mattie Spires-Morgan drafted
14 a written grievance regarding outstanding safety issues in the female pod of CJ #8 due to the gender
15 based discriminatory policy for assignment of female deputies to the female pods, which included short
16 staffing due to the refusal to place available men in the female pots, and lighting differences in the
17 female pods creating an even greater unsafe work place. Plaintiff Mattie Spires-Morgan also
18 complained in writing of the safety issues created by having only one deputy for the entire pod where
19 that deputy is responsible for providing food and providing the medications, which left no one attentive
20 to the remainder of the pod and the security needs for the remainder of the pod. The Sheriff's
21 Department and Lt Minor only laughed at these complaints.

22 86. On or about March 7, 2007, Plaintiff Sharon Castillo presented a written complaint of gender
23 based discrimination of only female deputies in female only pods to Sheriff Michael Hennessy, citing
24 safety, lack of opportunity for experience for promotions, and a loss of moral in being subjected to this
25 system of gender based assignments and risks. On or about March 20, 2007, Sheriff Hennessy wrote to
26 Plaintiff Sharon Castillo without justifying a female deputy only policy in female pods. He rejected her
27 complaint and stated, "a condition of employment with this Department is the willingness to work in any
28 assignment, on any shift, with any days off. I am disappointed when employees forget this and believe
that they are somehow entitled to work some, but not all, assignments within the Department. Finally, if
you find you are stressed for any reason, I suggest you contact the Employee Assistance Program. They
offer a range of services to help people manage the stress in their lives."

1 87. Plaintiffs complained, by means of cross-filing with the United States Government, the Equal
 2 Employment Opportunity Commission, on or about March 28, 2007, (except for Plaintiff Roland Zanie
 3 who filed on April 2, 2007) and received a Right to Sue on said claim of Discrimination and Retaliation

4 (a) on May 16, 2007, as and for Plaintiffs DENNIS CARTER, ***** , ARTURO

5 MEDRANO, ANTHONY PEPPERS, VINCENT QUOCK, WENDY RODGERS-WELLS,
 6 ***** , *****, TONYETTE SMITH-AL GHANI, MATTIE SPIRES-MORGAN, ***, ANJIE
 7 VERSHER, BONNIE WESTLIN, YVETTE WILLIAMS, ROLAND ZANIE, *****;

8 (b) on May 21, 2007, TERESA FOX, TORI JACKSON, LISA JANSSEN, MICHAEL JONES,
 9 RICHARD LEE, SANDRA MACLIN-GIBSON, SUKHWANT MANN, GLORIA MARTIN;

10 (c) on or about May 22, 2007, as and for Plaintiffs ***** , ZAINABU ANDERSON, JOHN
 11 ARITA, SHARON CASTILLO, JOANNA CROTTY, ***** , MARLA DENZER,
 12 PATTI FLYNN, ***** , KEVIN O'SHEA

13 (d) on or about June 6, 2007, as and for Plaintiff JON GRAY,

14 (e) Plaintiffs PAMELA WALKER, GWENDOLYN HARVEY-NOTO, FELISHA THOMAS,
 15 JENNIFER KEETON, OLGA KINCADE, EMIKO THEODORIDIS, MATTIE SPIRES-
 16 MORGAN, and ***** , complained, by means of cross-filing with the United States
 17 Government, the Equal Employment Opportunity Commission, on or about November 15, 2007,
 18 and received a Right to Sue on said claim of Discrimination and or Retaliation on or about
 19 February 19, 2008. That by means of cross filing with the EEOC for and on behalf of the
 20 Department of Fair Employment and Housing, on or about November 15, 2007, all plaintiffs
 21 filed their complaint of discrimination and/or retaliation with the Fair Employment and Housing
 22 Department of the State of California. That on or about January 16, 2008, and pursuant to the
 23 cross filing agreement between the EEOC and the DFEH, a right to sue on behalf of the claims
 24 under the Fair Employment and Housing Act were filled, Plaintiffs have filed suit within one
 25 year of the issuance of the right to sue letters under the Fair Employment and Housing Act and
 26 within 90 days of the issuance of same under Title VII by the EEOC.

27 (f) Plaintiff MARTHA ORTEGA complained, by means of cross-filing with the United States
 28 Government, the Equal Employment Opportunity Commission, on or about February 26, 2008,
 and received a Right to Sue on said claim of Discrimination and or Retaliation on or about
 March 20, 2009. That by means of cross filing with the EEOC for and on behalf of the
 Department of Fair Employment and Housing, on or about February 26, 2008, she filed her

1 complaint of discrimination and/or retaliation with the Fair Employment and Housing
2 Department of the State of California. That pursuant to the cross filing agreement between the
3 EEOC and the DFEH, a right to sue on behalf of the claims under the Fair Employment and
4 Housing Act were filed, Plaintiff Ortega have filed suit within one year of the issuance of the
5 right to sue letters under the Fair Employment and Housing Act and tolling of said right to sue
6 letter, and within 90 days of the issuance of same under Title VII by the EEOC.

7 88. That by means of cross filing with the EEOC for and on behalf of the Department of Fair
8 Employment and Housing, on or about March 28, 2007, all plaintiffs (except for Roland Zanie who filed
9 his charge on or about April 2, 2007, and PAMELA WALKER, GWENDOLYN HARVEY-NOTO,
10 FELISHA THOMAS, JENNIFER KEETON, OLGA KINCADE, EMIKO THEODORIDIS, MATTIE
11 SPIRES-MORGAN, and *****, who filed as stated above) filed their complaint of discrimination
12 and retaliation with the Fair Employment and Housing Department of the State of California. That on or
13 about March 28, 2007, and pursuant to the cross filing agreement between the EEOC and the DFEH, a
14 right to sue on behalf of the claims under the Fair Employment and Housing Act were filed, except for
15 Roland Zanie who's Right to Sue under the DFEH was filed on or about April 2, 2007.

16 89. Plaintiffs have filed suit within one year of the issuance of the right to sue letters under the Fair
17 Employment and Housing Act and within 90 days of the issuance of same under Title VII by the EEOC.

18 90. On or about February 22, 2007, Plaintiff ANJIE VERSHER, filed a complaint with the City and
19 County of San Francisco's Controller's offer with respect to her retaliation complaints under Labor
20 Code Section 1102.5 and violation of Peace Officer's Procedural Bill of Rights, Government Code
21 Section 3300, et seq. Said complaints were denied in writing by the City and County of San Francisco
22 on or about March 6, 2007. Said complaint was thereafter rejected and denied in writing by the City and
23 County of San Francisco.

24 91. On or about April 7, 2007 Plaintiffs LISA JANSSEN, and MATTIE SPIRES-MORGAN filed
25 complaints with the City and County of San Francisco's Controller's offer with respect to their
26 retaliation complaints under Labor Code Section 1102.5 and violation of Peace Officer's Procedural Bill
27 of Rights, Government Code Section 3300, et seq. Said complaints were denied in writing by the City
28 and County of San Francisco on or about April 23, 2007.

92. On or about April 20, 2007, Plaintiffs LISA JANSSEN and MATTIE SPIRES-MORGAN filed
complaints with the California Labor and Workforce Development Agency pursuant to Labor Code
Sections 1102.5 and 2699 et seq, with more than 33 days having passed since the issuance of the charge

1 and by operation of law, the administrative process has been concluded.

2 93. On or about June 1, 2007 and again on June 11, 2007, Plaintiff Anjie Versher, by and through
3 her representative filed a complaint and a claim with the City and County of San Francisco, through the
4 Sheriff's Department, for violation of the Peace Officer's Procedural Bill of Rights. The claim of
5 Plaintiff Anjie Versher as to a violation of the Peace Officer's Procedural Bill of Rights was denied by
6 the Sheriff's Department on or about June 8, 2007.

7 **FIRST CAUSE OF ACTION**

8 (Gender Discrimination, Title VII, Civil Rights Act of 1964 (42 USC 2000(e) et seq)
9 (Plaintiffs v. Defendant City and County of San Francisco)

10 94. Plaintiffs incorporate each of the foregoing allegations of this complaint as is set forth here.

11 95. Defendant City and County of San Francisco, were, at all times relevant, an employer within the
12 meaning of the Civil Rights Act of 1964 (42 USC 2000(e) et seq.) Specifically, that at all times relevant
13 the said defendant carries on activities which affects commerce within and employs more than 15
14 people. (42 USC 2000e (b) and (h))

15 96. At all relevant times, Plaintiffs were employed by the Defendant CITY AND COUNTY OF
16 SAN FRANCISCO.

17 97. Plaintiffs ***, ZAINABU ANDERSON, SHARON CASTILLO, JOANNA CROTTY, *****,
18 *****, MARLA DENZER, PATTI FLYNN, TERESA FOX, TORI JACKSON, LISA
19 JANSSEN, SANDRA MACLIN-GIBSON, GLORIA MARTIN, WENDY RODGERS-WELLS,
20 *****, TONYETTE SMITH-AL GHANI, MATTIE SPIRES-MORGAN, ANJIE VERSHER,
21 BONNIE WESTLIN, YVETTE WILLIAMS, PAMELA WALKER, GWENDOLYN HARVEY-NOTO,
22 FELISHA THOMAS, JENNIFER KEETON, OLGA KINCADE, EMIKO THEODORIDIS, and
23 MARTHA ORTEGA were treated less favorably in the terms and conditions of employment and
24 sustained numerous adverse actions as a result of their gender, to wit female, in that they were:

- 25 (a) Exposed to increased risk of physical harm over their male deputies due to conditions of
26 the female pods, as cited above, that these female deputies are forced to work in;
27 (b) Exposed to increased risk of physical harm over their male counterparts due to the lack
28 of adequate staffing, as cited above;
(c) Exposed to increased risk of physical harm over their male counterparts due to
depravation of equipment and facilities to handle the inmates which pose a greater risk
of physical injury due to mental and emotional stability issues;

- 1 (d) Exposed to increased risk of physical harm over their male counterparts by mixing a
- 2 mental and emotionally unstable group with others;
- 3 (e) Compelled to work harder with inmates who are more difficult than male inmates.
- 4 (f) Female inmates require more attention and are more violent towards each plaintiff;
- 5 (g) These female plaintiffs routinely work through breaks and lunch periods in order to
- 6 protect themselves and their partner from the risk of physical harm exacerbated by
- 7 supervising the pod alone, and are deprived pay and compensation for such work;
- 8 (h) Limited in their job duties and posts compared to their male counterparts limiting their
- 9 ability to compete for advancement;
- 10 (i) Subject to falsification of their achievements and trainings by Department managers who
- 11 refused to permit them to train at other posts in order to preserve their position in CJ#8;
- 12 (j) Harmed and reduced in their ability to promote and secure advancement;
- 13 (k) Subjected to increased levels of job stress as compared to their male counterparts.

14 98. At all relevant times during their employment, these female Plaintiffs were treated less favorably
15 than others who are male seeking and holding employment with Defendant City and County of San
16 Francisco, due to plaintiffs' gender, and within 300 days of such adverse discriminatory actions they
17 filed discrimination claims with the Equal Employment Opportunity Commission for use by the EEOC
18 and for cross filing with the DFEH.

19 99. As a result of the discriminatory practice of assigning only female deputies to female pods of
20 CJ#8, Plaintiffs suffered general damages and emotional distress due to the acts of discrimination.

21 100. Plaintiffs JOHN ARITA, DENNIS CARTER, JON GRAY, MICHAEL JONES, RICHARD
22 LEE, SUKHWANT MANN, ARTURO MEDRANO, *****, KEVIN O'SHEA, ANTHONY
23 PEPPERS, VINCENT QUOCK, *****, *****, ROLAND ZANIE, *****, ***** have been
24 treated less favorably because of gender, male, in the terms and conditions of employment and sustained
25 numerous adverse actions in that they were:

- 26 (a) Denied overtime work and pay;
- 27 (b) Reduced in their ability to promote and secure advancement due to elimination of
- 28 opportunity to function at various posts;

101. At all relevant times, these male Plaintiffs were treated less favorably than others who are female
seeking and holding employment with Defendant City and County of San Francisco, due to plaintiffs'
gender, and within 300 days of such adverse discriminatory actions they filed discrimination claims with

1 the Equal Employment Opportunity Commission for use by the EEOC and for cross filing with the
2 DFEH.

3 102. As a result of the discriminatory practice of assigning only female deputies to female pods of
4 CJ#8, Plaintiffs suffered general damages and loss of income due to the acts of discrimination.

5 WHEREFORE, plaintiffs pray judgment against defendant as set forth below:

6 **SECOND CAUSE OF ACTION**

7 (Gender Discrimination, FEHA (California Government Code § 12940 (a))
8 (Plaintiffs v. Defendant City and County of San Francisco)

9 103. Plaintiffs incorporate each of the foregoing allegations of this complaint as is set forth here.

10 104. Defendant CITY AND COUNTY OF SAN FRANCISCO, is and was, at all times relevant, an
11 employer as defined by California Government Code Section 12926. That at all times relevant the said
12 defendant carries on activities which affects commerce within and employs more than five (5) people.

13 105. At all relevant times, Plaintiffs were employed by the CITY AND COUNTY OF SAN
14 FRANCISCO.

15 106. Plaintiffs ***** , ZAINABU ANDERSON, SHARON CASTILLO, JOANNA CROTTY,
16 ***** , ***** , MARLA DENZER, PATTI FLYNN, TERESA FOX, TORI
17 JACKSON, LISA JANSSEN, SANDRA MACLIN-GIBSON, GLORIA MARTIN, WENDY
18 RODGERS-WELLS, ***** , TONYETTE SMITH-AL GHANI, MATTIE SPIRES-MORGAN,
19 ANJIE VERSHER, BONNIE WESTLIN, YVETTE WILLIAMS, PAMELA WALKER,
20 GWENDOLYN HARVEY-NOTO, FELISHA THOMAS, JENNIFER KEETON, OLGA KINCADE,
21 EMIKO THEODORIDIS, and MARTHA ORTEGA were treated less favorably in the terms and
22 conditions of employment and sustained numerous adverse actions as a result of their gender, to wit
23 female, in that they were:

- 24 (a) Exposed to increased risk of physical harm over their male deputies due to conditions of
25 the female pods, as cited above, that these female deputies are forced to work in;
- 26 (b) Exposed to increased risk of physical harm over their male counterparts due to the lack
27 of adequate staffing, as cited above;
- 28 (c) Exposed to increased risk of physical harm over their male counterparts due to
deprivation of equipment and facilities to handle the inmates which pose a greater risk
of physical injury due to mental and emotional stability issues;
- (d) Exposed to increased risk of physical harm over their male counterparts by mixing a

1 mental and emotionally unstable group with others;

- 2 (e) Compelled to work harder with inmates who are more difficult than male inmates.
3 (f) Female inmates require more attention and are more violent towards each plaintiff;
4 (g) These female plaintiffs routinely work through breaks and lunch periods in order to
5 protect themselves and their partner from the risk of physical harm exacerbated by
6 supervising the pod alone, and are deprived pay and compensation for such work;
7 (h) Limited in their job duties and posts compared to their male counterparts limiting their
8 ability to compete for advancement;
9 (i) Subject to falsification of their achievements and trainings by Department managers who
10 refused to permit them to train at other posts in order to preserve their position in CJ#8;
11 (j) Harmed and reduced in their ability to promote and secure advancement;
12 (k) Subjected to increased levels of job stress as compared to their male counterparts.

13 107. At all relevant times during their employment, these female Plaintiffs were treated less favorably
14 than others who are male seeking and holding employment with Defendant City and County of San
15 Francisco, due to plaintiffs' gender, and within one year of such adverse discriminatory actions they
16 filed discrimination claims with the Department of Fair Employment and Housing, who issued a right to
17 sue letter on for each plaintiff, as stated above.

18 108. As a result of the discriminatory practice of assigning only female deputies to female pods of
19 CJ#8, Plaintiffs suffered general damages and emotional distress due to the acts of discrimination.

20 109. Plaintiffs JOHN ARITA, DENNIS CARTER, JON GRAY, MICHAEL JONES, RICHARD
21 LEE, SUKHWANT MANN, ARTURO MEDRANO, *****, KEVIN O'SHEA, ANTHONY
22 PEPPERS, VINCENT QUOCK, *****, *****, ROLAND ZANIE, *****, and ***** have been
23 treated less favorably because of gender, male, in the terms and conditions of employment and sustained
24 numerous adverse actions in that they were:

- 25 (a) Denied overtime work and pay;
26 (b) Reduced in their ability to promote and secure advancement due to elimination of
27 opportunity to function at various posts.
28

110. At all relevant times during their employment, these male Plaintiffs were treated less favorably
than others who are female seeking and holding employment with Defendant City and County of San
Francisco, due to plaintiffs' gender, and within 300 days of such adverse discriminatory actions they
filed discrimination claims with the Equal Employment Opportunity Commission for use by the EEOC

1 and for cross filing with the DFEH, as aforesaid above.

2 111. As a result of the discriminatory practice of assigning only female deputies to female pods of
3 CJ#8, Plaintiffs suffered general damages and loss of income due to the acts of discrimination.

4 WHEREFORE, plaintiffs pray judgment against defendant as set forth below:

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6 ///

7 **THIRD CAUSE OF ACTION**

8 (Gender Employment Restrictions Title VII (42 USC 2000(e))
9 (Plaintiffs v. Defendant City and County of San Francisco)

10 112. Plaintiffs incorporate each of the foregoing allegations of this complaint as is set forth here.

11 113. That in order to preclude and prevent discrimination and to thwart the badges of discrimination,
12 any and all attempts to exclude any gender from participating in seeking employment is precluded by
13 Title VII (42 USC 2000(e)).

14 114. That as a result of having created the female pods in CJ #8, and having a policy and practice to
15 exclude males from employment in said pods, since October 2006, Defendant CITY AND COUNTY
16 OF SAN FRANCISCO did advertise and limit the opportunity for employment in the female pods to
17 female deputies by means of written notice and postings, all in violation of Title VII (42 USC 2000(e))

18 115. That as a result of violations of Title VII (42 USC 2000(e)) plaintiffs have been injured.

19 WHEREFORE, plaintiffs pray judgment against defendant as set forth below:

20 **FOURTH CAUSE OF ACTION**

21 (Advertisement for Gender Discrimination, FEHA (California Government Code § 12940 (d))
22 (Plaintiffs v. Defendant City and County of San Francisco)

23 116. Plaintiffs incorporate each of the foregoing allegations of this complaint as if set forth here.

24 117. That in order to preclude and prevent discrimination and to thwart the badges of discrimination,
25 any and all attempts to exclude any gender from participating in seeking employment is precluded by
26 California Government Code Section 12940 (d).

27 118. That as a result of having created the female pods in CJ #8, and having a policy and practice to
28 exclude males from employment in said pods, since October 2006, Defendant CITY AND COUNTY
OF SAN FRANCISCO did advertise and limit the opportunity for employment in the female pods to
female deputies by means of written notice and postings, all in violation of California Government Code
Section 12940 (d).

119. That as a result of said violations of California Government Code Section 12940 (d), plaintiffs

1 have been injured as aforesaid.

2 WHEREFORE, plaintiffs pray judgment against defendant as set forth below:

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4 ///

5 **FIFTH CAUSE OF ACTION**

(Retaliation For Protected Activity (28 USC 2000e (e))

6 (Plaintiffs Janssen, Morgan-Spires, Anderson, Gray, and Versher v. Defendant City and County of SF)

7 120. Plaintiffs incorporate each of the foregoing allegations of this complaint as is set forth here.

8 121. That motivated as retribution for plaintiffs having engaged in a protected activity, complaining to
9 their superiors, the Department of Fair Employment and Housing, and the Superior Court of California
10 of the unlawful form of gender based discrimination and/or the resulting harm, injury, and increased risk
11 of harm and injury, plaintiffs suffered losses and adverse actions as a result of said complaints;

12 122. As a result of retaliation by Defendant City and County of San Francisco, for such protected
13 activity,

14 (a) Plaintiff LISA JANSSEN was charged with violations of the code of conduct of the San
15 Francisco Sheriff’s Department and sustained a written adverse action which will affect her
16 ability to promote and seek advancement in the future and threatened her with loss of
17 employment should she complain in that manner again;

18 (b) Plaintiff MATTIE SPIRES-MORGAN was charged with various violations of the code of
19 conduct of the San Francisco Sheriff’s Department and sustained an adverse action which
20 will affect her ability to promote and seek advancement in the future, and has sustained
21 repeated instances of hostile work environment, including seeking inmates bringing charges
22 against SPIRES-MORGAN as a means of imposing punishment, when such attempts to
23 secure such inmate charges were without any factual basis;

24 (c) Plaintiff ZAINABU ANDERSON, who sought time off from work under the Family and
25 Medical Leave Act for health conditions of her son, with various violations of the code of
26 conduct of the San Francisco Sheriff’s Department and sustained an adverse action which
27 will affect her ability to promote and seek advancement in the future.

28 (d) Plaintiff JON GRAY was charged with various violations of the code of conduct of the San
Francisco Sheriff’s Department and sustained an adverse action which will affect his ability
to promote and seek advancement in the future. *****

1 (e) Plaintiff ANJIE VERSHER sustained a retaliatory written performance appraisal, a written
2 disciplinary action against her, was accused of failing to advise of the presence of a family
3 member in custody, which will affect her ability to promote, affect her ability to seek a
4 transfer to another assignment, and seek advancement in the future and threatened her with
5 loss of employment should she complain in that manner again.

6 123. Said actions are in violation of 28 USC 2000e, retaliation for having participated in a protected
7 activity, complaining of gender based discrimination in the workplace.

8 124. As a result of such retaliatory discrimination and conduct, plaintiffs have suffered general and
9 special damages in an amount exceeding the jurisdictional minimum of this court.

10 WHEREFORE, plaintiffs pray judgment against defendant as set forth below:

11 **SIXTH CAUSE OF ACTION**

12 (Retaliation For Protected Activity (California Government Code § 12940(k)))
13 (Plaintiffs Janssen, Morgan-Spires, Anderson, Gray, Versher v. Defendant City and County of SF)

14 125. Plaintiffs incorporate each of the foregoing allegations of this complaint as is set forth here.

15 126. That motivated for retribution and revenge that plaintiffs having engaged in a protected activity,
16 complained to their superiors, complained in muster, complained the Department of Fair Employment
17 and Housing, and the Superior Court of California of the unlawful form of gender based discrimination
18 and/or the resulting harm, injury, and increased risk of harm and injury, plaintiffs suffered losses and
19 adverse actions as a result of said complaints;

20 127. As a result of retaliation by Defendant City and County of San Francisco, for such protected
21 activity,

22 (a) Plaintiff LISA JANSSEN was charged with violations of the code of conduct of the San
23 Francisco Sheriff's Department and sustained a written adverse action which will affect her
24 ability to promote and seek advancement in the future and threatened her with loss of
25 employment should she complain in that manner again;

26 (b) Plaintiff MATTIE SPIRES-MORGAN was charged with various violations of the code of
27 conduct of the San Francisco Sheriff's Department and sustained an adverse action which will
28 affect her ability to promote and seek advancement in the future, and has sustained repeated
instances of hostile work environment, including seeking inmates bringing charges against
SPIRES-MORGAN as a means of imposing punishment, when such attempts to secure such

1 inmate charges were without any factual basis;

2 (c) Plaintiff ZAINABU ANDERSON, who sought time off from work under the Family and
3 Medical Leave Act for health conditions of her son, with various violations of the code of
4 conduct of the San Francisco Sheriff's Department and sustained an adverse action which will
5 affect her ability to promote and seek advancement in the future;

6 (d) Plaintiff JON GRAY was charged with various violations of the code of conduct of the San
7 Francisco Sheriff's Department and sustained an adverse action which will affect his ability to
8 promote and seek advancement in the future.

9 (e) Plaintiff ANJIE VERSHER sustained a retaliatory written performance appraisal, a written
10 disciplinary action against her, was accused of failing to advise of the presence of a family
11 member in custody, which will affect her ability to promote, affect her ability to seek a transfer
12 to another assignment, and seek advancement in the future and threatened her with loss of
13 employment should she complain in that manner again.

14 128. Said actions are in violation of California Government Code Section 12940 (k), retaliation for
15 having participated in a protected activity, complaining of gender based discrimination. As a result of
16 such retaliation, plaintiffs have suffered general and special damages in an amount exceeding the
17 jurisdictional minimum of this court.

18 WHEREFORE, plaintiffs pray judgment against defendant as set forth below:

19 **SEVENTH CAUSE OF ACTION**

20 (Failure to Prevent Discrimination/Retaliation (Government Code § 12940(k))
21 (Plaintiffs v. Defendant City and County of San Francisco)

22 129. Plaintiffs incorporate each of the foregoing allegations of this complaint as is set forth here.

23 130. Defendant City and County of San Francisco had an affirmative duty to take all reasonable steps
24 necessary to prevent discrimination on the basis of and due to Plaintiffs' gender as mandated by
25 California Government Code Section 12940 (k).

26 131. Defendant City and County of San Francisco breached its affirmative duty to take all reasonable
27 steps necessary to prevent discrimination and provide accommodations and breached such affirmative
28 duty to Plaintiffs.

132. As a result of the failure to take all reasonable steps, including the failure to train, monitor,
protect, enforce, and oversee the mandates for anti-discrimination rules Plaintiffs have been injured in
the manner set forth herein.

1 133. As a result of such intentional discrimination, Plaintiffs have suffered general and special
2 damages in an amount exceeding the jurisdictional minimum of this court.

3 134. As a further proximate result of Defendant CITY AND COUNTY OF SAN FRANCISCO's
4 intentional discriminatory actions against plaintiffs, plaintiffs have suffered a loss of income and future
5 income loss, in an amount not yet determined and Plaintiffs pray leave that when these amounts are
6 known, that they may amend this complaint to allege such amounts.

7 135. As a further proximate result of Defendant CITY AND COUNTY OF SAN FRANCISCO's
8 intentional discriminatory actions against plaintiffs, plaintiffs have suffered a loss of income and future
9 medical expenses in an amount not yet determined and Plaintiffs pray leave that when these amounts are
10 known, that they may amend this complaint to allege such amounts.

11 WHEREFORE, plaintiffs pray judgment against defendant as set forth below:

12 **EIGHTH CAUSE OF ACTION**

13 (Whistleblower – California Labor Code § 1102.5(b))

14 (Plaintiffs Janssen, Morgan-Spires v. Defendant City and County of San Francisco)

15 136. Plaintiffs incorporate each of the foregoing allegations of this complaint as is set forth at length.

16 137. Plaintiffs JANSSEN, SPIRES-MORGAN, and VERSHER did report to a government agency,
17 the San Francisco Sheriff's Department their complaint that the practice of staffing the female jail pods
18 was a violation of law under California Government Code Section 12940 (a) and California Penal Code
19 Section 4021 (b).

20 138. Plaintiff complained to and brought this potential illegal conduct to the attention of the
21 Defendant CITY AND COUNTY OF SAN FRANCISCO pursuant to the training given to plaintiffs for
22 reporting such activity. Plaintiffs complained to their immediate superiors as well as those in the
23 Department of Human Resources.

24 139. Defendant CITY AND COUNTY OF SAN FRANCISCO, by and through their agents engaged
25 in acts of reprisal, retaliation, threats, coercion, or similar acts, against Plaintiffs to cause harm and
26 damage to plaintiffs and did in fact cause harm and damage for plaintiffs having made the complaints
27 and disclosures as stated herein, all in violation of California Labor Code Section 1102.5 (b).

28 140. Plaintiffs were at all relevant times, employees of the Defendant CITY AND COUNTY OF SAN
FRANCISCO. Their actions regarding the disclosure of improper governmental activities by
Defendant and others to a law enforcement and government agencies were permitted and protected
activities by California Labor Code §1102.5.

1 141. As a result of the conduct of Defendant CITY AND COUNTY OF SAN FRANCISCO it has
2 become liable in this statutory action for damages and civil penalty brought against it by Plaintiffs
3 pursuant to Labor Code §1102.5.

4 142. That as a direct and proximate result of the conduct of Defendant CITY AND COUNTY OF
5 SAN FRANCISCO, as aforesaid, Plaintiffs sustained severe personal injuries and general damages.

6 143. That as a direct and proximate result of the conduct of Defendant CITY AND COUNTY OF
7 SAN FRANCISCO as aforesaid, Plaintiffs have necessarily incurred liability for medical aid and
8 attention, and incurred a loss of wages and income now and in the future, all to plaintiff's special
9 damage in an amount not presently known, and plaintiffs pray leave that when such amount is
10 ascertained, plaintiffs may be permitted to amend to insert the same herein with appropriate allegations.

11 WHEREFORE, plaintiffs pray judgment against defendant as set forth below:

12 **NINTH CAUSE OF ACTION**

13 (POPBR– California Government Code § 3309.5)

14 (Plaintiff Versher v. Defendant City and County of San Francisco)

15 144. Plaintiffs incorporate each of the foregoing allegations of this complaint as is set forth at length.

16 145. That each of the plaintiffs holds the status of Peace Officer as that term is defined by Penal Code
17 Section 830, et seq. As such, pursuant to California Government Code Section 3300, each has a right to
18 enjoy procedural safeguards found in the Peace Officer's Procedural Bill of Rights.

19 146. That defendant did knowingly, intentionally and maliciously violate those rights for Plaintiff
20 Versher subjecting them to claims for liability pursuant to Government Code Section 3309.5 to wit:

21 147. As to Plaintiff Versher, she complained to defendant and was thereafter ordered to attend and be
22 interrogated by her supervisors. That the orders to attend and attend without union representation in the
23 investigative phase of questioning of Plaintiff Deputy Versher regarding alleged violations of the rules
24 of the Sheriff's Department was a violation of the Peace Officer's Bill of Rights and done maliciously
25 and intentionally to harm plaintiff when said questioning and interrogation was the only topic raised, to
26 wit: when asked if this is something that could lead to disciplinary action, Tilton indicated, with the tacit
27 agreement of Wallace and Pecot, that there was no need for her union and there was nothing that she had
28 done that was wrong, with Wallace and Pecot present, in agreement, and stating nothing to the contrary.

148. That each of the plaintiffs suffered actual damages at the hands of the wrongdoing of the said
defendant and therefore entitled to compensation for such injury pursuant to California Government
Code Section 3309.5.

1 149. That the conduct of each of the defendants as set forth here was and is malicious in the denial of
2 the rights of the plaintiffs and done with the intent to harm the plaintiffs, such that each of the plaintiffs
3 are entitled to a civil penalty for the wrongdoing of the said defendants as set forth in California Police
4 Officer's Procedural Bill of Rights of \$25,000, Government Code Section 3309.5.

5 WHEREFORE, plaintiffs pray judgment against defendant as set forth below:

- 6 a. For a money judgment awarding Plaintiffs a sum according to proof as general
7 damages for physical and mental pain and emotional distress, anguish and suffering
8 against each of the defendants;
- 9 b. For a money judgment representing compensatory damages including lost wages, and
10 all other sums of money, including future benefits and future wage loss, retirement
11 benefits and other employment benefits, together with interest on said amounts,
12 according to proof;
- 13 c. For a money judgment representing compensatory damages including medical
14 expenses and other special expenses for treatment and care, and all other sums of
15 money necessary to care for the Plaintiffs as a result of the conduct of Defendant.
- 16 d. For a civil penalty in the amount of \$10,000 for violation of Labor Code Section
17 1102.5 (b) pursuant to the grant of such civil penalty as set forth in Labor Code
18 Section 1102.5 (f).
- 19 e. For a civil penalty in the amount of \$25,000 for violation of Government Code
20 Section 3309.5 pursuant to the grant of such civil penalty as set forth in Government
21 Code Section 3309.5(e), as well as actual damages suffered by Plaintiffs Janssen,
22 Spires-Morgan, and Versher.
- 23 f. For an injunction commanding that Defendant City and County of San Francisco
24 Sheriff's Department, and any subsequent affiliated corporation or business entities,
25 post, train, and enforce the rights of all employees under the Fair Employment and
26 Housing Act, to be free of discrimination, harassment and retaliation, and to return
27 those who have suffered retaliation to the position they held prior to the retaliation,
28 including striking any and all forms of discipline against each and returning those to
employment who have been terminated.

1 g. For costs of suit, including attorneys' fees; and

2 h. For any other relief that is just and proper

3 DATED: September 30, 2009

Respectfully submitted,

4 MURRAY & ASSOCIATES

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6 s/

LAWRENCE D. MURRAY

7 Attorney for Plaintiffs

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9 **JURY TRIAL DEMANDED**

10 Plaintiffs hereby demand a jury trial on all claims contained in her complaint before this court.

11
12 DATED: September 30, 2009

Respectfully submitted,

13 MURRAY & ASSOCIATES

14
15 s/

LAWRENCE D. MURRAY

16 Attorney for Plaintiffs
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