

ORIGINAL

Dept. # SS Assigned Mackey

Dana M. Cole, A Prof. Corp. (Bar No: 89105)

COLE & LOETERMAN

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Attorneys for Plaintiff,

LOUIS CERDA

FILED

Superior Court of California
County of Los Angeles

SEP 13 2018

Sherri R. Carter, Executive Officer/Clerk of Court

By Judi Lara, Deputy
Judi Lara

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

CENTRAL DISTRICT - MOSK COURTHOUSE

LOUIS CERDA,

Plaintiff,

vs.

CITY OF LOS ANGELES; LOS
ANGELES CITY FIRE DEPARTMENT;
and DOES 1 through 25, inclusive,

Defendants.

CASE NO.:

BC 7 21 977

COMPLAINT FOR DAMAGES:

1. Racial Discrimination Per BC721977
Gov't Code sec. 12940(j);

2. Hostile Workplace and
Retaliation RECEIPT #: CCH520872107

3. Defamation DATE PAID: 09/13/18 03:24 PM
PAYMENT: \$435.00 310
RECEIVED:

DEMAND FOR JURYCHECK: \$435.00
TRIAL CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

Plaintiff LOUIS CERDA alleges:

GENERAL ALLEGATIONS
(All Causes of Action; Against All Defendants)

1. Plaintiff LOUIS CERDA ("Plaintiff") is, and at all times herein mentioned was an individual employed for the past 25 years as a firefighter (hereafter "FF"), currently designated FFIII/paramedic for the City of Los Angeles, Los Angeles Fire Department. Plaintiff is currently age 53 and of Mexican heritage and descent.

2. Defendant CITY OF LOS ANGELES, at all times, is an incorporated municipality existing under the laws of the State of California.

1. 3. The LOS ANGELES CITY FIRE DEPARTMENT (hereafter "LAFD)," at all-times, is a
2 CITY OF LOS ANGELES department controlled and operated by defendant CITY OF LOS ANGELES

3 4. The true names and capacities, whether individual, corporate, associate or otherwise, of
4 defendants Does 1 through 25, inclusive, are unknown to Plaintiff at this time, who therefore sues said
5 defendants by such fictitious names. When the true names and capacities of said defendants are
6 ascertained, Plaintiff will seek leave of court to amend this Complaint to allege their true names and
7 capacities. Plaintiff is informed and believes and thereon alleges that each defendant designated herein
8 as a Doe is responsible in some manner for each other defendant's acts, omissions, and for the resulting
9 injuries and damages to Plaintiff, as alleged herein.
10

11 5. Plaintiff is informed and believes and based thereon alleges that each defendant is, and at all
12 times herein mentioned was, the agent, servant, employee, principal, partner, alter ego, representative,
13 and/or co-conspirator of the other defendants, and was acting within the course and scope of their
14 authority as such department, agency, service and/or employment, and with the knowledge, permission,
15 consent and ratification of each other defendant, and thereby incurred liability to Plaintiff.
16

17 6. Plaintiff is informed and believes and based thereon alleges that at all times herein
18 mentioned, each defendant conspired with, and aided and abetted each and every other defendant in
19 committing the acts and omissions alleged herein.
20

21 7. Plaintiff was hired by LAFD in 1993, Badge #50175. Throughout the years, he has received
22 promotions to his current FFIII status as well as certification as a paramedic and for many years,
23 assigned to a paramedic rig. He is currently a FFIII/paramedic assigned to Station 62, Mar Vista.

24 8. On September 29, 2017, plaintiff and his partner, Scott Cabunoc (#103314), assigned on-duty
25 firefighter/paramedics, received a call for service, Incident #1267, to assist Engine #51 at the LAX
26 International Bradley Terminal, gate 151, to transport a female "overdose" patient, identity unknown
27 (hereafter "patient"), to Santa Monica Hospital. At said time, the patient claimed to be the victim of a
28

sexual assault on an onboard inbound American Airlines flight from Mexico to LAX. During said call for service, plaintiff was solely responsible for data input in connection with the patient. Plaintiff's partner was responsible for the patient care during transport. Additionally, given the nature of the call, at all times in which plaintiff and Cabunoc were with the patient, LAPD-LAX (LAWA) Officer Chrystal Mitchell also was assigned to and remained with the patient and escorted the patient in the paramedic rig to the hospital, where she continued to remain in the patient's presence. The transport was uneventful and after arriving at the hospital, plaintiff and Cabunoc transferred patient care to hospital staff. Plaintiff and Cabunoc then departed the hospital without incident.

9. A few days later, on October 3, 2017, plaintiff received notice from LAFD Asst. Chief Armando Hogan that he was relieved of duty forthwith "for serious allegations of assault at an incident at LAX," and that plaintiff would be administratively detailed *with pay* to an off-field assignment, known as "Supply and Maintenance Div.," which is commonly known throughout LAFD as a disciplinary detail. As a result, LAFD removed plaintiff from his station house and his FFIII/paramedic duties were indefinitely suspended (hereafter "adverse employment action"). Essentially, plaintiff was placed in administrative detention, which consisted of reporting to an empty office downtown without any firefighter duties or responsibilities. At said time, LAFD did not provide plaintiff with any formal notice or any explanation for this adverse employment action in contravention of Art. 2.4, Sec. I of the MOU, which states:

The Department shall immediately notify an employee who is the subject of an investigation or a witness in an investigation in confidential written form and shall inform the employee of the nature of the investigation, unless the Fire Chief has determined that the charge is of such a nature and seriousness that it warrants placing the employee under investigation without such notification being made. It is intended that instances of investigation without notification will not become common practice.

1 10. At all relevant times, plaintiff was never questioned, detained, arrested or charged with any
2 criminal allegation, and therefore, LAFD failed and refused to follow the MOU notification practices
3 and guidelines set forth above.

4 11. Additionally, at the time of said adverse employment action, Chief Dep. (Emergency
5 Operations) Alfred Poirier sent notice to all fire stations throughout the City of Los Angeles, known as a
6 daily staffing roster, indicating that plaintiff was no longer in field service, assigned to an administrative
7 detail and said notice was coded "V-Code 09CP, which plaintiff is informed and believes generally
8 means that the referenced firefighter is the subject of a criminal investigation and/or arrest and pending
9 criminal charges. It is not known, when, if ever, the code designation was removed or corrected,
10 however, at least thru the end of October, 2017, said "disciplinary" designation continued to be sent to
11 all station houses.
12

13 12. Shortly after plaintiff's removal from active field service, he informally learned that the
14 patient from the September 29, 2017 LAX service call, allegedly reported that she had been sexually
15 assaulted and digitally penetrated by a FF. Apparently, the patient described the FF as "bald." Plaintiff
16 does have a shaved head.
17

18 13. On or about December 6, 2017, Deputy Chief Jason Hing advised Station 62 Capt. Donald
19 Semenza, that the patient described the alleged firefighter perpetrator as a "bald headed Mexican,"
20 although there is nothing now or then to substantiate this racial characterization.
21

22 14. Upon informally learning of this completely false allegation of sexual assault as the reason or
23 pretext or the adverse employment action, plaintiff retained attorney Dana M. Cole, who on October 10,
24 2017, contacted by email LAFD Asst. Chief Stephen Gutierrez, Professional Standards Div., who
25 supervises personnel matters for LAFD, to request formal notice of the nature and extent of any
26 allegations against plaintiff and the reasons, if any, for the adverse employment action. Additionally,
27 said October 10th email advised that both FFIII Cabunoc and LAWA Off. Mitchell could be easily and
28

1 swiftly contacted to provide the necessary information to clear plaintiff of any misconduct allegation in
2 connection with the suspected patient matter. Similar requests were made to Asst. Chief Gutierrez
3 and/or Jenny Park, who is the attorney advisor to LAFD, on October 12, 2017, October 17, 2017,
4 November 8, 2017, November 9, 2017, November 20, 2017, December 11, 2017, January 23, 2018 and
5 January 26, 2018. True and correct copies of said emails are attached hereto as Exhibit 1 and
6 incorporated herein by reference. Despite said urgent requests to contact FFIII Cabunoc and Off.
7 Mitchell, neither was ever contacted in a timely manner. In fact, FFIII Cabunoc was only first contacted
8 many months later in connection with LAFD's ongoing investigation into how the adverse employment
9 action occurred.
10

11 15. As Exhibit 1 reflects, both Asst. Chief Gutierrez and Ms. Park replied to most of said emails,
12 but no such reply was substantive ('non-reply' replies) and no such reply provided formal notice of any
13 accusation or any explanation regarding the nature, extent and/or reasons for the adverse administrative
14 action – all in violation of basic due process rights and LAFD's rules, regulations and Memorandum of
15 Understanding between LAFD and its FF membership.
16

17 16. On or about October 30, 2107, plaintiff was returned to "restricted duty" at Station 62, in that
18 he was not permitted to have any patient contact and/or ride a paramedic rig, but was permitted to ride an
19 engine. Thereafter, on or about November 15, 2018, LAFD lifted plaintiff's restricted duty status and he
20 returned to full-time, active FFIII/paramedic duty without any further restriction. During said period of
21 restriction, plaintiff was ineligible from receiving overtime assignments and earning overtime pay, which
22 he had routinely earned prior to the adverse administrative action.
23

24 17. Thereafter, on January 29, 2018, plaintiff's counsel sent a letter to LAFD Chief Ralph M.
25 Terrazas again detailing the request for an explanation of the adverse administrative action. A true and
26 correct copy of that letter is attached hereto as Exhibit 2 and incorporated herein by reference.
27
28

1 18. Finally, on or about March 22, 2018, almost six months after initiation of the adverse
2 employment action, plaintiff's counsel received a letter from Vivienne A. Swanigan, managing Asst.
3 City Attorney, Labor Relations, Div., attempting to provide "limited information" regarding the adverse
4 employment action. A true and correct copy of that letter is attached hereto as Exhibit 3 and
5 incorporated herein by reference. This letter constituted the one and only substantive LAFD reply to
6 date, to numerous telephonic and email requests by plaintiff's counsel for an explanation of the adverse
7 employment action. Said letter confirmed that the adverse employment action was in fact related to the
8 LAX service call referenced above.
9

10 19. At all relevant times and during the period of the adverse employment action, LAFD never
11 provided any formal notice of any accusation against plaintiff and/or never provided any opportunity for
12 plaintiff to address the adverse employment action. At present, plaintiff does not know whether his
13 LAFD personnel file reflects an adverse employment action related to the patient complaint.
14

15 20. At all relevant times, plaintiff has never been provided any opportunity to submit a formal
16 written response to LAFD in connection with the adverse employment action, although plaintiff finally
17 was interviewed and audio recorded by LAFD and LAPD investigators on two occasions many months
18 after being returned to unrestricted duty.
19

20 21. On or about April 23, 2018, plaintiff requested and received a Right to Sue letter from the
21 Dept. of Fair Employment and Housing. A true and correct copy of that letter is attached hereto as
22 Exhibit 4 and incorporated herein by reference.
23

24 22. On May 14, 2018, plaintiff filed with the Los Angeles City Clerk a formal claim for damages
25 related to the allegations above. A true and correct copy of that letter is attached hereto as Exhibit 5 and
26 incorporated herein by reference. On or about June 28, 2018, the City denied said claim. A true and
27 correct copy of that letter is attached hereto as Exhibit 6 and incorporated herein by reference.
28

I.
FIRST CAUSE OF ACTION
DISCRIMINATION BASED ON RACE
(Against All Defendants and Does 1 through 25)

23. The allegations of each of paragraphs 1 thru 22 are realleged and incorporated herein by reference.

24. At all times herein mentioned, the Fair Employment and Housing Act, Govt. Code §§ 12900-12996 (hereinafter "FEHA"), was in full force and effect and binding on Defendants. These statutes required Defendants to refrain from discriminating against any employee on the basis of race, including demoting such employees. Within the time provided under FEHA, Plaintiff filed complaints against Defendants with the Department of Fair Employment and Housing alleging wrongful demotion based on racial discrimination, harassment and retaliation in full compliance with these sections, and received right-to-sue letters.

25. FEHA makes it an unlawful employment practice for an employer to discriminate against an employee "in terms, conditions, or privileges of employment" on the basis of the employee's race. Plaintiff falls within the protected category as an individual subjected to adverse employment action on account of race.

26. Defendants' conduct constituted adverse employment action and represented a materially adverse change in the terms of Plaintiff's employment.

27. The claim that he violated Defendants' policies or committed any type of sexual impropriety with any patient was false and pretextual, in that, the spurious allegation could easily and rapidly be disproved by simply contacting FF/PM Cabunoc and LAWA Off. Mitchell to obtain statements, but instead, defendants allowed the adverse employment action unreasonably and/or intentionally to linger in

1 order to discriminate and harass plaintiff despite plaintiff's repeated requests thru counsel to contact the
2 aforementioned witnesses.

3
4 28. As a proximate result of Defendants' conduct, Plaintiff has suffered special damages in the
5 form of lost overtime earnings, benefits in an amount according to proof at the time of trial.

6
7 29. As a further direct and proximate result of these Defendants' conduct, Plaintiff has suffered
8 loss of peace of mind and future security, and has suffered embarrassment, humiliation, mental and
9 emotional pain and distress and discomfort, all to his detriment and damage in amounts not fully
10 ascertained but within the jurisdiction of this court and subject to proof at the time of trial.

11
12 30. By reason of the conduct of Defendants herein, Plaintiff has retained attorneys to prosecute
13 his claims under FEHA. Plaintiff is therefore entitled to recover reasonable attorneys.

14
15 **II.**
16 **SECOND CAUSE OF ACTION**
17 **FAILURE TO PREVENT DISCRIMINATION**
18 **AND/OR WORKPLACE HARASSMENT**
19 **(Against All Defendants and Does 1 through 25)**

20 31. The allegations of each of paragraphs 1 thru 22 and 28 thru 30, are realleged and incorporated
21 herein by reference.

22 32. As alleged above, defendants failed to take all or any reasonable steps necessary to prevent
23 discrimination and harassment from occurring, bringing defendants in violation of Govt' Code sec.
24 12940(k).

25 33. Defendants' conduct, as described in this complaint, constituted unlawful workplace
26 harassment and retaliation by the adverse employment action, despite repeated notification from
27 plaintiff's counsel that the adverse employment action was unfair and could easily be corrected.
28

III.
THIRD CAUSE OF ACTION
DEFAMATION
(Against All Defendants and Does 1 through 25)

34. The allegations of each of paragraphs 1 thru 22 are realleged and incorporated herein by reference.

35. Defendants continued to notify LAFD stations on a daily basis thru November 15, 2017, that plaintiff was subject to "discipline" and defendants further coded said notifications with an indication that plaintiff was subject to criminal charges. Said notifications went to various individuals at each such fire station, including fire captains and other firefighters and fire department personnel.

36. At the time of such notifications, defendants knew that the information was false and imputed criminal conduct to plaintiff, which constituted direct harm and injury plaintiff's reputation.

37. As a direct and proximate result of these Defendants' conduct, Plaintiff has suffered loss of peace of mind and future security, and has suffered embarrassment, humiliation, mental and emotional pain and distress and discomfort, all to his detriment and damage in amounts not fully ascertained but within the jurisdiction of this court and subject to proof at the time of trial.

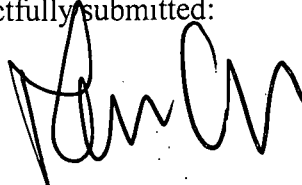
WHEREFORE, plaintiff prays for judgment as follows:

1. Compensatory damages including lost overtime wages and other employee benefits according to proof at time of trial;
2. General damages for mental pain and emotional distress according to proof at time of trial;
3. For costs of suit incurred herein;
4. For attorney fees according to statute;

1 5. For such other and further relief that the Court may deem just and proper.

2 Dated: September 13, 2018

3 Respectfully submitted:

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5 DANA M. COLE
6 Attorney for Plaintiff,
7 LOUIS CERDA
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EXHIBIT 1

09/13/2018

Dana Cole

From: Dana Cole <coledana@pacbell.net>
Sent: Tuesday, October 10, 2017 3:49 PM
To: 'stephen.guiterrez@lacity.org'
Subject: FFIII Louis Cerda

Dear Chief Guiterrez – I represent FFIII Louis Cerda. I am advised that he was placed on administrative leave last week related to an external complaint. To date, Cerda has not received any notice related to the specific complaint and/or the nature of any allegation against him. Presumably, it relates to an airport paramedic run, where an intoxicated female claimed she was raped in Mexico and on the flight back to Los Angeles. During that paramedic run, Cerda only handled the data input. During that run, he was ALWAYS in the presence of his partner, FF Carbunoc, and an Airport LAPD Off. Mitchell. The patient was transported to Santa Monica Hospital, where she was combative and therefore remained in the presence of Off. Mitchell. As the data input FF, Cerda never placed his hands on the patient. Pursuant to the FF Bill of Rights, Cerda is entitled to know the nature and extent of the specific allegation against him, if any. Based on the foregoing, and based on the presence of two witnesses, including a police officer, to corroborate Cerda's complete lack of any misconduct, we would ask that you immediately verify same and immediately restore FFIII Cerda to his normal assignment. Please contact me for further discussion. Thank you for your immediate attention to this request.

Dana M. Cole, Esq.
COLE & LOETERMAN
1925 Century Park East, Suite 2000
Los Angeles, CA 90067
Tel: 310.556.8300
Fax: 310.772.0807
Cell: 310-990-4200

09/13/2018

Dana Cole

From: Stephen Gutierrez <stephen.gutierrez@lacity.org>
Sent: Thursday, October 12, 2017 11:21 AM
To: Dana Cole
Subject: Re: FFIII Louis Cerda

Dear Mr. Cole,

The Department is the initial stages of an administrative investigation involving FFIII Louis Cerda. Due to the serious nature of the complaint, Firefighter Cerda is restricted from having patient contact pending a more thorough review of the allegations. Consequently, he has been administratively detailed to an off-field assignment. Pursuant to the provisions of the MOU and the Firefighter Bill of Rights regarding investigations of alleged misconduct, Firefighter Cerda will be duly notified of the nature of the charges and provided the full array of rights thereunder.



On Tue, Oct 10, 2017 at 3:53 PM, Dana Cole <coledana@pacbell.net> wrote:

Dear Chief Guterrez – I represent FFIII Louis Cerda. I am advised that he was placed on administrative leave last week related to an external complaint. To date, Cerda has not received any notice related to the specific complaint and/or the nature of any allegation against him. Presumably, it relates to an airport paramedic run, where an intoxicated female claimed she was raped in Mexico and on the flight back to Los Angeles. During that paramedic run, Cerda only handled the data input. During that run, he was ALWAYS in the presence of his partner, FF Carbinoc, and an Airport LAPD Off. Mitchell. The patient was transported to Santa Monica Hospital, where she was combative and therefore remained in the presence of Off. Mitchell. As the data input FF, Cerda never placed his hands on the patient. Pursuant to the FF Bill of Rights, Cerda is entitled to know the nature and extent of the specific allegation against him, if any. Based on the foregoing, and based on the presence of two witnesses, including a police officer, to corroborate Cerda's complete lack of any misconduct, we would ask that you immediately verify same and immediately restore FFIII Cerda to his normal assignment. Please contact me for further discussion. Thank you for your immediate attention to this request.

Dana M. Cole, Esq.

COLE & LOETERMAN

1925 Century Park East, Suite 2000

Los Angeles, CA 90067

Tel: 310.5568300

Fax: 310.772.0807

Cell: 310-990-4200

Dana Cole

From: Dana Cole <coledana@pacbell.net>
Sent: Thursday, October 12, 2017 12:13 PM
To: Stephen Gutierrez; Dana Cole
Subject: Re: FFIII Louis cerda

Dear Chief -- thank you for your reply, however it wasn't substantive. As stated in my prior email, I would urge you to take five minutes out of your busy schedule and contact the two witnesses that I referenced in my prior email to verify FFIII Cerda's complete lack of ANY improper conduct. Continued administrative detention in light of easily verifiable appropriate conduct constitutes an improper adverse employment action. Additionally, we are happy to cooperate and provide any requested information, but the independent witnesses should be sufficient to conclude your investigation. Thank you for your immediate attention to this continuing request.

On Thursday, October 12, 2017 2:38 PM, Stephen Gutierrez <stephen.gutierrez@lacity.org> wrote:

Dear Mr. Cole,

The Department is in the initial stages of an administrative investigation involving FFIII Louis Cerda. Due to the serious nature of the complaint, Firefighter Cerda is restricted from having patient contact pending a more thorough review of the allegations. Consequently, he has been administratively detailed to an off-field assignment. Pursuant to the provisions of the MOU and the Firefighter Bill of Rights regarding investigations of alleged misconduct, Firefighter Cerda will be duly notified of the nature of the charges and provided the full array of rights thereunder.



Stephen L. Gutierrez, Assistant Chief
Los Angeles Fire Department
stephen.gutierrez@lacity.org
Office (213)202-3190
Cell (949)292-7306
FAX (213)202-3198

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9/13/2018

Dana Cole

From: Dana Cole <coledana@pacbell.net>
Sent: Tuesday, October 17, 2017 3:07 PM
To: 'Stephen Gutierrez'
Subject: RE: FFIII Louis Cerda

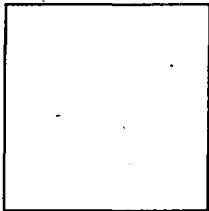
Dear Chief – as of this date, we still have not rec'd a shred of information regarding any formal allegation against FFIII Cerda – contrary to the MOU. We still have not rec'd ANY explanation for why he is being signaled out when other firefighters and a police officer were continuously in his presence. Again, this lack of ANY explanation after more than a week of administrative detention is VERY troubling. As previously referenced, a five minute telephone call to any of the other witnesses would result in an immediate end to the administrative detention, but it continues to appear that you do not want to take the time to briefly investigate the matter. If you prefer, I'm happy to contact Chief Terrazas' office to try and bring this to a rightful swift conclusion as continuing unreasonable delay constitutes an adverse employment action. Again, thank you for your urgent attention to this request.

Dana M. Cole, Esq.
COLE & LOETERMAN
1925 Century Park East, Suite 2000
Los Angeles, CA 90067
Tel: 310.556.8300
Fax: 310.772.0807
Cell: 310-990-4200

From: Stephen Gutierrez [mailto:stephen.gutierrez@lacity.org]
Sent: Thursday, October 12, 2017 11:21 AM
To: Dana Cole <coledana@pacbell.net>
Subject: Re: FFIII Louis Cerda

Dear Mr. Cole,

The Department is in the initial stages of an administrative investigation involving FFIII Louis Cerda. Due to the serious nature of the complaint, Firefighter Cerda is restricted from having patient contact pending a more thorough review of the allegations. Consequently, he has been administratively detailed to an off-field assignment. Pursuant to the provisions of the MOU and the Firefighter Bill of Rights regarding investigations of alleged misconduct, Firefighter Cerda will be duly notified of the nature of the charges and provided the full array of rights thereunder.



On Tue, Oct 10, 2017 at 3:53 PM, Dana Cole <coledana@pacbell.net> wrote:

Dear Chief Gutierrez – I represent FFIII Louis Cerda. I am advised that he was placed on administrative leave last week related to an external complaint. To date, Cerda has not received any notice related to the specific complaint and/or the nature of any allegation against him. Presumably, it relates to an airport paramedic run, where an intoxicated female claimed she was raped in Mexico and on the flight back to Los Angeles. During that paramedic run, Cerda only handled the data input. During that run, he was ALWAYS in the presence of his partner, FF Carbunoc, and an Airport LAPD Off. Mitchell. The patient was transported to Santa Monica Hospital, where she was combative and therefore

remained in the presence of Off. Mitchell. As the data input FF, Cerda never placed his hands on the patient. Pursuant to the FF Bill of Rights, Cerda is entitled to know the nature and extent of the specific allegation against him, if any. Based on the foregoing, and based on the presence of two witnesses, including a police officer, to corroborate Cerda's complete lack of any misconduct, we would ask that you immediately verify same and immediately restore FFIII Cerda to his normal assignment. Please contact me for further discussion. Thank you for your immediate attention to this request.

Dana M. Cole, Esq.

COLE & LOETERMAN

1925 Century Park East, Suite 2000

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Stephen L. Gutierrez, Assistant Chief

Los Angeles Fire Department

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Office (213)202-3190

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3/2018

Dana Cole

From: Dana Cole <coledana@pacbell.net>
Sent: Thursday, November 9, 2017 3:27 PM
To: 'Jenny Park'
Cc: 'Stephen Gutierrez'; 'Freddy Escobar'; 'Orin Saunders'
Subject: RE: FFIII Louis Cerda

Lol; once again, a non-reply reply.

Dana M. Cole, Esq.
COLE & LOETERMAN
1925 Century Park East, Suite 2000
Los Angeles, CA 90067
Tel: 310.556.8300
Fax: 310.772.0807
Cell: 310-990-4200

From: Jenny Park [mailto:s.jenny.park@lacity.org]
Sent: Thursday, November 9, 2017 3:23 PM
To: Dana Cole <coledana@pacbell.net>
Cc: Stephen Gutierrez <stephen.gutierrez@lacity.org>; Freddy Escobar <fescobar@uflac.org>; Orin Saunders <orin.saunders@lacity.org>
Subject: Re: FFIII Louis Cerda

Surely, you must be as weary of the repetition as I have grown. You asked why he was detailed and why he has a patient contact restriction. I have responded. Again and again. The standards we maintain for disciplinary review may not please or agree with your client, but that is not our goal. While I understand that you place the desires of your client over patient safety, the Department cannot. Patient safety is paramount and our actions are in furtherance of such while balancing the rights of our members.

On Thu, Nov 9, 2017 at 3:01 PM, Dana Cole <coledana@pacbell.net> wrote:

Jenny – thank you for the reply. I agree that you are responsive to my calls and emails; it is just that you have never nor has the Department ever provided any substantive response. All you continue to say is that we cannot provide a substantive response. As you know, FF Cerda does not know the nature or detail of any allegation against him, precluding him from providing relevant information in his defense. Essentially, you are excellent at providing non-reply replies. Frankly, that doesn't accomplish anything. Sorry to be blunt, but you know I'm correct. I believe that FF Cerda is entitled to know why he was pulled from his station and then returned a month later to restricted duty. He is in the dark despite repeated requests from me to ascertain the nature of the allegation against him. This mistreatment is quite unprofessional and unbecoming of LAFD. Hopefully, you will agree and provide details of any allegation against him. Thank you for your reconsideration.

9/13/2018
Dana M. Cole, Esq.
COLE & LOETERMAN

1925 Century Park East, Suite 2000

Los Angeles, CA 90067

Tel: 310.556.8300

Fax: 310.772.0807

Cell: 310-990-4200

From: Jenny Park [mailto:s.jenny.park@lacity.org]

Sent: Thursday, November 9, 2017 2:45 PM

To: Dana Cole <coledana@pacbell.net>

Cc: Stephen Gutierrez <stephen.gutierrez@lacity.org>; Freddy Escobar <fescobar@uflac.org>; Orin Saunders <orin.saunders@lacity.org>

Subject: Re: FFII Louis Cerda

Dear Mr. Cole,

I am puzzled by your claims that I have been unresponsive. You write, "I invite a reply, although as in the past, I don't expect one, which is contrary to the MOU." Please be reminded that I have responded promptly to every call you have made. Even so, you incorrectly informed Mr. Escobar that I had failed to return your calls and we had never spoken. It was during these previous conversations that I explained to you that the Department detailed your client due to the serious allegations levied against him. The Department continually reviews the duty status of Mr. Cerda as PSD's investigation moves forward and more information comes to light. As you know, his detail to a non-field assignment was recently ended. He was returned to his field assignment with patient contact restrictions pending further review in the interest of public and patient safety.

In this and previous communications, you have broadly alluded to violations of the MOU, FFBOR, and Department policy/practice. Please cite specific provisions and how they relate to this matter for I am unaware of any such violations to date. As that is an expansive universe of possibilities you raise, specifics could facilitate this conversation. (Mr. Escobar should be able to assist you in understanding the MOU.) With that said, please note that the Department's position is that your client does not have a property interest in his assignment or the medical services he may render under the Department's authority.

As for notice, your client was notified of his detail, of his return to his assignment, and of his patient contact restrictions through channels in line with Department protocol. I am unclear as to where exactly you find the Department's ways of communication through the supervisory chain legally deficient. If your client believes there has been a violation of the MOU, he may utilize the grievance procedures outlined in Article 2.1 therein. Mr. Escobar is very familiar with this process and could assist you in this endeavor as well as all other issues related to the MOU.

Sincerely,

Jenny Park

Employee Relations Manager

On Wed, Nov 8, 2017 at 6:12 PM, Dana Cole <coledana@pacbell.net> wrote:

Dear Ms. Park and Chief Guterrez – in an effort to maintain a paper trail, I wish to confirm, once again, that no formal or informal notice of any kind has been sent regarding Mr. Cerda's department status. I am advised that he was returned to his station, but his FF/paramedic duties are currently restricted from working in any type of paramedic capacity – again without any department explanation for this adverse employment action. Once again, demand is made for an explanation of his restriction, or alternatively, a return to full, unrestricted duty. I invite a reply, although as in the past, I don't expect one, which is contrary to the MOU. And, once again, contact with an Airport PD officer who was present during any alleged incident will easily confirm that no improper conduct occurred. But, for unknown reasons, you continue to refuse to do so. Thank you for your immediate attention to this request.

Dana M. Cole, Esq.

COLE & LOETERMAN

1925 Century Park East, Suite 2000

Los Angeles, CA 90067

Tel: 310.556.8300

Fax: 310.772.0807

Cell: 310-990-4200

09/13/2018
8107/81/60

Dana Cole

From: S.Jenny Park <s.jenny.park@lacity.org>
Sent: Wednesday, November 22, 2017 9:17 AM
To: Dana Cole
Subject: Re: Louis Cerda

I'll be back in the office on Tuesday 11/28. Please feel free to call me then to discuss. Happy Thanksgiving to you, too.

Sent from my iPhone

On Nov 20, 2017, at 2:07 PM, Dana Cole <coledana@pacbell.net> wrote:

Jenny – I was advised that FF Cerda was returned to active duty without restrictions last week. Hopefully, that occurred because you were able finally to verify the lack of any misconduct. Would you be willing to speak to me about why this happened and why he was restricted for seven weeks? Apparently, a list is circulated to all LAFD stations advising that he was restricted based on "criminal" allegations. FF Cerda does not believe that any allegation was made against him and feels for unrelated reasons, he was singled out. An explanation of what happened here would be extremely helpful in mollifying his concerns. Plz advise. Happy T'giving.

Dana M. Cole, Esq.
COLE & LOETERMAN
1925 Century Park East, Suite 2000
Los Angeles, CA 90067
Tel: 310.556.8300
Fax: 310.772.0807
Cell: 310-990-4200

09/13/2018

Dana Cole

From: Dana Cole <coledana@pacbell.net>
Sent: Monday, December 11, 2017 9:38 AM
To: 'Jenny Park'
Subject: Louis Cerda

Jenny – I have been trying to contact you for a few weeks. Are you willing to discuss this matter? In particular, I would like to know the nature of the allegation and why it took so long to return FFII Cerda to unrestricted duty. Please advise if this is something you are willing to discuss. Thank you.

Dana M. Cole, Esq.
COLE & LOETERMAN
1925 Century Park East, Suite 2000
Los Angeles, CA 90067
Tel: 310.556.8300
Fax: 310.772.0807
Cell: 310-990-4200

09/13/2018

coledana@pacbell.net

From: S.Jenny Park <s.jenny.park@lacity.org>
Sent: Friday, January 26, 2018 10:40 PM
To: Dana Cole
Subject: Re: Louis Cerda

My previous email was not intended as a response to your inquiries (which have already been answered), but merely another reminder that I've been out for more than two months and have not been working during this period. You somehow refuse to process this, but perhaps your goal is to badger and harass me rather than seek "answers" which again you've already been provided prior to my accident. Then your behavior would make sense. I am not the only employee of the Fire Department. Please direct your inquiries to those who are actually working at this time.

On Jan 26, 2018, at 8:53 PM, Dana Cole <coledana@pacbell.net> wrote:

I'm sorry to hear that your injury has not resolved. As usual, your response is a non-response. I invited a discussion almost two months ago – without a response. Feel better. Dana

Dana M. Cole, Esq.
COLE & LOETERMAN
1925 Century Park East, Suite 2000
Los Angeles, CA 90067
Tel: 310.556.8300
Fax: 310.772.0807
Cell: 310.990.4200

From: S.Jenny Park [<mailto:s.jenny.park@lacity.org>]
Sent: Friday, January 26, 2018 6:11 PM
To: Dana Cole <coledana@pacbell.net>
Subject: Re: Louis Cerda

Please note I am recovering from a serious injury, as my assistant previously informed you, and have not returned from medical leave. I don't appreciate your snarky attitude.

The link to file a claim for damages can be found on the City of Los Angeles website. Once you file your claim, you may direct your questions to the City Attorney's office.

On Jan 23, 2018, at 5:22 PM, Dana Cole <coledana@pacbell.net> wrote:

Having still not heard from you, I can only assume that the Dept. has no comment about what transpired. I will address my comments to the Chief and file a claim with the City.

Dana M. Cole, Esq.
COLE & LOETERMAN
1925 Century Park East, Suite 2000
Los Angeles, CA 90067

09/13/2018

EXHIBIT 2

8107/81/60

DANA M. COLE
NANCY COLE LOETERMAN

A PROFESSIONAL CORPORATION

LAW OFFICES
COLE & LOETERMAN
SUITE 2000
1925 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067

TELEPHONE
(310) 556-8300

FACSIMILE
(310) 772-0807

January 29, 2018

FILE COPY

Ralph M. Terrazas
Fire Chief
Los Angeles City Fire Dept.
200 N Main Street, 18th Fl.
Los Angeles, CA 90012

Re: FFPM Louis Cerda (#50175), Station 62

Dear Chief Terrazas:

This office represents FFPM Cerda in connection with a complaint for discrimination, defamation and workplace harassment.

FFPM Cerda was removed from active duty with pay on October 3, 2018, by Chief Dep. Alfred Poirer for six weeks. During that period, all stations were notified of this unwarranted administrative action pursuant to V-Code **09CP**, which is "disciplinary" and customarily used as a designation for *under criminal investigation*. To date, FFPM Cerda has never been notified by the Department at any time about any accusation against him and/or any reason for his removal. Just as mysteriously, FFPM Cerda was returned to active duty on November 15, 2017 – again, without any explanation or reason for his removal and/or return, despite repeated requests by this office to Asst. Chief Stephen Gutierrez and the Department's Risk Manager Jenny Park.

One would think that FFPM Cerda is entitled to know why his reputation throughout the Department was materially maligned and damaged.

Throughout this ordeal, we speculated based on hearsay that a patient complained of inappropriate sexual contact in connection with a transport from LAX to Santa Monica Hospital on September 29, 2017. (Incident #1267). At the earliest stage of his administrative detail, I sent various emails to Asst. Chief Gutierrez and Ms. Park advising of our concerns and I requested that two eyewitnesses to the entire transport be contacted immediately, both of whom would completely verify FFPM Cerda's appropriate and professional conduct at all times while with the patient. Specifically, I advised that *at all times* a female Airport LAPD Off. Chrystal Mitchell escorted the patient. I urgently requested that the Department contact this officer to obtain a statement. Also, I advised that FFPM Cerda's partner, FFPM Scott Cabunoc (#103314), actually handled the patient contact during the transport and FFPM Cerda only handled the data

09/13/2018

Chief Terrazas
January 29, 2018
Re: FFPM Cerda

- Page 2

input for the call. An investigator never contacted FFPM Cabunoc and it took six weeks before an investigator contacted Off. Mitchell, who quickly confirmed that nothing improper had occurred during the transport and that FFPM Cerda had no direct interaction with the patient and was completely professional throughout the transport. As a result, FFPM Cerda was initially returned to Engine duty and a few weeks later, restored to full paramedic duty.

The baseless accusation (if one even existed) and the unreasonable delay in investigating it is inexplicable, particularly when such eyewitness statements easily could have been obtained at the outset to confirm no wrongdoing occurred. Obviously, something else is going on here.

No one from the Department ever formally or informally advised FFPM Cerda about the nature or progress of any investigation, despite repeated requests for same. Attached are just a few of my various urgent emails sent to the Department with its nonsensical replies. Is this the Department's SOP? While the patient or Department's false allegation caused distress to FFPM Cerda, it was the Department's unreasonably slow investigation, its refusal to provide any information to him and most importantly, the false and defamatory V-Code designation that have caused significant detriment to him. Because no explanation has ever been offered, we believe that discrimination may be the source of this episode. Rumor and hearsay indicated that Department supervisors described the alleged perpetrator as a "bald headed Mexican." If the patient never used this descriptor, then racial animus by Department chiefs would appear to be clear and unmistakable. The Department's refusal to act professionally and initially explain its reasons for its adverse employment action allowed such rumor and hearsay to spread, thus contributing to FFPM Cerda's damaged reputation.

If you are willing, I would like to discuss this matter with you or someone in your immediate command staff. (Please note that the Department's EEO Coordinator at 213-978-2016 does not have VM setup).

Thank you for your immediate attention to this request.

Very truly yours,

Dana M. Cole

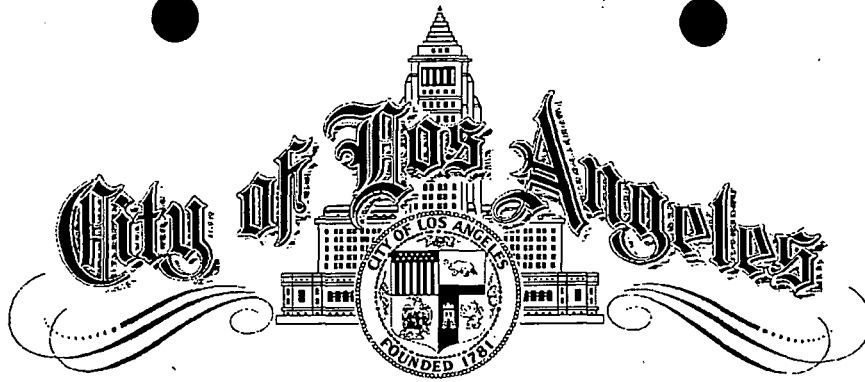
Dana M. Cole

Encl.
cc: Dept. EEO Coordinator

09/13/2018

EXHIBIT 3

09/13/2018



MICHAEL N. FEUER
CITY ATTORNEY

March 22, 2018

Dana M Cole, Esq.
1925 Century Park East, Suite 2000
Los Angeles, CA 90067
VIA: Email [coledana@pacbell.net] and U.S. Mail

Re: Firefighter/Paramedic Louis Cerda

Dear Mr. Cole:

This letter responds to concerns expressed by you in your January 29, 2018 letter sent to Fire Chief Ralph Terrazas on behalf of your client, Louis Cerda, who is employed as a firefighter/paramedic (FF/PM) for the City of Los Angeles. You expressed concern that FF/PM Cerda was removed from full duty on October 3, 2018, and then returned to full duty November 15, 2017 without explanation and left to speculate he was being investigated for a complaint related to the transport of a patient on September 29, 2017. In addition, you expressed concern over a rumor regarding the term "bald headed Mexican" and whether its use was related to racial animus, as well as the length of time it took to clear up this matter.

As we discussed, I am authorized to provide you with limited information regarding the background of the issues in question in order to, hopefully, address your concerns as well as those of your client. The facts outlined below are intended to provide background information as to reasons FF/PM Cerda was temporarily restricted, and eventually returned, to full duties.

On October 3, 2017, LAFD received information from a law enforcement agency with regard to the removal and transport of a patient from an airplane at Los Angeles International Airport (LAX) which occurred on September 29, 2017. FF/PM Cerda was one of the Fire Department members involved in responding to that incident. The information received was that the patient being transported reported that a "first responder" who was a "bald headed Hispanic" had digitally penetrated her. It was determined that FF/PM Cerda was the only member involved in treatment and transport of the patient that fit that description.

Based on the information received, Fire Department Emergency Operations made an exigent decision to remove FF/PM Cerda from patient contact in order to potentially protect future patients and in order to protect both FF/PM Cerda and the City from any potential accusations arising from the fact no information had been gathered at that point regarding the patient's statements.

In order to review the matter to determine if a full investigation was warranted, the Professional Standards Division (PSD) of the Fire Department sought to address the matter as quickly as possible. In order to do so, however, it was first necessary to coordinate with the law enforcement agency involved to ascertain whether any action contemplated by the Fire Department would interfere with a law enforcement investigation. This is a necessary step when law enforcement is involved in a matter that touches on City matters, and a step that often takes a significant amount of time. In addition, under the applicable Memorandum of Understanding with our City firefighters, the firefighters involved in responding to the plane on September 29, 2018 were required to be given a minimum 21-day notice in order to be interviewed regarding what occurred on the date in question. Firefighter work schedules and personal schedules also complicate the scheduling of such interviews.

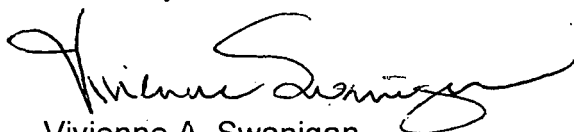
In an effort to expedite a review of what happened during treatment and transport of the patient, and what members were involved in what part of the response, PSD attempted to retrieve video of the incident. However, obtaining the video required contacting LAX and obtaining permission - and the video - from them. This process also required time.

In the end, as you note in your letter, a review of the facts and video showed FF/PM Cerda was not alone with the patient during transport. In addition, he was never on the plane and was, instead, pushing the gurney.

While your letter notes that you provided information regarding an LAPD Officer who allegedly escorted the patient during some part of the incident, I cannot comment on what information, if any, that officer provided. I can, however, assure you that -- while the investigation into this matter no doubt seemed slow and delayed to you and, understandably, your client -- based on my 23 years of experience, the resolution of this matter in weeks rather than months was an expeditious investigation.

Although this information may not fully answer all of your questions, it is my sincere hope that it does address the concerns you expressed, both orally and in writing, on behalf of your client. If you have further inquiries, however, please do not hesitate to contact me via phone at 213-978-7182 (office) or 213-393-3421 (cell).

Sincerely,



Vivienne A. Swanigan
Managing Assistant City Attorney
Labor Relations Division

09/13/2018
VAS:cs

C: K. Richter, Chief

EXHIBIT 4

09/13/2018



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 | TDD (800) 700-2320
<http://www.dfeh.ca.gov> | email: contact.center@dfeh.ca.gov

April 23, 2018

Louis Cerda
, California

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 201804-02008123
Right to Sue: Cerda / Los Angeles City Fire Department

Dear Louis Cerda,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective April 23, 2018 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

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.

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

Sincerely,

Department of Fair Employment and Housing

09/13/2018

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

5 **In the Matter of the Complaint of**
6 Louis Cerda

DFEH No. 201804-02008123

7 Complainant,

8 vs.

9 Los Angeles City Fire Department

10 Respondent.

11 _____
12 1. Respondent **Los Angeles City Fire Department** is an **employer** subject to suit
13 under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900
14 et seq.).

15 2. Complainant **Louis Cerda**, resides in the City of **State of California**.

16 3. Complainant alleges that on or about **November 15, 2017**, respondent took the
17 following adverse actions:

18 **Complainant was discriminated against** because of complainant's ancestry and
19 as a result of the discrimination was denied any employment benefit or privilege.

20 **Additional Complaint Details:** Resp wrongfully accused claimant of alleged sexual
21 assault and removed him from active duty claiming that he fit the description as a
22 "bald Mexican" when in fact no credible allegation was made.
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1 VERIFICATION

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

5 On April 23, 2018, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Los Angeles, CA

EXHIBIT 5

09/13/2018

CLAIM FOR DAMAGES

TO PERSON OR PROPERTY

RESERVE FOR FILING STAMP

CLAIM NO. _____

INSTRUCTIONS

1. Claims for death, injury to person or to personal property must be filed not later than six months after the occurrence. (Gov. Code Sec. 911.2)
2. Claims for damages relating to any other type of occurrence must be filed not later than one year after the occurrence. (Gov. Code Sec. 911.2)
3. Read entire claim before filing. Claim can be mailed or filed in person. No faxes accepted.
4. See Page 2 for diagram upon which to locate place of accident.
5. This claim form must be signed on Page 2 at bottom.
6. Attach separate sheets, if necessary, to give full details. SIGN EACH SHEET.
7. Fill out in duplicate. ONE COPY TO BE RETAINED BY CLAIMANT.
8. Claim must be filed with CITY CLERK, (Gov. Code Sec. 915a)
200 NORTH SPRING STREET, ROOM 395, CITY HALL, LOS ANGELES, CA 90012

TO: CITY OF LOS ANGELES

LOUIS CARDIA, LAFD

Name of Claimant

Age of Claimant

c/o Dana Cole

1925 Century Park East #2000

52

Home address of Claimant

City, State and Zip Code

Home Telephone Number

Los Angeles CA 90067

310-556-8300

Business address of Claimant

City, State and Zip Code

Business Telephone Number

Give address to which you desire notices or communications to be sent regarding this claim:

(see above)

How did DAMAGE or INJURY occur? Please include as much detail as possible.

RACIAL Discrimination + Defamation
(Right to Sue issued by DFELH)

When did DAMAGE or INJURY occur? Please include the date and time of the damage or injury.

9/2/17 - 11/15/17

Where did DAMAGE or INJURY occur? Please describe fully, and locate on the diagram on the reverse side of this sheet.
Where appropriate, please give street names and addresses or measurements from specific landmarks:

LAFD

What particular ACT or OMISSION do you claim caused the injury or damage? Please give names of City employees causing the injury or damage and identify any vehicles involved by license plate number, if known.

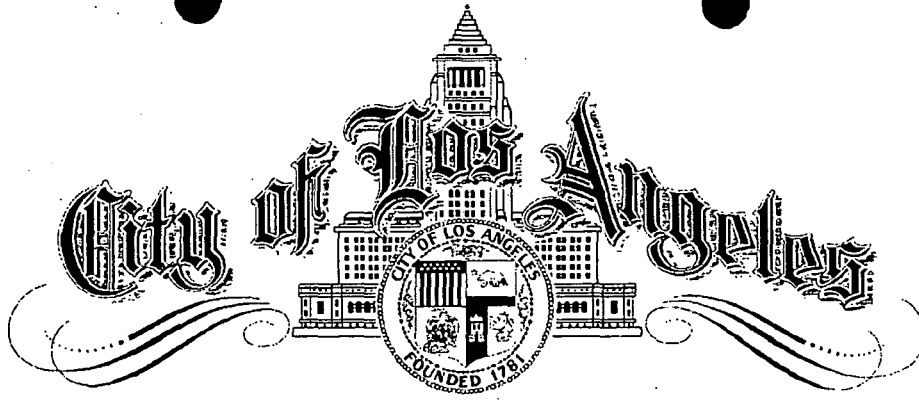
Disciplinary action based on false allegation of
patient abuse

Please list the names and address of Witnesses, Doctors and Hospitals:

Det. Chiet Poyer
FF/Paramed Scott Buchanan

EXHIBIT 6

09/13/2018



MICHAEL N. FEUER
CITY ATTORNEY

June 28, 2018

Louis Cerda
c/o Dana Cole, Esq.
1925 Century Park East, Ste. 2000
Los Angeles, CA 90067

Re: Claimant: Louis Cerda
Claim No. C18-05232

Dear:

Your claim against the City has been referred to this Office. After reviewing the circumstances of your claim and the applicable law, we have come to the conclusion that your claim should be denied. This letter represents a formal notice to you that your claim has been denied. In view of this action, we are required by law to give the following warning:

WARNING

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

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

In addition, your claim were not filed within six months of the date of some of the allegations in the claim. Accordingly, as to those matters, your claim is being returned¹ because it was not presented within six (6) months after the event or occurrence complained of, as required by law. See Sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on this portion of your claim.

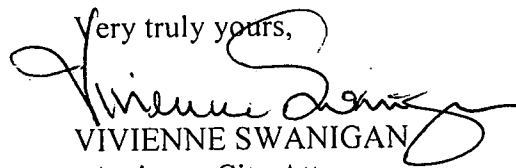
¹ The original will remain in the City's claim file. We have returned a copy to you.

Letter to Louis Cerda
c/o Dana Cole, Esq.
June 28, 2018
Page 2

Your only recourse at this time in regard to the untimely claim(s) is to apply without delay to the Los Angeles City Clerk for leave to present a late claim. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

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

Very truly yours,


VIVIENNE SWANIGAN
Assistant City Attorney

Enclosure(s)

09/13/2018

ORIGINAL

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

FOR COURT USE ONLY

Dana M. Cole, Esq. (#89105)
 Cole & Loeterman
 1925 Century Park East, Suite 2000
 Los Angeles, CA 90067

TELEPHONE NO.: 310-556-8300

FAX NO.:

ATTORNEY FOR (Name): Plaintiff, Louis Cerda

FILED
 Superior Court of California
 County of Los Angeles

SEP 13 2018

Sherri R. Carter, Executive Officer/Clerk of Court

By Judi Larz, Deputy
Judi Larz

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

STREET ADDRESS: 111 N Hill ST

MAILING ADDRESS:

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: CENTRAL

CASE NAME:

Cerda vs. City of Los Angeles, et al.

CIVIL CASE COVER SHEET

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

Complex Case Designation

☐ Counter ☐ Joinder

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

CASE NUMBER:

BC 7 21 977

JUDGE:

DEPT:

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

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

Auto Tort

☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

☐ Business tort/unfair business practice (07)
☒ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

☐ Wrongful termination (36)
☐ Other employment (15)

Contract

☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

☐ RICO (27)
☐ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
 b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): Three

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: September 13, 2018

DANA M. COLE

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.

File this cover sheet in addition to any cover sheet required by local court rule.

If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.

Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
- Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)
- Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (*non-domestic relations*)
 - Sister State Judgment
 - Administrative Agency Award (*not unpaid taxes*)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
- Declaratory Relief Only
- Injunctive Relief Only (*non-harassment*)
- Mechanics Lien
- Other Commercial Complaint Case (*non-tort/non-complex*)
- Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief From Late Claim
- Other Civil Petition

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. | 7. Location where petitioner resides. |
| 2. Permissive filing in central district. | 8. Location wherein defendant/respondent functions wholly. |
| 3. Location where cause of action arose. | 9. Location where one or more of the parties reside. |
| 4. Mandatory personal injury filing in North District. | 10. Location of Labor Commissioner Office. |
| 5. Location where performance required or defendant resides. | 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
| 6. Location of property or permanently garaged vehicle. | |

Auto Tort
Other Personal Injury/Property Damage/Wrongful Death Tort

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11 1, 11
Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11 1, 4, 11
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11 1, 4, 11 1, 4, 11 1, 4, 11

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 Non-Personal Injury/ Property
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer 60

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
Civil Rights (08)	<input checked="" type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
Defamation (13)	<input checked="" type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2, 6
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

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CERDA vs. CITY OF LOS ANGELES, et al.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2, 8 2 2
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8
	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
Provisionally Complex Litigation	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 5, 11 2, 6 2, 9 2, 8 2, 8 2, 8, 9
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input checked="" type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input checked="" type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8 2, 8 1, 2, 8 1, 2, 8
	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2, 3, 9 2, 3, 9 2, 3, 9 2 2, 7 2, 3, 8 2, 9

SHORT TITLE:

CERDA vs. CITY OF LOS ANGELES, et al.

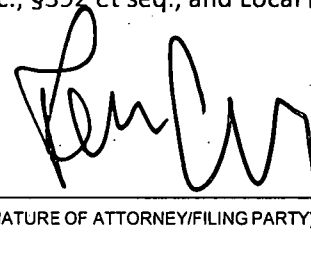
CASE NUMBER

Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input checked="" type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.			ADDRESS: 200 N Main Street
CITY: Los Angeles	STATE: CA	ZIP CODE: 90012	

Step 5: Certification of Assignment: I certify that this case is properly filed in the CENTRAL District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: September 13, 2018



(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

09/13/2018