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ROBERT McLOUD, SEAN MORRIS, AND MARIO NEWTE

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL DISTRICT

LESLIE WILKERSON, JOSEPH SMITH,
JUSTIN DAVIS, ROBERT McLOUD, SEAN
MORRIS, AND MARIO NEWTE,

Plaintiffs,

v.

CITY OF LOS ANGELES, LOS ANGELES
CITY FIRE DEPARTMENT, LAFD, LOS
ANGELES FIRE DEPARTMENT, FIRE
PREVENTION BUREAU, FPB, AND DOES
1 THROUGH 100, INCLUSIVE,

Defendants.

CASE NO. **21STCV21621**
[Assigned to the Honorable _____]

COMPLAINT FOR DAMAGES FOR:

- (1) **Cause of Action for Disparate Treatment – Discrimination on the Basis of Race, Color, Creed, Ancestry, Ethnicity, National Origin in Violation of California Government Code Sections 12900 and 12940(a)**
- (2) **Cause of Action for Disparate Impact– Discrimination on the Basis of Race, Color, Creed, Ancestry, Ethnicity, National Origin in Violation of California Government Code Sections 12900 and 12940(a)**
- (3) **Cause of Action for Hostile Work Environment – Conduct Directed at Plaintiffs – Employer or Entity Defendant in Violation of California Government Code Sections 12900, 12923 and 12940(j)**
- (4) **Cause of Action for Hostile Work Environment – Conduct Directed at Others –in Violation of California Government Code Sections 12900, 12923 and 12940(j)**
- (5) **Cause of Action for Retaliation for Voicing Complaints about Discrimination on the Basis of Color, Creed, Ancestry, Ethnicity and National Original and Workplace Harassment in Violation of California**

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**Government Code Sections 12900 and 12940(h)
(6) Cause of Action for Failure to Prevent Harassment, Retaliation and Discrimination in Violation of California Government Code Sections 12900 and 12940(k)**

[Demand for Jury Trial]

COMES NOW Plaintiffs LESLIE WILKERSON, JOSEPH SMITH, JUSTIN DAVIS, ROBERT McLOUD, SEAN MORRIS, AND MARIO NEWTE and for their injuries, damages, claims, and harms hereby allege, contend and state as follows:

GENERAL ALLEGATIONS

1. Plaintiff, **LESLIE WILKERSON** [hereinafter referred to as “**WILKERSON**”, “**employee**” or “**plaintiff**”] is and was an individual residing in the County of Los Angeles, State of California, and is currently employed by defendants and their entity affiliates or subsidiaries [hereinafter collectively referred to as the “**EMPLOYER DEFENDANT**”]. This plaintiff is an African American male over forty (40) years of age and is in a protected class, classification, category, or group based on his race, color, creed, ethnicity, ancestry, national origin. The plaintiff is employed by the employer and receives various work-related benefits to include health insurance. This is his Complaint against his current employer, and individuals and managing agents of his current employer, for damages arising out harassment, discrimination, and retaliation he has endured, continues to endure, and is enduring on the basis of his race (African American), color, creed, national origin, ancestry, and ethnicity (hereinafter collectively and interchangeably referred to herein as “race”).

2. Plaintiff, **JOSEPH SMITH** [hereinafter referred to as “**SMITH**”, “**employee**” or “**plaintiff**”] is and was an individual residing in the County of Los Angeles, State of California, and is currently employed by defendants and their entity affiliates or subsidiaries [hereinafter collectively referred to as the “**EMPLOYER DEFENDANT**”]. This plaintiff is an African American male over forty (40) years of age and is in a protected class, classification, category, or

1 group based on his race, color, creed, ethnicity, ancestry, national origin. The plaintiff is
2 employed by the employer and receives various work-related benefits to include health
3 insurance. This is his Complaint against his current employer, and individuals and managing
4 agents of his current employer, for damages arising out harassment, discrimination, and
5 retaliation he has endured, continues to endure, and is enduring on the basis of his race (African
6 American), color, creed, national origin, ancestry, and ethnicity hereinafter collectively and
7 interchangeably referred to herein as “race”).

8 3. Plaintiff, **JUSTIN DAVIS** [hereinafter referred to as “**DAVIS**”, “**employee**” or
9 “**plaintiff**”] is and was an individual residing in the County of Los Angeles, State of California,
10 and is currently employed by defendants and their entity affiliates or subsidiaries [hereinafter
11 collectively referred to as the “**EMPLOYER DEFENDANT**”]. This plaintiff is an African
12 American male over forty (40) years of age and is in a protected class, classification, category, or
13 group based on his race, color, creed, ethnicity, ancestry, national origin. The plaintiff is
14 employed by the employer and receives various work-related benefits to include health
15 insurance. This is his Complaint against his current employer, and individuals and managing
16 agents of his current employer, for damages arising out harassment, discrimination, and
17 retaliation he has endured, continues to endure, and is enduring on the basis of his race (African
18 American), color, creed, national origin, ancestry, and ethnicity. hereinafter collectively and
19 interchangeably referred to herein as “race”).

20 4. Plaintiff, **ROBERT McLOUD** [hereinafter referred to as “**McLOUD**”,
21 “**employee**” or “**plaintiff**”] is and was an individual residing in the County of Los Angeles, State
22 of California, and is currently employed by defendants and their entity affiliates or subsidiaries
23 [hereinafter collectively referred to as the “**EMPLOYER DEFENDANT**”]. This plaintiff is an
24 African American male over forty (40) years of age and is in a protected class, classification,
25 category, or group based on his race, color, creed, ethnicity, ancestry, national origin. The
26 plaintiff is employed by the employer and receives various work-related benefits to include
27 health insurance. This is his Complaint against his current employer, and individuals and
28 managing agents of his current employer, for damages arising out harassment, discrimination,

1 and retaliation he has endured, continues to endure, and is enduring on the basis of his race
2 (African American), color, creed, national origin, ancestry, and ethnicity. hereinafter collectively
3 and interchangeably referred to herein as “race”).

4 5. Plaintiff, **SEAN MORRIS** [hereinafter referred to as “**MORRIS**”, “**employee**”
5 or “**plaintiff**”] is and was an individual residing in the County of Los Angeles, State of
6 California, and is currently employed by defendants and their entity affiliates or subsidiaries
7 [hereinafter collectively referred to as the “**EMPLOYER DEFENDANT**”]. This plaintiff is an
8 African American male over forty (40) years of age and is in a protected class, classification,
9 category, or group based on his race, color, creed, ethnicity, ancestry, national origin. The
10 plaintiff is employed by the employer and receives various work-related benefits to include
11 health insurance. This is his Complaint against his current employer, and individuals and
12 managing agents of his current employer, for damages arising out harassment, discrimination,
13 and retaliation he has endured, continues to endure, and is enduring on the basis of his race
14 (African American), color, creed, national origin, ancestry, and ethnicity. hereinafter collectively
15 and interchangeably referred to herein as “race”).

16 6. Plaintiff, **MARIO NEWTE** [hereinafter referred to as “**NEWTE**”, “**employee**”
17 or “**plaintiff**”] is and was an individual residing in the County of Los Angeles, State of
18 California, and is currently employed by defendants and their entity affiliates or subsidiaries
19 [hereinafter collectively referred to the “**EMPLOYER DEFENDANT**”]. This plaintiff is an
20 African American male over forty (40) years of age and is in a protected class, classification,
21 category, or group based on his race, color, creed, ethnicity, ancestry, national origin. The
22 plaintiff is employed by the employer and receives various work-related benefits to include
23 health insurance. This is his Complaint against his current employer, and individuals and
24 managing agents of his current employer, for damages arising out harassment, discrimination,
25 and retaliation he has endured, continues to endure, and is enduring on the basis of his race
26 (African American), color, creed, national origin, ancestry, and ethnicity. hereinafter collectively
27 and interchangeably referred to herein as “race”).

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1 7. At all times mentioned herein, Defendant **CITY OF LOS ANGELES**
2 [hereinafter the “**EMPLOYER DEFENDANT**”] is and was a public entity duly licensed to
3 operate a business in the State of California. This is the plaintiff’s employer. The employer’s
4 principal place of business is located at 200 North Main Street, 16th floor, Los Angeles,
5 California 90012, (213) 978-3000. The Los Angeles City Fire Department employs over 3,500
6 uniformed personnel and has 103 neighborhood fire stations across its 470 square-mile
7 jurisdiction, protecting approximately four million people living within the City of Los Angeles.
8 This entity is the plaintiffs’ employer as defined by Government Code Section 12926.

9 8. At all times mentioned herein, Defendant **LOS ANGELES CITY FIRE**
10 **DEPARTMENT** [hereinafter the “**EMPLOYER DEFENDANT**”] is and was a public entity
11 duly licensed to operate a business in the State of California. This is the plaintiff’s employer. The
12 employer’s principal place of business is located at 200 North Main Street, 16th floor, Los
13 Angeles, California 90012, (213) 978-3000. The Los Angeles City Fire Department employs
14 over 3,500 uniformed personnel and has 103 neighborhood fire stations across its 470 square-
15 mile jurisdiction, protecting approximately four million people living within the City of Los
16 Angeles. This entity is the plaintiffs’ employer as defined by Government Code Section 12926.

17 9. At all times mentioned herein, Defendant **LAFD** [hereinafter the “**EMPLOYER**
18 **DEFENDANT**”] is and was a public entity duly licensed to operate a business in the State of
19 California. This is the plaintiff’s employer. The employer’s principal place of business is located
20 at 200 North Main Street, 16th floor, Los Angeles, California 90012, (213) 978-3000. The Los
21 Angeles City Fire Department employs over 3,500 uniformed personnel and has 103
22 neighborhood fire stations across its 470 square-mile jurisdiction, protecting approximately four
23 million people living within the City of Los Angeles. This entity is the plaintiffs’ employer as
24 defined by Government Code Section 12926.

25 10. At all times mentioned herein, Defendant **LOS ANGELES FIRE**
26 **DEPARTMENT** [hereinafter the “**EMPLOYER DEFENDANT**”] is and was a public entity
27 duly licensed to operate a business in the State of California. This is the plaintiff’s employer.
28 The employer’s principal place of business is located at 200 North Main Street, 16th floor, Los

1 Angeles, California 90012, (213) 978-3000. The Los Angeles City Fire Department employs
2 over 3,500 uniformed personnel and has 103 neighborhood fire stations across its 470 square-
3 mile jurisdiction, protecting approximately four million people living within the City of Los
4 Angeles. This entity is the plaintiffs' employer as defined by Government Code Section 12926.

5 11. At all times mentioned herein, Defendant **FIRE PREVENTION BUREAU**
6 [hereinafter the "**EMPLOYER DEFENDANT**"] is and was a public entity duly licensed to
7 operate a business in the State of California. This is the plaintiff's employer. The employer's
8 principal place of business is located at 200 North Main Street, 16th floor, Los Angeles,
9 California 90012, (213) 978-3000. The Los Angeles City Fire Department employs over 3,500
10 uniformed personnel and has 103 neighborhood fire stations across its 470 square-mile
11 jurisdiction, protecting approximately four million people living within the City of Los Angeles.
12 This entity is the plaintiffs' employer as defined by Government Code Section 12926.

13 12. At all times mentioned herein, Defendant **FPB** [hereinafter the "**EMPLOYER**
14 **DEFENDANT**"] is and was a public entity duly licensed to operate a business in the State of
15 California. This is the plaintiff's employer. The employer's principal place of business is located
16 at 200 North Main Street, 16th floor, Los Angeles, California 90012, (213) 978-3000. The Los
17 Angeles City Fire Department employs over 3,500 uniformed personnel and has 103
18 neighborhood fire stations across its 470 square-mile jurisdiction, protecting approximately four
19 million people living within the City of Los Angeles. This entity is the plaintiffs' employer as
20 defined by Government Code Section 12926.

21 13. At all times mentioned herein, **SCOTT ANDERSON** is a Caucasian male, and is
22 and was an individual residing in the County of Los Angeles, State of California, and was an
23 employee of the employer defendant, and was a supervisor in the workplace, part of the
24 management team, a managing agent or key decision maker on Fire Department policy and
25 procedure, and the supervisor of the plaintiffs at all times referenced herein. This defendant
26 harasses, discriminates, and retaliates against the plaintiffs on the basis of their race, color, creed,
27 ethnicity, and national origin. This defendant engages in tortious conduct towards the plaintiffs
28 that is far beyond the scope of ordinary personnel or management decisions, and was prompted

1 by personal animus, ill will, hostility and hatred towards the African American plaintiffs and
2 other African Americans in the workplace. This individual is employed as a Battalion Chief with
3 the employer defendant and is in the chain of command as well as in the plaintiffs' chain of
4 command at all times referenced herein.

5 14. At all times mentioned herein, **PATRICK LEONARD** is a Caucasian male and
6 is and was an individual residing in the County of Los Angeles, State of California, and was an
7 employee of the employer defendant, and was a supervisor in the workplace, part of the
8 management team, a managing agent or key decision maker on Fire Department policy and
9 procedure, and the supervisor of the plaintiffs at all times referenced herein. This defendant
10 harasses, discriminates, and retaliates against the plaintiffs on the basis of their race, color, creed,
11 ethnicity, and national origin. This defendant engages in tortious conduct towards the plaintiffs
12 that is far beyond the scope of ordinary personnel or management decisions, and was prompted
13 by personal animus, ill will, hostility and hatred towards the African American plaintiffs and
14 other African Americans in the workplace. This individual is employed as a Captain with the
15 employer defendant and is in the chain of command as well as in the plaintiffs' chain of
16 command at all times referenced herein.

17 15. At all times mentioned herein, **TIMOTHY HALLORAN** is a Caucasian male
18 and is and was an individual residing in the County of Los Angeles, State of California, and was
19 an employee of the employer defendant, and was a supervisor in the workplace, part of the
20 management team, a managing agent or key decision maker on Fire Department policy and
21 procedure, and the supervisor of the plaintiffs at all times referenced herein. This defendant
22 harasses, discriminates, and retaliates against the plaintiffs on the basis of their race, color, creed,
23 ethnicity, and national origin. This defendant engages in tortious conduct towards the plaintiffs
24 that is far beyond the scope of ordinary personnel or management decisions, and was prompted
25 by personal animus, ill will, hostility and hatred towards the African American plaintiffs and
26 other African Americans in the workplace. This individual is employed as a Captain I with the
27 employer defendant and is in the chain of command as well as in the plaintiffs' chain of
28 command at all times referenced herein.

1 16. At all times mentioned herein, **ROBERT NELSON** is a Caucasian male and is
2 and was an individual residing in the County of Los Angeles, State of California, and was an
3 employee of the employer defendant, and was a supervisor in the workplace, part of the
4 management team, a managing agent or key decision maker on Fire Department policy and
5 procedure, and the supervisor of the plaintiffs at all times referenced herein. This defendant
6 harasses, discriminates, and retaliates against the plaintiffs on the basis of their race, color, creed,
7 ethnicity, and national origin. This defendant engages in tortious conduct towards the plaintiffs
8 that is far beyond the scope of ordinary personnel or management decisions, and was prompted
9 by personal animus, ill will, hostility and hatred towards the African American plaintiffs and
10 other African Americans in the workplace. This individual is employed as a Battalion Chief with
11 the employer defendant and is in the chain of command as well as in the plaintiffs' chain of
12 command at all times referenced herein.

13 17. At all times mentioned herein, **ROBERT TERRAZAS** is a Hispanic male who
14 identified more closely with his colleagues and the Caucasian chain of command, and is and was
15 an individual residing in the County of Los Angeles, State of California, and was an employee of
16 the employer defendant, and was a supervisor in the workplace, part of the management team, a
17 managing agent or key decision maker on Fire Department policy and procedure, and the
18 supervisor of the plaintiffs at all times referenced herein. This defendant harasses, discriminates,
19 and retaliates against the plaintiffs on the basis of their race, color, creed, ethnicity, and national
20 origin. This defendant engages in tortious conduct towards the plaintiffs that is far beyond the
21 scope of ordinary personnel or management decisions, and was prompted by personal animus, ill
22 will, hostility and hatred towards the African American plaintiffs and other African Americans in
23 the workplace. This individual is employed as the Fire Chief with the employer defendant and is
24 in the chain of command as well as in the plaintiffs' chain of command at all times referenced
25 herein.

1 18. At all times mentioned herein, **ROBERT CASTILLO** is a Hispanic male who
2 identified more closely with his colleagues and the Caucasian chain of command , and is and was
3 an individual residing in the County of Los Angeles, State of California, and was an employee of
4 the employer defendant, and was a supervisor in the workplace, part of the management team, a
5 managing agent or key decision maker on Fire Department policy and procedure, and the
6 supervisor of the plaintiffs at all times referenced herein. This defendant harasses, discriminates,
7 and retaliates against the plaintiffs on the basis of their race, color, creed, ethnicity, and national
8 origin. This defendant engages in tortious conduct towards the plaintiffs that is far beyond the
9 scope of ordinary personnel or management decisions, and was prompted by personal animus, ill
10 will, hostility and hatred towards the African American plaintiffs and other African Americans in
11 the workplace. This individual is employed as a Battalion Chief with the employer defendant and
12 is in the chain of command as well as in the plaintiffs’ chain of command at all times referenced
13 herein.

14 19. At all times mentioned herein, **SCOTT LA RUE** is a Caucasian male, and is and
15 was an individual residing in the County of Los Angeles, State of California, and was an
16 employee of the employer defendant, and was a supervisor in the workplace, part of the
17 management team, a managing agent or key decision maker on Fire Department policy and
18 procedure, and the supervisor of the plaintiffs at all times referenced herein. This defendant
19 harasses, discriminates, and retaliates against the plaintiffs on the basis of their race, color, creed,
20 ethnicity, and national origin. This defendant engages in tortious conduct towards the plaintiffs
21 that is far beyond the scope of ordinary personnel or management decisions, and was prompted
22 by personal animus, ill will, hostility and hatred towards the African American plaintiffs and
23 other African Americans in the workplace. This individual is employed as a Battalion Chief with
24 the employer defendant and is in the chain of command as well as in the plaintiffs’ chain of
25 command at all times referenced herein.

26 20. Plaintiffs sue fictitious Defendants **DOES 1 through 100**, inclusive pursuant to
27 *California Code of Civil Procedure* § 474, because their names and/or capacities are not
28 presently known. Plaintiffs will amend the Complaint when such facts become known.

1 Plaintiffs are informed and believes and based thereon, alleges that each of the fictitiously named
2 defendants is responsible in some manner for the occurrences herein alleged and that plaintiffs'
3 damages were legally and/or proximately caused thereby. Moreover, the acts committed by
4 **EMPLOYER** as described herein were duly authorized, ratified and directed by its officers,
5 directors and managing agents. Additionally, the **EMPLOYER** participated in the acts of its
6 employees and managing agents as described herein and ratified and accepted the benefits of
7 such wrongful acts.

8 21. At all times relevant, the defendant **EMPLOYER** is an entity subject to suit
9 under the *California Fair Employment and Housing Act-- Government Code § 12926, et. seq.*, in
10 that it regularly employs five or more persons. Plaintiffs are informed and believes and based
11 thereon contends that said defendant employed over approximately 50,000 employees in
12 connection with city and municipal operations.

13 22. Plaintiffs have properly and timely complied with the requirements of the *Fair*
14 *Employment and Housing Act [F.E.H.A.]* and have exhausted their administrative remedies
15 against the named defendants prior to the filing of this civil action consistent with the provisions
16 of the California Fair Employment and Housing Act codified in Government Code Section
17 12900, 12940, 12960 et seq.

18 **FACTUAL ALLEGATIONS REFERRING OR RELATING TO**
19 **PLAINTIFF LESLIE WILKERSON**

20 23. Leslie Wilkerson is an outstanding human being who has devoted more than 37
21 years of his life to the firefighting and Los Angeles communities. Mr. Wilkerson is a good and
22 valuable employee who continually devotes his best efforts to serving his employer, the City of
23 Los Angeles Fire Department, and the greater Los Angeles community. He takes great pride in
24 his work and in his level of attention, commitment and detail to his work, his supervisors, his co-
25 workers, and most importantly the communities that he serves. He does his work flawlessly yet
26 is never appreciated, acknowledged, or rewarded by his employer. Mr. Wilkerson remains
27 employed as an Arson Investigator for the City of Los Angeles Fire Department. He is an
28

1 African American male over the age of 40 years and a resident of the City of Los Angeles,
2 County of Los Angeles, State of California.

3 24. The plaintiff's employer is the City of Los Angeles, the City of Los Angeles Fire
4 Department, the LAFD, the Los Angeles City Fire Department, the Los Angeles Fire
5 Department, the Fire Prevention Bureau, and the Los Angeles County Fire Department
6 (collectively and interchangeably referred to herein as the "employer defendant"). The City of
7 Los Angeles Fire Department employs over 3,500 uniformed personnel and has 103
8 neighborhood fire stations across its 470 square-mile jurisdiction, protecting approximately four
9 million people living within the City of Los Angeles.

10 25. The supervisors at issue for this plaintiff include the following supervisors,
11 management, chain of command or other supervisory representatives are specifically identified
12 as being in this plaintiff's chain of command: Chief Ralph Terrazas, Assistant Chief Robert
13 Nelson, Deputy Chief Alfred Poirier, Battalion Chief Jamie Moore, Battalion Chief Scott
14 Anderson, Battalion Chief Michael Castillo, Battalion Chief John Potter, Captain Domingo
15 Albarran Jr., Captain Michael Rueda, and Captain Patrick Leonard. These named supervisors,
16 chain of command, management, managing agents, and other powerful people "at the top" are
17 the ones who encourage, create, maintain, sustain, incite, perpetuate, and continue a culture and
18 climate of racial hostility and an environment fueled with racial harassment and racial
19 discrimination, racial hatred, abuse, and mistreatment towards African Americans in this
20 workplace.

21 26. Mr. Wilkerson is first hired as a Firefighter with the City of Los Angeles Fire
22 Department in December 1983. While he does not feel welcome there due to a culture and a
23 climate that is fueled by a systemic hatred for and discrimination towards African Americans, he
24 makes the best of the situation, and tries to rise through the ranks believing that someday he will
25 be appreciated for his loyalty and rewarded for his hard work notwithstanding the color of his
26 skin. At every turn, he feels he is being denied training and promotional opportunities, he is
27 being denied pay increases or bonuses, he is being denied desirable job assignments, he is being
28 denied the ability to work in overtime assignments, he is being denied promotional opportunities,

1 he is being accused of poor work performance, he is being dragged into sham investigations, he
2 is being targeted for discipline, he is being set up to fail, he is being required to following ever
3 changing rules or processes that are not part of established rules, and he is being denied the more
4 desirable assignments or positions that are highly coveted in the department and often necessary
5 in order to promote within the ranks of the fire department.

6 27. In or about 1987, he applies to the Fire Department's Arson Section. Although not
7 technically considered a promotion, he gives up his rights as a Firefighter and receives what is
8 known as a pay grade advancement. While there is an increase in pay, this position does not
9 afford any promotional opportunities within the Fire Department unless you give up a position in
10 Arson and return to firefighting and then fight your way through obstacles for limited promotion
11 or similar opportunities. To this end, he aspires to become an Arson Investigator, however, the
12 qualifications for this position keep changing. For example, while initially Mr. Wilkerson is
13 aware that the rules require two years of work experience on the job as a Firefighter, he is
14 informed by management as to a change in the rules which now apparently require four years
15 minimum of prior working experience as a Firefighter in order to apply for a position in the
16 Arson Section. He is informed that there is no such rule, and the rules are being created or
17 changed ad hoc by the Caucasian management and supervisors in order to prevent him from
18 coming to the Arson Section. Their goal is to foreclose any meaningful work opportunities for
19 him because of his race. Nevertheless, he applies for the position in the Arson Section hopeful to
20 become an Arson Investigator. He is required to go through an inordinately long application
21 process which is not required for other Caucasian applicants to this Section. At every turn, he
22 feels he is being denied training and professional advancement opportunities, he is being denied
23 pay increases or his wages are being affected, he is being denied work assignments and overtime
24 opportunities, he is being denied promotional opportunities and he is being denied the more
25 desirable assignments or positions. This is an employer governed by the "good old white boys
26 club" and one in which African American employees are abused, denigrated, and disrespected
27 because of the color of their skin. Going into 1988, there continues to exist a hostile environment
28 at the workplace, especially towards African Americans, and widespread ongoing discrimination

1 on the basis of race, ethnicity, origin/ancestry, age, in addition to harassment, retaliation and
2 mistreatment of African American men and women in the workplace which continues unabated.

3 28. Ultimately, in or about 1988, he secures the position of Arson Investigator. This
4 is not a promotion but is considered a pay grade advancement given that the pay was higher than
5 the pay for a Firefighter. He is initially assigned to A Unit 1. There are two shifts involving a
6 first six-month probationary term in A Unit1 and a second six-month probationary term in A
7 Unit 2. A Unit 1 (Fire Station 25) covers downtown Los Angeles, while A Unit 2 (Fire Station
8 99) is located at Mulholland and Beverly Glen. These locations, and more specifically Station
9 25, is the less desirable location and is a part of Battalion 13, which provides less opportunity for
10 promotion or advancement to investigators assigned there. This station is also known as the
11 “Rookie Killer.” This is an employer governed by the “good old white boys club” and one in
12 which African American employees are abused, denigrated, and disrespected because of the
13 color of their skin. Going into 1989, there continues to exist a hostile environment at the
14 workplace, especially towards African Americans, and widespread ongoing discrimination on the
15 basis of race, ethnicity, origin/ancestry, age, in addition to harassment, retaliation and
16 mistreatment of African American men and women in the workplace which continues unabated.
17 These encounters and exchanges increase the hostility in the workplace towards Mr. Wilkerson,
18 and the retaliation, racial harassment, and race discrimination against Mr. Wilkerson by
19 management and the agency’s culture intensifies continuing into 2010.

20 29. Continuing into 2010, Mr. Wilkerson is wrongfully accused on numerous
21 occasions by the Caucasian management team and chain of command of not doing his job, his
22 judgment is questioned, and every aspect about how he does his job is criticized. These
23 encounters and exchanges increase the racial tension and racial hostility in the workplace
24 towards Mr. Wilkerson, and the ongoing retaliation, harassment, and discrimination against Mr.
25 Wilkerson by the agency’s culture intensifies and continues from 2010 through 2013. Mr.
26 Wilkerson continues to complain about the racial hostility and race discrimination in the
27 workplace. This is an employer governed by the “good old white boys club” and one in which
28 African American employees are abused, denigrated, ignored, and disrespected.

1 30. Continuing into 2014, Mr. Wilkerson is again wrongfully accused on numerous
2 occasions by the Caucasian management of not doing his job, his judgment is questioned, and
3 every aspect about how he does his job is questioned by the chain of command. His Caucasian
4 counterparts are not similarly questioned even when they engage in blatant violations of
5 workplace rules or have serious questions about their job performance. These encounters and
6 exchanges increase the racial hostility in the workplace towards Mr. Wilkerson, and the ongoing
7 retaliation, racial harassment, and race discrimination against Mr. Wilkerson by management and
8 the agency's culture intensify and continue. Mr. Wilkerson continues to complain about the
9 hostility and violations of law in the workplace. This is an employer governed by the "good old
10 white boys club" and one in which African American employees are abused, denigrated, ignored,
11 and disrespected.

12 31. Continuing into 2015 through 2017, Mr. Wilkerson is again wrongfully accused
13 on numerous occasions of not doing his job, his judgment is questioned, being rude when
14 responding to the scene of a fire incident, he is under a microscope and criticized more
15 frequently than his Caucasian counterparts, and every aspect about how he does his job is
16 questioned by the Caucasian chain of command. These encounters and exchanges increase the
17 racial hostility in the workplace towards Mr. Wilkerson, and the ongoing retaliation, racial
18 harassment, and race discrimination against Mr. Wilkerson by management and the agency's
19 culture intensify and continue. Mr. Wilkerson continues to complain about the hostility and
20 violations of law in the workplace, but these complaints are ignored. This is an employer
21 governed by the "good old white boys club" and one in which African American employees are
22 abused, denigrated, ignored, and disrespected.

23 32. In 2017 and continuing into 2018, the department faces yet another employment
24 discrimination lawsuit involving a group of fire prevention inspectors who are harassed and
25 discriminated against. There, several Los Angeles Fire Department employees proceed with a
26 civil lawsuit against the city alleging that their ethnicity causes them to be subjected to
27 discrimination, harassment, and retaliation at the department. These employees allege that Black
28 and female firefighters at the Bureau were labeled "lazy" and "afraid" to fight fires or do their

1 jobs. These employees also allege that due to this department wide systemic racial and gender
2 animus, they are continuously looked down upon and subjected to discrimination, harassment and
3 retaliation because of their African American race and their association with other African
4 American firefighters. The LAFD's internal racism is exemplified by the designation of several
5 fire stations, including Stations 14, 33 and 66 as "black free zones". These employees also
6 contend that Black and female members of the Fire Prevention Bureau are often referred to as
7 "slugs." The mistreatment of these minority employees intensifies when they report and disclose
8 various acts of misconduct and illegal activity that they believe does not comply with local, state,
9 and federal regulations. They also allege that a former fire marshal implements an "Operation
10 Catch up" program in which he uses untrained and inexperienced inspectors to perform duties
11 after media reports that the LAFD has thousands of overdue fire safety inspections. The
12 inspectors used by the Fire Marshall complete unreliable, flimsy fire inspection reports that are
13 ratified by him and approved by supervisors when they should have been rejected as they did not
14 ensure the safety of residents in the community. This is only one of many examples that
15 demonstrates the racially hostile and offensive work environment that is long-standing, which
16 persists to this day at the Fire Department, and which is ratified and condoned by supervisors,
17 management, and the chief. These litigants are African Americans, and one is Hispanic. The
18 lawsuit names Chief Ralph Terrazas personally among others, one of whom was removed as Fire
19 Marshall following efforts to resolve a long-standing back log of overdue fire inspections. The
20 employees allege that African American and female firefighters and anyone associated with them
21 have been referred to and labeled, characterized, identified, regarded, and branded by others
22 within the LAFD as lazy and afraid to fight fires. Due to this department wide systemic racial
23 animus, these minority employees have been systematically looked down upon and subjected to
24 race discrimination, harassment, and retaliation, because of their African American race and their
25 association with other African American firefighters. They also contend that the LAFD is
26 essentially an all white boys club, and anyone who fails to align themselves with this mentality
27 is looked down upon and treated differently. The LAFD systemic racial and gender animus is
28 evidenced by the derogatory manner in which management refers to minority men and women in

1 the workforce. Moreover, all of their assignments, work performance, projects, job assignments,
2 and complaints are scrutinized more closely than their Caucasian male counterparts. This
3 prevents most African American firefighters, and any other employees associated with them,
4 from promoting to higher positions within the FPB and the LAFD as a whole. Fire Marshall
5 Vidovich stated, on several occasions, that “we want to weed out internal terrorists” referring to
6 these employees who speak out against unlawful business practices at the FPB and the LAFD.
7 These comments and sentiments are often expressed at weekly staff meetings in the presence of
8 other supervisors and management ratified such offensive conduct and commentary.

9 33. These encounters and exchanges from 2017 and continuing into 2018, increased
10 the hostility in the workplace towards Mr. Wilkerson, and the retaliation, racial harassment, and
11 race discrimination against Mr. Wilkerson by management and the agency’s culture intensifies
12 and continues. This is an employer governed by the “good old white boys club” and one in which
13 African American employees are abused, denigrated, and disrespected.

14 34. In early November 2018, Mr. Wilkerson is informed by the chain of command
15 that he is going to be transferred back to platoon schedule. As a senior member of the team, Mr.
16 Wilkerson handles the high-profile cases in the section and is an asset to his department. When a
17 Caucasian investigator requests a transfer, his request is quickly granted. Mr. Wilkerson is not
18 given any advance notice of this transfer, or when or why the transfer will take place. This leaves
19 him with very little time to relocate his equipment and workstation in the field. This Caucasian
20 colleague has an industrial injury and childcare issues and is still given this transfer. Another
21 African American investigator who makes the same request is denied a transfer. These
22 encounters and exchanges increased the hostility in the workplace towards Mr. Wilkerson, and
23 the retaliation, racial harassment, and race discrimination against Mr. Wilkerson by management
24 and the agency’s culture intensifies and continues. This is an employer governed by the “good
25 old white boys club” and one in which African American employees are abused, denigrated, and
26 disrespected.

1 35. In the year 2018, Mr. Wilkerson continues to do his job and clears one of the
2 largest cases in the office. Without his experience and diligence, this case would not have been
3 solved so quickly. The Captains and the Chief get an award benefitting from the hard work of
4 Mr. Wilkerson and another African American investigator whose efforts go unrecognized. These
5 encounters and exchanges increase the racial hostility in the workplace towards Mr. Wilkerson,
6 and the retaliation, racial harassment, and race discrimination against Mr. Wilkerson by
7 management and the agency’s culture intensifies and continues. This is an employer governed by
8 the “good old white boys club” and one in which African American employees are abused,
9 ignored, denigrated, ignored, and disrespected.

10 36. In June 2018, Mr. Wilkerson responds to the scene of the incident. In this time
11 frame he hears of two Caucasian investigators talking in a loud and obnoxious manner about
12 their dislike of “Mexicans” and how they take jobs away from Americans. Mr. Wilkerson later
13 verifies the information from the three civilians at the location, who are still angry with the two
14 white investigators. Mr. Wilkerson routinely hears Caucasian co-workers and Caucasian
15 supervisors make negative and derogatory comments about various ethnic minorities and were
16 outwardly racist in their views and actions. These encounters and exchanges increased the
17 hostility in the workplace towards Mr. Wilkerson, and the retaliation, harassment, and
18 discrimination against Mr. Wilkerson by management and the agency’s culture intensifies and
19 continues. This is an employer governed by the “good old white boys club” and one in which
20 African American employees are abused, denigrated, ignored, and disrespected.

21 37. Continuing into 2019, Mr. Wilkerson is wrongfully accused by the Caucasian
22 chain of command on numerous occasions of not doing his job, his judgment is questioned, and
23 every aspect about how he does his job is questioned or criticized. These encounters and
24 exchanges increase the hostility in the workplace towards Mr. Wilkerson, and the ongoing
25 retaliation, racial harassment, and race discrimination against Mr. Wilkerson by management and
26 the agency’s culture intensify and continue. Mr. Wilkerson continues to complain about the
27 hostility and violations of law in the workplace. This is an employer governed by the “good old
28

1 white boys club” and one in which African American employees are abused, ignored, denigrated,
2 and disrespected.

3 38. On February 9, 2019, while working with another African American investigator
4 (Joseph Smith), Mr. Wilkerson answers his phone and is informed that A-Unit 1 is showing
5 overdue for a dispatch. He informs the dispatcher to place him in route to the scene. Once at the
6 scene, he and his partner are accused of ignoring the dispatch by Caucasian chain of command
7 who refuse to listen to anything he has to say. This is a false and untrue accusation. Mr.
8 Wilkerson does his job at the scene and investigates the matter. Shortly thereafter, his partner is
9 interrogated about their actions at the scene. They then participate in a phone conference with
10 Captain Halloran and Captain LA Rue who conduct an investigation of their response and action
11 and finds there is no evidence they did anything wrong. Captains Halloran and LA Rue state that
12 the matter is considered closed. Later that night, Mr. Wilkerson receives a call that he is to
13 respond to the scene of an incident. After he arrives on scene with his partner, he is accused by
14 Chief Castillo of not properly responding to the scene. This is a false and untrue accusation. Mr.
15 Wilkerson is placed into PSD for delayed response by Captains LaRue and Halloran and Chief
16 Castillo and they cite to poor customer skills as the reason. Three Caucasian investigators who
17 refuse to respond to the scene are not counseled or otherwise reprimanded. Alleged violations of
18 department policy are not consistently enforced or implemented. There are to different work
19 standards one for the Caucasian employees and the other for the African American employees.
20 These encounters and exchanges increase the hostility in the workplace towards Mr. Wilkerson,
21 and the retaliation, racial harassment and race discrimination against Mr. Wilkerson by the
22 Caucasian management and the agency’s culture intensifies and continues. This is an employer
23 governed by the “good old white boys club” and one in which African American employees are
24 abused, denigrated, ignored, and disrespected.

25 39. In March of 2019, Mr. Wilkerson is requested to attend a meeting on March 14,
26 2019, to be a witness for his work partner Joseph Smith (an African American), but the nature of
27 the meeting is not made clear by management. Once at the meeting with his partner, Mr.
28 Wilkerson witnesses Mr. Smith getting berated and verbally abused by Chief Castillo as he

1 accuses him of workplace misconduct. This is a false and untrue accusation. Senior Investigator
2 Robert McLoud is also present at this meeting as a witness and to provide moral support given
3 the ongoing racial hostility these men have encountered on the job incited and perpetrated by the
4 Caucasian chain of command. Chief Castillo is becoming increasingly upset those witnesses are
5 present. Sensing that management is getting increasingly hostile, Mr. Smith attempts to leave the
6 room and is prevented from doing do. Chief Castillo then begins verbally abusing Mr. Smith.
7 Chief Castillo then physically assaults, and batters Mr. Smith holds out a clenched fist and says
8 “wathca you gonna do!” The men looked to Captain LaRue for some help, but he fails to
9 intervene or deescalate the situation. Mr. Smith then calls the LAPD dispatch and reports a
10 disturbance in the Arson Office. Mr. Smith then, through the Fire Radio, requests persons from
11 the Fire Commission to come immediately to the Arson Office. This infuriates the Fire Chief.
12 Mr. Smith again decides that it is best to remove himself from this situation and he again
13 attempts to leave the conference room in which the meeting is taking place. Mr. Smith does not
14 raise his voice or act aggressively in any way at any time in this exchange with Chief Castillo. In
15 fact, Chief Castillo blocks the doorway preventing the men from leaving the room. Chief Castillo
16 is screaming at the top of his lungs berating and insulting Mr. Smith and then demands that his
17 Captains (Holloren and LaRue) call Chief Nelson (who is Chief Castillo’s boss and supervisor).
18 The Los Angeles Police Department responds to the scene of the incident. Mr. Smith and Mr.
19 Wilkerson fully cooperate with the police. No substantive discussion occurs, and the meeting
20 never gets started given Chief Castillo’s shocking and abusive behavior. The plaintiff is then
21 targeted for disciplined related to this incident, when he did nothing wrong and all he did was
22 support his fellow African American investigators.

23 40. These racist fueled encounters and exchanges continue through 2020, and
24 increase the hostility in the workplace towards Mr. Wilkerson, and the retaliation, racial
25 harassment, and race discrimination against him by the Caucasian management and the agency’s
26 culture intensifies and continues. This is an employer governed by the “good old white boys
27 club” and one in which African American employees are abused, denigrated, and disrespected.
28

1 41. Following this “blow up” at the Arson Office, things only get worse. In or about
2 May 26, 2019, Mr. Wilkerson undergoes shoulder surgery for an industrial injury. He remains
3 off duty through November 2019. Mr. Wilkerson continues to regularly check in with his
4 supervisor while is he is on “IOD” (injured on duty) status. He returns to full duty on November
5 24, 2019, without any restrictions. Upon his return, he is told by Captain Timothy Halloran that
6 he will need to undergo “reintegration training” to shoot a gun. There is no work policy or
7 procedure that requires such training. Moreover, this was never required of the Caucasian
8 investigators when they returned from IOD status.

9 42. The issue about plaintiff’s qualifying continues into November 2019 at which
10 time his superiors are still demanding that he has to take the class to relearn how to shoot a gun.
11 He is being forced to take this class by Captain Halloran. He then went and qualifies the Sunday
12 before he returns to work. He fills out the work forms and leaves them on his captain’s door on a
13 Sunday to confirm he complied with management’s request. The Caucasian management was
14 setting him up to fail by demanding this never before required “requirement” upon plaintiff’s
15 return to work from shoulder surgery. The plaintiff then gets reassigned to Station 1; the location
16 known as the “Rookie Killer.”

17 43. In August 2020, Mr. Wilkerson has been passed up for repeated applications for
18 promotions. While he aspires to promote to Senior Investigator, Mr. Wilkerson knows that the
19 Caucasian management and chain of command will never let that happen. The current Command
20 Staff went as far as to try and change the rules to allow lesser qualified Caucasian investigators
21 to take the exam and be ranked more favorably than the plaintiff. The white chain of command
22 will promote white investigators with less seniority, work experience and skill than this
23 employee to make sure that African Americans do not advance and succeed in this workplace.

24 44. In November 2020 and December 2020, he files several complaints with the
25 Professional Standards Division against the Caucasian management, given the adverse
26 employment actions directed him that are the product of hostile and racist work environment and
27 ongoing race discrimination in this workplace. The matter remains pending. He has received no
28 contact and has not yet been interviewed in connection with this request. Every complaint he

1 files with the Professional Standards Division is dismissed, not taken seriously, not fully or fairly
2 investigated, or ultimately is deemed to be “unfounded” by management. At this time, he is
3 being even more micromanaged by the Caucasian management and his every move is being
4 watched, questioned, and challenged by them. He needs to ask for permission to do things
5 routine in his work that he never previously needed to request permission to do. He cannot make
6 independent judgments that are integral to his job without asking for permission or approval
7 every step of the way.

8 45. The Fire Department, as an agency, is very good at putting out fires and rescue
9 services. But what is sorely lacking in this Fire Department is respect and fairness in dealings
10 with minority employees, especially African Americans. This agency has a very hostile attitude
11 toward and disdain of its African American work force, and routinely and regularly engages in
12 adverse employment actions against them to include sham investigations, sham allegations of
13 workplace misconduct, failure to promote, poor ratings in promotions process, failure to
14 investigate complaints of workplace mistreatment and discrimination, and failure to consistently
15 apply workplace policies and rules. The decision makers and “higher ups” at the Department,
16 who tend to be Caucasian men, hold very racist and bigoted attitudes, and do not believe in
17 diversity, equity, or inclusion in the workplace. Those minorities who don’t “play their game”
18 are abused and mistreated in the workplace and their work lives are made miserable.

19 46. The Los Angeles Fire Department has a checkered history of racial harassment,
20 intimidation and retaliation and has been the subject of many court actions that have exposed
21 such bad behavior. Nevertheless, the culture of hatred and racism continues unabated and there
22 have been no sincere reforms implemented to bring about an end to such racist hostility and
23 racial abuse.

24 47. Mr. Wilkerson repeatedly files complaints and grievances with his union about
25 racially fueled mistreatment and racial abuse in the workplace. Union representatives, which
26 represents more than 3,000 rank-and-file members, will testify that nothing has changed much
27 with the department’s disciplinary process that is still not fair, transparent or in compliance with
28 written rules and processes. The union representatives will also testify that this is not an

1 indictment of the fire fighters or investigators, but an indictment of the Caucasian management at
2 the Fire Department that is fueled with racism and hate. Mr. Wilkerson has exhausted his
3 administrative remedies under any union, any contractual agreements, union agreement,
4 employment agreement or other collective bargaining agreement, or any workplace policies and
5 procedures and/or any such exhaustion is not required or has been otherwise excused.

6 48. From his hire date and continuing through the present time, there exists a hostile
7 environment at the workplace, hostility towards African Americans, and discrimination on the
8 basis of race demonstrated through a series of related acts perpetrated by the Caucasian chain of
9 command and directed at the African American men and women in the workplace. In this time
10 frame, Mr. Wilkerson observes and becomes aware of other African American employees who
11 are denied promotional opportunities for advancement while their Caucasian counterparts or
12 Caucasian candidates and applicants receive more favorable treatment by Caucasian
13 management and supervisors who are part of the “gold old white boys club”. This employee
14 witnesses or is otherwise aware that African American employees are falsely accused of
15 misconduct or are falsely accused of violating employer policies, denied promotions, sucked into
16 sham workplace investigations, set up to fail, among other adverse employment actions.

17 49. There is a repeated pattern and practice of racism and bigotry that permeates this
18 agency through the highest levels in the supervisory hierarchy, and this has been Mr.
19 Wilkerson’s employment experience from day one on the job. What began as a series or
20 isolated, discrete, or subtle acts of hatred towards African Americans, has transformed over time
21 and transcended all boundaries of decency and humanity. The plaintiff is trying to work with and
22 change these racist and hostile attitudes, he is patient, he is kind, but he can no longer tolerate
23 such racism, bigotry, and oppression. He looks now to the Court for assistance to make valuable
24 and much needed changes in this organization, not only for himself but for other African
25 American employees and future minority recruits who aspire to do great things for their
26 community.

1 50. Mr. Wilkerson was the victim of associational race discrimination that he
2 witnessed or become aware of that was not just against African Americans but also other
3 minority employees in the agency to include Hispanic employees and other minority groups.

4 **FACTUAL ALLEGATIONS REFERRING OR RELATED**
5 **TO PLAINTIFF JOSEPH SMITH**

6 51. Joseph Smith is an outstanding human being and an invaluable member of the
7 firefighting community. He is a good and valuable employee who devotes his very best efforts to
8 serving his employer, the City of Los Angeles, and the Los Angeles Fire Department. He takes
9 great pride in his work and his work ethic. He takes great pride in his level of attention, respect
10 and commitment to his supervisors, his co-workers and most importantly the community that he
11 serves. He is a good and decent human being who loves serving his community but who can no
12 longer tolerate the widespread and unrelenting harassment, discrimination and retaliation based
13 on race that is out of control in this workplace. Mr. Smith has devoted over 17 years of his life to
14 preserving and promoting life safety and community welfare through his good work in
15 firefighting and arson investigations. Mr. Smith is an African American male over the age of 40
16 years and a resident of the City of Los Angeles, County of Los Angeles, State of California. Mr.
17 Smith remains employed as an Arson Investigator for the Los Angeles City Fire Department.

18 52. The employer is the City of Los Angeles, the Los Angeles City Fire Department,
19 the Los Angeles Fire Department, the LAFD, the Fire Prevention Bureau or the FPB,
20 (collectively and interchangeably referred to herein as “LAFD”, the Department, the Fire
21 Department, the organization, or the Los Angeles Fire Department). The Los Angeles City Fire
22 Department employs over 3,500 uniformed personnel and has 103 neighborhood fire stations
23 across its 470 square-mile jurisdiction, protecting approximately four million people living
24 within the City of Los Angeles.

25 53. The supervisors at issue for this plaintiff include the following supervisors,
26 management, chain of command or other supervisory representatives are specifically identified
27 as being in this plaintiff’s chain of command: Chief Ralph Terrazas, Assistant Chief Robert
28 Nelson, Deputy Chief Alfred Poirier, Battalion Chief Jamie Moore, Battalion Chief Scott

1 Anderson, Battalion Chief Michael Castillo, Battalion Chief John Potter, Captain Domingo
2 Albarran Jr., Captain Michael Rueda, and Captain Patrick Leonard. These named supervisors,
3 chain of command, management, managing agents, and other powerful people “at the top” are
4 the ones who encourage, create, maintain, sustain, perpetuate, and continue a culture and climate
5 of racial hostility and an environment fueled with harassment, racial hostility and discrimination,
6 abuse, and mistreatment, intended to be incredibly hostile towards African American men and
7 women at this agency.

8 54. Having successfully completed his training, he is hired on September 2, 2003, and
9 works in the capacity of a Fire Fighter I assigned to Fire Station #69 in Pacific Palisades. His
10 next assignment is Fire Station #14 located across the street from the LAPD Newton Division in
11 South Angeles. While he does not feel welcome due to an ongoing culture and a climate that are
12 fueled by a systemic hatred for and discrimination against African Americans, he makes the best
13 of the situation and is hopeful that the rules of the workplace will be followed and will be equally
14 and fairly implemented. Against all opposition, Mr. Smith works hard and tries to promote
15 through the ranks believing that someday he will be appreciated, and he will be rewarded for his
16 loyalty, good efforts, and hard work. At every turn, he feels he is being denied training
17 opportunities and promotions, his paycheck is being affected, he is being denied more favorable
18 job assignments, his job performance is constantly being criticized and he is being subjected to
19 sham discipline and write ups all of which are based on his race as well as for his standing up for
20 and association with other African Americans in the workplace.

21 55. He is next assigned to Fire Station #27 in Hollywood. At this point, he passes
22 probation and becomes a Fire Fighter II and remains at Fire Section #27 in the City of
23 Hollywood. He is next assigned to Fire Station #34 in Crenshaw. He is next assigned to Fire
24 Station #2 located at Cesar Chavez and the 5 Freeway in East Los Angeles for a short time.
25 Against all opposition, Mr. Smith works hard and tries to promote through the ranks believing
26 that someday he will be appreciated, and he will be rewarded for his loyalty, good efforts, and
27 hard work. At every turn, he feels he is being denied training opportunities and promotions, his
28 paycheck is being affected, he is being denied more favorable job assignments, his job

1 performance is constantly being criticized and he is being subjected to sham discipline and write
2 ups all of which are based on his race and ethnicity as well as for his standing up for and
3 association with other African American men and women in the workplace. From 2003 and
4 continuing into the present time, there exists a hostile environment at the workplace, and
5 discrimination on the basis of race, ethnicity, origin/ancestry, age, as well as harassment,
6 retaliation, and mistreatment of him and of other African American men and women in this
7 workplace continues. He keeps fighting.

8 56. He is next reassigned to Fire Station #40 in San Pedro, working as a Fire Fighter
9 III. He is next assigned to Fire Station #34 in the Crenshaw District. Many of these fire stations
10 are known as the “Rookie Killers” as they are especially tough on minority rookie firefighters,
11 and they try to “break” them. Moreover, African American rookies (including Mr. Smith) are
12 assigned to less desirable stations and minorities there are routinely subjected to hatred,
13 intimidation, ridicule and contempt by Caucasian employees and Caucasian supervisors. Against
14 all opposition, Mr. Smith works hard, and he tries to promote through the ranks believing that
15 someday he will be appreciated, and he will be rewarded for his loyalty, efforts, and hard work.
16 At every turn, he feels he is being denied training opportunities and promotions, his paycheck is
17 being affected, he is being denied more favorable job assignments, his job performance is
18 constantly being criticized and he is being subjected to sham discipline and write ups all of
19 which are based on his race and ethnicity as well as for his standing up for and association with
20 other African American men and women in the workplace. From 2003 and continuing into the
21 present time, there exists a hostile environment at the workplace, and discrimination on the basis
22 of race, ethnicity, origin/ancestry, age, as well as racial harassment, retaliation, and mistreatment
23 of him and of other African Americans in this workplace continues. He keeps fighting.

24 57. Against all odds, Mr. Smith seeks and secures a pay grade advancement in Arson
25 and works as sworn peace officer where he now carries a gun on and off duty with full police
26 powers of arrest, detention, and related duties. It is very difficult and very competitive to get into
27 the Arson Section. The material requirement to get into the Arson Section is that you must have
28 four years of work experience as a Fire Fighter with the Los Angeles Fire Department. On his

1 own initiative, he participates in training (*at his own expense and on his own time through other*
2 *private agencies that teach fire investigations and are certified through the State of California*)
3 not required by the employer and obtains an Arson Investigator Certificate before he even
4 secures a position in the Arson Section. It takes the Caucasian chain of command two years to
5 sign off on and approve Mr. Smith's certification and his employment.

6 58. Before he gets into the Arson Section, Mr. Smith on his own time and effort,
7 spend time riding out with Arson Investigators so that he could get into the Unite. To this end,
8 Mr. Smith expresses an interest in shooting practice. Mr. Smith is denied the opportunity to
9 participate in shooting training at the location known as Eagle's Nest where Caucasian members
10 of the Fire Department have an open invitation (purely voluntary) to get extra training on
11 firearms and tactics. This is a known practice made available only to the Caucasians and
12 Hispanic persons, but African American Fire Department employees including Mr. Smith are
13 denied these opportunities. Ms. Smith's supervisors in Arson repeatedly deny Mr. Smith the
14 opportunity to participate in Eagle's Nest. Eventually, he passes a written test, an oral interview
15 and undergoes an extensive background check.

16 59. In December of 2012, he is assigned to A-Unit 1 working out of Fire Station #17
17 located at Santa Fe Avenue and Olympic in what is known as the Fashion District. His Field
18 Training Officer is Les Wilkerson. During the second half of 2013, Mr. Smith is supposed to
19 rotate to A Unit 2 with another investigator who is Caucasian. Dan Gayton is this investigator
20 and Mr. Smith becomes aware is that Mr. Gayton states "I'm going to put a boot on his neck!"
21 referring to Mr. Smith. Mr. Smith is then kept in A Unit 1, and teams up with Michael Neu to
22 avoid any confrontation with the other investigator who is a racist and a bigot. Mr. Smith passes
23 probation and becomes a fully sworn Arson Investigator notwithstanding this opposition. The
24 Caucasian management and chain of command, and those Caucasian co-workers "in bed with
25 management" are not happy. Investigator Smith keeps fighting. Currently, Investigator Smith
26 remains assigned to A-Unit 1.

27 60. These encounters and exchanges which begin as isolated, subtle, and discrete
28 racist events, increase in aggression and hostility over time towards Mr. Smith and other African

1 Americans in the work force, and the retaliation, harassment and discrimination against Mr.
2 Smith management and the agency's culture intensifies and continues. This is an employer
3 governed by the "good old white boys club" and one in which African American employees are
4 abused, denigrated, ignored, and disrespected.

5 61. Between 2003 and continuing through the present time, Mr. Smith is denied
6 opportunities for promotion, training and professional advancement or assignment to more
7 desirable positions. The employer, through its supervisors (including Captain Michael Rueda
8 and Chief Robert Nelson), also create unspecified and inconsistent standards for workplace
9 qualifications to include if or when Mr. Smith needs additional certification to shoot a weapon.
10 Continuing into the present time, there still exists a hostile environment at the workplace, and
11 discrimination on the basis of race, ethnicity, origin/ancestry, age, as well as harassment,
12 retaliation, and mistreatment of Mr. Smith and of other African American men and women in
13 this workplace continues. He keeps fighting. Without court intervention now, things will never
14 change.

15 62. From 2003 and continuing into 2015, there exists a hostile environment at the
16 workplace, hostility towards African Americans (including at Mr. Smith), and discrimination on
17 the basis of race, ethnicity, origin/ancestry, age, harassment, retaliation, and mistreatment of
18 African American men (including Mr. Smith) and women in the workplace continues. In this
19 time frame, Mr. Smith observes and becomes aware of other African American male employees
20 who are also denied training, promotional opportunities, or advancement while their Caucasian
21 counterparts/employees/ candidates/applicants receive more favorable treatment by management
22 and supervisors who are part of the "white boys club". Moreover, Mr. Smith and other African
23 Americans co-workers, are criticized in their work performance and are falsely accused of
24 misconduct or violating unspecified department policies. Also, Mr. Smith and other African
25 American men and women in the Fire Department are written up for trivial, minor, or falsified
26 accusations while their Caucasian counterparts are not equally disciplined or are not disciplined
27 if at all for the same alleged infractions or policy violations. Additionally, Mr. Smith continues to
28

1 be harassed by the Caucasian chain of command about qualifying to shoot a weapon even though
2 he met all certifications required by the employer.

3 63. Continuing into 2015, Mr. Smith remains the target of the hateful and bigoted
4 Caucasian chain of command, management, supervisors, and co-workers blindly loyal to the
5 racist and bigoted management. His job performance is always questioned, he is held to
6 different standards, he is criticized in his decisions, and he is falsely accused of misconduct or
7 other violation of unspecified workplace policies. These encounters and exchanges increased the
8 racial hostility and race discrimination in the workplace towards Mr. Smith, and the racist and
9 hateful culture at this agency intensifies and continues. This is an employer still governed by the
10 “good old white boys club” and one in which African American employees are abused,
11 denigrated, ignored, and disrespected.

12 64. Continuing into 2016, Mr. Smith remains the target of the Caucasian
13 management, supervisors, and co-workers blindly loyal to racist and bigoted management. He is
14 still being harassed about qualifying to hold a weapon when no such certification is required by
15 workplace rules. Caucasian investigators were not required to requalify, yet management insisted
16 that Mr. Smith do so. His job performance is always questioned, he is held to different standards,
17 he is criticized in his decisions, and he is falsely accused of misconduct or other violation of
18 unspecified workplace policies. To this end, his credibility is attacked affected court testimony,
19 and he is criticized for evidence handling and chain of custody issues while his Caucasian
20 counterparts are not similarly criticized. These encounters and exchanges increase the racial
21 hostility in the workplace towards Mr. Smith, and the retaliation, racial harassment and race
22 discrimination against Mr. Smith intensifies and continues. This is an employer still governed by
23 the “good old white boys club” and one in which African American employees are abused,
24 denigrated, and disrespected.

25 65. Continuing into 2017, Mr. Smith remains the target of the Caucasian
26 management, supervisors, and co-workers blindly loyal to the racist and bigoted management.
27 His job performance is always questioned, he is held to different standards, he is criticized in his
28 decisions, and he is falsely accused of misconduct or other violation of unspecified workplace

1 policies. These encounters and exchanges increased the hostility in the workplace towards Mr.
2 Smith, and the retaliation, harassment and discrimination against Mr. Smith management and the
3 agency's culture intensifies and continues. To this end, he is accused of not doing his job and
4 failing to respond to the scene of an incident which is a baseless accusation. His Caucasian
5 counterparts are not similarly criticized for legitimate infractions of the workplace rules. This is
6 an employer still governed by the "good old white boys club" and one in which African
7 American employees are abused, denigrated, and disrespected.

8 66. Continuing into 2018, Mr. Smith remains the target of the Caucasian
9 management, supervisors, and co-workers blindly loyal to racist and bigoted management. His
10 job performance is always questioned, he is held to different standards, he is criticized in his
11 decisions, and he is falsely accused of misconduct or other violation of unspecified workplace
12 policies. These encounters and exchanges increased the hostility in the workplace towards Mr.
13 Smith, and the retaliation, harassment and discrimination against Mr. Smith management and the
14 agency's culture intensifies and continues. To this end, he is accused of not doing his job and
15 failing to respond to the scene of an incident which is a baseless accusation. His Caucasian
16 counterparts are not similarly criticized for legitimate infractions of the workplace rules. This is
17 an employer still governed by the "good old white boys club" and one in which African
18 American employees are abused, denigrated, and disrespected. These encounters and exchanges
19 increase the racial hostility in the workplace towards Mr. Smith, and the retaliation, racial
20 harassment and race discrimination against Mr. Smith intensifies and continues. This is an
21 employer governed by the "good old white boys club" and one in which African American
22 employees are abused, denigrated, and disrespected.

23 67. Continuing into 2019, Mr. Smith remains the target of a very racists and bigoted
24 Caucasian management, supervisor, and co-workers blindly loyal to racist and bigoted
25 management. His job performance is always questioned, he is held to different standards, he is
26 criticized in his decisions, and he is falsely accused of misconduct or other violation of
27 unspecified workplace policies. These encounters and exchanges increased the hostility in the
28 workplace towards Mr. Smith, and the retaliation, harassment and discrimination against Mr.

1 Smith management and the agency's culture intensifies and continues. To this end, he is accused
2 of not doing his job and failing to respond to the scene of an incident which is a baseless
3 accusation. His Caucasian counterparts are not similarly criticized for legitimate infractions of
4 the workplace rules. This is an employer still governed by the "good old white boys club" and
5 one in which African American employees are abused, denigrated, and disrespected.

6 68. On February 9, 2019, while working with another African American investigator,
7 Mr. Smith answers his phone and is informed that the A-Unit 1 is showing overdue for a
8 dispatch. He informs the dispatcher to place him in route to the scene. Once at the scene, he and
9 his partner are accused of ignoring the dispatch by the Fire Chief Castillo who refuses to listen to
10 anything he has to say. Mr. Smith does his job at the scene and investigates the matter very
11 thoroughly. Shortly thereafter, his partner is interrogated about their actions at the scene. They
12 are then being investigated. They then participate in a phone conference with a supervisor who
13 conducts an investigation of their response and action and finds they did nothing wrong. The
14 chain of command informed him the matter is considered closed without any further explanation.
15 There is record of this in his personnel file which affects promotion and advancement, and the
16 matter is never rescinded from his file. Later that night, Mr. Smith receives a call that he is to
17 respond to the scene of an incident. After he arrives on scene with his partner, he is again
18 accused by Chief Castillo of not properly responding to the scene. Mr. Smith is then referred to
19 the Professional Standards Division (PSD) investigation and potential discipline pending for
20 what the Caucasian management says is a delayed response and poor customer skills.

21 Meanwhile, three Caucasian investigators who refuse to respond to the scene are not counseled,
22 investigated, referred to PSD or otherwise reprimanded in any way. Alleged violations of agency
23 policy are not consistently enforced or implemented by management as against the African
24 American employees as compared to their white counterparts, and the Caucasian management is
25 outwardly hostile to African American subordinates. These encounters and exchanges increase
26 the hostility in the workplace towards Mr. Smith, and the retaliation, harassment, and
27 discrimination against him by the racist Caucasian management intensifies and continues. This is
28

1 an employer governed by the “good old white boys club” and one in which African American
2 employees are abused, denigrated, and disrespected.

3 69. In March of 2019, Mr. Smith is requested to attend a meeting on March 14, 2019,
4 but the nature of the meeting is not made clear to him. Once at the meeting with his partner Les
5 Wilkerson, Mr. Smith is berated and verbally abused by Chief Castillo. Senior Investigator
6 Robert McLoud is also present at this meeting to be a witness and to provide moral support.
7 Chief Castillo is upset at the fact that witnesses are present. Sensing that management is getting
8 increasingly hostile, Mr. Smith attempts to leave the conference room, but Chief Castillo
9 prevents him from leaving and then physically threatens, assaults, and batters him. The Chief
10 says, “you are not going anywhere, sit down!” Mr. Smith asks for a witness to be present at the
11 meeting and this is why Mr. Wilkerson is there, but this infuriates Chief Castillo who continues
12 threatening, taunting, and verbally abusing Mr. Smith and will not allow him to leave. The men
13 looked to Captain LaRue for some help, but he fails to intervene or deescalate the situation. Mr.
14 Smith then calls the LAPD dispatch and reports a disturbance in the Arson Office. Mr. Smith
15 then, through the Fire Radio, requests other command staff at the fire department to come
16 immediately to the Arson Office. This infuriates the Fire Chief. Mr. Smith again decides that it is
17 best to remove himself from this situation and he again attempts to leave the conference room.
18 Mr. Smith does not raise his voice or act aggressively in any way at any time in this exchange
19 with Chief Castillo. In fact, Chief Castillo blocks the doorway preventing the men from leaving
20 the room. Chief Castillo is screaming at the top of his lungs berating and insulting Mr. Smith and
21 then demands that his Captains (Halloran and LaRue) call Chief Nelson (who is Chief Castillo’s
22 boss and supervisor). The Los Angeles Police Department responds to the scene of the incident.
23 Mr. Smith and Mr. Wilkerson fully cooperate with the police. No substantive discussion occurs,
24 and the meeting never gets started given Chief Castillo’s shocking and abusive behavior.

25 70. After they leave the meeting, Mr. McLoud, Mr. Smith, and Mr. Wilkerson learn
26 that they are being investigated for not working up one of their cases from months earlier. They
27 are not accused of workplace misconduct, investigated, and disciplined. Mr. Smith defended
28 himself and did nothing wrong in the heated exchange initiated by Chief Castillo.

1 71. This retaliation, racial harassment and race discrimination and their related
2 encounters and exchanges continue into 2019 and increase the racial hostility in the workplace
3 towards Mr. Smith and other African Americans in the workplace. The agency’s anti-black
4 culture intensifies and continues. This is an employer governed by the “good old white boys
5 club” and one in which African American employees are abused, denigrated, and disrespected.
6 No criminal charges are ever filed against either Mr. Smith or Mr. Wilkerson. After this
7 exchange, Mr. Smith is directed by the employer to provide a urine sample and is accused of
8 being under the influence of drugs. He agrees to undergo toxicology tests the results of which are
9 all negative. To make matters worse, the employer then takes photographs of Mr. Smith and
10 disseminates throughout the Fire Department suggested he has anger management issues and is a
11 danger in the workplace. The employer also spreads false rumors about the plaintiff’s having a
12 dangerous temperament and being under the influence the drugs. Following this “blow up” at the
13 Arson Office, things only get worse. The plaintiff is asked to turn in his badge and his weapon.
14 Mr. Smith is later accused of having anger management issues and being the aggressor in the
15 exchange with the Chief at the Arson Office. He is referred to a mental health care provider by
16 Chief Castillo. He is cleared to return to work by the mental health care professional and is not
17 deemed to be a danger to himself or others at any time. The plaintiff is disciplined when he did
18 nothing wrong. This creates a permanent stain on job performance and his work record, and
19 prevents advancement, promotion or obtaining coveted assignments in this agency. Mr. Smith is
20 placed off work for 77 days (through about May 20, 2019), on a paid leave but during which he
21 loses overtime opportunities and other work opportunities. At the expiration of the 77 days, he is
22 returned to A-Unit 1. Two weeks prior to his return, he gets a call from Risk Management and is
23 told that he is being assigned to Homeland Security. He reports to Homeland Security for two
24 weeks where is relegated to desk duty, but he is denied overtime opportunities or more favorable
25 job assignments.

26 72. Ultimately, Mr. Smith is written up for “failing to respond” to an incident. Mr.
27 Smith is not written up for any workplace violence or for the encounter with the Fire Chief. The
28 investigation within the Professional Standards Division on this issue remains pending.

1 Caucasian employees who actually engage in workplace violence or misconduct or engage in
2 other clear violations of established policies and workplace rules are not punished at all or as
3 severely as plaintiff and other African Americans in the workplace accused of any level of
4 misconduct. These encounters and exchanges increase the hostility in the workplace towards Mr.
5 Smith, and the retaliation, harassment, and discrimination against him by the racist Caucasian
6 management intensifies and continues. This is an employer governed by the “good old white
7 boys club” and one in which African American employees are abused, denigrated, and
8 disrespected.

9 73. Continuing into 2020, Mr. Smith remains the target of the racist and bigoted
10 Caucasian management, supervisors, and co-workers blindly loyal to racist and bigoted
11 management. His job performance is always questioned, he is held to different standards, he is
12 criticized in his decisions, he is required to adhere to unspecified “policies” or policies that are
13 always changing, he is being disciplined, he is being investigated, and he is falsely accused of
14 misconduct or other violation of unspecified workplace policies. These encounters and
15 exchanges fuel and increase the racial hostility in the workplace towards Mr. Smith, and the
16 retaliation, racial harassment and race discrimination against Mr. Smith intensifies and continues.
17 His Caucasian counterparts are not similarly criticized for legitimate infractions of the workplace
18 rules. This is an employer still governed by the “good old white boys club” and one in which
19 African American employees are abused, denigrated, and disrespected.

20 74. In April 2020, Mr. Smith is once again accused of not responding to a call. This
21 incident involves a domestic violence call where LAPD responded and the male suspect
22 threatened to set fire to someone, but this never happens. Given that the situation involves
23 suspected arson, Mr. Smith responds to the scene to investigate a fire. Once at the scene, he
24 confirms no fire is set and thus there are no arson suspects. The matter remains within the
25 jurisdiction of the LAPD to investigate domestic violence only. Mr. Smith prepares a report of
26 what he saw and what he did entirely consistent with department policy. He is then informed that
27 he is being investigated by the Professional Standards Division for allegedly not responding to a
28 call. This investigation in remains pending. This is a stain on his work record and prevent

1 advancement, promotion, or assignment to coveted positions. His Caucasian counterparts are not
2 similarly criticized for legitimate infractions of the workplace rules. This is an employer still
3 governed by the “good old white boys club” and one in which African American employees are
4 abused, denigrated, and disrespected.

5 75. On or about October 22, 2020, the plaintiff becomes the target of an investigation
6 and is accused of insubordination and failure to do his job in relation to incidents of November 7,
7 2019. The plaintiff is appealing this discipline which resulted in a suspension without pay, as it is
8 part and parcel of ongoing racism and bigotry directed against him. The plaintiff is being
9 disciplined for not qualifying at a shooting range when the white investigators were not required
10 to similarly qualify and there is no written policy at the agency requiring such qualification.

11 76. On or about November 6, 2020, this plaintiff receives a notice of suspension
12 suspending the plaintiff for five days for alleged insubordination related to events that allegedly
13 occurred in November 2019. Plaintiff contends that these adverse employment actions are part
14 and parcel of the employer’s racial harassment and race discrimination against the plaintiff and
15 create a permanent stain on the plaintiff’s otherwise solid work performance record and prevent
16 the plaintiff from promoting or otherwise advancing within the agency.

17 77. The employer defendant has a Professional Standards Division (“PSD”) which
18 allegedly is the only avenue available to any employee who is being abused or mistreated in the
19 workplace. In reality, this is a sham process where the racist and bigoted chain of command who
20 are essentially investigating themselves, nothing gets done, and nothing changes. Moreover,
21 there is no human resource department for employees who are being mistreated on the job and
22 are the subject of race discrimination. The plaintiff complains to PSD on numerous occasions to
23 the employer, but his pleas are ignored and fall on deaf ears.

24 78. The Fire Department, as an agency, is very good at putting out fires and rescue
25 services. However, what is sorely lacking in this Department is respect and fairness in dealings
26 with minority employees, especially African Americans. This agency has a very hostile attitude
27 toward and disdain of its African American work force, and routinely and regularly engages in
28 adverse employment actions against them to include sham investigations, fabrication of claims of

1 workplace misconduct, failure to promote, failure to have a fair and transparent promotion
2 process, failure to consistently apply workplace policies and rules, failure to discipline
3 employees consistently and honestly. The “higher ups” at the Department, who tend to be white
4 males, hold very racists and bigoted attitudes, and they do not believe in diversity, equity, or
5 inclusion. Those minorities who don’t “play their game” are left on their own, with no support at
6 the office or on the scene and are given the ice treatment.

7 79. The Fire Department, as an agency, is very good at putting out fires and rescue
8 services. But what is sorely lacking in this Fire Department is respect and fairness in dealings
9 with minority employees, especially African Americans. This agency has a very hostile attitude
10 toward and disdain of its African American work force, and routinely and regularly engages in
11 adverse employment actions against them to include sham investigations, sham allegations of
12 workplace misconduct, failure to promote, poor ratings in promotions process, failure to
13 investigate complaints of workplace mistreatment and discrimination, and failure to consistently
14 apply workplace policies and rules. The decision makers and “higher ups” at the Department,
15 who tend to be Caucasian men, hold very racists and bigoted attitudes, and do not believe in
16 diversity, equity, or inclusion in the workplace. Those minorities who don’t “play their game”
17 are abused and mistreated in the workplace and their work lives are made miserable.

18 80. The Los Angeles Fire Department has a checkered history of racial harassment,
19 intimidation and retaliation and has been the subject of many court actions that have exposed
20 such bad behavior. Nevertheless, the culture of hatred and racism continues unabated and there
21 have been no sincere reforms implemented to bring about an end to such racist hostility and
22 racial abuse.

23 81. Mr. Smith repeatedly files complaints and grievances with his union about
24 mistreatment and racial abuse in the workplace. Union representatives, which represents more
25 than 3,000 rank-and-file members, will testify that nothing has changed much with the
26 department’s disciplinary process that is still not fair, transparent or in compliance with written
27 rules and processes. The union representatives will also testify that this is not an indictment of
28 the fire fighters or investigators, but an indictment of the Caucasian management at the Fire

1 Department that is fueled with racism and hate. Mr. Smith has exhausted his administrative
2 remedies under any union, any contractual agreements, union agreement, employment agreement
3 or other collective bargaining agreement, or any workplace policies and procedures and/or any
4 such exhaustion is not required or has been otherwise excused.

5 82. From his hire date and continuing through the present time, there exists a hostile
6 environment at the workplace, hostility towards African Americans, and discrimination on the
7 basis of race demonstrated through a series of related acts perpetrated by the Caucasian chain of
8 command and directed at the African American men and women in the workplace. In this time
9 frame, Mr. Smith observes and becomes aware of other African American employees who are
10 denied promotional opportunities for advancement and Caucasian/white employees/
11 candidates/applicants receive more favorable treatment by management and supervisors who are
12 part of the “gold old white boys club”, and other African American men as well as other women
13 (of all ethnicities and races including Caucasian and African American women) are falsely
14 accused of misconduct or are falsely accused of violating employer policies, denied promotions,
15 among other adverse employment actions.

16 83. There is a repeated pattern and practice of racism and bigotry that permeates this
17 agency through the highest levels in the supervisory hierarchy, and this has been Mr. Smith’s
18 employment experience from day one on the job. What began as a series or isolated, discrete, or
19 subtle acts of hatred towards African Americans, morphed over time and transcended all
20 boundaries of decency and humanity. The plaintiff is trying to work with and change these racist
21 and hostile attitudes, he is patient, he is kind, but he can no longer tolerate such racism, bigotry,
22 and oppression. He looks now to the Court for assistance to make valuable and much needed
23 changes in this organization, not only for himself but for other African American employees and
24 future minority recruits who aspire to do great things for their community.

25 84. Mr. Smith was the victim of associational race discrimination that he witnessed or
26 become aware of that was not just against African Americans but also other minority employees
27 in the agency to include Hispanic employees and other minority groups.
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FACTUAL ALLEGATIONS REFERRING OR RELATED
TO PLAINTIFF JUSTIN DAVIS

85. Justin Davis is an outstanding human being and an invaluable member of the firefighting community. He is a good and valuable employee who devotes his very best efforts to serving his employer, the City of Los Angeles, and the Los Angeles Fire Department. He takes great pride in his work and his work ethic. He takes great pride in his level of attention, respect and commitment to his supervisors, his co-workers and most importantly the community that he serves.

86. Mr. Davis has devoted a significant part of his life to preserving and promoting life safety and community welfare through his good work in firefighting and arson investigations. Mr. Davis is an African American male over the age of 40 years and a resident of the City of Los Angeles, County of Los Angeles, State of California. Mr. Davis remains employed as a Senior Arson Investigator for the City of Los Angeles Fire Department. He has been the victim of going, repeated, pervasive, systemic, and continuous harassment, discrimination, and retaliation on the basis of his race (African American) at his place of employment.

87. The employer is the City of Los Angeles, the Los Angeles City Fire Department, the Los Angeles Fire Department, the LAFD, the Fire Prevention Bureau or the FPB. The employer's principal place of business is located at 200 North Main Street, 16th floor, Los Angeles, California 90012, (213) 978-3000.

88. The supervisors at issue for this plaintiff include Captain Timothy Halloran, Captain Patrick Leonard, and Battalion Chief Scott Anderson, Chief Robert Nelson, Chief Ralph Terrazas (the Caucasian "chain of command" or the "management team") who remain employees of the employer.

1 89. The Los Angeles City Fire Department (the “employer”) employs over 3,500
2 uniformed personnel and has 103 neighborhood fire stations across its 470 square-mile
3 jurisdiction, protecting approximately four million people living within the City of Los Angeles.
4 Simply put systematic racial discrimination, inequality, harassment, and retaliation are deeply
5 rooted within the history and culture of the Los Angeles Fire Department. It is active and openly
6 unashamed. It is apparent that the harassment, abuse, and retaliation is encouraged at the highest
7 levels of the Los Angeles Fire Department in that the executive management of the LAFD
8 refuses to intervene, even after numerous employees have reported the misbehavior and unfair
9 treatment.

10 90. It is painfully apparent that the racial harassment, racial abuse, race discrimination
11 and race retaliation is encouraged at the highest levels of the Los Angeles Fire Department in
12 that the executive management of the LAFD has refused to intervene, even after numerous
13 employees have reported the misbehavior and unfair treatment over the years. Numerous
14 investigators and civilian employees have complained and have made notification about this
15 mistreatment to the Fire Commissioners, Fire Chief, Chief of Staff, Deputy Chief, Professional
16 Standards Division, Los Angeles Fire Department African American Association, Mayor’s
17 Office, the Los Angeles City Council, the Los Angeles Mayors Office, various civic leaders and
18 to the Federal Bureau of Investigation. As a result of the investigators’ good faith complaints and
19 opposition to race discrimination and harassment the supervisors at the Los Angeles Fire
20 Department’s Arson section retaliated against this plaintiff and his fellow African American
21 investigators by subjecting them to demeaning and hostile treatment, sham discipline, sham write
22 ups, unwarranted discipline, removal from coveted assignments, denial of promotional
23 opportunity and removal from a coveted position at the FBI’s Joint Terrorism Taskforce. To
24 avoid this derogatory outcome, investigators have repeatedly asked for diversity within their
25 chain of command. For years Investigators have requested an immediate chain of command that
26 effectively reflects the diverse communities which they serve. Through the present time,
27 diversity within the chain of command at the Fire Department is sorely lacking and requests for
28 change have been repeatedly ignored and denied. As such, Investigator Davis has been subjected

1 to a higher and stricter level of scrutiny than his similarly situated white co-workers. The
2 African Americans employees, including Investigator Davis (and in this case several Hispanic
3 members of the Arson Section) were repeatedly reprimanded, disciplined, and retaliated against
4 by their all-white supervisory staff.

5 91. The supervisors in the Los Angeles Fire Department Arson section along with the
6 LAFD Command staff have displayed unabashed hatred and hostility towards Black men and
7 women and are a sad but quintessential example of systemic racism that exists within the LAFD.

8 92. Justin Davis is first hired with the City of Los Angeles Fire Department in 2000.
9 From 2000 to 2007, Mr. Davis worked as a firefighter. From 2007 to 2012, he worked as an
10 Arson Investigator assigned to the Arson section where he worked alongside Investigator Leslie
11 Wilkerson.

12 93. In 2012, he interviews for and is promoted to a highly coveted position working
13 full-time on the FBI's (JTTF) Joint Terrorism Taskforce. The requirements for the position were
14 expansive, including but not limited to successful completion of an in-depth background and
15 polygraph examination, ability to attain a top-secret security clearance, successful completion of
16 training at FBI headquarters in Quantico, Virginia, among other rigorous requirements The final
17 step is to successfully become federally deputized by the United States Marshall's Office. This
18 step was critical as it provided the authority for this plaintiff to work on federally mandated
19 terrorism cases. What is also significant about this deputation process is that Task Force Officers
20 working with the FBI are not allowed to have any internal departmental complaints pending,
21 impending or even in existence. From 2012 to 2019, a letter of good standing was bi-annually
22 required and provided to the FBI by the taskforce members (including the plaintiff) indicating
23 that he or she was not under investigation and had not been the subject of any workplace or other
24 complaints of any kind. Mr. Davis had a flawless performance record and no record of any
25 concerns or complaints about his job performance. This all changed in year 2017 and continues
26 to the present time orchestrated by the racist and bigoted all white command staff and
27 management team.
28

1 94. Arson Supervisor Captain Patrick Leonard was formerly an Arson Investigator for
2 approximately two years in 2014 and 2015. The employee is informed that Leonard was
3 removed from the Arson section by the LAFD due to personnel issues, creating a hostile work
4 environment, and due to ineffective supervision of the team. The employee is further informed
5 that Captain Leonard sued the LAFD relating to his reassignment and/or demotion, but
6 ultimately lost his lawsuit. Sometime in 2017 after Patrick Leonard had been removed and was
7 no longer working in the Arson Section, he was questioned by Fire Department members as to
8 why he was removed from the Arson Section. Captain Leonard told several firefighters hat he
9 was removed because the “LAFD wanted to change the demographics of the Arson section and
10 hire more black people.” The firefighters commented that the statements made by Captain
11 Leonard were inappropriate and it was clear that he harbored some form of ill will and racial
12 animus towards the African American investigators and blamed them for his removal from the
13 Arson section. Notwithstanding his history of racist behavior, Captain Leonard promoted to the
14 rank of Captain I and then to the rank of Captain II for reasons that seem baffling to all.

15 95. In 2019, Captain Leonard was allowed by Assistant Chief Robert Nelson to return
16 to the Arson section as a Supervisor Captain II. The supervisor was rewarded for bad behavior to
17 the astonishment of the team, including Mr. Davis. As a Supervisor in the Arson Section,
18 Captain Leonard disproportionately treats the African Americans (including plaintiff) and
19 Hispanic employees with a total lack of respect, dignity, courtesy, and consideration. He has a
20 history of lying, writing negative frivolous complaints about the African Americans that he
21 supervises, and making derogatory comments about the African American and Hispanic staff and
22 employees under his command. This offensive, racist and bigoted conduct and commentary
23 continues in a repeated, pervasive, and hostile manner by Captain Leonard (authorized, approved
24 and ratified by the Caucasian chain of command) towards this plaintiff and other African
25 Americans in the workplace from 2017 and continuing into 2019.

26 96. In or about April 2019, Mr. Davis is wrongfully accused of misappropriation and
27 other wrongful conduct. Captain Leonard and the plaintiff had just attended a joint meeting with
28 the FBI and LAPD at LAPD Headquarters at 100 West 1st Street, Los Angeles. After the

1 meeting, the plaintiff walked with Captain Leonard to his vehicle and asked him if he had any
2 updates within the section or from Chief Robert Nelson. He said that Chief Nelson had concerns
3 about Mr. Davis' timekeeping and specifically felt that he was actually not showing up to work
4 at the task force and that he was taking vacation days off and not informing Arson Supervisors.

5 97. This had been the first time that Mr. Davis had heard of any such concerns. For
6 the past nine years while working at the FBI's offsite locations on this coveted taskforce
7 assignment, Mr. Davis had never been accused of not coming to work and/or not performing his
8 work duties. In fact, he had nothing but positive reviews regarding his work ethic and the time he
9 had spent doing his job. He was the only person among thousands of LAFD employees who held
10 this unique, coveted, and highly respected taskforce position and had always been fully
11 transparent with his supervisors. In the preceding conversations had he never heard anything like
12 these accusations of misconduct directly or indirectly from Chief Robert Nelson. The plaintiff's
13 personal and professional integrity were being attacked which threatened his continued
14 involvement with this taskforce. He responded to Captain Leonard that these accusations were
15 racist, untrue, baseless, and totally ridiculous. He informed Captain Leonard that he has an
16 impeccable record, and he invited an audit or internal investigation of his time keeping. In fact, it
17 is very likely that the city owed the plaintiff money as he frequently completed after hours work
18 or worked on his days off for which he was rarely, if ever, compensated.

19 98. To date, Mr. Davis has not received any complaints, nor has there been any
20 internal investigations initiated by the FBI or the LAFD regarding his timekeeping. Moreover,
21 the FBI chain of command never complained about any aspect of the plaintiff's job performance.
22 Plaintiff believes this yet another unfounded racially motivated incident aimed at defaming him
23 to unjustly remove him from the FBI taskforce and unjustly harass him based on his race. This
24 offensive conduct and commentary continue in a repeated, pervasive, and racially hostile manner
25 by Captain Leonard (authorized, approved and ratified by the Caucasian management) towards
26 this employee and other African Americans in the workplace was continuing into 2019. Only the
27 black investigators time keeping was being questioned and the white investigators were never
28 similarly questioned about their days off, vacation days or their comings and goings while

1 serving on various taskforces. This investigation and witch hunt of the plaintiff by the racist and
2 bigoted chain of command continues.

3 99. In June 2019, Mr. Davis was speaking with Homeland Security Assistant Chief
4 Robert Nelson in the parking lot of the Frank Hotchkins Memorial Training Center. He would
5 frequently report to Chief Nelson regarding pertinent matters related to the Los Angeles area.
6 They had a brief conversation about updates within the Homeland Security Division. Chief
7 Nelson told him that a federal grant of funds had been secured for Mr. Davis' position with the
8 FBI. Chief Nelson told him that he did not see the plaintiff's position being eliminated or phased
9 out for any reason in the foreseeable future. Chief Nelson, however, then made derogatory
10 comments as to why or how plaintiff had held the position for as long as he did give that he was
11 a subpar or average employee and not good at his job.

12 100. Chief Nelson said that Mr. Davis does not have any loyalty rights to remain in the
13 taskforce position and the only reason why he had been in the position for so long was because
14 he is Black. Chief Nelson said personally he "didn't give a shit" about Mr. Davis. He also said
15 that the only thing he is really concerned about is pleasing his white boss and fulfilling the tasks
16 his boss asks of him. Mr. Davis told Chief Nelson that his comments were harsh, offensive, and
17 unnecessary, and he repeated that he "didn't give a shit" about the plaintiff again and this time
18 added "it's not personal, it's just business." It was very personal given this supervisor
19 demonstrated hatred towards African Americans in the workplace. Chief Nelson's comments
20 were discriminatory and highly racially insensitive, especially for a supervisor on the LAFD.
21 This offensive conduct and commentary continue in a repeated, pervasive, and hostile manner by
22 Chief Nelson and Captain Leonard (authorized, approved and ratified by a Caucasian
23 management) towards this employee and other African Americans in the workplace was
24 continuing into 2019.

25 101. Mr. Davis has also been the subject of associational race discrimination. On or
26 about September 9, 2019, Mr. Davis spoke with Chief Scott Anderson about his email
27 announcing he will be conducting "mandatory line-up" at the firing range. Line-Up is an all
28 members meeting to discuss various administrative matters and general LAFD news. This was

1 an anomaly as this has never been done before in the history of the section. As Chief Anderson
2 was new to the unit, Mr. Davis explained to Chief Anderson that their range days are typically
3 for shooting, and he should consider rethinking this for a number of reasons. First, LAPD
4 firearms instructors would like to start the range day by giving a safety brief and begin shooting
5 without any unnecessary delays as occupancy of the range is an expense. Second, if a substantial
6 amount of time is spent on “line up,” then it would take time away from actual shooting and
7 conducting the perishable skills training. Third, during summer it is better to begin shooting early
8 as possible to avoid the afternoon heat. Fourth, most important, he told Chief Anderson that it
9 appears the mandatory line ups at the firing range were being erroneously created to target
10 Investigators Joseph Smith and Leslie Wilkerson as they usually did not attend firearms range
11 days. Chief Anderson became upset and reminded Mr. Davis that he was the commander of the
12 Arson Section and that any decision that he makes controls regardless of what any investigator
13 thought. Chief Anderson then said that if he wanted to, he could order us to play “Tic Tac Toe,”
14 and our response needed to be to play “Tic Tac Toe.” Chief Anderson then at this moment was
15 clearly upset and threatened Mr. Davis and warned against him having any “battles” with him,
16 because Anderson would win “every time.” He said it did not matter what we thought and that
17 the LAFD white administration would always back his leadership and decisions.

18 102. Everyone knew that this new directive was directed at African American
19 investigators Joe Smith and Leslie Wilkerson. Similarly situated Caucasian Arson Investigators
20 were not required to attend firearms training days. Additionally, Mr. Davis found this sudden
21 approach in firearms training highly unusual, because a few months prior Mr. Davis personally
22 requested to attend a three-day advanced firearms training class with the LAPD and this request
23 was denied by Captain Halloran. He also requested to attend an FBI firearms instructor class and
24 this request was also denied by the white chain of command.

25 103. Battalion Chief Scott Anderson along with Captains Leonard and Halloran were
26 responsible for particularly racist and derogatory events that occurred on September 25 and 26,
27 2019. The event was particularly offensive and egregious to the African American members.
28 Chief Anderson called a “Mandatory” all members meeting in an email dated Tuesday

1 September 24, 2019. In the email Chief Anderson writes, “I have found that an immediate line-
2 up is necessary and required of me as your supervisor.” Chief Anderson began the meeting by
3 having a conversation about respect and dignity. Things then took a bizarre turn when Chief
4 Anderson held up a picture of Mickey Mouse from the well-known animated film “Fantasia
5 2000” produced by Disney. In the picture, Mickey Mouse is dressed up as the “Sorcerer’s
6 Apprentice” and is wearing a burgundy robe along with a long pointy sorcerer’s cap. Chief
7 Anderson became upset and began to berate the members of the section regarding how
8 inappropriate and offended he was over the picture. He indicated that the picture was posted on
9 the dry eraser board near his office. Chief Anderson alleged that a Los Angeles Police Officer
10 was in the Arson office and saw this picture and was “highly offended.” Chief Anderson said
11 that the LAPD officer told him that someone in the Arson section is calling him a “Grand Wizard
12 of the Ku Klux Klan” and asked Anderson what he was going to do about this. Chief Anderson
13 explained how disappointed he was in the section and continued to chastise all those who were
14 present. Chief Anderson said that he believes he knows who is responsible for posting the
15 picture and that he has documented the incident with the Professional Standards Division (PSD).
16 He further indicated that PSD has instructed him to “personally investigate the matter in house.”
17 Chief Anderson then passed out copies of the Rules and Regulations. The first obvious question
18 is who and what is the rank of this LAPD Officer? Chief Anderson’s actions were insensitive,
19 and he seemed to purposefully create an unnecessary and unwarranted racial divide. While Mr.
20 Davis was not responsible for posting the picture, the meeting set an accusatory tone and made
21 the African American investigators feel awkward, uneasy, uncomfortable, and targeted.

22 104. Unfortunately, this incident becomes more bizarre. During the time of the initial
23 meeting Investigator Joseph Smith was out of the country and unable to attend. On or about
24 October 17, 2019, Investigator Joseph Smith was summoned to the Arson Office by Battalion
25 Chief Scott Anderson and Patrick Leonard. Smith was told a similar account about the LAPD
26 Officer being offended from a picture that was posted in the Arson Office. Smith was also told
27 that this officer suggested to Anderson that someone in the Arson Office was calling Anderson
28 the “Grand Wizard of the Ku Klux Klan.” Investigator Joseph Smith is adamant that the picture

1 that Anderson showed him was NOT from Mickey Mouse Fantasia and the Sorcerer's
2 Apprentice. Investigator Smith describes the picture shown to him as being a "witch on a broom,
3 with a long pointy hat." Why was Investigator Smith not shown the same picture as all of the
4 other investigators and civilian staff saw during the original line up on September 25 and 26,
5 2019? Yet, and most unusually, he was told the same story. Anderson told Smith not to worry,
6 because he realized that Smith had been out of town, and he did not suspect him as being
7 responsible for anything. Anderson also told Smith he was conducting the investigation himself
8 at the request of the Professional Standards Division. This was not in compliance with
9 department policy as a supervisor accused of misconduct cannot investigate himself. As of this
10 date, Chief Anderson has not provided any follow up or updates related to this incident. No
11 witnesses were interviewed. No sincere and transparent investigation was done. The
12 investigation remains pending, and the issue is not resolved. Mr. Davis and the other African
13 American investigators found this incident to be both humiliating and degrading to them and to
14 all African American employees in this workplace. Mr. Davis considers this another
15 quintessential example of workplace racial harassment and race discrimination in a racially
16 charged work environment. As a unit, they attempted to discuss this matter with Chief
17 Anderson, but were met with negative results and a refusal by the department to investigate this
18 racist episode. This pattern and practice of harassment on the basis of race, discrimination on the
19 basis of race and retaliation for voicing complaints about a hostile, offensive and racist work
20 environment continues into 2019 and 2020.

21 105. While working as an Arson Investigator in 2019, Mr. Davis interviewed for and
22 obtained a specialized assignment working with the FBI's Joint Terrorism Taskforce. The nature
23 of the work is related to conducting federal investigations. He also provided fire and arson
24 related expertise at the request of the FBI when necessary. Mr. Davis was a Terrorism Liaison
25 Officer and was considered the primary point of contact for the LAFD for any matters related to
26 Terrorism. At the time of his removal from this position, he was the only member in the entire
27 Los Angeles Fire Department who held this position. The official title of the LAFD Arson
28 section is Arson "Counter Terrorism" Section. His position at the FBI was literally the only

1 nexus that fulfills this Counter Terrorism function. He was out of the country September 8
2 through September 16, 2019. On September 13, 2019, members of the Los Angeles Fire
3 Department's Arson Counter Terrorism Command Staff, (Assistant Chief Robert Nelson,
4 Battalion Chief Scott Anderson, Captain Patrick Leonard, and Captain Timothy Halloran) had a
5 meeting with FBI Supervisory Special Agent BP. The meeting was requested and set up without
6 Mr. Davis' knowledge and was initially set up by Captain Patrick Leonard on September 10,
7 2019.

8 106. Mr. Davis had previously set up a meeting with Special Agent BP on July 12,
9 2019, so that the newly appointed Arson command staff could learn about his position at the FBI.
10 Throughout the years, he had set up numerous meetings for anyone interested. This meeting was
11 mutually agreed upon with Anderson and Nelson. Days before, the meeting was cancelled by
12 Scott Anderson. Anderson did not provide a reason for the cancellation, and he never offered to
13 reschedule the meeting. On September 13, 2019, Special Agent BP described the meeting with
14 the LAFD Arson command staff and supervisors Nelson, Anderson, Leonard, and Halloran as
15 "weird and awkward". Special Agent BP said it was most unusual that Mr. Davis was not present
16 as the LAFD's primary point of contact with the FBI. Command staff asked the following
17 questions: How much time does Justin spend in the office? How many days a week does Justin
18 spend in the office? How many cases is Justin working? Does Justin notify you when he takes
19 vacation days? How can we track Justin's hours spent working? Can Justin's time be audited?
20 The white command staff strongly suggested that plaintiff had engaged in fraud and misconduct
21 and was being investigated and disciplined.

22 107. It became abundantly apparent why Command Staff did not want him present at
23 this meeting as BP described the meeting as a "witch hunt." It felt to Special Agent BP like the
24 Arson command was actively looking for "wrongdoing" or conducting an internal affairs
25 investigation on the part of Mr. Davis trying to find wrongful conduct by him. Phan called Mr.
26 Davis while he was out of the country on an approved vacation and informed him of the meeting,
27 she had with the LAFD Command. The plaintiff has secured the proper approval before going on
28 vacation. Special Agent BP inquired if Mr. Davis was under investigation by his agency. BP

1 explained that for unknown reasons his agency wanted to swap him out for another investigator
2 and remove him from this assignment and replace with a white counterpart. BP said the meeting
3 was unprofessional and felt as though the Arson command staff were acting unethically. A Los
4 Angeles County Sheriff Deputy who is also assigned to the Taskforce was also randomly
5 questioned about Mr. Davis by Robert Nelson. The detective later advised that she was also led
6 to believe that Mr. Davis was under Investigation by the LAFD for fraud or other misconduct.
7 This unwarranted treatment by the white Arson command staff led to embarrassment,
8 humiliation and otherwise tarnished Mr. Davis' nine-year positive track record and work history
9 with the FBI. Mr. Davis was never notified that he was the subject of a PSD or other workplace
10 investigation.

11 108. Mr. Davis was later removed from the FBI position and assignment in January
12 2020 and was told that he was no longer assigned to the FBI's Terrorism Taskforce. Robert
13 Nelson told FBI supervisors that Mr. Davis would return to the FBI position after a period of six
14 months, but in a conversation with him, Nelson said that Mr. Davis should "sever ties" with the
15 FBI and that if he conducted any work with the FBI going forward, he would not be
16 compensated. This position with the FBI was funded by federal grant funds provided to the Los
17 Angeles Fire Departments Homeland Security Division. These funds are requested for specific
18 initiatives and as such the Los Angeles Fire Department has a responsibility to use these funds
19 for their intended purpose. The Grant Fund provided to the Los Angeles Fire Department was
20 specifically authorized to have him serve as a federally deputized Task Force Officer to be
21 imbedded with the FBI on a full-time basis. These same grants had been requested and provided
22 to the LAFD for numerous years without incident until Robert Nelson's tenure as Assistant Chief
23 Robert Nelson. As this grant for the FBI position had not yet ran its course, Mr. Davis was
24 concerned as to why Nelson would be unable to pay him for any additional work performed for
25 the FBI. Mr. Davis is informed that the white command staff and supervisors were on a witch
26 hunt targeted at him and the other African American investigators in Arson. Moreover,
27 management never made any similar inquiries about job performance of Caucasian investigators
28

1 assigned to work on task forces, nor where their white counterparts removed from any taskforce
2 or other coveted assignments.

3 109. This racist Arson command staff colluded and conspired to remove Mr. Davis
4 from a coveted position with the FBI. When command staff was unsuccessful in finding him
5 guilty of any wrongdoing during their clandestine witch hunt, they then changed tactics by
6 concocting frivolous excuses to remove him from the position. Moreover, merely questioning
7 Special Agent BP about Mr. Davis raised “red flags” with the FBI and the absence of any
8 inquiries or investigations or any other indicia of performance issues in the employee assigned to
9 the task force will result in removal from the task force. Mr. Davis’ removal came only after he
10 spoke up on behalf of two African American colleagues who were being attacked on the basis of
11 their race. So, he became the target of the Caucasian management. It has since been learned that
12 the LAFD has been audited regarding their use of grant funds. Specifically, the Homeland
13 Security Division under the direction of Robert Nelson has mismanaged the use of these funds
14 and Mr. Davis is informed that there is information regarding misappropriation of funds with
15 investigations under way. The significance of this removal is that Mr. Davis was the only one in
16 the entire LAFD who held this position in the history of the agency that it has been made
17 available. A white male Arson Investigator was previously allowed to retire from the same
18 position with the FBI. This pattern and practice of harassment on the basis of race,
19 discrimination on the basis of race and retaliation for voicing complaints about a hostile,
20 offensive and racist work environment continues into 2020.

21 110. Once officially returned to the Arson Section, Mr. Davis requested to remain on a
22 Day Shift schedule which consisted of a 4-10 schedule. He asked for this assignment because he
23 had never been assigned to work the special investigations unit and had a significant amount of
24 seniority to do so. His requests were denied yet arrangements had been made for his Caucasian
25 counterparts in the past to do so. Instead, he was forced into working a 24-hour platoon duty
26 schedule, when he had not done so in nine years which causes him stress, strain, and undue
27 hardships on his family life. It wis clear to him that concessions are being made for Caucasian
28

1 investigators that are not similar made for the African American Investigators. Now, the plaintiff
2 is getting less desirable assignments, among other adverse employment actions.

3 111. IN or about September 2020 Investigator Wilkerson and Mr. Davis noticed there
4 were not enough personnel available to cover an Arson shift. This would have left Investigator
5 McLoud to work the shift by himself creating a safety hazard and additional workload. Learning
6 this Investigator Wilkerson and Davis took it upon ourselves to split the shift. I would work 0800
7 - 2000 hours and Wilkerson would work 2000 -0800 the next morning, essentially fully covering
8 the shift so Inv. McLoud would not be working alone. This had previously been a much
9 appreciated and thoughtful practice prior to this command staff. After notifying the command
10 staff of our intentions and successfully working the shift with Investigator McLoud,
11 Wilkerson and Davis were chastised and described as rouge employees who are not manageable
12 who “did what we want.” Both Wilkerson and Davis along with several co-workers were in
13 disbelief that such a selfless act was turned into such a derogatory incident. Several months later
14 during a meeting with the LAFD union president Freddy Escobar this incident and said he was
15 told by Arson command staff that investigators required additional supervision because they
16 work whenever they want and do not notify Arson supervisors.

17 112. Arson Command Staff then filed a frivolous complaint against Mr. Davis while he
18 was working with Investigator Joseph Smith on April 16, 2020. The complaint suggests Joe
19 Smith and Mr. Davis “failed to conduct and document a complete investigation of this incident.”
20 This is another example of constant race discrimination and racial harassment on the basis of Mr.
21 Davis’ race. Senior Investigator Robert McLoud spoke to District Attorney Holly Harpham who
22 explained that she called the Arson Office and spoke with Captain Timothy Halloran about the
23 Arson Investigation in question. Halloran never mentioned this conversation or inquired about
24 the investigation with Mr. Davis or Joe Smith. Soon after the conversation with Halloran, a
25 complaint was filed against the plaintiff. DA Harpham in the conversation with Investigator
26 Robert McLoud stated that she under no circumstances asked for any complaints to be filed and
27 also suggested no wrongdoing had occurred during the investigation. DA Harpham has had
28 numerous conversations with Timothy Halloran regarding numerous investigations with no

1 complaints filed. Additionally, there have been grave mistakes made by his Caucasian
2 counterparts in investigation handling or becoming the subject of complaints, along with citizen
3 complaints and complaints from public defenders and judges for material errors or ethical
4 violations Caucasian investigators have made. Captain Timothy Halloran was aware of these
5 issues and problems. While he was exonerated from this wrongdoing this once again this
6 tarnishes his work reputation and positive work history and prevents his ability to promote and
7 advance in the department, among other adverse employment actions.

8 113. In March of 2020, Chief Nelson told Senior Investigator Robert McLoud that he
9 “wished Joe Smith stop sending the emails describing harassment and retaliation to the mayor’s
10 office.” Once the emails did not stop, the Fire Chief decided to send out this email regarding
11 changing our working conditions, removing our positions, and changing our work schedules.
12 This action by Chief Nelson was directed only at the African American investigators in the
13 Arson section.

14 114. A letter was sent to the LAFD Union, from the Fire Chief Ralph Terrazas
15 indicating that all investigators will be going to a Day shift schedule. The letter did not identify
16 that COVID 19, or the Pandemic was the reason for this alleged organizational change to work
17 schedules. The letter did not identify any reason for this alleged administrative change. This
18 move involves a significant change in working conditions, pay and schedule. This
19 “reorganization” will not benefit the citizens of Los Angeles, nor is it a fiscally responsible
20 move. Also, this alleged administrative change disproportionately affects the African American
21 employees in the workplace. This is nothing more than racial harassment and retaliation by the
22 Los Angeles Fire Department Executive Management. The more likely cause of the move is the
23 Fire Department retaliating against the African American members of the Arson section for
24 taking a stand against and vocalizing the real-world incidents of systemic racism within the Los
25 Angeles Fire Department. Moreover, there was no legitimate business for this reassignment of
26 work schedules. This was an adverse employment action against Mr. Davis.

27 115. While recently working with Investigator Joseph Smith, an Arson Unit was
28 dispatched to a Major Emergency Brush Fire, located at 8300 West La Tuna Canyon Road,

1 LAFD Incident Number 938. The fire occurred in the area of another Arson unit, (Arson Unit 2).
2 Mr. Davis spoke with Arson unit 2 Investigators Reily and Sato who in fact assumed
3 responsibility and advised that they were responding to this incident. At 1723 hours, Anderson
4 dispatched Mr. Davis and Mr. Smith to the same brush fire for unknown reasons. He cancelled
5 the response as A Unit 2, was already responding to this incident. Additionally, they had just
6 responded to and were finishing up paperwork for an earlier Arson arrest. Mr. Davis spoke
7 directly to Arson Investigator Cynthia Sato who said, "I don't know why Anderson dispatched
8 you, "We are handling this incident and you guys can cancel."

9 116. After canceling themselves from this incident a second time, at 1732 hours, our
10 communications center via audible loudspeaker once again instructed them to "Respond to 8300
11 West La Tuna, Canyon Road per Chief Anderson." He once again called Cynthia Sato and asked
12 her if she had any idea why Anderson is dispatching them to this incident. Sato stated that she
13 and her partner Gordon Reilly were on scene of this incident and at the Command Post and
14 Anderson was not on scene. Sato spoke directly to the Incident Commander Chief Zipperman
15 and asked if he was requesting a second A Unit to this incident, which he denied. Scott Anderson
16 was not on scene of this incident and never effectively communicated with Investigator Joseph
17 Smith or to Mr. Davis explaining why he continually requested they respond to a brush fire with
18 an Arson unit already on scene. While they had been exonerated from any wrongdoing related to
19 this incident it still remains unclear why Anderson maliciously filed complaints against Mr.
20 Davis accusing him of misconduct or workplace violence related to this incident. This is another
21 example of ongoing harassment, retaliation, and discrimination on the basis of race by this
22 agency and its management.

23 117. By July 2020, there were about 60 complaints associated with Los Angeles Fire
24 Department Arson Section targeting the African American investigation over the course of
25 approximately 1 ½ years. Numerous frivolous complaints about job performance have targeted,
26 specifically the African American investigators. This has been the highest number of personnel
27 complaints from within the section since the unit's inception in the early 1900s. The complaints
28 have ranged from "shunning" or not speaking to command staff, to failure to respond to an

1 incident, failure to thoroughly document an investigation, time keeping complaints and other
2 unspecified or obscure and vague administrative complaints about these African American
3 investigators. None of these complaints that have been filed have been found to be legitimate
4 after investigation, yet they remain as a permanent, negative, and derogatory stain on this
5 employee's performance record. This, in turn, affects the employee's ability to advance and
6 promote in the agency, among other adverse employment actions. This pattern and practice of
7 harassment on the basis of race, discrimination on the basis of race and retaliation for voicing
8 complaints about a hostile, offensive and racist work environment continues into 2020.

9 118. Mr. Davis was the victim of associational race discrimination not just against
10 African Americans but also other minority employees in the agency to include Hispanic
11 employees and other minority groups. Here are some examples of complaints filed by the
12 Hispanic members the Arson Section against the Arson Command Staff Robert Nelson, Scott
13 Anderson, Patrick Leonard, Timothy Halloran, and Chief Ralph Terrazas. As a result of inaction
14 by the Los Angeles Fire Department to address the hostile work environment that existed within
15 the Arson Section, a union meeting took place. Hispanic arson investigators attended that
16 meeting which took place on August 17, 2020. After the meeting was concluded, two Hispanic
17 Arson Investigators were approached by Chief Anderson in the Arson section parking lot. The
18 two Hispanic investigators were angrily questioned by him about what was said at the meeting.
19 Anderson told them, "You guys will see about this tomorrow." The following day, August 18,
20 2020, one of the Hispanic investigators attempted to speak with Anderson but was ignored
21 throughout the day. At the time, this Hispanic Investigator was assigned to the SAFE LA
22 LAPD/FBI Taskforce. Later in the evening, Anderson writes an email and makes a reference in
23 the past tense about the Hispanic investigator's assignment with the Taskforce which led him to
24 believe it was a threat that he would be removed from his coveted task force position, similar to
25 the way Investigator Davis had previously been unjustly removed from his specialized task force
26 position.

27 119. On August 24, 2020, the Hispanic investigator was told that LAPD is dismantling
28 the Taskforce and sending everyone back to their original assignments and therefore he was no

1 longer needed. This Hispanic investigator was subsequently removed from his position and
2 reassigned to the Arson section on effective September 13, 2020. On August 26, 2020, this
3 Hispanic investigator spoke with other task force members and to the LAPD and learned that
4 they were not dismantling the task force, but they are in ramping up and needed more
5 investigators to join the task force, especially due to the civil unrest, the BLM movement, and
6 social reforms taking place that required manpower and attention to keep the peace and keep
7 people safe. This is another example of the lying and blatant retaliatory actions by management
8 against subordinated on the basis of race and ethnicity.

9 120. The plaintiff is not being allowed to promote to the position of Senior Arson
10 Investigator. On August 26, 2020, the Los Angeles Fire Department Arson section administered
11 a test for a second, Senior Arson Investigator. The current Senior Investigator Robert McLoud
12 was told that he would not be allowed to rate the applicant, which is not consistent with the
13 agency's past practices. Ultimately, the test was administered, and Firefighter Brian Buehler was
14 selected as the member who would promote to the position of Senior Investigator. This was
15 highly unusual because Buehler had left the Arson section in January 2020 due to the lack of
16 upward mobility within the Arson section. The four African Americans in the section who took
17 the test placed the lowest on the list and were ranked unfavorably by management
18 notwithstanding the fact that two of them have over 33 years of work experience that made them
19 ideal candidates for the position. Buehler the Caucasian male had the least amount of work
20 experience of all members who tested for the position. This pattern and practice of harassment
21 on the basis of race, discrimination on the basis of race and retaliation for voicing complaints
22 about a hostile, offensive and racist work environment continues into 2021.

23 121. In October 2020, the employee applied for and was denied the promotion to the
24 position of Senior Investigator. The position was filled by a Caucasian employee who has less
25 seniority and work experience than the plaintiff and the other African American candidates who
26 applied for this position. Also, the employee is being subjected to ongoing adverse employment
27 actions to include the following: loss of pay or benefits, getting less desirable assignments,
28 failure to promote, closure of office locations/unit/section, and targeted in sham investigations

1 for violations of workplace rules that do not exist, being accused of not doing their jobs, attacks
2 on their credibility, interference with performance in assignments, and tarnishing their work
3 record.

4 122. The employee is injured on the job is on a medical leave of absence.
5 While he is out on a medical leave related to this work injury, he is the subject of a complaint
6 initiated by the command staff. The employee is again confronted with a complaint from the
7 Arson command staff for failure to make proper notification, which he disputed. The underlying
8 incident occurred several months prior. The employee was investigated, and the complaint was
9 found to be unfounded.

10 123. On or about February 22, 2021, this plaintiff is again the subject in a professional
11 standards division investigation wherein he is accused of not doing his job insubordination,
12 abandonment of job duties, and substandard job performance. This is yet another example of
13 adverse employment actions targeting this plaintiff and ones that are on the basis of his race.
14 This is yet another example of ongoing racial harassment and race discrimination against the
15 plaintiff. On February 22, 2021, the plaintiff is also identified as a subject in another professional
16 standards division investigation were a fellow arson investigator (who is also African American)
17 is being accused of poor job performance, abandonment of job duties, insubordination, and
18 substandard job performance.

19 124. On or about March 28, 2021, the employee is transferred from a 24 hour
20 shift, to a 4 day10 hour shift and was never notified of this change in his job assignment by the
21 chain of command. He also noticed that one of my desk drawers at his assignment had been
22 cleaned out and contained another investigator's items. He called the newly appointed
23 Arson Chief Roy Paige and inquired why he had been reassigned to a new shift, a new work
24 location with new hours and not notified of this by any management. Chief Paige explained that
25 this transfer was done under the direction of the previous Arson Chief Scott Anderson for
26 reasons not identified, and the current Chief expressed disbelief and disappointment that he had
27 not been notified.

28

1 125. On or about April 13, 2021, the employee inquired of management about
2 his being reassignment to the LAFD's grant-funded FBI Joint Terrorism Task Force (JTTF)
3 where he was previously assigned. This position had been a success for the LAFD for many
4 years. It fulfilled the "Counter-Terrorism" narrative displayed within the Arson Counter-
5 Terrorism Section's title and brought great value to the region and the FBI. The employee was a
6 highly skilled and valuable member, contributing to the task force's success during his eight-year
7 tenure in that position prior to his abrupt removal from that position in January 2020. To date, he
8 has not been given any explanation or justification for his removal from this position. The LAFD
9 entered into an MOU with the FBI, and the federal grant funds allocated for the JTTF position
10 continue to be received by the LAFD. That funding now amounts to hundreds of thousands of
11 dollars of federal grant funding that was provided for a position that has been essentially
12 vacant for almost fifteen months. The employer's decision to remove the plaintiff from this
13 assignment has no valid business basis and was a further act of racial hostility and racial animus.
14 The employee's demands for reinstatement have been ignored.

15 126. The plaintiff has been voicing complaints and "blowing the whistle" in 2020 and
16 in 2021 complaining about racial harassment, race discrimination and racially motivated
17 mistreatment and that under the direction of Robert Nelson, there has been misappropriating
18 FEMA's Urban Area Security Initiatives (UASI) Federal Grant funds. Funds that are being
19 requested and allocated to the Los Angeles Fire Department to fulfill specific initiatives like the
20 FBI Joint Terrorism Task Force and other positions are being used for other unknown reasons.
21 This has been occurring at the direction of Robert Nelson for the last 15 months.

22 127. The pattern and practice of discrimination, harassment, and retaliation on the
23 basis of this employee's race continues into the present time in 2021.

24 128. Recently on February 18, 2021, Mr. Davis is being forced out from the Arson
25 Section and may have to consider reassignment to work as a firefighter. In addition to this
26 impending forced and involuntary reassignment among the adverse employment actions, Mr.
27 Davis will also suffer a substantial loss of pay in loss of promotion or advancement
28 opportunities.

1 129. On numerous occasions recently, Arson Captain Patrick Leonard has told the
2 plaintiff and his fellow investigators that they must “ask for permission” before completing any
3 off duty criminal investigative work. This request is highly suspect given that the investigators
4 would routinely appear in court pursuant to subpoenas, contact witnesses after hours, interact
5 with District attorneys and detectives at all hours of the day investigating arson incidents. It is
6 very difficult to predict a special request or a phone call or receiving a subpoena will or will not
7 occur after hours. This is not a simple matter of micromanaging but is targeted at the African
8 American investigators as part of the ongoing pattern and practice of racial hostility and race
9 discrimination in this workplace.

10 130. Mr. Davis is the victim of race discrimination on the basis of his being Black or
11 African American, as well as the victim of retaliation and harassment on the basis of race, hostile
12 work environment due to his race, and due to his association with other Black or African
13 American men and women in the workplace who are also suffering similar harassment,
14 discrimination, and retaliation. He is also subjected to age discrimination. He is also targeted for
15 voicing complaints about unlawful discrimination in the workplace and reporting other violations
16 of law. He is also targeted for engaging in union activity and for filing workplace grievances.
17 While he is the direct target of this harassment, hostile work environment, discrimination, and
18 retaliation, he also witnesses harassment, retaliation and discrimination of other African
19 American employees which occur in his presence and outside of his presence but which he learns
20 about.

21 131. There is a repeated pattern and practice of racism and bigotry that permeates this
22 agency through the highest levels in the supervisory hierarchy, and this has been Mr. Davis’
23 employment experience from day one on the job. He tries to work with and change these racist
24 and hostile attitudes, he is patient and kind, but he can no longer tolerate such racism, ageism,
25 bigotry, and oppression. He looks now to the Court for assistance to make valuable and much
26 needed changes in this organization, not only for himself but for other African American
27 employees and future minority recruits who aspire to do great things for the firefighting
28 community and the residents that they serve.

1 132. Mr. Davis was the victim of associational race discrimination that he witnessed or
2 become aware of that was not just against African Americans but also other minority employees
3 in the agency to include Hispanic employees and other minority groups.

4 133. Mr. Davis has exhausted his administrative remedies under any union, any
5 contractual agreements, union agreement, employment agreement or other collective bargaining
6 agreement, or any workplace policies and procedures and/or any such exhaustion is not required
7 or has been otherwise excused.

8 **FACTUAL ALLEGATIONS REFERRING OR RELATED TO**
9 **PLAINTIFF ROBERT McLOUD**

10 134. Robert McLoud is an outstanding human being and an invaluable member of the
11 firefighting community. He is a good and valuable employee who devotes his very best efforts to
12 serving his employer, the City of Los Angeles, and the Los Angeles Fire Department. He takes
13 great pride in his work and his work ethic. He takes great pride in his level of attention, respect
14 and commitment to his supervisors, his co-workers and most importantly the community that he
15 serves.

16 135. Mr. McLoud has devoted a significant part of his life, over 36 years, to preserving
17 and promoting life safety and community welfare through his good work in firefighting and
18 arson investigations. He is an African American male over the age of 40 years and a resident of
19 the City of Los Angeles, County of Los Angeles, State of California. Mr. McLoud remains
20 employed as a Senior Arson Investigator for the City of Los Angeles Fire Department. He has
21 been the victim of going, repeated, pervasive, systemic, and continuous harassment,
22 discrimination, and retaliation on the basis of his race (African American) at his place of
23 employment.

24 136. The employer is the City of Los Angeles, the Los Angeles City Fire Department,
25 the Los Angeles Fire Department, the LAFD, the Fire Prevention Bureau or the FPB,
26 (collectively and interchangeably referred to herein as “LAFD”, the Department, the Fire
27 Department, the organization, or the Los Angeles Fire Department). The employer’s principal
28

1 place of business is located at 200 North Main Street, 16th floor, Los Angeles, California 90012,
2 (213) 978-3000.

3 137. The supervisors at issue for this plaintiff include Captain Timothy Halloran,
4 Captain Patrick Leonard, and Battalion Chief Scott Anderson, Chief Robert Nelson, Chief Ralph
5 Terrazas (the “management” or the “management team”) who remain employees of the
6 employer.

7 138. The Los Angeles City Fire Department (the “employer”) employs over 3,500
8 uniformed personnel and has 103 neighborhood fire stations across its 470 square-mile
9 jurisdiction, protecting approximately four million people living within the City of Los Angeles.
10 Simply put systematic racial discrimination, inequality, harassment, and retaliation are deeply
11 rooted within the history and culture of the Los Angeles Fire Department. It is active and openly
12 unashamed.

13 139. It is apparent that the harassment, abuse, and retaliation is encouraged at the
14 highest levels of the Los Angeles Fire Department in that the executive management of the
15 LAFD has refused to intervene, even after numerous employees have reported the misbehavior
16 and unfair treatment. The supervisors in the Los Angeles Fire Department Arson section along
17 with the LAFD Command staff have demonstrated a quintessential example of systemic racism
18 that exists within the LAFD.

19 140. Robert McLoud is first hired on December 19, 1994, having graduated from the
20 Fire Academy in May 1995. He completed Fire Dispatcher Training in 2002. He is promoted to
21 Senior Arson Investigator in 2016. During the period of his employment, and continuing through
22 the present date, the plaintiff has been the victim of racial abuse, racial hatred, racial harassment,
23 and race discrimination perpetrated by a racist and bigoted white management and chain of
24 command. He is also the victim of associational race discrimination not just against African
25 Americans but also other minority employees in the agency to include Hispanic employees and
26 other minority groups.

27 141. In March of 2019, Mr. Smith is requested to attend a meeting on March 14, 2019,
28 but the nature of the meeting is not made clear to him. This plaintiff is asked to attend the

1 meeting as a witness. Once at the meeting with his partner Les Wilkerson (who is also African
2 American), Mr. Smith is berated and verbally abused by Chief Castillo as he accuses him of
3 work misconduct. Senior Investigator Robert McCloud is also present in this meeting to be a
4 witness and provide moral support. Chief Castillo is upset at the fact that witnesses are present.
5 Sensing that management is getting increasingly hostile, Mr. Smith attempts to leave the room.
6 Sensing tensions are rising, Mr. Smith tries to leave the conference room, but Chief Castillo
7 prevents this and then physically assaults, taunts and batters Mr. Smith. Mr. Smith does not raise
8 his voice or act aggressively in any way at any time in this exchange with Chief Castillo. In fact,
9 Chief Castillo blocked the doorway preventing them from leaving the room. Chief Castillo is
10 screaming at the top of his lungs berating and insulting Mr. Smith and then demands that his
11 Captains (Halloran and LaRue) to call Chief Nelson (who is Chief Castillo's boss and
12 supervisor). The Los Angeles Police Department responds to the scene of the incident. Mr.
13 Smith, Mr. McCloud, and Mr. Wilkerson fully cooperate with the police. No substantive
14 discussion occurs, and the meeting never gets started given Chief Castillo's shocking behavior.
15 After they leave the meeting, Robert McCloud, Mr. Smith, and Mr. Wilkerson learn that they are
16 being investigated for not working up one of their cases from months earlier. These racially
17 fueled encounters and exchanges continue into 2020 and fuel and increase the hostility in the
18 workplace towards the plaintiff, as well as the retaliation, harassment, and racial discrimination
19 against Mr. Smith by management. The agency's anti-black culture intensifies and continues.
20 This pattern and practice of harassment on the basis of race, discrimination on the basis of race
21 and retaliation for voicing complaints about a hostile, offensive and racist work environment
22 continues into 2019.

23 142. After he stands up for a defense fellow Investigator Smith who is the subject of
24 race discrimination, racial harassment, and retaliation on the basis of race (African American),
25 things only get worse for this plaintiff when he returns to work on the next business day. Chief
26 Anderson immediately changes the locks on the gun and ammunition cabinets and makes clear
27 that only himself and Captain Halloran have access. Mr. McCloud's case review duties and
28 responsibilities are taken away from him and are given to Captain Leonard and Captain Halloran

1 without explanation. He meets with Chief Anderson who provides them with an outline of
2 expectations and now this plaintiff's job performance is being criticized and questioned at every
3 turn. The Chief now suggests they meet regularly in order to monitor his performance, even
4 though plaintiff's job performance was not a problem or issue, and he has years of skill and
5 experience in this line of work. The Chief even makes a comment that Investigator Smith needed
6 some assistance and or guidance as to how to do his job. Mr. McLoud stated that Investigator
7 Smith is a very skilled and seasoned investigator, and that the Chief was exceeding his
8 boundaries by attacking him.

9 143. In this time frame, Chief Anderson had portraits of retired investigators, some of
10 whom are now deceased, removed from the wall of the unit. He placed two large grease boards
11 on the wall of that area and told investigators this was Mr. McLoud's idea. He denies this and
12 asks the Chief not to disparage his character or reputation, or suggest he had anything to do with
13 this display. A cartoon of Mickey Mouse wearing a large wizard's hat is displayed on the Greece
14 Board. It remained there for significant period of time. This clearly portrayed the image of a
15 Klansmen or a member of the "Ku Klux Klan" which was highly offensive to the plaintiff and
16 other African Americans in the workplace. Chief Anderson then called an emergency meeting in
17 which he passed around additional copies of these offensive photographs. He then tried to
18 insinuate that one of the investigators had displayed them on the grease board, which was false
19 and untrue. Chief Anderson asked the team if someone was accusing him of being racist by
20 displaying a character that resembled a historically racist bigot from the days that slavery was
21 condoned. Chief Anderson then systemically began to target the African American investigators
22 for this incident and accused Investigators Smith and McLoud of creating this controversy. Chief
23 Anderson also professed that he is not a racist especially when confessing that his "daughter
24 dates a black guy." A few days following this "emergency meeting", Chief Anderson informs the
25 employee that Chief Nelson no longer want him sleeping in his office at the Frank Hotchkins
26 location even when he worked a 24-hour shift. In speaking with Chief Nelson at a later point,
27 Mr. McLoud confirmed he had no idea what Chief Anderson was talking about.

28

1 144. This pattern and practice of harassment on the basis of race, discrimination on the
2 basis of race against the plaintiff, and retaliation against the plaintiff for voicing complaints
3 about a hostile, offensive and racist work environment continues into 2019.

4 145. In the time frame of July 2019, an announcement for a second Senior Investigator
5 positions is made. There were five eligible investigators who expressed an interest in this
6 position. This was in effect a promotion in a more desirable position and a positive move in
7 terms of professional development and promotion within this agency. The arson command staffs
8 and management team, comprised of Caucasian persons, made exceptional efforts to change the
9 minimum requirements for the Senior Investigator position to ensure that the black applicants
10 and candidates did not meet those qualifications. Notwithstanding his skill and experience on the
11 job coupled with the fact that he was working as a Senior Investigator, Mr. McLoud is told that
12 he will not be allowed to be a rater for this position. This was contrary to past tradition and
13 practice of the agency that allowed Senior Arson Investigators to be raters of applicants
14 interested in applying for the position of Senior Investigator. The past practice and traditions of
15 this agency were that a Senior Arson Investigator was considered a supervisor of arson
16 investigations in his or her section. This practice had been allowed for years for the Caucasian
17 Senior Investigators, but when Mr. McLoud insisted on his rights to serve in a supervisory
18 capacity, he was immediately shut down.

19 146. By July 2020, there were about 60 complaints associated with Los Angeles Fire
20 Department Arson Section targeting the African American investigation over the course of
21 approximately 1 ½ years. Numerous frivolous complaints about job performance have targeted,
22 specifically the African American investigators. This has been the highest number of personnel
23 complaints from within the section since the unit's inception in the early 1900s. The complaints
24 have ranged from "shunning" or not speaking to command staff, to failure to respond to an
25 incident, failure to thoroughly document an investigation, time keeping complaints and other
26 unspecified or obscure and vague administrative complaints about these African American
27 investigators. None of these complaints that have been filed have been found to be legitimate
28 after investigation, yet they remain as a permanent, negative, and derogatory stain on this

1 employee's performance record. This, in turn, affects the employee's ability to advance and
2 promote in the agency, among other adverse employment actions. This pattern and practice of
3 harassment on the basis of race, discrimination on the basis of race and retaliation for voicing
4 complaints about a hostile, offensive and racist work environment continues into 2020.

5 147. On August 26, 2020, the Los Angeles Fire Department Arson section
6 administered a test for a second, Senior Arson Investigator position. Senior Investigator Robert
7 McLoud is once again told that he would not be allowed to rate the applicant, which is not
8 consistent with the agency's past practices. This plaintiff is excluded from the interview and
9 rating process. Ultimately, the test was administered, and Firefighter Brian Buehler was selected
10 as the member who would promote to the position of Senior Investigator. This was highly
11 unusual because Buehler (who is Caucasian) had left the Arson section in January 2020 due to
12 the lack of upward mobility within the Arson section. The four African Americans in the section
13 who took the test placed the lowest on the list and were ranked most unfavorably by White
14 management notwithstanding the fact that two of them have over 33 years of work experience
15 that made them ideal candidates for the position. Buehler (the Caucasian male) had the least
16 amount of work experience of all members who tested for the position. This pattern and practice
17 of harassment on the basis of race, discrimination on the basis of race and retaliation for voicing
18 complaints about a hostile, offensive and racist work environment continues into 2021.

19 148. Mr. McLoud is the victim of race discrimination on the basis of his being Black or
20 African American, as well as the victim of retaliation and harassment on the basis of race, hostile
21 work environment due to his race, and due to his association with other Black or African
22 American men and women in the workplace who are also suffering similar harassment,
23 discrimination, and retaliation. He is also subjected to age discrimination. He is also targeted for
24 voicing complaints about race discrimination in the workplace and reporting other violations of
25 law. He is also targeted for engaging in union activity and for filing workplace grievances.
26 While he is the direct target of this harassment, hostile work environment, discrimination, and
27 retaliation, he also witnesses racial harassment, retaliation and race discrimination against other
28

1 African American employees which occurs in his presence and outside of his presence but which
2 he learns about.

3 149. There is a repeated pattern and practice of racism and bigotry that permeates this
4 agency through the highest levels in the supervisory hierarchy, and this has been Mr. Davis'
5 employment experience from day one on the job. He tries to work with and change these racist
6 and hostile attitudes, he is patient and kind, but he can no longer tolerate such racism, ageism,
7 bigotry, and oppression. He looks now to the Court for assistance to make valuable and much
8 needed changes in this organization, not only for himself but for other African American
9 employees and future minority recruits who aspire to do great things for the firefighting
10 community and the residents that they serve.

11 150. Mr. McLoud was the victim of associational race discrimination that he witnessed
12 or become aware of that was not just against African Americans but also other minority
13 employees in the agency to include Hispanic employees and other minority groups.

14 151. Mr. McLoud has exhausted his administrative remedies under any union, any
15 contractual agreements, union agreement, employment agreement or other collective bargaining
16 agreement, or any workplace policies and procedures and/or any such exhaustion is not required
17 or has been otherwise excused.

18 **FACTUAL ALLEGATIONS REFERRING OR RELATED TO**
19 **PLAINTIFF SEAN MORRIS**

20 152. Sean Morris is an outstanding human being and an invaluable member of the
21 firefighting community. He is a good and valuable employee who devotes his very best efforts to
22 serving his employer, the City of Los Angeles, and the Los Angeles Fire Department. He takes
23 great pride in his work and his work ethic. He takes great pride in his level of attention, respect
24 and commitment to his supervisors, his co-workers and most importantly the community that he
25 serves.

26 153. Mr. Morris has devoted a significant part of his life to preserving and promoting
27 life safety and community welfare through his good work in firefighting and arson
28 investigations. Mr. Morris is an African American male over the age of 40 years and a resident

1 of the City of Los Angeles, County of Los Angeles, State of California. The plaintiff remains
2 employed as a Senior Arson Investigator for the City of Los Angeles Fire Department. He has
3 been the victim of going, repeated, pervasive, systemic, and continuous harassment,
4 discrimination, and retaliation on the basis of his race (African American) at his place of
5 employment.

6 154. The employer is the City of Los Angeles, the Los Angeles City Fire Department,
7 the Los Angeles Fire Department, the LAFD, the Fire Prevention Bureau or the FPB. The
8 employer's principal place of business is located at 200 North Main Street, 16th floor, Los
9 Angeles, California 90012, (213) 978-3000.

10 155. The supervisors at issue for this plaintiff include Captain Timothy Halloran,
11 Captain Patrick Leonard, and Battalion Chief Scott Anderson, Chief Robert Nelson, Chief Ralph
12 Terrazas (the "management" or the "management team") who remain employees of the
13 employer.

14 The Los Angeles City Fire Department (the "employer defendant") employs over 3,500
15 uniformed personnel and has 103 neighborhood fire stations across its 470 square-mile
16 jurisdiction, protecting approximately four million people living within the City of Los Angeles.
17 Simply put systematic racial discrimination, inequality, harassment, and retaliation are deeply
18 rooted within the history and culture of the Los Angeles Fire Department. It is active and openly
19 unashamed. It is apparent that the harassment, abuse, and retaliation is encouraged at the highest
20 levels of the Los Angeles Fire Department in that the executive management of the LAFD
21 refuses to intervene, even after numerous employees have reported the misbehavior and unfair
22 treatment.

23 156. It is apparent that the harassment, abuse, and retaliation is encouraged at the
24 highest levels of the Los Angeles Fire Department in that the executive management of the
25 LAFD has refused to intervene, even after numerous employees have reported the misbehavior
26 and unfair treatment.

27 157. Numerous Investigators and civilian employees have complained and have made
28 notification about this mistreatment to the Fire Commissioners, Fire Chief, Chief of Staff,

1 Deputy Chief, Professional Standards Division, Los Angeles Fire Department African American
2 Association, Mayors Office, Los Angeles City Council, Los Angeles Mayors Office, various
3 civic leaders and to the Federal Bureau of Investigation. As a result of the Investigators' good
4 faith complaints and opposition to race discrimination and harassment the supervisors at the Los
5 Angeles Fire Department's Arson section retaliated against Davis and his fellow African
6 American Investigators by subjecting them to demeaning and hostile treatment, unwarranted
7 discipline, denial of promotional opportunity and removal from a coveted position at the FBI's
8 Joint Terrorism Taskforce

9 158. To avoid this derogatory outcome, investigators have repeatedly asked for
10 diversity within their chain of command. For years Investigators have requested an immediate
11 chain of command that effectively reflects the diverse communities in which they serve. As of
12 this writing all request for diversity within the chain of command have been repeatedly denied.
13 The African Americans, including Investigator Mr. Morris and in this case several Hispanic
14 members of the Arson section, were repeatedly reprimanded, disciplined, and retaliated against
15 by their all-white supervisory staff. The supervisors in the Los Angeles Fire Department Arson
16 section along with the LAFD Command staff have displayed unabashed the quintessential
17 example of systemic racism that exist within the LAFD.

18 159. Mr. Morris, an African American male over the age of 40, is initially hired with
19 the Los Angeles fire Department and 2006. In 2013 he joined the Arson Unit. While initially, the
20 racial animus and hostility in the workplace was very subtle, isolated, and even discreet by the
21 all-white supervisory staff, as time went on, they became more bold and more brazen in their
22 hatred of African Americans and other minorities in the workplace. This pattern and practice of
23 harassment on the basis of race, discrimination on the basis of race and retaliation for voicing
24 complaints about a hostile, offensive and racist work environment became very fueled in 2017
25 and continues into 2021, to the present time.

26 160. From 2017 through the present time, Mr. Morris has been the subject of racial
27 hatred and racial animus which has taken on many forms from the most obvious examples to
28 subtle and discreet, yet repeated hostility and harassment in the workplace. Mr. Morris has been

1 subjected to numerous adverse employment actions in this time frame including but not limited
2 to the following: loss of pay or benefits, getting less desirable assignments, failure to promote,
3 closure of office locations/unit/section, unilateral changes to job assignments or work shifts, loss
4 of opportunity for task force assignments, being denied privileges that were routinely handed out
5 to Caucasian investigators, picking on every aspect of the employee's job performance, and
6 targeted in sham investigations for violations of workplace rules that do not exist, being accused
7 of not doing their jobs, attacks on their credibility, interference with performance in assignments,
8 and tarnishing their work record. These are a series of related acts perpetrated by the same
9 Caucasian decision makers, the same Caucasian chain of command and the same Caucasian
10 management and supervisory staff. This pattern and practice of racial hostility and race
11 discrimination continues into 2018.

12 161. During the years 2017 and 2018, Mr. Morris perceives that the command staff and
13 the Caucasian investigators are "monitoring" him in a manner differently than it supervises its
14 employees in the ordinary course of business. The Caucasian command staff directed the various
15 Caucasian investigators spy on him and watch all of his comings and goings. The employee has
16 no problems with his work performance and no investigations are pending in against him at that
17 time. This increased micromanaging and scrutiny created the impression that he was under
18 investigation for violation of some unspecified policy which in turn affects his ability to promote
19 and move up in the agency.

20 162. In this time frame, there are numerous instances when Mr. Morris was not given
21 backup or additional assistance when responding to calls. But then, Mr. Morris is accused of not
22 following protocols in such situations. Even Mr. Morris's report writing skills are being
23 criticized and critiqued. When Caucasian investigators submitted virtually identical reports they
24 were praised for their efforts. This pattern and practice of harassment on the basis of race,
25 discrimination on the basis of race and retaliation for voicing complaints about a hostile,
26 offensive and racist work environment continues into 2017 and 2018.

27 163. The employee becomes the subject of the complaint and is accused of not
28 recalling his having answered a phone for a follow-up call. Mr. Morris is accused of not doing

1 his job at all or not doing his job thoroughly when it was his Caucasian counterpart who in fact
2 was not doing his job was never criticized or reprimanded. This pattern and practice of racial
3 harassment, and discrimination on the basis of race and retaliation for voicing complaints about a
4 hostile, offensive and racist work environment continues into 2018 and 2019.

5 164. In 2018, Mr. Morris was issued a reprimand in his file for not securing his firearm
6 on the scene. Someone had reported to the command staff that this about allegedly occurred. As
7 to Morris was immediately given a reprimand that was placed in his file. There was no
8 information provided to Mr. Morris as to the source of this alleged complaint, nor was he given
9 any opportunity to explain or defend himself. He was not allowed to submit a rebuttal. The
10 matter was memorialized in his file and is a permanent record of an accusation of misconduct
11 that he was never allowed to refute. This pattern and practice of harassment on the basis of race,
12 discrimination on the basis of race and retaliation for voicing complaints about a hostile,
13 offensive and racist work environment continues into 2018 and 2019.

14 165. In this time frame, Mr. Morris was injured on duty and needed some time off of
15 work. He was forced to use his own sick time by the Caucasian management team. He was then
16 ordered to provide a doctor's note upon his return to duty as a condition of using his own sick
17 time for these days off that he needed to heal and get better. Other investigators in the section, all
18 of whom are Caucasian, had called us sick on multiple occasions and had exceeded their paid
19 time and yet were never forced to use their own sick time or submit a doctor's note verifying that
20 they used their own sick time over allowed to return to work. Mr. Morris is informed that with
21 particular Caucasian investigators, they would request to be paid for time off even when they
22 were not entitled to such benefits and were not always truthful about being too ill to work. This
23 pattern and practice of harassment on the basis of race, discrimination on the basis of race and
24 retaliation for voicing complaints about a hostile, offensive and racist work environment
25 continues into 2019 and 2020.

26 166. On August 26, 2020, the Los Angeles Fire Department Arson section
27 administered a test for a second, Senior Arson Investigator position. The plaintiff applied for
28 this promotion. Senior Investigator Robert McLoud was told that he would not be allowed to rate

1 the plaintiff or any other applicants, which was not consistent with the agency's past practices.
2 Ultimately, the test was administered, and Firefighter Brian Buehler was selected as the member
3 who would promote to the position of Senior Investigator. This was highly unusual because
4 Buehler (who is Caucasian) had left the Arson section in January 2020 due to the lack of upward
5 mobility within the Arson section. The four African Americans in the section who took the test
6 placed the lowest on the list and were ranked unfavorably by management notwithstanding the
7 fact that two of them have over 33 years of work experience that made them ideal candidates for
8 the position. Buehler the Caucasian male had the least amount of work experience of all
9 members who tested for the position. This pattern and practice of harassment on the basis of
10 race, discrimination on the basis of race and retaliation for voicing complaints about a hostile,
11 offensive and racist work environment continues into 2021.

12 167. Mr. Morris is the victim of associational race discrimination not just against
13 African Americans but also other minority employees in the agency to include Hispanic
14 employees and other minority groups. As a result of inaction by the Los Angeles Fire
15 Department to address the hostile work environment that existed within the Arson Section
16 towards Hispanic employees, a union meeting took place. Hispanic arson investigators attended
17 that meeting which took place on August 17, 2020. After the meeting was concluded, two
18 Hispanic Arson Investigators were approached by Chief Anderson in the Arson section parking
19 lot. The two Hispanic investigators were angrily questioned by him about what was said at the
20 meeting. Anderson told them, "You guys will see about this tomorrow." The following day,
21 August 18, 2020, one of the Hispanic investigators attempted to speak with Anderson but was
22 ignored throughout the day. At the time, this Hispanic Investigator was assigned to the SAFE
23 LA LAPD/FBI Taskforce. Later in the evening, Anderson writes an email and makes a reference
24 in the past tense about the Hispanic investigator's assignment with the Taskforce which led him
25 to believe it was a threat that he would be removed from his coveted task force position, similar
26 to the way Investigator Davis had previously been unjustly removed from his specialized task
27 force position. On August 24, 2020, the Hispanic investigator was told that LAPD is dismantling
28 the Taskforce and sending everyone back to their original assignments and therefore he was no

1 longer needed. This Hispanic investigator was subsequently removed from his position and
2 reassigned to the Arson section on effective September 13, 2020. On August 26, 2020, this
3 Hispanic investigator spoke with other task force members and to the LAPD and learned that
4 they were not dismantling the task force, but they are in ramping up and needed more
5 investigators to join the task force, especially due to the civil unrest, the BLM movement, and
6 social reforms taking place that required manpower and attention to keep the peace and keep
7 people safe. This is another example of the lying and blatant retaliatory actions by management
8 against subordinated on the basis of race and ethnicity.

9 168. Mr. Morris applied for the Senior Arson Investigator position in October 2020.
10 There were three members of the Arson Section that were given preferential treatment by the
11 command staff for this position. The requirements or qualifications for the position were
12 changed, eliminated, or lessened and ultimately the process was postponed until those persons
13 became eligible for the position. These persons were Caucasian and favored by the command
14 staff. This pattern and practice of harassment on the basis of race, discrimination on the basis of
15 race and retaliation for voicing complaints about a hostile, offensive and racist work environment
16 continues into 2020 and 2021.

17 169. Mr. Morris is the victim of race discrimination on the basis of his being Black or
18 African American, as well as the victim of retaliation and harassment on the basis of race, hostile
19 work environment due to his race, and due to his association with other Black or African
20 American men and women in the workplace who are also suffering similar harassment,
21 discrimination, and retaliation. He is also subjected to age discrimination. He is also targeted for
22 voicing complaints about unlawful discrimination in the workplace and reporting other violations
23 of law. He is also targeted for engaging in union activity and for filing workplace grievances.
24 While he is the direct target of this harassment, hostile work environment, discrimination, and
25 retaliation, he also witnesses harassment, retaliation and discrimination of other African
26 American employees which occur in his presence and outside of his presence but which he learns
27 about.

28

1 170. There is a repeated pattern and practice of racism and bigotry that permeates this
2 agency through the highest levels in the supervisory hierarchy, and this has been Mr. Morris'
3 employment experience from day one on the job. He tries to work with and change these racist
4 and hostile attitudes, he is patient and kind, but he can no longer tolerate such racism, ageism,
5 bigotry, and oppression. He looks now to the Court for assistance to make valuable and much
6 needed changes in this organization, not only for himself but for other African American
7 employees and future minority recruits who aspire to do great things for the firefighting
8 community and the residents that they serve.

9 171. Mr. Morris was the victim of associational race discrimination that he witnessed
10 or become aware of that was not just against African Americans but also other minority
11 employees in the agency to include Hispanic employees and other minority groups.

12 172. Mr. Morris has exhausted his administrative remedies under any union, any
13 contractual agreements, union agreement, employment agreement or other collective bargaining
14 agreement, or any workplace policies and procedures and/or any such exhaustion is not required
15 or has been otherwise excused.

16 **FACTUAL ALLEGATION REFERRING OR RELATED TO**
17 **PLAINTIFF MARIO NEWTE**

18 173. Arson Investigator Mario Newte is an outstanding human being and an invaluable
19 member of the firefighting community. He is a good and valuable employee who devotes his
20 very best efforts to serving his employer, the City of Los Angeles, and the Los Angeles Fire
21 Department. He takes great pride in his work and in his work ethic. He takes great pride in his
22 level of attention, respect, and commitment to his supervisors, to his co-workers, to following all
23 workplace rules, and most importantly to the needs of the community that he serves and
24 protects.

25 174. Mr. Newte has devoted over 32 years of his life to preserving and promoting life
26 safety and community welfare through his good work in firefighting and arson investigations.
27 Mr. Newte is an African American male over the age of 40 years and a resident of the City of
28 Los Angeles, County of Los Angeles, State of California. Mr. Newte remains employed as an

1 Arson Investigator for the City of Los Angeles Fire Department. He has been the victim of
2 going, repeated, pervasive, systemic, and continuous harassment, discrimination, and retaliation
3 on the basis of his race (African American) at his place of employment.

4 175. The employer is the City of Los Angeles, the Los Angeles City Fire Department,
5 the Los Angeles Fire Department, the LAFD, the Fire Prevention Bureau or the FPB. The
6 employer's principal place of business is located at 200 North Main Street, 16th floor, Los
7 Angeles, California 90012, (213) 978-3000. The Los Angeles City Fire Department (the
8 "employer") employs over 3,500 uniformed personnel and has 103 neighborhood fire stations
9 across its 470 square-mile jurisdiction, protecting approximately four million people living
10 within the City of Los Angeles.

11 176. The supervisors at issue for this plaintiff are Captain Timothy Halloran, Captain
12 Patrick Leonard, and Battalion Chief Scott Anderson (the "management" or the "management
13 team") who remain employees of the employer.

14 177. Mario Newte is hired by the employer defendant on April 20, 1989. He begins his
15 assignment as a Fire Fighter I and following his having successfully completed the Fire
16 Academy, he secures his EMT certification. After having successfully completed the Fire
17 Academy, he becomes a Fire Fighter II, and is assigned to Station 81 (San Fernando Valley).
18 After four months in this position, he is reassigned to Fire Station 98 (Pacoima) and then he is
19 reassigned to Fire Station 75 (Mission Hills). He successfully passes the probationary period. He
20 spends about five years working as a Fire Fighter III. In or about 1992, he is working as a Fire
21 Fighter III and rotating among fire stations in the San Fernando Valley. He also works as a Fire
22 Instructor in this time frame for about four to five years. He is assigned to work as an instructor
23 where he trained Los Angeles City personnel, public agency employees, Los Angeles County
24 employees, and private agency employees on basic firefighting, basic first aid, as well as search
25 and rescue in preparation for a major disaster.

26 178. In or about December 2000, he leaves the instructor position and is assigned to
27 the Arson Counter Terrorism Section (also known as the Arson Investigation Unit). He
28 undergoes an interview and is selected by the panel to work in this highly specialized unit. He

1 becomes an Arson Investigator and is assigned to Fire Station 25. He is now part of the Arson
2 Counter Terrorism Section (also known as the Arson Investigation Unit). Before he is assigned
3 to the Arson Section, he has successfully acquired the California State Fire Marshal Certification
4 for Fire Investigation 1A, 1B, 2A, 2B and PC 832. He also acquires the California State Fire
5 Marshal Certification for Firefighter 1 & 2 and Investigator 1 & 2. He rotates through different
6 stations in this time frame, including stations 99 and 25. In 2008, the employee is assigned to
7 Special Investigations, working a 4/10 schedule, at the arson office, which was a rotating shift.

8 179. For the approximate last 10 years, he has been the subject of what began as
9 discrete, subtle, and isolated instances of racial harassment and race discrimination but which
10 over time have become more severe and pervasive. He has complained about this, but no one
11 listens or offers any assistance. The complaints to the employer about the racially fueled
12 environment that exists at this agency fall on deaf ears.

13 180. In recognition of his outstanding work efforts, Mr. Newte is asked to become a
14 federal agent and join a federal taskforce through the Bureau of Alcohol Tobacco and Firearms
15 (ATF) and is involved with the House of Worship Taskforce. He becomes deputized as a House
16 of Worship Officer in or about 2010. He remains in this position and works on ATF cases and
17 arson investigations. His work efforts are devoted to responding to and investigating any church
18 incident, church fire or church related hate crimes. In the years he has worked in this position, he
19 has received positive performance evaluations and praise by his federal agency colleagues and
20 supervisors on the federal level. Mr. Newte routinely serves as a character witness on various
21 federal task forces. He was chosen for this position over other employees with more seniority but
22 less impressive work history. Given the unique nature of this federal task force assignment, Mr.
23 Newte has a supervisor on both the Fire Department side and a Supervisor on the Federal Task
24 Force/ATF side. Commencing in or about 2018 and while assigned to this federal task force, Mr.
25 Newte's supervisors and chain of command now includes Captain Timothy Holleran, Captain
26 Patrick Leonard, and Battalion Chief Scott Anderson (Anderson was recently reassigned).

27 181. Even though he is assigned to a federal task force, he is still getting paid by the
28 defendant employer and he officially remains a city employee although his work efforts are

1 focused on the federal task force assignments. He remains assigned to physically be working at
2 the employer's premises, he is given the employer's resources to use in his job, and he continues
3 to report to the supervisors at the city. He is informed that the City is receiving federal funds for
4 his work on this task force that subsidizes his wages. In this position, he works with fire
5 investigators from the South Bay fire/arson task force including working with investigators at the
6 Torrance Fire Department, Manhattan Beach Fire Department, Redondo Beach Fire Department,
7 El Segundo Fire Department, Culver City Fire Department, Santa Monica Fire Department, and
8 the Beverly Hills fire Department. He also works with other fire departments and other agencies
9 outside of the City of Los Angeles Fire Department. He also assists special agents from the
10 United States Naval Criminal Investigation Service (NCIS) in their investigations.

11 182. From 2018 and continuing through the present, there exists a racially hostile,
12 aggressive, and tense work environment with harassment, retaliation and discrimination directed
13 at African American employees, including Mr. Newte, due to their race. Upper management,
14 decision makers and supervisors (including Captain Timothy Holleran, Captain Patrick Leonard,
15 and Battalion Chief Scott Anderson) are taking retaliatory and discriminatory actions, outside the
16 scope of ordinary personnel or management decisions, against him. They are targeting African
17 American employees, including Mr. Newte, for discipline, reprimand, ostracizing, and even
18 termination without any cause or justification.

19 183. Mr. Newte has been the subject of numerous adverse employment actions from
20 2018 and continuing through the present to include failure to promote, poor rankings or ratings in
21 the testing process, sham write ups, sham investigations, Caucasian counterparts being given
22 more opportunities at work, selective enforcement of workplace rules and policies, attempted
23 removal or sabotaging of him in elite positions and coveted task force assignments, generating
24 false complaints resulting in investigations which in turn affected his ability to maintain his
25 credentials which are needed to stay on this federal task force, accusing him of not responding
26 properly or not responding at all to incidents which is false and untrue, hostility in the workplace,
27 being excluded from investigative meetings; denial of promotional opportunities; denial of fair
28 opportunity for advancement and promotion; denial of job training, professional development or

1 continuing education opportunities; denial of testing for or applying for alternative or higher
2 positions in the agency; reassignment to less desirable positions, being subjected to sham
3 accusations of workplace misconduct and not being provided a fair or reasonable opportunity to
4 defend oneself; forced to comply with ad hoc and ever changing “rules” in the work place that
5 are not identified in any written policies or written procedures but rather are the whim and
6 personal desire of Caucasian management and supervisors who have disdain and disrespect for
7 Mr. Newte and other African-Americans in the workplace, not being allowed to fairly promote to
8 the position of Senior Investigator, allowing persons with less seniority and work experience but
9 who are Caucasian to promote over him, he is not held to the same standards as his Caucasian
10 counterparts; his job performance is always being questioned; he is criticized for his decisions
11 and exercise of judgment, and he is falsely accused of misconduct or other violations of
12 unspecified workplace policies--- all of which is based on and motivated by the employee’s race
13 (African American).

14 184. It is significant to note that Mr. Newte has not been the subject of any work
15 performance criticisms or character assassination by his federal agency coworkers, supervisors,
16 or managers. The criticisms and attacks on his credibility, his integrity, his job performance, and
17 his entire being in this career have been by those Caucasian supervisors and managers at the City
18 of Los Angeles and its Fire Department who are racist and intolerant bigots.

19 185. One of his supervisors Captain Leonard was removed from his supervisory role
20 over the plaintiff and other African Americans in the workplace. The employee is informed and
21 believes that Captain Leonard’s removal was due to complaints by subordinates as well as upper
22 management’s concerns about his fitness to do the job and manage employees. To the
23 employee’s shock and surprise, however, Captain Leonard was recently brought back to the
24 arson unit and is now Mr. Newte’s supervisor once again. Captain Leonard’s racially offensive
25 and racially hostile conduct, actions, decisions, and viewpoints continue unabated, and in fact
26 have increased in levels of hostility, intensity, and aggression towards this employee. Captain
27 Leonard continues to accuse the employee of not doing his job, of not doing his job well, of
28 policy violations, and violations of nonexistent workplace “rules”, among other adverse

1 employment actions. This supervisor continues to accuse this employee of failing to do his job
2 by either not responding soon enough to a call, by responding ineffectively to a call, or by not
3 responding to a call at all without any factual or other bases. This supervisor acts
4 disproportionately more harshly and aggressively towards this employee and other African
5 Americans in the workplace as compared to their Caucasian counterparts. The actions by this
6 supervisor toward this employee generated from a deep seeded hatred and deep-rooted hostility
7 towards African American men and women.

8 186. The following is one of many examples of ongoing harassment, discrimination
9 and retaliation directed at Mr. Newte on the basis of his race by his racist and bigoted managers
10 and supervisors. On April 12, 2020, Mr. Newte responds to the scene of an arson investigation.
11 He gets to the scene, he is present on scene for 30 minutes, then he goes home for the conclusion
12 of his shift. The next day, he notifies Captain Leonard about his response and investigation on
13 scene. He prepares a report of this investigation, and he concludes that this was not considered a
14 hate crime involving a house of worship. In fact, a homeless person was camped out in front of a
15 church and was cooking or doing drugs when he/she inadvertently set a church on fire. Captain
16 Leonard acknowledges that Mr. Newte followed proper notification procedures when notifying
17 him of his conclusions about this arson investigation. Mr. Newte does not hear anything further
18 and assumes he had done his job appropriately, thoroughly, and consistent with department
19 policies and procedures. However, on June 30, 2020, Mr. Newte gets an email from Captain
20 Leonard about a formal complaint lodged against him and he is also informed that Chief
21 Anderson and Captain Halloran have been assigned to investigate the case. He is asked to appear
22 for an interview. Mr. Newte volunteers to appear for an interview, but that interview never
23 happens. No interview is ever scheduled. No witnesses are interviewed or identified. Nothing is
24 done with this formal complaint by management. However, with such a formal complaint
25 pending, this risks Mr. Newte's position on the ATF Task Force as it refers to potential or
26 impending discipline. Assignment to the task force requires a record free of any pending
27 personnel investigations or disciplinary actions on the employer's record.

28

1 187. Between April 12, 2020, and continuing through February 21, 2021, this
2 employee continues to be the target of totally baseless accusations of inadequate job performance
3 or lack of honesty on the job. His position in the federal task force remains threatened and in
4 jeopardy and his federal credential has not been renewed given the pending personnel
5 investigation by the white management. His work vehicle is taken away from him due to this
6 pending personnel matter. Any personnel investigation targeted at a member of this task force,
7 requires that the employee or taskforce member be totally exonerated from any charges or
8 accusations of misconduct raised against him or her.

9 188. In February 2021, Mr. Newte sought to renew his federal credential which allows
10 him to continue to work on the ATF task force, empowers him with the authority of the federal
11 government, allows him the jurisdiction to investigation complaints outside of the jurisdiction of
12 the City of Los Angeles, and gives him the authority to perform a host of work duties at the
13 federal level required for participation on this ATF task force. In order to renew this ATF
14 credential, the employee or taskforce member must not have any investigations pending against
15 him or her. The plaintiff has been unable to renew his credentials that are required in order for
16 him to continue his work on this taskforce.

17 189. Mr. Newte was informed that his credential was not going to be renewed given
18 that he was involved in a pending personnel investigation in which he is the subject of a
19 workplace complaint. Mr. Newte had no knowledge of such matters, and this came as a total
20 shock to him. On February 21, 2021, Mr. Newte becomes aware that he is the target of another
21 sham personnel investigation by the employer. Therein, it is alleged that Arson Investigator
22 Newte engaged in misconduct on the job related to a call on May 26, 2020. Mr. Newte was never
23 questioned about this call closer in time to May 26, 2020, nor did any supervisor accuse him of
24 misconduct at or near the time he conducted that investigation. This personnel investigation
25 matter remained pending which affected his standing and continued participation in the federal
26 task force. Mr. Newte's background check to renew his position with the Bureau of Alcohol,
27 Tobacco & Firearms (ATF) is being held up by these baseless personnel complaints that remain
28 pending or for which there were no conclusions in regard to the matters being deemed

1 “unsubstantiated” or lacking in merit. In the approximate ten years that he has been assigned to
2 work on this ATF Federal task force, Mr. Newte has never had an issue with passing background
3 check, which occurs every two years. On April 14, 2021, the employer informs Investigator
4 Newte that the complaint against him was “closed” without further explanation or information.
5 Mr. Newte was not exonerated in this matter. Given the initiation of the complaint, the fact that
6 the personnel complaint was pending, and merely identifying the matter as being “closed”, raises
7 more questions than it answers and continues to hold up Mr. Newte’s federal credential, vehicle
8 allowance and other work-related privileges related to his assignment on this coveted federal task
9 force. Management’s actions are also preventing Investigator Newte from applying for
10 promotion or advancement in the department (including to the position of Senior Investigator), is
11 affecting his continued participation in the ATF taskforce, is affecting his ability to promote in
12 the department, is affecting his ability to do his job and the scope of his jurisdiction on this ATF
13 taskforce, and is confining him to less desirable work assignments, among other ongoing adverse
14 employment actions.

15 190. During his employment, Mr. Newte has also been the subject of associational
16 discrimination having witnessed other African American co-workers and colleagues be racially
17 harassed, racially discriminated against and retaliated against on the basis of their race. This also
18 includes racism towards other minorities.

19 191. These encounters and exchanges our increasing the hostility in the workplace
20 towards him, and the retaliation, harassment, and discrimination against Mr. Newte by the
21 employer’s management, supervisors and the employer’s overall racist culture intensifies and
22 continues. This is an employer still governed by the “white boys club” and one in which African
23 American employees are abused, excluded, denigrated, and disrespected. From 2018 and
24 continuing into the present time, there exists a hostile environment at the workplace, and
25 discrimination on the basis of race, ethnicity, origin, ancestry, heritage, color, creed, as well as
26 harassment, retaliation, and mistreatment of him and of other African American men and women
27 in this workplace continues. African American employees are abused, excluded, denigrated, and
28 disrespected.

1 192. Mr. Newte is the victim of race discrimination on the basis of his being Black or
2 African American, as well as the victim of retaliation and harassment on the basis of race, hostile
3 work environment due to his race, and due to his association with other Black or African
4 American men and women in the workplace who are also suffering similar harassment,
5 discrimination, and retaliation. He is also subjected to age discrimination. He is also targeted for
6 voicing complaints about race discrimination in the workplace and reporting other violations of
7 law. He is also targeted for engaging in union activity and for filing workplace grievances.
8 While he is the direct target of this harassment, hostile work environment, discrimination, and
9 retaliation, he also witnesses racial harassment, retaliation and race discrimination against other
10 African American employees which occur in his presence and outside of his presence but which
11 he learns about.

12 193. There is a repeated pattern and practice of racism and bigotry that permeates this
13 agency through the highest levels in the supervisory hierarchy, and this has been Mr. Newte's
14 employment experience from day one on the job. He tries to work with and change these racist
15 and hostile attitudes, he is patient and kind, but he can no longer tolerate such racism, ageism,
16 bigotry, and oppression. He looks now to the Court for assistance to make valuable and much
17 needed changes in this organization, not only for himself but for other African American
18 employees and future minority recruits who aspire to do great things for the firefighting
19 community and the residents that they serve.

20 194. Mr. Newte was the victim of associational race discrimination that he witnessed
21 or become aware of that was not just against African Americans but also other minority
22 employees in the agency to include Hispanic employees and other minority groups.

23 195. Mr. Newte has exhausted his administrative remedies under any union, any
24 contractual agreements, union agreement, employment agreement or other collective bargaining
25 agreement, or any workplace policies and procedures and/or any such exhaustion is not required
26 or has been otherwise excused.

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CAUSES OF ACTION PRESENTED

**FIRST CAUSE OF ACTION FOR DISPARATE TREATMENT –
DISCRIMINATION ON THE BASIS OF RACE IN VIOLATION OF
CALIFORNIA GOVERNMENT CODE SECTIONS 12900 AND 12940(a)
AGAINST THE EMPLOYER DEFENDANT AND DOES 1 THROUGH 100
INCLUSIVE.**

196. Plaintiffs incorporate by reference the allegations contained in Paragraphs 1 through Paragraph 196 of this Complaint as though fully set forth herein.

197. Plaintiffs allege that the defendants wrongfully discriminated against them on the basis of their race-- African American. Plaintiffs also allege as follows: (1) that defendant is an employer; (2) that plaintiffs are employees of the defendant; (3) that defendants engaged and are engaging in adverse employment actions towards the plaintiffs; (4) that plaintiffs’ race was a motivating reason for the employer defendant’s engaging in adverse employment actions towards the plaintiffs; (5) that the plaintiffs were and are being harmed; and (6) that the plaintiffs’ race was and is a substantial motivating reason for the employer defendant’s decision to engage in adverse employment actions towards the plaintiffs.

198. As a direct and legal result of the employer defendant’s unlawful employment practices as alleged above, plaintiffs suffered and continue to suffer economic and non-economic damages to an extent and amount according to proof at the time of trial. Economic damages shall include, but are not limited to, all claims for lost wages, benefits, salary increases and income, both past and future. Non-economic damages shall include but are not limited to the fear, humiliation, emotional distress, and mental, or emotional or physical pain and anguish that has been and/or will foreseeably be experienced by plaintiffs, all to their damages and detriment, in a sum according to proof at trial. Plaintiffs contend that they have been and continue to be subjected to numerous adverse employment actions by the employer defendant [including but not limited to, unfair and excessive job performance criticism, negative performance appraisals, accusations of misconduct, accusation of workplace policies, increased workloads, less desirable work assignments, sham investigations targeted at the plaintiffs, loss of task force or other

1 coveted assignments, removal from task force or other coveted assignments, less workplace
2 accommodations, failure to promote, demotion, discrimination and retaliation against other
3 African Americans in the workplace, racially hostile work environment, loss of pay or financial
4 opportunities at work, among other adverse employment actions not specified herein.].

5 199. Plaintiff are entitled to all compensatory damages recoverable under California
6 law, as well as attorney's fees as provided by statute under California Government Code Section
7 12965 and Code of Civil Procedure Sections 1032 and 1033.

8
9 **SECOND CAUSE OF ACTION FOR DISPARATE IMPACT –**
10 **DISCRIMINATION ON THE BASIS OF RACE AS TO EMPLOYMENT**
11 **PRACTICES AND SELECTION POLICY IN VIOLATION OF**
12 **CALIFORNIA GOVERNMENT CODE SECTIONS 12900 AND 12940(a)**
13 **AGAINST THE DEFENDANT EMPLOYER AND DOES 1 THROUGH 100**
14 **INCLUSIVE.**

15 200. Plaintiffs incorporate by reference the allegations contained in Paragraphs 1
16 through Paragraph 199 of this Complaint as though fully set forth herein.

17 201. Plaintiffs claim that the employer defendant had an employment practice or
18 selection policy that wrongfully discriminated against them on the basis of their race. Plaintiffs
19 also allege as follows: (1) that defendant was an employer; (2) that plaintiffs are employees of
20 the defendant; (3) that the employer defendant had an employment practice or selection policy
21 for promotion, favorable assignments (including to the position of Senior Investigator or
22 assignment to coveted task forces) that had and has a disproportionate adverse effect on African
23 American employees at the Fire Department; (4) that the plaintiffs are African American; (5) that
24 the plaintiffs have been and are being harmed; (6) that the employer defendant's employment
25 practice and selection policy was and is a substantial factor in causing the plaintiffs' harms; and
26 (6) that the plaintiffs' race was and is a substantial motivating reason for the defendant's decision
27 to engage in adverse employment actions towards the plaintiffs.

1 202. As a direct and legal result of the employer defendant's unlawful employment
2 practices as alleged above, plaintiffs suffered and continue to suffer economic and non-economic
3 damages to an extent and amount according to proof at the time of trial. Economic damages shall
4 include, but are not limited to, all claims for lost wages, benefits, salary increases and income,
5 both past and future. Non-economic damages shall include but are not limited to the fear,
6 humiliation, emotional distress, and mental, or emotional or physical pain and anguish that has
7 been and/or will foreseeably be experienced by plaintiffs, all to their damages and detriment, in a
8 sum according to proof at trial. Plaintiffs contend that they have been and continue to be
9 subjected to numerous adverse employment actions by the employer defendant [including but not
10 limited to, unfair and excessive job performance criticism, negative performance appraisals,
11 accusations of misconduct, accusation of workplace policies, increased workloads, less desirable
12 work assignments, sham investigations targeted at the plaintiffs, loss of task force or other
13 coveted assignments, removal from task force or other coveted assignments, less workplace
14 accommodations, failure to promote, demotion, discrimination and retaliation against other
15 African Americans in the workplace, racially hostile work environment, loss of pay or financial
16 opportunities at work, among other adverse employment actions not specified herein.].

17 203. Plaintiff are entitled to all compensatory damages recoverable under California
18 law, as well as attorney's fees as provided by statute under California Government Code Section
19 12965 and Code of Civil Procedure Sections 1032 and 1033.

20
21 **THIRD CAUSE OF ACTION FOR HOSTILE WORK ENVIRONMENT**
22 **HARASSMENT – CONDUCT DIRECTED AT PLAINTIFFS BY**
23 **EMPLOYER OR ENTITY DEFENDANT IN VIOLATION OF**
24 **CALIFORNIA GOVERNMENT CODE SECTIONS 12900, 12923, 2940(j)**
25 **AGAINST THE EMPLOYER DEFENDANT AND DOES 1 THROUGH 100**
26 **INCLUSIVE.**

27 204. Plaintiffs incorporate by reference the allegations contained in Paragraphs 1
28 through 203 of the Complaint as though fully set forth herein.

1 205. The plaintiffs claim they were and are being subjected to harassment based on
2 their race, and for complaining about racial harassment and racial discrimination, and other
3 protected classifications related to their race, causing a hostile or abusive work environment.

4 206. The plaintiffs further allege that: (1) the plaintiff are employees of the employer
5 defendant; (2) the plaintiffs were and are being subjected to harassing conduct because of their
6 race and for their complaining about racial harassment and racial discrimination and other
7 protected classifications based on race; (3) that the harassing conduct was and is severe or
8 pervasive; (4) that a reasonable person in the plaintiffs' respective circumstances would have
9 considered and does consider the work environment to be hostile, intimidating, offensive,
10 oppressive or abusive; (5) that the plaintiffs consider and considered the work environment to be
11 hostile, intimidating, offensive, oppressive or abusive; (6) that supervisors the chain of command
12 engage and engaged in this conduct and/or that the employer defendant knew or should have
13 known of the management's conduct and failed to take immediate and appropriate corrective
14 action; (7) that the plaintiff s were and are being harmed; and (8) that the employer defendant's
15 conduct was a substantial factor in causing the plaintiffs' harms.

16 207. As a direct and legal result of employer defendant's unlawful employment
17 practices as alleged above, plaintiffs suffered and continue to suffer economic and non-economic
18 damages to an extent and amount according to proof at the time of trial. Economic damages shall
19 include, but are not limited to, all claims for lost wages, benefits, salary increases and income,
20 both past and future. Non-economic damages shall include but are not limited to the fear,
21 humiliation, emotional distress, and mental, or emotional or physical pain and anguish that has
22 been and/or will foreseeably be experienced by plaintiffs, all to their damages and detriment, in a
23 sum according to proof at trial. Plaintiffs contend that they have been and continue to be
24 subjected to numerous adverse employment actions by the employer defendant [i.e., unfair and
25 excessive job performance criticism, negative performance appraisals, accusations of
26 misconduct, accusation of workplace policies, increased workloads, less desirable work
27 assignments, sham investigations targeted at the plaintiffs, loss of task force or other coveted
28 assignments, removal from task force or other coveted assignments, less workplace

1 accommodations, failure to promote, demotion, discrimination and retaliation against other
2 African Americans in the workplace, racially hostile work environment, loss of pay or financial
3 opportunities at work, among other adverse employment actions not specified herein.].

4 208. Plaintiff are entitled to all compensatory damages recoverable under California
5 law, as well as attorney's fees as provided by statute under California Government Code Section
6 12965 and Code of Civil Procedure Sections 1032 and 1033.

7
8 **FOURTH CAUSE OF ACTION FOR HOSTILE WORK ENVIRONMENT**
9 **HARASSMENT – CONDUCT DIRECTED AT OTHERS IN VIOLATION**
10 **OF CALIFORNIA GOVERNMENT CODE SECTIONS 12900, 12923, 2940(j)**
11 **AGAINST THE EMPLOYER DEFENDANT AND DOES 1 THROUGH 100**
12 **INCLUSIVE.**

13 209. Plaintiffs incorporate by reference the allegations contained in Paragraphs 1
14 through 208 of the Complaint as though fully set forth herein.

15 210. The plaintiffs claim that other minority employees or other coworkers who are
16 African American or affiliated with other minorities such as Hispanic ethnicity or race, are being
17 subjected to harassment based on their race, and that this harassment is creating a work
18 environment for the plaintiffs that is hostile, intimidating, offensive, oppressive, and abusive.

19 211. The plaintiffs further allege that: (1) the plaintiff are employees of the employer
20 defendant; (2) the plaintiffs personally witnessed racially harassing conduct that took place and
21 is taking place in their immediate work environment; (3) that the racially harassing conduct was
22 and is severe or pervasive; (4) that a reasonable person in the plaintiffs' respective circumstances
23 would have considered and does consider the work environment to be hostile, intimidating,
24 offensive, oppressive or abusive; (5) that the plaintiffs consider and considered the work
25 environment to be hostile, intimidating, offensive, oppressive or abusive; (6) that supervisors the
26 chain of command engage and engaged in this conduct and/or that the employer defendant knew
27 or should have known of the management's conduct and failed to take immediate and
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1 appropriate corrective action; (7) that the plaintiffs were and are being harmed; and (8) that the
2 employer defendant's conduct was a substantial factor in causing the plaintiffs' harms.

3 212. As a direct and legal result of the employer defendant's unlawful employment
4 practices as alleged above, plaintiffs suffered and continue to suffer economic and non-economic
5 damages to an extent and amount according to proof at the time of trial. Economic damages shall
6 include, but are not limited to, all claims for lost wages, benefits, salary increases and income,
7 both past and future. Non-economic damages shall include but are not limited to the fear,
8 humiliation, emotional distress, and mental, or emotional or physical pain and anguish that has
9 been and/or will foreseeably be experienced by plaintiffs, all to their damages and detriment, in a
10 sum according to proof at trial. Plaintiffs contend that they have been and continue to be
11 subjected to numerous adverse employment actions by the employer defendant [including but not
12 limited to, unfair and excessive job performance criticism, negative performance appraisals,
13 accusations of misconduct, accusation of workplace policies, increased workloads, less desirable
14 work assignments, sham investigations targeted at the plaintiffs, loss of task force or other
15 coveted assignments, removal from task force or other coveted assignments, less workplace
16 accommodations, failure to promote, demotion, discrimination and retaliation against other
17 African Americans in the workplace, racially hostile work environment, loss of pay or financial
18 opportunities at work, among other adverse employment actions not specified herein.].

19 213. Plaintiffs are entitled to all compensatory damages recoverable under California
20 law, as well as attorney's fees as provided by statute under California Government Code Section
21 12965 and Code of Civil Procedure Sections 1032 and 1033.

1 **FIFTH CAUSE OF ACTION FOR RETALIATION BY EMPLOYER**
2 **DEFENDANT FOR VOICING COMPLAINTS ABOUT RACE**
3 **DISCRIMINATION IN VIOLATION OF CALIFORNIA GOVERNMENT**
4 **CODE SECTION 12940(h) AGAINST THE EMPLOYER DEFENDANT**
5 **AND DOES 1 THROUGH 100 INCLUSIVE.**

6 214. Plaintiffs hereby incorporate by reference the allegations contained in Paragraphs
7 1 through 213 of the Complaint, as though fully set forth herein.

8 215. The plaintiffs allege that they are being retaliated against on the basis of their
9 voicing complaints about racial harassment and race discrimination in the workplace. The
10 plaintiffs further contend as follows: (1) That the plaintiffs claim they were and are being
11 retaliated against on the basis their race and for speaking out about race discrimination and racial
12 harassment in the workplace; (2) That the defendants are engaging in various adverse actions
13 against the plaintiffs or subjected plaintiffs to various adverse employment actions; (3) That
14 plaintiffs' protected activity was a substantial motivating reason for the defendant's decision to
15 engage in other adverse employment actions against plaintiffs; (4) that plaintiffs are being
16 harmed; and (5) that the defendant's decision to engage in adverse employment actions against
17 them is and was a substantial factor in causing plaintiffs' harms.

18 216. As a direct and legal result of the employer defendant's unlawful employment
19 practices as alleged above, plaintiffs suffered and continue to suffer economic and non-economic
20 damages to an extent and amount according to proof at the time of trial. Economic damages shall
21 include, but are not limited to, all claims for lost wages, benefits, salary increases and income,
22 both past and future. Non-economic damages shall include but are not limited to the fear,
23 humiliation, emotional distress, and mental, or emotional or physical pain and anguish that has
24 been and/or will foreseeably be experienced by plaintiffs, all to their damages and detriment, in a
25 sum according to proof at trial. Plaintiffs contend that they have been and continue to be
26 subjected to numerous adverse employment actions by the employer defendant [including but not
27 limited to, unfair and excessive job performance criticism, negative performance appraisals,
28 accusations of misconduct, accusation of workplace policies, increased workloads, less desirable

1 work assignments, sham investigations targeted at the plaintiffs, loss of task force or other
2 coveted assignments, removal from task force or other coveted assignments, less workplace
3 accommodations, failure to promote, demotion, discrimination and retaliation against other
4 African Americans in the workplace, racially hostile work environment, loss of pay or financial
5 opportunities at work, among other adverse employment actions not specified herein.].

6 217. Plaintiffs are entitled to all compensatory damages recoverable under California
7 law, as well as attorney's fees as provided by statute under California Government Code Section
8 12965 and Code of Civil Procedure Sections 1032 and 1033.

9
10 **SIXTH CAUSE OF ACTION FOR FAILURE TO PREVENT**
11 **HARASSMENT, RETALIATION AND DISCRIMINATION AGAINST THE**
12 **EMPLOYER DEFENDANT AND DOES 1 THROUGH 100 INCLUSIVE.**

13 218. Plaintiffs hereby incorporate by reference the allegations contained in Paragraphs
14 1 through 217 of the Complaint, as though fully set forth herein.


15 219. The plaintiffs contend that the defendants failed and continue to fail to take all
16 reasonable steps to prevent harassment, discrimination and retaliation based on race in this
17 workplace. The plaintiffs further allege and contend as follows: (1) That the plaintiffs are
18 employees of the employer defendant; (2) That plaintiffs were and are being subjected to racial
19 harassment, race-based retaliation and race discrimination in their work environment; (2) That
20 the employer defendant failed to take all reasonable steps to prevent the harassment,
21 discrimination and retaliation; (4) That plaintiffs were and are being harmed; and (5) That the
22 employer defendant's failure to take all reasonable steps to prevent racial harassment, race
23 discrimination and race-based retaliation was and is a substantial factor in causing plaintiffs'
24 harms.

25 220. As a direct and legal result of the employer defendant's unlawful employment
26 practices as alleged above, plaintiffs suffered and continue to suffer economic and non-economic
27 damages to an extent and amount according to proof at the time of trial. Economic damages shall
28 include, but are not limited to, all claims for lost wages, benefits, salary increases and income,

1 both past and future. Non-economic damages shall include but are not limited to the fear,
2 humiliation, emotional distress, and mental, or emotional or physical pain and anguish that has
3 been and/or will foreseeably be experienced by plaintiffs, all to their damages and detriment, in a
4 sum according to proof at trial. Plaintiffs contend that they have been and continue to be
5 subjected to numerous adverse employment actions by the employer defendant [including but not
6 limited to, unfair and excessive job performance criticism, negative performance appraisals,
7 accusations of misconduct, accusation of workplace policies, increased workloads, less desirable
8 work assignments, sham investigations targeted at the plaintiffs, loss of task force or other
9 coveted assignments, removal from task force or other coveted assignments, less workplace
10 accommodations, failure to promote, demotion, discrimination and retaliation against other
11 African Americans in the workplace, racially hostile work environment, loss of pay or financial
12 opportunities at work, among other adverse employment actions not specified herein.].

13 221. Plaintiffs are entitled to all compensatory damages recoverable against the
14 individual defendants only under California law, as well as attorney’s fees as provided by statute
15 under California Government Code Section 12965 and Code of Civil Procedure Sections 1032
16 and 1033.

17
18 DATED: June 9, 2021

DOUMANIAN & ASSOCIATES

By: _____
NANCY P. DOUMANIAN, ESQ.
Attorneys for Plaintiffs, LESLIE
WILKERSON, JOSEPH SMITH, JUSTIN
DAVIS, ROBERT McLOUD, SEAN
MORRIS, AND MARIO NEWTE

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1 **PRAYER**

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3 ***WHEREFORE, Plaintiffs LESLIE WILKERSON, JOSEPH SMITH, JUSTIN DAVIS,***
4 ***ROBERT McLOUD, SEAN MORRIS, AND MARIO NEWTE*** seek judgment against
5 Defendants, and each of them, for the following:

- 6 1. For general, compensatory, and special damages including lost wages, loss of
7 financial opportunities, loss of promotional advancement, lost employee benefits,
8 bonuses, benefits, mental and emotional distress, economic and non-economic
9 damages, and other special and general damages according to proof at trial;
- 10 2. For all economic damages permitted by law;
- 11 3. For all non-economic damages permitted by law;
- 12 4. For an award of interest, including prejudgment interest, at the legal rate;
- 13 5. For an award to plaintiffs of costs of suit incurred herein on all causes of action;
- 14 6. For an award to plaintiffs of reasonable attorney's fees as permitted by law;
- 15 7. For declaratory relief as requested herein and a declaration of rights for the
16 plaintiffs and reinstatement into their former coveted or other task force or specialized
17 assignments, insuring a fair and non-discriminatory promotion process, insuring a fair and non-
18 discriminatory employee evaluation process, and for a Court Order ending the discriminatory
19 and harassing employment practices towards plaintiffs and other African Americans in this
20 workplace;
- 21 8. For an award to plaintiffs of such other and further relief as this Court deems just
22 and proper.

23 DATED: June 9, 2021

DOUMANIAN & ASSOCIATES

24
25 By: 

26 NANCY P. DOUMANIAN, *ESQ.*
27 Attorneys for Plaintiffs, LESLIE
28 WILKERSON, JOSEPH SMITH, JUSTIN
DAVIS, ROBERT McLOUD, SEAN
MORRIS, AND MARIO NEWTE

1 **DEMAND FOR JURY TRIAL**

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3 *COMES NOW PLAINTIFFS LESLIE WILKERSON, JOSEPH SMITH, JUSTIN*
4 *DAVIS, ROBERT McLOUD, SEAN MORRIS, AND MARIO NEWTE* and hereby demand a
5 trial by jury in this civil action.
6

7 DATED: June 9, 2021

DOUMANIAN & ASSOCIATES

8
9
10 By: 

NANCY F. DOUMANIAN, ESQ.
Attorneys for Plaintiffs, LESLIE
WILKERSON, JOSEPH SMITH, JUSTIN
DAVIS, ROBERT McLOUD, SEAN
MORRIS, AND MARIO NEWTE