

JACKSON LEWIS P.C.  
CHRISTOPHER E. DAWOOD (SBN 281054)  
DYLAN C. MARQUES (SBN 328987)  
400 Capitol Mall, Suite 1600  
Sacramento, California 95814  
Telephone: (916) 341-0404  
Facsimile: (916) 341-0141  
Email: [christopher.dawood@jacksonlewis.com](mailto:christopher.dawood@jacksonlewis.com)  
[dylan.marques@jacksonlewis.com](mailto:dylan.marques@jacksonlewis.com)

Attorneys for Defendants  
ROUGH AND READY FIRE PROTECTION  
DISTRICT, dba ROUGH AND READY FIRE  
DEPARTMENT; DAVID HICKS; MATT WRIGHT;  
and ROBERT VAUGHN

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SHELLY WHITE,  
Plaintiff,

vs.

ROUGH AND READY FIRE PROTECTION  
DISTRICT, dba ROUGH AND READY FIRE  
DEPARTMENT, a government entity; DAVID  
HICKS, an individual; MATT WRIGHT, an  
individual; ROBERT VAUGHN, an individual  
and DOES 1 through 20, inclusive,

Defendants.

CASE NO. \_\_\_\_\_

**DEFENDANTS' NOTICE OF REMOVAL  
OF CIVIL ACTION**

**28 U.S.C. §§ 1331, 1441(a), 1446  
FEDERAL QUESTION JURISDICTION**

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA:

PLEASE TAKE NOTICE that Defendants ROUGH AND READY FIRE PROTECTION  
DISTRICT, dba ROUGH AND READY FIRE DEPARTMENT; DAVID HICKS; MATT  
WRIGHT; and ROBERT VAUGHN ("Defendants"), hereby remove the below-referenced action  
from the Superior Court in the State of California for the County of Nevada to the United States  
District Court for the Eastern District of California, Sacramento Division. The removal is based  
on 28 U.S.C. §§ 1331, 1441(a), and 1446, and, specifically, on the following grounds:

///

1           1.       On or about March 13, 2023, Plaintiff SHELLY WHITE (“Plaintiff”) filed an action  
2 in the Superior Court of the State of California, Stanislaus County, entitled *Shelly White vs. Rough  
3 and Ready Fire Protection District, dba Rough and Ready Fire Department, a government entity;  
4 David Hicks, an individual; Matt Wright, an individual; Robert Vaughn, an individual and DOES  
5 I through 20, inclusive*; which was designated by that court as case number CU0000599. True and  
6 correct copies of the Summons, Complaint (hereinafter “Complaint”), Civil Case Cover Sheet, and  
7 Notice - Case Management Conference, and are attached as **EXHIBIT A**.

8           2.       Plaintiff’s Complaint purports to allege causes of action against Defendants for: (1)  
9 Harassment in Violation of California Government Code § 12940(j); (2). Sexual Harassment in  
10 Violation of California Government Code § 12940; (3) Failure to Prevent Discrimination and  
11 Harassment in Violation of California Government Code § 12940(k); (4) Wrongful Discharge in  
12 Violation of Public Policy; (5) Retaliation in Violation of California Government Code § 12940(h);  
13 (6) Retaliation in Violation of 42 U.S.C. § 2000e, et seq; (7) Retaliation in Violation of California  
14 Labor Code § 1102.5; (8) Blacklisting (California Labor Code §§ 1050 and 1052); (9) Sex  
15 Discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a); (10) Sexual  
16 Harassment under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-2(a); and (11)  
17 Declaratory and Injunctive Relief (**EXHIBIT A**)

18           3.       Defendants filed an Answer to the Complaint with the Superior Court of the State  
19 of California County of Nevada on May 12, 2023. A true and correct copy of the Answer filed by  
20 Defendants is attached as **EXHIBIT B**.

21           4.       Defendants are informed and believe that the aforementioned exhibits constitute all  
22 of the process, pleadings, and orders on file in the State Court action.

23           5.       This Notice of Removal has been filed within thirty days after receipt by Defendants  
24 of a copy of a paper from which it may first be ascertained that the case is one which is or has  
25 become removable. This Notice of Removal therefore is filed within the time period provided by  
26 28 U.S.C. § 1446(b)(3).

27           6.       This Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1331 and  
28 is removable pursuant to 28 U.S.C. § 1441(a), because the action involves alleged violations of the

1 laws of the United States. Specifically, this action involves alleged violations of Title VII of the  
2 Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a).

3 7. This Court has supplemental jurisdiction, pursuant to 28 U.S.C. § 1367(a), over the  
4 remaining claims and issues alleged in the Complaint, as they all arise from the same nucleus of  
5 operative facts; i.e. the same transactions or occurrences. Plaintiff's allegations concern her  
6 employment with Defendants and the events leading to Plaintiff's termination. Each of Plaintiff's  
7 claims would ordinarily be expected to be tried in a single judicial proceeding.

8 8. Venue lies in the United States District Court for the Eastern District of California  
9 pursuant to 28 U.S.C. §§ 1391(b) and 1441(a) because this is the judicial district in which the action  
10 arose, and the state action was filed in this district.

11 9. In accordance with 28 U.S.C. § 1446(d), Defendants' counsel certifies that a copy  
12 of this Notice of Removal and all supporting papers promptly will be served on Plaintiff's counsel  
13 and filed with the Clerk of the California Superior Court, County of Nevada. Based on the  
14 foregoing, all procedural requirements under 28 U.S.C. § 1446 are satisfied.

15 WHEREFORE, Defendants pray that the above action now pending against it in the  
16 Superior Court of the State of California, County of Nevada, be removed to this Court.

17 Dated: May 15, 2023

JACKSON LEWIS P.C.

18 By: /s/ Christopher E. Dawood

19 CHRISTOPHER E. DAWOOD  
20 DYLAN C. MARQUES

21 Attorneys for Defendants  
22 ROUGH AND READY FIRE PROTECTION  
23 DISTRICT, dba ROUGH AND READY FIRE  
24 DEPARTMENT; DAVID HICKS; MATT  
25 WRIGHT; and ROBERT VAUGHN  
26  
27  
28

**PROOF OF SERVICE**

I am employed in the County of Sacramento, State of California. I am over the age of 18 and not a party to the within action; my business address is 400 Capitol Mall, Suite 1600, Sacramento, California 95814.

On May 15, 2023, I served the foregoing document described as:

**DEFENDANTS' NOTICE OF REMOVAL OF CIVIL ACTION**

in this action by transmitting a true copy thereof addressed as follows:

John R. Parker, Jr., Esq. CUTTER LAW, P.C. 401 Watt Avenue Sacramento, CA 95864 Email: <a href="mailto:jparker@cutterlaw.com">jparker@cutterlaw.com</a>	Attorneys for Plaintiff Shelly White  Telephone: 916.290.9400   Fax: 800.979.5279
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**[X]** **MAIL** - by placing a true and correct copy thereof enclosed in a sealed envelope with postage thereon fully prepaid for deposit in the United States Post Office mail box, at my business address shown above, following Jackson Lewis P.C.'s ordinary business practices for the collection and processing of mail, of which I am readily familiar, and addressed as set forth above. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

**[X]** **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 15, 2023, at Sacramento, California.

/s/ LaDonna Mims  
LaDonna Mims

# **EXHIBIT A**

**SUMMONS  
(CITACION JUDICIAL)**

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

ROUGH AND READY FIRE PROTECTION DISTRICT, dba ROUGH AND READY FIRE DEPARTMENT, (see attached)

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

SHELLY WHITE,

**RECEIVED  
APR 03 2023**

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

ELECTRONICALLY  
**FILED**

BY SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF NEVADA

03/13/2023

JASON B. GALKIN, CLERK OF THE COURT  
KAILEY HORTON, DEPUTY

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

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

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

**¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

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

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

The name and address of the court is:  
(El nombre y dirección de la corte es): Nevada County Superior Court  
201 Church St #5, Nevada City, CA 95959

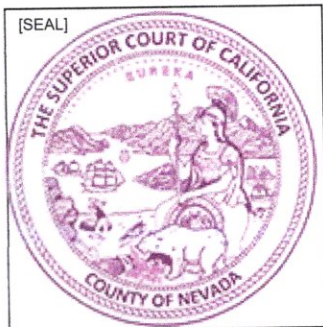
CASE NUMBER:  
(Número del Caso): CU0000599

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
John R. Parker, Jr. (SBN 257761), Cutter Law PC, 401 Watt Avenue, Sacramento, CA 95864

DATE: ~~May 13, 2023~~ 03/13/2023  
(Fecha)

Clerk, by , Deputy  
(Secretario) (Adjunto)

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



**NOTICE TO THE PERSON SERVED:** You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):
 

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
- by personal delivery on (date):

SHORT TITLE: <p style="text-align: center;">White v. RRFD, et al.</p>	CASE NUMBER: <p style="text-align: center;">CU0000599</p>
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**INSTRUCTIONS FOR USE**

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

**List additional parties** (Check only one box. Use a separate page for each type of party):

Plaintiff     Defendant     Cross-Complainant     Cross-Defendant

ROUGH AND READY FIRE PROTECTION DISTRICT, dba ROUGH AND READY FIRE DEPARTMENT, a government entity; DAVID HICKS, an individual; MATT WRIGHT, an individual; ROBERT VAUGHN, an individual and DOES 1 through 20, inclusive,

1 John R. Parker, Jr. (SBN 257761)  
2 **CUTTER LAW, P.C.**  
3 401 Watt Avenue  
4 Sacramento, CA 95864  
5 Tel: 916-290-9400  
6 Fax: 1-800-979-5279  
7 jparker@cutterlaw.com

8 *Attorney for Plaintiff*

ELECTRONICALLY  
**FILED**  
BY SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF NEVADA  
05/15/2023  
JASON B. GALKIN, CLERK OF THE COURT  
KALEY HORTON, DEPUTY

9  
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **COUNTY OF NEVADA**

<p>12 SHELLY WHITE,</p> <p>13 Plaintiff,</p> <p>14 v.</p> <p>15 ROUGH AND READY FIRE 16 PROTECTION DISTRICT, dba ROUGH 17 AND READY FIRE DEPARTMENT, a 18 government entity; DAVID HICKS, an 19 individual; MATT WRIGHT, an 20 individual; ROBERT VAUGHN, an 21 individual and DOES 1 through 20, 22 inclusive,</p> <p>23 Defendants.</p>	<p>Case No.: CU0000599</p> <p><b>COMPLAINT AND DEMAND FOR JURY TRIAL</b></p> <ol style="list-style-type: none"> <li>1. Harassment in Violation of Government Code § 12940(j)</li> <li>2. Sexual Harassment in Violation of Government Code § 12940</li> <li>3. Failure to Prevent Discrimination and Harassment in Violation of Government Code § 12940(k)</li> <li>4. Wrongful Discharge in Violation of Public Policy</li> <li>5. Retaliation in Violation of Government Code § 12940(h)</li> <li>6. Retaliation in Violation of 42 U.S.C. § 2000e, et seq</li> <li>7. Retaliation in Violation of Labor Code § 1102.5</li> <li>8. Blocklisting (Labor Code §§ 1050 and 1052)</li> <li>9. Sex Discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a)</li> <li>10. Sexual Harassment under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a)</li> <li>11. Declaratory and Injunctive Relief</li> </ol>
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24  
25  
26 Plaintiff SHELLY WHITE (“White” or “Plaintiff”) hereby complains against Defendants  
27 ROUGH AND READY FIRE PROTECTION DISTRICT, dba ROUGH AND READY FIRE  
28 DEPARTMENT (“RRFD”), DAVID HICKS (“Defendant Hicks”), MATT WRIGHT



1 (“Defendant Wright”), Defendant ROBERT VAUGHN (“Defendant Vaughn”) and DOES 1  
2 through 20, inclusive, (collectively “Defendants”) for damages as follows:

3 **I. INTRODUCTION**

4 1. This is an action brought by White against her former employer Defendant RRFD,  
5 and its employees, Defendant Hicks, Defendant Wright, and Defendant Vaughn, for sex  
6 discrimination and sexual harassment under Title VII of the Civil Rights Act of 1964 (“Title  
7 VII”) and the California Fair Employment and Housing Act (“FEHA”).

8 **II. PARTIES**

9 2. White, at all relevant times, was a citizen and resident of the County of Nevada  
10 and State of California.

11 3. Defendant RRFD, at all relevant times, was and is a public entity within the State  
12 of California in the County of Nevada.

13 4. Defendant Hicks, at all relevant times, was an employee of RRFD.

14 5. Defendant Wright, at all relevant times, was an employee of RRFD.

15 6. Defendant Vaughn, at all relevant times, was an employee of RRFD.

16 7. Defendants DOE 1-10, inclusive, are John Doe Employee(s) and John Doe  
17 Independent Contractor(s) who caused injury to Plaintiffs. The identities of Defendants DOES 1  
18 through 10, inclusive, are unknown to Plaintiffs. When their names are ascertained, Plaintiffs will  
19 amend this Complaint by inserting their true names and capacities herein. Plaintiffs are informed  
20 and believe and thereon allege, that Defendants DOES 1 through 10, inclusive, are responsible in  
21 some manner, negligently, in warranty, strictly, or otherwise, for the occurrences alleged herein  
22 and that the damages alleged herein were caused by such Defendant.

23 8. Defendants DOES 11 through 20, inclusive, are sued herein under fictitious  
24 names. The identities and capacities of Defendants DOES 11 through 10, inclusive, are unknown  
25 to Plaintiffs. When their names are ascertained, Plaintiffs will amend this Complaint by inserting  
26 their true names and capacities herein. Plaintiffs are informed and believe and thereon allege, that  
27 Defendants DOES 11 through 20, inclusive, are responsible in some manner, negligently, in  
28 warranty, strictly, or otherwise, for the occurrences alleged herein and that the damages alleged

1 herein were caused by such defendants.

2 9. The true names and capacities, whether individual, corporate, associate, or  
3 otherwise, of the Defendants named herein as DOES 1-20 are unknown to Plaintiffs, who  
4 therefore sues such Defendants by such fictitious names, and Plaintiffs will amend this complaint  
5 to show their true names and capacities when the same have been ascertained. Plaintiffs are  
6 informed and believes, and thereon alleges that each of the Defendants, DOES 1 through 50,  
7 inclusive, are responsible under law in some manner, negligently, strictly, or otherwise, for the  
8 events and happenings herein referred to, and proximately thereby cause injuries and damages to  
9 Plaintiff as herein alleged.

10 10. Plaintiffs are informed and believes and thereon alleges that at all times mentioned  
11 herein, each of the Defendants, including Defendant DOES 1 through 20, inclusive, was the  
12 agent, servant, employee and/or representative of each of the remaining Defendants, and was at  
13 all times material hereto acting within the authorized course and scope of said agency, service,  
14 employment and/or representation, and/or that all said acts, conduct, and omissions were  
15 subsequently ratified by the respective principles, and the benefits thereof accepted by such  
16 principals.

17 **III. JURISDICTION AND VENUE**

18 11. This court has personal jurisdiction over Defendant Brookfield because its  
19 principal place of business and is incorporated in California.

20 12. Nevada County, in which this court is located is a proper venue of this action  
21 under cal. Code of Civ. Proc. §395(a) because Defendant RRFD is located in this county and the  
22 events described in this complaint happened in this county.

23 **IV. FACTUAL ALLEGATIONS**

24 **A. White's Employment History**

25 13. At all relevant times, White worked as a firefighter with RRFD, within the County,  
26 from October 27, 2018, to June 09, 2019.

27 14. White was qualified for the position she held by reason of her education and  
28 training. Prior to joining RRFD and partly while working there, White worked as a paid volunteer

1 firefighter for the Foothill Fire Department in Brownsville, CA. She held this position with the  
2 Foothill Fire Department over 17 years. White was nominated for the position of Captain at the  
3 Foothill Fire Department before her wrongful termination at RRFD and false claims about her  
4 mental health reached her superiors at the Foothill Fire Department.

5 15. At all times relevant, RRFD's chief was Robert Vaughn, David Hicks was a  
6 lieutenant, and Matt Wright was a captain. White reported directly to either Defendant Wright or  
7 Defendant Hicks depending on her schedule.

8 **B. Sex Discrimination and Sexual Harassment Suffered by White**

9 16. Throughout her employment with RRFD, White was the subject of constant sex  
10 discrimination and sexual harassment.

11 17. Defendant Hicks began to engage in pervasive, offensive, and unwanted sexual  
12 conduct towards White soon after her hiring. On a daily basis, while on the job at the RRFD's  
13 station, Defendant Hicks would make lewd and sexual comments to White. For example,  
14 Defendant Hicks would ask her to have sex and would often brag about how good he was  
15 performing specific sex acts, using graphic and vulgar language. Defendant Hicks also routinely  
16 asked or told White to show him her breasts. Defendant Hicks told her that her job and everyone  
17 else's would be much better if she showed everyone her breasts. Defendant Hicks would make  
18 gestures suggestive of sexual acts to White. Defendant Hicks would make these gestures and  
19 remarks in front of others at the station. White always rejected Defendant Hicks' sexual advances  
20 and asked him to stop his inappropriate behavior. Defendant Hicks was undeterred and continued  
21 to behave inappropriately toward White throughout her employment with RRFD, and was never  
22 prevented from continuing to engage in his acts of harassment by management.

23 18. White made several verbal and written complaints to Defendant Wright regarding  
24 Defendant Hicks' unlawful sexual advances and remarks toward her. Defendant Wright did not  
25 do anything in response to White's complaints but conduct a sham investigation that resulted in  
26 nothing more than a simple warning to Defendant Hicks.

27 19. On June 9, 2019, after numerous complaints about how she was sexually harassed  
28 by Defendant Hicks, White was "laid off" by RRFD through Defendant Hicks. On the evening of

1 her termination, a dinner was planned at the station for White but instead which ended with  
2 Defendant Hicks degrading and yelling expletives at White. At one point, Defendant Hicks told  
3 her to “get the f\*ck\*” out of [his] station”. When White attempted to leave, Defendant Hicks  
4 asked her to stay promising her that they would “patch things up”. White, in fear of what might  
5 happen if she refused, stayed only to have Defendant Hicks direct more expletives at her. When  
6 White expressed her dissatisfaction with her termination and Defendant Hicks’ behavior toward  
7 her, Defendant Hicks’ contorted White’s words and falsely claimed that White was expressing  
8 suicidal ideations. Defendant Hicks proceeded to call 911, telling dispatchers that White had  
9 suicidal ideations and was a danger to herself, attempting to get White involuntarily detained.  
10 The dispatchers found that White was fine but was actually being threatened by Defendant Hicks.  
11 Though White explained to Defendant Hicks that she was not upset nor in any danger of harming  
12 herself, Defendant Hicks continued to disseminate false claims about her having suicidal  
13 ideations to the Sheriffs and the assistant chief of the Foothill Fire Department, White’s other  
14 employer.

15 20. RRFD’s stated reasons for letting White go were because she did not pass a  
16 physical examination. This was a pretext, however, to hide RRFD’s discriminatory animus  
17 towards White and retaliation for her complaints of sexual harassment.

18 21. As a result of Defendant Hicks’ false claims and harassment against White,  
19 White’s position at Foothill Fire Department was adversely affected. Specifically, White was not  
20 promoted to captain as anticipated and instead told she should step down from her position.

21 22. White was eventually terminated from her position at the Foothill Fire Department  
22 not long after she filed a Charge of Discrimination against RRFD.

### 23 **C. Exhaustion of Administrative Remedies**

24 23. On March 10, 2020, White timely filed a Charge of Discrimination against RRFD  
25 within 300 days the last date discrimination against White took place. Included in this Charge of  
26 Discrimination was a request to have the charge filed with both the United States Equal  
27 Employment Opportunity Commission and the California Department of Fair Employment and  
28 Housing. On December 16, 2022, a “Right-to-Sue” letter was issued to White.

**FIRST CAUSE OF ACTION**

**(Harassment in Violation of Government Code § 12940(j))  
(Against All Defendants and DOES 1-20)**

1  
2  
3 24. White incorporates by reference as though fully set forth herein each and every  
4 allegation set forth above in her Complaint. As a separate and distinct claim for relief, White  
5 complains against all Defendants as follows:

6 25. California Government Code § 12940(j) prohibits an employer and any person  
7 from harassing any employee on the bases of sex. White establishes a *prima facie* case of  
8 harassment because:

- 9 a. White was an employee with Defendant RRFD.  
10 b. White was subject to harassing conduct because she was a female.  
11 c. Defendants' harassing conduct was severe and pervasive.  
12 d. A reasonable person in White's position would have considered the work  
13 environment to be hostile, intimidating, offensive, oppressive or abusive.  
14 e. White considered the work environment to be hostile or abusive.  
15 f. Defendants participated in, allowed, and enabled the harassing conduct.  
16 g. White was harmed as result of Defendants' conduct.

17 26. A reasonable person subjected to the same discriminatory conduct would find that  
18 the harassment so altered working conditions as to "make it more difficult to do the job." (*Harris*  
19 *v. Forklift Sys.* (1993) 510 U.S.17, 25 [114 S.Ct. 367, 126 L.Ed.2d 295])

20 27. Defendant Hicks' conduct, specifically his frequent belittling of Plaintiff, sexual  
21 comments, gestures and advances toward Plaintiff, unreasonably interfered with Plaintiff's work  
22 performance at Defendant RRFD, and her tangible productivity declined as a result of the  
23 harassment.

24 28. Defendant Hicks harassed White based on her sex as set forth above.

25 29. Defendants knew or should have known of the conduct yet failed to take all  
26 reasonable steps necessary to prevent the harassment from occurring. (Government Code §  
27 12940(k).)  
28

1           30. Individual Defendant Hicks is also independently liable because he personally  
2 participated in the acts of harassment and knew or should have known such harassment was  
3 unlawful, and/or knew or should have known of such harassment of White and willfully failed to  
4 take immediate and appropriate corrective behavior. Such conduct violates Government Code §  
5 12940(j) (1) and (3).

6           31. Defendants' conduct was a substantial factor in causing White's harm.

7           32. As a direct and proximate result of Defendants' harassment and discrimination,  
8 White has suffered loss of employment opportunities, loss of dignity, great humiliation, and  
9 emotional injuries manifesting physical illness and severe emotional distress.

10          33. Defendants' actions have caused and continue to cause White substantial losses in  
11 earnings, significant reputation and professional injury, loss of promotional opportunities and  
12 other employment benefits, lost wages, attorneys' fees and costs, medical expenses, future  
13 earnings and benefits, costs of suit, and embarrassment and anguish, all to her damage in an  
14 amount according to proof.

15          34. White is further entitled to punitive damages against Defendants because these  
16 Defendants committed the despicable acts, as herein alleged, maliciously, fraudulently, and  
17 oppressively, with the wrongful intent of injuring White, and have acted with an improper and  
18 evil motive amounting to malice, and in conscious disregard of Plaintiff's rights.

19          35. Because the despicable acts taken by Defendants toward Plaintiff were carried out  
20 in a deliberate, cold, callous and intentional manner in order to injure and damage, Plaintiff is  
21 entitled to recover punitive damages from Defendants in an amount according to proof.

22          36. By reason of Defendants' unlawful conduct, and in order to enforce the important  
23 right to a discrimination- and harassment-free workplace for herself and the public at large,  
24 Plaintiff has incurred and continues to incur legal expenses and attorney fees. Plaintiff is therefore  
25 entitled to reasonable attorneys' fees and litigation expenses per Code of Civil Procedure §  
26 1021.5 and Government Code § 12965(b).

**SECOND CAUSE OF ACTION**

**(Sexual Harassment in Violation of Government Code § 12940, et seq.)  
(Against All Defendants and DOES 1-20)**

1  
2  
3 37. White incorporates by reference as though fully set forth herein each and every  
4 allegation set forth above in her Complaint. As a separate and distinct claim for relief, White  
5 complains against all Defendants as follows:

6 38. White was subjected to numerous unwelcome sexual advances by Defendant  
7 Hicks, her immediate supervisor, including but not limited to his conduct at the station with  
8 White where he made various lewd remarks, and his conduct on a nearly day-to-day basis  
9 throughout White's employment with Defendant RRFD, when he would routinely make sexual  
10 comments towards White and call her late at night. This continued pattern of ongoing harassment  
11 was clearly based upon sex and affected White's conditions and privileges of employment.

12 39. White is informed and believes that by the conduct described above, she was  
13 subjected to quid pro quo sexual harassment by Defendant Hicks throughout her time  
14 working under him at the RRFD, as he relied on his actual and apparent authority over White to  
15 subject her to the numerous instances of unwelcome and pervasive sexual harassment as  
16 described above.

17 40. White is informed and believes that an implication existed that if White did not  
18 go along or if she complained about Defendant Hicks' conduct, White was likely to be  
19 terminated, demoted, or lose other job-related benefits.

20 41. White is also informed and believes that by the conduct described above, she was  
21 subjected to a hostile environment resulting from the sexual harassment because  
22 Defendant Hicks' pervasive sexual conduct unreasonably interfered with White's work  
23 performance and created an intimidating, hostile, and offensive working environment.

24 42. Defendant Hicks' sexual harassment was so severe and pervasive that it forced  
25 White to take steps to avoid being alone with Defendant Hicks in certain situations, including  
26 asking Defendant Wright to schedule her for shifts different than those of Defendant Hicks.

27 43. Defendant RRFD, Defendant Wright and Defendant Vaughn knew or should have  
28

1 known of Defendant Hicks' pervasive sexual harassment because White reported that it was  
2 taking place as early as November 2019 to Defendant Wright. Despite this, Defendant RRFD,  
3 Defendant Wright, and Defendant Vaughn failed to take any remedial action vis-à-vis the sexual  
4 harassment other than simply warning Defendant Hicks.

5 44. White is informed and believes and thereon alleges that Defendant RRFD is liable  
6 for Defendant Hicks' sexually harassing conduct towards White under the theory of respondent  
7 superior.

8 45. By the conduct described above, Defendant RRFD intentionally violated White's  
9 right to freedom from sex discrimination under the FEHA, as sexual harassment is a form of sex  
10 discrimination actionable under FEHA.

11 46. As a direct and proximate result of the RRFD's conduct as alleged above, White  
12 has suffered and continues to suffer harm, including but not limited to: lost wages, lost back pay  
13 and front pay, lost benefits, reputational harm, lost interest, and emotional distress, in an amount  
14 according to proof.

15 47. White is also entitled to recover such monetary and other damages, interest, and  
16 attorneys' fees and costs from the RRFD as a result of its wrongful conduct.

17 48. WHEREFORE, Plaintiff prays for relief as set forth herein.

18 **THREE CAUSE OF ACTION**

19 **Failure to Prevent Discrimination and Harassment in Violation of**  
20 **Government Code § 12940(k)**  
21 **(Against RRFD and DOES 1 through 20)**

22 49. White incorporates by reference as though fully set forth herein each and every  
23 allegation set forth above in her Complaint. As a separate and distinct claim for relief, White  
24 complains against all Defendants as follows:

25 50. California Government Code § 12940(k) places an affirmative duty on an  
26 employer to "take all reasonable steps necessary to prevent discrimination and harassment from  
27 occurring."

28 51. Defendant RRFD and DOES 1 through 20's had a non-delegable duty to make  
sure that employees were not subjected to discrimination or harassment, and when they received



1 notice of workplace discrimination or harassment, Defendant RRFD was required to take prompt  
2 remedial action. Plaintiff put her supervisors on notice of her discrimination and harassment, yet  
3 Defendant RRFD and its agents failed to take all reasonable steps to prevent the harassment and  
4 discrimination.

5 52. Defendant RRFD's and DOES 1 through 20's conduct was a substantial factor in  
6 causing Plaintiff harm. As a direct and proximate result of its failure to take reasonable steps to  
7 prevent Plaintiff's harassment and discrimination, Plaintiff has been harmed and has suffered loss  
8 of employment opportunities, loss of dignity, great humiliation, and emotional injuries  
9 manifesting physical illness and severe emotional distress.

10 53. Defendant RRFD and DOES 1 through 20's actions and omissions have caused  
11 and continue to cause Plaintiff substantial losses in earnings, significant reputation and  
12 professional injury, loss of promotional opportunities and other employment benefits, lost wages,  
13 attorneys' fees, future earnings and benefits, costs of suit, and embarrassment and anguish, all to  
14 her damage in an amount according to proof.

15 54. Defendant RRFD and DOES 1 through 20's committed the despicable acts, as  
16 herein alleged, maliciously, fraudulently, and oppressively, with the wrongful intent of injuring  
17 Plaintiff, and have acted with an improper and evil motive amounting to malice and in conscious  
18 disregard of Plaintiff's rights.

19 55. By reason of Defendant RRFD, and DOES 1 through 20's unlawful conduct, and  
20 in order to enforce the important right to a discrimination- and harassment-free workplace for  
21 herself and the public at large, Plaintiff has incurred and continues to incur legal expenses and  
22 attorney fees. Plaintiff is therefore entitled to reasonable attorneys' fees and litigation expenses  
23 per Code of Civil Procedure § 1021.5 and Government Code § 12965(b).

24 56. WHEREFORE, Plaintiff prays for relief as set forth herein.

25 **FOURTH CAUSE OF ACTION**  
26 **Wrongful Discharge in Violation of Public Policy**  
27 **(Against Defendant RRFD and DOES 1-20)**

28 57. White incorporates by reference as though fully set forth herein each and every  
allegation set forth above in her Complaint. As a separate and distinct claim for relief, White

1 complains against all Defendants as follows:

2 58. At all times mentioned herein, California Government Code §12920 and California  
3 Labor Code § 6310, were in full force and effect, and establishes that the public policy of the  
4 State of California is, in part, to protect and safeguard the right and opportunity of all persons to  
5 seek and hold employment without discrimination and to be able to work in an environment free  
6 of unsafe working conditions.

7 59. As a direct and proximate result of Defendant RRFD, and DOES 1 through 20's  
8 unlawful conduct, Plaintiff has suffered special damages including but not limited to past and  
9 future loss of income, benefits, medical expenses, and other damages to be proven at time of trial.

10 60. As a direct and proximate result of the unlawful conduct of Defendant RRFD,  
11 and/or DOES 1-20, and each of them, Plaintiff has suffered general damages including but not  
12 limited to shock, embarrassment, humiliation, emotional distress, stress and other damages to be  
13 proven at the time of trial.

14 61. Defendant RRFD and DOES 1 through 20's conduct described herein was  
15 undertaken, authorized and/or ratified by Defendants' officers, directors and/or managing agents.  
16 The aforementioned conduct of said officers, directors and/or managing agents and individuals  
17 was therefore undertaken on behalf of Defendants. Defendant RRFD further had advanced  
18 knowledge of the actions and conduct of said individuals whose actions and conduct were  
19 ratified, authorized and approved by it, its employees including Defendant Hicks, Defendant  
20 Wright, and Defendant, Vaughn, and other individuals whose precise identities are unknown to  
21 Plaintiff at this time and are therefore identified and designated herein as DOES 1 through 20,  
22 inclusive.

23 62. Defendants committed the acts alleged in this Complaint maliciously, fraudulently,  
24 and oppressively, with the wrongful intention of injuring Plaintiff, from an improper and evil  
25 motive amounting to malice, and in conscious disregard of Plaintiff's rights. Plaintiff is thus  
26 entitled to recover punitive damages from defendants in an amount to be proven at trial.

27 63. WHEREFORE, Plaintiff prays for judgment as set forth below.  
28

**FIFTH CAUSE OF ACTION**

**Retaliation in Violation of Government Code § 12940(h)  
(Against All Defendants)**

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2  
3 64. White incorporates by reference as though fully set forth herein each and every  
4 allegation set forth above in her Complaint. As a separate and distinct claim for relief, White  
5 complains against all Defendants as follows:

6 65. It is an unlawful employment practice for an employer to “discharge, expel, or  
7 otherwise discriminate against any person because the person has opposed any practices  
8 forbidden under this part or because the person has filed a complaint, testified, or assisted in any  
9 proceeding under this part.” (Government Code § 12940(h).)

10 66. Defendant Hicks retaliated against Plaintiff after Plaintiff complained to Defendant  
11 Wright about Defendant Hicks’ sexual harassment against her. Defendant RRFD and Hicks then  
12 retaliated against Plaintiff for the complaints by terminating her employment.

13 67. The close proximities in timing between Plaintiff’s complaints to her supervisors  
14 and their subsequent conduct as described herein evidence a causal link and indicate that  
15 Defendants engaged in retaliation against Plaintiff.

16 68. Plaintiff’s protected activity, namely her complaining about the sexual harassment  
17 she was the subject were substantial motivating reasons for Defendants’ decision to retaliate  
18 against Plaintiff.

19 69. As a direct and proximate result of Defendants’ retaliatory actions, Plaintiff has  
20 suffered loss of employment opportunities, loss of dignity, great humiliation, and emotional  
21 injuries manifesting physical illness and severe emotional distress.

22 70. Defendants’ actions and omissions were substantial factors in causing Plaintiff  
23 harm.

24 71. Defendants’ actions have caused and continue to cause Plaintiff substantial losses  
25 in earnings, significant reputation and professional injury, loss of promotional opportunities and  
26 other employment benefits, lost wages, attorneys’ fees, future earnings and benefits, costs of suit,  
27 and embarrassment and anguish, all to her damage in an amount according to proof.  
28

1 72. By reason of Defendants' unlawful conduct, and in order to enforce the important  
2 right to a discrimination- and harassment-free workplace for herself and the public at large,  
3 Plaintiff has incurred and continues to incur legal expenses and attorney fees. Plaintiff is therefore  
4 entitled to reasonable attorneys' fees and litigation expenses per Code of Civil Procedure §  
5 1021.5 and Government Code § 12965(b).

6 73. WHEREFORE, Plaintiff prays for relief as set forth herein.

7 **SIXTH CAUSE OF ACTION**

8 **Retaliation in Violation of 42 U.S.C. § 2000e, et seq**  
9 **(Against Defendant RRFD and DOES 1-20)**

10 74. White incorporates by reference as though fully set forth herein each and every  
11 allegation set forth above in her Complaint. As a separate and distinct claim for relief, White  
12 complains against all Defendants as follows:

13 75. Under the Title VII, it is unlawful for any employer to discharge or in any other  
14 manner discriminate against any individual for opposing any practice made unlawful under the  
15 Act.

16 76. From October 2018 – June 2019, Plaintiff made various complaints against  
17 Defendant Hicks for sexual harassment.

18 77. In so doing, Plaintiff exercised her rights protected under the Title VII.

19 78. In retaliating against Plaintiff, by ultimately terminating her because she had  
20 made complaints about Defendant Hicks' sexual harassment, Defendant RRFD and DOES 1-20  
21 acted willfully, intentionally, and with reckless disregard of Plaintiff's protected rights.

22 79. As a direct and proximate result of Defendant's actions, Plaintiff suffered injury  
23 and monetary damages, including but not limited to past and future loss of income, benefits,  
24 promotions and promotional opportunities, expenses, and costs, and is therefore entitled to all  
25 legal and equitable remedies available.

26 **SEVENTH CAUSE OF ACTION**

27 **Retaliation in Violation of California Labor Code § 1102.5**  
28 **(Against all Defendants)**

80. White incorporates by reference as though fully set forth herein each and every

1 allegation set forth above in her Complaint. As a separate and distinct claim for relief, White  
2 complains against all Defendants as follows:

3 81. Sometime in November of 2019, Plaintiff made complaints to Defendant Wright  
4 regarding the sexual harassment Defendant Hicks subjected her to.

5 82. California Labor Code § 1102.5(b) forbids an employer, or any person acting on  
6 behalf of the employer, to retaliate against an employee for disclosing information, or because the  
7 employer believes that the employee disclosed or may disclose information, to a government or  
8 law enforcement agency, to a person with authority over the employee or another employee who  
9 has the authority to investigate, discover, or correct the violation or noncompliance, or for  
10 providing information to, or testifying before, any public body conducting an investigation,  
11 hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses  
12 a violation of state or federal statute, or a violation of or noncompliance with a local, state, or  
13 federal rule or regulation, regardless of whether disclosing the information is part of the  
14 employee's job duties. (*See also* California Labor Code § 1102.5(c)-(d).)

15 83. Defendant RRFD, through Defendant Hicks, Defendant Wright and Defendant  
16 Vaughn, retaliated against Plaintiff for informing it that Defendant Hicks was sexually harassing  
17 Plaintiff.

18 84. Defendant RRFD knowingly caused, suffered, or permitted agents,  
19 superintendents, managers or employees, including Defendant Hicks, Defendant Wright and  
20 Defendant Vaughn, to commit a violation of Labor Code § 1102.5(b)-(d), or failed to take all  
21 reasonable steps within their power to prevent such violations.

22 85. As a direct and proximate result of Defendants' retaliatory conduct, Plaintiff has  
23 been harmed and has suffered loss of employment opportunities, loss of dignity, great  
24 humiliation, and emotional injuries manifesting physical illness and severe emotional distress.

25 86. Defendants' actions have caused and continue to cause Plaintiff substantial losses  
26 in earnings, significant reputation and professional injury, loss of promotional opportunities and  
27 other employment benefits, lost wages, attorneys' fees, medical expenses, future earnings and  
28 benefits, costs of suit, and embarrassment and anguish, all to her damage in an amount according

1 to proof.

2 87. By reason of Defendants' unlawful conduct, and in order to enforce the important  
3 right to a discrimination- and harassment-free workplace for herself and the public at large,  
4 Plaintiff has incurred and continues to incur legal expenses and attorney fees. Plaintiff is therefore  
5 entitled to reasonable attorneys' fees and litigation expenses per Code of Civil Procedure §  
6 1021.5 and Government Code § 12965(b).

7  
8 **EIGHTH CAUSE OF ACTION**  
9 **Blocklisting (Labor Code §§ 1050 and 1052)**  
10 **(Against RRFD, Defendant Hicks and DOES 1-20)**

11 88. White incorporates by reference as though fully set forth herein each and every  
12 allegation set forth above in her Complaint. As a separate and distinct claim for relief, White  
13 complains against all Defendants as follows:

14 89. California Labor Code § 1050 states that "[a]ny person, or agent or officer thereof,  
15 who, after having discharged an employee from the service of such person . . . by any  
16 misrepresentation prevents or attempts to prevent the former employee from obtaining  
17 employment, is guilty of a misdemeanor."

18 90. On information and belief, after terminating Plaintiff, Defendants made  
19 misrepresentations to prevent Plaintiff from obtaining employment. For example, Defendant  
20 RRFD's employees, including Defendant Hicks, made statements to potential and current  
21 employers that Plaintiff had suicidal ideations and was mentally unstable.

22 91. California Labor Code § 1052 states that "[a]ny person who knowingly causes,  
23 suffers, or permits an agent, superintendent, manager, or employee in his employ to commit a  
24 violation of sections 1050 and 1051, or who fails to take all reasonable steps within his power to  
25 prevent such violation is guilty of a misdemeanor." Defendants knowingly caused, suffered, or  
26 permitted agents, superintendents, managers, or employees to commit a violation of Labor Code  
27 §§ 1050 and 1052, or failed to take all reasonable steps within their power to prevent such  
28 violation.

92. As a direct and proximate result of Defendants' defamation, Plaintiff has been

1 harmed and has suffered loss of employment opportunities, loss of dignity, great humiliation, and  
2 emotional injuries manifesting physical illness and severe emotional distress.

3 93. Defendants' actions have caused and continue to cause Plaintiff substantial losses  
4 in earnings, significant reputation and professional injury, loss of promotional opportunities and  
5 other employment benefits, lost wages, attorneys' fees, medical expenses, future earnings and  
6 benefits, costs of suit, and embarrassment and anguish, all to her damage in an amount according  
7 to proof.

8 94. In addition to, and apart from the criminal penalty provided any person or agent or  
9 officer who violates any provision of §§ 1050 and 1052, inclusive, Defendants are liable to the  
10 party aggrieved, Plaintiff, in a civil action for treble damages. Such civil action may be brought  
11 by the aggrieved person without first establishing any criminal liability. (Labor Code § 1054.)  
12 Therefore, Defendants are liable to Plaintiff in this action for treble damages.

13 95. WHEREFORE, Plaintiff prays for relief as set forth herein.

14 **NINTH CAUSE OF ACTION**

15 **Sex Discrimination under Title VII of the Civil Rights Act of 1964**

16 **42 U.S.C. ss 200e-2(a)**

17 **(Against All Defendants and DOES 1-20)**

18 96. White incorporates by reference as though fully set forth herein each and every  
19 allegation set forth above in her Complaint. As a separate and distinct claim for relief, White  
20 complains against all Defendants as follows:

21 97. White, as a woman, is a member of a protected group.

22 98. White was subjected to numerous adverse employment actions on the basis of sex  
23 by Defendants, including but not limited to the constant belittling and unjustified reprimanding of  
24 her, harassment, inequitable handling of her sexual harassment complaints against Defendant  
25 Hicks, the dissemination of false claims regarding her mental health, and the refusal to renew her  
26 seasonal employment.

27 99. White is informed and believes that similarly situated male employees were treated  
28 much more favorably by Defendant RRFD, Defendant Hicks, Defendant Wright and Defendant  
Vaughn as evidenced by the harassment against her and RRFD's handling of White's complaints.

1           100. The RRFD's stated reasons for not renewing White's employment contract were  
2 not true reasons, but instead, were a pretext meant to hide the RRFD's discriminatory animus  
3 towards White because of her status as a woman.

4           101. By the conduct described above, Defendants intentionally violated White's right to  
5 freedom from sex discrimination under Title VII.

6           102. As a direct and proximate result of Defendants' conduct as alleged above, White  
7 has suffered and continues to suffer harm, including but not limited to lost wages, lost back pay  
8 and front pay, lost benefits, reputational harm, lost interest, and emotional distress, in an amount  
9 according to proof.

10           103. White is also entitled to recover such monetary and other damages, interest, and  
11 attorneys' fees and costs from the Defendants as a result of their wrongful conduct.

12  
13                                   **TENTH CAUSE OF ACTION**  
14                                   **Sexual Harassment under Title VII of the Civil Rights Act of 1964**  
15                                   **42 U.S.C. § 2000e-2(a)**  
16                                   **(Against All Defendants and DOES 1-20)**

17           101. White incorporates by reference as though fully set forth herein each and every  
18 allegation set forth above in her Complaint. As a separate and distinct claim for relief, White  
19 complains against all Defendants as follows:

20           102. White was subjected to numerous unwelcome sexual advances by Defendant  
21 Hicks, her immediate supervisor, including but not limited to his conduct at the station with  
22 White where he made various lewd remarks, and his conduct on a nearly day-to-day basis  
23 throughout White's employment with the RRFD, when he would routinely make sexual  
24 comments towards White and call her late at night. This continued pattern of ongoing harassment  
25 was clearly based upon sex and affected White's conditions and privileges of employment.

26           103. White is informed and believes that by the conduct described above, she was  
27 subjected to *quid pro quo* sexual harassment by Defendant Hicks throughout her time working  
28 under him at the RRFD, as he relied on his actual and apparent authority over White to subject  
her to the numerous instances of unwelcome and pervasive sexual harassment as described above.

          104. White is informed and believes that an implication existed that if White did not



1 go along or if she complained about Defendant Hicks' conduct, White was likely to be  
2 terminated, demoted, or lose other job-related benefits.

3 105. White is also informed and believes that by the conduct described above, she was  
4 subjected to a hostile environment resulting from the sexual harassment because Defendant  
5 Hicks' pervasive sexual conduct unreasonably interfered with White's work performance and  
6 created an intimidating, hostile, and offensive working environment.

7 106. Defendant Hicks' sexual harassment was so severe and pervasive that it forced  
8 White to take steps to avoid being alone with Defendant Hicks in certain situations, including  
9 asking Defendant Wright to schedule her for shifts different than those of Defendant Hicks.

10 107. Defendant RRFD, Defendant Wright, and Defendant Vaughn knew or should have  
11 known of Defendant Hicks' pervasive sexual harassment because White reported that it was  
12 taking place as early as November 2019 to Defendant Wright. Despite this, the RRFD, Defendant  
13 Wright and Defendant Vaughn failed to take any remedial action vis-à-vis the sexual harassment  
14 other than simply warning Defendant Hicks.

15 108. White is informed and believes and thereon alleges Defendant RRFD is liable for  
16 Defendant Hicks' sexually harassing conduct towards White under the theory of *respondeat*  
*superior*.

17 109. By the conduct described above, Defendant RRFD intentionally violated White's  
18 right to freedom from sex discrimination under Title VII, as sexual harassment is a form of sex  
19 discrimination actionable under Title VII.

20 110. As a direct and proximate result of Defendants' conduct as alleged above, White  
21 has suffered and continues to suffer harm, including but not limited to: lost wages, lost back pay  
22 and front pay, lost benefits, reputational harm, lost interest, and emotional distress, in an amount  
23 according to proof.

24 111. White is also entitled to recover such monetary and other damages, interest, and  
25 attorneys' fees and costs from the Defendants as a result of their wrongful conduct.

26 112. WHEREFORE, Plaintiff prays for relief as set forth herein.

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**ELEVENTH CAUSE OF ACTION**  
**Declaratory and Injunctive Relief**  
**Against All Defendants**

113. White incorporates by reference as though fully set forth herein each and every allegation set forth above in her Complaint. As a separate and distinct claim for relief, White complains against all Defendants as follows:

114. Government Code § 12920 sets forth the public policy of the State of California as follows:

It is hereby declared as the public policy of this state that it is necessary to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgment on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation.

It is recognized that the practice of denying employment opportunity and discriminating in the terms of employment for these reasons foments domestic strife and unrest, deprives the state of the fullest utilization of its capacities for development and advancement, and substantially and adversely affects the interests of employees, employers, and the public in general.

Further, the practice of discrimination because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, and familial status, source of income, disability, or genetic information in housing accommodations is declared to be against public policy.

It is the purpose of this part to provide effective remedies that will eliminate these discriminatory practices. This part shall be deemed an exercise of the police power of the state for the protection of the welfare, health, and peace of the people of this state.

115. Government Code § 12920.5 embodies the intent of the California legislature and

1 states as follows:

2 In order to eliminate discrimination, it is necessary to provide effective  
3 remedies that will both prevent and deter unlawful employment practices and redress the  
4 adverse effects of those practices on aggrieved persons. To that end, this part shall be  
5 deemed an exercise of the Legislature's authority pursuant to Section 1 of Article XIV of  
6 the California Constitution.

7 116. Moreover, Government Code § 12921, subdivision (a) states in pertinent part:

8 The opportunity to seek, obtain, and hold employment without discrimination  
9 because of race, religious creed, color, national origin, ancestry, physical disability,  
10 mental disability, medical condition, genetic information, marital status, sex, gender,  
11 gender identity, gender expression, age, or sexual orientation is hereby recognized as and  
12 declared to be a civil right.

13 117. An actual controversy has arisen and now exists between Plaintiff and  
14 Defendants, and each of them, concerning their respective rights and duties as it is believed that  
15 Defendants may allege that the actions about which Plaintiff has complained were based on non-  
16 discriminatory, legitimate reasons and not on Plaintiff's race, or in retaliation for her exercise of  
17 protected conduct and that these were substantial motivating factors for the actions taken against  
18 her about which Plaintiff complains. Plaintiff contends that the reasons given by Defendants, and  
19 each of them, were a pretext to mask their true reason(s) for taking the actions against her about  
20 which she has complained. On information and belief, Defendants shall dispute Plaintiff's  
21 contentions and shall assert their reasons were nondiscriminatory and legitimate.

22 118. Pursuant to Code of Civil Procedure § 1060, Plaintiff desires a judicial  
23 determination of her rights and duties, and a declaration that Plaintiff's disability or perceived  
24 disability and her exercise of protected conduct in requesting and taking medical leaves of  
25 absence and in seeking reasonable accommodations for her disabilities were substantial  
26 motivating factors in the decision to take the actions against her about which Plaintiff  
27 complains.

28 119. A judicial declaration is necessary and appropriate at this time such that

1 Defendants, and each of them, may also be aware of its obligations under the law to not engage  
2 in discriminatory practices and violate the law.

3 120. Government Code §12965(b) provides that an aggrieved party, such as the  
4 Plaintiff herein, may be awarded reasonable attorney's fees and costs. In civil actions brought  
5 under this section, the court, in its discretion, may award to the prevailing party, including the  
6 department, reasonable attorney's fees and costs, including expert witness fees. Such fees and  
7 costs expended by an aggrieved party may be awarded for the purpose of redressing,  
8 preventing, or deterring discrimination.

9 **DAMAGES**

10 121. As a direct and proximate result of Defendants' unlawful actions as detailed  
11 herein, Plaintiff has suffered loss of employment opportunities, loss of dignity, great humiliation,  
12 and emotional injuries manifesting physical illness and severe emotional distress.

13 122. As a result of the conduct by Defendants of which Plaintiff complains, Plaintiff  
14 suffered and continues to suffer substantial losses in earnings and other employee benefits.  
15 Plaintiff will seek leave to amend this Complaint to state the amount or will proceed according to  
16 proof at trial.

17 123. Plaintiff suffered emotional distress as a result of the conduct by Defendants of  
18 which Plaintiff complains.

19 124. At all material times, Defendants, and each of them, knew that Plaintiff depended  
20 on her wages and other employee benefits as a source of earned income. At all material times,  
21 Defendants were in a position of power over Plaintiff, with the potential to abuse that power.

22 **PRAYER FOR RELIEF**

- 23 1. For general damages;
- 24 2. For lost wages, in a sum according to proof at the time of trial;
- 25 3. For compensatory damages for severe emotional and physical harm caused to  
26 Plaintiff;
- 27 4. For interest as allowed by law;
- 28 5. For treble damages under Labor Code § 1054, in a sum according to proof at the

1 time of trial;

2 6. For punitive damages pursuant to California Civil Code § 3294 against the  
3 individual Defendants in an amount to be determined at the time of trial;

4 7. For attorneys' fees and costs;

5 8. For costs and expenses of suit herein incurred; and

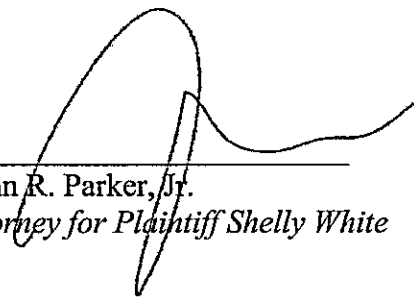
6 9. For such other and further relief as the Court may deem just and proper.

7 **DEMAND FOR JURY TRIAL**

8 Plaintiff demands trial of all issues by a jury.

9  
10  
11 DATED: March 13, 2023

CUTTER LAW, P.C.

12  
13  
14 By:   
15 John R. Parker, Jr.  
16 Attorney for Plaintiff Shelly White

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

John R. Parker, Jr. SBN 257761

Cutter Law PC
401 Watt Avenue
Sacramento, CA 95864

TELEPHONE NO.: 916-290-9400

FAX NO.: 1-800-979-5279

ATTORNEY FOR (Name): Plaintiff Shelly White

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Nevada

STREET ADDRESS: 201 Church St. #5

MAILING ADDRESS:

CITY AND ZIP CODE: Nevada City, CA 95959

BRANCH NAME:

CASE NAME:

White v. RRF, et al.

CIVIL CASE COVER SHEET

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

Complex Case Designation

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

CASE NUMBER:

CU0000599

JUDGE:

DEPT:

ELECTRONICALLY

FILED

BY SUPERIOR COURT OF CALIFORNIA, COUNTY OF NEVADA

03/13/2023

JASON B. GALKIN, CLERK OF THE COURT
KALEY HORTON, DEPUTY

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

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

Auto Tort

- Auto (22)
Uninsured motorist (46)

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

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

Non-PI/PD/WD (Other) Tort

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

Employment

- Wrongful termination (36)
Other employment (15)

Contract

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

Real Property

- Eminent domain/inverse condemnation (14)
Wrongful eviction (33)
Other real property (26)

Unlawful Detainer

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

Judicial Review

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

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

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

Enforcement of Judgment

- Enforcement of judgment (20)

Miscellaneous Civil Complaint

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

Miscellaneous Civil Petition

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

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

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

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

4. Number of causes of action (specify): Eleven (11)

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

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

Date: March 13, 2023

John R. Parker, Jr.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

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

**INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET**

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

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

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

**CASE TYPES AND EXAMPLES****Auto Tort**

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

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

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

**Non-PI/PD/WD (Other) Tort**

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

**Employment**

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

**Contract**

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

**Real Property**

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

**Unlawful Detainer**

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

**Judicial Review**

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

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

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

**Enforcement of Judgment**

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

**Miscellaneous Civil Complaint**

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

**Miscellaneous Civil Petition**

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

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF NEVADA**

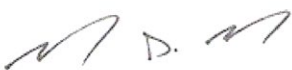
201 Church Street Nevada City, CA 95959 Phone: (530) 362-4309	ELECTRONICALLY <b>FILED</b> BY SUPERIOR COURT OF CALIFORNIA, COUNTY OF NEVADA 03/14/2023 JASON B. GALKIN, CLERK OF THE COURT KAILEY HORTON, DEPUTY
Shelly White vs. Rough and Ready Fire Protection District	
<b>Notice - Case Management Conference</b>	Case Number: CU0000599

NOTICE is given that a Case Management Conference has been scheduled as follows:

Date: September 18, 2023	Time: 9:00 A.M.	Department: Department 6
<b>Location: Nevada County Courthouse, 201 Church Street, Nevada City, California, 95959</b>		
<i>The hearing set in this notice does not eliminate your obligation to file a response to the complaint as specified on the summons. Failure to do so may result in a default judgment.</i>		

- You must file and serve a completed Case Management Statement form CM-110 **AT LEAST FIFTEEN DAYS** before the case management conference (California Rule of Court 3.725). Strict compliance with California Rules of Court 3.110 required.
- You must be familiar with the case and be fully prepared to participate effectively in the case management conference.
- At the case management conference the court may make pretrial orders, including the following:
  - o Orders establishing discovery schedules and exchange of expert witness information;
  - o Referral to judicial arbitration or other alternate dispute resolution with a date of completion;
  - o Orders setting subsequent conferences and the trial date;
  - o Other orders in furtherance of the Trial Court Delay Reduction Act (Gov. Code §68600 *et seq.*);
- Should the parties comply with California Rules of Court 3.110 and timely file their Case Management Statement, appearance at the case management conference **may** be waived.
- The court will issue a proposed order on Thursday before the conference. The proposed order will be posted and available under the link “Tentative Rulings” on the court’s web site (<https://www.nevada.courts.ca.gov/>). For further instructions and information see the Case Management Information Sheet.
- A copy of this Notice must be served on each party with the complaint or other initial pleading, including each new party brought in by way of cross-complaint, complaint in intervention, or other initial pleading.

Date: March 14, 2023

  
 Kailey Horton, Deputy  Clerk



**EXHIBIT B**

1 JACKSON LEWIS P.C.  
CHRISTOPHER E. DAWOOD (SBN 281054)  
2 DYLAN C. MARQUES (SBN 328987)  
400 Capitol Mall, Suite 1600  
3 Sacramento, California 95814  
Telephone: (916) 341-0404  
4 Facsimile: (916) 341-0141  
Email: [christopher.dawood@jacksonlewis.com](mailto:christopher.dawood@jacksonlewis.com)  
5 [dylan.marques@jacksonlewis.com](mailto:dylan.marques@jacksonlewis.com)

6 Attorneys for Defendants  
ROUGH AND READY FIRE PROTECTION  
7 DISTRICT, dba ROUGH AND READY FIRE  
DEPARTMENT; DAVID HICKS;  
8 MATT WRIGHT; AND ROBERT VAUGHN

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF NEVADA

11 SHELLY WHITE,  
12 Plaintiff,  
13 vs.

CASE NO. CU0000599

**DEFENDANTS' ANSWER TO  
PLAINTIFF'S COMPLAINT**

14 ROUGH AND READY FIRE PROTECTION  
15 DISTRICT, dba ROUGH AND READY FIRE  
DEPARTMENT, a government entity; DAVID  
16 HICKS, an individual; MATT WRIGHT, an  
individual; ROBERT VAUGHN, an individual  
17 and DOES 1 through 20, inclusive,  
18 Defendants.

Complaint Filed: 03.13.23  
Trial Date: TBD

19 Defendants ROUGH AND READY FIRE PROTECTION DISTRICT, dba ROUGH AND  
20 READY FIRE DEPARTMENT; DAVID HICKS; MATT WRIGHT; and ROBERT VAUGHN  
21 (“Defendants”) hereby respond to SHELLY WHITE’s (“Plaintiff”) unverified Complaint  
22 (“Complaint”), without waiving its rights to remove the case to federal court or to compel  
23 arbitration, as follows:

24 **GENERAL DENIAL**

25 Pursuant to Code of Civil Procedure section 431.30(d), Defendants deny, generally and  
26 specifically, each and every allegation contained in Plaintiff’s Complaint, including denying that  
27 Plaintiff has suffered damages or sustained any loss, in the sum or sums alleged or in any other  
28 sum. This general denial to the Complaint is filed without prejudice to Defendants’ right to file

1 an amended response, including affirmative defenses, and to file a Cross-Complaint after  
2 conducting discovery.

3 **AFFIRMATIVE DEFENSES**

4 As separate and distinct affirmative defenses to Plaintiff's Complaint and the purported  
5 causes of action alleged therein, under information and belief and without conceding that it bears  
6 the burden of proof or persuasion as to any one of them, Defendants allege as follows:

7 **FIRST AFFIRMATIVE DEFENSE**

8 Plaintiff's Fourth, Seventh, and Eighth causes of action are barred by failing to comply  
9 with the Government Claims Act, per California Government Code sections 911.2, 945.6, et seq.;

10 **SECOND AFFIRMATIVE DEFENSE**

11 Plaintiff's Complaint, and each purported cause of action and prayer for relief alleged  
12 therein, fails to state facts sufficient to constitute a cause of action against Defendants.

13 **THIRD AFFIRMATIVE DEFENSE**

14 Plaintiff's Complaint, and each purported cause of action alleged therein, is barred to the  
15 extent the doctrine of estoppel applies.

16 **FOURTH AFFIRMATIVE DEFENSE**

17 Plaintiff's Complaint, and each purported cause of action alleged therein, is barred to the  
18 extent the doctrine of laches applies.

19 **FIFTH AFFIRMATIVE DEFENSE**

20 Plaintiff is barred from any recovery under Plaintiff's Complaint, or any purported cause  
21 of action alleged therein, to the extent the doctrine of unclean hands applies.

22 **SIXTH AFFIRMATIVE DEFENSE**

23 Plaintiff's Complaint, and each purported cause of action alleged therein, is barred to the  
24 extent the doctrine of waiver applies.

25 **SEVENTH AFFIRMATIVE DEFENSE**

26 Plaintiff's Complaint, and each purported cause of action alleged therein, is barred in  
27 whole or in part to the extent such claims have been previously compensated, reimbursed, settled,  
28 released, or discharged.

1 **EIGHTH AFFIRMATIVE DEFENSE**

2 Plaintiff's Complaint, and each purported cause of action alleged therein, is barred to the  
3 extent the applicable statute(s) of limitations, including but not limited to California Government  
4 Code sections 12960(e) and/or 12965(b), California Code of Civil Procedure sections 335.1,  
5 338(a), 339, and 340(a) apply.

6 **NINTH AFFIRMATIVE DEFENSE**

7 Plaintiff's Complaint, and each purported cause of action alleged therein, is barred to the  
8 extent Plaintiff failed to exhaust administrative remedies.

9 **TENTH AFFIRMATIVE DEFENSE**

10 Plaintiff's Complaint, and each purported cause of action alleged therein, is barred to the  
11 extent Plaintiff failed to exhaust judicial remedies.

12 **ELEVENTH AFFIRMATIVE DEFENSE**

13 Plaintiff's Complaint, and each purported cause of action alleged therein, is barred  
14 because any and all actions taken by Defendants with regard to Plaintiff's employment were  
15 based on legitimate, non-discriminatory and non-retaliatory business reasons and would have  
16 been taken regardless of Plaintiff's alleged protected characteristic or protected activity, if any.

17 **TWELFTH AFFIRMATIVE DEFENSE**

18 Plaintiff's Complaint, and each purported cause of action alleged therein, is barred and/or  
19 Plaintiff is precluded from any monetary damages because, even assuming, *arguendo*, that the  
20 Court or a jury should find that discriminatory or retaliatory reasons were a factor in any  
21 employment decision involving Plaintiff (which Defendants deny), Defendants would have made  
22 the same employment decisions with regard to Plaintiff in any case for legitimate, non-  
23 discriminatory and non-retaliatory reasons, and the alleged illegal reasons were not a substantial  
24 factor in motivating Defendants' actions. *See Harris v. City of Santa Monica* (2013) 56 Cal.4th  
25 203.

26 **THIRTEENTH AFFIRMATIVE DEFENSE**

27 Plaintiff's Complaint, and each purported cause of action alleged therein, or her damages,  
28 if any, are barred or reduced to the extent any alleged discriminatory, harassing, or retaliatory

1 conduct by Defendants and its employees (which Defendants deny) was contrary to Defendants'  
2 anti-discrimination, anti-harassment, and anti-retaliation policies, which Defendants implemented  
3 in good faith, and fairly and adequately enforced.

4 **FOURTEENTH AFFIRMATIVE DEFENSE**

5 Plaintiff's Complaint, and each purported cause of action alleged therein, is barred in  
6 whole or in part because, assuming, *arguendo*, Defendants knew or should have known Plaintiff  
7 was subjected to unlawful discrimination, harassment or retaliation, Defendants took immediate  
8 and appropriate corrective action.

9 **FIFTEENTH AFFIRMATIVE DEFENSE**

10 Any recovery on Plaintiff's Complaint, or on each purported cause of action alleged  
11 therein, is barred by California Labor Code sections 2854 and 2856 in that Plaintiff failed to use  
12 ordinary care and diligence in the performance of Plaintiff's duties and failed to comply  
13 substantially with the reasonable directions of Plaintiff's employer.

14 **SIXTEENTH AFFIRMATIVE DEFENSE**

15 Defendants cannot be held liable for any conduct alleged in the Complaint to the extent  
16 the individuals who allegedly engaged in the conduct against Plaintiff were not employees of  
17 Defendants and/or were not acting within the course and scope of their employment or agency.

18 **SEVENTEENTH AFFIRMATIVE DEFENSE**

19 Plaintiff's Complaint, and each purported cause of action alleged therein, is barred or any  
20 recovery is reduced to the extent that Plaintiff was negligent with respect to the activities alleged  
21 in the Complaint and the negligence contributed and was a proximate cause, and/or was the sole  
22 cause, of Plaintiff's alleged injuries and damages, if any.

23 **EIGHTEENTH AFFIRMATIVE DEFENSE**

24 Any damage allegedly suffered by Plaintiff was caused by risks of which she was aware  
25 and which she voluntarily assumed.

26 **NINETEENTH AFFIRMATIVE DEFENSE**

27 Plaintiff's purported claims for emotional distress damages are barred because the  
28 exclusive remedy for Plaintiff's alleged emotional distress and other injuries, if any, is before the

1 California Workers' Compensation Appeals Board pursuant to the exclusive remedy provisions of  
2 the California Workers' Compensation Act (*see* California Labor Code section 3600 *et seq.*).  
3 Plaintiff's Complaint alleges an injury compensable under the California Workers' Compensation  
4 Act because Plaintiff alleges that her injuries: (1) occurred at a time when both Plaintiff and  
5 Defendants were subject to California Labor Code section 3600(a); (2) occurred in the course of  
6 and incidental to Plaintiff's employment; and (3) were proximately caused by Plaintiff's  
7 employment.

8 **TWENTIETH AFFIRMATIVE DEFENSE**

9 To the extent Defendants obtain, through discovery or otherwise, after-acquired evidence  
10 of wrongdoing by Plaintiff, the Complaint and each purported cause of action alleged therein is  
11 barred by the doctrine of after-acquired evidence, or the doctrine of after-acquired evidence limits  
12 and reduces Plaintiff's alleged damages.

13 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

14 Defendants are entitled to an offset for any monies received by Plaintiff from any source  
15 in compensation for her alleged economic damages and non-economic damages under the  
16 common-law doctrine of offset and under the doctrine prohibiting double recovery set forth in  
17 *Witt v. Jackson* (1961) 57 Cal.2d 57 and its progeny.

18 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

19 Plaintiff is barred from recovering any damages, or her damages must be reduced, to the  
20 extent Plaintiff failed to exercise reasonable diligence to mitigate her alleged damages.

21 **TWENTY-THIRD AFFIRMATIVE DEFENSE**

22 Any damages for alleged discrimination, retaliation and/or harassment are barred or  
23 limited based on the doctrine of avoidable consequences, including but not limited to the extent:  
24 (1) Defendants exercised reasonable steps to prevent and correct any workplace behavior alleged  
25 unlawful; (2) Plaintiff unreasonably failed to use the preventive and corrective measures  
26 Defendants provided; and (3) reasonable use of Defendants' procedures would have prevented all  
27 or at least some of the harm Plaintiff allegedly suffered.

28 ///

**TWENTY-FOURTH AFFIRMATIVE DEFENSE**

1  
2 Plaintiff's claims for punitive or exemplary damages violate Defendants' rights provided  
3 under the First, Fifth, Sixth, Eighth and/or Fourteenth Amendments to the U.S. Constitution and  
4 under the California Constitution and/or are unconstitutional to the extent any such award for  
5 punitive or exemplary damages is unreasonable and disproportionate under *State Farm Mutual*  
6 *Auto. Ins. Co. v. Campbell* (2003) 538 U.S. 408 and its progeny.

7 \* \* \*

8 Because Defendants presently do not have sufficient knowledge or information upon  
9 which to form a reasonable belief as to whether it may have available additional but as yet  
10 unstated defenses and cannot fully anticipate all defenses that may be applicable to this action,  
11 Defendants hereby reserve the right to assert additional defenses if and to the extent that such  
12 defenses are or become applicable.

**PRAYER**

13  
14 WHEREFORE, having generally denied Plaintiff's Complaint and having alleged  
15 affirmative defenses, Defendants pray:

- 16 1. That Plaintiff takes nothing by her Complaint;  
17 2. For judgment in Defendants' favor and dismissal of all of Plaintiff's claims against  
18 Defendant;  
19 3. For Defendants' costs and attorneys' fees incurred in this action; and  
20 4. For such other and further relief as the Court deems just and equitable.

21  
22 Dated: May 12, 2023

JACKSON LEWIS P.C.

23 By:   
24 CHRISTOPHER E. DAWOOD  
DYLAN C. MARQUES

25 Attorneys for Defendants  
26 ROUGH AND READY FIRE PROTECTION  
27 DISTRICT, dba ROUGH AND READY FIRE  
28 DEPARTMENT; DAVID HICKS; MATT  
WRIGHT; and ROBERT VAUGHN

**PROOF OF SERVICE**

I am employed in the County of Sacramento, State of California. I am over the age of 18 and not a party to the within action; my business address is 400 Capitol Mall, Suite 1600, Sacramento, California 95814.

On May 12, 2023, I served the foregoing document described as:

**DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT**

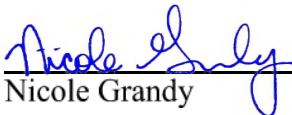
in this action by transmitting a true copy thereof addressed as follows:

John R. Parker, Jr., Esq. CUTTER LAW, PC 401 Watt Avenue Sacramento, CA 95864 Email: <a href="mailto:jparker@cutterlaw.com">jparker@cutterlaw.com</a>	<b>ATTORNEYS FOR PLAINTIFF</b> <b>SHELLY WHITE</b>  Telephone: 916.290.9400   Fax: 800.979.5279
---	--

**[X] E-MAIL OR ELECTRONIC TRANSMISSION** - Based on California Code of Civil Procedure Section 1010.6(b)(2), I caused the document(s) described above to be sent from e-mail address [nicole.grandy@jacksonlewis.com](mailto:nicole.grandy@jacksonlewis.com) to the person(s) at the e-mail address(es) listed above.

**[X] STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 12, 2023, at Sacramento, California.

  
\_\_\_\_\_  
Nicole Grandy



CIVIL COVER SHEET

Case 1:23-at-00418 Document 1-3 Filed 05/15/23 Page 1 of 2

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Shelly White

(b) County of Residence of First Listed Plaintiff Nevada (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Please see Attachment to Civil Cover Sheet

DEFENDANTS

Please see Attachment to Civil Cover Sheet

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Please see Attachment to Civil Cover Sheet

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 1 1, 2 2, 3 3, 4 4, 5 5, 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal codes and descriptions.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. §§ 1331, 1441(a), and 1446. Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE May 15, 2023 SIGNATURE OF ATTORNEY OF RECORD /s/ Christopher E. Dawood

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

**ATTACHMENT TO CIVIL COVER SHEET**

<b>I.</b>	<b>PLAINTIFFS</b>	<b>DEFENDANTS</b>
<b>(a)</b>	Shelly White	Rough and Ready Fire Protection District, dba Rough and Ready Fire Department; David Hicks; Matt Wright; and Robert Vaughn
<b>(c)</b>	<b>Attorneys (<i>Firm Name, Address, and Telephone Number</i>)</b>	<b>Attorneys (<i>If Known</i>)</b>
	Jack R. Parker (SBN 257761) CUTTER LAW, P.C. 401 Watt Avenue Sacramento, CA 95864 (916) 290-9400	Christopher E. Dawood (SBN 281054) Dylan C. Marques (SBN 328987) JACKSON LEWIS P.C. 400 Capitol Mall, Suite 1600 Sacramento, CA 95814 (916) 341-0404