

1 Donald R. Holben, Esq. (SBN 108401)
2 Karen S. Spicker, Esq. (SBN 127934)
3 DONALD R. HOLBEN & ASSOCIATES, APC
4 5030 Camino de la Siesta, Suite 350
5 San Diego, CA 92108
6 Telephone: (619) 220-5555
7 Facsimile: (619) 220-0033
8 Email: kss@sandiegoattorneys.com

9 Attorneys for Plaintiff CHERIE JUUL

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
10/11/2024 5:29:24 PM

Clerk of the Superior Court
By A. Gidron, Deputy Clerk

10 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
11 **COUNTY OF SAN DIEGO**

12 CHERIE JUUL; an individual,

13 Plaintiff,

14 v.

15 NORTH COUNTY FIRE PROTECTION
16 DISTRICT, a public entity; KEITH
17 MCREYNOLDS, an individual; BRIAN
18 MACMILLAN; an individual, and DOES 1
19 through 25, inclusive,
20 Defendants.

Case No.: 24CU016872C

COMPLAINT FOR DAMAGES FOR:

1. **Discrimination Based on Age and Sex (Govt. Code, § 12940 *et seq.*);**
2. **Failure to Prevent Discrimination and Harassment (Govt. Code, § 12940(k));**
3. **Hostile Work Environment;**
4. **Retaliation**
5. **Violation of Labor Code § 1102.5**

[DEMAND FOR JURY TRIAL]

21
22
23 Comes now, Plaintiff, Cherie Juul, (“Plaintiff”) and alleges, on information and belief, as
24 follows:
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I.

SUMMARY OF ALLEGATIONS

1. This is an action arising out of the Plaintiff's employment with the North County Fire Protection District ("NCFPD" or "District"). Plaintiff is a fifty-five (55) year-old woman who has been subjected to ongoing harassment, discrimination and retaliation by her supervisor, Keith McReynolds, based on her age (over 40) and/or sex/gender (female). Plaintiff has also been subjected to ongoing harassment and discrimination by her coworker, Brian Macmillan. All of which have created a hostile work environment for Plaintiff.

II.

PARTIES

2. Plaintiff Cherie Juul is, and all relevant times hereto was a resident of the County of San Diego, State of California and was employed by Defendant North County Fire Protection District for thirteen (13) years. She was employed as the Finance Manager for the last four (4) years.

3. Defendant North County Fire Protection District ("NCFPD") has been an employer as defined within California Government Code § 12926 *et seq.* and is a public entity existing under the laws of the State of California, which at all times relevant herein, conducted business within the County of San Diego, State of California. NCFPD employed each of the relevant parties herein.

4. Defendant Keith McReynolds ("McReynolds") is an individual who at all times relevant herein, resided in the County of San Diego, State of California. At all times relevant herein McReynolds was employed NCFPD as the Fire Chief and Chief Executive Officer ("CEO") and was responsible for the acts and omissions as alleged herein.

5. Defendant Brian Macmillan ("Macmillan") is an individual who at all times relevant herein, resided in the County of San Diego, State of California. At all times relevant herein McReynolds was employed NCFPD as the Deputy Fire Chief and was responsible for the acts and omissions as alleged herein.

1 **III.**

2 **DOE DEFENDANTS**

3 6. The full extent of the facts linking the fictitiously designated Defendants with the
4 causes of action alleged herein are unknown to Plaintiff at this time. In addition, the true names and
5 capacities, whether individual, plural, corporate, partnership, associate, or otherwise are also
6 unknown to Plaintiff at this time. Plaintiff, therefore, designates such Defendants as DOES 1-100,
7 inclusive, and sues them under those fictitious names.

8 7. To the extent such DOE Defendants are corporate entities, Plaintiff sues them in that
9 capacity and such corporate entities are responsible for all acts of their employees, agents,
10 representatives and principals as all alleged actions were done within the course and scope of their
11 employment.

12 8. To extent such DOE Defendants are individuals, Plaintiff sues them in that capacity
13 and alleges that they took the actions as agents of a corporate entity or for the benefit of themselves.

14 9. Plaintiff alleges that each and every Defendant designated as DOE was responsible
15 for the events referred to therein and, in some manner, caused injuries to Plaintiff as hereinafter
16 alleged. Plaintiff will amend this Complaint to state the manner in which each fictitious Defendant is
17 so responsible and will ask leave of Court to amend this Complaint to show their respective true
18 names and capacities when ascertained.

19 **IV.**

20 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

21 10. On September 10, 2024, Plaintiff filed a timely complaint against Defendants
22 with the State of California, Civil Rights Department ("CRD") in which she alleged each of the
23 above-referenced FEHA violations under California law and based thereon requested and
24 received a right to sue letter. The Plaintiff thus exhausted all administrative remedies available to
25 her. (Exhibit A, Notice of Case Closure and Right to Sue).

26 11. On or about September 13, 2024, Plaintiff filed a tort claim to NCFPD. It had 45
27 days to investigate the same. As a result, no action was taken and Plaintiff may bring this action.

28 ///

1 **JURISDICTION AND VENUE**

2 12. The Court has jurisdiction over this action because the amount in controversy,
3 exclusive of costs and interests, exceeds the sum of \$25,000.00.

4 13. Venue is proper under Government Code § 12965(b) and other applicable laws,
5 because the unlawful practices alleged herein were committed in Fallbrook, County of San
6 Diego, State of California and within the jurisdiction of the North County Division of the San
7 Diego Superior Court. In addition, venue is proper in this Court pursuant to Code of Civil
8 Procedure § 395 in that NCFPD is located within the above geographical area and Plaintiff is
9 informed and believes and based thereon herein alleges that the individual Defendants reside
10 within this geographical area.

11 **VI.**

12 **FACTS APPLICABLE TO ALL CAUSES OF ACTION**

13 14. Plaintiff Cherie A. Juul (“Plaintiff”) is a fifty-five (55) year-old woman and is one
14 of the oldest employees and the oldest female employee at North County Fire Protection District
15 (“NCFPD” or “District”). Plaintiff was the only fifty-five (55) year old out of the NCFPD’s one-
16 hundred and fifteen (115) employees, most of the employees ranged from 28-45 years old.

17 15. Only ten (10) of the one-hundred and fifteen employees were female and only two
18 (2) of those women were in management.

19 16. She started at NCFPD in 2011 as an Administrative Assistant and worked her way
20 up through the ranks to Finance Manager in 2020. Her career spans over thirteen years with the
21 District. Plaintiff’s responsibilities include among other things ensuring NCFPD operates within
22 the fiscal year allocated budget.

23 17. Defendant Keith McReynolds (“McReynolds”) is the Fire Chief and CEO for
24 NCFPD. He is known for treating women negatively and unfairly. McReynolds did not treat
25 male employees with disdain and disrespect. He is demeaning toward women and specifically
26 to Plaintiff. On numerous occasions, he raised his voice at her to the point where she was afraid
27 to speak up and express her opinion. McReynolds also never reprimanded other male
28 employees that who raised their voices at the workplace.

1 18. Based on the District’s organization chart, Plaintiff is similarly situated and
2 depicted as at the same level as the Division Chief, Deputy Chief and Fire Marshall. (Exhibit B,
3 NCFPD Organizational Chart). Nevertheless, Plaintiff is compensated an annual salary of
4 approximately 153,000; Deputy Fire Chief, Macmillan, is compensated an annual salary of
5 approximately \$207,000; Division Chief, Peter August is compensated an annual salary of
6 approximately \$193,000; and the Fire Marshal, Dominic Fieri, is compensated an annual salary
7 of approximately \$170,000. Plaintiff is paid

8 19. In May 2024, Plaintiff learned that McReynolds was attempting to manipulate
9 the finance reports to the Board such that the Board would believe that McReynolds was
10 competent and knowledgeable regarding the finances when in reality he was not knowledgeable
11 about the District’s finances, did not have access to Caselle and relied upon Plaintiff and two
12 (2) other employees to provide him with financial data.

13 20. McReynolds’ intention was to have the Board approve the construction of new
14 fire stations and as well as hiring at least three (3) additional firefighters, all to build his resume
15 to bolster his reputation.

16 21. Plaintiff also learned that McReynolds, Deputy Fire Chief Brian Macmillan
17 (“Macmillan”), were holding secret finance meetings without Plaintiff with the purpose of
18 deciphering how to fund the hiring of additional firefighters. Macmillan was a “yes man” to
19 McReynolds and next in line to be considered for Fire Chief.

20 22. Macmillan and McReynolds did not invite Plaintiff to attend these meetings
21 because they knew she would not agree to manipulate the numbers, and she exclusively
22 adhered to the actual numbers generated from the District’s financial software, Caselle.

23 23. Additionally, Plaintiff was excluded from all but one meeting regarding the costs
24 to remodel the District’s administrative building. The budget was set for \$350,000, the budget
25 nearly doubled by the time the construction was completed.

26 24. On May 14, 2024, McReynolds called an Ad Hoc Finance Committee meeting.
27 McReynolds stated that the meeting was intended to be a collaboration to discuss the fiscal year
28 24/25 budget. The meeting was attended by Board members, members from the Union,

1 members of the Management Team, Finance, Human Resources, an Executive Secretary, and
2 McReynolds.

3 25. Plaintiff asked McReynolds if she should bring anything to the meeting, and
4 McReynolds responded it was going to be a civilized conversation amongst attendees and no
5 reports or data needed to be brought to the meeting.

6 26. The Ad Hoc Finance meeting was over-run by Ryan Lewis (“Lewis”), NCFPD
7 Captain, and Joey Bradshaw (“Bradshaw”) NCFPD Battalion Chief; the meeting was not
8 collaborative, Lewis and Bradshaw were the only speakers and spoke only about salaries.
9 Plaintiff was not prepared to speak about salaries, and they accused her of overbudgeting for
10 salaries. Lewis and Bradshaw asserted that there was room in the budget to hire three (3) new
11 firefighters.

12 27. During the Ad Hoc meeting, Plaintiff was caught unprepared to discuss salaries
13 and attempted to use her phone calculator to perform calculations. McReynolds accused
14 Plaintiff of playing games on her phone during the meeting, Plaintiff however, was using her
15 phone calculator in order to attempt to meaningfully participate in the meeting.

16 28. Lewis had previously challenged Plaintiff’s knowledge of the District’s finances
17 by being combative and ambushing her in her office unannounced. Lewis demanded immediate
18 answers to questions, which could not possibly be answered without completing extensive
19 research within Caselle.

20 29. On May 16, 2024, Plaintiff presented a five (5) year budget projection to
21 McReynolds and Macmillan. These projections were prepared by the NCFPD’s contracted
22 accounting firm, Eide Bailly, pursuant to McReynolds’ request. Based on the projections,
23 Plaintiff advised McReynolds and Macmillan that there were not enough funds to sustain the
24 money being spent in the long term.

25 30. Plaintiff also advised that if McReynolds continued to spend at his current rate,
26 NCFPD would be bankrupt and in the red by 2027.

27 31. McReynolds became enraged and physically threw copies of the budget
28 projections back at Plaintiff; the copies braised her shoulder after she turned her head.

1 McReynolds also raised his voice in an aggressive tone telling Plaintiff that her numbers were
2 not right and that he could not trust her. McReynolds' reaction intimidated Plaintiff and caused
3 her to feel quite uncomfortable.

4 32. Plaintiff replied that she was not comfortable with making changes in Caselle
5 without pre-approval from Eide Bailly. Thereafter, McReynolds was overtly angry with
6 Plaintiff.

7 33. After the meeting, Macmillan told Plaintiff, "We are all friends, and we will
8 work together," and McReynolds even asked if she was ok. Plaintiff was shaken-up, frightened
9 to say anything else and just wanted to leave the room. There were no other women or female
10 human resource employees in the room.

11 34. Also on May 16, 2024, McReynolds issued Plaintiff with two Performance
12 Activity Cards ("PAC") which serve as a disciplinary write-up. McReynolds asserted that
13 Plaintiff was "unable to act as a team member but provided no explanation or examples for his
14 claim. It was McReynolds that told Plaintiff that she did not bring anything to the meeting.
15 (Exhibit C, PAC May 16, 2024).

16 35. The other PAC was issued to Plaintiff after McReynolds asked her to change the
17 title of the Unfunded Accrued Liability ("UAL") Reserve, line 33 of the Fiscal Year 24/25
18 Preliminary Budget to Capital Reserve Undesignated ("CRU") and she mistakenly failed to do
19 so. McReynolds reviewed the report before it went to the Board, and he did not catch the error
20 either. Plaintiff is unclear how McReynolds subsequently discovered the oversight but
21 nevertheless disciplined Plaintiff after the fact. (Exhibit C, PAC May 16, 2024).

22 36. Plaintiff agreed to sign the PAC because she was flustered and afraid not to sign.
23 After McReynolds wrote her up, he hugged her.

24 37. Plaintiff remained silent during the Ad Hoc meeting because she had no
25 knowledge about the proposed salary discussion. Plaintiff had been previously excluded from
26 all secret salary meetings. Further, McReynolds advised her not to bring anything to the
27 meeting, so she was unprepared, pursuant to his direction.

1 38. After the May 16, 2024, meeting, Plaintiff was told by McReynolds that the
2 District Board found her to be incompetent in performing her duties as Finance Manager.
3 Plaintiff requested the opportunity to defend herself to the Board, but McReynolds forbade her
4 from doing so. Male District employees are however allowed to freely communicate with the
5 Board outside of the established protocol.

6 39. Prior to the events in May 2024, Plaintiff had a good working relationship with
7 McReynolds. Plaintiff had excellent job performance reviews, was never on a performance plan
8 and was a loyal and resolute employee of NCFPD. In fact, she had never been disciplined until
9 she presented the budget projection to McReynolds. Plaintiff was awarded Employee of the
10 Year in 2017 and acknowledged by then Congressman Duncan Hunter, Senator Joel Anderson,
11 Assemblymember Marie Waldron, and Supervisor Bill Horn. She was also recognized for her
12 outstanding community service during the 2017 Lilac Fires by Senator Joel Anderson.

13 40. On June 10, 2024, Plaintiff was informed by counsel for NCFPD that she was
14 being investigated for unsatisfactory work performance and failure to meet the expectations of
15 her position. (Exhibit D, Notice of Workplace Investigation, June 10, 2024).

16 41. On or around mid-June 2024, Plaintiff completed the Preliminary 24/25 Budget
17 and submitted it to McReynolds.

18 42. On June 25, 2024, Plaintiff presented the Preliminary Budget to the District
19 Board, and it was approved with no questions asked.

20 43. On June 26, 2024, McReynolds emailed Plaintiff to praise her for a job well-
21 done.

22 44. On July 16, 2024, Plaintiff was asked by Macmillan to meet with him and
23 Executive Assistant Mavis Campinar wherein she was told that she was being placed on paid
24 administrative leave. Plaintiff refused to sign any paperwork and turned in her keys, badge, and
25 computer and left the building.

26 ///

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VII.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

(Discrimination Based On Age and Sex Pursuant to Cal. Gov. Code § 12940 *et seq.*

Against Defendants NCFPD, Macmillan and McReynolds and DOES 1-25)

45. Plaintiff incorporates and re-alleges by reference all previous paragraphs of this Complaint, as though fully set forth herein.

46. Defendants' actions as described herein constitute a continuing course of conduct of discrimination based on age and sex, in violation of the California Fair Employment and Housing Act ("FEHA"), California Government Code § 12940 *et seq.* Defendants' discrimination against Plaintiff included taking various adverse employment actions against her based on her age and sex.

47. Defendants took various adverse employment actions against Plaintiff, including but not limited to, treating Plaintiff differently and hostilely from other similarly situated younger-male employees in terms and conditions of employment due to her sex as a female and her age over forty (40), and subjecting her to harassment, discrimination, and retaliation, including without limitation, speaking to Plaintiff in an aggressive, demeaning and elevated tone, throwing papers at her face, setting-her up to under-perform at an Ad Hoc Finance Meeting and then disciplining her for being "unable to act as a team member," intentionally excluding her from significant Finance meetings, compensating her less than her similarly situated male counterparts, creating and tolerating a hostile work environment by other male employees, failing to properly investigate, prevent and/or correct the harassment, discrimination and retaliation meted out by NCFPD and its employees, McReynolds and Macmillan, and retaliating against Plaintiff by disciplining her, initiating a workplace investigation against her and placing her on paid administrative leave.

48. As a direct, proximate, and legal result of Defendants willful, knowing, and intentional discrimination against Plaintiff in the workplace, Plaintiff has suffered and will continue to suffer pain, humiliation, and emotional distress all of which are not currently

1 ascertained but which will be proven at trial. As a direct, proximate, and legal result of
2 Defendants' willful, knowing, and intentional discrimination against Plaintiff, when she is
3 released from her administrative leave, Plaintiff will suffer a loss of earnings and other
4 employment opportunities in an amount not currently ascertained but which will be proven at
5 trial. Plaintiff is, therefore, entitled to general and compensatory damages in an amount to be
6 proven at the time of trial but in excess of the minimum jurisdictional limit of this Court.

7 49. As a further direct, proximate, and legal result of Defendants' violation of the
8 FEHA, as hereinabove described, Plaintiff has been compelled to retain the services of counsel
9 in an effort to enforce the terms and conditions of the employment relationship with the
10 Defendant NCFPD, and to redress its violation of the FEHA and has, thereby, incurred and will
11 continue to incur legal fees and costs, the full nature and extent of which are presently unknown
12 to Plaintiff.

13 **SECOND CAUSE OF ACTION**

14 **(Failure To Prevent Discrimination and Harassment Pursuant To Govt. Code, § 12940(k)**

15 **Against Defendant NCFPD and DOES 1-25)**

16 50. Plaintiff incorporates and re-alleges by reference all previous paragraphs of this
17 Complaint, as though fully set forth herein.

18 51. NCFPD knew, or should have known, that Plaintiff was subjected to a work
19 environment in which her sex as a female and her age as over 40-years of age were substantial
20 factors in Plaintiff being subjected to harassment, intimidation, and adverse employment actions
21 against her. NCFPD knew, or should have known, of the harassment, intimidation, and adverse
22 employment actions to which Plaintiff was subjected since McReynolds and Macmillan's
23 conduct was open and prevalent and committed in the presence of other NCFPD employees,
24 yet NCFPD took no action to prevent the same which continues through today. The actions and
25 failures to act by NCFPD constitute a failure to take all reasonable steps to prevent discrimination
26 from occurring in violation of California Government Code § 12940(k).

27 52. As a direct, proximate, and legal result of NCFPD's wrongful conduct, Plaintiff
28 has suffered and will continue to suffer pain, humiliation, and emotional distress all in an amount

1 not currently ascertained but which will be proven at trial. As a direct, proximate, and legal result
2 of NCFPD's wrongful conduct, when she is released from her administrative leave, Plaintiff will
3 suffer a loss of employment, employment benefits and opportunities all in an amount not
4 currently ascertained but which will be proven at trial.

5 53. As a further direct, proximate, and legal result of NCFPD's violation of the FEHA
6 as hereinabove described, Plaintiff has been compelled to retain the services of counsel in an
7 effort to enforce the terms and conditions of the employment relationship with NCFPD, and to
8 redress its violation of the FEHA and has, thereby, incurred and will continue to incur legal fees
9 and costs, the full nature and extent of which are presently unknown to Plaintiff.

10 **THIRD CAUSE OF ACTION**

11 **(Hostile Work Environment Against Defendants NCFPD, McReynolds and Macmillan**
12 **and DOES 1-25)**

13 54. Plaintiff incorporates and re-alleges by reference all previous paragraphs of this
14 Complaint, as though fully set forth herein.

15 55. Plaintiff claims that she was subjected to harassment based on her age and sex at
16 NCFPD and that this harassment created a work environment that was hostile, intimidating,
17 offensive, oppressive, and abusive.

18 56. Plaintiff is, and at all relevant times herein, was an employee with Defendant
19 NCFPD.

20 57. McReynolds and Macmillan are, and at all relevant times herein, was an employee
21 with Defendant NCFPD.

22 58. Plaintiff was subjected to harassing conduct because she is a woman over the age
23 of forty (40).

24 59. The harassing conduct engaged in by Plaintiff's supervisor, McReynolds and her
25 co-worker, Macmillan was severe or pervasive.

26 60. A reasonable woman over the age of forty (40) in Plaintiff's circumstances would
27 have considered the work environment to be hostile, intimidating, offensive, oppressive, and
28 abusive.

1 61. Plaintiff indeed considered the work environment to be hostile, intimidating,
2 offensive, oppressive, and abusive.

3 62. Defendant NCFPD and its supervisors and agents knew, or should have known,
4 of the conduct and failed to take immediate and appropriate corrective action.

5 63. Plaintiff was harmed.

6 64. The conduct alleged herein was a substantial factor in causing Plaintiff's harm.

7 **FOURTH CAUSE OF ACTION**

8 **(Retaliation Against Defendant NCFPD and DOES 1 through 25)**

9 65. Plaintiff incorporates and re-alleges by reference all previous paragraphs of this
10 Complaint, as though fully set forth herein.

11 66. At all times herein mentioned Plaintiff was engaged in protected activity in
12 refusing to change, alter, or manipulate District financial data in order to appease McReynolds
13 who wanted to bolster apportionments in order to present that the District had more income than
14 expenses which was untrue.

15 67. McReynolds sought these misrepresentations so that the Board would approve the
16 hiring of additional firefighters and the construction of new stations; essentially, he wanted to
17 present that the reserves were more inflated than they actually were.

18 68. As a direct, proximate, and legal result of Plaintiff's protected activity the
19 NCFPD, initiated a workplace investigation of Plaintiff and placed her on paid administrative
20 leave indefinitely.

21 69. As a direct, proximate, and legal result of the retaliation by NCFPD, Plaintiff has
22 suffered and will continue to suffer pain, humiliation, and emotional distress all of which are not
23 currently ascertained but which will be proven at trial. As a direct, proximate, and legal result of
24 NCFPD's retaliation against Plaintiff, when she is released from her administrative leave,
25 Plaintiff will suffer a loss of earnings and other employment opportunities. Plaintiff is, therefore,
26 entitled to general and compensatory damages in an amount to be proven at the time of trial in
27 excess of the minimum jurisdictional limit of this Court.

3. For punitive damages according to proof;
4. For attorney's fees according to proof;
5. For pre-judgment interest;
6. For costs of suit incurred herein; and,
7. For such other and further relief as the court may deem just and proper.


IX.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial.

Dated: October 11, 2024

DONALD R. HOLBEN & ASSOCIATES, APC

By: 

Donald R. Holben, Esq.
Karen Spicker, Esq.
Attorneys for Plaintiff
CHERIE JUUL