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Department of the City of Burbank

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

OMAR RODRIGUEZ; CINDY GUILLEN-GOMEZ; STEVE KARAGIOSIAN; ELFEGO RODRIGUEZ; AND JAMAL CHILDS,

Plaintiffs,

-vs-

BURBANK POLICE DEPARTMENT; CITY OF BURBANK; TIM STEHR; KERRY SCHILF; JAMIE "J.J." PUGLISI; DAN YADON; KELLY FRANK; PAT LYNCH; MIKE PARRINELLO; AARON KENDRICK; DARIN RYBURN; AND DOES 1 THROUGH 100, INCLUSIVE.

Defendants.

CASE NO: BC 414602
[Assigned to Hon. Joanne O'Donnell, Dept. 37]

DEFENDANT CITY OF BURBANK, INCLUDING THE POLICE DEPARTMENT OF THE CITY OF BURBANK'S APPENDIX OF EVIDENCE IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, SUMMARY ADJUDICATION OF ISSUES AGAINST PLAINTIFF CHILDS; DECLARATIONS OF TIM STEHR, IRMA RODRIGUEZ MOISA, GERALD MISQUEZ, LINDA SAVITT, DARIN RYBURN; EXHIBITS
[Filed Concurrently With Motion and Separate Statement of Undisputed Material Facts]
Date: March 18, 2010
Time: 9:00
Dept.: 37
Trial: Aug. 25, 2010
Action filed: May 28, 2009

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GLENDALE, CA 91203

DECLARATION OF TIM STEHR

I, TIM STEHR, declare:

1. The facts stated herein are personally known to me and I have first-hand knowledge thereof. If called upon to do so, I could and would competently testify hereto under oath.

2. I am the Chief of Police of the Burbank Police Department. In that capacity, I am the ultimate custodian of the Burbank Police Department police personnel records.

OFFICER JAMAL CHILDS' EMPLOYMENT, EVALUATIONS, INVESTIGATIONS

3. Jamal Childs was hired as a Burbank police recruit on September 22, 2003.

4. On February 12, 2004, Jamal Childs became a Burbank police officer.

5. Jamal Childs was a probationary police officer from February 12, 2004 to February 12, 2005, at which time he became a permanent Burbank police officer.

6. On or about August 6, 2008, Jamal Childs applied for the position of School Resource officer. Two additional Burbank police officers applied for the position of School Resource officer; of these both are Caucasian officers. After consideration of each officers training, experience, and performance, Jamal Childs was ranked first. Jamal Childs was assigned to the Juvenile Detective Bureau as a School Resource Officer on August 21, 2008, and has held that position ever since.

7. Jamal Childs has not applied for promotion or advancement since his assignment as a School Resource Officer.

8. For the appraisal period of January 14, 2005 to May 4, 2005, Childs received a standard performance evaluation. For the appraisal period of May 5, 2005 to August 24, 2005, Childs received a standard performance evaluation. For the appraisal period of August 25, 2005 to January 11, 2006, Childs received an above standard performance evaluation. For the appraisal period of January 12, 2006 to May 3, 2006, Childs received an above standard performance evaluation. For the appraisal period of May 4, 2006 to August 23, 2006, Childs received an above standard performance evaluation. For the appraisal period of August 24, 2006, to January 10, 2007, Childs received an above standard performance evaluation. For the appraisal period of January 11, 2007 to May 2, 2007, Childs received an above standard performance evaluation.

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For the appraisal period of May 3, 2007 to August 22, 2007, Childs received an above standard performance evaluation. For the appraisal period of August 23, 2007 to January 9, 2008, Childs received an above standard performance evaluation; his evaluation was completed by Sgt. Ed Ruiz and approved by Darin Ryburn. For the appraisal period of January 10, 2008 to April 30, 2008, Childs received an outstanding performance evaluation. For the appraisal period of May 1, 2008 to August 20, 2008, Childs received an above standard evaluation. For the appraisal period of August 10, 2008 to March 1, 2009, Childs received an outstanding evaluation. A true and correct copy of these performance appraisals are attached hereto collectively as Exhibit 202.

9. Between August 24, 2004, and July 11, 2008, Childs was the subject of ten citizen complaints and one administrative complaint for failing to report his use of force. He received a written reprimand on March 31, 2006, as a result of the administrative investigation of a complaint from 2005 for failing to report his use of force. Childs has not been subjected to any other discipline.

10. During the appraisal period of August 23, 2007 to January 9, 2008, during which time Darin Ryburn was his supervisor, Childs was the subject of three citizen complaints.

CITY/DEPARTMENT TRAININGS TO PREVENT DISCRIMINATION, HARASSMENT, AND RETALIATION.

11. The City of Burbank police department has provided repeated trainings for employees to prevent Discrimination and Harassment. In 2005, the City of Burbank reissued to its employees its Prevention against Discrimination and Harassment Policy. A true and correct copy is attached hereto as exhibit 200.

12. In 2005, the City of Burbank also gave training to its employees to prevent harassment.

13. On September 25, 2005, Childs received training on sexual harassment and hostile work environment.

14. In 2006, the City of Burbank gave training to its employees to prevent harassment.

15. In 2007, the City of Burbank gave training to its employees to prevent harassment. The issue was documented at roll call.

16. In 2008, the City of Burbank gave training to its employees to prevent harassment.

17. On January 31, 2008, Childs received a two hour training in harassment prevention.

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18. In March, 2008, I received a copy of an anonymous letter alleging discrimination and I ordered an investigation/inquiry, which was conducted by an attorney from the law firm of Atkinson, Andelson, Loya, Ruud, and Romo, Irma Rodriguez Moisa. As part of the investigation, a number of minority officers at the Burbank Police Department were interviewed, of which one was Childs.

19. On March 11, 2008, the Burbank Police Department issued a written reminder of the Department's Zero Tolerance Policy. A true and correct copy is attached hereto as exhibit 115.

20. On March 13, 2008, Sgt. Ryburn read the Zero Tolerance Policy at roll call, which Officer Childs attended.

21. On March 14, 2008, the Zero Tolerance Policy was again read at roll call.

22. On May 9, 2008, the City of Burbank reminded all officers at roll call to not violate the City's anti-harassment policy.

23. On September 1, 2008, the City of Burbank revised Prevention of Discrimination and Harassment Policy issued. A true and correct copy is attached hereto as exhibit 118.

24. In November 2008, I ordered a mandatory four hour diversity training program be set up and mandated that all officers visit the Museum of Tolerance. I instructed Omar Rodriguez to set that up.

25. On November 21, 2008, we had our first diversity training done by Nayiri Nahahedian.

26. We had further diversity training for lieutenants and sergeants on December 12, 2008, and for detectives on December 19, 2008.

27. In 2009, the City of Burbank gave training to its employees to prevent harassment.

28. On January 15, 2009, the City of Burbank's Prevention of Discrimination and Harassment Policy was read at roll call.

29. On March 6, 2009, Childs attended the City of Burbank's Diversity Training.

30. On May 10, 2009, I issued a written memorandum to all police personnel regarding employee communications about an internal administrative investigation, a true and correct copy of which is attached hereto as exhibit 117.

31. On June 4, 2009, I issued a written memorandum to all police personnel on "Maintaining

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a Professional Work Environment, a true and correct copy of which is attached hereto as exhibit 201.

32. In June and July of 2009, the Burbank police officers attended Museum of Tolerance training.

MISCELLANEOUS FACTS

33. Officer Aaron Kendrick became a field training officer ("FTO") for the City of Burbank police department in February of 2007.

34. Sgt. Calichio retired from the Burbank Police Department on June 11, 2008, and currently works as a investigator with the Los Angeles County District Attorney's Office.

35. A search warrant was served at the house of a "famous rapper," Snoop Dogg, on November 29, 2006.

I declare under penalty of perjury that the foregoing is true and correct and executed this 22nd day of December at Burbank, California.

TIM STEHR

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GLENDALE, CA 91203

DECL. OF IRMA
RODRIGUEZ MOISA

DECLARATION OF IRMA RODRIGUEZ MOISA

I, Irma Rodriguez Moisa, declare:

1. The facts stated herein are personally known to me and I have first-hand knowledge thereof. If called upon to do so, I would and could competently testify hereto under oath.

2. On March 22, 2008, I met with Officer Jamal Childs while conducting an inquiry on behalf of the Burbank Police Department into an anonymous complaint received by the police chief alleging discrimination

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and was executed on December 17, 2009, at Cerritos, California.

Irma Rodriguez Moisa

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500 N. BRAND BLVD., TWENTIETH FLOOR
GLENDALE, CA 91203

DECLARATION OF GERARDO MISQUEZ

I, GERARDO MISQUEZ declare:

1. The facts stated herein are personally known to me and I have first-hand knowledge thereof. If called upon to do so, I would and could competently testify hereto under oath.

2. On July 18, 2008 and October 30, 2008, Sergio Bent and I met with Officer Jamal Childs as part of an investigation into claims of discrimination. On these dates, I was a Sergeant of the Burbank Police Department, assigned to the Professional Standards Bureau.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and was executed on December 23, 2009, at Burbank, California.

Gerardo Misquez

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500 N. BRAND BLVD., TWENTIETH FLOOR
GLENDALE, CA 91203

DECLARATION OF LINDA MILLER SAVITT IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT/ADJUDICATION OF ISSUES

I, Linda C. Miller Savitt, declare:

1 I am an attorney at law licensed to practice in the state of California and a partner in the firm of Ballard Rosenberg Golper & Savitt LLP, attorneys of record for The City of Burbank in this case of Rodriguez, et. al v. Burbank Police Department, et. al, Los Angeles Superior Court case number BC 414602. I am the partner in charge of this case. The facts set forth herein are personally known to me and I have first hand knowledge thereof. If called as a witness I could and would testify competently thereto.

2. Attached hereto as Exhibit "A" is a true and correct copy of plaintiffs' complaint in this case.

3. On October 16, 2009, I took the first session of the deposition of plaintiff Jamal Childs. Pertinent portions of that deposition are attached hereto as Exhibit "B".

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and was executed on December 21, 2009, at Glendale, California.

Linda Miller Savitt

Linda Miller Savitt

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GLENDALE, CA 91203

DECLARATION OF DARIN RYBURN

I, Darin Ryburn, declare that:

1. The facts stated herein are personally-known to me and I have first-hand knowledge thereof. If called upon to do so, I could and would competently testify hereto under oath.

2. While I was Jamal Child's supervisor, I approved his performance appraisal for the period August 23, 2007 to January 9, 2008. Jamal Childs received an above standard performance evaluation.

3. At Chief Stehr's direction, as a supervisor, I was responsible for monitoring all police officers under my command in the field. I did not monitor Jamal Childs any differently than any other police officer under my command, including Caucasian officers. I did not single Jamal Childs out because of his race. During the appraisal period of August 23, 2007 to January 9, 2008, I was aware that Jamal Childs was the subject of citizen complaints.

I declare under penalty of perjury that the foregoing is true and correct and executed this 22nd day of December, 2009 at Burbank, California.

Darin Ryburn

EXHIBIT A

7/31

SUM-100

SUMMONS on First Amended Complaint
(CITACION JUDICIAL)

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

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ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUL 31 2009

John A. Clarke, Executive Officer/Clerk
By RUGENA LOPEZ, Deputy

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
Burbank Police Department; City of Burbank; and Does 1 though 100, inclusive

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
Omar Rodriguez; Cindy Guillen-Gomez; Steve Karagiosian; Elfego Rodriguez; and Jamal Childs

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*), 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*), the California Courts Online Self-Help Center (*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), 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), en el Centro de Ayuda de las Cortes de California, (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):
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
Central District
111 North Hill Street, Los Angeles, CA 90012

CASE NUMBER:
(Número del Caso):
BC414602

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):
Solomon E. Gresen (Bar # 164783) Fax No.:(310) 815-2737
LAW OFFICES OF RHEUBAN & GRESEN, 15910 Ventura Boulevard, Suite 1610, Encino, CA 91436 Phone No.:(310) 815-2727

DATE: JUL 31 2009 JOHN A. CLARKE, Clerk, by RUGENA LOPEZ, Deputy
(Fecha) *(Secretario)* *(Adjunto)*

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

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify)*:
3. ☐ on behalf of *(specify)*:
   under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
   ☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
   ☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
   ☐ other *(specify)*:
4. ☐ by personal delivery on *(date)*:

SOLOMON E. GRESEN [SBN: 164783]
STEVEN V. RHEUBAN [SBN: 48538]
LAW OFFICES OF RHEUBAN & GRESEN
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LOS ANGELES, CALIFORNIA 90025
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Attorneys for Plaintiffs OMAR RODRIGUEZ, STEVE KARAGIOSIAN, CINDY GUILLEN-GOMEZ, ELFEGO RODRIGUEZ AND JAMAL CHILDS

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Superior Court of California
County of Los Angeles

JUL 31 2009

John A. Clarke, Executive Officer/Clerk
By RUGENA LOPEZ, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

OMAR RODRIGUEZ; CINDY GUILLEN-GOMEZ; STEVE KARAGIOSIAN; ELFEGO RODRIGUEZ; AND JAMAL CHILDS, Plaintiffs, -vs- BURBANK POLICE DEPARTMENT; CITY OF BURBANK; AND DOES 1 THROUGH 100, INCLUSIVE. Defendants.	CASE NO: BC 414 602 Assigned to: HON. JOANNE O'DONNELL, DEPT. 37 Case Filed: May 28, 2009 FIRST AMENDED COMPLAINT FOR: 1. VIOLATIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT [GOVERNMENT CODE § 12940 ET SEQ.]; 2. VIOLATIONS OF THE PUBLIC SAFETY OFFICERS PROCEDURAL BILL OF RIGHTS [GOVERNMENT CODE § 3300 ET SEQ.]; AND 3. INJUNCTIVE RELIEF

COME NOW PLAINTIFFS, OMAR RODRIGUEZ, CINDY GUILLEN-GOMEZ, STEVE KARAGIOSIAN, ELFEGO RODRIGUEZ, AND JAMAL CHILDS, WHO ALLEGE AS FOLLOWS:

GENERAL ALLEGATIONS

1. At all times herein mentioned, Plaintiff OMAR RODRIGUEZ ("Lt. Rodriguez") was, and remains, a resident of the County of Los Angeles, State of California, and the acts complained of took place in the County of Los Angeles, State of California. Plaintiff is Hispanic, of Cuban ancestry and, at all times herein mentioned, was employed by Defendants BURBANK POLICE DEPARTMENT

ancestry and, at all times herein mentioned, was employed by Defendants BURBANK POLICE DEPARTMENT and CITY OF BURBANK. Plaintiff Rodriguez currently holds the rank of lieutenant, and is the first and only Hispanic promoted to lieutenant in the entire history of the BURBANK POLICE DEPARTMENT.

2. At all times herein mentioned, Plaintiff CINDY GUILLEN-GOMEZ (Officer "Guillen") was, and remains, a resident of the County of Orange, State of California, and the acts complained of took place in the County of Los Angeles, State of California. Plaintiff is Hispanic, of Costa Rican and Guatemalan ancestry and, at all times herein mentioned, was employed by Defendants BURBANK POLICE DEPARTMENT and CITY OF BURBANK. Plaintiff Guillen was the first Hispanic female officer in the entire history of the BURBANK POLICE DEPARTMENT.

3. At all times herein mentioned, Plaintiff STEVE KARAGIOSIAN (Officer "Karagiosian") was, and remains, a resident of the County of Los Angeles, State of California, and the acts complained of took place in the County of Los Angeles, State of California. Plaintiff is of Armenian ancestry and, at all times herein mentioned, was employed by Defendants BURBANK POLICE DEPARTMENT and CITY OF BURBANK. Until recently, Officer Karagiosian was a member of the Special Enforcement Detail ("SED"), an elite squad at the Burbank Police Department.

4. At all times herein mentioned, Plaintiff ELFEGO RODRIGUEZ (Officer "E. Rodriguez") was, and remains, a resident of the County of Los Angeles, State of California, and the acts complained of took place in the County of Los Angeles, State of California. Plaintiff is Hispanic, of Guatemalan ancestry and, at all times herein mentioned, was employed by Defendants BURBANK POLICE DEPARTMENT and CITY OF BURBANK. Until recently, Officer E. Rodriguez was also a member of the SED.

5. At all times herein mentioned, Plaintiff JAMAL CHILDS (Officer "Childs") was, and remains, a resident of the County of San Bernardino, State of California, and the acts complained of took place in the County of Los Angeles, State of California. Plaintiff is black, of African ancestry and, at all times herein mentioned, was employed by Defendants BURBANK POLICE DEPARTMENT and CITY OF BURBANK.

6. Plaintiffs are informed and believe and based thereon allege that Defendant BURBANK POLICE DEPARTMENT (the "Burbank PD") is a public entity in the State of California. Plaintiffs are further informed and believe that Defendant Burbank PD employs more than five employees and is engaged in interstate commerce within the meaning of California Government Code, section 12926. At all times mentioned herein, Defendant Burbank PD was the employer of each Plaintiff described above.

7. Plaintiffs are informed and believe and based thereon allege that Defendant CITY OF BURBANK ("COB") is a public entity in the State of California. The exact relationship between Defendant COB and the Burbank PD is unknown to Plaintiffs. However, Plaintiffs are informed and believe that Defendant COB owns and/or operates Defendant Burbank PD, such that both entities are properly defendants in this action. In addition, Plaintiffs are informed and believe that Defendant COB employs more than five employees and is engaged in interstate commerce within the meaning of California Government Code, section 12926. At all times mentioned herein, Plaintiffs are informed and believe that Defendant COB was the employer of each Plaintiff described above, along with the Burbank PD.

8. The true names and capacities, whether individual, corporate, associate or otherwise, of Defendants named herein as DOES are unknown to Plaintiffs, who therefore sues said Defendants by said fictitious names. Plaintiff is informed and believes, and thereupon alleges, that each of said DOE Defendants is negligently or otherwise responsible in some manner for the events and happenings herein referred to, and negligently or otherwise caused injuries and damages proximately thereby to the Plaintiffs. Plaintiff prays leave to amend this Complaint to substitute the specific names of said DOES and to specify their said negligent acts as they become known.

9. Plaintiffs are informed and believes and based thereon alleges that at all times mentioned herein, DOES 1 through 100, and each of them, were the officers, directors, advisors, employees or otherwise agents and/or co-conspirators of Defendants Burbank PD and COB, and each of them, and were acting within the scope of their authority as such officers, directors, advisors, employees or agents with the permission and consent of Defendants Burbank PD and COB, and each of them, such that Plaintiffs are informed and believe that Defendants Burbank PD and COB

approved, encouraged, or otherwise ratified and/or adopted the alleged acts and actions of DOES 1 through 100, and each of them, as more fully described at length, below. Defendants Burbank PD and COB was involved in the selection, consultation, and or hiring of each and every other participant in the events relevant herein, along with DOES 1 through 100, and each of them, who at all times were acting in both an individual capacity, and as officers, directors, advisors, employees or otherwise agents of Defendants Burbank PD and COB.

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

A. Plaintiff Omar Rodriguez ("Lt. Rodriguez")

10. Lt. Rodriguez was hired by Defendants Burbank PD and COB as a police officer on May 20, 1988. Lt. Rodriguez was and, until recently, the only Cuban officer ever to be hired by the Burbank PD and/or COB as a police officer. Between 1992 and 1995, Lt. Rodriguez served on the Special Enforcement Detail (SED), one of the more prestigious assignments within the Burbank PD. As a member of the SED team, Lt. Rodriguez was assigned the more serious, high risk, high profile investigations. At all times during his tenure at the SED, Lt. Rodriguez performed his duties in a professional and competent manner.

11. In or about June, 1995, after approximately seven years of outstanding service with Burbank PD and COB, Lt. Rodriguez took the examination for the rank of "Detective" and received the highest score of all those who took the test. Nevertheless, a Caucasian officer was promoted to Detective before Lt. Rodriguez. Because Plaintiff outperformed the Caucasian officer on the Detective's examination, Plaintiff is informed and believes that the promotion of the Caucasian officer before the Hispanic officer was racially motivated. Before Plaintiff was eventually promoted, yet another Caucasian officer was promoted to the rank of Detective, even though that officer scored much lower on the examination. Later that year, in or about October, 1995, Plaintiff Rodriguez became a Certified Voice Stress Analysis ("CVSA") operator for the department and, shortly thereafter, on or about November, 1995, after being skipped 2 times in favor of lower scoring Caucasian officers, Plaintiff received his promotion to Detective.

12. In or about the end of 2001, or the beginning of 2002, Plaintiff participated in the testing process for the position of Sergeant. As part of the testing process, all candidates are ranked

by the Lieutenants and Captains on a scale of 1 to 5, with 5 being the highest ranking possible. Lt. Rodriguez received the maximum ranking of 5. It is the policy of the Burbank PD and COB, however, to allow the Chief of Police the discretion to adjust the ranking of any of the applicants by a maximum of 2 points, either higher (to a maximum of 5) or lower (to a minimum of 1). Plaintiff is informed and believes that the exercise of such discretion by a Chief of Police was rare, as it would have had the effect of countermanding the judgment of the Lieutenants and Captains, who would have been the applicant's direct supervisors.

13. The Chief of Police, who at that time was Chief Hoefel, exercised his discretion and lowered Lt. Rodriguez's ranking from a 5 to a 3 (which ultimately had the effect of delaying Plaintiff's promotion to Sergeant by at least 1 year or more). Plaintiff was informed by the Chief that the reason for the "adjustment" was because Plaintiff did not have a college degree. Many Caucasian Sergeants at that time, however, did not hold college degrees, and the policies of the Burbank PD at that time did not require a college education as a prerequisite for the Sergeant's position. In fact, 3 Caucasian police officers of various ranks were promoted to Sergeant at that time, none of whom held a college degree. Therefore, Plaintiff is informed and believes that the true reason that Plaintiff was not promoted to Sergeant at that time was because he is Hispanic, of Cuban ancestry, and because he was not Caucasian like the applicants who were promoted.

14. Lt. Rodriguez then finished college and obtained his bachelors degree from California State University, Long Beach, and subsequently earned his masters degree from Woodbury University. Ultimately, in May of 2006, Plaintiff was promoted to the rank of Lieutenant, making him the first non-Caucasian officer who was promoted above the rank of Sergeant in the entire history of the Burbank Police Department. The City of Burbank was incorporated in 1911.

15. In December 2006, in recognition of his good work, Lt. Rodriguez was assigned to the Administrative Division/Community Outreach and Personnel Services ("COPS"). As the Lieutenant in charge of COPS, Plaintiff was responsible for all hiring decisions at the Burbank PD. Plaintiff was informed that Defendant COB had instructed the Burbank PD to increase the number of "diversity candidates" hired. At the Burbank PD, the term "diversity candidate" simply meant "Black candidate" or "Latino Candidate," but did not include "Gay candidate." As a result, Lt.

Rodriguez began to increase the number of "diversity candidates," both sworn officers and civilian personnel, hired by the Burbank PD.

16. During his tenure at the Burbank PD, Plaintiff Lt. Rodriguez has received dozens of commendations and awards for his good performance, from citizens, businesses and law enforcement agencies, among others, and has received the highest ranking possible ranking ("O" for "Outstanding") on each and every performance evaluation he received over the past decade. Further, Lt. Rodriguez has received the following honors and awards while working for the department:

a. Officer of the Year - Burbank Police Department, Nominated 2009;

b. National Award for Outstanding OCDETF Investigation - United States Attorney General, Washington, D.C., 2007;

c. Rex Andrews Police Scholar Award - Burbank Police Department 2006;

d. Officer of the Year - Burbank Police Department, Nominated 2005;

e. Professional Esteem Award - Burbank Police Department 2004;

f. Appreciation Award - Federal Bureau of Investigation 2002;

g. Chief's Citation - Long Beach Police Department 2002;

h. Appreciation Award - Federal Bureau of Investigation 2001;

i. Appreciation Award - Drug Enforcement Administration 2000;

j. Narcotic Officer of the Year - Alfred E. Stewart Memorial Award, California Narcotic Officers' Association, Region III 1999;

k. Professional Esteem Award - Burbank Police Department 1998;

l. Professional Esteem Award - Burbank Police Department 1997; and

m. Professional Esteem Award - Burbank Police Department1994.

17. When Plaintiff began at COPS, the hiring rate for "diversity candidates" was well below 15%. The majority of the "diversity candidates" previously hired by the Burbank PD were Hispanic, with only three (3) African-American officers on the force at that time. Only a few of the Hispanic employees even spoke Spanish. They all had Hispanic surnames, but many were second or third generation Americans who, in large part, had been Anglicized. All of the African-American officers hired by Defendants COB and the Burbank PD were generally raised in Caucasian

communities, and spoke the English language without using diction or slang commonly stereotyped as originating in poorer African-American neighborhoods or ghettoes. Further, each and every one of the African-American officers hired by the Burbank PD had a Caucasian wife or a Caucasian girlfriend.[1] At the time, the Burbank PD had an undocumented but very real policy that to be acceptable, minority candidates must be "white enough" - which as a matter of course excluded all "ghetto" or "ethnic"[2] African-American candidates, as well as all Spanish-speaking Hispanic candidates.

18. Since Lt. Rodriguez was assigned to COPS, and under Plaintiff's direct supervision, the hiring rate of minority and women candidates at the Burbank PD has risen above 80% over all, which Plaintiff is informed is more representative of the applicant pool and also of the general population in the greater Los Angeles area. Recently, Lt. Rodriguez hired an openly gay female police officer, which decision was criticized by the Burbank PD solely on the basis of the candidate's sexual orientation. In response to Plaintiff's hiring of more minority and female applicants, as well as an openly gay candidate, he was subjected to threats and intimidation by various members of the Burbank PD. These threats include, without limitation, a specific threat that certain offending officers would do whatever was necessary to see that Plaintiff was terminated "in disgrace" from his position at the Burbank PD, and to ensure that Lt. Rodriguez would never be able to work in law enforcement in the future.

19. During Plaintiff's tenure in COPS, between December, 2006, and the present, he observed numerous incidents of race based, gender based, or other wrongful discrimination, harassment and retaliation at the Burbank PD. Further, Plaintiff received numerous credible reports,

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[1] The identity and racial makeup of each applicant's spouse or girlfriend was disclosed to the Burbank PD during the extensive "pre-application" background investigation.

[2] The terms "ghetto" and "ethnic" were used interchangeably with "Black" and sometimes "Nigger" when referring to suspects, and were also used as racial insults and epithets towards the African-American police officers on the force.

from both sworn officers and civilian employees of Defendants COB and the Burbank PD, of the same type of wrongful conduct. Plaintiff reported each of the incidents to his supervisors, Chief of Police Tim Stehr ("Chief Stehr") among them, and, by and large, no corrective action was taken against any of the wrongdoers. Specifically, by way of example, only, and not by way of limitation, the wrongful conduct included, among other things, the following:

a. In or about January, 2007, which coincided with the first "police recruit" test under Lt. Rodriguez's supervision, Plaintiff was informed by a Detective involved with the hiring decisions at COPS that the Detective would refuse to hire any female applicants, regardless of qualifications, and that he would strongly resist Lt. Rodriguez's attempts to hire any female applicants. Plaintiff immediately verbally admonished the Detective, and informed him that under Plaintiff's supervision, the Burbank PD would hire the most qualified candidates, regardless of gender. Plaintiff reported the incident to Chief Stehr, who was then the Deputy Chief. To Plaintiff's knowledge, Chief Stehr ignored the report, and the offending Detective did not receive formal discipline or remedial training of any kind.

b. During another "police recruit" testing process, a different Detective intimidated a female applicant (who was then the top ranked applicant of any gender), causing her to withdraw from the testing process "in lieu of disqualification" which was threatened by the Detective in charge of the applicant. Upon reviewing the candidate's file, Plaintiff discovered that no grounds existed at the time to disqualify the female applicant. Plaintiff brought this to the attention of the applicant and invited her to rejoin the testing process. The applicant, however, declined the offer - stating that she was uncomfortable with the gender bias at the Burbank PD. The applicant is now a sworn officer in good standing at a different police department. Plaintiff reported the wrongful conduct to Chief Stehr, but the offending Detective did not receive any formal discipline or remedial training as a result.

c. Additionally, a different Detective intimidated an Asian-American applicant during the "police recruit" testing process, again threatening to disqualify the

applicant (and greatly hinder the applicant's chance to ever earn a career in law enforcement) unless the applicant withdrew from the process. Once again, upon a review of the file, Plaintiff discovered that no grounds existed at the time to disqualify the Asian-American applicant. Plaintiff reported the offending Detective to Chief Stehr, but the offending Detective did not receive any formal discipline or remedial training as a result of his actions. Nevertheless, Plaintiff contacted the Asian-American applicant, informed him of the error, and invited him to return and complete the testing process. The applicant was successful (under the supervision of a different Detective) and is currently serving as a sworn officer for the Burbank PD.

d. Lt. Rodriguez has personally been called names throughout his tenure at the Burbank PD which exhibited a race-based animus or discriminatory intent towards him, including without limitation, "Paco," "Julio," "wet-back," "beaner," and "taco vendor." Certain Burbank police officers have, at times, called him "Mexican," though they knew Plaintiff is of Cuban ancestry. Plaintiff expressed his displeasure to each officer who used the above-described language, and reported same to his superiors. Plaintiff is informed and believes that no corrective action was ever taken in response to any of his complaints of this nature. Furthermore, on at least one occasion, Plaintiff was instructed by fellow officers that it was common knowledge that a certain sworn Burbank PD officer would be less vigorous in providing assistance to a fellow officer who was Hispanic than to a fellow officer who was Caucasian, even in potentially life threatening situations, and to "be careful."

e. Throughout his tenure, Plaintiff has also heard and observed the use of racial epithets and other offensive language based on race, national origin, gender and sexual orientation, among other things, towards suspects, the general population at large, and to other officers and civilian personnel of Defendants Burbank PD and COB. Such language included, by way of example, the words "nigger," "Bosco," "Malcom X," "Mexicans" (regardless of actual country of origin), "taco truck drivers," "fags," "dykes," "homos," "lezbo" (to heterosexual women), "wetback

gangsters," "beaners," and "spics," to name a few.

Additionally, numerous insults specific to those of Armenian ancestry were routinely used, including without limitation, "Armo's," "salvaged title" (i.e. "He is 'salvaged title'" - referring to a stereotype that Armenian people drive expensive cars that have salvaged title), "Four C's" (referring to 4 words beginning with the letter "C" which stereotypically (according to some) describe all Armenians - the list tends to vary, but usually contains at least a few of the following: "cars," "chains," "cell phones," "cologne," and "cigarettes"), and "towel heads."

As a standardized method of describing unidentified persons (most often involving unidentified dead bodies) it is general law enforcement practice to refer to male persons as "John Doe,"while females as "Jane Doe." At the Burbank PD, however, unidentified Hispanic males are routinely referred to as "Juan Doe," while unidentified African American males are referred to as "Tyrone Doe."

On each occasion when Plaintiff either observed such an incident, or when Plaintiff received a credible report of such conduct, Plaintiff lodged a complaint with his superiors at the Burbank PD and COB, including without limitation, Chief Stehr. In response to almost all of the above-described complaints, Defendants COB and the Burbank PD refused to take any corrective action against the individual(s) who engaged in the above-described behavior. Which is unsurprising, considering Chief Stehr recently opined in front of over two dozen officers at a management team meeting on or about November 6, 2008, that, in sum and substance, "I remember a time when it was okay to use the word nigger around here, but times have changed."

f. It should also be noted that, as of the date of the filing of the within complaint, no African-American employee in the entire history of the Burbank PD has ever been promoted above the title of "police officer." No African-American detectives. No African-American sergeants. No African-American Lieutenants or Captains. Never.

20. As a result of Lt. Rodriguez's reformation of the hiring process (i.e. hiring the most competent, regardless of race, gender, etc.), and in equally large part because of Plaintiff's persistent

demands to his superiors (including Chief Stehr) to discipline the officers engaging in the above-described harassment, discrimination and retaliation, among other things, Plaintiff has been advised by several different employees of Defendants Burbank PD and COB, that certain officers were planning and conspiring to retaliate against Plaintiff in ways including, without limitation, by making false accusations of unlawful conduct against him.

21. In furtherance of the above-described plan or conspiracy to retaliate against Lt. Rodriguez, on or about April 26, 2008, Plaintiff is informed that a formal complaint was filed against Lt. Rodriguez for purportedly using unreasonable force during the arrest of a robbery suspect. The formal complaint was filed against Plaintiff even though Burbank PD records revealed that he was not on duty on the day in question, and did not take any part in the arrest. Because the information which exonerated Plaintiff was always in the possession of the Burbank PD, Plaintiff believes that Defendant COB and the Burbank PD had constructive notice of Plaintiff's innocence, such that the formal complaint could only have been filed with malicious intent, and for a retaliatory purpose.

22. A few weeks later, and after learning that Plaintiff was not on duty on the day of the above-described arrest, the focus of the investigation was changed to center around Lt. Rodriguez's conduct in connection with a subsequent investigation of a robbery associated with the above-described arrest. It should be noted that the alleged improper conduct occurred approximately 4 months before the first formal complaint was filed, which is extremely unusual. Plaintiff is informed that the allegations leveled at him were based on rumor and innuendo, with no actual witnesses or other evidence of any kind. Further, Plaintiff was only peripherally involved in the investigation for a few hours, at most, and a prior inquiry into the conduct of all of the officers involved was closed with no finding of impropriety. On or about September 24, 2008, Plaintiff was informed in writing that the revised allegations made against him were not sustained.

23. Most recently, on April 15, 2009, Plaintiff Lt. Rodriguez was placed on administrative leave in retaliation for complaining of the improper relationship between Chief Stehr and the Burbank Police Officer's Association ("BPOA"), the police officer's union, and the resulting failure to curb improper race based, gender based, or other wrongful discrimination, harassment and

retaliation at the Burbank PD. Plaintiff is informed and believes that Chief Stehr is beholden to the BPOA for their critical support which resulted in Chief Stehr's promotion to Chief of Police. Plaintiff is informed and believes that the Burbank City Council ("Burbank CC") was reluctant to promote Chief Stehr due to several incidents earlier in his career where he was disciplined. Plaintiff is further informed that without the support of the BPOA, Chief Stehr would not have been promoted. As a result, Plaintiff believes that Chief Stehr has been forced to "repay" the debt to the BPOA in a number of ways including, without limitation, (a) the appointment of BPOA members to coveted positions within the Burbank PD, regardless of qualifications; and (b) the steadfast refusal to eliminate the pervasive racial bias, gender bias, and other discriminatory or otherwise wrongful conduct within the department, or to discipline the offending employees.

24. On April 15, 2009, Plaintiff complained to a BPOA board member about the above-described cronyism and failure to pursue discipline, and informed him and other members of the BPOA that he was unwilling to continue to stand silently by while good, honest people within the department were being harmed. This is because Defendants Burbank PD and COB were not only engaging in discriminatory conduct against minorities, women and gays, but were now severely punishing officers who reported the misconduct and who were attempting to reform the Burbank PD.

25. Deputy Chief Bill Taylor ("Cpt. Taylor") was one such person. He was intolerant of the pervasive racial bias, gender bias, and other discriminatory or otherwise wrongful conduct within the department, as described above, and campaigned hard for reform. Cpt. Taylor pressed for formal disciplinary action to be taken against Defendants for their inappropriate treatment of minorities, women and gays as more fully described above. Plaintiff is informed that this put Cpt. Taylor at odds with the BPOA and, therefore, Chief Stehr.

26. Plaintiff believes that Chief Stehr on behalf of Defendants COB and the Burbank PD, along with board members of the BPOA. conspired and agreed to retaliate against Cpt. Taylor for his support of the minorities, women and gays in the department, among other things. In furtherance of this conspiracy, Chief Stehr and the BPOA agreed to wrongfully place the blame for recent departmental troubles squarely on the shoulders of Cpt. Taylor, for the purpose of ruining his career and preventing him from becoming Chief of Police after Chief Stehr. When Plaintiff Lt. Rodriguez

learned of this, on April 15, 2009, he confronted members of the BPOA board and lodged a complaint as described above. The very next day, Plaintiff was informed that he had been demoted from his position at COPS and returned to patrol, though he remains on administrative leave as of the date of the filing of the within Complaint.

27. Within 2 hours after meeting with the BPOA, as described above, Plaintiff was suspended and placed on administrative leave in connection with an investigation into is work performance. Plaintiff believes that this investigation is being conducted by the Los Angeles County Sheriff's Department's ("LASD"), Internal Criminal Investigation Bureau, as requested by Chief Stehr. Plaintiff further believes that Chief Stehr has a personal relationship with the LASD investigating officer, and that Chief Stehr improperly used his influence to initiate the investigation. Plaintiff is informed that the investigation concerns matters which have previously been reviewed and cleared by Defendants COB and the Burbank PD. Plaintiff believes that the Chief Stehr instigated the investigation in retaliation for the complaints lodged by Lt. Rodriguez, among other things, as more fully described above.

28. Cpt. Taylor also suffered from retaliatory conduct, as on May 4, 2009, Chief Stehr eliminated the Deputy Chief position entirely, purportedly to "have more direct control of the organization." Plaintiff is informed that the true facts were that Chief Stehr eliminated the Deputy Chief position because he was under fire from the Burbank CC for ongoing "diversity issues,"[3] and was likely to be removed prior to the expiration of his contract. The board members of the BPOA including, without limitation, Defendant Parrinello, did not want Cpt. Taylor to succeed Chief Stehr, as Cpt. Taylor owed them nothing and would put a stop to their shenanigans. Therefore, Plaintiff believes that the BPOA called in favors from Chief Stehr and threatened a "no confidence" vote to get Chief Stehr to demote (then) Deputy Chief Taylor back to Captain. Plaintiff is informed that the BPOA board members believe that the board has enough influence with the Burbank CC to nominate a different person for Chief of Police (someone beholden to the BPOA) upon Chief Stehr's impending departure, now that Cpt. Taylor is no longer the Deputy Chief.

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[3] These "diversity issues" are identical to those alleged in this complaint.

29. When a police department punishes its officers who report misconduct, as hereinabove described, it leads to a pattern and practice of officers keeping quiet so they will not be the victims of harassment, discrimination or retaliation, demotion or termination. When good police officers are thus intimidated, and when the supervisory officers are silenced or otherwise dealt with, corruption can then occur - harming all persons within the City of Burbank, as well as those in the greater Los Angeles area. By taking this courageous stand, Plaintiff Lt. Rodriguez has suffered retaliation which is currently jeopardizing his position with the Burbank PD, and threatens to stain the remainder of his career as well as his history of outstanding public service. Plaintiffs Guillen, Karagiosian, E. Rodriguez and Childs are similarly situated in this regard. For these reasons, as well as others set forth below, Plaintiffs are seeking injunctive relief to prevent further discrimination and retaliation from occurring throughout the pendency of this action.

30. On May 27, 2009, Plaintiff Lt. Rodriguez filed a Complaint for discrimination, harassment and retaliation, among other things, with the California Department of Fair Employment and Housing ("DFEH") and, on that same date, received a "Notice of Case Closure," and "Right to Sue Notice," true and correct copies of which are attached, collectively marked as Exhibit "A," and are incorporated herein by this reference as though fully set forth at length. Lt. Rodriguez has also filed a Governmental Claim Form with the City of Burbank, which was denied on July 10, 2009. True and correct copies of the Governmental Claim Form filed by Lt. Rodriguez and COB's denial of claim are attached, collectively marked as Exhibit "B," and are incorporated herein by this reference as though fully set forth at length.

B. <u>Plaintiff Cindy Guillen-Gomez ("Officer Guillen")</u>

31. Officer Guillen was hired by Defendants Burbank PD and COB as a police officer on January 10, 2000. Plaintiff Guillen was the first Hispanic female ever to be hired by the Burbank PD and/or COB as a police officer. At all times during her tenure at the Burbank PD, Plaintiff performed her duties in a professional and competent manner.

32. Officer Guillen has personally been called names throughout her tenure at the Burbank PD which exhibited a race-based animus, sex-based animus, or discriminatory intent towards her, including without limitation, "wet-back," "beaner" and "spic," by way of example. Her

gender was also the subject of unwelcome and derogatory comments including, without limitation, "bitch," "whore" and "cunt," among others. She has also heard and observed the use of racial epithets and other offensive language based on race, national origin, gender and sexual orientation, among other things, towards suspects, the general population at large, and to other officers and civilian personnel of Defendants Burbank PD and COB. Such language included, by way of example, the words "nigger," "fags," "homos," and "beaner gangsters," to name a few. Plaintiff has also heard and observed numerous insults specific to those of Armenian ancestry, such as "salvaged title" and the "Four C's." Plaintiff reported each of the incidents to her supervisors, some on multiple occasions, but she is informed that no corrective action was taken against any of the wrongdoers.

33. Plaintiff Guillen experienced additional harassment on the basis of her sex, gender and marital status during her tenure with the Burbank PD. Immediately after the date of her marriage, rumors began circulating that she was pregnant and that was the only reason why she married her husband. This was false, as Plaintiff did not get pregnant for over 1 ½ years after she was married. By way of further example, a supervisory police officer said in Plaintiff's presence that women had "no business being detectives," and other officers have opined that "all the women in the (Burbank PD) are worthless," and that "women" should be assigned to parks management, so as not to fill the patrol positions with "useless" officers. One of the more brash officers in the Burbank PD forcefully told Plaintiff to be quiet, "before I bend you over and fuck you in the ass." Plaintiff reported each of these incidents to her supervisors, except when her supervisors were involved, and on those occasions she believed that reporting the incidents would have been futile. Plaintiff is informed and believes that no corrective action was ever taken against any of the officers who engaged in the above-described conduct.

34. The wrongful race-based, gender-based, and otherwise discriminatory conduct was not limited to verbal harassment. On one occasion, Plaintiff was on foot and was struck by a moving vehicle in a crosswalk during a pursuit. Even so, Officer Guillen apprehended the suspects. An inquiry by the Burbank PD safety committee resulted in a finding that Plaintiff was not at fault for the impact. Nevertheless, Plaintiff was given a letter of reprimand for "carelessness" in discharging

her duties - a punishment equivalent to that given an officer who had "carelessly" caused an automobile accident and damaged a patrol vehicle. Plaintiff is informed that the letter of reprimand was retaliatory in nature, resulting from her complaints of harassment and discrimination as described above. Furthermore, Plaintiff believes that the punishment would not have been given to a Caucasian male under the same circumstances.

35. Officer Guillen was also passed over for promotion to Detective, and is informed and believes that her failure to be promoted was due to the pervasive gender and racial bias at the Burbank PD and COB. Specifically: Plaintiff took the Detective's examination at the same time as Burbank PD Officer Mike Parrinello, and was ranked fifth of all officers taking the examination, and Defendant Parrinello was ranked eighth. Nevertheless, Officer Parrinello was promoted to Detective in favor of Plaintiff, even though he was less qualified at the time.

36. In or about October 2007, Officer Guillen learned that she was pregnant. Plaintiff is informed that, at the time, she was the first pregnant police officer at the Burbank PD in nearly 20 years. On or about November 26, 2007, Plaintiff Guillen was placed on "light duty" by her doctor, and provided written confirmation of same to Defendants Burbank PD and COB. That same day, when Plaintiff reported for duty, she was ordered (over her objection) to reveal her pregnancy to everyone in the department during "roll call" that day. At that time, she was subjected to impermissible, non-job related inquiries from her supervisors and coworkers concerning her pregnancy and marital relationship. Further, Plaintiff was ridiculed for becoming pregnant, and was the subject of inappropriate and sexist comments including, without limitation, "Women just aren't what they used to be. I remember when they would wait until they were about 6 months pregnant before they even said anything." The verbal harassment continued throughout her pregnancy and, at one point, Plaintiff was even reprimanded because she was purportedly not in compliance with departmental policies due to her improper "height to weight ratio."

37. A few weeks later, Plaintiff learned that the policies of Defendants COB and the Burbank PD concerning maternity leave had been changed on or about December 17, 2007. Most importantly, the policy change allowed Defendants COB and the Burbank PD to deplete a pregnant officer's entire cache of paid time off ("PTO") during her maternity leave, including without

limitation, the pregnant officer's earned vacation days and earned sick days. Prior to the change, the officer's PTO would have been frozen as of the first date of the maternity leave, and would not be utilized for any purpose until after the officer returned from maternity leave. At that time, Plaintiff Guillen had in excess of 800 PTO hours on the books, and stood to lose in excess of $15,000.00, or more, resulting from the above-described change in policy. Plaintiff believes that the policy change was implemented in response to her being placed on "light duty" by her doctor, and was retaliatory in nature.

38. As her pregnancy progressed, Plaintiff learned that her medical condition was tenuous and that she would have difficulty carrying her baby to full term. Ultimately, on or about April 17, 2008, Plaintiff was placed on bed rest by her doctor through the remainder of her pregnancy. For the first 60 days of her bed rest, Plaintiff was required to expend PTO hours as described above. Thereafter, Plaintiff qualified for disability and filed for same with Defendants COB and the Burbank PD, which request was initially granted. Days later, Plaintiff received notice that her disability, which had previously been approved, had been denied. Plaintiff immediately attempted to contact Defendant COB, but she was not allowed to speak with anyone concerning her disability. She then contacted attorneys for the BPOA, and was told that there was nothing the union or its attorneys could do for her problem.

39. Ultimately, after approximately 2 more weeks of trying, Plaintiff was finally able to speak with someone in COB's human resources department concerning her disability, and the denial of her claim. Plaintiff was informed that an agreement would be prepared for her review, which would have the effect of restoring her disability status. Plaintiff Guillen was then placed back on disability while the agreement was being prepared. The following week, Plaintiff's baby was born approximately 1 month early - a healthy and happy baby girl.

40. A week or so after Plaintiff's daughter was born, she received the agreement the HR Department of COB. The agreement actually turned out to be a settlement agreement and release of all claims including, without limitation, claims of discrimination, harassment and retaliation under the Fair Employment and Housing Act, among other claims. Plaintiff refused to sign the settlement agreement, believing that a release of all claims was not appropriate for her to sign, as she had just

given birth prematurely and was not able to determine at that time whether the agreement was in her best interests.

41. Later, Defendant COB began to pressure Plaintiff Guillen to sign the settlement agreement. Plaintiff Guillen requested counsel to review the settlement agreement, but was told that the BPOA's attorneys had already reviewed and approved of the document, as had the BPOA president. Plaintiff refused to sign the agreement without consulting with an attorney, and requested that the BPOA provide her with counsel. The BPOA president refused, stating that he had no power to do so. Plaintiff later learned that the BPOA president actually could have authorized the use of a BPOA attorney for this purpose. Plaintiff is informed and believes that the BPOA president's refusal to assist her was improperly motivated by her race, gender and pregnancy. Plaintiff never signed the settlement agreement, but remained on disability until approximately 7 weeks post partum.

42. When Plaintiff returned to work, she was not provided with a work schedule, which was ordinarily provided to Burbank PD officers weeks in advance. This resulted in Plaintiff having to call in on a daily basis to determine where and when to report for duty each day. This was extremely disruptive for the new mother, particularly when she needed to schedule day care and plan for emergencies in case her daughter fell ill. This lasted for a period of approximately 2 weeks. Plaintiff is informed and believes that the Burbank PD/COB refused to provide her with a schedule in retaliation for taking maternity leave, among other things.

43. As of the date of the filing of the Complaint, Plaintiff still has not been provided with the training and access she requires to perform her duties as a police officer. Specifically, and among other things, while Officer Guillen was on maternity leave, Defendants COB and the Burbank PD updated the computer systems and hardware in the police cruisers with a new system and hardware called Mobile Digital Technology ("MDT"). Though Plaintiff has requested training and access to the MDT, Defendants Burbank PD and COB have failed and refused to provide her with such access and training, despite the fact that she uses a police cruiser every day in the discharge of her duties. Plaintiff believes that the above-described failure of Defendants COB and the Burbank PD to provide the necessary training and access is discriminatory and retaliatory in nature, resulting from her maternity leave and her complaints of harassment and discrimination, among other things,

as more fully described above.

44. Recently, in or about January, 2009, and as a result of the above-described discriminatory conduct, harassment and retaliation, among other things, Plaintiff Guillen applied for a transfer to the Newport Beach Police Department ("NBPD"). Plaintiff is informed that she initially passed the background check and polygraph test, but she believes that the process was delayed by Defendants Burbank PD and COB because of her race and gender, among other things, and in retaliation for taking maternity leave, pursuing her disability claims, and for asserting her lawful rights as hereinabove described, among other things. Plaintiff is informed that the NBPD background investigator has been wrongfully informed by Defendants that Plaintiff was a "cancer" in the Burbank PD, that Plaintiff was "bitter" and had "anger management" issues, and that Plaintiff was happiest when she became angry. Plaintiff is informed that the NBPD has therefore reopened its background investigation, and may not allow Plaintiff to transfer as a result of these statements.

45. On May 27, 2009, Plaintiff Officer Guillen filed a Complaint for discrimination, harassment and retaliation, among other things, with the California Department of Fair Employment and Housing ("DFEH") and, on that same date, received a "Notice of Case Closure," and "Right to Sue Notice," true and correct copies of which are attached, collectively marked as Exhibit "C," and are incorporated herein by this reference as though fully set forth at length. Plaintiff Guillen has also filed a Governmental Claim Form with the City of Burbank, which was denied on July 10, 2009. True and correct copies of the Governmental Claim Form filed by Officer Guillen and COB's denial of claim are attached, collectively marked as Exhibit "D," and are incorporated herein by this reference as though fully set forth at length.

C. <u>Plaintiff Steve Karagiosian ("Officer Karagiosian")</u>

46. Officer Karagiosian was hired by Defendants Burbank PD and COB as a police officer on July 20, 2004. Plaintiff Karagiosian transferred to the Burbank PD from the Orange County Sheriff's Department, having worked as a sworn deputy for approximately 4 ½ years. Plaintiff always performed his duties as a police officer in a professional and competent manner. In or about January, 2007, as a result of his hard work and accomplishments at the department, Plaintiff was promoted to the position of FTO. Plaintiff always performed his duties as an FTO in a

professional and competent manner.

47. On or about August 26, 2007, Officer Karagiosian took the examination for the SED, and was selected and assigned to the SED on August 26, 2007. This is normally a three year assignment. The team routinely is involved in serious, high risk, high-profile investigations. SED worked a 5/40 or 4/10 schedule, depending on the date, with a substantial amount of overtime due to the nature of the investigations (usually sixty to seventy, sometimes eighty hours a week). It is also understood that SED is "on-call" 24 hours per day, 7 days per week ("24/7"). The SED is supposed to be comprised of four Officers and one Sergeant, but in recent time has been understaffed. During the last year, SED has been involved in the service of over 120 search warrants related to felony crimes, and arrested numerous other felony suspects. During those incidents, a small percentage resulted in the use of non-deadly force. All the incidents involving a use of non-deadly force have been investigated and there has not been one instance where the use of force was determined to be out of departmental policy. At all times during his tenure at the SED, Officer Karagiosian performed his duties in a professional and competent manner.

48. During his tenure at the Burbank PD, Plaintiff Karagiosian has received numerous commendations and awards for his good performance, and has received the highest ranking possible ranking ("O" for "Outstanding") on each and every performance evaluation he received over the past several years. Further, Plaintiff was recognized in 2007 as the "Officer of the Year" at the Burbank PD.

49. In approximately August, 2008, Chief Stehr replaced the sergeant in charge of the SED with a BPOA board member who had only 6 months of experience as a Detective, and who had no previous SED experience. Since that time, there have been numerous untrue comments made by certain officers that the SED is "dirty," "heavy handed," "SED beats suspects," and "plants dope." These comments are being made by a group of approximately ten or so disgruntled officers and supervisors, who are attempting to tarnish the reputation of both Plaintiff Karagiosian and Plaintiff E. Rodriguez, among others. By the time the accusations get passed from officer to officer, they have become very serious in nature. Third party officers who have overheard these comments have made Plaintiff Karagiosian aware of what is being said by officers and civilian employees. Plaintiff

believes that he is a target of the above disgruntled officers because he is of Armenian descent and, as more fully explained below, in retaliation for complaining of and opposing harassment and discrimination in the department, among other things.

50. During Plaintiff Karagiosian's tenure at the Burbank PD, he was regularly subjected to severe and pervasive, race-based or other wrongful harassment, discrimination and retaliation. Plaintiff reported each of the incidents to his supervisors, but he is informed that no corrective action was taken against any of the wrongdoers. Burbank PD Officers have made numerous offensive and inappropriate race-based comments concerning Plaintiff's Armenian ancestry. By way of example, and not by way of limitation, Officer Karagiosian was once told to show up for roll call in a "light blue Sean John outfit," which was a race-based comment as Armenian men stereotypically wear one-piece outfits. Officer Karagiosian was also asked whether he had purchased a Sean John outfit for his son, who was then 4 months old. Others would routinely ask Officer Karagiosian if whether his shoes, socks, or other article of clothing were "Armenian," and regularly called Officer Karagiosian "Sarkis" at roll call, which was Plaintiff's middle name, to emphasize his ancestry. No other officer was called by his or her middle name at roll call.

51. Plaintiff complained of this behavior to his supervisors each time it happened, but is informed that no corrective action was ever taken, outside of a verbal reprimand for calling Plaintiff "Sarkis." Following the reprimand, which Plaintiff believes was not genuine, the offending Officer has exhibited hostile behavior towards him, and has refused to directly communicate with Plaintiff either verbally or in writing. Despite complaints to his supervisors, the Officer was never reprimanded for his conduct.

52. Another Officer even went so far as threaten Plaintiff Karagiosian's life. The Officer in question is Caucasian, and is a personal friend of Chief Stehr. Plaintiff Karagiosian was regularly subjected to verbal harassment from this Officer, and complained of each instance of discriminatory conduct to his supervisors including, without limitation, Chief Stehr. In response to one of these complaints, the the Officer pulled his duty weapon from his holster and pointed it at Officer Karagiosian while in the station. Officer Karagiosian immediately complained to the Sergeant in charge of the SED, and then met with a lieutenant to lodge a complaint for the life-threatening

behavior. When Chief Stehr was informed of his friend's conduct, Plaintiff is informed that he immediately stated, "Well, that complaint will not be sustained." No corrective action was ever taken against the Officer for his wrongdoing, not even for pointing a loaded weapon at Plaintiff Karagiosian and threatening his life.

53. Over the past 18 months, and continuing until approximately March, 2009, Officer Karagiosian observed racially-motivated derogatory comments targeting Armenians on a "white board" in one of the duty rooms. Plaintiff Karagiosian reported this matter to Plaintiff Lt. Rodriguez, who reported same to his superiors. In response, Chief Stehr ordered that no investigation into the matter was to be conducted, and further ordered that the offending officers simply be given a "comment card," the absolute lowest form of written discipline under the policies of the Burbank PD. Chief Stehr ignored Lt. Rodriguez's objections to this resolution, which was wholly inappropriate considering the severity and extremely offensive nature of the statements on the white board.

54. Plaintiff was unsatisfied with this outcome, but was told by one of his supervisors to drop the matter. "You don't want to be known as a trouble maker. You want to be known as the best 'Armenian Cop' in the Department." Officer Karagiosian replied "I want to be the best cop in the Department." The Lieutenant responded, "You gotta stop making these complaints. At some point you lose credibility." "This problem has been going on for years and years, we are not going to change the belief of the officers. This will continue and there is nothing we can do about it." Plaintiff was informed that the only discipline imposed against the offending officers was that an entry was made on a comment card that they should not engage in further conduct of this nature.

55. During his tenure at the Burbank PD, and continuing through the date of the filing of this Complaint, Officer Karagiosian has personally been subjected to additional discriminatory behavior and harassment based on his race and national origin. By way of example and not by way of limitation, Officers openly, and in front of Burbank PD supervisors, make racially insensitive and inflammatory statements to Plaintiff Karagiosian whenever an arrest is made of someone with an Armenian surname, such as: "I just arrested your *sister* for prostitution" (if the suspect was a young female), or "They arrested your *grandfather*, and he sure smells bad." Changes would be made to

the comment depending on the age and appearance of the suspect, and Plaintiff has been taunted that his mother, cousin, father, uncle, nephew or niece had been arrested, simply because the suspect had an Armenian surname. Certain Officers and supervisorslaugh out loud at this "joke," whenever it is used. Other times, Plaintiff has had compact discs of traditional Armenian music placed in his "in box," and has suffered through the sly smiles and outright jeers which accompany his receipt of the discs.

56. Plaintiff Karagiosian also observed numerous incidents of race based, gender based, or other wrongful discrimination, harassment and retaliation at the Burbank PD. Plaintiff reported each of the incidents to his supervisors, Chief Stehr among them, but Plaintiff is informed that no corrective action was taken against any of the wrongdoers. Specifically, by way of example, only, and not by way of limitation, Hispanics were commonly referred to by a number of derogatory terms, including, without limitation, "gardeners," "taco truck drivers," "Julios," "taco vendors," "bean bandits," "wetbacks," "mojados" (mo's were short for mojados), "chunties," and Armenians were commonly called "Towel Heads" and references were made to the "Four C's." Others include, without limitation, "It only takes one Armenian to fuck that one up." "Its April 24th (Armenian genocide day), I going to go get my ticket quota today." And many other instances of offensive, racially motivated hate speech. Again, no disciplinary action was taken against the offending officers, despite Plaintiff's complaints to his supervisors of the improper conduct.

57. As more fully described above in Subsection "A" (Lt. Rodriguez), Plaintiff believes that Chief Stehr has been forced to "repay" a debt to the BPOA for supporting him and assisting him in obtaining the promotion to Chief of Police in a number of ways including, without limitation, (a) the appointment of BPOA members to coveted positions within the Burbank PD, regardless of qualifications; and (b) the steadfast refusal to eliminate the pervasive racial bias, gender bias, and other discriminatory or otherwise wrongful conduct within the department, or to discipline the offending employees.

58. On May 4, 2009, Chief Stehr eliminated the SED in its entirety, thereby effectively demoting Plaintiff Karagiosian and Plaintiff E. Rodriguez. In its place, Chief Stehr created the Special Problems Unit ("SPU"), which appears to be an identical unit to SED, but without the

minority officers (Karagosian and E. Rodriguez). Plaintiff was informed that the dissolution of the SED in no way was the result of his performance, however, Plaintiff was not assigned to the SPU, even though his 3 year commitment to SED had not ended. Plaintiff requested that he be allowed to transfer to SPU and finish his 3 year term, but this request was denied. Plaintiff is informed that the SED was dissolved in order to target him and Plaintiff E. Rodriguez, and to retaliate against them for their staunch opposition to the pervasive harassment, retaliation and other discriminatory conduct as more fully described herein, among other things. Plaintiff's removal from the SED has severely tarnished his reputation, and has irreparably damaged his career advancement prospects.

59. On May 27, 2009, Plaintiff Officer Karagiosian filed a Complaint for discrimination, harassment and retaliation, among other things, with the California Department of Fair Employment and Housing ("DFEH") and, on that same date, received a "Notice of Case Closure," and "Right to Sue Notice," true and correct copies of which are attached, collectively marked as Exhibit "E," and are incorporated herein by this reference as though fully set forth at length. Plaintiff Karagiosian has also filed a Governmental Claim Form with the City of Burbank, which was denied on July 10, 2009. True and correct copies of the Governmental Claim Form filed by Karagiosian and COB's denial of claim are attached, collectively marked as Exhibit "F," and are incorporated herein by this reference as though fully set forth at length.

D. <u>Plaintiff Elfego Rodriguez ("Officer E. Rodriguez)</u>

60. Officer E. Rodriguez was hired by Defendants Burbank PD and COB as a police officer in or about June, 2004. Plaintiff always performed his duties as a police officer in a professional and competent manner. In or about January, 2007, as a result of his hard work and accomplishments at the department, Plaintiff was promoted to the position of FTO. Plaintiff always performed his duties as an FTO in a professional and competent manner. In or about October, 2008, in recognition of his hard work, Officer E. Rodriguez was assigned to the SED, supposedly for a 3 year term. At all times during his tenure at the SED, Officer E. Rodriguez performed his duties in a professional and competent manner. In fact, during his tenure at the Burbank PD, Plaintiff E. Rodriguez has received numerous commendations and awards for his good performance, and has received the highest ranking possible ranking ("O" for "Outstanding") on each and every

performance evaluation he received over the past several years.

61. As an SED member, Plaintiff E. Rodriguez was subjected to the same conduct that Officer Karagiosian suffered, as more fully described above. Specifically, by way of example and not by way of limitation, Plaintiff was among the group led by an inexperienced BPOA board member, and about which numerous untrue comments were made by disgruntled officers such as the SED is "dirty," "heavy handed," and "plants dope," among other things. Plaintiff believes that he is a target of the disgruntled officers because he is of Guatemalan descent and, as more fully explained below, in retaliation for complaining of and opposing harassment and discrimination in the Burbank PD, among other things.

62. During Plaintiff E. Rodriguez's tenure at the Burbank PD, he was regularly subjected to severe and pervasive, race-based or other wrongful harassment, discrimination and retaliation. Plaintiff reported each of the incidents to his supervisors, but he is informed that no corrective action was taken against any of the wrongdoers. At the Burbank PD, there are approximately 165 sworn police officers (including brass), only approximately 25 of whom are Hispanic. Many of the Hispanic officers including, without limitation, Plaintiff E. Rodriguez, had Hispanic surnames, but were second or third generation Americans who, in large part, had been Anglicized and did not speak Spanish.

63. Specifically, by way of example, Defendant Frank has taunted Plaintiff E. Rodriguez on numerous occasions by saying that Plaintiff "looks like the bad guys we chase." Officer E. Rodriguez complained to Defendants Burbank PD and COB, but believes that no corrective action was ever taken against the wrongdoers. Within two months of making the first of these complaints, Officer E. Rodriguez tested for and scored highest on the aptitude test for the SWAT team. However, and in retaliation for his complaints of discrimination and harassment, Plaintiff was not promoted to the SWAT team.

64. Just like officer Karagiosian, Plaintiff E. Rodriguez also observed numerous incidents of race based, gender based, or other wrongful discrimination, harassment and retaliation at the Burbank PD. Plaintiff reported each of the incidents to his supervisors, Chief Stehr among them, but Plaintiff is informed that no corrective action was taken against any of the wrongdoers. Specifically,

by way of example, only, and not by way of limitation, Hispanics were commonly referred to by a number of derogatory terms, including, without limitation, "half-breed," "gardeners," "Julios," "taco vendors," "wetbacks," "mojados," and Armenians were commonly called "Towel Heads" and references were made to the "Four C's." Again, no disciplinary action was taken against the offending officers, despite Plaintiff's complaints to his supervisors of the improper conduct.

65. As more fully described above in Subsection "A" (Lt. Rodriguez), Plaintiff is informed that Chief Stehr has been forced to "repay" a debt to the BPOA for supporting him and assisting him in obtaining the promotion to Chief of Police in a number of ways including, without limitation, (a) the appointment of BPOA members to coveted positions within the Burbank PD, regardless of qualifications; and (b) the steadfast refusal to eliminate the pervasive racial bias, gender bias, and other discriminatory or otherwise wrongful conduct within the department, or to discipline the offending employees.

66. On May 4, 2009, Chief Stehr eliminated the SED in its entirety, thereby effectively demoting Plaintiff E. Rodriguez along with Plaintiff Karagiosian. In its place, Chief Stehr created the SPU, which appears to be an identical unit to SED with the same operational goals. Plaintiff was informed that the dissolution of the SED in no way was the result of his performance, however, Plaintiff was not assigned to the SPU, even though his 3 year commitment to SED had not ended. Plaintiff requested that he be allowed to transfer to SPU and finish his 3 year term, but this request was denied. Plaintiff is informed that the SED was dissolved in order to target him and Plaintiff Karagiosian, and to retaliate against them for their staunch opposition to the pervasive harassment, retaliation and other discriminatory conduct as more fully described herein, among other things. Plaintiff's removal from the SED has severely tarnished his reputation, and has irreparably damaged his career advancement prospects.

67. On May 27, 2009, Plaintiff Officer E. Rodriguez filed a Complaint for discrimination, harassment and retaliation, among other things, with the California Department of Fair Employment and Housing ("DFEH") and, on that same date, received a "Notice of Case Closure," and "Right to Sue Notice," true and correct copies of which are attached, collectively marked as Exhibit "G," and are incorporated herein by this reference as though fully set forth at length. Plaintiff E. Rodriguez

has also filed a Governmental Claim Form with the City of Burbank, which was denied on July 10, 2009. True and correct copies of the Governmental Claim Form filed by E.. Rodriguez and COB's denial of claim are attached, collectively marked as Exhibit "H," and are incorporated herein by this reference as though fully set forth at length.

E. Plaintiff Jamal Childs ("Officer Childs")

68. Officer Childs was hired by Defendants Burbank PD and COB as a police officer in or about February, 2004. Plaintiff always performed his duties as a police officer in a professional and competent manner. Of the approximately 165 sworn officers at the Burbank PD, approximately 5 are African-American. Each of these officers has a Caucasian wife or a Caucasian girlfriend, as does Plaintiff Childs. There are currently no African-American officers in the Burbank PD or COB above the rank of "police officer," and Plaintiff is informed that there never has been a Black officer promoted even one rank. Officer Childs has learned that the Burbank PD has an undocumented but very real policy that "white is right," and to be acceptable, African-American candidates must be "white enough."

69. During Plaintiff Childs's tenure at the Burbank PD, he was regularly subjected to severe and pervasive, race-based or other wrongful harassment, discrimination and retaliation. Specifically, by way of example and not by way of limitation, Plaintiff Childs once took a report of criminal activity where a Black suspect was accused of swindling an elderly Hispanic man out of approx $30,000.00. Officer Childs turned in the report to his supervisor who opined, "Is this report serious? Who in their right mind would give a **Black** guy a grand." The word "Black" was emphasized by Plaintiff's supervisor. And Plaintiff's supervisor at the time made it very clear that he had the power to adversely affect Officer Childs's prospects in the department, often making negative statements about Plaintiff's performance in front of his peers, purportedly for "training purposes." Plaintiff Childs is informed and believes, however, that these statements were made for the purpose of demonstrating Plaintiff's powerlessness and susceptibility to unlawful manipulation. The message was received. Plaintiff did not report this incident for fear of reprisals.

70. Officer Childs was also subjected to race-based discriminatory conduct and harassment from Defendant Ryburn, among others. Specifically, upon meeting Plaintiff's wife, one

Officer verbally expressed his disbelief that Plaintiff Childs was married to an attractive "white woman," and then became visibly upset - rolling his eyes and making a overly dramatic facial expression of disgust (like he had eaten something rotten). Thereafter, Plaintiff Childs was followed on numerous occasions, purportedly to "check up" on Plaintiff's performance. Such "check-ups" are highly unusual at the Burbank PD, were not warranted for Plaintiff Childs in any case, and Plaintiff believes that he was followed by a Burbank PD Officer solely because he is Black and is married to an attractive "white woman."

71. Like his fellow Plaintiffs, Officer Childs observed numerous incidents of race based, gender based, or other wrongful discrimination, harassment and retaliation at the Burbank PD. Plaintiff reported each of these incidents to his supervisors, as they did not involve the above-referenced supervisor, but Plaintiff is informed that no corrective action was taken against any of the wrongdoers. Specifically, by way of example, only, and not by way of limitation, Armenians were referred to as "smelly towels," all Hispanics as "Mexicans," regardless of national origin, "once you go Black, you never go back," and other offensive speech. Plaintiff once served a warrant on a famous rapper. When asked why, one Officer interjected that Plaintiff was needed for "translation." This was said in front of at least 2 supervisors, but nothing was ever done to punish the offending officer as he was a friend of Chief Stehr. Plaintiff has also been informed that other racially motivated statements were made about him including, "I remember when we didn't hire people like him." and "Who let the Black guy in?" To the best of Plaintiff's knowledge, no corrective action was ever imposed against the individuals engaging in the discriminatory and other practices.

72. On May 27, 2009, Plaintiff Officer Childs filed a Complaint for discrimination and harassment, among other things, with the California Department of Fair Employment and Housing ("DFEH") and, on that same date, received a "Notice of Case Closure," and "Right to Sue Notice," true and correct copies of which are attached, collectively marked as Exhibit "I," and are incorporated herein by this reference as though fully set forth at length. Plaintiff Childs has also filed a Governmental Claim Form with the City of Burbank, which was denied on July 10, 2009. True and correct copies of the Governmental Claim Form filed by Lt. Rodriguez and COB's denial of claim are attached, collectively marked as Exhibit "J," and are incorporated herein by this

reference as though fully set forth at length.

FIRST CAUSE OF ACTION
(Wrongful Discrimination in Violation Government Code Section 12940, Subsections (a) and (c) Against Defendants City of Burbank, Burbank Police Department, and DOES 1 Through 100, Inclusive)

73. Plaintiffs repeat and re-allege by this reference each and every allegation contained in the General Allegations, paragraphs 1 through 72, and incorporate the same herein as though fully set forth at length.

74. Plaintiffs Lt. Rodriguez, Officer Guillen, Officer Karagiosian, Officer E. Rodriguez and Officer Childs, and each of them, were employed by Defendants COB, Burbank PD and DOES 1 through 100, and each of them (hereinafter sometimes collectively referred to as the "Burbank PD Defendants"), during the times and in the positions which are described with more particularity, above. At all times herein mentioned, each Plaintiff was performing competently in his or her respective positions within the Burbank PD.

75. While working for the Burbank PD Defendants, and each of them, as more fully described above in the General Allegations, Plaintiffs were subjected to discrimination and discriminatory policies, practices and procedures based upon race, ancestry, national origin, sex/gender, marital status, and pregnancy, among other things. The discriminatory practices included, by way of example and not by way of limitation:

a. The consistent and pervasive use of racial epithets and other racially inflammatory or otherwise inappropriate language, such as "nigger," "Paco," "Armos," "Lezbo," and "wetback," as more fully described above;

b. Scrutinizing Plaintiffs' work more carefully than Caucasian officers, for no reason other than race, ancestry, national origin, sex/gender, marital status, and pregnancy, among other things;

c. Requiring all minority employees, including Plaintiffs, to be just "white enough" to satisfy Defendants' bigotry. This included, as more fully described above, and without limitation, a policy, practice and/or procedure that resulted in the hiring of Black officers only if they had White wives or girlfriends, and the hiring of only

anglicized Hispanic officers, approximately half of whom do not even speak Spanish;

d. Causing false charges to be filed against certain Plaintiffs, including initiating personal complaints, or claims of misconduct against them; among other things as more fully described above;

e. Failing to properly investigate claims of harassment, discrimination and retaliation, and the additional failure to appropriately impose discipline on the offending employees;

f. Refusing to promote each Plaintiff in accordance with each Plaintiff's demonstrated abilities as more fully described above. Instead, the Burbank PD Defendants had a policy, practice and/or procedure which made it more difficult, if not impossible, for minorities, women and gays, among others, to obtain promotions, regardless of their competence. This includes, without limitation, the Burbank PD Defendants' failure to promote a single African-American police officer above the rank of "officer" in the entire history of the Burbank PD; and

g. Attempting to terminate, demote, or otherwise discipline Plaintiffs, among other things, as more fully described above.

76. These discriminatory practices, as well as those described in the General Allegations, above, created a hostile work environment in which minorities, females, gays and the disabled, among others, were subjected to disadvantageous terms, conditions, and/or privileges of employment, based not on the content of their character, but on the color of their skin, their ancestry, their gender and/or sexual orientation, among other things. This hostile working environment adversely affected each and every officer in the Burbank PD, regardless of color, race or gender, and has caused a rift in the Burbank PD between those officers who treat minorities and women the same as Caucasian males, and those who wish to discriminate and cultivate favoritism.

77. Government Code section 12940(a) embodies fundamental, substantial, and well-established public policies of the State of California. By engaging in the discriminatory activities and by maintaining the discriminatory policies, practices and procedures more fully described above, the Burbank PD Defendants violated Government Code section 12940(a), and the fundamental,

substantial, and well-established public policies embodied therein, such that an injunction should properly issue to enjoin further misconduct on the part of the Burbank PD Defendants, in the manner set forth below.

78. Government Code section 12940(c) embodies fundamental, substantial, and well-established public policies of the State of California. By engaging in the discriminatory activities and by maintaining the discriminatory policies, practices and procedures more fully described above, the Burbank PD Defendants violated Government Code section 12940(c), and the fundamental, substantial, and well-established public policies embodied therein, such that an injunction should properly issue to enjoin further misconduct on the part of the Burbank PD Defendants, in the manner set forth below.

79. Plaintiffs are informed and believe and based thereon allege that in addition to the practices enumerated above, Defendants, and each of them, have engaged in other practices in violation of the Fair Employment and Housing Act, including Government Code section 12940, which are not yet fully known. At such time as said practices become known, Plaintiffs will seek leave of Court to amend this Complaint in that regard.

80. The Burbank PD Defendants' wrongful conduct as described above, unless and until enjoined and restrained by order of this Court, will cause great and irreparable injury to each of the Plaintiffs. Specifically, Plaintiff's are all reliant upon each individual Defendant for their physical safety while on the job, and likewise upon the greater policies, practices and procedures of the Burbank PD. Unless Defendants are restrained from continuing their practice of discrimination and retaliation, each Plaintiff's career and reputation will likely be damaged or destroyed, and Plaintiffs may be placed in an untenable situation where he or she must rely upon the actions of a named Defendant herein to avoid life-threatening injury. Therefore, Plaintiffs have no adequate remedy at law for the injuries currently being suffered and threatened to be suffered, such that an injunction should properly issue to enjoin further misconduct on the part of the Burbank PD Defendants.

81. As a direct and proximate result of Defendants and each of their willful, knowing, and discriminatory acts, omissions, policies, practices and procedures, and failure to take all reasonable steps necessary to prevent discrimination as herein described, Plaintiffs have suffered and will

continue to suffer pain, extreme and severe mental anguish and emotional distress. Plaintiffs have incurred and will continue to incur medical expenses for treatment by health professionals, as well as for other incidental expenses. Plaintiffs have suffered and will continue to suffer loss of earnings and other employment benefits and job opportunities. Plaintiffs are thereby entitled to general and compensatory damages in amounts according to proof.

82. As a further direct and proximate result of Defendants, and each of their violations of Government Code section 12940, subsections (a) and (c), as more fully described above, Plaintiffs have been compelled to retain the services of counsel in an effort to enforce the terms and conditions of the employment relationship with Defendants, and has thereby incurred, and will continue to incur, legal fees and costs, the full nature and extent of which are presently unknown to Plaintiffs, who therefore will seek leave of Court to amend this Complaint in that regard when the same shall be fully and finally ascertained. Plaintiffs request that attorneys' fees and expert witness fees be awarded pursuant to Government Code section 12965.

SECOND CAUSE OF ACTION

(Wrongful Harassment in Violation of Government Code Section 12940, Subsections (a), (d) and (j) Against Defendants City of Burbank, Burbank Police Department, and DOES 1 Through 100, Inclusive)

83. Plaintiffs repeat and re-allege by this reference each and every allegation contained in the General Allegations, paragraphs 1 through 72, and incorporate the same herein as though fully set forth at length.

84. Plaintiffs Lt. Rodriguez, Officer Guillen, Officer Karagiosian, Officer E. Rodriguez and Officer Childs, and each of them, were employed by the Burbank PD Defendants, during the times and in the positions which are described with more particularity, above. At all times herein mentioned, each Plaintiff was performing competently in his or her respective positions within the Burbank PD.

85. While working for the Burbank PD Defendants, and each of them, as more fully described above in the General Allegations, Plaintiffs were subjected to unlawful harassment based upon race, ancestry, national origin, sex/gender, marital status, and pregnancy, among other things. The harassing conduct was committed by various Burbank Police Officers, Supervisors, and Does 1

though 100, inclusive (hereinafter, sometimes referred to as the "Police Officer Defendants"), among others, and was ratified, approved or otherwise adopted by the Burbank PD Defendants.

86. The harassment included, by way of example and not by way of limitation, the continuous and pervasive use of racial epithets and other racially inflammatory or otherwise inappropriate language, such as "nigger," "Paco," "Armos," "Lezbo," and "wetback," as more fully described above, as well as the disparate treatment, close scrutiny of Minorities, and failure to impose appropriate discipline against offending employees, among other things, as more fully described above in the General Allegations.

87. This harassment, as well as that described in the General Allegations, above, created a hostile work environment in which minorities, females, gays and the disabled, among others, were subjected to verbal and other harassment based on the color of their skin, their ancestry, their gender and/or sexual orientation, among other things. This hostile working environment adversely affected each and every officer in the Burbank PD, regardless of color, race or gender, and has caused a rift in the Burbank PD between those officers who treat minorities and women the same as Caucasian males, and those who wish to discriminate and cultivate favoritism.

88. Government Code section 12940(a) embodies fundamental, substantial, and well-established public policies of the State of California. By engaging in the harassing conduct hereinabove described, and by maintaining policies, practices and procedures which promote and do not punish harassment, as more fully described above, the Burbank PD Defendants violated Government Code section 12940(a), and the fundamental, substantial, and well-established public policies embodied therein, such that an injunction should properly issue to enjoin further misconduct on the part of the Burbank PD Defendants, in the manner set forth below.

89. Government Code section 12940(d) embodies fundamental, substantial, and well-established public policies of the State of California. By causing and allowing racially motivated and inflammatory speech to be published on the "white board" as more fully described above, the Police Officer Defendants and the Burbank PD Defendants violated Government Code section 12940(d), and the fundamental, substantial, and well-established public policies embodied therein, such that an injunction should properly issue to enjoin further misconduct on the part of the Burbank PD

Defendants, in the manner set forth below.

90. Government Code section 12940(j) embodies fundamental, substantial, and well-established public policies of the State of California. By engaging in the harassing conduct hereinabove described, and by maintaining policies, practices and procedures which promote and do not punish harassment, as more fully described above, the Burbank PD Defendants violated Government Code section 12940(j), and the fundamental, substantial, and well-established public policies embodied therein, such that an injunction should properly issue to enjoin further misconduct on the part of the Burbank PD Defendants, in the manner set forth below.

91. Plaintiff are informed and believe that, at all times mentioned herein, the Burbank PD Defendants and the Police Officer Defendants knowingly and willingly conspired and agreed among themselves to cause Plaintiffs to be harassed and subjected to harassment, among other things, and to deprive Plaintiffs of the benefits and privileges of their employment as described hereinabove. In so doing, Defendants, and each of them, violated the fundamental, substantial, and well-established public policies embodied in Government Code section 12940(i), by aiding, abetting, inciting, compelling or coercing the doing of any of the acts forbidden under Government Code section 12940, subsection (a), or by attempting to do so.

92. Plaintiffs are informed and believe and based thereon allege that in addition to the practices enumerated above, Defendants, and each of them, have engaged in other practices in violation of the Fair Employment and Housing Act, including Government Code section 12940, which are not yet fully known. At such time as said practices become known, Plaintiffs will seek leave of Court to amend this Complaint in that regard.

93. As a direct and proximate result of Defendants and each of their willful, knowing, and harassing acts and omissions, policies, practices and procedures, and failure to take all reasonable steps necessary to prevent harassment as herein described, Plaintiffs have suffered and will continue to suffer pain, extreme and severe mental anguish and emotional distress. Plaintiffs have incurred and will continue to incur medical expenses for treatment by health professionals, as well as for other incidental expenses. Plaintiffs have suffered and will continue to suffer loss of earnings and other employment benefits and job opportunities. Plaintiffs are thereby entitled to general and

compensatory damages in amounts according to proof.

94. The Police Officer Defendants' wrongful conduct as described above, unless and until enjoined and restrained by order of this Court, will cause great and irreparable injury to each of the Plaintiffs. Specifically, Plaintiff's are all reliant upon each individual Defendant for their physical safety while on the job, and likewise upon the greater policies, practices and procedures of the Burbank PD. Unless Defendants are restrained from continuing their practice of discrimination, harassment and retaliation, each Plaintiff's career and reputation will likely be damaged or destroyed, and Plaintiffs may be placed in an untenable situation where he or she must rely upon the actions of a named Defendant herein to avoid life-threatening injury. Therefore, Plaintiffs have no adequate remedy at law for the injuries currently being suffered and threatened to be suffered, such that an injunction should properly issue to enjoin further misconduct on the part of the Police Officer Defendants.

95. As a direct and proximate result of Defendants, and each of their violations of Government Code section 12940, subsection (a), as more fully described above, Plaintiffs have been compelled to retain the services of counsel in an effort to enforce the terms and conditions of the employment relationship with Defendants, and has thereby incurred, and will continue to incur, legal fees and costs, the full nature and extent of which are presently unknown to Plaintiffs, who therefore will seek leave of Court to amend this Complaint in that regard when the same shall be fully and finally ascertained. Plaintiffs request that attorneys' fees and expert witness fees be awarded pursuant to Government Code section 12965.

THIRD CAUSE OF ACTION

(Wrongful Retaliation in Violation Government Code Section 12940(h) Against Defendants City of Burbank, Burbank Police Department, and DOES 1 Through 100, Inclusive)

96. Plaintiffs repeat and re-allege by this reference each and every allegation contained in the General Allegations, paragraphs 1 through 72, and incorporate the same herein as though fully set forth at length.

97. Plaintiffs Lt. Rodriguez, Officer Guillen, Officer Karagiosian, Officer E. Rodriguez and Officer Childs, and each of them, were employed by the Burbank PD Defendants during the times and in the positions which are described with more particularity, above. At all times herein

mentioned, each Plaintiff was performing competently in his or her respective positions within the Burbank PD.

98. While working for the Burbank PD Defendants, and each of them, as more fully described above in the General Allegations, the polices and procedures implemented by Burbank PD Defendants created a custom and practice of discrimination and retaliation within the Burbank PD against police officers when they reported discrimination, or other types of misconduct, among other things. The retaliatory practices included, by way of example and not by way of limitation:

a. Scrutinizing Plaintiffs' work more carefully than Caucasian officers;

b. Causing false charges to be filed against certain Plaintiffs, including initiating personal complaints, or claims of misconduct against them, among other things, as more fully described above;

c. Failing to properly investigate claims of harassment, discrimination and retaliation, and the additional failure to appropriately impose discipline on the offending employees, among other things, as more fully described above;

d. Refusing to promote each Plaintiff in accordance with each Plaintiff's demonstrated abilities as more fully described above;

e. Attempting to terminate, demote, or otherwise discipline Plaintiffs, among other things, as more fully described above;

f. Improperly following the officers on their daily routines, and harassing them to force them out of the , among other things, as more fully described above; and

g. Placing officers on administrative leave, removing them from positions of authority, and making difficult and demeaning assignments to seasoned officers only after they have filled complaints of discrimination, harassment or retaliation.

99. These retaliatory practices, as well as those described in the General Allegations, above, created a hostile work environment in which the Burbank PD Defendants retaliate against police officers when they reported discrimination, or other types of misconduct, among other things. This hostile working environment adversely affected each and every officer in the Burbank PD, regardless of color, race or gender, and has caused a rift in the Burbank PD between those officers

who treat minorities and women the same as Caucasian males, and those who wish to retaliate and cultivate favoritism.

100. Government Code section 12940(h) embodies fundamental, substantial, and well-established public policies of the State of California. By retaliating against police officers when they reported discrimination, harassment or other types of misconduct, as more fully described above, the Burbank PD Defendants violated Government Code section 12940(h), and the fundamental, substantial, and well-established public policies embodied therein, such that an injunction should properly issue to enjoin further misconduct on the part of the Burbank PD Defendants, in the manner set forth below.

101. Plaintiffs are informed and believe and based thereon allege that in addition to the practices enumerated above, Defendants, and each of them, have engaged in other practices in violation of the Fair Employment and Housing Act, including Government Code section 12940, which are not yet fully known. At such time as said practices become known, Plaintiffs will seek leave of Court to amend this Complaint in that regard.

102. The Burbank PD Defendants' wrongful conduct as described above, unless and until enjoined and restrained by order of this Court, will cause great and irreparable injury to each of the Plaintiffs. Specifically, Plaintiff's are all reliant upon each individual Defendant for their physical safety while on the job, and likewise upon the greater policies, practices and procedures of the Burbank PD. Unless Defendants are restrained from continuing their practice of retaliation, each Plaintiff's career and reputation will likely be damaged or destroyed, and Plaintiffs may be placed in an untenable situation where he or she must rely upon the actions of a named Defendant herein to avoid life-threatening injury. Therefore, Plaintiffs have no adequate remedy at law for the injuries currently being suffered and threatened to be suffered, such that an injunction should properly issue to enjoin further misconduct on the part of the Burbank PD Defendants.

103. As a direct and proximate result of Defendants and each of their willful, knowing, and retaliatory acts, omissions, policies, practices and procedures, and failure to take all reasonable steps necessary to prevent retaliation as herein described, Plaintiffs have suffered and will continue to suffer pain, extreme and severe mental anguish and emotional distress. Plaintiffs have incurred and

will continue to incur medical expenses for treatment by health professionals, as well as for other incidental expenses. Plaintiffs have suffered and will continue to suffer loss of earnings and other employment benefits and job opportunities. Plaintiffs are thereby entitled to general and compensatory damages in amounts according to proof.

104. As a direct and proximate result of Defendants, and each of their violations of Government Code section 12940, subsection (h), as more fully described above, Plaintiffs have been compelled to retain the services of counsel in an effort to enforce the terms and conditions of the employment relationship with Defendants, and has thereby incurred, and will continue to incur, legal fees and costs, the full nature and extent of which are presently unknown to Plaintiffs, who therefore will seek leave of Court to amend this Complaint in that regard when the same shall be fully and finally ascertained. Plaintiffs request that attorneys' fees and expert witness fees be awarded pursuant to Government Code section 12965.

FOURTH CAUSE OF ACTION

(Wrongful Failure to Accommodate and Engage in the Required Interactive Process in Violation of Government Code Sections 12945 and 12940, subsections (m) and (n), By Plaintiff Cindy Guillan-Gomez Against Defendants City of Burbank, Burbank Police Department, and DOES 1 Through 100, Inclusive)

105. Plaintiffs repeat and re-allege by this reference each and every allegation contained in the General Allegations, paragraphs 1 through 9, and 31 through 45, above, and incorporates the same herein as though fully set forth at length.

106. Plaintiff Officer Guillen was employed by the Burbank PD Defendants during the time and in the position which are described with more particularity, above. At all times herein mentioned, Plaintiff was performing competently in her positions within the Burbank PD.

107. While working for the Burbank PD Defendants, and each of them, as more fully described above in the General Allegations, the Burbank PD Defendants failed to accommodate Plaintiff Guillen for her pregnancy and pregnancy related disability, among other things, and further failed to engage in any interactive process to determine effective, reasonable accommodations for her pregnancy and her pregnancy-related disability. Specifically, by way of example and not by way of limitation, the Burbank PD Defendants changed their policies, practices and procedures concerning maternity leave and pregnancy-related disability within approximately 3 weeks of learning of

Plaintiff's pregnancy, which policies, etc., were detrimental to Plaintiff Guillen. Further, among other things, and as more fully described above, the Burbank PD Defendants failed to engage in any interactive process upon learning of Plaintiff's pregnancy-related disability, and have continued to refuse to provide Plaintiff with the tools necessary to perform her duties including, without limitation, authorization for and training on the new MDT system as described above.

108. Government Code section 12945 embodies fundamental, substantial, and well-established public policies of the State of California. By failing to provide a reasonable accommodation for Plaintiff's pregnancy and pregnancy-related disability, among other things, and as more fully described above, the Burbank PD Defendants violated Government Code section 12945, and the fundamental, substantial, and well-established public policies embodied therein, such that an injunction should properly issue to enjoin further misconduct on the part of the Burbank PD Defendants, in the manner set forth below.

109. Government Code section 12940(m) embodies fundamental, substantial, and well-established public policies of the State of California. By failing to accommodate Plaintiff's pregnancy and pregnancy-related disability, as more fully described above, the Burbank PD Defendants violated Government Code section 12940(m), and the fundamental, substantial, and well-established public policies embodied therein, such that an injunction should properly issue to enjoin further misconduct on the part of the Burbank PD Defendants, in the manner set forth below.

110. Government Code section 12940(n) embodies fundamental, substantial, and well-established public policies of the State of California. By failing to engage in a good faith interactive process upon learning of Plaintiff's pregnancy and pregnancy-related disability, as more fully described above, the Burbank PD Defendants violated Government Code section 12940(n), and the fundamental, substantial, and well-established public policies embodied therein, such that an injunction should properly issue to enjoin further misconduct on the part of the Burbank PD Defendants, in the manner set forth below.

111. Plaintiffs are informed and believe and based thereon allege that in addition to the practices enumerated above, Defendants, and each of them, have engaged in other practices in violation of the Fair Employment and Housing Act, including Government Code section 12940,

which are not yet fully known. At such time as said practices become known, Plaintiffs will seek leave of Court to amend this Complaint in that regard.

112. As a direct and proximate result of Defendants and each of their failure to accommodate, and failure to engage in the interactive process, as herein described, Plaintiff has suffered and will continue to suffer pain, extreme and severe mental anguish and emotional distress. Plaintiff has incurred and will continue to incur medical expenses for treatment by health professionals, as well as for other incidental expenses. Plaintiff has suffered and will continue to suffer loss of earnings and other employment benefits and job opportunities. Plaintiff is thereby entitled to general and compensatory damages in amounts according to proof.

113. As a direct and proximate result of Defendants, and each of their violations of Government Code sections 12945 and 12940, subsections (m) and (n), as more fully described above, Plaintiff has been compelled to retain the services of counsel in an effort to enforce the terms and conditions of the employment relationship with Defendants, and has thereby incurred, and will continue to incur, legal fees and costs, the full nature and extent of which are presently unknown to Plaintiff, who therefore will seek leave of Court to amend this Complaint in that regard when the same shall be fully and finally ascertained. Plaintiffs request that attorneys' fees and expert witness fees be awarded pursuant to Government Code section 12965.

FIFTH CAUSE OF ACTION

(Wrongful Failure to Take Reasonable Steps to Prevent Harassment, Discrimination and Retaliation in Violation Government Code Section 12940, Subsections (j)(1) and (k), Against Defendants City of Burbank, Burbank Police Department, and DOES 1 Through 100, Inclusive)

114. Plaintiffs repeat and re-allege by this reference each and every allegation contained in the General Allegations, paragraphs 1 through 72, and incorporate the same herein as though fully set forth at length.

115. While Plaintiffs were working for the Burbank PD Defendants, and each of them, as more fully described above in the General Allegations, the Burbank PD Defendants, and each of them, failed to take reasonable steps to prevent harassment, discrimination and retaliation from occurring. Specifically, the Burbank PD Defendants failed to appropriately train its employees in the methods by which harassment, discrimination and retaliation may be prevented. Further, Defendants

failed to properly investigate claims of harassment, discrimination and retaliation within the department, and thereafter failed to appropriately discipline its employees who were known to have committed acts of wrongful harassment, discrimination and/or retaliation, among other things, as more fully described above.

116. Government Code section 12940(j)(1) embodies fundamental, substantial, and well-established public policies of the State of California. By failing to take reasonable steps to prevent harassment from occurring, and further by failing to take "immediate and appropriate corrective action," the Burbank PD Defendants violated Government Code section 12940(j)(1), and the fundamental, substantial, and well-established public policies embodied therein, such that an injunction should properly issue to enjoin further misconduct on the part of the Burbank PD Defendants, in the manner set forth below.

117. Government Code section 12940(k) embodies fundamental, substantial, and well-established public policies of the State of California. By failing to take reasonable steps to prevent harassment and discrimination from occurring, the Burbank PD Defendants violated Government Code section 12940(k), and the fundamental, substantial, and well-established public policies embodied therein, such that an injunction should properly issue to enjoin further misconduct on the part of the Burbank PD Defendants, in the manner set forth below.

118. Plaintiffs are informed and believe and based thereon allege that in addition to the practices enumerated above, Defendants, and each of them, have engaged in other practices in violation of the Fair Employment and Housing Act, including Government Code section 12940, which are not yet fully known. At such time as said practices become known, Plaintiffs will seek leave of Court to amend this Complaint in that regard.

119. The Burbank PD Defendants' wrongful conduct as described above, unless and until enjoined and restrained by order of this Court, will cause great and irreparable injury to each of the Plaintiffs. Specifically, Plaintiff's are all reliant upon each individual Defendant for their physical safety while on the job, and likewise upon the greater policies, practices and procedures of the Burbank PD. Unless Defendants are restrained from continuing their practice of discrimination and retaliation, each Plaintiff's career and reputation will likely be damaged or destroyed, and Plaintiffs

may be placed in an untenable situation where he or she must rely upon the actions of a named Defendant herein to avoid life-threatening injury. Therefore, Plaintiffs have no adequate remedy at law for the injuries currently being suffered and threatened to be suffered, such that an injunction should properly issue to enjoin further misconduct on the part of the Burbank PD Defendants.

120. As a direct and proximate result of Defendants and each of their willful, knowing, and discriminatory acts, omissions, policies, practices and procedures, and failure to take all reasonable steps necessary to prevent discrimination as herein described, Plaintiffs have suffered and will continue to suffer pain, extreme and severe mental anguish and emotional distress. Plaintiffs have incurred and will continue to incur medical expenses for treatment by health professionals, as well as for other incidental expenses. Plaintiffs have suffered and will continue to suffer loss of earnings and other employment benefits and job opportunities. Plaintiffs are thereby entitled to general and compensatory damages in amounts according to proof.

121. As a direct and proximate result of Defendants, and each of their violations of Government Code section 12940(k), as more fully described above, Plaintiffs have been compelled to retain the services of counsel in an effort to enforce the terms and conditions of the employment relationship with Defendants, and has thereby incurred, and will continue to incur, legal fees and costs, the full nature and extent of which are presently unknown to Plaintiffs, who therefore will seek leave of Court to amend this Complaint in that regard when the same shall be fully and finally ascertained. Plaintiffs request that attorneys' fees and expert witness fees be awarded pursuant to Government Code section 12965.

SIXTH CAUSE OF ACTION

(Wrongful Violations of the Public Safety Officers Procedural Bill of Rights in violation of public policy and Government Code Sections 3300, Et Seq., Against Defendants City of Burbank, Burbank Police Department and DOES 1 Through 100, Inclusive)

122. Plaintiffs repeat and re-allege by this reference each and every allegation contained in the General Allegations, paragraphs 1 through 72, and incorporate the same herein as though fully set forth at length.

123. Plaintiffs Lt. Rodriguez, Officer Guillen, Officer Karagiosian, Officer E. Rodriguez and Officer Childs, and each of them, were employed by the Burbank PD Defendants as sworn

police officers of various ranks described with more particularity, above. At all times herein mentioned, each Plaintiff was performing competently in his or her respective positions within the Burbank PD.

124. Plaintiffs have all been subjected to harassment, discrimination and retaliation while working for the Burbank PD Defendants, as more fully described above in the General Allegations. Plaintiffs further have protested this wrongful conduct, as well as the Burbank PD Defendants' failure to properly discipline the offending officers, by filing complaints and grievances, both verbal and written. In retaliation for filing such complaints and grievances, the Burbank PD Defendants, and each of them, have retaliated against Plaintiffs, and each of them, by way of example and not by way of limitation, as follows:

a. Scrutinizing Plaintiffs' work more carefully than Caucasian employees;

b. Causing false charges to be filed against certain Plaintiffs, including initiating personal complaints, or claims of misconduct against them, among other things as more fully described above;

c. Failing to properly investigate claims of harassment, discrimination and retaliation, and the additional failure to appropriately impose discipline on the offending employees, among other things, as more fully described above;

d. Refusing to promote each Plaintiff in accordance with each Plaintiff's demonstrated abilities as more fully described above;

e. Attempting to terminate, demote, or otherwise discipline Plaintiffs, among other things, as more fully described above;

f. Improperly following the officers on their daily routines, and harassing them to force them out of the department;

g. Placing officers on administrative leave, removing them from positions of authority, and making difficult and demeaning assignments to seasoned officers only after they have filled complaints of discrimination, harassment or retaliation, among other things, as more fully described above; and

h. Failing to follow standard investigatory procedures into complaints of

misconduct and/or poor performance lodged against individual Plaintiffs herein, by failing to complete the investigation with one (1) year, among other things.

125. Government Code section 3300 embodies fundamental, substantial, and well-established public policies of the State of California. "The Legislature further finds and declares that effective law enforcement depends upon the maintenance of stable employer-employee relations, between public safety employees and their employers. In order to assure that stable relations are continued throughout the state and to further assure that effective services are provided to all people of the state, it is necessary that this chapter be applicable to all public safety officers, as defined in this section, wherever situated within the State of California." Id.

126. Government Code sections 3304 also embodies fundamental, substantial, and well-established public policies of the State of California. By engaging in the conduct as more fully described above, and by failing to conduct proper investigations, among other things, the Burbank PD Defendants violated Government Code section 3304, and the fundamental, substantial, and well-established public policies embodied therein.

127. Government Code sections 3309 also embodies fundamental, substantial, and well-established public policies of the State of California. By searching Lt. Rodriguez's storage spaces when he was improperly placed on administrative leave, as more fully described above, the Burbank PD Defendants violated Government Code section 3309, and the fundamental, substantial, and well-established public policies embodied therein.

128. Government Code sections 3309.5 also embodies fundamental, substantial, and well-established public policies of the State of California. "In any case where the superior court finds that a public safety department has violated any of the provisions of this chapter, the court shall render appropriate injunctive or other extraordinary relief to remedy the violation and to prevent future violations of a like or similar nature, including, but not limited to, the granting of a temporary restraining order, preliminary injunction, or permanent injunction prohibiting the public safety department from taking any punitive action against the public safety officer." Id. Therefore, injunctive relief as requested in this Complaint is expressly permitted under the Public Safety Officer's Procedural Bill of Rights, such that an injunction should properly issue to enjoin further

misconduct on the part of the Burbank PD Defendants, in the manner set forth below.

129. Plaintiffs are informed and believe and based thereon allege that in addition to the practices enumerated above, Defendants, and each of them, have engaged in other practices in violation of the Public Safety Officer's Procedural Bill of Rights, which are not yet fully known. At such time as said practices become known, Plaintiffs will seek leave of Court to amend this Complaint in that regard.

130. The Burbank PD Defendants' wrongful conduct as described above, unless and until enjoined and restrained by order of this Court, will cause great and irreparable injury to each of the Plaintiffs. Specifically, Plaintiff's are all reliant upon each individual Defendant for their physical safety while on the job, and likewise upon the greater policies, practices and procedures of the Burbank PD. Unless Defendants are restrained from continuing their practice of retaliation, each Plaintiff's career and reputation will likely be damaged or destroyed, and Plaintiffs may be placed in an untenable situation where he or she must rely upon the actions of a named Defendant herein to avoid life-threatening injury. Therefore, Plaintiffs have no adequate remedy at law for the injuries currently being suffered and threatened to be suffered, such that an injunction should properly issue to enjoin further misconduct on the part of the Burbank PD Defendants.

131. Government Code sections 3309.5(e) provides, in pertinent part, that "In addition to the extraordinary relief afforded by this chapter, upon a finding by a superior court that a public safety department, its employees, agents, or assigns, with respect to acts taken within the scope of employment, maliciously violated any provision of this chapter with the intent to injure the public safety officer, the public safety department shall, for each and every violation, be liable for a civil penalty not to exceed twenty-five thousand dollars ($25,000) to be awarded to the public safety officer whose right or protection was denied and for reasonable attorney's fees as may be determined by the court."

132. Plaintiffs are informed and believe and based thereon allege that the outrageous conduct of the Burbank PD Defendants, and each of them, as more fully described above, was done with malice and with a conscious disregard for Plaintiffs' rights, and with the intent, design and purpose of injuring the Plaintiffs. Plaintiff is further informed and believes that the Burbank PD

Defendants, and each of them, through their officers, managing agents and/or supervisors, authorized, condoned, ratified or otherwise adopted the unlawful malicious conduct of the Police officer Defendants. By reason thereof, and as set forth in Government Code sections 3309.5(e), Plaintiffs are each entitled to receive "a civil penalty" in the amount of $25,000.00 for each malicious violation of the Public Safety Officer's Procedural Bill of Rights, as hereinabove described, in a total amount according to proof at trial.

133. As a direct and proximate result of Defendants and each of their willful violation of the Public Safety Officer's Procedural Bill of Rights as herein described, Plaintiffs have suffered and will continue to suffer pain, extreme and severe mental anguish and emotional distress. Plaintiffs have incurred and will continue to incur medical expenses for treatment by health professionals, as well as for other incidental expenses. Plaintiffs have suffered and will continue to suffer loss of earnings and other employment benefits and job opportunities. Plaintiffs are thereby entitled to general and compensatory damages in amounts according to proof.

134. As a direct and proximate result of Defendants, and each of their violations of the Public Safety Officer's Procedural Bill of Rights, as more fully described above, Plaintiffs have been compelled to retain the services of counsel in an effort to enforce the terms and conditions of the employment relationship with Defendants, and has thereby incurred, and will continue to incur, legal fees and costs, the full nature and extent of which are presently unknown to Plaintiffs, who therefore will seek leave of Court to amend this Complaint in that regard when the same shall be fully and finally ascertained. Plaintiffs request that attorneys' fees and expert witness fees be awarded pursuant to Government Code section 3309.5(e).

SEVENTH CAUSE OF ACTION
(Injunctive Relief Against Defendants City of Burbank, Burbank Police Department, and DOES 1 Through 100, Inclusive)

135. Plaintiffs repeat and re-allege by this reference each and every allegation contained in the General Allegations, paragraphs 1 through 72, and incorporate the same herein as though fully set forth at length.

136. During Plaintiffs' employment with the Burbank PD Defendants, as more fully described above, Plaintiffs were subjected to severe and pervasive harassment and discrimination

based on race, gender/sex, national origin, color, disability and pregnancy, to name a few, at the hands of the Police Officer Defendants, among others. Plaintiffs were also subjected to retaliation as set forth above, and the Burbank PD Defendants created a custom and practice of discrimination and retaliation within the Burbank PD against police officers when they reported discrimination, or other types of misconduct, among other things. The retaliatory practices included, by way of example and not by way of limitation:

a. Scrutinizing Plaintiffs' work more carefully than Caucasian officers;

b. Causing false charges to be filed against certain Plaintiffs, including initiating personal complaints, or claims of misconduct against them; among other things as more fully described above;

c. Failing to properly investigate claims of harassment, discrimination and retaliation, and the additional failure to appropriately impose discipline on the offending employees;

d. Refusing to promote each Plaintiff in accordance with each Plaintiff's demonstrated abilities as more fully described above;

e. Attempting to terminate, demote, or otherwise discipline Plaintiffs, among other things, as more fully described above;

f. Improperly following the officers on their daily routines, and harassing them to force them out of the department; and

g. Placing officers on administrative leave, removing them from positions of authority, and making difficult and demeaning assignments to seasoned officers only after they have filled complaints of discrimination, harassment or retaliation.

137. These retaliatory practices, as well as those described in the General Allegations, above, created a hostile work environment in which the Burbank PD Defendants retaliate against police officers when they reported discrimination, or other types of misconduct, among other things. This hostile working environment adversely affected each and every officer in the Burbank PD, regardless of color, race or gender, and has caused a rift in the Burbank PD between those officers who treat minorities and women the same as Caucasian males, and those who wish to retaliate and

cultivate favoritism.

138. The Burbank PD Defendants' wrongful conduct as described above, unless and until enjoined and restrained by order of this Court, will cause great and irreparable injury to each of the Plaintiffs. Specifically, Plaintiff's are all reliant upon each individual Defendant for their physical safety while on the job, and likewise upon the greater policies, practices and procedures of the Burbank PD. Unless Defendants are restrained from continuing their practice of retaliation, each Plaintiff's career and reputation will likely be damaged or destroyed, and Plaintiffs may be placed in an untenable situation where he or she must rely upon the actions of a named Defendant herein to avoid life-threatening injury.

139. Therefore, Plaintiffs have no adequate remedy at law for the injuries currently being suffered and threatened to be suffered, such that an injunction should properly issue to enjoin further misconduct on the part of the Burbank PD Defendants. In accordance therewith, and as set forth under the relevant provisions of the California Fair Employment and Housing Act, Public Safety Officer's Procedural Bill of Rights, Unfair Business Practices Laws, and public policy, as more fully described above, Plaintiffs, and each of them, respectfully request the following:

a. For an order requiring the Burbank PD Defendants and the Police Officer Defendants, and each of them, to show cause, if any they have, why they should not be enjoined as hereinafter set forth, during the pendency of this action; and

b. For a temporary restraining order, preliminary injunction and a permanent injunction enjoining the Burbank PD Defendants and the Police Officer Defendants, and each of them, and their agents, servants, and employees, and all persons acting under, in concert with, or for them, from:

i. Subjecting Plaintiffs, and each of them, to inappropriate and unwarranted scrutiny during the performance of their duties;

ii. Causing false charges to be filed, including without limitation, personal complaints, or claims of misconduct, against Plaintiffs, and each of them;

iii. Failing and refusing to properly investigate claims of harassment,

discrimination and retaliation at the Burbank PD

iv. Failing and refusing to appropriately impose discipline on police officers, including without limitation, the Police Officer Defendants, and each of them, who are found to have engaged in conduct which is discriminatory, harassing or retaliatory;

v. Making any employment decisions based on improper considerations including, without limitation, race, color, national origin, gender, sex, orientation, or any other improper basis as set forth in the Fair Employment and Housing Act (Government Code section 12940, et seq.);

vi. Attempting to terminate, demote, discipline or otherwise take any adverse employment action against any Plaintiff without first referring the matter to an impartial tribunal for investigation and review;

vii. Harassing Plaintiffs, and each of them, based on improper considerations including, without limitation, race, color, national origin, gender, sex, orientation, or any other improper basis as set forth in the Fair Employment and Housing Act (Government Code section 12940, et seq.);

viii. Discriminating against Plaintiffs, and each of them, based on improper considerations including, without limitation, race, color, national origin, gender, sex, orientation, or any other improper basis as set forth in the Fair Employment and Housing Act (Government Code section 12940, et seq.);

ix. Retaliating against Plaintiffs, and each of them, when they reported discrimination, harassment or retaliation, or other types of misconduct, or when opposing any practice forbidden by the Fair Employment and Housing Act (Government Code section 12940, et seq.); and

x. Placing Plaintiffs, and each of them, on administrative leave, removing them from positions of authority, and making difficult and demeaning assignments to Plaintiffs.

///

WHEREFORE, Plaintiffs pray that judgment be entered in their favor and against Defendants, and each of them, as follows:

1. For general and special damages according to proof at trial, with interest thereon at the legal rate from the date of the damages,

2. For incidental and coincidental damages according to proof at trial;

3. For a civil penalty not to exceed twenty-five thousand dollars ($25,000) for each violation of the Public Safety Officer's Procedural Bill of Rights, as set forth in Government Code section 3309.5;

4. For an order requiring the Burbank PD Defendants and the Police Officer Defendants, and each of them, to show cause, if any they have, why they should not be enjoined as hereinafter set forth, during the pendency of this action; and

5. For a temporary restraining order, preliminary injunction and a permanent injunction enjoining the Burbank PD Defendants and the Police Officer Defendants, and each of them, and their agents, servants, and employees, and all persons acting under, in concert with, or for them, from:

a. Subjecting Plaintiffs, and each of them, to inappropriate and unwarranted scrutiny during the performance of their duties;

b. Causing false charges to be filed, including without limitation, personal complaints, or claims of misconduct, against Plaintiffs, and each of them;

c. Failing and refusing to properly investigate claims of harassment, discrimination and retaliation at the Burbank PD;

d. Failing and refusing to appropriately impose discipline on police officers, including without limitation, the Police Officer Defendants, and each of them, who are found to have engaged in conduct which is discriminatory, harassing or retaliatory;

e. Making any employment decisions based on improper considerations including, without limitation, race, color, national origin, gender, sex, orientation, or any other improper basis as set forth in the Fair Employment and Housing Act (Government Code section 12940, et seq.);

f. Attempting to terminate, demote, discipline or otherwise take any adverse

employment action against any Plaintiff without first referring the matter to an impartial tribunal for investigation and review;

g. Harassing Plaintiffs, and each of them, based on improper considerations including, without limitation, race, color, national origin, gender, sex, orientation, or any other improper basis as set forth in the Fair Employment and Housing Act (Government Code section 12940, et seq.);

h. Discriminating against Plaintiffs, and each of them, based on improper considerations including, without limitation, race, color, national origin, gender, sex, orientation, or any other improper basis as set forth in the Fair Employment and Housing Act (Government Code section 12940, et seq.);

i. Retaliating against Plaintiffs, and each of them, when they reported discrimination, harassment or retaliation, or other types of misconduct, or when opposing any practice forbidden by the Fair Employment and Housing Act (Government Code section 12940, et seq.);

j. Placing Plaintiffs, and each of them, on administrative leave, removing them from positions of authority, and making difficult and demeaning assignments to Plaintiffs; and

7. For costs of suit and interest incurred, including reasonable attorneys' and expert witness fees; and

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

Dated: July 31, 2009

LAW OFFICES OF RHEUBAN & GRESEN

SOLOMONE GRESEN
Attorneys for Plaintiffs OMAR RODRIGUEZ, STEVE KARAGIOSIAN, CINDY GUILLEN-GOMEZ, ELFEGO RODRIGUEZ AND JAMAL CHILDS

DEMAND FOR JURY TRIAL

Plaintiffs hereby demands their constitutional right to a trial by jury.

Dated: July 31, 2009

LAW OFFICES OF RHEUBAN & GRESEN

SOLOMON E. GRESEN
Attorneys for Plaintiffs OMAR RODRIGUEZ, STEVE KARAGIOSIAN, CINDY GUILLEN-GOMEZ, ELFEGO RODRIGUEZ AND JAMAL CHILDS

EXHIBIT "A"

*** EMPLOYMENT

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E200809R6010-00

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.): RODRIGUEZ, OMAR

TELEPHONE NUMBER (INCLUDE AREA CODE): (310)979-0325

ADDRESS: C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540

CITY/STATE/ZIP: LOS ANGELES, CA 90025

COUNTY: LOS ANGELES

COUNTY CODE: 037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WI DISCRIMINATED AGAINST ME:

NAME: CITY OF BURBANK / BURBANK POLICE DEPARTMENT

TELEPHONE NUMBER (Include Area Code): (818)238-3000

ADDRESS: 200 N. THIRD STREET

DFEH USE ONLY

CITY/STATE/ZIP: BURBANK, CA 91502

COUNTY: LOS ANGELES

COUNTY CODE: 037

NO. OF EMPLOYEES/MEMBERS (if known):

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month,day, and year): 05/27/2009

RESPONDENT CODE: 00

THE PARTICULARS ARE:

I allege that on about or before 05/27/2009, the following conduct occurred:

- ___ termination
- ___ laid off
- X demotion
- ___ harassment
- ___ genetic characteristics testing
- ___ constructive discharge (forced to quit)
- ___ impermissible non-job-related inquiry
- ___ denial of employment
- X denial of promotion
- X denial of transfer
- ___ denial of accommodation
- X failure to prevent discrimination or retaliation
- ___ retaliation
- X other (specify) HArassment, Retaliation, Hostile Work Environment
- ___ denial of family or medical leave
- ___ denial of pregnancy leave
- ___ denieal of equal pay
- ___ denial of right to wear pants
- ___ denial of pregnancy accommodation

by CITY OF BURBANK / BURBANK POLICE DEPARTMENT

Name of Person — Job Title (supervisor/manager/personnel director/etc.)

because of :

- ___ sex
- ___ age
- ___ religion
- X race/color
- X national origin/ancestry
- ___ marital status
- ___ sexual orientation
- ___ association
- ___ disability (physical or mental)
- ___ medical condition (cancer or generic chracteristic
- ___ other (specify)
- X retaliation for engaging in protected activity or requesting a protected leave or accommodation

State of what you believe to be the reason(s) for discrimination

RACE, COLOR, NATIONAL ORIGIN, ANCESTRY, RETALIATION FOR ENGAGING IN PROTECTED ACTIVITY

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visi the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not proce or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 05/27/2009

At Los Angeles

DATE FILED: 05/27/2009

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
1055 West 7th Street, Suite 1400
(213) 439-6770
www.dfeh.ca.gov

May 27, 2009

RE: E200809R6010-00
RODRIGUEZ/CITY OF BURBANK / BURBANK POLICE DEPARTMENT

NOTICE TO COMPLAINANT'S ATTORNEY

Enclosed is a copy of your client's complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also enclosed is a copy of your client's Notice of Case Closure, which constitutes your client's right-to-sue notice. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.

Please refer to the enclosed Notice of Case Closure for information regarding filling a private lawsuit in the State of California.

Sincerely,

Tina Walker

Tina Walker
District Administrator

Enclosure: Complaint of Discrimination
Notice of Case Closure

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
1055 West 7th Street, Suite 1400
(213) 439-6770
www.dfeh.ca.gov

May 27, 2009

RODRIGUEZ, OMAR
C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540
LOS ANGELES, CA 90025

RE: E200809R6010-00
RODRIGUEZ/CITY OF BURBANK / BURBANK POLICE DEPARTMENT

Dear RODRIGUEZ, OMAR:

NOTICE OF CASE CLOSURE

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 27, 2009 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

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

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

Tina Walker

Tina Walker
District Administrator

cc: Case File

MARGARITA CAMPOS
CITY CLERK
CITY OF BURBANK
275 EAST OLIVE AVENUE
BURBANK, CA 91510

EXHIBIT "B"

LAW OFFICES OF
RHEUBAN & GRESEN
1990 SOUTH BUNDY DRIVE
SUITE 540
LOS ANGELES, CALIFORNIA 90025
TELEPHONE: (310) 979-0325
FACSIMILE: (310) 979-0351

STEVEN V. RHEUBAN
SOLOMON E. GRESEN

STEVEN M. GISCHKE
JOSEPH M. LEVY

09 MAY 28 PM 3:45

CITY CLERK
CITY OF BURBANK

May 27, 2009

VIA HAND DELIVERY

Ms. Margarita Campos, City Clerk
Office of the City Clerk
City of Burbank
275 East Olive Avenue
Burbank, California 91510-6459

CITY OF BURBANK / BURBANK POLICE DEPARTMENT CLAIM FOR DAMAGES
California Government Code §§ 910 et Seq.

1. Claimants: The name and post office address of the Claimant is as follows: *California Government Code § 910(a).*

   Omar Rodriguez
   c/o Law Offices of Rheuban & Gresen
   1990 South Bundy Drive, Suite 540
   Los Angeles, California 90025
   Telephone (310) 979-0325
   Facsimile (310) 979-0351

2. Notices: The post office address to which the person presenting the Claim desires notices to be sent is as follows: *(California Government Code § 910(b).)*

   c/o Solomon E. Gresen, Esq.
   Law Offices of Rheuban & Gresen
   1990 South Bundy Drive, Suite 540
   Los Angeles, California 90025
   Telephone (310) 979-0325
   Facsimile (310) 979-0351

3. Description: The date, place and other circumstances of the occurrence or transaction which gave rise to the Claim asserted are as follows: *(California Government Code § 910(c).)*

   Between 1988, and the present, and continuing, the City of Burbank and the Burbank Police Department, and their officers, employees, servants, and agents, without limitation, engaged in illegal and otherwise wrongful conduct including, without limitation, harassment and discrimination based on race, color, and national ancestry, among other things, and

retaliation for opposing unlawful harassment and discrimination. This conduct created a hostile work environment in the City of Burbank and the Burbank Police Department. Further, the City of Burbank and the Burbank Police Department failed to take reasonable steps to prevent harassment, discrimination and retaliation from occurring, and also refused to take prompt remedial action upon learning of specific instances of harassment, discrimination and retaliation, among other things.

4. Damages: A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the Claim is as follows: *(California Government Code § 910(d).)*

Claimant has been damaged in his career, and health, mind and body, and has suffered a loss of earnings, future earnings and earning capacity.

5. Names: The name or names of the public employee or employees causing the injury, damage, or loss. *(California Government Code § 910(e).)*

Claimant is informed and believes that the public employee or employees causing his injury, damage, or loss include, without limitation, Tim Stehr, Kerry Schilf and Jamie Puglisi, among others.

6. Amount: The amount claimed exceeds ten thousand dollars ($10,000.00). Accordingly, no dollar amount shall be included in the Claim. However, it shall indicate whether the claim would be a limited civil case. *(California Government Code § 910(f).)*

The amount claimed exceeds $10,000.00. The total amount due to Claimant is presently unknown, but believed to be in excess of the minimum jurisdictional limits of the Court of Unlimited Jurisdiction.

LAW OFFICES OF RHEUBAN & GRESEN

SOLOMON E. GRESEN
Attorney for Claimant, Omar Rodriguez

SEG/dj

CITY OF BURBANK
OFFICE OF THE CITY ATTORNEY
275 East Olive Avenue • P.O. Box 6459 • Burbank, California 91510-6459
818.238.5700 • 818.238.5724 FAX

DENNIS A. BARLOW
City Attorney

JULI CHRISTINE SCOTT
Chief Assistant City Attorney

VIA US CERTIFIED MAIL

July 10, 2009

Writers Direct Dial
(818)238-5707

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

Re: Claim of Omar Rodriguez

Dear Mr. Gresen and Mr. Rheuban:

Notice is hereby given that the claim which you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred within six months of the date of filing, is being denied. With respect to that portion of your claim that has been denied, the following Warning is given:

WARNING

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

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

Notice is further given that the claim you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred more than six months before the date of filing, is being returned because it was not presented within six months after the event or occurrence as required by law. See Sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on that portion of the claim.

Your only recourse at this time is to apply without delay to the City of Burbank for leave to present a late claim. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

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

Sincerely,

Carol Ann Humiston
Senior Assistant City Attorney

PROOF OF SERVICE
F.R.C.P. 5 / C.C.P. 1013a(3)/ Rules of Court, Rule 2060

I am a resident of, or employed in the County of Los Angeles, State of California. I am over the age of 18 years old and not a party to the within action. My business address is 275 E. Olive Avenue, Burbank, California 91502.

On July 10, 2009, I served the following listed document(s), **Notice of Denial and Return of Government Claim** by method indicated below, on the party in this action:

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

☒ **BY U.S. MAIL** By placing **XX** the original / ☐ a true copy thereof enclosed in a sealed envelope(s), with postage prepaid, addressed as per the attached service list, for collection and mailings at the City of Burbank in Burbank, California following ordinary business practices. I am readily familiar with the firm's practice for collection and processing of the document for mailing. Under that practice, the document is deposited with the United States Postal Service on the same day in the ordinary course of business. I am aware that upon motion of any party served, service is presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after date of deposit for mailing contained in this affidavit.	☐ **BY ELECTONIC SERVICE (via electronic filing service provider)** By electronically transmitting the document(s) listed above to LexisNexis File and Serve, an electronic filing service provider, at www.fileandserve.lexisnexis.com pursuant to the Court's _____ Order mandating electronic service. *See* Cal.R.Ct.R. 2053, 2055, 2060. The transmission was reported as complete and without error.
☐ **BY OVERNIGHT DELIVERY** By delivering the document(s) listed above in a sealed envelope designated by the express service carrier, with delivery fees paid or provided for, addressed as per the above service list, to a facility regularly maintained by the express service carrier or to an authorized courier or driver authorized by the express service carrier to received documents.	☐ **BY ELECTRONIC SERVICE (to individual person)** By electronically transmitting the document(s) listed above to the email address(es) of the person(s) set forth on the attached service list. The transmission was reported as complete and without error. *See* Rules of Court, rule 2060.
☐ **BY PERSONAL SERVICE** ☐By personally delivering the document(s) listed above to the offices at the addressee(s) as shown on the attached service list. ☐By placing the document(s) listed above in a sealed envelope(s) and instructing a registered process server to personally deliver the envelope(s) to the offices at the address(es) set forth on the attached service list. The signed proof of service by the registered process server is attached.	☐ **BY FACSIMILE** By transmitting the document(s) listed above from City of Burbank-City Attorney's Office in Burbank, California to the facsimile machine telephone number(s) set forth on the attached service list. Service by facsimile transmission was made pursuant to agreement of the parties, confirmed in writing.

☒ STATE I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ FEDERAL I declare under penalty of perjury under the laws of the United States that I am employed in the office of a member of the bar of this court at whose direction the service is made.

Executed July 10, 2009, at BURBANK, CALIFORNIA.

Lusine Arutyunyan
Type or Print Name

Signature

EXHIBIT "C"

*** EMPLOYMENT

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E200809S6014-00

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.): GUILLEN-GOMEZ, CINDY

TELEPHONE NUMBER (INCLUDE AREA CODE): (310)979-0325

ADDRESS: C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540

CITY/STATE/ZIP: LOS ANGELES, CA 90025

COUNTY: LOS ANGELES

COUNTY CODE: 037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY W DISCRIMINATED AGAINST ME:

NAME: CITY OF BURBANK / BURBANK POLICE DEPARTMENT

TELEPHONE NUMBER (Include Area Code): (818)238-3000

ADDRESS: 200 N. THIRD STREET

DFEH USE ONLY

CITY/STATE/ZIP: BURBANK, CA 91502

COUNTY: LOS ANGELES

COUNTY CODE: 037

NO. OF EMPLOYEES/MEMBERS (If known):

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month,day, and year): 05/27/2009

RESPONDENT CODE: 00

THE PARTICULARS ARE:

I allege that on about or before 05/27/2009, the following conduct occurred:

- ___ termination
- ___ laid off
- ___ demotion
- X harassment
- ___ genetic characteristics testing
- ___ constructive discharge (forced to quit)
- ___ impermissible non-job-related inquiry
- ___ denial of employment
- X denial of promotion
- X denial of transfer
- ___ denial of accommodation
- ___ failure to prevent discrimination or retaliation
- ___ retaliation
- X other (specify) Retaliation, Failure to prevent, Hostile wk. env., Interactive process
- ___ denial of family or medical leave
- ___ denial of pregnancy leave
- ___ denieal of equal pay
- ___ denial of right to wear pants
- X denial of pregnancy accommodation

by CITY OF BURBANK / BURBANK POLICE DEPARTMENT

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

because of :

- ___ sex
- ___ age
- ___ religion
- X race/color
- X national origin/ancestry
- X marital status
- ___ sexual orientation
- ___ association
- ___ disability (physical or mental)
- ___ medical condition (cancer or generic chracteristic
- X other (specify) Pregnancy/Maternity, Sex/Gender, Preg. Disability
- X retaliation for engaging in protected activity or requesting a protected leave or accommodation

State of what you believe to be the reason(s) for discrimination

RACE, COLOR, SEX, NATIONAL ORIGIN, ANCESTRY, RETALIATION FOR ENGAGING IN PROTECTED ACTIVITY AND/OR REQUESTING A PROTECTED LEAVE OR ACCOMMODATION, PREGNANCY/MATERNITY, AND PREGNANCY DISABILITY, AMONG OTHER THINGS.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must vis the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not proce or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 05/27/2009

At Los Angeles

DATE FILED: 05/27/2009

STATE AND CONSUMER SERVICES AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
1055 West 7th Street, Suite 1400
(213) 439-6700
www.dfeh.ca.gov

May 27, 2009

RE: E200809S6014-00
GUILLEN-GOMEZ/CITY OF BURBANK / BURBANK POLICE DEPARTMENT

NOTICE TO COMPLAINANT'S ATTORNEY

Enclosed is a copy of your client's complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also enclosed is a copy of your client's Notice of Case Closure, which constitutes your client's right-to-sue notice. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.

Please refer to the enclosed Notice of Case Closure for information regarding filling a private lawsuit in the State of California.

Sincerely,

Lottie Woodruff
District Administrator

Enclosure: Complaint of Discrimination
Notice of Case Closure

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
1055 West 7th Street, Suite 1400
(213) 439-6700
www.dfeh.ca.gov

May 27, 2009

GUILLEN-GOMEZ, CINDY
C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540
LOS ANGELES, CA 90025

RE: E200809S6014-00
GUILLEN-GOMEZ/CITY OF BURBANK / BURBANK POLICE DEPARTMENT

Dear GUILLEN-GOMEZ, CINDY:

NOTICE OF CASE CLOSURE

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 27, 2009 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

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

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

Lottie Woodruff
District Administrator

cc: Case File

MARGARITA CAMPOS
CITY CLERK
CITY OF BURBANK
275 EAST OLIVE AVENUE
BURBANK, CA 91510

EXHIBIT "D"

RHEUBAN & GRESEN
1990 SOUTH BUNDY DRIVE
SUITE 540
LOS ANGELES, CALIFORNIA 90025
TELEPHONE: (310) 979-0325
FACSIMILE: (310) 979-0351

STEVEN V. RHEUBAN
SOLOMON E. GRESEN

STEVEN M. CISCHKE
JOSEPH M. LEVY

09 MAY 28 PM 3:45

CITY CLERK
CITY OF BURBANK

May 27, 2009

VIA HAND DELIVERY

Ms. Margarita Campos, City Clerk
Office of the City Clerk
City of Burbank
275 East Olive Avenue
Burbank, California 91510-6459

CITY OF BURBANK / BURBANK POLICE DEPARTMENT CLAIM FOR DAMAGES
California Government Code §§ 910 et Seq.

1. Claimants: The name and post office address of the Claimant is as follows: *California Government Code § 910(a).*

   Cindy Guillen-Gomez
   c/o Law Offices of Rheuban & Gresen
   1990 South Bundy Drive, Suite 540
   Los Angeles, California 90025
   Telephone (310) 979-0325
   Facsimile (310) 979-0351

2. Notices: The post office address to which the person presenting the Claim desires notices to be sent is as follows: *(California Government Code § 910(b).)*

   c/o Solomon E. Gresen, Esq.
   Law Offices of Rheuban & Gresen
   1990 South Bundy Drive, Suite 540
   Los Angeles, California 90025
   Telephone (310) 979-0325
   Facsimile (310) 979-0351

3. Description: The date, place and other circumstances of the occurrence or transaction which gave rise to the Claim asserted are as follows: *(California Government Code § 910(c).)*

   Between January, 2000 and the present, and continuing, the City of Burbank and the Burbank Police Department, and their officers, employees, servants, and agents, without limitation, engaged in illegal and otherwise wrongful conduct including, without limitation, harassment and

discrimination based on race, color, and national ancestry, among other things, and retaliation for opposing unlawful harassment and discrimination. This conduct created a hostile work environment in the City of Burbank and the Burbank Police Department. Further, the City of Burbank and the Burbank Police Department failed to take reasonable steps to prevent harassment, discrimination and retaliation from occurring, and also refused to take prompt remedial action upon learning of specific instances of harassment, discrimination and retaliation, among other things.

4. Damages: A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the Claim is as follows: *(California Government Code § 910(d).)*

Claimant has been damaged in his career, and health, mind and body, and has suffered a loss of earnings, future earnings and earning capacity.

5. Names: The name or names of the public employee or employees causing the injury, damage, or loss. *(California Government Code § 910(e).)*

Claimant is informed and believes that the public employee or employees causing his injury, damage, or loss include, without limitation, Tim Stehr and Kelly Frank, among others.

6. Amount: The amount claimed exceeds ten thousand dollars ($10,000.00). Accordingly, no dollar amount shall be included in the Claim. However, it shall indicate whether the claim would be a limited civil case. *(California Government Code § 910(f).)*

The amount claimed exceeds $10,000.00. The total amount due to Claimant is presently unknown, but believed to be in excess of the minimum jurisdictional limits of the Court of Unlimited Jurisdiction.

LAW OFFICES OF RHEUBAN & GRESEN

SOLOMON E. GRESEN
Attorney for Claimant, Elfago Rodriguez

SEG/dj

CITY OF BURBANK
OFFICE OF THE CITY ATTORNEY
275 East Olive Avenue • P.O. Box 6459 • Burbank, California 91510-6459
818.238.5700 • 818.238.5724 FAX

DENNIS A. BARLOW
City Attorney

JULI CHRISTINE SCOTT
Chief Assistant City Attorney

VIA US CERTIFIED MAIL

July 10, 2009

Writers Direct Dial
(818)238-5707

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

Re: Claim of Cindy Guillen-Gomez

Dear Mr. Gresen and Mr. Rheuban:

Notice is hereby given that the claim which you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred within six months of the date of filing, is being denied. With respect to that portion of your claim that has been denied, the following Warning is given:

WARNING

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

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

Notice is further given that the claim you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred more than six months before the date of filing, is being returned because it was not presented within six months after the event or occurrence as required by law. See Sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on that portion of the claim.

Your only recourse at this time is to apply without delay to the City of Burbank for leave to present a late claim. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

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

Sincerely,

Carol Ann Humiston
Senior Assistant City Attorney

PROOF OF SERVICE
F.R.C.P. 5 / C.C.P. 1013a(3)/ Rules of Court, Rule 2060

I am a resident of, or employed in the County of Los Angeles, State of California. I am over the age of 18 years old and not a party to the within action. My business address is 275 E. Olive Avenue, Burbank, California 91502.

On July 10, 2009, I served the following listed document(s), **Notice of Denial and Return of Government Claim** by method indicated below, on the party in this action:

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

☒ **BY U.S. MAIL** By placing XX the original / ☐ a true copy thereof enclosed in a sealed envelope(s), with postage prepaid, addressed as per the attached service list, for collection and mailings at the City of Burbank in Burbank, California following ordinary business practices. I am readily familiar with the firm's practice for collection and processing of the document for mailing. Under that practice, the document is deposited with the United States Postal Service on the same day in the ordinary course of business. I am aware that upon motion of any party served, service is presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after date of deposit for mailing contained in this affidavit.	☐ **BY ELECTONIC SERVICE (via electronic filing service provider)** By electronically transmitting the document(s) listed above to LexisNexis File and Serve, an electronic filing service provider, at www.fileandserve.lexisnexis.com pursuant to the Court's _____ Order mandating electronic service. *See* Cal.R.Ct.R. 2053, 2055, 2060. The transmission was reported as complete and without error.
☐ **BY OVERNIGHT DELIVERY** By delivering the document(s) listed above in a sealed envelope designated by the express service carrier, with delivery fees paid or provided for, addressed as per the above service list, to a facility regularly maintained by the express service carrier or to an authorized courier or driver authorized by the express service carrier to received documents.	☐ **BY ELECTRONIC SERVICE (to individual person)** By electronically transmitting the document(s) listed above to the email address(es) of the person(s) set forth on the attached service list. The transmission was reported as complete and without error. *See* Rules of Court, rule 2060.
☐ **BY PERSONAL SERVICE** ☐By personally delivering the document(s) listed above to the offices at the addressee(s) as shown on the attached service list. ☐By placing the document(s) listed above in a sealed envelope(s) and instructing a registered process server to personally deliver the envelope(s) to the offices at the address(es) set forth on the attached service list. The signed proof of service by the registered process server is attached.	☐ **BY FACSIMILE** By transmitting the document(s) listed above from City of Burbank-City Attorney's Office in Burbank, California to the facsimile machine telephone number(s) set forth on the attached service list. Service by facsimile transmission was made pursuant to agreement of the parties, confirmed in writing.

☒ STATE I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ FEDERAL I declare under penalty of perjury under the laws of the United States that I am employed in the office of a member of the bar of this court at whose direction the service is made.

Executed July 10, 2009, at BURBANK, CALIFORNIA.

Lusine Arutyunyan
Type or Print Name

Signature

EXHIBIT "E"

* * * EMPLOYMENT

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E200809R6009-00

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (Indicate Mr. or Ms.): KARAGIOSIAN, STEVE

TELEPHONE NUMBER (INCLUDE AREA CODE): (310)979-0325

ADDRESS: C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540

CITY/STATE/ZIP: LOS ANGELES, CA 90025

COUNTY: LOS ANGELES

COUNTY CODE: 037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WI DISCRIMINATED AGAINST ME:

NAME: CITY OF BURBANK / BURBANK POLICE DEPARTMENT

TELEPHONE NUMBER (Include Area Code): (818)238-3000

ADDRESS: 200 N. THIRD STREET

DFEH USE ONLY

CITY/STATE/ZIP: BURBANK, CA 91502

COUNTY: LOS ANGELES

COUNTY CODE: 037

NO. OF EMPLOYEES/MEMBERS (if known):

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month,day, and year): 05/27/2009

RESPONDENT CODE: 00

THE PARTICULARS ARE:

I allege that on about or before 05/27/2009, the following conduct occurred:

- ___ termination
- ___ laid off
- X demotion
- X harassment
- ___ genetic characteristics testing
- ___ constructive discharge (forced to quit)
- ___ impermissible non-job-related inquiry
- ___ denial of employment
- X denial of promotion
- ___ denial of transfer
- ___ denial of accommodation
- X failure to prevent discrimination or retaliation
- ___ retaliation
- X other (specify) Retaliation, Hostile Work Environment
- ___ denial of family or medical leave
- ___ denial of pregnancy leave
- ___ denieal of equal pay
- ___ denial of right to wear pants
- ___ denial of pregnancy accommodation

by CITY OF BURBANK / BURBANK POLICE DEPARTMENT

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

because of :

- ___ sex
- ___ age
- ___ religion
- X race/color
- X national origin/ancestry
- ___ marital status
- ___ sexual orientation
- ___ association
- ___ disability (physical or mental)
- ___ medical condition (cancer or generic chracteristic
- ___ other (specify)
- X retaliation for engaging in protected activity or requesting a protected leave or accommodation

State of what you believe to be the reason(s) for discrimination: RACE/COLOR, NATIONAL ORIGIN, ANCESTRY, AND RETALIATION FOR ENGAGING IN PROTECTED ACTIVITIES

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visi the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not proce or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 05/27/2009

At Los Angeles

DATE FILED: 05/27/2009

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
1055 West 7th Street, Suite 1400
(213) 439-6770
www.dfeh.ca.gov

May 27, 2009

RE: E200809R6009-00
KARAGIOSIAN/CITY OF BURBANK / BURBANK POLICE DEPARTMENT

NOTICE TO COMPLAINANT'S ATTORNEY

Enclosed is a copy of your client's complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also enclosed is a copy of your client's Notice of Case Closure, which constitutes your client's right-to-sue notice. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.

Please refer to the enclosed Notice of Case Closure for information regarding filling a private lawsuit in the State of California.

Sincerely,

Tina Walker

Tina Walker
District Administrator

Enclosure: Complaint of Discrimination
Notice of Case Closure

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
1055 West 7th Street, Suite 1400
(213) 439-6770
www.dfeh.ca.gov

May 27, 2009

KARAGIOSIAN, STEVE
C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540
LOS ANGELES, CA 90025

RE: E200809R6009-00
KARAGIOSIAN/CITY OF BURBANK / BURBANK POLICE DEPARTMENT

Dear KARAGIOSIAN, STEVE:

NOTICE OF CASE CLOSURE

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 27, 2009 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

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

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

Tina Walker

Tina Walker
District Administrator

cc: Case File

MARGARITA CAMPOS
CITY CLERK
CITY OF BURBANK
275 EAST OLIVE AVENUE
BURBANK, CA 91510

EXHIBIT "F"

LAW OFFICES OF
RHEUBAN & GRESEN
1990 SOUTH BUNDY DRIVE
SUITE 540
LOS ANGELES, CALIFORNIA 90025
TELEPHONE: (310) 979-0325
FACSIMILE: (310) 979-0351

STEVEN V. RHEUBAN
SOLOMON E. GRESEN

STEVEN M. CISCHKE
JOSEPH M. LEVY

09 MAY 28 PM 3:45
CITY CLERK
CITY OF BURBANK

May 27, 2009

VIA HAND DELIVERY

Ms. Margarita Campos, City Clerk
Office of the City Clerk
City of Burbank
275 East Olive Avenue
Burbank, California 91510-6459

CITY OF BURBANK / BURBANK POLICE DEPARTMENT CLAIM FOR DAMAGES
California Government Code §§ 910 et Seq.

1. Claimants: The name and post office address of the Claimant is as follows: *California Government Code § 910(a).*

   Steve Karagiosian
   c/o Law Offices of Rheuban & Gresen
   1990 South Bundy Drive, Suite 540
   Los Angeles, California 90025
   Telephone (310) 979-0325
   Facsimile (310) 979-0351

2. Notices: The post office address to which the person presenting the Claim desires notices to be sent is as follows: *(California Government Code § 910(b).)*

   c/o Solomon E. Gresen, Esq.
   Law Offices of Rheuban & Gresen
   1990 South Bundy Drive, Suite 540
   Los Angeles, California 90025
   Telephone (310) 979-0325
   Facsimile (310) 979-0351

3. Description: The date, place and other circumstances of the occurrence or transaction which gave rise to the Claim asserted are as follows: *(California Government Code § 910(c).)*

   Between July, 2004, and the present, and continuing, the City of Burbank and the Burbank Police Department, and their officers, employees, servants, and agents, without limitation, engaged in illegal and otherwise wrongful conduct including, without limitation, harassment and discrimination based on race, color, and national ancestry, among other

things, and retaliation for opposing unlawful harassment and discrimination. This conduct created a hostile work environment in the City of Burbank and the Burbank Police Department. Further, the City of Burbank and the Burbank Police Department failed to take reasonable steps to prevent harassment, discrimination and retaliation from occurring, and also refused to take prompt remedial action upon learning of specific instances of harassment, discrimination and retaliation, among other things.

4. Damages: A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the Claim is as follows: *(California Government Code § 910(d).)*

Claimant has been damaged in his career, and health, mind and body, and has suffered a loss of earnings, future earnings and earning capacity.

5. Names: The name or names of the public employee or employees causing the injury, damage, or loss. *(California Government Code § 910(e).)*

Claimant is informed and believes that the public employee or employees causing his injury, damage, or loss include, without limitation, Tim Stehr, Kelly Frank, Aaron Kendrick, and Dan Yadon, among others.

6. Amount: The amount claimed exceeds ten thousand dollars ($10,000.00). Accordingly, no dollar amount shall be included in the Claim. However, it shall indicate whether the claim would be a limited civil case. *(California Government Code § 910(f).)*

The amount claimed exceeds $10,000.00. The total amount due to Claimant is presently unknown, but believed to be in excess of the minimum jurisdictional limits of the Court of Unlimited Jurisdiction.

LAW OFFICES OF RHEUBAN & GRESEN

SOLOMON E. GRESEN
Attorney for Claimant, Steve Karagiosian

SEG/dj

CITY OF BURBANK
OFFICE OF THE CITY ATTORNEY
275 East Olive Avenue • P.O. Box 6459 • Burbank, California 91510-6459
818.238.5700 • 818.238.5724 FAX

DENNIS A. BARLOW
City Attorney

JULI CHRISTINE SCOTT
Chief Assistant City Attorne

VIA US CERTIFIED MAIL

July 10, 2009

Writers Direct Dial
(818)238-5707

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

Re: Claim of Steven Karagiosian

Dear Mr. Gresen and Mr. Rheuban:

Notice is hereby given that the claim which you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred within six months of the date of filing, is being denied. With respect to that portion of your claim that has been denied, the following Warning is given:

WARNING

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

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

Notice is further given that the claim you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred more than six months before the date of filing, is being returned because it was not presented within six months after the event or occurrence as required by law. See Sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on that portion of the claim.

Your only recourse at this time is to apply without delay to the City of Burbank for leave to present a late claim. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

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

Sincerely,

Carol Ann Humiston
Senior Assistant City Attorney

PROOF OF SERVICE
F.R.C.P. 5 / C.C.P. 1013a(3)/ Rules of Court, Rule 2060

I am a resident of, or employed in the County of Los Angeles, State of California. I am over the age of 18 years old and not a party to the within action. My business address is 275 E. Olive Avenue, Burbank, California 91502.

On July 10, 2009, I served the following listed document(s), **Notice of Denial and Return of Government Claim** by method indicated below, on the party in this action:

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

☒ **BY U.S. MAIL** By placing **XX** the original / ☐ a true copy thereof enclosed in a sealed envelope(s), with postage prepaid, addressed as per the attached service list, for collection and mailings at the City of Burbank in Burbank, California following ordinary business practices. I am readily familiar with the firm's practice for collection and processing of the document for mailing. Under that practice, the document is deposited with the United States Postal Service on the same day in the ordinary course of business. I am aware that upon motion of any party served, service is presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after date of deposit for mailing contained in this affidavit.	☐ **BY ELECTONIC SERVICE (via electronic filing service provider)** By electronically transmitting the document(s) listed above to LexisNexis File and Serve, an electronic filing service provider, at www.fileandserve.lexisnexis.com pursuant to the Court's _____ Order mandating electronic service. *See* Cal.R.Ct.R. 2053, 2055, 2060. The transmission was reported as complete and without error.
☐ **BY OVERNIGHT DELIVERY** By delivering the document(s) listed above in a sealed envelope designated by the express service carrier, with delivery fees paid or provided for, addressed as per the above service list, to a facility regularly maintained by the express service carrier or to an authorized courier or driver authorized by the express service carrier to received documents.	☐ **BY ELECTRONIC SERVICE (to individual person)** By electronically transmitting the document(s) listed above to the email address(es) of the person(s) set forth on the attached service list. The transmission was reported as complete and without error. *See* Rules of Court, rule 2060.
☐ **BY PERSONAL SERVICE** ☐By personally delivering the document(s) listed above to the offices at the addressee(s) as shown on the attached service list. ☐By placing the document(s) listed above in a sealed envelope(s) and instructing a registered process server to personally deliver the envelope(s) to the offices at the address(es) set forth on the attached service list. The signed proof of service by the registered process server is attached.	☐ **BY FACSIMILE** By transmitting the document(s) listed above from City of Burbank-City Attorney's Office in Burbank, California to the facsimile machine telephone number(s) set forth on the attached service list. Service by facsimile transmission was made pursuant to agreement of the parties, confirmed in writing.

☒ STATE I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ FEDERAL I declare under penalty of perjury under the laws of the United States that I am employed in the office of a member of the bar of this court at whose direction the service is made.

Executed July 10, 2009, at BURBANK, CALIFORNIA.

Lusine Arutyunyan
Type or Print Name

Signature

EXHIBIT "G"

*** EMPLOYMENT

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E200809S6016-00

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.): RODRIGUEZ, ELFEGO

TELEPHONE NUMBER (INCLUDE AREA CODE): (310)979-0325

ADDRESS: C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540

CITY/STATE/ZIP: LOS ANGELES, CA 90025

COUNTY: LOS ANGELES

COUNTY CODE: 037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY W DISCRIMINATED AGAINST ME:

NAME: CITY OF BURBANK / BURBANK POLICE DEPARTMENT

TELEPHONE NUMBER (Include Area Code): (818)238-3000

ADDRESS: 200 N. THIRD STREET

DFEH USE ONLY

CITY/STATE/ZIP: BURBANK, CA 91502

COUNTY: LOS ANGELES

COUNTY CODE: 037

NO. OF EMPLOYEES/MEMBERS (if known):

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month,day, and year): 05/27/2009

RESPONDENT CODE: 00

THE PARTICULARS ARE:

I allege that on about or before 05/27/2009, the following conduct occurred:

- ___ termination
- ___ laid off
- X demotion
- ___ harassment
- ___ genetic characteristics testing
- ___ constructive discharge (forced to quit)
- ___ impermissible non-job-related inquiry
- ___ denial of employment
- X denial of promotion
- X denial of transfer
- ___ denial of accommodation
- X failure to prevent discrimination or retaliation
- ___ retaliation
- X other (specify) Harassment, Retaliation, Hostile Work Environment
- ___ denial of family or medical leave
- ___ denial of pregnancy leave
- ___ denieal of equal pay
- ___ denial of right to wear pants
- ___ denial of pregnancy accommodation

by CITY OF BURBANK / BURBANK POLICE DEPARTMENT

Name of Person / Job Title (supervisor/manager/personnel director/etc.)

because of:

- ___ sex
- ___ age
- ___ religion
- X race/color
- X national origin/ancestry
- ___ marital status
- ___ sexual orientation
- ___ association
- ___ disability (physical or mental)
- ___ medical condition (cancer or generic chracteristic
- ___ other (specify)
- X retaliation for engaging in protected activity or requesting a protected leave or accommodation

State of what you believe to be the reason(s) for discrimination: RACE, COLOR, NATIONAL ORIGIN, ANCESTRY, RETALIATION FOR ENGAGING IN PROTECTED ACTIVITIES

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must vi the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not proc or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 05/27/2009

At Los Angeles

DATE FILED: 05/27/2009

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
1055 West 7th Street, Suite 1400
(213) 439-6700
www.dfeh.ca.gov

May 27, 2009

RE: E200809S6016-00
RODRIGUEZ/CITY OF BURBANK / BURBANK POLICE DEPARTMENT

NOTICE TO COMPLAINANT'S ATTORNEY

Enclosed is a copy of your client's complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also enclosed is a copy of your client's Notice of Case Closure, which constitutes your client's right-to-sue notice. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.

Please refer to the enclosed Notice of Case Closure for information regarding filling a private lawsuit in the State of California.

Sincerely,

Lottie Woodruff
District Administrator

Enclosure: Complaint of Discrimination
Notice of Case Closure

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
1055 West 7th Street, Suite 1400
(213) 439-6700
www.dfeh.ca.gov

May 27, 2009

RODRIGUEZ, ELFEGO
C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540
LOS ANGELES, CA 90025

RE: E200809S6016-00
RODRIGUEZ/CITY OF BURBANK / BURBANK POLICE DEPARTMENT

Dear RODRIGUEZ, ELFEGO:

NOTICE OF CASE CLOSURE

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 27, 2009 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

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

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

Lottie Woodruff
District Administrator

cc: Case File

MARGARITA CAMPOS
CITY CLERK
CITY OF BURBANK
275 EAST OLIVE AVENUE
BURBANK, CA 91510

EXHIBIT "H"

LAW OFFICES OF
RHEUBAN & GRESEN
1990 SOUTH BUNDY DRIVE
SUITE 540
LOS ANGELES, CALIFORNIA 90025
TELEPHONE: (310) 979-0325
FACSIMILE: (310) 979-0351

STEVEN V. RHEUBAN
SOLOMON E. GRESEN

STEVEN M. CISCHKE
JOSEPH M. LEVY

09 MAY 28 PM 3:45

CITY CLERK
CITY OF BURBANK

May 27, 2009

VIA HAND DELIVERY

Ms. Margarita Campos, City Clerk
Office of the City Clerk
City of Burbank
275 East Olive Avenue
Burbank, California 91510-6459

CITY OF BURBANK / BURBANK POLICE DEPARTMENT CLAIM FOR DAMAGES
California Government Code §§ 910 et Seq.

1. Claimants: The name and post office address of the Claimant is as follows: *California Government Code § 910(a).*

   Elfago Rodriguez
   c/o Law Offices of Rheuban & Gresen
   1990 South Bundy Drive, Suite 540
   Los Angeles, California 90025
   Telephone (310) 979-0325
   Facsimile (310) 979-0351

2. Notices: The post office address to which the person presenting the Claim desires notices to be sent is as follows: *(California Government Code § 910(b).)*

   c/o Solomon E. Gresen, Esq.
   Law Offices of Rheuban & Gresen
   1990 South Bundy Drive, Suite 540
   Los Angeles, California 90025
   Telephone (310) 979-0325
   Facsimile (310) 979-0351

3. Description: The date, place and other circumstances of the occurrence or transaction which gave rise to the Claim asserted are as follows: *(California Government Code § 910(c).)*

   Between June 2004 and the present, and continuing, the City of Burbank and the Burbank Police Department, and their officers, employees, servants, and agents, without limitation, engaged in illegal and otherwise wrongful conduct including, without limitation, harassment and

discrimination based on race, color, and national ancestry, among other things, and retaliation for opposing unlawful harassment and discrimination. This conduct created a hostile work environment in the City of Burbank and the Burbank Police Department. Further, the City of Burbank and the Burbank Police Department failed to take reasonable steps to prevent harassment, discrimination and retaliation from occurring, and also refused to take prompt remedial action upon learning of specific instances of harassment, discrimination and retaliation, among other things.

4. Damages: A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the Claim is as follows: *(California Government Code § 910(d).)*

Claimant has been damaged in his career, and health, mind and body, and has suffered a loss of earnings, future earnings and earning capacity.

5. Names: The name or names of the public employee or employees causing the injury, damage, or loss. *(California Government Code § 910(e).)*

Claimant is informed and believes that the public employee or employees causing his injury, damage, or loss include, without limitation, Tim Stehr and Kelly Frank, among others.

6. Amount: The amount claimed exceeds ten thousand dollars ($10,000.00). Accordingly, no dollar amount shall be included in the Claim. However, it shall indicate whether the claim would be a limited civil case. *(California Government Code § 910(f).)*

The amount claimed exceeds $10,000.00. The total amount due to Claimant is presently unknown, but believed to be in excess of the minimum jurisdictional limits of the Court of Unlimited Jurisdiction.

LAW OFFICES OF RHEUBAN & GRESEN

SOLOMON E. GRESEN
Attorney for Claimant, Elfago Rodriguez

SEG/dj

CITY OF BURBANK
OFFICE OF THE CITY ATTORNEY
275 East Olive Avenue • P.O. Box 6459 • Burbank, California 91510-6459
818.238.5700 • 818.238.5724 FAX

DENNIS A. BARLOW
City Attorney

JULI CHRISTINE SCOTT
Chief Assistant City Attorney

VIA US CERTIFIED MAIL

July 10, 2009

Writers Direct Dial
(818)238-5707

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

Re: Claim of Elfego Rodriguez

Dear Mr. Gresen and Mr. Rheuban:

Notice is hereby given that the claim which you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred within six months of the date of filing, is being denied. With respect to that portion of your claim that has been denied, the following Warning is given:

WARNING

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

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

Notice is further given that the claim you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred more than six months before the date of filing, is being returned because it was not presented within six months after the event or occurrence as required by law. See Sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on that portion of the claim.

Your only recourse at this time is to apply without delay to the City of Burbank for leave to present a late claim. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

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

Sincerely,

Carol Ann Humiston
Senior Assistant City Attorney

PROOF OF SERVICE
F.R.C.P. 5 / C.C.P. 1013a(3)/ Rules of Court, Rule 2060

I am a resident of, or employed in the County of Los Angeles, State of California. I am over the age of 18 years old and not a party to the within action. My business address is 275 E. Olive Avenue, Burbank, California 91502.

On July 10, 2009, I served the following listed document(s), **Notice of Denial and Return of Government Claim** by method indicated below, on the party in this action:

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

☒ **BY U.S. MAIL** By placing **XX** the original / ☐ a true copy thereof enclosed in a sealed envelope(s), with postage prepaid, addressed as per the attached service list, for collection and mailings at the City of Burbank in Burbank, California following ordinary business practices. I am readily familiar with the firm's practice for collection and processing of the document for mailing. Under that practice, the document is deposited with the United States Postal Service on the same day in the ordinary course of business. I am aware that upon motion of any party served, service is presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after date of deposit for mailing contained in this affidavit.	☐ **BY ELECTONIC SERVICE (via electronic filing service provider)** By electronically transmitting the document(s) listed above to LexisNexis File and Serve, an electronic filing service provider, at www.fileandserve.lexisnexis.com pursuant to the Court's _____ Order mandating electronic service. *See* Cal.R.Ct.R. 2053, 2055, 2060. The transmission was reported as complete and without error.
☐ **BY OVERNIGHT DELIVERY** By delivering the document(s) listed above in a sealed envelope designated by the express service carrier, with delivery fees paid or provided for, addressed as per the above service list, to a facility regularly maintained by the express service carrier or to an authorized courier or driver authorized by the express service carrier to received documents.	☐ **BY ELECTRONIC SERVICE (to individual person)** By electronically transmitting the document(s) listed above to the email address(es) of the person(s) set forth on the attached service list. The transmission was reported as complete and without error. *See* Rules of Court, rule 2060.
☐ **BY PERSONAL SERVICE** ☐By personally delivering the document(s) listed above to the offices at the addressee(s) as shown on the attached service list. ☐By placing the document(s) listed above in a sealed envelope(s) and instructing a registered process server to personally deliver the envelope(s) to the offices at the address(es) set forth on the attached service list. The signed proof of service by the registered process server is attached.	☐ **BY FACSIMILE** By transmitting the document(s) listed above from City of Burbank-City Attorney's Office in Burbank, California to the facsimile machine telephone number(s) set forth on the attached service list. Service by facsimile transmission was made pursuant to agreement of the parties, confirmed in writing.

☒ STATE I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ FEDERAL I declare under penalty of perjury under the laws of the United States that I am employed in the office of a member of the bar of this court at whose direction the service is made.

Executed July 10, 2009, at BURBANK, CALIFORNIA.

Lusine Arutyunyan
Type or Print Name

Signature

EXHIBIT "I"

* * * EMPLOYMENT *

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E200809R6008-00

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (Indicate Mr. or Ms.): CHILDS, JAMAL

TELEPHONE NUMBER (INCLUDE AREA CODE): (310)979-0325

ADDRESS: C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540

CITY/STATE/ZIP: LOS ANGELES, CA 90025

COUNTY: LOS ANGELES

COUNTY CODE: 037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME: CITY OF BURBANK / BURBANK POLICE DEPARTMENT

TELEPHONE NUMBER (Include Area Code): (818)238-3000

ADDRESS: 200 N. THIRD STREET

CITY/STATE/ZIP: BURBANK, CA 91502

COUNTY: LOS ANGELES

DFEH USE ONLY

COUNTY CODE: 037

NO. OF EMPLOYEES/MEMBERS (if known):

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month,day, and year): 05/27/2009

RESPONDENT CODE: 00

THE PARTICULARS ARE:

I allege that on about or before 05/27/2009, the following conduct occurred:

- ___ termination
- ___ laid off
- ___ demotion
- X harassment
- ___ genetic characteristics testing
- ___ constructive discharge (forced to quit)
- ___ impermissible non-job-related inquiry
- ___ denial of employment
- X denial of promotion
- ___ denial of transfer
- ___ denial of accommodation
- X failure to prevent discrimination or retaliation
- X retaliation
- X other (specify) Hostile Work Environment / Discrimination
- ___ denial of family or medical leave
- ___ denial of pregnancy leave
- ___ denial of equal pay
- ___ denial of right to wear pants
- ___ denial of pregnancy accommodation

by CITY OF BURBANK / BURBANK POLICE DEPARTMENT

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

because of :

- ___ sex
- ___ age
- ___ religion
- X race/color
- X national origin/ancestry
- ___ marital status
- ___ sexual orientation
- ___ association
- ___ disability (physical or mental)
- ___ medical condition (cancer or generic chracteristic
- X other (specify) Retaliation for engaging in protected activity
- X retaliation for engaging in protected activity or requesting a protected leave or accommodation

State of what you believe to be the reason(s) for discrimination: RACE, COLOR, NATIONAL ORIGIN/ANCESTRY, AND IN RETALIATION FOR ENGAGING IN PROTECTED ACTIVITY, AMONG OTHER THINGS

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not proces or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 05/27/2009

At Los Angeles

DATE FILED: 05/27/2009

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
1055 West 7th Street, Suite 1400
(213) 439-6770
www.dfeh.ca.gov

May 27, 2009

RE: E200809R6008-00
CHILDS/CITY OF BURBANK / BURBANK POLICE DEPARTMENT

NOTICE TO COMPLAINANT'S ATTORNEY

Enclosed is a copy of your client's complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also enclosed is a copy of your client's Notice of Case Closure, which constitutes your client's right-to-sue notice. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.

Please refer to the enclosed Notice of Case Closure for information regarding filling a private lawsuit in the State of California.

Sincerely,

Tina Walker

Tina Walker
District Administrator

Enclosure: Complaint of Discrimination
Notice of Case Closure

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
1055 West 7th Street, Suite 1400
(213) 439-6770
www.dfeh.ca.gov

May 27, 2009

CHILDS, JAMAL
C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540
LOS ANGELES, CA 90025

RE: E200809R6008-00
CHILDS/CITY OF BURBANK / BURBANK POLICE DEPARTMENT

Dear CHILDS, JAMAL:

NOTICE OF CASE CLOSURE

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 27, 2009 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

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

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

Tina Walker

Tina Walker
District Administrator

cc: Case File

MARGARITA CAMPOS
CITY CLERK
CITY OF BURBANK
275 EAST OLIVE AVENUE
BURBANK, CA 91510

EXHIBIT "J"

CITY OF BURBANK
OFFICE OF THE CITY ATTORNEY
275 East Olive Avenue • P.O. Box 6459 • Burbank, California 91510-6459
818.238.5700 • 818.238.5724 FAX

DENNIS A. BARLOW
City Attorney

JULI CHRISTINE SCOTT
Chief Assistant City Attorney

VIA US CERTIFIED MAIL

July 10, 2009

Writers Direct Dial
(818)238-5707

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

Re: Claim of Jamal Childs

Dear Mr. Gresen and Mr. Rheuban:

Notice is hereby given that the claim which you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred within six months of the date of filing, is being denied. With respect to that portion of your claim that has been denied, the following Warning is given:

WARNING

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

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

Notice is further given that the claim you presented to the City of Burbank on May 28, 2009, wherein it alleges events and/or occurrences that occurred more than six months before the date of filing, is being returned because it was not presented within six months after the event or occurrence as required by law. See Sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on that portion of the claim.

Your only recourse at this time is to apply without delay to the City of Burbank for leave to present a late claim. See Sections 911.4 to 912.2, inclusive, and Section 946.6 of the Government Code. Under some circumstances, leave to present a late claim will be granted. See Section 911.6 of the Government Code.

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

Sincerely,

Carol Ann Humiston
Senior Assistant City Attorney

LAW OFFICES OF
RHEUBAN & GRESEN
1990 SOUTH BUNDY DRIVE
SUITE 540
LOS ANGELES, CALIFORNIA 90025
TELEPHONE: (310) 979-0325
FACSIMILE: (310) 979-0351

STEVEN V. RHEUBAN
SOLOMON E. GRESEN
STEVEN M. CISCHKE
JOSEPH M. LEVY

RECEIVED
09 MAY 28 PM 3:45
CITY CLERK
CITY OF BURBANK

May 12, 2009

VIA HAND DELIVERY

Ms. Margarita Campos, City Clerk
Office of the City Clerk
City of Burbank
275 East Olive Avenue
Burbank, California 91510-6459

CITY OF BURBANK / BURBANK POLICE DEPARTMENT CLAIM FOR DAMAGES
California Government Code §§ 910 et Seq.

1. Claimants: The name and post office address of the Claimant is as follows: *California Government Code § 910(a).*

   Jamal Childs
   c/o Law Offices of Rheuban & Gresen
   1990 South Bundy Drive, Suite 540
   Los Angeles, California 90025
   Telephone (310) 979-0325
   Facsimile (310) 979-0351

2. Notices: The post office address to which the person presenting the Claim desires notices to be sent is as follows: *(California Government Code § 910(b).)*

   c/o Solomon E. Gresen, Esq.
   Law Offices of Rheuban & Gresen
   1990 South Bundy Drive, Suite 540
   Los Angeles, California 90025
   Telephone (310) 979-0325
   Facsimile (310) 979-0351

3. Description: The date, place and other circumstances of the occurrence or transaction which gave rise to the Claim asserted are as follows: *(California Government Code § 910(c).)*

   Between March, 2001, and July, 2008, and continuing, the City of Burbank and the Burbank Police Department, and their officers, employees, servants, and agents, without limitation, engaged in illegal and otherwise wrongful conduct including, without limitation, harassment and discrimination based on race, color, and national ancestry, among other

things, and retaliation for opposing unlawful harassment and discrimination. This conduct created a hostile work environment in the City of Burbank and the Burbank Police Department. Further, the City of Burbank and the Burbank Police Department failed to take reasonable steps to prevent harassment, discrimination and retaliation from occurring, and also refused to take prompt remedial action upon learning of specific instances of harassment, discrimination and retaliation, among other things.

4. Damages: A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the Claim is as follows: *(California Government Code § 910(d).)*

Claimant has been damaged in his career, and health, mind and body, and has suffered a loss of earnings, future earnings and earning capacity.

5. Names: The name or names of the public employee or employees causing the injury, damage, or loss. *(California Government Code § 910(e).)*

Claimant is informed and believes that the public employee or employees causing his injury, damage, or loss include, without limitation, Tim Stehr, Aaron Kendrick and Darin Ryburn, among others.

6. Amount: The amount claimed exceeds ten thousand dollars ($10,000.00). Accordingly, no dollar amount shall be included in the Claim. However, it shall indicate whether the claim would be a limited civil case. *(California Government Code § 910(f).)*

The amount claimed exceeds $10,000.00. The total amount due to Claimant is presently unknown, but believed to be in excess of the minimum jurisdictional limits of the Court of Unlimited Jurisdiction.

LAW OFFICES OF RHEUBAN & GRESEN

SOLOMON E. GRESEN
Attorney for Claimant, Jamal Childs

SEG/dj

PROOF OF SERVICE
F.R.C.P. 5 / C.C.P. 1013a(3)/ Rules of Court, Rule 2060

I am a resident of, or employed in the County of Los Angeles, State of California. I am over the age of 18 years old and not a party to the within action. My business address is 275 E. Olive Avenue, Burbank, California 91502.

On July 10, 2009, I served the following listed document(s), **Notice of Denial and Return of Government Claim** by method indicated below, on the party in this action:

Solomon E. Gresen
Steven V. Rheuban
Law Offices of Rheuban & Gresen
15910 Ventura Boulevard, Suite 1610
Encino, California 91436

☒ **BY U.S. MAIL** By placing **XX** the original / ☐ a true copy thereof enclosed in a sealed envelope(s), with postage prepaid, addressed as per the attached service list, for collection and mailings at the City of Burbank in Burbank, California following ordinary business practices. I am readily familiar with the firm's practice for collection and processing of the document for mailing. Under that practice, the document is deposited with the United States Postal Service on the same day in the ordinary course of business. I am aware that upon motion of any party served, service is presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after date of deposit for mailing contained in this affidavit.	☐ **BY ELECTONIC SERVICE (via electronic filing service provider)** By electronically transmitting the document(s) listed above to LexisNexis File and Serve, an electronic filing service provider, at www.fileandserve.lexisnexis.com pursuant to the Court's _____ Order mandating electronic service. *See* Cal.R.Ct.R. 2053, 2055, 2060. The transmission was reported as complete and without error.
☐ **BY OVERNIGHT DELIVERY** By delivering the document(s) listed above in a sealed envelope designated by the express service carrier, with delivery fees paid or provided for, addressed as per the above service list, to a facility regularly maintained by the express service carrier or to an authorized courier or driver authorized by the express service carrier to received documents.	☐ **BY ELECTRONIC SERVICE (to individual person)** By electronically transmitting the document(s) listed above to the email address(es) of the person(s) set forth on the attached service list. The transmission was reported as complete and without error. *See* Rules of Court, rule 2060.
☐ **BY PERSONAL SERVICE** ☐By personally delivering the document(s) listed above to the offices at the addressee(s) as shown on the attached service list. ☐By placing the document(s) listed above in a sealed envelope(s) and instructing a registered process server to personally deliver the envelope(s) to the offices at the address(es) set forth on the attached service list. The signed proof of service by the registered process server is attached.	☐ **BY FACSIMILE** By transmitting the document(s) listed above from City of Burbank-City Attorney's Office in Burbank, California to the facsimile machine telephone number(s) set forth on the attached service list. Service by facsimile transmission was made pursuant to agreement of the parties, confirmed in writing.

☒ STATE I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ FEDERAL I declare under penalty of perjury under the laws of the United States that I am employed in the office of a member of the bar of this court at whose direction the service is made.

Executed July 10, 2009, at BURBANK, CALIFORNIA.

Lusine Arutyunyan
Type or Print Name

Signature

EXHIBIT B

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

OMAR RODRIGUEZ; CINDY GUILLEN-GOMEZ; STEVE KARAGIOSIAN; ELFEGO RODRIGUEZ; AND JAMAL CHILDS, Plaintiffs, vs. BURBANK POLICE DEPARTMENT; CITY OF BURBANK; TIM STEHR; KERRY SCHILF; JAMIE "J.J." PUGLISI; DAN YADON; KELLY FRANK; PAT LYNCH; MIKE PARRINELLO; AARON KENDRICK; DARIN RYBURN; AND DOES 1 THROUGH 100, INCLUSIVE, Defendants.	No. BC414602 VOLUME I

DEPOSITION OF JAMAL CHILDS, VOLUME I, taken on behalf of the Defendants, at 150 North Third Street, Room 101, Burbank, California, commencing at 10:19 a.m., on Friday, October 16, 2009, before Susan C. Campana, CSR No. 9573, RPR, pursuant to Notice.

1 A P P E A R A N C E S:

2 FOR PLAINTIFFS OMAR RODRIGUEZ, CINDY GUILLEN-GOMEZ,
STEVE KARAGIOSIAN, ELFEGO RODRIGUEZ, AND JAMAL CHILDS:

3 LAW OFFICES OF RHEUBAN & GRESEN
4 BY: SOLOMON E. GRESEN, ATTORNEY-AT-LAW
Suite 1610
5 15910 Ventura Boulevard
Encino, California 91436

6 FOR DEFENDANT CITY OF BURBANK:

7 BALLARD ROSENBERG GOLPER & SAVITT, LLP
8 BY: LINDA MILLER SAVITT, ATTORNEY-AT-LAW
Twentieth Floor
9 500 North Brand Boulevard
Glendale, California 91203-9946

10 FOR DEFENDANT CITY OF BURBANK:

11 MITCHELL SILBERBERG & KNUPP LLP
12 BY: LAWRENCE A. MICHAELS, ATTORNEY-AT-LAW
11377 West Olympic Boulevard
13 Los Angeles, California 90064-1683

14 THE VIDEOGRAPHER:

15 TIM BARKER

16 ALSO PRESENT:

17 SERGEANT DARIN RYBURN
OFFICER AARON KENDRICK
18 LIEUTENANT JAMIE "J.J." PUGLISI

19

20

21

22

23

24

25

1 I N D E X

2 WITNESS	EXAMINATION BY	PAGE
3 JAMAL CHILDS	MS. SAVITT	5
4	MR. GRESEN	194

5

6

7 E X H I B I T S

8 DESIGNATION	DESCRIPTION	PAGE
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12 117	Memorandum dated May 10, 2009	171
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17 UNANSWERED QUESTIONS

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1 BURBANK, CALIFORNIA; FRIDAY, OCTOBER 16, 2009

2 10:19 A.M.

3 -o0o-

4

5 THE VIDEOGRAPHER: And good morning. We're on the

6 videotape record beginning Tape No. 1 of Volume No. 1 at

7 10:19 a.m.

8 My name is Tim Barker, and I'm the videotape

9 operator. My business address is 2702 Castle Heights

10 Place in Los Angeles, California 90034. The name of my

11 employer is Legal Video Services.

12 Today's date is Friday, October the 16th, 2009.

13 The location of today's deposition is the Burbank City

14 Attorney's Office, 275 East Olive Avenue, Burbank,

15 California 91502. The case caption is Rodriguez v. The

16 City of Burbank. The name of the witness is Jamal

17 Childs.

18 Will counsel please make verbal introductions

19 for the record.

20 MS. SAVITT: Linda Miller Savitt on behalf of the

21 Defendant City of Burbank.

22 MR. MICHAELS: Larry Michaels on behalf of the same

23 defendant.

24 MR. GRESEN: Solomon Gresen on behalf of plaintiffs

25 and Jamal Childs who is also present.

1 THE VIDEOGRAPHER: Very good.

2 And will the court reporter please administer

3 the oath.

4

5 JAMAL CHILDS,

6 having been first duly affirmed under

7 the penalty of perjury, was examined

8 and testified as follows:

9

10 EXAMINATION

11 BY MS. SAVITT:

12 Q. Okay. Would you state and spell your name for

13 the record.

14 A. Jamal Childs; J-a-m-a-l, C-h-i-l-d-s.

15 Q. Okay. Mr. Childs, my name is Linda Savitt. I

16 think we met the other day or a couple months ago. I'm

17 representing the City. I'm going to take your deposition

18 here today.

19 Have you ever had your deposition taken before?

20 A. No.

21 Q. Have you ever testified in court?

22 A. Yes.

23 Q. Okay. It's pretty much the same process. It's

24 a little more informal. It's as if you are testifying in

25 a courtroom. Even though you're having a coke and we're

1 having a water and we call each other by our first names,
2 I want you to appreciate it is as if you are testifying
3 in court, and you've been sworn, and it's the same
4 penalty of perjury.
5 Do you understand that?
6 A. Yes.
7 Q. Okay. You probably learned this from your
8 testimony in court. The court reporter is taking down
9 everything you, I, and your attorney here say today.
10 There are a couple little limitations on her ability to
11 do that.
12 Number one, she cannot take down two people
13 talking at once. And if you and I were going to lunch, I
14 would probably start saying something and you'd probably
15 finish my sentence. And that's great for social
16 discourse, but it does not work at a deposition.
17 So please wait until I finish asking my question
18 even though my question is transparent and you can figure
19 out what the question is. I may change it and fool you.
20 So if you wait till I finish asking the question, we'll
21 get a clear record. And I will make every attempt to
22 extend the same courtesy to you.
23 The other thing, she cannot take down nods of
24 the head, shrugs of the shoulders, gestures, hand
25 gestures, "This big." Even though it's on a video, the

1 official transcript is the written transcript. So if you
2 nod your head or go "uh-huh" or "huh-uh," either I or
3 your attorney will say, "Is that a 'yes'?" "Is that a
4 'no'?" We're not trying to be rude or flip or anything.
5 We're trying to get a good record.
6 Do you understand that?
7 A. Yes.
8 Q. Okay. At the end of the deposition, in a couple
9 of weeks, you'll be given a copy of the transcript.
10 You'll be able to read through the transcript, you'll be
11 able to see if there are any changes or corrections, and
12 you'll be able to make them at that time.
13 If, however, you change your deposition
14 testimony substantively, I can comment on that at trial
15 and say, "Today he said one thing, and later on he said
16 something else." And that may affect your credibility
17 adversely. Now, I don't tell you that to alarm you but
18 to encourage you to give your most accurate testimony
19 here today.
20 Do you understand that?
21 A. Yes.
22 Q. From time to time I will ask you about when
23 certain events occurred or what shifts you were on.
24 Something like that. You may not be able to give me an
25 exact time or an exact date, exact place. But I am

1 entitled to your best estimate based upon your having
2 been someplace.
3 All right?
4 A. Uh-huh.
5 Q. If you're totally guessing and just making up a
6 number or something to satisfy me, don't do that. A
7 guess doesn't help us. But your best estimate, I am
8 entitled to.
9 Do you understand that?
10 A. Yes.
11 Q. Okay. If you do not understand one of my
12 questions, please just tell me you don't understand my
13 question. It's probably not a very good question. But
14 if you don't tell me you don't understand the question, I
15 and everybody else is going to assume that you did
16 understand it.
17 Okay?
18 A. Okay.
19 Q. Is there any reason why you feel your deposition
20 cannot go forward today?
21 A. No.
22 Q. Have you reviewed any documents in preparation
23 for your deposition?
24 A. Just my portion of the complaint.
25 Q. Okay. In the course of your employment with the

1 Burbank Police Department, have you received copies of
2 your performance evaluations?
3 A. Yes.
4 Q. And have you been able to get your own copy of
5 it?
6 A. Yes.
7 Q. And have you received notices of when you have
8 been the focus of some sort of an internal affairs
9 investigation?
10 A. Yes.
11 Q. And have you received notices of reassignments?
12 A. Yes.
13 Q. Do you still have copies of those documents?
14 A. No.
15 Q. What have you done with them?
16 A. I throw everything away.
17 Q. Okay. Not interested in keeping your own
18 performance evaluations?
19 A. No.
20 Q. Okay. Do you have any documents in your
21 possession that have any information relative to your
22 employment with Burbank, either your original job
23 application, memos, bulletins, anything from the Burbank
24 Police Department?
25 A. No.

1 MR. GRESEN: Just so we're clear, outside of his work
2 within in the police department ?
3 MS. SAVITT: Anything related to the Burbank Police
4 Department, whether it's bulletins or it's work-related
5 or nonwork-related.
6 THE WITNESS: No.
7 Q. BY MS. SAVITT: Do you have any emails between
8 you and any of the plaintiffs in this case ?
9 A. No.
10 Q. Do you have any emails between you and any other
11 officers in this case ?
12 A. No.
13 Q. Have you made an effort to see if you have any
14 files that you've just thrown your performance
15 evaluations in?
16 A. Yes.
17 Q. Okay. Could you please tell me your educational
18 background.
19 A. I have an AA from Mount San Antonio College, and
20 then I went to Jacksonville for two years, I believe, and
21 then I went to West Texas A & M.
22 Q. So do you have a bachelor's degree?
23 A. No, no. I have an AA.
24 Q. Okay. And when did you go to Jacksonville ?
25 A. I graduated high school in '95. So I think I

1 went to Jacksonville in '98 -- or, well, I went to Mount
2 SAC in --
3 Q. I --
4 A. -- from '95 to '98. Then I went to
5 Jacksonville.
6 Q. Okay. And you took some advanced courses but
7 did not get a degree; is that what --
8 A. Yes.
9 Q. Okay. And what about West Texas?
10 A. I left there in the middle of the semester.
11 Q. Okay. And when did you apply to the Burbank
12 Police Department?
13 A. I want to say 2002 or -3 maybe.
14 Q. And why did you apply to the Burbank Police
15 Department?
16 A. I had a friend who -- he was a civilian employee
17 for LAPD, and he had heard that Burbank was a good
18 department. And he applied here also.
19 Q. What's his name?
20 A. Cary Tong.
21 Q. And was he offered a position --
22 A. No.
23 Q. -- at the Burbank Police Department?
24 A. No.
25 Q. And did he get a position in law enforcement

1 elsewhere?

2 A. Yes. He works for Fullerton Police Department.

3 MR. GRESEN: Just wait for her to finish. I know it

4 seems like it's -- it's hard for the court reporter.

5 Q. BY MS. SAVITT: I talk fast --

6 A. Okay.

7 Q. -- and you talk fast. So we'll drive the court

8 reporter crazy.

9 A. Okay.

10 Q. So I'll try to slow down.

11 A. All right. I will too.

12 Q. Good. Fair enough.

13 And were you hired as a new police recruit?

14 A. Yes.

15 Q. And did you go through the academy after you

16 were hired as a recruit?

17 A. Yes.

18 Q. And when did you go through the academy?

19 A. 2004 maybe.

20 Q. And that was with -- what academy was it?

21 A. Rio Hondo.

22 Q. And when did you start as a police officer here?

23 A. I think February of '04.

24 Q. And what is your current assignment?

25 A. I'm a school resource officer.

1 Q. How long have you been a school resource
2 officer?
3 A. A little over a year.
4 Q. And did you have to interview for that or take
5 an exam?
6 A. There was an oral interview.
7 Q. Okay. Is that position considered a promotion
8 from officer?
9 MR. GRESEN: Foundation.
10 THE WITNESS: I don't --
11 MR. GRESEN: You may answer.
12 THE WITNESS: I believe so because it's titled
13 "school resource officer."
14 Q. BY MS. SAVITT: Okay. And did you have to
15 compete with other officers for that position?
16 A. Yes.
17 MR. GRESEN: Foundation.
18 Q. BY MS. SAVITT: And do you know how you came out
19 in the ranking for that -- in that oral interview?
20 A. I believe I came out number one.
21 Q. And were you the only candidate promoted to
22 school resource officer, or was anybody else from that
23 list, if you know?
24 A. Are you saying from when I tested?
25 Q. Yes.

1 A. Yes. I believe I was the only one.
2 Q. Okay. And are you assigned to any particular
3 school?
4 A. Burbank High School.
5 Q. Okay. And what does a school resource officer
6 do?
7 A. We take child abuse reports. If there's an
8 issue at the school -- we each have five different
9 schools. Some of us have a little more. Some school
10 resource officers teach the DARE program. Our main thing
11 is anything involving juveniles, it kind of falls on us.
12 Q. Based on your experience in the Burbank Police
13 Department, do you believe that being a school resource
14 officer would give you a leg up for future promotions
15 such as to detective?
16 A. Yes.
17 Q. And why do you feel that way?
18 A. I think it gives you experience as far as
19 conducting investigations that you don't really get to do
20 in patrol.
21 Q. Okay. Did you believe when you were promoted or
22 appointed to the position of school resource officer that
23 you had been discriminated against?
24 MR. GRESEN: Objection. Calls for speculation.
25 Legal conclusion. Violation of Rifkin v. Superior Court.

1 THE WITNESS: Are you saying just for that position?
2 Q. BY MS. SAVITT: When you were appointed to that
3 position, did you think you were discriminated against?
4 A. No.
5 Q. Who is in your chain of command currently?
6 A. Currently it's Sergeant Claudio Losacco.
7 Q. And how do you get along with Sergeant Losacco?
8 A. We have a working relationship.
9 Q. Is it a good relationship? a tense relationship?
10 a bad relationship?
11 A. It's not tense. We're coworkers.
12 Q. And have you been evaluated in your position as
13 a school resource officer by Sergeant Losacco?
14 A. Yes.
15 Q. And did he give you an outstanding evaluation?
16 A. Yes.
17 Q. And did you think you were being discriminated
18 against when Sergeant Losacco gave you an outstanding
19 evaluation?
20 A. No.
21 Q. Prior to becoming a school resource officer,
22 what was your assignment?
23 A. Patrol.
24 Q. And did you have a certain shift that you were
25 assigned to immediately before you became a school

1 Q. Now, have you ever been the subject of an
2 internal affairs investigation?
3 A. Yes.
4 Q. Approximately how many times?
5 A. A lot. I don't know the exact number.
6 Q. Okay. And do you have an understanding that
7 these internal affairs investigations were initiated
8 because of citizen complaints?
9 MR. GRESEN: Compound.
10 You may answer.
11 THE WITNESS: I don't -- I believe so.
12 Q. BY MS. SAVITT: Okay. Do you have any reason to
13 believe that anyone in the department orchestrated the
14 filing of the citizen complaint against you?
15 A. Against me personally?
16 Q. Yes.
17 A. No.
18 Q. Okay. And were you -- in any of these internal
19 affairs investigations, were you ever accused of
20 harassing a citizen or discriminating against them on the
21 basis of either their race or ethnicity?
22 A. I can't remember.
23 Q. Were you exonerated or found -- or had the
24 findings unsubstantiated or unfounded in most of the
25 internal affairs investigations?

1 A. I -- to my knowledge, I've -- I've been
2 sustained on one.
3 Q. Okay. And did you get a -- a written reprimand
4 for that?
5 A. Yes.
6 Q. And did you accept that written reprimand and
7 not challenge it?
8 A. Yes, I did. I accepted it.
9 Q. And why did you do that?
10 A. Because they were right.
11 Q. Okay. So on the one internal affairs
12 investigation that was sustained on, did you feel that
13 their sustaining it was discriminatory?
14 A. No.
15 Q. Now, since you've been with the department, have
16 you undergone any training for racial profiling?
17 A. A lot recently, yes.
18 Q. Okay. And when you first came to the
19 department, did you undergo any training for racial
20 profiling?
21 A. Not that I remember.
22 Q. What's the department's position on that?
23 MR. GRESEN: Foundation.
24 You may answer.
25 THE WITNESS: Position? They have a zero tolerance

1 policy.

2 Q. BY MS. SAVITT: For racial profiling?

3 A. For any kind of harassment.

4 Q. Okay. And did you understand that when you

5 first came to the department that they had a

6 nondiscrimination policy?

7 A. No.

8 Q. Did you learn that in your orientation?

9 A. I don't remember the orientation.

10 Q. Okay. Did you understand that the City had a

11 nonharassment policy when you started working at the

12 department?

13 A. No.

14 Q. Okay. Did you undergo in 2005 any sexual

15 harassment, hostile work environment training as part of

16 your in-service training?

17 A. I don't remember.

18 Q. And you said recently you've undergone training.

19 Do you recall that in January of 2008 you

20 underwent sex harassment training?

21 A. I think we do it yearly now. I don't know if it

22 was in January, though.

23 Q. Okay. Do you remember when you first started

24 having sexual harassment training?

25 A. No.

1 Q. Okay. So I want you to think back. You've only
2 been with the department -- what? Five years?
3 A. About five years, yes.
4 Q. Okay. So in the first year, did you work with
5 Sergeant Yadon?
6 A. I'm not sure.
7 Q. When is the most recent time you've worked with
8 Sergeant Yadon?
9 A. I think I worked for him prior to going to SRO
10 at least once the year before, if that makes sense.
11 Q. Okay. When you say "at least once," you mean
12 one deployment?
13 A. One deployment, yes.
14 Q. Okay. And have you ever heard Sergeant Yadon
15 make any comments that you thought were discriminatory or
16 harassing or racially based?
17 A. Personally, no.
18 Q. Okay. Are you aware of anyone telling you that
19 he made any such comments?
20 A. I've heard Karagiosian -- Officer Steve
21 Karagiosian has had some issues with some of the comments
22 he's made.
23 Q. Okay. And what has Steve Karagiosian told you
24 that Sergeant Yadon said?
25 A. He talked -- he talked to me once about a phone

1 call he had with Sergeant Yadon regarding some police
2 issue, and he said that he felt like he was being
3 mocked because I think -- I might have the story a little
4 messed up. He said Sergeant Yadon referred to him as
5 "Sarkis," or something like that. And he said he said it
6 with a like real condescending tone.
7 Q. Okay. And "Sarkis" is Officer Karagiosian's
8 middle name?
9 A. I don't know.
10 Q. Did you know it was his birth name?
11 A. No.
12 Q. Did he tell you why he thought calling him
13 "Sarkis" was mocking him?
14 MR. GRESEN: Asked and answered.
15 You can answer.
16 THE WITNESS: He said the way he said it, he felt
17 like he was being condescending.
18 Q. BY MS. SAVITT: Okay. Did he -- did he describe
19 to you what the way was?
20 A. No.
21 Q. Okay. In terms of your personal experience with
22 Sergeant Yadon, you've never heard him say anything
23 discriminatory or harassing in your view; correct?
24 A. In my view, no.
25 Q. Okay. Did you always get along with him

1 or --

2 A. We were coworkers.

3 Q. When did Officer Karagiosian tell you this?

4 A. This was some time ago. Sometime within the

5 last year to year and a half. I'd be guessing.

6 Q. Well, since you spoke to Irma Moisa -- Irma

7 Rodriguez Moisa?

8 A. I believe it was after that.

9 Q. And what was the context in which he was telling

10 you that?

11 A. He was upset. He just -- you know, he said he

12 was sick of it.

13 Q. Was Officer Karagiosian in SED at the time?

14 A. I don't know.

15 Q. Was he reporting to Sergeant Yadon at the time?

16 A. I don't know.

17 Q. Did he tell you how it came about that he had a

18 phone conversation with Sergeant Yadon regarding a police

19 issue?

20 A. It was some -- I believe it was some kind of

21 investigation. I don't remember the specifics.

22 Q. Okay. Was anybody else present when he told you

23 about this conversation?

24 A. I can't remember.

25 Q. Okay. Have you ever had any type of working

1 relationship with Detective Mike Parrinello?

2 A. No.

3 Q. Never worked with him?

4 A. No.

5 Q. Have you ever heard him make any discriminatory,

6 racist, or harassing comments?

7 A. I don't believe I've ever had a conversation

8 with him.

9 Q. Okay. So is the answer to my question "no"?

10 A. "No." Yes, no. Sorry.

11 Q. Okay. That's really going to look crummy on the

12 transcript. So let's try it all over again ; okay?

13 Have you ever heard Mike Parrinello make any

14 discriminatory or harassing comments?

15 A. No.

16 Q. Have you ever heard him make any racial or

17 sexual comments?

18 A. No.

19 Q. How about Captain Pat Lynch? Have you ever

20 worked with him?

21 A. No.

22 Q. Have you ever heard him make any harassing or

23 discriminatory comments?

24 MR. GRESEN: Foundation.

25 You may answer.

1 THE WITNESS: No.

2 Q. BY MS. SAVITT: Have you ever heard him make any

3 racial or sexual comments?

4 A. No.

5 Q. Has anyone ever told you that they've heard

6 Detective Parrinello make harassing or discriminatory

7 comments?

8 A. Officer Guillen.

9 Q. Okay. What did Officer Guillen say that

10 Detective Parrinello said?

11 A. She said -- I don't know if she was present for

12 the conversation. But she was made aware that he made

13 some comment to the effect of, "Females have no business

14 being cops or detectives," or something like that.

15 Q. Were you here for her deposition?

16 A. Yes.

17 Q. And did you hear her testify about that subject?

18 MR. GRESEN: Objection.

19 THE WITNESS: I was here, but I don't remember her

20 talking about that.

21 MR. GRESEN: Next time let me get my objection out.

22 THE WITNESS: Sorry.

23 Q. BY MS. SAVITT: So when did you have a

24 conversation with Officer Guillen about Detective

25 Parrinello saying that women should not be detectives?

1 THE COURT REPORTER: That's all right.

2 And also if you could speak up --

3 MR. GRESEN: Try to wake up.

4 THE WITNESS: Speak up? Okay.

5 THE COURT REPORTER: -- a little bit more too because

6 everyone's --

7 MR. GRESEN: And before you -- stop answering so

8 quickly when I have objections.

9 Q. BY MS. SAVITT: So you have no recollection of

10 the context or the location of this conversation with

11 Cindy Guillen; correct?

12 MR. GRESEN: Asked and answered.

13 You may answer.

14 THE WITNESS: Correct.

15 Q. BY MS. SAVITT: Was anyone else present?

16 A. I don't remember.

17 Q. Did anyone else ever tell you Detective

18 Parrinello made comments that could be construed as

19 either harassing, discriminatory, racial, or sexual?

20 A. No.

21 Q. Okay. Has anyone told you that Captain Lynch

22 has made comments that could be construed as

23 discriminatory, harassing, racial, or sexual?

24 A. I don't believe so.

25 Q. Have you ever worked with Sergeant Kelly Frank?

1 THE WITNESS: I believe so.

2 Q. BY MS. SAVITT: And when else did you work with

3 Sergeant Kelly Frank?

4 A. I believe that was it.

5 Q. Have you ever heard Sergeant Kelly Frank make

6 any discriminatory or harassing or racial or sexual

7 comments?

8 MR. GRESEN: Legal conclusion. Expert opinion.

9 Rifkin v. Superior Court.

10 You may answer.

11 THE WITNESS: Personally, no.

12 Q. BY MS. SAVITT: Are you aware of anyone who has

13 said he has made such comments?

14 A. Yes.

15 Q. And who are you aware of?

16 A. Officer Karagiosian.

17 Q. And what did Officer Karagiosian tell you about

18 Kelly Frank?

19 A. I believe it was a time after his child was

20 born. And he -- he told me that Sergeant Frank had made

21 a comment saying, "Are you going to put your kid in Sean

22 Johns and bring him to the station," or something like

23 that.

24 Q. Do you know how old Sergeant -- Officer

25 Karagiosian's child is now?

1 Q. Okay. Do you remember if you had kids already
2 at that time?
3 A. Yes, I did.
4 Q. Do you remember how old they were?
5 A. Maybe three, I'm guessing.
6 Q. Okay. Don't guess because that doesn't help
7 anybody.
8 A. I don't know. Sorry.
9 Q. Okay. I'm just trying to, you know, associate
10 things with you in your police mind, how you could link
11 things together.
12 Did anybody else ever tell you Kelly Frank made
13 any comments that were either discriminatory, harassing,
14 racial, or sexual?
15 MR. GRESEN: Foundation. Expert opinion. Legal
16 conclusion. Rifkin v. Superior Court.
17 You may answer.
18 THE WITNESS: No.
19 Q. BY MS. SAVITT: Have you ever worked with
20 Lieutenant Puglisi?
21 A. Yes.
22 Q. And in what capacity have you worked with
23 Lieutenant Puglisi?
24 A. He was the -- he was a lieutenant, and I was a
25 patrol officer.

1 Q. Okay. So this was before you were an SRO?
2 A. Yes.
3 Q. Okay. And did you ever personally hear him make
4 any racial comments or sexual comments or comments that
5 could be viewed as harassing or discriminatory?
6 MR. GRESEN: Legal conclusion. Expert opinion.
7 Foundation. Rifkin v. Superior Court.
8 You may answer.
9 THE WITNESS: No.
10 Q. BY MS. SAVITT: Okay. How did you get along
11 with Lieutenant Puglisi?
12 A. Fine.
13 Q. You have a good working relationship with him?
14 A. Yeah. I guess.
15 Q. Are you aware of anybody who feels that or
16 believes that Lieutenant Puglisi made some harassing or
17 discriminatory or racist or sexual remarks?
18 MR. GRESEN: Foundation. Speculation.
19 You may answer.
20 THE WITNESS: No.
21 Q. BY MS. SAVITT: Have you ever worked with Kerry
22 Schilf?
23 A. No.
24 Q. Have you ever heard Kerry Schilf make any
25 comments that you felt were discriminatory, harassing,

1 racial comments, sexual comments?

2 MR. GRESEN: Foundation. Speculation. Legal

3 conclusion. Expert opinion. Rifkin v. Superior Court.

4 You may answer.

5 THE WITNESS: No.

6 Q. BY MS. SAVITT: Has anyone ever told you that

7 they've heard him make such comments?

8 A. Not that I remember.

9 MR. GRESEN: Foundation. Speculation.

10 Q. BY MS. SAVITT: Okay. Do you have any belief,

11 Officer Childs, that Mike Parrinello ever did anything

12 that was discriminatory towards you?

13 MR. GRESEN: Foundation. Speculation. Violates

14 Rifkin v. Superior Court. Expert opinion. Legal

15 conclusion.

16 You may answer.

17 THE WITNESS: Discriminatory?

18 Q. BY MS. SAVITT: Yes.

19 A. No.

20 Q. And do you have any belief that Captain Lynch

21 did anything that was discriminatory towards you?

22 MR. GRESEN: Foundation. Speculation. Violates

23 Rifkin v. Superior Court. Expert opinion. Legal

24 conclusion.

25 You may answer.

1 THE WITNESS: No.

2 Q. BY MS. SAVITT: Do you have any information that

3 Kelly Frank has done anything -- or do you have any

4 belief that Kelly Frank has done anything that was

5 discriminatory towards you?

6 MR. GRESEN: Foundation. Speculation. Expert

7 opinion. Legal conclusion. Violates Rifkin v. Superior

8 Court.

9 You may answer.

10 THE WITNESS: No.

11 Q. BY MS. SAVITT: Do you have any belief that Dan

12 Yadon has done anything that was discriminatory towards

13 you?

14 MR. GRESEN: Foundation. Speculation. Violates

15 Rifkin v. Superior Court. Expert opinion. Legal

16 conclusion.

17 You may answer.

18 THE WITNESS: No.

19 Q. BY MS. SAVITT: Do you have any belief that

20 Lieutenant Puglisi has ever done anything that was

21 discriminatory towards you?

22 MR. GRESEN: Foundation. Speculation. Violates

23 Rifkin v. Superior Court. Expert opinion. Legal

24 conclusion.

25 You may answer.

1 THE WITNESS: No.

2 MS. SAVITT: Do you want to just call that "Objection

3 1"? Then you don't have to keep repeating it all the

4 time?

5 MR. GRESEN: I -- I suppose I could -- we could call

6 it my Rifkin objection for short .

7 MS. SAVITT: I think that would speed up things.

8 MR. GRESEN: I'd be happy to call it the "Rifkin

9 objection" and have it encompass those five things.

10 Q. BY MS. SAVITT: Okay. Do you have any belief

11 that Kerry Schilf did anything to discriminate against

12 you?

13 MR. GRESEN: Rifkin objections.

14 THE WITNESS: No.

15 MR. GRESEN: You may answer.

16 Q. BY MS. SAVITT: Do you have -- since you filed

17 this lawsuit, do you believe that anybody has done

18 anything to retaliate against you?

19 MR. GRESEN: Rifkin objections.

20 You may answer.

21 THE WITNESS: To my knowledge, no.

22 Q. BY MS. SAVITT: Okay. Now, have you ever worked

23 with Darin Ryburn?

24 A. Yes.

25 Q. Okay. In what capacity?

1 A. He was my sergeant.
2 Q. And when was that?
3 A. I believe one of the times was when I was new.
4 Maybe my first year. And when he was a lieutenant, I
5 worked for him -- I believe twice. Maybe last year.
6 Q. Before you became an SRO?
7 A. Yes. Before I became an SRO.
8 Q. Okay. And have you ever heard, personally,
9 Darin Ryburn make any discriminatory or harassing
10 comments?
11 MR. GRESEN: Rifkin objections.
12 You may answer.
13 THE WITNESS: I've heard him say things that have
14 bothered me. But it wasn't overtly --
15 Do you want me to just flat out tell you what
16 happened, what bothered me that he said?
17 Q. BY MS. SAVITT: Okay. Sure.
18 What did he say that bothered you?
19 A. During my first year, I think I had just got out
20 on my own, and in the watch commander's office, there's a
21 key rack where you can get keys for the cars. And I went
22 to tag a key. And I don't remember who else was in
23 there.
24 But he asked me -- in front of everyone, he
25 goes, "Hey, Jamal, is it true that your wife's

1 Caucasian?"

2 And I'm new. I'm a rookie. I didn't know

3 anything, and I said, "Yes."

4 And he had kind of had this weird look on his

5 face like he was upset. And I didn't think anything of

6 it. And so I took my keys and walked out. But then

7 after when I thought about it, it was obvious that he was

8 upset that I answered "yes" to my wife being Caucasian.

9 Q. Why was it obvious that he was upset?

10 A. The face he made.

11 Q. What was the face? Can you describe the face he

12 made?

13 A. He kind of rolled his eyes.

14 Q. Now, you attended the funeral of Matthew

15 Pavelka; correct?

16 A. Yes.

17 Q. Did your wife also attend?

18 A. No.

19 Q. Have you attended events with your wife

20 involving the Burbank Police Department?

21 A. Like police events, or just going out with

22 different people from work?

23 Q. Both.

24 A. A few times. I was kind of skeptical at first,

25 but a few times I did, yes.

1 Q. Okay. Any other department events that you
2 brought your wife to?
3 A. Not that I can remember.
4 Q. Did you and your wife go to the Hawvers'
5 wedding?
6 A. Oh, yes. We went to that.
7 Q. Anybody else's weddings that you went to ?
8 A. Officer Jimenez's wedding.
9 Q. Any other events, parties, or weddings?
10 A. Not that I can think of.
11 Q. Okay. So you have this one cover- -- this one
12 comment by Darin Ryburn when you were first here, "Is
13 your wife Caucasian," that bothered you.
14 Now, my question is going to be a little bit
15 more specific --
16 A. Okay.
17 Q. -- but you can answer it any way you want.
18 Did you hear -- have you heard him make any
19 comments that you thought were discriminatory or
20 harassing?
21 MR. GRESEN: Rifkin objections.
22 You may answer.
23 THE WITNESS: No.
24 Q. BY MS. SAVITT: Have you heard him make any
25 comments that were racial or sexual?

1 MR. GRESEN: Rifkin objections.
2 You may answer.
3 THE WITNESS: No.
4 Q. BY MS. SAVITT: Okay. How did you get along
5 with Darin Ryburn when you worked with -- worked for him
6 as -- with him as your sergeant?
7 A. I was new. So I just wanted to be professional.
8 Q. Okay. Did he treat you professionally?
9 A. From what I remember, yes.
10 Q. Okay. And how about when he was lieutenant?
11 MR. GRESEN: Vague and ambiguous.
12 You may answer.
13 THE WITNESS: Can you explain?
14 Q. BY MS. SAVITT: How did you get along with him
15 when he was your lieutenant?
16 A. Well, other than the fact that I knew he was
17 following me when I was on patrol, fine, I guess.
18 Q. Okay. And why do you think he was following
19 you?
20 A. Because I caught him a few times.
21 Q. Okay. Describe what you mean.
22 A. It's common when you work nights that if you
23 make a traffic stop for other officers to roll by -- roll
24 by your stop just for the officer safety issues.
25 There'd be several times where I'd see him

1 parked off a -- maybe half a block away. Instead of
2 coming to check on my stop, see what I'm doing, he would
3 just watch me. And other officers also complained about
4 the same thing.
5 Q. Okay. So other officers complained that when he
6 was Lieutenant Ryburn that he did that?
7 A. As a sergeant as well.
8 Q. Okay. And who were the other officers that
9 complained about Sergeant/Lieutenant Ryburn following
10 them?
11 A. Jason Embleton, John Embleton, Neil Gunn Jr.
12 Those are the only ones I can think of.
13 Q. Okay. Did you -- so knowing that Jason and John
14 Embleton and Neil Gunn Jr. also complained about that --
15 I take it those three are Caucasian?
16 A. Yes.
17 Q. Okay.
18 A. Well, Neil Gunn Jr.'s mother is Hispanic, I
19 believe. So I guess he's half.
20 Q. So he's American. He's a hybrid.
21 Did you feel that Sergeant/Lieutenant Ryburn was
22 following you because you're African-American?
23 A. Yes.
24 Q. Why did you feel it was because you're
25 African-American if he was, in fact, following and doing

1 A. If I'm on break --

2 MR. GRESEN: Foundation.

3 You may answer.

4 THE WITNESS: At the time, I believe I was on a

5 break.

6 Q. BY MS. SAVITT: Okay. How long are your breaks?

7 A. 30 minutes or 15 minutes.

8 Q. Okay. So you concluded from that comment that

9 Sergeant or Lieutenant Ryburn was checking up on you in

10 the field on patrol because you were African-American?

11 MR. GRESEN: Misstates his testimony.

12 You may answer.

13 MS. SAVITT: I just want to -- I'm not trying to

14 misstate it. I'm trying to find out.

15 MR. GRESEN: Asked and answered.

16 Answer -- you may answer.

17 THE WITNESS: I believe he had an issue with the fact

18 that my wife was white.

19 Q. BY MS. SAVITT: Okay. What do you base that on?

20 A. I base it on the reason he was demoted. I base

21 it on his general attitude when I answered his questions.

22 That's pretty much it.

23 Q. What was his general attitude when you answered

24 his questions?

25 A. He looked upset.

1 Q. What questions are you referring to?
2 A. Not questions. I'm sorry. When he said, "You
3 have a visitor out there."
4 Q. Okay. So based on that, you concluded he was
5 upset that your wife was Caucasian?
6 MR. GRESEN: Misstates testimony.
7 You may answer.
8 Q. BY MS. SAVITT: Is that correct?
9 A. Based on the fact that the time previous when he
10 asked me if it's true my wife was Caucasian and the face
11 he made, yes, I concluded he was upset about that.
12 Q. Okay. And when was it that your wife and kids
13 came to visit you at the police station?
14 A. I believe this was maybe two and a half years
15 ago.
16 Q. So 2006 or 2007?
17 A. Maybe, yes.
18 Q. Okay. How old were your kids at the time?
19 A. I think they might have been three and two
20 maybe.
21 Q. Okay. And they're five and four now?
22 A. Yes.
23 Q. Okay. Any other thing that Darin Ryburn said or
24 did to you that you thought was discriminatory or
25 harassing?

1 MR. GRESEN: Rifkin objections.

2 You may answer.

3 THE WITNESS: No.

4 Q. BY MS. SAVITT: Okay. Now, you said --

5 MR. GRESEN: Before we move to the next guy, may I

6 just take a one-minute break?

7 MS. SAVITT: Sure. We'll just wait for you.

8 MR. GRESEN: I'd like to go off the record for a

9 minute.

10 MS. SAVITT: Well, if it's going to be one minute,

11 we'll just all sit here, and you can go do your thing and

12 come back.

13 MR. GRESEN: Well, while I'm taking a break, I would

14 like to confer with my client briefly.

15 MS. SAVITT: Okay. So we'll take a break so you can

16 confer with your client. Let's put it -- let's be honest

17 why we're taking the break.

18 MR. GRESEN: Well, I'm going to the bathroom too.

19 Would you like to come with me?

20 MS. SAVITT: Absolutely not.

21 MR. GRESEN: Okay. Well, I thought you were --

22 MS. SAVITT: And I find that harassing.

23 MR. GRESEN: I thought you were very concerned about

24 whether I actually made or not. That's okay.

25 THE VIDEOGRAPHER: And we'll go off the record,

1 Counsel, at 11:03 a.m.

2 (A recess was taken.)

3 THE VIDEOGRAPHER: And we're back on the videotape

4 record at 11:08 a.m.

5 Q. BY MS. SAVITT: Okay. After the break and

6 consultation with your attorney, do you want to change

7 any of your answers?

8 A. No.

9 Q. Okay. We were talking about Sergeant Ryburn.

10 So when is the last time you believe he was

11 following you in the field when you were on patrol?

12 A. Whenever the last time was I worked for him.

13 Q. Did he ever write you up or give you a negative

14 review for something you did on patrol?

15 A. I'm not sure.

16 Q. You have no recollection as you sit --

17 A. I have no recollection.

18 Q. Okay. Now, are you aware of others saying that

19 Sergeant Ryburn -- Ryburn made any discriminatory

20 comments or harassing comments or racial comments or

21 sexist comments or something that could be construed that

22 way?

23 MR. GRESEN: Rifkin objections.

24 You may answer.

25 THE WITNESS: Yes.

1 Q. Do you remember where it was?
2 A. I remember where me and him were, but I don't
3 remember where the investigation ultimately took us.
4 Me and him were parked on -- behind some
5 business on Vanowen Boulevard.
6 Q. And you were -- I read all these detective
7 books. I'm told surveillance is boredom peppered by
8 something exciting.
9 Is that a fair characterization?
10 A. Yes.
11 Q. Okay. So you guys are sitting around, just sort
12 of chewing the fat together?
13 A. Yes.
14 Q. Okay. Gossiping about people in the department?
15 A. I don't -- I wouldn't say that, but part of the
16 conversation came up as far as his comment.
17 Q. How did the conversation about Sergeant Ryburn
18 happen to come up from Jason Embleton?
19 A. I'm not sure.
20 Q. Okay. Had you before that period of time
21 thought you got along okay with Sergeant Ryburn?
22 A. I knew how he was. So I just tried to avoid
23 him.
24 Q. Okay. What does that mean, "I knew how he was"?
25 A. It -- it seems as though he likes to pick

1 certain officers to kind of nitpick about certain things.
2 Q. Okay. And who besides yourself did you feel he
3 liked to nitpick?
4 A. Those officers I named, and just in general,
5 officers who went out and made a lot of arrests and got
6 complaints. Because if you make a lot of arrests, you're
7 going to get complaints. And he seemed to have an issue
8 with getting citizen complaints.
9 Q. Okay. So one of the factors, at least, you
10 believe that influenced Sergeant Ryburn's focusing on
11 individual officers is the number of citizen complaints
12 they got?
13 MR. GRESEN: Foundation. Speculation.
14 Q. BY MS. SAVITT: Is that true?
15 MR. GRESEN: You may answer.
16 THE WITNESS: Yes.
17 Q. BY MS. SAVITT: And so -- and you figure if
18 you're a more aggressive cop, you're going to get more
19 complaints; right?
20 A. I wouldn't say "aggressive." But I would say in
21 general when you arrest someone, they're going to
22 complain about something.
23 Q. Okay. And would you agree that the Burbank
24 Police Department does have an obligation to make sure
25 that the arrests are proper?

1 THE WITNESS: No.

2 Q. BY MS. SAVITT: Could it be?

3 MR. GRESEN: Speculation. Foundation.

4 You may answer.

5 THE WITNESS: Yes.

6 Q. BY MS. SAVITT: Okay. So anyone else besides

7 Jason, John Embleton, and Neil Gunn Jr. and yourself that

8 you felt that Sergeant Ryburn kind of focused on?

9 A. Not that I can think of.

10 Q. Okay. So what else did you mean by when you

11 say, "I know the way he is," or the words that you used

12 to that effect?

13 A. That's what I was referring to.

14 Q. Okay. Did you ever suffer any discipline

15 because of Sergeant Ryburn's scrutiny of you?

16 MR. GRESEN: Foundation.

17 You may answer.

18 Speculation.

19 You may answer.

20 THE WITNESS: I don't believe so.

21 Q. BY MS. SAVITT: Okay. Do you know if Sergeant

22 Ryburn ever conducted any of your IAs?

23 A. I don't know.

24 Q. Okay. So now we have the comment when you're in

25 the boring surveillance that occasionally gets exciting

1 A. No.

2 Q. Okay. So you've now told me all of the comments

3 you are aware about from Sergeant Ryburn; correct?

4 A. I believe so, yes.

5 Q. Okay. Now, since you've met with Irma Rodriguez

6 Moisa, do you believe or feel that you have suffered any

7 retaliation?

8 MR. GRESEN: Rifkin objections.

9 You may answer.

10 THE WITNESS: Not that I'm aware of.

11 Q. BY MS. SAVITT: Okay. And, in fact, since you

12 met with her, you got the SRO position; correct?

13 A. Yes.

14 Q. And that was something you wanted; right?

15 A. Yes.

16 Q. And you're happy in that assignment?

17 A. Somewhat.

18 Q. Okay. And what do you mean just by "somewhat"?

19 A. Well, no. That's -- that's because I just miss

20 patrol. That's what it is.

21 Q. Okay. So you get to learn more detective skills

22 and investigative skills, but you miss patrol?

23 A. Yes.

24 Q. Okay. Do you like working in the Burbank Police

25 Department?

1 A. Right now, no.
2 Q. Why not?
3 A. I just don't feel it's for me. Just...
4 Q. Why?
5 A. Just all the stuff going on.
6 Q. Well, you know in your head what all the stuff
7 is. I don't. You have to tell me.
8 A. Just the investigations and the lawsuits and the
9 probes and the department being in the newspaper all the
10 time. It's embarrassing.
11 Q. Okay. Any other reason why it's uncomfortable
12 or you don't like it right now?
13 A. I just feel like since, you know, we came out
14 with this lawsuit, I'm just going to have people looking
15 to get me for the next 20 years. So I'd rather go
16 somewhere where I just have a clean slate.
17 Q. Has anybody done anything to you to make you
18 feel that way, or is that just sort of your supposition?
19 A. That's just what I believe. Nothing -- no one
20 has done anything to my knowledge.
21 Q. Okay. Now Aaron Kendrick. Have you ever worked
22 with Aaron Kendrick?
23 A. Yes.
24 Q. And when did you work with Aaron Kendrick?
25 A. I believe I've worked with him a few times. I

1 Q. BY MS. SAVITT: What are you aware of ?

2 A. Officer Jason Embleton told me -- we were -- I
3 believe we were doing a surveillance . Me and him were in
4 the same car. And he said that he recalled an
5 incident -- he told this to me maybe a year ago , I'm
6 guessing -- that he was in the jail booking someone , and
7 he said Ryburn made a comment , saying something to the
8 effect of, "I guess it's true, once you go black, you
9 never go back," or something to that effect .

10 Q. Okay. So this occurred when you were still on
11 patrol ?

12 A. Yes .

13 Q. So this was before August of '08?

14 A. I believe so, yes .

15 Q. Okay. Do you remember if it was summer?
16 Spring ? Fourth of July?

17 A. No .

18 Q. Saint Patrick's Day? Easter week?

19 A. The only thing I remember is we were doing our
20 surveillance , and me and him were in a chase car. We
21 were in a marked unit while the other people were in
22 unmarked cars.

23 Q. Okay. Do you remember what you were
24 surveilling ?

25 A. I think it was some kind of drug activity .

1 You may answer.

2 THE WITNESS: I don't remember exactly what we were

3 supposed to tell her. I just remember we had to go talk

4 to her about -- because I -- I was told that my name was

5 on a list of officers who would speak up about racial

6 issues at the department.

7 Q. BY MS. SAVITT: And did you speak up with her?

8 A. Yes.

9 Q. And were you truthful with her?

10 A. Yes.

11 Q. And did you tell her everything you knew about

12 that topic?

13 A. Yes.

14 Q. And -- okay. So this is one of the things you

15 told her about?

16 A. Yes.

17 Q. Okay. Now -- but you never personally heard

18 Sergeant Ryburn say that in your presence; correct?

19 A. No, I did not.

20 Q. All right. Now, any other people you are aware

21 of that have advised you or told you that they heard

22 comments that either they have thought or you thought

23 were discriminatory, harassing, racial, or sexual?

24 A. Pertaining to -- to Sergeant Ryburn?

25 Q. Yes.

1 Okay. So did you partner with him?
2 A. I don't believe I ever did, no.
3 Q. Okay. So you just worked the same shift?
4 A. Yes.
5 Q. And then when you're assigned shifts on
6 deployments -- when you're on a shift, are you assigned
7 different areas?
8 A. Yes.
9 Q. Okay. So even though you work with him on a
10 shift, you don't really run into him that much; is that
11 correct?
12 A. Yes.
13 Q. Okay. Roll call --
14 A. Yes.
15 Q. -- right?
16 And I guess when you're coming in at the end of
17 the shift, you run into each other?
18 A. Yes.
19 Q. Okay. Is that -- is that pretty accurate?
20 A. Yes.
21 Q. Okay. So have you ever personally heard Aaron
22 Kendrick make any comments that you thought were
23 discriminatory or harassing or racial or sexist?
24 A. Yes.
25 Q. What have you heard?

1 A. I heard him refer to Officer Karagiosian as a
2 "towel."
3 Q. How many times?
4 A. A lot.
5 Q. I believe you told Irma Rodriguez Moisa or
6 Sergio Bent about five times.
7 Does that refresh your recollection?
8 MR. GRESEN: Facts not in evidence. Spec- --
9 foundation.
10 But you may answer.
11 THE WITNESS: I believe so.
12 Q. BY MS. SAVITT: Okay. So approximately five
13 times?
14 A. Yes. Approximately five times.
15 Q. Okay. And have you ever heard him make any
16 racial comments about African-American s?
17 A. No.
18 Q. And what was the context that you heard Aaron
19 Kendrick use the expression "towel" in relationship to
20 Steve Karagiosian?
21 MR. GRESEN: Compound.
22 You may answer.
23 THE WITNESS: We weren't at work. Because I used to
24 play on a basketball team with him and other officers,
25 and after the games we would come out from the -- from

1 the gym area and sit and, you know, get dressed,
2 whatever. And I don't remember the exact context, but I
3 remember him referring to Officer Karagiosian as a
4 "towel."
5 Q. BY MS. SAVITT: Do you remember any other words
6 he used in that expression?
7 A. I remember him calling him "stupid towel" once.
8 Q. Do you remember what the context was?
9 A. I believe they were talking about some arrest he
10 made, or something like that.
11 Q. Was this before or after Officer Karagiosian and
12 Aaron Kendrick were made FTOs?
13 MR. GRESEN: Foundation.
14 You can answer.
15 THE WITNESS: I'm not sure. I think it would have
16 been before.
17 Q. BY MS. SAVITT: Did you ever make any notes of
18 some of these comments that you heard that bothered you?
19 A. No.
20 Q. Okay. What did you say to Aaron Kendrick when
21 he referred to Karagiosian as a "stupid towel" or a
22 "towel"?
23 A. Nothing.
24 Q. Okay. Did you report it to anybody?
25 A. No.

1 Q. And each of the occasions you heard this, am I
2 correct you were not at work?
3 A. I'm not sure.
4 Q. Do you have any recollection of him saying this
5 while you were at work?
6 A. I'm not sure.
7 Q. Okay. You recall at least once was at a
8 basketball game?
9 A. Uh-huh.
10 Q. Yes?
11 A. Yes.
12 Q. What are the other circumstances you recall, or
13 were they all, as far as you know, at basketball games?
14 A. I believe most of them were at basketball games.
15 Q. Was anybody else present when -- when you
16 overheard --
17 Was Aaron Kendrick talking to you directly, or
18 was he talking to someone else?
19 A. I believe everyone was there, the whole team.
20 Q. Okay. So who was on the team at the time?
21 MR. GRESEN: Compound. Vague and ambiguous.
22 You may answer.
23 MS. SAVITT: "Who was on the team?"
24 MR. GRESEN: At which time? Which of the comments?
25 There are five comments.

1 you thought were discriminatory or harassing or racial or
2 sexist that you heard Aaron Kendrick make?
3 A. No.
4 MR. GRESEN: Rifkin objections.
5 You may answer.
6 THE WITNESS: No.
7 MS. SAVITT: Okay. I had this brilliant question,
8 and I just lost it. So I'll come back to that.
9 Q. Did you stop playing basketball?
10 A. Yes.
11 Q. When did you stop playing basketball?
12 A. I believe maybe two years ago.
13 Q. And why did you stop playing basketball?
14 A. Well, one, for the drive. A lot of times I had
15 to drive in from home on my off day. And two, just the
16 comments, just -- I didn't like it.
17 Q. Did you ever say anything to Aaron Kendrick, "I
18 don't like it when you say that"?
19 A. No.
20 Q. Okay. So you -- have you now told me all of the
21 comments you've heard that Aaron Kendrick has made that
22 you think arguably are discriminatory, harassing, racial,
23 or sexist?
24 A. I believe so.
25 Q. Okay. Chief Stehr. Have you ever heard him

1 make a racial or sexist comment?

2 MR. GRESEN: Rifkin objections.

3 You may answer.

4 THE WITNESS: No.

5 Q. BY MS. SAVITT: Have you ever heard Chief Stehr

6 say anything that you personally believed was

7 discriminatory or harassing?

8 A. No.

9 MR. GRESEN: Rifkin objections.

10 You may answer.

11 Q. BY MS. SAVITT: Are you aware of anybody else

12 ever telling you that they've heard Chief Stehr make

13 comments that they thought or perceived or believed were

14 harassing or discriminatory?

15 MR. GRESEN: Rifkin objections.

16 You may answer.

17 THE WITNESS: I don't believe so.

18 Q. BY MS. SAVITT: Okay. Now, let's go back to

19 Aaron Kendrick.

20 Have you ever heard anybody tell you that Aaron

21 Kendrick made comments that could be in your view

22 perceived to be discriminatory, harassing, sexist, or

23 racial?

24 MR. GRESEN: Rifkin objections.

25 You may answer.

1 THE WITNESS: Yes.

2 Q. BY MS. SAVITT: Okay. Who has told you that

3 Aaron Kendrick made comments?

4 A. Officer Macias and Brimway.

5 Q. Okay. And Officer Macias, that's Mike Macias?

6 A. Yes.

7 Q. Okay. Let's just start with Macias first -- or

8 were they both together when they told you this?

9 A. They both told me about the same thing at

10 different times.

11 Q. Different times.

12 Okay. Let's stick with Officer Macias.

13 When did Officer Macias tell you about a comment

14 that Aaron Kendrick made?

15 A. I believe it was around the time when we got the

16 letter to go speak with Irma.

17 Q. Okay. So around March of '08?

18 A. I think so, yes.

19 Q. Okay. And what did Mike Macias tell you?

20 A. He said that they were doing a search warrant

21 for a -- a famous rapper, and he said that Officer

22 Kendrick made some comment to the effect of, "Why is

23 Jamal here? Are we" -- "Do we need him for translation?"

24 Q. Do you know why he told you that?

25 A. No.

1 Q. Did you ask him, "Why are you telling me this?"
2 A. No.
3 Q. Was this rapper Snoop Dogg?
4 A. Yes.
5 Q. And do you remember when you served that search
6 warrant?
7 MR. GRESEN: Foundation. Misstates testimony.
8 You -- you may answer.
9 THE WITNESS: No.
10 Q. BY MS. SAVITT: Do you remember if it was more
11 than a year before Officer Macias told you this?
12 A. A year before we did the search warrant?
13 Q. No. That the search warrant was a year before
14 Officer Macias told you.
15 A. I think so. Maybe.
16 Q. Okay. So a whole year went by before he told
17 you this about this comment; is that a fair statement?
18 MR. GRESEN: Asked and answered and improper form of
19 questions.
20 You may answer.
21 THE WITNESS: Maybe, yes.
22 Q. BY MS. SAVITT: Okay. Did you ask him, "Why are
23 you telling me this a year later?"
24 MR. GRESEN: Asked and answered.
25 You may answer.

1 this?

2 A. I can't remember. I believe I did.

3 Q. Okay. What did Officer Brimway tell you about

4 Aaron Kendrick?

5 A. It was basically the same conversation that I

6 had with Officer Macias. He just told me about, you

7 know, what he had heard that was supposedly said.

8 Q. Okay. Did Officer Macias tell you he personally

9 heard it or that he heard that that happened?

10 A. He told me he heard it.

11 Q. Did he tell you who he heard it from?

12 MR. GRESEN: Vague and ambiguous.

13 THE WITNESS: He told me he heard it from Officer

14 Kendrick.

15 Q. BY MS. SAVITT: Okay. Now, Brimway. How did

16 the conversation with Brimway come up?

17 A. I don't remember.

18 Q. What exactly did Brimway tell you?

19 A. The same thing Officer Macias did, that

20 supposedly Officer Kendrick made that comment about me

21 during the search warrant briefing.

22 Q. Okay. Did you ever ask Aaron Kendrick if he

23 made that comment to you?

24 A. No.

25 Q. Do you by any chance listen to Snoop Dogg?

1 A. No.

2 Q. Do you listen to rap music?

3 A. Yes.

4 Q. Before this lawsuit was filed, did Officer
5 Kendrick come up to you and say, "If I've ever done
6 anything to offend you, I apologize"?

7 A. Yes.

8 Q. And what did you say ?

9 A. I accepted his apology.

10 Q. Did you think he was sincere ?

11 A. Yes.

12 Q. And how do you get along with Officer Kendrick
13 now?

14 A. I think we get along fine now.

15 Q. Okay. Since you had your conversation with Irma
16 Moisa --

17 I have three names. So I shouldn't be critical.
18 But I always have been transposing hers like people
19 transpose mine. Let me try it again.

20 -- Irma Rodriguez Moisa, have you heard anyone
21 say Aaron Kendrick made any comments ?

22 A. Not that I'm aware of.

23 Q. Okay. Did anyone else tell you that Aaron
24 Kendrick made any type of comments that could be
25 perceived as racial, sexual -- I want you to be very

1 broad in your interpretation -- harassing, or
2 discriminatory?
3 MR. GRESEN: Rifkin objections.
4 You may answer.
5 THE WITNESS: Officer Rodriguez.
6 Q. BY MS. SAVITT: Elfego?
7 A. Elfego Rodriguez. I'm sorry.
8 Q. Okay. And what did he tell you?
9 A. He told me he was in the lower report writing
10 room and --
11 Q. I'm sorry. I didn't hear what --
12 A. The lower report writing room.
13 Q. Lower report?
14 A. Yes. We have a -- a lower report writing and an
15 upper level report writing.
16 He said that he was typing on the computer, and
17 he said that Officer Kendrick made a comment that
18 Mexicans only came to Burbank to ruin the city.
19 Q. And when did he tell you about this comment?
20 A. I believe it was immediately after it happened.
21 Q. So --
22 A. This would -- I would have been working day
23 shift. So whenever I was on day shift with Officer
24 Rodriguez and Officer Kendrick.
25 Q. Okay. And did he tell you the context?

1 A. I don't remember.

2 Q. Did he tell you that Aaron Kendrick said this to

3 him or that he heard that Aaron Kendrick had said it to

4 somebody else?

5 A. He told me he heard him say it.

6 Q. Okay. And did he tell you if he said anything

7 in response?

8 A. No.

9 Q. Did he tell you this before you met with Irma

10 Rodriguez Moisa?

11 A. Yes.

12 Q. And you reported this to her; correct?

13 A. I don't remember.

14 Q. Did you ever ask Aaron Kendrick if he, in fact,

15 had made such a comment?

16 A. No, I didn't.

17 Q. And anyone else ever tell you anything that

18 Aaron Kendrick said that was -- could be perceived as

19 discriminatory, racial, sexual, harassing?

20 MR. GRESEN: Rifkin objections.

21 You may answer.

22 THE WITNESS: I don't believe so.

23 Q. BY MS. SAVITT: Did you ever hear Aaron Kendrick

24 say anything that you thought violated any City internal

25 policies?

1 MR. GRESEN: Foundation.

2 You may answer.

3 THE WITNESS: I'm not sure.

4 Q. BY MS. SAVITT: Anyone else tell you anything

5 about Aaron Kendrick making comments?

6 A. I don't believe so.

7 Q. Did you have a conversation with Steve

8 Karagiosian about an incident with Aaron Kendrick and

9 Steve Karagiosian?

10 A. Oh, yes. I did.

11 Q. And was that when they both became field

12 training officers?

13 A. I think so, yes.

14 Q. And was that up in Fresno?

15 A. Yes.

16 Q. And how did -- when did Steve Karagiosian have

17 this conversation with you?

18 A. I believe I had the conversation with him after

19 he came back.

20 Q. So right around the same -- right when it

21 happened; right?

22 A. Possibly, yes.

23 Q. And what did Steve Karagiosian tell you in that

24 conversation?

25 A. I know they got into some kind of dispute or

1 something over -- whatever. I don't know. I just know
2 they got into a big argument.
3 Q. Okay. I know you weren't a witness to it. So
4 I'm not asking you to be a witness to it. But I want to
5 know what Steve Karagiosian told you about that.
6 A. I just remember him telling me that they were in
7 a car or something like that, and they started arguing,
8 and then they pulled over and they argued some more. And
9 that was pretty much it.
10 Q. Did Steve Karagiosian tell you he told Aaron
11 Kendrick, "I'm going to kill you," or words to that
12 effect?
13 A. I believe so, yes.
14 Q. Did you think that was bad?
15 A. I think it was -- I think it is something he
16 should not have said, yes.
17 Q. Okay. Did you report that to anybody, that he
18 threatened a police officer?
19 A. No.
20 Q. Why not?
21 A. I wasn't there.
22 Q. But he admitted it to you, didn't he?
23 A. Yes.
24 Q. Didn't you think it was outrageous that he
25 threatened to kill a fellow police officer?

1 MR. GRESEN: Foundation.

2 You may answer.

3 THE WITNESS: Yes.

4 Q. BY MS. SAVITT: Did you tell anybody about that?

5 A. No.

6 Q. Did you ask him, "Why would you say such a

7 thing?"

8 A. I don't remember.

9 Q. Did you have any discussion with him about that

10 further?

11 A. I don't remember.

12 Q. Did Steve Karagiosian tell you that the next day

13 after this argument, that Officer Kendrick went to him

14 and apologized if he did anything to offend him?

15 A. I don't remember.

16 Q. You don't remember that?

17 A. No.

18 Q. Would that surprise you to learn that Officer

19 Kendrick went to Steve Karagiosian and said, "If I did

20 anything to offend you, I'm sorry"?

21 MR. GRESEN: Speculation.

22 You may answer.

23 And foundation.

24 You may answer.

25 THE WITNESS: No.

1 Q. BY MS. SAVITT: How did you feel when someone
2 made a complaint against you that was false and
3 frivolous?
4 A. It was upsetting.
5 Q. Why?
6 A. Because I knew I didn't do anything wrong.
7 Q. Okay. Are you aware that you filed charges of
8 discrimination and harassment personally against
9 Detective Parrinello with the State?
10 A. Yes.
11 Q. And you have testified here that Parrinello
12 hasn't said or done anything to you that you thought was
13 discriminatory and harassing.
14 MR. GRESEN: Over my Rifkin objections.
15 Q. BY MS. SAVITT: Why -- why did you file a charge
16 personally against Mike Parrinello with the State
17 alleging harassment, retaliation, discrimination, and a
18 hostile work environment?
19 MR. GRESEN: Objection. Attorney/client, work
20 product privileges. Instruct him not to answer as to any
21 reason as resulting from his attorney's advice.
22 Q. BY MS. SAVITT: Do you have any facts --
23 MR. MICHAELS: Wait, wait, wait, wait.
24 I'd like to hear the question -- the answer.
25 Q. BY MS. SAVITT: Can you answer the question?

1 MR. GRESEN: You may answer the question except
2 anything that you may have -- any reason that -- that
3 came from your attorneys.
4 THE WITNESS: Why did I personally file against him?
5 Q. BY MS. SAVITT: Yes.
6 A. I never had an issue with him personally. I
7 wasn't aware of him doing anything personally to me. The
8 people that I had an issue with were Sergeant Ryburn,
9 Sergeant Calicchio, Officer Cutler.
10 Q. Okay. So why did you file a charge with the
11 State of California specifically naming Mike Parrinello
12 as someone who harassed, discriminated, or retaliated
13 against you if that's a false charge?
14 MR. GRESEN: Rifkin objections. Misstates evidence.
15 Argumentative. I instruct him not to answer.
16 Q. BY MS. SAVITT: How do you think it made Mike
17 Parrinello feel when you filed a charge against him
18 accusing him of discrimination, harassment, and
19 retaliation?
20 MR. GRESEN: Foundation. Speculation.
21 You may answer.
22 THE WITNESS: I don't know.
23 Q. BY MS. SAVITT: Wouldn't you think that's a bad
24 thing to do?
25 MR. GRESEN: Speculation. Argumentative.

1 a charge of discrimination or harassment against Captain
2 Pat Lynch?
3 MR. GRESEN: Rifkin v. Superior Court. It's
4 violative of Rifkin -- excuse me. The question is
5 violative of Rifkin v. Superior Court. It seeks
6 application of law to facts. Speculation. Foundation.
7 Calls for an expert opinion and calls for a legal
8 collusion. And on that basis I instruct him not to
9 answer. Oh, and it also violates attorney/client and
10 work product privileges.
11 Q. BY MS. SAVITT: Has Captain Lynch done anything
12 but treat you professionally?
13 A. He's been professional with me.
14 Q. How do you think it makes him feel that you've
15 accused him of race discrimination falsely?
16 MR. GRESEN: Argumentative.
17 Q. BY MS. SAVITT: Do you think it makes him feel
18 the way you felt when you were falsely accused?
19 A. I don't think I'm the only person that filed
20 this lawsuit. I think there are other people who might
21 have issues with him.
22 Q. But you specifically under your name accused
23 him.
24 Are you aware of that?
25 A. Yes.

1 Q. Do you have any facts or information to support,
2 in your view, filing a claim against Kelly Frank
3 individually for discriminating against you or harassing
4 you because of your race?
5 MR. GRESEN: Rifkin -- violates Rifkin v. Superior
6 Court in that it seeks application of law to fact. Lacks
7 foundation. Calls for speculation. Calls for
8 information protected by the attorney/client and work
9 product privileges. And also calls for an expert opinion
10 or legal opinion.
11 MS. SAVITT: Oh, Sol. Just make that Objection
12 No. 2. It's a bunch of garbage.
13 MR. GRESEN: Well, I appreciate that. But, Linda, if
14 you can't be civil, let's just discontinue the
15 deposition, and we'll have the judge for every
16 deposition.
17 MS. SAVITT: If you're obstructing "do you have any
18 facts to support," a theory question, I'm going to be
19 pretty pissy, yes. But we're going to continue.
20 Q. Has Kelly Frank done anything but treat you
21 professionally?
22 A. No.
23 Q. Do you have any facts or information that you
24 believe support your individually accusing Dan Yadon of
25 discrimination or harassment against you because of your

1 race?

2 MR. GRESEN: Objection. Violates Rifkin v. Superior

3 Court in that it seeks application of law to fact. Calls

4 for speculation. Calls -- lacks foundation. Invasive of

5 the attorney/client and work product privileges. Calls

6 for an expert opinion and/or legal conclusion. And I

7 will instruct him not to answer.

8 Q. BY MS. SAVITT: Has Sergeant Yadon done anything

9 but treat you professionally?

10 A. No.

11 Q. Do you have any facts or information that you

12 believe justify you individually accusing J.J. Puglisi of

13 discriminating or harassing you on the basis of your

14 race?

15 MR. GRESEN: Violates -- objection. Speculation.

16 Foundation. Violates Rifkin v. Superior Court in that it

17 seeks application of law to fact. Invasive of the

18 attorney/client and work product privileges. Calls for a

19 legal conclusion and/or expert opinion. And I instruct

20 him not to answer.

21 Q. BY MS. SAVITT: Has Jamie Puglisi done anything

22 other than treat you professionally?

23 A. No.

24 Q. Kerry Schilf. Do you have any facts or

25 information that, in your mind, justify or support your

1 personally accusing him of harassing you or
2 discriminating against you because of the color of your
3 skin?
4 MR. GRESEN: Violates Rifkin v. Superior Court in
5 that it seeks application of law to fact. Calls for
6 information protected by the attorney/client and work
7 product privileges. Foundation. Speculation. Expert
8 opinion and legal conclusion. And I instruct you not to
9 answer.
10 Q. BY MS. SAVITT: Has Kerry Schilf done anything
11 but treat you professionally?
12 A. No.
13 Q. Do you have any facts or information that
14 justify, in your opinion, accusing Chief Stehr of
15 personally discriminating against you and harassing you
16 on the basis of your skin color?
17 MR. GRESEN: Seeks -- objection. Seeks application
18 of law to fact in violation of Rifkin v. Superior Court.
19 Seeks information protected by the attorney/client and
20 work product privileges. Foundation. Speculation.
21 Expert -- calls for an expert opinion and a legal
22 conclusion. And I instruct him not to answer.
23 Q. BY MS. SAVITT: Has Chief Stehr done anything
24 but treat you professionally during your career with the
25 Burbank Police Department?

1 A. No.

2 Q. Now, when Darin Ryburn was your lieutenant, were

3 there occasions when you had to stay home because your

4 kids were sick?

5 A. Possibly.

6 Q. Did he call you at home to see if there was

7 anything he could do to provide you any support or help?

8 A. I don't remember that.

9 Q. Has Aaron Kendrick done anything to you -- to

10 you, Jamal Childs, that you believe justifies accusing

11 him of discriminating against you or harassing you

12 because of the color of your skin?

13 MR. GRESEN: Objection. Calls for a legal conclusion

14 or expert opinion. The question violates the

15 attorney/client and work product privileges. Calls for

16 application of law to fact in violation of Rifkin v.

17 Superior Court. Foundation and speculation. I instruct

18 him not to answer.

19 Q. BY MS. SAVITT: And when you worked with Officer

20 Kendrick, did he do anything but treat you

21 professionally?

22 A. No.

23 Q. Do you have any facts or information that

24 Sergeant Ryburn has done anything to personally

25 discriminate against you or harass you because of the

1 Q. BY MS. SAVITT: Right.

2 A. I believe he was making fun of me because I

3 did -- I think it was something about a traffic stop, and

4 it had reference to flying saucers and other ridiculous

5 things in it.

6 Q. Flying saucers?

7 A. Yes.

8 Q. Did you laugh when you saw it?

9 A. Yes.

10 Q. Did everybody else laugh when they saw it?

11 A. I don't --

12 MR. GRESEN: Foundation.

13 You may answer.

14 THE WITNESS: I don't think I showed anyone else.

15 Q. BY MS. SAVITT: Okay. You thought it was a

16 joke?

17 A. Yes.

18 Q. Okay. Did you believe that it was because of

19 your race that he did it?

20 A. No.

21 Q. Okay. Did you ever go into Officer Gunn's email

22 and send an email out under his name?

23 A. No.

24 Q. Did you ever send an email out mocking rappers?

25 A. No.

1 Q. Making fun of "black talk"?
2 A. No.
3 Q. Are you aware of such an email ever being sent
4 out under Officer Gunn's name?
5 A. Yes.
6 Q. And who sent it out, as far as you know?
7 A. Officer Cutler.
8 Q. Why do you think it was Officer Cutler?
9 A. Because he told me.
10 Q. And did you find that to be at all
11 discriminatory or harassing or just a joke?
12 MR. GRESEN: Rifkin objections.
13 You may answer.
14 THE WITNESS: I don't remember the exact context of
15 the email.
16 Q. BY MS. SAVITT: Well, regardless of whether you
17 remember the exact contents of the email, do you recall
18 how you felt when you read it?
19 A. No.
20 Q. Did you think it was funny? Did you think it
21 was harassing?
22 MR. GRESEN: Asked and answered. Rifkin objections.
23 You may answer again.
24 THE WITNESS: I don't remember.
25 Q. BY MS. SAVITT: Okay. Are you aware that in the

1 (A lunch recess was taken.)
2 (Sergeant Darin Ryburn and Officer Aaron Kendrick leave
3 the deposition proceedings .)
4 THE VIDEOGRAPHER: And good afternoon . We're back on
5 the videotape record beginning Tape No. 2 of Volume No. 1
6 at 1:22 p.m.
7 Q. BY MS. SAVITT: Okay. Officer Childs, I want to
8 go back to something we talked about earlier today, and
9 that was that you said that Officer Brimway told you
10 about a comment that was made when you were part of the
11 team that served the search warrant or arrest warrant on
12 Snoop Dogg.
13 A. Yes.
14 Q. What exactly did he tell you?
15 A. He -- I don't remember the, you know, exact word
16 for word. But he basically confirmed Officer Macias's
17 story about Aaron Kendrick making that comment about me.
18 Q. Did he say he personally heard Aaron Kendrick
19 saying that?
20 A. No.
21 Q. Did he say how he obtained the information that
22 Aaron Kendrick said that?
23 A. I can't remember .
24 Q. Did he tell you -- he did tell you --
25 You used the word "confirmed ." Did he tell you

1 person he said told him or you can't remember whether he
2 even told you --
3 A. Oh, I --
4 Q. -- who it was?
5 A. I'm sorry.
6 I can't remember who he said told him.
7 Q. Okay. Why did you believe him if he was not
8 with the department at the time?
9 MR. GRESEN: Objection. Foundation. Assumes facts
10 not in evidence.
11 MS. SAVITT: Okay. That's a good point.
12 Q. Did you believe him when he told you that?
13 A. Yes.
14 Q. Why did you believe him when he wasn't even with
15 the department at the time it happened?
16 MR. GRESEN: Objection. Foundation. Assumes facts
17 not in evidence.
18 THE WITNESS: Because I know him to be an honest
19 person.
20 Q. BY MS. SAVITT: But he couldn't have heard it
21 firsthand?
22 A. Yes. Exactly.
23 MS. SAVITT: Okay. Let me show you what we'll mark
24 as Exhibit -- I believe 114.
25 (Exhibit 114 was marked for identification.)

1 Q. BY MS. SAVITT: This is a series of DFEH
2 charges -- the DFEH is the Department of Fair Employment
3 and Housing for the State of California -- that indicate
4 you filed --
5 You see at the top, it says Jamal Childs?
6 A. Yes.
7 Q. And then the person that you name who
8 discriminated against me, the first one is Aaron
9 Kendrick. Page 2 is Mike Parrinello. Page 3 is Pat
10 Lynch. Page 4 is Kelly Frank. Page 5 is Dan Yadon.
11 Page 6 is Jamie "J.J." Puglisi. Page 7 is Kerry
12 Schlif -- Schilf. Page 8 is Darin Ryburn. And page 9 is
13 Tim Stehr.
14 You -- you understood that you filed these under
15 oath with the State; correct?
16 A. Yes.
17 Q. All right. What was your basis for filing these
18 under oath with the State?
19 MR. GRESEN: Objection. Assumes facts not in
20 evidence. Foundation.
21 You may answer.
22 THE WITNESS: My basis for filing this paperwork with
23 the State?
24 Q. BY MS. SAVITT: As to each one individually.
25 A. Well, the comments that were made by specific

1 officers. Just the overall environment of the
2 department.
3 Q. Okay. Now, what is the overall environment that
4 you're talking about?
5 A. Just the comments.
6 Q. Any comments other than the ones we've talked
7 about today?
8 A. I was made aware of a comment that Chief Stehr
9 made in a management team meeting.
10 Q. Okay. When were you made aware of that comment?
11 A. It was probably around the time we filed this
12 lawsuit.
13 Q. So around May of 2009?
14 A. I believe so, yes.
15 Q. Okay. And who told you the comment that Chief
16 Stehr made?
17 A. Lieutenant Rodriguez.
18 Q. And where were you when Lieutenant Rodriguez
19 told you about this?
20 A. I believe we were standing in front of Solomon's
21 office, I believe.
22 Q. Was it before or after you had met with
23 Mr. Gresen?
24 A. I can't remember.
25 Q. Okay. And who else was present?

1 A. I believe Officer Karagiosian and Officer
2 Rodriguez were there.
3 Q. How about Cindy?
4 A. I'm not sure.
5 Q. What did Lieutenant Rodriguez tell you?
6 A. He told me that during a management team meeting
7 that -- that Chief Stehr made a comment, something to the
8 effect of, "There used to be a time here when it was okay
9 to call someone a nigger, but times have changed."
10 Q. Okay. Did -- did you understand that he was
11 telling people that that was not appropriate to use that
12 word?
13 A. I don't think it's appropriate to use that word
14 in a management team meeting.
15 Q. Well, you're not in management; correct?
16 A. Correct.
17 Q. You don't go to the management team meetings;
18 correct?
19 A. No, I do not.
20 Q. You don't know the context in which he used it
21 in, do you?
22 A. No.
23 Q. Okay. Did Lieutenant Rodriguez tell you that
24 Chief Stehr was trying to make a point that while maybe
25 that was okay many years ago, it's not okay now?

1 A. I don't believe so .

2 Q. Did Lieutenant Rodriguez -- did Lieutenant

3 Rodriguez tell you that after that meeting he went up and

4 complimented the Chief on how well he conducted that

5 meeting?

6 A. No.

7 Q. Okay. Now, you said -- we started this

8 discussion after lunch about the way things were in the

9 department. You used -- I didn't write down the exact

10 terminology you used. So I'm not trying to put words in

11 your mouth. But the gist of it was that.

12 Do you recall that?

13 A. I believe so, yes.

14 Q. What -- what else are you talking about? You

15 told me about the comment Chief Stehr made.

16 A. Just the overall comments people making --

17 referring to Armenians as "towels," me walking by rooms

18 and hearing comments.

19 Q. Okay. What comments? I -- I need you to tell

20 me what comments you heard when you were walking by the

21 rooms.

22 A. I recall walking by the lower report writing

23 room and as -- just as I got past the doorframe, I bent

24 down to get something out of my bag, and I was out of

25 view for people that were inside the room. And I -- I

1 believe it was Officer Cutler, he said, you know, "I
2 remember when we didn't hire people like him."
3 Q. Say it again.
4 A. He said, "I remember when we didn't hire people
5 like him."
6 Q. And who was in that room that you overheard
7 Officer Cutler talking to?
8 A. That, I don't -- I was -- I was before work. I
9 was going to work out, and as you walk by the lower
10 report writing room --
11 MR. GRESEN: Please -- please read back the question.
12 It's nonresponsive.
13 (Record read.)
14 THE WITNESS: I don't remember.
15 Q. BY MS. SAVITT: Did you ever go up to Officer
16 Cutler and say, "Were you referring to me?" or, "What
17 were you talking about?"
18 A. No.
19 Q. When did this occur?
20 A. Maybe in '07. Maybe.
21 Q. Before you talked to Irma Rodriguez --
22 A. Yes.
23 Q. -- Moisa?
24 A. Yeah.
25 Q. Did you tell her about this?

1 A. I believe I did, yes.
2 Q. Okay. You concluded that that was a comment
3 about you; right?
4 A. Yes.
5 Q. You don't know what the context of the
6 conversation was; correct?
7 A. No.
8 Q. So you don't know if he was referring to
9 somebody else; right?
10 A. Yes. You're correct.
11 Q. Okay. Thank you. You've obviously conducted
12 interviews and know that when they say "yes," you've got
13 to make sure they're saying "yes" to the right thing.
14 Okay. And what other comments did you hear?
15 A. Just different things that I've been told by
16 other people that were said about me.
17 Q. Okay. I want to know first what you personally
18 heard from people about you, not what people were
19 reporting to you.
20 A. I believe -- I believe I've told you that
21 already. The stuff I told you earlier.
22 Q. Okay. So the things you personally heard,
23 you've told me all of them?
24 A. I believe so, yes.
25 ///

1 (Lieutenant Jamie "J.J." Puglisi joins the
2 deposition proceedings .)
3 Q. BY MS. SAVITT: Okay. And since you've talked
4 to Irma Rodriguez Moisa, you haven't heard any more
5 comments; is that correct?
6 MR. GRESEN: Objection. Misstates testimony .
7 You may answer .
8 THE WITNESS: I don't believe I have.
9 Q. BY MS. SAVITT: Okay. Now -- then you said --
10 when we're talking about the general atmosphere around
11 here, you said "different things people have told me were
12 said about me."
13 So what are you referring to?
14 A. There's another specific comment.
15 Officer Brimway told me he was in lower report
16 writing, and I walked by again once before work, and
17 Cutler looks -- Officer Cutler looks up and sees me and
18 says, "Who let the black guy in?" And he said everyone
19 just thought it was the funniest thing ever .
20 Q. And did Brimway tell you who all was present?
21 A. I don't believe so.
22 Q. And did Brimway -- when did Brimway tell you
23 this?
24 A. Maybe a year ago to a year and a half ago.
25 Q. So you knew this before you interviewed with

1 Irma?

2 A. I think so, yes.

3 Q. Okay. And you reported it to her?

4 A. I believe I did.

5 Q. Okay. And did Brimway tell you the context of

6 this comment?

7 A. He just said I walked by and Cutler looked up

8 and said, "Who let the black guy in?" And everyone

9 laughed.

10 Q. Okay. And did you ask anybody or did you do any

11 type of mini investigation to find out what really had

12 happened?

13 A. No.

14 Q. Okay. Any other comments you've heard?

15 A. I don't believe so.

16 Q. Prior to -- well, let's see.

17 You told us at the beginning of the deposition

18 that you don't like the job as much as you used to

19 because -- and I'm paraphrasing -- because of the tension

20 of the lawsuit and all the investigations.

21 Does that include the FBI investigations that

22 are going on?

23 A. Yeah. It feels embarrassing for the department.

24 Q. Okay. Before the lawsuit was filed and before

25 you found out about the FBI investigations and everything

1 from the norm and that it might create some social
2 problems?
3 A. No.
4 Q. Just in love?
5 A. I guess.
6 Q. Well, that happens.
7 So you never talked about the challenges of
8 interracial marriages or interracial kids and stuff like
9 that?
10 A. I don't know about marriage, but we've talked
11 about it with our children.
12 Q. Okay. And have they had to endure anything
13 tough about it?
14 A. No. Not at their young age.
15 Q. Okay. Any other comments that you've been told
16 about that people said about you?
17 A. I don't think so.
18 Q. Now, you mentioned before we went to lunch that
19 Cutler had made some comments. And so -- you told me
20 about the one, "Who let the black guy in?"
21 Any other comments you can attribute -- and, "I
22 remember when we didn't hire people like that." Those
23 are the two Cutler comments you've given me.
24 Any other comments you recall by Cutler?
25 A. I've -- I've heard him refer to Armenians as

1 "towels" as well.

2 Q. When did you hear him refer to Armenians as

3 "towels"?

4 A. On different occasions. It would be hard for me

5 to give you like an exact date and time.

6 Q. How many times have you heard him refer to

7 Armenians as "towels"?

8 A. Maybe 10 to 15 times.

9 Q. What were the context?

10 A. I don't recall.

11 Q. Well, was it playing basketball? Was it on

12 patrol? Was it in roll call? Was it at a barbeque?

13 A. I remember one was after a basketball game.

14 That's the only one that sticks out in my mind.

15 Q. What does it mean to call an Armenian a "towel"?

16 A. They call them "towel heads."

17 Q. Who -- who calls them "towel heads"?

18 A. That's the racial -- the derogatory term for

19 Armenians is to refer to them as "towel heads."

20 Q. And who -- who says that?

21 MR. GRESEN: Asked and answered.

22 You may answer.

23 MS. SAVITT: Well, I -- you know, I just don't know.

24 MR. GRESEN: Foundation. Speculation.

25 THE WITNESS: I've never heard the term till I --

1 till I came here, to be honest.

2 Q. BY MS. SAVITT: Okay. Because they don't wear

3 turbans; right?

4 A. Exactly.

5 Q. Have you ever heard the expression "rag head"

6 here? I've never heard -- you know, that's what I

7 thought the expression was.

8 A. No. I don't think I've heard that one.

9 Q. Oh, okay. So -- all right.

10 Any other comments you heard Cutler make?

11 A. I don't believe so.

12 Q. Okay. Now, you also mentioned -- was it

13 Lieutenant Calicchio?

14 A. He's a sergeant.

15 Q. Sergeant Calicchio.

16 Did Sergeant Calicchio ever say anything in your

17 presence that you thought was racial or discriminatory or

18 harassing?

19 I'm using it as a very broad term. You don't

20 have to be right. You don't have to be wrong. It's just

21 whatever you think.

22 Did he ever say anything in your presence?

23 MR. GRESEN: Rifkin objections as they were defined

24 earlier this morning.

25 You may answer.

1 THE WITNESS: Yes.

2 Q. BY MS. SAVITT: Okay. What did he say?

3 A. I took a report for this -- this elderly

4 Hispanic man. He kept a lot of cash in his house under

5 his mattress. And I got a call. I was dispatched to go

6 talk to him about a possible theft.

7 And I don't remember exactly, you know, the

8 specifics of how he was swindled. But a younger black

9 guy had tricked him in to giving him a lot of cash

10 basically. He was obviously upset. His kids were upset.

11 I took the report, and I turned it in and gave it to

12 Sergeant Calicchio.

13 At the end of the watch, I was in the locker

14 room, changing. And his locker would -- I guess you

15 would say it would be perpendicular to mine because my

16 locker was, say, in this aisle, and his was right here.

17 And we were talking --

18 Q. So those -- let me just interrupt you.

19 There's rows of lockers?

20 A. Yes.

21 Q. Okay. So his row was perpendicular to your row ?

22 A. Yes.

23 Q. Okay. I'm sorry. I didn't mean to interrupt,

24 but I --

25 A. And he asked me -- it was just me and him in the

1 locker room, I believe.

2 He asked me -- he goes, "Hey, Jamal, was that

3 serious?"

4 And I go, "What are you talking about, sir?"

5 He goes, "That report."

6 And I go, "Yes, sir."

7 He goes, "Who in their right mind would give a

8 fucking black guy thirty grand?"

9 And then he got quiet. We were having a full

10 conversation, and then he got quiet, and he walked out.

11 And he -- he wouldn't look at me. He didn't say bye or

12 anything.

13 And when it -- it shocked me when he said it. I

14 mean, I was -- I was humiliated, to be honest. And I

15 never had a problem with him before that. But after that

16 comment, things kind of changed.

17 Q. Did you say to him, you know, "That was kind of

18 a hurtful comment," or offensive comment or anything like

19 that?

20 A. No.

21 Q. Did he ever apologize to you for it?

22 A. No.

23 Q. When was this?

24 A. Maybe two and a half to three years ago, maybe.

25 Q. Okay. So it was before you talked to Irma?

1 A. Yes.
2 Q. Okay. And you told her about it?
3 A. Yes.
4 Q. Okay. And was he one of your supervisors?
5 A. I don't know if he was my direct supervisor, but
6 I worked that shift with him.
7 Q. Okay. Did he ever evaluate you?
8 A. I believe so.
9 Q. Did he ever give you a negative evaluation?
10 A. I don't think so.
11 Q. And you say that created a strain between you
12 and him?
13 A. I believe so, yes.
14 Q. Now, did you feel uncomfortable around him?
15 A. Very.
16 Q. Okay. Did he ever say or do anything after that
17 to indicate that he felt uncomfortable around you?
18 A. "Uncomfortable" like he was upset at me, or
19 "uncomfortable" as in he just felt weird?
20 Q. Either.
21 A. I think he -- I think he was upset at me after
22 the comment.
23 Q. Why do you think he was upset at you as opposed
24 to at himself?
25 MR. GRESEN: Foundation. Speculation.

1 You may answer.

2 THE WITNESS: I think he knew he screwed up, and I

3 think he wanted it to be known that I better not say

4 anything.

5 Q. BY MS. SAVITT: Do you think he was embarrassed

6 after he said it?

7 MR. GRESEN: Foundation. Speculation.

8 You may answer.

9 THE WITNESS: I don't know.

10 Q. BY MS. SAVITT: But he never said anything to

11 you about it after that; right?

12 A. No.

13 Q. Did he treat you differently after that?

14 A. Yes.

15 Q. How?

16 A. Before that, any -- most reports or anything I

17 turned in to him, it would be fine. But after that, it

18 was just little nitpicky stuff.

19 The one thing that sticks out in my mind is I

20 gave him a report, and -- I gave him the report, and he

21 reads it, and then he calls me back up to the watch

22 commander's office later.

23 And I walk in, and I go, "Sir, is the report

24 okay?"

25 And he goes -- he said, "Well, the report's

1 fine. But you left it in review phase." And he seemed
2 like he was really upset, like he -- his voice was
3 raised. He said, "You left it in review phase."
4 And I -- I think at the time I might have had
5 two years on, maybe. I had no idea what he was talking
6 about. And I said -- and he had like a bunch of stuff
7 highlighted as far as this review phase. I had never
8 heard of it.
9 And I was explaining to him that, "Sir, I don't
10 know what you're talking about." And it just seemed to
11 upset him more.
12 And he started talking a lot louder and saying,
13 "You left your report in review phase. I told you to
14 review your reports before you turn them in. I have to
15 do all this extra work to take it out of review phase
16 now."
17 And I still didn't know what he was talking
18 about. So I didn't argue with him. I said, "Okay, sir.
19 I'll take care of it."
20 So I took the report and asked around, and no
21 one else knew what he was talking about either. So I
22 just played around with the computer and somehow got it
23 out of review phase.
24 And the next day in roll call, he brings up the
25 situation again. And he says, you know, "I got a report

1 yesterday from Jamal. He didn't review it." And he was
2 making a really big deal about of it. And in my -- in my
3 eyes he did it to kind of let me know, "This is what's
4 going to happen if you say anything ."
5 Q. And so when did this happen relative to the
6 comment in the locker room?
7 A. I believe it was within the same week.
8 Q. Okay. And then after that, any other problems
9 you had with Sergeant Calicchio?
10 A. Not that I can remember.
11 Q. Okay. And then when did you stop reporting to
12 Sergeant Calicchio?
13 A. Whenever the end of that deployment was, I
14 guess.
15 Q. Okay. Now, going back to Exhibit 114.
16 Have you now told me all of the reasons why you
17 filed these charges?
18 MR. GRESEN: Objection. Calls for information
19 protected by the attorney/client and work product
20 privileges. Calls for an application of law to fact in
21 violation of Rifkin v. Superior Court. Speculation.
22 Foundation.
23 MS. SAVITT: Let me rephrase the question.
24 Q. Have you told me all of the reasons you
25 personally, Jamal Childs, had for filing these charges?

1 MR. GRESEN: Assumes facts not in evidence .
2 MS. SAVITT: I assume he has -- I assume he has facts
3 or reasons, and so I want to know what they all are.
4 MR. GRESEN: Would you --
5 MS. SAVITT: He doesn't have to be right or wrong. I
6 just want to know what they are.
7 MR. GRESEN: Well, the fact you're assuming is that
8 he filed these, and that's the problem that I'm having
9 with your question.
10 Q. BY MS. SAVITT: Did you understand you filed
11 these?
12 A. Yes.
13 Q. Okay. And did you authorize these to be filed
14 on your behalf?
15 A. Yes.
16 Q. Okay. And did you understand by filing these,
17 you were declaring under penalty of perjury that
18 everything you put on here was true and correct?
19 MR. GRESEN: Again, assumes facts not in evidence
20 that he put anything on here.
21 Q. BY MS. SAVITT: Did you understand that?
22 THE WITNESS: Answer?
23 MR. GRESEN: You may answer.
24 THE WITNESS: Yes.
25 Q. BY MS. SAVITT: Okay. Now, one of the things

1 you checked on each one of these forms is in the center
2 of the pager under, "I allege that on or before" -- "on
3 or" -- let me try it again.
4 "I allege that on, about, or before May 27,
5 2009, the following conduct occurred," and in the second
6 column, you checked, "Denial of promotion."
7 What promotion, or promotions, do you believe
8 you were denied?
9 A. I think that's an error.
10 Q. Okay. You've never applied for a promotion;
11 correct?
12 A. No.
13 Q. Correct?
14 A. Yes. Correct.
15 Q. Okay. And the only special assignment you've
16 applied for is the SRO; correct?
17 A. Yes.
18 Q. And you got that?
19 A. Yes.
20 Q. Okay. Now, you also -- did you ever report to
21 anyone in the police department any of the comments you
22 have told me about today?
23 MR. GRESEN: Objection. Asked and answered.
24 THE WITNESS: In my -- I had an internal affairs
25 interview regarding all these -- when they did the -- the

1 first racial investigation, I had an internal affairs
2 interview, and I reported it to -- I guess Sergio Bent
3 was doing the interview, but Sergeant Misquez was in
4 there.
5 Q. BY MS. SAVITT: Okay. So the Sergio Bent
6 interview was after you met with Irma Rodriguez Moisa;
7 correct?
8 A. Yes.
9 Q. And you met with Sergio Bent twice; correct?
10 A. I'm not sure.
11 Q. Okay. And at the time you met with Sergio Bent
12 and Sergeant Misquez was there, were you truthful with
13 Sergio Bent and Officer Misquez?
14 A. Yes.
15 MR. GRESEN: Overbroad.
16 Q. BY MS. SAVITT: Did you tell them all of the
17 allegations you were aware of of harassment?
18 A. I believe so.
19 Q. Okay. Since you met with them and reported this
20 to Sergio Bent and Officer Misquez, do you personally
21 believe you've suffered any type of retaliation for
22 disclosing that information to Mr. Bent and Sergeant
23 Misquez?
24 MR. GRESEN: Objection. Calls for information --
25 application of law to fact in violation of Rifkin v.

1 Superior Court. Calls for a legal conclusion. Expert
2 opinion. Foundation. Speculation.
3 And before I make an instruction, may I have the
4 question read back.
5 (Record read.)
6 MR. GRESEN: You may answer as to your belief.
7 THE WITNESS: I don't know.
8 Q. BY MS. SAVITT: Well, do you think anything's
9 been done to you that you thought was retaliatory?
10 MR. GRESEN: Objection. Calls for application of law
11 to fact in violation of Rifkin v. Superior Court.
12 Attorney/client privilege. Speculation. Foundation.
13 Calls for a legal collusion.
14 You may answer as to your --
15 MS. SAVITT: No. Calls for facts.
16 MR. GRESEN: You may answer to your --
17 It calls for a legal conclusion as to what
18 you're talking about by "harassment."
19 MS. SAVITT: I didn't say "harassment." I said
20 "retaliation."
21 MR. GRESEN: Excuse me.
22 MS. SAVITT: I said any acts that he felt --
23 MR. GRESEN: I misspoke.
24 Q. BY MS. SAVITT: Do you know what the word
25 "retaliation" means --

1 MR. GRESEN: I misspoke.

2 Q. BY MS. SAVITT: -- Officer Childs?

3 A. Yes.

4 Q. Okay. Using your lay definition of

5 "retaliation," can you think of anything that's been done

6 to you at the department since you met with Sergio Bent

7 and Sergeant Misquez that you think, in your own mind,

8 was retaliatory?

9 MR. GRESEN: Objection. Calls for application of law

10 to fact in violation of Rifkin v. Superior Court. Calls

11 for speculation. Lacks foundation. Attorney/client

12 privilege. Expert witness testimony. And a legal

13 conclusion.

14 You may answer as to your belief.

15 THE WITNESS: Not to my knowledge, no.

16 Q. BY MS. SAVITT: Okay. And, in fact, after you

17 met with Mr. Bent and Sergeant Misquez, you got the

18 assignment to SRO; right?

19 A. Yes. I believe so.

20 Q. And just so I am clear -- I don't mean to beat a

21 dead horse here -- but that's the only time you reported

22 any incidents of harassment or discrimination to anyone

23 in the department, and that was to Mr. Bent and Sergeant

24 Misquez and Irma Moisa -- Rodriguez Moisa; is that

25 correct?

1 A. I believe so.

2 Q. Okay. Have you recently gone to the Museum of

3 Tolerance for training?

4 A. Yes.

5 Q. And how many times would you estimate in 2008

6 did the department put on some type of sexual harassment

7 or harassment and discrimination training?

8 MR. GRESEN: Foundation.

9 You may answer.

10 THE WITNESS: You said estimate?

11 Q. BY MS. SAVITT: Yes.

12 A. Maybe three to six. I'm guessing.

13 Q. In 2008?

14 A. I think so.

15 Q. Okay. How about in 2007?

16 A. I don't remember.

17 MR. GRESEN: Foundation.

18 Q. BY MS. SAVITT: Okay. How about in 2009, the

19 year we're in currently?

20 MR. GRESEN: Foundation.

21 You may answer.

22 THE WITNESS: I'm not sure.

23 Q. BY MS. SAVITT: Has the department in 2009 had

24 any training or discussions at roll call or information

25 handed out on harassment and discrimination other than

1 the Museum of Tolerance training which I know you've
2 already said you went to?
3 MR. GRESEN: Foundation.
4 You may answer.
5 THE WITNESS: I know I just recently got a piece of
6 paper from Sergeant Losacco that they put on our employee
7 hard cards that said something about the -- they gave us
8 a copy of the zero tolerance policy.
9 Q. BY MS. SAVITT: Okay.
10 A. I think that was in the last one to two months.
11 Q. Did you keep a copy of the zero tolerance
12 policy?
13 A. I believe it's in my box.
14 Q. I'm sorry?
15 A. I think it might be in my mailbox because I
16 don't keep a lot of stuff.
17 Q. Okay. You're a minimalist?
18 MR. GRESEN: I, on the other hand, have everything
19 since I was a teenager.
20 MS. SAVITT: Except you no longer have our
21 confidential personnel records; right?
22 MR. GRESEN: No. I'm just saying my own person.
23 My wife has gone through my life and has thrown
24 out half of it. No more clutter.
25 Q. BY MS. SAVITT: Now, in terms of Sergeant

1 Calicchio, other than the one comment he made at roll
2 call about, "I got this report from Jamal that was in the
3 review stage," did he make any other comments to you that
4 you construed as having the ability to affect your --
5 your prospects in the department?
6 A. Not that I can remember.
7 Q. And any other comments that you felt he made
8 that were negative about your performance in front of
9 your peers?
10 A. Not that I can remember.
11 Q. Anyone else make any comments that were negative
12 about your performance in front of your peers --
13 MR. GRESEN: Foundation. Speculation.
14 You can answer.
15 Q. BY MS. SAVITT: -- that you are aware of?
16 A. Not that I can remember.
17 Q. Even for training purposes?
18 MR. GRESEN: Vague. Ambiguous.
19 You may answer.
20 THE WITNESS: I'm not sure.
21 Q. BY MS. SAVITT: You can't think of any?
22 A. Yeah. I can't think of any.
23 Q. Okay. Now, we talked about Sergeant Ryburn
24 earlier today.
25 Did he ever meet your wife?

1 A. I'm not sure. I don't -- I don't know if they
2 had a conversation or anything that time when they came
3 to the station when he said I had a visitor. But other
4 than that, I don't -- I don't believe so. I'm not sure.
5 Q. Okay. And you described -- you said he shook
6 his head and rolled his eyes?
7 A. Yes.
8 Q. Any more descriptive way you can describe it?
9 A. Like it just made him sick basically.
10 Q. What does that mean? What -- what did he do
11 that made him sick?
12 A. He kind of rolled his eyes and -- I don't -- I
13 don't know if I want to make the actual face. But he --
14 he looked like he was disgusted, basically.
15 Q. Well, could you make the face?
16 A. I don't -- I don't think so.
17 Q. Have you ever seen him make a face before?
18 A. I don't believe so. I don't know.
19 Q. Have you ever seen him make a face since?
20 A. I don't talk to him.
21 Q. And why don't you talk to him?
22 A. I just -- I don't work with him. So I don't
23 talk to him.
24 Q. So do you -- do you like try to ignore him, or
25 you just don't have occasion to talk to him?

1 A. I just try to avoid him.
2 Q. And why is that?
3 A. I just try to stay away from him.
4 Q. I understand what you do. My question is, why
5 do you do it?
6 A. There's no need for me to talk to him because I
7 don't -- I don't work for him directly. He was in
8 patrol, and I was in juvenile bureau. So the only times
9 I've talked to him lately have been what would be like a
10 field emergency that I'm at and he's at, something
11 involving juveniles. But other than that, I really don't
12 have conversations with him.
13 Q. So when you see him in the hallway or in the
14 police department, you deliberately don't say hello?
15 A. I just -- I don't say anything to him.
16 Q. And why is that?
17 A. Because there's nothing to say to him.
18 Q. Now, in your complaint, you say that this
19 comment about being said -- this comment that was
20 supposedly made about you at the Snoop Dogg -- Dogg
21 search warrant or arrest warrant about you were there for
22 a translation was said in front of at least two
23 supervisors.
24 Who were the two supervisors that you believe it
25 was said in front of?

1 A. I don't know.

2 Q. Did you -- do you have any information or

3 knowledge that two supervisors heard that?

4 A. No.

5 Q. Okay. If you'd open the exhibit book in front

6 of you -- I think it's Exhibit 112. Go to page 28 and go

7 to paragraph 71 and go to line 16 through 17.

8 Do you see that?

9 A. Yes.

10 Q. Okay. And if I -- if I just line up to line 15,

11 the line before, it says, "When asked why, one officer

12 interjected that plaintiff was needed for 'translation.'

13 This was said in front of at least two supervisors, but

14 nothing was ever done to punish the offending officer.

15 He was a friend of Chief Stehr."

16 Who are you referring to as the offending

17 officer? Is that Aaron Kendrick?

18 A. I didn't write this, but it is referring to

19 Aaron Kendrick.

20 Q. Okay. And do you believe that Aaron Kendrick is

21 a friend of Chief Stehr?

22 A. Yes.

23 Q. Why do you believe that?

24 A. Because I saw their interaction when we had

25 basketball games.

1 Q. So what about their interaction at basketball
2 games made him a friend of Chief Stehr as opposed to a
3 teammate?
4 A. He called him "Tim."
5 MR. GRESEN: Foundation.
6 THE WITNESS: Oh, I'm sorry.
7 MR. GRESEN: Speculation.
8 Go ahead.
9 THE WITNESS: He called him "Tim."
10 Q. BY MS. SAVITT: And what did you call him?
11 A. "Sir."
12 Q. And do you know if Aaron Kendrick had reported
13 to Chief Stehr in the past when Chief Stehr was a
14 lower-level person?
15 A. I don't know.
16 Q. Do you know if he worked with him when Chief
17 Stehr was a lower-level person?
18 A. I don't know.
19 Q. So the sole basis of your belief that Aaron
20 Kendrick was a friend of Chief Stehr is that he called
21 him "Tim" at basketball?
22 A. Yes.
23 MR. GRESEN: Misstates testimony.
24 Q. BY MS. SAVITT: Okay. And did anybody else call
25 Chief Stehr "Tim" at the basketball games?

1 MR. GRESEN: Foundation.

2 You may answer.

3 THE WITNESS: Yes.

4 Q. BY MS. SAVITT: Who?

5 A. Detective Dyrness did. That -- and when

6 Lieutenant Rosoff played, he did also.

7 Q. Okay. And now that you've read through this,

8 does it refresh your recollection as to who these two

9 supervisors were that supposedly heard this comment?

10 A. No.

11 Q. Did you even know that two supervisors

12 supposedly heard this comment?

13 A. No.

14 Q. Okay. So Brimway never told you that; is that

15 correct?

16 A. I don't believe so.

17 Q. And Macias never told you that; right?

18 A. I'm not sure.

19 Q. Okay.

20 MR. GRESEN: Put this in here.

21 Q. BY MS. SAVITT: Did Chief Stehr ever tell you

22 when you were playing basketball, "Call me Tim"?

23 A. No.

24 Q. Did you ever hear him tell anyone, "Call me

25 Tim"?

1 Q. BY MS. SAVITT: Okay. What made you go -- first
2 go to see an attorney?
3 A. I didn't like the way things were going at the
4 department.
5 Q. Did somebody approach you about, "We're going to
6 an attorney. Do you want to come with us?"
7 A. I had talked with Officer Karagiosian and
8 Officer Rodriguez for numerous times about this.
9 Q. When is the first time you talked to Karagiosian
10 about the possibility of filing a lawsuit?
11 A. Maybe two years ago.
12 Q. So at the end of 2007?
13 A. Maybe, yeah. I believe so.
14 Q. Okay. So by the end of 2007, you believed you
15 had been discriminated against?
16 A. I believe --
17 MR. GRESEN: Rifkin objections.
18 Q. BY MS. SAVITT: Well, what did you mean?
19 MR. GRESEN: You may answer.
20 THE WITNESS: I believe that I had reported some
21 incidents that I felt were racial and discriminatory, and
22 I believe that the department didn't act on them.
23 Q. BY MS. SAVITT: Okay. You told me about five
24 minutes ago the first time you reported anything was to
25 Officer -- was to Mr. Bent and Sergeant Misquez.

1 So what had you reported prior to that that
2 nothing was done about?
3 A. I believe that when we talked to Irma, that a
4 lot of the stuff that was said, nothing happened. My --
5 my allegations as far as Sergeant Calicchio, I don't
6 recall ever being interviewed about that. And he retired
7 almost eight months later to a year after me telling her
8 that, and I was never interviewed about it.
9 And that was upsetting because it took a lot for
10 me to finally, you know, say something against a
11 supervisor who I know was well liked there, and then for
12 nothing to happen, I -- I took it as like a slap in the
13 face.
14 Q. Okay. So it's actually important for the case,
15 Officer Childs, for you to be very precise.
16 When you say you reported this, you're talking
17 about to Irma?
18 A. Yes.
19 Q. And to Bent?
20 A. Yes.
21 Q. Prior to telling Irma about this, am I correct
22 you never reported any incident about racial comments to
23 anyone?
24 A. I don't believe I did, no.
25 Q. Okay. So I am correct?

1 A. I think so, yes.
2 Q. Okay. Are you aware that someone sent an
3 anonymous letter to Mike Parrinello in his capacity as
4 president of the BPOA in May -- in March of 2008?
5 MR. GRESEN: Foundation. Facts not in evidence.
6 You may answer.
7 THE WITNESS: I've heard rumors about different
8 anonymous letters, but I don't know which one you're
9 referring to.
10 Q. BY MS. SAVITT: Have you ever seen any of the
11 anonymous letters?
12 A. No.
13 Q. Okay. Were -- did you understand that one of
14 the reasons you were being interviewed by Irma Rodriguez
15 Moisa was because of some reports in anonymous letters?
16 MR. GRESEN: Foundation. Assumes facts not evidence.
17 You may answer.
18 THE WITNESS: Yes.
19 Q. BY MS. SAVITT: Okay. Prior to learning about
20 the investigation that Irma Rodriguez Moisa was going to
21 do, had you and Officer Karagiosian or Officer Elfego
22 Rodriguez discussed the possibility of filing a lawsuit?
23 A. Yes.
24 Q. Okay. What had -- when did you first have that
25 conversation?

1 A. I'm not sure.
2 Q. Did you have it all three together or
3 separately?
4 A. There might have been times where it was just me
5 and Officer Karagiosian. There might have been times it
6 was just me and Officer Rodriguez. But I -- I can't give
7 you like an exact date and time.
8 Q. Okay. You're very close to E. Rod; right?
9 A. Yes.
10 Q. And you guys have partnered for a lot of
11 deployments; right?
12 A. Yes.
13 Q. And are you friends outside of work too?
14 A. Yes.
15 Q. And how about with Karagiosian? Are you friends
16 outside of work?
17 A. Yes. But not as much as Officer Rodriguez.
18 Q. Okay. E. Rod you're really close to?
19 A. Yes.
20 Q. Is he probably your best friend on the
21 department?
22 A. Yes.
23 Q. Okay. So can you tell me approximately how much
24 before -- I know I keep saying this, but I don't have a
25 good -- a feel for your answer.

1 Before you talked to Irma, did you and E. Rod
2 and Sergeant -- and Officer Karagiosian talk about maybe
3 filing a lawsuit?
4 MR. GRESEN: Asked and answered.
5 You may answer.
6 THE WITNESS: Yes.
7 Q. BY MS. SAVITT: How much before?
8 A. I'm not sure.
9 Q. Weeks? Months? Years?
10 MR. GRESEN: Asked and answered.
11 You may answer.
12 THE WITNESS: Months to years maybe.
13 Q. BY MS. SAVITT: Months to years?
14 A. Yes.
15 Q. Okay. But you just can't -- you can't narrow it
16 down any further than that?
17 A. The question was prior to us filing this
18 lawsuit; right?
19 Q. No. It's prior to talking to Irma Rodriguez
20 Moisa. So that would be prior to March of 2008. You
21 filed this lawsuit in May of 2009.
22 A. So prior to talking to Irma, had we discussed
23 filing a lawsuit?
24 Q. Yes.
25 A. I'd say probably a few months before that.

1 Q. Okay. What had happened in the few months
2 before that that -- that led you and these other two
3 officers to talk about filing a lawsuit?
4 MR. GRESEN: Foundation. Speculation -- I mean
5 foundation. Sorry. Assumes facts not in evidence.
6 You may answer.
7 THE WITNESS: I don't recall if it was a specific
8 incident. I think we just all shared our experiences.
9 Q. BY MS. SAVITT: Okay. And where were you when
10 you all shared your experiences?
11 A. I'm not sure.
12 Q. Well, if you closed your eyes and thought back
13 on it, was it like on the street corner in front of the
14 police department? Was it a Code 7? Was it playing pool
15 at somebody's house? Was it -- can you visualize where
16 it was when you had this conversation?
17 A. No.
18 MR. GRESEN: Asked and answered.
19 Q. BY MS. SAVITT: When is the first time you
20 talked to Cindy Guillen about participating in the
21 lawsuit?
22 A. I don't remember.
23 Q. Did you ask her or did she ask you or did
24 someone else ask her to join the lawsuit?
25 A. I don't remember.

1 Q. Is that the only comment you remember he had?
2 A. Right now, yes.
3 Q. Okay. Have you had any conversations with
4 Officer Karagiosian about what his issues are?
5 A. I believe so, yes.
6 Q. And what has Officer Karagiosian told you what
7 his issues are?
8 MR. GRESEN: Outside of the attorney's office.
9 You may answer.
10 THE WITNESS: Just different comments he's heard as
11 far as stuff relating to Armenians. The issue with
12 the -- the gun. The issue with Sergeant Frank telling
13 him about putting your kid in Sean John. The issue about
14 writing stuff about Armenians on a dry erase board on the
15 upper level.
16 That's all I could think of right now.
17 Q. BY MS. SAVITT: Okay. Did you ever personally
18 see this dry erase board, the comments with the -- about
19 the Armenians?
20 A. No.
21 Q. What did he tell you the comments were?
22 A. I don't remember.
23 Q. Did he tell you anything about what the comments
24 were?
25 A. He just told me he thought they were racist.

1 Q. Okay. Did he tell you it was part of a murder
2 investigation?
3 A. Yes.
4 Q. Did he tell you the victim was Armenian?
5 A. I don't remember.
6 Q. Did he tell you the shooter was Armenian or the
7 stabber was Armenian?
8 A. I'm not sure.
9 Q. That the witnesses were Armenian?
10 A. I'm not sure.
11 Q. Did he tell you these were just comments made by
12 witnesses?
13 A. I don't believe so.
14 Q. Did you ever do any independent investigation to
15 determine whether, in fact, these were Armenian or racist
16 comments?
17 A. No.
18 Q. Did he ever tell you he complained about it?
19 A. I'm not sure.
20 Q. Okay. Did Cindy Guillen-Gomez ever tell you
21 that at some point in time during her career an officer
22 of the Burbank Police Department told her to, "Be quiet
23 before I bend you over and fuck you in the ass"?
24 A. No.
25 Q. Never heard that before?

1 A. I've read it in the complaint, but I had never
2 heard it from her mouth.
3 Q. Have you ever asked her about that?
4 A. No.
5 Q. Do you -- has -- has any of your coplaintiffs
6 told you who the officer was that supposedly said that?
7 A. No.
8 Q. Did Officer Macias come to you about going to
9 see an attorney before or after Omar Rodriguez was walked
10 off the job?
11 A. I don't remember.
12 Q. Do you remember when Officer -- when Lieutenant
13 Rodriguez was walked off the job?
14 A. No.
15 Q. Were you aware that Lieutenant Rodriguez was
16 walked off the job?
17 A. Yes.
18 Q. How did you learn about that?
19 A. I mean, it's a small department so people talk.
20 And I think I came to work one day and someone said he
21 got walked out.
22 Q. Okay. Has anyone ever attempted, to your
23 knowledge, to terminate you?
24 A. No.
25 Q. Has anyone, to your knowledge, in the department

1 attempted to demote you?

2 A. No.

3 Q. Has anyone in the department attempted to

4 improperly discipline you?

5 A. To my knowledge, no.

6 Q. Have you ever been placed on administrative

7 leave?

8 A. No.

9 Q. Have you ever been removed from a position of

10 authority?

11 A. No.

12 Q. Have you ever been given a demeaning assignment?

13 A. "Assignment" as far as like a position or being

14 told to do something I thought was demeaning?

15 Q. Being given a demeaning assignment. I mean, I'm

16 sure from time to time you got to do some crappy job out

17 there because you have a tough job, okay, and you

18 probably take that with the territory. But I'm

19 specifically looking at something you thought was

20 specifically demeaning for you to do.

21 A. I don't believe so.

22 Q. Okay. Other than Sergeant Ryburn you think

23 following you more closely, which he also did to the

24 Embleton twins and Neil Gunn, did you believe that any

25 other officer, sergeant, lieutenant, or captain

1 scrutinized your work more carefully than Caucasian
2 officers?
3 A. Not to my knowledge.
4 Q. Did you ever feel that you were improperly
5 followed in your daily routine and harassed to try to
6 force you out of the department?
7 A. I'm not sure I understand the question.
8 Q. Okay. Well, it wasn't a very good question
9 then. We'll try it again.
10 Have you ever felt that you were improperly
11 followed on your daily routine?
12 A. While at work?
13 Q. Yes.
14 A. I don't believe so.
15 Q. How about not at work?
16 A. No.
17 Q. Okay. Have you ever felt that anyone in the
18 department was harassing you to force you out of the
19 department?
20 MR. GRESEN: Rifkin objections.
21 Would you repeat the question, please.
22 (Record read.)
23 MR. GRESEN: Rifkin objections.
24 You may answer.
25 THE WITNESS: To force me out? I don't know if I'd

1 say "force me out." But I've felt like I wasn't welcome
2 there. I'll put it like that.
3 Q. BY MS. SAVITT: Who made you feel not welcome?
4 A. Just the comments I've told you about. The
5 different problems with the different supervisors I've
6 named.
7 Q. Okay. So the only two supervisors I recall --
8 and I may just have a bad memory. I'm not trying to
9 trick you. I just want to make sure I've got it clear --
10 were Calicchio and Ryburn.
11 A. Yes.
12 Q. Anyone else?
13 A. No.
14 MR. GRESEN: Misstates testimony.
15 Q. BY MS. SAVITT: Well, if I misstate testimony,
16 Officer Childs, I want you to straighten me out.
17 MR. MICHAELS: There's not a chance in the world that
18 the question, "Anyone else?" misstates testimony.
19 MR. GRESEN: When you list two out of --
20 MR. MICHAELS: It doesn't purport -- excuse me .
21 It doesn't purport to characterize testimony.
22 It doesn't purport to state testimony. It asks, "Anyone
23 else?" It's a very simple, very appropriate question.
24 MR. GRESEN: I would ask that your inappropriate
25 conduct by speaking on the record at a deposition you are

1 not conducting cease.

2 But in and of itself, there were three people

3 who he mentioned who were supervisors, and you only

4 mentioned two of them, and that was my objection.

5 MS. SAVITT: Well, tell me who the third one is

6 because he just said --

7 MR. GRESEN: Chief Stehr.

8 Q. BY MS. SAVITT: Okay. What did Chief Stehr do

9 to you other than treat you professionally, Officer

10 Childs?

11 A. The comment I felt was inappropriate.

12 Q. Which one was that again? I'm sorry.

13 MR. MICHAELS: The one at the management meeting.

14 MR. GRESEN: Counsel --

15 Q. BY MS. SAVITT: Oh, but that was not in your

16 presence.

17 Are you referring to the comment at the

18 management meeting?

19 A. Yes.

20 Q. Okay. That was not in your presence; correct?

21 A. Correct.

22 Q. And anything else that you think Chief Stehr has

23 done that was inappropriate relative to you or to people

24 of your race?

25 A. Not to my knowledge.

1 minutes.

2 MS. SAVITT: This is as good as any.

3 MR. GRESEN: Okay.

4 THE VIDEOGRAPHER: All right. We'll go off videotape

5 record at 2:20 p.m.

6 (A recess was taken.)

7 THE VIDEOGRAPHER: And we're back on the videotape

8 record at 2:42 p.m.

9 Q. BY MS. SAVITT: Okay. Officer Childs, have you

10 ever heard Officer Karagiosian make any comments that you

11 might consider to be discriminatory or racial or

12 harassing or anything like that?

13 A. No.

14 Q. Have you ever --

15 MR. GRESEN: Rifkin objection.

16 You may answer. Only answer to those comments

17 outside of your attorney's office.

18 Q. BY MS. SAVITT: Have you --

19 You answered the question; correct?

20 A. Yes. No, I have not.

21 Q. Have you ever heard him refer to Caucasian

22 officers as "you white guys"?

23 A. No.

24 Q. Did you think that his comment to Officer

25 Kendrick about, "I want to kill you," was harassing?

1 MR. GRESEN: Objection. Speculation. Rifkin
2 objections.
3 You may answer.
4 THE WITNESS: Well, I wasn't there. So I don't know
5 the whole context of exactly what happened.
6 Q. BY MS. SAVITT: Well, can you think of any
7 circumstance when a fellow officer should threaten to
8 kill another officer and it not be harassing?
9 MR. GRESEN: Rifkin objections. Argumentative.
10 You may answer.
11 THE WITNESS: Can you repeat the question?
12 Q. BY MS. SAVITT: Can you think of any
13 circumstance when an officer says to a fellow officer, "I
14 want to kill you," that that would not be harassing?
15 MR. GRESEN: Same objections.
16 THE WITNESS: No.
17 Q. BY MS. SAVITT: I want to go back to the
18 searching -- the --
19 Was it a search warrant or an arrest warrant for
20 Snoop Dogg, if you recall?
21 A. I believe there was a search warrant and there
22 was an arrest warrant for him. I'm not sure.
23 Q. Okay.
24 A. But I know there was two separate briefings.
25 Q. What do you mean by that?

1 Q. How did you get along with Sergeant Llewellyn?
2 A. Fine.
3 Q. Did you ever think he did anything to
4 discriminate against you or harass you?
5 A. No.
6 MR. GRESEN: Rifkin objections.
7 You may answer.
8 THE WITNESS: No.
9 Q. BY MS. SAVITT: Did the department also send you
10 in February of this year to DARE officer training for two
11 weeks?
12 A. Yes.
13 Q. Where was that located?
14 A. Beverly Hills.
15 Q. Is that viewed as kind of a positive thing to
16 get sent to that training?
17 MR. GRESEN: Foundation.
18 You may answer.
19 THE WITNESS: I guess it just depends on your
20 perspective.
21 Q. BY MS. SAVITT: Well, what's your perspective on
22 it?
23 A. It's not a bad thing, but I didn't want to teach
24 DARE. But it's not like a punishment.
25 Q. Okay. Do you have to be selected for it?

1 A. For the SRO position. That's the only way
2 they'd send you to DARE school, if you made the SRO
3 position.
4 Q. Okay. So if you wanted to go to SRO, you had to
5 go to DARE; right?
6 A. Well, if you make SRO, there's a chance you're
7 going to have to go to DARE school and teach DARE.
8 Q. Okay. How about, is it true you also attended
9 40-hour child abuse investigation school training in
10 February of this year?
11 A. Yes.
12 Q. And where was that held?
13 A. I believe it was in Riverside.
14 Q. Okay. And is that part of being an SRO officer?
15 A. I believe so.
16 Q. Is that considered a good thing to go to child
17 abuse investigation school?
18 MR. GRESEN: Foundation. Vague.
19 You may answer.
20 THE WITNESS: I believe we have to. If we're going
21 to be working any kind of juvenile bureau, we have to
22 take like a child abuse training class.
23 Q. BY MS. SAVITT: But any time you take any of
24 these extra classes or special coursework, that -- that
25 enhances your ability for future growth in the

1 department, doesn't it?

2 A. Yes.

3 MR. GRESEN: Foundation.

4 THE WITNESS: Yes.

5 Q. BY MS. SAVITT: Okay. Now, you said at the

6 beginning of the deposition you weren't that happy here

7 anymore because of the lawsuit and the investigations and

8 the press. You gave a laundry list of things.

9 Are you actively looking for another position?

10 A. At another department?

11 Q. Yes.

12 A. No.

13 Q. Have you treated with any type of a healthcare

14 provider for any type of emotional distress or trauma or

15 distress related to the allegations of this lawsuit?

16 A. No.

17 Q. And do you take any medication for nerves or

18 sleeplessness or anxiety or depression or anything like

19 that?

20 A. No.

21 MS. SAVITT: Let me mark as Exhibit 115 this zero

22 tolerance policy.

23 MR. GRESEN: Thank you.

24 MS. SAVITT: I was giving it to your client first.

25 MR. GRESEN: Oh, sorry.

1 MS. SAVITT: You'll get one, but your client is the
2 more important person here.
3 MR. GRESEN: Thank you.
4 115.
5 (Exhibit 115 was marked for identification.)
6 Q. BY MS. SAVITT: Have you seen this policy
7 before?
8 A. I believe I have.
9 Q. And do you recall when you've seen it?
10 A. I believe I saw it when my -- when I told you
11 Sergeant Losacco gave me a copy. And I think they sent
12 an email out with this, I believe.
13 Q. Okay. So Sergeant Losacco gave you a copy just
14 recently; correct?
15 A. Yes.
16 Q. But this particular policy is dated March 11,
17 2008, and it's an addendum to the Burbank Police Daily
18 Bulletin.
19 What is the Burbank Police Daily Bulletin?
20 A. That's an email we get -- I don't -- and it --
21 it will let officers know just different things that are
22 going to happen in the department or just things we
23 should know about.
24 Q. Okay. And do you get it every day?
25 A. Yes.

1 Q. Okay. And is it -- it's sent to your department
2 email?
3 A. Yes.
4 Q. Okay. So did you receive this in or about
5 March 11, 2008?
6 A. I believe so.
7 Q. Did you read it at that time?
8 A. Yes.
9 Q. Did you think the department was being serious
10 about this at that time?
11 A. No.
12 Q. Why not?
13 A. Because, in particularly, the allegation that I
14 made against Sergeant Calicchio, I was never contacted
15 about it, I don't believe, and he just retired, and that
16 was the end of it.
17 Q. Do you know if -- when in relation to your
18 reporting this to Irma Rodriguez did Sergeant Calicchio
19 retire?
20 A. I want to say maybe six months to a year.
21 Q. Okay. Didn't he retire in June of 2008?
22 A. I don't know.
23 Q. So a year would have been this year.
24 Did he retire in 2009?
25 A. No. I don't think so.

1 A. No, I don't.

2 Q. Do you pay attention to what they discuss at

3 roll call?

4 A. Yes.

5 Q. But as you sit here today, you don't have any

6 recollection whether this was discussed?

7 A. I believe we did, but I'm not certain.

8 Q. Okay.

9 MR. MICHAELS: Excuse me. I need to step out for a

10 second. Don't wait.

11 (Mr. Michaels leaves the deposition proceedings.)

12 Q. BY MS. SAVITT: Have you seen Exhibit 116, the

13 policy against discrimination and harassment for the City

14 of Burbank?

15 A. I believe I have, yes.

16 Q. And where have you seen it?

17 A. I believe we got copies of it, and I think I've

18 seen it posted around the station.

19 Q. Okay. Where is it posted around the station?

20 A. I think there's one -- there's a lower level

21 elevator, and there's kind of a -- a board that you can

22 stick stuff on with pins, and I think it's on there.

23 Q. And when -- when did you first see it posted in

24 the department?

25 A. I noticed it a couple weeks ago.

1 Q. Okay. Was it just placed up a couple weeks ago,
2 or was that --
3 A. That's when I noticed it.
4 Q. -- the first time you noticed?
5 A. Yes. That's the first time I noticed it.
6 Q. Anyplace else you've seen it?
7 A. Not that I can think of.
8 Q. Look at page 2 of this exhibit, the very bottom,
9 kind of that little legend. It says, "10/03."
10 So did you see it -- were you aware this existed
11 before a few weeks ago when you saw it posted, this
12 policy?
13 A. Yes.
14 MR. GRESEN: What would you like?
15 THE COURT REPORTER: I want to just put the stickers
16 on there so we don't get them confused -- or I don't get
17 them confused.
18 MR. GRESEN: Right.
19 That one wasn't stapled also.
20 MS. SAVITT: Show you 117.
21 Sol.
22 MR. GRESEN: Thank you.
23 MS. SAVITT: It's called "Efficient Working
24 Environment."
25 (Exhibit 117 was marked for identification.)

1 Q. BY MS. SAVITT: And did you receive a copy of
2 this in May of 2009?
3 A. I believe I did.
4 Q. Okay. And this was before you filed your
5 lawsuit; correct?
6 A. I think so.
7 Q. Did you find anything inappropriate about this
8 particular memo from the Chief?
9 MR. GRESEN: Would you repeat the question for me,
10 please.
11 (Record read.)
12 MR. GRESEN: Vague.
13 You may answer.
14 THE WITNESS: What -- what do you mean by
15 "inappropriate"?
16 Q. BY MS. SAVITT: I'm using it as -- as very broad
17 term so that it gives you lots of room to put whatever
18 you felt about it into the response.
19 A. No.
20 Q. Okay. And did he, the Chief, state in this that
21 he encouraged and, in fact, required that our personnel
22 speak without fear of retaliation when disclosing
23 information to government or other agencies when an
24 employee has reasonable cause to believe that violations
25 of statues or law have occurred?

1 MR. GRESEN: The document speaks for itself.
2 You may answer.
3 May we have a moment to read it, though, before
4 he answers that question?
5 MS. SAVITT: You can take as long you want to read
6 it.
7 MR. GRESEN: Thank you.
8 THE WITNESS: Can you repeat the question ?
9 MS. SAVITT: Just have it read back, please.
10 (Record read.)
11 THE WITNESS: Yes.
12 Q. BY MS. SAVITT: Okay. And in the first
13 paragraph -- I want to ask you about this. It says, "I
14 recently found it necessary and appropriate to cause an
15 internal administrative investigation to commence
16 regarding violations of officer misconduct having been
17 committed in connection with what was a significant
18 enforcement action taken by this department in the recent
19 past."
20 When you read that paragraph, did you have any
21 idea what the Chief was referring to?
22 A. No.
23 Q. No clue whatsoever?
24 A. No.
25 Q. And then he says in the memo that he,

1 flabbergasted when you read this email; is that what
2 you're -- that's a little sarcastic, but I don't mean it
3 to be that way.
4 But you had no clue when this memo came out that
5 this gossip had been going on in the department ?
6 A. No.
7 Q. That's correct ?
8 A. Yes. That's correct .
9 Q. And Officer Karagiosian had never told you
10 anything about his involvement in the Porto's
11 investigation or -- well, that's a bad question.
12 Had Officer Karagiosian told you anything about
13 his involvement in the Porto's investigation prior to
14 this time?
15 A. I believe Officer Karagiosian told me that as
16 far as Porto's that he didn't interview anyone. But I
17 didn't ask a lot of questions about Porto's, to be
18 honest, because I don't want to know.
19 Q. Why not?
20 A. Because it doesn't concern me.
21 MS. SAVITT: Okay. Let me show you what we'll mark
22 as Exhibit 118.
23 MR. GRESEN: Thank you.
24 May we have a moment to read?
25 MS. SAVITT: Take your time.

1 too short.

2 MR. MICHAELS: Well, whatever you do to -- whatever

3 your prescription is, unless they're glasses, you just

4 put the reading --

5 MR. GRESEN: Yeah.

6 MR. MICHAELS: -- reading glasses over them, or you

7 get bifocals.

8 MR. GRESEN: I got them somewhere.

9 MR. MICHAELS: You haven't seen --

10 MR. GRESEN: No. One of these days I got to buy

11 them.

12 I have tried the little ones from the dime

13 store, but they're like big magnifiers, even just the

14 plus 1s. It makes everything really big, and it gives me

15 a headache. I think it's because I have a different

16 eye -- eye magnification issue.

17 Okay. Thank you.

18 Q. BY MS. SAVITT: Okay. So have you seen this

19 document before?

20 A. I believe I have, yes.

21 Q. And how -- how did you first receive it or see

22 it?

23 A. I -- I think it was given to us. I don't think

24 it was emailed. I think we were given a copy.

25 Q. And when do you recall being given a copy of

1 this?

2 A. I'm not sure.

3 Q. Do you see at the bottom of page 2, it says,

4 "Revision 9/1/08"?

5 A. Yes.

6 Q. Does that refresh your recollection as to when

7 this policy was revised and disseminated?

8 A. No.

9 Q. Okay. Was this policy discussed at roll call?

10 A. I believe so.

11 Q. And did you read about the process for reporting

12 discriminatory harassment on page 2?

13 A. Yes.

14 Q. Okay. Now, in 2008 -- well, let me -- let me go

15 back. I'm a little confused about your deployments. So

16 I want to see if I can straighten it out. And maybe you

17 don't have a good memory of it, maybe you do.

18 But the first two years, you believe you worked

19 graveyard; right?

20 A. After I got off training, yes.

21 Q. So you get off training -- when? At the end of

22 one year or six months?

23 A. Six months.

24 Q. Okay. So at the end of six --

25 So you're a recruit. Then you were promoted to

1 Q. Do you have any reason to believe it was not
2 about two years before you met with Mr. Bent?
3 A. I don't know.
4 Q. When you worked the same deployment as Officer
5 Kendrick, was he an FTO, or was he just a patrol officer?
6 A. I think when I worked the same deployment with
7 him, I think he was just an officer.
8 Q. Okay. Did you ever work the same deployment
9 with him when he was an FTO?
10 A. I'm not sure.
11 Q. Now, you also told us about this comment that
12 Officer Elfego Rodriguez told you about Kendrick saying
13 Mexicans did something to the city of Burbank.
14 Do you recall that?
15 A. Yes.
16 Q. Was that in -- did E. Rod tell you that in 2005
17 or 2006?
18 A. I know we were newer officers. So I believe it
19 probably would have been around that time.
20 Q. Okay. And you, yourself, have never heard
21 Officer Kendrick make any inappropriate comments about
22 Hispanics; correct?
23 A. No. I don't believe so.
24 Q. Not correct or correct?
25 A. I'm not sure. I don't believe -- I can't think

1 of any right now.

2 Q. Okay. So you don't believe you have heard --

3 A. I don't believe so, no.

4 Q. Did you ever injure your back?

5 A. Injure my back? It got sore, yes.

6 Q. Is that one of the reasons you stopped playing

7 basketball?

8 A. That was what I told them, yes.

9 Q. That wasn't true?

10 A. It was true, but -- I probably could have kept

11 playing through it, but it -- I just didn't feel the need

12 to.

13 Q. Okay. And your kids -- you had kids at the time

14 you stopped playing basketball ?

15 A. Yes.

16 Q. Were they demanding a little of your attention?

17 A. What's -- why --

18 Q. Did you want to spend more time with your kids?

19 A. Well, it was just that, and just hearing the

20 different comments here and there. I just didn't want to

21 drive all the way out to Burbank for -- to hear that.

22 Q. Did Officer Rodriguez ever tell you about the

23 fight or the incident between Officer Kendrick and

24 Officer Karagiosian when they were at FTO school?

25 MR. GRESEN: E. Rodriguez or O. Rodriguez?

1 THE VIDEOGRAPHER: And we're back on the videotape
2 record at 3:29 p.m.
3 Q. BY MS. SAVITT: Okay. Officer Childs, I have a
4 couple more questions to ask you.
5 We talked at the very beginning of the day about
6 you being the focus of some IAs, and you said you were
7 exonerated or they were found unfounded or not sustained
8 except for one where you admitted you screwed up and
9 took -- took it like a man.
10 Were you ever asked to be a witness where you
11 weren't a focus in an IA, where you were just a witness?
12 A. I think so.
13 Q. And in any of those occasions when -- when
14 you've been interviewed in an IA, have you given
15 testimony that may be unflattering or unhelpful to a
16 fellow officer and may be critical of a fellow officer?
17 A. In the -- the one about Kendrick.
18 Q. Okay.
19 A. The one I had with Sergio Bent and Sergeant
20 Misquez.
21 Q. Okay. And we've already established that you
22 cannot identify anything that's happened to you as a
23 result of that that was negative; correct?
24 A. Yes.
25 MS. SAVITT: Have you some questions, Sol?

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I, Susan C. Campana, a certified shorthand reporter in and for the state of California do hereby certify:

That the foregoing proceedings were taken before me at the time and place therein set forth, at which time the witness was put under oath by me;

That the deposition was recorded stenographically by me and was thereafter transcribed into typewriting under my direction and supervision and contains a true and correct transcript of my shorthand notes so taken.

I further certify that I am not related to any party to said action, nor in any way interested in the outcome thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 10th day of August, 2009.

Susan C. Campana

SUSAN C. CAMPANA, CSR NO. 9573

EXHIBIT 114

* * * EMPLOYMENT * * *

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E200809R6008-09

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.): CHILDS, JAMAL

TELEPHONE NUMBER (INCLUDE AREA CODE): (310)979-0325

ADDRESS: C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540

CITY/STATE/ZIP: LOS ANGELES,CA,90025

COUNTY: LOS ANGELES

COUNTY CODE: 037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME: KENDRICK, AARON

TELEPHONE NUMBER (Include Area Code): (818)238-3000

ADDRESS: 200 N. THIRD STREET

DFEH USE ONLY

CITY/STATE/ZIP: BURBANK,CA,91502

COUNTY

COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month,day, and year): 05/27/2009

RESPONDENT CODE: 09

THE PARTICULARS ARE:

I allege that on about or before 05/27/2009, the following conduct occurred:

- ___ termination
- ___ laid off
- ___ demotion
- X harassment
- ___ genetic characteristics testing
- ___ constructive discharge (forced to quit)
- ___ impermissible non-job-related inquiry
- ___ denial of employment
- X denial of promotion
- ___ denial of transfer
- ___ denial of accommodation
- X failure to prevent discrimination or retaliation
- X retaliation
- X other (specify) Hostile Work Environment / Discrimination
- ___ denial of family or medical leave
- ___ denial of pregnancy leave
- ___ denieal of equal pay
- ___ denial of right to wear pants
- ___ denial of pregnancy accommodation

by KENDRICK, AARON FIELD TRAINING OFFICER

Name of Person / Job Title (supervisor/manager/personnel director/etc.)

because of :

- ___ sex
- ___ age
- ___ religion
- X race/color
- X national origin/ancestry
- ___ marital status
- ___ sexual orientation
- ___ association
- ___ disability (physical or mental)
- ___ medical condition (cancer or generic chracteristic
- X other (specify) Retaliation for engaging in protected activity
- X retaliation for engaging in protected activity or requesting a protected leave or accommodation

State of what you believe to be the reason(s) for discrimination: RACE, COLOR, NATIONAL ORIGIN/ANCESTRY, AND IN RETALIATION FOR ENGAGING IN PROTECTED ACTIVITY, AMONG OTHER THINGS

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 5/27/2009 8:20:00 PM

At Los Angeles

DATE FILED: 5/27/2009 8:20:00 PM

DFEH-300-03o (02/08)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA

EXHIBIT 114 10-16-09 Childs

PENGAD 800-631-6989

* * * EMPLOYMENT * * *

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E200809R6008-08
DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.): CHILDS, JAMAL
TELEPHONE NUMBER (INCLUDE AREA CODE): (310)979-0325

ADDRESS: C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540

CITY/STATE/ZIP: LOS ANGELES,CA,90025
COUNTY: LOS ANGELES
COUNTY CODE: 037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME: PARRINELLO, MIKE
TELEPHONE NUMBER (Include Area Code): (818)238-3000

ADDRESS: 200 N. THIRD STREET
DFEH USE ONLY

CITY/STATE/ZIP: BURBANK,CA,91502
COUNTY
COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)
DATE MOST RECENT OR CONTINUING DISCRIMINATION TODK PLACE (month,day, and year): 05/27/2009
RESPONDENT CODE: 08

THE PARTICULARS ARE:

I allege that on about or before 05/27/2009, the following conduct occurred:

___ termination
___ laid off
___ demotion
X harassment
___ genetic characteristics testing
___ constructive discharge (forced to quit)
___ impermissible non-job-related inquiry
___ denial of employment
X denial of promotion
___ denial of transfer
___ denial of accommodation
X failure to prevent discrimination or retaliation
X retaliation
X other (specify) Hostile Work Environment / Discrimination
___ denial of family or medical leave
___ denial of pregnancy leave
___ denieal of equal pay
___ denial of right to wear pants
___ denial of pregnancy accommodation

by PARRINELLO, MIKE — Name of Person
DETECTIVE — Job Title (supervisor/manager/personnel director/etc.)

because of :

___ sex
___ age
___ religion
X race/color
X national origin/ancestry
___ marital status
___ sexual orientation
___ association
___ disability (physical or mental)
___ medical condition (cancer or generic characteristic
X other (specify) Retaliation for engaging in protected activity
X retaliation for engaging in protected activity or requesting a protected leave or accommodation

State of what you believe to be the reason(s) for discrimination: RACE, COLOR, NATIONAL ORIGIN/ANCESTRY, AND IN RETALIATION FOR ENGAGING IN PROTECTED ACTIVITY, AMONG OTHER THINGS

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

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By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 5/27/2009 8:20:00 PM

At Los Angeles

DATE FILED: 5/27/2009 8:20:00 PM

RECEIVED
MAY 27 2009
DEPT OF FAIR EMPLOYMENT AND HOUSING LOS ANGELES
STATE OF CALIFORNIA

DFEH-300-03o (02/08)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

114-2

* * * EMPLOYMENT * * *

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E200809R6008-07
DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.): CHILDS, JAMAL
TELEPHONE NUMBER (INCLUDE AREA CODE): (310)979-0325

ADDRESS: C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540

CITY/STATE/ZIP: LOS ANGELES,CA,90025
COUNTY: LOS ANGELES
COUNTY CODE: 037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME: LYNCH, PAT
TELEPHONE NUMBER (Include Area Code): (818)238-3000

ADDRESS: 200 N. THIRD STREET
DFEH USE ONLY

CITY/STATE/ZIP: BURBANK,CA,91502
COUNTY
COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)
DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month,day, and year): 05/27/2009
RESPONDENT CODE: 07

THE PARTICULARS ARE:

I allege that on about or before 05/27/2009, the following conduct occurred:

___ termination
___ laid off
___ demotion
X harassment
___ genetic characteristics testing
___ constructive discharge (forced to quit)
___ impermissible non-job-related inquiry
___ denial of employment
X denial of promotion
___ denial of transfer
___ denial of accommodation
X failure to prevent discrimination or retaliation
X retaliation
X other (specify) Hostile Work Environment / Discrimination
___ denial of family or medical leave
___ denial of pregnancy leave
___ denial of equal pay
___ denial of right to wear pants
___ denial of pregnancy accommodation

by LYNCH, PAT (Name of Person) — CAPTAIN (Job Title (supervisor/manager/personnel director/etc.))

because of:

___ sex
___ age
___ religion
X race/color
X national origin/ancestry
___ marital status
___ sexual orientation
___ association
___ disability (physical or mental)
___ medical condition (cancer or generic characteristic
X other (specify) Retaliation for engaging in protected activity
X retaliation for engaging in protected activity or requesting a protected leave or accommodation

State of what you believe to be the reason(s) for discrimination: RACE, COLOR, NATIONAL ORIGIN/ANCESTRY, AND IN RETALIATION FOR ENGAGING IN PROTECTED ACTIVITY, AMONG OTHER THINGS

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

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By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 5/27/2009 8:20:00 PM

At Los Angeles

DATE FILED: 5/27/2009 8:20:00 PM

RECEIVED
MAY 27 2009
DEPT OF FAIR EMPLOYMENT AND HOUSING LOS ANGELES
STATE OF CALIFORNIA

DFEH-300-03o (02/06)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

114-3

* * * EMPLOYMENT * * *

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E200809R6008-06
DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.): CHILDS, JAMAL
TELEPHONE NUMBER (INCLUDE AREA CODE): (310)979-0325

ADDRESS: C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540

CITY/STATE/ZIP: LOS ANGELES,CA,90025
COUNTY: LOS ANGELES
COUNTY CODE: 037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME: FRANK, KELLY
TELEPHONE NUMBER (Include Area Code): (818)238-3000

ADDRESS: 200 N. THIRD STREET
DFEH USE ONLY

CITY/STATE/ZIP: BURBANK,CA,91502
COUNTY
COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)
DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month,day, and year): 05/27/2009
RESPONDENT CODE: 06

THE PARTICULARS ARE:

I allege that on about or before 05/27/2009, the following conduct occurred:

___ termination
___ laid off
___ demotion
X harassment
___ genetic characteristics testing
___ constructive discharge (forced to quit)
___ impermissible non-job-related inquiry
___ denial of employment
X denial of promotion
___ denial of transfer
___ denial of accommodation
X failure to prevent discrimination or retaliation
X retaliation
X other (specify) Hostile Work Environment / Discrimination
___ denial of family or medical leave
___ denial of pregnancy leave
___ denial of equal pay
___ denial of right to wear pants
___ denial of pregnancy accommodation

by FRANK, KELLY — SERGEANT
Name of Person — Job Title (supervisor/manager/personnel director/etc.)

because of:

___ sex
___ age
___ religion
X race/color
X national origin/ancestry
___ marital status
___ sexual orientation
___ association
___ disability (physical or mental)
___ medical condition (cancer or genetic characteristic
X other (specify) Retaliation for engaging in protected activity
X retaliation for engaging in protected activity or requesting a protected leave or accommodation

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RECEIVED
MAY 27 2009
DEPT OF FAIR EMPLOYMENT AND HOUSING LOS ANGELES
STATE OF CALIFORNIA

Dated 5/27/2009 8:20:00 PM

At Los Angeles

DATE FILED: 5/27/2009 8:20:00 PM

DFEH-300-03o (02/08)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

114-4

* * * EMPLOYMENT * * *

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E200809R6008-05

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (Indicate Mr. or Ms.): CHILDS, JAMAL

TELEPHONE NUMBER (INCLUDE AREA CODE): (310)979-0325

ADDRESS: C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540

CITY/STATE/ZIP: LOS ANGELES,CA,90025

COUNTY: LOS ANGELES

COUNTY CODE: 037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME: YADON, DAN

TELEPHONE NUMBER (Include Area Code): (818)238-3000

ADDRESS: 200 N. THIRD STREET

DFEH USE ONLY

CITY/STATE/ZIP: BURBANK,CA,91502

COUNTY

COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known):

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month,day, and year): 05/27/2009

RESPONDENT CODE: 05

THE PARTICULARS ARE:

I allege that on about or before 05/27/2009, the following conduct occurred:

- ___ termination
- ___ laid off
- ___ demotion
- X harassment
- ___ genetic characteristics testing
- ___ constructive discharge (forced to quit)
- ___ impermissible non-job-related inquiry
- ___ denial of employment
- X denial of promotion
- ___ denial of transfer
- ___ denial of accommodation
- X failure to prevent discrimination or retaliation
- X retaliation
- X other (specify) Hostile Work Environment / Discrimination
- ___ denial of family or medical leave
- ___ denial of pregnancy leave
- ___ denieal of equal pay
- ___ denial of right to wear pants
- ___ denial of pregnancy accommodation

by YADON, DAN SERGEANT

Name of Person / Job Title (supervisor/manager/personnel director/etc.)

because of:

- ___ sex
- ___ age
- ___ religion
- X race/color
- X national origin/ancestry
- ___ marital status
- ___ sexual orientation
- ___ association
- ___ disability (physical or mental)
- ___ medical condition (cancer or generic chracteristic
- X other (specify) Retaliation for engaging in protected activity
- X retaliation for engaging in protected activity or requesting a protected leave or accommodation

State of what you believe to be the reason(s) for discrimination: RACE, COLOR, NATIONAL ORIGIN/ANCESTRY, AND IN RETALIATION FOR ENGAGING IN PROTECTED ACTIVITY, AMONG OTHER THINGS

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 5/27/2009 8:20:00 PM

At Los Angeles

DATE FILED: 5/27/2009 8:20:00 PM

RECEIVED

MAY 27 2009

DEPT OF FAIR EMPLOYMENT AND HOUSING LOS ANGELES

DFEH-300-03o (02/08)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

114-5

* * * EMPLOYMENT * * *

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E200809R6008-04
DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (Indicate Mr. or Ms.): CHILDS, JAMAL
TELEPHONE NUMBER (INCLUDE AREA CODE): (310)979-0325

ADDRESS: C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540

CITY/STATE/ZIP: LOS ANGELES,CA,90025
COUNTY: LOS ANGELES
COUNTY CODE: 037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME: PUGLISI, JAMIE "J.J."
TELEPHONE NUMBER (Include Area Code): (818)238-3000

ADDRESS: 200 N. THIRD STREET
DFEH USE ONLY

CITY/STATE/ZIP: BURBANK,CA,91502
COUNTY
COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)
DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month,day, and year): 05/27/2009
RESPONDENT CODE: 04

THE PARTICULARS ARE:

I allege that on about or before 05/27/2009, the following conduct occurred:

___ termination
___ laid off
___ demotion
X harassment
___ genetic characteristics testing
___ constructive discharge (forced to quit)
___ impermissible non-job-related inquiry
___ denial of employment
X denial of promotion
___ denial of transfer
___ denial of accommodation
X failure to prevent discrimination or retaliation
X retaliation
X other (specify) Hostile Work Environment / Discrimination
___ denial of family or medical leave
___ denial of pregnancy leave
___ denieal of equal pay
___ denial of right to wear pants
___ denial of pregnancy accommodation

by PUGLISI, JAMIE "J.J." — LIEUTENANT
Name of Person — Job Title (supervisor/manager/personnel director/etc.)

because of:

___ sex
___ age
___ religion
X race/color
X national origin/ancestry
___ marital status
___ sexual orientation
___ association
___ disability (physical or mental)
___ medical condition (cancer or generic characteristic
X other (specify) Retaliation for engaging in protected activity
X retaliation for engaging in protected activity or requesting a protected leave or accommodation

State of what you believe to be the reason(s) for discrimination: RACE, COLOR, NATIONAL ORIGIN/ANCESTRY, AND IN RETALIATION FOR ENGAGING IN PROTECTED ACTIVITY, AMONG OTHER THINGS

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 5/27/2009 8:20:00 PM

At Los Angeles

DATE FILED: 5/27/2009 8:20:00 PM

RECEIVED
MAY 27 2009
DEPT OF FAIR EMPLOYMENT AND HOUSING
STATE OF CALIFORNIA
LOS ANGELES

DFEH-300-03o (02/08)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

1146

* * * EMPLOYMENT * * *

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E200809R6008-03

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.): CHILDS, JAMAL

TELEPHONE NUMBER (INCLUDE AREA CODE): (310)979-0325

ADDRESS: C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540

CITY/STATE/ZIP: LOS ANGELES,CA,90025

COUNTY: LOS ANGELES

COUNTY CODE: 037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME: SCHILF, KERRY

TELEPHONE NUMBER (Include Area Code): (818)238-3000

ADDRESS: 200 N. THIRD STREET

DFEH USE ONLY

CITY/STATE/ZIP: BURBANK,CA,91502

COUNTY

COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month,day, and year): 05/27/2009

RESPONDENT CODE: 03

THE PARTICULARS ARE:

I allege that on about or before 05/27/2009, the following conduct occurred:

___ termination
___ laid off
___ demotion
X harassment
___ genetic characteristics testing
___ constructive discharge (forced to quit)
___ impermissible non-job-related inquiry
___ denial of employment
X denial of promotion
___ denial of transfer
___ denial of accommodation
X failure to prevent discrimination or retaliation
X retaliation
X other (specify) Hostile Work Environment / Discrimination
___ denial of family or medical leave
___ denial of pregnancy leave
___ denieal of equal pay
___ denial of right to wear pants
___ denial of pregnancy accommodation

by SCHILF, KERRY (Name of Person) FIELD TRAINING OFFICER (Job Title (supervisor/manager/personnel director/etc.))

because of:

___ sex
___ age
___ religion
X race/color
X national origin/ancestry
___ marital status
___ sexual orientation
___ association
___ disability (physical or mental)
___ medical condition (cancer or generic chracteristic
X other (specify) Retaliation for engaging in protected activity
X retaliation for engaging in protected activity or requesting a protected leave or accommodation

State of what you believe to be the reason(s) for discrimination: RACE, COLOR, NATIONAL ORIGIN/ANCESTRY, AND IN RETALIATION FOR ENGAGING IN PROTECTED ACTIVITY, AMONG OTHER THINGS

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 5/27/2009 8:20:00 PM

At Los Angeles

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RECEIVED
MAY 27 2009
STATE OF CALIFORNIA
DEPT OF FAIR EMPLOYMENT

DFEH-300-03o (02/08)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

114-7

* * * EMPLOYMENT * * *

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E200809R6008-02

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.): CHILDS, JAMAL

TELEPHONE NUMBER (INCLUDE AREA CODE): (310)979-0325

ADDRESS: C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540

CITY/STATE/ZIP: LOS ANGELES,CA,90025

COUNTY: LOS ANGELES

COUNTY CODE: 037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME: RYBURN, DARIN

TELEPHONE NUMBER (Include Area Code): (818)238-3000

ADDRESS: 200 N. THIRD STREET

DFEH USE ONLY

CITY/STATE/ZIP: BURBANK,CA,91502

COUNTY

COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)

DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month,day, and year): 05/27/2009

RESPONDENT CODE: 02

THE PARTICULARS ARE:

I allege that on about or before 05/27/2009, the following conduct occurred:

___ termination
___ laid off
___ demotion
X harassment
___ genetic characteristics testing
___ constructive discharge (forced to quit)
___ impermissible non-job-related inquiry
___ denial of employment
X denial of promotion
___ denial of transfer
___ denial of accommodation
X failure to prevent discrimination or retaliation
X retaliation
X other (specify) Hostile Work Environment / Discrimination
___ denial of family or medical leave
___ denial of pregnancy leave
___ denial of equal pay
___ denial of right to wear pants
___ denial of pregnancy accommodation

by RYBURN, DARIN (Name of Person) SERGEANT (Job Title (supervisor/manager/personnel director/etc.))

because of:

___ sex
___ age
___ religion
X race/color
X national origin/ancestry
___ marital status
___ sexual orientation
___ association
___ disability (physical or mental)
___ medical condition (cancer or generic characteristic
X other (specify) Retaliation for engaging in protected activity
X retaliation for engaging in protected activity or requesting a protected leave or accommodation

State of what you believe to be the reason(s) for discrimination: RACE, COLOR, NATIONAL ORIGIN/ANCESTRY, AND IN RETALIATION FOR ENGAGING IN PROTECTED ACTIVITY, AMONG OTHER THINGS

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

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DEPT OF FAIR EMPLOYMENT AND HOUSING LOS ANGELES

STATE OF CALIFORNIA

DFEH-300-03o (02/08)
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

114-8

* * * EMPLOYMENT * * *

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E200809R6008-01
DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.): CHILDS, JAMAL
TELEPHONE NUMBER (INCLUDE AREA CODE): (310)979-0325

ADDRESS: C/O RHEUBAN & GRESEN, 1990 S. BUNDY DR., STE. 540

CITY/STATE/ZIP: LOS ANGELES,CA,90025
COUNTY: LOS ANGELES
COUNTY CODE: 037

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME: STEHR, TIM
TELEPHONE NUMBER (Include Area Code): (818)238-3000

ADDRESS: 200 N. THIRD STREET
DFEH USE ONLY

CITY/STATE/ZIP: BURBANK,CA,91502
COUNTY
COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known):
DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month,day, and year): 05/27/2009
RESPONDENT CODE: 01

THE PARTICULARS ARE:

I allege that on about or before 05/27/2009, the following conduct occurred:

___ termination
___ laid off
___ demotion
X harassment
___ genetic characteristics testing
___ constructive discharge (forced to quit)
___ impermissible non-job-related inquiry
___ denial of employment
X denial of promotion
___ denial of transfer
___ denial of accommodation
X failure to prevent discrimination or retaliation
X retaliation
X other (specify) Hostile Work Environment / Discrimination
___ denial of family or medical leave
___ denial of pregnancy leave
___ denial of equal pay
___ denial of right to wear pants
___ denial of pregnancy accommodation

by STEHR, TIM — Name of Person
CHIEF OF POLICE — Job Title (supervisor/manager/personnel director/etc.)

because of:

___ sex
___ age
___ religion
X race/color
X national origin/ancestry
___ marital status
___ sexual orientation
___ association
___ disability (physical or mental)
___ medical condition (cancer or generic characteristic
X other (specify) Retaliation for engaging in protected activity
X retaliation for engaging in protected activity or requesting a protected leave or accommodation

State of what you believe to be the reason(s) for discrimination: RACE, COLOR, NATIONAL ORIGIN/ANCESTRY, AND IN RETALIATION FOR ENGAGING IN PROTECTED ACTIVITY, AMONG OTHER THINGS

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

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MAY 27 2009
DEPT OF FAIR EMPLOYMENT AND HOUSING LOS ANGELES

114-9

EXHIBIT 115

BURBANK POLICE DAILY BULLETIN

Tuesday, March 11, 2008 **ADDENDUM**

ZERO TOLERANCE POLICY

This is a special bulletin to remind all employees of the Burbank Police Department that the City of Burbank and the Burbank Police Department have a **Zero Tolerance Policy** towards harassment and/or discrimination based on an individual's race, color, national origin, religion, sex or other protected classification. This Policy, which you have all been given a copy of and trained on, prohibits all forms of such discriminatory harassment including derogatory verbal statements or comments directed at a person or persons of a particular race, color, national origin, religion or sex, or other protected classification. It also prevents retaliation against employees who report, complain of or participate in any investigation into unlawful harassment or discrimination.

Any employee of the Burbank Police Department who engages in even a single act of harassment, discrimination or retaliation in any form that is directed against another person on the basis of that person's race, color, national origin, religion, sex or any other protected classification is subject to discipline, up to and including termination. Supervisors who are aware or should be aware of such conduct by their subordinates and who fail to take immediate corrective action are also subject to appropriate action including discipline.

I cannot emphasize enough how strongly I feel that the Burbank Police Department will not allow, condone, or in any manner tolerate this type of behavior or conduct by its employees. As we all know, the harassing or discriminatory actions of even a handful of employees can tarnish the reputation of the Burbank Police Department for a very long time.

This is not who we are as an organization. Even one instance of this harassing, discriminatory or retaliatory conduct will not be tolerated. All reports or complaints of such conduct will be investigated promptly, fairly and thoroughly and appropriate action taken to punish any offenders and prevent future actions of this kind.

Chief Tim Stehr

EXHIBIT 116

CITY OF BURBANK
POLICY AGAINST DISCRIMINATION AND HARASSMENT

POLICY STATEMENT:

The City of Burbank is committed to providing a work environment that is free of discrimination. In keeping with this commitment, the City maintains a strict policy prohibiting discrimination and harassment based on age, sex, race, color, religion, national origin, and ancestry, marital status, sexual orientation, medical condition, FMLA/CFRA eligibility, or disability in accordance with state and federal law. This policy applies to all employees including non-supervisory personnel, supervisors, and management. It also applies to non-employees who have contacts with City employees during the employee's work hours. Furthermore, this policy prohibits all forms of discriminatory harassment, including verbal, physical, and visual harassment.

DISCRIMINATORY HARASSMENT:

For the purpose of clarification, discriminatory harassment shall be generally defined as derogatory racial, ethnic, religious, sexual, or disability epithets, display of derogatory visual or written material, repeated requests for sexual contacts, or other verbal or physical conduct of a nature inappropriate to a work environment (see reverse for specific examples).

Conduct in violation of this policy shall constitute prohibited illegal employment discrimination practices when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to and or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose and effect of substantially interfering with work performance or creating an intimidating, hostile, or offensive working environment.

ENFORCEMENT:

Employees who violate this policy are subject to discipline. Disciplinary action will be taken promptly against any employee if it becomes known to management that such person has engaged in such discriminatory harassment of an employee.

To facilitate effective enforcement of this policy and to protect the reputation and privacy interests of all parties concerned, any employee who becomes the subject or has direct knowledge of any such discriminatory harassment is encouraged to promptly report the facts of the incident or incidents to the Management Services Director.

Supervisors and managers are required to immediately report any conduct that the observe, or of which they have knowledge, which might constitute any such discriminatory harassment to the Management Services Director.

All reports of such discriminatory harassment will be investigated promptly and in as confidential a manner as possible with due regard to the privacy rights of the complainant and the due process rights of the accused.

No employee shall be retaliated against for report harassment or participating in the investigation.
If you have any questions concerning this policy, please feel free to contact the Management Services Director at (818) 238-5026.

CITY OF BURBANK
POLICY AGAINST DISCRIMINATION AND HARASSMENT (Continued)

ILLEGALITY OF SEXUAL HARASSMENT:

Sexual harassment in employment violates the provisions of the Fair Employment and Housing Act, specifically Government Code Sections 12940(a), (j), and (k).

POLICY STATEMENT:

The City of Burbank maintains a strict policy prohibiting unlawful harassment, including sexual harassment. This policy applies to all employer agents, suppliers, customers, and employees, including co-workers, supervisors, non-supervisory employees, and management. This policy also prohibits harassment from any source: male to male, female to female, male to female or female to male. Employees who violate this policy shall be subject to appropriate disciplinary action, up to and including termination.

DEFINITION OF SEXUAL HARASSMENT:

The Fair Employment and Housing Commission regulations define sexual harassment as unwanted sexual advances or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes harassment of a person of the same sex as the harasser. This policy prohibits harassment in any form, including but not limited to:

VERBAL CONDUCT – Making or using derogatory comments, epithets, slurs and jokes. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations. Any unwanted sexual advances or propositions.

VISUAL CONDUCT – Leering, making sexual gestures, displaying of sexually suggestive objects, drawings, pictures, cartoons or posters.

PHYSICAL CONDUCT – Touching, assault, impeding or blocking movements, or interference with work directed at you because of your sex.

THREATS & DEMANDS – Making or threatening reprisals after a negative respond to sexual advances, or offering employment benefits in exchange for sexual favors.

RETALIATION – Negative employment decisions for reporting and/or filing harassment charges, or complaining about harassment, even if it cannot be demonstrated that the harassment actually occurred.

Any of the above conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

REPORTING SEXUAL HARASSMENT:

In addition to reporting any cases of sexual harassment to the Management Services Director, employees may, within one year of the harassment, file a complaint of discrimination with the California Department of Fair Employment and Housing located at 611 West Sixth Street, 15th Floor, Los Angeles, CA 90017, or call (800) 884-1684. An employee may also contact the Equal Employment Opportunity Commission located at 255 East Temple Street, 4th Floor, Los Angeles, CA 90012, or call (213) 894-1000.

EXHIBIT 117

CITY OF BURBANK
Memorandum

DATE: May 10, 2009

TO: All Police Personnel

FROM: Tim Stehr, Chief of Police

SUBJECT: **Efficient Working Environment**

I recently found it necessary and appropriate to cause an internal administrative investigation to commence regarding allegations of officer misconduct having been committed in connection with what was a significant enforcement action taken by this Department in the recent past.

During the past several weeks, I have witnessed this investigation become an increasingly prevalent subject of conversation, speculation, gossip, and innuendo among Department personnel. It has been brought to my attention that these discussions are infiltrating more and more aspects of the workplace, ranging from briefing room conversations, hallway conversations, conversations outside of the workplace, and even resulting in communications to personnel employed in other law enforcement agencies.

First, let me take this opportunity to emphasize that the concerns and directives I am stating in this memo have no application to communications that are made by any of you in the course of official proceedings authorized by law, or when any of you are initiating proceedings authorized by law. I encourage, and in fact require, that our personnel speak without fear of retaliation when disclosing information to government or other agencies when an employee has reasonable cause to believe that violations of statutes or law have occurred. ***However, the types of communications that are the subject of this memorandum are quite different in nature because they are not made in connection with official proceedings.***

The residents of this community have the expectation, and the right to expect, that the Burbank Police Department is at all times, devoting 100% of its efforts and attention to providing the highest level of service to this community. The increasing frequency of informal communication and speculation by Department personnel as to the events which are the subject of a pending internal administrative investigation, can and do, negatively impact the necessary focus of Department personnel upon our singular mission of serving this community.

Therefore, each and all of you are **ORDERED to immediately cease and desist from engaging in any personal (non-official) communications with anyone in regard to the pending internal administrative investigation as well as any future internal investigation(s) that the Department may commence.** (Those of you who are involved as subjects of, or witnesses to, the matters being investigated, have been separately ordered not to discuss the proceedings in which you are involved. Those orders remain in full force and effect.)

Allegations of law enforcement personnel misconduct must be promptly and thoroughly investigated. The law provides significant privacy protections to those individuals who are the subject of internal administrative investigations. The above circumstances have rendered it necessary that this order be issued, not only to protect the privacy of those involved in the current and foreseeable future investigative proceedings, but also to redirect the focus of our personnel upon the reason that all of us have joined this profession and joined the Burbank Police Department -- the provision of personal service and security to the community we serve. I ask that each of you join with me in fully displaying a commitment to achieving these important goals.

EXHIBIT 118

PREVENTION AGAINST DISCRIMINATION AND HARASSMENT POLICY

POLICY STATEMENT:
The City of Burbank is strongly committed to providing a work environment that is free of discrimination and will take all reasonable steps to prevent discrimination and harassment from occurring. In keeping with this commitment to both prohibit and prevent harassment and discrimination, the City maintains a strict zero tolerance policy prohibiting sexual harassment and harassment and/or discrimination based on age, sex, race, color, religion, national origin, ancestry, citizenship status, uniformed service member status, marital status, sexual orientation, gender identification, genetic characteristics, medical condition, FMLA/CFRA eligibility, or any disability protected by state or federal law. This policy applies to all employees including non-supervisory personnel, co-workers, supervisors, management, or appointed and elected officials. It also applies to non-employees, who have contacts with City employees during the employee's work hours, such as employer agents, suppliers, customers, contractors, or vendors. Furthermore, this policy prohibits all forms of discriminatory harassment, including verbal, physical, visual or written and harassment based on retaliation or threats and demands. Harassment or discrimination against an applicant or employee based upon an individual's protected classification as outlined in this policy statement will not be tolerated. Disciplinary action or other appropriate sanctions up to and including termination will be instituted for prohibited behavior as defined in this policy. The City requires all covered individuals to report any conduct that is believed to violate this policy as soon as possible. No employee shall be retaliated against for reporting discriminatory harassment or participating in the investigation. In addition, no employee shall interfere or use pressure to discourage any other employee or harassment victim from using this procedure.

DISCRIMINATORY HARASSMENT:
For the purpose of clarification, discriminatory harassment shall be generally defined as derogatory comments regarding age, sex (including pregnancy, childbirth, or related medical conditions), race, color, religion, national origin, ancestry, citizenship status, uniformed service member status, marital status, sexual orientation, gender identification, genetic characteristics, medical condition, FMLA/CFRA eligibility, or any disability protected by state or federal law. It also includes epithets, display of derogatory visual or written material, repeated requests for sexual contacts, unwanted sexual advances, or other visual, verbal or physical conduct of any nature inappropriate to a work environment. This includes many forms of offensive behavior (see reverse for some specific examples) and includes harassment of a person of the same sex or opposite sex as the harasser. Harassment also includes any conduct which would be unwelcome to a reasonable individual of a protected class, even if the individual appears to "voluntarily" consent to the conduct or does not protest the conduct. An individual may not protest for many legitimate reasons, including the need to avoid being insubordinate or being outcast. Even well-intentioned conduct (e.g. gifts, over attention, endearing nicknames, etc) can violate this policy if the conduct is directed at, or implicates a protected classification, and that conduct is offensive to the receiver or a third party who observes the conduct or learns of the conduct later. Conduct need not arise to the level of a violation of law in order to violate this policy. Instead, a single act can violate this policy and provide grounds for discipline or other appropriate sanctions. However, conduct in violation of this policy shall constitute prohibited illegal employment discrimination practices when:. (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to and or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with work performance or creating an intimidating, hostile, or offensive work environment.

ENFORCEMENT:
Both supervisory and non-supervisory personnel may be held personally liable for harassing an employee or co-worker or for aiding and abetting harassment. To facilitate effective enforcement of this policy and to protect the reputation and privacy interests of all parties concerned, any employee, who becomes the subject or has direct knowledge of any such discriminatory harassment, is required to promptly report the facts of the incident or incidents to their immediate supervisor, any manager, department manager or Management Services Director. Supervisors and managers are also required to immediately report any conduct that they observe, or of which they have knowledge, which might constitute any such discriminatory harassment to the department manager or Management Services Director. The City will take a proactive approach to potential policy violations and will conduct an investigation if its supervisors or managers become aware that harassment, discrimination, or retaliation may be occurring, regardless

of whether the recipient or third party reports a potential violation. Employees, who violate this policy, are subject to discipline. Disciplinary action will be taken promptly against any employee if it becomes known to management that such person has engaged in such discriminatory harassment of an employee or fails to report an incident that they observed or which they have knowledge of to their immediate supervisor, any manager, department manager or Management Services Director.

PROCESS:
All reports of discriminatory harassment will be investigated promptly and, in as confidential a manner as possible, with due regards to the privacy rights of the complainant and the due process rights of the accused. Every possible effort will be made to assure the confidentiality of complaints made under this policy. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. Once an employee makes a report of discriminatory harassment, the Management Services Director and the department manager shall meet and determine if the investigation should be conducted by the department or by the Management Services Director or designee. If the employee's complaint is against the department manager, the Management Services Director shall conduct the investigation after consultation with the City Manager. At the conclusion of the investigation, the City will make a determination that either: (1) no violation of the City's policy occurred; (2) the evidence is inconclusive; or, (3) that a violation of the City's policy did occur. The City's determination will be based upon all factual information and the totality of the circumstances, including the nature of the conduct, the context in which it occurred, and the sufficiency of the evidence. The City will not disclose a complete investigation report, however, a summary of the findings and determination will be communicated to the accused and complainant as promptly as possible, as well as all others directly concerned. If it is determined that a violation of the City's policy has occurred, the City will take prompt and appropriate remedial action commensurate with the severity of the offense. In addition, the City will take all reasonable steps to protect the complainant from further harassment, discrimination or retaliation. If an employee is found to have engaged in discriminatory harassment or otherwise inappropriate conduct, disciplinary action, up to and including termination, will occur.

REPORTING:
In addition to reporting any cases of sexual harassment/discrimination to their immediate supervisor, any manager, department manager, or the Management Services Director, employees or job applicants may, within one year of the harassment, file a complaint of discrimination with the California Department of Fair Employment and Housing located at 611 West Sixth Street, 15th Floor, Los Angeles, CA 90017 or call 800-884-1684/800-700-2320 (TTY) or visit the Department's website at www.DFEH.CA.gov. An employee may also contact the Equal Employment Opportunity Commission located at 255 East Temple Street, 4th Floor, Los Angeles, CA 90012 or call 213-894-1000. These agencies offer legal remedies and a complaint process. In addition, they may file formal accusations against the City and/or harasser, access fines or damages as granted by law, or provide a right to sue letter to the victim. If you have any questions concerning this policy, please feel free to contact the Management Services Director at 818-238-5026.

EXAMPLES OF DISCRIMINATORY HARASSMENT BEHAVIOR:
VERBAL - Making or using derogatory comments, epithets, slurs, and/or jokes; using verbal abuse of a sexual nature; inappropriate comments about an individual's body, physical features and/or dress (including dress that may or may not be consistent with gender identification); sexual degrading words used to describe an individual; suggestive or obscene letters, notes, or invitations or any sexual advances or propositions, including unwanted sexual advances.

VISUAL - Leering, making sexual gestures, displaying of sexually suggestive objects, drawings, pictures, cartoons or posters.

PHYSICAL - Offensive touching, pinching, grabbing, patting, assault, impeding or blocking movements, or interference with normal work or movement.

THREATS & DEMANDS – Making or threatening reprisals after a negative response to sexual advances, or offering employment benefits or promises in exchange for sexual favors; creating an intimidating, hostile, or offensive work environment; making real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination.

RETALIATION – Negative employment decisions for reporting and/or filing harassment charges, or complaining about harassment, even if it cannot be demonstrated that the harassment actually occurred; taking sides, spreading rumors, shunning or avoiding an individual who reports harassment/discrimination or participates in the complaint process.

EXHIBIT 200

PREVENTION AGAINST DISCRIMINATION AND HARASSMENT POLICY

POLICY STATEMENT:
The City of Burbank is strongly committed to providing a work environment that is free of discrimination and will take all reasonable steps to prevent discrimination and harassment from occurring. In keeping with this commitment to both prohibit and prevent harassment and discrimination, the City maintains a strict zero tolerance policy prohibiting sexual harassment and harassment and/or discrimination based on age, sex, race, color, religion, national origin, ancestry, citizenship status, uniformed service member status, marital status, sexual orientation, gender identification, genetic characteristics, medical condition, FMLA/CFRA eligibility, or any disability protected by state or federal law. This Policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training and to all employees including non-supervisory personnel, co-workers, supervisors, management, or appointed and elected officials. It also applies to non-employees who have contacts with City employees during the employee's work hours, such as employer agents, suppliers, customers, contractors, or vendors. Furthermore, this policy prohibits all forms of discriminatory harassment, including verbal, physical, visual or written and harassment based on retaliation or threats and demands. Harassment or discrimination against an applicant or employee based upon an individual's protected classification as outlined in this policy statement will not be tolerated. Disciplinary action or other appropriate sanctions up to and including termination will be instituted for prohibited behavior as defined in this policy. The City requires all covered individuals to report any conduct that is believed to violate this policy as soon as possible. No employee shall be retaliated against for reporting discriminatory harassment or participating in the investigation. In addition, no employee shall interfere or use pressure to discourage any other employee or harassment victim from using this procedure.

DISCRIMINATORY HARASSMENT:
For the purpose of clarification, discriminatory harassment shall be generally defined as derogatory comments regarding age, sex (including pregnancy, childbirth, or related medical conditions), race, color, religion, national origin, ancestry, citizenship status, uniformed service member status, marital status, sexual orientation, gender identification, genetic characteristics, medical condition, FMLA/CFRA eligibility, or any disability protected by state or federal law. It also includes epithets, display of derogatory visual or written material, repeated requests for sexual contacts, unwanted sexual advances, or other visual, verbal or physical conduct of any nature inappropriate to a work environment. This includes many forms of offensive behavior (see reverse for some specific examples) and includes harassment of a person of the same sex or opposite sex as the harasser. Harassment also includes any conduct which would be unwelcome to a reasonable individual of a protected class, even if the individual appears to "voluntarily" consent to the conduct or does not protest the conduct. An individual may not protest for many legitimate reasons, including the need to avoid being insubordinate or being outcast. Even well-intentioned conduct (e.g. gifts, over attention, endearing nicknames, etc) can violate this policy if the conduct is directed at, or implicates a protected classification, and that conduct is offensive to the receiver or a third party who observes the conduct or learns of the conduct later. Conduct need not arise to the level of a violation of law in order to violate this policy. Instead, a single act can violate this policy and provide grounds for discipline or other appropriate sanctions. However, conduct in violation of this policy shall constitute prohibited illegal employment discrimination practices when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to and or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with work performance or creating an intimidating, hostile, or offensive work environment.

ENFORCEMENT:
Both supervisory and non-supervisory personnel may be held personally liable for harassing an employee or co-worker or for aiding and abetting harassment. To facilitate effective enforcement of this policy and to protect the reputation and privacy interests of all parties concerned, any employee who becomes the subject or has direct knowledge of any such discriminatory harassment is required to promptly report the facts of the incident or incidents to their immediate supervisor, any manager, Department Head or Management Services Director. Supervisors and managers are also required to immediately report any conduct that they observe, or of which they have knowledge, which might constitute any such discriminatory harassment to the Management Services Director. The City will take a proactive approach to potential policy violations and will conduct an investigation if its supervisors or managers become aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation. Employees who violate this policy are subject to discipline. Disciplinary action will be taken promptly against any employee if it becomes known to management that such person has engaged in such discriminatory harassment of an

employee or fails to report an incident that they observed or which they have knowledge of to their immediate supervisor, any manager, Department Head or Management Services Director.

PROCESS:

All reports of discriminatory harassment will be investigated promptly and, in as confidential a manner as possible, with due regards to the privacy rights of the complainant and the due process rights of the accused. Every possible effort will be made to assure the confidentiality of complaints made under this policy. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. Once an employee makes a report of discriminatory harassment, the Management Services Director and the Department Head shall meet and determine if the investigation should be conducted by the Department or by the Management Services Director or designee. If the employee's complaint is against the Department Head or an appointed or elected official, the Management Services Director shall conduct the investigation after consultation with the City Manager and City Attorney. At the conclusion of the investigation, the City will make a determination that either: (1) no violation of the City's policy occurred; (2) the evidence is inconclusive; or, (3) that a violation of the City's policy did occur. The City's determination will be based upon all factual information and the totality of the circumstances, including the nature of the conduct, the context in which it occurred, and the sufficiency of the evidence. The City will not disclose a complete investigation report, however a summary of the findings and determination will be communicated to the accused and complainant as promptly as possible, as well as all others directly concerned. If it is determined that a violation of the City's policy has occurred, the City will take prompt and appropriate remedial action commensurate with the severity of the offense. In addition, the City will take all reasonable steps to protect the complainant from further harassment, discrimination or retaliation. If an employee is found to have engaged in discriminatory harassment or otherwise inappropriate conduct; disciplinary action, up to and including termination, will occur.

REPORTING:

In addition to reporting any cases of sexual harassment/discrimination to their immediate supervisor, any manager, Department Head or Management Services Director, employees or job applicants may, within one year of the harassment, file a complaint of discrimination with the California Department of Fair Employment and Housing located at 611 West Sixth Street, 15th Floor, Los Angeles, CA 90017 or call 800-844-1684/800-700-2320 (TTY) or visit the Department's website at www.DFEH.CA.gov. An employee may also contact the Equal Employment Opportunity Commission located at 255 East Temple Street, 4th Floor, Los Angeles, CA 90012 or call 213-894-1000. These agencies offer legal remedies and a complaint process. In addition, they may file formal accusations against the City and/or harasser, access fines or damages as granted by law, or provide a right to sue letter to the victim. If you have any questions concerning this policy, please feel free to contact the Management Services Director at 818-238-5026.

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VISUAL - Leering, making sexual gestures, displaying of sexually suggestive objects, drawings, pictures, cartoons or posters.

PHYSICAL - Offensive touching, pinching, grabbing, patting, assault, impeding or blocking movements, or interference with normal work or movement.

THREATS & DEMANDS – Making or threatening reprisals after a negative response to sexual advances, or offering employment benefits or promises in exchange for sexual favors. Creating an intimidating, hostile, or offensive work environment. Making real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination.

RETALIATION – Any adverse conduct taken because an applicant, employee, or contractor has reported harassment or discrimination, or has participated in the complaint and investigation process described herein, is prohibited. "Adverse conduct" includes: taking sides because an individual has reported harassment or discrimination, spreading rumors about a complaint, shunning and avoiding an individual who reports harassment or discrimination, or real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. The following individuals are protected from retaliation: those who make good faith reports of harassment or discrimination, and those who associate with an individual who is involved in reporting harassment or discrimination or who participates in the complaint or investigation process.

EXHIBIT 201

From: Stehr, Tim
Sent: Thursday, June 04, 2009 3:15 PM
To: Police Employees
Subject: Maintaining a Professional Work Environment

As everybody is probably already aware, the City and several City/BPD employees have been named in a lawsuit filed by several other City/BPD employees. This lawsuit alleges, among other things, claims of unlawful workplace harassment, discrimination, and retaliation. As most or all of you are also aware, there are concurrent and ongoing investigations being conducted by the FBI, the Los Angeles County Sheriff's Department, and the Burbank Police Department. Some of you have been interviewed, some of you have not. Many of you will be interviewed and even deposed in the future in connection with the litigation or the investigations.

While it is certainly human nature and quite understandable that some or even many of you have personal opinions and strong feelings either way on the merits of this lawsuit and the pending investigations, it is not appropriate to share or discuss these personal opinions and feelings in the workplace for several reasons.

First, because these issues by their nature tend to invoke highly emotional reactions from some, they are distracting and potentially hazardous in a law enforcement work environment that is already dangerous and volatile. Second, these types of issues tend to be polarizing and create "camps" – people who align with one or the other "side" in the lawsuits and investigations. Discussions can (and have) become heated and uncomfortable not only for those involved, but for others in the nearby work areas. This disrupts the work of the Burbank Police Department.

I want to emphasize that you are all entitled to your personal opinions and feelings about these issues, however, I firmly believe that by discussing these matters in the workplace, BPD officers and employees lose the focus necessary to do their jobs safely and effectively. The lawsuit and the investigations are unrelated to your ongoing day to day core law enforcement mission. The investigations and the suit will follow their appropriate path to conclusion.

And finally, whether you intend it or not, and whether you realize it or not, every time you express a personal opinion to a fellow employee about any of these issues, you risk exposing yourself to complaints and allegations of harassment and retaliation. This is unnecessarily divisive and as I said before, distracts us all from our core mission.

Please keep in mind the following:

1. Every person has a right to file a complaint and/or lawsuit for unlawful workplace harassment, discrimination, and retaliation. Whether the complaint is valid or not is a decision for the courts to make.

2. It is a violation of the law to retaliate against someone who has filed such a complaint or lawsuit because they filed it.

3. Rumor and gossip are destructive to the work environment.

I am, once again, asking that you join me in showing our community that the men and women of the Burbank Police Department are committed to, and focused on, providing the highest levels of professionalism in our service to the City of Burbank.

Tim Stehr
Chief of Police

EXHIBIT 202

BURBANK POLICE DEPARTMENT

PROGRESS REVIEW – POLICE OFFICER

Name: Childs, Jamal Emp #: 11115 Assignment: SRO

Evaluation Period: 8/10/2008 to 3/1/2009 Watch: DAYS

O	Outstanding Performance
A	Above Standard Performance
S	Standard Performance
I	Improvement Needed to Reach Standard
U	Unacceptable
N/R	Not Rated

Any *one* factor rated "I" or "U" will result in an interview with the Division Captain to establish goals for improvement. A '☆' denotes a critical performance area. An "I" or "U" in a critical performance area shall result in an overall "I" or "U" rating, and the initiation of a performance improvement plan.

QUALITY OF WORK

	1. Written communications and reports	A
	2. Oral communications skill	A
	3. Investigations	O
☆	4. Knowledge of codified and case law	A
☆	5. Field and station procedures	O
☆	6. Judgment and impartiality	A
☆	7. Performance under stress	O
	8. Public relations	O
	9. Court testimony and preparation	N/R
	10. Use of technology	A

WORK HABITS

☆	11. Reliability and dependability	O
	12. Equipment maintenance	A
	13. Adaptability, flexibility, and acceptance of additional responsibilities	O
☆	14. Safety practices	O
	15. Interpersonal relationships	A
	16. Cooperation with supervisors	O
	17. Problem solving	O
	18. Personal appearance and grooming	A

INITIATIVE

☆	19. Self-initiated activity	O	
	20. Self-improvement in education/knowledge	A	
☆	21. Ethics and integrity	S	(S, I or U)

OVERALL RATING: O

OVERVIEW: (Include Officer's strongest areas and areas where improvement is desirable):

Officer Childs has been with our Department for five years and is currently finishing his first year as a School Resource Officer. Although it is his first year in the detail, he is performing at an outstanding level. Officer Childs has just completed a two week DARE instructor school.

Officer Childs is assigned to Burbank High School which is very busy throughout the school year. He has done a tremendous job at the school. Officer Childs is willing to accept any task that he is assigned and goes at it with enthusiasm while maintaining his professionalism. Officer Childs has handled numerous investigations that have required his "street smarts" to obtain additional information from students. These efforts have led to outstanding arrests and the recovery of stolen property. I asked Officer Childs to take on the challenge of working with the students and staff at Community Day School. I have spoken with the principal at the school on several occasions, and she is very pleased with Officer Childs' work ethic. Officer Childs has been complimented by the staff at the Outreach Center. Ms. Rosoff has been extremely impressed by his attitude and his demeanor when dealing with the families that visit the center.

This year Officer Childs has learned to write search warrants and how to prepare game plans for search warrants. On several occasions, other supervisors have asked Officer Childs to work with their details in serving search warrants and other assignments.

Officer Childs' reports are concise, well written, contain all pertinent information and seldom require corrections. His investigations are thorough and complete, reflecting a good knowledge of the law.

This school year was busy and Officer Childs was always there to assist with staying over and helping out with whatever task came up. I can always count on Officer Childs to come in and work at any time, including the weekends. He never complains and accepts all additional responsibilities with great enthusiasm. Officer Childs has taken on the responsibitly of assisting Officer Jimenez with the Explorers.

It is a great pleasure to have Officer Childs in our detail.

GOAL SETTING:

Prepare for the detective's test and to continue working with the various details to gain valuable experience so that he can become a good investigator.

TRAINING RECOMMENDED:

Investigative and interview courses.

OFFICER'S COMMENTS:

☐ **Additional Comments Attached**

[signature] 3-5-09
Officer's Signature *Date*

PREPARED BY:		**INTERVIEWED BY:**		**REVIEWED BY:**	
E. Penaranda		[signature]	3/5/09	[signature]	3-9-09
Sergeant	Date	Sergeant	Date	Captain	Date
R. Caruso				D/C B Taylor	3/9/09
Lieutenant	Date	Sergeant	Date	Chief	Date

R Caruso 3/6/09
Lieutenant Date

C320-370 4/06

BURBANK POLICE DEPARTMENT

PROGRESS REVIEW – SPECIALTY ASSIGNMENTS ADDENDUM

Name: Childs, Jamal Emp # 11115 Assignment: SRO

Evaluation Period: 8/10/2008 to 3/1/2009 Watch DAYS

AERO BUREAU ASSIGNMENT (#24 – A, O, or PIP required)

☆ 22.	Flight operations	_	S or U
☆ 23.	Pre/post flight duties	_	S, I or U
☆ 24.	Tactical deployment	_	

FIELD TRAINING OFFICER ASSIGNMENT (A, O, or PIP required)

☆ 25.	Training ability	_

INVESTIGATIVE ASSIGNMENTS (A, O, or PIP required)

☆ 26.	Case preparation and management	_
☆ 27.	Interviews and interrogations	_
☆ 28.	Proper use of investigative resources	_

K-9 ASSIGNMENT (A, O, or PIP required)

☆ 29.	K-9 Job knowledge and tactical judgment	_
☆❾ 30.	K-9 Maintenance	_
☆❾ 31.	K-9 Training	_

❾ = Rating to be assessed by K-9 Coordinator

SCHOOL RESOURCE OFFICER ASSIGNMENT

☆ 8.	Public relations (global category 8)	O

TRAFFIC OFFICER ASSIGNMENT (A, O, or PIP required)

☆ 32.	Traffic officer job knowledge, judgment	_
☆ 33.	Motor officer equipment maintenance	_
☆ 34.	Motor officer proficiency and training	_

Employee Comments:

Employee Signature: Date: 3-5-09

C320-370 4/95

BURBANK POLICE DEPARTMENT

PROGRESS REVIEW – POLICE OFFICER

Name: Childs, Jamal Emp #: 11115 Assignment: Patrol

Evaluation Period: 5/1/2008 to 8/20/08 Watch: Group-4/Team-9

O	Outstanding Performance
A	Above Standard Performance
S	Standard Performance
I	Improvement Needed to Reach Standard
U	Unacceptable
N/R	Not Rated

Any *one* factor rated "I" or "U" will result in an interview with the Division Captain to establish goals for improvement. A '☆' denotes a critical performance area. An "I" or "U" in a critical performance area shall result in an overall "I" or "U" rating, and the initiation of a performance improvement plan.

QUALITY OF WORK

	1. Written communications and reports	A
	2. Oral communications skill	O
	3. Investigations	A
☆	4. Knowledge of codified and case law	A
☆	5. Field and station procedures	O
☆	6. Judgment and impartiality	O
☆	7. Performance under stress	O
	8. Public relations	O
	9. Court testimony and preparation	N/R
	10. Use of technology	A

WORK HABITS

☆	11. Reliability and dependability	O
	12. Equipment maintenance	A
	13. Adaptability, flexibility, and acceptance of additional responsibilities	O
☆	14. Safety practices	A
	15. Interpersonal relationships	A
	16. Cooperation with supervisors	A
	17. Problem solving	A
	18. Personal appearance and grooming	O

INITIATIVE

☆	19. Self-initiated activity	S	
	20. Self-improvement in education/knowledge	O	
☆	21. Ethics and integrity	S	(S, I or U)

OVERALL RATING: A

C320-370 4/06

OVERVIEW: (Include Officer's strongest areas and areas where improvement is desirable):

Officer Childs Is rated at Above Average for this deployment period.

Officer Childs' written reports are comprehensive and easy to read. They contain all of the elements and are consistently error free, reflecting a good knowledge of codified law and thorough investigations.

On several occasions, I had the opportunity to observe Officer Childs in high stress situations, dealing with difficult persons in frustrating circumstances. Officer Childs demonstrated tolerance and compassion. Officer Childs communicates well, providing his thoughts and ideas in an orderly manner. Officer Childs received a commendation from an arrestee who said that he wanted to thank Officer Childs for treating him with respect at the time of his arrest.

Officer Childs is always at work on time and takes a minimal amount of time off. On occasions when extra assistance is needed, Officer Childs can be counted on to answer the call. Officer Childs requested an opportunity to be utilized as an alternate FTO. He has been used in that capacity and puts forth a real effort to provide training and beneficial knowledge to trainees.

Officer Childs is well liked by his peers and is responsive to supervisors.

Officer Childs maintains an excellent uniform appearance. He practices good hygiene and grooming.

Officer Childs practices good officer safety. His uniform and equipment are well maintained. Officer Childs has attended AOT training and he competed for the SRO position, obtaining the #1 ranking.

Officer Childs did not seem as motivated this shift in the area of self initiated activity. Still he did contribute to the stated goals of increased DUI arrests, and he aided in issuing smoking citations.

It has been a pleasure to work with Officer Childs during this deployment period.

Thank you for all the work and good luck in your new assignment.

GOAL SETTING:

Do well in your new assignment as an SRO. Start preparing for the next detectives test.

TRAINING RECOMMENDED:

As required in your new assignment.

OFFICER'S COMMENTS:

☐ **Additional Comments Attached**

Officer's Signature 8-16-08 *Date*

PREPARED BY:		**INTERVIEWED BY:**		**REVIEWED BY:**	
Liewellyn	08-16-08	8-16-08		9/4/08	
Sergeant	Date	Sergeant	Date	Captain	Date
				Dic Brayton	9/15/8
Lieutenant	Date	Sergeant	Date	Chief	Date
		8-16-08			
		Lieutenant	Date		

C320-370 4/06

BURBANK POLICE DEPARTMENT

PROGRESS REVIEW – POLICE OFFICER

Name: Childs, Jamal Emp #: 11115 Assignment: Patrol

Evaluation Period: 1/10/2008 to 4/30/2008 Watch: Group 4, Team 7

O	Outstanding Performance
A	Above Standard Performance
S	Standard Performance
I	Improvement Needed to Reach Standard
U	Unacceptable
N/R	Not Rated

Any *one* factor rated "I" or "U" will result in an interview with the Division Captain to establish goals for improvement. A '☆' denotes a critical performance area. An "I" or "U" in a critical performance area shall result in an overall "I" or "U" rating, and the initiation of a performance improvement plan.

QUALITY OF WORK

	1. Written communications and reports	O
	2. Oral communications skill	A
	3. Investigations	O
☆	4. Knowledge of codified and case law	O
☆	5. Field and station procedures	O
☆	6. Judgment and impartiality	O
☆	7. Performance under stress	A
	8. Public relations	A
	9. Court testimony and preparation	N/R
	10. Use of technology	A

WORK HABITS

☆	11. Reliability and dependability	O
	12. Equipment maintenance	A
	13. Adaptability, flexibility, and acceptance of additional responsibilities	O
☆	14. Safety practices	O
	15. Interpersonal relationships	A
	16. Cooperation with supervisors	O
	17. Problem solving	A
	18. Personal appearance and grooming	O

INITIATIVE

☆	19. Self-initiated activity	A	
	20. Self-improvement in education/knowledge	O	
☆	21. Ethics and integrity	S	(S, I or U)

OVERALL RATING: O

C320-370 4/06

OVERVIEW: (Include Officer's strongest areas and areas where improvement is desirable):

Officer Jamal Childs has been rated as Outstanding this deployment period. Early in the shift, Officer Childs asked about preparing to become an FTO and what he needed to do to obtain an "O" evaluation.

Since that time, Officer Childs has been focused in his duties. Officer Childs work output has been at or above the shift average. Beyond that, he has focused on his investigations and developed several outstanding arrests from vehicle stops. His reports in those cases have detailed his probable cause for the stop, identified observed behaviors and evidence to establish further probable cause for detentions and searches. His reports are well written, and articulate, they fully explain the situation, evidence and describe a comprehensive sequence of events, while requiring only an occasional minor error.

Officer Childs has been tasked with filling in for absent FTO's. In each case, Officer Childs has obtained the concerns for training from each FTO, and focused his efforts in that training. The FTO's also report that Officer Childs provides them with feedback of the trainee's activities and performance.

Officer Childs is always on task and looking for the next thing to be done. He has volunteered to work extra hours when shift strength was down.

Officer Childs has sought out training at his own expense and then returned and provided roll call training as it related to the shift.

Officer Childs has been assigned to a variety of officers as partners and gets along well with his peers.

Officer Childs presents an excellent professional image to the public. He conducts himself professionally and is approachable by the public.

Officer Childs should continue to hone his interviewing and investigation skills as he continues to progress in his career.

Officer Childs is a pleasure to work with. He has a positive attitude toward his career, the public, and the department. That attitude is reflected in all facets of Officer Childs' work, and I expect him to continue to develop into a strong leader.

GOAL SETTING:

Set a goal of continuing education.

TRAINING RECOMMENDED:

Apply for FTO school.

OFFICER'S COMMENTS:

☐ **Additional Comments Attached**

Officer's Signature *Date* 4-26-08

PREPARED BY: **INTERVIEWED BY:** **REVIEWED BY:**

4-25-08 4-26-08 5/6/08

Sergeant Date Sergeant Date Captain Date

D/C B Taylor 6/2/08

Lieutenant Date Sergeant Date Chief Date

4-26-08

Lieutenant Date

C320-370 4/06

BURBANK POLICE DEPARTMENT

PROGRESS REVIEW – POLICE OFFICER

Name: Officer Jamal Childs Emp #: 11115 Assignment: Patrol

Evaluation Period: 8/23/2007 to 1/9/2008 Watch: Group 4 Team 8

O	Outstanding Performance
A	Above Standard Performance
S	Standard Performance
I	Improvement Needed to Reach Standard
U	Unacceptable
N/R	Not Rated

Any *one* factor rated "I" or "U" will result in an interview with the Division Captain to establish goals for improvement. A '☆' denotes a critical performance area. An "I" or "U" in a critical performance area shall result in an overall "I" or "U" rating, and the initiation of a performance improvement plan.

QUALITY OF WORK

	1. Written communications and reports	A
	2. Oral communications skill	A
	3. Investigations	A
☆	4. Knowledge of codified and case law	A
☆	5. Field and station procedures	A
☆	6. Judgment and impartiality	A
☆	7. Performance under stress	A
	8. Public relations	A
	9. Court testimony and preparation	N/R
	10. Use of technology	A

WORK HABITS

☆	11. Reliability and dependability	O
	12. Equipment maintenance	A
	13. Adaptability, flexibility, and acceptance of additional responsibilities	A
☆	14. Safety practices	A
	15. Interpersonal relationships	A
	16. Cooperation with supervisors	O
	17. Problem solving	A
	18. Personal appearance and grooming	A

INITIATIVE

☆	19. Self-initiated activity	A	
	20. Self-improvement in education/knowledge	S	
☆	21. Ethics and integrity	S	(S, I or U)

OVERALL RATING: A

C320-370 4/06

OVERVIEW: (Include Officer's strongest areas and areas where improvement is desirable):

Officer Childs has been a member of the Burbank Police Department for approximately five years. Officer Childs holds an Associates degree in General Studies from Mount San Antonio College.

During this deployment, Jamal performed at an "above average" level. Jamal conducted good field investigations resulting from traffic violations and street contacts. As a result, he made several good arrests during this deployment. He made arrests for narcotics violations, weapon violations, outstanding warrant suspects, and was effective in DUI enforcement.

Jamal's report writing could improve if he takes the time to include fine details that are at times required from complex investigations. On several occasions, Jamal's reports required corrections for grammar and spelling. Jamal needs to be cognizant that it is crucial that all details be documented in his reports.

Jamal relates well with his peers as with his supervisors. He is well liked and presents a professional image through his demeanor and his appearance. Jamal can be counted on to complete additional assignments with little or no supervision. In stressful situations, Jamal remains calm and in control of the situation.

Jamal keeps himself in good physical condition and maintains a neat and clean uniform. It has been a pleasure to work with Jamal during this deployment.

GOAL SETTING:

Continue to work on expanding his field investigations. Prepare to test for specialized detail or detective.

Continue with his formal education and enroll in a Bacher of Arts degree program.

TRAINING RECOMMENDED:

Attend Parolee Contacts, Narcotics for the Patrol Officer, Hotel Interdiction, Traffic Investigations, DUI Enforcement courses.

OFFICER'S COMMENTS:

☐ **Additional Comments Attached**

[signature] 1-5-08
Officer's Signature *Date*

PREPARED BY:		INTERVIEWED BY:		REVIEWED BY:	
[signature]	1-5-08	[signature]	1-5-08	[signature]	1-9-08
Sergeant	Date	Sergeant	Date	Captain	Date
RYBURN D	1-4-08			D/C B Taylor	2-6-08
Lieutenant	Date	Sergeant	Date	Chief	Date
		[signature]	1-5-08		
		Lieutenant	Date		

C320-370 4/06

BURBANK POLICE DEPARTMENT

PROGRESS REVIEW – POLICE OFFICER

Name: Childs, Jamal Emp #: 11115 Assignment: Patrol

Evaluation Period: 5/03/2007 To 08/22/2007 Watch: Group 4, Team 9, W-1

O	Outstanding Performance
A	Above Standard Performance
S	Standard Performance
I	Improvement Needed to Reach Standard
U	Unacceptable
N/R	Not Rated

Any *one* factor rated "I" or "U" will result in an interview with the Division Captain to establish goals for improvement. A '☆' denotes a critical performance area. An "I" or "U" in a critical performance area shall result in an overall "I" or "U" rating, and the initiation of a performance improvement plan.

QUALITY OF WORK

	1. Written communications and reports	A
	2. Oral communications skill	A
	3. Investigations	A
☆	4. Knowledge of codified and case law	A
☆	5. Field and station procedures	A
☆	6. Judgment and impartiality	A
☆	7. Performance under stress	O
	8. Public relations	A
	9. Court testimony and preparation	N/R
	10. Use of technology	A

WORK HABITS

☆	11. Reliability and dependability	O
	12. Equipment maintenance	A
	13. Adaptability, flexibility, and acceptance of additional responsibilities	O
☆	14. Safety practices	O
	15. Interpersonal relationships	A
	16. Cooperation with supervisors	O
	17. Problem solving	A
	18. Personal appearance and grooming	A

INITIATIVE

☆	19. Self-initiated activity	O	
	20. Self-improvement in education/knowledge	S	
☆	21. Ethics and integrity	S	(S, I or U)

OVERALL RATING: A

C320-370 4/06

OVERVIEW: (Include Officer's strongest areas and areas where improvement is desirable):

Officer Childs has been a member of the Burbank Police Department for a little less than five years. He has no prior law enforcement experience. He has an Associates Degree. His work performance for this deployment was at an overall "Above Average" level.

Officer Childs' does good investigations and has made several quality arrests that resulted from traffic stops for minor violations. One of his stops resulted in the arrest of three hardcore gang members from Los Angeles for GTA. Although his investigations are thorough, his reports lack the fine details required in comprehensive investigations. On occasion, his reports require corrections for grammar and spelling. One of the ways Officer Childs can improve his reports and investigations is to take classes that offer patrol officers new techniques and methods in investigating crimes.

Officer Childs is very proactive while on patrol. He has remained calm and composed during major incidents. He has demonstrated sound tactics and the ability to remain calm during high stress incidents.

Officer Childs relates well with his supervisors and his co-workers. He is well liked by his peers. He presents a professional image through his demeanor and his appearance. He keeps himself in good physical condition and maintains his uniform in good condition.

Officer Childs is a pleasure to work with. He is encouraged to continue his proactive enforcement efforts and expand his investigations.

GOAL SETTING:

Apply and prepare for a position in the Investigation Division's Special Enforcement Detail or the Detective Bureau.

TRAINING RECOMMENDED:

Attend advanced investigation/interview courses, including informant development.

OFFICER'S COMMENTS:

☐ **Additional Comments Attached**

[signature] 8-18-07

Officer's Signature *Date*

PREPARED BY:		INTERVIEWED BY:		REVIEWED BY:	
E. PENARANDA		8-18-07		[signature]	8/20/07
Sergeant	Date	Sergeant	Date	Captain	Date
		[signature]	8-18-07	DIC [signature]	8/31
Lieutenant	Date	Sergeant	Date	Chief	Date
		[signature]	8.18.07		
		Lieutenant	Date		

C320-370 4/06

BURBANK POLICE DEPARTMENT

PROGRESS REVIEW – POLICE OFFICER

Name: Jamal Childs Emp #: 11115 Assignment: Patrol

Evaluation Period: 1-11-07 to 5-2-07 Watch: 1

O	Outstanding Performance
A	Above Standard Performance
S	Standard Performance
I	Improvement Needed to Reach Standard
U	Unacceptable
N/R	Not Rated

Any *one* factor rated "I" or "U" will result in an interview with the Division Captain to establish goals for improvement. A '☆' denotes a critical performance area. An "I" or "U" in a critical performance area shall result in an overall "I" or "U" rating, and the initiation of a performance improvement plan.

QUALITY OF WORK

	1. Written communications and reports	S
	2. Oral communications skill	S
	3. Investigations	A
☆	4. Knowledge of codified and case law	A
☆	5. Field and station procedures	A
☆	6. Judgment and impartiality	A
☆	7. Performance under stress	O
	8. Public relations	A
	9. Court testimony and preparation	N/R
	10. Use of technology	S

WORK HABITS

☆	11. Reliability and dependability	O
	12. Equipment maintenance	O
	13. Adaptability, flexibility, and acceptance of additional responsibilities	A
☆	14. Safety practices	O
	15. Interpersonal relationships	A
	16. Cooperation with supervisors	A
	17. Problem solving	O
	18. Personal appearance and grooming	O

INITIATIVE

☆	19. Self-initiated activity	O	
	20. Self-improvement in education/knowledge	S	
☆	21. Ethics and integrity	S	(S, I or U)

OVERALL RATING: A

OVERVIEW: (Include Officer's strongest areas and areas where improvement is desirable):

Officer Childs has been a member of the Burbank Police Department for 3 1/2 years. He has no prior law enforcement experience. He has an Associates Degree and is not currently enrolled in school. Officer Childs was rated overall as, "Above Average."

Officer Childs is proactive and actively seeks out criminals.

His investigations are markedly above average. Officer Childs has made several quality arrests that he initiated as traffic stops for minor violations. He has been effective in interviewing subjects and eliciting information vital to investigations. Although Officer Childs often uncovers important information through his investigation, that information does not always make it into his reports. His reports lack the fine details justified in comprehensive investigations. On occasion, his reports require correction for grammar and spelling. Officer Childs can further improve his investigations by taking advantage of all available resources. These include in-house computer databases, as well as city utilities and our Computer Aided Dispatch (CAD) system.

Officer Childs initiated a pursuit of four subjects wanted for an armed robbery. The subjects abandoned their vehicle in Sun Valley and Officer Childs was instrumental in setting up the initial perimeter. He remained calm and composed throughout the incident. Officer Childs is known for his outstanding performance while under stress.

Officer Childs relates well with the public and his co-workers. He presents a professional image through his demeanor and his appearance. He keeps himself in good physical condition and maintains his uniforms.

Officer Childs accepts feedback to improve his effectiveness and heeds suggestions.

Officer Childs is encouraged to take on additional duties and responsibilities while assigned to patrol. Becoming bicycle qualified to assist the department with enforcement efforts and community interaction in the Village Area are an example of such additional duties.

Officer Childs is a pleasure to work with. He is encouraged to continue is proactive enforcement efforts.

GOAL SETTING:

Apply for a Specialty Assignment. Prepare for the upcoming Detective test.

TRAINING RECOMMENDED:

Bike Patrol certification. Addend advanced officer investigation courses.

OFFICER'S COMMENTS:

☐ **Additional Comments Attached**

Officer's Signature *Date* 4-29-07

PREPARED BY:		INTERVIEWED BY:		REVIEWED BY:	
	4-29-07	0230	4-29-07		5/3/07
Sergeant	Date	Sergeant	Date	Captain	Date
			4-29-07		5-9.
Lieutenant	Date	Sergeant	Date	Chief	Date
			4-29-07		
		Lieutenant	Date		

C320-370 4/06

BURBANK POLICE DEPARTMENT

PROGRESS REVIEW – POLICE OFFICER

Name: Childs, Jamal Emp #: 11115 Assignment: PATROL

Evaluation Period: 8-24-2006 to 1-10-2007 Watch: Group 4 / Team 8

O	Outstanding Performance
A	Above Standard Performance
S	Standard Performance
I	Improvement Needed to Reach Standard
U	Unacceptable
N/R	Not Rated

Any *one* factor rated "I" or "U" will result in an interview with the Division Captain to establish goals for improvement. A '☆' denotes a critical performance area. An "I" or "U" in a critical performance area shall result in an overall "I" or "U" rating, and the initiation of a performance improvement plan.

QUALITY OF WORK

	1. Written communications and reports	A
	2. Oral communications skill	A
	3. Investigations	A
☆	4. Knowledge of codified and case law	A
☆	5. Field and station procedures	O
☆	6. Judgment and impartiality	A
☆	7. Performance under stress	O
	8. Public relations	A
	9. Court testimony and preparation	N/R
	10. Use of technology	A

WORK HABITS

☆	11. Reliability and dependability	O
	12. Equipment maintenance	A
	13. Adaptability, flexibility, and acceptance of additional responsibilities	O
☆	14. Safety practices	A
	15. Interpersonal relationships	A
	16. Cooperation with supervisors	O
	17. Problem solving	A
	18. Personal appearance and grooming	O

INITIATIVE

☆	19. Self-initiated activity	A	
	20. Self-improvement in education/knowledge	S	
☆	21. Ethics and integrity	S	(S, I or U)

OVERALL RATING: A

C320-370 4/06

OVERVIEW: (Include Officer's strongest areas and areas where improvement is desirable):

Officer Jamal Childs has been an officer in patrol for three years, and is rated as "Above Standard" for this evaluation period.

Jamal's reports are well written and reflect his interest in the job, as do his investigations. He also has a good knowledge of codified and case law, and follows field and station procedures.

I have observed Jamal in several field situations, it is apparent that he treats the public with respect; he is impartial and uses good judgment. When under stress, or handling difficult prisoners, Jamal is in control and conducts himself professionally.

Jamal is very professional in his dealings with the public, and is personable.

Jamal completes assigned tasks and can be relied on. He is dependable and can be counted on to be at work, at roll call on time and eager to make a difference. Jamal has a good uniform appearance, and presents a positive image.

Jamal uses good judgment in maintaining a position of advantage when contacting subjects in the field. He appears alert and attentive, practicing good safety techniques.

Jamal gets along well with his peers, and is always cooperative with supervisors.

Jamal has yet to take any AOT classes. I mentioned the need to seek out training. Jamal subsequently sought out a class and will be submitting a request to attend. Jamal has an AA degree, and hopes to continue his education as his work schedule permits.

Jamal is a solid and trusted employee. It has been a pleasure having him on the shift.

GOAL SETTING:

Continue to focus on investigations and interviewing suspects. Apply for specialty assignment and prepare for the detectives test.

TRAINING RECOMMENDED:

Follow through on request for Advanced Officer Training.

OFFICER'S COMMENTS:

☐ **Additional Comments Attached**

Officer's Signature *Date* 1-4-07

PREPARED BY:		**INTERVIEWED BY:**		**REVIEWED BY:**	
		Cosacco	1/4/7		1/14/07
Sergeant	Date	Sergeant	Date	Captain	Date
Sgt. Llewellyn	12-24-06				1/29/07
Lieutenant	Date	Sergeant	Date	Chief	Date
Lt. Rodriguez	12-24-06		1-4-07		
		Lieutenant	Date		

C320-370 4/06

BURBANK POLICE DEPARTMENT

PROGRESS REVIEW – POLICE OFFICER

Name: Officer Jamal Childs Emp #: 11115 Assignment: Group 3, Team 5

Evaluation Period: 5/4/2006 to 8/23/2006 Watch: 2

O	Outstanding Performance
A	Above Standard Performance
S	Standard Performance
I	Improvement Needed to Reach Standard
U	Unacceptable
N/R	Not Rated or Applicable

Any *one* factor rated "I" or "U" will result in an interview with the Division Captain to establish goals for improvement. A '☆' denotes a critical performance area. An "I" or a "U" in a critical performance area shall result in an overall "I" or "U" rating, and the initiation of a performance improvement plan.

QUALITY OF WORK

	1. Written communications and reports	A
	2. Oral communications skill	S
	3. Investigations	A
☆	4. Knowledge of codified and case law	A
☆	5. Field and station procedures	A
☆	6. Judgment and impartiality	A
☆	7. Performance under stress	S
	8. Public relations	S
	9. Court testimony and preparation	N/A
	10. Use of technology	S

WORK HABITS

☆	11. Reliability and dependability	A
	12. Equipment maintenance	S
	13. Adaptability, flexibility, and acceptance of additional responsibilities	A
☆	14. Safety practices	A
	15. Interpersonal relationships	A
	16. Cooperation with supervisors	O
	17. Problem solving	A
	18. Personal appearance and grooming	A

INITIATIVE

☆	19. Self-initiated activity	O	
	20. Self-improvement in education/knowledge	S	
☆	21. Ethics and integrity	S	(S, I or U)

OVERALL RATING: A

C320-370 4/06

OVERVIEW: (Include Officer's strongest areas and areas where improvement is desirable):

Officer Childs has been with the Burbank Police Department since 9-22-03, and has been in patrol since he started. During this deployment, Officer Childs has earned an above average rating.

For a newer officer, Officer Childs is doing a good job. Although learning is always on the horizon, Officer Childs seems to be able to handle most things with little or no supervision. I have noticed that his report writing is very good and his thoughts are put to paper in a logical and chronological way. Officer Childs also does a good job turning regular traffic stops into good arrests with some investigation.

During this deployment, Officer Childs was well above the average in observed arrests by almost one third. He was above the shift in hazards and right there with FI's. Officer Childs provided roll call training on the general order regarding missing persons.

Officer Childs presents a professional image and gets along well with all members of the team. Officer Childs should continue to build his skills as a police officer and start setting his sights on some specialized assignments.

GOAL SETTING:

Specialized assignment

TRAINING RECOMMENDED:

Advanced officer or investigation class (interview & interrogation if possible)

OFFICER'S COMMENTS:

☐ **Additional Comments Attached**

8-17-06

Officer's Signature *Date*

PREPARED BY:		INTERVIEWED BY:		REVIEWED BY:	
J. Calicchio	8-12-06	J. Calicchio	8-17-06		8/29/06
Sergeant	Date	Sergeant	Date	Captain	Date
	8-18-06	K. Frank	8-17-06		9-5-0
Lieutenant	Date	Sergeant	Date	Chief	Date
		O. Rodriguez	8-18-06		
		Lieutenant	Date		

BURBANK POLICE DEPARTMENT

PROGRESS REVIEW – POLICE OFFICER

Name: Childs, Jamal Emp # 11115 Assignment: Patrol

Evaluation Period: 1-12-06 to 5-3-06 Watch Group 4 Team 9

O	Outstanding Performance
A	Above Standard Performance
S	Standard Performance
I	Improvement Needed to Reach Standard
U	Unacceptable
N/R	Not Rated or Applicable

Any *one* factor rated "I" or "U" will result in an interview with the Division Captain to establish goals for improvement. A '☆' denotes a critical performance area. An "I" or a "U" in a critical performance area shall result in an overall "I" or "U" rating, and the initiation of a performance improvement plan.

QUALITY OF WORK

	1. Written communications and reports	A
	2. Oral communications skill	S
	3. Investigations	A
☆	4. Knowledge of codified and case law	A
☆	5. Field and station procedures	A
☆	6. Judgment and impartiality	A
☆	7. Performance under stress	S
	8. Public relations	A
	9. Court testimony and preparation	N/R
	10. Use of technology	S

WORK HABITS

☆	11. Reliability and dependability	A
	12. Equipment maintenance	S
	13. Adaptability, flexibility, and acceptance of additional responsibilities	A
☆	14. Safety practices	A
	15. Interpersonal relationships	O
	16. Cooperation with supervisors	O
	17. Problem solving	A
	18. Personal appearance and grooming	A

INITIATIVE

☆	19. Self-initiated activity	A	
	20. Self-improvement in education/knowledge	S	
☆	21. Ethics and integrity	S	S, I or U

OVERALL RATING: A

C320-370 4/95

OVERVIEW: Ofc. Childs did a very good job during this deployment period. He was very proactive in his patrolling and was above shift average in most observed categories. He received numerous commendations from Capt. Varner for his arrest and investigations. There is one commendation that merits repeating. Capt. Varner made the following comment on one of Ofc. Child's reports, "The documentation from start to finish was outstanding. The description and reason why the force was used is textbook". Ofc. Child's reports always contain all the necessary information and often require few corrections.

Ofc. Childs has a very good attitude and gets along well with all members of the group. He can always be counted on to do whatever is asked of him. He is courteous, respectful, and professional.

Ofc. Childs should begin to focus on a particular area of interest for upcoming detail openings. This command group thanks Ofc. Childs for all of his hard work.

GOAL SETTING: Put in for specialized assignment

TRAINING RECOMMENDED: Investigations class

OFFICER'S COMMENTS:

☐ **Additional Comments Attached**

Officer's Signature — *Date* 4-29-06

PREPARED BY:		INTERVIEWED BY:		REVIEWED BY:	
Puglisi, J	4-29-06	#999	4-29-06		5/2/06
Lieutenant	Date	Lieutenant	Date	Captain	Date
Gomez, C	4-29-06		4-29-06		5-8-06
Sergeant	Date	Sergeant	Date	D/Chief	Date
Hawver, J	4-29-06				
Sergeant	Date	Sergeant	Date		
Kister, T	4-29-06				
Sergeant	Date	Sergeant	Date		

C320-370 4/95

BURBANK POLICE DEPARTMENT

PROGRESS REVIEW – POLICE OFFICER

Name: Jamal Childs Emp # 11115 Assignment: PATROL

Evaluation Period: Aug 25, 2005 – Jan 11, 2006 Watch W-I,Group 4, Team 9

O	Outstanding Performance
A	Above Standard Performance
S	Standard Performance
I	Improvement Needed to Reach Standard
U	Unacceptable
N/R	Not Rated or Applicable

Any *one* factor rated "I" or "U" will result in an interview with the Division Captain to establish goals for improvement. A '☆' denotes a critical performance area. An "I" or a "U" in a critical performance area shall result in an overall "I" or "U" rating, and the initiation of a performance improvement plan.

QUALITY OF WORK

	1. Written communications and reports	S
	2. Oral communications skill	A
	3. Investigations	S
☆	4. Knowledge of codified and case law	A
☆	5. Field and station procedures	S
☆	6. Judgment and impartiality	A
☆	7. Performance under stress	A
	8. Public relations	A
	9. Court testimony and preparation	N/R
	10. Use of technology	S

WORK HABITS

☆	11. Reliability and dependability	A
	12. Equipment maintenance	A
	13. Adaptability, flexibility, and acceptance of additional responsibilities	S
☆	14. Safety practices	A
	15. Interpersonal relationships	A
	16. Cooperation with supervisors	A
	17. Problem solving	S
	18. Personal appearance and grooming	A

INITIATIVE

☆	19. Self-initiated activity	A	
	20. Self-improvement in education/knowledge	S	
☆	21. Ethics and integrity	S	S, I or U

OVERALL RATING: A

C320-370 4/95

H.S. BENEFITS '06 JAN/31 AM10:13

OVERVIEW: (Include Officer's strongest areas and areas where improvement is desirable):

Ofcr Childs is easy to work with and well liked by his peers. He works well with other officers and he has made several good arrests while as an "Adam" car. He accepts criticism well and does not make the same mistake twice. Ofcr Childs' uniform and appearance are above standard.

Ofcr Childs is a good example of a proactive officer and has been commended for several of his DUI and narcotic arrests.

Ofcr Childs generally writes good reports. However, at times he lets typos and other small details slip by. This may be a by product of the graveyard shift, but he should try to be more consistent.

Ofcr Childs has the makings of an excellent officer. If he stays focused, there is no reason to believe that he will not develop into an outstanding officer.

GOAL SETTING: Continue to improve in basic officer skills.

TRAINING RECOMMENDED: DUI school and Traffic Accident Investigation

OFFICER'S COMMENTS:

☐ **Additional Comments Attached**

Officer's Signature — *Date* 1-7-06

PREPARED BY:	INTERVIEWED BY:	REVIEWED BY:
Púglisi 01-05-06		1/23
Lieutenant Date	Lieutenant Date	Captain Date
Merich 01-05-06	1-7-06	1-26-06
Sergeant Date	Sergeant Date	D/Chief Date
Gunn 01-05-06	1/7/06	
Sergeant Date	Sergeant Date	
Misquez 01-05-06		
Sergeant Date	Sergeant Date	

C320-370 4/95

BURBANK POLICE DEPARTMENT

PROGRESS REVIEW – POLICE OFFICER

Name: Childs, Jamal Emp # 11115 Assignment: PATROL

Evaluation Period: May 5 – Aug 24, 2005 Watch II, GROUP 1, TEAM 2

O	Outstanding Performance
A	Above Standard Performance
S	Standard Performance
I	Improvement Needed to Reach Standard
U	Unacceptable
N/R	Not Rated or Applicable

Any *one* factor rated "I" or "U" will result in an interview with the Division Captain to establish goals for improvement. A '☆' denotes a critical performance area. An "I" or a "U" in a critical performance area shall result in an overall "I" or "U" rating, and the initiation of a performance improvement plan.

QUALITY OF WORK

1.	Written communications and reports	S
2.	Oral communications skill	S
3.	Investigations	S
☆ 4.	Knowledge of codified and case law	S
☆ 5.	Field and station procedures	S
☆ 6.	Judgment and impartiality	A
☆ 7.	Performance under stress	S
8.	Public relations	A
9.	Court testimony and preparation	N/R
10.	Use of technology	A

WORK HABITS

☆ 11.	Reliability and dependability	A
12.	Equipment maintenance	A
13.	Adaptability, flexibility, and acceptance of additional responsibilities	S
☆ 14.	Safety practices	S
15.	Interpersonal relationships	A
16.	Cooperation with supervisors	A
17.	Problem solving	S
18.	Personal appearance and grooming	A

INITIATIVE

☆ 19.	Self-initiated activity	A
20.	Self-improvement in education/knowledge	S
☆ 21.	Ethics and integrity	S

S, I or U

OVERALL RATING: S

HR BENEFITS '05-SEP-07 AM10:15

C320-370 4/95

OVERVIEW: (Include Officer's strongest areas and areas where improvement is desirable):

Officer Childs has approximately 2 years of experience with the department at the time of this evaluation. Officer Childs has been rated as Satisfactory for this deployment period.

For this deployment period Officer Childs has led the shift in a number of self-initiated categories including; observed felony arrests, observed misdemeanor arrests, and he took the least amount of time off. Jamal's enthusiastic work is a breath of fresh air on a shift with more senior officers. An area where Jamal could improve is traffic enforcement, where he trailed the rest of the shift.

The reports Jamal wrote during this deployment showed improvement, needing fewer corrections as the shift went on. Jamal's attitude was exemplary during this deployment. On a shift with officers that had been around for some time, Jamal was not caught up in the negativity that can accompany senior officers.

Officer Childs should continue to work on improving his investigative skills along with report writing. By continuing to improve in these areas, Jamal has the ability to be an outstanding police officer.

GOAL SETTING: Continued improvement in report writing and investigative skills.

TRAINING RECOMMENDED: Gang school or CNOA training in regards to street level narcotic enforcement.

OFFICER'S COMMENTS:

☐ **Additional Comments Attached**

Officer's Signature — 8-22-05 *Date*

PREPARED BY:		INTERVIEWED BY:		REVIEWED BY:	
Dilibert/Puglisi	8/2/05		8/22/05		8/23/0
Lieutenant	Date	Lieutenant	Date	Captain	Date
K. Frank	8/2/05	K. Frank	8-22-05		9-5-05
Sergeant	Date	Sergeant	Date	Chief	Date
T.Merich	8/2/05		8-22-05		
Sergeant	Date	Sergeant	Date		
Sergeant	Date	Sergeant	Date		

C320-370 4/95

5105

BURBANK POLICE DEPARTMENT

PROGRESS REVIEW – POLICE OFFICER

Name: Childs, Jamal Emp # 11115 Assignment: PATROL

Evaluation Period: January 14 – May 4, 2005 Watch Group IV, Team 9

O	Outstanding Performance
A	Above Standard Performance
S	Standard Performance
I	Improvement Needed to Reach Standard
U	Unacceptable
N/R	Not Rated or Applicable

Any *one* factor rated "I" or "U" will result in an interview with the Division Captain to establish goals for improvement. A '☆' denotes a critical performance area. An "I" or a "U" in a critical performance area shall result in an overall "I" or "U" rating, and the initiation of a performance improvement plan.

QUALITY OF WORK

1.	Written communications and reports	S
2.	Oral communications skill	S
3.	Investigations	A
☆ 4.	Knowledge of codified and case law	S
☆ 5.	Field and station procedures	S
☆ 6.	Judgment and impartiality	A
☆ 7.	Performance under stress	S
8.	Public relations	A
9.	Court testimony and preparation	N/A
10.	Use of technology	S

WORK HABITS

☆ 11.	Reliability and dependability	A
12.	Equipment maintenance	S
13.	Adaptability, flexibility, and acceptance of additional responsibilities	S
☆ 14.	Safety practices	S
15.	Interpersonal relationships	A
16.	Cooperation with supervisors	A
17.	Problem solving	S
18.	Personal appearance and grooming	S

INITIATIVE

☆ 19.	Self-initiated activity	A	
20.	Self-improvement in education/knowledge	S	
☆ 21.	Ethics and integrity	S	S, I or U

OVERALL RATING: S

MS.BENEFITS'05/MAY/26 AM10:23

OVERVIEW: (Include Officer's strongest areas and areas where improvement is desirable):

Officer Childs has now been with this department for just over 1 ½ years. During this deployment, he successfully completed his probationary period and attained permanent status. He indicated that he has one more year to attain his AA degree and plans to begin soon. Officer Childs received recognition of his good judgment for not chasing a subject who ran from him. He believed the subject to be local gang member and initiated a consensual contact but had no other PC to detain him. He has also been commended for several self-initiated contacts that he turned into arrests by persistent investigation.

Officer Childs received several correction letters for errors on citations he issued. He has accepted full responsibility in a positive manner and made efforts to be more thorough.

Officer Childs has demonstrated a high level of productivity during this deployment and he continues to project a sharp and professional image. His investigative skills are slowly improving, however, his reports sometimes require corrections for elements and/or content.

During this deployment Officer Childs participated as a runner in the Baker-to-Vegas Run which attests both to his commitment to maintain his fitness as well as being part of the team.

GOAL SETTING: Focus on improving the quality of his reports and citations, which will compliment his productivity.

TRAINING RECOMMENDED: Continue to seek additional training in investigative techniques and other areas that interest him.

OFFICER'S COMMENTS:

☐ **Additional Comments Attached**

[signature] 5-6-05

Officer's Signature *Date*

PREPARED BY:		INTERVIEWED BY:		REVIEWED BY:	
R Caruso	4/30/05			[signature]	5-13-05
Lieutenant	Date	Lieutenant	Date	Captain	Date
Mayreis, D.	4/30/05	[signature]	4/30/05	[signature]	5-24-05
Sergeant	Date	Sergeant	Date	Chief	Date
Kister, T.	4/30/05	[signature]	4/30/05		
Sergeant	Date	Sergeant	Date		
Sergeant	Date	Sergeant	Date		

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 500 North Brand Boulevard, Twentieth Floor, Glendale, California 91203-9946.

On December 23, 2009, I served the foregoing document described as: **DEFENDANT CITY OF BURBANK, INCLUDING THE POLICE DEPARTMENT OF THE CITY OF BURBANK'S APPENDIX OF EVIDENCE IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, SUMMARY ADJUDICATION OF ISSUES AGAINST PLAINTIFF CHILDS; DECLARATIONS OF TIM STEHR, IRMA RODRIGUEZ MOISA, GERALD MISQUEZ, LINDA SAVITT, DARIN RYBURN; EXHIBITS** on the interested parties in this action, by placing a true copy thereof in a sealed envelope addressed as follows:

Solomon E. Gresen, Esq.
Steven V. Rheuban, Esq.
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stw@msk.com
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Co-counsel for Defendants

____ **VIA FACSIMILE**; and

X **(BY MAIL)** and personally placing such envelope with postage fully prepaid for collection and mailing on the above-referenced date following the ordinary business practices of this office. I am readily familiar with our office's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence, including said envelope, will be deposited with the United States Postal Service at Glendale on the above-referenced date.

____ **(BY PERSONAL SERVICE)** I delivered such envelope(s) by hand to the above-addressee(s).

I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of California. Executed on December 23, 2009, at Glendale, California.

Karen J. Thomson

Karen J. Thomson

BALLARD ROSENBERG GOLPER & SAVITT LLP
500 N. BRAND BLVD., TWENTIETH FLOOR
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