

1 TARA J. LICATA, ESQ. (State Bar No. 266111)  
2 [tlicata@mamlaw.net](mailto:tlicata@mamlaw.net)  
3 PAMELA A. TRIPLETT, ESQ. (State Bar No. 310232)  
4 [ptriplett@mamlaw.net](mailto:ptriplett@mamlaw.net)  
5 **LICATA & YEREMENKO, APLC**  
6 A Professional Law Corporation  
7 15303 Ventura Boulevard, Suite 600  
8 Sherman Oaks, CA 91403  
9 (818) 783-5757 Phone  
10 (818) 783-7710 Fax  
11 Attorneys for Plaintiff **RETUQUEL DUPREE**

**ELECTRONICALLY FILED**  
Superior Court of California  
County of Sacramento  
03/20/2024  
By: H. Thomas Deputy

8  
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF SACRAMENTO**

11 RETUQUEL DUPREE,  
12 Plaintiff,  
13 vs.  
14  
15 CITY OF CITRUS HEIGHTS;  
16 SHAUN GUALCO; and  
17 DOES 1 through 100, Inclusive,  
18 Defendants.  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Case No. **24CV005438**  
**PLAINTIFF'S COMPLAINT FOR DAMAGES**  
(1) **FOR PERCEIVED AND/OR RACE DISCRIMINATION IN VIOLATION OF CALIFORNIA GOVERNMENT CODE §§12940 ET SEQ. [FEHA];**  
(2) **FOR PERCEIVED AND/OR RACE HARASSMENT IN VIOLATION OF CALIFORNIA GOVERNMENT CODE §§12940 ET SEQ. [FEHA];**  
(3) **FOR PERCEIVED AND/OR RACE RETALIATION IN VIOLATION OF CALIFORNIA GOVERNMENT CODE §§12940 ET SEQ. [FEHA];**  
(4) **FOR INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS;**  
(5) **FOR INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC RELATIONS;**  
(6) **FOR NEGLIGENT INTERFERENCE WITH PROSPECTIVE ECONOMIC RELATIONS;**

(7) **FOR DECLARATORY RELIEF.**  
**JURY TRIAL DEMANDED**  
**UNLIMITED JURISDICTION:**  
**CASE VALUE IN EXCESS OF**  
**\$35,000.00**

**COMES NOW** Plaintiff **RETUQUEL DUPREE** (hereinafter referred to as “Plaintiff”) and complains against the above-named Defendants and for causes of action against the Defendants, and each of them, alleges as follows:

**I.**

**FIRST CAUSE OF ACTION**

**(For Perceived and/or Race Discrimination in Employment [California Government Code §12940 et seq.] Against Defendant City of Citrus Heights and DOES 1 Through 100, Inclusive)**

1. At all times mentioned herein, Plaintiff was, and now is, an individual residing in the County of Placer, State of California.

2. Plaintiff is informed and believes, and thereon alleges, that at all times relevant herein, Defendant CITY OF CITRUS HEIGHTS (hereinafter referred to individually as “CITRUS HEIGHTS” and/or collectively with other Defendants and DOES 1-100 as “Defendants”) were, and now are, valid governmental entities and/or their political subdivisions thereof and/or businesses of form unknown duly organized and existing under the laws of the State of California, having its principal place of business in the County of Sacramento, State of California.

3. Plaintiff is informed and believes, and thereon alleges, that at all times relevant herein, Defendant SHAUN GUALCO (hereinafter referred to individually as “GUALCO” and/or collectively with all other Defendants and DOES 1-100 as “Defendants”) was, and now is, an individual residing in the County of Sacramento, State of California, and was an Officer, Director, Shareholder, Manager, Supervisor, Managing Agent and Employee of Defendants, and each of them, and DOES 1-100.

4. Plaintiff is ignorant of the true names and capacities, whether corporate, associate, successor, alter ego, fictitious, individual or otherwise, of Defendants sued herein as DOES 1 -

1 100, Inclusive, and therefore sues said Defendants, and each of them, by such fictitious names.  
2 Plaintiff will seek leave of court to amend this Complaint to assert the true names and capacities of  
3 the fictitiously named Defendants when the same have been ascertained. Plaintiff is informed and  
4 believes, and thereon alleges, that each Defendant designated as "DOES" herein is legally  
5 responsible for the events, happenings, acts, occurrences, indebtedness, damages and liabilities  
6 hereinafter alleged and caused injuries and damages proximately thereby to the plaintiff, as  
7 hereinafter alleged.

8 5. Plaintiff is informed and believes, and thereon alleges, that at all times relevant  
9 herein, each Defendant designated, including DOES 1-100, herein was the agent, managing agent,  
10 principal, owner, partner, integrated enterprise, unit, subsidiary, wholly-owner subsidiary, partially-  
11 owned subsidiary, joint venturer, joint employer, direct employer, special employer, client  
12 employer, labor contractor, alter ego, representative, supervisor, manager, servant, employee and/or  
13 co-conspirator of each of the other Defendants, and was at all times mentioned herein acting within  
14 the course and scope of said agency and employment, and that all acts or omissions alleged herein  
15 were duly committed with the ratification, knowledge, permission, encouragement, authorization  
16 and consent of each Defendant designated herein.

17 6. At all times herein mentioned, until Plaintiff's wrongful termination on or about  
18 August 5, 2021, Plaintiff was employed by Defendant CITRUS HEIGHTS as a police officer, and  
19 DOES 1 through 100, Inclusive, and each of them, who were also, at all times herein mentioned,  
20 Plaintiff's employers, managers and supervisors.

21 7. Plaintiff is perceived to be and/or of the African American race.

22 8. While employed at Defendant CITRUS HEIGHTS, Plaintiff excelled at his position  
23 and maintained an excellent work performance and work behavior. Plaintiff was looking forward  
24 to a long, productive and rewarding career in law enforcement.

25 9. Throughout Plaintiff's employment with Defendant CITRUS HEIGHTS, Plaintiff  
26 observed that Defendant CITRUS HEIGHTS primarily employed officers and staff of Non-African  
27 American race.

28 / / /

1           10.     In fact, shortly after Plaintiff's employment began with Defendant CITRUS  
2 HEIGHTS, the only other two (2) African American officers employed by Defendant CITRUS  
3 HEIGHTS at the time, warned Plaintiff that he needed to be very careful because they do not like  
4 "us" here. The context of the conversation and implication was that Defendants, and each of them,  
5 were discriminatory towards and did not like African-Americans.

6           11.     On or about July 12, 2021, Plaintiff's x-fiancé and the mother of his two daughters  
7 made false allegations about Plaintiff to Officer K. Finkes ("Officer Finkes") of the Elk Grove  
8 Police Department. Plaintiff is informed and believes, and herein alleges that Plaintiff's x-fiancé  
9 made the false allegations because she was upset that she and Plaintiff were no longer in a  
10 relationship, and she was afraid that Plaintiff was going to get custody of their daughters.

11           12.     After speaking with Plaintiff's x-fiancé, Officer Finkes wrote a main report, dated  
12 July 12, 2021. In the "SYNOPSIS" section of the report Officer Finkes wrote in pertinent part,  
13 "Officer's (SIC) concluded that no crime occurred. This report if (sic) for information only."

14           13.     Defendant and Sergeant GUALCO of CITRUS HEIGHTS received a copy of the  
15 main report.

16           14.     Despite Officer Finkes' report and conclusion that Plaintiff had not engaged in any  
17 crime, and that his report was for "information only," Defendants, and each of them, placed  
18 Plaintiff on administrative leave, pending an internal investigation into the allegations Plaintiff's  
19 x-fiancé made against Plaintiff on or about July 12, 2021.

20           15.     On or about August 4, 2021, Plaintiff was interviewed as part of the internal  
21 investigation. In violation of Defendant CITRUS HEIGHT's policies, procedures and practices,  
22 Sergeant Joseph Aguilar, whom Plaintiff reported to, interviewed Plaintiff. Moreover, rather than  
23 solely focusing on the allegations Plaintiff's x-fiancé made against him on or about July 12, 2021,  
24 Defendants, and each of them, arbitrarily questioned Plaintiff about other topics, including but not  
25 limited to, how well Plaintiff knew his x-fiancé's mother and whether Plaintiff had ever lived with  
26 his x-fiancé's mother.

27           16.     On or about August 5, 2021, Defendants, and each of them, concluded its  
28 investigation into Plaintiff. Plaintiff was not made aware of any conclusion and/or findings that

1 were reached as a result of the internal investigation.

2 17. On or about August 5, 2021, Plaintiff's union representative called Plaintiff and told  
3 Plaintiff to meet him at Defendant CITRUS HEIGHTS.

4 18. On or about August 5, 2021, Plaintiff went to Defendant CITRUS HEIGHTS.  
5 Plaintiff met with his union representative, Defendant and Sergeant GUALCO, of non-African  
6 American race, and Lieutenant Nicki Garing ("Garing"), of non-African American race. Plaintiff  
7 was advised that he was terminated and was handed a termination letter. Defendants, and each of  
8 them, did not tell Plaintiff why he was being terminated, but merely told Plaintiff that he was "an  
9 at-will employee." Plaintiff asked why he was being terminated, but Defendants would not provide  
10 Plaintiff with an answer.

11 19. On or about August 5, 2021, Defendants, and each of them, retaliated against and  
12 wrongfully terminated Plaintiff for the false and/or exaggerated and/or pretextual reason(s) of no  
13 reason at all.

14 20. On or about August 25, 2021, Plaintiff's x-fiancé advised Officer Finkes that the  
15 allegations she previously made about Plaintiff were false and she recanted said allegations.

16 21. On or about August 25, 2021, Officer Finkes wrote a supplemental report to his  
17 main report, stating that Plaintiff's x-fiancé admitted the her statements and allegations about  
18 Plaintiff were false. At the end of the supplemental report, Officer Finkes requested that the  
19 supplemental report be attached to the main report he had drafted on or about July 12, 2021.

20 22. Plaintiff subsequently applied through the court for physical custody of both his  
21 daughters, which the court granted.

22 23. Plaintiff then began looking for new employment as a police offer.

23 24. On or about November 4, 2022, Plaintiff began the employment application process  
24 for the position of a police officer for the Sutter County Sheriff's office.

25 25. On or about February 27, 2023, Plaintiff was interviewed for the position.

26 26. On or about February 27, 2023, the captain of the Sutter County Sheriff's office  
27 and/or a background investigator called Plaintiff and advised him that he had made it through the  
28 other portions of the application process, and they would now begin the background process.

1           27.     On or about March 2, 2023, Plaintiff met with the captain of the Sutter County  
2 Sheriff's office and/or a background investigator. The background investigator advised Plaintiff  
3 that they spoke with Defendant and Sergeant GUALCO of CITRUS HEIGHTS about Plaintiff. The  
4 background investigator suggested to Plaintiff that he sit down with someone at CITRUS  
5 HEIGHTS and provide documentation showing that Plaintiff's x-fiancé admitted that her  
6 allegations about Plaintiff were false, and have it added to his personnel file with Defendant  
7 CITRUS HEIGHTS.

8           28.     On or about March 7, 2023, Plaintiff went to Defendant CITRUS HEIGHTS and  
9 spoke to Defendant and Sergeant GUALCO. Right away, Defendant GUALCO was inexplicably  
10 angry and defensive with Plaintiff. Plaintiff told Defendant GUALCO that he seemed angry, to  
11 which GUALCO responded, "Yes, I am.", and "There is no one here to help you." Plaintiff asked if  
12 he could talk to someone else. Defendant GUALCO told Plaintiff in a very matter of fact tone,  
13 "The Department is not interested in talking to you." Plaintiff advised Defendant GUALCO that a  
14 background investigator and/or the captain of the Sutter County Sheriff's Department told Plaintiff  
15 that he might be on the Brady list. Gualco threatened Plaintiff, stating, "Well, if you aren't Brady  
16 listed I'm going to make sure you are after you're done talking." Plaintiff replied, "Wow." There  
17 was no further discussion.

18           29.     The Brady List that defendant GUALCO threatened to get Plaintiff on is a list  
19 compiled, usually by a prosecutor's office or a police department containing the names and details  
20 of law enforcement officers who have had sustained incidents of untruthfulness, criminal  
21 convictions, candor issues, or some other type of issue placing their credibility into question.

22           30.     On or about March 7, 2023, Plaintiff filed a formal civilian complaint against  
23 Defendant GUALCO. Amongst other things, Plaintiff complained that Defendant GUALCO had  
24 engaged in racial profiling and bias against him, and had abused his authority. In the complaint,  
25 Plaintiff wrote in part, "I never did anything it (sic) seems racially motivated on why he would be  
26 so mad with me just wanting to sit down and show proof."

27           31.     On or about March 7, 2023, Defendants, and each of them, made a "Brady tip" to  
28 the Sacramento County District Attorney's office pertaining to Plaintiff. Plaintiff was subsequently

1 placed on the Brady List.

2 32. On or about March 8, 2023, Plaintiff learned that Defendants, and each of them,  
3 made a Brady tip about him, which caused Plaintiff to be placed on the Brady List.

4 33. Plaintiff is informed and believes, and herein alleges that Defendants' reporting of  
5 the Brady tip and getting Plaintiff placed on the Brady list was substantially motivated by Plaintiff's  
6 perceived and/or race and/or in retaliation for Plaintiff making a formal civilian complaint against  
7 Defendant GUALCO.

8 34. Plaintiff is informed, and believes and herein alleges that Defendants, and each of  
9 them, made the Brady tip in bad faith. To wit, Defendants, and each of them, made the Brady tip  
10 *almost two years* after CITRUS HEIGHTS concluded its investigation into Plaintiff and terminated  
11 Plaintiff. Furthermore, the allegations that CITRUS HEIGHTS leveled against Plaintiff to justify  
12 making the Brady tip and Plaintiff's inclusion on the Brady list are severely deficient with respect  
13 to, amongst other things, Defendants' bad faith investigation and the questionable source from  
14 which Defendants received its information and upon which Defendants relied. The deficiencies are  
15 evidenced by CITRUS HEIGHTS' abject failure to inquire into Plaintiff's intentions or  
16 authenticate key documents that CITRUS HEIGHTS used to support its position in making the  
17 Brady Tip. For example, CITRUS HEIGHTS used statements and evidence gathered from  
18 Plaintiff's x-fiancee, who is an unreliable source and who unequivocally admitted to perjuring  
19 herself, as stated in Officer Finkes' July of 2021 report.

20 35. On or about August 21, 2023, Defendant CITRUS HEIGHTS sent Plaintiff a letter  
21 stating the alleged "investigation" into Plaintiff's formal civilian complaint about Defendant  
22 GUALCO was completed, and Plaintiff's complaints were "unfounded."

23 36. In or around August of 2023, Plaintiff began the appellate process with the District  
24 Attorney's office to be removed from the Brady List.

25 37. On or about October 6, 2023, Plaintiff's appellate hearing was held before a panel  
26 of three (3) persons, including the Sacramento County district attorney. Plaintiff's attorney gave  
27 oral argument and answered questions from the panel.

28 ///

1           38.     On or about October 11, 2023, Plaintiff received a letter from Sacramento County  
2 District Attorney's office advising that Plaintiff's appeal was granted, and Plaintiff would be  
3 removed from the Brady List.

4           39.     On or about October 11, 2023, Plaintiff was removed from the Brady List.

5           40.     To date, Defendant GUALCO remains on the Brady List, as a result of Plaintiff's  
6 formal civilian complaint against him.

7           41.     Beginning in or around 2021, and continuing at least until on or about October, 11  
8 2023, and continuing, Defendants and DOES 1 through 100, and each of them, discriminated,  
9 harassed, and retaliated against Plaintiff on the basis of Plaintiff's race, by the following  
10 continuous actions, and conduct, among others:

- 11           a.     Harassing, discriminating and retaliating against Plaintiff on the basis of perceived  
12                   and/or race, as hereinalleged;
- 13           b.     On or about August 5, 2021, retaliating against and terminating Plaintiff;
- 14           c.     Failing to rehire and/or reemploy Plaintiff and retaliating against Plaintiff on the  
15                   basis of Plaintiff's perceived and/or race, as hereinalleged;
- 16           d.     Failing to rehire and/or reemploy Plaintiff and retaliating against Plaintiff on the  
17                   basis of Plaintiff's perceived and/or race, as hereinalleged;
- 18           e.     Plaintiff is informed and believes, and thereon alleges, that Defendants, and each of  
19                   them, replaced Plaintiff with and/or kept and/or treated more favorably individual(s)  
20                   of non-African American race.

21           42.     The acts and conduct of Defendants, and each of them, as aforesaid, was in  
22 violation of California Government Code §12940 et seq. Said statutes impose certain duties upon  
23 Defendants, and each of them, concerning harassment, discrimination and retaliation against  
24 persons, such as Plaintiff, on the basis of perceived and/or race and the prohibition of perceived  
25 and/or race harassment, discrimination and retaliation. Said statutes were intended to prevent the  
26 type of injury and damage herein set forth. Plaintiff was, at all times material hereto, an employee  
27 of perceived and/or race, and within the protected class covered by California Government Code  
28 §12940, prohibiting perceived and/or race harassment, discrimination and retaliation in



1 employment.

2 43. By the acts and conduct described above, Defendants, and each of them, in violation  
3 of said statutes, knew about, or should have known about, and failed to investigate and/or properly  
4 investigate, prevent or remedy the perceived and/or race harassment, retaliation and discrimination.  
5 The acts of discrimination, retaliation and harassment described herein were sufficiently severe  
6 and/or pervasive so as to alter the conditions of employment, and created an abusive working  
7 environment. When Plaintiff was harassed, discriminated against and retaliated against, Plaintiff's  
8 perceived and/or race and/or complaints about the unlawful conduct was a substantial factor  
9 motivating Defendants' conduct, and/or a motivating reason in Defendants' conduct.

10 44. Plaintiff filed timely charges and complaints of perceived and/or race harassment,  
11 retaliation and discrimination with the California Civil Rights Department and has received  
12 Notice(s) of Right to Sue in a California Superior Court pursuant to California Government Code  
13 §12965(b). Plaintiff has therefore exhausted Plaintiff's administrative remedies under the  
14 California Government Code. Attached hereto and incorporated herein as Exhibit "A" are said  
15 Complaints and by reference hereto are made a part hereof. Attached hereto and incorporated  
16 herein as Exhibit "B" are said Right to Sue Notices and by reference hereto are made a part hereof.

17 45. By the aforesaid acts and conduct of Defendants, and each of them, Plaintiff has  
18 been directly and legally caused to suffer actual damages pursuant to California Civil Code §3333  
19 including, but not limited to, loss of earnings and future earning capacity, medical and related  
20 expenses for care and procedures both now and in the future, attorneys fees, and other pecuniary  
21 loss not presently ascertained, for which Plaintiff will seek leave of court to amend when  
22 ascertained.

23 46. As a direct and legal result of the acts and omissions of Defendants, and each of  
24 them, Plaintiff was rendered sick, sore, lame, disabled and disordered, both internally and  
25 externally, and suffered, among other things, numerous internal injuries, severe fright, shock, pain,  
26 discomfort and anxiety. The exact nature and extent of said injuries are not known to the plaintiff,  
27 who will pray leave of court to insert the same when they are ascertained. Plaintiff does not at this  
28 time know the exact duration or permanence of said injuries, but is informed and believes, and

thereon alleges, that some of the said injuries are reasonably certain to be permanent in character.

47. As a further legal result of the acts and omissions of the Defendants, and each of them, Plaintiff has been forced to incur expenses for medical care, X-rays, and laboratory costs during the period of Plaintiff's disability, and is informed and believes, and thereon alleges, that he will in the future be forced to incur additional expenses of the same nature, all in an amount which is at present unknown. Plaintiff will pray leave of court to show the exact amount of said expenses at the time of trial.

48. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but since said incidents has been unable to engage fully in Plaintiff's occupation, and is informed and believes, and thereon alleges, that Plaintiff will be incapacitated and unable to perform Plaintiff's usual work for an indefinite period of time in the future, all to Plaintiff's damage in an amount which is at present unascertained. Plaintiff will pray leave of court to show the total amount of loss of earnings at the time of trial.

49. As a further direct and legal result of the acts and conduct of Defendants, as aforesaid, Plaintiff has been caused, and did suffer, and continues to suffer severe and permanent emotional and mental distress and anguish, humiliation, embarrassment, fright, shock, pain, discomfort and anxiety. The exact nature and extent of said injuries is presently unknown to plaintiff, who will pray leave of court to assert the same when they are ascertained.

50. Plaintiff has been generally damaged in an amount within the jurisdictional limits of this court.

51. The aforementioned acts of Defendants, and each of them, were wilful, wanton, malicious, intentional, oppressive and despicable and were done in wilful and conscious disregard of the rights, welfare and safety of plaintiff, and were done by managerial agents and employees of Defendants and DOES 1 through 100, and with the express knowledge, consent, and ratification of managerial agents and employees of Defendants and DOES 1 through 100, thereby justifying the awarding of punitive and exemplary damages in an amount to be determined at the time of trial.

52. As a result of the discriminatory acts of Defendants, and each of them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as specifically

provided in California Government Code § 12965(b).

## II.

### **SECOND CAUSE OF ACTION**

**(For Perceived and/or Race Harassment in Employment [California Government Code §12940 et seq.] Against All Defendants and DOES 1 Through 100, Inclusive)**

53. Plaintiff incorporates herein by reference Paragraphs 1 through 52 as though set forth in full herein.

54. Plaintiff is perceived to be and/or of the African American race.

55. While employed at Defendant CITRUS HEIGHTS, Plaintiff excelled at his position and maintained an excellent work performance and work behavior. Plaintiff was looking forward to a long, productive and rewarding career in law enforcement.

56. Throughout Plaintiff's employment with Defendant CITRUS HEIGHTS, Plaintiff observed that Defendant CITRUS HEIGHTS primarily employed officers and staff of Non-African American race.

57. In fact, shortly after Plaintiff's employment began with Defendant CITRUS HEIGHTS, the only other two (2) African American officers employed by Defendant CITRUS HEIGHTS at the time, warned Plaintiff that he needed to be very careful because they do not like "us" here. The context of the conversation and implication was that Defendants, and each of them, were discriminatory towards and did not like African-Americans.

58. On or about July 12, 2021, Plaintiff's x-fiancé and the mother of his two daughters made false allegations about Plaintiff to Officer K. Finkes ("Officer Finkes") of the Elk Grove Police Department. Plaintiff is informed and believes, and herein alleges that Plaintiff's x-fiancé made the false allegations because she was upset that she and Plaintiff were no longer in a relationship, and she was afraid that Plaintiff was going to get custody of their daughters.

59. After speaking with Plaintiff's x-fiancé, Officer Finkes wrote a main report, dated July 12, 2021. In the "SYNOPSIS" section of the report Officer Finkes wrote in pertinent part, "Officer's (SIC) concluded that no crime occurred. This report if (sic) for information only."

///

1           60. Defendant and Sergeant GUALCO of CITRUS HEIGHTS received a copy of the  
2 main report.

3           61. Despite Officer Finkes' report and conclusion that Plaintiff had not engaged in any  
4 crime, and that his report was for "information only," Defendants, and each of them, placed  
5 Plaintiff on administrative leave, pending an internal investigation into the allegations Plaintiff's  
6 x-fiancé made against Plaintiff on or about July 12, 2021.

7           62. On or about August 4, 2021, Plaintiff was interviewed as part of the internal  
8 investigation. In violation of Defendant CITRUS HEIGHTS's policies, procedures and practices,  
9 Sergeant Joseph Aguilar, whom Plaintiff reported to, interviewed Plaintiff. Moreover, rather than  
10 solely focusing on the allegations Plaintiff's x-fiancé made against him on or about July 12, 2021,  
11 Defendants, and each of them, arbitrarily questioned Plaintiff about other topics, including but not  
12 limited to, how well Plaintiff knew his x-fiancé's mother and whether Plaintiff had ever lived with  
13 his x-fiancé's mother.

14           63. On or about August 5, 2021, Defendants, and each of them, concluded its  
15 investigation into Plaintiff. Plaintiff was not made aware of any conclusion and/or findings that  
16 were reached as a result of the internal investigation.

17           64. On or about August 5, 2021, Plaintiff's union representative called Plaintiff and told  
18 Plaintiff to meet him at Defendant CITRUS HEIGHTS.

19           65. On or about August 5, 2021, Plaintiff went to Defendant CITRUS HEIGHTS.  
20 Plaintiff met with his union representative, Sergeant Gualco and Lieutenant Garing. Plaintiff was  
21 advised he was terminated and was handed a termination letter. Defendants, and each of them, did  
22 not tell Plaintiff why he was being terminated, but merely told Plaintiff that he was "an at-will  
23 employee." Plaintiff asked why he was being terminated, but Defendants would provide Plaintiff  
24 with an answer.

25           66. On or about August 5, 2021, Defendants, and each of them, retaliated against and  
26 wrongfully terminated Plaintiff for the false and/or exaggerated and/or pretextual reason(s) of no  
27 reason at all.

28 ///

1           67.     On or about August 25, 2021, Plaintiff's x-fiancé advised Officer Finkes that the  
2 allegations she previously made about Plaintiff were false and she recanted said allegations.

3           68.     On or about August 25, 2021, Officer Finkes wrote a supplemental report to his  
4 main report, stating that Plaintiff's x-fiancé admitted the her statements and allegations about  
5 Plaintiff were false. At the end of the supplemental report, Officer Finkes requested that the  
6 supplemental report be attached to the main report he had drafted on or about July 12, 2021.

7           69.     Plaintiff subsequently applied through the court for physical custody of both his  
8 daughters, which the court granted.

9           70.     Plaintiff then began looking for new employment as a police offer.

10          71.     On or about November 4, 2022, Plaintiff began the employment application process  
11 for the position of a police officer for the Sutter County Sheriff's office.

12          72.     On or about February 27, 2023, Plaintiff was interviewed for the position.

13          73.     On or about February 27, 2023, the captain of the Sutter County Sheriff's office  
14 and/or a background investigator called Plaintiff and advised him that he had made it through the  
15 other portions of the application process, and they would now begin the background process.

16          74.     On or about March 2, 2023, Plaintiff met with the captain of the Sutter County  
17 Sheriff's office and/or background investigator. The background investigator advised Plaintiff that  
18 they spoke with Defendant and Sergeant GUALCO of CITRUS HEIGHTS about Plaintiff. The  
19 background investigator suggested to Plaintiff that he sit down with someone at CITRUS  
20 HEIGHTS and provide documentation showing that Plaintiff's x-fiancé admitted that her  
21 allegations about Plaintiff were false, and have it added to his personnel file with Defendant  
22 CITRUS HEIGHTS.

23          75.     On or about March 7, 2023, Plaintiff went to Defendant CITRUS HEIGHTS and  
24 spoke to Defendant and Sergeant GUALCO. Right away, Defendant GUALCO was inexplicably  
25 angry and defensive with Plaintiff. Plaintiff told Defendant GUALCO that he seemed angry, to  
26 which GUALCO responded, "Yes, I am.", and "There is no one here to help you." Plaintiff asked if  
27 he could talk to someone else. Defendant GUALCO told Plaintiff in a very matter of fact tone,  
28 "The Department is not interested in talking to you." Plaintiff advised Defendant GUALCO that a

1 background investigator and/or the captain of the Sutter County Sheriff's office told Plaintiff that  
2 he might be on the Brady list. Gualco threatened Plaintiff, stating, "Well, if you aren't Brady listed  
3 I'm going to make sure you are after you're done talking." Plaintiff replied, "Wow." There was no  
4 further discussion.

5 76. The Brady List that defendant GUALCO threatened to get Plaintiff on is a list  
6 compiled, usually by a prosecutor's office or a police department containing the names and details  
7 of law enforcement officers who have had sustained incidents of untruthfulness, criminal  
8 convictions, candor issues, or some other type of issue placing their credibility into question.

9 77. On or about March 7, 2023, Plaintiff filed a formal civilian complaint against  
10 Defendant GUALCO. Amongst other things, Plaintiff complained that Defendant GUALCO had  
11 engaged in racial profiling and bias against him, and had abused his authority. In the complaint,  
12 Plaintiff wrote in part, "I never did anything it (sic) seems racially motivated on why he would be  
13 so mad with me just wanting to sit down and show proof."

14 78. On or about March 7, 2023, Defendants, and each of them, made a "Brady tip" to  
15 the Sacramento County District Attorney's office pertaining to Plaintiff. Plaintiff was subsequently  
16 placed on the Brady List.

17 79. On or about March 8, 2023, Plaintiff learned that Defendants, and each of them,  
18 made a Brady tip about him, which caused Plaintiff to be placed on the Brady List.

19 80. Plaintiff is informed and believes, and herein alleges that Defendants' reporting of  
20 the Brady tip and getting Plaintiff placed on the Brady list was substantially motivated by Plaintiff's  
21 perceived and/or race and/or in retaliation for Plaintiff making a formal civilian complaint against  
22 Defendant GUALCO.

23 81. Plaintiff is informed, and believes and herein alleges that Defendants, and each of  
24 them, made the Brady tip in bad faith. To wit, Defendants, and each of them, made the Brady tip  
25 *almost two years* after CITRUS HEIGHTS concluded its investigation into Plaintiff and terminated  
26 Plaintiff. The allegations that CITRUS HEIGHTS leveled against Plaintiff to justify making the  
27 Brady tip and Plaintiff's inclusion on the Brady list are severely deficient with respect to, amongst  
28 other things, Defendants' bad faith investigation and the questionable source from which

1 Defendants received its information and relied upon. The deficiencies are evidenced by CITRUS  
2 HEIGHTS' abject failure to inquire into Plaintiff's intentions or authenticate key documents that  
3 CITRUS HEIGHTS used to support its position in making the Brady Tip. For example, CITRUS  
4 HEIGHTS used statements and evidence gathered from Plaintiff's x-fiancee, who is an unreliable  
5 source and who unequivocally admitted to perjuring herself, as stated in Officer Finkes' July of  
6 2021 report.

7 82. On or about August 21, 2023, Defendant CITRUS HEIGHTS sent Plaintiff a letter  
8 stating the alleged "investigation" into Plaintiff's formal civilian complaint about Defendant  
9 GUALCO was completed, and Plaintiff's complaints were "unfounded."

10 83. In or around August of 2023, Plaintiff began the appellate process with the District  
11 Attorney's office to be removed from the Brady List.

12 84. On or about October 6, 2023, Plaintiff's appellate hearing was held before a panel  
13 of three (3) persons, including the Sacramento County district attorney. Plaintiff's attorney gave  
14 oral argument and answered questions from the panel.

15 85. On or about October 11, 2023, Plaintiff received a letter from Sacramento County  
16 District Attorney's office advising that Plaintiff's appeal was granted, and Plaintiff would be  
17 removed from the Brady List.

18 86. On or about October 11, 2023, Plaintiff was removed from the Brady List.

19 87. To date, Defendant GUALCO remains on the Brady List, as a result of Plaintiff's  
20 formal civilian complaint against him.

21 88. Beginning in or around 2021, and continuing at least until on or about October, 11  
22 2023, and continuing, Defendants and DOES 1 through 100, and each of them, discriminated,  
23 harassed, and retaliated against Plaintiff on the basis of Plaintiff's race, by the following  
24 continuous actions, and conduct, among others:

- 25 a. Harassing, discriminating and retaliating against Plaintiff on the basis of perceived  
26 and/or race, as herein alleged;
- 27 b. On or about August 5, 2021, retaliating against and terminating Plaintiff;
- 28 c. Failing to rehire and/or reemploy Plaintiff and retaliating against Plaintiff on the

basis of Plaintiff's perceived and/or race, as hereinalleged;

d. Failing to rehire and/or reemploy Plaintiff and retaliating against Plaintiff on the basis of Plaintiff's perceived and/or race, as hereinalleged;

e. Plaintiff is informed and believes, and thereon alleges, that Defendants, and each of them, replaced Plaintiff with and/or kept and/or treated more favorably individual(s) of non-African American race.

89. The acts and conduct of Defendants, and each of them, as aforesaid, was in violation of California Government Code §12940 et seq. Said statutes impose certain duties upon Defendants, and each of them, concerning harassment, discrimination and retaliation against persons, such as Plaintiff, on the basis of perceived and/or race and the prohibition of perceived and/or race harassment, discrimination and retaliation. Said statutes were intended to prevent the type of injury and damage herein set forth. Plaintiff was, at all times material hereto, an employee of perceived and/or race, and within the protected class covered by California Government Code §12940, prohibiting perceived and/or race harassment, discrimination and retaliation in employment.

90. By the acts and conduct described above, Defendants, and each of them, in violation of said statutes, knew about, or should have known about, and failed to investigate and/or properly investigate, prevent or remedy the perceived and/or race harassment, retaliation and discrimination. The acts of discrimination, retaliation and harassment described herein were sufficiently severe and/or pervasive so as to alter the conditions of employment, and created an abusive working environment. When Plaintiff was harassed, discriminated against and retaliated against, Plaintiff's perceived and/or race and/or complaints about the unlawful conduct was a substantial factor motivating Defendants' conduct, and/or a motivating reason in Defendants' conduct.

91. Plaintiff filed timely charges and complaints of perceived and/or race harassment, retaliation and discrimination with the California Civil Rights Department and has received Notice(s) of Right to Sue in a California Superior Court pursuant to California Government Code §12965(b). Plaintiff has therefore exhausted Plaintiff's administrative remedies under the



1 California Government Code. Attached hereto and incorporated herein as Exhibit “A” are said  
2 Complaints and by reference hereto are made a part hereof. Attached hereto and incorporated  
3 herein as Exhibit “B” are said Right to Sue Notices and by reference hereto are made a part hereof.

4 92. By the aforesaid acts and conduct of Defendants, and each of them, Plaintiff has  
5 been directly and legally caused to suffer actual damages pursuant to California Civil Code §3333  
6 including, but not limited to, loss of earnings and future earning capacity, medical and related  
7 expenses for care and procedures both now and in the future, attorneys fees, and other pecuniary  
8 loss not presently ascertained, for which Plaintiff will seek leave of court to amend when  
9 ascertained.

10 93. As a direct and legal result of the acts and omissions of Defendants, and each of  
11 them, Plaintiff was rendered sick, sore, lame, disabled and disordered, both internally and  
12 externally, and suffered, among other things, numerous internal injuries, severe fright, shock, pain,  
13 discomfort and anxiety. The exact nature and extent of said injuries are not known to the plaintiff,  
14 who will pray leave of court to insert the same when they are ascertained. Plaintiff does not at this  
15 time know the exact duration or permanence of said injuries, but is informed and believes, and  
16 thereon alleges, that some of the said injuries are reasonably certain to be permanent in character.

17 94. As a further legal result of the acts and omissions of the Defendants, and each of  
18 them, Plaintiff has been forced to incur expenses for medical care, X-rays, and laboratory costs  
19 during the period of Plaintiff’s disability, and is informed and believes, and thereon alleges, that he  
20 will in the future be forced to incur additional expenses of the same nature, all in an amount which  
21 is at present unknown. Plaintiff will pray leave of court to show the exact amount of said expenses  
22 at the time of trial.

23 95. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but  
24 since said incidents has been unable to engage fully in Plaintiff’s occupation, and is informed and  
25 believes, and thereon alleges, that Plaintiff will be incapacitated and unable to perform Plaintiff’s  
26 usual work for an indefinite period of time in the future, all to Plaintiff’s damage in an amount  
27 which is at present unascertained. Plaintiff will pray leave of court to show the total amount of  
28 loss of earnings at the time of trial.

96. As a further direct and legal result of the acts and conduct of Defendants, as aforesaid, Plaintiff has been caused, and did suffer, and continues to suffer severe and permanent emotional and mental distress and anguish, humiliation, embarrassment, fright, shock, pain, discomfort and anxiety. The exact nature and extent of said injuries is presently unknown to plaintiff, who will pray leave of court to assert the same when they are ascertained.

97. Plaintiff has been generally damaged in an amount within the jurisdictional limits of this court.

98. The aforementioned acts of Defendants, and each of them, were wilful, wanton, malicious, intentional, oppressive and despicable and were done in wilful and conscious disregard of the rights, welfare and safety of plaintiff, and were done by managerial agents and employees of Defendants and DOES 1 through 100, and with the express knowledge, consent, and ratification of managerial agents and employees of Defendants and DOES 1 through 100, thereby justifying the awarding of punitive and exemplary damages in an amount to be determined at the time of trial.

99. As a result of the discriminatory acts of Defendants, and each of them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as specifically provided in California Government Code § 12965(b).

### III.

### THIRD CAUSE OF ACTION

**(For Perceived and/or Race Retaliation in Employment)**

**[California Government Code §12940 et seq.] Against**

**Defendant City of City Heights and DOES 1 Through 100, Inclusive)**

100. Plaintiff incorporates herein by reference Paragraphs 1 through 99 as though set forth in full herein.

101. Plaintiff is perceived to be and/or of the African American race.

102. While employed at Defendant CITRUS HEIGHTS, Plaintiff excelled at his position and maintained an excellent work performance and work behavior. Plaintiff was looking forward to a long, productive and rewarding career in law enforcement.

///

1           103. Throughout Plaintiff's employment with Defendant CITRUS HEIGHTS, Plaintiff  
2 observed that Defendant CITRUS HEIGHTS primarily employed officers and staff of Non-African  
3 American race.

4           104. In fact, shortly after Plaintiff's employment began with Defendant CITRUS  
5 HEIGHTS, the only other two (2) African American officers employed by Defendant CITRUS  
6 HEIGHTS at the time, warned Plaintiff that he needed to be very careful because they do not like  
7 "us" here. The context of the conversation and implication was that Defendants, and each of them,  
8 were discriminatory towards and did not like African-Americans.

9           105. On or about July 12, 2021, Plaintiff's x-fiancé and the mother of his two daughters  
10 made false allegations about Plaintiff to Officer K. Finkes ("Officer Finkes") of the Elk Grove  
11 Police Department. Plaintiff is informed and believes, and herein alleges that Plaintiff's x-fiancé  
12 made the false allegations because she was upset that she and Plaintiff were no longer in a  
13 relationship, and she was afraid that Plaintiff was going to get custody of their daughters.

14           106. After speaking with Plaintiff's x-fiancé, Officer Finkes wrote a main report, dated  
15 July 12, 2021. In the "SYNOPSIS" section of the report Officer Finkes wrote in pertinent part,  
16 "Officer's (SIC) concluded that no crime occurred. This report if (sic) for information only."

17           107. Defendant and Sergeant GUALCO of CITRUS HEIGHTS received a copy of the  
18 main report.

19           108. Despite Officer Finkes' report and conclusion that Plaintiff had not engaged in any  
20 crime, and that his report was for "information only," Defendants, and each of them, placed  
21 Plaintiff on administrative leave, pending an internal investigation into the allegations Plaintiff's  
22 x-fiancé made against Plaintiff on or about July 12, 2021.

23           109. On or about August 4, 2021, Plaintiff was interviewed as part of the internal  
24 investigation. In violation of Defendant CITRUS HEIGHT's policies, procedures and practices,  
25 Sergeant Joseph Aguilar, whom Plaintiff reported to, interviewed Plaintiff. Moreover, rather than  
26 solely focusing on the allegations Plaintiff's x-fiancé made against him on or about July 12, 2021,  
27 Defendants, and each of them, arbitrarily questioned Plaintiff about other topics, including but not  
28 limited to, how well Plaintiff knew his x-fiancé's mother and whether Plaintiff had ever lived with

1 his x-fiancé's mother.

2 110. On or about August 5, 2021, Defendants, and each of them, concluded its  
3 investigation into Plaintiff. Plaintiff was not made aware of any conclusion and/or findings that  
4 were reached as a result of the internal investigation.

5 111. On or about August 5, 2021, Plaintiff's union representative called Plaintiff and told  
6 Plaintiff to meet him at Defendant CITRUS HEIGHTS.

7 112. On or about August 5, 2021, Plaintiff went to Defendant CITRUS HEIGHTS.  
8 Plaintiff met with his union representative, Sergeant Gualco and Lieutenant Garing. Plaintiff was  
9 advised he was terminated and was handed a termination letter. Defendants, and each of them, did  
10 not tell Plaintiff why he was being terminated, but merely told Plaintiff that he was "an at-will  
11 employee." Plaintiff asked why he was being terminated, but Defendants would provide Plaintiff  
12 with an answer.

13 113. On or about August 5, 2021, Defendants, and each of them, retaliated against and  
14 wrongfully terminated Plaintiff for the false and/or exaggerated and/or pretextual reason(s) of no  
15 reason at all.

16 114. On or about August 25, 2021, Plaintiff's x-fiancé advised Officer Finkes that the  
17 allegations she previously made about Plaintiff were false and she recanted said allegations.

18 115. On or about August 25, 2021, Officer Finkes wrote a supplemental report to his  
19 main report, stating that Plaintiff's x-fiancé admitted the her statements and allegations about  
20 Plaintiff were false. At the end of the supplemental report, Officer Finkes requested that the  
21 supplemental report be attached to the main report he had drafted on or about July 12, 2021.

22 116. Plaintiff subsequently applied through the court for physical custody of both his  
23 daughters, which the court granted.

24 117. Plaintiff then began looking for new employment as a police offer.

25 118. On or about November 4, 2022, Plaintiff began the employment application process  
26 for the position of a police officer for the Sutter County Sheriff's office.

27 119. On or about February 27, 2023, Plaintiff was interviewed for the position.

28 ///

1           120. On or about February 27, 2023, the captain of the Sutter County Sheriff's office  
2 and/or a background investigator called Plaintiff and advised him that he had made it through the  
3 other portions of the application process, and they would now begin the background process.

4           121. On or about March 2, 2023, Plaintiff met with the captain of the Sutter County  
5 Sheriff's office and/or background investigator. The background investigator advised Plaintiff that  
6 they spoke with Defendant and Sergeant GUALCO of CITRUS HEIGHTS about Plaintiff. The  
7 background investigator suggested to Plaintiff that he sit down with someone at CITRUS  
8 HEIGHTS and provide documentation showing that Plaintiff's x-fiancé admitted that her  
9 allegations about Plaintiff were false, and have it added to his personnel file with Defendant  
10 CITRUS HEIGHTS.

11           122. On or about March 7, 2023, Plaintiff went to Defendant CITRUS HEIGHTS and  
12 spoke to Defendant and Sergeant GUALCO. Right away, Defendant GUALCO was inexplicably  
13 angry and defensive with Plaintiff. Plaintiff told Defendant GUALCO that he seemed angry, to  
14 which GUALCO responded, "Yes, I am.", and "There is no one here to help you." Plaintiff asked if  
15 he could talk to someone else. Defendant GUALCO told Plaintiff in a very matter of fact tone,  
16 "The Department is not interested in talking to you." Plaintiff advised Defendant GUALCO that a  
17 background investigator and/or the captain of the Sutter County Sheriff's office told Plaintiff that  
18 he might be on the Brady list. Gualco threatened Plaintiff, stating, "Well, if you aren't Brady listed  
19 I'm going to make sure you are after you're done talking." Plaintiff replied, "Wow." There was no  
20 further discussion.

21           123. The Brady List that defendant GUALCO threatened to get Plaintiff on is a list  
22 compiled, usually by a prosecutor's office or a police department containing the names and details  
23 of law enforcement officers who have had sustained incidents of untruthfulness, criminal  
24 convictions, candor issues, or some other type of issue placing their credibility into question.

25           124. On or about March 7, 2023, Plaintiff filed a formal civilian complaint against  
26 Defendant GUALCO. Amongst other things, Plaintiff complained that Defendant GUALCO had  
27 engaged in racial profiling and bias against him, and had abused his authority. In the complaint,  
28 Plaintiff wrote in part, "I never did anything it (sic) seems racially motivated on why he would be

1 so mad with me just wanting to sit down and show proof.”

2 125. On or about March 7, 2023, Defendants, and each of them, made a “Brady tip” to  
3 the Sacramento County District Attorney’s office pertaining to Plaintiff. Plaintiff was subsequently  
4 placed on the Brady List.

5 126. On or about March 8, 2023, Plaintiff learned that Defendants, and each of them,  
6 made a Brady tip about him, which caused Plaintiff to be placed on the Brady List.

7 127. Plaintiff is informed and believes, and herein alleges that Defendants’ reporting of  
8 the Brady tip and getting Plaintiff placed on the Brady list was substantially motivated by Plaintiff’s  
9 perceived and/or race and/or in retaliation for Plaintiff making a formal civilian complaint against  
10 Defendant GUALCO.

11 128. Plaintiff is informed, and believes and herein alleges that Defendants, and each of  
12 them, made the Brady tip in bad faith. To wit, Defendants, and each of them, made the Brady tip  
13 *almost two years* after CITRUS HEIGHTS concluded its investigation into Plaintiff and terminated  
14 Plaintiff. The allegations that CITRUS HEIGHTS leveled against Plaintiff to justify making the  
15 Brady tip and Plaintiff’s inclusion on the Brady list are severely deficient with respect to, amongst  
16 other things, Defendants’ bad faith investigation and the questionable source from which  
17 Defendants received its information and relied upon. The deficiencies are evidenced by CITRUS  
18 HEIGHTS’ abject failure to inquire into Plaintiff’s intentions or authenticate key documents that  
19 CITRUS HEIGHTS used to support its position in making the Brady Tip. For example, CITRUS  
20 HEIGHTS used statements and evidence gathered from Plaintiff’s x-fiancee, who is an unreliable  
21 source and who unequivocally admitted to perjuring herself, as stated in Officer Finkes’ July of  
22 2021 report.

23 129. On or about August 21, 2023, Defendant CITRUS HEIGHTS sent Plaintiff a letter  
24 stating the alleged “investigation” into Plaintiff’s formal civilian complaint about Defendant  
25 GUALCO was completed, and Plaintiff’s complaints were “unfounded.”

26 130. In or around August of 2023, Plaintiff began the appellate process with the District  
27 Attorney’s office to be removed from the Brady List.

28 ///

1           131. On or about October 6, 2023, Plaintiff's appellate hearing was held before a panel  
2 of three (3) persons, including the Sacramento County district attorney. Plaintiff's attorney gave  
3 oral argument and answered questions from the panel.

4           132. On or about October 11, 2023, Plaintiff received a letter from Sacramento County  
5 District Attorney's office advising that Plaintiff's appeal was granted, and Plaintiff would be  
6 removed from the Brady List.

7           133. On or about October 11, 2023, Plaintiff was removed from the Brady List.

8           134. To date, Defendant GUALCO remains on the Brady List, as a result of Plaintiff's  
9 formal civilian complaint against him.

10          135. Beginning in or around 2021, and continuing at least until on or about October, 11  
11 2023, and continuing, Defendants and DOES 1 through 100, and each of them, discriminated,  
12 harassed, and retaliated against Plaintiff on the basis of Plaintiff's race, by the following  
13 continuous actions, and conduct, among others:

- 14           a. Harassing, discriminating and retaliating against Plaintiff on the basis of perceived  
15 and/or race, as hereinalleged;
- 16           b. On or about August 5, 2021, retaliating against and terminating Plaintiff;
- 17           c. Failing to rehire and/or reemploy Plaintiff and retaliating against Plaintiff on the  
18 basis of Plaintiff's perceived and/or race, as hereinalleged;
- 19           d. Failing to rehire and/or reemploy Plaintiff and retaliating against Plaintiff on the  
20 basis of Plaintiff's perceived and/or race, as hereinalleged;
- 21           e. Plaintiff is informed and believes, and thereon alleges, that Defendants, and each of  
22 them, replaced Plaintiff with and/or kept and/or treated more favorably individual(s)  
23 of non-African American race.

24          136. The acts and conduct of Defendants, and each of them, as aforesaid, was in  
25 violation of California Government Code §12940 et seq. Said statutes impose certain duties upon  
26 Defendants, and each of them, concerning harassment, discrimination and retaliation against  
27 persons, such as Plaintiff, on the basis of perceived and/or race and the prohibition of perceived  
28 and/or race harassment, discrimination and retaliation. Said statutes were intended to prevent the

1 type of injury and damage herein set forth. Plaintiff was, at all times material hereto, an employee  
2 of perceived and/or race, and within the protected class covered by California Government Code  
3 §12940, prohibiting perceived and/or race harassment, discrimination and retaliation in  
4 employment.

5 137. By the acts and conduct described above, Defendants, and each of them, in violation  
6 of said statutes, knew about, or should have known about, and failed to investigate and/or properly  
7 investigate, prevent or remedy the perceived and/or race harassment, retaliation and discrimination.  
8 The acts of discrimination, retaliation and harassment described herein were sufficiently severe  
9 and/or pervasive so as to alter the conditions of employment, and created an abusive working  
10 environment. When Plaintiff was harassed, discriminated against and retaliated against, Plaintiff's  
11 perceived and/or race and/or complaints about the unlawful conduct was a substantial factor  
12 motivating Defendants' conduct, and/or a motivating reason in Defendants' conduct.

13 138. Plaintiff filed timely charges and complaints of perceived and/or race harassment,  
14 retaliation and discrimination with the California Civil Rights Department and has received  
15 Notice(s) of Right to Sue in a California Superior Court pursuant to California Government Code  
16 §12965(b). Plaintiff has therefore exhausted Plaintiff's administrative remedies under the  
17 California Government Code. Attached hereto and incorporated herein as Exhibit "A" are said  
18 Complaints and by reference hereto are made a part hereof. Attached hereto and incorporated  
19 herein as Exhibit "B" are said Right to Sue Notices and by reference hereto are made a part hereof.

20 139. By the aforesaid acts and conduct of Defendants, and each of them, Plaintiff has  
21 been directly and legally caused to suffer actual damages pursuant to California Civil Code §3333  
22 including, but not limited to, loss of earnings and future earning capacity, medical and related  
23 expenses for care and procedures both now and in the future, attorneys fees, and other pecuniary  
24 loss not presently ascertained, for which Plaintiff will seek leave of court to amend when  
25 ascertained.

26 140. As a direct and legal result of the acts and omissions of Defendants, and each of  
27 them, Plaintiff was rendered sick, sore, lame, disabled and disordered, both internally and  
28 externally, and suffered, among other things, numerous internal injuries, severe fright, shock, pain,



1 discomfort and anxiety. The exact nature and extent of said injuries are not known to the plaintiff,  
2 who will pray leave of court to insert the same when they are ascertained. Plaintiff does not at this  
3 time know the exact duration or permanence of said injuries, but is informed and believes, and  
4 thereon alleges, that some of the said injuries are reasonably certain to be permanent in character.

5       141. As a further legal result of the acts and omissions of the Defendants, and each of  
6 them, Plaintiff has been forced to incur expenses for medical care, X-rays, and laboratory costs  
7 during the period of Plaintiff's disability, and is informed and believes, and thereon alleges, that he  
8 will in the future be forced to incur additional expenses of the same nature, all in an amount which  
9 is at present unknown. Plaintiff will pray leave of court to show the exact amount of said expenses  
10 at the time of trial.

11       142. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but  
12 since said incidents has been unable to engage fully in Plaintiff's occupation, and is informed and  
13 believes, and thereon alleges, that Plaintiff will be incapacitated and unable to perform Plaintiff's  
14 usual work for an indefinite period of time in the future, all to Plaintiff's damage in an amount  
15 which is at present unascertained. Plaintiff will pray leave of court to show the total amount of  
16 loss of earnings at the time of trial.

17       143. As a further direct and legal result of the acts and conduct of Defendants, as  
18 aforesaid, Plaintiff has been caused, and did suffer, and continues to suffer severe and permanent  
19 emotional and mental distress and anguish, humiliation, embarrassment, fright, shock, pain,  
20 discomfort and anxiety. The exact nature and extent of said injuries is presently unknown to  
21 plaintiff, who will pray leave of court to assert the same when they are ascertained.

22       144. Plaintiff has been generally damaged in an amount within the jurisdictional limits of  
23 this court.

24       145. The aforementioned acts of Defendants, and each of them, were wilful, wanton,  
25 malicious, intentional, oppressive and despicable and were done in wilful and conscious disregard  
26 of the rights, welfare and safety of plaintiff, and were done by managerial agents and employees of  
27 Defendants and DOES 1 through 100, and with the express knowledge, consent, and ratification of  
28 managerial agents and employees of Defendants and DOES 1 through 100, thereby justifying the

1 awarding of punitive and exemplary damages in an amount to be determined at the time of trial.

2 146. As a result of the discriminatory acts of Defendants, and each of them, as alleged  
3 herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as specifically  
4 provided in California Government Code § 12965(b).

5 **IV.**

6 **FOURTH CAUSE OF ACTION**

7 **(For Intentional Infliction of Severe Emotional Distress**

8 **Against All Defendants and DOES 1 -100, Inclusive)**

9 147. Plaintiff incorporates herein by reference Paragraphs 1 through 146 as though set  
10 forth in full herein.

11 148. Plaintiff is perceived to be and/or of the African American race.

12 149. While employed at Defendant CITRUS HEIGHTS, Plaintiff excelled at his position  
13 and maintained an excellent work performance and work behavior. Plaintiff was looking forward  
14 to a long, productive and rewarding career in law enforcement.

15 150. Throughout Plaintiff's employment with Defendant CITRUS HEIGHTS, Plaintiff  
16 observed that Defendant CITRUS HEIGHTS primarily employed officers and staff of Non-African  
17 American race.

18 151. In fact, shortly after Plaintiff's employment began with Defendant CITRUS  
19 HEIGHTS, the only other two (2) African American officers employed by Defendant CITRUS  
20 HEIGHTS at the time, warned Plaintiff that he needed to be very careful because they do not like  
21 "us" here. The context of the conversation and implication was that Defendants, and each of them,  
22 were discriminatory towards and did not like African-Americans.

23 152. On or about July 12, 2021, Plaintiff's x-fiancé and the mother of his two daughters  
24 made false allegations about Plaintiff to Officer K. Finkes ("Officer Finkes") of the Elk Grove  
25 Police Department. Plaintiff is informed and believes, and herein alleges that Plaintiff's x-fiancé  
26 made the false allegations because she was upset that she and Plaintiff were no longer in a  
27 relationship, and she was afraid that Plaintiff was going to get custody of their daughters.

28 ///

1           153. After speaking with Plaintiff's x-fiancé, Officer Finkes wrote a main report, dated  
2 July 12, 2021. In the "SYNOPSIS" section of the report Officer Finkes wrote in pertinent part,  
3 "Officer's (SIC) concluded that no crime occurred. This report is (sic) for information only."

4           154. Defendant and Sergeant GUALCO of CITRUS HEIGHTS received a copy of the  
5 main report.

6           155. Despite Officer Finkes' report and conclusion that Plaintiff had not engaged in any  
7 crime, and that his report was for "information only," Defendants, and each of them, placed  
8 Plaintiff on administrative leave, pending an internal investigation into the allegations Plaintiff's  
9 x-fiancé made against Plaintiff on or about July 12, 2021.

10          156. On or about August 4, 2021, Plaintiff was interviewed as part of the internal  
11 investigation. In violation of Defendant CITRUS HEIGHTS's policies, procedures and practices,  
12 Sergeant Joseph Aguilar, whom Plaintiff reported to, interviewed Plaintiff. Moreover, rather than  
13 solely focusing on the allegations Plaintiff's x-fiancé made against him on or about July 12, 2021,  
14 Defendants, and each of them, arbitrarily questioned Plaintiff about other topics, including but not  
15 limited to, how well Plaintiff knew his x-fiancé's mother and whether Plaintiff had ever lived with  
16 his x-fiancé's mother.

17          157. On or about August 5, 2021, Defendants, and each of them, concluded its  
18 investigation into Plaintiff. Plaintiff was not made aware of any conclusion and/or findings that  
19 were reached as a result of the internal investigation.

20          158. On or about August 5, 2021, Plaintiff's union representative called Plaintiff and told  
21 Plaintiff to meet him at Defendant CITRUS HEIGHTS.

22          159. On or about August 5, 2021, Plaintiff went to Defendant CITRUS HEIGHTS.  
23 Plaintiff met with his union representative, Sergeant Gualco and Lieutenant Nicki Garing  
24 ("Garing"). Plaintiff was advised he was terminated and was handed a termination letter.  
25 Defendants, and each of them, did not tell Plaintiff why he was being terminated, but merely told  
26 Plaintiff that he was "an at-will employee." Plaintiff asked why he was being terminated, but  
27 Defendants would provide Plaintiff with an answer.

28 ///

1           160. On or about August 5, 2021, Defendants, and each of them, retaliated against and  
2 wrongfully terminated Plaintiff for the false and/or exaggerated and/or pretextual reason(s) of no  
3 reason at all.

4           161. On or about August 25, 2021, Plaintiff's x-fiancé advised Officer Finkes that the  
5 allegations she previously made about Plaintiff were false and she recanted said allegations.

6           162. On or about August 25, 2021, Officer Finkes wrote a supplemental report to his  
7 main report, stating that Plaintiff's x-fiancé admitted the her statements and allegations about  
8 Plaintiff were false. At the end of the supplemental report, Officer Finkes requested that the  
9 supplemental report be attached to the main report he had drafted on or about July 12, 2021.

10          163. Plaintiff subsequently applied through the court for physical custody of both his  
11 daughters, which the court granted.

12          164. Plaintiff then began looking for new employment as a police offer.

13          165. On or about November 4, 2022, Plaintiff began the employment application process  
14 for the position of a police officer for the Sutter County Sheriff's office.

15          166. On or about February 27, 2023, Plaintiff was interviewed for the position.

16          167. On or about February 27, 2023, the captain of the Sutter County Sheriff's office  
17 and/or a background investigator called Plaintiff and advised him that he had made it through the  
18 other portions of the application process, and they would now begin the background process.

19          168. On or about March 2, 2023, Plaintiff met with the captain of the Sutter County  
20 Sheriff's office and/or background investigator. The background investigator advised Plaintiff that  
21 they spoke with Defendant and Sergeant GUALCO of CITRUS HEIGHTS about Plaintiff. The  
22 background investigator suggested to Plaintiff that he sit down with someone at CITRUS  
23 HEIGHTS and provide documentation showing that Plaintiff's x-fiancé admitted that her  
24 allegations about Plaintiff were false, and have it added to his personnel file with Defendant  
25 CITRUS HEIGHTS.

26          169. On or about March 7, 2023, Plaintiff went to Defendant CITRUS HEIGHTS and  
27 spoke to Defendant and Sergeant GUALCO. Right away, Defendant GUALCO was inexplicably  
28 angry and defensive with Plaintiff. Plaintiff told Defendant GUALCO that he seemed angry, to

1 which GUALCO responded, “Yes, I am.”, and “There is no one here to help you.” Plaintiff asked if  
2 he could talk to someone else. Defendant GUALCO told Plaintiff in a very matter of fact tone,  
3 “The Department is not interested in talking to you.” Plaintiff advised Defendant GUALCO that a  
4 background investigator and/or the captain of the Sutter County Sheriff’s office told Plaintiff that  
5 he might be on the Brady list. Gualco threatened Plaintiff, stating, “Well, if you aren’t Brady listed  
6 I’m going to make sure you are after you’re done talking.” Plaintiff replied, “Wow.” There was no  
7 further discussion.

8 170. The Brady List that defendant GUALCO threatened to get Plaintiff on is a list  
9 compiled, usually by a prosecutor’s office or a police department containing the names and details  
10 of law enforcement officers who have had sustained incidents of untruthfulness, criminal  
11 convictions, candor issues, or some other type of issue placing their credibility into question.

12 171. On or about March 7, 2023, Plaintiff filed a formal civilian complaint against  
13 Defendant GUALCO. Amongst other things, Plaintiff complained that Defendant GUALCO had  
14 engaged in racial profiling and bias against him, and had abused his authority. In the complaint,  
15 Plaintiff wrote in part, “I never did anything it (sic) seems racially motivated on why he would be  
16 so mad with me just wanting to sit down and show proof.”

17 172. On or about March 7, 2023, Defendants, and each of them, made a “Brady tip” to  
18 the Sacramento County District Attorney’s office pertaining to Plaintiff. Plaintiff was subsequently  
19 placed on the Brady List.

20 173. On or about March 8, 2023, Plaintiff learned that Defendants, and each of them,  
21 made a Brady tip about him, which caused Plaintiff to be placed on the Brady List.

22 174. Plaintiff is informed and believes, and herein alleges that Defendants’ reporting of  
23 the Brady tip and getting Plaintiff placed on the Brady list was substantially motivated by Plaintiff’s  
24 perceived and/or race and/or in retaliation for Plaintiff making a formal civilian complaint against  
25 Defendant GUALCO.

26 175. Plaintiff is informed, and believes and herein alleges that Defendants, and each of  
27 them, made the Brady tip in bad faith. To wit, Defendants, and each of them, made the Brady tip  
28 *almost two years* after CITRUS HEIGHTS concluded its investigation into Plaintiff and terminated

1 Plaintiff. The allegations that CITRUS HEIGHTS leveled against Plaintiff to justify making the  
2 Brady tip and Plaintiff's inclusion on the Brady list are severely deficient with respect to, amongst  
3 other things, Defendants' bad faith investigation and the questionable source from which  
4 Defendants received its information and relied upon. The deficiencies are evidenced by CITRUS  
5 HEIGHTS' abject failure to inquire into Plaintiff's intentions or authenticate key documents that  
6 CITRUS HEIGHTS used to support its position in making the Brady Tip. For example, CITRUS  
7 HEIGHTS used statements and evidence gathered from Plaintiff's x-fiancee, who is an unreliable  
8 source and who unequivocally admitted to perjuring herself, as stated in Officer Finkes' July of  
9 2021 report.

10 176. On or about August 21, 2023, Defendant CITRUS HEIGHTS sent Plaintiff a letter  
11 stating the alleged "investigation" into Plaintiff's formal civilian complaint about Defendant  
12 GUALCO was completed, and Plaintiff's complaints were "unfounded."

13 177. In or around August of 2023, Plaintiff began the appellate process with the District  
14 Attorney's office to be removed from the Brady List.

15 178. On or about October 6, 2023, Plaintiff's appellate hearing was held before a panel  
16 of three (3) persons, including the Sacramento County district attorney. Plaintiff's attorney gave  
17 oral argument and answered questions from the panel.

18 179. On or about October 11, 2023, Plaintiff received a letter from Sacramento County  
19 District Attorney's office advising that Plaintiff's appeal was granted, and Plaintiff would be  
20 removed from the Brady List.

21 180. On or about October 11, 2023, Plaintiff was removed from the Brady List.

22 181. To date, Defendant GUALCO remains on the Brady List, as a result of Plaintiff's  
23 formal civilian complaint against him.

24 182. The conduct of Defendants, and each of them, was so extreme and outrageous as to  
25 exceed all bounds of that usually tolerated in a civilized society.

26 183. Defendants, and each of them, intended to cause Plaintiff severe emotional distress.

27 184. Plaintiff did not consent to Defendants' conduct, as hereinalleged, and said conduct  
28 was unprivileged.

1           185. Defendants' conduct caused Plaintiff to suffer severe emotional distress.

2           186. By the aforesaid acts and conduct of Defendants, and each of them, Plaintiff has  
3 been directly and legally caused to suffer actual damages pursuant to California Civil Code § 3333  
4 including, but not limited to, loss of earnings and future earning capacity, medical and related  
5 expenses for care and procedures both now and in the future, attorneys fees, and other pecuniary  
6 loss not presently ascertained, for which Plaintiff will seek leave of Court to amend when  
7 ascertained.

8           187. As a direct and legal result of the acts and omissions of Defendants, and each of  
9 them, Plaintiff was rendered sick, sore, lame, disabled and disordered, both internally and  
10 externally, and suffered, among other things, numerous internal injuries, severe fright, shock, pain,  
11 discomfort and anxiety. The exact nature and extent of said injuries are not known to the Plaintiff,  
12 who will pray leave of court to insert the same when they are ascertained. Plaintiff does not at this  
13 time know the exact duration or permanence of said injuries, but is informed and believes, and  
14 thereon alleges, that some of the said injuries are reasonably certain to be permanent in character.

15           188. As a further legal result of the acts and omissions of the Defendants, and each of  
16 them, Plaintiff has been forced to incur expenses for medical care, X-rays, and laboratory costs  
17 during the period of Plaintiff's disability, and is informed and believes, and thereon alleges, that  
18 she will in the future be forced to incur additional expenses of the same nature, all in an amount  
19 which is at present unknown. Plaintiff will pray leave of court to show the exact amount of said  
20 expenses at the time of trial.

21           189. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but  
22 since said incidents has been unable to engage fully in her occupation, and is informed and  
23 believes, and thereon alleges, that Plaintiff will be incapacitated and unable to perform her usual  
24 work for an indefinite period of time in the future, all to Plaintiff's damage in an amount which is  
25 at present unascertained. Plaintiff will pray leave of court to show the total amount of loss of  
26 earnings at the time of trial.

27           190. As a further direct and legal result of the acts and conduct of Defendants, as  
28 aforesaid, Plaintiff has been caused, and did suffer, and continues to suffer severe and permanent

1 emotional and mental distress and anguish, humiliation, embarrassment, fright, shock, pain,  
2 discomfort and anxiety. The exact nature and extent of said injuries is presently unknown to  
3 Plaintiff, who will pray leave of court to assert the same when they are ascertained.

4 191. Plaintiff has been generally damaged in an amount within the jurisdictional limits  
5 of this court.

6 192. The aforementioned acts of Defendants, and each of them, were wilful, wanton,  
7 malicious, intentional, oppressive and despicable and were done in wilful and conscious disregard  
8 of the rights, welfare and safety of Plaintiff, and were done by managerial agents and employees of  
9 Defendants and DOES 1 through 100, and each of them, and with the express knowledge, consent,  
10 and ratification of managerial agents and employees of Defendants and DOES 1 through 100, and  
11 each of them, thereby justifying the awarding of punitive and exemplary damages in an amount to  
12 be determined at the time of trial.

13 193. As a result of the discriminatory acts of Defendants, and each of them, as alleged  
14 herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as specifically  
15 provided in California Code Of Civil Procedure §1021.5.

16 V.

17 **FIFTH CAUSE OF ACTION**

18 **For Intentional Interference with Prospective Economic Relations**

19 **Against All Defendants and DOES 1 Through 100, Inclusive)**

20 194. Plaintiff incorporates herein by reference Paragraphs 1 through 193 of this  
21 Complaint.

22 195. On or about November 1, 2022, and continuing, and discovered by Plaintiff on or  
23 about November 1, 2022, and continuing, Defendants, and each of them, intentionally interfered  
24 with Plaintiff's prospective and/or actual economic and/or business relations and/or prospective  
25 employment.

26 196. Plaintiff is informed and believes, and herein alleges, that at all times herein,  
27 Defendant GUALCO was, and is in charge of and responsible for receiving and taking calls from  
28 any and all prospective employers for all former, current and future employees, including Plaintiff.



1           197. In or around May of 2022, Plaintiff began the employment application process for  
2 the position of police officer for the Vallejo Police Department (“VPD”).

3           198. On or about June 29, 2022, Plaintiff interviewed for the position. Plaintiff also  
4 passed his physical assessment test, ranking number 1.

5           199. Plaintiff was advised that he made it to the background portion of the application  
6 process.

7           200. On or about November 1, 2022, a VPD African-American police officer called  
8 Plaintiff and advised him that he was not being selected for the position because CITRUS  
9 HEIGHTS was “black balling” Plaintiff, that MPD wanted to hire Plaintiff but could not, and that  
10 Plaintiff would not have a chance of being hired as a police officer anywhere because of CITRUS  
11 HEIGHTS.

12           201. On or about November 2, 2022, Plaintiff received an email from the VPD stating  
13 that Plaintiff had not been selected for the position.

14           202. In or around September of 2022, Plaintiff began the employment application  
15 process for the position of police officer for the Manteca Police Department (“MPD”).

16           203. On or about November 29, 2022, Plaintiff interviewed for the position. Plaintiff  
17 subsequently passed his polygraph test.

18           204. On or about, November 29, 2022, received a conditional offer of employment from  
19 the MPD.

20           205. On or about February 14, 2023, Plaintiff was advised that he made it to the  
21 background portion of the application process.

22           206. On or about March 2, 2023, Plaintiff was advised that as part of the background  
23 process, Plaintiff had been scheduled for a polygraph test for on or about March 4, 2023.

24           207. MPD Chief Stephen Schluer (“Chief Schluer”) advised Plaintiff that he did not care  
25 about Plaintiff being terminated from CITRUS HEIGHTS or what happened there.

26           208. On or about March 8, 2023, Plaintiff learned that he had been placed on the Brady  
27 list.

28 ///

1           209. On or about March 8, 2023, Chief Schluer advised Plaintiff there was nothing he  
2 could for Plaintiff now that Plaintiff had been placed on the Brady List.

3           210. On or about March 21, 2023, Plaintiff received an email from the MPD stating that  
4 Plaintiff had not been selected for the position.

5           211. On or about November 4, 2022, Plaintiff began the employment application process  
6 for the position of police officer for the Sutter County Sheriff's office.

7           25. On or about February 27, 2023, Plaintiff was interviewed for the position.

8           26. The same day, the captain of the Sutter County Sheriff's office and/or the  
9 background investigator called and told Plaintiff that they wanted to proceed to the background  
10 portion of the application process.

11           27. On or about March 2, 2023, Plaintiff met with the captain of the Sutter County  
12 Sheriff's office and/or background investigator. The background investigator advised Plaintiff that  
13 they spoke with Defendant and Sergeant GUALCO of CITRUS HEIGHTS about Plaintiff. The  
14 background investigator suggested to Plaintiff that he sit down with someone at CITRUS  
15 HEIGHTS and provide documentation showing that Plaintiff's x-fiancé admitted that her  
16 allegations about Plaintiff were false, and have it added to his personnel file with Defendant  
17 CITRUS HEIGHTS.

18           212. On or about March 7, 2023, Plaintiff went to Defendant CITRUS HEIGHTS and  
19 spoke to Defendant and Sergeant GUALCO. Right away, Defendant GUALCO was inexplicably  
20 angry and defensive with Plaintiff. Plaintiff told Defendant GUALCO that he seemed angry, to  
21 which GUALCO responded, "Yes, I am.", and "There is no one here to help you." Plaintiff asked if  
22 he could talk to someone else. Defendant GUALCO told Plaintiff in a very matter of fact tone,  
23 "The Department is not interested in talking to you." Plaintiff advised Defendant GUALCO that a  
24 background investigator and/or the captain of the Sutter County Sheriff's office told Plaintiff that  
25 he might be on the Brady list. Gualco threatened Plaintiff, stating, "Well, if you aren't Brady listed  
26 I'm going to make sure you are after you're done talking." Plaintiff replied, "Wow." The  
27 conversation ended.

28 ///

1           213. On or about March 8, 2023, the captain of the Sutter County Sheriff's office and/or  
2 background investigator accidentally pocket dialed Plaintiff's cell phone. Plaintiff missed the call  
3 and it went to voicemail. When Plaintiff played the voicemail, her heard the captain of the Sutter  
4 County Sheriff's office and/or the background investigator talking about Plaintiff, and about how  
5 they were going to "drop" Plaintiff once Plaintiff got to the background portion of the application  
6 process, but hoped he would withdraw on his own before that.

7           214. On or about June 23, 2023, Plaintiff received a letter stating that he had not been  
8 selected for the position. The reason listed for the rejection was due to Plaintiff's "background  
9 investigation."

10          215. On or about November 20, 2023 Plaintiff began the application process to become  
11 employed as a police officer for the Rockland Police Department ("RPD").

12          216. On or about December 8, 2023, Plaintiff interviewed for the position. Plaintiff also  
13 passed his physical assessment test, ranking number 1.

14          217. On or about January 3 2024, Plaintiff received an email from RPD stating that  
15 Plaintiff had not been selected for the position.

16          218. In or around late December of 2023 and/or early January of 2024, Plaintiff began  
17 the application process to become employed as a police officer for the Lathrop Police Department  
18 ("LPD").

19          219. On or about January 4, 2024, Plaintiff interviewed for the position.

20          220. Plaintiff never heard back from the LPD.

21          221. In or around February of 2024, Plaintiff began the application process to become  
22 employed as a police officer for the Sacramento Police Department ("SPD").

23          222. In or around February of 2024, Plaintiff interviewed for the position. Plaintiff also  
24 passed his physical assessment test, ranking number 1.

25          223. On or about February 22, 2024, Plaintiff was advised that he had not been selected  
26 for the position.

27          224. Plaintiff is informed and believes, and herein alleges that Defendants, and each of  
28 them, continue to intentionally interfere with Plaintiff's prospective and/or actual economic and/or

1 business relations and/or prospective employers.

2       225. At all times herein alleged, Defendants, and each of them, knew about the  
3 prospective economic relations.

4       226. Defendants, and each of them, intended to disrupt, and/or induce a breach of, the  
5 prospective economic and/or business relations.

6       227. Defendants' conduct disrupted the prospective and/or actual economic and/or  
7 business relations and/or made the economic and/or business relations difficult and/or impossible.

8       228. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

9       229. When Defendants, and each of them, intentionally acted, they did so with the intent  
10 and the knowledge that they, Defendants, and each of them, were intentionally interfering with  
11 prospective and/or actual economic and/or business relations between Plaintiff and Plaintiff's  
12 prospective employers.

13       230. Due to Defendants', and each of their, conduct, behavior and/or communications  
14 with Plaintiff's prospective employers, the prospective and/or actual economic and/or business  
15 relations were interfered with.

16       231. By the aforesaid acts and conduct of Defendants, and each of them, Plaintiff has  
17 been directly and legally caused to suffer actual damages, including economic and non-economic  
18 damages, through the present time, and continuing, attorneys fees, and other pecuniary loss not  
19 presently ascertained, for which Plaintiff will seek leave of Court to amend when ascertained.

20       232. Plaintiff has been generally damaged in an amount within the jurisdictional limits  
21 of this court.

22       233. The aforementioned acts of Defendants, and each of them, were wilful, wanton,  
23 malicious, intentional, oppressive and despicable and were done in wilful and conscious disregard  
24 of the rights, welfare and safety of Plaintiff, and were done by managerial agents and employees of  
25 Defendants and DOES 1 through 100, and each of them, and with the express knowledge, consent,  
26 and ratification of managerial agents and employees of Defendants and DOES 1 through 100, and  
27 each of them, thereby justifying the awarding of punitive and exemplary damages in an amount to  
28 be determined at the time of trial.

234. As a result of the tortious acts of Defendants, and each of them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as specifically provided in California Code Of Civil Procedure § 1021.5 and/or any other applicable statutory or legal authority.

## VI.

## SIXTH CAUSE OF ACTION

**(For Negligent Interference with Prospective Economic Relations**

**Against All Defendants and DOES 1 Through 100, Inclusive)**

235. Plaintiff incorporates herein by reference Paragraphs 1 through 234 of this Complaint as though set forth in full herein.

236. On or about March 8, 2023, and continuing, and discovered by Plaintiff on or about March 8, 2023, Defendants, and each of them, intentionally and/or negligently interfered with Plaintiff's prospective and/or actual economic and/or business relations and/or prospective employment.

237. Plaintiff is informed and believes, and herein alleges, that at all times herein, Defendant GUALCO was, and is in charge of and responsible for receiving and taking calls from any and all prospective employers for all former, current and future employees, including Plaintiff.

238. In or around May of 2022, Plaintiff began the employment application process for the position of police officer for the Vallejo Police Department (“VPD”).

239. On or about June 29, 2022, Plaintiff interviewed for the position. Plaintiff also passed his physical assessment test, ranking number 1.

240. Plaintiff was advised that he made it to the background portion of the application process.

241. On or about November 1, 2022, a VPD African-American police officer called Plaintiff and advised him that he was not being selected for the position because CITRUS HEIGHTS was “black balling” Plaintiff, that MPD wanted to hire Plaintiff but could not, and that Plaintiff would not have a chance of being hired as a police officer anywhere because of CITRUS HEIGHTS.

1           242.    On or about November 2, 2022, Plaintiff received an email from the VPD stating  
2 that Plaintiff had not been selected for the position.

3           243.    In or around September of 2022, Plaintiff began the employment application  
4 process for the position of police officer for the Manteca Police Department (“MPD”).

5           244.    On or about November 29, 2022, Plaintiff interviewed for the position. Plaintiff  
6 subsequently passed his polygraph test.

7           245.    On or about, November 29, 2022, received a conditional offer of employment from  
8 the MPD.

9           246.    On or about February 14, 2023, Plaintiff was advised that he made it to the  
10 background portion of the application process.

11          247.    On or about March 2, 2023, Plaintiff was advised that as part of the background  
12 process, Plaintiff had been scheduled for a polygraph test for on or about March 4, 2023.

13          248.    MPD Chief Stephen Schluer (“Chief Schluer”) advised Plaintiff that he did not care  
14 about Plaintiff being terminated from CITRUS HEIGHTS or what happened there.

15          249.    On or about March 8, 2023, Plaintiff learned that he had been placed on the Brady  
16 list.

17          250.    On or about March 8, 2023, Chief Schluer advised Plaintiff there was nothing he  
18 could for Plaintiff now that Plaintiff had been placed on the Brady List.

19          251.    On or about March 21, 2023, Plaintiff received an email from the MPD stating that  
20 Plaintiff had not been selected for the position.

21          252.    On or about November 4, 2022, Plaintiff began the employment application process  
22 for the position of police officer for the Sutter County Sheriff’s office.

23          25.     On or about February 27, 2023, Plaintiff was interviewed for the position.

24          26.     The same day, the captain of the Sutter County Sheriff’s office and/or the  
25 background investigator called and told Plaintiff that they wanted to proceed to the background  
26 portion of the application process.

27          27.     On or about March 2, 2023, Plaintiff met with the captain of the Sutter County  
28 Sheriff’s office and/or background investigator. The background investigator advised Plaintiff that

1 they spoke with Defendant and Sergeant GUALCO of CITRUS HEIGHTS about Plaintiff. The  
2 background investigator suggested to Plaintiff that he sit down with someone at CITRUS  
3 HEIGHTS and provide documentation showing that Plaintiff's x-fiancé admitted that her  
4 allegations about Plaintiff were false, and have it added to his personnel file with Defendant  
5 CITRUS HEIGHTS.

6 253. On or about March 7, 2023, Plaintiff went to Defendant CITRUS HEIGHTS and  
7 spoke to Defendant and Sergeant GUALCO. Right away, Defendant GUALCO was inexplicably  
8 angry and defensive with Plaintiff. Plaintiff told Defendant GUALCO that he seemed angry, to  
9 which GUALCO responded, "Yes, I am.", and "There is no one here to help you." Plaintiff asked if  
10 he could talk to someone else. Defendant GUALCO told Plaintiff in a very matter of fact tone,  
11 "The Department is not interested in talking to you." Plaintiff advised Defendant GUALCO that a  
12 background investigator and/or the captain of the Sutter County Sheriff's office told Plaintiff that  
13 he might be on the Brady list. Gualco threatened Plaintiff, stating, "Well, if you aren't Brady listed  
14 I'm going to make sure you are after you're done talking." Plaintiff replied, "Wow." The  
15 conversation ended.

16 254. On or about March 8, 2023, the captain of the Sutter County Sheriff's office and/or  
17 background investigator accidentally pocket dialed Plaintiff's cell phone. Plaintiff missed the call  
18 and it went to voicemail. When Plaintiff played the voicemail, her heard the captain of the Sutter  
19 County Sheriff's office and/or the background investigator talking about Plaintiff, and about how  
20 they were going to "drop" Plaintiff once Plaintiff got to the background portion of the application  
21 process, but hoped he would withdraw on his own before that.

22 255. On or about June 23, 2023, Plaintiff received a letter stating that he had not been  
23 selected for the position. The reason listed for the rejection was due to Plaintiff's "background  
24 investigation."

25 256. On or about November 20, 2023 Plaintiff began the application process to become  
26 employed as a police officer for the Rockland Police Department ("RPD").

27 257. On or about December 8, 2023, Plaintiff interviewed for the position. Plaintiff also  
28 passed his physical assessment test, ranking number 1.

1           258. On or about January 3 2024, Plaintiff received an email from RPD stating that  
2 Plaintiff had not been selected for the position.

3           259. In or around late December of 2023 and/or early January of 2024, Plaintiff began  
4 the application process to become employed as a police officer for the Lathrop Police Department  
5 (“LPD”).

6           260. On or about January 4, 2024, Plaintiff interviewed for the position.

7           261. Plaintiff never heard back from the LPD.

8           262. In or around February of 2024, Plaintiff began the application process to become  
9 employed as a police officer for the Sacramento Police Department (“SPD”).

10          263. In or around February of 2024, Plaintiff interviewed for the position. Plaintiff also  
11 passed his physical assessment test, ranking number 1.

12          264. On or about February 22, 2024, Plaintiff was advised that he had not been selected  
13 for the position.

14          265. Defendants, and each of them, knew about the prospective economic relations.

15          266. Defendants, and each of them, knew, or should have known, that they were  
16 disrupting, and/or inducing a breach of, the prospective economic relations.

17          267. Defendants’ conduct disrupted the prospective economic relations and/or made the  
18 economic relations more expensive, difficult or impossible.

19          268. Defendants’ conduct was a substantial factor in causing Plaintiff’s harm.

20          269. When Defendants, and each of them, intentionally and/or negligently acted, they  
21 knew or should have known that they, Defendants, and each of them, were negligently and/or  
22 recklessly interfering with the prospective (and actual) economic and/or business relations and/or  
23 Plaintiff’s prospective employment.

24          270. Due to Defendants’, and each of their, communications with Plaintiff’s prospective  
25 employers, the prospective (and actual) economic and/or business relations and/or Plaintiff’s  
26 prospective employment were interfered with.

27          271. By the aforesaid acts and conduct of Defendants, and each of them, Plaintiff has  
28 been directly and legally caused to suffer actual damages, including economic and non-economic



1 damages, through the present time, and continuing, attorneys fees, and other pecuniary loss not  
2 presently ascertained, for which Plaintiff will seek leave of Court to amend when ascertained.

3 272. Plaintiff has been generally damaged in an amount within the jurisdictional limits  
4 of this court.

5 273. As a result of the tortious acts of Defendants, and each of them, as alleged herein,  
6 Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as specifically provided in  
7 California Code Of Civil Procedure § 1021.5 and/or any other applicable statutory or legal  
8 authority.

9 **VII.**

10 **SEVENTH CAUSE OF ACTION**

11 **(For Declaratory Relief Against All Defendants and DOES 1 -100, Inclusive)**

12 274. Plaintiff incorporates herein by reference Paragraphs 1 through 273 as though set  
13 forth in full herein.

14 275. Depending on the outcome of this lawsuit via dispositive motion and ruling and/or a  
15 trial and verdict in this matter, Plaintiff hereby requests this Court issue an affirmative and binding  
16 Declaration of Rights and Duties pursuant to the ruling in *Harris v. City of Santa Monica*, (2013)  
17 56 C.4th 203, declaring that Defendants, and each of them, their successors, agents,  
18 representatives, employees and all persons who acted alone, or in concert with said Defendants,  
19 and each of them, committed acts and conduct of harassment, discrimination, retaliation, or other  
20 similar acts including, but not limited to, the violations alleged in all of the relevant Causes of  
21 Action herein, and as proved and/or shown at the time of the ruling(s) and or verdict(s), and as  
22 prohibited by the Fair Employment and Housing Act, California Government Code §§12900 -  
23 12996, and any other applicable laws, cases, codes, regulations and statutes.

24 276. At the time of the request for Declaratory Relief, there exists and/or will exist a  
25 present and actual controversy among the parties.

26 277. This Complaint, and the relevant causes of action herein, specifically plead an  
27 actual, present controversy, and the facts of the respective and underlying claims.

28 ///

1           278. At the time of the request for Declaratory Relief, the facts of this case will have  
2 congealed to the point that the Court can determine issues and grant relief through Declaratory  
3 Relief and issue a decree of a conclusive character, with the force and effect of a Final Judgment.

4           279. As a result of the wrongful acts of Defendants, and each of them, as alleged herein,  
5 Plaintiff requests that this Court issue an Order and Ruling permanently enjoining Defendants, and  
6 each of them, their successors, agents, representatives, employees and all persons who acted alone,  
7 or in concert with said Defendants, and each of them, from committing acts and conduct of  
8 harassment, discrimination, retaliation, or other similar acts including, but not limited to, the  
9 violations alleged in all of the relevant Causes of Action herein, and as proved and/or shown at the  
10 time of the ruling(s) and or verdict(s), and as prohibited by the Fair Employment and Housing Act,  
11 California Government Code §§12900 - 12996, and any other applicable laws, cases, codes,  
12 regulations and statutes.

13           280. As a result of the wrongful conduct of Defendants, and each of them, as alleged  
14 herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as specifically  
15 provided in California Government Code § 12965(b) and as specifically mentioned in *Harris v.*  
16 *City of Santa Monica*, (2013) 56 C.4th 203.

17           **WHEREFORE**, Plaintiff **RETUQUEL DUPREE**, prays for judgment against the  
18 Defendants, and each of them, as follows:

- 19           1. For general damages in an amount within the jurisdictional limits of this  
20           Court;
- 21           2. For medical expenses and related items of expense, according to proof;
- 22           3. For loss of earnings, according to proof;
- 23           4. For loss of earning capacity, according to proof;
- 24           5. For reasonable attorneys' fees and costs of said suit as specifically provided  
25           in California Government Code §12965 (b), according to proof;
- 26           6. For reasonable attorneys' fees and costs of said suit as specifically provided  
27           in California Code of Civil Procedure §1021.5, according to proof;
- 28           7. For a permanent injunction against Defendants, and each of them, their

1 successors, agents, representatives, employees and all persons who acted  
2 alone, or in concert with said Defendants, and each of them, from  
3 committing acts and conduct of harassment, discrimination, retaliation, or  
4 other similar acts including, but not limited to, the violations alleged in all of  
5 the relevant Causes of Action herein, and as proved and/or shown at the time  
6 of the ruling(s) and or verdict(s), and as prohibited by the Fair Employment  
7 and Housing Act, California Government Code §§12900 - 12996, and any  
8 other applicable laws, cases, codes, regulations and statutes;

- 9 8. For reasonable attorneys' fees and costs of said suit as specifically  
10 mentioned in *Harris v. City of Santa Monica*, (2013) 56 C.4th 203;  
11 9. For prejudgment interest according to proof;  
12 10. For punitive and exemplary damages, according to proof;  
13 11. For costs of suit incurred herein; and  
14 12. For such other and further relief as the court may deem just and proper.

15  
16 Dated: March 20, 2024

LICATA & YEREMENKO  
A Professional Law Corporation

17  
18 By: Tara Licata  
19 TARA J. LICATA, ESQ.  
20 Attorneys for Plaintiff  
RETUQUEL DUPREE

21 **DEMAND FOR JURY TRIAL**

22 Plaintiff **RETUQUEL DUPREE** hereby demands trial by jury.  
23

24 Dated: March 20, 2024

LICATA & YEREMENKO  
A Professional Law Corporation

25  
26 By: Tara Licata  
27 TARA J. LICATA, ESQ.  
28 Attorneys for Plaintiff  
RETUQUEL DUPREE

# **EXHIBIT “A”**



**Additional Complaint Details:** Beginning in 2021, and continuing at least until March 10, 2023, and continuing, I was discriminated, harassed and retaliated against based upon my perceived and/or race/color (African American).

1 VERIFICATION

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

5 On April 14, 2023, I declare under penalty of perjury under the laws of the State of  
6 California that the foregoing is true and correct.

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
**Sherman Oaks, CA**

## **EXHIBIT “B”**





## Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711  
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

April 14, 2023

Retuquel Dupree  
1098 Woodcreek Oaks Blvd. #907  
Roseville, CA 95747

RE: **Notice of Case Closure and Right to Sue**  
CRD Matter Number: 202304-20294114  
Right to Sue: Dupree / CITY OF CITRUS HEIGHTS

Dear Retuquel Dupree:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective April 14, 2023 because an immediate Right to Sue notice was requested.

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

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

Sincerely,

Civil Rights Department



## Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711  
[calcivilrights.ca.gov](http://calcivilrights.ca.gov) | [contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov)

April 14, 2023

RE: **Notice of Filing of Discrimination Complaint**  
CRD Matter Number: 202304-20294114  
Right to Sue: Dupree / CITY OF CITRUS HEIGHTS

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION  
BEFORE THE STATE OF CALIFORNIA  
Civil Rights Department  
Under the California Fair Employment and Housing Act  
(Gov. Code, § 12900 et seq.)**

**In the Matter of the Complaint of**  
Retuquel Dupree

CRD No. 202304-20294114

Complainant,

vs.

CITY OF CITRUS HEIGHTS  
6237 Fountain Square Drive  
Citrus Heights, CA 95621

Respondents

1. Respondent **CITY OF CITRUS HEIGHTS** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant **Retuquel Dupree**, resides in the City of **Roseville**, State of **CA**.

3. Complainant alleges that on or about **March 10, 2023**, respondent took the following adverse actions:

**Complainant was harassed** because of complainant's color, race (includes hairstyle and hair texture).

**Complainant was discriminated against** because of complainant's color, race (includes hairstyle and hair texture) and as a result of the discrimination was terminated, reprimanded, suspended, denied any employment benefit or privilege, other, denied work opportunities or assignments.

**Complainant experienced retaliation** because complainant reported or resisted any form of discrimination or harassment and as a result was terminated, reprimanded, suspended, denied any employment benefit or privilege, other, denied work opportunities or assignments.

**Additional Complaint Details:** Beginning in 2021, and continuing at least until March 10, 2023, and continuing, I was discriminated, harassed and retaliated against based upon my perceived and/or race/color (African American).

1 VERIFICATION

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

5 On April 14, 2023, I declare under penalty of perjury under the laws of the State of  
6 California that the foregoing is true and correct.

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
**Sherman Oaks, CA**

PROOF OF SERVICE

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 15303 Ventura Boulevard, Suite 600, Sherman Oaks, California 91403.

On **April 25, 2023**, I served the foregoing document described as **RIGHT TO SUE NOTICE and COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT** on the interested party or parties in this action by certified mail, placing a true copy thereof enclosed in a sealed envelope addressed as follows:

City of Citrus Heights  
6360 Fountain Square Drive  
Citrus Heights, CA 95621

I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Sherman Oaks, California.

Executed on **April 25, 2023**, at Sherman Oaks, California.

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

  
HERMINA AVAKIAN