

1 McNICHOLAS & McNICHOLAS, LLP  
Matthew S. McNicholas, State Bar No. 190249  
2 Jason L. Oliver, Of Counsel, State Bar No. 183062  
Loren Nizinski, State Bar No. 144345  
3 10866 Wilshire Blvd., Suite 1400  
4 Los Angeles, California 90024  
Tel: (310) 474-1582  
5 Fax: (310) 475-7871

Per local Rule, This case is assigned to  
Judge Fannin, Jill C, for all purposes.

6 Attorneys for Plaintiff,  
7 CAROLINE RAMOS

SUMMONS ISSUED

8 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**  
9 **COUNTY OF CONTRA COSTA**

11 CAROLINE RAMOS,

CASE NO.: C23-02579

12 Plaintiff,

**COMPLAINT FOR DAMAGES:**

13 vs.

- 1. **DISCRIMINATION IN VIOLATION OF FEHA (Gov. Code § 12940, et seq.);**
- 2. **HARASSMENT IN VIOLATION OF FEHA (Gov. Code § 12940, et seq.);**
- 3. **RETALIATION IN VIOLATION OF FEHA (Gov. Code § 12940, et seq.);**
- 4. **FAILURE TO PREVENT HARASSMENT, DISCRIMINATION, AND RETALIATION IN VIOLATION OF FEHA (Gov. Code § 12940, et seq.);**
- 5. **WHISTLEBLOWER RETALIATION (Labor Code § 1102.5, et seq.)**
- 6. **INJUNCTIVE RELIEF (Gov. Code §§ 12940, 12965 and Labor Code § 1102.5, et seq.)**

14 COUNTY OF CONTRA COSTA, a  
15 government entity; CONTRA COSTA  
16 COUNTY SHERIFF’S OFFICE, a  
17 government entity; and DOES 1 through 100,  
inclusive,

18 Defendants.  
19  
20  
21  
22

**DEMAND FOR JURY TRIAL**

1 Plaintiff, CAROLINE RAMOS, hereby demands a trial by jury, and based on information  
2 and belief, complains, and alleges as follows:

3 **THE PARTIES**

4 1. At all times relevant hereto, Plaintiff CAROLINE RAMOS (hereinafter “Ramos” or  
5 “Plaintiff”) was and is a civilian ID technician employed with the Defendant, COUNTY OF  
6 CONTRA COSTA (“Defendant” or the “County”) and Contra Costa County Sheriff’s Office  
7 (“CCCSO”) (collectively, “Defendants”) and is a competent adult.

8 2. Plaintiff is informed and believes and thereon alleges that, at all times relevant  
9 hereto, the County and CCCSO, were public entities and/or agencies thereof violating laws within  
10 the State of California, County of Contra Costa. At all times pertinent hereto, Defendant County  
11 owned, controlled, and operated the law enforcement agency known as the Contra Costa County  
12 Sheriff’s Office (“CCCSO”).

13 3. Plaintiff is informed and believes and thereupon alleges that Defendants DOES 1  
14 through 100, inclusive, and each of them, at all times relevant hereto, were individuals or public,  
15 business, and/or other entities whose form is unknown, committing torts in and/or engaged in  
16 purposeful economic activity within the County of Contra Costa, State of California.

17 4. The true names and capacities of Defendants DOES 1 through 100, and each of  
18 them, whether individual, corporate, associate or otherwise, are unknown to Plaintiff at this time,  
19 therefore Plaintiff sues said Defendants by such fictitious names. Plaintiff will file DOE  
20 amendments, and/or ask leave of court to amend this complaint to assert the true names and  
21 capacities of these Defendants when they have been ascertained. Plaintiff is informed and believes,  
22 and upon such information and belief alleges, that each Defendant herein designated as a DOE was  
23 and is in some manner, negligently, wrongfully, or otherwise, responsible, and liable to Plaintiff for  
24 the injuries and damages hereinafter alleged, and that Plaintiff’s damages as herein alleged were  
25 proximately caused by their conduct.

26 5. Plaintiff is informed and believes, and thereon alleges, that at all times material  
27 herein the Defendants, and each of them, were the agents, servants, or employees, or ostensible  
28 agents, servants, and employees of each other Defendant, and as such, were acting within the

1 course and scope of said agency and employment or ostensible agency and employment, except on  
2 those occasions when Defendants were acting as principals, in which case, said Defendants, and  
3 each of them, were negligent in the selection, hiring, and use of the other Defendants.

4 6. At all times mentioned herein, each of the Defendants was the co-tortfeasor of each  
5 of the other Defendants in doing the things hereinafter alleged.

6 7. Plaintiff is further informed and believes that at all times relevant hereto,  
7 Defendants, and each of them, acted in concert and in furtherance of the interests of each other  
8 Defendant. The conduct of each Defendant combined and cooperated with the conduct of each of  
9 the remaining Defendants so as to cause the herein described incidents and the resulting injuries  
10 and damages to Plaintiff.

#### 11 VENUE AND JURISDICTION

12 8. At all relevant times hereto, the Defendants, and each of them were residents of  
13 and/or had their principal place of business in the County of Contra Costa, State of California.

14 9. The wrongful conduct alleged against the Defendants, and each of them, occurred in  
15 the County of Contra Costa, State of California. At all relevant times hereto, the conduct at issue  
16 was part of a continuous and ongoing pattern of behavior.

17 10. This Court is the proper court because the wrongful acts that are the subject of this  
18 action occurred in the County of this Court, Plaintiff worked for the employer within the  
19 jurisdictional area of this Court, at least one of the Defendants has its principal place of business in  
20 its jurisdictional area, and injury to person or damage to personal property occurred in its  
21 jurisdictional area.

22 11. Plaintiff has complied with, substantially complied with, and/or has exhausted any  
23 applicable claims statutes and/or administrative and/or internal remedies and/or grievance  
24 procedures, and/or is excused from complying therewith.

25 12. Plaintiff has complied with, substantially complied with, and/or is excused from  
26 complying with, the claim presentation requirement of California Government Code section 945.4  
27 and section 912.4. Plaintiff has filed government claims with the County of Contra Costa. Plaintiff  
28 filed her Government Claim on or about April 3, 2023. No action has been taken by the

1 governmental entities and as such, pursuant to Government Code section 912.4, the claims are now  
2 deemed to have been rejected by operation of law and the passage of time. Plaintiff has timely filed  
3 this action in compliance with the Government Claims Act.

4 13. Plaintiff has also complied with, substantially complied with, and/or is excused  
5 from complying with any and all administrative exhaustion requirements required by the Fair  
6 Employment and Housing Act and/or similar laws/regulations by filing a complaint with the Civil  
7 Right Department alleging substantively the same facts alleged herein, and requesting and  
8 obtaining a right to sue letter on or around March 30, 2023, and prior to filing this Action.

### 9 **GENERAL ALLEGATIONS**

10 14. At all relevant times to the claims herein, Plaintiff was an employee for the County/  
11 Contra Costa County Sheriff's Office, assigned to various units within the Office of the Sheriff.  
12 Ms. Ramos has been employed by County/Contra Costa County Sheriff's Office since August  
13 2011. She currently holds the position of Fingerprint Technician II. Ms. Ramos's chain of  
14 command includes Unit Supervisor Cyrena Viellieux-Matsutani ("Supervisor Viellieux-  
15 Matsutani") and unit manager Elizabeth Crawford ("Manager Crawford"). During the time Ms.  
16 Ramos has worked for County/CCCSO, and its Supervisor Viellieux-Matsutani and Manager  
17 Crawford, have engaged in, and/or knowingly permitted, the other and members of their inner  
18 circle, to engage in, unlawful discrimination/harassment based on race/ethnicity and  
19 disability/medical condition for caring for one or more family members. Additionally,  
20 County/CCCSO and its supervisors Supervisor Viellieux-Matsutani and Manager Crawford, among  
21 others, have engaged in retaliation for Ms. Ramos opposing and complaining of unlawful  
22 discrimination/harassment based on race/ethnicity and disability/medical condition for caring for  
23 one or more family members, and/or retaliation, as well as other illegal conduct at County/CCCSO  
24 by its employees.

25 This misconduct included, but is not necessarily limited to:

- 26 ➤ When Ms. Ramos called in to state that she would be late due to her daughter's FMLA  
27 covered illness Ms. Viellieux-Matsutani stated "You and your family— if it's not one  
28 fuckin' kid, it's the other!".

- 1           ➤ Ms. Viellieux-Matsutani and/or her Technician unlawfully running or causing to be run,  
2           unauthorized rap sheets and/or CLETS lookups for personal friends or family members,  
3           and/or other similar confidential/privacy protected information/systems, in violation of  
4           what Plaintiff believed to be privacy/confidentiality/law enforcement, rules, statutes  
5           laws, or related regulations, including but not limited to those governing the proper use  
6           of confidential/privacy protected databases/systems.
- 7           ➤ Ms. Viellieux-Matsutani engaging in harassing conduct and creating a hostile work  
8           environment, and racist and discriminatory about persons of color (black and Hispanic).
- 9           ➤ When reading UIR reports, Ms. Viellieux-Matsutani making comments such as “How  
10           much do you want to bet that the suspect is Black or Mexican?” or “Of course he is  
11           Black/Mexican!” or other similar words.
- 12           ➤ When talking about an employee who was severely arthritic and disabled and who had  
13           recently been married, Ms. Viellieux-Matsutani stated: “How and why would someone  
14           want to have sex with her!” or other similar words.
- 15           ➤ Regularly disparaging a technician that was overweight and against whom Ms.  
16           Viellieux-Matsutani had competed with for the position of supervisor, by stating "Well  
17           of course they chose me, I mean look at him-- he is nothing but a sweaty hot mess who  
18           can't even speak publicly without sweating profusely. Besides he is so fat and unhealthy  
19           he wouldn't even live long enough to enjoy the position anyways; I give him another 3  
20           years tops! He will never make supervisor he won't live long enough,” or words  
21           similar.
- 22           ➤ Manager Crawford defending Ms. Viellieux-Matsutani and her actions, such that the  
23           complaints of the employees would be ignored and unaddressed.

24           15.     Beginning in about 2016, Plaintiff began complaining to Manager Elizabeth  
25           Crawford regarding Supervisor Viellieux-Matsutani’s misconduct. Shortly thereafter, Ms.  
26           Viellieux-Matsutani began increasingly scrutinizing Ms. Ramos’s FMLA absences, going so far as  
27           to suggest Human Resources personnel were not doing their job regarding Ms. Ramos’s absences  
28           and that they did not know how to monitor Ms. Ramos’s time.

1           16.     In or about August 2018 Ms. Ramos submitted a Memo of Intent to go from part  
2 time to full time. In further discrimination and retaliation for utilizing her FMLA leave of absence,  
3 Ms. Viellieux-Matsutani required Ms. Ramos to interview with Manager Crawford for the  
4 available full-time position even though Ms. Ramos was the only applicant during the interview  
5 process. In an attempt to block Ms. Ramos from becoming full time, Ms. Viellieux-Matsutani had  
6 Manager Crawford call into question Ms. Ramos’s authorized FMLA absences that Human  
7 Resources had previously reviewed in or about November 2015 and cleared Plaintiff regarding any  
8 mislabeling of the FMLA time. This not only prolonged the process but placed Ms. Ramos in an  
9 unfavorable light to Manager Crawford causing Ms. Ramos to appear to be a poor choice for the  
10 position. The requirement to have Ms. Ramos interview was differential treatment since shortly  
11 thereafter, a “favored employee” had submitted a memo of intent to move from part-time to full-  
12 time, and that employee was not required to apply or interview for the position, which was a  
13 departure from normal procedures. That favored employee’s status was changed the next month.

14           17.     On or about October 21, 2020, and after approximately 5 of the 8 technicians had  
15 begun to voice disapproval with Supervisor Viellieux-Matsutani’s hostile, vindictive, and vengeful  
16 behavior toward non-favored employees, Unit Manager Crawford, held an open forum unit  
17 meeting with all County/CCCSO F/Print Technicians in a purported attempt to address their  
18 complaints as a group. During the meeting, Ms. Ramos stated her concerns and complaints, which  
19 included but were not limited to the unlawful, biased, hostile, intimidating, belittling,  
20 condescending, abusive, offensive, and indifferent conduct engaged in by Supervisor Viellieux-  
21 Matsutani and/or Manager Crawford. Others voiced their concerns as well. At the end of the  
22 meeting Ms. Viellieux-Matsutani invited all technicians present to open an IA against her if they  
23 felt it necessary. Thereafter, another technician opened an IA complaint stemming from that  
24 Tech’s complaints of Viellieux-Matsutani and/or her technician unlawfully running or causing to  
25 be run, unauthorized rap sheets and/or CLETS lookups for personal friends or family members.  
26 Very soon thereafter, Ms. Viellieux-Matsutani, Unit Manager, Manager Crawford’s and three of  
27 the Techs on Ms. Viellieux-Matsutani’s crew retaliated against those who participated in voicing  
28 complaints about Ms. Viellieux-Matsutani.

1           18.     On approximately October 22, 2020, Ms. Ramos had a follow up meeting with  
2 Manager Crawford to lodge a formal complaint of harassment by Ms. Viellieux-Matsutani and her  
3 favored employees. Ms. Ramos’s direct supervisor, Debra Clark, was in attendance. During the  
4 meeting Manager Crawford asked Ms. Ramos if she felt she was being harassed as a result of Ms.  
5 Viellieux-Matsutani and/or employees working at her behest, requesting the Ms. Ramos’s FMLA  
6 documentation be updated again and put on file in the unit office as well as other illegal, biased,  
7 abusive, offensive, intimidating, perceived unlawful harassing conduct by Ms. Viellieux-Matsutani  
8 and/or employees working for her.

9           19.     On November 19, 2020, Internal Affairs investigators Michael Meth and Sgt.  
10 Sullivan interviewed Plaintiff Ramos, in connection with the investigation of Ms. Viellieux-  
11 Matsutani unauthorized running of Rap sheets and/or CLETS lookups for personal friends or  
12 family members. Plaintiff Ramos indicated that she had not personally witnessed Ms. Viellieux-  
13 Matsutani, or her Technician run Rap sheets and/or CLETS look ups. When Ms. Ramos began to  
14 inform them of Ms. Viellieux-Matsutani’s harassment and racist and discriminatory remarks, the  
15 Internal Affairs investigators told her they were there to investigate the criminal aspect of the  
16 complaint only. After Plaintiff Ramos insisted, the internal affairs investigators acquiesced and  
17 allowed Plaintiff to provide them with a copy of the letter she had previously provided to Manager  
18 Crawford regarding the events as well as allowing Plaintiff Ramos to state the disparaging remarks  
19 Ms. Viellieux-Matsutani would make including but not limited to:

- 20                 - Ms. Viellieux-Matsutani’s practice of reading of Unusual Incident Reports  
21                     (UIRs) and making comments such as “How much do you want to bet that the  
22                     suspect/subject being pursued is Black/Mexican or of course the suspect/subject  
23                     is Black/Mexican!”

24 The I/A investigators stated that they could not investigate these allegations without exact  
25 dates/times and Ms. Ramos responded by letting the IA investigators know that this was almost a  
26 nightly occurrence while she was on the graveyard shift and others had witnessed these nightly  
27 UIR readings as well. Ms. Ramos also informed them that this was the primary reason she left  
28 graveyard shift as soon as she was able to do so.

- 1                   - Ms. Viellieux-Matsutani talking about an employee who was severely arthritic  
2                   and disabled in the office and who was recently married "How and why would  
3                   someone want to have sex with her!"  
4                   - Ms. Viellieux-Matsutani regularly disparaging a technician that was overweight  
5                   who Ms. Viellieux-Matsutani competed with for the position of supervisor,  
6                   stating, "Well of course they chose me, I mean look at him he is nothing but a  
7                   sweaty hot mess who can't even speak publicly without sweating profusely.  
8                   Besides he is so fat and unhealthy he wouldn't even live long enough to enjoy  
9                   the position; I give him another 3 years tops! He will never make supervisor he  
10                  won't live long enough."

11                20.     At Plaintiff's Internal Affairs interview, the investigators indicated there was not  
12                much they could do about Ms. Viellieux-Matsutani behavior but that they would keep Plaintiff  
13                Ramos's letter. Plaintiff Ramos reported to the Internal Affairs Investigators that she had left  
14                graveyard as soon as she could because of Ms. Viellieux-Matsutani's behavior. The IA  
15                investigators asked Plaintiff Ramos why she had not reported Ms. Viellieux-Matsutani earlier.  
16                Plaintiff Ramos informed the Internal Affairs Investigators that she and other Techs had reported  
17                Ms. Viellieux-Matsutani to Manager Crawford, Captain Vorhauer and Captain Borbely, but  
18                Manager Crawford defended Ms. Viellieux-Matsutani and her actions, and that their complaints  
19                went unaddressed.

20                21.     On approximately December 8, 2020, there was a Covid contact scare at Contra  
21                Costa County Sheriff's Office. On that day, Plaintiff Ramos and Technician Christine Juel-  
22                DeMichiel raised several safety related concerns regarding the infected person(s). Plaintiff Ramos  
23                and Technician Juel-DeMichiel sought to better gauge if they should be tested or not as they had  
24                been on days off. Plaintiff Ramos and Technician Juel-DeMichiel inquired to Supervisor Rocio  
25                Echavarria, if they could possibly be tested at the jail facility where they were assigned since many  
26                of the employee's insurance providers were booked out 2 weeks for testing, and because the jail  
27                facilities were testing the deputies twice weekly. Obtaining test results at the jail facility would be  
28                much quicker and possibly head off any potential spread of Covid. In response, Manager Crawford



1 verbally attacked and berated Plaintiff in retaliation for what was said at the unit meeting on  
2 October 21, 2020,” and then again in individual meetings the next day on October 22, 2020. In  
3 order to conceal the retaliation for reporting misconduct of Plaintiff Ramos’s supervisor, the day  
4 after this meeting Clerk Supervisor Sheena Phillips, who was taking notes in Ms. Ramos’s  
5 individual meeting, told Plaintiff Ramos that the meeting notes would be destroyed. After being  
6 told that the notes would be shredded, Plaintiff Ramos contacted her Union Representative, who  
7 told Plaintiff there was nothing that could be done but Plaintiff Ramos was to continue  
8 documenting events as Captain Vorhauer would not be taking any action until the IA investigation  
9 was complete.

10 22. On approximately December 25, 2020, Plaintiff Ramos was working overtime on  
11 the graveyard shift, and agreed to cover another Technician’s hours who had to leave a couple  
12 hours early from her swing shift. Plaintiff Ramos adjusted her overtime hours to help  
13 accommodate the Technician’s last-minute request, coming to work 3 hours before her graveyard  
14 shift was to begin and leaving without working the entire 6 hours of overtime at the end of the  
15 shift. This resulted in Plaintiff Ramos receiving 3 hours less overtime. Because of Ms. Viellieux-  
16 Matsutani retaliatory campaign and increased scrutiny of Plaintiff Ramos, Ms. Viellieux-Matsutani  
17 or another employee at her direction reviewed the surveillance camera footage and saw that Ms.  
18 Ramos had left early from her overtime shift. Ms. Viellieux-Matsutani then filed a retaliatory  
19 claim that falsely asserted that Ms. Ramos was cheating/stealing overtime hours despite the fact  
20 that Plaintiff Ramos had obtained pre-approval by two supervisors to accommodate the other  
21 Technician and stealing overtime would have been virtually impossible without a supervisor  
22 assisting. As an act of further retaliation and based on the result of the complaint of Ms. Viellieux-  
23 Matsutani’s wrongdoing, Unit Manager Crawford audited Ms. Ramos’s time sheets for the  
24 following year.

25 23. In or about early January 2021, Plaintiff Ramos overheard Manager Crawford  
26 making harassing comments about her to supervisor Debra Clark, regarding Ms. Ramos’s  
27 timekeeping. Ms. Ramos also found printed copies of her timesheets on the copier with written  
28 notes in both Manager Crawford and supervisor Clark’s handwriting. In furtherance of the

1 discrimination, retaliation, harassment and increasing scrutiny of Plaintiff Ramos, the timesheets  
2 had notations of her activities. Plaintiff Ramos then confronted her direct supervisor, Debra Clark,  
3 who stated that she was not allowed to tell Plaintiff Ramos what was going on, and that Ms. Ramos  
4 should ask Manager Crawford directly. Manager Crawford admitted that there had been allegations  
5 that Ms. Ramos was stealing time, however, there was no evidence to substantiate the allegations.  
6 When Plaintiff Ramos inquired as to why her time was being audited even though there was no  
7 evidence to substantiate the fraud allegations, Manager Crawford falsely stated that she was  
8 auditing everybody's time. Ms. Ramos asked her direct supervisor, Debra Clark, about the audit.  
9 Ms. Clark indicated she was directed by Manager Crawford to say that everybody's time was being  
10 looked at and reviewed, even though it was not.

11 24. On or about March 9, 2021, two (2) Technicians on Supervisor Viellieux-  
12 Matsutani's crew purposely left work incomplete and then failed to pass on the information at shift  
13 change in violation of CCCSO's mandated policy. Ms. Ramos and tech Juel-DeMichiel knew that  
14 the incomplete work could result in both of them being in trouble. A few days prior to this,  
15 technician Juel-DeMichiel had personally overheard the two technicians discussing the proper  
16 procedures just prior to their purposeful actions, thus engaging in this conduct knowing of the  
17 possible consequence the next shift could face. Plaintiff Ramos and Technician Juel-DeMichiel  
18 made a complaint to Manager Crawford regarding the incomplete work the two (2) technicians had  
19 left. In further retaliation, discrimination and harassment, the complaint was met with excuses,  
20 dishonesty, and dismissal and was never investigated. Instead, Plaintiff Ramos and technician Juel-  
21 DeMichiel received an email from Manager Crawford indicating that the situation had been  
22 resolved. Manager Crawford stated falsely that it was just a misunderstanding due to the fact that  
23 the two (2) technicians in question were simply unaware of the proper procedure. Plaintiff Ramos  
24 related to Manager Crawford that this could not be true since Technician Juel-DeMichiel had  
25 overheard the two (2) technicians discuss the proper procedures just prior to their actions, and one  
26 of the technicians had been working in the unit for over 2 years and the other technician for over  
27 four years. Thereafter, in further retaliation for complaining about the misconduct, Plaintiff Ramos  
28 and technician Juel-DeMichiel they received the "silent treatment" by Supervisor Viellieux-

1 Matsutani, who refused to speak with them and refused/failed to relay important information at  
2 shift turnover in the days going forward, thereby interfering with, and making their job some more  
3 difficult to perform.

4 25. Three days later, on or about March 12, 2021, Manager Crawford approached  
5 Plaintiff Ramos while she was on shift alone and began to berate Plaintiff Ramos for not agreeing  
6 with Manager Crawford about her assertion that Supervisor Viellieux-Matsutani 's two (2)  
7 technicians were allegedly unaware of the proper procedure about leaving incomplete work without  
8 advising the next shift. Manager Crawford also berated Plaintiff Ramos for criticizing Supervisor  
9 Viellieux-Matsutani 's subsequent actions as not being professional. During this verbal altercation  
10 Manager Crawford harassed Plaintiff Ramos and told her that she was a horrible person, and that  
11 the IA investigation would not turn out the way Plaintiff Ramos wanted. In further retaliation for  
12 reporting the actions of the two (2) technicians and Supervisor Viellieux-Matsutani, Manager  
13 Crawford threatened Plaintiff Ramos, stating: "Maybe it's time for you to look for another job!" or  
14 words, to that effect. Manager Crawford admonished Plaintiff Ramos because she became  
15 emotional and stated that she (Manger Crawford) thought Ms. Ramos was better than that, stronger  
16 than that, and proceeded to tell her not to mention the altercation to anyone, as Manager Crawford  
17 did not want the conversation to be misconstrued by others.

18 26. In approximately June 2021, the Technicians heard a rumor that the IA investigation  
19 had been completed and that the complaints against Supervisor Viellieux-Matsutani were  
20 supposedly unfounded. As a result, Ms. Ramos contacted the union representative on  
21 approximately June 8th, 2021. The representative instructed her to email her Captain to alert chain  
22 of command and start an official complaint process for harassment and hostile work environment.

23 27. On approximately June 9, 2021, Ms. Ramos met with Captain Borbely and gave her  
24 official complaint along with the 2-page complaint that she had initially given to both Manager  
25 Crawford and the IA investigators. Capt. Borbely initially suggested that Ms. Ramos allow him to  
26 handle the matter and not put in an official complaint. Ms. Ramos refused, stating that she had  
27 been going through this for too long, that it was affecting her health and felt that the unit deserved  
28 better. On June 10, 2021, Captain Borbely informed Ms. Ramos that he would be looking into it

1 and had looped in Assistant Sheriff Chalk.

2 28. On approximately June 21, 2021, Ms. Ramos received an email from the Captain  
3 stating that he had spoken to both Manager Crawford and Supervisor Viellieux-Matsutani, that the  
4 issues should be resolved, but that it was a continuing process. No plan was discussed in the event  
5 Manager Crawford and Supervisor Viellieux-Matsutani continued to harass and retaliate against  
6 Plaintiff Ramos, which they did.

7 29. In approximately November 2021 although everyone in the unit was vaccinated  
8 except for two people The rule implemented was that if all present were vaccinated, no masks were  
9 required. If anyone unvaccinated was present, all present had to wear masks. The only two  
10 unvaccinated employees were Supervisor Viellieux-Matsutani and one Technician on her crew, but  
11 because they were favored by Manager Crawford and she did not want them to feel uncomfortable  
12 therefore she continued to make all the other employees wear masks under the guise that no shift  
13 was completely vaccinated regardless of the fact that, Supervisor Viellieux-Matsutani and the other  
14 Technician were on a different shift.

15 30. On approximately January 6, 2022, Debra Clark, Plaintiff's direct supervisor,  
16 informed Plaintiff that Debra Clark would be retiring in February because she could no longer  
17 stand the mistreatment she was receiving from Manager Crawford and the other supervisors. Ms.  
18 Ramos went to her union representative regarding how to proceed since Ms. Ramos would no  
19 longer have her direct supervisor to help deflect the continued harassment. Since on or about  
20 October of 2020, Ms. Ramos was upset over her union representative's lack of support. The Union  
21 Representative told Plaintiff that the Sheriff's Department had dropped the ball and that many  
22 things had been swept under the rug, and that the Captain as well as the Asst. Sheriff had attempted  
23 to cover up situations. He told Ms. Ramos "You should definitely open an EEO" and then printed  
24 out all the policies that her complaint would fall under and provided her the EEO contact  
25 information she would need for a case. He told her that "if that did not work, go to the state and if  
26 that doesn't work go federal, you should hire a lawyer and sue the hell out of us for letting you  
27 down and not protecting you the way we should have-we deserve it," or words very similar.

28 31. In February 2022, Ms. Ramos's direct supervisor, Debra Clark, retired. When she

1 was in the process of leaving, she advised both Ms. Ramos and the Technician who was the actual  
2 reporting party for the IA investigation that Manager Crawford and Supervisor Viellieux-Matsutani  
3 were going to come after them and that they should keep to themselves as much as they could and  
4 trust nobody. Ms. Clark also informed Ms. Ramos that Captain Borbely was retiring in February  
5 as well. Ms. Clark advised Ms. Ramos to wait to open her case, as Ms. Clark felt that since  
6 Manager Crawford and Captain Borbely were so close that if Ms. Ramos opened the case before  
7 Captain Borbely's retirement, he could possibly have a negative impact on the complaint, and Ms.  
8 Clark was worried about retaliation against herself and Ms. Ramos.

9 32. On March 9, 2022, Ms. Ramos's EEO case was officially opened, and she received  
10 a notification letter via email at approximately 1 PM. The Sheriff's Office Commander  
11 (Commander Mary Jane Robb) was copied on the email. She was later told that at approximately 3  
12 PM the same day Manager Crawford left for the day in tears. They were told she was leaving  
13 because she was not feeling well.

14 33. On March 10th, 2022, the day after Ms. Ramos's claim was opened, and in further  
15 retaliation and harassment against Plaintiff for opening an EEO case a day earlier, Manager  
16 Crawford attempted to write Plaintiff up over a non-existent policy that was supposedly violated.  
17 Ms. Ramos was due to leave early that day for scheduled time off to attend her son's performance,  
18 time that she had requested off and had been approved weeks in advance. Just as she was signing  
19 off from her computer, Supervisor Betsy Crusier approached Plaintiff to state that Manager  
20 Crawford requested to speak to Plaintiff. She was told that it was about a recent morgue call-out  
21 decomp situation, to which Ms. Ramos responded, "Absolutely not without my union  
22 representative if this was about me getting some sort of write-up because I am no longer willing to  
23 be berated for an hour and I simply do not have the time." Supervisor Crusier said she really wasn't  
24 sure what Manager Crawford's intentions were but that it was either now or it would be left  
25 hanging over her head all weekend until she returned on Monday. Once they entered Manager  
26 Crawford's office, she proceeded to interrogate Ms. Ramos regarding the use of proper Personal  
27 Protective Equipment (PPE) during an incident that happened at the morgue the week prior when  
28 Ms. Ramos was working a decomp case that involved various small critter bugs vacating the body

1 they were working on. At the time, there was no policy regarding the use of a Tyvek suit as PPE  
2 and the use of same is optional and was only provided as a regular option to the unit since Covid  
3 arrived in 2020.

4 34. On March 14th or 15th of 2022, Manager Crawford approached Ramos from behind  
5 and demanded to know why Ms. Ramos was using the blue penal code book to hold open the  
6 heavy scanner lid. Ms. Ramos explained that she had been taught to do this by Supervisor  
7 Viellieux-Matsutani and that she and the techs use the book to keep the lid open because when they  
8 scan multiple cards at a time, that the lid will not stay open therefore they use the book to assist.  
9 Manager Crawford berated Ms. Ramos and accused her of potentially damaging work property in  
10 front of 2 other technicians. This was differential treatment because Ms. Crawford had observed  
11 others use the penal code to hold open the copier lid but never yelled at anyone other than plaintiff  
12 and Supervisor Viellieux-Matsutani had instructed her to do this in the first place but had not  
13 received similar mistreatment by Manager Crawford.

14 35. The supervisor position vacated in February when Ramos's former direct  
15 supervisor, Debra Clark, retired, was held for opening July 26, 2022, with a closing date of August  
16 8, 2022, which was just days after a favored technician was able to qualify. This position was  
17 given to one of the 2 favored technicians who had one of the poorest academy performances and  
18 was one of the least experienced out of the four candidates. This technician was also on Supervisor  
19 Viellieux-Matsutani's crew.

20 36. In or about May of 2022, Ms. Ramos was out on medical leave. On or about August  
21 2022, Plaintiff Ramos called regarding her potential return date from medical leave. In further  
22 retaliation for filing the EEO case and opposing unlawful conduct, Plaintiff was told that she could  
23 not come back to her original shift because Supervisor Viellieux-Matsutani had taken her shift  
24 over, so Ms. Ramos would have to go to graveyard shift. During this same approximate time  
25 period, and in violation of CCD policy as well as HIPPA, Supervisor Viellieux-Matsutani would  
26 disclose in front of others Plaintiff's medical status in regard to her return to work. In further,  
27 retaliation for Plaintiff sending an email to the Lieutenant regarding the supervisor's interview  
28 process, Supervisor Viellieux-Matsutani, her crew and Manager Crawford placed Ms. Ramos and

1 her work under further increased scrutiny in connection with her job, created special rules to single  
2 her out, and subjected her to other forms of adverse action in retaliation for opposing and  
3 complaining of what she reasonably believed was unlawful conduct in violation of state and federal  
4 law; this retaliation continues to this day despite Ms. Ramos's ongoing efforts to stop it.

5 37. Between November 30, 2022, and December 14, 2022, Plaintiff had contracted the  
6 flu, but had already exhausted all her accrued sick time since she had only just returned from  
7 medical leave on October 11, 2022. Plaintiff sent an email to all the supervisors that she wanted to  
8 use her accrued holiday or vacation hours since she needed to go home sick. The only Supervisor  
9 on duty was Supervisor Lynda Leenstar, who said that this would be fine. In further retaliation for  
10 Plaintiff filing an EEO case against her and opposing the unlawful conduct, Supervisor Viellieux-  
11 Matsutani told Plaintiff Ramos that she could not use her accrued vacation or holiday time for sick  
12 leave, even though there was no written policy prohibiting Plaintiff from doing so, and even though  
13 it was common for the employees to use holiday or vacation time in place of sick time. On January  
14 25, 2023, during Plaintiff Ramos's yearly evaluation, the 10 hours of sick time were brought up  
15 and held against her because Plaintiff had no accrued sick time at the time that she went out sick.

16 38. Plaintiff Ramos complained of Supervisor Viellieux-Matsutani's retaliatory  
17 behavior to Manager Crawford and Lieutenant Roderick to no avail, even though there was no  
18 written policy regarding the use of accrued time off. On February 8, 2023, in, and after the fact,  
19 attempt you cover up the wrongdoing, an e-mail issued entitled *Clarification of use of Holiday*  
20 *Comp and Regular Sick Leave Accruals was issued*. On the same day, another email issued  
21 regarding parking of county automobiles in spaces within security camera range. Prior to this time,  
22 Plaintiff would occasionally park her county issued automobile in the only available parking space,  
23 which was not always in camera range. Both rules were put in place to punish Plaintiff and to  
24 potentially cause Plaintiff's co-workers blame Plaintiff for the new rules.

25 39. On or about February 24, 2023, Contra Costa County's County Administrator, Risk  
26 Management Division, issued a letter to Ms. Ramos acknowledging that the Office of Equal  
27 Employment Opportunity had received her complaint of discrimination and harassment in which  
28 she alleged that she and other employees in the Contra Costa County Sheriff's Office were

1 subjected to race-based and sex-based comments from another employee and that when she and  
2 others reported this conduct to the unit manager, the unit manager failed to take action in response  
3 to the complaints. The letter further stated in relevant part that:

- 4 - The complaint that an employee made racially discriminatory and race-based  
5 comments was substantiated. The investigator concluded that the employee  
6 made repeated negative and derogatory comments in the workplace about the  
7 race and ethnicity of criminal suspects.
- 8 - The complaint that the same employee made sex-based comments was also  
9 substantiated. The investigator concluded that the employee made repeated  
10 negative and derogatory sex-based comments in the workplace regarding  
11 another employee.
- 12 - The complaint that the unit manager failed to take action after receiving reports  
13 that the subject employee made repeated negative and derogatory comments in  
14 the workplace about the race and ethnicity of criminal suspects and that the  
15 subject employee made repeated negative and derogatory sex-based comments  
16 in the workplace regarding another employee was also substantiated

17 Despite this, on or about March 23, 2023, Plaintiff was informed that Supervisor Viellieux-  
18 Matsutani was to become her immediate supervisor commencing May 1, 2023, even though  
19 Plaintiff had a sustained EEO case against her for harassment, discrimination, and retaliation.

20 40. On or about May 2, 2023, Plaintiff Ramos was called in to speak to Supervisor  
21 Cruiser and Supervisor Rogers about Plaintiff's proficiency exam. Plaintiff was told she had failed  
22 because she did not complete identification of 4 of the 20 latent fingerprints required. Plaintiff  
23 explained that she was provided three days less than everyone else to complete the exam, because  
24 she had been out on bereavement for three days due to the death of her mother. Plaintiff asked for  
25 an additional three days to complete the exam so that she would be afforded the same amount of  
26 time as all the other technicians. In further retaliation of Plaintiff asserting her rights, including but  
27 not limit to the right to bereavement leave and other violations herein alleged, and filing an EEO  
28 case, Defednants discriminated against Plaintiff and refused her request. Instead, Plaintiff was told



1 to complete a supplemental exam within one week. Supervisors Crusier and Rogers as well as  
2 Lieutenant Roderick told Plaintiff that if Plaintiff did not score 100% on the supplemental test, she  
3 would be terminated. Plaintiff protested the fact that she was being singled out by having to  
4 complete the supplemental test with 100% rather than just being given the additional time to make  
5 up for the time she was off during the original exam. Plaintiff also protested that no one else was  
6 required to take a supplemental exam and score 100% under threat of being terminated if they did  
7 not perform well on the original exam.

8 41. These are some, but not all, of the things that happened to Ms. Ramos that she found  
9 to be offensive, hostile, intimidating, abusive, harassing, discriminatory and retaliatory, and which  
10 have created an offensive, hostile, intimidating, discriminatory and abusive work environment for  
11 her. Mr. Ramos's claim is not a limited civil case, but rather falls within the general jurisdiction of  
12 the Superior Courts of the State of California.

13 **FIRST CAUSE OF ACTION**

14 **PLAINTIFF AGAINST ALL DEFENDANTS AND DOES 1 THROUGH 50,**  
15 **INCLUSIVE, UNLAWFUL DISCRIMINATION**

16 VIOLATION OF CAL. GOV. CODE §§ 12940(A), 12945.2, 12945.7 AND CALIFORNIA PUBLIC POLICY

17 42. Plaintiff incorporates herein by reference all the facts and allegations contained in  
18 paragraphs 1 through 41 of this complaint as though fully set forth herein.

19 43. Plaintiff's complaints about DEFENDANTS' unabated unlawful discrimination,  
20 harassment and retaliation were ignored and not taken seriously by Defendants. Defendants failed  
21 to take all reasonable steps to prevent the unlawful harassment based on sex/gender/race/ethnicity  
22 and disability/medical condition for caring for one or more family members from occurring. After  
23 Plaintiff complained, Defendants retaliated against Plaintiff.

24 44. All the above conduct was unwelcome and was directed towards Plaintiff because of  
25 sex/gender/race/ethnicity and disability/medical condition for caring for one or more family  
26 members.

27 45. All the above conduct caused Plaintiff to perceive her work environment as  
28 intimidating, hostile, abusive or offensive.

1           46. All the above conduct was part of an ongoing and continuing pattern of conduct.

2           47. Plaintiff complained about much of the harassing conduct to managers, supervisors,  
3 and/or other managing agents of Defendants, but nothing was done to end the harassment and  
4 retaliation.

5           48. Defendants knowingly exposed their employees and/or persons performing services  
6 pursuant to contract, to a known harasser by failing to take effective remedial action after learning  
7 of the unlawful conduct by Supervisor Viellieux-Matsutani and/or Manager Crawford, and/or one  
8 or more others acting in concert therewith, against Plaintiff.

9           49. Defendants failed to conduct a prompt, thorough, neutral, and effective investigation  
10 into allegations of unlawful discrimination/harassment/retaliation made by Plaintiff.

11           50. Defendants ratified the authorized, approved, and/or ratified the wrongful acts its  
12 employees who were engaged in unlawful harassment, discrimination, and retaliation, including  
13 but not limited to, Supervisor Viellieux-Matsutani, Manager Crawford, and/or employee(s)  
14 working at the behest of the supervisor(s) and/or manager(s).

15           51. Defendants failed to properly address and/or take other forms of remedial action  
16 regarding Supervisor Viellieux-Matsutani, Manager Crawford, and/or employee(s) working at the  
17 behest of the aforementioned supervisor(s) and/or manager(s) to prevent the unlawful  
18 discrimination/harassment and/or retaliation from occurring, as required by law.

19           52. Defendants failed to monitor the ongoing conduct of Supervisor Viellieux-  
20 Matsutani, Manager Crawford, and/or employee(s) working at the behest of the aforementioned  
21 supervisor and/or manager.

22           53. Defendants acted in conscious disregard of the rights or safety of their employees  
23 and/or persons performing services pursuant to contract. Had Defendants conducted a proper and  
24 reasonable investigation of the conduct by Supervisor Viellieux-Matsutani, Manager Crawford,  
25 and/or employee(s) working at the behest of the aforementioned supervisor and/or manager, it  
26 would have discovered the wrongful conduct in time to have taken the required remedial action and  
27 prevented Supervisor Viellieux-Matsutani, Manager Crawford, and/or employee(s) working at the  
28 behest of the aforementioned supervisor and/or manager from engaging in the conduct complained

1 of herein.

2 54. Defendants 's failure to take effective remedial action was in conscious disregard of  
3 the rights or safety of employees, student-interns, student-volunteers, and persons performing  
4 services pursuant to contract.

5 55. Defendants 's failure to take prompt and effective remedial action against Supervisor  
6 Viellieux-Matsutani, Manager Crawford, and/or employee(s) working at the behest of the  
7 aforementioned supervisor and/or manager, was ratification of their conduct by Defendants.

8 56. Defendants concealed evidence of its unlawful harassment, discrimination, and/or  
9 retaliation to avoid having to exercise its duty to promptly and fully investigate and to take  
10 remedial action.

11 57. Defendants concealed, ignored, and failed to properly act on the complaints against  
12 Supervisor Viellieux-Matsutani, Manager Crawford, and/or employee(s) working at the behest of  
13 the aforementioned supervisor and/or manager.

14 58. Defendants 's acts were malicious and oppressive and in conscious disregard of the  
15 rights or safety of Plaintiff and other employees, workers, and/or contractors of Defendants, and in  
16 furtherance of Defendants' ratification of the wrongful conduct of Supervisor Viellieux-Matsutani,  
17 Manager Crawford, and/or employee(s) working at the behest of the aforementioned supervisor  
18 and/or manager.

19 59. The conduct of Defendants and Supervisor Viellieux-Matsutani, Manager  
20 Crawford, and/or employees working at the behest of the aforementioned supervisor and/or  
21 manager, as complained of herein, caused Plaintiff to be constantly apprehensive and fearful that  
22 Supervisor Viellieux-Matsutani, Manager Crawford, and/or employee(s) working at the behest of  
23 the aforementioned supervisor and/or manager could and would, at their whim, subject her to  
24 unwanted misconduct based on sex/gender/race/ethnic-based and disability/medical condition for  
25 caring for one or more family members, humiliation, and/or other harmful or adverse treatment.

26 60. Because of Defendants 's conduct complained of herein, Supervisor Viellieux-  
27 Matsutani, Manager Crawford, and/or employee(s) working at the behest of the aforementioned  
28 supervisor and/or manager at all times material herein, had the ability to subject Plaintiff to adverse

1 conduct anytime they so desired.

2 61. At all relevant times herein, Defendants and/or their agents and/or employees  
3 harassed, discriminated against, retaliated against, and/or created a hostile work environment for  
4 Plaintiff.

5 62. The above harassing and discriminatory conduct violate Government Code sections  
6 12940(a), (j)(k)(h) 12945.2, and 12945.7, and related provisions and regulations, as well as  
7 California common law. By reason of the conduct of Defendants as alleged herein, Plaintiff has  
8 necessarily retained attorneys to prosecute the within action. Plaintiff is therefore entitled to  
9 reasonable attorney's fees and litigation expenses, including expert witness fees and costs, incurred  
10 in bringing the within action. As a result of Defendants' actions, Plaintiff sustained economic  
11 damages to be proven at trial. As a further result of Defendants' actions, Plaintiff suffered  
12 emotional distress resulting in damages to be proven at trial.

13 **SECOND CAUSE OF ACTION**

14 **PLAINTIFF AGAINST ALL DEFENDANTS AND DOES 1 THROUGH 50,**  
15 **INCLUSIVE, UNLAWFUL HARASSMENT**

16 **VIOLATION OF CAL. GOV. CODE §§ 12940(A), (J)(K)(H), 12945.2, AND 12945.7, AND**  
17 **CALIFORNIA PUBLIC POLICY**

18 63. Plaintiff incorporates herein by reference all the facts and allegations contained in  
19 paragraphs 1 through 62 of this complaint as though fully set forth herein.

20 64. In perpetrating the above-described conduct, Defendants engaged in a pattern,  
21 practice, policy and custom of unlawful discrimination and harassment based on  
22 sex/gender/racial/ethnicity and disability/medical condition for caring for one or more family  
23 members. Said conduct on the part of Defendants constituted a policy, practice, tradition, custom  
24 and usage which denied Plaintiff protection of California Government Code section 12940, et seq.

25 65. At all relevant time periods there existed within the organization of Defendants a  
26 pattern and practice of conduct by their personnel which resulted in discrimination and harassment  
27 based on sex/gender/racial/ethnicity and/or disability/medical condition for caring for one or more  
28 family members, and/or related retaliation, including but not necessarily limited to, conduct

1 directed at Plaintiff.

2 66. At all relevant time periods there existed within the organization of Defendants a  
3 pattern and practice of conduct by personnel which resulted in discrimination and harassment  
4 based on sex/gender/racial/ethnicity and/or disability/medical condition for caring for one or more  
5 family members, and/or related retaliation, including but not limited to Plaintiff.

6 67. At all relevant time periods Defendants failed to make an adequate response and  
7 investigation into the conduct of Supervisor Viellieux-Matsutani, Manager Crawford, and/or  
8 employee(s) working at the behest of the aforementioned supervisor and/or manager and  
9 Defendants and the aforesaid pattern and practice, and thereby established a policy, custom,  
10 practice or usage within the organization of Defendants which condoned, encouraged, tolerated,  
11 sanctioned, ratified, approved of, and/or acquiesced in discrimination and harassment based on  
12 sex/gender/racial/ethnicity and/or disability/medical condition for caring for one or more family  
13 members, and/or related retaliation toward employees/workers of Defendants, including but not  
14 limited to the Plaintiff.

15 68. During all relevant time periods Defendants failed to provide any or adequate  
16 training, education, and information to their personnel and most particularly to management and  
17 supervisory personnel with regard to policies and procedures regarding discrimination and  
18 harassment based on sex/gender/racial/ethnicity and/or disability/medical condition for caring for  
19 one or more family members, and/or related retaliation for complaining of or resisting unlawful  
20 discrimination, harassment and/or related retaliation.

21 69. Defendants, as complained of herein, established a policy, custom, practice or usage  
22 within the organization of Defendants, which condoned, encouraged and tolerated and sanctioned,  
23 ratified, approved of, and/or acquiesced to discrimination and harassment based on  
24 sex/gender/racial/ethnicity and/or disability/medical condition for caring for one or more family  
25 members, and/or related retaliation towards employees of and/or persons performing services  
26 pursuant to contract with, Defendants, including but not limited to, the Plaintiff.

27 70. By reason of the conduct of Defendants as alleged herein, Plaintiff has necessarily  
28 retained attorneys to prosecute the within action. Plaintiff is therefore entitled to reasonable

1 attorney's fees and litigation expenses, including expert witness fees and costs, incurred in bringing  
2 the within action. As a result of Defendants' actions, Plaintiff sustained economic damages to be  
3 proven at trial. As a further result of Defendants' actions, Plaintiff suffered emotional distress  
4 resulting in damages to be proven at trial.

5 **THIRD CAUSE OF ACTION**

6 **PLAINTIFF AGAINST ALL DEFENDANTS AND DOES 1 THROUGH 50,**  
7 **INCLUSIVE, UNLAWFUL RETALIATION FOR OPPOSING FORBIDDEN PRACTICES**

8 (VIOLATION OF CAL. GOV. CODE §§ 12940(A), (J)(K)(H), 12945.2, AND 12945.7, AND  
9 CALIFORNIA PUBLIC POLICY)

10 71. Plaintiff restates and incorporates by this reference each and every allegation  
11 contained in paragraphs 1 through 70, inclusive, hereof as fully as if set forth herein.

12 72. In violation of California Government Code section 12940(h), Defendants retaliated  
13 against Plaintiff for having opposed, resisted, and/or complained of the acts alleged herein, or for  
14 being regarded as one who has done so.

15 73. Due to Defendants' conduct, Plaintiff has suffered damages as set forth herein,  
16 including but not limited to, physical injury and sickness, emotional distress, loss of earnings and  
17 other employment benefits, and economic injury and out of pocket costs.

18 74. The conduct of Defendants and their agents/employees as described herein was  
19 malicious, and/or oppressive, and done with a willful and conscious disregard for Plaintiff's rights  
20 and for the deleterious consequences of Defendants' actions. Defendants and/or their  
21 agents/employees or supervisors authorized, condoned, and ratified the unlawful conduct of  
22 Supervisor Viellieux-Matsutani and/or and Manager Crawford and/or one or more employees  
23 working at the behest of one or more of the aforementioned supervisor/managers.

24 75. By reason of the conduct of Defendants as alleged herein, Plaintiff has necessarily  
25 retained attorneys to prosecute the within action. Plaintiff is therefore entitled to reasonable  
26 attorney's fees and litigation expenses, including expert witness fees and costs, incurred in bringing  
27 the within action. As a result of Defendants' actions, Plaintiff sustained economic damages to be  
28 proven at trial. As a further result of Defendants' actions, Plaintiff suffered physical injury and

1 sickness, emotional distress and loss of earnings and other economic injury, resulting in damages to  
2 be proven at trial.

3 **FOURTH CAUSE OF ACTION**

4 **PLAINTIFF AGAINST ALL DEFENDANTS AND DOES 1 THROUGH 50,**  
5 **INCLUSIVE, FAILURE TO PREVENT DISCRIMINATION, HARASSMENT, AND**  
6 **RETALIATION**

7 (VIOLATION OF CAL. GOV. CODE §§ 12940(A), (J)(K)(H), 12945.2, AND 12945.7, AND CALIFORNIA  
8 PUBLIC POLICY)

9 76. Plaintiff restates and incorporates by this reference each and every allegation  
10 contained in paragraphs 1 through 75, inclusive, hereof as fully as if set forth herein.

11 77. In violation of California Government Code sections 12940(a), (h), (j), (k), 12945.2,  
12 and 12945.7 Defendants failed to take all reasonable steps necessary to prevent discrimination,  
13 harassment, and retaliation against Defendants' employees/workers.

14 78. In perpetrating the above-described conduct, Defendants engaged in a pattern,  
15 practice, policy and custom of unlawful discrimination, harassment, and retaliation for complaining  
16 of and/or opposing forbidden practices. Said conduct on the part of Defendants constituted a  
17 policy, practice, tradition, custom and usage which denied Plaintiff protection of California  
18 Government Code sections 12940(a), (h), (j), (k), 12945.2, and 12945.7

19 79. At all relevant time periods there existed within the organization of Defendants a  
20 pattern and practice of conduct by their personnel which resulted in unlawful discrimination,  
21 harassment, and/or retaliation, including but not necessarily limited to, conduct directed at Plaintiff  
22 and other women and/or women/persons of color and/or others who engaged in protected activity.

23 80. At all relevant time periods there existed within the organization of Defendants a  
24 pattern and practice of conduct by personnel which resulted in retaliation toward anyone, including  
25 but not limited to Plaintiff, who complained of discrimination, harassment, and/or retaliation.

26 81. At all relevant time periods Defendants failed to make an adequate response and  
27 investigation into the conduct of Supervisor Viellieux-Matsutani and/or and Manager Crawford  
28 and/or one or more employees working at the behest of one or more of the aforementioned

1 supervisor/manager and other offenders, and the aforesaid pattern and practice, and thereby  
2 established a policy, custom, practice or usage within the organization of Defendants which  
3 condoned, encouraged, tolerated, sanctioned, ratified, approved of, and/or acquiesced in  
4 discrimination, harassment, and/or retaliation toward employees of, and/or persons performing  
5 services pursuant to contract with Defendants, including but not limited to the Plaintiff.

6 82. During all relevant time periods, Defendants failed to provide any or adequate  
7 training, education, and information to their personnel and most particularly, to management and  
8 supervisory personnel with regard to policies and procedures regarding discrimination, harassment,  
9 and/or retaliation for complaining of or resisting discrimination, harassment, and/or retaliation.

10 83. Defendants knew or reasonably should have known that the failure to provide any or  
11 adequate education, training, and information as to their personnel policies and practices regarding  
12 unlawful discrimination, harassment, and/or retaliation for complaining of or resisting  
13 discrimination, harassment and/or retaliation, would result in unlawful discrimination, harassment,  
14 and retaliation against employees of and/or persons performing services pursuant to contract with,  
15 including but not limited to the Plaintiff, for complaining or resisting the same. Defendants also  
16 failed to reprimand, discipline, or otherwise effectively remediate the conduct of Supervisor  
17 Viellieux-Matsutani and/or and Manager Crawford and/or one or more employees working at the  
18 behest of one or more of the aforementioned supervisor/managers and/or take other forms of  
19 remedial action regarding Supervisor Viellieux-Matsutani and/or Manager Crawford and/or one or  
20 more employees working at the behest of one or more of the aforementioned supervisor/managers.  
21 to prevent the unlawful discrimination, harassment, and/or retaliation from occurring, as required  
22 by law.

23 84. By the acts or failures to act of policy-making personnel within the organization of  
24 Defendants, Defendants was deliberately indifferent to the need to provide any or adequate  
25 training, education, and information to the personnel and students of Defendants as to policies  
26 regarding unlawful discrimination, harassment, and/or retaliation for complaining of or resisting  
27 the same.

28 85. The failure of Defendants to provide any or adequate education, training, and



1 information to personnel concerning policies and practices regarding unlawful discrimination,  
2 harassment, and/or retaliation for complaining of or resisting the same, constituted deliberate  
3 indifference to the rights of employees of and/or persons performing services pursuant to contract,  
4 with Defendants, including but not limited to those of the Plaintiff, under California Government  
5 Code sections 12940 (a), (h), (i), (j), (k), 12945.2, and 12945.7.

6 86. The conduct set forth herein, including the failure to establish and/or enforce any or  
7 an adequate policy and procedure regarding unlawful discrimination, harassment, and/or retaliation  
8 for complaining of or resisting the same, established in the organization of Defendants a policy and  
9 custom of ordering, ignoring, encouraging, improving, causing, tolerating, sanctioning, and/or  
10 acquiescing in the violation by personnel of Defendants of the rights of employees of and/or  
11 persons performing services pursuant to contract with Defendants, including but not limited to  
12 those of the Plaintiff, under California Government Code sections 12940(a), (h), (i), (j), (k) ,  
13 12945.2, and 12945.7.

14 87. As a direct and legal result of Defendants' unlawful conduct and its refusal to ensure  
15 Plaintiff could attend a workplace free from unlawful discriminatory, retaliatory, harassing,  
16 offensive, intimidating, hostile and/or abusive, Plaintiff's work, was substantially and negatively  
17 interfered with and Plaintiff was subject to a myriad of adverse actions by Defendants. Due to  
18 Defendants' conduct, Plaintiff has suffered damages as set forth herein, including, but not limited  
19 to, physical injury and sickness, emotional distress, loss of earnings and other employment  
20 benefits, and economic injury and out of pocket costs.

21 88. The conduct of Defendants and/or its agents/employees as described herein was  
22 malicious, and/or oppressive, and done with a willful and conscious disregard for Plaintiff's rights  
23 and for the deleterious consequences of Defendants' actions. Defendants and/or their  
24 agents/employees or supervisors authorized, condoned, and ratified the unlawful conduct of  
25 Supervisor Viellieux-Matsutani and/or Manager Crawford, and/or one or more others acting in  
26 concert therewith.

27 ///

28 ///

1 **FIFTH CAUSE OF ACTION**

2 **PLAINTIFF AGAINST ALL DEFENDANTS AND DOES 1 THROUGH 50,**  
3 **INCLUSIVE, WHISTLEBLOWER RETALIATION**

4 VIOLATION OF CAL. LABOR CODE § 1102.5 AND CALIFORNIA PUBLIC POLICY)

5 89. Plaintiff re-alleges and incorporates by reference each and every allegation  
6 contained in paragraphs 1-88 of this complaint as though fully set forth herein again.

7 90. At all times herein mentioned, California Labor Code section 1102.5 was in full  
8 force and effect and was binding on Defendants, and each of them.

9 91. Defendants, and each of them, made, adopted, and/or enforced rules, regulations,  
10 and/or policies designed to prevent employees from disclosing information to a government or law  
11 enforcement agency, which Plaintiff has reasonable cause to believe disclosed violations of state or  
12 federal statutes, or state or federal rules and regulations, including but not limited to those  
13 pertaining to unlawful use/misuse of the CLETS database/system, and/or other similar  
14 confidential/privacy protected information/systems, or related law, including but not limited to the  
15 confidential/privacy protected databases/systems, and for violations of law/regulations prohibiting  
16 discrimination, harassment, and related retaliation, including but not limited to Government Code  
17 sections, 12940(a), (h), (i), (j), (k), 12945.2, and 12945.7.

18 92. All the complaints mentioned above were made by Plaintiff to the County/CCCSD,  
19 a law enforcement agency within the meaning of California Labor Code section 1102.5, and  
20 Plaintiff had reasonable cause to believe that the allegations disclosed violations of state or federal  
21 statutes, or state or federal rules and regulations, as identified herein.

22 93. Defendants, and each of them, retaliated against Plaintiff for disclosing information  
23 to the County/CCCSD and/or for being perceived as being someone who did or may disclose such  
24 information, which the Plaintiff had reasonable cause to believe disclosed violations of state or  
25 federal statutes, or violations or noncompliance with state or federal rules or regulations, as  
26 identified herein. Plaintiff disclosed and/or was regarded as one who possessed information who  
27 may have disclosed and/or may disclose information pertaining to unlawful use/misuse of the  
28 CLETS database/system, and/or other similar confidential/privacy protected information/systems,

1 or related law, including but not limited to the confidential/privacy protected databases/systems.

2 94. As a direct, foreseeable and proximate result of reporting such misconduct and  
3 reporting/testifying honestly about such misconduct, Plaintiff was subject to adverse employment  
4 actions including but not limited to: unwarranted reprimands and/or counseling sessions; exclusion  
5 from opportunities for career advancement; unwarranted public scrutiny/comparison to peers;  
6 damages to reputation affecting Plaintiff's ability to promote; interference with Plaintiff's ability to  
7 do her job; loss of overtime; and failure to timely investigate and improper withholding of benefits  
8 to which Plaintiff was entitled; and other adverse employment actions were taken against Plaintiff  
9 on a continuing, regular, frequent, ongoing basis.

10 95. A motivating factor for the Defendants to engage in the foregoing adverse  
11 employment actions against Plaintiff was to retaliate for Plaintiff's engaging in protected activities  
12 of disclosing information to the County/CCCSO and/or for being perceived as being someone who  
13 did or may disclose such information, which the Plaintiff had reasonable cause to believe disclosed  
14 violations of state or federal statutes, or violations or noncompliance with state or federal rules or  
15 regulations, including but not limited to, unlawful use/misuse of the CLETS database/system,  
16 and/or other similar confidential/privacy protected information/systems, or related law, including  
17 but not limited to the confidential/privacy protected databases/systems, Government Code  
18 sections, 12940(a), (h), (i), (j), (k), 12945.2, and 12945.7.

19 96. Defendants, and each of them, allowed, permitted, condoned, ratified, and/or  
20 enabled the retaliation and/or other wrongful conduct as described herein.

21 97. As a legal result of the above-described conduct of Defendants, and each of them,  
22 Plaintiff has sustained and will continue to sustain physical, mental, and emotional injuries, pain,  
23 distress, suffering, anguish, fright, nervousness, grief, anxiety, worry, shame, mortification, injured  
24 feelings, mental suffering, shock, humiliation, and indignity, as well as other unpleasant physical,  
25 mental, and emotional reactions, damages to good name, reputation, standing in the community,  
26 and other non-economic damages.

27 98. As a further legal result of the above-described conduct of Defendants, and each of  
28 them, Plaintiff was required, and/or in the future may be required, to engage the services of health

1 care providers, and incurred expenses for medicines, health care appliances, modalities, and/or  
2 other related expenses in a sum to be ascertained according to proof.

3 99. As a further legal result of the above-described conduct of Defendants, and each of  
4 them, Plaintiff was and/or will be hindered, prevented, and/or precluded from performing  
5 Plaintiff's usual activities, namely the position of full-time sworn officer employed by the  
6 County/CCCSO, causing Plaintiff to sustain damages for loss of income, wages, earning, and  
7 earning capacity, and other economic damages, in an amount to be ascertained according to proof.  
8 Plaintiff claims such amount as damages together with prejudgment interest pursuant to California  
9 Civil Code section 3287 and/or any other provision of law providing for prejudgment interest.

10 100. As a further legal result of the above-described conduct of Defendants, and each of  
11 them, Plaintiff suffered incidental, consequential, and/or special damages, in an amount according  
12 to proof.

13 101. As a further legal result of the above-described conduct of Defendants, and each of  
14 them, Plaintiff has and will continue to incur attorneys' fees and costs in an amount according to  
15 proof.

16 **SIXTH CAUSE OF ACTION**

17 **PLAINTIFF AGAINST ALL DEFENDANTS AND DOES 1 THROUGH 50,**  
18 **INCLUSIVE, FOR INJUNCTIVE RELIEF**

19 CAL. GOV. CODE §§12940(A), (J)(K)(H), AND 12965(D)), LABOR CODE §§1102.61 AND 1102.62  
20 AND CALIFORNIA PUBLIC POLICY

21 102. Plaintiff re-alleges and incorporates by reference each and every allegation  
22 contained in paragraphs 1 through 101 of this complaint as though fully set forth herein again.

23 103. The acts and omissions of the Defendants, and each of them, have caused  
24 irreparable harm to Plaintiff, and the general public, and will continue to cause irreparable harm to  
25 current Plaintiff, and the general public, unless the complained of conduct is enjoined. There is no  
26 immediate, adequate, or speedy remedy at law to redress the continuing unlawful harassing,  
27 discriminatory and/or retaliatory policies and practices of Defendants, and, therefore, Plaintiff  
28 seeks affirmative and injunctive relief as follows:

1           104. The Fair Employment and Housing Act (“FEHA”), Government Code section  
2 12920 declares: “[i]t is the purpose of this part to provide effective remedies that will eliminate...  
3 discriminatory practices.” Section 12920.5 provides: “[i]n order to eliminate discrimination, it is  
4 necessary to provide effective remedies that will both prevent and deter unlawful employment  
5 practices and redress the adverse effects of those practices on aggrieved persons.” (*Id.*) FEHA  
6 therefore permits workers to seek injunctive relief for the benefit of the public at large, against an  
7 employer who has discriminated against them. By law, this right to injunctive relief is a non-  
8 waivable statutory right. Specifically, Government Code section 12965(d) states in relevant part  
9 that a “...court may grant as relief in any action filed pursuant to subdivision (a) any relief a court  
10 is empowered to grant in a civil action brought pursuant to subdivision (c), in addition to any other  
11 relief that, in the judgment of the court, will effectuate the purpose of this part. This relief may  
12 include a requirement that the employer conduct training for all employees, supervisors, and  
13 management on the requirements of this part, the rights, and remedies of those who allege a  
14 violation of this part, and the employer's internal grievance procedures....” (*Id.*; see also, e.g.,  
15 *Harris v. City of Santa Monica* (2013) 56 Cal.4th 203 [recognizing “FEHA's express purpose of  
16 not only redressing but also preventing and deterring unlawful discrimination in the workplace,”  
17 permits an employee-plaintiff, to obtain, “where appropriate, declaratory relief or injunctive relief  
18 to stop discriminatory practices,” and additionally, reasonable attorney's fees and costs,” even  
19 when employer succeeds on a mixed motive defense].)

20           105. Likewise, the Whistleblower Protection Act permits workers to seek injunctive  
21 relief for the benefit of the public at large, against an employer who has discriminated against them  
22 Labor Code section 1102.61 provides that in any civil action or administrative proceeding brought  
23 pursuant to section 1102.5, an employee may petition the superior court in any county wherein the  
24 violation in question is alleged to have occurred, or wherein the person resides or transacts  
25 business, for appropriate temporary or preliminary injunctive relief as set forth in Section 1102.62.  
26 Labor Code section 1102.62 provides in pertinent part that upon the filing of the petition for  
27 injunctive relief, the petitioner shall cause notice thereof to be served upon the person, and  
28 thereupon the court shall have jurisdiction to grant such temporary injunctive relief as the court

1 deems just and proper, and further that in addition to any harm resulting directly from the violation  
2 of Section 1102.5, the court shall consider the chilling effect on other employees asserting their  
3 rights under that section in determining whether temporary injunctive relief is just and proper.  
4 Additionally, the statute provides that appropriate injunctive relief shall be issued on a showing  
5 that reasonable cause exists to believe a violation has occurred.

6 106. Because reasonable cause exists to believe one or more violations of FEHA and/or  
7 the Labor Code section 1102.5 has occurred, Plaintiff hereby requests and petitions the Court:

- 8 A. for an injunction restraining Defendants, along with all their supervising  
9 employees, agents and all those subject to their control or acting in concert with  
10 them from continuing, creating, and/or maintaining any policy, practice, custom  
11 or usage which constitutes an unlawful violation of and/or Fair Employment and  
12 Housing Act (FEHA) and/or use/misuse of the CLETS database/system, and/or  
13 other similar confidential/privacy protected information/systems, or related law,  
14 including but not limited to the confidential/privacy protected databases/systems,  
15 described herein;
- 16 B. for an injunction restraining Defendants, along with all their supervising  
17 employees, agents and all those subject to their control or acting in concert with  
18 them from continuing, creating, and/or maintaining any policy, practice, custom  
19 or usage which constitutes retaliation for opposing and/or complaining of  
20 unlawful employment practices under FEHA and/or use/misuse of the CLETS  
21 database/system, and/or other similar confidential/privacy protected  
22 information/systems, or related law, including but not limited to the  
23 confidential/privacy protected databases/systems, described herein, and/or that  
24 constitutes retaliation for opposing and/or complaining of perceived violations of  
25 the Fair Employment and Housing Act (FEHA) as complained of herein;
- 26 C. for affirmative relief requiring Defendants to provide training to all command  
27 staff and employees/agents about the unlawful and harmful nature of continuing,  
28 creating, and/or maintaining any policy, practice, custom or usage which

1 constitutes an unlawful violation of FEHA and/or use/misuse of the CLETS  
2 database/system, and/or other similar confidential/privacy protected  
3 information/systems, or related law, including but not limited to the  
4 confidential/privacy protected databases/systems, described herein;

5 D. for affirmative relief requiring Defendants to notify all employees and  
6 supervisors, through individual letters and permanent postings in prominent  
7 locations in all offices that retaliation violates the FEHA and/or Labor Code, and  
8 as to the consequences of violation of such laws and policies;

9 E. for affirmative relief requiring Defendants to develop clear and effective policies  
10 and procedures for employees complaining of retaliation or violations of FEHA  
11 and/or Labor Code so they may have their complaints promptly and thoroughly  
12 investigated (by a neutral fact finder) and informal as well as formal processes  
13 for hearing, adjudication, and appeal of the complaints;

14 F. for affirmative relief requiring Defendants to develop appropriate sanctions or  
15 disciplinary measures for supervisors or other employees who are found to have  
16 continued, created, and/or maintained any policy, practice, custom or usage  
17 which constitutes an unlawful violation of FEHA and/or use/misuse of the  
18 CLETS database/system, and/or other similar confidential/privacy protected  
19 information/systems, or related law, including but not limited to the  
20 confidential/privacy protected databases/systems, described herein, including  
21 warnings to the offending person and notations in that person's employment  
22 record for reference in the event future complaints are directed against that  
23 person, and dismissal where other measures fail;

24 G. for affirmative relief requiring Defendants to develop appropriate sanctions or  
25 disciplinary measures for supervisors or other employees who are found to have  
26 retaliated against persons for opposing and/or complaining of unlawful violations  
27 of FEHA and/or use/misuse of the CLETS database/system, and/or other similar  
28 confidential/privacy protected information/systems, or related law, including but

1 not limited to the confidential/privacy protected databases/systems, described  
2 herein; and

3 H. Any other injunctive relief the Court deems is reasonable and fair in the interest  
4 of justice under the circumstance of this case.

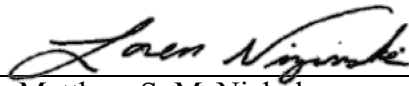
5 **PRAYER**

6 WHEREFORE, Plaintiff seeks judgment against Defendants, and each of them, as follows:

- 7 1. Physical, mental, and emotional injuries, pain, distress, suffering, anguish, fright,  
8 nervousness, grief, anxiety, worry, shame, mortification, injured feelings, shock, humiliation, and  
9 indignity, as well as other unpleasant physical, mental, and emotional reactions, damages to  
10 reputation, and other non-economic damages, in a sum to be ascertained according to proof;
- 11 2. Healthcare, services, supplies, medicines, and other related expenses in a sum to be  
12 ascertained according to proof;
- 13 3. Loss of wages, income, earnings, earning capacity, support, benefits, and other  
14 economic damages in a sum to be ascertained according to proof;
- 15 4. Other actual, consequential, and/or incidental damages in a sum to be ascertained  
16 according to proof;
- 17 5. Attorney fees and costs of suit pursuant to statute/law, prejudgment, and post  
18 judgment interest until paid;
- 19 6. Costs of suit herein incurred, including but not limited to expert witness fees and  
20 case costs;
- 21 7. Injunctive relief, and such other and further relief as the Court may deem just and  
22 proper.

23  
24 Dated: October 11, 2023

McNICHOLAS & McNICHOLAS, LLP

25  
26 By:   
27 Matthew S. McNicholas  
Jason L. Oliver, Of Counsel  
Loren Nizinski  
28 Attorneys for Plaintiff,  
CAROLINE RAMOS



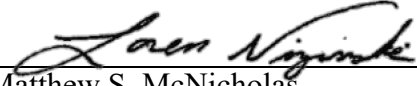
**DEMAND FOR JURY TRIAL**

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

Plaintiff hereby demands a trial by jury.

Dated: October 11, 2023

McNICHOLAS & McNICHOLAS, LLP

By:   
Matthew S. McNicholas  
Jason L. Oliver, Of Counsel  
Loren Nizinski  
Attorneys for Plaintiff,  
CAROLINE RAMOS