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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF ORANGE**

12 TAMI PISCOTTY,

13 Plaintiff,

14 vs.

15 CITY OF WESTMINSTER; and DOES 1
16 through 25, inclusive,

17 Defendants.

) **CASE NO:** 30-2017-00928086-CU-OE-CJC

) Judge Gregory H. Lewis

) **COMPLAINT FOR DAMAGES:**

) **1. RETALIATION FOR**
) **WHISTLEBLOWER ACTIVITIES**

) **2. GENDER DISCRIMINATION IN**
) **VIOLATION OF GOV. CODE**
) **§12940(a)**

) **3. AGE DISCRIMINATION IN**
) **VIOLATION OF GOV. CODE**
) **§12940(a)**

) **4. FAILURE TO INVESTIGATE AND**
) **PREVENT DISCRIMINATION IN**
) **VIOLATION OF THE FEHA**

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21 Plaintiff, TAMI PISCOTTY, brings this action against Defendant, CITY OF
22 WESTMINSTER, and herein alleges the following:

23 **PRELIMINARY ALLEGATIONS**

24 1. Plaintiff, TAMI PISCOTTY (hereafter referred to as "Plaintiff") is now and at all
25 material times mentioned in this complaint a resident of Orange County, California.

26 2. Defendant CITY OF WESTMINSTER (hereafter referred to as "Defendant") is a
27 municipality organized and existing within the State of California, County of Orange and
28 operates through a mayor and city council for the actions it takes.

1 13. Simmons was unqualified for work in the City Manager's office when he was hired
2 by Defendant. Simmons had previously worked as a salesman of automotive technician tuition
3 programs. Simmons had no previous experience in municipal government.

4 14. Chet Simmons is a male under the age of 40.

5 15. Instead of hiring Simmons as an unpaid intern, Defendant hired Simmons as a paid
6 part-time intern.

7 16. Shortly thereafter, City Manager Silver decided that Simmons should receive a full-
8 time position as an Economic Development Specialist. This was after Plaintiff recommended
9 that a more experienced female employee (over the age of 40) should be appointed as the
10 Economic Development Specialist.

11 17. Once Simmons was appointed, Plaintiff served as his supervisor.

12 18. Being mindful of the City of Westminster's budget and current economic condition,
13 Plaintiff informed Simmons that his full-time position would become effective after he returned
14 from his three-week Italian vacation. Silver overruled this decision and personally arranged for
15 Simmons to immediately be hired and paid while on vacation.

16 19. Simmons was also appointed to the "B" step level as an employee rather than the
17 customary "A" step level.

18 20. Once Simmons was appointed as the Economic Development Specialist, City
19 Manager Silver handed over many of Plaintiff's duties to Simmons.

20 21. At the same time, many of Plaintiff's projects were taken away from her and given
21 to Simmons. Silver transferred these projects and falsely told Plaintiff that her projects were
22 being transferred because Mayor Margie Rice liked Simmons more than Plaintiff.

23 22. City Manager Ray Silver made up many rumors about Plaintiff in his efforts to
24 ridicule and ostracize the Plaintiff. This included telling Mayor Margie Rice Plaintiff was on
25 drugs.

26 23. Due to the stress of seeing her job duties diminished and given to an employee 20
27 years younger than her and after constant berating by City Manager Silver, Plaintiff was forced
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1 out of her position as Assistant to the City Manager and transferred to the off-site offices of the
2 Housing Division.

3 24. With no experience in affordable housing, the position of Housing Coordinator was
4 written and Plaintiff was reclassified to Housing Coordinator.

5 25. This methodical forcing out of Plaintiff from her position as Assistant to the City
6 Manager was further carried out by the City of Westminster's Human Resources Department,
7 which completed the Personnel Transaction Notice that transferred Plaintiff out of her position as
8 Assistant to the City Manager.

9 26. Despite the fact Plaintiff worked for the City of Westminster for four years, and
10 leaving city hall to escape Silver, Silver informed the Personnel Division to place Plaintiff on a
11 six-month probationary period despite her tenure with the city.

12 27. Soon after being forced out of her position as Assistant to the City Manager,
13 Simmons took over all of Plaintiff's former assignments.

14 28. Despite being forced out, Silver refused to allow Plaintiff to retain her Manager title
15 and instead demoted her to a coordinator position, a title completely unheard of within the City
16 of Westminster.

17 29. Plaintiff now found herself placed in a demoted position for no reason other than to
18 prevent her from being able to return to the City Manager's Office career tract, so that a younger
19 employee could take her place.

20 30. In 2009, Plaintiff disclosed to various officials within the City of Westminster that
21 an impending transaction could be a violation of Government Code § 1090.

22 31. After Plaintiff reported the potential violation of Government Code § 1090, new
23 City Manager Don Lamm said Plaintiff should be fired for interfering or protesting.

24 32. In lieu of firing Plaintiff, Doug McIsaac suggested to Lamm and Silver that
25 Plaintiff's probation be extended.

26 33. Then, in 2010 Plaintiff uncovered embezzlement in the Grants and Housing
27 Division and was instrumental in assisting the City recover over \$250,000 in lost funds with
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1 limited negative media scrutiny for the City of Westminster due to internal financial control
2 lapses.

3 34. Plaintiff reported the embezzlement to Captain Mitch Waller, and ultimately the
4 involved employee was terminated and Plaintiff given all of that employee's job duties, which
5 were CDBG and HOME grants, despite still being classified and compensated only as Housing
6 Coordinator.

7 35. In 2011, Plaintiff was informed by Mayor Margie Rice that former City Manager
8 Ray Silver told Rice that Plaintiff "was on drugs, and that [Plaintiff] needed a pill every day to
9 be at work."

10 36. Immediately after being informed of Silver's comments, Plaintiff immediately
11 contacted City Manager Mitch Waller, to which he responded, "Yes, he heard that from Rice."
12 Plaintiff was greatly hurt by this news and immediately denied the veracity of Silver's statement.

13 37. Plaintiff requested an investigation as to why this was said about her.

14 38. Despite Plaintiff's request for an investigation, no investigation ever took place.

15 39. While Plaintiff off-site at the City Hall at the Mall serving in the demoted position
16 of Housing Coordinator, Chet Simmons, who previously took over many of Plaintiff's
17 responsibilities, was promoted to the Assistant to the City Manager position. This promotion
18 was done with no recruitment for the position.

19 40. Plaintiff was not given the opportunity to pursue her previous job position despite
20 her experience.

21 41. Additionally, to accommodate Simmons, the job classification for the Assistant to
22 the City Manager position was revised from 10 years of municipal experience to 3 years'
23 experience. This allowed Simmons to qualify for a job he was otherwise unqualified to apply for
24 and hold.

25 42. When Plaintiff later sought to attain the position of Administrative Services
26 Director, Plaintiff's interview was sabotaged as a question was posed by one of the Panel
27 members, "what are you going to do about your difficult working relationship with the City
28 Clerk Robin Roberts."

1 43. Despite this sabotaging question and Defendant personally informing the City
2 Manager of the sabotage, no investigation took place regarding this question as it was designed
3 to derail Plaintiff's interview to disqualify her. No one else was asked this question.

4 44. Ultimately, the Administrative Services Director job was given to a male 15 years
5 younger than Plaintiff, with no Personnel experience and limited high level finance experience;
6 both which were requirements of the job and both of which Plaintiff had significant experience.
7 The background check on the younger male applicant ultimately selected is reported to have
8 indicated these deficiencies, yet, City Manager Eddie Manfro selected the younger male, who
9 was terminated only 18 months later for personnel and finance errors, as opposed to a more
10 qualified woman over the age of 40.

11 45. Additionally, in Plaintiff's 12 years of Westminster employment, despite numerous
12 requests, Plaintiff received only three performance evaluations.

13 46. To the present day, Plaintiff has stress for the lack of support within the City of
14 Westminster for the retaliation she suffered. Plaintiff continues to suffer from a fear that existing
15 councilmembers will be told lies about what had occurred in past years regarding the
16 Government Code § 1090 violations that Plaintiff reported and how she was kept off-site to be
17 kept quiet.

18 47. Since being reassigned to the downgraded position of Housing Coordinator,
19 Plaintiff has submitted over 10 applications for employment elsewhere. However, the Housing
20 Coordinator title has prevented Plaintiff from being interviewed because of the downgraded
21 position is not considered management, which was her prior position.

22 48. Despite being given all the CDBG and HOME Grants duties in 2010 due to another
23 employee being terminated and Plaintiff repeatedly requesting both verbally and in writing, a job
24 reclassification from 2012 to 2017, to reflect Plaintiff's accurate job description of Grants and
25 Housing Manager, due to age and gender discrimination, Plaintiff was never reclassified or
26 compensated for her additional responsibilities of working two jobs. A review of Plaintiff's job
27 description of Housing Coordinator, along with the terminated employee's job description of
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1 Housing Supervisor, will demonstrate that Plaintiff is completely and solely handling all the
2 tasks in both job descriptions.

3 49. This phasing-out of an employee to benefit the career of Chet Simmons was also
4 attempted on May 14, 2014, when an agenda item appeared suddenly before the Council to place
5 the Planning's function under Simmons. Then, as is now, Simmons had absolutely no Planning
6 background or experience, but the Planning Manager was 60 years old.

7 50. Currently, Plaintiff is once again being phased out of her position. Chet Simmons
8 is currently taking over housing tasks to try and eliminate Plaintiff from performing her job and
9 to force her out. This includes meeting secretly with affordable housing developers to
10 undermine Plaintiff's role in managing affordable housing projects and budgets, and secretly
11 designing then seeking approval to contract-out homeless prevention services which had been
12 provided by the Housing Division to a company at three times the monthly cost of the successful
13 program.

14 51. In May 2016, Councilmember Margie Rice publicly stated at a Council Meeting
15 that she had submitted a list of budget reductions one of which was to ask why Plaintiff should
16 continue to be employed. This has caused Plaintiff exacerbated fear for her job, as it will bring
17 up all her prior unresolved matters.

18 52. Because of Plaintiff's fear from Rice's comments, Plaintiff had a meeting on June
19 1, 2016, with Mike Harary and Cyndie Marshall where she related to them that she was fearful
20 that the City Council would see Plaintiff's name and position as expendable and considering
21 Plaintiff's whistleblowing of illegal conduct as set forth herein and would be terminated. During
22 this meeting Plaintiff expressed her concerns about illegal actions of the City of Westminster's
23 management.

24 53. Since Plaintiff's June 1, 2016, her work duties have begun to be taken away from
25 Plaintiff and various false statements have been made about her work performance.

26 54. Showing how Plaintiff's duties were being phased out, Simmons publicly stated in a
27 meeting that the City of Westminster does not operate a Homeless Prevention Program even
28 though Plaintiff had been personally managing this program for the past 18 months.

1 55. Plaintiff has also recently had two housing projects removed from her personal
2 control and given to Simmons. Plaintiff has indicated her concern that various developers are
3 making campaign contributions more than that allowed by the City's Personnel Manual.

4 56. Additionally, the major Jamboree Housing property has been systematically
5 removed from her purview. Even though Plaintiff was told the project was not financially
6 viable, Simmons took over her job in discussions to continue the project and to her exclusion.

7 57. Presently, Plaintiff is treated as an albatross for bringing many of Defendant's
8 illegal actions forward by management personnel including council members and the city
9 manager.

10 58. Recently, Plaintiff reported a violation of Elections Code Section § 18205 after she
11 learned that two councilmembers met with another councilmember to encourage that person to
12 not run for elected office in November 2016, in the presence of another city employee at a
13 restaurant in Huntington Beach. Plaintiff has been interviewed by two government intelligence
14 agencies because of this report and numerous city employees are aware of plaintiff reporting this
15 illegal activity, where it occurred, and who was involved.

16 59. Since reporting these illegal actions, Plaintiff has endured retaliation in the form of
17 removal of job duties, as Defendant's have repeatedly retaliated against her in the past, as the
18 elected officials which she complained about to the District Attorney/FBI, are still with the City
19 and her job duties are still being removed from her. The City indicated it would perform a
20 personnel investigation but any personnel investigation is already pre-determined and designed
21 to sweep her claims away without the City acknowledging any of the issues raised. Any
22 investigation that is or may be done will be done in a negligent fashion and designed to prevent
23 the truth from being reached. Thus, any investigation is a sham.

24 60. Plaintiff contends the city manager is failing to disclose issues to the Mayor and
25 City Council, so as to further protect himself from Plaintiff's submission of facts, which will
26 shed negative light on his sabotage of her interview and his mistreatment of Plaintiff after her
27 repeated requests for reclassification and compensation consideration beginning in 2010 when
28 Manfro served as the Human Resources Director.

1 61. Officials including Simmons within the City of Westminster are continuing to
2 strip duties away from Plaintiff resulting in constructive demotion and altering the conditions of
3 employment since the whistleblowing. In November 2016, the City Manager asked Plaintiff to
4 research and analyze Homeless Prevention service providers to determine if improvements could
5 be made to the Homeless Prevention and Rapid Rehousing Program which Plaintiff had
6 personally designed, received Council approval for in September 2014 and has been
7 implementing since January 2015. In response, along with other City Staff, Plaintiff met with
8 homeless service provider City Net on December 14, 2016, and was exchanging information
9 with the company about their service package. Ms. Piscotty had been briefing her supervisor and
10 the city manager regularly about the status of the CityNet service review, which was occurring
11 along with the Homeless Liaison Police Officer.

12 62. Because of Ms. Piscotty's whistleblowing activities, and consistent with Chet
13 Simmons announcing in June 2016 that Plaintiff did not operate a Homeless Prevention Program,
14 Simmons and a Councilmember met privately with CityNet to undermine Plaintiff's efforts to
15 evaluate the company for future Council consideration. Further, Chet Simmons appears to have
16 directly negotiated a contract with CityNet which suddenly appeared on a Council Agenda on
17 February 8, 2016. Plaintiff's Complaint for Damages details several situations where she is
18 being ostracized by Simmons and now it appears that a councilmember who is concerned about
19 the personal affiliation with the whistleblowing incident is also taking sides against Plaintiff.
20 Simmons wrote a staff report and contract for a new homeless service provider, CityNet, for the
21 February 22, 2017 Council Agenda with absolutely no input from Plaintiff. Had input from
22 Plaintiff been solicited, the glaring mistake that federal HOME funds would pay for the service
23 would not have been included in the Staff Report.

24 63. Plaintiff alleges that the City and its residents would be better served by having
25 some input by the employees who operate the program daily. In fact, the newest councilmember
26 requested a subsequent report when the February 8th agenda item was presented by Simmons on
27 what the current operation is. Simmons arranged for a meeting on February 15th with Plaintiff
28 and two members of the Police Department and CityNet, and failed to notify Plaintiff that two

1 councilmembers would be present at that February 15th meeting. This arrangement was made to
2 embarrass Plaintiff in front of the two councilmembers as she was completely unprepared to
3 present what the current Homeless Prevention Program is about. Now that the contract with
4 CityNet has been approved at a cost of three times the previous program with less services,
5 Plaintiff was contacted by CityNet to begin implementation and is concerned that she is being
6 set-up to fail as she is not familiar with the terms of the contract.

7 64. As in the case of former employee, Robin Roberts' retaliation for whistleblowing,
8 duties are being removed from Ms. Piscotty resulting in constructive demotion. Ms. Piscotty has
9 taken on the responsibilities of two full jobs while not being compensated appropriately despite
10 her saving the City from embarrassment and financial losses due to the 2010 Rehab Financial
11 embezzlement. Chet Simmons is listed as the contact person for the Homeless Service Provider
12 City Net's Agreement entered on February 22, 2017; therefore, like the housing projects removed
13 from Plaintiff's purview, Simmons is taking over additional job duties in the overall aim to
14 demote Plaintiff due to her complaints made against him. Manfro now bypasses Plaintiff on
15 Homeless Programs.

16 65. Despite the stress that Plaintiff is under since she initially approached the Human
17 Resources Manager with her concerns in June 2016, nine months later. The HR director acts
18 with the direction of Manfro and the City Council who are hesitant to provide relief to Plaintiff
19 since she has complained about illegal activity and the inaction is designed to punish her for
20 speaking out. Manfro has recently inquired about Plaintiff's work hours without any basis for
21 the inquiry and this is something that he does not ask of others. Plaintiff is singled out by
22 management for her speaking out.

23 ADMINISTRATIVE REMEDIES

24 66. Plaintiff Tami Piscotty re-alleges and incorporates by reference herein all of the
25 allegations in paragraphs 1 through 65, inclusive of this complaint.

26 67. On September 1, 2016, as a condition for bringing this lawsuit, Plaintiff filed a
27 complaint with the Department of Fair Employment and Housing and a Governmental Tort
28 Claim with the City of Westminster on August 16, 2016.

1 68. On September 1, 2016, a Right to Sue letter was issued to the Plaintiff by the
2 Department of Fair Employment and Housing and the tort claim was never responded to by the
3 City of Westminster and denied by operation of law.

4 69. On April 19, 2017, an amended FEHA Claim setting forth additional facts herein
5 was filed and a right to sue was issued on April 19, 2017.

6 **FIRST CAUSE OF ACTION**
7 **RETALIATION FOR WHISTLEBLOWING ACTIVITIES IN**
8 **VIOLATION OF LABOR CODE § 1102.5**

9 70. Plaintiff Tami Piscotty re-alleges and incorporates by reference herein all the
10 allegations in paragraphs 1 through 69, inclusive of this complaint.

11 71. Plaintiff, since 2009 and on a continuing basis, has repeatedly reported illegal and
12 noncompliant activities that were taking place within the City of Westminster. These reports of
13 illegal and noncompliant activity have been made both internally and externally to outside
14 government agencies.

15 72. Plaintiff has also refused to engage in illegal and noncompliant activity even though
16 performing these illegal activities was the status quo of many officials within the City of
17 Westminster.

18 73. Officials within the City of Westminster, including Simmons, Manfro and members
19 of the city council have retaliated against Plaintiff by stripping duties away from her, and
20 constructively demoting her. Manfro as City Manager has allowed this to occur as he has been
21 directed and Manfro was directly responsible for feeding an additional question into Plaintiff's
22 oral board interview for Administrative Services Director to sabotage Plaintiff's interview and
23 her opportunity to promote. Manfro should recuse himself from any handling of Plaintiff's case.

24 74. As a direct and proximate result of the discrimination set forth above, Plaintiff
25 suffered and is continuing to suffer, damages for past and future economic losses, lost wages,
26 lost income, and prejudgment interest in an amount to be shown according to proof at the time of
27 trial. Plaintiff claims such amounts as damages pursuant to California Civil Code §§ 3287 and
28 3288 and many other provisions providing for prejudgment interest.

1 75. As a direct and proximate result of Defendant's discriminatory acts, Plaintiff has
2 suffered and continues to suffer from extreme anxiety, panic attacks, humiliation,
3 embarrassment, emotional distress, discomfort, and the manifestation of physical symptoms, all
4 which will be shown per proof at the time of trial.

5 76. Plaintiff requests attorney's fees pursuant to California Code of Civil Procedure §
6 1021.5, because this action seeks to enforce an important right affecting the public interest which
7 concerns systematic illegality of actions of City officials.

8 SECOND CAUSE OF ACTION

9 **GENDER DISCRIMINATION IN VIOLATION OF GOV. CODE § 12940(a)**

10 77. Plaintiff Tami Piscotty re-alleges and incorporates by reference herein, all of the
11 allegations in paragraphs 1 through 76, inclusive of this complaint.

12 78. Defendant City of Westminster is an employer pursuant to Gov. Code § 12926(d)
13 because it regularly employs five or more persons.

14 79. At all relevant times, Plaintiff was employed with City of Westminster, and thus
15 qualifies as an employee pursuant to Gov. Code § 12926(c).

16 80. Gov. Code § 12940(a) protects against discrimination by an employer based on
17 gender or sex.

18 81. Plaintiff has been retaliated against, stripped of duties, and eventually
19 constructively demoted because of her gender and sex as a female woman.

20 82. Male employees with the City of Westminster are not subjected to the same
21 discriminatory conditions and retaliation as Plaintiff.

22 83. Defendant City of Westminster's conduct as alleged in this complaint constitutes an
23 unlawful employment practice in violation of Gov. Code § 12940(a).

24 84. As a direct and proximate cause of the discrimination as set forth above, Plaintiff
25 suffered and is continuing to suffer, damages for past and future economic losses, lost wages,
26 lost income, and prejudgment interest in an amount to be shown according to proof at the time
27 of trial. Plaintiff claims such amounts as damages pursuant to California Civil Codes §§ 3287
28 and 3288 and any other provision providing for prejudgment interest.

1 85. As a direct and proximate result of City of Westminster's discriminatory acts,
2 Plaintiff has suffered and continues to suffer from extreme anxiety, panic attacks, humiliation,
3 embarrassment, emotional distress, discomfort, and the manifestation of physical symptoms, all
4 in which will be shown according to proof at the time of trial.

5 86. Government Code § 12965(b) provides that a private plaintiff prevailing in an
6 action brought under the FEHA may be awarded her attorney's fees incurred in bringing and
7 prosecuting this action. In such regards, Plaintiff has incurred and will continue to incur
8 attorney's fees in the filing, prosecution, and maintenance of this action, as well as other
9 litigation expenses and court costs. The exact amount of such attorney's fees, costs, and
10 expenses is not presently known, but will be shown according to proof at the time of trial.

11 **THIRD CAUSE OF ACTION**

12 **AGE DISCRIMINATION IN VIOLATION OF GOV. CODE § 12940(a)**

13 87. Plaintiff Tami Piscotty re-alleges and incorporates by reference herein, all of the
14 allegations in paragraphs 1 through 86, inclusive of this complaint.

15 88. Defendant City of Westminster is an employer pursuant to Gov. Code § 12926(d)
16 because it regularly employs five or more persons.

17 89. At all relevant times, Plaintiff was employed with City of Westminster, and thus
18 qualifies as an employee pursuant to Gov. Code § 12926(c).

19 90. Gov. Code § 12940(a) protects against discrimination by an employer based on age.

20 91. Plaintiff at all relevant time is a female over the age of 40.

21 92. Plaintiff has been systematically ostracized, phased out, and wholly discriminated
22 against because of her being a woman over the age of 40.

23 93. Defendant City of Westminster has phased Plaintiff out of her job duties in favor of
24 male employees under the age of 40.

25 94. Defendant City of Westminster's conduct as alleged in this complaint constitutes an
26 unlawful employment practice in violation of Gov. Code § 12940(a).

27 95. As a direct and proximate cause of the discrimination as set forth above, Plaintiff
28 suffered and is continuing to suffer, damages for past and future economic losses, lost wages,

1 lost income, and prejudgment interest in an amount to be shown according to proof at the time of
2 trial. Plaintiff claims such amounts as damages pursuant to California Civil Codes §§ 3287 and
3 3288 and any other provision providing for prejudgment interest.

4 96. As a direct and proximate result of City of Westminster's discriminatory acts,
5 Plaintiff has suffered and continues to suffer from extreme anxiety, panic attacks, humiliation,
6 embarrassment, emotional distress, discomfort, and the manifestation of physical symptoms, all
7 in which will be shown according to proof at the time of trial.

8 97. Government Code § 12965(b) provides that a private plaintiff prevailing in an
9 action brought under the FEHA may be awarded her attorney's fees incurred in bringing and
10 prosecuting this action. In such regards, Plaintiff has incurred and will continue to incur
11 attorney's fees in the filing, prosecution, and maintenance of this action, as well as other
12 litigation expenses and court costs. The exact amount of such attorney's fees, costs, and
13 expenses is not presently known, but will be shown according to proof at the time of trial.

14 **FOURTH CAUSE OF ACTION**

15 **FAILURE TO INVESTIGATE AND PREVENT DISCRIMINATION**

16 **IN VIOLATION OF THE FEHA**

17 98. Plaintiff Tami Piscotty re-alleges and incorporates by reference herein all of the
18 allegations in paragraph 1 through 97, inclusive of this complaint.

19 99. Defendant City of Westminster is an employer pursuant to Gov. Code § 12926(d)
20 because it regularly employs five or more persons.

21 100. At all relevant times Plaintiff has been employed with City of Westminster, and
22 thus qualifies as an employee pursuant to Gov. Code § 12926(c).

23 101. Plaintiff was subject to discrimination in violation of Gov. Code § 12940(a).

24 102. Despite Plaintiff's complaints about the discrimination she has been suffering from,
25 Defendant failed to take corrective action or even investigate Plaintiff's complaints which have
26 been known to the City Council members, mayor, city attorney, city manager and others.
27 Defendant further refused to take steps to prevent the discrimination from occurring and any
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1 investigation performed has been done to delay or to sweep issues under the rug for the City.
2 Any investigation done to date has not been fair or unbiased.

3 103. Defendant aided, abetted, incited, compelled and coerced the discrimination.
4 Rather than investigating the discrimination, Defendant compounded the problem by ratifying
5 the discriminatory conduct by its employees despite Plaintiff's pleas for assistance.

6 104. The failure to take reasonable steps to prevent the discrimination against Plaintiff
7 was a substantial factor in Plaintiff's severe emotional distress and embarrassment.

8 105. As a direct and proximate result of the foregoing, Defendant City of Westminster
9 failed to take all reasonable steps necessary to prevent discrimination from occurring in violation
10 of the FEHA.

11 106. As a direct and proximate cause of the harassment as set forth above, Plaintiff
12 suffered, and is continuing to suffer damages for, among other things, past and future economic
13 losses, lost wages, lost income to be shown according to proof together with prejudgment
14 interest, all in an amount as yet ascertained, but to be shown according to proof at the time of
15 trial.

16 107. As a direct and proximate result of the wrongful acts of Defendant City of
17 Westminster, Plaintiff has suffered and continues to suffer emotional distress, humiliation,
18 mental anguish, and embarrassment, as well as the manifestation of physical symptoms. Plaintiff
19 is informed and believes, and thereupon alleges, that she will continue to experience said
20 physical and emotional suffering for a period in the future not presently ascertainable, all in an
21 amount subject to proof at the time of trial.

22 108. Government Code § 12965(b) provides that a private plaintiff prevailing in an
23 action brought under the Fair Employment and Housing Act (FEHA) may be awarded her
24 attorney's fees incurred in bringing and prosecuting this action. In such regard, Plaintiff has
25 incurred and will continue to incur attorney's fees in the filing, prosecution, and maintenance of
26 this action, as well as other litigation expenses and court costs. The exact amount of such
27 attorney's fees, costs and expenses is not presently known, but will be shown according to proof
28 at the time of trial.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as to all causes of action as follows:

1. For economic and non-economic general, special and compensatory damages according to proof;
2. For prejudgment and post-judgment interest in any lost or unpaid wages according to law;
3. For reasonable attorney's fees and costs of suit incurred herein pursuant to Government Code § 12965(b), California Code of Civil Procedure § 1021.5, and any other relevant provision under California law that provides for attorneys' fees;
4. For punitive damages to the extent available under the law;
5. For statutory penalties pursuant to California Civil Code § 61.7 and any other relevant provision to the extent available under the law; and
6. For such other and further relief as the court may deem just and proper.

Dated: June 13, 2017

WAGNER & PELAYES, LLP



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DENNIS E. WAGNER, Esq.
Attorney for Plaintiff
TAMI PISCOTTI