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9
10 **SUPERIOR COURT OF CALIFORNIA**
COUNTY OF LOS ANGELES
11 **UNLIMITED JURISDICTION**

12 CHRISTOPHER STUART, ERIC BAILEY,
13 DEBORAH HILL, SHARON HAMILTON, and
14 DONNELL RUSSELL JAUREGUI, on behalf of
themselves and all others similarly situated,

15 **Plaintiffs,**

16 v.

17 CITY OF LONG BEACH,

18 **Defendant.**
19

Case No. _____

CLASS ACTION

**COMPLAINT FOR DAMAGES,
PENALTIES, AND INJUNCTIVE RELIEF**

BY FAX

JURY TRIAL DEMANDED

1 **I. INTRODUCTION**

2 1. Plaintiffs Christopher Stuart, Eric Bailey, Deborah Hill, Sharon Hamilton, and Donnell
3 Russell Jauregui (together “Plaintiffs” or “Class Representatives”), by and through their attorneys, Medina
4 Orthwein LLP, bring this individual and class action lawsuit against the City of Long Beach (the “City”)
5 for violations of anti-discrimination laws and systemic anti-Black racism against Black City employees.

6 2. More than a year after convening a Racial Equity and Reconciliation Initiative, with the
7 goal to “[e]nd systemic racism in Long Beach, in all local government and partner agencies, through
8 internal transformation,”¹ little to nothing has been done to name and eradicate racism toward Black
9 employees in the City’s own backyard.

10 3. The City is far behind its peer municipalities in releasing hiring, pay, promotion, discipline,
11 and termination data by race and other protected classifications in order to name the problem. This
12 contravenes the Racial Equity and Reconciliation Initiative’s “Acknowledge, Listen, Convene, and
13 Catalyze” framework² for reconciliation, even though discrimination in employment was one of the top
14 five ways people experience racism in Long Beach, per initial survey efforts led by the City.³

15 4. In fact, the City continues to systemically subject Black employees to unequal pay on the
16 basis of race and color by (1) paying Black employees less than similarly-situated non-Black employees;
17 (2) hiring Black employees disproportionately into lower-paying classifications, levels, pay steps,
18 occupational job categories, and groups compared to non-Black employees; (3) disproportionately
19 rejecting Black employees’ reclassification and out-of-class pay requests compared to non-Black
20 employees; and (4) disproportionately hiring and keeping Black employees as Non-Career employees
21 and/or unclassified employees. This list is not exhaustive.

22 5. According to the City’s 2018 Workforce Demographics Report (the “Report”), Black
23 employees make up 13% and white employees make up 38% of the City’s workforce.⁴ 65% of the City’s

24 ¹ City of Long Beach, *Racial Equity and Reconciliation Initiative: Initial Report* (Aug. 3, 2020) p. 22,
25 [https://longbeach.gov/globalassets/health/media-library/documents/healthy-living/office-of-](https://longbeach.gov/globalassets/health/media-library/documents/healthy-living/office-of-equity/reconciliation/report-racial-equity-and-reconciliation-initiative)
26 [equity/reconciliation/report-racial-equity-and-reconciliation-initiative](https://longbeach.gov/globalassets/health/media-library/documents/healthy-living/office-of-equity/reconciliation/report-racial-equity-and-reconciliation-initiative) (last visited June 1, 2021).

26 ² Id. at p. 6.

27 ³ Id. at p. 18.

27 ⁴ City of Long Beach, *2018 City of Long Beach Workforce Demographics Report* (March 28, 2019) p. 13,
28 <https://www.longbeach.gov/globalassets/city-manager/media-library/documents/memos-to-the-mayor->

1 Black employees make under \$60,000, compared to 34% of white employees. On the other hand, 54% of
2 the City’s employees in the \$180,000+ salary bracket are white employees, compared to 13% Black.⁵

3 6. Moreover, per the Report, Black employees comprise a mere 8.8% of the City’s hires into
4 classified positions, compared to 33.4% for white employees.⁶ Indeed, the report further notes that the
5 City’s hiring of Black employees decreased 4% in 2018 and that Black employees are the only racial
6 minority group that has declined in workforce representation.⁷

7 7. Fueling these disparities is the City’s pattern or practice of anti-Black culture, allowing
8 anti-Black repeat harassers to terrorize Black employees unabated, permitting City leaders to promote the
9 Ku Klux Klan, allowing City leaders to tone, dress, and hair police Black employees, and race clustering
10 Black employees into lower-paying positions or unclassified roles. The City also subjects Black
11 employees to common pay, promotion, hiring, training, performance management, job class, and
12 disciplinary policies and practices that suppress Black employees’ pay, promotion, career-enhancing
13 opportunities, and livelihoods.

14 8. The City’s leadership and its Human Resources department (“HR”), Equal Employment
15 Opportunity Office (“EEOO”), and Civil Service Commission and department (“Civil Service”) have
16 failed to take reasonable steps to prevent discrimination, harassment, and retaliation, and instead have
17 tried to suppress complaints and preserve white supremacy.

18 9. Plaintiffs, individually and on behalf of other similarly situated Black employees, seek
19 transformative change and redress in the form of declaratory, injunctive, and monetary relief, restitution,
20 reinstatement, penalties, and attorneys’ fees, as well as costs for themselves and on behalf of the Class.

21 10. More specifically, in addition to seeking personnel data and discrimination complaints, the
22 Plaintiffs and the class are seeking to establish a truth and reconciliation commission in order to heal from
23 the racial trauma inflicted by the City, a revamped job analysis and valuation policy, back pay for past
24 pay inequities, a trauma-informed complaint investigation process, and racial justice monitoring by the

26 [tabbed-file-list-folders/2019/march-28--2019---2018-city-of-long-beach-workforce-demographics-report](#)
27 (last visited June 1, 2021).

27 ⁵ Ibid.

28 ⁶ Id. at p. 91.

⁷ Id. at pp. 13, 91.

1 impacted group—the Plaintiffs and the Class.

2 11. Plaintiffs have been organizing, and at the same time, suffering in silence for years on end
3 for fear of retaliation. This is the time for the City and other municipalities to take efficacious, remedial
4 steps to rid city governments from the ongoing harm of racism.

5 **II. THE PARTIES**

6 12. **Plaintiff Christopher Stuart** is a Black man who, at all times relevant to this action, has
7 worked for the City in Long Beach, California. Mr. Stuart has worked for the City since 2014 and is
8 currently a Communications Specialist I in the Technology & Innovation department.

9 13. **Plaintiff Eric Bailey** is a Black man who, at all times relevant to this action, has worked
10 for the City in Long Beach, California. Mr. Bailey worked for the City from August 1985 to February
11 2021. Mr. Bailey left the City as a Refuse Supervisor in the Public Works department.

12 14. **Plaintiff Deborah Hill** is a Black woman who, at all times relevant to this action, has
13 worked for the City in Long Beach, California. Ms. Hill has worked for the City since 2002 and is
14 currently a Secretary in the Technology & Innovation department.

15 15. **Plaintiff Sharon Hamilton** is a Black woman who, at all times relevant to this action, has
16 worked for the City in Long Beach, California. Ms. Hamilton has worked for the City since November
17 1998 and is currently an Administrative Aide II in the Civil Service department.

18 16. **Plaintiff Donnell Russell Jauregui** is a Black woman who, at all times relevant to this
19 action, has worked for the City in Long Beach, California. Ms. Russell has worked for the City since
20 October 2006 and is currently an Assistant Administrative Analyst I in the Fire department.

21 17. **Defendant City of Long Beach** is a municipal corporation organized under the laws and
22 Constitution of the State of California. The City employs approximately 6,000 employees.

23 **III. JURISDICTION, VENUE, AND ADMINISTRATIVE EXHAUSTION**

24 18. This Court has jurisdiction under Article VI, Section 10, of the California Constitution and
25 Code of Civil Procedure section 410.10 because the action involves issues of state law.

26 19. Venue is proper in this Court pursuant to Code of Civil Procedure sections 395(a) and
27 395.5 because Defendant has principal places of business in Los Angeles County and because Defendant's
28 unlawful actions giving rise to its liability were committed in Los Angeles County.

1 20. Venue is also proper pursuant to Government Code section 12965(b) because Mr. Stuart
2 filed a Complaint of Employment Discrimination with the California Department of Fair Employment and
3 Housing (“DFEH”) on June 3, 2021 and received Case Closure and Right to Sue Notices for his
4 Complaint. Plaintiffs have therefore exhausted all administrative remedies with respect to the claims
5 contained herein.

6 **IV. FACTUAL ALLEGATIONS**

7 **A. Systemic Anti-Black Racism Pervades the City**

8 21. The City systemically underpays and underpromotes Black employees compared to non-
9 Black employees. This systemic racism starts at the onset with the City’s hiring practices and continues
10 to disadvantage Black employees at all stages of employment, compensation, and career advancement
11 within the City, including but not limited to hiring, placement, leveling, classification, out-of-class
12 compensation, promotion, training, performance management, discipline, transfers, demotions, and
13 termination.

14 22. As mentioned above, Black employees comprise a mere 8.8% of the City’s hires into
15 classified positions, compared to 33.4% for white employees.⁸ Indeed, the report notes that the City’s
16 hiring of Black employees decreased 4% in 2018 and that Black employees are the only racial minority
17 group that has declined in workforce representation.⁹

18 23. Once hired, the City systemically subjects Black employees to unequal pay on the basis of
19 race and color by (1) paying Black employees less than similarly-situated non-Black employees; (2) hiring
20 Black employees disproportionately into lower-paying job classifications, levels, pay steps, occupational
21 job categories, and groups compared to non-Black employees; (3) disproportionately rejecting Black
22 employees’ reclassification and out-of-class pay requests compared to non-Black employees; and (4)
23 disproportionately hiring and keeping Black employees as Non-Career employees¹⁰ and/or unclassified

24 _____
25 ⁸ City of Long Beach, *2018 City of Long Beach Workforce Demographics Report* (March 28, 2019) p. 91,
26 [https://www.longbeach.gov/globalassets/city-manager/media-library/documents/memos-to-the-mayor-
27 tabbed-file-list-folders/2019/march-28--2019---2018-city-of-long-beach-workforce-demographics-report](https://www.longbeach.gov/globalassets/city-manager/media-library/documents/memos-to-the-mayor-tabbed-file-list-folders/2019/march-28--2019---2018-city-of-long-beach-workforce-demographics-report)
(last visited June 1, 2021).

27 ⁹ Id. at pp. 13, 91.

28 ¹⁰ Non-Career employees are considered temporary, at-will, unclassified employees who are not typically
eligible for benefits.

1 employees instead of higher paid and more secure classified positions. This list is not exhaustive.

2 24. This pay gap is exacerbated by the City's promotion and career advancement practices and
3 policies. Upon information and belief, the City systemically subjects Black employees to unequal
4 promotion and career enhancement on the basis of race and color by (1) promoting non-Black employees
5 over Black employees and more frequently than Black employees; (2) assigning Black employees to
6 groups and roles that have less room for advancement compared to non-Black employees; (3) assisting
7 non-Black employees in becoming eligible for promotions more often than Black employees; (4) altering
8 the eligibility requirements, including the benchmark for passing exam scores, to favor non-Black
9 employees over Black employees; (5) using biased examinations and screening-processes that disparately
10 harm Black employees' advancement; (6) preventing Black employees from applying through tap-on-the-
11 shoulder hiring practices; and (7) disparately evaluating Black employees' performance and disparately
12 disciplining Black employees, which in turn harm their ability to advance. This list is not exhaustive.

13 25. The City's practice or pattern of discriminating against Black employees in pay and
14 promotion, as previewed above, is well documented. Black employees make up 13% and white employees
15 make up 38% of the City's workforce; yet the City's management¹¹ is 12% Black and 52% white.¹²
16 Similarly, 65% of the City's Black employees make under \$60,000, compared to 34% of white
17 employees.¹³ On the other hand, 54% of the City's employees in the \$180,000+ salary bracket are white
18 employees, compared to 13% Black.¹⁴

19 26. Upon information and belief, the City also disproportionately transfers Black employees,
20 disciplines Black employees, demotes Black employees, terminates Black employees, and re-classifies,
21 re-categorizes, and re-defines jobs to disadvantage Black employees.

22 27. The City has known or should have known that its business practices, including but not
23 limited to its hiring, pay, promotion, leveling, discipline, and work environment, have an illegal and
24

25 ¹¹ Here, management refers to employees in the 01 - Officials / Administrators occupational job category.
26 ¹² City of Long Beach, *2018 City of Long Beach Workforce Demographics Report* (March 28, 2019) p.
27 65-87, <https://www.longbeach.gov/globalassets/city-manager/media-library/documents/memos-to-the-mayor-tabbed-file-list-folders/2019/march-28--2019---2018-city-of-long-beach-workforce-demographics-report> (last visited June 1, 2021).

28 ¹³ Id. at p. 13.

¹⁴ Ibid.

1 discriminatory impact on Black employees.

2 28. There have been numerous reclassification requests, grievances, HR/EEOO complaints,
3 EEOC/DFEH complaints, lawsuits, news articles, and public meetings demonstrating that Black
4 employees are being denied equal employment opportunities in hiring, leveling, pay, promotion, and
5 career advancement opportunities, and are subjected to a hostile work environment, retaliation, and
6 unwarranted discipline. Nevertheless, the City has failed on a systemic level to take reasonable steps to
7 investigate, prevent, or remedy discrimination, harassment, and retaliation.

8 **B. Christopher Stuart**

9 29. Mr. Stuart joined the City as a Non-Career Assistant Technician in the Wireless
10 Communications Division of the Infrastructure Services Bureau (“ISB”) of the Technology & Innovation
11 (“TI”) department in 2014. Mr. Stuart was hired as a full-time Systems Technician I on April 5, 2016 and
12 was reclassified to a Communications Specialist I on May 6, 2021.

13 1. Hostile Work Environment

14 30. Management in Mr. Stuart’s department tolerates and cultivates a citywide hostile work
15 environment in which Black employees are routinely and openly undervalued, marginalized, degraded,
16 and demeaned. Amid and because of this environment, Black employees, such as Mr. Stuart, are often
17 subjected to pejorative stereotypes, increased scrutiny and ridicule, and overt harassment.

18 31. Mr. Stuart’s second level supervisor, Wireless Communications Officer John Black, is a
19 well-known and well-documented harasser. Several of his employees (current and past) have filed EEOO
20 complaints against him. Mr. Black, a white man, is openly racist against Black people. For instance, a
21 co-worker told Mr. Stuart that on one occasion, Mr. Black implied that it was honorable to be in the Ku
22 Klux Klan.

23 32. Mr. Stuart is the only Black employee in Mr. Black’s division. During his employment,
24 Mr. Stuart has been treated with disrespect, heightened suspicion, and surveillance—mostly by his direct
25 and second-level supervisors—because he is Black. Some of the many examples of this include but are
26 not limited to being (1) cussed out by Mr. Black; (2) belittled and disrespected by non-Black peers; (3)
27 singled out and punished by Mr. Black and Hugo Gil (Mr. Black’s direct report) for acceptable conduct
28 that his non-Black peers regularly do without issue; (4) repeatedly accused of not working and monitored

1 based on this racist assumption; (5) required to report to Mr. Black every morning to make sure he is on
2 time; (6) accused of stealing batteries by Mr. Black; (7) issued a negative performance review and placed
3 on a performance improvement plan for having a “bad attitude”; (8) monitored on the City’s video
4 surveillance system and vehicle tracking system by Mr. Black; (9) required by Mr. Black and HR to submit
5 extensive medical documentation for a non-workplace injury that did not impact his ability to perform his
6 job; (10) prohibited by Mr. Black and HR from driving a City vehicle; (11) treated with suspicion by Mr.
7 Black for taking too long during a work-related task outside of the building; (12) prohibited by Mr. Black
8 from using a City laptop based on the assumption that he was not working while using the laptop; and
9 (13) threatened with disciplinary action. Mr. Stuart’s non-Black peers are not subjected to this treatment
10 in the same proportion.

11 2. Unequal Pay and Promotion

12 33. This racist animus is reflected in the City’s discriminatory pay and promotion practices.
13 The City has paid Mr. Stuart less than similarly situated non-Black employees. Mr. Stuart was initially
14 hired as a Non-Career employee for two years and then in a lower step and classification than his
15 experience and degrees warranted due to his race. As detailed herein, compared to Mr. Stuart, similarly
16 situated non-Black employees were hired into classified roles and into higher classifications and levels,
17 were reclassified into higher classifications and levels earlier than Mr. Stuart, and promoted earlier and
18 more frequently than Mr. Stuart.

19 34. Throughout his employment with the City, Mr. Stuart was required to perform higher class
20 work without the pay or title. For instance, when Mr. Stuart was a Non-Career Assistant Technician, he
21 performed the same work as two non-Black employees in the Wireless Communications division who
22 were promoted to System Technician IIs. When he became a System Technician I, Mr. Stuart performed
23 the same work as the three non-Black employees (2 System Technician IIs and 1 Communication
24 Specialist II) in the Wireless Communications division. Since then, the City continued to hire non-Black,
25 external candidates as Communications Specialist Is and continued to promote Mr. Stuart’s non-Black
26 peers to Communications Specialist IIs and IIIs, while Mr. Stuart continued to perform the same work as
27 them with the pay of a System Technician I. After significant advocacy from Mr. Stuart, the City
28 reclassified Mr. Stuart to Communications Specialist I on May 6, 2021. However, Mr. Stuart did not

1 receive out-of-class pay and continued to perform at least Communications Specialist II and III level work.

2 35. In January 2019, Mr. Stuart filed a Position Classification Questionnaire (a “P-30”) with
3 HR. This form is handled by HR despite Civil Service’s purview over classifications and investigating
4 misclassifications. (See Long Beach City Charter § XI.1101.) This form also requires a signature from
5 the employee’s direct supervisor and department head, indicating that they agree that the content of the
6 form is accurate. HR’s handling of misclassification disputes and the supervisor/department head
7 signature requirement enable the City to discriminate against Black employees, including Mr. Stuart, with
8 respect to compensation and title.

9 36. Mr. Stuart did not receive a response to his P-30 until over a year later on February 13,
10 2021. At this time, Mr. Stuart was informed that his reclassification request was denied despite the fact
11 that his direct supervisor and the head of his division signed the P-30 and confirmed its accuracy. In
12 comparison, HR approved P-30s for four of Mr. Stuart’s non-Black peers: Judy Samad, Robert Molinar,
13 John Simmons, and Marty Martinez. Mr. Stuart performs the same work as Mr. Molinar and Mr. Martinez
14 and submitted a nearly identical P-30 as Mr. Martinez.

15 37. In addition to discriminatorily denying Mr. Stuart’s P-30 while approving his non-Black
16 peers’ P-30s, the City also hired and promoted similarly situated non-Black employees into higher
17 classifications. For instance, in the last 2-3 years, Mr. Martinez was promoted from a Communications
18 Specialist II to a Communications Specialist III through the P-30 process and then was appointed as
19 Interim Supervisor. Similarly, in the last 2-3 years, the City hired Scott Iverson, an external white
20 candidate, as a Communications Specialist I and then promoted him twice. He is now a Communications
21 Specialist III. The City has also since hired another external non-Black candidate, Muhammad Khan, as
22 a Communications Specialist I in July 2019, and subsequently promoted him to a Communications
23 Specialist II.

24 38. On February 28, 2019, Mr. Stuart was informed that he was added to the eligible list for
25 Communications Specialist I-VI. Following this, Mr. Stuart applied for at least four Communication
26 Specialist positions. Mr. Stuart was interviewed for only one of these positions in June 2020 and did not
27 receive any of these positions. Upon information and belief, three of these positions went to less or
28 similarly qualified, non-Black employees.

1 39. Interestingly, HR selectively reached out to Mr. Stuart for open Communication Specialist
2 II-VI positions and did not reach out to Mr. Stuart for several open Communication Specialist I positions.
3 Upon information and belief, Mr. Stuart was not informed about open Communications Specialist I
4 positions in hopes of preventing his application to these roles. The fact that HR encouraged Mr. Stuart to
5 apply to Communication Specialist V-VI positions suggests that his education background and experience
6 warrants a significantly higher-level title.

7 40. It is also worth noting that Mr. Black falsely claimed on several occasions in 2019 and
8 2020 that he did not hire Mr. Stuart for any of the open Communication Specialist positions because he
9 was not on the eligible list he received from Civil Service. When Mr. Stuart pushed back on this false
10 claim, and after he filed an EEOO complaint of discrimination, Mr. Black changed his story and claimed
11 that Mr. Stuart was not considered because he asked City Hall staff to narrow the eligible list based on
12 arbitrary and unnecessary criteria. Upon information and belief, Mr. Black retroactively added these
13 criteria in order to block Mr. Stuart from promotion.

14 3. Retaliation & Failure to Prevent Discrimination

15 41. The City and Mr. Black retaliated against Mr. Stuart in response to his equal pay and anti-
16 racism advocacy.

17 42. Throughout his employment, Mr. Black has made it clear that he does not want employees
18 to come forward with their concerns or object to any of his activities. Indeed, in or around 2018, after
19 completing (and objecting to) a discriminatory performance improvement plan, Mr. Black and Mr. Gil
20 met with Mr. Stuart and explicitly instructed him to be a “yes man” in order to move forward.

21 43. Nevertheless, Mr. Stuart filed a P-30 in January 2019 and a grievance on March 29, 2019
22 about his discriminatorily low title and compensation. In response, on May 2, 2019, the City transferred
23 Mr. Stuart to a different assignment where he could no longer work overtime. In other words, the City
24 chose to retaliatorily transfer Mr. Stuart and take away overtime pay rather than pay Mr. Stuart for his
25 years of out-of-class work and provide him a title that matches his contributions.

26 44. As part of this transfer, the City admitted that Mr. Stuart was misclassified for years.
27 Specifically, Mr. Stuart was told that he was transferred in order to provide him job duties that reflected
28 his classification. However, if this were true, the City would have also transferred the other System

1 Technician I under Mr. Gil, a white man named Erik Maitland.

2 45. Indeed, the City used this alleged change in Mr. Stuart’s job duties to justify denying his
3 P-30. Such a conclusion fails to consider the out-of-class work Mr. Stuart performed without adequate
4 pay for the three years prior to the transfer, as well as the out-of-class work he continued to perform
5 following the transfer. Upon information and belief, the City engages in a practice or pattern of
6 transferring Black employees and/or changing Black employees’ job duties in response to
7 misclassification advocacy to justify denying Black employees out-of-class pay and re-classification.

8 46. In comparison, four of Mr. Stuart’s non-Black peers who submitted P-30s, including Mr.
9 Martinez who filed a P-30 at the same time as Mr. Stuart and who had the same direct supervisor, were
10 not transferred.

11 47. Following this retaliatory transfer, Mr. Stuart continued to advocate for himself.
12 Throughout 2020 and 2021, Mr. Stuart objected to HR’s denial of his P-30 and signed five letters to the
13 Civil Service Commission and City Council about the City’s corrupt P-30 process. On February 11, 2020,
14 Mr. Stuart filed an EEOO complaint of discrimination. He was interviewed and the EEOO ultimately
15 found his allegations to be unsubstantiated on July 9, 2020. Upon information and belief, the City
16 systemically finds Black employees’ EEOO complaints to be unsubstantiated and retaliates against Black
17 employees who submit EEOO complaints.

18 48. Despite his repeated advocacy and complaints to management, HR, EEOO, Civil Service,
19 and City Council, the City has continued to subject Mr. Stuart to discrimination, harassment, and a hostile
20 work environment.

21 **C. Eric Bailey**

22 49. Mr. Bailey joined the City as a Maintenance Assistant (now called a Refuse Operator) in
23 the Environmental Services Bureau (“ESB”) of the Public Works department in or around August 1985.
24 Mr. Bailey was promoted to Refuse Supervisor in 2005, a title he held until he retired on February 3, 2021.

25 1. Unequal Pay and Promotion

26 50. The Public Works department is notorious for disproportionately placing Black employees
27 in lower-paying jobs and Non-Career positions as compared to non-Black employees. All five bureau
28 managers in the Public Works department are white and a mere three people on the department’s 26-

1 person management team are Black. In Mr. Bailey's bureau, roughly 50% of the Street Sweeper
2 employees are Black, yet only one Black employee occupies a management position on EBS's seven-
3 person management team. The remaining six are all white. When Black employees, like Mr. Bailey, are
4 finally given the opportunity to promote within the Public Works department, they are given less pay,
5 required to complete job duties outside of their classification, and limited as to which higher positions that
6 they can obtain.

7 51. Mr. Bailey's first encounter with these significant limitations began around 2004. This
8 was the year that Mr. Bailey's Supervisor retired, leaving the position vacant. Shortly after the vacancy,
9 Mr. Bailey and another colleague were selected to serve as Acting Street Sweeping Supervisors. Prior to
10 being appointed to this position, Mr. Bailey successfully completed the Supervisor examination and
11 subsequently applied for a permanent position as the Street Sweeper Supervisor. Instead, in early 2004,
12 the permanent position was given to Jose Binuya, a non-Black employee despite that employee's complete
13 lack of experience working as a Street Sweeper. Due to Mr. Binuya's lack of relevant experience, Mr.
14 Bailey was required to continue to provide guidance and supervision to the Street Sweepers. As such, Mr.
15 Bailey performed higher class work without the proper pay or title for nearly a year.

16 52. In 2005, Mr. Bailey was finally promoted to a Supervisor position. However, instead of
17 being promoted to Street Sweeping Supervisor, the title of his non-Black predecessor and the title that
18 reflected his job responsibilities, Mr. Bailey assumed the lower-paying title of Refuse Supervisor. For
19 nearly 16 years, Mr. Bailey performed out-of-class work, giving expert guidance and performing tasks on
20 behalf of Street Sweeping Supervisors, Waste Operations Supervisors, and Superintendents without
21 additional compensation. Mr. Bailey repeatedly reported the misclassification to management and his
22 union. Nevertheless, he was required to continue to perform out-of-class work without the proper pay or
23 title for the rest of his career.

24 53. During Mr. Bailey's 35-year tenure, he applied for several promotions yet was denied
25 despite his relevant work experience and positive performance reviews. The City engaged in acts directly
26 in line with its discriminatory hiring and promotion practices by promoting less qualified, non-Black
27 employees in lieu of Mr. Bailey.

28 54. Specifically, in or around 2011, Mr. Bailey applied for an Acting Waste Operations

1 Supervisor position. Mr. Bailey was denied this promotion, which was instead given to a white male
2 employee with 5-7 years less Supervisor experience than Mr. Bailey. In or around 2017 or 2018, Mr.
3 Bailey again applied for a Waste Operations position. This time, the position went to Mr. Binuya, the
4 non-Black counterpart who was previously promoted over Mr. Bailey and had 8-10 years less experience
5 in the Clean Team division.

6 2. Retaliation

7 55. The City upholds a toxic environment that punishes employees for speaking out against
8 the City's discriminatory and other unlawful practices.

9 56. In late 2019, Mr. Bailey received an unwarranted disciplinary letter because he allowed an
10 employee (and union representative) to engage in union activity during his break. On that day, Mr.
11 Bailey's direct supervisor, Superintendent Ken Roberts, instructed Mr. Bailey to inform employees and
12 their union representative that they could not meet about union business on the yard. Mr. Bailey promptly
13 and accurately reminded Mr. Roberts that he could not tell an employee what to do during their lunch
14 break. As a result, Mr. Bailey and the union representative received disciplinary letters. The white union
15 representative's letter was removed from his file. However, Mr. Bailey's disciplinary letter was never
16 removed from his employee file.

17 **D. Deborah Hill**

18 57. Ms. Hill joined the City in 2002 as a Clerk Typist III and became a Secretary in the TI
19 department in December 2006.

20 1. Hostile Work Environment

21 58. As noted herein, the TI department is plagued by a culture that is hostile towards Black
22 employees and their advancement. During her tenure in the TI department, Ms. Hill has witnessed
23 numerous Black employees be degraded, devalued, and forced out due to the department's racist
24 classifications, promotion practices, and disparate treatment. Ms. Hill has also witnessed the City treat
25 Black employees with suspicion and heightened scrutiny and surveillance because of racist stereotypes
26 and assumptions.

27 2. Unequal Promotion

28 59. Although Ms. Hill has gone above and beyond in her Secretary job duties, and although

1 she has performed job duties beyond the scope of her Secretary classification, the City has repeatedly
2 denied Ms. Hill promotions while advancing the careers of her non-Black counterparts. Indeed, over the
3 course of Ms. Hill's 15-year tenure with the TI department, the City has never promoted Ms. Hill.

4 60. Time and time again, Ms. Hill has proven that she is capable of performing high-level
5 work. Despite Ms. Hill's qualifications and proven success, the City has failed to see her value as a Black
6 woman. For instance, Ms. Hill has served as an Acting Executive Assistant, a higher-level job
7 classification, on three occasions: in or around 2009 for Director Curtis Tani, in or around 2015 for
8 Director Bryan Sastokas (who chose to hire a white, female, external candidate over Ms. Hill to be his
9 permanent Executive Assistant), and in 2018 for Interim Director Lea Erikson (a white woman).

10 61. In 2018, Ms. Hill applied to be Ms. Erickson's permanent Executive Assistant. Even
11 though Ms. Hill served as an Acting Executive Assistant on three occasions, Ms. Erikson chose to hire
12 Alex Garcia, a similarly-qualified non-Black Secretary in another department, over Ms. Hill.

13 62. Undeterred by the City's failure to promote her to a permanent Executive Assistant
14 position, Ms. Hill took the Administrative Aide examination in 2019. At the time, the exam was
15 administered by Wonderlic, a vendor that is notorious for creating exams that disparately impact Black
16 people.¹⁵ Indeed, the City no longer uses the Wonderlic exam due to numerous complaints of racial bias
17 against Black people. Ms. Hill did not pass the exam despite having performed Administrative Aide duties
18 on top of her Secretary job duties for over a decade. According to the City, although Ms. Hill performed
19 well on the technical portions of the screening questionnaire, she did not score high enough on the
20 Personality section. As a result, Ms. Hill could not apply for any classified Administrative Aide
21 promotions.

22 63. The City could have but failed to help Ms. Hill secure a promotion without taking and
23 passing the Administrative Aide exam. She could have been placed in a provisional appointment or
24 reclassified to a higher classification based on her out-of-class work, which would have eventually made
25 her eligible to apply for a classified Administrative Aide position without the examination. She also could
26

27 ¹⁵ Wonderlic has been the subject of numerous race discrimination lawsuits, including *Griggs v. Duke*
28 *Power Co.*, the seminal Supreme Court case in which the Court held that the Wonderlic aptitude tests
produced a disparate impact for Black employees.

1 have been offered a different unclassified position that would have eventually made her eligible to apply
2 for a higher classified position without an examination.

3 64. Instead, the City kept Ms. Hill in the same low-paying position, without job security, for
4 15 years. In comparison, the City accommodates non-Black employees in their efforts to become eligible
5 for classified positions by adjusting benchmarks for eligibility and/or temporarily appointing non-Black
6 employees to unclassified roles in order to make them eligible for a classified position with the same title.

7 65. In addition to keeping Ms. Hill in the same title for 15 years, the City also kept Ms. Hill in
8 an unclassified position for her entire 19-year tenure. As such, Ms. Hill has less job security than her
9 classified, non-Black peers. In comparison, Ms. Hill's non-Black counterparts were promoted into higher,
10 classified positions. For instance, Juana Gamez, a Latina woman, was initially hired as a classified Clerk
11 Typist II. Ms. Gamez was promoted to Clerk Typist III in or around November 2020. As part of this
12 promotion, Ms. Gamez replaced Clerk Typist III Cheryl Jenkins (Black woman), who remained a Clerk
13 Typist III despite having at least 25 years of tenure with the City. A few months after assuming Ms.
14 Jenkins's role, in or around March 2021, Ms. Gamez was reclassified into a higher-paid, position of
15 Accounting Clerk.

16 66. Similarly, in December 2018, then-Administrative Officer Danielle Mitchell (white
17 woman) hired Yvette Marasigan (Asian woman), a young, temporary outsourced Clerk Typist within the
18 Public Works department, for an unposted and unclassified Business Systems Specialist position within
19 the TI department—a position that has a salary range significantly higher than the range for the Secretary
20 position.

21 67. In fact, the minimum pay rate for the Business Systems Specialist I position, approximately
22 \$27 per hour, is the maximum pay rate for the Secretary position. Moreover, by appointing Ms. Marasigan
23 into the unclassified position, Ms. Marasigan could then become eligible for a more secure and higher
24 paid classified Business Systems Specialist position. Only two years after joining the TI department, Ms.
25 Marasigan received yet another promotion to a classified Business Systems Specialist III position in
26 October 2020.

27 68. Ms. Hill had far more experience than Ms. Marasigan—she had 16 years of administrative
28 experience with the City and a 13-year tenure with the TI department under her belt. Ms. Marasigan, on

1 the other hand, had only been with the City for eight months. Nevertheless, the City did not give Ms. Hill
2 or four Clerk Typists (including three Black women) the opportunity to apply for this position. The City
3 then assigned all of Ms. Hill’s Administrative Aide duties to Ms. Marasigan in order to justify its denial
4 of Ms. Hill’s pending reclassification request.

5 69. In another example, in or around early 2021, Audra Balok, the white female manager over
6 the Long Beach Coast team, deliberately wrote a job description for a new Business Systems Specialist
7 position to favor a white female intern who was groomed for this position in or around early 2021.¹⁶ The
8 position was also posted as a classified position, a departure from the Coast team’s prior practice of posting
9 unclassified positions. Prior to this, Ms. Hill had repeatedly expressed interest in joining the Coast team
10 to the then-head of the Coast team, Dennis Finch, as well as Ms. Mitchell when she was Ms. Hill’s
11 supervisor.

12 70. Additionally, after the City denied Ms. Hill an HR Coordinator position in the Harbor
13 department in November 2020, Ms. Hill asked her then manager, Ms. Gross, to reclassify her job as an
14 HR Coordinator/Senior Secretary. Ms. Hill was more than qualified for this position: she specializes in
15 HR and personnel, she has performed Payroll Personnel Assistant and Personnel Analyst job duties for
16 more than a decade, and her qualifications have been recognized by upper-level management. In fact, Ms.
17 Mitchell previously told Ms. Hill that she could not promote Ms. Hill to Administrative Aide because she
18 needed her expertise in HR and personnel.

19 3. Unequal Pay

20 71. Ms. Hill has performed job duties well beyond the scope of her Secretary classification for
21 over a decade. In fact, Ms. Hill performed the work of a Payroll Personnel Assistant III, an Administrative
22 Aide, an Assistant Administrative Analyst, and a Personnel Analyst—all of which are compensated at a
23 rate higher than the Secretary position. Ms. Hill has not received any additional compensation for
24

25 ¹⁶ Ms. Hill was uniquely qualified for this position, which required implementing and training a new
26 citywide financial system. Ms. Hill was a Government Alliance and Racial Equity trainer for her
27 department, which required her to train 150 employees in racial equity. The white female intern who was
28 favored for the position had significantly less experience and tenure than Ms. Hill. Indeed, the white
female intern was ultimately deemed ineligible for the position. Rather than hire an eligible candidate,
Ms. Balok has kept the position open, presumably to allow the favored white employee another chance to
become eligible.

1 performing these job duties.

2 72. Ms. Hill complained about working out of class in December 2018. She submitted a P-30
3 under Ms. Mitchell, and she requested that the City reclassify her role to an Administrative Aide, which
4 has a higher salary range than Ms. Hill's Secretary position. The City did not submit Ms. Hill's audit to
5 HR until January 2019—only after Ms. Hill requested an update from Ms. Mitchell following the City's
6 promotion of Ms. Marasigan to Business Systems Specialist I. When the City finally finished its review
7 of Ms. Hill's P-30, in May 2019, Ms. Hill was not informed of the result until she asked for an update.
8 The City then informed Ms. Hill that her P-30 was denied because she was properly classified as a
9 Secretary, since several of her Administrative Aide duties were assigned to Ms. Marasigan while the P-
10 30 was being assessed. Consequently, Ms. Hill remains a Secretary, and she was never compensated for
11 performing additional higher-level job duties.

12 4. Retaliation & Failure to Prevent Discrimination

13 73. On several occasions, Ms. Hill has raised concerns about her inequitable compensation and
14 discriminatory promotion denials to her white managers. Ms. Hill's white managers have brushed aside
15 every complaint Ms. Hill has made. In 2019, Ms. Hill complained to Ms. Erikson and Ms. Mitchell about
16 Ms. Mitchell hiring Ms. Marasigan, who had less tenure and experience than Ms. Hill, into an unclassified
17 Business Systems Specialist role. During this discussion, Ms. Hill told Ms. Erikson and Ms. Mitchell that
18 the City fails to promote Black employees at the same rate as white employees. In response, Ms. Erikson
19 explained that Black employees only make up 1% of her department. In other words, Black employees
20 are punished for the City's lack of diversity.

21 74. Ms. Hill reiterated her complaint about Ms. Marasigan being promoted over her to Ms.
22 Gross in or around April 2020. Failing to distinguish the unique experiences and identities of non-white
23 communities, Ms. Gross dismissed Ms. Hill's complaint of discrimination by explaining that Ms.
24 Marasigan is also a woman of color. In response, Ms. Hill stated that she is a Black woman over the age
25 of 40 with a technical degree and has never been offered the same advancement opportunities as Ms.
26 Marasigan. Ms. Gross then told Ms. Hill that she could file a grievance with the City if she chose to do
27 so. Ms. Hill declined to do so because she feared imminent retaliation, and after the City mishandled,
28 ignored, and dismissed her 2018 P-30 complaint, she knew nothing would change.

1 75. Following Ms. Hill’s complaints of discrimination, in December 2020, Ms. Gross gave Ms.
2 Hill her first performance review in 10 years. Ms. Hill told Ms. Gross that she deserved to receive an
3 “Exceeds Expectations” rating, given the high-level work she has performed within and beyond the scope
4 of her job classification. Ms. Gross, unable to see past her bias and recognize Ms. Hill’s exceptional work,
5 ultimately gave Ms. Hill a “Meets Expectations” rating.

6 **E. Sharon Hamilton**

7 76. Ms. Hamilton joined the City as a Non-Career employee in November 1998 and became
8 an unclassified employee in March 1999. She is currently a classified Administrative Aide II in the Civil
9 Service department.

10 1. Hostile Work Environment

11 77. The Civil Service department, the department tasked with overseeing the City’s hiring and
12 examination process, is plagued with a racist work environment. One of the department’s greatest
13 champions of racism was its former head, Executive Director Kandice Taylor-Sherwood. Ms. Taylor-
14 Sherwood, a white woman, joined and became the head of the Civil Service department in June 2014. Ms.
15 Taylor-Sherwood is a named defendant in two race discrimination lawsuits brought by Black employees,
16 Bazella Caprice McDonald and Keion Bryant Sr.

17 78. During her nearly 4.5-year reign, Ms. Taylor-Sherwood explicitly told employees,
18 including in front of Ms. Hamilton, that she would not hire or promote qualified Black employees if they
19 have braided hair, speak in African American Vernacular English (formerly known as Ebonics), or do not
20 dress like white employees. In other words, she did not want people who are “too Black” in her
21 department. Indeed, Ms. Taylor-Sherwood and her direct report, Deputy Director Crystal Slaten (Pacific
22 Islander woman), frequently criticized Black employees, including Ms. Hamilton, for not dressing
23 “professional,” while saying nothing to non-Black employees wearing exercise clothes, sneakers, and flip-
24 flops in the office. Indeed, Ms. Slaten went so far as to bring Ms. McDonald dresses to wear. Similarly,
25 on more than one occasion, Ms. Taylor-Sherwood asked Ms. McDonald and Ms. Hamilton to tell Mr.
26 Bryant, an Administrative Analyst I at the time, to change his appearance and speaking mannerisms.¹⁷

27 _____
28 ¹⁷ By instructing Black employees to tell another Black employee how to present themselves and how to

1 79. Ms. Taylor-Sherwood also targeted Black employees with heightened scrutiny and
2 surveillance by requesting that Black employees email their supervisors when they take lunch breaks and
3 report about what they learn at trainings and workshops. Non-Black employees were not asked to do this.
4 Similarly, Ms. Taylor-Sherwood treated Black employees, including Ms. Hamilton, with suspicion if they
5 congregated together, presumably due to a racist assumption that they were socializing instead of working
6 and not working hard enough. In fact, Ms. Taylor-Sherwood frequently interrupted Ms. Hamilton’s team
7 meetings (the division that Ms. Taylor-Sherwood segregated and isolated); these interruptions were
8 disrespectful and disruptive. Meanwhile, non-Black employees were allowed to go on social walks
9 together and socialize in the office.

10 80. In or around 2017, Ms. Taylor-Sherwood segregated the department and transferred Ms.
11 Hamilton and Mr. Bryant Sr. to the Special Projects division under Special Projects Officer Bazella
12 Caprice McDonald. Consequently, Ms. Hamilton and her two colleagues were isolated, denied training,
13 and excluded from communications, workshops, meetings, and advancement opportunities. Telling of the
14 severity of the segregation and exclusion, several Civil Service employees joked that Ms. McDonald, Mr.
15 Bryant Sr., and Ms. Hamilton were the department’s “problem-children” and “step-children.”

16 2. Unequal Pay and Promotion

17 81. In addition to being paid less than non-Black employees for performing substantially
18 similar work, Ms. Hamilton has been consistently performing out-of-class work since Ms. Taylor-
19 Sherwood segregated the department and transferred Ms. Hamilton to Ms. McDonald’s team.
20 Specifically, Ms. Hamilton has supervised an Administrative Analyst (a higher classification) and has
21 performed Personnel Analyst work, Assistant Administrative Analyst work, Administrative Analyst work,
22 and even Special Projects Officer work without additional pay. Ms. Hamilton has also been required to
23 continue to perform her prior desk’s work (employment services division), in addition to her new desk’s

24 _____
25 speak, Ms. Taylor-Sherwood was pitting Black employees against each other. This was a common tactic
26 for Ms. Taylor-Sherwood. For instance, when Ms. Hamilton and another Black woman (Marilyn Hall)
27 expressed frustration to Ms. Taylor-Sherwood about her failure to promote Black employees, Ms. Taylor-
28 Sherwood responded that she promoted Ms. McDonald to Special Projects Officer. In response, Ms.
Hamilton and Ms. Hall noted that Ms. McDonald’s promotion “did not count” and that they were talking
about Black employees in their classifications. Ms. Hamilton later learned that Ms. Taylor-Sherwood told
Ms. McDonald—Ms. Hamilton’s new supervisor—that Ms. Hamilton and Ms. Hall said that Ms.
McDonald “did not count as a Black person.”

1 work (special projects division), while also serving as the department’s Web Administrator and one of its
2 two NeoGov Administrators.¹⁸ When Ms. Hamilton expressed concern about her uncompensated out-of-
3 class work, she was discouraged from submitting a P-30 and told that her only recourse was to pursue a
4 promotion via Assistant Administrative Analyst, Administrative Analyst, or Personnel Analyst exams.

5 82. During her 22 years in the Civil Service department, Ms. Hamilton has witnessed and
6 learned of the City’s suspicious examination practices. Ms. Hamilton knows of countless exams that were
7 converted from banded (candidates are ranked within bands based on exam score) to qualifying
8 (candidates pass if they meet an arbitrary pass score) to favor or disfavor specific employees. Ms.
9 Hamilton also knows of ranked exams (every candidate is ranked based on exam score) in which Black
10 employees were not selected for the position despite being the top scorers. Additionally, within the banded
11 and ranked exams, there have been several instances in which Black employees earned raw scores in the
12 90s (out of 100), but did not pass the exam. Upon information and belief, the City and its Civil Service
13 department have been moving more towards qualifying exams, a practice that allows the City to pass over
14 top scorers and disproportionately harms Black employees’ hiring and advancement.

15 83. Tellingly, in the very department tasked with overseeing the City’s examination process,
16 senior leaders have allowed select employees—nearly all non-Black—to have unfair advantages in exams.
17 For instance, Ms. Taylor-Sherwood and Ms. Slaten have provided at least four Civil Service employees
18 with examinations and sample questions in advance of exams. Ms. Taylor-Sherwood and Ms. Slaten
19 never assisted Ms. Hamilton in preparation for her exams. Similarly, Ms. Taylor-Sherwood and Ms.
20 Slaten allowed a Latino, male Civil Service employee to take the Administrative Analyst exam while he
21 assisted Ms. Slaten in administering it.

22 84. Nevertheless, Ms. Hamilton took the Personnel Analyst exam in or around November
23 2018. Ms. Hamilton did not pass the exam despite having years of Personnel Analyst experience.
24 Notably, the exam was a two-hour writing skills assessment, when the Personnel Analyst role does not
25 require significant writing skills.

26 85. Ms. Hamilton took the Administrative Analyst exam on April 3, 2019. This exam was

27 _____
28 ¹⁸ Telling of Ms. Hamilton’s high-level work, the department’s other NeoGov Administrators is Ms. McDonald.

1 administered by Wonderlic, which, as detailed herein, is a vendor that notoriously provides exams that
2 disparately disadvantage Black employees. In line with the exam's racist reputation, Ms. Hamilton did
3 not pass the exam despite having years of Administrative Analyst experience.

4 86. Ms. Hamilton reapplied for the Personnel Analyst exam in or around November 2019;
5 however, she was not allowed to take the exam because the Civil Service department changed the
6 requirements to specifically disqualify people in Ms. Hamilton's role. Upon information and belief, this
7 change was specifically intended to block Ms. Hamilton from applying for a promotion.

8 87. In comparison, Ms. Hamilton's white predecessor, Donna De Araujo, did not have to
9 perform out-of-class work and was promoted to Assistant Administrative Analyst and then Personnel
10 Analyst. Moreover, at least seven non-Black, Civil Service employees have been promoted in the last
11 three years, while Ms. Hamilton's career and pay has remained stagnant despite her exemplary
12 performance and out-of-class work. It is also worth noting that the City hires employees into classified
13 positions without requiring them to pass the exam first. Ms. Hamilton knows of three instances of this;
14 all three hires were non-Black employees.

15 3. Retaliation & Failure to Prevent Discrimination

16 88. Ms. Hamilton requested out-of-class compensation in or around 2017. In response, Ms.
17 Hamilton was denied and transferred to another division.

18 89. As detailed herein, two of Ms. Hamilton's coworkers, one current and one former, sued the
19 City and Ms. Taylor-Sherwood for discrimination and retaliation. Prior to the lawsuit, Ms. Hamilton and
20 Ms. McDonald reported Ms. Taylor-Sherwood's and Ms. Slaten's conduct to EEOO in or around August
21 2017 and February 2018 respectively, which resulted in an EEOO investigation. Ms. Hamilton
22 participated in this investigation, corroborated the racism, and became associated with the lawsuits given
23 that she was one of the three Black employees who were segregated from the rest of the department. In
24 October 2020, the City informed Ms. Hamilton that they did not want to depose her in Ms. McDonald's
25 lawsuit because she was a favorable witness for Ms. McDonald.

26 90. As a result of Ms. Hamilton's participation in an EEOO investigation and association with
27 Ms. McDonald and Mr. Bryant Sr., Ms. Hamilton was blacklisted from promotions and other positions,
28 excluded from workshops, trainings, and meetings, discouraged from speaking to other Black employees,

1 treated with disrespect and hostility by Civil Service Commissioners, and subjected to an increased
2 workload and scrutiny without commensurate pay or title. Additional responsibilities were also added to
3 Ms. McDonald's workload, which in turn impacts Ms. Hamilton.

4 91. Ultimately, the investigation into Ms. Taylor-Sherwood's conduct found that
5 unprofessional conduct occurred. Ms. Taylor-Sherwood was allowed to resign instead of being
6 terminated. The City's Auditor's Office also determined that it needed an audit of the Civil Service
7 examination process, a process that was overseen by Ms. Slaten. Upon information and belief, the audit
8 has not occurred. Ms. Slaten was transferred to a less demanding role while still holding the same title
9 and the same pay. In comparison, Mr. Bryant Sr. was constructively discharged in September 2019 and
10 Ms. McDonald was transferred to an even more demanding role without commiserate pay or title in early
11 2020. Ms. McDonald has also been openly disparaged and disrespected by several Civil Service
12 Commissioners.

13 92. Despite repeated complaints by Ms. Hamilton and other Black employees in the Civil
14 Service department, the City has continued to subject Ms. Hamilton to ongoing discrimination and
15 retaliation.

16 **F. Donnell Russell Jauregui**

17 93. Ms. Russell Jauregui joined the City as a Clerk Typist I in October 2006 in the Harbor
18 department. Today, 15 years later, she holds the title of Assistant Administrative Analyst I in the Fire
19 department, a small increase in title and compensation as compared to her non-Black peers. During her
20 tenure, Ms. Russell Jauregui has worked in four different departments holding a wide range of
21 responsibilities.

22 1. Hostile Work Environment

23 94. In each of the departments Ms. Russell Jauregui has worked in, she has faced and witnessed
24 discrimination and hostility because of race, which includes heightened scrutiny, failure to provide equal
25 opportunities, and extraordinary attention to the way Black employees dress, speak, and act. Ms. Russell
26 Jauregui's experience demonstrates the widespread and pervasive environment of racial discrimination
27 against Black employees within the City.

28 95. Ms. Russell Jauregui's first manager in the Civil Service department—and head of the

1 department tasked with managing how the City screens job applicants and handles employees' disciplinary
2 appeals—Mario Beas, created hostility between employees when, in late 2010/early 2011, he blamed his
3 Black female assistant for his decision not to promote one of the other non-Black employees. Mr. Beas
4 then exacerbated the issue by ignoring and avoiding the internal strife, failing to take accountability—
5 thereby ignoring the suggestions of the mediators brought in to remedy the issue—and ultimately asked
6 employees to sign documents stating that they had come to a consensus, when they had not. As a result,
7 the hostile environment continued.

8 96. Mr. Beas's replacement, Kandice Taylor-Sherwood, proved only worse. As detailed
9 herein, Ms. Taylor-Sherwood has been the subject of two lawsuits by Black employees and eventually
10 resigned due to the discrimination complaints against her. While Ms. Russell Jauregui worked for Ms.
11 Taylor-Sherwood, she endured Ms. Taylor-Sherwood's constant scrutiny of the way Black employees
12 dressed and talked. For example, in one instance Ms. Taylor-Sherwood interrupted a conversation
13 between Ms. Russell Jauregui and another Black woman, a conversation she was not part of, to tell Ms.
14 Russell Jauregui's colleague to repeat and "correct" her pronunciation of "shrimp," which Ms. Taylor-
15 Sherwood felt the colleague had mispronounced. Furthermore, Ms. Taylor-Sherwood labeled Ms. Russell
16 Jauregui as "negative" in response to her advocacy for herself and ultimately told others after Ms. Russell
17 Jauregui left, that she was glad she was gone from the department.

18 97. During Ms. Russell Jauregui's brief time working under a Black manager at the Housing
19 Authority, Darnisa Tyler, she witnessed the way the City's racism infiltrates even higher-level positions.
20 Ms. Tyler was not given the authority that other managers have and ultimately left due to lack of support
21 from white leadership.

22 98. As one of the only Black employees within the Fire department, Ms. Russell Jauregui
23 continues to face hostility and hyper-scrutiny. Her current manager, Battalion Chief Karen Rindone (a
24 white woman), has excluded her from opportunities, made it impossible for Ms. Russell Jauregui to
25 perform her job duties by refusing to allow her to come to the office to work, and has required that Ms.
26 Russell Jauregui provide her with a daily work log while telecommuting. To Ms. Russell Jauregui's
27 knowledge, no other white employee is excluded from the office or required to submit a daily log while
28 telecommuting.

1 2. Unequal Pay and Promotion

2 99. The City has paid Ms. Russell Jauregui less than similarly situated non-Black employees,
3 has provided non-Black employees performing similar or the same roles with higher classifications and
4 levels, and has promoted non-Black employees at earlier and faster rates than Ms. Russell Jauregui. Ms.
5 Russell Jauregui has regularly worked out of class without the requisite title and has been excluded from
6 the City’s tap on the shoulder promotional opportunities.

7 100. Within the Civil Service department, Ms. Russell Jauregui worked out of class performing
8 the duties of Personnel Payroll Assistant without receiving the pay or title for the work she completed.
9 By contrast, Maria Alamo, a non-Black colleague of Ms. Russell Jauregui performed the same work with
10 the title of Personnel Payroll Assistant.

11 101. When Ms. Russell Jauregui requested a promotion under Ms. Taylor-Sherwood, Ms.
12 Taylor-Sherwood accused Ms. Russell Jauregui of being the most vocal in the department about her pay
13 and of being “too negative.” In an email, Ms. Taylor-Sherwood admitted to Ms. Russell Jauregui that
14 many people in the department were likely underpaid, but that none of them complained like Ms. Russell
15 Jauregui did.¹⁹ Ms. Taylor-Sherwood then almost immediately promoted Ms. Russell Jauregui’s non-
16 Black peer, Lourdes Ferrer.

17 102. In November 2014, seven years after her hire, Ms. Russell Jauregui was promoted to
18 Administrative Aide II. For the first time in her career with the City, Ms. Russell Jauregui’s experience
19 and education was taken into consideration and she was started at a salary level of step six. This offer
20 was made by a Black manager, Ms. Tyler. Within two weeks, however, Ms. Tyler’s decision was
21 overridden, and Ms. Russell Jauregui was contacted by an Administrative Officer who alleged that a
22 mistake had been made in her salary calculations.²⁰ She was told she would have to either accept a cut to

23 _____
24 ¹⁹ The email said specifically: “There are other people in our group who likely need to be paid more for
the work they do... I will say they have not been as vocal as you (wink wink). :-)”

25 ²⁰ HR has since admitted that the original calculation of Ms. Russell Jauregui’s salary as an Administrative
26 Aide II did not violate policy. Specifically, Director of Human and Health Services Kelly Colopy admitted
27 that there is no policy prohibiting the original salary increase Ms. Russell Jauregui received, but that HR
28 was reducing Ms. Russell Jauregui’s salary because she personally felt the lower pay offer was “more than
fair.” During a different discussion, former Personnel Officer Tom Papademetriou told Ms. Russell
Jauregui that although education used to be considered in hiring and pay decisions, HR had at some point
arbitrarily decided not to include education in its decisions.

1 her pay or transfer back to Ms. Taylor-Sherwood’s management within Civil Service, a transfer that would
2 constitute a revocation of her promotion. Having no other choice Ms. Russell Jauregui agreed to a salary
3 cut. However, although the City decreased Ms. Russell Jauregui’s pay, it did not change her job duties to
4 match the lower salary.

5 103. For the next year, Ms. Russell Jauregui performed the roles of Administrative Aide,
6 Facilities Coordinator, Office Manager, Front Desk Supervisor, Accounting Clerk, and formed part of the
7 management team, with the title and pay of Administrative Aide II. As described in more detail herein,
8 when Ms. Russell Jauregui grieved the higher-level work she was performing, she was retaliated against
9 and relegated to a lesser role.

10 104. Between 2014 and 2017, Ms. Russell Jauregui began classes for a master’s degree at
11 California State University, Long Beach. With increased education and experience, she applied for the
12 Assistant Administrative Analyst II position within the Civil Service department, which at the time had
13 two vacancies. Despite passing the test and interviewing, she was not hired. Instead, the City hired an
14 Asian woman and a Latino man from outside the City, with less experience.²¹ Still hopeful, Ms. Russell
15 Jauregui also applied for a Personnel Analyst position in 2018. She was again successful on the test and
16 had a track record of performing Personnel Analyst duties within Civil Service but was not given the
17 opportunity to interview. Upon information and belief, Ms. Taylor-Sherwood negatively intervened in
18 the hiring process to instruct Deputy Director Crystal Slaten not to hire Ms. Russell Jauregui. Ms. Russell
19 Jauregui also interviewed with HR for a Personnel Analyst position twice, but later discovered the position
20 had been slated for a non-Black employee prior to the hiring process.

21 105. Despite consistent obstructions, Ms. Russell Jauregui has continued to advocate for herself
22 and push for higher title and pay. Aware that her current job duties are on par with the higher classification
23 of Assistant Administrative Analyst II, in 2018, Ms. Russell Jauregui provided notice to her then
24 supervisor and voiced her desire for a promotion. Indeed, Ms. Russell Jauregui is a subject matter expert
25 in TeleStaff and effectively and efficiently schedules a team of 40-67 ambulance operators. Although her
26 then supervisor advocated for her promotion when he realized the enormity of coordinating the Basic Life

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28 ²¹ One employee has since left the City, and the other was fast tracked and promoted to Administrative Analyst III.

1 Safety program, his request was overruled by the predominately white upper management.

2 106. In December 2020, Ms. Russell Jauregui returned from FMLA stress-related leave to
3 discover that her non-Black colleague was promoted from Assistant Administrative Analyst I to Assistant
4 Administrative Analyst II. Prior to Ms. Russell Jauregui's leave, one other non-Black colleague was
5 promoted from Administrative Aide II to Assistant Administrative Analyst II. Furthermore, another one
6 of Ms. Russell Jauregui's non-Black colleagues was promoted from Clerk Typist III to Assistant
7 Administrative Analyst II within the time that Ms. Russell Jauregui has been requesting a promotion from
8 Assistant Administrative Analyst I to Assistant Administrative Analyst II. None of the three Assistant
9 Administrative Analysts had been supervising or growing programs the way Ms. Russell Jauregui has
10 been supervising and growing them. Ms. Russell Jauregui is now the only remaining Assistant
11 Administrative Analyst I in the department, despite having performed a higher level of work than her
12 colleagues who were promoted. When Ms. Russell Jauregui asked Administrative Manager David Honey
13 to explain why there were no postings for two of the Assistant Administrative Analyst II positions that
14 were filled and reiterated her ongoing requests for promotion, Mr. Honey responded only that the other
15 two positions were position upgrades approved as part of the annual budget process. Interestingly, Ms.
16 Russell Jauregui's position – the only other Assistant Administrative Analyst I position—was not
17 considered for position upgrade.

18 107. During her 14-year career with the City, Ms. Russell Jauregui has witnessed white and
19 other non-Black employees receive fast-track promotions and positions created in order to allow for hire
20 or promotion, while those same opportunities were closed to her and other Black employees.

21 3. Retaliation

22 108. Ms. Russell Jauregui's employment with the City has been rife with retaliation by her
23 managers and other higher-level non-Black individuals, and has included effective demotions in pay and
24 job responsibility, hostility, and increased scrutiny of Ms. Russell Jauregui's performance.

25 109. While in the Civil Service department, Ms. Russell Jauregui requested that she be
26 compensated with pay and title for the work she was performing. In response, Ms. Russell Jauregui's
27 manager, Ms. Taylor-Sherwood—at the behest of the then-white female HR Manager, Cynthia Stafford—
28 removed Ms. Russell Jauregui's job duties, telling Ms. Taylor-Sherwood to “put her back at the front as a

1 clerk,” rather than pay her the 80 cents pay increase she would have received had she been properly
2 classified.

3 110. Ms. Russell Jauregui’s experience with advocating for fair pay was no better in the Housing
4 Authority. In December 2015, Ms. Russell Jauregui submitted a P-30 with HR detailing her
5 misclassification as an Administrative Aide II when she was performing the additional responsibilities
6 listed above. During one of her conversations with Director of Human and Health Services, Kelly Colopy,
7 Ms. Colopy threatened that if the audit went forward it may result in a lower classification. In February
8 2016, rather than increase her role and title, the Housing Authority Bureau Manager moved Ms. Russell
9 Jauregui from an office to a cubicle, removed her from supervisory meetings, and revoked her keys,
10 parking spot, and ability to flex her schedule. This backlash was based solely on Ms. Russell Jauregui’s
11 advocacy for herself.

12 111. As an indication of the way City management protects certain employees at the expense of
13 Black employees, in early 2020 Ms. Russell Jauregui complained to Administrative Manager David
14 Honey about being responsible for her higher paid colleague’s work and the way that colleague
15 disrespectfully treated her. Ms. Russell Jauregui’s complaint was communicated to her manager, Ms.
16 Rindone. Ms. Rindone and Meg Rau, former Administrative Officer for the Fire department, engaged in
17 a campaign of harassment against Ms. Russell Jauregui. In addition to treating her disrespectfully, Ms.
18 Rindone scrutinizes Ms. Russell Jauregui’s work in a way she never did before, has refused to allow her
19 to come into the office one day a week to perform the duties she can only perform in person, and has
20 required her to submit a daily log of her work activities.

21 4. Failure to Investigate & Failure to Prevent Discrimination

22 112. Ms. Russell Jauregui has reported to HR and management on numerous occasions
23 regarding her treatment, but action by the City has been slow and anemic if any action is taken at all.

24 113. In the Civil Service department, Ms. Russell Jauregui was one of many employees who
25 complained of Ms. Taylor-Sherwood’s behavior, and yet Ms. Taylor-Sherwood was allowed to wreak
26 havoc on the lives of numerous Black employees for nearly four years after Ms. Russell Jauregui left her
27 department.

28 114. Ms. Russell Jauregui’s complaints regarding her pay at the Housing Authority resulted in

1 a decrease in her responsibilities and opportunities.

2 115. In the Fire department, Ms. Russell Jauregui filed a formal complaint against Ms. Rindone,
3 and has received no formal response. Upon information and belief, no formal investigation was
4 undertaken and nothing has been done about her complaints. Ms. Rindone continues to supervise Ms.
5 Russell Jauregui and Ms. Rindone's discrimination and retaliation continues without restraint.

6 116. Indeed, as opposed to Black employees, when white employees within the City engage in
7 discrimination and retaliation, rather than face reprimand, they are transferred to different positions and
8 departments and allowed to continue to harass and discriminate with impunity.

9 117. As a result of the City's failure to meaningfully address Ms. Russell Jauregui's repeated
10 complaints of discrimination to management and HR, Ms. Russell Jauregui continued to face ongoing
11 discrimination and retaliation.

12 **V. CLASS ACTION ALLEGATIONS**

13 **A. Class Definition**

14 118. Plaintiffs bring this class action on behalf of all Black employees (union, non-union,
15 classified, unclassified, and Non-Career) from June 9, 2018 (for the California Equal Pay Act claim) or
16 June 3, 2018 (for all other claims)²² through the date of trial.

17 119. Plaintiffs are members of the Class they seek to represent.

18 120. This action should proceed as a class action pursuant to Code of Civil Procedure Section
19 382 because the Class is ascertainable, there is a well-defined community of interest in the litigation, and
20 the Class is manageable. Class certification in this action would produce substantial benefits to the
21 litigants, the members of the Class, and the Court.

22 **B. Numerosity and Impracticability of Joinder**

23 121. The approximately 1,000 Class Members are so numerous that joinder of all Class
24 Members is impracticable.

25 **C. Community of Interest**

26
27 ²² Upon information and belief, prior systemic charges of discrimination against the City of Long Beach
28 have been filed with the DFEH. Plaintiffs reserve the right to amend the class period and "piggyback" on
earlier charges.

1 122. There is a well-defined community of interest because common questions of law and fact
2 exist as to all members of the Class and predominate over any questions solely affecting individual
3 members of the Class. Those common questions of law and fact include, but are not limited to:

4 a. Whether the City has a systemic policy and/or practice of paying its Black
5 employees less than what is paid to its non-Black employees for performing substantially similar work,
6 when viewed as a composite of skill, effort, and responsibility, and performed under similar conditions;

7 b. Whether the City has a systemic policy and/or practice of disproportionately hiring
8 Black employees into and keeping them longer in lower classifications, levels, pay steps, and occupational
9 job categories as compared to non-Black employees, leading to overall lower compensation;

10 c. Whether the City has a systemic policy and/or practice of disproportionately
11 segregating Black employees into certain roles, occupational job categories, or groups and/or systemically
12 and disproportionately placing Black employees into Non-Career/unclassified versus classified roles,
13 leading to lower overall compensation;

14 d. Whether the City has a systemic policy and/or practice of disproportionately (1)
15 requiring Black employees to perform out-of-class duties compared to non-Black employees and (2)
16 denying Black employees' requests for reclassification and out-of-class pay compared to non-Black
17 employees' requests, leading to lower overall compensation;

18 e. Whether the City has a systemic policy and/or practice of disproportionately
19 excluding Black employees from promoted positions and/or management and leadership positions as
20 compared to non-Black employees, leading to lower overall compensation;

21 f. Whether the City has a systemic policy and/or practice of disproportionately
22 transferring, disciplining, demoting, and terminating Black employees compared to non-Black employees,
23 leading to lower overall compensation;

24 g. Whether the City's systemic policies and/or practices described above violate the
25 Fair Employment and Housing Act ("FEHA"), Cal. Gov't. Code § 12940(a) and/or the California Equal
26 Pay Act, as amended, Cal. Labor Code § 1197.5 ("CEPA");

27 h. Whether the City's systemic policy and/or practice of paying its Black employees
28 less than that paid to non-Black employees was willful;

1 i. Whether the City's performance evaluation systems lead to lower overall
2 compensation and fewer promotions for Black employees as compared to non-Black employees;

3 j. Whether the City's systemic failure to respond to HR complaints, EEOO
4 complaints, Civil Service complaints, union grievances, EEOC/DFEH complaints, lawsuits, and other
5 complaints represent a failure of its affirmative duty to take all reasonable steps necessary to prevent
6 discrimination, harassment, and/or retaliation from occurring;

7 k. Whether the City's failure in its affirmative duty to take all reasonable steps
8 necessary to prevent discrimination, harassment, and/or retaliation from occurring violates the FEHA; and

9 l. Whether the City's systemic targeting of Black employees with unjustified
10 disciplinary actions at disparate rates, when compared to their non-Black colleagues, constitutes unlawful
11 discrimination on the basis of race against Plaintiffs and the Class.

12 **D. Typicality of Claims and Relief Sought**

13 123. The claims of Plaintiffs are typical of the claims of the proposed Class. Plaintiffs, like the
14 members of the proposed Class, are Black employees who worked for the City in California during the
15 Class Period.

16 124. Upon information and belief, Plaintiffs, like the members of the proposed Class, have been
17 paid less than non-Black employees for substantially similar work; denied opportunities for advancement
18 in a manner that is disproportionate as compared to employees of other races; and subjected to the City's
19 failure to prevent discrimination and harassment.

20 125. The relief sought by Plaintiffs herein are also typical of the relief sought on behalf of the
21 proposed class.

22 **E. Adequacy of Representation**

23 126. Plaintiffs can fairly and adequately protect the interests of all members of the Class because
24 it is in Plaintiffs' best interest to prosecute the claims alleged herein to obtain full compensation due to
25 the members of the class, and to obtain injunctive relief to protect the Class from further discrimination.
26 Plaintiffs' interests align with those of Class Members. Plaintiffs have selected counsel who have the
27 requisite resources and ability to prosecute this case as a class action and are experienced labor and
28 employment attorneys who have successfully litigated class actions and other cases involving similar

1 issues.

2 127. This suit is properly maintained as a class action under C.C.P. § 382 because the City has
3 implemented an unlawful scheme that is generally applicable to the Class, making it appropriate to issue
4 final injunctive relief and corresponding declaratory relief with respect to the Class as a whole. This suit
5 is also properly maintained as a class action because the common questions of law and fact predominate
6 over any questions affecting only individual members of the class. For all these and other reasons, a class
7 action is superior to other available methods for the fair and efficient adjudication of the controversy set
8 forth herein.

9 **VI. CAUSES OF ACTION**

10 **COUNT I**

11 **Race Discrimination, Pay**

12 **FEHA, Cal. Gov't Code section 12940, et seq.**

13 **(On Behalf of Plaintiffs and the Class)**

14 128. Plaintiffs hereby incorporate by reference all preceding paragraphs as alleged above as if
15 fully set forth herein.

16 129. At all times herein mentioned, the FEHA was in full force and effect and fully binding
17 upon Defendant. Plaintiffs and the Class were members of a group protected by the statute, in particular
18 Government Code section 12940(a), prohibiting discrimination in employment based on race.

19 130. The unequal pay provided to Plaintiffs and the Class by Defendant constitutes
20 discrimination based on race and violated Government Code section 12940(a).

21 131. As a direct, foreseeable, and proximate result of Defendant's unlawful actions, Plaintiffs
22 and the Class have suffered and continue to suffer substantial losses in earnings and other employment
23 benefits, and have incurred other economic losses.

24 132. As a further direct, foreseeable, and proximate result of Defendant's unlawful actions,
25 Plaintiffs and the Class have suffered emotional distress, humiliation, shame, and embarrassment all to
26 the Plaintiffs' and the Class' damage in an amount to be proven at the time of trial.

27 **COUNT II**

28 **Race Discrimination, Promotions**

1 **FEHA, Cal. Gov't Code section 12940, et seq.**

2 **(On Behalf of Plaintiffs and the Class)**

3 133. Plaintiffs hereby incorporate by reference all preceding paragraphs as alleged above as if
4 fully set forth herein.

5 134. At all times herein mentioned, the FEHA was in full force and effect and fully binding
6 upon Defendant. Plaintiffs and the Class were members of a group protected by the statute, in particular
7 Government Code section 12940(a) prohibiting discrimination in employment based on race.

8 135. Defendant's failure to promote Plaintiffs and the Class because of their race constitutes
9 discrimination based on race and violated Government Code section 12940(a).

10 136. As a direct, foreseeable, and proximate result of Defendant's unlawful actions, Plaintiffs
11 and the Class have suffered and continue to suffer substantial losses in earnings and other employment
12 benefits, and have incurred other economic losses.

13 137. As a further direct, foreseeable, and proximate result of Defendant's unlawful actions,
14 Plaintiffs and the Class have suffered emotional distress, humiliation, shame, and embarrassment all to
15 the Plaintiffs' and the Class' damage in an amount to be proven at the time of trial.

16 **COUNT III**

17 **Unequal Pay**

18 **CEPA, Cal. Lab. Code section 1197.5, et seq.**

19 **(On Behalf of Plaintiffs and the Class)**

20 138. Plaintiffs hereby incorporate by reference all preceding paragraphs as alleged above as if
21 fully set forth herein.

22 139. Defendant discriminated against Plaintiffs and the Class in violation of the CEPA by
23 paying Black employees at wage rates less than the wage rates paid to non-Black employees for equal and
24 substantially similar work. Specifically, Defendant paid Black employees less than non-Black employees
25 for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and
26 performed under similar working conditions.

27 140. Defendant willfully violated the CEPA by intentionally, knowingly, and deliberately
28 paying Black employees less than non-Black employees for equal and substantially similar work.

1 141. As a result of Defendant’s conduct, violation of the CEPA, and/or willful, knowing, and
2 intentional discrimination, Plaintiffs and the Class have suffered and will continue to suffer harm,
3 including but not limited to lost earnings, lost benefits, and other financial loss, as well as non-economic
4 damages.

5 142. Plaintiffs and the Class are therefore entitled to all legal and equitable remedies available
6 under law, including wages, interest, and liquidated damages.

7 **COUNT IV**

8 **Failure to Prevent Discrimination and Harassment**

9 **FEHA, Cal. Gov’t Code section 12940(k)**

10 **(On Behalf of Plaintiffs and the Class)**

11 143. Plaintiffs hereby incorporate by reference all preceding paragraphs as alleged above as if
12 fully set forth herein.

13 144. Under Government Code section 12940(k), it is an unlawful employment practice for an
14 employer “to fail to take all reasonable steps necessary to prevent discrimination from occurring.”

15 145. Through its above-described actions and omissions, Defendant failed in its affirmative duty
16 to take all reasonable steps necessary to prevent discrimination, harassment, and/or retaliation from
17 occurring in violation of the FEHA.

18 146. Among other failures, Defendant failed to pay and promote Plaintiffs and Class Members
19 equally compared to similarly situated, non-Black employees despite repeated complaints to City officials,
20 management, senior leadership, HR, EEOO, and Civil Service.

21 147. As a direct and proximate result of Defendant’s unlawful actions, Plaintiffs and the Class
22 have suffered lost wages, employment benefits, other compensation and benefits, and other economic
23 damages in amounts to be proven at trial.

24 148. As a direct and proximate result of Defendant’s unlawful actions. Plaintiffs and Class
25 Members have suffered injury, including but not limited to emotional distress, entitling them to
26 compensatory damages in an amount to be proven at trial.

27 149. Plaintiffs and Class Members are entitled to reasonable attorneys’ fees and costs pursuant
28 to Government Code section 12965(b).

1 **COUNT V**

2 **Retaliation**

3 **FEHA, Cal. Gov't Code section 12940(h)**

4 **(On Behalf of Plaintiffs and the Class)**

5 150. Plaintiffs hereby incorporate by reference all preceding paragraphs as alleged above as if
6 fully set forth herein.

7 151. At all times herein mentioned, the FEHA was in full force and effect and fully binding
8 upon Defendant.

9 152. Government Code section 13840(h) makes it unlawful for an employer to retaliate against
10 employees because the employees have “opposed any practices forbidden under this part or because the
11 person filed a complaint, testified, or assisted in any proceeding under the statute.”

12 153. Plaintiffs and the Class have engaged in protected activities under FEHA by *inter alia*
13 complaining about unequal terms and conditions of employment, complaining about out-of-class pay and
14 misclassification, complaining about discrimination, harassment, and retaliation, or participating in
15 discrimination, harassment, and retaliation investigations.

16 154. Defendant’s employees employ customs, practices, policies, and conduct of targeting
17 Black employees with unjustified adverse employment actions because of their protected activities.

18 155. Defendant’s actions produce a disparate, adverse, and discriminatory impact on Black
19 employees who engage in protected activities as compared to non-Black employees.

20 156. As a direct, foreseeable, and proximate result of Defendant’s unlawful actions, Plaintiffs
21 and the Class have suffered and continue to suffer substantial losses in earnings and other employment
22 benefits and have incurred other economic losses.

23 157. As a further direct, foreseeable, and proximate result of Defendant’s unlawful actions,
24 Plaintiffs and the Class have suffered emotional distress, humiliation, shame, and embarrassment all
25 adding to the Plaintiffs’ and the Class’ damages in an amount to be proven at the time of trial.

26 **PRAYER FOR RELIEF**

27 Wherefore, Plaintiffs and the Class request the following relief:

- 28 a. Certification of the class claims identified in this action as a class action under

- 1 California Code of Civil Procedure section 382 on behalf of the Class;
- 2 b. Designation of Plaintiffs as Class Representatives of the Class;
- 3 c. Designation of Plaintiffs' counsel of record as Class Counsel;
- 4 d. A declaratory judgment that that Defendant's policy and practice of discriminating
- 5 against Black employees as complained of herein violates the FEHA and the CEPA;
- 6 e. A preliminary and permanent injunction:
- 7 i. Prohibiting Defendant from engaging in any conduct violating the rights of
- 8 Plaintiffs and Class Members as secured by the FEHA and the CEPA and other
- 9 such injunctive relief as will prevent Defendant from continuing their
- 10 discriminatory practices and from engaging in any further unlawful practices,
- 11 policies, customs, usages, and race discrimination as set forth herein;
- 12 ii. Requiring Defendant to adjust the wages and benefits for the respective Plaintiffs
- 13 and Class Members to the level or employment status that they would be enjoying
- 14 but for the Defendant's discriminatory policies, practices and/or procedures;
- 15 iii. Requiring Defendant to develop, adopt, and apply written policies, to be approved
- 16 by the Court, which will ensure Defendant's compliance with the FEHA and the
- 17 CEPA;
- 18 iv. Requiring Defendant to train its HR and employees in supervisory roles in the
- 19 requirements and proper enforcement of the FEHA and the CEPA;
- 20 v. Requiring Defendant to provide other injunctive relief as just and necessary to
- 21 Plaintiffs and Class Members who establish that they are entitled to such injunctive
- 22 relief, including Plaintiffs' monitoring of the City's compliance for seven years;
- 23 and
- 24 vi. Requiring Defendant to establish a truth and reconciliation commission.
- 25 f. Wages, salary, employment benefits, and other compensation or benefits denied to or
- 26 lost by Plaintiffs and Class Members in an amount in accordance with proof presented
- 27 at trial;
- 28 g. Compensatory damages to Plaintiffs and Class Members in an amount in accordance

1 with proof presented at trial;

2 h. Civil penalties as provided by the Labor Code if applicable;

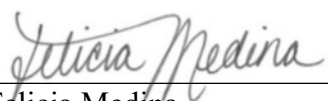
3 i. An award of litigation costs and expenses, including reasonable attorneys' fees;

4 j. Pre-judgment and post-judgment interest or liquidated damages; and

5 k. Such other and further relief as the Court may deem just and proper.

6
7
8 Dated: June 9, 2021

Respectfully Submitted,

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10 
11 Felicia Medina
12 Jennifer Orthwein
13 Shauna Madison
14 MEDINA ORTHWEIN LLP

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