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OF ORIGINAL FILED  
Los Angeles Superior Court

SEP 02 2015

Sherri R. Carter, Executive Officer/Clerk  
By: Moses Soto, Deputy

SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

WAYNE GUILLARY,

Plaintiff,

v.

CITY OF LOS ANGELES, a government  
entity; LOS ANGELES POLICE  
DEPARTMENT, a government entity; and  
DOES 1 through 100, inclusive,

Defendants.

CASE NO.: **BC 5 9 3 4 1 3**

**COMPLAINT FOR DAMAGES**

1. Discrimination in Violation of FEHA  
(Cal. Gov't Code § 12940 *et seq.*)
2. Harassment in Violation of FEHA  
(Cal. Gov't Code § 12940 *et seq.*)
3. Retaliation in Violation of FEHA  
(Cal. Gov't Code § 12940 *et seq.*)
4. Retaliation in Violation of Labor  
Code § 1102.5

**DEMAND FOR JURY TRIAL**

COMES NOW Plaintiff, WAYNE GUILLARY, and hereby demands a trial by jury, and  
based on information and belief complains and alleges as follows:

**THE PARTIES**

1. At all times relevant hereto Plaintiff WAYNE GUILLARY ("Guillary" or  
"Plaintiff") was a sworn California police officer employed by the Los Angeles Police Department

1 (“the LAPD” or “Department”), and was a competent adult. Plaintiff held the rank of Sergeant II,  
2 and was assigned to the Northeast Division of the Los Angeles Police Department.

3 2. Plaintiff is informed and believes and herein alleges that, at all times relevant  
4 hereto, Defendant CITY OF LOS ANGELES (“City”) was a public entity violating laws within the  
5 State of California in the County of Los Angeles. At all times pertinent hereto, Defendant City  
6 owned, controlled, and operated the law enforcement agency known as the LAPD.

7 3. Plaintiff is informed and believes and herein alleges that, at all times relevant  
8 hereto, Defendant LOS ANGELES POLICE DEPARTMENT (“LAPD”) was a public entity  
9 violating laws within the State of California in the County of Los Angeles.

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

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

23 6. Plaintiff is informed and believes, and thereon alleges, that at all times material  
24 herein the Defendants, and each of them, were the agents, servants, or employees, or ostensible  
25 agents, servants, and employees of each other Defendant, and as such, were acting within the  
26 course and scope of said agency and employment or ostensible agency and employment, except on  
27 those occasions when Defendants were acting as principals, in which case, said Defendants; and  
28 each of them, were negligent in the selection, hiring, and use of the other Defendants.

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

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

## VENUE AND JURISDICTION

9. At all relevant times hereto, Plaintiff was residing in the County of Los Angeles, State of California.

10. At all relevant times hereto, the Defendants, and each of them, were residents of the County of Los Angeles, State of California.

11. The wrongful conduct alleged against the Defendants, and each of them, occurred in the County of Los Angeles, State of California. At all relevant times hereto, the conduct at issue was part of a continuous and ongoing pattern of behavior.

12. This Court is the proper court because the wrongful acts that are the subject of this action occurred here, at least one Defendant now resides in its jurisdictional area, and injury to person or damage to personal property occurred in its jurisdictional area.

13. Plaintiff has complied with and/or exhausted any applicable claims statutes and/or administrative and/or internal remedies and/or grievance procedures, and/or is excused from complying therewith. Plaintiff has complied with the claim presentation requirement of California Government Code § 945.4 and § 912.4. Plaintiff filed a government claim with the City of Los Angeles on or about July 13, 2015, which was denied on or about July 14, 2015. Plaintiff filed a complaint with the Department of Fair Employment and Housing (“DFEH”) on or about June 29, 2015, and was issued a right-to-sue notice on or about June 29, 2015.

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## GENERAL ALLEGATIONS

14. Plaintiff is African-American and was raised in Watts. During the Watts riots, Plaintiff told his mother that he wanted to join the LAPD to make a difference. After becoming an Explorer and Police Worker, Plaintiff was eventually sworn in 1981. By 1997, Plaintiff was made the Officer in Charge of Recruitment. He did everything he could to make a difference, recruiting from all segments of the Los Angeles population. However, Plaintiff discovered LAPD internal recruitment documents which stated that the LAPD was hiring "too many ni\*\*ers and "mud ducks." Plaintiff complained to his supervisors, but was told by his Deputy Chief that he (Plaintiff) "supervised too black." Thereafter, Plaintiff was demoted and sent to an office by himself for a year with no responsibilities. Plaintiff sued the LAPD, and the case was settled in 2001. Plaintiff continued his career, thinking the racism he experienced in the past was behind him.

15. At all relevant times relevant herein, Plaintiff was a sworn police officer for the Los Angeles Police Department, and held the title and rank of Sergeant II. Plaintiff was assigned to the Northeast Division within the LAPD.

16. In or around June 2013, a car accident resulted in an officer being rushed to the hospital. Plaintiff called his Captain to inform him of the circumstances, but was berated and demeaned. Such a strong overreaction was a result of Plaintiff speaking publically and internally about race issues within the Department. Plaintiff sent an email to Chief of Police Charlie Beck informing him that his Captain was singling him out because of the fact that he had been outspoken against the Department regarding its practice of racial discrimination. Plaintiff stressed that he was the only outspoken African-American supervisor in the entire LAPD and the only African-American supervisor in the Northeast.

17. In or around January 2014, Plaintiff appeared before the Board of Police Commissioners. Plaintiff continued with his constitutionally protected activity, and duty to report impropriety, by informing the panel about "Ghost cars." "Ghost Cars" was the scheme perpetrated by command staff and pushed into the divisions throughout the city whereby patrol divisions would have people log into squad car computers to make it appear that people were on patrol, when they really were not. Plaintiff reported that his command staff, Captain III Bert and Captain I Thomas,

1 also used "Ghost Cars." Command staff who participated in this scheme were in violation of  
2 Government Code §6200 which expressly prohibits the altering or falsifying of public records or  
3 documents.

4 18. In or around February 2014, Plaintiff filed a complaint with the Office of  
5 Discrimination for Complaint Resolution ("ODCR") against Captain III Bert. Although these  
6 complaints are supposed to be confidential, the LAPD somehow found out, and Internal Affairs  
7 interviewed Claimant.

8 19. In or around August 2014, Plaintiff was again in front of the Board of Police  
9 Commissioners. Plaintiff again engaged in protected activity and spoke out against Chief of Police  
10 Charlie Beck's handling of the incident involving officer Shaunn Hillman, a white officer who had  
11 made a racial slur against African-Americans at a bar off-duty. High-ranking police officials  
12 recommended that Hillman be fired, and the disciplinary Board of Rights panel agreed. However,  
13 Chief Beck decided otherwise, sparing the career of an officer whose father and uncle worked for  
14 the LAPD.

15 20. On or about November 8, 2014, very late at night, a car chase originated in the  
16 Hollenbeck Division and ended in Northeast Division where Plaintiff worked. There was an officer  
17 involved shooting, and Plaintiff called Captain I Oddo from Northeast Division to see what should  
18 be done. Captain I Oddo told Plaintiff that this was the Hollenbeck Division's problems. However,  
19 on or about January 12, 2015, two months after the car chase incident, Plaintiff received a Notice to  
20 Correct deficiencies due to the incident in November. Plaintiff received this discipline for allegedly  
21 failing to report the incident even though he did. In his 34-year career, Plaintiff had never received  
22 a Notice to Correct deficiencies. Plaintiff decided to voice his displeasure in the watch  
23 commander's log. Plaintiff reported that the Notice to Correct was actually issued in retaliation for  
24 Plaintiff's protected activities and was discriminatory. Plaintiff filed a formal grievance with the  
25 union on or about January 15, 2015.

26 21. On or about February 15, 2015, Plaintiff again engaged in protected activity when  
27 Internal Affairs interviewed him. Instead of siding with the Department, Plaintiff's statements  
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1 supported fellow African-American Supervisor Lieutenant Cook who had filed an age  
2 discrimination lawsuit against the LAPD.

3         22. In further retaliation for his protected activity, on or about March 4, 2015,  
4 Lieutenant Mathis informed Plaintiff that he could no longer be a watch commander due to a 1997  
5 TMJ restriction that had never been used. (In 1997, Plaintiff was diagnosed with TMJ, a pain and  
6 dysfunction disorder involving the mandible. The LAPD had never placed any restrictions on  
7 Plaintiff in the preceding 18 years of his career.) Lieutenant Mathis told Plaintiff he could not be  
8 in the field, and was not allowed to sign any reports. Therefore, as the acting watch commander on  
9 the late night watch, Plaintiff could really do nothing. Plaintiff immediately called Captain III Bert  
10 and informed him that this was discrimination and retaliation, and requested to be assigned to his  
11 home since he could do nothing at work. Captain III Bert denied Plaintiff's request. As a result of  
12 the discriminatory and retaliatory actions from Plaintiff's command staff, Plaintiff continues to  
13 have no access to the watch commander's log, is supervised by his subordinates, works 12 hour a  
14 day, and has been assigned no duties and responsibilities.

15         23. On or about March 10, 2015, Plaintiff complained to Internal Affairs regarding the  
16 retaliation he suffered. Internal Affairs interviewed Plaintiff on or about April 10, 2015.

17         24. Plaintiff's career has been materially and adversely affected, and irreparably harmed  
18 and damaged by the conduct of the Defendants. Plaintiff was retaliated against for reporting what  
19 he reasonably believed to be harassment, discrimination, and inappropriate race-based  
20 discriminatory practices, for engaging in protected activity, including standing up for his rights and  
21 the rights of others, identifying what he believed to be violations of state and federal law and the  
22 state and federal constitutions, identifying violations that he believed amounted to falsifying police  
23 documents and police reports and other crimes, asserting his first amendment rights in speaking out  
24 about race-based issues and speaking in front of the police commission, and opposing the improper  
25 conduct by supervisors and command staff. As a direct and proximate consequence of reporting  
26 such misconduct—which constitutes protected activity under state and federal law—Defendants,  
27 and each of them, retaliated against, discriminated against, and harassed Plaintiff, and subjected  
28 Plaintiff to adverse employment actions. Those adverse employment actions include but are not

1 limited to: being verbally berated by his supervisors; being issued a Notice to Correct deficiencies;  
2 being pulled as a watch commander with no field responsibilities and no access to the commanders  
3 log because of Plaintiff's TMU diagnosis from 1997; being supervised by subordinates; being  
4 denied privileges and benefits associated with his position; and being denied a work environment  
5 free of discrimination and/or retaliation. As a result, Plaintiff has suffered damage to his reputation,  
6 and mental strain, among other negative actions.

7         25. Plaintiff has suffered both general and special damages in the past and present and  
8 will continue to suffer such damages in the future for an unknown period of time. Plaintiff has also  
9 suffered and continues to suffer losses in earnings and other employment benefits, as well as past  
10 and future non-economic injury. This has caused damage to his professional reputation, his ability  
11 to promote, his ability to be selected for other units, his ability to work, has caused negative  
12 ratings, will cause him to have to take a different retirement path, has caused him to lose overtime  
13 opportunities and pay, and will adversely affect his income, his pension and other benefits.  
14 Moreover, it has adversely affected his personal health and well being, including medical expenses  
15 that are anticipated into the future and may force an early retirement. Plaintiff has also suffered  
16 extensive general damages in the form of anxiety, anguish, and mental suffering. Plaintiff's  
17 damages are continuing and in an amount not yet determined, but in excess of \$25,000.

18         26. The conduct of Defendants, and each of them, was a violation of Plaintiff's rights,  
19 as described above, as well as his rights under the Peace Officer's Bill of Rights, and his rights  
20 under both state and federal law, including but not limited to the Fair Employment and Housing  
21 Act (CAL. GOV'T C. §§ 12940, *et seq.*), and California Labor Code § 1102.5. Therefore,  
22 Defendants, and each of them, are liable under FEHA and Labor Code § 1102.5, are liable for  
23 retaliation in violation of public policy as identified in *Tameny v. Atlantic Richfield Co.* (1980) 27  
24 Cal.3d 167 and its progeny, and may be liable for constructive discharge. The wrongful conduct of  
25 Defendants, and each of them, is continuing and ongoing as of the present date.

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**FIRST CAUSE OF ACTION**

**BY PLAINTIFF AGAINST ALL DEFENDANTS**

DISCRIMINATION IN VIOLATION OF FEHA, CAL. GOV'T C. §§ 12940, *ET SEQ.*

27. Plaintiff re-alleges and incorporates by reference each and every allegation contained in paragraphs 1–26 of this complaint as though fully set forth herein again.

28. At all times herein mentioned, Government Code §§ 12940, *et seq.* was in full force and effect and was binding upon Defendants, and each of them.

29. At all times herein mentioned, Plaintiff was in the protected class of persons, *i.e.*, African-American and was one who engaged in protected activities contemplated by Government Code §§ 12940, *et seq.* Plaintiff is informed and believes that Defendants, and each of them, harassed and discriminated against him based on his race, and for reporting and speaking out against wrongful and discriminatory treatment based on race, speaking out against improper conduct, and for generally attempting to protect and secure his rights and the rights of others under the FEHA.

30. Commencing before and during 2012, and continuing to the present, Defendants created and allowed to exist a racially hostile environment and discriminated against Plaintiff on the basis of his African-American race. Such discrimination was in violation of Government Code §§ 12940, *et seq.* and the public policy embodied therein.

31. At all times herein mentioned, Defendants, and each of them, had actual and/or constructive knowledge of the discriminatory conduct levied against Plaintiff by Defendants, fellow employees and superiors. Moreover, such retaliation, harassment, and discriminatory conduct was also conducted and/or condoned by Defendants, and each of them.

32. As a direct, foreseeable and proximate result of Defendants' discriminatory conduct and failure to act, Plaintiff suffered and continues to suffer humiliation, embarrassment, anxiety, mental anguish and emotional distress. Plaintiff was required to and did employ, and will in the future employ, physicians and health care providers to examine, treat and care for Plaintiff, and did, and will in the future, incur medical and incidental expenses. The exact amount of such expenses is unknown to Plaintiff at this time.



1           33. As a direct, foreseeable and proximate result of the Defendants' discriminatory  
2 conduct, Plaintiff suffered and continues to suffer losses in earnings and other employment benefits  
3 all to his damage in an amount in excess of the minimum jurisdictional limits of this court, the  
4 precise amount of which will be proven at trial.

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

## 8                               SECOND CAUSE OF ACTION

### 9                               BY PLAINTIFF AGAINST ALL DEFENDANTS

#### 10                           HARASSMENT IN VIOLATION OF FEHA, CAL. GOV'T C. §§ 12940, *ET SEQ.*

11           35. Plaintiff re-alleges and incorporates by reference each and every allegation  
12 contained in paragraphs 1–34 of this complaint as though fully set forth herein again.

13           36. At all times herein mentioned, Government Code §§ 12940, *et seq.* was in full force  
14 and effect and was binding upon Defendants, and each of them. Said law required Defendants, and  
15 each of them, to refrain from harassing any employee based upon race, and to provide each  
16 employee with a working environment free from harassment.

17           37. At all times herein mentioned, Plaintiff was in the protected class of persons, *i.e.*,  
18 African American race, and engaged in protected activities contemplated by Government Code §§  
19 12940, *et seq.* Plaintiff is informed and believes that Defendants, and each of them, harassed him  
20 based on his race, and for reporting and speaking out against wrongful and discriminatory  
21 treatment based on race, speaking out against improper conduct, and for generally attempting to  
22 protect and secure his rights and the rights of others under the FEHA.

23           38. Commencing before and during 2012, and continuing to the present, Defendants  
24 created and allowed to exist a racially hostile environment and harassed Plaintiff on the basis of his  
25 race. Such harassment was in violation of Government Code §§ 12940, *et seq.* and the public  
26 policy embodied therein.

27           39. At all times herein mentioned, Defendants, and each of them, had actual and/or  
28 constructive knowledge of the harassing conduct levied against Plaintiff by Defendants, fellow

1 employees and superiors. Moreover, such retaliation, harassment, and discriminatory conduct was  
2 also conducted and/or condoned by Defendants, and each of them.

3 40. As a direct, foreseeable and proximate result of Defendants' harassing conduct  
4 an failure to act, Plaintiff suffered and continues to suffer humiliation, embarrassment, anxiety,  
5 mental anguish and emotional distress. Plaintiff was required to and did employ, and will in the  
6 future employ, physicians and health care providers to examine, treat and care for Plaintiff, and  
7 did, and will in the future, incur medical and incidental expenses. The exact amount of such  
8 expenses is unknown to Plaintiff at this time.

9 41. As a direct, foreseeable and proximate result of the Defendants' harassing conduct,  
10 Plaintiff suffered and continues to suffer losses in earnings and other employment benefits all to his  
11 damage in an amount in excess of the minimum jurisdictional limits of this court, the precise  
12 amount of which will be proven at trial.

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

### 16 **THIRD CAUSE OF ACTION**

#### 17 **BY PLAINTIFF AGAINST ALL DEFENDANTS**

18 RETALIATION IN VIOLATION OF FEHA, CAL. GOV'T C. §§ 12940, *ET SEQ.*

19 43. Plaintiff re-alleges and incorporates by reference each and every allegation  
20 contained in paragraphs 1–42 of this complaint as though fully set forth herein again.

21 44. At all times herein mentioned, Government Code §§ 12940, *et seq.*, was in full force  
22 and effect and were binding upon Defendants, and each of them. Said sections required  
23 Defendants, and each of them, to refrain from retaliating against an employee for his opposition to  
24 employment practices prohibited under FEHA.

25 45. At all times herein mentioned, Plaintiff was in the protected class of persons, *i.e.*,  
26 African American race, and engaged in protected activities contemplated by Government Code §§  
27 12940, *et seq.* Plaintiff is informed and believes that Defendants, and each of them, retaliated  
28 against him for speaking out against inappropriate workplace behavior, reporting and speaking out .

1 against wrongful and discriminatory, harassing, and retaliatory treatment based on his race,  
2 speaking out against improper conduct, and for generally attempting to protect and secure his rights  
3 and the rights of others under the FEHA.

4 46. Commencing before and occurring in 2012 and continuing to the present,  
5 Defendants created and allowed to exist a racially hostile environment and retaliated against  
6 Plaintiff on the basis of his protected activity. Such retaliation was in violation of Government  
7 Code §§ 12940, *et seq.* and the public policy embodied therein.

8 47. At all times herein mentioned, Defendants, and each of them, had actual and/or  
9 constructive knowledge of the retaliatory conduct levied against Plaintiff by Defendants, fellow  
10 employees and superiors. Moreover, such retaliation, harassment and discriminatory conduct was  
11 also conducted and/or condoned by Defendants, and each of them.

12 48. As a direct, foreseeable and proximate result of Defendants' retaliatory conduct,  
13 Plaintiff suffered and continues to suffer humiliation, embarrassment, anxiety, mental anguish and  
14 emotional distress. Plaintiff was required to and did employ, and will in the future employ,  
15 physicians and health care providers to examine, treat and care for Plaintiff, and did, and will in the  
16 future, incur medical and incidental expenses. The exact amount of such expenses is unknown to  
17 Plaintiff at this time.

18 49. As a direct, foreseeable and proximate result of the Defendants' retaliatory conduct,  
19 Plaintiff suffered and continues to suffer losses in earnings and other employment benefits all to his  
20 damages in an amount in excess of the minimum jurisdictional limits of this court, the precise  
21 amount of which will be proven at trial.

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

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**FOURTH CAUSE OF ACTION**

**BY PLAINTIFF AGAINST ALL DEFENDANTS**

RETALIATION IN VIOLATION OF LABOR CODE §1102.5

51. Plaintiff re-alleges and incorporates by reference each and every allegation contained in paragraphs 1–50 of this complaint as though fully set forth herein again.

52. At all times herein mentioned, California Labor Code §1102.5 was in full force and effect and was binding on the Defendants, and each of them.

53. Defendants, and each of them, made, adopted, and/or enforced rules, regulations, and/or policies designed to prevent employees from disclosing information to a government or law enforcement agency, which Plaintiff had reasonable cause to believe disclosed violations of state or federal statutes, or state or federal rules and regulations, as identified herein.

54. All of the complaints mentioned above were made by Plaintiff to the Los Angeles Police Department, a law enforcement agency within the meaning of California Labor Code §1102.5, and Plaintiff had reasonable cause to believe that the allegations disclosed violations of state or federal statutes, or state or federal rules and regulations, including but not limited to Government Code §6200.

55. Defendants, and each of them, retaliated against Plaintiff for disclosing information to the Los Angeles Police Department and/or refusing to engage in the illegal activity, which the Plaintiff had reasonable cause to believe disclosed violations of state or federal statutes, or violations or noncompliance with state or federal rules or regulations, as identified herein.

56. As a result, Plaintiff was subject to adverse employment actions including but not limit to: being verbally berated by his supervisors; being issued a notice of deficiencies; being pulled as a watch commander with no field responsibilities and no access to the commanders log because of Plaintiff's TMU diagnosis from 1997, being denied privileges and benefits associated with his position, and being denied a work environment free of discrimination and/or retaliation, and damage to his reputation, and mental strain, among other negative actions.

57. A motivating factor for the Defendants to engage in the foregoing adverse employment actions against Plaintiff was to retaliate for Plaintiff's reporting of the LAPD's

1 practice of racial discrimination, plaintiff's reporting of illegal activity, and plaintiff's continual  
2 engagement in protected activities, disclosing information to the City of Los Angeles and the Los  
3 Angeles Police Department, which the Plaintiff had reasonable cause to believe disclosed  
4 violations of state or federal statutes, or violations or noncompliance with state or federal rules or  
5 regulations, as identified herein.

6 58. Defendants, and each of them, allowed, permitted, condoned, ratified, and/or  
7 enabled the retaliation and/or other wrongful conduct as described herein. .

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

14 60. As a further legal result of the above-described conduct of Defendants, and each of  
15 them, Plaintiff was required, and/or in the future may be required, to engage the services of health  
16 care providers, and incurred expenses for medicines, health care appliances, modalities, and/or  
17 other related expenses in a sum to be ascertained according to proof.

18 61. As a further legal result of the above-described conduct of Defendants, and each of  
19 them, Plaintiff was and/or will be hindered, prevented, and/or precluded from performing Plaintiff's  
20 usual activities, namely the position of a full-time Sergeant II employed by the Los Angeles Police  
21 Department, causing the Plaintiff to sustain damages for loss of income, wages, earnings, and  
22 earning capacity, and other economic damages, in an amount to be ascertained according to proof.  
23 Plaintiff claims such amount as damages together with prejudgment interest pursuant to California  
24 Civil Code section 3287 and/or any other provision of law providing for prejudgment interest.

25 62. As a further legal result of the above-described conduct of Defendants, and each of  
26 them, Plaintiff suffered incidental, consequential, and/or special damages, in an amount according  
27 to proof.  
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1           63.     As a further legal result of the above-described conduct of Defendants, and each of  
2 them, Plaintiff has and will continue to incur attorneys' fees and costs in an amount according to  
3 proof.

4           64.     Finally, as a direct and proximate result of the aforesaid unlawful acts of  
5 Defendants, and each of them, Plaintiff suffered stress-related health consequences. Plaintiff  
6 claims general damages for such health problems in an amount to be proven at time of trial.

7                                 PRAYER

8           WHEREFORE, Plaintiff seeks judgment against all Defendants, and each of them, on all  
9 Causes of Action for:

10           1.     Physical, mental, and emotional injuries, pain, distress, suffering, anguish, fright,  
11 nervousness, grief, anxiety, worry, shame, mortification, injured feelings, shock, humiliation and  
12 indignity, as well as other unpleasant physical, mental, and emotional reactions, damages to  
13 reputation, and other non-economic damages, in a sum to be ascertained according to proof;

14           2.     Health care, services, supplies, medicines, health care appliances, modalities, and  
15 other related expenses in a sum to be ascertained according to proof;

16           3.     Loss of wages, income, earnings, earning capacity, support, domestic services,  
17 benefits, and other economic damages in a sum to be ascertained according to proof;

18           4.     Other actual, consequential, and/or incidental damages in a sum to be ascertained  
19 according to proof;

20           5.     Attorney fees and costs of suit pursuant to statute;

21           6.     Costs of suit herein incurred;

22           7.     Pre-judgment interest; and

23           8.     Such other and further relief as the Court may deem just and proper.

24     Dated: September 2, 2015

McNICHOLAS & McNICHOLAS, LLP

25  
26     By: 

Matthew S. McNicholas

Abel Nair

Attorneys for Plaintiff, Wayne Guillary

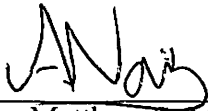
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial.

Dated: September 2, 2015

McNICHOLAS & McNICHOLAS, LLP

By:   
Matthew S. McNicholas  
Abel Nair  
Attorneys for Plaintiff  
Wayne Guillary