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Superior Court Of California
County Of Los Angeles

SEP 18 2015

Sherri R. Carter, Executive Officer/Clerk
By: Paul So, Deputy

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

TAMI MORRISON,

Plaintiff,

v.

CITY OF LOS ANGELES, a municipal
corporation; and DOES 1 through 100,
inclusive,

Defendants.

CASE NO.:

BC 594795

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. FAILURE TO ACCOMMODATE IN VIOLATION OF FEHA (CAL. GOV'T CODE § 12940 ET SEQ.)
4. RETALIATION IN VIOLATION OF FEHA (CAL. GOV'T CODE § 12940 ET SEQ.)

DEMAND FOR JURY TRIAL

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

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THE PARTIES

1. At all times relevant hereto, Plaintiff TAMI MORRISON ("Morrison" or "Plaintiff") was a sworn California police officer employed by the Los Angeles Police Department ("the LAPD" or "Department"), assigned to the Workers' Compensation Fraud Unit within the Special Operations Division, and was a competent adult. Plaintiff joined the LAPD in 1995. Plaintiff was qualified for the position by reason of her education and training.

2. Plaintiff is part of a protected class based on her disability.

3. Plaintiff is informed and believes and thereon alleges that, at all times relevant hereto, Defendant City was a public entity violating laws within the State of California in the County of Los Angeles. At all times pertinent hereto, Defendant City owned, controlled, and operated the law enforcement agency known as the LAPD.

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

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

6. Plaintiff is informed and believes, and thereon alleges, that at all times material herein the Defendants, and each of them, were the agents, servants, or employees, or ostensible agents, servants, and employees of each other Defendant, and as such, were acting within the course and scope of said agency and employment or ostensible agency and employment, except on

1 those occasions when Defendants were acting as principals, in which case, said Defendants; and
2 each of them, were negligent in the selection, hiring, and use of the other Defendants.

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

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

10 VENUE AND JURISDICTION

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

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

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

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

21 13. Plaintiff has complied with and/or exhausted any applicable claims statutes and/or
22 administrative and/or internal remedies and/or grievance procedures, and/or is excused from
23 complying therewith. Plaintiff filed a timely claim with the Department of Fair Employment and
24 Housing on August 27, 2015, and received a right-to-sue notice on August 27, 2015.

25 GENERAL ALLEGATIONS

26 14. At all times relevant to this claim, Plaintiff held the title and rank of Police Officer
27 III of the Workers Compensation Fraud Unit within the Special Operations Division. During the
28 course of her employment with the City, Plaintiff has performed her various responsibilities as a

1 Police Officer III in an exemplary fashion and otherwise capably performed each and every
2 condition of her employment agreement.

3 15. Plaintiff joined the Workers' Compensation Fraud Unit("WCFU") of the Special
4 Operations Division as an investigator in January of 2011. At the outset she worked both in the
5 field and in the office, however within a few months the Surveillance Unit was created and as such
6 Plaintiff only worked in the office. In November 2011, Plaintiff suffered a neck injury and went out
7 injured on duty status. Plaintiff returned to work at full duty status in November 2012.

8 16. In or around August of 2013, Plaintiff was seven months pregnant, and went out on
9 injured on duty status because her pelvis was separating. After the delivery of her child, Plaintiff
10 was placed on medical maternity leave.

11 17. Plaintiff returned to work in May 2014, but due to complications after giving birth,
12 Plaintiff had light duty work restrictions for due to injuries to her neck and back. Those light duty
13 restrictions included: no shooting, no gun belt, and no heavy lifting. Plaintiff submitted her light
14 duty restrictions and continued to work in the office, as she had before going out on injured on duty
15 status. Shortly thereafter, Plaintiff was handed an extension request form to fill out by Lieutenant
16 II, Nick Sinibaldi(second in charge) to allow her to stay in the WCFU.

17 18. On or about June 14, 2014, Lieutenant II, Nick Sinibaldi informed Plaintiff that her
18 extension request was denied. Lt. Sinibaldi stated that Plaintiff must put in her transfer paperwork
19 within 90 days, and that Plaintiff would have to get on a waiting list for another position or face
20 possible demotion. In doing so, Lt. Sinibaldi failed to accommodate Plaintiff's disabilities, and
21 further failed to engage in an interactive process.

22 19. Plaintiff felt forced to apply to desired open positions within other Divisions,
23 however command staff interfered stating that Plaintiff had a "lot of injured on duty" time.

24 20. Command staff then harassed Plaintiff about turning in her transfer paperwork.

25 21. On or about September 17, 2014, Plaintiff was transferred to the 77th Division,
26 working the graveyard shift.

27 22. Plaintiff's career has been materially and adversely affected, and irreparably harmed
28 and damaged by the conduct of the Defendants. Plaintiff was discriminated and retaliated against

1 for exercising her rights to take medically ordered leave. After suffering such discrimination and
2 harassment, she spoke out and tried to formally report the misconduct of Lt. Sinabaldi. As a direct
3 and proximate consequence of reporting such misconduct—which constitutes protected activity
4 under state and federal law—Defendants, and each of them, retaliated against, discriminated
5 against, and harassed Plaintiff and subjected Plaintiff to an adverse employment action by forcing
6 her transfer to the 77th Division, working the graveyard shift.

7 23. 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 her professional reputation, her ability
11 to promote, her ability to be selected for other units, her ability to work, has caused negative
12 ratings, will cause her to have to take a different retirement path, has caused her to lose overtime
13 opportunities and pay, and will adversely affect her income and her pension and other benefits.
14 Moreover, it has adversely affected her personal health and well being, including medical
15 expenses, that are anticipated into the future and may force an early retirement. Plaintiff has also
16 suffered extensive general damages in the form of anxiety, anguish, and mental suffering.
17 Plaintiff's damages are continuing and in an amount not yet determined, but in excess of \$25,000.

18 24. The Department's conduct was a violation of Plaintiff's rights under both state and
19 federal law, including but not limited to the Public Safety Officer's Procedural Bill of Rights Act
20 (CAL. GOV'T C. §§ 3300 *et seq.*), and the Fair Employment and Housing Act (CAL. GOV'T C. §§
21 12940, *et seq.*). Therefore, Defendants, and each of them, are liable under FEHA and are liable for
22 retaliation in violation of public policy as identified in *Tameny v. Atlantic Richfield Co.* (1980) 27
23 Cal.3d 167 and its progeny, and may be liable for constructive discharge. The wrongful conduct of
24 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, GOV'T CODE §§ 12940 ET SEQ.

25. Plaintiff re-alleges and incorporates by reference each and every allegation contained in paragraphs 1-23 of this complaint as though fully set forth herein again.

26. 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.

27. At all times herein mentioned, Plaintiff was in the protected class of persons, i.e., a person of disabled status, and one who engaged in protected activities contemplated by California Government Code §§ 12940, *et seq.* Plaintiff is informed and believes that Defendants, and each of them, harassed her based on her disability, for reporting and speaking out against wrongful and discriminatory treatment based on her disability, speaking out against improper conduct, and for generally attempting to protect and secure her rights and the rights of others under the FEHA.

28. Commencing before and during 2014, and continuing to the present, Defendants created and allowed to exist an environment hostile to disabled persons and discriminated against Plaintiff on the basis of her disability. Such discrimination was in violation of Government Code §§ 12940, *et seq.* and the public policy embodied therein.

29. 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.

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

31. 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

1 did, and will in the future, incur medical and incidental expenses. The exact amount of such
2 expenses is unknown to Plaintiff at this time.

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

7 **SECOND CAUSE OF ACTION**

8 **BY PLAINTIFF AGAINST ALL DEFENDANTS**

9 FAILURE TO ACCOMMODATE IN VIOLATION OF FEHA, GOV'T CODE §§ 12940 ET SEQ.

10 33. Plaintiff re-alleges and incorporates by reference each and every allegation
11 contained in paragraphs 1-31 of this complaint as though fully set forth herein again.

12 34. At all times herein mentioned, Government Code §§ 12940, *et seq.* was in full force
13 and effect and was binding upon Defendants, and each of them. Said law required Defendants, and
14 each of them, to take reasonable steps to accommodate Plaintiff's disabilities, or otherwise engage
15 in an interactive process to determine if she could be accommodated at the Workers Compensation
16 Fraud Unit in which she was assigned to.

17 35. At all times herein mentioned, Plaintiff was in the protected class of persons, i.e., a
18 person of disability status, and one who engaged in protected activities contemplated by California
19 Government Code §§ 12940, *et seq.* Plaintiff is informed and believes that Defendants, and each
20 of them, decided that it was best to transfer Plaintiff outside of the Workers Compensation Unit,
21 based on her disabilities, instead of attempting to accommodate them.

22 36. 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.

25 37. As a direct, foreseeable and proximate result of Defendants' discriminatory conduct
26 and failure to act, plaintiff suffered and continues to suffer humiliation, embarrassment, anxiety,
27 mental anguish and emotional distress. Plaintiff was required to and did employ, and will in the
28 future employ, physicians and health care providers to examine, treat and care for plaintiff, and did,

1 and will in the future, incur medical and incidental expenses. The exact amount of such expenses
2 is unknown to plaintiff at this time.

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

7 **THIRD CAUSE OF ACTION**

8 **BY PLAINTIFF AGAINST ALL DEFENDANTS**

9 **HARASSMENT IN VIOLATION OF FEHA, GOV'T CODE §§ 12940 ET SEQ.**

10 39. Plaintiff re-alleges and incorporates by reference each and every allegation
11 contained in paragraphs 1-37 of this complaint as though fully set forth herein again.

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

16 41. At all times herein mentioned, Plaintiff was in the protected class of persons, i.e., a
17 person of disability status, and one who engaged in protected activities contemplated by California
18 Government Code §§ 12940, *et seq.* Plaintiff is informed and believes that Defendants, and each
19 of them, harassed her based on her disability, and for reporting and speaking out against wrongful
20 and harassing treatment based on her disability, speaking out against improper conduct, and for
21 generally attempting to protect and secure her rights and the rights of other under the FEHA.

22 42. Commencing before and during 2014, and continuing to the present, Defendants
23 created and allowed to exist an environment hostile to disability and harassed Plaintiff on the basis
24 of her disability. Such harassment was in violation of Government Code §§ 12940, *et seq.* and the
25 public policy embodied therein.

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

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

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

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

16 **FOURTH CAUSE OF ACTION**

17 **BY PLAINTIFF AGAINST ALL DEFENDANTS**

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

19 47. Plaintiff re-alleges and incorporates by reference each and every allegation
20 contained in paragraphs 1-45 of this complaint as though fully set forth herein again.

21 48. 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 her opposition to
24 employment practices prohibited under FEHA.

25 49. At all times herein mentioned, plaintiff was in the protected class of persons, i.e., a
26 person of disabled status and one who engaged in protected activities, contemplated by
27 Government Code §§ 12940, *et seq.* Plaintiff is informed and believes that Defendants, and each
28 of them, retaliated against her for speaking out against inappropriate workplace behavior, reporting

1 and speaking out against wrongful and discriminatory treatment based on her disability, speaking
2 out against improper conduct, and for generally attempting to protect and secure her rights and the
3 rights of other under the FEHA.

4 50. Commencing before and occurring in 2014 and continuing to the present,
5 Defendants created and allowed to exist an environment hostile to disability and retaliated against
6 plaintiff on the basis of her protected activity. Such retaliation was in violation of Government
7 Code §§ 12940, *et seq.* and the public policy embodied therein.

8 51. 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 52. As a further legal result of the above-described conduct of Defendants, and each of
13 them, Plaintiff has and will continue to incur attorneys' fees and costs in an amount according to
14 proof.

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

21 54. As a direct, foreseeable and proximate result of the Defendants' retaliatory conduct,
22 Plaintiff suffered and continues to suffer losses in earnings and other employment benefits all to
23 her damage in an amount in excess of the minimum jurisdictional limits of this court, the precise
24 amount of which will be proven at trial.

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PRAYER

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

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

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

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

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

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

6. Costs of suit herein incurred;

7. Pre-judgment interest;

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

By: 
Matthew S. McNicholas
Aber Nair
Attorneys for Plaintiff
Tami Morrison

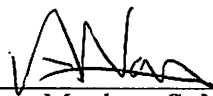
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial.

Dated: September 15, 2015

McNICHOLAS & McNICHOLAS, LLP

By: 
Matthew S. McNicholas
Abel Nair
Attorneys for Plaintiff
Tami Morrison