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11 UNITED STATES DISTRICT COURT

12 CENTRAL DISTRICT OF CALIFORNIA- SOUTHERN DIVISION

13 CRISTINA TALLEY,

14 Plaintiffs,

15 v.

16 CITY OF ANAHEIM a municipality,
17 and DOES 1 through 50, inclusive,

18 Defendants.

Case No. 8:14-cv-01863-DOC (GJSx)
[Honorable David O. Carter, District Judge;
Honorable Gail J. Standish, Magistrate Judge]

PLAINTIFF'S PROPOSED JOINT
STATEMENT OF THE CASE

Complaint Filed: 11/25/14
Trial Date: 09/12/2016
Final Pre-Trial Conf: 08/16/16
Discovery Cut-Off: 04/22/16

1 **PLAINTIFF’S PROPOSED JOINT STATEMENT OF THE CASE**

2 Plaintiff Cristina Talley (“Talley”) is the former City Attorney of Anaheim. Ms.
3 Talley brings this lawsuit against her former employer, Defendant City of Anaheim
4 (“City”), alleging that the City wrongfully terminated her by depriving her of her right to
5 due process before her termination. The lawsuit further alleges the City subjected Ms.
6 Talley to national origin and age discrimination, that the City failed to properly
7 investigate Ms. Talley’s claims of harassment, that the City failed to provide a work
8 environment free of discrimination, harassment and retaliation and that the City subjected
9 Ms. Talley to a hostile work environment.

10 Ms. Talley’s lawsuit alleges that she possessed a property interest in her
11 employment with the City of Anaheim. It further alleges that the City violated her due
12 process rights when the City terminated her from the position of City Attorney. Ms.
13 Talley further alleges that she never waived these rights. The City denies these
14 allegations, maintaining that Ms. Talley tendered her resignation as the Anaheim City
15 Attorney at the Council’s request after two negative performance evaluations. The City
16 also maintains that Ms. Talley is an at-will employee and that she does not possess a
17 property right in her employment with the City of Anaheim. The City alleges that Ms.
18 Talley constructively waived her due process rights when she took the position of City
19 Attorney.


20 Ms. Talley’s lawsuit also alleges that she was the target of national origin and age
21 discrimination. Ms. Talley alleges that she is a member of a protected class as a Latina
22 woman and as a woman over forty years of age. Ms. Talley alleges that she was
23 completely and competently performing her position as city attorney and that the City
24 had no good reason to terminate her. Ms. Talley alleges that her termination occurred
25 under circumstances suggesting a discriminatory animus by the Council towards Ms.
26 Talley’s age and national origin. The City denies these allegations and alleges that the
27 Council did not have a discriminatory motive in terminating Ms. Talley. The City alleges

1 that it had legitimate non-discriminatory, non-pre-textual reasons, not based on age or
2 national origin, for requesting the resignation of Ms. Talley as City Attorney.

3 Ms. Talley's lawsuit also alleges that she was subjected to a hostile work
4 environment and that the City failed to provide a work environment free of
5 discrimination, harassment and retaliation and failed to properly investigate her claims of
6 discrimination, harassment and retaliation. The City denies these allegations and claims
7 that it conducted a prompt and thorough investigation and took reasonable steps to
8 prevent discrimination, harassment and retaliation.

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10 Dated: September 2, 2016

BORTON PETRINI, LLP

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14 By 
15 ROSEMARIE S. LEWIS, EDWARD J.
16 MORALES, JEFFREY Z. LIU -
17 Attorneys for Plaintiff CRISTINA
18 TALLEY
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