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7 CLAIM AGAINST PUBLIC ENTITY  
8 BEFORE THE CITY OF SANTA ANA  
9

10 In the Matter of )  
11 FEMALE POLICE OFFICERS )  
12 Claimants )  
13 vs. )  
14 CITY OF SANTA ANA, a Municipal )  
Corporation; SANTA ANA POLICE )  
15 DEPARTMENT, a Public Agency; )  
DAVID VALENTIN, Chief of Police; )  
16 ENRIQUEZ ESPARZA, Deputy Chief of )  
Police; and DOES 1 through 10, )  
inclusive )  
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NOTICE OF CLAIM  
[Govt Code Sect. 910, 910.4]

18 1. The names and address of claimants are Female Police Officers and the  
19 Santa Ana Police Officers Association, in care of Corey W. Glave, Attorney at Law, 632  
20 S. Gertruda Ave, Redondo Beach, CA 90277 (323) 547-0472.

21 2. Claimants hereby requests that any notices regarding his/her/its claim be  
22 sent to the address give in paragraph 1.

23 3. This Tort Claim is being made for payment of statutory penalties,  
24 damages, back wages, future wages and benefits, attorney fees and costs for  
25 Claimants under claims on a continuing violation of state statutory law, including for the  
26 Public Safety Officers Procedural Bill of Rights Act, Government Code §3300, et seq.;  
27 the Meyers-Milias-Brown Act, Government Code §3500, et seq.; the Fair Employment  
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1 and Housing Act, Government Code §12900, et seq; and/or other state statutory laws  
2 related to public employees' rights. While it is not believed that a Tort Claim is required,  
3 and that Claimants have provided the respondents with prior notice, via a verbal and  
4 written complaints/communications, Claimants hereby submits the following claim out of  
5 an abundance of caution.

6 4. The persons, employees, agents, or individuals causing claimants injuries  
7 are as follows: CITY OF SANTA ANA, a Municipal Corporation; SANTA ANA POLICE  
8 DEPARTMENT, a Public Agency; DAVID VALENTIN, Chief of Police; ENRIQUEZ  
9 ESPARZA, Deputy Chief of Police; and DOES 1 through 10, inclusive All such parties  
10 are hereinafter referred to as "Respondents" or "Defendants."

11 5. Claimant Female Police Officers, at all times mentioned, unless otherwise  
12 stated, herein were individual females employed as a Police Officers, at varying ranks,  
13 with the City of Santa Ana/Santa Ana Police Department.

14 6. The following are some of the general facts giving rise to this Tort Claim:  
15 as a preliminary note, due to the unlawful concealment of facts and evidence, it was  
16 only recently that most of the below violations were discovered.

17 Chief of Police David Valentin and at least one of his designated "Deputy Chief  
18 of Police",<sup>1</sup> has initiated and/or continued a work environment that is hostile to female  
19 police officers. The City of Santa Ana has been notified of the hostile work environment  
20 and has either chosen to ignore the complaints or conduct cursory investigations to  
21 cover up the hostile work environment. The discriminatory actions towards female  
22 officers include questioning female officer's participation as military reserves (wherein  
23 male officers are not similarly questioned); questioned as to the need to take maternity  
24 leave; given minor discipline in order to prevent promotions/special assignments; sexual  
25 harassment; and/or gender discrimination.

26 In September 2020, female officers were notified of a "Women Leader in Law  
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28 <sup>1</sup>The Civil Service ranks is actually Police Captain

1 Enforcement” symposium, and a number of female officer signed up to attend. Several  
2 female officers signed up for the symposium. The officers were told that they could  
3 only attend the agendized symposium and not any of the “break out” sessions. The  
4 officers were told if the symposium did not last their entire work day, they would be  
5 required to either go on duty or submit a form using their personal accrued time off. It is  
6 believed that male officers, when attending similar symposiums are not required to take  
7 similar actions. It is believed that Commander<sup>2</sup> Sorenson, who was responsible for  
8 overseeing the Police Department’s Training Division, was responsible for coordinating  
9 the female officer’s attendance at the symposium.

10 As the symposium was being held virtually, the female officers contacted the  
11 Training Division to inquire what arrangements had been made for the females to  
12 attend the symposium. It was learned that no arrangements had been made, and the  
13 females were just instructed to attend. Consequently, a female sergeant took it upon  
14 herself to organize the officers to attend virtually at her personal residence. Most of the  
15 female officers attending the symposium did so at the sergeant’s residence without  
16 issue.

17 When Deputy Chief Esparza discovered that the women were attending the  
18 conference and were doing it remotely at a private residence, it is believed that he  
19 ordered the Training Commander to direct that the females be directed to attend the  
20 remaining days of the conference at the police station, which they did. It is believed  
21 that members of police management started alleging that the females were having a  
22 “pajama party.” No such term is used when male officers meet to symposiums,  
23 briefings or off-duty meetings.

24 On the second day of the symposium, after reporting to the station as directed,  
25 the female officers found that the Police Department still had not made any  
26 arrangements for the female officers to attend the symposium remotely. Approximately  
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28 <sup>2</sup>The true Civil Service rank is Lieutenant

1 six female officers ended up having to use a single computer to attend the symposium.  
2 Near the end of the day, Deputy Chief Esparza entered the room and openly chastised  
3 the women, including the sergeant that was trying to facilitate the female officers  
4 attendance at the symposium. Thereafter, rumors began to spread at the department  
5 questioning the women's actions.

6 After the symposium had concluded, the female officers, as had been directed,  
7 used their own accrued time off to cover the remaining portion of their shift (wherein  
8 some had to alter their work schedule/days to attend). It is believed that Chief Valentin,  
9 in order to further his continual posting on social media, became upset that the female  
10 officers left work as it limited the number of females that could appear in a social media  
11 post wherein Valentin was to proclaim his support of women in law enforcement.<sup>3</sup>

12 Believing that the females were likely to complain about their treatment, Chief  
13 Valentin approached the women on the last day. Valentin brought with him the  
14 Executive Officer/IA Commander and a representative of Human Resources. Valentin  
15 tried to bully the females officers to either make a complaint right then and there or to  
16 remain quiet. Valentin made some comments that were perceived as offensive and  
17 trying to cover-up the hostile working environment his administration were continuing.

18 At or near the same time as the events above, the Police Department was  
19 conducting a promotional testing process for the rank of sergeant. Two of the police  
20 department management staff participated in evaluating the candidates for sergeant.  
21 Two female corporals that were in the testing process and that were part of the WLLE  
22 Conference were purposely rated low so that they would not even make the sergeant's  
23 list; thus, were eliminated from consideration. These female corporals have been  
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25 <sup>3</sup>Government Code §3307.5 provides that "(a) No public safety officer shall be  
26 required as a condition of employment by his or her employing public safety department  
27 or other public agency to consent to the use of his or her photograph or identity as a  
28 public safety officer on the Internet for any purpose if that officer reasonably believes  
that the disclosure may result in a threat, harassment, intimidation, or harm to that  
officer or his or her family."

1 serving in sergeant capacities and/or functions and have demonstrated that they are  
2 clearly able to hold the rank of sergeant. It is believed that the failing scores were  
3 intentional and part of the Respondents pattern and practice of retaliating against  
4 employees who report misconduct or are believed will report misconduct.

5 In order to cover up his and his staff's misconduct, Valentin ordered the Human  
6 Resource representative that appeared with him when he confronted the female  
7 officers, to conduct an investigation labeled a "preliminary assessment." The female  
8 officers were ordered to appear for interrogations. The female officers were not  
9 provided any information as to the nature of the investigation. When they appeared for  
10 interrogation, the HR Representative read from a transcript, indicated that she was  
11 going to prepare a report that only went to Chief Valentin, and then questioned the  
12 females about the female's actions and did not have any preset questions about Chief  
13 Valentin's, DC Esparza's or other police commander's actions.

14 In reality, this was an investigation of the female officers that was done without  
15 following the Public Safety Officers' Procedural Bill of Rights Act. It is believed that  
16 Chief Valentin ordered this "preliminary assessment" in an attempt to cover-up his own  
17 and other male police manager's misconduct, to silence the female officers, and/or  
18 retaliate against the female officers believing that they were going to report violations of  
19 California law. In fact, the "investigator" (HR Representative) asked the females not to  
20 talk about the investigation. By failing to afforded the female their rights under POBRA,  
21 they also denied and/or interfered in the rights of the Santa Ana Police Officers  
22 Association to represent its members.

23 Claimants' Tort Claim is hereby timely due to the unlawful acts occurring within  
24 the statutory period, the ongoing nature of the misconduct and/or the concealment by  
25 Respondents.

26 7. The above facts are a summary, and Claimants incorporate by reference  
27 it/his/her documentation and communications with Respondents and/or their counsel.

28 8. Claimants assert that the female rights under POBRA and FEHA have

1 been violated. They further assert that Respondents have created a hostile work  
2 environment and discriminated and/or allow discrimination against female officers.  
3 Finally, Claimants allege that Respondents have engaged in retaliation for the reporting  
4 of violations of law to the City's representatives, and/or the because Respondents  
5 believed that Claimants would report said violations of law. It is believed that the  
6 Claimants were also retaliated because Respondents believed that Claimants would  
7 report their future unlawful actions. The violations of Claimants' rights, retaliation and/or  
8 violations of rights/due process are continuing and ongoing. Respondents are hereby  
9 put on notice that other/future acts of retaliation will be included in any and all litigation  
10 brought if the Respondents choose not to informally resolve this matter.

11 9. As alleged above, after Claimants exercised rights granted under  
12 Government Code §3300, et seq., Labor Code §1102.5, Government Code §12900,  
13 and/or other legal exercises of lawful rights granted under state and/or federal law, they  
14 were subjected to and continues to be subject to adverse employment actions,  
15 including being subjected to fake investigations, denial of promotions and/or other  
16 punitive action/adverse actions.

17 10. It is believed that Respondents have engage in a pattern and practice of  
18 violating employees rights and/or retaliation against employees of the City of Santa  
19 Ana/Santa Ana Police Department when employees report misconduct of supervisors  
20 and/or invoke their POBRA/legal rights.

21 11. As a direct result of Respondents' behavior, Claimants have and will  
22 continue to incur harm, damages, lost wages/benefits and/or attorney's fees in an effort  
23 to redress the damages which they have sustained as a result of said Respondents'  
24 outrageous behavior. Claimants further request statutory interest on all amounts of  
25 damages, backpay, benefits, and/or future lost earning and retirement capacities.

26 12. Claimants are entitled to and hereby demands costs, attorney fees, and  
27 expenses pursuant to state and federal statutes.

28 13. Claimants' individual and/or aggregate damages, statutory penalties, fees

1 and/or costs are believed to and/or will exceed the sum of \$25,000.00, thus, requiring  
2 either federal court or state superior court jurisdiction.

3 14. Said damages are ongoing on a day to day basis and Claimants continue  
4 to be damaged due to the adverse, illegal, retaliatory and/or unconstitutional treatment  
5 at the hands of Respondents.

6 15. By this Notice, Claimants are requesting that Respondents maintain and  
7 persevere all evidence pertaining to the above allegations. To the extent possible,  
8 evidence must be preserved in its current form, and Respondents must take reasonable  
9 steps to prevent alteration or destruction of such evidence. This preservation obligation  
10 extends to ESI. ESI comes in many forms and should be afforded the broadest possible  
11 definition. It includes e-mail, voicemail, text messages, word processing documents,  
12 screen shots, photographs, spreadsheets, websites, social media posts and messages,  
13 databases, calendars, telephone logs, Internet usage files, and all other electronic  
14 information maintained, created or received by Respondents that is and/or will be  
15 relevant to this lawsuit. The duty to preserve ESI obligates a party who knows of actual  
16 or probable litigation not to destroy discoverable ESI or the places where ESI is stored  
17 (e.g., hard drives, USB flash drives, servers, cloud and other shared network drives or  
18 storage, back-up tapes, smart phones, tablets, or any other similar electronic storage  
19 media or system of whatever name or description). In addition, Respondents should  
20 take all reasonable steps to preserve ESI relating to this lawsuit that may have been  
21 deleted from active files and which may not be readily recoverable from a backup  
22 medium, such as metadata. ESI must be preserved in its original electronic form, so  
23 that all information contained within it, whether visible or not, is also available for  
24 inspection. Much of the aforementioned ESI may be stored in Respondents' work and  
25 personal emails, text messages, social media accounts, computers and laptops,  
26 tablets, and smartphones. All of the aforementioned documents and ESI, as well as any  
27 other documents and ESI that are in Respondents' possession or under control and are  
28 relevant to this lawsuit, must be preserved by Respondents. Moreover, Respondents

1 should consider this a continuing obligation to preserve such documents and ESI  
2 relating to this lawsuit that may come into existence after the date of this Notice.

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4 Dated: May 3, 2021

COREY W. GLAVE, ATTORNEY AT LAW

5 /s/ Corey W. Glave

6 By: \_\_\_\_\_

Corey W. Glave  
Attorney for Claimants

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1 PROOF OF SERVICE

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3 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

4 I am employed in the County of Los Angeles, State of California. I am over the  
5 age of 18 years, and not a party to this action. My business address is 632 S. Gertruda  
6 Ave, Redondo Beach CA 90277.

7 On May 3, 2021, I served the foregoing document described as

8 Tort Claim

9 by placing a true and correct copy of this document in a sealed envelope, and mailing  
10 via First Class Mail it to the person and/or his office listed below:

11 City Clerk's Office  
12 20 Civic Center Plaza  
13 Santa Ana, CA 92701

14 I am readily familiar with the firm's practice of collection and processing  
15 correspondence for mailing. Under that practice it would be deposited with U.S. postal  
16 service on that same day with postage thereon fully prepaid at Los Angeles, California  
17 in the ordinary course of business. I am aware that on motion of the party served,  
18 service is presumed invalid if postal cancellation date or postage meter date is more  
19 than one day after date of deposit for mailing in affidavit.

20 Said document was also served electronically, based on the City Clerk's service  
21 of process instructions for COVID-19 service.

22 Executed on May 3, 2021, at Redondo Beach, California.

23 I declare under penalty of perjury under the laws of the State of California that  
24 the above is true and correct.

25 /s/ Corey W. Glave

26 \_\_\_\_\_  
27 COREY W. GLAVE  
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