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LAURA LOMELI

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14 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
15 THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

16  
17 LAURA LOMELI,

18 Plaintiff,

19 vs.

20 CITY OF ANAHEIM, and DOES 1 to 100,  
21 inclusive,

22 Defendants.  
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Case No. 30-2022-01248768-CU-OE-CJC

**Assigned for All Purposes**

Assigned to: Judge Michael Strickroth

1. **VIOLATIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT (FEHA) HARASSMENT/HOSTILE WORK ENVIRONMENT (GENDER)**
2. **RETALIATION IN VIOLATION OF THE FEHA**
3. **FAILURE TO PREVENT DISCRIMINATION IN VIOLATION OF THE FEHA**

**REQUEST FOR INJUNCTIVE RELIEF  
DEMAND FOR JURY TRIAL**

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1. In 2019, there were approximately 39,110 claims of retaliation filed in the United States, according to the U.S. Equal Employment Opportunity Commission (EEOC). According to the EEOC, in both 2019 and 2020, claims of retaliation were the most common type of claim filed. In each year, more than 50% of the claims were for retaliation. The Anaheim Police Department, a relatively small law enforcement agency, had nearly 38 complaints of “racial bias/identity bias” between 2018 and 2020.

**GENERAL ALLEGATIONS**

2. At all times relevant hereto, Plaintiff LAURA LOMELI (Plaintiff or Lomeli) was and is a person employed in the County of Orange, State of California, and a competent adult.

3. Plaintiff is informed and believes and thereon alleges that, at all times relevant hereto, Defendants City of Anaheim (City) was and is an entity committing torts and violating laws in and engaged as a matter of commercial actuality in purposeful economic activity within the County of Orange, State of California. At all times pertinent hereto, Defendants owned, controlled, and operated the agency known as the Anaheim Police Department (APD or the Department).

4. Plaintiff is informed and believes and thereupon alleges that Defendants DOES 1 through 100, inclusive, and each of them, were at all times relevant hereto, residents of the County of Orange, State of California, and/or were agents, partners, and/or joint venturers of Defendants and/or each other, acting as supervisors, managers, administrators, owners, and/or directors or in some other unknown capacity.

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, who therefore 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

1 damages hereinafter alleged, and that Plaintiff's damages as herein alleged were proximately caused  
2 by their conduct.

3           6.       Plaintiff is informed and believes, and thereupon alleges, that at all times material  
4 herein the Defendants, and each of them, were the agents, servants, and employees, or ostensible  
5 agents, servants, or employees of each other Defendant, and as such, were acting within the course  
6 and scope of said agency and employment or ostensible agency and employment, except on those  
7 occasions when Defendants were acting as principals, in which case, said Defendants, and each of  
8 them, were negligent in the selection, hiring, and use of the other Defendants.

9           7.       Plaintiff is further informed and believes, and thereupon alleges, that at all times  
10 relevant hereto, Defendants, and each of them, acted in concert and in furtherance of the interests of  
11 each other Defendants.

12           8.       At all times relevant hereto, Lomeli was an employee of the APD, through the City of  
13 Anaheim. Lomeli held and currently holds the rank of a Detective.

14           9.       Lomeli has complied with and/or exhausted any applicable claims statutes and/or  
15 administrative and/or internal remedies and/or grievance procedures or is excused from complying  
16 therewith. Plaintiff has filed an administrative complaint with the California Department of Fair  
17 Employment and Housing ("DFEH"), substantially alleging the acts and conduct of the City as  
18 described herein. The DFEH issued a "right-to-sue" notice on December 15, 2021, and true and  
19 correct copies of which are attached hereto as **Exhibit 1**.

20           10.       Any requirement for Lomeli to participate in any further exhaustion of administrative  
21 remedy is not required as it is futile.

22                           **FACTS APPLICABLE TO ALL CAUSES OF ACTION**

23           11.       Under Defendants' workplace rules, employees must be protected against any form of  
24 discrimination. One way to protect employees against discrimination<sup>1</sup>, Defendants must conduct fair  
25 and thorough investigations when they receive a discrimination complaint.

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28                   \_\_\_\_\_  
<sup>1</sup> The term "discrimination" includes all forms of discrimination, harassment, hostile work environment, and  
retaliation.

1           12.     Defendants have a history of failing to take all reasonable steps to prevent  
2 discrimination, harassment, and retaliation in the workplace. Defendants have been aware of  
3 continuous discriminatory conduct in the APD and other areas/departments of the City and have  
4 failed to take all reasonable steps to prevent such conduct.

5           13.     Based on the lengthy history of workplace complaints alleging discrimination,  
6 harassment, and/or retaliation, Defendants could have taken reasonable steps to prevent the  
7 retaliation and harassment in this case.

8           14.     In or around 2005, Plaintiff Laura Lomeli was hired as a police officer for the APD.  
9 Throughout her career, Lomeli received commendations for her outstanding performance, including  
10 several Mothers Against Drunk Driving (MADD) awards and Division Commander's  
11 Commendations.

12          15.     In or around 2008, Lomeli earned a position as a detective in the Family Crimes Unit.  
13 From 2009 until the present, Lomeli was the Press Information Officer for Spanish media. In or  
14 around 2012, Lomeli began to work in the Sex Crimes Unit as a detective.

15          16.     Lomeli was the sole detective responsible for the 550 plus sex registrants in the City.  
16 In addition to managing the sex registrants, Lomeli would also be assigned sex crime cases to  
17 investigate.

18          17.     In or around 2016, Sergeant Jeff Dodd became Lomeli's immediate supervisor.

19          18.     For 2018, before opposing any discriminatory conduct, Lomeli was awarded the  
20 coveted Detective of the Year Award and was rated in the "exceeds expectations" category in her  
21 evaluations.

22          19.     In or around January of 2019, Sgt. Dodd was in Lomeli's cubicle making coffee for  
23 himself. Sgt. Dodd and Lomeli began to discuss the working hours for a pre-scheduled protest  
24 scheduled the following week.

25          20.     Sgt. Dodd told Lomeli that unless she hears otherwise, the unit would be adjusting its  
26 hours and working from 10:00 a.m. to 8:00 p.m., instead of 6:00 a.m. to 4:00 p.m. Lomeli was the  
27 only female from her unit assigned to work the protest.

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1           21.     The following week, Lomeli arrived to work at 10:00 a.m. and discovered that Sgt.  
2 Dodd and all the other male detectives in the unit had come to work at 5:00 a.m. to earn overtime.  
3 Lomeli, the only female in the unit working the protest, was told by Sgt. Dodd that she had to start at  
4 10:00 a.m. and adjust her hours, thus being denied any overtime.

5           22.     Lomeli reported and opposed what she reasonably believed to be discrimination in the  
6 workplace to Sgt. Dodd. Lomeli told Sgt. Dodd that all the men in the unit were able to earn  
7 overtime; however, as the only female, she was denied the ability to work overtime.

8           23.     After Lomeli opposed what she reasonably believed to be discriminatory conduct by  
9 Sgt. Dodd, on account of Lomeli's gender and/or protected activity, Sgt. Dodd began to take adverse  
10 employment actions, and/or a series of separate retaliatory acts, and/or continued his harassing  
11 treatment against Lomeli. These acts/treatments included, but were not limited to the following:

12           24.     Sgt. Dodd intimidated and humiliated Lomeli by stopping almost any conversation  
13 with Lomeli. Sgt. Dodd would walk into the office area and say good morning to all individuals  
14 except Lomeli. Sgt. Dodd would go out of his way to ignore and avoid Lomeli, especially in the  
15 presence of others, to the point where it was humiliating to Lomeli.

16           25.     In or around February of 2019, Sgt. Dodd issued Lomeli a negative Supervisor Log  
17 for having open cases and falsely accused Lomeli of writing late reports. This once again caused  
18 humiliation to Lomeli and would reasonably impact her prospects for advancement.

19           26.     In or around April of 2019, Sgt. Dodd offered to send a male detective to Chicago for  
20 a sex offender management course. Sgt. Dodd was told to send Lomeli because she was the most  
21 senior detective in the unit. Despite being the most senior detective in the sex crime unit and the only  
22 detective managing sex offenders, Sgt. Dodd refused to offer the training to Lomeli. Sgt. Dodd also  
23 denied Lomeli permission to attend other training courses to improve her career.

24           27.     In his continued effort to retaliate and/or harass Lomeli, Sgt. Dodd communicated  
25 with other law enforcement agencies and inquired about how some of Lomeli's duties were  
26 conducted at that agency. For example, Sgt. Dodd contacted the Orange County Sheriff's  
27 Department and questioned their sex crimes detective about handling sex registrants and warrants.  
28 Sgt. Dodd attempted to find reasons to subject Lomeli to further retaliatory and/or harassing

1 treatment. Lomeli reported Sgt. Dodd's conduct to Lieutenant Willie Triplett; however, no action  
2 was taken.

3 28. In or around April and May of 2019, Lomeli submitted requests to use her earned  
4 vacation time, but Sgt. Dodd, in retaliation and continued harassment, did not approve her requests.

5 29. In or around May or June of 2019, Sgt. Dodd contacted the records or IT department  
6 and obtained access to the database Lomeli used for sex registrants. Despite being instructed to talk  
7 to Lomeli before accessing the database, Sgt. Dodd intentionally entered the database and sabotaged  
8 the data. On several other occasions Sgt. Dodd sabotaged Lomeli's work database by deleting  
9 information and importing improper data. As a result of Sgt. Dodd's intentional  
10 retaliation/harassment, Lomeli was forced to take time away from her other duties and correct the  
11 data.

12 30. In or around October of 2019, while he was off on vacation, Sgt. Dodd began  
13 emailing Lomeli and accusing her of providing false information in her reports. This conduct once  
14 again was humiliating, intimidating, and negatively impacted Lomeli's prospects for advancement.

15 31. In or around August of 2019, Sgt. Dodd called Lomeli into Lieutenant Willie  
16 Triplett's office and falsely accused Lomeli of not performing her duties. In the presence of Lt.  
17 Triplett, Sgt. Dodd falsely accused Lomeli of theft by claiming that Lomeli was submitting overtime  
18 slips when she did not work overtime. Sgt. Dodd then falsely accused Lomeli of submitting reports  
19 to the court that a supervisor had not approved.

20 32. Lomeli then opposed retaliation/harassment by reporting some of the above-  
21 described conduct of Sgt. Dodd to Lt. Triplett. Defendants then chose not to take all reasonable steps  
22 to prevent further retaliation and/or harassment.

23 33. On or about August 19, 2019, Lomeli again opposed and reported retaliatory and  
24 harassing conduct to Lt. Triplett. Lomeli sought an administrative remedy and documented the  
25 unlawful treatment in a grievance to Lt. Triplett.

26 34. On or about August 23, 2019, Lomeli was contacted by the City's Human Resources  
27 (HR) Department and told that the conduct she described in her grievance resembles a hostile work  
28 environment and will be handled by HR, and not through the grievance process.

1           35.     In or around September of 2019, Sgt. Dodd continued his retaliatory and/or harassing  
2 treatment of Lomeli by reassigning Lomeli's cases to others without notifying Lomeli.

3           36.     On or about September 15, 2019, approximately three weeks after Lomeli's  
4 retaliation and/or harassment report, Sgt. Dodd and possibly other employee(s) of the Defendants  
5 subjected Lomeli to further retaliation/harassment by making a bogus complaint against Lomeli to  
6 the APD. Sgt. Dodd and possibly other employee(s) of the Defendants falsely accused Lomeli of  
7 unsatisfactory work performance and possible dishonesty.

8           37.     In or around October of 2019, Sgt. Dodd subjected Lomeli to further  
9 retaliation/harassment by issuing Lomeli three negative supervisor write-ups. Sgt. Dodd also ordered  
10 Lomeli to provide him weekly updates on cases. No other detective was required to give weekly  
11 updates. Additionally, Lomeli submitted written rebuttals to Sgt. Dodd's retaliatory write-ups,  
12 however, Lt. Triplett chose to violate the Public Safety Officers Procedural Bill of Rights Act, by not  
13 attaching the rebuttals to the retaliatory write-ups. (*Gov Code* section 3306)

14           38.     On or about October 18, 2019, the OCDA prosecutor, along with an OCDA  
15 Investigator, which had been working as a vertical prosecution partnership with the APD's Sex  
16 Crimes Unit for nearly 15 years, left the APD due, at least in significant part, to Sgt. Dodd's  
17 treatment of Lomeli.

18           39.     The OCDA provided several reasons for leaving the program. One reason was that  
19 the current work environment was toxic and detrimental to the proper performance of both the  
20 OCDA and the duties of the OCDA Investigator, caused primarily by Sgt. Dodd.

21           40.     The OCDA described the primary cause of such an environment as follows:

22                    "Much of this is due to the current Sergeant [Dodd] and his  
23 involvement in a grievance filed against him by one of the  
24 Sexual Assault detectives (Lomeli). Both myself and Danny  
25 (primarily Danny) have been witness to a lot of his behavior  
26 toward his employees, including Lomeli. A lot of what we have  
27 observed (again, mostly Danny's observations) will not be  
28 helpful to him during this grievance process."

1           41.     In or around December of 2020, Defendants once again failed to take all reasonable  
2 steps to prevent retaliation/discrimination/harassment in the workplace by finding that the  
3 allegations by Lomeli were not sustained.

4           42.     Additionally, Defendants were aware that the statute of limitations under the Public  
5 Safety Officers Procedural Bill of Rights Act (POBRA; *Gov. Code* section 3300 et seq.) generally  
6 prevented any type of punitive action<sup>2</sup> against a police officer if that action is not taken within one  
7 year of the time the department discovers the allegations. Despite knowing that the statute of  
8 limitations ended, Defendants chose to wait over a year before completing the investigation against  
9 Sgt. Dodd. By then, Defendants were legally prevented from imposing any punitive action against  
10 Sgt. Dodd and other employees.

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12           43.     In or around December of 2020, well after the statute of limitations for punitive  
13 action had expired, Defendants conducted another investigation into Lomeli's allegations. This time,  
14 Defendants hired an attorney to conduct the investigation.

15           44.     In or around October of 2021, more than two years after the reported retaliation and  
16 harassment to HR, Deputy Chief Rick Armendariz, the City Attorney, and HR met with Lomeli.  
17 Deputy Chief Armendariz acknowledged the unlawful behavior by Sgt. Dodd by apologizing to  
18 Lomeli for the treatment she suffered. When Lomeli asked about the new investigation results, she  
19 was told that the results were confidential based on the attorney-client relationship between the  
20 Defendant and the attorney-investigator.

21           45.     As a final act to humiliate and intimidate Lomeli, Defendants transferred Sgt. Dodd to  
22 the Internal Affairs Unit, where he would be in charge of investigating other officers and the first to  
23 know if Lomeli filed a complaint.

24           46.     Each of the actions described above materially and adversely affected the terms,  
25 conditions, or privileges of Lomeli's employment and/or the course or pattern of conduct that, taken  
26 as a whole, materially and adversely affected the terms, conditions, or privileges of Lomeli's

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28           \_\_\_\_\_ <sup>2</sup> "Punitive action" means any action that may lead to dismissal, demotion, suspension, reduction in  
salary, written reprimand, or transfer for purposes of punishment. (*Gov. Code* section 3303)



1 employment. Such conduct also reasonably impaired Lomeli's job performance and prospects for  
2 advancement.

3 47. At each and every instance described above, based in large part on past complaints  
4 and other conduct, treatment, and training, Defendants failed to take all reasonable steps to prevent  
5 retaliation and/or harassment in the workplace.

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7 **FIRST CAUSE OF ACTION**

8 **GENDER HARASSMENT/HOSTILE WORK ENVIRONMENT IN VIOLATION**  
9 **OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT AGAINST**  
10 **DEFENDANTS, AND EACH OF THEM**

11 48. Plaintiff incorporates and re-alleges into this Cause of Action each and every  
12 allegation in the foregoing paragraphs as if fully restated herein.

13 49. During the term of Plaintiff's employment, Plaintiff was subjected to harassment,  
14 including but not limited to a hostile work environment based on her gender.

15 50. The hostile work environment consisted of gender harassment directed at Plaintiff,  
16 observed by Plaintiff, and described to Plaintiff by other persons employed by Defendants.

17 51. The harassing conduct was unwelcome and sufficiently severe or pervasive that it had  
18 the purpose and/or effect of altering the conditions of Plaintiff's employment and creating a hostile,  
19 intimidating, offensive, oppressive, or abusive working environment.

20 52. The environment created by Defendants conduct as described above would have been  
21 perceived as intimidating, offensive, oppressive, or abusive by a reasonable female in the same  
22 circumstances as the Plaintiff. The harassment included, but was not limited to the conduct identified  
23 above, false accusations, and damage to Plaintiff's reputation.

24 53. Said actions and conduct of Defendants, and each of them, consisting of the  
25 aforementioned harassment and hostile work environment, constitute unlawful employment practices  
26 pursuant to California *Government Code* section 12940, et seq. Such violations were a substantial  
27 factor in causing damages and injuries to Plaintiff, as set forth below.

28 54. As a legal result of the conduct of Defendants, and each of them, Plaintiff has

1 suffered and will continue to suffer physical, mental, and emotional injuries, pain, distress, suffering,  
2 anguish, fright, nervousness, grief, anxiety, worry, shame, shock, humiliation, betrayal as well as  
3 other unpleasant physical, mental, and emotional reactions, damages to reputation, and other non-  
4 economic damages, in a sum to be ascertained according to proof.

5 55. As a further legal result of the conduct of Defendants, and each of them, Plaintiff  
6 suffered other incidental and consequential damages, in an amount according to proof.

7 56. As a further legal result of the conduct of Defendants, and each of them, Plaintiff is  
8 entitled to attorneys' fees and costs in an amount according to proof pursuant to California  
9 *Government Code* section 12965.

10 57. As a further legal result of the conduct of Defendants, and each of them, Plaintiff is  
11 entitled to prejudgment interest pursuant to *California Civil Code* Section 3287 and/or any other  
12 provision of law providing for prejudgment interest.

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15 **SECOND CAUSE OF ACTION**

16 **RETALIATION IN VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT**  
17 **AND HOUSING ACT (GOV. CODE § 12940, ET SEQ.) AGAINST ALL DEFENDANTS,**  
18 **AND EACH OF THEM**

19 58. Plaintiff incorporates and re-alleges into this Cause of Action each and every  
20 allegation in the foregoing paragraphs as if fully restated herein.

21 59. Plaintiff opposed and reported practices forbidden by *Government Code* section  
22 12940, et seq., by, *inter alia*, reporting unlawful employment practices, including but not limited to  
23 discrimination, harassment, hostile work environment, and/or retaliation to the Defendant.

24 60. Defendants, and each of them, subjected Plaintiff to multiple adverse employment  
25 actions, stand-alone actions, and/or ongoing series of actions that have caused substantial and  
26 material adverse effects on the terms and conditions of Plaintiff's employment.

27 61. Plaintiff's protected activities were a substantial motivating factor for the adverse  
28 employment actions of Defendants, and each of them.

1           62.     Said actions and conduct of Defendants, and each of them, consisting of the  
2 aforementioned retaliation against Plaintiff, constituted unlawful employment practices under  
3 California *Government Code* section 12940, et seq.

4           63.     The aforementioned unlawful employment practices on the part of the Defendants,  
5 and each of them, were a substantial factor in causing damages and injuries to Plaintiff, as set forth  
6 below.

7           64.     As a legal result of the conduct of Defendants, and each of them, Plaintiff has  
8 suffered and will continue to suffer physical, mental, and emotional injuries, pain, distress, suffering,  
9 anguish, fright, nervousness, grief, anxiety, worry, shame, shock, humiliation, betrayal as well as  
10 other unpleasant physical, mental, and emotional reactions, damages to reputation, and other non-  
11 economic damages, in a sum to be ascertained according to proof.

12          65.     As a further legal result of the conduct of Defendants, and each of them, Defendants  
13 subjected Plaintiff to conduct that is reasonably likely to impair her and a reasonable employee's job  
14 performance and prospects for advancement.

15          66.     As a further legal result of the conduct of Defendants, and each of them, Plaintiff  
16 suffered other incidental and consequential damages, in an amount according to proof.

17          67.     As a further legal result of the conduct of Defendants, and each of them, Plaintiff is  
18 entitled to attorneys' fees pursuant to *Government Code* section 12965 and costs in an amount  
19 according to proof.

20          68.     As a further legal result of the conduct of Defendants, and each of them, Plaintiff is  
21 entitled to prejudgment interest pursuant to California *Civil Code* section 3287 and/or any other  
22 provision of law providing for prejudgment interest.

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**THIRD CAUSE OF ACTION**  
**FAILURE TO PREVENT DISCRIMINATION, HARASSMENT, OR**  
**RETALIATION IN VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT AND**  
**HOUSING ACT (GOV. CODE § 12940, ET SEQ.) AGAINST ALL DEFENDANTS, AND**  
**EACH OF THEM**

1           69.     Plaintiff incorporates and re-alleges into this Cause of Action each and every  
2 allegation in the foregoing paragraphs as if fully restated herein.

3           70.     Government Code section 12940, et seq., makes it an unlawful employment practice  
4 for an employer to fail to take all reasonable steps necessary to prevent discrimination, harassment,  
5 or retaliation from occurring.

6           71.     Defendants, and each of them, knew that Plaintiff was a female, opposed and reported  
7 discrimination, harassment, and retaliation, and was continuously being subjected to severe and  
8 pervasive treatment and/or adverse employment actions. Defendants, through their acts and  
9 omissions, violated Government Code section 12940, et seq., by failing to take all reasonable steps  
10 to prevent discrimination, harassment, or retaliation by subjecting Plaintiff to continuous severe and  
11 pervasive treatment on account of her gender and adverse employment actions.

12          72.     Plaintiff's protected activities and gender were a substantial motivating factor for the  
13 adverse employment actions of Defendants, and each of them.

14          73.     Said actions and conduct of Defendants, and each of them, consisting of the  
15 aforementioned retaliation and harassment against Plaintiff, constituted unlawful employment  
16 practices under California *Government Code* section 12940, et seq.

17          74.     The aforementioned unlawful employment practices on the part of the Defendants,  
18 and each of them, were a substantial factor in causing damages and injuries to Plaintiff, as set forth  
19 below.

20          75.     As a legal result of the conduct of Defendants, and each of them, Plaintiff has  
21 suffered and will continue to suffer physical, mental, and emotional injuries, pain, distress, suffering,  
22 anguish, fright, nervousness, grief, anxiety, worry, shame, shock, humiliation, betrayal as well as  
23 other unpleasant physical, mental, and emotional reactions, damages to reputation, and other non-  
24 economic damages, in a sum to be ascertained according to proof.

25          76.     As a further legal result of the conduct of Defendants, and each of them, Defendants  
26 subjected Plaintiff to conduct that is reasonably likely to impair her and a reasonable employee's job  
27 performance and prospects for advancement.

28          77.     As a further legal result of the conduct of Defendants, and each of them, Plaintiff

1 suffered other incidental and consequential damages, in an amount according to proof.

2       78.     As a further legal result of the conduct of Defendants, and each of them, Plaintiff is  
3 entitled to attorneys' fees pursuant to *Government Code* section 12965 and costs in an amount  
4 according to proof.

5       79.     As a further legal result of the conduct of Defendants, and each of them, Plaintiff is  
6 entitled to prejudgment interest pursuant to *California Civil Code* section 3287 and/or any other  
7 provision of law providing for prejudgment interest.

8       80.     For affirmative relief, Plaintiff seeks an injunction restraining Defendants from  
9 continuing or maintaining any rule, policy, practice, custom, or usage which is retaliatory in nature  
10 against any employee making a complaint, when such employee reasonably believes and reports  
11 information that is a violation of law related to discrimination, harassment, or retaliation;

12       81.     For affirmative relief, Plaintiff seeks an injunction restraining Defendants, along with  
13 their supervising employees, agents, and all those subject to their control or acting in concert with  
14 them, from causing, encouraging, condoning or permitting the practice of retaliation, discrimination,  
15 harassment;

16       82.     For affirmative relief, Plaintiff seeks an injunction restraining Defendants along with  
17 their supervising employees, agents, and all those subject to their control or acting in concert with  
18 them, from delaying or obstructing any workplace investigation of discrimination, harassment, or  
19 retaliation, where the alleged employee is a sworn peace officer, which would prevent the officer  
20 from being subjected to punitive action under 3304, et seq.

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**PRAYER FOR RELIEF**

23       **WHEREFORE**, Plaintiff seeks judgment against Defendants on all Causes of Action for:

24       1.       Actual, consequential and incidental losses, including but not limited to loss of  
25 income, benefits, and the value of training and flight time, according to proof, together with  
26 prejudgment interest;

27       2.       General damages for emotional distress, physical injuries, and mental suffering in a  
28 sum according to proof;

1           3.       For an injunction against Defendants and their officers, agents, successors,  
2 employees, representatives, and any and all persons acting in concert with it from engaging in each  
3 of the practices complained of in this complaint;

4           4.       For any possible past and future health care, services, supplies, medicines, health care  
5 appliances, modalities, and other related expenses in a sum to be ascertained according to proof;

6           5.       Costs and Attorneys' fees pursuant to California *Government Code* §12965 (b) on all  
7 causes of action;

8           6.       Costs of suit herein;

9           7.       Pre-judgment interest and post-judgment interest; and

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

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a Trial by Jury.

Dated: February 22, 2022

LAW OFFICE OF BIJAN DARVISH

/s/ Bijan Darvish

By:

\_\_\_\_\_  
BIJAN DARVISH  
Attorneys for Plaintiff  
LAURA LOMELI

**EXHIBIT "1"**



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711  
<http://www.dfeh.ca.gov> | Email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

December 15, 2021

Bijan Darvish  
17011 Beach Boulevard, Suite 900  
Huntington Beach, California 92647

RE: **Notice to Complainant's Attorney**  
DFEH Matter Number: 202112-15644115  
Right to Sue: Lomeli / City of Anaheim

Dear Bijan Darvish:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

**Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.** You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing





## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711  
<http://www.dfeh.ca.gov> | Email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

December 15, 2021

**RE: Notice of Filing of Discrimination Complaint**  
DFEH Matter Number: 202112-15644115  
Right to Sue: Lomeli / City of Anaheim

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for DFEH's Small Employer Family Leave Mediation pilot program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in DFEH's free voluntary mediation service. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in DFEH's free voluntary mediation service. A request for mediation must be made within 30 days of receipt of the Notice of Case Closure and Right to Sue. If mediation is requested, the employee is prohibited from filing a civil action until mediation is complete. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from DFEH's receipt of a mediation request under section 12945.21 until mediation is complete. To request DFEH Small Employer Family Leave Mediation, email [DRDOnlinerequests@dfeh.ca.gov](mailto:DRDOnlinerequests@dfeh.ca.gov) and include the DFEH matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711  
<http://www.dfeh.ca.gov> | Email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

December 15, 2021

Laura Lomeli  
c/o Law Office of Bijan Darvish 17011 Beach Boulevard, Suite 900  
Huntington Beach, CA 92647

RE: **Notice of Case Closure and Right to Sue**  
DFEH Matter Number: 202112-15644115  
Right to Sue: Lomeli / City of Anaheim

Dear Laura Lomeli:

This letter informs you that the above-referenced complaint filed with the Department of Fair Employment and Housing (DFEH) has been closed effective December 15, 2021 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for DFEH's Small Employer Family Leave Mediation pilot program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in DFEH's free voluntary mediation service. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in DFEH's free voluntary mediation service. A request for mediation must be submitted to the DFEH within 30 days of receipt of the Notice of Case Closure and Right to Sue. If mediation is requested, the employee is prohibited from filing a civil action until mediation is complete. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from DFEH's receipt of a mediation request under section 12945.21 until mediation is complete. To request DFEH Small Employer Family Leave Mediation, email [DRDOnlineRequests@dfeh.ca.gov](mailto:DRDOnlineRequests@dfeh.ca.gov) and include the DFEH matter number indicated on the Right to Sue notice.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711  
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Department of Fair Employment and Housing

1                                   **COMPLAINT OF EMPLOYMENT DISCRIMINATION**  
2                                   **BEFORE THE STATE OF CALIFORNIA**  
3                                   **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**  
4                                   **Under the California Fair Employment and Housing Act**  
   **(Gov. Code, § 12900 et seq.)**

5 **In the Matter of the Complaint of**

6 Laura Lomeli

DFEH No. 202112-15644115

7                                   Complainant,

8 vs.

9                                   City of Anaheim  
10                                   200 South Anaheim Boulevard  
11                                   Anaheim, CA 92805

   Respondents

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12 **1.** Respondent **City of Anaheim** is an **employer** subject to suit under the California Fair  
13 Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

14  
15 **2.** Complainant **Laura Lomeli**, resides in the City of **Huntington Beach**, State of **CA**.

16  
17 **3.** Complainant alleges that on or about **October 1, 2021**, respondent took the  
18 following adverse actions:

19 **Complainant was harassed** because of complainant's sex/gender.

20 **Complainant was discriminated against** because of complainant's sex/gender, sexual  
21 harassment- hostile environment and as a result of the discrimination was reprimanded,  
22 denied any employment benefit or privilege, other, denied work opportunities or  
23 assignments.

24 **Complainant experienced retaliation** because complainant reported or resisted any form  
25 of discrimination or harassment and as a result was reprimanded, other, denied work  
26 opportunities or assignments.

27 **Additional Complaint Details:** Complainant is a female and since approximately 2005,  
28 Complainant has been a police officer for the Respondent. In or around January of 2019,

1 Complainant's supervisor began subjecting her to a pattern of harassment, discrimination,  
2 and/or retaliation. In January of 2019, Complainant's supervisor allowed all the men in the  
3 unit to work overtime, but denied Complainant overtime. Complainant engaged in protected  
4 activity by opposing this disparate treatment to her supervisor. Subsequently, Complainant's  
5 supervisor subjected her retaliation, further discrimination, and/or further harassment which  
6 included, but was not limited to, intentionally causing embarrassment to Complainant,  
7 subjecting Complainant to negative write-ups, nitpicking Complainant's work, making false  
8 allegations against Complainant that she was not performing her duties, making false  
9 allegations that Complainant was dishonest, reducing Complainant's workload, and other  
10 adverse employment actions that affected the terms, conditions, and privileges of  
11 Complainant's employment and were reasonably likely to impair Complainant's job  
12 performance, and/or prospects for advancement or promotion. Respondent was aware of  
13 similar acts of harassment, discrimination, and/or retaliation and failed to take all reasonable  
14 steps to prevent harassment, discrimination, and/or retaliation in the workplace. As a result  
15 of any and all the treatment, Complainant suffered emotional distress damages that include,  
16 but are not limited to, stress, anxiety, loss of sleep, loss of self-esteem, depression, worry,  
17 fright, and loss of reputation. Complainant also suffered economic damages that include, but  
18 are not limited to, loss of overtime, personal leave, ability to advance or promote, and other  
19 economic damages.  
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1 VERIFICATION

2 I, **Bijan Darvish**, am the **Attorney** in the above-entitled complaint. I have read the  
3 foregoing complaint and know the contents thereof. The matters alleged are based  
4 on information and belief, which I believe to be true.

5 On December 15, 2021, I declare under penalty of perjury under the laws of the State  
6 of California that the foregoing is true and correct.

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**Huntington Beach California**