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ORIGINAL FILED
SEP 24 2008
LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

ROZANNE ADANTO,

Plaintiff,

vs.

CITY OF LA PUENTE, a public entity; CAROL
CROWLEY, an individual; and DOES 1 TO 50.

Defendants.

(Unlimited Civil Case)

CASE NO.
Complaint Filed: KC053913-**R**

COMPLAINT FOR:

1. Race Discrimination
2. Wrongful Termination in Violation of Public Policy
3. Retaliation; and
4. Hostile Work Environment

CASE ASSIGNED FOR
ALL PURPOSES TO
JUDGE ROBERT A. DUKES
DEPT. R

COMES NOW Plaintiff ROZANNE ADANTO, by and through counsel and respectfully alleges
as follows:

I.

FACTS AND PARTIES

1. Plaintiff ROZANNE ADANTO (hereinafter "Plaintiff") is, and at all times herein mentioned was, a Latina female over the age of forty (40) and a person fully qualified and competent to perform the duties as the Director of Community Services. Plaintiff began her employment with Defendant CITY OF LA PUENTE ("City") on October 4, 2004, and she performed in an exemplary manner.

1 2. Plaintiff is informed and believes and on that basis alleges that Defendant, CITY OF LA
2 PUENTE (hereinafter "CITY") is, and at all times herein mentioned was, a governmental entity duly
3 organized and existing under the laws of the State of California. If plaintiff is incorrect of the status of said
4 defendant, plaintiff will seek leave to amend upon discovery of its true form.

5 3. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned
6 defendant CAROL COWLEY, (hereinafter "COWLEY") and DOES 1-50 were the agent(s) of defendant
7 CITY as City Clerk and in doing the things hereinafter alleged were acting within the course and scope of
8 such agency and with the permission and consent of each co-defendant.

9 4. Plaintiff is ignorant of the true names and capacities of defendants sued herein as DOES
10 1-50, inclusive, and therefore sues these defendants by such fictitious names. Plaintiff will amend this
11 Complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes and
12 thereon alleges that each of these fictitiously named defendants is responsible in some manner for the
13 occurrences herein alleged, and that plaintiff's injuries as herein alleged were proximately caused by the
14 aforementioned defendants.

15 5. Plaintiff filed a complaint with the Department of Fair Employment and Housing pursuant
16 to Section 12940 of the Government Code on or about June 23, 2008, alleging that the acts described herein
17 established a violation of the Fair Employment and Housing Act [Gov C. §§ 12900-12996]. On June 23,
18 2008 plaintiff received a right to sue letter from the Department of Fair Employment & Housing. Plaintiff
19 has fully exhausted her administrative remedies.

20 6. Plaintiff was the only Latina manager in the City's administrative offices. She had been
21 subjected to racist and derogatory remarks made by Defendant Cowley. Plaintiff complained about
22 Cowley's behavior and she became the victim of retaliation by having her employment terminated. Plaintiff
23 was also retaliated against because she has complained about the work environment and suspect business
24 decisions which impacted the City.

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FIRST CAUSE OF ACTION

Race Discrimination - Government Code Section 12965 (Against Defendant CITY)

7. Plaintiff realleges and incorporates by reference the allegations of Paragraphs 1 through 6, inclusive as if set forth in full at this point.

8. Plaintiff was an excellent employee with the City while in the capacity of Community Services Director. Her responsibilities included management of a department that included, Recreation, Park Maintenance, Senior Services, and Capital Projects. Her track record in the community had been exceptional in the amount of increased programming, quality of work, cooperative relationships with community groups, and increased participation. Over the 2.5 years she received numerous accolades from the community, residents, City Council, and staff.

9. Notwithstanding plaintiff's performance, Defendant Cowley displayed hostility, anger, and made verbal racial comments to Ms. Adanto and others. In addition to the hostile work environment, Defendant Cowley terminated plaintiff's employment.

10. Plaintiff alleges that she was subjected to a hostile work environment and terminated based on her race, Latina. Plaintiff did not actually have performance issues and any assertion by Defendants that plaintiff had performance issues is merely pretext for the discriminatory reasons for terminating her employment. Plaintiff had received two above satisfactory evaluations by Mr. Ledford and was never formally evaluated by Ms. Cowley in the four months of her becoming CM on January 1, 2007 and serving plaintiff the termination notice on May 4, 2007.

11. As a direct and proximate result of the acts of Defendants, and each of them, Plaintiff has suffered mental anguish, embarrassment, humiliation and emotional distress, shock to her nervous system and has otherwise sustained great emotional disturbance and distress all to Plaintiff's damage in an amount within the jurisdictional limits of this Court.

12. As a further, proximate result of the actions of Defendants, and each of them, Plaintiff has incurred loss of income, wages, and other pecuniary losses which the full nature and extent of which are within the jurisdictional limits of this Court and shall be shown according to proof at trial.

13. Pursuant to Government Code Section 12965 Plaintiff is entitled to the award of reasonable costs and attorney fees.

1 14. Plaintiff has suffered and continues to suffer lost future earnings, bonuses, deferred
2 compensation, and other employment benefits all to her damage in an amount according to proof.

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4 **SECOND CAUSE OF ACTION**

5 **Wrongful Termination in Violation of Public Policy (Against Defendant CITY)**

6 15. Plaintiff realleges and incorporates by reference the allegations of Paragraphs 1 through 14,
7 inclusive as if set forth in full at this point.

8 16. From October 4, 2004 until her termination, plaintiff never received any disciplinary notices,
9 counseling, or sub-standard evaluations from either City Manager Hal Ledford or Defendant Cowley. In
10 fact, Defendant Cowley did not begin to supervise plaintiff until January 1, 2007. Defendant Cowley was
11 not privy to the discussions and did not participate in the closed sessions regarding City business until after
12 her appointment. Consequently, she could not have any basis to conclude that plaintiff failed to perform her
13 job in any manner whatsoever.

14 17. It is a violation of California public policy to terminate an employee on the basis of their race
15 and for complaining about harassment based on race.

16 18. Plaintiff was terminated from her employment although she was performing in an excellent
17 manner.

18 19. Such termination was in direct violation of Government Code Section 12940 and was done
19 with the intent of depriving Plaintiff of her rights to equal employment opportunity and the benefits of her
20 employment.

21 20. As a direct and proximate result of the acts of Defendant City, Plaintiff has suffered mental
22 anguish, embarrassment, humiliation and emotional distress, shock to her nervous system and has otherwise
23 sustained great emotional disturbance and distress all to Plaintiff's damage in an amount within the
24 jurisdictional limits of this Court.

25 21. As a further, proximate result of the actions of Defendant City, Plaintiff has incurred loss of
26 income, wages, and other pecuniary losses which the full nature and extent of which are within the
27 jurisdictional limits of this Court and shall be shown according to proof at trial.

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THIRD CAUSE OF ACTION**Retaliation (Against Defendant CITY)**

22. Plaintiff realleges and incorporates by reference the allegations of Paragraphs 1 through 21, inclusive as if set forth in full at this point.

23. Plaintiff engaged in a protected activity by complaining about Defendant Cowley creating a hostile work environment based on race.

24. Plaintiff was subjected to an adverse employment action when she was terminated from her employment.

25. Plaintiff's complaints were the motivating factors for her termination as she did not have any actual performance issues. In the absence of documented performance issues, the timing of her termination in light of her complaints establishes a causal nexus between her complaints and the termination.

26. As a direct and proximate result of Defendants' conduct, Plaintiff has experienced restlessness, anxiety, stress, loss of appetite, and harm to personal dignity. Plaintiff has suffered and continues to suffer substantial losses incurred in seeking and performing substitute employment and in lost earnings, bonuses, deferred compensation, and other employment benefits all to her damage in an amount according to proof. She has also suffered other emotional damages as a result of the discriminatory and retaliatory treatment by Defendants, including worry concerning her financial future or concerning her professional standing, all in excess of the minimum jurisdiction of this court. Plaintiff will seek leave to amend this Complaint to allege the specific nature and value of such damages when they become known.

FOURTH CAUSE OF ACTION**Hostile Work Environment (Against Defendants CITY and COWLEY)**

27. Plaintiff realleges and incorporates by reference the allegations of Paragraphs 1 through 26, inclusive as if set forth in full at this point.

28. Defendant Cowley displayed hostility, anger, and made verbal racial comments to Ms. Adanto and others. There are a number of witnesses who have observed Defendant Cowley's incidents and outbursts involving plaintiff and other non-white employees since plaintiff's employment with the City. Plaintiff was discriminated against on the basis of her race by being subjected to a hostile work environment in violation of California Government Code §12940(a). Defendant City is liable for the wrongful conduct

