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APR 27 2012

LOS ANGELES  
SUPERIOR COURT

11 Attorneys for Plaintiff,  
12 EARL WRIGHT

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

13 EARL WRIGHT,

14 *Plaintiff,*

15 vs.

16 CITY OF LOS ANGELES, CITY OF LOS )  
17 ANGELES POLICE DEPARTMENT, )  
18 AND DOES 1 - 100. )

19 *Defendants,*

) Case No: BC452537  
) [Before the Hon. Richard E. Rico, Dept. "17"]

) SECOND AMENDED COMPLAINT FOR  
) DAMAGES

) 1. FIRST CAUSE OF ACTION FOR HOSTILE  
) WORK ENVIRONMENT BASED ON RACE  
) (HARASSMENT) IN VIOLATION OF THE  
) CALIFORNIA FAIR EMPLOYMENT AND  
) HOUSING ACT AGAINST DEFENDANTS,  
) AND EACH OF THEM

) 2. SECOND CAUSE OF ACTION FOR  
) RETALIATION IN VIOLATION OF THE  
) CALIFORNIA FAIR EMPLOYMENT AND  
) HOUSING ACT AGAINST DEFENDANTS,  
) AND EACH OF THEM

) 3. THIRD CAUSE OF ACTION FOR FAILURE  
) TO TAKE ALL REASONABLE STEPS  
) NECESSARY TO PREVENT HARASSMENT  
) AND RETALIATION FROM OCCURRING  
) IN VIOLATION OF THE CALIFORNIA  
) FAIR EMPLOYMENT AND HOUSING  
) ACT AGAINST DEFENDANTS, AND  
) EACH OF THEM

DEMAND FOR JURY TRIAL

Complaint Filed: January 7, 2011

1 Plaintiff EARL WRIGHT (hereinafter "Plaintiff") complains and alleges as follows:

2 **GENERAL ALLEGATIONS**

3 1. Plaintiff is and at all times relevant was a resident of the County of Los  
4 Angeles, State of California.

5 2. At all times relevant hereto, Defendant, CITY OF LOS ANGELES, (hereinafter  
6 "Defendant") is and was, at all times mentioned herein, a municipal entity organized and existing  
7 under the laws of the State of California.

8 3. At all times relevant hereto, Defendant, CITY OF LOS ANGELES POLICE  
9 DEPARTMENT, (hereinafter "Defendant") is and was, at all times mentioned herein, a  
10 municipal entity organized and existing under the laws of the State of California.

11 4. The true names or capacities, whether individual, corporate, associate or  
12 otherwise, of Defendants, DOES 1 through 100, inclusive, are unknown to Plaintiff and therefore  
13 Plaintiff sues these Defendants by such fictitious names. Plaintiff will amend this complaint to  
14 allege their true names and capacities when ascertained. Plaintiff is informed and believes and  
15 based thereon alleges that each of these fictitiously named Defendants were responsible in some  
16 manner for the occurrences herein alleged, and that Plaintiff's damages as herein alleged were  
17 proximately caused by their conduct.

18 5. Plaintiff is informed and believes and thereon alleges that, at all times  
19 mentioned, each of the Defendants, including the fictitiously named Defendants, was the agent  
20 and employee of each of the remaining Defendants, and in doing the things hereinafter alleged,  
21 was acting within the scope and course of such agency. Plaintiff is further informed and  
22 believes and thereupon alleges that at all times relevant hereto, each of the Defendants and the  
23 fictitiously named Defendants acted in concert and in furtherance of each others' interest. In fact,  
24 there is such a unity of interest and ownership between and among all Defendants that any  
25 separateness between them has ceased to exist, such that Defendants, and each of them, are the  
26 alter egos of each other. Based on the facts alleged herein, adherence to the legal fiction of the  
27 existence of all Defendants separate and apart from each other would sanction their wrongful  
28 conduct and promote injustice.

FACTUAL ALLEGATIONS

1  
2           6.     Plaintiff incorporates the allegations in paragraphs 1 through 5, inclusive, as  
3 though fully set forth herein.

4           7.     Plaintiff, EARL WRIGHT, is an African American police officer and has been  
5 employed by Defendant, City of Los Angeles, since November, 1989.

6           8.     Plaintiff is currently working as a Police Officer III Plus 1 (Senior Lead Officer) at  
7 the Training Division.

8           9.     From April, 2007, to October, 2010, Plaintiff's immediate supervisor was  
9 Sgt. Peter Foster.

10          10.    On or about 2008, 2009, Plaintiff approached Foster to request permission to  
11 leave early. Foster, in a very rude and demeaning manner, responded, "Why, you gotta go pick  
12 watermelons." Officer Jeff Quinton was witness to this incident. Plaintiff was very upset,  
13 embarrassed and humiliated by this incident.

14          11.    On or about September, 2009, Officer Tim Nambu posted a black and  
15 white poster entitled "Wright/Davis Family Portrait" on Plaintiff's desk. Officer Clinton  
16 Pophani then posted the same poster in the records room, locker room, men's bathroom,  
17 reporting, writing room and throughout Central Station. The posters, which depicted pictures of  
18 Plaintiff and another officer's face, Lenny Davis (Plaintiff's partner), were affixed onto an  
19 advertisement picture from the television show, *Stanford and Sons*. Plaintiff is informed and  
20 believes that these actions were done under the direction of Sgt. Peter Foster to harass Plaintiff  
21 based upon his race. Plaintiff was very upset, humiliated and embarrassed by this incident.  
22 A true and correct copy of the poster is attached as Exhibit "A."

23          12.    On or about October, 2009, Officer Matthew Shaffer, under Foster's direction,  
24 downloaded four color pictures of Plaintiff from Plaintiff's facebook account and posted the  
25 pictures all over Central Station. Under the first picture was written the words "before yak."  
26 Plaintiff believes that "yak" referred to a popular alcoholic beverage, "cognac," that African  
27 Americans drink. Under the second picture was written "The Lost Jackson." Plaintiff believes  
28 that "The Lost Jackson" referred to Michael Jackson's family. Under the third picture was written

1 "Soul Glow." Plaintiff believes that "Soul Glow" referred to the 1980's curly hairstyle for African  
2 American men as portrayed in the movie, *Coming to America*, starring Eddie Murphy. Under the  
3 fourth picture was written "keepen it Gangster After a Bottle of Yak." Plaintiff believes that this  
4 statement also was referring to the alcoholic beverage "cognac" and referring to Plaintiff as a  
5 gangster. Also written on the poster were the words "Sup Fool, Lost Member, NWA." Plaintiff is  
6 informed and believes that "NWA" refers to a rap group called "*Niggaz with Attitudes*." The  
7 pictures were posted near Plaintiff's desk for everyone to view, including command staff, for  
8 approximately 2 months. Plaintiff is informed and believes that these actions were done under  
9 the direction of Foster to harass Plaintiff based on his race. When Plaintiff inquired as to who  
10 posted the pictures, Foster admitted to Plaintiff that Foster posted the pictures around Central  
11 Station. The posters were viewed by all the officers in the division, including command staff and  
12 Captain III Chamberlain. Plaintiff believes that the command staff, including Chamberlain, not  
13 only failed to address misconduct but condoned and approved of Foster's conduct. Plaintiff was  
14 very upset, humiliated and embarrassed by this incident. A true and correct copy of the picture is  
15 attached as Exhibit "B."

16 13. On or about October, 2009, another color poster containing two 8 ½ by 11 size  
17 pictures of Plaintiff was posted all over Central Station including the locker rooms, watch  
18 commander's office, records and reporting room, roll call room and the workout room. Under the  
19 pictures were the words "I need your help. I don't know who I want to be for Halloween. Ice  
20 Cube from the 90's or Dwayne from What's Happening." The pictures were eventually taken  
21 down by Sgt. James T. Willis, after being posted all over the station for several days and viewed  
22 by officers, command staff and citizens of Los Angeles. This picture was also posted on the  
23 watch commander's office window and was visible to those arrested and brought into the station  
24 for booking. Plaintiff is informed and believes that these actions were done under the direction of  
25 Foster to harass Plaintiff because of his race. Plaintiff believes that the command staff including  
26 Chamberlain not only failed to address misconduct but condoned and approved of Foster's  
27 conduct. Plaintiff was very upset, humiliated and embarrassed by this incident. A true and correct  
28 copy of the picture is attached as Exhibit "C."

1           14.    On or about November 2009, Foster called Plaintiff on Plaintiff's cell phone while  
2 Plaintiff was working in the field with his partner, Lenny Davis. Foster asked Plaintiff to come  
3 back to the office. Plaintiff and his partner came back to the office. When Plaintiff arrived,  
4 several officers began clapping and Foster walked up to Plaintiff's desk with a cake, apparently to  
5 celebrate Plaintiff's 20<sup>th</sup> year anniversary with the department. On top of the cake was a real piece  
6 of fried chicken leg and a real slice of watermelon. At least ten other officers were present and  
7 witnessed this incident. Plaintiff believes that command staff were also present at this incident.  
8 Plaintiff immediately left the office and did not participate in the celebration. When Plaintiff  
9 returned back to the office that day, the remaining uneaten portion of the cake was left on his  
10 desk. Plaintiff immediately disposed of the cake. Plaintiff is informed and believes that these  
11 actions were done under the direction of Foster to harass Plaintiff because of his race. Plaintiff is  
12 informed and believes that there is a negative stereotype linking chicken and watermelons to  
13 African Americans. Plaintiff is informed and believes that connecting African Americans to  
14 chicken and watermelons dates back to American slavery when slaves were know to steal chicken  
15 and watermelon from their masters. African Americans were also known to eat chicken and  
16 watermelon because it was inexpensive and they could not afford other foods. Plaintiff is  
17 informed and believes that the connecting of African Americans to chicken and watermelon was  
18 done to dehumanize African Americans and subject them to ridicule. Plaintiff was very upset,  
19 humiliated and embarrassed by this incident.

20           15.    On or about April, 2010, during a Crime Control Meeting, Plaintiff was handed a  
21 picture that Foster had drawn during that meeting. The picture was of an Asian male, up to the  
22 waist area, wearing a police officer uniform. The face was colored in with a yellow highlighter.  
23 The eyes and nose were drawn as straight lines. The mouth of the Asian male police officer is  
24 closed with two buck teeth protruding out. The hair of the male police officer was drawn as  
25 spikes and pointed in the middle. Plaintiff is informed and believes that this picture, drawn by  
26 Foster, was meant to depict, Police Officer III, Ken Lew, who is of Chinese decent. A true and  
27 correct copy of the picture is attached as Exhibit "D."

28

1           16.     On or about June 2, 2010, Foster sent Plaintiff a text message. The message  
2 contained a picture of one yellow duckling with his arms raised above his head standing in front  
3 of five black ducklings. Under the picture were the words "sup niggas." Plaintiff is informed and  
4 believes that these actions were done under the direction of Foster to harass Plaintiff because of  
5 his race. Plaintiff was very upset, humiliated and embarrassed by this incident. A true and correct  
6 copy of the text message is attached as Exhibit "E."

7           17.     On or about June 25, 2010, Officer Marie Kardiban informed Plaintiff that she was  
8 being sexually harassed by Foster. Plaintiff then informed Kardiban about the text message that  
9 he recently received from Foster. Plaintiff advised Kardiban that she should report Foster's  
10 misconduct. Kardiban immediately reported Sgt. Foster's conduct to Sgt. Daigle including the  
11 text message Foster sent to Plaintiff. Plaintiff is informed and believes that Sgt. Daigle was  
12 advised by Captain III Chamberlain not to file a formal complaint against Foster. Sgt. Daigle did  
13 not open a 128 formal complaint on behalf of Kardiban and Plaintiff until July 29, 2010.

14           18.     On or about June 28, 2010, Foster confronted Plaintiff and asked if he  
15 knew anything about a sexual harassment claim that another officer had filed against Foster.

16           19.     On or about June 29, 2010, Foster called Plaintiff on his cell phone and  
17 told Plaintiff not to show the text message with the ducklings to Captain III Chamberlain. Foster  
18 stated that if Plaintiff did not show the text message to Captain III Chamberlain, then there would  
19 be no complaint against Foster. Foster attempted to contact Plaintiff numerous times that day  
20 including calling Plaintiff from Foster's home number, however, Plaintiff did not accept Foster's  
21 calls. Plaintiff was very intimidated and stressed by Foster's repeated attempts to contact Plaintiff.

22           20.     On or about June 30, 2010, Plaintiff was taken to the hospital because of stress,  
23 headaches and anxiety due to the harassing activities and hostile work environment. Plaintiff was  
24 diagnosed with an elevated blood pressure and was taken off work by his doctor.

25           21.     On or about June 30, 2010, after returning from the hospital, Plaintiff complained  
26 to Captain III Chamberlain about Plaintiff's issues with Foster, including the text message that  
27 Plaintiff received from Foster. Chamberlain told Plaintiff that he was not "going to do a 128" and  
28 open a complaint. Chamberlain stated that he would take the matter to the Wellness Coordinator.

1 Captain Chamberlain failed to issue a complaint form despite the fact that Plaintiff, Kardiban and  
2 Daigel had reported misconduct. Chamberlain did not even ask to see the text message before  
3 deciding not to file a complaint.

4 22. On or about July and August 2010, numerous officers that supported Foster began  
5 to make negative and threatening comments impinging Plaintiff's character on their face book  
6 accounts.

7 23. On or about August 29, 2010, Plaintiff attended a carnival that was organized by  
8 the Senior Lead Officers. At the carnival, Chamberlain stated to Plaintiff that he did not think that  
9 a complaint should have been filed against Foster. Chamberlain warned Plaintiff that he would not  
10 be treated well when he returned back to the station because of the complaint he made against  
11 Foster. Chamberlain's demeanor was such as to intimidate Plaintiff and Plaintiff was intimidated  
12 and fearful of further harassment and possible retaliation. Plaintiff believes that Chamberlain  
13 supported Foster's conduct because Chamberlain failed to administratively transfer Foster to a  
14 different division after the complaint was made.

15 24. On or about September, 2010, Plaintiff was informed by other co-workers that  
16 Officer Randy McCain was threatening to "kick his ass," referring to Plaintiff, and stated that  
17 Plaintiff better not return to Central Division.

18 25. On or about October, 2010, Plaintiff was informed by several co-workers that  
19 Foster had contacted them to back him up (Foster) regarding the cake incident and requested that  
20 Plaintiff's co-workers be untruthful and state that Foster did not have any involvement in the cake  
21 incident.

22 26. On or about November/December, 2010, Plaintiff was informed by his co-workers  
23 that a crime control meeting was held in which several officers, command staff, Captain III  
24 Chamberlain and community members attended. During this meeting, Chamberlain stated that he  
25 was going to have officers workings overtime near 7<sup>th</sup> street for the Christmas holidays.  
26 Chamberlain then stated that he did not want officers hiding out at 7-Eleven drinking watermelon  
27 slurppies. Plaintiff believes that Chamberlain was referring to the African Americans officers  
28 because African Americans are associated with eating watermelons.

1 27. After Plaintiff filed the current lawsuit against Defendant, Plaintiff has been  
2 subjected to continuous retaliation by Defendant. On February 16, 2011, Plaintiff returned to work  
3 full duty after being released by his medical doctor. Upon his return, Plaintiff was advised by  
4 command staff that Plaintiff was being assigned home. Plaintiff was required to call into work  
5 everyday until he was notified by Los Angeles Police Department's (L.A.P.D.) personnel that  
6 Defendant was placing Plaintiff on "Injury on Duty"(I.O.D.), despite the fact that Plaintiff had  
7 been released by his doctor to return to work full duty.

8 28. Plaintiff was then assigned on loan to the Training Division as a Senior Lead  
9 Officer. On December 14, 2011, Plaintiff was advised by Chief Perez that Defendant had the  
10 right to place Plaintiff back in Central Division despite the fact that Plaintiff had medical  
11 restrictions against working at Central Division. Chief Perez also informed Plaintiff that Plaintiff  
12 would be demoted if Plaintiff did not stay in Central Division. Plaintiff did not want to work in  
13 Central Division because of the hostile work environment, racial harassment and because Officer  
14 Randy McCain openly threatened to harm Plaintiff if Plaintiff returns to Central Division.

15 29. On December 1, 2011, January 24, 2012 and April 17, 2012, Plaintiff filed an  
16 amended complaints with the Department of Fair Employment and Housing to include Plaintiff's  
17 complaints of retaliation. On February 26, 2012, Plaintiff was demoted from a Police Officer 3+1  
18 to a Police Officer 3.

19  
20 **FIRST CAUSE OF ACTION**  
21 **FOR HOSTILE WORK ENVIRONMENT BASED ON RACE (HARASSMENT) IN**  
22 **VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**  
23 **AGAINST DEFENDANTS, AND EACH OF THEM**

24 30. Plaintiff repeats and re-alleges each and every allegation set forth above, and  
25 incorporate same by reference as though set forth fully herein.

26 31. During the term of Plaintiff's employment, Plaintiff was subjected to  
27 discrimination, including but not limited to, racial harassment, including, *inter alia*, a hostile work  
28 environment. Plaintiff's race was a motivating factor for the harassment. The harassing conduct



1 was unwelcome and sufficiently severe or pervasive that it had the purpose or effect of altering the  
2 conditions of Plaintiff's employment and creating an intimidating, hostile, abusive, or offensive  
3 working environment. The environment created by the conduct would have been perceived as  
4 intimidating, hostile, abusive, or offensive by a reasonable black person in the same position as  
5 the Plaintiff, and the environment created was perceived by the Plaintiff as intimidating, hostile,  
6 abusive, or offensive. The hostile work environment caused Plaintiff injury, damage, loss, or  
7 harm.

8 32. The harassment included, but was not limited to: a) physical and verbal  
9 harassment, including epithets, derogatory comments, and/or slurs; b) interference with normal  
10 work; and c) visual forms of harassment including derogatory posters, text messages, drawings,  
11 and/or other writings.

12 33. The discriminatory conduct was severe, physically and emotionally threatening,  
13 humiliating, and unreasonably interfered with Plaintiff's work performance.

14 34. The actions and continuing course of the harassing conduct as set forth above was  
15 a systematic policy of discrimination thereby constituting a continuing violation actionable under,  
16 among other things, Article I, Section 8 of the California Constitution which reflects a  
17 fundamental public policy against discrimination in employment on account of race.

18 35. Said actions and conduct of Defendants, and each of them, consisting of the  
19 aforementioned unwelcome verbal, physical, and other conduct of a racial nature and/or based on  
20 Plaintiff's race, resulted in a hostile work environment and unlawful employment practices  
21 pursuant to *California Government Code* Sections 12940, et seq.

22 36. The aforesaid acts and conduct of Defendants, and each of them, constituted  
23 unlawful employment practices. Such violations were a substantial factor in causing damages and  
24 injuries to Plaintiff as set forth below.

25 37. Plaintiff has filed administrative charges with the California Department of Fair  
26 Employment and Housing substantially alleging the acts and conduct of Defendants as described  
27 above. The Department issued a "right-to-sue" notice on or about August 6, 2010. On December  
28 1, 2011, and January and 24, 2012 and April 17, 2012, Plaintiff filed amended complaints with

1 the Department of Fair Employment and Housing to include Plaintiff's complaint of retaliation.  
2 (True and correct copies of said notices are attached hereto as Exhibit "F.")

3 38. As a legal result of the conduct of Defendants, and each of them, Plaintiff has  
4 suffered and will suffer physical, mental, and emotional injuries, pain, distress, suffering, anguish,  
5 fright, nervousness, grief, anxiety, worry, shame, mortification, injured feelings, shock,  
6 humiliation and indignity, as well as other unpleasant physical, mental, and emotional reactions,  
7 damages to reputation, and other non-economic damages, in a sum to be ascertained according to  
8 proof.

9 39. As a further legal result of the conduct of Defendants, and each of them, Plaintiff  
10 was required, and/or in the future may be required, to engage the services of health care providers,  
11 and incurred expenses for health care, services, supplies, medicines, health care appliances,  
12 modalities, and/or other related expenses in a sum to be ascertained according to proof.

13 40. As a further legal result of the conduct of Defendants, and each of them, Plaintiff  
14 was prevented and/or hindered, and will be prevented and/or hindered in the future, from  
15 performing Plaintiff's usual work, occupation, vocation, domestic services, and other activities,  
16 and have suffered loss of income, wages, earnings, earning capacity, and other economic loss,  
17 causing Plaintiff to sustain damages in an amount to be ascertained according to proof.

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

20 42. As a further legal result of the conduct of Defendants, and each of them, Plaintiff is  
21 entitled to attorneys fees and costs in an amount according to proof.

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

25 **SECOND CAUSE OF ACTION**

26 **FOR RETALIATION IN VIOLATION OF THE CALIFORNIA**

27 **FAIR EMPLOYMENT AND HOUSING ACT AGAINST ALL DEFENDANTS**

28 44. Plaintiff incorporates the allegations above as though fully set forth herein.

1           45. Said actions and conduct of Defendants, and each of them, amounted to,  
2 among other things, retaliation pursuant to California Government Code Sections 12940 et seq.

3           46. The aforesaid acts and conduct of Defendants, and each of them,  
4 constituted unlawful employment practices. Such violations were a substantial factor in causing  
5 damages and injuries to Plaintiff as set forth below.

6           47. Plaintiff has duly filled administrative charges with the California Department  
7 of Fair Employment and Housing substantially alleging the acts and conduct of Defendants as  
8 herein above described. The Department issued a "right-to-sue" notice on or about August 6,  
9 2010. On December 1, 2011, January 24, 2012 and April 17, 2012, Plaintiff filed amended  
10 complaints with the Department of Fair Employment and Housing to include Plaintiff's  
11 complaint of retaliation. (A true and correct copy of said notices are attached hereto as Exhibit  
12 "F").

13           48. As a legal result of the aforesaid acts of Defendants, and each of them,  
14 Plaintiff was personally humiliated and mentally upset, distressed and aggravated. Plaintiff  
15 claims general damages for such mental distress and aggravation, in a sum to be shown according  
16 to proof at the time of trial.

17           49. As a further legal result of the conduct of Defendants, and each of them, Plaintiff  
18 was required, and/or in the future may be required, to engage the services of health care providers,  
19 and incurred expenses for health care, services, supplies, medicines, health care appliances,  
20 modalities, and/or other related expenses in a sum to be ascertained according to proof.

21           50. As a further legal result of the conduct of Defendants, and each of them, Plaintiff  
22 was prevented and/or hindered, and will be prevented and/or hindered in the future, from  
23 performing Plaintiff's usual work, occupation, vocation, domestic services, and other activities,  
24 and have suffered loss of income, wages, earnings, earning capacity, and other economic loss,  
25 causing plaintiff to sustain damages in an amount to be ascertained according to proof.

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

28

1 52. As a further legal result of the conduct of Defendants, and each of them, Plaintiff is  
2 entitled to attorneys fees and costs in an amount according to proof.

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

6  
7 **THIRD CAUSE OF ACTION FOR FAILURE TO TAKE ALL**  
8 **REASONABLE STEPS NECESSARY TO PREVENT HARASSMENT AND**  
9 **RETALIATION FROM OCCURRING IN VIOLATION OF THE CALIFORNIA FAIR**  
10 **EMPLOYMENT AND HOUSING ACT AGAINST DEFENDANTS, AND EACH OF**  
11 **THEM**

12 54. Plaintiff repeats and re-alleges each and every allegation set forth above, and  
13 incorporate same by reference as though set forth fully herein.

14 55. Defendants, and each of them, had a duty to take all reasonable steps necessary to  
15 prevent harassment and retaliation from occurring. Defendants, and each of them, failed to take  
16 all reasonable steps necessary to prevent harassment and retaliation from occurring. As a result of  
17 such conduct by Defendants, and each of them, Plaintiff was subjected to harassment and/or was  
18 rendered helpless to remedy or stop the harassment. Plaintiff was also subjected to retaliation.

19 56. The failure of Defendants, and each of them, to take all reasonable steps necessary  
20 to prevent harassment and retaliation from occurring caused Plaintiff injury, damage, loss, or  
21 harm.

22 57. Said actions and conduct of Defendants, and each of them, consisting of the  
23 aforementioned failure to take all reasonable steps necessary to prevent harassment and  
24 retaliation from occurring, constitute unlawful employment practices pursuant to *California*  
25 *Government Code* Sections 12940, et seq. Such violations were a substantial factor in causing  
26 damages and injuries to Plaintiff as set forth below.

27 58. Plaintiff has filed administrative charges with the California Department of Fair  
28 Employment and Housing substantially alleging the acts and conduct of Defendants as described

1 above. The Department issued a "right-to-sue" notice on or about August 6, 2010. On  
2 December 1, 2011, January 24, 2012 and April 17, 2012, Plaintiff filed an amended complaint  
3 with the Department of Fair Employment and Housing to include Plaintiff's complaint of  
4 retaliation. (True and correct copies of said notices is attached hereto as Exhibit "F.")

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

11 60. As a further legal result of the conduct of Defendants, and each of them, Plaintiff  
12 was required, and/or in the future may be required, to engage the services of health care providers,  
13 and incurred expenses for health care, services, supplies, medicines, health care appliances,  
14 modalities, and/or other related expenses in a sum to be ascertained according to proof.

15 61. As a further legal result of the conduct of Defendants, and each of them, Plaintiff  
16 was prevented and/or hindered, and will be prevented and/or hindered in the future, from  
17 performing Plaintiff's usual work, occupation, vocation, domestic services, and other activities,  
18 and have suffered loss of income, wages, earnings, earning capacity, and other economic loss,  
19 causing Plaintiff to sustain damages in an amount to be ascertained according to proof.

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

22 63. As a further legal result of the conduct of Defendants, and each of them, Plaintiff is  
23 entitled to attorneys fees and costs in an amount according to proof.

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


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

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1. Actual, consequential and incidental losses, including but not limited to loss of income, benefits and medical expenses, according to proof, together with prejudgment interest;
2. General damages for emotional distress and mental suffering in a sum according to proof;
3. Attorney's fees pursuant California Government Code §12965 (b) and any other applicable statutes; and costs of suit;
4. Such other and further relief as the Court may deem proper.

Dated: April 25, 2012

LAW OFFICES OF GREGORY W. SMITH  
LAW OFFICES OF PORTASHA R. MOORE

By:   
\_\_\_\_\_  
GREGORY W. SMITH  
PORTASHA R. MOORE  
Attorneys for Plaintiff EARL WRIGHT



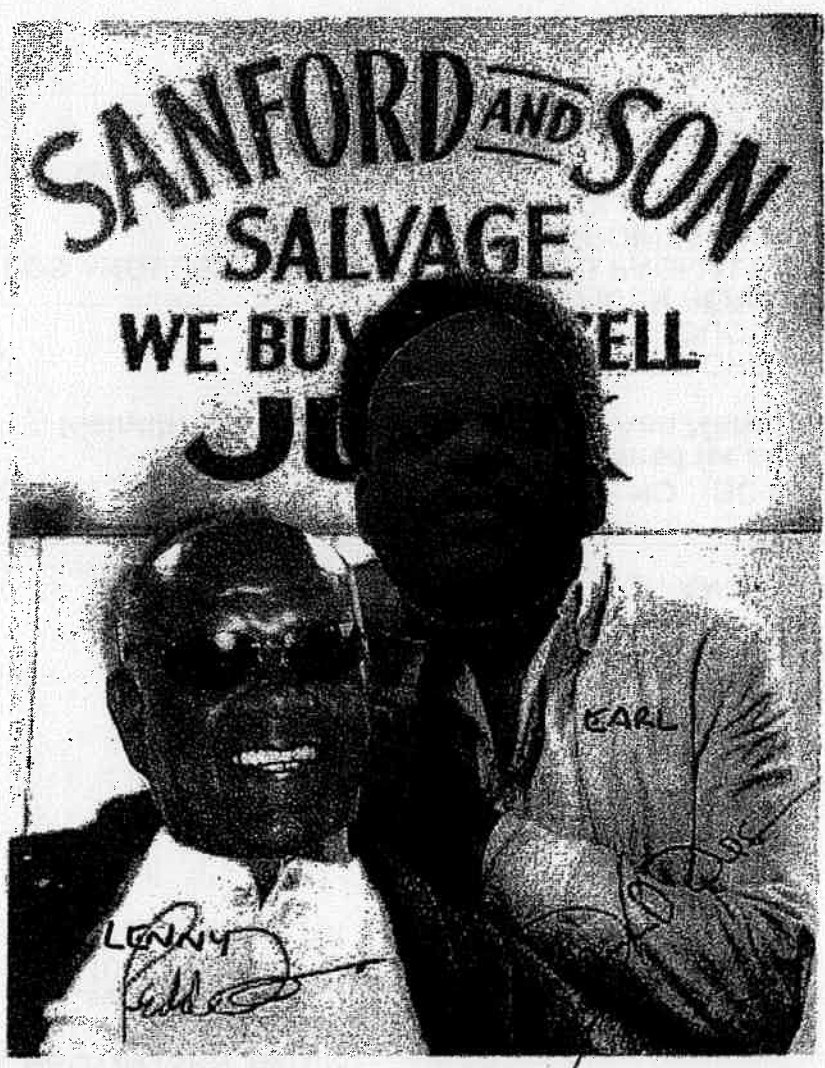
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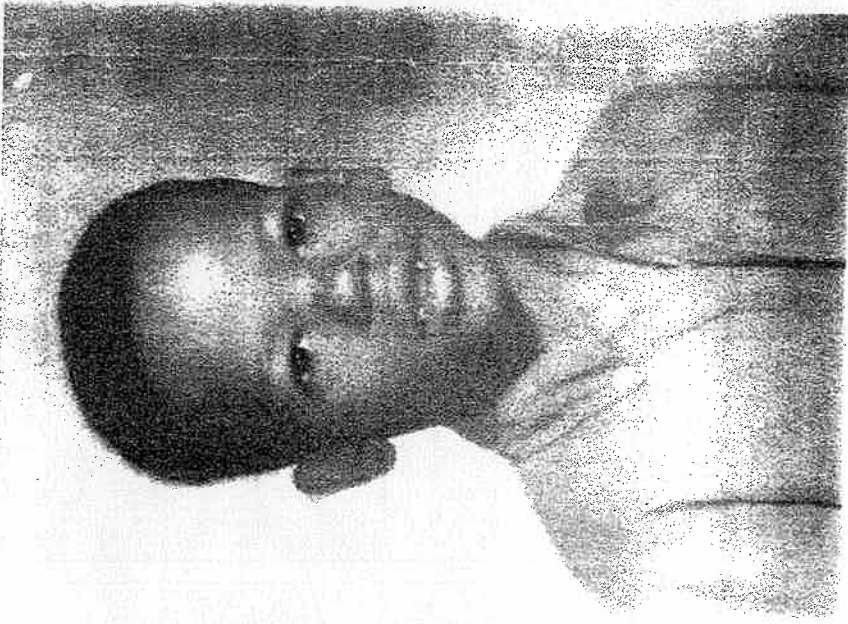


# WRIGHT / DAVIS FAMILY PORTRAIT







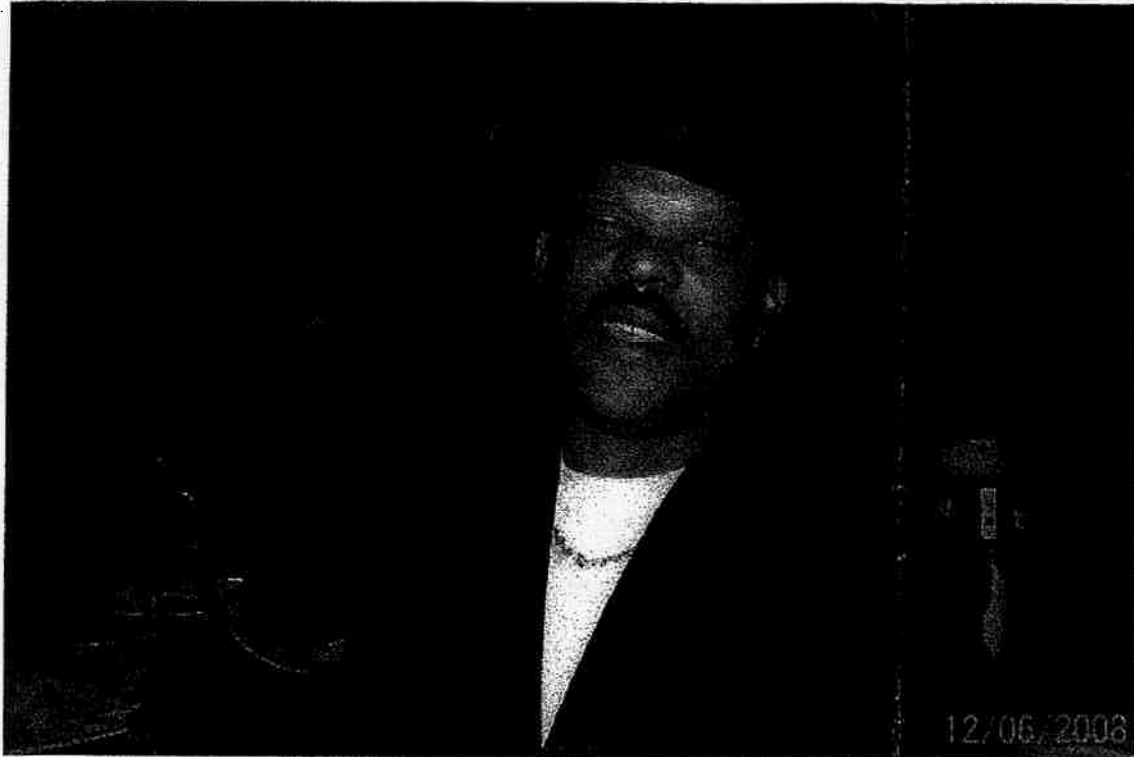


Before 'YAK'

THE LAST JACKSON

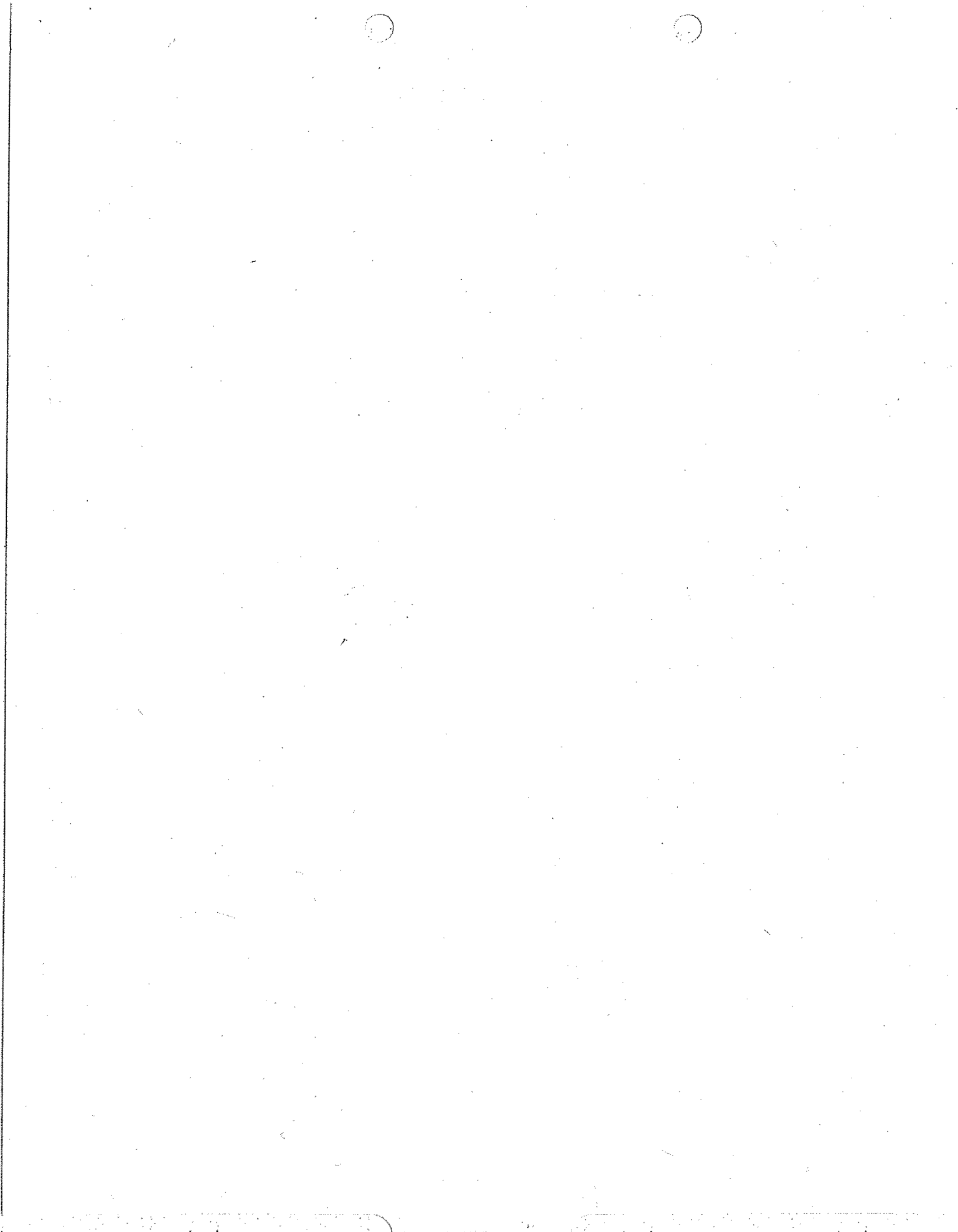
Soul Glow





Keepen IT Gangster

AFTER A BOTTLE  
OF "YAK"



SY-E ↘



**VOTE**  
~~DEWAYNE / ICE~~  
~~CUBE~~  
 Rollins 60's

I NEED YOUR HELP. I DON'T  
 KNOW WHO I WANT TO BE FOR  
 HALLOWEEN!  
 ICE CUBE FROM THE 90'S OR  
 DEWAYNE FROM WHAT'S HAPPENING

<http://photos-c.ak.fbcdn.net/photos-ak-snc1/v1975/64/62/117791>

[http://photos-c.ak.fbcdn.net/photos-ak-snc1/v1975/64/62/1177915184/n1177915184\\_303...](http://photos-c.ak.fbcdn.net/photos-ak-snc1/v1975/64/62/1177915184/n1177915184_303...) 10/28/2009

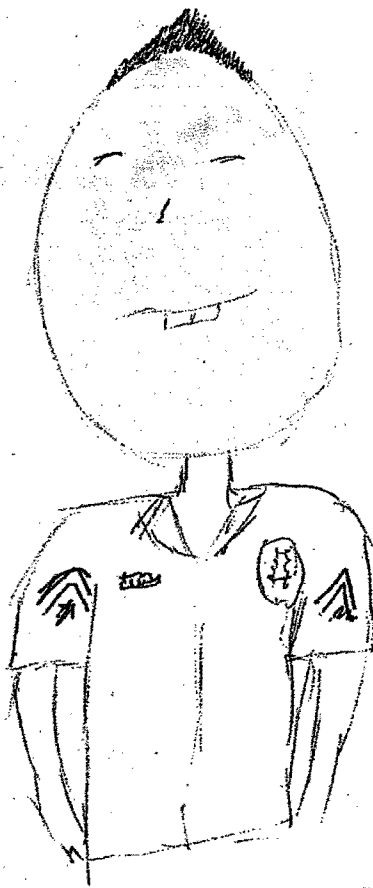








1994





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 Mixed Sources  
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 www.fsc.org Cert no. SW-COC-00290  
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**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017

(213) 439-6770

www.dfeh.ca.gov

Phyllis W. Cheng, Director

August 06, 2010

WRIGHT, EARL  
500 SOUTH GRAND AVENUE 19TH FLOOR  
LOS ANGELES, CA 90071

RE: E201011R5222-00  
WRIGHT/CITY OF LOS ANGELES (L.A.P.D.)

Dear WRIGHT, EARL:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective August 06, 2010 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the 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.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited 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.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

*Tina Walker*

Tina Walker  
District Administrator

cc: Case File

N/A N/A  
CITY CLERK  
CITY OF LOS ANGELES  
200 NORTH SPRING STREET, ROOM 395  
LOS ANGELES, CA 90012



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

DIRECTOR PHYLLIS W. CHENG

(800) 884-1684 | Videophone for the DEAF (916) 226-5285  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

January 4, 2012

Portasha R. Moore  
Attorney at Law  
LAW OFFICES OF PORTASHA R. MOORE  
500 S. Grand Avenue, 19<sup>th</sup> Floor  
Los Angeles, CA 90071

RE: E-201011-R-5222-00-rc  
WRIGHT/LOS ANGELES, CITY OF, POLICE DEPT

Dear Portasha R. Moore:

**NOTICE OF FILING OF AMENDED CLOSED DISCRIMINATION COMPLAINT**

Enclosed is a copy of your client's amended closed complaint that has been filed with the Department of Fair Employment and Housing in accordance with California Government Code sections 12960 and/or 12980. You previously received a copy of your client's Notice of Case Closure, which constitutes your client's right-to-sue notice.

Please note that under Government Code section 12962, you are responsible for **service of the amended complaint** on respondent(s). You should also enclose a copy of the Notice of Case Closure along with the amended complaint. These documents must be served within **60 days** of the **filing date** of the amended complaint. Government Code section 12962, subdivision (b), further provides that complaints must be served either personally or by certified mail with return receipt requested.

For additional information, please read the enclosed Notice of Case Closure that explains the conditions for filing a private lawsuit in the State of California.

Sincerely,

Tina Walker  
District Administrator

Telephone Number: (213) 439-6799

Enclosures  
JW/Jaa

**HEADQUARTERS**

2218 Kauffman Drive  
Suite 100  
Elk Grove, CA 95758  
(916) 478-7251

**BAKERSFIELD**

4800 Stockdale Highway  
Suite 215  
Bakersfield, CA 93309  
(661) 395-2729

**FRESNO**

1277 E. Alluvial Avenue  
Suite 101  
Fresno, CA 93720  
(559) 244-4760

**LOS ANGELES**

1055 West 7<sup>th</sup> Street  
Suite 1400  
Los Angeles, CA 90017  
(213) 439-6799

**OAKLAND**

1515 Clay Street  
Suite 701  
Oakland, CA 94612  
(510) 622-2941

**SAN JOSE**

2570 N. First Street  
Suite 480  
San Jose, CA 95131  
(408) 325-0344





**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017  
(213) 439-6770  
www.dfeh.ca.gov

Phyllis W. Cheng, Director

January 24, 2012

WRIGHT, EARL  
9100 WILSHIRE BLVD. SUITE 345E  
BEVERLY HILLS, CA 90212

RE: E201112R7613-00  
WRIGHT/CITY OF LOS ANGELES (LAPD)

Dear WRIGHT, EARL:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective January 24, 2012 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

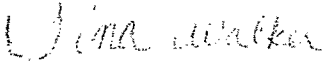
This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint.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

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited 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.

Notice of Case Closure  
Page Two

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,



Tina Walker  
District Administrator

cc: Case File

N/A N/A  
CITY CLERK  
CITY OF LOS ANGELES22  
200 NORTH SPRING STREET, ROOM 395  
LOS ANGELES, CA 90012

DFEH-200-43 (06/06)



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017  
(213) 439-6770  
www.dfeh.ca.gov

Phyllis W. Cheng, Director

April 17, 2012

WRIGHT, EARL  
9100 WILSHIRE BLVD. SUITE 345E  
BEVERLY HILLS, CA 90212

RE: E201112R8863-00  
WRIGHT/CITY OF LOS ANGELES (LAPD)

Dear WRIGHT, EARL:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective April 17, 2012 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the 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.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited 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.

Notice of Case Closure  
Page Two

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

*Tina Walker*

Tina Walker  
District Administrator

cc: Case File

CLERK CITY  
CITY  
CLERK  
200 NORTH SPRING STREET, ROOM 395  
LOS ANGELES, CA 90012

DFEH-200-43 (06/06)

1 **PROOF OF SERVICE (1013A C.C.P.)**

2 **STATE OF CALIFORNIA** )  
3 **COUNTY OF LOS ANGELES** ) ss.

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18  
5 and not a party to the within action; my business is: 500 S. Grand Avenue 19<sup>th</sup> Los Angeles,  
6 California 90071.

7 On **April 26, 2012** I served the foregoing documents described as: **SECOND AMENDED**  
8 **COMPLAINT FOR DAMAGES** on interested parties in this action:

9 **BY MAIL:**

10  By placing the true copies thereof enclosed in sealed enveloped addressed as stated on the  
11 attached mailing list:

12 By placing a true copy thereof enclosed in sealed envelopes addressed as follows:

13  I deposited such envelope in the mail at Los Angeles, California. The envelope was  
14 mailed with postage thereon fully prepaid.

15  I caused such envelope to be deposited in the mail at Los Angeles, California. The envelope  
16 was mailed with postage thereon fully prepaid.

17 I am "readily familiar" with firm's practice of collection and processing correspondence for  
18 mailing. It is deposited with U.S. postal service on that same day in the ordinary course of  
19 business. I am aware that on motion of party served, service is presumed invalid if postal  
20 cancellation date or postage meter date is more than 1 day after date of deposit for mailing in  
21 affidavit.

22 Executed on **April 26, 2012** at Los Angeles, California.

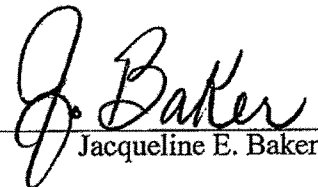
23  **BY FAX:** I faxed the documents to the number specified below from (213) 683-5338 and  
24 received confirmation that the transmission was complete and I attached a copy of  
25 transmission confirmation to this Proof of Service.

26  **BY PERSONAL SERVICE:** I caused to be delivered such envelope by hand to the offices  
27 of the addressees on the attached Service List.

28 Executed on **April 26, 2012** at Los Angeles, California.

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

(Federal) I declare that I am employed in the office of a member of the bar of this court at  
whose direction the service was made.

  
Jacqueline E. Baker

SERVICE LIST

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<p>Carmen Trutanich, City Attorney Gary Guess, Chief Assistant City Attorney Daniel P. Aguilera, Supervising Deputy City Attorney <b>Casey Shim, Deputy City Attorney</b> 200 North Main Street City Hall East, 7<sup>th</sup> Floor Los Angeles, California 90012 <i>(213) 978-8279</i> <i>Fax: (213) 978-8216</i> <i>Email: casey.shim@lacity.org</i></p>	<p>Attorneys for Defendant CITY OF LOS ANGELES, et al.</p>
<p>Gregory W. Smith, Esq., Law Offices of Gregory Smith 9100 Wilshire Blvd., Suite 345 E Beverly Hills, California 90212</p>	<p>Attorneys for Plaintiff</p>