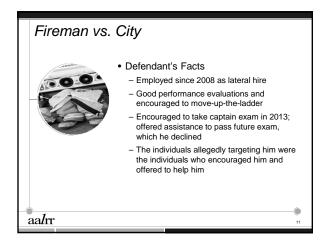




Plaintiff's Allegations • Accused HR Analyst in charge of promotional exams of discrimination because the passing score was changed to include minority candidates - During deposition, she testified her father was a member of the Black Panthers - During deposition she testified to her belief that African-Americans can not be racist • Accused the Chief of Police of racism - Approved recruitment billboard picturing only minority officers - Authorized panel member who was an alleged racist

Outcome • The case settled & Plaintiff was subsequently promoted Lessons Learned... - Deposition of non-decision maker - Cat's Paw theory of liability

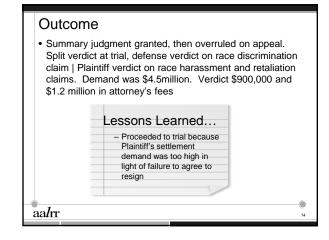




| Plaintiff's Causes of Action | |
|--|----|
| Race harassment under FEHA Race discrimination under FEHA Retaliation under FEHA | |
| Premise of Liability: | |
| aalır | 12 |

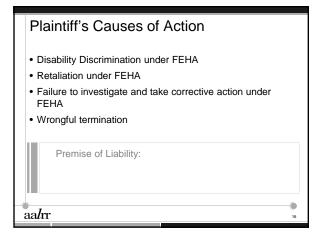
Plaintiff's Allegations Continued experiences of race discrimination Numerous uses of the "N" word, both at him and behind his back High-ranking individuals told co-workers to take him out back and teach him a lesson Leave requests intentionally misclassified and improperly rejected Attire of beanie/white t-shirt criticized as "thug" wear Denied opportunity to train probationary firefighters Promotional exams administered unfairly Not allowed to continue necessary training to maintain strike-leader training certification

aa*l*rr



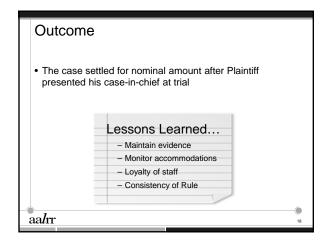


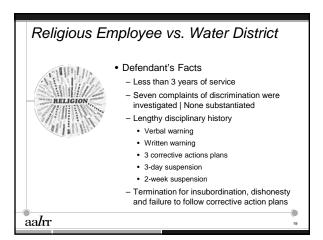




Plaintiff's Allegations • Company no longer wanted to accommodate disability • Managers were mistaken about on-the-job grape consumption - Motor-tic - Anxiety disorder - No video to corroborate manager's observations • Accused company of violating work restrictions due to back-injury suffered on the job



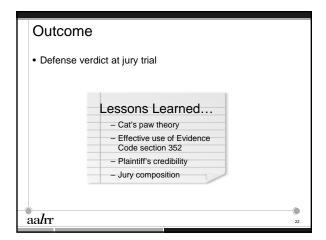


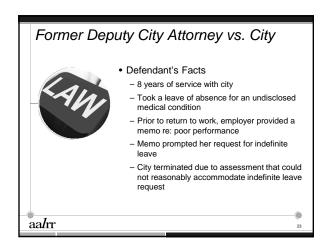


Plaintiff's Causes of Action Religious Discrimination under FEHA Retaliation under FEHA Premise of Liability: Plaintiff claimed that all discipline was based on his exercise of his religious expression and retaliation. He claims that his supervisor orchestrated his termination.



Plaintiff's Allegations • Supervisor questioned his religious beliefs • Supervisor physically assaulted him • Supervisor said "Jesus won't save your job" • Supervisor blocked exit and said "this is going to go down bad" aa/rr





aa*l*rr



Plaintiff's Causes of Action Disability Discrimination under FEHA Retaliation under FEHA Failure to engage in the interactive process Failure to provide a reasonable accommodation Failure to prevent discrimination and retaliation Premise of Liability: Plaintiff claimed that she was terminated because she had severe medical issues and city could have provided her more time to determine if she could come back to work given how much time it takes to replace a public employee.

Plaintiff's Allegations City understood that Plaintiff had a "lengthy & complex" medical history Her medical leave request was treated differently than those of other employees Performance memo "derailed" recovery; intentional act by the City Attorney Interactive process was not engaged in good faith; City Attorney already decided to get rid of her Did not actually request indefinite leave She had recovered by the time the city hired her replacement

Outcome The case settled Lessons Learned... Self-help discovery After-acquired evidence Timing of performance memo? aalrr





| Disclaimer | |
|--|--|
| This AALRR presentation is intended for informational purposes only and should not be relied upon in reaching a conclusion in a particular area of law. Applicability of the legal principles discussed may differ substantially in individual situations. Receipt of this or any other AALRR presentation/publication does not create an attorney-client relationship. The firm is not responsible for inadvertent errors that may occur in the publishing process. | |
| aa <i>l</i> rr | |
| | This AALRR presentation is intended for informational purposes only and should not be relied upon in reaching a conclusion in a particular area of law. Applicability of the legal principles discussed may differ substantially in individual situations. Receipt of this or any other AALRR presentation/publication does not create an attorney-client relationship. The firm is not responsible for inadvertent errors that may occur in the publishing process. |