

This Document Is Presented Courtesy of



Workplace Champions Protecting Your Civil Rights®



Contact Us:

1-202-331-3911

Or visit us online:

<https://www.EmploymentLawGroup.com>

The Employment Law Group, P.C., has reproduced this document from public records as an educational service to users of its Web site. With the exception of this cover page and any other work of its own authorship herein, for which it reserves all rights, The Employment Law Group disclaims all copyright interest in this public domain work. If you believe you hold a valid copyright on any material in this document and wish to assert your rights, please contact us at inquiry@EmploymentLawGroup.com.

4/1 S38 Dem

1 Todd F. Nevell, Esq. SBN: #170054
2 **SCOLINOS, SHELDON & NEVELL**
3 301 North Lake Avenue, 7th Floor
4 Pasadena, California 91101
5 Telephone: (626) 793-3900
6 Facsimile: (626) 568-0930

7 Attorneys for Plaintiff,
8 AUGUSTINE CALDERA

FILED
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

MAR 19 2010

By [Signature]
Deputy

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF SAN BERNARDINO**

12 AUGUSTINE CALDERA,)
13)
14)
15) Plaintiff,)
16)
17) v.)
18) STATE OF CALIFORNIA; CALIFORNIA)
19) DEPARTMENT OF CORRECTIONS AND)
20) REHABILITATION; JAMES GROVE,)
21) and Does 1 through 100, Inclusive,)
22)
23) Defendants,)
24)

CASE NO.: CIVDS 1000177
*Assigned for all purposes to the
Honorable Robert W. Fawke, Dept. S38*

**FIRST-AMENDED COMPLAINT
FOR DAMAGES FOR:**

1. Disability Discrimination
2. Harassment Based on Disability
3. Hostile Work Environment
4. Failure to Accommodate in Violation of California Government Code § 12940, et seq.
5. Retaliation for Engaging in Protected Activity
6. Failure to Prevent Discrimination and Harassment in Violation of Government Code § 12940, et seq.
7. Failure to Investigate in Violation of Government Code § 12940, et seq.

[DEMAND FOR JURY TRIAL]

25 Plaintiff, Augustine Caldera ("Plaintiff"), alleges as follows:

FILED BY FAX
CRC 2005

FACTS COMMON TO ALL CAUSES OF ACTION

27 1. Plaintiff, Augustine Caldera, is and was at all times during the events alleged in this
28 Complaint, employed by the State of California, Department of Corrections and Rehabilitation as

[Handwritten mark]

1 a Correctional Officer. Plaintiff has been so employed by the State of California since 1994 and at
2 all times has been an exemplary employee.

3 2. Defendants, State of California, California Department of Corrections and
4 Rehabilitation (hereinafter collectively referred to as "State of California"), is and was all times
5 during the events alleged in this Complaint, a state entity duly authorized to do business in the
6 County of San Bernardino, State of California. Defendant State of California is an "employer" as
7 defined by *Government Code* §12900 *et. seq.* (hereinafter "FEHA"), in that Defendant regularly
8 employed 5 or more persons and/or was a government municipality.

9 3. Defendant, James Grove, and Does 51 through 100, inclusive, were residents of
10 San Bernardino County, State of California, and were either managers, supervisors, agents,
11 employees and/or officers of defendant State of California, or alternatively, acted separately,
12 individually, apart and outside of the course and scope of that agency and/or employment.

13 4. Plaintiff is ignorant of the true names and capacities of defendants sued herein as
14 Does 1 through 100, inclusive, and therefore sues these defendants by such fictitious names.
15 Plaintiff will ask this Court for leave to amend this Complaint to allege their true names and
16 capacities when the same have been ascertained. Plaintiff is informed and believes and thereon
17 alleges that each of the fictitiously named defendants is legally responsible in some manner for the
18 events and happenings herein alleged, and that Plaintiff's damages as herein alleged were
19 proximately caused by such conduct. Unless otherwise specified, the use of the term "defendants"
20 throughout this Complaint refers to the named defendants and the DOE defendants, inclusively.

21 5. Plaintiff timely caused "Complaints of Discrimination" to be filed with the EEOC
22 and California Department of Fair Employment and Housing and otherwise complied with the
23 statutorily imposed administrative requirements prior to the commencement of this action.

24 6. Plaintiff has suffered from a stuttering disability since the age of 12. Over the
25 years he has attended speech therapy and worked diligently to address and overcome the shame
26 and anxiety brought on by his disability. The disability causes involuntary loss of coordination or
27 control of the physical organs of speech, resulting in the physical blockage of speech. It is a
28 condition that affects the "speech organs" and at times limits his ability to speak.

1 7. Beginning prior to 2008 and continuing to the present, plaintiff has been
2 discriminated against in the workplace because of his stuttering disability. For example, on at
3 least five (5) separate occasions Sergeant James Grove mocked and mimicked plaintiff directly in
4 front of plaintiff and others about his stuttering disability. On another occasion, after plaintiff sent
5 a radio transmission to fellow officers, Sergeant Grove got on the radio and mimicked plaintiff's
6 stutter. The radio broadcast went out to approximately 1,000 prison employees. On yet another
7 occasion, on or about September 2, 2008, plaintiff was having a conversation with a co-worker
8 about a meeting with a Lieutenant Neff and Captain Pattel when he stuttered over the words
9 "Captain" and "Pattel". At that time, Sergeant James Grove turned and looked at plaintiff
10 mockingly said "Ca Ca Caption Pa Pa Pateel" When plaintiff asked Sergeant Grove to stop
11 mocking him, Sergeant Grover refused. Plaintiff then told Sergeant Grove that if he continued
12 mocking him he would file a complaint against him. Sergeant Grove responded "I don't give a fu
13 fu fuck, fi, fi, file on me. Make sure you get my name right." Several of plaintiff's co-workers
14 witnessed plaintiff being mocked by Sergeant Grove. In addition to the multiple occasions in
15 which plaintiff was mimicked and mocked to his face, plaintiff has been informed and believes
16 that Sergeant Grove mocked and mimicked plaintiff's stuttering disability to others outside of
17 plaintiff's presence on numerous occasions.

18 8. On September 2, 2008 plaintiff filed an internal complaint with the State of
19 California, Department of Corrections and Rehabilitation in which he complained that that he was
20 being discriminated against because of his disability and asking that Sergeant Grove's
21 discriminatory actions be investigated.

22 9. In response to plaintiff's complaints about Sergeant Grover, Sergeant Grove was
23 reassigned to a new position as plaintiff's direct supervisor. On September 25, 2008, plaintiff
24 complained to defendants that the reassignment of Sergeant Grove to be his direct supervisor was
25 retaliatory and would result in the creation of a hostile work environment.

26 10. On October 6, 2008, Sergeant Grove was made plaintiff's immediate supervisor.
27 Thereafter plaintiff filed a charge of discrimination with the California Department of Fair
28 Employment and Housing.

1 11. In October 2008, plaintiff requested a reasonable accommodation for his disability.
2 Specifically, plaintiff asked that he be transferred out from under the supervision of Sergeant
3 Grove. In response, the State of California failed to conduct a timely good faith reasonable
4 accommodation process and plaintiff remained under the supervision of Sergeant Grover for
5 approximately 1-1/2 additional years despite his request for an accommodation.

6 12. On January 8, 2009, plaintiff was issued a "Notice to Complainant of Right-To-
7 Sue".

8 13. While acting as plaintiff's direct supervisor, Sergeant Grove continued to harass
9 and discriminate against plaintiff. He treated plaintiff differently than other – non disabled -
10 employees. He was consistently critical of plaintiff's performance to others without a legitimate
11 basis and discriminated plaintiff in his job assignments and opportunities. The work environment
12 caused plaintiff to experience symptoms of paranoia, anxiety, emotional distress and depression.

13 **FIRST CAUSE OF ACTION**

14 **(DISABILITY DISCRIMINATION)**

15 BY PLAINTIFF AUGUSTINE CALDERA
16 AGAINST DEFENDANTS STATE OF
17 CALIFORNIA, JAMES GROVE AND DOES
18 1 THROUGH 100, INCLUSIVE.

19 14. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 13, as
20 though fully set forth in full.

21 15. Pursuant to California Government Code § 12940, et seq. and Title 1 of the
22 Americans with Disabilities Act of 1990 (42 U.S.C. sections 12101, et seq.)(“ADA”) it is an
23 unlawful employment practice for an employer, because of the disability of a person, to
24 discriminate against the person in the terms, conditions or privileges of employment.

25 16. Plaintiff has a stuttering disorder which began in early childhood which causes
26 involuntary loss of coordination or control of the physical organs of speech, resulting in the
27 physical blockage of speech. It is a condition that affects the “speech organs” and limits his ability
28 to participate in the “major life activity” of “speaking” and, in some cases, working.

1 17. Plaintiff was regarded by Defendants James Grove and State of California as
2 having a speech impairment.

3 18. As a direct, legal and proximate result of plaintiff's stuttering disability,
4 Defendants, and each of them, discriminated against plaintiff in the terms, conditions and
5 privileges of his employed by repeatedly mocking and mimicking his stuttering disability and then
6 retaliating against him when he complained about the discrimination by transferring the
7 perpetrator of the discriminatory acts to a position as plaintiff's direct supervisor. Having a
8 supervisor repeatedly mock and mimic his stuttering disability in front of other employees
9 substantially and materially effected the terms and conditions of plaintiff's employment and
10 amounted to an adverse employment action. Furthermore, forcing plaintiff to work under the
11 direct supervision of the same supervisor responsible for repeatedly mimicking and mocking his
12 stuttering disability amounted to an adverse employment action.

13 19. As a further direct, foreseeable and proximate result of the acts and conduct of
14 Defendants, and each of them, as aforesaid, Plaintiff has been caused to and did suffer and
15 continues to suffer from severe emotional and mental distress, anguish, humiliation,
16 embarrassment, alienation, fright, shock, pain, past and future medical bills, discomfort, and
17 anxiety.

18 20. By the aforesaid acts and omissions of Defendants, and each of them, Plaintiff has
19 been directly, foreseeably, and proximately caused to suffer actual damages including, but not
20 limited to, loss of earnings and future earning capacity, attorneys' fees, costs of suit and other
21 pecuniary loss not presently ascertained, for which Plaintiff will seek leave of Court to amend
22 when ascertained.

23 21. The wrongful, intentional, deliberate conduct of defendants was done in conscious
24 and reckless disregard of plaintiff's rights with the intent to vex, injure, annoy and harass plaintiff
25 so as to warrant the imposition of punitive damages in an amount sufficient to punish and set an
26 example of Defendants, and to deter them, and other similarly situated employers from engaging
27 in similar misconduct, to the extent permitted by law as against a governmental entity, if permitted
28 at all, and if not, as against the individual defendants named herein to the extent permitted by law.

1 SECOND CAUSE OF ACTION

2 (HARASSMENT BASED ON DISABILITY)

3 BY PLAINTIFF AUGUSTINE CALDERA
4 AGAINST DEFENDANTS STATE OF
5 CALIFORNIA, JAMES GROVE, AND DOES
6 1 THROUGH 100, INCLUSIVE.

7 22. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 21, as
8 though fully set forth in full.

9 23. Pursuant to California Government Code § 12940, et seq. and Title 1 of the
10 Americans with Disabilities Act of 1990 (42 U.S.C. sections 12112(a), et seq.)("ADA") it is an
11 unlawful employment practice for an employer to harass an employee because of a disability.

12 24. Plaintiff has a stuttering disability. Defendants, and each of them, harassed
13 plaintiff by repeatedly mocking and mimicking his stuttering disability and then retaliating against
14 him when he complained about the discrimination by transferring the perpetrator of the
15 discriminatory acts to a position as plaintiff's direct supervisor. Having a supervisor repeatedly
16 mock and mimic his stuttering disability in front of other employees is unlawful. Furthermore,
17 forcing plaintiff to work under the direct supervision of the same supervisor responsible for
18 repeatedly mimicking and mocking his stuttering disability is harassment. As set forth above,
19 plaintiff was subjected to unwelcome harassment based on his stuttering disability. The
20 harassment affected the terms, conditions and privileges of his employment. Defendants, and each
21 of them, knew or should have known of the harassment and failed to take prompt, remedial action.

22 25. As a further direct, foreseeable and proximate result of the acts and conduct of
23 Defendants, and each of them, as aforesaid, Plaintiff has been caused to and did suffer and
24 continues to suffer from severe emotional and mental distress, anguish, humiliation,
25 embarrassment, alienation, fright, shock, pain, past and future medical bills, discomfort, and
26 anxiety.

27 26. By the aforesaid acts and omissions of Defendants, and each of them, Plaintiff has
28 been directly, foreseeably, and proximately caused to suffer actual damages including, but not

1 limited to, loss of earnings and future earning capacity, attorneys' fees, costs of suit and other
2 pecuniary loss not presently ascertained, for which Plaintiff will seek leave of Court to amend
3 when ascertained.

4 27. The wrongful, intentional, deliberate conduct of defendants, and each of them, was
5 done in conscious and reckless disregard of plaintiff's rights with the intent to vex, injure, annoy
6 and harass plaintiff so as to warrant the imposition of punitive damages in an amount sufficient to
7 punish and set an example of Defendants, and to deter them, and other similarly situated
8 employers from engaging in similar misconduct, to the extent permitted by law as against a
9 governmental entity, if permitted at all, and if not, as against the individual defendants named
10 herein to the extent permitted by law.

11 **THIRD CAUSE OF ACTION**

12 **(HOSTILE WORK ENVIRONMENT)**

13 BY PLAINTIFF AUGUSTINE CALDERA
14 AGAINST DEFENDANTS STATE OF
15 CALIFORNIA, JAMES GROVE, AND DOES
1 THROUGH 100, INCLUSIVE.

16 28. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 27, as
17 though fully set forth in full.

18 29. Pursuant to California Government Code § 12940, et seq. and Title 1 of the
19 Americans with Disabilities Act of 1990 (42 U.S.C. sections 12101, et seq.)("ADA") it is unlawful
20 to require an employee to work in a hostile work environment.

21 30. Plaintiff has a stuttering disability. Defendants, and each of them, created a hostile
22 work environment for plaintiff by repeatedly mocking and mimicking his stuttering disability and
23 then retaliating against him when he complained about the discrimination by transferring the
24 perpetrator of the discriminatory acts to a position as plaintiff's direct supervisor. Having a
25 supervisor repeatedly mock and mimic his stuttering disability in front of other employees is
26 unlawful, as is forcing plaintiff to work under the direct supervision of the same supervisor
27 responsible for repeatedly mimicking and mocking his stuttering disability. As set forth above,
28

1 plaintiff was subjected to unwelcome harassment based on his stuttering disability. The
2 harassment affected the terms, conditions and privileges of his employment and created a hostile
3 work environment. Defendants, and each of them, knew or should have known of the harassment
4 and failed to take prompt, remedial action. When plaintiff complained about the harassment he
5 was retaliated against through the placement of James Grove as his direct supervisor.

6 31. As a direct, legal and proximate result of plaintiff's stuttering disability,
7 Defendants, and each of them, discriminated against plaintiff in the terms, conditions and
8 privileges of his employment and then retaliated against him when he complained about the
9 discrimination. Plaintiff subjectively perceived his workplace environment to be hostile. In
10 addition, a reasonable person would perceive being transferred to work under the direct supervisor
11 of the "harasser" as creating a hostile workplace environment.

12 32. As a further direct, foreseeable and proximate result of the acts and conduct of
13 Defendants, and each of them, as aforesaid, Plaintiff has been caused to and did suffer and
14 continues to suffer from severe emotional and mental distress, anguish, humiliation,
15 embarrassment, alienation, fright, shock, pain, past and future medical bills, discomfort, and
16 anxiety.

17 33. By the aforesaid acts and omissions of Defendants, and each of them, Plaintiff has
18 been directly, foreseeably, and proximately caused to suffer actual damages including, but not
19 limited to, loss of earnings and future earning capacity, attorneys' fees, costs of suit and other
20 pecuniary loss not presently ascertained, for which Plaintiff will seek leave of Court to amend
21 when ascertained.

22 34. The wrongful, intentional, deliberate conduct of defendants, and each of them, was
23 done in conscious and reckless disregard of plaintiff's rights with the intent to vex, injure, annoy
24 and harass plaintiff so as to warrant the imposition of punitive damages in an amount sufficient to
25 punish and set an example of Defendants, and to deter them, and other similarly situated
26 employers from engaging in similar misconduct, to the extent permitted by law as against a
27 governmental entity, if permitted at all, and if not, as against the individual defendants named
28 herein to the extent permitted by law.

1 FOURTH CAUSE OF ACTION

2 (FAILURE TO ACCOMMODATE IN VIOLATION OF
3 CALIFORNIA GOVERNMENT CODE § 12940, ET SEQ.)

4 BY PLAINTIFF AUGUSTINE CALDERA
5 AGAINST DEFENDANTS STATE OF
6 CALIFORNIA, JAMES GROVE, AND DOES
7 1 THROUGH 100, INCLUSIVE.

8 35. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 34, as
9 though fully set forth in full.

10 36. Pursuant to California Government Code § 12940, et seq., it is an unlawful
11 employment practice for an employer to fail to make reasonable accommodations for the known
12 physical disability of an employee.

13 37. Plaintiff has a stuttering disability.

14 38. Plaintiff requested that a reasonable accommodation be made for his disability.
15 Specifically, plaintiff asked that as an accommodation for his stuttering disability, he be removed
16 from a workplace environment in which he was forced to work under the direct supervision of the
17 continuing perpetrator of his discrimination and retaliation, Sergeant Grove. In response,
18 Defendants, and each of them, failed to engage in a timely, good faith accommodation process.

19 39. As a further direct, foreseeable and proximate result of the acts and conduct of
20 Defendants, and each of them, as aforesaid, Plaintiff has been caused to and did suffer and
21 continues to suffer from severe emotional and mental distress, anguish, humiliation,
22 embarrassment, alienation, fright, shock, pain, past and future medical bills, discomfort, and
23 anxiety.

24 40. By the aforesaid acts and omissions of Defendants, and each of them, Plaintiff has
25 been directly, foreseeably, and proximately caused to suffer actual damages including, but not
26 limited to, loss of earnings and future earning capacity, attorneys' fees, costs of suit and other
27 pecuniary loss not presently ascertained, for which Plaintiff will seek leave of Court to amend
28 when ascertained.

1 FIFTH CAUSE OF ACTION

2 (RETALIATION FOR ENGAGING IN PROTECTED ACTIVITY)

3 BY PLAINTIFF AUGUSTINE CALDERA
4 AGAINST DEFENDANTS STATE OF
5 CALIFORNIA, JAMES GROVE, AND DOES
6 1 THROUGH 100, INCLUSIVE.

6 41. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 40, as
7 though fully set forth in full.

8 42. Plaintiff engaged in a legally protected activity, namely opposed the disability
9 based discrimination and harassment practices engaged in by Defendant James Grove which was
10 authorized, permitted, approved and consented to by the State of California.

11 43. Defendants subjected plaintiff to retaliatory adverse employment actions when they
12 reassigned Defendant James Grove to be plaintiff's direct supervisor in response to plaintiff's
13 complaint of discrimination and harassment by Grove.

14 44. Plaintiff's protected activity was a motivating factor in defendants' adverse
15 employment action.

16 45. As a further direct, foreseeable and proximate result of the acts and conduct of
17 Defendants, and each of them, as aforesaid, Plaintiff has been caused to and did suffer and
18 continues to suffer from severe emotional and mental distress, anguish, humiliation,
19 embarrassment, alienation, fright, shock, pain, past and future medical bills, discomfort, and
20 anxiety.

21 46. By the aforesaid acts and omissions of Defendants, and each of them, Plaintiff has
22 been directly, foreseeably, and proximately caused to suffer actual damages including, but not
23 limited to, loss of earnings and future earning capacity, attorneys' fees, costs of suit and other
24 pecuniary loss not presently ascertained, for which Plaintiff will seek leave of Court to amend
25 when ascertained.

26 47. The wrongful, intentional, deliberate conduct of defendants and each of them was
27 done in conscious and reckless disregard of plaintiff's rights with the intent to vex, injure, annoy
28 and harass plaintiff so as to warrant the imposition of punitive damages in an amount sufficient to

1 punish and set an example of Defendants, and to deter them, and other similarly situated
2 employers from engaging in similar misconduct, to the extent permitted by law as against a
3 governmental entity, if permitted at all, and if not, as against the individual defendants named
4 herein to the extent permitted by law.

5 **SIXTH CAUSE OF ACTION**

6 **(FAILURE TO PREVENT DISCRIMINATION AND HARASSMENT
7 IN VIOLATION OF GOVERNMENT CODE §12940 ET SEQ.)**

8 BY PLAINTIFF AUGUSTINE CALDERA
9 AGAINST DEFENDANTS STATE OF
10 CALIFORNIA, JAMES GROVE, AND DOES
11 1 THROUGH 100, INCLUSIVE.

12 48. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 47, as
13 though fully set forth in full.

14 49. California Government Code § 12940, et seq., imposes upon an employer a duty to
15 take immediate and appropriate corrective action to end discrimination and to take all reasonable
16 steps necessary to prevent discrimination from occurring, among other things.

17 50. Defendants failed to take immediate and appropriate action to end the
18 discrimination and harassment of plaintiff. Defendants also failed to take all reasonable step
19 necessary to prevent the discrimination and harassment from occurring in violation of California
20 Government Code § 12940 (j) and (k), causing plaintiff to suffer damages as set forth herein.

21 51. As a further direct, foreseeable and proximate result of the acts and conduct of
22 Defendants, and each of them, as aforesaid, Plaintiff has been caused to and did suffer and
23 continues to suffer from severe emotional and mental distress, anguish, humiliation,
24 embarrassment, alienation, fright, shock, pain, past and future medical bills, discomfort, and
25 anxiety.

26 52. By the aforesaid acts and omissions of Defendants, and each of them, Plaintiff has
27 been directly, foreseeably, and proximately caused to suffer actual damages including, but not
28 limited to, loss of earnings and future earning capacity, attorneys' fees, costs of suit and other

1 pecuniary loss not presently ascertained, for which Plaintiff will seek leave of Court to amend
2 when ascertained.

3 **SEVENTH CAUSE OF ACTION**

4 **(FAILURE TO INVESTIGATE IN VIOLATION OF**
5 **GOVERNMENT CODE §12940 ET SEQ.)**

6 BY PLAINTIFF AUGUSTINE CALDERA
7 AGAINST DEFENDANTS STATE OF
8 CALIFORNIA, JAMES GROVE, AND DOES
9 1 THROUGH 100, INCLUSIVE.

10 53. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 52, as
11 though fully set forth in full.

12 54. California Government Code § 12940, et seq., imposes upon an employer a duty to
13 promptly and thoroughly investigate complaints of discrimination, among other things.

14 55. Plaintiff complained to Defendants regarding the discrimination subjected to him
15 by Defendant James Grove.

16 56. However, Defendants, and each of them, failed to promptly and/or adequately
17 investigate plaintiff's complaints of discrimination.

18 57. In failing to promptly and thoroughly investigate plaintiff's complaints of
19 discrimination, Defendants violated California Government Code § 12940 (j) and (k), causing
20 plaintiff to suffer damages as set forth herein.

21 58. As a further direct, foreseeable and proximate result of the acts and conduct of
22 Defendants, and each of them, as aforesaid, Plaintiff has been caused to and did suffer and
23 continues to suffer from severe emotional and mental distress, anguish, humiliation,
24 embarrassment, alienation, fright, shock, pain, past and future medical bills, discomfort, and
25 anxiety.

26 59. By the aforesaid acts and omissions of Defendants, and each of them, Plaintiff has
27 been directly, foreseeably, and proximately caused to suffer actual damages including, but not
28 limited to, loss of earnings and future earning capacity, attorneys' fees, costs of suit and other

1 pecuniary loss not presently ascertained, for which Plaintiff will seek leave of Court to amend
2 when ascertained.

3 **WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of them, as
4 follows:

5 1. For general damages in an amount in excess of the jurisdictional minimum of this
6 court and to be proven at trial, including damages for emotional distress;

7 2. For special damages in an amount according to proof;

8 3. For loss of earnings and earning capacity, both front and back pay, and any other
9 job benefits to which Plaintiff would have been entitled to by reason of his employment with
10 Defendants, according to proof;

11 4. For punitive damages to the extent permitted by law as against those individual
12 defendants identified herein, and;

13 5. For costs of suit incurred herein;

14 6. For reasonable attorneys' fees and costs incurred pursuant to statute and to the
15 extent otherwise permitted by law; and

16 7. For prejudgment interest to the extent permitted by law.
17

18 DATED: March 18, 2010

Respectfully submitted,

SCOLINOS, SHELDON & NEVELL

20
21 By



TODD F. NEVELL
Attorneys for Plaintiff,
AUGUSTINE CALDERA