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Attorneys for Plaintiff KATHY LEE

ENDORSED  
FILED  
SUPERIOR COURT, METROPOLITAN DIVISION  
COUNTY OF KERN  
DEC - 6 2012  
BY TERRY McNALLY, CLERK  
DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF KERN, METROPOLITAN DIVISION - UNLIMITED

KATHY LEE,

Plaintiff,

v.

WEST KERN WATER DISTRICT, a Kern  
County Water District; GINNY MILLER, a  
public employee and individual; SAM  
TRAFFENSTEDT, a public employee and  
individual; GARY HAMILTON, a public  
employee and individual; HARRY  
STARKEY, a public employee and individual  
and DOES 1 through 50 inclusive,

Defendants.

Case No. S-1500-CV-277481-WPD

**FIRST AMENDED COMPLAINT FOR  
DAMAGES FOR: 1) INTENTIONAL  
INFLICTION OF EMOTIONAL  
DISTRESS; 2) ASSAULT; AND 3)  
VIOLATION OF THE CALIFORNIA  
UNRUH ACT (CAL. CIV. § 51 *et seq.*)**

Plaintiff, KATHY LEE ("Plaintiff") hereby alleges as follows:

1. Plaintiff is and at all times mentioned in this Complaint has been a resident of Kern County, California.

2. Defendant WEST KERN WATER DISTRICT (the "District") is at and all times mentioned in this Complaint was a public entity. Specifically, the District is a Kern County water district formed by election in 1959. The District is located in western Kern County and provides municipal and industrial water services to a variety of consumers encompassing a 300 square mile area with approximately 7,600 metered accounts. The District's principal place of business is

1 situated at 800 Kern Street, Taft, California (the "District's Office").

2       3. Defendant GINNY MILLER ("Miller") is and at all times mentioned in this  
3 Complaint was an individual residing in Kern County, California. Miller was the Accounting  
4 Supervisor for the District and was acting within the course and scope of her employment with the  
5 District at all times alleged herein.

6       4. Defendant SAM TRAFFENSTEDT ("Traffenstedt") is and at all times mentioned in  
7 this Complaint was an individual residing in Kern County, California. Traffenstedt was the Safety  
8 Manager for the District and was acting within the course and scope of his employment with the  
9 District at all times alleged herein.

10       5. Defendant GARY HAMILTON ("Hamilton") is and at all times mentioned in this  
11 Complaint was an individual residing in Kern County, California. Hamilton was the Quality Control  
12 Manager for the District and was acting within the course and scope of his employment with the  
13 District at all times alleged herein.

14       6. Defendant HARRY STARKEY ("Starkey") is and at all times mentioned in this  
15 Complaint was an individual residing in Kern County, California. Starkey was the General Manager  
16 for the District and was acting within the course and scope of his employment with the District at  
17 all times alleged herein.

18       7. Plaintiff is without knowledge of the true names and capacities of the Defendants  
19 sued herein as DOES 1 through 50, inclusive, and therefore sue such Defendants by their fictitious  
20 names pursuant to Code of Civil Procedure Section 474. Plaintiff will amend this Complaint to state  
21 the true names and capacities of such Defendants when they are known.

22       8. Plaintiff is informed and believes and, on that basis, alleges that each of the  
23 Defendants designated as DOES 1 through 50, inclusive, are responsible in some manner for the  
24 events referred to herein, including the loss or damages suffered by Plaintiff.

25       9. Plaintiff is informed and believes and, on that basis, alleges that some or all of the  
26 Defendants, including the DOE Defendants, were the agents or employees of each of the remaining  
27 Defendants, and at all times relevant herein acted within the course and scope of such agency or  
28 employment.

1           10. Plaintiff is informed and believes and, based thereon, alleges that the District is a  
2 "public entity" as defined under California Government Code Section 811.2.

3           11. Plaintiff is further informed and believes that Defendants Miller, Traffenstedt,  
4 Hamilton and Starkey (collectively the "Supervising Defendants") were at all times relevant hereto  
5 and currently are employed by the District and are "public employees" within the statutory definition  
6 under California Government Code Section 811.4.

7           12. Plaintiff is informed and believes and, based thereon, alleges that the conduct, actions  
8 and/or omissions of the Supervising Defendants complained of herein were done within the course  
9 and scope of their employment with District rendering the District vicariously liable for the damages  
10 suffered by Plaintiff as a result of the wrongful acts of the Supervising Defendants under the doctrine  
11 of respondeat superior.

12           13. The incident upon which this Complaint is based occurred on July 29, 2011. Plaintiff  
13 prepared and presented a written Government Claim to the District on January 25, 2012 in the format  
14 and on the written form provided by the District in accordance with California Government Code  
15 sections 900 through 915.4.

16           14. The District gave written notice to Plaintiff on March 16, 2012, that her Government  
17 Claim was rejected.

18           15. Plaintiff was at all times relevant herein an employee of the District. Plaintiff's  
19 primary job duties at the time of the incident alleged herein consisted of those duties associated with  
20 a cashier at a public utility. Many of the District's customers would choose to pay their water  
21 service bill at the District's Office. Plaintiff worked behind a partition at the District's Office, and  
22 would often times directly interact with such customers by accepting and processing the customer's  
23 water service payments. Many of the District's customers elected to pay their monthly water service  
24 invoices in cash. As a result, it was not unusual for the District's Office to have large sums of cash  
25 on hand on any given business day.

26           16. Prior to July 29, 2011, the District had implemented certain procedures it expected  
27 and required its employees to follow and adhere to in the event of a robbery at the District's Office.  
28 The District also provided certain levels of training to its employees, including Plaintiff, relating to

1 possible armed robberies of the District's Office.

2       17. Plaintiff is informed and believes and, on that basis, alleges that the Supervising  
3 Defendants were at all times relevant herein either managers and/or supervisors of the District. To  
4 that end, Plaintiff is further informed and believes and, based thereon, alleges that each of the  
5 Supervising Defendants were vested with the authority, in the interest of the District, to hire, transfer,  
6 suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or had the  
7 responsibility to direct District employees, or to adjust their grievances, or effectively to recommend  
8 that action based upon their own independent judgment.

9       18. Plaintiff is informed and believes and, based thereon, alleges that sometime after the  
10 training provided to the District's employees, the Supervising Defendants, and each of them,  
11 conspired with one another and formed a plan to put the District's employees' recent training to a  
12 live action "test." In furtherance of this conspiracy, the Supervising Defendants, and each of them,  
13 formulated a plan to conduct a staged armed robbery at the District's Office to test the reactions of  
14 the District's female employees, including Plaintiff, in the event of a robbery.

15       19. Plaintiff is informed and believes and, based thereon, alleges that the Supervising  
16 Defendants collectively made the conscious decision to stage a robbery at the District's Office during  
17 the morning of July 29, 2011. Plaintiff is further informed and believes and, on that basis, alleges  
18 that the Supervising Defendants intentionally kept secret from Plaintiff and the other District  
19 employees that the robbery was staged and that no person would be in mortal peril in order to make  
20 the situation more dire and realistic to the employees and in an effort to judge the reactions of the  
21 employees who would believe that they were actually facing a life threatening situation.

22       20. Plaintiff is informed and believes and, on that basis, alleges that the Supervising  
23 Defendants caused all of the male District employees, save for Defendants Traffenstedt, Hamilton  
24 and Starkey, to be absent from the District's Office during the morning of July 29, 2011, by directing  
25 or instructing the District's male employees to attend to various matters outside of the District's  
26 Office. This action by the Supervising Defendants left only four female District employees in the  
27 front area of the District's Office: 1) Plaintiff; 2) Rosa Rodriguez; 3) Carol Breedlove; and 4) a  
28 college student who was interning at the District.

21. At approximately 10:00 a.m. on Friday, July 29, 2011, Plaintiff was working the front counter at the District's Office. At that time Defendant Hamilton entered the District's Office with all of his facial features covered by a ski mask, sunglasses and hat. Hamilton approached Plaintiff's counter area and roughly slammed a large paper bag onto her counter area. Hamilton, still in disguise and unrecognized by Plaintiff, then aggressively gestured and pointed at the bag, directing Plaintiff's attention to a handwritten message contained on the bag. The message on the bag simply read:

## I HAVE A GUN

## PUT YOUR MONEY IN THE BAG

10 This threat by Hamilton was a violation of California Penal Code section 422(a). Plaintiff  
11 is further informed and believes and, based thereon, alleges that Hamilton and the other Supervising  
12 Defendants intended that the above-referenced handwritten message be understood and taken as a  
13 threat against the life of Plaintiff, and that such intended purpose of the message was in furtherance  
14 of the secret plan of the Supervising Defendants.

22. Plaintiff is further informed and believes and, based thereon, alleges that the Supervising Defendants, by and through their secret plan and the conduct of Hamilton, intended to cause, and did cause, Plaintiff to suffer sever emotional distress and/or acted with blatant disregard of the obvious probability of causing Plaintiff to suffer sever emotional distress as a direct result of the Supervising Defendants carrying out their secret plan.

20 23. After reading the threatening demand written on the bag and observing Hamilton's  
21 aggressive behavior, Plaintiff immediately feared for her life, believing the would-be robber to be  
22 armed with a deadly weapon, as was the intention of the Supervising Defendants' secret plan.

23 24. Plaintiff attempted to reach for the silent alarm button located under the counter, but  
24 the still disguised Hamilton noticed what she was doing and raised his clenched fist to Plaintiff and  
25 began pounding the counter and pointing threateningly to the written message on the bag. This  
26 aggressive and threatening conduct by Hamilton placed Plaintiff in reasonable apprehension that she  
27 was about to suffer harmful or offensive conduct at the hands of the would-be assailant. Plaintiff  
28 is informed and believes and, based thereon, alleges that Hamilton's actions were the result of the



1 secret plan between he and the other Supervising Defendants. Plaintiff further alleges that  
2 Hamilton's conduct was intentionally designed and carried out with the specific intent to injure  
3 Plaintiff by placing her in reasonable apprehension of harmful contact at the hands of Hamilton, and  
4 that Hamilton's conduct, as stated herein, did, in fact place her in such reasonable apprehension.

5       25. Following aggressive cues from the disguised Hamilton, Plaintiff began to fill the bag  
6 with money from her cash drawer. Plaintiff, however, was trembling with such fear that she was  
7 fumbling putting the money in the bag. This led to Hamilton again raising his fist to Plaintiff and  
8 again pounding the counter in order to prompt Plaintiff to fill the bag faster. Plaintiff is informed  
9 and believes that this repeated conduct of Hamilton was designed to and specifically intended to  
10 injure Plaintiff by placing her in reasonable apprehension of harmful contact to her person at the  
11 hands of Hamilton. Plaintiff is further informed and believes and, based thereon, alleges that  
12 Hamilton's continued aggressive conduct was in furtherance of the secret plan of Hamilton and the  
13 other Supervising Defendants.

14       26. Once Plaintiff had placed all of the money in the bag, she handed it over to Hamilton,  
15 who still remained in disguise. Plaintiff's only thought when she was handing the bag of money to  
16 the disguised Hamilton was "Please don't shoot me anyway."

17       27. After Plaintiff had delivered the bag to the disguised Hamilton, he roughly grabbed  
18 the bag and ran out of the front doors of the District's Office heading west. After her would-be  
19 assailant fled the office, Plaintiff turned to her desk and, without speaking to anybody, began writing  
20 down a description of the person whom she believed had just robbed her at gunpoint.

21       28. Plaintiff is informed and believes and, based thereon, alleges that during the robbery,  
22 fellow District employee Rosa Rodriguez had panicked when she was not able to locate the silent  
23 alarm button at her station and fled the front area of the District's Office in an effort to find help.  
24 Plaintiff is further informed and believes and, on that basis, alleges that Rodriguez was unable to  
25 locate Defendants Miller and Traffenstedt, and attempted to dial 911, but was so distraught by the  
26 events that she was unable to get an outside line on a phone to call the authorities. At this time,  
27 Rodriguez began yelling at the young college intern to call the police.

28 ///

1           29.     Immediately following the apparent robbery, District employee Deanne Gregory  
2 ("Gregory") entered the lobby area of the District's Office and told the four women, including  
3 Plaintiff, to stop what they were doing because she did not believe that the robbery was in fact real.  
4 Plaintiff is unaware whether Gregory knew of the planned stage robbery prior to the incident.

5           30.     After Gregory's announcement that she believed the robbery had been staged, Miller,  
6 Traffenstedt and Starkey entered the lobby area and announced that the robbery was just an  
7 "exercise." Following this pronouncement, Plaintiff's emotions broke and she began shaking and  
8 crying hysterically.

9           31.     Immediately following the staged robbery, the Supervising Defendants segregated the  
10 four female employees, including Plaintiff, into separate rooms and instructed them that they were  
11 to remain there. Based on said instructions, Plaintiff believed that she had no other choice but to  
12 remain in the room where her supervisors placed her and had no option to leave the premises. While  
13 segregated in the separate room, Plaintiff continued to shake and cry uncontrollably. Finally, the  
14 Supervising Defendants permitted her husband, who also works for the District and who had been  
15 sent away from the District's Office earlier that morning by the Supervising Defendants, was  
16 permitted to sit with her while she was held in a segregated room. Plaintiff was forced to remain  
17 sequestered for nearly one hour, without any option of leaving.

18           32.     While being held in a separate room, Plaintiff overheard officers from the Taft Police  
19 Department yelling at the general manager, Harry Starkey, regarding the fact that the District's  
20 actions in staging a robbery was a foolish mistake and that it could have resulted in unnecessary  
21 injuries.

22           33.     At the Supervising Defendants' instruction, Plaintiff continued to wait in the separate  
23 room where she had been sequestered. At one point in time, Plaintiff was forced to suffer further  
24 humiliation by having to request permission from the Supervising Defendants to use the restroom.  
25 Further, Plaintiff was required to speak with an officer from the Taft Police Department who half-  
26 heartedly explained to her what she should do in the event of a "real robbery."

27           34.     Shortly thereafter, Plaintiff met with Defendant Miller regarding the incident. During  
28 the meeting the would-be robber, Hamilton, removed the money from the bag Plaintiff had given to



1 him during the staged robbery so that it could be returned to Plaintiff's cash drawer. Hamilton also  
2 delivered the bag used in the staged robbery to Defendant Miller and instructed her to "shred the  
3 bag." Hamilton also delivered the ski mask he used during the staged robbery to Miller and advised  
4 her that it would need to be washed as he had been sweating profusely while wearing it.

5 35. Thereafter, Defendant Miller instructed everybody to "go back to work." Plaintiff  
6 attempted to continue working, but became extremely nervous anytime a customer entered the  
7 District's Office. Plaintiff continued to fight back tears while she attempted to dutifully continue  
8 working as Defendant Miller had instructed her.

9 36. Plaintiff thereafter left for her lunch break, but could not eat due to the severe nausea  
10 she was suffering following the staged robbery. Following her lunch break, Plaintiff left the  
11 District's Office to make a bank deposit for the District. Upon her return Plaintiff was still nauseous  
12 and again began to shake and cry uncontrollably. Finally, Defendant Miller permitted Plaintiff to  
13 leave work, but reminded Plaintiff to be in first thing Monday morning.

14 37. Plaintiff is informed and believes and, based thereon, alleges that during the staged  
15 robbery Defendant Miller was outside the District's Office in order to prevent customers from  
16 entering the building while the robbery took place.

17 38. Plaintiff is further informed and believes and, on that basis, alleges that Defendants  
18 Traffenstedt and Starkey were watching a live feed video of the staged robbery behind closed doors  
19 in an unlit room.

20 39. Following the incident, Plaintiff was unable to return to work for an extended period  
21 of time due to the constant fear she suffered. As a direct and proximate result of the wrongful  
22 conduct of the Defendants, and all of them, Plaintiff suffered insomnia and restless sleep, and when  
23 she did sleep she was plagued with constant and recurring nightmares. Plaintiff was also subjected  
24 to the unwanted and humiliating attention by the press and ridicule by various members of the public  
25 who had learned of the incident.

26 40. As a direct result of Defendants', and each of their, conduct Plaintiff was forced to  
27 seek psychological assistance to cope with her fears, depression and constant nightmares she suffered  
28 following the incident. Plaintiff additionally suffered constant headaches, loss of appetite and

1 continual nausea following the staged robbery. To this date, Plaintiff continues to suffer  
2 uncontrollable fears of hooded figures. Additionally, Plaintiff has lost the affection she once had for  
3 her job and many of those that she works with as they serve only as a constant reminder of the  
4 traumatic events of July 29, 2011. Moreover, Plaintiff has suffered the loss of accrued sick leave  
5 and vacation pay due to her extended absence from the District following the outrageous events  
6 described herein.

7 41. Plaintiff is further informed and believes and, based thereon, alleges that the  
8 intentional conduct of the Defendants and all of them falls within the assault exemptions to the  
9 California Workers' Compensation Laws found in California Labor Code sections 3601 and 3602.

#### 10 **FIRST CAUSE OF ACTION**

##### 11 **Intentional Infliction of Emotional Distress (As Against All Defendants)**

12 42. Plaintiff realleges and incorporates by reference herein all facts alleged in Paragraphs  
13 1 through 41 as though fully set forth herein.

14 43. Plaintiff is informed and believes and, based thereon, alleges that the conduct of the  
15 Supervising Defendants as alleged in Paragraphs 18 through 38 herein was so outrageous in  
16 character and so extreme in degree as to go beyond all possible bounds of decency and to be regarded  
17 as atrocious and utterly intolerable in a civilized society. Plaintiff further alleges that Defendant  
18 Hamilton, and the remaining Supervising Defendants, in furtherance of their conspiracy acted with  
19 the willful intent to cause the injury to Plaintiff complained of herein.

20 44. Plaintiff is further informed and believes and, on that basis, alleges that the  
21 Supervising Defendants intended to cause Plaintiff severe emotional distress and/or acted with  
22 blatant disregard of the obvious probability of causing Plaintiff severe emotional distress. The  
23 Supervising Defendants' conduct further exceeded the scope of risk inherent with Plaintiff's  
24 employment as a cashier for the District and violates public policy against any form of employer  
25 harassment of employees.

26 ///

27 ///

28 ///

1        45.     As the actual and proximate result of the Supervising Defendants', and each of their,  
2 outrageous conduct as alleged in Paragraphs 18 through 38 herein, Plaintiff has and will continue  
3 to suffer extreme emotional distress and damages in an amount to be proven at trial, including  
4 without limitation, lost accrued sick leave and vacation pay.

5        46.     Plaintiff is informed and believes that the outrageous conduct of the Supervising  
6 Defendants, and each of them, as alleged in Paragraphs 18 through 38 herein were done and  
7 accomplished within the course and scope of each of the Supervising Defendants' employment with  
8 District, rendering District liable for the Supervising Defendants' conduct under the doctrine of  
9 respondeat superior.

10       47.     The Supervising Defendants' conduct alleged herein was oppressive and malicious,  
11 so as to justify an award of punitive or exemplary damages against said Supervising Defendants.

## 12                                **SECOND CAUSE OF ACTION**

### 13                                **Assault (As Against All Defendants)**

14       48.     Plaintiff realleges and incorporates by reference herein all facts alleged in Paragraphs  
15 1 through 41 and 43 through 47 as though fully set forth herein.

16       49.     Plaintiff is informed and believes and, based thereon, alleges that the Supervising  
17 Defendants, and each of them, conspired together and formulated the plan to commit the staged  
18 robbery set forth in Paragraphs 18 through 28 herein. Moreover, that such conspiracy included the  
19 outlining of the conduct of the would-be robber, Defendant Hamilton. That Defendant Hamilton,  
20 in furtherance of the Supervising Defendants' conspiracy, intentionally placed Plaintiff in reasonable  
21 apprehension of harmful or deadly contact by way of his conduct as alleged in Paragraphs 21 through  
22 25 herein. Plaintiff further alleges that Defendant Hamilton, and the remaining Supervising  
23 Defendants, in furtherance of their conspiracy acted with the willful intent to cause the injury to  
24 Plaintiff complained of herein.

25       50.     Based on the outrageous and threatening conduct of Defendant Hamilton coupled  
26 with the fact that Hamilton, in furtherance of his conspiracy with Defendants Miller, Traffenstedt  
27 and Starkey, kept his identity hidden behind the intimidating disguise worn during the staged  
28 robbery, Plaintiff reasonably feared that she would suffer imminent bodily injury, or worse, death.

51. As a direct and proximate result of the Supervising Defendants' extreme and outrageous conduct, Plaintiff has suffered damages in an amount to be proven at trial.

52. Plaintiff is informed and believes that the outrageous conduct of the Supervising Defendants, and each of them, as alleged in Paragraphs 18 through 37 herein, including the unwarranted assault on Plaintiff, was done and accomplished within the course and scope of each of the Supervising Defendants' employment with the District, rendering the District liable for the Supervising Defendants' conduct under the doctrine of respondeat superior.

53. The Supervising Defendants' conduct alleged herein was oppressive and malicious,  
so as to justify an award of punitive or exemplary damages against said Supervising Defendants.

### THIRD CAUSE OF ACTION

## **Violation of the California Unruh Act (As Against All Defendants)**

54. Plaintiff realleges and incorporates by reference herein all facts alleged in Paragraphs 1 through 41, 43 through 47, and 49 through 53 as though fully set forth herein.

14 53. Plaintiff is further informed and believes and, based thereon, alleges that the  
15 Supervising Defendants' acts, including without limitation, the removal of all men from the  
16 District's Offices on July 29, 2011, was done with the intent to discriminate against her based on her  
17 gender in violation of the California Unruh Act (Cal. Civ. Code §§ 51 *et seq.*).

54. The intentional and outrageous conduct of the Supervising Defendants as alleged herein, and specifically in Paragraphs 15 through 30, violated the rights assured her under the California Unruh Act, and specifically her guaranteed right to freedom from violence pursuant to California Civil Code section 51.7.

22           55. As a direct and proximate result of the Supervising Defendants' intentional and  
23 outrageous conduct as alleged herein, Plaintiff has suffered damages in an amount to be proven at  
24 trial, inclusive of but not limited to all applicable civil penalties set forth in California Civil Code  
25 section 52.

26           56. Plaintiff is informed and believes that the outrageous conduct of the Supervising  
27 Defendants, and each of them, as alleged in Paragraphs 18 through 37 herein, including the  
28 unwarranted assault on Plaintiff, were done and accomplished within the course and scope of each

1 of the Supervising Defendants' employment with the District, rendering the District liable for the  
2 Supervising Defendants' conduct under the doctrine of respondeat superior.

3 57. The Supervising Defendants' conduct alleged herein was oppressive and malicious,  
4 so as to justify an award of punitive or exemplary damages against said Supervising Defendants.

5 58. Plaintiff is statutorily entitled to a recovery of attorneys' fees under California Civil  
6 Code section 52, *subdivision* (b)(3) if her claim is successful.

7 WHEREFORE, Plaintiff prays for judgment as follows:

8 AS TO THE FIRST CAUSE OF ACTION:

9 1. For an award of monetary damages against all Defendants in an amount to be  
10 determined at trial;

11 2. For an award of punitive or exemplary damages against Defendants Miller,  
12 Traffenstedt, Hamilton and Starkey in an amount sufficient to deter them from engaging in similar  
13 conduct;

14 3. For costs incurred in connection with prosecuting this action;

15 4. For pre-judgment and post-judgment interest to the extent and in the amount  
16 permitted by law; and

17 5. For such other and further relief as the Court may deem just and proper.

18 AS TO THE SECOND CAUSE OF ACTION:

19 1. For an award of monetary damages against all Defendants in an amount to be  
20 determined at trial;

21 2. For an award of punitive or exemplary damages against Defendants Miller,  
22 Traffenstedt, Hamilton and Starkey in an amount sufficient to deter them from engaging in similar  
23 conduct;

24 3. For costs incurred in connection with prosecuting this action;

25 4. For pre-judgment and post-judgment interest to the extent and in the amount  
26 permitted by law; and

27 5. For such other and further relief as the Court may deem just and proper.

28 ///

1 AS TO THE THIRD CAUSE OF ACTION:

2 1. For an award of monetary damages against all Defendants in an amount to be  
3 determined at trial;

4 2. For an award of punitive or exemplary damages against Defendants Miller,  
5 Traffenstedt, Hamilton and Starkey in an amount sufficient to deter them from engaging in similar  
6 conduct;

7 3. For an award of reasonable attorneys' fees pursuant to statute;

8 4. For costs incurred in connection with prosecuting this action;

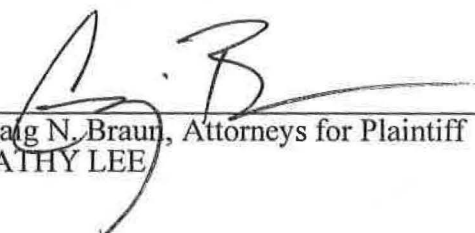
9 5. For pre-judgment and post-judgment interest to the extent and in the amount  
10 permitted by law; and

11 6. For such other and further relief as the Court may deem just and proper.

12 DATED: December 6, 2012

DAKE, BRAUN & MONJE, LLP

13  
14 By

  
\_\_\_\_\_  
Craig N. Braun, Attorneys for Plaintiff  
KATHY LEE



1                    **PROOF OF SERVICE (CODE CIV. PROC. SECTIONS 1013A, 2015)**

2                    **STATE OF CALIFORNIA, COUNTY OF KERN**

3                    I am employed in the County of Kern, State of California. I am over the age of 18  
4 years and not a party to the within entitled action. My business address is 1801 - 18<sup>th</sup> Street,  
Bakersfield, California, 93301.

5                    On December 6, 2012, I served the foregoing document entitled **FIRST AMENDED**  
6 **COMPLAINT FOR DAMAGES FOR: 1) INTENTIONAL INFLICTION OF EMOTIONAL**  
7 **DISTRESS; 2) ASSAULT; AND 3) VIOLATION OF THE CALIFORNIA UNRUH ACT**  
(CAL. CIV. § 51 *et seq.*) on the interested parties in this action as follows:

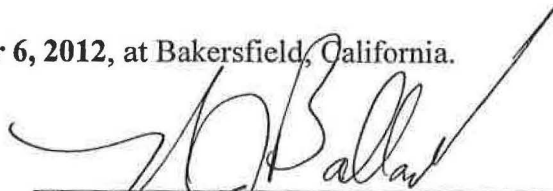
8 Arnold Anchordoquy, Esq.  
9 CLIFFORD & BROWN  
1430 Truxtun Avenue, Suite 900  
Bakersfield, CA 93301

10 BY FIRST CLASS MAIL

11                    I am "readily familiar" with the business practice of my firm for collection and  
12 processing of correspondence for mailing with the U.S. Postal Service that same day, with postage  
thereon fully prepaid, at Bakersfield, California, in the ordinary course of business. The above  
13 sealed envelope(s) was/were placed for deposit with the U.S. Postal Service on the date stated above,  
with postage thereon fully prepaid, following the firm's ordinary business practice.

14                    I declare under penalty of perjury under the laws of the State of California that the  
15 foregoing is true and correct.

16                    Executed on **December 6, 2012**, at Bakersfield, California.

17   
18 \_\_\_\_\_  
Nina J. Ballantine