

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NEIL BERMAN, #246637
RUCKA, O'BOYLE, LOMBARDO & MCKENNA,
A Professional Corporation
245 West Laurel Drive
Salinas, CA 93906
Telephone: (831) 443-1051
Fax (831) 443-6419

Attorneys for Plaintiff

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 10/30/2020 9:53 AM
By: Rowena Esquerra, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF MONTEREY

MICHELE BALL,

Plaintiffs,

vs.

CITY OF DEL REY OAKS; JEFF HOYNE;
ROGER GUZMAN; BRIAN PEREZ; CITY
OF SCOTTS VALLEY; STEVE WALPOLE;
and Does One through Fifty,

Defendants.

Case No.: 20CV002926

COMPLAINT FOR DAMAGES FOR
WRONGFUL TERMINATION - GENDER
DISCRIMINATION; HOSTILE WORK
ENVIRONMENT - SEXUAL
HARASSMENT; HOSTILE WORK
ENVIRONMENT - GENDER
HARASSMENT; VIOLATION OF
GOVERNMENT CODE SECTION 12940,
Subdivision (i); DEFAMATION PER SE;
INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS; INTENTIONAL
INTERFERENCE WITH PROSPECTIVE
ECONOMIC RELATIONS

1. At all times material to this complaint, defendant CITY OF DEL REY OAKS was a public entity in Monterey County, California.
2. At all times material to this complaint, defendant CITY OF SCOTTS VALLEY was a public entity in Santa Cruz County, California.
3. At all material times, defendant JEFF HOYNE was the Chief of Police for the CITY OF DEL REY OAKS.
4. At all material times, defendant ROGER GUZMAN was a sergeant for the CITY OF DEL REY OAKS.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 5. At all material times, defendant BRIAN PEREZ was a corporal for the CITY OF DEL REY OAKS.
- 6. At all material times, defendant STEVE WALPOLE was the Chief of Police for the CITY OF SCOTTS VALLEY.
- 7. Defendants Does One through Fifty are sued under fictitious names. Plaintiffs are informed and believe, and on that basis allege, that each defendant sued under such fictitious name is in some manner responsible for the wrongs and damages as alleged below, and in some acting was functioning as the agent servant, partner, and employee of the codefendants, and in doing the actions mentioned below was acting within the course and scope of his or her authority as such agent, servant, partner, and employee with the permission and consent of the codefendants.
- 8. Plaintiff MICHELE BALL was hired by the CITY OF DEL REY OAKS as a police officer on or about November 19, 2018.
- 9. MICHELE BALL'S employment was terminated on or about February 11, 2020.
- 10. Plaintiff is a female. At all relevant times, Plaintiff was the only female police officer for the CITY OF DEL REY OAKS.
- 11. During the period mentioned above (November 19, 2018 through February 11, 2020), Plaintiff was the victim of numerous discriminatory and harassing actions and remarks made by defendants on the basis of her gender. She was also subjected to ongoing sexual harassment. These actions and remarks include the following:
 - A. Chief JEFF HOYNE was single and actively dating. He asked Plaintiff often about his appearance prior to going out on his dates when leaving the department. This made Plaintiff feel very uncomfortable. Chief Hoyne made comments about a news reporter, Kyla Linville, from KSBW on 08/13/2019 stating "I'd like to take care of her." This made Plaintiff feel very uncomfortable as the only female officer at the department. Plaintiff found this offensive coming from the Chief who is a leader of the department. As the only female officer, Plaintiff did not have her own locker room. Chief Hoyne promised it, started to have construction done, but Plaintiff was forced to get dressed at home and drive to work in full gear. Once a room was almost completed there were still lockers inside with Commander Bourquin's name on it as well as Reserve Officer Chris Salopek.
 - B. Since October 2018, there was pornographic material (magazines, video, and DVD's) left open in the evidence room. Every time Plaintiff had to enter the evidence room (booking evidence or getting supplies), she had to view this material. Every time Plaintiff had to enter this room the material had been rummaged through as someone had been viewing its contents. This was unnecessary, unprofessional, inappropriate and made Plaintiff feel very uncomfortable.
 - C. Reserve Office Ken Bough made comments about airport employee, Annalise Julien, "being easy on the eyes." He would make similar comments regarding passengers

1 leaving or arriving at the airport. These comments would occur in front of Plaintiff,
 2 Chief Hoyne and Perez. Plaintiff's supervisors did nothing about this and allowed
 3 these comments to continue.

- 4 D. It is herein alleged that Defendant GUZMAN had a pattern of treating Plaintiff in a
 5 demeaning and disrespectful manner based on her gender and the fact that he felt he
 6 could bully/treat a woman as he did to Plaintiff. Plaintiff's first inappropriate
 7 encounter with GUZMAN was on May 15, 2019. An elderly transient female, Helen
 8 Kennedy, was called in as sleeping in her car. Plaintiff had no authority to make her
 9 leave, as department policy does not allow officers to drive her vehicle and she was
 10 unlicensed. Plaintiff made arrangements for someone from her church to come pick
 11 her up and she would move her car the following day. Plaintiff completed the "end of
 12 shift report" and cited specific law that prohibited Plaintiff from making Kennedy
 13 move in this report. Plaintiff later found out that her "end of shift report" had been
 14 altered by GUZMAN and the specific facts that she cited to were removed from her
 15 report.
- 16 E. On October 30, 2019, at 0600 hours at roll call, GUZMAN, Plaintiff, Officer Baza
 17 and PEREZ were present. GUZMAN would not look at Plaintiff and was clearly
 18 irritated. GUZMAN started talking about emails that were sent from the CITY OF
 19 DEL REY OAKS email system that were slanderous and that HOYNE was upset and
 20 disappointed.
- 21 F. On November 3, 2019, at 1614 hours Plaintiff received an email from Sergeant
 22 Nguyen (Training Supervisor) advising her to cancel all her upcoming classes in
 23 November and December 2019 "due to staffing issues." However, PEREZ was sent
 24 to Aviation Training 11/4 to 11/8 and Officer Baza was sent to a class on 11/7/2019.
 25 Plaintiff was scheduled for the following that were cancelled:
- 26 - ARIDE 11/27 to 11/29/2019
 - 27 - Radar Operator 11/19 and 11/20/2019
 - 28 - Lidar Operator 12/10 and 12/11/2019
 - Advanced Accident Investigation 2/17 to 2/28/2020
- 29 G. On November 11, 2019, Plaintiff was working nightshift with her supervisor PEREZ
 30 from 1800 – 0600 hours. At 2113 hours she received a text message on her personal
 31 phone (not the department issued work phone) from GUZMAN asking if she was
 32 available for a call. GUZMAN and PEREZ were together at the airport office when
 33 GUZMAN called and had Plaintiff on speaker phone. Phone records show a 19
 34 minute call. GUZMAN accused Plaintiff and tells her that he knows she wrote the
 35 derogatory emails he referenced in roll call on October 30, 2019. GUZMAN brings
 36 up the International Police Chief's conference in Chicago that HOYNE attended.
 37 GUZMAN states that CITY OF SCOTTS VALLEY Chief WALPOLE discussed
 38 Plaintiff's husband's investigation/termination with HOYNE. GUZMAN states that
 39 WALPOLE "has/ has seen" emails written by Plaintiff from CITY OF DEL REY
 40 OAKS email slandering CITY OF DEL REY OAKS police department. When
 41 Plaintiff asked GUZMAN why he knew about Plaintiff's husband's employment
 42 situation and tried to explain that it was in litigation, GUZMAN cuts her off and says

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

he doesn't care. Plaintiff offered to sit down and talk this out with HOYNE however, GUZMAN in a very loud, angry and demeaning tone, said Plaintiff wasn't getting it.....read between the lines.....Chief Hoyne is shocked and disappointed in Plaintiff and doesn't want to see or talk to her. GUZMAN then orders Plaintiff to keep this between him and Plaintiff and hung up on Plaintiff. Plaintiff was shocked and upset over how GUZMAN talked to her, belittled her, talked down to her, and made such false accusations. PEREZ (Plaintiff's direct supervisor) was with GUZMAN and did nothing. PEREZ, who is friends with GUZMAN protected GUZMAN and did not stop or report this harassing and discriminatory behavior.

- H. On November 12, 2019, Plaintiff met with Dr. Cohen about the November 11, 2019 incident with GUZMAN and her depressed state. Plaintiff was overly stressed, extremely upset and getting depressed. She was also starting to drink alcohol as a means to cope and sleep. This got progressively worse over time. Dr. Cohen wrote Plaintiff a doctor's note excusing her from work until November 17, 2019.
- I. On November 14, 2019, Plaintiff emailed Commander Bourquin with a detailed explanation of what occurred on November 11, 2019 alleging hostile work environment, bullying, intimidation, threats and retaliation against GUZMAN. Plaintiff also requested to meet with Chief Hoyne to discuss these false allegations. Plaintiff's request was not granted and Chief Hoyne ignored and avoided Plaintiff.
- J. On November 15, 2019, at 1251 hours, Plaintiff filed an official complaint with CITY OF SCOTTS VALLEY against WALPOLE alleging false, malicious, slanderous and unprofessional conduct which has caused a hostile work environment, bullying and intimidating by her supervisors. The results of this complaint/investigation have still not been given to Plaintiff.
- K. On November 17, 2019, when Plaintiff returned to work and found that GUZMAN was not being placed on administrative leave, she began having anxiety and panic attacks at work whenever she would see his car at the station or hear his voice when he entered the station. She would instantly leave if he was at the station. On November 17, 2019, she reported for work at 1800 hours but PEREZ was not there. Officer Dowson said that PEREZ asked to switch with Officer Dowson. This made Plaintiff uneasy as she felt PEREZ switched because she filed a complaint. Officer Dowson later stated during the shift at 0005 hours that PEREZ was going to request to permanently switch his shift. Prior to Plaintiff's formal complaint against GUZMAN, PEREZ and Plaintiff got along great and he often told Plaintiff that he was happy with her work performance and was a great partner.
- L. On November 20, 2019, at 0519 hours Officer Baza reported to work. GUZMAN was scheduled to work as well. Plaintiff asked Baza to be present when GUZMAN arrived because she feared how GUZMAN would react to her and she didn't trust PEREZ. GUZMAN arrives around 0600 hours. Off. Baza, PEREZ and Plaintiff are sitting in the roll call room. Baza and Plaintiff are facing each other watching the security cameras and PEREZ is working on his Watch Commander report at the computer. GUZMAN enters the front door and walks into roll call in an aggressive and assertive manner, walks right up to Plaintiff within a foot of her face and says "Morning Ball!" with an angry tone. GUZMAN proceeded to sit down right next to

1 Plaintiff to infringe on her personal space which was unnecessary and an attempt to
2 intimidate her. He doesn't acknowledge anyone else.

- 3 M. On November 21, 2019, Commander Bourquin was out of town with his family in
4 Sacramento for the weekend. Plaintiff called City Manager Dino Pick. At 1406
5 hours, Dino Pick returned her call. Plaintiff expressed her concerns about GUZMAN
6 and how he was treating her. Plaintiff told Pick that she felt like the city was not
7 protecting her. Pick did not appear very concerned and instead said Plaintiff had a
8 chain of command to follow and asked why she wasn't following it. Pick told her to
9 contact Commander Bourquin. At 1549 hours, Commander Bourquin called her as
10 Pick called him. Commander Bourquin asked Plaintiff if she was comfortable with
11 him handling the matter with GUZMAN. Plaintiff explained again that he was out of
12 town and Plaintiff didn't want to bother him, but was concerned with GUZMAN
13 intimidating her and his unprofessional behavior and that he was causing Plaintiff
14 unnecessary stress. Commander Bourquin asked Plaintiff to document the incident
15 and send to him via email. At 2204 hours, Plaintiff emailed Commander Bourquin
16 with the incident and requested the situation be mitigated. On November 22, 2019 at
17 1237 hours Commander Bourquin emails Plaintiff that she is being moved to day
18 shift to avoid contact with GUZMAN. Three other officers, Rice, Baza and Lawson
19 were all put on administrative leave when they were the subject of an IA
20 investigation.
- 21 N. On November 25, 2019, Plaintiff was working day shift with Commander Bourquin.
22 At 1054 hours, Plaintiff responded to the station and noticed Chief's Hoyne's vehicle.
23 At 1145 hours, Plaintiff walked into Chief's Hoyne's office and asked if they could
24 talk. Chief Hoyne told Plaintiff that Chief Walpole told him about the "emails"
25 Chief Hoyne told Plaintiff that he heard that from two independent sources which
26 plaintiff alleges the other source besides WALPOLE to be JOHN WILSON. Plaintiff
27 told Chief Hoyne that she did not write any emails. Chief Hoyne told Plaintiff that if
28 he was really that concerned, he would have talked to Plaintiff. Chief Hoyne then
said he probably should have talked to Plaintiff directly.
- O. On January 10, 2020, GUZMAN sends a memo about Plaintiff's 459 case titled "Foot
pursuits and securing suspects." This was specifically targeting Plaintiff. This
further indicated that GUZMAN is treating Plaintiff different than her male peers and
continuing to make her feel uncomfortable and look incompetent in front of her peers.
- P. On January 11, 2020, GUZMAN pulls Plaintiff's body cam footage. GUZMAN
meets with Officer Baza at the airport police office. GUZMAN directs Officer Baza
to review Plaintiff's body cam footage and asks "what did she do wrong....what red
flags do you see?" Officer Baza immediately calls Plaintiff and reports this to her.
Since Plaintiff has been with CITY OF DEL REY OAKS no one's body cam footage
has ever been pulled and asked to be reviewed by peers. This is alleged to be another
example of GUZMAN'S attempts to continue to retaliate, target and harass Plaintiff
with nothing being done about it.
- Q. On or about January 27, 2020, Commander Bourquin hands Plaintiff an envelope
while she was on duty. A letter was enclosed from Chief Hoyne stating "the City is
aware of your concerns and do take them seriously." Chief Hoyne states the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

“evidence in the investigation did not substantiate a finding of hostile work environment, bullying, intimidation, threats and retaliation.” Chief Hoyne then states “if you believe retaliatory behavior or actions have occurred toward you, please immediately notify Commander Bourquin or me.” Plaintiff alleges that she immediately reported every incident with GUZMAN and no action was taken against him to protect her.

- R. Plaintiff was out with the flu from on or about February 2, 2020 to February 11, 2020. Plaintiff texted Commander Bourquin at 0345 hours advising him that she was still sick and couldn't report for work at 0600 hours. Plaintiff followed procedure regarding notifying her supervisor at least one hour in advance of her shift. At 1538 hours, Plaintiff texted Commander Bourquin advising him that she was at the doctor. At 1756 hours, Commander Bourquin texts “are you available now?” Plaintiff returned his call and Commander Bourquin tells Plaintiff over the phone that she is being released from probation and says he can't tell her why. On February 12, 2020, at 0815 hours, Plaintiff received an email from Comander Bourquin. Attached is a letter from Dino Pick dated 2/11/2020 stating Plaintiff was released from probation.
- S. On March 10, 2020, Plaintiff's representative Attorney Clark signs for Plaintiff's personnel file and then is handed a memo dated 2/11/2020 from HOYNE to Dino Pick regarding excessive sick leave – according to his numbers Plaintiff missed 118 hours which equates to 9.8 days. However, Plaintiff had three doctors notes:
 - 11/12/2019 excusing me for 5 days; 11/17/2019
 - 2/2/2020 excusing me from work for 3 days; 2/5/2020
 - 2/7/2020 excusing me from work 4 days; 2/11/2020

It is alleged that there was never any mention of sick leave issues prior to 2/11/2020. All of Plaintiff's leave was approved and her shifts were covered. She was never talked to or disciplined for any time off. In November 2019, the Commander and City Manager even donated banked hours to Plaintiff so that she could have a decent pay check after her father had passed on 10/16/2019. It is alleged that HOYNE created this memo regarding excessive sick leave as pretext for a reason to terminate Plaintiff when the real reason was that she had made ongoing complaints about GUZMAN'S ongoing discriminatory and harassing conduct toward her.

- 12. Plaintiff have been informed and believes and thereon alleges that defendants had knowledge of GUZMAN'S ongoing discriminatory and harassing behavior and failed to take immediate and appropriate corrective action.

FIRST CAUSE OF ACTION

(Gender Discrimination – Wrongful Termination)

- 13. The allegations set forth in Paragraphs 1 through 12 are re-alleged and incorporated herein by reference.
- 14. At all times herein mentioned, Government Code sections 12900-12996 were in full force and effect and were binding on defendants CITY OF DEL REY OAKS,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

HOYNE and GUZMAN. These sections require defendants to refrain from discriminating against any employee on the basis of gender, among other things. Within the time provided by law, Plaintiff filed a complaint with the California Department of Fair Employment and Housing and EEOC, in full compliance with these sections, and received a right-to-sue letter.

- 15. During the course of Plaintiff's employment GUZMAN made numerous discriminatory and harassing actions and remarks made on the basis of Plaintiff's gender. Plaintiff believes and thereon alleges that her gender was a factor in defendants' decision to take adverse employment actions. It is further alleged that GUZMAN intimidated and harassed Plaintiff because she was a female and thought he could get away with it. He did as HOYNE and the CITY OF DEL REY OAKS did nothing to stop GUZMAN'S behavior. It is alleged that GUZMAN has a history of treating women poorly and that HOYNE and the CITY OF DEL REY OAKS knew or should have known about GUZMAN'S history of treating women poorly.
- 16. As proximate result of defendants' willful, knowing, and intentional discrimination against Plaintiff, she has sustained and continues to sustain substantial losses in earnings and other employment benefits.
- 17. As direct, foreseeable, and proximate result of defendants' willful, knowing, and intentional discrimination against Plaintiff, she has suffered and continues to suffer humiliation, emotional distress, and mental and physical pain and anguish, all to her damages in a sum according to proof. This has required substantial and continued medical treatment for physical and psychological injuries.
- 18. In light of defendants' willful, knowing, and intentional discrimination against Plaintiff, Plaintiff seeks an award of punitive and exemplary damages in an amount according to proof.
- 19. Plaintiff has incurred and continues to incur legal expenses and attorney fees. Plaintiff is presently unaware of the precise amount of these expenses and fees and prays for leave of court to amend this complaint when the amounts are more fully known.

SECOND CAUSE OF ACTION

(Hostile Work Environment - Sexual Harassment)

- 20. The allegations set forth in Paragraphs 1 through 19 are realleged and incorporated herein by reference.
- 21. At all times herein mentioned, Government Code sections 12900-12996 were in full force and effect and were binding on defendants CITY OF DEL REY OAKS, HOYNE and GUZMAN. Government Code section 12940 required defendants, to refrain from sexually harassing Plaintiff.
- 22. Within the time provided by law, Plaintiff filed a complaint with the California Department of Fair Employment and Housing and EEOC alleging, among other

1 things, inappropriate sexual harassment by HOYNE and the CITY OF DEL REY
2 OAKS. Plaintiff received her right-to-sue letter.

- 3 23. Such harassment has resulted in damage and injury to Plaintiff as alleged herein.
- 4 24. As a direct, foreseeable, and proximate result of the acts of defendants, and each of
5 them, Plaintiff suffered and continues to suffer substantial losses in earnings and job
6 benefits, and has suffered and continues to suffer humiliation, embarrassment, mental
7 and emotional distress, and mental and physical pain and anguish, all to her damages
8 in a sum according to proof.
- 9 25. In light of defendants' willful, knowing, and intentional discrimination against
10 Plaintiff, Plaintiff seeks an award of punitive and exemplary damages in an amount
11 according to proof.
- 12 26. Plaintiff has incurred and continues to incur legal expenses and attorney fees. Plaintiff
13 is presently unaware of the precise amount of these expenses and fees and prays for
14 leave of court to amend this complaint when the amounts are more fully known.

15 THIRD CAUSE OF ACTION

16 (Hostile Work Environment - Gender Harassment)

- 17 27. The allegations set forth in Paragraphs 1 through 26 are realleged and incorporated
18 herein by reference.
- 19 28. At all times mentioned in this complaint, Government Code section 12940 through
20 12951 were in full force and effect and were binding on defendants CITY OF DEL
21 REY OAKS, HOYNE and GUZMAN. These sections require defendants to refrain
22 from discriminating against and harassing any employee on the basis of gender,
23 among other things. Within the time provided by law, Plaintiff filed complaints with
24 the California Department of Fair Employment and Housing and EEOC, in full
25 compliance with these sections, and received a right-to-sue letter.
- 26 29. During the course of Plaintiff's employment, defendants created and allowed to exist
27 a hostile environment for women and discriminated against and harassed Plaintiff on
28 the basis of Plaintiff's gender. Such discrimination and harassment was in violation of
Government Code sections 12940 through 12951 and the public policy embodied
therein, and has resulted in damage and injury to Plaintiff as alleged herein. Plaintiff
believes and thereon alleges that her gender was a factor in defendants' decision to
take adverse employment actions.
30. As a direct, foreseeable, and proximate result of defendants' conduct, Plaintiff has
suffered and continues to suffer humiliation, emotional distress, and mental and
physical pain and anguish, all to her damages in a sum according to proof.

RUCKA, O'BOYLE, LOMBARDO & MCKENNA
A Professional Corporation

245 WEST LAUREL DRIVE • SALINAS, CALIFORNIA 93906 • OFFICE (831) 443-1051 • FAX (831) 443-6419

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 31. Defendants' conduct as described above was willful, despicable, knowing, and intentional; accordingly, Plaintiff seeks an award of punitive and exemplary damages in an amount according to proof.
- 32. Plaintiff has incurred and continues to incur legal expenses and attorney fees. Plaintiff is presently unaware of the precise amount of these expenses and fees and prays leave of court of amend this complaint when the amounts are more fully known.

FOURTH CAUSE OF ACTION

(Violation of Government Code section 12940, subdivision (i))

- 33. The allegations set forth in Paragraphs 1 through 32 above are realleged and incorporated herein by reference.
- 34. At all times mentioned in this complaint, Government Code section 12940, subdivision (i) was in full force and effect and was binding on defendants CITY OF DEL REY OAKS, HOYNE and GUZMAN. This subsection requires defendants to take all reasonable steps necessary to prevent discrimination and harassment from occurring. As alleged above, defendants violated this subsection by failing to take all reasonable steps necessary to prevent discrimination and harassment from occurring. Within the time provided by law, Plaintiff filed a Complaint with the California Department of Fair Employment and Housing and EEOC and received right-to-sue letters.
- 35. Plaintiff has been informed and believes and thereon alleges that defendants had knowledge of GUZMAN'S ongoing discriminatory and harassing behavior and failed to take immediate and appropriate corrective action.
- 36. As a direct, foreseeable, and proximate result of defendants' conduct, Plaintiff has suffered and continues to suffer humiliation, emotional distress, and mental and physical anguish, all to her damage in a sum according to proof.
- 37. Defendants' conduct as described above was willful, despicable, knowing, and intentional; accordingly, Plaintiff seeks an award of punitive and exemplary damages in an amount according to proof.
- 38. Plaintiff has incurred and continues to incur legal expenses and attorney fees. Plaintiff is presently unaware of the precise amount of these expenses and fees and prays leave of court to amend this complaint when the amounts are more fully known.

FIFTH CAUSE OF ACTION

(Defamation Per Se: Slander)

- 39. The allegations set forth in Paragraphs 1 through 38 are realleged and incorporated herein by reference.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

40. It is alleged that defendant WALPOLE made up a story about Plaintiff having sent defamatory and derogatory emails about her employer the CITY OF DEL REY OAKS from her work email account to her husband at the CITY OF SCOTT'S VALLEY. No such emails ever existed. It is alleged that WALPOLE told this false information to HOYNE at a conference in Chicago in October 2019. It is alleged that defendant WALPOLE told HOYNE these false statements while attending the conference during the course and scope of his employment with the CITY OF SCOTT'S VALLEY and as such the CITY OF SCOTT'S VALLEY is responsible for their employees' actions. It is alleged that defendant WALPOLE made this story up as retaliation against Plaintiff's husband David Ball who had pending litigation against CITY OF SCOTT'S VALLEY and WALPOLE.

41. Plaintiff claims that WALPOLE harmed her by making this knowingly false statement to HOYNE who knew this statement was about Plaintiff. Defendant WALPOLE failed to use reasonable care to determine the truth or falsity of the statement as he knew or should have known the statement to be false. It is alleged that WALPOLE's wrongful conduct was a substantial factor in causing harm to Plaintiff's reputation at her employment with CITY OF DEL REY OAKS and caused HOYNE and GUZMAN to treat her worse and eventually contributed to them terminating her.

SIXTH CAUSE OF ACTION

(Intentional Infliction of Emotional Distress)

42. The allegations set forth in Paragraphs 1 through 41 are realleged and incorporated herein by reference.

43. Plaintiff claims that WALPOLE's conduct caused her to suffer severe emotional distress. It is alleged that WALPOLE's conduct in making a false statement to Plaintiff's Chief of Police that Plaintiff sent derogatory and defamatory emails from her work email at the CITY OF DEL REY OAKS to her husband's work email at the CITY OF SCOTT'S VALLEY was outrageous. It is alleged that defendant WALPOLE intended to cause Plaintiff emotional distress. It is alleged that Plaintiff did in fact suffer emotional distress and that defendant WALPOLE's conduct was a substantial factor in causing her severe emotional distress.

SEVENTH CAUSE OF ACTION

(Intentional Interference With Prospective Economic Relations)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

44. The allegations set forth in Paragraphs 1 through 43 are realleged and incorporated herein by reference.

45. Plaintiff claims that defendant WALPOLE intentionally interfered with an economic relationship between Plaintiff and her employer the CITY OF DEL REY OAKS that would have resulted in a continued economic benefit to Plaintiff. It is alleged that defendant WALPOLE knew of Plaintiff's working relationship with HOYNE and the CITY OF DEL REY OAKS at the time he made the false statement claiming that Plaintiff had sent defamatory and derogatory emails about her employer from her work email. By claiming this falsehood to HOYNE, defendant WALPOLE intended to disrupt the relationship between Plaintiff and HOYNE/CITY OF DEL REY OAKS and/or knew that disruption of the relationship was certain or substantially certain to occur. It is alleged that the relationship was disrupted and that Plaintiff was harmed. It is alleged that WALPOLE's conduct was a substantial factor in Plaintiff being harmed.

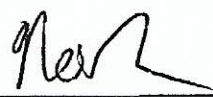
PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for judgment against defendants as follows:

1. For compensatory damages, including lost wages and employment benefits according to proof.
2. For mental and emotional distress damages on each cause of action;
3. For punitive damages on each cause of action;
4. For an award of interest, including prejudgment interest, at the legal rate;
5. For an award of attorney fees;
6. For costs of suit incurred; and
7. For such other and further relief as the court deems appropriate.

RUCKA, O'BOYLE, LOMBARDO & MCKENNA

Dated: October 29, 2020



 NEIL BERMAN
 Attorney for Plaintiffs