

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Case Number: CGC-18-564162

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Filed by: KALENE APOLONIO

Image: 06209589

COMPLAINT

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING VS. CITY AND COUNTY
OF SAN FRANCISCO - DEPARTMENT OF ET AL

001C06209589

Instructions:

Please place this sheet on top of the document to be scanned.

**SUMMONS
(CITACION JUDICIAL)**

SUM-100

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO): CITY AND COUNTY OF SAN FRANCISCO - DEPARTMENT OF POLICE ACCOUNTABILITY, and DOES 1 through 10, inclusive,

TANESH NUTALL, Real Party in Interest.

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING, an agency of the State of California,

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es):

San Francisco Superior Court

400 McAllister Street

400 McAllister Street

San Francisco, CA 94102-4514

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Jennet Zapata (#277063)

(916) 478-7251 (888) 382-5293

Department of Fair Employment and Housing

2218 Kausen Drive, Suite 100

Elk Grove, CA 95758

DATE:

CLERK OF THE COURT
(Secretario)

CASE NUMBER:
(Número de caso):

CGC-18-564162

(Fecha)

FEB 07 2018

KALENE APOLONIO, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.

2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

4. ☐ by personal delivery on (date):

SUMMONS

Page 1 of 1

1 NELSON CHAN (#109272)
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7

8 Attorneys for Plaintiff, Department of Fair Employment and Housing
(Fee Exempt, Gov. Code, § 6103)
9

10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

12 DEPARTMENT OF FAIR EMPLOYMENT)
AND HOUSING, an agency of the State of)
13 California,)
14)

15 Plaintiff,)

15 vs.)

16 CITY AND COUNTY OF SAN FRANCISCO -)
DEPARTMENT OF POLICE)
17 ACCOUNTABILITY, and DOES 1 through 10,)
18 inclusive,)

19 Defendants.)

20)
21 TANESH NUTALL,)

22 Real Party in Interest.)
23

Case No. **CGC-18-564162**

**CIVIL RIGHTS COMPLAINT FOR
COMPENSATORY DAMAGES AND
INJUNCTIVE RELIEF FOR
DISCRIMINATION IN PUBLIC
ACCOMMODATIONS**

[Gov. Code, § 12948; Civ. Code, § 51;
Gov. Code, § 11135, subd. (a)]

JURY TRIAL DEMANDED

24 Plaintiff DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING (DFEH) alleges the
25 following against defendants CITY AND COUNTY OF SAN FRANCISCO - DEPARTMENT OF
26 POLICE ACCOUNTABILITY (DEPARTMENT OF POLICE ACCOUNTABILITY), and DOES
27 ONE through TEN, inclusive, in its own name and on behalf of real party in interest TANESH
28 NUTALL (NUTALL).

FILED
San Francisco County Superior Court

FEB 07 2018

CLERK OF THE COURT
BY: *Salene John*
Deputy Clerk

ORIGINAL

FAXED

NATURE OF SUIT

1
2 1. The DFEH brings this civil rights case to vindicate Ms. Tanesh Nutall's right to be
3 free from discrimination and to enforce compliance with the Fair Employment and Housing Act
4 (FEHA; Gov. Code, § 12900 et seq.) and the Unruh Civil Rights Act (Unruh Act; Civ. Code, § 51 et
5 seq.).

6 2. Defendant Department of Police Accountability violated the Unruh Act when it
7 discriminated against Ms. Nutall on the basis of her gender identity and expression. A Department of
8 Police Accountability employee, Ms. Mary Ivas, denied Ms. Nutall, an African-American
9 transgender woman, access to the women's restroom and made derogatory comments to Ms. Nutall.
10 This incident caused Ms. Nutall significant emotional stress, and other damages.

11 3. In addition, as a recipient of financial assistance from the State of California,
12 defendants violated the anti-discriminatory provisions of Government Code section 11135.

PARTIES

13
14 4. Plaintiff DFEH is the state agency charged with enforcing the civil rights established
15 by the FEHA and is authorized by Government Code section 12965 to file civil complaints on behalf
16 of itself and persons aggrieved by discriminatory practices. The Department's enforcement of the
17 FEHA and the Unruh Act (Civ. Code, § 51), as incorporated into the FEHA under Government Code
18 section 12948, is an exercise of the police power of the State of California, and implements the public
19 policy of the State of California, to protect the civil rights of all people in California to be free and
20 equal and to have full and equal access to accommodations, advantages, facilities, privileges, or
21 services in all business establishments of every kind whatsoever no matter what their sex, sexual
22 orientation, gender identity or gender expression is. (Gov. Code, §§ 12920, 12926, subd. (r), and
23 Civ. Code, § 51, subds. (a), (e).)

24 5. Real party in interest Tanesh Nutall is a "person" "aggrieved" by an alleged unlawful
25 practice under Civil Code section 52, subdivision (f), and is therefore the real party in interest in this
26 matter.

27 6. Defendant Department of Police Accountability is now and was, at all times relevant
28 to this complaint, a "business establishment" under Civil Code section 51. The Department of Police



1 Accountability is a department of the City and County of San Francisco. The Department of Police
2 Accountability accepts and investigates complaints filed by members of the public against San
3 Francisco police officers. Its investigators are civilians who have never been police officers.
4 Plaintiff believes and thereon alleges that Ms. Ivas was an employee of the Department of Police
5 Accountability at all times relevant to this complaint.

6 7. The Department of Police Accountability was originally named the Office of Citizen
7 Complaints (OCC). In 2016, an amendment to the San Francisco City Charter (section 4.136)
8 renamed the OCC the Department of Police Accountability.

9 8. At all relevant times, Ms. Nutall attended a training in defendants' office building. A
10 Department of Police Accountability employee unlawfully denied Ms. Nutall full and equal
11 accommodations, facilities, or privileges by denying her access to the women's restroom due to her
12 gender identity and expression as an African-American transgender woman.

13 9. At all times relevant to this complaint, defendants were funded directly by the State of
14 California or received financial assistance from the State of California, and are subject to
15 Government Code section 11135's anti-discriminatory provisions, which provide in relevant part that
16 "[n]o person in the State of California shall, on the basis of sex, race, color . . . or sexual orientation,
17 be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to
18 discrimination under, any program or activity that is conducted, operated, or administered by the state
19 or by any state agency, is funded directly by the state, or receives any financial assistance from the
20 state."

21 10. The true names of DOES ONE through TEN are unknown to DFEH at this time. The
22 DFEH sues these defendants by fictitious names pursuant to Code of Civil Procedure section 474.
23 The DFEH will amend this complaint to allege their true names and capacities when the same are
24 ascertained. Each of the DOE defendants is legally responsible for the injuries and damages alleged
25 in this complaint.

26 11. The DFEH is informed and believes, and thereon alleges that, at all times mentioned
27 herein, each and every defendant is and was the agent or employee of their co-defendants herein and
28 was acting within the scope of said agency, service, employment, or representation, and that each and



1 every defendant herein is jointly and severally responsible and liable to the real party for the damages
2 hereinafter alleged.

3 **PROCEDURAL HISTORY, JURISDICTION, AND VENUE**

4 12. The DFEH realleges and fully incorporates by reference each and every allegation
5 contained in paragraphs 1 through 11, inclusive.

6 13. The DFEH files this action pursuant to Government Code section 12965.

7 14. Venue is proper in San Francisco County under Government Code section 12965,
8 subdivision (a), because the unlawful practices complained of in this complaint occurred in San
9 Francisco County.

10 15. On or about February 8, 2017, Ms. Nutall filed a verified complaint with the DFEH
11 alleging that the Office of Citizen Complaints (now the Department of Police Accountability) had
12 denied full or equal accommodations and facilities, in violation of the Unruh Act, within the
13 preceding year. DFEH investigated Ms. Nutall's complaint and found merit to her allegations.

14 16. The parties participated in a mediation convened pursuant to Government Code
15 section 12965 on February 1, 2018, but were unable to resolve their differences.

16 17. All conditions precedent to the filing of this civil action have been fulfilled.

17 18. The amount of damages sought by this complaint exceeds the minimum jurisdictional
18 limits of this Court.

19 **FACTUAL ALLEGATIONS**

20 19. The DFEH realleges and incorporates by reference each and every allegation
21 contained in paragraphs 1 through 18, inclusive.

22 20. Tanesh Nutall is an African-American transgender woman. At the time of the
23 unlawful denial of public accommodations, Ms. Nutall worked for the San Francisco AIDS
24 Foundation (AIDS Foundation) as its TransLife Program Manager. She was an HIV/AIDS educator
25 and headed a program for gender non-conforming individuals. Ms. Nutall was confident in her
26 appearance and conducted her daily activities without self-consciousness.

1 21. As part of her job responsibilities at the AIDS Foundation, on Thursday, February 18,
2 2016, Ms. Nutall attended a training presented by the San Francisco Department of Public
3 Health/HIV Health Services. The training was titled "Tools for De-Escalation and Support: Working
4 with Clients who have experienced Poverty, Violence, and Other Traumas." The presenters were Ms.
5 Dania Sacks March, LCSW, MPH and Natalie Thoreson, M.Ed. Ms. Thoreson is a consultant with
6 InVision Consulting. The training was held at the Department of Police Accountability building at
7 25 Van Ness Ave., San Francisco.

8 22. At approximately 11:00 or 11:30 a.m., during a break, Ms. Nutall left the training
9 room to use the restroom, which was available to employees and visitors of the Department of Police
10 Accountability, and was located around the corner from the training room.

11 23. When Ms. Nutall was a few steps away from the women's restroom door, she saw
12 another woman entering the restroom. The women's restroom had a key pad, which required a code.
13 As the woman (later identified as Ms. Mary Ivas) entered the key code, Ms. Nutall asked her,
14 "Excuse me Miss, can you hold the door?" Ms. Ivas turned to Ms. Nutall and said, "No, this is a
15 women's restroom," implying that Ms. Nutall was not a woman. Ms. Ivas quickly closed the door
16 behind her, denying Ms. Nutall access to the restroom consistent with her gender identity. Ms. Ivas
17 perceived Ms. Nutall as a drag queen, a man in drag, or a man in woman's clothing.

18 24. At all times relevant to this complaint, Ms. Ivas was an investigator for the
19 Department of Police Accountability, and she obtained the key code to the restroom door through her
20 employment at that Department.

21 25. Shaken, Ms. Nutall returned to the training room and informed the instructor, Ms.
22 Thoreson, that someone was denying her access to the women's restroom. Ms. Nutall asked Ms.
23 Thoreson to accompany her so she could safely access the women's restroom without being further
24 accosted. As they approached the bathroom, Ms. Ivas was exiting the restroom. Ms. Nutall told Ms.
25 Thoreson, "That's the woman right there. She wouldn't let me use the restroom." Ms. Ivas turned to
26 Ms. Thoreson and Ms. Nutall. Ms. Ivas responded, "Yes, this is a woman's restroom, and that is a
27 fucking man." She then turned to Ms. Nutall and called her a "fucking freak." Ms. Thoreson told Ms.

28

1 Ivas that what she did was unacceptable and asked for her name and whether she was employed in
2 the building.

3 26. Ms. Ivas ignored Ms. Thoreson's questions and ran down the hall and into an office.
4 Ms. Nutall and Ms. Thoreson followed her into the office where they again requested she provide her
5 name and position. Ms. Ivas again refused to provide any information. An office manager, possibly
6 Deputy Director Erik Baltazar, and a security guard then arrived. Ms. Nutall and Ms. Thoreson
7 described the incident to the manager and security guard and again requested the woman's name.
8 Both the office manager and security guard refused to provide her name. The security guard then
9 suggested Ms. Nutall write up a formal complaint and handed her a small piece of paper.

10 27. Ms. Thoreson had to return to the class, so Ms. Nutall went alone to discuss the issue
11 with the front desk security guard on the first floor. That guard instructed her to go to the eighth floor
12 to file a complaint with the San Francisco Human Rights Commission. Ms. Nutall was then joined by
13 her direct supervisor at the San Francisco AIDS Foundation, Ace Robinson, who arrived to support
14 her. Ms. Nutall and Mr. Robinson went to the eighth floor and began the process of filing a statement
15 with the City of San Francisco Human Rights Commission representative.

16 28. Ms. Nutall filed a complaint with the Human Rights Commission, and later filed with
17 DFEH.

18 **FIRST CAUSE OF ACTION**

19 **Violation of the Unruh Civil Rights Act on the Basis of Gender Identity and Expression** 20 **(Civ. Code, § 51, subd. (b), against all defendants)**

21 29. The DFEH realleges, and incorporates by reference, each and every allegation
22 contained in paragraphs 1 through 28, inclusive.

23 30. Civil Code section 51, subdivision (b), makes it an unlawful practice for a business
24 establishment of every kind whatsoever to deny full and equal accommodations or facilities because
25 of sex. Civil Code section 51, subdivision (e)(5) defines "sex" to include a person's gender identity
26 and gender expression. "Gender expression" means "a person's gender-related appearance and
27 behavior whether or not stereotypically associated with the person's assigned sex at birth." (Civ.
28 Code, § 51, subd. (e)(5).) The acts and conduct of the defendants, as described above, constitute
unlawful discrimination in violation of Civil Code section 51, subdivision (b).



1 31. At all relevant times, the Department of Police Accountability was a business
2 establishment under Government Code section 51, subdivision (b). This Department of Police
3 Accountability accepts and investigates complaints filed by members of the public against San
4 Francisco police officers. Their investigators are civilians who have never been police officers.

5 32. Defendants harassed and denied the real party in interest, Ms. Nutall, full and equal
6 accommodations or facilities because of her gender identity or gender expression as a transgender
7 woman. A motivating reason for defendants' conduct was their perception of the real party in
8 interest's gender identity/gender expression as a transgender woman.¹

9 33. Real party in interest, Ms. Nutall was harmed and defendants' conduct was a
10 substantial factor in causing such harm.

11 34. As a direct result of the defendants' unlawful practices, Ms. Nutall incurred medical
12 and other pecuniary expenses. Ms. Nutall has lost wages and other benefits of employment and will
13 continue to do so in the foreseeable future.

14 35. Ms. Nutall suffered, and continues to suffer, from emotional distress, anxiety,
15 frustration, humiliation, mental anguish, and other non-pecuniary losses.

16 36. The DFEH lacks a plain, speedy, adequate remedy at law to prevent such harm, injury,
17 and loss until this Court enjoins the unlawful conduct and grants other affirmative relief as prayed for
18 wherein.

19 **SECOND CAUSE OF ACTION**
20 **Discrimination by a Program or Activity that Receives State Funds**
21 **(Gov. Code, § 11135, subd. (a), as to all defendants)**

22 37. The DFEH realleges, and incorporates by reference, each and every allegation
23 contained in paragraphs 1 through 36, inclusive.
24

25 ¹ California Civil Jury Instruction No. 3060 titled "Unruh Civil Rights Act – Essential Factual Elements (Civ. Code, §§
26 52)" states that the Plaintiff must establish that "a substantial motivating reason" for Defendants' discriminatory conduct
27 was his or her protected characteristic. The Judicial Council Instruction concedes that the courts have not addressed
28 whether the *Harris v. City of Santa Monica* (2013) 56 Cal.4th 203, 232 substantial motivating reason test used in FEHA
applies to Unruh claims, and it is the DFEH's position that it does not need to plead or prove "substantial motivating
reason." Nonetheless, in this case, gender identity and expression were the substantial motivating reasons for the
Department of Police Accountability's denial of access to the women's restroom to Ms. Nutall.

1 38. California Government Code section 11135, subdivision (a) provides that no person in
2 the State of California shall be unlawfully denied full and equal access to the benefits of, or be
3 unlawfully subjected to discrimination under any program or activity that receives funding from the
4 State of California on the basis of sex.

5 39. At all relevant times, the Department of Police Accountability is and was a department
6 of the City and County of San Francisco, which receives financial assistance from the State of
7 California; as such, the Department must abide by Government Code section 11135's anti-
8 discriminatory provision, which provides in relevant part that "[n]o person in the State of California
9 shall, on the basis of sex, race, color . . . or sexual orientation, be unlawfully denied full and equal
10 access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity
11 that is conducted, operated, or administered by the state or by any state agency, is funded directly by
12 the state, or receives any financial assistance from the state."

13 40. Under Government Code section 11135, subdivision (a), the Department of Police
14 Accountability is liable for subjecting Ms. Nutall to unlawful discrimination because a Department
15 employee denied Ms. Nutall access to the women's bathroom at the Department's building, as well as
16 by failing to adequately train its supervisors, managers or employees on preventing discrimination or
17 harassment from occurring.

18 41. As a direct result of the defendants' unlawful practices, Ms. Nutall incurred costs and
19 lost wages and other benefits of employment in an amount to be proven at trial.

20 42. As a further and direct result of the defendants' unlawful practices, Ms. Nutall has
21 suffered, and continues to suffer, from emotional distress, anxiety, frustration, humiliation, mental
22 anguish, and other non-pecuniary losses.

23 43. The DFEH lacks a plain, speedy, adequate remedy at law to prevent such harm, injury,
24 and loss until this Court enjoins the unlawful conduct and grants other affirmative relief as prayed for
25 wherein.

26 ///

27 ///

28 ///

PRAYER FOR RELIEF
All Causes of Action

WHEREFORE, the DFEH prays that the Court issue judgment in favor of the DFEH and real party in interest, Tanesh Nutall, and order defendants to do the following:

1. Pay Ms. Nutall damages caused by defendants, including actual damages, including but not limited to out-of-pocket expenses and loss of earnings and, damages for emotional distress resulting from defendants' unlawful practices, up to three times the amount of actual damage, in an amount to be determined at trial;

2. Cease and desist from discriminating and harassing any persons on the basis of sex, gender identity and gender expression;

3. Within 90 days of entry of judgment, Department of Police Accountability will conduct, at its own expense, a minimum of one (1) two-hour in-person gender identity/gender expression harassment and discrimination prevention training for all employees of the Department. That training should occur annually thereafter for a period of three years, for all supervisors, managers, employees, and human resources personnel working at the Department.

4. Within 30 days of entry of judgment, that the Department of Police Accountability certify mandatory DFEH poster DFEH-E04P-ENG (Transgender Rights in the Workplace) has been placed in a conspicuous place where employees tend to congregate, at all its facilities in California and that it distribute DFEH pamphlets titled "Public Access Discrimination and Civil Rights" (DFEH U02B-ENG & DFEH U02B-SP) and "Unruh Civil Rights Act Fact Sheet" (DFEH U01P-ENG) to all its employees.

5. Within 100 days of the Court's order, that the Department of Police Accountability submit a verified report of completion and continued compliance with the requirements outlined above. The report shall include a copy of any training materials used, a sign-in sheet or other form of acknowledgement of training received.

6. Pay reasonable attorney fees and costs to DFEH and Ms. Nutall's attorney, Transgender Law Center, as provided by statute; and



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7. For such other relief as the Court deems just and proper.

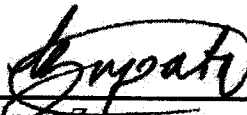
DATED: February 7, 2018

DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING

NELSON CHAN
Assistant Chief Counsel

JENNET ZAPATA
Staff Counsel

By:


Jennet Zapata

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jennet Zapata (#277063) Department of Fair Employment and Housing 2218 Kausen Drive Suite 100 Elk Grove, CA 95758 TELEPHONE NO.: (916) 478-7251 FAX NO.: (888) 382-5293		FILED San Francisco County Superior Court FEB 07 2018 CLERK OF THE COURT <i>Shelene Johnson</i> BY: Deputy Clerk
ATTORNEY FOR (Name): Department of Fair Employment and Housing SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: 400 McAllister Street CITY AND ZIP CODE: San Francisco, CA 94102-4514 BRANCH NAME: Civic Center Courthouse		
CASE NAME: DEPT. OF FAIR EMPLOYMENT AND HOUSING v. CITY AND COUNTY OF SAN FRANCISCO-DEPT. OF POLICE ACCOUNTABILITY		
CIVIL CASE COVER SHEET ☒ Unlimited (Amount demanded exceeds \$25,000)	Complex Case Designation ☐ Counter ☐ Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort ☐ Auto (22) ☐ Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort ☐ Asbestos (04) ☐ Product liability (24) ☐ Medical malpractice (45) ☐ Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort ☐ Business tort/unfair business practice (07) ☒ Civil rights (08) ☐ Defamation (13) ☐ Fraud (16) ☐ Intellectual property (19) ☐ Professional negligence (25) ☐ Other non-PI/PD/WD tort (35) Employment ☐ Wrongful termination (36) ☐ Other employment (15)	Contract ☐ Breach of contract/warranty (06) ☐ Rule 3.740 collections (09) ☐ Other collections (09) ☐ Insurance coverage (18) ☐ Other contract (37) Real Property ☐ Eminent domain/Inverse condemnation (14) ☐ Wrongful eviction (33) ☐ Other real property (26) Unlawful Detainer ☐ Commercial (31) ☐ Residential (32) ☐ Drugs (38) Judicial Review ☐ Asset forfeiture (05) ☐ Petition re: arbitration award (11) ☐ Writ of mandate (02) ☐ Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) ☐ Antitrust/Trade regulation (03) ☐ Construction defect (10) ☐ Mass tort (40) ☐ Securities litigation (28) ☐ Environmental/Toxic tort (30) ☐ Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment ☐ Enforcement of judgment (20) Miscellaneous Civil Complaint ☐ RICO (27) ☐ Other complaint (not specified above) (42) Miscellaneous Civil Petition ☐ Partnership and corporate governance (21) ☐ Other petition (not specified above) (43)
---	--	--

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. ☐ Large number of separately represented parties | d. ☐ Large number of witnesses |
| b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. ☐ Substantial amount of documentary evidence | f. ☐ Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): TWO (2)
5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 2/7/2018

Jennet Zapata (#277063)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

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ORIGINAL FAXED

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other P/DPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other P/DPD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/DPD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other P/DPD/WD

Non-P/DPD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-P/DPD/WD Tort (35)
Employment
Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief from Late Claim
Other Civil Petition