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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11
12 MICHAEL RATHBUN; JAMES
SEXTON,

13 Plaintiff,

14 v.

15 COUNTY OF LOS ANGELES;
16 LEROY BACA, IN HIS INDIVIDUAL
CAPACITY AND AS SHERIFF WITH
17 THE LOS ANGELES COUNTY
SHERIFF'S DEPARTMENT; PAUL
18 TANAKA, IN HIS INDIVIDUAL
CAPACITY AND AS
19 UNDERSHERIFF WITH THE LOS
ANGELES COUNTY SHERIFF'S
20 DEPARTMENT; GREG THOMPSON
IN HIS INDIVIDUAL CAPACITY
21 AND AS A LIEUTENANT WITH THE
LOS ANGELES COUNTY SHERIFF'S
22 DEPARTMENT; DET. PERKINS, IN
HIS INDIVIDUAL CAPACITY AND
23 AS A DETECTIVE WITH THE LOS
ANGELES COUNTY SHERIFF'S
24 DEPARTMENT, and DOES 1-10,
inclusive,

25 Defendants.
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CASE NO.: CV 13-2863-JFW (Ex)

FIRST AMENDED COMPLAINT

- 1. CAL. LABOR CODE § 1102.5
- 2. FEHA HARASSMENT
- 3. FEHA DISCRIMINATION
- 4. FEHA RETALIATION
- 5. FAILURE TO TAKE CORRECTIVE ACTION
- 6. BANE ACT
- 7. VIOLATION OF PUBLIC SAFETY OFFICER'S PROCEDURAL BILL OF RIGHTS (POBRA)
- 8. FIRST AMENDMENT RETALIATION
- 9. MUNICIPAL LIABILITY

1 COME NOW MICHAEL RATHBUN (“Rathbun”) and JAMES SEXTON
2 (“Sexton”) (collectively referred to as “Plaintiffs”) who demand a jury trial, and seek
3 monetary compensation against Defendants, as follows:

4 **I. VENUE AND JURISDICTION**

5 1. Competent subject matter jurisdiction and venue exist, in whole or in part, pursuant
6 to the following federal statutes:

7 A. 42 U.S.C. §1983;

8 B. Federal Civil Rights Jurisdiction: 28 U.S.C. §§1343(1) - (5);

9 C. Federal Question Jurisdiction: 28 U.S.C. §1331;

10 D. Federal Supplemental Jurisdiction: 28 U.S.C. §1367(b); and

11 E. Federal General Venue: 28 U.S.C. §1391(b).

12 2. Plaintiffs allege that compliance with California Government Code §§ 900, *et seq.*,
13 is preempted by invocation of Federal Question Jurisdiction 28 U.S.C. §1331, and
14 application of *Williams v. Horvath*, 16 Cal.3rd 834 (1976), and *County of Los*
15 *Angeles v. Superior Court*, 78 Cal. App. 4th 212 (2000). Plaintiffs have alleged
16 claims for relief arising under the Fourth and Fourteenth Amendments to the
17 Constitution and laws of the United States of America.

18 3. At all times herein, Plaintiff MICHAEL RATHBUN was a resident of the State of
19 California. At all times herein, Plaintiff JAMES SEXTON was a resident of the
20 State of California. Plaintiffs’ addresses are confidential pursuant to the California
21 Penal Code. Plaintiffs are peace officers with the Los Angeles County Sheriff’s
22 Department, a component of defendant COUNTY OF LOS ANGELES.

23 4. At all times mentioned herein, defendant COUNTY OF LOS ANGELES (hereafter
24 also “COUNTY”) was a public entity duly organized and existing under and by
25 virtue of the laws of the State of California.

26 5. On or about April 9, 2013, Rathbun filed a government claim with the County of
27 Los Angeles. A true and correct copy of the County’s Government Claim is
28

1 attached hereto as Exhibit "1". On or about April 9, 2013, Rathbun filed a
2 government claim with the California Labor Commissioner. A true and correct copy
3 of the Labor Commissioner's Government Claim is attached hereto as Exhibit "2".

4 6. Similarly, on or about April 16, 2013, Sexton filed a government claim with the
5 County of Los Angeles. A true and correct copy of the County's Government Claim
6 is attached hereto as Exhibit "3". On or about April 16, 2013, Sexton filed a
7 government claim with the California Labor Commissioner. A true and correct copy
8 of the Labor Commissioner's Government Claim is attached hereto as Exhibit "4".

9 7. On or about April 9, 2013, Rathbun filed a complaint with the Department of Fair
10 Employment & Housing and received an immediate right to sue letter. A true and
11 correct copy of the DFEH Complaint and Right to Sue Letter is attached hereto as
12 Exhibit "5".

13 8. On or about April 18, 2013, Sexton filed a complaint with the Department of Fair
14 Employment & Housing and received an immediate right to sue letter. A true and
15 correct copy of the DFEH Complaint and Right to Sue Letter is attached hereto as
16 Exhibit "6". On or about August 5, 2013, Sexton filed a supplemental complaint
17 with the Department of Fair Employment & Housing and received an immediate
18 right to sue letter. A true and correct copy of the DFEH Complaint and Right to Sue
19 Letter is attached hereto as Exhibit "7".

20 II. PARTIES

21 9. At all times relevant herein, defendant LEROY BACA (hereafter also "BACA")
22 was a resident of the County of Los Angeles, and Sheriff of the Los Angeles
23 County Sheriff's Department (hereinafter also "LASD") and an employee, agent
24 and representative of the County of Los Angeles. At all times relevant hereto, said
25 defendant was acting within the course and scope of his employment as a sheriff,
26 and/or policy maker of the Los Angeles County Sheriff's Department, a department
27 and subdivision of defendant County of Los Angeles.

1 10. At all times relevant herein, defendant PAUL TANAKA (hereafter also
2 “TANAKA”) was a resident of the County of Los Angeles, and Undersheriff of the
3 Los Angeles County Sheriff’s Department (hereinafter also “LASD”) and an
4 employee, agent and representative of the County of Los Angeles. At all times
5 relevant hereto, said defendant was acting within the course and scope of his
6 employment as an Undersheriff, and/or policy maker of the Los Angeles County
7 Sheriff’s Department, a department and subdivision of defendant County of Los
8 Angeles.

9 11. At all times relevant herein, defendant GREG THOMPSON (hereafter also
10 “THOMPSON”), and DOES 1 through 3 were residents of the County of Los
11 Angeles, and were Sheriff’s deputies, lieutenants, detectives, and/or civilian
12 employees, agents and representatives of the Los Angeles County Sheriff’s
13 Department (hereinafter also “LASD”) and employees, agents and representatives
14 of the County of Los Angeles. At all times relevant hereto, said defendants were
15 acting within the course and scope of their employment as deputies, lieutenants,
16 captains and sheriffs, policy makers, and/or civilian employees of the Los Angeles
17 County Sheriff’s Department, a department and subdivision of defendant County of
18 Los Angeles.

19 12. At all times relevant herein, defendant PERKINS (hereafter also “PERKINS”), and
20 DOES 4 through 6 were residents of the County of Los Angeles, and were Sheriff’s
21 deputies, lieutenants, detectives, and/or civilian employees, agents and
22 representatives of the Los Angeles County Sheriff’s Department (hereinafter also
23 “LASD”) and employees, agents and representatives of the County of Los Angeles.
24 At all times relevant hereto, said defendants were acting within the course and
25 scope of their employment as deputies, detectives, captains and sheriffs, policy
26 makers, and/or civilian employees of the Los Angeles County Sheriff’s Department,
27 a department and subdivision of defendant County of Los Angeles.
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1 13. At all times relevant herein, defendant MICHAEL CAMACHO (hereafter also
2 “CAMACHO”) and DOES 7 through 9, were residents of the County of Los
3 Angeles, and were Sheriff’s deputies, lieutenants, detectives, and/or civilian
4 employees, agents and representatives of the Los Angeles County Sheriff’s
5 Department (hereinafter also “LASD”) and employees, agents and representatives
6 of the County of Los Angeles. At all times relevant hereto, said defendants were
7 acting within the course and scope of their employment as deputies, detectives,
8 captains and sheriffs, policy makers, and/or civilian employees of the Los Angeles
9 County Sheriff’s Department, a department and subdivision of defendant County of
10 Los Angeles.

11 14. At all times relevant herein, defendant MATTHEW THOMPSON (hereafter also
12 “THOMPSON”) and DOES 10 through 12, were residents of the County of Los
13 Angeles, and were Sheriff’s deputies, lieutenants, detectives, and/or civilian
14 employees, agents and representatives of the Los Angeles County Sheriff’s
15 Department (hereinafter also “LASD”) and employees, agents and representatives
16 of the County of Los Angeles. At all times relevant hereto, said defendants were
17 acting within the course and scope of their employment as deputies, detectives,
18 captains and sheriffs, policy makers, and/or civilian employees of the Los Angeles
19 County Sheriff’s Department, a department and subdivision of defendant County of
20 Los Angeles.

21 15. At all times relevant herein, defendant MICKEY MANZO (hereafter also
22 “MANZO”) and DOES 13 through 15, were residents of the County of Los
23 Angeles, and were Sheriff’s deputies, lieutenants, detectives, and/or civilian
24 employees, agents and representatives of the Los Angeles County Sheriff’s
25 Department (hereinafter also “LASD”) and employees, agents and representatives
26 of the County of Los Angeles. At all times relevant hereto, said defendants were
27 acting within the course and scope of their employment as deputies, detectives,
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1 captains and sheriffs, policy makers, and/or civilian employees of the Los Angeles
2 County Sheriff's Department, a department and subdivision of defendant County of
3 Los Angeles.

4 16. At all times relevant herein, defendant GERARD SMITH (hereafter also "SMITH")
5 and DOES 16 through 18, were residents of the County of Los Angeles, and were
6 Sheriff's deputies, lieutenants, detectives, and/or civilian employees, agents and
7 representatives of the Los Angeles County Sheriff's Department (hereinafter also
8 "LASD") and employees, agents and representatives of the County of Los Angeles.
9 At all times relevant hereto, said defendants were acting within the course and
10 scope of their employment as deputies, detectives, captains and sheriffs, policy
11 makers, and/or civilian employees of the Los Angeles County Sheriff's Department,
12 a department and subdivision of defendant County of Los Angeles.

13 17. At all times relevant herein, defendant LEROY BACA was Los Angeles County
14 Sheriff's Department sheriff and engaged in the conduct alleged herein under color
15 of State Law, and through the auspices of the County of Los Angeles and Los
16 Angeles County Sheriff's Department. Plaintiff alleges that the conduct and actions
17 of BACA as alleged herein occurred during BACA's normal working hours as Los
18 Angeles County Sheriff's Department sheriff or occurred under the pretense that
19 either was acting as a Los Angeles County Sheriff's Department sheriff or was
20 made possible solely because of his position as a Los Angeles County Sheriff's
21 Department deputy.

22 18. At all times relevant herein, defendant PAUL TANAKA was Los Angeles County
23 Sheriff's Department undersheriff and engaged in the conduct alleged herein under
24 color of State Law, and through the auspices of the County of Los Angeles and Los
25 Angeles County Sheriff's Department. Plaintiff alleges that the conduct and actions
26 of TANAKA as alleged herein occurred during TANAKA's normal working hours
27 as Los Angeles County Sheriff's Department Undersheriff or occurred under the
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1 pretense that either was acting as a Los Angeles County Sheriff's Department
2 Undersheriff or was made possible solely because of his position as a Los Angeles
3 County Sheriff's Department deputy. Plaintiff further alleges that TANAKA acted
4 at all times herein under the auspices, direction, command, instruction, and/or
5 control of the Los Angeles County Sheriff's Department, and Sheriff Leroy Baca.

6 19. At all times relevant herein, defendant GREG THOMPSON , and DOES 1 through
7 3 were Los Angeles County Sheriff's Department lieutenants and engaged in the
8 conduct alleged herein under color of State Law, and through the auspices of the
9 County of Los Angeles and Los Angeles County Sheriff's Department. Plaintiff
10 alleges that the conduct and actions of THOMPSON, and DOES 1 through 3 as
11 alleged herein occurred during THOMPSON's, and DOES 1 through 3's normal
12 working hours as Los Angeles County Sheriff's Department lieutenants or occurred
13 under the pretense that either was acting as a Los Angeles County Sheriff's
14 Department lieutenants or were made possible solely because of their position as a
15 Los Angeles County Sheriff's Department deputies. Plaintiff further alleges that
16 THOMPSON, and DOES 1 through 3 acted at all times herein under the auspices,
17 direction, command, instruction, and/or control of the Los Angeles County Sheriff's
18 Department, Sheriff Leroy Baca, and Undersheriff Paul Tanaka.

19 20. At all times relevant herein, defendant PERKINS , and DOES 4 through 6 were Los
20 Angeles County Sheriff's Department detectives and engaged in the conduct
21 alleged herein under color of State Law, and through the auspices of the County of
22 Los Angeles and Los Angeles County Sheriff's Department. Plaintiff alleges that
23 the conduct and actions of PERKINS , and DOES 4 through 6 as alleged herein
24 occurred during PERKINS , and DOES 4 through 6's normal working hours as Los
25 Angeles County Sheriff's Department detectives or occurred under the pretense that
26 either was acting as a Los Angeles County Sheriff's Department detectives or were
27 made possible solely because of their position as a Los Angeles County Sheriff's
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1 Department deputies. Plaintiff further alleges that PERKINS , and DOES 4 through
2 6 acted at all times herein under the auspices, direction, command, instruction,
3 and/or control of the Los Angeles County Sheriff’s Department, Sheriff Leroy Baca,
4 and possibly Undersheriff Paul Tanaka.

5 21. At all times relevant herein, defendant MICHAEL CAMACHO, and DOES 7
6 through 9 were Los Angeles County Sheriff’s Department lieutenants and engaged
7 in the conduct alleged herein under color of State Law, and through the auspices of
8 the County of Los Angeles and Los Angeles County Sheriff’s Department. Plaintiff
9 alleges that the conduct and actions of CAMACHO, and DOES 7 through 9 as
10 alleged herein occurred during CAMACHO’s, and DOES 7 through 9’s normal
11 working hours as Los Angeles County Sheriff’s Department deputies or occurred
12 under the pretense that either was acting as a Los Angeles County Sheriff’s
13 Department lieutenants or were made possible solely because of their position as a
14 Los Angeles County Sheriff’s Department deputies. Plaintiff further alleges that
15 CAMACHO, and DOES 7 through 9 acted at all times herein under the auspices,
16 direction, command, instruction, and/or control of the Los Angeles County Sheriff’s
17 Department, Sheriff Leroy Baca, and possibly also Undersheriff Paul Tanaka.

18 22. At all times relevant herein, defendant MATTHEW THOMPSON, and DOES 10
19 through 12 were Los Angeles County Sheriff’s Department deputies and engaged in
20 the conduct alleged herein under color of State Law, and through the auspices of the
21 County of Los Angeles and Los Angeles County Sheriff’s Department. Plaintiff
22 alleges that the conduct and actions of THOMPSON, and DOES 10 through 12 as
23 alleged herein occurred during THOMPSON’s, and DOES 10 through 12’s normal
24 working hours as Los Angeles County Sheriff’s Department deputies or occurred
25 under the pretense that either was acting as a Los Angeles County Sheriff’s
26 Department lieutenants or were made possible solely because of their position as a
27 Los Angeles County Sheriff’s Department deputies. Plaintiff further alleges that
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1 THOMPSON, and DOES 10 through 12 acted at all times herein under the
2 auspices, direction, command, instruction, and/or control of the Los Angeles
3 County Sheriff's Department, Sheriff Leroy Baca, Undersheriff Paul Tanaka, and
4 Lt. Greg Thompson. Baca as the Sheriff is the ultimate decision maker.

5 23. At all times relevant herein, defendant MICKEY MANZO, and DOES 13 through
6 15 were Los Angeles County Sheriff's Department lieutenants and engaged in the
7 conduct alleged herein under color of State Law, and through the auspices of the
8 County of Los Angeles and Los Angeles County Sheriff's Department. Plaintiff
9 alleges that the conduct and actions of MANZO, and DOES 13 through 15 as
10 alleged herein occurred during MANZO's, and DOES 13 through 15's normal
11 working hours as Los Angeles County Sheriff's Department deputies or occurred
12 under the pretense that either was acting as a Los Angeles County Sheriff's
13 Department lieutenants or were made possible solely because of their position as a
14 Los Angeles County Sheriff's Department deputies. Plaintiff further alleges that
15 MANZO, and DOES 13 through 15 acted at all times herein under the auspices,
16 direction, command, instruction, and/or control of the Los Angeles County Sheriff's
17 Department, Sheriff Leroy Baca, Undersheriff Paul Tanaka, and Lt. Greg
18 Thompson.

19 24. At all times relevant herein, defendant GERARD SMITH, and DOES 16 through 18
20 were Los Angeles County Sheriff's Department lieutenants and engaged in the
21 conduct alleged herein under color of State Law, and through the auspices of the
22 County of Los Angeles and Los Angeles County Sheriff's Department. Plaintiff
23 alleges that the conduct and actions of SMITH, and DOES 16 through 18 as alleged
24 herein occurred during SMITH's, and DOES 16 through 18's normal working hours
25 as Los Angeles County Sheriff's Department deputies or occurred under the
26 pretense that either was acting as a Los Angeles County Sheriff's Department
27 lieutenants or were made possible solely because of their position as a Los Angeles
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1 County Sheriff's Department deputies. Plaintiff further alleges that SMITH, and
2 DOES 16 through 18 acted at all times herein under the auspices, direction,
3 command, instruction, and/or control of the Los Angeles County Sheriff's
4 Department, Sheriff Leroy Baca, Undersheriff Paul Tanaka, and Lt. Greg
5 Thompson.

6 25. At all times relevant herein, defendants DOES 19 through 20, were residents of the
7 County of Los Angeles, and were Sheriff's deputies, sergeants, detectives, captains,
8 lieutenants, sheriffs, and/or civilian employees, agents and representatives of the
9 Los Angeles County Sheriff's Department and employees, agents and
10 representatives of the County of Los Angeles. At all times relevant hereto, said
11 defendants were acting within the course and scope of their employment as officers,
12 sergeants, captains and sheriffs, policy makers, and/or civilian employees of the
13 Los Angeles County Sheriff's Department, a department and subdivision of
14 defendant County of Los Angeles. At all times relevant herein, said defendants
15 were acting under color of law, to wit, under the color of the statutes, ordinances,
16 regulations, policies, customs, practices and usages of defendant COUNTY OF
17 LOS ANGELES, its sheriff's department and/or the State of California.

18 26. Plaintiff is ignorant of the true names and capacities of defendants sued herein as
19 DOE defendants 1 through 20, inclusive, and therefore sues these defendants by
20 such fictitious names. Plaintiff will amend this complaint to allege their true names
21 and capacities when ascertained. Plaintiff is informed and believes and thereon
22 alleges that each of the fictitiously named defendants is responsible in some manner
23 for the occurrences herein alleged, and that Plaintiff's injuries as herein alleged
24 were proximately caused by the acts and/or omissions of said fictitiously named
25 defendants.

26 III. FACTUAL ALLEGATIONS

27 27. Each and every allegation set forth in the preceding paragraphs is incorporated
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1 herein by this reference with the same effect as if realleged herein.

2 28. Each and every allegation set forth in the preceding paragraphs is incorporated
3 herein by this reference with the same effect as if realleged herein.

4 29. At all relevant times herein, Rathbun has been a deputy with the Los Angeles
5 County Sheriff's Department ("LASD"). Rathbun followed in his father's footsteps,
6 a retired 35-year LASD veteran.

7 30. At all relevant times herein, Sexton has been a deputy with the Los Angeles County
8 Sheriff's Department ("LASD"). Sexton's father is presently a chief at LASD and a
9 former sheriff in Alabama.

10 31. On or about October 2009, Sexton was assigned to Operation Safe Jails ("OSJ").

11 32. On or about July 2011, Rathbun was assigned to Operation Safe Jails ("OSJ").

12 33. The primary role of OSJ is gang intelligence gathering with the objective of
13 preventing facility violence between rival gangs, inmates of different races, and the
14 influence of prison gangs on the inmate population.

15 34. OSJ provides facility and division executives with updated information regarding
16 ongoing trends which affect day-to-day operations of the facilities; thereby,
17 allowing executives to make informed decision. OSJ is recognized as a leader in
18 providing gang intelligence to the law enforcement community.

19 35. Specifically, Rathbun and Sexton turned inmates into informants, looking for tips
20 on crimes and gang activity inside the nation's largest jail system. Further, Rathbun
21 and Sexton specialized in dealing with white supremacy jail gangs.

22 36. While at OSJ, the unit supervisor was Lt. Greg Thompson. Moreover, OSJ members
23 were told that the unit was one of Assistant Sheriff/Undersheriff Paul Tanaka's
24 operations. Thus, OSJ members were informed that if any issues ever arose,
25 Tanaka's door was always open. On information and belief, Tanaka was kept
26 abreast of all OSJ matters and operations. Baca as the Sheriff would oversee,
27 approve, authorize and ratify any actions by Tanaka.

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- 1 37. On or about August 2011, Lt. Thompson ordered Rathbun, Sexton, and other
2 members of OSJ to transfer and hide a specific inmate, Anthony Brown.
- 3 38. Rathbun and Sexton learned that the inmate was being hidden from the Federal
4 Bureau of Investigation. Brown was an FBI informant, tasked with reporting
5 misconduct and any wrongdoing by LASD in the jails. On information and belief,
6 the order to hide Anthony Brown came from Sheriff Baca and Undersheriff Tanaka
7 in an effort to obstruct a federal investigation. Based on information and belief, the
8 actions of Tanaka were under the direction and command of Baca.
- 9 39. Increasingly, Thompson ordered OSJ to engage in activities meant to “keep the FBI
10 out of the jails.” In fact, discussions were held about wiring interview rooms when
11 FBI agents or informants were present. On information and belief, Thompson was
12 carrying out the directives of Sheriff Baca and Undersheriff Tanaka.
- 13 40. During this period, Rathbun and Sexton were under significant emotional distress
14 as they began to realize the LASD was attempting to thwart federal investigations,
15 obstruct justice, and commit various violations of state and federal law.
- 16 41. To cope with the intense pressure, Rathbun began to develop a dependency on
17 alcohol. In late 2011, Rathbun informed his superiors about his problems. The OSJ
18 superiors voiced their support for Rathbun, but failed to provide further
19 intervention as would be common under the practices of the Sheriff’s Department.
- 20 42. On or about February 2012, an informant told Rathbun and Sexton that Deputy
21 Joseph Britton, who was assigned to Men’s Central Jail, was engaged in illegal
22 behavior in association with a powerful white gang member (while on-duty and
23 using his powers as a law enforcement official), who was in charge of illicit activity
24 at MCJ. Rathbun and Sexton provided a confidential intelligence memorandum to
25 Lt. Thompson. Moreover, Rathbun had the powerful white gang member moved to
26 high-powered housing.
- 27 43. On the same day, Sexton provided Thompson with an analogous memorandum
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1 about another prison official, Remington Orr, and improper association with a
2 prison gang.

3 44. A few days later, Rathbun followed up with Lt. Thompson about the memorandum.
4 Thompson informed Rathbun that he showed the memorandum to Deputy Britton
5 and inquired whether the allegations were true.

6 45. The memorandum was unredacted and thus, Britton was informed about Rathbun
7 and Sexton's identities as well as the identity of the informant. Thompson had
8 intentionally placed Rathbun, Sexton, and the informant in danger.

9 46. On information and belief, Thompson showed Britton the memorandum in order to
10 intimidate, coerce and threaten Rathbun and Sexton as well as give Britton the
11 heads up and thus, permit Britton to cover-up any illegal activity. Further, the
12 defendants intended (based on information and belief for this to cause the plaintiffs
13 threats, intimidation, or coercion in violation of Civ. Code, § 52.1, subds. (a)-(b)
14 and other State and Federal Civil Rights Statutes. The plaintiffs did suffer
15 intimidation, coercion and threats and were harmed thereby

16 47. In contrast to established policy, procedures, rules and customs, Thompson
17 forwarded the Orr memo to ICIB, which ensnared Orr in a narcotics sting.
18 Subsequently, Orr was terminated.

19 48. Britton and Orr were treated completely different. While Orr is black, Britton is
20 Caucasian. The disparate treatment of deputies within the unit based on protected
21 characteristics was common. For instance, Deputy Manzo sent a racially derogatory
22 email to all members of OSJ, which ridiculed African-Americans. Lt. Thompson did
23 nothing and LASD swept the issue under the rug. The department had a policy,
24 practice and custom of allowing racial comments and disparate treatment based on
25 protected characteristics. Sheriff Baca told a television audience that when
26 deputies complained about harassment, instead, they should "man up." Baca also
27 kept what Undersheriff Tanaka referred to as a "hit list" of officers that would not
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1 be promoted, based on characteristics such as age. Baca made a “joke” to many
2 members of the command staff ridiculing older LASD employees. He made a
3 “joke” about Latino’s and he referred to the Hollywood “Jew money” when
4 meeting with one of his Captains. (The Plaintiffs are both Jewish.) Defendants
5 also have impliedly admitted discrimination based on race, national origin, age and
6 other protected characteristics.

7 49. However, after Plaintiffs complained to insiders and outsiders about the incident,
8 LASD decided to begin an investigation because of scrutiny. Nevertheless, Manzo
9 and other LASD personnel harassed and retaliated against Plaintiffs.

10 50. News of Rathbun and Sexton’s confidential memorandum was disseminated
11 throughout the jail system by Thompson and other LASD personnel. Rathbun and
12 Sexton were now referred to as snitches by LASD deputies and officials. Once
13 again, referring to employees who complain as “snitches” is so common in the
14 LASD as to constitute a pattern practice, custom and policy. Other Deputies who
15 complained include Moffett who even had a gun pulled on him. Another deputy
16 who complained had a picture of his face in a rat trap at the department. Deputies
17 would have dines placed by their lockers to represent “dropping a dime” which
18 referred to deputies that made a phone call to report wrong doing. Rats, snitches,
19 stool pigeons and dropping the dime were all words for officers who broke the
20 “code of silence”.

21 51. Additionally, LASD deputies and officials began to use inmates against Rathbun
22 and Sexton. An inappropriate relationship exists between certain LASD personnel
23 and various inmate jail gangs, especially white supremacist groups and the Mexican
24 Mafia. LASD personnel use these jail gangs as proxies or agents to retaliate against
25 other LASD deputies and inmates. Within these inappropriate alliances, the gangs
26 are given certain privileges that they are otherwise legally precluded from.
27 Similarly, the gangs provide LASD personnel with certain benefits, which include
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1 carrying out certain tasks on behalf of LASD personnel. Thus, these gangs often act
2 under color of law because of powers delegated or provided by LASD.

3 52. In late February 2012, Sexton was corned in the OSJ office. Two OSJ deputies told
4 Sexton in an intimidate, coercive and threatening manner that he and Rathbun
5 “better shut up or else” about the Britton matter. Both deputies were on-duty, and in
6 department uniform. Officially, LASD deputies are not permitted to wear their
7 firearms in certain parts of jail facilities. On information and belief, the deputies
8 were following orders from Lt. Thompson, Sheriff Baca and/or Undersheriff
9 Tanaka to intimidate and/or silence Sexton and Rathbun.

10 53. The OSJ team at Men’s Central Jail refused to work or cooperate with Rathbun and
11 Sexton. In fact, MCJ deputies accused Rathbun of “fucking up their program” by
12 moving the powerful white gang member from MCJ. At all relevant times, certain
13 members of OSJ associated with, and cooperated with, certain jail gangs, including
14 partaking in illicit activities. Sheriff Baca and/or Undersheriff Tanaka knew or
15 should have known about these improper relationships, but took no action to stop it
16 and implicitly ratified the improper conduct. Based on information and belief,
17 illegal activities involving gangs and deputies were reported to Baca directly who
18 then took no action to discipline the deputies, pursue criminal charges or otherwise
19 correct the situation.

20 54. Soon thereafter, Rathbun and Sexton’s informant was moved without their consent.
21 The informant was moved out of protective custody and into the general population.
22 Consequently, the informant’s life was placed in serious jeopardy. After Rathbun
23 and Sexton interceded, the MCJ OSJ team had no answer as to why the informant
24 was moved out of protective custody

25 55. Subsequently, Sexton was informed that Lt. Thompson ordered the move of the
26 informant after Rathbun and Sexton’s confidential memorandum. On information
27 and belief, Thompson wanted to neutralize the informant by providing white
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1 supremacy gangs with access to him. Moreover, Thompson intended to send
2 Rathbun and Sexton a “message” to intimidate, coerce and threaten the plaintiffs
3 that bad things would happen (i.e., physical or bodily harm) if Rathbun and Sexton
4 did not backtrack or drop the Britton matter. Sheriff Baca and/or Undersheriff
5 Tanaka knew or should have known about Thompson’s actions. On information and
6 belief, Sheriff Baca and/or Undersheriff Tanaka supported and ratified Thompson’s
7 misconduct. Furthermore, Baca was provided with an email from a current
8 commander through the chain of command (excluding Undersheriff Tanaka) which
9 told him specifically of issues involving the plaintiffs.

10 56. On or about March 2012, Sexton conducted an interview of a suspect at LASD
11 custody facilities. Besides members of LASD and the inmate, no one else was
12 present. The interview somehow ended up on YouTube. Sexton’s identity was
13 publicly disclosed and thus, his well-being placed in jeopardy. OSJ deputies are
14 often at risk because jail gangs and connected outside criminal organizations target
15 deputies for retribution. The reason for this was to threaten, coerce and intimidate
16 the plaintiffs in retaliation for their whistleblowing activities.

17 57. Sexton asked Lt. Thompson to investigate the incident, but Thompson replied that
18 Sexton should forget about it. Thompson took no action or any investigation about
19 how an in-custody interview found its way on the internet. On information and
20 belief, LASD personnel, including but not limited to Lt. Thompson, leaked the
21 interview in order to further intimidate Rathbun and Sexton.

22 58. On or about April 2012, Sexton received a phone call from the LA Times on a
23 confidential work phone seeking information about Sexton, Rathbun, and various
24 issues. Sexton reported the contact to Lt. Leavins, who headed a second unit
25 involved in the Brown matter. Subsequently, Lt. Thompson learned that the LA
26 Times was contacting Sexton. Thompson regularly interrogated Sexton about media
27 contacts. Thompson informed Sexton that if either he or Rathbun spoke to the press,
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1 then there would be serious consequences and they would regret it.

2 59. A video of Rathbun after drinking was posted onto the LASD intranet even though
3 Rathbun's report was booked under a confidential uniform report number. Sheriff
4 Baca and/or Undersheriff Tanaka knew or should have known about the leak. In
5 fact, LASD officials even attempted to leak the video to the media in a further effort
6 to discredit Rathbun and ruin his life.

7 60. Subsequently, "white power" literature was left at Rathbun's home. No other
8 Sheriff's Dept deputies homes and no neighbors homes had such material
9 distributed and no prior incidents of this nature had previously occurred. Rathbun's
10 home address is confidential under the Penal Code and Vehicle Code because he is
11 a peace officer and thus, his life would be placed in jeopardy if the information was
12 either public or known to certain individuals. Members of LASD are the only
13 individuals with access to such sensitive information. On information and belief,
14 LASD officials, including members of the OSJ teams, used their contacts with
15 white supremacy gangs to threaten Rathbun.

16 61. LASD personnel, using jail gangs as their agents, labeled Rathbun and Sexton as
17 "race traitors." Such actions were threatening, intimidating and coercive to the
18 plaintiffs, created a hostile work environment and were retaliatory.

19 62. Meanwhile, the LASD continued to cover up the incidents and dismiss Thompson's
20 actions as simply poor judgment. The investigation was under the direct purview of
21 Sheriff Baca.

22 63. Meanwhile, an OSJ deputy threatened Sexton and warned that Sexton and Rathbun
23 better keep their mouths shut about Thompson and Britton. The threat was relayed
24 to LASD officials, who took no action. The OSJ deputy was on-duty and in uniform
25 when the threat was delivered under color of law. Moreover, the threat was
26 delivered at the direction of Sheriff Baca, Undersheriff Tanaka, and/or Lt.
27 Thompson, in a further effort to silence Rathbun and Sexton.
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1 64. On a repeated and continuing basis, Sexton received threats from various deputies,
2 including Lt. Thompson's son, Matt. The message was always the same: Sexton and
3 Rathbun needed to shut up about illegal activity or they would suffer serious harm.
4 Most of these threats were issued while deputies were on-duty, in uniform, under
5 color of law and on LASD property. Further, the threats were only carried out
6 through access and opportunity afforded to deputies as a result of their police
7 powers and positions. LASD officials were aware of these threats, yet LASD did
8 nothing and ratified the threatening behavior. On information and belief, the
9 campaign of intimidation, harassment, and coercion was carried out at the direction
10 of Sheriff Baca, Undersheriff Tanaka, and/or Lt. Thompson. The actions were in
11 retaliation for the plaintiffs First Amendment activities, whistleblower activities and
12 included other wrongful actions by defendants.

13 65. When internal affairs finally began its investigation into the matter, investigators
14 acknowledged that Sexton and Rathbun had well-founded concerns. However,
15 investigators never intended to undertake a good-faith, legitimate investigation. In
16 fact, at one point, investigators were switched when the initial investigator actually
17 seemed to want to investigate the wrongdoing by Sheriff's Department employees.

18 66. On or about April 2012, right before his IA interview, Sexton received a call from
19 Lt. Thompson. Sexton was off-duty, but Thompson was on-duty. Thompson had
20 access to Sexton's confidential telephone number only because of Thompson's
21 position in law enforcement. Thompson inquired whether Sexton was planning to
22 speak with IA and ICIB. After Sexton answered in the affirmative, Thompson hung
23 up.

24 67. Sexton informed the IA investigator about Thompson's apparent attempt to coerce,
25 threaten and intimidate him. Yet, the other IA investigator informed Thompson that
26 Sexton had reported the call.

27 68. After his IA interview, Lt. Thompson ordered Sexton to come to his office.
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1 Subsequently, Thompson began interrogating Sexton about Rathbun's status as well
2 as the various IA investigations, including the ones involving Thompson. This
3 interrogation was also coercive, threatening and intimidating, as well as being a
4 violation of the Public Safety Officer's Procedural Bill of Rights.

5 69. Later, in May 2012, Sexton was contacted by ICIB investigator, Noe Garcia. Garcia
6 was previously assigned to Century Station and is a member of the Regulators.
7 Garcia refused to inform Sexton whether he was the subject or witness of the ICIB
8 investigation. This was a blatant violation of the Public Safety Officer's Procedural
9 Bill of Rights (POBRA).

10 70. Days later, Sexton was forced to submit to interrogation by Garcia in Lt.
11 Thompson's office without legal representation. Again, another violation of
12 POBRA. Garcia claimed to be investigating a 2011 use of force against an inmate
13 with a rich history of fighting with jail officials. The incident had already been
14 thoroughly investigated and no adverse finding was made. Thus, there was no
15 legitimate reason for this interview in violation of the POBRA. Instead, that
16 interrogation was performed in retaliation for Sexton's whistle blower activities and
17 in retaliation for his First Amendment Rights of disclosing wrongdoing to the
18 media, FBI and other non protected activities.

19 71. Soon thereafter, Sexton discovered that one of his informants was assaulted by
20 Deputy Camacho. Sexton reported the matter to ICIB. However, the investigation
21 was watered down and the serious incident of violence against an inmate swept
22 under the rug.

23 72. As a result, Sexton spoke to the FBI and LA Times about Deputy Camacho. Sexton
24 reported that Camacho was regularly abusive toward an inmate informant, saying
25 the informant and other inmates were "routinely assaulted, intimidated, and
26 threatened with violence" by Camacho. For example, Camacho escorted the
27 informant into a custodial closet at the Inmate Reception Center custody line, and
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1 lectured him about “proper inmate behavior” while punching him in the ribs. Per
2 Sexton, Camacho routinely threatened to send the informant back to general
3 population, an area informants are often kept from to protect them from retribution
4 by other inmates.

5 73. In retaliation for Rathbun’s First Amendment Activities his whistleblower activities
6 and as a means to harass, intimidate and coerce, Rathbun, the defendants based on
7 information and belief were instrumental in without any notice, increasing the
8 misdemeanor charges against Rathbun to a felony. Rathbun’s criminal attorney was
9 not notified. Fortunately, Rathbun discovered the new charges and appeared in
10 court. Otherwise, a bench warrant would have been issued for Rathbun and he
11 would have been taken to Men’s Central Jail, exposing him to criminals he had
12 been investigating for years.

13 74. The Sheriff’s Department has a custom and practice of retaliating against its
14 employees when they break the code of silence by complaining about illegal
15 activities, harassment or other wrongdoing. As part of this common custom and
16 practice that is ratified, condoned and fostered by Baca, the charges against
17 Rathbun were increased even though there was no legal or factual basis ever existed
18 for a felony DUI. Yet Baca has stated that he expects his employees to “man up”
19 and not report wrongdoing despite written policies encouraging such reporting.

20 75. On or about June 2012, homicide detectives admitted to Sexton that Lt. Thompson
21 violated numerous laws. Moreover, Sexton and Rathbun were in jeopardy.

22 76. Soon thereafter, Sexton spoke to Sheriff Baca about the ordeal he and Rathbun were
23 going through. However, Baca was dismissive and unmoved about the situation.

24 77. In the summer of 2012, Rathbun and Sexton went to the FBI and disclosed various
25 information, including evidence about LASD’s violation of various state and/or
26 federal laws. At this time, LASD personnel were under unofficial orders from the
27 department not to speak or cooperate with the FBI. Rathbun and Sexton were under
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1 no official duty to report the various legal violations but did so despite directives
2 from LASD to the contrary because it was important to disclose these acts of
3 wrongdoing and plaintiffs had a First Amendment Right to disclose this information
4 outside the normal course and scope of their employment.

5 78. In the summer of 2012, Rathbun was suspend without pay. On information and
6 belief, LASD officials discovered that Rathbun had spoken to the FBI, and thus, his
7 suspension without pay was retaliation for the disclosure. Many other employees of
8 the Sheriff's Department were involved in more serious incidents and not
9 suspended.

10 79. In contrast, after complaints of serious criminal actions by Thompson, Lt.
11 Thompson was transferred to Narcotics Division. The new assignment was a
12 coveted position. Sheriff Baca and/or Undersheriff Tanaka made sure Thompson
13 was given the new position.

14 80. After the Thompson transfer, Sexton was confronted by various armed, on-duty
15 LASD deputies (in uniform) at a training event. The deputies promised Sexton that
16 they "would take care of people" responsible for the Thompson transfer. This
17 action was intimidating, coercive and threatening. It was carried out with the
18 intention of retaliating against Sexton for his First Amendment Rights and
19 whistleblower activities.

20 81. Subsequently, Sgt. Gutierrez, another Viking, interrogated Sexton about the
21 Thompson transfer. The Vikings are a Deputy gang in which the members have
22 tattoos. Usually the tattoos are numbered. Membership is limited to those who are
23 white supremacist Nazi types, and their supporters. Based on information and belief,
24 some of the tattoos include statements such as "white power" and "kill." Members
25 of the Regulators and/or Vikings have pointed loaded guns at other Sheriff's
26 Department employees. Even with such illegal behavior being witnessed, the
27 Sergeant that pointed the gun (Cooper) remains employed in the Sheriff's
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1 Department. Baca is well aware of the Vikings and tolerates members of that
2 organization, promoting them to the top levels in the department.

3 82. On or about July 2012, because of threats, coercion and fears for his safety, Sexton
4 pleaded with Lt. Dempsey and Cmdr. Fender to be transferred out of custody to
5 patrol. Numerous prior requests had been ignored. Sexton did not feel safe in
6 custody. Moreover, patrol offered many more opportunities for promotions,
7 experience, and over time pay. Additionally, it is routine to transfer Deputies from
8 Custody to Patrol within the time that Sexton has worked in custody. However,
9 Sexton was simply informed that he could not be moved (without further
10 explanation).

11 83. On or about July 2012, Sexton formally wrote up Deputy Camacho for continued
12 excessive force on inmates.

13 84. In July 2012, IA investigators claimed Lt. Thompson had simply used poor
14 judgment and did not do anything criminal.

15 85. On or about August 2012, the Los Angeles Times ran an article on Rathbun and
16 Sexton's plight. Rathbun and Sexton cooperated with the newspaper because it was
17 part of the First Amendment Rights to make such disclosure. In addition, LASD
18 was sweeping everything under the rug, Rathbun and Sexton hoped they could
19 achieve a certain level of personal security if their dilemma and other issues were
20 made public. Moreover, Rathbun and Sexton felt the public needed to know about
21 the wrongdoing committed by LASD and better understand the problems with the
22 County's jails ran much deeper than what the public was being told.

23 86. Shortly after the Los Angeles Times article, Sheriff Baca personally called Rathbun
24 and set up a meeting with him. On information and belief, Baca and other LASD
25 officials knew or believed Rathbun and Sexton were providing information to the
26 Times.

27 87. At the meeting with Sheriff Baca, Rathbun expressed his grave concerns about his
28

1 safety as well as the various legal violations committed by LASD members.

2 However, as part of a desire to retaliate against Rathbun for breaking the Code of
3 Silence and exercising his First Amendment Rights, as well as to harass Rathbun
4 who is Jewish, Baca minimized Rathbun's serious concerns and dismissed them
5 out of hand.

6 88. Moreover, Baca informed Rathbun that a misdemeanor DUI would not jeopardize
7 his position at LASD. Also, Baca later called Rathbun's father to inform him that
8 the DA, not LASD, was behind the elevation of the charge from misdemeanor DUI
9 to felony DUI.

10 89. Similarly, Sexton had an analogous and futile meeting with Sheriff Baca.

11 90. On or about August 2012, Cmdr. Pietrantonio, an individual with a well-documented
12 history of racial insensitivity, interrogated Sexton and demanded to know whether
13 he and Rathbun were speaking to the press, the FBI, and anyone else. Pietrantonio is
14 very close to Sheriff Baca and was handpicked by him to review the jails. In fact,
15 Pietrantonio was about to retire when Baca suddenly promoted him to commander
16 and placed him in custody despite no requisite prior experience.

17 91. Pietrantonio often made Anti-Semitic comments or statements at work.

18 92. In August 2012, Sexton was unjustifiably chastised by one of the IA investigators
19 from the Thompson investigation during a training session at Men's Central Jail.
20 Moreover, LASD personnel spoke openly (and critically) about the LA Times
21 article, which they attributed to Rathbun and Sexton.

22 93. On or about August 2012, Sexton went to Century Station to book evidence. Sexton
23 was incessantly harassed by LASD personnel in retaliation for his whistleblower
24 activities, as well as to threaten, coerce and intimidate Sexton.

25 94. On or about August 2012, Deputy Camacho threatened Sexton with bodily harm.

26 95. On or about August 2012, Rathbun and Sexton testified before a federal grand jury.
27 Pursuant to new LASD directives, they informed the Department of their
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1 appearance.

2 96. On or about September 2012, Sexton was going to stop by Temple Station. Lt.
3 Thompson was now assigned to Lakewood. Sgt. Mead ordered Sexton not to enter
4 the station for his own personal safety.

5 97. Sexton continued to be harassed at work by other LASD personnel.

6 98. On or about September 2012, ICIB investigators told Sexton that Deputy Camacho
7 had violated the Penal Code, but the Los Angeles District Attorney would never file
8 criminal charges.

9 99. On or about October 2012, LASD personnel attempted to write up Sexton for bogus
10 charges.

11 100. On or about November 2012, Rathbun plead out to misdemeanor DUI. Rathbun had
12 no prior convictions before and has not had any other issues since then.

13 101. On or about November 2012, Rathbun's Captain told him he will get a 15-30 day
14 suspension.

15 102. On or about November 2012, an administrative law judge ruled that Rathbun should
16 have been returned to work. LASD vigorously contested the matter.

17 103. Rathbun was temporarily reinstated, but assigned meaningless duties and
18 assignments.

19 104. On or about November 2012, Deputy Camacho, while on-duty, advised that he
20 would "smash" or "bash" in Sexton's face. Camacho's comments were made to
21 threaten, coerce and intimidate the plaintiffs and were in retaliation for their First
22 Amendment Rights of free speech and association, as well as retaliation for
23 whistleblowing activities. In addition, based on information and belief, Camacho's
24 comments were because he perceived Sexton as being Jewish.

25 105. On or about November 2012, Lt. Thompson's son, Deputy Matt Thompson, and
26 another LASD deputy cornered Sexton. The two men informed Sexton that "the
27 boss is aware that Rathbun and he testified in front of the grand jury." But the
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1 “boss” did not think he would get indicted, yet Sexton and Rathbun will “answer”
2 for their testimony. Thompson’s son and the other LASD employee delivered their
3 threat while on-duty and in uniform. Matt Thompson indicated that Sexton and
4 Rathbun would be physically harmed if they did not stop cooperating with law
5 enforcement and/or the press. On information and belief, the threat was conveyed at
6 the direction of Sheriff Baca, Undersheriff Tanaka, and/or Lt. Thompson. The
7 threat was meant to intimidate, coerce and threaten plaintiffs for exercising their
8 First Amendment Rights of free speech and association and in retaliation for their
9 whistleblower activities.

10 106. Shortly thereafter, Deputy Manzo and Deputy Gerard Smith once again informed
11 Sexton and Rathbun that they would be dealt with soon for reporting illegal
12 activities to law enforcement as well as the press. The deputies indicated that
13 Sexton and Rathbun would be physically harmed if they did not stop cooperating
14 with law enforcement and/or the press. Additionally, Manzo and Smith asserted that
15 Rathbun and Sexton’s careers were over.

16 107. Manzo and Smith are very close to Lt. Thompson. Based on information and belief
17 all are part of the same Deputy cliques/gangs

18 108. On or about late 2012, Rathbun’s vehicle was vandalized.

19 109. In late 2012 and continuing, high-ranking LASD officials expressed concern Lt.
20 Thompson may attempt to kill Sexton and Rathbun. These continuing threats
21 continue to the present and resulted in significant damages, including the cost of
22 several safety precautions.

23 110. In late 2012, Rathbun discovered that LASD personnel, including Detective
24 PERKINS, were the ones who escalated his DUI charge from a misdemeanor to a
25 felony.

26 111. In late 2012, IA investigator Bracken attempted to write up Sexton for
27 insubordination because he failed to appear at an interview that he was never
28

1 notified about. This harassing conduct in violation of the POBR was in retaliation
2 for Sexton's First Amendment activities and in retaliation for his whistleblowing
3 activities.

4 112. In late 2012/early 2013, portions of Sexton's personnel file were publicly
5 disseminated. Similarly, portions of Chief Sexton's personnel file were also
6 publicly disseminated. Both files are confidential and only accessible by LASD
7 officials. Dissemination of such information violates the Penal Code and also the
8 POBR. The Sheriff's Department has a custom and practice of keeping
9 information confidential except where employees, like the plaintiffs herein, use
10 their First Amendment Rights and disclose acts of wrongdoing or violations of law
11 (including harassment).

12 113. In early 2013 and continuing, Deputy Camacho threatened Sexton with bodily
13 harm.

14 114. On or about March 2013, high-ranking LASD officials recommended that Rathbun
15 be terminated.

16 115. However, numerous LASD deputies, including several members of OSJ, have been
17 convicted of DUIs (including more than one), but have never been threatened with
18 termination.

19 116. In fact, unlike Rathbun, who was moved out of OSJ, several OSJ deputies kept the
20 coveted assignment despite multiple DUIs.

21 117. Rathbun reached out to Sheriff Baca for an explanation and some guidance, but
22 Baca refused to now meet with Rathbun

23 118. Rathbun and Sexton have each been targets of bogus IA investigations, which are
24 merely meant to ruin their careers further. In fact, Rathbun and Sexton have been
25 involved in four internal investigations each. The LASD has a practice and pattern
26 of using internal investigations to retaliate against employees. Sheriff Baca and
27 others put into place such practices and used it extensively against Plaintiffs.
28

1 119. On or about April 2013, Rathbun and Sexton filed complaints with the DFEH,
2 County of Los Angeles, and Labor Commissioner. On or about April 2013,
3 Plaintiffs filed a federal lawsuit alleging civil rights, FEHA, and other violations.

4 120. Subsequently, LASD reopened the IA involving Rathbun's DUI even though the
5 investigation had already been completed. LASD officials indicated Rathbun would
6 be terminated. These actions were in retaliation for Rathbun's exercising his First
7 Amendment Rights and in retaliation for his whistleblower activities.

8 121. Sexton continues to request transfers out of custody, but the requests continue to be
9 denied.

10 122. Nevertheless, Sexton's ability to do his job has been seriously hampered. Sexton is
11 deprived of resources given to others. Moreover, Sexton had job duties taken away
12 including the ability to perform investigations.

13 123. Lt. Thompson is a close confidante of Undersheriff Paul Tanaka. Thompson, like
14 Tanaka, is a tattooed member of the "Vikings." In fact, Tanaka got his "Viking"
15 tattoo when he was a sergeant.

16 124. On or about 1991, the Hon. Terry Hatter found the "Vikings" were a racist group of
17 deputies who existed within the Los Angeles County Sheriff's Department and
18 Lynwood Station. *Thomas v. County of Los Angeles*, case no. CV 90-5217.

19 Thompson was a named individual defendant in *Thomas v. County of Los Angeles*.

20 This group had terrorized minority members of the general public by using
21 unjustified force, fabricating evidence, and engaging in cover-ups. On information
22 and belief, Tanaka and Thompson adopted the "Viking" brand of law enforcement
23 including statements for officers to work in the gray.

24 125. In fact, Baca and Tanaka allowed and encouraged the further development of
25 deputy gangs within the LASD. For instance, the Regulators flourished in the
26 Department. When some LASD officials tried to stop these gangs, they were
27 stopped and retaliated against by Tanaka. Similarly, Tanaka allowed and
28

1 encouraged deputy gangs in the jails. At various points in time, Tanaka would recite
2 a version of his “working in the gray” message. Baca was well aware of the
3 message, ratified and approved it.

4 126. Tanaka’s “working in the gray” is an informal policy that directs LASD members to
5 operate outside the confines of the law, in contravention of state and federal laws.
6 Lt. Thompson and Deputy Britton “work in the gray.” LASD officials’ attempts to
7 obstruct justice and interfere with federal investigations is pursuant to the “work in
8 the gray” policy.

9 127. While Tanaka directed/ordered such illegal activities, Sheriff Baca ratified the
10 unlawful actions. Baca has tolerated Tanaka’s misdeeds and actually ordered
11 Tanaka to carry out many of the illegal activities that Tanaka has been accused of.
12 Baca has done nothing to break up the deputy gang-cliques inside the LASD. Baca
13 has done nothing to combat discrimination, harassment, and retaliation based either
14 on protected activities or protected characteristics.

15 128. In mid-2012, Capt. Patrick Maxwell, after years of complaints about Tanaka’s
16 activities and advocacy of unlawful conduct, went public and told the Citizen’s
17 Commission on Jail Violence, an entity created by the Los Angeles County Board
18 of Supervisors, the truth about Tanaka. As a result, Maxwell suffered further
19 discrimination, harassment, and retaliation.

20 129. On or about May 29, 2009, Sergeant Timothy Cooper, a Viking and Regulator
21 threatened Sgt. Mark Moffett by pointing his gun at Moffett, while making death
22 threats. Even after a water-downed internal investigation, LASD officials
23 recommended that Cooper be punished through demotion to deputy. However,
24 Sheriff Baca and/or Undersheriff Tanaka personally interceded and refused to go
25 along with the recommendation. Instead, Cooper was given a few days off, which
26 could be grieved into simple additional training.

27 130. The County of Los Angeles has in place, and has ratified customs and practices
28

1 which permitted and encouraged their deputies to violate state, federal, and/or
2 constitutional rights/laws.

3 131. Said customs and practices also called for the County of Los Angeles and its
4 Sheriff's Department not to discipline, prosecute, or objectively and/or
5 independently investigate or in any way deal with or respond to known incidents
6 and complaints of wrongful conduct by deputies, the giving of false testimony in
7 trial to cover-up and conceal such wrongful conduct by officers of the Los Angeles
8 County Sheriff's Department, and for the County of Los Angeles to fail to
9 objectively and/or independently investigate or in any way deal with or respond to
10 or the related claims and lawsuits made as a result of such misconduct. Defendant
11 County of Los Angeles is aware of and is deliberately indifferent to a pervasive and
12 widespread pattern and practice within the LASD of concealing known instances of
13 evidence planting, evidence tampering, perjury, falsified police reports, witness
14 coercion, excessive force, on-duty criminal acts and on-duty acts of moral turpitude.
15 This pattern and practice was identified and documented by various entities
16 including the ACLU, U.S. Department of Justice, Kolts Commission, Office of
17 Independent Review, Merrick Bobbs, and the Commission on Jail Violence.

18 **VII. FIRST CLAIM FOR RELIEF**
19 **WHISTLEBLOWER RETALIATION**

20 **[AS TO DEFENDANT COUNTY]: CAL. LABOR CODE § 1102.5.**

21 132. Each and every allegation set forth in the preceding paragraphs is incorporated
22 herein by this reference with the same effect as if realleged herein.

23 133. Plaintiffs reported violations of state and federal law (including but not limited to
24 Penal Code §§ 68, 118.1, 127, 135, 136.1, 182, 243; 18 U.S.C. §§ 1509, 1510,
25 1512, 1513; 42 U.S.C. §§ 1983, 1985) to the LASD.

26 134. Plaintiffs reported violations of state and federal law (including but not limited to
27 Penal Code §§ 68, 118.1, 127, 135, 136.1, 182, 243; 18 U.S.C. §§ 1509, 1510,
28 1512, 1513; 42 U.S.C. §§ 1983, 1985) to the FBI.

1 135. Plaintiffs reported violations of state and federal law to the *Los Angeles Times* and
2 other media.

3 136. In retaliation for the plaintiffs exercising their First Amendment Rights and
4 disclosing these illegal acts, Defendants engaged in various wrongdoings, including
5 suspension without pay, punitive transfers, denial of transfer requests, threats of
6 bodily harm (either directly or through agents), intimidation, coercion, harm to
7 reputation, diminished chances for promotions and better assignments, etc. (as
8 stated more fully above).

9 137. As a direct and legal result of the actions of the defendants and each of them,
10 Sexton and Rathbun have suffered with general and special damages in a sum to be
11 proven at time of trial. The general and special damages will likely require
12 medical, psychological and/ or other treatment and therapy. Plaintiffs have
13 experienced or likely will suffer with a significant loss of wages and a significant
14 loss of their ability to obtain and maintain gainful employment.

15
16 **VIII. SECOND CLAIM FOR RELIEF**
HARASSMENT

17 **[AS TO ALL DEFENDANTS]: CAL. GOV. CODE § 12920**

18 138. Each and every allegation set forth in the preceding paragraphs is incorporated
19 herein by this reference with the same effect as if realleged herein.

20 139. Rathbun is a Jewish, Caucasian male. Sexton is a Caucasian male. Sexton is half
21 Jewish.

22 140. Members of LASD were aware Rathbun is Jewish and Sexton is half-Jewish.

23 141. After Plaintiffs brought to light wrongdoing by non-Jewish, Caucasian co-workers,
24 they were branded “race traitors” by LASD personnel and their agents, including
25 white supremacist jail gangs. Consequently, Plaintiffs were subjected to unwanted
26 harassing conduct.

27 142. The harassing conduct ranged from threats of bodily harm to impeding Plaintiffs’
28

1 ability to carry out their job duties.

2 143. The harassing conduct was severe or pervasive.

3 144. A reasonable person with Plaintiffs' protected characteristics in Plaintiffs'
4 circumstances would have considered the environment as hostile. Plaintiffs
5 certainly considered the environment hostile.

6 145. Lt. Thompson helped create the hostile work environment. As a Viking, Thompson
7 exhibited distaste for non-Caucasians, including Jews. Thompson regularly made
8 derogatory comments about minorities, including Jews. Moreover, Thompson
9 subscribed to the notion that Caucasians, who assisted or associated with minorities
10 and/or opposed improper conduct by other Caucasians, were "race traitors."

11 146. The LASD and its agents, including Sheriff Baca and Undersheriff Tanaka, were
12 well aware of racial problems, including Thompson's proclivities. In fact, Sheriff
13 Baca has made derogatory comments about Jews. For instance, Baca interrogated a
14 subordinate about the leanings of Hollywood "and Jew money" for the coming 2014
15 elections. Similarly, Baca has targeted Jewish members of the department with
16 retaliatory investigations and has delayed promotions of Jewish employees, except
17 where Undersheriff Tanaka was able to prevail on Baca to promote worthy Jewish
18 employees. Also, Baca recently honored a racist comedian at a department luncheon
19 even after the comedian did an incendiary stand-up routine.

20 147. Plaintiffs were harmed by the harassment and the conduct was a substantial factor
21 in causing Plaintiffs' harm.

22 148. As a direct and legal result of the actions of the defendants and each of them,
23 Sexton and Rathbun have suffered with general and special damages in a sum to be
24 proven at time of trial. The general and special damages will likely require
25 medical, psychological and/ or other treatment and therapy. Plaintiffs have
26 experienced or likely will suffer with a significant loss of wages and a significant
27 loss of their ability to obtain and maintain gainful employment. The actions of the
28

1 individual defendants were despicable, vile, malicious and oppressive. The
2 defendants actions should not be tolerated by a civilized society. As a result, all
3 defendants *except the County which is statutorily immune* are responsible for
4 punitive and exemplary damages in a sum according to proof at time of trial, and a
5 sum sufficient to set an example and punish defendants for their wrongdoing.

6
7 **IX. THIRD CLAIM FOR RELIEF**
8 **DISCRIMINATION**
9 **[AS TO DEFENDANT COUNTY]: CAL. GOV. CODE § 12920**

10 149. Each and every allegation set forth in the preceding paragraphs is incorporated
11 herein by this reference with the same effect as if realleged herein.

12 150. Rathbun is a Jewish, Caucasian male. Sexton is a Caucasian male. Sexton is half
13 Jewish.

14 151. Members of LASD were aware Rathbun is Jewish and Sexton is half-Jewish.

15 152. After Plaintiffs brought to light wrongdoing by non-Jewish, Caucasian co-workers,
16 they were branded “race traitors” by LASD personnel and their agents, including
17 white supremacist jail gangs.

18 153. Defendants engaged in various wrongdoings, including suspension without pay,
19 putative transfers, denial of transfers, threats of bodily harm (either directly or
20 through agents), intimidation, coercion, harm to reputation, diminished chances for
21 promotions and better assignments, etc. (as stated more fully above).

22 154. As a Viking, Thompson exhibited distaste for non-Caucasians, especially Jews who
23 were the subject of Nazi hate before and during World War II, and through the
24 present. Thompson regularly made derogatory comments about minorities,
25 including Jews. Moreover, Thompson regularly treated individuals differently based
26 upon their race. For instance, Britton and Orr had committed the same type of
27 misconduct. While Orr was terminated, Britton was protected. Additionally,
28 Thompson subscribed to the notion that Caucasians, who assisted or associated with

1 minorities and/or opposed improper conduct by other Caucasians, were “race
2 traitors.”

3 155. The LASD and its agents, including Sheriff Baca and Undersheriff Tanaka, were
4 well aware of racial problems, including Thompson’s proclivities. In fact, Sheriff
5 Baca has made derogatory comments about Jews. For instance, Baca interrogated a
6 subordinate about the leanings of Hollywood “and Jew money” for the coming 2014
7 elections. Similarly, Baca has targeted Jewish members of the department with
8 retaliatory investigations. Also, Baca recently honored a racist comedian at a
9 department luncheon even after the comedian did an incendiary stand-up routine.

10 156. Plaintiffs were harmed and the conduct was a substantial factor in causing
11 Plaintiffs’ harm.

12 157. As a direct and legal result of the actions of the defendants and each of them,
13 Sexton and Rathbun have suffered with general and special damages in a sum to be
14 proven at time of trial. The general and special damages will likely require
15 medical, psychological and/ or other treatment and therapy. Plaintiffs have
16 experienced or likely will suffer with a significant loss of wages and a significant
17 loss of their ability to obtain and maintain gainful employment.

18
19 **X. FOURTH CLAIM FOR RELIEF**
RETALIATION

20 **[AS TO DEFENDANT COUNTY]: CAL. GOV. CODE § 12920**

21 158. Each and every allegation set forth in the preceding paragraphs is incorporated
22 herein by this reference with the same effect as if realleged herein.

23 159. Plaintiffs pointed out to Defendant that it was treating employees differently based
24 upon race. For instance, Britton and Orr had committed the same type of
25 misconduct. While Orr was terminated, Britton was protected. Orr is black and
26 Britton is white. Further, Deputy Manzo sent a racially derogatory email to all
27 members of OSJ, which ridiculed African-Americans. Lt. Thompson did nothing
28

1 and LASD swept the issue under the rug. However, after Plaintiffs complained to
2 insiders and outsiders about the incident, LASD decided to begin an investigation.
3 Nevertheless, Manzo and other LASD personnel harassed and retaliated against
4 Plaintiffs.

5 160. In response, Defendants engaged in various adverse actions, including suspension
6 without pay, punitive transfers, denial of transfers, threats of bodily harm (either
7 directly or through agents), intimidation, coercion, harm to reputation, diminished
8 chances for promotions and better assignments, etc. (as stated more fully above).

9 161. Defendant has a regular practice or custom of retaliating against individuals who
10 point out violations of law.

11 162. Plaintiffs were harmed and the conduct was a substantial factor in causing
12 Plaintiffs' harm.

13 163. As a direct and legal result of the actions of the defendants and each of them,
14 Sexton and Rathbun have suffered with general and special damages in a sum to be
15 proven at time of trial. The general and special damages will likely require
16 medical, psychological and/ or other treatment and therapy. Plaintiffs have
17 experienced or likely will suffer with a significant loss of wages and a significant
18 loss of their ability to obtain and maintain gainful employment.

19
20 **XI. FIFTH CLAIM FOR RELIEF**
21 **FAILURE TO TAKE CORRECTIVE ACTION**
22 **[AS TO DEFENDANT COUNTY]: CAL. GOV. CODE § 12920**

23 164. Each and every allegation set forth in the preceding paragraphs is incorporated
24 herein by this reference with the same effect as if realleged herein.

25 165. Defendant had an obligation to take corrective action to prevent further harassment
26 of Plaintiff, but failed to do so in violation of Cal. Gov. Code Sections 12940(k)
27 and 12940(j)(1). Defendants failed to conduct proper investigations, implement
28 proper policies to prevent discrimination, harassment or retaliation, and failed to

1 properly punish those who engaged in misconduct to deter further such actions in
2 the future.

3 166. After Plaintiffs and many other employees complained about and opposed the
4 harassing, discriminatory, and retaliatory conduct set forth above, Defendant
5 COUNTY failed to conduct proper investigations, implement proper policies to
6 prevent discrimination, harassment or retaliation, and failed to take corrective
7 action or to properly punish those who engaged in misconduct, to deter further such
8 actions.

9 167. As a direct and legal result of the conduct by Defendants towards Plaintiffs,
10 Plaintiffs have suffered economic and non-economic damages in a sum according to
11 proof at time of trial, and in excess of the minimum jurisdiction of this Court.

12 **XII. SIXTH CLAIM FOR RELIEF**
13 **VIOLATION OF BANE ACT**
[AS TO ALL DEFENDANTS]: CAL. CIV. CODE § 52.1

14 168. Each and every allegation set forth in the preceding paragraphs is incorporated
15 herein by this reference with the same effect as if realleged herein.

16 169. All defendants have engaged in a systematic effort through threats, intimidation,
17 and coercion to interfere, or retaliate for the exercise of, with Plaintiffs' rights under
18 state and federal law.

19 170. On or about November 2012, Deputy Camacho, while on-duty, advised that he
20 would "smash" or "bash" in Sexton's face.

21 171. On or about November 2012, Lt. Thompson's son, Deputy Matt Thompson, and
22 another LASD deputy cornered Sexton. The two men informed Sexton that "the
23 boss is aware that Rathbun and he testified in front of the grand jury." But the
24 "boss" did not think he would get indicted, yet Sexton and Rathbun will "answer"
25 for their testimony. Thompson's son and the other LASD employee delivered their
26 threat while on-duty and in uniform. Matt Thompson indicated that Sexton and
27 Rathbun would be physically harmed if they did not stop cooperating with law
28

1 enforcement and/or the press. On information and belief, the threat was conveyed at
2 the direction of Sheriff Baca, Undersheriff Tanaka, and/or Lt. Thompson.

3 172. Shortly thereafter, Deputies Manzo and Smith once again informed Sexton and
4 Rathbun that they would be dealt with soon for reporting illegal activities to law
5 enforcement as well as the press. The deputies indicated that Sexton and Rathbun
6 would be physically harmed if they did not stop cooperating with law enforcement
7 and/or the press.

8 173. The threats by Camacho, Thompson, Manzo, and Smith have been continuous. All
9 threats were at the direction or with the ratification of Sheriff Baca, Undersheriff
10 Tanaka, and/or Lt. Thompson.

11 174. Defendants made threats of violence against Plaintiffs causing Plaintiffs to
12 reasonably believe that if they exercised their statutory and/or constitutional rights,
13 Defendants would commit violence against them and that Defendants had the
14 apparent ability to carry out the threats. Rathbun and Sexton had witnessed
15 unjustified physical violence and other

16 175. coercive or intimidating conduct committed by these defendants. Thus, Plaintiffs
17 knew what deplorable acts these individuals were capable of doing.

18 176. Plaintiffs were harmed.

19 177. Defendants' conduct was a substantial factor in causing Plaintiffs' harm. In
20 addition to general and special damages, plaintiffs seek civil penalties, attorneys
21 fees and litigation costs against all defendants.

22 178. The actions of the individual defendants were despicable, vile, malicious and
23 oppressive. The defendants actions should not be tolerated by a civilized society.
24 As a result, all defendants *except the County which is statutorily immune* are
25 responsible for punitive and exemplary damages in a sum according to proof at time
26 of trial, and a sum sufficient to set an example and punish defendants for their
27 wrongdoing.

1 **XIII. SEVENTH CLAIM FOR RELIEF**
2 **VIOLATION OF PUBLIC SAFETY OFFICER'S PROCEDURAL BILL OF**
3 **RIGHTS (POBRA)**
4 **[AS TO DEFENDANT COUNTY]: CAL. GOV. CODE § 3300, et seq.**

- 5 179. Each and every allegation set forth in the preceding paragraphs is incorporated
6 herein by this reference with the same effect as if realleged herein.
7
8 180. At all relevant times, Plaintiffs were peace officers.
9
10 181. Plaintiffs have been forced to submit to interrogations without notice of the charges
11 and without legal representation, including within the last six months.
12
13 182. Defendant has taken putative action against Plaintiffs for their exercise of rights
14 given under POBRA.
15
16 183. On information and belief, Defendant has search Plaintiffs' storage or locker areas
17 with Plaintiffs' presence or knowledge.
18
19 184. Defendants violated POBRA as to Plaintiffs causing them damages. Plaintiffs seek
20 statutory civil penalties, attorneys fees, litigation costs and damages for all harm
21 caused to Plaintiffs by defendants. *See Cal. Gov. Code § 3309.5.*

22 **XIV. EIGHTH CLAIM FOR RELIEF**
23 **FIRST AMENDMENT RETALIATION**
24 **[AS TO DEFENDANTS BACA, G. THOMPSON, M. THOMPSON, CAMACHO]:**
25 **1st AMENDMENT, 42 U.S.C. §1983**

- 26 185. Each and every allegation set forth in the preceding paragraphs is incorporated
27 herein by this reference with the same effect as if realleged herein.
28
186. This action is brought pursuant to 42 U.S.C. §1983 for violation of Plaintiffs' rights
under the First Amendment.
187. Plaintiffs engaged in numerous activities protected under the First Amendment: (1)
free speech; (2) petition the government, etc.
a. Plaintiffs reported violations of state and federal law to the Los Angeles
Times and other media;
b. Plaintiffs filed complaints with the DFEH, the Labor Commissioner, and the
County of Los Angeles.

1 188. On or about April 2012, Sexton received a phone call from the LA Times on a
2 confidential work phone seeking information about Sexton, Rathbun, and various
3 issues. Sexton reported the contact to Lt. Leavins, who headed a second unit
4 involved in the Brown matter. Subsequently, Lt. Thompson learned that the LA
5 Times was contacting Sexton. Thompson regularly interrogated Sexton about media
6 contacts. Thompson informed Sexton that if either he or Rathbun spoke to the press,
7 then there would be serious consequences and they would regret it.

8 189. Since the summer of 2012, Plaintiffs regularly provided information to, and assisted
9 in various journalistic investigations by, the Los Angeles Times and other media,
10 including WitnessLA.

11 190. On or about July 2012, Plaintiffs provided the LA Times with information
12 regarding the Britton matter. That is, on or about February 2012, an informant told
13 Rathbun and Sexton that Deputy Joseph Britton, who was assigned to Men's
14 Central Jail, was engaged in illegal behavior in association with a powerful white
15 gang member (while on-duty and using his powers as a law enforcement official),
16 who was in charge of illicit activity at MCJ. Rathbun and Sexton provided a
17 confidential intelligence memorandum to Lt. Thompson. Moreover, Rathbun had
18 the powerful white gang member moved to high-powered housing. However, Lt.
19 Thompson leaked the confidential memorandum to Britton and others. Moreover,
20 Lt. Thompson and other LASD officials began to threaten and intimidate Rathbun
21 and Sexton.

22 191. On or about August 5, 2012, the LA Times published the article about the Britton
23 matter. David Rathbun, Michael's father, is quoted in the article.

24 192. Additionally, Plaintiffs provided similar information to WitnessLA, including
25 information about the close relationship between Lt. Thompson, and Undersheriff
26 Tanaka as well as their common "Viking" background. For instance, Lt. Thompson
27 is a close confidante of Undersheriff Paul Tanaka. Thompson, like Tanaka, is a
28

1 tattooed member of the “Vikings.” On or about 1991, the Hon. Terry Hatter found
2 the “Vikings” were a racist group of deputies who existed within the Los Angeles
3 County Sheriff’s Department and Lynwood Station. *Thomas v. County of Los*
4 *Angeles*, case no. CV 90-5217. Thompson was a named individual defendant in
5 *Thomas v. County of Los Angeles*. This group had terrorized minority members of
6 the general public by using unjustified force, fabricating evidence, and engaging in
7 cover-ups.

8 193. On or about August 5, 2012, WitnessLA ran its story on Rathbun and Sexton.

9 194. Shortly after the Los Angeles Times and WitnessLA articles, Sheriff Baca had
10 meetings with Rathbun and Sexton (separately). On information and belief, Baca
11 and other LASD officials knew or believed Rathbun and Sexton were providing
12 information to the Times. Baca feigned ignorance about the situation, which was
13 disingenuous since the internal investigation on Lt. Thompson reported to Baca.

14 195. Moreover, Baca imitated to Plaintiffs that the issue needed to be dealt “in-house.”
15 Baca dismissed the well-founded concerns out of hand and showed no inclination to
16 stop the threats and harassment of Plaintiffs.

17 196. On or about August 2012, Cmdr. Pietrantoni, an individual with a well-documented
18 history of racial insensitivity, interrogated Sexton and demanded to know whether
19 he and Rathbun were speaking to the press, the FBI, and anyone else. Pietrantoni is
20 very close to Sheriff Baca and was handpicked by him to review the jails. In fact,
21 Pietrantoni was about to retire when Baca suddenly promoted him to commander
22 and placed him in custody despite no requisite prior experience.

23 197. In August 2012, Sexton was unjustifiably chastised by one of the IA investigators
24 from the Thompson investigation during a training session at Men’s Central Jail.
25 Moreover, LASD personnel spoke openly (and critically) about the LA Times
26 article, which they attributed to Rathbun and Sexton.

27 198. On or about August 2012, Sexton went to Century Station to book evidence. Sexton
28

1 was incessantly harassed by LASD personnel in retaliation for his whistleblower
2 activities, as well as to threaten, coerce and intimidate Sexton.

3 199. On or about late summer 2012, Plaintiffs began providing information to the LA
4 Times about the Anthony Brown situation. Specifically, on or about August 2011,
5 Lt. Thompson ordered Rathbun, Sexton, and other members of OSJ to transfer and
6 hide a specific inmate, Anthony Brown. Rathbun and Sexton learned that the
7 inmate was being hidden from the Federal Bureau of Investigation. Brown was an
8 FBI informant, tasked with reporting misconduct and any wrongdoing by LASD in
9 the jails. On information and belief, the order to hide Anthony Brown came from
10 Sheriff Baca and Undersheriff Tanaka in an effort to obstruct a federal
11 investigation. Based on information and belief, the actions of Tanaka were under
12 the direction and command of Baca. Increasingly, Thompson ordered OSJ to
13 engage in activities meant to “keep the FBI out of the jails.” In fact, discussions
14 were held about wiring interview rooms when FBI agents or informants were
15 present. On information and belief, Thompson was carrying out the directives of
16 Sheriff Baca and Undersheriff Tanaka.

17 200. The same information was also provided to Witness LA.

18 201. On or about late 2012, Plaintiffs provided information to WitnessLA about deputy
19 gang cliques, such as “Vikings.” Deputy gang cliques were now also the subject of
20 a federal grand jury.

21 202. On or about October 2012, LASD personnel attempted to write up Sexton for bogus
22 charges.

23 203. On or about late 2012, Rathbun’s vehicle was vandalized.

24 204. In late 2012 and continuing, high-ranking LASD officials expressed concern Lt.
25 Thompson may attempt to kill Sexton and Rathbun. These continuing threats
26 continue to the present and resulted in significant damages, including the cost of
27 several safety precautions.

1 205. In late 2012, IA investigator Bracken attempted to write up Sexton for
2 insubordination because he failed to appear at an interview that he was never
3 notified about. This harassing conduct in violation of the POBR was in retaliation
4 for Sexton's First Amendment activities and in retaliation for his whistleblowing
5 activities.

6 206. On or about November 2012, Lt. Thompson's son, Deputy Matt Thompson, and
7 another LASD deputy cornered Sexton. The two men informed Sexton that "the
8 boss is aware that Rathbun and he testified in front of the grand jury." But the
9 "boss" did not think he would get indicted, yet Sexton and Rathbun will "answer"
10 for their testimony. Thompson's son and the other LASD employee delivered their
11 threat while on-duty and in uniform. Matt Thompson indicated that Sexton and
12 Rathbun would be physically harmed if they did not stop cooperating with law
13 enforcement and/or the press. On information and belief, the threat was conveyed at
14 the direction of Sheriff Baca, Undersheriff Tanaka, and/or Lt. Thompson. The
15 threat was meant to intimidate, coerce and threaten plaintiffs for exercising their
16 First Amendment Rights of free speech and association and in retaliation for their
17 whistleblower activities.

18 207. Shortly thereafter, Deputy Manzo and Deputy Gerard Smith once again informed
19 Sexton and Rathbun that they would be dealt with soon for reporting illegal
20 activities to law enforcement as well as the press. The deputies indicated that
21 Sexton and Rathbun would be physically harmed if they did not stop cooperating
22 with law enforcement and/or the press. Additionally, Manzo and Smith asserted that
23 Rathbun and Sexton's careers were over. Manzo and Smith are very close to Lt.
24 Thompson.

25 208. Lt. Thompson, Manzo, and Smith were all personally involved with the Anthony
26 Brown situation.

27 209. Routinely, the press cross-checks its stories with other sources. The LA Times, as
28

1 part of its investigation into the Anthony Brown situation, reached out to contacts
2 within the LASD about the information provided by Rathbun and Sexton. Given a
3 limited number of people were involved in the Brown situation, especially the
4 specifics of the underlying operation, it was apparent to LASD officials, including
5 Thompson and other OSJ deputies, that Rathbun and Sexton were providing
6 information to the press, especially coupled with their grand jury testimony.

7 210. In December 2012, the LA Times and WitnessLA run articles about Anthony
8 Brown.

9 211. In December 2012, Witness LA ran its article on deputy gangs and the federal grand
10 jury inquiry into the subject matter.

11 212. In late 2012/early 2013, Sheriff Baca was at a luncheon for Chief Sexton. Plaintiff
12 Sexton was present. Baca stated that all press leaks occur on the deputy level and
13 executives knew how to keep quiet.

14 213. In late 2012/early 2013, portions of Sexton's personnel file were publicly
15 disseminated. Similarly, portions of Chief Sexton's personnel file were also
16 publicly disseminated. Both files are confidential and only accessible by LASD
17 officials. Dissemination of such information violates the Penal Code and also the
18 POBR. The Sheriff's Department has a custom and practice of keeping
19 information confidential except where employees, like the plaintiffs herein, use
20 their First Amendment Rights and disclose acts of wrongdoing or violations of law
21 (including harassment).

22 214. In early 2013, Sexton provided information about Deputy Camacho to the LA
23 Times. Namely, Sexton reported that Camacho was regularly abusive toward an
24 inmate informant, saying the informant and other inmates were "routinely assaulted,
25 intimidated, and threatened with violence" by Camacho. For example, Camacho
26 escorted the informant into a custodial closet at the Inmate Reception Center
27 custody line, and lectured him about "proper inmate behavior" while punching him
28

1 in the ribs. Per Sexton, Camacho routinely threatened to send the informant back to
2 general population, an area informants are often kept from to protect them from
3 retribution by other inmates.

4 215. Shortly after Camacho was contacted by the press, he again reiterated his intention
5 to bodily harm Sexton.

6 216. On or about March 2013, high-ranking LASD officials recommended that Rathbun
7 be terminated.

8 217. Rathbun and Sexton have each been targets of bogus IA investigations, which are
9 merely meant to ruin their careers further. In fact, Rathbun and Sexton have been
10 involved in four internal investigations each. The LASD has a practice and pattern
11 of using internal investigations to retaliate against employees. Sheriff Baca and
12 others put into place such practices and used it extensively against Plaintiffs.

13 218. On or about April 2013, Rathbun and Sexton filed complaints with the DFEH,
14 County of Los Angeles, and Labor Commissioner. On or about April 2013,
15 Plaintiffs filed a federal lawsuit alleging civil rights, FEHA, and other violations.

16 219. Subsequently, LASD reopened the IA involving Rathbun's DUI even though the
17 investigation had already been completed. LASD officials indicated Rathbun would
18 be terminated. These actions were in retaliation for Rathbun's exercising his First
19 Amendment Rights and in retaliation for his whistleblower activities.

20 220. Sexton continues to request transfers out of custody, but the requests continue to be
21 denied.

22 221. Nevertheless, Sexton's ability to do his job has been seriously hampered. Sexton is
23 deprived of resources given to others. Moreover, Sexton had job duties taken away
24 including the ability to perform investigations.

25 222. In addition to the above, Defendants have retaliated in additional ways including,
26 putative transfers, denial of transfers, threats of bodily harm (either directly or
27 through agents), intimidation, coercion, harm to reputation, diminished chances for
28

1 promotions and better assignments, etc. (as stated more fully above).

2 223. Defendants Baca, Lt. Thompson, Deputy Thompson and/or Camacho acted under
3 color of law at all applicable times herein.

4 224. The acts of Baca, Lt. Thompson, Deputy Thompson and/or Camacho's
5 subordinates deprived Plaintiffs of their rights under the laws of the United States
6 and the Constitution.

7 225. Baca and/or Lt. Thompson directed their subordinates in the acts that deprived
8 Plaintiffs of their rights; or Baca and/or Lt. Thompson set in motion a series of acts
9 by subordinates that they knew or reasonably should have known would cause the
10 subordinates to deprive the plaintiffs of these rights; or Baca and/or Lt. Thompson
11 knew, or reasonably should have known, that their subordinates were engaging in
12 these acts and that their conduct would deprive the plaintiffs of these rights; and
13 Baca and/or Lt. Thompson failed to act to prevent their subordinates from engaging
14 in such conduct.

15 226. Plaintiffs' protected speech/conduct or chilling the plaintiffs' protected
16 speech/conduct was a substantial or motivating factor for the defendants' actions.

17 227. Plaintiffs suffered personal and bodily injuries, and during said time they suffered,
18 and continue to suffer, severe emotional and psychological pain, suffering, anxiety,
19 depression, anguish, shock, and fear. Further, Plaintiffs will likely be required to
20 hire medical specialists for treatment and therapy for their injuries. Plaintiffs have
21 experienced or likely will suffer with a significant loss of wages and a significant
22 loss of their ability to obtain and maintain gainful employment as a proximate result
23 of the misconduct of all defendants.

24 228. Because the acts and omissions of defendants and each of them were carried out in
25 a deliberate, cold, callous, intentional and/or unreasonable manner, causing injury
26 and damage to plaintiffs as set forth above, and done with a conscious disregard of
27 Plaintiffs' rights and safety, plaintiffs request the assessment of punitive damages
28

1 against these defendants in an amount appropriate to punish or set an example of
2 these Defendants. There are no punitive damages sought against the County which
3 is statutorily immune.

4 **XV. MUNICIPAL LIABILITY FOR VIOLATION OF CONSTITUTIONAL**
5 **RIGHTS**
6 **[AS TO DEFENDANTS BACA & COUNTY OF LOS ANGELES]**

7 229. Each and every allegation set forth in the preceding paragraphs is incorporated
8 herein by this reference with the same effect as if realleged herein.

9 230. This action is brought pursuant to 42 U.S.C. §1983 for violation of Plaintiffs' rights
10 under the First, Fourth and Fourteenth Amendments.

11 231. As indicated in Section III above, all Defendants, acting within the course and
12 scope of their duties as peace officers of the Los Angeles County Sheriff's
13 Department, deprived Plaintiffs of their rights to free speech as delineated herein
14 above, and thereafter in violation of Plaintiffs' due process rights proceeded to
15 make threats, falsify evidence, undertake adverse employment actions and harm the
16 reputation of Plaintiffs so as to ensure that Plaintiffs would be harmed.

17 232. At the time of these constitutional violations, defendants BACA and COUNTY OF
18 LOS ANGELES and DOES 19 through 20 had in place, and had ratified customs
19 and practices which permitted and encouraged their deputies to unjustifiably,
20 unreasonably and in violation of the First, Fourth, and Fourteenth Amendments, to
21 threaten, retaliate, and take adverse actions against individuals who engaged in
22 protected activities such as free speech, reporting unlawful conduct, and opposing
23 illegal activities.

24 233. The acts of the individually named Defendants herein were undertaken pursuant to
25 policies established and instituted by Defendant Baca acting in his official capacity
26 as the Sheriff of Los Angeles County and the County of Los Angeles.

27 234. Defendants BACA and COUNTY OF LOS ANGELES and DOES 19 through 20
28 have a custom and/or unwritten policy of retaliating against employees who file

1 complaints and/or exercise their First Amendment rights.

2 235. Employment actions in the LASD are regularly dictated by First Amendment
3 activities, or lack thereof. For instance, individuals who contribute money to Sheriff
4 Baca or support him for Sheriff are given promotions and better assignments.
5 Undersheriff Tanaka operated a parallel pay for play system when he was still at the
6 Department.

7 236. For instance, after Sgt. Patrick Gomez, criticized the LASD and opposed Baca, he
8 was continually passed over for promotion, placed in a dead-end assignment,
9 targeted with retaliatory internal investigations, and denied equal treatment in the
10 workplace.

11 237. After Capts. Raymond Leyva and Joaquin Herran complained about discrimination
12 towards Hispanics at LASD, they were continually passed over for promotion,
13 given dead-end assignments, targeted with retaliatory internal investigations, and
14 denied equal treatment in the workplace.

15 238. After Undersheriff Paul Tanaka openly spoke out against Sheriff Baca, numerous
16 Tanaka-connected LASD members have been moved to dead-end assignments, and
17 target with retaliatory (even criminal) investigations because of their perceived
18 political support for Tanaka.

19 239. Routinely, deputy gang cliques are used by LASD executives to squelch any
20 dissension and silence critics or whistleblowers. Often these gangs use physical
21 violence or threaten to use physical violence.

22 240. This pattern and practice was identified and documented by various entities
23 including the ACLU, U.S. Department of Justice, Kolts Commission, Office of
24 Independent Review, Merrick Bobbs, and the Commission on Jail Violence.

25 241. Deliberate indifference to the civil rights of victims of the LASD's unlawful
26 employment practices, use of threats/intimidation/coercion, falsified evidence,
27 retaliatory internal investigations, and false and perjurious testimony was also
28

1 evidenced by said defendants by their ignoring of the history and pattern of prior
2 civil lawsuits alleging civil rights violations, similar to those alleged herein, arising
3 from such misconduct and the related payment of judgments to such individuals.

4 242. Deliberate indifference to the victims of the LASD's unlawful employment
5 practices, use of threats/intimidation/coercion, falsified evidence, false and
6 misleading internal investigations and false and perjurious testimony was also
7 evidenced by said defendants implementing a practice and custom within the Los
8 Angeles County Sheriff's department of permitting officers of the Los Angeles
9 County Sheriff's department to engage in unlawful activities while on duty, such as
10 the theft and sale of narcotics and drugs, theft, assaults, batteries, and other crimes
11 of moral turpitude.

12 243. As a result of the aforementioned acts, omissions, systematic deficiencies, customs
13 and practices, defendants and Does 1-20, developed and implemented a plan to
14 retaliate against Plaintiffs.

15 244. Plaintiffs suffered personal and bodily injuries, and during said time they suffered,
16 and continue to suffer, severe emotional and psychological pain, suffering, anxiety,
17 depression, anguish, shock, and fear. Further, Plaintiffs will likely be required to
18 hire medical specialists for treatment and therapy for their injuries. Plaintiffs have
19 experienced or likely will suffer with a significant loss of wages and a significant
20 loss of their ability to obtain and maintain gainful employment as a proximate result
21 of the misconduct of all defendants.

22 WHEREFORE, Plaintiffs pray for the following:

- 23 1. Special damages including but not limited to: Loss of earnings and back pay
24 including any increased tax liability thereon;
- 25 2. Loss of future earnings, promotions, opportunities to promote, front pay and all
26 other employment benefits, such as pension rights;
- 27 3. All other lost pension, insurance and other employment benefits;

- 1 4. Medical, hospital and psychological bills, including past, present and future bills;
- 2 5. General damages (pain, suffering, emotional distress and other non economic
- 3 damages);
- 4 6. Punitive damages against the individual defendants only.
- 5 7. Litigation costs;
- 6 8. Attorneys fees;
- 7 9. Civil Penalties as authorized by statutes set out herein above;
- 8 10. Interest;
- 9 11. Damages for lost reputation;
- 10 12. Damages for increased income tax payments based on for example, payment of lost
- 11 wages and earnings at one time, rather than over a period of years which results in a
- 12 higher tax rate on the plaintiffs and thus results in a lower net pay, and increased
- 13 payment of taxes, as well as a lost of interest and loss of use of those funds ; and
- 14 13. Any other relief or damages allowed by law, or statutes not set out above and such
- 15 further relief as the Court deems just and proper at conclusion of trial.

16
17 Dated: August 12, 2013

Respectfully Submitted,
Law Offices of Goldberg & Gage
A Partnership of Professional Law Corporations

18
19 By /s/Milad Sadr
Bradley C. Gage
Milad Sadr
Attorneys for Plaintiffs

20
21
22 O:\R\RATHBUN & SEXTON V. COUNTY OF LOS
23 ANGELES\PLEADINGS\COMPLAINT\FAC\08-12-13 fac final.wpd

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is 23002 Victory Blvd., Woodland Hills, California, 91367.

On **August 12, 2013**, I served the foregoing document described as **FIRST AMENDED COMPLAINT** on the interested parties in this action by placing ___ the original X a true copy thereof in sealed envelopes addressed as follows:

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ATTORNEY FOR DEFENDANT: GREG THOMPSON

X **BY MAIL:** I am "readily familiar" with the firm's practice for collecting and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such envelope(s) were placed for collection and mailing with postage thereon fully prepaid at Woodland Hills, California, on that same day following ordinary business practices.

___ **BY FACSIMILE:** At or before 6:00 p.m., I caused said document(s) to be transmitted by facsimile. The telephone number of the sending facsimile machine was (818) 340-9088. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. The document was transmitted by facsimile transmission, and the sending facsimile machine properly issued a transmission report confirming that the transmission was complete and without error.

___ **BY OVERNIGHT DELIVERY:** I deposited such document(s) in a box or other facility regularly maintained by the overnight service carrier, or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier with delivery fees paid or provided for, addressed to the person(s) being served.

1 Executed on **August 12, 2013** at Woodland Hills, California.

2 ____ (STATE) I declare under penalty of perjury that the foregoing is true and correct.

3 X (FEDERAL) I declare that I am employed in the office of a member of the bar of
4 this court at whose direction the service was made.

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6 Christina Lara

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