

1 NA'IL BENJAMIN, ESQ., (SBN 240345)  
2 BENJAMIN LAW GROUP  
3 101 California Street, Suite 2710  
4 San Francisco, California 94111  
5 Telephone: (415) 633-8833  
6 Facsimile: (415) 349-3334  
7 nbenjamin@benjaminlawgroup.com

8 Attorney for Plaintiffs  
9 JONA TRBOVICH and SHONDA SANTOS

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 JONA TRBOVICH, an individual; and )  
14 SHONDA SANTOS, an individual, )  
15 Plaintiffs, )

16 v. )

17 COUNTY OF SANTA CLARA, a public )  
18 entity, DOUGLAS ULRICH, an individual, )  
19 and MICHAEL MORIN, an individual, and )  
20 DOES 1 - 100, inclusive )  
21 Defendants. )

CASE NO.: \_\_\_\_\_

**COMPLAINT FOR DAMAGES FOR:**

- 1. **VIOLATION OF CIVIL RIGHTS (TITLE VII);**
- 2. **VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT & HOUSING ACT (FEHA);**
- 3. **VIOLATION OF 42 U.S.C. SECTION 1983;**
- 4. **SLANDER;**
- 5. **VIOLATION OF CALIFORNIA CONSTITUTION ARTICLE I, SECTION 31;**
- 6. **VIOLATO OF 42 U.S.C. SECTION 1981;**
- 7. **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;**
- 8. **NEGLIGENT TRAINING AND SUPERVISION**

**DEMAND FOR JURY TRIAL**

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

**INTRODUCTION**

This action arises from Plaintiffs' employment relationship with Defendants. Plaintiffs JONA TRBOVICH, an individual; and SHONDA SANTOS, an individual, (collectively "Plaintiffs"), seek redress against the COUNTY OF SANTA CLARA, a public entity, Douglas Ulrich, an individual, Michael Morin, an individual, and DOES 1-100, ("Defendants"), inclusive, and each of them, as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction of this action under 28 U.S.C. §1331 because the matter in controversy exceeds \$75,000, exclusive of interest and costs, and arises under federal law.
2. Venue is proper in the Northern District of California pursuant to 28 U.S.C. §1391(b)(1) because Defendants reside within this judicial district, and/or the events or omissions giving rise to this action occurred in this judicial district.

**THE PARTIES**

3. Plaintiff Jona Trbovich, a woman, is an individual previously employed as a Correctional Officer for the County of Santa Clara.
4. Plaintiff Shonda Santos, a woman, is an individual currently employed as a Correctional Officer for the County of Santa Clara.
5. Defendant County of Santa Clara is a public entity responsible for controlling, managing, maintaining, and complying with all laws that relate to public entities and the Santa Clara County Jail (the "Jail"). The County also employs the Correctional Officers and the Sheriffs hired to work at the Jail.
6. Defendant Douglas Ulrich is an individual employed as a Sergeant at the Jail.
7. Defendant Michael Morin is an individual employed as a Sergeant at the Jail.

**STATEMENT OF FACTS**

8. The Santa Clara County Sherriff's Department has a long-standing history of treating its female deputies like sexual objects. For at least the last two decades, male deputies have enjoyed the privilege of exercising dominion over the working environment. That privilege has included acting with impunity when using derogatory terms about women, propositioning

1 female deputies for sexual favors, requesting female deputies to perform sexual acts in the  
2 workplace, speaking to inmates about having sex with female deputies, accusing female deputies of  
3 having sex with inmates, openly discussing their desires to sleep with their female colleagues,  
4 pressuring female deputies to have sex with them in exchange for career support, and ostracizing  
5 and further demeaning female deputies that do not acquiesce to their sexual desires.

6 9. The male deputies typically band together to support each other's lies about their  
7 workplace behavior. This is true for the married men, along with the unmarried men.

8 10. As described in detail below, the County's policy, practice, and custom of  
9 mistreating female officers in the Sheriff's department spans at least 18 years. Indeed, this is the  
10 *culture* of the Santa Clara County's Sherriff's Department ("Department"). It is well known,  
11 accepted, uninvestigated, common, and typical for male officers to commit the actions described  
12 above and in more detail below. Female officers that sought promotion more than 18 years ago  
13 were either forced to sleep with superior officers, or otherwise subjected to a coercive environment  
14 pressuring them to sleep with superior officers. In fact, for more than 18 years, male superior  
15 officers are known to explicitly tell female officers that they needed to sleep with a male superior  
16 officer if they wanted to be promoted. These facts were told to Plaintiffs Trbovich and Santos soon  
17 after they were hired. This conduct was ratified by higher-ranking male officers, and the Sherriff  
18 did not stop the conduct, adequately investigate the conduct, discipline officers for this conduct, or  
19 take any action establishing that this was not the custom, policy, or practice of the Sherriff's  
20 department.

21 11. The Sherriff's actions and inaction ratified this longstanding culture of disrespecting,  
22 demeaning, and degrading female Officers.

23 12. In around 1997, female officer Dana Newell filed a sexual harassment complaint  
24 against John West, a male officer that she accused of grabbing her breasts.

25 13. Newell will explain that the Department began to retaliate against her by assigning  
26 her to undesirable locations, following her around, creating reasons to write her up, scrutinizing her  
27 work, and constantly applying unwarranted pressure to her daily working conditions. As an  
28

1 Officer in a jail tasked with violent sex offender, the Department's treatment became unbearable for  
2 Newell. As a result of this turmoil and pressure, she dropped her lawsuit and complaint.

3 14. West, however, was not disciplined as a result of her complaint. West was  
4 subsequently promoted.

5 15. As a further example, on information and belief, around 2005, Lorie Sills was  
6 forced to have sex with more than one superior Officer during a former Assistant Chief's retirement  
7 party. She was told she needed to sleep with numerous Assistant Chiefs and several Captains if she  
8 wanted to promote from being an Acting Lieutenant to a permanent Lieutenant.

9 16. On information and belief, after being subjected to this sexual abuse, the new Chief,  
10 and other Captains, used their influence over her career and required her to have sex with them  
11 while on duty. This meant that Sills came to work each day – knowing that other male and female  
12 Officers were watching – expecting *at least* one of her male superiors to summons her to their  
13 office or some other location for sexual favors.

14 17. These higher-ranking Officers abused their power by forcing her to sleep with them  
15 with the threat of reducing her rank and decreasing her job security. However, after abusing her  
16 over a period of time, they still decided not to promote her to the rank of Lieutenant.

17 18. Sills ultimately filed a complaint with internal affairs. Jose Santiago, a Lieutenant  
18 in Internal Affairs, accepted and believed her complaint. He made a report to the Board of  
19 Supervisors because he did not trust the Chief with the complaint.

20 19. Santiago was ultimately black-balled for reporting Sills's complaint to the Board of  
21 Supervisors and unlawfully denied promotions from that day forward. He filed a lawsuit alleging  
22 retaliation, but died before being able to resolve his claims.

23 20. In the meantime, the County settled Sills's complaint. But none of the accused  
24 higher ranking officers were ever disciplined for their conduct. Instead, several of them were  
25 subsequently promoted.

26 21. There are numerous additional examples of women being sexually harassed by male  
27 superior officers before, between, and after the Newell and Sills incidents. And there is an equal  
28 number of examples of the Department ratifying that conduct by failing to properly investigate the

1 allegations and failing to discipline the harassers. More importantly, there is an equal number of  
2 examples of the Department retaliating against the women that complain about sexual harassment.

3 22. The Department's actions against female Officers that complain about sexual  
4 harassment have served as additional acts of creating a hostile work environment, as well as  
5 adverse employment actions. Those acts are threatening, oppressive, coercive, and controlling.  
6 Consequently, those acts intensify the degree of hostility, fear, and anxiety that female Officers  
7 experience in the Department.

8 23. The facts relating to Plaintiff Trbovich further exemplifies the manner in which the  
9 County ratifies sexual harassment, continues to create a hostile work environment for women that  
10 complain of sexual harassment, and retaliate against women that complain of sexual harassment.

11 24. As described below, Plaintiff Trbovich began experiencing sexual harassment  
12 during her time in the academy in 1995. She was told about her sexually appealing appearance,  
13 complimented in a manner that included sexual interest, and made aware of male interest in her  
14 sexually.

15 25. Over the years, she overheard male officers speaking with her peers and superiors  
16 about wanting to have sex with her.

17 26. She was also told by inmates that she supervised that her fellow officers, including  
18 superiors, talked with them about wanting to "fuck her." And some inmates told her that her  
19 superior officers encouraged them to try to have sex with her while explaining that they themselves  
20 wanted to sleep with her. Trbovich supervised inmates that were convicted of rape and child  
21 molestation. These comments made her a sexual target for sex offenders.

22 27. Some officers told her directly, in a crude manner, that they wanted to "fuck her." A  
23 couple of years ago, another officer asked Trbovich to send him a picture of her breasts.

24 28. Other officers harassed her, ostracized her, and ridiculed her because she had a  
25 relationship with an African American man. These officers were not African American, so they  
26 made racial and disparaging remarks about African Americans.

27 29. Plaintiff Trbovich was asked, "when will you give us white guys a chance," and  
28 whether it was true that the white guys could not sleep with her because she was interested in only

1 African American men. Through the years, male officers made these types of statements to  
2 Plaintiff Trbovich dozens of times.

3 30. Amongst the officers that spoke with inmates about having sex with Trbovich is  
4 Defendant Sergeant Douglas Ulrich ("Ulrich"). He wrongfully accused her of sleeping with  
5 African American inmates and repeated these accusations to inmates as well as officers.

6 31. He followed her throughout the jail, looked for her when she was off duty, enlisted  
7 other officers to spy on her and report to him what she was doing, and otherwise displayed  
8 "stalking" behavior and signs of infatuation with Plaintiff Trbovich.

9 32. In fact, Ulrich used other Sergeants to follow Trbovich while she was on duty.  
10 Ulrich's conduct caused concern for the other female officers that used to have lunch with Trbovich  
11 and workout with her during their breaks. Ulrich's stalking behavior, and his use of other Sergeants  
12 to join in the action, caused Trbovich's female co-workers to abandon her and avoid her so that  
13 they did not also become the subject of his stalking and harassing behavior.

14 33. Trbovich found her self alone, and often times eating lunch alone. She lost the  
15 cover and protection of being in a group when Ulrich and other officers were on the prowl. As a  
16 result, she began hiding in the women's bathroom to avoid Ulrich and the other Sergeants.

17 34. Needless to say, Plaintiff Trbovich did not enjoy Ulrich's attention and his extra  
18 efforts to look at her. Instead, she filed a sexual harassment complaint about his conduct.

19 35. Trbovich's complaint infuriated Ulrich and caused him to further target Trbovich  
20 and make her life miserable. He continued his conduct, threatened inmates if they did not agree to  
21 go along with his plot to discredit and harm Plaintiff Trbovich, and he continued to harass Plaintiff  
22 Trbovich by giving her dirty looks, calling her name in a sexually suggestive and demeaning  
23 manner, and making sex-related comments to inmates about her.

24 36. Ulrich's extreme conduct included setting inmates up to make them seem as if they  
25 were "snitching," changing inmates' unit assignments so that he could have better influence and  
26 control over inmates that he wanted to do his dirty work.

27 37. Ulrich also pursued terminating Trbovich for false reasons; including accusing her  
28 of providing inmates with drugs and sleeping with inmates. Notably, on information and belief,

1 officer Moreen Romero was believed and rumored to be sleeping with an inmate. In fact, a  
2 different inmate confirms that he served as a "lookout" when the two inmates were out of their cells  
3 as Trustees performing various cleaning duties. During those times, Romero was believed and  
4 understood to be engaging in sexual activity with the other inmate. Romero is also believed to  
5 have brought a cell phone for this inmate to use.

6 38. On information and belief, this inmate was also believed and understood to be  
7 having sexual encounters with another female Sergeant named Shelly Quadros. Quadros is  
8 believed and understood to be responsible for bringing home cooked meals, books, protein powder,  
9 and other food supplements to this inmate. There are also phone records of collect calls made from  
10 the jail to Quadros. But certain steps have been taken to tamper with cameras and recorded video  
11 of the jail in order to hide these events, as well as other events described herein.

12 39. Ironically, the internal "suspicions" about how these inmates received cell phones  
13 did not result in pursuing terminating Romero. Instead, she was relocated to a different floor but  
14 she was neither disciplined nor terminated. Romero's facts would have had a different outcome if  
15 Ulrich or the other Sergeants were sexually interested in her.

16 40. Trbovich, on the other hand, continued to be the subject of Ulrich's investigation  
17 because she was not interested in him sexually. Additionally, Ulrich went so far as to threaten  
18 inmates with reprisals if they did not agree to tell lies about Trbovich and state that they had sex  
19 with her.

20 41. This disparate treatment is noteworthy given that Ulrich attempted to manufacture  
21 evidence against Trbovich because of her disinterest in him, but the Department ignored evidence  
22 relating to Romero and Quadros even after finding the cell phones in the areas that certain inmates  
23 were allowed to frequent as trustees. In other words, the Department opted not to fully investigate  
24 and punish Romero and Quadros for having sex with inmates while on duty, but it went to great  
25 lengths to manufacture evidence and discredit Trbovich because she rebuffed sexual advances and  
26 complained of sexual harassment.

27 42. Ulrich ultimately made a decision to recommend terminating Trbovich for reasons  
28 unrelated to any of the alleged reasons for which he was investigating her.

1           43. As discussed above, Ulrich also harassed Santos. She filed a complaint against him  
2 in January 2013. The Department did not respond to her complaint. It ignored it. The Department  
3 did not speak with Santos about her concerns, it did not investigate her allegations, and it did not  
4 take any actions against Ulrich.

5           44. That was not the first time Santos complained of sexual harassment and had the  
6 Department display its indifference to complaints against males of sexual harassment.

7           45. In the mid 1990's, at the beginning of Santos's career, she was forced to work with  
8 an officer that sexually assaulted her twice. The first time, this officer used both hands to palm and  
9 squeeze both of her buttocks. She complained to her Sergeant, but he did not take any action  
10 against him.

11           46. Later, given that this officer was not disciplined or even investigated, he stuck his  
12 hands between her legs and touched her vagina. When she reported it, the Internal Affairs  
13 investigators questioned her about what she did to make him feel like he could violate her body.  
14 They turned Santos, the victim, into the wrongdoer. Consequently, they victimized her again with  
15 this treatment.

16           47. Moreover, after filing these complaints, male officers often told her that they knew  
17 she reported the other officer, and that they were not going to help her if she was ever being  
18 harmed by an inmate.

19           48. Sergeant Morin was another superior that sexually harassed Santos. On one  
20 occasion, in early 2000, while in the presence of another officer, Morin pulled Santos into an office  
21 and demanded that she take off her shirt and reveal her breasts.

22           49. Morin continued his sexual harassment on a regular basis, and continues to do so to  
23 this day. For at least the last 10 years, Morin has told Santos she was hot, he wanted to "fuck her,"  
24 that he was good at "licking p\*\_\_\_," that he loved her body, that she should let him "have her just  
25 once," and he also showed her a picture of his penis. In July 2014, he stated that he was retiring  
26 soon, so she should at least let him "lick [her] p\*\_\_\_" since she won't let him do her.



1           50.     With the exception of the incident where Morin presented a picture of his penis,  
2 Morin regularly made these comments in front of other Sergeants and officers. And he made these  
3 comments in front of male and female officers.

4           51.     Morin also required her to rub and massage his neck in the workplace.

5           52.     Also in July 2014, Morin had been contacted by another Sergeant and told that  
6 Santos came to work in "a hot white dress." Santos was in the women's locker room changing into  
7 her uniform, and Morin came to the locker room. He opened the door, and stood in the doorway  
8 pleading for Santos to come back out in the "hot white dress." He continued his plea for at least  
9 five minutes as Santos continued to change into her uniform.

10          53.     Another female officer that was in the women's locker room at that time told him:  
11 "she's already changed in her uniform already, Searge!" But he still continued to ask her to change  
12 back into the dress so that he could see it.

13          54.     Morin's brazen behavior and comfort with opening the door to the women's locker  
14 room, and parking himself there, evidences the impunity with which male officers operated when  
15 sexually harassing female officers.

16          55.     Trbovich and Santos are not the only female officers that Morin and other male  
17 Sergeants and officers treated like sexual objects. Officer Murphy was also consistently asked by  
18 male Sergeants to sleep with them. She told Santos about these experiences, and she is believed to  
19 have told other female officers about this mistreatment.

20          56.     Trbovich and Santos heard of these experiences, and experienced them first hand,  
21 throughout their 20 year careers. Again, when they were first hired, two female Sergeants told  
22 them that because they were cute, and had nice shapes, they would have to sleep with male  
23 superiors if they wanted to promote.

24          57.     The women that advised Trbovich and Santos of these realities were forced to sleep  
25 with male officers during their career.

26           ///

27           ///

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

**FIRST CAUSE OF ACTION**

**(Violation of the Civil Rights Act of 1964, 42 U.S.C. §§2000 et seq.)**

**(Based on Sexual Harassment, Gender Discrimination, and Wrongful Termination)**

58. Plaintiff Trbovich started working as an officer for the County of Santa Clara in September 1995. She first experienced the type of sexual harassment described above during her time in the academy. This harassment continued through her last day on duty in September 2012.

59. For example, when she first started working for the County, the male officers were taking bets about which of them would be the first to "fuck her." Newer officers joined in that pressure and continued to create a hostile working environment by talking about wanting to have sex with her, asking inmates if they had sex with her, and telling inmates that they wanted to have sex with her. Defendant Ulrich, although married, is one of those officer that started working at the County after Plaintiff Trbovich, but made these types of comments about Plaintiff.

60. Ulrich also followed Plaintiff Trbovich throughout her shifts, enlisted other officers to do the same, spoke to her in a demeaning way when she did not convey sexual interest in him, stared at her in provocative as well as harassing and condescending manners, and committed numerous other actions that made her environment uncomfortable, hostile, stressful, and very difficult with work within. Ulrich committed these actions, and others, through Plaintiff Trbovich's last date on duty, and during the time between her last day working and her confirmed date of separation from her employment.

61. The allegations set forth above in paragraphs 1-60 are incorporated herein and set forth in full with respect to Plaintiffs Trbovich and Santos.

62. By doing the things described above, Defendants harassed and discriminated against Plaintiffs on the basis of their gender. And they terminated Trbovich because of her gender and her complaints about said behavior.

63. Additionally, Defendants sought to punish Plaintiffs for their complaints by assigning them to more dangerous assignments, subjecting them to trumped-up discipline and other discipline for alleged conduct that was far less actionable than the conduct of male and other female employees, creating unsafe working conditions, and terminating Trbovich.

1 64. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered  
2 special damages in the form of lost earnings, benefits and/or out-of-pocket expenses in an amount  
3 according to proof at trial. As a further direct and proximate result of Defendants' conduct,  
4 Plaintiff will suffer additional special damages in the form of lost future earnings, benefits and/or  
5 other prospective damages in an amount according to proof at trial.

6 65. As a further proximate result of the wrongful conduct of Defendants, Plaintiff has  
7 suffered and continues to suffer humiliation, lack of self-confidence, embarrassment, emotional  
8 distress and mental anguish, all to his damage in an amount according to proof at the time of trial.

9 66. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,  
10 and in the conscious disregard of the rights of Plaintiff, and Plaintiff is therefore entitled to punitive  
11 damages in an amount according to proof at the time of trial. Plaintiff is entitled to costs and  
12 reasonable attorney's fees pursuant to the statutes referenced herein.

13 67. Plaintiffs filed timely complaints with the Department of Fair Employment and  
14 Housing and the Equal Employment Opportunity Commission. Trbovich filed her applicable  
15 complaints and subsequent lawsuit following the exhaustion of her internal and administrative  
16 remedies under the doctrine of equitable tolling. An arbitrator found merit to some of the  
17 allegations raised herein and stated as much in an arbitration decision issued in March 2014.  
18 Accordingly, Plaintiffs received right to sue notices from the EEOC in July and August 2014.

19 **SECOND CAUSE OF ACTION**

20 **(Violation of the California Fair Employment & Housing Act (FEHA)**  
21 **(Based on Sexual Harassment, Gender Discrimination, Retaliation, and Wrongful**  
22 **Termination)**

23 Plaintiffs incorporate paragraphs 1 through 67, inclusive, by reference as though set forth  
24 above.

25 68. By doing the things described above, Defendants harassed and discriminated against  
26 Plaintiffs on the basis of their gender. And they terminated Trbovich because of her gender and her  
27 complaints about said behavior.

28 69. Additionally, Defendants sought to punish Plaintiffs for their complaints by  
assigning them to more dangerous assignments, subjecting them to trumped-up discipline and other

1 discipline for alleged conduct that was far less actionable than the conduct of male and other  
2 female employees, creating unsafe working conditions, and terminating Trbovich.

3 70. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered  
4 special damages in the form of lost earnings, benefits and/or out-of-pocket expenses in an amount  
5 according to proof at trial. As a further direct and proximate result of Defendants' conduct,  
6 Plaintiff will suffer additional special damages in the form of lost future earnings, benefits and/or  
7 other prospective damages in an amount according to proof at trial.

8 71. As a further proximate result of the wrongful conduct of Defendants, Plaintiff has  
9 suffered and continues to suffer humiliation, lack of self-confidence, embarrassment, emotional  
10 distress and mental anguish, all to his damage in an amount according to proof at the time of trial.

11 72. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,  
12 and in the conscious disregard of the rights of Plaintiff, and Plaintiff is therefore entitled to punitive  
13 damages in an amount according to proof at the time of trial. Plaintiff is entitled to costs and  
14 reasonable attorney's fees pursuant to the statutes referenced herein.

15 73. Plaintiffs filed timely complaints with the Department of Fair Employment and  
16 Housing and the Equal Employment Opportunity Commission. Trbovich filed her applicable  
17 complaints and subsequent lawsuit following the exhaustion of her internal and administrative  
18 remedies under the doctrine of equitable tolling. An arbitrator found merit to some of the  
19 allegations raised herein and stated as much in an arbitration decision issued in March 2014.  
20 Accordingly, Plaintiffs received right to sue notices from the EEOC in July and August 2014.

21 **THIRD CAUSE OF ACTION**

22 **(Violation of 42 U.S.C. §1983)**

23 **(Based on Sexual Harassment, Gender Discrimination, Retaliation, and Wrongful**  
24 **Termination)**

25 Plaintiffs incorporate paragraphs 1 through 73, inclusive, by reference as though set forth in  
26 full above.

1 74. Defendants have acted under the color of state law and violated Plaintiffs' rights,  
2 privileges and immunities protected under the Constitution of the United States. This includes the  
3 Fourteenth Amendment's right to equal protection.

4 75. Additionally, Defendants sought to punish Plaintiffs for their complaints by  
5 assigning them to more dangerous assignments, subjecting them to trumped-up discipline and other  
6 discipline for alleged conduct that was far less actionable than the conduct of male and other  
7 female employees, creating unsafe working conditions, and terminating Trbovich.

8 76. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered  
9 special damages in the form of lost earnings, benefits and/or out-of-pocket expenses in an amount  
10 according to proof at trial. As a further direct and proximate result of Defendants' conduct,  
11 Plaintiff will suffer additional special damages in the form of lost future earnings, benefits and/or  
12 other prospective damages in an amount according to proof at trial.

13 77. As a further proximate result of the wrongful conduct of Defendants, Plaintiff has  
14 suffered and continues to suffer humiliation, lack of self-confidence, embarrassment, emotional  
15 distress and mental anguish, all to his damage in an amount according to proof at the time of trial.

16 78. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,  
17 and in the conscious disregard of the rights of Plaintiff, and Plaintiff is therefore entitled to punitive  
18 damages in an amount according to proof at the time of trial. Plaintiff is entitled to costs and  
19 reasonable attorney's fees pursuant to the statutes referenced herein.

20 79. This deprivation of rights, as alleged above and incorporated herein, including the  
21 rights as women to equal protection under the laws of the United States, gives rise to a claim under  
22 42 U.S.C. § 1983.

23 **FOURTH CAUSE OF ACTION**

24 **(Slander)**

25 **(Ulrich)**

26 Plaintiffs incorporate paragraphs 1 through 79, inclusive, by reference as though set forth in  
27 full above.

1 80. Ulrich, as described above, accused Trbovich and Santos of sleeping with inmates.  
2 He made these statements to inmates and other officers.

3 81. Ulrich did not have a right to make these false allegations about Plaintiffs.

4 82. Yet he did so, causing harm to their reputations, and for the purpose of embarrassing  
5 them and causing them emotional pain and anguish. This intent was malicious, spiteful, retaliatory,  
6 racially motivated, hateful, pretextual, dangerous, and reckless.

7 **FIFTH CAUSE OF ACTION**

8 **(Violation of California Constitution Article I, Section 31)**

9 The allegations set forth above in paragraphs 1-82 are incorporated and set forth fully  
10 herein.

11 83. By doing the things, and causing the harm alleged in this lawsuit, Defendants  
12 harassed and discriminated against Plaintiffs in public employment giving rise to a claim for relief  
13 under California Constitution, Article I, Section 31.

14 84. Plaintiffs filed Government Tort Claims with the County. Trbovich filed her Claims  
15 following the exhaustion of her administrative remedies. Santos filed her claims within six months  
16 of the last act. The County unreasonably denied Plaintiffs' claims.

17 **SIXTH CAUSE OF ACTION**

18 **(Violation of 42 U.S.C. §1981)**

19 **(Based on Sexual Harassment, Gender Discrimination, Retaliation, and Wrongful**  
20 **Termination)**

21 Plaintiffs incorporate paragraphs 1 through 84, inclusive, by reference as though set forth in  
22 full below.

23 85. Defendants have acted under the color of state law and violated Plaintiffs'  
24 contractual rights as public employees, as well as their privileges and immunities protected under  
25 the Constitution of the United States. This includes the Fourteenth Amendment's right to equal  
26 protection.

27 86. Additionally, Defendants sought to punish Plaintiffs for their complaints by  
28 assigning them to more dangerous assignments, subjecting them to trumped-up discipline and other

1 discipline for alleged conduct that was far less actionable than the conduct of male and other  
2 female employees, creating unsafe working conditions, and terminating Trbovich.

3 87. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered  
4 special damages in the form of lost earnings, benefits and/or out-of-pocket expenses in an amount  
5 according to proof at trial. As a further direct and proximate result of Defendants' conduct,  
6 Plaintiff will suffer additional special damages in the form of lost future earnings, benefits and/or  
7 other prospective damages in an amount according to proof at trial.

8 88. As a further proximate result of the wrongful conduct of Defendants, Plaintiff has  
9 suffered and continues to suffer humiliation, lack of self-confidence, embarrassment, emotional  
10 distress and mental anguish, all to his damage in an amount according to proof at the time of trial.

11 89. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,  
12 and in the conscious disregard of the rights of Plaintiff, and Plaintiff is therefore entitled to punitive  
13 damages in an amount according to proof at the time of trial. Plaintiff is entitled to costs and  
14 reasonable attorney's fees pursuant to the statutes referenced herein.

15 90. This deprivation of contractual rights, as alleged above and incorporated herein,  
16 including the rights as women to equal protection under the laws of the United States, gives rise to  
17 a claim under 42 U.S.C. § 1981.

18 **SEVENTH CAUSE OF ACTION**

19 **(Intentional Infliction of Emotional Distress)**

20 Plaintiffs incorporate paragraphs 1 through 90, inclusive, by reference as though set forth in  
21 full below.

22 91. Defendants conduct, as alleged above, was extreme and outrageous, and beyond the  
23 scope of conduct which should be tolerated by citizens in a democratic and civilized society.

24 92. Defendants committed these extreme and outrageous acts with the intent to inflict  
25 severe mental and emotional distress upon Plaintiffs.

26 93. Defendants successfully caused Plaintiffs to suffer said severe emotional distress,  
27 resulting in pain, sadness, anxiety, depression, fear, post traumatic stress disorder, sleeplessness,  
28 anger, embarrassment, hurt and other physical and emotional injuries.

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

**EIGHTH CAUSE OF ACTION**

**FAILURE/NEGLIGENT TRAINING AND SUPERVISION**

**(Violation of 42 U.S.C. § 1983 and Public Policy)**

Plaintiffs incorporate paragraphs 1 through 93, inclusive, by reference as though set forth in full below.

94. As alleged above, the County and Sheriff inadequately trained its Sheriffs and Correctional Officers and had deliberate indifference to the rights of female employees.

**PRAAYER FOR RELIEF**

Plaintiffs pray for relief as follows:

- 1. For general damages and special damages, including lost wages, in an amount according to proof;
- 2. For compensatory damages in an amount according to proof;
- 3. For exemplary and punitive damages against Defendants;
- 4. For reasonable attorney’s fees;
- 5. For costs of suit herein incurred; and
- 6. For such other and further relief as the Court may deem proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial on all of the issues set forth above to the extent authorized by law.

DATED: August 22, 2014

BENJAMIN LAW GROUP

By: /s/ Na'il Benjamin  
NA'IL BENJAMIN  
Attorney for Plaintiffs  
JONA TRBOVICH and SHONDA SANTOS