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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **IN AND FOR THE COUNTY OF ORANGE**

10 **CENTRAL JUSTICE CENTER** Assigned for all purposes

11 PERLA RODRIGUEZ, an individual, )  
12 Plaintiff, )  
13 v. )  
14 ORANGE COUNTY FIRE )  
15 AUTHORITY, a California Joint Powers )  
16 Authority entity; DAVID JOHNSON, an )  
17 individual; JOEL BRODOWSKI, an )  
18 individual; and DOES 1 through 25, )  
19 inclusive, )  
20 Defendants. )

Case No.: Judge Nico Dourbetas  
30-2024-01384524-CU-OE-CJC  
**COMPLAINT FOR VIOLATIONS  
OF THE CALIFORNIA FAIR  
EMPLOYMENT & HOUSING ACT**  
**UNLIMITED CIVIL CASE**  
**JURY TRIAL DEMANDED**

21  
22 Plaintiff PERLA RODRIGUEZ, an individual, by the undersigned attorney,  
23 based upon information and belief, and demanding a trial by jury, as against the  
24 ORANGE COUNTY FIRE AUTHORITY, a California joint powers authority  
25 entity; DAVID JOHNSON, an individual; JOEL BRODOWSKI, an individual; and  
26 DOES 1 through 25, inclusive, alleges the following:

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1 **I.**

2 **THE PARTIES**

3 1. Plaintiff, PERLA RODRIGUEZ (hereinafter “Rodriguez” or  
4 “Plaintiff”) was employed as an Information Technology (“IT”) Technician for the  
5 Orange County Fire Authority (“OCFA”) in Irvine, Orange County, California at  
6 all times relevant to this Complaint. Rodriguez was assigned to OCFA’s IT Help  
7 Desk and provided technical support throughout the organization’s various  
8 departments.

9 2. The OCFA is a joint powers authority, created under the California  
10 Government Code by a joint powers authority agreement between the 23 cities in  
11 Orange County and all unincorporated areas of Orange County which is services.  
12 OCFA is a regional fire authority. OCFA’s headquarters are located in Irvine,  
13 Orange County, California.

14 3. DAVID JOHNSON (hereinafter, “Johnson”) was employed by OCFA  
15 as a member of the IT Division’s managerial staff at all times relevant to events in  
16 this Complaint. Johnson was hired as an assistant manager in 2016 and was later  
17 promoted to IT Manager in November of 2021. At all times relevant to the events in  
18 this complaint, Johnson held supervisory authority over the division’s employees,  
19 which included Ms. Rodriguez. Rodriguez is informed and believes, and on that  
20 basis thereon alleges that Johnson resided within Orange County, California.

21 4. JOEL BRODOWSKI (hereinafter, “Brodowski”) was employed by  
22 OCFA as a member of the IT Division’s managerial staff at all times relevant to  
23 events in this Complaint. Johnson was hired as manager in 2010 and was later  
24 promoted to IT Division Manager in November of 2021. At all times relevant to the  
25 events in this complaint, Brodowski held supervisory authority over the division’s  
26 employees, which included Ms. Rodriguez. Rodriguez is informed and believes,  
27 and on that basis thereon alleges that Brodowski resided within Orange County,  
28 California.

1           5.     Johnson and Brodowski are collectively referred to herein as the  
2 “individual defendants.” In addition to the individual defendants, the true names  
3 and capacities, whether individual, corporate, or otherwise, of Defendants Does 1-  
4 25 inclusive, are unknown to Rodriguez, who therefore sues them by such fictitious  
5 names. Rodriguez will seek leave to amend this Complaint to allege their true  
6 names and capacities when they have been ascertained. Rodriguez is informed and  
7 believes, and on that basis thereon alleges, that each of the fictitiously named  
8 defendants is responsible in some manner for the occurrences herein alleged and  
9 that Rodriguez’s damages as herein alleged were proximately caused by those  
10 defendants. At all times herein mentioned, Defendants Does 1-25 inclusive were the  
11 agents, servants, employees, or attorneys of their co-defendants, and in doing the  
12 things hereinafter alleged, were acting within the course and scope of their authority  
13 as those agents, servants, employees, or attorneys, and with the permission and  
14 consent of their co-defendants. Likewise, at all times herein the individual  
15 defendants, in addition to conspiring with the fictitiously named defendants,  
16 conspired with each other and were the agents, servants, employees, or  
17 representatives of their co-defendants, and in doing the things hereinafter alleged,  
18 were acting within the course and scope of their authority as those agents, servants,  
19 employees, or representatives, and with the permission and consent of their  
20 individual co-defendants.

21           6.     Plaintiff is informed and believes, and based thereon alleges, that at all  
22 relevant times, each Defendant was the agent of the other Defendants, and in doing  
23 the things herein alleged, each Defendant was acting in the course and scope of  
24 such agency with the consent, notification, and permission of each of the other  
25 Defendants. Each Defendant ratified the actions of the other Defendants and named  
26 employees as alleged herein.

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1 **II.**

2 **JURISDICTION & VENUE**

3 7. Venue is proper in this Court in that the facts and circumstances giving  
4 rise to Plaintiff's causes of action occurred in this County and because Defendants  
5 do business and are employed, and OCFA is headquartered, in the City of Irvine,  
6 County of Orange, State of California. As such, this unlimited civil case should be  
7 venued at the Central Justice Center.

8 **III.**

9 **FACTS COMMON TO ALL CAUSES OF ACTION**

10 8. OCFA has a well-documented history of chauvinism and misogyny  
11 and has recently been the subject of several suits alleging, as here, gender  
12 discrimination. Plaintiff is informed and believes, and on that basis thereon alleges,  
13 that at the time of her constructive discharge, fewer than 10% of the OCFA  
14 workforce were women.

15 9. In her time at OCFA, Ms. Rodriguez was a dedicated employee and  
16 excelled in her role as an IT Technician since joining the team in 2015. She was  
17 assigned projects within the organization and received numerous overtime  
18 opportunities. She was selected to provide support for all levels of staff and was  
19 nominated for employee of the year by her manager. Before the events outlined in  
20 this Complaint, Rodriguez had loved her job and intended to work at OCFA until  
21 she retired. However, Rodriguez was forced to resign in January of 2023 as a result  
22 of Defendants' gender-based discrimination, harassment, defamation, intimidation,  
23 retaliation, and their subsequent creation of a hostile work environment.

24 10. As managerial staff, Johnson and Brodowski were collectively and  
25 individually responsible for the success and well-being of their employees and  
26 possessed authority and control over their division's assignments, employee  
27 rewards, discipline, grievances, promotions, schedules, and their employees' daily  
28 work activities.

1           11. Johnson's and Brodowski's misuse of their supervisory authority  
2 created a toxic work environment in which they bullied, intimidated, and belittled  
3 employees on a daily basis. Indeed, Defendants targeted female employees in their  
4 charge; they subjected them to misogynistic insults and habitually denied their  
5 female supervisees the same opportunities and benefits that were afforded to their  
6 similarly situated male colleagues.

7           12 In 2019, Johnson and Brodowski wrongfully denied Rodriguez's  
8 request to temporarily change or alter her work schedule to remedy a conflict with  
9 her son's school schedule. Defendants' conduct towards Rodriguez in this regard  
10 varied greatly from the way this rule has been applied to male employees, who are  
11 permitted to change their schedules as needed, and often do so for childcare  
12 conflicts of their own.

13           13. Rodriguez requested a temporary change to her work schedule so she  
14 could take her son to and from daycare after the school changed its hours of  
15 operation. Since the change only interfered with one hour of her daily shift, the  
16 conflict would have been quickly resolved had Rodriguez been allowed to work  
17 remotely or change the structure of the work schedule until the issue resolved itself  
18 when her son started kindergarten in the fall.

19           14. As a single mother and her son's primary caretaker, Rodriguez was her  
20 young son's only means of transportation during weekdays. Pending her managers'  
21 response, Rodriguez was directed to use her accumulated compensatory time as a  
22 temporary solution. To Rodriguez's knowledge, her male co-workers had not been  
23 forced to use their compensatory time to supplement their work hours because they  
24 had been allowed to modify their schedules as needed. During this time, she  
25 searched for another daycare that was willing and able to conform to her work  
26 schedule. However, she was unable to find one that also complied with the  
27 restrictions set forth by the court-ordered custody agreement between her and her  
28 son's father.

1           15.    When Johnson and Brodowski eventually addressed Ms. Rodriguez’s  
2 request, they refused to modify her schedule, suggested she “find another daycare,”  
3 and told her she could no longer use her compensatory time as she had been. When  
4 Rodriguez explained their suggestion failed to solve her conflict due to the custody  
5 arrangement and court order, Johnson requested a copy of the order and proposed  
6 that she simply work an hour later. However, this proposal also failed to resolve her  
7 conflict.

8           16.    Johnson and Brodowski ultimately denied Rodriguez’s request and  
9 refused her access to the existing alternatives used by her colleagues because she  
10 was a woman and a single mother. Johnson confirmed his reasoning and the animus  
11 behind it to Rodriguez when he told her “Being a single mom is a choice” and that  
12 she should “quit her job and be a stay-at-home mom full-time to avoid daycare  
13 issues.” In response to her request to work remotely, Johnson told Rodriguez,  
14 “Let’s face it, you can’t work from home and babysit.” This conversation was  
15 witnessed by IT Division employees Kenneth Green, Thomas Truax, and Suzanne  
16 Clayton.

17           17.    Following this incident, Defendants routinely chastised, disparaged,  
18 harassed, and humiliated Rodriguez for having childcare issues and made  
19 derogatory remarks about the same to her, her colleagues, and her superiors until  
20 she resigned in 2023.

21           18.    Plaintiff is informed and believes, and on that basis thereon alleges  
22 that after this incident, Johnson directly told former IT Specialist, Suzanne Clayton  
23 (“Clayton”), who was serving in a lead capacity at the time, “Perla should quit her  
24 job” and “maybe she shouldn’t be working if she has issues finding daycare.”

25           19.    Even though childcare issues were commonplace throughout the IT  
26 Division, Defendants disparately weaponized Ms. Rodriguez’s request and her  
27 marital status against her for several years. Defendants have granted their male  
28 employees flexibility in their schedules to accommodate conflicts related to their

1 children without depriving them of professional opportunities or subjecting them to  
2 humiliation, chastisement, or further retaliation.

3         20. Rodriguez’s direct supervisor, Scott Johnson, witnessed Defendants’  
4 discrimination and harassment firsthand. Both Rodriguez and Clayton have gone to  
5 his office in tears following interactions with Defendants. Scott Johnson sought  
6 managerial support and direction from Brodowski about David Johnson’s  
7 misconduct. However, Brodowski refused to offer support, investigate the  
8 complaints, or report David Johnson to the appropriate department. Rather,  
9 Brodowski placed the blame on Scott Johnson and the IT staff.

10         21. On a separate occasion, Johnson and Brodowski discharged Rodriguez  
11 from her long-term, after-hours partnership with the Multi-Media Division and then  
12 Multimedia Specialist, Kevin Hansen (“Hansen”) where she set up the technology  
13 for various OCFA events, including First Responder graduations and OCFA board  
14 meetings.

15         22. In September 2019, Rodriguez and Hansen were scheduled to set up a  
16 location for a regularly scheduled OCFA board meeting. Despite knowing  
17 Rodriguez had been a part of that team since 2016, Johnson shouted at and scolded  
18 the two in front of their colleagues and asked her why she was there. He claimed he  
19 needed to be notified whenever one of his employees was involved in after-hours  
20 events as it was subject to his approval. Brodowski stated to the group the outburst  
21 was due to their concerns about Rodriguez’s “childcare issues.” The Defendants  
22 then appointed Robert Ho and Damien Medrano to permanently replace Rodriguez.

23         23. Following this incident, any time Rodriguez volunteered for overtime  
24 opportunities or was asked by other divisions to provide technical support for after-  
25 hours events, Johnson and Brodowski remarked to Rodriguez and other OCFA  
26 personnel that “overtime shouldn’t be offered to someone with childcare issues” or  
27 that Rodriguez “conveniently didn’t have childcare issues when overtime pay was  
28 involved.”

1           24. Plaintiff is informed and believes, and on that basis thereon alleges  
2 that Johnson told her co-worker, Lionel Chavez, “[Rodriguez] has to babysit during  
3 the week but not the weekends? How does that work?” in response to Rodriguez  
4 being asked to provide technical assistance for a weekend OCFA event.

5           25. In late 2020, Johnson falsely accused Rodriguez of physically  
6 assaulting him with a keyboard while she was working on an assignment. Johnson  
7 repeated this false accusation to Rodriguez’s colleagues within and outside of the  
8 IT division, including OCFA employees Kevin Hansen and Jim Ruane. Johnson  
9 created and repeated this false accusation to Rodriguez’s colleagues and supervisors  
10 to tarnish her professional reputation and force her to quit her job.

11           26. Following the onset of the COVID-19 pandemic and the institution of  
12 work-from-home protocol, several staff members, including Rodriguez, worked  
13 remotely. Plaintiff is informed and believes, and on that basis thereon alleges that  
14 Johnson commented to Chavez, “We are paying [Rodriguez] all this money to stay  
15 just to stay home and babysit and work ... That is going to change.”

16           27. In 2022, Rodriguez requested to work from home while her son  
17 recovered from surgery. Johnson denied her request and told her, “You can’t work  
18 from home and babysit.” Johnson only granted the request after she threatened to  
19 use her compensatory time to take the time off. However, Rodriguez was only  
20 allowed to work from home for half of the time required. Before Rodriguez  
21 submitted her request, Defendants had approved requests to work from home from  
22 male employees, Ken Ong, Scott Johnson, Ken Green, and David Vuong.

23           28. Specifically, co-worker, David Vuong was granted flexibility to  
24 change his schedule and work from home as needed so he could attend his son’s  
25 school events and meet his son’s schedule changes.

26           29. Months before her resignation, Rodriguez notified her direct  
27 supervisor, Scott Johnson, human resources, the finance department, and her co-  
28 workers that she was looking for new employment because of the Defendants’



1 harassment and discrimination. Rodriguez consistently updated Scott Johnson about  
2 her job prospects and helped him prepare for her departure. These early  
3 communications allowed Rodriguez to submit her resignation under the two-week  
4 notice guideline. Scott Johnson and Rodriguez did not notify Defendants of her  
5 preparations out of fear of retaliation.

6 30. In her final days at OCFA, Rodriguez used her unpaid compensatory  
7 hours in lieu of reporting for work out of fear of Defendants' retaliation. Rodriguez  
8 believed the Defendants would prematurely shut down her access to the items she  
9 needed to work as a retaliatory response to her resignation notice. Rodriguez's  
10 leave request was accepted before her resignation.

11 31. Rodriguez submitted her two-week notice on January 24, 2023.  
12 Defendants prematurely shut down her access to her work programs on January 26,  
13 2023.

14 32. During her time at OCFA, Rodriguez witnessed two former female co-  
15 workers, Clayton, and Pam Jones, suffer the same harassment and discrimination  
16 she experienced at the hands of the Defendants. Pam Jones went on stress leave in  
17 2021 as a result of the Defendants' conduct and retired early due to the toxic  
18 environment.

19 33. In April of 2022, Clayton retired from OCFA early due to constant  
20 discrimination and unequal treatment. Clayton submitted her complaints about  
21 Johnson and Brodowski as part of her exit interview. Despite wanting to submit her  
22 complaints alongside Clayton, she declined out of fear of the Defendants'  
23 retaliation.

24 34. On January 24, 2023, Rodriguez filed a complaint with Human  
25 Resources against manager David Johnson for misconduct, citing gender-based  
26 discrimination, harassment, defamation, intimidation, and creating a hostile work  
27 environment.

28 35. Plaintiff is informed and believes, and on that basis thereon alleges

1 that Johnson continued to spread false and derogatory statements about Rodriguez  
2 after she submitted her resignation. Ms. Rodriguez left OCFA on February 10,  
3 2023.

4 36. Rodriguez suffered from this course of intentional conduct or conduct  
5 that was reckless and undertaken in conscious disregard of her rights under law. In  
6 so suffering, Rodriguez experienced special and general damages, all in an amount  
7 according to proof and, to the extent allowed by law, seeks the imposition of  
8 punitive damages against the individual Defendants and Does 1 through 25,  
9 inclusive, and each of them. Rodriguez was eventually constructively terminated  
10 from her position and suffered, and continues to suffer, economically from that  
11 termination. Specifically, she now makes less money in salary, has fewer benefits  
12 for which she pays more, and suffered extensive losses in her retirement benefits.  
13 Rodriguez was also forced to hire counsel to undertake this matter for her in the  
14 Courts and incurred costs for being put to the task. Rodriguez, therefore, seeks  
15 recovery of her attorney's fees and costs as allowed under law.

16 37. The tactics of the individual Defendants and their design to have  
17 OCFA terminate Plaintiff or force Plaintiff to quit are also witnessed first-hand by  
18 several other IT Division employees.

19 38. The reason these individual Defendants singled Plaintiff out for this  
20 treatment, the fact she is a woman, was well-known within the Division and had  
21 also occurred to two former Division employees, Pam Jones and Suzanne Clayton.

22 39. Prior to filing of this Complaint, Plaintiff caused to be filed with the  
23 California Civil Rights Department a Charge of Discrimination, which was  
24 assigned CRD Matter No: 202403-23873607. On March 6, 2024 Rodriguez  
25 received a right-to-sue letter on her charge, a true and correct copy of which is  
26 attached hereto as Exhibit "A" and incorporated herein by this reference.

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**IV.**

**CAUSES OF ACTION**

**FIRST CAUSE OF ACTION**

**(VIOLATION OF GOVERNMENT CODE §12940 — DISCRIMINATION  
ON THE BASIS OF SEX AND/OR GENDER)**

**(By RODRIGUEZ against Defendant ORANGE COUNTY FIRE  
AUTHORITY)**

40. Rodriguez realleges and incorporates by reference each and every allegation contained in Paragraphs 1 through 39, as set forth above.

41. Government Code Section 12940(a) makes it an unlawful employment practice for any employer to discriminate on the basis of sex and/or gender, by making unlawful said discrimination in compensation or in terms, conditions or privileges of employment.

42. Defendants violated this prohibition on discriminatory acts or omissions based upon Rodriguez’s sex and/or gender, and its association of her with those characteristics, by, among other things, subjecting Rodriguez to disparate treatment relative to male counterparts as set forth above.

43. The California Fair Employment & Housing Act (“FEHA”) does not require that an employer's discriminatory act constitute one large yet discrete harm, rather than a series of subtle yet damaging injuries. The individual acts of discriminatory conduct as described in this Complaint, as well as the totality of that conduct, constitute at least one adverse employment action. Moreover, FEHA protects an employee against unlawful discrimination with respect not only to “ultimate employment actions” such as termination (or constructive discharge as here) or demotion, but also the entire spectrum of employment actions that are reasonably likely to adversely or materially affect an employee's job performance or opportunity for advancement in her career.

1 44. As a result of Defendants' discriminatory conduct, Rodriguez has  
2 suffered both economic and non-economic damages.

3 45. Rodriguez was harmed as a result of the conduct and inaction of all  
4 Defendants. She has suffered emotional distress, humiliation, and further injuries.

5 46. Defendants' conduct was a substantial factor in causing Rodriguez's  
6 harm.

7 47. The aforementioned conduct was undertaken by the individual  
8 Defendants in a willful, wanton, and malicious manner and with conscious  
9 disregard of Rodriguez's rights to be free from such offense. The individual  
10 Defendants acted knowing, or in reckless disregard of the fact, that their conduct  
11 would, without defense, cause injury to Rodriguez.

12 **SECOND CAUSE OF ACTION**  
13 **(VIOLATION OF GOVERNMENT CODE §§ 12923 & 12940(j) – HOSTILE**  
14 **WORK ENVIRONMENT AGAINST EMPLOYER)**  
15 **(By RODRIGUEZ against Defendant ORANGE COUNTY FIRE**  
16 **AUTHORITY)**

17 48. Rodriguez realleges and incorporates by reference each and every  
18 allegation contained in Paragraphs 1 through 47, as set forth above.

19 49. Rodriguez was, at all times relevant to this Complaint, employed by  
20 the OCFA.

21 50. As more fully set forth above, Rodriguez was subjected to a harassing  
22 environment while working for OCFA because she was a woman.

23 51. The harassing conduct of the Defendants against Rodriguez was  
24 continuous, severe, and pervasive. Any reasonable woman in Rodriguez's  
25 circumstances would have considered the work environment to be hostile,  
26 intimidating, offensive, oppressive, or abusive. Rodriguez, for her part, considered  
27 her work environment to be hostile, intimidating, offensive, oppressive, or abusive.  
28 Rodriguez communicated her feelings about this conduct to her direct supervisor,

1 Scott Johnson, and Human Resources staff, among others. OCFA took no steps to  
2 stop the harassment of Rodriguez, which she continued to suffer from. The conduct  
3 and inaction complained of herein made Plaintiff's working conditions so  
4 intolerable that she was no longer able to perform the job at all, resulting in her  
5 constructive discharge.

6 52. Rodriguez was harmed by this conduct and inaction and said conduct  
7 and inaction were substantial factors in causing Rodriguez's harm.

8  
9 **THIRD CAUSE OF ACTION**  
10 **(VIOLATION OF GOVERNMENT CODE § 12923 & 12940(j) – HOSTILE**  
11 **WORK ENVIRONMENT AGAINST INDIVIDUAL DEFENDANT)**  
12 **(By RODRIGUEZ against all Individual Defendants &**  
13 **Does 1 through 25, inclusive)**

14 53. Rodriguez realleges and incorporates by reference each and every  
15 allegation contained in Paragraphs 1 through 52, as set forth above.

16 54. Rodriguez was, at all times relevant to this Complaint, employed by  
17 the OCFA.

18 55. As more fully set forth above, Rodriguez was subjected to a harassing  
19 environment while working for OCFA because she was a woman.

20 56. The harassing conduct of the individual Defendants and Does 1  
21 through 25, inclusive, and each of them, as against Rodriguez was continuous,  
22 severe, and pervasive. Any reasonable woman in Rodriguez's circumstances would  
23 have considered the work environment to be hostile, intimidating, offensive,  
24 oppressive, or abusive. Rodriguez, for her part, considered her work environment to  
25 be hostile, intimidating, offensive, oppressive, or abusive. Rodriguez  
26 communicated her feelings about this conduct of the individual Defendants and  
27 Does 1 through 25, inclusive, and each of them, to her direct supervisor, Scott  
28 Johnson, and Human Resources staff, among others. OCFA took no steps to stop

1 the harassment of Rodriguez, which she continued to suffer from. The conduct and  
2 inaction complained of herein made Plaintiff's working conditions so intolerable  
3 that she was no longer able to perform the job at all, resulting in her constructive  
4 discharge.

5 57. Rodriguez was harmed by this conduct and inaction and said conduct  
6 and inaction was a substantial factor in causing Rodriguez's harm. While engaging  
7 in this course of conduct, the individual Defendants and Does 1 through 25,  
8 inclusive, and each of them, acted in a willful, wanton, and malicious manner and  
9 with conscious disregard of Rodriguez's rights to be free from such offense. The  
10 individual Defendants acted knowing, or in reckless disregard of the fact, that their  
11 conduct would, without defense, cause injury to Rodriguez.

12 58. Consequently, Rodriguez is entitled to an award of punitive or  
13 exemplary damages to punish or deter such conduct by the individual Defendants  
14 and Does 1 through 25, inclusive, and each of them, and others in the future.

15 **FOURTH CAUSE OF ACTION**

16 **(VIOLATION OF GOVERNMENT CODE §12940(h) — RETALIATION)**

17 **(By RODRIGUEZ against Defendants ORANGE COUNTY FIRE**

18 **AUTHORITY; and Does 1-25)**

19 59. Rodriguez realleges and incorporates by reference each and every  
20 allegation contained in Paragraphs 1 through 58, as set forth above.

21 60. California Government Code Section 12940(h) makes it an unlawful  
22 employment practice "for any employer ... to discharge, expel, or otherwise  
23 discriminate against any person because the person has opposed any practices  
24 forbidden under this part or because the person has filed a complaint, testified, or  
25 assisted in any proceeding under this part." A retaliation claim under FEHA may be  
26 brought by an employee who has been subjected to an adverse employment action  
27 for engaging in a protected activity or opposing practices forbidden by FEHA.

28 61. As more fully set forth above, Plaintiff was consistently subjected to

1 conduct that she reasonably believed violated the proscriptions of the FEHA in that  
2 she was regularly subjected to discrimination and harassment owing to her gender.  
3 Plaintiff complained to her supervisors and Human Resources about this consistent  
4 illegal conduct of the individual Defendants and Does 1 through 25, inclusive, and  
5 each of them.

6 62. Rodriguez's complaints constituted engagement in protected activities  
7 and opposition to these practices forbidden under the FEHA.

8 63. As a result of Plaintiff engaging in the aforementioned protected  
9 activities, and opposition to illegal practices, Rodriguez was subjected to retaliation  
10 and suffered an adverse employment action in that OCFA's failure and refusal to  
11 timely act on her complaints, ultimately resulted in her constructive termination  
12 from her position, which she had always hoped to keep until retirement.

13 64. A clear causal nexus between Rodriguez's protected activity and the  
14 retaliatory conduct of the Defendants and constructive discharge of the Plaintiff by  
15 the Defendants exists.

16 65. As a direct and proximate result of Defendants' conduct, Rodriguez  
17 has suffered both economic and non-economic damages.

18  
19 **FIFTH CAUSE OF ACTION**  
20 **(VIOLATION OF GOVERNMENT CODE §12940(k) —**  
21 **FAILURE TO PREVENT DISCRIMINATION, HARASSMENT, AND/OR**  
22 **RETALIATION)**  
23 **(RODRIGUEZ against Defendants ORANGE COUNTY FIRE AUTHORITY;**  
24 **and**  
25 **Does 1-25)**

26 66. Plaintiffs reallege and incorporate by reference each and every  
27 allegation contained in Paragraphs 1 through 65, as set forth above.

28 67. California Government Code Section 12940(k) makes it an unlawful

1 employment practice “for an employer ... to fail to take all reasonable steps  
2 necessary to prevent discrimination and harassment from occurring.” Employers  
3 under FEHA are also required to take all reasonable steps necessary to prevent  
4 retaliation from occurring.

5 68. Defendants violated this section by failing to prevent the  
6 discrimination, harassment, and retaliation more fully discussed above.

7 69. As a result of Defendants' conduct, Plaintiff has suffered both  
8 economic and non-economic damages.

9 **V.**

10 **PRAYER FOR RELIEF**

11 70. **WHEREFORE**, RODRIGUEZ prays for judgment against  
12 Defendants ORANGE COUNTY FIRE AUTHORITY, DAVE JOHNSON, JOEL  
13 BRODOWSKI, and DOES 1 through 25, inclusive, jointly and severally to the  
14 extent jointly sued, as follows:

- 15 A. General Damages;  
16 B. Special Damages  
17 C. Punitive Damages (ONLY as to Defendants JOHNSON,  
18 BRODOWSKI, and Does 1 through 25, inclusive);  
19 D. Reasonable Attorney Fees;  
20 E. Cost of suit; and  
21 F. For such other and further relief as may be just and proper.

22 Dated: March 7, 2024

**SHEWRY & SALDAÑA, LLP**

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25 By: \_\_\_\_\_  
26 Christopher C. Saldaña  
27 Attorneys for Plaintiff PERLA RODRIGUEZ  
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**VI.**

**DEMAND FOR JURY TRIAL**

**PLEASE TAKE NOTICE** that Plaintiff demands a trial by jury against the Defendants, and each of them, for each cause of action so triable.

Dated: March 7, 2024

**SHEWRY & SALDAÑA, LLP**



By: \_\_\_\_\_

Christopher C. Saldaña

Attorneys for Plaintiff PERLA RODRIGUEZ

# **Exhibit “A”**



## Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711  
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

March 6, 2024

Perla Rodriguez  
402 W. Broadway, Suite 1550  
San Diego, CA 92101

**RE: Notice of Case Closure and Right to Sue**  
CRD Matter Number: 202403-23873607  
Right to Sue: Rodriguez / Orange County Fire Authority et al.

Dear Perla Rodriguez:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective March 6, 2024 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department



## Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711  
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

March 6, 2024

**RE: Notice of Filing of Discrimination Complaint**

CRD Matter Number: 202403-23873607

Right to Sue: Rodriguez / Orange County Fire Authority et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department