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PER LOCAL RULE, THIS
CASE IS ASSIGNED TO
DEPT 21, FOR ALL
PURPOSES.

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11 **SUPERIOR COURT OF CALIFORNIA**

12 **COUNTY OF CONTRA COSTA - UNLIMITED JURISDICTION**

13
14 ANDREA RODRIGUEZ, an individual,
and CALVIN PRIETO, an individual

15 Plaintiffs,

16 v.

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18 CITY OF ANTIOCH, a municipality,
19 TAMISHA TORRES-WALKER, an
individual, and DOES 1-10, individuals.

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21 Defendants.
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Case Number: **C21-02687**

COMPLAINT FOR:

1. Gender Discrimination
2. Hostile Work Environment
3. Retaliation
4. Failure to Prevent Discrimination
5. Violation of California's Whistleblower Law
6. Defamation

DEMAND FOR JURY TRIAL

1. Andrea Rodriguez ("Officer Rodriguez") and Calvin Prieto ("Officer Prieto") (collectively "Plaintiffs"), by and through their attorney, the Dhillon Law Group Inc., file this Complaint on their own behalf, against the City of Antioch and Tamisha Torres-Walker ("Defendant Torres-Walker") (collectively, "Defendants") and DOES 1-10.

2. Officer Rodriguez and Officer Prieto served their community as dedicated and honorable law enforcement officers for nearly a decade. Over the last two years, Plaintiffs' careers have been railroaded by the collision of two events: a contemptible culture of gender-based discrimination, harassment, and retaliation at the Antioch Police Department ("APD"); and a malicious campaign of vengeance spearheaded by Defendant Torres-Walker, an Antioch city councilmember. Defendants' conduct has been so egregious that both Plaintiffs have been placed on stress leave as a result of the emotional distress they have suffered and continue to suffer, jeopardizing their livelihoods, law enforcement careers, and depriving the City of Antioch of two committed officers.

THE PARTIES

1. Officer Rodriguez is an individual who, at all times relevant to the Complaint, resided in California and worked for the City of Antioch as a patrol officer in the APD.

2. Officer Prieto is an individual who, at all times relevant to the Complaint, resided in California and worked for the City of Antioch as a patrol officer in the APD.

3. The City of Antioch is a California municipality, of which the APD is a department.

4. Defendant Torres-Walker is an individual who, at all times relevant to the Complaint, resided in California, and was elected to the City of Antioch's City Council in the November 2020 election.

5. Upon information and belief, DOES 1 through 10 are the partners, agents, owners, shareholders, managers, executives, or other employees of the City of Antioch, and are, or at the relevant time were, acting on its behalf. Upon information and belief, each and all of the acts and omissions alleged herein were performed by, or are attributable to, the Defendants, with each having the legal authority to act as the agent for the other.

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6. Plaintiffs are unaware of the true names or capacities of the Defendants sued herein under the fictitious names DOES 1 through 10, but pray for leave to amend and serve such fictitiously named Defendants once their names and capacities become known.

JURISDICTION AND VENUE

7. This Court has jurisdiction over this action pursuant to the California Constitution, Article VI, Section 10, which grants the Superior Court “original jurisdiction in all causes except those given by statute to other courts.”

8. This Court has jurisdiction over all Defendants because, upon information and belief, each Defendant is either a citizen of California, has sufficient minimum contacts in California, or otherwise intentionally avails itself to the California market so as to render the exercise of jurisdiction over it or her by the California courts consistent with traditional notions of fair play and substantial justice.

9. Venue is proper in this Court because, upon information and belief, one or more of the named Defendants resides, transacts business, or has offices in the County of Contra Costa, and the unlawful practices, acts, and omissions alleged herein took place in the County of Contra Costa.

FACTUAL ALLEGATIONS

I. Plaintiffs Were Model Officers at APD

10. Officer Rodriguez, a Hispanic female of Mexican ancestry, joined the APD as a patrol officer in December 2018. Officer Rodriguez previously served as an officer in the San Leandro Police Department from April 2015 to December 2018. Officer Rodriguez currently holds the rank of patrol officer in the APD.

11. Officer Prieto, a Hispanic male of Salvadoran ancestry, joined the APD as a patrol officer in November 2018. Officer Prieto previously served as a sergeant in the United States Marine Corps from June 2007 until he was honorably discharged in December 2011, and served as an officer in the San Leandro Police Department from February 2014 to November 2018. Officer Prieto currently holds the rank of patrol officer in the APD.

12. Until the events at issue in this litigation occurred, Plaintiffs were each in excellent standing at the APD. Both received commendations for their work, had among the highest traffic

1 statistics in the APD, were appreciated by members of the community, and had no history of
2 disciplinary infractions.

3 13. On or about September 23, 2019, Plaintiffs were appointed to APD's traffic unit. The
4 traffic unit is a collateral assignment. In order to be assigned to the traffic unit, officers must have high
5 work performance ratings and must pass an interview.

6 14. When Plaintiffs were assigned to the traffic unit, there was no supervisor assigned to the
7 unit, but, instead, a patrol sergeant supervised the unit in an acting capacity.

8 15. Plaintiffs were partner officers in the traffic unit, meaning that they would work together
9 on duty and be dispatched together to respond to incidents.

10 16. Plaintiffs thrived in the traffic unit under the acting supervisor, receiving praise and
11 encouragement for their hard work.

12 II. The Gender-Based Discrimination Begins

13 17. In or around July or August of 2020, Sergeant Theodore Chang ("Sergeant Chang") was
14 assigned as the traffic unit's supervisor.

15 18. Upon information and belief, Sergeant Chang did not want to be the traffic unit
16 supervisor position, but instead received the position as an assignment from command staff.

17 19. Initially, Sergeant Chang had a good relationship with Plaintiffs; Plaintiffs even agreed
18 to help train Sergeant Chang on the use of a motorcycle.

19 20. Officer Rodriguez, the only female officer in the traffic unit, and one of just five female
20 officers in the entire APD, realized not long after Sergeant Chang's arrival in the unit that Sergeant
21 Chang treated her differently than all of the other (male) officers. Sergeant Chang would give a friendly
22 greeting to the other (male) officers each morning, but would ignore Officer Rodriguez. Officer
23 Rodriguez noticed that if she provided Sergeant Chang with a suggestion regarding the traffic unit's
24 operations, she would be ignored, but that if Officer Prieto would offer the exact same suggestion, the
25 suggestion would be welcomed. On other occasions, Officer Rodriguez would begin speaking to
26 Sergeant Chang, and Sergeant Chang would dismiss her or simply pretend not to hear her, and walk
27 away.

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1 21. Plaintiffs observed a high number of complaints from community members in August
2 and September of 2020 regarding reckless driving incidents at nighttime, when the traffic unit was not
3 deployed. Officer Rodriguez mentioned these complaints to then-APD Chief Tammany Brooks and
4 asked if there was a possibility to conduct traffic enforcement on an overtime basis to address
5 community members' complaints. Chief Brooks agreed subject to Sergeant Chang's approval. Officer
6 Rodriguez told Officer Prieto about her idea, and asked that he raise the subject with Sergeant Chang
7 as Officer Rodriguez believed that if she was the one to propose the idea, Sergeant Chang would dismiss
8 it. Officer Prieto proposed the idea, which was accepted by Sergeant Chang. The implementation of
9 nighttime traffic enforcement was a success, and indicative of Plaintiffs' initiative and responsiveness
10 to community concerns. Chief Brooks and another command staff member, then-Captain Tony
11 Morefield (now APD Chief), personally commended Officer Rodriguez for her idea, mentioned that he
12 had received positive feedback from the community regarding nighttime traffic enforcement, and
13 thanked Officer Rodriguez for making him look good.

14 22. Upon information and belief, Sergeant Chang found out about the praise Officer
15 Rodriguez received for the nighttime traffic enforcement program and discovered that the program had
16 been her idea all along.

17 23. In or around October 2020, at a traffic unit meeting, Sergeant Chang announced that the
18 nighttime traffic enforcement was cancelled until further notice. Officer Rodriguez asked why the
19 program was canceled, noting the accolades she received from command staff and the positive feedback
20 from the community. Sergeant Chang responded that he did not like that the idea had been proposed
21 with several days' notice, and that next time, he expected at least one week's notice so that everyone
22 could plan accordingly. Plaintiffs then asked if they could perform nighttime traffic enforcement over
23 the following weekend, which would leave everyone with amply time to plan. Sergeant Chang denied
24 their request and directed them to stop planning overtime until further notice.

25 24. Officer Rodriguez felt as though she were being punished simply because she had
26 received praise from higher-ups in the APD.

27 25. On or about November 5, 2020, Lieutenant Joe Donleavy, Sergeant Chang's friend and
28 immediate supervisor, and Sergeant Chang directed Plaintiffs to respond to vehicle collision even

1 though they knew Plaintiffs were in civilian clothes at the time. After Plaintiffs arrived on scene, other
2 responding officers were dispatched to a shooting incident, leaving Plaintiffs to direct traffic in civilian
3 clothes, where they were nearly hit by oncoming traffic as they were dispatched in civilian clothes and
4 without proper equipment or materials. Plaintiffs nonetheless managed the collision scene without
5 incident.

6 26. Plaintiffs and a third officer in the traffic unit were scheduled to attend an advanced
7 traffic training program in Riverside during the last two weeks of October. The third officer pulled out
8 of the training three days before it was scheduled to begin, and did not receive any discipline or harsh
9 words from Sergeant Chang. At the traffic training, Plaintiffs requested to change hotels as their first
10 hotel was in a high-crime area. Plaintiffs drove the rental car they were assigned back home from
11 Riverside, and agreed to return the rental car the next morning, as it was almost midnight.

12 27. The next day, while Officer Rodriguez was off-duty, Sergeant Chang scheduled a
13 meeting with Officer Prieto. When Officer Prieto arrived, Sergeant Chang began to yell at Officer Prieto
14 for switching hotels and renting a car during Plaintiffs' training trip to Riverside, despite the fact that
15 Plaintiffs received permission for both from the training unit. Sergeant Chang then told Officer Prieto
16 that he and Officer Rodriguez would no longer be allowed to work together because "perception is
17 reality" and people would assume Plaintiffs were having an intimate relationship. Sergeant Chang went
18 on to the say that because Officer Rodriguez is female, it would not look right for them to work closely
19 together and that he would not allow it any longer. Sergeant Chang then informed Officer Prieto that
20 he had received multiple complaints about how Plaintiffs handled the traffic collision the previous day.
21 Sergeant Chang then asked Officer Prieto if Officer Rodriguez was just incompetent, or if she needed
22 a man to hold her hand.

23 28. Plaintiffs were shocked by Sergeant Chang's angry outburst and series of unfair
24 accusations and innuendos. The other two officers in the unit had a relationship that mirrored Plaintiffs'
25 relationship, but Plaintiffs had much better law enforcement statistics. Nonetheless, Sergeant Chang
26 was very nice to the other two officers, even excusing mistakes and minor breaches in conduct on their
27 part, while inventing reasons to fault Plaintiffs.

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1 29. Two days later, Officer Rodriguez apologized to Sergeant Rob Green, as Plaintiffs
2 believed that Sergeant Green was unhappy with how they handled the collision scene several days prior
3 based on Sergeant Chang's comments, as Sergeant Green was the shift supervisor when the collision
4 incident occurred. Sergeant Green stated that he not told anyone he was upset with their work quality,
5 and, on the contrary, he and his team were very happy with Plaintiffs' performance. Officer Rodriguez
6 then contacted another supervisor in the unit responsible for the vehicle collision, Corporal James
7 Colley, and apologized again. Corporal Colley echoed Sergeant Green's statements, and stated that
8 Plaintiffs were always around to help, that he never had to worry about them, and that they were
9 reputable hard workers.

10 30. Shortly thereafter, Officer Rodriguez spoke with Corporal Steve Aiello, the president of
11 the Police Officers Association, and addressed concerns she had regarding the way Sergeant Chang
12 was treating her. Officer Rodriguez related to Corporal Aiello that she felt she was being singled out
13 because of her gender. Corporal Aiello stated that he had to raise Officer Rodriguez's concerns to
14 Lieutenant Donleavy, and asked if she would be comfortable meeting with Lieutenant Donleavy, and,
15 possibly, Sergeant Chang. Officer Rodriguez agreed to meet with Lieutenant Donleavy, but stated that
16 she only felt comfortable meeting with Sergeant Chang if Lieutenant Donleavy was present. Corporal
17 Aiello informed Officer Rodriguez that he would be writing a memo to Lieutenant Donleavy about the
18 concerns Officer Rodriguez raised.

19 31. On or about November 10, 2020, Lieutenant Donleavy met with Officer Rodriguez, and
20 told her that Sergeant Chang's behavior was inappropriate and not allowed, but that he felt it was
21 important to have a meeting with Sergeant Chang so he could speak on his own behalf. Officer
22 Rodriguez told Lieutenant Donleavy that she was very nervous about this meeting, as she feared
23 retaliation from Sergeant Chang. Lieutenant Donleavy assured her that there would be no retaliation.
24 Officer Rodriguez said she wanted to leave the traffic unit to get away from Sergeant Chang, but
25 Lieutenant Donleavy convinced her not to, explaining that he had hand-picked her for the unit, and that
26 she had earned her spot there.

27 32. On or about November 13, 2020, Officer Rodriguez met with Lieutenant Donleavy and
28 Sergeant Chang, explained her concerns about Sergeant Chang's treatment of her, and asked Sergeant

1 Chang if she had done something wrong. Officer Rodriguez observed Sergeant Chang's demeanor to
2 be extremely angry as his face was red, and his lower lip was quivering, both signs of anger she had
3 previously observed him display. Sergeant Chang stated begrudgingly that Officer Rodriguez had done
4 nothing wrong and that she was one of the top officers in the unit. Officer Rodriguez then asked him
5 why she was being treated differently and why he acted as if she did not exist as a person. Sergeant
6 Chang began visibly shaking with anger, and Lieutenant Donleavy assured Officer Rodriguez that this
7 would no longer happen, and ended the meeting.

8 33. Sergeant Chang's mistreatment of Plaintiffs then ceased—until Plaintiffs found
9 themselves at the center of a firestorm concocted by Defendant Torres-Walker simply for doing their
10 job.

11 **III. Defendant Torres-Walker Viciously Defames Officer Prieto**

12 34. On December 29, 2020, Plaintiffs were on duty together as traffic enforcement officers.
13 Due to a high volume of reckless driving complaints, Plaintiffs drove a marked police automobile rather
14 than their typical motorcycles out of concern for their own safety. Plaintiffs observed two off-road
15 vehicles, a dirt bike and a quad bike (similar to an all-terrain vehicle), driving northbound on a
16 westbound sidewalk. As Plaintiffs observed several vehicle code violations, Plaintiffs attempted a
17 routine traffic stop, but both vehicles attempted to flee. After a short pursuit, Plaintiffs abandoned
18 pursuit out of concern for public safety. As Plaintiffs conducted a U-turn, the driver of the quad bike
19 pulled up in front of them and directly stopped in front of the patrol vehicle. At no point did the patrol
20 vehicle or the quad bike contact one another. Plaintiffs directed the driver to sit on the sidewalk,
21 whereupon they discovered that the driver was thirteen years old. Plaintiffs directed the driver to call
22 his mother to pick him up, but he refused to provide Plaintiffs with his mother's name or telephone
23 number. The driver then stated that he was getting irate and displayed significant signs of anger, so
24 Plaintiffs placed him in handcuffs in order to prevent any possibility of a physical altercation. Plaintiffs
25 finally learned the driver's mother's name and called her, asking her to pick up her son.

26 35. Moments later, Plaintiffs observed a vehicle swerving in and out of traffic, before the
27 driver pulled up behind them after slamming the breaks. Defendant Torres-Walker exited the vehicle
28 and shoved Officer Rodriguez before yelling at both officers a string of profane threats and accusations,

1 including the following, or words substantially similar thereto: "I'm going to get you fired, just wait,"
2 "I don't f*cking trust you guys, you f*cking kill people, you just see black kids and you try to kill them,
3 you try to shoot them, I don't trust anything you f*cking say," "you just wait, after I'm done with you
4 guys, I'm gonna have your badges," and "I'm gonna have your job."

5 36. Officer Rodriguez then recognized the woman to be a Defendant Torres-Walker, and
6 said "you're the city councilwoman," in response to Defendant Torres-Walker's question, "do you
7 know who the f*ck I am?" Defendant Torres-Walker responded, "That sh*t don't matter." Defendant
8 Torres-Walker repeated that both Plaintiffs would be fired once she was "done with them."

9 37. Due to the sensitive circumstances Defendant Torres-Walker was creating, Officer
10 Prieto requested a supervisor's presence on-scene. Although Sergeant Chang was the traffic unit
11 supervisor and was available at the time, he ignored Officer Prieto's request for back-up, so Corporal
12 Steve McElroy arrived on scene as back-up. Corporal McElroy advised Plaintiffs to conduct themselves
13 as they would with anyone else. Plaintiffs caused the quad bike to be towed and issued four citations to
14 the driver before releasing him.

15 38. After Plaintiffs returned to the police station, they were directed to "write the best report
16 they have ever written." Sergeant Chang was present, and told Plaintiffs that they owed dinner to the
17 sergeant that would be staying late to review their reports.

18 39. Two hours later, Defendant Torres-Walker appeared on Facebook Live and went on a
19 nearly ten-minute rant, mainly about Officer Prieto, stating the following, among other things
20 ("December 29 Video"):

- 21 • "I am so pissed off right now, you just do not know."
- 22 • "These motherf*ckers think that I give a sh*t about being a city councilmember when it comes
23 to my kids? I absolutely do not. So when I roll up and say who do you think I am, I'm not talking
24 about being a f*cking city councilmember, I'm talking about being an angry as f*ck mama
25 because you almost killed my f*cking kids and you don't want me to see me organizing in these
26 motherf*cking streets about my kids and this Antioch PD."
- 27 • "Officer Rodriguez, she tried to do a good job."

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- 1 • "My kids was following all the f*cking rules of the road and these assholes felt the need to try
- 2 to run my son over on his dirtbike and then when they got mad that they could not catch him on
- 3 his dirtbike, and that they could not run him the f*ck over, then they started to go after my
- 4 thirteen year-old because he is smaller and his bike is slower and he was trying to figure out
- 5 where his brother went after the f*cking police officers tried to swipe my son off his dirtbike."
- 6 • "This *sshole, Pareto, or whatever the hell his name is, thought that it was just gon' be his job
- 7 today to try to run my kid over on his dirtbike[.]"
- 8 • "And when my son made it home, this asshole rolls up on my thirteen year-old on his quad and
- 9 bumps his f*cking quad. They could have hurt him really bad."
- 10 • "They pull they f*cking tasers, he don't know if they're tasers or guns, cuz they draw f*cking
- 11 down on my kid, and he recognized that they were tasers, but by that time he was already scared
- 12 and pissed off. And then they get him on the ground and Officer Pareto or whatever the f*ck
- 13 his name is is talking sh*t to my kid, like he don't have a f*cking mama or a parent who love
- 14 him and will get out here in these motherf*cking streets, and it'll be, and this sh*t will all be
- 15 f*cking tore down about my kids."
- 16 • "This sh*t is not over. It's not."
- 17 • "What I want to do is throw yo' *ss on the ground against yo' motherf*cking car[.]"
- 18 • "I'll have your motherf*cking badge, you punk *sshole."
- 19 • "I am gon' ask for a f*cking investigation."
- 20 • "It also makes sense that these motherf*ckers would f*ck with our kids like there's kids doing
- 21 this sh*t all day, and you see my kid out there, and then you want to try to run my f*cking kid
- 22 over on his bike?"
- 23 • "You just revved up, sped up, and tried to sideswipe my f*cking kid. That's what you did. And
- 24 then when you couldn't catch him, you tried to harm my little kid, my thirteen year-old."
- 25 • "I will definitely be filing a complaint against this particular *sshole first thing tomorrow
- 26 morning."
- 27 • "I hope he never gets to f*cking work with kids because he obviously don't know what the f*ck
- 28 he doing."

- 1 • "You don't think that a thirteen year-old black child who just got ran down on by the police is
- 2 not gonna be scared when you pull out something that he don't f*cking know if you gon' take
- 3 his f*cking life or not?"
- 4 • "I'm gonna get off of this Live before I continue to say shit that, I just don't want to continue."
- 5 • "It's people like this Pareto dude who should not be on the f*cking streets."
- 6 • "I want an independent f*cking investigation."

7 40. Plaintiffs at no point contacted the quad bike with their patrol vehicle or tried to run
8 either driver over, sideswipe them, or otherwise contact their vehicles as Defendant Torres-Walker
9 falsely claim they had. Nor did Plaintiffs at any point draw their tasers or any other weaponry.

10 41. The December 29 Video remains posted on YouTube, where it has been viewed over
11 17,000 times.

12 42. On or about January 7, 2021, the East County North Star upload a fifty-one-minute
13 video, which remains available on YouTube, with an interview Dr. Lamont A. Francies conducted with
14 Defendant Torres-Walker ("January 7 Interview"). Defendant Torres-Walker made the following
15 representation about Plaintiffs and the December 29 incident during this video: "My phone rings and
16 it's my youngest son's phone, and I'm like 'where are you?' and it's the officer saying, pretty much,
17 'if you come don't get his, if you don't come get him, we gonna send his a-s-s to juvenile hall.'"

18 43. When asked if there was one statement she could take back from her December 29
19 Video, Defendant Torres-Walker responded, "When I said I didn't care about being a city
20 councilmember." Not her defamatory and horrendous accusations and lies about Plaintiffs or her stated
21 desire to physically harm Officer Prieto.

22 44. Neither Plaintiff had made any threat or stated any indication to send Defendant Torres-
23 Walker's son to juvenile hall. That statement was another lie on Defendant Torres-Walker's part.

24 **IV. Plaintiffs' Workplace Becomes Hostile Once Again**

25 45. Following the December 29 Video, Plaintiffs immediately began to suffer blowback in
26 the community. While they previously had been friendly with many community members, members of
27 the community now regarded Plaintiffs with suspicion, often pulling out their cell phones to record
28 their interactions with them.

1 46. Following December 29 Video, Sergeant Chang began distancing himself from
2 Plaintiffs at work, giving Plaintiffs the impression that Sergeant Chang wanted nothing to do with them
3 as a result of controversy caused by the December 29 Video.

4 47. On or about January 14, 2021, Oppenheimer Investigations Group LLC
5 (“Oppenheimer”) commenced an outside investigation of Plaintiffs in response to an official complaint
6 Defendant Torres-Walker had filed against them with the APD. The investigation had been procured
7 by the City of Antioch. The City of Antioch pursued this outside investigation even though the City of
8 Antioch had in its possession within twenty-four hours of the incident video evidence exonerating
9 Plaintiffs from the lies Defendant Torres-Walker had told about them.

10 48. On or about February 17, 2021, Plaintiffs assisted in pursuing two armed robbery
11 suspects. During the pursuit, the suspect vehicle fled to Pittsburg, and the lead pursuing officers took a
12 wrong turn. The suspect vehicle reversed direction, and Plaintiffs became the closest officers and drove
13 toward the suspect vehicle with their lights and sirens on. The suspect vehicle then crashed, and
14 Plaintiffs apprehended both suspects and recovered two firearms. Plaintiffs received praise from
15 various APD officers about how they handled the situation.

16 49. The next morning, however, Sergeant Chang reprimanded Officer Prieto in front of
17 Corporal Jason Vanderpool for his handling of the above pursuit, telling him he had no business turning
18 on his lights and sirens without permission from a supervisor, despite the fact that Plaintiffs’ actions
19 were consistent with their training and protocol. Officer Prieto apologized three times, but Sergeant
20 Chang continued to berate him. After this incident, Corporal Vanderpool took Officer Prieto aside and
21 asked if he was okay, stating that Sergeant Chang’s treatment of him was uncalled for.

22 50. On or about February 27, 2021, Plaintiffs received a letter of commendation from APD
23 for their handling of the February 17, 2021 pursuit.

24 51. In or around February 2021, Officer Rodriguez had been scheduled to attend Crisis
25 Negotiation Training (“CNT”) in Los Angeles from March 1 through 5, 2021. Officer Rodriguez was
26 given two travel days following CNT by Lieutenant Donleavy, and made a request to Sergeant Chang
27 for time off the weekend immediately preceding CNT. Sergeant Chang asked why she had been given
28 travel days, when he had not received travel days for a training he attended, and stated that Lieutenant

1 Donleavy did not know what he was doing and that she did not need the days off. Sergeant Chang then
2 removed the travel days from Officer Rodriguez's schedule using his computer. The next week, Officer
3 Rodriguez received her weekly schedule that contained the two travel days Sergeant Chang had taken
4 away. Officer Rodriguez then sought clarification from Lieutenant Donleavy regarding the two travel
5 days, as she was unsure whether to rely on Sergeant Chang's deletion of the travel days on his computer
6 or her printed schedule that still listed them. After Officer Rodriguez told Lieutenant Donleavy about
7 her conversation with Sergeant Chang, they entered Sergeant Chang's office and pulled up the schedule
8 on Sergeant Chang's computer, which showed the travel days as deleted. Sergeant Chang denied that
9 he had removed Officer Rodriguez's travel days and accused Officer Rodriguez of lying, but then
10 confirmed after Officer Rodriguez had recounted their entire discussion that he had made all of the
11 aforementioned statements to Officer Rodriguez about her need for travel days. Lieutenant Donleavy
12 angrily told both of them that there need not be explanations for time off he authorized and that the
13 schedules he issued with command staff approval were to be left alone. Sergeant Chang was visibly
14 angry by this point. After this incident, Officer Rodriguez was extremely upset and began to cry.

15 52. Later that day, Lieutenant Donleavy instructed Officer Rodriguez to join him and
16 Captain Morefield for a meeting. Captain Morefield informed Officer Rodriguez that as a result of her
17 and Sergeant Chang's accusations that the other had lied, both of their allegations would be referred to
18 Internal Affairs. Further, Captain Morefield stated that as a result of the "hostile work environment"
19 between them, Officer Rodriguez and Sergeant Chang were prohibited from communicating with each
20 other except by email with Lieutenant Donleavy copied, and that they were not to speak to each other
21 absent an emergency.

22 53. The mutual stay-away order Captain Morefield issued materially set Officer Rodriguez's
23 career back as she was prohibited from engaging with her direct supervisor, even on matters relating to
24 work.

25 54. There was no need for an Internal Affairs investigation as the computer scheduling
26 software would be able to confirm whether or not Sergeant Chang had removed the two travel days, and
27 thus settle the issue of who lied.

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1 55. On March 4, 2021, shortly after the disagreement between Sergeant Chang and Officer
2 Rodriguez, Sergeant Chang called a meeting with Officer Prieto and Lieutenant Donleavy. Lieutenant
3 Donleavy stated that he had been made aware that Officer Prieto had turned in several reports late and
4 failed to return several corrected citation forms, and that he would be placing Officer Prieto on a
5 program designed just for him. This program included daily check-ins with Sergeant Chang, a
6 restriction on writing reports, and a requirement that all subpoenas be directly handed to Officer Prieto.
7 This program amounted to a de facto Performance Improvement Plan ("PIP"), but Officer Prieto neither
8 met the criteria for an actual PIP nor received the procedural safeguards of an actual PIP. Officer Prieto
9 concluded that Sergeant Chang had suggested this program to Lieutenant Donleavy as a way to punish
10 Officer Rodriguez indirectly.

11 56. At the time Sergeant Chang and Lieutenant Donleavy placed Officer Prieto on the
12 unofficial PIP, Officer Prieto had just a few late reports, all of which were non-priority. Most of the
13 other patrol officers had dozens of late reports at any given time. In addition, the main reason Officer
14 Prieto had a large number of citation corrections was that he was the highest or one of the highest
15 performing officers who had issued among the most citations, which increased the likelihood of having
16 corrections requested.

17 57. Corporal Vanderpool, who was in the POA leadership, informed Officer Prieto that the
18 new program was not actually a PIP, and, therefore, Officer Prieto was not required to abide by it.
19 Nonetheless, Officer Prieto complied with the program, even though it was humiliating and
20 inconvenient, often adding twenty minutes to his workday to drive back to the station to personally turn
21 in reports, for which time Officer Prieto did not seek compensation in fear that he would be disciplined
22 by Sergeant Chang for doing so.

23 58. On or about March 11, 2021, Officer Prieto was in the office at the police station along
24 with several other officers. As Officer Prieto walked past Sergeant Chang, Sergeant Chang stopped
25 him. Sergeant Chang repeated his earlier innuendo that "perception is reality," and said in a stern voice
26 that he looked at Plaintiffs' time logs and observed they were both blank for 300 minutes, and asked
27 what they were doing for 300 minutes. Because of Sergeant Chang's tone and demeanor, it was clear
28 the implication was that Plaintiffs were doing something untoward. It was not uncommon for Plaintiffs

1 to have large blank spaces in their time logs as they were traffic officers, and therefore were often
2 unable to update their logs until the end of the day. After Sergeant Chang confronted Officer Prieto, the
3 room became silent, and Officer Prieto explained that they had located a reckless vehicle and had it
4 towed. This information was available to Sergeant Chang in a report at his disposal. Sergeant Chang
5 stormed off after Officer Prieto answered his inquiry.

6 59. Following this incident, a rumor spread around the department that Sergeant Chang was
7 monitoring Plaintiffs' activities. Other officers then began making jokes about Plaintiffs, such as
8 innuendos about Plaintiffs taking too long at a service call or taking a lunch that was one minute too
9 long. Plaintiffs, particularly Officer Rodriguez, were distraught at the notion that their fellow officers
10 believed they were engaging in an extramarital affair with one another.

11 60. On March 16, 2021, Officer Prieto initiated the grievance process by submitted a
12 memorandum to Corporal Aiello, but no further action was taken by anyone at APD with respect to the
13 grievance procedure.

14 61. On or about March 24, 2021, Officer Rodriguez sent an email to Sergeant Chang and
15 Lieutenant Donleavy regarding Sergeant Chang's inappropriate remarks to Officer Prieto concerning
16 her. In her email, Officer Rodriguez recounted her understanding of what was said, and requested that
17 if Sergeant Chang has any concerns or questions about her work, that he speak to her directly. Officer
18 Rodriguez further stated that she took offense to the implication that she had engaged in inappropriate
19 conduct. Lieutenant Donleavy responded by email, saying that Officer Rodriguez's "line of
20 questioning" was inappropriate and that he would be speaking with her in person. Officer Rodriguez
21 then met privately with Lieutenant Donleavy, who angrily told her that he was sick of hearing about
22 her issues with Sergeant Chang, and that Sergeant Chang may have been instructed to check up on
23 Plaintiffs for an unknown reason. When Officer Rodriguez tried to explain why she felt that she and
24 Officer Prieto had been mistreated by Sergeant Chang, Lieutenant Donleavy yelled at her, "Sergeant
25 Chang isn't going anywhere. Sergeant Chang is going to remain your supervisor and you just have to
26 deal with it, grow tougher skin, and stop acting like a girl. I am tired of having to come to work and
27 hear about more problems, I am done." Officer Rodriguez responded that she would stop acting like a
28 girl and would not file any more complaints with him. After Lieutenant Donleavy excused her, Officer

1 Rodriguez began to cry because she had felt that her only recourse had been to go to Lieutenant
2 Donleavy, but that option was now gone.

3 62. In or around the first or second week of April 2021, Officer Prieto asked Sergeant Chang
4 how much longer he would have to remain on the program (the unofficial PIP) that Sergeant Chang
5 had implemented. Sergeant Chang said it was a "Lieutenant Donleavy thing" and therefore up to him.
6 When Officer Prieto then posed the same question to Lieutenant Donleavy, Lieutenant Donleavy
7 responded that once Sergeant Chang gave the approval, the program would end, contradicting the
8 representation Sergeant Chang had just made. Lieutenant Donleavy then handed Officer Prieto
9 approximately twelve citation corrections and apologized for forgetting to give him those when they
10 had met the previous month.

11 63. During Plaintiffs' time at APD, only one officer to their knowledge had been placed on
12 an actual PIP. The informal PIP Officer Prieto been placed on became known throughout the
13 department, and multiple officers remarked to Officer Prieto how crazy it was.

14 64. On or about April 22, 2021, Sergeant Chang sent an email to Officer Prieto with
15 Lieutenant Donleavy copied, informing Officer Prieto that Officer Prieto was late in submitting a
16 certain report, and that his actions were wrong and unacceptable. However, Officer Prieto had acted in
17 accordance with APD procedures, as he left a note on the draft report that the incident was a possibly
18 fatal accident, and that he was therefore waiting to see if the subject was going to survive before
19 completing the report. When Officer Prieto discussed this incident to Corporal Vanderpool, Corporal
20 Vanderpool noticed the extreme stress Officer Prieto was suffering and offered to place him on stress
21 leave, which offer Officer Prieto declined. Officer Prieto submitted a written complaint via email to
22 Corporal Vanderpool regarding Sergeant Chang's treatment of him, but, once again, nothing came of
23 this complaint.

24 65. On or about May 27, 2021, Sergeant Chang called a meeting with Officer Prieto and
25 informed him that he was due to give Lieutenant Donleavy an update on the informal PIP, and that he
26 would extending the program as Officer Prieto had not been complying with the program's
27 requirements. Officer Prieto responded that he was complying with the requirements and that he felt as
28 though Sergeant Chang was looking for a reason to keep him on the program. Sergeant Chang then said

1 that he knew about the grievance Officer Prieto filed, and that he did not care, but that he did not feel
2 it was appropriate to continue discussing the informal PIP with Officer Prieto as it was the subject of a
3 grievance. Sergeant Chang then stated that he had not seen any citations from Officer Prieto. Officer
4 Prieto told Sergeant Chang that he had left them in a bin at the police station. Sergeant Chang said that
5 he was going to check the bin, and if the citations were not there, Officer Prieto would be labeled a liar
6 and an internal investigation would ensue. Fearing imminent disciplinary action (even though he had
7 indeed placed the citations in a bin), Officer Prieto requested the presence of a union representative,
8 which request Sergeant Chang denied. Officer Prieto then requested to speak with Lieutenant Donleavy,
9 which request Sergeant Chang approved after initially denying it. When Officer Prieto explained what
10 was going on, Lieutenant Donleavy stated that he was "over the bullsh*t" and that Officer Prieto was
11 acting like he was in school, at which point Sergeant Chang commented that Officer Prieto had filed a
12 grievance. Lieutenant Donleavy became irate and told Officer Prieto that he had no grievance, and told
13 him, "I dare you to turn in that grievance, I better have that on my damn desk ASAP." Officer Prieto
14 felt intimidated and remained silent. Lieutenant Donleavy then said, "If you feel that my swearing is
15 also offensive, then put it in the grievance too." Following this meeting, Officer Prieto broke down and
16 cried.

17 66. On or about May 28, 2021, Plaintiffs submitted separate memoranda resigning from the
18 traffic unit. In his memorandum, Officer Prieto included a lengthy statement explaining his grievances
19 with how he had been treated.

20 67. Leaving the traffic unit was devastating to Plaintiffs as they were proud to have earned
21 a spot in the traffic unit and found it immensely rewarding to assist the community in mitigating the
22 harms caused by reckless driving, resulting in gratitude from community members.

23 68. The next week, Captain Morefield met with Officer Prieto and another captain. Captain
24 Morefield commented that he was glad that Plaintiffs were out of the situation they were in with
25 Sergeant Chang, but that he did not feel there had been any violations and did not understand what
26 Officer Prieto wanted. Officer Prieto was intimidated by the two captains and said he just wanted to go
27 back to work. Captain Morefield then directed Officer Prieto to email him to confirm with him he
28 wanted nothing done, which request Officer Prieto obeyed.

69. After leaving the traffic unit, Plaintiffs were placed in opposite shifts such that they would never have the opportunity to work together.

70. On or about June 16, 2021, Plaintiffs were each served with notices from Internal Affairs notifying them that they would be investigated for eleven violations of APD policy. The notices were substantially identical and only contained information regarding the policies Plaintiff allegedly violated, but did not list any supporting facts. Plaintiffs learned that the Internal Affairs investigation related to a luncheon that Plaintiffs hosted for other officers in connection with their role on the APD's Wellness Committee. Plaintiffs had spent their personal time and personal funds to purchase and cook food for other officers, only for Sergeant Chang to accuse them of holding an unauthorized luncheon, using the wrong code on their timesheets, engaging in unauthorized overtime, and even criminal conduct. Sergeant Chang was on leave when the luncheon took place.

71. The continued retaliation took a severe toll on Plaintiffs' emotional well-being. Finally, Officer Prieto and Officer Rodriguez were placed on stress leave on July 17, 2021 and July 19, 2021, respectively.

72. Plaintiffs remain on stress leave.

73. Officer Prieto has been approved for worker's compensation for his stress leave, but Officer Rodriguez's worker's compensation claim is currently pending, after it was initially denied.

74. As a result of the mistreatment they experienced, Plaintiffs have experienced severe emotional distress, lost income, and significant career setbacks.

V. Oppenheimer Exonerates Plaintiffs, but the City Continues to Persecute Them

75. On or about October 2, 2021, nearly nine months after Oppenheimer began its investigation, Oppenheimer concluded its investigation and released a report concluding that each and every allegation of misconduct Defendant Torres-Walker had made was either unfounded or not sustained. A finding of unfounded occurs when "the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification." The following are each of the complaints Torres-Walker made, along with Oppenheimer's conclusion:

- "Did Officer Prieto engage in racial profiling of Walker's sons?" **Not sustained.**

- 1 • "Did Officer Prieto engage in a racially biased use of force towards either son?" **Unfounded.**
- 2 • "Did Officer Prieto engage in an unreasonable use of force towards Walker's sons?" **Not**
- 3 **sustained.**
- 4 • "Did Officer Prieto behave in an uncivil, disorderly, or unprofessional manner towards Walker's
- 5 younger son?" **Unfounded.**
- 6 • "Did Officer Prieto behave in an uncivil, disorderly or unprofessional manner towards Tamisha
- 7 Walker?" **Not sustained.**
- 8 • "Did Prieto's report fail to accurately reflect the December 29, 2020 incident?" **Not sustained.**
- 9 • "Did Officer Rodriguez engage in racial profiling of Walker's sons?" **Not sustained.**
- 10 • "Did Officer Rodriguez engage in a racially biased use of force towards either son?"
- 11 **Unfounded.**
- 12 • "Did Officer Rodriguez engage in an unreasonable use of force towards Walker's sons?"
- 13 **Unfounded.**
- 14 • "Did Officer Rodriguez behave in an uncivil, disorderly, or unprofessional manner towards
- 15 Walker's younger son?" **Not sustained.**
- 16 • "Did Officer Rodriguez behave in an uncivil, disorderly or unprofessional manner towards
- 17 Tamisha Walker?" **Unfounded.**
- 18 • "Did Officer Rodriguez's report fail to accurately reflect the December 29, 2020 incident?" **Not**
- 19 **sustained.**

20 See Confidential Executive Summary, attached hereto as **Exhibit A.**

21 76. Crucially, Oppenheimer found that the preponderance of the evidence "did not support
22 a finding that Prieto tried to hit the older son with the patrol vehicle or run him off the road; had his
23 hand on his taser as he exited the patrol car after stopping the younger son; pulled his taser when
24 approaching the younger son; or pushed the younger son to the ground after he stepped off the ATV."
25 *Id.* at 3.

26 77. The City of Antioch paid Oppenheimer \$44,610.00 in taxpayer funds in order to
27 investigate Defendant Torres-Walker's false claims against Plaintiffs. See The Antioch Herald,
28 "Investigation of December incident involving Antioch councilwoman, her sons and police shows all

her claims were 'unfounded' or 'not sustained,'" available at
<https://antiochherald.com/2021/09/investigation-of-december-incident-involving-antioch-councilwoman-her-sons-and-police-shows-all-her-claims-were-unfounded-or-not-sustained/>.

78. On or about October 2, 2021, the City of Antioch's city council rejected Oppenheimer's findings. And, upon information and belief, the City of Antioch, through its city council, intends to reopen its investigation of Plaintiffs. This is causing Plaintiffs further grief and despair as the investigation of Defendant Torres-Walker's baseless complaint had dragged on for months only for an exonerating report to be rejected by the very body upon which Defendant Torres-Walker sits.

79. In or around the second half of October 2021, Officer Rodriguez was informed by a coworker that at a party for SWAT Team officers, Captain Morefield and Sergeant Chang were discussing the pending Internal Affairs investigations regarding both Plaintiffs, and Captain Morefield stated that he could not wait until Officer Prieto returned to work so that he could fire him.

80. Plaintiffs have timely exhausted their administrative remedies and have obtained right-to-sue letters from the California Department of Fair Employment and Housing for all claims requiring exhaustion.

LEGAL CLAIMS

FIRST CAUSE OF ACTION

Gender Discrimination in Violation of FEHA (Officer Rodriguez Against City of Antioch)

81. Plaintiffs allege and incorporate by reference the allegations in each of the preceding paragraphs as if fully set forth herein.

82. Pursuant to California Government Code Section 12940, it is an unlawful practice for an employer to discriminate against an employee in the terms, conditions, or privileges of employment on the basis of gender.

83. The City of Antioch, by and through Sergeant Chang and Lieutenant Donleavy, discriminated against Officer Rodriguez by, among other things, singling her out for punishment (including the Internal Affairs investigation) and disparate treatment and failing to provide her with the same privileges of employment that similarly situated male officers received.

84. Plaintiff believes that her gender was a proximate cause of the disparate treatment and

1 discrimination she experienced as both supervisors had made repeated references to Officer Rodriguez's
2 gender in comments denigrating her and her work performance.

3 85. As a proximate result of the City of Antioch's willful, knowing, and intentional
4 misconduct, Officer Rodriguez has suffered and continues to suffer humiliation, emotional distress,
5 mental pain and anguish, all to her damages in a sum according to proof. Officer Rodriguez also has
6 incurred and continues to incur legal expenses and attorneys' fees which she is entitled to recover.

7 86. Sergeant Chang and Lieutenant Donleavy's misconduct was committed intentionally, in
8 a malicious, despicable, oppressive, fraudulent manner, entitling Officer Rodriguez to punitive damages
9 against Defendants.

10 //

11 **SECOND CAUSE OF ACTION**
12 **Hostile Work Environment in Violation of FEHA**
13 **(Officer Rodriguez Against City of Antioch)**

14 87. Plaintiffs allege and incorporate by reference the allegations in each of the preceding
15 paragraphs as if fully set forth herein.

16 88. Officer Rodriguez was subjected to verbal conduct of a sexual nature when Officer
17 Chang made repeated innuendos accusing Plaintiffs of engaging in untoward conduct.

18 89. Sergeant Chang's conduct was unwelcome by Officer Rodriguez.

19 90. Sergeant Chang's conduct was sufficiently severe and pervasive to alter the terms of
20 Officer Rodriguez's employment at APD and create an abusive work environment.

21 91. As a proximate result of the City of Antioch's willful, knowing, and intentional
22 misconduct, Officer Rodriguez has suffered and continues to suffer humiliation, emotional distress,
23 mental pain and anguish, all to her damages in a sum according to proof. Officer Rodriguez also has
24 incurred and continues to incur legal expenses and attorneys' fees which she is entitled to recover.

25 92. Sergeant Chang's misconduct was committed intentionally, in a malicious, despicable,
26 oppressive, fraudulent manner, entitling Officer Rodriguez to punitive damages against the City of
27 Antioch.

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THIRD CAUSE OF ACTION
Retaliation in Violation of FEHA
(Both Plaintiffs Against City of Antioch)

93. Plaintiffs allege and incorporate by reference the allegations in each of the preceding paragraphs as if fully set forth herein.

94. Pursuant to California Government Code Section 12940, it is an unlawful practice for an employer to retaliate or otherwise discriminate against a person for opposing practices prohibited by that statute.

95. Plaintiffs both opposed the gender-based discrimination and hostile work environment to which Officer Rodriguez was subjected by writing memoranda, filing grievances, and making written and oral complaints with supervisory staff.

96. As a result of Plaintiffs' efforts to oppose practices prohibited by Section 12940, the City of Antioch, by and through Sergeant Chang and Lieutenant Donleavy, retaliated against Plaintiffs by, among other things, singling them out for punishment (including the Internal Affairs investigations and Officer Prieto's informal PIP) and disparate treatment and failing to provide them with the same privileges of employment that similarly situated officers received.

97. As a proximate result of the City of Antioch's willful, knowing, and intentional misconduct, Plaintiffs have and continue to suffer humiliation, emotional distress, mental pain and anguish, all to their damages in a sum according to proof. Plaintiffs have also incurred and continue to incur legal expenses and attorneys' fees which they are entitled to recover.

98. Sergeant Chang and Lieutenant Donleavy's misconduct was committed intentionally, in a malicious, despicable, oppressive, fraudulent manner, entitling Plaintiffs to punitive damages against Defendants.

FOURTH CAUSE OF ACTION
Failure to Prevent Discrimination in Violation of FEHA
(Officer Rodriguez Against City of Antioch)

99. Plaintiffs allege and incorporate by reference the allegations in each of the preceding paragraphs as if fully set forth herein.

100. Pursuant to California Government Code Section 12940, an employer must take all

1 reasonable steps to prevent discrimination based on gender.

2 101. Officer Rodriguez was an employee of the City of Antioch and was subject to gender
3 discrimination and retaliation during the course of her employment.

4 102. The City of Antioch failed to take all reasonable steps to prevent the discrimination and
5 retaliation.

6 103. As a proximate result of the City of Antioch's willful, knowing, and intentional
7 misconduct, Officer Rodriguez has suffered and continue to suffer humiliation, emotional distress,
8 mental pain and anguish, all to her damages in a sum according to proof. Officer Rodriguez has also
9 incurred and continues to incur legal expenses and attorneys' fees which she is entitled to recover.

10 104. The City of Antioch's failure to take all reasonable steps to prevent discrimination and
11 retaliation was a substantial factor in causing Officer Rodriguez harm.

12 //

13 **FIFTH CAUSE OF ACTION**
14 **Violation of California's Whistleblower Law**
15 **(Both Plaintiffs Against City of Antioch)**

16 105. Plaintiffs allege and incorporate by reference the allegations in each of the preceding
17 paragraphs as if fully set forth herein.

18 106. Pursuant to California Government Labor Code Section 1102.5(b), "An employer, or
19 any person acting on behalf of the employer, shall not retaliate against an employee for disclosing
20 information, or because the employer believes that the employee disclosed or may disclose information,
21 to a government or law enforcement agency, to a person with authority over the employee or another
22 employee who has the authority to investigate, discover, or correct the violation or noncompliance, or
23 for providing information to, or testifying before, any public body conducting an investigation, hearing,
24 or inquiry, if the employee has reasonable cause to believe that the information discloses a violation of
25 state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation,
26 regardless of whether disclosing the information is part of the employee's job duties."

27 107. Under California Government Labor Code Section 1102.5(e), "A report made by an
28 employee of a government agency to their employer is a disclosure of information to a government or
law enforcement agency pursuant to subdivision . . . (b)."

1 108. In connection with their employment with the APD, Plaintiffs submitted a report to a law
2 enforcement agency detailing violations of law committed by Defendant Torres-Walker's minor son.

3 109. The City of Antioch retaliated against Plaintiffs for the report they filed to a law
4 enforcement agency by subjecting them to discipline and disparate treatment (including the Internal
5 Affairs investigations); materially altering the terms, conditions, and privileges of their employment;
6 and continuing to pursue an investigation of them despite an outside investigator clearing them of all
7 wrongdoing.

8 110. As a proximate result of the City of Antioch's willful, knowing, and intentional
9 misconduct, Plaintiffs have suffered and continue to suffer humiliation, emotional distress, mental pain
10 and anguish, all to their damages in a sum according to proof. Plaintiffs also have incurred and continue
11 to incur legal expenses and attorneys' fees which they are entitled to recover.

12 //

13 **SIXTH CAUSE OF ACTION**
14 **Defamation (Slander in Violation of California Civil Code Section 44, *et seq.*)**
15 **(Officer Prieto Against Defendant Torres-Walker)**

16 111. Plaintiffs allege and incorporate by reference the allegations in each of the preceding
17 paragraphs as if fully set forth herein.

18 112. Defendant Torres-Walker published statements about Officer Prieto in the December 29
19 Video and the January 7 Interview by making her speech available to internet viewers in real time and
20 for future viewing.

21 113. In the December 29 Video, Defendant Torres-Walker made false statements about
22 Officer Prieto, including the following: that Officer Prieto tried to run Defendant Torres-Walker's older
23 son off the road; that Officer Prieto tried to swipe Defendant Torres-Walker's older son's dirt bike; that
24 Officer Prieto tried to run over Defendant Torres-Walker's older son on his dirt bike; that Officer Prieto
25 bumped Defendant Torres-Walker's younger son's quad bike; that Officer Prieto drew a taser on
26 Defendant Torres-Walker's younger son; that Officer Prieto wanted to run over one of Defendant
27 Torres-Walker's sons on his bike; and that Officer Prieto tried to harm Defendant Torres-Walker's
28 younger son (collectively, "False Statements in the December 29 Video").

114. In the January 7 Interview, Defendant Torres-Walker made the following false statement

1 about Officer Prieto: that he threatened to take Defendant Torres-Walker's son to juvenile hall ("False
2 Statement in the January 7 Interview").

3 115. The False Statements in the December 29 Video and the False Statement in the January
4 7 Interview were and continued to be published on the internet and are not privileged.

5 116. The False Statements in the December 29 Video and the False Statement in the January
6 7 Interview are provably false.

7 117. No privileges or immunities apply to render Defendant Torres-Walker's speech non-
8 actionable.

9 118. The False Statements in the December 29 Video and the False Statement in the January
10 7 Interview tend directly to injure Officer Prieto in his profession and occupation, and exposed him to
11 hatred, contempt, ridicule, and/or shame, and discouraged others from associating or dealing with him.
12 The False Statements in the December 29 Video and the False Statement in the January 7 Interview has
13 led leadership in the City of Antioch and members of the community to question his character, and by
14 natural consequence, caused actual damage to Officer Prieto, in the form of diminished opportunities
15 for career advancement. In addition, the False Statements in the December 29 Video and the False
16 Statement in the January 7 Interview have caused Officer Prieto irreparable reputational harm, which is
17 ongoing.

18 119. Defendant Torres-Walker acted with actual malice toward Plaintiff Prieto, as evidenced
19 by her statements that she does not trust police officers, her stated desire for an investigation, her threats
20 to have Plaintiffs fired and to "have [their] badges," and her statement that she wants "throw [Officer
21 Prieto's] *ss on the ground against [his] motherf*cking car."

22 120. Defendant Torres-Walker's misconduct was committed intentionally, in a malicious,
23 despicable, oppressive, fraudulent manner, entitling Officer Prieto to punitive damages against
24 Defendant Torres-Walker.

25 //

26 //

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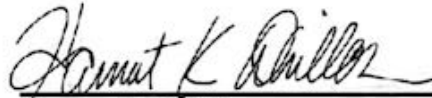
PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief and judgment against Defendants, as follows, in amounts according to proof:

1. For judgment in favor of Plaintiffs against Defendants;
2. For general, special, and compensatory damages;
3. For punitive and exemplary damages;
4. For civil penalties;
5. For pre-judgment interest;
6. For attorneys' fees and costs of suit incurred herein; and
7. For such other and further relief as the Court deems just and proper.

Date: December 23, 2021

DHILLON LAW GROUP INC.



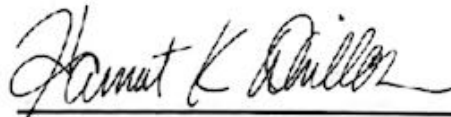
Harmeet K. Dhillon
John-Paul S. Deol
Jesse Franklin-Murdock
Attorneys for Plaintiffs
Andrea Rodriguez and Calvin Prieto

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury on all claims and issues so triable.

Date: December 23, 2021

DHILLON LAW GROUP INC.



Harmeet K. Dhillon
John-Paul S. Deol
Jesse Franklin-Murdock
Attorneys for Plaintiffs
Andrea Rodriguez and Calvin Prieto