

ORIGINAL

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ALBERT M. CHAVEZ; MARKIST HERBERT; RUDY REYES;

GEORGE W. ROBINSON, JR.; JOHN R. STUTZMAN, JR.

MICHAEL L. THOMPSON

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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

JUL 21 2011

A. Sanchez

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF RIVERSIDE  
RIVERSIDE COURTHOUSE

RIC 1112191

ALBERT M. CHAVEZ; MARKIST  
HERBERT; RUDY REYES; GEORGE W.  
ROBINSON, JR.; JOHN R.  
STUTZMAN, JR.; and MICHAEL L.  
THOMPSON,

Plaintiffs,

vs.

MORONGO CASINO RESORT & SPA,  
a.k.a. MORONGO GAMING AGENCY,  
and a.k.a. MORONGO BAND OF  
MISSION INDIANS; JERRY  
SCHULTZE; RALPH CHAPMAN;  
ROBERT FERRELL; ROD MERCADO;  
NEAL REED; and DOES 1-10,  
Inclusive,

Defendants.

CASE NO.

COMPLAINT FOR DAMAGES FOR:

(1) RETALIATION BASED ON  
DISCRIMINATION [Gov. Code §  
12940(h)];

(2) DISCRIMINATION [Gov.  
Code § 12940(a)];

(3) DISCRIMINATION BASED  
ON AGE [Gov. Code § 12940]

(4) DISCRIMINATION BASED  
ON SEX [Gov. Code § 12940]

(5) HARASSMENT IN  
VIOLATION OF THE FAIR  
EMPLOYMENT & HOUSING ACT

(6) WRONGFUL TERMINATION  
IN VIOLATION OF THE FAIR  
EMPLOYMENT AND HOUSING ACT  
(FEHA) AND PUBLIC POLICY

(7) FAILURE TO PREVENT  
WORKPLACE DISCRIMINATION

(8) INTENTIONAL INFLICTION  
OF EMOTIONAL DISTRESS

(9) NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS

(10) DEFAMATION

(11) BREACH OF CONTRACT

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Plaintiffs ALBERT M. CHAVEZ; MARKIST HERBERT; RUDY REYES;  
GEORGE W. ROBINSON, JR.; JOHN R. STUTZMAN, JR.; and MICHAEL L.  
THOMPSON hereby complain against Defendants, and each of them,  
and alleges the following causes of action:

NATURE OF THE CASE

1. This is a civil action seeking damages and relief  
against defendants for committing acts against Plaintiffs and for  
depriving Plaintiffs of rights secured by the laws of the state  
of California as clearly articulated in the Amendment to the  
Tribal-State Compact Between the State of California and the  
Morongo Band of Mission Indians (hereafter "1999 Compact"). The  
Morongo Casino Resort & Spa (hereafter "Morongo") agreed with the  
State of California that California tort law shall govern all  
claims, including business torts which include wrongful  
termination of employment, discrimination, harassment negligence,  
and intentional torts. This action is also brought by Plaintiffs  
for the unlawful conduct on the part of the above-named  
defendants causing these Plaintiffs to be subjected to  
discrimination, harassment, and retaliation because they engaged  
in the protected activity of opposing unlawful employment actions  
which were in violation of the California Fair Employment and  
Housing Act and the California Labor Code.

2. As a result of being continuously humiliated and  
embarrassed with the loss of self-esteem associated with the  
reduction of their job responsibilities, the assignment to menial  
work duties, demoted, and continued employment on terms less  
favorable than Plaintiffs' former status, to name a few,  
Plaintiffs were summarily fired or permanently laid off as

follows:

1 Plaintiff Al Chavez was terminated on June 17, 2011.

2 Plaintiff Markist Herbert was terminated on September 14, 2010.

3 Plaintiff Rudy Reyes was terminated on May 21, 2011.

4 Plaintiff George W. Robinson, Jr. was terminated on July 29,  
5 2010.

6 Plaintiff John R. Stutzman, Jr. was terminated on August 1, 2010.

7 Plaintiff Michael L. Thompson was terminated on December 3, 2010.

8 JURISDICTION AND VENUE

9 1. Plaintiffs have suffered and continue to suffer  
10 actual injuries as a result of the intentional, malicious, and  
11 unlawful conduct on the part of the above-named defendants.  
12 Plaintiffs have suffered and continue to suffer actual injuries  
13 as a result of the intentional and malicious conduct on the part  
14 of the above-named defendants. Plaintiffs also have a personal  
15 stake in the outcome of this action.

16 2. Morongo is located within the jurisdiction of the  
17 Riverside Court of the California Superior Court in and for the  
18 County of Riverside.

19 3. Jurisdiction of this Court is invoked pursuant to the  
20 Government Code section 12900 et seq. Further, and even more  
21 importantly, jurisdiction of this Court is invoked pursuant to  
22 the Amendment to the Tribal-State Compact Between the State of  
23 California and the Morongo Band of Mission Indians 1999. Morongo  
24 agreed to adopt and comply with state and federal anti-  
25 discrimination laws (which does not include preferences to Native  
26 Americans) and California tort laws.

SUMMARY OF CLAIMS AND COMMON AND BACKGROUND FACTS

1           1.       This is an action for damages by Plaintiffs against  
2 their former employer, defendants Morongo, Jerry Schultze  
3 (hereafter "Schultze"), Ralph Chapman (hereafter "Chapman"),  
4 Robert Ferrell (hereafter "Ferrell"), Rod Mercado (hereafter  
5 "Mercado"), and Neal Reed (hereafter "Reed"), and against certain  
6 fictitiously named Defendants, DOES 1 through 10, inclusive, who  
7 include supervisory, managerial, and other responsible officials  
8 and employees of Morongo. Plaintiffs' claims involve both  
9 California statutory and common law violations by Defendants,  
10 including without limitation, Defendants' (a) repeated and  
11 willful acts, course of conduct, and statements discriminating  
12 against Plaintiffs, based inter alia, on Plaintiff's national  
13 origin, ancestry and/or race, all in violation of the California  
14 Fair Employment and Housing Act ("FEHA"), specifically California  
15 Government ("Gov.") Code §12940(a), (b) retaliation against  
16 Plaintiffs, leading to and resulting in the wrongful termination  
17 of their employment with Defendant Morongo, based on Plaintiffs  
18 reporting of and protests against Defendants' acts, course of  
19 conduct, and statements discriminating against Plaintiffs, as  
20 aforesaid, in violation of FEHA, specifically Gov. Code §12940(h)  
21 thereof, and ( c) retaliation against Plaintiffs.

22           2.       Plaintiffs specifically, but not exclusively, contend  
23 that Defendants retaliated against Plaintiffs because Plaintiffs  
24 reported internally at Morongo and would not cover up (a)  
25 Defendants' acts, statements, and course of conduct of  
26 discrimination against Plaintiffs, including by impugning and  
27 mocking Plaintiffs and treating Plaintiffs in a discriminatory  
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manner with respect to their job assignments, compensation,  
performance evaluation and, ultimately, their unlawful employment  
termination.

3. Defendants further retaliated against Plaintiffs, and  
committed the other wrongful acts herein described, because  
Plaintiffs had protested to Defendants and had sought cessation  
of and relief from the hostile, harassing, and offense work  
environment to which they were subjected as an employees of  
Morongo, which included the discriminatory acts, course of  
conduct and statements cited above, as well as the inappropriate  
sexually directed remarks and conduct committed and/or sanctioned  
by Morongo officials. Defendants acts of retaliation additionally  
included, without limitation, Defendants' defaming and  
disparaging Plaintiffs, including through false characterizations  
of Plaintiffs' performance as a Monrongo employee, removal and/or  
destruction of Plaintiff's records and positive performance  
reports, and slanderous statements by individuals affiliated with  
defendant Morongo, which persons are included in DOES 1 through  
10.

4. Based on Defendants' wrongdoing as alleged,  
Plaintiffs are entitled to recover damages for past and future  
loss of earnings and benefits, general damages for physical,  
emotional, and mental injuries, harm and distress, as well as for  
reputational damages Plaintiff has suffered, together with  
punitive damages against certain named and fictitiously named  
Defendants, prejudgement interest, and statutory attorneys' fees  
and costs of suit.

PARTIES

1           5.       At all times herein mentioned Plaintiffs ALBERT M.  
2 CHAVEZ (hereafter "Chavez"), MARKIST HERBERT (hereafter  
3 "Herbert"), RUDY REYES (hereafter "Reyes"), GEORGE W. ROBINSON,  
4 JR. (hereafter "Robinson"), JOHN R. STUTZMAN, JR. (hereafter  
5 "Stutzman"), and MICHAEL L. THOMPSON (hereafter "Thompson") were  
6 and are residents of the State of California.

7           6.       Plaintiffs are informed and believe and based on such  
8 information and belief allege that at all times herein mentioned,  
9 Defendant Morongo was and is an Indian Tribe, doing business as a  
10 resort spa and gambling casino pursuant to the fully executed  
11 Tribal-State Compact Between the State of California and the  
12 Morongo Band of Mission Indians and the Amendment to the Tribal-  
13 State Compact Between the State of California and the Morongo  
14 Band of Mission Indians, within the County of Riverside in State  
15 of California.

16          7.       Plaintiffs are informed and believe and based on such  
17 information and belief allege that at all times herein mentioned,  
18 Defendant Schultze was the Executive Director for the Morongo  
19 Gaming Agency/Security Director.

20          8.       Plaintiffs are informed and believe and based on such  
21 information and belief allege that at all times herein mentioned,  
22 Defendant Chapman was a Lieutenant and Watch Commander in the  
23 Security Department for Morongo.

24          9.       Plaintiffs are informed and believe and based on such  
25 information and belief allege that at all times herein mentioned,  
26 Defendant Ferrell was the Human Resources Director for Tribal  
27 Administration for Morongo.  
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10. Plaintiffs are informed and believe and based on such information and belief allege that at all times herein mentioned, Defendant Mercado was the Human Resources Manager for Tribal Administration for Morongo.

11. Plaintiffs are informed and believe and based on such information and belief allege that at all times herein mentioned, Defendant Reed was an Administrative Lieutenant in the Security Department for Morongo.

12. Plaintiffs are unaware of the true names and capacities, whether corporate, associate, individual, or otherwise, of Defendants named as DOES 1 through 10 inclusive. Pursuant to Code of Civil Procedure section 474, Plaintiffs will seek leave of the Court to amend this Complaint to state said Defendants' true names and capacities when the same have been ascertained. Plaintiffs informed and believe, and based upon such information and belief allege, that said fictitiously-named Defendants DOES 1 through 10 each are responsible and liable to Plaintiffs in some manner for the injury and damages to Plaintiffs alleged herein.

AGENCY

13. Plaintiffs are informed and believe, and based upon such information and belief allege, that Defendants MORONGO, SCHULTZE, CHAPMAN, FERRELL, MERCADO, REED, and DOES 1 through 10, inclusive, and each of them, at all times herein mentioned were the agents, employees, servants, co-joint venturers, partners, and/or co-conspirators of the remaining Defendants, and were acting in the course and scope of such agency, employment, joint ventures, partnership, and/or conspiracy in the matters herein



alleged; that Defendants, and each of them, in doing the acts and performances herein alleged were the actual and/or ostensible agents of the remaining Defendants and were acting within the course and scope of said agency; that each and every Defendant, as aforesaid, when acting as a supervisor, employer, or other principal, was negligent in selecting, hiring, supervising, and continuing the employment of each and every Defendant who was or is an agent, servant, employee, partner, co-joint venturer and/or co-conspirator with each such principal Defendant; and/or that each Defendant approved, consented, and agreed to, support, participate in, authorize, and/or ratified the acts and/or omissions of the other Defendants who were or are agents, servants, employee, employers, or other principals, partners, joint venturer, and/or co-conspirators of and with each such Defendant.

#### SUMMARY OF FACTS

A. PLAINTIFFS PRIOR LAW ENFORCEMENT/SECURITY EMPLOYMENT RECORD, HIRING AT MORONGO, AND JOB PERFORMANCE AT MORONGO.

14. Plaintiffs' Long and Distinguished Prior Service.

a. Prior to their employment with Defendant Morongo, Plaintiffs had been employed by other employers and even in law enforcement and/or security.

b. Plaintiffs had not been subjected to negative performance feedback or accusations of misconduct; nor had they ever been terminated from an employment in law enforcement/security, prior to their employment with Defendant Morongo.

15. Plaintiffs Hired by Morongo Based on Defendants'  
1 False Representations and Promises.

2 a. Plaintiffs were hired by Defendant Morongo in  
3 the Security Department. Defendants, through the agents of  
4 Morongo, verbally promised Plaintiffs, as incentive for  
5 Plaintiffs accepting said employment, and a condition of  
6 Plaintiffs' hiring, that Plaintiff would be compensated  
7 commensurate with their qualifications and level of  
8 responsibilities. Plaintiffs were led to believe they would be  
9 treated fairly and in accordance with the laws of the State of  
10 California and the policies of Morongo.

11 b. Thereafter, Plaintiffs remained continuously  
12 employed by Defendant Morongo until their Wrongful Termination on  
13 dates as listed above.

14 c. All said misrepresentations and promises made  
15 to Plaintiffs about Plaintiffs having a contract of employment so  
16 long as they performed their jobs in a satisfactory manner, and  
17 any failure to be treated fairly could only be for good cause  
18 proven or believed to be true in good faith and then would be  
19 carried out only in accordance with the stated written policies  
20 of Morongo.

21 16. Plaintiffs' Record of Valuable and Skilled Services  
22 for Defendant Morongo.

23 a. Throughout their employment by Morongo,  
24 Plaintiffs performed their job duties competently and  
25 conscientiously, including by delivering performance as directed,  
26 deterring and resolving major safety issues, exercising prudent  
27 oversight, and in collaboration with security officers and  
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supervisors, producing good to outstanding performance.

1 Plaintiffs received accolades from security officers and  
2 supervisors.

3           b. Plaintiffs were entitled by California and  
4 tribal law and merited by their own professional conduct and  
5 performance to have their legal rights upheld, recognized and  
6 protected by Defendants, including to be treated in a respectful  
7 and appropriate manner by their superiors and other management  
8 and personnel of Defendant Morongo, including all or some of the  
9 Defendants DOES 1 through 10. Defendants had no legal right or  
10 authority to mistreat Plaintiffs or to violate their legal rights  
11 in the manner herein described or otherwise.

12 **B. PLAINTIFFS REPORT HOSTILE WORK ENVIRONMENT AND STATUTORY**  
13 **VIOLATIONS, INCLUDING INAPPROPRIATE SEXUAL COMMUNICATIONS AT**  
14 **MORONGO.**

15 17. **PLAINTIFF CHAVEZ**

16 Chavez is a 41 year old male of Latino descent. On or about  
17 May 1992, Chavez was hired as a Video Attendant then Security.  
18 In 2003, he complained about sexual advances made to his fiancée  
19 at work. He was then discharged and later rehired.  
20 Subsequently, Chavez's wages were reduced, and he was assigned to  
21 less desirable work and subjected to threats of discharge,  
22 including but not limited to continuous vulgar profanity directed  
23 to him. On July 21, 2010, Chavez filed a Charge of Discrimination  
24 with the United States Equal Employment Opportunity Commission  
25 ("EEOC"). The EEOC notified Morongo about the Charge of  
26 Discrimination from Chavez. Days later, Chavez was harassed and  
27 demoted. Beginning July 26, 2010, Chavez was demoted with much  
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less pay from the X-ray Team Security Supervisor to Floor Security Supervisor. No reasons were given to him for the demotion. Defendant Reed told Chavez, however, it came from management. On June 17, 2011, Chavez's employment was terminated while he was on an authorized medical leave of absence and under a doctor's care.

18. PLAINTIFF HERBERT

Herbert is a 38 year old African-American male. On or about June 2007, he was hired as a Security Officer. In June 2008, Herbert was denied a raise when other non-African American Security Officers were given raises. Later, Herbert was denied a cost of living increase along with being denied equipment. Other non-African American employees received cost of living increases and equipment. In early July 2010, Herbert complained about a hostile work environment. He never received a response even though he following the policies and procedures of Morongo for such complaints. On July 21, 2010, Herbert filed a Charge of Discrimination with the EEOC. Morongo was notified by the EEOC. Thereafter, Herbert was demoted and denied a promotion. On or about July 30, 2010, less than one month later, Herbert was threatened with termination if Herbert continued to complain. It was Schultze who told Herbert he did not receive the raise when it was first denied and did not receive the cost of living increase and equipment because there was no money in the budget for Herbert. On or about July 30, 2010, Chapman told Herbert if Herbert complained, Herbert would be terminated. On September 14, 2010, less than two months later, Herbert was terminated.

19. PLAINTIFF REYES

1 Reyes is a 61 year old Latino. He began working for Morongo  
2 on or about June 5, 2007. His last position with the company was  
3 that of a security officer. On or about July 29, 2010, Reyes  
4 observed he had been demoted from the X-Ray Unit and reassigned  
5 as a regular security officer which had less prestige than that  
6 of one assigned to the X-Ray Unit. Reyes had been subjected to  
7 different terms and conditions of employment which included  
8 retaliation to being transferred from the night shift to the day  
9 shift even though it was understood his son has a learning  
10 disability and is on medication which requires constant  
11 supervision. Reyes was his son's primary caregiver when Reyes  
12 worked for Morongo. Reyes requested to remain on the night shift  
13 but was denied even though there were security officers on the  
14 night shift who had requested and were granted changes to the day  
15 shift. Reyes was told there were no openings and that no future  
16 opening would be provided. No reasons or other explanation was  
17 given to Reyes as to why he had been demoted and transferred.  
18 Beginning June 2010, Reyes complained in writing about the  
19 disparate treatment, following the policies and procedures of  
20 Morongo, but nothing was done. In June 2010, Chapman walked up  
21 to Reyes and stated, "I'm going to get you fired, and 'fuck  
22 you.'" Chapman did told Reyes that Reyes was on the wrong side  
23 by joining with the other security officers and complaining about  
24 the discrimination, harassment, and retaliation at Morongo. Reyes  
25 was terminated on May 21, 2011.  
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20. PLAINTIFF ROBINSON

1 Robinson is a 60 year old Caucasian male. Robinson had been  
2 working for Morongo since about November 22, 2009, as the  
3 Director of Special Operations & Security Training. Robinson  
4 reported to Schultze. From the beginning, Robinson complained  
5 about his observations of disparate treatment of the security  
6 officers as well as the retaliation, harassment, and unlawful  
7 hostile work environment. As a result, Robinson, himself, was  
8 continuously subjected to harassment and different terms &  
9 conditions of employment by Schultze which included but was not  
10 limited to: (1) publicly being called vulgar names, slander  
11 regarding his competence and trustworthiness, denial of the  
12 promised assistance in order to effect Robinson's job  
13 performance, threatening other employees with demotion and/or  
14 termination if the other employees associated with Robinson. On  
15 June 13, 2010, Robinson faxed a copy of his doctor's  
16 recommendation that Robinson take off from work because of the  
17 effect the hostility and retaliation was having on Robinson, both  
18 physically and mentally. Schultze ignored Robinson's doctor's  
19 orders. On June 22, 2010, Robinson complained to HR at Morongo  
20 about the disparate treatment and hostility in the work place  
21 along with the fact Robinson believed Schultze and Chapman were  
22 abusing their authority and engaging in criminal activity.  
23 Robinson was immediately punished by being placed on  
24 administrative leave without explanation. On July 21, 2010,  
25 Robinson filed a complaint with the EEOC after trying for months,  
26 by following the policies and procedures of Morongo, to have  
27 Morongo address Robinson's complaints regarding the unlawful  
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hostile work environment. Morongo was informed of Robinson's  
1 filing a complaint with the EEOC. Just days later on July 29,  
2 2010, Robinson was terminated by Ferrell.

3 21. PLAINTIFF STUTZMAN

4 Stutzman is a 59 year old Caucasian male. He began working  
5 for Morongo on or about September 28, 2004. The most recent  
6 position he held was that of Senior Sergeant in Security for  
7 Morongo. On or about July 2010, Morongo became aware of  
8 complaints of unlawful discrimination and retaliation Stutzman  
9 had filed with the EEOC against Morongo. Days later, on or about  
10 July 29, 2010, Stutzman was notified he had been demoted from  
11 Senior Sergeant of the X-Ray Unit and reassigned to Sergeant of  
12 "A" watch (graveyard shift). Stutzman was then replaced by a  
13 younger Senior Sergeant. Stutzman had joined in with other  
14 security officers to complain about the disparate treatment along  
15 with the retaliation and harassment against Chapman in  
16 particular. On July 28, 2010, Stutzman sent a memo to upper  
17 management about the unlawful treatment of employees. On July  
18 30, 2010, Stutzman sent a memo to a Lt. Reid along with Schultze  
19 regarding Chapman's unlawful conduct and threats to security  
20 officers. Stutzman had been slandered by the defendants when  
21 they opening and to third parties accused Stutzman of stealing  
22 casino property like a thief. Schultze, Chapman, Reed, Ferrell,  
23 and Mercado never explained why Stutzman had been demoted. Just  
24 days after filing a complaint with the EEOC, Stutzman was  
25 terminated.

22. PLAINTIFF THOMPSON

1 Plaintiff Thompson is a 44 year old Caucasian male. On or  
2 about July 21, 2001, Thompson was hired as a Security Guard by  
3 Morongo. On or about July 28, 2010, Thompson joined with other  
4 security officers and went to the EEOC in order to file a charge  
5 of discrimination against Morongo. As with the other plaintiffs,  
6 Morongo subsequently became aware of Thompson's EEOC complaint.  
7 Additionally, because of another employee who knew about  
8 Thompson's complaint and informed Morongo, Morongo had further  
9 information to support Thompson had filed a Charge. Less than  
10 five months later, on December 3, 2010, Morongo retaliated  
11 against Thompson for engaging in the protected activity, claiming  
12 he was simply fired because Thompson was "at will." Thompson was  
13 the only supervisor demoted and had his pay reduced. Schultze  
14 permitted misinformation to be placed and kept in Thompson's  
15 personnel file which prevented Thompson from receiving raises,  
16 for example.

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18 C. DEFENDANTS RETALIATED AGAINST PLAINTIFFS AND SUBJECTED  
19 PLAINTIFFS TO A HOSTILE WORKING ENVIRONMENT, HARASSMENT,  
20 DEFAMATION, AND DISCRIMINATION.

21 23. In response to Plaintiffs' protests, objections and  
22 complaints reported internally at Morongo about the described  
23 wrongdoing by Defendant Morongo, its management and supervisory  
24 personnel, including all or some of Defendant DOES 1 through 10,  
25 Defendants created and subjected Plaintiffs to a hostile working  
26 environment for the purpose and with the malicious intent of  
27 making Plaintiffs' working conditions so intolerable and painful  
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that Plaintiffs would either leave or be forced from their employment at Morongo.

24. In furtherance of the foregoing plan and purpose of retaliation against Plaintiffs, Defendants, and each of them, harassed Plaintiffs, and demeaned and defamed them including the disrespect to Plaintiffs' character, job performance, and in other respects. Defendants' conduct was unjustified and illegal, violating both applicable statutes and regulations, and common law of the State of California.

25. As part of the course of conduct and actions of retaliations against Plaintiffs, Defendant Morongo and the other Defendants also discriminated against Plaintiffs based on their race and his age, in denying them fair compensation and promotion, and in terminating their employment with Morongo.

26. Plaintiffs, as examples, experienced various irregular, negative actions, including to diminish and obscure Plaintiffs' achievements, to mislead as to the quality of Plaintiffs' work, services and accomplishments for Morongo and otherwise mischaracterize Plaintiffs' efforts, qualities and abilities. Plaintiffs were excluded from meetings and communications pertinent to and in obstruction of Plaintiffs' performance of their job functions, and were subjected to rumors and innuendos, as well as ostracism and ridicule. Plaintiffs were given derogatory labels and names. Further, Plaintiffs' ability to perform their assigned work was interfered with and obstructed. In the foregoing respects, and others, Defendants' retaliation against Plaintiffs consisted of continuing and numerous acts of improper and injurious conduct which Plaintiffs

were forced to endure while employed by, and in being terminated  
1 by, Defendant Morongo.

2 27. By the foregoing and other wrongful acts detrimental  
3 to the proper functioning of the Morongo, Defendants, and each of  
4 them, interfered with Plaintiffs' performance of their job  
5 assignments, with the active purpose and intention of undermining  
6 and interfering with Plaintiffs' employment relationship with  
7 Morongo in retaliation against Plaintiffs' internal whistle  
8 blowing and objections about the harassment and other negative  
9 conduct and statements to which they were being subjected until  
10 the end of their employment with Morongo.

11 28. Defendants, including those acting through Schultze,  
12 Chapman, Ferrell, Mercado, and Reed, publicly defamed Plaintiffs  
13 by communicating in the presence of colleagues and to third  
14 parties words to the effect that Plaintiffs were incompetent in  
15 performing their oversight and other job responsibilities.  
16 Further, Schultze, Chapman, Ferrell, Mercado, and Reed, in  
17 collaboration with other Defendants and third parties,  
18 intentionally acted to undermine Plaintiffs assigned to Morongo's  
19 security detail, changed the conditions of their security detail  
20 without their knowledge, and assigned unqualified staff to assume  
21 their security-detail responsibilities, among other obstructive  
22 behavior towards Plaintiff. Plaintiffs are informed and believe,  
23 and based thereon allege, that some or all the Defendants  
24 destroyed, altered and/or falsified records and other protected,  
25 sensitive files, and informed Plaintiffs' co-workers and third  
26 parties that Plaintiffs were about to be or at risk of being  
27 terminated, and that Plaintiffs were not needed in the Security  
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Department any longer. Defendants, conspiring with others inside Morongo, also falsified and altered Plaintiffs' employment records in order to discredit and defame them, diminish or nullify their achievements, cause damage to their reputation and cause the termination of their employment.

D. DEFENDANTS' RETALIATION LED TO DEFENDANT MORONGO TERMINATING PLAINTIFFS' EMPLOYMENT AND COMMITTING FURTHER ACTS OF DISCRIMINATION AGAINST PLAINTIFFS.

29. From July 2010, through June 2011, all of the plaintiffs were terminated for engaging in the protected activity of filing charges of discrimination with the EEOC and/or the California Department of Fair Employment and Housing ("DFEH"). Attached as Exhibit 1 through 6 are the Charges of Discrimination and the Right-To-Sue Notices from the DFEH.

E. PLAINTIFF HAS BEEN SEVERELY INJURED, HARMED AND DAMAGED BY DEFENDANTS' WRONGDOING AND ILLEGAL ACTIONS.

30. As a direct and proximate result of the retaliation and discrimination by Defendants toward Plaintiffs, including without limitation the hostile work environment, Defendants' intentionally targeting Plaintiffs and setting up Plaintiffs to fail, as well as the ongoing demeaning, humiliating and otherwise defamatory and otherwise discriminatory statements and conduct directed to them, Plaintiffs have experienced severe physical, mental and emotional harm and distress, including insomnia, anxiety, chest pains, severe weight loss, vertigo, and deterioration of their physical health, including exacerbating

their mental and emotional condition.

1           31.     Plaintiffs have been unable to find comparable  
2 employment despite a diligent job search. They have had to  
3 withdraw monies from his pension plan, savings, borrowing money  
4 from family and friends, living off of unemployment benefits and  
5 disability benefits, incurring adverse tax consequences, etc.  
6 Plaintiffs have been unable to support their families or  
7 themselves. Additionally, Plaintiffs have been required to  
8 consult with mental health therapists due to symptoms of severe  
9 mental and emotional distress.

10                   EXHAUSTION OF ADMINISTRATIVE REMEDIES

11           32.     Plaintiffs timely filed Charges of Discrimination with  
12 both the EEOC and the DFEH and have received the right-to-sue  
13 notices from the DFEH which are attached to this Complaint as  
14 Exhibit 1 through 6.

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FIRST CAUSE OF ACTION

[Retaliation by Discrimination (Gov. Code §12940(h))  
by All Plaintiffs Against Morongo]

33. Plaintiffs reallege and incorporate herein by reference each and every allegation set forth in Paragraphs 1 through 32, inclusive, of this complaint as stated above.

34. In 2010 and 2011, Defendant Morongo and the other individuals Defendants took adverse actions against Plaintiffs by terminating Plaintiffs' employment with Morongo in retaliation for Plaintiffs having identified, protested and reported discriminatory and harassing practices by Defendants, including the hostile work environment and other illegal conduct directed by Defendants against Plaintiffs and/or to which Plaintiff was subjected, as herein above alleged. Such conduct included the discriminatory and slanderous acts, conduct and statements made against Plaintiffs based on Plaintiffs' age, race, and because Plaintiffs engaged in protected activities under FEHA.

35. As a direct and proximate result of Defendants' unlawful retaliation leading to and resulting in the wrongful termination of Plaintiffs' employment with Defendant Morongo, Plaintiffs have sustained economic damages for the past and future loss of earnings and benefits, according to proof, including as herein above alleged.

36. As a further direct and proximate result of Defendants' wrongful retaliation, as aforesaid, Plaintiffs have sustained general damages for severe physical, mental and emotional injuries, distress, harm and damages in the sum to be determined according to proof herein, including as herein above

alleged, of more than \$900,000.00 for each Plaintiff.

37. Morongo's conduct in the matters alleged was oppressive and malicious towards Plaintiffs and was committed with wanton and callous disregard of Plaintiffs' rights. Plaintiffs, accordingly, are entitled to punitive and exemplary damages against Morongo, in sums sufficient to punish Morongo and set an example commensurate to Morongo's respective financial conditions.

#### SECOND CAUSE OF ACTION

[Discrimination-Color and Race Against  
Morongo by All Plaintiffs(Gov. Code §12940(a))]

38. Plaintiffs reallege and incorporate herein by reference each and every allegation set forth in Paragraphs 1 through 37, inclusive, of this complaint as stated above.

39. During the period of their employment by Defendant Morongo, Plaintiffs were employees and Defendants and each of them, were employers within the scope of California's Fair Employment and Housing Act ("FEHA") (Gov. Code §12940, et seq.).

40. Plaintiffs, accordingly, were protected against Defendant Morongo, and the other Defendants were Prohibited by law from engaging in discrimination against Plaintiffs, including on the basis of color and race. Plaintiffs, each of them, were not Native Americans.

41. Defendant Morongo's discriminatory, prejudicial and disparate treatment of and conduct toward Plaintiffs, based on their color and race, violated Plaintiffs' civil and other rights, according to California law, including as afforded by the FEHA statute.

42. As a direct and proximate result of Defendants' unlawful discrimination against Plaintiffs as aforesaid, Plaintiffs have sustained economic damages for the past and future loss of earnings and benefits, according to proof, including as herein above alleged.

43. As a further direct and proximate result of Defendants' unlawful discrimination against Plaintiffs, as aforesaid, Plaintiffs have sustained general damages for severe physical, mental and emotional injuries, distress, harm and damages in the sum to be determined according to proof herein, including as herein above alleged.

44. Defendants' conduct in the matters alleged was oppressive and malicious towards Plaintiffs and was committed with wanton and callous disregard of Plaintiffs' rights. Plaintiffs, accordingly, are entitled to punitive and exemplary damages against Defendant Morongo, in sums sufficient to punish Defendant Morongo and set an example commensurate to Morongo's respective financial condition.

### THIRD CAUSE OF ACTION

(Violation of Continuing Age Discrimination Leading to Termination of Plaintiffs Chavez, Reyes, Robinson, Stutzman, and Thompson Pursuant to FEHA Against MORONGO)

45. Plaintiffs reallege and incorporate herein by reference to each and every allegation set forth in Paragraphs 1 through 44, inclusive, of this complaint as stated above.

46. These Plaintiffs was wrongfully terminated from their employment with Defendant OCTA in major part because of their age and the retaliation and harassment directed towards Plaintiffs,

in violation of FEHA.

1        47.        There is a reasonable inference of age discrimination  
2 on the part of Defendant Morongo because:

3            a.        At the time of the employment actions against  
4 these Plaintiffs, they were over 40 years of age when  
5 he was fired.

6            b.        The adverse actions discussed above were taken  
7 against Plaintiffs causing them great humiliation, loss  
8 of self-esteem, severe embarrassment and the loss of  
9 their jobs for which they were qualified.

10          c.        Each of these Plaintiffs were replaced by younger  
11 and/or less qualified employees.

12        48.        As a direct and proximate result of Defendants'  
13 actions, as alleged above, Plaintiffs have suffered special  
14 damages, including but not limited to, loss of wages, bonuses,  
15 deferred compensation, and other employment benefits, in an  
16 amount to be proven at the time of trial, in excess of the  
17 minimum jurisdictional requirements of this Court.

18        49.        As a further direct and proximate result of  
19 Defendants' unlawful discrimination, as aforesaid, Plaintiffs  
20 have sustained general damages for severe physical, mental and  
21 emotional injuries, distress, harm and damages in an amount to be  
22 proven at the time of trial, in excess of the minimum  
23 jurisdictional requirements of this Court.



89. Defendants' conduct in the matters alleged was  
oppressive and malicious towards Plaintiffs and was committed  
with wanton and callous disregard of Plaintiffs' rights.  
Plaintiffs, accordingly, are entitled to punitive and exemplary  
damages against Defendants, and each of them, in sums sufficient  
to punish Defendants and set an example commensurate to  
Defendants' respective financial conditions.

**NINTH CAUSE OF ACTION**

**FOR NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

[By All Plaintiffs Against All Defendants]

90. Plaintiffs reallege and incorporate herein by  
reference each and every allegation set forth in Paragraphs 1  
through 89, inclusive, of this complaint as stated above.

91. Defendants and their agents engaged in the acts as  
alleged herein and above, which proximately resulted in injury  
and emotional distress to Plaintiffs. As employers, Defendants  
had a special duty of care on the behalf of the Plaintiffs.

92. At all times materially herein, Defendants knew or in  
the exercise of ordinary care should have known, that unless  
Defendants and their agents ceased to engage in the  
aforementioned acts, or intervened to protect Plaintiffs, and to  
prohibit, control, regulate and/or penalize the conduct of  
Defendants and their agents, as alleged herein, that the conduct  
would continue, thereby subjecting Plaintiffs to personal injury  
and emotional distress.

93. As a direct and proximate result of Defendants'  
actions against Plaintiffs, as alleged above, Plaintiffs have

suffered special damages, including but not limited to, loss of wages, bonuses, deferred compensation, and other employment benefits, in an amount to be proven at the time of trial, in excess of the minimum jurisdictional requirements of this Court.

94. As a further direct and proximate result of Defendants' unlawful discrimination against Plaintiffs, as aforesaid, Plaintiffs have sustained general damages for severe physical, mental and emotional injuries, distress, harm and damages in an amount to be proven at the time of trial, in excess of the minimum jurisdictional requirements of this Court.

95. Plaintiffs are further entitled to prejudgement interest, plus incidental and consequential damages, in an amount to be shown at trial.

96. Plaintiffs have incurred and will incur, and are entitled to his reasonable attorneys' fees and costs in the bringing of this action, pursuant to Gov. Code §12965.

97. Defendants' conduct in the matters alleged was oppressive and malicious towards Plaintiffs and was committed with wanton and callous disregard of Plaintiffs' rights. Plaintiffs, accordingly, are entitled to punitive and exemplary damages against Defendants and each of them, in sums sufficient to punish Defendants and set an example commensurate to Defendants' respective financial conditions. Punitive damages are available for negligent infliction of emotional distress if Plaintiffs can show that the Defendants "intentionally performed the act from which they know or should know, it is highly probable that harm will result." Slaughter v. Legal Process & Courier Services (1984) 162 Cal. App.3d 1236, 1252.

TENTH CAUSE OF ACTION

FOR DEFAMATION

[By Chavez, Herbert, Reyes, Robinson, Stutzman,  
and Thompson Against Morongo, Schultze, Chapman,  
Ferrell, Mercado, and Reed]

98. Plaintiffs reallege and incorporate herein by reference each and every allegation set forth in Paragraphs 1 through 97, inclusive, of this complaint as stated above.

99. Plaintiffs are informed and believe, and thereon allege, that during and after Plaintiffs' employment with Defendants, Defendants published or caused to be published false statements to non-privileged employees of Defendants and to third parties, i.e. vendors and contractors, and other employees, that Plaintiffs have performance, professional, mental and emotional problems and that Plaintiffs engaged in criminal or other unprofessional conduct.

100. The false statements and innuendos of the statements by Defendants referenced above were and are false, and Defendants, and each of them, knew the statements and innuendos to be false when they uttered and/or published the statements, and each of them, acted in reckless disregard of whether the statements and innuendos were false when they uttered and/or published the statements. Said statements were made with "actual malice," insofar as there was no factual basis for such statements whatsoever, and Defendants acted with a reckless disregard that making such statements would cause injury to Plaintiffs' reputation and employment prospects. Schultze, Chapman, Ferrell, Mercado, and Reed did not act in or for the

interest of Morongo when they made such statements. Morongo  
1 allowed and continued to utter these false statements which cause  
2 injury to the plaintiffs in the community where Plaintiffs sought  
3 and could have sought employment.

4 101. The statements by Defendants referenced were and are  
5 slanderous per se because they had and have a tendency to injure  
6 Plaintiffs in their occupation by implying a lack of character  
7 and judgement, falsely implying that Plaintiffs were and/or are  
8 unfit to engage in their employment, profession and/or trade, and  
9 falsely imputing to Plaintiffs a general disqualification in  
10 those respects that their law enforcement/security profession  
11 and/or trade particularly requires and subjected Plaintiffs to  
12 contempt and ridicule.

13 102. Defendants' conduct was not privileged in as much as  
14 such statements were not made for any legitimate business purpose  
15 and were knowingly unlawfully retaliatory in nature. These  
16 statements were false and without any absolute, qualified or  
17 conditional privilege. They were not made in the interest of  
18 Morongo and did not aid Morongo in its business.

19 103. As a direct and proximate result of Defendants'  
20 actions against Plaintiffs, as alleged above, Plaintiffs have  
21 suffered special damages, including but not limited to, loss of  
22 wages, bonuses, deferred compensation, other employment benefits,  
23 and other employment in an amount to be proven at the time of  
24 trial, in excess of the minimum jurisdictional requirements of  
25 this Court.

26 104. As a further direct and proximate result of  
27 Defendants' unlawful discrimination against Plaintiffs, as  
28

1 aforesaid, Plaintiffs have sustained general damages for severe  
2 physical, mental and emotional injuries, distress, and harm and  
3 damages to their professional reputations in an amount to be  
4 proven at the time of trial, in excess of the minimum  
jurisdictional requirements of this Court.

5 105. Plaintiffs are further entitled to prejudgement  
6 interest, plus incidental and consequential damages, in an amount  
7 to be shown at trial.

8 106. Plaintiffs have incurred and will incur, and are  
9 entitled to their reasonable attorneys' fees and costs in the  
10 bringing of this action, pursuant to Gov. Code §12965.

11 107. Defendants' conduct in the matters alleged was  
12 oppressive and malicious towards Plaintiffs and was committed  
13 with wanton and callous disregard of Plaintiffs' rights and  
14 professional reputation. Plaintiffs, accordingly, are entitled to  
15 punitive and exemplary damages against Defendants and each of  
16 them, in sums sufficient to punish Defendants and set an example  
17 commensurate to Defendants' respective financial conditions.

18  
19 **ELEVENTH CAUSE OF ACTION**

20 (Breach of Contract Against Morongo)

21 108. The allegations set forth above in paragraphs 1  
22 through 107, inclusive, are incorporated into this claim for  
23 relief by reference as if set forth in full.

24 109. Plaintiffs were employed by Morongo under a contract  
25 that was partly written, partly oral, and partly implied. The  
26 terms of the contract relied on by Plaintiffs included but are  
27 not limited to  
28

(A) Written personnel policies which provided that

(1) If an employee is performing unsatisfactorily, the employee would be disciplined in accordance with Morongo's progressive disciplinary steps;

(2) Employees would be treated fairly and in accordance with the laws of the State of California and the United States of America;

(B) Plaintiffs had a contract of employment so long as they performed their jobs in a satisfactory manner, and any failure to be treated fairly could only be for good cause proven or believed to be true in good faith and then would be carried out in accordance with the stated written policies of Morongo.

110. Morongo breached its contract with Plaintiffs by

(A) Refusing to give Plaintiffs a fair and equal opportunity to be treated fairly and equally like all other employees or employees who had not complained about unlawful discrimination, retaliation, and harassment and had not filed Charges of Discrimination with the EEOC/DFEH;

(B) Blaming Plaintiffs for its discriminatory and retaliatory employment practices;

(C) Failing to treat Plaintiffs in accordance with Morongo's stated policies and procedures;

(D) Expressly and constructively denying Plaintiffs their right to be treated fairly without following the policies and procedures;

111. Morongo refused and continued to refuse to allow Plaintiffs the benefits of their employment contract and to perform under this contract in the agreed on manner.

112. As a result of the employment relationship which existed between Plaintiffs and , the expressed and implied promise made in connection with that relationship, and the acts, conduct, and communications resulting in these implied promises, and according to the Tribal-State Compact Between the State of California and the Morongo Band of Mission Indians and the Amendment to the Tribal-State Compact Between the State of California and the Morongo Band of Mission Indians, promised to act in good faith toward and deal fairly with Plaintiffs which required, among other things, that

(A) Each party in the relationship must act with good faith toward the other concerning all matters related to the employment;

(B) Each party in the relationship must act with fairness toward the other concerning all matters related to the employment according to the laws of the State of California;

(C) Neither party would take any action to unfairly prevent the other from obtaining the benefits of the employment relationship;

(D) Morongo would similarly treat employees who are similarly situated, except for giving first rights of employment to Native Americans;

(E) Morongo would comply with its own representations, rules, policies, procedures, and the laws of the State of California in dealing with Plaintiffs;

(F) Morongo would give Plaintiffs' interests as much consideration as it gave its own interests or that of other similarly situated employees according to the laws of the State

of California;

1        113. Morongo's blatant discriminatory and retaliatory  
2 conduct against Plaintiffs was and is wrongful, in bad faith, and  
3 unfair, and, therefore, a violation of Morongo's legal duties to  
4 the State of California. Plaintiffs further allege that Morongo  
5 breached the covenant of good faith and fair dealing when it:

6        (A) Repeatedly refused to abide by its own policies and the  
7 laws of the State of California when dealing with Plaintiffs;

8        (B) Repeatedly denied the existence of the contract and the  
9 agreements made with Plaintiffs;

10        (C) Unfairly prevented Plaintiffs from obtaining the  
11 benefits of their employment relationship;

12        (D) Treated similarly situated employees differently by  
13 imposing different responsibilities on similarly situated  
14 employees, and by tolerating poor performance and unlawful  
15 conduct by other similarly situated employees;

16        (E) Denied Plaintiffs' rights to the same employment rights  
17 for all other non-Native American employees and employees who  
18 have not filed complaints for discrimination, retaliation, or  
19 harassment and in a manner that was inconsistent with Morongo's  
20 stated policies and practices and the laws of the State of  
21 California.

22        114. As a direct, foreseeable, and proximate result of  
23 Morongo's breach, Plaintiffs have suffered and continue to suffer  
24 substantial losses in bonuses and job benefits, the precise  
25 amount of which will be proven at trial.

26        115. Plaintiffs claim this amount together with prejudgment  
27 interest pursuant to California Civil Code, Section 3287 and  
28



1 pursuant to any other provisions of law providing for prejudgment  
2 interest.

3 WHEREFORE, Plaintiffs demand judgment against Morongo as set  
4 forth in this complaint.

5  
6 **PRAYER**

7 WHEREFORE, Plaintiffs Chavez, Herbert, Reyes, Robinson,  
8 Stutzman, and Thompson pray for judgement against all Defendants,  
9 and each of them, jointly and severally, as follows:

10 1. For actual and compensatory damages, including loss of  
11 past and future earnings, bonuses, deferred compensation, and  
12 other employment benefits, in an amount according to proof at  
13 trial;

14 2. For general and special damages, including but not  
15 limited to, pain and suffering, emotional distress, loss of  
16 reputation, and medical expenses in an amount according to proof  
17 at trial;

18 3. For consequential and incidental damages and expenses  
19 in an amount according to proof at trial;

20 4. For punitive and exemplary damages in a sum according  
21 to proof at trial;

22 5. For pre-judgement and post-judgement interest, all at  
23 the legal prevailing rate;

24 6. For civil penalties under the Private Attorneys'  
25 General Act, to the extent allowed by that statute;

26 7. Payment of Plaintiffs' reasonable and actual  
27 attorneys' fees, to the full extent authorized by statute,  
28

contract or law;

8. For the costs of the lawsuit; and

9. For such other and further relief as the Court may  
deem proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs ALBERT M. CHAVEZ; MARKIST HERBERT; RUDY REYES; GEORGE  
W. ROBINSON, JR.; JOHN R. STUTZMAN, JR. and MICHAEL L. THOMPSON  
hereby demand trial by jury in this action.

July 20, 2011

**LAW OFFICES OF GLORIA DREDD HANEY**

By

  
Gloria Dredd Haney

Attorneys for Plaintiffs

**ALBERT M. CHAVEZ; MARKIST HERBERT;  
RUDY REYES; GEORGE W. ROBINSON, JR;  
JOHN R. STUTZMAN, JR.; and MICHAEL  
L. THOMPSON**

**EXHIBIT 1**

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA  
☒ EEOC

480-2010-02528

**California Department Of Fair Employment & Housing**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Mr. Alberto M. Chavez**

Home Phone (Incl. Area Code)

**(951) 849-2735**

Date of Birth

**06-14-1970**

Street Address

City, State and ZIP Code

**1164 W. King St., Banning, CA 92220**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**MORONGO CASINO (MULTIMEDIA GAMES)**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(951) 849-3080**

Street Address

City, State and ZIP Code

**49020 Seminole Dr., Cabazon, CA 92230**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION  
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**07-01-2009**

**Present**

☒

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

- I. On or about May 1992, I was hired as a Video Attendant then Security. In 2003 I complained about sexual advances made to my fiancée at work. I was discharged and later rehired. Subsequently, my wages were reduced, I was assigned to less desirable work and subjected to threats of discharge including but not limited to profanity. Recently, I have made several complaints in writing but nothing has been done.
- II. No reason has been given to me for the treatment.
- III. I believe I have been discriminated in retaliation for asserting my rights and opposing discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Jul 21, 2010**

Date

Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

**JUL 21 2010**

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

**EEOC/LAD**

**INTAKE**

# DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

(SEE ADDRESS CHECKED BELOW)

ARNOLD SCHWARZENEGGER, Governor



TTY # (800) 700-2320

☐ H

4900 Stockdale Hwy., Suite 215  
Bakersfield, CA 93309  
(661) 395-2729

Ms. Donna Shepard  
Human Resources Director  
Morongo Casino  
49020 Seminole Drive  
Cabazon, CA 92230

EEOC Number:  
480-2010-02528

Case Name:  
Alberto M. Chavez

Date: 7/21/2010

☐ C

1320 E. Shaw Avenue, Suite 150  
Fresno, CA 93710  
(559) 244-4760

## NOTICE TO COMPLAINANT AND RESPONDENT

☐ R/S

1055 West Seventh Street,  
Suite 1400  
Los Angeles, CA 90017  
(213) 439-6799

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

☐ M

1515 Clay Street, Suite 701  
Oakland, CA 94612  
(510) 622-2941

No response to the DFEH is required by the respondent.

☐ E

2000 "O" Street, Suite 120  
Sacramento, CA 95811  
(916) 445-5523

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

☐ D

1350 Front Street, Suite 1063  
San Diego, CA 92101  
(619) 645-2681

## NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

☐ A

San Francisco District Office  
1515 Clay Street, Suite 701  
Oakland, CA 94612  
(510) 622-2973

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action 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 lawsuit may be filed in a State of California Superior Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

☐ G

2570 North First Street, Suite 480  
San Jose, CA 95131  
(408) 325-0344

☐ K

2101 East Fourth Street, Suite 255-B  
Santa Ana, CA 92705  
(714) 558-4266

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

JENNIFER L. HARLAN  
Deputy Director, Employment

**CHARGE OF DISCRIMINATION**

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Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA

☒ EEOC

480-2010-02528

**California Department Of Fair Employment & Housing**

and EEOC

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Name (indicate Mr., Ms., Mrs.)

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City, State and ZIP Code

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Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**MORONGO CASINO (MULTIMEDIA GAMES)**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(951) 849-3080**

Street Address

City, State and ZIP Code

**49020 Seminole Dr., Cabazon, CA 92230**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE
 ☐ COLOR
 ☐ SEX
 ☐ RELIGION
 ☐ NATIONAL ORIGIN  
☒ RETALIATION
 ☐ AGE
 ☐ DISABILITY
 ☐ GENETIC INFORMATION  
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**07-01-2009**

**08-02-2010**

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

**AMENDED CHARGE**

I. On or about May 1992, I was hired as a Video Attendant then Security. In 2003 I complained about sexual advances made to my fiancée at work. I was discharged and later rehired. Subsequently, my wages were reduced, I was assigned to less desirable work and subjected to threats of discharge including but not limited to profanity. Recently, I have made several complaints in writing but nothing has been done. On 26 July 2010 to present I has demoted from X-ray Team Security Supervisor to Floor Security Supervisor. (X-Ray Supervisors are responsible for special events.)

II. No reason has been given to me for the treatment. There was no reason for the demotion but Lt. Neal Reed stated it came from higher authority.

III. I believe I have been discriminated in retaliation for asserting my rights and opposing discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.  
SIGNATURE OF COMPLAINANT

**AUG 02 2010**

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

EEOC/LADO

INTAKE

**Aug 02, 2010**

Date

Charging Party Signature

\*\*\* EMPLOYMENT \*\*\*

**COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # E201011E5812-00  
DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (Indicate Mr. or Ms.) CHAVEZ, ALBERT TELEPHONE NUMBER (INCLUDE AREA CODE) (951)961-1156

ADDRESS 1164 WEST KING STREET

CITY/STATE/ZIP BANNING, CA 92220 COUNTY RIVERSIDE COUNTY CODE 065

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME MORONGO GAMING AGENCY TELEPHONE NUMBER (Include Area Code) (951)755-5636

ADDRESS 49500 SEMINOLE DRIVE DFEH USE ONLY

CITY/STATE/ZIP CABAZON, CA 92230 COUNTY RIVERSIDE COUNTY CODE 065

NO. OF EMPLOYEES/MEMBERS (if known) 500+ DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month, day, and year) 06/17/2011 RESPONDENT CODE 00

THE PARTICULARS ARE:

**I allege that on about or before  
06/17/2011, the following  
conduct occurred:**

<input type="checkbox"/> termination	<input type="checkbox"/> denial of employment	<input checked="" type="checkbox"/> denial of family or medical leave
<input type="checkbox"/> laid off	<input type="checkbox"/> denial of promotion	<input type="checkbox"/> denial of pregnancy leave
<input checked="" type="checkbox"/> demotion	<input type="checkbox"/> denial of transfer	<input type="checkbox"/> denial of equal pay
<input type="checkbox"/> harassment	<input type="checkbox"/> denial of accommodation	<input type="checkbox"/> denial of right to wear pants
<input type="checkbox"/> genetic characteristics testing	<input checked="" type="checkbox"/> failure to prevent discrimination or retaliation	<input type="checkbox"/> denial of pregnancy accommodation
<input type="checkbox"/> constructive discharge (forced to quit)	<input checked="" type="checkbox"/> retaliation	
<input type="checkbox"/> impermissible non-job-related inquiry	<input checked="" type="checkbox"/> other (specify) <u>Termination, Harassment</u>	

by MORONGO GAMING AGENCY

because of :	Name of Person	Job Title (supervisor/manager/personnel director/etc.)
<input type="checkbox"/> sex	<input type="checkbox"/> national origin/ancestry	<input checked="" type="checkbox"/> disability (physical or mental)
<input type="checkbox"/> age	<input type="checkbox"/> marital status	<input type="checkbox"/> retaliation for engaging in protected activity or requesting a protected leave or accommodation
<input type="checkbox"/> religion	<input type="checkbox"/> sexual orientation	<input type="checkbox"/> medical condition (cancer or generic characteristic)
<input type="checkbox"/> race/color	<input type="checkbox"/> association	<input type="checkbox"/> other (specify) _____

**State of what you believe to be the reason(s) for discrimination** ON JULY 21, 2010, I FILED A CHARGE OF DISCRIMINATION WITH THE EEOC, (SEE CASE # 480-2010-02528). DURING MY VISIT WITH THE EEOC, MY EMPLOYER WAS NOTIFIED OF MY ATTEMPT TO FILE A CHARGE. SHORTLY, AFTER RETURNING TO WORK I WAS HARASSED AND DEMOTED. LATER, ON JUNE 17, 2011, MY EMPLOYMENT WAS TERMINATED WHILE ON AUTHORIZED LEAVE AND UNDER DOCTORS CARE.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 06/25/2011

At Sun City

DATE FILED: 06/25/2011



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 KAUSEN DRIVE, SUITE 100, ELK GROVE, CA 95758  
(916) 445 5523  
[www.dfeh.ca.gov](http://www.dfeh.ca.gov)

Phyllis W. Cheng, Director

June 25, 2011

CHAVEZ, ALBERT  
1164 WEST KING STREET  
BANNING, CA 92220

RE: E201011E5812-00  
CHAVEZ/MORONGO GAMING AGENCY

Dear CHAVEZ, ALBERT:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 25, 2011 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the 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.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.



DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in black ink, appearing to read "Allan H. Pederson". The signature is fluid and cursive, with the first name "Allan" being more legible than the last name "Pederson".

Allan Pederson  
District Administrator

cc: Case File

ROBERT FERRELL  
HR DIRECTOR  
MCRS  
49500 SEMINOLE DRIVE  
CABAZON, CA 92230

\*\*\* EMPLOYMENT \*\*\*

**COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH #

**E201011E5812-01**

DFEH USE ONLY

**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

YOUR NAME (indicate Mr. or Ms.)

**CHAVEZ, ALBERT**

TELEPHONE NUMBER (INCLUDE AREA CODE)

**(951)961-1156**

ADDRESS

**1164 WEST KING STREET**

CITY/STATE/ZIP

**BANNING, CA, 92220**

COUNTY

**RIVERSIDE**

COUNTY CODE

**065**

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

**CHAPMAN, RALPH**

TELEPHONE NUMBER (Include Area Code)

**(951)755-5636**

ADDRESS

**49500 SEMINOLE**

DFEH USE ONLY

CITY/STATE/ZIP

**CABAZON, CA 92230**

COUNTY

COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)

**500+**

DATE MOST RECENT OR CONTINUING DISCRIMINATION  
TOOK PLACE (month, day, and year)

**06/17/2011**

RESPONDENT CODE

**01**

THE PARTICULARS ARE:

**I allege that on about or before  
06/17/2011, the following  
conduct occurred:**

☐ termination

☐ denial of employment

☒ denial of family or medical leave

☐ laid off

☐ denial of promotion

☐ denial of pregnancy leave

☒ demotion

☐ denial of transfer

☐ denial of equal pay

☐ harassment

☐ denial of accommodation

☐ denial of right to wear pants

☐ genetic characteristics testing

☒ failure to prevent discrimination or retaliation

☐ denial of pregnancy accommodation

☐ constructive discharge (forced to quit)

☒ retaliation

☐ impermissible non-job-related inquiry

☒ other (specify) **Termination, Harassment**

by **CHAPMAN, RALPH**

**LIEUTENANT**

because of :

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

☐ sex

☐ national origin/ancestry

☒ disability (physical or mental)

☐ retaliation for engaging in protected

☐ age

☐ marital status

☐ medical condition (cancer or

activity or requesting a protected

☐ religion

☐ sexual orientation

generic characteristic

leave or accommodation

☐ race/color

☐ association

☐ other (specify)

**State of what you  
believe to be the  
reason(s) for  
discrimination**

ON JULY 21, 2010, I FILED A CHARGE OF DISCRIMINATION WITH THE EEOC, (SEE CASE # 480-2010-02528). DURING MY VISIT WITH THE EEOC, MY EMPLOYER WAS NOTIFIED OF MY ATTEMPT TO FILE A CHARGE. SHORTLY, AFTER RETURNING TO WORK I WAS HARASSED AND DEMOTED. LATER, ON JUNE 17, 2011, MY EMPLOYMENT WAS TERMINATED WHILE ON AUTHORIZED LEAVE AND UNDER DOCTORS CARE.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

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By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **06/25/2011**

At **Sun City**

DATE FILED: **06/25/2011**

DFEH-300-03o (02/08)

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 KAUSEN DRIVE, SUITE 100, ELK GROVE, CA 95758  
(916) 445 5523  
www.dfeh.ca.gov

Phyllis W. Cheng, Director

June 25, 2011

CHAVEZ, ALBERT  
1164 WEST KING STREET  
BANNING, CA, 92220

RE: E201011E5812-01  
CHAVEZ/CHAPMAN, RALPH, AS AN INDIVIDUAL

Dear CHAVEZ, ALBERT:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 25, 2011 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the 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.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in black ink, appearing to read "Allan H. Pederson". The signature is fluid and cursive, with the first name "Allan" being more legible than the last name "Pederson".

Allan Pederson  
District Administrator

cc: Case File

ROBERT FERRELL  
HR DIRECTOR  
MCRS  
49500 SEMINOLE DRIVE  
CABAZON, CA 92230

\*\*\* EMPLOYMENT \*\*\*

**COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH #

E201011E5812-02

DFEH USE ONLY

**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

YOUR NAME (indicate Mr. or Ms.)

**CHAVEZ, ALBERT**

TELEPHONE NUMBER (INCLUDE AREA CODE)

**(951)961-1156**

ADDRESS

**1164 WEST KING STREET**

CITY/STATE/ZIP

**BANNING, CA, 92220**

COUNTY

**RIVERSIDE**

COUNTY CODE

**065**

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

**FERRELL, ROBERT**

TELEPHONE NUMBER (Include Area Code)

**(951)755-5636**

ADDRESS

**49500 SEMINOLE**

DFEH USE ONLY

CITY/STATE/ZIP

**CABAZON, CA 92230**

COUNTY

COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)

**500+**

DATE MOST RECENT OR CONTINUING DISCRIMINATION  
TOOK PLACE (month, day, and year)

**06/17/2011**

RESPONDENT CODE

**02**

THE PARTICULARS ARE:

**I allege that on about or before  
06/17/2011, the following  
conduct occurred:**

<input type="checkbox"/> termination	<input type="checkbox"/> denial of employment	<input checked="" type="checkbox"/> denial of family or medical leave
<input type="checkbox"/> laid off	<input type="checkbox"/> denial of promotion	<input type="checkbox"/> denial of pregnancy leave
<input checked="" type="checkbox"/> demotion	<input type="checkbox"/> denial of transfer	<input type="checkbox"/> denial of equal pay
<input type="checkbox"/> harassment	<input type="checkbox"/> denial of accommodation	<input type="checkbox"/> denial of right to wear pants
<input type="checkbox"/> genetic characteristics testing	<input checked="" type="checkbox"/> failure to prevent discrimination or retaliation	<input type="checkbox"/> denial of pregnancy accommodation
<input type="checkbox"/> constructive discharge (forced to quit)	<input checked="" type="checkbox"/> retaliation	
<input type="checkbox"/> impermissible non-job-related inquiry	<input checked="" type="checkbox"/> other (specify) <u>Termination, Harassment</u>	

by **FERRELL, ROBERT**

**HR DIRECTOR**

because of :

Name of Person	Job Title (supervisor/manager/personnel director/etc.)
<input type="checkbox"/> sex	<input checked="" type="checkbox"/> disability (physical or mental)
<input type="checkbox"/> age	<input type="checkbox"/> medical condition (cancer or
<input type="checkbox"/> religion	<input type="checkbox"/> generic characteristic
<input type="checkbox"/> race/color	<input type="checkbox"/> other (specify) _____
<input type="checkbox"/> national origin/ancestry	<input type="checkbox"/> retaliation for engaging in protected
<input type="checkbox"/> marital status	<input type="checkbox"/> activity or requesting a protected
<input type="checkbox"/> sexual orientation	<input type="checkbox"/> leave or accommodation
<input type="checkbox"/> association	

**State of what you  
believe to be the  
reason(s) for  
discrimination**

ON JULY 21, 2010, I FILED A CHARGE OF DISCRIMINATION WITH THE EEOC, (SEE CASE # 480-2010-02528). DURING MY VISIT WITH THE EEOC, MY EMPLOYER WAS NOTIFIED OF MY ATTEMPT TO FILE A CHARGE. SHORTLY, AFTER RETURNING TO WORK I WAS HARASSED AND DEMOTED. LATER, ON JUNE 17, 2011, MY EMPLOYMENT WAS TERMINATED WHILE ON AUTHORIZED LEAVE AND UNDER DOCTORS CARE.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **06/25/2011**

At **Sun City**

DATE FILED: **06/25/2011**

DFEH-300-030 (02/08)  
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 KAUSEN DRIVE, SUITE 100, ELK GROVE, CA 95758  
(916) 445 5523  
www.dfeh.ca.gov

Phyllis W. Cheng, Director

June 25, 2011

CHAVEZ, ALBERT  
1164 WEST KING STREET  
BANNING, CA, 92220

RE: E201011E5812-02  
CHAVEZ/FERRELL, ROBERT, AS AN INDIVIDUAL

Dear CHAVEZ, ALBERT:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 25, 2011 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the 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.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in black ink, appearing to read "Allan H. Pederson". The signature is fluid and cursive, with the first name "Allan" being the most prominent.

Allan Pederson  
District Administrator

cc: Case File

ROBERT FERRELL  
HR DIRECTOR  
MCRS  
49500 SEMINOLE DRIVE  
CABAZON, CA 92230



\* \* \* EMPLOYMENT \* \* \*

**COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # **E201011E5812-03**

DFEH USE ONLY

**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

YOUR NAME (indicate Mr. or Ms.) <b>CHAVEZ, ALBERT</b>		TELEPHONE NUMBER (INCLUDE AREA CODE) <b>(951)961-1156</b>	
ADDRESS <b>1164 WEST KING STREET</b>			
CITY/STATE/ZIP <b>BANNING, CA, 92220</b>	COUNTY <b>RIVERSIDE</b>	COUNTY CODE <b>065</b>	
NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:			
NAME <b>SCHULTZE, JERRY</b>		TELEPHONE NUMBER (Include Area Code) <b>(951)755-5636</b>	
ADDRESS <b>49500 SEMINOLE</b>		DFEH USE ONLY	
CITY/STATE/ZIP <b>CABAZON, CA 92230</b>	COUNTY	COUNTY CODE	
NO. OF EMPLOYEES/MEMBERS (if known) <b>500+</b>	DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month, day, and year) <b>06/17/2011</b>	RESPONDENT CODE <b>03</b>	

THE PARTICULARS ARE:

I allege that on about or before  
06/17/2011, the following  
conduct occurred:

<input type="checkbox"/> termination	<input type="checkbox"/> denial of employment	<input checked="" type="checkbox"/> denial of family or medical leave
<input type="checkbox"/> laid off	<input type="checkbox"/> denial of promotion	<input type="checkbox"/> denial of pregnancy leave
<input checked="" type="checkbox"/> demotion	<input type="checkbox"/> denial of transfer	<input type="checkbox"/> denial of equal pay
<input type="checkbox"/> harassment	<input type="checkbox"/> denial of accommodation	<input type="checkbox"/> denial of right to wear pants
<input type="checkbox"/> genetic characteristics testing	<input checked="" type="checkbox"/> failure to prevent discrimination or retaliation	<input type="checkbox"/> denial of pregnancy accommodation
<input type="checkbox"/> constructive discharge (forced to quit)	<input checked="" type="checkbox"/> retaliation	
<input type="checkbox"/> impermissible non-job-related inquiry	<input checked="" type="checkbox"/> other (specify) <u>Termination, Harassment</u>	

by **SCHULTZE, JERRY**

**EXECUTIVE DIRECTOR**

because of:

Name of Person	Job Title (supervisor/manager/personnel director/etc.)
<input type="checkbox"/> sex	<input checked="" type="checkbox"/> disability (physical or mental)
<input type="checkbox"/> age	<input type="checkbox"/> medical condition (cancer or
<input type="checkbox"/> religion	<input type="checkbox"/> generic characteristic
<input type="checkbox"/> race/color	<input type="checkbox"/> other (specify)
<input type="checkbox"/> national origin/ancestry	<input type="checkbox"/> retaliation for engaging in protected
<input type="checkbox"/> marital status	<input type="checkbox"/> activity or requesting a protected
<input type="checkbox"/> sexual orientation	<input type="checkbox"/> leave or accommodation
<input type="checkbox"/> association	

State of what you  
believe to be the  
reason(s) for  
discrimination

ON JULY 21, 2010, I FILED A CHARGE OF DISCRIMINATION WITH THE EEOC, (SEE CASE # 480-2010-02528). DURING MY VISIT WITH THE EEOC, MY EMPLOYER WAS NOTIFIED OF MY ATTEMPT TO FILE A CHARGE. SHORTLY, AFTER RETURNING TO WORK I WAS HARASSED AND DEMOTED. LATER, ON JUNE 17, 2011, MY EMPLOYMENT WAS TERMINATED WHILE ON AUTHORIZED LEAVE AND UNDER DOCTORS CARE.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **06/25/2011**

At **Sun City**

DATE FILED: **06/25/2011**





**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 KAUSEN DRIVE, SUITE 100, ELK GROVE, CA 95758  
(916) 445 5523  
www.dfeh.ca.gov

Phyllis W. Cheng, Director

June 25, 2011

CHAVEZ, ALBERT  
1164 WEST KING STREET  
BANNING, CA, 92220

RE: E201011E5812-03  
CHAVEZ/SCHULTZE, JERRY, AS AN INDIVIDUAL

Dear CHAVEZ, ALBERT:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 25, 2011 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the 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.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in black ink, appearing to read "Allan H. Pederson". The signature is stylized with a large, circular initial "P" and a long, sweeping underline.

Allan Pederson  
District Administrator

cc: Case File

ROBERT FERRELL  
HR DIRECTOR  
MCRS  
49500 SEMINOLE DRIVE  
CABAZON, CA 92230

\*\*\* EMPLOYMENT \*\*\*

**COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH #

**E201011E5812-04**

DFEH USE ONLY

**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

YOUR NAME (indicate Mr. or Ms.)

**CHAVEZ, ALBERT**

TELEPHONE NUMBER (INCLUDE AREA CODE)

**(951)961-1156**

ADDRESS

**1164 WEST KING STREET**

CITY/STATE/ZIP

**BANNING, CA, 92220**

COUNTY

**RIVERSIDE**

COUNTY CODE

**065**

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

**MARCADO, ROD**

TELEPHONE NUMBER (Include Area Code)

**(951)755-5636**

ADDRESS

**49500 SEMINOLE**

DFEH USE ONLY

CITY/STATE/ZIP

**CABAZON, CA 92230**

COUNTY

COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)

**500+**

DATE MOST RECENT OR CONTINUING DISCRIMINATION  
TOOK PLACE (month, day, and year)

**06/17/2011**

RESPONDENT CODE

**04**

THE PARTICULARS ARE:

**I allege that on about or before  
06/17/2011, the following  
conduct occurred:**

☐ termination

☐ denial of employment

☒ denial of family or medical leave

☐ laid off

☐ denial of promotion

☐ denial of pregnancy leave

☒ demotion

☐ denial of transfer

☐ denial of equal pay

☐ harassment

☐ denial of accommodation

☐ denial of right to wear pants

☐ genetic characteristics testing

☒ failure to prevent discrimination or retaliation

☐ denial of pregnancy accommodation

☐ constructive discharge (forced to quit)

☒ retaliation

☐ impermissible non-job-related inquiry

☒ other (specify) **Termination, Harassment**

by **MARCADO, ROD**

**HR MANAGER**

because of :

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

☐ sex

☐ national origin/ancestry

☒ disability (physical or mental)

☐ retaliation for engaging in protected

☐ age

☐ marital status

☐ medical condition (cancer or

activity or requesting a protected

☐ religion

☐ sexual orientation

generic characteristic

leave or accommodation

☐ race/color

☐ association

☐ other (specify)

**State of what you  
believe to be the  
reason(s) for  
discrimination**

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By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **06/25/2011**

At **Sun City**

DATE FILED: **06/25/2011**

DFEH-300-030 (02/08)

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 KAUSEN DRIVE, SUITE 100, ELK GROVE, CA 95758  
(916) 445 5523  
www.dfeh.ca.gov

Phyllis W. Cheng, Director

June 25, 2011

CHAVEZ, ALBERT  
1164 WEST KING STREET  
BANNING, CA, 92220

RE: E201011E5812-04  
CHAVEZ/MARCADO, ROD, AS AN INDIVIDUAL

Dear CHAVEZ, ALBERT:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 25, 2011 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

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If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

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Sincerely,

A handwritten signature in black ink, appearing to read "Allan H. Pederson". The signature is fluid and cursive, with the first name "Allan" being more legible than the last name "Pederson".

Allan Pederson  
District Administrator

cc: Case File

ROBERT FERRELL  
HR DIRECTOR  
MCRS  
49500 SEMINOLE DRIVE  
CABAZON, CA 92230

\*\*\* EMPLOYMENT \*\*\*

**COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # E201011E5812-05  
DFEH USE ONLY

**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

YOUR NAME (indicate Mr. or Ms.) CHAVEZ, ALBERT TELEPHONE NUMBER (INCLUDE AREA CODE) (951)961-1156

ADDRESS 1164 WEST KING STREET

CITY/STATE/ZIP BANNING, CA, 92220 COUNTY RIVERSIDE COUNTY CODE 065

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME REED, NEAL TELEPHONE NUMBER (Include Area Code) (951)755-5636

ADDRESS 49500 SEMINOLE DFEH USE ONLY

CITY/STATE/ZIP CABAZON, CA 92230 COUNTY COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known) 500+ DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month, day, and year) 06/17/2011 RESPONDENT CODE 05

THE PARTICULARS ARE:

I allege that on about or before  
06/17/2011, the following  
conduct occurred:

<input type="checkbox"/> termination	<input type="checkbox"/> denial of employment	<input checked="" type="checkbox"/> denial of family or medical leave
<input type="checkbox"/> laid off	<input type="checkbox"/> denial of promotion	<input type="checkbox"/> denial of pregnancy leave
<input checked="" type="checkbox"/> demotion	<input type="checkbox"/> denial of transfer	<input type="checkbox"/> denial of equal pay
<input type="checkbox"/> harassment	<input type="checkbox"/> denial of accommodation	<input type="checkbox"/> denial of right to wear pants
<input type="checkbox"/> genetic characteristics testing	<input checked="" type="checkbox"/> failure to prevent discrimination or retaliation	<input type="checkbox"/> denial of pregnancy accommodation
<input type="checkbox"/> constructive discharge (forced to quit)	<input checked="" type="checkbox"/> retaliation	
<input type="checkbox"/> impermissible non-job-related inquiry	<input checked="" type="checkbox"/> other (specify) <u>Termination, Harassment</u>	

by REED, NEAL

**ADMINISTRATIVE LIEUTENANT**

because of:

Name of Person	Job Title (supervisor/manager/personnel director/etc.)
<input type="checkbox"/> sex	<input checked="" type="checkbox"/> disability (physical or mental)
<input type="checkbox"/> age	<input type="checkbox"/> medical condition (cancer or
<input type="checkbox"/> religion	generic characteristic
<input type="checkbox"/> race/color	other (specify) _____
<input type="checkbox"/> national origin/ancestry	<input type="checkbox"/> retaliation for engaging in protected
<input type="checkbox"/> marital status	activity or requesting a protected
<input type="checkbox"/> sexual orientation	leave or accommodation
<input type="checkbox"/> association	

State of what you  
believe to be the  
reason(s) for  
discrimination

ON JULY 21, 2010, I FILED A CHARGE OF DISCRIMINATION WITH THE EEOC, (SEE CASE # 480-2010-02528). DURING MY VISIT WITH THE EEOC, MY EMPLOYER WAS NOTIFIED OF MY ATTEMPT TO FILE A CHARGE. SHORTLY, AFTER RETURNING TO WORK I WAS HARASSED AND DEMOTED. LATER, ON JUNE 17, 2011, MY EMPLOYMENT WAS TERMINATED WHILE ON AUTHORIZED LEAVE AND UNDER DOCTORS CARE.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 06/25/2011

At Sun City

DATE FILED: 06/25/2011



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 KAUSEN DRIVE, SUITE 100, ELK GROVE, CA 95758  
(916) 445 5523  
www.dfeh.ca.gov

Phyllis W. Cheng, Director

June 25, 2011

CHAVEZ, ALBERT  
1164 WEST KING STREET  
BANNING, CA, 92220

RE: E201011E5812-05  
CHAVEZ/REED, NEAL, AS AN INDIVIDUAL

Dear CHAVEZ, ALBERT:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 25, 2011 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the 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.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in black ink, appearing to read "Allan H. Pederson". The signature is stylized with a large, looping initial "A" and a cursive "Pederson".

Allan Pederson  
District Administrator

cc: Case File

ROBERT FERRELL  
HR DIRECTOR  
MCRS  
49500 SEMINOLE DRIVE  
CABAZON, CA 92230



**EXHIBIT 2**

**AMENDED CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA  
☒ EEOC

480-2010-02532

**California Department Of Fair Employment & Housing**

and EEOC

Name (indicate Mr., Ms., Mrs.)

State or local Agency, if any

**Markist Herbert**

Home Phone (Incl. Area Code)

**(562) 756-5096**

Date of Birth

**06-15-1973**

Street Address

City, State and ZIP Code

**27620 Connie Way, Sun City, CA 92586**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**MORONGO CASINO (MULTIMEDIA GAMES)**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(951) 755-5340**

Street Address

City, State and ZIP Code

**49020 Seminole Dr., Cabazon, CA 92230**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

**RECEIVED****AUG 02 2010****EEOC/LADO****INTAKE**

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**07-01-2009****07-21-2010**

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION  
☐ OTHER (Specify)

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Amended

I. On or about June 2007, I was hired as a Security Officer. In June 2008, I was denied a raise when other non-African American Security Officers were given a raise. Later, I received my raise but have been denied a cost of living increase, and equipment. Again, other non-African American employees have received the cost of living increase, and equipment. In early July 2010, I complained about a hostile work environment. I have not received a response. On or about July 30, 2010, I was threatened with termination if I continued to complain.

II. Jerry Schultze, Executive Director, and other managers told me the raise, cost of living and equipment were not in the budget. On or about July 30, 2010, Lieutenant Chapman, told me if I complained I would be terminated.

III. I believe I have been discrimination because of my race (African American) and in retaliation for asserting my rights and opposing discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

**Aug 02, 2010**

Date

Charging Party Signature

STATE OF CALIFORNIA - State and Consumer Services Agency

ARNOLD SCHWARZENEGGER, Governor

## DEPARTMENT OF FAIR EMPLOYMENT &amp; HOUSING

(SEE ADDRESS CHECKED BELOW)



TTY # (800) 700-2320

☐  
H

4900 Stockdale Hwy., Suite 215  
Bakersfield, CA 93309  
(866) 395-2729

Ms. Donna Shepard  
Human Resources Director  
Monrongo Casino  
49020 Seminole Drive  
Cabazon, CA 92230

EEOC Number:  
480-2010-02532

Case Name:  
Herbert Markist

Date: 7/21/2010

☐  
C

1320 E. Shaw Avenue, Suite 150  
Fresno, CA 93710  
(559) 244-4760

## NOTICE TO COMPLAINANT AND RESPONDENT

☐  
R/S

1055 West Seventh Street,  
Suite 1400  
Los Angeles, CA 90017  
(213) 439-8799

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

☐  
M

1515 Clay Street, Suite 701  
Oakland, CA 94612  
(510) 822-2941

No response to the DFEH is required by the respondent.

☐  
E

2000 "O" Street, Suite 120  
Sacramento, CA 95811  
(916) 445-5523

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

☐  
D

1350 Front Street, Suite 1063  
San Diego, CA 92101  
(619) 845-2881

## NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

☐  
A

San Francisco District Office  
1515 Clay Street, Suite 701  
Oakland, CA 94612  
(510) 822-2973

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action 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 lawsuit may be filed in a State of California Superior Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

☐  
G

2570 North First Street, Suite 480  
San Jose, CA 95131  
(408) 328-0344

☐  
K

2101 East Fourth Street, Suite 255-B  
Santa Ana, CA 92705  
(714) 558-4286

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

JENNIFER L. HARLAN  
Deputy Director, Employment

\* \* \* EMPLOYMENT \* \* \*

**COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # **E201011S5808-08**

DFEH USE ONLY

**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

YOUR NAME (indicate Mr. or Ms.)

**HERBERT, MARKIST**

TELEPHONE NUMBER (INCLUDE AREA CODE)

**(951)723-4040**

ADDRESS

**27620 CONNIE WAY**

CITY/STATE/ZIP

**SUN CITY, CA, 92586-2301**

COUNTY

**RIVERSIDE**

COUNTY CODE

**065**

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

**CHAPMAN, RALPH**

TELEPHONE NUMBER (Include Area Code)

**(951)755-5636**

ADDRESS

**49500 SEMINOLE DRIVE**

DFEH USE ONLY

CITY/STATE/ZIP

**CABAZON, CA 92230**

COUNTY

COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)

**500+**

DATE MOST RECENT OR CONTINUING DISCRIMINATION  
TOOK PLACE (month, day, and year)

**09/14/2010**

RESPONDENT CODE

**08**

THE PARTICULARS ARE:

**I allege that on about or before  
09/14/2010, the following  
conduct occurred:**

☒ termination

☐ laid off

☒ demotion

☐ harassment

☐ genetic characteristics testing

☐ constructive discharge (forced to quit)

☐ impermissible non-job-related inquiry

☐ denial of employment

☐ denial of promotion

☐ denial of transfer

☐ denial of accommodation

☒ failure to prevent discrimination or retaliation

☒ retaliation

☐ other (specify) \_\_\_\_\_

☐ denial of family or medical leave

☐ denial of pregnancy leave

☐ denial of equal pay

☐ denial of right to wear pants

☐ denial of pregnancy accommodation

by **CHAPMAN, RALPH**

**LEAUTENANT**

because of:

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

☐ sex

☐ age

☐ religion

☐ race/color

☒ national origin/ancestry

☐ marital status

☐ sexual orientation

☐ association

☐ disability (physical or mental)

☐ medical condition (cancer or

generic characteristic

☐ other (specify) \_\_\_\_\_

☒ retaliation for engaging in protected

activity or requesting a protected

leave or accommodation

**State of what you  
believe to be the  
reason(s) for  
discrimination**

ON JULY 21, 1020 I FILED A CHARGE OF DISCRIMINATION WITH THE EEOC (SEE CASE #480-2010-02532). AFTER MY EMPLOYER WAS NOTIFIED (DURING MY VISIT WITH THE EEOC) I WAS DEMOTED, DENIED A PROMOTION AND LATER (9/14/2010) TERMINATED.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **06/24/2011**

At **Sun City**

DATE FILED: **06/24/2011**

DFEH-300-030 (02/08)

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017  
(213) 439-6700  
www.dfeh.ca.gov

Phyllis W. Cheng, Director

June 24, 2011

HERBERT, MARKIST  
27620 CONNIE WAY  
SUN CITY, CA, 92586-2301

RE: E201011S5808-08  
HERBERT/CHAPMAN, RALPH, AS AN INDIVIDUAL

Dear HERBERT, MARKIST:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 24, 2011 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the 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.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lottie Woodruff", followed by a horizontal line.

Lottie Woodruff  
District Administrator

cc: Case File

ROBERT FERRELL  
HR DIRECTOR  
MCRS  
49500 SEMINOLE DRIVE  
CABAZON, CA 92230



\*\*\* EMPLOYMENT \*\*\*

**COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # **E201011S5808-00**

DFEH USE ONLY

**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

YOUR NAME (indicate Mr. or Ms.)

**HERBERT, MARKIST**

TELEPHONE NUMBER (INCLUDE AREA CODE)

**(951)723-4040**

ADDRESS

**27620 CONNIE WAY**

CITY/STATE/ZIP

**SUN CITY, CA 92586-2301**

COUNTY

**RIVERSIDE**

COUNTY CODE

**065**

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

**MORONGO GAMING AGENCY**

TELEPHONE NUMBER (Include Area Code)

**(951)755-5636**

ADDRESS

**49500 SEMINOLE DRIVE**

DFEH USE ONLY

CITY/STATE/ZIP

**CABAZON, CA 92230**

COUNTY

**RIVERSIDE**

COUNTY CODE

**065**

NO. OF EMPLOYEES/MEMBERS (if known)

**500+**

DATE MOST RECENT OR CONTINUING DISCRIMINATION  
TOOK PLACE (month, day, and year)

**09/14/2010**

RESPONDENT CODE

**00**

THE PARTICULARS ARE:

I allege that on about or before  
**09/14/2010**, the following  
conduct occurred:

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> termination                  | <input type="checkbox"/> denial of employment  | <input type="checkbox"/> denial of family or medical leave |
| <input type="checkbox"/> laid off                                | <input type="checkbox"/> denial of promotion   | <input type="checkbox"/> denial of pregnancy leave         |
| <input checked="" type="checkbox"/> demotion                     | <input type="checkbox"/> denial of transfer  | <input type="checkbox"/> denial of equal pay               |
| <input type="checkbox"/> harassment                              | <input type="checkbox"/> denial of accommodation                                     | <input type="checkbox"/> denial of right to wear pants     |
| <input type="checkbox"/> genetic characteristics testing         | <input checked="" type="checkbox"/> failure to prevent discrimination or retaliation | <input type="checkbox"/> denial of pregnancy accommodation |
| <input type="checkbox"/> constructive discharge (forced to quit) | <input checked="" type="checkbox"/> retaliation                                      |  |
| <input type="checkbox"/> impermissible non-job-related inquiry   | <input type="checkbox"/> other (specify) _____                                       |  |

by **MORONGO GAMING AGENCY**

because of :

- | Name of Person                      |  | Job Title (supervisor/manager/personnel director/etc.)   |   |
|-------------------------------------|--|--|---|
| <input type="checkbox"/> sex        | <input checked="" type="checkbox"/> national origin/ancestry | <input type="checkbox"/> disability (physical or mental) | <input checked="" type="checkbox"/> retaliation for engaging in protected |
| <input type="checkbox"/> age        | <input type="checkbox"/> marital status                      | <input type="checkbox"/> medical condition (cancer or    | activity or requesting a protected  |
| <input type="checkbox"/> religion   | <input type="checkbox"/> sexual orientation                  | generic characteristic                                   | leave or accommodation  |
| <input type="checkbox"/> race/color | <input type="checkbox"/> association                         | <input type="checkbox"/> other (specify) _____           |   |

State of what you  
believe to be the  
reason(s) for  
discrimination

ON JULY 21, 1020 I FILED A CHARGE OF DISCRIMINATION WITH THE EEOC (SEE CASE #480-2010-02532). AFTER MY EMPLOYER WAS NOTIFIED (DURING MY VISIT WITH THE EEOC) I WAS DEMOTED, DENIED A PROMOTION AND LATER (9/14/2010) TERMINATED.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **06/24/2011**

At **Sun City**

DATE FILED: **06/24/2011**



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017  
(213) 439-6700  
www.dfeh.ca.gov

Phyllis W. Cheng, Director

June 24, 2011

HERBERT, MARKIST  
27620 CONNIE WAY  
SUN CITY, CA, 92586-2301

RE: E201011S5808-07  
HERBERT/REED, NEAL, AS AN INDIVIDUAL

Dear HERBERT, MARKIST:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 24, 2011 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the 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.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.



DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lottie Woodruff", with a horizontal line extending from the end of the signature.

Lottie Woodruff  
District Administrator

cc: Case File

ROBERT FERRELL  
HR DIRECTOR  
MCRS  
49500 SEMINOLE DRIVE  
CABAZON, CA 92230

\*\*\* EMPLOYMENT \*\*\*

**COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # **E201011S5808-01**  
DFEH USE ONLY

**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

YOUR NAME (Indicate Mr. or Ms.) **HERBERT, MARKIST** TELEPHONE NUMBER (INCLUDE AREA CODE)  
**(951)723-4040**

ADDRESS **27620 CONNIE WAY**

CITY/STATE/ZIP **SUN CITY, CA, 92586-2301** COUNTY **RIVERSIDE** COUNTY CODE **065**

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME **FERRELL, ROBERT** TELEPHONE NUMBER (Include Area Code)  
**(951)755-5636**

ADDRESS **49500 SEMINOLE DRIVE** DFEH USE ONLY

CITY/STATE/ZIP **CABAZON, CA 92230** COUNTY COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known) **500+** DATE MOST RECENT OR CONTINUING DISCRIMINATION  
TOOK PLACE (month, day, and year) **09/14/2010** RESPONDENT CODE **01**

THE PARTICULARS ARE:

**I allege that on about or before  
09/14/2010, the following  
conduct occurred:**

<input checked="" type="checkbox"/> termination	<input type="checkbox"/> denial of employment	<input type="checkbox"/> denial of family or medical leave
<input type="checkbox"/> laid off	<input type="checkbox"/> denial of promotion	<input type="checkbox"/> denial of pregnancy leave
<input checked="" type="checkbox"/> demotion	<input type="checkbox"/> denial of transfer	<input type="checkbox"/> denial of equal pay
<input type="checkbox"/> harassment	<input type="checkbox"/> denial of accommodation	<input type="checkbox"/> denial of right to wear pants
<input type="checkbox"/> genetic characteristics testing	<input checked="" type="checkbox"/> failure to prevent discrimination or retaliation	<input type="checkbox"/> denial of pregnancy accommodation
<input type="checkbox"/> constructive discharge (forced to quit)	<input checked="" type="checkbox"/> retaliation	
<input type="checkbox"/> impermissible non-job-related inquiry	<input type="checkbox"/> other (specify) _____	

by **FERRELL, ROBERT**

**HR DIRECTOR**

because of:

Name of Person	Job Title (supervisor/manager/personnel director/etc.)
<input type="checkbox"/> sex	<input checked="" type="checkbox"/> national origin/ancestry
<input type="checkbox"/> age	<input type="checkbox"/> disability (physical or mental)
<input type="checkbox"/> religion	<input type="checkbox"/> medical condition (cancer or generic characteristic)
<input type="checkbox"/> race/color	<input type="checkbox"/> other (specify) _____
	<input checked="" type="checkbox"/> retaliation for engaging in protected activity or requesting a protected leave or accommodation

**State of what you  
believe to be the  
reason(s) for  
discrimination**

ON JULY 21, 1020 I FILED A CHARGE OF DISCRIMINATION WITH THE EEOC (SEE CASE #480-2010-02532). AFTER MY EMPLOYER WAS NOTIFIED (DURING MY VISIT WITH THE EEOC) I WAS DEMOTED, DENIED A PROMOTION AND LATER (9/14/2010) TERMINATED.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **06/24/2011**

At **Sun City**

DATE FILED: **06/24/2011**



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017  
(213) 439-6700  
www.dfeh.ca.gov

Phyllis W. Cheng, Director

June 24, 2011

HERBERT, MARKIST  
27620 CONNIE WAY  
SUN CITY, CA 92586-2301

RE: E201011S5808-00  
HERBERT/MORONGO GAMING AGENCY

Dear HERBERT, MARKIST:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 24, 2011 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the 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.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lottie Woodruff", with a horizontal line extending from the end of the signature.

Lottie Woodruff  
District Administrator

cc: Case File

FERRELL ROBERT  
DIRECTOR OF HR  
MORONGO CASINO RESORT & SPA  
49500 SEMINOLE DRIVE  
CABAZON, CA 92230



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017  
(213) 439-6700  
www.dfeh.ca.gov

Phyllis W. Cheng, Director

June 24, 2011

HERBERT, MARKIST  
27620 CONNIE WAY  
SUN CITY, CA, 92586-2301

RE: E201011S5808-01  
HERBERT/FERRELL, ROBERT, AS AN INDIVIDUAL

Dear HERBERT, MARKIST:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 24, 2011 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the 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.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lottie Woodruff", followed by a horizontal line.

Lottie Woodruff  
District Administrator

cc: Case File

SCHULTZE JERRY  
EXECUTIVE DIRECTOR  
MCRS  
49500 SEMINOLE DRIVE  
CABAZON, CA 92230

\*\*\* EMPLOYMENT \*\*\*

**COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # E201011S5808-02

DFEH USE ONLY

**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

YOUR NAME (Indicate Mr. or Ms.)

**HERBERT, MARKIST**

TELEPHONE NUMBER (INCLUDE AREA CODE)

**(951)723-4040**

ADDRESS

**27620 CONNIE WAY**

CITY/STATE/ZIP

**SUN CITY, CA, 92586-2301**

COUNTY

**RIVERSIDE**

COUNTY CODE

**065**

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

**REED, NEAL**

TELEPHONE NUMBER (Include Area Code)

**(951)755-5636**

ADDRESS

**49500 SEMINOLE DRIVE**

DFEH USE ONLY

CITY/STATE/ZIP

**CABAZON, CA 92230**

COUNTY

COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)

**500+**

DATE MOST RECENT OR CONTINUING DISCRIMINATION  
TOOK PLACE (month, day, and year)

**09/14/2010**

RESPONDENT CODE

**02**

THE PARTICULARS ARE:

**I allege that on about or before  
09/14/2010, the following  
conduct occurred:**

- |  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> termination                  | <input type="checkbox"/> denial of employment  | <input type="checkbox"/> denial of family or medical leave |
| <input type="checkbox"/> laid off                                | <input type="checkbox"/> denial of promotion   | <input type="checkbox"/> denial of pregnancy leave         |
| <input checked="" type="checkbox"/> demotion                     | <input type="checkbox"/> denial of transfer  | <input type="checkbox"/> denial of equal pay               |
| <input type="checkbox"/> harassment                              | <input type="checkbox"/> denial of accommodation                                     | <input type="checkbox"/> denial of right to wear pants     |
| <input type="checkbox"/> genetic characteristics testing         | <input checked="" type="checkbox"/> failure to prevent discrimination or retaliation | <input type="checkbox"/> denial of pregnancy accommodation |
| <input type="checkbox"/> constructive discharge (forced to quit) | <input checked="" type="checkbox"/> retaliation                                      |  |
| <input type="checkbox"/> impermissible non-job-related inquiry   | <input type="checkbox"/> other (specify) _____                                       |  |

by **REED, NEAL**

**LEAUTENANT**

because of :

- |  |   |
|--|---|
| Name of Person   | Job Title (supervisor/manager/personnel director/etc.)  |
| <input type="checkbox"/> sex                                 | <input type="checkbox"/> disability (physical or mental)  |
| <input checked="" type="checkbox"/> national origin/ancestry | <input checked="" type="checkbox"/> retaliation for engaging in protected activity or requesting a protected leave or accommodation |
| <input type="checkbox"/> age                                 | <input type="checkbox"/> medical condition (cancer or generic characteristic)   |
| <input type="checkbox"/> religion                            | <input type="checkbox"/> other (specify) _____  |
| <input type="checkbox"/> race/color                          |   |
| <input type="checkbox"/> marital status                      |   |
| <input type="checkbox"/> sexual orientation                  |   |
| <input type="checkbox"/> association                         |   |

**State of what you  
believe to be the  
reason(s) for  
discrimination**

ON JULY 21, 1020 I FILED A CHARGE OF DISCRIMINATION WITH THE EEOC (SEE CASE #480-2010-02532). AFTER MY EMPLOYER WAS NOTIFIED (DURING MY VISIT WITH THE EEOC) I WAS DEMOTED, DENIED A PROMOTION AND LATER (9/14/2010) TERMINATED.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **06/24/2011**

At **Sun City**

DATE FILED: **06/24/2011**

DFEH-300-030 (02/08)  
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017  
(213) 439-6700  
www.dfeh.ca.gov

Phyllis W. Cheng, Director

June 24, 2011

HERBERT, MARKIST  
27620 CONNIE WAY  
SUN CITY, CA, 92586-2301

RE: E201011S5808-02  
HERBERT/REED, NEAL AS AN INDIVIDUAL

Dear HERBERT, MARKIST:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 24, 2011 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the 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.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.



DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lottie Woodruff", with a horizontal line extending from the end of the signature.

Lottie Woodruff  
District Administrator

cc: Case File

RALPH CHAPMAN  
LEAUTENANT  
MCRS  
49500 SEMINOLE DRIVE  
CABAZON, CA 92230

\*\*\* EMPLOYMENT \*\*\*

**COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # E201011S5808-03  
DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.) HERBERT, MARKIST TELEPHONE NUMBER (INCLUDE AREA CODE) (951)723-4040

ADDRESS 27620 CONNIE WAY

CITY/STATE/ZIP SUN CITY, CA, 92586-2301 COUNTY RIVERSIDE COUNTY CODE 065

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME MERCADO, ROD TELEPHONE NUMBER (Include Area Code) (951)755-5636

ADDRESS 49500 SEMINOLE DRIVE DFEH USE ONLY

CITY/STATE/ZIP CABAZON, CA 92230 COUNTY COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known) 500+ DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month, day, and year) 09/14/2010 RESPONDENT CODE 03

THE PARTICULARS ARE:

I allege that on about or before 09/14/2010, the following conduct occurred:

<input checked="" type="checkbox"/> termination	<input type="checkbox"/> denial of employment	<input type="checkbox"/> denial of family or medical leave
<input type="checkbox"/> laid off	<input type="checkbox"/> denial of promotion	<input type="checkbox"/> denial of pregnancy leave
<input checked="" type="checkbox"/> demotion	<input type="checkbox"/> denial of transfer	<input type="checkbox"/> denial of equal pay
<input type="checkbox"/> harassment	<input type="checkbox"/> denial of accommodation	<input type="checkbox"/> denial of right to wear pants
<input type="checkbox"/> genetic characteristics testing	<input checked="" type="checkbox"/> failure to prevent discrimination or retaliation	<input type="checkbox"/> denial of pregnancy accommodation
<input type="checkbox"/> constructive discharge (forced to quit)	<input checked="" type="checkbox"/> retaliation	
<input type="checkbox"/> impermissible non-job-related inquiry	<input type="checkbox"/> other (specify) _____	

by MERCADO, ROD HR MANAGER

because of:	Name of Person	Job Title (supervisor/manager/personnel director/etc.)
<input type="checkbox"/> sex	<input checked="" type="checkbox"/> national origin/ancestry	<input type="checkbox"/> disability (physical or mental)
<input type="checkbox"/> age	<input type="checkbox"/> marital status	<input checked="" type="checkbox"/> retaliation for engaging in protected activity or requesting a protected leave or accommodation
<input type="checkbox"/> religion	<input type="checkbox"/> sexual orientation	
<input type="checkbox"/> race/color	<input type="checkbox"/> association	<input type="checkbox"/> other (specify) _____

State of what you believe to be the reason(s) for discrimination ON JULY 21, 1020 I FILED A CHARGE OF DISCRIMINATION WITH THE EEOC (SEE CASE #480-2010-02532). AFTER MY EMPLOYER WAS NOTIFIED (DURING MY VISIT WITH THE EEOC) I WAS DEMOTED, DENIED A PROMOTION AND LATER (9/14/2010) TERMINATED.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 06/24/2011

At Sun City

DATE FILED: 06/24/2011



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017  
(213) 439-6700  
[www.dfeh.ca.gov](http://www.dfeh.ca.gov)

Phyllis W. Cheng, Director

June 24, 2011

HERBERT, MARKIST  
27620 CONNIE WAY  
SUN CITY, CA, 92586-2301

RE: E201011S5808-03  
HERBERT/MERCADO, ROD. AS AN INDIVIDUAL

Dear HERBERT, MARKIST:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 24, 2011 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

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DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lottie Woodruff", with a horizontal line extending from the end of the signature.

Lottie Woodruff  
District Administrator

cc: Case File

ROBERT FERRELL  
HR DIRECTOR  
MCRS  
49500 SEMINOLE DRIVE  
CABAZON, CA 92230

\*\*\* EMPLOYMENT \*\*\*

**COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH #

**E201011S5808-04**

DFEH USE ONLY

**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

YOUR NAME (indicate Mr. or Ms.)

**HERBERT, MARKIST**

TELEPHONE NUMBER (INCLUDE AREA CODE)

**(951)723-4040**

ADDRESS

**27620 CONNIE WAY**

CITY/STATE/ZIP

**SUN CITY, CA, 92586-2301**

COUNTY

**RIVERSIDE**

COUNTY CODE

**065**

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

**FERRELL, ROBERT**

TELEPHONE NUMBER (Include Area Code)

**(951)755-5636**

ADDRESS

**49500 SEMINOLE DRIVE**

DFEH USE ONLY

CITY/STATE/ZIP

**CABAZON, CA 92230**

COUNTY

COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)

**500+**

DATE MOST RECENT OR CONTINUING DISCRIMINATION  
TOOK PLACE (month, day, and year)

**09/14/2010**

RESPONDENT CODE

**04**

THE PARTICULARS ARE:

I allege that on about or before  
**09/14/2010**, the following  
conduct occurred:

☒ termination

☐ laid off

☒ demotion

☐ harassment

☐ genetic characteristics testing

☐ constructive discharge (forced to quit)

☐ impermissible non-job-related inquiry

☐ denial of employment

☐ denial of promotion

☐ denial of transfer

☐ denial of accommodation

☒ failure to prevent discrimination or retaliation

☒ retaliation

☐ other (specify) \_\_\_\_\_

☐ denial of family or medical leave

☐ denial of pregnancy leave

☐ denial of equal pay

☐ denial of right to wear pants

☐ denial of pregnancy accommodation

by **FERRELL, ROBERT**

**HR DIRECTOR**

because of :

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

☐ sex

☐ age

☐ religion

☐ race/color

☒ national origin/ancestry

☐ marital status

☐ sexual orientation

☐ association

☐ disability (physical or mental)

☐ medical condition (cancer or

generic characteristic

☐ other (specify) \_\_\_\_\_

☒ retaliation for engaging in protected

activity or requesting a protected

leave or accommodation

State of what you  
believe to be the  
reason(s) for  
discrimination

ON JULY 21, 1020 I FILED A CHARGE OF DISCRIMINATION WITH THE EEOC (SEE CASE #480-2010-02532). AFTER MY EMPLOYER WAS NOTIFIED (DURING MY VISIT WITH THE EEOC) I WAS DEMOTED, DENIED A PROMOTION AND LATER (9/14/2010) TERMINATED.

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By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **06/24/2011**

At **Sun City**

DATE FILED: **06/24/2011**

DFEH-300-030 (02/08)  
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017  
(213) 439-6700  
[www.dfeh.ca.gov](http://www.dfeh.ca.gov)

Phyllis W. Cheng, Director

June 24, 2011

HERBERT, MARKIST  
27620 CONNIE WAY  
SUN CITY, CA, 92586-2301

RE: E201011S5808-04  
HERBERT/FERRELL, ROBERT, AS AN INDIVIDUAL

Dear HERBERT, MARKIST:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 24, 2011 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

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Sincerely,

A handwritten signature in cursive script, appearing to read "Lottie Woodruff", with a horizontal line extending from the end of the signature.

Lottie Woodruff  
District Administrator

cc: Case File

ROBERT FERRELL  
HR DIRECTOR  
MCRS  
49500 SEMINOLE DRIVE  
CABAZON, CA 92230

\*\*\* EMPLOYMENT \*\*\*

**COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH #

**E201011S5808-06**

DFEH USE ONLY

**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

YOUR NAME (indicate Mr. or Ms.)

**HERBERT, MARKIST**

TELEPHONE NUMBER (INCLUDE AREA CODE)

**(951)723-4040**

ADDRESS

**27620 CONNIE WAY**

CITY/STATE/ZIP

**SUN CITY, CA, 92586-2301**

COUNTY

**RIVERSIDE**

COUNTY CODE

**065**

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

**SCHULTZE, JERREY**

TELEPHONE NUMBER (Include Area Code)

**(951)755-5636**

ADDRESS

**49500 SEMINOLE DRIVE**

DFEH USE ONLY

CITY/STATE/ZIP

**CABAZON, CA 92230**

COUNTY

COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)

**500+**

DATE MOST RECENT OR CONTINUING DISCRIMINATION  
TOOK PLACE (month, day, and year)

**09/14/2010**

RESPONDENT CODE

**06**

THE PARTICULARS ARE:

**I allege that on about or before  
09/14/2010, the following  
conduct occurred:**

<input checked="" type="checkbox"/> termination	<input type="checkbox"/> denial of employment	<input type="checkbox"/> denial of family or medical leave
<input type="checkbox"/> laid off	<input type="checkbox"/> denial of promotion	<input type="checkbox"/> denial of pregnancy leave
<input checked="" type="checkbox"/> demotion	<input type="checkbox"/> denial of transfer	<input type="checkbox"/> denial of equal pay
<input type="checkbox"/> harassment	<input type="checkbox"/> denial of accommodation	<input type="checkbox"/> denial of right to wear pants
<input type="checkbox"/> genetic characteristics testing	<input checked="" type="checkbox"/> failure to prevent discrimination or retaliation	<input type="checkbox"/> denial of pregnancy accommodation
<input type="checkbox"/> constructive discharge (forced to quit)	<input checked="" type="checkbox"/> retaliation	
<input type="checkbox"/> impermissible non-job-related inquiry	<input type="checkbox"/> other (specify) _____	

by **SCHULTZE, JERREY**

**EXECUTIVE DIRECTOR**

because of:

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

<input type="checkbox"/> sex	<input checked="" type="checkbox"/> national origin/ancestry	<input type="checkbox"/> disability (physical or mental)	<input checked="" type="checkbox"/> retaliation for engaging in protected activity or requesting a protected leave or accommodation
<input type="checkbox"/> age	<input type="checkbox"/> marital status	<input type="checkbox"/> medical condition (cancer or generic characteristic)	
<input type="checkbox"/> religion	<input type="checkbox"/> sexual orientation	<input type="checkbox"/> other (specify) _____	
<input type="checkbox"/> race/color	<input type="checkbox"/> association		

**State of what you  
believe to be the  
reason(s) for  
discrimination**

ON JULY 21, 1020 I FILED A CHARGE OF DISCRIMINATION WITH THE EEOC (SEE CASE #480-2010-02532). AFTER MY EMPLOYER WAS NOTIFIED (DURING MY VISIT WITH THE EEOC) I WAS DEMOTED, DENIED A PROMOTION AND LATER (9/14/2010) TERMINATED.

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By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **06/24/2011**

At **Sun City**

DATE FILED: **06/24/2011**

DFEH-300-030 (02/08)

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA





**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

Phyllis W. Cheng, Director

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017  
(213) 439-6700  
www.dfeh.ca.gov

June 24, 2011

HERBERT, MARKIST  
27620 CONNIE WAY  
SUN CITY, CA, 92586-2301

RE: E201011S5808-06  
HERBERT/SCHULTZE, JERREY, AS AN INDIVIDUAL

Dear HERBERT, MARKIST:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 24, 2011 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the 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.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lottie Woodruff", with a long horizontal flourish extending to the right.

Lottie Woodruff  
District Administrator

cc: Case File

ROBERT FERRELL  
HR DIRECTOR  
MCRS  
49500 SEMINOLE DRIVE  
CABAZON, CA 92230



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

1055 WEST 7TH STREET, SUITE 1400, LOS ANGELES, CA 90017  
(213) 439-6700  
www.dfeh.ca.gov

Phyllis W. Cheng, Director

June 24, 2011

HERBERT, MARKIST  
27620 CONNIE WAY  
SUN CITY, CA, 92586-2301

RE: E201011S5808-05  
HERBERT/FERRELL, ROBERT, AS AN INDIVIDUAL

Dear HERBERT, MARKIST:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 24, 2011 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the 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.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lottie Woodruff", with a horizontal line extending from the end of the signature.

Lottie Woodruff  
District Administrator

cc: Case File

ROBERT FERRELL  
HR DIRECTOR  
MCRS  
49500 SEMINOLE DRIVE  
CABAZON, CA 92230

**EXHIBIT 3**

# DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

(SEE ADDRESS CHECKED BELOW)

TTY # (800) 700-2320


☐  
H

4900 Stockdale Hwy., Suite 215  
Bakersfield, CA 93309  
(661) 395-2729

Robert Ferrell  
Director of Human Resources  
Morongo Casino  
12700 Pumarra Road  
Banning, CA 92220

EEOC Number:

480-2010-02558

Case Name:

Rudy R. Reyes

Date: 8/2/2010

☐  
C

1320 E. Shaw Avenue, Suite 150  
Fresno, CA 93710  
(559) 244-4760

## NOTICE TO COMPLAINANT AND RESPONDENT

☐  
R/S

1055 West Seventh Street,  
Suite 1400  
Los Angeles, CA 90017  
(213) 439-6799

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

☐  
M

1515 Clay Street, Suite 701  
Oakland, CA 94612  
(510) 622-2941

No response to the DFEH is required by the respondent.

☐  
E

2000 "O" Street, Suite 120  
Sacramento, CA 95811  
(916) 445-5523

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

☐  
D

1350 Front Street, Suite 1063  
San Diego, CA 92101  
(619) 645-2681

## NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

☐  
A

San Francisco District Office  
1615 Clay Street, Suite 701  
Oakland, CA 94612  
(510) 622-2973

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action 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 lawsuit may be filed in a State of California Superior Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

☐  
G

2570 North First Street, Suite 480  
San Jose, CA 95131  
(408) 325-0344

☐  
K

2101 East Fourth Street, Suite 255-B  
Santa Ana, CA 92705  
(714) 558-4266

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

JENNIFER L. HARLAN  
Deputy Director, Employment

Loretta Broussard 213 8941025

213-894-1400 EEO

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐

FEPA

☒

EEOC

480-2010-02558

**California Department Of Fair Employment & Housing**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Mr. Rudy R. Reyes**

Home Phone (Incl. Area Code)

**(951) 294-8324**

Date of Birth

**07-23-1949**

Street Address

City, State and ZIP Code

**2369 Mimosa Avenue, Hemet, CA**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**MORONGO CASINO (MULTIMEDIA GAMES)**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(951) 755-5340**

Street Address

City, State and ZIP Code

**49020 Seminole Dr., Cabazon, CA 92230****RECEIVED****AUG 02 2010****EEOC/LADO  
INTAKE**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐

RACE

☐

COLOR

☐

SEX

☐

RELIGION

☐

NATIONAL ORIGIN

☐

RETALIATION

☒

AGE

☐

DISABILITY

☐

GENETIC INFORMATION

☐

OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**07-29-2010****08-02-2010**☒

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

- I. I began my employment with the Morongo Casino on or about June 5, 2007 and my current position with the company is as a security officer. On or about July 29, 2010, I observed I have been demoted from the X-Ray Unit and reassigned as a regular security officer. I have been subjected to different terms and conditions of employment that includes but not limited to being transferred from the night shift to the day shift.
- II. I have not been provided with a reason as to why I have been demoted and transferred.
- III. I believe I have been discriminated against due to my age (61), in violation of the Age Discrimination in Employment Act of 1967, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Aug 02, 2010**

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)





# DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

(SEE ADDRESS CHECKED BELOW)



TTY # (800) 700-2320

☐  
H

4800 Stockdale Hwy., Suite 215  
Bakersfield, CA 93309  
(661) 395-2729

Ms. Donna Sheppard  
Human Resources Director  
Morongo Casino  
49500 Seminole Dr.  
Cabazon, CA 92230

EEOC Number:  
480-2010-02529

Case Name:  
George W. Robinson, Jr  
Date: 7/21/2010

☐  
C

1320 E. Shaw Avenue, Suite 150  
Fresno, CA 93710  
(559) 244-4760

## NOTICE TO COMPLAINANT AND RESPONDENT

☐  
R/S

1055 West Seventh Street,  
Suite 1400  
Los Angeles, CA 90017  
(213) 439-6799

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

☐  
M

1515 Clay Street, Suite 701  
Oakland, CA 94612  
(510) 622-2941

No response to the DFEH is required by the respondent.

☐  
E

2000 "O" Street, Suite 120  
Sacramento, CA 95811  
(916) 445-5523

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

☐  
D

1350 Front Street, Suite 1063  
San Diego, CA 92101  
(619) 645-2681

## NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

☐  
A

San Francisco District Office  
1515 Clay Street, Suite 701  
Oakland, CA 94612  
(510) 622-2973

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action 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 lawsuit may be filed in a State of California Superior Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

☐  
G

2570 North First Street, Suite 480  
San Jose, CA 95131  
(408) 325-0344

☐  
K

2101 East Fourth Street, Suite 255-B  
Santa Ana, CA 92705  
(714) 558-4266

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

JENNIFER L. HARLAN  
Deputy Director, Employment

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐

FEPA

☒

EEOC

480-2010-02529

**California Department Of Fair Employment & Housing**

and EEOC

Name (Indicate Mr., Ms., Mrs.)

**Mr. George W. Robinson, Jr.**

Home Phone (Incl. Area Code)

**(760) 202-0082**

Date of Birth

**09-24-1950**

Street Address

**16 Via Elegante, Rancho Mirage, CA 92270**

City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**MORONGO CASINO**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(800) 252-4499**

Street Address

**49500 Seminole Dr., Cabazon, CA 92230**

City, State and ZIP Code

**RECEIVED**

Name

**JUL 21 2010**

No. Employees, Members

Phone No. (Include Area Code)

Street Address

**EEOC/LADO**

City, State and ZIP Code

**INTAKE**

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐

RACE

☐

COLOR

☐

SEX

☐

RELIGION

☐

NATIONAL ORIGIN

☒

RETALIATION

☐

AGE

☐

DISABILITY

☐

GENETIC INFORMATION

☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**07-21-2010****07-21-2010**☒

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I have been working for Morongo Casino since about 11/22/09 to the present as Director of Special Operations & Security Training. I report to Mr. Jerome Schultze, Executive Director. Since the start of my employment and continuing through the present, I have been subjected to harassment and different terms & conditions of employment by Mr. Schultze which included, but is not limited to: being called vulgar names, slander and character defamation, failure to cooperate and to provide necessary assistance for me to do my job, making threats to other employees who would associate with me.

I complained about the hostile work environment to HR on 6/22/10 and I was immediately placed on administrative leave. No reason was provided for the hostile work environment.

I believe that I was subjected to a hostile work environment in retaliation, which is in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Jul 21, 2010**

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA  
☒ EEOC

480-2010-02529

**California Department Of Fair Employment & Housing**

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

**Mr. George W. Robinson, Jr.**

Home Phone (Incl. Area Code)

**(760) 202-0082**

Date of Birth

**09-24-1950**

Street Address

City, State and ZIP Code

**16 Via Elegante, Rancho Mirage, CA 92270**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**MORONGO CASINO**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(800) 252-4499**

Street Address

City, State and ZIP Code

**49500 Seminole Dr., Cabazon, CA 92230**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

**RECEIVED****AUG 02 2010****EEOC/LADO**

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

INTAKE

Latest

**07-21-2010****07-29-2010**

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE☐ COLOR☐ SEX☐ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☐ AGE☐ DISABILITY☐ GENETIC INFORMATION☐ OTHER (Specify)☒

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

**AMENDED CHARGE**

I have been working for Morongo Casino since about 11/22/09 to the present as Director of Special Operations & Security Training. I report to Mr. Jerome Schultze, Executive Director. Since the start of my employment and continuing through the present, I have been subjected to harassment and different terms & conditions of employment by Mr. Schultze which included, but is not limited to: being called vulgar names, slander and character defamation, failure to cooperate and to provide necessary assistance for me to do my job, making threats to other employees who would associate with me. I was discharged by Morongo Band of Mission Indians by Mr. Ferrell, Robert on 07/29/2010 for "Employee Conduct".

I complained about the hostile work environment to HR on 6/22/10 and I was immediately placed on administrative leave. No reason was provided for the hostile work environment. On or about 07/29/2010 I received a letter from Mr. Ferrell that I was being discharged for "Employee Conduct".

I believe that I was subjected to a hostile work environment in retaliation, which is in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

**Aug 02, 2010**

Date

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)



## DEPARTMENT OF FAIR EMPLOYMENT &amp; HOUSING

(SEE ADDRESS CHECKED BELOW)



TTY # (800) 700-2320

☐  
H

 4500 Stockdale Hwy., Suite 215  
Bakersfield, CA 93309  
(805) 395-2729

 Ms. Donna Sheppard  
Human Resources Director  
Morongo Casino  
49500 Seminole Dr.  
Cabazon, CA 92230

 EEOC Number:  
480-2010-02529

 Case Name:  
George W. Robinson, Jr  
Date: 7/21/2010

☐  
C

 1320 E. Shaw Avenue, Suite 150  
Fresno, CA 93710  
(559) 244-4760

## NOTICE TO COMPLAINANT AND RESPONDENT

☐  
R/S

 1055 West Seventh Street,  
Suite 1400  
Los Angeles, CA 90017  
(213) 439-8739

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

☐  
M

 1515 Clay Street, Suite 701  
Oakland, CA 94612  
(510) 822-2941

No response to the DFEH is required by the respondent.

☐  
E

 2000 "O" Street, Suite 120  
Sacramento, CA 95811  
(916) 445-5523

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

☐  
D

 1350 Front Street, Suite 1063  
San Diego, CA 92101  
(619) 645-2681

## NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

☐  
A

 San Francisco District Office  
1515 Clay Street, Suite 701  
Oakland, CA 94612  
(510) 822-2973

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action 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 lawsuit may be filed in a State of California Superior Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

☐  
G

 2570 North First Street, Suite 480  
San Jose, CA 95131  
(408) 325-0344

☐  
K

 2101 East Fourth Street, Suite 255-B  
Santa Ana, CA 92709  
(714) 568-4266

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

JENNIFER L. HARLAN  
Deputy Director, Employment

\*\*\* EMPLOYMENT \*\*\*

**COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # E201112E5026-00  
DFEH USE ONLY

**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

YOUR NAME (Indicate Mr. or Mrs.)

ROBINSON, GEORGE

TELEPHONE NUMBER (INCLUDE AREA CODE)

(760) 578-1226

ADDRESS

5 LAKE CONRO COURT

CITY/STATE/ZIP

RANCHO MIRAGE, CA 92270

COUNTY

RIVERSIDE

COUNTY CODE

065

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

MORONGO CASINO RESORT AND SPA

TELEPHONE NUMBER (Include Area Code)

(951) 755-5340

ADDRESS

49500 SEMINOLE DRIVE

DFEH USE ONLY

CITY/STATE/ZIP

CABAZON, CA 92520

COUNTY

RIVERSIDE

COUNTY CODE

065

NO. OF EMPLOYEES/MEMBERS (If known)

2500

DATE MOST RECENT OR CONTINUING DISCRIMINATION  
TOOK PLACE (month, day, and year)

07/29/2010

RESPONDENT CODE

00

THE PARTICULARS ARE:

I allege that on about or before  
07/29/2010, the following  
conduct occurred:

☒ termination

☒ laid off

☐ demotion

☐ harassment

☐ genetic characteristics testing

☐ constructive discharge (forced to quit)

☐ impossible non job-related inquiry

☐ denial of employment

☐ denial of promotion

☐ denial of transfer

☐ denial of accommodation

☒ failure to prevent discrimination or retaliation

☒ retaliation

☒ other (specify)

as a result of management failure to protect from harassment

☐ denial of family or medical leave

☐ denial of pregnancy leave

☐ denial of equal pay

☐ denial of right to wear pants

☐ denial of pregnancy accommodation

by MORONGO CASINO RESORT AND SPA

because of:

Name of Person

☐ sex

☐ age

☐ religion

☐ race/ethnicity

☒ national origin/ancestry

☐ marital status

☐ sexual orientation

☒ association

Job Title (supervisor/manager/personnel director/etc.)

☐ disability (physical or mental)

☐ medical condition (cancer or

genetic characteristic)

☒ other (specify)

Retaliation for participating in EEOC investigation

☒ retaliation for engaging in protected

activity or requesting a protected

leave or accommodation

State of what you  
believe to be the  
reason(s) for  
discrimination

I TOOK A POSITION AS DIRECTOR OF TRAINING AND SPECIAL OPERATIONS FOR THE SECURITY DEPARTMENT IN THE MORONGO CASINO. FOR A PERIOD OF EIGHT MONTHS I WAS HARASSED BY JEROME SCHULTZE AND ONE OF HIS SUPERVISORS, RALPH CHAPMAN, WHO I FOUND TO BE ENGAGED IN CRIMINAL ACTIVITY. WHEN I WENT TO MR. FARRELL FOR ASSISTANCE HE SUSPENDED ME. I WENT TO THE EEOC AND WHEN MR. SCHULTZE FOUND OUT, HE AND MR. FARRELL TERMINATED ME FOR "EMPLOYEE CONDUCT." A NUMBER OF OTHER OFFICERS WHO CAME FORWARD TO COMPLAIN WERE ALSO TERMINATED.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complaint Noted Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 07/15/2011

At Rancho Mirage, California

DATE FILED: 07/15/2011

DFEH 300-030 (0200)  
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA

**\*\*\* EMPLOYMENT \*\*\***

**COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH #

**E201112E5026-00**

DFEH USE ONLY

State of what you  
believe to be the  
reason(s) for  
discrimination

I TOOK A POSITION AS DIRECTOR OF TRAINING AND SPECIAL OPERATIONS FOR THE SECURITY DEPARTMENT IN THE MORONGO CASINO. FOR A PERIOD OF EIGHT MONTHS I WAS HARASSED BY JEROME SCHULTZE AND ONE OF HIS SUPERVISORS, RALPH CHAPMAN, WHO I FOUND TO BE ENGAGED IN CRIMINAL ACTIVITY. WHEN I WENT TO MR. FARRELL FOR ASSISTANCE HE SUSPENDED ME. I WENT TO THE EEOC AND WHEN MR. SCHULTZE FOUND OUT, HE AND MR. FARRELL TERMINATED ME FOR "EMPLOYEE CONDUCT." A NUMBER OF OTHER OFFICERS WHO CAME FORWARD TO COMPLAIN WERE ALSO TERMINATED.

THREE MEMBERS ON THE TRIBAL COUNCIL, ALL NATIVE AMERICA, MAURICE LYONS, CHARLES MARTIN AND DAMON SANDOVAL MADE THE DECISION TO TERMINATE ME, I BELIEVE BECAUSE OF ME BEING WHITE BECAUSE I DID NOTHING TO BE TERMINATED FOR. ALSO MR. CHATMAN AND MR. FARRELL ARE BLACK AND THEY APPEARED TO ME TO NOT LIKE ME BECAUSE I AM WHITE.

MR. SCHULTZE RESENTED THAT I CAME IN TO MY POSITION AND STARTED BUILDING A TRAINING PROGRAM AND THAT OFFICERS WERE EXCITED ABOUT IT. I ALSO TREATED OFFICERS WITH RESPECT AND I WAS TOLD BY MR. SCHULTZE THAT I NEED TO BE A HARD ASS WITH THESE GUYS THAT THEY DID NOT KNOW HOW TO ACT. I REFUSED TO DO THAT, NOT MY MANAGEMENT STYLE. HE MADE THINGS VERY DIFFICULT FOR ME TO DO MY JOB.



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 KAUSEN DRIVE, SUITE 100, ELK GROVE, CA 95758  
(916) 445 5523  
www.dfeh.ca.gov

Phyllis W. Cheng, Director

July 15, 2011

ROBINSON, GEORGE  
5 LAKE COMO COURT  
RANCHO MIRAGE, CA 92270

RE: E201112E5026-00  
ROBINSON/MORONGO CASINO RESORT AND SPA

Dear ROBINSON, GEORGE:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective July 15, 2011 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the 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.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

Notice of Case Closure  
Page Two

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in black ink, appearing to read "Allan H. Pederson". The signature is fluid and cursive, with the first name "Allan" being the most prominent.

Allan Pederson  
District Administrator

cc: Case File

JEROME SCHULTZE  
GAMING COMMISSIONER  
MORONGO GAMING COMMISSION  
49500 SEMINOLE DRIVE  
CABAZON, CA 92230





EEOC Form 5 (11/08)

<b>CHARGE OF DISCRIMINATION</b>		Charge Presented To: Agency(ies) Charge No(s):	
This form is effected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
<b>California Department Of Fair Employment &amp; Housing</b>		<b>480-2010-02530</b>	
State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.)		Home Phone (incl. Area Code)	Date of Birth
<b>Mr. John Stutzman</b>		<b>(760) 251-4604</b>	<b>07-24-1951</b>
Street Address		City, State and ZIP Code	
<b>9731 Camino Capistrano, Desert Hot Springs, CA 92240</b>			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name		No. Employees, Members	Phone No. (include Area Code)
<b>MORONGO CASINO RESORT &amp; SPA</b>		<b>500 or More</b>	<b>(951) 755-5340</b>
Street Address		City, State and ZIP Code	
<b>49500 Seminole Dr., Cabazon, CA 92230</b>			
Name		No. Employees, Members	Phone No. (include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).)		DATE(S) DISCRIMINATION TOOK PLACE	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		Earliest    Latest <b>07-29-2010    08-04-2010</b> <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>I. I began my employment with the Morongo Casino on or about September 28, 2004 and my most recent position with the company was Senior Sergeant. On or about July 2010, I believe my employer became aware of complaints that were filed against the company and assumed that I also had filed. On or about July 29, 2010, I was notified by a company memo that I have been demoted from Senior Sergeant of the X-Ray Unit and reassigned to Sergeant of "A" watch (graveyard shift) and was replaced by a younger Senior Sergeant. On or about August 4, 2010, I was discharged by Robert Ferrall, Director of Human Resources for the Tribal Administration.</p> <p>II. I have not been provided with a reason as to why I have been demoted. I was told by Robert Ferrall that the reason for my discharge was that he "determined [I] took casino property and [was] terminated."</p> <p>III. I believe I have been discriminated against due to my age (59), in violation of the Age Discrimination in Employment Act of 1967, as amended and in retaliation for participating in a protected activity.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		<div style="border: 2px solid black; padding: 5px; display: inline-block;"> <b>RECEIVED</b>          AUG 05 2010       </div>	
Aug 05, 2010		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT/TAKE	

STATE OF CALIFORNIA - State and Contractor Services Agency

ARNOLD SUTZWARTZBERGER, Governor

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

(SEE ADDRESS CHECKED BELOW)



TTY # (800) 700-2320

☐  
H

4800 Stockdale Hwy., Suite 215  
Bakersfield, CA 93309  
(661) 395-2729

Robert Ferrell  
Human Resources  
Morongo Casino Resort & Spa  
49500 Seminole Drive  
Cabazon, CA 92230

EEOC Number:

480-2010-02530

Case Name:

John Stutzman

Date: 8/5/2010

☐  
C

1320 E. Shaw Avenue, Suite 150  
Fresno, CA 93710  
(559) 244-4780

**NOTICE TO COMPLAINANT AND RESPONDENT**
☐  
R/S

1055 West Seventh Street,  
Suite 1400  
Los Angeles, CA 90017  
(213) 439-6799

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

☐  
M

1515 Clay Street, Suite 701  
Oakland, CA 94612  
(510) 822-2941

No response to the DFEH is required by the respondent.

☐  
E

2000 "O" Street, Suite 120  
Sacramento, CA 95811  
(916) 445-5523

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

☐  
D

1350 Front Street, Suite 1083  
San Diego, CA 92101  
(619) 645-2681

**NOTICE TO COMPLAINANT OF RIGHT-TO-SUE**
☐  
A

San Francisco District Office  
1815 Clay Street, Suite 701  
Oakland, CA 94612  
(510) 822-2973

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action 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 lawsuit may be filed in a State of California Superior Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

☐  
G

2870 North First Street, Suite 480  
San Jose, CA 95131  
(408) 325-0344

☐  
K

2101 East Fourth Street, Suite 255-B  
Santa Ana, CA 92705  
(714) 558-4286

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

JENNIFER L. HARLAN  
Deputy Director, Employment

**EXHIBIT 6**

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**480-2011-01002****California Department Of Fair Employment & Housing**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Mr. Michael Thompson**

Home Phone (Incl. Area Code)

**(951) 286-4695**

Date of Birth

**07-28-1966**

Street Address

City, State and ZIP Code

**16185 Via Ultimo, Moreno Valley, CA 92551**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**MORONGO CASINO RESORT AND SPA**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(800) 252-4499**

Street Address

City, State and ZIP Code

**49020 Seminole Dr., Cabazon, CA 92230**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION  
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**12-03-2010****12-03-2010**☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

- I. On or about July 21, 2001, I was hired as a Security Guard by Morongo Casino Resort and Spa. On or about July 28, 2010, I filed a charge of discrimination with the EEOC, which the employer became aware of from information provided by another employee. On or about December 3, 2010, I was terminated from my employment by Robert Ferrall, Human Resources Director.
- II. The reason I was given by Robert Ferrall, Human Resources Director for my termination was that since my employment was "at will", I could be terminated at any time and the decision was made to "separate us from you".
- III. I believe that I was discriminated against and subsequently discharged in retaliation for filing a charge of discrimination with the EEOC, in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**FEB 07, 2011**  
Date

*[Signature]*  
Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)



SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE  
4050 Main Street  
Riverside, CA 92501  
www.riverside.courts.ca.gov

NOTICE OF ASSIGNMENT TO DEPARTMENT FOR CASE MANAGEMENT PURPOSES  
AND CASE MANAGEMENT CONFERENCE (CRC 3.722)

CHAVEZ VS MORONGO CASINO RESORT & SPA

CASE NO. RIC 1112191

This case is assigned to the Honorable Judge Gloria Connor Trask  
in Department 03 for case management purposes.  
The Case Management Conference is scheduled for 02/03/12  
at 8:30 in Department 03.

(Bad Mnemonic)  
Case Management Conference Hearing

The plaintiff/cross-complainant shall serve a copy of this notice on  
all defendants/cross-defendants who are named or added to the  
complaint and file proof of service.

Any disqualification pursuant to CCP Section 170.6(2) shall be  
filed in accordance with that section.

CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of  
California, County of Riverside, and that I am not a party to this  
action or proceeding. In my capacity, I am familiar with the practices  
and procedures used in connection with the mailing of correspondence.  
Such correspondence is deposited in the outgoing mail of the Superior  
Court. Outgoing mail is delivered to and mailed by the United States  
Postal Service, postage prepaid, the same day in the ordinary course  
of business. I certify that I served a copy of the foregoing  
notice on this date, by depositing said copy as stated above.

Dated: 07/21/11

Court Executive Officer/Clerk

By:

ANNA B SANCHEZ, Deputy Clerk

ac:cmc;cmcb;cmch;cmct;cmcc  
cmccb;cmcch;cmcct



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

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

- Date: July 21, 2011  
GLORIA DREDD HANEY

ed case. (You may use form CM-015.)

► Gloria Dreda Harvey  
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

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

Page 1 of 2



## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

## CASE TYPES AND EXAMPLES

## Auto Tort

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

## Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

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

## Non-PI/PD/WD (Other) Tort

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

## Employment

Wrongful Termination (36)  
Other Employment (15)

## Contract

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

## Real Property

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

## Unlawful Detainer

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

## Judicial Review

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

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

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

## Enforcement of Judgment

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

## Miscellaneous Civil Complaint

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

## Miscellaneous Civil Petition

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

FW-003

# Order on Court Fee Waiver (Superior Court)

 Riverside Superior Court  
 Date Received:                     

Clerk stamps date here when form is filed.

JUL 21 2011

 FILED  
 SUPERIOR COURT OF CALIFORNIA  
 COUNTY OF RIVERSIDE

JUL 26 2011

KJO

JUL 27 2011

B

① **Person who asked the court to waive court fees:**

Name: Markist HerbertStreet or mailing address: 27620 Connie WayCity: Sun City State: CA Zip: 92586

② **Lawyer, if person in ① has one (name, address, phone number, e-mail, and State Bar number):** Gloria Dredd Haney, 157627

LAW OFFICES OF GLORIA DREDD HANEY333 City Boulevard West, 17th FloorOrange, California 92868

③ **A request to waive court fees was filed on (date):** July 21, 2011

☐ The court made a previous fee waiver order in this case on (date):                     

Fill in court name and street address:

**Superior Court of California, County of  
RIVERSIDE**

Riverside Superior Court

4050 Main Street

Riverside, California 92501-3703

Fill in case number and case name:

 Case Number: **RIC 1112191**

Case Name:

Chavez, et al. v. Morongo, et al.

Read this form carefully. All checked boxes ☒ are court orders.

**Notice:** The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

④ **After reviewing your (check one):** ☒ **Request to Waive Court Fees** ☐ **Request to Waive Additional Court Fees**  
**the court makes the following orders:**

a. ☒ The court **grants** your request, as follows:

(1) ☒ **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (*Cal. Rules of Court, rule 3.55.*) You do not have to pay the court fees for the following:

- Filing papers in Superior Court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's daily fee (for up to 60 days following the fee waiver order at the court-approved daily rate)
- Preparing and certifying the clerk's transcript on appeal
- Giving notice and certificates
- Sending papers to another court department
- Court-appointed interpreter in small claims court
- Court fees for phone hearings

(2) ☐ **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (*Cal. Rules of Court, rule 3.56.*) You do not have to pay for the checked items.

- ☐ Jury fees and expenses
- ☐ Fees for a peace officer to testify in court
- ☐ Fees for court-appointed experts
- ☐ Court-appointed interpreter fees for a witness
- ☐ Reporter's daily fees (beyond the 60-day period following the fee waiver order)
- ☐ Other (specify):

(3) ☐ **Fee Waiver for Appeal.** The court grants your request and waives the fees and costs checked below, for your appeal. (*Cal. Rules of Court, rules 3.55, 3.56, 8.26, and 8.818.*) You do not have to pay for the checked items.

- ☐ Preparing and certifying clerk's transcript for appeal
- ☐ Other (specify):

Case Number:

Your name: MARKIST HERBERT

- b. ☐ The court **denies** your request, as follows:

**Warning!** If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

- (1) ☐ The court **denies** your request because it is incomplete. You have **10 days** after the clerk gives notice of this order (see date below) to:
- Pay your fees and costs, or
  - File a new revised request that includes the items listed below (*specify incomplete items*):

- (2) ☐ The court **denies** your request because the information you provided on the request shows that you are not eligible for the fee waiver you requested (*specify reasons*):

The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)*, form FW-006. You have **10 days** after the clerk gives notice of this order (see date below) to:

- Pay your fees and costs, or
- Ask for a hearing in order to show the court more information. (*Use form FW-006 to request hearing.*)

- c. ☐ The court needs more information to decide whether to grant your request. You must go to court on the date below. The hearing will be about (*specify questions regarding eligibility*):

- ☐ Bring the following proof to support your request if reasonably available:

Hearing  
Date

Date:

Time:

Name and address of court if different from page 1:

Dept.:

Rm.:

**Warning!** If item c is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date:

7/22/11

Signature of (check one): ☐ Judicial Officer ☐ Clerk, Deputy



**Request for Accommodations.** Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before your hearing. Contact the clerk's office for *Request for Accommodation*, Form MC-410. (Civil Code, § 54.8.)

### Clerk's Certificate of Service

I certify that I am not involved in this case and (*check one*): ☐ A certificate of mailing is attached.

☐ I handed a copy of this order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.

☒ This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (city): Riverside, California on the date below.

Date:

7-26-11

Clerk, by

*[Signature]*

, Deputy