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Sherri R. Carter, Executive Officer / Clerk of Court

By: L. Castillejo Deputy

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

12 LARRY WALDIE, an individual;
13
14 Plaintiff,

15 vs.

16 COUNTY OF LOS ANGELES, a political
17 subdivision of the State of California; and DOES
18 1-99, inclusive;

19 Defendants.

Case No.: 20STCV24195

FIRST AMENDED COMPLAINT

(1) UNLAWFUL RETALIATION (LAB. CODE § 1102.5);

[JURY FEE DEPOSIT POSTED]

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24 **COMES NOW THE Plaintiff** LARRY WALDIE (“Waldie” or “Plaintiff”), who heretofore
25 alleges the following facts in support of his Unlimited Complaint for Damages and hereby respectfully
26 demands *a speedy jury trial* on all causes of action stated herein as against COUNTY OF LOS
27 ANGELES (“COLA”), who along with DOES 1-99, inclusive, is referred to herein as the “Defendants”.
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1 **CASE SYNOPSIS**

2 1. Plaintiff was the Acting Captain of Compton Station as a serving Lieutenant in the Los
3 Angeles County Sheriff’s Department (“LASD”).

4 2. Plaintiff was *the best and most qualified candidate* for the position of permanent Captain
5 of Compton Station, a position that Plaintiff applied for in August 2019.

6 3. Defendants violated the Los Angeles County Charter and Los Angeles Civil Service Rule
7 25 by not filling the position of Captain of Compton Station with the best and most qualified candidate
8 for the position: Plaintiff.

9 4. Defendants then further retaliated against Plaintiff by blocking any transfer or
10 promotional opportunities as a direct and proximate result of his having filed a formal grievance on
11 September 18, 2019 against LASD as a result of his being refused an interview or other meaningful
12 participation in the hiring process for the Compton Captain position.

13
14 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

15 **Jurisdiction and Venue**

16 5. This Court has jurisdiction of the subject matter of Plaintiff’s claims. Jurisdiction is
17 proper in this Court because the damages and claims alleged and demanded herein by Plaintiff exceeds
18 \$25,000.00, and Plaintiff herein does make a demand and prayer for damages, in excess, of the
19 jurisdictional limit of this Court.

20 6. This Court has personal jurisdiction over Defendant COLA in that it was, at all relevant
21 periods of time covered by this complaint, a political subdivision of the State of California maintaining
22 hundreds of places of business in the County of Los Angeles.

23 7. Venue in this Court is proper in that, upon information and belief, Defendants reside in
24 the County of Los Angeles.

25 8. All of the harm suffered by Plaintiff took place within this judicial district.

1 **The Plaintiff**

2 9. Plaintiff is, and was, at all relevant periods of time covered by this complaint, a resident
3 of the City of Redondo Beach, County of Los Angeles.

4 10. Plaintiff was an employee of Defendants, jointly and severally.

5 **The Defendants**

6 11. Defendant COLA is a public entity that maintains a place of business, where it employed
7 Plaintiff at: 301 S. Willowbrook Avenue, Compton, CA 90220.

8 **Relationship Between the Defendants**

9 12. Plaintiff is informed and believes, and thereupon alleges, that Defendants, and each of
10 them, were at all times mentioned herein the agents, servants, and employees of each other, or otherwise
11 were acting with the full knowledge and consent of each other. Plaintiff is further informed and believes,
12 and upon such basis and belief alleges, that in doing all of the things alleged in this complaint,
13 Defendants, and each of them, were acting within the scope and authority of their agency, servitude, or
14 employment, and were acting with the express and/or implied knowledge, permission and consent of
15 one another. Plaintiff is further informed and believes, and upon such basis and belief alleges, that
16 Defendants learned of, ratified, and/or approved the wrongful conduct of its agents and/or employees
17 identified in this Complaint as having engaged in wrongful conduct.

18 13. Plaintiff is informed and believes, and thereupon alleges, that at all relevant times,
19 Defendants, and each of them, were business entities or individuals who owned, controlled, or managed
20 the business which has damaged Plaintiff, and are each therefore jointly, severally, and individually
21 liable to Plaintiff.

22 14. Plaintiff is informed and believes, and thereupon alleges, that at all relevant times,
23 Defendants, and each of them, were in some fashion, by contract or otherwise, the successor, assignor,
24 indemnitor, guarantor, or third-party beneficiary of one or more of the remaining Defendants, and at all
25 relevant times to Plaintiff's claims alleged herein, were acting within that capacity. Plaintiff further
26 alleges that Defendants, and each of them, assumed the liabilities of the other Defendants, by virtue of
27 the fact that each to some degree, wrongfully received and/or wrongfully benefited from the flow of
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1 assets from the other Defendants, to the detriment of Plaintiff. Plaintiff further alleges that by wrongfully
2 receiving and/or benefiting from Defendants' assets, and in the consummation of such transactions, a *de*
3 *facto* merger of the Defendants, and each of them, resulted, such that Defendants, and each of them, may
4 be treated as one for purposes of this Complaint.

5 15. Plaintiff is informed and believes, and thereupon alleges, that at all relevant times
6 mentioned herein, Defendants, and each of them, were the partners, agents, servants, employees, joint
7 venturers, or co-conspirators of each other defendant, and that each defendant was acting within the
8 course, scope, and authority of such partnership, agency, employment, joint venture, or conspiracy, and
9 that each defendant, directly or indirectly, authorized, ratified, and approved the acts of the remaining
10 Defendants, and each of them.

11 **Factual Allegations**

12 16. From January 2019 to October 2019 Plaintiff was the Acting Captain of Compton Station
13 as a serving Lieutenant in the LASD, and was the Operations Lieutenant of Compton Station from
14 January 2018 through December 2019. During the period of time that he was Acting Captain of Compton
15 Station, Plaintiff's Supervisor, Commander Mike Thatcher ("Thatcher"), evaluated Plaintiff's
16 performance as follows:

17 *"Lieutenant Waldie handled the duties as the acting captain of Compton Station for nine months*
18 *during this rating period. He did so without an operations lieutenant, an assigned secretary, or*
19 *any additional resources provided to assist him with his duties or responsibilities. His efforts*
20 *were not simply those expected as a member of this Department, but they were inf act*
21 *extraordinary. Lieutenant Waldie completed the duties and job responsibilities of not only the*
22 *acting station captain, but also those of the operations lieutenant as well." * * * "During a*
23 *community event at the Compton Youth Athletic League, numerous elected officials and*
24 *community members and stakeholders sought me to share with me their appreciation of*
25 *Lieutenant Waldie's presence and leadership at the station. His devotion to them and their*
26 *thoughts about him were most impressive."*

1 17. Plaintiff performed the duties of Acting Captain at Compton Station intermittently for
2 117 out of 365 days during 2018.

3 18. It is beyond dispute that Plaintiff was *the best and most qualified candidate* for the
4 position of permanent Captain of Compton Station, a position that Plaintiff applied for in August 2019.

5 19. On September 10, 2019, Plaintiff was informed that there had been 39 candidates
6 considered for the position of Captain of Compton Station, and that the 10 best qualified candidates had
7 been selected for a final round of interviews. On this same date, Plaintiff was advised that “[he was] not
8 *selected to proceed to Captain interviews for Compton Station.*”

9 20. On this same date, LASD informed Plaintiff that “[t]he Department’s goal was to design
10 *a merit-based process that would allow more candidates the opportunity to actively compete for*
11 *consideration... Regrettably, we must inform you that you were not selected as a finalist for Compton*
12 *Station.*”

13 21. On September 18, 2019, Thatcher called Plaintiff to inform him that Sheriff Alex
14 Villanueva (“Villanueva”) was returning Plaintiff to “the line,” which constituted a de facto demotion
15 from his current administrative, supervisory position as Acting Captain of Compton Station. Thatcher
16 relayed to Plaintiff that it was Villanueva’s position that Plaintiff lacked the requisite period of “Deputy
17 Time,” or street-level experience, to qualify for selection during the Compton Station Captain interview
18 and selection process. Thatcher further relayed to Plaintiff that Villanueva had personally vetoed his
19 application for the Captain position, stating that a certain method of time-qualification for “Deputy
20 Time” could be utilized by other applicants for the same position, but that this identical time qualification
21 metric was not available to Plaintiff, on an individual and singled-out basis.

22 22. The stated pretext for LASD blocking this promotion was that LASD alleged that
23 Plaintiff did not have the requisite one year of experience in an equivalent position. No such one-year
24 prerequisite existed, as other, less-qualified transfer candidates had their transfers approved by LASD
25 despite their lack of the one-year experience qualification.

26 23. Villanueva stated that in addition to Plaintiff’s time working concurrently for 7 months
27 as the Compton Operations Lieutenant, Service Area Lieutenant, and Detective Bureau Lieutenant
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1 (positions that Plaintiff held concurrently for 7 months due to vacancies) did not count as “line time,”
2 where Villanueva allowed similar service to be counted as “line time” for other, less qualified Service
3 Area Lieutenants. Chief Eliezer Vera later denied this, although Captain Thatcher confirmed this to be
4 true.

5 24. Later that day, on September 18, 2019, Plaintiff filed a formal grievance with LASD in
6 which he requested that he be allowed to partake in the upcoming interview process for the Compton
7 Station Captain position. The grievance also set forth the following: *“I have performed the duties of the
8 Compton Station Unit Commander for more than twelve (12) cumulative months (nine (9) consecutive
9 months). As the Acting Captain, I have dutifully and uneventfully fulfilled the requirements of this
10 position in the absence of an Operations Lieutenant and Captain’s Secretary. I have been denied the
11 opportunity to interview for the position... of Compton Station Captain.”*

12 25. Within a few days, Thatcher contacted Plaintiff and requested that he voluntarily
13 withdraw the above formal grievance, an unlawful exercise of command pressure. Plaintiff refused.

14 26. On October 15, 2019, Plaintiff’s grievance was totally denied by Chief Eliezer Vera.

15 27. On November 18, 2019, Lt. Shawn Kehoe (“Kehoe”) of the LASD Fraud and
16 Cybercrimes Division requested that Plaintiff be transferred to his unit. Kehoe was initially successful,
17 and Plaintiff’s transfer request was granted. Kehoe’s Commanders and Chief approved of Kehoe’s
18 transfer recommendation for Plaintiff. However, in the following days during the “break up” process,
19 Villanueva ordered Undersheriff Timothy Murakami (“Murakami”) to strike Plaintiff’s name from the
20 transfer list, which Murakami did without question.

21 28. On November 25, 2019, Plaintiff learned that he had been scratched from the most recent
22 LASD transfer list. Plaintiff knew that based upon his qualifications, experience, and reputation, that he
23 had been the first requested LASD employee for transfer to the Detective Division. However, Plaintiff
24 was denied this transfer as a result of the personal intervention of Murakami. Plaintiff learned that
25 Murakami had personally called the commanders of the Detective Division and informed them that he
26 had been “scratched,” or removed, from the promotion list, and that the Detective Division would be
27 forced to forego Plaintiff, and settle on their second pick. There was no other possible basis for this
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1 personal veto by Murakami, ostensibly on behalf of Villanueva, other than an unlawful exercise of
2 command authority, in violation of California law and all applicable laws, rules, and regulations
3 pertaining to merit-based hiring and promotions within LASD.

4 29. Based upon his qualifications, assignments, and past performance, Plaintiff was on track
5 to be promoted to at least Chief, but has had his career prospects destroyed by Villanueva and Murakami
6 on the basis of Plaintiff's engaging in a protected activity, to wit: filing a written grievance against
7 LASD for their improper and unlawful refusal to allow Plaintiff to be considered for the Compton
8 Station Captain position, despite that based upon LASD's merit-based promotion rules, Plaintiff was the
9 most and best qualified candidate for this position.

10 30. In the six months preceding to the filing of this claim, Plaintiff was punished,
11 reprimanded, retaliated against, and suffered an adverse employment action as a result of his filing of a
12 formal grievance with LASD, which was well within his right to do so. Plaintiff, one of the, if not *the*,
13 most qualified Lieutenant in the LASD cannot promote due to the fact that Villanueva and Murakami
14 have vetoed, and will continue to veto, any promotion opportunity due to Plaintiff under existing Los
15 Angeles County merit rules. This blocking of Plaintiff's promotion is an unlawful exercise of authority
16 within the LASD and violates Labor Code §§ 1102.5 & 98.6, the Los Angeles County Charter (Section
17 30), the Los Angeles County Civil Service Rule (Rule 25), LASD Manual of Policies and Procedures,
18 and other applicable California and federal law.

19 31. Plaintiff has experienced the following physical ailments arising out of the wrongful
20 conduct alleged herein: paranoia, insomnia, allergic reactions, stress, and anxiety

21 **Opposition to The Executioners Deputy Gang at Compton Station**

22 32. As acting Captain of Compton Station, Plaintiff openly opposed the domination of the
23 station by the criminal The Executioners deputy gang led by Deputy Jaime Juarez, and as a result was
24 retaliated against by the LASD.

25 33. This deputy gang has a common tattoo which is earned by engaging in on-duty beatings
26 or shootings of members of the public. This deputy gang has a hierarchy and control structure identical
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1 to a criminal racketeering conspiracy organization, and members aim to increase the prestige of the gang
2 by engaging in unwarranted and unnecessary violence, or other crimes.

3 34. Plaintiff's opposition to the gang was the sole reason that he was denied the opportunity
4 to interview for the Captain position at Compton Station, and for the ongoing and continuing violations
5 of Plaintiff's rights by LASD as alleged herein.

6 35. Juarez engaged in criminal extortion as to Plaintiff, informing Plaintiff that if he and his
7 gang did not get what they wanted, that the gang would engage in an illegal work slowdown at the
8 station. What the gang wanted was to have one of their "inked", or tattooed members to obtain the
9 Scheduling Deputy position. This position had previously been held by Juarez, and was a coveted
10 position for the gang as it controlled scheduling and days off, and was utilized to give preferential
11 schedules and days off to members of the gang. When Plaintiff refused to be extorted, Juarez directed
12 the gang to actually carry out the work slowdown which began at the end of February 2019 and ended
13 on April 8, 2020, exactly one week after Plaintiff documented his frustration with arrest statistics
14 showing a decrease in activity resulting from Juarez's extortion in an email to Commander Thatcher.

15 36. The gang actually carried out the work slowdown, putting the citizens of areas patrolled
16 by the station in increased risk of violence and death. This action was intended and undertaken to
17 increase the prestige of the criminal gang. Whistleblower Deputy Austreberto Gonzalez has testified
18 under oath in another pending action that the illegal work slowdown by the gang in fact took place, and
19 that there was no innocent explanation for the precipitous drop in arrests and arrestee processing by the
20 deputy gang and its associates. One Deputy was confronted by an inked Executioner for arresting a
21 person with a gun and reprimanded for having made the arrest during the gang's slowdown.

22 37. Plaintiff is aware that Juarez was taken off the street and no longer authorized to act as a
23 patrol deputy by Sheriff McDonnell and the LASD Shooting Analysis Committee due to an excessive
24 number of on-duty shootings that fell outside of policy, rendering Juarez a liability for risk management
25 purposes and a likely danger to the public at large. Plaintiff is informed and believes, and thereupon
26 alleges that a Chief or higher in LASD overruled the Shooting Analysis Committee and put gang leader
27 Juarez back on the street based upon the influence of the criminal gang at Division level, or higher.

1 38. After the work slowdown took place, Plaintiff, in his capacity as Acting Captain of
2 Compton Station, demanded a punitive transfer of Juarez to Industry Station as punishment for the illegal
3 work slowdown and related extortion intended to benefit the prestige of the gang. This punitive transfer
4 took place on or about June 2, 2019. After Plaintiff was unlawfully blocked from the position of Station
5 Captain, Division returned gang leader Juarez to Compton Station on or about October 2019.

6 39. Later, gang leader Juarez was transferred back to Compton Station to resume his direct
7 leadership of the deputy gang.

8 40. Plaintiff is informed and believes, and thereupon alleges that no other Deputy in the
9 recent history of LASD has been reassigned to a patrol station from which they had previously been
10 punitively transferred from. Plaintiff is informed and believes, and thereupon alleges that one or more
11 individuals at the Chief rank, or higher, transferred Juarez back to Compton Station in order to court
12 favor with, facilitate, or otherwise ratify the illegal conduct of the deputy gang at the expense of members
13 of the public.

14 41. The two likely illegal actions by LASD with respect to facilitating the reign of deputy
15 gang leader Juarez are as follows: (1) overruling the Shooting Analysis Committee recommendation to
16 take Juarez off the street as a danger to the public and the Department; and (2) overruling Plaintiff's
17 punitive transfer of Juarez to Industry station and returning him to Compton station where he could
18 resume his direct control of the deputy gang with the blessing, assistance, and facilitation of LASD.
19 Both of these give rise to a wrongful animus towards Plaintiff as a result of his resistance to Juarez and
20 his illegal activities on behalf of the deputy gang at Compton station. Plaintiff is informed and believes
21 that his opposition to these illegal acts by Juarez and the deputy gang resulted in retaliation by LASD
22 towards him and the refusal to allow him to interview for the permanent Captain position at Compton
23 Station.

24 42. Deputy Juarez and the gang enforced an illegal arrest quota of 8 arrests per deputy, per
25 month. Such arrest quotas are against LASD policy and are illegal under Veh. Code § 41602. Plaintiff
26 is informed and believes, and thereupon alleges that the gang's enforcement of this illegal arrest quota
27 was done as a favor to former Compton Station Captain Michael Thatcher, and that a double or tripling
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1 of arrest statistics during a short period of time contributed to Thatcher's promotion to Commander and
2 transfer to the command staff of the Central Patrol Division. Plaintiff is informed and believes, and
3 thereupon alleges that this illegal arrest quota was put into place to ensure then-Captain Thatcher didn't
4 receive any further negative feedback from his superiors over the station's perceived low arrest stats.
5 Plaintiff is further informed, and thereupon alleges that the implementation of the illegal arrest quota
6 demonstrated gang leader Juarez's allegiance to Thatcher, and vice versa. Plaintiff is further informed
7 and believes, and thereupon alleges that Juarez's later transfer back to Compton Station demonstrated
8 Commander Thatcher's allegiance to Juarez and the deputy gang.

9 43. Plaintiff is informed and believes that his promotional opportunities were destroyed by
10 LASD in order to ensure that Plaintiff did not become the Captain of Compton Station, as this promotion
11 would have interfered with the criminal activities of the deputy gang led by Juarez; Commander
12 Thatcher and possibly Chief Eli Vera having taken actions to directly benefit the deputy gang's
13 activities, legal or illegal, at Compton Station.

14 **No Claims Arising from Privileged Conduct**

15 44. In the avoidance of doubt, Plaintiff does not herein allege any claim for damages as
16 against Defendants for any privileged action, such as the conducting of an investigation by a public
17 entity. Plaintiff, however, reserves the right to claim all damages arising out of *consequences or actions*
18 resulting from, or occasioned by, such a privileged investigation by a public entity.

19 45. Plaintiff expressly excludes from this Complaint any privileged act by any Defendant to
20 this action that would otherwise result in a Special Motion to Strike pursuant to Code Civ. Proc. §
21 425.16.

22 **Applicable Provisions of the County Charter and Civil Service Rules**

23 46. Los Angeles County Civil Service Rule 18.031 regarding discipline prohibits such
24 activity as work slowdowns as follows: *"Failure of an employee to perform his or her assigned duties*
25 *so as to meet fully explicitly stated or implied standards of performance may constitute adequate*
26 *grounds for discharge, reduction or suspension. Where appropriate, such grounds may include, but are*
27 *not limited to, qualitative as well as quantitative elements of performance, such as [...] and failure to*
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1 *make productive use of human [...] resources. Grounds for discharge, reduction or suspension may also*
2 *include any behavior or pattern of behavior which negatively affects an employee's productivity [...]."*

3 47. Further, Los Angeles County Code § 5.16.040 prohibits the unwarranted use of sick
4 leave: *"Unwarranted sick leaves shall be deemed an abuse of the provisions of the salary ordinance*
5 *allowing leaves of absence on full pay for illness. If any appointing officer finds that any county*
6 *employee under his supervision has abused or is abusing such sick-leave privileges, such officer, for the*
7 *first offense, may suspend any such employee for a period of 30 days without pay, and for a second*
8 *offense may take steps for the discharge of any such employee. It is hereby declared to be the sense of*
9 *the board of supervisors that further abuse following suspension for prior abuse shall constitute*
10 *sufficient grounds for discharge from county service."*

11 48. Los Angeles County Department of Human Resources Policies, Procedures, and
12 Guidelines (PPG) 530 prohibits using leave for any other reason than then intended purpose of the leave:
13 *"It is also the County Policy that in taking one of these leaves, a County employee is taking the leave for*
14 *the specific reason for which the law was established and in strict conformance with the law's*
15 *provisions."*

16 49. Los Angeles Civil Service Rule 25 states that: *"No person in the classified service or*
17 *seeking admission thereto shall be appointed, reduced or removed, or in any way favored or*
18 *discriminated against in employment or opportunity for employment because of race, color, religion,*
19 *sex, physical handicap, medical condition, marital status, age, national origin or citizenship, ancestry,*
20 *political opinions or affiliations, organizational membership or affiliation, or other non-merit factors,*
21 *any of which are not substantially related to successful performance of the duties of the position. "Non-*
22 *merit factors" are those factors that relate exclusively to a personal or social characteristic or trait and*
23 *are not substantially related to successful performance of the duties of the position. Any person who*
24 *appeals alleging discrimination based on a non-merit factor must name the specific non-merit factor(s)*
25 *on which discrimination is alleged to be based. No hearing shall be granted, nor evidence heard relative*
26 *to discrimination based on unspecified non-merit factors. "*

1 policy interest in encouraging workplace whistleblowers to report unlawful acts without fearing
2 retaliation.

3 54. Defendants were employers for purposes of California law.

4 55. Plaintiff was an employee of Defendants, performing work on behalf of Defendants.

5 56. Defendants subjected Plaintiff to the following adverse employment actions: (1)
6 demoted; (2) denied any employment benefit or privilege; (3) denied transfer; (4) denied hire or
7 promotion; (5) forced to quit; (6) reprimanded; or (7) terminated.

8 57. Defendants subjected Plaintiff to the foregoing adverse employment actions in retaliation
9 for engaging in protected activities, including, but not limited to: (1) reported or resisted any form of
10 unlawful conduct by his employer; (2) filing a written grievance with his employer; (3) availing himself
11 of his rights pursuant to County Charter Section 30 and Civil Service Rule 25; (4) opposing violations
12 of Los Angeles County Civil Service Rule 18.031; (5) opposing violations of Los Angeles County Code
13 § 5.16.040; (5) opposing violations of Los Angeles County Department of Human Resources Policies,
14 Procedures, and Guidelines (PPG) 530; (6) opposing the existence of a racketeering, criminal deputy
15 gang at Compton Station; (7) opposing the returning of Juarez to patrol duty in violation of LASD policy;
16 (8) opposing the transfer back to Compton Station of Juarez after his punitive transfer away from the
17 station in violation of LASD policy; (9) opposing extortion by Juarez and the criminal deputy gang; (10)
18 opposing the illegal work slowdown caused and managed by the criminal deputy gang; or (11) opposing
19 the illegal arrest quota implemented by the deputy gang in violation of Veh. Code § 41602.

20 58. Pursuant to Lab. Code § 1102.5, Defendants are also liable for a civil penalty not
21 exceeding ten thousand dollars (\$10,000.00) for each violation of this section.

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