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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**
11

12 **YANI K. TIDWELL, an individual,**

13 **Plaintiff,**

14 **v.**

15 **QUECHAN INDIAN TRIBE d/b/a**
16 **QUECHAN CASINO RESORT;**
17 **RONDA AGUERRO, an individual,**
18 **and DOES 1 – 20, inclusive,**

19 **Defendants.**

20 **Case No.: '14CV1281 DMS BGS**

21 **COMPLAINT FOR DAMAGES AND**
22 **EQUITABLE RELIEF**

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1 Plaintiff Yani K. Tidwell ("Plaintiff") alleges the following:

2 **I. PARTIES**

3 1. Plaintiff is an individual currently residing in Yuma, Arizona.

4 2. Defendant Quechan Indian Tribe ("Quechan Indian Tribe") is a native
5 American Indian tribe that owns and operates the Quechan Casino Resort ("Quechan
6 Casino"), located in Winterhaven, California and Paradise Casino in Arizona.

7 3. Defendant Ronda Aguerro ("Aguerro") is the Vice President for Quechan
8 Indian Tribe.

9 4. Defendant Amber Espino ("Espino") is the Human Resources Director for
10 Quechan Indian Tribe.

11 5. Defendant Christina Tozcek ("Tozcek") is the Acting Finance
12 Manager/General Ledger Accountant for Quechan Indian Tribe.

13 6. Plaintiff was previously employed by the Quechan.

14 7. Plaintiff currently without knowledge of the true names and capacities of
15 the defendants sued herein as Does One through Twenty, inclusive, and therefore sue
16 those defendants by fictitious names. Plaintiff will amend the complaint to allege said
17 defendants' true names and capacities when they are determined. Plaintiffs are informed
18 and believe, and thereon allege, that each of the fictitiously named defendants is
19 responsible for the unlawful acts alleged herein causing damages to Plaintiffs. Plaintiffs
20 accordingly incorporate by reference each of the allegations set forth herein against each
21 fictitiously named defendant.

22 8. Plaintiffs informed and believes, and thereon alleges, that each defendant
23 was the agent of the other defendants and that each acted in the course and scope of their
24 agency with the permission and consent of the other defendants.

25 9. Plaintiffs informed and believes, and thereon alleges, that each of the
26 defendants was the alter ego of the others in that corporate formalities were not
27 observed, that the business of each defendant was involved with the others to the extent
28 that they cannot be separated, and the observance of the fiction of separate existence
29 would promote injustice

II. JURISDICTION

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2 10. Plaintiff re-alleges and incorporates Paragraphs 1 – 9 as if fully set forth
3 herein.

4 11. Jurisdiction is proper in this Court as Plaintiff seeks equitable relief solely
5 in this matter pursuant to the doctrine of Ex parte Young, which permits a private
6 plaintiff to sue a state and its officials, even where sovereign immunity has not been
7 waived, where an official has acts outside the scope of his or her authority and in
8 violation of the law.

III. VENUE

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10 12. Plaintiff re-alleges and incorporates Paragraphs 1 – 11 as if fully set forth
11 herein.

12 13. Venue is proper in the district court as the events giving rise to the
13 complaint occurred within Imperial County, California

IV. FACTUAL BACKGROUND

14 14. Plaintiff is an Asian American female, with a national original of
15 Indonesia.

16 15. Plaintiff was employed by the Quechan Indian Tribe beginning in October
17 2003. During the entire term of her employment she received favorable evaluations and
18 never any negative criticism of her work.

19 16. Plaintiff was employed during this time as the Assistant to the Comptroller
20 for the Quechan Indian Tribe.

21 17. Based on Plaintiff's history with the Quechan Indian Tribe and her
22 continued superior performance, Plaintiff looked forward to a long and beneficial
23 employment with the Tribe.

24 18. In May 2013, Plaintiff was terminated by Defendants for allegedly failing
25 to notify the Comptroller of an error in calculating a per capita distribution, failing to
26 assist the Comptroller in processing a transfer of funds, and insubordination.

27 19. Each of the proffered reasons is factual incorrect and pretextual.

1 30. Defendants have knowingly and willfully deprived Plaintiff of her
2 employment with Quechan Indian Tribe. Defendants deprived Plaintiff of her
3 employment without due process and because of Plaintiff's ethnicity and/or national
4 origin.

5 31. As a result of Defendants' actions, Plaintiff has suffered economic and
6 non-economic damages to include, lost past and future wages, lost benefits and
7 emotional distress.

8 32. Plaintiff seeks damages for loss of income and emotional distress,

9 33. In the alternative, Plaintiff seeks equitable relief. Specifically, Plaintiff
10 seeks reinstatement to her former position.

11 **V. SECOND CAUSE OF ACTION**

12 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

13 **(AGAINST DEFENDANTS AGUERRO, TOZCEK and ESPINO)**

14 34. Plaintiff re-alleges and incorporates Paragraphs 1 – 33 as if fully set forth
15 herein.

16 35. Defendants Aguerro, Tozcek and Espino intentionally deprived Plaintiff of
17 her employment with Quechan, knowing full well that there was no basis for them to
18 terminate the Plaintiff.

19 36. Defendants Aguerro, Tozcek and Espino committed the above acts
20 maliciously, fraudulently and oppressively with the knowledge and intent that those acts
21 would cause Plaintiff to suffer severe emotional distress.

22 37. As a result of Defendants Aguerro, Tozcek and Espino's acts, Plaintiff has
23 suffered severe emotional distress, to include depression, loss of enjoyment of life, and
24 other mental distress to be proven at trial.

25 **PRAYER FOR RECOVERY**

26 Accordingly, Plaintiff prays for Judgment as follows:

- 27 1. For all economic damages to be established at trial, trebled;
- 28 2. For pre-judgment interest as established by law;
- 29 3. For statutory penalties and attorneys' fees;

- 1 4. For reinstatement to her prior position;
- 2 5. For costs of suit; and
- 3 6. For other such relief as the court may order.

4 Dated: May 22, 2014

LAW OFFICES OF DOUGLAS E. GEYMAN

6 By: /s/ Douglas E. Geyman

7 Douglas E. Geyman

8 Attorneys for Plaintiff Yani K. Tidwell

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