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10
11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 EDDIE DUTCHOVER, an Individual,

14 Plaintiff,

15 vs.

16 MOAPA BAND OF PAIUTE INDIANS,
17 MOAPA TRIBAL COUNCIL, AND
18 MOAPA TRIBAL ENTERPRISES,
collectively, "Moapa defendants", VICKIE
19 SIMMONS, TYLER SAMSON,
GREGORY ANDERSON, URAL BEGAY,
20 LESLIE BRADLEY, DARREN DEBODA,
DELAINE BOW, SAMATHA LEE, a
21 Corporation, DOES 1-50, inclusive and
22 ROE CORPORATIONS 1-50, inclusive,

23 Defendant.

CASE NO.: 2:19-CV-01905-KLD-BNW

AMENDED COMPLAINT

24 The Plaintiff Eddie Dutchover ("Mr. Dutchover") by and through his attorneys of
25 record, the law firm of HKM Employment Attorneys LLP hereby complains and alleges as
26 follows:

27 ///

- 1 1. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1362, as this
2 is an action brought against the Moapa Band of Paiute Indians, a federally recognized
3 Indian tribe, arising under the laws of the United States, particularly 25 U.S.C. § 81 and
4 25 U.S.C. § 2711. An actual controversy exists between the parties within the meaning
5 of 28 U.S.C. § 2201(a), and the Court is authorized to grant declaratory relief, injunctive
6 relief, and other available relief pursuant to 28 U.S.C. §§ 2201 and 2202.
- 7 2. In addition, this Court has supplemental jurisdiction over the Nevada Unlawful
8 Employment Practices claims under 28 U.S.C. § 1367, because they arise from a
9 common nucleus of operative facts with the federal claims and are so related to the
10 federal claims as to form part of the same case or controversy under Article III of the
11 United States Constitution.
- 12 3. Venue is proper in this judicial district under 28 U.S.C. § 1391(b)-(c) and 42 U.S.C. §
13 2000e-5(f)(3), because the Defendants are based and operate in this district, conducts
14 business in this district, and all or a substantial portion of the events and omissions
15 giving rise to the claims alleged herein occurred in this district, and because the alleged
16 unlawful employment practices were committed here, and employment records relevant
17 to those practices are maintained and administered here.
- 18 4. The U.S. District Court of Nevada has personal jurisdiction over the Department
19 because it operates in this District, does business in Nevada and in this district, and
20 because all of the acts complained of and giving rise to the claims alleged herein
21 occurred in Nevada and in this District.
- 22 5. Plaintiff has exhausted his administrative remedies and complied with all statutory
23 prerequisites to his Title VII claims. Plaintiff filed a charge of color discrimination and
24 retaliation with the Equal Employment Opportunity Commission (“EEOC”) on
25 December 11, 2018. By notice dated July 31, 2019, the EEOC issued a Notice of Right
26 to Sue. This complaint is made within ninety days of the Notice of Right to Sue.

27 **II. THE PARTIES**

- 28 6. Plaintiff EDDIE DUTCHOVER is a resident of Henderson, Nevada. He is a citizen of
the United States. He is police officer, hired by the Department on May 23, 2011.
7. Defendant Moapa Band of Paiute Indians, is a federally recognized Indian Tribe located

1 in Moapa, Nevada.

- 2 8. Moapa Tribal Council, is, upon information and belief, the governing entity of the
3 Moapa Band of Paiute Indians and functions in a manner similar to a municipality.
- 4 9. Moapa Tribal Enterprises, is, upon information and belief, the corporation formed to
5 conduct Tribal business, however, no such corporate entity, or one of a similar name
6 could be found in Nevada.
- 7 10. Vickie Simmons is upon information and belief, a member of the Moapa Band of Paiute
8 Indians and resident of the State of Nevada.
- 9 11. Tyler Samson is upon information and belief, a member of the Moapa Band of Paiute
10 Indians and resident of the State of Nevada.
- 11 12. Gregory Anderson is upon information and belief, a member of the Moapa Band of
12 Paiute Indians and resident of the State of Nevada.
- 13 13. Ural Begay is upon information and belief, a member of the Moapa Band of Paiute
14 Indians and resident of the State of Nevada.
- 15 14. Leslie Bradley is upon information and belief, a member of the Moapa Band of Paiute
16 Indians and resident of the State of Nevada.
- 17 15. Darren Deboda is upon information and belief, a member of the Moapa Band of Paiute
18 Indians and resident of the State of Nevada.
- 19 16. Delaine Bow is upon information and belief, a member of the Moapa Band of Paiute
20 Indians and resident of the State of Nevada.
- 21 17. Samatha Lee is upon information and belief, a member of the Moapa Band of Paiute
22 Indians and resident of the State of Nevada.

23 **III. FACTUAL BACKGROUND**

- 24 18. Plaintiff began working at the Moapa Tribal Police Department on May 23, 2011, when
25 Plaintiff accepted the position as a Police Officer for the Moapa Tribal Police
26 Department.
- 27 19. The Moapa Tribal Police Department employs a majority Caucasian Police Officers and
28 does not employ any Native American Police Officers. The Moapa Business Council,
on the other hand, is all Native American Tribal members.
20. Over the course of Plaintiff's nearly seven-year employment history at the Moapa Band

1 of Paiutes, Samantha Lee, who is a registered Moapa Band of Paiute Tribal Member
2 and employee of the Moapa Travel Plaza Store, repeatedly subjected Plaintiff to
3 unlawful discrimination, harassment, and unlawful retaliation because of Plaintiff's
4 race, color, and national origin.

5 21. The blatantly hostile work environment created at the Moapa Band of Paiutes includes
6 the frequent use by Samantha Lee, her co-workers, tribal members, the news media (see
7 news video tape), and direct supervisors of derogatory comments and written notes.
8 Examples of such derogatory comments include referring to Plaintiff as "a white cop,"
9 "killer," "cracker," "unfit to be a cop," "tribal cop killer" (see photo), "going to the tribal
10 council to have you fired," and acts of intimidation and threats of violence. Moreover,
11 since Samantha Lee currently works at the Moapa Travel Plaza as a waitress Plaintiff is
12 unable to eat at that restaurant because Plaintiff fears Plaintiff's food will be sabotaged
13 and Plaintiff does not feel safe there, and management has been made aware of it since
14 she has been employed.

15 22. Samantha Lee has caused Plaintiff severe mental anguish and emotional distress,
16 including but not limited to, depression, humiliation, embarrassment, stress and anxiety,
17 loss of self-esteem and self-confidence, and emotional pain and suffering because
18 Plaintiff must relive the night of 12-16-2012 again. Plaintiff fears that Plaintiff has to
19 avoid conflict in the workplace as a consequence of her confrontational and aggressive
20 behavior since Samantha Lee is a permanent tribal member of the Moapa Band of
21 Paiutes and a co-worker.

22 23. On 06-24-2018, Plaintiff issued Samantha Lee a citation for child endangerment and
23 child neglect, which has become a pattern (see Moapa Tribal Police event 180619005
24 and see Plaintiff's Officer report under 180624004). Later that day, Plaintiff was
25 retaliated against, slandered, defamed, and harassed on the Moapa Band of Paiute Tribal
26 members Facebook page (see photos), and the Moapa Band of Paiutes tribal/business
27 council did nothing to stop it.
28

- 1 24. Samantha Lee continues to slander, defame, and harass Plaintiff, creating a hostile work
2 environment (not being treated kindly, fairly, and with respect according to Moapa Band
3 of Paiute Tribal Policy along with violating the gossiping policy and team work policy)
4 while working at the Moapa Band of Paiutes Travel Plaza, and she is still currently
5 posting negative and untrue comments about Plaintiff as an enrolled Moapa Band of
6 Paiute tribal member and employee of the Moapa Band of Paiutes.
- 7 25. On 12-16-2012 Plaintiff was involved in an Officer involved shooting with Samantha
8 Lee's brother, Marcus Lee, for which Plaintiff was exonerated by self-defense in the
9 subsequent investigation. This Officer Involved Shooting was investigated by the FBI,
10 US Attorney's Office, BIA, and Moapa Tribal Police Department (see reports Moapa
11 Tribal Police Report 121216077, FBI report 198G-LV-2622949, and BIA report
12 K0L120-14-255).
- 13 26. Since the Fatal Officer Involved Shooting through to the present day, Plaintiff has been
14 harassed and threatened for Plaintiff's safety, threatened to be fired, racial discriminated
15 against, and been faced with a hostile work environment (see Moapa Tribal Police
16 Reports 130212060 and 140611004, see watch log 12-21-2012, watch log 08-17-2014,
17 03-06-2017, 160411002, photos in front of the Moapa Tribal Store on 07-05-2016,
18 watch log 10-14-2015, watch log 06-20-2016, watch log 10-10-2012, watch log 09-09-
19 2015).
- 20 27. Samantha Lee's conduct was knowing, malicious, willful, and wanton, and/or showed
21 a reckless disregard for me, which has caused and continues to cause Plaintiff to suffer
22 substantial economic and non-economic damages, permanent harm to Plaintiff's
23 professional and personal reputation, and severe mental anguish and emotional distress.
- 24 28. Plaintiff is a hard-working 46-year-old Caucasian/Hispanic male who has worked as a
25 Tribal Police Officer at the Moapa Band of Paiutes for nearly seven years, regularly
26 working 3 to 4 days per week to support his family. He is a conscientious and reliable
27 employee who always performs his duties in an exemplary manner and gets along well
28

1 with his colleagues and employers. Until he started working at the Moapa Band of
2 Paiute, Plaintiff was in good health mentally, physically, and emotionally.

3 29. As set forth in greater detail below, throughout his employment at the Moapa Band of
4 Paiutes, Plaintiff has been subjected to a shocking barrage of discrimination and
5 harassment based on his race/color, national origin, and disabilities. Despite Plaintiff's
6 many written email complaints and pleas for the Moapa Band of Paiutes to bring an end
7 to the discriminatory and harassing conduct committed against him by his supervisors
8 and co-workers, the Moapa Band of Paiutes has turned a blind eye to his increasingly
9 desperate plight.

10 30. Moapa Band of Paiutes has failed to seriously investigate or discipline any employee in
11 connection with these acts of discrimination, harassment, and intimidation. Indeed, the
12 Moapa Band of Paiutes' failure and refusal to respond to the many complaints that
13 Plaintiff has submitted over the years provides compelling confirmation of the Moapa
14 Band of Paiutes indifference to the unlawful conduct of its employees. (Notified
15 supervisors and Moapa Band of Paiutes Tribal Council - See watch logs 12-06-2014,
16 04-15-2015, 04-24-2015, and 04-29-2015, discussed with Chief because of video
17 released on 11-13-2015, 04-30-2018, and 06-24-2018 and they have done nothing to
18 rectify the problem and it has gotten worse in retaliation.)

19 31. Samantha Lee has discriminated against Plaintiff on the basis of his race/color (white
20 non-native tribal member) in violation of Section 1981 by denying him the same terms
21 and conditions of employment available to employees who are not white non-native
22 tribal members, including but not limited to, subjecting him to disparate working
23 conditions and denying him the opportunity to work in an employment setting free of
24 unlawful harassment.

25 32. Samantha Lee has discriminated against Plaintiff on the basis of his race/color in
26 violation of Section 1981 by creating, fostering, accepting, ratifying, and/or otherwise
27 failing to prevent or to remedy a hostile work environment that included, among other
28

1 things, severe and pervasive harassment of Plaintiff because of his race/color.

2 33. As a direct and proximate result of Samantha Lee's unlawful and discriminatory conduct
3 in violation of Section 1981, Plaintiff has suffered and continues to suffer severe mental
4 anguish and emotional distress, including but not limited to depression, humiliation,
5 embarrassment, stress and anxiety, loss of self-esteem and self-confidence, emotional
6 pain and suffering, as well as physical injury.

7 34. Samantha Lee's unlawful and discriminatory conduct in violation of Section 1981 was
8 outrageous and malicious, was intended to injure Plaintiff, and was done with conscious
9 disregard of his civil rights.

10 35. Samantha Lee has discriminated against Plaintiff on the basis of his race/color and/or
11 national origin in violation of Title VII by creating, fostering, accepting, ratifying and/or
12 otherwise failing to prevent or to remedy a hostile work environment that included,
13 among other things, severe and pervasive harassment of Plaintiff because of his
14 race/color and/or national origin.

15 36. As a direct and proximate result of Samantha Lee's unlawful and discriminatory conduct
16 in violation of Title VII, Plaintiff has suffered and continues to suffer severe mental
17 anguish and emotional distress, including but not limited to depression, humiliation,
18 embarrassment, stress and anxiety, loss of self-esteem and self-confidence, emotional
19 pain and suffering, as well as physical injury.

20 37. Samantha Lee's unlawful and discriminatory conduct in violation of Title VII was
21 outrageous and malicious, was intended to injure Plaintiff, and was done with conscious
22 disregard of Plaintiff's civil rights.

23 38. The harassment has become so debilitating that Plaintiff fears going to work because of
24 the oppressive, hostile, and intimidating atmosphere created by Samantha Lee and the
25 Moapa Band of Paiutes.

26 39. Hostile work environment harassment refers to an unstable or dangerous workplace
27 created when an employee suffers repeated workplace harassment. The harassing
28

1 conduct unreasonably interferes with the victim's work performance or creates what a
2 reasonable person would find an objectively hostile or offensive work environment.
3 Plaintiff has been subjected to discrete discriminatory and retaliatory acts and have
4 experienced a racially hostile work environment throughout his employment.

5 40. The Whistleblower Protection Act of 1989 is a United States federal law that protects a
6 whistleblower who works for the government and reports agency misconduct. A federal
7 agency violates the Whistleblower Protection Act if agency authorities take (or threaten
8 to take) retaliatory personal action against any employee or applicant because of
9 disclosure of information by that employee or applicant.

10 41. The Moapa Business Council has used their position of authority to subject employees
11 to discriminatory conduct by creating a hostile work environment, leaving the employee
12 feeling trapped and vulnerable.

13 42. The race discrimination has been ongoing since Plaintiff 's employment (5/2011) and
14 in open forums with other tribal members and Moapa Business Council meetings
15 (subpoena business council minutes and audio tapes and interview the list of witnesses
16 provided).

17 43. Moapa Business Council and the Moapa Band of Paiutes Tribal members have
18 constantly racially discriminated against white people ("you people" referring to white
19 people, "we will fire all the white people and hire only native/Indian people," "the only
20 people that should be walking around on this reservation should be natives and not white
21 people," "our native/Indian people need jobs on the reservation and not white people,"
22 "whitey," "cracker ass bitch," "you white people have no rights on tribal land," "the
23 Chief needs to hire Native/Indian Police Officers and not white Police Officers," "this
24 is our tribal land and you work for us," "wonder bread," "non-tribal members" referring
25 to white people, "HICU" Paiute word for white people) for the entire time of Plaintiff's
26 employment which causes a hostile work environment daily for non-tribal members and
27 white people.
28

- 1 44. The Moapa Band of Paiutes Business council has hidden behind the concept that they
2 cannot be sued because they have sovereign immunity, so they believe they can
3 discriminate without impunity and cause a hostile work environment by intimidation
4 tactics and racial discrimination tactics. Unfortunately, as a Tribal Police Officer for the
5 Moapa Band of Paiutes Plaintiff is unable to hide because it is his duty to protect and
6 serve all people and uphold the constitution of the United States by treating all people
7 fair and equal.
- 8 45. Plaintiff has seen over the years of Plaintiff's employment a dysfunctional Moapa Band
9 of Paiute Business Council and Tribal Government and often question why Bureau of
10 Indian Affairs has not stepped in to take over tribal government due to mismanagement,
11 incompetence, and misappropriation of federal grant funds. Plaintiff has also seen
12 nepotism and tribal council politics interfering with department management. Plaintiff
13 knows the Moapa Band of Paiutes Business/Tribal Council has signed a code of ethics
14 when they take official oath of office in tribal government and they do not adhere to
15 those ethics.
- 16 46. Plaintiff has seen Moapa Band of Paiute Tribal/Business Council member Ural Begay
17 harass non-native white tribal administration assistant (see Moapa Tribal Police Report
18 160727-001). Ural Begay continued to tell Plaintiff that "you need to do your job white
19 man and you work for us and Plaintiff can fire you."
- 20 47. On 04-30-2016, Plaintiff had seen Moapa Band of Paiute Business/ Tribal Council
21 member Ural Begay at Further Future event extremely drunk and telling all the people
22 at the event that this is his tribe and "you fucking white people" are on Plaintiff's land
23 and using profanity like "this is Plaintiff's fucking Rez motherfuckers" and told Plaintiff
24 "I will have you fired" and used his tribal council position to intimidate Plaintiff.
- 25 48. Ural Begay has in the past been fired from the First Solar (who said "our people need
26 jobs not white people") and had made threats about shooting the Moapa Band of Paiute
27 reservation with a gun (see Chief Martino watch log 06-14-2012).
- 28

- 1 49. On 06-27-2011 Ural Begay was extremely intoxicated and made threats to Plaintiff by
2 saying "you know who signs your paycheck... I do!" Ural Begay told Plaintiff "you
3 won't have a check anymore!" Plaintiff took that as if he was going to fire Plaintiff. (see
4 video tape)
- 5 50. Ural Begay has also set his mobile home on fire (arson) when he was extremely
6 intoxicated, on which Officer Frabbiele took an Officer report as Officer Frabbiele took
7 verbal racial abuse from Ural Begay. (see Officer Frabbiele video tape)
- 8 51. Plaintiff responded to a vehicle accident in which Ural Begay was the passenger
9 because the driver fell out of a truck on the Moapa Indian Reservation and was
10 extremely intoxicated, and he told Plaintiff that "I need to do my job" and "I work from
11 him because I work for the Department and white people have no rights on the Rez."
12 (See accident report 11-26-2012 and video camera) Ural Begay said "I don't need to
13 give you my driver's license," and "I will have you fired so do your fucking job!"
- 14 52. Plaintiff was contacted by North Las Vegas Police Officer Tony Gomez, who is a
15 longtime friend, and he said that he had Ural Begay extremely intoxicated outside of the
16 Chicas Bonitas stripper club and that Ural Begay was naked and was sleeping in his
17 vehicle, and that he used Plaintiff's name and told Officer Gomez you know "top cop
18 Eddie Dutchover," and Officer Gomez said "yes, I know him very well and he is a close
19 friend" and "I will call him on his cellphone." Ural Begay told Officer Gomez that
20 Plaintiff work for him, with intent to get out of a ticket and jail.
- 21 53. Plaintiff was contact by Officer Gomez and told him that Ural Begay was Plaintiff's
22 boss and apologized for his bizarre behavior and told him he is on the Moapa Band of
23 Paiute Business/ Tribal Council. Plaintiff told Chief Martino that Ural Begay was
24 violating the Moapa Band of Paiute code of ethics and using his power as a tribal council
25 member to get out of a ticket or jail. Plaintiff was later retaliated against by Ural Begay
26 because he told Plaintiff "I could have you fired," and "you work for me and remember
27 you're non-native and you are a white guy," and "this is our tribal land, so you do what
28

1 we tell you to do” and “don’t ever go to the Tribal Chairman again or you will be fired.”

2 54. Ural Begay went to a tribal conference as a Moapa Band of Paiute tribal council member
3 in Reno and got so drunk and extremely intoxicated that he was kicked off the Southwest
4 flight back to Las Vegas because of his belligerent behavior.

5 55. Plaintiff took a complaint on Ural Begay (Moapa Band of Paiute Tribal council
6 member) for harassment of Mark Aaron Hinds (see Moapa Tribal Police report
7 160419002). The complaint was that Ural Begay and Gary Lee were saying that white
8 people were taking jobs away from Native tribal members.

9 56. During the course of Plaintiff’s employment Plaintiff was told by Moapa Band of Paiute
10 Tribal Council member Ural Begay and his family that Plaintiff was unfit and too fat
11 and needed to lose weight, and Plaintiff is supposed to be in shape and fit and “don’t
12 you have to do a physical fitness test for this tribe?” You and your chief need to lose
13 weight because you’re both too fat and can’t chase anyone. These derogatory references
14 to Plaintiff’s weight have affected Plaintiff’s psychological well-being and hurt
15 Plaintiff’s self-esteem, and Plaintiff felt humiliated.

16 57. Tyler Samson currently is Moapa Band of Paiute Tribal/ Business Council Vice
17 Chairman.

18 58. During Plaintiff’s course of Plaintiff’s employment, Plaintiff responded to Domestic
19 Disturbance between him and his girlfriend on many occasions. During contact with
20 Tyler Samson, Plaintiff was told “you’re going to be fired” and “stop harassing our
21 native people.”

22 59. Plaintiff has responded to the Moapa Travel Plaza store when Tyler Samson was using
23 his tribal-enrolled membership discount to buy fireworks for customers that were not
24 tribal members that were buying fireworks and keeping the money he obtained for his
25 own personal gain, and Plaintiff explained that was stealing from the tribe. Tyler
26 Samson made verbal threats to have Plaintiff fired and said “you work for my people
27 on the reservation” and “remember you’re a white cop and lucky to have a job.”
28

1 60. On 05-21-2015, Plaintiff responded to mile marker 100 to assist Las Vegas Metropolitan
2 Police Officer Cory Estes because Tyler Samson had a verbal argument with Kelsey
3 Corotan on the way to Mesquite (see watch log 05-21-2015). Tyler Samson said he
4 would see the tribal council about having Plaintiff fired because "you're a white cop
5 and work for me because I am a Moapa Band of Paiute tribal member."

6 61. On 09-09-2015, Plaintiff stopped Tyler Samson's girlfriend (Williams, Sidney Marie
7 17 years old) for speeding 55mph in a 35mph, failure to drive on the right side of
8 roadway, and failure to yield to emergency vehicles. Tyler Samson was 29 years old
9 and Plaintiff inquired about the age disparity because she was under age during the
10 traffic stop. Tyler Samson came into the Moapa Tribal Police to speak with supervisors
11 to complain and wanted Plaintiff fired because Plaintiff was harassing his girlfriend and,
12 after video review from Plaintiff's supervisors, it was determined that Plaintiff acted
13 within the law and policy and was professional during the traffic stop. (See watch log
14 09/092015)

15 62. Tyler Samson has continued to make threats that he wants to cut the Moapa Tribal Police
16 Department to four Tribal Police Officers and caused Plaintiff emotional distress related
17 to concerns of losing Plaintiff's job and unstable employment. Tyler Samson has said
18 he wants to fire all the white people that work for the Department and hire only tribal
19 members in an open forum and council meetings. Tyler Samson has directed the Chief
20 of Police to look at ways to hire only native tribal members for a Community Officer
21 position that Tyler Samson wants to have on the Reservation and Chief Martino
22 explained that the BIA 638 contract requirements for us to be Nevada POST Category
23 1 certified and a have comprehensive background check.

24 63. The Chief of Police Martino explained the hiring process and background process to
25 obtain a position as a Tribal Police Officer for the Moapa Tribal Police Department.
26 Tyler Samson, when he was the acting chairman, intentionally failed to approve a
27 Moapa Tribal Police Federal Grant that an outside grant agency prepared and wrote for
28

1 us to obtain US Department of Justice Funding for equipment, training, and programs
2 because of retaliation of racial discrimination and only wants Native American/Tribal
3 Members on the Moapa Tribal Police Department.

4 64. Tyler Samson wants to take Moapa Tribal Police Department vehicles away from the
5 Moapa Tribal Police Officers as a form of retaliation by saying “those white cops don’t
6 need to drive our tribal vehicles” and “they can keep them on the reservation.” Sgt.
7 Hatch and Chief Martino have fought for and explained the reasons to the Moapa Band
8 of Paiutes tribal council the benefits of Moapa Tribal Police Department take home
9 vehicles which reduces response times to the Moapa Band of Paiutes community and
10 major disasters (see memorandum).

11 65. Tyler Samson said that he wants to fire Carl Roth and he will run the Moapa Travel
12 Plaza because he can do a better job and wants all white people gone and have only
13 native tribal members have management jobs with high pay on his tribe.

14 66. Vickie Simmons currently is Moapa Band of Paiute Tribal/ Business Council member.

15 67. Plaintiff has been racial discriminated against by Vickie Simmons over the course of
16 Plaintiff’s employment even though Plaintiff had saved Vickie Simmons daughter when
17 she was in an accident and trapped in the desert for many hours on 06-27-2011, and
18 Plaintiff responded and got her medical treatment. Vickie Simmons disliked Plaintiff’s
19 supervisor at that time, Chief Kevin Moore, and called him a white racist and a
20 womanizer to Plaintiff. (Listen to audio tape)

21 68. Plaintiff has helped Vickie Simmons over the years by taking photographs for the NV
22 Energy lawsuit and was very vocal about Indian rights, that tribal members are dying
23 from the coal ash from NV energy, and that she lost her brother who died at a very
24 young age. Vickie Simmons expressed that white people were killing our tribal
25 members. Plaintiff explained to her that Plaintiff have worked for the Moapa Band of
26 Paiutes since 2011 as a Moapa Tribal Police Officer and have been exposed to coal ash
27 from NV energy for many years and Plaintiff saw NV energy burn at night (see photos)
28

1 while Moapa Band of Paiute tribal members were sleeping on the reservation.

2 69. When on patrol on the graveyard shift, Plaintiff would cough and have a tough time
3 breathing when Plaintiff went to bed from patrolling the reservation. (See Moapa Band
4 of Paiute Indians, et al v. Nevada Power, et al). Here, they demanded that the company
5 compensate them for all they had suffered because of it. The Department won that case
6 in 2015. They secured a \$4.3 million settlement and Plaintiff was discriminated because
7 Plaintiff was not a tribal member and Plaintiff was white, and she said “you’re not Indian
8 and you’re a non-tribal member and work for the Department” and “it’s for our people
9 only” (referring to tribal members only).

10 70. On 11-15-2016, Vickie Simmons said she did not like Moapa Tribal Police Officers
11 having a potluck lunch with tribal elders/seniors because it made her sick to see non-
12 tribal members (white cops) eating with tribal elders.

13 71. Vickie Simmons stated “you people had no right” (referring to non-tribal members) and
14 Plaintiff have been told that same quote several times since Plaintiff’s employment with
15 the Moapa Band of Paiutes (See Moapa Tribal Police Report 160727-001).

16 72. Vickie Simmons has told Plaintiff that she believes that our people (referring to Native
17 American) need to be Tribal Police Officers and has threatened to have her ex-husband,
18 who works for BIA, investigate the Moapa Tribal Police Department for corruption
19 because of seizure funds. Vickie Simmons told Plaintiff “you white cops are spending
20 the Department’s money when it should go to our Native people on the Department.”
21 Vickie Simmons said she did not want any non-tribal members (white) and cops in any
22 council meetings because it for tribal members only and that Plaintiff had to wait outside
23 during a council meeting.

24 73. Vickie Simmons has said that “you people” (referring to white Moapa Tribal Police
25 Officers) “need to do your jobs” and has the same views as Tyler Samson. Vickie
26 Simmons uses intimidation tactics and has made numerous threats to have Plaintiff fired
27 and that Plaintiff should have been fired after killing Marcus Lee and that Plaintiff is a
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1 killer and should not be employed by the Moapa Band of Paiutes, which has made
2 Plaintiff feel humiliated in front of the Moapa Band of Paiutes community. Vickie
3 Simmons has continued to make disparaging remarks to belittle Plaintiff.

4 74. As of July 2018, Vickie Simmons has made threats to cut the Moapa Tribal Police
5 Department down to four Tribal Police Officers and caused Plaintiff emotional distress
6 related to losing Plaintiff's job and unstable employment, and created a hostile work
7 environment because she hates white cops. Vickie Simmons has also said she wants to
8 fire all the white people that work for the Department and hire only tribal members.
9 Vickie Simmons and Tyler Samson are trying to create a Moapa Band of Paiute
10 Government coup to take over the Moapa Band of Paiute Tribal/ Business Council by
11 creating dissension within the Tribal/Business Council members.

12 75. On 08-27-2017, it came to Plaintiff's attention that all Moapa Band of Paiutes
13 employees from the travel plaza (majority Native American) all got a \$3.00 pay raise.
14 (All employees, Cashiers, and Security Officers). The Moapa Band of Paiutes
15 Tribal/Business council along with Moapa travel plaza management approved and gave
16 them a \$3.00 raise for doing an outstanding job on the 4th of July. Plaintiff was part of
17 and played a key role in the success of that event and did not get a pay raise and feel
18 discriminated because Plaintiff was a white cop and not Native American or a tribal
19 member. Plaintiff also learned that the Moapa Band of Paiutes business/tribal council
20 had given themselves a pay raise for each council meeting.

21 76. During that course of Plaintiff's employment, Plaintiff has not obtained a
22 performance/cost of living pay raise for more than four years. However, on 06-14-2018,
23 Plaintiff was told that Moapa Band of Paiutes Tribal/Business Council Chairman Greg
24 Anderson was given a substantial pay raise.

25 77. On 04-24-2018, at approximately 1035 hours, Plaintiff ran into Moapa Band of Paiutes
26 Tribal/Business Council Chairman Greg Anderson who told Plaintiff that "I heard you
27 were crying about your sick time" (I was involved in a vehicle accident see NHP
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1 accident report 180400124). The Moapa Band of Paiutes took 92 hours of Plaintiff's
2 sick time (adverse impact) instead of giving Plaintiff workman's compensation because
3 Plaintiff got hurt doing police work. Moapa Band of Paiutes Tribal/Business Council
4 Chairman Greg Anderson tried to minimize Plaintiff's vehicle accident and say it was
5 not that bad and that the Department is not going to pay for it and Plaintiff told him then
6 Plaintiff will have Plaintiff's attorney go after the at-fault insurance company and he
7 told Plaintiff that "if I was hurt I should take the rest of the year off" and "you're no
8 good to the Department if you're hurt and not on the road." Moapa Band of Paiutes
9 Tribal/Business Council Chairman Greg Anderson was creating a hostile work
10 environment which Plaintiff took as a threat of losing Plaintiff's employment.

11 78. Plaintiff told Moapa Band of Paiutes Tribal/Business Council Chairman Greg Anderson
12 that Plaintiff have seized over 5 million dollars in cash for the Moapa Band of Paiutes
13 and all Plaintiff is asking is for them to take care of Plaintiff when Plaintiff gets hurt
14 doing police work. This has caused Plaintiff emotional distress knowing that if Plaintiff
15 got hurt on the job that the Moapa Band of Paiutes Business council and government is
16 not going to take care of Plaintiff and Plaintiff's family and this has caused Plaintiff and
17 Plaintiff's wife and kids extreme emotional distress because of the risks to Plaintiff's
18 job, and Plaintiff's wife felt so bad for Plaintiff that Plaintiff has done so much for the
19 Moapa Band of Paiutes only to be treated the way have he has been treated.

20 79. As of 07-10-2018, The Chief of Police of the Moapa Band of Paiutes has resigned
21 because he is tired of constant fights with the council, internal politics, the hostility and
22 racism that is exhibited every day by tribal members. (see email)

23 80. As of 07-11-2018, Sgt. Troy Hatch and Sgt. Paul Herrera have resigned as supervisors
24 of the Moapa Tribal Police Department, which is the entire command staff, because of
25 hostility and racism of the Moapa Band of Paiutes Tribal/Business.

26 81. The Moapa Tribal Police command staff (Chief Martino, Sgt. Herrera, and Sgt. Hatch)
27 quit because of the hostile workplace, racism, intentional conduct, and interference with
28

1 their ability to make command decisions.

2 82. On 07-12-2018, Council Member Tyler Samson crashed his vehicle on State Route 168
3 off the reservation. Nevada Highway Patrol investigated the accident (see NHP accident
4 report 180701140) and he failed to report this accident and exercise due care, and fled
5 the scene of the accident by running off to the reservation. Council Member Tyler
6 Samson has a history of leaving the scene of an accident which has caused him to have
7 an outstanding warrant for his arrest. (See NHP accident 121126120)

8 83. In regards to NHP 180701140, the most recent accident, Nevada Highway Patrol
9 conducted the investigation and determined by several witnesses that Council Member
10 Tyler Samson was driving this vehicle at the time of the accident and the Nevada
11 Highway Patrol mailed and issued him citations for failure to maintain travel lane,
12 leaving the scene of an accident, and failure to report. It is common knowledge that
13 Council Member Tyler Samson has failed his drug test (Marijuana) at the Moapa Travel
14 Plaza and his employment was terminated by manager Carl Roth, but he still maintains
15 his position as Tribal Council Member for the Moapa Band of Paiutes. Plaintiff find it
16 hard to believe that tribal council member Tyler Samson holds tribal government office
17 as he has violated the tribal code of ethics by failing a drug test, getting kicked out of
18 HUD housing, has a warrant for his arrest, is not cooperating with Nevada Highway
19 Patrol, and using his position as a council member to intimidate the Moapa Tribal Police
20 Department.

21 84. On 07-16-2018 Plaintiff was informed by Plaintiff's Moapa Band of Paiutes accountant
22 Cameron Manning that the Moapa Tribal Police Department has an asset forfeiture
23 account that has 1.7 million dollars in the seizure account. Plaintiff contacted the FBI to
24 inform them how much was in the account because our command staff had quit, and the
25 tribal council was looking to take that money after BIA told them they could not because
26 it was restricted funds. Since our tribal government is dysfunctional and has in the past
27 misused grant funding (FEMA, Social Services, and Environmental grant funding)
28

1 Plaintiff have a legal and moral obligation to make sure the asset forfeiture funds are
2 not misappropriated or used to supplement federal funds.

3 85. On 07/29/2018 Plaintiff wrote a memorandum to Chairmen Gregory Anderson (see
4 Memo) to inform the Moapa Band of Paiutes that Plaintiff's K9 partner Bailey was sick,
5 and it was in her best interest to have her retired because of her illness, and that it was
6 inhumane to have her continue working as a Police K9. Plaintiff went to VCA Black
7 Mountain Animal Hospital and they agreed that she has Adipose (Lipoma) Tumors
8 above her right shoulder, 12th rib, and on her chest, and she is also losing her vision and
9 they agreed that she should retire. Plaintiff was also informed by the Veterinarian that
10 K9 Bailey suffers from separation anxiety and was told she will not do well away from
11 Plaintiff and especially not in a totally different environment.

12 86. Plaintiff agreed to purchase K9 Bailey and drafted up a sales agreement to buy K9
13 Bailey from the Moapa Band of Paiutes so that Plaintiff can get her the care she needs
14 and she can live her remaining life with Plaintiff and Plaintiff's family. Plaintiff gave
15 the tribal council K9 Bailey's medical records and was informed by Plaintiff's acting
16 supervisor that K9 Bailey was discussed in a council meeting and that council member
17 Tyler Samson said that "the Department paid a lot of money for that dog and it belongs
18 to the Department" and his recommendation is to breed her for puppies (K9 Bailey is
19 fixed).

20 87. Plaintiff was then informed that K9 Bailey needs to go to a native or a tribal elder and
21 a "white man" should not have that dog because "it's our property" and Plaintiff should
22 not have Bailey because Plaintiff am "the white man." (listen to audio tape). This has
23 caused Plaintiff severe emotional distress and sadness as Plaintiff has watched
24 Plaintiff's wife and two kids love K9 Bailey, learned that the Moapa Band of Paiutes do
25 not care about Plaintiff's bond and Plaintiff's partnership with K9 Bailey, and the threats
26 that they would take her away from Plaintiff breaks Plaintiff's heart because of all the
27 hard work and the things Plaintiff has done for the Moapa Band of Paiutes.
28

1 88. Plaintiff was told that the tribal council will meet on 08/14/2018 to discuss the options
2 and future of K9 Bailey. Plaintiff is surprised because according to Moapa Tribal Police
3 Department Policy if a handler has a canine for a period of three years or more, then the
4 handler may retain possession of the canine and the canine shall be treated as it were
5 being retired. (Policy # 4 of Moapa Tribal Police K9 policy). Plaintiff was informed that
6 on 08/14/2018 the tribal council did not discuss the options and the future of K9 Bailey
7 during the council meeting and Plaintiff feel like the Moapa Band of Paiutes tribal
8 council is stringing Plaintiff along, causing Plaintiff further emotional distress.

9 89. On 08/02/2018, Plaintiff was informed that Samantha Lee was given 6 months to stay
10 out of trouble for case #180624004 child endangerment by the tribal court and kept
11 saying that Plaintiff killed her brother and was crying in the court room and continued
12 to slander and libel Plaintiff's character (listen to court recording).

13 90. On 08/13/2018, Plaintiff spoke with Moapa Human Resources/TERO Mike Qualheim
14 about the racial discrimination process and he told Plaintiff that he was a victim of racial
15 discrimination by Vickie Simmons who is currently a Moapa Band of Paiute Tribal/
16 Business Council member. He advised Plaintiff that she told him that "All white people
17 steal from the Department" Mr. Qualheim told Plaintiff he filed a racial discrimination
18 complaint against Vickie Simmons.

19 91. On 08/22/2018, Plaintiff was told that the Tribal Council reviewed the Veterinarian
20 Records and due to the condition of Bailey's health, it was in the best interest to allow
21 her to retire from service and Plaintiff was able to keep her with our family. (see letter
22 from Chairman Gregory Anderson Sr)

23 92. On 08/23/2018, Plaintiff decided to resign from Plaintiff's position as Moapa Tribal
24 Police Officer, Plaintiff could no longer work for a dysfunctional tribal government and
25 tolerate the racism and hostile work environment anymore causing a constructive
26 dismissal. (see letter of resignation)

27 **FIRST CAUSE OF ACTION**

(Violation of Title VII, 42 U.S.C. §2000e to 2000e-17)
(Defendant MOAPA BAND OF PAIUTE INDIANS, MOAPA TRIBAL COUNCIL, AND MOAPA TRIBAL ENTERPRISES, collectively, "Moapa defendants", VICKIE SIMMONS, TYLER SAMSON, GREGORY ANDERSON, URAL BEGAY, LESLIE BRADLEY, DARREN DEBODA, DELAINE BOW, SAMATHA LEE)

93. Plaintiff incorporates all the allegations in the preceding paragraphs as though fully set forth herein.

94. During the course of his employment at MOAPA BAND OF PAIUTE INDIANS, MOAPA TRIBAL COUNCIL, AND MOAPA TRIBAL ENTERPRISES, collectively, "Moapa defendants", VICKIE SIMMONS, TYLER SAMSON, GREGORY ANDERSON, URAL BEGAY, LESLIE BRADLEY, DARREN DEBODA, DELAINE BOW, SAMATHA LEE, Plaintiff was subject to an unwelcome vicious, extreme, outrageous, pervasive and unrelenting campaign of race, color, ethnic origin, harassment and discrimination when Defendants engaged in the conduct described above.

95. The Defendant's behavior violated 42 U.S.C. § 2000e-2(a) by discriminating against Plaintiff because of his race, color and/or national origin.

96. Due to its illegal actions, Defendant must pay damages in an amount to be determined at trial for back pay, front pay, lost benefits, and compensatory damages for emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life.

97. Because Defendant is guilty of oppression, fraud or malice, express or implied, Defendant must pay Plaintiff an additional amount for the sake of example and by way of punishment.

98. Plaintiff has had to obtain the services of an attorney to protect his rights and secure compensation for the damages incurred as a result of these violations of Title VII and therefore, he is entitled to recover reasonable attorney's fees against Defendants pursuant to 42 U.S.C. §2000e-5(k).

SECOND CAUSE OF ACTION
(Retaliation under Federal Law, 42 U.S.C. § 2000e-3)
(Defendant MOAPA BAND OF PAIUTE INDIANS, MOAPA TRIBAL COUNCIL,

1 **AND MOAPA TRIBAL ENTERPRISES, collectively, "Moapa defendants", VICKIE**
2 **SIMMONS, TYLER SAMSON, GREGORY ANDERSON, URAL BEGAY, LESLIE**
3 **BRADLEY, DARREN DEBODA, DELAINE BOW, SAMATHA LEE)**

4 99. Plaintiff incorporates all the allegations in the preceding paragraphs as though fully set
5 forth herein.

6 100. In violation of 42 U.S.C § 200e-3, Defendant retaliated against Plaintiff after he
7 complained of acts which he reasonably believed were discriminatory. By way of *non-*
8 *exclusive* example Defendant retaliated against Plaintiff by engaging in the conduct
9 described herein.

10 101. The non-exclusive list of behavior complained of above also constitutes retaliatory
11 harassment and the creation of an illegally hostile environment.

12 102. Plaintiff may be unaware of additional detrimental acts constituting retaliation in that it
13 harmed his in the workplace.

14 103. The actions and conduct by Defendant constitute illegal retaliation, prohibited by
15 federal statutes.

16 104. Due to its illegal actions, Defendant must pay damages in an amount to be determined
17 at trial for back pay, front pay, lost benefits, and compensatory damages for emotional
18 pain, suffering, inconvenience, mental anguish and loss of enjoyment of life.

19 105. Because Defendant is guilty of oppression, fraud or malice, express or implied,
20 Defendant must pay Plaintiff an additional amount for the sake of example and by way
21 of punishment.

22 106. Plaintiff has had to obtain the services of an attorney to protect his rights and secure
23 compensation for the damages incurred when Defendant violated Title VII, and
24 therefore, he is entitled to recover reasonable attorney's fees against Defendant pursuant
25 to Title VII.

26 **THIRD CAUSE OF ACTION**

27 **(Violation of 42 U.S.C. §1983 Equal Protection)**

28 **(Defendant MOAPA BAND OF PAIUTE INDIANS, MOAPA TRIBAL COUNCIL,**
AND MOAPA TRIBAL ENTERPRISES, collectively, "Moapa defendants", VICKIE
SIMMONS, TYLER SAMSON, GREGORY ANDERSON, URAL BEGAY, LESLIE

1 **BRADLEY, DARREN DEBODA, DELAINE BOW, SAMATHA LEE)**

2 107. Plaintiff incorporates all the allegations in the preceding paragraphs as though fully set
3 forth herein.

4 108. Defendant violated Plaintiff's right to equal protection of the laws pursuant to 42 U.S.C.
5 §1983 when it, used its position as the governing entity to engage in the illegal and
6 discriminatory conduct alleged above, thereby depriving Plaintiff of his civil rights.

7 109. Plaintiff may be unaware of additional detrimental acts constituting retaliation in that it
8 harmed his in the workplace.

9 110. Due to its illegal actions, Defendant must pay damages in an amount to be determined
10 at trial for back pay, front pay, lost benefits, and compensatory damages for emotional
11 pain, suffering, inconvenience, mental anguish and loss of enjoyment of life.

12 111. Because Defendant is guilty of oppression, fraud or malice, express or implied,
13 Defendant must pay Plaintiff an additional amount for the sake of example and by way
14 of punishment.

15 112. Plaintiff has had to obtain the services of an attorney to protect his rights and secure
16 compensation for the damages incurred when Defendant violated Plaintiff's civil rights,
17 and therefore, he is entitled to recover reasonable attorney's fees against Defendant.

18 **FOURTH CAUSE OF ACTION**

19 **(Violation of The Civil Rights Act of 1871, 42 U.S.C. §1981)**

20 **(Defendant MOAPA BAND OF PAIUTE INDIANS, MOAPA TRIBAL COUNCIL,**
21 **AND MOAPA TRIBAL ENTERPRISES, collectively, "Moapa defendants", VICKIE**
22 **SIMMONS, TYLER SAMSON, GREGORY ANDERSON, URAL BEGAY, LESLIE**
23 **BRADLEY, DARREN DEBODA, DELAINE BOW, SAMATHA LEE)**

24 113. Plaintiff incorporates all the allegations in the preceding paragraphs as though fully set
25 forth herein.

26 114. Defendant violated 42 U.S.C. § 1981, by discriminating against Plaintiff because of
27 Plaintiff's race.

28 115. Specifically, Defendant engaged in race discrimination in violation of 42 U.S.C. § 1981
when Defendant, permitted, encouraged or otherwise directed members of the tribe to

1 engage in discriminatory behavior towards Plaintiff as outlined above based upon his
2 race.

3 116. Plaintiff may be unaware of additional detrimental acts constituting retaliation in that it
4 harmed his in the workplace.

5 117. Due to its illegal actions, Defendant must pay damages in an amount to be determined
6 at trial for back pay, front pay, lost benefits, and compensatory damages for emotional
7 pain, suffering, inconvenience, mental anguish and loss of enjoyment of life.

8 118. Because Defendant is guilty of oppression, fraud or malice, express or implied,
9 Defendant must pay Plaintiff an additional amount for the sake of example and by way
10 of punishment.

11 119. Plaintiff has had to obtain the services of an attorney to protect his rights and secure
12 compensation for the damages incurred when Defendant violated Plaintiff's civil rights,
13 and therefore, he is entitled to recover reasonable attorney's fees against Defendant.

14 **FIFTH CAUSE OF ACTION**

15 **(Civil Conspiracy)**

16 **(Defendant MOAPA BAND OF PAIUTE INDIANS, MOAPA TRIBAL COUNCIL,**
17 **AND MOAPA TRIBAL ENTERPRISES, collectively, "Moapa defendants", VICKIE**
18 **SIMMONS, TYLER SAMSON, GREGORY ANDERSON, URAL BEGAY, LESLIE**
19 **BRADLEY, DARREN DEBODA, DELAINE BOW, SAMATHA LEE and Defendant)**

20 120. Plaintiff incorporates all the allegations in the preceding paragraphs as though fully set
21 forth herein.

22 121. The Defendants, and each of them, conspired, co-ordinated, met, discussed, and/or
23 engaged in other behavior and concerted action to accomplish the unlawful objective of
24 depriving Plaintiff of rights due to Plaintiff under the above mentioned Federal and
25 State laws and to cause harm to Plaintiff.

26 122. Such concerted action did cause harm to Plaintiff including but not limited to severe
27 emotional distress, pecuniary loss and damage to reputation.
28

1 123. Defendants must pay damages in an amount to be determined at trial but exceeding
2 \$25,000 for back pay, front pay, lost benefits, and compensatory damages for emotional
3 pain, suffering, inconvenience, mental anguish and loss of enjoyment of life because
4 they engaged in illegal actions.

5
6 124. Because Defendants are guilty of oppression, fraud or malice, express or
7 implied, Defendants must pay Plaintiff an additional amount for the sake of example
8 and by way of punishment.

9
10 125. Plaintiff has had to obtain the services of an attorney to protect Plaintiff's rights and
11 secure compensation for the damages incurred by these violations and
12 therefore, Plaintiff is entitled to recover reasonable attorney's fees against
13 Defendants.

14 **SIXTH CAUSE OF ACTION**

15 **(Intentional/Negligent Infliction of Emotional Distress)**

16 **(Defendant MOAPA BAND OF PAIUTE INDIANS, MOAPA TRIBAL COUNCIL,**
17 **AND MOAPA TRIBAL ENTERPRISES, collectively, "Moapa defendants", VICKIE**
18 **SIMMONS, TYLER SAMSON, GREGORY ANDERSON, URAL BEGAY, LESLIE**
19 **BRADLEY, DARREN DEBODA, DELAINE BOW, SAMATHA LEE)**

20 126. Plaintiff incorporates all the allegations in the preceding paragraphs as though fully set
21 forth herein.

22 127. Defendants' conduct toward Plaintiff was extreme and outrageous and caused
23 significant emotional harm, headaches, sleeplessness and various physical and mental
24 distress.

25 128. Defendants' conduct was extreme, outrageous, and undertaken with either intent or,
26 reckless disregard for causing Plaintiff emotional distress.

27 129. Defendants had a duty to refrain from engaging in the hostile and retaliatory acts as
28 described above.

1 130. Defendants breached that duty.

2 131. Defendants intentional or negligent conduct was the legal, actual, proximate cause of
3 Plaintiff's extreme and/or severe emotional distress by engaging in the conduct
4 described herein.
5

6 132. Defendants must pay damages in an amount to be determined at trial but exceeding
7 \$25,000 for back pay, front pay, lost benefits, and compensatory damages for emotional
8 pain, suffering, inconvenience, mental anguish and loss of enjoyment of life because
9 they engaged in illegal actions.

10 133. Because Defendants are guilty of oppression, fraud or malice, express or
11 implied, Defendants must pay Plaintiff an additional amount for the sake of example
12 and by way of punishment.
13

14 134. Plaintiff has had to obtain the services of an attorney to protect Plaintiff's rights and
15 secure compensation for the damages incurred as a result of these violations and
16 therefore, Plaintiff is entitled to recover reasonable attorney's fees against Defendants.
17

18 **SEVENTH CAUSE OF ACTION**

19 **(Negligent Hiring/Retention)**

20 **(Defendant MOAPA BAND OF PAIUTE INDIANS, MOAPA TRIBAL COUNCIL,
21 AND MOAPA TRIBAL ENTERPRISES, collectively, "Moapa defendants", VICKIE
22 SIMMONS, TYLER SAMSON, GREGORY ANDERSON, URAL BEGAY, LESLIE
23 BRADLEY, DARREN DEBODA, DELAINE BOW, SAMATHA LEE)**

24 135. Plaintiff incorporates all the allegations in the preceding paragraphs as though fully set
25 forth herein.

26 136. Defendant ignored Plaintiff's complaints the discrimination he suffered.

27 137. Defendant failed to properly train its regarding age and racial discrimination.
28

1 138. Defendant knew or should have known of its employees' proclivities for improper,
2 unreasonable, outrageous, harassing and retaliatory actions such that an exercise of
3 reasonable care would have stopped and or prevented such conduct.

4 139. Defendant's failure to supervise its employees and address this conduct in an
5 appropriate way caused injury to Plaintiff.
6

7 140. Defendants must pay damages in an amount to be determined at trial, but exceeding
8 \$25,000 for back pay, front pay, lost benefits, and compensatory damages for emotional
9 pain, suffering, inconvenience, mental anguish and loss of enjoyment of life because of
10 Defendant's illegal actions.

11 141. Because Defendant is guilty of oppression, fraud or malice, express or implied,
12 Defendants must pay Plaintiff an additional amount for the sake of example and by way
13 of punishment.
14

15 142. Plaintiff has had to obtain the services of an attorney to protect his rights and secure
16 compensation for the damages incurred as a result of these violations and therefore, he
17 is entitled to recover reasonable attorney's fees against Defendant.
18

19 **WHEREFORE**, Plaintiff prays this court for:

- 20 a. A jury trial on all appropriate claims;
21 and to enter judgment in favor of the Plaintiff by:
22 b. Awarding Plaintiff an amount sufficient to fully compensate her (including tax
23 consequences) for all economic losses of any kind, and otherwise make her
24 whole in accordance with the law;
25 c. Back pay with interest;
26 d. An equal amount as liquidated damages;
27 e. An award of compensatory and punitive damages to be determined at trial;
28 f. An award of attorney's fees and costs; and

1 g. Any other relief the court deems just and proper.

2
3 Dated: May 5, 2020.

4 Respectfully submitted,

5 **HKM EMPLOYMENT ATTORNEYS, LLP**

6 By: /s/ Jenny L. Foley

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