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12 Attorneys for Plaintiff
13 Edward Gregorio

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **COUNTY OF SAN MATEO**

16 **UNLIMITED JURISDICTION**

17 Edward Gregorio,

18 Plaintiff,

19 vs.

20 Daly City Police Department; City of Daly City;
21 John Gamez, an individual, and Does 1-50,
22 inclusive,

23 Defendants.

Case No.: 24-CIV-00845

FIRST AMENDED COMPLAINT

- 24 **(1) Hostile Work Environment in Violation of the FEHA**
- 25 **(2) Unlawful Discrimination in Violation of the FEHA**
- 26 **(3) Retaliation in Violation of the FEHA**
- 27 **(4) Failure to Prevent Sexual Harassment, Discrimination and Retaliation**
- 28 **(5) Intentional Infliction of Emotional Distress**

DEMAND FOR JURY TRIAL

1 Plaintiff Edward Gregorio hereby alleges as follows:

2 **JURISDICTION AND VENUE**

3 1. This Court is the proper Court because the alleged damages exceed the
4 jurisdictional minimum of this Court.

5 2. Venue is proper because the Plaintiff's employment with Defendants, and the
6 conduct underlying the alleged violations of law, occurred within the County of San Mateo. (See
7 Cal. Gov. Code § 12965, subd. (b).)

8 **PARTIES**

9 3. Plaintiff Edward Gregorio (hereinafter referred to as "Gregorio" or "Plaintiff") is a
10 natural person who is a resident of the State of California.

11 4. Defendant City of Daly City ("DALY CITY") is a municipal corporation organized
12 under the laws and Constitution of the State of California and is an entity capable of suing and
13 being sued.

14 5. Defendant Daly City Police Department ("DCPD") is a department and/or agency
15 controlled and operated by Defendant DALY CITY and is an entity capable of suing and being
16 sued.

17 6. Defendant John Gamez ("GAMEZ") is an individual and, at all times relevant
18 herein, the Chief of Police for DCPD and a DALY CITY employee. Defendant GAMEZ is sued
19 for damages in his individual capacity for harassment (Govt. Code § 12940(j)(3)) and intentional
20 infliction of emotional distress. GAMEZ'S actions were in the course and scope of his
21 employment with the Defendants DCPD and DALY CITY

22 7. Plaintiff is unaware of the true names and capacities of the Defendants sued herein
23 as DOES 1 – 50, inclusive, and therefore sue these Defendants by such fictitious names pursuant
24 to Code of Civil Procedure Section 474. Plaintiff will amend this Complaint to allege their true
25 names and capacities when ascertained. Plaintiff is informed and believes and thereupon alleges
26 that each fictitiously named Defendant is responsible in some manner for the occurrences alleged
27 herein, that the damages as alleged herein were directly and proximately caused by each such
28

1 fictitiously named defendant, and that Plaintiff is entitled to the relief requested herein against each
2 such fictitiously named defendant.

3 8. Reference herein to “Defendant” without other limitation shall include all
4 specifically and fictitiously named Defendant, including Defendant who were the officers,
5 directors, and/or managing agents of other Defendant. Whenever and wherever reference is made
6 in this Complaint to Defendant, such reference shall include each and every specifically and
7 fictitiously named defendant individually, jointly, and severally.

8 9. Upon information and belief, at all times relevant herein, each of Defendant was
9 the agent, employee, and/or partner of, and/or was working in concert with, each of the remaining
10 Defendants, and in doing the things herein alleged, each was acting within the course and scope
11 of such agency, employment, partnership, and/or concerted activity. Plaintiff is further informed
12 and believes and thereupon alleges that to the extent certain acts and/or omissions were undertaken
13 by certain Defendants and each and every other Defendants knew of such acts and/or omissions
14 and authorized, consented to, confirmed, adopted, approved, and/or ratified each and every such
15 act and/or omission.

16 **GENERAL ALLEGATIONS**

17 10. At all times relevant, Plaintiff was a police officer who worked for Defendant
18 DCPD.

19 11. Defendant GAMEZ became the police chief of Daly City Police Department.
20 During his tenure, GAMEZ created a hostile work environment where sex and gender decision
21 making permeated the work environment. This illegal work environment was known to the City
22 of Daly City and the Daly City Police Department. Nothing was done about it.

23 12. Defendants failed to properly train and prevent GAMEZ and other employees of
24 Defendants from creating this hostile work environment, harassment, and discrimination.

25 13. Because of the actions of Defendants, Plaintiff was subjected to hostile work
26 environment, discrimination, harassment, and retaliation.

27 ///

28 ///

1 14. By March 2021, Plaintiff became aware that the chief of police, Defendant
2 GAMEZ, was having an illicit affair with his now ex-wife, Ms. Joyce Gregorio—records
3 supervisor in DCPD and to whom Plaintiff had been married for 21 years.

4 15. Sometime in 2019, when Defendant GAMEZ was still overseeing the Records
5 Division, Plaintiff's wife was promoted to Records Supervisor beating out a longtime records
6 clerk. Plaintiff believes that GAMEZ's desire for a sexual affair, flirtations, discrimination, gender
7 based decision making, was a motivating reason for her promotion.

8 16. On or about May 24, 2019, Plaintiff submitted his interest memo for Station
9 Supervisor. Customarily, the position often went to the senior officer, but this time, it was given
10 to a younger female patrol officer with less seniority. At the time, said officer only had 15 years
11 of seniority and was a police assistant prior compared to Plaintiff's over 21 years of experience.
12 Plaintiff believes that GAMEZ's desire for a sexual affair, flirtations, discrimination, gender based
13 decision making, was a motivating reason for the denial of this promotion.

14 17. On March 7, 2021, Plaintiff observed confirmation of the affair when he caught his
15 wife engaging in conjugal relations in a Kaiser parking structure outside Daly City (South San
16 Francisco) on a non-working day and in a DCPD unmarked vehicle assigned to GAMEZ. In the
17 coming weeks, Plaintiff found other evidence of confirmations when he saw the text messages
18 between his wife and GAMEZ.

19 18. After this incident, Plaintiff decided to get help via their EAP and contacted Natalie
20 Sakhal ("Sakhal"), an HR Supervisor.

21 19. On or about March 10, 2021, Plaintiff received a call from his wife asking him if
22 he had recently contacted HR. She then said that HR contacted GAMEZ about it. Plaintiff felt his
23 privacy rights were violated.

24 20. On April 26, 2021, Plaintiff's wife left the Bay Area for work training. Plaintiff's
25 wife had originally planned on taking Plaintiff with her to celebrate his birthday there on April 27.
26 However, Plaintiff's wife decided not to take Plaintiff and extended her trip until Sunday May 2
27 instead of returning home on that Friday. Plaintiff believes that GAMEZ spent time with his wife
28 while she was away.

1 21. Sometime in June 2021, after learning that his wife was inside GAMEZ’s office
2 behind closed doors, Plaintiff confronted GAMEZ. GAMEZ denied having an affair with
3 Plaintiff’s wife. Plaintiff then confronted GAMEZ about seeing him with his wife that Sunday in
4 the Kaiser parking structure with his work vehicle. GAMEZ avoided confrontation and continued
5 to deny the affair.

6 22. Plaintiff also asked about Sakhal and the HR confidentiality incident. GAMEZ
7 denied being Sakhal’s close friend.

8 23. Plaintiff began hearing rumors circulating the DCPD that his wife and GAMEZ
9 were having an affair when a co-worker approached and told Plaintiff that he heard it from
10 somebody else. Plaintiff confirmed the rumors circulating when he himself reached out to a couple
11 of people at work he was close with and made an inquiry. By this time, it became widely known
12 that GAMEZ was creating a hostile work environment.

13 24. Early in December 2021, the spouses agreed to attend their upcoming work
14 Christmas Party together and also agreed to have lunch. As Plaintiff was waiting for her in the
15 parking lot, he saw GAMEZ walking to his SUV. Plaintiff approached and told GAMEZ to stay
16 away from his wife. GAMEZ replied that he had done nothing wrong and continued to deny the
17 affair.

18 25. In December 2021, while it was customary that the Chief of Police attend the
19 Christmas celebration, he did not show up. Plaintiff believes this increased the rumors regarding
20 the affair between Plaintiff’s wife and GAMEZ when they were not in attendance.

21 26. By the end of December 2021, Plaintiff received a phone call from POA, Lee
22 Aquilla (“Aquilla”) asking him about his marital issues and the implications of the rumored affair
23 between his wife and GAMEZ. Aquilla even inquired if that was the reason why GAMEZ wanted
24 to retire earlier.

25 27. Sometime in 2022, Plaintiff was placed off from work. In April 2022, prior to
26 returning to work, Plaintiff spoke to Lt. Barton (“Barton”) and requested not be placed to work
27 near his wife. Barton admitted to knowing about the situation they were in and agreed to
28 accommodate his request.

1 28. On April 12, 2022, Plaintiff was informed by his assigned supervisor, Lt. Rolfes
2 (“Rolfes”), that he was moving him to the Detective Division immediately because they needed
3 his spot in the Community Division to accommodate the new trainees, stating there were not
4 enough computers for them to use. Plaintiff believes that his transfer was continued retaliation.

5 29. Plaintiff believes DCPD administration and Barton have not been fair with him.
6 Plaintiff noticed Barton is not allowing him to qualify in the range so he can continue to carry his
7 off-duty weapon. At first, they said Plaintiff’s medical restrictions were preventing him from
8 qualifying. Despite Plaintiff’s restrictions being reduced to not lifting anything over 10 lbs., Barton
9 would still not approve of Plaintiff to qualify. Plaintiff consulted with one of the Range Masters
10 along with their current POA president and they both agree there is no such policy preventing
11 Plaintiff from qualifying. Plaintiff believes this is another form of retaliation.

12 30. Because GAMEZ could not control himself and the DCPD and DALY CITY’s
13 failure to prevent sexual harassment, hostile work environment, discrimination and retaliation,
14 Plaintiff was subjected to a hostile work environment, sexual comments, insinuations, emotional
15 distress, shame, anxiety and losing a promotional opportunities and advancement. Even his work,
16 the type of work available to him as a police officer has been affected.

17 31. The sexual misconduct Plaintiff witnessed and the hostile working environment he
18 had to endure because of GAMEZ’ inability to stop his banal needs caused Plaintiff severe
19 emotional distress.

20 32. Defendant GAMEZ’ conduct was in direct violation to Daly City Police
21 Department’s Sexual Harassment Policy.

22 33. On February 16, 2023, Plaintiff received a right to sue notice from California
23 Department of Fair Employment and Housing (hereinafter “DFEH”). A copy of this notice is
24 appended hereto, marked “Exhibit A,” and is incorporated by this reference as though fully set
25 forth.

26 34. On February 4, 2024, Plaintiff was forced to retire from the Daly City Police
27 Department due to stress, anxiety and coming to work became so unbearable.
28

1 DALY CITY and GAMEZ subjected Plaintiff to adverse employment actions including, loss of
2 promotion, changed working conditions, loss of opportunities, inability to perform all of his work
3 functions and early retirement.

4 44. As a proximate result of Defendants' conduct, Plaintiff suffered loss of wages,
5 salary, benefits, intangible loss of such employment-related opportunities such as experience in
6 the positions sought by Plaintiff, and additional amounts of money Plaintiff would have received
7 if Plaintiff had been properly employed, promoted, and received proper wage increases. Because
8 of such discrimination and consequent harm, Plaintiff suffered such damages in an amount
9 according to proof.

10 45. As a proximate result of Defendants' conduct, Plaintiff suffered anxiety,
11 humiliation, emotional distress, mental anguish, and accompanying physical manifestations.
12 Plaintiff will prove their damages at trial.

13 46. The conduct of Defendant GAMEZ was oppressive, malicious, deliberate, willful,
14 and with conscious disregard of the rights of Plaintiff. Plaintiff seeks punitive damages against
15 Defendant GAMEZ, only, in order to deter him from such conduct in the future.

16 47. Plaintiff requests an award of reasonable attorneys' fees and costs pursuant to
17 Gov't. Code §12965(b) against all Defendants; and request interest in the amount permitted under
18 Cal. Civil Code §§ 3287 and 3288.

19 **SECOND CAUSE OF ACTION**

20 [Unlawful Discrimination in Violation of the Fair Employment and Housing Act against
21 Defendants DALY CITY and DCPD]

22 48. By this reference, Plaintiff hereby incorporates each and every paragraph set forth
23 above as though fully set forth at this place.

24 49. Pursuant to the California Fair Employment and Housing Act (hereinafter the
25 "FEHA"), it is an unlawful employment practice for an employer to discriminate against a person
26 in the terms, conditions, and privileges of employment on the basis of an employee's gender and
27 sex. (Cal. Gov. Code § 12940, subd. (a).)

1 64. California Government Code Section 12940(k) requires employers to take all
2 reasonable steps necessary to prevent discrimination and harassment from occurring. Defendant
3 DALY CITY and DCPD violated this subsection by failing to take all reasonable steps necessary
4 to prevent discrimination, hostile work environment and harassment from occurring in violation
5 of section 12940(k). Defendant DALY CITY and DCPD are required to provide a workplace free
6 of discrimination and harassment on the basis of opposing sexual harassment and discrimination,
7 and to correct and prevent such conditions once they are known.

8 65. As alleged herein, Defendant DALY CITY and DCPD failed to adequately
9 investigate and correct the discrimination and harassment. Defendants DALY CITY and DCPD
10 had actual notice of Defendant GAMEZ' sexual misconduct and retaliatory conduct against
11 Plaintiff but failed to take immediate and appropriate action.

12 66. Defendant DALY CITY and DCPD failed to adequately investigate Defendant
13 GAMEZ' conduct, failed to take all reasonable steps to prevent him from further discrimination
14 and harassment.

15 67. As a proximate result of Defendants' conduct, Plaintiff suffered loss of wages,
16 salary, benefits, intangible loss of such employment-related opportunities such as experience in
17 the positions sought by Plaintiff, and additional amounts of money Plaintiff would have received
18 if Plaintiff had been properly employed, promoted, and received proper wage increases. Because
19 of such discrimination and consequent harm, Plaintiff suffered such damages in an amount
20 according to proof.

21 68. As a proximate result of Defendants' conduct, Plaintiff suffered anxiety,
22 humiliation, emotional distress, mental anguish, and accompanying physical manifestations.
23 Plaintiff will prove their damages at trial.

24 69. Defendants DCPD, DALY CITY and GAMEZ caused Plaintiff to loss of
25 promotion, changed working conditions, loss of opportunities, inability to perform all of his work
26 functions and early retirement.

27 70. Plaintiff requests an award of reasonable attorneys' fees and costs pursuant to
28 Gov't. Code §12965(b).

1 **FIFTH CAUSE OF ACTION**

2 [Intentional Infliction of Emotional Distress against All Defendants]

3 71. By this reference, Plaintiff hereby incorporates each and every paragraph set forth
4 above as though fully set forth at this place.

5 72. Pursuant to Cal. Gov. Code § 12923(a), harassment creates a hostile, offensive,
6 oppressive, or intimidating work environment and deprives victims of their statutory right to work
7 in a place free of discrimination when the harassing conduct sufficiently offends, humiliates,
8 distresses, or intrudes upon its victim, so as to disrupt the victim's emotional tranquility in the
9 workplace, affect the victim's ability to perform the job as usual, or otherwise interfere with and
10 undermine the victim's personal sense of well-being.

11 73. Defendant GAMEZ' sexual misconduct that Plaintiff witnessed, and the hostile
12 working environment Plaintiff had to endure because of GAMEZ' inability to stop his banal needs
13 caused Plaintiff severe emotional distress.

14 74. The actions of GAMEZ alleged in the preceding paragraphs are outrageous conduct
15 and was intentional and/or done with reckless disregard toward Plaintiff.

16 75. As a result of Defendants' conduct, lost career opportunities and caused him to
17 suffer humiliation, embarrassment, inconvenience, and severe mental and emotional anguish and
18 distress. Defendants DCPD, DALY CITY and GAMEZ subjected Plaintiff to adverse employment
19 actions including, loss of promotion, changed working conditions, loss of opportunities, inability
20 to perform all of his work functions and early retirement.

21 76. As a proximate result of Defendants' outrageous conduct, Plaintiff has suffered
22 damages from anxiety, emotional distress, mental anguish, and accompanying physical
23 manifestations in an amount to be proven at trial.

24 77. Defendant GAMEZ's actions in inflicting emotional distress on Plaintiff were taken
25 with oppression and in reckless disregard of Plaintiff's rights. Through this exploitation of
26 Plaintiff, Defendant GAMEZ engaged in despicable conduct, amounting to malice, oppression, or
27 fraud that subjected Plaintiff to cruel and unjust hardship in conscious disregard of his rights.

1 Plaintiff is thus entitled to recover punitive damages from Defendant GAMEZ only in an amount
2 according to proof.

3 **PRAYER**

4 Wherefore, Plaintiff respectfully prays that this Court enters judgment in his favor and
5 against Defendants, as follows:

- 6 a. For compensatory, statutory and emotional distress damages pursuant to FEHA, Cal.
7 Gov't Code 129440 et seq.;
- 8 b. For injunctive relief to stop and prevent other unlawful acts of discrimination and
9 retaliation from occurring in Defendants' workplace pursuant to Gov't Code § 12900,
10 et seq.;
- 11 c. For punitive damages, according to proof;
- 12 d. For reasonable attorneys' fees and costs, including expert witness fees, pursuant to
13 Government Code section 12965, in an amount according to proof;
- 14 e. Interest available, past and post judgment;
- 15 f. For costs of suit; and
- 16 g. For such other and further relief as the Court deems proper.

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18 Dated: March 7, 2024

LIBERATION LAW GROUP, P.C.

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20 By: 
21 Arlo Garcia Uriarte
22 Attorney for Plaintiffs
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JURY REQUEST

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PLAINTIFF request a trial by jury.

Dated: March 7, 2024

LIBERATION LAW GROUP, P.C.



By: _____

Arlo Uriarte
Elizabeth Lyons
Un Kei Wu
Attorneys for PLAINTIFF

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EXHIBIT A



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

February 13, 2024

Arlo Uriarte
2760 Mission Street
San Francisco, CA 94110

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202302-19717117
Right to Sue: Gregorio / City of Daly City et al.

Dear Arlo Uriarte:

Attached is a copy of your **amended** complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You or your client must serve the complaint.

The amended complaint is deemed to have the same filing date of the original complaint. This is not a new Right to Sue letter. The original Notice of Case Closure and Right to Sue issued in this case remains the only such notice provided by the CRD. (Cal. Code Regs., tit. 2, § 10022.)

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **Civil Rights Department**
4 **Under the California Fair Employment and Housing Act**
5 **(Gov. Code, § 12900 et seq.)**

6 **In the Matter of the Complaint of**

7 Edward Gregorio

CRD No. 202302-19717117

8 Complainant,

9 vs.

10 City of Daly City
11 333 90th ST
12 Daly City, CA 94015

13 Daly City Police Department
14 333 90th ST
15 Daly City, CA 94015

16 John Gamez
17 644 Arrowsmith Ct
18 Walnut Creek, CA 94598

19 Respondents

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21 1. Respondent **City of Daly City** is an **employer** subject to suit under the California Fair
22 Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

23 2. Complainant is naming **Daly City Police Department** business as Co-Respondent(s).
24 Complainant is naming **John Gamez** individual as Co-Respondent(s).

25 3. Complainant **Edward Gregorio**, resides in the City of **San Francisco**, State of **CA**.

26 4. Complainant alleges that on or about **February 4, 2024**, respondent took the
27 following adverse actions:

28 **Complainant was harassed** because of complainant's sex/gender, sexual harassment-
hostile environment.

Complainant experienced retaliation because complainant reported or resisted any form
of discrimination or harassment and as a result was denied hire or promotion, other.

-1-

Complaint – CRD No. 202302-19717117

Date Filed: February 16, 2023

Date Amended: February 13, 2024

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2 **Additional Complaint Details:** Mr. Edward Gregorio (“Complainant”) was subjected to a
3 hostile work environment as a result of John Gamez's (“GAMEZ”), the acting Daly City chief
4 of police, sexual misconduct with Mrs. Joyce Gregorio, his wife. The sexual misconduct
5 Complainant witnessed, and the hostile work environment Complainant had to endure
6 because of GAMEZ’s inability to stop his banal needs caused Complainant severe
7 emotional distress.

8 Complainant worked in an environment saturated by inappropriate sex driven activities and
9 decision making. Complainant was subjected to sexual comments, insinuations, even losing
10 promotion opportunity all because GAMEZ could not control himself, nor did the City of Daly
11 City, his employer prevent the sexual harassment.

12 GAMEZ’s conduct was in direct violation to Daly City Police Department's Sexual
13 Harassment Policy which states: "Even visual, verbal, or physical conduct between two
14 individuals who appear to welcome the conduct can constitute harassment of a third-party
15 individual who observes the conduct or learns about the conduct later. Conduct can
16 constitute harassment even if it is not explicitly or specifically direct at an individual." (pg. 4).

17 On March 7, 2021, Complainant observed confirmation of the affair when he caught his wife
18 sitting in a Kaiser parking lot with GAMEZ, in his vehicle.

19 After this incident, Complainant decided to get help via their EAP and contacted Natalie
20 Sakhal (“Sakhal”), an HR Supervisor, who was able to provide Complainant with the
21 information he needed to get him a therapist.

22 On March 10, 2021, Complainant received a call from his wife asking him if he had recently
23 contacted HR. She then said that HR contacted GAMEZ about it and that GAMEZ asked her
24 if she knew why. Complainant thus questioned why Sakhal would tell GAMEZ about it since
25 it was supposed to be confidential.

26 On April 26, 2021, Complainant’s wife left the Bay Area for work training. It happened that
27 Complainant’s birthday was on April 27. However, instead of coming back for his birthday,
28 his wife extended her trip until Sunday, May 2. Complainant heard that GAMEZ spent time
with his wife out of town during the same dates.

Around June and July 2021, Complainant found out about rumors circulating the Daly City
Police Department that his wife and GAMEZ were having an affair. Complainant found out
after a co-worker told Complainant that he heard it from somebody else. Complainant
confirmed the rumors when two close coworkers informed him that the rumors were true. By
this time, Complainant had every reason to believe that the affair was true and ongoing.

On or about March 3, 2023, Complainant received a divorce decree from his wife. On
February 4, 2024, Complainant was forced to retire from the Daly City Police Department
due to stress, anxiety and coming to work became intolerable.

1 VERIFICATION

2 I, **Arlo G. Uriarte**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On February 16, 2023, I declare under penalty of perjury under the laws of the State
6 of California that the foregoing is true and correct.

7 **San Francisco, California**

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Date Filed: February 16, 2023

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Date Amended: February 13, 2024



Civil Rights Department

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
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February 9, 2024

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Complainant experienced retaliation because complainant reported or resisted any form
of discrimination or harassment and as a result was denied hire or promotion, other.

-1-

Complaint – CRD No. 202302-19717117

Date Filed: February 16, 2023
Date Amended: February 9, 2024

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Additional Complaint Details: On March 7, 2021, Plaintiff observed confirmation of the affair when he caught his wife sitting in a Kaiser parking lot with GAMEZ, in his vehicle. After this incident, Plaintiff decided to get help via their EAP and contacted Natalie Sakhal (“Sakhal”), an HR Supervisor, who was able to provide Plaintiff with the information he needed to get him a therapist.

On March 10, 2021, Plaintiff received a call from his wife asking him if he had recently contacted HR. She then said that HR contacted GAMEZ about it and that GAMEZ asked her if she knew why. Plaintiff thus questioned why Sakhal would tell GAMEZ about it since it was supposed to be confidential.

On April 26, 2021, Plaintiff’s wife left the Bay Area for work training. It happened that Plaintiff’s birthday was on April 27. However, instead of coming back that day, his wife extended her trip until Sunday, May 2. Later, Plaintiff heard that GAMEZ spent time with his wife out of town.

Sometime in June 2021, Plaintiff confronted GAMEZ but he denied having any romantic relationship with his wife. GAMEZ explained hearing Plaintiff and his wife arguing a while back and decided to reach out to her because she did not look happy at work. Plaintiff fired back asking GAMEZ why he did not reach out to him after he saw him coming to work looking sad. GAMEZ said that was different. GAMEZ also said his wife also knows he is helping her out. Then, Plaintiff confronted GAMEZ about that Sunday in the Kaiser parking structure with his work vehicle, but GAMEZ avoided confrontation. Plaintiff also asked about Sakhal and the HR confidentiality incident. GAMEZ denied being Sakhal’s close friend and reasoned that it was also HR’s job to notify him if and when one of their employees reaches out to them.

Around June and July 2021, Plaintiff found out about rumors circulating the DCPD that his wife and GAMEZ were having an affair when a co-worker approached and told Plaintiff that he heard it from somebody else. Plaintiff confirmed the rumors when he himself reached out to a couple of people at work he was close with and made an inquiry. Therefore by this time, Plaintiff had every reason to believe that the affair was true and ongoing.

1 VERIFICATION

2 I, **Arlo G. Uriarte**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
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5 On February 16, 2023, I declare under penalty of perjury under the laws of the State
6 of California that the foregoing is true and correct.

7 **San Francisco, California**

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Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

September 11, 2023

Arlo Uriarte
2760 Mission Street
San Francisco, CA 94110

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202302-19717117
Right to Sue: Gregorio / City of Daly City et al.

Dear Arlo Uriarte:

Attached is a copy of your **amended** complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You or your client must serve the complaint.

The amended complaint is deemed to have the same filing date of the original complaint. This is not a new Right to Sue letter. The original Notice of Case Closure and Right to Sue issued in this case remains the only such notice provided by the CRD. (Cal. Code Regs., tit. 2, § 10022.)

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **Civil Rights Department**
4 **Under the California Fair Employment and Housing Act**
5 **(Gov. Code, § 12900 et seq.)**

6 **In the Matter of the Complaint of**

7 Edward Gregorio

CRD No. 202302-19717117

8 Complainant,

9 vs.

10 City of Daly City
11 333 90th ST
12 Daly City, CA 94015

13 Daly City Police Department
14 333 90th ST
15 Daly City, CA 94015

16 John Gamez
17 644 Arrowsmith Ct
18 Walnut Creek, CA 94598

19 Respondents

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21 1. Respondent **City of Daly City** is an **employer** subject to suit under the California Fair
22 Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

23 2. Complainant is naming **Daly City Police Department** business as Co-Respondent(s).
24 Complainant is naming **John Gamez** individual as Co-Respondent(s).

25 3. Complainant **Edward Gregorio**, resides in the City of **San Francisco**, State of **CA**.

26 4. Complainant alleges that on or about **February 1, 2019**, respondent took the
27 following adverse actions:

28 **Complainant was harassed** because of complainant's sex/gender, sexual harassment-
hostile environment.

Complainant experienced retaliation because complainant reported or resisted any form
of discrimination or harassment and as a result was denied hire or promotion, other.

-1-

Complaint – CRD No. 202302-19717117

Date Filed: February 16, 2023

Date Amended: September 11, 2023

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Additional Complaint Details: Mr. Edward Gregorio was subjected to a hostile work environment as a result of John Gamez's, the acting Daly City chief of police, sexual misconduct with Mrs. Joyce Gregorio. The sexual misconduct Mr. Gregorio witnessed and the hostile working environment Mr. Gregorio had to endure because of Mr. Gamez's inability to stop his banal needs caused Mr. Gregorio severe emotional distress.

Mr. Gregorio worked in an environment saturated by inappropriate sex driven activities and decision making. Mr. Gregorio was subjected to sexual comments, insinuations, even losing promotion opportunity all because Mr. Gamez did not control himself, nor did Daly City prevent the sexual harassment.

Mr. Gamez's conduct was in direct violation to Daly City Police Department's Sexual Harassment Policy which states: "Even visual, verbal, or physical conduct between two individuals who appear to welcome the conduct can constitute harassment of a third-party individual who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically direct at an individual." (pg. 4).

1 VERIFICATION

2 I, **Arlo Garcia Uriarte**, am the **Attorney** in the above-entitled complaint. I have read
3 the foregoing complaint and know the contents thereof. The matters alleged are
4 based on information and belief, which I believe to be true.

5 On February 16, 2023, I declare under penalty of perjury under the laws of the State
6 of California that the foregoing is true and correct.

7 **San Francisco**

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Date Filed: February 16, 2023

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Date Amended: September 11, 2023



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February 16, 2023

Arlo Uriarte
2760 Mission Street
San Francisco, CA 94110

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202302-19717117
Right to Sue: Gregorio / City of Daly City et al.

Dear Arlo Uriarte:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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February 16, 2023

RE: Notice of Filing of Discrimination Complaint
CRD Matter Number: 202302-19717117
Right to Sue: Gregorio / City of Daly City et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@dfeh.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,



Civil Rights Department

KEVIN KISH, DIRECTOR

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February 16, 2023

Edward Gregorio
2760 Mission Street
San Francisco, CA 94110

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202302-19717117
Right to Sue: Gregorio / City of Daly City et al.

Dear Edward Gregorio:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective February 16, 2023 because an immediate Right to Sue notice was requested.

This letter is also your 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.

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing



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DRDOnlineRequests@dfeh.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

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4 on information and belief, which I believe to be true.

5 On February 16, 2023, I declare under penalty of perjury under the laws of the State
6 of California that the foregoing is true and correct.

7 **San Francisco, CA**

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Date Filed: February 16, 2023

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