Nicholas R. Roxborough, Esq. (SBN 113540)
npr@rpnalaw.com
Trevor R. Witt, Esq. (SBN 278195)
trw@rpnalaw.com
Laura H. Park, Esq. (SBN 171939)
lhp@rpnalaw.com
ROXBOROUGH, POMERANCE, NYE & ADREANI, LLP
5900 Canoga Avenue, Suite 450
Woodland Hills, California 91367
Telephone: (818) 992-9999
Facsimile: (818) 992-9991

Attorneys for Plaintiff,
PATRICIA LEE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

PATRICIA LEE, an individual,

Plaintiff,

vs.

COUNTY OF ALAMEDA, a Political Subdivision of the State of California; PAMELA PRICE, an individual; and DOES 1 through 100, inclusive,

Defendants.

Case No. 24CV079355

VERIFIED COMPLAINT FOR DAMAGES:

1. Retaliation (Cal. Lab. Code § 1102.5)
2. Discrimination on the Basis of Race (Cal. Gov. Code § 12940(a))
3. Wrongful Termination in Violation of Public Policy
4. Failure to Prevent Discrimination or Retaliation (Cal. Gov. Code § 12940(k))
5. Failure to Pay All Wages (Cal. Lab. Code §§ 204, 210, 558, 1194, 1197)
6. Failure to Provide Accurate and Itemized Wage Statements (Cal. Lab. Code § 226(a))
7. Failure to Pay All Wages Due Upon Separation of Employment (Cal. Lab. Code §§ 201-203)

[DEMAND FOR JURY TRIAL]

Plaintiff Patricia Lee ("Ms. Lee" or "Plaintiff") alleges as follows on knowledge as to herself and her own acts, and on information and belief as to all other matters:

PARTIES | JURISDICTION | VENUE

1. **Plaintiff Patricia Lee:** Ms. Lee, an Asian American woman, at all relevant times herein, was and is a resident of the State of California. From on or about June 20, 2023, through December 12, 2023, Plaintiff worked as an employee for Defendant County of Alameda. Ms. Lee was employed as the Public Information Officer of the Alameda County District Attorney's Office – an administrative agency within the County of Alameda.

2. **Defendant County of Alameda:** Defendant County of Alameda is a public entity governed by the laws of the State of California. The Alameda County District Attorney's Office was and is an administrative agency within the County of Alameda. The duties of the Alameda County District Attorney's Office include reviewing and prosecuting criminal violations committed in the County of Alameda, and also bringing criminal and civil actions for environmental, consumer, and other violations.

3. **Defendant Pamela Price:** Defendant Pamela Price is the District Attorney of the County of Alameda. In that capacity, Defendant Pamela Price oversees District Attorney of the County of Alameda's operations, prosecuting attorneys, inspectors, victim-witness advocates, claim specialists, as well as a variety of administrative, finance, and communications professionals.

4. **Doe Defendants:** The true names and capacities of the defendants named herein as Does 1 through 100, inclusive, whether individual, corporate, associate, or otherwise, are unknown to Plaintiff who therefore sues such defendants by fictitious names pursuant to California Code of Civil Procedure §474. Plaintiff believes that all of the Doe defendants are California residents. Plaintiff will amend this Verified Complaint to show such true names and capacities when they have been determined.

5. Plaintiff believes that at all times relevant herein, each defendant designated, including Does 1 through 100, was the agent, managing agent, principal, owner, partner, joint venturer, representative, manager, servant, employee, and/or co-conspirator of each of the other defendants, and was at all times mentioned herein acting within the course and scope of said agency

and employment, and that all acts or omissions alleged herein were duly committed with the ratification, knowledge, permission, encouragement, authorization, and consent of each defendant designated herein.

6. This Court has personal jurisdiction over Defendant County of Alameda because it is a public entity that conducts business and/or resides in the State of California, and because Plaintiff's injuries occurred in the State of California.

7. This Court has personal jurisdiction over Defendant Pamela Price because she resides in the State of California, and because Plaintiff's injuries occurred in the State of California.

8. Under California Code of Civil Procedure §395(a), the proper venue for this case is the County of Alameda because injury or damage to Plaintiff occurred in the County of Alameda.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

9. Plaintiff has complied with and/or exhausted any applicable claims statutes and/or administrative and/or internal remedies and/or grievance procedures or is excused from complying therewith.

10. Prior to the institution of this lawsuit, in accordance with Cal. Gov. Code §910, *et seq*. and Cal. Gov. Code §901, Plaintiff submitted a claim against the County of Alameda as a public entity and Pamela Price as a public entity employee. Plaintiff received a rejection letter from George Hills Company on behalf of the County of Alameda on May 17, 2024. A true and correct copy of the rejection letter is attached hereto as **Exhibit A** and incorporated by reference herein. All conditions precedent to the institution of this lawsuit have been fulfilled. This action is filed within six months after notice of the rejection was mailed. *See* Cal. Gov. Code §945.6(a)(1).

11. Prior to the institution of this lawsuit, Ms. Lee filed complaints with the Civil Rights Department, pursuant to California Government Code §12900, *et seq*., alleging that the acts described in this Verified Complaint violated the California Fair Employment and Housing Act, California Government Code §12940, *et seq*. ("FEHA"). On March 26, 2024, the Civil Rights Department issued right-to-sue letters as to both Defendant County of Alameda and Defendant Pamela Price. True and correct copies of the right-to-sue letters are attached hereto as **Exhibit B** and incorporated by reference herein. All conditions precedent to the institution of this lawsuit have

been fulfilled. This action is filed within three (3) years of the date that the CRD issued its right-to-sue letter. *See* Cal. Gov. Code §12960(e)(5).

FACTUAL ALLEGATIONS

12. Ms. Lee's official start date for her position as the Public Information Officer of the Alameda County District Attorney's Office was July 10, 2023. However, Ms. Lee began working as early as June 20, 2023 – but was never paid for any work or productive time spent prior to her official state date.

13. As part of her duties as the Public Information Officer of the Alameda County District Attorney's Office, Ms. Lee was tasked with handling and responding to California Public Records Act ("CPRA") requests. In that capacity, Ms. Lee was tasked with responding to CPRA requests that were aimed at uncovering a media list meant to blacklist certain reporters who are critical of the Alameda County District Attorney's Office, including reporter Emilie Raguso of The Berkeley Scanner.

14. By way of background, on November 29, 2023, news reporter Emilie Raguso, who runs The Berkeley Scanner, was barred from entering a press conference for "lacking the required media credentials." The press conference was centered on Alameda County District Attorney's Office effort to assist crime victims and their families – a topic that that was of high interest to Ms. Raguso. Meanwhile, other members of the media were welcomed into the press conference without any scrutiny of their credentials or affiliations. According to Ms. Raguso, the Alameda County District Attorney's Office had made it known that it was not pleased with the reporting of Ms. Raguso.

15. Ms. Lee was aware of the preexisting animosity and knew that the reasons for refusing Ms. Raguso access to the Alameda County District Attorney's Office's press conference were pretextual. In fact, Ms. Lee herself, along with Communications Director Haaziq Madyun, were the ones who interacted with Ms. Raguso and assisted inspector Ramon Middleton with escorting Ms. Raguso out of the press conference at the specific behest of District Attorney Pamela Price.

16. The incident involving the barring of Emilie Raguso from District Attorney Pamela

Price's press conference on November 29, 2023, should be no unfamiliar issue to the Alameda County District Attorney's Office. In fact, it was well-publicized[1][2]. Reporters, press freedom groups, and First Amendment organizations were understandably troubled by this cartoonish violation of the First Amendment, content-based restriction of reporting, and the arbitrary exclusion of a reporter from the conference organized by District Attorney Pamela Price.

17. The very next day, on November 30, 2023, the Alameda County District Attorney's Office began receiving a slew of CPRA requests from news reporters related to the barring of Ms. Raguso at the press conference. As the Public Information Officer, Ms. Lee was tasked with responding to these requests.

18. On November 30, 2023, at 8:00 a.m., the first of these CPRA requests was made by Emilie Raguso herself, wherein Ms. Raguso requested, inter alia: "All policies, procedures, rules, regulations and criteria related to: the current media review underway for press conference attendance and press list inclusion, the safety issues that drove the media list review underway, the credential that is now required, and the review that is performed, for successful press list inclusion." Attached hereto as **Exhibit C** is a true and correct copy of the CPRA request by Emilie Raguso.

19. On November 30, 2023, at 8:00 a.m., another reporter, David Debolt, of the Bay Area News Group and East Bay Times made a similar CPRA request for "records related to how the DA's office disperses media credentials," among other requests. Attached hereto as **Exhibit D** is a true and correct copy of the CPRA request by David Debolt.

20. On December 1, 2023, First Amendment lawyer Adam Steinbaugh of the Foundation for Individual Rights in Education made another CPRA request for records relating to the "inclusion or removal of Emilie Raguso and/or the Berkeley Scanner from any media distribution list," among other requests. Attached hereto as **Exhibit E** is a true and correct copy of the CPRA request by Adam Steinbaugh.

[1] Emilie Raguso, *Pamela Price barred me from her press conference: First-person*, https://www.berkeleyscanner.com/2023/11/30/editors-desk/pamela-price-barred-me-from-her-press-conference-first-person/, (Last visited Thursday, April 18, 2024).

[2] Emilie Raguso, *Alameda DA Price tried to ban me from her news conferences. She doesn't get to decide who's a journalist*, https://www.sfchronicle.com/opinion/openforum/article/alameda-da-ban-press-conferences-18542523.php, (Last visited Thursday, April 18, 2024).

21. On December 2, 2023, District Attorney Pamela Price attempted to mitigate the poor media exposure that resulted following her barring of Ms. Raguso from the November 29, 2023 press conference, in a press release entitled, "Alameda County District Attorney Pamela Price Reaffirms Her Commitment To The First Amendment – Allows Emilie Raguso To Attend Press Conferences." Attached hereto as **Exhibit F** is a true and correct copy of District Attorney Pamela Price's press release.

22. On December 4, 2023, Senior Reporter of the Berkeleyside, Alex Gecan, made a similar CPRA request, which included requests for "Email logs for District Attorney Pamela Price, Communications Director Haaziq Madyun, and Public Information Officer Patti Lee from November 27, 2023 through December 3, 2023." Attached hereto as **Exhibit G** is a true and correct copy of the CPRA request by Alex Gecan.

23. On December 4, 2023, independent reporter Jason Koebler made a similar CPRA request for "emails, documents, or policy papers mentioning 'The Berkeley Scanner' or 'Emilie Raguso' or 'berkeleyscanner.com.'" Attached hereto as **Exhibit H** is a true and correct copy of the CPRA request by Jason Koebler.

24. Thereafter, during the week of December 4, 2023, Ms. Lee began seeking to obtain responsive information to these requests in compliance with the requirements under the CPRA. However, it became evident that instead of producing responsive records to CPRA requests, the Alameda County District Attorney chose instead to hide, delete, and change the records. Ms. Lee expressed concerns to Alameda County Assistant District Attorney Catherine Kobal that Mr. Madyun may have deleted or altered records that were responsive to CPRA requests. Significantly, Ms. Lee was aware of responsive documents that existed and contradicted the narrative that the office wanted to portray in withholding such records.

25. That same week, Ms. Lee also had a number of Microsoft Teams meetings with Mr. Madyun about locating responsive documents. However, it became clear that Mr. Madyun was not being forthcoming with the documents that he knew were in the possession of the Alameda County Assistant District Attorney's Office.

26. For that reason, Ms. Lee refused to sign off on the responses to the CPRA request

because she believed them to be misleading and untruthful. Ms. Lee also spoke up and advocated that she did not want to participate in illegally withholding records that the public was entitled to. Ms. Lee stated that she did not feel it was ethical to withhold public records and did not want to be personally responsible for doing so.

27. On December 8, 2023, Ms. Lee sent an email to Catherine Kobal further expressing her discomfort. Ms. Lee also voiced her concerns to Ms. Kobal in person that Mr. Madyun was withholding records in response to Mr. Steinbaugh's CPRA request.

28. On December 8, 2023, in the afternoon, Ms. Lee met with Mr. Madyun to go over the CPRA requests and to identify potentially responsive records. Ms. Lee again reiterated that she would not sign off on the CPRA responses given that records were being withheld in violation of the CPRA. Mr. Madyun told Ms. Lee that he spoke to Chief Assistant District Attorney Royl Roberts who stated that she would not have to sign off on the CPRA responses.

29. On December 10, 2023, Ms. Lee sent Mr. Madyun the draft CPRA responses to the CPRA requests submitted by Ms. Raguso, Mr. Debolt, and Mr. Steinbaugh.

30. On December 11, 2023, the draft responses to the CPRA requests were given to Ms. Kobal to send to the requestors.

31. On December 12, 2023, shortly after 9:00 a.m., Ms. Lee met with Catherine Kobal in her office to discuss CPRA responses that she was to draft that day. When Ms. Lee returned to her office, she was met by Mishel Jackson of Human Resources and Special Operations Unit Lieutenant Thomas Milner. Lieutenant Milner stated to Ms. Lee, "You have 8 minutes to clear out your office." Ms. Lee reasonably understood that this was likely because District Attorney Pamela Price was going to be arriving to the office soon and wanted Ms. Lee to be removed before she arrived. Ms. Jackson appeared to be crying and stated that she had, "no idea that this would happen."

32. Ms. Lee was handed a termination notice, which gave no explanation whatsoever as to why she was terminated. Attached hereto as **Exhibit I** is a true and correct copy of Ms. Lee's termination notice. This is because the real reason for Ms. Lee's termination is because she engaged in a protected activity by refusing to illegally withhold records and by complaining about the Alameda County District Attorney's Office's illegal withholding of records in violation of the

CPRA.

33. During Ms. Lee's employment with the Alameda County District Attorney's Office, Ms. Lee experienced a clear anti-Asian sentiment during her employment, where she would frequently hear derogatory comments about her race made by supervisory employees, including by District Attorney Pamela Price herself. Indeed, Ms. Price would constantly and openly make derogatory remarks against Asian Americans. Ms. Price's discriminatory animus toward Asian Americans has been well-documented in the media[3].

34. In fact, it was well-known within the Alameda County District Attorney's Office that Ms. Price had a racial animus toward people of East Asian Descent. In one instance, Ms. Price told Ms. Lee, in front of Cole Pro Media reporter Joe Vasquez, that her enemies were "the media and the Asians." Shocked and astonished by Ms. Price's conduct, Ms. Lee thereafter texted Mr. Vasquez to discuss her concern that Ms. Price would vocalize these racist statements so openly. Mr. Vasquez then told Ms. Lee that these racist comments were commonplace and were made frequently. From time to time, Ms. Price would also utter audible remarks under her breath in front of Ms. Lee about how she suspected Ms. Lee was leaking information to the press and working with Asian American activists, including Carl Chan of Save Alameda For Everyone, who was actively seeking to recall Ms. Price.

35. Ms. Lee's termination was plainly for retaliatory and discriminatory reasons. Ms. Lee's exemplary performance record speaks for itself. Ms. Lee was not terminated because of any performance issue. In fact, during her short time working for the Alameda County District Attorney's Office, Ms. Lee demonstrated a strong and prodigious work ethic and an ability to meet tight deadlines. Tellingly, more than forty of Ms. Lee's press releases are published on the Alameda County District Attorney's Office website. Ms. Lee also managed teams from across the country in a $150,000 Public Service Announcement campaign.

36. In addition, Ms. Lee took the lead in crisis response for the office from day one of her employment. Ms. Lee was responsible for pitching and developing relationships with reporters

[3] Rebecca Warren Resigns from Alameda County D.A.'s Office: Allegations of Racism and Internal Turmoil, https://www.newsbreak.com/alameda-county-ca/3012700206179-rebecca-warren-resigns-from-alameda-county-d-a-s-office-allegations-of-racism-and-internal-turmoil (Last visited Thursday, April 18, 2024).

to generate positive press for District Attorney Pamela Price, which led to million impressions on multiple major media outlets. Ms. Lee also worked weekends and nights to prepare and accompany District Attorney Pamela Price and manage the press at public forums. During Ms. Lee's six months of employment, she led multiple Public Service Announcement campaigns and is responsible for the spend down of more than $250,000 in grant money.

37. Notwithstanding Ms. Lee's outstanding track record, Ms. Lee was handed a termination notice, which gave zero explanation as to why she was being terminated. The real reason for Ms. Lee's termination is easily inferred from the direct and circumstantial evidence of whistleblower retaliation and racial discrimination against her protected status as an Asian American.

38. Significantly, the Alameda County District Attorney's Office's improper discriminatory and retaliatory conduct has caused Ms. Lee tremendous amounts of humiliation and embarrassment, in addition to psychological and emotional harm. In addition, this case seriously implicates the integrity of the Alameda County District Attorney's Office and the public's confidence in ensuring that transparency in receiving public records. Given the alarming nature of the conduct of the Alameda County District Attorney's Office, punitive damages are warranted in this case.

FIRST CAUSE OF ACTION

Whistleblower Retaliation in Violation of Labor Code §1102.5

(Against All Defendants)

39. Plaintiff incorporates by this reference all preceding and subsequent paragraphs.

40. California Labor Code §1102.5(a) states that an "employer, or any person acting on behalf of the employer, shall not make, adopt, or enforce any rule, regulation, or policy preventing an employee from disclosing information to a government or law enforcement agency, to a person with authority over the employee, or to another employee who has authority to investigate, discover, or correct the violation or noncompliance, or from providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation

of or noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing the information is part of the employee's job duties."

41. California Labor Code §1102.5(b) states that an "employer, or any person acting on behalf of the employer, shall not retaliate against an employee for disclosing information, to a government or law enforcement agency, or because the employer believes that the employee disclosed or may disclose information . . . to a person with authority over the employee or another employee who has the authority to investigate, discover, or correct the violation or noncompliance . . . if the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing the information is part of the employee's job duties."

42. California Labor Code §1102.5(c) states that an "employer, or any person acting on behalf of the employer, shall not retaliate against an employee for refusing to participate in an activity that would result in a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation."

43. California Labor Code §1102.5(d) states that an "employer, or any person acting on behalf of the employer, shall not retaliate against an employee for having exercised his or her rights under subdivision (a), (b), or (c) in any former employment."

44. California Labor Code §1102.5 reflects the broad public policy interest in encouraging workplace whistleblowers to report unlawful acts without fearing retaliation.

45. As set forth more fully above, Ms. Lee engaged in legally protected activities under Labor Code §1102.5, by refusing to engage in the illegal conduct of withholding, hiding, deleting, or altering the production of public records that the public was entitled to under the CPRA. As part of her duties as the Public Information Officer, it was Ms. Lee's responsibility to ensure that the public record requests were responded to in a legally compliant manner. After refusing to sign off on responses to CPRA requests that she believed to be untruthful, Ms. Lee was promptly terminated as a result.

46. In cases such as this one, where an employee engages in protected activity, and subsequently experiences an adverse employment action, California courts have recognized that

retaliatory intent can be inferred when the adverse action occurs in close temporal proximity to the protected complaint.

47. The timeline of events described herein makes it clear that Ms. Lee's termination is a textbook case of retaliation under Labor Code §1102.5. Ms. Lee reported the illegal withholding of CPRA records and refused to partake in such illegal acts as the Public Information Officer tasked with complying with the requirements under the CPRA. Thereafter, Ms. Lee was terminated. That is, Ms. Lee engaged in a protected activity and was immediately terminated in response in violation of California Labor Code §1102.5.

48. Plaintiff believes that Plaintiff's protected conduct as alleged herein was a contributing factor in Defendants' decision to terminate Plaintiff's employment, and Plaintiff alleges that Defendants' conduct was a substantial factor in causing Plaintiff's harm as alleged herein.

49. Defendants, and each of them, and their respective supervisors, managers, officers, agents, and employees, retaliated against Plaintiff for engaging in activities protected under Labor Code §1102.5 by subjecting her to an adverse employment action by way of terminating Ms. Lee on December 12, 2023.

50. A contributing cause for Defendants, and each of them, engaging in the foregoing adverse employment actions against Plaintiff was to retaliate against Plaintiff for engaging in the above-described protected activities.

51. As a proximate result of the aforesaid acts, Plaintiff has lost, and will continue to lose substantial earnings, promotional opportunities, fringe benefits, income, wages, earnings, pension, and other financial losses in an amount to be ascertained according to proof.

52. As a proximate result of the aforesaid acts, Plaintiff has become mentally upset, distressed, embarrassed, humiliated, and aggravated in a sum to be proven at the time of trial.

53. As a further legal result of the conduct of Defendants, and each of them, Plaintiff suffered other incidental and consequential damages, in an amount according to proof.

54. California Labor Code §1102.5(f) states that in "addition to other penalties, an employer that is a corporation or limited liability company is liable for a civil penalty not exceeding ten thousand dollars ($10,000) for each violation of this section."

55. California Labor Code §1102.5(j) states that the "court is authorized to award reasonable attorney's fees to a plaintiff who brings a successful action for a violation of these provisions." Plaintiff will continue to incur attorneys' fees in the pursuit of this action. As such, Plaintiff is entitled to an award of reasonable attorneys' fees.

56. As a further legal result of the conduct of Defendants, and each of them, Plaintiff is entitled to prejudgment interest pursuant to California Civil Code §3287 and/or any other provision of law providing for prejudgment interest.

57. The actions alleged herein were taken by managing agents and/or officers of Defendants, including but not limited to Defendant Pamela Price and/or ratified by managing agents and/or officers of Defendant County of Alameda. In so doing, Defendants acted with oppression, fraud and malice, as those terms are used in California Civil Code §3294. As such, Plaintiff is entitled to an award of punitive damages.

SECOND CAUSE OF ACTION

Discrimination on the Basis of Race (Cal. Gov. Code §12940(a))

(Against Defendant County of Alameda and Does 1-100)

58. Plaintiff incorporates by this reference all preceding and subsequent paragraphs.

59. Pursuant to California Government Code §12940(a), it is an unlawful employment practice "[f]or an employer, because of the race . . . of any person . . . to discharge the person from employment . . . or to discriminate against the person in compensation or in terms, conditions or privileges of employment."

60. Pursuant to California Government Code §12926(m), "Race . . . includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics."

61. Defendant County of Alameda is subject to the laws of the State of California and is an entity subject to suit under FEHA for race discrimination, because it regularly employs five (5) or more persons in the State of California.

62. Defendants discriminated against Plaintiff on the basis of her race as an Asian American woman, through an illegal pattern of conduct including, but not limited to: subjecting Ms.

Lee to repeated race-based demeaning and disparaging comments; knowingly refusing to address or remedy the retaliatory conduct and differential treatment of Ms. Lee; terminating Ms. Lee's employment for pretextual reasons based on her race; and by other conduct alleged in this Verified Complaint.

63. In this case, Ms. Lee experienced a clear anti-Asian sentiment during her employment with the Alameda County District Attorney's Office, where she would frequently hear derogatory comments about her race made by supervisory employees, including by District Attorney Pamela Price herself. Indeed, Defendant Pamela Price would constantly and openly make derogatory remarks against Asian Americans. Ms. Price's discriminatory animus toward Asian Americans has been well-documented in the media[4].

64. As an Asian American female, Ms. Lee was discriminated against on the basis of her status as an Asian American by District Attorney Pamela Price herself and the Alameda County District Attorney's Office. Racist comments were commonplace and were made frequently by Defendant Pamela Price. In fact, Defendant Pamela Price would frequently utter audible remarks under her breath in front of Ms. Lee about how she suspected Ms. Lee was leaking information to the press and working with Asian American activists, including Carl Chan of Save Alameda For Everyone, who was actively seeking to recall Defendant Pamela Price.

65. In one instance, Defendant Pamela Price told Ms. Lee in front of Cole Pro Media reporter Joe Vasquez that her enemies were "the media and the Asians." Shocked and astonished by Defendant Pamela Price's conduct, Ms. Lee thereafter texted Mr. Vasquez to discuss her concern that Defendant Pamela Price would vocalize these racist statements so openly.

66. Discriminatory remarks such as those made by Defendant Pamela Price are "relevant in determining whether intentional discrimination occurred." *Husman v. Toyota Motor Credit Corp.* (2017) 12 Cal.App.5th 1168, 1190-1191. While stray remarks may not have strong probative value when viewed in isolation, they may corroborate direct evidence of discrimination or gain

[4] Rebecca Warren Resigns from Alameda County D.A.'s Office: Allegations of Racism and Internal Turmoil, https://www.newsbreak.com/alameda-county-ca/3012700206179-rebecca-warren-resigns-from-alameda-county-d-a-s-office-allegations-of-racism-and-internal-turmoil (Last visited Thursday, April 18, 2024).

significance in conjunction with other circumstantial evidence. "Certainly, who made the comments, when they were made in relation to the adverse employment decision, and in what context they were made are all factors that should be considered." *Husman*, 12 Cal.App.5th at 1190-91.

67. In this case, the racially discriminatory remarks were made by District Attorney Pamela Price herself. Defendant Pamela Price fostered and encouraged a racist environment within the Alameda County District Attorney's Office. As an Asian American female, Ms. Lee was discriminated against on the basis of her status as an Asian American by District Attorney Pamela Price herself and the Alameda County District Attorney's Office.

68. The foregoing pattern of conduct materially and adversely affects the terms, conditions, and privileges of Ms. Lee's employment with Defendants by making it harder for her to competently fulfill the expectations of her position, and by impairing her prospects for future advancement and promotion. *See Yanowitz v. L 'Oreal USA, Inc.* (2005) 36 Cal.4th 2018, 1052-56 (Appropriately viewed, [§12940] protects an employee against unlawful discrimination with respect not only to so-called ultimate employment actions such as termination or demotion, but also the entire spectrum of employment actions that are reasonably likely to adversely and materially affect an employee's job performance or opportunity for advancement in his or her career.)

69. Ms. Lee's race, Asian American, was a substantial motivating factor in Defendants' decision to terminate Ms. Lee.

70. A contributing cause for Defendants, and each of them, engaging in the foregoing adverse employment actions against Plaintiff was to discriminate against Ms. Lee on the basis of her race.

71. As a proximate result of the aforesaid acts, Plaintiff has lost, and will continue to lose substantial earnings, promotional opportunities, fringe benefits, income, wages, earnings, pension, and other financial losses in an amount to be ascertained according to proof.

72. As a proximate result of the aforesaid acts, Plaintiff has become mentally upset, distressed, embarrassed, humiliated, and aggravated in a sum to be proven at the time of trial.

73. As a further legal result of the conduct of Defendants, and each of them, Plaintiff

suffered other incidental and consequential damages, in an amount according to proof.

74. As a further legal result of the conduct of Defendants, and each of them, Plaintiff is entitled to prejudgment interest pursuant to California Civil Code §3287 and/or any other provision of law providing for prejudgment interest.

75. The actions alleged herein were taken by managing agents and/or officers of Defendants, including but not limited to Defendant Pamela Price and/or ratified by managing agents and/or officers of Defendant County of Alameda. In so doing, Defendants acted with oppression, fraud and malice, as those terms are used in California Civil Code §3294. As such, Plaintiff is entitled to an award of punitive damages.

76. FEHA provides for an award of reasonable attorneys' fees and costs incurred by the prevailing party in an action brought under its provisions. Ms. Lee has employed and will continue to employ attorneys for the initiation and prosecution of this action. Ms. Lee has incurred and will continue to incur attorneys' fees and costs herein. Ms. Lee is entitled to an award of attorneys' fees and costs under California Government Code §12965(b).

THIRD CAUSE OF ACTION

Wrongful Termination in Violation of Public Policy

(Against All Defendants)

77. Plaintiff incorporates by this reference all preceding and subsequent paragraphs.

78. The elements of a claim for wrongful discharge in violation of public policy are (1) an employer-employee relationship, (2) the employer terminated the plaintiff's employment, (3) the termination was substantially motivated by a violation of public policy, and (4) the discharge caused the plaintiff harm. *See Tameny v. Atlantic Richfield Co.* (1980) 27 Cal.3d 167; *see Yau v. Allen* (2014) 229 Cal.App.4th 144, 154.

79. Plaintiff believes that any one of the alleged violations of California statutes and public policy listed herein was a substantial motivating reason for Plaintiff's termination of employment.

80. The actions of Defendants as alleged herein constitute multiple and independent violations (or were reasonably believed by Plaintiff in good faith to constitute multiple and

independent violations) of California statutes and public policy, including:

a. California Government Code §12940(h) (It is unlawful employment practice "[f]or an employer, labor organization, employment agency, or person to discharge, expel, or otherwise discriminate against any person because the person has opposed any practices forbidden under this part").

b. California Government Code §12940(j) (it is unlawful for "an employer . . . or any other person, because of race, religious creed, color, national origin, ancestry.").

c. California Labor Code §1102.5(c) ("An employer, or any person acting on behalf of the employer, shall not retaliate against an employee for refusing to participate in an activity that would result in a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.").

d. California Labor Code §6310 ("No person shall discharge or in any manner discriminate against any employee because the employee has done any of the following: (1) Made any oral or written complaint to…his or her employer, or his or her representative…Any employee who is discharged, threatened with discharge, demoted, suspended, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because the employee has made a bona fide oral or written complaint to…his or her employer, or his or her representative, of unsafe working conditions, or work practices, in his or her employment or place of employment…shall be entitled to…reimbursement for lost wages and work benefits caused by the acts of the employer.").

81. As a direct and proximate result of the aforesaid acts of Defendants, Plaintiff was harmed, and the termination of employment was a substantial factor in causing Plaintiff's harm.

82. As a proximate result of the aforesaid acts, Plaintiff has lost, and will continue to lose substantial earnings, promotional opportunities, fringe benefits, income, wages, earnings, pension, and other financial losses in an amount to be ascertained according to proof.

83. As a proximate result of the aforesaid acts, Plaintiff has become mentally upset, distressed, embarrassed, humiliated, and aggravated in a sum to be proven at the time of trial.

84. As a further legal result of the conduct of Defendants, and each of them, Plaintiff suffered other incidental and consequential damages, in an amount according to proof.

85. As a further legal result of the conduct of Defendants, and each of them, Plaintiff is entitled to prejudgment interest pursuant to California Civil Code §3287 and/or any other provision of law providing for prejudgment interest.

86. The actions alleged herein were taken by managing agents and/or officers of Defendants, including but not limited to Defendant Pamela Price and/or ratified by managing agents and/or officers of Defendant County of Alameda. In so doing, Defendants acted with oppression, fraud and malice, as those terms are used in California Civil Code §3294. As such, Plaintiff is entitled to an award of punitive damages.

FOURTH CAUSE OF ACTION

Failure to Prevent Discrimination or Retaliation (Cal. Gov. Code §12940(k))

(Against Defendant County of Alameda and Does 1-100)

87. Plaintiff incorporates by this reference all preceding and subsequent paragraphs.

88. At all times mentioned herein, California Government Code §12940, *et seq.*, was in full force and effect and was binding on Defendant, as it regularly employs five (5) or more persons.

89. California Government Code §12940(k) makes it illegal "For an employer...to fail to take all reasonable steps necessary to prevent discrimination and harassment from occurring."

90. "The employer's duty to prevent harassment and discrimination is affirmative and mandatory." *Northrop Grumman Corp. v. Workers' Comp. Appeals Bd.* (2002) 103 Cal.App.4th 1021, 1035.

91. The County of Alameda has demonstrated a clear and unmistakable pattern of retaliation and discrimination, as described herein.

92. In this case, Defendant County of Alameda failed to take all reasonable steps necessary to prevent the discrimination and retaliation that Ms. Lee suffered, including but not limited to, the imposition of effective policies and practices against such discrimination and

retaliation, good faith and reasonable investigations, prompt and appropriate discipline against transgressors. In this case, one of the primary transgressors of the discriminatory and retaliatory conduct was District Attorney Pamela Price herself, who fostered and encouraged an environment where retaliation and discrimination was an acceptable practice.

93. As a proximate result of the aforesaid acts, Plaintiff has lost, and will continue to lose substantial earnings, promotional opportunities, fringe benefits, income, wages, earnings, pension, and other financial losses in an amount to be ascertained according to proof.

94. As a proximate result of the aforesaid acts, Plaintiff has become mentally upset, distressed, embarrassed, humiliated, and aggravated in a sum to be proven at the time of trial.

95. As a further legal result of the conduct of Defendants, and each of them, Plaintiff suffered other incidental and consequential damages, in an amount according to proof.

96. As a further legal result of the conduct of Defendants, and each of them, Plaintiff is entitled to prejudgment interest pursuant to California Civil Code §3287 and/or any other provision of law providing for prejudgment interest.

97. The actions alleged herein were taken by managing agents and/or officers of Defendants, including but not limited to Defendant Pamela Price and/or ratified by managing agents and/or officers of Defendant County of Alameda. In so doing, Defendants acted with oppression, fraud and malice, as those terms are used in California Civil Code §3294. As such, Plaintiff is entitled to an award of punitive damages.

98. FEHA provides for an award of reasonable attorneys' fees and costs incurred by the prevailing party in an action brought under its provisions. Ms. Lee has employed and will continue to employ attorneys for the initiation and prosecution of this action. Ms. Lee has incurred and will continue to incur attorneys' fees and costs herein. Ms. Lee is entitled to an award of attorneys' fees and costs under California Government Code §12965(b).

FIFTH CAUSE OF ACTION

Failure to Pay All Wages (Cal. Lab. Code §§ 204, 210, 558, 1194, 1197)

(Against All Defendants)

99. Plaintiff incorporates by this reference all preceding and subsequent paragraphs.

100. At all relevant times, Plaintiff was subject to the provisions of the California Industrial Welfare Commission's Wage Orders and California Labor Code.

101. Ms. Lee's official start date for her position as the Public Information Officer of the Alameda County District Attorney's Office was July 10, 2023. However, Ms. Lee began working as early as June 20, 2023 – but was never paid for any work or productive time spent prior to her official state date.

102. Indeed, Chief Assistant District Attorney Royl Roberts began emailing Ms. Lee prior to her start date with expectations that she would be working in the month of June 2023 – approximately 3 weeks before her "official" start date.

103. Ms. Lee did begin working before her official state date and did so remotely up until her start date of July 10, 2023. In doing so, Ms. Lee received various email correspondences including from District Attorney Pamela Price, then Communications Director, Traci Grant, and reporter Mark Davis of KKIQ, wherein Ms. Lee was to buy air time and create a Public Service Announcement campaign for radio on behalf of the Alameda County District Attorney's Office.

104. In June 2023, before Ms. Lee's official start date, Ms. Lee was tasked with collaborating with Clear Channel to begin working on the Public Service Announcement campaign referenced to herein.

105. Labor Code §204(a) provides: "All wages, other than those mentioned in Section 201, 201.3, 202, 204.1, or 204.2, earned by any person in any employment are due and payable twice during each calendar month, on days designated in advance by the employer as the regular paydays. Labor performed between the 1st and 15th days, inclusive, of any calendar month shall be paid for between the 16th and the 26th day of the month during which the labor was performed, and labor performed between the 16th and the last day, inclusive, of any calendar month, shall be paid for between the 1st and 10th day of the following month."

106. Labor Code §210(a) provides: "In addition to, and entirely independent and apart from, any other penalty provided in this article, every person who fails to pay the wages of each employee as provided in Sections 201.3, 204, 204b, 204.1, 204.2, 204.11,205, 205.5, and 1197.5, shall be subject to a penalty as follows: (1) For any initial violation, one hundred dollars ($100) for

each failure to pay each employee. (2) For each subsequent violation, or any willful or intentional violation, two hundred dollars ($200) for each failure to pay each employee, plus 25 percent of the amount unlawfully withheld."

107. California Labor Code §1194(a) states (in relevant part): "Notwithstanding any agreement to work for a lesser wage, any employee receiving less than the legal minimum wage or the legal overtime compensation applicable to the employee is entitled to recover in a civil action the unpaid balance of the full amount of this minimum wage or overtime compensation, including interest thereon, reasonable attorney's fees, and costs of suit."

108. California Labor Code §1197 states (in relevant part): "The minimum wage for employees fixed by the commission or by any applicable state or local law, is the minimum wage to be paid to employees, and the payment of a lower wage than the minimum so fixed is unlawful."

109. The applicable California Industrial Wage Order states: "Every employer shall pay to each employee, on the established payday for the period involved, not less than the applicable minimum wage for all hours worked in the payroll period, whether the remuneration is measured by time, piece, commission, or otherwise."

110. In this case, based on the foregoing, Defendants deprived Ms. Lee of her rightfully earned compensation, including overtime compensation and hours at the minimum wage rate, as a direct and proximate result of Defendants' failure to pay said compensation.

111. As alleged herein, Defendants violated the foregoing statutes and regulations.

112. Violations of the Wage Orders are governed by the civil penalty provisions of Labor Code §558(a): "Any employer or other person acting on behalf of an employer who violates, or causes to be violated, a section of this chapter or any provision regulating hours and days of work in any order of the Industrial Welfare Commission shall be subject to a civil penalty as follows: (1) For any initial violation, fifty dollars ($50) for each underpaid employee for each pay period for which the employee was underpaid in addition to an amount sufficient to recover underpaid wages; (2) For each subsequent violation, one hundred dollars ($100) for each underpaid employee for each pay period for which the employee was underpaid in addition to an amount sufficient to recover underpaid wages."

113. Pursuant to California Labor Code §§ 218.5, 558(a), 1194, 1194.2, 1197.1, and 1197.2, Plaintiff is entitled to recover the full amount of her unpaid wages, liquidated damages, waiting time penalties, reasonable attorneys' fees, and costs of suit. Plaintiff is entitled to recover interest on all due and unpaid wages and waiting time penalties under Labor Code §218.6 and/or Civil Code §3287(a).

SIXTH CAUSE OF ACTION

Failure to Provide Accurate and Itemized Wage Statements (Cal. Lab. Code §226(a))

(Against All Defendants)

114. Plaintiff incorporates by this reference all preceding and subsequent paragraphs.

115. At all relevant times, Plaintiff was subject to the provisions of the California Industrial Welfare Commission's Wage Orders and California Labor Code.

116. California Labor Code §226(a) provides that every employer shall furnish each of their employees an accurate itemized statement in writing showing (1) gross wages earned, (2) total hours worked by the employee, (3) the number of piece-rate units earned and any applicable piece rate if the employee is paid on a piece-rate basis, (4) all deductions, provided that all deductions made on written orders of the employee may be aggregated and shown as one item, (5) net wages earned, (6) the inclusive dates of the period for which the employee is paid, (7) the name of the employee and their or their social security number, (8) the name and address of the legal entity that is the employer, and (9) all applicable hourly rates in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee.

117. Notably, Ms. Lee never received any complaint wage statements for the first few weeks that she worked, because she was not paid at all. In any event, the wage statements that were provided to Ms. Lee, to the extent they were provided in the first place, were inaccurate at least insofar as they failed to accurately report total wages earned, as described in detail in the sections above.

118. California Labor Code §226(e)(1) provides that "[a]n employee suffering injury as a result of a knowing and intentional failure by an employer to comply with subdivision (a) is entitled to recover the greater of all actual damages or fifty dollars ($50) for the initial pay period in which

a violation occurs and one hundred dollars ($100) per employee for each violation in a subsequent pay period, not to exceed an aggregate penalty of four thousand dollars ($4,000), and is entitled to an award of costs and reasonable attorney's fees."

119. Plaintiff has suffered injury and damage to her statutory protected rights.

120. Plaintiff is entitled to recover from Defendants the greater of her actual damages caused by Defendants' failure to comply with California Labor Code §226(a), or pursuant to California Labor Code §226(e), an aggregate penalty not exceeding four thousand dollars per employee, and an award of costs and reasonable attorneys' fees.

SEVENTH CAUSE OF ACTION

Failure to Pay All Wages Due Upon Separation of Employment (Cal. Lab. Code §§ 201-203)

(Against All Defendants)

121. Plaintiff incorporates by this reference all preceding and subsequent paragraphs.

122. At all relevant times, Plaintiff was subject to the provisions of the California Industrial Welfare Commission's Wage Orders and California Labor Code.

123. California Labor Code §§ 201 and 203 provide that if an employer discharges an employee, the wages earned and unpaid at the time of discharge are due and payable immediately.

124. Public policy in California has long favored the full and prompt payment of wages due an employee. To ensure that employers comply with the laws governing the payment of wages when an employment relationship ends, the Legislature enacted California Labor Code §203 which provides for the assessment of a penalty against the employer when there is a willful failure to pay wages due the employee at conclusion of the employment relationship. Assessment of the waiting time penalty does not require that the employer intended the action or anything blameworthy, but rather that the employer knew what it is doing, that the action occurred within the employer's control, and that the employer failed to perform the required act.

125. California Labor Code §203(a) provides that: "If an employer willfully fails to pay, without abatement or reduction, in accordance with Sections 201, 201.3, 201.5, 202, and 205.5, any wages of an employee who is discharged or who quits, the wages of the employee shall continue as a penalty from the due date thereof at the same rate until paid or until an action therefor is

commenced; but the wages shall not continue for more than 30 days."

126. As alleged herein, Defendants intentionally and willfully failed to pay Plaintiff all wages, earned and unpaid, immediately upon discharge. Defendants' failure in this regard violates California Labor Code §§ 201 and 203.

127. On information and belief, Plaintiff alleges that Defendants' failure to pay Plaintiff all wages earned upon her discharge in accordance with Labor Code §201 was willful. At all times relevant, Defendants had the ability to pay all earned and unpaid wages in accordance with Labor Code §201 but intentionally chose not to comply.

128. The "waiting time penalty" for violating §203 is one day of pay at the employee's regular rate for each day the owed wages go unpaid, up to 30 days. *See* Cal. Lab. Code §203(a). For the purposes of a salaried exempt employee, like Ms. Lee, Ms. Lee's regular rate for each day she worked is calculated by dividing her yearly salary of $90,000/year by 52 weeks, then dividing the weekly rate by 5 days a week, which equals to $346.15. In this case, Ms. Lee is entitled to waiting time penalties in the amount of $346.15 x 30 days, which equals to $10,384.50.

129. Pursuant to Labor Code §§ 203 and 218.5, Plaintiff is entitled to recover the full amount of her unpaid wages, waiting time penalties, reasonable attorneys' fees, and costs of suit. Plaintiff is entitled to recover interest on all due and unpaid wages and waiting time penalties under Labor Code §218.6 and/or Civil Code §3287(a).

JURY TRIAL DEMANDED

130. Plaintiff Patricia Lee demands a jury as to all causes of action.

PRAYER FOR RELIEF

131. WHEREFORE, Plaintiff Patricia Lee prays judgment against Defendants as follows:

a. For general economic damages according to proof, on each cause of action for which such damages are available, in excess of $25,000;

b. For general non-economic damages according to proof, on each cause of action for which such damages are available;

c. For special damages according to proof, on each cause of action for which such damages are available;

d. For compensatory damages according to proof, on each cause of action for which such damages are available;

e. For punitive damages where allowed by law, on each cause of action for which such damages are available;

f. For civil penalties, according to proof, for each cause of action for which such damages are available;

g. For prejudgment interest pursuant to California Labor Code §218.6, California Civil Code §3287 and/or California Civil Code §3288 and/or any other provision of law providing for prejudgment interest;

h. For reasonable attorneys' fees incurred in this action on those causes of action for which such fees are recoverable under the applicable law;

i. For costs of suit incurred herein; and

j. For such other and further relief as this Court deems just and proper.

DATED: May 29, 2024

ROXBOROUGH, POMERANCE, NYE & ADREANI, LLP
Respectfully submitted,

By: _____

NICHOLAS P. ROXBOROUGH
TREVOR R. WITT
Attorneys for Plaintiff Patricia Lee

VERIFICATION

I, Patricia J. Lee, declare as follows:

I have read the foregoing **VERIFIED COMPLAINT FOR DAMAGES; DEMAND FOR JURY TRIAL**, and know its contents.

I am a party to this action. The matters stated in the **VERIFIED COMPLAINT FOR DAMAGES; DEMAND FOR JURY TRIAL** are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters, I believed them to be true.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed in Los Angeles, California on May 29, 2024.

DocuSigned by:
Patti Lee
E18023F141534DC...

PATRICIA J. LEE

EXHIBIT A

GEORGE HILLS
On all kinds of your matters.

Notice of Rejection

May 17, 2024

Nicolas Tomas, Esq.
Roxborough, Pomerance, Nye & Adreani, LLP
5900 Canoga Avenue, Suite 450
Woodland Hills, CA 91367

RE:		
	Our Client:	County of Alameda
	GHC Claim #:	GHC0069150
	Master Claim #:	24-067
	Claimant:	Patricia Lee
	Date of Loss:	December 12, 2023

As the claims administrator for the County of Alameda, George Hills provides the following notice regarding the above-referenced claim.

NOTICE IS HEREBY GIVEN that the claim that you presented to the County of Alameda on March 19, 2024 was rejected on May 17, 2024.

Please also be advised that pursuant to Sections 128.7 and 1038 of the California Code of Civil Procedure, the County of Alameda will seek to recover all costs of defense, including attorney's fees, in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

If you have any questions, please contact the undersigned.

Sincerely,
George Hills Company, Inc.

Melissa West

Melissa West, Claims Adjuster
(916) 546-1891
Melissa.West@georgehills.com
cc: County of Alameda

P.O. Box 278 Rancho Cordova, CA 95741

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA,
COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within cause or claim. I am readily familiar with the business practices of George Hills Co., Inc. including the collection and processing of correspondence for mailing with the United States Postal Service. My business address is P.O. Box 278 Rancho Cordova, CA 95741.

On May 17, 2024, I served the Notice of Rejection with reference to CCP 128.7 & 1038 by depositing a true copy thereof enclosed in a sealed envelope, with the postage thereon fully prepaid and addressed as follows, and placed it for collection into the U.S. Mail:

Nicolas Tomas, Esq.
Roxborough, Pomerance, Nye & Adreani, LLP
5900 Canoga Avenue, Suite 450
Woodland Hills, CA 91367

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

Executed on May 17, 2024, at Orange County, CA.

Lisa Guzman - Claims Processor

EXHIBIT B

STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency
GAVIN NEWSOM, GOVERNOR

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
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

March 26, 2024

Nicolas Tomas
5900 Canoga Avenue, Suite 450
Woodland Hills, CA 91367

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202403-24111126
Right to Sue: Lee / County of Alameda et al.

Dear Nicolas Tomas:

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

STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency
GAVIN NEWSOM, GOVERNOR
KEVIN KISH, DIRECTOR

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

March 26, 2024

RE: **Notice of Filing of Discrimination Complaint**
CRD Matter Number: 202403-24111126
Right to Sue: Lee / County of Alameda 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.

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

STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency
GAVIN NEWSOM, GOVERNOR

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
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

March 26, 2024

Patricia Lee
,

RE: **Notice of Case Closure and Right to Sue**
CRD Matter Number: 202403-24111126
Right to Sue: Lee / County of Alameda et al.

Dear Patricia Lee:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective March 26, 2024 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.

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

COMPLAINT OF EMPLOYMENT DISCRIMINATION BEFORE THE STATE OF CALIFORNIA

Civil Rights Department

Under the California Fair Employment and Housing Act

(Gov. Code, § 12900 et seq.)

In the Matter of the Complaint of

Patricia Lee CRD No. 202403-24111126

Complainant,

vs.

County of Alameda
1221 Oak Street, Room 536
Oakland, CA 94612

Pamela Price
1221 Oak Street, Room 536
Oakland, CA 94612

Respondents

---

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

2.Complainant is naming **Pamela Price** individual as Co-Respondent(s).

3. Complainant **Patricia Lee**, resides in the City of **,** State of **.**

4. Complainant alleges that on or about **December 12, 2023**, respondent took the following adverse actions:

Complainant was harassed because of complainant's race (includes hairstyle and hair texture).

Complainant was discriminated against because of complainant's race (includes hairstyle and hair texture) and as a result of the discrimination was terminated, denied work opportunities or assignments.

Complainant experienced retaliation because complainant reported or resisted any form of discrimination or harassment and as a result was terminated, denied work opportunities or assignments.

Date Filed: March 26, 2024

Additional Complaint Details: I. Ms. Lee's Retaliation Claims under California Labor Code section 1102.5

As part of her duties as the Public Information Officer, Patricia Lee was tasked with handling and responding to California Public Records Act ("CPRA") requests. In that capacity, Ms. Lee was tasked with responding to CPRA requests that were aimed at uncovering a media list meant to blacklist certain reporters who are critical of the Alameda County District Attorney's Office, including reporter Emilie Raguso of The Berkeley Scanner.

By way of background, on November 29, 2023, news reporter Emilie Raguso, who runs The Berkeley Scanner, was barred from entering a press conference for "lacking the required media credentials." The press conference was centered on Alameda County District Attorney's Office effort to assist crime victims and their families—a topic that that was of high interest to Ms. Raguso. Meanwhile, other members of the media were welcomed into the press conference without any scrutiny of their credentials or affiliations. According to Ms. Raguso, the Alameda County District Attorney's Office had made it known that it is not pleased with the reporting of Ms. Raguso.

Ms. Lee was aware of the preexisting animosity and knew that the reasons for refusing Ms. Raguso access to the Alameda County District Attorney's Office's press conference were pretextual. In fact, Ms. Lee herself, along with Communications Director Haaziq Madyun, were the ones who interacted with Ms. Raguso and assisted inspector Ramon Middleton with escorting Ms. Raguso out of the press conference at the specific behest of District Attorney Pamela Price.

The incident involving the barring of Emilie Raguso from District Attorney Pamela Price's press conference on November 29, 2023, should be no unfamiliar issue to the Alameda County District Attorney's Office. In fact, it was well-publicized . Reporters, press freedom groups, and First Amendment organizations were understandably troubled by this cartoonish violation of the First Amendment, content-based restriction of reporting, and the arbitrary exclusion of a reporter from the conference organized by District Attorney Pamela Price.

The very next day, on November 30, 2023, the Alameda County District Attorney's Office began receiving a slew of CPRA requests from news reporters, related to the barring of Ms. Raguso at the press conference. As the Public Information Officer, Ms. Lee was tasked with responding to these requests.

On November 30, 2023, at 8:00 a.m., the first of these CPRA requests was made by Emilie Raguso herself, wherein Ms. Raguso requested, inter alia: "All policies, procedures, rules, regulations and criteria related to: the current media review underway for press conference attendance and press list inclusion, the safety issues that drove the media list review underway, the credential that is now required, and the review that is performed, for

Date Filed: March 26, 2024

successful press list inclusion." Attached hereto as Exhibit A is a true and correct copy of the CPRA request by Emilie Raguso.

On November 30, 2023, at 8:00 a.m., another reporter, David Debolt, of the Bay Area News Group and East Bay Times made a similar CPRA request for "records related to how the DA's office disperses media credentials," among other requests. Attached hereto as Exhibit B is a true and correct copy of the CPRA request by David Debolt.

On December 1, 2023, First Amendment lawyer Adam Steinbaugh of the Foundation for Individual Rights in Education made another CPRA request for records relating to the "inclusion or removal of Emilie Raguso and/or the Berkeley Scanner from any media distribution list," among other requests. Attached hereto as Exhibit C is a true and correct copy of the CPRA request by Adam Steinbaugh.

On December 2, 2023, District Attorney Pamela Price attempted to mitigate the poor media exposure that resulted following her barring of Ms. Raguso from the November 29, 2023 press conference, in a press release entitled, "Alameda County District Attorney Pamela Price Reaffirms Her Commitment To The First Amendment – Allows Emilie Raguso To Attend Press Conferences." Attached hereto as Exhibit D is a true and correct copy of District Attorney Pamela Price's press release.

On December 4, 2023, Senior Reporter of the Berkeleyside, Alex Gecan, made a similar CPRA request, which included requests for "Email logs for District Attorney Pamela Price, Communications Director Haaziq Madyun, and Public Information Officer Patti Lee from November 27, 2023 through December 3, 2023." Attached hereto as Exhibit E is a true and correct copy of the CPRA request by Alex Gecan.

On December 4, 2023, independent reporter Jason Koebler made a similar CPRA request for "emails, documents, or policy papers mentioning 'The Berkeley Scanner' or 'Emilie Raguso' or 'berkeleyscanner.com.'" Attached hereto as Exhibit F is a true and correct copy of the CPRA request by Jason Koebler.

Thereafter, during the week of December 4, 2023, Ms. Lee began seeking to obtain responsive information to these requests in compliance with the requirements under the CPRA. However, it became evident that instead of producing responsive records to CPRA requests, the Alameda County District Attorney chose instead to hide, delete, and change the records. Ms. Lee expressed concerns to Alameda County Assistant District Attorney Catherine Kobal that Mr. Madyun may have deleted or altered records that were responsive to CPRA requests. Significantly, Ms. Lee was aware of responsive documents that existed and contradicted the narrative that the office wanted to portray in withholding such records.

That same week, Ms. Lee also had a number of Microsoft Teams meetings with Mr. Madyun about locating responsive documents. However, it became clear that Mr. Madyun was not being forthcoming with the documents that he knew were in the possession of the Alameda County Assistant District Attorney's office.

For that reason, Ms. Lee refused to sign off on the responses to the CPRA request because she believed them to be misleading and untruthful. Ms. Lee also spoke up and advocated that she did not want to participate in illegally withholding records that the public was entitled to. Ms. Lee stated that she did not feel it was ethical to withhold public records and did not want to be personally responsible for doing so.

On December 8, 2023, Ms. Lee sent an email to Catherine Kobal further expressing her discomfort. Ms. Lee also voiced her concerns to Ms. Kobal in person that Mr. Madyun was withholding records in response to Mr. Steinbaugh's CPRA request.

On December 8, 2023, in the afternoon, Ms. Lee met with Mr. Madyun to go over the CPRA requests and to identify potentially responsive records. Ms. Lee again reiterated that she would not sign off on the CPRA responses given that records were being withheld in violation of the CPRA. Mr. Madyun told Ms. Lee that he spoke to Chief Assistant District Attorney Royl Roberts who stated that she would not have to sign off on the CPRA responses.

On December 10, 2023, Ms. Lee sent Mr. Madyun the draft CPRA responses to the CPRA requests submitted by Ms. Raguso, Mr. Debolt, and Mr. Steinbaugh.

On December 11, 2023, the draft responses to the CPRA requests were given to Ms. Kobal to send to the requestors.

On December 12, 2023, shortly after 9:00 a.m., Ms. Lee met with Catherine Kobal in her office to discuss CPRA responses that she was to draft that day. When Ms. Lee returned to her office she was met by Mishel Jackson of Human Resources and Special Operations Unit Lieutenant Thomas Milner. Lieutenant Milner stated to Ms. Lee, "You have 8 minutes to clear out your office." Ms. Lee reasonably understood that this was likely because District Attorney Pamela Price was going to be arriving to the office soon and wanted Ms. Lee to be removed before she arrived. Ms. Jackson appeared to be crying and stated that she had, "no idea that this would happen."

Ms. Lee was handed a termination notice, which gave no explanation whatsoever as to why she was terminated. Attached hereto as Exhibit G is a true and correct copy of Ms. Lee's termination notice. This is because the real reason for Ms. Lee's termination is because she engaged in a protected activity by refusing to illegally withhold records and by complaining about the Alameda County District Attorney's Office's illegal withholding of records in violation of the CPRA.

In cases such as this one, where an employee engages in protected activity, and subsequently experiences an adverse employment action, California courts have recognized that retaliatory intent can be inferred when the adverse action occurs in close temporal proximity to the protected complaint. The timeline of events described above make it clear that Ms. Lee's termination is a textbook case of retaliation under Labor Code section 1102.5. Ms. Lee reported the illegal withholding of CPRA records and refused to partake in such illegal acts as the Public Information Officer tasked with complying with the requirements

under the CPRA. Thereafter, Ms. Lee was terminated. That is, Ms. Lee engaged in a protected activity and was immediately terminated in response in violation of California Labor Code section 1102.5.

II. Ms. Lee's Discrimination Claims under Cal. Gov. Code section 12940(a)

California Government Code section 12940(a) provides that an employer may not discriminate against an employee on account of her race or ethnicity. See California Government Code section 12940. "Employers have an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct." See Cal. Code Regs. Tit. 2, § 11023. Furthermore, under the Fair Housing and Employment Act, employers must develop and distribute to employees a clear and easy to understand "harassment, discrimination, and retaliation prevention policy." Id. Disparate treatment occurs when an employer treats an individual less favorably than others because of the individual's protected status.

In this case, Ms. Lee experienced a clear anti-Asian sentiment during her employment with the the Alameda County District Attorney's Office, where she would frequently hear derogatory comments about her race made by supervisory employees, including by District Attorney Pamela Price herself. Indeed, Ms. Price would constantly and openly make derogatory remarks against Asian Americans. Ms. Price's discriminatory animus toward Asian Americans has been well-documented in the media .

In fact, it was well-known within the Alameda County District Attorney's Office that Ms. Price had a racial animus toward people of East Asian Descent. In one instance, Ms. Price told Ms. Lee in front of Cole Pro Media reporter Joe Vasquez that her enemies were "the media and the Asians." Shocked and astonished by Ms. Price's conduct, Ms. Lee thereafter texted Mr. Vasquez to discuss her concern that Ms. Price would vocalize these racist statements so openly. Mr. Vasquez then told Ms. Lee that these racist comments were commonplace and were made frequently. From time to time, Ms. Price would also utter audible remarks under her breath in front of Ms. Lee about how she suspected Ms. Lee was leaking information to the press and working with Asian American activists, including Carl Chan of Save Alameda For Everyone, who was actively seeking to recall Ms. Price.

Discriminatory remarks such as those made by Ms. Price are "relevant in determining whether intentional discrimination occurred." Husman v. Toyota Motor Credit Corp. (2017) 12 Cal.App.5th 1168, 1190-1191. While stray remarks may not have strong probative value when viewed in isolation, they may corroborate direct evidence of discrimination or gain significance in conjunction with other circumstantial evidence. "Certainly, who made the comments, when they were made in relation to the adverse employment decision, and in what context they were made are all factors that should be considered." Husman, 12 Cal.App.5th at 1190-1191.

In this case, the racially discriminatory remarks were made by District Attorney Pamela Price herself. Ms. Price fostered and encouraged a racist environment within the Alameda County District Attorney's Office. As an Asian American female, Ms. Lee was discriminated against

on the basis of her status as an Asian American by District Attorney Pamela Price herself and the Alameda County District Attorney's Office.

Ms. Lee need not prove that discriminatory animus was the sole motivation behind a challenged action, but need only show by a preponderance of the evidence that there was a "casual connection" between her protected status as an Asian American and her termination and that discrimination was a "substantial motivating reason" for terminating Ms. Lee. Mixon v. Fair Employment and Housing Com. (1987) 192 Cal.App.3d 1306, 1319; Harris v. City of Santa Monica (2013) 56 Cal.4th 203, 232. Ms. Lee will easily be able to make this showing.

Ms. Lee's exemplary performance record speaks for itself. Ms. Lee was not terminated because of any performance issue. In fact, during her short time working for the Alameda County District Attorney's Office, Ms. Lee demonstrated a strong and prodigious work ethic and an ability to meet tight deadlines. Tellingly, more than forty of Ms. Lee's press releases are published on the Alameda County District Attorney's Office website. Ms. Lee also managed teams from across the country in a $150,000 Public Service Announcement campaign.

In addition, Ms. Lee took the lead in crisis response for the office from day one of her employment. Ms. Lee was responsible for pitching and developing relationships with reporters to generate positive press the District Attorney Pamela Price, which led to million impressions on multiple major media outlets. Ms. Lee also worked weekends and nights to prepare and accompany District Attorney Pamela Price and manage the press at public forums. During Ms. Lee's six months of employment, she led multiple Public Service Announcement campaigns and is responsible for the spend down of more than $250,000 in grant money.

Notwithstanding Ms. Lee's outstanding track record, Ms. Lee was handed a termination notice, which gave zero explanation as to why she was terminated. The real reason for Ms. Lee's termination will be plainly evident and intuitive to any jury who we are confident will find that Ms. Lee was terminated as a result of racial discrimination against her protected status as an Asian American and whistleblower retaliation.

Given Ms. Lee's impeccable performance record, the Alameda County District Attorney's Office will not be able to present a legitimate non-discriminatory and non-retaliatory basis for terminating Ms. Lee.

III. Ms. Lee's Claim of Failure to Prevent Retaliation or Discrimination

The Fair Employment and Housing Act prohibits discrimination and retaliation and requires that employers "take reasonable steps to prevent and correct wrongful discriminatory or retaliatory behavior in the workplace. See Cal. Gov. Code §12940(k). "The employer's duty to prevent harassment and discrimination is affirmative and mandatory." Northrop Grumman Corp. v. Workers' Comp. Appeals Bd. (2002) 103 Cal.App.4th 1021, 1035.

In this case, as noted above, the Alameda County District Attorney's Office failed to take all reasonable steps necessary to prevent the discrimination and retaliation that Ms. Lee suffered, including but not limited to, the imposition of effective policies and practices against such discrimination and retaliation, good faith and reasonable investigations, prompt and appropriate discipline against transgressors. In this case, one of the primary transgressors of the discriminatory and retaliatory conduct was District Attorney Pamela Price herself, who fostered and encouraged an environment where retaliation and discrimination was an acceptable practice.

Given the plethora of facts evidencing a clear and unmistakable pattern of retaliation and discrimination, as described in detail above, the County of Alameda will certainly be liable for failing to prevent discrimination or retaliation, as a separate and distinct cause of action.

Date Filed: March 26, 2024

VERIFICATION

I, **Nicolas Walter Tomas**, am the **Attorney** in the above-entitled complaint. I have read the foregoing complaint and know the contents thereof. The matters alleged are based on information and belief, which I believe to be true.

On March 26, 2024, I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Woodland Hills, CA

Date Filed: March 26, 2024

EXHIBIT C

From: Records, Public, DA
To: emilie@berkeleyscanner.com
Cc: damedia
Subject: Re: CPRA request - The Berkeley Scanner (Index 3383)
Date: Monday, December 11, 2023 3:32:43 PM
Attachments: image.png
image.png
image.png
image.png
Item 1 - Combined.pdf
Item 2.pdf
Item 3 - Media List (Current).pdf
Item 3 - Media List (Last Used 11 29 2023).pdf

RE: Your CPRA Request dated November 30, 2023 (Index 3383)

Dear Emilie Raguso,

We received your California Public Records Act request by email on November 30 , 2023. In this email, you requested the following:

1. Names and email addresses for all members of the media who were invited to the November 29, 2023 press event at Oakport re: victim services;
    - We have attached responsive documents for the names and email addresses of the media who were invited to the November 29, 2023, press event at Oakport. There was an additional email invite sent on November 29, 2023 to a reporter who specifically requested it.
2. Names and emails of the media who attended the November 29, 2023 press event at Oakport re:victim services;
    - We have attached a responsive document.
3. If different, all media names and emails on the current press list used to distribute news about press events and other media announcements, from senders, including but not limited to: damedia@acgov.org, Haaziq.madyun@acgov.org, Patti.lee@acgov.org, Paola.Laverde@acgov.org, Austin.Bruckner2@acgov.org, Royl.Robert@acgov.org;
    - We have attached two responsive documents.
4. All policies, procedures, rules, regulations and criteria related to: the current media review underway for press conference attendance and press list inclusion, the safety issues that drove the media list review underway, the credential that is now required, and the review that is performed, for successful press list inclusion.
    - We have no responsive documents.

Very truly yours,

Text Description automatically generated with low confidence

Catherine H. Kobal • Assistant District Attorney • Custodian of the Record
Law and Motion Division • 1225 Fallon St., Oakland, CA 94612
o. 510-272-6222

www.alcoda.org • catherine.kobal@acgov.org

From: Emilie Raguso <emilie@berkeleyscanner.com>
Sent: Thursday, November 30, 2023 8:00 AM
To: Records, Public, DA <Public.Records@acgov.org>
Subject: CPRA request - The Berkeley Scanner

To Whom It May Concern: Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain a copy of the following, which I understand to be held by your agency:

* Names and email addresses for all members of the media who were invited to the Nov. 29, 2023, press event at Oakport re: victim services
* Names and emails of all members of the media who attemded the Nov. 29, 2023, press event at Oakport re: victim services

* If different: All media names and emails on the current press list used to distribute news about press events and other media announcements, from senders including but not limited to:
- damedia@acgov.org
- Haaziq.Madyun@acgov.org
- Patti.Lee@acgov.org
- Paola.Laverde@acgov.org
- Austin.Bruckner2@acgov.org
- royl.roberts@acgov.org

* All policies, procedures, rules, reglations and criteria related to:
- the current media review underway for press conference attendance and press list inclusion
- the "safety issues" that drove the media list review underway
- the credential that is now required, and the review that is performed, for successful press list inclusion

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the record[s] in question.

I also ask that records be made available in the format in which they are held as governed by the CPRA.

Feel free to call with any questions: 510-459-8325

Many thanks,

Emilie Raguso, editor-in-chief
The Berkeley Scanner
c: 510-459-8325
e: emr@berkeleyscanner.com
https://twitter.com/BerkeleyScanner
Chip in: Keep The Scanner 100% ad-free

From: Records, Public, DA
To: emilie@berkeleyscanner.com
Cc: damedia
Subject: Re: CPRA request - The Berkeley Scanner (Index 3383)
Date: Tuesday, December 19, 2023 9:42:05 AM
Attachments: image.png
image.png
image.png
image.png
image.png
image.png
image.png
image.png

Dear Ms. Raguso,

We are responding to your request for clarification dated December 15, 2023. In your CPRA request of November 30, our index 3383, you asked for "All policies, procedures, rules, regulations and criteria related to: the current media review underway for press conference attendance and press list inclusion, the safety issues that drove the media list review underway, the credential that is now required, and the review that is performed, for successful press list inclusion." On December 11, 2023, we responded that we had no responsive documents.

On December 15, 2023, you asked, "Are you able to clarify, under Item 4, would this have included any records related to any pre-existing DAO media policies?"

Our response of December 11, 2023 was tailored to your specific request. It did not address whether we had any "media policies" dating back many years as that request would have been overbroad.

If you would like further documents regarding potential policies, please submit another request with a specific time frame and detailed information and we will be able to respond.

Thank you very much.

Very truly yours,

Text□ □ Description automatically generated with low confidence

Catherine H. Kobal • Assistant District Attorney • Custodian of the Record
Law and Motion Division • 1225 Fallon St., Oakland, CA 94612
o. 510-272-6222

www.alcoda.org • catherine.kobal@acgov.org

From: Emilie Raguso <emilie@berkeleyscanner.com>
Sent: Friday, December 15, 2023 12:33 AM
To: Records, Public, DA <Public.Records@acgov.org>
Subject: Re: CPRA request - The Berkeley Scanner (Index 3383)

Thank you so much.

Are you able to clarify, under Item 4, would this have included any records related to any pre-existing DAO media policies? Or would I need to make a separate request?

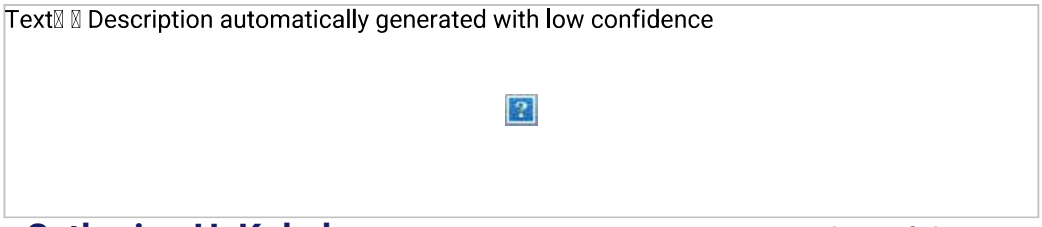
Emilie Raguso, editor-in-chief
The Berkeley Scanner
c: 510-459-8325
e: emr@berkeleyscanner.com
https://twitter.com/BerkeleyScanner

On Mon, Dec 11, 2023 at 3:32 PM Records, Public, DA <Public.Records@acgov.org> wrote:

> RE: Your CPRA Request dated November 30, 2023 (Index 3383)
>
> Dear Emilie Raguso,
>
> We received your California Public Records Act request by email on November 30 , 2023. In this email, you requested the following:
>
> 1. Names and email addresses for all members of the media who were invited to the November 29, 2023 press event at Oakport re: victim services;
>   - We have attached responsive documents for the names and email addresses of the media who were invited to the November 29, 2023, press event at Oakport. There was an additional email invite sent on November 29, 2023 to a reporter who specifically requested it.
> 2. Names and emails of the media who attended the November 29, 2023 press event at Oakport re:victim services;
>   - We have attached a responsive document.
> 3. If different, all media names and emails on the current press list used to distribute news about press events and other media announcements, from senders, including but not limited to: damedia@acgov.org, Haaziq.madyun@acgov.org, Patti.lee@acgov.org, Paola.Laverde@acgov.org, Austin.Bruckner2@acgov.org, Royl.Robert@acgov.org;
>   - We have attached two responsive documents.
> 4. All policies, procedures, rules, regulations and criteria related to: the current media review underway for press conference attendance and press list inclusion, the safety

issues that drove the media list review underway, the credential that is now required, and the review that is performed, for successful press list inclusion.
    - We have no responsive documents.

Very truly yours,



Catherine H. Kobal • Assistant District Attorney • Custodian of the Record
Law and Motion Division • 1225 Fallon St., Oakland, CA 94612
o. 510-272-6222

www.alcoda.org • catherine.kobal@acgov.org

From: Emilie Raguso <emilie@berkeleyscanner.com>
Sent: Thursday, November 30, 2023 8:00 AM
To: Records, Public, DA <Public.Records@acgov.org>
Subject: CPRA request - The Berkeley Scanner

To Whom It May Concern: Pursuant to my rights under the California Public Records Act (Government Code Section 6250 et seq.), I ask to obtain a copy of the following, which I understand to be held by your agency:

* Names and email addresses for all members of the media who were invited to the Nov. 29, 2023, press event at Oakport re: victim services
* Names and emails of all members of the media who attemded the Nov. 29, 2023, press event at Oakport re: victim services

* If different: All media names and emails on the current press list used to distribute news about press events and other media announcements, from senders including but not limited to:
- damedia@acgov.org
- Haaziq.Madyun@acgov.org
- Patti.Lee@acgov.org
- Paola.Laverde@acgov.org
- Austin.Bruckner2@acgov.org
- royl.roberts@acgov.org

* All policies, procedures, rules, reglations and criteria related to:
- the current media review underway for press conference attendance and press list inclusion
- the "safety issues" that drove the media list review underway
- the credential that is now required, and the review that is performed, for successful press list inclusion

I ask for a determination on this request within 10 days of your receipt of it, and an even prompter reply if you can make that determination without having to review the record[s] in question.

I also ask that records be made available in the format in which they are held as governed by the CPRA.

Feel free to call with any questions: 510-459-8325

Many thanks,

Emilie Raguso, editor-in-chief
The Berkeley Scanner
c: 510-459-8325
e: emr@berkeleyscanner.com
https://twitter.com/BerkeleyScanner
Chip in: Keep The Scanner 100% ad-free

EXHIBIT D

From: Records, Public, DA
To: David Debolt
Cc: damedia
Subject: Re: CPRA Request (Index 3385)
Date: Monday, December 11, 2023 1:46:38 PM
Attachments: image.png
image.png
image.png
image.png

RE: Your CPRA Request dated November 30, 2023 (Index 3385)

Dear David DeBolt,

We received your California Public Records Act request by email on November 30, 2023. In this email, you requested the following:

- Any and all written policies and/or correspondence, dating back to Jan. 1, 2023, related to "credentialed media" policies.
- Any and all documents held by your office about the definition of "credentialed media."
- Any lists held by your office showing who is or isn't credentialed media.
- Any records related to how the DA's office disperses media credentials.

We have no responsive documents responsive to your request for written policies. You also requested "correspondence" related to "credentialed media" policies. At present, we are unaware of any correspondence that answers this portion of your request. However, to be complete we would need to request that our County IT Department extract potentially relevant correspondence using a word search. This process can take substantial time. Given that we have confirmed that we have no responsive written policies, do you still require that we search e-mail for reference to "credentialed media?" If so, please let us know with as much specificity as possible as to date range and specific authors. We will not proceed without a further request.

Regarding your request for documents held by the office about the definition of "credentialed media," lists held by the office showing who is or isn't credentialed media, and any records related to how the DA's office disperses media credentials, we have no responsive documents.

Very truly yours,

Text Description automatically generated with low confidence

Catherine H. Kobal • Assistant District Attorney • Custodian of the Record

Law and Motion Division • 1225 Fallon St., Oakland, CA 94612
o. 510-272-6222

www.alcoda.org • catherine.kobal@acgov.org

From: Lee, Patti, DA <Patti.Lee@acgov.org>
Sent: Thursday, November 30, 2023 2:59 PM
To: Records, Public, DA <Public.Records@acgov.org>
Subject: FW: CPRA Request

From: David DeBolt <ddebolt@bayareanewsgroup.com>
Sent: Thursday, November 30, 2023 2:18 PM
To: Madyun, Haaziq, DA <haaziq.madyun@acgov.org>; Lee, Patti, DA <Patti.Lee@acgov.org>; damedia <damedia@acgov.org>
Subject: CPRA Request

Haaziq and Patti,

This a request under the California Public Records Request for the following:

-any and all written policies and/or correspondence, dating back to Jan. 1, 2023, related to "credentialed media" policies
-any and all documents held by your office about the definition of "credentialed media"
-any lists held by your office showing who is or isn't credentialed media
-any records related to how the DA's office disperses media credentials

Thank you,
--

David DeBolt Breaking News Editor | Editorial
ddebolt@bayareanewsgroup.com
510-457-8550 Direct

links or attachments. **

From: damedia
To: Records, Public, DA
Subject: FW: CPRA RequestFrom
Date: Thursday, December 21, 2023 10:36:10 AM
Attachments: Re CPRA Request (Index 3385).msg

FYI

From: damedia <damedia@acgov.org>
Sent: Thursday, December 21, 2023 9:54 AM
To: David Debolt <ddebolt@bayareanewsgroup.com>
Cc: Madyun, Haaziq, DA <haaziq.madyun@acgov.org>; damedia <damedia@acgov.org>
Subject: RE: CPRA RequestFrom

Hello Mr. DeBolt.
Thank you for your inquiry.

A letter responding to your CPRA from November 30 was sent to you on December 11. Please see the attached email.

Sincerely,
DAMedia

From: David DeBolt <ddebolt@bayareanewsgroup.com>
Sent: Thursday, December 21, 2023 9:06 AM
To: Madyun, Haaziq, DA <haaziq.madyun@acgov.org>; Lee, Patti, DA <Patti.Lee@acgov.org>; damedia <damedia@acgov.org>
Subject: Re: CPRA Request

Hi Haaziq and Patti,

I have received no acknowledgement of this request.

May I remind you that, under state law, public agencies are required to respond with a determination in 10 days. That deadline has come and gone. Please respond immediately.

Thank you,

David DeBolt
Breaking News Editor, East Bay Times
510-457-8550

On Thu, Nov 30, 2023 at 2:18 PM David DeBolt <ddebolt@bayareanewsgroup.com> wrote:

> Haaziq and Patti,
>
> This a request under the California Public Records Request for the following:

-any and all written policies and/or correspondence, dating back to Jan. 1, 2023, related to "credentialed media" policies
-any and all documents held by your office about the definition of "credentialed media"
-any lists held by your office showing who is or isn't credentialed media
-any records related to how the DA's office disperses media credentials

Thank you,
--

David DeBolt Breaking News Editor | Editorial
ddebolt@bayareanewsgroup.com
510-457-8550 Direct
bayareanewsgroup.com

--

David DeBolt Breaking News Editor | Editorial
ddebolt@bayareanewsgroup.com
510-457-8550 Direct
bayareanewsgroup.com
Over 5 million engaged readers weekly

EXHIBIT E

From: Records, Public, DA
To: 155402-95813288@requests.muckrock.com
Cc: damedia
Subject: Re: California Public Records Act Request: Exclusion of @BerkeleyScanner from Press Conference (Index 3386)
Date: Monday, December 11, 2023 3:55:42 PM
Attachments: image.png
image.png
image.png
image.png
Media List (Current).pdf
Media List (Last Used 11 29 2023).pdf
23_12-04 Press Release.pdf

RE: Your CPRA Request dated December 1, 2023 (3386)

Dear Adam Steinbaugh,

We received your California Public Records Act request by email on December 1, 2023. In this email, you requested the following information:

- Any policy, guidelines, instructions, or similar guidance concerning the issuance of press credentials by the Alameda County District Attorney; If the Office of the District Attorney is not responsible for issuing press credentials, then please, provide any policy, guidelines, instructions, or similar guidance applicable to the issuance of press credentials used for media events held by or for the District Attorney;
- A copy of the "long-standing" standards referenced in the communications department's statement to the San Francisco Chronicle;
- All records reflecting any review of the credentials of Emilie Raguso and/or the Berkeley Scanner;
- All records reflecting the inclusion or removal of Emilie Raguso and/or the Berkeley Scanner from any media distribution list;
- A copy of any current media distribution list used by the Office of the District Attorney;
- All records reflecting the "vetting" of any "media outlet" as referenced by the communication department's statement to the San Francisco Chronicle conducted since January 1, 2022.

We have included documents responsive to your request for the media distribution lists and responsive to your request for documents "reflecting the inclusion or removal of Emilie Raguso and/or the Berkeley Scanner from any media distribution list." We have no other responsive documents.

Very truly yours,

Text Description automatically generated with low confidence

Catherine H. Kobal • Assistant District Attorney • Custodian of the Record
Law and Motion Division • 1225 Fallon St., Oakland, CA 94612
o. 510-272-6222

www.alcoda.org • catherine.kobal@acgov.org

From: 155402-95813288@requests.muckrock.com <155402-95813288@requests.muckrock.com>
Sent: Sunday, December 10, 2023 10:00 PM
To: Records, Public, DA <Public.Records@acgov.org>
Subject: RE: California Public Records Act Request: Exclusion of @BerkeleyScanner from Press Conference

Alameda County District Attorney
PRA Office
Suite 900
1225 Fallon Street
Oakland, CA 94612
December 11, 2023
This is a follow up to a previous request:
To Whom It May Concern:
I wanted to follow up on the following California Public Records Act request, copied below, and originally submitted on Dec. 1, 2023. Please let me know when I can expect to receive a response.

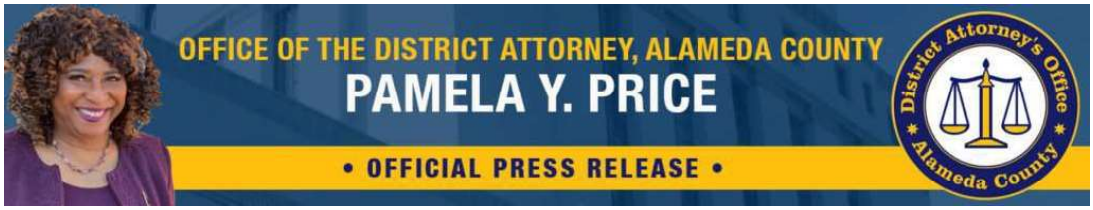
Thanks for your help, and let me know if further clarification is needed.
View request history, upload responsive documents, and report problems here:
https://accounts.muckrock.com/accounts/login/?
next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Falameda-county-district-attorney-7895%252Fexclusion-of-berkeleyscanner-from-press-conference-155402%252F%253Femail%253Dpublic.records%252540acgov.org&url_auth_token=AABbfnGXaJbpUkL6MOeGjwW-y1w%3A1rCZL7%3AoE2t3TVym4moKJRpb6ccqD-99IZnSaCd1Q7kssqZjtw
If prompted for a passcode, please enter:
JGJAFJCP
Filed via MuckRock.com
E-mail (Preferred): 155402-95813288@requests.muckrock.com
PLEASE NOTE OUR NEW ADDRESS
For mailed responses, please address (see note):
MuckRock News
DEPT MR 155402
263 Huntington Ave
Boston, MA 02115
PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Dec. 1, 2023:
Subject: California Public Records Act Request: Exclusion of @BerkeleyScanner from Press Conference
To Whom It May Concern:
Pursuant to the California Public Records Act, I hereby request the following records:
1. Any policy, guidelines, instructions, or similar guidance concerning the issuance of press credentials by the Alameda County District Attorney. If the office of the District Attorney is not responsible for issuing press credentials, then please provide any policy, guidelines, instructions, or similar guidance applicable to the issuance of press credentials used for media events held by or for the District Attorney.
2. A copy of the "long-standing" standards referenced by Patti Lee's statement ot the San Francisco Chronicle, reported here: https://www.sfchronicle.com/politics/article/pamela-price-reporter-18525641.php.
3. All records reflecting any review of the credentials of Emilie Raguso and/or the Berkeley Scanner.
4. All records reflecting the inclusion or removal of Emilie Raguso and/or the Berkeley Scanner from any media distribution list.
5. A copy of any current media distribution list used by the Office of the District Attorney.
6. A copy of the media sign-in sheet used for the November 29, 2023 press conference.
7. All records reflecting the "vett[ing]" of any "media outlet[]" as referenced by Patti Lee's statement to the San Francisco Chronicle, reported here: https://www.sfchronicle.com/politics/article/pamela-price-reporter-18525641.php. This request is limited to records reflecting any "vetting" conducted since January 1, 2022.
The requested documents will be made available to the general public, and this request is not being made for commercial purposes.
In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.
Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 calendar days, as the statute requires.
Sincerely,
Adam Steinbaugh
View request history, upload responsive documents, and report problems here:
https://accounts.muckrock.com/accounts/login/?
next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Falameda-county-district-attorney-7895%252Fexclusion-of-berkeleyscanner-from-press-conference-155402%252F%253Femail%253Dpublic.records%252540acgov.org&url_auth_token=AABbfnGXaJbpUkL6MOeGjwW-y1w%3A1rCZL7%3AoE2t3TVym4moKJRpb6ccqD-99IZnSaCd1Q7kssqZjtw
If prompted for a passcode, please enter:
JGJAFJCP
Filed via MuckRock.com
E-mail (Preferred): 155402-95813288@requests.muckrock.com
PLEASE NOTE OUR NEW ADDRESS
For mailed responses, please address (see note):
MuckRock News
DEPT MR 155402
263 Huntington Ave
Boston, MA 02115
PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

EXHIBIT F

Alameda County District Attorney Pamela Price Reaffirms Her Commitment To The First Amendment – Allows Emilie Raguso To Attend Press Conferences

Dec 2, 2023 | Alert, In the News, Misdemeanor Verdicts, Press Release, Uncategorized, Verdicts



December 2, 2023

Alameda County District Attorney Pamela Price Reaffirms Her Commitment To The First Amendment –Allows Emilie Raguso To Attend Press Conferences

Oakland – Berkeley Scanner Editor-in-Chief Emilie Raguso is welcome to attend future press conferences organized by the office of the Alameda County District Attorney. At the time of the DA's press conference on November 29, 2023, her media credentials were under review.

During several transitions of the DAO communications staff over the summer, the DAO media list was modified and reduced to a limited number of news outlets. Miss Raguso, among others, including the Bay City News Group, was not included in the updated media list, an oversight now being corrected.

District Attorney Pamela Price has a long and distinguished career that includes defending the First Amendment (see Freitag v. Ayers, 468 F.3d 528 (9th Cir. 2006), 127 S.Ct. 1918 (2007); **Davis v. Prison Health Services, U.S. District Court Case No. C 09-2629 SI**), along with a proven track record of being committed to transparency, demonstrated by creating the first-ever Public Accountability Unit in the District Attorney's Office.

Now, DA Price is taking the lead on an effort to work with renowned First Amendment and media ethics experts in developing clear and transparent media credentials and guidelines that balance the need for public safety alongside an updated understanding of how the media works today. This critical work is long overdue at the Alameda County District Attorney's office.

Contact: ***damedia@acgov.org***

The Alameda County District Attorney's Office (DAO) is one of California's largest prosecutors' offices and is led by Alameda County's first Black woman District Attorney Pamela Y. Price. Price brings her vision to this office to fairly administer justice in the pursuit of thriving, healthy, and safe communities for every person who steps foot in Alameda County, no matter their race, gender, religion, sexual orientation, income, or zip code. Price has been recognized as one of the most progressive prosecutors through her forward-thinking, innovative strategies to interrupt cycles of violence and crime and bring change to a criminal justice system rooted in systemic racism. Follow Madam DA on Instagram, Twitter and Facebook and @AlamedaCountyda on Twitter, Instagram and Facebook.

NEWS | RECENT POSTS

ALAMEDA COUNTY DISTRICT ATTORNEY PAMELA PRICE RESUBMITS CHARGES AGAINST THREE DEFENDANTS IN THE KEVIN NISHITA MURDER CASE

February 9, 2024

GOVERNOR GAVIN NEWSOM SENDS ADDITIONAL RESOURCES TO HELP PROSECUTE ORGANIZED RETAIL THEFT CASES IN ALAMEDA COUNTY

February 8, 2024

DA PAMELA PRICE'S VERTICAL PROSECUTION UNIT, READY TO COMBAT ORGANIZED RETAIL CRIME IN ALAMEDA COUNTY

February 2, 2024

ALAMEDA COUNTY DISTRICT ATTORNEY PAMELA PRICE'S OFFICE JOINS JUDGMENT AGAINST TESLA, INC. FOR ILLEGAL HAZARD WASTE DISPOSAL AT ITS SERVICE CENTERS,

ENERGY CENTERS AND FREMONT FACTORY

February 2, 2024

CONVICTED MAN TO BE SENTENCED 8 YEARS IN STATE PRISON AFTER ACCEPTING A PLEA DEAL FOR ALLEGATIONS OF HUMAN SEX TRAFFICKING IN ALAMEDA COUNTY

January 29, 2024

ALAMEDA COUNTY DISTRICT ATTORNEY PAMELA PRICE SPONSORS MARCH AND RALLY FOR NATIONAL HUMAN TRAFFICKING AWARENESS MONTH

January 25, 2024

CATEGORIES

Select Category

ARCHIVES

Select Month

EXHIBIT G

From: Records, Public, DA
To: alex@berkeleyside.org
Cc: damedia
Subject: Re: Public Records Act request - Berkeleyside (Index 3388)
Date: Wednesday, December 13, 2023 1:42:29 PM
Attachments: image.png
image.png
image.png
image.png
(1) Media List (Current).pdf
(2) Media List (Last Used 11 29 2023).pdf
(3) 000 - Local Press List.pdf
(4) 02-Press List 2 - Bay Area 2.pdf
(5) 03-Press List 3 - Online.pdf
(6) 12-Press list 2023.pdf

RE: Your CPRA Request dated December 4, 2023 (Index 3388)

We are responding to your California Public Records Act (CPRA) request received by email on December 4, 2023. You are seeking the following documents and records:

1. All email distribution lists, including, but not limited to, lists of news media, for the agency, including all versions that existed between December 1, 2022 and December 4, 2023.

   We have attached responsive records. Please note that we do not maintain versions by date.

2. Copies of any agency policies governing, discussing or related to news media, media requests and/or records requests.

   We have no responsive records.

3. Email logs for District Attorney Pamela Price, Communications Director Haaziq Madyun, and Public Information Officer Patti Lee from November 27, 2023 through December 3, 2023.

   We do not maintain e-mail logs. If you would like individual e-mails, please write us again with a request for e-mails by date, author, and topic and we will search for relevant documents.

Very truly yours,

Text Description automatically generated with low confidence

Catherine H. Kobal • Assistant District Attorney • Custodian of the Record
Law and Motion Division • 1225 Fallon St., Oakland, CA 94612
o. 510-272-6222

www.alcoda.org • catherine.kobal@acgov.org

From: Lee, Patti, DA <Patti.Lee@acgov.org>
Sent: Monday, December 4, 2023 10:48 AM
To: Madyun, Haaziq, DA <haaziq.madyun@acgov.org>
Cc: Records, Public, DA <Public.Records@acgov.org>
Subject: FW: Public Records Act request - Berkeleyside

Patti Lee • Public Information Officer

CONFIDENTIALITY NOTICE: This message contains information which may be confidential and privileged. Unless you are the addressee, you may not use, copy, or disclose to anyone the message or any information contained in the message. If you have received this message in error, please advise the sender by reply e-mail, and delete the message. Thank you, the Alameda County District Attorney's Office.

From: Alex Gecan <alex@berkeleyside.org>
Sent: Monday, December 4, 2023 10:47 AM
To: damedia <damedia@acgov.org>; Lee, Patti, DA <Patti.Lee@acgov.org>; alcoda <alcoda@acgov.org>
Subject: Public Records Act request - Berkeleyside

Good morning,

Would the Alameda County District Attorney's Office kindly furnish copies of the following documents and records:

1. All email distribution lists, including, but not limited to, lists of news media, for the agency, including all versions that existed between Dec. 1, 2022 and Dec. 4, 2023
2. Copies of any agency policies governing, discussing or related to news media, media requests and/or records requests
3. Email logs for District Attorney Pamela Price, Communications Director Haaziq Madyun and Public Information Officer Patti Lee from Nov. 27, 2023 through Dec. 3, 2023

This request is made pursuant to Government Code 7920.000 et. seq. (California Public Records Act or 'CPRA') on behalf of Berkeleyside, a nonprofit news agency.

As some of these records may be easier to review than others, if it is easier for your agency, kindly furnish each as it becomes available.

Wherever practicable kindly furnish responsive records in electronic format.

Please do not hesitate to contact me if you have any questions about this request, or if I can help to narrow it down.

Thank you,

--
Alex N. Gecan
Berkeleyside
alex@berkeleyside.org
415-649-0678

EXHIBIT H

From: Records, Public, DA
To: 155526-14629445@requests.muckrock.com
Cc: damedia
Subject: Re: California Public Records Act Request: Alameda County DA - Berkeley Scanner (Alameda County District Attorney) (Index 3390)
Date: Wednesday, December 13, 2023 2:28:21 PM
Attachments: image.png
image.png
image.png
image.png
23_12-04 Press Release.pdf

RE: Your CPRA Request dated December 5, 2023 (Index 3390)

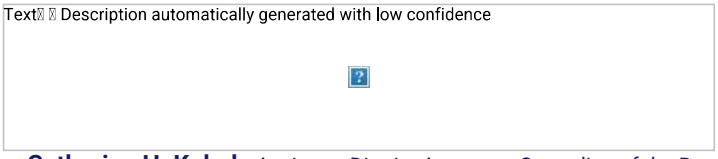
We are responding to your California Public Records Act (CPRA) request received by email on December 5, 2023. You are seeking "any emails, documents, or policy papers mentioning 'The Berkeley Scanner' or 'Emilie Raguso' or 'berkeleyscanner.com'" from October 1, 2023 to December 5, 2023.

We have enclosed a document responsive to your request. Regarding your request for emails, we will consult our County IT Department to extract potentially relevant correspondence using a word search and to review them for potential exemptions or privileges. This process can take substantial time.

Regarding your request for policy papers, we have no responsive documents.

We will give you a production update on January 31, 2024.

Very truly yours,



Catherine H. Kobal • Assistant District Attorney • Custodian of the Record
Law and Motion Division • 1225 Fallon St., Oakland, CA 94612
o. 510-272-6222

www.alcoda.org • catherine.kobal@acgov.org

From: 155526-14629445@requests.muckrock.com <155526-14629445@requests.muckrock.com>
Sent: Tuesday, December 5, 2023 3:19 AM
To: Records, Public, DA <Public.Records@acgov.org>
Subject: California Public Records Act Request: Alameda County DA - Berkeley Scanner (Alameda County District Attorney)

Alameda County District Attorney
PRA Office
Suite 900
1225 Fallon Street
Oakland, CA 94612
December 5, 2023
To Whom It May Concern:
Pursuant to the California Public Records Act, I hereby request the following records:
Public reports state that independent journalist Emilie Raguso was barred from a recent press conference:
https://twitter.com/berkeleyscanner/status/1729941721923121526?s=46
Therefore, I request the following:
Any emails, documents, or policy papers mentioning "The Berkeley Scanner" or "Emilie Raguso" or "berkeleyscanner.com" from October 1, 2023 until the time this request is processed.
The documents will be used in the course of reporting by 404 Media, an independent tech journalism outlet.
The requested documents will be made available to the general public, and this request is not being made for commercial purposes.
In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.
Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 calendar days, as the statute requires.
Sincerely,
Jason Koebler
View request history, upload responsive documents, and report problems here:
https://accounts.muckrock.com/accounts/login/?
next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Falameda-

county-district-attorney-7895%252Falameda-county-da-berkeley-scanner-alameda-county-district-attorney-155526%252F%253Femail%253Dpublic.records%252540acgov.org&url_auth_token=AABbfs0ZkBVzGlFn4nzfez3JaCA%3A1rATSy%3A4g-ho0CJlMiFDrcMcFQBt1BaXqP0tNn7NmCh7rAx7SY
If prompted for a passcode, please enter:
AYVGNYHB
Filed via MuckRock.com
E-mail (Preferred): 155526-14629445@requests.muckrock.com
PLEASE NOTE OUR NEW ADDRESS
For mailed responses, please address (see note):
MuckRock News
DEPT MR 155526
263 Huntington Ave
Boston, MA 02115
PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

EXHIBIT I

Office of the District Attorney
Alameda County

PAMELA Y. PRICE
District Attorney
alcoda.org

Hand Delivered/Sent Via Electronic Transmission

December 12, 2023

Patricia Lee
1688 Grand Avenue
San Rafael, CA 94901

RE: Notice of Termination of At-Will Employment

Dear Ms. Lee,

This letter is to inform you that effective immediately, December 12, 2023, your at-will employment with the County of Alameda, Office of the District Attorney is hereby terminated. Effective December 12, 2023, through December 26, 2023, you will remain on Administrative Leave with pay. This means you are not to return to the work site without prior and expressed approval by me.

While on leave you shall continue to abide by the professionalism standards included in the Alameda County Office Handbook, including but not limited to Sections: 2.5, 3.2 and 4.5.

Please turn in your computer, IT equipment, phones, keys, identification and any other County of Alameda, Office of the District Attorney property and equipment to Mishel Jackson immediately. You should not conduct any further business or transactions for or on behalf of the County of Alameda, Office of the District Attorney including but not limited to banking or financial transactions, contact with and to other government agencies, execution of any contracts, and/or any other official actions.

I write now to set forth more specifically the provisions covering your Administrative Leave.

The terms of your Administrative Leave are as follows:

1. You are to be available to DA employees between normal business hours for business purposes as needed. You are to remain away from all Alameda County offices, and specifically, the offices of the Alameda County District Attorney, the East County Hall of Justice, and the Rene C. Davidson Hall of Justice, unless you are advised otherwise, or unless you make access as a member of the public and on the same terms and conditions as the public.

2. You are not to contact any employees, except as provided for in Item 3 below, during this Administrative Leave, in your capacity as an employee with the County of Alameda, Office of the District Attorney. You may make contact in your capacity as a member of the public.

3. You are not to contact any witnesses or the family members thereof, any victims or the family members thereof, or other persons whom you may have become aware or of associated with in your capacity as an employee with the County of Alameda, Office of the District Attorney during this Administrative Leave. You may make contact in your capacity as a member of the public.

4. Your pay warrants will be mailed to you, if applicable.

5. You are required to turn in all County property including, but not limited to, your identification badge, desk and other keys, and any other County property in your possession. You are not to destroy any County records, files or materials whether maintained on County issued or personal devices.

6. During your customary County work hours, you must be reachable and available to report to work. You must supply your current home address, telephone number or other addresses and telephone numbers where you can be reached during your normal work hours for the duration of the Administrative Leave.

7. During your Administrative Leave, if there are any changes in your telephone number(s) or address, you are to promptly report this information to Mishel Jackson, Human Resources Officer.

8. If you have scheduled vacation, floating holiday(s), medical and/or personal appointments or are ill, you must notify Mishel Jackson so that your time keeping may be recorded accurately.

If you do not abide by each of the above conditions, this Administrative Leave with pay will convert to an unpaid leave status. Finally, you need to contact Mishel Jackson, Human Resources Officer at the DA's office, 510-272-6337 Mishel.Jackson@acgov.org before 4:30 p.m. on Friday, December 15, 2023 to schedule an appointment for return of all county property if all is not collected at the time of your notification.

I wish you success in your future endeavor.

Sincerely,

Pamela Y. Price

Pamela Y. Price
District Attorney of Alameda County

Cc: Patricia Lee; Departmental Personnel File

UNEMPLOYMENT INSURANCE
EMPLOYEE SEPARATION INFORMATION FORM

COMPLETE AND MAIL IMMEDIATELY UPON SEPARATION OF ANY COUNTY EMPLOYEE TO:
Unemployment Insurance Benefits Coordinator, at the Employee Services Center: **QIC 25701 or FAX (510) 891-8976**

Employee Name:	Patricia Lee	Separation Date:	12/27/2023
Employee I.D. #:	218553	Last Day Worked:	12/11/2023
Social Security #:	[redacted]	Hire Date:	7/9/2023
Job Code:	0219	Rate of Pay:	$44.77
Job Title:	Admin Specialist II	Supervisor's Name:	Haaziq Madyun
Department Name:	District Attorney's Office	Supervisor's Title:	Management Specialist
Department #:	230100	Supervisor's Phone:	(510) 383-8600

REASON FOR SEPARATION - CHECK APPLICABLE BOX(ES) AND/OR EXPLAIN IN DETAIL BELOW

	DISCHARGE		QUIT
	Absenteeism - excessive or unauthorized		Abandoned job
	Destruction of County property		Accept other employment (not County)
	Dishonesty		Anticipation of discharge
	Failed Civil Service Exam/not reachable on eligible list		Dissatisfaction with job
	Falsification of employment application		Enter military
	Fighting on County property		Family obligations
	Inability - not qualified - no misconduct		Go into own business
	Inability to work - illness		Illness
	Insubordination		Left area/changed residence
	Leaving work area without permission		Maternity
	Poor judgement - no misconduct		Personal - not job related
	Reported under influence of alcohol/drugs		Reason unknown
	Resignation in lieu of termination		To attend school
	Tardiness - frequent		Transportation difficulties
	Violation of County rules or policies		Unable to obtain babysitter
	LACK OF WORK		**RETIREMENT**
	End of provisional employment		Disability
	End of seasonal employment		Voluntary - with County pension
	Reduction in force - layoff		Voluntary - without county pension

OTHER REASON (please explain in detail)

DA-Termination At-Will

THE ABOVE INFORMATION MUST BE ACCURATE. THIS FORM WILL BE USED TO RESPOND TO AN UNEMPLOYMENT INSURANCE CLAIM IF THIS INDIVIDUAL FILES FOR BENEFITS BASED ON THEIR SEPARATION FROM THE COUNTY.

Would the department rehire this individual? _____ Yes _X___ No

Completed by: Emmanuel Velazquez EV **Date:** 1/2/2024
Title: Payroll Records Clerk **Phone:** (510) 272-6217