Agenda

City Council Special Meeting

City Council Chambers | Folsom City Hall
50 Natoma Street, Folsom CA 95630

September 09, 2025, 6:00 PM

Welcome to Your City Council Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the City Council and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website and in the Office of the City Clerk. The City Clerk is also available to answer any questions you have about City Council meeting procedures.

Participation

If you would like to provide comments to the City Council, please:

- Fill out a blue speaker request form, located at the back table.
- Submit the form to the City Clerk before the item begins.
- When it's your turn, the City Clerk will call your name and invite you to the podium.
- Speakers generally have three minutes, unless the presiding officer (usually the mayor) changes that time.

Reasonable Accommodations

In compliance with the Americans with Disabilities Act, if you are a person with a disability and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (916) 461-6035, (916) 355-7328 (fax) or CityClerkDept@folsom.ca.us. Requests must be made as early as possible and at least two full business days before the start of the meeting.

More information about City Council meetings is available at the end of this agenda

City Council Special Meeting

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50 Natoma Street, Folsom CA 95630

www.folsom.ca.us

Tuesday, September 09, 2025 6:00 PM

Sarah Aquino, Mayor

Mike Kozlowski, Councilmember — *Barbara Leary, Councilmember*
Justin Raithel, Vice Mayor — *Anna Rohrbough, Councilmember*

AGENDA

CALL TO ORDER

ROLL CALL:

Councilmembers: **Rohrbough, Kozlowski, Leary, Raithel, Aquino**

ADJOURNMENT TO CLOSED SESSION FOR THE FOLLOWING PURPOSES:

1. Conference with Legal Counsel - Anticipated Litigation – Significant Exposure to Litigation Pursuant to Government Code section 54956.9(e)(3): Application for Leave to File a Late Claim by James Dorris

RECONVENE

Announcement of Final Action, If Any

ADJOURNMENT

NOTICE: Members of the public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address Council on an issue, which is on this agenda, please complete a blue speaker request card, and deliver it to a staff member at the table on the left side of the Council Chambers prior to discussion of the item. When your name is called, stand to be recognized by the Mayor and then proceed to the podium. Please limit your comments to three minutes or less.

NOTICE REGARDING CHALLENGES TO DECISIONS: Pursuant to all applicable laws and regulations, including without limitation, California Government Code Section 65009 and or California Public Resources Code Section 21177, if you wish to challenge in court any of the above decisions (regarding planning, zoning and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice/agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

As presiding officer, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disorderly conduct, or for making personal, impertinent, or slanderous remarks, using profanity, or becoming boisterous, threatening or personally abusive while addressing said Council, and to enforce the rules of the Council.

PERSONS INTERESTED IN PROPOSING AN ITEM FOR THE CITY COUNCIL AGENDA SHOULD CONTACT A MEMBER OF THE CITY COUNCIL.

In compliance with the Americans with Disabilities Act, if you are a person with a disability and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (916) 461-6035, (916) 355-7328 (fax) or CityClerkDept@folsom.ca.us. Requests must be made as early as possible and at least two full business days before the start of the meeting.

Any documents produced by the City and distributed to the City Council regarding any item on this agenda will be made available at the City Clerk's Counter at City Hall located at 50 Natoma Street, Folsom, California and at the Folsom Public Library located at 411 Stafford Street, Folsom, California during normal business hours.

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CITY OF
FOLSOM
DISTINCTIVE BY NATURE

CLAIM AGAINST THE CITY OF FOLSOM

FOLSOM CITY CLERK'S DEPT
17 JUL '25 PM2:21

Received:

Claims relating to death or injury to person or to personal property or crops shall be presented to the City of Folsom not later than six months after which the incident or event occurred. Claims relating to any other matter for which a claim is required shall be presented not later than one year after the date of the incident or event giving rise to the claim. (See California Government Code Section 911.2). You are encouraged to consult legal counsel of your choosing for advice on submitting a timely claim. The City of Folsom cannot provide you legal advice.

INSTRUCTIONS

The original claim, together with one copy of all attachments, is to be filed with the Office of the City Clerk. Retain one copy for your records. Please send to this address:

City Clerk
City of Folsom
50 Natoma Street
Folsom, CA 95630

NOTICE: The City Clerk's Office is the ONLY office to which claims may be submitted. Claims are NOT to be sent to the City Attorney, or any other City Department.

Please fill out claim form completely. Missing information may delay the processing of your claim. Please print.

PERSONAL INFORMATION

Name of Claimant James (first) E (middle initial) Dorris (last)

Address of Claimant _____ (street) _____ (city) _____ (state) _____ (zip code)

Home Phone _____ Business Phone _____ Email See Below

DOB _____ Driver's License# _____

Name, telephone number and address to which claimant desires notices to be sent if other than above:
Equal Justice Law Group, 601 Court Street, Suite 106, Jackson, CA, 95642; (858) 525-3391

CLAIM INFORMATION

Occurrence or event from which the claim arises:

Date March 8, 2022 Time 7:02 pm PST

Place (exact and specific location) Folsom, CA and/or Cameron Park, CA

See attached letter & proposed SAC redline at paragraphs 14-15, 54, 61-73, 80-84, 104-111

How and under what circumstances did damage or injury occur? Describe the particular occurrence, event, act, or omission you claim caused the damage or injury. (use additional paper if necessary)

See attached letter and IIED claim in Attached redline of Proposed Second Amended Complaint at paragraphs 14-15, 54, 61-73, 80-81, 84, and 104-111. See also email from Rebecca Russell to Chief Rick Hillman dated March 8, 2022 regarding Internal Affairs Sgt. David Canepa's intentional breach of James Dorris' identity and confidential internal investigation information.

If there were no injuries, state "no injuries"_____

Name and addresses of all witnesses Rebecca Russell - Cameron Park, CA; Adrian Blanco - Folsom
Sgt. Paul Rice & Lt. David Canepa - Folsom PD; Rick Hillman & Eric Heichlinger - Folsom, CA

Identify the name(s) of the public employee(s) causing the injury or damages, if known.
David Canepa, Rick Hillman, Eric Heichlinger

Describe the indebtedness, obligation, injury, damage or loss, which you claim you have suffered at the time this claim is submitted.
See Attached letter and redline of proposed second amended complaint at paragraphs
14-15, 54, 61-73, 80-81, 84, and 104-111.

Total amount claimed. Greater than $10,000 Yes Less than $10,000_____. (If the amount claimed is less than $10,000 on the date of presentation, provide the calculation for the amount claimed.)

(Please attach a copy of any receipts you have resulting from this occurrence.)

Any additional information that might be helpful in considering this claim
To the extent City of Folsom asserts this claim to be untimely, please consider this as a request to file a late government tort claim. See attached letter dated July 17, 2025

AUTOMOBILE ACCIDENT

If this claim relates to an automobile accident please answer the following, **AND ATTACH PROOF OF INSURANCE:**

Policy #_____ Insurance Company_____

Agent/Broker_____

Address_____ Phone #_____

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM:
(Penal code §§72, 550; Insurance code §1871.4)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury under the laws of the State of California that the foregoing is TRUE and CORRECT.

Signed this 17th day of July, 2025 at Jackson, California
City / State

Signature 

David Foyil
SBN 178067
Equal Justice Law Group
601 Court Street, Suite 106
Jackson, CA 95642
Phone: (209) 223-5363
Facsimile: (209) 702-0001

Attorney for Plaintiff,
James Dorris

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

James Dorris,

Plaintiff,

vs.

City of Folsom, David Canepa and DOES 24 through 25, inclusive,

Defendants.

))))))))))))))))

Case No. 34-2023-00337834

[PROPOSED] SECOND~~FIRST~~ AMENDED COMPLAINT

1.	Discrimination in Violation of Cal. Govt. Code § 12940
2.	Harassment in Violation of Cal. Govt. Code § 12940
3.	Failure to Take Steps Necessary To Prevent Harassment in Violation of Cal. Govt. Code § 12940
4.	Intentional Infliction of Emotional Distress
5.	Deprivation of Rights Under Color of State Law Pursuant to 42 USC § 1983 [First Amendment retaliation and prior restraint on free speech]
6.	Deprivation of Rights Under Color of State Law Pursuant to 42 USC § 1983 [First and Fourteenth Amendment Unlawful Termination]
7.	*Monnell* claim

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DEMAND FOR A JURY TRIAL

PLAINTIFF James Dorris ("PLAINTIFF") an individual, hereby alleges as follows:

NATURE OF ACTION

1. Plaintiff James Dorris ("PLAINTIFF"), an individual, demanding a jury trial, brings this action against: Defendants the City of Folsom, an incorporated city within the County of Sacramento, State of California ("CITY");~~,~~ Defendant David Canepa, individually and in his official capacity as Folsom Police Department's Professional Standards/ Internal Affairs Sgt. ("CANEPA"); and DOES 2~~1~~ through 25, inclusive (collectively, "DEFENDANTS" and each a "DEFENDANT"), to remedy DEFENDANTS' employment practices and policies of racially motivated harassment that~~,~~ resulte~~d~~ing in a hostile work environment, as well as retaliation, intentional infliction of emotional distress, civil rights

violations, and other unlawful and tortious conduct. PLAINTIFF seeks compensatory damages, pain and suffering, attorneys' fees, punitive damages, and costs.

JURISDICTION AND VENUE

2. This Court has jurisdiction in this matter because PLAINTIFF is a resident and a citizen of the State of California and DEFENDANTS are located in, residents of, and/or regularly conduct business in the State of California. ~~Further, no federal question is at issue, because the claims are~~ Plaintiff's first four claims for discrimination, harassment, failure to prevent harassment and intentional infliction of emotional distress are based solely on California law. Plaintiff's fifth claim arises under 42 U.S.C. § 1983 related to retaliation against PLAINTIFF for exercising his First Amendment rights. Plaintiff's last claim is a *Monnell* claim against CITY. This action seeks redress for violations of the United States and California Constitutions, as well as statutory and common law claims.

3. Venue is proper in the County of Sacramento, California because PLAINTIFF performed work for DEFENDANTS in the County of Sacramento, and DEFENDANTS' unlawful actions and omissions, set forth herein, occurred in the County of Sacramento.

PLAINTIFF

4. PLAINTIFF is an Asian male who was born in Thailand. PLAINTIFF is a~~,~~ resident and citizen of the State of California. PLAINTIFF was employed by DEFENDANTS in the County of Sacramento on or about July, 2005, until January, 2022.

DEFENDANTS

5. On information and belief, PLAINTIFF alleges that the DEFENDANT City of Folsom ~~("Defendant")~~ is and, at all relevant times, was a public entity, i.e. a city incorporated in California, with its primary place of business in Sacramento County, California. PLAINTIFF is further informed and believes, and thereon alleges, that Defendant City of Folsom, is authorized to conduct business in the State of California and does conduct business in the State of California.

6. On information and belief, PLAINTIFF alleges that Defendant David Canepa is and, at all relevant times was, a CITY of Folsom employee who resides and works in Sacramento County, California. CANEPA is an agent of CITY and acted pursuant to color of government authority vested in him by the State of California and City of Folsom.

7. The true names and capacities of Defendant DOES 24 through 25, inclusive, are unknown to PLAINTIFF at this time, and PLAINTIFF therefore sues such Defendants under fictitious names. PLAINTIFF is informed and believes, and thereon alleges that each Defendant designated as a DOE is responsible in some manner for the events and happenings referred to herein, and legally caused the injuries and damages alleged in this Complaint. PLAINTIFF will seek leave of the court to amend this Complaint to allege their true names and capacities when ascertained.

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EXHAUSTION OF ADMINISTRATIVE REMEDIES

89. PLAINTIFF has fully exhausted all applicable administrative remedies and received his Right to Sue notice from the California Civil Rights Department on November 15, 2022. PLAINTIFF submitted a timely government tort claim to the

Defendant City of Folsom as to his claims for harassment, discrimination, and failure to prevent harassment, which was rejected. PLAINTIFF's timely filed claims afforded the DEFENDANT CITY OF FOLSOM prompt notice to permit early investigation and evaluation of the claims.

FACTUAL ALLEGATIONS

910. During the course of PLAINTIFF's employment by the City of Folsom Police Department, PLAINTIFF was subjected to pervasive and continuous patterns of racial harassment as a police officer at the City of Folsom Police Department (the Department). Seventeen percent of Folsom residents are of Asian racial ethnicity. The City of Folsom employs more than eighty employees. However, during relevant times, PLAINTIFF was one of only two Asian officers. This is a remarkably disparate composition from all other comparable sized agencies in the region. Such remarkable deficiencies contradict commonly accepted community policing standards. An extreme deficiency of racial composition is a common factor in law enforcement employment and race discrimination cases.

101. PLAINTIFF began his employment in 2005. Until the final year of his employment, despite the harassing conduct set forth below, PLAINTIFF had favorable performance over ten years and received all his merit step increases.

112. The first harassment incident occurred Summer of 2007, which set up a precedent for the department's culture. PLAINTIFF was performing his usual patrolling duty, including the Sutter Club Sports Bar business check. While inside, PLAINTIFF was approached by his fellow officer Sharon Blackburn who was off duty with her friends at the Sutter Club Sports Bar. Sharon Blackburn grabbed PLAINTIFF by his uniform and

stated: " I always had a crush on you." Thereafter, Blackburn kissed PLAINTIFF's ear lobe. PLAINTIFF pushed Blackburn off of him. Blackburn responded by saying: " That's fine. Maybe when you are off duty, we can fuck then." PLAINTIFF did not report the incident as Officer Blackburn was a senior officer and PLAINTIFF was new to the department. On a separate occasion, Blackburn told PLAINTIFF that when she could see PLAINTIFF traning/boxing from her window at work, it would make her "drool," which sexually objectified PLAINTIFF.

123. Furthermore, PLAINTIFF learned from fellow officers that Blackburn had numerous sexual affairs with others at the department and was known to consume significant amounts of alcohol in social settings when other officers were present. Blackburn had also made sexual advances and tried to kiss another married male Folsom Police Officer while off duty in or around 2001 after Blackburn had been drinking, and that officer had similarly rejected Blackburn. At one point, the wife of yet a different married Folsom Police Officer confronted Blackburn with concerns that Blackburn had slept with her husband. City was aware of the allegation that Blackburn slept with the married officer, however no disciplinary action was taken ever against ~~Nonetheless,~~ Blackburn for her off-duty behavior with other officers. Blackburn was promoted to become the Internal Affairs Sergeant responsible for investigating alleged misconduct by other officers in the Department.

13. In or about 2015 or 2016, Blackburn was assigned to the internal affairs investigation of the same male officer who had rejected Blackburn's advances in 2001. That officer complained to Commander Mark Schanrock in 2015 or 2016 that Blackburn had intentionally disclosed confidential information regarding his internal affairs

investigation to third parties who had no right or need to know such information. Blackburn was not disciplined for divulging confidential information related to that internal affairs investigation, nor did the City inquire as to Blackburn's personal bias/conflict of interest investigating a subordinate male officer who had previously spurned her advances. Following Blackburn's investigation, that male officer was ultimately terminated – an ominous warning to employees who rejected the "quid pro quo" culture and imbalance of power at the Department. CITY thus began terminating subordinate employees who refused sexual advances from officers in positions of authority such as Blackburn before Plaintiff's termination. The terminations of Plaintiff and the other male officer in 2016 should be juxtaposed with the preferential treatment afforded to subordinate employees like Jeana Stover-Marendt who reciprocated her supervisor's sexual advances. CITY knew for many years that the Folsom Police Department was a toxic workplace permeated with a "quid pro quo" culture, but refused to take corrective action against the perpetrator(s) and instead punished the victims of sexual harassment.

14. DEFENDANT CITY OF FOLSOM knew Blackburn breached confidentiality of an internal affairs investigation in 2016, but took no steps to correct or prevent its Internal Affairs Sergeants from weaponizing confidential information to retaliate against officers who were under investigation. No screening protocols were implemented by the DEFENDANT CITY to check for personal bias or identify conflicts of interest when assigning internal affairs investigations, nor were any mitigation measures ever taken to prevent or rectify breaches of confidentiality when they were discovered/reported.

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15. In 2020, Officer Sharon Blackburn was conducting PLAINTIFF's Internal Affairs Investigation – once again after the City failed to screen for any personal bias

between the lead investigator and the accused officer who had previously spurned Blackburn's sexual advances. Prior to or concurrent with Blackburn's 2021 retirement, DEFENDANT DAVID CANEPA became the lead investigator in charge of Plaintiff's internal affairs investigation. DEFENDANT CITY OF FOLSOM knew that DEFENDANT CANEPA had no prior experience conducting internal affairs investigations, and that PLAINTIFF's internal affairs investigation was CANEPA's first. DEFENDANT thereafter CANEPA maliciously divulged PLAINTIFF's identity and confidential internal affairs details to third party(s) who had no need or right to know the information.

164. Beginning between 2007 and 2008, his fellow officers began putting offensive stickers on Officer PLAINTIFF' locker. Unlike many similarly situated agencies, the Department did not have a policy prohibiting displaying of unprofessional, much less offensive, items (or any items) on the outside of lockers. (Placement of items on police lockers is a common theme in numerous sexual and racial harassment lawsuits in police agencies).

175. These stickers and items that kept appearing on his locker were anti-Asian and racially offensive. They would be random pictures of Asian men and children. They would have a quote written on them saying, "I'm Officer Dorris." or likening the Asian child(ren) in the photo(s) to Plaintiff's children. Additionally, Plaintiff was known by his co-workers to be afraid of clowns, and stickers of various clowns meant to torment and distress Plaintiff were placed on his locker. PLAINTIFF opposed the placement of the itemstickers by taking them down repeatedly. Within a few days another would be put on. An officer put a sticker, "standard length", as racist trope mocking Asian penis size. These displays continue to be placed on PLAINTIFF's locker even while he was on

administrative leave during the course of an Internal Affairs investigation, and until his ultimate termination. PLAINTIFF continued to be made aware of these violations despite his being on leave. Of particular concern was a posting on his locker portraying an Asian man appearing to ~~running for his life while~~ being shot in the head during the fall of Saigon during the nation's Viet Nam conflict from the 1960's and 1970's. That posting alone shocks ~~the~~ all consciences of decent behavior, and clearly, even in isolation, constitutes blatant harassment. Other examples of horrifying images that were placed on Plaintiff's locker include the famous photograph of a naked girl in Vietnam running and crying after being bombed with napalm surrounded by other children, as well as the *Time Magazine* photo of the self-immolating monk on fire in Saigon.

18. Moreover, during his leave while Dorris was being investigated by the Department, his name was posted on the white board recording workout statistics at the Department's gym with the caption, "completed workout in Thailand." on more than one occasion. These written taunts implied that Plaintiff had been deported back to Thailand where he was born when there was absolutely no basis for anyone to believe that Dorris was out of the country – particularly since Plaintiff could not leave the country without Department approval while he was on leave during the investigation. This list was viewed by other officers, including supervisor Brandon Monsoor, who wrote his name beneath Dorris' name on the same list without taking any action to identify or discipline the source of the taunts. Brandon Monsoor is a white male officer who enjoys unfair job security because Monsoor's wife is a Board member of the influential nonprofit that donates significantly to the Department: the Folsom Police Foundation. Brandon Monsoor's wife is a white female.

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19~~6~~. In addition, fellow officers would put ~~leave~~ their trash/hangers, dirty towels, and boots on his locker. These were meant to send a message that Plaintiff was beneath them.

20~~17~~. During all relevant times, PLAINTIFF informed his supervisor Sergeant Ty Schantz, about the issues he was having. Sergeant Schantz told him that he would "take care of it." Sergeant Schantz attempted to put an end to the harassment, but it still continued. More specifically, Schantz brought PLAINTIFF's concerns to the attention of his (Schantz's) superior officer, Lt. Perry Albers, who responded by laughing about the offensive photos of Asians placed on Plaintiff's locker.

21. Lt. Perry Albers not only laughed about the harassment Plaintiff was suffering at work, but was an active participant in discriminatory treatment towards Plaintiff. For example, Lt. Albers exerted pressure on Sgt. Schantz to "write-up" or otherwise discipline Plaintiff for use of force despite Sgt. Schantz informing Albers that Plaintiff had not violated any law(s) or policy(s). When Schantz refused to discipline Plaintiff for conduct that did not occur, Albers retaliated by micromanaging Plaintiff, and eventually by intentionally jeopardizing the safety of Schantz and Dorris while they were on duty.

22. Early one morning, Sgt. Schantz contacted Lt. Albers to request permission to deploy the SWAT team to assist Schantz, Plaintiff and two other officers who were responding to an active stabbing incident involving more than a dozen gang members and a victim who had been stabbed repeatedly. Despite this request for help, Lt. Albers refused to send the SWAT team and refused to appear at the scene. Albers' intentional refusal to provide back-up to Plaintiff and his team him when their lives were in danger

cannot be explained by any legitimate law enforcement purpose. Albers' intentional failure to provide adequate back-up was intended to send a message to Dorris and Schantz of what the Department was capable of and to reinforce the power structure with fear.

23. Albers persistently obstructed Plaintiff's ability to perform his job by refusing to provide Plaintiff with sufficient back-up to ensure Plaintiff's safety during dangerous police assignments and criticizing Plaintiff's performance of routine tasks that did not rise to the level of warranting oversight or discussion. Albers' decision to place Dorris' life in danger by refusing to provide back-up during the stabbing incident was motivated by racial animus.

24. At all times relevant, City of Folsom knew that Lt. Perry Albers had previously shot a 19-year-old Asian male in the abdomen in or about 1994 while working for the Department. Albers had falsely accused that teenager of being a member of an Asian gang to justify Albers' excessive use of force that resulted in the young man being in a coma for a month and undergoing surgery. Albers and another white male detective – both of whom were wearing plain clothes with no outward police badges or identification – yelled "freeze". Neither of the detectives identified themselves as police officers before Albers swiftly shot the young man in his abdomen. After the shooting, Albers made statements to the effect that he was unsure whether he shot Ty Kim, the 19-year old who sustained the gunshot wound, or Ty's brother – which indicated that Albers did not discern between Asian males and did not even know who he was shooting at. When the Kim family threatened to sue the City, it became apparent that the Folsom Police Department would continue to harass the teenager, his brother, and their family if

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they pursued their claims. Ultimately, a verbal agreement was reached between the City and the young man's family that no lawsuit would be filed in exchange for the City's agreement to stop retaliating against the Asian family. Defendant City never disciplined Albers for the shooting, nor his racial animus. CITY returned Albers to duty and placed him in a supervisory role. Albers is a white male.

2518. In addition to the offensive stickers and photos on his locker, PLAINTIFF heard numerous comments at work regarding Asian stereotypes, making reference to PLAINTIFF's skin color, PLAINTIFF's "slanted eyes," and PLAINTIFF's penis size.

2619. A particular comment from Sergeant Galovich was outrageously derogatory to PLAINTIFF. PLAINTIFF was a member of the Special Weapons and Tactics (SWAT) team. Due to severe knee injuries, PLAINTIFF underwent multiple surgeries and could not continue as a SWAT member. Sergeant Galovich approached PLAINTIFF to inquire why PLAINTIFF left SWAT team. .PLAINTIFF explained his medical condition and inability to continue. Sergeant Galovich replied: "Well, at least SWAT doesn't have a Chink in their armor anymore." Chink is an English-language ethnic slur usually referring to a person of Chinese descent. The use of the term is considered extremely offensive and racist.

270. Such references to PLAINTIFF of Asian ethnicity was clearly a concerted effort to demean. Similar conduct continued in the presence of civilians, such as "ride alongs" demeaning PLAINTIFF's command authority. Recognition of implicit bias against Asian-Americans is still lacking in this Country. Discriminatory comments and disparate treatment against Asians continue to be relevant in a manner that would be recognized as such for other persons of color.

28. During a training where multiple officers were present in or about the summer of 2020, a photograph of PLAINTIFF was shown to the class as part of a slide show. The photograph of PLAINTIFF was intended to illustrate unsafe driving practices, including talking on the telephone, eating, and performing other tasking while PLAINTIFF was driving. When that photograph of PLAINTIFF was shown to the classroom full of officers, Sgt. Galovich exclaimed, "As if driving while Asian isn't hard enough!" Galovich's comment was intended to convey that PLAINTIFF was an unsafe driver because of the stereotype that Asians are bad drivers – a bias which is particularly problematic for a police officer to hold. PLAINTIFF was extremely embarrassed as his coworkers laughed about his supposed inability to perform a simple law enforcement task like driving. Galovich was not disciplined for his racist comment to PLAINTIFF despite numerous officers confirming to CITY representatives and Assistant City Attorney Sari Myers-Dierking that they witnessed Galovich's racist statement regarding Plaintiff during the training. Instead, the CITY later assigned Sgt. Galovich to traffic/motors *after* Galovich's racist trope regarding Asian drivers had been reported to CITY.

294. PLAINTIFF continued to experience the harassment throughout his employment until the present. Many of the comments occurred openly in the Department's locker room. These offenses were committed by superiors, and occasionally by peers while in the presence of superiors who took no disciplinary or any other action to end the harassment. They occurred while supervisors were present. PLAINTIFF continued throughout his employment believing he would have to tolerate it because it was the culture of the Department. PLAINTIFF prayed that one day that the Lieutenant or Chief would say or do something to eradicate the conduct. PLAINTIFF

knew that they observed the behavior every day because his locker is the first locker at the entrance of the locker room. The police chief and all other commanders and supervisors of the Department clearly would have seen the offensive racial stickers and photos.

30. PLAINTIFF informed his supervisor Kirk Morris and other members of the Department during briefings that PLAINTIFF's lip balm had been tainted in the locker room with a chemical irritant that Plaintiff believed to be pepper spray. City took no steps to investigate who had poisoned Plaintiff's lip balm with chemical irritants despite the battery against Plaintiff occurring on multiple occasions on City property – and possibly using the City's own pepper spray to inflict harm upon a minority officer. The Chief of Police at that time was Rick Hillman, who is a white male. Kirk Morris is a white male.

3122. Moreover, PLAINTIFF held concerns about making any direct statement or formal objection related to the harassing conduct and its effect on him to any superior because there were concerns about the questionable ethical culture that pervaded the Department. He feared that he would be segregated and retaliated against if he tried to raise any concerns.

232. PLAINTIFF held out hope that at some point supervisors would ask him if the harassing conduct offended him so he could affirm that it did and that they would take corrective action, such as prohibiting the placement of personal items on the outside of lockers so that he would not be singled out as having complained.

3324. During the course of his employment, PLAINTIFF served as a school resource officer (SRO) and taught many youth about anti-bullying. PLAINTIFF started an after-school program around 2011 when PLAINTIFF was an SRO. The program was

used to combat bullying and it was a success. PLAINTIFF ran the program for approximately eight years. Throughout those eight years, although PLAINTIFF helped many kids combat bullying, he, himself felt helpless in the face of "adult bullying" and harassment. This weighed on him because he himself was being harassed and bullied daily. It also felt to him like he was being a hypocrite for presenting the anti-bullying campaign for the City of Folsom.

234.5. PLAINTIFF correctly believed if he complained further about anything; the harassment would intensify, and he would be retaliated against. During every shift that PLAINTIFF worked, he would see these stickers and they would destroy his morale at the beginning of each shift. There would be times where PLAINTIFF would pull over in a parking lot and get emotional.

3526. PLAINTIFF started to hate coming to work, and nobody would help him. In or about 2018, once PLAINTIFF left the SRO program and went back to patrol, the harassment became worse.

3627. PLAINTIFF's predominate supervisor when he returned to patrol in 2018 was Police Sergeant Tim Galovich. Sergeant Galovich racially harassed Officer PLAINTIFF continuously.

2378. V Sergeant Galovich would unjustifiably and unfairly "write up" or chastise PLAINTIFF for issues that occurred on certain calls in violation of the Police Officer Bill of Rights. In doing so, he misrepresented to PLAINTIFF what the true intent of the "write ups" were by indicating that it does not go into Plaintiff's file. Only after his suspension did PLAINTIFF learn that, in fact, the "write ups" were a form of disciplinary action that he

had the right to challenge, but was advised by Galovich to just accept to avoid escalating it into an investigation which would then become part of his disciplinary record.

3829. Sergeant Galovich's actions are relevant because he would regularly engage in any Asian racial harassment against PLAINTIFF in addition to subjecting him to unwarranted disciplinary action. More specifically, Sergeant Galovich regularly and publicly mocked PLAINTIFF with anti-Asian slurs and tropes in front of fellow officers.

390. Sergeant Galovich would attempt to take on an Asian accent, and try to imitate PLAINTIFF, saying, "Roaster" instead of "Lobster," "Rook," instead of "Look," etc. This anti-Asian accent harassment occurred continuously throughout the past three years prior to PLAINTIFF's suspension.

4031. Sergeant Galovich also expressed his biases against Asians in his supervision of PLAINTIFF. Sergeant Galovich would say, "A good way to make Dorris blind is to put a windshield in front of him," again referring to the racist stereotypical trope that Asians cannot drive. These comments were made openly in front of other employees and were similar to Galovich's taunting comment at training about Asians being unable to drive when the photo of Plaintiff was shown.

4132. On or about 2019, PLAINTIFF uncharacteristically confronted Sergeant Galovich regarding how he was being treated, and the disparate write ups he was giving him. Bbefore this time, PLAINTIFF had not experienced write-ups in this manner or frequency. PLAINTIFF told Sergeant Galovich he was being unfair. This caused an emotional outburst from Sergeant Galovich - as if PLAINTIFF's complaint represented the people Sergeant Galovich hated. Sergeant Galovich screamed at the top of his lungs, "Fuck you!!! Fuck you!!! James fuck you!!!" A police supervisor use of such

serious and offensive language towards one of his own officers demonstrates the hostile work environment and privilege that Sergeant Galovich had in the command structure of the Department. It was hostile, demeaning, and disparate treatment. PLAINTIFF calmly responded, "Are you done?" Sergeant Galovich did not respond. Officer PLAINTIFF raised the incident to a Lieutenant (Emery) or the commander. No action was taken.

42~~33~~. At or about the same time of the above-noted incident, there was a new batch of sergeants. This group was known to harass others and especially the other Asian officer. Her name is Kim Lim. PLAINTIFF witnessed Officer Lim get disciplinary notices ("write ups") as well as daily harassment by her supervisors. PLAINTIFF would hear sergeants talk badly about her when she was out of the room. PLAINTIFF heard from a third party (retired Officer Homer Limon) that Kim was scared to say anything and didn't want to "rock the boat" because she would be retiring in a few years anyways. ~~Officer Kim is believed not to be aware of PLAINTIFF's complaints.~~ PLAINTIFF witnessed Officer Kim crying many times. As PLAINTIFF witnessed this, PLAINTIFF noted that he was being treated in a similar manner.

434. Near the end of 2020 or beginning 2021, certain officers were required to appear at a shooting range in the City of Folsom in order to qualify for duty requirements. Officer Lim was present among others. Sergeant Herndon was dissatisfied with Officer Lim's positioning in the prone position. Herndon kicked Lim's feet and subsequently grabbed her by the ankles and drug her several feet across the dirt. Plaintiff is informed and believes that at no time did any non-Asian Officer receive any alleged corrective or disciplinary action by any superior officer that involved physical assault or any bodily

contact. Officer Lim was utterly humiliated in front of her peers as a result of the disparate treatment.

44. The few minority officers that were employed by the City were regarded as nothing more than quota requirements instead of team members who should be valued and integrated. Sgt. Eric Heichlinger instructed at least one of the field training officers who he supervised that the Department needed minority trainees like Officer Kim Lim and Warner Herndon to pass their testing because "then we will have our token black guy, Herndon, and our token Asian female to meet our hiring requirements."

45~~35~~. PLAINTIFF told Sergeant Galovich that he had other officers as witnesses to dispel the issue(s) he was being written-up for, but Sergeant Galovich would say, " This doesn't go in your file anyway. It's just a written reprimand and if you try to fight the allegation it will become formal...." You should just sign it." Sergeant Galovich gave PLAINTIFF numerous unfair and unwarranted write-ups. These were the first write ups ~~Officer~~ PLAINTIFF had received ~~in~~ over the years.

46~~36~~. Between 2019 and 2020, during briefing, Sergeant Galovich would see an Asian name on the arrest board. Sergeant Galovich would ask, in a mocking manner, in front of everyone, "How do you pronounce that Dorris?" This occurred many times throughout the years, not with just him but with other supervisors.

47. Sergeant Ty Shantz told PLAINTIFF there were other racist things put on his locker and that Sergeant Shantz would take them down before PLAINTIFF got to work.

48. PLAINTIFF continued to endure the discriminatory treatment and tried to stay positive. Once he started dealing with personal ~~matters~~stress it became too much for

him to handle. On January 9, 2020, PLAINTIFF contacted the Chief RICK HILLMAN and told him he was "feeling broken." PLAINTIFF was feeling broken because along with the racial harassment, he was dealing with a divorce and a barrage of repeated unwanted calls from unknown google numbers (relating to his former girlfriend). PLAINTIFF was hoping the chief would respond with the willingness to offer assistance related to a possible criminal investigation by the perpetrator of the unwanted calls and also related to the ongoing workplace treatment. However, the Chief did not respond to PLAINTIFF. PLAINTIFF still felt trapped because PLAINTIFF did not want to end his career.

439. In or about the summer of~~August~~ 2020, while PLAINTIFF was at a training day at the range. The training day consisted of up to 20 officers that worked with PLAINTIFF. After Sergeants Roman Kehm and Herndon gave instructions PLAINTIFF asked for clarification about a certain part of the shooting course. At this time, Sergeant Roman Kehm said, "let me make it clear to you Dorris, "Ching Cha Ching Chang Cho. Understand now?" Roman Kehm is a white male.

540. Everyone started to laugh, and Sergeant Herndon laughed as well. At that moment, a sense of memories went through PAINTIFF's head, stemming from the stickers, racial comments and treatment. PLAINTIFF wanted to break down at that moment and yell at Sergeant Kehm. Unfortunately, in the culture of the Department, it would have been futile because PLAINTIFF would be looked down upon even more and treated worse. After they finished the range, PLAINTIFF remembers driving home and becoming overwhelmed with emotion. PLAINTIFF pulled over and cried uncontrollably. PLAINTIFF felt helpless and indeed broken.

541. The workplace harassment was not confined to just Asian officers. As would be expected, anti-Asian discrimination also was observed in policing. For example, PLAINTIFF also noticed that the Department was being extra harsh on a bar called "Powerhouse Pub" located in old town Folsom. The bar was next to four other bars (walking distance). PLAINTIFF noticed his supervisors started to pay disparate attention to the owner of the Powerhouse Pub, an Asian woman; but would leave the other bars alone. To be more specific, during the COVID shut down, all of the bars remained open at some point contrary to public health orders. However, the Department only attempted to enforce legal restrictions against the Asian bar owner, leaving the others completely alone.

542. It is important to also note that before any of the alleged misconduct against PLAINTIFF even occurred, PLAINTIFF broke down and cried in the Chief's office and asked the Chief for help. PLAINTIFF believes his repeated requests in 2020, for his supervisors, and personally to the Police Chief, to investigate and help him with the situation with his former girlfriend's harassment of him in violation of Penal Code 633m, was motivated by a general indifference to his concerns, was disparate and based on the circumstances at the Department instigated, at least in part, by Sergeant Galovich.

543. Despite the Department's contention that no law was broken by the anonymous individuals calling him; it fits a misleading presentation in support of dismissing PLAINTIFF. For example, the November 18, 2021 preliminary notice of disciplinary action that Plaintiff received from the Department indicating his employment would be terminated included allegations against Plaintiff for receiving oral sex on duty

from the former girlfriend who had been harassing Plaintiff. The November 2021 notice of discipline also alleged that Plaintiff had asked the former girlfriend to illegally obtain Xanax and Testosterone. However, a City representative was present in Amador Superior Court on October 19, 2021 when the former girlfriend testified under oath that she had never engaged in sexual intercourse with Plaintiff on duty and had never observed Plaintiff in possession of any illegal substance. A transcript of the proceedings containing those sworn denials was in City's possession when the notice of disciplinary action was served, yet City included allegations against Plaintiff of oral sex on duty and seeking to obtain illegal drugs with knowledge of their falsity. –PLAINTIFF's termination raises concerns that the disciplinary action contains misrepresentations and omissions of important exculpatory facts.

54. DEFENDANTS learned that PLAINTIFF exercised his right to arbitration, made claims against the CITY for harassment and discrimination, solicited other current and former CITY employees to file lawsuits, publicly questioned the legitimacy of CANEPA's investigation, and required Sgt. CANEPA and Sgt. Blackburn to testify at an arbitration proceeding about PLAINTIFF's termination. PLAINTIFF's activities – all of which are protected by the First Amendment – subjected DEFENDANTS' work product regarding the Dorris investigation to scrutiny. This enraged DEFENDANTS and served as the impetus for them to later retaliate against PLAINTIFF. DEFENDANT CANEPA thereafter intentionally divulged PLAINTIFF's identity and intimate confidential information learned through working on PLAINTIFF's internal affairs investigation to third parties, and BLACKBURN, HILLMAN, CANEPA, SCHANROCK, HEISCHLINGER, AND MYERS-DIERKING thereafter viewed and/or circulated a photograph of PLAINTIFF's

bare penis amongst each other and to third parties that they obtained from his ex-girlfriend during the internal affairs investigation. At no time did PLAINTIFF consent to his coworkers disseminating, possessing, or viewing any photo(s) of his genitalia. DEFENDANTS' was meant to silence and punish PLAINTIFF for petitioning the Court and exercising his freedom of speech on a matter of public importance – whether the Folsom Police Department was subjecting its officers to harassment and disparate discipline.

5544. As a result of the unlawful conduct of defendants, PLAINTIFF has suffered severe emotional distress, wage loss and loss of benefits, diminution of his lifetime pension benefits, and damage to his career and reputation.

456. During the course of PLAINTIFF's employment multiple non-minority (racially) officers were involved in incidents that, had disciplinary action and decisions been made in a non-discriminatory manner, would have resulted in demotion, suspension, and/or termination. Instead, white male officers were ultimately not reprimanded or reprimanded without consequence, and even ultimately promoted. Such incidents include:

A. At multiple golf charity events, officers crashed golf carts operated by them under the influence of alcohol resulting in serious physical injury to officers, including, but not limited to, broken arms, a broken back, and a skull fracture. At least one incident required a life-flight ambulance transport and all required long term medical treatment. The involved officers were all white men who were not disciplined and, all of whom were ultimately

promoted. Ironically, Sharon Blackburn participated in serving Vodka drinks to Department officers at hole #17 of the tournament(s).

B. Several officers were involved in going to "massage parlors" and paying for sexual acts, on duty, and orchestrated a process for them to participate in this illegal activity with an officer keeping watch during times that any officer was engaged in the illegal to protect them from being caught. Ultimately, a whistle blower discovered what was going on and the matter was investigated. PLAINTIFF is informed and believed that there were at least four (4) officers actively engaged in the conspiracy. Two were terminated as a result. One, Brian Lockhart, a white male, was promoted, and is now a commander. It should noted, that the white male placed in charge of the investigation, one Lt. Sterling, had a personal relationship with Lockhart, to wit, he was his godfather. Sheldon Sterling is a white male. Further, Brian Lockhart's father Dwight Lockhart then serve(d) as an officer of the Folsom Police Foundation, a local non-profit that exerts considerable control and influence over the Department through "donations" and "fundraisers," a major funding source for the Department. This relationship with a major funding source – borne from white privilege ties to a wealthy family member just like Brandon Monsoor – further incentivized Defendants to ignore Lockhart's persistent misconduct.

C. A white female officer, JeanaGina Stover-Marendt, was caught stealing nearly 400 hours of paid time off from the Department, i.e. reported and paid for hours for which she did not work. Lockhart engaged in a conspiracy to approve the paid time off, allowed Stover to take the time off, but subsequently, he would not deduct the accrued leave from the hours earned, or he would erase the paid time off deduction from the accrued hours, thus resulting in additional paid time being paid to Stover to which she was not entitled. Lockhart and Stover were involved in an affair that they failed to disclosed to the Department in violation of Policy Manual requirements. PLAINTIFF is informed and believes that they are still involved in an affair in violation of the Departments policies. The Department reduced the crime from 400 to 40 hours, and subsequently promoted her. No disciplinary action was taken against Lockhart. Officer Jeana Stover-Marendt's romantic affair with her supervisor Commander Brian Lockhart had a protective effect on Stover's career and disciplinary decisions, which suggests a quid-pro-quo relationship between subordinate and supervisor. Corporal Rick Olson spent two hours in July of 2016 reporting Lockhart and Stover-Marnedt to Lt. Eric Heichlinger for time card discrepancies, and also reported Lockhart for other misconduct related to concealing a DUI hit-and-run by Lockhart in a City vehicle, and the prostitution conspiracy. Lt. Heichlinger responded "I'm not going to do anything about it, we're friends." Heichlinger is a white

male. Stover has since been promoted to Lieutenant over the vociferous objections of her peers.

D. The Department allegedly investigated complaints of disparate treatment by senior officers against other minority and female officers, leading to ~~a finding of~~ no disciplinary action against white officers. Once such event involved Officer Homer Limon, who lodged a complaint against Sergeant Lou Wright. Ultimately, approximately 30 officers joined in the complaint. Upon completion of the investigation, Officer Limon was told that he was the problem and not Sergeant Wright. Officer Limon requested a copy of the investigative report and he was refused. Subsequently, Lou Wright was promoted. Wright is a white male.

E. In or about 2015, Corporal Rick Olson reported to Lt. Browning that he had received multiple complaints from other officers that they were being bullied and/or mistreated by Sgt. Brian Lockhart and Sgt. Lou Wright. Despite multiple officers expressing the same concerns to the City and Assistant City Attorney Sari Myers-Dierking, neither Lockhart nor Wright were thereafter demoted nor terminated. Browning is a white male. Myers-Dierking is a white female. Notably, former Internal Affairs Sgt. Sharon Blackburn was unaware of any internal affairs investigations for harassment, discrimination or bullying– which implies Defendants did not entertain the possibility of ever seriously disciplining anyone

at Folsom PD who was accused of harassment, discrimination or bullying – including Brian Lockhart, Lou Wright and Perry Albers.

F. While on duty in 2021 and/or 2022, Officer Sean Stokaug admitted that he engaged in sexual contact with numerous married women in public places – including threesomes between Stockhaug and two women who were cousins. Stokhaug used his Department K-9 and City equipment to forge bonds with women in distress, and was thereafter accused of lying about his conduct during the course of his internal affairs investigation. Despite most of the allegations against him being sustained, Stokhaug continued to work for the City until he retired because the City consented to "treatment" of Stokhaug's alleged sexual compulsion in lieu of termination. Stokhaug is a white male. Notably, Sgt. Galovich may have given preferential treatment to Stokhaug during the course of his "investigation," which was later returned in kind when Stokhaug "investigated" Galovich being thrown from his horse.

G. Sgt. Tim Galovich was inexplicably thrown off of his horse in downtown Folsom while on duty in late 2021, and the horse thereafter ran away and collided into a vehicle. This caused damage to the vehicle and injured the horse. The Department never administered any field sobriety tests nor subjected Galovich to blood, breath or urine analysis – despite the fact that Galovich had a history of drinking alcohol while riding the same horse within Folsom

City limits. Galovich was "investigated" by Sean Stokhaug, who owed Galovich a favor for helping to clear him of wrongdoing in Stokhaug's own investigation. No observable discipline was meted out to Galovich for losing control of his horse nor consuming alcohol while riding his work horse within City limits. Galovich is a white male.

H. While on duty after dark in late 2016, Officer Todd Laraway told a black man to "smile so I can see you," which was reported by a third party who overheard the comment. Officer Laraway admitted making the statement and stated in his defense that he was joking. Laraway was not terminated and received only a letter of written reprimand – despite the City finding that Laraway violated the same policy regarding disrespectful or discriminatory treatment that resulted in Plaintiff's termination. Laraway is a white male.

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5746. Listed above incidents involving multiple non-minority (racially) officers are crucial in this matter as it clearly points out the disparity and discrimination in disciplinary actions by the Chief's office. In all listed incidents, white ~~male~~ officers were ultimately not reprimanded or reprimanded without consequence, whereas PLAINTIFF was terminated ~~based on a less serious matter~~. Moreover, during the Internal Investigation process against Plaintiff in 2020, the Chief's office tasked Detective Melanie Catanio with criminally investigating Plaintiff despite City's knowledge that Catanio had been accused of perjury, destruction of evidence, and/or witness tainting in at least three separate

cases previously assigned to her. Catanio has one or more *Brady v Maryland* violations related to untruthful testimony under oath according to the Shasta County District Attorney's Office.

58. Upon Catanio's recommendation, the City filed a complaint with the Sacramento District Attorney's office to pursue criminal charges against PLAINTIFF based on unauthorized use of California Law Enforcement Telecommunications System (CLETS). The Sacramento District Attorney's office did not pursue any charges against PLAINTIFF. The same Chief failed to initiate any request for any criminal investigation against any white ~~male~~ officers who engaged and/or participated in criminal conduct.

59. In or about 2022, Defendants, Kehm & Hillman, reported Plaintiff to the California Peace Officers' Standards and Training ("POST") for alleged misconduct that could result in Plaintiff's decertification as a law enforcement officer, including: demonstrating bias, dishonesty, and sexual assault. The City never sustained any finding nor had probable cause that Plaintiff had sexually assaulted anyone – as evidenced by the arbitration records and their glaring failure to include that allegation in the November 2021 preliminary notice of discipline. Plaintiff received a closure letter from POST in February of 2025 notifying Plaintiff that POST had closed their investigation of Plaintiff and that no action(s) would be taken to decertify Plaintiff. Notably, Defendants, Catanio, Kehm, and Hillman were all aware that there was no evidence to support that allegation. DEFENDANTS' false accusation to POST that PLAINTIFF had committed a sexual assault was yet another form of retaliation against PLAINTIFF for exercising his First Amendment rights to petition the court, arbitrate his termination, and speak with other City employees regarding harassment and discrimination. In short, DEFENDANTS were

angry that PLAINTIFF was filing claims against the CITY and convincing other CITY employees to file harassment and discrimination claims. So they retaliated against PLAINTIFF by seeking to permanently end his law enforcement career through a false sexual assault accusation with reckless disregard for the extreme distress their false accusation would cause PLAINTIFF. As a consequence of DEFENDANTS' false claim, PLAINTIFF was embarrassed, shunned, and prevented from working at his own children's school like some kind of child molester or pervert.

6047. In the Arbitration Hearing of October 20, 2022, the Chief explained his reasoning for taking action against plaintiff by indicating that PLAINTIFF's incident differs from others because "...a lack of taking responsibility for actions, and the lying is something that we couldn't have in our profession, and somebody who is making racial comments is just unacceptable." At no time did the Chief explain his reasoning for not-~~only~~ taking disciplinary actions against white ~~male~~ officers who participated in illegal activity, orbut, ~~in fact,~~ promotinged them despite their poor performance and conduct. For example, white Officers Sean Stokhaug and Todd Laraway were similarly accused of on-duty sexual activity, racist commentary, and/or lying during an internal affairs investigation. Yet neither Stokhaug nor Laraway were terminated by the City for their misconduct – despite many of those allegations being sustained.

61. On or about March 8, 2022, when Sgt. David Canepa was then serving as the Professional Standards Sgt. in charge of internal affairs investigations, Chief Rick Hillman received an email from a woman who had been engaged in an extra-marital affair with David Canepa. The woman's email stated that David Canepa shared personal information with her while conducting several internal affairs investigations, including

details about Plaintiff's case as well as three other internal affairs investigations. She warned Chief Hillman that the integrity of the internal affairs position had been compromised. Canepa is a white male.

62. Canepa's mistress provided specific details of an intimate nature regarding Plaintiff from the internal affairs investigation that could not have been learned from the public record or any source other than Canepa. The details were explicit in nature, and also included Plaintiff's identity and the fact that he was under investigation.

63. At all times relevant, DEFENDANTS were aware that they were under a duty to keep Plaintiff's identity – as well as non-public details related to his investigation -- confidential from third parties who did not have the right and need to know such information. That obligation is memorialized in the Folsom Policy Manual at section 339.5.6(a) "Unauthorized Access, Disclosure or Use," and Article XII(E)(c) of the Folsom Police Officers' Association Memorandum of Understanding ("FPOA MOU"), "Disclosure of Confidential Information." Notably, both of those confidentiality provisions were cited by the City in Plaintiff's Preliminary Notice of Disciplinary Action dated November 18, 2021 as the basis for Plaintiff's termination. Canepa's duties as Internal Affairs Sgt. required him to be familiar with the Folsom Policy Manual and the FPOA MOU. Plaintiff's preliminary notice of disciplinary action was furnished to DEFENDANTS in 2021.

64. Any reasonable law enforcement official knows they cannot retaliate against people for exercising their Constitutional rights and that they cannot share confidential internal affairs details with third parties that they learned at work. In addition, Canepa verbally ordered Plaintiff in late 2021 not to discuss Plaintiff's internal affairs investigation with third parties, which further demonstrates CANEPA's knowledge that

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internal affairs information was confidential. The very act of CANEPA ordering PLAINTIFF not to discuss his own internal affairs investigation for an indefinite time was itself a First Amendment violation because the order was an overly-broad prior restraint on free speech tantamount to censorship under penalty of termination. Blackburn and others had similarly imposed broad speech prohibitions on Plaintiff and other employees – including the male officer who was terminated in 2016 after Blackburn's undisclosed harassment – that forbade them from discussing any part of the internal affairs investigations without temporal limitation and thus constrained their employees' ability to represent themselves and determine whether other co-workers had also suffered disparate disciplinary treatment/retaliation.

65. In fact, the standard internal affairs notice sent to the accused from DEFENDANTS for many years advised in writing that the accused officers are "officially ordered not to discuss this investigation with anyone…This includes, but is not limited to, any conversation, either in person or by telephone, or any written communication, either on or off duty. Your failure to abide by this order will be deemed insubordination, pursuant to Folsom Police Policy Manual 340, and result in administrative discipline up to and including termination of employment." DEFENDANTS have signed and/or been copied on many such notices of internal affairs investigations – including the notice sent to PLAINTIFF – and were thus well aware that internal affairs investigations were confidential. DEFENDANTS' repeated orders to PLAINTIFF and other accused employees not to discuss their own IA investigations were not narrowly drawn, did not contain a temporal limit limited to the pendency of the investigation, did not always contain exceptions for the employee to speak with their attorneys/representatives/health

providers, and did not clarify that the employees could discuss matters outside the investigation. DEFENDANTS knew their blanket prohibitions on PLAINTIFF's speech constituted a First Amendment violation because of the landmark 1983 decision in *Los Angeles Police Protective League v Gates*, but made no efforts to conform to the Court's holding by narrowly tailoring their orders not to talk; DEFENDANTS intentionally benefitted from their accused employees' inability to discuss the intentional and inherent unfairness in the Department's internal investigations – which was and is a matter of public concern in the City of Folsom.

66. DEFENDANTS were aware when they divulged Plaintiff's identity and intimate details regarding his internal affairs investigation with a third party(s) that such disclosures were prohibited, could compromise the integrity of Plaintiff's investigation, and would cause serious anxiety and embarrassment to Plaintiff. The statements made by Canepa to his mistress regarding Plaintiff pertained to obviously private matters, including allegations about Plaintiff ejaculating into towel(s), which would be considered defamatory and invasive by a civilized community. DEFENDANTS' intentional disclosures were extreme, outrageous, and intended to cause severe emotional distress to Plaintiff in retaliation for Plaintiff acting as a whistle-blower against the CITY for harassment and discrimination.

67. Prior to DEFENDANTS' intentional breach of PLAINTIFF's confidential information, false accusation of sexual assault, and circulation of photos of Plaintiff's penis, there was no valid basis for Defendants to harbor any animosity towards PLAINTIFF. DEFENDANTS' malicious disclosure of PLAINTIFF's confidential information, identity, and intimate photograph, as well as their false report to POST for

sexual assault, were motivated by a desire to retaliate against PLAINTIFF for exercising his First Amendment rights to free speech, access to the courts, and freedom of association. PLAINTIFF was subjected to punishment for decisions to arbitrate his discipline/termination, file claims against the CITY for harassment and discrimination, and solicit other CITY employees to file lawsuits against the CITY. DEFENDANTS' intentional disclosures, invasions of privacy, and maliciously false accusations were intended to cause a chilling effect on Plaintiff's First Amendment activities and punish him for exercising his Constitutionally protected rights.

68. No reasonable law enforcement officer – including CANEPA – would have believed that it was lawful to disclose the identity and confidential information related to PLAINTIFF's internal affairs investigation to third parties who had no right or need to know the information.

69. A substantial and motivating factor in DEFENDANTS' conduct towards PLAINTIFF was PLAINTIFF's lawful speech to current and former CITY employees regarding harassment and discrimination claims against the FOLSOM POLICE DEPARTMENT, which were and are substantial matters of public concern in the CITY OF FOLSOM. See currently pending Sacramento Superior Court cases *Kimberly Lim-Watson v. City of Folsom et al, Homer Limon v City of Folsom et al, Scott Geist v City of Folsom et al,* and *Laura Knudsen v City of Folsom et al.*

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70. On or about March 10, 2022, Chief Hillman assigned the complaint regarding Sgt. David Canepa's breach of confidentiality regarding Plaintiff to Lt. Eric Heichlinger for investigation – with knowledge that Heichlinger was a personal friend of

David Canepa. DEFENDANTS knew and disregarded the conflict of interest and/or personal bias caused by assigning Heischlinger to the Canepa investigation.

71. DEFENDANTS took no meaningful steps to mitigate the harm caused to Plaintiff by Canepa's disclosure to third parties, nor did the DEFENDANTS inform Plaintiff that a breach of his confidential internal affairs information/identity had occurred. Plaintiff did not learn of DEFENDANTS' breach of his confidential IA information until several years after he was terminated in approximately 2024 when PLAINTIFF learned from a third party of the email sent to Chief Hillman by Canepa's mistress.

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72. Decisions regarding assignment of internal affairs and criminal investigations intentionally favored white officers whom management liked – by assigning their investigations to close friends of the accused like Eric Heischlinger, Sheldon Sterling, Roman Kehm or Tim Galovich who were also white – so that the allegations would be promptly dismissed. Conversely, internal affairs and criminal investigations were intentionally weaponized against minority officers who were disliked by assigning those cases to untrustworthy investigators such as Sharon Blackburn, Melanie Catanio and David Canepa – all of whom had their own extensive patterns of misconduct that had never been corrected. Blackburn's prior breach of confidentiality in 2016 and Melanie Catanio's history of perjury and destroying exculpatory evidence in three prior criminal cases were known to City. Yet the City intentionally entrusted officers like Catanio, Blackburn and Canepa with the grave responsibility of investigating minority officers whom management disliked – including PLAINTIFF.

73. Despite overwhelming evidence, including a sworn declaration signed by Canepa's former mistress swearing that Canepa intentionally breached the

confidentiality of multiple investigations when she had no right or need to know the confidential information and that Canepa does not have a propensity for truthfulness. Plaintiff was informed in 2025 that the City did not sustain the citizen complaint filed against Canepa for breach of confidentiality. Canepa has instead been awarded promotion(s) and salary increase(s) by City. However, Plaintiff learned in 2025 that Canepa is currently under investigation by POST for misconduct that could result in his permanent decertification from law enforcement, including (but not limited to) perjury.

74. Former Folsom Police Detective Melanie Catanio is also under investigation by POST for grave misconduct that could result in her permanent decertification from law enforcement, including (but not limited to) perjury, destruction of evidence, witness tainting and personal bias. Catanio remains under investigation by her current employer Anderson Police Department has been identified by the Shasta County District Attorney's Office as having at least one *Brady v Maryland* violation, and was removed from active duty as a police officer by the City of Anderson in 2024.

75. At no time did the DEFENDANT CITY OF FOLSOM eliminate Eric Heischlinger, David Canepa, Rick Hillman, Brian Lockhart, Roman Kehm, Tim Galovich, Perry Albers, Brandon Monsoor, nor Lou Wright as the suspect(s) who placed photographs depicting Asian suffering/violence and/or lewd "standard length" penis references on Plaintiff's locker at work, nor were any of those white male suspects eliminated as the source(s) of the chemical irritant/ pepper spray that was placed in Plaintiff's lip balm. Plaintiff thus continues to reasonably fear that the same people who now possess photos of Plaintiff's bare penis and other intimate information gathered

during the internal affairs investigation are the very same people who have been harassing and retailiating against him.

76. During the years Plaintiff worked for the CITY, the Department was permeated by a culture of intimidation and retaliation which created two classes of employees: the "in clique" who received preferential treatment, promotions, and protection from management – which was comprised primarily of white males; and the "excommunicated" employees who were micromanaged, provided with inadequate resources to perform their jobs, and subjected to a toxic work environment – which was comprised of female and minority employees as well as some outspoken white employees who openly criticized management or refused to participate in the culture of favoritism.

77. Promotions, discipline, and other important decisions that impacted workplace conditions were controlled by members of the "in clique" at the Department who were predominantly white. Although Plaintiff never observed anyone from the "in clique" openly burning crosses to proclaim their racist doctrines to the world, there was certainly an element of white privilege enjoyed within their network of favoritism. One former officer described them as having a "protect their own" mentality.

78. Prior to assigning sensitive cases, DEFENDANTS failed to comply with best practices by screening police officers for adverse childhood events or other trauma that may impact the officer's ability to execute their duties in a fair and impartial manner. For example, prospective and current police officers were not asked whether they were abused as children prior to being assigned to investigate child abuse cases.

79. In 2021 DEFENDANT CITY OF FOLSOM and its former Detective Melanie Catanio were named in a government tort claim and sued in federal court by Mrs. Faun O'Neel and her minor children after Catanio had proclaimed herself to be a child abuse victim while conducting a biased and one-sided child abuse investigation. CITY and Catanio eventually paid $400,000 to settle the O'Neel lawsuit. DEFENDANT CITY OF FOLSOM was thus on notice of their liability exposure created by their failure to properly screen police officers assigned to sensitive cases for childhood trauma and/or personal bias.

80. During the course of investigating Plaintiff, Sgt. Sharon Blackburn learned from witness interview(s) that Plaintiff had been sexually abused as a child. The CITY and its managers realized from their experience with Catanio's lawsuit that Plaintiff's childhood trauma created another source of liability for the Department – particularly since Plaintiff had been assigned as a School Resource Officer and patrol officer for many years, which necessarily entails responsibility for responding to allegations of child abuse. This accidental discovery of Plaintiff's childhood trauma – which DEFENDANTS never properly screened for– provided yet another reason for DEFENDANTS to unfairly expedite Plaintiff's termination.[1]

[1] It is well-established that a person who has been the victim of a particular crime is ill-suited to investigate or adjudicate a charge for the same or similar crime. See *People v Gutierrez* (2017) 2 Cal. 5th 1150, 1171. It is equally self-evident that a police officer who as a child was "a victim to the same crime at issue in the case to be tried" is subject to impeachment for bias as well. There is a body of psychological and criminological literature that confirms this type of potential bias in police officers. It has long been established that Adverse Childhood Experiences have direct effects on the child's brain development and long-term effects as the child becomes an adult. *See* Clark et al., "Trauma-Informed Policing: The Impact of Adult and Childhood Trauma on Law Enforcement Officers," 73 Case W. Res. L. Rev. 843, 849 (2023). In the article's list of Adverse Childhood Events, sexual abuse is No. 3. The article provides empirical examples of police officers handling particular situations differently as a consequence of the trauma. See Clark et al, supra, at 885. The law enforcement community itself is very much aware of this problem. *See*

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81. Plaintiff's distress after learning that Canepa was not disciplined after he intentionally disclosed confidential information of an intimate personal nature to third parties about Plaintiff ejaculating into towel(s) and that a photo of Plaintiff's bare penis was circulated by his Department coworkers without consent has been exacerbated by the realization that Defendants may also similarly divulge information regarding his childhood abuse to third parties. That fear remains a reasonable concern because the information about Plaintiff's childhood abuse has been closely examined by the City's independent medical expert and was also memorialized in the same witness interview(s) that Sharon Blackburn provided during the internal affairs investigation.

82. Defendants have known about the bias and problematic workplace behavior at Folsom PD for many years. When Plaintiff was still employed as an officer in or about May of 2021, DEFENDANTS and Chief Rick Hillman were notified in writing that the Folsom Police Officers' Association (FPOA) conducted a membership survey regarding the State of the Department. When asked why employees were looking to leave the Department in 2021, they cited "lack of diversity" and "lack of qualified leadership" as reasons. Other feedback provided by FPOA to the Chief of Police and CITY in 2021 included, "supervisors treat people like shit," "people get promoted because of who they are friends with," and "Command staff and the City don't care." Despite being on written notice of the toxic workplace conditions and deteriorating morale in early 2021, no steps were taken by Defendants to rectify any of the problems identified in the FPOA membership survey. Nor did Defendants address Plaintiff's

Captain Saul Jaegar, "The Impact of Life Experiences on Police Officers." Ctp. Jaegar is the commander of the Special Operations Unit of the Mountain View, California Police Dept.,

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subsequent complaints of harassment and discrimination that were raised during the latter half of 2021.

83. In May of 2025, DEFENDANTS and senior management were again notified in writing that the FPOA had recently conducted another membership survey. The comments from the 2025 FPOA survey underscore the veracity of Plaintiff's claims and indicate that other officers in the Department have learned that Plaintiff's confidential information was divulged, which raises questions about how widely Plaintiff's information was disseminated by Defendants. The most recent FPOA survey comments also demonstrate that DEFENDANTS continue to sanction retaliation and mistreatment within the Department after being repeatedly apprised by CITY employees of retaliation, personal bias, harassment, discrimination, corruption, and nepotism:

- Listen to us when we have complaints about [Lt. David] Canepa and [Brandon] Monsoor. Quit trying to hide their bigotry as a 'leadership' style and call it what it is.
- Nepotism is rampant.
- Multiple complaints against Sgt. [Brandon] Monsoor were brought to a command staff level, these complaints included sexual and discriminatory remarks, alongside general lack of leadership skills. The complaints were taken by Commander [Andrew] Bates, however no notes were taken and the interviews were not recorded. This process does not align with a formal internal affairs investigation. The lack of an official process brings up questions of whether this was done informally to avoid reporting to POST and having a paper trail.
- FPD is facing multiple lawsuits containing very serious allegations. Some have been investigated previously, while others have not. Many of those listed in the allegations have a history of the same, in other words, a pattern of behavior. Yet they continue to be promoted, be placed in charge of special assignments/units, and put in positions where they may continue to be a detriment to the legitimacy of our department. For example, Sgt. [Roman] Kehm and Lt [David] Canepa being in the professional standards office. Both individuals have had concerning behavior in the past, including Canepa sharing confidential information from his position with a civilian outside of the department. It seems this position specifically is chosen based on who may be willing to help hide the skeletons in the closet. On 9/26/24 at a department defensive tactics training, Sgt. Monsoor was poorly demonstrating a move. Due to it not working he said "Just do this on people who aren't big or strong, like women". This was said with other supervisors present, yet nobody speaks up (Lack of Leadership). Perhaps they couldn't speak up because Sgt. Somerset was busy handcuffing (then)Sgt. [Jeana

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Stover] Marendt's ankles. Sgt. Herndon further attempted to explain a move, but when there was a failure to understand, he said "Am I speaking Asian?" Nearly all of these individuals are listed in the lawsuits already, but FPD has allowed this culture to grow by not holding people accountable, especially not those within certain circles.

- The department needs someone who is not entrenched in the favoritism and "Good ole boys club" that is inherent in our management now. One who won't overlook sensitive IA information being leaked, sex scandals, or try to brush ongoing lawsuits, sexual harassment, general harassment, and discrimination under the rug but actually investigate the extreme concerns surrounding the FPD management.
- Our department is facing multiple law suits listing multiple active members of our staff (including command staff). Whether the complainants in these suits were part of the "problem" or not, does not dismiss that the allegations are serious in nature. Additionally, based on the culture of the department, it is not hard to see that the allegations have a solid foundation. On July 18 last year, our current Chief chose to send a department-wide e-mail stating these are "false allegations". A culture of secrecy is prevalent within the Folsom Police Department which wears on the morale of those trying to make a positive difference. The current Chief has chosen to promote individuals which he has a close relationship to, whether or not they are the best candidate for the job. The department is facing the repercussions of this everyday as those people move up through the ranks.
- If [Commander Brian] Lockhart is promoted, it proves that being dishonest, immoral, and unethical gets you to the top. It proves that no matter how many people call you to the carpet for your sexist and racist behavior, it doesn't matter. Promoting Lockhart's promotes an environment of toxicity and immorality. Lockhart shouldn't even be employed in this profession, let alone hold the rank and position of power he currently holds.
- The department has not demonstrated good judgment in some recent promotions, handling IA's, and most of the candidates have been named in on going lawsuits with concerning allegations.
- This department had a bad culture, they play favorites openly.
- Administration in general is looking to get people in trouble that they don't like, and micromanage those people to no end. The ones they do like get free passes to do whatever they want, and have the autonomy to do so. Decision making is subjective, and not objective. Rules are bent to praise and promote certain people, and upheld to the letter with others to hold them down. Certain people continually get more work piled on them, and some get free passes to do virtually nothing, and in turn are promoted to the rank of lieutenant.
- I dread coming into work every day and it is impacting my home life…Other agencies use work ethic, skill set, and performance for promotions/specialties. Our department uses who are you sleeping with and whose ass are you willing to kiss.
- Sergeant [Brandon] Monsoor has received multiple substantiated complaints but continues to be protected by Lieutenant [David] Canepa and Commander [Brian] Lockhart, both of who have also had major concerns raised for their behavior. More of our current Lieutenants and higher are named in current lawsuits and have had significant calls to their behaviors, trustworthiness, and truthfulness than those holding those positions who have a positive reputation…Having open affairs throughout the department, open bias, and a continued mentality of a good-ol boys club does not align

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with my belief system and makes me unhappy to work for a department that continues to allow such behavior.

- Looking to leave the toxic environment before it implodes with the ongoing lawsuits I don't want to be lumped in or be a part of the entire department being discredited.
- Not sure how [Jeana Stover] Madrent keeps getting promoted. She has repeatedly told people she's "checked out". She can't make a decision without calling her "friend" [Commander Brian] Lockhart to tell her handle the situation. How will she handle situations when she doesn't have time to call Lockhart.
- Our leaders have shown questionable ethics and a problem with honesty and transparency.[…] Meanwhile they have allowed morally bankrupt people to promote and keep their jobs. How do people like Canepa still have access to the building? Why was Stokhaug allowed to stay for as long as he did? Why did Wes Davis keep up her Corporal position? This department is in chaos.
- On multiple occasions, Sergeant Monsoor has had valid and substantial concerns and complaints raised against him for many people holding different assignments and different interactions with him. He is still allowed to continue with no observable discipline or correction to behaviors. This mentality that certain people, such as himself, are able to continue doing whatever they want regardless of the widespread negative affect they have or the numerous complaints made clearly displays the progression of the Folsom Police Department.
- FPD is driving itself into the ground, promoting and supporting upper management who have zero leadership skills and hide behind fear and intimidation tactics that border and sometimes cross illegal behavior. If not illegal, certainly immoral and horrific business practice that directly leads to mistrust, lack of morale, burnout, and hatred of the workplace. Harassment of any employee who doesn't just smile and nod and go along with the program is rampant across the department…you are promoting people based on who will go along with the agenda and fall in line or who you are sleeping with or who is a long time friend.
- There is still same bullying mentality from many supervisors, middle management and command staff.
- Patrol doesn't trust admin. Particularly with those involved in the recent law suits. It's hard to believe that administration promoted and seemingly protected employees that were involved some of these incidents.
- Integrity and accountability are nonexistent, different departments treat each other poorly, and there are no consequences for people that are lazy/ dodge work, or blatantly abuse time off. Loyal, hard-working employees are losing motivation because they watch others conduct themselves however they want with no repercussions whatsoever, yet get chastised for minor offenses because the supervisors are cowards who want to look important without actually making effective changes.
- Stop giving promotions and special assignments to people that haven't earned it.
- Stop the manipulation and bending of the rules to do whatever you want.
- [Commander Brian] Lockhart should not have a job. [Lt. David] Canepa doesn't respect anyone. [Jake] Verhalen is shady. The list goes on. These are the people that are promoted because they are apart of back door conversations and agendas to which benefit them only.
- We need to stop the bullying from the command staff.
- Support your employees instead of beating them down every chance you get.

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- Listen to ALL of their employees and treat them equally. Admin needs to hold all employees to the same standards and ethics and remember that everyone is putting the FPD patch on everyday and representing the department. Admin can no longer let specific people get away with things and turn the way other way.
- Stop ignoring the facts that are staring them in the face. There is a reason that there are pending lawsuits from past employees against this department…it seems admin continues to ignore the fact that changes need to be made.
- Admin is just protecting each other. You shouldn't be able to get caught leaking IA files and not lose your job, let alone all the lawsuit issues.
- It's not a secret that administration does not treat everyone equally within the department.
- When people leave no one thinks twice about what people did for the department or city. They only remember the negative or make fun of them. People who do their work quietly are harped on and made to feel inferior. People are not acknowledged or rewarded for good work unless they are friends with someone.
- I've witnessed the other Lieutenants bully people when they were Sergeants. What message does that send that they get promoted? Those are who we promote!
- I believe one of the largest problems facing FPD is the bias they have towards many employees. One that I have witnessed has been the gender bias that is present throughout.
- Employees are definitely not equal. Under Commander Lockhart the saying "Rules for thee, but not for me," could not be more true, except with Commander Lockart the saying is more accurately "Rules for thee, but not for me or my friends." Lockhart preaches accountability, yet only for those not under his protection. For his friends Lockhart preaches that other should be understanding of "simple mistakes" or that his people deserve second chances, or that others should't judge because they don't have all the information, or whatever other cliche he decides to come up with to excuse poor decision making for those he cares about.
- Admin is very selective and appear to make decisions and promotions on a good ole boy club mentality. They will occasionally promote someone random to have the appearance of not being bias.
- I feel incredibly unable to voice concerns to admin or even supervisors since it inevitably gets back and we are retaliated against.
- A supervisor can bully their staff and talk down to them, but admin will back the supervisor each time. It's incredibly toxic.
- Its obvious not everyone is treated equal. Certain people get away with things and there are people that shouldnt have jobs here.
- Unfortunately I do not feel proud to be part of FPD. Based on the multiple lawsuits and the general culture of secrecy, I feel that there is underlying corruption.
- I am deeply embarrassed and ashamed to be an FPD member, and I have loudly discouraged people from coming to the department. I wouldn't wish the harassment, discrimination, hate, disregard for well-being, being hung out to dry, hunted, or blatant disregard for me as a human that I have experienced on anyone. well... maybe management themselves so they could experience a taste of what we as a body of employees is feeling.
- We have lost good employees to other agencies in large part because of how of we treat people here.

- This department has more lawsuits coming and should be investigated by DOJ for corruption.
- How did Sean Stockhaug keep his job?
- The issues the plague our department are shameful. The numerous lawsuits that are well known by our community and others are always an embarrassing conversation to be engaged in by others. It is even more upsetting due to knowing several claims in the lawsuits are true and accurate yet those people are still employed at high levels of FPD.
- I'm embarrassed that most of what I read in the law suits is true and that it has been going on for long unchecked.
- I would never recommend this place to others due to the unbalanced treatment of coworkers and toxic culture. It feels like it is more important to 'who' you align with than the 'job' that you do.
- No one feels comfortable speaking up as usually no one will listen. For further note, there is zero integrity and accountability in a certain division. Examples are time theft, time fraud, hypocritical behavior, favoritism, sharing employee confidential information, ignorance of "need to know, right to know", and the bullying of their own staff/ berating them in front of others. The supervisor is allowed to do as they please without consequence, but should their employees do the same, they are reprimanded and punished.
- Get rid of employees that are and have been found to be unethical, stealing vacation hours, cheating on their spouse, lying to their spouses, harassing other employees, etc. I know that i don't want to work with those people. what other unethical things are they doing? we are supposed to be held to a higher standard, but it seems that those things get you in the click [sic] and appear to help your career.
- Stop promoting people lacking morals and hold them accountable for unethical behavior. This administration is as bad as the Catholic church during the sex scandals.
- Management and the FPOA need an overhaul. Employees need to be put first, and logic, reasoning, and empathy need to be the guiding factors in decisions, not favoritism, ego, "that's the way we've always done it", fear, intimidation, and retaliation.

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84. In light of these survey comments and DEFENDANTS' prolonged refusal to take corrective/disciplinary action, Plaintiff lives in fear that DEFENDANTS' reign of terror and retaliation will continue to invade the most private parts of his life and body until he is left with no privacy and no sanity. The officers who taunted, harassed and battered Plaintiff at work have not been disciplined. The officers who retaliated against Plaintiff by intentionally disclosing his most intimate information that they acquired during the course of his internal affairs investigation have not been disciplined. Plaintiff reasonably believes

that the pattern and practice of retaliation against him will continue – a belief that is shared by many other current FPOA members who responded to the April 2025 survey. –

INJURIES TO PLAINTIFF

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485. As a direct and proximate result of the foregoing unlawful and malicious acts of DEFENDANTS, PLAINTIFF has suffered, and will continue to suffer, great mental, emotional, and physical anguish. Additionally, PLAINTIFF has been humiliated, deprived of his privacy, and embarrassed as a result of the foregoing acts and omissions of DEFENDANTS.

8649. As a further direct and proximate result of the foregoing unlawful and malicious acts of DEFENDANTS, PLAINTIFF has suffered monetary damages in an amount subject to proof at trial.

FIRST CAUSE OF ACTION v DEFENDANT CITY OF FOLSOM & DOES 2-25

VIOLATION OF CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT – DISCRIMINATION BASED ON RACE

[Cal. Govt. Code § 12940]

8750. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs 1 through 8641.

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8851. At all relevant times herein, California Government Code section 12940 provided that "[i]t is an unlawful employment practice, unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations established by the United States or the State of California... (a) [f]or an employer,

because of the race…of any person, refuse to hire or employ the person or to refuse to select the person for a training program leading to employment, or to bar or to discharge the person from employment or from a training program leading to employment, or to discriminate against the person in compensation or in terms, conditions, or privileges of employment."

8952. As set forth above, DEFENDANTS' acts and omissions constitute violations of California Government Code section 12940, subdivision (a). PLAINTIFF has timely filed a complaint against DEFENDANTS with the California Department of Fair Employment and Housing and has received a Right to Sue letter. PLAINTIFF also timely filed a claim against the public entity defendant, which claim was duly rejected. Defendant discriminated against PLAINTIFF by engaging in severe, pervasive conduct that created a hostile work environment on the basis of PLAINTIFF's race. DEFENDANTS also ignored PLAINTIFF's concerns about his treatment and allowed continued discrimination against him.

9053. DEFENDANTS knew, or should have known, of Defendant's conduct and failed to properly investigate, reprimand, terminate, or take an appropriate disciplinary action against any of PLAINTIFF's managing personnel and co-workers for their egregious conduct, thereby ratifying their actions.

9154. As a proximate result of DEFENDANT's unlawful acts, practices, and omissions, PLAINTIFF has suffered monetary damages, humiliation, mental anguish, and physical and emotional distress in an amount subject to proof at trial.

9255. Additionally, PLAINTIFF seeks an award of reasonable attorneys' fees and costs against DEFENDANTS pursuant to the California Fair Employment and Housing Act.

SECOND CAUSE OF ACTION v CITY OF FOLSOM & DOES 2-25

VIOLATION OF CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT – HARASSMENT

[Cal. Govt. Code § 12940]

9356. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs 1 through 9248.

9457. At all relevant times herein, California Government Code section 12940 provided that "[it is an unlawful employment practice, unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations established by the United States or the State of California... (j) [for an employer ... or any other person, because of ...race ... to harass an employee, an applicant, or a person providing services pursuant to a contract..."

9558. As set forth above, DEFENDANT's' acts and omissions constitute violations of California Government Code section 12940, subdivision j. PLAINTIFF has timely filed a complaint against DEFENDANTS with the California Civil Rights Department and has received a Right to Sue letter. Defendant harassed PLAINTIFF by engaging in severe, pervasive conduct that created a hostile work environment on the basis of PLAINTIFF's race.

596. DEFENDANT knew, or should have known, of conduct by PLAINTIFF's managers and co-workers and failed to properly investigate, reprimand, terminate, or

take an appropriate disciplinary action against them ~~3~~ for their egregious conduct, thereby ratifying their actions.

9760. As a proximate result of DEFENDANT's' unlawful acts, practices, and omissions, PLAINTIFF has suffered monetary damages, humiliation, mental anguish, and physical and emotional distress in an amount subject to proof at trial.

9864. Additionally, PLAINTIFF seeks an award of reasonable attorneys' fees and costs against DEFENDANTS pursuant to the California Fair Employment and Housing Act.

THIRD CAUSE OF ACTION v DEFENDANT CITY OF FOLSOM & DOES 2-25

FAILURE TO TAKE STEPS NECESSARY TO PREVENT HARASSMENT

[Govt. Code § 12940]

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9962. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs1 through 9855.

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10063. At all relevant times, California Government Code section 12940 provided that it is an unlawful employment practice . . . (k) [for an employer . . . to fail to take all reasonable steps necessary to prevent discrimination and harassment from occurring."

10164. As set forth above, the DEFENDANT's' acts and omissions constitute violations of the California Government Code section 12940 subdivision (k) in that it failed to take necessary steps to prevent discrimination, harassment, and retaliation. PLAINTIFF has filed a complaint with the California Civil Rights Department and has received a Right to Sue letter. DEFENDANTS failed to take all reasonable steps necessary to prevent such discrimination, harassment, and retaliation from occurring.

10265. By reason of DEFENDANT's' unlawful acts, practices and omissions, PLAINTIFF has suffered monetary damages, humiliation, mental anguish, and physical and emotional distress in an amount subject to proof at trial.

10366. PLAINTIFF will also seek the costs and expenses of this action, including reasonable attorneys' fees pursuant to the California Fair Employment and Housing Act and California public policy.

FOURTH CAUSE OF ACTION v. DEFENDANT DAVID CANEPA, DEFENDANT CITY OF FOLSOM, & DOES 2-25
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

[Government Code § 815.2(a)]

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10467. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs 1 through 10361.

105. At all relevant times, Gov. Code § 815.2(a) provided "A public entity is liable for injury proximately caused by an act or omission of an employee of the public entity within the scope of his employment if the act or omission would, apart from this section, have given rise to a cause of action against that employee or his personal representative."

10668. At the time of this conduct, DEFENDANT DAVID CANEPA and PLAINTIFF's managers, senior officers, and co-workers were employed by DEFENDANT CITY OF FOLSOM and were acting in their respective capacities as DEFENDANT's employees such that the DEFENDANT CITY OF FOLSOM is liable for all of its employees' conduct. DEFENDANTS knew, or should have known, of the herein

alleged conduct and failed to properly investigate, reprimand, terminate, mitigate, or take an appropriate disciplinary action against any employee ~~3~~ for such egregious conduct, thereby ratifying those actions.

107~~69~~. All of Defendant ~~employees~~' conduct, as set forth above, was outrageous in that it was so extreme as to exceed all bounds of decency. Further, such conduct was intentional and would be regarded by any reasonable person as intolerable in a civilized community.

108~~70~~. By engaging and/or ratifying any of the aforementioned conduct, Defendants knew that such conduct would likely result in harm to PLAINTIFF due to mental distress.

109~~71~~. On information and belief, PLAINTIFF alleges that Defendants acted with the intent to cause PLAINTIFF emotional distress or, at minimum, acted with reckless disregard of the probability that PLAINTIFF would suffer emotional distress.

110~~72~~. By committing the outrageous and malicious acts and omissions alleged herein, DEFENDANTS knew, or should have known, that such conduct would result in PLAINTIFF's severe emotional distress. Moreover, DEFENDANT's' acts and omissions were perpetrated with the intent of inflicting humiliation, mental anguish, retaliation, and severe emotional distress upon PLAINTIFF.

111~~73~~. As a direct and proximate result of DEFENDANT's' unlawful acts, practices, and omissions, PLAINTIFF has suffered severe emotional distress, in an amount subject to proof at trial.

FIFTH CAUSE OF ACTION AGAINST DEFENDANTS DAVID CANEPA,

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CITY OF FOLSOM, AND DOES 2-25

DEPRIVATION OF RIGHTS UNDER COLOR OF STATE LAW

PURSUANT TO 42 U.S.C. § 1983 IN VIOLATION OF PLAINTIFF'S FIRST AMENDMENT RIGHTS

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112. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs 1 through 111.

113. DEFENDANTS were at all times mentioned in this complaint, acting under color of state law.

114. Based upon the hereinabove described facts and causes of action, inclusive, PLAINTIFF is and was subjected to a violation(s) of the First (1st) Amendment to the United States Constitution as applicable to the states through the Fourteenth (14th) Amendment, as a result of the conduct of DEFENDANTS.

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115. DEFENDANTS have punished PLAINTIFF as a result of PLAINTIFF's speech on matters of public concern in violation of the First Amendment to the United States Constitution and the California Constitution.

116. DEFENDANTS have punished PLAINTIFF as a result of PLAINTIFF'S exercise of his right to petition the court(s) in violation of the First Amendment to the United States Constitution and the California Constitution.

117. DEFENDANTS have punished PLAINTIFF as a result of PLAINTIFF'S association with and right to peacefully assemble with other current and former CITY employees in violation of the First Amendment to the United States Constitution and the California Constitution.

118. DEFENDANTS imposed prior restraints on PLAINTIFF's right to free speech regarding matters of public concern under threat of termination in violation of the First Amendment to the United States Constitution.

119. As a direct and proximate result of the conduct of DEFENDANTS described in this Second Amended Complaint, PLAINTIFF has suffered injury, loss and damage, including invasion of privacy, emotional distress, pain and suffering.

SIXTH CAUSE OF ACTION AGAINST CITY OF FOLSOM AND DOES 2-25

DEPRIVATION OF RIGHTS UNDER COLOR OF STATE LAW

PURSUANT TO 42 U.S.C. § 1983 – UNLAWFUL TERMINATION IN VIOLATION OF PLAINTIFF'S FIRST AND FOURTEENTH AMENDMENT DUE PROCESS RIGHTS

120. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs 1 through 119. Plaintiff brings this cause of action under 42 U.S.C. § 1983 for violation of rights secured under the Constitution and laws of the United States, including but not limited to the rights to due process and freedom from retaliation for protected conduct.

121. Defendants, acting under color of state law, deprived Plaintiff of constitutional rights guaranteed by the Fourteenth Amendment, including the right to due process in employment termination proceedings, and the First Amendment right to be free from retaliation for engaging in protected activity.

122. Defendants failed to disclose or present material exculpatory evidence during the arbitration process, despite being in possession of such evidence. This omission included, but was not limited to, information that contradicted the basis for termination and supported Plaintiff's

claims of workplace harassment and discrimination. The suppression of this evidence directly impacted the outcome of arbitration and resulted in Plaintiff's unjust and unlawful termination.

123. Plaintiff was subjected to retaliatory actions and procedural irregularities during the course of the internal investigation after raising concerns about misconduct, discrimination, and harassment at the Folsom Police Department. Rather than conducting a fair and impartial investigation, Defendants;

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- Failed to properly screen investigator Blackburn, compromising the neutrality of the process;
- Neglected to screen or investigate Rosie Cortez, despite her central involvement in the allegations;
- Failed to adequately or objectively investigate claims made by Rosie Cortez that were later used against Plaintiff;
- Suppressed information about the hostile work environment, harassment, and discriminatory practices prevailing within the department.

124. Defendants deliberately withheld from the arbitrator material facts concerning the culture of harassment and discriminatory practices within the Folsom Police Department. This lack of disclosure deprived the arbitrator of the full context necessary to render a just decision and materially contributed to Plaintiff's termination without proper cause.

125. As a direct and proximate result of Defendants' unlawful actions and violations of Plaintiff's due process —including suppression of evidence, retaliation, and failure to ensure a fair investigation—Plaintiff suffered an unlawful and unjust termination. Plaintiff has incurred economic harm, reputational damage, emotional distress, and other consequential damages as a result.

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SEVENTH CAUSE OF ACTION v DEFENDANT CITY OF FOLSOM

***MONELL* CLAIM**

126. PLAINTIFF incorporates by reference the allegations contained in Paragraphs 1 through 115 above, as if fully set forth herein. CITY, including through its Folsom Police Department entity, is a "person" within the meaning of 42 U.S.C. § 1983 and subject to *Monell* liability. The insidious policy and customs of the CITY were the moving forces behind the Constitutional violations suffered by Plaintiff.

127. The management, operation, oversight, training and policies associated with internal affairs and criminal investigations by the CITY was devoid of Constitutional safeguards. Due to the failure of adequate monitoring, oversight, policies and procedures by the CITY, PLAINTIFF was deprived of his freedom of speech as well as freedom of association, his right to privacy, and further retaliated against for exercising his First Amendment rights.

128. CITY employed CANEPA, SCHANROCK, BLACKBURN, HILLMAN, HEISCHLINGER, MYERS-DIERING, GALOVICH, KEHM, ALBERS, CATANIO, LOCKHART and WRIGHT.

129. With proper training, monitoring and oversight, the Constitutional rights violations in this matter would not have occurred.

130. CITY's failure to adequately train its employees created the foreseeable risk that officers like PLAINTIFF would suffer Constitutional deprivations.

131. As a pattern and practice, the CITY used prior restraints on free speech and retaliation to improperly influence this and other cases. CITY's decision to ignore the claims made to Commander Schanrock in 2015/2016 regarding intentional disclosure of confidential investigate information, City's subsequent failures to mitigate multiple breaches of Plaintiff intimate and confidential information, and other evidence of First Amendment violations amounted to a conscious disregard for PLAINTIFF's Constitutional rights.

132 CITY, including through its agencies, had a duty to Plaintiff at all times to establish, implement and follow policies, procedures, customs and/or practices (hereinafter "policy" or "policies") which confirm and provide the protections guaranteed under the United States Constitution, including those under the First and Fourteenth Amendments, to include without limitation: right to petition the court; freedom of speech; freedom of association; to be

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free from government retaliation; right to equal protection of the law; the right to due process of the law; the right to privacy; and the right not to be defamed or stigmatized.

133. CITY also had a duty to use reasonable care to select, assign, supervise, train, control and review the activities of all their agents, officers, employees and those acting under them, so as to protect these constitutional rights; and to refrain from acting with deliberate indifference to the constitutional rights of Plaintiff in order to avoid causing the injuries and damages alleged herein. Based on the duties charged to the CITY, including the nature of work related to criminal and internal affairs investigations, CITY knew or should have known of the obvious need to establish customs, policies, practices and adequate training required to protect the aforementioned civil rights as were violated as described herein.

134. CITY established and/or followed longstanding policies, procedures, customs and/or practices which were the moving force behind the violations of Plaintiff's constitutional rights, including those under the First and Fourteenth Amendments.

135. CITY acted with deliberate indifference in implementing a policy of inadequate training and/or supervision, and/or by failing to train and/or supervise its officers, agents, employees and state actors, in providing the constitutional protections guaranteed to individuals, including those under the First and Fourteenth Amendments, related to the internal affairs and criminal investigation(s) of its officers.

136. CITY breached its duties and obligations to Plaintiff by, but not limited to: failing to establish, implement and follow the correct and proper Constitutional policies, procedures, customs and practices; failing to properly select, supervise, train, control and review its agents and employees as to their compliance with Constitutional safeguards; and by deliberately permitting its agents to engage in the unlawful and unconstitutional conduct as herein alleged with total indifference to the rights of affected persons, including PLAINTIFF.

137. CITY knew or should have known that by breaching the above-mentioned duties and obligations, it was highly predictable that said unconstitutional policies, practices, customs and usages would cause Plaintiff to be injured and damaged. The systemic failures, actions and/or inactions of CITY are the moving force behind, and the direct and proximate cause of Plaintiff's

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injuries as alleged herein. As a result, Plaintiff has sustained general and special damages, to an extent and in an amount to be proven at trial. In addition, Plaintiff has incurred, and will continue to incur, attorney's fees, costs and expenses, including those as authorized by 42 U.S.C. § 1988, to an extent and in an amount to be subject to proof at trial.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF prays for judgment against DEFENDANTS as follows:

1. For compensatory damages related to~~on~~ PLAINTIFF's economic losses, medical expenses, lost wages, deprivation of civil rights, humiliation, physical anguish, and mental and emotional distress;

2. For an award of reasonable attorneys' fees, costs, and expenses, pursuant to the California Fair Employment and Housing Act, California Government Code section 12965, 42 U.S.C. §§1983 and 1988, and all other applicable statutes providing for attorneys' fees and costs; ~~and~~

3. For pain and suffering in the amount of $250,000 from DEFENDANT DAVID CANEPA;

4. For punitive damages in an amount to be determined at trial from DEFENDANTS DAVID CANEPA and CITY OF FOLSOM.

5. Enjoin DEFENDANTS from all further retaliatory acts, prior restraint(s) on free speech, and/or other violations of law against PLAINTIFF.

6. For such other relief as the Court may deem just and proper.

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Dated: ~~September 5~~, 2025~~3~~ Respectfully submitted,

Equal Justice Law Group

David Foyil, Attorney for Plaintiff, James Dorris

Mary Anne Park, Attorney for Plaintiff James Dorris

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CITY OF
FOLSOM
DISTINCTIVE BY NATURE

CLAIM AGAINST THE CITY OF FOLSOM

Received:

Claims relating to death or injury to person or to personal property or crops shall be presented to the City of Folsom not later than six months after which the incident or event occurred. Claims relating to any other matter for which a claim is required shall be presented not later than one year after the date of the incident or event giving rise to the claim. (See California Government Code Section 911.2). You are encouraged to consult legal counsel of your choosing for advice on submitting a timely claim. The City of Folsom cannot provide you legal advice.

INSTRUCTIONS

The original claim, together with one copy of all attachments, is to be filed with the Office of the City Clerk. Retain one copy for your records. Please send to this address:

City Clerk
City of Folsom
50 Natoma Street
Folsom, CA 95630

FOLSOM CITY CLERK'S DEPT
12 AUG '25 PM 1:59

NOTICE: The City Clerk's Office is the ONLY office to which claims may be submitted. Claims are NOT to be sent to the City Attorney, or any other City Department.

Please fill out claim form completely. Missing information may delay the processing of your claim. Please print.

PERSONAL INFORMATION

Name of Claimant: James (first) E (middle initial) Dorris (last)

Address of Claimant: [redacted] (street, city, state, zip code)

Home Phone: [redacted] Business Phone: [redacted] Email: See Below

DOB: [redacted] Driver's License#: [redacted]

Name, telephone number and address to which claimant desires notices to be sent if other than above:
Equal Justice Law Group, 601 Court Street, Suite 106, Jackson, CA, 95642; (858) 525-3391

CLAIM INFORMATION

Occurrence or event from which the claim arises:

Date: March 8, 2022 Time: 7:02 pm PST

Place (exact and specific location): Folsom, CA and/or Cameron Park, CA

See attached declaration of Rebecca Russell with email to Chief Hillman dated March 8, 2022

How and under what circumstances did damage or injury occur? Describe the particular occurrence, event, act, or omission you claim caused the damage or injury. (use additional paper if necessary)

Sgt. David Canepa (and possibly others) retaliated against Dorris by intentionally breaching confidential information related to Dorris' internal affairs investigation to third parties who had no right or need to know. Dorris was a whistleblower against members of the Folsom Police Department for racial harassment as demonstrated in the attached letter from Dorris' counsel dated Dec 14, 2021.

016-21 25-046

See also email from Rebecca Russell to Chief Rick Hillman dated March 8, 2022 regarding Internal Affairs Sgt. David Canepa's intentional breach. Dorris first learned of the breach of his confidential information from Ms. Russell in 2024 and thereafter suffered severe emotional distress.

If there were no injuries, state "no injuries"

Name and addresses of all witnesses Rebecca Russell - Cameron Park, CA; Adrian Blanco - Folsom Sgt. Paul Rice & Lt. David Canepa - Folsom PD; Rick Hillman & Eric Heichlinger - Folsom, CA

Identify the name(s) of the public employee(s) causing the injury or damages, if known.
David Canepa, Rick Hillman, Eric Heichlinger

Describe the indebtedness, obligation, injury, damage or loss, which you claim you have suffered at the time this claim is submitted.
Emotional distress, humiliation, loss of reputation, personal injury, lost wages, attorneys fees. See Dorris v City of Folsom proposed Second Amended Complaint filed in Sacramento Superior Court in Case # 34-2023-00337834.

Total amount claimed. Greater than $10,000 Yes Less than $10,000 . (If the amount claimed is less than $10,000 on the date of presentation, provide the calculation for the amount claimed.)

(Please attach a copy of any receipts you have resulting from this occurrence.)

Any additional information that might be helpful in considering this claim
If City of Folsom asserts this claim to be untimely, please consider this as a request to file a late government tort claim. Dorris previously filed tort claims in June 2025 and July 2025 which the City provided Notices of Insufficiency for Claim #4A250716PGX-0001.

AUTOMOBILE ACCIDENT

If this claim relates to an automobile accident please answer the following, **AND ATTACH PROOF OF INSURANCE:**

Policy # Insurance Company

Agent/Broker

Address Phone #

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM:
(Penal code §§72, 550; Insurance code §1871.4)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury under the laws of the State of California that the foregoing is TRUE and CORRECT.

Signed this 12TH day of August, 2025 at Jackson, California
City / State

Signature

ERIC MULTHAUP (SBN 62217)
35 Miller Avenue, Suite 229
Mill Valley, CA 94941
Telephone: (415) 381-9311
Email: mullew@comcast.net

Attorney for: Defendant/Appellant/Petitioner
PATRICIA LANE

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN RE PATRICIA LANE,

vs.

On writ of Habeas Corpus.

Case No._____
Related to Appeal No. C094996
Sacramento Sup. Ct. Case No. 19FE010439

DECLARATION OF REBECCA RUSSELL

I, Rebecca Russell, make this declaration from personal knowledge, except as to those facts that are based upon information and belief, and those facts I believe to be true. I am at least eighteen years of age, and if called as a witness, I can and will testify competently to the following:

1. I am personally acquainted with Folsom Police Officer David Canepa ("Canepa") and have known him for many years.
2. During the time I socialized with Canepa in or around 2021 and 2022, Canepa was then serving as the Sergeant in charge of Internal Affairs at the Folsom Police Department.
3. Upon information and belief, Canepa remains a sworn police officer employed by the Folsom Police Department.
4. During the course of my interactions with Canepa, Canepa provided me with detailed information regarding the Folsom Police Internal Affairs matters that he was assigned to investigate, including officer names, descriptions of the allegations made against them, and other sensitive matters related to confidential investigations assigned to Canepa.

5. At the time Canepa disclosed this confidential information to me, I had no right or need to know the information, nor have I ever been employed by the Folsom Police Department or any other law enforcement agency.
6. By way of example and not limitation, I recall Canepa telling me that Officer James Dorris of the Folsom Police Department was under investigation by Internal Affairs, and further telling me specific details related to intimate allegations stemming from the investigation which were not known to the public.
7. Canepa also divulged confidential information related to the internal affairs investigations he was conducting related to the cases of Lauren Riffel and John Moniz.
8. During the course of my personal dealings with Canepa, I learned that Canepa does not have a propensity for truthfulness; I do not regard Canepa as an honest police officer nor a forthcoming person.
9. I previously reported Canepa to the Folsom Chief of Police Rick Hillman for misconduct in March of 2022, and was thereafter interviewed by Lt. Hischleinger of the Folsom Police Department in connection with my complaint.
10. Pasted below is a true and correct copy of the initial email complaint regarding Canepa that I submitted to the Folsom Police Department on or about March 8, 2022:

From: Eric Heichlinger <eheichlinger@folsom.ca.us>
Sent: Friday, March 11, 2022 2:15 PM
To: iusedtobe007@hotmail.com <iusedtobe007@hotmail.com>
Subject: FW: Internal Affairs Sergeant

Ms. Russell,
I originally sent this message to the email from which Chief Hillman received your email. I just got an error message so am now trying this one.

Please see below.

V/R

From: Eric Heichlinger
Sent: Thursday, March 10, 2022 2:08 PM
To: hjockey@icolud.com
Subject: FW: Internal Affairs Sergeant

Ms. Russell,
I don't know if Chief Hillman responded to your email as yet but he asked that I reach out to you about this situation. If possible, I would like to meet with you in person so we could discuss the matter, perhaps next week if your schedule accommodates. We take confidentiality very seriously, particularly in matters of personnel and discipline.
Obviously you now have my email and my office number is below.
Thank you in advance.

Eric Heichlinger, Lieutenant
Administration/Communications

Folsom Police Department
46 Natoma Street, Folsom, CA 95630
O: 916.461.6508

www.folsom.ca.us/police

From: Rick Hillman <rhillman@folsom.ca.us>
Sent: Wednesday, March 9, 2022 4:47 PM
To: Eric Heichlinger <eheichlinger@folsom.ca.us>
Subject: FW: Internal Affairs Sergeant

Rick Hillman
Chief of Police

Police Department
46 Natoma Street, Folsom, CA 95630
B: 916.355.7230 | **O:** 916.461.6450
F: 916.985.7643

www.folsom.ca.us/police
Serve with purpose * Relentlessly pursue criminal behavior * Proactively foster positive relationships

From: Rebecca Russell <hjockey@icloud.com>
Sent: Tuesday, March 8, 2022 7:02 PM
To: Rick Hillman <rhillman@folsom.ca.us>
Subject: Internal Affairs Sergeant

Good evening Cheif Hillman,

My name is Rebecca Russell, you and I met briefly at the Police Gala last summer. I am writing you in regards to your Internal Investigations Sergeant, David Canepa, and information he shared with me. As a registered nurse, protection of personal information is a top priority and I respect that responsibility. As an internal affairs officer, it seems that it is not only a top priority, but the crux of the job. Details that were shared with me while being

investigated include the cases of Lauren Riffel, John Moniz, as well as James Dorris and the details regarding the lengthy case of the officer whom James lost his job for obtaining information about the ex-boyfriend of the woman in the case.
The information will not go beyond myself; however, I thought you should know that the integrity of that position was compromised. If you would like to know the extent to the details of these cases that was shared with me, please feel free to reach out.

Best Regards,
Rebecca Russell
cell: 530-701-1625
iusedtobe007@hotmail.com

11. Upon information and belief, Canepa was not thereafter disciplined by the Folsom Police Department for his misbehavior, but was instead promoted by the Folsom Police Department and awarded salary increases.

12. I am aware that this declaration may be relied upon in connection with legal proceeding(s) and/or investigation(s) regarding Canepa's propensity for truthfulness and fitness for duty as a sworn officer, and I consent to such use.

13. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 21st day of May, 2024 at Cameron Park, California.

By: R. Russell

REBECCA RUSSELL

Dropbox Sign

Audit trail

Title	Mary Anne Martin has sent you a document to review and sign...
File name	Russell declaration_5.21.24.pdf
Document ID	340e8880716632735c52b3ebc592101eb093e9ee
Audit trail date format	MM / DD / YYYY
Status	• Signed

This document was requested on app.practicepanther.com and signed on app.practicepanther.com

Document History

SENT	**05 / 21 / 2024** 21:20:23 UTC	Sent for signature to Rebecca Russell (iusedtobe007@hotmail.com) from mmartin@gavrilovlaw.com IP: 66.60.169.162
VIEWED	**05 / 21 / 2024** 22:47:07 UTC	Viewed by Rebecca Russell (iusedtobe007@hotmail.com) IP: 172.56.169.206
SIGNED	**05 / 22 / 2024** 15:30:26 UTC	Signed by Rebecca Russell (iusedtobe007@hotmail.com) IP: 73.90.151.68
COMPLETED	**05 / 22 / 2024** 15:30:26 UTC	The document has been completed.

C | C
LAW OFFICE OF CALVIN CHANG

Law Offi
980 9th Street, Suite 1600
Sacramento, California 95814
916.538.0225
Calvin Chang
calvin@calvinchanglaw.com

STRICTLY CONFIDENTIAL

December 14, 2021

VIA ELECTRONIC MAIL swang@folsom.ca.us

Steven Wang, City Attorney
City of Folsom
50 Natoma Street
Folsom, CA 95630

Re: James Dorris v. City of Folsom, et al.

Mr. Wang:

THIS COMMUNICATION IS SOLELY FOR SETTLEMENT PURPOSES PURSUANT TO EVIDENCE CODE SECTIONS 1119 ET SEQ., AND 1152 ET SEQ. (FED. R. EVID 408) AND CAN BE USED SOLELY FOR THAT PURPOSE.

My office represents James Dorris ("Officer Dorris") regarding his complaint and claims for unlawful racial harassment, during his employment as a police officer in the City of Folsom Police Department ("FPD"). Officer Dorris' complaints may be reflected in any pending Department of Fair Employment and Housing ("DFEH") and/or U.S. Equal Employment Opportunity Commission ("EEOC") complaints. Officer Dorris has substantial claims against the City of Folsom and individuals including Police Sergeant Timothy Galovich, and others, for claims including but not limited to Racial Harassment.

I. Unlawful Conduct

Summary of Initial Facts

During all relevant times, Officer Dorris was subjected to pervasive and continuous pattern of racial harassment during his employment as a police officer at the City of Folsom Police Department. Seventeen percent of Folsom residents are of Asian racial ethnicity. The

City of Folsom employs more than eighty officers. However, during relevant times, and presently Officer Dorris is one of only two Asian officers. This is remarkably disparate composition from all other comparable sized agencies in the region. Such remarkable deficiencies contradict commonly accepted community policing standards. An extreme deficiency of racial composition is a common factor in law enforcement employment race discrimination cases.

Officer Dorris began his employment in 2005. Officer Doris had favorable performance over ten years and received all his merit step increases. Between 2007 and 2008, his fellow officers began putting offensive stickers on Officer Dorris' locker. Unlike many agencies, Folsom PD does not have a policy prohibiting displaying of unprofessional items (or any items) on the outside of lockers. (Placement of items on police lockers is a common theme in numerous sexual and racial harassment lawsuits in police agencies).

These stickers that kept appearing on his locker were anti-Asian and racially offensive. They would be random pictures of Asian men and children. They would have a quote written on them saying, " "I'm Officer Dorris." Officer Dorris opposed the placement of the stickers by taking them down repeatedly. Within a few days another would be put on. An officer put a sticker, "**standard length**", as racist trope mocking Asian penis size. These displays continue to be placed on Officer Dorris' locker even while he has been on leave for the last year. In addition, fellow officers would put leave their trash/hangers on his locker. These were meant to send a message.

During all relevant times, Officer Dorris informed his supervisor Sergeant Ty Schantz, about the issue he was having. Sergeant Schantz told him that he would take care of it. Sergeant Ty attempted to put an end to the harassment, but it still continued. (Ty is currently retired.)

In addition to the offensive stickers, Officer Dorris heard numerous comments regarding Asian stereotypes such as Officer Dorris skin color, Officer Dorris slanted eyes, and Officer Dorris penis size. Recognition of implicit bias against Asian-Americans is still lacking in this

Country. Discriminatory comments and disparate treatment against Asians continue to be prevalent in a manner that would be recognized as such for other persons of color.

Officer Dorris continued to experience the harassment throughout his employment until the present. Many of the comments occurred openly in the Department's locker room. They occurred while supervisors were present. Officer Dorris continued throughout his employment believing he would have to tolerate it because it was the culture of the Folsom PD. Officer Dorris prayed that one day that the Lieutenant or Chief would say something to him regarding the situation. Officer Dorris knew that they saw them every day because his locker is the first locker at the entrance of the locker room. The police chief and all other commanders and supervisors of the City clearly would have seen the offensive racial stickers.

Officer Dorris prayed that they would ask him if it offended him; and Officer Dorris would say "yes" and ask them to make a general policy to not put anything outside all lockers. (So that he would not be singled out as having complained). During all relevant years, Officer Dorris was a school resource officer and taught numerous youth about anti-bullying. Officer Dorris started an after-school program around 2011 when Officer Dorris was an SRO. The program was used to combat bullying and it was a success. Officer Dorris ran the program for approximately eight years. Throughout the eight years, Officer Dorris helped numerous of youth combat bullying. Unfortunately, Officer Dorris couldn't help himself. This weighed on him because he himself was being harassed and bullied daily. It also felt to him like he was being a hypocrite for presenting the anti-bullying campaign for the City of Folsom.

Officer Dorris correctly believed if complained further about anything; the harassment would intensify, and he would be retaliated against. Every shift Officer Dorris worked, he would see these stickers and they would destroy him before each shift. There would be times where Officer Dorris would pull over in a parking lot and get emotional.

Officer Dorris started to hate coming to work and nobody would help him. In or about 2018, once Officer Dorris left the SRO program and went back to patrol, the harassment became worse.

Officer Dorris' predominate supervisor was Police Sergeant Tim Galovich. Sergeant Galovich racially harassed Officer Dorris continuously. Sergeant Galovich has very strong views and is a vocal and visual Trump supporter, and internet poster expressing the conspiracy theory that the election was stolen and expressing his negative views about Democrats. Officer Dorris feared that Sergeant Galovich's more extreme demeanor and brainwashed behavior was problematic. Sergeant Galovich would constantly and unfairly write him up for issues that occurred on certain calls. Sergeant Galovich regularly and publicly mocked Officer Dorris with anti-Asian slurs and tropes in front of fellow officers.

Sergeant Galovich would take on an Asian accent, and try to imitate Officer Dorris, saying, "Robster instead of lobster." "Rook," instead of look, etc. This Asian accent harassment occurred continuously throughout the past three years.

Sergeant Galovich also expressed his biases against Asians in his supervision of Officer Dorris. Sergeant Galovich would say:

"A good way to make Dorris blind is to put a windshield in front of him."

Referring to the racist stereotypical trope that Asians cannot drive. These comments were made openly in front of other employees.

On or about 2019, Officer Dorris confronted Sergeant Galovich regarding how he was being treated, and the disparate write ups he was giving him. Before this time, Officer Dorris had not experienced write-ups in this manner and frequency. Officer Dorris told Sergeant Galovich he was being unfair. This caused an emotional outburst from Sergeant Galovich - as if Officer Dorris complaint represented the people Sergeant Galovich hated. Sergeant Galovich screamed at the top of his lungs **"fuck you!!! Fuck you!!! James fuck you!!!"** A police supervisor use of such serious and offensive language towards one of his own officers, demonstrates the hostile work environment and privilege that Sergeant Galovich had in the command structure of the Folsom PD – towards Officer Dorris. It was disparate treatment. Officer Dorris calmly responded are you done? Sergeant Galovich did not respond. Officer Dorris raised the incident to a Lieutenants or the commander. No action was taken.

During this time, there were a new batch of sergeants. This group was known to harass others and especially the other Asian officer. Her name is Kim Lim. Officer Dorris witnessed Officer Lim get write ups and being harassed daily by her supervisors. Officer Dorris would hear sergeants talk badly about her when she was out of the room. Officer Dorris heard from a third party (retired Officer Homer Limon) that Kim was scared to say anything and didn't want to rock the boat because she would be retiring in a few years anyways. Officer Kim is believed not to be aware of Officer Dorris' complaints. Officer Dorris witnessed Officer Kim crying and calling in sick many times. As Officer Dorris witnessed this, Officer Dorris noticed he was getting the same treatment.

Officer Dorris told Sergeant Galovich that he had other officers as witnesses to dispel the issue he was being written-up for, but Sergeant Galovich would say, " this doesn't go in your file anyway. It's just a written reprimand and if you try to fight the allegation it will become formal." You should just sign it." Sergeant Galovich gave Officer Dorris numerous unfair and unwarranted write-ups. These were the first write ups Officer Dorris had received in over the years.

Between 2019 and 2020, during briefing, Sergeant Galovich would see an Asian name on the arrest board. Sergeant Galovich would ask, in a mocking manner, in front of everyone, "how do you pronounce that Dorris." This occurred many times throughout the years, not with just him but with other supervisors.

Sergeant Ty Shantz told Officer Dorris there were other racist things put on his locker and that Sergeant Shantz would take them down before Officer Dorris got to work.

Officer Dorris continued to endure the discriminatory treatment and tried to stay positive. Once he started dealing with personal matters it became too much for him to handle. On January 9, 2020, Officer Dorris contacted the Chief told him he was feeling broken. Officer Dorris was feeling broken because along with the racial harassment, he was dealing with a divorce and the harassment from the repeated harassment from the unwanted calls from google numbers (relating to his former girlfriend). Officer Dorris was hoping the chief would respond with the willingness

to offer assistance but he did not respond to Dorris. Officer Dorris still felt trapped because Officer Dorris did not want to end his career.

In or about August 2020, while Officer Dorris was at a training day at the range. The training day consisted of up to 20 officers that worked Officer Dorris side of the week. After Sergeants Roman Kehm and Herndon gave instructions Officer Dorris asked for clarification about a certain part of the shooting course. At this time, Sergeant Kehm said, "let me make it clear to you Dorris":

"Ching Cha Ching Chang Cho. Understand now?"

Everyone started to laugh, and Sergeant Herndon laughed as well. At that moment, a series of memories went through Officer Dorris head. Stemming from the stickers, racial comments and treatment. Officer Dorris wanted to break down at that moment and yell at Sergeant Kehm. Unfortunately, in the culture of the Folsom Police Department, it would be impossible because Officer Dorris would be looked down upon even more. After they finished the range, Officer Dorris remember driving home and became overwhelmed with emotion. Officer Dorris pulled over and cried uncontrollably. Officer Dorris felt helpless and indeed broken.

The workplace harassment was not confined to just Asian officers. As would be expected, anti-Asian discrimination also was observed in policing. For example, Officer Dorris also noticed that the department was being extra harsh on a bar called "Powerhouse Pub" located in old town Folsom. The bar was next to four other bars (walking distance). Officer Dorris noticed his supervisors started to pay disparate attention to the owner of the Powerhouse Pub; but would leave the other bars alone. The owner is Asian, and her name is Nazaria Nguyen.

Note: My office does not represent Officer Dorris in any grievance or appeal of the present dismissal action. Officer Dorris is represented by LDF counsel. However, suffice to note that before any of the alleged misconduct alleged against Officer Dorris even occurred, Officer Dorris broke down and cried in the Chief's office and asked the Chief for help. Officer Dorris believes his repeated requests in 2020, for his supervisors and personally to the police

chief to investigate and help him with the situation with his former girlfriend's related harassment of him in violation of Penal Code 633m, was motivated by a general indifference to his concerns, was disparate and based on the circumstances at the Folsom PD instigated in part by Sergeant Galovich.

Despite the Department's contention that no law was broken by the anonymous individual(s) calling him; it fits a misleading presentation in support of dismissing Officer Dorris. My office' perusal of the notice to terminate, immediately raises concerns that the action contains misrepresentations and omissions of important exculpatory facts. It remains to be determined whether the notice is a police report and therefore subject to compliance review in that manner for misrepresentations and omissions of exculpatory information. In this manner disparate treatment will be scrutinized, including review of computer use over numerous years of records retention by the DOJ. My offices last police workplace harassment case ended with the summary reinstatement of my police officer client, and the demotion and discharge of the police chief – based on intense investigative litigation discovery my office conducts seeking evidence of disparate treatment. A common theme in numerous of my office's police harassment cases. It is sufficient initially that numerous Folsom officers have engaged in racial harassment, intoxication while on duty, theft of time, and engaging on a sex ring. These officers have been promoted and remain in police management positions.

Despite the serious nature of the actions being taken against Officer Dorris that implicate his multi-million-dollar peace officer career – the City of Folsom continues to permit the offensive stickers, and other displays to remain on Officer Dorris' locker to this day. Officer Dorris has several witnesses that can provide additional information.

As a result of the unlawful conduct of defendants, Complainant has suffered severe emotional distress, wage loss and loss of benefits, diminution of his lifetime pension benefits, damage to his career. The foregoing is not intended to be an exhaustive recitation of the facts.

II. Legal Claims under the California Fair Employment and Housing Act

1. **Officer Dorris Can Establish He Was Subjected to Racial Harassment in Violation of the FEHA for Hostile Work Environment**

This conduct is sufficient to establish a claim for hostile workplace environment harassment. "To establish a prima facie case of a racially hostile work environment, [Plaintiff] was required to show that (1) he was a member of a protected class; (2) he was subjected to unwelcome racial harassment; (3) the harassment was based on race; (4) the harassment unreasonably interfered with his work performance by creating an intimidating, hostile, or offensive work environment; and (5) the Department is liable for the harassment." (*Thompson v. City of Monrovia* (2010) 186 Cal.App.4th 860, 876-77.)

Courts have also held that a hostile message conveyed through an official job action may constitute harassment. (*Roby v. McKesson Corp* (2009) 47 Cal.4th 686, 708, citing *Miller v. Department of Corrections (2005)* 36 Cal. 4th 466.).) Officer Dorris can also establish a claim for sexual harassment because the harassment was also unwelcome conduct based on sex.

Officer Dorris was forced, by the practice of FPD, to endure this pattern of animus against his based on his race based on a pervasive and continuing pattern of racial taunting, visual displays, racist tropes, and pure anger and hostility directed at him expressly because he is Asian. He suffered a hostile work environment that caused severe emotional distress. The harassment was enabled by the City of Folsom's failure to prevent harassment.

2. **Failure to Prevent Harassment in Violation the FEHA.**

It is axiomatic if complainant establishes discrimination, harassment or retaliation; he can establish a claim for Failure to Prevent the same. This is such a case. "An employer shall take all steps necessary to prevent sexual harassment from occurring…" (Title VII; 29 CFR §1604.11(f)). "A fundamental part of an employer's obligation is to make prompt, full, and fair investigation of harassment complaints" (*DFEH v. Lake County Dep't of Health Services*, No. 98-11 FEHC Precedential Decs (July 22, 1998).). "The employer is obligated to investigate the allegation…promptly and thoroughly…" (EEOC Notice No. N.915-050 (1990).). "The employer's investigation… is not a gratuitous or optional undertaking but required by law…" (*Malik v. Carrier Corp.*, 202 F.3d 97 (2nd Cir. 2000); *Sarro v. City of Sacramento*, 78 F. Supp. 2d 1057 (E.D. Cal. 1999).). "The most significant immediate measure an employer can take in

response to a sexual harassment complaint is to launch a prompt investigation to determine whether the complaint is justified. (*Bradley v. Department of Corrections & Rehabilitation,* 158 Cal. App. 4th 1612, 1631 (Cal. App. 5th Dist. 2008), citing *Swenson v. Potter* (9th Cir. 2001) 271 F.3d 1184, 1192.). When an employer responds to a complaint of harassment with an inadequate investigation, that is evidence that the articulated reasons for his subsequent dismissal are pretextual. (*Nazir v. United Airlines, Inc.* (2009) 178 Cal.App.4th at 1344-46.). Failure to investigate may be used by aggrieved employee as an independent cause of action if the underlying harassment/discrimination occurred. (*Trujillo v. N. County Transit Dist.,* 63 Cal. App. 4th 280 (1998).). Failure to investigate, including in a litigation forum, may be used to infer malice, ratification, and used to demonstrate pretext, retaliation, and form the basis of an independent cause of action. Company policy to investigate, but not if the employee filed suit. (*EEOC v. Gen. Motors Corp*, 826 F. Supp. 1122 (N.D. Ill, 1993).).

The City of Folsom failed to create an atmosphere were racial harassment does not occur in its police department. Furthermore, the racial harassment that occurred by management employees and in the presence of management employees all the way up to the Chief of Police, demonstrate the City of Folsom failed to prevent harassment. That is sufficient. Even after the harassment was witnessed by numerous other supervisors, the City failed to conduct an adequate and timely investigation. The City of Folsom must take all reasonable steps to prevent *further* harassment, discrimination, and retaliation and initiate a timely and adequate workplace investigation with trained and independent non-law enforcement workplace investigators.

III. FPD's Practice of Disparate Treatment Discrimination, Harassment, and Retaliation are Violations of California and Federal Law.

Based on City of Folsom's unlawful treatment of Officer Dorris, it is evident that the City continues to engage in a systemic pattern and practice of race harassment and discrimination. City of Folsom also maintains a disparate practice when providing for hiring and promotion based on race in its sworn workforce. My office is presently reviewing any claims that may implicate discrimination, retaliation, and/or wrongful termination. In the interim, my office represents Officer Dorris in his claim for unlawful race harassment.

IV. Opportunity for Confidential Resolution

The City of Folsom has failed to provide equal employment opportunity regardless of race. These are violations of the FEHA as well as Title VII. Officer Dorris' damages are extensive – as local juries award significant amounts in police employment cases for emotional distress. Federal juries in Northern California have awarded large verdicts in sexual harassment and retaliation cases. Sacramento juries award among the largest verdicts in the nation. A Sacramento jury awarded a plaintiff $167,730,488.00 in a Sexual Harassment and retaliation case. (*Chopourian v. Catholic Healthcare West,* Case No. 2:09-CV-02972-KJM-KJN (E.D. Cal. Feb. 28, 2012). In *Hagadorn v. Sacramento Sheriff's Department*, female deputies were subjected to sexual harassment and retaliation by an undersheriff. Jury awarded $3.5 million. The County's defense attorney fees were $1.15 million. Plus, the Court awarded $3.5 million in attorney's fees to Plaintiff using a multiplier of 1.5. (Sacramento County Superior Case No. 2010-00091514). In November 2021, a Sutter County jury awarded a former Sutter County Sheriff's Office correctional officer $1.3 million in wage loss; but awarded $7.5 million in emotional distress damages. The FEHA provides for one-way attorneys fee shifting. If Plaintiff prevails on any FEHA claim, he is entitled to recover his attorneys fees. If the employer prevails entirely – the employer is not entitled to recovery any fees nor costs. Attorneys fees in employment discrimination matters through trial, are in the six and seven figures.

My office requests that all evidence be preserved pending any investigation, including photographing all evidence prior to removal of any offensive displays.

Officer Dorris may be willing to participate in direct discussions or confidential employer paid mediation to resolve this matter, including a potential discussion of a global resolution. Please respond to the undersigned within ten days if City of Folsom desires to discuss resolving this matter without litigation. My office has a lien on the civil claims in this matter. This letter should not be construed as a waiver of any rights by Officer Dorris, all of which are expressly reserved. If you have questions, please do not hesitate to contact me. Thank you.

Sincerely yours,



Calvin Chang, Esq.

LAW OFFICE OF CALVIN CHANG