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10 ATTORNEYS FOR MR. JASON STINGLEY

11 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**

13 JASON STINGLEY)

14 PLAINTIFF,)

15 vs.)

16 CITY OF HANFORD; CITY OF HANFORD)
17 POLICE DEPARTMENT, PARKER SEVER,)
18 *In His Individual and Official Capacity*; JEFF)
19 DAVIS, *In His Individual Capacity*;)
20 STEPHANIE HUDDLESTON, *In Her*)
21 *Individual Capacity*; AND DOES 1)
22 THROUGH 50, INCLUSIVE,)

23 DEFENDANTS.)

Case No.: 1:23-cv-00089-BAM

**SECOND AMENDED COMPLAINT
FOR DAMAGES**

FEDERAL CLAIMS

1. Fourteenth Amendment Equal Protection/Hostile Work Environment in Violation of 42 U.S.C. § 1983
2. Retaliation for Exercising First Amendment Right To Free Speech In Violation of 42 U.S.C. § 1983
3. Municipal Liability in Violation of 42 U.S.C. § 1983
4. Employment Discrimination Violation of 42 U.S.C. § 1981
5. Disparate Treatment In Violation of Title VII of the Civil Rights Act
6. Racial Discrimination (Hostile Work Environment) in Violation of Title VII of the Civil Rights Act
7. Retaliation in Violation of Title VII of the Civil Rights Act

STATE CLAIMS

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- 8. Discrimination on the Basis of Race in Violation of Cal. Gov't Code §12940(k)
- 9. Failure to Prevent Race Discrimination in Violation of Cal. Gov't Code §12940(k)
- 10. Hostile Work Environment on the Basis of Race in Violation of Cal. Gov't Code §12940(J)(1)
- 11. Retaliation in Violation of Cal. Gov't Code § 1102.5(b)
- 12. Violation of Cal. Gov't § 8547 ("Whistleblower Protection Act)
- 13. Interference with Rights in Violation of Cal. Civ. Code 52.1 (Bane Act)
- 14. Intentional Infliction of Emotional Distress

JURY TRIAL DEMANDED

1 **INTRODUCTION**

2 1. This case invokes the very essence of the enduring poison that holds fast in the very
3 institutions charged with ensuring that the rights provided and afforded to all citizens are equally
4 guaranteed and protected. Here, an African American police officer, Plaintiff JASON STINGLEY
5 was forced to incur a protracted campaign of hostility and disparate treatment founded upon racial
6 and discriminatory animus by his own department, Defendant HANFORD POLICE DEPARTMENT,
7 a department located miles away from the more racially diverse and culturally inclusive cities in
8 Northern California. The upstanding JASON STINGLEY sought to partake in his chosen profession
9 of policing and to raise a family in an idyllic rural California community located outside of the urban
10 neighborhoods in which he and his family, as African Americans, are otherwise assumed to live and
11 reside. Despite his expectations and belief that the color “blue” held more solidarity than an individual
12 police officer’s race and ethnicity, OFFICER STINGLEY’s expectation was immediately shattered
13 as his fellow officers at the HANFORD POLICE DEPARTMENT singled out him out by subjecting
14 him to a pervasive and concerted campaign of hostility and rebuke based exclusively on his race.

15 2. Here, on account of the harms he incurred as a result of Defendants’ blatant and incorrigible
16 disregard of the rights guaranteed him and enshrined in the US Constitution and the laws of the State
17 of California, OFFICER STINGLEY brings the following complaint as a means of not only asserting
18 his own dignity and attaining justice for himself and his family, but for all the non-Caucasian police
19 officers who, upon feeling called to serve their communities, can do so upon equal terms and
20 conditions such that the rights and values that United States aspires to will one day finally and actually
21 come to fruition.

22 **PARTIES**

23 3. JASON STINGLEY (“OFFICER STINGLEY”) is a citizen of the United States and is a
24 resident of the County of Kings, California. OFFICER STINGLEY was, at all relevant times,
25 employed by the City of Hanford as a police officer for Hanford’s Police Department located in the
26 County of Kings, California.

1 4. DEFENDANT PARKER SEVER (“SEVER & CHIEF OF POLICE SEVER”), sued herein
2 *In His Individual and Official Capacity* is an individual residing in the County of Kings, California,
3 and is employed by the Hanford Police Department.

4 5. DEFENDANT JEFF DAVIS (“DAVIS”), sued herein *In His Individual Capacity* is an
5 individual residing in the County of Kings, California, and is employed by the Hanford Police
6 Department.

7 6. DEFENDANT STEPHANIE HUDDLESTON (“HUDDLESTON”) sued herein *In Her*
8 *Individual Capacity* is an individual residing in the County of Kings, California, and is employed by
9 the Hanford Police Department.

10 7. OFFICER STINGLEY is informed, believes, and based thereon, alleges that Defendant CITY
11 OF HANFORD (“CITY OF HANFORD”) is a governmental entity in the State of California, with a
12 principal place of business at 315-321 North Douty Street, Hanford, California 93230.

13 8. OFFICER STINGLEY is informed, believes, and based thereon, alleges that Defendant
14 HANFORD POLICE DEPARTMENT (“HANFORD POLICE DEPARTMENT”) is a governmental
15 entity of and for the County of Kings, with a principal place of business at 425 N. Irwin Street,
16 Hanford, California 93230.

17 9. The true names, identities and/or capacities of the individuals sued herein as DOES 1 through
18 50, inclusive, are currently unknown to OFFICER STINGLEY, who, therefore, sues said DOES by
19 such fictitious names. When the true name, identities, and/or capacities of these DOES are known,
20 OFFICER STINGLEY will seek leave of the Court to amend this Complaint.

21 10. OFFICER STINGLEY is informed, believes, and based thereon, alleges that DEFENDANTS,
22 and each of them, were the employees, agents, servants, supervisors, managers, officers and/or
23 directors of each and every other DEFENDANT, and in doing the things alleged herein, were acting
24 within the course, scope and authority of such agency, supervision and/or employment.

25 11. OFFICER STINGLEY is further informed, believes, and based thereon, alleges that the acts,
26 omissions, and things complained herein were done by the agents, servants, employees, supervisors,
manages, officers, and/or directors of Defendants, and each of them, and were authorized, directed,
approved and ratified by Defendants.

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RESPONDEAT SUPERIOR

12. All of the described conduct, acts, and failures to act are attributed to agents and managing agents of CITY OF HANFORD. Said acts, conduct and failures to act were within the scope of such agency and employment. At all times relevant herein, each participant was acting within the course and scope of his or her employment and agency. Further, at all relevant times each DEFENDANT was acting in agreement, and with the endorsement, ratification and consent of each of the other DEFENDANTS.

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RATIFICATION, ADOPTION AND AUTHORIZATION

13. Defendant CITY OF HANFORD and its managing agents, in both their individual and official capacities, ratified, adopted and authorized each of the DEFENDANTS and managing agents' illegal conduct. Defendant CITY OF HANFORD and its managing agents, in both their individual and official capacities, knew, or should have known, that Defendant and managing agents were engaging in illegal conduct and had been warned, informed, and given prior notice of the illegal conduct.

14. It is well established that when an employer ratifies the tortious conduct of an employee, he or she becomes "liable for the employee's wrongful conduct as a joint participant. An employer who fails to discipline an employee after being informed of that employee's improper conduct can be deemed to have ratified that conduct. According to the court in Iverson, supra, if an employer is informed that an employee has committed an intentional tort and nevertheless declines to "censure, criticize, suspend or discharge" that employee, a claim can be made for ratification.

15. Ratification is the voluntary election by a person to adopt in some manner as his own, an act which was purportedly done on his behalf by another person, the effect of which, as to some or all persons, is to treat the act as if originally authorized by him. A purported agent's act may be adopted expressly, or it may be adopted by implication based on conduct of the purported principal from which an intention to consent to or adopt the act may be fairly inferred, including conduct which is inconsistent with any reasonable intention on his part, other than that he intended approving and adopting it.

16. At all relevant times alleged herein, Defendant CITY OF HANFORD and HANFORD POLICE DEPARTMENT and its managing agents, in both their individual and official capacities,

1 had actual and constructive knowledge of Defendants,' and managing agents' illegal conduct and has
2 endorsed, ratified, and encouraged Defendants' illegal behavior. Defendant CITY OF HANFORD
3 and HANFORD POLICE DEPARTMENT, and its managing agents, in both their individual and
4 official capacities, failed to take any corrective action to protect employees and the public from
5 Defendants' illegal behavior.

6 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

7 17. OFFICER STINGLEY has affirmatively filed an administrative "Tort Claim" with the Clerk
8 of the Board of Supervisors of Defendant CITY OF HANFORD. OFFICER STINGLEY has
9 additionally filed a claim with the Equal Employment Opportunity Commission (EEOC) and the
10 Department of Fair Employment and Housing (DFEH) where both agencies have affirmatively
11 granted OFFICER STINGLEY Right-To Sue Letters.

12 **WORKERS' COMPENSATION EXCLUSIVITY DOES NOT APPLY**

13 18. Each and every wrongful, injurious, intentional, willful, discriminatory, harassing act and
14 failure to act, by Defendants were not normal incidents of employment and were outside the scope of
15 the employment bargain. Thus, workers compensation exclusive remedy set forth in California Labor
16 Code § 3600 et seq. will not preempt, nor bar OFFICER STINGLEY's right to recover for damages
17 set forth herein.

18 **STATEMENT OF FACTS**

19 19. OFFICER STINGLEY was employed as a police officer with the HANFORD POLICE
20 DEPARTMENT between the years of 2006 and 2021. In 2020, as a manifestation of Defendants'
21 concerted campaign of hostility and harassment, the HANFORD POLICE DEPARTMENT stripped
22 OFFICER STINGLEY of his rank of acting Sergeant after a contrived and pretextual internal
23 investigation. Prior to such, OFFICER STINGLEY, as an acting Sergeant was assigned to the
24 misdemeanor M-Team with Defendant SEVER as his direct supervisor.

25 20. Defendants directly targeted OFFICER STINGLEY through racial discrimination and
26 retaliation to the point that OFFICER STINGLEY was forced to resign his employment as a Police
Officer with the CITY OF HANFORD. Over a period of approximately fifteen-years, OFFICER
STINGLEY was forced to incur and endure an unrelenting and systematic campaign of discrimination,

1 denigration, hostility and demeaning work environment, as well as a blatant disregard of the rights
2 afforded and protected him under both federal constitutional law and California state law.

3 21. The ongoing and pervasive abhorrent conduct commenced in or about October of 2006 when
4 OFFICER STINGLEY, an African American police officer holding the same standing as his fellow
5 Caucasian police officer was instructed by his senior officer, Defendant SEVER to drop to his knees
6 on the well traversed Hanford Main street and 'pretend' that he was yet another stereotypical Black
7 man who committed a crime such that his Caucasian police colleagues could 'playact' before the
8 African American Hanford citizenry, the beating and excessively aggressive arrest of a Black man in
9 the overly Caucasian populated Hanford and Kings County. The intention and aim of such 'street
10 theatre' was to send a threatening and cautionary message to the African American onlookers
11 perceiving this unadulterated, blatantly racist and KKK informed spectacle as to their expectations
12 were they to 'get out of line' and encounter the HANFORD POLICE DEPARTMENT. On account
13 of showing officer solidarity, displaying department loyalty, and most importantly, following a direct
14 order from his commanding officer, OFFICER STINGLEY felt obligated to play along with his
15 fellow officers' request to demean himself, his race and to perpetuate racist memes and stereotypes
16 that ultimately and cumulatively resulted in STINGLEY incurring emotional and mental distress,
17 shame, embarrassment, and humiliation.

18 22. In or about the year of 2007, Defendant SEVER, while holding the rank of Lieutenant,
19 unimaginably informed OFFICER STINGLEY, in a sincere and incisive tone, that, despite being a
20 member of the HANFORD POLICE DEPARTMENT, in SEVER's eyes, he was just a subordinate
21 Black man, and as such, he was going to request that HANFORD POLICE DEPARTMENT Chief at
22 the time, Chief Carlos Mestas, to provide OFFICER STINGLEY with a special dispensation to carry
23 a spear instead of a handgun. Thus, SEVER perpetuated the highly derogatory racist trope that African
24 Americans were just 'spear chucking' heathens whose stereotypical African heritage continued to
25 define them. Again, such abhorrent disrespect hailing from OFFICER STINGLEY's commanding
26 officer in a department to which he devoted his utmost loyalty occasioned OFFICER STINGLEY to
experience emotional and mental distress, shame, embarrassment, and humiliation

1 23. SEVER's racist proclivities and the otherwise hostile environment that such public display
2 created extended to other non-Caucasian Hanford police officers where, in or around December 20,
3 2016, Defendant SEVER sent an office wide racially offensive email directed against the
4 Department's Latino Officers. Defendant SEVER wrote, when correcting his misidentifying a Latino
5 Officer, "I meant Officer Rivera. Curse all of you [referring to the Department's Latino PD officers
6 and staff] for looking alike. Lol."

7 24. The hostility perpetuated unabated with Defendants' HANFORD POLICE DEPARTMENT
8 and its commanding officers ignoring and disregarding Defendant DAVIS referring to OFFICER
9 STINGLEY as an "Uncle Tom" as a public display of disrespect and racial insult that was
10 communicated when in the presence of the entire HANFORD POLICE DEPARTMENT during an
11 assembly gathering.

12 25. Defendant DAVIS' condescending and racially charged comment was followed by DAVIS'
13 outrageous accusation that OFFICER STINGLEY had showed up to work in his 'pajamas,' a
14 pejorative and racially charged description of OFFICER STINGLEY's African American attire with
15 racial undertones that STINGLEY "was smelling like a men's locker room" and had espoused
16 aggressive and sexually explicit comments that "caused fellow officers to fear for their safety."

17 26. Upon such outrageously disrespectful and trifling accusations, the HANFORD POLICE
18 DEPARTMENT, in particular Lieutenant James Edlund, with an intention of perpetuating the racial
19 hostility in which Department supervisors acquiesced and took part, subjected OFFICER STINGLEY
20 to an internal affairs investigation that resulted in a more unimaginable affirmative finding. OFFICER
21 STINGLEY was immediately placed on leave such that he was precluded from approaching the
22 Department to inform them of the congruity between DAVIS's allegation and the protracted
23 campaign of racial and discriminatory treatment he had been incurring throughout the pendency of
24 his employment.

25 27. Thereafter, OFFICER STINGLEY was precluded from participating in the Department's
26 appeals process which resulted in the Department's intended result of demoting OFFICER
STINGLEY in or about October 21, 2020. Upon information and belief, a strong inference exists that
such action was taken against OFFICER STINGLEY as an intentionally and pre-textually motivated

1 decision to remove OFFICER STINGLEY from his position on account of his race which his
2 Caucasian police officer colleagues, SEVER, DAVIS, HUDDLESTON (“HUDDLESTON”), and
3 DOES took express and affirmative exception with as reflected in perpetuating a hostile work
4 environment. Similarly, OFFICER STINGLEY was stripped of his acting Sergeant position on
5 account of Defendants’ intention to expressly replace OFFICER STINGLEY with an otherwise less
6 experienced Caucasian HANFORD POLICE DEPARTMENT Officer, Jared Cota. The swiftness and
7 derogation of the proper protocols for initiating such replacement lends credence to OFFICER
8 STINGLEY’s reasonable inference. Defendant SEVER, who at the time was the Chief of Police for
9 the HANFORD POLICE DEPARTMENT all but affirmed such when he stated that the Department
10 needn’t promote OFFICER STINGLEY on account that the Department had a new token African
11 American officer when it hired its second African American police officer. Speaking to OFFICER
12 STINGLEY, SEVER declaimed that, “now we don’t have to promote you, Jason [OFFICER
13 STINGLEY].”

14 28. Meanwhile, Defendant DAVIS was free to express his racist proclivities when he was able to
15 forego reprimand and discipline for publicly utilizing the N-word when arresting an African
16 American juvenile. Such disregard by HANFORD POLICE DEPARTMENT and the CITY OF
17 HANFORD persisted when they were informed that DAVIS was blatantly displaying yet another
18 despicable and racially charged trope of publicly hanging a noose from his patrol vehicle.

19 29. Defendant HUDDLESTON perpetuated her individual, as well as CHIEF SEVER’s racially
20 hostile proclivities by encouraging Defendant DAVIS to concoct additional negative allegations
21 against OFFICER STINGLEY in order to further a concerted and protracted campaign intended to
22 force OFFICER STINGLEY from the HANFORD POLICE DEPARTMENT.

23 30. In or about November 2020, OFFICER STINGLEY approached HANFORD POLICE
24 DEPARTMENT, Captain Carl Anderson and informed him of the racially hostile conditions under
25 which he was having to endure, including the expressly sham and pretextual internal investigation
26 that relied upon abhorrent racial stereotypes as grounds for initiating such, and the resulting findings
that substantiated his most undeserving and harsh disciplinary imposition of demotion from the rank
of Acting Sergeant.

1 31. Thereafter, OFFICER STINGLEY, in or about December 2020, made a formal complaint to
2 the CITY OF HANFORD's City Manager Mario Cifuentez where STINGLEY provided a full and
3 complete accounting of the protracted racially hostile encounters that he had incurred over the years
4 at the hands of the Departments' Caucasian officers, including CHIEF OF POLICE SEVER.
5 OFFICER STINGLEY also informed the City Manager of the discriminatory animus in which his
6 fellow Caucasian officers deployed with respect to overly aggressive policing that utilized excessive
7 force against the non-Caucasian citizenry of Hanford. Confident that the CITY OF HANFORD's
8 representation that it would take action in response to his complaints, OFFICER STINGLEY resumed
9 his duties as they now existed upon his demotion to the rank of Corporal.

10 32. Upon the heels and in retaliation over OFFICER STINGLEY's complaints to both Captain
11 Carl Anderson with the HANFORD POLICE DEPARTMENT and Mario Cifuentez of the CITY OF
12 HANFORD, both CHIEF OF POLICE SEVER and the CITY OF HANFORD affirmed the findings
13 of the Internal Investigation on December 17, 2020 and December 30, 2020 respectively which, in
14 finding that OFFICER STINGLEY engaged in conduct 'unbecoming an officer,' recommended
15 OFFICER STINGLEY's demotion from Acting Sergeant to Corporal.

16 33. Nevertheless, the hostile conditions existing within the HANFORD POLICE
17 DEPARTMENT persisted unabatedly where in or around March 4, 2021, OFFICER STINGLEY was
18 subjected to a second baseless and patently retaliatory Internal Affairs investigation for purportedly
19 challenging a Hanford resident to a fight while in uniform during an arrest encounter as well as failing
20 to arrive on the scene of said encounter in a timely fashion. As an African American officer,
21 OFFICER STINGLEY was required, as a custom and practice of the Department, to be the 'first
22 responder' at a scene where the would-be perpetrator was an African American.

23 34. On account thereof, the HANFORD POLICE DEPARTMENT placed OFFICER
24 STINGLEY on administrative leave while the Department conducted its baseless investigation
25 intended to exacerbate the already egregious and patently unwarranted and excessive disciplinary
26 action of demotion of rank. To add further insult and 'punishment' for raising complaints to both the
HANFORD POLICE DEPARTMENT and the CITY OF HANFORD as to the racial and
discriminatory animus he had persistently incurred on account of the Department's unrelenting hostile

1 work environment, OFFICER STINGLEY was forced to undergo psychological exams which,
2 despite being found competent to carry out his duties, the Department intentionally left the
3 investigations pending in order to intentionally harass and hamper OFFICER STINGLEY's request
4 for closure such that he could make inquiries as to other employment opportunities.

5 35. OFFICER STINGLEY's treatment was in stark contrast to similarly situated Caucasian
6 HANFORD POLICE DEPARTMENT officers who, when accused of engaging in physical
7 altercations with Hanford residents and/or accused of deploying excessive force, were systematically
8 excused from having to undergo internal investigations, and if undertaken, were not subject to the
9 harassment of Department refusal to make a prompt and conclusive finding.

10 36. In furtherance of the Department's wholesale retaliatory hostility and harassment, OFFICER
11 STINGLEY was additionally subjected to two additional disciplinary actions, as well as an additional
12 internal investigation that again alleged a pre-textual altercation with a citizen of Hanford. The
13 HANFORD POLICE DEPARTMENT cited OFFICER STINGLEY for disciplinary infractions for
14 (1) sporting facial hair despite the Department having previously and consistently giving him
15 dispensation on account of a medical skin condition that is exacerbated by shaving and (2) for tattoos
16 that had otherwise been permitted. Both disciplinary actions were disparately imposed where
17 similarly situated Caucasian officers employed by the HANFORD POLICE DEPARTMENT
18 purportedly violating the same code regulations were overlooked for disciplinary action.

19 37. The hostility in which OFFICER STINGLEY was forced to endure finally crescendoed to a
20 degree that continuing his employment with the HANFORD POLICE DEPARTMENT was
21 unendurable and as such OFFICER STINGLEY's employment was constructively terminated on or
22 about January 13, 2022.

23 **FEDERAL CLAIMS**

24 **FIRST CAUSE OF ACTION**

25 **Fourteenth Amendment Equal Protection/Hostile Work Environment**

26 **In Violation of 42 U.S.C. § 1983**

(Against Sever, Davis, Huddleston, and Does 1-50)

38. OFFICER STINGLEY incorporates by reference herein each and every paragraph of the
complaint as though set forth here in full.

1 39. The Fourteenth Amendment of the United States Constitution, provides important rights that
2 are applicable to the States: "No State shall make or enforce any law which shall abridge the privileges
3 or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty,
4 or property, without due process of law; nor deny to any person within its jurisdiction the equal
5 protection of the laws."

6 40. Claims for hostile work environment claims are based on a violation of the Fourteenth
7 Amendment's Equal Protection Clause and as such, may serve as an independent source for a Section
8 1983 claim. The Equal Protection clause of the Fourteenth Amendment confers a federal
9 constitutional right to be free from racial discrimination at the hands of governmental actors. To
10 prevail on a hostile work environment claim, a plaintiff must show that her "workplace permeated
11 with discriminatory intimidation was sufficiently severe or pervasive to alter the conditions of her
12 employment and create an abusive working environment.

13 41. As specifically alleged above, OFFICER STINGLEY, an African American police officer
14 employed by the CITY OF HANFORD and a member of the HANFORD POLICE DEPARTMENT
15 was subjected to a concerted and unrelenting campaign of racial and discriminatory animus by fellow
16 officers and supervisory staff of the HANFORD POLICE DEPARTMENT, SEVER, DAVIS,
17 HUDDLESTON and DOES 1-50 such that it substantially altered the conditions of his employment
18 to a degree of severity and pervasiveness that resulted in his constructive termination, i.e., work
19 environment became so intolerable that a reasonable person would be compelled to resign.

20 42. The actions and conduct of SEVER, DAVIS, HUDDLESTON and DOES 1-50 cumulatively
21 resulting in a hostile work environment has caused and continue to cause OFFICER STINGLEY
22 substantial losses in earnings, significant loss of reputation and professional injury, loss of
23 promotional opportunities and other employment benefits, lost wages and pension benefits, attorneys'
24 fees, medical expenses, loss of future earnings and benefits, costs of suit, humiliation, embarrassment,
25 and emotional distress and mental and physical pain and anguish, all to his damage in an amount
26 according to proof.

43. As to Defendants SEVER, DAVIS, HUDDLESTON, and DOES 1-50, as alleged herein, their
individual and communal acts and conduct were intentional, outrageous, despicable, oppressive,

1 fraudulent, and done with ill will and intent to injure Mr. Stingley and to cause him mental anguish,
2 anxiety, and distress. Defendants' acts were done in conscious disregard of the risk of severe
3 emotional harm to OFFICER STINGLEY and with the intent to injure, constituting oppression, fraud,
4 and malice, entitling Mr. Stingley to punitive damages against these individual Defendants only.

5 Wherefore, OFFICER STINGLEY prays for judgment as more fully set forth below.

6 **SECOND CAUSE OF ACTION**
7 **Retaliation For Exercising Free Speech**
8 **In Violation of 42 U.S.C. § 1983**
(Against Sever, Davis, Huddleston, and Does 1-50)

9 44. OFFICER STINGLEY incorporates by reference herein each and every paragraph of the
10 complaint as though set forth here in full.

11 45. OFFICER STINGLEY brings this claim under federal statute 42 U.S.C. § 1983, which
12 provides that any person or persons, who, under color of law, deprives another of any rights,
13 privileges, or immunities secured by the Constitution or laws of the United States shall be liable to
14 the injured party.

15 46. At all times herein relevant Defendants' PARKER SEVER, DAVIS, HUDDLESTON, and
16 DOES were acting under color of state law.

17 47. The First Amendment of the United States Constitution states: "Congress shall make no law
18 abridging the freedom of speech, or the press." The First Amendment has been interpreted to apply
19 to all government organizations in the United States. It applies to state and local governments through
20 operation of the Fourteenth Amendment Due Process Clause, which incorporates the free speech
21 protection of the First Amendment.

22 48. Public employees have the right not to have the government restrict their speech on the basis
23 of the speech's viewpoint. OFFICER STINGLEY exercised his First Amendment rights when he
24 communicated to the HANFORD POLICE DEPARTMENT and the CITY OF HANFORD the
25 despicable racially intolerant and discriminatory treatment, he was incurring at the hands of
26 Defendant police officers' SEVER, DAVIS, HUDDLESTON, and DOES 1-50.

1 49. The content of OFFICER STINGLEY's speech were matters of public concern, i.e., informing
2 the HANFORD POLICE DEPARTMENT and the CITY OF HANFORD as to the racially intolerant
3 and hostile work environment that was being perpetuated as a custom and practice within the
4 HANFORD POLICE DEPARTMENT's ranks and the dire need for remedying such, as well as that
5 same intolerance and discrimination being exacted upon the African American and Latino citizenry
6 of the CITY OF HANFORD.

7 50. SEVER, DAVIS, HUDDLESTON and DOES 1-50 deprived OFFICER STINGLEY of his
8 rights under the First Amendment when they subjected him to adverse employment actions, including
9 initiation of a sham internal affairs investigation, demotion of rank and constructive termination.

10 51. The conduct of SEVER, DAVIS, HUDDLESTON and DOES 1-50, and each of them, at all
11 times relevant and as set forth above, constitutes violations under color of law of OFFICER
12 STINGLEY's rights, privileges and immunities guaranteed him by the First Amendment of the
13 United States Constitution.

14 52. The actions and conduct of SEVER, DAVIS, HUDDLESTON and DOES 1-50 have caused
15 and continue to cause OFFICER STINGLEY substantial losses in earnings, significant loss of
16 reputation and professional injury, loss of promotional opportunities and other employment benefits,
17 lost wages and pension benefits, attorneys' fees, medical expenses, loss of future earnings and
18 benefits, costs of suit, humiliation, embarrassment and emotional distress and mental and physical
19 pain and anguish, all to his damage in an amount according to proof.

20 53. As to Defendants SEVER, DAVIS, HUDDLESTON, and DOES 1-50, as alleged herein, were
21 intentional, outrageous, despicable, oppressive, fraudulent, and done with ill will and intent to injure
22 OFFICER STINGLEY and to cause him mental anguish, anxiety, and distress. Defendants' acts were
23 done in conscious disregard of the risk of severe emotional harm to OFFICER STINGLEY and with
24 the intent to injure, constituting oppression, fraud, and malice, entitling Mr. Stingley to punitive
25 damages against these individual Defendants only.

26 Wherefore, OFFICER STINGLEY prays for judgment as more fully set forth below.

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THIRD CAUSE OF ACTION

Municipal Liability

In Violation of 42 U.S.C. § 1983

(Against City of Hanford, Hanford Police Department)

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4 54. OFFICER STINGLEY incorporates by reference herein each and every paragraph of the
5 complaint as though set forth here in full.

6 55. Municipal liability under Section 1983 can be invoked where a municipality expresses “a
7 policy of inaction and such inaction amounts to deliberate indifference to a plaintiff’s constitutional
8 rights and that the policy of inaction caused the violation where the municipality could have prevented
9 the violation with the appropriate policy. A plaintiff must plead facts supporting a reasonable
10 inference that the municipality was on actual or constructive notice that its inaction would likely
11 result in a constitutional violation and that the inaction was "the result of a conscious or deliberate
12 choice among various alternatives."

13 56. Here, the CITY OF HANFORD was on notice that a culture of racial discriminatory conduct
14 was permeating the HANFORD POLICE DEPARTMENT when OFFICER STINGLEY informed
15 both the CITY OF HANFORD and the HANFORD POLICE DEPARTMENT of the racially charged
16 hostility and harassment that he was incurring (and had incurred) at the hands of CHIEF OF POLICE
17 SEVER, and officers’ DAVIS, HUDDLESTON and DOES 1-50. Despite receiving such detailed
18 account, neither the CITY OF HANFORD nor the HANFORD POLICE DEPARTMENT opened an
19 investigation into SEVER, DAVIS, HUDDLESTON, or DOES’ individual conduct, nor investigated
20 OFFICER STINGLEY’s allegations that the department was permeated by racial and discriminatory
21 animus. Thus, despite its knowledge, the CITY OF HANFORD and the HANFORD POLICE
22 DEPARTMENT perpetuated a policy of inaction that, on account of said inaction, permitted and
23 thereby condoned and emboldened SEVER, DAVIS, HUDDLESTON, and DOES to engage in a
24 campaign of retaliation that resulted in sham investigations in order to substantiate OFFICER
25 STINGLEY’s demotion and ultimate constructive termination.

26 57. Thus, the CITY OF HANFORD and the HANFORD POLICE DEPARTMENT’s policy of
inaction constituted a conscious choice, i.e., deliberate indifference to OFFICER STINGLEY’s First
Amendment right to speak to constitutionally infirm conduct that was being perpetuated against him

1 in the HANFORD POLICE DEPARTMENT, as well as STINGLEY's Fourteenth Amendment right
2 to equal protection being most blatantly violated on account of the hostile working conditions he was
3 faced to endure as the only African American in the HANFORD POLICE DEPARTMENT; and on
4 account thereof, having to endure treatment, discipline, investigations and other adverse employment
5 actions that his similarly situated Caucasian colleagues were able to evade and avoid.

6 58. Had the CITY OF HANFORD enacted and enforced policies to stem the HANFORD POLICE
7 DEPARTMENT and its individual officers' blatant and unrelenting racial and discriminatory animus,
8 the constitutional harms incurred by OFFICER STINGLEY would not have occurred. Similarly, the
9 CITY OF HANFORD was apprised that the HANFORD POLICE DEPARTMENT and its individual
10 officers deployed their racial and discriminatory animus outside the precinct walls by engaging in
11 discriminatory and racially motivated excessive force on the Latino citizenry of Hanford. *See, for e.g.,*
12 *Tafoya v. City of Hanford*, No. 1:20-cv-00010-LJO-SAB, 2020 U.S. Dist. LEXIS 9874, at *1 (E.D.
13 Cal. 2020)(No. 1:20-cv-00010-LJO-SAB)(excessive force); *Hemphill v. City of Hanford Police Dep't*,
14 No. 1:19-cv-01119-AWI-EPG, 2020 U.S. Dist. LEXIS 97599, at *1 (E.D. Cal. 2020)(1:15-cv-01513-
15 SMS)(excessive force); *Arellano v. City of Hanford*, 2016 U.S. Dist. LEXIS 53123, at *1 (E.D. Cal.
16 2016)(1:15-cv-01513-SMS)(excessive force).

17 59. Municipal liability can additionally attach when a municipal official with final policymaking
18 authority makes a deliberate choice to follow a course of action. A single decision by a municipal
19 policymaker can, in appropriate circumstances, subject a municipality to liability under § 1983.

20 60. Here, in engaging in conduct constituting racial and discriminatory animus directed towards
21 the HANFORD POLICE DEPARTMENT's only African American police officer both prior to and
22 after his appointment to the Department's CHIEF OF POLICE, Defendant SEVER, as the
23 HANFORD POLICE DEPARTMENT's final policymaker relied upon his final policymaking
24 authority to subject OFFICER STINGLEY to a sham investigation with the intent to both strip him
25 of his rank of Sergeant, as well as lay the foundation to substantiate his termination. CHIEF OF
26 POLICE SEVER's employed his final policymaking authority to retaliate against OFFICER
STINGLEY on account of STINGLEY levying complaints against SEVER with both the HANFORD

1 POLICE DEPARTMENT in November 2020 and the CITY OF HANFORD in or around December
2 2020.

3 61. In wielding final policymaking authority to initiate and confirm an internal investigation with
4 the intended result to demote OFFICER STINGLEY from his rank of Sergeant and thereby perpetuate
5 the hostile work environment that he and his fellow officer colleagues engaged in, CHIEF OF
6 POLICE reasonably subjected the CITY OF HANFORD to liability under § 1983.

7 62. Both the inactions of the CITY OF HANFORD, as well as the affirmative actions and conduct
8 of CHIEF OF POLICE SEVER which separately and cumulatively impose liability upon the CITY
9 OF HANFORD and/or the HANFORD POLICE DEPARTMENT have caused and continue to cause
10 OFFICER STINGLEY substantial losses in earnings, significant loss of reputation and professional
11 injury, loss of promotional opportunities and other employment benefits, lost wages and pension
12 benefits, attorneys' fees, medical expenses, loss of future earnings and benefits, costs of suit,
13 humiliation, embarrassment and emotional distress and mental and physical pain and anguish, all to
14 his damage in an amount according to proof.

15 Wherefore, OFFICER STINGLEY prays for judgment as more fully set forth below.

16 **FOURTH CAUSE OF ACTION**

17 **Employment Discrimination**

18 **In Violation of 42 U.S.C. § 1981**

19 (Against City of Hanford, Hanford Police Department, Chief of Police Sever)

20 63. OFFICER STINGLEY incorporates by reference herein each and every paragraph of the
21 complaint as though set forth here in full.

22 64. At all relevant times, OFFICER STINGLEY was a party to an employment contract with
23 Defendants' CITY OF HANFORD and the HANFORD POLICE DEPARTMENT but Defendants
24 converted that contract into a situation resulting in Defendants' discrimination against OFFICER
25 STINGLEY which violated the rights afforded him by the Civil Rights Act of 1866, 42 U.S.C. §1981,
26 as amended by the Civil Rights Act of 1991, which affirmatively provides protection against racial
discrimination in private employment.

1 65. On account of the conduct described above, Defendants' CITY OF HANFORD, HANFORD
2 POLICE DEPARTMENT, and CHIEF OF POLICE SEVER, as supervisor and final policymaker,
3 have intentionally deprived OFFICER STINGLEY, an African American, of rights enjoyed by
4 Caucasian employees of the HANFORD POLICE DEPARTMENT, including but not limited to the
5 right to make and enforce contracts as guaranteed by 42 U.S.C. §1981.

6 66. As a result of the above racial and discriminatory animus directed at OFFICER STINGLEY
7 with respect to his employment with the CITY OF HANFORD and/or the HANFORD POLICE
8 DEPARTMENT that was in patent violation of §1981, OFFICER STINGLY has been denied
9 employment in a workplace free of racial animus, retaliation and other forms of discrimination and
10 on account thereof, have caused and continue to cause OFFICER STINGLEY substantial losses in
11 earnings, significant loss of reputation and professional injury, loss of promotional opportunities and
12 other employment benefits, lost wages and pension benefits, attorneys' fees, medical expenses, loss
13 of future earnings and benefits, costs of suit, humiliation, embarrassment and emotional distress and
14 mental and physical pain and anguish, all to his damage in an amount according to proof.

15 Wherefore, OFFICER STINGLEY prays for judgment as more fully set forth below.

16 **FIFTH CAUSE OF ACTION**

17 **Disparate Treatment in Violation of Title VII of the Civil Rights Act**

18 **2 U.S.C. § 2000e, et seq.**

19 Against City of Hanford and Hanford Police Department

20 67. OFFICER STINGLEY incorporates by reference herein each and every paragraph of the
21 complaint as though set forth here in full.

22 68. Title VII makes it unlawful for an employer "to discriminate against any individual with
23 respect to his compensation, terms, conditions, or privileges of employment, because of such
24 individual's race, color, religion, sex, or national origin." 42 U.S.C. § 2000e-2(a)(1). Disparate
25 treatment is the most easily understood type of discrimination. The employer simply treats some
26 people less favorably than others because of their race, color, religion, or sex.

69. As an African American police officer in the predominately Caucasian HANFORD POLICE
DEPARTMENT, OFFICER STINGLEY was subjected to terms and conditions of his employment,
i.e., disciplinary actions, internal investigations, targeted enforcement of the Department's rules and

1 regulations, and demotion that were more restrictive, less favorable, and disparately enforced and
2 investigated then the terms and conditions of employment enjoyed by similarly, and situated
3 Caucasian employees of the CITY OF HANFORD and the HANFORD POLICE DEPARTMENT.

4 70. The actions and conduct of the employees, supervisors, and managing agents of OFFICER
5 STINGLEY's employer, the CITY OF HANFORD and HANFORD POLICE DEPARTMENT have
6 caused and continue to cause OFFICER STINGLEY substantial losses in earnings, significant loss
7 of reputation and professional injury, loss of promotional opportunities and other employment
8 benefits, lost wages and pension benefits, attorneys' fees, medical expenses, loss of future earnings
9 and benefits, costs of suit, humiliation, embarrassment and emotional distress and mental and physical
10 pain and anguish, all to his damage in an amount according to proof.

11 Wherefore, OFFICER STINGLEY prays for judgment as more fully set forth below.

12 **SIXTH CAUSE OF ACTION**
13 **Racial Discrimination (Hostile Work Environment) in violation of**
14 **Title VII of the Civil Rights Act**
15 **2 U.S.C. § 2000e, et seq.**

16 71. OFFICER STINGLEY incorporates by reference herein each and every paragraph of the
17 complaint as though set forth here in full.

18 72. For a Title VII discrimination claim, a plaintiff must establish in her complaint a *prima*
19 *facie* case of discrimination. The plaintiff must show that: (1) she is a member of a protected class;
20 (2) she was qualified for her position; (3) she suffered an adverse employment action; and (4) there
21 is "at least minimal support for the proposition that the employer was motivated by discriminatory
22 intent."

23 73. To plead a hostile work environment claim under Title VII, a plaintiff must show: (1) he was
24 "subjected to verbal or physical conduct" because of his race; (2) "the conduct was unwelcome"; and
25 (3) "the conduct was sufficiently severe or pervasive to alter the conditions of [his] employment and
26 create an abusive work environment." A hostile work environment exists when the work place is
permeated with discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive
as to alter the condition of the victim's employment and create an abusive working environment.

1 Similarly, constructive discharge under Title VII exists when the work environment becomes so
2 intolerable that a reasonable person would be compelled to resign

3 74. As specifically alleged above, OFFICER STINGLEY, an African American police officer
4 employed by the CITY OF HANFORD and a member of the HANFORD POLICE DEPARTMENT
5 was subjected to a concerted and unrelenting campaign of racial and discriminatory animus by fellow
6 officers and supervisory staff of the HANFORD POLICE DEPARTMENT including Defendants'
7 SEVER, DAVIS, HUDDLESTON and DOES 1-50 such that it substantially altered the conditions of
8 his employment to a degree of severity and pervasiveness that reasonably warranted his constructive
9 termination, i.e., work environment became so intolerable that a reasonable person would be
10 compelled to resign.

11 75. OFFICER STINGLEY's employer, the CITY OF HANFORD and the HANFORD POLICE
12 DEPARTMENT were on both direct and constructive notice as to the racially hostile conditions that
13 OFFICER STINGLEY was forced to endure on account of the complaints that he levied with the
14 CITY OF HANFORD and the HANFORD POLICE DEPARTMENT as well as Defendant SEVER's
15 personal knowledge, as the HANFORD POLICE DEPARTMENT's Chief of Police with respect to
16 both his own personal and direct involvement in perpetuating the Department's hostile work
17 environment and as the Chief who wielded the authority as the Department's final policymaker, to
18 initiate both Department policy and decide employment matters.

19 76. The actions and conduct of the employees, supervisors, and managing agents of OFFICER
20 STINGLEY's employer, the CITY OF HANFORD and HANFORD POLICE DEPARTMENT have
21 caused and continue to cause OFFICER STINGLEY substantial losses in earnings, significant loss
22 of reputation and professional injury, loss of promotional opportunities and other employment
23 benefits, lost wages and pension benefits, attorneys' fees, medical expenses, loss of future earnings
24 and benefits, costs of suit, humiliation, embarrassment and emotional distress and mental and physical
25 pain and anguish, all to his damage in an amount according to proof.

26 Wherefore, OFFICER STINGLEY prays for judgment as more fully set forth below.

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SEVENTH CAUSE OF ACTION

**Retaliation in violation of
Title VII of the Civil Rights Act
2 U.S.C. § 2000e, et seq.**

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3 77. OFFICER STINGLEY incorporates by reference herein each and every paragraph of the
4 complaint as though set forth here in full.

5 78. Section 704(a) of Title VII of the Civil Rights Act of 1964, as amended, prohibits employers
6 from discriminating against an employee “because [he] has opposed any practice made an unlawful
7 employment practice by this subchapter.” 42 U.S.C. § 2000e-3(a).

8 79. OFFICER STINGLEY levied complaints with the CITY OF HANFORD and the HANFORD
9 POLICE DEPARTMENT opposing the CITY OF HANFORD and the HANFORD POLICE
10 DEPARTMENT’s unlawful, discriminatory employment practices based upon OFFICER
11 STINGLEY’s African American race. In addition, the HANFORD POLICE DEPARTMENT chief
12 of police was (is) Defendant SEVER who was personally involved with perpetuating such
13 discriminatory employment practices as specifically alleged above.

14 80. As a result of OFFICER STINGLEY’s complaints, as well as Defendant SEVER’s personal
15 participation and thereby a threat to his position and authority, Defendant CITY OF HANFORD and
16 its agents, employees and/or supervisors took materially adverse actions against OFFICER
17 STINGLEY. These actions included, but are not limited to the filing of baseless internal
18 investigations, making adverse findings regarding those investigations, imposition of disciplinary
19 measures, stripping and demotion of rank, and ultimate constructive termination.

20 81. The CITY OF HANFORD and the HANFORD POLICE DEPARTMENT’s adverse actions
21 constituted retaliatory workplace harassment in violation of Title VII of the Civil Rights Act of 1964,
22 *as amended*, 42 U.S.C. § 2000e, et seq, as well as said retaliatory actions were sufficient to deter a
23 reasonable person from engaging in protected activity under Title VII.

24 82. As a direct, foreseeable, and proximate result of Defendant’s the retaliatory actions and
25 conduct of the CITY OF HANFORD, the HANFORD POLICE DEPARTMENT, its employees,
26 supervisory staff, and managing agents have caused and continue to cause OFFICER STINGLEY
substantial losses in earnings, significant loss of reputation and professional injury, loss of
promotional opportunities and other employment benefits, lost wages and pension benefits, attorneys’

1 fees, medical expenses, loss of future earnings and benefits, costs of suit, humiliation, embarrassment
2 and emotional distress and mental and physical pain and anguish, all to his damage in an amount
3 according to proof.

4 Wherefore, OFFICER STINGELY prays for judgment as more fully set forth below.

5 **STATE CLAIMS**

6 **EIGHTH CAUSE OF ACTION**
7 **Discrimination on the Basis of Race**

8 Cal. Gov't Code §12940(a)

9 (Against City of Hanford, Hanford Police Department, Chief of Police Sever)

10 83. OFFICER STINGLEY incorporates by reference herein each and every paragraph of the
11 complaint as though set forth here in full.

12 84. At all times mentioned herein, California Government Code section 12940 *et seq.* was in full
13 force and binding on Defendant, as an employer.

14 85. At all times relevant herein, Plaintiff was an employee of Defendants City of Hanford,
15 Hanford Police Department.

16 86. Defendants CITY OF HANFORD, HANFORD POLICE DEPARTMENT, and CHIEF OF
17 POLICE SEVER discriminated against OFFICER STINGLEY in the terms, conditions and privileges
18 of his employment, including but not limited to subjecting and permitting him to incur a concerted
19 campaign of racial and discriminatory animus in the workplace causing a derisively hostile
20 environment that comprised sham and pretextual internal investigations and disciplinary demerits,
21 demotion of rank, foreclosure of promotional opportunities, and ultimate constructive termination.

22 87. OFFICER STINGLEY believes and thereon alleges that his race was a substantial motivating
23 reason for Defendant's adverse employment actions taken against him.

24 88. Defendants' conduct of discriminating against OFFICER STINGLEY on the basis of his race
25 violated Cal. Gov't Code § 12940(a).

26 89. As a direct, foreseeable, and proximate result of Defendants' actions and conduct, the CITY
OF HANFORD, the HANFORD POLICE DEPARTMENT, its employees, supervisory staff, and
managing agents have caused and continue to cause OFFICER STINGLEY substantial losses in
earnings, significant loss of reputation and professional injury, loss of promotional opportunities and

1 other employment benefits, lost wages and pension benefits, attorneys' fees, medical expenses, loss
2 of future earnings and benefits, costs of suit, humiliation, embarrassment, emotional distress and
3 mental and physical pain and anguish, all to his damage in an amount according to proof.

4 90. In addition to such other damages as may properly be recovered herein, Plaintiff is entitled to
5 recover prevailing party attorney's fees, pursuant to Cal. Gov't Code § 12965.

6 Wherefore, OFFICER STINGLEY prays for judgment as more fully set forth below.

7 **NINTH CAUSE OF ACTION**
8 **Failure to Prevent Race Discrimination**
9 **Cal. Gov't Code §12940(k)**

(Against City of Hanford, Hanford Police Department, Chief of Police Sever)

10 91. OFFICER STINGLEY incorporates by reference herein each and every paragraph of the
11 complaint as though set forth here in full.

12 92. At all times mentioned herein, California Government Code section 12940 *et seq.* was in full
13 force and binding on Defendants' CITY OF HANFORD, HANFORD POLICE DEPARTMENT and
14 CHIEF OF POLICE SEVER. This section provides that it is unlawful for a Defendant, as an
15 employer, to fail to take all reasonable steps necessary to prevent race discrimination from occurring.

16 93. At all times relevant herein, OFFICER STINGLEY was an employee of Defendants.

17 94. OFFICER STINGLEY was subjected to discrimination on the basis of race, as set forth herein.
18 OFFICER STINGLEY was also subjected to retaliation based on his complaints levied to Defendants
19 as to the racial and discriminatory animus and hostility in which he incurred while in the course of
20 his employment with the HANFORD POLICE DEPARTMENT. OFFICER STINGLEY complained
21 about being subjected to such retaliation.

22 95. Defendants' CITY OF HANFORD, HANFORD POLICE DEPARTMENT, and CHIEF OF
23 POLICE SEVER failed to take all reasonable steps to prevent the discrimination and/or retaliation
24 from occurring in the workplace.

25 96. As a direct, foreseeable, and proximate result of Defendants' failure to prevent discrimination,
26 CITY OF HANFORD, the HANFORD POLICE DEPARTMENT, CHIEF OF POLICE SEVER and
its employees, supervisory staff, and managing agents have caused and continue to cause OFFICER

1 STINGLEY substantial losses in earnings, significant loss of reputation and professional injury, loss
2 of promotional opportunities and other employment benefits, lost wages and pension benefits,
3 attorneys' fees, medical expenses, loss of future earnings and benefits, costs of suit, humiliation,
4 embarrassment, emotional distress and mental and physical pain and anguish, all to his damage in an
5 amount according to proof.

6 97. In addition to such other damages as may properly be recovered herein, Plaintiff is entitled to
7 recover prevailing party attorney's fees, pursuant to Cal. Gov't Code § 12965.

8 Wherefore, OFFICER STINGLEY prays for judgment as more fully set forth below.

9 **TENTH CAUSE OF ACTION**
10 **Hostile Work Environment in Violation of**
11 **Cal. Gov't Code §12940(J)(1)**
(Against City of Hanford, Hanford Police Department)

12 98. OFFICER STINGLEY incorporates by reference herein each and every paragraph of the
13 complaint as though set forth here in full.

14 99. Under FEHA, it is unlawful for an employer to harass any employee based on race.

15 100. To establish a prima facie case of harassment, plaintiff must show that she was subject to a
16 hostile work environment based on her race, and that the harassment was sufficiently pervasive so as
17 to alter the conditions of employment and create an abusive work environment.

18 101. Harassment consists of conduct outside the scope of necessary job performance, conduct
19 presumably engaged in for personal gratification, because of meanness or bigotry, or for other
20 personal motives.

21 102. At all times mentioned herein, California Government Code section 12940 *et seq.* was in full
22 force and binding on Defendants CITY OF HANFORD and HANFORD POLICE DEPARTMENT,
as an employer.

23 103. At all times relevant herein, OFFICER STINGELY was an employee of Defendants CITY
24 OF HANFORD and HANFORD POLICE DEPARTMENT.

25 104. Defendants CITY OF HANFORD, HANFORD POLICE DEPARTMENT and CHIEF OF
26 POLICE SEVER were aware and apprised of the hostility that was directed at OFFICER STINGLEY

1 but instead of addressing and responding to its unfolding, chose to ratify its intended result of forcing
2 OFFICER STINGLEY from both his rank of Sergeant and ultimately his employment with the
3 Department. This intended result was more than substantiated on account of the unequivocally
4 discriminatory conduct displayed, expressed and ratified by CHIEF OF POLICE SEVER. As such,
5 the racially hostile work environment directed at OFFICER STINGLEY took the form of direct
6 expressions of racially hostile connotations of “Uncle Tom,” hanging nooses, tokenism, racial
7 stereotypes and inferences thereupon, sham and pretextual investigations, unsubstantiated findings,
8 racially intended demotions, and retaliation.

9 105. As such, the hostility was so sufficiently pervasive as to irreparably alter the conditions of
10 employment such that OFFICER STINGLEY, in order to safeguard his life and property, was forced
11 into a constructive discharge in or about January 13, 2022.

12 106. OFFICER STINGLEY believes and thereon alleges that his race was the substantial
13 motivation for the Caucasian officers of the HANFORD POLICE DEPARTMENT, including CHIEF
14 OF POLICE SEVER to engage in purposeful and intended conduct to create a hostile work
15 environment in order to drive OFFICER STINGLEY from their ranks.

16 107. As a direct, foreseeable, and proximate result of Defendants’ CHIEF OF POLICE SEVER,
17 DAVIS, HUDDLESTON and DOES 1-50 racially hostile conduct directed at OFFICER
18 STINGLEY, as well as the CITY OF HANFORD and the HANFORD POLICE DEPARTMENT,
19 including its supervisory staff and managing agents’ ratification thereof on account of nonfeasance
20 in taking action to stem such abhorrently despicable and unconstitutional conduct, OFFICER
21 STINGLEY was caused to sustain substantial losses in earnings, significant loss of reputation and
22 professional injury, loss of promotional opportunities and other employment benefits, lost wages and
23 pension benefits, attorneys’ fees, medical expenses, loss of future earnings and benefits, costs of suit,
24 humiliation, embarrassment, emotional distress and mental and physical pain and anguish, all to his
25 damage in an amount according to proof.

26 108. In addition to such other damages as may properly be recovered herein, Plaintiff is entitled to
recover prevailing party attorney’s fees, pursuant to Cal. Gov’t Code § 12965.

Wherefore, OFFICER STINGLEY prays for judgment as more fully set forth below.

ELEVENTH CAUSE OF ACTION

**Retaliation in violation of
Cal. Gov't Code § 1102.5(b)**

(Against City of Hanford, Hanford Police Department, Chief of Police Sever)

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4 109. OFFICER STINGLEY incorporates by reference herein each and every paragraph of the
5 complaint as though set forth here in full.

6 110. At all times relevant herein, OFFICER STINGLEY was an employee of Defendant CITY
7 OF HANFORD and/or HANFORD POLICE DEPARTMENT.

8 111. OFFICER STINGLEY disclosed information to CITY OF HANFORD and/or HANFORD
9 POLICE DEPARTMENT, through his supervisors and management, that he reasonably believed
10 constituted a violation of the Fair Employment and Housing Act and other laws, as stated herein.

11 112. OFFICER STINGLEY has reasonable cause to believe that he disclosed information that
12 expressly reflected Defendants' noncompliance with and/or violation of the Fair Employment and
13 Housing Act.

14 113. OFFICER STINGLEY was subjected to a concerted campaign of racial and discriminatory
15 animus in the workplace causing a derisively hostile environment resulting in enduring sham and
16 pretextual internal investigations and disciplinary demerits, demotion of rank, overlooked for
17 promotional opportunities, and ultimate constructive termination.

18 114. OFFICER STINGLEY disclosure of such information was a substantial motivating factor in
19 Defendant's decision to discriminate and retaliate against him in the terms and conditions of his
20 employment.

21 115. As a direct, foreseeable, and proximate result of Defendant's the retaliatory actions and
22 conduct of the CITY OF HANFORD, the HANFORD POLICE DEPARTMENT, its employees,
23 supervisory staff, and managing agents have caused and continue to cause OFFICER STINGLEY
24 substantial losses in earnings, significant loss of reputation and professional injury, loss of
25 promotional opportunities and other employment benefits, lost wages and pension benefits, attorneys'
26 fees, medical expenses, loss of future earnings and benefits, costs of suit, humiliation, embarrassment,
emotional distress and mental and physical pain and anguish, all to his damage in an amount
according to proof.

1 116. In addition to other such damages as may properly be recovered herein, Plaintiff is entitled to
2 recover prevailing party attorney's fees pursuant to Labor Code section 1102.5(j).

3 Wherefore, OFFICER STINGLEY prays for judgment as more fully set forth below.

4 **TWELTH CAUSE OF ACTION**

5 **Violation of California Government Code § 8547**
6 **Whistleblower Protection Act**

(Against City of Hanford, Hanford Police Department)

7 117. OFFICER STINGLEY incorporates by reference herein each and every paragraph of the
8 complaint as though set forth here in full.

9 118. The "California Whistleblower Protection Act, California Government Code section 8547 et
10 seq. provides: "The Legislature finds and declares that state employees should be free to report waste,
11 fraud, abuse of authority, violation of law, or threat to public health without fear of retribution. The
12 Legislature further finds and declares that public servants best serve the citizenry when they can be
13 candid and honest without reservation in conducting the people's business"

14 119. "Any person who intentionally engages in acts of reprisal, retaliation, threat, coercion, or
15 similar acts against a state employee... for having made a protected disclosure, is subject to fine not
16 to exceed ten thousand dollars...". Section 8547.8(b)

17 120. OFFICER STINGLEY was at all times considered a state employee who exercised his right
18 to voice concerns regarding the racial and discriminatory animus he was incurring, as well as the
19 same animus being employed against the citizenry of the CITY OF HANFORD. The CITY OF
20 HANFORD and the HANFORD POLICE DEPARTMENT's decision effectuate sham and pretextual
21 internal investigations, as well as imposition of disciplinary awards that were undertaken in temporal
22 proximity to his having levied complaints with the CITY OF HANFORD and the HANFORD
23 POLICE DEPARTMENT were patently retaliatory acts in violation of California Whistleblower's
Protection Act. Gov. Code. § 8547, et seq.

24 121. As a direct, foreseeable, and proximate result of Defendant's actions and conduct, the CITY
25 OF HANFORD, the HANFORD POLICE DEPARTMENT, CHIEF OF POLICE SEVER and its
26 employees, supervisory staff, and managing agents have caused and continue to cause OFFICER

1 STINGLEY substantial losses in earnings, significant loss of reputation and professional injury, loss
2 of promotional opportunities and other employment benefits, lost wages and pension benefits,
3 attorneys' fees, medical expenses, loss of future earnings and benefits, costs of suit, humiliation,
4 embarrassment, emotional distress and mental and physical pain and anguish, all to his damage in an
5 amount according to proof.

6 Wherefore, OFFICER STINGLEY prays for judgment as more fully set forth below.

7 **THIRTEENTH CAUSE OF ACTION**

8 **Interference with Rights Secured by Constitution and Laws
9 in Violation of California Civil Code 52.1 (Bane Act)**

10 (Against City of Hanford, Hanford Police Department, Chief of Police Sever, Davis, Huddleston,
11 and Does 1-50)

12 122. OFFICER STINGLEY incorporates by reference herein each and every paragraph of the
13 complaint as though set forth here in full.

14 123. California Civil Code 52.1 provides:

15 Any individual whose exercise or enjoyment of rights secured by the Constitution or laws of the
16 United States, or of rights secured by the Constitution or laws of this state, has been interfered
17 with, or attempted to be interfered with, as described in subdivision (b), may institute and
18 prosecute in their own name and on their own behalf a civil action for damages, including, but not
19 limited to, damages under Section 52, injunctive relief, and other appropriate equitable relief to
20 protect the peaceable exercise or enjoyment of the right or rights secured.

21 124. OFFICER STINGLEY exercised his constitutional rights to free speech and the protection
22 thereby provided by federal and state statutes when he disclosed the unlawful and discriminatory
23 conduct that he had incurred at the hands of Defendants. As such, OFFICER STINGLEY is therefore
24 protected by Civil Code 52.1 from interference or attempted interference of the exercise of those
25 constitutional rights

26 125. DEFENDANTS interfered and/or attempted to interfere with OFFICER STINGLEY's
constitutional and statutory rights, including but not limited to, the right to be free from racial
discrimination as well as unlawful retaliation and the right to exercise his free speech.

1 126. OFFICER STINGLEY reasonably believed that if he exercised his right to be free from racial
2 discrimination and free speech that DEFENDANTS would take action against him and his property
3 rights in order to prevent him from exercising these rights or retaliate against him for having exercised
4 said rights.

5 127. As a direct result of exercising his right to free speech, DEFENDANTS retaliated against him
6 by subjecting him to a concerted campaign of racial and discriminatory animus in the workplace
7 causing a derisively hostile environment that resulted in his having to endure sham and pretextual
8 internal investigations and disciplinary demerits, demotion of rank, overlooked for promotional
9 opportunities, and ultimate constructive termination.

10 128. DEFENDANTS' various acts of reprisal, retaliation, and restraint against OFFICER
11 STINGLEY created a chilling effect on his legitimate speech by creating fear, hesitation, hostility on
12 account of exercising future speech.

13 129. In undertaking the conduct alleged herein, DEFENDANTS, and each of them violated the
14 rights of OFFICER STINGLEY under the First and Fourteenth Amendments of the US
15 Constitution, as well as the FEHA statutes under California law.

16 130. Specifically, DEFENDANTS have taken the aforementioned actions against OFFICER
17 STINGLEY in direct response to STINGLEY's race and in violation of equal protection, as well as
18 in retaliation for, and in response to STINGLEY exercising his protected speech. The acts and
19 omissions of Defendants, and each of them, were done by Defendants under color of state law in
20 their capacity as a municipality chartered under state law, and as policy making authorities to which
21 the CITY OF HANFORD delegated its governing powers in the areas in which these policies were
22 promulgated or decisions taken or customs or practices followed.

23 131. The acts and omissions described above were taken by Defendant CITY OF HANFORD's
24 official policy makers as members charged with such responsibility. It was or should have been
25 plainly obvious to any reasonable policy making official of the CITY OF HANFORD that the acts
26 and omissions of Defendants as alleged herein directly violated and continued to violate OFFICER
STINGLEY's clearly established constitutional and statutory rights.

1 132. As a direct, foreseeable, and proximate result of Defendant's the retaliatory actions and
2 conduct, the CITY OF HANFORD, the HANFORD POLICE DEPARTMENT, its employees,
3 supervisory staff, and managing agents, as well as Defendants' CHIEF OF POLICE SEVER, DAVIS,
4 HUDDLESTON and DOES 1-50 have caused and continue to cause OFFICER STINGLEY
5 substantial losses in earnings, significant loss of reputation and professional injury, loss of
6 promotional opportunities and other employment benefits, lost wages and pension benefits, attorneys'
7 fees, medical expenses, loss of future earnings and benefits, costs of suit, humiliation, embarrassment,
8 emotional distress and mental and physical pain and anguish, all to his damage in an amount
9 according to proof.

10 Wherefore, OFFICER STINGLEY prays for judgment as more fully set forth below.

11 **FOURTEENTH CAUSE OF ACTION**
12 **Intentional Infliction of Emotional Distress**
(Against Sever, Davis, Huddleston, and Does 1-50)

13 133. OFFICER STINGLEY incorporates by reference herein each and every paragraph of the
14 complaint as though set forth here in full.

15 134. Defendants SEVER, DAVIS, HUDDLESTON and DOES 1-50's intentional, willful and
16 malicious conduct as herein alleged, i.e., a concerted campaign of hostility founded upon racial and
17 discriminatory animus undertaken with ill will and intent to injure OFFICER STINGLEY was
18 extreme and outrageous and is outside of any accepted worldviews held in the 21st Century and thus,
19 is intolerable in a 'civilized society.'

20 135. As a direct, foreseeable, and proximate result of the extreme and despicable conduct of the
21 employees of the CITY OF HANFORD and the HANFORD POLICE DEPARTMENT, in particular
22 Defendants' CHIEF OF POLICE SEVER, DAVIS, HUDDLESTON and DOES 1-50, said
23 Defendants' have caused and continue to cause OFFICER STINGLEY substantial losses in earnings,
24 significant loss of reputation and professional injury, loss of promotional opportunities and other
25 employment benefits, lost wages and pension benefits, attorneys' fees, medical expenses, loss of
26 future earnings and benefits, costs of suit, humiliation, embarrassment, emotional distress and mental
and physical pain and anguish, all to his damage in an amount according to proof.

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Wherefore, OFFICER STINGLEY prays for judgment as more fully set forth below.

PRAYER FOR RELIEF

Wherefore, Plaintiff JASON STINGLEY prays for judgment against Defendants and each of them as follows:

1. For general damages including pain, mental and emotional distress, fear, humiliation, damage to career, damage to self-image, spiritual injury and suffering in an amount of \$12,000,000 or according to proof;
2. For special damages in an amount according to proof;
3. For prejudgment and post judgment interest in an amount according to proof;
4. For reasonable attorney's fees and cost of suit therein;
5. For punitive damages against the individual Defendants only in the amount of \$3,000,000 as to each Defendant, or according to proof of the net worth of each Defendant;
6. For statutory penalties and any other statutory relief;
7. For such other and further relief as the court may deem proper;
8. OFFICER STINGLEY hereby demands a trial by jury.

JURY TRIAL DEMANDED.

DATED: June 27, 2023

LAW OFFICES OF BONNER AND BONNER

/s/ Charles A. Bonner

CHARLES A. BONNER
Counsel for Plaintiff