CLAIMS FOR DAMAGES TO PERSON OR PROPERTY

COUNTY OF LOS ANGELES

TIME STAMP
OFFICE USE ONLY

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES
FILED

2025 FEB -3 A 9:32

INSTRUCTIONS:

1. Read claim thoroughly.
2. Fill out claim as indicated; attach additional information if necessary.
3. Please use one claim form for each claimant.
4. Return this original signed claim and any attachments supporting your claim. This form must be signed.

DELIVER OR U.S. MAIL TO:
EXECUTIVE OFFICER, BOARD OF SUPERVISORS, ATTENTION: CLAIMS
500 WEST TEMPLE STREET, ROOM 383,
KENNETH HAHN HALL OF ADMINISTRATION, LOS ANGELES, CA 90012
(213) 974-1440

1. ☐ Mr. ☒ Ms. ☐ Mrs. LAST NAME: Theberge FIRST NAME: Nancy M.I.:

2. ADDRESS OF CLAIMANT: [redacted]

CITY: [redacted] STATE: [redacted] ZIP CODE: [redacted]

HOME PHONE: [redacted] ALTERNATE PHONE: [redacted]

3. CLAIMAINT'S BIRTHDATE: [redacted]

4. CLAIMANT'S SOCIAL SECURITY NUMBER: [redacted]

5. ADDRESS TO WHICH CORRESPONDENCE SHOULD BE SENT
11520 San Vincente Blvd
STREET: 11520 San Vincente Blvd CITY: Los Angeles STATE: CA ZIP CODE: 90049

6. DATE AND TIME OF INCIDENT
12/19/2024 12:00 am

7. WHERE DID DAMAGE OR INJURY OCCUR?
211 West Temple Suite 1200
STREET: 211 West Temple Suite 1200 CITY: Los Angeles STATE: CA ZIP CODE: 90012

8. DESCRIBE IN DETAIL HOW DAMAGE OR INJURY OCCURRED AND LIST DAMAGES (attach copies of receipts or repair estimates):
Please see attached letter.

9. WERE POLICE OR PARAMEDICS CALLED? YES ☐ NO ☒

(IF YES) AGENCY'S NAME _____ REPORT # _____

CHECK IF LIMITED CIVIL CASE ☐

TOTAL DAMAGES TO DATE: $ 5,000,000.00

TOTAL ESTIMATED PROSPECTIVE DAMAGES: $ 5,000,000.00

10. WHY DO YOU CLAIM COUNTY IS RESPONSIBLE?
Please see attached letter.

11. NAMES OF ANY COUNTY EMPLOYEES (AND THEIR DEPARTMENTS) INVOLVED IN INJURY OR DAMAGE (IF APPLICABLE):

NAME	DEPARTMENT
Nathan Hochman	District Attorney's Office
John Lewin	District Attorney's Office

12. WITNESS(ES) TO DAMAGES OR INJURY: LIST ALL PERSONS AND ADDRESSES OF PERSONS KNOWN TO HAVE INFORMATION:

NAME	PHONE
Lori Deary	(213) 974-3512

ADDRESS: 211 West Temple Suite 1200

NAME	PHONE
James Garrison	(213) 974-3512

ADDRESS: 211 West Temple Suite 1200

13. IF PHYSICIAN(S) WERE VISTED DUE TO INJURY, PROVIDE NAME, ADDRESS, PHONE NUMBER, AND DATE OF FIRST VISIT FOR EACH:

DATE OF FIRST VISIT	PHYSICIAN'S NAME	PHONE

STREET: CITY: STATE: ZIP CODE:

DATE OF FIRST VISIT	PHYSICIAN'S NAME	PHONE

STREET: CITY: STATE: ZIP CODE:

THIS CLAIM MUST BE *SIGNED*

NOTE: PRESENTATION OF A FALSE CLAIM IS A FELONY (PENAL CODE SECTION 72)

CLAIMS FOR DEATH, INJURY TO PERSON OR TO PERSONAL PROPERTY MUST BE FILED NOT LATER THAN 6 MONTHS AFTER THE OCCURRENCE. (GOVERNMENT CODE SECTION 911.2)

ALL OTHER CLAIMS FOR DAMAGES MUST BE FILED NOT LATER THAN ONE YEAR AFTER THE OCCURRENCE. (GOVERNMENT CODE SECTION 911.2)

14. PRINT OR TYPE NAME: Carney Shegerian (For Nancy Theberge) DATE:

15. SIGNATURE OF CLAIMANT OR PERSON FILING ON HIS/HER BEHALF GIVING RELATIONSHIP TO CLAIMANT: DATE:

Revised 11-2016

Shegerian & Associates

Phone: (310) 860-0770 | Fax: (310) 860-0771 | shegerianlaw.com

February 3, 2025

SENT VIA PERSONAL SERVICE AND CERTIFIED U.S. MAIL

Executive Officer Board of Supervisors
Attn: Claims
Los Angeles County Board of Supervisors
County of Los Angeles
500 West Temple Street, Room 383
Los Angeles, California 90012

211 West Temple Street
Suite 1200
Los Angeles, CA 90012

Re: ***Tort Claim Form for Nancy Theberge—Pursuant to California Government Code Section 910***

To whom it may concern:

Please be advised that my office has been retained to represent Nancy Theberge ("Theberge") in connection with her employment with the County of Los Angeles ("COLA") and the Los Angeles District Attorney's Office ("LACDA") (collectively "Entity Defendants". By this letter, we present the following claim for damages on her behalf in what is commonly referred to as a tort claim form.

INDIVIDUALS AND ENTITIES AGAINST WHOM CLAIMS ARE BROUGHT

The names of the public entities and public employees who caused Theberge injuries include but are not limited to: COLA; LACDA; Nathan Hochman and John Lewin.

Nancy Theberge, a 56-year-old female, began her career with Entity Defendant's in November 2021. Over the course of her tenure, Theberge demonstrated professionalism and dedication to the administration of justice. Despite her commitment to her role, Theberge became the target of unlawful discrimination based on her age (over 40) and gender (female). Theberge was also targeted because of her perceived political association with George Gascon, the current district attorney (Nathan Hochman) political opponent and because of her internal and external reports

on compliance with Penal Code Section 1172.1 by the County of Los Angeles and the Los Angeles District Attorney's office.

Theberge's Exemplary Employment

Theberge's most recent assignment with Entity Defendant was post-conviction litigation and discovery. Theberge was an exemplary employee throughout her employment with Entity Defendants. Theberge's most recent performance evaluation, given on October 24, 2024, stated she exceeded expectations in seven categories and met expectations in four categories. Throughout her employment, Theberge never received a poor performance review. Theberge was a supervisor with Entity Defendants and was noted for her "high level of professionalism" and "high level of professional skills".

Theberge's Political Affiliation

Theberge openly supported George Gascon as District Attorney and his reelection for that same office. Theberge supported and attempted to carry out to the best of her ability every lawful policy adopted by Gascon.

Discrimination and Retaliation

Theberge was subjected to discriminatory treatment within the District Attorney's Office due to her age and gender. Leadership in the office treated Theberge differently from younger, male colleagues, undermining her authority and professional standing.

Advocacy for Resentencing Under Penal Code Section 1172.1

California Penal Code Section 1172.1 was passed into law in 2022. The law allows a criminal defendant to be resentenced, if among other factors, continued incarceration is no longer in the interest of justice. As explained further below, Theberge reported both internally to Entity Defendants and externally to the California Courts that Eric and Lyle Menendez should be resentenced because their incarceration is no longer in the interest of justice and that to recommend against resentencing would be a violation of Penal Code Section 1172.1

Starting in the beginning of October 2024, Theberge attended meetings of the Executive Team concerning the motion for resentencing. Present at these meetings were Brock Lunsford, Nancy Theberge, George Gascon, the District Attorney at the time; Joseph Iniguez, Gascon's deputy, Head deputy Lori Deary (Theberge's supervisor), Director Stephanie Pearl Meyer and the Assistant Deputy DA James Garrison.

Theberge stated during these October 2024 meetings that failure to advocate resentencing would violate Penal Code Section 1172.1. While Gascon and Iniguez supported Lunsford's position, Lori Deary and James Garrison appeared displeased and said they disagreed with Lunsford and Theberge played a pivotal role as the primary author, in October 2024 of a motion filed in Los Angeles Superior Court, advocating for their resentencing. This memorandum, co-authored with Brock Lunsford, articulated the legal and procedural basis for resentencing. Theberge's position, based solely on her interpretation of the law, was met with resistance from the new leadership within the District Attorney's Office.

Retaliation for Theberge's Protected Classes and Activity

The District Attorney's Office retaliated against Theberge for at least three unlawful reasons:

1. Her report to George Gascon, the District Attorney at the time; Joseph Iniguez, Gascon's deputy, Head deputy Lori Deary (Theberge's supervisor), Director Stephanie Pearl Meyer and the Assistant Deputy DA James Garrison. in October 2024 and her motion to the superior court for the resentencing of Eric and Lyle Menendez under Penal Code section 1172.1 and her internal and external report(s) that there would be a violation of the statute if a contrary position was taken.

2. Nathan Hochman's belief that Theberge supported his political opponent, a violation of civil service rules and California statutes prohibiting political discrimination. This belief includes but is not limited to Theberge's October 2024 motion for resentencing.

3. Her age and gender and her opposition to gender and age discrimination.

In response to Theberge's internal and external reports on violations of the law, the District Attorney's Office transferred Theberge out of her position entirely, reassigning her to the Alternative Public Defender's Office. Theberge's assignment became effective December 19, 2024. In her new role, Theberge was placed at the bottom of the organizational hierarchy, a clear demotion that diminished her professional standing and opportunities for advancement. Theberge was treated worse than her male colleagues in that she was transferred out of the District Attorney's office entirely.

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John Lewin was at all times relevant Acting as the Agent of Nathan Hochman

John Lewin is and was a Deputy District Attorney employed by Entity Defendants. Lewin, while acting within the course and scope of his employment with the District Attorney's Office, defamed Theberge. Lewin and Hochman acted in concert. Hochman either authorized Lewin's conduct and/or ratified it. On September 28, 2024, Hochman's website publicly listed John Lewin as a supporter and praised Lewin for "stand[ing] up and be individually counted."

On or around October 26, 2024, Lewin defamed Theberge by publicly stating that she had breached her duty of candor to the court in connection with the motion for the resentencing of Eric and Lyle Menendez. This baseless and inflammatory accusation falsely suggested that Theberge acted unethically and in violation of her professional responsibilities. Lewin further stated that Theberge was incompetent in her profession. These statements include but are not limited to the statements that Theberge had no interest in justice, wanted to let criminals out of jail and was dishonest in her filings with the Court. The charge of dishonestly to the Court is a statement of fact that Theberge violated the ethics of her professional and her responsibility as an officer of the Court.

On or around November 27, 2024, Lewin publicly stated that Theberge had no interest in prosecuting criminals and stated she had sold her soul for a "few extra nickels".

On more than one occasion, Lewin's defamatory statements caused significant harm to Theberge's reputation as an attorney, implying dishonesty and a lack of integrity in her legal work.

Further, after Lewin defamed Theberge, Hochman promoted Lewin and gave him a position in major crimes. This effectively ratified his defamatory conduct, further compounding the harm to Theberge's professional standing.

Harm to Theberge's Career and Reputation

As a result of the discrimination, retaliation, and defamation she endured, Theberge's career has been severely damaged. Her transfer to a subordinate position out of the District Attorney's office and to the Alternative Public Defender's Office represents a clear demotion, stripping her of the responsibilities and professional stature she held within the District Attorney's Office. Additionally, Lewin's defamatory statements have caused lasting harm to Theberge's reputation in the legal community, undermining her credibility and professional prospects.

Theberge was coerced to republish Defendant's defamatory statement to colleagues and family to refute the allegations and protect his professional reputation.

POTENTIAL LEGAL THEORIES/CLAIMS

Theberge anticipates bringing causes of action based on the following legal violations and theories: (1) Discrimination and harassment on the basis of gender and age; (2) Retaliation, including retaliation for complaining about discrimination or harassment; (3) Failure to prevent discrimination, harassment, or retaliation; (4) Violation of California Labor Code section 1102.5; (5) Violation of Labor Code sections 232.5; (6) (Violation of Labor Code Section 1101-1102); (7) Defamation; (8) Coerced Self Defamation; (9) Negligent Infliction of Emotional Distress; and (10) Intentional Infliction of Emotional Distress 11) Negligent Hiring, Supervision and Retention. Additional causes of action and/or theories of relief may be raised on the basis of the facts generally set forth above, as is permitted by *Blair v. Superior Court* (1990) 218 Cal.App.3d 221.

DAMAGES SOUGHT

Theberge seeks economic damages of over $250,000 and non-economic damages in an amount over $5,000,000.00 for total damages of over $5,000,000.00. Theberge also seeks interest, attorneys' fees, and costs, although the amounts of such interest, fees, and costs are not known at this time. The proper jurisdiction for litigation in this matter is Los Angeles County Superior Court, as an unlimited case.

NOTICE

Theberge's address is 6022 Silva Street, Lakewood, CA 90071. Our client requests that all notices concerning this claim be sent to us, her counsel of record,

Shegerian & Associates
11520 San Vicente Boulevard, Los Angeles, California 90049;
telephone: (310) 860-0770;
facsimile: (310) 860-0771.

Our e-mail addresses are as follows:

- Carney Shegerian, Esq., CShegerian@shegerianlaw.com;

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Shegerian & Associates
11520 San Vicente Boulevard, Los Angeles, California 90049;
telephone: (310) 860-0770;
facsimile: (310) 860-0771.

Our e-mail addresses are as follows:

- Carney Shegerian, Esq., CShegerian@shegerianlaw.com;

- Mahru Madjidi, Esq., MMadjidi@shegerianlaw.com;
- Alex DiBona, Esq., ADibona@shegerianlaw.com;
- Justin W. Shegerian, Esq., JShegerian@shegerianlaw.com.

ACTING ON CLIENT'S BEHALF

Pursuant to Government Code section 910, our firm is "acting on behalf" of Theberge in submitting this demand. It is hereby signed by Alex DiBona on his behalf, pursuant to Government Code section 910.2.

Thank you for your review and consideration of the above.

Very truly yours,

SHEGERIAN & ASSOCIATES

Alex DiBona

Alex DiBona, Esq.