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14 640 Third Street, Second Floor

15 Santa Rosa, CA 95404

16 Attorneys for Plaintiffs

17 SUPERIOR COURT OF THE STATE OF CALIFORNIA

18 COUNTY OF SAN FRANCISCO

19 GLENN MAHLER, JAMES H. POOLE,
20 JULIE CONGER, EDWARD M. LACY JR.,
21 WILLIAM S. LEBOV, JOHN C. MINNEY,
22 JOHN SAPUNOR, and F. CLARK
23 SUEYRES,

24 Plaintiffs,

25 vs.

26 JUDICIAL COUNCIL OF CALIFORNIA,
27 CHIEF JUSTICE TANI G. CANTIL-
28 SAKAUYE, and DOES ONE through TEN,

Defendants.

Case No.: CGC-19-575842

AMENDED COMPLAINT FOR
DAMAGES, INJUNCTIVE, AND
DECLARATORY RELIEF

Violation of Government Code section
12940(a) and the California Constitution

Plaintiffs allege for their amended complaint:

INTRODUCTION AND BACKGROUND

1. Plaintiffs, retired superior court judges, challenge the recent changes to the
Assigned Judges Program (“AJP”) implemented by defendants Chief Justice of California and

ELECTRONICALLY

FILED

Superior Court of California,
County of San Francisco

05/28/2019

Clerk of the Court

BY: EDWARD SANTOS

Deputy Clerk

1 the Judicial Council of California (“Judicial Council”) that limit participation by individual
2 retired judge in that program to a total of 1,320 days. These changes constitute an unlawful
3 employment practice in violation of Government Code sec. 12940(a) as they discriminate
4 against plaintiffs because of their age, in the terms, conditions, and privileges of their
5 employment, and also violate Article VI of the California Constitution, as more fully set forth
6 below.

7 2. The AJP sets forth the structure by which the Chief Justice of California
8 temporarily assigns retired judges to fill judicial vacancies and to cover for vacations,
9 illnesses, disqualifications and other absences.

10 3. The AJP is authorized by Article VI, section 6(e) of the California Constitution
11 which requires the Chief Justice to “seek to expedite judicial business and to equalize the
12 work of judges.” In order to fulfill this mandate, “[t]he Chief Justice may provide for the
13 assignment of any judge to another court but only with the judge's consent if the court is of
14 lower jurisdiction. A retired judge who consents may be assigned to any court.”

15 4. To be eligible to participate in the AJP a retired judge must not have been
16 defeated in an election for his or her office (Gov. Code §68549); must not have been removed
17 from office by the Commission on Judicial Performance (Cal. Const. Article VI, § 18; must
18 have met minimum age and years-of-service requirements and filed a notice of retirement
19 (Gov. Code §75025); must have made certain payments to the Judges’ Retirement Fund (Gov.
20 Code §75026); and must comply with the Code of Judicial Ethics (Code of Judicial Ethics,
21 Canon 6).

22 5. A retired judge must apply to participate in the AJP within two years of retirement
23 or within two years of previous service in the program; renew that application annually;
24 provide a declaration that he or she does not intend to become an active member of the State
25 Bar; certify that the retired judge will not participate in privately compensated dispute
26 resolution activities; submit to a reference check, serve at least 25 days each fiscal year;
27 participate in continuing education; and take an oath of office.
28

1 6. Retired judges participating in the AJP are evaluated each year by the presiding
2 judges in the courts in which they sit.

3 7. Until May 21, 2018 there was no limit on the number of days a retired judge
4 could participate in the AJP. However, on that date, defendant Chief Justice Cantil-Sakuye
5 through defendant Judicial Council arbitrarily and without lawful reason changed the terms,
6 conditions, and privileges of employment of retired judges participating in the AJP by limiting
7 the number of days a retired judge can participate in the AJP to 1,320 days. Said change was
8 made retroactive, thus directly impacting plaintiffs. The stated effective date of the change
9 was July 1, 2018, although implementation of the change was delayed until January 1, 2019.

10 PARTIES

11 8. Plaintiff Glenn Mahler is an adult person over 40 years of age and resident of the
12 County of Orange, State of California. Judge Mahler began his judicial career as a
13 Subordinate Judicial Officer in 1977. Judge Mahler was appointed as an Orange County
14 Municipal Court judge in 1986 and was elevated to the Superior Court in 1998. Judge Mahler
15 retired in 2008 and at that time his application for participation in the AJP was accepted.
16 Judge Mahler worked nearly full-time in the AJP, accumulating over 2,000 days of service
17 through December 31, 2018.

18 9. Plaintiff James H. Poole is an adult person over 40 years of age, and resident of
19 the County of Los Angeles, State of California. Judge Poole was first appointed to the Orange
20 County Municipal Court in 1989 and ran unopposed in the next general election. Judge Poole
21 was later elected presiding judge of the West Orange County Municipal Court. In 1992 Judge
22 Poole was elevated to the Superior Court. Judge Poole retired in June 2009 and at that time
23 his application for participation in the AJP was accepted. Judge Poole worked in the AJP
24 nearly full-time through December 2018, accumulating approximately 1,800 days of service.

25 10. Plaintiff Julie Conger is an adult person over 40 years of age, and a resident of the
26 County of Sonoma, State of California. Judge Conger was elected as Municipal Court judge
27 in Berkeley-Albany in 1982 and served on that court until 1998 when Judge Conger was
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1 elevated to the Superior Court. Judge Conger retired in April 2008. Shortly thereafter Judge
2 Conger's application for participation in the AJP was accepted. Judge Conger commenced
3 participation in the AJP on July 1, 2008. Since that time Judge Conger has regularly worked
4 approximately nine full months per year in the AJP, accumulating over 1,500 days of service.

5 11. Plaintiff Edward M. Lacy Jr. is an adult person over 40 years of age, and a
6 resident of the County of Stanislaus, State of California. Judge Lacy was appointed to the
7 Stanislaus County Municipal Court in 1979 and served on that court until 1982 when Judge
8 Lacy was elevated to the Superior Court. Judge Lacy retired in 2002. Shortly thereafter
9 Judge Lacy's application for participation in the AJP was accepted and Judge Lacy
10 commenced participation in the AJP. Since that time Judge Lacy has worked an average of
11 approximately 170 days per year in the AJP, accumulating over 2,800 days of service.

12 12. Plaintiff William S. Lebov is an adult person over 40 years of age, and a resident
13 of the County of San Diego, State of California. Judge Lebov was appointed to the Yolo
14 County Municipal Court in 1982 and served on that court until 1998 when Judge Lebov was
15 elevated to the Superior Court. Judge Lebov retired in February 2003 and at that time his
16 application for participation in the AJP was accepted. Judge Lebov commenced participation
17 in the AJP in February 2003. Since that time Judge Lebov has worked over 7 months per year
18 in the AJP, accumulating over 2,500 days of service.

19 13. Plaintiff John C. Minney is an adult person over 40 years of age, and a resident of
20 the County of Contra Costa, State of California. Judge Minney was appointed to the Walnut
21 Creek-Danville Municipal Court in 1975 and was elevated to the Contra Costa County
22 Superior Court in 1987. Judge Minney retired in 2006 and at that time his application for
23 participation in the AJP was accepted. Since that time Judge Minney has accumulated
24 approximately 1,470 days of service in the AJP.

25 14. Plaintiff John Sapunor is an adult person over 40 years of age, and a resident of
26 the County of Sacramento, State of California. Judge Sapunor was first appointed to the
27 Sacramento County Municipal Court in 1985 and was elevated to the Superior Court in 1988.
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1 Judge Sapunor retired in April 2008 and at that time his application for participation in the
2 AJP was accepted. Judge Sapunor commenced participation in the AJP in April 2008. Since
3 that time Judge Sapunor has accumulated approximately 1,600 days of service in the AJP.

4 15. Plaintiff F. Clark Sueyres is an adult person over 40 years of age, and a resident of
5 the County of San Joaquin, State of California. Judge Sueyres was appointed to the San
6 Joaquin County Superior Court in 1989. Judge Sueyres retired in November 2009 and shortly
7 thereafter his application for participation in the AJP was accepted. Since that time Judge
8 Sueyres has accumulated approximately 1,330 days of service in the AJP.

9 16. At all times mentioned herein Plaintiffs were qualified for the position of
10 Assigned Judge. Plaintiffs are participants in the AJP who as of January 1, 2019 had already
11 worked on assignments for more than 1,320 days. Plaintiffs have applied to, and been
12 accepted in, the Assigned Judges Program for 2019, but they have been adversely affected by
13 the new rules in that they will not be able to participate in the AJP under the same terms,
14 conditions, and privileges of employment as existed prior to the change , and as are
15 applicable to younger judges.

16 17. Defendant Judicial Council of California (“Judicial Council”) is established under
17 authority of the Constitution of the State of California, Article VI, section 6 and California
18 Rules of Court Rule 10.1. It is the policymaking body of the California courts and is chaired
19 by the Chief Justice. According to its governance policies, “Under the leadership of the Chief
20 Justice and in accordance with the California Constitution, the council is responsible for
21 ensuring the consistent, independent, impartial, and accessible administration of justice.” The
22 Judicial Council is subject to suit under the California Fair Employment Act, Government
23 Code Section 12900 et seq. (FEHA), in that it is an employer of five or more persons.

24 18. Defendant Tani G. Cantil-Sakauye is the Chief Justice of California, a position
25 she has held since January 3, 2011. As chair of the Judicial Council Chief Justice Cantil-
26 Sakauye directs the Council’s work, including establishing budget policies and promulgating
27 rules for court administration. Chief Justice Cantil-Sakauye appoints 14 of the Judicial
28

Council's 20 other voting members. Defendant Chief Justice Cantil-Sakauye is sued in her official capacity as Chair of the Judicial Council.

19. Plaintiffs are ignorant of the true names and capacities of defendants sued herein as DOES ONE through TEN, inclusive, and therefore sue these defendants by such fictitious names. Plaintiffs will amend this complaint to allege their true names and capacities when ascertained. Plaintiffs are informed and believes that each of these fictitiously-named defendants is responsible in some manner for the occurrences herein alleged, and that plaintiffs' injuries as herein alleged were proximately caused by the aforementioned defendants.

20. Plaintiffs are informed and believe and thereon allege that at all times herein mentioned each of the defendants was the agent and employee of each of the remaining defendants and, in doing the things hereinafter alleged, was acting within the course and scope of such agency and employment.

RIGHT TO SUE LETTERS

21. Within one year of the date of the discrimination committed by defendants, plaintiffs filed charges of discrimination with the California Department of Fair Employment and Housing (DFEH). Copies of these charges are appended hereto, marked "Exhibits A through H," and are incorporated by this reference as though fully set forth.

22. The DFEH has issued to plaintiffs notices of right to bring a civil action based on the charges that are "Exhibits A through H" to this complaint. Copies of these notices of right of action are appended hereto, marked "Exhibit I through P," and are incorporated by this reference as though fully set forth.

VENUE

23. Venue is proper in this court because the unlawful employment practices complained of herein occurred in San Francisco County and records relevant to the unlawful employment practices are maintained in San Francisco County.

1 ADVERSE EMPLOYMENT ACTION

2 24. Defendants' policy of arbitrarily limiting assigned judges to 1,320 days of service
3 amounts to illegal age discrimination against plaintiffs in the terms, conditions, and privileges
4 of their employment under the AJP, and is an adverse employment action not based upon
5 bona fide occupational qualifications nor upon any applicable security regulations established
6 by the United States or the State of California. This policy has a disparate impact on
7 plaintiffs and other persons of their age in that it causes them to be demonstrably
8 disadvantaged vis-à-vis younger participants in the AJP in the following manner: plaintiffs,
9 who have 1,320 or more days' experience in the Assigned Judges Program, will no longer be
10 given assignments unless they receive an "exception" to the policy.

11 25. Defendants have purported to establish an "exception" to the newly implemented
12 AJP changes, but the "exception" does not cure the discriminatory purpose and effect of the
13 AJP changes.

14 26. The policy requiring exceptions for participation in the AJP does not apply to
15 younger, more recently retired judges, whose terms, conditions, and privileges of employment
16 have not been changed. It applies only to judges with more than 1,320 days' service in the
17 AJP ("1320 Judges"), including plaintiffs herein.

18 27. Most assignments under the exceptions are either to Family Law Departments or
19 to courts located in communities far from the home counties of plaintiffs and most 1320
20 Judges. As a result, acceptance of any such exceptions require considerable travel and long
21 absences from their homes. In addition, "exception" assignments are in unfamiliar courts with
22 unfamiliar practices. Additionally, confirmation of "exception" assignments are made in many
23 instances only shortly before the assignment is to commence, providing inadequate time for
24 Judges to prepare and travel to the assigned court and requiring that dates be held open almost
25 up to the proposed date of commencement of the assignment.

26 28. 1320 Judges, in order to continue to work, are required to accept assignments
27 under these discriminatory terms and conditions. Moreover, the "exception" procedure
28

1 otherwise imposes excessive additional work on local courts, resulting in uncertainty as to
2 whether a needed Judge will in fact be available for assignment. These problems will continue
3 to occur due to the policy requiring “exceptions” for 1320 judges.

4 FIRST CAUSE OF ACTION

5 EMPLOYMENT DISCRIMINATION BASED ON AGE

6 29. Plaintiffs incorporate by reference paragraphs 1 through 28 above as though fully
7 set forth herein.

8 30. Defendants’ discriminatory actions against plaintiffs constitute unlawful
9 discrimination in employment on account of age, in violation of Government Code Section
10 12940(a). Further, they are not based on any bona fide job qualifications in that limiting an
11 Assigned Judge to 1,320 days of service is not necessary to the AJP, is inefficient and
12 wasteful, and is contrary to law and public policy. Defendants intend to continue this
13 unlawful conduct.

14 31. As a proximate result of defendants’ discriminatory actions against plaintiffs, as
15 alleged above, plaintiffs have been harmed in that plaintiffs have suffered and continue to
16 suffer, the loss of wages, salary, benefits, and additional amounts of money plaintiffs would
17 have otherwise received. As a result of such discrimination and consequent harm, plaintiffs
18 have suffered such damages in an amount according to proof.

19 SECOND CAUSE OF ACTION

20 VIOLATION OF THE CALIFORNIA CONSTITUTION

21 32. Plaintiffs incorporate by reference the allegations of paragraphs 1 through 28
22 above as though fully set forth herein.

23 33. Defendant’s discriminatory actions in changing the terms, conditions and
24 privileges of judges participating in the AJP as alleged herein violate Article VI, section 6(e)
25 of the California Constitution. As set forth above, rather than “seek[ing] to equalize the work
26 of judges” they subject older judges who have worked 1,320 days in the AJP to unequal terms
27 and conditions in their employment as compared to younger more recently retired judges.
28

1 This Constitutional violation is ongoing, and defendants intend to continue this unlawful
2 conduct.

3 34. Defendants' unlawful conduct in violation of Government Code Section 12940(a),
4 as set forth above, also constitutes a violation of Article VI, section (6)(d) of the California
5 Constitution, which mandates that the functions performed by defendants "not be inconsistent
6 with statute." This Constitutional violation is ongoing, and defendants intend to continue this
7 unlawful conduct.

8 PRAYER FOR RELIEF

9 WHEREFORE, plaintiffs pray for judgment as follows:

10 AS TO THE FIRST CAUSE OF ACTION

- 11 1. For back pay, front pay, and other monetary relief according to proof;
12 2. For interest on the sum of damages awarded, calculated from January 1, 2019 to the
13 date of judgment;

14 AS TO ALL CAUSES OF ACTION

- 15 3. For a declaratory judgement that defendants' implementation of the changes in the
16 terms, conditions and privileges of participation by retired judges in the AJP violate
17 the laws and Constitution of the State of California;
18 4. For injunctive relief prohibiting further enforcement of the changes in the AJP as
19 alleged herein;
20 5. For reasonable attorney's fees;
21 6. For costs of suit herein incurred; and
22 7. For such other and further relief as the court deems proper.

23
24 Dated this 28th day of May, 2019.

25 Furth Salem Mason & Li LLP

26 /s/ Quentin L. Kopp

27 By: Quentin L. Kopp
28 Attorneys for Plaintiffs

EXHIBIT A

1 VERIFICATION

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

5 On March 8, 2019, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Santa Rosa, CA**
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EXHIBIT B

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

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

7 James Poole

DFEH No. 201903-05392009

8 Complainant,

9 vs.

10 Judicial Council of California
11 455 Golden Gate Avenue
12 San Francisco, California 94102

13 The Honorable Tani Cantil-Sakauye
14 455 Golden Gate Avenue
15 San Francisco, California 94102

16 Respondents

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

20 2. Complainant **James Poole**, resides in the City of **Long Beach** State of
21 **California**.

22 3. Complainant alleges that on or about **March 8, 2019**, respondent took the
23 following adverse actions:

24 **Complainant was discriminated against** because of complainant's age (40 and
25 over) and as a result of the discrimination was denied any employment benefit or
26 privilege, denied work opportunities or assignments.

27 **Additional Complaint Details:**

1 VERIFICATION

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

5 On March 8, 2019, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Santa Rosa, CSA**
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EXHIBIT C

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

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

7 Julie Conger

DFEH No. 201903-05391609

8 Complainant,

9 vs.

10 Judicial Council of California
11 455 Golden Gate Avenue
12 San Francisco, California 94102

13 The Honorable Tani Cantil-Sakauye
14 455 Golden Gate Avenue
15 San Francisco, California 94102

16 Respondents

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

20 2. Complainant **Julie Conger**, resides in the City of State of **California**.

21 3. Complainant alleges that on or about **March 8, 2019**, respondent took the
22 following adverse actions:

23 **Complainant was discriminated against** because of complainant's age (40 and
24 over) and as a result of the discrimination was denied any employment benefit or
25 privilege, denied work opportunities or assignments.

26 **Additional Complaint Details:**

1 VERIFICATION

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

5 On March 8, 2019, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Santa Rosa, CA**
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EXHIBIT D

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

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

7 Ed Lacy Jr.

DFEH No. 201905-06229922

8 Complainant,

9 vs.

10 Judicial Council of California
11 455 Golden Gate Avenue
12 San Francisco, California 94102

13 The Honorable Tani Cantil-Sakauye
14 455 Golden Gate Avenue
15 San Francisco, California 94102

16 Respondents

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

20 2. Complainant **Ed Lacy Jr.**, resides in the City of **Modesto** State of **California**.

21 3. Complainant alleges that on or about **May 22, 2019**, respondent took the following
22 adverse actions:

23 **Complainant was discriminated against** because of complainant's age (40 and
24 over) and as a result of the discrimination was denied any employment benefit or
25 privilege, denied work opportunities or assignments.

26 **Additional Complaint Details:**

1 VERIFICATION

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

5 On May 22, 2019, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Santa Rosa, California**
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EXHIBIT E

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

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

7 William Lebov

DFEH No. 201905-06227922

8 Complainant,

9 vs.

10 Judicial Council of California
11 455 Golden Gate Avenue
12 San Francisco, California 94102

13 The Honorable Tani Cantil-Sakauye
14 455 Golden Gate Avenue
15 San Francisco, California 94102

16 Respondents

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

20 2. Complainant **William Lebov**, resides in the City of **Del Mar** State of **California**.

21 3. Complainant alleges that on or about **May 22, 2019**, respondent took the following
22 adverse actions:

23 **Complainant was discriminated against** because of complainant's age (40 and
24 over) and as a result of the discrimination was denied any employment benefit or
25 privilege, denied work opportunities or assignments.

26 **Additional Complaint Details:**

1 VERIFICATION

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

5 On May 22, 2019, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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EXHIBIT F

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

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

7 John Minney

DFEH No. 201905-06228822

8 Complainant,

9 vs.

10 Judicial Council of California
11 455 Golden Gate Avenue
12 San Francisco, California 94102

13 The Honorable Tani Cantil-Sakauye
14 455 Golden Gate Avenue
15 San Francisco, California 94102

16 Respondents

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

20 2. Complainant **John Minney**, resides in the City of **Danville** State of **California**.

21 3. Complainant alleges that on or about **May 22, 2019**, respondent took the following
22 adverse actions:

23 **Complainant was discriminated against** because of complainant's age (40 and
24 over) and as a result of the discrimination was denied any employment benefit or
25 privilege, denied work opportunities or assignments.

26 **Additional Complaint Details:**

1 VERIFICATION

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

5 On May 22, 2019, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Santa Rosa, California**
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EXHIBIT G

1 VERIFICATION

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

5 On May 22, 2019, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Santa Rosa, California**
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EXHIBIT H

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

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

7 F. Clark Sueyres

DFEH No. 201905-06229822

8 Complainant,

9 vs.

10 Judicial Council of California
11 455 Golden Gate Avenue
12 San Francisco, California 94102

13 The Honorable Tani Cantil-Sakauye
14 455 Golden Gate Avenue
15 San Francisco, California 94102

16 Respondents

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

20 2. Complainant **F. Clark Sueyres**, resides in the City of **Stockton** State of
21 **California**.

22 3. Complainant alleges that on or about **May 22, 2019**, respondent took the following
23 adverse actions:

24 **Complainant was discriminated against** because of complainant's age (40 and
25 over) and as a result of the discrimination was denied any employment benefit or
26 privilege, denied work opportunities or assignments.

27 **Additional Complaint Details:**

1 VERIFICATION

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

5 On May 22, 2019, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Santa Rosa, California**
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EXHIBIT I



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

March 8, 2019

Glenn Mahler
P.O. Box 60666
, California 92602

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 201903-05391909
Right to Sue: Mahler / Judicial Council of California et al.

Dear Glenn Mahler,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective March 8, 2019 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

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

Sincerely,

Department of Fair Employment and Housing

EXHIBIT J



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

March 8, 2019

James Poole
5524 E. Ocean Blvd.
Long Beach, California 90803

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 201903-05392009
Right to Sue: Poole / Judicial Council of California et al.

Dear James Poole,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective March 8, 2019 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

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Sincerely,

Department of Fair Employment and Housing

EXHIBIT K



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

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(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

March 8, 2019

Julie Conger
19021 Kenleigh Drive
, California 95476-6014

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 201903-05391609
Right to Sue: Conger / Judicial Council of California et al.

Dear Julie Conger,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective March 8, 2019 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

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

Sincerely,

Department of Fair Employment and Housing

EXHIBIT L



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

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May 22, 2019

Ed Lacy Jr.
2313 Cornerstone Court
Modesto, California 95355

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 201905-06229922
Right to Sue: Lacy Jr. / Judicial Council of California et al.

Dear Ed Lacy Jr.,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 22, 2019 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

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Sincerely,

Department of Fair Employment and Housing

EXHIBIT M



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

May 22, 2019

William Lebov
1023 America Way
Del Mar, California 92014

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 201905-06227922
Right to Sue: Lebov / Judicial Council of California et al.

Dear William Lebov,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 22, 2019 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

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Sincerely,

Department of Fair Employment and Housing

EXHIBIT N



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

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<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

May 22, 2019

John Minney
68 Larkstone Court
Danville, California

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 201905-06228822
Right to Sue: Minney / Judicial Council of California et al.

Dear John Minney,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 22, 2019 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

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

Sincerely,

Department of Fair Employment and Housing

EXHIBIT O



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

May 22, 2019

John Sapunor
2100 Stony Bar Lane
Gold River, California 95670

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 201905-06229422
Right to Sue: Sapunor / Judicial Council of California et al.

Dear John Sapunor,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 22, 2019 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

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Sincerely,

Department of Fair Employment and Housing

EXHIBIT P



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

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<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

May 22, 2019

F. Clark Sueyres
2640 Meadow Lake Drive
Stockton, California 95207

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 201905-06229822
Right to Sue: Sueyres / Judicial Council of California et al.

Dear F. Clark Sueyres,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 22, 2019 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

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Sincerely,

Department of Fair Employment and Housing