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11 NEELAB IBRAHIM
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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **IN AND FOR THE COUNTY OF SAN JOAQUIN**
15 **UNLIMITED JURISDICTION**

849968 \$435

STK-CV-40E-2023-7400

16 NEELAB IBRAHIM, an individual;
17 DAWN KENDRICK, an individual

18 Plaintiffs,

19 vs.

20 SAN JOAQUIN DELTA COMMUNITY
21 COLLEGE, a public entity; and DOES 1
22 through 50, inclusive

23 Defendants.

Case No.:

**COMPLAINT FOR DAMAGES AND
DEMAND FOR JURY TRIAL**

1. **DISCRIMINATION** in Violation of Gov. Code § 12940(a)
2. **RETALIATION** in Violation of Cal. Labor Code § 1102.5;
3. **RETALIATION** in Violation of Gov. Code § 12940(h);
4. **FAILURE TO PREVENT RETALIATION/ DISCRIMINATION** in Violation of Gov. Code §12940(k);
5. **CONSTRUCTIVE DISCHARGE**

JURY TRIAL DEMANDED

FILE BY FAX

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3 **INTRODUCTION**

4 1. This is a discrimination and whistleblower retaliation lawsuit brought on behalf of
5 Plaintiffs Neelab Ibrahim and Dawn Kendrick against employer, San Joaquin Delta Community
6 College "Delta College"). Ms. Ibrahim faced rank discrimination by her employer, was denied
7 opportunities for promotion, and forced to work "out of class" (i.e., above her pay grade) with no
8 extra compensation. When her supervisor, Plaintiff Dawn Kendrick, reported and resisted
9 discriminating against Ms. Ibrahim, she was terminated.

10 2. Plaintiffs Ibrahim and Kendrick seek redress herein.

11 **PLAINTIFFS**

12 3. Plaintiff NEELAB IBRAHIM is a native of Afghanistan, who is currently employed
13 as a Fiscal Technician by Defendant San Joaquin Delta Community College.

14 4. Plaintiff DAWN KENDRICK was Ms. Ibrahim's direct supervisor and held the
15 position of Interim Assistant Director of Fiscal Services until she was fired by Defendant San
16 Joaquin Delta Community College.

17 **DEFENDANTS**

18 5. Defendant SAN JOAQUIN DELTA COMMUNITY COLLEGE is a public entity
19 located in San Joaquin County, California.

20 6. Plaintiffs are ignorant of the true names and capacities of the Defendants sued
21 herein as DOES 1-50, inclusive, and therefore sues these Defendants by such fictitious names
22 pursuant to California Code of Civil Procedure ("C.C.P.") § 474.1 Plaintiffs will amend this
23 Complaint to allege the true and correct names and capacities of these DOE Defendants when
24 ascertained. Plaintiffs are informed and believe, and thereon allege, that said Defendants, and each
25 of them, are responsible in whole or in part for Plaintiff's damages as alleged herein.

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¹ All further statutory references are to the California Codes unless otherwise indicated.

1 with the State to make the exercise of personal jurisdiction reasonable and just under contemporary
2 standards. Defendant SAN JOAQUIN DELTA COMMUNITY COLLEGE maintains its
3 principal place of business in the County of San Joaquin. Finally, Plaintiffs are informed and believe
4 and thereon allege that all Defendants work and/or reside in San Joaquin County.

5 11. Venue in this Court is proper pursuant to C.C.P. §§ 395 et seq. because at least one
6 of the Defendants resides in San Joaquin County and the unlawful acts described herein originated
7 in San Joaquin County.

8 FACTUAL ALLEGATIONS

9 OVERVIEW

10 12. This is an ethnic background/ country-of-origin discrimination case against Delta
11 College brought by two employees of the "Fiscal Services" department who suffered discrimination
12 and retaliation at the hands of the Director of Fiscal Services, Vanessa Rodriguez.

13 13. The first Plaintiff is Ms. Neelab Ibrahim, an Afghani national who was the victim of
14 the discrimination. The second Plaintiff, Ms. Dawn Kendrick, was Ms. Ibrahim's supervisor who
15 resisted the unlawful discrimination and, as a consequence, was herself terminated in retaliation.

16 14. Fiscal Services Director Vanessa Rodriguez ignorantly characterized Ms. Ibrahim as
17 being one of those "fucked up middle eastern people" who "bring their shit to the United
18 States and expect us to give them everything." To understand why Rodriguez' comments are
19 particularly odious, an understanding of Plaintiff Ibrahim's background is necessary.

20 *Ms. Ibrahim courageously served in support of U.S. Forces in Afghanistan*

21 22
23 15. Ms. Ibrahim was at risk of execution by the Taliban. She was, after all, an educated
24 woman working in support of U.S. forces in Afghanistan at the embassy in Kabul.

25 16. Ms. Ibrahim graduated from Kabul University with a degree in Accounting &
26 Finance, after which she worked for a decade at the U.S. Embassy in Kabul, Afghanistan. She
27 eventually obtained the position of Budget & Finance Supervisor for the U.S. Embassy. In that
28 capacity, she was responsible for overseeing Embassy expenditures, managed a staff of

1 approximately one dozen within the embassy itself, and also oversaw of all of the provincial offices
2 in Afghanistan, which reported to her.

3 17. Plaintiff Ibrahim subsequently emigrated to the United States so that her daughter
4 could receive a bone-marrow transplant. She went on to earn a Master's degree in Public
5 Administration from CSU – East Bay. But she returned to Afghanistan to work as a GL Specialist,
6 Linguist and signals intelligence Analyst for U.S. troops until she was wounded when the MRAP
7 (Mine-Resistant Ambush Protected vehicle) she was riding in with U.S. forces hit an IED
8 (Improvised Explosive Device). The force of the blast caused her to bounce off of the vehicle's
9 interior and effectively took her out of the war zone.

10 18. Returning to the United States she held a Top-Secret security clearance and
11 continued her work as a signal's intelligence Analyst in support of the U.S. mission in Afghanistan.
12 She relocated to San Joaquin County with her family where, despite having served as the Budget and
13 Finance Director for the U.S. Embassy in Kabul, she took an entry level job at Delta College that
14 she would never be promoted out of.

15 19. Little did she know that she would face rank discrimination here in the United States,
16 and the same evil she fought against in Afghanistan on behalf of us all.

17
18 ***Ibrahim arrives at Delta Community College***

19
20 20. Plaintiff Ibrahim came to work at the Fiscal Services Department Delta Community
21 College on or about 2017. The Fiscal Services Department is organized in tiers, with each
22 successive level having more responsibility and receiving more compensation. There are four levels:
23 Assistant, Technician, Specialist, and Analyst, (Level 1, Level 2, Level 3, and Level 4 respectively).
24 The higher the tier, the higher the responsibility and compensation. When Ms. Ibrahim first came
25 to Delta College in 2017, she initially applied for the top position – Director of Fiscal Services, for
26 which she was perfectly qualified, having already been the head at the U.S. Embassy, and having
27 received a Master's in Public Administration. Ms. Ibrahim withdrew her name from consideration,
28 and instead accepted a temporary Level 3 position (Specialist). Eager to secure permanent hire,

1 when a permanent Level 2 position (Technician— the second lowest, entry level position) became
2 available, she applied and was hired.

3 21. However, since the date of her hire, she has continued doing Level 3 and higher
4 work, while still getting paid out as a Level 2. Little did she know that in the years to come she
5 would be prevented from ever rising above a Level 2 due to the discriminatory animus of the Fiscal
6 Director Vanessa Rodriguez, and the blind eye that Human Resources turned towards Rodriguez'
7 repugnant actions.

8
9 ***Ms. Ibrahim faced bigotry from her direct supervisor***

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11 22. In March of 2020, Vanessa Rodriguez became Director of Fiscal Services. As the
12 top person in the Fiscal department, she had the power to determine two very important things:
13 which individuals could temporarily work “out of class” and which could be promoted to higher
14 level positions.

15 23. Working out of class was a common occurrence at Delta. This meant that if, for
16 example, Level 2 work needed to be done but there was not anyone to do it, the work could be
17 offered to a Level 1 to do on a temporary basis. The Level 1 employee would not only get increased
18 compensation for doing Level 2 work, but if they did so for 12 months, they would automatically get
19 re-classified as a Level 2 employee.

20 24. Likewise, when vacancies opened up, a Level 1 employee could apply for the Level 2
21 vacancy if they met the qualifications, and thereby advance their title, responsibilities, and
22 compensation.

23 25. Unfortunately, and unbeknownst at that time to Ms. Ibrahim, Ms. Rodriguez
24 harbored clear discriminatory animus towards Ms. Ibrahim based on her ethnic background and
25 country of origin. Ms. Rodriguez would use her power to unlawfully prevent Ms. Ibrahim from
26 getting temporary “out of class” work assignments as well as repeatedly thwarting her application for
27 higher level positions within the Fiscal Services Department.

1 26. While Ms. Ibrahim could sense Ms. Rodriguez's animosity towards her, she did not
2 understand its roots.

3 27. In March of 2020, Ms. Ibrahim applied for a Level 3 position (Fiscal Specialist). She
4 was excited to do so. Not only would this mean a welcome pay increase but, in fact, Ms. Ibrahim
5 had been performing work at this level for several years.

6 28. Approximately two months passed and Ms. Ibrahim followed up on her application.
7 She received a curt email from Human Resources, "Please be informed that the recruitment for
8 Fiscal Specialist is put on hold momentarily until further notice."

9 29. It would turn out that positions being put "on hold" after Ms. Ibrahim applied for
10 them was also a common occurrence.

11 30. In November of 2020, Ms. Ibrahim applied for a Level 4 (Fiscal Analyst) position,
12 for which there were now two vacancies. Again, on information and belief, Ms. Ibrahim had been
13 doing Level 4 work for years at Delta College, but she was not getting compensated for it.

14 31. Having not heard anything for four months after she applied, Ms. Ibrahim reached
15 out to Ms. Rodriguez.

16 32. Ms. Rodriguez falsely told Ms. Ibrahim that she did not meet the minimum
17 educational requirements for the Level 4 (Fiscal Analyst) position. This was not true.

18 33. Rodriguez later claimed that Ms. Ibrahim did not meet the minimum educational
19 requirement for the Level 3 (Fiscal Specialist) position as well. This was also not true.

20 34. In fact, Ms. Ibrahim was allowed to apply for the Level 4 (Fiscal Analyst) position in
21 2019, but was prohibited from doing so in 2020. The only thing that had changed was that Vanessa
22 Rodriguez became Director. In addition, when Ms. Ibrahim applied for the position, no one
23 notified her of interviews or that she was even "disqualified" from applying. When Ms. Ibrahim
24 reached out to Human Resources about this issue, Vanessa Rodriguez yelled at her, and gave her a
25 write up without notifying the Union.

26 35. Approximately one year later in October-November of 2021, Ms. Ibrahim again
27 applied for a Level 3 position (Fiscal Specialist), for which there were two vacancies. Veronica
28

1 Luna, who had less education and scored lower than Ms. Ibrahim in the interviews, was selected for
2 both positions. This occurred even though Ms. Ibrahim was in the top 3 on the final scoring chart
3 submitted to Human Resources, and Delta College policy states that the position should be filled
4 with one of the top 3 candidates. Despite being one of the top three candidates, she was told that
5 she was not selected for the position and denied the job. The position remained vacant.

6 36. Moreover, unlike Ms. Ibrahim, Ms. Luna was allowed to work out of class from a
7 Level 1 position to a Level 2 position for more than six months, which automatically qualified her to
8 be permanently reclassified to the Level 2 position. As stated above, she was later chosen for both
9 Level 3 vacancies, despite scoring lower than Ms. Ibrahim. In fact, Ms. Ibrahim was still working as
10 a Level 2.

11 37. In March of 2022, Ms. Ibrahim again applied for the Level 3 position (Fiscal
12 Specialist). Later, In June 24, 2022, she got an email informing her that the position was
13 “postponed” at this time.

14 38. Despite her best efforts, and while doing Fiscal Specialist and Fiscal Analyst level
15 work, it seemed that Ms. Ibrahim could not get promoted, but she did not yet understand why.

17 ***Good Samaritan Dawn Kendrick resists Ms. Rodriguez’ discriminatory animus.***

18
19 39. Almost immediately after her arrival at Delta College, Ms. Kendrick recognized
20 something was off regarding Ms. Rodriguez’s treatment of Ms. Ibrahim. Kendrick was hired as the
21 number two person in the Fiscal Services Department and reported directly to Ms. Rodriguez. Ms.
22 Kendrick managed a number of individuals, including Ms. Ibrahim.

23 40. Specifically, because the Level 3 (Fiscal Specialist) position had remained vacant
24 there was work which simply was not getting done. Ms. Kendrick asked Ms. Rodriguez if Ms.
25 Ibrahim could do the work at least on a temporary basis until the Fiscal Specialist positions were
26 filled. Ms. Rodriguez reluctantly agreed.

1 41. Several weeks later, on June 7, 2022, Ms. Kendrick had a 49-minute conversation
2 with Ms. Rodriguez, during which time Ms. Rodriguez unleashed a salvo of personal attacks against
3 Ms. Ibrahim. Ms. Rodriguez' determination to stymie Plaintiff Ibrahim's career seemed obsessive.

4 42. A week later, on June 14, 2022, Ms. Kendrick participated in a 2.5-hour team call
5 with Ms. Rodriguez. Ms. Rodriguez reiterated that Ms. Ibrahim should not be allowed to work out
6 of class because the Specialist position required 20 units of accounting. This, again, was not true.

7 43. The Fiscal Specialist position only required 12 units of accounting. Ms. Ibrahim was
8 more than qualified.

9 44. It was during this conversation that the extent of Ms. Rodriguez's vitriol against Ms.
10 Ibrahim became apparent. In a heated frenzy, Ms. Rodriguez said of Ms. Ibrahim "Neely [Ibrahim]
11 has a false sense of self, and she thinks she is better than everyone else. She even applied for my
12 job! Can you imagine Dawn?"

13 45. Ms. Rodriguez then began shouting at Ms. Kendrick, "She is from Afghanistan! You
14 know how those people are from that country! They are violent and live in chaos, and they push
15 and push until they get what they want. Neely is just like that!"

16 46. Ms. Kendrick described her reaction to this conversation as one of "total shock" and
17 quickly moved to change the subject.

18 47. From June 15 through June 17, 2022, Ms. Rodriguez instructed Ms. Kendrick to
19 conduct internal interviews for Level 1 employees (Fiscal Assistants) to have the opportunity to
20 work out of class as Level 2 employees. Ms. Kendrick later learned that no such interviews to work
21 out of class were previously conducted. Rather, such individuals were either selected by the manager
22 or by seniority. It appeared that Ms. Rodriguez seemed to be changing the rules to prevent Ms.
23 Ibrahim from obtaining out-of-class work.

24 48. Ms. Rodriguez told Ms. Kendrick not to worry about the hiring process for several
25 other candidates because she – Ms. Rodriguez, would be on the hiring committee and it will be a
26 "done deal."
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1 49. On June 24, 2022, Ms. Rodriguez again texted Ms. Kendrick again urging that Ms.
2 Ibrahim not be allowed to work out of class. At this point, Ms. Kendrick became concerned and
3 went to Human Resources to report the pressure Rodriguez was putting on her to prohibit Ms.
4 Ibrahim from working out of class without any justifiable reason.
5

6 ***Kendrick complains to Human Resources re: Rodriguez's discriminatory behavior***
7

8 50. Ms. Kendrick reported to Human Resources that Ms. Rodriguez had given her
9 incorrect information with regards to Ms. Ibrahim on the hiring process, interview process, and the
10 employee's ability to work out of their job class.

11 51. On June 27, 2022, Ms. Kendrick, in a follow up meeting with Human Resources,
12 told Theresa Truly, Director of HR, that never in her career had she been pressured by anyone,
13 especially another manager, to discriminate against another employee.

14 52. Ms. Kendrick told Ms. Truly that Ms. Rodriguez's statements to her were "blatant
15 discrimination of her nationality, culture and race." Ms. Kendrick additionally said that Ms.
16 Rodriguez was deliberately sabotaging Ms. Ibrahim's career and in fact gave Human Resources a
17 timeline listing all of the positions that she had applied for and the various reasons why they were
18 denied.

19 53. The Head of Human Resources took no notes, asked no questions, and as far as Ms.
20 Kendrick could tell, conducted no follow-up with her or anyone else.

21 54. Ms. Rodriguez's fixation on Ms. Ibrahim continued. On June 28, 2022, Ms.
22 Rodriguez again called Dawn Kendrick, shouting that Ms. Ibrahim had filed a complaint against her.
23 Ms. Kendrick reported that the call lasted almost *4 hours* with Ms. Rodriguez ranting about Ms.
24 Ibrahim, asking Ms. Kendrick to try and get background information about Ms. Ibrahim's complaint
25 against Ms. Rodriguez.

26 55. Ms. Rodriguez made a point, again, of noting that Ms. Ibrahim was from
27 Afghanistan, "and that is where she received her education, and you know **foreign degrees don't**
28 **mean shit in our country. . . . Afghanistan and that region of the world is violent and**

1 chaotic, and those fucked up, middle eastern people bring that shit here to the United States
2 and expect us to give them everything!" . . . I can't stand it, and she is just like the rest of
3 them! I am sick of this fucking bitch! She doesn't belong in our department!"

4 56. After the call ended, Ms. Kendrick recounted that she "just sat in her car not
5 knowing what to do or think."

6 57. On July 7, 2022, Ms. Rodriguez again called Ms. Kendrick to try and get information
7 about the complaint Ms. Ibrahim had filed against her.

8 58. During this call, Ms. Kendrick said to Ms. Rodriguez, "Did you know Neely
9 [Ibrahim] served at the United States Embassy in Afghanistan for 10 years in their finance
10 department? Neely was a finance manager. She also has national and international security
11 clearances from the Department of Defense, and she was in the middle of that God Forsaken war?
12 Neely was in a damn war zone, Vanessa."

13 59. Ms. Rodriguez indicated that she had not been aware of that, but it did not change
14 her opinion of Ms. Ibrahim.

15 60. On July 11, 2022, Ms. Rodriguez again called Ms. Kendrick to discuss Ms. Ibrahim.
16 Ms. Kendrick got off the phone.

17 61. The next day, July 12, 2022, Ms. Rodriguez called Ms. Kendrick yet again to discuss
18 Ms. Ibrahim. The conversation lasted for approximately 3.5 hours. Ms. Kendrick describes Ms.
19 Rodriguez as "raging" and repeating her past lies – that Ms. Ibrahim did not have the qualifications
20 to work out of class and that her foreign degree was useless. Ms. Rodriguez again attacked Ms.
21 Ibrahim's country of origin and her nationality, stating, "**People from that part of the world are
22 horrible and corrupt and should never be allowed in our country! . . . All of her people are
23 like that!**"

24 62. Despite Ms. Ibrahim's impressive background, it was clear that Rodriguez' animus
25 towards Ms. Ibrahim would not change.
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1 *Kendrick fills out reclassification form for Neely Ibrahim*

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3 63. On August 4, 2022, Dana Kosaka from Human Resources emailed Dawn Kendrick.
4 Neely Ibrahim had requested reclassification due to the more advanced “out of class” work she had
5 been doing, but not getting compensated for. Ms. Kendrick was instructed by Human Resources
6 that, as Ms. Ibrahim’s manager, she would also have to review Ms. Ibrahim’s submission for
7 reclassification and validate that she had, in fact, been doing out of class work.

8 64. Ms. Kendrick responded the same day. She explained that another employee who
9 was retiring, a Level 3 (Fiscal Specialist) had not been performing many of her job duties and that
10 Ms. Ibrahim had been doing those assignments for years.

11 65. When Ms. Rodriguez finally relented to allow Ms. Ibrahim to temporarily work out
12 of class, Ms. Rodriguez instructed Ms. Kendrick to contact HR to obtain an “out of class form.”
13 Ms. Kendrick did so at the end of July or early August.

14 66. After Ms. Kendrick submitted that form, Human Resources asked her to submit an
15 additional form- a Job Assignment Questionnaire (JAQ).

16 67. On August 11, 2022, Ms. Kendrick returned the JAQ form to human resources. She
17 noted in her email to Human Resources, that Ms. Ibrahim had effectively been misclassified years
18 dating back to her hire in 2017, and was continuing to do higher level work for which she was not
19 compensated:

20 After my evaluation of the form and speaking with Neely [Ibrahim],
21 it has become apparent what happened. She was hired in our
22 department on July 10, 2017 as a [temporary] Fiscal Specialist and
23 was assigned those duties. On December 1, 2017 she became a
24 permanent employee as a Fiscal Technician. The technician is below
25 the Specialist; however, her job duties stayed the same. She
26 continued to do her Level 3 (Specialist) duties all these years, thus
27 working out of class for a very long time.

28 In addition, she has also been working on 3 [Level 4] Analyst
 assignments, which is higher than a specialist. I am not sure how this

1 could have been overlooked all of these years, but I am hoping it will
2 change in light of this news.”

3 ***Kendrick is retaliated against for filling out JAQ for Ibrahim***

4
5 68. On August 12, 2022, the day after Ms. Kendrick submitted the JAQ form to Human
6 Resources, which showed that Ms. Ibrahim had been working “out of class” for years but without
7 the commensurate compensation, Vanessa Rodriguez called Ms. Kendrick into her office.

8 69. Ms. Rodriguez, raising her voice, asked Ms. Kendrick what form she had filled out
9 for Human Resources regarding Ms. Ibrahim’s “out of class” work. Ms. Kendrick explained that
10 she filled out the Out of Class form that Ms. Rodriguez had instructed her to request from HR, but
11 then filled out another form that was sent to her by HR. Ms. Kendrick explained that if she wanted
12 to know what form that was, she would have to contact the HR department. Ms. Rodriguez was
13 visibly nervous and panicking.

14 70. On August 19, 2022, Ms. Kendrick received word from her recruiter that Ms.
15 Rodriguez had terminated her assignment at Delta College. No reason was given as to why it was
16 terminated. Ms. Kendrick had received no prior complaints, writeups, or concerns whatsoever
17 regarding her work. In fact, she had made 3 hires, none of whom were fired.

18 71. Ms. Kendrick’s termination just after a week of turning in the JAQ reclassification
19 form for Ms. Ibrahim, in which she noted that Ms. Ibrahim had been working above her
20 classification and without commensurate pay for years, gives rise to but one conclusion: her
21 termination was retaliatory.

22 72. In a signed statement provided to Human Resources, Ms. Kendrick wrote, “I have
23 been a senior manager for major corporations and public agencies for 21 years, and never in my
24 career have I been subject to the influence or pressure I received from Vanessa Rodriguez to
25 mistreat and discriminate against a fellow employee, or subordinate, because of their race, national
26 origin, or educational background.”

27 73. Not only did Ms. Kendrick’s intervention to HR on Ms. Ibrahim’s behalf fail to
28 prevent further discrimination against Ms. Ibrahim, but now it appears that Ms. Kendrick herself

1 was retaliated against for speaking to Human Resources and filling out the very JAQ form the
2 Human Resources sent to Ms. Kendrick and requested that she fill out.

3 74. Despite its knowledge of the ongoing discrimination against Ms. Ibrahim, Human
4 Resources did nothing to prevent further discrimination, nor did it prevent the open and obvious
5 retaliation against Ms. Kendrick.
6

7 ***After Kendrick's termination, Delta College attempts to cover its tracks***

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9 75. Having arranged the ouster of Dawn Kendrick for telling the truth about Ms.
10 Ibrahim's years-long exploitation and misclassification, one more step was necessary: for Delta
11 College to cover its tracks.

12 76. Kendrick's Job Assignment Questionnaire (JAQ), which confirmed that Ms. Ibrahim
13 had been working out of class for years, was still on file. Delta College could not justify this. There
14 was an easy solution to rectify this – submit another JAQ which reached the opposite conclusion –
15 i.e., that Ms. Ibrahim had not been working above her classification for years. That is exactly what
16 Delta College did.

17 77. On or about September 30, 2022, a new JAQ form was submitted regarding Ms.
18 Ibrahim's work. In a cursory analysis, the author of the JAQ reached the opposite conclusion, that
19 Ms. Ibrahim was not working out of class.

20 78. The JAQ author conceded that Ms. Ibrahim, as a Fiscal Technician, had taken on the
21 duties of the retiring Fiscal Specialist, Shelley Pierce. But implausibly it concluded that Ms. Pierce,
22 though being paid as a Specialist, was only operating at the Fiscal Technician level.

23 ***Discrimination/ Retaliation Continues against Ms. Ibrahim***

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25 79. After Dawn Kendrick's ouster, discrimination against Ms. Ibrahim continued.

26 80. On March 21, 2022, Ms. Ibrahim applied again for a Level 3 position (Fiscal
27 Specialist) for which there were two vacancies.
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1 81. Three months later, Ms. Ibrahim received an email stating that the positions would
2 be postponed until further notice.

3 82. On October 30, 2022, Ms. Ibrahim applied again for the Level 3 position, but had
4 concerns regarding the interview panel's composition, which she raised to Susan Rodriguez.
5 Specifically, Ms. Ibrahim requested that Veronica Luna, a friend of Vanessa Rodriguez, not be on
6 the interview panel. Ms. Ibrahim was instructed to reach out to Human Resources with her
7 concerns, and she did.

8 83. Eventually, Theresa Richmond, interim VP of Human Resources, responded. She
9 reprimanded Ms. Ibrahim for "interfering" with the hiring committee. Ms. Richmond further stated
10 that she would prohibit Ms. Ibrahim from applying for the Fiscal Specialist position altogether.

11 84. Inexplicably, on January 5, 2023, when Ms. Ibrahim was on medical leave following
12 spinal surgery, she received a phone call and email from Human Resources inviting her to interview
13 for the Fiscal Specialist position 6 days later.

14 85. The hiring committee is composed of 5 individuals. Three of those individuals must
15 be from an outside department. Here, however, a majority of committee members were from inside
16 the Fiscal Services department, with only one member from outside.

17 86. Despite her misgivings, and still recovering from surgery, Ms. Ibrahim sat for an oral
18 interview and written examination.

19 87. On January 23, 2023, Ms. Ibrahim received an email from HR stating that the
20 committee members decided to cancel the Fiscal Specialist recruitment entirely, without giving any
21 reason.

22 88. It thus became quite clear that Delta College was determined to prevent Ms. Ibrahim
23 from advancing in her career, despite the fact that Ms. Ibrahim still did Level 3 work without getting
24 compensated for it.

25 89. No reasonable person in Ms. Ibrahim's situation could tolerate such working
26 conditions.
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90. In or about June of 2023, Ms. Ibrahim submitted her resignation, noting that from her very first day she had been working outside of her classification and that she had applied for promotion and advancement no less than 5 times, always to be told the position was "on hold."

CONCLUSION

91. For years Ms. Ibrahim, being compensated only as a Level 2 employee, has been working out of class doing assignments of the higher paid Level 3 and even Level 4 positions. To add insult to injury, Ms. Ibrahim has repeatedly applied for higher level jobs reflecting the work she was actually doing, and was denied by Vanessa Rodriguez, whose outspoken bigotry towards Ms. Ibrahim has no place in civilized society. Ms. Rodriguez's racist rants are made all the worse by the fact that Ms. Ibrahim is a war hero, who served alongside and was injured providing support to U.S. troops in Afghanistan.

92. When Dawn Kendrick, a successful manager with over 20 years of experience, uncovered the truth about Ms. Ibrahim's reprehensible treatment, she tried to set the record straight. For her courageous actions, she was terminated.

CAUSES OF ACTION

**FIRST CAUSE OF ACTION
DISCRIMINATION ON BASIS OF
NATIONAL ORIGIN AND ANCESTRY
(Cal. Gov. § 12940(a) et seq.)
Plaintiff Ibrahim against All Defendants**

93. Plaintiffs incorporate the foregoing paragraphs as though fully set forth herein.

94. Discriminating against an employee based on national origin or ancestry violates FEHA. (Gov. Code, § 12940(a) et seq.) Discrimination is prohibited if based on a country, former country or geographic region of an individual's birth or close association with a particular origin group, as well as ancestry. (*See, Benmun v. Rutgers State Univ.* (3rd Cir. 1991) 941 F2d 154, 171-172.)

95. Under the FEHA, it is unlawful:

For an employer, because of the race . . . national origin, [and/or] ancestry . .
. to refuse to hire or employ the person . . . or to bar or to discharge the

1 person from employment . . . or to discriminate against the person in
2 compensation or in terms, conditions, or privileges of employment.

3 (Cal. Gov. Code § 12940(a).)

4 96. As alleged herein, Defendants refused to hire or employ Plaintiff Ibrahim, and
5 discriminated against her in compensation and/or in the terms, conditions, and/or privileges of
6 employment. Specifically, the Director of Fiscal Services made repeated and disparaging remarks
7 regarding Ms. Ibrahim's race, ancestry and/or country of origin, which include, but are not limited
8 to: noting that that she is from Afghanistan; that "those" people are violent and live in chaos;
9 noting that her education from Afghanistan doesn't "mean shit in our country"; that Afghanistan
10 and that region of the world "is violent and chaotic, and those fucked up, middle eastern people
11 bring that shit here"; that Plaintiff Ibrahim "is just like the rest of them"; is a "fucking bitch" who
12 "doesn't belong in our department!'", noting "You know how those people are from that country!
13 They are violent and live in chaos . . . Neely is just like that!"

14 97. Throughout her tenure at Delta College, Ms. Ibrahim was subject so adverse
15 employment actions which include, but are not limited to, being denied the opportunity to work out
16 of class; and being repeatedly denied advancement on the basis of her race and country of origin, in
17 violation of FEHA.

18 **SECOND CAUSE OF ACTION**
19 **RETALIATION IN VIOLATION OF WHISTLEBLOWER PROTECTION ACT**
20 **(Cal. Labor Code § 1102.5)**
21 **Plaintiff Kendrick Against All Defendants**

22 98. Plaintiffs re-allege and incorporate the foregoing paragraphs as though fully set forth
23 herein.

24 99. At all relevant times, California Labor Code section 1102.5 was in effect, and binding
25 on Defendants. Section 1102.5 protects employees who refuse to participate in an activity that
26 would result in a violation of a state or federal statute, or noncompliance with a state or federal rule
27 or regulation. It further protects employees who disclose what they reasonably believe to be a
28 violation of such laws.

1 100. Plaintiff Kendrick made good faith protected disclosures concerning improper
2 discriminatory activity against Plaintiff Ibrahim including, but not limited to, those disclosures
3 detailed *supra*.

4 101. At the time Plaintiff made the protected disclosures she reasonably believed the law
5 had and/or was being broken. She reasonably believed this included state and federal statutes and
6 regulations, including but not limited to those related to anti-discrimination and whistleblower
7 protection.

8 102. Plaintiff suffered adverse action when Defendants, by and through their agents and
9 employees, which materially and adversely affected the terms, conditions, and privileges of Plaintiff's
10 employment. These adverse actions culminated in her termination.

11 103. Plaintiff believes and thereon alleges that her protected disclosures regarding
12 improper discrimination against Plaintiff Ibrahim formed a motivating factor in Defendants' adverse
13 actions against Plaintiff. Such actions are unlawful and retaliatory in violation of Section 1102.5 and
14 have resulted in damage and injury to Plaintiff.

15 104. The conduct of Defendants was outrageous and was executed with malice, fraud and
16 oppression, with conscious disregard for Plaintiff's rights, and further, with the intent, design and
17 purpose of injuring Plaintiff.

18 105. Defendants, through their officers, directors, managing agents, employees and/or
19 supervisors, authorized, condoned and/or ratified the unlawful conduct described herein above.

20 106. Defendants committed the acts alleged herein by acting knowingly and willfully, with
21 the wrongful and illegal deliberate intention of injuring Plaintiff with improper motives amounting
22 to malice, oppression, and/or fraud, in conscious disregard of Plaintiff's rights, justifying an award
23 of punitive damages. Note that Plaintiff does not seek punitive damages against any public entity on
24 this cause of action but does seek such damages against Defendants DOEs 1 through 50, inclusive.

25 107. As a result of the foregoing, Plaintiff suffered harm in the form of economic loss
26 and lost opportunity for advancement. Plaintiff suffered harm in the form of non-economic human
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28

1 losses, including grief, anguish, humiliation, embarrassment, fright, shock, pain, discomfort, anxiety,
2 and emotional distress.

3 108. The retaliation against Plaintiff for her protected disclosures formed a substantial
4 factor in causing this harm.

5 109. As a further proximate result of Defendants' actions, Plaintiff was required to, and
6 did, retain legal representation and is therefore entitled to reasonable attorneys' fees and costs. The
7 exact amount of damages will be proven at trial.

8
9 **THIRD CAUSE OF ACTION**
10 **RETALIATION IN VIOLATION OF FEHA**
11 **(Cal. Gov. § 12940(h) et seq.)**
12 **Plaintiff Kendrick against all Defendants**

13 110. Plaintiffs reallege and incorporate the foregoing paragraphs as though fully set forth
14 herein.

15 111. It is unlawful under the FEHA “[f]or any employer . . . or person to discharge, expel,
16 or otherwise discriminate against any person because the person has opposed any practices
17 forbidden under this part or because the person has filed a complaint, testified, or assisted in any
18 proceeding under this part.” (Cal. Gov’t Code § 12940(h).)

19 112. Plaintiff Kendrick engaged in protected activity by making numerous complaints to
20 Defendants’ agents and employees regarding Defendants’ discrimination and retaliation against
21 Plaintiff Ibrahim.

22 113. Specifically, Plaintiff Kendrick complained on numerous occasions to her superior,
23 Vanessa Rodriguez, that Rodriguez’ treatment of Plaintiff Ibrahim was discriminatory.

24 114. Additionally, Ms. Kendrick met with head of Human Resources to complain that
25 Vanessa Rodriguez was taking adverse employment actions against Ms. Ibrahim based on her race,
26 ethnicity, and country of origin.

27 115. Likewise, in responding to a request from Human Resources to fill out a Job
28 Assessment Questionnaire (JAQ), Ms. Kendrick submitted the form in which she concluded that
Ms. Ibrahim had been working out of class without proper compensation for years.

1 125. Defendant knew or should have known of the discrimination and/or retaliation
2 occurring in the Fiscal Services department against both Plaintiff Ibrahim and Plaintiff Kendrick, yet
3 failed to reasonably necessary steps to prevent and/or correct it.

4 126. As to Plaintiff Ibrahim, Defendant was specifically informed at least as early June
5 24, 2022 that Plaintiff Ibrahim was being subjected to unlawful discrimination by Vanessa
6 Rodriguez. Despite this information, Rodriguez' discrimination against Plaintiff Ibrahim continued,
7 and indeed escalated, over time.

8 127. As to Plaintiff Kendrick, Defendant was specifically informed at least as early as June
9 24, 2022, when Plaintiff Kendrick complained of Vanessa Rodriguez' lawless and discriminatory
10 behavior that Plaintiff Kendrick herself would likely be a target of retaliation.

11 128. Plaintiff Kendrick did, in fact, suffer retaliatory adverse actions when she was
12 terminated by Defendant Rodriguez following shortly after filing a Job Assessment Questionnaire
13 which asserted that Plaintiff Ibrahim was being under-compensated for the work that she was
14 reporting.

15 129. Specifically, given Plaintiff Kendrick's conversations with Human Resources about
16 Ms. Rodriguez's discriminatory conduct towards Ms. Ibrahim, Defendants knew, or should have
17 known, that Kendrick's termination by Ms. Rodriguez was retaliatory in nature.

18 130. These failures by Defendants, and each of them, constituted the failure to prevent
19 discrimination, in the case of Plaintiff Ibrahim, and retaliation, in the case of Plaintiff Kendrick,
20 which formed a substantial factor in causing damage and injury to Plaintiffs.

21 131. As a foreseeable, direct and proximate result of Defendant's acts and omissions
22 Defendants, and each of them, caused Plaintiffs to suffer, and to continue to suffer, injury, including
23 lost wages and benefits, attorneys' fees, costs of suit and other pecuniary loss not presently
24 ascertained, the exact amount of which will be proved at the trial.

25 132. As a further foreseeable, direct, and proximate legal result of the acts and conduct of
26 Defendants, and each of them, Plaintiffs have been caused to and did suffer, and continue to suffer,
27 emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, pain, discomfort,
28

1 and anxiety. Therefore, Plaintiffs are entitled to a recovery for said damages in an amount according
2 to proof at trial.

3 133. Plaintiffs are informed and believe, and thereon allege, that Defendants, and each of
4 them, by engaging in the aforementioned acts and/or in authorizing and/or ratifying such acts,
5 engaged in willful, malicious, fraudulent, intentional, oppressive and despicable conduct, and acted
6 with willful and conscious disregard of the rights, welfare and safety of Plaintiffs. Defendants,
7 through their officers, agents, supervisors and/or their employees ratified, authorized and/or
8 condoned the unlawful behavior. Defendants knew that retaliatory and discriminatory conduct
9 towards Plaintiffs Ibrahim and Kendrick would cause great financial and emotional harm to
10 Plaintiffs. By reason thereof, Plaintiffs are entitled to an award of punitive and exemplary damages in
11 an amount to be determined at trial. Note that Plaintiffs do not seek punitive damages against any
12 public entity on this cause of action but does seek such damages against Defendants DOEs 1
13 through 50, inclusive.

14 134. By reason of the conduct of Defendants, and each of them, Plaintiffs have
15 necessarily retained counsel to prosecute this action. Plaintiffs are therefore entitled to reasonable
16 attorneys' fees and costs of suit as provided in, without limitation, Section 12956(b) of the California
17 Government Code. Additionally, pursuant to Section 12965 of the California Government Code, as
18 a result of Defendants' discrimination, Plaintiffs are entitled to recover damages for economic and
19 physical harm, emotional distress, attorneys' fees, costs, and expert witness fees in amounts
20 according to proof.

21
22 **FIFTH CAUSE OF ACTION**
23 **CONSTRUCTIVE DISCHARGE**
(Plaintiff Ibrahim Against All Defendants)

24 135. Plaintiffs re-allege and incorporate the foregoing paragraphs as though fully set forth
25 herein.

26 136. Plaintiff Ibrahim suffered intolerable working conditions such that at the time of her
27 resignation a reasonable person in her position would have had no reasonable alternative but to
28 resign. Defendant's officers, directors, managing agents, or supervisory employees, either

1 intentionally created or knowingly permitted the intolerable conditions to exist at the time of her
2 resignation.

3 137. As a proximate result of the wrongful conduct of Defendants, Plaintiff Ibrahim has
4 suffered and continues to suffer substantial loss in earnings, other employment benefits, emotional
5 distress, and mental anguish, in an amount according to proof at the time of trial.
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8 **PRAYER FOR RELIEF**

9 **WHEREFORE**, Plaintiff prays for Judgment against Defendants as follows:

- 10 1. For compensatory damages according to proof and prejudgment interest thereon to the
11 extent allowable by law, presently estimated to be in excess of \$2 million;
12 2. For exemplary and punitive damages according to proof;
13 3. For an award of all costs and attorneys' fees incurred prosecuting this claim;
14 4. For post-judgment interest as provided by law;
15 5. Injunctive relief in the form of an order directing Defendants to comply with the FEHA
16 and prohibiting Defendants from violating such laws in the future;
17 6. Injunctive relief requiring that Defendants' agents, employees, and managers receive
18 further and appropriate training on the requirements of the FEHA;
19 7. For such other and further relief, equitable or otherwise, as the court may deem just and
20 proper.
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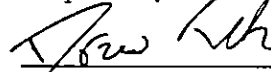
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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury on each and every cause of action for which they have a right thereto.

Dated: July 17, 2023

Respectfully Submitted,



Dustin L. Collier
V. Josh Socks
Elizabeth Malay
Drew F. Teti

Attorneys for Plaintiffs
NEELAB IBRAHIM
DAWN KENDRICK