

1 JACOB A. KALINSKI, SBN 233709
2 BRIAN P. ROSS, SBN 273991
3 **RAINS LUCIA STERN ST. PHALLE & SILVER, PC**
4 16130 Ventura Blvd., Ste. 600
5 Encino, CA 91436
6 Tel: (747) 221-7100
7 Fax: (747) 221-7101
8 E-mail: jkalinski@RLSlawyers.com

6 A. NICK SHAMIYEH, SBN 47136
7 **LAW OFFICES OF A. NICK SHAMIYEH**
8 3641 Mt. Diablo Blvd., # 254
9 Lafayette, CA 94549-0254
10 Tel: 925-899-8756
11 E-mail: anshamiyeh@gmail.com

10 Attorneys for Petitioner Tarick Shamiyeh

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 IN AND FOR THE COUNTY OF SAN FRANCISCO

13 **CPF-22-517765**

14 TARICK SHAMIYEH,

15 Petitioner,

16 v.

17 CITY AND COUNTY OF SAN FRANCISCO;
18 SAN FRANCISCO FIRE DEPARTMENT;
19 CITY AND COUNTY OF SAN FRANCISCO
20 FIRE COMMISSION; CALIFORNIA OFFICE
21 OF ADMINISTRATIVE HEARINGS; and
22 DOES 1-25, inclusive

21 Defendants.

CASE NO. _____

**VERIFIED PETITION FOR
TRADITIONAL WRIT OF
MANDAMUS [C.C.P. § 1085]; FOR
TRADITIONAL WRIT OF
MANDAMUS AND FOR
EXTRAORDINARY RELIEF [C.C.P. §
1085 & GOV. CODE § 3260]; FOR
WRIT OF ADMINISTRATIVE
MANDAMUS [C.C.P. § 1094.5]; AND
FOR TRADITIONAL WRIT OF
MANDAMUS AND FOR
EXTRAORDINARY RELIEF [C.C.P. §
1085 & GOV. CODE § 3260].**

24 **GENERAL ALLEGATIONS APPLICABLE TO ALL CAUSES OF ACTION**

25 1. At all times herein mentioned, Respondent City and County of San Francisco
26 (“City and County”) was, and is, a political subdivision of the State of California.

27 2. At all times mentioned herein, Respondent San Francisco Fire Department
28 (“Department”) is now, and at all times herein mentioned was, the official agency of the City

1 and County charged with protecting the lives and property of the people of San Francisco and
2 its visitors from fires, natural disasters, accidents, hazardous materials incidents, and other
3 causes requiring a rapid and skilled response by land or water; serving the needs of its most
4 vulnerable residents through community paramedicine, and saving lives and reducing suffering
5 by providing emergency medical services; preventing harm through prevention services and
6 education programs; and providing a work environment that is free from harassment and
7 discrimination, and values health, wellness, cultural diversity, and equity.

8 3. At all times mentioned herein, Respondent City and County of San Francisco
9 Fire Commission is an administrative agency expressly created by the City and County of San
10 Francisco Municipal Code and City Charter to, *inter alia*, conduct hearings relative to the
11 suspension, demotion, and removal of any person in the Department’s employment. The Board
12 has quasi-judicial responsibility and its determination with respect to administrative
13 adjudication is final.

14 4. At all times mentioned herein, Respondent California Office of Administrative
15 Hearings (“OAH”) is a quasi-judicial tribunal that hears administrative disputes. Established
16 by the California Legislature in 1945, OAH provides independent Administrative Law Judges
17 (ALJs) to conduct hearings for over 1,500 State and local government agencies. OAH provides
18 both adjudication and alternative dispute resolution services.

19 5. Petitioner Tarick Shamiyeh was a permanent, tenured, sworn member of the
20 Department.

21 6. As a sworn member of the Department, Shamiyeh was a “firefighter” as defined
22 by Government Code section 3251, subdivision (a)(1) and was therefore entitled to the
23 protections afforded by the Firefighters Procedural Bill of Rights Act (“FFBOR”, Gov. Code,
24 §§ 3250, *et seq.*)

25 7. Shamiyeh has 13 years of experience as a paid firefighter with the California
26 Department of Forestry and Fire Protection and the Department, as well as having served as a
27 volunteer firefighter for 9 years with the Department. Shamiyeh holds several certifications
28 from the California State Fire Marshal and possesses an Associate’s Degree in science in Fire

1 Science Technology from City College of San Francisco.

2 8. At all times herein mentioned, Defendants/Respondents designated Does 1 - 25
3 were the agents, servants and employees of the City and County, and in doing the things
4 hereinafter alleged were acting within the scope of their authority with the permission and
5 consent of the City and County. Petitioner will amend this Complaint to allege the true names
6 and capacities of Does 1 - 25, inclusive, when ascertained.

7 9. On or about January 9, 2020, Chief of Department Jeanine R. Nicholson filed a
8 Verified Complaint against Petitioner arising from his failure of a Performance Improvement
9 Plan (“PIP”). The Chief alleged that Petitioner was unable to perform an essential skill for a
10 firefighter and charged him with the following violations of the Department’s Rules and
11 Regulations: Section 3921 (Inattention to Duty) and Section 3922 (Inaptitude for
12 Duty/Incompetence). The Chief recommended that the Commission terminate Petitioner’s
13 employment with the Department.

14 10. The Commission conducted evidentiary hearings on the charges on March 3,
15 2020, and June 23, 2020. The Commission thereafter held special meetings on July 15, 2020
16 and July 29, 2020 to deliberate.

17 11. By a vote of 4-1, the Commission found that the Department proved by a
18 preponderance of the evidence that Petitioner was guilty of violating the rules charged in the
19 Chief’s complaint, Sections 3921 and 3922 of the Department’s Rules and Regulations. The
20 Commission also rejected Petitioner’s administrative motion to exclude evidence for violations
21 of Government Code sections 3255 and 3256 of the FFBOR and for failing to accommodate
22 Petitioner’s disability in violation of the Fair Employment and Housing Act (“FEHA”, Gov.
23 Code, §§ 12940, *et seq.*).

24 12. Subsequently, by a vote of 4-1, the Commission found that termination was the
25 appropriate penalty.

26 13. The Commission’s Findings of Fact was served on Petitioner on or about
27 September 9, 2020.

28 14. The Findings of Fact from the Commission was not the final administrative

1 decision imposing Petitioner’s termination.

2 15. Thereafter, pursuant to Section 2 of the Rules for Administrative Appeal for Fire
3 Commission Case No. 2020-01, adopted on or about July 29, 2020, Petitioner filed an appeal
4 for an administrative hearing before an ALJ from OAH.

5 16. As set forth in the Rules for Administrative Appeal, no discovery was permitted
6 for the appeal to the ALJ. Furthermore, the appeal was limited to the evidentiary record made
7 before the Fire Commission, unless the Hearing Officer ordered the Record on Appeal to be
8 augmented pursuant to the procedures provided in the Rules, which permit augmentation only
9 upon a showing of good cause. Furthermore, the Rules do not permit the introduction of new
10 testimony or evidence. Instead, each party is only granted the right to make an oral argument
11 and respond to questions from the Hearing Officer, directly or through a representative. Next,
12 the Rules stated that the ALJ shall review the Commission’s decision for abuse of discretion, as
13 defined in Code of Civil Procedure section 1094.5 and case law construing that statute. Finally,
14 the Rules specify that the Hearing Officer shall submit the decision to the Commission
15 Secretary, who shall serve the decision on the parties along with written notification that the
16 decision is final.

17 17. Subsequently, ALJ Karen Reichmann heard oral arguments on January 26, 2021
18 via videoconference.

19 18. On or about March 26, 2021, ALJ Reichmann issued her decision denying
20 Petitioner’s Administrative Appeal. The decision states that the ALJ applied an “abuse of
21 discretion” standard. The ALJ then concluded, “Appellant has not shown that the
22 Commission’s decision upholding the two charges against him and upholding the decision to
23 terminate him was an abuse of discretion.”

24 19. Finally, the ALJ concluded, “All other contentions raised by appellant were
25 considered and deemed to lack merit.”

26 20. The decision of the ALJ was not served on Petitioner or his counsel. Instead,
27 Petitioner’s counsel first received the ALJ’s decision in an email from counsel for the
28 Department on or about August 23, 2021 only after Petitioner’s counsel contacted the counsel

1 for the Department

2 21. Neither Petitioner nor Petitioner's counsel ever received notice specifying the
3 time in which Petitioner could appeal the decision of the ALJ.

4 **FIRST CAUSE OF ACTION**

5 **PETITION FOR WRIT OF MANDATE**

6 **(Code of Civil Procedure section 1085)**

7 For a First Cause of Action by Petitioner against Respondents and Does 1-25, inclusive
8 for Traditional Writ of Mandamus pursuant to Code of Civil Procedure section 1085, Petitioner
9 alleges as follows:

10 22. Petitioner re-allege allegations 1 through 20 above and incorporates them by
11 reference as though fully set forth.

12 23. At all times herein mentioned, Respondents prejudicially abused their
13 discretion in terminating Petitioner in that, *inter alia*:

14 A. Respondent's decision is not supported by the findings and the findings
15 are not supported by the evidence.

16 B. Petitioner was denied a fair hearing because the hearing before the ALJ
17 did not permit a de novo review of the allegations against Petitioner; because the
18 hearing before the ALJ did not permit the introduction of evidence; because the
19 hearing before the ALJ applied the incorrect standard; and because the hearing before
20 the ALJ misapplied the burden of proof.

21 C. Respondent's decision to terminate Petitioner was an abuse of
22 discretion and excessive.

23 24. At all times herein mentioned, Petitioner was a beneficially interested party, has
24 exhausted all administrative remedies available to him, and has no plain, speedy, or adequate
25 remedy in the ordinary course of the law other than the relief sought by this Petition.

26 25. Because Petitioner has a vested and substantial property right in his position as a
27 Firefighter, this Court is required to exercise its independent judgment of the evidence, and
28 abuse of discretion is established if the Court determines that the findings and the decision of

1 the Commission are not supported by the weight of the evidence.

2 26. A traditional writ of mandamus is proper for review of the administrative
3 decision because the requirements for a writ of administrative mandamus were not met, as the
4 hearing before the ALJ did not require the production of evidence. Instead, evidence could only
5 have been introduced with leave of the ALJ upon a showing of good cause.

6 27. Because of the arbitrary and capricious actions on the part of Respondent
7 Board, Petitioner is entitled to reasonable attorneys' fees pursuant to Government Code
8 section 800. Petitioner is also entitled to attorneys' fees pursuant to Code of Civil Procedure
9 section 1021.5.

10 **SECOND CAUSE OF ACTION**

11 **PETITION FOR WRIT OF MANDATE AND FOR EXTRAORDINARY RELIEF**
12 **(Code of Civil Procedure Section 1085/Government Code Section 3260)**

13 For a Second Cause of Action by Petitioner against Respondents and Does 1-25,
14 inclusive for Traditional Writ of Mandamus and for Extraordinary Relief pursuant to Code of
15 Civil Procedure section 1085 and Government Code section 3260, Petitioner alleges as
16 follows:

17 28. Petitioner re-alleges allegations 1 through 27 above and incorporates them by
18 reference as though fully set forth herein.

19 29. Section 3254, subdivision (b) of the FFBOR provides Petitioner with the right
20 to an administrative appeal for any punitive action:

21 Punitive action or denial of promotion on grounds other than merit shall
22 not be undertaken by any employing department or licensing or
23 certifying agency against any firefighter who has successfully completed
the probationary period without providing the firefighter with an
opportunity for administrative appeal.

24 30. At all times mentioned herein, Government Code section 3255 of FFBOR
25 provided as follows:

26 A firefighter shall not have any comment adverse to his or her interest
27 entered in his or her personnel file, or any other file used for any
28 personnel purposes by his or her employer, without the firefighter having
first read and signed the instrument containing the adverse comment

1 indicating he or she is aware of the comment. However, the entry may be
2 made if after reading the instrument the firefighter refuses to sign it. That
3 fact shall be noted on that document, and signed or initialed by the
4 firefighter.

5 31. At all times mentioned herein, Government Code section 3256 of FFBOR
6 provided as follows:

7 A firefighter shall have 30 days within which to file a written response to
8 any adverse comment entered in his or her personnel file. The written
9 response shall be attached to, and shall accompany, the adverse
10 comment.

11 32. At all times mentioned herein, Government Code section 3256.5, subdivision (c)
12 of FFBOR provided as follows:

13 If, after examination of the firefighter's personnel file, the firefighter
14 believes that any portion of the material is mistakenly or unlawfully
15 placed in the file, the firefighter may request, in writing, that the
16 mistaken or unlawful portion be corrected or deleted. Any request made
17 pursuant to this subdivision shall include a statement by the firefighter
18 describing the corrections or deletions from the personnel file requested
19 and the reasons supporting those corrections or deletions. A statement
20 submitted pursuant to this subdivision shall become part of the personnel
21 file of the firefighter.

22 33. Government Code section 3260 states in pertinent part:

23 (a) It shall be unlawful for any employing department or licensing or
24 certifying agency to deny or refuse to any firefighter the rights and
25 protections guaranteed by this chapter.

26 (b) The superior court shall have initial jurisdiction over any proceeding
27 brought by any firefighter against any employing department or licensing
28 or certifying agency for alleged violations of this chapter.

(c)(1) If the superior court finds that the employing department or
licensing or certifying agency has violated any of the provisions of this
chapter, the court shall render appropriate injunctive or other
extraordinary relief to remedy the violation and to prevent future
violations of a like or similar nature, including, but not limited to, the
granting of a temporary restraining order or preliminary or permanent
injunction prohibiting the employing department or licensing or
certifying agency from taking any punitive action against the firefighter.

(d) In addition to the extraordinary relief afforded by this chapter, upon a
finding by a superior court that a fire department, its employees, agents,
or assigns, with respect to acts taken within the scope of employment,

1 maliciously violated any provision of this chapter with the intent to
2 injure the firefighter, the fire department shall, for each and every
3 violation, be liable for a civil penalty not to exceed twenty-five thousand
4 dollars (\$25,000) to be awarded to the firefighter whose right or
5 protection was denied and for reasonable attorney's fees as may be
6 determined by the court. If the court so finds, and there is sufficient
7 evidence to establish actual damages suffered by the firefighter whose
8 right or protection was denied, the fire department shall also be liable for
9 the amount of the actual damages.

10 34. Respondents, and each of them, have a duty to provide Petitioner an
11 administrative appeal that meets the dictates of due process.

12 35. Respondents City and County of San Francisco and the San Francisco Fire
13 Department and each of them have a duty to comply with the above-provisions of FFBOR,
14 including but not limited to Government Code sections 3255, 3256, and 3256.5.

15 36. Respondents, and each of them, failed to provide Petitioner with an
16 administrative appeal that meets the dictates of due process in that the hearing before the ALJ
17 did not constitute or permit a de novo review of the allegations against Petitioner; the hearing
18 before the ALJ did not permit the introduction of evidence; the hearing before the ALJ
19 applied the incorrect standard; and the hearing before the ALJ misapplied the burden of
20 proof.

21 37. Respondents, and each of them, failed to provide Petitioner with an
22 administrative appeal that meets the dictates of due process in that the Respondents admitted
23 and relied upon evidence introduced in violation of Government Code sections 3255, 3256,
24 and 3256.5, including over twenty (20) separate documents, containing comments adverse to
25 Petitioners' interests, that were improperly and unlawfully admitted into his personnel file.
26 Petitioner did not see or sign most of these documents. Additionally, there are no notes to
27 suggest Petitioner refused to sign any of the documents. Petitioner subsequently requested that
28 the unsigned documents be deleted or removed from his file, but the Department denied his
request. Respondents subsequently admitted and relied upon these documents in making its
decision, thereby depriving Petitioner of a fair hearing.

38. By failing to provide Petitioner with a fair hearing, Respondents Board and

1 City have violated section 3254, subdivision (b) of the FFBOR.

2 39. Because Respondents violated provisions of the FFBOR, this Court must
3 render appropriate injunctive relief and other extraordinary relief pursuant to section 3260 of
4 the FFBOR to remedy the violations and to prevent future violations of a like or similar
5 nature including, but not limited to, the granting of a preliminary and permanent injunction
6 commanding Respondents, and each of them, to set aside the punitive action against
7 Petitioner.

8 40. Respondents maliciously violated section 3254 of the FFBOR with the intent
9 to injure Petitioner and, therefore, should be liable pursuant to section 3260 for a civil penalty
10 not to exceed \$25,000 for each and every violation and for reasonable attorneys' fees as may
11 be determined by the court. In addition, Petitioner is entitled to actual damages suffered by
12 Petitioner, whose right or protection was denied and, therefore, Respondents shall also be
13 liable for the amount of actual damages.

14 41. Petitioner has no plain, speedy or adequate remedy in the ordinary course of
15 law.

16 42. The actions of Respondents, and each of them, were arbitrary and capricious,
17 thus entitling Petitioner to reasonable attorneys' fees pursuant to Government Code section
18 800. Petitioner is also entitled to attorneys' fees pursuant Government Code section 3309.5
19 and Code of Civil Procedure section 1021.5.

20 **THIRD CAUSE OF ACTION**

21 **PETITION FOR WRIT OF ADMINISTRATIVE MANDAMUS**

22 **(Code of Civil Procedure section 1094.5)**

23 For a Third Cause of Action by Petitioner against Respondents and Does 1-25,
24 inclusive for Writ of Administrative Mandamus pursuant to Code of Civil Procedure section
25 1094.5, Petitioner alleges as follows:

26 43. Petitioner re-alleges allegations 1 through 42 above and incorporates them by
27 reference as though fully set forth herein.

28 44. In the event the Court determines that the requirements for administrative

1 mandamus were met and that the introduction of evidence was required for the hearing before
2 the ALJ, Petitioner alleges the following cause of action for administrative mandamus pursuant
3 to Code of Civil Procedure section 1094.5.

4 45. At all times herein mentioned, Respondents prejudicially abused their
5 discretion in terminating Petitioner in that, *inter alia*:

6 A. Respondent's decision is not supported by the findings and the findings
7 are not supported by the evidence.

8 B. Petitioner was denied a fair hearing because the hearing before the ALJ
9 did not permit a de novo review of the allegations against Petitioner; because the
10 hearing before the ALJ did not permit the introduction of evidence; because the
11 hearing before the ALJ applied the incorrect standard; and because the hearing before
12 the ALJ misapplied the burden of proof.

13 C. Respondent's decision to terminate Petitioner was an abuse of
14 discretion and excessive.

15 46. At all times herein mentioned, Petitioner was a beneficially interested party, has
16 exhausted all administrative remedies available to him, and has no plain, speedy, or adequate
17 remedy in the ordinary course of the law other than the relief sought by this Petition.

18 47. Petitioner will lodge the complete administrative record, including exhibits
19 and transcripts of the administrative appeal in advance of the hearing on this matter.

20 48. Because Petitioner has a vested and substantial property right in his position as a
21 Firefighter, this Court is required to exercise its independent judgment of the evidence, and
22 abuse of discretion is established if the Court determines that the findings and the decision of
23 the Commission are not supported by the weight of the evidence.

24 49. Respondents, and each of them, failed to meet the requirements for the ninety
25 (90) day statute of limitations for administrative mandamus set forth in Code of Civil Procedure
26 section 1094.6, subdivision (b) to run because the requirements of Section 1094.6(b) and
27 1094.6(e) were not met insofar as the decision of the administrative law judge was never
28 properly served via mail and because the decision did not provide the required notice

1 specifying the time in which Petitioner could appeal. Therefore, the standard three-year statute
2 of limitation for traditional writs of mandamus applies.

3 50. Because of the arbitrary and capricious actions on the part of Respondents,
4 Petitioner is entitled to reasonable attorneys' fees pursuant to Government Code section 800.
5 Petitioner is also entitled to attorneys' fees pursuant to Code of Civil Procedure section 1021.5.

6 **FOURTH CAUSE OF ACTION**

7 **PETITION FOR WRIT OF MANDATE AND FOR EXTRAORDINARY RELIEF**

8 **(Code of Civil Procedure Section 1085/Government Code Sections 3260)**

9 For a Fourth Cause of Action by Petitioner against Respondents and Does 1-25,
10 inclusive for Traditional Writ of Mandamus and for Extraordinary Relief pursuant to Code of
11 Civil Procedure section 1085 and Government Code sections 3260, Petitioner alleges as
12 follows:

13 51. Petitioner re-alleges allegations 1 through 50 above and incorporates them by
14 reference as though fully set forth herein.

15 52. At all times mentioned herein, Government Code section 3255 of FFBOR
16 provided as follows:

17 A firefighter shall not have any comment adverse to his or her interest
18 entered in his or her personnel file, or any other file used for any
19 personnel purposes by his or her employer, without the firefighter having
20 first read and signed the instrument containing the adverse comment
21 indicating he or she is aware of the comment. However, the entry may be
22 made if after reading the instrument the firefighter refuses to sign it. That
23 fact shall be noted on that document, and signed or initialed by the
24 firefighter.

22 53. At all times mentioned herein, Government Code section 3256 of FFBOR
23 provided as follows:

24 A firefighter shall have 30 days within which to file a written response to
25 any adverse comment entered in his or her personnel file. The written
26 response shall be attached to, and shall accompany, the adverse
27 comment.

27 54. At all times mentioned herein, Government Code section 3256.5, subdivision (c)
28 of FFBOR provided as follows:

1 If, after examination of the firefighter's personnel file, the firefighter
2 believes that any portion of the material is mistakenly or unlawfully
3 placed in the file, the firefighter may request, in writing, that the
4 mistaken or unlawful portion be corrected or deleted. Any request made
5 pursuant to this subdivision shall include a statement by the firefighter
6 describing the corrections or deletions from the personnel file requested
7 and the reasons supporting those corrections or deletions. A statement
8 submitted pursuant to this subdivision shall become part of the personnel
9 file of the firefighter.

10 55. Respondents City and County of San Francisco and the San Francisco Fire
11 Department and each of them have a duty to comply with the above-provisions of FFBOR,
12 including but not limited to Government Code sections 3255, 3256, and 3256.5.

13 56. Respondents City and County of San Francisco and the San Francisco Fire
14 Department failed to comply with Government Code sections 3255, 3256, and 3256.5 by
15 placing over twenty (20) separate documents, containing comments adverse to Petitioners'
16 interests, into his personnel file. Petitioner did not see or sign most of these documents.
17 Additionally, there are no notes to suggest Petitioner refused to sign any of the documents.
18 Petitioner subsequently requested that the unsigned documents be deleted or removed from his
19 file, but the Department denied his request.

20 57. Respondent Commission has a duty to comply with the above-provisions of
21 FFBOR, including but not limited to Government Code sections 3255, 3256, and 3256.5 and to
22 not consider as evidence adverse comments entered into Petitioner's personnel file in violation
23 of Government Code sections 3255, 3256, and 3256.5.

24 58. Respondent Commission failed to comply with Government Code sections
25 3255, 3256, and 3256.5 by considering as evidence over twenty (20) separate documents,
26 containing comments adverse to Petitioners' interests, in Petitioner's personnel file. Petitioner
27 did not see or sign most of these documents. Additionally, there are no notes to suggest
28 Petitioner refused to sign any of the documents. Petitioner subsequently requested that the
unsigned documents be deleted or removed from his file, but the Department denied his
request. As such, those documents should not have been considered during Petitioner's
administrative appeal.

1 59. Because Respondents violated provisions of the FFBOR, this Court must
2 render appropriate injunctive relief and other extraordinary relief pursuant to section 3260 of
3 the FFBOR to remedy the violations and to prevent future violations of a like or similar nature
4 including, but not limited to, the granting of a preliminary and permanent injunction
5 commanding Respondents, and each of them, to set aside the punitive action against Petitioner.

6 60. Respondents maliciously violated sections 3255, 3256, and 3256.5 of the
7 FFBOR with the intent to injure Petitioner and, therefore, should be liable pursuant to section
8 3260 for a civil penalty not to exceed \$25,000 for each and every violation and for reasonable
9 attorneys' fees as may be determined by the court. In addition, Petitioner is entitled to actual
10 damages suffered by Petitioner, whose right or protection was denied and, therefore,
11 Respondents shall also be liable for the amount of actual damages.

12 61. Petitioner has no plain, speedy or adequate remedy in the ordinary course of
13 law.

14 62. The actions of Respondents, and each of them, were arbitrary and
15 capricious, thus entitling Petitioner to reasonable attorneys' fees pursuant to Government Code
16 section 800. Petitioner is also entitled to attorneys' fees pursuant Government Code section
17 3309.5 and Code of Civil Procedure section 1021.5.

18
19 **WHEREFORE**, PETITIONER prays for the following relief:

- 20 1. That a Traditional Writ of Mandamus or Writ of Administrative Mandamus
21 issue to set aside and vacate the decision of Respondents terminating Petitioner;
- 22 2. That a Traditional Writ of Mandamus or Writ of Administrative Mandamus
23 issue to require Respondents to rescind the termination of Petitioner and to pay
24 him all back salary together with interest at the legal rate and to restore to
25 Petitioner all other emoluments of employment related to such improper actions
26 of Respondents;
- 27 3. That a Traditional Writ of Mandamus issue commanding Respondents City and
28 County of San Francisco and the San Francisco Fire Department to remove all

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adverse comments entered into Petitioner’s personnel file without compliance with Government Code sections 3255, 3256, and 3256.5;

- 4. For civil penalties against Respondents in the sum of \$25,000.00 for each violation of Government Code Sections 3250 et seq.;
- 5. For actual damages against Respondents according to proof;
- 6. For Petitioner’s costs of suit incurred herein;
- 7. For Petitioner’s attorney’s fees in accordance with law; and
- 8. For such other and further relief as the Court may deem just, necessary and proper.

Dated: May 17, 2022

Respectfully submitted,
RAINS LUCIA STERN
ST. PHALLE & SILVER, PC

/s/ Brian P. Ross
By: BRIAN P. ROSS
Attorneys for Petitioner Tarick Shamiyeh

Dated: May 17, 2022

LAW OFFICES OF A. NICK SHAMIYEH

/s/ A N Shamiyeh
By: A NICK. SHAMIYEH
Attorneys for Petitioner Tarick Shamiyeh

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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO,

I have read the foregoing **VERIFIED PETITION FOR TRADITIONAL WRIT OF MANDAMUS [C.C.P. § 1085]; FOR TRADITIONAL WRIT OF MANDAMUS AND FOR EXTRAORDINARY RELIEF [C.C.P. § 1085 & GOV. CODE § 3260]; FOR WRIT OF ADMINISTRATIVE MANDAMUS [C.C.P. § 1094.5]; AND FOR TRADITIONAL WRIT OF MANDAMUS AND FOR EXTRAORDINARY RELIEF [C.C.P. § 1085 & GOV. CODE § 3260].**

I am a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on May 17, 2022, in San Jose, California.

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

/s/ Tarick Shamiyeh
TARICK SHAMIYEH