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By Y. Tarasyuk, Deputy Clerk

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10 Attorneys for Plaintiff
11 AFARA LALAIND

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

AFARA LALAIND,

Plaintiff,

v.

CITY OF LOS ANGELES, a government
entity; and DOES 1 through 100, inclusive,

Defendants.

CASE NO.: **24STCV20644**

COMPLAINT FOR DAMAGES

1. Discrimination in Violation of FEHA
(Cal. Gov't Code § 12940 *et seq.*)
2. Retaliation in Violation of FEHA
(Cal. Gov't Code § 12940 *et seq.*)
3. Failure to Take All Reasonable Steps to Prevent
Discrimination and Retaliation in Violation of
FEHA (Cal. Gov't Code § 12940 *et seq.*)

DEMAND FOR JURY TRIAL

COMES NOW Plaintiff, AFARA LALAIND, and hereby demands a trial by jury, and based on information and belief complains and alleges as follows:

THE PARTIES

1. At all times relevant hereto, Plaintiff AFARA LALAIND (“Lalaind” or “Plaintiff”) was employed with the Los Angeles Fire Department (“the LAFD” or “Department”) and was a competent adult.

1 2. Plaintiff is informed and believes and thereon alleges that, at all times relevant hereto,
2 Defendant CITY OF LOS ANGELES (“City” or “Defendant”) was a public entity violating laws
3 within the State of California in the County of Los Angeles. At all times pertinent hereto,
4 Defendant City owned, controlled, and operated the law enforcement agency known as the CITY
5 OF LOS ANGELES FIRE DEPARTMENT (“LAFD”).

6 3. Plaintiff is informed and believes and thereupon alleges that Defendants DOES 1
7 through 100, inclusive, and each of them, at all times relevant hereto, were individuals or public,
8 business, and/or other entities whose form is unknown committing torts in and/or engaged in
9 purposeful economic activity within the County of Los Angeles, State of California.

10 4. The true names and capacities of Defendants DOES 1 through 100, and each of them,
11 whether individual, corporate, associate or otherwise, are unknown to Plaintiff at this time,
12 therefore Plaintiff sues said Defendants by such fictitious names. Plaintiff will file DOE
13 amendments, and/or ask leave of court to amend this complaint to assert the true names and
14 capacities of these Defendants when they have been ascertained. Plaintiff is informed and
15 believes, and upon such information and belief alleges, that each Defendant herein designated as
16 a DOE was and is in some manner, negligently, wrongfully, or otherwise, responsible and liable
17 to Plaintiff for the injuries and damages hereinafter alleged, and that Plaintiff's damages as herein
18 alleged were proximately caused by their conduct.

19 5. Plaintiff is informed and believes, and thereon alleges, that at all times material herein
20 the Defendants, and each of them, were the agents, servants, or employees, or ostensible agents,
21 servants, and employees of each other Defendant, and as such, were acting within the course and
22 scope of said agency and employment or ostensible agency and employment, except on those
23 occasions when Defendants were acting as principals, in which case, said Defendants; and each
24 of them, were negligent in the selection, hiring, and use of the other Defendants.

25 6. At all times mentioned herein, each of the Defendants was the co-tortfeasor of each
26 of the other Defendants in doing the things hereinafter alleged.

27 7. Plaintiff is further informed and believes that at all times relevant hereto, Defendants,
28 and each of them, acted in concert and in furtherance of the interests of each other Defendant.

1 The conduct of each Defendant combined and cooperated with the conduct of each of the
2 remaining Defendants so as to cause the herein described incidents and the resulting injuries and
3 damages to Plaintiff.

4 **VENUE AND JURISDICTION**

5 8. At all relevant times hereto, Plaintiff was residing in the County of Los Angeles, State
6 of California.

7 9. At all relevant times hereto, the Defendants, and each of them, were residents of the
8 County of Los Angeles, State of California.

9 10. The wrongful conduct alleged against the Defendants, and each of them, occurred in
10 the County of Los Angeles, State of California. At all relevant times hereto, the conduct at issue
11 was part of a continuous and ongoing pattern of behavior.

12 11. This Court is the proper court because the wrongful acts that are the subject of this
13 action occurred here, at least one Defendant now resides in its jurisdictional area, and injury to
14 person or damage to personal property occurred in its jurisdictional area.

15 12. Plaintiff has complied with and/or exhausted any applicable claims statutes and/or
16 administrative and/or internal remedies and/or grievance procedures, and/or is excused from
17 complying therewith. Plaintiff first filed a complaint with the California Civil Rights Department
18 on September 8, 2023, and was issued a right to sue notice to file this lawsuit within a year.
19 Plaintiff prepared an amendment to that Complaint on August 12, 2024.

20 **GENERAL ALLEGATIONS**

21 13. At all times relevant to this claim, Plaintiff Afara Lalaind held the position of
22 Firefighter/Paramedic with the Los Angeles Fire Department ‘LAFD’ or ‘the department’).
23 Plaintiff was qualified for the position she held by reason of her education and training. Prior to
24 the issues which gave rise to this Complaint, Plaintiff was highly successful. During her prior 6
25 years, Plaintiff was continuously awarded commendations, recognitions, and successfully placed
26 on the promotional list for Arson Investigator. Plaintiff was well on her way of achieving her
27 goal of being promoted to a Captain.
28

1 14. Leading up to 2022, Plaintiff sought a transfer to Fire Station 57 as it was known to
2 be a Fire Station that made an effort to especially connect with the community and make a
3 difference in the areas it serviced. In 2022, Plaintiff 's transfer request was approved. Plaintiff
4 was arriving as a tenured senior Firefighter/Paramedic and hoped that she would be welcomed
5 and treated respectfully. Plaintiff would be the only female firefighter at the station.

6 15. However, following her transfer, Plaintiff would continuously be subjected to
7 discriminatory differential treatment in comparison to her male counterparts by Captain Michael
8 Boutte. First, despite the fact that Plaintiff was a senior firefighter, Plaintiff was not given the
9 respect to introduce herself, provided with keys, or provided with SOGs as would be standard
10 protocol. On her first day, when Plaintiff arrived at the training station, Captain Boutte
11 immediately assigned an evolution for only Plaintiff where all nine members observed Plaintiff
12 work on a three-person engine operation by herself. This was clearly done to single Plaintiff out
13 and make her look bad in front of the entire crew. Within days, it became clear that Captain
14 Boute was suffering from some form of gender bias as he did not treat Plaintiff as other male
15 members of the crew, he would not look her way, speak to her, make eye contact, or
16 acknowledge what she had to say. Plaintiff noticed that Captain Boutte had no problem
17 interacting with all the other members of the crew who happened to be male. This was behavior
18 which carried on throughout her time at fire station 57. In addition, Captain Boutte would
19 routinely subject Plaintiff to discriminatory microaggressions: taking pleasure in counseling
20 Plaintiff , and making comments like I know you are angry; enforcing policies on Plaintiff that
21 other males did not have to always follow; scrutinizing Plaintiff 's work like no other member;
22 constantly watching Plaintiff call times only; and ordering Plaintiff to wear a uniform at dinner
23 one day, when no other member has ever had to do that. Plaintiff soon heard that Captain Boutte
24 had spread rumors that Captain Hawkins had brought a "problem" to 57s, referring to Plaintiff.

25 16. On or about April 2022, Plaintiff sought the FLSA 40 position at Fire Station 57,
26 given the fact that she was a senior medic and because she knew it would reduce interaction
27 with Captain Boutte. However, in further discrimination, Captain Boutte attempted to prevent
28 Plaintiff from obtaining the spot in favor of another male who was on temporary assignment to

1 the station. Plaintiff then sent an email to the Chief and explained why she was entitled to the
2 position based on past practice. Thereafter, Captain Boutte accused Plaintiff of going over his
3 head, and Plaintiff then advised that Captain Boutte was singling her out as a female since the
4 very first day and subjecting her to differential treatment in comparison to the male members.

5 17. Following Plaintiff's protected activity, the discriminatory action intensified.
6 Captain Boutte then makes a special effort to single Plaintiff out on most shifts, and if any
7 member partnered with Plaintiff, they would frequently also receive this heightened scrutiny
8 causing members to avoid working with Plaintiff.

9 18. On or about April 2022, this discrimination and retaliation culminated with Captain
10 Boutte initiating a CTS complaint against Plaintiff for allegedly being discourteous to a member
11 of the public at a grocery store and allegedly purchasing alcohol while on duty for cooking.
12 Captain Boutte violated LAFD policy by not giving Plaintiff some form of progressive
13 discipline first rather than initiating a CTS Complaint against her.

14 19. On or about May 2, 2022, Chief Petty ordered Plaintiff to the front office and
15 scolded Plaintiff regarding the CTS complaints against her and causing problems at Fire Station
16 57, not wanting to hear Plaintiff's side. Plaintiff reported that Captain Boutte was subjecting her
17 to a hostile work environment and treating subjecting her to differential treatment in comparison
18 to all the other males at the station. However, in further retaliation, rather than investigating
19 Plaintiff's concerns of a hostile work environment, and putting it into CTS, Chief Willis took no
20 requisite action regarding that Complaint.

21 20. Thereafter, on or about May 20, 2022, Plaintiff was visited by Chief Willis. Plaintiff
22 complained that she was being subjected to a hostile work environment and subjecting her to
23 differential treatment in comparison to all the other males at the station. However, in further
24 retaliation, rather than investigating's concerns of a hostile work environment, and putting it
25 into CTS, Chief Petty took no requisite action regarding that Complaint.

26 21. From May 28 to July 10, 2022, Plaintiff was forced to trade shifts and work out-of-
27 house due to the unbearable stress and anxiety caused by working alongside Captain Boutte.
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1 22. By August 2022, Plaintiff filed a formal complaint against Captain Boutte for
2 creating a hostile work environment based on her gender. In further retaliation failed to properly
3 investigate her complaint and even allowed Captain Boutte to intimidate witnesses during the
4 investigation by sending out witness notifications to them directly. Moreover, in further
5 retaliation, the Department did not immediately remove Plaintiff from Boutte's command to
6 prevent further hostile work environment while the Department investigated which subjected
7 Plaintiff to ongoing discrimination and retaliation from Boutte.

8 23. In October 2022, Boutte retaliated with CTS complaints against Plaintiff regarding
9 alleged timekeeping issues and allegedly failing to follow a direct order. Said complaints were
10 baseless.

11 24. In October 2022, Chief Moore invited Chief Hardaway. In further discrimination
12 Chief Moore addressed the group and stated "I brought Chief Hardaway with me to talk to you
13 because he is black and he can relate to you." Afterwards, Chief Moore instructed the crew to
14 relay this message to anyone who was absent, including Plaintiff. This statement suggests the
15 implication that a black chief was somehow needed to address issues of respect in a manner that
16 supposedly resonated with the predominantly black crew.

17 25. Thereafter, in October 2022, Plaintiff was finally ordered to report to Fire Station 46
18 on a temporary assignment. Although Plaintiff was reassigned temporarily to Fire Station 46, it
19 still fell under the same battalion where she was being retaliated. In further retaliation, at Fire
20 Station 46 Plaintiff was told that she was restricted to riding on the Engine only and not the
21 Ambulance Rescue. No explanation was given as to why.

22 26. In further retaliation thereafter in October 2022, Plaintiff was placed on a
23 Performance Improvement Plan (PIP) and was now told that she was permanently restricted to
24 riding only on the engine. Plaintiff was told that this decision resulted from the CTS filings by
25 Captain Boutte. In further retaliation the PIP that Plaintiff was placed on for 3 months from
26 October 2022 to January 2023 had no clarity as to what Plaintiff was supposed to allegedly
27 improve on.
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27. While Plaintiff was on the PIP, in further retaliation, Captain Boutte, although no longer in Plaintiff's direct command filed additional false complaints against Plaintiff.

28. On December 4, 2022, in further retaliation, Captain Larini informed Plaintiff that she would be losing her bonus FLSA pay as ordered by Battalion Chief Willis. Plaintiff complained that since her assignment to Fire Station 46 was temporary it should not affect her pay, but Plaintiff was ignored.

29. In January 2023, in further retaliation, Plaintiff was ordered to sign her PIP or face discipline without having a full opportunity to read through it.

30. In January 2023, in further retaliation, Chief Wills who removed Plaintiff's FLSA pay, also handled the grievance at the first level of review which was a conflict of interest. Moreover, Chief Wills, in further retaliation advised Plaintiff that she would continue to be placed on a new PIP. Again, with no clarity s to what she was being placed on the PIP for.

31. While Plaintiff was on the new PIP, when working overtime at other stations, Plaintiff was required to inform other supervisors that she was restricted she effectively denied other firefighters the valuable coveted opportunity to work the fire engine, leading to frustration and resentment from her colleagues.

32. The retaliation then moved to the early denial of promotional opportunities.

33. In February 2023, Chief Wills formally advised Plaintiff that he was denying Plaintiff's grievance of the FLSA pay at the first level of review even though Plaintiff was only working temporarily at Fire Station 46.

34. On or about February 2023, the Los Angeles Fire Department's Black Fire Fighters association (Stentorians) wrote a letter complaining as to Plaintiff's treatment. Thereafter, Plaintiff was finally removed from the PIP.

35. In March 2023, although Plaintiff was promoted and then transferred to the Arson section, in further retaliation, Plaintiff was subjected to cyber bullying.

36. In July 2023, retaliation against Plaintiff continued at Fire Station 17. Captain

1 Taulli said in front of another that he believed Plaintiff may be a problem transfer, and then
2 conducted an illegal search of Plaintiff's car alleging improper firearm storage and violating
3 Claimant's Peace Officer Bill of Rights/Fire Fighter Bill of Rights.

4 37. On or about July 2023, in further retaliation, Plaintiff was subject to a group lineup
5 to discuss proper firearm storage wherein the immediate assumption was that Plaintiff was guilty
6 and they needed to conduct remedial work for the entire staff, further shaming Plaintiff.

7 38. On or about August 2023, Plaintiff complained that there needed to be a lock on
8 the female arson dorm, just like the male arson dorm has had for decades.

9 39. In August 2023, Plaintiff's request for a lock to be placed on the arson sleeping
10 quarters to mirror that already in place for her male counterparts was denied. Moreover, males at
11 Fire Station 17 had their own individual dorm rooms while females shared a single dorm
12 together. In further retaliation, Plaintiff's supervisors made no attempt to file a CTS complaint
13 regarding the differential treatment Plaintiff was complaining about.

14 40. At Fire Station 17, Plaintiff continued to be subjected to various forms of retaliation
15 in regard to the bathrooms in addition to being placed on CTS. Plaintiff even had a sign placed
16 on her dorm that stated female restrooms.

17 41. By October 2023, in further retaliation, Battalion Chief Castillo approached the
18 group and instructed them to send me a message urging Plaintiff to "calm down" and "take it easy"
19 and that "female investigators have existed under these conditions for 20 years without incident."

20 42. By November 2023, the retaliation at Fire Station 17 continued with an order for
21 Plaintiff's key only.

22 43. By December 2023, Chief Castillo retaliated against Plaintiff on various incident
23 call outs.

24 44. By January/February 2024, in further retaliation, members entered Plaintiff's private
25 dorm room without notice and without authorization.

26 45. On or about July of 2024, in further retaliation, Captain Taulli filed a false CTS
27 complaint against Plaintiff alleging that she retaliated and discriminated against him for
28 participating in a protected activity based on his race and gender.

1 and for generally attempting to protect and secure her rights and the rights of others under the
2 FEHA.

3 52. Commencing in 2022, and continuing to the present, Defendants created and allowed
4 to exist an environment hostile to Plaintiff and discriminated against Plaintiff on the basis of her
5 gender. The discrimination was also directed at her race on occasion. Such discrimination was in
6 violation of Government Code §§ 12940, *et seq.* and the public policy embodied therein.

7 53. At all times herein mentioned, Defendants, and each of them, had actual and/or
8 constructive knowledge of the discriminatory conduct levied against Plaintiff. Moreover, such
9 discriminatory conduct was also conducted and/or condoned by Defendants, and each of them.

10 54. As a direct, foreseeable and proximate result of Defendants' discriminatory conduct
11 and failure to act, Plaintiff suffered and continues to suffer humiliation, embarrassment, anxiety,
12 mental anguish and emotional distress. Plaintiff was required to and did employ, and will in the
13 future employ, physicians and health care providers to examine, treat and care for Plaintiff, and did,
14 and will in the future, incur medical and incidental expenses. The exact amount of such expenses is
15 unknown to Plaintiff at this time.

16 55. As a direct, foreseeable and proximate result of the Defendants' discriminatory
17 conduct, Plaintiff suffered and continues to suffer losses in earnings and other employment benefits
18 all to her damage in an amount in excess of the minimum jurisdictional limits of this court, the precise
19 amount of which will be proven at trial.

20 56. As a further legal result of the above-described conduct of Defendants, and each of
21 them, Plaintiff has and will continue to incur attorneys' fees and costs in an amount according to
22 proof.

23 **SECOND CAUSE OF ACTION**

24 **BY PLAINTIFF AGAINST ALL DEFENDANTS**

25 RETALIATION IN VIOLATION OF FEHA, CAL. GOV'T C. §§ 12940, *ET SEQ.*

26 57. Plaintiff re-alleges and incorporates by reference each and every allegation contained
27 in paragraphs 1–48 of this complaint as though fully set forth herein again.

28 58. At all times herein mentioned, Plaintiff was in the protected class of persons,

1 contemplated by Government Code §§ 12940, *et seq i.e.*, which forbids retaliation against persons
2 who complain about discrimination against a protected class. Plaintiff is informed and believes and
3 based thereon alleges that Defendants, and each of them, retaliated against her for generally
4 attempting to protect and secure her rights and the rights of others under the FEHA by complaining
5 about discrimination based on her gender.

6 59. Commencing in 2022, and continuing to the present, Defendants created and allowed
7 to exist an environment hostile to Plaintiff and retaliated against Plaintiff for generally attempting to
8 protect and secure his rights and the rights of others under the FEHA by complaining about
9 discrimination based on her gender. Such retaliation was in violation of Government Code §§ 12940,
10 *et seq.* and the public policy embodied therein.

11 60. At all times herein mentioned, Plaintiff was in the protected class of persons, *i.e.*, one
12 who engaged in protected activities contemplated by Government Code §§ 12940, *et seq.* Plaintiff is
13 informed and believes and based thereon alleges that Defendants, and each of them, retaliated against
14 her based on her attempt to protect and secure her rights and the rights of others under the FEHA by
15 complaining about discrimination based on her gender.

16 61. Commencing in 2022, and continuing to the present, Defendants created and allowed
17 to exist an environment hostile to Plaintiff and discriminated and retaliated against Plaintiff on the
18 basis of her gender and her complaints regarding Command staff discrimination against her in
19 comparison to her male counterparts. Such retaliation was in violation of Government Code §§
20 12940, *et seq.* and the public policy embodied therein.

21 62. At all times herein mentioned, Defendants, and each of them, had actual and/or
22 constructive knowledge of the retaliatory conduct levied against Plaintiff by Defendants, fellow
23 employees and superiors. Moreover, such retaliation and discriminatory conduct was also
24 conducted and/or condoned by Defendants, and each of them.

25 63. As a direct, foreseeable and proximate result of Defendants' retaliatory conduct,
26 Plaintiff suffered and continues to suffer humiliation, embarrassment, anxiety, mental anguish and
27 emotional distress. Plaintiff was required to and did employ, and will in the future employ, physicians
28 and health care providers to examine, treat and care for Plaintiff, and did, and will in the future, incur

1 medical and incidental expenses. The exact amount of such expenses is unknown to Plaintiff at this
2 time.

3 64. As a direct, foreseeable and proximate result of the Defendants' retaliatory conduct
4 Plaintiff suffered and continues to suffer losses in earnings and other employment benefits all to his
5 damage in an amount in excess of the minimum jurisdictional limits of this court, the precise amount
6 of which will be proven at trial.

7 65. As a further legal result of the above-described conduct of Defendants, and each of
8 them, Plaintiff has and will continue to incur attorneys' fees and costs in an amount according to
9 proof.

10 **THIRD CAUSE OF ACTION**

11 **BY PLAINTIFF AGAINST ALL DEFENDANTS**

12 FAILURE TO TAKE ALL REASONABLE STEPS TO PREVENT DISCRIMINATION/RETALIATION IN VIOLATION
13 OF FEHA, CAL. GOV'T C. §§ 12940, *ET SEQ.*

14 66. Plaintiff re-alleges and incorporates by reference each and every allegation contained
15 in paragraphs 1–48 of this complaint as though fully set forth herein again.

16 67. Defendants, and their agents and representatives, had an affirmative duty to take all
17 reasonable steps necessary to prevent discrimination and retaliation on the basis of Plaintiff's gender
18 and complaints made about being discriminated against based on her gender.

19 68. Defendants breached their affirmative duty to take all reasonable steps necessary to
20 prevent discrimination and retaliation and breached such affirmative duty to Plaintiff.

21 69. Defendants, and their agents and representations, had knowledge of the
22 discrimination against Plaintiff based on Plaintiff's gender along with retaliatory actions taken
23 against Plaintiff for complaining about the discrimination.

24 70. Upon learning of the discrimination and or retaliation against Plaintiff, Defendants'
25 agents, and managers of the LAFD failed to follow their own LAFD Manual in properly investigating
26 Plaintiff's complaints, leading to either no investigation or a sham investigation, resulting in little to
27 no discipline against those who discriminated and/or retaliated against Plaintiff thereby condoning
28 the acts taken against Plaintiff and allowing these discriminatory and retaliatory actions to continue.

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial.

Dated: August 15, 2024

NAIR PC, A Professional Law Corporation

By:  _____
Abel Nair
Attorneys for Plaintiff
AFARA LAILAND