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FRANK FORMAN

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

12 FRANK FORMAN, an individual

13 Plaintiff,

14 v.

15 THE COUNTY OF LOS ANGELES; and DOES 1
16 through 20,

17 Defendants.

Case No. **24STCV23282**

COMPLAINT FOR DAMAGES:

**(1) VIOLATION OF GOVERNMENT
CODE §12940 – DISCRIMINATION ON
BASIS OF ETHNICITY AND/OR RACE,
AND/OR GENDER, AND/OR AGE;**

**(2) VIOLATION OF GOVERNMENT
CODE §12940 – FAILURE TO PREVENT
DISCRIMINATION, HARASSMENT,
AND/OR RETALIATION**

[DEMAND FOR JURY TRIAL]

22 **PARTIES AND JURISDICTION**

23 1. Plaintiff Frank Forman (“Plaintiff” or “Forman”) is, and at all relevant times, was an
24 employee of the Los Angeles County Fire Department, located in the County of Los Angeles.

25 2. The Los Angeles County Fire Department (“LACOFD” or “Defendant”) is a
26 governmental entity organized and existing under the laws of the State of California, and located
27 within the State of California, County of Los Angeles. At all relevant times, LACOFD was the
28 employer of Forman, and is a department within the Defendant County of Los Angeles.

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Executive Officer/Clerk of Court,
By A. Munoz, Deputy Clerk

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1 months. As a result, Acting Chief Vince Pena was removed and the County installed Acting Chief
2 Deputy Jon O'Brien, Acting Chief Deputy Theresa Barrera and Acting Deputy Chief Robert Harris.
3 These supposedly "Acting" assignments did not change after the stated six months. Rather, each of
4 these persons were kept in their respective assignments for far longer and were subsequently
5 promoted into the positions they were already holding.

6 8. On or about March 1, 2023, Marrone attended the Operations Staff Meeting hosted
7 at Camp 2. During this meeting, Marrone advised all present, including Chief Forman, on the
8 issues that included his explanation to comments that he was not qualified to be Chief and the
9 Department would be transparent moving forward. He then addressed future testing for the Deputy
10 Fire Chief (DC) and Chief Deputy (CD) positions.

11 9. Specifically, he stated he cannot promote DC and CD and the process would be
12 conducted through Executive Recruitment. Immediately after making this statement, Marrone said
13 (1) the Department would promote Women (looking at Deputy Fire Chief Eleni Pappas, a
14 Caucasian female) and (2) People of Color (looking directly at Acting Deputy Chief Robert Harris
15 (an African American male). "Some will be happy and others who are more qualified (looking right
16 at AC Forman) will not be happy."

17 10. Marrone made it very clear that those qualified will be upset because those not
18 qualified will be promoted to ensure People of Color and Women will be promoted "for the look" at
19 the Department.

20 11. Immediately after Marrone concluded, Acting Chief Deputy Jon O'Brien called for a
21 break. Both Chief Pappas and Chief Ron Durbin approached AC Forman and stated they could not
22 believe Marrone just made that statement, and that if AC Forman needed someone to confirm what
23 had taken place, they would come forward.

24 12. On or around March 9, 2023, Julia Kim emailed a link for the posting of Deputy Fire
25 Chief, and Kathy Michicoff emailed an "All Sites" announcement for applicants for Deputy Fire
26 Chief for (1) Emergency Ops, and (2) Business Ops.

27 13. On or around March 23, 2023, AC Forman submitted an application for the Deputy
28 Fire Chief, Emergency Operations position, with acknowledgement of receipt received.

1 14. On or around May 12, 2023, AC Forman responded to a Microsoft Teams meeting
2 request from LaTanya Hill (“Hill”), Executive Recruiter Talent Acquisitions Division for the
3 Deputy Fire Chief, Emergency Operations Interview scheduled for June 8, 2023. Forman was
4 thereafter interviewed on June 8, 2023.

5 15. On or around June 21 2023, Hill informed AC Forman that he would not be moving
6 forward to the next interview. However, since the Department would be using this recruitment to
7 fill future vacancies, AC Forman may still be contacted for a second interview as vacancies occur.
8 As a result, Forman believed he was still being considered for a Deputy Fire Chief position.

9 16. AC Forman later learned that Robert Harris (African American), Albert Yanagisawa
10 (Japanese American) and William Mayfield (African American) received letters for a second
11 interview. The following week, Jesse Vela (Hispanic American) and Michael Inman (over 60 years
12 old) were added to the second interview process. Brian Martin (Caucasian) did not receive an
13 invitation for a 2nd round interview).

14 17. No official release of a promulgated list for the position was released. On or around
15 November 7, 2023, Harris and Yanagisawa were appointed to Deputy Fire Chief. On or around
16 March 4, 2024, Inman and Mayfield were appointed to Deputy Fire Chief.

17 18. AC Forman discovers that, although he was the most qualified, he was not promoted
18 as he was not a Woman, Person of Color, or due to his Age. This disparate treatment constitutes
19 discrimination under the Fair Employment Housing Act, Government Code Section 12900, et seq.

20 19. On or around September 3, 2024, Plaintiff filed an administrative complaint with the
21 Department of Fair Housing and Employment (“FEHA”), in compliance with the applicable
22 provisions of the Government Code. The DFEH issued Plaintiff an immediate notice of case
23 closure and attendant right-to-sue letter authorizing this lawsuit, which is attached hereto as Exhibit
24 “1”.

25 20. On or around September 3, 2024, Plaintiff filed his Government tort claim with
26 Defendant County of Los Angeles’ Board of Supervisors. As of the date of this Complaint,
27 Defendant has failed to inform Plaintiff if it has either allowed or denied Plaintiff’s claim. Attached
28 as Exhibit “2” is a conformed Government tort claim Plaintiff filed with the Defendant.

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1 **FIRST CAUSE OF ACTION**

2 **(VIOLATION OF GOVERNMENT CODE §12940 – DISCRIMINATION ON BASIS OF**
3 **ETHNICITY AND/OR RACE, AND/OR GENDER, AND/OR AGE)**

4 **(Forman against Defendant the Los Angeles County Fire Department; and Does 1-20)**

5 21. Forman realleges and incorporates by reference each and every allegation contained
6 in Paragraphs 1 through 20, as set forth above.

7 22. Government Code Section 12940(a) makes it an unlawful employment practice for
8 any employer to discriminate on the basis of ethnicity and race by making unlawful said
9 discrimination in compensation or in terms, conditions or privileges of employment.

10 23. Defendants violated this prohibition on discriminatory acts or omissions based upon
11 Forman’s ethnicity and/or race (Caucasian American) and association with those with those
12 characteristics, by, among other things, subjecting Forman to disparate treatment relative to
13 counterparts unprotected categories as set-forth in Common Allegations ¶¶5-20, above.

14 24. FEHA does not require that an employer’s discriminatory act constitute one swift
15 blow, rather than a series of subtle yet damaging injuries. The individual acts of discriminatory
16 conduct as described herein, as well as the totality of such conduct, constitute an adverse
17 employment action. Moreover, FEHA protects an employee against unlawful discrimination with
18 respect not only to “ultimate employment actions” such as termination or demotion, but also the
19 entire spectrum of employment actions that are reasonably likely to adversely or materially affect
20 an employee’s job performance or opportunity for advancement in his career.

21 25. As a result of Defendant’s discriminatory conduct, Forman has suffered both
22 economic and non-economic damages.

23 **SECOND CAUSE OF ACTION**

24 **(VIOLATION OF GOVERNMENT CODE §12940 – FAILURE TO PREVENT**
25 **DISCRIMINATION)**

26 **(Forman against Defendant the Los Angeles County Fire Department; and Does 1-20)**

27 26. Forman realleges and incorporates by reference each and every allegation contained
28 in the preceding paragraphs, as set forth above.


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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial in this matter.

Dated: September 10, 2024

HANEY & SHAH LLP

By: 

Steven H. Haney, Esq.
George M. Hill, Esq.
Nathalie Meza Contreras, Esq.
Attorneys for Plaintiff,
FRANK FORMAN

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