



## Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711  
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

August 1, 2023

Emilia Arutunian  
755 Front Street  
San Diego, CA 92101

RE: **Notice to Complainant's Attorney**  
CRD Matter Number: 202308-21487902  
Right to Sue: Lozano / San Diego Unified School District Police Department et al.

Dear Emilia Arutunian:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

**Pursuant to Government Code section 12962, CRD will not serve these documents on the employer.** You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



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August 1, 2023

**RE: Notice of Filing of Discrimination Complaint**

CRD Matter Number: 202308-21487902

Right to Sue: Lozano / San Diego Unified School District Police Department et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



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August 1, 2023

Robert Lozano

RE: **Notice of Case Closure and Right to Sue**

CRD Matter Number: 202308-21487902

Right to Sue: Lozano / San Diego Unified School District Police Department et al.

Dear Robert Lozano:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective August 1, 2023 because an immediate Right to Sue notice was requested.

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

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

Sincerely,

Civil Rights Department



1 **Complainant was harassed** because of complainant's ancestry, color, other, sexual  
2 harassment- hostile environment, race (includes hairstyle and hair texture).

3 **Complainant was discriminated against** because of complainant's ancestry, color, other,  
4 sexual harassment- hostile environment, race (includes hairstyle and hair texture) and as a  
5 result of the discrimination was denied hire or promotion, reprimanded, demoted, asked  
6 impermissible non-job-related questions, denied any employment benefit or privilege, other,  
7 denied work opportunities or assignments, denied or forced to transfer.

8 **Complainant experienced retaliation** because complainant reported or resisted any form  
9 of discrimination or harassment, participated as a witness in a discrimination or harassment  
10 complaint and as a result was denied hire or promotion, reprimanded, demoted, asked  
11 impermissible non-job-related questions, other, denied work opportunities or assignments,  
12 denied or forced to transfer.

13 **Additional Complaint Details:** Robert Lozano (“Mr. Lozano”) began his tenure with the San  
14 Diego Unified School District’s Police Department (“SDUSD PD” or “Department”) in 2017.  
15 Throughout his six-year tenure, Mr. Lozano has been an exemplary employee, never  
16 receiving any disciplinary actions or warnings. In fact, the principal in one of the schools he  
17 worked with referred to him as the “perfect officer” due to his positive approach, outlook, and  
18 behavior. The principal went on to state that “[Mr. Lozano] is willing to build relationships  
19 with kids and he never gets escalated or negative, he avoids power structures that trigger  
20 students and adults... [The school is] most appreciative of what didn’t happen thanks to his  
21 presence.”

22 In or about June of 2022, Alfonso Contreras became Chief of Police for SDUSD PD. Upon  
23 information and belief, Mr. Contreras had been in a long-term relationship with one of his  
24 subordinates, Sergeant Jenifer Gruner, at the time he was appointed. Most of the  
25 Department was aware of the relationship at the time of his appointment and made attempts  
26 to inquire to ensure the relationship would not affect their positions and career trajectories  
27 within the Department. Mr. Contreras assured the officers he would act with integrity and  
28 would not let the relationship affect his management of the Department. Unfortunately,  
those promises did not come to fruition. With Mr. Contreras’ appointment to Chief, the  
relationship began to adversely affect the entire Department almost immediately. Indeed,  
the relationship between the two creates divisiveness and a hostile work environment for  
any member of the SDUSD PD who are not in support of Ms. Gruner, do not "take care of  
her," praise her, and support her. The circle of individuals who do support the relationship is  
commonly referred to as “The Club” and given special treatment and privileges. Two such  
individuals include Operations Support Captain, David Landman, and Field Support Captain,  
Ivan Picazo. However, those outside of “The Club” were and continue to be continuously  
harassed, demeaned, undermined, yelled at, defamed, slandered, and have experienced  
numerous other instances of hostile work environment.

Mr. Contreras has also given Ms. Gruner immense special privileges due to his high-ranking  
position. Those privileges have only intensified since Mr. Contreras’ tenure as chief. These

1 special privileges included taking training time off to attend a Notre Dame football game with  
2 Chief Contreras, (photos of which ended up plastered all over social media), not having to  
3 clock in and out of her shifts, and other privileges. Department members have also noticed  
4 Mr. Contreras allows Ms. Gruner to take extended lunches, go to the nail salon while on  
5 duty, leave shifts early, and wear noncompliant uniforms while on the clock, all without  
6 repercussions. Meanwhile, officers, like Mr. Lozano, feel compelled to remain silent because  
7 of their relationship.

8 Mr. Contreras has also allowed Ms. Gruner the privilege of recording herself in the red book  
9 for time off, whereas everyone else in the Department is required to have their supervisor  
10 record them in the red book. While other officers would have been reprimanded for these  
11 same actions, Mr. Contreras permits Ms. Gruner to openly violate Department policy.

12 Furthermore, Ms. Gruner has and continues to, abuse and harass her subordinates, often  
13 publicly, in the presence of Mr. Contreras and other officers, without reprimand or discipline.  
14 Mr. Lozano disapproves of the relationship and Ms. Gruner's special treatment and is  
15 therefore not part of "The Club." As a result, over the last year, he has been treated like an  
16 outcast and has experienced an extremely hostile work environment despite his consistent  
17 hard work and efforts in building the Department.

18 Not only has Mr. Contreras used his relationship with Ms. Gruner to adversely affect those  
19 not in "The Club," but has also used the relationship to create uncomfortable, hostile  
20 situations. When Ms. Gruner first started at the Department, and one of Mr. Lozano's Field  
21 Training Officers, Mr. Contreras referred to Ms. Gruner as his "Sancha," which means "Side  
22 Chick" in Spanish.

23 In another incident, while Ms. Gruner was bent over working on a form, Mr. Contreras made  
24 a glaring look at Ms. Gruner's butt, and then made eye contact with Mr. Lozano, making him  
25 feel awkward and uncomfortable.

26 From 2019 to 2021, Ms. Gruner served as Mr. Lozano's direct supervisor. As Investigative  
27 Sergeant, she monitors and approves officer-submitted reports. Since being promoted to  
28 Sergeant, Ms. Gruner consistently abused her power, harassed, and publicly degraded Mr.  
Lozano, and blamed him for her own incompetencies, causing Mr. Lozano extreme  
emotional distress. These events resulted in Mr. Lozano seeking psychological treatment  
and ordered to take medication. The harassment was so intense that Mr. Lozano searched  
high and low for any way out of the position, even requesting a demotion to be transferred  
away from a school campus where he would be interacting with Ms. Gruner in high-priority  
cases. That transfer was ultimately denied by Chief Contreras. Due to this denial, Mr.  
Lozano is now directly supervised by Sergeant Roberto Bonilla, a known member of the  
"club". Sergeant Bonilla was handpicked and promoted by Chief Contreras. It is known  
within the Department that Bonilla is friends with Ms. Gruner and Captain Landman.

One such instance of hostility was in February 2020 when Mr. Lozano was injured while  
responding to a traffic collision call to cover for another officer. Mr. Lozano was cleared to  
return to full-duty work the day of the incident despite his minor injuries. Shortly thereafter,  
he was scheduled to play in a semi-pro football game for charity. This game was not part of  
his work duties and was during his own free time. However, Ms. Gruner ordered Mr. Lozano  
to withdraw from the game, stating that despite his medical clearance, she felt his public  
participation in the event would put the criminal case at risk because his injuries would  
appear less severe. Mr. Lozano contacted the Police Officers Association ("POA") President  
Jay Gresham, who got in touch with the Association's attorney, Brad Fields. Mr. Fields

1 confirmed that Ms. Gruner could not prevent Lozano from participating in his personal  
2 outside-of-work activities. Mr. Fields advised Mr. Lozano to file a formal grievance against  
3 Ms. Gruner, but in fear of retaliation due to Ms. Gruner's relationship with Mr. Contreras, Mr.  
4 Lozano chose to inform Ms. Gruner of his conversation with Mr. Fields in a telephone call.  
5 During that call, Ms. Gruner expressed frustration and disappointment with Mr. Lozano's  
6 decision to go against her order before hanging up the phone on him. From that point on,  
7 Mr. Lozano was on Ms. Gruner's "dislike list", and experienced extreme harassment and a  
8 hostile work environment which was never addressed throughout the remainder of his  
9 employment to the present day.

10 Another example of Ms. Gruner's harassment occurred in the Summer of 2020 when Mr.  
11 Lozano was working the night shift and was dispatched to an elementary school. Mr. Lozano  
12 arrived on the scene and conducted a security check that was clear. When Ms. Gruner  
13 arrived on the scene, without reason, she accused Mr. Lozano of lying about his  
14 whereabouts due to a slight delay in his arrival and warned him that he could be fired for  
15 lying. Mr. Lozano attempted to explain his situation, but Ms. Gruner continued to intimidate  
16 him, saying, "Officers get fired for lying" and "I can make this bigger than it needs to be."  
17 These intimidation techniques caused Mr. Lozano extreme stress and caused him to be  
18 fearful of losing his job. Ultimately, he was not disciplined for this slight delay as it was not in  
19 violation of Department policy.

20 During another incident shortly thereafter, Mr. Lozano conducted a regular security check of  
21 campus right before the end of his shift when he observed a vehicle with two individuals  
22 drinking alcohol and smoking marijuana. Mr. Lozano followed protocol, identified himself as  
23 a police officer, and conducted a record check. The individuals were extremely  
24 uncooperative, and Mr. Lozano's record check uncovered that both individuals had criminal  
25 records, one even having a history of assaulting a police officer. Following Department  
26 policy, Mr. Lozano called the incident in. When Mr. Gruner arrived on the scene, however,  
27 she began yelling at Mr. Lozano, saying he was costing the Department overtime. Mr.  
28 Lozano tried to explain that he was only doing his job, but Ms. Gruner responded in an  
irritated fashion that he was "always doing this... looking for stuff," and that she was already  
headed home. Ms. Gruner ordered Mr. Lozano to let the suspects go, and he was forced to  
follow her orders. The following day, Mr. Contreras and Ms. Gruner scolded Mr. Lozano in  
front of the entire police squad about "causing issues", when he was only doing his job.  
Understandably, Mr. Lozano felt embarrassed and anxious as a result of the public  
degradation.

In September 2021, Mr. Contreras again impeded Mr. Lozano's ability to effectively do his  
job and attempted to adversely affect his employment within the Department. In this  
instance, Lincoln High School's campus security assistant contacted Mr. Lozano requesting  
help after a homeless man threatened to physically hurt them. The homeless man had been  
sneaking onto school property to sleep in the school's fire truck. At times, the homeless man  
defecated in the fire truck and threatened to hurt other school staff. After Mr. Lozano's cover  
arrived, he made contact with the homeless man who threatened that he was going to fu\*\*  
up Mr. Lozano while proceeding to take a fighting stance. To protect himself and the other  
officer, Mr. Lozano used force on the homeless man taking him to the ground and then  
handcuffed him. The use of force caused the homeless man to complain of head pain, so  
Mr. Lozano requested a supervisor and medic to respond. Sergeant Keith Boyd responded  
as a supervisor along with medics. Upon their arrival, Mr. Lozano explained that he believed

1 the homeless man was a danger to the students and staff at Lincoln High School and should  
2 be on a 5150 hold because he challenged multiple people to fight, including a police officer,  
3 as well as displaying assaultive behavior. Mr. Boyd agreed with Mr. Lozano's assessment.  
4 But plans changed when Mr. Boyd received a call from Mr. Contreras ordering Mr. Lozano to  
5 release the homeless man or take him to a relative's home. So, Mr. Lozano followed his  
6 orders and released a known trespasser and assaultive individual to the surrounding streets  
7 of Lincoln High School. A few days later Mr. Boyd informed Mr. Lozano that he was  
8 questioned regarding Mr. Lozano's actions. According to Mr. Boyd, Mr. Contreras was not  
9 happy with Mr. Lozano's actions, despite the actions complying with procedure. Specifically,  
10 Mr. Contreras questioned Mr. Lozano's decision to make contact with the homeless man.  
11 Again, this is despite Mr. Lozano's clear explanation regarding the circumstances  
12 surrounding the contact.

13 Clearly, Mr. Contreras does not like Mr. Lozano, and would rather him release a known  
14 dangerous individual into the surrounding streets of Lincoln High School than support his  
15 own officer and ensure the safety of those students and families in the nearby area.

16 In October 2021, Mr. Lozano tased and detained a suspect who was combative and was  
17 attempting to enter an elementary school campus. The suspect had a backpack with three  
18 butcher knives. Rather than commend Mr. Lozano for preventing a possible tragedy, Ms.  
19 Gruner was upset with Mr. Lozano and accused him of violating policies. She continually  
20 asked him why he had to behave that way while she was acting Captain. This caused  
21 severe emotional distress for Mr. Lozano who believed he would be reprimanded based on  
22 Ms. Gruner's statements. However, Defense Tactics Instructor, Officer Samson Pak later  
23 informed him that he was within policy in using force to detain the suspect and would not be  
24 disciplined or reprimanded for the same.

25 Additionally, during the Fall of 2021, Mr. Contreras intimidated and forbade Mr. Lozano from  
26 working with the district's payroll department after Mr. Lozano found a discrepancy in his  
27 paycheck. Upon receiving his paycheck during the Fall of 2021 Mr. Lozano noticed that he  
28 was missing pay, so he reached out to the district's payroll department for assistance. Later  
that day, Mr. Contreras angrily called Mr. Lozano demanding that he go directly to Mr.  
Contreras and never go directly to the district. Mr. Contreras then went on to needlessly  
belittle Mr. Lozano claiming he does not understand how the district works.

Since that moment, Mr. Lozano has never reached out to payroll, even though he has since  
found discrepancies or experienced delays in his pay. As a result, Mr. Lozano had to consult  
with Mr. Contreras regarding his discrepant pay, which delayed his ability to correct his pay.  
At one point, Mr. Lozano's pay was calculated wrong for numerous months which resulted in  
deducted pay for the next few months. But for Mr. Contreras preventing Mr. Lozano from  
contacting payroll, this issue would have been solved sooner or prevented. As a result, Mr.  
Lozano's pay issues forced him to apply to be a campus officer so that his pay would not be  
impacted or delayed any further. Moreover, this has caused Mr. Lozano to feel intimidated  
and fear discipline if he were to speak up for himself when issues with pay arise.

Another incident occurred in January of 2023, when Mr. Lozano responded to a call to  
conduct interviews between students on whether sexual intercourse between the students  
was consensual, and the related distribution of child pornography. Mr. Lozano arrested the  
student guilty of the distribution of child pornography and released him to the school. A  
couple of weeks later, Mr. Lozano was informed that the students at the school were  
conducting a protest because the male student was allowed to continue going to school



1 without being expelled. The next day, Mr. Lozano informed Ms. Gruner of the reasons for  
2 the student protest and Ms. Gruner instructed him to report the incident to the San Diego  
3 Police Sex Crimes rather than draft an internal arrest report. Mr. Lozano did as ordered, and  
4 the following day came in on his scheduled day off to monitor another related planned  
5 protest. Ms. Gruner approved Mr. Lozano's report to the San Diego Sex Crimes Unit and  
6 body cam footage from the interviews. However, a few days later, Ms. Gruner publicly  
7 attacked Mr. Lozano for not writing an arrest report, even though he was merely following  
8 her directive. Mr. Lozano attempted to explain himself, but she wouldn't hear it or admit to  
9 her own failed directives. Instead, she kept repeating that Mr. Lozano should have known  
10 better. Specifically, Ms. Gruner publicly stated, "I was your training officer, I taught you  
11 better. I know I taught you better." Ms. Gruner blamed Mr. Lozano in front of his colleagues  
12 and the other officers. Mr. Lozano was understandably humiliated and shocked by this  
13 blatant lie but knew that trying to explain his position further could have serious  
14 consequences in light of Ms. Gruner's relationship with Mr. Contreras. Rather than fight the  
15 situation, Mr. Lozano went ahead and wrote the requested arrest report.  
16 As time passed, this incident continued to bother Mr. Lozano. In April of 2023, Mr. Lozano  
17 finally pulled together the courage to take the situation to a higher authority. He requested  
18 that Officer Phillip Franchina accompany him to the captain's office as a POA representative  
19 and tried to explain to Captain Picazo that Ms. Gruner gave him incorrect directives, belittled  
20 him, and lied about the entire situation in front of Captain Landman. Officer Franchina  
21 suggested that Mr. Lozano and Ms. Gruner have a "restorative meeting" to discuss the  
22 situation. However, Mr. Picazo, a main member of "The Club" did not believe any  
23 disciplinary action was necessary. Ultimately, the situation was not addressed.  
24 Mr. Lozano was fed up and mentally and emotionally exhausted from the treatment by "The  
25 Club" and in April of 2023, he requested a demotion to patrol to avoid being further targeted  
26 by "The Club" members. Notwithstanding the fact that the demotion would include a  
27 substantial reduction in pay, Mr. Lozano felt it was necessary for his well-being. Initially, Mr.  
28 Picazo said the transfer would not be an issue. However, the following week, Mr. Contreras  
brought up the issue publicly to the entire Department saying he would not let any officers  
demote to patrol because it would decrease his hiring pool for the patrol positions. Mr.  
Lozano was embarrassed by this public announcement and felt his request to transfer was  
being refused in light of Mr. Contreras' relationship with Ms. Gruner.  
In addition to the above harassment causing an extreme hostile work environment and  
emotional distress for Mr. Lozano, he also experienced discrimination on the basis of his  
Hispanic race and national origin. Mr. Contreras would often make racist remarks, such as  
referring to officers as "ESL" (Often referred to immigrants who have English as a second  
language), and "MS13," referencing the Salvadorian gang. Additionally, Mr. Picazo would  
imitate Filipino accents.  
In the Spring of 2023, Mr. Contreras informed the Department that "wish lists" for transfers  
were going to be sent out. Mr. Lozano believed this was finally his opportunity to move out  
of Ms. Gruner's harassment and hostility. However, Mr. Contreras followed that he would  
not place an officer who "habla" (the Spanish word for "speak" and a term Mr. Contreras  
used to refer to a Spanish speaker), at "La Jolla or in the north" if they are the best fit for  
"Logan or in the south." Mr. Contreras went on to say that communities want officers who  
"look like" them. Mr. Lozano, a Hispanic male with Spanish as his first language, felt directly  
targeted. Still, Mr. Lozano placed his name on the wish list for northern placements but was

1 denied. Obviously, this adversely affected Mr. Lozano's growth within the Department as he was limited in the places he could transfer because of his race.

2 In May of 2023, Mr. Lozano was assigned as a campus officer to a different school, effective August 1, 2023.

3 In another incident, Mr. Contreras approached Mr. Lozano as he was typing a report and stated, "I don't know why you aren't honest with [the principal]. You should have told them  
4 months ago that you wanted to leave. You s\*\*\* the f\*\*\*ing bed Lozano." Mr. Lozano tried to explain that he only found out where he would be transferred 3 days prior, to which Mr.  
5 Contreras responded, "I don't care. You s\*\*\* the bed." Mr. Contreras continued to loudly and obnoxiously yell at Mr. Lozano until Mr. Contreras winked sarcastically and walked away.  
6 The altercation was so bad that a witness, Officer David Pallesen, approached Mr. Lozano and apologized for Mr. Contreras' unprofessional behavior. Mr. Lozano was sure that  
7 Contreras' publicly hostile and humiliating behavior towards him was in retaliation for his conflicts with Ms. Gruner. He was so stressed out and mentally unwell after this altercation  
8 that he had to leave work early.

9 At the end of May, Mr. Lozano had a meeting with his new supervisor, Roberto Bonilla ("Mr. Bonilla"). He shared with Mr. Bonilla that he noticed that Mr. Bonilla had removed him from  
10 his Instagram page, to which Mr. Bonilla responded that he did not want to be involved with any drama. He went on to state that a public Instagram account that posted corruption about  
11 the Department had posted anonymously about Chief Contreras and Ms. Gruner's relationship, Ms. Gruner's previous DUI and bus theft, and allegations of Ms. Gruner stealing  
12 time while on vacation with Mr. Contreras. He said Ms. Gruner believed Mr. Lozano sent the information about her and Mr. Contreras to the page. Mr. Lozano pointed out the fact that  
13 Mr. Bonilla was still Instagram friends with Ms. Gruner, so clearly, he was not fully separating his personal life from his colleagues. Mr. Lozano's separation from "The Club"  
14 became even more evident when he became aware of these rumors. Shortly after this conversation, Mr. Bonilla expressed to Officer Halol that he did not want to supervise Mr.  
15 Lozano and asked that he be transferred to a different school. When Mr. Lozano found out about these comments he was embarrassed and uncomfortable.

16 The hostile work environment became so severe that Mr. Lozano has had to take significant sick leave to recover from the effects of the occurrences. Mr. Lozano has suffered physical  
17 manifestations of the work-related stress, including rapid hair loss, weight loss, and insomnia. SDUSD PD's hostile work environment caused a permanent strain on Mr.  
18 Lozano's personal relationships, including his relationships at home. In February 2022, Mr. Lozano was diagnosed with depression as a result of work-related stress. Mr. Lozano was  
19 prescribed medication and referred to a therapist. He underwent weekly therapy sessions for 10 months. Though Mr. Lozano has stopped seeing his therapist for the time being, he  
20 remains emotionally and mentally distressed by the treatment caused by not being in "The Club."  
21

22 "The Club's" most recent display of hostility occurred no more than a month from the date of this complaint. On July 11 and 12, 2023, the Department hosted an annual summer training  
23 for school resources officers. The 2022 annual summer training was coordinated and run solely by members of "The Club." This year though, Mr. Contreras claimed the annual  
24 summer training would be open to other members of the Department who wanted the opportunity. Unfortunately, this was another promise unfulfilled. Instead, the opportunity to  
25 coordinate, run, or conduct trainings was granted only to individuals in "The Club."

1 Given the nature of the Department's promotion process, these opportunities significantly  
2 impact an individual's ability to rank high enough in the process to be selected for promotion.  
3 Thus, individuals not in "The Club" are unable to compete for promotion with those in "The  
4 Club" merely because they do not take care of, praise, and support Mr. Contreras and Ms.  
5 Gruner's relationship.  
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1 VERIFICATION

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

5 On August 1, 2023, I declare under penalty of perjury under the laws of the State of  
6 California that the foregoing is true and correct.

7 **San Diego, CA**

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Date Filed: August 1, 2023

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