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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 COUNTY OF SAN DIEGO  
 HALL OF JUSTICE

DEBORAH STIESMEYER, an Individual;  
 and STACEY RALPH, an Individual,

Plaintiffs,

v.

COUNTY OF SAN DIEGO, a Public Entity;  
 SHAWN SILVA, an Individual; and  
 DOES 1-25, Inclusive,

Defendants.

**ELECTRONICALLY FILED**  
 Superior Court of California,  
 County of San Diego

**08/31/2022 at 09:33:00 AM**

Clerk of the Superior Court  
 By Emily Schilawski, Deputy Clerk

Case No.: 37-2022-00034651-CU-OE-CTL

FIRST AMENDED COMPLAINT FOR  
 DAMAGES AND INJUNCTIVE RELIEF

**IMAGED FILE**

Judge: Hon. Matthew C. Braner  
 Dept.: C-60

1 Plaintiffs Deborah Stiesmeyer and Stacey Ralph (collectively, “Plaintiffs”), by their  
2 attorneys, bring this action on their own behalf against the County of San Diego (“County”) and  
3 DOES 1 through 25, inclusive (collectively “Defendants”), and Shawn Silva. Plaintiffs make  
4 the following allegations upon information and belief (except those allegations as to Plaintiffs  
5 or their attorneys, which are based on personal knowledge), based upon an investigation that is  
6 reasonable under the circumstances, which allegations are likely to have evidentiary support  
7 after a reasonable opportunity for further investigation and/or discovery.

## 8 INTRODUCTION

9 1. The County’s Sheriff’s Department’s (the “Sheriff’s Department” or the  
10 “Department”) Mission is to “provide the highest quality public safety service to everyone in  
11 San Diego County.”<sup>1</sup> In doing so, the Department claims to possess Core Values such as  
12 Integrity (“as people of character and principle, we do what is right, even when no one is  
13 looking”), Trust (“we are confident in the integrity, the ability and the good character of our  
14 colleagues”), and Respect (“we treat everyone with dignity, honoring the rights of all  
15 individuals”).<sup>2</sup> But the Department has shown time and time again that it cannot be Trusted, it  
16 has no Integrity, and it does not Respect its female employees who are forced to work in hostile,  
17 offensive, and intimidating environments where they are degraded, humiliated, and subjected to  
18 demeaning and degrading comments based on their sex.

19 2. The Sheriff’s Department’s pattern and practice is clear – a male officer stands  
20 accused of egregious sexual harassment, an investigation shrouded in secrecy ensues, victims  
21 are kept in the dark while the harasser remains on duty, the allegations are corroborated by  
22 numerous witnesses, and then, prior to making investigatory conclusions that would subject the  
23 harasser to discipline or termination, the Department allows the harasser to retire without  
24 consequence, thereafter collecting thousands (and sometimes hundreds of thousands) of dollars  
25 in a taxpayer-funded pension. The Department and the harasser remain unscathed, the victims  
26

27 <sup>1</sup> See <https://www.sdsheriff.gov/bureaus/about-us/mission-values> (last visited August 31,  
28 2022).

<sup>2</sup> *Id.*

are left emotionally and mentally shattered, and the taxpayers are left to foot the bill. And because the Department and the harasser suffer no consequence, the sexual harassment repeats itself. But it must stop now.

3. Detectives Deborah Stiesmeyer and Stacey Ralph dedicated and risked their lives for careers in law enforcement. All they wanted was to show up to work every day and protect the citizens they served. But nearly every day that they worked in the Department's Poway Station under Sergeant Shawn Silva ("Sergeant Silva" or "Silva"), they faced incessant sexual harassment and discrimination. Silva regularly and openly made derogatory, offensive, and vulgar comments about Detectives Stiesmeyer and Ralph and told lies about their sex lives, subjected them to unwarranted and invalid criticism, demeaned, degraded, and berated them to make them feel incompetent and worthless, and excessively monitored and micromanaged their every moves. Captains, Lieutenants, Sergeants, and Detectives in the Poway Station – all mandated reporters – witnessed and/or received reports of Silva's brutal harassment and discrimination and did nothing to stop it. When the Department's Internal Affairs ("IA") finally investigated and interviewed 24 witnesses, *excluding* Silva, it found nearly all reports corroborated and sustained findings that Silva engaged in sexual harassment and sex discrimination, in addition to other sustained violations of the law and the Department's Policies and Procedures. But instead of disciplining or terminating Sergeant Silva, the Department followed its pattern and practice and allowed Silva to retire before it reached these sustained findings.

4. Detectives Ralph and Stiesmeyer lost their dream careers, the citizens of San Diego lost highly competent and skilled law enforcement officers, and the taxpayers will ultimately lose when the County and Silva are found civilly liable for harassment and discrimination, and they are left to cover the judgment.<sup>3</sup>

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<sup>3</sup> In April 2021, the County and former Assistant Sheriff Richard Miller were found liable for sexual harassment and failure to prevent sexual harassment, resulting in a \$627,862.94 judgment. The Department allowed Assistant Sheriff Miller to retire during his IA investigation, without discipline, and he is currently collecting an approximately \$14,741.19 per month pension, amounting to \$176,894.28 per year until his death.

5. To redress the harms suffered, Plaintiffs bring claims for: (1) harassment – conduct directed at Plaintiffs in violation of Government Code §12940(j) (against Defendants and Silva); (2) harassment – conduct directed at others in violation of Government Code §12940(j) (against Defendants and Silva); (3) sex/gender discrimination (disparate treatment) in violation of Government Code §12941(a) (against Defendants); (4) retaliation in violation of Government Code §12940(h) (against Defendants); and (5) failure to prevent harassment, discrimination, and retaliation in violation of Government Code §12940(k) (against Defendants).

### **JURISDICTION AND VENUE**

6. The Superior Court of the State of California has jurisdiction over this action pursuant to Article VI, §10 of the California Constitution, because this case is a cause not given by statute to other trial courts. Federal jurisdiction does not exist in this case because there is no federal question implicated and because there is not complete diversity of citizenship. At least one Plaintiff, Defendants, and Silva are citizens of the State of California.

7. This Court has personal jurisdiction over the County because it is a duly organized government entity, existing under the laws of the State of California. During the relevant time, the alleged unlawful acts occurred in or around the County of San Diego, State of California.

8. This Court has personal jurisdiction over Silva because during the relevant time, the alleged unlawful acts occurred in or around the County of San Diego, State of California.

9. Venue is proper in the County of San Diego in accordance with Code of Civil Procedure §395(a) because Defendants reside in this County and Defendants are currently doing, and have done during the relevant period, significant amounts of business in this County. In addition, the acts and practices giving rise to Plaintiffs’ claims occurred in this County.

### **THE PARTIES**

#### **Plaintiffs**

10. Ms. Stiesmeyer is a natural person, over 18 years old, residing in the County of San Diego, State of California. At all times mentioned herein, Ms. Stiesmeyer was a member of

1 a protected group under the California Fair Employment and Housing Act (“FEHA”),  
2 Government Code §§12900 *et seq.*, based on her sex and gender (female). Ms. Stiesmeyer was  
3 employed by the County’s Sheriff’s Department from March 22, 2013, until she was  
4 constructively terminated on February 18, 2022.

5 11. Ms. Ralph is a natural person, over 18 years old, residing in the County of  
6 Bannock, State of Idaho. At all times mentioned herein, Ms. Ralph was a member of a protected  
7 group under the California Fair Employment and Housing Act (“FEHA”), Government Code  
8 §§12900 *et seq.*, based on her sex and gender (female). Ms. Ralph was employed by the County’s  
9 Sheriff’s Department from April 25, 2011, until she was constructively terminated on May 13,  
10 2022.

### 11 Defendants

12 12. The County is a public entity with its headquarters and principal place of business  
13 located at 1600 Pacific Highway, San Diego, California 92101. At all relevant times, the County  
14 was an entity that employed fifty or more persons in the County of San Diego, State of  
15 California, and therefore, the County is an “employer” within the meaning of the FEHA,  
16 Government Code §12926(d).

17 13. Silva is a natural person, over 18 years of age, residing in the County of  
18 Riverside, State of California. Silva was an individual employed by the County’s Sheriff’s  
19 Department as a Sergeant. While Plaintiffs were employed by the County’s Sheriff’s  
20 Department, Silva was a “supervisor” as defined by the FEHA, Government Code §12926(t)  
21 because he had the authority, in the interest of the County, to hire, transfer, suspend, lay off,  
22 recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility  
23 to direct them, or to adjust their grievances, or effectively to recommend that action by use of  
24 independent judgment.

25 14. Based on information and belief, the unlawful conduct alleged in this Complaint  
26 was authorized, approved, ratified, and/or adopted by one or more of the Defendants’ officers,  
27 directors, and/or managing agents. Defendants engaged in the acts alleged herein and/or  
28 condoned, permitted, authorized, and/or ratified the conduct of its employees, subcontractors,

and agents, and is vicariously or strictly liable for the wrongful conduct of its employees, subcontractors, and agents alleged herein.

15. Plaintiffs do not know the true names and capacities of Defendants DOES 1 through 25, inclusive, and therefore sue them by these fictitious names. Plaintiffs will amend this Complaint to include their names and capacities once they are known. Plaintiffs are informed and believe, and on that basis, allege, that each of the Defendants designated as a DOE is legally responsible in some manner for the occurrences alleged in this Complaint, and unlawfully caused the injuries and damages to Plaintiffs as alleged in this Complaint.

### EXHAUSTION OF REMEDIES

16. On August 26, 2022, Ms. Stiesmeyer filed a charge of discrimination with the California Department of Fair Employment and Housing (“DFEH”). That same day, the DFEH closed Ms. Stiesmeyer’s case and issued a Right-To-Sue Notice. Therefore, Ms. Stiesmeyer has exhausted her administrative remedies. A true and correct copy of Ms. Stiesmeyer’s charge of discrimination and Right-To-Sue Notice is attached hereto as **Exhibit 1**.

17. On August 26, 2022, Ms. Ralph filed a charge of discrimination with the California Department of Fair Employment and Housing (“DFEH”). That same day, the DFEH closed Ms. Ralph’s case and issued a Right-To-Sue Notice. Therefore, Ms. Ralph has exhausted her administrative remedies. A true and correct copy of Ms. Ralph’s charge of discrimination and Right-To-Sue Notice is attached hereto as **Exhibit 2**.

### FACTS COMMON TO ALL CAUSES OF ACTION

#### **Plaintiffs Were Dedicated Sheriff’s Detectives, Fulfilling Theirs Dreams of Protecting and Serving the Citizens of the County of San Diego**

18. Detective Ralph dedicated 11 years to the Sheriff’s Department, a job she loved and felt called to do. She went into law enforcement because she wanted to help people in situations where they could not help themselves. Though the job could be emotionally and mentally challenging due to the trauma she often witnessed and experienced in the line of duty, Detective Ralph found that helping people through some of the hardest times in their lives was extremely rewarding. After earning her Bachelor’s and Master’s degrees in Criminal Justice and

1 graduating from the Sheriff's Department's Law Enforcement Academy in 2011, Detective  
2 Ralph began her career with the County.

3         19. Over the next 11 years, Detective Ralph served as a Bailiff at the Chula Vista  
4 Courthouse, a Patrol Deputy at the Lemon Grove and Rancho San Diego Stations, a Traffic  
5 Deputy and Area Investigator at the Poway Station, and an Elder Abuse Unit Investigator in the  
6 Major Crimes Division. She received nothing but positive performance reviews and promotions,  
7 had no disciplinary record, attended thousands of hours of training to advance her career,  
8 participated in community events such as Shop with a Cop and represented the Department in  
9 several community marches, and earned numerous commendations including a Certificate of  
10 Commendation for her role in apprehending a subject who threatened to kill members of law  
11 enforcement, a Certificate of Lifesaving for helping to save a teenage boy's life who attempted  
12 suicide, a Meritorious Unit Citation for assisting in the investigation and apprehension of a  
13 sexual predator who attacked a woman who was jogging with her young children, and a Letter  
14 of Commendation for her role in investigating the Poway Chabad Synagogue shooting.  
15 Detective Ralph aspired to promote up the ranks, to help train new Deputies, and eventually, to  
16 retire after a long career with the Sheriff's Department. But her career was cut short after the  
17 Department failed to protect her from harassment and discrimination at the hands of her  
18 supervisor, Sergeant Silva.

19         20. Detective Stiesmeyer dedicated nine years to the Sheriff's Department, a job she  
20 loved and was extremely passionate about. She knew from a young age that she wanted to help  
21 people and started her career with the Department in March 2013, taking 911 calls as an  
22 Emergency Services Dispatcher for over one year. During this time, Detective Stiesmeyer had  
23 the opportunity to go on several ride-alongs with Deputy Sheriffs and soon realized law  
24 enforcement was her true calling. After graduating from the Sheriff's Department's Law  
25 Enforcement Academy in October 2014, Detective Stiesmeyer transferred to Las Colinas  
26 Detention and Re-Entry Facility as a Deputy Sheriff. Thereafter, Detective Stiesmeyer served  
27 as a Deputy Sheriff on the Psychiatric Emergency Response Team, then a Training Officer, and  
28

1 then as a Corporal at the Lemon Grove Station before she promoted to Detective and transferred  
2 to the Poway Station, reporting to Sergeant Silva.

3 21. Throughout Detective Stiesmeyer's career, she received nothing but positive  
4 performance reviews and promotions, had no disciplinary record, attended thousands of hours  
5 of training to advance her career, trained approximately nine new Deputy Sheriffs, participated  
6 in community events such as Shop with a Cop and Girl Scout meetings, and earned numerous  
7 commendations including a Sheriff's Unit Citation for her role in an "extraordinary" response  
8 to a high-risk incident that put her life in jeopardy in attempting to save two juvenile homicide  
9 victims, a Sheriff's Letter of Exemplary Performance in responding to a car fire that ultimately  
10 led to the rescue of a human trafficking victim, and a Report of Exemplary Performance for her  
11 role in de-escalating and saving a subject threatening to kill others and to commit "suicide by  
12 cop." Detective Stiesmeyer aspired to serve those most vulnerable such as in the Child Abuse,  
13 Elder Abuse, or Human Trafficking Units, and eventually, to promote up the ranks to a  
14 Command Staff position until retirement. But her career was also cut short because the  
15 Department failed to protect her from Sergeant Silva's harassment and discrimination.

16 **The Sheriff's Department's Policies Prohibit Sexual Harassment and Discrimination and**  
17 **Require its Employees to Report It When They See It**

18 22. In the Sheriff's Department's Policy and Procedure ("P&P") Manual,<sup>4</sup> it claims  
19 to be committed to "provid[ing] a work environment in which all individuals are treated with  
20 respect and dignity, free from discrimination" and "a professional atmosphere which promotes  
21 equal opportunities and prohibits discriminatory practices, including sexual harassment." P&P  
22 No. 3.47. To this end, the Department prohibits employees from "express[ing] any prejudice or  
23 harassment concerning race ... physical or mental disability ... pregnancy, marital status,  
24 gender, ... sexual orientation, lifestyle or similar personal characteristics" including, but not  
25 limited to, "the use of verbal derogatory comments, slurs, or jokes." P&P No. 2.53.

26  
27  
28 <sup>4</sup> See <https://www.sdsheriff.gov/home/showpublisheddocument/3787/637611737783966035>  
(last visited August 31, 2022).



23. The Department also prohibits its employees from “participat[ing] in or allow[ing] behaviors or situations that they know or should know, constitute sexual harassment,” requires employees to “take swift action to stop the offensive behavior or correct the situation,” and to refrain from “retaliate[ing] in any way against a complaining party or witness involved in sexual harassment allegations.” P&P No. 2.54. Sexual harassment includes “[r]epeated, unsolicited, derogatory comments, epithets, slurs, jokes, rumors” and “[g]eneralized sexist statements and behavior not necessarily designed to elicit sexual cooperation but to convey insulting, degrading and/or sexist attitudes.” P&P No. 3.47.

24. Supervisors “are responsible to report and/or effectively resolve all known discrimination and/or sexual harassment incidents,” to “take prompt corrective action” when they are “informed or become[] aware of a suspected discrimination and/or sexual harassment incident,” and “to document all incidents, and action taken thereafter, involving allegations of discrimination and sexual harassment.” P&P No. 3.47. Additionally, “[a]ll employees both sworn and non-sworn have an affirmative duty to report misconduct” and “[f]ailure to report misconduct could result in disciplinary action.” P&P No. 3.56.

25. Though the Department has these Policies and Procedures in place, and regularly trains its employees on them, they are nothing but lip service. The Department’s pattern and practice of allowing sex harassment and discrimination perpetrators, most often males, to retire and collect their pensions without facing any consequences not only ratifies the conduct but allows it to perpetuate and infect the Department like a plague.

**Sergeant Silva Subjected Detective Ralph to Incessant Sexual Harassment and  
Discrimination for Two Years**

26. Detective Ralph had been working in the Poway Station for three years when Sergeant Silva transferred in as the Investigative Sergeant in April 2018. Silva started with the Department in 2007 and was promoted Sergeant in 2016. As Sergeant in Poway, he directly supervised over ten employees including Detectives, a School Resource Officer, a Crime Prevention Specialist, Crime Analysts, and an Administrative Deputy. Silva was also routinely entrusted to perform as Acting Lieutenant with an even higher level of authority. According to

1 Silva's performance review from May 2018 through May 2019, completed by Lieutenant  
2 Christopher Collier and Captain Jeffrey Duckworth, Silva met all expectations and allegedly did  
3 an "excellent job in his position," "train[ed] and mentor[ed] his new detectives," and was  
4 commended for "his experience, example, leadership and professionalism." But, as Detective  
5 Ralph soon found out, this was completely contrary to the inappropriate, offensive, and abusive  
6 behavior Silva exhibited daily.

7 27. When Detective Ralph became an Area Investigator in March 2019, she began  
8 reporting directly to Sergeant Silva. Silva reported directly to Lieutenant Collier and later to  
9 Lieutenant Michael Knobbe, who reported to Captain Duckworth and later to Captain David  
10 Schaller. Nearly every person who worked in the Poway Station – Captains, Lieutenants,  
11 Sergeants, Detectives, and Corporals who are all mandated reporters – either witnessed, ratified,  
12 engaged in, or was a victim of Sergeant Silva's incessant harassment and discrimination and  
13 almost no one, except Detective Ralph, did anything to try to stop him.

14 28. On numerous occasions, Sergeant Silva made false assumptions and spread false  
15 rumors that female officers were "lesbians." For example, prior to Detective Ralph transferring  
16 from the Traffic Unit to the Investigations Unit in Poway, Sergeant Silva told several employees  
17 that she was a lesbian, though Detective Ralph is not a lesbian and had never discussed her  
18 sexual orientation with him. After her arrival, others would joke, "remember when Silva thought  
19 you were a lesbian," and laugh. On another occasion, while out to lunch with Sergeant Silva,  
20 Detective Ralph and another female Detective excitedly announced that they were selected for  
21 the annual Women Leaders in Law Enforcement Symposium. In response, Silva loudly  
22 commented, "I don't know why you guys are so happy to be going to ... that conference, it's  
23 really just a big lesbian fest." Detective Ralph felt degraded and disrespected by Silva's  
24 comments.

25 29. Sergeant Silva made inappropriate comments about Detective Ralph's sex life.  
26 For example, while Detective Ralph was at lunch with Silva, Sergeant Marcello Orsini, and two  
27 male Detectives, Silva was talking about a San Diego Police Department Officer who was caught  
28 "sexting" with his wife on his body worn camera ("BWC"). Silva then commented that Detective

1 Ralph “should be glad that [her husband] doesn’t wear a BWC ... otherwise your sex tapes  
2 would be all over everywhere.” Disgusted and embarrassed by the false and offensive comment,  
3 Detective Ralph sarcastically responded, “Really, Sarge?” Her male colleagues at the table  
4 stayed silent.

5 30. Sergeant Silva also made inappropriate comments about the sex lives of other  
6 employees and their families. For example, when a Lieutenant was late to a Detective briefing  
7 because, as he explained, “I couldn’t get my son out of bed,” Silva inappropriately remarked  
8 that his minor son was “probably masturbating.” Detective Ralph felt extremely uncomfortable  
9 and just stared in utter disbelief, afraid to speak out against him as everyone else also stayed  
10 silent. On another occasion, while driving with Sergeant Silva and a trainee Deputy, Silva falsely  
11 claimed that one of the male Sergeants only hired “hot nannies” to care for his children so he  
12 could “sleep with them while his wife was at work.” While Detective Ralph quickly told the  
13 trainee Deputy, “That is not true, do not listen to what he just said,” Silva just laughed. Detective  
14 Ralph was deeply offended that Silva would spread such appalling lies about a coworker, whom  
15 she and her husband were close friends with.

16 31. Sergeant Silva also excessively monitored, micromanaged, and unjustifiably  
17 criticized Detective Ralph. For example, though there is no Department policy limiting the  
18 amount of consecutive overtime days that can be worked, Silva became irrationally angry with  
19 Detective Ralph for working overtime, targeted her for doing so, and falsely accused her of  
20 violating Department policies and procedures. Silva also denied Detective Ralph’s vacation  
21 requests without reason. On one occasion, Silva tried to improperly force Detective Ralph to  
22 obtain a search warrant for a hotel room when doing so was unnecessary because the witness  
23 was being cooperative. When Detective Ralph refused, Silva became irate and unjustifiably  
24 screamed at and berated her. Conversely, male colleagues were not scrutinized for their  
25 overtime, or denied time off, and were allowed to break policies and procedures without any  
26 recourse.

27 32. Sergeant Silva’s disdain for female employees was palpable and he stopped at  
28 nothing in his quest to degrade his female subordinates and make them feel inferior. Silva

1 frequently called female employees “homewreckers” and “black widows” and claimed they  
2 were all sleeping with their married coworkers. And when females got promoted, Silva  
3 defamatorily claimed they performed sexual favors to get their promotions, saying things like  
4 “she was on her knees” or “she spread her legs” to get promoted. Silva would make fun of the  
5 way Detective Ralph talked as she read out loud from the case log during briefings, interrupting  
6 her and asking her to repeat certain words while smugly laughing. Silva also pointed out the  
7 physical differences between female and male Deputies and claimed females were all “weak”  
8 or “inferior” and could not do the job. Detective Ralph already felt she had to work harder than  
9 her male colleagues to prove herself, but to be degraded and demeaned while she was working  
10 so hard to do a good job made her feel worthless.

11 33. When female employees became pregnant, Sergeant Silva’s disdain only grew  
12 stronger. For example, when female employees announced their pregnancies, Silva said things  
13 like, “I’m never going to pick a female Detective again,” unsuccessfully tried to transfer them  
14 out of the Poway Station and got mad if they went on light duty. When it came to Detective  
15 Ralph, who was not pregnant, Silva said, “[Detective Ralph] fucking better not get pregnant”  
16 and it became a running joke that Silva would go crazy if Detective Ralph got pregnant. Silva  
17 also made inappropriate, sexual comments regarding their pregnancies such as counting  
18 backwards from their due dates to try to figure out when they conceived and commenting on the  
19 size of their breasts due to their pregnancies.

20 34. Sergeant Silva also made offensive comments about other employees and  
21 members of the public. For example, when Detective Ralph was helping a deaf woman file a  
22 report, Silva pulled her aside and began making fun of the deaf women by mimicking sign  
23 language and the way the deaf woman was speaking. Disgusted and appalled, Detective Ralph  
24 walked away and continued helping the victim. On another occasion, while out to breakfast,  
25 Silva commented that the young woman serving them looked “retarded” because he thought she  
26 had a large forehead. Upset, Detective Ralph told Silva the young woman was not disabled, but  
27 Silva persisted and continued to say she was a “retard.”  
28

1           35. Throughout her employment in the Poway Station, Detective Ralph  
2 commiserated with the other female employees. They talked about how Sergeant Silva's  
3 comments made them feel angry, degraded, and embarrassed, but that they all feared the  
4 anticipated fall out from reporting Silva. Detective Ralph not only feared retaliation if she  
5 reported Silva, but she did not want to be seen as "weak" for not being able to put up with Silva,  
6 as it was clear everyone else in the Poway Station took that approach instead of calling him out.

7           **Because the Sheriff's Department Failed to Correct Sergeant Silva's Unlawful Conduct,**

8           **Detective Ralph Was Forced to Transfer to Escape the Hostile Work Environment**

9           36. Throughout his reign of terror, which was either witnessed and/or ratified by  
10 nearly everyone in the Poway Station, Sergeant Silva continued to receive glowing performance  
11 reviews. Silva's May 2019 through May 2020 performance review, completed by Lieutenant  
12 Knobbe and Captain Duckworth, rated Silva as meeting all expectations and touted Silva as  
13 being "mature and mak[ing] sound decisions," "cordial, direct, straightforward, upbeat, and  
14 optimistic," having "verbal and written communications [that] exceed[ed] department  
15 standards," and "relat[ing] well with the public, professional staff, sworn staff, and with his  
16 supervisors." In fact, Lieutenant Knobbe called Silva his "go-to guy" and recommended he be  
17 promoted to Lieutenant, declaring Silva "would make an excellent manager supporting the  
18 mission and values of this organization." But as everyone in the Poway Station knew, including  
19 Lieutenant Knobbe, these commendations ignored and covered up Silva's unlawful conduct.

20           37. On July 1, 2020, after suffering through 16 months of Sergeant Silva's daily  
21 harassment and discrimination, Detective Ralph was at a breaking point. She was crying nearly  
22 every day, could not sleep, felt hopeless and depressed, was constantly on edge, and was  
23 physically ill from the stress and anxiety. She was even considering taking a demotion back to  
24 Patrol just to escape Silva. But after discussing with Poway Detective Kim Odell, they both  
25 agreed to report Silva's conduct to Lieutenant Knobbe. Detective Ralph complained first, and  
26 through tears, told Lieutenant Knobbe that Silva was targeting and harassing her, providing  
27 specific examples. Fearful of retaliation, Detective Ralph asked Lieutenant Knobbe not to open  
28 an IA investigation, and instead, to make Silva leave her alone so she could do her job.

1 Lieutenant Knobbe promised to talk to Silva. Detective Odell then reported Silva's inappropriate  
2 conduct to Lieutenant Knobbe the next day.

3 38. As a former IA Lieutenant who, on information and belief, previously sustained  
4 allegations of sexual harassment against Sergeant Kotaro Murashige of the Rancho San Diego  
5 Station,<sup>5</sup> Lieutenant Knobbe knew or should have known Sergeant Silva's conduct was  
6 unlawful. As a supervisor, Lieutenant Knobbe had a duty to report the conduct and take action  
7 to prevent the conduct from continuing. But Lieutenant Knobbe did not take Detective Ralph's  
8 complaints seriously, minimized her allegations, did not report Silva to IA, and did little to stop  
9 the harassment and discrimination from continuing. Instead, Detective Ralph only received a  
10 duplicitous apology text from Silva on July 9, 2020, saying, "I apologize if you ever felt I  
11 mistreated you or anyone else on this team."

12 39. Thereafter, Sergeant Silva ramped up his harassment in retaliation for Detectives  
13 Ralph and Odell reporting him, telling Detective Odell, "I guess you're not in the inner circle  
14 anymore." When Lieutenant Knobbe asked Detective Ralph if things had improved with Silva,  
15 she told him they had only gotten worse. To escape the harassment, Detective Ralph began  
16 seeking assistance from the Detectives in the Poway Criminal Apprehension Team ("PCAT")  
17 office because it was separate and away from Silva. Intent on keeping his punching bag around,  
18 Silva tried to order Detective Ralph to stop working with the PCAT Detectives, but she  
19 continued because it was her only means of escape.

20 40. After reporting Sergeant Silva to Lieutenant Knobbe, Detective Ralph witnessed  
21 Silva berating a pregnant Deputy who was temporarily assigned to the Poway Detective Unit  
22 while on light duty. Detective Ralph told Silva to leave her alone. When Detective Ralph found  
23 this Deputy crying at her desk, she not only encouraged the Deputy to file a harassment  
24 complaint, but she went to Lieutenant Knobbe herself and reported the harassment. Detective  
25 Ralph again told Lieutenant Knobbe that since her last complaint, Silva's harassment had only  
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27 <sup>5</sup> On information and belief, Sergeant Murashige was allowed to retire during the IA  
28 investigation into sexual harassment allegations against him, without discipline, and is currently  
collecting his pension.

1 gotten worse, and that Silva was now harassing this pregnant employee. The pregnant Deputy  
2 reported Silva to Lieutenant Knobbe as well. But, like before, Lieutenant Knobbe failed in his  
3 supervisory duties to put a stop to Silva's harassment and discrimination, ratifying his behavior  
4 and allowing it to continue.

5 41. Because it became apparent that, despite Detective Ralph's complaints, no one  
6 in the Department was going to take any action to stop Sergeant Silva, she took matters into her  
7 own hands. In or about December 2020, Detective Ralph took the Sergeant examination which  
8 consisted of a written multiple-choice examination, correcting a "use of force" report, and an  
9 oral presentation to be graded by Lieutenants. Unfortunately, Detective Ralph did not receive a  
10 high enough score on her oral presentation to be considered for Sergeant. On information and  
11 belief, Sergeant Silva's false criticisms of Detective Ralph negatively affected her scoring on  
12 the oral presentation. Detective Ralph also applied for positions outside of the Poway Station,  
13 and in April 2021, learned she was selected for the Financial Elder Abuse Unit and would be  
14 transferring. She felt as though a weight had been lifted off her chest. But before Detective Ralph  
15 left Poway, Silva had to take one last dig, telling Detective Ralph she needed to thank a male  
16 Detective because, as Silva claimed, the only reason she was selected for Elder Abuse was  
17 because he turned the position down.

18 42. And with that, in April 2021, Detective Ralph temporarily escaped Sergeant  
19 Silva's abuse and harassment. Sadly, however, Detective Ralph's departure left the door open  
20 for a new Detective to come into the hostile work environment in Poway that the Department  
21 refused to fix. That Detective was Detective Stiesmeyer.

22 **Because the Department Failed to Take Action to Stop Sergeant Silva's Unlawful**  
23 **Conduct, Detective Stiesmeyer Suffered the Same Harassing and Discriminatory Fate**

24 43. Despite at least three female employees reporting Sergeant Silva's harassment  
25 and discrimination, and numerous other mandated reporters witnessing his unlawful conduct,  
26 Silva unbelievably continued to receive positive performance reviews. Silva's May 2020  
27 through May 2021 performance review, completed by Lieutenant Knobbe and Captain Schaller,  
28

1 again rated Silva as meeting all expectations, noted he was still entrusted to “routinely perform[]  
2 the duty of Acting Lieutenant,” and was “mature and makes sound decisions.”

3 44. Indeed, turning a blind eye to Sergeant Silva’s inappropriate and offensive  
4 conduct was nothing new. For years, Silva’s Poway office (and his offices in prior Sheriff’s  
5 Department locations) displayed a custom-made plaque, awarded to him in 2012 by his Sheriff’s  
6 Department colleagues, congratulating him for deploying his Taser CED (Conducted Energy  
7 Device) 25 times.<sup>6</sup> It was not until the *San Diego Union Tribune* reported on the plaque in  
8 August 2021 that the plaque was removed. Though Department spokesperson Lieutenant  
9 Amber Baggs expressed “disappoint[ment]” that a supervisor would display something that  
10 “could be interpreted as glorifying the tasing of individuals” and admitted “such display ...  
11 would erode the public trust ... [and] will not be tolerated,”<sup>7</sup> on information and belief, Silva  
12 was not disciplined.

13 45. In April 2021, right as Detective Ralph escaped the Poway Station, Detective  
14 Stiesmeyer transferred in, reporting directly to Sergeant Silva. Before transferring, Detective  
15 Stiesmeyer was warned that Silva “like[d] his female Detectives,” but “don’t cross him and don’t  
16 challenge him and you’ll be fine.” Confident she could handle any personality type, Detective  
17 Stiesmeyer started in Poway with a positive and optimistic attitude. But, unbeknownst to  
18 Detective Stiesmeyer at the time, Silva had already begun spreading false and sexually  
19 inappropriate rumors about her.

20 46. Within just two weeks of Detective Stiesmeyer arriving, Sergeant Silva came to  
21 her cubicle, looked at the photos on her walls, and inappropriately asked, “Where’s your  
22 boyfriend?” Taken aback by his question, Detective Stiesmeyer quickly responded, “I don’t have  
23 one,” to which Silva then inappropriately asked, “Well then are you a lesbian?” Again shocked,  
24 Detective Stiesmeyer said, “No,” to which Silva began taunting that he was “going to start a  
25 rumor that [Stiesmeyer] was sleeping with a married commander.” Offended and mortified by  
26

27 <sup>6</sup> See <https://www.sandiegouniontribune.com/news/watchdog/story/2021-08-22/sandiego-sheriffs-sergeant-got-plaque-for-deploying-taser-25-times> (last visited August 31, 2022).

28 <sup>7</sup> *Id.*



1 the false accusation, and by Silva speaking loud enough for her new coworkers to hear, Detective  
2 Stiesmeyer repeatedly asked that he not spread such a rumor because it was not true and she had  
3 worked really hard to have a good reputation in the Department. But Silva pressed on, asking,  
4 “Well, how do you not have a boyfriend if you’re not a lesbian.” Detective Stiesmeyer did her  
5 best to shut down the conversation, telling Silva, “We’re not going to have this conversation.”  
6 Detective Stiesmeyer was left upset and confused.

7 47. Sometime thereafter, Detective Stiesmeyer spoke with a Poway Detective who  
8 told her that prior to her arrival, Sergeant Silva had already spread the rumor that she was a  
9 lesbian and that the only reason she got the job in Poway was because she was sleeping with a  
10 married commander. Detective Stiesmeyer was appalled. Sadly, this was just the beginning of  
11 Silva’s sick infatuation and fixation on Detective Stiesmeyer – her appearance, her relationship  
12 status, her dating life, and her daily activities.

13 48. After one of Detective Stiesmeyer’s first Patrol briefings, Detective Odell took  
14 her to coffee and told her that Sergeant Silva was “extremely inappropriate,” but that it was best  
15 to “let it go” because she and Detective Ralph (whom Detective Stiesmeyer did not know)  
16 previously complained to Lieutenant Knobbe, who did nothing to stop the harassment, and their  
17 lives were only made worse by Silva thereafter. Afraid of retaliation, Detective Stiesmeyer  
18 decided to heed Detective Odell’s advice.

19 49. Throughout Detective Stiesmeyer’s employment in Poway, Sergeant Silva made  
20 degrading sex-based comments about her. For example, on one occasion when Detectives  
21 Stiesmeyer and Odell were leaving the Station to conduct investigative work, Silva loudly made  
22 immature, crude jokes that they were going “bra shopping.” Another Detective confirmed he  
23 also heard Silva make similar jokes when Detectives Stiesmeyer and Odell were not around. But  
24 when Detectives Stiesmeyer and Odell confronted Silva about these comments, he denied them.  
25 If Detectives Stiesmeyer and Odell were in the women’s locker room together, Silva would  
26 insinuate they were bulimic and “holding each other’s hair.”

27 50. Sergeant Silva also made degrading sex-based comments about other females.  
28 For example, when a female IA Sergeant visited the Station, Silva loudly claimed, “That’s what

1 fake tits, a big ass, and a bunch of blow jobs will get you, a position as an IA Sergeant.” When  
2 another Detective told Silva to be quiet, Silva defiantly responded, “What the fuck is she going  
3 to do to me?” On another occasion, Detective Stiesmeyer overheard Silva assisting a Detective  
4 with a domestic violence victim who claimed his ex-girlfriend tried to strangle him. Silva was  
5 asking the Detective inappropriate and irrelevant sexual questions such as, “Is she [the ex-  
6 girlfriend] hot?” and “Did you ask him if she stuck her fingers inside his butt?” As another  
7 Poway Sergeant later opined, “[Silva] felt like he could just say whatever he wanted.”

8         51. Sergeant Silva paid an uncomfortable amount of attention to Detective  
9 Stiesmeyer’s physical appearance. For example, when she wore a new pair of pants, Silva  
10 commented that he knew the pants were new because he “could tell by the creases on them”  
11 while staring at her behind. When Detective Stiesmeyer got minor haircuts, Silva was the only  
12 person to notice and comment. Silva once announced that Detective Stiesmeyer liked to change  
13 her uniform shirt in the parking lot if anyone wanted to see her sports bra, which was false as  
14 Detective Stiesmeyer always wore a tank top under her work shirt and never exposed her sports  
15 bra. Silva even noticed, after a lengthy period of time, that Detective Stiesmeyer had not worn  
16 the same shirt twice and commented on that as well. The attention made Detective Stiesmeyer  
17 feel like she was under a microscope, and she changed the way she dressed and scrutinized her  
18 appearance every morning to try to avoid Silva’s inevitable comments.

19         52. Sergeant Silva was also obsessed with Detective Stiesmeyer’s relationship status  
20 and took every opportunity to pry into her personal life, embarrass her, and make tasteless,  
21 offensive comments that intentionally detracted from her desire to just perform her job, like  
22 everyone else. This unwanted attention made Detective Stiesmeyer feel embarrassed, offended,  
23 and disrespected. Following are some examples:

24                 (a) Sergeant Silva falsely claimed Detective Stiesmeyer and a married male  
25 Detective had “crushes” on each other and warned the married Detective he should “wear his  
26 wedding ring to work.” Detective Stiesmeyer later learned that Silva posed a salacious  
27 hypothetical to this Detective about what would happen if he had to go to an out-of-town training  
28

with Detectives Stiesmeyer and Odell and there was only one hotel room. Silva disgustingly asked this Detective, “How would you bend them over and fuck them?”

(b) During a Patrol briefing, Silva announced to everyone that Detective Stiesmeyer was “single” and having trouble finding a date. Silva asked if anyone had family members or friends who would be interested in her and asked them to have them contact him.

(c) Silva told Detective Stiesmeyer he was going to create a “Be on the Lookout” Bulletin (typically created for armed and dangerous suspects and missing persons) to find her a boyfriend.

(d) While executing a search warrant at a bank in Los Angeles, Silva approached a Los Angeles Police Department (“LAPD”) Detective and introduced himself and Detective Stiesmeyer, immediately telling him that Detective Stiesmeyer was “single.” The LAPD Detective responded, “I’m happily married.”

(e) Silva repeatedly asked other employees in the Poway Station if Detective Stiesmeyer was a lesbian and repeatedly asked Detective Stiesmeyer why she did not have a boyfriend.

(f) Silva called Detective Stiesmeyer late one evening, while she was off duty, and asked if he was “interrupting a Peloton date” or a “hot steamy date” or if she was wearing her “fuzzy bunny slippers” for bed. When Detective Stiesmeyer responded, “No” and asked the purpose of his call, Silva claimed she “may or may not” be called into work that evening. Detective Stiesmeyer was not called into work.

(g) Silva called his male colleague in the FBI on speakerphone, told him about Detective Stiesmeyer being single, and then brought the phone over to her, saying, “Here talk to him – he’s great – he’s single.” Detective Stiesmeyer had to tell Silva numerous times that she was not interested before he left her alone. Thereafter, however, Silva incessantly asked Detective Stiesmeyer for a photo of herself to send to his FBI friend. After saying “no” numerous times and making excuses for not providing the photo, she finally gave in because she felt Silva would not leave her alone until he got the photo.

1           53. Sergeant Silva also excessively monitored, micromanaged, and unjustifiably and  
2 falsely criticized Detective Stiesmeyer. For example, Silva monitored Detective Stiesmeyer's  
3 whereabouts while she was out on assignment, questioning where she was, why she was gone,  
4 and how long she would be gone even though Detective Stiesmeyer provided this information  
5 on a whiteboard outside her cubicle, as Silva required. On one occasion, when Detective  
6 Stiesmeyer contacted Elder Abuse Sergeant Orsini to evaluate a case, Silva berated her and  
7 claimed she made a mistake and that Sergeant Orsini asked, "What's with this detective, is she  
8 not very smart?" Silva also lied and said Lieutenant Knobbe was very upset with her for making  
9 him look bad and that she needed to apologize to him. But when Detective Stiesmeyer went to  
10 apologize to Lieutenant Knobbe, he had no idea what she was talking about. Lieutenant Knobbe  
11 later told her that he was never upset with her. Silva made Detective Stiesmeyer feel completely  
12 incompetent, a feeling she never experienced before transferring to Poway and thereafter carried  
13 with her throughout the remainder of her employment.

14           54. In addition to derogatory comments about females, Sergeant Silva also made  
15 inappropriate and offensive disability-related comments about other employees and members of  
16 the public. Silva frequently used the terms "retarded," "retard," or "fat fucking retard" to chastise  
17 employees who he felt did something wrong or asked "stupid" questions. Silva also used these  
18 derogatory terms to refer to people with disabilities or perceived disabilities. When one  
19 Detective wore an autism awareness shirt with a multi-colored puzzle piece on it, Silva asked,  
20 "What's the gay shit on your shirt?" After learning this Detective's son has autism, Silva  
21 patronizingly referred to this Detective as his "special child" thereafter. Silva even made a  
22 hearing-impaired employee cry when he made fun of her for not being able to hear him, faking  
23 sign language and saying he was going to take up a collection to get her new hearing aid  
24 batteries. Silva later blamed Detectives Stiesmeyer and Odell for not informing him that she was  
25 hearing impaired, even though he clearly knew she was.

26           55. In the approximately three months Detective Stiesmeyer worked with Sergeant  
27 Silva, his harassment became so bad that other employees finally started to speak up. One time,  
28 when Silva was commenting on Detective Stiesmeyer's attire, one Detective told him, "Geez

1 Sarge, give her a break, stop noticing everything.” Another Detective later told Detective  
2 Stiesmeyer, “I’m really tired of watching you be so sexually harassed. I can’t watch you continue  
3 to go through this.” On another occasion, a different Detective told Silva to stop talking about  
4 Detective Stiesmeyer’s dating life. But Silva was merciless.

5 56. Indeed, the harassment and discrimination were so severe and pervasive that  
6 Detective Stiesmeyer was always on pins and needles, unable to focus on work, and was  
7 constantly waiting for the next harassing incident to occur. She started going into work on her  
8 days off or scheduling overtime, when Silva was not there, just to get work done. Detective  
9 Stiesmeyer became depressed, crying nearly every day, unable to sleep, unable to eat, self-  
10 isolating from her colleagues, family, and friends, and regretting her decision to transfer to the  
11 Poway Station. She started reading the book *Emotional Survival for Law Enforcement* and began  
12 considering taking a demotion to Patrol to escape Silva.

13 57. By July 9, 2021, Detective Stiesmeyer decided she could no longer take the abuse  
14 and planned to put in her request to be demoted to Patrol. She went to work visibly upset. When  
15 one Detective came to check on her and asked, “Do you regret your decision to come here,”  
16 Detective Stiesmeyer broke down in tears and nodded her head but did not want to talk about  
17 what was happening. Detective Stiesmeyer then went into the women’s locker room and told  
18 Detective Odell she could not work at the Station any longer and was going to request a  
19 demotion. The female Deputy who was harassed by Silva when she was pregnant was in the  
20 locker room and overheard Detective Stiesmeyer talking about him. She told Detective  
21 Stiesmeyer she was also a victim of Silva’s harassment, that she reported it to Lieutenant  
22 Knobbe, but nothing was done. Thereafter, Detectives Stiesmeyer and Odell went for a drive  
23 and talked about Detective Stiesmeyer’s options.

24 58. When Detectives Stiesmeyer and Odell returned, Patrol Sergeant Ben Chassen,  
25 who works in a separate part of the Poway Station, approached her, asked what was wrong,  
26 stating he refused to let one of his best Detectives sit at her desk and cry. When Detective  
27 Stiesmeyer finally just pointed to Sergeant Silva’s office, Sergeant Chassen told her that she  
28 needed to report him. But Detective Stiesmeyer was scared to report Silva. She was afraid of

1 being seen as the “snitch” or the “weak female” because everyone else in the Station tolerated  
2 his behavior. She was also afraid that reporting Silva would subject her to retaliation that could  
3 ruin her career. Detectives Stiesmeyer and Odell then went into Sergeant Chassen’s office and  
4 spent a couple hours detailing Silva’s harassment and discrimination. Visibly upset, Sergeant  
5 Chassen admitted what they were describing was violations of the Department’s Policy and  
6 Procedure Section 3.47 – Discrimination and Sexual Harassment, and took the action he was  
7 mandated to take and that no one else had done – he reported Silva to IA.

8 59. Two days later, on July 11, 2021, Silva was removed from the Poway Station. It  
9 was at this time that Detective Ralph learned, from another Poway Detective, of Detective  
10 Stiesmeyer and the similar harassment and discrimination she endured under Silva. Detective  
11 Ralph was warned she would likely be called in for an interview during the IA investigation.

12 **The Department Responded to the Sexual Harassment Report in the Same Ineffective**  
13 **Manner that it Handles All Harassment Complaints, Subjecting Detective Stiesmeyer to**  
14 **Retaliation from Sergeant Silva’s Cronies In the Process**

15 60. Like in other cases of sexual harassment, Sergeant Silva was not placed on leave,  
16 but was instead reassigned from Poway to another location while IA Sergeant John Malan  
17 investigated. When Detective Stiesmeyer complained to IA that Silva was now in much closer  
18 proximity to her as she lived very close to that location, the Department did nothing. Detective  
19 Stiesmeyer felt like a prisoner in her home and was afraid to go out for walks or to run errands  
20 for fear of running into Silva. Detective Stiesmeyer also avoided going to Silva’s new location,  
21 even when that meant foregoing career advancement opportunities at that location.

22 61. Also as in other sexual harassment cases, Sheriff William Gore sent out a  
23 department-wide email, disingenuously claiming, “The Sheriff’s Department has policies and  
24 practices to prevent sexual harassment and a hostile work environment. In addition, the values  
25 of this organization are such that no employee should ever feel uncomfortable in the workplace.”  
26 Sheriff Gore reminded everyone that, “If you witness offensive behavior, it is your duty to  
27 intervene, correct, or report the situation” and “it is everyone’s responsibility to prevent  
28 harassment.” But like the Department’s Policies and Procedures, this email was just lip service,

1 meant to give the appearance that the Department takes reasonable steps to prevent sexual  
2 harassment and discrimination when it does not.

3 62. Over the next ten months, IA Sergeant Malan interviewed 24 witnesses,  
4 including Detectives Ralph and Stiesmeyer who detailed some, but not all the harassment and  
5 discrimination they suffered as there were simply too many incidents for them to fully recount.  
6 Sergeant Malan also interviewed the formerly pregnant Deputy harassed by Silva, who detailed  
7 her own harassment and her report to Lieutenant Knobbe. Other employees reported additional  
8 inappropriate and offensive conduct by Silva including referring to members of the black  
9 community as “monkeys” and using the “N” word. Importantly, Sergeant Malan never  
10 interviewed Silva. Not only was Silva able to stay on duty during the investigation, but the  
11 Department allowed him to avoid facing and responding to the accusations against him.

12 63. In the meantime, Silva’s friends at the Poway Station, Detectives Justin Cole and  
13 Vernon “Tom” Willis, began an investigation of their own to find out who made the IA report.  
14 Detectives Cole and Willis made vague threats of retaliation if they ever found out who  
15 complained, stating they “could never work with that person.” Further, Detectives Cole and  
16 Willis continued to receive phone calls from Silva while at work and meet up with Silva after  
17 work. Detective Stiesmeyer feared not only retaliation from Detectives Cole and Willis, but that  
18 they would report to Silva anything they heard about the investigation in violation of the gag  
19 order. Further, Detective Stiesmeyer was terrified for her safety if/when it came out that she was  
20 the complainant. Detective Stiesmeyer reported her concerns to IA, but they did nothing to  
21 ensure her safety or that she would not be retaliated against.

22 64. As time went on, Detective Stiesmeyer’s fear of retaliation and anxiety grew.  
23 Like Detective Ralph, she wanted to get out of Poway to escape the toxic environment, and in  
24 October 2021, she applied for the Child Abuse Unit. When word got around the Poway Station  
25 that Detective Stiesmeyer was trying to transfer, Detective Willis asked Detective Odell, “I  
26 wonder why [Detective Stiesmeyer] put in for Child Abuse? Is that so she can be gone when we  
27 all find out she did this to him?” Detective Stiesmeyer also learned that Detective Willis was  
28 telling others in Poway, “So this is all making sense. She comes to the Station, makes a mess,

1 does this to Silva, and then gets out before it comes to light.” Thereafter, Detective Stiesmeyer  
2 was passed up for the Child Abuse position, leaving her in Poway.

3 65. At the same time, Detective Willis began making inappropriate, retaliatory  
4 comments to Detective Stiesmeyer. For example, when Detective Willis was waiting to hear  
5 back from a rape victim to schedule a controlled call during an investigation, he complained to  
6 Detective Stiesmeyer several times that, “It is a huge deal to report something like this and ruin  
7 somebody’s life, especially when they have kids and a wife ...” Detective Willis was so insistent,  
8 Detective Stiesmeyer took it as a veiled attempt to chastise her for reporting Silva and “ruining  
9 his life.” Detective Willis also began micromanaging Detective Stiesmeyer by closely  
10 monitoring and questioning her whereabouts, like Silva used to do. Detective Cole began  
11 retaliating against Detective Stiesmeyer as well. For example, while Detective Stiesmeyer was  
12 out on vacation over Christmas, Detective Cole assigned her multiple “workable” cases that  
13 came in, meaning they all needed immediate follow-up, in violation of protocol. Other  
14 Detectives noticed and agreed Detective Cole was bullying her.

15 66. Detective Stiesmeyer’s anxiety skyrocketed. It was getting harder and harder for  
16 her to come into work as she had to walk on eggshells around Sergeant Silva’s cronies. Between  
17 November and December 2021, Detective Stiesmeyer reported Detectives Willis and Cole’s  
18 retaliatory comments and actions, and her resulting emotional and mental distress, numerous  
19 times to Sergeant Malan. Detective Stiesmeyer pleaded to be removed from the Poway Station,  
20 as opposed to removing Willis or Cole, as she felt their removal would only aggravate the  
21 situation and put another target on her back. As such, she continued to seek opportunities outside  
22 of Poway, submitting her application for an open position in the Elder Abuse Unit, where  
23 Detective Ralph worked, in December 2021.

24 67. Thereafter, on January 3, 2022, IA removed Detective Willis from the Poway  
25 Station and opened another investigation. Detective Cole immediately came for Detective  
26 Stiesmeyer, asking her what happened and proclaiming, “No one is safe.” Detective Stiesmeyer  
27 reported these comments to IA Sergeant Claudia Delgado, who was conducting the Willis  
28



1 investigation, and again requested to be removed from the Poway Station, stating she was in the  
2 process of interviewing for Elder Abuse. But nothing was done.

3 68. After word got out at the Poway Station that Detective Stiesmeyer was  
4 interviewing for Elder Abuse, Detective Cole went on the attack again. He called Detective  
5 Ralph and insinuated Detective Stiesmeyer was a problem in Poway and would be a problem  
6 for Elder Abuse if they hired her. He also met with a Poway Sergeant and asked to have a  
7 Detective meeting about “trust” because there was a “rat” in the Unit. At the Poway Station,  
8 Detective Cole told Detective Stiesmeyer, “Don’t let the door hit you in the ass on your way  
9 out” and asked, “Do you need me to get you some boxes so you can start packing?”

10 69. In the meantime, Detective Stiesmeyer waited for a response from Elder Abuse.  
11 She was the most qualified of the five applicants, possessing the required investigative  
12 experience and a proven track record of excellent performance. Indeed, Detective Stiesmeyer  
13 was selected by the Elder Abuse Sergeant and Lieutenant and her name was sent to Major Crimes  
14 Commander Charles Cinnamo for final approval for the position. But Commander Cinnamo  
15 rejected her. Ultimately, on January 13, 2022, Commander Cinnamo selected an underqualified  
16 male with much less recent investigative experience for the position, once again leaving  
17 Detective Stiesmeyer in Poway.

18 70. Detective Stiesmeyer was devastated and believed this was not only retaliation,  
19 but that the Department was intentionally subjecting her to continued abuse in the Poway Station  
20 because of her IA reports. This career blackballing not only confirmed Detective Stiesmeyer’s  
21 fears of retaliation for reporting Sergeant Silva and Detective Willis, but sent a warning to others  
22 in the Department to remain silent regarding sexual harassment or suffer the consequences.

23 **Due to the Department’s Proven Track Record of Failing to Prevent Harassment,**  
24 **Discrimination, and Retaliation, Detectives Ralph and Stiesmeyer Were Forced to Quit**

25 71. After being denied the Elder Abuse position and an escape from Poway,  
26 Detective Stiesmeyer’s physical, mental, and emotional health significantly declined. She was  
27 suffering from panic attacks, migraines, insomnia, nausea, vomiting, and hair loss related to  
28 Silva’s harassment and discrimination and the retaliation she continued to suffer because she

1 took a stand against him. Meanwhile, it was six months into the Silva investigation, he was still  
2 on duty with no conclusion, and Detective Cole was still on a witch hunt to find the “rat.”

3 72. By February 3, 2022, Detective Stiesmeyer had reached her breaking point. The  
4 hostile, intimidating, offensive, oppressive, and abusive work environment became so  
5 unbearable, and her physical, mental, and emotional health so deteriorated, that she could no  
6 longer work in such an environment. In her February 3, 2022 resignation email, Detective  
7 Stiesmeyer explained, “I am resigning due to the sexual harassment, hostile work environment,  
8 and retaliation I have been experiencing since I started at the Poway Sheriff’s Station, which has  
9 gotten worse since I reported to Internal Affairs. You have not taken the appropriate action to  
10 stop the conduct when you found out about it over 7 months ago. My health has been  
11 tremendously affected by this and I cannot continue working in this environment. I feel I have  
12 no choice but to resign.” And with that, Detective Stiesmeyer was forced to give up the job she  
13 loved and was constructively terminated on February 18, 2022.

14 73. Thereafter, on or about March 31, 2022, while Sergeant Silva’s IA investigation  
15 remained ongoing, Silva was allowed to resign in lieu of any discipline or termination and  
16 without suffering any consequences from the harassment and discrimination he inflicted on  
17 Detectives Ralph and Stiesmeyer for years.<sup>8</sup> Silva is currently collecting a lifetime pension  
18 beginning at approximately \$5,000 a month.<sup>9</sup>

19 74. After learning that, once again, the Department allowed a known sexual harasser  
20 to retire in lieu of termination or any discipline, Detective Ralph also reached her breaking point  
21 and knew she needed to get out of the Department. In her April 29, 2022 resignation email,  
22 Detective Ralph explained, “I am resigning because the Department continues to ignore  
23 numerous sexual harassment complaints against Sergeant Silva. Instead it has allowed him to  
24 resign without being subjected to any discipline. My health and wellbeing have been so  
25 negatively impacted by Sergeant Silva’s harassment that I had to take steps to get away from

26  
27 <sup>8</sup> See <https://www.sandiegouniontribune.com/news/watchdog/story/2022-07-04/sheriffs-sergeant-lauded-for-stun-gun-shootings-resigns-from-department> (last visited August 31, 2022).  
28 <sup>9</sup> *Id.*

him by transferring to another unit. Hearing that Sergeant Silva has resigned without any consequences is devastating. Being a detective, our number 1 goal is to investigate the crime until we find the suspect and put them in jail so the victim has justice. But it is clear the Department does not do the same for its own employees. It does not protect its employees from sexual harassment and it takes no steps to correct sexual harassment when it occurs. I am no longer willing to put my life on the line for a Department that does not protect me. I feel I have no choice but to resign.” And with that, Detective Ralph was also forced to give up the job she loved and was constructively terminated on May 13, 2022.

**Ultimately, the Department Sustained All Allegations Against Sergeant Silva, Admitting Liability for His Harassment and Discrimination**

75. Thereafter, on May 2, 2022, the Department concluded its investigation and made the following findings against Sergeant Silva:

(a) **“SUSTAINED** as it relates to Sheriff’s Policy and Procedure, **Section 2.54 – Sexual Harassment**, in that: Over the course of several years, Sergeant Silva created a hostile work environment by making unwanted, offensive, and inappropriate sexual comments to subordinates that were gender based and pervasive in nature. The conduct had the effect of unreasonably interfering with individuals’ work performance and created an intimidating, hostile, and offensive work environment. Employees shall not participate in or allow behaviors or situation that they know or should know constitute sexual harassment as outlined in state and federal law.”

(b) **“SUSTAINED** as it relates to Sheriff’s Policy and Procedure, **Section 2.3 – Violation of Rules**, as it relates to Sheriff’s Policy and Procedure **Section 3.47 – Discrimination and Sexual Harassment**, in that: Over the course of several years, Sergeant Silva discriminated against female subordinates through verbal harassment. He marginalized individuals by assuming and starting rumors that most female law enforcement personnel were lesbians or were successful by means of their bodies or performing sexual acts for career advancement. These generalized sexist statements conveyed insulting, degrading, and sexist attitudes.”

1 (c) “**SUSTAINED** as it relates to Sheriff’s Policy and Procedure, **Section**  
2 **2.53 – Discrimination**, in that: Over the course of several years, Sergeant Silva discriminated  
3 against pregnant female subordinates in the form of micromanaging, threats of being moved  
4 from the station, and painting pregnancy in a negative light. Silva’s actions caused pregnant  
5 females to experience distress and lack of purpose in the workplace. Employees shall not express  
6 any prejudice or harassment concerning pregnancy.”

7 (d) “**SUSTAINED** as it relates to Sheriff’s Policy and Procedure, **Section**  
8 **2.22 – Courtesy**, in that: Over the course of several years, Sergeant Silva fostered a culture of  
9 control, intimidation, and manipulation. He treated his subordinates with disrespect and targeted  
10 individuals to maintain a perceived sense of dictatorial authority. Employees shall be tactful in  
11 the performance of their duties and be courteous to fellow employees.”

12 (e) The Department also sustained violations of Sheriff’s Policy and  
13 Procedure, **Section 2.53 – Discrimination** and **Section 3.47 – Discrimination and Sexual**  
14 **Harassment** relating to Silva’s racially charged inappropriate comments about members of the  
15 black community.

16 76. In sustaining these findings, Sergeant Malan also noted:

17 (a) “The harassment met the threshold of being ‘severe or pervasive’ because  
18 it happened several times a day over several years. Many interviewees experienced what  
19 was described as a culture of inappropriate behavior and felt it eventually became accepted and  
20 normalized due to the consistency in which it occurred.”

21 (b) “Based on the statements provided it is clear any reasonable person in the  
22 employee’s position would also find the circumstances and actions of Silva as hostile, abusive,  
23 or offensive. Additionally, many of the employees suffered a great deal of emotional distress  
24 that ultimately interfered with their psychological and physical well-being and subsequently  
25 impacted their work and personal lives.”

26 (c) “Many employees became disheartened and frustrated because of the  
27 culture that was created by Silva and the way he would treat people. They expressed fear of  
28 retaliation and even believed they could be fired or transferred if they spoke out.”

(d) “The workplace culture at the Poway Station became dictatorial in nature and Silva manipulated subordinates through control and intimidation.”

(e) “[Silva] dismissed the Department’s guiding principles and conducted himself in a manner that exposed our employees to unjust mental and physical anguish because of his selfish and reckless behavior.”

77. Detectives Ralph and Stiesmeyer lost their dream careers, the citizens of San Diego lost highly competent and skilled law enforcement officers, and the taxpayers will ultimately lose when the County and Silva are found civilly liable for harassment and discrimination, and they are left to cover the judgment. Because of Defendants’ unlawful conduct, Plaintiffs have incurred substantial damages, including, without limitation, loss of wages and benefits, pain and suffering, anguish, fright, nervousness, grief, anxiety, worry, shock, humiliation, depression, embarrassment, loss of reputation, and shame.

### **FIRST CAUSE OF ACTION**

#### **Harassment (Hostile Work Environment) – Conduct Directed at Plaintiffs In Violation of Government Code §12940(j) (Against Defendants County of San Diego, Shawn Silva, and DOES 1 – 25)**

78. Plaintiffs reallege and incorporate herein by reference each and every allegation in the preceding and subsequent paragraphs.

79. It is unlawful “[f]or an employer . . . because of . . . marital status, sex, gender . . . to harass an employee ....” Government Code (“Gov’t Code”) §12940(j)(1). “[H]arassment” because of sex includes sexual harassment, gender harassment” and “need not be motivated by sexual desire.” Gov’t Code §12940(j)(4)(C). “Harassment of an employee . . . other than an agent or supervisor, shall be unlawful if the entity, or its agents or supervisors, knows or should have known of this conduct and fails to take immediate and appropriate corrective action.” Gov’t Code §12940(j)(1). Employers are strictly liable for sexual harassment by a supervisor. *State Dep’t of Health Servs. v. Super. Ct.*, 31 Cal. 4th 1026, 1041 (2003). Further, “[a]n employee . . . is personally liable for any harassment prohibited by this section that

is perpetrated by the employee, regardless of whether the employer or covered entity knows or should have known of the conduct and fails to take immediate and appropriate corrective action.” Gov’t Code §12940(j)(3). “An entity shall take all reasonable steps to prevent harassment from occurring. Loss of tangible job benefits shall not be necessary in order to establish harassment.” Gov’t Code §12940(j)(1).

80. “[H]arassment creates a hostile, offensive, oppressive, or intimidating work environment and deprives victims of their statutory right to work in a place free of discrimination when harassing conduct sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim’s emotional tranquility in the workplace, affect the victim’s ability to perform the job as usual, or otherwise interfere with and undermine the victim’s personal sense of well-being.” Gov’t Code §12923(a). “[I]n a workplace harassment suit ‘the plaintiff need not prove that his or her tangible productivity has declined as a result of the harassment. It suffices to prove that a reasonable person subjected to the discriminatory conduct would find ... that the harassment so altered working conditions as to make it more difficult to do the job.’” *Id.* (citing *Harris v. Forklift Systems*, 510 U.S. 17, 26 (1993)). “A single incident of harassing conduct is sufficient to create a triable issue regarding the existence of a hostile work environment if the harassing conduct has unreasonably interfered with the plaintiff’s work performance or created an intimidating, hostile, or offensive working environment.” Gov’t Code §12923(b).

81. At all relevant times mentioned herein, Defendants were an employer and Plaintiffs were Defendants’ employees.

82. While Plaintiffs were employed by Defendants, Silva was Plaintiffs’ supervisor because he had the authority in the interest of Defendants “to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action.” Gov’t Code §12926(t).

83. At all relevant times mentioned herein, Plaintiffs were in a class of persons protected by Government Code §12940 because of their sex/gender as females and, as to

Plaintiff Stiesmeyer, her marital status. Defendants were aware of Plaintiffs' sex/gender as females and, as to Plaintiff Stiesmeyer, her marital status.

84. As alleged herein, and in violation of Government Code §12940(j), Defendants and Silva subjected Plaintiffs to harassing conduct because of their sex/gender and, as to Plaintiff Stiesmeyer, her marital status. Among other harassment, Defendants and Silva engaged in incessant verbal harassment including obscene language, demeaning comments, slurs, and threats, including: (a) making unwanted, offensive, and inappropriate sexual comments about their sexual orientation, sexual relationships, marital status, and physical appearance; and (b) marginalizing Plaintiffs by making generalized sexist statements to convey insulting, degrading, and sexist attitudes.

85. The harassing conduct was severe and pervasive as it sufficiently offended, humiliated, distressed, and/or intruded upon Plaintiffs so as to disrupt Plaintiffs' emotional tranquility in the workplace, affect Plaintiffs' ability to perform the job as usual, and/or otherwise interfered with and undermined Plaintiffs' personal sense of well-being.

86. A reasonable woman in Plaintiffs' circumstances would have considered the work environment to be hostile, intimidating offensive, oppressive, or abusive and Plaintiffs considered the work environment to be hostile, intimidating offensive, oppressive, or abusive.

87. Silva abused his position of authority as a supervisor and engaged in the harassing conduct against Plaintiffs. Furthermore, Defendants knew or should have known of the harassing conduct and failed to take immediate and appropriate corrective action.

88. As a proximate result of Defendants' and Silva's wrongful conduct, Plaintiffs have suffered, and continue to suffer, substantial losses in earnings, earning capacity, and other benefits of employment, all in an amount to be determined according to proof at the time of trial. Plaintiffs will also suffer tax consequences due to Defendants' failure to pay Plaintiffs money owed, which will come due in a lump sum in the future. Accordingly, Plaintiffs are entitled to an additional amount of damages to offset the tax consequences of a lump sum award for lost earnings, plus interest.

89. As a further proximate result of Defendants’ and Silva’s wrongful conduct, Plaintiffs have suffered, and continue to suffer, humiliation, embarrassment, emotional distress, and mental anguish, all in an amount to be determined according to proof at the time of trial.

90. Silva acted with oppression, fraud, malice, and with conscious disregard for the rights and safety of Plaintiffs, and Plaintiffs are therefore entitled to punitive damages against Silva in an amount appropriate to punish and make an example of Silva.

91. Plaintiffs are also entitled to attorneys’ fees and costs pursuant to Government Code §12965(c)(6), because of Defendants’ and Silva’s wrongful conduct.

## SECOND CAUSE OF ACTION

### **Harassment (Hostile Work Environment) – Conduct Directed at Others In Violation of Government Code §12940(j) (Against Defendants County of San Diego, Shawn Silva, and DOES 1 – 25)**

92. Plaintiffs reallege and incorporate herein by reference each and every allegation in the preceding and subsequent paragraphs.

93. It is unlawful “[f]or an employer . . . because of . . . sex, gender . . . to harass an employee ....” Gov’t Code §12940(j)(1). “[H]arassment” because of sex includes sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, or related medical conditions” and “need not be motivated by sexual desire.” Gov’t Code §12940(j)(4)(C). “Harassment of an employee . . . other than an agent or supervisor, shall be unlawful if the entity, or its agents or supervisors, knows or should have known of this conduct and fails to take immediate and appropriate corrective action.” Gov’t Code §12940(j)(1). Employers are strictly liable for sexual harassment by a supervisor. *State Dep’t of Health Servs. v. Super. Ct.*, 31 Cal. 4th 1026, 1041 (2003). Further, “[a]n employee . . . is personally liable for any harassment prohibited by this section that is perpetrated by the employee, regardless of whether the employer or covered entity knows or should have known of the conduct and fails to take immediate and appropriate corrective action.” Gov’t Code §12940(j)(3). “An entity shall take all reasonable steps to prevent harassment from occurring. Loss of tangible job benefits shall not



be necessary in order to establish harassment.” Gov’t Code §12940(j)(1).

94. “[H]arassment creates a hostile, offensive, oppressive, or intimidating work environment and deprives victims of their statutory right to work in a place free of discrimination when harassing conduct sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim’s emotional tranquility in the workplace, affect the victim’s ability to perform the job as usual, or otherwise interfere with and undermine the victim’s personal sense of well-being.” Gov’t Code §12923(a). “[I]n a workplace harassment suit ‘the plaintiff need not prove that his or her tangible productivity has declined as a result of the harassment. It suffices to prove that a reasonable person subjected to the discriminatory conduct would find ... that the harassment so altered working conditions as to make it more difficult to do the job.’” *Id.* (citing *Harris v. Forklift Systems*, 510 U.S. 17, 26 (1993)). “A single incident of harassing conduct is sufficient to create a triable issue regarding the existence of a hostile work environment if the harassing conduct has unreasonably interfered with the plaintiff’s work performance or created an intimidating, hostile, or offensive working environment.” Gov’t Code §12923(b).

95. At all relevant times mentioned herein, Defendants were an employer and Plaintiffs were Defendants’ employees.

96. While Plaintiffs were employed by Defendants, Silva was Plaintiffs’ supervisor because he had the authority in the interest of Defendants “to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action.” Gov’t Code §12926(t).

97. As alleged herein, and in violation of Government Code §12940(j), Plaintiffs personally witnessed harassing conduct that took place in their immediate work environment including, but not limited to, Silva’s incessant verbal harassment such as obscene language, demeaning comments, slurs, and threats to other females, including: (a) making unwanted, offensive, and inappropriate sexual comments about other females’ sexual orientation, sexual relationships, marital status, and physical appearance; (b) marginalizing other females by making generalized sexist statements to convey insulting, degrading, and sexist attitudes; and

(c) making negative and/or sexual comments about pregnant females, pregnancy, pregnancy accommodations, and the physical appearances of pregnant females.

98. The harassing conduct was severe and pervasive as it sufficiently offended, humiliated, distressed, and/or intruded upon Plaintiffs so as to disrupt Plaintiffs' emotional tranquility in the workplace, affect Plaintiffs' ability to perform the job as usual, and/or otherwise interfered with and undermined Plaintiffs' personal sense of well-being.

99. A reasonable woman in Plaintiffs' circumstances would have considered the work environment to be hostile, intimidating offensive, oppressive, or abusive and Plaintiffs considered the work environment to be hostile, intimidating offensive, oppressive, or abusive.

100. Defendant Silva abused his position of authority as a supervisor and engaged in the harassing conduct against others in Plaintiffs' immediate work environment. Furthermore, Defendant County knew or should have known of the harassing conduct and failed to take immediate and appropriate corrective action.

101. As a proximate result of Defendants' wrongful conduct, Plaintiffs have suffered, and continue to suffer, substantial losses in earnings, earning capacity, and other benefits of employment, all in an amount to be determined according to proof at the time of trial. Plaintiffs will also suffer tax consequences due to Defendants' failure to pay Plaintiffs money owed, which will come due in a lump sum in the future. Accordingly, Plaintiffs are entitled to an additional amount of damages to offset the tax consequences of a lump sum award for lost earnings, plus interest.

102. As a further proximate result of Defendants' wrongful conduct, Plaintiffs have suffered, and continue to suffer, humiliation, embarrassment, emotional distress, and mental anguish, all in an amount to be determined according to proof at the time of trial.

103. Defendant Silva acted with oppression, fraud, malice, and with conscious disregard for the rights and safety of Plaintiffs, and Plaintiffs are therefore entitled to punitive damages against Defendant Silva in an amount appropriate to punish and make an example of Defendant Silva.

104. Plaintiffs are also entitled to attorneys' fees and costs pursuant to Government Code §12965(c)(6), because of Defendants' wrongful conduct.

### THIRD CAUSE OF ACTION

#### **Sex/Gender Discrimination (Disparate Treatment) In Violation of Government Code §12940(a) (Against Defendants County of San Diego and DOES 1 – 25)**

105. Plaintiffs reallege and incorporate herein by reference each and every allegation in the preceding and subsequent paragraphs.

106. Government Code §12940(a) states in pertinent part: "It is an unlawful employment practice . . . [f]or an employer, because of the . . . sex, gender . . . of any person . . . to discharge the person from employment . . . or to discriminate against the person in compensation or in terms, conditions, or privileges of employment." Gov't Code §12940(a). "A constructive discharge is equivalent to a dismissal" and occurs "when the employer coerces the employee's resignation, either by creating working conditions that are intolerable under an objective standard, or by failing to remedy objectively intolerable working conditions that actually are known to the employer." *Mullins v. Rockwell Internat. Corp.*, 15 Cal. 4th 731, 737 (1997).

107. At all relevant times mentioned herein, Defendants were an employer and Plaintiffs were Defendants' employees.

108. At all relevant times mentioned herein, Plaintiffs were in a class of persons protected by Government Code §12940 because of their sex and gender as females, and Defendants were aware of Plaintiffs' sex and gender as females.

109. As set forth above, and in violation of Government Code §12940 (a), Defendants discriminated against Plaintiffs because of their sex and gender. Among other discriminatory actions, Defendants: (1) denied Plaintiffs the right to a harassment-free work environment by subjecting them to harassment directed at them, and harassment directed at other females, based on their sex and gender; (2) micromanaged, monitored, and unfairly scrutinized Plaintiffs' performance as compared to their male colleagues; (3) unfairly berated, reprimanded, and

disciplined Plaintiffs; (4) as to Plaintiff Stiesmeyer, denied her applications to the Child Abuse and Elder Abuse Units; and (5) wrongfully constructively terminated their employment.

110. As a proximate result of Defendants' wrongful conduct, Plaintiffs have suffered, and continue to suffer, substantial losses in earnings, earning capacity, and other benefits of employment, all in an amount to be determined according to proof at the time of trial. Plaintiffs will also suffer tax consequences due to Defendants' failure to pay Plaintiffs money owed, which will come due in a lump sum in the future. Accordingly, Plaintiffs are entitled to an additional amount of damages to offset the tax consequences of a lump sum award for lost earnings, plus interest.

111. As a further proximate result of Defendants' wrongful conduct, Plaintiffs have suffered, and continue to suffer, humiliation, embarrassment, emotional distress, and mental anguish, all in an amount to be determined according to proof at the time of trial.

112. Plaintiffs are also entitled to attorneys' fees and costs pursuant to Government Code §12965(c)(j), because of Defendants' wrongful conduct.

#### **FOURTH CAUSE OF ACTION**

##### **Retaliation**

##### **In Violation of Government Code §12940(h)**

##### **(Against Defendants County of San Diego and DOES 1 – 25)**

113. Plaintiffs reallege and incorporate herein by reference each and every allegation in the preceding and subsequent paragraphs.

114. Government Code §12940(h) makes it unlawful for an employer to retaliate against, or otherwise "discriminate against any person because the person has opposed any practices forbidden" by the FEHA, including sex and gender harassment and discrimination.

115. As set forth above, Plaintiffs made numerous protected complaints to Defendants regarding sex and gender harassment and discrimination, including to mandated reporters such as Detectives, Sergeants, and Lieutenants, and to Defendants' Internal Affairs which opened two investigations. Defendants did not take immediate and reasonable corrective action in response to Plaintiffs' complaints.

116. Instead, in violation of Government Code §11940(h), Defendants retaliated against Plaintiffs including by: (1) denying Plaintiffs the right to a harassment-free work environment by subjecting them to harassment based on their sex and gender; (2) micromanaging, monitoring, and unfairly scrutinizing Plaintiffs' performance; (3) unfairly berating, reprimanding, and disciplining Plaintiffs; (4) as to Plaintiff Ralph, failing to certify her for Sergeant; (5) as to Plaintiff Stiesmeyer, denying her applications to the Child Abuse and Elder Abuse Units; and (6) wrongfully constructively terminating their employment. Plaintiffs' protected complaints were a substantial motivating reason for Defendants' retaliatory actions.

117. As a proximate result of Defendants' wrongful conduct, Plaintiffs have suffered, and continue to suffer, substantial losses in earnings, earning capacity, and other benefits of employment, all in an amount to be determined according to proof at the time of trial. Plaintiffs will also suffer tax consequences due to Defendants' failure to pay Plaintiffs money owed, which will come due in a lump sum in the future. Accordingly, Plaintiffs are entitled to an additional amount of damages to offset the tax consequences of a lump sum award for lost earnings, plus interest.

118. As a further proximate result of Defendants' wrongful conduct, Plaintiffs have suffered, and continue to suffer, humiliation, embarrassment, emotional distress, and mental anguish, all in an amount to be determined according to proof at the time of trial.

119. Plaintiffs are also entitled to attorneys' fees and costs pursuant to Government Code §12965(c)(j), because of Defendants' wrongful conduct

# **FIFTH CAUSE OF ACTION**

## **Failure to Prevent Discrimination, Harassment, and Retaliation**

### **In Violation of Government Code §12940(k) (Against Defendants County of San Diego and DOES 1 – 25)**

120. Plaintiffs reallege and incorporate here by reference each and every allegation in the preceding and subsequent paragraphs.

121. Government Code §12940(k) makes it unlawful "[f]or an employer . . . to fail to take all reasonable steps necessary to prevent discrimination and harassment from occurring."

Gov't Code §12940. "[R]etaliatio[n] is a form of discrimination actionable under [Government Code] section 12940, subdivision (k)." *Taylor v. City of L.A. Dep't of Water & Power*, 144 Cal. App. 4th 1216, 1240 (2006) (disapproved on other grounds in *Jones v. Lodge at Torrey Pines P'ship*, 42 Cal. 4th 1158, 1173-74 (2008)).

122. As set forth above, Defendants harassed, discriminated against, and retaliated against Plaintiffs based on their sex, gender, and/or marital status and retaliated against them based on their complaints of harassment and discrimination.

123. At all times mentioned herein, Defendants were aware of the harassing, discriminatory, and retaliatory conduct toward Plaintiffs and failed to take reasonable steps to prevent such conduct from occurring. Thus, Defendants violated Government Code §12940(k).

124. As a proximate result of Defendants' wrongful conduct, Plaintiffs have suffered, and continue to suffer, substantial losses in earnings, earning capacity, and other benefits of employment, all in an amount to be determined according to proof at the time of trial. Plaintiffs will also suffer tax consequences due to Defendants' failure to pay Plaintiffs money owed, which will come due in a lump sum in the future. Accordingly, Plaintiffs are entitled to an additional amount of damages to offset the tax consequences of a lump sum award for lost earnings, plus interest.

125. As a further proximate result of Defendants' wrongful conduct, Plaintiffs have suffered, and continue to suffer, humiliation, embarrassment, emotional distress, and mental anguish, all in an amount to be determined according to proof at the time of trial.

126. Plaintiffs are also entitled to attorneys' fees and costs pursuant to Government Code §12965(c)(6), because of Defendants' wrongful conduct.

### **PRAYER**

WHEREFORE, the Plaintiffs seek judgment as follows:

A. For compensatory damages, including but not limited loss of wages and benefits (past and future), damages to offset the tax consequences of a lump sum award for lost wages and benefits, and emotional distress damages (past and future) according to proof at trial;

B. For pre-judgment and post-judgment interest to the extent allowable by law;

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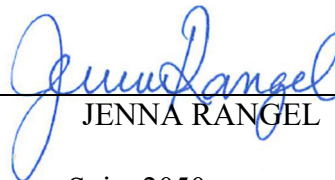
- C. For punitive or exemplary damages against Silva;
- D. For attorneys' fees and costs pursuant to Government Code §12965(c)(6) and any other applicable statute;
- E. For injunctive relief; and
- F. For any other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs demand a trial by jury on all claims.

Dated: August 31, 2022

HAEGGQUIST & ECK, LLP  
ALREEN HAEGGQUIST (221858)  
JENNA RANGEL (272735)

By:   
JENNA RANGEL

225 Broadway, Suite 2050  
San Diego, CA 92101  
Telephone: (619) 342-8000  
Facsimile: (619) 342-7878

Attorneys for Plaintiffs Deborah Stiesmeyer and  
Stacey Ralph

# EXHIBIT 1





## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711  
<http://www.dfeh.ca.gov> | Email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

August 26, 2022

Jenna Rangel  
225 Broadway, Suite 2050  
San Diego, CA 92101

RE: **Notice to Complainant's Attorney**  
DFEH Matter Number: 202208-18050626  
Right to Sue: Stiesmeyer / County of San Diego - Sheriff's Department et al.

Dear Jenna Rangel:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) 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, DFEH 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 DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
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<http://www.dfeh.ca.gov> | Email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

August 26, 2022

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

DFEH Matter Number: 202208-18050626

Right to Sue: Stiesmeyer / County of San Diego - Sheriff's Department et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) 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.

This matter may qualify for DFEH's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in DFEH's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in DFEH's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact DFEH's Small Employer Family Leave Mediation Pilot Program by emailing [DRDOnlineRequests@dfeh.ca.gov](mailto:DRDOnlineRequests@dfeh.ca.gov) and include the DFEH matter number indicated on the Right to Sue notice.

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

No response to DFEH is requested or required.

Sincerely,



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

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Department of Fair Employment and Housing



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August 26, 2022

Deborah Stiesmeyer  
225 Broadway, Suite 2050  
San Diego, 92101

RE: **Notice of Case Closure and Right to Sue**  
DFEH Matter Number: 202208-18050626  
Right to Sue: Stiesmeyer / County of San Diego - Sheriff's Department et al.

Dear Deborah Stiesmeyer:

This letter informs you that the above-referenced complaint filed with the Department of Fair Employment and Housing (DFEH) has been closed effective August 26, 2022 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.

This matter may qualify for DFEH's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in DFEH's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in DFEH's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact DFEH's Small Employer Family Leave Mediation Pilot Program by emailing [DRDOnlineRequests@dfeh.ca.gov](mailto:DRDOnlineRequests@dfeh.ca.gov) and include the DFEH matter number indicated on the Right to Sue notice.



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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 DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

**COMPLAINT OF EMPLOYMENT DISCRIMINATION  
BEFORE THE STATE OF CALIFORNIA  
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING  
Under the California Fair Employment and Housing Act  
(Gov. Code, § 12900 et seq.)**

**In the Matter of the Complaint of**

Deborah Stiesmeyer

DFEH No. 202208-18050626

Complainant,

vs.

County of San Diego - Sheriff's Department  
1600 Pacific Highway, Room 355  
San Diego, CA 92101

Shawn Silva  
1600 Pacific Highway, Room 355  
San Diego, CA 92101

Respondents

1. Respondent **County of San Diego - Sheriff's Department** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant is naming **Shawn Silva** individual as Co-Respondent(s).

3. Complainant **Deborah Stiesmeyer**, resides in the City of **San Diego**, State of .

4. Complainant alleges that on or about **February 18, 2022**, respondent took the following adverse actions:

**Complainant was harassed** because of complainant's sex/gender, marital status, sexual harassment- hostile environment.

**Complainant was discriminated against** because of complainant's sex/gender, sexual harassment- hostile environment and as a result of the discrimination was forced to quit, denied hire or promotion, reprimanded, denied any employment benefit or privilege, denied work opportunities or assignments, denied or forced to transfer.

**Complainant experienced retaliation** because complainant reported or resisted any form of discrimination or harassment, participated as a witness in a discrimination or harassment

1 complaint and as a result was forced to quit, denied hire or promotion, reprimanded, denied  
2 any employment benefit or privilege, denied work opportunities or assignments, denied or  
3 forced to transfer.

4 **Additional Complaint Details:** Deborah Stiesmeyer worked for the County of San Diego's  
5 Sheriff's Department ("Sheriff's Department") from March 22, 2013 until she was forced to  
6 quit on February 18, 2022. Between April 2021 and February 18, 2022, Ms. Stiesmeyer was  
7 a Detective in the Sheriff Department's Poway Station, and until July 11, 2021, reported  
8 directly to Sergeant Shawn Silva. During this time, Sergeant Silva harassed Detective  
9 Stiesmeyer based on her sex, gender, and marital status, and harassed others based on  
10 their sex, gender, race, disabilities, and perceived disabilities, including, but not limited to,  
11 verbal harassment such as obscene language, demeaning comments, slurs, and threats.  
12 This harassment created a work environment that was hostile, intimidating, offensive,  
13 oppressive, and abusive. Sergeant Silva also discriminated against Detective Stiesmeyer  
14 based on her sex and gender including, but not limited to, subjecting her to a hostile work  
15 environment, and excessively monitoring, micromanaging, and unjustifiably and falsely  
16 criticizing and reprimanding her. After Detective Stiesmeyer reported the harassment and  
17 discrimination to the Sheriff's Department's Internal Affairs, she experienced retaliation  
18 including, but not limited to, verbal harassment such as obscene language, demeaning  
19 comments, and threats, and denials of her applications for positions within the Child Abuse  
20 and Elder Abuse Units. Because the Sheriff's Department failed to take reasonable steps to  
21 prevent and correct the harassment, discrimination, and retaliation, and because the  
22 Sheriff's Department intentionally created or knowingly permitted working conditions to exist  
23 that were so intolerable that a reasonable person in Detective Stiesmeyer's position would  
24 have had no reasonable alternative except to resign, Detective Stiesmeyer was forced to  
25 quit.

1 VERIFICATION

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

5 On August 26, 2022, 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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# EXHIBIT 2



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

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2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711  
<http://www.dfeh.ca.gov> | Email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

August 26, 2022

Jenna Rangel  
225 Broadway, Suite 2050  
San Diego, CA 92101

RE: **Notice to Complainant's Attorney**  
DFEH Matter Number: 202208-18051526  
Right to Sue: Ralph / County of San Diego - Sheriff's Department et al.

Dear Jenna Rangel:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) 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, DFEH 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 DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711  
<http://www.dfeh.ca.gov> | Email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

August 26, 2022

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

DFEH Matter Number: 202208-18051526

Right to Sue: Ralph / County of San Diego - Sheriff's Department et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) 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.

This matter may qualify for DFEH's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in DFEH's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in DFEH's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact DFEH's Small Employer Family Leave Mediation Pilot Program by emailing [DRDOnlineRequests@dfeh.ca.gov](mailto:DRDOnlineRequests@dfeh.ca.gov) and include the DFEH matter number indicated on the Right to Sue notice.

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

No response to DFEH is requested or required.

Sincerely,



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711  
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Department of Fair Employment and Housing



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

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August 26, 2022

Stacey Ralph  
225 Broadway, Suite 2050  
San Diego, CA 92101

RE: **Notice of Case Closure and Right to Sue**  
DFEH Matter Number: 202208-18051526  
Right to Sue: Ralph / County of San Diego - Sheriff's Department et al.

Dear Stacey Ralph:

This letter informs you that the above-referenced complaint filed with the Department of Fair Employment and Housing (DFEH) has been closed effective August 26, 2022 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.

This matter may qualify for DFEH's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in DFEH's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in DFEH's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact DFEH's Small Employer Family Leave Mediation Pilot Program by emailing [DRDOnlineRequests@dfeh.ca.gov](mailto:DRDOnlineRequests@dfeh.ca.gov) and include the DFEH matter number indicated on the Right to Sue notice.



## DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

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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 DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

**COMPLAINT OF EMPLOYMENT DISCRIMINATION  
BEFORE THE STATE OF CALIFORNIA  
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING  
Under the California Fair Employment and Housing Act  
(Gov. Code, § 12900 et seq.)**

**In the Matter of the Complaint of**

Stacey Ralph

DFEH No. 202208-18051526

Complainant,

vs.

County of San Diego - Sheriff's Department  
1600 Pacific Highway, Room 355  
San Diego, CA 92101

Shawn Silva  
1600 Pacific Highway, Room 355  
San Diego, CA 92101

Respondents

1. Respondent **County of San Diego - Sheriff's Department** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant is naming **Shawn Silva** individual as Co-Respondent(s).

3. Complainant **Stacey Ralph**, resides in the City of **San Diego**, State of **CA**.

4. Complainant alleges that on or about **May 13, 2022**, respondent took the following adverse actions:

**Complainant was harassed** because of complainant's sex/gender, sexual harassment-hostile environment.

**Complainant was discriminated against** because of complainant's sex/gender, sexual harassment-hostile environment and as a result of the discrimination was forced to quit, denied hire or promotion, reprimanded, denied any employment benefit or privilege, denied work opportunities or assignments.

**Complainant experienced retaliation** because complainant reported or resisted any form of discrimination or harassment, participated as a witness in a discrimination or harassment

1 complaint and as a result was forced to quit, denied hire or promotion, denied any  
2 employment benefit or privilege, denied work opportunities or assignments.

3 **Additional Complaint Details:** Stacey Ralph worked for the County of San Diego's Sheriff's  
4 Department ("Sheriff's Department") from April 25, 2011 until she was forced to quit on May  
5 13, 2022. Between March 2019 and April 2021, Ms. Ralph was a Detective in the Sheriff  
6 Department's Poway Station reporting directly to Sergeant Shawn Silva. During this time,  
7 Sergeant Silva harassed Detective Ralph based on her sex and gender, and harassed  
8 others based on their sex, gender, race, disabilities, and perceived disabilities, including, but  
9 not limited to, verbal harassment such as obscene language, demeaning comments, slurs,  
10 and threats. This harassment created a work environment that was hostile, intimidating,  
11 offensive, oppressive, and abusive. Sergeant Silva also discriminated against Detective  
12 Ralph based on her sex and gender including, but not limited to, subjecting her to a hostile  
13 work environment, and excessively monitoring, micromanaging, and unjustifiably and falsely  
14 criticizing and reprimanding her. After Detective Ralph reported the harassment and  
15 discrimination to her Lieutenant, and later participated in the Internal Affairs investigation of  
16 Sergeant Silva, she experienced retaliation including, but not limited to, verbal harassment  
17 such as obscene language, demeaning comments, and threats, and failure to promote to  
18 Sergeant. Because the Sheriff's Department failed to take reasonable steps to prevent and  
19 correct the harassment, discrimination, and retaliation, and because the Sheriff's  
20 Department intentionally created or knowingly permitted working conditions to exist that  
21 were so intolerable that a reasonable person in Detective Ralph's position would have had  
22 no reasonable alternative except to resign, Detective Ralph was forced to quit.  
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1 VERIFICATION

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

5 On August 26, 2022, 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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