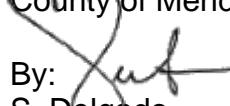


By: 
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ISABEL SIDERAKIS

8 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
9 **COUNTY OF MENDOCINO**

11 ISABEL SIDERAKIS,
12 Plaintiff,

13 v.

14 CITY OF UKIAH, a government entity;
15 UKIAH POLICE DEPARTMENT, a
16 government entity; KEVIN MURRAY, an
17 individual; and DOES 1 through 100,
inclusive,

18 Defendants.

CASE NO.: 21CV00603

COMPLAINT FOR DAMAGES

1. Discrimination in Violation of FEHA
(*Cal. Gov't Code § 12940 et seq.*)
2. Sexual Harassment/Hostile Work
Environment in Violation of FEHA (*Cal.*
Gov't Code § 12940 et seq.)
3. Retaliation in Violation of FEHA
(*Cal. Gov't Code § 12940 et seq.*)
4. Failure to Prevent Discrimination,
Harassment, and Retaliation in Violation of
FEHA (*Cal. Gov't Code § 12940 et seq.*)

DEMAND FOR JURY TRIAL

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26 COMES NOW Plaintiff, ISABEL SIDERAKIS, and hereby demands a trial by jury, and
27 based on information and belief complains and alleges as follows:
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THE PARTIES

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2 1. At all times relevant hereto, Plaintiff ISABEL SIDERAKIS (“SIDERAKIS” or
3 “Plaintiff”) was employed with the City of Ukiah Police Department (“the UPD” or “Department”)
4 and was a competent adult.

5 2. Plaintiff is informed and believes and thereon alleges that, at all times relevant hereto,
6 Defendant CITY OF UKIAH (“City” or “Defendant”) was a public entity violating laws within the
7 State of California in the County of Mendocino. At all times pertinent hereto, Defendant City owned,
8 controlled, and operated the law enforcement agency known as the Ukiah Police Department.

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

13 4. Plaintiff is informed and believes, and thereon alleges, that at all times material herein
14 Defendant Kevin Murray (“Murray”) was a sergeant of the UPD and was the agent, servant, or
15 employee, or ostensible agent, servant, and employee of each other Defendant, and as such, was
16 acting within the course and scope of said agency and employment or ostensible agency and
17 employment.

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

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GENERAL ALLEGATIONS

14. At all times relevant to this claim, Plaintiff was a Police Officer for the Ukiah Police Department. Plaintiff was qualified for the positions she held by reason of her education, skills, experience, and training. Plaintiff joined the UPD on or about August 2013.

15. At all times relevant hereto, Plaintiff held the title and paygrade rank of Police Officer and—subsequently—Detective and was assigned to various Divisions within the UPD. During the course of her employment with the City, Plaintiff has performed her various responsibilities as a law enforcement officer in an exemplary fashion and otherwise capably performed each and every condition of her employment agreement.

Plaintiff is Sexually Assaulted and Harassed by UPD Officer Murray, Prompting Years of Unabated Sexual Harassment and Discrimination Which Was Ratified by UPD

16. Beginning in or around October 2013, Plaintiff was harassed on the basis of her sex and/or gender.

17. In or around October 2013, Plaintiff attended a training program through the Department with three other officers, including Defendant Officer Kevin Murray (“Murray”). The training was held at a remote location, which required Plaintiff and the other training officers to stay in a hotel.

18. On the first evening of the training, Plaintiff met with a few other officers to play card games in one of the officer’s hotel rooms. Plaintiff and the other officers, including Murray, played cards and drank alcohol. Eventually, Plaintiff left the gathering to return to her hotel room for the night. Once Plaintiff stepped into the elevator, Murray stuck his hand in the door and insisted on escorting Plaintiff to her room.

19. When Plaintiff and Murray arrived at Plaintiff’s room, Murray asked to come inside under the guise that he wanted to offer Plaintiff “advice,” since he was a “senior officer”, and she was still on probation. Plaintiff reluctantly agreed. After Murray and Plaintiff talked for a little while longer, Plaintiff told Murray that he should leave.

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1 20. Murray then grabbed Plaintiff's hand and began caressing her breasts. Plaintiff tried
2 to remove his hands, but she was unsuccessful. Murray then aggressively shoved his hands up
3 Plaintiff's shirt and continued fondling her breasts. He demanded that Plaintiff just "give [him] a
4 goodnight kiss." During this assault, Murray continuously reminded and threatened Plaintiff that she
5 "is still on probation," she "doesn't have family nearby," that her "daughter depends on" her having
6 this job, and that "nobody at the Department will believe" her.

7 21. Murray then started pulling Plaintiff toward the bedroom. Frightened of what Murray
8 would do to her, Plaintiff ran to the bathroom and locked him out. When Plaintiff opened the door a
9 few moments later, Murray was standing in front of her, naked, with an erect penis. Still frightened,
10 Plaintiff slammed the bathroom door and locked it again. Plaintiff was so scared to leave the safety
11 of the bathroom that she slept on the bathroom floor. After some time, Plaintiff heard snoring and
12 opened the door to find Murray asleep on her bed, still completely naked. Plaintiff immediately left
13 the room.

14 22. Plaintiff was shaken up from Murray's conduct the following day at training. When
15 Plaintiff's fellow officers asked her what was wrong, Murray moved closely behind Plaintiff and
16 whispered in her ear, "You're fine. Nothing happened, and no one will believe you."

17 23. In or around December 2013, when Plaintiff began dating her now husband, Murray
18 told Plaintiff that her husband "only wants what [I] wanted. That's all he wants you for."

19 24. In or around October 2015, Plaintiff transferred to the Detectives Unit. During this
20 time, Plaintiff learned that Murray had been involved in numerous Internal Affairs ("IA")
21 investigations as an accused for things like pulling out his gun at a party, drug abuse, sex addiction,
22 and for violating other Department policies. Murray laughed and bragged about not getting in trouble
23 with the Department for these violations. This confirmed Plaintiff's fears: Murray was untouchable
24 and would be protected at all costs to the detriment of others.

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1 29. Shortly thereafter, Plaintiff reported to her Lieutenant her complaints of gender
2 discrimination, gender harassment, that Murray was assigning her duties based on her gender, and
3 that Sgt. Rick refused to investigate or otherwise address her complaints. In violation of law and
4 Department policy, Plaintiff's Lieutenant did not investigate, address, or attempt to abate the
5 unlawful conduct which Plaintiff reported. Plaintiff thereafter overheard Murray talking to other
6 male officers and mocking her for her complaint, saying that he had "gotten away with it" even
7 though Plaintiff "ran and cried to Lieutenant."

8 30. Later, Plaintiff performed a follow-up investigation on the Case. Sgt. Rick became
9 aware that the photographs of the victim were explicit, and he excitedly told Plaintiff that "you have
10 to show these [photographs] to [Murray]." Plaintiff stated that the request was inappropriate and
11 unprofessional. Nevertheless, Sgt. Rick *ordered* Plaintiff to show Murray the explicit, nude
12 photographs for "identification" purposes.

13 31. When Murray saw the photographs, he stated, "Wow, [the victim] looks good here."
14 Murray then asked to watch the explicit videos that had been produced in the investigation, even
15 though it was not his case or responsibility to do so. Plaintiff refused to share the explicit videos with
16 Murray. Later that day, Plaintiff returned to her desk to find Sgt. Rick and Murray sitting at her
17 computer and watching the explicit videos of the victim.

18 ***Plaintiff is Retaliated Against for Reporting the Unlawful Conduct Alleged Herein***

19 32. Plaintiff again reported to her Lieutenant what she believed to be discrimination,
20 harassment, and a hostile work environment based on sex.

21 33. In further discrimination and harassment, and in retaliation for reporting the same,
22 Sgt. Rick began isolating, ostracizing, and ignoring Plaintiff and assigning her extra investigations.

23 34. In or around June 2020, in harassment and discrimination based on sex/gender and in
24 retaliation for reporting the same, Plaintiff's schedule was changed without explanation or warning.
25 Shortly thereafter, in retaliation for reporting the unlawful conduct described herein, Plaintiff was
26 demoted to Patrol, which results in a pay cut.

1 46. At all times herein mentioned, Plaintiff was in the protected class of persons, *i.e.*,
2 female (sex/gender), and one who engaged in protected activities contemplated by *Government*
3 *Code* §§ 12940, *et seq.* Plaintiff is informed and believes and based thereon alleges that Defendants,
4 and each of them, discriminated against her based on her gender and for reporting, challenging,
5 opposing, and speaking out against wrongful and discriminatory treatment based on her gender,
6 speaking out against improper conduct, and for generally attempting to protect and secure her rights
7 and the rights of others under the FEHA.

8 47. Commencing before and during 2013 and continuing to the present, Defendants
9 created and allowed to exist an environment hostile to females in general and discriminated against
10 and targeted Plaintiff on the basis of her gender. Such discrimination was in violation of *Government*
11 *Code* §§ 12940, *et seq.* and the public policy embodied therein.

12 48. At all times herein mentioned, Defendants, and each of them, had actual and/or
13 constructive knowledge of the harassing, hostile, and discriminatory conduct levied against Plaintiff
14 by Defendants, fellow employees, and superiors. Moreover, such retaliation, harassment, and
15 discriminatory conduct was also ratified, approved, encouraged and/or condoned by Defendants, and
16 each of them.

17 49. As a direct, foreseeable, and proximate result of Defendants' discriminatory conduct
18 and failure to act, Plaintiff suffered and continues to suffer humiliation, embarrassment, anxiety,
19 mental anguish, and emotional distress. Plaintiff was required to and did employ, and will in the
20 future employ, physicians and health care providers to examine, treat, and care for Plaintiff. The
21 exact amount of such expenses is unknown to Plaintiff at this time.

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

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

1 **SECOND CAUSE OF ACTION**

2 **BY PLAINTIFF AGAINST ALL DEFENDANTS**

3 SEXUAL HARASSMENT/HOSTILE WORK ENVIRONMENT IN VIOLATION OF FEHA, CAL. GOV'T

4 C. §§ 12940, *ET SEQ.*

5 52. Plaintiff re-alleges and incorporates by reference each and every allegation contained
6 in paragraphs 1–51 of this complaint as though fully set forth herein again.

7 53. At all times mentioned herein, *California Government Code* § 12940 was in full
8 force and effect and was binding upon Defendants, and each of them. Said law required
9 Defendants, and each of them, to refrain from harassing any employee based upon her sex and
10 gender and to provide each employee with a working environment free from harassment based on
11 sex and gender.

12 54. Plaintiff was subjected to unwanted harassing conduct because of her sex and
13 gender as described herein above.

14 55. Plaintiff is informed and believes that Defendants, and each of them, targeted and
15 harassed her based on her sex and gender. Defendants, and each of them, would not have harassed
16 Plaintiff if she were male. The harassment was severe and pervasive in that it occurred on a
17 regular, continuous basis commencing in and during 2013 and continuing unabated up to the
18 present. Further, the harassment was severe and pervasive in that it was humiliating, demeaning,
19 degrading, and threatening and occurred on a regular, continuous basis. The harassment was not
20 occasional, isolated, sporadic, or trivial. Rather, the harassment was part of the accepted, long-
21 term, and consistent policy, custom, habit, pattern, and practice at UPD in which harassers were
22 protected and complainants were ignored.

23 56. The harassment altered the conditions, privileges, and terms of Plaintiff's
24 employment and created an abusive working environment.

25 57. A reasonable person of Plaintiff's sex and gender, in Plaintiff's circumstances,
26 would have considered the work environment to be hostile or abusive. Indeed, Plaintiff herself
27 considered the work environment to be hostile and abusive to women, and she reported the same to
28 multiple supervisors at UPD.

1 opposing, challenging, and speaking out against inappropriate workplace behavior, reporting and
2 speaking out against wrongful, discriminatory, harassing, and retaliatory treatment based on her
3 gender, speaking out against improper conduct, and for generally attempting to protect and secure
4 her rights and the rights of others under the FEHA.

5 65. At all times herein mentioned, Defendants, and each of them, had actual and/or
6 constructive knowledge of the retaliatory conduct levied against Plaintiff by Defendants, fellow
7 employees, and superiors. Moreover, such retaliation, harassment, and discriminatory conduct was
8 also conducted and/or condoned by Defendants, and each of them. Such retaliation was in violation
9 of *Government Code* §§ 12940, *et seq.* and the public policy embodied therein.

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

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

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

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FOURTH CAUSE OF ACTION

BY PLAINTIFF AGAINST ALL DEFENDANTS CITY OF UKIAH and UKIAH POLICE

DEPARTMENT

FAILURE TO PREVENT HARASSMENT, DISCRIMINATION, AND RETALIATION IN VIOLATION OF FEHA

69. Plaintiff re-alleges and incorporates by reference each and every allegation contained in paragraphs 1–68 of this complaint as though fully set forth herein again.

70. At all times herein mentioned, Cal. Gov’t Code §§ 12900, et seq., was in full force and effect and was fully binding upon Defendants. Specifically, section 12940(k) makes it an unlawful employment practice for an employer to fail to take all reasonable steps necessary to prevent discrimination, retaliation, and/or harassment based on an employee’s sex, gender, and for engaging in protected activity contemplated by the FEHA.

71. At all times herein mentioned, Plaintiff was in the protected class of persons, *i.e.*, female, and engaged in protected activities contemplated by *Government Code* §§ 12940, *et seq.* Plaintiff is informed and believes that Defendants, and each of them, harassed and discriminated against her based on her sex/gender and retaliated against her for opposing, challenging, and speaking out against inappropriate workplace behavior, reporting and speaking out against wrongful, discriminatory, harassing, and retaliatory treatment based on her gender, speaking out against improper conduct, and for generally attempting to protect and secure her rights and the rights of others under the FEHA.

72. At all times herein mentioned, Defendants, and each of them, had actual and/or constructive knowledge of the retaliatory conduct levied against Plaintiff by Defendants, fellow employees, and superiors. Moreover, such retaliation, harassment, and discriminatory conduct was also conducted and/or condoned by Defendants, and each of them. Such retaliation was in violation of *Government Code* §§ 12940, *et seq.* and the public policy embodied therein.

73. Defendants breached their statutory duty of care to Plaintiff by failing to take all steps reasonably necessary to prevent the harassment, discrimination, and retaliation experienced by Plaintiff.

1 74. As a direct, foreseeable, and proximate result of Defendants' failure to prevent
2 harassment, discrimination, and retaliation, Plaintiff suffered and continues to suffer humiliation,
3 embarrassment, anxiety, mental anguish, and emotional distress. Plaintiff was required to and did
4 employ, and will in the future employ, physicians and health care providers to examine, treat and
5 care for Plaintiff, and did, and will in the future, incur medical and incidental expenses. The exact
6 amount of such expenses is unknown to Plaintiff at this time.

7 75. As a direct, foreseeable, and proximate result of the Defendants' failure to prevent
8 harassment, discrimination, and retaliation, Plaintiff suffered and continues to suffer losses in
9 earnings and other employment benefits all to her damage in an amount in excess of the minimum
10 jurisdictional limits of this court, the precise amount of which will be proven at trial.

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

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1 **PRAYER**

2 WHEREFORE, Plaintiff seeks judgment against all Defendants, and each of them, on all
3 Causes of Action for:

4 1. Physical, mental, and emotional injuries, pain, distress, suffering, anguish, fright,
5 nervousness, grief, anxiety, worry, shame, mortification, injured feelings, shock, humiliation and
6 indignity, as well as other unpleasant physical, mental, and emotional reactions, damages to
7 reputation, and other non-economic damages, in a sum to be ascertained according to proof;

8 2. Health care, services, supplies, medicines, health care appliances, modalities, and
9 other related expenses in a sum to be ascertained according to proof;

10 3. Loss of wages, income, earnings, earning capacity, support, domestic services,
11 benefits, and other economic damages in a sum to be ascertained according to proof;

12 4. Other actual, consequential, and/or incidental damages in a sum to be ascertained
13 according to proof;

14 5. Attorney fees and costs of suit pursuant to statute;

15 6. Costs of suit herein incurred;

16 7. Pre-judgment interest; and

17 8. Such other and further relief as the Court may deem just and proper.
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19 Dated: August 11, 2021

McNICHOLAS & McNICHOLAS, LLP

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21 By: Emily Pincin
22 Patrick McNicholas
23 Emily R. Pincin
24 Attorneys for Plaintiff
25 ISABEL SIDERAKIS
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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial.

Dated: August 11, 2021

McNICHOLAS & McNICHOLAS, LLP

By: Emily Pincin
Patrick McNicholas
Emily R. Pincin
Attorneys for Plaintiff
ISABEL SIDERAKIS