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Attorneys for Plaintiff
 MELISSE LEITZKE

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF SOLANO**

MELISSE LEITZKE, individually,

Plaintiff,

v.

CITY OF VALLEJO, a municipal corporation; and
 DOES 1 through 50, inclusive.

Defendants.

Case No. CU23-02170

AMENDED COMPLAINT FOR DAMAGES

1. Retaliation, Cal. Gov't Code §12940(h)
2. Failure to Prevent Discrimination and Harassment, Cal. Gov. Code § 12940
3. Gender Discrimination, Cal. Gov't Code §12940

DEMAND FOR JURY TRIAL

BY FAX

1. Plaintiff MELISSE LEITZKE ("Leitzke"), individually, brings this action against Defendants CITY OF VALLEJO ("Vallejo"), a municipal corporation; and DOES 1 through 50, inclusive.

PARTIES

2. Plaintiff is, and at all times relevant to this action was, a resident of Vallejo, California. The events giving rise to this action arose in Vallejo, California.

3. Plaintiff is informed and believes, and based thereon alleges, that Defendant Vallejo is a municipal corporation and is authorized to do business in California.

4. Plaintiff does not know the true names of Defendants Does 1 through 50, inclusive, and therefore sues them by those fictitious names. The names, capacities, and relationships of Defendants Does 1 through 50, inclusive, will be alleged by amendment to this Complaint when the same are known to

1 Plaintiff.

2 5. The true names and capacities, whether individual, corporate, associate or otherwise, of
3 defendants Does 1 through 50 (“Does”), inclusive and each of them, are not known to Plaintiff at this time.
4 Such Does are legally responsible for the events and happenings described herein and for the damages
5 proximately caused thereby. Plaintiff will seek the leave of the Court to amend this complaint to set forth
6 the true names and capacities of any such Does when they have been ascertained.

7 6. On information and belief, at all times mentioned herein, defendants, inclusive and each of
8 them, including without limitation any Does, were acting in concert and participation with each other; were
9 joint participants and collaborators in the acts complained of; and were the agents and/or employees of one
10 another in doing the acts complained of herein, each acting within the course and scope of said agency
11 and/or employment.

12 7. Vallejo, and Does 1 through 50, inclusive, are collectively referred to hereafter as
13 “Defendants”.

14 ***JURISDICTION AND VENUE***

15 8. This Court has jurisdiction over Defendants because at all times relevant, they were
16 authorized to transact, and are transacting business in California.

17 9. Venue is proper in this Court pursuant to Code of Civil Procedure § 395, because the acts,
18 events and omissions complained of herein occurred in Solano, California.

19 ***EXHAUSTION OF ADMINISTRATIVE REMEDIES***

20 10. On or about June 12, 2023, Plaintiff obtained a Right to Sue Letter from the California
21 Civil Rights Department attached hereto as Exhibit A.

22 ***GENERAL ALLEGATIONS***

23 11. Melisse Leitzke (“Leitzke”), a 46-year-old female, who began working for the City of
24 Vallejo (“Vallejo”) on January 3, 2000, as a Firefighter/Paramedic. At a later date, Ms. Leitzke was
25 promoted to Fire Captain.

26 12. From the beginning of her employment to present, Captain Leitzke noticed that Vallejo
27 allowed certain policies to be broken by certain male firefighters. For example, Vallejo has a policy against
28 wearing metal wedding rings while in suppression. William “Bill” Tweedy, James Rustice, Dennis Martin,

1 Tim Boothe, Ramon Villanueva, and many other male firefighters continue to wear metal rings despite this
2 policy. While this non-enforcement of a minor rule may appear insignificant, it highlights Vallejo's
3 inconsistency in enforcing policies and procedures among genders. It also highlights the gender bias that
4 permeates the fire department.

5 13. Beginning in May of 2000 to present, Vallejo purportedly provided dedicated spaces for
6 women firefighters at the firehouse. However, Vallejo allowed male firefighters to use the open female
7 dormitories, open locker rooms, and open showers. This caused discomfort and embarrassment among the
8 women firefighters. Alphonzo Love, Mark Libby, Ramon Villanueva, Erick Angulo, Steve Smircich, Jason
9 Goodner, Jeremy Santos, Curtis Perryman, Joseph Castor, and Owen Goodrum were some of the men who
10 the fire department allowed to use spaces that were supposed to be for women only.

11 14. On April 4, 2001, the fire department required Ms. Leitzke, one of the only female
12 firefighters, to perform clerical work, and act as the "scribe", on the Steffan Manor fire while the rest of
13 the department worked on extinguishing the fire.

14 15. In late 2001, at Station 24, Ms. Leitzke was sexually harassed by her supervisor, Captain
15 Paige Meyer. He inappropriately asked Ms. Leitzke which colleagues she had had sex with. Mr. Meyer
16 went on to name his conquests of another female firefighter. Mr. Meyer proceeded to ask Ms. Leitzke if
17 she and he had shared the same sexual partners and if they had a "threesome" together.

18 16. From 2000 to 2003, Ms. Leitzke's occasional supervisor, Captain Mike Sims, sexually
19 harassed Ms. Leitzke. Ms. Leitzke was forced to work with him at Station 24 and then Station 25 over a
20 span of approximately eight to ten months.

21 17. After Ms. Leitzke reported the sexual harassment by Mr. Sims in 2003, Vallejo continued
22 to retaliate against Ms. Leitzke for reporting the claims. The department prohibited Ms. Leitzke from taking
23 two openings, on two separate occasions, on Engine 21. However, because of her seniority, Ms. Leitzke
24 should have been allowed to take the openings. As a form of retaliation for complaining about the sexual
25 harassment, not only was she prohibited from taking the two openings, but she was retaliated against and
26 then treated in a demeaning way when she finally managed to take an opening on Engine 21 in 2006. As
27 retaliation for filing a sexual harassment claim against Mr. Sims, one individual within the department
28 refused to work with Ms. Leitzke and he bullied her into not taking the firefighter slot so as to not be forced

1 to work with her.

2 18. On September 15, 2004, Ms. Leitzke found pornographic materials on the Station 25
3 computer left over from Mr. Sims' shift. Ms. Leitzke filed a sexual harassment complaint against Mr. Sims.
4 As a result, the department demoted Mr. Sims from Captain.

5 19. In 2005, a male firefighter, John Ha, aggressively told Ms. Leitzke, "Don't talk to my
6 patients." while she was working as Acting Engineer. There was a general sense of disrespect towards Ms.
7 Leitzke as one of the only female firefighters in the department.

8 20. In 2006, the department denied Ms. Leitzke her seniority to act as Engineer at Station 25
9 based on her gender. In fact, Firefighter/Paramedic Brett Smith and Firefighter/Paramedic Tim Boothe told
10 the Truck Captain, who handled the staffing, that they would determine who served as Captain and
11 Engineer, despite Ms. Leitzke being senior to Mr. Boothe. Due to Ms. Leitzke's seniority, she should have
12 been given the slot that Mr. Smith did not take. This went directly against the Memorandum of
13 Understanding ("MOU"), the Union's agreement with the city.

14 21. In 2004 to early 2006, the fire department's Acting Engineer, Firefighter Ortiz, walked out
15 of the men's locker room and around the station in just his underwear at Station 27. Ms. Leitzke repeatedly
16 told Ortiz that he needed to put clothes on. He disregarded Ms. Leitzke's request and continued to walk
17 around the Station in underwear approximately five to six more times.

18 22. On May 8, 2006, the fire department denied Leitzke's request for her entitled bereavement
19 leave as per the MOU. Ms. Leitzke happened to be working on overtime status when a family member
20 passed away and she had to go off duty. Instead of using her sick leave on her duty day, Ms. Leitzke should
21 have been allowed to use Bereavement Leave on her duty day. Instead, she was charged sick leave.

22 23. On August 15, 2008, a male Captain, Sean Fields, refused to enter Casa De Vallejo during
23 an active fire, although his crew entered without him. He also attempted to keep his crew out of the fire
24 even though other crews entered to help evacuate the residents. He was never investigated or demoted for
25 this act.

26 24. On August 15 through August 16, 2008, Firefighter/Paramedics Kyle Long and Scott
27 DeHerrera came in on overtime. They were assigned to Fire Watch for the Casa De Vallejo fire. The
28 expectation was for Mr. Long and Mr. DeHerrera to leave Station 21 every few hours to monitor the

1 structure to ensure the fire did not rekindle. However, Mr. Long refused to leave the station and sent Mr.
2 DeHerrera to check the structure by himself, going against protocol. Mr. Long was never investigated,
3 disciplined, or demoted.

4 25. On or around April 25, 2011, to June 13, 2011, the department received a report that
5 Engineer James Brunson was passed out drunk in a city vehicle in a McDonalds parking lot in Benicia
6 while on duty. He was never investigated, disciplined, or demoted for the offense.

7 26. From June 13, 2011, to August 17, 2012, to further retaliate, Chief Paige Meyer assigned
8 Ms. Leitzke to two supervisors when she was on light duty and worker's compensation over a wrist injury
9 sustained at work. At the same time, a male colleague, Captain John Barry, also on light duty, was not
10 assigned any supervisors. He was also not required to report to anyone. In addition, Ms. Leitzke was never
11 given expectations from Mr. Meyer or the Battalion Chiefs ("BCs"). Ms. Leitzke was more closely
12 monitored, micromanaged, and set to different standards as a form of retaliation. Moreover, Mr. Meyer
13 forced Ms. Leitzke to type, despite her wrist injury.

14 27. From June 13, 2011, to August 17, 2012, Ms. Leitzke was forced to account for her time
15 worked while her male counterpart on workers' compensation did not. In fact, Mr. Barry was allowed to
16 set his own schedule while Ms. Leitzke was not.

17 28. Before July 31, 2012, Mr. Meyer told Ms. Leitzke's colleagues at Station 24 that Ms.
18 Leitzke was, "a fat bitch, who needs to go." After Ms. Leitzke's colleagues informed her of Mr. Meyer's
19 comments, Ms. Leitzke filed a complaint with HR. The complaint was not investigated and eventually
20 dropped by Vallejo's HR department.

21 29. On or around August 1, 2012, before Ms. Leitzke returned to active duty, she learned of an
22 employee, Todd Milan, who got burned in the line of duty and subsequently terminated with no paperwork
23 or justification for his firing. Mr. Milan was not offered a Skelley Hearing. Ms. Leitzke, having worked
24 with Mr. Milan for two years, went to see Mr. Milan and encouraged him to fight his termination. Mr.
25 Meyer and Battalion Chief, BC Jackson, learned that Ms. Leitzke visited Mr. Milan and asked to speak
26 with her about their conversation. At this meeting both Mr. Meyer and Mr. Jackson were offended and
27 scoffed that Ms. Leitzke would go to see a terminated employee. They asked her what was spoken during
28 their meet up to which Ms. Leitzke answered honestly saying, "And now you fight," signaling she informed

1 Mr. Milan to fight his termination. Mr. Meyer and Mr. Jackson became irate with Ms. Leitzke and the
2 following retaliation ensued.

3 30. On or around August 1 through August 17, 2012, as a form of retaliation, Mr. Meyer
4 required Ms. Leitzke to submit to a physical fitness for duty exam upon her return from medical worker's
5 compensation leave. She was the only person to ever be required to take this exam after returning from
6 leave.

7 31. In November 2012, Ms. Leitzke was promoted to Engineer. Traditionally, the Fire Chief
8 would give a small speech, present a promotional badge to the person being promoted, and pin the badge
9 on the person. Instead, Chief Meyer threw Ms. Leitzke's promotional Engineer badge across the table
10 towards her during a Company Officer's ("CO") meeting while saying, "I guess you want this?" Mr. Meyer
11 did not present the promotional badge to Ms. Leitzke's male counterparts in this manner.

12 32. From November 2012 to November 2015, Ms. Leitzke and the only other female firefighter,
13 Dyhanne Strohmeier (Simpson), were the only people required by Vallejo to complete the California
14 Firefighter Joint Apprenticeship Committee's (JAC) apprenticeship for Fire Engineer. Aside from these
15 two females, no other member in this history of the Vallejo Fire Department was required to complete the
16 JAC apprenticeship for Fire Engineers, thus highlighting gender discrimination Defendants chose to
17 partake in.

18 33. In 2013, as another form of gender discrimination, Ms. Leitzke was passed over for the
19 Apparatus Committee for a male, junior individual.

20 34. On or before March 16, 2014, Matt McWhorter was convicted of DUI while listed to be
21 promoted to an Engineer, a driving position. Mr. McWhorter was not interviewed, disciplined, or demoted.
22 In fact, he was promoted to Engineer soon after.

23 35. On September 29, 2014, Ms. Leitzke was denied the Engineer slot on Truck 21 due to lack
24 of signoffs. Previously, two male colleagues were allowed to take fire truck slots without the same signoffs.
25 Ms. Leitzke continued to experience differential treatment on the basis of her gender.

26 36. From November 2, 2015, to January 26, 2016, Ms. Leitzke bid on Truck 21 with Captain
27 Eric Strom. Mr. Strom refused to train her. Mr. Strom didn't want Ms. Leitzke to drive for him because
28 she is a woman. Mr. Strom excluded Ms. Leitzke from assignments at emergencies and other opportunities

1 based on her gender. In fact, he intentionally did not speak to Ms. Leitzke so he could prevent her from
2 performing her job duties.

3 37. Similar to Chief Meyer, Captain Strom never gave Ms. Leitzke his 'speech of expectations'
4 that he routinely gave her male peers, despite the requirement that he do so. Mr. Strom isolated and
5 excluded Ms. Leitzke based of her gender identity.

6 38. On one occasion, Ms. Leitzke informed Mr. Strom of several items that needed maintenance
7 on the fire truck. Mr. Strom was enraged that Ms. Leitzke mentioned these items even though Ms. Leitzke's
8 job required her to do so.

9 39. From 2016 to the present, Chief Long continues to bring his Administrative Analyst,
10 Courtney Schreiner-Lee, to meetings and trainings instead of his personal secretary, Executive Secretary,
11 Angela Knight. Mr. Long practices favoritism among the female workers, only giving particular job
12 opportunities for certain female workers.

13 40. Beginning around March 1, 2016, Ms. Leitzke ordered supplies for Station 24. Sometime
14 later, Courtney Schreiner-Lee, Finance Specialist, took over the Administration's role. Ms. Leitzke's
15 orders were cancelled or not approved without a reason. Ms. Schreiner-Lee failed to communicate any
16 cancelations. When Administration finally placed her orders, Ms. Leitzke received an inferior product. In
17 fact, Ms. Leitzke noticed a rash in her groin area after working several 96-hour shifts in a row. She planned
18 to make an appointment with her gynecologist. Before making the appointment, Ms. Leitzke realized that
19 the rash only occurred in a particular area when she worked excessive days in a row. She noticed how
20 rough the toilet paper was at Station 24. Ms. Leitzke requested softer toilet paper through her BC, Cliff
21 Campbell. Mr. Campbell harassed Ms. Leitzke on her requests for better quality toilet paper. Ms. Leitzke
22 offered to produce a letter from her doctor to confirm her requests. Ms. Schreiner-Lee continued to ignore
23 supply orders from Ms. Leitzke.

24 41. From 2016 to 2018, Captain Jonathan Lane continuously slept through medical calls. He
25 instructed his crew to run calls in the middle of the night without him. In one instance, Mr. Lane's crew
26 responded to what became a Code Blue. The crew was forced to take on Mr. Lane's responsibilities.
27 Additionally, Mr. Lane falsified documentation and stated he was present at the calls. Chief Daryl
28 Arbuthnott was aware of his behaviors, yet Mr. Lane wasn't investigated, disciplined, or demoted.

42. From February 2016 to January 1, 2022, BC Cliff Campbell reminded all firefighters that they were required to get out of the station within a 60 second response time. He made mention of this at every Company Officer meeting. At the same time, on December 2, 2022, Mr. Campbell allowed Captain Jason Goodner, a known friend, and his crew to significantly delay their response time to emergency calls to finish playing a card game.

43. On October 15, 2016, Firefighter Dominik Martin forgot to come into work and was Absent Without Official Leave "AWOL". BC Cliff Campbell falsified documentation on TeleStaffing by saying that he was on a Trade of Work. This is inaccurate because if he was on a Trade of Work (coded TN or trade, not working) he would have someone to take his place with a Trade (coded TW or trade, working). TeleStaffing is how employees are paid and this is reported to City Hall. On this specific incident, an OT person was paid to work for Mr. Martin 0800-2000 hours. Mr. Martin was never investigated, disciplined, or demoted. Male employees were involved in the falsification of documentation involving pay. They were never investigated, disciplined, or demoted.

44. In 2017, Firefighter/Paramedic Brett Smith assaulted Captain James Rustice with a spoonfull of mayonnaise at the dinner table. As continued unfair treatment of genders, Mr. Smith was not disciplined or investigated.

45. In 2017, Engineer Matt Choy acted as a representative for the Fire Department as part of Leadership Vallejo. During this time, Mr. Choy had filmed himself receiving fellatio from a colleague and sent it to his friends in the department. The head of Leadership Vallejo, Tina Fowler, filed a sexual harassment complaint against Mr. Choy with Chief Jack McArthur. Mr. Choy was not investigated, disciplined, or demoted. In fact, Mr. McArthur created a Captain's spot for Mr. Choy and promoted him to Captain. Defendants continued to allow an atmosphere of unfair treatment between the male and female genders.

46. In December 2017, Vallejo hosted a mandatory state sensitivity training. Ms. Leitzke was unable to attend this mandatory state training as she was on preapproved leave. However, Chief McArthur never rescheduled Ms. Leitzke for this training. Ms. Leitzke continued to be excluded and not afforded the same opportunities as her male colleagues.

47. As both Acting Captain and promoted Captain, Ms. Leitzke continually coordinates,

1 facilitates, and leads training for her Apprentice Firefighter/Paramedics (Apprentices), while male Captains
2 openly admitted they do nothing to train their apprentices. Captain Jason Goodner openly talks about not
3 training his apprentices, despite this being a job requirement listed under his job description. Ms. Leitzke's
4 performance was held to a higher standard while her male colleagues were allowed to underperform
5 without any regard.

6 48. From the time Ms. Leitzke began serving as Captain, she continually reported failures on
7 apprentice's daily evaluations. This included minor infractions all the way up to failure to follow orders.
8 Ms. Leitzke's reports were never addressed by the Chief nor the Training BC, despite the requirements
9 listed in their job descriptions. Ms. Leitzke did not receive the same amount of support afforded to her
10 male colleagues.

11 49. In both 2018 and 2020, Ms. Leitzke requested to be on the interview panels for the position
12 of Vallejo Apprentice Firefighter/Paramedic. Chief Long denied her requests without providing any
13 reasoning for the denial. Ms. Leitzke continued to be excluded from opportunities at Vallejo.

14 50. From 2020 to present, Engineer Mark Libby refused to get out of the engine for calls that
15 he decides are "insubstantial." This violates duties listed in the Engineer's job description. Chief Daryl
16 Arbuthnott and Chief Kyle Long allow Mr. Libby to not follow the requirements set forth in his job
17 description. Unlike the women, Ms. Leitzke's male colleagues were held to a lower standard by not being
18 required to fulfill their job duties.

19 51. Between February and June 2020, Ms. Leitzke responded to a coworker's email request to
20 patronize a café with a "reply all" email. Mr. Campbell berated Ms. Leitzke for sending the email as a
21 "reply all" response. Then about a week later, Mr. Campbell's friend, Captain Jason Goodner, did the same
22 thing, selected "reply all" on an email. Mr. Goodner received no criticism for his actions. Ms. Leitzke's
23 actions were closely monitored and harshly corrected. She received unnecessary criticism while her male
24 counterparts did not receive any criticism for the same exact actions.

25 52. During the summer of 2019, Vallejo maintained a "held until relieved" policy. This meant
26 no piece of equipment could be left unstaffed. It was such a policy that if a crew member's relief did not
27 show up then the crew member remained with the equipment.

28 53. On July 12, 2019, Ms. Leitzke's relief, Ben Hill, did not show up at his assigned time. After

1 quite some time, Mr. Hill showed up late with donuts, apologizing to Chief Arbuthnott. Mr. Campbell
2 illegally refused to pay Ms. Leitzke for the time she was held on the shift. Ms. Leitzke is an hourly
3 employee and per the MOU, entitled to a four-hour hold. Mr. Hill was never investigated or disciplined.
4 Mr. Campbell was never investigated, disciplined, or demoted.

5 54. On September 21, 2019, Ms. Leitzke was physically grabbed and removed from the interior
6 of a structure fire by her supervisor BC Mike Brooks. BC Brooks was unable to hear Ms. Leitzke on her
7 radio, and instead of communicating this when he found her, he chose to use physical force against her.
8 He never would have done this to a male subordinate. This action made Ms. Leitzke feel small,
9 undervalued, less than a human being, like a doormat and continued to showcase Defendants use of gender
10 discrimination.

11 55. From 2016 to 2022, the department sent out multiple emails requesting Captains to be
12 proctors for Engineer exams for other departments. Ms. Leitzke expressed her interest in being selected to
13 be a proctor. However, the department denied her request on at least three occasions without any
14 explanation. Defendants excluded her based on her gender.

15 56. Ms. Leitzke's apprentice, Chris Lujan, had his 12th month manipulative evaluation. He
16 failed nearly every evolution. Ms. Leitzke asked the Training BC, Dennis Martin, when the evaluation was
17 going to be stopped. Mr. Martin stated that "no one after Shannon Thompson would fail." He forced Ms.
18 Leitzke to falsify documents by signing that Mr. Lujan "passed" when he did not. Ms. Leitzke signed the
19 document under duress. BC Kevin Hickey was apprised of the incident and still Mr. Martin was never
20 investigated, disciplined, or demoted.

21 57. Instead, Mr. Hickey advised Ms. Leitzke to fill out Mr. Lujan's daily evaluation and include
22 the fact that he failed his 12th month evaluation. Ms. Leitzke was retaliated against by Mr. Martin after she
23 reported his actions.

24 58. On June 1, 2021, BC Matt Fenzl assigned "Two-Out" for an exterior fire. This assignment
25 violated Vallejo Fire Department's Standard Operating Procedures and Guidelines ("SOP/SOGs"). Mr.
26 Fenzl was not formally investigated, or disciplined, or demoted. Ms. Leitzke's male colleagues were
27 continually allowed to violate the department's policies and procedures without any consequences.

28 59. On June 20, 2021, while on probation, Firefighter Jesse Campbell was AWOL from duty.

1 He had a trade of work the day before but failed to show up by 0800 hours to relieve Anthony
2 Plascencia. BC Fenzl was involved in the falsification of City documentation regarding pay and leave.
3 The incident was covered up in TeleStaffing, how employees are paid through the city, which showed Mr.
4 Campbell on duty at 0800 hours. Mr. Campbell, a son of Battalion Chief Cliff Campbell, was never
5 investigated, disciplined, or released from probation. The fire department members who covered up him
6 being AWOL were never investigated, disciplined, or demoted.

7 60. On February 2, 2022, at a fire on 126 Jordan Street, Mr. Fenzl committed four out of five
8 NIOSH 5 Warnings for Firefighter casualties during a single incident. These include: failure to assess risks,
9 lack of accountability, inadequate communications, and failure to follow SOPS/SOGs. Chief Kyle Long
10 expressed, over and over, how he did not tolerate the Incident Commanders committing any of the NIOSH
11 5 Warnings during a call. However, after Mr. Fenzl committed four, he was not investigated, disciplined,
12 nor demoted.

13 61. On March 22, 2022, Mr. Fenzl was the Incident Commander for a Known Rescue on
14 Bayview. He risked the lives of the citizens and all twenty-four Firefighters by committing three from the
15 NIOSH 5 Warnings. This included lack of accountability, inadequate communications, and failure to
16 follow SOPs/SOGs. He assigned a Two-Out on a known rescue. Mr. Fenzl was not investigated,
17 disciplined, or demoted for this third infraction.

18 62. From June 22, 2022, to present, Vallejo allows a Firefighter/Paramedic, Brett Bullock, to
19 be on full duty even though his workers' compensation physician categorized him as physically restricted.
20 He was not provided with accommodation. Instead, the department allowed him to go against the workers'
21 compensation policy and doctor's orders.

22 63. On July 2, 2022, Ms. Leitzke reported to her Battalion Chief of the day, Matt Fenzl, that her
23 apprentice was exhibiting major depressive behaviors. BC Fenzl dismissed her concerns with, "Just let
24 him be." However, almost a year later, when a male captain, Jon Lane, brought the apprentice's behaviors
25 to light, the apprentice was placed on Administrative Leave for mental health reasons.

26 64. On June 30, 2022, there was a large, commercial fire at 1835 Broadway Street ("Broadway
27 fire"). Mr. Hickey arrived as the Battalion Chief and assumed the Incident Commander role. He assigned
28 Ms. Leitzke to supervise Division Alpha which was the address side of the structure. He assigned Captain

1 Sean Googins to supervise Division Bravo which was the left side of the structure. Other units arrived and
2 were assigned throughout the Divisions of the fire.

3 65. While at the Broadway fire, Ms. Leitzke warned the citizens of the dangers of entering the
4 salvage yard multiple times, early on in the fire. Despite the warnings, citizens kept entering behind Ms.
5 Leitzke. The owner of the yard and his family were attempting to salvage as many vehicles as possible.
6 However, they were starting vehicles and in one case attempted to move a vehicle out of the yard and
7 abandoned it in reverse gear. This vehicle could have driven over citizens, firefighters, or the lifesaving
8 hose lines. Ms. Leitzke reported the issue to Mr. Hickey multiple times both over the radio and face-to-
9 face. Mr. Hickey responded with, "I do not have anyone to help with that." And did not help mitigate the
10 situation. Mr. Hickey was responsible for overall scene safety and per the SOPs/SOGs, should have
11 assigned a Safety Officer. Mr. Hickey was not investigated, disciplined, or threatened with demotion for
12 his inability to keep the citizens safe.

13 66. Also, on June 30, 2022, while at the Broadway fire, after Ms. Leitzke was able remove the
14 citizens from Division Alpha, the citizens began to congregate on Division Bravo's side. At this point, the
15 citizens became the responsibility of Captain Googins who was assigned to supervise Division Bravo. On
16 Division Bravo, a child was photographed operating a hose line during a firefighting operation with Mr.
17 Googins in the frame. Mr. Googins was not investigated, disciplined, or threatened with demotion for his
18 inability to keep the citizens safe on his division.

19 67. In addition to the photo, Mr. Googins never attempted to remove the citizens from Division
20 Bravo's area. Ms. Leitzke could see the citizens at the Alpha/Bravo corner when near that area and
21 attempted to warn those citizens of the risk of collapse, but due to the remoteness, was unable to access
22 that area to speak to the citizens individually. The best Ms. Leitzke could do to encourage citizens to get
23 out of Division Bravo's area was to yell to them to move out of the area. Most citizens complied, but after
24 some time would migrate back to Division Bravo's area because they were not being encouraged to leave
25 by Division Bravo's supervisor.

26 68. Ms. Leitzke was assigned to Division Alpha during the Broadway fire. It was her duty to
27 oversee her crew, Firefighter 27 and Engineer 27. She was also overseeing Engine 23's crew, Captain
28 Capella and Firefighter Elton. The two crews needed to take several breaks to rehydrate during the one-

1 and-a-half-hour firefight. During this time, Ms. Leitzke briefly, twice or three times sprayed water on the
2 front of the structure and a hot spot that was still smoldering. This spot was near an unburned portion of
3 the fire on Division Alpha. A reporter filmed himself in Division Bravo's area and did not or would not
4 back up even though he knew he was in a hazardous area. He stood behind the structural wall and filmed
5 as Ms. Leitzke sprayed a fire stream on the wall and moved the stream to the active hot spot. Even when
6 Ms. Leitzke yelled to get out of the area, he remained in the same spot and zoomed out his camera.

7 69. On the evening of June 30, 2022, Ms. Leitzke heard rumors spread around the crew that a
8 reporter was sprayed with a hose stream. The next morning, Ms. Leitzke woke up to a phone call from
9 Captain Googins. He stated, "You'd better have a good explanation on why you sprayed a reporter." Ms.
10 Leitzke felt attacked over the allegations as she was unaware of the incident.

11 70. Ms. Leitzke immediately called her supervisor, BC Hickey, to ask questions and get some
12 information on the issue. She stated, "I guess there is a rumor going around that I sprayed a reporter?" Mr.
13 Hickey responded with, "The Chief (Long) is aware of it and is handling it." Ms. Leitzke assumed
14 "handling it" meant the same thing that happened for the male firefighters. Unfortunately, it did not. Ms.
15 Leitzke assumed the issue would be cleared up because she was not aware that she sprayed anyone.

16 71. Instead of being quickly resolved, Chief Long placed Ms. Leitzke on Paid Administrative
17 Leave on July 7, 2022. She was unable to work overtime and help with the staffing crisis. She was the only
18 person at Vallejo to be placed on extended Administrative Leave in over twenty years.

19 72. On September 4 through September 5, 2022, and again in December 2022, Steve Smircich
20 continued to address staff as "firemen," excluding Ms. Leitzke based on her gender. Chief Long was aware
21 of this behavior.

22 73. On September 23, 2022, Linda Daube, the investigator for the Broadway fire, reported the
23 charge of spraying the reporter intentionally was unfounded. Ms. Leitzke confirmed that she did not spray
24 the reporter intentionally during the active fire. A video of the incident demonstrated that any water that
25 landed on the reporter was an accident because he was too close to the active fire.

26 74. However, Vallejo decided that Ms. Daube's original findings were not substantial enough.
27 The department intended to find some way to discipline Ms. Leitzke because she is a woman and to retaliate
28 against her for all the valid complaints that she lodged concerning the unequal treatment women firefighters

received. Vallejo asked Ms. Daube to investigate further to find some fault. As a result, the department brought trumped up charges against Ms. Leitzke.

75. In a letter referencing June 30, 2022, Chief Long told Ms. Leitzke that she had “no business operating a nozzle” even though male Captains were operating nozzles at the same incident. The male Captains were not investigated, disciplined, or threatened with demotion.

76. On November 1, 2022, Leitzke was not invited, despite being qualified to put in for a temporary promotion as the Training BC while every male Captain that qualified was invited.

77. In November 2022, Fire Administration failed to include Ms. Leitzke in the Vacation Selection process, which is afforded to every Union member. This served as a form of retaliation for reporting Fire Administration errors.

78. In November 2022, Ms. Leitzke was not included in the department physicals despite them being required annually by law for employees that wear respirators.

79. In November 2022, Chief Long arranged for mental health professionals to visit each station and meet every individual due to a firefighter related incident earlier in the year. Ms. Leitzke was excluded from participation. In seeking her own treatment, Ms. Leitzke’s private psychiatrist confirmed Vallejo’s discrimination, harassment, and retaliation caused Ms. Leitzke’s mental anguish.

80. In November 2022, Ms. Leitzke filed a complaint with HR for continuously excluding her from the Training BC position, physicals, the mental health checkups, and other opportunities that were afforded to the rest of the department. Ms. Leitzke also addressed the repeated use of the term “firemen.” HR dismissed her complaints and deemed them to be unfounded.

81. On February 9, 2023, Assistant City Manager Terrance Davis sent his Skelly Officer’s decision to Chief Long, Ms. Leitzke, etc. In summation, “...the level of discipline does not appear to be commensurate with the department policy violation(s) and the employee’s personnel history.” Mr. Long disagreed. He planned to demote Ms. Leitzke for accidentally spraying water on a citizen and damaging a \$1400 video camera.

82. On March 6, 2023, Chief Long gave Ms. Leitzke a Notice of Discipline. He claimed that Ms. Leitzke posed a threat to the citizens. If he truly believed that she posed a threat to the citizens, Mr. Long would have fired Ms. Leitzke. If demoted, Ms. Leitzke will be able to drive Code III, perform

1 lifesaving Paramedic skills and Act as Captain. Ms. Leitzke's Notice of Discipline was in retaliation for
2 her ongoing complaints of gender inequality experienced at Vallejo and part and parcel of Vallejo's
3 discriminatory animus against women firefighters.

4 83. On March 17, 2023, Chief Long showed up to the Solano County Firefighter of the Year
5 dinner with Courtney Schreiner-Lee as his date. They drove together and neither had their spouse with
6 them. The continual struggle for Ms. Leitzke to get office supplies ordered from the Administration is a
7 direct correlation to the closeness of Mr. Long and Ms. Schreiner-Lee's relationship. Mr. Long has violated
8 his own definitions of integrity and honor. Integrity defined by Mr. Long was "...the highest standard of
9 conduct...honesty and fairness." The definition he gives for honor, "...adhering to what is right and
10 ethical."

11 84. On March 25, 2023, Ms. Leitzke was denied a temporary Captain's assignment behind a
12 Captain on Worker's Compensation leave.

13 85. On April 15, 2023, Captain Jason Welsh was AWOL. He was not disciplined, investigated,
14 or threatened with demotion for being AWOL. On top of that, BC Kevin Hickey falsified documentation
15 by marking Mr. Welsh as Family Sick (FS) in TeleStaffing. Sick leave is to be called in to Station 21, your
16 assigned station, and placed on TeleStaffing before 0700 hours. BC Hickey "approved" FS at 0832 hours.
17 Mr. Hickey was not disciplined, investigated, or threatened with demotion for falsifying the time records
18 regarding pay.

19 86. On June 2, 2023, Ms. Leitzke became locked out of her TeleStaffing and is no longer able
20 to confirm if she is being paid correctly.

21 87. Vallejo continues to discriminate, harass, and retaliate against Ms. Leitzke based on her
22 gender identity.

23 88. Ms. Leitzke remains on paid Administrative Leave, pending arbitration to dispute
24 Defendant's intended discipline.

25 89. These forgoing actions have caused Ms. Leitzke a great deal of stress, severe anxiety,
26 feelings of being hurt, disappointed, and emotional distress. She often cries and feels upset, to the point of
27 rarely being able to leave her home from fear of being confronted by a reporter or citizen. Ms. Leitzke has
28 become depressed and distant, rarely being able to speak with or see her friends. Ms. Leitzke has sought

1 help from a psychologist in an effort to better handle stress and anxiety.

2 90. The foregoing demonstrates that Vallejo is guilty of gender discrimination, harassment, and
3 retaliation.

4 91. Respondents discriminated against Ms. Leitzke on the basis of her gender in violation of
5 Cal. Gov. Code § 12940. Respondents harassed and retaliated against Ms. Leitzke on the basis of her
6 gender and for complaining about the discrimination, a protected activity, in violation of the above-
7 referenced statute. Respondents retaliated against Ms. Leitzke in violation of public policy by placing Ms.
8 Leitzke on extended Administrative Leave and issuing Ms. Leitzke a Notice of Discipline, with their intent
9 to demote Ms. Leitzke.

10 92. As a result of the foregoing actions, Ms. Leitzke was harassed, discriminated against, and
11 retaliated against on the basis of her gender.

12 ***FIRST CAUSE OF ACTION***

13 *Retaliation*

14 *Cal. Gov't Code §12940(h)*

15 *(Against All Defendants)*

16 93. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set
17 forth in this Complaint.

18 94. At all relevant times, the California Fair Employment & Housing Act, sections 12940, et
19 seq., was in full force and effect, and binding on Defendants.

20 95. FEHA makes it an unlawful employment practice for an employer to retaliate against an
21 employee who has opposed a forbidden practice or filed a complaint against an employer or supervisor.
22 CGC §12940(h).

23 96. Government Code section 12940(h) provides in relevant part:

24 It is an unlawful employment practice . . . (h) For any employer, labor
25 organization, employment agency, or person to discharge, expel, or
26 toherwise discriminate against any person because the person has opposed
any practices forbidden under this part or because the person has filed a
complaint, testified, or assisted in any proceeding under this part.

27 97. Defendants were Plaintiff's employer, and Plaintiff was Defendants' employee.
28

98. Plaintiff made multiple complaints to Defendants about discriminatory harassment and retaliation from colleagues and supervisors.

99. Defendants retaliated against Plaintiff by placing Plaintiff on extended Administrative Leave and issuing Plaintiff a Notice of Discipline, with their intent to demote Plaintiff.

100. Plaintiff was harmed.

101. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

102. The conduct of Defendants and each of them as described above was malicious, fraudulent, or oppressive and done with a willful and conscious disregard for Plaintiff's rights. Defendants and each of them, and their agents/employees or supervisors, authorized, condoned, and ratified the unlawful conduct of each other.

SECOND CAUSE OF ACTION

Failure to Prevent Discrimination and Harassment

Cal. Lab. Code § 12940

(Against All Defendants)

103. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set forth in this Complaint.

104. Government Code section 12940(m)(2) provides in relevant part:

It is an unlawful employment practice . . . (k) For an employer . . . to fail to take all reasonable steps necessary to prevent discrimination and harassment from occurring.

105. Defendants wrongfully failed to take all reasonable steps necessary to prevent harassment and discrimination of Plaintiff based on her gender.

106. Plaintiff suffered and continues to suffer harm as a result of Plaintiff's Notice of Discipline and extended Administrative Leave by Defendants.

107. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

108. Under Government Code section 12940, Plaintiff is entitled to recover Plaintiff's economic and noneconomic damages caused by Defendants' unlawful practices. Plaintiff is also entitled to reasonable attorney's fees and costs pursuant to Government Code section 12965.

109. The conduct of Defendants and each of them as described above was malicious, fraudulent, or oppressive and done with a willful and conscious disregard for Plaintiff's rights. Defendants and each of them, and their agents/employees or supervisors, authorized, condoned, and ratified the unlawful conduct of each other.

THIRD CAUSE OF ACTION

Gender Discrimination

Cal. Gov. Code § 12940

(Against All Defendants)

110. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set forth in this Complaint.

111. Government Code section 12940(a) provides in relevant part:

It is an unlawful employment practice . . . (a) [f]or an employer, because of the . . . sex, gender . . . of any person . . . to discharge the person from employment . . . or to discrimination against the person in compensation or in terms, conditions, or privileged of employment.

112. Plaintiff is female.

113. Plaintiff was subjected to unwelcome gender discrimination.

114. Defendants was Plaintiff's employer, and Plaintiff was Defendants' employee.

115. Plaintiff were constantly harassed by male employees and supervisors. This harassment included removing Plaintiff from meetings or trainings, allowing male counterparts with less seniority roles that Plaintiff should have been awarded, allowing a male counterparts the award of not being investigated, disciplined or threatened with demotion when having done an illegal act or incident.

116. Throughout her employment, Plaintiff made multiple complaints to Defendants about the harassment and discrimination she received from male employees or supervisors. Despite Plaintiff's complaints of the harassment, Defendants did not remedy the situation.

117. Plaintiff suffered harm when she was discriminated against by Defendants.

118. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

119. Under Government Code section 12940, Plaintiff is entitled to recover economic and

1 noneconomic damages caused by Defendants' discriminatory practices based on Plaintiff's gender and
2 violation of the Fair Employment and Housing Act. Plaintiff is also entitled to reasonable attorney's fees
3 and costs pursuant to Government Code section 12965.

4 120. As a result of Defendants' discriminatory treatment Plaintiff suffered emotional distress
5 and felt humiliated, embarrassed, anxious, and depressed.

6 121. The conduct of Defendants and each of them as described above was malicious, fraudulent,
7 or oppressive and done with a willful and conscious disregard for Plaintiff's rights. Defendants and each
8 of them, and their agents/employees or supervisors, authorized, condoned, and ratified the unlawful
9 conduct of each other.

10
11 **PRAYER FOR RELIEF**

12 **WHEREFORE**, Plaintiff prays for judgment against the Defendants, and each of them, as
13 follows:

- 14 1. Compensatory damages including emotional distress damages and lost wages, benefits
15 and interest in a sum according to proof;
16 2. Interest on judgment, including prejudgment interest, at the legal rate;
17 3. Attorney's fees and costs; and
18 4. For any further legal and equitable relief, the Court deems proper.

19
20 Dated: August 14, 2023.

RATNER MOLINEAUX, LLP

21 

22
23 David S. Ratner
24 Shelley A. Molineaux
25 *Attorneys for Plaintiff Melisse Leitzke*
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