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10 MARCUS SIMPSON

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF LOS ANGELES

13 MARCUS SIMPSON,

14 Plaintiff[s],

15 vs.

16 (1) CAL POLY POMONA, (2) THE  
17 TRUSTEES OF THE CALIFORNIA  
18 STATE UNIVERSITY, (3) SORAYA  
19 COLEY, INDIVIDUALLY (4)  
20 CHRISTINA GONZALES,  
21 INDIVIDUALLY (5) JOSEPH CASTRO,  
22 INDIVIDUALLY (6) SCOTT VANSCOY,  
23 INDIVIDUALLY, (7) YSABEL D.  
24 TRINIDAD, INDIVIDUALLY, AND (8)  
25 DOES 1- 10,

26 Defendant[s].

Case No. 22PSCV01186

**COMPLAINT FOR RETALIATION UNDER  
LAB.C. § 1102.5; 42 USC 1983;  
INTENTIONAL INTERFERENCE WITH  
ECONOMIC ADVANTAGE;  
RETALIATION UNDER CAL. GOV'T  
CODE §§ 3502.1, 3502, & 3506; DEMAND  
FOR JURY TRIAL**

27 PLAINTIFF, **Marcus (“Marc”) Simpson**, by and through his attorneys, alleges as  
28 follows:

**THE PARTIES**

1. Marcus Simpson (“Plaintiff”), is employed by Defendant, Cal Poly Pomona,  
specifically the Cal Poly Police Department, as a Sergeant. At all times relevant to the  
allegations contained herein, Plaintiff has been a resident of the County of San Bernardino.  
Plaintiff’s home address is confidential under Penal Code § 146e and 832.7, and Vehicle Code  
§1808.4(a)(11).

1           2. Plaintiff is informed and believes and thereon alleges that DEFENDANT California  
2 State University Polytechnic Pomona, hereinafter referred to as “Cal Poly Pomona” is a public  
3 entity, a state college organized under the laws of the State of California, and in the business of  
4 providing college courses and collecting tuition fees from its students in the County of Los  
5 Angeles. At all times relevant herein for all purposes connected with the management of  
6 employment relations matters within the Cal Poly Pomona delegated its final policy-making  
7 authority to Defendants President Dr. Soraya Coley and/or Vice President Christina Gonzales.  
8 Cal Poly adopted and ratified each of the decisions of Coley and Gonzales as alleged herein as  
9 its own policies, customs, practices or decisions, as if the same had been promulgated directly  
10 by the State.  
11

12           3. DEFENDANT Soraya Coley was at all times relevant, the President for Cal Poly  
13 Pomona. In performing her actions alleged herein, Coley acted under the color of state law,  
14 within the course and scope of her employment, and as an official policy-maker for the  
15 University. As a department head, President Coley is vested with policy-making authority over  
16 actions such as the ones at issue in this complaint, or such policy making authority was  
17 delegated to her by the Board of Trustees.  
18

19           4. DEFENDANT Christina Gonzales was at all times relevant, the Vice President for Cal  
20 Poly Pomona. In performing the actions alleged herein, Gonzales acted under the color of state  
21 law, within the course and scope of her employment, and as an official policy-maker for the  
22 University.  
23

24           5. DEFENDANT Joseph Castro was at all times relevant, the Chancellor for the  
25 California State University System (CSU). In performing the actions alleged herein, Castro  
26 acted under the color of state law, within the course and scope of his employment, and as an  
27 official policy-maker for the University.  
28

1           6. DEFENDANT Scott VanScoy was at all times relevant, the Interim Police Chief for  
2 Cal Poly Pomona. In performing the actions alleged herein, VanScoy acted under the color of  
3 state law, within the course and scope of his employment, and as an official policy-maker for  
4 the University.

5  
6           7. Plaintiff does not know the true names and capacities of DEFENDANTS sued in this  
7 Complaint as Doe 1 through Doe 10, inclusive, and therefore sues these defendants by fictitious  
8 names under Section 474 of the California Code of Civil Procedure. Plaintiff will amend this  
9 Complaint to allege the true names and capacities of Doe 1 through Doe 10, inclusive, when  
10 ascertained. Plaintiff is informed and believes, and on that basis alleges, that each of the  
11 defendants named herein as Doe 1 through Doe 10, inclusive, is responsible in some manner for  
12 the occurrence, injury, and other damages alleged in this Complaint.

13   **JURISDICTION AND VENUE**

14           8. Jurisdiction is proper in the SUPERIOR COURT OF THE STATE OF CALIFORNIA  
15 COUNTY OF LOS ANGELES because it has general subject matter jurisdiction and no  
16 statutory exceptions to jurisdiction exist.

17           9. This Court has personal jurisdiction over DEFENDANTS because Defendant Cal  
18 Poly Pomona is a State of California public entity organized pursuant to the laws of California  
19 and with its principle place of business located within the State of California.

20           10. Venue is proper in this Court pursuant to Cal. Civ. Proc. Code § 395(a) because  
21 Defendant's, and its agents / employees, principle place of business is located within the County  
22 of Los Angeles and the dispute arose at Cal Poly Pomona, which is located within said County.

23   **FACTUAL ALLEGATIONS**

24           11. During the relevant time period, Plaintiff was employed by the Cal Poly Police  
25 Department. During the course of his employment, Plaintiff reported and investigated  
26 wrongdoing and misconduct which was reported to Cal Poly department heads: Coley, Gonzales  
27 and CSU Chancellor Castro. The University has a historical and continuous pattern of  
28 preventing criminal wrongdoing from being reported to the District Attorney in order that the

1 University does not receive negative publicity. Plaintiff along with other officers who  
2 challenged the legality of the failure to report and changing of police reports were retaliated  
3 against.

4 **Incidents leading up to the Filing of the May 3, 2020 Whistleblower Complaint by**  
5 **Simpson and 4 other sergeants.**

6  
7 *In 2018 Cal Poly Pomona Intentionally Hindered, Prevented, and Ultimately Stopped*  
8 *a Criminal Investigation Regarding Embezzlement by a Professor.*

9 12. Sometime in 2017, Cal Poly Pomona became aware that a professor employed by  
10 Cal Poly Pomona was embezzling funds. Specifically, the professor used grant funds to pay for  
11 a European trip, unrelated to school activities. Additionally, the professor was keeping items  
12 that had been bought with grant funds. Cal Poly Pomona Police Department began investigating  
13 potential criminal charges against the professor. Specifically, the Department was looking at  
14 potential crimes of Penal Code 503/Embezzlement, PC 424/Misappropriation of Public Funds,  
15 PC 487(a)/Grand Theft and Government Code 1090.

16 13. During the course of the initial investigation, Defendant Coley ordered that the  
17 investigation be stopped immediately. Defendant Coley specifically ordered that the  
18 investigation stop when investigators were preparing a search warrant to be served at the  
19 professor's house. Due to the investigation being stopped by Defendant, no documentation  
20 regarding this incident was submitted to the Los Angeles County District Attorney or any other  
21 prosecuting agency. This is despite the fact that upon the initial investigation, it appeared that  
22 serious crimes had been committed. Ultimately, the professor was allowed to retire, and no  
23 action was taken against the Professor, either criminally or administratively by the University.  
24 Based on information and belief, any and all documents regarding this incident and any  
25 evidence of potential crimes have been destroyed by Defendant Coley or destroyed under her  
26 direction and control.

27 //  
28

1                    ***January Feb 12, 2020, Interfering with Investigation of a Student that Falsely***  
2 ***Reported Identity Theft***

3                    14. On or about February 12, 2020, a student at Cal Poly Pomona made a report to the  
4 Cal Poly Pomona Police Department in which he indicated that his debit card had been used in  
5 excess of 40 times without his permission. A Cal Poly Police Department Detective reviewed  
6 the report and began investigating the reported crime. Upon investigation, it was revealed that at  
7 most there were two potentially fraudulent charges. During the investigation, it became clear  
8 that the student had intentionally made a false police report regarding identity theft. As a result  
9 of this false reporting, the student was identified as a suspect for filing a false police report. At  
10 the time of the investigation, Plaintiff supervised the entire patrol and detective division.

11                    15. During the course of the investigation in which this student was being investigated as  
12 the subject of a crime, Defendant Coley and Defendant Gonzales became aware of the incident.  
13 At the time that they became aware of the incident, the case had already been submitted to the  
14 Los Angeles County District Attorney's Office for filing. The DA then filed one count of PC  
15 148.5 against the suspect. Upon Defendant Coley and Defendant Gonzales becoming aware of  
16 the incident, they ordered the Chief of Police Dario Robinson to order his Detective to ask the  
17 District Attorney to drop any and all charges against the suspect. Based on this order, the  
18 Detective spoke with the District Attorney handling the case regarding the potential to dismiss  
19 the matter as requested by Defendant Coley and Defendant Gonzales. The handling D.A. stated,  
20 "The request is unethical and could cause other future criminal case dismissals" and advised that  
21 their office would proceed absent new exonerating information. Thus, Gonzales and Coley  
22 potentially violated PC 136.1.

23                    16. As a result of this incident, the suspect wrote an article in the student paper alleging  
24 racism by the Police Department in their investigation. Despite the fact that the newspaper  
25 article was filled with inaccuracies regarding the investigation in which Defendant Coley was  
26 aware of, she failed she make any response to the complaint. The subject also filed a complaint  
27 against the officers in which an incomplete investigation was done.  
28

1                   ***Felony Embezzlement of over \$1,000,000 was discovered on February 21, 2020***

2                   17. On or about February 21, 2020, it was discovered that an employee at the Cal Poly  
3 Pomona Foundation had embezzled over \$1,000,000. The Cal Poly Police Department  
4 conducted a joint investigation with the FBI, which ultimately led to a federal indictment and  
5 conviction of the individual. However, Defendant Coley reviewed the report by the Cal Poly  
6 Police Department and ordered there be changes made to the criminal report. The changes that  
7 were being made were done so that Coley and the University would not look bad when and if  
8 the report was made public.

9                   18. Additionally, the changes made ensured that it did not appear that Coley or other  
10 University Administration had failed in their supervision, or other duties, that led to the  
11 embezzlement taking place. At the time of the investigation, Plaintiff supervised the entire  
12 patrol and detective division. Coley, however, was attempting to suppress information related to  
13 the embezzlement case, and directly ordered the Police Department not to do a press release.  
14 Coley specifically did this because she wanted to distance herself from the situation, fearing that  
15 it may get her fired. Thus, she tried to hide the fact that she was on the Board of Directors of the  
16 Foundation at that time, and that she should have taken actions to ensure such illegal conduct  
17 did not occur.

18                   ***Based on the Above Incidents, Coley and Gonzales Wanted to Implement a Policy***  
19 ***Where Investigations Which Involved Students Would be Subject to Review by an Unknown***  
20 ***Campus Kangaroo Court Who Would Have Ultimately Decided if the Case Would be***  
21 ***Submitted to the DA.***

22                   19. Defendant Coley and Defendant Gonzales advised that they wanted to make an  
23 internal court process, whereby a committee would review all cases from the Cal Poly Police  
24 Department to determine if they should be submitted to the Los Angeles District Attorney's  
25 Office for Prosecution. Both Plaintiff and then Chief of Police Dario Robinson advised that this  
26 would be both unethical and illegal. Specifically, there was concern that it would violate various  
27 specific laws such as the US and California Constitution, Violence Against Women's Act,  
28

1 Marsy's Law, Jeanne Cleary Act, and the Kristin Smart Campus Safety Act of 1998. In  
2 response, Gonzales said she had previously had this type of internal process at one of her  
3 previous employers, the University of Colorado at Boulder. Upon investigation it appeared that  
4 this was not accurate. As a result of this proposal, the Plaintiff spoke with an assistant District  
5 Attorney regarding the legality of the proposal. The DA agreed with the assessment and stated it  
6 violated the DA's role of deciding who would be prosecuted, i.e. prosecutorial discretion, and  
7 was improper.

8 **On May 3, 2021 Plaintiff Marc Simpson Along with Four Other Sergeants**  
9 **Submitted a Whistleblower Complaint Related to the Facts Above and Other**  
10 **Incidents Set Forth in the Complaint.**

11  
12 20. May 3, 2021, Plaintiff along with four (4) other Police Department employees, filed  
13 a whistleblower complaint against President Soraya Coley and Vice President Christina  
14 Gonzales alleging malfeasance, fiduciary incompetence, and lack of leadership / unethical  
15 leadership. The complaint specifically included information related to the above incidents as  
16 well as other information outlined in the complaint which is attached as Exhibit 1 and  
17 incorporated into this Complaint.

18 **On May 11, 2021, Coley emailed the entire police department (including all**  
19 **professional staff and parking services).**

20  
21 21. On May 11, 2021, Coley emailed the entire police department, including all  
22 professional staff and parking services. In the email, she included a letter she had sent to the  
23 whistleblowers where she attempted to deflect and deny the allegations. The letter included all  
24 of the whistleblowers' names and ranks. The email clearly violated Education Code 89573(c),  
25 which states "The identity of the person providing the protected disclosure shall not be disclosed  
26 without the written permission of the person unless the disclosure is to a law enforcement  
27 agency that is conducting a criminal investigation or to the State Auditor."  
28

1           22. As part of the initial complaint response, Laura Anson, Senior Systemwide Director,  
2 Compliance Services at California State University, Office of the Chancellor requested that  
3 Plaintiff provide her with any documentation that corroborated his claim. Plaintiff called  
4 Director Anson several times and emailed her asking when he could drop off the documents;  
5 however, she never responded. Instead, because Anson was not at her office, Plaintiff had the  
6 head of security for the Chancellor's Office place the documents on her desk.

7           23. Plaintiff then sent an email asking if Director Anson had received the documents, but  
8 she refused to respond to him. She responded instead to Sergeants Gates and Samuels. Based on  
9 the totality of the complaint and the history of retaliation, this was another form of intimidation  
10 and/or refusal to investigate. In total, four emails were sent with no response.

11           24. Based on the complaint, the CSU hired an "independent law firm" to conduct an  
12 investigation into this complaint, along with other allegations later levied against employees  
13 hired by Coley or her subordinates. The investigator refused all interviewees the opportunity to  
14 record the interview. The investigator showed a bias and desire to try and deflect the  
15 wrongdoing of President Coley and the CSU by improperly questioning who was the leader of  
16 the whistleblower complaint, or who pushed for a whistleblower complaint, and asked if "it  
17 really even mattered if the names were released by the CSU". Those questions, taken at face  
18 value, did not show an attempt to get to the heart of the matter, but rather demonstrated a desire  
19 to punish, or get rid of, the leader for making the whistleblower complaint.

20  
21           **On June 1, 2021, Scott VanScoy was Improperly Hired as the Interim Police Chief**

22           25. Plaintiff had been included in emails by the Department's Training and Background  
23 Coordinator, Amanda Elias. He had also been briefed by her regarding her concerns with Scott  
24 VanScoy's appointment as Chief of Police.

25           ***Vanscoy Inappropriately Worked as Chief Without a Complete Background Check***

26           26. Scott VanScoy, who was a Captain for the Cal State Northridge Police Department,  
27 was hired, "on-loan" without a complete background check. In reference to this issue, John  
28 Turner, a California POST Region Manger, stated, since Cal Poly Pomona Police Department



1 was a separate police department from the Cal State Northridge Police Department, the “on-  
2 loan” status was not lawful. Furthermore, he stated there was a huge liability issue if VanScoy  
3 acted in any capacity as a law enforcement officer or gave incorrect law enforcement advice.  
4 John Turner read 11 CCR 1953(f) to Plaintiff and stated that VanScoy did not meet the criteria  
5 and, thus, was not considered a Police Officer for Cal Poly Pomona. POST is the agency that  
6 determines qualifications for California peace officers.

7 27. VanScoy wore a police uniform, badge, and gun, which based on California law and  
8 information provided by POST, meant he could potentially be accused of impersonating a  
9 Police Officer, which is a misdemeanor punishable up to 12 months in county jail and a \$2,000  
10 fine. After being provided that information about VanScoy, Gonzales ignored the law and  
11 allowed VanScoy to start because he was “on loan” from CSU Northridge. As a side note,  
12 VanScoy worked as interim police chief for CSU Humboldt and a background check was never  
13 completed there either.

14 28. Prior to VanScoy being hired (approximately mid-May), a signed letter was sent to  
15 the Chancellor, Coley, and Gonzales from approximately 90% of the Department expressing  
16 their concerns with VanScoy’s pending appointment and their desire that Plaintiff be appointed  
17 Interim Police Chief. It is his understanding the signatories received a short response from the  
18 Chancellor stating he was giving Coley the responsibility to hire whom she desired. There was  
19 no response from Coley or Gonzales regarding the letter.  
20

21 ***Statements by Vanscoy Regarding Retaliation to the Whistleblower Complaint***

22 29. On June 1, 2021, Plaintiff gave VanScoy a tour of the campus when he made the  
23 following statements: “I know your name is on the complaint letter to the President. The letter  
24 did nothing but piss off the Chancellor and President.” VanScoy shouldn’t have had any  
25 knowledge of the whistleblower complaint. VanScoy bragged as he told Plaintiff, “I’ve never  
26 lost at PERB (Public Employment Relations Board), I’ve won 30 times. They are all my friends,  
27 when I walk in, they ask me how my kids are doing.” VanScoy claimed when he went to  
28 Humboldt, the President ordered him to fire everyone. He claimed he was never given such an

1 order at Cal Poly, but he could do it and there was nothing SUPA (the police union) could do to  
2 stop him. Clearly, his comments were meant to intimidate Plaintiff. VanScoy repeated this  
3 statement to Amanda Elias on his first day.

4 30. VanScoy told Plaintiff that Coley and Gonzales had questions about him because of  
5 his complaint. In regards to making Plaintiff an acting Captain, he stated, "I'll have to give you  
6 two or three wins to convince them about you. They have concerns about your decision  
7 making." Clearly the concerns came about after the whistleblower complaint. There was never  
8 been any mention of poor performance in the Plaintiff's 17 months as a lieutenant or over his 3  
9 years working at Cal Poly.

10 31. On June 2, 2021, VanScoy spoke to the dayshift briefing, including eight (8) sworn  
11 police officers and several civilian employees, and said he thought the letters to the Chancellor  
12 were a bad idea, and it only pissed off the Chancellor and the President. VanScoy's comments  
13 were meant to discredit, discourage and disparage the whistleblowers and are in direct conflict  
14 with the most updated Police Standards of Duty to intercede and bring attention to wrongdoing.  
15 The Plaintiff later confirmed that Vanscoy spoke to two other dispatchers and told them, "The  
16 officers who submitted the complaint lacked maturity." During the same briefing Vanscoy  
17 laughed and stated he received a complaint from the "infamous records clerk" on his first day.  
18 The use of "infamous" is extremely unprofessional and should never be used to describe an  
19 employee. Additionally, he should know that personnel complaints are confidential and should  
20 not be discussed in a group forum. Plaintiff considers Vanscoy's comments a form of bullying  
21 and intended to stifle any future complaints.

22 32. On June 9, 2021, Plaintiff had a conversation with Amanda Elias, where she stated  
23 that Vanscoy had informed her on VanScoy's first day he was told by President Coley and Vice  
24 President Gonzales to fire everyone at Cal Poly. In the years working with the Plaintiff, he has  
25 always known Amanda Elias, a civilian employee, to be one of the most loyal and hardworking  
26 employees at the Police Department. He has no reason to doubt her statement, especially since  
27 she had no prior knowledge of VanScoy's earlier statements to the Plaintiff. The comments  
28

1 made by VanScoy are highly unprofessional and inappropriate. Amanda Elias was not  
2 management personnel, and those comments should have been reserved for those on a need to  
3 know basis. It appears that his comments were strategic, and he hoped they would become  
4 public and used as a way of crushing any possible dissent. As with previous statements he has  
5 made, they appear to be less than truthful.

6 33. On June 9, 2021, for unknown reasons VanScoy transitioned the above described  
7 conversation with the Plaintiff into an IA investigation he had completed at Northridge.  
8 VanScoy stated he fired a senior sergeant because he didn't complete a timely warning. He  
9 claimed he won the appeal process. There was no context to VanScoy's comment about the IA  
10 and it appeared to be another attempt to intimidate the Plaintiff, intending Plaintiff to read  
11 between the lines and fall in line or else.

12 34. On June 14, 2021, VanScoy told Sergeant Peck "People were using the  
13 Whistleblower clause for protection."  
14

15 ***Other Retaliation by VanScoy, Gonzales and Coley.***

16 35. On VanScoy's first day of employment the Lieutenant job position opened up for  
17 hiring or promoting. In front of Plaintiff and two civilian employees Mike Yu and Amanda  
18 Elias, VanScoy stated, Vice President Gonzales and President Coley had stated they did not  
19 want anyone from the inside for the position, referring to Plaintiff, and would "be bringing in  
20 someone from the outside as interim and eventually full-time." The comments attributed to  
21 Coley and Gonzales made by President Coley and Vice President Gonzales, violate, among  
22 other things, well established Civil Service rules within the California Government Code.

23 ***Sexual Harassment Complaint Against Vanscoy***

24 36. On June 8, 2021, a civilian employee told Plaintiff that she was extremely upset  
25 about a comment that VanScoy made to her on June 7, 2021. At about 1415 hours on that day,  
26 and in front of another employee, VanScoy stated to a civilian employee, "you're like my  
27 second wife." The employee told Plaintiff she believed the comment to have a sexual  
28 connotation and felt uncomfortable by the comment. On June 14, 2021, the female employee

1 told Plaintiff that VanScoy had made the comment a second time. While Interim Chief, during a  
2 conversation, VanScoy told a female employee, "I like to take employees to lunch or dinner and  
3 have wine, to relax them." The female employee told the Plaintiff, "I don't want to be alone  
4 with him at all, he is a predator."

5           37. On June 12, 2021, Plaintiff was contacted by the records supervisor, Hasmick  
6 Hartunian, a female employee who was a direct report to the Plaintiff in reference to an  
7 unprofessional comment that she believed was a form of sexual harassment. Hartunian told  
8 Plaintiff that a dispatcher had a conversation with VanScoy on June 11, 2021 inside of the  
9 dispatch center. VanScoy said that he did not like doing meetings over coffee and preferred  
10 lunch or dinner with wine. He stated that he would order the wine, appetizers, and dessert.  
11 VanScoy then stated, "I mean what female doesn't like a dessert like banana royale."

12           38. The reporting party employee said she was offended by the statement which clearly  
13 had a sexual connotation associated with the banana. On June 12, 2021, Plaintiff spoke to the  
14 dispatcher about the comment; also present as a witness was Sergeant Samuels. The dispatcher  
15 repeated the incident as reported to the Plaintiff by the employee. The dispatcher said the  
16 statement was awkward, but she did not feel sexually harassed, but believed the statement could  
17 be perceived as being sexual in nature and unprofessional. Samuels later told Plaintiff she was  
18 offended by the statement made by VanScoy and said that type of comment, "takes us back 20  
19 years."

20           39. Based on the nature of the complaint, his duty as a leader and based on campus  
21 policy, Plaintiff reported this incident, along with the other comments to other female  
22 employees to Vice President Gonzales, Dawnita Franklin, Assistant VP for Institutional Equity  
23 and Compliance at Cal Poly Pomona and Kathy Prater, Employee/Labor Relations Specialists in  
24 a meeting via Zoom. At the conclusion of the meeting Franklin seemed disturbed by the  
25 allegations and it seemed as if she was about to state that they needed to remove VanScoy from  
26 the campus, but before she could get the those words out Gonzales stopped Franklin from  
27 speaking and stated that she shouldn't say anything else because Plaintiff was VanScoy's direct  
28

1 report. The meeting continued without Franklin and Prater. Plaintiff explained his concerns  
2 about the statements made by VanScoy.

3 40. On June 15, 2021, Plaintiff spoke to Gonzales because Amanda Elias, a female direct  
4 report to Plaintiff, stated she was upset that she had not heard back about her Title 9, referencing  
5 the sexual harassment complaint she made against VanScoy. The employee stated that it was  
6 sad that no one had reached out to her and offered her services. She felt betrayed by the  
7 leadership and stated that if she had been a female student the action would have been swift; she  
8 then said maybe if she enrolled as a student, they would take this more seriously. Gonzales  
9 seemed frustrated that Plaintiff followed up with her about the complaint. She took a deep  
10 breath and angrily responded, "Look Marc, this isn't the only complaint Title 9 is handling,  
11 they're busy." He responded it was his responsibility to pass on the employee's concerns. Her  
12 response to him was highly unprofessional, especially considering the recent "me-too"  
13 movement and Gonzales' role as a claimed advocate for victims of harassment.

14 ***Email Complaint Regarding VanScoy's Comments***

15  
16 41. Plaintiff sent an email documenting the above concerns to Vice President Gonzales  
17 on June 15, 2022, with the following statement, "This complaint and my initial complaint are  
18 both about doing what's right and protecting my integrity, my honor, and upholding the law.  
19 Unfortunately, instead of ensuring my confidentiality rights and protecting me from retaliation,  
20 the entire chain of command is now subject to vicarious liability claims. Based on all the  
21 statements attributed to the chancellor, Coley, and Gonzales, how can I expect to be given a fair  
22 opportunity to be a lieutenant or chief of police."

23 42. Gonzales responded via email, "Lt. Simpson Thank you for bringing this to my  
24 attention. I have forwarded this to OEC [Office of Equity and Compliance], you will hear from  
25 their office. Best Christina." Plaintiff was never contacted by OEC or Gonzales. Vice President  
26 Gonzales failed in her duty to conduct a timely and unbiased investigation into his complaint. In  
27 response to the sexual harassment claims made by female employees, no formal investigation  
28 was completed, which did not follow the campus protocols. One employee was told, "VanScoy

1 was told by campus leadership that he needed to stop and since he was no longer an employee  
2 no further action would be taken.” In all of the instances, not conducting a formal investigation  
3 of an EEO complaint violated various CSU policies.

4 ***VanScoy’s Comments to Plaintiff Regarding Vice President Gonzales***

5 43. On June 15, 2021, VanScoy told Plaintiff that Vice President Gonzales had told him  
6 not to trust anyone and specifically not to trust Plaintiff or speak to him about conversations  
7 between them. During the week of June 21, 2021, VanScoy told Plaintiff several times that he  
8 believed Gonzales had attempted to drive a wedge between them. He stated she told him several  
9 times not to trust the Plaintiff and that he should not discuss any of their conversations with the  
10 Plaintiff. He also reiterated that she didn't want the Plaintiff to be promoted to Lieutenant.  
11 VanScoy then said he didn't want to be insubordinate and said to Plaintiff, “Coley and Christina  
12 don’t like you.” On June 29 and 30, 2021, VanScoy told Plaintiff he had recommended him to  
13 be interim police chief.

14 ***Plaintiff Serves as Interim Chief***

15 44. On July 1, 2021, Plaintiff had a meeting with Vice President Gonzales and Kim  
16 Allain, Associate Vice President for Employee and Organizational Development and  
17 Advancement. Gonzales asked Plaintiff to be the administrator in charge of the Police  
18 Department for 4 to 6 weeks while the background for a long-term interim was completed.  
19 Plaintiff agreed but asked why he was not given the title of Interim Chief of Police. He stated all  
20 policies referred to the leader of the Department as Chief of Police and specifically gave special  
21 authority to the Chief of Police. He gave the example of signing a CCW for the retiring Chief.  
22 Gonzales, in an upset tone asked Allain why they couldn’t appoint him Interim Chief of Police.  
23 Allain stated the “on boarding” was more difficult. Plaintiff knew this to be untrue because he  
24 had been Interim Lieutenant for nearly two years and simply signed a document to do so.

25 45. Gonzales, in a statement to the university newspaper, confirmed that there should be  
26 no on-boarding issues when she stated the following, “administrators did not see a need for  
27 making an announcement that Simpson was serving as interim chief since he was well known  
28

1 on campus and already served on university committees that required representation.” Plaintiff  
2 also explained that he would need an Interim Lieutenant and they both agreed.

3 46. A few days later Plaintiff signed paperwork for his new status and for Stephanie  
4 Samuels to be the Interim Police Lieutenant. The “on boarding” for Samuel’s Lieutenant  
5 position was no different than what he had gone through previously as an Interim Lieutenant.  
6 However, Plaintiff had to ask for increased compensation for his new role, which included more  
7 responsibility and liability. In response, Vice President Gonzales did not say anything, and  
8 instead continued to look angry at the request. Allain quickly jumped in and agreed to the  
9 request stating that he would receive a 10% increase. Plaintiff’s monthly pay for his new  
10 position was approximately \$2,717 less than VanScoy and \$4,331 less than David Hall, who  
11 succeeded the Plaintiff. The monthly pay for Samuels was approximately \$2,416 less than  
12 Plaintiff’s acting Lieutenant pay. This was clearly disparate treatment, especially since they  
13 were both whistleblowers.

14 47. While speaking to a civilian manager and peer at the Police Department, Mike Yu,  
15 stated that Christina Gonzales had a trust issue with the Plaintiff. He explained that MPP’s  
16 (another term for executive leadership) are a tight knit group and if someone steps out of line  
17 and accuses someone of wrongdoing, they are ostracized. Plaintiff told him he thought that was  
18 a horrible leadership model and it promoted groupthink.

19 48. August 3, 2021, Yu and Plaintiff were discussing budget and staffing issues in the  
20 Plaintiff’s office. He explained he had prepared an agenda for his meeting with Christina G  
21 Gonzales. Plaintiff shared the agenda with Gonzales so she couldn’t claim ignorance about the  
22 needs of the Department and potential staffing issues. During the conversation, Mike Yu told  
23 Plaintiff on three different occasions that “Christina doesn’t trust you, so she’s not going to  
24 listen to what you say.” Plaintiff has never been accused of dishonesty or wrongdoing, the only  
25 reason she could claim lack of trust is because of the whistleblower complaint. Mike Yu also  
26 expressed that he was concerned that Plaintiff wasn’t going to be promoted to Lieutenant, based  
27 on Gonzales’ trust issues with him.  
28

1           **Lt Simpson made a second 10-page whistleblower retaliation complaint on August**  
2           **8, 2021.**

3           ***Retaliation and Demotion***

4  
5           49. On August 16, 2021, Plaintiff spoke to interim Chief Dave Hall. In that conversation,  
6 Chief Hall mentioned to Plaintiff that he was aware of the whistleblower complaint Plaintiff  
7 made. Plaintiff is unaware of how the new Interim Chief became aware of the previous  
8 whistleblower complaint.

9           50. On August 19, 2021, while speaking to Hall in his office, Hall asked if Plaintiff had  
10 received his letter about returning to Sergeant. He later stated, "I would prefer to keep you, but  
11 it has already been made clear to me that extending your Lieutenant position is a non-starter,  
12 and off the table. It's probably better you go back to Sergeant, if you got promoted to  
13 Lieutenant, they could literally fire you the next day, you would have no recourse. They won't  
14 give you retreat rights. Christina has never said a kind word about you, and she clearly dislikes  
15 you. Marc, I understand what you're going through, and I truly empathize with your situation. I  
16 hope you win your lawsuit, you clearly have not been treated fairly. The employees at the police  
17 department respect you and it's evident you have done a lot to make this place better. All I can  
18 say is I wish you the best and hope it turns out okay."

19           51. From August 16, 2021, until Plaintiff was demoted from Lieutenant to Sergeant on  
20 October 1, 2021, Plaintiff was given one (1) assignment which took him two (2) days to  
21 complete. The assignment was completing the new police department schedule and working  
22 through seniority to arrange sign-ups. Once completed, Hall was extremely happy and amazed  
23 he had completed it so quickly. From that moment on Plaintiff was completely left out of all  
24 decision making, and leadership collaboration.

25           52. On September 2, 2021, Plaintiff had arranged a meeting with dispatchers, the records  
26 clerk, Hall and himself, Plaintiff was in-charge of all the dispatchers and the records clerks. Just  
27 prior to the meeting, Hall stated, "You're not needed." Plaintiff later learned from several of the  
28 dispatchers that they wished he had been there. A few days later Hall canceled Plaintiff from a



1 planning meeting for surveillance camera placement, something he had already been involved  
2 with.

3 **December 2021 Payroll audit**

4 53. On November 1, 2021, Plaintiff discovered that the University had overpaid him  
5 \$2,895. He reported the error to payroll and they initially denied their mistake. Plaintiff also  
6 found that his vision and dental were inexplicably canceled at least twice by the campus. He  
7 sent a letter to Hall, who then sent it to Mary White, the new head of payroll. Hall said it was  
8 unacceptable what had occurred and upon receiving his email, "your complaint was taken to the  
9 highest level at the college." Hall confirmed he reported the issue to President Coley. Plaintiff  
10 was told that the medical cancellation was a statewide issue and he was not the only person  
11 affected. However, he later learned that this was untrue, and it only happened to a few members  
12 of the Police Department.

13 14 54. Additionally, Plaintiff learned that White conducted a forensic audit of his payroll  
15 and claimed he owed an additional \$964.33. Plaintiff had no problem paying the amount back  
16 but questioned why he was the only person subject to an audit of his payroll. Plaintiff believed  
17 the audit to be retaliatory, based on his whistleblower complaint. Eventually, Plaintiff paid back  
18 the \$2,895. This entire process took nearly 52 days to complete. Being that Hall reported the  
19 entire payroll issue to President Coley, it is reasonable to believe she provided direction for the  
20 audit of Plaintiff's pay. Plaintiff restated he had no issue paying the complete amount but asked  
21 about whether he would be compensated for having to refile his taxes. He did ask for a forensic  
22 review of all employees' pay believing that, surely, he wasn't the only person that was either  
23 overpaid or underpaid. However, he never received a response to his request.

24 55. Payroll also erroneously claimed at least twice they had corrected his information  
25 with PERS regarding what bargaining unit he belonged to. The bargaining unit is important  
26 because of retiree benefits. This issue was not corrected until February 3, 2022.

27 56. Plaintiff was further retaliated against in violation of his first amendment rights,  
28 labor code §§ 1102.5 and 6310, MMBA Govt. Code §§ 3502, 3506, and 3506.5, and other

1 relevant law because of his protected speech and disclosures. Plaintiff believes and is informed  
2 that the actions of Respondents as described herein were malicious, fraudulent, and/or  
3 oppressive and done with a willful and conscious design to injure Plaintiff and with a blatant  
4 disregard for Plaintiff's rights. Respondents, and each of them and/or their agents/employees,  
5 supervised, authorized, condoned and ratified the unlawful conduct of each other.

6           57. Plaintiff was subjected to these adverse employment actions, including his promotion  
7 denials, as a result of engaging in the aforementioned protected speech activities, and making  
8 the aforementioned disclosures. There exists no legitimate justification for taking the  
9 aforementioned adverse actions against Plaintiff. In doing the things alleged herein, Defendants,  
10 and each of them, violated the rights of Plaintiff under the First and Fourteenth Amendments to  
11 the United States Constitution to free expression and to associate with and participate in union  
12 activities. Specifically, Defendants have taken the aforementioned action against Plaintiff's in  
13 direct retaliation for, and in response to the various protected activities of Plaintiff. The acts and  
14 omissions of Defendants, and each of them, were done by Defendants under color of state law in  
15 their capacity as a municipality chartered under state law, and as policy making authorities to  
16 which Defendant City delegated its governing powers in the subject matter areas in which these  
17 policies were promulgated or decisions made or customs and practices followed. The acts and  
18 omissions described above were taken by the City's official policy maker as a member charged  
19 with such responsibility. It was or should have been plainly obvious to any reasonable policy  
20 making official of the City that acts and omissions of Defendants as alleged herein, taken alone  
21 or in conjunction, directly violated and continued to violate Plaintiff's clearly established  
22 constitutional and statutory rights.

23           58. On February 6, 2021, Dave Hall, the interim Chief of Police left the department.  
24 Plaintiff was aware of Hall's departure and sent an email on January 31, 2021 to Vice President  
25 Ysabel D. Trinidad stating his interest to resume his prior role as interim Police Chief. Trinidad  
26 didn't afford Plaintiff an interview and appointed a less qualified sergeant into the position.  
27  
28

1 59. On or about February 2021 Plaintiff applied for the Police Chief at Cal Poly Pomona  
2 but only advanced to the initial screening process. The screening interview was conducted by  
3 Gary Peterson, the president of Public Sector Search & Consulting. Peterson stated to Plaintiff  
4 that he was positive the Plaintiff would make a great police chief at Cal Poly or a municipal  
5 police department but based on the information the Plaintiff provided him about his dealings  
6 with Coley and Gonzales he didn't know if he was a "viable candidate" because of what they  
7 had already done to Plaintiff. When the Plaintiff explained some of the details he had gone  
8 through or witnessed, Peterson said he was amazed and stated he had never heard of such  
9 behavior in all his years of policing. Peterson later sent an email to the Plaintiff encouraging  
10 him to apply for the Chief of Police Position at Cal State Fullerton instead.

11 60. In doing the things alleged herein, Defendants acted with malicious intent to violate  
12 Plaintiff's rights, or at least in conscious, reckless, and callous disregard of Plaintiff's rights and  
13 to the injurious consequences likely to result from a violation of said rights.

14 **FIRST CAUSE OF ACTION**

15 **(RETALIATION — CA WHISTLE BLOWER STATUTE LAB.C. § 1102.5[a], [c], [h])**

16 **(By Plaintiff MARCUS SIMPSON Against All Defendants)**

17 61. PLAINTIFF incorporates by this reference each and all of the allegations contained  
18 in each and every preceding Paragraph above and each and ever succeeding Paragraph below  
19 hereof, as if fully set forth herein.

20 62. No employer shall make, adopt or enforce any rule, regulation or policy preventing  
21 an employee from disclosing information internally or to a government or law enforcement  
22 agency that an employee has reasonable cause to believe amounts to violation of state or federal  
23 statute or regulation. No employer shall retaliate against employee or against employees who  
24 are family members of such employee. Lab.C. § 1102.5(a), (h). See also *Patten v. Grant Joint*  
25 *Union High Sch. Dist.*, 134 Cal. App. 4th 1378, 1384, 37 Cal. Rptr. 3d 113, 117 (2005), and  
26 *Lawson v. PPG Architectural Finishes, Inc.*, 12 Cal. 5th 703, 503 P.3d 659 (2022). Lab.C. §  
27 1102.5(b), forbids retaliation if the employee disclosed, or the employer believes he/she  
28 disclosed or may disclose, information to certain government agencies, to those with authority

1 over the employee or authority to investigate, discover, or correct the employer's "violation or  
2 noncompliance, or for providing information to, or testifying before, any public body  
3 conducting an investigation, hearing, or inquiry, if the employee has reasonable cause to believe  
4 that the information discloses a violation of state or federal statute, or a violation of or  
5 noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing  
6 the information is part of the employee's job duties." *Green v. Ralee Eng. Co.* (1998) 19 C4th  
7 66, 77, 78 CR2d 16, 22—statute reflects "broad public policy interest in encouraging workplace  
8 whistleblowers to report unlawful acts without fearing retaliation." See also *Diego v. Pilgrim*  
9 *United Church of Christ* (2014) 231 CA4th 913, 922, 180 CR3d 359, 365-366.

10 63. Plaintiff disclosed information internally and to a government or law enforcement  
11 agency, when he, as an employee, had reasonable cause to believe the information disclosed a  
12 violation of a state or federal statute, or violation or non-compliance with a state or federal  
13 regulation, and was retaliated against for doing so. Further, Lab.C. § 1102.5(c) also forbids  
14 retaliation "against an employee for refusing to participate in an activity that would result in a  
15 violation of state or federal statute, or a violation of or noncompliance with a local, state, or  
16 federal rule or regulation." Here, Plaintiff refused to participate in Cal Poly Pomona's activities  
17 which would result in a violation of the law by refusing to not refer criminal cases to the  
18 District Attorney's Office without first vetting them internally with Cal Poly's proposed  
19 "kangaroo court", which would interfere with Prosecutorial discretion, and was treated retaliated  
20 against as a result. Plaintiff further refused to participate in Cal Poly Pomona, and its  
21 employees, other activities which would result in violation of state or federal statute, or a  
22 violation of or noncompliance with a local, state, or federal rule or regulation

23 64. As a result of Defendants doing the things alleged herein, PLAINTIFF suffered  
24 general and special damages in an amount to be proven at trial. Plaintiff hereby seeks  
25 reinstatement as Police Chief, civil penalties in the amount of \$10,000 for each violation to be  
26 awarded to the employees who suffered the violation, reasonable attorney fees, and seeks  
27 punitive damages.

28 **SECOND CAUSE OF ACTION**

1 (42 U.S.C. SEC. 1983)

2 (By Plaintiff MARCUS SIMPSON Against All Defendants)

3 65. PLAINTIFF incorporates by this reference each and all of the allegations contained  
4 in each and every preceding Paragraph above hereof, as if fully set forth herein.

5 66. Defendants retaliated against Plaintiff by refusing to promote him to the position of  
6 police Lieutenant and then later Interim Police Chief or Police Chief. As a direct result of  
7 Plaintiff exercising his constitutional rights to free speech and participating in labor,  
8 organizational, social and political activities as President of the Cal Poly Pomona Police  
9 Association, Defendants took the aforementioned adverse actions against him. Absent said  
10 protected speech and protected right to association conduct, Plaintiff would not have been  
11 passed over for promotion, would not have suffered adverse employment actions, and would not  
12 have been injured.

13 67. The various acts of intimidation, reprisal, retaliation, suppression and/or restraint  
14 exercised by Defendants against Plaintiff has created a chilling effect on their legitimate  
15 political, social and organizational speech by creating fear, hesitation, hostility and other  
16 destructive responses.

17 68. In doing the things alleged herein, Defendants, and each of them, violated the rights  
18 of Plaintiff under the First and Fourteenth Amendments to the United States Constitution to free  
19 expression, association and assembly. Specifically, Defendants have taken the aforementioned  
20 action against Plaintiff in direct retaliation for, and in response to the various protected activities  
21 of Plaintiff.

22 69. The acts and omissions of Defendants, and each of them, were done by Defendants  
23 under color of state law and as policy making authorities to which Defendant Cal Poly Pomona  
24 delegated its governing powers in the subject matter areas in which these policies were  
25 promulgated or decisions taken or customs and practices followed. The acts and omissions  
26 described above were taken by Cal Poly Pomona's official policy makers as members charged  
27 with such responsibility. It was or should have been plainly obvious to any reasonable policy  
28

1 making official of Cal Poly Pomona that the acts and omissions of Defendants as alleged herein,  
2 taking singly or in conjunction, directly violated and continued to violate Plaintiff's clearly  
3 established constitutional and statutory rights.

4 70. In doing the things alleged herein, Defendants acted with malicious intent to violate  
5 Plaintiff's rights, or at least in conscious, reckless, and callous disregard of Plaintiff's rights and  
6 to the injurious consequences likely to result from a violation of said rights. General and special  
7 damages are sought according to proof. Punitive damages are sought against the individual  
8 defendants, according to proof.

9 **THIRD CAUSE OF ACTION**

10 **(INTENTIONAL INTERFERENCE WITH CONTRACT OR PROSPECTIVE**  
11 **ECONOMIC ADVANTAGE (IIEA))**

12 **(By Plaintiff MARCUS SIMPSON Against Defendants Soraya Coley, Individually;**  
13 **Christina Gonzales, Individually; Joseph Castro, Individually; Scott Vanscoy, Individually**  
14 **and; Does 1- 10)**

15 71. PLAINTIFF incorporates by this reference each and all of the allegations contained  
16 in each and every preceding Paragraph above hereof, as if fully set forth herein.

17 72. An action for Intentional Interference with Economic Advantage exists when: (1) an  
18 enforceable contract between plaintiff and a third party; (2) Defendant's knowledge of the  
19 existence of that contract; (3) Defendant's intentional acts or conduct, designed to induce a  
20 breach or interruption of the contractual relationship; (4) Actual breach or disruption of the  
21 contractual relationship; and (5) Resulting damage. *Reeves v. Hanlon* (2004) 33 C4th 1140,  
22 1148, 17 CR3d 289, 294. Plaintiff had a valid employment contract / relationship with the City  
23 of Pomona, and Defendants knew of that employment contract / relationship. Defendants  
24 intentionally caused a breach of that contract / relationship in order to unjustly benefit  
25 themselves and their careers to Plaintiff's detriment.

26 73. In doing the things alleged herein, Defendants, Soraya Coley, Individually; Christina  
27 Gonzales, Individually; Joseph Castro, Individually; Scott Vanscoy, Individually and; Does 1-  
28 10, intentionally and knowingly disrupted Plaintiff's contractual relationship with Cal Poly

1 Pomona Police Department, Plaintiff suffered general and special damages in an amount to be  
2 proven at trial. Punitive damages are sought against the individual defendants, according to  
3 proof.

4 **FOURTH CAUSE OF ACTION**

5 **(RETALIATION — MEYERS-MILIAS-BROWN ACT**

6 **CAL. GOV'T CODE §§ 3502.1, 3502, 3506)**

7 **(By Plaintiff MARCUS SIMPSON Against All Defendants)**

8 74. PLAINTIFF incorporates by this reference each and all of the allegations contained  
9 in each and every preceding Paragraph above hereof, as if fully set forth herein.

10 75. Cal. Government Code section 3302 states, in part, that "no public safety officer  
11 shall be prohibited from engaging, or be coerced or required to engage, in political activity."  
12

13 76. Government Code Section 3309.5 provides that where it finds that a public safety  
14 department has violated any of the provisions of the Public Safety Officers Procedural Bill of  
15 Rights Act (Gov't Code sections 3300 et seq.), to render appropriate injunctive or other  
16 extraordinary relief to remedy the violation and to prevent future violations of a like or similar  
17 nature including, but not limited to the granting of a temporary restraining order, preliminary or  
18 permanent injunction prohibiting the public safety department from taking any punitive action  
19 against the public safety officer.

20 77. Defendant Cal Poly Pomona employs law enforcement personnel, including Plaintiff,  
21 and is charged with the duty of acting in accordance with the requirements of state law,  
22 including Government Code section 3300 et seq.

23 78. Defendants maliciously violated Government Code sections 3300 et seq. with the  
24 intent to injure Plaintiffs in retaliation for their lawful exercise of his statutory and constitutional  
25 rights. Defendants are therefore liable for a civil penalty not to exceed twenty-five thousand  
26 dollars (\$25,000) for each violation, for reasonable attorney's fees as may be determined by the  
27 court, as well as Plaintiff's actual damages, as provided in Government Code Section 3309.5. In  
28 engaging in the aforementioned activities, Plaintiffs engaged in activities protected by these

1 statutes. As a direct result of the Plaintiffs' protected speech and activities, the Defendants took  
2 adverse actions against him. Absent said speech, Defendants would not have taken said actions.  
3 In doing the things alleged herein, Defendants, and each of them, violated the rights of Plaintiffs  
4 as set forth herein.

5 79. As a result of Defendants acted with malicious intent to violate Plaintiff's rights, or  
6 at least in conscious, reckless, and callous disregard of Plaintiff's rights and to the injurious  
7 consequences likely to result from a violation of said rights., PLAINTIFF suffered general and  
8 special damages in an amount to be proven at trial. Punitive damages are sought against the  
9 individual defendants, according to proof. Plaintiff seeks equitable relief in the form of an  
10 injunction or any and all other remedies that the court deems just and proper.

11 **FIFTH CAUSE OF ACTION**

12 **(RETALIATION — MEYERS-MILIAS-BROWN ACT**

13 **CAL. GOV'T CODE §§ 3502.1, 3502, 3506)**

14 **(By Plaintiff MARCUS SIMPSON Against All Defendants)**

15 80. PLAINTIFF incorporates by this reference each and all of the allegations contained  
16 in each and every preceding paragraph as if fully set forth herein.

17  
18 81. California Government Code section 3502.1 states that "No public employee shall  
19 be subject to punitive action or denied promotion, or threatened with any such treatment, for the  
20 exercise of lawful action as an elected, appointed, or recognized representative of any employee  
21 bargaining unit."

22 82. Government Code sections 3502 and 3506 prohibit public agencies from interfering  
23 with, or discriminating against, public employees because of their participation in the activities  
24 of employee organizations for the purpose of representation on all matters of employer-  
25 employee relations.

26 83. In engaging in the aforementioned speech and associational activities, Plaintiff  
27 engaged in activities protected by these statutes. As a direct result of the Plaintiff's statutorily-  
28 protected actions and speech, the Defendants took the aforementioned adverse actions against



1 him. Absent said speech activities, Defendants would not have taken said actions. In doing the  
2 things alleged herein, Defendants, and each of them, violated the rights of Plaintiff as set forth  
3 herein.

4 84. As a result of Defendants doing the things alleged herein, PLAINTIFF suffered  
5 damages in an amount to be proven at trial.

6 [PLAINTIFF RESERVES THE RIGHT TO AMEND HIS COMPLAINT FOR  
7 ADDITIONAL CAUSES OF ACTION]

8 **WHEREFORE**, Plaintiff **Marcus Simpson** prays for a judgment against Defendant Cal  
9 Poly Pomona, and Defendants, each of them, as follows:


- 10 1. For general damages, in the amount according to proof;
- 11 2. For special damages, in the amount according to proof;
- 12 3. For statutory damages;
- 13 4. For punitive damages in an amount to be determined by the Court according to proof;
- 14 5. For an award of costs;
- 15 6. For an award of reasonable attorneys' fees;
- 16 9. For Plaintiff to be reinstated as Cal Poly Pomona Police Chief, along with back pay,
- 17 and an injunction against Cal Poly Pomona from engaging in similar conduct; and
- 18 10. For any and all other relief the Court deems just and proper.

19 **REQUEST FOR JURY TRIAL**

20 Plaintiff **Marcus Simpson** hereby demands a trial by jury on all issues.

22 Dated: October 7, 2022

CASTILLO HARPER, APC

23  
24  
25 By:   
26 **BRANDI L. HARPER, ESQ.**  
27 Attorney for Plaintiff  
28 Marcus Simpson