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Attorneys for Defendant  
CITY OF LOS ANGELES, erroneously also named as  
Los Angeles Police Department, CHIEF WILLIAM  
BRATTON, COMMANDER STUART MAISLIN,  
CAPTAIN KELLY MULLDORFER, and  
SERGEANT KINARD MOFFATT

**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

**RICHARD ROMNEY,**

Plaintiff,

v.

**CHIEF WILLIAM BRATTON,  
COMMANDER STUART MAISLIN,  
CAPTAIN KELLY MULLDORFER,  
SERGEANT KINARD MOFFATT, CITY  
OF LOS ANGELES, LOS ANGELES  
POLICE DEPARTMENT, AND DOES 1  
THROUGH 100, INCLUSIVE,**

Defendants.

**CV 09-03048**

CASE NO:

[Assigned to Honorable ]

**DEFENDANTS CITY OF LOS  
ANGELES, CHIEF WILLIAM  
BRATTON, COMMANDER STUART  
MAISLIN, CAPTAIN KELLY  
MULLDORFER, AND SERGEANT  
KINARD MOFFATT'S NOTICE OF  
REMOVAL TO FEDERAL COURT**

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendants City of Los Angeles, erroneously also  
named as Los Angeles Police Department, Chief William Bratton, Commander Stuart  
Maislin, Captain Kelly Mulldorfer, and Sergeant Kinard Moffatt (collectively,  
"Defendants") hereby remove this action from the Superior Court for the State of  
California, County of Los Angeles, to the United States District Court for the Central

1 District of California. This request for removal is based upon 28 U.S.C. §§1441(a), (b)  
2 and (c) and the facts described in this notice.

3 Defendants are defendants in a civil action filed in the Superior Court of the State  
4 of California, County of Los Angeles, entitled Richard Romney v. Chief William  
5 Bratton, Commander Stuart Maislin, Captain Kelly Mulldorfer, Sergeant Kinard Moffatt,  
6 City of Los Angeles, Los Angeles Police Department, and Does 1 through 100, inclusive,  
7 Los Angeles Superior Court Case No.: BC 411532.

8 Plaintiff filed his unverified Complaint for Damages in State Court on April 9,  
9 2009, but the Complaint has not been served on any defendant. A true and correct copy  
10 of the Complaint, is attached hereto as Exhibit 1. Defendants obtained a copy of the  
11 Complaint on or about April 14, 2009. The Complaint alleges two causes of action for  
12 (1) Retaliation in Violation of the Fair Labor Standards Act ("F.L.S.A."); and  
13 (2) Injunction.

14 Defendants filed an Answer to the Complaint for Damages on April 30, 2009, and  
15 all Defendants join in this Notice of Removal. A true and correct copy of Defendants'  
16 Answer is attached hereto as Exhibit 2.

17 This action is a civil action of which this Court has original jurisdiction under 28  
18 U.S.C. § 1331, and is one which may be removed to this Court by the City pursuant to the  
19 provisions of 28 U.S.C. §§ 1441(a), (b) and (c).

20 A case is removable from state to federal court if the action could have been  
21 originally commenced in federal court. *See* 28 U.S.C. § 1441(a). This action meets the  
22 original jurisdiction requirements of 28 U.S.C. §§ 1441(a) and (b), by having alleged  
23 violations of the F.L.S.A., 29 U.S.C. § 215.

24 The gravamen of Plaintiff's Complaint for Damages is that Defendants have  
25 allegedly violated Plaintiff's rights under the F.L.S.A. by initiating discipline against  
26 Plaintiff, removing Plaintiff from his position, and initiating a Board of Rights  
27 proceeding. Plaintiff alleges that these actions were taken against him because he  
28

1 provided trial testimony in the Federal District Court Case entitled Jay Vucinich, Edward  
2 Maciel, et al., v. City of Los Angeles, Case No. CV 06-00249 RSWL-CW.

3 Plaintiff's Complaint asserts two separate causes of action, including:  
4 (1) Retaliation in Violation of the Fair Labor Standards Act; and (2) Injunction. This  
5 Court also has jurisdiction over Plaintiff's cause of action for Injunction, to the extent it is  
6 stated as a state law claim. Whenever a separate and independent claim arising under  
7 federal law is joined with one or more otherwise nonremovable claims, the entire case  
8 may be removed and the District Court may determine all issues therein. *See* 28 U.S.C.  
9 §1441(c).

10 Plaintiff has demanded a jury trial in his Complaint. The City similarly demands a  
11 trial by jury.

12 The Notice of Removal is being filed in this Court and in the Superior Court of the  
13 State of California, County of Los Angeles.

14 The instant Notice of Removal is timely filed within thirty (30) days of receiving a  
15 copy of the Complaint on or about April 14, 2009. Exh. 1.

16 WHEREFORE, the above-entitled action, now pending in the Superior Court of  
17 the State of California, County of Los Angeles, is removed to the United States District  
18 Court for the Central District of California.

19  
20 DATED: April 29, 2009

Respectfully submitted,

21 ROCKARD J. DELGADILLO, City Attorney  
22 MICHAEL L. CLAESSENS, Sr. Asst. City Atty.  
23 DANIEL P. AGUILERA, Deputy City Attorney

24 By:

  
25 DANIEL P. AGUILERA, Deputy City Attorney  
26  
27  
28

# EXHIBIT 1

ORIGINAL

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Attorneys for Plaintiff  
Richard Romney

**FILED**  
LOS ANGELES SUPERIOR COURT

APR -9 2009

JOHN A. CLARKE, CLERK  
BY RUGENA LOPEZ, DEPUTY

*James R. Dum*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

RICHARD ROMNEY,

Plaintiff,

v.

CHIEF WILLIAM BRATTON,  
COMMANDER STUART MAISLIN,  
CAPTAIN KELLY MULLDORFER,  
SERGEANT KINARD MOFFATT,  
CITY OF LOS ANGELES, LOS  
ANGELES POLICE DEPARTMENT,  
AND DOES 1 THROUGH 100,  
INCLUSIVE,

Defendants.

Case No.:

BC411532

**COMPLAINT FOR DAMAGES FOR**

1. **RETALIATION IN VIOLATION  
OF THE FAIR LABOR  
STANDARDS ACT; and**
2. **INJUNCTION**

**DEMAND FOR JURY TRIAL**

Plaintiff Richard Romney ("Romney") demands a trial by jury and based on information and belief complains and alleges as follows:

**THE PARTIES**

1. Romney is an individual residing in Los Angeles County, State of California.
2. Defendant City of Los Angeles ("City") is a municipal corporation organized under the charter law city and existing by virtue of the laws of the State of California.

CITY/STATE COURT/CLERK  
RECEIPT #: CM47723166  
DATE PAID: 04/28/09 02:37:06 PM  
PAYMENT: \$350.00  
RECEIVED: 0310  
CHECK: 350.00  
CASH: 0.00  
CHARGE: 0.00  
CARD: 0.00

1           3. Defendant Los Angeles Police Department ("LAPD") is a municipal agency  
2 existing by virtue of the laws of the State of California.

3           4. Chief William Bratton ("Bratton") is, and at all relevant times was, employed as the  
4 Chief of the LAPD and a member of the Board of Police Commissioners and has held other  
5 positions within the City. In conjunction with his employment and positions within the City,  
6 Bratton has now, and at all relevant times had, the authority and responsibility of setting and  
7 implementing the official policy and custom of the LAPD, including, but not limited to the LAPD  
8 policy with respect to the investigation of and retaliation against employees who opposed unlawful  
9 employment practices and/or made charges, testified, assisted or otherwise participated in any  
10 investigation, proceeding or and/or hearing (*i.e.*, "protected activity") of employee claims brought  
11 pursuant to the Fair Labor Standards Act, 29 U.S.C. §§ 201-219 (the "FLSA"). In conjunction with  
12 his employment and position with the City, Bratton was further delegated with the authority and  
13 responsibility of executing training, supervisory and disciplinary functions of the LAPD, and at all  
14 relevant times herein was acting in the course and scope of his employment and under color of law.

15           5. Commander Stuart Maislin ("Maislin") is, and at all relevant times was, the  
16 Commanding Officer of the Risk Management Unit of the LAPD and was delegated with the  
17 authority and responsibility of setting and implementing the policy and custom of the LAPD,  
18 including but not limited to, the LAPD policy with respect to the investigation of and retaliation  
19 against employees who opposed unlawful employment practices and/or made charges, testified,  
20 assisted or otherwise participated in any investigation, proceeding or and/or hearing (*i.e.*,  
21 "protected activity") of employee claims brought pursuant to the FLSA. In conjunction with his  
22 employment and position with the City, Maislin was further delegated with the authority and  
23 responsibility of executing training, supervisory and disciplinary functions of the City of Los  
24 Angeles Police Department, and at all relevant times herein was acting in the course and scope of  
25 his employment and under color of law.

26           6. Captain Kelly Muldorfer ("Muldorfer") is, and at all relevant times was, a  
27 Commanding Officer of Southeast Division of the LAPD and was delegated with the authority and  
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1 responsibility of setting and implementing the policy and custom of the LAPD, including but not  
2 limited to, the LAPD policy with respect to the investigation of and retaliation against employees  
3 who opposed unlawful employment practices and/or made charges, testified, assisted or otherwise  
4 participated in any investigation, proceeding or and/or hearing (*i.e.*, "protected activity") of  
5 employee claims brought pursuant to the FLSA. In conjunction with her employment and position  
6 with the City, Muldorfer was further delegated with the authority and responsibility of executing  
7 training, supervisory and disciplinary functions of the LAPD, and at all relevant times herein was  
8 acting in the course and scope of her employment and under color of law.

9         7. Sergeant Kinard Moffatt ("Moffatt") is and at all relevant times was, a supervisor at  
10 Southeast Division of the LAPD and was delegated with the authority and responsibility of setting  
11 and implementing the policy and custom of the LAPD, including but not limited to, the LAPD  
12 policy with respect to the investigation of and retaliation against employees who opposed unlawful  
13 employment practices and/or made charges, testified, assisted or otherwise participated in any  
14 investigation, proceeding or and/or hearing (*i.e.*, "protected activity") of employee claims brought  
15 pursuant to the Fair Labor Standards Act ("FLSA"). In conjunction with his employment and  
16 position with the City, Moffatt was further delegated with the authority and responsibility of  
17 executing training, supervisory and disciplinary functions of the LAPD, and at all relevant times  
18 herein was acting in the course and scope of her employment and under color of law.

19         8. Plaintiff does not know the true names and capacities of the defendants sued herein  
20 as DOES 1 through 100, inclusive, and therefore sues these defendants by such fictitious names.  
21 Plaintiff will amend this Complaint to allege their true names and capacities when the same have  
22 been ascertained. Plaintiff is informed and believes and thereon alleges that each of the fictitiously  
23 named defendants is responsible in some manner for the acts and occurrences herein alleged,  
24 whether such acts and occurrences were committed intentionally, negligently, recklessly or  
25 otherwise and that each said DOE defendant is liable to plaintiff for the damages claimed herein.

26         9. At all times herein mentioned, each Defendant was the agent, servant and employee  
27 of each of the remaining Defendants, and in doing the things hereinafter mentioned, each  
28



1 Defendant was acting within the course and scope of their employment and authority as such agent,  
2 servant and employee and with the consent of their co-Defendants.

3 10. The conduct of each Defendant combined and cooperated with the conduct of each  
4 of the remaining Defendants so as to cause the incidents and the resulting injuries and damages to  
5 plaintiff described in this Complaint.

6 **FACTS COMMON TO ALL CAUSES OF ACTION**

7 11. Romney is, and at all relevant times was, a sworn peace officer employed with the  
8 LAPD; he currently holds the rank of Police Officer III.

9 12. Romney has been continuously employed with the City as a police officer with the  
10 LAPD since approximately 1990. At all times herein mentioned, Romney was qualified for the  
11 position of a police officer by reason of his education and training.

12 13. During the course of his employment with the City, Romney performed his various  
13 responsibilities in an exemplary fashion and otherwise capably performed each and every condition  
14 of his employment agreement.

15 14. Prior to joining the LAPD, in June 1990, Romney graduated from California State  
16 University, Long Beach, with a Bachelor of Science degree in Criminal Justice Administration.

17 15. Romney then applied for and was accepted to the Los Angeles Police Academy. He  
18 graduated from the Academy in April 1991.

19 16. In April 1992, after successfully completing his probationary period at Wilshire  
20 Division, Romney promoted to the rank of Police Officer II. Romney was selected by Detective III  
21 Dave Manlove (Ret.) for a long-term special loan to the Narcotics Bureau Undercover "Buy Team"  
22 from 1994 to 1996.

23 17. In or around March 1998, Romney successfully passed the written examination and  
24 oral interview process to promote to the rank of Police Officer III. As a result, Romney's rank  
25 became Police Officer III and he was entitled to additional monetary compensation and other  
26 benefits and privileges that accompanied the rank of Police Officer III.  
27  
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1           18. From March 1998 until March 20, 2008, Romney remained an active member of  
2 Southeast Division and held the rank of Police Officer III. All of his ensuing performance  
3 evaluations were positive and Romney received commendations from both private citizens and the  
4 LAPD for his outstanding contributions and achievements in the LAPD.

5           19. Pursuant to the policy and custom of the LAPD, Romney regularly prepared written  
6 Daily Field Activity Reports that documented, among other things, his basic activities including,  
7 but not limited to, his start of on-duty watch, his end of on-duty watch, his "Code 7" (*i.e.*, lunch  
8 hour), and other incidents related to his employment as an LAPD officer. Pursuant to the custom  
9 and policy of the LAPD, the Daily Field Activity Reports were submitted for approval to LAPD  
10 supervisors.

11           20. Pursuant to the custom and policy of the LAPD, Romney had been trained not to  
12 submit any request for overtime and/or missed "Code 7" lunch breaks for intervals of fewer than 60  
13 minutes.

14           21. On numerous occasions between 1998 and 2008, Romney submitted Daily Field  
15 Activity Reports that specifically reflected "No Code 7" and/or that included overtime for the  
16 corresponding date. On other occasions, Romney submitted his written Daily Field Activity  
17 Reports with no mention of "Code 7" whatsoever.

18           22. On several occasions over the course of his employment with the LAPD,  
19 supervisors acknowledged Romney's "No Code 7" entries in his Daily Field Activity Reports.  
20 When asked about the "No Code 7" entries, Romney explained he did not have an opportunity to  
21 take Code 7 during his shift. Pursuant to the policy and custom of the LAPD, the Daily Field  
22 Activity Reports were consistently approved without change by the sergeants, submitted to Watch  
23 Commanders and Captains who also signed the Daily Field Activity Reports with the "No Code 7"  
24 entries.

25           23. As was the policy and custom of the LAPD, Romney was dissuaded from taking  
26 "Code 7". Supervisors at the LAPD repeatedly told Romney that if he had eaten anything during  
27 his ten-to twelve-hour shift, he had taken "Code 7". Romney documented his activities, including  
28

1 the absence of Code 7, and submitted them to his supervisors pursuant to the policy of the LAPD.  
2 Romney's written Daily Field Activity Reports were accepted, approved, signed and kept in the  
3 course of the regular practices and policy of the LAPD.

4 24. Beginning in approximately 1998 and continuing up to 2008, Romney followed the  
5 policy and custom in place at the LAPD by foregoing Code 7 and excluding from his Daily Field  
6 Activity Reports overtime for periods that did not exceed 60 minutes.

7 25. Each of his Daily Field Activity Reports was submitted to a duly trained and  
8 experienced supervisor who followed the policy and custom of the LAPD and reviewed the Daily  
9 Field Activity Reports. In further adherence to the policy and custom of the LAPD, Romney's  
10 supervisors approved the Daily Field Activity Reports, including but not limited to, the Daily Field  
11 Activity Reports that did not reflect Code 7 and/or overtime worked for the watch completed by  
12 Romney. LAPD policy and custom required Romney's supervisors to examine his Daily Field  
13 Activity Reports for errors, accuracy and/or mistakes. After a thorough review of the Daily Field  
14 Activity Reports, Romney's supervising sergeants, lieutenants and captains regularly accepted and  
15 processed them without change in a manner consistent with the LAPD policy.

16 26. Romney was never requested to re-write a Daily Field Activity Report to include  
17 overtime actually worked but not reflected in the document. To the contrary, Romney was  
18 specifically directed not to "put in" for any hours actually worked that exceeded the posted  
19 schedule, including, but not limited to, end of watch duties. On at least one occasion, Romney  
20 submitted an LAPD Overtime Request Form to the Acting Watch Commander for Day Watch,  
21 Southeast Area Sergeant II Henry Quan. Sergeant Quan ripped up the Overtime Request Form and  
22 discarded it in the trash.

23 27. After submitting Daily Field Activity Reports with entries stating "No Code 7",  
24 Romney was never counseled or instructed by any supervisor to take "Code 7". Romney's Daily  
25 Field Activity Reports were not returned to him or rejected by his supervisors due to  
26 undocumented overtime and/or failure to take his "Code 7".  
27  
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1           28. In or about 2006, fellow LAPD Officer Edward Maciel filed a lawsuit in the United  
2 States District Court for the Central District of California. In that case, entitled *Edward Maciel v.*  
3 *City of Los Angeles*, Case No. CV 06-00249 RSWL, Officer Maciel alleged that the City and the  
4 LAPD violated the FLSA (the "Maciel Case").

5           29. On or about January 24, 2008, Romney was served with a subpoena to appear on  
6 January 26, 2008 to testify in the Maciel Case.

7           30. On January 26, 2008, Romney appeared in federal court pursuant to the subpoena  
8 and provided testimony in the Maciel Case. A true and correct copy of the transcript of Romney's  
9 testimony is attached hereto as Exhibit A.

10          31. Under penalty of perjury, Romney's testified, *inter alia*, that:

- 11           a. LAPD officers regularly skipped their "Code 7" (*i.e.*, lunch break) with the  
12 full knowledge and encouragement of the supervisors;
- 13           b. LAPD supervisors specifically instructed Romney and the other officers not  
14 to submit overtime slips for intervals of fewer than 60 minutes;
- 15           c. Any time spent preparing for official duties as a sworn LAPD officer that  
16 occurred before roll call, such as dressing in uniform, completing P-1  
17 ratings, and other paperwork, etc. was identified by supervisors as "off the  
18 clock" and not compensable;
- 19           d. Any time spent in completing official LAPD duties and activities after the  
20 posted end of watch was identified by supervisors as "off the clock" and not  
21 compensable overtime;
- 22           e. He submitted Daily Field Activity Reports documenting numerous occasions  
23 where he did not take Code 7 and was not compensated for his time, and  
24 those Daily Field Activity Reports were reviewed and approved by  
25 sergeants, lieutenants and captains; and
- 26           f. Sergeant II Henry Quan ripped up Romney's Request for Overtime Form,  
27 which requested overtime for a period of 30 minutes.  
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1           32. On January 26, 2008, while Romney was testifying in the Maciel Case, he observed  
2 Detective II Yvette Bass in the gallery. Detective Bass is, and at all relevant times was, a  
3 supervisor assigned to the Risk Management Unit at LAPD. Detective Bass reports directly to  
4 Commander Stuart Maislin, the Commanding Officer and Officer-in-Charge of the Risk  
5 Management Group. Detective Bass remained in the gallery of the courtroom for the duration of  
6 Romney's testimony.

7           33. On January 25, 2008, the day before Romney provided his testimony, Sgt. David  
8 Kowalski, signed Romney's Annual Performance Evaluation. Romney is informed and believes,  
9 and on that basis alleges, that Sgt. Kowalski was unaware that Romney – pursuant to a subpoena  
10 from a federal court – would have no choice but to provide honest testimony that was adverse to  
11 the City's position in the Maciel Case. As a result, Romney's Annual Performance Evaluation was  
12 positive; his skills were noted to be proficient and there was no negative criticism of his abilities as  
13 a police officer. To the contrary, the Annual Performance Evaluation included at least four  
14 commendations.

15           34. On January 31, 2008, unbeknownst to Romney, Commander Maislin obtained a  
16 transcript of proceedings of Romney's testimony in the Maciel Case.

17           35. On January 31, 2008 – one week after Romney testified – Commander Maislin  
18 initiated a formal Internal Affairs complaint investigation for insubordination against Romney  
19 specifically based upon Romney's sworn testimony in the Maciel Case. A true and correct copy of  
20 the Internal Affairs Complaint initiated against Romney by Commander Maislin is attached hereto  
21 as Exhibit B.

22           36. Commander Maislin's report to Internal Affairs cited the testimony given on  
23 January 26, 2008, as the basis for the requested investigation. See Exhibit B at 3. Maislin reported  
24 to Internal Affairs that Officer Romney was insubordinate because he failed to submit overtime  
25 slips for overtime worked. See Exhibit B at 1, 3.

26           37. Romney's testimony in the Maciel Case constitutes protected activity under the  
27 FLSA.  
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1           38. As a direct consequence of Romney's engaging in protected activity, Defendants,  
2 and each of them, harassed Romney and engaged in retaliatory behavior, including, but not limited  
3 to, heightened scrutiny of his performance, unwarranted discipline, warnings that supervisors were  
4 "aware of the testimony" he had given, seeking out citizens to elicit unwarranted personnel  
5 complaints, and monitoring every detail of his daily duties.

6           39. As a result of engaging in protected activity, and in addition to the above, beginning  
7 on or about January 31, 2008, Romney was subjected to numerous adverse employment actions:

- 8           a. Romney was threatened with demotion and loss of his rank of Police Officer
- 9           III and the pay commensurate with that rank;
- 10          b. Romney received unjustified Comment Cards;
- 11          c. Romney was ordered to work in uniform without appropriate footwear;
- 12          d. Captain Mulldorfer openly chastised Romney for his testimony in the Maciel
- 13          Case;
- 14          e. Romney was warned he was being "watched";
- 15          f. Sergeant Moffat solicited a citizen to file a baseless complaint against
- 16          Romney;
- 17          g. Romney was threatened with false personnel complaints;
- 18          h. Sergeant Moffat told Romney that the Captain's Office instructed Moffat to
- 19          "keep an eye on" Romney and that Romney was "under the microscope";
- 20          i. Romney was nit-picked and micro-managed while his peers who had not
- 21          given testimony were not;
- 22          j. Romney was relieved of duty and stripped of his police powers;
- 23          k. After two captains recommended a penalty of a 1-day suspension, Chief of
- 24          Police Bratton wielded his power and imposed the greatest potential penalty
- 25          of termination after a directed Board of Rights. A true and correct copy of
- 26          the letter recommending terminating Romney is attached hereto as Exhibit
- 27          C;
- 28

1. Romney was forced to tender his badge and his LAPD identification card;
- m. Chief Bratton affirmatively stated that any person who was involved in the FLSA claims for Code 7 and/or overtime was stealing from the City;
- n. The Board of Rights to which Chief Bratton ordered Romney is a mandatory quasi-judicial proceeding at which the parties, *i.e.*, the City and Romney, are represented, present documentary evidence, call and cross-examine witnesses under oath, and argue their respective positions. The Board of Rights results in a final determination by a finder of fact on the merits of the claims.

40. The severe retaliatory acts were orchestrated against Romney because he spoke out against the unlawful employment practices at the LAPD and in support of the FLSA violations alleged in the Maciel Case. The retaliatory acts and adverse employment actions materially affected the terms, conditions and privileges of Romney's employment.

41. Romney lost significant income and benefits as a result of the adverse employment actions taken in retaliation for his engaging in protected activity when he testified to the FLSA violations in the LAPD and in support of Edward Maciel.

42. At all times herein mentioned, the FLSA was in full force and effect and was binding on the defendants, and each of them. The FLSA required Defendants, and each of them, to refrain from retaliating against employees for participating in protected activity, which includes speaking out against unlawful employment practices and for participating in the investigation of violations of the FLSA.

### **FIRST CAUSE OF ACTION**

#### **Unlawful Retaliation**

**(Against All Defendants and DOES 1 through 100, inclusive, and each of them)**

43. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1 through 42, inclusive, and incorporates each herein by reference.



1           44. At all times herein mentioned, the FLSA was in full force and effect and was  
2 binding upon Defendants, and each of them. The FLSA required Defendants, and each of them, to  
3 refrain from discriminating against, harassing, and/or retaliating against any employee who  
4 engaged in protected activity (*i.e.*, testifying in an FLSA proceeding) and to provide each employee  
5 with a working environment free from discrimination, harassment, and retaliation.

6           45. At all times herein mentioned, Romney was in the protected class of persons who  
7 engaged in protected activities contemplated by the FLSA. Romney is informed and believes that  
8 Defendants, and each of them, retaliated against him for providing testimony in the Maciel Case  
9 and speaking out against unlawful LAPD employment practices that violated the FLSA.

10           46. As a consequence of engaging in such protected activities, Defendants and each of  
11 them retaliated against Romney and subjected Romney to severe adverse employment actions in  
12 violation of the FLSA.

13           47. At all times herein mentioned, Defendants, and each of them, had actual and/or  
14 constructive knowledge of the harassing, retaliatory conduct levied against Romney by Defendants,  
15 fellow employees and superiors. Moreover, such retaliation was also conducted and/or condoned  
16 by Defendants, and each of them.

17           48. As a direct, foreseeable, and proximate result of Defendants' harassing, retaliatory  
18 conduct, Romney has suffered both general and special damages in the past and present and will  
19 continue to suffer such damages in the future for an unknown period of time. The exact amount  
20 of such damages is unknown to Romney at this time.

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

25           50. As a result of Defendants' conduct as alleged herein, Romney has been required to  
26 retain counsel to represent him. Romney is therefore entitled to an award based on the reasonable  
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1 attorneys' fees necessarily incurred in the preparation and prosecution of this action, pursuant to  
2 California Government Code section 12965(b).

3 **SECOND CAUSE OF ACTION**

4 **Injunction**

5 **(Against all Defendants, and DOES 1 through 100, inclusive, and each of them)**

6 51. Plaintiff repeats and realleges each and every allegation contained in Paragraphs 1  
7 through 50, inclusive, and incorporates each herein by reference.

8 52. Romney's faces discipline, including possible termination, at the mandatory Board  
9 of Rights to which he has been ordered by defendant Bratton – Chief of the LAPD.

10 53. Romney's Board of Rights is scheduled for May 11, 2009.

11 54. Romney seeks an order from this Court enjoining Defendants from holding the  
12 Board of Rights until after this case is adjudicated.

13 55. Romney alleges that he has been retaliated against in violation of the FLSA.

14 56. In the Maciel Case, Romney testified regarding the LAPD's custom and policy  
15 regarding the taking of Code 7.

16 57. As a direct consequence of his testimony in support of a fellow officer, Romney  
17 suffered discrimination and retaliation in violation of the FLSA.

18 58. Romney is likely to succeed on the merits of his FLSA retaliation claim.

19 59. If Romney is subjected to a Board of Rights prior to adjudication of the issues in  
20 this case, he will be unfairly prejudiced.

21 60. Defendants will suffer no prejudice as a result of the requested injunction.

22 WHEREFORE, plaintiff Romney prays that judgment be entered in his favor and against  
23 defendants as follows:

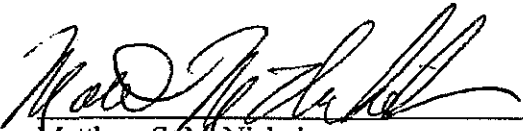
- 24 1. For general and special damages in an amount in excess of the minimum  
25 jurisdictional limits of this Court;  
26 2. For compensatory damages including lost wages and lost employee benefits,  
27 together with interest on said amounts, according to proof;  
28

3. For a money judgment for mental pain and anguish and emotional distress;
4. For a money judgment for physical pain, injury, anguish and distress, as the same have resulted from emotional stress and distress;
5. For reasonable attorney fees, as allowed by law;
6. For an award of interest, including prejudgment interest, at the legal rate, as allowed by law;
7. For costs of suit incurred herein, as allowed by law; and
8. For such other and further relief as the Court may deem just and proper.

Dated: April 9, 2009

McNICHOLAS & McNICHOLAS, LLP

By:



Matthew S. McNicholas  
Courtney C. McNicholas  
Attorneys for Plaintiff  
Richard Romney

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

THE HONORABLE RONALD S.W. LEW, JUDGE PRESIDING

EDWARD MACIEL,

Plaintiff,

vs.

CITY OF LOS ANGELES,

Defendant.

No. CV 06-249-RSWL

REPORTERS' TRANSCRIPT OF DAILY TRIAL PROCEEDINGS

LOS ANGELES, CALIFORNIA

FRIDAY, JANUARY 25, 2008

VOLUME VII

LYNNE SMITH

United States Courthouse  
255 East Temple Street, Room 181-A  
Los Angeles, California 90012

LYNNE SMITH, OFFICIAL COURT REPORTER

EX. A

1  
2  
3 APPEARANCES OF COUNSEL:  
4

5 For the Plaintiff:

6 JACKSON DeMARCO TIDUS PETERSEN PECKENPAUGH  
7 BY: GREGORY G. PETERSEN  
8 BY: FENJA KLAUS  
9 2030 Main Street, 12th Floor  
10 Irvine, California 92614  
11 (949) 752-8585  
12 Gpetersen@jdtplaw.com  
13 Fklaus@jdtplaw.com

14 LAW OFFICE OF HERBERT HAFIF  
15 BY: GREG HAFIF  
16 BY: MIGUEL G. CABALLERO  
17 269 West Bonita Avenue  
18 Claremont, CA 91711-4784  
19 (909) 624-1671  
20 Ghafif@hafif.com  
21 Mcaballero@hafif.com

22 For the Defendant:

23 LIEBERT CASSIDY WHITMORE  
24 BY: GEOFFREY S. SHELDON  
25 BY: BRIAN P. WALTER  
BY: T. OLIVER YEE  
6033 West Century Boulevard, Suite 500  
Los Angeles, California 90045  
(310) 981-2000  
Gsheldon@lcwlegal.com  
Bwalter@lcwlegal.com  
Oyee@lcwlegal.com

EXHIBITS

JOINT EXHIBIT	DESCRIPTION	FOR IDENTIFICATION	IN EVIDENCE	VOL
7 and 8	Documents		5	7
575-577	Documents		5	7
504, 505, 589	Documents		5	7

I N D E XCHRONOLOGICAL INDEX OF WITNESSES

PLAINTIFF - REBUTTAL WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	VOIR DIRE	VOL
RICHARD ROMNEY	16	22				7
MICHAEL PYTEL	24	31	36			7

ALPHABETICAL INDEX OF WITNESSES

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	VOIR DIRE	VOL
RICHARD ROMNEY	16					7
ROMNEY		22				
MICHAEL PYTEL	24	31				7
PYTEL			36			

1 proffer testimony be received.

2 Come forward.

3 RICHARD ROMNEY, PLAINTIFF'S WITNESS, SWORN

4 THE CLERK: Please state your full name for the  
5 record and spell your last name.

6 THE WITNESS: Richard Henry Romney, Jr.,  
7 R-O-M-N-E-Y.

8 DIRECT EXAMINATION

9 BY MR. HAFIF:

10 Q Good afternoon, Officer Romney.

11 Are you currently employed?

12 A Yes, I am.

13 Q Who is that with?

14 A The Los Angeles Police Department.

15 Q How long have you been with the Los Angeles Police  
16 Department?

17 A A little over 17 years.

18 Q And what is your position now?

19 A Police Officer III.

20 Q In your capacity as an officer for 17 years, are you  
21 aware of an unwritten L.A.P.D. policy of not to submit  
22 overtime for less than an hour?

23 A Yes, sir.

24 MR. WALTER: Objection. Lacks foundation. Calls  
25 for conclusion. Calls for speculation.

1 THE COURT: Rephrase the question.

2 BY MR. HAFIF:

3 Q As an officer, did you have to go through the academy?

4 A Yes, I did.

5 Q And a probation period?

6 A Yes, I did.

7 Q Did they teach -- you had a training officer at the  
8 time?

9 A Yes, sir.

10 Q Did that training officer teach you anything in regards  
11 to any unwritten rules?

12 A Yes, sir.

13 Q Did he specifically teach you anything in regards to  
14 unwritten rules about submitting overtime for less than an  
15 hour?

16 MR. WALTER: Objection. Irrelevant and leading.

17 THE COURT: Sustained.

18 BY MR. HAFIF:

19 Q What are some of the -- were there any unwritten rules  
20 he taught you about the submission of overtime?

21 MR. WALTER: Objection. Relevance.

22 THE COURT: Overruled.

23 Let's get this testimony out, and we can close the  
24 case out.

25 THE WITNESS: What was the question?



1 BY MR. HAFIF:

2 Q Did the training Officer teach you anything about  
3 unwritten rules regarding overtime?

4 A I followed the example.

5 Q What example?

6 A His example, sir.

7 Q He didn't submit overtime with less than one hour?

8 A No.

9 Q How do you know that?

10 A Because I never did either.

11 Q Have you submitted overtime --

12 A I can't say "never." Excuse me, sir. I did not  
13 either. It's not our practice.

14 Q Is that a practice you followed for the 17 years of  
15 your employment?

16 A Yes, sir.

17 Q Has it changed as of recent?

18 A Yes, sir.

19 Q When is that?

20 A Within six months, to the best of my knowledge.

21 Q And you indicated that you don't believe you have  
22 submitted any overtime for less than an hour up until that  
23 point in time?

24 A Well, over 17 years I can't definitely, but I can say  
25 that 99 percent of all the overtime I submitted was over one

1 hour.

2 Q And are you a field training officer now?

3 A Yes, I am.

4 Q What do you teach your trainees now in regards to that?

5 A If we do not receive Code 7, we are to submit an  
6 overtime slip indicating .8 hours. If we work a half hour  
7 over, it is still not the practice to submit .5.

8 Q Is there a time that you have submitted any overtime --  
9 attempted to try to submit any overtime reports for less  
10 than an hour and have been rejected?

11 A Yes, sir.

12 Q When was that?

13 A The day and time, I don't know. It would have been  
14 with Sergeant Henry Kwan, and it was at Southeast Division.  
15 I submitted a .5 overtime slip.

16 Q What did he do?

17 A He laughed and tore it up and threw it in the trash can  
18 directly to the left at his feet.

19 Q Now, as an officer of L.A.P.D., do you get your -- do  
20 you know what an official Code 7 is?

21 A An official Code 7 is when you are on a 45-minute  
22 break. It can either be given to you by a supervisor  
23 directing you to take it, or you request a clear -- you  
24 request for an R.T.O., who then looks at her calls that she  
25 has on the queue and decides whether or not she is going to

1 give you a call or have you continue the patrol and handle  
2 the call.

3 Q Are there times you did not receive officially  
4 45-minute uninterrupted periods of Code 7s on your  
5 deployment periods?

6 A Yes, sir.

7 Q And in the last, say, eight -- approximately eight  
8 years, what was your practice in regards to either recording  
9 or not recording a Code 7?

10 MR. WALTER: Objection. Vague as to time.  
11 Relevance.

12 THE COURT: Sustained.

13 BY MR. HAFIF:

14 Q You are familiar with what we call a DFAR?

15 A Yes, sir.

16 Q And what is that?

17 A It's a daily field activity report. It -- basically it  
18 documents -- the officer documents the activities of the  
19 day, giving chronological time, locations, activity, and  
20 disposition of that activity.

21 Q Okay. Starting from approximately 2000 to the present,  
22 do you document on there -- on your DFAR if you received a  
23 Code 7?

24 A Yes, I do.

25 Q Starting from the year 2000 to the present, do you

1 document if you did not receive Code 7?

2 A Yes, I did.

3 Q How did you do that?

4 A I wrote, "No Code 7," in ink and circled it on the log  
5 on a separate line to be clearly visible by the supervisor  
6 signing the DFAR.

7 Q And why is that?

8 A I had an ongoing dispute with Sergeant Henry Kwan about  
9 the definition of Code 7. I believe it was time, not food.  
10 And I would do that to indicate I did not take my time. My  
11 discussion would be my paycheck shows on base pay that I got  
12 80 hours in. My argument was it should say 86.

13 MR. WALTER: I will move to strike as hearsay.  
14 Nonresponsive.

15 THE COURT: Sustained. Stricken.

16 BY MR. HAFIF:

17 Q When you say you documented on there, "No Code 7," it  
18 was for your supervisors to know, correct?

19 A I wanted to make it visible that that's exactly what  
20 happened.

21 Q Uh-huh.

22 And were you getting some type of pressure from  
23 your supervisors in regards to being compensated for that no  
24 Code 7?

25 MR. WALTER: Objection. Leading.

1 THE COURT: Sustained.

2 BY MR. HAFIF:

3 Q Why did you so designate so boldly "No Code 7" on your  
4 DFARS?

5 A Several reasons. Number one, I didn't like the fact  
6 that I was working 45 minutes a pay period a day and not  
7 being compensated for what I believe to be workable time.

8 Secondly, I also heard of a lawsuit in Long  
9 Beach where the officers were also engaged in something  
10 similar, and I felt like I wanted to be part of the cause to  
11 where we received payment for time.

12 Q Did you ever receive payment?

13 THE COURT: Mr. Hafif, that's well beyond the  
14 proffer that you had for the witness on rebuttal.

15 MR. HAFIF: May I --- I have just a few questions  
16 to tie it in for you.

17 THE COURT: It has nothing to do with the case.

18 MR. HAFIF: With that in mind, Your Honor, I would  
19 have no further questions of this witness.

20 THE COURT: Any cross-examination?

21 MR. WALTER: Yes, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. WALTER:

24 Q Mr. Romney -- or Officer Romney.

25 A Yes.

1 Q Have you ever worked with Officer Maciel?

2 A I have not, to my knowledge.

3 Q You have never worked at Central Division?

4 A I have worked there on loan for narcotics once, I  
5 believe.

6 Q When was that?

7 A When I was assigned -- well, hold on. I was at  
8 Rampart. I thought it was Central Bureau. It was Central  
9 Bureau, not --

10 Q And you have also never been -- you have not been  
11 assigned to Newton Division since 2003.

12 A Not since 2003.

13 Q And you indicated earlier that you would write, "No  
14 Code 7," in clearly visible ink on your DFAR since 2000  
15 every time you missed a Code 7?

16 A Not every time. When I remembered to do it. There  
17 were times I didn't get it and I didn't remember to put it  
18 on the log because I had other things going on.

19 Q So if we were to look at your DFARS -- withdraw that.

20 Do your -- when you have indicated that you did  
21 get your Code 7 on your DFAR, that's means that you did, in  
22 fact, get your 45 minutes of free time; correct?

23 MR. HAFIF: Your Honor, I will object to this line  
24 of questioning. It's --

25 THE COURT: Okay. It does go well beyond the

1 rebuttal area.

2 MR. WALTER: Your Honor, this is for impeachment.

3 THE COURT: Impeachment on an area that is not  
4 really all that relevant; so it's not that important.

5 BY MR. WALTER:

6 Q And Officer Romney, how many times have you sued the  
7 L.A.P.D.?

8 A Have I sued?

9 Q Yes.

10 Have you been a plaintiff in a lawsuit?

11 A One other time.

12 MR. WALTER: No further questions.

13 THE COURT: Anything further?

14 MR. HAFIF: No, Your Honor.

15 THE COURT: Thank you, Officer.

16 Call your last witness.

17 MR. HAFIF: It's Michael Pytel.

18 MICHAEL PYTEL, PLAINTIFF'S WITNESS, SWORN

19 THE CLERK: Please state your full name for the  
20 record and spell your last name.

21 THE WITNESS: Michael A. Pytel, P-Y-T-E-L.

22 DIRECT EXAMINATION

23 BY MS. KLAUS:

24 Q Good morning.

25 Could you please tell your me what current



Page 1 of 3

Los Angeles Police Department

☐ CONFIDENTIAL

Origin of Complaint		Complaint Form		CF No. 08-000809			
<b>Check one</b> <input checked="" type="checkbox"/> Department <input type="checkbox"/> Inspector General <input type="checkbox"/> Verbal <input type="checkbox"/> Correspondence or Letter <input type="checkbox"/> Public Complaint Form <input type="checkbox"/> Electronic (Dept web site or Internet) <input type="checkbox"/> Claim for Damage or Summons to Lawsuit		<b>Check one</b> <input type="checkbox"/> Public <input type="checkbox"/> Public-Third Party <input checked="" type="checkbox"/> Department <input type="checkbox"/> Department Employee <input type="checkbox"/> Other LE Agency <input type="checkbox"/> Judicial Official / Prosecutor <input type="checkbox"/> Attorney		<b>COMPLAINANT</b> LAST NAME, FIRST, MI. <input checked="" type="checkbox"/> DEPARTMENT ADDRESS CITY, STATE ZIP PHONE ADDRESS CITY, STATE ZIP PHONE CAL OP., ID NO., OR DEPT. SERIAL NO. FOREIGN LANGUAGE IV TAPE NO. ARRESTED BOOKING NO. INJURED CATEGORICAL UOF <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO LOCATION OF OCCURRENCE Southeast Area DATE OF OCCURRENCE TIME OF OCCURRENCE DATE REPORTED TO UNINVOLVED SUPERVISOR DATE FORM COMPLETED 1/25/08 1/31/08		SEX DESC. AGE DOB ( ) ( ) RD 1800 OUTSIDE OF CITY	

Brief Summary: (Describe nature of complaint in brief phrases.)

☐ FTA ☐ FTQ ☐ PTC

In knowing violation of Department policy, Officer Romney was insubordinate when he failed to submit overtime slips for overtime worked and tolerated or encouraged other employees doing the same.

REPORTING SUPERVISOR	LAST NAME, FIRST, MI. (PRINT)	SERIAL No.	AREA/DIV	COMPLAINANT SIGNATURE	OR RECEIVED BY PHONE <input type="checkbox"/>
Maislin, Stuart	22329	RMG			RECEIPT MAILED <input type="checkbox"/> RECEIPT GIVEN <input type="checkbox"/>

ACCUSED EMPLOYEE(S): If unknown, complete descriptors. Indicate rank and assignment at time of incident.

LAST NAME, FIRST, MI.	SERIAL NO.	RANK	AREA/DIV	DUTY STATUS	ARRESTED	ASSIGNMENT TYPE
1 Romney, Richard	30005	POIII	SOE	<input checked="" type="checkbox"/> ON <input type="checkbox"/> OFF	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> PATROL <input type="checkbox"/> AREA DET <input type="checkbox"/> SPEC DIV. <input type="checkbox"/> ADMIN/COVETED <input type="checkbox"/> UNIFORM SEU
2 Quan, Henry	21290	SGT	RET	<input checked="" type="checkbox"/> ON <input type="checkbox"/> OFF	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> PATROL <input type="checkbox"/> AREA DET <input type="checkbox"/> SPEC DIV. <input type="checkbox"/> ADMIN/COVETED <input type="checkbox"/> UNIFORM SEU

INVOLVED PERSONS		W - WITNESS		TP - THIRD PARTY		P - PARENT		CP - CONTACT PERSON (DOMESTIC VIOLENCE)		A - ATTORNEY		CO - COMPLAINANT	
NAME	SEX	DESC	DOB	R	ADDRESS OR DIVISION OF ASSIGNMENT	CITY	ZIP	PHONE					
W Bass, Yvette				R	Det II, RMG, #30137			(213) 978-4640					
CAL OP., ID, OR DEPT. SERIAL NO.	IV TAPE NO.			B									
NAME	SEX	DESC	DOB	R	ADDRESS OR DIVISION OF ASSIGNMENT	CITY	ZIP	PHONE					
				B									
CAL OP., ID, OR DEPT. SERIAL NO.	IV TAPE NO.			B									

## Preliminary Case Screening

- ☒ The complaint, as stated, would not amount to the commission of a felony or misdemeanor crime.
- ☐ The complaint, as stated, may not result in discipline against the employee, or the complained of act or omission by the employee has no nexus to the employee's position with the Department.
- ☐ The complaint does not allege any of the following: Unauthorized force; discrimination of any kind; unlawful search and/or unlawful seizure of person or property; dishonesty; domestic violence; improper/illicit use of alcohol, narcotics, or drugs; sexual misconduct; theft; or retaliation/retribution against another employee. Exception: When a complaint is clearly exonerated or unfounded at the time it is initiated, the complaint may be handled as a Non-Disciplinary complaint.
- ☒ The complaint was not a result of concerns arising out of a criminal prosecution or dismissal of California Penal Code Section 148 charges, or otherwise initiated by a judge or a prosecutor acting in their official capacity.
- ☐ The accused employee has no apparent pattern of similar behavior (should generally be limited to the past five years) for which he/she is accused.
- ☐ The complaint was not initiated in response to civil suits or claims for damages involving on-duty conduct and civil lawsuits regarding off-duty conduct required to be self-reported by employees.

All boxes in the preliminary case screening must be marked for classification as Non-Disciplinary.

APPROVAL & INITIAL CLASSIFICATION	<input type="checkbox"/> Non-Disciplinary <input checked="" type="checkbox"/> Disciplinary	WATCH COMMANDER	SERIAL No.
70-01.28.0 (Rev 5-06)			22329
IAG CLASSIFICATION	INITIAL CLASSIFICATION CODES	IRVITY INVESTIGATING	PRIMA FACIE
			YES <input type="checkbox"/> NO <input type="checkbox"/>

EX.B AID-will COF-SE TR

Page 2 of 3

COMPLAINANT (LAST NAME, FIRST, MI)

☒ DEPARTMENT

CF No.

08-000809

**Summary:** Include preliminary investigation, additional involved persons, and list any evidence collected; use additional pages if needed and attach any statements taken.

See attached page 3.

Investigating Officer (Name, Rank)		Serial No.		Reviewing Supervisor (Name, Rank)		Serial No.	
Supervisor at Scene (If any)		Serial No.		Unit OIC/Watch Commander on Date of Incident		Serial No.	
Unk				Unk			
<input type="checkbox"/> PTC:	DR No.	Date of Traffic Collision		Fleet Safety History (Prior PTCs)			
				LAST 5 YEARS		CAREER	
<input type="checkbox"/> FTA:	Court Date	Court Case No.		FTA History (Sustained only)			
				LAST 5 YEARS		CAREER	
<input type="checkbox"/> FTQ:	Qualification Month / Year	Reason		FTQ History (Sustained only)			
		FORGOT <input type="checkbox"/> SHOT AND FAILED <input type="checkbox"/>		LAST 5 YEARS		CAREER	

☐ Disciplinary☐ Non-Disciplinary (Check applicable box.)

☐ POLICY/PROCEDURE – The facts of the case revealed that the complaint relates to Department policy/procedure and not to a specific employee's actions.

☐ EMPLOYEE'S ACTIONS DID NOT RISE TO THE LEVEL OF MISCONDUCT – A preliminary investigation revealed that the allegations did not rise to the level of misconduct and/or the named employee's actions were protected by law or found to be consistent with Department policy or procedure.

☐ EMPLOYEE'S ACTIONS COULD HAVE BEEN DIFFERENT – The facts in the complaint revealed the employee's actions could have been different. However, the employee's act or omission is best addressed through corrective action by the employee's commanding officer. The corrective action(s) taken was: (Check all that apply).

☐ COUNSELING☐ TRAINING☐ COMMENT CARD☐ NOTICE TO CORRECT DEFICIENCIES☐ REFERRAL

☐ DEMONSTRABLY FALSE – The complaint was demonstrably false, or, demonstrates an irrational thought process and was consistent with the complainant's established pattern of making chronic or crank complaints.

☐ DEPARTMENT EMPLOYEE(S) NOT INVOLVED – The preliminary investigation revealed that the complaint did not involve Department employee(s).

☐ RESOLVED THROUGH ALTERNATIVE COMPLAINT RESOLUTION (ACR) – The complainant and the employee(s) resolved the complaint through ACR.

AREA/DIVISION COMMANDING OFFICER

☐ APPROVED☐ REFERRED FOR DISCIPLINARY CONSIDERATION

GROUP/BUREAU COMMANDING OFFICER

☒ CONCUR☐ DO NOT CONCUR

NAME (PLEASE PRINT)

SWART A. MAISLIN

RANK

C.M.D.R.

AREA/DIVISION

L46

NAME (PLEASE PRINT)

GERALD L. CHALEFF

RANK

PA111

GROUP/BUREAU

CDB

SIGNATURE

[Signature]

SERIAL NO.

21329

DATE

2/20/08

SIGNATURE

[Signature]

SERIAL NO.

N2781

DATE

2/20/08

Adjudication, CF No. 08-0809  
Page 3

**ACCUSED EMPLOYEE:** P-III RICHARD ROMNEY

**ADJUDICATION**

**Allegation 4.** The Department alleges that prior to 2008, Romney, while on duty, was insubordinate to the Department when he failed to submit requests for compensation for overtime that he had worked, as directed through Department publications.

**Finding.** Sustained

**Rationale.** The finding is supported by:

- Romney admitted under oath during testimony as a plaintiff against the City of Los Angeles that he violated the Department's published FLSA policy.
- The Department supported this charge by presenting a number of official publications notifying employees of FLSA policy and expectations between 1999 and 2005. Romney admitted being aware of those publications.

**Allegation 5.** The Department alleges that prior to June 2008, Romney, while on duty, neglected his duty when he trained probationary officers to violate the Department's FLSA policy.

**Finding.** Sustained

**Rationale.** The finding is supported by:

- Romney admitted under oath during testimony as a plaintiff against the City of Los Angeles that he had knowingly trained probationary employees counter to the established policy on submitting overtime slips.

**Penalty.** See adjudication cover page.

**ADMINISTRATIVE INSIGHT**

**Training.** None

**Workplace Issues.** None

**Work and Complaint history.** Romney's TEAMS was reviewed as part of this adjudication. Romney has 18 years of service with LAPD.

**Demotion/Downgrade Considerations.** None

**Relief from Duty Considerations.** None

**Actions Taken.** None

**Recommendation.** None

SOE

LOS ANGELES POLICE DEPARTMENT  
OFFICE OF THE CHIEFBF No. 25527  
CF No. 08-000809IN THE MATTER OF  
Richard Romney, # 30005COMPLAINT AND RELIEF FROM DUTY,  
PROPOSED REMOVAL, SUSPENSION, OR DEMOTION


I, WILLIAM J. BRATTON, Chief of Police, complain against you, a member of the Los Angeles Police Department, and I hereby

- ☒ Direct you to a Board of Rights with the proposed penalty of removal from your employment with the Department. I also temporarily relieve you from duty as a Police Officer III, Code no. 2214-3 effective 01/24/09; This proposed removal and temporary relief from duty are made pending a hearing before and decision by a Board of Rights on the charge(s) set forth below. You shall not suffer a loss of compensation for thirty calendar days after the date on which you were served with the charge(s), except as provided for in subsection (q) of Charter Section 1070.
- ☐ Direct you to a Board of Rights with a proposed penalty of up to removal from your employment with the Department. I do not relieve you of duty pending the Board of Rights hearing. This directed action is made pending a hearing and decision by a Board of Rights for the charge(s) set forth below.
- ☐ Suspend you from your position as a Police Officer III, Code no. 2214-3 for a period of \_\_\_\_\_ working days with total loss of pay.
- ☐ Demote you from your position as a Police Officer III, Code no. 2214-3, to the position of \_\_\_\_\_, Code no. \_\_\_\_\_, effective \_\_\_\_\_.

This complaint and relief from duty, proposed removal, suspension, demotion, or suspension and demotion is made to promote the efficiency of the Los Angeles Police Department for the charge(s) set forth below:

- Count 1 Prior to 2008, you, while on duty, were insubordinate to the Department when you failed to submit requests for compensation for overtime that you had worked, as directed through Department publications.
- Count 2 Prior to June 2008, you, while on duty, neglected your duty when you trained probationary officers to violate the Department's FLSA policy.

I certify, under penalty of perjury, that the foregoing, to the best of my information, is true and correct.

Executed at Los Angeles, CA, Date 1/14/09  
Chief of Police

THE CHARTER OF THE CITY OF LOS ANGELES PROVIDES FOR A HEARING ON THESE CHARGES AND/OR APPEAL FROM THIS ACTION. SEE THE ATTACHED FORM 1.61.2 FOR SUCH PROVISIONS.

CERTIFIED MAIL: 7004 1350 0003 5507 3708

## CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the above statement upon Richard Romney, # 30005, at 0700 hours, on January 23, 2009.

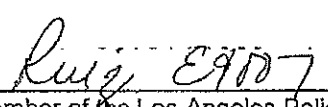
- ☐ By handing the Officer a copy thereof personally at \_\_\_\_\_
- ☒ By forwarding a copy thereof by mail addressed to the Officer at his/her last known address at \_\_\_\_\_ in accordance with the policy established for service by mail of a Complaint and Relief From Duty, Proposed Removal, Suspension or Demotion, Form 1.61.0.
- ☐ By leaving a copy at \_\_\_\_\_, the last known address.

NOTE: Attach a copy of the Form 1.61.2 to the original Complaint and Relief From Duty, Proposed Removal, Suspension, or Demotion, Form 1.61; to the accused Officer's copy of Form 1.61; and to any copy of those forms forwarded to Personnel Division.

RECEIVED

JAN 23 2009

ADVOCATE SECTION

  
Member of the Los Angeles Police Department

ACCUSEE

EX.C



# COURT OF THE CITY OF LOS ANGELES SECTION 1070

## Sec. 1070. Rights and Due Process Procedures.

(a) **Applicability; Rights.** As used in this section, member shall mean an employee of the Police Department who has peace officer status as defined in California Penal Code Section 830.1. The provisions of this section shall not apply to any member of the Police Department who has not completed the period of probation in his or her entry level position, as provided in Section 1011(a). Non-tenured Police officers, where otherwise entitled by law to a hearing or appeal with regard to proposed or imposed discipline, shall be provided a hearing or appeal under procedures promulgated by the Chief of Police.

The rights of a member, except the Chief of Police and any other member in a position exempt from civil service, to hold his or her office or position and to receive compensation attached to the office or position is hereby declared to be a substantial property right of which the holder shall not be deprived arbitrarily or summarily, nor other than as provided in this section. No member shall be suspended, demoted in rank, suspended and demoted in rank, removed, or otherwise separated from the service of the department (other than by resignation), except for good and sufficient cause shown upon a finding of guilty of the specific charge or charges assigned as cause or causes after a full, fair, and impartial hearing before a Board of Rights, except as provided in subsections (b) and (i). No case of suspension with loss of pay shall be for a period exceeding 65 working days.

(b) **Temporary Relief from Duty; Suspension; Demotion.** After following disciplinary procedures otherwise required by law, the Chief of Police may:

(1) temporarily relieve from duty any member pending a hearing before and decision by a Board of Rights on any charge or charges pending against the member, except that a member so relieved shall not suffer a loss of compensation until 30 days after the date on which the member was served with the charge or charges, except as provided for in subsection (q) or whenever the employee is temporarily relieved of duty on a new charge or charges while relieved of duty or serving a suspension based on a prior charge or charges. There shall be a calendar priority for Board of Rights hearings when a member is subject to relief from duty pending a hearing. The Chief of Police in his or her sole discretion shall have the power to cancel temporary relief from duty, or following relief from duty, to restore the member to duty with or without restrictions pending hearing; or

(2) suspend the member for a total period not to exceed 22 working days with loss of pay and with or without reprimand, subject to the right of the member to a hearing before a Board of Rights as provided in this section; or

(3) demote the member in rank, with or without suspension or reprimand or both, subject to the right of the member to a hearing before a Board of Rights as provided in this section; or

(4) demote the member in rank, with or without temporary relief from duty or cancellation of such relief from duty, subject to the right of the member to a hearing before a Board of Rights as provided in this section.

In the event the member suspended and/or demoted in rank under this subsection files an application for a hearing by a Board of Rights as provided in this section, the suspension and/or demotion shall automatically be stayed pending hearing and decision by the Board of Rights. Provided, however, in the case of any member demoted in conjunction with a temporary relief from duty or cancellation of such relief from duty, the demotion shall not be stayed pending a hearing before and decision by a Board of Rights unless the accused specifically requests in the written application that the Board consider the demotion in conjunction with the appeal of the temporary relief from duty or cancellation of such relief from duty. In the event that the member fails to apply for a hearing within the period prescribed, the member shall be deemed to have waived a hearing, and the suspension and/or demotion shall remain effective unless the Chief of Police requires that a hearing be held.

(c) **Limitations Periods.** No member shall be removed, suspended, demoted in rank, or suspended and demoted in rank for any conduct that was discovered by an uninvolved supervisor of the department more than one year prior to the filing of the complaint against the member, except in any of the following circumstances:

(1) If the act, omission, or allegation of misconduct is also the subject of a criminal investigation or criminal prosecution, the time during which the criminal investigation or criminal prosecution is pending shall toll the one-year time period.

(2) If the member waives the one-year time period in writing, the time period shall be tolled for the period of time specified in the written waiver.

(3) If the criminal investigation is a multi-jurisdictional investigation that requires a reasonable extension for coordination of the involved agencies.

(4) If the investigation involves more than one employee and requires a reasonable extension.

(5) If the investigation involves an employee who is incapacitated or otherwise unavailable.

(6) If the investigation involves a matter in civil litigation where the member is a party defendant, the one year time period shall be tolled while that civil action is pending.

(7) If the investigation involves a matter in criminal litigation where the complainant is a criminal defendant, the one-year time period shall be tolled during the period of that defendant's criminal investigation and prosecution.

(8) If the investigation involves an allegation of workers compensation fraud on the part of the member.

(9) If a disciplinary notice is required or utilized and the response results in

additional investigation, the one-year period shall be tolled while the additional investigation is pending.

(d) **Complaint.** Any order of relief from duty, cancellation of relief from duty pending a Board of Rights hearing, suspension, demotion in rank, or suspension and demotion in rank shall contain a statement of the charges assigned as causes. The Chief of Police shall, within five days after the order is served as provided in subsection (e), file with the Board of Police Commissioners a copy of a verified written complaint upon which the order is based, with a statement that a copy of the order and verified complaint was served upon the accused. The complaint shall be verified by the oath of the Chief of Police and shall contain a statement in clear and concise language of all the facts constituting the charge or charges.

(e) **Service.** The service of any notice, order, or process mentioned in this section, other than service of subpoena, may be made by handing the accused a copy personally. If a copy of any notice, order or process cannot with reasonable diligence be personally served, service may be made by United States mail.

(f) **Application for Hearing.** Within five days after personal service upon the accused of a copy of the verified complaint, or within ten days after service in any other manner provided for in this section, the member may file with the Chief of Police a written application for a hearing before and decision by a Board of Rights. A Board of Rights is considered a *de novo* hearing.

(g) **Time and Place of Hearing.** Upon the selection of a Board of Rights, the Chief of Police shall set the time for (not less than 10 nor more than 30 days thereafter) and designate a place where the hearing is to be held, and shall cause notice thereof to be served upon the accused. After the Board of Rights has first convened, the Board may continue the hearing of the matter to a specific date, and no other notice need be given, except as may be required by order of the Board.

(h) **Composition of Board of Rights.** The Board of Rights shall be composed of two officers of the rank of captain or above and an individual who is not a member of the department (the civilian member). The members selected as prescribed in this section shall constitute the Board for the purpose of hearing and deciding upon the matter for which it was specially drawn. The qualifications of, selection procedures for, and compensation of the civilian members shall be established by ordinance. Upon the filing of the request for a hearing before a Board of Rights, as provided in subsection (f), the accused shall draw four cards from a box containing the names on cards of all officers who are qualified to be members of the Board of Rights (except the names of the accused, accuser, the Chief of Police, any staff or command officer specifically exempted by the Chief of Police in accordance with the provisions of the Board of Rights Manual or successor document, and any other officer who may be prejudiced or disqualified by reason of being a material witness to the facts constituting the charges made, otherwise disqualified for cause as determined by the Chief, or who has a conflict of interest). The accused shall select any two of the four names drawn to be members of the Board of Rights.

(i) **Failure to Request a Hearing; Failure to Appear.** In the event the accused fails to request a hearing before a Board of Rights as provided in subsection (f) within the period prescribed, the Chief may require a hearing to be held before a Board of Rights and may for that purpose, within five days after the expiration of such period, draw two names from a box to sit on the Board.

If a Board of Rights has been constituted for the purpose of hearing and the accused, without reasonable excuse, fails or refuses to appear before the Board at the time and place designated, the Chief of Police may, at his or her discretion, either direct the Board of Rights to proceed with the hearing in the absence of the accused, or the Chief may, without a hearing, impose a penalty of suspension, demotion in rank, suspension and demotion in rank, or removal as he or she deems fit and proper. The Chief shall cause notice of the action to be served upon the member and shall file a statement of the action with the Board of Police Commissioners within five days.

If the accused and Chief both fail to draw and create a Board of Rights within the period prescribed, the complaint shall be null and void.

(j) **Oaths, Affirmations and Subpoenas.** During an internal investigation, prior to a Board of Rights hearing, or prior to or during other administrative proceedings, the Police Commission may compel the attendance of witnesses and the production of evidence by subpoena. Upon demand of the Police Commission, the City Clerk shall issue a subpoena in the name of the city and attest the same with the corporate seal. The subpoena shall direct and require the attendance of the witnesses or the production of evidence, at the time and place specified. A request to quash a subpoena may be filed with the Police Commission who shall decide the matter. Each Board member shall have the power to administer oaths and affirmations in any investigation or proceeding pending before a Board of Rights, examine witnesses under oath, and compel the attendance of witnesses and the production of evidence by subpoena. Upon demand of any Board member, the City Clerk shall issue a subpoena in the name of the City and attest the same with the corporate seal. The subpoena shall direct and require the attendance of the witnesses or the production of evidence, at the time and place specified. It shall be the duty of the Chief of Police to cause all such subpoenas to be served upon the person or persons required to attend or produce evidence. It shall be the duty of the Council to provide suitable penalties for disobedience of such subpoenas and the refusal of witnesses to testify or produce evidence.

(k) **Legal Advice; Ex Parte Communication.** Upon the request of any two Board members, the Board's chairperson shall request an attorney from the City

## SECTION 1070

Attorney's office who shall advise the Board on legal matters during or between any session of the hearing. The attorney need not be physically present at the hearing, but may advise the Board telephonically or through other means of communication. The attorney who advises the Board may not advise the department's advocate in the same matter.

Ex Parte communication with members of a Board of Rights regarding the subject matter of the hearing while proceedings are pending is prohibited. No person shall attempt to influence the decision of a Board of Rights except during the hearing and on the record.

(l) **Burden of Proof.** In Board of Rights proceedings, the department shall have the burden of proving each charge, including those based on conduct punishable in whole or in part as a crime, by a preponderance of the evidence.

(m) **Representation; Transcript; Evidence.** At the hearing, the accused shall have the right to appear in person and by counsel or representative, (at his or her expense) and make defense to the charge or charges and may produce witnesses and cross-examine witnesses.

All testimony at the hearing shall be given under oath and shall be reported by a stenographer for possible transcription. Upon prepayment of the fee for the preparation thereof, the accused shall be entitled to a certified copy of the transcript; provided, however, when the department has previously had all or a portion of the report transcribed, a copy of the previously prepared report(s) shall be given to the member without charge. When the report is transcribed, the original transcript shall be placed on file in the department.

Evidence of acts, irrespective of whether they were associated with a personnel complaint against the accused and irrespective of the resolution of the complaint, may be considered in the discretion of a Board of Rights if relevant to the charges, such as, if the acts tend to prove that the conduct charged is consistent with a pattern of conduct. The acts may have occurred either before or after the conduct concerning which the member is presently charged.

(n) **Finding and Decision.** The Board of Rights shall at the conclusion of the hearing make findings of guilty or not guilty on each charge, which findings shall be based only upon the evidence presented at the hearing. If the accused is found not guilty, the Board shall order the member's restoration to duty without loss of pay and without prejudice, and the order shall be self-executing and immediately effective. If the accused is found guilty, the Board of Rights shall prescribe its penalty by written order of:

- (1) suspension for a definite period not exceeding 65 working days with total loss of pay, and with or without reprimand; or
- (2) demotion in rank, with or without suspension or reprimand or both; or
- (3) reprimand without further penalty; or
- (4) removal.

The decision of the Board must be certified in writing and a copy delivered to the Chief of Police as soon as practicable, but in no event later than ten days after the decision of the Board of Rights. Whenever a Board of Rights prescribes a penalty of suspension or removal and the member is not currently relieved from duty, the Chief may temporarily relieve the member from duty pending execution of the order.

For purposes of this section, demotion in rank shall mean reduction in civil service classification. The provisions of this section shall not apply to reductions in pay grade or similar personnel actions caused by reassignment, deselection from bonus positions, and the like. Such personnel actions shall be administered under policies adopted by the department.

(o) **Personnel History and Records.** The departmental personnel history and records of the accused shall be available to the Board of Rights only if the accused has been found guilty of any charge upon which the member was heard or tried by the Board of Rights, and then only for the purpose of determining a proper penalty. At the penalty stage, the Board may consider the entire departmental personnel history and record of the accused which shall include, among other things, information concerning personnel complaints against the accused that were sustained and information derived from complaints against the accused that were not resolved, to the extent and in the manner allowed by department policy except that the medical package of the accused shall not be considered by the Board with regard to penalty unless such information is relevant to a charge as to which there was a finding of guilty. In prescribing the penalty, the Board shall look to the nature and gravity of the offense of which the member has been found guilty and may at its discretion review the departmental personnel history and record of the member. No item or entry in the record may be considered by the Board except in the presence of the member and only where the member has been given a fair and reasonable opportunity to explain any item or entry unless the member has failed or refused to be present. Personnel records introduced at or considered by the Board are confidential except for any document or information from a document that was publicly disclosed during the hearing.

(p) **Imposition; Reduction of Penalty.** Within ten days of delivery of a certified copy of the decision of a Board of Rights to the Chief of Police, the Chief shall either uphold the recommendation of the Board of Rights or may, at his or her discretion, impose a penalty less severe than that ordered by the Board of Rights, but may not impose a greater penalty. In the case of a demotion, suspension, demotion and suspension, or removal, the Chief shall cause a copy of the notice of the penalty to be served upon the member and shall file a statement of this action with the Board of Police

Commissioners within five days.

(q) **Effective Date of Penalty.** A removal prescribed by the Board of Rights, or by the Chief of Police if no hearing is had before a Board of Rights, shall relate back to and be effective as of the date of the relief from duty without pay pending the hearing before and decision by the Board; however, where a final decision has been made by the Chief of Police prior to the end of the 30 day period referred to in subsection (b)(1), the removal shall be effective immediately. When there has been no relief from duty, the removal shall be effective upon service of the order.

The effective date of any suspension and/or demotion prescribed by the Board of Rights, or by the Chief of Police if no hearing is had before a Board of Rights, shall be determined by policies adopted by the department; provided, that in case of suspension where there has been a temporary relief from duty, the 30 day period referred to in subsection (b)(1) or any portion thereof in which the member received compensation shall not be counted as part of the suspension. Nothing in this section shall preclude the imposition of a suspension without pay when a final decision is made prior to the end of the 30 day period. Practices in effect on the effective date of the most recent amendment to this section shall remain in effect until the adoption of any modification to the policies.

(r) **Calendar Days.** Except as otherwise provided in this section, all time periods, including those of limitation, shall be calculated in calendar days. When the last day of any such period falls on a weekend or City holiday, the period shall extend to the next business day.

(s) **Not Guilty.** In any case of a finding of Not Guilty of the accused after a hearing before a Board of Rights, the finding of Not Guilty shall be without prejudice to the member.

(t) **Rehearing.** At any time within three years after the effective date of removal, the removed member may file a request with the Chief of Police to be reheard or to be heard on the cause of the member's removal, together with a supporting affidavit setting forth in clear and concise language the reasons or grounds for a hearing or rehearing. The Chief shall consider and make a decision on the request and affidavit within 30 days after filing. If the Chief determines that good reason or cause exists for a hearing or rehearing, the Chief shall, without unnecessary delay, cause a Board of Rights to be constituted for the purpose of hearing and deciding upon the matter. The Board of Rights shall, at the conclusion of the hearing, render and certify its findings (independent of any previous findings by any other Board of Rights, or any other court, Board, or other tribunal, or any investigation or report of or discretion exercised by the Chief in such cases where no hearing was had before a Board of Rights) based upon the evidence presented at the hearing. The Board shall make and certify its decision and order in writing and deliver a copy to the Chief. The Chief shall proceed in the same manner as provided for above after decision by a Board of Rights.

(u) **Modification of Penalty.** Following the filing of the notice of penalty with the Board of Police Commissioners as required in subsection (p), the Chief of Police may correct a technical error, or where there is good cause shown, may reduce a penalty, including restoration of a person following removal. The provisions of subsection (w) shall not apply to this subsection; however, the member shall receive full compensation for any penalty or portion thereof already served which has been reduced or nullified by the Chief of Police. The Chief of Police shall file a copy of the modified order or statement of his decision with the Board of Police Commissioners.

(v) **Other Legal Rights.** This section shall not be construed to affect any rights a member may have to assert other legal rights or remedies in relation to his or her office or position or to the compensation attached thereto, or to appeal to or be heard or tried by any court or other tribunal of competent jurisdiction.

(w) **Restoration to Duty.** A member restored to duty after removal or temporary relief from duty, or whose suspension or demotion has been overturned in whole or in part, shall be entitled to receive full compensation from the City as if the nullified penal action had not been taken; except that such compensation shall not exceed one year's salary unless otherwise required by law.

(x) **Decisions Based on Evidence.** Members of a Board of Rights are to make decisions based solely on the evidence before them.

(y) **Public Records.** The order referred to in subsection (d) and the notice of the penalty referred to in subsection (p) are considered to be a public record at the time of filing of such documents with the Board of Police Commissioners. The Chief of Police or his or her designee shall be the custodian of public records referred to in this section.

(z) **Effects of Amending This Section.** This section shall not apply to the discipline of any member who was relieved from duty or who appealed a demotion or suspension or both to a Board of Rights prior to its effective date. Matters arising out of such relief from duty, demotion or suspension shall be adjudicated in accordance with applicable prior Charter provisions.

(May 2, 2001)



## LOS ANGELES POLICE DEPARTMENT

BF# 25527

In the matter: )

IARD ROMNEY, #30005 )

ACKNOWLEDGEMENT / RECEIPT OF COMPLAINT  
AND RELIEF FROM DUTY, PROPOSED REMOVAL,  
SUSPENSION, OR DEMOTION**SERVICE OF COMPLAINT**

The service of the Complaint and Relief from Duty, Proposed Removal, Suspension, or Demotion is hereby made by handing you a copy thereof.

**DURING YOUR SUSPENSION**

- ♦ You shall neither function as a police officer nor carry a loaded or concealed firearm (830.1 and 12025 P.C.);
- ♦ You shall not conduct yourself in a manner which might result in further disciplinary action;
- ♦ You are required to respond to all subpoenas properly served upon you; failure to appear could result in your being held on a contempt of court citation. If you appear in court, you are entitled to received hour-for-hour adjusted time by adhering to the procedures outlined in the current MOU;
- ♦ You may engage in outside employment without obtaining a Permit for Outside Employment, Form 1.47;
- ♦ You should notify the Los Angeles Police Credit Union, Los Angeles Police Relief Association, or any other organization to which you are obligated or committed through employment with this Department, of your suspension/relief from duty status, so that the proper arrangements for payment can be made.

NOTE: Suspensions of four days or less do not necessitate the relinquishment of an officer's badge, gun and identification card. Any exceptions require the approval of the Commanding Officer of Professional Standards Bureau.

**RIGHT OF THE ACCUSED**

In cases of suspension, you have a right to file an application with the Chief of Police for a hearing before a Board of Rights. Should you fail to apply for a hearing within the period prescribed below, you shall be deemed to have waived your right to such hearing.

If the Chief of Police has temporarily relieved you from duty pending a hearing before a Board of Rights, and you thereafter fail to appear to select the members of said Board within the prescribed period, the Chief of Police may require a hearing to be held before a Board of Rights selected by him (Section 1070 [i], City Charter).

During a Board of Rights, you have a right to appear in person at such hearing before and to present a defense to the charges against you. You have a right to be represented by a defense representative (at your expense), by private counsel, or both, if you so desire. You may produce witnesses to testify in your behalf, including character witnesses, and you may cross-examine witnesses testifying against you. You have the right to testify in your own defense. You have a right to be present when Board members examine your Department personal history and records. You also have the right to have all sworn testimony at the hearing reported and transcribed by a hearing reporter, and you shall be entitled to a copy thereof, free of charge, if the Department has previously had all or portion of the report transcribed. You are also entitled to a certified copy of the transcripts upon payment of the fee for preparation of said transcripts (Section 1070 [m], City Charter).

**BOARD OF RIGHTS SELECTION / HEARING**

If the matter is to be heard by a Board of Rights, you must appear in person at the Advocate Section, Internal Affairs Administrative Division, Room 385, 304 South Broadway, within five (5) calendar days from the date of personal service, or ten (10) calendar days from the date of service by certified mail of the "Complaint and Relief From Duty, Proposed Removal, Suspension, or Demotion" paper (Form 1.61), and select the members who will constitute said Board. If the fifth day following the date of service falls on a weekend or holiday, the period is extended to the next succeeding business day. For this purpose, holidays are those days designated as such on the Departmental yearly Deployment Schedule on which the Office of the Chief of Police is closed. You will not be further reminded of your responsibilities in this regard.

To ensure that Advocate Section personnel are available, you should telephone (213) 485-4154 to make an appointment. These appointments are generally scheduled between 0830 - 1600 hours. You must bring a copy of the Complaint and Relief From Duty, Proposed Removal, Suspension, or Demotion with you when you appear to select your Board.

If after a Board of Rights has been duly constituted, you, without reasonable excuse, fail, neglect, or refuse to appear before said Board for hearing at the time and place designated, the Chief of Police may, at his discretion, either direct the Board of Rights to proceed with the hearing in your absence, or he may, without such hearing, impose such penalty of suspension or removal, as he deems fit and proper, and cause notice thereof to be served upon you (Section 1070 [j], City Charter)

Revised 01/07

ACCUSED

I HEREBY CERTIFY that I have been served a copy of the Complaint and Relief from Duty, Proposed Removal,, Suspension, or Demotion (Form 1.61) containing the charge(s) against me, as well as the subsections of the Los Angeles City Charter, Section 1070, on the reverse thereof; that I have read and do understand the rights and responsibilities enumerated hereon; and, by acknowledging receipt of the Complaint and Relief from Duty, Proposed Removal, Suspension, or Demotion, I do not waive any of the rights afforded me under the provisions of Section 1070 aforementioned.

CERTIFIED MAIL: 7004 1350 0003 5507 308

January 23, 2009

Signature of Accused

Date of Service

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have served a copy of the above statement upon RICHARD ROMNEY, #30005  
at 0700 hrs. January 23, 2009.

☐ By handing a copy thereof personally at \_\_\_\_\_

☒ By forwarding a copy thereof by certified mail addressed at the last known address at \_\_\_\_\_

Ken E9007  
Member of the Los Angeles Police Department



INTRADEPARTMENTAL CORRESPONDENCE

January 14, 2009  
13.5

**TO:** Commanding Officer, Operations-South Bureau

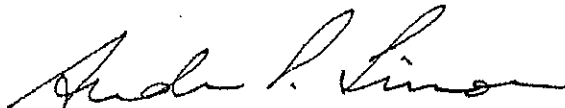
**FROM:** Officer in Charge, Criminal Investigation Section-Central

**SUBJECT:** CHANGE IN PERSONNEL COMPLAINT PENALTY, CF NO. 08-000809,  
POLICE OFFICER III RICHARD ROMNEY, SERIAL NO. 30005,  
SOUTHEAST AREA

This correspondence has been prepared to inform you of a decision by the Chief of Police to change the penalty on a personnel complaint investigation involving a member of your command. The Chief has determined that the complaint was properly classified as sustained, but the penalty should be modified.

The original findings and recommendations were reviewed by the Chief who directed the matter be heard before a Board of Rights. Please ensure that the concerned employee is "re-Skellied" and allowed to respond. The Chief will review any Skelly reply before making a decision on discipline.

The complaint is in the process of being modified to accommodate the Chief's direction. Should you have any questions, you may contact me at (213) 473-3866.



ANDREW P. SIMON, Lieutenant  
Officer in Charge, Criminal Investigation Section-Central  
Internal Affairs Group

2009-01-14

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>McNICHOLAS &amp; McNICHOLAS, LLP</b> Matthew S. McNicholas (SBN 190249)/Courtney C. McNicholas (SBN 130358) 10866 Wilshire Blvd., Suite 1400 Los Angeles, CA 90024 TELEPHONE NO.: 310/474-1582 FAX NO.: 310/475-7871 ATTORNEY FOR (Name): <b>Plaintiff Richard Romney</b>		<div style="font-size: 2em; font-weight: bold; transform: rotate(-15deg);">ORIGINAL</div> <div style="font-size: 1.5em; font-weight: bold; transform: rotate(-15deg);">FILED</div> <div style="font-size: 1.2em; font-weight: bold; transform: rotate(-15deg);">LOS ANGELES SUPERIOR COURT</div> <div style="font-size: 1.2em; font-weight: bold; transform: rotate(-15deg);">APR -9 2009</div> <div style="font-size: 1.2em; font-weight: bold; transform: rotate(-15deg);">JOHN A. CLARKE, CLERK</div> <div style="font-size: 1.2em; font-weight: bold; transform: rotate(-15deg);">BY RUGENA LOPEZ, DEPUTY</div>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>LOS ANGELES</b> STREET ADDRESS: <b>111 N. Hill Street</b> MAILING ADDRESS: CITY AND ZIP CODE: <b>Los Angeles, CA 90012</b> BRANCH NAME: <b>Central District</b>		
CASE NAME:		
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <b>CIVIL CASE COVER SHEET</b>  <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000)     <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)         </div> <div style="width: 45%;"> <b>Complex Case Designation</b>  <input type="checkbox"/> <b>Counter</b>     <input type="checkbox"/> <b>Joinder</b>          Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)       </div> </div>		
BASE NUMBER: <b>BC411532</b>		JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a. ☒ monetary    b. ☒ nonmonetary; declaratory or injunctive relief    c. ☐ punitive
4. Number of causes of action (specify):
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: April 9, 2009  
 Matthew S. McNicholas

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

**CIVIL CASE COVER SHEET**

ORIGINAL

SHORT TITLE:  
Romney v. Bratton et al.

CASE NUMBER

BC411532

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)****This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.****Item I.** Check the types of hearing and fill in the estimated length of hearing expected for this case:JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 7-10 ☐ HOURS/ ☒ DAYS**Item II.** Select the correct district and courthouse location (4 steps - If you checked "Limited Case", skip to Item III, Pg. 4):**Step 1:** After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.**Step 2:** Check one Superior Court type of action in Column **B** below which best describes the nature of this case.**Step 3:** In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked.

For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

1. Class Actions must be filed in the County Courthouse, Central District.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
<b>Auto Tort</b>	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
<b>Other Personal Injury/Property Damage/Wrongful Death Tort</b>	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.
<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		1., 2., 3. 1., 2., 4.	
<b>Non-Personal Injury/Property Damage/Wrongful Death Tort</b>	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.

Non-Personal Injury/Property Damage/  
Wrongful Death Tort (Cont'd.)

Employment

Contract

Real Property

Judicial Review Unlawful Detainer

SHORT TITLE: Romney v. Bratton et al.		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input checked="" type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation      Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer- Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE:  
Romney v. Bratton et al.

CASE NUMBER

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ/Judicial Review	2.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 8.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 3.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 3., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance(21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

Judicial Review (Cont'd.)

Provisionally Complex  
LitigationEnforcement  
of JudgmentMiscellaneous Civil  
Complaints

Miscellaneous Civil Petitions

CIV 109 03-04 (Rev. 03/06)  
LASC Approved

**CIVIL CASE COVER SHEET ADDENDUM  
AND STATEMENT OF LOCATION**

LASC, rule 2.0  
Page 3 of 4

SHORT TITLE: Romney v. Bratton et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE		ADDRESS: 150 N. Los Angeles Street	
<input type="checkbox"/> 1. <input type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			
CITY: Los Angeles	STATE: CA	ZIP CODE: 90012	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Most courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: April 9, 2009

\_\_\_\_\_  
(SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LASC Approved CIV 109 03-04 (Rev. 03/06).
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form 982(a)(27), if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.



1 **PROOF OF SERVICE**

2  
3 I, SYLVIA MARTINEZ, declare as follows:

4 At the time of service I was over 18 years of age and not a party to this action. My business  
5 address is 200 N. Main Street, 700 City Hall East, Los Angeles, CA 90012, which is in the County, City  
6 and State where this mailing occurred.

7 On April 30, 2009, I served the document(s) described as:

8 **DEFENDANTS CITY OF LOS ANGELES, CHIEF WILLIAM BRATTON,**  
9 **COMMANDER STUART MAISLIN, CAPTAIN KELLY MULLDORFER, AND**  
10 **SERGEANT KINARD MOFFATT'S NOTICE OF REMOVAL TO FEDERAL**  
11 **COURT**

12 on all interested parties in this action:

13 Courtney McNicholas  
14 Matthew McNicholas  
15 McNicholas & McNicholas, LLP  
16 10866 Wilshire Blvd., Ste. 1400  
17 Los Angeles, CA 90024-4338

18 I enclosed true copies of the documents(s) in a sealed envelope or package addressed to the  
19 person(s) address(es) as above and:

20 **By United States Mail.**

21 [ ] placed the envelope for collection and mailing, following our ordinary business practices. I  
22 am readily familiar with this business's practice for collecting and processing correspondence for  
23 mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the  
24 ordinary course of business with the United States Postal Service, in a sealed envelope with postage  
25 fully prepaid. I am aware that on motion of the party served, service is presumed invalid if the postal  
26 cancellation date or postage meter date is more than one day after date of deposit for mailing affidavit.

27 [ ] deposited the sealed envelope with the United States Postal Service, with the postage fully  
28 prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is  
true and correct.

26 Date: 4/30/09

27 Sylvia Martinez  
28 Name of Declarant

[Signature]  
Signature of Declarant

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> <b>RICHARD ROMNEY</b>	<b>DEFENDANTS</b> <b>CHIEF WILLIAM BRATTON, CMDR STUART MAISLIN, CAPT -</b> <b>KELLY MULLDORFER, SGT KINARD MOFFATT, CITY OF LOS</b> <b>ANGELES, LAPD, and DOES 1 - XXX, Inclusive</b>
<b>(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):</b> County of Los Angeles	<b>County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):</b> County of Los Angeles
<b>(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)</b> McNicholas & McNicholas LLP Matthew S. McNicholas 10866 Wilshire Blvd., Ste. 1400 Los Angeles, CA 90024-4338 (310) 474-1582	<b>Attorneys (If Known)</b> Daniel Aguilera, Deputy City Attorney Office of the City Attorney 700 City Hall East, 200 North Main Street Los Angeles, CA 90012 (213) 978-8286

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%;"> <tr> <td style="width:40%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> DEF <input type="checkbox"/></td> <td style="width:10%;">1</td> <td style="width:10%;">1</td> <td style="width:30%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF <input type="checkbox"/> DEF <input type="checkbox"/></td> <td style="width:10%;">4</td> <td style="width:10%;">4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> DEF <input type="checkbox"/></td> <td>2</td> <td>2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>PTF <input type="checkbox"/> DEF <input type="checkbox"/></td> <td>5</td> <td>5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> DEF <input type="checkbox"/></td> <td>3</td> <td>3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> DEF <input type="checkbox"/></td> <td>6</td> <td>6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> DEF <input type="checkbox"/>	1	1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> DEF <input type="checkbox"/>	4	4	Citizen of Another State	PTF <input type="checkbox"/> DEF <input type="checkbox"/>	2	2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> DEF <input type="checkbox"/>	5	5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> DEF <input type="checkbox"/>	3	3	Foreign Nation	PTF <input type="checkbox"/> DEF <input type="checkbox"/>	6	6
Citizen of This State	PTF <input type="checkbox"/> DEF <input type="checkbox"/>	1	1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> DEF <input type="checkbox"/>	4	4																		
Citizen of Another State	PTF <input type="checkbox"/> DEF <input type="checkbox"/>	2	2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> DEF <input type="checkbox"/>	5	5																		
Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> DEF <input type="checkbox"/>	3	3	Foreign Nation	PTF <input type="checkbox"/> DEF <input type="checkbox"/>	6	6																		

<b>IV. ORIGIN</b> (Place an X in one box only.) <input type="checkbox"/> 1 Original Proceeding <input checked="" type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
--

<b>V. REQUESTED IN COMPLAINT: JURY DEMAND:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.) <b>CLASS ACTION under F.R.C.P. 23:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>MONEY DEMANDED IN COMPLAINT: \$</b> _____
--

<b>VI. CAUSE OF ACTION</b> (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) (1) Retaliation in Violation of Fair Labor Standards Act; (2) Injunction
---

<b>VII. NATURE OF SUIT</b> (Place an X in one box only.) <table style="width:100%; font-size: small;"> <tr> <td style="width:16.6%;"> <b>OTHER STATUTES</b>  <input type="checkbox"/> 400 State Reapportionment  <input type="checkbox"/> 410 Antitrust  <input type="checkbox"/> 430 Banks and Banking  <input type="checkbox"/> 450 Commerce/ICC Rates/etc.  <input type="checkbox"/> 460 Deportation  <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations  <input type="checkbox"/> 480 Consumer Credit  <input type="checkbox"/> 490 Cable/Sat TV  <input type="checkbox"/> 810 Selective Service  <input type="checkbox"/> 850 Securities/Commodities /Exchange  <input type="checkbox"/> 875 Customer Challenge 12 USC 3410  <input type="checkbox"/> 890 Other Statutory Actions  <input type="checkbox"/> 891 Agricultural Act  <input type="checkbox"/> 892 Economic Stabilization Act  <input type="checkbox"/> 893 Environmental Matters  <input type="checkbox"/> 894 Energy Allocation Act  <input type="checkbox"/> 895 Freedom of Info. Act  <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice  <input type="checkbox"/> 950 Constitutionality of State Statutes         </td> <td style="width:16.6%;"> <b>CONTRACT</b>  <input type="checkbox"/> 110 Insurance  <input type="checkbox"/> 120 Marine  <input type="checkbox"/> 130 Miller Act  <input type="checkbox"/> 140 Negotiable Instrument  <input type="checkbox"/> 150 Recovery of Overpayment &amp; Enforcement of Judgment  <input type="checkbox"/> 151 Medicare Act  <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)  <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits  <input type="checkbox"/> 160 Stockholders' Suits  <input type="checkbox"/> 190 Other Contract  <input type="checkbox"/> 195 Contract Product Liability  <input type="checkbox"/> 196 Franchise  <input type="checkbox"/> 210 Land Condemnation  <input type="checkbox"/> 220 Foreclosure  <input type="checkbox"/> 230 Rent Lease &amp; Ejectment  <input type="checkbox"/> 240 Torts to Land  <input type="checkbox"/> 245 Tort Product Liability  <input type="checkbox"/> 290 All Other Real Property         </td> <td style="width:16.6%;"> <b>TORTS</b>  <b>PERSONAL INJURY</b>  <input type="checkbox"/> 310 Airplane  <input type="checkbox"/> 315 Airplane Product Liability  <input type="checkbox"/> 320 Assault, Libel &amp; Slander  <input type="checkbox"/> 330 Fed. Employers' Liability  <input type="checkbox"/> 340 Marine  <input type="checkbox"/> 345 Marine Product Liability  <input type="checkbox"/> 350 Motor Vehicle  <input type="checkbox"/> 355 Motor Vehicle Product Liability  <input type="checkbox"/> 360 Other Personal Injury  <input type="checkbox"/> 362 Personal Injury-Med Malpractice  <input type="checkbox"/> 365 Personal Injury-Product Liability  <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability         </td> <td style="width:16.6%;"> <b>TORTS</b>  <b>PERSONAL PROPERTY</b>  <input type="checkbox"/> 370 Other Fraud  <input type="checkbox"/> 371 Truth in Lending  <input type="checkbox"/> 380 Other Personal Property Damage  <input type="checkbox"/> 385 Property Damage Product Liability  <b>BANKRUPTCY</b>  <input type="checkbox"/> 422 Appeal 28 USC 158  <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>CIVIL RIGHTS</b>  <input checked="" type="checkbox"/> 441 Voting  <input type="checkbox"/> 442 Employment  <input type="checkbox"/> 443 Housing/Accommodations  <input type="checkbox"/> 444 Welfare  <input type="checkbox"/> 445 American with Disabilities - Employment  <input type="checkbox"/> 446 American with Disabilities - Other  <input type="checkbox"/> 440 Other Civil Rights         </td> <td style="width:16.6%;"> <b>PRISONER PETITIONS</b>  <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus  <input type="checkbox"/> 530 General  <input type="checkbox"/> 535 Death Penalty  <input type="checkbox"/> 540 Mandamus/Other  <input type="checkbox"/> 550 Civil Rights  <input type="checkbox"/> 555 Prison Condition  <b>FORFEITURE/PENALTY</b>  <input type="checkbox"/> 610 Agriculture  <input type="checkbox"/> 620 Other Food &amp; Drug  <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881  <input type="checkbox"/> 630 Liquor Laws  <input type="checkbox"/> 640 R.R. &amp; Truck  <input type="checkbox"/> 650 Airline Regs  <input type="checkbox"/> 660 Occupational Safety /Health  <input type="checkbox"/> 690 Other         </td> <td style="width:16.6%;"> <b>LABOR</b>  <input type="checkbox"/> 710 Fair Labor Standards Act  <input type="checkbox"/> 720 Labor/Mgmt. Relations  <input type="checkbox"/> 730 Labor/Mgmt. Reporting &amp; Disclosure Act  <input type="checkbox"/> 740 Railway Labor Act  <input type="checkbox"/> 790 Other Labor Litigation  <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act  <b>PROPERTY RIGHTS</b>  <input type="checkbox"/> 820 Copyrights  <input type="checkbox"/> 830 Patent  <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b>  <input type="checkbox"/> 861 HIA (1395ff)  <input type="checkbox"/> 862 Black Lung (923)  <input type="checkbox"/> 863 DIWC/DIWW (405(g))  <input type="checkbox"/> 864 SSID Title XVI  <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b>  <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)  <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609         </td> </tr> </table>	<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. 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Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	

<b>VIII(a). IDENTICAL CASES:</b> Has this action been previously filed and dismissed, remanded or closed? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, list case number(s): _____
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<b>FOR OFFICE USE ONLY:</b> Case Number: _____
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**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.**

**VIII(b). RELATED CASES:** Have any cases been previously filed that are related to the present case? ☐ No ☒ Yes

If yes, list case number(s): CV 06-00249 RSWL

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☒ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☒ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

- ☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.  
 Los Angeles County

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

- ☐ Check here if the U.S. government, its agencies or employees is a named defendant.  
 Los Angeles County

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)

- Note: In land condemnation cases, use the location of the tract of land involved.  
 Los Angeles County

*TSGL*

**X. SIGNATURE OF ATTORNEY (OR PRO PER):** Daniel Aguilera, Deputy City Attorney Date April, 2009

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

1 **PROOF OF SERVICE**

2  
3 I, SYLVIA MARTINEZ, declare as follows:

4 At the time of service I was over 18 years of age and not a party to this action. My business  
5 address is 200 N. Main Street, 700 City Hall East, Los Angeles, CA 90012, which is in the County, City  
6 and State where this mailing occurred.

7 On April 30, 2009, I served the document(s) described as:

8 **CIVIL COVERSHEET**

9 on all interested parties in this action:

10 Courtney McNicholas  
11 Matthew McNicholas  
12 McNicholas & McNicholas, LLP  
13 10866 Wilshire Blvd., Ste. 1400  
14 Los Angeles, CA 90024-4338

15 I enclosed true copies of the documents(s) in a sealed envelope or package addressed to the  
16 person(s) address(es) as above and:

17 **By United States Mail.**

18 [ ] placed the envelope for collection and mailing, following our ordinary business practices. I  
19 am readily familiar with this business's practice for collecting and processing correspondence for  
20 mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the  
21 ordinary course of business with the United States Postal Service, in a sealed envelope with postage  
22 fully prepaid. I am aware that on motion of the party served, service is presumed invalid if the postal  
23 cancellation date or postage meter date is more than one day after date of deposit for mailing affidavit.

24 [ ] deposited the sealed envelope with the United States Postal Service, with the postage fully  
25 prepaid.

26 I declare under penalty of perjury under the laws of the State of California that the foregoing is  
27 true and correct.

28 Date: 4/30/09

Sylvia Martinez  
Name of Declarant

[Signature]  
Signature of Declarant