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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DYWANE C. STONUM,  
Plaintiff,  
v.  
COUNTY OF KERN,  
Defendant.

No. 1:16-cv-01076-DAD-JLT

TENTATIVE PRETRIAL ORDER

On July 30, 2018, the court conducted a final pretrial conference in this action. Plaintiff Dywane C. Stonum appeared telephonically on his own behalf, and Michael E. Lehman appeared as counsel for defendant County of Kern. Having considered the parties’ joint pretrial statement and the views of the parties expressed at the conference, the court issues this tentative pretrial order.

Plaintiff has brought this action under Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. § 2000(e), *et seq.*, alleging claims of race discrimination and retaliation during his employment with the Kern County Department of Human Services between April 2013 and January 2014. Defendant disputes that plaintiff’s termination was based upon racial discrimination, retaliation, or anything other than plaintiff’s performance.

I. JURISDICTION/VENUE

Jurisdiction is predicated on 28 U.S.C. §§ 1331 and 1343. Jurisdiction is not contested.

1 Venue is proper pursuant to 28 U.S.C. § 1391(b). Venue is not contested.

2 II. JURY

3 Plaintiff previously notified the court that he wished to waive his right to a jury trial, and  
4 in a scheduling order issued July 14, 2017, the court accepted plaintiff's jury waiver. (Doc. No.  
5 43 at 2 n.1.) Defendant did not demand a jury trial. (See Doc. No. 28.) Therefore, the trial will  
6 be conducted as a bench trial.

7 III. UNDISPUTED FACTS

8 1. Plaintiff was employed by the County of Kern in the Department of Human  
9 Services between April 2013 and January 2014.

10 2. Plaintiff's race is Black or African American.

11 3. Plaintiff was not hired by Kern County as a Social Service Worker.

12 4. Plaintiff is no longer employed by Kern County.

13 5. All named individual defendants (previously dismissed from this suit) were  
14 employees of the County of Kern during the time periods in which plaintiff was employed in the  
15 Kern County Department of Human Services.

16 6. Tracy Selph is the Assistant Program Director for the Kern County Department of  
17 Human Services.

18 IV. DISPUTED FACTUAL ISSUES

19 1. Whether plaintiff's termination was motivated by racial discrimination.

20 2. Whether plaintiff's termination was motivated by retaliation.

21 V. DISPUTED EVIDENTIARY ISSUES/MOTIONS IN LIMINE

22 The court does not encourage the filing of motions *in limine* unless they are addressed to  
23 issues that can realistically be resolved by the court prior to trial and without reference to the  
24 other evidence which will be introduced by the parties at trial. Any motions *in limine* the parties  
25 elect to file shall be filed no later than **21 days before trial**. Opposition shall be filed no later  
26 than **14 days before trial** and any replies shall be filed no later than **10 days before trial**. Upon  
27 receipt of any opposition briefs, the court will notify the parties if it will hear argument on any  
28 *motions in limine* prior to the first day of trial.

1 VI. SPECIAL FACTUAL INFORMATION

2 Special factual information as required under Local Rule 281(b)(6) is not applicable to  
3 this action.

4 VII. RELIEF SOUGHT

5 1. Plaintiff seeks reinstatement to the position of Human Services Technician.

6 2. Plaintiff seeks a new interview and interview panel for Social Services Worker I  
7 position.

8 3. Plaintiff seeks lost wages and benefits accruing at about \$164.38 per day x 1,162  
9 days = \$273,199.56 (as of July 23, 2018, before estimated offset adjustments of about  
10 \$54,345.06).

11 4. Plaintiff seeks removal of adverse reviews, ratings, and interview panel scores  
12 from his employee file.

13 5. Plaintiff seeks punitive and/or exemplary damages for malicious and intentional  
14 acts of discrimination and retaliation in the amount of \$2,000,000.

15 6. Plaintiff seeks any other damages or relief the court deems appropriate.

16 VIII. POINTS OF LAW

17 The claims and defenses arise under federal law. All of plaintiff's claims are brought  
18 against the defendant, County of Kern.

19 1. The elements of, standards for, and burden of proof in a claim for race  
20 discrimination under Title VII.

21 2. The elements of, standards for, and burden of proof in a claim for retaliation under  
22 Title VII.

23 Trial briefs addressing the points of law implicated by these remaining claims shall be  
24 filed with this court no later than **7 days before trial** in accordance with Local Rule 285.

25 ANY CAUSES OF ACTION OR AFFIRMATIVE DEFENSES NOT EXPLICITLY  
26 ASSERTED IN THE PRETRIAL ORDER UNDER POINTS OF LAW AT THE TIME IT  
27 BECOMES FINAL ARE DISMISSED, AND DEEMED WAIVED.

28 /////

1 IX. ABANDONED ISSUES

2 None.

3 X. WITNESSES

4 Plaintiff's witnesses shall be those listed in **Attachment A**. Defendant's witnesses shall  
5 be those listed in **Attachment B**. Each party may call any witnesses designated by the other.

6 A. **The court does not allow undisclosed witnesses to be called for any purpose,**  
7 **including impeachment or rebuttal, unless they meet the following criteria:**

- 8 (1) The party offering the witness demonstrates that the witness is for the  
9 purpose of rebutting evidence that could not be reasonably anticipated at  
10 the pretrial conference, or  
11 (2) The witness was discovered after the pretrial conference and the proffering  
12 party makes the showing required in paragraph B, below.

13 B. Upon the post pretrial discovery of any witness a party wishes to present at trial,  
14 the party shall promptly inform the court and opposing parties of the existence of  
15 the unlisted witnesses so the court may consider whether the witnesses shall be  
16 permitted to testify at trial. The witnesses will not be permitted unless:

- 17 (1) The witness could not reasonably have been discovered prior to the  
18 discovery cutoff;  
19 (2) The court and opposing parties were promptly notified upon discovery of  
20 the witness;  
21 (3) If time permitted, the party proffered the witness for deposition; and  
22 (4) If time did not permit, a reasonable summary of the witness's testimony  
23 was provided to opposing parties.

24 XI. EXHIBITS, SCHEDULES, AND SUMMARIES

25 Plaintiff's proposed exhibits are listed in **Attachment C**. Defendant's proposed exhibits  
26 are listed in **Attachment D**. However, as the court explained at the final pretrial conference, the  
27 parties' exhibits must be described with sufficient specificity (e.g. including dates and/or Bates  
28 stamped discovery numbers) so as to leave no doubt among the parties and the court about the

1 nature of the exhibit being offered into evidence. The parties are directed to submit amended  
2 exhibit lists within **14 days of the date of this order**.

3 No exhibit shall be marked with or entered into evidence under multiple exhibit numbers,  
4 and the parties are hereby directed to meet and confer for the purpose of designating any joint  
5 exhibits. All exhibits must be pre-marked as discussed below. At trial, joint exhibits shall be  
6 identified as JX and listed numerically, e.g., JX-1, JX-2. Plaintiff's exhibits shall be listed  
7 numerically and defendants' exhibits shall be listed alphabetically. All exhibits must be pre-  
8 marked. The parties must prepare three (3) separate exhibit binders for use by the court at trial,  
9 with a side tab identifying each exhibit in accordance with the specifications above. Each binder  
10 shall have an identification label on the front and spine. The parties must exchange exhibits no  
11 later than **28 days before trial**. Any objections to exhibits are due no later than **14 days before**  
12 **trial**. The final exhibits are due **September 13, 2018**. In making any objection, the party is to set  
13 forth the grounds for the objection. As to each exhibit which is not objected to, it shall be marked  
14 and received into evidence and will require no further foundation.

15 A. **The court does not allow the use of undisclosed exhibits for any purpose,**  
16 **including impeachment or rebuttal, unless they meet the following criteria:**

- 17 (1) The party proffering the exhibit demonstrates that the exhibit is for the  
18 purpose of rebutting evidence that could not have been reasonably  
19 anticipated, or  
20 (2) The exhibit was discovered after the issuance of this order and the  
21 proffering party makes the showing required in paragraph B, below.

22 B. Upon the discovery of exhibits after the discovery cutoff, a party shall promptly  
23 inform the court and opposing parties of the existence of such exhibits so that the  
24 court may consider their admissibility at trial. The exhibits will not be received  
25 unless the proffering party demonstrates:

- 26 (1) The exhibits could not reasonably have been discovered earlier;  
27 (2) The court and the opposing parties were promptly informed of their  
28 existence; and



1 XVIII. SEPARATE TRIAL OF ISSUES

2 None.

3 XIX. IMPARTIAL EXPERTS/LIMITATION OF EXPERTS

4 Plaintiff welcomes the court's appointment of an impartial expert witness to testify to the  
5 nature and quantity of plaintiff's damages. Defendant believes appointment by the court of  
6 impartial expert witnesses is not advisable, and that there should be no limitation of the number of  
7 properly disclosed expert witnesses.

8 The court declines to appoint an impartial expert witness pursuant to Federal Rule of Civil  
9 Procedure 706. No motion for a court-appointed expert witness is currently pending before the  
10 court. Moreover, the court notes that the purpose of Rule 706 is to assist the court or the  
11 factfinder in analyzing complex issues, and not to assist parties in proving their cases. The court  
12 finds that none of the issues here are so complex as to warrant appointment by the court of an  
13 impartial expert witness.

14 XX. ATTORNEYS' FEES

15 Plaintiff, proceeding *pro se*, is not an attorney licensed to practice in any jurisdiction.  
16 Should plaintiff later obtain an attorney, or one is appointed by the court, plaintiff would seek  
17 reimbursement of legal and associated fees.

18 XXI. TRIAL PROTECTIVE ORDER AND REDACTION OF TRIAL EXHIBITS

19 No protective order is necessary.

20 XXII. MISCELLANEOUS

21 None.

22 XXIII. ESTIMATED TIME OF TRIAL/TRIAL DATE

23 A court trial is scheduled for **September 18, 2018**, at 8:30 a.m. in Courtroom 5 before the  
24 Honorable Dale A. Drozd. Trial is anticipated to last 3–5 days. The parties are directed to Judge  
25 Drozd's standard procedures available on his webpage on the court's website.

26 The parties are to call Judge Drozd's courtroom deputy, at (559) 499-5652, one week  
27 prior to trial to ascertain the status of the trial date.

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XXIV. TRIAL BRIEFS

As noted above, trial briefs are due **7 days before trial**.

XXV. OBJECTIONS TO PRETRIAL ORDER


Each party is granted **14 days from the date of this order** to file objections to the same.

Each party is also granted **7 days thereafter** to respond to the other party's objections. If no objections are filed, the order will become final without further order of this court.

The parties are reminded that pursuant to Rule 16(e) of the Federal Rules of Civil Procedure and Local Rule 283 of this court, this order shall control the subsequent course of this action and shall be modified only to prevent manifest injustice.

IT IS SO ORDERED.

Dated: August 1, 2018

  
UNITED STATES DISTRICT JUDGE



**ATTACHMENT A: Plaintiff's Witnesses**

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Adam Dupree  
2829 20th Street West  
Rosamond, CA 93560

Alecia Lashon Jackson  
8401 Dogwood Ave.  
California City, CA 93505

Cordelia Neal  
8561 Catalpa Ave.  
California City, CA 93505

Craig L. Robbins  
785 Tucker Rd., APT G119  
Tehachapi, CA 93561

Debbie Spears  
8907 Penticton Ct.  
Bakersfield, CA 93312

Debra L. Davis (aka Debbie)  
4600 Brewer Ave.  
Bakersfield, CA 93306

Dena Marie Murphy  
3401 Claremont Dr.  
Bakersfield, CA 93306

Donald Burke  
21047 Santa Barbara Dr., Apt D  
Tehachapi, CA 93561

Donna M. Foster  
45135 Parkview Ln.  
Lancaster, CA 93535

Dywane Stonum  
4725 Panama Lane D3-246  
Bakersfield, CA 93313

James A. McClellan  
41721 Zinfandel Dr.  
Palmdale, CA 93551

1 James Neal, III  
8561 Catalpa Ave.  
2 California City, CA 93505

3 Jayna R. Clark  
4 16193 H St., APT 109  
Mojave, CA 93501

5  
6 Judith Anne Brown  
2300 State Highway 58  
7 Mojave, CA 93501

8 Karissa Anne Tonoli  
21047 Santa Barbara Dr., Apt D  
9 Tehachapi, CA 93561

10 Kimberly Rae Millovitsch  
11 21312 Woodford Tehachapi Rd.  
Tehachapi, CA 93561

12  
13 Lorraine D. Kember  
20394 Airway Blvd.  
14 California City, CA 93505

15 Maria Gutierrez  
1410 N Oakdale Ave.  
16 Rialto, CA 92376

17 Marion Santana  
217 West E St.  
18 Tehachapi, CA 93561

19  
20 Melissa Callison  
156 55th W St.  
21 Rosamond, CA 93560

22 Michael Goulart  
12306 Marshfield Way  
23 Bakersfield, CA 93312

24 Patricia Ann Gable  
21119 Kenniston St.  
25 California City, CA 93505

26  
27 Ramona Faucette  
2500 Dore Dr.  
Bakersfield, CA 93304

28

- 1 Robert Gibson  
1001 17th Street  
2 Bakersfield, CA 93301
- 3 Sean Robert Borden  
4 5325 Cangas Dr.  
5 Agoura, CA 91301
- 6 Shannon Lee Oastler  
7 3906 Amherst Forest Rd.  
8 Bakersfield, CA 93313
- 9 Sonya Hannon  
10 15601 O St.  
11 Mojave, CA 93501
- 12 Tameika Marie Cannon  
13 2600 Brookside Dr., Apt 31  
14 Bakersfield, CA 93311
- 15 Tony Lopez  
16 County of Kern  
17 1115 Truxtun Ave, First Floor  
18 Bakersfield, CA 93301
- 19 Tracy Henry  
20 (Unknown at this time)  
21 Kern County Area
- 22 Tracy Lynn Selph  
23 803 James St.  
24 Ridgecrest, CA 93555
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**ATTACHMENT B: Defendant's Witnesses**

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WITNESS	
1.	Patricia Gable
2.	Tracy Selph
3.	James McClellan
4.	Shannon Oastler
5.	Debbie Spears
6.	Debra Davis
7.	Mellissa Callison
8.	Michael Goulart

**ATTACHMENT C: Plaintiff's Exhibits**

Document Type	Description
Plaintiff's Initial Disclosures	Initial Disclosures, Dated July 30, 2017 with Proof of Service
Plaintiff's Initial Disclosures	Defendants Answer To Plaintiff's Complaint Of Title VII Retaliation And Discrimination (Disparate Treatment), Document 28, Dated April 14, 2017
Plaintiff's Initial Disclosures	Order Granting In Part And Denying In Part Defendants' Motion to Dismiss (Doc. No. 15), Document 26, Dated March 20, 2017
Plaintiff's Initial Disclosures	Order Granting Defendants' Motion for Judgment On The Pleadings (Doc No. 29), Doc 37, Dated June 15, 2017
Plaintiff's Initial Disclosures	Complaint for Employment Discrimination, Case No. 1:16 CV001076 DAD JLT, Jury Trial, Document 1, Filed 7/26/16
Plaintiff's Initial Disclosures	Dywane Stonum – County of Kern Notes – Beginning Jun 8, 2013 and Ending Jan 10, 2014. FILE NOTE Ending Jan 25, 2014.
Plaintiff's Initial Disclosures	UTC-GMT Time Conversion Chart
Plaintiff's Initial Disclosures	Plaintiff's Courtesy Notice of EEO Discrimination Complaint Filing with Kern County – 01/17/2014 to Robert Gibson, Union Representative, SEIU Local 521, Dated January 21, 2014
Plaintiff's Initial Disclosures	Plaintiff's Discrimination Complaint Questionnaire To Kern County Personnel Department – Equal Employment Opportunity Division (With Attachments) – Received 4 JAN 17 PM 4:55
Plaintiff's Initial Disclosures	KCDHS: Trish Tracy Melissa James (Mojave) Unlawful Discrimination Impact: BA v MO (Bakersfield v Mojave locations) – April 1, 2013 – January 3, 2014 (Chart by Plaintiff)
Plaintiff's Initial Disclosures	Kern DHS – Tracy – Trish and James – Impact of Unlawful Discrimination (Events and Comments Supporting Diagram by Plaintiff)
Plaintiff's Initial Disclosures	Loyola Marymount University – College of Liberal Arts (Plaintiff's Bachelor of Arts Degree)
Plaintiff's Initial Disclosures	County of Kern – Personnel Department – Cash Receipt 000914 – Dated 1/17/14 for Copy of EEO Division Complaint Filed with County of Kern
Plaintiff's Initial Disclosures	Employee Performance Evaluations for Plaintiff (04/11/2013, 04/26/2013, 05/13/2013, 05/24/2013)
Plaintiff's Initial Disclosures	Biweekly Conference Reports for Plaintiff (06/07/2013, 06/26/2013, 07/22/2013)

1	Plaintiff's Initial Disclosures	Kern County DHS – Memo of Concern – July 25, 2013
2	Plaintiff's Initial Disclosures	Biweekly Conference Report for Plaintiff – 09/12/2013
3	Plaintiff's Initial Disclosures	CalWORKS Training Attendance Form – Dated 8/17/2013
4	Plaintiff's Initial Disclosures	Handwritten Note by Human Services Supervisor, Patricia Gable, 09/12/13.
5	Plaintiff's Initial Disclosures	Biweekly Conference Report for Plaintiff – October 4, 2013
6	Plaintiff's Initial Disclosures	Plan of Action to Catch-Up – S31A – D. Stonum – 10-04-2013
7	Plaintiff's Initial Disclosures	Employee Performance Report for Dywane Stonum – Signed 10/11/2013 – Copy Received 12/13/2013 from HR
8	Plaintiff's Initial Disclosures	Bi-Monthly Conference Reports (11/1/2013, 11/15/2013)
9	Plaintiff's Initial Disclosures	Conference With Dywane Stonum HST and Trish Gable HSS – Nov. 18, 2013
10	Plaintiff's Initial Disclosures	Monthly Conference Report for Plaintiff – 12/11/2013
11	Plaintiff's Initial Disclosures	County of Kern – Personnel Department – Human Services Technician Score for Dywane Stonum – 92.00%, Dated – Postmarked Nov 21, 2012
12	Plaintiff's Initial Disclosures	Certification For Plaintiff From Civil Service Commission – Human Services Technician I – Mojave – RE: CERT. #48957 – Interview Appointment, Dated MAR 1, 2013
13	Plaintiff's Initial Disclosures	Human Services Technician I – East Kern Exam No. 5624 – 08/20/12 (Job Bulletin)
14	Plaintiff's Initial Disclosures	Patricia Cheadle, Director of Human Services – Mojave Office Visit – E-mail Correspondence With Dywane Stonum (06/17/2013, 07/08/2013, 09/04/2013,
15	Plaintiff's Initial Disclosures	Plaintiff's e-mail communications with Kern's Debbie Davis, Human Resources Manager, 09/04/2013, 09/27/2013, 09/30/2013) [Racial Discrimination, Disparate Treatment, Hostile Work Environment, Unlawful Practices)
16	Plaintiff's Initial Disclosures	Plaintiff's e-mail communication to Kern's Debbie Davis, Human Resources Manager, Unlawful Discrimination, Wrongful Termination, Hostile Work Environment, 01/16/2014; CC: Pat Cheadle, Director of Human Services; Robert Gibson, SEIU Local 521 Representative; Debbie Spears, HR Staff Development.
17	Case Filings	All Documents For the Case of Dywane C. Stonum v. County of Kern, Case Number 1:16-CV-001076-DAD-JLT, Reflected In The Court's Docket and Other Related Communications From 07/26/2016 through 07/23/2018 and Continuing Until Final Disposition of This Case.
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1	Defendant's Initial Disclosures	Defendant's Initial Disclosures (Subject To Orders of the Court and Motion in Limine)
2	Defendant's Future Disclosures	Defendant's Future Disclosures As May Be Ordered Or Permitted By The Court, Federal Rules of Civil Procedure, Federal Rules of Evidence or Other Applicable Codes Or Regulations.
3	Defendant's Future Disclosures	Defendant's Future Disclosures As May Be Ordered Or Permitted By The Court, Federal Rules of Civil Procedure, Federal Rules of Evidence or Other Applicable Codes Or Regulations.
4	Plaintiff's Future Disclosures	Plaintiff's Future Disclosures As May Be Ordered Or Permitted By The Court, Federal Rules of Civil Procedure, Federal Rules of Evidence or Other Applicable Codes Or Regulations.
5	Plaintiff's Future Disclosures	Plaintiff's Future Disclosures As May Be Ordered Or Permitted By The Court, Federal Rules of Civil Procedure, Federal Rules of Evidence or Other Applicable Codes Or Regulations.
6	Plaintiff's Initial Disclosures	Plaintiff's e-mail to Trish (Patricia Gable, Human Services Supervisor) regarding Tracy wanting portion of evaluation removed, Gable wanting to shred signed document, and Plaintiff's request to speak with Department Head (Tony Lopez) about his concerns. Dated Fri, Oct 11, 2013 at 5:13 PM
7	Plaintiff's Initial Disclosures	Plaintiff's e-mail to Trish (Patricia Gable, Human Services Supervisor) regarding Tracy wanting portion of evaluation removed, Gable wanting to shred signed document, and Plaintiff's request to speak with Department Head (Tony Lopez) about his concerns. Dated Fri, Oct 11, 2013 at 5:13 PM
8	Plaintiff's Initial Disclosures	Plaintiff's e-mail to Trish (Patricia Gable, Human Services Supervisor) regarding Tracy wanting portion of evaluation removed, Gable wanting to shred signed document, and Plaintiff's request to speak with Department Head (Tony Lopez) about his concerns. Dated Fri, Oct 11, 2013 at 5:13 PM
9	Plaintiff's Initial Disclosures	Plaintiff's e-mail to Trish (Patricia Gable, Human Services Supervisor) regarding Tracy wanting portion of evaluation removed, Gable wanting to shred signed document, and Plaintiff's request to speak with Department Head (Tony Lopez) about his concerns. Dated Fri, Oct 11, 2013 at 5:13 PM
10	Defendant's Disclosures	Defendant's Documents Produced Responsive to the Subject Of Plaintiff's Motion to Compel – Document 56 (In Re: Plaintiff's Request For Production – Set 1)
11	Defendant's Disclosures	Defendant's Documents Produced Responsive to the Subject Of Plaintiff's Motion to Compel – Document 56 (In Re: Plaintiff's Request For Production – Set 1)
12	Plaintiff's Initial Disclosures	Kern's Examination Score 74% To Plaintiff. Social Service Worker I/II, Postmarked Jan 14, 2013
13	Plaintiff's Initial Disclosures	Kern's Examination Score 74% To Plaintiff. Social Service Worker I/II, Postmarked Jan 14, 2013
14	Plaintiff's Initial Disclosures	Kern's Certification Notice to Plaintiff. Social Service Worker I/II. Dated NOV 5, 2013,
15	Plaintiff's Initial Disclosures	Kern's Certification Notice to Plaintiff. Social Service Worker I/II. Dated NOV 5, 2013,
16	Plaintiff's Initial Disclosures	Plaintiff's Typing Proficiency Certificate. Net Words Per Minute 75. Dated 11/12/13. Kern County Superintendent Of Schools Office.
17	Plaintiff's Initial Disclosures	Plaintiff's Typing Proficiency Certificate. Net Words Per Minute 75. Dated 11/12/13. Kern County Superintendent Of Schools Office.
18	Plaintiff's Initial Disclosures	Kern's Social Service Worker I/II Exam No, 5691 – Job Bulletin – 11/05/12
19	Plaintiff's Initial Disclosures	Kern's Social Service Worker I/II Exam No, 5691 – Job Bulletin – 11/05/12
20	Plaintiff's Initial Disclosures	Letter from KCDHS. Plaintiff not recommended for hire for Social Service Worker I/II position.
21	Plaintiff's Initial Disclosures	Letter from KCDHS. Plaintiff not recommended for hire for Social Service Worker I/II position.
22	Plaintiff's Initial Disclosures	Various Correspondence from Plaintiff: To: Debbie Davis (Complaint of Discrimination and Retaliation regarding not hiring Plaintiff for Social Service I/II position) – 12/20/2013 (CC: Debbie Spears, DHS, Robert Gibson, SEIU, Pat Cheadle, DHS)
23	Plaintiff's Initial Disclosures	Various Correspondence from Plaintiff: To: Debbie Davis (Complaint of Discrimination and Retaliation regarding not hiring Plaintiff for Social Service I/II position) – 12/20/2013 (CC: Debbie Spears, DHS, Robert Gibson, SEIU, Pat Cheadle, DHS)
24	Plaintiff's Initial Disclosures	Various Emails: Between Plaintiff and Debbie Spears. Regarding SSWI/II position. Pulling of Panelist packets. 01/02/2014
25	Plaintiff's Initial Disclosures	Various Emails: Between Plaintiff and Debbie Spears. Regarding SSWI/II position. Pulling of Panelist packets. 01/02/2014
26	Plaintiff's Initial Disclosures	SIU Ride Along Emails and Schedule for Plaintiff and Other Kern Employees
27	Plaintiff's Initial Disclosures	SIU Ride Along Emails and Schedule for Plaintiff and Other Kern Employees
28	Plaintiff's Initial Disclosures	Kern's purported Employee Performance Report for Plaintiff. Dated 1/3/14. (Gable, Selph)
	Plaintiff's Initial Disclosures	Kern's purported Employee Performance Report for Plaintiff. Dated 1/3/14. (Gable, Selph)
	Plaintiff's Initial Disclosures	Change of Employee Status – Effective 1/03/2014 (County of Kern – DHS) for Plaintiff
	Plaintiff's Initial Disclosures	Change of Employee Status – Effective 1/03/2014 (County of Kern – DHS) for Plaintiff
	Plaintiff's Initial Disclosures	Various emails between Plaintiff, Gable, Gibson, Cheadle, Spears, Davis
	Plaintiff's Initial Disclosures	Various emails between Plaintiff, Gable, Gibson, Cheadle, Spears, Davis

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Plaintiff's Initial Disclosures	Paystub documents for Plaintiff
Plaintiff's Initial Disclosures	EEOC FOIA Document to Plaintiff
Plaintiff's Initial Disclosures	California Department of Fair Employment and Housing Documents Regarding EEOC Number 480-2014-01619C (Dywane C. Stonum)
Plaintiff's Initial Disclosures	Plaintiff's Retirement Plan Related Documents (while with County of Kern) (Including Employer Match Information)
Plaintiff's Initial Disclosures	Plaintiff's Health and Dental Care Related Information (while with County of Kern)
Plaintiff's Initial Disclosures	State of California – Department of Industrial Relations Related Documents (pertaining to County of Kern)
Plaintiff's Initial Disclosures	Plaintiff's Damage and Loss Claim Information pertaining to County of Kern



**ATTACHMENT D: Defendant's Exhibits**

	<b>DOCUMENT TYPE</b>	<b>DOCUMENT DESCRIPTION</b>
1	1. Employee Performance Reports	Employee Performance Reports. One signed by Plaintiff on June 28, 2013, one signed by Plaintiff on October 11, 2013, and one provided to Plaintiff on January 3, 2014.
2	2. Personnel File	Personnel file for Plaintiff.
3	3. Memorandum of Concern	July 25, 2013 Memorandum of Concern from Patricia Gable to Plaintiff.
4	4. Plaintiff's Acknowledgment of receipt	Acknowledgement of receipt of instructions on how to access SEIU Memorandum of Understanding, and acknowledgement of understanding that he was a member of SEIU as of April 1, 2013.
5	5. Facsimile	June 9, 2014 Facsimile from Plaintiff.
6	6. Complaint	Internal Complaints of Discrimination from Plaintiff
7	7. Responses	Internal responses to Plaintiff's Complaints
8	8. Investigation Reports	Internal investigations reports related to Plaintiff's Complaints of discrimination
9	9. Emails	<ul style="list-style-type: none"> <li>• September 4, 2013 email exchange between D. Davis and Plaintiff in which D. Davis instructs Plaintiff how to submit complaint of discrimination.</li> <li>• September 27, 2013 follow-up email to Plaintiff from D. Davis stating that D. Davis had not received any information from Plaintiff.</li> <li>• September 30, 2013 email from Plaintiff to D. Davis stating that Plaintiff would be attempting to resolve issue through union.</li> <li>• January 6, 2014 email from Plaintiff to SEIU regarding Plaintiff's termination.</li> <li>• January 7, 2014 email between Plaintiff and D. Davis regarding Plaintiff's termination.</li> <li>• January 16, 2014 email between Plaintiff and D. Davis in which D. Davis informs Plaintiff on how a formal complaint is filed with the county after termination.</li> <li>• January 30, 2014 email between Plaintiff and D. Davis in which D. Davis tells Plaintiff that he will be receiving deferred compensation on February 7, 2014.</li> <li>• Various Emails between Gable, Davis, Spears</li> </ul>

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		and Plaintiff.
10.	Records Related To Work Performance	Plaintiff's EPRs, Supporting Documentation, and monthly counseling records.
11.	Application	Plaintiff's Application for Social Worker Position
12.	Notes	Panel's notes regarding Plaintiff's performance during interview and recommendations not to hire.
13.	Civil Service Rules	Civil Service Rule, 1800
14.	EEOC Response	August 22, 2014 Response to EEOC from County of Kern