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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
FINAL PRETRIAL ORDER

On July 30, 2018, the court conducted a final pretrial conference. Plaintiff Dywane C. Stonum appeared telephonically on his own behalf, and Michael E. Lehman appeared as counsel for defendant County of Kern. Following the final pretrial conference, the court issued a tentative pretrial order on August 1, 2018. (Doc. No. 76.) That order provided the parties fourteen days in which to object to the tentative pretrial order, and a further seven days thereafter in which to reply to the other party’s objections. (Doc. No. 76 at 8.) Plaintiff submitted an amended exhibit list. (Doc. Nos. 80, 85.) Defendant filed amended exhibit and witness lists, and objected to plaintiff’s request for punitive damages. (Doc. Nos. 81, 83, 84.) Plaintiff thereafter filed a reply to defendant’s objection. (Doc. No. 89.) Having considered the parties’ joint pretrial statement, the views of the parties, and the parties’ objections, the court now issues this final pretrial order.

Plaintiff brings 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

1 employment with the Kern County Department of Human Services between April 2013 and
2 January 2014. Defendant disputes that plaintiff's termination was based upon racial
3 discrimination, retaliation, or anything other than plaintiff's performance.

4 I. JURISDICTION/VENUE

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

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

7 II. JURY

8 Plaintiff notified the court that he wishes to waive his right to a jury trial. In a scheduling
9 order issued July 14, 2017, the court accepted plaintiff's jury waiver. (Doc. No. 43 at 2 n.1.)
10 Defendant did not demand a jury trial. (See Doc. No. 28.) The trial will thus be conducted as a
11 bench trial.

12 III. UNDISPUTED FACTS

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

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

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

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

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

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

23 IV. DISPUTED FACTUAL ISSUES

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

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

26 V. DISPUTED EVIDENTIARY ISSUES/MOTIONS IN LIMINE

27 The parties have not yet filed motions *in limine*. The court does not encourage the filing
28 of motions *in limine* unless they are addressed to issues that can realistically be resolved by the

1 court prior to trial and without reference to the other evidence which will be introduced by the
2 parties at trial. Any motions *in limine* counsel elects to file shall be filed no later than **21 days**
3 **before trial**. Opposition shall be filed no later than **14 days before trial** and any replies shall be
4 filed no later than **10 days before trial**. Upon receipt of any opposition briefs, the court will
5 notify the parties if it will hear argument on any *motions in limine* prior to the first day of trial.
6 Upon receipt of any opposition briefs, the court will notify the parties if it will hear argument on
7 these motions prior to the first day of trial.

8 VI. SPECIAL FACTUAL INFORMATION

9 Special factual information pursuant to Local Rule 281(b)(6) is not applicable to this
10 action.

11 VII. RELIEF SOUGHT

- 12 1. Plaintiff seeks reinstatement to the position of Human Services Technician.
- 13 2. Plaintiff seeks a new interview and interview panel for Social Services Worker I
14 position.
- 15 3. Plaintiff seeks lost wages and benefits accruing at about \$164.38 per day x 1,162
16 days = \$273,199.56 (as of July 23, 2018, before estimated offset adjustments of about
17 \$54,345.06).
- 18 4. Plaintiff seeks removal of adverse reviews, ratings, and interview panel scores
19 from his employee file.
- 20 5. Plaintiff seeks any other damages or relief the court deems appropriate.

21 VIII. POINTS OF LAW

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

- 24 1. The elements of, standards for, and burden of proof in a claim for race
25 discrimination under Title VII.
- 26 2. The elements of, standards for, and burden of proof in a claim for retaliation under
27 Title VII.

28 /////

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

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

6 IX. ABANDONED ISSUES

7 None.

8 X. WITNESSES

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

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

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

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

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

1 **XI. EXHIBITS, SCHEDULES, AND SUMMARIES**

2 Plaintiff's proposed exhibits are listed in **Attachment C**.¹ Defendant's proposed exhibits
3 are listed in **Attachment D**.

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

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

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

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

26
27 ¹ The court remains concerned regarding plaintiff's extensive exhibit list and anticipates that the
28 exhibits admitted into evidence at trial will be far fewer than those listed. These matters will be
resolved after objections are received and either on the first day of trial or during the trial.

1 unless the proffering party demonstrates:

2 (1) The exhibits could not reasonably have been discovered earlier;

3 (2) The court and the opposing parties were promptly informed of their
4 existence; and

5 (3) The proffering party forwarded a copy of the exhibits (if physically
6 possible) to the opposing party. If the exhibits may not be copied the
7 proffering party must show that it has made the exhibits reasonably
8 available for inspection by the opposing parties.

9 XII. DISCOVERY DOCUMENTS

10 Plaintiff and defendant may use the following discovery documents at trial:

11 1. Set one, plaintiff's request for production of documents and defendant's responses
12 to plaintiff's request for production of documents, set one.

13 2. Plaintiff's motion to compel production of documents and defendant's responses
14 to plaintiff's motion to compel production of documents (in re: plaintiff's request for production
15 of documents, set one).

16 3. Set one, special interrogatories to plaintiff and plaintiff's responses to special
17 interrogatories, set one.

18 XIII. FURTHER DISCOVERY OR MOTIONS

19 None.

20 XIV. STIPULATIONS

21 None.

22 XV. AMENDMENTS/DISMISSALS

23 None.

24 XVI. SETTLEMENT

25 On June 22, 2018, the parties participated in a settlement conference with Magistrate
26 Judge Jennifer L. Thurston presiding. The case did not settle at that time and the parties have
27 been unable to reach a resolution of this matter. No further settlement conference will be
28 scheduled absent a joint request for such conference by the parties.

1 XVII. JOINT STATEMENT OF THE CASE

2 The parties concur that an agreed statement of the facts is neither feasible nor advisable at
3 this time.

4 XVIII. SEPARATE TRIAL OF ISSUES

5 None.

6 XIX. IMPARTIAL EXPERTS/LIMITATION OF EXPERTS

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

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

17 XX. ATTORNEYS' FEES

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

21 XXI. TRIAL PROTECTIVE ORDER AND REDACTION OF TRIAL EXHIBITS

22 No protective order is necessary.

23 XXII. MISCELLANEOUS

24 None.

25 XXIII. ESTIMATED TIME OF TRIAL/TRIAL DATE

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

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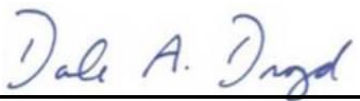
The parties are to contact Judge Drozd's courtroom deputy, Jami Thorp, at (559) 499-5652, one week prior to trial to ascertain the status of the trial date.

XXIV. TRIAL BRIEFS

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

IT IS SO ORDERED.

Dated: **August 30, 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
4 Jayna R. Clark
16193 H St, APT 109
5 Mojave, CA 93501
6
7 Judith Anne Brown
2300 State Highway 58
8 Mojave, CA 93501
9
10 Karissa Anne Tonoli
21047 Santa Barbara Dr, Apt D
11 Tehachapi, CA 93561
12
13 Kimberly Rae Millovitsch
21312 Woodford Tehachapi Rd
14 Tehachapi, CA 93561
15
16 Lorraine D. Kember
20394 Airway Blvd
17 California City, CA 93505
18
19 Maria Gutierrez
1410 N Oakdale Ave
20 Rialto, CA 92376
21
22 Marion Santana
217 West E St
23 Tehachapi, CA 93561
24
25 Melissa Callison
156 55th W St
26 Rosamond, CA 93560
27
28 Michael Goulart
12306 Marshfield Way
Bakersfield, CA 93312
Patricia Ann Gable
21119 Kenniston St
California City, CA 93505
Ramona Faucette
2500 Dore Dr
Bakersfield, CA 93304

- 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

WITNESS	
1.	Patricia Gable (Care of County of Kern aka Kern County Counsel)
2.	Tracy Selph (Care of County of Kern aka Kern County Counsel)
3.	James McClellan (Care of County of Kern aka Kern County Counsel)
4.	Shannon Oastler (Care of County of Kern aka Kern County Counsel)
5.	Debbie Spears (Care of County of Kern aka Kern County Counsel)
6.	Debra Davis (Care of County of Kern aka Kern County Counsel)
7.	Mellissa Callison (Care of County of Kern aka Kern County Counsel)
8.	Michael Goulart (Care of County of Kern aka Kern County Counsel)

ATTACHMENT C: Plaintiff's Exhibits

1	
2	1001 - Initial Disclosures, Dated July 30, 2017 with Proof of Service
3	1002 - Defendants Answer To Plaintiff's Complaint Of Title VII Retaliation And
4	Discrimination (Disparate Treatment), Document 28, Dated April 14, 2017
5	1003 - Order Granting In Part And Denying In Part Defendants' Motion To Dismiss
6	(Doc. No. 15), Document 26, Dated March 20, 2017
7	1004 - Order Granting Defendants' Motion for Judgment On The Pleadings (Doc No. 29),
8	Doc 37, Dated June 15, 2017
9	1005 - Complaint for Employment Discrimination, Case No. 1:16 CV001076 DAD JLT,
10	Jury Trial, Document 1, Filed 07-26-16
11	1006 - EEOC Notice of Charge of Discrimination to County of Kern and Board of
12	Supervisors – 04-02-2014 (In Re PLT Stonum)
13	1007 - Dywane Stonum – County of Kern Notes – Beginning Jun 8, 2013 and Ending Jan
14	10, 2014. FILE NOTE Ending Jan 25, 2014
15	1008 - PLT's Courtesy Notice of EEO Discrimination Complaint Filing with Kern County –
16	01-17-2014 to Robert Gibson, Union Rep, SEIU Local 521, Dated Jan 21, 2014
17	1009 - Employee Performance Evaluation for Plaintiff – 04-11-2013
18	1010 - Employee Performance Evaluation for Plaintiff – 04-26-2013
19	1011 - Employee Performance Evaluation for Plaintiff – 05-13-2013
20	1012 - Employee Performance Evaluation for Plaintiff – 05-24-2013
21	1013 - Biweekly Conference Reports for Plaintiff – 06-07-2013
22	1014 - Biweekly Conference Reports for Plaintiff – 06-26-2013
23	1015 - Biweekly Conference Reports for Plaintiff – 07-22-2013
24	1016 - Kern County DHS – Memo of Concern – July 25, 2013
25	1017 - PENDING – Mojave Office Count – July 25
26	1018 - CalWORKS Training Attendance Form – Dated 8-17-2013
27	1019 - Biweekly Conference Report for Plaintiff – 09-12-2013
28	1020 - Handwritten Note by Human Services Supervisor, Patricia Gable, 09-12-13.
	1021 - Biweekly Conference Report for Plaintiff – October 4, 2013
	1022 - Plan of Action to Catch-Up – S31A – D. Stonum – 10-04-2013
	1023 – Employee Performance Report for Dywane Stonum – Promote to HST-II – Signed
	10-11-2013 – Copy Received 12-13-2013 from HR
	1024 - Change of Employee Status – Promote HST I to HST II – Effective 9-23-2013
	(County of Kern – DHS) for Plaintiff – Dated 10-28-2013
	1025 - Bi-Monthly Conference Report for Plaintiff – 11-01-2013
	1026 - Bi-Monthly Conference Report for Plaintiff – 11-15-2013

1	1027 - E&FS Human Services Technicians Core Competencies – Signed 11-15-2013
2	1028 - Conference – Trish Gable Handwritten Note – Signed 11-18-2013
3	1029 - Monthly Conference Report – 12-11-2013
4	1030 - Human Services Technician I – East Kern Exam No. 5624 – 08-20-12
5	1031 - County of Kern – Personnel Department – Human Services Technician Score for Dywane Stonum – 92.00%, Dated – Postmarked Nov 21, 2012
6	1032 - Certification For Plaintiff From Civil Service Commission – Human Services Technician I – Mojave – RE CERT. 48957 – Interview Appointment, Dated MAR 1, 2013
7	1033 - Patricia Cheadle, Director of Human Services – Mojave Office Visit – E-mail Correspondence With Dywane Stonum (06-17-2013, 07-08-2013, 09-04-2013)
8	1034 - Plaintiff's e-mails with Kern's Debbie Davis, HR Manager, 09-04-2013, [Racial Discrimination, Disparate Treatment, Hostile Work Environment etc.]
9	1035 - Plaintiff Reconfirms e-mail Complaint with Kern's Debbie Davis, HR Manager, 09-30-2013, [Racial Discrimination, Disparate Treatment, Hostile Work Environment]
10	1036 - PLT's e-mail Davis, HR Manager, Unlawful Discrimination, Wrongful Termination and etc., 01-16-2014; Cheadle, Director; Gibson, SEIU Rep; Spears, HR Staff Dev
11	1037 - Kern's Examination Score 74% To Plaintiff – Social Service Worker I-II, Postmarked Jan 14, 2013
12	1038 - Kern's Certification Notice to Plaintiff – Social Service Worker I-II, Dated NOV 5, 2013
13	1039 - Plaintiff's Typing Proficiency Certificate. Net Words Per Minute 75. Dated 11-12-13. Kern County Superintendent Of Schools Office
14	1040 - Kern's Social Service Worker I-II Exam No, 5691 – Job Bulletin – 11-05-12
15	1041 - Letter from KCDHS. Plaintiff not recommended for hire for Social Service Worker I-II position – Dated 12-04-2013
16	1042 - PLT Letter to Debbie Davis (Complaint of Discrimination and Retaliation – Not Hired Social Service Wkr I-II) – 12-20-2013 (CC Spears, Cheadle, Gibson, SEIU)
17	1043 - Emails – Plaintiff and Debbie Davis. SSW I-II. Pulling of Panelist packets. 12-23-2013 and 01-02-2014
18	1044 - County of Kern – KC – 10-31-13 Mojave Daily Counts
19	1045 - County Eligibility Worker Formal Certification Exam Certificate to Dywane Stonum – 09-27-2013
20	1046 - County Eligibility Worker CalHEERS Course Certificate to Dywane Stonum – 09-27-2013
21	1047 - State Investigation Unit – SIU Ride Along Email 05-24-13 and Schedule for Plaintiff, DEF Scheduled PLT Last During Floor Training Day – 06-14-13
22	1048 - PLT's EEO Discrimination Complaint with Kern County – Form Faxed to PLT 01-09-2014, PLT Sign Jan 17, 2014 (EEOO Gave PLT Wrong Filing Deadline) – Pages 1-2
23	1049 - PLT's EEO Discrimination Complaint (ATTACHMENT) with Kern County – Jan 17, 2014 (EEOO Gave PLT Wrong Filing Deadline)
24	1050 - Kern's Purported Employee Performance Report for PLT. Dated 1-3-14 (Gable, Selph) [PLT Contends Document Fraud by Kern] – Copy to DS was via USPS – 01-23-2014
25	1051 - PLT 02-26-14 Fax Michael Goulart EEOO – Purported Employee Performance
26	
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1	Report 01-03-14, Postmarked 01-23-14 NOT Same Shown PLT 01-03-14 – Kern Document Fraud
2	1052 - PLT Courtesy Notice EEO Discrimination Complaint Filing with Michael Goulart – Kern County – 01-17-14 to Robert Gibson, Rep., SEIU Local 521, Dated 01-21-14
3	1053 - Plaintiff's County of Kern – State of California – Grievance Form – Dated 02-03-2014 – Department – 5120 – Human Services (DHS) – Tracy Selph – Patricia Gable
4	1054 - PLT E-mail to Patricia Gable, HS Sup., Tracy Evaluation Words Removed, Gable Shred Signed Doc., PLT Requests Dept. Head, Tony Lopez, Fri, 10-11-13 at 5-13 PM
5	1055 - PLT's e-mail Kern's Debbie Davis, HR Manager, Unlawful Discrimination, Wrongful Termination etc. 01-16-2014; Cheadle, DHS; Gibson, SEIU; Spears, HR Staff Dev
6	1056 - PLT's e-mail Kern's Debbie Davis, HR Manager, Notice of Non-Abandonment of Employment (Misled by Sup. and Asst. Progm Dir. 01-07-2014) Gable - Selph
7	1057 - PLT's e-mail Gibson, SEIU 521, Mojave Office Unlawful Discrimination, Evaluation Handout Terminatin, Told Just Read It, 01-06-2014, Davis HR Manager
8	1058 - PLT's SSW-I-II, Ongoing Discrimination, Interview Panel E-mail 12-23-2013, Kern's Debbie Davis, HR Manager, 01-02-2014 Reply- Will Pull Panelist Packets
9	1059 - PLT's SSW Ltr. Davis HR 12-20-2013, Mojave Interview Panel, Selph Do You Know Who I Am! Gable, McClellan WTW Sanction Minority Client Discrimination Retaliate
10	1060 - EEOC Letter to PLT- Concluded Investigation - Limited Resources and etc - 04-28-2016
11	1061 - Kern's Social Service Worker I-II Exam No, 5691- Job Bulletin- 11-05-12
12	1062 - Plaintiff's Typing Proficiency Certificate. Net Words Per Minute 75. Dated 11-12-13. Kern County Superintendent Of Schools Office
13	1063 - Social Service Worker I – II - Interview Panel for Plaintiff - DHS (Civil Service) - Tracy Selph, James McClellan, Shannon Oastler - 11-15-2013
14	1064 - PLT'S County of Kern Statement of Earnings and Deductions - 09-03-2013 - SEIU - BU3 - REPRESENT FEE
15	1065 - PLT'S County of Kern Statement of Earnings and Deductions WITH HISTORY Report - 01-07-2014 - BU3 - SEIU - UNION DUES
16	1066 - Employee Performance Evaluation for Plaintiff and Attachment - HST I - 04-11-2013 – Unsigned
17	1067 - Employee Performance Evaluation for Plaintiff and Attachment - HST I - 04-26-2013
18	1068 - Employee Performance Evaluation for Plaintiff and Attachment - HST I - 05-13-2013
19	1069 - Employee Performance Evaluation for Plaintiff and Attachment - HST I - 05-24-2013 – Unsigned
20	1069 - State Investigation Unit - SIU Ride Along Schedule for Plaintiff, DEF Scheduled PLT Last During Floor Training Day - 06-14-13
21	1070 - PLT Employee Performance Report Promote HST I-II, Gable 10-11-13 Spears 10-15-13, Req. Rating Appt Dept Head Tony Lopez, Denied COPY DS 12-13-13-Davis HR Mgr
22	1071 - Change of Employee Status - Effective 09-21-13 (County of Kern - DHS) for Plaintiff – HST 1 to HST 2 - Prepared 10-28-2013

1	1072 - Charge of Discrimination - Race Retaliation Age - CA Dept. of Fair Employment and Housing - EEOC Number 480-2014-01619C - Dywane C. Stonum- Dated 04-17-2014
2	
3	1073 - Notice to Complainant and Respondent - Dual Filing DFEH US-EEOC - EEOC Number 480-2014-01619C - Krause, Clerk - Kern Board of Supervisors, Dated 04-17-2014
4	
5	1074 - Anthem Blue Cross – Plaintiff’s Health and Dental Coverage (while with County of Kern) ID- KEKCK9027927
6	1075 - PLT’S SEIU Local 521 - Payroll Deduction Authorization and MEMBERSHIP APPLICATION - Dated 09-27-2013 - Walked-In to Bakersfield Office by Plaintiff
7	1076 - PLT’S County of Kern Statement of Earnings and Deductions - 06-25-2013 - BU3 - SEIU REPRESENT FEE
8	1077 - EDD Notice of Unemployment Insurance Claim Filed - County of Kern (Dywane C Stonum) - Mail Date - 01-16-2014
9	1078 - EDD Notice of Unemployment Insurance Award- Dywane Stonum - Mail Date 01-16-2014
10	
11	1079 - Charge of Discrimination - Kern County - Race Retaliation Age - EEOC Number 480-2014-01619C - Dywane C. Stonum - Dated 04-17-2014
12	1080 - Notice to Complainant and Respondent - Dual Filing DFEH US-EEOC - EEOC No. 480-2014-01619C - Krause, Clerk - Kern Board of Supervisors, Dated 04-17-2014
13	1081 - Summary of Proceedings - Board of Supervisors - County of Kern - Notice of Charge of Discrimination- Dywane C. Stonum vs. County of Kern, June 17, 2014
14	1082 - Kern County Deferred Compensation Plan- Dywane Stonum Account Information- 06-12-2013
15	1083 - EDD UI Benefits (Dywane Stonum) - UI Online - 12-29-2013 and 10-18-2015
16	1084 - Plaintiff’s EDD Claim 01-26-14 to 02-08-14
17	1085 - Plaintiff’s Statement of Earnings and Deductions County of Kern - 02-04-2014
18	1086 - PLT’s Statement of Earnings and Deductions - 02-04-2014
19	1087 - Great West Financial - Kern County Deferred Compensation Plan Disbursement Check- Dywane Stonum - Feb 10, 2014
20	1088 - Great West Financial - Kern County Deferred Compensation Plan Disbursement Check - Dywane Stonum - Feb 10, 2014 (Continued)
21	1089 - Great West Financial - Kern County Deferred Compensation Plan Disbursement Check - Dywane Stonum - Feb 10, 2014 (Check Sort)
22	1090 - United States Marshalls Service – Summons - County of Kern - Debbie Spears - Tracy Selph - Patricia Gable - Shannon Oastler - Debra Davis - James McClellan - 09-14-2016
23	
24	1090 - US Marshalls – Summons - County of Kern - Spears – Selph – Gable- Oastler – Davis - McClellan - 09-14-2016
25	1091 - Labor Commissioner - State of CA - Notice of Claim Filed - County of Kern – 12-16-2015
26	1092 - Labor Commissioner - State of CA - Review Letter - County of Kern - 01-30-2017
27	1093 - Human Services Technician Exam Number 5624 - County of Kern - 08-20-12
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1	1094 - Debbie Davis - Social Service Worker – I - Response to Plaintiff's Interview Panel Decision Complaint - Discrimination Mojave Office - 01-02-2014 (Day Before Plaintiff's Dismissal)
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3	1094 - Debbie Davis - SSW- I - Reply to PLF's Interview Panel Complaint - Discrimination Mojave Office - 01-02-2014 (Day Before PLF's Dismissal)
4	1095 - Email - Director Pat Cheadle's Surprise Visit to the Mojave Office is Graciously Received by PLT - 06-17-2013
5	1096 - Stonum Email to Debbie Davis - Ongoing Racial Discrimination - Disparate Treatment - Hostile Mojave Office 09-04-2013
6	1097 - Email From Davis HR - Responding to Plaintiff's Dismissal and Complaint Status Inquiry - 01-17-2014
7	1098 - Plaintiff Update to Gibson - SEIU - Unlawful Discrimination - Mojave Office - cc Cheadle Spears Davis - 01-06-2014
8	1099 - PLT Email to Debbie Davis - Subjection to Unlawful Discrimination and Wrongful Termination – Hostile - 01-16-2014
9	
10	1100 - Davis (Payroll) Email to PLT Regarding Final Paycheck Process - 01-21-2014
11	1101 - PLT Resends Email WITH ATTACHMENT to Debbie Davis RE SSW-I Interview Panel - Discrimination Mojave Office - 12-23-2013
12	1102 - PLT's FILE NOTE - Rejection of Gable's and Selph's Employee Performance Report - Dismissal 01-03-2014 - Fraud - Not the SAME as TABLE HANDED to PLT (No Copy Given)
13	
14	1103 - Note - PLT Returned Michael Goulart of Kern EEO Office's Call - 02-05-2014
15	1104 - County of Kern SIU Ride Along Schedule Email to PLT and Other Employees - 05-23-2013
16	1105 - PLT's White Co-Worker and Title VII Comparator, Donald Burke, Sends Message To PLT Stonum (Black - African American) Regarding Joint Lawsuit Against Former Employer County of Kern on 01-22-2014
17	1106 - July Unit Assignments - County of Kern Mojave Office - 2013
18	1107 - September Unit Assignments - County of Kern - Mojave Office 2013
19	1108 - October Unit Assignments - County of Kern - Mojave Office 2013
20	1109 - December Unit Assignments - County of Kern - Mojave Office 2013
21	1110 - Mojave Office Office Alternate Supervisors - 07-01-2013
22	1111 - September 2013 - 5-40 Schedule - DHS Mojave Office
23	1112 - Mojave Alternate Supervisors - Updated 09-30-2013
24	1113 - Mojave Alternate Supervisors - Updated 11-11-13
25	1114 - PLT Letter to Debbie Davis HR - Social Service Worker I - Mojave - Interview Panel - Discrimination - Retaliation - 12-20-2013
26	1115 - Email from County of Kern Supervisor Tameika. Surprised With Dismissals of PLT Stonum (Black) and Comparator Co-Worker Burke (White) - 02-05-2014
27	1116 - PLT's Groupwise E-Mail History Log (Title VII Discrimination Complaints - Race Disparate Treatment Retaliation) - 07-08-13 to 12-28-13
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1	1117 - Rules of the Civil Service Commission - County of Kern - State of California - Revised November 12, 2013
2	1118 - Unlawful Discrimination Impact Chart - Kern DHS Trish Tracy James (MOjave) 04-01-13 to 01-03-14
3	1119 - Unlawful Discrimination Excerpt Log - Kern DHS - Trish Tracy James (MOjave) 04-01-13 to 01-03-14
4	1120 - County of Kern's Grievance Form - Dywane Stonum - 02-03-2014 (Selph Asst. Prog. Director - Gable HS Supervisor)
5	1121 - PLT's Fax to Michael Goulart EEO Officer - County of Kern - EPR Dated 01-03-14 NOT Same - (Fraud) - cc Gibson SEIU - Gilbreath - 02-26-2014
6	1122 - Human Services Technician I – Definition - Revised June 2004
7	1123 - County of Kern - KC - 1-8-2014 Mojave Daily Counts
8	1124 - County of Kern - KC 12-30-13 Mojave Daily Counts
9	1125 - Social Service Worker I Definition - Revised December 2008
10	1126 - PLT's Employee Performance Report of 10-11-13 - PLT Received COPY on 12-13-2013 from Debbie Davis HR Manager
11	1127 - Email - Director Pat Cheadle's Surprise Visit to the Mojave Office is Graciously Received by PLT- 06-17-2013 (YHCOPY)
12	1128 - Melissa Callison - PLT's Mentor and Shop Steward - F-Step Victory in County - Backpay to Melissa 4925.87 - SEIU - No Date
13	1129 - County of Kern – KC - 11-27-13 Mojave Daily Counts
14	1130 - PLT's California Wages and Withholdings 2014 - 2015 - 2016 - 2017 - FTB Printout
15	1131 - PLT's W2 - 2013 HR Block Enterprises LLC
16	1132 - PLT's W2 - 2013 - County of Kern
17	1133 - PLT's W2 - 2014 - County of Kern
18	1134 - PLT's W2 - 2014 - Inland Respite Inc
19	1135 - PLT's W2 - 2015 - County of Mendocino
20	1136 - PLT's W2 - 2015 - Inland Respite Inc
21	1137 - PLT's Employee Performance Report - 3-Month Review - Dismissal - HST 2 - Do Not Rehire - USPS Postmarked Envelope 01-23-2014 - Debbie Davis - HR Manager
22	1138 - Postmarked Envelope Feb 03 (2014) from Bedard CPA - Auditor-Controller-County Clerk-County to Kern
23	1139 - County of Kern - Statement of Earnings and Deductions - Dywane Stonum - Issue Date 04-16-13
24	1140 - County of Kern - Statement of Earnings and Deductions - Dywane Stonum - Issue Date 02-04-14
25	1141 - Letter to PLT Stonum from Kern County Department of Human Services - SSW-I-II - Do Not Hire Letter and Envelope - Dated 12-04-2013
26	1142 - PLT Stonum's Human Services Technician Score 92% - County of Kern - Front and Back of Card - Job Number 5624
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1	1143 - Notice of Interview from County of Kern to PLT for Human Services Technician I - Mojave - Dated MAR 1, 2013
2	1144 - Notice of Score 74% to PLT for Social Service Worker I-II - County of Kern - Front and Back of Card - JAN 14, 2013
3	1145 - Notice of Interview to PLT for Social Service Worker I-II - County of Kern - Front and Back and Envelope - 11-05-2013
4	1146 - County of Kern Personnel Department - RECEIPT to PLT for Discrimination Complaint Questionnaire - JAN 17, 2014 - EEO Division
5	1147 - County of Kern Personnel Department - PLT's Discrimination Complaint Questionnaire - Pages 1 and 2 Only - JAN 17, 2014 (Faxed to around DS 01-09-2014)
6	1148 - County of Kern Personnel Department - PLT's Discrimination Complaint Questionnaire ATTACHMENT Only - JAN 17, 2014
7	1149 - Unlawful Discrimination Impact Chart - Kern DHS - Trish Tracy James (MOjave) 04-01-13 to 01-03-14 (Marked HST I and HST II - Unlawful Discrimination Impact Trends)
8	1150 - Plaintiff's Request for Leave of Absence - Auto Accident - County of Kern - Days 05-17-2013 - 05-20-2013-Dated-06-24-2013
9	1151 - Loyola Marymount University - College of Liberal Arts (Plaintiff's Bachelor of Arts Degree) - 12-31-1983
10	1152 - County of Kern - State of California - Department of Human Services Employee Handbook - Employee Manual - Revised 8-17-2012 - Pat Cheadle - Director
11	1153 - Memorandum of Understanding - March 27, 2012 through March 27, 2015 (County of Kern & SEIU Local 521)
12	1154 - County of Marin E-mail to Plaintiff Dywane Stonum - Eligibility Worker II Certification 07-30-2018 and 08-01-2018
13	1155 - Plaintiff's COBRA Dental and Vision Election - Medical with ASI Admin Solutions - 03-04-2014 (Post Kern County Termination)
14	1156 - Plaintiff's COBRA Dental and Vision Election - Medical with ASI Admin Solutions - 03-04-2014 (Post Kern County Termination) - Signed CK
15	1157 - PLT 02-26-14 Fax Michael Goulart EEOO - Purported Employee Performance Report 01-03-14, Postmarked 01-23-14 NOT Same Shown PLT 01-03-14 - Kern Document Fraud - Fax Header
16	1158 - PLT 02-26-14 Fax Michael Goulart EEOO - Purported Employee Performance Report 01-03-14, Postmarked 01-23-14 NOT Same Shown PLT 01-03-14 - Kern Document Fraud
17	1159 - PLT'S County of Kern Statement of Earnings and Deductions - 01-07-2014 - BU3 - SEIU - UNION DUES
18	1160 - PLT'S County of Kern Statement of Earnings and Deductions - 01-21-2014 - BU3 - SEIU UNION DUES
19	1161 - PLT's Letter to Michael Goulart - Kern County's EEO Officer - Regarding Kern's EEO Report of March 21, 2013 - STONUM does NOT AGREE - Dated April 16, 2014 - CERTIFIED RETURN RECEIPT REQUESTED
20	1162 - Plaintiff's Quartz Hills Lease Agreement - July 23, 2013
21	1163 - Certificate of Achievement - Dywane Stonum - Human Services Technician Induction Training Class - May 2013 - County of Kern
22	1164 - EEOC Notice Charge of Discrimination In Re County of Kern et al - 04-17-2014
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(In Re PLT Stonum)
1165 - EEOC Dismissal and Notice of Rights - In Re County of Kern et al - 04-28-2016 (In Re PLT Stonum's Charge of Discrimination)
Stonum Letter - Eligibility Worker II Certification - 08/03/2018

ATTACHMENT D: Defendant's Exhibits

	DOCUMENT TYPE	DOCUMENT DESCRIPTION
1. 2. 3. 4. 5. 6. 7. 8.	Employee Performance Reports	<ul style="list-style-type: none"> Employee Performance Report for performance period April 1, 2013 to June 9, 2013. Employee Performance Report for performance period April 1, 2013 to September 2, 2013. Employee Performance Report for performance period September 21, 2013 to December 14, 2013.
9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19.	Personnel File	<ul style="list-style-type: none"> Application for Examination submitted by Plaintiff dated 8/29/2012. Application for Examination submitted by Plaintiff dated November 8, 2012. Job Description for Human Resources Technician I. Receipt of Mojave Department of Human Services District Office Protocol Handbook, signed by Plaintiff on April 1, 2013. Kern County Department of Human Services Statement of Receipt, signed by Plaintiff on April 1, 2013. Kern County Department of Human Services Code of Ethics. June 3, 2013 CalWORKS Training Attendance Form. June 5, 2013 Training Attendance Form. June 6, 2013 Training Attendance Form. Critical Task Triggers for December 2013.
20.	Memorandum of Concern	July 25, 2013 Memorandum of Concern from Patricia Gable to Plaintiff.
21. 22.	Facsimile	June 9, 2014 Facsimile from Plaintiff. May 12, 2014 facsimile regarding Plaintiff's Complaint of discrimination.
23.	Complaint	September 4, 2013 email to Debbie Davis regarding alleged discrimination from Plaintiff.
24.	Responses	July 25, 2014 Inter Office Memo regarding Discrimination Complaint of Plaintiff.
25.	Investigation Reports	March 21, 2014 EEO Report regarding Discrimination Complaint of Plaintiff.
26. 27. 28.	Emails	<ul style="list-style-type: none"> September 4, 2013 email exchange between D. Davis and Plaintiff in which D. Davis instructs Plaintiff how to submit complaint of discrimination.

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		<ul style="list-style-type: none"> September 27, 2013 follow-up email to Plaintiff from D. Davis stating that D. Davis had not received any information from Plaintiff. September 30, 2013 email from Plaintiff to D. Davis stating that Plaintiff would be attempting to resolve issue through union. December 23, 2013 email exchange from Plaintiff to Debbie Davis in response to decision not to hire. January 2, 2014 email chain between Debbie Davis and Plaintiff responding to Interview Panel decision not to hire. January 6, 2014 email from Plaintiff to SEIU regarding Plaintiff's termination. January 7, 2014 email between Plaintiff and D. Davis regarding Plaintiff's termination. 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. 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. Various Emails between Gable, Davis, Spears and Plaintiff.
9.	Records Related To Work Performance	Complaints lodged against Plaintiff by clients (undated).
10.	Notes related to Social Worker Interview	<ul style="list-style-type: none"> Interview Questions. Interview Panel's notes regarding Plaintiff's performance during interview for Social Worker Position. Inter office Memo regarding recommendation for hire.
11.	Civil Service Rules	Civil Service Rule, 1800
12.	EEOC Response	August 22, 2014 Response to EEOC from County of Kern