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 6 Facsimile: (415) 554-4248  
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7 Attorneys for Defendant  
 8 CITY AND COUNTY OF SAN FRANCISCO

9  
 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

12 WINIFRED C. LAIDLAW,  
 13 Plaintiff,  
 14 vs.  
 15 CITY & COUNTY OF SAN FRANCISCO  
 AND DOES 1 AND 2,  
 16 Defendants.  
 17

Case No. CV-14 2640 JCS

**STIPULATION FOR FILING OF AMENDED  
 COMPLAINT**

Date Action Filed: May 15, 2014

1 IT IS HEREBY STIPULATED by and between the parties hereto through their respective  
2 attorneys of record that Plaintiff may file an Amended Complaint, a copy of which is attached hereto.

3 IT IS FURTHER STIPULATED that the Defendant waives notice and service of the amended  
4 complaint and shall not be required to answer to the amendment, and that all denials, responses and  
5 affirmative defenses contained in the answer filed by Defendant to the original complaint shall be  
6 responsive to the amended complaint.

7  
8 Dated: August 11, 2014

LAW OFFICE OF RICHARD M. ROGERS

9 By: s/ Richard M. Rogers  
10 RICHARD M. ROGERS  
11 Attorney for Plaintiff  
WINIFRED C. LAIDLAW

12 Dated: August 11, 2014

DENNIS J. HERRERA  
City Attorney  
ELIZABETH S. SALVESON  
Chief Labor Attorney  
TERENCE J. HOWZELL  
Deputy City Attorneys

16 By: s/ Terence J. Howzell  
17 TERENCE J. HOWZELL  
18 Attorneys for Defendant  
19 CITY & COUNTY OF SAN FRANCISCO

20 Dated: 8/13/14



# ATTACHMENT

1 **RICHARD M. ROGERS, #045843**  
2 **LAW OFFICE OF RICHARD M. ROGERS**  
3 100 Bush Street, #1980  
4 San Francisco, CA 94104  
5 Telephone: 415/981-9788  
6 Facsimile: 415/981-9798  
7 Email: [RogersRMR@yahoo.com](mailto:RogersRMR@yahoo.com)

8 Attorneys for Plaintiff  
9 **WINIFRED C. LAIDLAW**

10  
11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 WINIFRED C. LAIDLAW,	)	<b>Case No.: C14-02640 JCS</b>
14 Plaintiff,	)	Case filed: 05/15/14
15 V.	)	Case removed: 06/09/14
16 CITY & COUNTY OF SAN FRANCISCO,	)	Trial date: TBA
17 Defendant.	)	<b>FIRST AMENDED COMPLAINT FOR</b>
	)	<b>EQUITABLE RELIEF AND</b>
	)	<b>DAMAGES</b>
	)	<b>DEMAND FOR JURY TRIAL</b>

18 Comes now Plaintiff, WINIFRED C. LAIDLAW, and alleges:

19 **JURISDICTION**

20 1. The Court has jurisdiction over Plaintiff's Title VII (42 USC §2000e) and ADEA  
21 (29 USC §§621-634) claims. 28 USC §1331. The Court has supplemental jurisdiction over  
22 Plaintiff's related state claims. 28 USC §1367.

23 **VENUE**

24 2. Venue is proper in this Court because the employment is in the City and County of  
25 San Francisco. 42 USC §2000e-5(f)(3).

**CHARGING ALLEGATIONS**

1  
2           3.       Plaintiff WINIFRED C. LAIDLAW has been employed by Defendant for twenty  
3 years; since May 10, 2004, she has been employed at the San Francisco Public Utilities  
4 Commission (SFPUC) as an Apprentice Stationary Engineer.

5           4.       In December, 2011, Plaintiff applied for a promotion to Stationary Engineer  
6 Journeyman. On August 5, 2012, Plaintiff learned that she had not been promoted.

7           5.       In 2009, Plaintiff graduated from a training curriculum. All of the younger males  
8 who graduated with Plaintiff were promoted prior to January 1, 2013.

9           6.       At all times pertinent Plaintiff performed her job competently and received good  
10 performance evaluations.

11          7.       Defendant refused to promote Plaintiff because of her age and/or gender. Plaintiff  
12 was born in 1949.

13          8.       As a direct result of Defendant's said conduct, Plaintiff has suffered loss of earnings  
14 and will continue to suffer such losses in future, all to her damage in a sum within the jurisdiction  
15 of this Court.

16          9.       As a further direct result of Defendant's said conduct, Plaintiff has suffered and  
17 will continue to suffer severe emotional distress to her general damage in an amount within the  
18 jurisdiction of this Court.

19          10.       Plaintiff complained of age and gender discrimination, both internally and  
20 externally. A copy of her first EEOC complaint, also filed with the DFEH, is attached hereto as  
21 Exhibit 1 and fully incorporated herein by this reference.

22          11.       Plaintiff received a right-to-sue letters from the DFEH dated August 14, 2013,  
23 Exhibit 2 hereto.

24          12.       Plaintiff received right-to-sue letters from the EEOC dates January 30, 2014,  
25 Exhibits 3 and 4 hereto.

26          13.       On or about January 13, 2014, Plaintiff's supervisor told her that she was being  
27 promoted. She ranked sixth after a written exam on or about January 10. Because of this  
28 notification, Plaintiff did not file suit after receipt of the EEOC right-to-sue letters.



1 **THIRD CAUSE OF ACTION**  
2 **[AGE DISCRIMINATION: ADEA]**

3 24. Defendant discriminated against Plaintiff because of her age in violation of the Age  
4 Discrimination in Employment Act, 29 USC §§621-634.

5 **FOURTH CAUSE OF ACTION**  
6 **[SEX DISCRIMINATION: TITLE VII]**

7 25. Defendants discriminated against Plaintiff because of her gender in violation of 42  
8 USC §2000e.

9 **FIFTH CAUSE OF ACTION**  
10 **[RETALIATION: DFEH]**

11 26. Defendant failed and refused to promote Plaintiff in 2014 because she had filed  
12 internal and external complaints of discrimination in violation of Gov't Code section 12940(h).

13 **SIXTH CAUSE OF ACTION**  
14 **[FAILURE TO PREVENT DISCRIMINATION]**

15 27. Defendant failed to take all reasonable steps to prevent discrimination and  
16 retaliation in violation of Gov't Code section 12940(k).


17 WHEREFORE, Plaintiff prays for:

- 18 1. Injunctive relief requiring Defendant to refrain from further discriminatory acts and  
19 remedying past discrimination;
- 20 2. Actual damages in a sum to be ascertained at trial;
- 21 3. General damages in an amount within the jurisdiction of this Court;
- 22 4. Costs of suit, prejudgment interest, reasonable attorney's fees; and
- 23 5. Such further relief as the Court deems just and proper.

24 Respectfully submitted,

25 Dated: 8-12-14

LAW OFFICE OF RICHARD M. ROGERS

26  
27 By:   
28 RICHARD M. ROGERS  
Attorneys for Plaintiff

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial by jury.

Dated: 8-12-14

Respectfully submitted,

LAW OFFICE OF RICHARD M. ROGERS


By:   
RICHARD M. ROGERS  
Attorneys for Plaintiff



EXHIBIT 1

USDC NO. C14-02640 JCS - FIRST AMENDED COMPLAINT FOR EQUITABLE  
RELIEF AND DAMAGES -- DEMAND FOR JURY TRIAL

<p style="text-align: center;"><b>CHARGE OF DISCRIMINATION</b></p> <p style="font-size: small;">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p><input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC</p> <p style="text-align: right;"><b>550-2013-00737</b></p>
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**California Department Of Fair Employment & Housing** and EEOC  
*State or local Agency, if any*

Name (indicate Mr., Ms., Mrs.) <b>Ms. Winifred C. Laidlaw</b>	Home Phone (Incl. Area Code) <b>(650) 952-6666</b>	Date of Birth <b>REDACTED 1949</b>
--	---	---------------------------------------

Street Address City, State and ZIP Code  
**222 Alta Vista Drive, South San Francisco, CA 94080**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name <b>CITY &amp; COUNTY OF SAN FRANCISCO PUBLIC UTILITIES COMMISSION</b>	No. Employees, Members <b>500 or More</b>	Phone No. (Include Area Code) <b>(415) 554-1670</b>
---	--	--

Street Address City, State and ZIP Code  
**525 Golden Gate Avenue, San Francisco, CA 94105**

Name	No. Employees, Members	Phone No. (Include Area Code)
------	------------------------	-------------------------------

Street Address City, State and ZIP Code

<p>DISCRIMINATION BASED ON (Check appropriate box(es).)</p> <p><input type="checkbox"/> RACE    <input type="checkbox"/> COLOR    <input type="checkbox"/> SEX    <input type="checkbox"/> RELIGION    <input type="checkbox"/> NATIONAL ORIGIN</p> <p><input type="checkbox"/> RETALIATION    <input checked="" type="checkbox"/> AGE    <input type="checkbox"/> DISABILITY    <input type="checkbox"/> GENETIC INFORMATION</p> <p><input type="checkbox"/> OTHER (Specify)</p>	<p>DATE(S) DISCRIMINATION TOOK PLACE</p> <table style="width:100%; border: none;"> <tr> <td style="text-align: center; font-size: small;">Earliest</td> <td style="text-align: center; font-size: small;">Latest</td> </tr> <tr> <td style="text-align: center;"><b>08-05-2012</b></td> <td style="text-align: center;"><b>08-05-2012</b></td> </tr> </table> <p><input type="checkbox"/> CONTINUING ACTION</p>	Earliest	Latest	<b>08-05-2012</b>	<b>08-05-2012</b>
Earliest	Latest				
<b>08-05-2012</b>	<b>08-05-2012</b>				

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was hired by respondent on 5/10/2004 as an Apprentice Stationary Engineer. My immediate supervisor was ~~Jimmy Ma~~ **Douglas Scoville** \* Prior to this date I worked for city **pub for 10yrs as a laborer.**

In December 2012 I applied for a promotion to the position of Stationary Engineer Journeymen. On August 5, 2012 I learned that I had not been hired for position, while all of the younger men that were apprentices with me had been hired. **also people hired were relatives of people in high postions. I call it FAMILY + friends (NEPOTISM) ALL HAD NO**

I believe that I have been discriminated against on the basis of my age, DOB: **REDACTED 1949**, and my sex, female, in violation of the Age Discrimination in Employment Act of 1967 and Title VII of the Civil Rights Act of 1964 as amended.

**Experience working in this field. They were new hires & they were hired with only 5 or 6 months being here**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

**8/1/13** Winifred Laidlaw

Date Charging Party Signature

**AUG 06 2013**

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

**EEOC**

**EXHIBIT 1**

**Have 18yrs Senority**

EXHIBIT 2

USDC NO. C14-02640 JCS - FIRST AMENDED COMPLAINT FOR EQUITABLE  
RELIEF AND DAMAGES -- DEMAND FOR JURY TRIAL

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

(800) 884-1884 | TDD (800) 700-2320 | Videophone for the DEAF (916) 228-5285  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR PHYLLIS W. CHENG

EEOC Number: 550-2013-00737

Case Name: WINIFRED LAIDLAW v. CITY AND COUNTY OF SAN FRANCISCO

Filing Date: August 14, 2013

**NOTICE TO COMPLAINANT AND RESPONDENT**

This is to advise you that the above-referenced complaint is being dual filed with the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

The EEOC is responsible for the processing of this complaint and the DFEH will not be conducting an investigation into this matter. Please contact EEOC directly for any discussion of the complaint or the investigation.

**NOTICE TO COMPLAINANT OF RIGHT-TO-SUE**

This letter is also your Right to Sue notice. This Right-To-Sue Notice allows you to file a private lawsuit in State court. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed.

If you have questions about the right to file under federal law, please contact the EEOC using the contact information below.

EEOC Northern California  
350 The Embarcadero, Suite 500  
San Francisco, CA 94106  
(415) 625-5600

EEOC Southern California  
255 East Temple Ste., 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
(213) 894-1100

EXHIBIT 3

USDC NO. C14-02640 JCS - FIRST AMENDED COMPLAINT FOR EQUITABLE  
RELIEF AND DAMAGES -- DEMAND FOR JURY TRIAL



U.S. Department of Justice  
Civil Rights Division  
NOTICE OF RIGHT TO SUE  
WITHIN 90 DAYS

CERTIFIED MAIL  
2019 8845

950 Pennsylvania Avenue, N.W.  
Karen Ferguson, EMP, PHB, Room 4239  
Washington, DC 20530

January 30, 2014

Ms. Winifred C. Laidlaw  
222 Alta Vista Drive  
South San Francisco, CA 94080

Re: EEOC Charge Against City & County of San Francisco, Public Utilities Commission  
No. 550201300737

Dear Ms. Laidlaw:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice. If you cannot afford or are unable to retain an attorney to represent you, the Court may, at its discretion, assist you in obtaining an attorney. If you plan to ask the Court to help you find an attorney, you must make this request of the Court in the form and manner it requires. Your request to the Court should be made well before the end of the time period mentioned above. A request for representation does not relieve you of the obligation to file suit within this 90-day period.

The investigative file pertaining to your case is located in the EEOC San Francisco District Office, San Francisco, CA.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Jocelyn Samuels  
Acting Assistant Attorney General  
Civil Rights Division

by

Karen L. Ferguson  
Supervisory Civil Rights Analyst  
Employment Litigation Section

cc: San Francisco District Office, EEOC  
City & County of San Francisco, Public Utilities Commission

EXHIBIT 3

EXHIBIT 4

USDC NO. C14-02640 JCS - FIRST AMENDED COMPLAINT FOR EQUITABLE  
RELIEF AND DAMAGES – DEMAND FOR JURY TRIAL

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

NO. 5940 P. 5

P. 05

To: Winifred C. Laidlaw  
222 Alta Vista Drive  
South San Francisco, CA 94080

From: San Francisco District Office  
450 Golden Gate Avenue  
5 West, P.O. Box 36025  
San Francisco, CA 94102

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
550-2013-00737	Eric C. Darius, Intake Supervisor	(415) 522-3185

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court **WITHIN 90 DAYS** of your receipt of this notice, or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- More than 180 days have passed since the filing of this charge.
- Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- The EEOC is terminating its processing of this charge.
- The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

  
Michael Bakomado,  
District Director

JAN 30 2014

Enclosures(s)

cc: Linda Simon  
Manager, EEO Programs  
CITY & COUNTY OF SAN FRANCISCO  
Department of Human Resources  
1 South Van Ness Avenue, 4th Floor  
San Francisco, CA 94103

(Date/Initials)

JAN. 10. 2014 2:37PM

JAN-10-2014 06:28

EXHIBIT 4



EXHIBIT 5

USDC NO. C14-02640 JCS - FIRST AMENDED COMPLAINT FOR EQUITABLE  
RELIEF AND DAMAGES – DEMAND FOR JURY TRIAL



EXHIBIT 6

USDC NO. C14-02640 JCS - FIRST AMENDED COMPLAINT FOR EQUITABLE  
RELIEF AND DAMAGES – DEMAND FOR JURY TRIAL

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

EEOC Number: 550-2014-00742C

Case Name: Winifred C. Laidlaw vs. CITY AND COUNTY OF SAN FRANCISCO

Filing Date: June 4, 2014

**NOTICE TO COMPLAINANT AND RESPONDENT**

This is to advise you that the above-referenced complaint is being dual filed with the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

The EEOC is responsible for the processing of this complaint and the DFEH will not be conducting an investigation into this matter. Please contact EEOC directly for any discussion of the complaint or the investigation.

**NOTICE TO COMPLAINANT OF RIGHT-TO-SUE**

This letter is also your Right to Sue notice. This Right-To-Sue Notice allows you to file a private lawsuit in State court. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed.

If you have questions about the right to file under federal law, please contact the EEOC using the contact information below.

EEOC Northern California  
450 Golden Gate Ave 5-West  
PO Box 36025  
San Francisco, CA 94102  
(415) 522-3000

EEOC Southern California  
255 East Temple Ste., 4<sup>th</sup> Floor  
Los Angeles, CA 90012  
(213) 894-1100