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10 and All Others Similarly Situated

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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES  
BY \_\_\_\_\_  
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12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 ALICIA GRUBIC, ON BEHALF OF  
15 HERSELF AND ALL OTHERS  
16 SIMILARLY SITUATED,

17 Plaintiff,

18 v.

19 THE LOS ANGELES SUPERIOR  
20 COURT, STEPHEN CZULEGER,  
21 JOHN CLARKE, AND DOES 1-10,

22 Defendants.

23 Case No. **CV09-4729** **CAS PJWx**

24 **CLASS ACTION COMPLAINT FOR**

- 25 **(1) DAMAGES AND**
- 26 **(2) INJUNCTIVE RELIEF**

27 **PURSUANT TO TITLE VII OF**  
28 **THE CIVIL RIGHTS ACT OF 1964,**  
**AS AMENDED, 42 U.S.C. 2000e**

**(JURY TRIAL DEMANDED)**

**INTRODUCTION**

29 Plaintiff Alicia Grubic ("Grubic"), on behalf of herself and a class of all others  
30 similarly situated, *i.e.*, California Court Certified and Registered Interpreters  
31 employed by the Superior Court of California for Los Angeles County (collectively,  
32 the "Interpreters"), seeks to enforce the provisions of Title VII of the Civil Rights  
33 Acts of 1964, as amended, 42 U.S.C. 2000e ("Title VII"), and alleges the following:

I/S  
20



1 **COUNTY OF LOS ANGELES (the "Superior Court")** is a trial court as defined  
 2 under California Constitution, and an "employer" with thousands of employees,  
 3 including the Interpreters. It is responsible for setting the terms of employment,  
 4 including but not limited to policies applied to Interpreters and all other employees.

5 8. **PLAINTIFF ALICIA GRUBIC** does not know the names and  
 6 capacities of those Defendants sued herein as **DOES 1-10**~~X~~, inclusive, and therefore  
 7 charges these Defendants by such fictitious names. She will amend this Complaint to  
 8 allege the Does' true names and capacities when they are ascertained. She is also  
 9 informed and believes and, on that basis, alleges that each defendant named herein as  
 10 DOES 1-100, inclusive, is in some manner legally responsible for wrongful acts and  
 11 omissions set forth herein.

12 9. **PLAINTIFF ALICIA GRUBIC** is informed and believes and alleges  
 13 that Defendants and each of them, are and were at all times herein mentioned, the  
 14 agents, servants, employees, and/or conspirators with each of the other Defendants,  
 15 and at all times herein mentioned were acting within the course and scope of that  
 16 agency or employment, and service in furtherance of the conspiracy.

### 17 18 **JURISDICTION AND VENUE**

19 10. This Court has subject matter jurisdiction of this action because it asserts  
 20 claims pursuant to Title VII of the United States Code, 42 U.S.C. 2000e-5(a).

21 11. Venue is appropriate in this district because defendants reside in this  
 22 district, the unlawful employment practices alleged herein were and are being  
 23 committed in this district, the events giving rise to the claims occurred in this district,  
 24 and the records relevant to such employment practices are maintained in this district.

### 25 26 **CLASS ACTION ALLEGATIONS**

27 12. Plaintiff brings this action on behalf of a class of individuals employed  
 28 as Court Certified and Registered Interpreters in and by the Superior Court of

1 California, County of Los Angeles—from July 2003 through the present (“the  
2 Class”). All members of the Class are similarly situated for the purpose of asserting  
3 the claims alleged in this Complaint on a common basis.

4 13. This action is brought and may properly be maintained as a class action,  
5 as it satisfies the numerosity, commonality, typicality, adequacy of representation,  
6 predominance and superiority requirements of class actions:

7 1) **Numerosity.** The Class is so numerous – in the hundreds – that  
8 joinder of all members is impracticable.

9 2) **Predominance Of Common Questions Of Fact and Law.**  
10 Common questions of fact and law exist as to all Class members and predominate  
11 over questions affecting only individual Class members. Common factual and legal  
12 questions include the factual allegations alleged above and following legal issues:

13 (a) Whether Defendants' conduct constitutes violations of Class  
14 members' civil rights under 42 U.S.C. Section 2000e-2(a);

15 (b) Whether the Class is entitled to declaratory and injunctive  
16 relief and incidental equitable relief, and if so, the nature of such equitable relief; and

17 (c) Whether Defendants are liable for incidental, punitive or  
18 exemplary damages and, if so, how much.

19 3) **Typicality of Claims.** Plaintiffs' claims are typical of those of the  
20 members of the Class, all of which arise out of the same misconduct by Defendants.  
21 Plaintiffs and each Class member have sustained and will sustain similar damages  
22 arising from Defendants' illegal discriminatory treatment.

23 4) **Adequacy of Representation.** The named plaintiffs are adequate  
24 representatives of the Class because they are typical members of the Class and their  
25 interests do not conflict with the interests of the Class they seek to represent.

26 Plaintiffs have retained counsel competent and experienced in the prosecution of  
27 class actions. Plaintiffs and their counsel intend to prosecute this action vigorously,  
28 to conclusion, for the benefit of the Class.

1           5)     **Superiority.** A class action is superior to other methods for the  
 2 fair and efficient adjudication of this claim. Individual litigation of each Class  
 3 member's claim is impracticable, would increase the delay and expense to all parties  
 4 and the legal system in resolving the complex legal and factual issues of the case,  
 5 and would further present the potential for inconsistent or contradictory rulings and  
 6 judgments. This risk is enhanced in that Defendants' conduct is ongoing. By  
 7 contrast, the class action device provides the benefits of economies of scale,  
 8 coordinated investigation and discovery, and resolution of all claims in one forum.

9  
 10                           **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

11           14.     **THE INTERPRETERS:** The Interpreters constitute the approximately  
 12 six percent of bilingual people who have taken a rigorous interpretation examination  
 13 to become California State *Court Certified* Interpreters, while registered interpreters  
 14 have met Judicial Council requirements in languages in which certification exams are  
 15 unavailable. The Interpreters' many years of education and training prepared them  
 16 to, among their other tasks, simultaneously and consecutively interpret highly  
 17 technical legal and other jargon from English into foreign languages, and foreign  
 18 colloquialisms and jargon from around the world into English.

19           15.     The Interpreters render their services by working with monolingual  
 20 foreign-born people who testify as witnesses or are accused of crimes.

21           16.     It is by the work of Interpreters that the judicial system delivers rights  
 22 promised by the Constitution. Also through their work, the Court acquires a reliable  
 23 record of proceedings, guaranteeing the integrity of the legal process.

24           17.     The overwhelming majority of Interpreters is foreign born

25           18.     An overwhelming percentage of Interpreters is also either U.S. Citizens  
 26 who immigrated from foreign countries or resident alien "Green Card" holders, with  
 27 a high percentage being Hispanic and a smaller percentage being Asian.

28

## THE HISTORICAL BACKGROUND

1  
2 19. Until July 2003, the Interpreters worked for many years for the Superior  
3 Court as independent contractors – without any of the benefits of employment.

4 20. In 2003, after a decades-long struggle to become employees like all  
5 other Superior Court personnel, the State legislated a change to require trial courts in  
6 the State to hire the Interpreters as “employees.”

7 21. Although classifying Interpreters as employees, Defendants have  
8 steadfastly refused to apply a variety of employment policies they apply to virtually  
9 **all** other similarly classified employees, intentionally exposing Ms. Grubic and all the  
10 Interpreters to disparate treatment.

## THE COURT EMPLOYMENT ENVIRONMENT

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12  
13 22. The Superior Court and its judges routinely discriminate against  
14 Interpreters, commonly treating them as almost invisible.

15 23. For example, it is common for Superior Court judges, when welcoming a  
16 jury, to ostensibly introduce all the participants in the courtroom proceedings (often  
17 by name) – the prosecuting attorney, the defense attorney, and the court reporter, as  
18 well as the clerks and bailiff – and **ignore the Interpreter**, who is **in plain view**.

19 24. Similarly, when desiring to work late, it is common for Superior Court  
20 judges to inquire of all participants in the court proceedings if anyone has a problem  
21 working late – the prosecuting and defense attorneys, the court reporter, as well as  
22 the clerk and bailiff – but **ignore the Interpreter**, who is **in plain sight**. Unlike other  
23 courtroom participants, Interpreters are thus entitled to no say in such decisions and  
24 – unlike other courtroom proceeding participants, are often **forced** to work overtime.

25 25. Likewise, if an Interpreter needs even a few seconds to reach the  
26 monolingual defendant for whom she is to interpret, judges will **frequently** start  
27 criminal proceedings without waiting. Even seeing the Interpreter **racing** to the  
28 defense table, these judges do not alter their behavior. By stark contrast, if a *court*

1 *reporter*<sup>1</sup> needs to properly report the record, these judges will *always* delay court  
2 proceedings for *as long as a Court Reporter needs*.

3 26. But for their national origin and race, which is highlighted by the nature  
4 of their work, Interpreters would be treated by the Superior Court and its judges in a  
5 different manner – of respect – similar to that enjoyed by court reporters.

6 27. This Superior Court culture of disrespect and discrimination against  
7 Interpreters has also caused Superior Court management to treat Interpreters as  
8 inferior employees in need of *extra* supervision. By way of comparison, some **700**  
9 ***court reporters***, who are predominantly female ***and white***, have only ***one supervisor***  
10 –who was formerly a court reporter; meanwhile, the Superior Court assigns ***four***  
11 ***supervisors*** – who have no interpreting experience whatsoever – to supervise some  
12 ***400 Interpreters***, who are predominantly female ***and Hispanic***.

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## EMPLOYER ACTIONS REGARDING

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### THE SALARY STRUCTURE AND OPPORTUNITY FOR PROMOTION

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17 28. Although they have been employees since 2003, and despite pleas from  
18 Interpreters, Defendants have refused to apply to Interpreters the same employment  
19 policies as those applied to ***every other comparable category of employee***.

20

21 29. In particular, Defendants deny the Interpreters salary “steps.” “Steps” is  
22 the name of the methodology by which Defendants’ employees receive increased  
23 compensation as they gain in seniority.

24

25 30. Hence, unlike ***all*** of Defendants’ other employees, Interpreters employed  
26 for 20 or 30 years all earn the same salary as a colleague who began work yesterday.

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28 31. Defendants also deny Interpreters any opportunity for professional  
29 advancement. Unlike all other employees in the Superior Court system, Interpreters  
30 can never advance – even to supervise other Interpreters. Rather, Defendants reserve

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32 <sup>1</sup> Court reporters are overwhelmingly female and white.

1 such positions for *non*-interpreters who have no skill or experience as interpreters.

2 32. Moreover, Interpreters are even precluded from applying for any  
3 administrative position, and are not even invited or allowed to take management  
4 classes or examinations available to other similarly classified employees.

5 33. Defendants’ discriminatory motivation for these practices can be neatly  
6 summed-up in one Superior Court administrator’s comment to an Interpreter who was  
7 pleading for equal treatment: *“We don’t negotiate with our gardeners or maids.  
8 Why should we negotiate with you?”*

9  
10 **FIRST CLAIM FOR RELIEF**

11 **COUNT I**

12 **VIOLATION OF 42 U.S.C. §2000e-2**

13 **(Discriminatory Impact – Against All Defendants)**

14 34. Plaintiff hereby realleges and incorporates the allegations above.

15 35. Defendants cannot demonstrate that their denying the same employment  
16 treatment to Interpreters as that enjoyed by every other group of comparable  
17 employees – is job related or consistent with a *bona fide* business necessity.

18 36. As a direct and proximate result of their acts and omissions on the basis  
19 of race and national origin, Defendants have caused disparate negative impact and  
20 damages to the Interpreters – subject to proof.

21  
22 **COUNT II**

23 **VIOLATION OF 42 U.S.C. §2000e-2**

24 **(Discriminatory Treatment on the Basis of Race and National Origin)**

25 **Against All Defendants**

26 37. Plaintiff hereby realleges and incorporates the allegations above.

27 38. 42 U.S.C. Sec. 2000e-2, “Unlawful employment practices,” provides:

28 (a) It shall be an unlawful employment practice for an employer -

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(1) ... to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race ... or national origin; or

(2) to limit ... or classify his employees ... in any way which would ... adversely affect his status as an employee, because of such individual's race ... or national origin.

39. Defendants have (1) intentionally discriminated against Alicia Grubic and all Interpreter-employees with respect to their compensation, terms and conditions, and privileges of employment, because of Interpreters' national origin and race, and (2) limited and classified Interpreters in any way that adversely affects their status as employees, because of their race or national origin.

40. The United States Code of Federal Regulations, 29 C.F.R. Part 1606.1 —Guidelines on Discrimination Because Of National Origin, provides:

The Commission defines national origin discrimination broadly as including, but not limited to, the denial of equal employment opportunity because of an individual's, or his or her ancestor's, place of origin; or because an individual has the physical, cultural or linguistic characteristics of a national origin group.

41. Defendants deny Alicia Grubic and all other Interpreters, individually and as a group, the equal employment opportunity of escalating salaries based on experience and years of service enjoyed by other comparable employees, and deprive Interpreters of opportunities for professional advancement, all because of their or their or their ancestors' "places of origin," and because they not only have but – by being in the unique position of speaking Spanish and other foreign languages as an integral part of their job – exhibit daily "the physical, cultural, and (especially) linguistic characteristics of [their] national origin group."

42. The United States Code of Federal Regulations, 29 C.F.R. Part 1606.1 provides heightened scrutiny for employees such as the Interepreters:

1 [Title VII treats] with **particular concern** charges alleging that  
2 individuals within the jurisdiction of the [EEO] Commission have  
3 been denied equal employment opportunity for reasons which are  
4 grounded in national origin considerations, such as (a) ...  
5 **association** with persons of a national origin group; (b)  
6 **membership in, or association with** an organization identified with  
7 or seeking to promote the interests of national origin groups....

8 43. Plaintiff Alicia Grubic and the other Interpreters satisfy these criteria:  
9 They are the only employees of the Superior Court to *exclusively* serve the needs of  
10 monolingual foreign language speakers by working in their foreign languages.  
11 Interpreters are thus uniquely (a) “associated” with persons of national origin groups  
12 and (b) considered members in or associated with an organization that is “*identified*  
13 *with or seeking to promote the interests of national origin groups.*”

14 44. Additionally, among other things, Defendants’ deviation from their  
15 applicable personnel policy – *i.e., disparate treatment of Interpreters, a class of*  
16 *people that is overwhelmingly comprised of non-native Hispanics and Asians* –  
17 demonstrates Defendants’ discriminatory motives.

18 45. Defendants have engaged in this continuing practice of discrimination  
19 with regard to race and national origin in setting the compensation, terms and  
20 conditions of Plaintiff’s and all other Interpreters’ employment, all in violation of 42  
21 U.S.C. §2000e-2(a).

22 46. As a direct and proximate result of Defendants’ intentional  
23 discriminatory acts and omissions, Plaintiff Interpreters have suffered damages in a  
24 sum subject to proof.

25 47. Defendants’ actions against Plaintiff and the other Interpreters have been  
26 malicious and oppressive.

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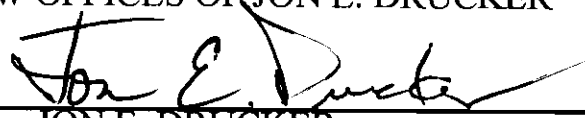
**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs pray that this Court take the following action:

1. Certify the Interpreters as a Class under Rule 23.
2. Find that Defendants are in violation of the Class members' rights as secured by 42 U.S.C. § 2000e-2(a).
3. Award damages to each of the Class members equal to the compensation they would have received had Defendants treated them the same as other similarly situated employees.
4. Award treble damages.
5. Award punitive and exemplary damages against Defendants.
6. Award to the Class its attorneys fees and costs incurred in prosecuting this action.
7. Order Defendants to apply to Interpreters the same salary "steps," opportunities for promotion, and other employment treatment as those they apply to other similarly situated employees.
8. Order Defendants to implement sensitivity training for superior court judges so as to ensure their treatment of Interpreters with the same respect afforded to other similarly situated employees.
9. Oversee Defendants' ongoing compliance with this Court's orders.
10. Other relief as is just and proper.

Respectfully submitted,

LAW OFFICES OF JON E. DRUCKER

By:   
JON E. DRUCKER

Dated: June 30, 2009

Attorneys for Plaintiff Alicia Grubic,  
on behalf of herself and Others Similarly Situated

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

1 (a) PLAINTIFFS (Check box if you are representing yourself )

DEFENDANTS

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4. Award treble damages.
5. Award punitive and exemplary damages against Defendants.
6. Award to the Class its attorneys fees and costs incurred in prosecuting this action.
7. Order Defendants to apply to Interpreters the same salary "steps," opportunities for promotion, and other employment treatment as those they apply to other similarly situated employees.
8. Order Defendants to implement sensitivity training for superior court judges so as to ensure their treatment of Interpreters with the same respect afforded to other similarly situated employees.
9. Oversee Defendants' ongoing compliance with this Court's orders.
10. Other relief as is just and proper.

Respectfully submitted,

LAW OFFICES OF JON E. DRUCKER

By:

  
\_\_\_\_\_  
JON E. DRUCKER

Dated: June 30, 2009

Attorneys for Plaintiff Alicia Grubic,  
on behalf of herself and Others Similarly Situated

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

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed?  No  Yes

If yes, list case number(s): \_\_\_\_\_

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

If yes, list case number(s): \_\_\_\_\_

**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:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note: In land condemnation cases, use the location of the tract of land involved.**

X. SIGNATURE OF ATTORNEY (OR PRO PER): Jon E. Dumb Date June 29, 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))