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Plaintiff, Mary Hawkins

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF EL DORADO

MARY HAWKINS,

Plaintiff,

v.

FOLSOM CORDOVA UNIFIED SCHOOL
DISTRICT, a Public Entity, AND DOES 1
through 10, inclusive,

Defendants.

CASE NO:

COMPLAINT FOR DAMAGES

DEMAND FOR JURY TRIAL

1. Discrimination
2. Harassment
3. Retaliation

Plaintiff, Mary Hawkins, alleges and states as follows:

JURISDICTION AND VENUE

1. The jurisdiction of this court arises under Code of Civil Procedures § 410.10.
2. Venue is proper because at least one defendant resides in this judicial district.

PARTIES TO THIS ACTION

3. At all material times, Mary Hawkins, hereafter, ("Smith,") is an individual who resides in the COUNTY OF EL DORADO.

4. At all material times, FOLSOM UNIFIED SCHOOL DISTRICT hereafter ("District,") is a Public Entity with its principal place of business in the COUNTY OF EL DORADO.

5. The true names and capacities of the Defendants named herein as DOES 1 through 10, inclusive, whether an individual, a corporate, an associate or otherwise, are unknown to Mr. Blackshire and sues those Defendants pursuant to California Code of Civil Procedure § 474.

6. Ms. Hawkins is informed and believes that such Defendants are California residents. He will amend this Complaint to show the true names and capacities when they are determined.

7. Each Defendant was an agent of all of the other Defendants and ratified the conduct of the other Defendants and the other employees.

8. Whenever this Complaint refers to any defendant, those same allegations will mean the acts of all Defendants acting individually, jointly and/or severally.

9. Ms. Hawkins is informed and believes, and based thereon alleges, that at all times mentioned herein, each of the Defendants was the agent, servant and/or employee, co-venturer and/or co- conspirator of each of the remaining Defendants, and was at all times herein mentioned, acting within the course, scope, purpose, consent, knowledge, ratification and authorization of such agency, employment, joint venture and conspiracy.

10. Ms. Hawkins seeks the following against District: (1) Out-of-pocket expenses; (2) Damages for emotional distress; (3) Statutory damages; (4) Attorney's fees; and (5) Costs.

11. Ms. Hawkins filed this action within one year of District's last discriminatory act.

FACTUAL BACKGROUND

12. In January 2017, Ms. Hawkins was the only African-American teacher and staff member at Cordova Villa. She worked there as the only African-American for over 25 years. Also, Ms. Hawkins was the only African -American teacher for most of her 25 years with the district.

13. On March 3, 2017, Vice Principal Kim Christerson asked Ms. Hawkins why she was requesting to cancel a meeting that Ms. Hawkins had scheduled with a classroom aide.

14. Ms. Christerson berated Ms. Hawkins in front of another colleague, Brian Cooling. Ms. Christerson said loudly, "I am your boss!"

15. Ms. Hawkins' hand was resting against the doorframe. Ms. Christerson told Ms. Hawkins, "Put your hands down!" "LOOK AT YOU!, You are MAD. Look at your EYES!"

16. Ms. Hawkins placed her hands behind her back. Ms. Christerson asked Ms. Hawkins if she was, "in attack mode". Ms. Hawkins advised Ms. Christerson that she had never been in a fight in her life; not as a child nor an adult. Ms. Hawkins said she did not know where her negative perception of her was coming from.

17. There was no basis for Ms. Christerson's opinion of Ms. Hawkins, because they had very minimal interaction throughout the year. Ms. Christerson had only been at the school for approximately 6 months.

18. After leaving the office, Ms. Hawkins asked the secretary to confirm who had scheduled the meeting. Ms. Christerson came out and yelled, "You don't come out here talking about this! This is private between you and me!"

19. Another colleague, Francis Myatt, came by Ms. Hawkins' room to tell Ms. Hawkins she witnessed this scene in the office between Ms. Christerson and Ms. Hawkins and how sorry she was about the racism Ms. Hawkins was dealing with. When questioned by the district, she denied this and simply acknowledged that Ms. Hawkins was being mistreated.

20. On March 3, 2017, someone emailed Jessica Hutchinson. The email was titled, "Cancellation of Monday Meeting."

1 21. On March 20, 2017, Ms. Hawkins met with the Principal Jessica Hutchinson, Kim
2 Christierson, Linda Fields, Ms. Soule, Ms. Soule's Union Representative and Ms. Hawkins'
3 assigned classroom aide.

4 22. After confirming that the issues in Ms. Hawkins' classroom had been resolved on
5 March 3, 2017, Ms. Soule's statements during this meeting directly conflicted with what she
6 shared with Ms. Hawkins during the meeting.

7 23. Ms. Soule stated that she was intimidated by Ms. Hawkins, and that Ms. Hawkins
8 was perplexed as she had recently invited Ms. Hawkins to a movie. Ms. Hawkins was unable
9 to attend. Yet, Ms. Soule openly expressed how much she loved being part of Ms. Hawkins'
10 classroom. Ms. Soule also had lunch with Ms. Hawkins and two staff members from M. Soule
11 previous school cite.

12 24. When it was Ms. Hawkins' turn to speak, Ms. Soule and Ms. Christierson were
13 exchanging unprofessional looks. Both rolled their eyes as Ms. Hawkins spoke. Their
14 exchanges went on until Ms. Hawkins brought it to the attention of Ms. Hutchinson.

15 25. Ms. Christierson said that she was just, "consoling Ms. Soule." This reflected her
16 bias as Ms. Christenson openly supported Ms. Soule while hostile toward Ms. Hawkins.

17 26. The meeting was primarily called to resolve issues such as Ms. Soule slapping
18 students' raised hands down. And, Ms. Soule's bias towards students of color. Ms. Hawkins'
19 union representative questioned Ms. Christensen's presence at this meeting, because the
20 incident that occurred on March 3, 2017 had yet to be addressed.

21 27. On April 7, 2017, Ms. Hawkins' union representative met with Ms. Fields, Ms.
22 Hutchinson and Ms. Christensen in an attempt to resolve the incident. Ms. Hawkins explained
23 the incident as it occurred.

24 28. Ms. Christensen gave a completely different version of the incident. She said Ms.
25 Hawkins placed her hand in her face and she had to "slap it down". When Mike Shepard came
26 to interview Ms. Hawkins, he asked if he could see Ms. Christensen's office.

27 29. Ms. Hawkins showed Mr. Shepard the office. He confirmed that it would be
28 impossible for Ms. Hawkins' hand to be near Ms. Christensen if she was seated at her desk

1 while Ms. Hawkins stood in the doorway. Mr. Sheppard stated to Ms. Hawkins "There is no
2 way your hand could have been in Ms. Christiersen's face" you would have had to have been
3 stretch armstrong.

4 30. Mr. Shepard said the people he interviewed stated that Ms. Hawkins never walked
5 into the office and Ms. Christerson remained seated at her desk. Ms. Christerson also claimed
6 that Ms. Hawkins was moving around in a "jerking" movement towards her at the March 3,
7 2017 meeting. None of this occurred. However, it shows her perception of Ms. Hawkins.

8 31. Ms. Christerson's version of the incident was completely false. Ms. Christerson
9 abruptly ended the meeting stating that she needed to go pick up her children and that they
10 could take this to the next step.

11 32. On May 18, 2017, Angelica Miklos, President of the Folsom Cordova Education
12 Association, advised Ms. Hawkins' Union Representative, Ms. Fields, that the incidents
13 violated District's harassment policy.

14 33. On June 14, 2017, Ms. Hawkins filed a Formal Uniform Complaint against the
15 Folsom Cordova Unified School District with a detailed outline of the events leading up to the
16 complaint. Ms. Hawkins expected an outcome such as leadership and cultural sensitivity
17 training. None of the expected outcomes of the July 14, 2017 complaint have occurred to date.

18 34. On August 4, 2017, Ms. Hawkins filed a General Complaint Form. This is referred
19 to as "Step 2" when filing with the District. Ms. Hawkins advised the District that its final
20 report omitted critical information. She also advised that she had several extensions to Mr.
21 Shepard during his investigation; one due to his family vacation. However, the District advised
22 Ms. Hawkins that this request should have been completed by Wednesday of that week.

23 35. On September 6, 2017, Donald Ogden, Assistant Superintendent, sent the results of
24 his investigation to Ms. Hawkins that Mike Shepard and Human Resources was unable to
25 gather any testimony to support the allegations of "bullying" or "racial discrimination". Mr.
26 Ogden said the interviews with staff were unable to gather any evidence to support the
27 allegations of "bullying" and "racial discrimination" in action or intent. He found no evidence
28 to support that FCUSD did not comply with any Federal Laws, State Regulations, or the

1 adopted UCP policies.

2 36. On November 29, 2017, After Sarah David a friend and co-worker of Shelly Etlin
3 asked Ms. Hawkins to check her box for a gift. Ms. Hawkins responded that she did not
4 participate in the gift exchange. Ms. Hawkins checked her physical inbox in the staff room and
5 noticed that there was a green bag in it. With the climate of the school being low, Ms. Hawkins
6 opted to not participate in the ornament exchange. The bag stated, "Because they didn't have
7 KFC". When Ms. Hawkins opened the bag, there was a large watermelon slice ornament. Ms.
8 Hawkins was shocked and emotionally spent at this point. Anyone who is remotely aware of
9 the Jim Crow Era understands how offensive this is.

10 37. Shelly Etlin gave the ornament to Ms. Hawkins. Ms. Etlin was someone who had
11 made previous racially-charged comments around and towards Ms. Hawkins. Ms. Etlin shared
12 with Ms. Hawkin's that her husband had been fired for asking a black coworker if he was going
13 to sit around and drink "40oz beers all day" during a holiday weekend. Ms. Etlin felt the need
14 to tell Ms. Hawkins that her mother taught home economics to "black girls". Ms. Etlin
15 frequently tried to speak to Ms. Hawkins in what she believed to be "black vernacular".

16 38. After Ms. Hawkins gathered and returned to her classroom, Ms. Etlin called Ms.
17 Hawkins' classroom telephone while Ms. Hawkins was teaching to see if Ms. Hawkins
18 "thought it was funny".

19 39. At this point, Ms. Hawkins was exhausted of dealing with the harassment and
20 discriminatory issues at work. She felt it was useless to go through District's reporting process.
21 Ms. Hawkin's union representative, Ms. Fields, was outraged and reported the incident to
22 Principal, Hutchinson, who reported it to Assistant Superintendent, Curtis Wilson. Curtis
23 Wilson visited Ms. Hawkins class saying how appauled he was about the awful incident.

24 40. On December 12, 2017, Ms. Hawkins received an email from Mr. Wilson stating
25 that he wanted to touch base "quickly" and because it was reported by Ms. Hawkins Union
26 Representative, it was not an actual complaint. He advised that they "took the incident very
27 seriously and took appropriate and immediate action."

28 41. As of December 12, 2017, Ms. Etlin remained on-site and Ms. Hawkins has no

1 knowledge of what the appropriate or immediate action was given to their response to her
2 previous Formal complaint with the district.

3 42. On May 8, 2018, A meeting was called to advise that Ms. Hawkins had been
4 accused of being unprofessional and condescending with the attendance clerk and yard
5 supervisor; another teacher claims to have witnessed this, but wished to remain anonymous.
6 Ms. Hawkins advised that if she had done anything to offend anyone, Ms. Hawkins would
7 apologize immediately; however, Ms. Hawkins did not even understand what had occurred the
8 day before on May 7.

9 43. The new office clerk and a yard supervisor (a friend of Shelly Etlin) told the
10 principal (or someone else) that Ms. Hawkins had talked to them in a condescending tone. Ms.
11 Hawkins was not notified of this and was shocked to see Mike Shepard, HR Director, she was
12 previously advised that all incidents are handled at the site level, yet this incident happened the
13 day before this meeting.

14 44. This situation felt like retaliation and even intimidation as Ms. Hawkins was
15 completely caught off guard and not notified of any incident or the meeting. Ms. Hawkins was
16 so upset Ms. Hawkins literally cried out of frustration and she felt the situation defamed her
17 character.

18 45. The attendance clerk was called to watch Ms. Hawkins' class as Ms. Hawkins was
19 called to the meeting without knowledge of the incident. Ms. Hawkins is known for creating a
20 warm, welcoming environment for the community, and especially new students and teachers;
21 the fact that Ms. Hawkins was being perceived differently after over two decades of serving
22 this school site and the Rancho Cordova community was truly disheartening.

23
24 **Department of Fair Employment and Housing**
25

26 46. On November 30, 2017, Ms. Hawkins filed a complaint with the California
27 Department of Fair Employment and Housing ("DFEH").

28 47. On January 24, 2018, DFEH interviewed Ms. Hawkins by phone.

48. On February 8, 2018, DFEH assigned Investigator Dorothy Sanders.

49. On July 30, 2018, DFEH notified Ms. Hawkins 150 days had passed, and she had a right to request a Right to Sue Notice. She did not request a Right to Sue Notice, and DFEH's investigation continued.

CAUSE OF ACTION - DISCRIMINATION

(Against District)

50. Ms. Hawkins repeats and realleges paragraphs 1-49, and incorporates them by reference as though fully set forth herein.

51. District discriminated against Ms. Hawkins because of her race.

52. A substantial motivating reason for District's conduct was Ms. Hawkins's race.

53. Ms. Hawkins was harmed.

54. District's conduct was a substantial factor in causing Ms. Hawkins's harm

55. Ms. Hawkins hired attorney as a proximate result of District's conduct.

56. Ms. Hawkins also suffered general damages as a proximate result of District's conduct in a sum of excess of the minimum jurisdiction of the court and according to proof.

CAUSE OF ACTION - HARASSMENT

(Against District)

57. Ms. Hawkins repeats and realleges paragraphs 57-63, and incorporates them by reference as though fully set forth herein.

58. District harassed Ms. Hawkins because of her race.

59. A substantial motivating reason for District's harassment was Ms. Hawkins's race.

60. Ms. Hawkins was harmed.

61. District's conduct was a substantial factor in causing Ms. Hawkins's harm

62. Ms. Hawkins hired attorneys as a proximate result of District's conduct.

1 63. Ms. Hawkins also suffered general damages as a proximate result of District's
2 conduct in a sum of excess of the minimum jurisdiction of the court and according to proof.

3
4
5 CAUSE OF ACTION - RETALIATION
6 (Against District)

7
8 64. Ms. Hawkins repeats and realleges paragraphs 64-71, and incorporates them by
9 reference as though fully set forth herein.

10 65. Ms. Hawkins complained to District about discrimination and harassment because
11 of her race, African-American.

12 66. District retaliated against Ms. Hawkins because of she complained about
13 discrimination and harassment because of her race, African-American.

14 67. A substantial motivating reason for District's retaliatory conduct was because of she
15 complained about discrimination and harassment because of her race, African-American.

16 68. Ms. Hawkins was harmed.

17 69. District's conduct was a substantial factor in causing Ms. Hawkins's harm

18 70. Ms. Hawkins hired attorneys as a proximate result of District's conduct.

19 71. Ms. Hawkins also suffered general damages as a proximate result of District's
20 conduct in a sum of excess of the minimum jurisdiction of the court and according to proof.

PRAYER FOR RELIEF

WHEREFORE, Ms. Hawkins requests relief as follows:

1. For special and economic damages and monetary relief for all Causes of Action;
2. For general and non-economic damages for all Causes of Action;
3. For prejudgment interest at the prevailing legal rate;
4. For costs of suit including reasonable applicable attorneys' fees, and
5. For such other and further relief as the Court may deem proper.

DATED: August 27, 2019

LAW OFFICE OF GEORGE H. JONES

By: 

George H. Jones, Esq., Attorney for
Plaintiff, Mary Hawkins

JURY DEMAND

Mary Hawkins hereby demands trial by jury in this action.

DATED: August 27, 2019

LAW OFFICE OF GEORGE H. JONES

By:

George H. Jones, Esq., Attorney for
Plaintiff, Mary Hawkins

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