

1 Jesse D. Franklin-Murdock (SBN: 339034)

2 jfranklin-murdock@dhillonlaw.com

3 DHILLON LAW GROUP INC.

4 177 Post Street, Suite 700

5 San Francisco, California 94108

6 Tel: (415) 433-1700

7 Fax: (415) 520-6593

8 Ronald D. Coleman (*pro hac vice* forthcoming)

9 rcoleman@dhillonlaw.com

10 DHILLON LAW GROUP INC.

11 50 Park Place, Suite 1105

12 Newark, NJ 07102

13 Tel: (973) 298-1723

14 Cameron L. Atkinson (*pro hac vice* forthcoming)

15 catkinson@atkinsonlawfirm.com

16 ATKINSON LAW, LLC

17 122 Litchfield Rd., Ste. 2

18 P.O. Box 340

19 Harwinton, CT 06791

20 Tel: (203) 677-0782

21 *Attorneys for Plaintiff Mirella Ramirez*

22 **UNITED STATES DISTRICT COURT**
23 **NORTHERN DISTRICT OF CALIFORNIA**

24 MIRELLA RAMIREZ,

25 Plaintiff,

26 vs.

27 OAKLAND UNIFIED SCHOOL DISTRICT;
28 TARA GARD, in her individual capacity only;
LISA CONTRERAS, in her individual capacity
only; VIOLETA ESCOBAR, in her individual
capacity only; ANGELA BAGAMI-KNIGHT, in
her individual capacity only; JEFF DILLON, in
his individual capacity only; BENJAMIN
DAVIS, in his individual capacity only;
JENNIFER BROUHARD, in her individual
capacity only; VANCEDRIC WILLIAMS, in his
individual capacity only; MIKE HUTCHINSON,
in his individual capacity only,

Defendants.

Case Number: 3:24-cv-09223

COMPLAINT

DEMAND FOR JURY TRIAL

COMPLAINT AND DEMAND FOR JURY TRIAL

1
2 1. Mirella Ramirez worked for the Oakland Unified School District (“the District”) as a
3 kindergarten teacher in a dual-immersion school – a school that provides a structured curriculum to
4 educate children in both Spanish and English.

5 2. In September and October of 2022, the District ordered Ramirez to refer to a 5-year-old
6 girl in her Spanish-language classroom by male pronouns at the insistence of the girl’s parents.

7 3. Ramirez is a devout Catholic who believes, as a matter of faith, that a person is born to
8 their divinely-intended gender, that God reveals a person’s gender through their physical body, and that it
9 is immoral to rebel against God’s intent by artificially transitioning genders. Her faith prohibits her from
10 affirming, or supporting in any way, someone else’s rebellion against God’s design.

11 4. The District’s order placed Ramirez in an untenable position. Spanish is not a gender-
12 neutral language, and it requires grammatical gender for nouns, adjectives, determiners, and pronouns.

13 5. Despite the difficulties posed by the Spanish language, Ramirez requested a religious
14 accommodation from the District that would balance her student’s parents’ desires, the District’s policy,
15 and her faith.

16 6. The District responded to Ramirez’s request in the way most calculated to create
17 publicized problems that could then serve as the pretext for her termination:

- 18 a. It removed Ramirez’s student from her classroom by physically dragging the student
19 away from the classroom door as the student wailed that she loved Ramirez and did
20 not want to leave.
- 21 b. It presented Ramirez with completely unacceptable proposed accommodations that it
22 knew that she could not accept.
- 23 c. It refused to permit Ramirez to teach in a different classroom.
- 24 d. It refused to provide Ramirez training on how to appropriately formulate proper
25 gender-neutral sentences in Spanish despite her request to do so.
- 26 e. It suspended her with pay for more than a year while it investigated her under the same
27 California statute used to terminate teachers for physical child abuse, including sexual
28 abuse.

1 f. It terminated her under the same California statute used to terminate teachers for
2 physical child abuse, including sexual abuse.

3 7. The District’s stubbornness ran roughshod over Ramirez’s constitutional rights, including
4 her right to be free from compelled speech, her religious liberty, and her due process rights.

5 8. Ramirez now seeks redress, including money damages, punitive damages, and attorneys’
6 fees.

7 **JURISDICTION**

8 9. The Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1343, and 2201 as
9 well as 42 U.S.C. § 1983. As set forth in detail below, the Plaintiff brings this action under 42 U.S.C. §
10 1983 against the Defendants – all government officials or entities – for violating her First Amendment
11 rights by failing to accommodate her sincerely held religious beliefs, attempting to compel her to utter
12 speech that she does not agree with, and retaliating against her for not giving up her First Amendment
13 rights.

14 10. Venue is appropriate under 28 U.S.C. § 1391 because all of the factual events giving rise
15 to the cause of action occurred in the Northern District of California.

16 **DIVISIONAL ASSIGNMENT**

17 11. Pursuant to Local Civil Rule 3-5(b), Ramirez submits that this case should be assigned to
18 the San Francisco or the Oakland Divisions because a substantial majority of the events giving rise to
19 this case took place in Alameda County. Local Civ. R. 3-2(d).

20 **PARTIES**

21 12. Mirella Ramirez is a former teacher for the Oakland Unified School District at the Melrose
22 Leadership Academy.

23 13. Tara Gard is the chief talent officer for the Oakland Unified School District and held that
24 position at all relevant times referenced in this complaint. She is sued in her individual capacity only.

25 14. Lisa Contreras was the principal of Melrose Leadership Academy from June 2022 to
26 January 2023. She is sued in her individual capacity only.

27 15. Violeta Escobar was the vice principal of Melrose Leadership Academy at all relevant
28 times referenced in this complaint. She is sued in her individual capacity only.

1 16. Angela Bagami-Knight is a School Partner – Talent Division for the Oakland Unified
2 School District and held that position at all relevant times referenced in this complaint. She is sued in her
3 individual capacity only.

4 17. Jeff Dillon is a Senior Talent Partner – Talent Division for the Oakland Unified School
5 District and held that position at all relevant times referenced in this complaint.

6 18. Benjamin Davis has been a member of the Oakland Unified School District’s Board of
7 Education since January 4, 2021. He is sued in his individual capacity only.

8 19. Jennifer Brouhard is a member of the Oakland Unified School District’s Board of
9 Education. She is sued in her individual capacity only.

10 20. VanCedric Williams is a member of the Oakland Unified School District’s Board of
11 Education. He is sued in his individual capacity only.

12 21. Mike Hutchinson is a member of the Oakland Unified School District’s Board of
13 Education. He is sued in his individual capacity only.

14 **FACTUAL ALLEGATIONS**

15 ***Mirella Ramirez’s Faith***

16 22. Mirella Ramirez is a devout Catholic who strives to live her faith every day and whose
17 faith governs the way she thinks about human nature, marriage, gender, sexuality, morality, politics, and
18 social issues. Her faith causes her to hold sincerely-held religious beliefs in these areas.

19 23. Ramirez draws her convictions about human nature, the purpose and meaning of life, and
20 ethical standards that govern human conduct from the Bible and the teachings of the Catholic Church.

21 24. She believes that God created human beings as either male or female, that this sex is fixed
22 in each person from the moment of conception, and that it cannot be changed, regardless of an individual’s
23 feelings or desires.

24 25. Ramirez also believes that she cannot affirm as true ideas and concepts that are not true,
25 as this would violate Biblical and religious injunctions against dishonesty and lying.

26 26. She believes that she is required to treat each person with dignity, love, and care, as each
27 is an individual created in the image of God.

28

1 27. Because of her sincerely held religious beliefs, Ramirez objects to communicating any
2 government mandated ideological messages regarding gender identity that she does not believe in, that
3 she does not wish to communicate, and that contradict, and would force her to violate, her sincerely held
4 religious beliefs.

5 ***Ramirez's Background***

6 28. Ramirez worked as a teacher from approximately 2007-2008 until her termination on
7 February 14, 2024.

8 29. From 2017 until February 14, 2024, Ramirez was employed by Oakland Unified School
9 District.

10 30. She worked as a kindergarten/first-grade teacher at Melrose Leadership Academy in
11 Oakland, California from August 2022 until she was suspended in January 2023 and then terminated on
12 February 14, 2024.

13 31. Melrose Leadership Academy is a dual-immersion school. In other words, its curriculum
14 offers instruction across traditional K-12 curriculums in both English and Spanish.

15 32. Ramirez's class used Spanish for 90% of their curriculum.

16 33. Spanish traditionally is not a gender-neutral language. Nouns, adjectives, determinants,
17 verbs, and other words differentiate between masculine and feminine versions.

18 34. As gender issues, including transgender issues, draw greater attention from governments
19 and linguistic experts, Spanish language experts remain at a loss on the appropriate way to convert Spanish
20 into a gender-neutral language.

21 ***One of Ramirez's five-year-old students identifies as transgender.***

22 35. In August 2022, Melrose Leadership Academy started its traditional kinder-camp.

23 36. The purpose of kinder-camp was to shuffle approximately 75 students between 3 different
24 teachers/classrooms so the school could assess what level of academic, social, and emotional needs they
25 had.

26 37. The purpose of this assessment was to ensure an appropriate mixture of low-need and high-
27 need students (based on their social, emotional, and academic needs) in each classroom so as to facilitate
28 the best possible instruction.

1 38. Because students are constantly being shuffled during kinder-camp, Melrose teachers
2 typically would only use gendered pronouns and language during the kinder-camp because it was difficult
3 to learn all of the students' names before their student rosters were finalized.

4 39. For four days during the two weeks of kinder-camp, Ramirez had a five-year-old student
5 who, as discussed below, later began to identify as transgender.

6 40. At no point during kinder-camp did this five-year-old student identify as transgender.

7 41. At no point during kinder-camp did Melrose Leadership Academy inform Ramirez which
8 students were identifying as transgender.

9 42. After classes had been assigned, in mid-August 2022, this student told Ramirez that she
10 was incorrectly using feminine gender references for the student.

11 43. Ramirez was surprised and confused because the student's name, as listed on the school
12 roster, was typically a feminine name, the child's outward appearance indicated that the child was a girl,
13 and the child had never objected to Ramirez's use of feminine pronouns for the child during kinder-camp.

14 44. The student indicated to Ramirez that the student was no longer a girl, but rather a boy.

15 45. The student also insisted that Ramirez give the student a pass to the boys' bathroom.

16 46. Ramirez, however, never had to physically hand any student a pass to any bathroom. In
17 her classroom, the passes were hung on the door, and all students could take whichever pass that they
18 wanted.

19 47. After the student told Ramirez that the student was a boy, Ramirez felt uncomfortable
20 discussing sexuality with the child, and she raised the child's concern with the child's mother, who
21 informed her that she wanted Ramirez to use male pronouns for her child.

22 48. Ramirez informed the child's mother that she was a Catholic and could not comply with
23 her request.

24 ***The school commands Ramirez to violate her faith.***

25 49. On September 30, 2022, Ramirez met with Defendants Contreras and Escobar and the
26 student's parents after they had made multiple complaints against Ramirez to the school.

27 50. At this meeting, the student's parents demanded that Ramirez use male gender references
28 for their child.

1 51. Ramirez indicated that she could not because she was a devout Catholic and believed that
2 calling anyone by a gender reference not consistent with their birth gender would be an act of open
3 rebellion with Catholic principles.

4 52. At that point, Defendants Contreras and Escobar informed Ramirez that California law and
5 Oakland Unified School District policy required her to use masculine gender references for the student
6 and to reaffirm the student's gender transition.

7 53. Ramirez responded that she loved the student and saw all of her students as scholars, which
8 is how she tried to refer to them.

9 54. The student's parents acknowledged that their child loved Ramirez as a teacher too, but
10 they insisted that Ramirez use masculine gender references for their child.

11 55. At that point, Defendants Contreras and Escobar gave the parents the option of having
12 their child moved to a different classroom.

13 56. The parents agreed to have their child moved to a different classroom.

14 ***The child is moved to a different classroom.***

15 57. On September 31, 2022, upon information and belief, Defendants Contreras and Escobar
16 and two other school personnel physically appeared in front of Ramirez's classroom to effectuate the
17 move of the child to a different classroom.

18 58. Upon information and belief, no one informed the child that the child was to be moved to
19 a different classroom.

20 59. Defendants Contreras and Escobar and their two assistants intercepted the child before the
21 child could enter Ramirez's classroom and instructed the child to go to a different classroom.

22 60. It took Defendants Contreras, Escobar, and their two assistants approximately 30 minutes
23 to persuade the child to go to a different classroom. They only succeeded when Ramirez dispatched her
24 assistant to go outside and assist them in convincing the child to listen to them.

25 61. During these 30 minutes, the child periodically cried and tried to look at Ramirez for
26 comfort and reassurance.

27 62. Despite wanting to comfort the child, Ramirez could not stop teaching her class and feared
28 exacerbating the situation by intervening.

1 63. At multiple times during these 30 minutes, Defendants Contreras, Escobar, and their two
2 assistants tried to take the child’s hand and pull the child away from the door of Ramirez’s classroom.

3 64. For approximately a week, this scene repeated itself on a daily basis. Defendants
4 Contreras, Escobar, other school personnel, and Ramirez’s assistance would be required to lead the child
5 away from Ramirez’s classroom and to direct the child to go into a different classroom.

6 65. At no point were the students’ parents present to ease the transition for the child.

7 ***A petition demands Ramirez’s discipline, and the schools acts.***

8 66. On October 4, 2022, parents, teachers, and members of the public delivered a demand
9 petition to Defendants Contreras and the Oakland Unified District School Board demanding that they take
10 action against Ramirez without identifying her name even though the child had already been placed in
11 another classroom.

12 67. On October 7, 2022, Defendant Angela Badami-Knight presented Ramirez with directives
13 to use masculine pronouns despite being aware of Ramirez’s religious beliefs that prevented her from
14 doing so and her request for a religious accommodation on September 28, 2022.

15 68. After receiving this petition, Defendant Contreras issued Ramirez a formal written
16 reprimand on October 20, 2022. The individuals copied on that email included Defendants Badami-Knight
17 and Tara Gard, who both approved of the content of the reprimand and its issuance to Ramirez.

18 69. The letter of reprimand accused Ramirez of misconduct, including, but not limited to the
19 following:

- 20 a. Misgendering the student;
- 21 b. Refusing to make herself available to meet with them;
- 22 c. Sending emails to the principal and other senior school officials that allegedly
23 misgendered the student further, despite neither the student nor the student’s parents
24 being copied on the emails;
- 25 d. Insubordination for declining to follow the directives presented by Defendant Badami-
26 Knight.

27 70. The letter of reprimand also specifically cited the petition against Ramirez as a
28 consequence of Ramirez’s actions and a basis for her reprimand.

1 71. The letter instructed Ramirez to confirm in writing within two business days that she would
2 use male pronouns to refer to the student and would promise to refer to all students by their preferred
3 pronouns.

4 72. It also instructed Ramirez to refer to all students by their correct pronouns with a special
5 focus on the correct pronouns of transgender or gender non-conforming students.

6 73. The letter threatened Ramirez that, if she did not comply, “discipline will continue to
7 escalate.”

8 74. This letter went into Ramirez’s employment file permanently.

9 75. At no point did this letter or any of the Defendants acknowledge Ramirez’s religious
10 beliefs or discuss a religious accommodation with her.

11 ***The Defendants initiate disciplinary proceedings against Ramirez.***

12 76. On November 28, 2023, Defendant Dillon provided Ramirez with a letter announcing that
13 the investigation into the complaints filed against Ramirez had resulted in him recommending that she be
14 dismissed from her employment with the Oakland Unified School District and be placed on immediate
15 unpaid suspension pending the outcome of the disciplinary process.

16 77. Upon information and belief, both Defendants Dillon and Badami-Knight conducted this
17 investigation and reached this recommendation with no regard to Ramirez’s religious beliefs.

18 78. Defendant Dillon’s letter summoned Ramirez to a pre-disciplinary meeting with
19 Defendant Gard on December 15, 2023.

20 79. Ramirez met with Defendant Gard on December 15, 2023 by video conference.

21 80. Gard immediately began a hostile interrogation of Ramirez, demanding to know what she
22 believed in.

23 81. Ramirez explained that she believed in the Catholic Apostles’ Creed, which she began to
24 recite. Gard tried to interrupt this explanation twice to cut it short.

25 82. Gard then demanded to know how Ramirez practiced her faith.

26 83. Ramirez explained how often she went to mass, how often she prayed daily, how she takes
27 part in Catholic sacraments, and how she lives.

28

1 84. After Ramirez explained how she lives, Defendant Gard asked her: “What in your faith
2 prohibits you from teaching transgender students?”

3 85. Ramirez responded that nothing in her faith prevented her from teaching transgender
4 students, and, to the contrary, her faith required her to teach all students well – whether they were
5 transgender or not.

6 86. At this point, Defendant Gard demanded that Ramirez select one of four accommodations
7 offered to her during the middle of her parent-teacher conference week that she had not had time to review.

8 87. Only after Ramirez insisted that she needed more time to review them did Defendant Gard
9 give her two weeks to review them over the Christmas holidays.

10 88. The accommodations offered to Ramirez were essentially as follows:

- 11 a. Call transgender students by their first name,
- 12 b. Call students by their last name,
- 13 c. Teach another grade level,
- 14 d. Teach at a different school.

15 89. The first and second accommodations were completely unfeasible, given the gendered
16 nature of the Spanish language.

17 90. Despite the unfeasibility of these offered accommodations, Ramirez asked the Defendants
18 for resources and training on how she could operate within these accommodations by using gender-neutral
19 language.

20 91. The Defendants ignored this request from Ramirez.

21 92. The third and fourth accommodations would have required Ramirez to move to a different
22 school, which would have been financially unfeasible for her in terms of childcare as her son attended
23 Melrose Leadership Academy.

24 93. The Defendants completely ignored Ramirez’s requested accommodations for training on
25 how to use gender-neutral Spanish or, as a last resort, to be assigned to a classroom at Melrose Leadership
26 Academy that did not have students who identified as transgender.

27 94. On January 21, 2023, the Defendants suspended Ramirez with pay.
28

1 95. On February 16, 2023, Defendant Gard issued Ramirez a notice of unprofessional conduct
2 reiterating almost word for word the allegations contained in the letter of reprimand previously issued by
3 Defendant Contreras.

4 96. Gard’s notice informed Ramirez that, if she did not demonstrate “significant improvement
5 in [her] conduct within forty-five (45) days of receipt of this letter,” the Oakland Unified School District
6 would seek to terminate her employment.

7 97. Gard’s notice also directed Ramirez to immediately agree to refer to the child identifying
8 as a transgender boy by male pronouns and to all student by preferred pronouns with a special emphasis
9 on preferred pronouns for transgender or gender non-conforming students.

10 98. This notice also went in Ramirez’s personnel file.

11 ***The Defendants terminate Ramirez.***

12 99. At some point in 2023, Defendant Dillon filed administrative charges of misconduct
13 against Ramirez with the Oakland Unified School District’s Board.

14 100. The factual allegations accused Ramirez of inflicting psychological and emotional harm
15 on her student by repeatedly misgendering the student, intentionally discriminating against the child,
16 creating a hostile learning environment, breaching her professional code of ethics, and violating District
17 policies without reasonable cause.

18 101. Upon information and belief, at no point did the charges against Ramirez mention the
19 accommodations that she requested.

20 102. Upon information and belief, Defendant Dillon’s accusations against Ramirez relied on
21 the same charge of immoral conduct used against teachers who, for instance, sexually prey on their
22 students.

23 103. Defendant Dillon’s accusations also accused Ramirez of unprofessional conduct, evident
24 unfitness for service as a teacher in the former of a fixed character trait, and persistent violations of board
25 rules and regulations.

26 104. The charge based its allegation of persistent violations of board rules and regulations on
27 two sources of law.
28

1 105. First, it relied on Cal. Ed. Code, § 220, which states in relevant part that “[n]o person shall
2 be subjected to discrimination on the basis of... gender, gender identity, gender expression... in any
3 program or activity conducted by an educational institution that receives, or benefits from, state financial
4 assistance, or enrolls pupils who receive state financial aid.”

5 106. Second, it relied on Oakland Unified School District Board Policy 5145.3 which states:

6 A student has the right to be addressed by a name and pronoun
7 corresponding to their gender identity that is exclusively and consistently
8 asserted at school. Upon request, a school shall recognize a student’s
9 gender identity that is exclusively and consistently asserted at school. The
10 intentional or persistent refusal to respect a student’s gender identity, as
11 opposed to an inadvertent slip or honest mistake, is a violation of this
12 regulation. For example, intentionally referring to the student by a name or
13 pronoun that does not correspond to the student’s gender identity would
14 violate this regulation.

15 107. On February 14, 2024, with full knowledge of Ramirez’s religious beliefs and requests for
16 accommodations, the Oakland Unified School District Board voted 4-1 to terminate her employment with
17 the district.

18 108. Defendants Benjamin Davis, Jennifer Brouhard, VanCedric Williams, and Mike
19 Hutchinson voted to terminate her in a closed session of the Oakland Unified School District Board.

20 109. The Defendants’ actions against Ramirez have effectively tarnished her reputation and
21 record as a teacher forever and render it impossible for her to ever teach again.

22 ***The Defendants could have easily accommodated Ramirez.***

23 110. The Defendants had at least two options to accommodate Ramirez.

24 111. First, Melrose Leadership Academy did not have so many students that identified as
25 transgender that the Defendants could not have placed Ramirez in a classroom where no transgender
26 children were assigned to her.

27 112. In fact, Melrose Leadership Academy had two other kindergarten teachers whose beliefs,
28 upon information and belief, did not conflict with the parents’ request.

1 113. Second, the Defendants could have provided Ramirez with training on how to use proper
2 gender-neutral Spanish.

3 114. The Defendants refused to provide Ramirez with any of these accommodations.

4 115. Instead, even with the accommodations that they offered Ramirez, they still would have
5 required Ramirez to agree, in writing, that she would use “correct” gendered language for all transgender
6 children in the future.

7 **COUNT ONE – 42 U.S.C. § 1983 CLAIM FOR VIOLATION OF FIRST AMENDMENT**

8 **RIGHT TO FREEDOM OF SPEECH – COMPELLED SPEECH**

9 116. Paragraphs 1 through 115 are hereby incorporated herein.

10 117. The First Amendment prohibits government entities and officials from attempting to
11 compel speech.

12 118. The Defendants, individually and collectively, sought to compel Mirella Ramirez to
13 communicate a government-mandated ideological message affirming transgender gender identity despite
14 being aware that such speech violates her deepest religious beliefs and that she firmly, yet respectfully,
15 disagrees with the Defendants’ policy views.

16 119. The Defendants repeatedly threatened Ramirez with disciplinary action, including, but not
17 limited to suspension without pay and termination, if she did not utter the speech that they sought.

18 120. Ramirez did not wish to communicate the Defendants’ messages about gender identity that
19 violate her religious beliefs.

20 121. Instead of working with Ramirez to accommodate her beliefs and her speech, the
21 Defendants conditioned any accommodations that they offered her on her written agreement to utter
22 speech that violated her deeply and sincerely held religious beliefs.

23 122. The Defendants’ enforcement of what they believed to be Cal. Ed. Code, § 220’s mandate
24 and Oakland Unified School District Board Policy 5145.3 leave teachers like Ramirez with no choice but
25 to conform to the Defendants’ policies to avoid termination and permanent smearing of their reputations
26 as teachers.

27

28

1 123. The Defendants’ policies as-applied to Ramirez, their enforcement of those policies as-
2 applied to Ramirez, and their treatment of Ramirez violated her First Amendment right to be protected
3 against compelled speech.

4 **COUNT TWO – 42 U.S.C. § 1983 CLAIM FOR VIOLATION OF FIRST AMENDMENT**

5 **RIGHT TO FREEDOM OF SPEECH – RETALIATION**

6 124. Paragraphs 1 through 123 are hereby incorporated herein.

7 125. The First Amendment protects Ramirez from being retaliated against for her protected
8 speech.

9 126. The Defendants, individually and collectively, violated Ramirez’s First Amendment to be
10 protected against retaliation by:

- 11 a. Threatening to suspend Ramirez without pay,
- 12 b. Issuing her multiple reprimands and notices of misconduct that became a permanent
13 part of her employment file,
- 14 c. Suspending Ramirez for more than a year,
- 15 d. Bringing charges against her that equated her protected conduct and speech with the
16 misconduct of a child sexual predator,
- 17 e. Terminating her employment because of her protected speech.

18 127. When Ramirez communicated her religious views regarding transgenderism through her
19 choice of Spanish words in her interactions with students in her classroom, she was speaking on a matter
20 of public concern and engaged in expression that the First Amendment protects.

21 128. Instead of accommodating Ramirez’s religious views, the Defendants made any
22 accommodation that they offered to Ramirez’s contingent on Ramirez’s written agreement to use “correct”
23 gendered language for all transgender children in the future.

24 129. When Ramirez declined to agree or yield to the Defendants’ demands, the Defendants
25 were not content with merely terminating her employment because they could not accommodate her.

26 130. Instead, the Defendants intentionally smeared Ramirez by bringing charges that accused
27 her of inflicting psychological and emotional harm on her student and equating her conduct to that of a
28 child sexual predator.

1 131. The Defendants intentionally crafted these allegations to make sure that Ramirez could
2 never teach anywhere in the United States again because of her disagreement with their ideological
3 message on transgenderism.

4 132. The Defendants’ policies as-applied to Ramirez, their enforcement of those policies as-
5 applied to Ramirez, and their treatment of Ramirez violated her First Amendment right to be protected
6 against retaliation.

7 **COUNT THREE – 42 U.S.C. § 1983 CLAIM FOR VIOLATION OF FIRST AMENDMENT**

8 **RIGHT TO FREEDOM OF SPEECH – CONTENT AND VIEWPOINT DISCRIMINATION**

9 133. Paragraphs 1 through 132 are hereby incorporated herein.

10 134. The First Amendment protects Ramirez’s right to utter speech consistent with her religious
11 beliefs on matters of public importance.

12 135. The Defendants, individually and collectively, violated Ramirez’s First Amendment to
13 utter speech consistent with her religious beliefs on matters of public importance by:

- 14 a. Threatening to suspend Ramirez without pay,
- 15 b. Issuing her multiple reprimands and notices of misconduct that became a permanent
16 part of her employment file,
- 17 c. Suspending Ramirez for more than a year,
- 18 d. Bringing charges against her that equated her protected conduct and speech with the
19 misconduct of a child sexual predator,
- 20 e. Terminating her employment because of her protected speech.

21 136. When Ramirez communicated her religious views regarding transgenderism through her
22 choice of Spanish words in her interactions with students in her classroom, she was speaking on a matter
23 of public concern and engaged in expression that the First Amendment protects.

24 137. Instead of accommodating Ramirez’s religious views, the Defendants discriminated
25 against Ramirez’s speech on the basis of its content and viewpoint by making any accommodation that
26 they offered to Ramirez contingent on Ramirez’s written agreement to use “correct” gendered language
27 for all transgender children in the future.

28

1 138. When Ramirez declined to agree or yield to the Defendants' demands, the Defendants
2 were not content with merely terminating her employment because they could not accommodate her.

3 139. Instead, the Defendants intentionally smeared Ramirez by bringing charges that accused
4 her of inflicting psychological and emotional harm on her student and equating her conduct to that of a
5 child sexual predator.

6 140. The Defendants intentionally crafted these allegations to make sure that Ramirez could
7 never teach anywhere in the United States again because of the content of her speech and her viewpoint.

8 141. The Defendants' policies as-applied to Ramirez, their enforcement of those policies as-
9 applied to Ramirez, and their treatment of Ramirez violated her First Amendment right to be protected
10 against content and viewpoint discrimination.

11 **COUNT FOUR – 42 U.S.C. § 1983 CLAIM FOR VIOLATION OF FIRST AMENDMENT**
12 **RIGHT TO FREE EXERCISE OF RELIGION**

13 142. Paragraphs 1 through 141 are hereby incorporated herein.

14 143. The First Amendment protects Ramirez's right to freely exercise her religion.

15 144. Expressing the Defendants' mandated message regarding gender identity would have
16 required Ramirez to violate her sincerely held religious beliefs.

17 145. Cal. Ed. Code, § 220 and Oakland Unified School District Board Policy 5145.3 are neither
18 neutral nor generally applicable because they allow the Defendants to target religious expression and
19 activities specifically and to express hostility to such expression.

20 146. Cal. Ed. Code, § 220 and Oakland Unified School District Board Policy 5145.3 are neither
21 neutral nor generally applicable because they allow the Defendants to engage in individualized
22 assessments.

23 147. The Defendants, individually and collectively, displayed extreme hostility toward
24 Ramirez's religious beliefs in violation of the First Amendment by:

- 25 a. Threatening to suspend Ramirez without pay,
26 b. Issuing her multiple reprimands and notices of misconduct that became a permanent
27 part of her employment file,
28

- c. Refusing to accommodate her in any fashion unless she agreed, in writing, to violate her religious beliefs,
- d. Suspending Ramirez for more than a year,
- e. Bringing charges against her that equated her protected conduct and speech with the misconduct of a child sexual predator,
- f. Terminating her employment because of her protected speech.

148. The Defendants' conduct violated Ramirez's First Amendment right to freely exercise her religion.

COUNT FIVE – 42 U.S.C. § 1983 CLAIM FOR VIOLATION OF THE RIGHT TO BE FREE FROM UNCONSTITUTIONAL CONDITIONS

149. Paragraphs 1 through 148 are hereby incorporated herein.

150. By conditioning Ramirez's continued employment by the Oakland Unified School District on her willingness to surrender her First Amendment rights to free speech and free exercise of her religion, the Defendants imposed an unconstitutional condition on Ramirez in violation of her First Amendment rights.

151. By conditioning any accommodation for Ramirez's religious beliefs on her willingness to surrender her First Amendment rights to free speech and free exercise of her religion, the Defendants imposed an unconstitutional condition on Ramirez in violation of her First Amendment rights.

152. The Defendants' enforcement of Cal. Ed. Code, § 220 and Oakland Unified School District Board Policy 5145.3 against Ramirez imposed an unconstitutional condition upon her rights to free speech and free exercise of religion and her receipt of government benefits (e.g., avoiding disciplinary actions up to and including termination and remaining an employee at a public school).

153. The Defendants' actions violate Ramirez's right to be free from unconstitutional conditions.

[continued on following page.]

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Mirella Ramirez prays for relief as follows:

- A. A declaratory judgment that the Defendants violated Ramirez’s right to free speech;
- B. A declaratory judgment that the Defendants violated Ramirez right to freely exercise her religion;
- C. A declaratory judgment that the Defendants violated Ramirez’s right to be free from unconstitutional conditions;
- D. A permanent injunction ordering the Defendants to remove any record of discipline pertaining to the matters alleged in this complaint from Ramirez’s personnel file;
- E. A permanent injunction requiring the Defendants to provide a copy of the declaratory judgments in this case to any educational licensing authority that they submitted disciplinary records to regarding Ramirez;
- F. Back pay;
- G. Front pay;
- H. Compensatory damages;
- I. Punitive damages;
- J. Attorneys’ fees;
- K. Costs; and
- L. Any other equitable relief that the Court finds just and proper according to law.

Dated: December 19, 2024

Respectfully submitted,

DHILLON LAW GROUP INC.

By: /s/ Jesse D. Franklin-Murdock
Jesse D. Franklin-Murdock
jfranklin-murdock@dhillonlaw.com
DHILLON LAW GROUP INC.
177 Post Street, Suite 700
San Francisco, California 94108
Tel: (415) 433-1700
Fax: (415) 520-6593

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Ronald D. Coleman*
rcoleman@dhillonlaw.com
DHILLON LAW GROUP INC.
50 Park Place, Suite 1105
Newark, NJ 07102
Tel: (973) 298-1723

Cameron L. Atkinson*
catkinson@atkinsonlawfirm.com
ATKINSON LAW, LLC
122 Litchfield Rd., Ste. 2
P.O. Box 340
Harwinton, CT 06791
Tel: (203) 677-0782

Attorneys for Plaintiff Mirella Ramirez

**pro hac vice forthcoming*

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and Local Rule 3-6, Plaintiff Mirella Ramirez, hereby demands a trial by jury on all issues raised by the Complaint.

Dated: December 19, 2024

Respectfully submitted,

DHILLON LAW GROUP INC.

By: /s/ Jesse D. Franklin-Murdock

Jesse D. Franklin-Murdock

jfranklin-murdock@dhillonlaw.com

DHILLON LAW GROUP INC.

177 Post Street, Suite 700

San Francisco, California 94108

Tel: (415) 433-1700

Fax: (415) 520-6593

Ronald D. Coleman*

rcoleman@dhillonlaw.com

DHILLON LAW GROUP INC.

50 Park Place, Suite 1105

Newark, NJ 07102

Tel: (973) 298-1723

Cameron L. Atkinson*

catkinson@atkinsonlawfirm.com

ATKINSON LAW, LLC

122 Litchfield Rd., Ste. 2

P.O. Box 340

Harwinton, CT 06791

Tel: (203) 677-0782

Attorneys for Plaintiff Mirella Ramirez

**pro hac vice forthcoming*

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