



Justin H. Sanders (SBN 211488)  
jsanders@sandersroberts.com  
Sabrina C. Narain (SBN 299471)  
snarain@sandersroberts.com  
Shawn P. Thomas (SBN 302593)  
stthomas@sandersroberts.com  
Matthew D. Barzman (SBN 309063)  
mbarzman@sandersroberts.com  
**SANDERS ROBERTS LLP**  
1055 West 7th Street, Suite 3200  
Los Angeles, CA 90017  
Telephone: (213) 426-5000  
Facsimile: (213) 234-4581

Attorneys for Respondents  
**GEORGE GASCON; LOS ANGELES  
COUNTY DISTRICT ATTORNEY; LOS  
ANGELES COUNTY DISTRICT AND  
COUNTY OF LOS ANGELES**

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

ASSOCIATION OF DEPUTY DISTRICT  
ATTORNEYS FOR LOS ANGELES  
COUNTY (ADDA),

Petitioner,

v.

GEORGE GASCON, LOS ANGELES  
COUNTY DISTRICT ATTORNEY; LOS  
ANGELES COUNTY DISTRICT  
ATTORNEY'S OFFICE; COUNTY OF LOS  
ANGELES, DOES 1 through 50, inclusive,

Respondents.

**CASE NO. 21STCP03412**

**DECLARATION OF JUSTIN H. SANDERS  
IN SUPPORT OF RESPONDENTS'  
OPPOSITION TO PETITIONER'S  
MOTION FOR PRELIMINARY  
INJUNCTION**

Judge: Hon. Mitchell L. Beckloff  
Dept.: 86

Date: November 10, 2021

Time: 9:30 a.m.

Location: Dept. 86

Complaint Filed: October 12, 2021  
Trial Date: TBD



**DECLARATION OF JUSTIN H. SANDERS**

1. I am an attorney, duly licensed to practice before all courts of the State of California. My office represents Respondents George Gascón, Los Angeles County District Attorney's Office, and the County of Los Angeles in the above-entitled action. I have personal knowledge of the facts set forth herein. If called to testify on these matters I could and would do so.

2. On March 12, 2021, two Deputy District Attorneys, Eric Siddall ("Mr. Siddall") and Maria Ghobadi ("Ms. Ghobadi") submitted requests for hearings before the County of Los Angeles Civil Service Commission ("CSC"). Both Mr. Siddall and Ms. Ghobadi attempted to assert their claims on behalf of "themselves and others." A true and correct copy of the CSC appeal filed on behalf of Mr. Siddall by Ms. Elizabeth Gibbons, Petitioner's counsel, is attached hereto as **Exhibit 1**. (This document appeared as Exhibit 11 to the Gibbons Declaration in support of Petitioner's Petition for Writ of Mandate).

3. A true and correct copy of the CSC appeal filed on behalf of Ms. Ghobadi by Ms. Elizabeth Gibbons, Petitioner's counsel, is attached hereto as **Exhibit 2**. (This document appeared as Exhibit 12 to the Gibbons Declaration in support of Petitioner's Petition for Writ of Mandate).

4. Mr. Siddall's CSC appeal claims that he was not promoted to the position of DDA IV from DDA III in violation of the Civil Service Rules Rule 25, and is based on the transfer of Ms. Tiffany Blacknell ("Mr. Blacknell") and Ms. Shelan Joseph ("Ms. Joseph") to DDA Grade IV positions. See **Exhibit 1** hereto.

5. Ms. Ghobadi's CSC appeal claims that she was not promoted to the position of DDA III from DDA II in violation of the Civil Service Rules Rule 25, and is based on the transfer of Ms. Blair to a DDA Grade III position. See **Exhibit 2** hereto.

6. On July 21, 2021, the CSC denied Mr. Siddall's request to consolidate his appeal with other appeals, and granted his request for a hearing to be held at a later date. I personally downloaded the meeting minutes from the CSC's website, located at [https://lacounty.gov/compub/?department=compub&lang=&querytext=\\*&searchTerm=1&deptType=com&agency=Civil+Service&Agendas=1&Reports=1&Minutes=1&SupDocs=1&fromDate=1](https://lacounty.gov/compub/?department=compub&lang=&querytext=*&searchTerm=1&deptType=com&agency=Civil+Service&Agendas=1&Reports=1&Minutes=1&SupDocs=1&fromDate=1)



1 [0%2F28%2F2020&toDate=10%2F28%2F2021&rowsPerPage=10#1](#) reflecting the above, at  
2 approximately 10:30am on October 28, 2021. A true and correct copy of the CSC meeting minutes  
3 from July 21, 2021 reflecting the denial of Mr. Siddal's consolidation request and the approval of a  
4 hearing is attached hereto as **Exhibit 3**. (See item number 2 at page 2 of Exhibit 3). It is  
5 Respondent's understanding that the CSC has not yet scheduled the hearing on Mr. Siddall's appeal  
6 and has not yet assigned a hearing officer.

7 7. Ms. Ghobadi's petition for a hearing on her appeal (a procedural hearing on whether  
8 Ms. Ghobadi had standing to have a hearing) was set for hearing on August 18, 2021, but was  
9 continued to October 27, 2021. I personally downloaded the meeting minutes from the CSC's  
10 website, located at  
11 [https://lacounty.gov/compub/?department=compub&lang=&querytext=\\*&searchTerm=1&deptTy](https://lacounty.gov/compub/?department=compub&lang=&querytext=*&searchTerm=1&deptType=com&agency=Civil+Service&Agendas=1&Reports=1&Minutes=1&SupDocs=1&fromDate=10%2F28%2F2020&toDate=10%2F28%2F2021&rowsPerPage=10#1)  
12 [pe=com&agency=Civil+Service&Agendas=1&Reports=1&Minutes=1&SupDocs=1&fromDate=1](https://lacounty.gov/compub/?department=compub&lang=&querytext=*&searchTerm=1&deptType=com&agency=Civil+Service&Agendas=1&Reports=1&Minutes=1&SupDocs=1&fromDate=10%2F28%2F2020&toDate=10%2F28%2F2021&rowsPerPage=10#1)  
13 [0%2F28%2F2020&toDate=10%2F28%2F2021&rowsPerPage=10#1](#) reflecting the above, at  
14 approximately 10:30am on October 28, 2021. A true and correct copy of the CSC meeting minutes  
15 from August 18, 2021, reflecting the continuance of the procedural hearing of Ms. Ghobadi's CSC  
16 appeal is attached hereto as **Exhibit 4**. (See item number 6 at page 3 of Exhibit 4).

17 8. County counsel was present at the October 27, 2021 continued procedural hearing  
18 on examining whether to set a hearing on Ms. Ghobadi's substantive appeal, and I am informed and  
19 believe that Ms. Ghobadi's procedural hearing was continued for 60 days to allow the CSC's legal  
20 advisor to study the issues related to lateral transfers. Given that the last posted set of CSC meeting  
21 minutes was from October 13, 2021, I believe that the CSC's website has not yet been updated to  
22 reflect the outcome of the October 27, 2021 hearing.

23 9. On October 12, 2021, Petitioner filed a Petition for Writ of Mandate and *ex parte*  
24 application for temporary restraining order seeking an injunction that would bar Mr. Gascón, the  
25 District Attorney's Office, and the County of Los Angeles from hiring, transferring, or appointing  
26 any former Deputy Public Defender from holding a position as a DDA II, II, IV, or V, and preventing  
27 the hiring of so-called "unqualified" candidates. See Petitioner's Writ Petition, docket item number  
28 one.

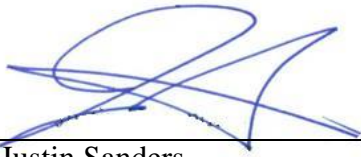


1           10.     On October 15, 2021, the Hon. Mary H. Strobel of the Superior Court for the County  
2 of Los Angeles denied Petitioner's *ex parte* application for a temporary restraining order, and the  
3 court set a hearing on a noticed motion for preliminary injunction, which is now before the court. A  
4 true and correct copy of the Hon. Judge Strobel's October 15, 2021 minute order is attached hereto  
5 as **Exhibit 5**.

6           11.     Respondent is informed and believes that the 10 pending CSC appeals described in  
7 Petitioner's Writ Petition have not yet been heard on the merits.

8  
9           I declare under the penalty of perjury under the laws of the State of California that the  
10 foregoing is true and correct.

11  
12           Executed this 29th day of October 2021, in Los Angeles, California.

13  
14             
15           Justin Sanders  
16           Declarant

# EXHIBIT 1



**THE GIBBONS FIRM, PC**  
Attorneys at Law

**RECEIVED**

*By SVardanyan at 4:33 pm, Mar 12, 2021*

March 12, 2021

Civil Service Commission Services  
Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 522  
Los Angeles, CA 90012

Re: Deputy District Attorney III Eric Siddall; Request for Hearing  
Failure to Promote in Violation of Rules 6, 7, 10, 11, 15, and 25

Dear Sirs:

Petitioner Deputy District Attorney III ("DDA III") Eric Siddall, on behalf of himself and other similarly situated Grade III DDAs, hereby appeals, and requests a hearing in which to contest the failure of District Attorney George Gascon to promote him to a Grade IV position by instead promoting Tiffany Blacknell and Shelan Joseph to Grade IV positions in violation of Civil Service Rules 6, 7, 10, 11, 15, and 25. Petitioner submits the following facts in support of his request for a hearing.

**Request For Consolidation Pursuant To Procedural Rule 5.07**

There are presently 288 DDA IIIs in the District Attorney's Office who are eligible to be promoted, and in their careers will seek to be promoted to the classification and grade of DDA IV. Each of these 288 DDA IIIs are similarly situated to Petitioner Eric Siddall in that they presently have or in the future will seek promotion to DDA IV.

Petitioner requests that in lieu of the filing of 288 appeals on behalf of each adversely affected DDA III within the District Attorney's Office, all 288 appeals be consolidated for consideration and hearing based on this petition by DDA III Siddall for the convenience and consideration of resources of the Commission and its staff. Each of the 288 DDA IIIs to be consolidated with this appeal are, except for differences in time in grade and specific work assignments, identically situated and harmed by the conduct complained of herein.

Procedural Rule 5.07 provides:

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***"5.07. Consolidated Appeals***

*"The Commission may consolidate the appeals of two or more persons at the request of the parties or upon its own motion. The consolidation of appeals shall be contingent upon a showing that the appeals in question present common questions of fact and law, and that separate hearings upon such appeals would result in an unnecessary multiplicity of hearings.*

*"Nothing herein shall be deemed to amend the provisions of the rules concerning the burden of proof or the granting of a hearing upon submission of written materials as provided in the Civil Service Rules of the County.*

*"Any petitioner whose matter would otherwise be included in a consolidated appeal hearing shall have the right to appear before the Commission and request that the matter be heard separately. Such request must be made within ten (10) business days of the Commission's granting of the hearing.*

*"The Executive Director shall appoint a Hearing Officer to hear consolidated appeals. The Executive Director may appoint a Special Master to hear consolidated appeals in discretionary cases related to examination appeals."*

The appeals which are herein requested to be consolidated present the identical issues of the violation of the Civil Service rules by District Attorney Gascon in his action of promoting Deputy Public Defender IVs Tiffany Blacknell and Shelan Joseph as a Deputy District Attorney IV, rather than one of the 288 qualified and eligible DDA IIIs who appeal herein, in violation of Civil Service Rules 6, 7, 10, 11, 15, and 25. The failure to consolidate will necessitate the Commission's consideration of 288 separate appeal requests and 288 separate hearings. This is exactly the type of case which is contemplated for consolidation by Procedural Rule 5.07 and Petitioner respectfully requests that all 288 appeals be so consolidated.

**The Existing Eligible List**

On or about May 13, 2020, the District Attorney's Office ("DAO") certified a list of eligible candidates for promotion to the position of Deputy District Attorney Grade IV. This eligible list was prepared in compliance with Civil Service Rule 10 following the administration of a competitive examination in compliance with Rule 7. The list was announced as remaining in effect for one year, pursuant to Rule 10.06 (***"Duration of eligible lists. Except when otherwise ordered, an eligible list shall be in effect for one year from date of promulgation, unless sooner terminated pursuant to Rule 10.05, but the director of personnel may order that the period of***



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*eligibility be for a shorter time or, in his discretion, may extend the period of eligibility, or may restore any eligible list which has expired or been terminated.”)*

Petitioner has requested from the County information concerning the number of persons on the promotional list, when certified and published in May, 2020, but that information has not yet been provided. Petitioner's score on the examination placed Petitioner in Band 1. At no time between May, 2020 and the present day was Petitioner notified that the May, 2020 eligible list had been terminated, as required by Rule 10.05 (***Termination of eligible lists. An eligible list may be terminated by the director of personnel after notice to those on the list when, in the director's opinion, cause exists.***”).

To date, no DDA III has been promoted off this viable eligible list. Candidates on the list were advised by the DA's Office in or around May, 2020 that all promotions in the Department were frozen and that no promotions would be made. As such, all candidates on the list remain immediately eligible for promotion to DDA IV on this viable eligible list.

#### **The Hiring of Tiffany Blacknell and Shelan Joseph**

On unknown dates in or about March, 2021<sup>1</sup>, Tiffany Blacknell and Shelan Joseph began working as Deputy District Attorney IVs. Prior to that date, Tiffany Blacknell and Shelan Joseph had been employed as Los Angeles County Deputy Public Defender IVs. Tiffany Blacknell and Shelan Joseph did not take and pass a competitive examination for the position of Deputy District Attorney IV prior to their appointments to that position, as is required by Civil Service Rules 7.04 (*“Except as provided in Rule 8, all examinations shall be competitive.”*); 7.06 (*“It is county policy that vacancies will generally be filled from within.”*); 11.01 (*“In filling vacancies from an eligible list, the appointing authority shall make appointment from eligible lists certified by the director of personnel.”*), and the County Charter (*“The purpose of this article is to establish a Civil Service System for the classified service which shall provide County government with a productive, efficient, stable, and representative work force by: (1) Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills relevant to the work to be performed. (2) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected. (3) Assuring fair treatment of applicants and employees in all aspects of personnel administration without discrimination based on political affiliation, race, color, national origin, sex, religious creed or handicap and with proper regard for their privacy and constitutional rights as citizens. (4) Assuring that employees are*

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<sup>1</sup> Although it has been the policy of the District Attorney's Office to internally announce the hiring, promotion, and re-assignment of Deputy District Attorneys, no announcement of the date or fact of hire of Tiffany Blacknell or Shelan Joseph has been issued by the DAO.



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*protected against coercion for political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.”)*

Likewise, at the time of their assignments as DDA IVs, Tiffiny Blacknell and Shelan Joseph were not qualified for examination for the position of Deputy District Attorney IV, as defined by Rules 6.01 and 6.02:

**“6.01 Qualifications for examinations.** *In order to qualify for examination, a candidate must:*

- “A.** *Meet all general requirements pertaining to filing applications for positions in the classified service as prescribed in these Rules;*
- “B.** *Meet such additional requirements as are specified for the particular examination, including, but not limited to education, experience, license, age, residence, sex, physical condition, or the passing of appropriate qualifying tests;*
- “C.** *File an application in accordance with established procedures.*

**“6.02 Qualifications for promotional examination.**

- “A.** *In addition to meeting the requirements of Rule 6.01, an applicant for an interdepartmental promotional examination must be a permanent county employee, and for a departmental promotional examination must in addition have status in the department specified. The director of personnel may also allow the following to compete in promotional examinations whenever such action is deemed necessary in order to meet the needs of county service:*
- “1.** *Probationary employees may be allowed to compete in promotional examinations, provided that they are not appointed until they have completed their probationary periods.*
- “2.** *Recurrent or temporary employees who have completed at least 120 working days of satisfactory service as recurrent or temporary employees may be allowed to compete in promotional examinations for permanent appointments to the class in which they have status or any lower-level class. Additionally, recurrent employees meeting the above conditions may compete in promotional examinations for higher-level recurrent positions.*

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- "3. *Enrollees in training programs approved by the director of personnel may be allowed to compete in promotional examinations for permanent appointment to the classes for which they have been prepared.*"

Petitioner has not been able to obtain the examination bulletin for the DDA Grade IV exam given in 2020, but is aware, from taking that examination, that the specific requirements to be qualified to take the examination and be eligible for promotion to Grade IV included experience as a Los Angeles County Deputy District Attorney I, II, and III, at a minimum. The examination bulletin specifically stated that **no Out-of-Class experience would be accepted.**

#### **The Appointments of Tiffiny Blacknell and Shelan Joseph Violate Rule 15**

The County has attempted to justify the selection of Tiffiny Blacknell and Shelan Joseph for the Grade IV positions which they apparently hold, rather than a qualified candidate on the eligible list such as Petitioner herein, as an Interdepartmental Transfer without an examination authorized by Rule 15.02, or a change of classification authorized by Rule 15.03. These rules do not, however, authorize the appointment of Tiffiny Blacknell and Shelan Joseph in the place of qualified candidates on the existing, viable eligible list.

Rule 15.02 provides, in relevant part:

**"15.02           Interdepartmental transfers.**

**"A.1.           In the case of employees in nonsupervisory classes, supervisory classes in bargaining units as certified by ERCOM and managerial classes in the Sheriff, on the request of the appointing powers, the director of personnel may authorize the interdepartmental transfer of an employee *from one position to another similar position of the same class, or to any other position to which his/her appointment, transfer or change of classification would be authorized by these Rules, in another department.***

**2.           In the case of employees in all other supervisory and all other managerial classes, at the request of the appointing power of the receiving department, an interdepartmental transfer shall be authorized. This includes transfer as the result of promotion."**  
[Emphasis added.]

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Rule 15.03 provides, in relevant part:

**"15.03           Change of classification.**

- A.           *Whenever it is found necessary to change the classification of an employee from a nonsupervisory class, supervisory class in a bargaining unit as certified by ERCOM, or managerial class in the Sheriff, to any other class, such change may be made administratively by the appointing power or powers, provided both classes are of the same rank, there is no increase or decrease in grade, **and the employee has demonstrated the possession of the skills and aptitudes required in the position to which the employee is to be changed.** Such change of classification may be made only with the approval of the director of personnel."* [Emphasis added.]

Despite the requirements of Rule 15.02 that an interdepartmental transfer be to a "*similar position of the same class*," Tiffany Blacknell and Shelan Joseph were transferred from the class of Deputy Public Defender IV to the different class, Deputy District Attorney IV. Rule 2.11 defines the term "Class," as specifically used in Rule 15.03, as "*a position or a group of positions **bearing the same title.***" Clearly, Deputy Public Defender and Deputy District Attorney do not bear the same title and are not the same class.

It has been the policy of the County of Los Angeles, and the District Attorney's Office, in interpreting and applying Rules 15.02 and 15.03 to only effect an interdepartmental transfer when there is no available eligible list and the need for the person transferred is extraordinary. Neither of those things is true in connection with the appointments of Tiffany Blacknell and Shelan Joseph.

Rule 15.02 also allows transfers to "***any other position to which his/her appointment, transfer or change of classification would be authorized by these Rules.***" As previously stated, Rules 6.01, 6.01, 7.01, 7.02, 11.01, the County Charter, and the requirements published in the test bulletin do not authorize the appointment of Tiffany Blacknell or Shelan Joseph to the position of Deputy District Attorney IV in the absence of either candidate qualifying for, taking, and passing the examination for the class of Deputy District Attorney IV, and subsequently being placed on and selected from an eligible list for a position in that class. Tiffany Blacknell and Shelan Joseph did none of these things while Petitioner successfully accomplished all of them, with the improper exception of being selected.

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Likewise, Rule 15.03 was violated by the transfer of Tiffany Blacknell and Shelan Joseph from Deputy Public Defender IV to Deputy District Attorney IV as such a transfer without an examination is only allowed *"provided both classes are of the same rank, there is no increase or decrease in grade, and the employee has demonstrated the possession of the skills and aptitudes required in the position to which the employee is to be changed."* While Tiffany Blacknell and Shelan Joseph remained in the same grade, i.e., IV, the transfer did not maintain Tiffany Blacknell or Shelan Joseph at the same rank.

Rule 2.46 defines "Rank" as used in Rule 15.03(A) as follows:

*"Rank," as it pertains to classification, means level of difficulty and responsibility of a class among nonsupervisory classes, supervisory classes in bargaining units as certified by ERCOM and managerial classes in the Sheriff, regardless of the series or service to which the class belongs.*

There should be no question that the positions of Deputy Public Defender and Deputy District Attorney are not of the same level of difficulty and responsibility, as those qualifications are outlined in the DDA IV job classification bulletin quoted below.

Even if the positions are considered to be of the same rank, the DAO, Tiffany Blacknell and Shelan Joseph have not demonstrated that Ms. Blacknell or Ms. Joseph possesses the skills and aptitude required to perform the duties of a Deputy District Attorney IV, as is specifically required by Rule 15.03(A). The skills required to perform the position of DDA IV are defined in the class specifications, created by the Director of Personnel. The class specifications for the position of Deputy District Attorney IV, as published by the Department of Human Resources, are as follows:

***"DEFINITION/STANDARDS***

***"DEFINITION:***

*"Performs the most difficult legal work in the prosecution of criminal cases.*

***"CLASSIFICATION STANDARDS:***

*"In addition to the knowledge, skills, and abilities of a Deputy District Attorney I, II and III, positions allocable to this class are responsible for 1) prosecuting the most difficult and complex felony, juvenile, appellate, or other types of cases requiring a high degree of initiative, skill and specialized legal knowledge; 2) supervising a small staff of attorneys as a Calendar Deputy, Deputy-in-Charge of an area office, or*

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*section head; or 3) acting as assistant to a higher level position. This class encompasses administrative, lead person, and full supervisory positions and is the first level at which full supervisory or full administrative duties may be assigned. Direction received at this level is general in nature and primarily pertains to policy.*

#### ***"EXAMPLES OF DUTIES***

*"Prosecutes the most difficult and complex felony cases.*

*"Prosecutes other types of cases requiring a high degree of initiative, skill and specialized knowledge.*

*"Resolves complex and difficult civil, administrative, or non-legal issues requiring a high degree of initiative, skill and specialized knowledge.*

*"Resolves difficult, complex, multi-defendant cases and/or projects without the need for close monitoring.*

*"Evaluates complex, difficult, multi-defendant cases for filing, including conducting appropriate legal research.*

*"Participates in special task forces, committees and/or multi-disciplinary and multi-agency meetings.*

*"Supervises and participates in the work of lower level attorneys in preparing and prosecuting difficult felony, juvenile, appellate, or other types of cases.*

*"Advises and trains lower-level attorneys on the conduct of their assigned cases, providing guidance and instruction as to the procedure or strategy to be used in trial.*

*"Advises investigators and law enforcement officers on legal phases of their work.*

*"Advises and trains allied support staff such as Paralegals, Priors Assistants and Witness Assistants on legal phases of their work.*

*"Participates in the formulation and development of plans, programs, and methods of operation for the department.*



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*"May supervise allied support staff, represent the department in civil or administrative proceedings, act as legal advisor to other agencies, or administer a special program or project, as directed.*

*"May act as supervisor in the latter's absence.*

**"REQUIREMENTS**

**"MINIMUM REQUIREMENTS:**

**"TRAINING AND EXPERIENCE:**

***"Two years of experience as a Deputy District Attorney III in the service of Los Angeles County."*** [Emphasis /added.]

It is beyond question that, unlike Petitioner, Tiffany Blacknell and Shelan Joseph do not possess the required *"knowledge, skills, and abilities of a DDA I, II, and III."* Nor do Tiffany Blacknell and Shelan Joseph have the requisite *"Two years of experience as a Deputy District Attorney III with the County of Los Angeles."* Neither Tiffany Blacknell nor Shelan Joseph has ever performed the duties of those positions, has ever demonstrated any ability to prosecute criminal cases, as is required, while Petitioner has performed those duties and prosecuted 82 cases, over 650 days of trial, in his 14 year career as a DDA.

Likewise, Tiffany Blacknell and Shelan Joseph having never performed the duties of a DDA I or II, cannot and do not possess the skills to perform the *"legal tasks involved in the prosecution of difficult or complex felony cases for the District Attorney."* Petitioner, however, does possess these skills and has been rated by his supervisor as having performed these skills in an above average manner for at least the past 10 years.

**Rule 25 Violation**

Unlike Petitioner, however, Tiffany Blacknell and Shelan Joseph donated money to the election campaign of George Gascon, and worked as campaign advisors for George Gascon. In addition, in January, 2021, Shelan Joseph personally filed in Los Angeles County Superior Court, a Declaration in support of George Gascon's opposition to the application of the Association of Deputy District Attorneys for a preliminary injunction related to Mr. Gascon's December 7, 2020 Special Directives.

The decision of District Attorney George Gascon to select the unqualified, but documented political campaign supporters Tiffany Blacknell and Shelan Joseph to positions for which

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Petitioner and approximately 288 other Deputy District Attorney IIIs are eminently qualified, therefore also violates Rule 25.

Rule 25 provides:

*"Rule 25*        **MERIT SYSTEM STANDARDS**

*"25.01*        **Employment practices.**

- "A.    *No person in the classified service or seeking admission thereto shall be appointed, reduced or removed, **or in any way favored or discriminated against in employment or opportunity for employment because of race, color, religion, sex, physical handicap, medical condition, marital status, age, national origin or citizenship, ancestry, political opinions or affiliations, organizational membership or affiliation**, or other non-merit factors, any of which are not substantially related to successful performance of the duties of the position. **"Nonmerit factors" are those factors that relate exclusively to a personal or social characteristic or trait and are not substantially related to successful performance of the duties of the position.** Any person who appeals alleging discrimination based on a non-merit factor must name the specific non-merit factor(s) on which discrimination is alleged to be based. No hearing shall be granted nor evidence heard relative to discrimination based on unspecified non-merit factors."* [Emphasis added.]

The Los Angeles County Charter, and the Civil Service rules authorized thereby, require the employment of persons based on merit. The merit system is specifically designed to remove political patronage and reward for political support as the basis for assignment or promotion within any position or class in the County service.

District Attorney Gascon has clearly and blatantly violated the fundamental rules of the merit system by appointing Tiffany Blacknell and Shelan Joseph to Grade IV positions for which they are not qualified, for which they have displayed no skill or ability to perform, and for which there are now and were at the time of Tiffany Blacknell's and Shelan Joseph's appointments, approximately 288 extremely qualified candidates, including Petitioner herein and all the others waiting on the eligibility list. The conduct of District Attorney Gascon has intentionally and publicly disparaged all 288 Deputy District Attorney IIIs, including Petitioner herein, by promoting Tiffany Blackwell and Shelan Joseph instead of each of them.



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The appointments of Tiffany Blacknell and Shelan Joseph were driven only by political patronage and payback by the elected district attorney to reward unqualified political supporters and campaign donors, who were willing to provide public support in Mr. Gascon's recent failed litigation over his unlawful Special Directives. The County Charter's demand for a merit system of employment does not allow the pay-to-play politics exhibited by District Attorney Gascon in his refusal to promote Petitioner to either of the Grade IV positions given to Tiffany Blacknell and Shelan Joseph as rewards for their political support.

Petitioner specifically asserts that his failure to be promoted, and being passed over for promotion while reachable on an active eligible list, was based solely on the non-merit factor of Petitioner's political affiliation to wit: not being a campaign donor, a campaign organizer, a campaign supporter, a campaign policy advisor or person who provided a legal Declaration in litigation against the union which protects and supports Petitioner herein, and in favor of District Attorney George Gascon.

It is therefore requested that an evidentiary hearing be granted in order to provide Petitioner with an opportunity to appeal the District Attorney's action of failing to promote Petitioner to the position of Deputy District Attorney IV in violation of Rule 25 as well as Rules 6, 7, 10, 11, and 15.

Yours truly,

THE GIBBONS FIRM, P.C.



ELIZABETH J. GIBBONS

In Association with

GREEN & SHINEE, A. P.C.



RICHARD A. SHINEE

# EXHIBIT 2



**THE GIBBONS FIRM, PC**  
Attorneys at Law

Received by Yancely Welch  
on March 12 2021

March 12, 2021

Civil Service Commission Services  
Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 522  
Los Angeles, CA 90012

Re: Deputy District Attorney II [REDACTED] Request for Hearing  
Failure to Promote in Violation of Rules 6, 7, 10, 11, 15, and 25

Dear Sirs:

Petitioner Deputy District Attorney II ("DDA II") [REDACTED] on behalf of herself and other similarly situated Grade II DDAs, hereby appeals, and requests a hearing in which to contest the failure of District Attorney George Gascon to promote her to a Grade III position by instead promoting Deputy Public Defender Alisa Blair to a DDA III position in violation of Civil Service Rules 6, 7, 10, 11, 15, and 25. Petitioner submits the following facts in support of her request for a hearing.

**Request For Consolidation Pursuant To Procedural Rule 5.07**

There are presently 176 DDA IIs in the District Attorney's Office who are eligible to be promoted, and in their careers will seek to be promoted to the classification and grade of DDA II. Each of these 176 DDA IIs are similarly situated to Petitioner [REDACTED] in that they presently have or in the future will seek promotion to DDA III.

Petitioner requests that in lieu of the filing of 176 appeals in behalf of each adversely affected DDA II within the District Attorney's Office, all 176 appeals be consolidated for consideration and hearing based on this petition by DDA II [REDACTED] for the convenience and consideration of resources of the Commission and its staff. Each of the 176 DDA IIs to be consolidated with this appeal are, except for differences in time in grade and specific work assignments, identically situated and identically harmed by the conduct complained of herein.

Procedural Rule 5.07 provides:

***"5.07. Consolidated Appeals***

*"The Commission may consolidate the appeals of two or more persons at the*

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*request of the parties or upon its own motion. The consolidation of appeals shall be contingent upon a showing that the appeals in question present common questions of fact and law, and that separate hearings upon such appeals would result in an unnecessary multiplicity of hearings.*

*"Nothing herein shall be deemed to amend the provisions of the rules concerning the burden of proof or the granting of a hearing upon submission of written materials as provided in the Civil Service Rules of the County.*

*"Any petitioner whose matter would otherwise be included in a consolidated appeal hearing shall have the right to appear before the Commission and request that the matter be heard separately. Such request must be made within ten (10) business days of the Commission's granting of the hearing.*

*"The Executive Director shall appoint a Hearing Officer to hear consolidated appeals. The Executive Director may appoint a Special Master to hear consolidated appeals in discretionary cases related to examination appeals.*

The appeals which are herein requested to be consolidated present the identical issues of fact and law concerning the violation of the Civil Service rules by District Attorney Gascon in his action of promoting Deputy Public Defender III Alisa Blair to a Deputy District Attorney III, rather than one of the qualified and eligible DDA IIs who appeal herein, in violation of Civil Service Rules 6, 7, 10, 11, 15, and 25. The failure to consolidate will necessitate the Commission's consideration of 176 separate appeal requests and 176 separate hearings. This is exactly the type of case which is contemplated for consolidation by Procedural Rule 5.07 and Petitioner respectfully requests that all 176 appeals be so consolidated.

### **The Existing Eligible List**

On or about May 13, 2020, the District Attorney's Office ("DAO") certified a list of eligible candidates for promotion to the position of Deputy District Attorney Grade III. This eligible list was prepared in compliance with Civil Service Rule 10 following the administration of a competitive examination in compliance with Rule 7. The list was announced as remaining in effect for one year, pursuant to Rule 10.06 ("***Duration of eligible lists. Except when otherwise ordered, an eligible list shall be in effect for one year from date of promulgation, unless sooner terminated pursuant to Rule 10.05, but the director of personnel may order that the period of eligibility be for a shorter time or, in his discretion, may extend the period of eligibility, or may restore any eligible list which has expired or been terminated.***")

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Petitioner is informed and believes that the promotional list, when certified and published in May, 2020 included 57 DDA II names, with 46 in Band 1, and 11 in Band 2<sup>1</sup>. Petitioner's score on the examination placed Petitioner in Band 1. At no time between May, 2020 and the present day was Petitioner notified that the May, 2020 eligible list had been terminated, as required by Rule 10.05 (***Termination of eligible lists. An eligible list may be terminated by the director of personnel after notice to those on the list when, in the director's opinion, cause exists.***).

To date, no DDA II has been promoted off this viable eligible list. Candidates on the list were advised by the DA's Office in or around May, 2020 that all promotions in the Department were frozen and that no promotions would be made. As such, 57 candidates remain immediately eligible for promotion to DDA III on this eligible list.

### **The Hiring of Alisa Blair**

On or about January 4, 2021<sup>2</sup>, Alisa Blair began working as a Deputy District Attorney III. Prior to that date, Ms. Blair had been employed as a Los Angeles County Deputy Public Defender III. Ms. Blair did not take nor pass a competitive examination for the position of Deputy District Attorney III prior to her appointment to that position, as is required by Civil Service Rules 7.04 (*"Except as provided in Rule 8, all examinations shall be competitive."*); 7.06 (*"It is County policy that vacancies will generally be filled from within."*); 11.01 (*"In filling vacancies from an eligible list, the appointing authority shall make appointment from eligible lists certified by the director of personnel."*), and the County Charter (*"The purpose of this article is to establish a Civil Service System for the classified service which shall provide County government with a productive, efficient, stable, and representative work force by: (1) Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills relevant to the work to be performed. (2) Retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected. (3) Assuring fair treatment of applicants and employees in all aspects of*

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<sup>1</sup> In addition to the 57 Grade II DDAs who are presently on the eligible list for promotion to Grade III, the remaining 119 DDAs presently holding Grade II positions have each also been adversely affected by the District Attorney's appointment of Ms. Blair to a Grade III position in violation of the Civil Service rules set forth herein as Ms. Blair has taken one of a limited number of Grade III positions for which she is neither eligible nor qualified, thereby precluding all 119 remaining Grade II DDAs from filling that position.

<sup>2</sup> The Association of Deputy District Attorneys, the labor union of which Petitioner is a member, requested information from the County regarding the date of Ms. Blair's hire by District Attorney Gascon. The information that Ms. Blair was hired effective January 4, 2021 was not provided to the ADDA, and therefore not known to Petitioner until March 1, 2021. This Petition is therefore timely filed within 15 business days of Petitioner's knowledge of the effective date of Ms. Blair's employment by the District Attorney.

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*personnel administration without discrimination based on political affiliation, race, color, national origin, sex, religious creed or handicap and with proper regard for their privacy and constitutional rights as citizens. (4) Assuring that employees are protected against coercion for political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.")*

Likewise, at the time of her assignment as a DDA III, Ms. Blair was not qualified for examination for the position of Deputy District Attorney III, as defined by Rules 6.01 and 6.02:

**"6.01 Qualifications for examinations.** *In order to qualify for examination, a candidate must:*

- "A. Meet all general requirements pertaining to filing applications for positions in the classified service as prescribed in these Rules;*
- "B. Meet such additional requirements as are specified for the particular examination, including, but not limited to education, experience, license, age, residence, sex, physical condition, or the passing of appropriate qualifying tests;*
- "C. File an application in accordance with established procedures.*

**"6.02 Qualifications for promotional examination.**

- "A. In addition to meeting the requirements of Rule 6.01, an applicant for an interdepartmental promotional examination must be a permanent county employee, and for a departmental promotional examination must in addition have status in the department specified. The director of personnel may also allow the following to compete in promotional examinations whenever such action is deemed necessary in order to meet the needs of county service:*
  - "1. Probationary employees may be allowed to compete in promotional examinations, provided that they are not appointed until they have completed their probationary periods.*
  - "2. Recurrent or temporary employees who have completed at least 120 working days of satisfactory service as recurrent or temporary employees may be allowed to compete in promotional examinations for permanent appointments to the class in which they have status or any lower-level class. Additionally,*

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*recurrent employees meeting the above conditions may compete in promotional examinations for higher-level recurrent positions.*

- "3. *Enrollees in training programs approved by the director of personnel may be allowed to compete in promotional examinations for permanent appointment to the classes for which they have been prepared.*"

The examination bulletin for the DDA Grade III exam included the following specific requirements to be qualified to take the examination and be eligible for promotion to Grade III:

**"POSITION INFORMATION**

*"Positions allocable to this class perform difficult legal work required in the prosecution of criminal cases.*

**"ESSENTIAL JOB FUNCTIONS:**

*"Prepares and prosecutes complex and difficult felony cases as a senior felony trial attorney in the Superior Court.*

*"Manages calendar related issues. Ensures the timely issuance of subpoenas, delivery and receipt of discovery materials, and notification to victims and witnesses regarding court dates and conformance.*

*"Conducts negotiations with defense attorneys regarding the disposition or modification of charges.*

*"Reviews complex and difficult cases for filing consideration.*

*"Conducts preliminary hearings, prepares witnesses and evidence for trial, and creates trial presentations using current technology.*

*"Confers with defense attorneys, law enforcement officers, probation officers, witnesses, defendants, victims, victims' families, and other interested parties regarding cases.*

*"Serves as a vital legal resource, and may provide advice and/or supervision to lower-level attorneys, law clerks, investigators, and law enforcement officers in the investigation and prosecution of cases.*



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**"REQUIREMENTS:**

**"SELECTION REQUIREMENTS:**

*"Three years of experience as a Deputy District Attorney II in the service of the Los Angeles County District Attorney's Office (LADA)."*

\* \* \*

**"ADDITIONAL INFORMATION:**

\* \* \*

***"No Out-of-Class experience will be accepted."***

**The Appointment of Alisa Blair Violates Rule 15**

The County has attempted to justify the appointment of Ms. Blair to the Grade III position she holds, rather than a qualified candidate on the eligible list such as Petitioner herein, as an Interdepartmental Transfer without an examination authorized by Rule 15.02, or a Change of Classification authorized by Rule 15.03. Neither Rule authorizes Ms. Blair's appointment as a DDA III.

Rule 15.02 provides, in relevant part:

***"15.02 Interdepartmental transfers.***

***"A.1. In the case of employees in nonsupervisory classes, supervisory classes in bargaining units as certified by ERCOM and managerial classes in the Sheriff, on the request of the appointing powers, the director of personnel may authorize the interdepartmental transfer of an employee from one position to another similar position of the same class, or to any other position to which his/her appointment, transfer or change of classification would be authorized by these Rules, in another department.***

***"2. In the case of employees in all other supervisory and all other managerial classes, at the request of the appointing power of the receiving department, an interdepartmental transfer shall be***

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*authorized. This includes transfer as the result of promotion.*  
[Emphasis added.]

Rule 15.03 provides, in relevant part:

**"15.03           Change of classification.**

**"A.               Whenever it is found necessary to change the classification of an employee from a nonsupervisory class, supervisory class in a bargaining unit as certified by ERCOM, or managerial class in the Sheriff, to any other class, such change may be made administratively by the appointing power or powers, provided both classes are of the same rank, there is no increase or decrease in grade, and the employee has demonstrated the possession of the skills and aptitudes required in the position to which the employee is to be changed. Such change of classification may be made only with the approval of the director of personnel."** [Emphasis added.]

Despite the requirements of Rule 15.02 that an interdepartmental transfer be to a "*similar position of the same class*," Ms. Blair was transferred from the class of Deputy Public Defender III to the different class, Deputy District Attorney III. Rule 2.11 defines the term "Class," as specifically used in Rule 15.03, as "*a position or a group of positions **bearing the same title.***" Clearly, Deputy Public Defender and Deputy District Attorney do not bear the same title and are not the same class.

It has been the policy of the County of Los Angeles, and the District Attorney's Office, to only effect an interdepartmental transfer when there is no available eligible list and the need for the person transferred is extraordinary. Neither of those conditions is true in this case.

Rule 15.02 also allows transfers to "***any other position to which his/her appointment, transfer or change of classification would be authorized by these Rules.***" As previously stated, Rules 6.01, 6.01, 7.01, 7.02, 11.01, the County Charter, and the requirements published in the test bulletin do not authorize the appointment of Alisa Blair to the position of Deputy District Attorney III in the absence of her qualifying for, taking, and passing the examination for the class of Deputy District Attorney III, and subsequently being placed on and selected from an eligible list for a position in that class. Ms. Blair did none of these things while Petitioner successfully accomplished all of them, with the exception that she was improperly not selected.

Likewise, Rule 15.03 was violated by the transfer of Ms. Blair from Deputy Public Defender III to

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Deputy District Attorney III as such a transfer without an examination is only allowed *"provided both classes are of the same rank, there is no increase or decrease in grade, and the employee has demonstrated the possession of the skills and aptitudes required in the position to which the employee is to be changed."* While Ms. Blair remained in the same grade, i.e., III, the transfer did not maintain Ms. Blair at the same rank.

Rule 2.46 defines "Rank" as used in Rule 15.03(A) as follows:

*"Rank," as it pertains to classification, means level of difficulty and responsibility of a class among nonsupervisory classes, supervisory classes in bargaining units as certified by ERCOM and managerial classes in the Sheriff, regardless of the series or service to which the class belongs."*

There should be no question that the positions of Deputy Public Defender and Deputy District Attorney are not of the same level of difficulty and responsibility, as those qualifications are outlined in the DDA III class specifications quoted below.

Even if the positions are considered to be of the same rank, the DAO and Ms. Blair have not demonstrated that Ms. Blair possesses the skills and aptitude required to perform the duties of a Deputy District Attorney III. The skills required to perform that position are defined in the class specifications, created by the Director of Personnel. The class specifications for the position of Deputy District Attorney III, as published by the Department of Human Resources, are as follows:

**"DEFINITION/STANDARDS**

**"DEFINITION:**

*"Performs difficult legal work required in the prosecution of criminal cases."*

**"CLASSIFICATION STANDARDS:**

*"In addition to the knowledge, skills, and abilities of a Deputy District Attorney I and II, positions allocable to this class are characterized by performance of the legal tasks involved in the prosecution of difficult or complex felony cases for the District Attorney. Incumbents at this level act as senior trial deputies in Superior Court and may provide lead supervision to lower-level attorneys in the performance of their duties. Incumbents in this class have a caseload that is more demanding than that of a Deputy District Attorney II. Positions at this level receive general*

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*supervision from the Deputy District Attorney IV or Head Deputy to whom they report.” [Emphasis added.]*

It is beyond question that, unlike Petitioner, Ms. Blair does not possess the required “*knowledge, skills, and abilities of a DDA I and II.*” Ms. Blair never performed the duties of those positions, has never demonstrated any ability to prosecute criminal cases, as is required, while Petitioner has performed those duties and prosecuted a significant number of criminal cases in her 6 year career as a DDA.

Likewise, Ms. Blair, having never performed the duties of a DDA I or II, cannot and does not possess the skills to perform the “*legal tasks involved in the prosecution of difficult or complex felony cases for the District Attorney.*” Petitioner, however, does possess these skills, having prosecuted 23 criminal cases in her 6 year career, and has been rated by her supervisor as having performed these skills in an above average manner for at least the past 5 years.

#### **The Appointment of Alisa Blair Violates Rule 25**

The most glaring difference in qualifications between Petitioner and Ms. Blair is that Ms. Blair, but not Petitioner, donated money to the election campaign of George Gascon, and worked as a campaign advisor for George Gascon. The decision of District Attorney George Gascon to select the unqualified, but documented political campaign contributor, Ms. Blair, to a position for which Petitioner and approximately 176 other Deputy District Attorney IIs are eminently qualified, therefore also violates Rule 25.

Rule 25 provides:

**“Rule 25        MERIT SYSTEM STANDARDS**

**“25.01        Employment practices.**

**“A.        No person in the classified service or seeking admission thereto shall be appointed, reduced or removed, or in any way favored or discriminated against in employment or opportunity for employment because of race, color, religion, sex, physical handicap, medical condition, marital status, age, national origin or citizenship, ancestry, political opinions or affiliations, organizational membership or affiliation, or other non-merit factors, any of which are not substantially related to successful performance of the duties of the position. “Nonmerit factors” are those factors that relate**

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***exclusively to a personal or social characteristic or trait and are not substantially related to successful performance of the duties of the position. Any person who appeals alleging discrimination based on a non-merit factor must name the specific non-merit factor(s) on which discrimination is alleged to be based. No hearing shall be granted nor evidence heard relative to discrimination based on unspecified non-merit factors."*** [Emphasis added.]

The Los Angeles County Charter and the Civil Service rules authorized thereby require the employment of persons based on merit. The merit system is specifically designed to remove political patronage and reward as the basis for assignment or promotion within any position or class in the County service.

District Attorney Gascon has clearly and blatantly violated the fundamental rules of the merit system by appointing Ms. Blair to a Grade III position for which she is not qualified, for which she has displayed no skill or ability to perform, and for which there are now and were at the time of Ms. Blair's appointment, at least 57 extremely qualified candidates, including Petitioner herein, waiting on an eligibility list. The conduct of District Attorney Gascon has intentionally and publicly disparaged all 177 Deputy District Attorney IIs, including Petitioner herein, by promoting Alisa Blair instead of each of them.

Ms. Blair's appointment was driven only by political patronage and the desire of the elected District Attorney to reward an unqualified political supporter and campaign doner. The County Charter's demand for a merit system of employment does not allow the pay-to-play politics exhibited by District Attorney Gascon in his refusal to promote Petitioner to the Grade III position given to Ms. Blair as a reward for her political support.

Petitioner specifically asserts that her failure to be promoted, and being passed over for promotion while reachable on an active eligible list, was based solely on the non-merit factor of Petitioner's political affiliation to wit: not being a campaign donor, a campaign organizer, a campaign supporter, or a campaign policy advisor of District Attorney George Gascon.

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Re: Deputy District Attorney

EJG:p  
cc: [REDACTED]  
21L-01111MG05az10512 pim

# EXHIBIT 3



**MINUTES**

**CIVIL SERVICE COMMISSION MEETING**

**Wednesday, July 21, 2021, at 9:30 a.m.**

522 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

**CONVENED THE MEETING AT 9:30 A.M. AND WENT INTO EXECUTIVE SESSION AT 9:30 A.M.**

**Instructions to join the Commission meeting via Cisco WebEx and telephone can be found on our website at [civilservice.lacounty.gov](http://civilservice.lacounty.gov)**

**WebEx Meeting Number (access code): 924 723 405**

**Meeting password: Open**

**Join by phone: 1-415-655-0001**

**Executive Session - Consideration of the appointment, employment, evaluation of performance, discipline, or dismissal of public employees pursuant to Government Code Section 54957, for the positions listed below.**

**Open Session agenda to start immediately upon conclusion of Executive Session.**

**RECONVENED THE MEETING AT 10:11 A.M.**

**COMMISSIONERS PRESENT: NIGHTINGALE, DURAN, DONNER, TEVRIZIAN**  
**COMMISSIONER ABSENT: SEGAL**

**Minutes of the meeting of Wednesday, July 14, 2021, for approval**  
**APPROVED. COMMISSIONER SEGAL WAS ABSENT.**

**Consideration of Consent Calendar**  
**ADOPTED. COMMISSIONER SEGAL WAS ABSENT.**

### New Business

1. *Petition of **THINH DAM** for a hearing on the Director of Personnel's denial of the appeal of the **application rejection** in the examination for Children Services Administrator I, **Case No. 21-95**.*

HEARING DENIED. COMMISSIONER SEGAL WAS ABSENT.

2. *Petition of **ERIC SIDDALL** for a hearing on the Director of Personnel's denial of his **failure to promote** to the position of Deputy District Attorney IV, based on his claim of a Civil Service Rule 25 violation, **Case No. 21-92**.*

HEARING GRANTED. HEARING OFFICER TO BE ASSIGNED. THE COMMISSION DENIED THE REQUEST TO CONSOLIDATE WITH OTHER APPEALS. COMMISSIONER SEGAL WAS ABSENT.

### Miscellaneous

3. Opportunity for members of the public to address the Commission on items of interest that are within the subject matter jurisdiction of the Commission.

NO PUBLIC COMMENTS.

ADJOURNED TO CLOSED SESSION AT 10:33 A.M.

## CLOSED SESSION

Consideration of confidential peace officer appeals pursuant to Copley Press.

### Unfinished Business

4. *Petitioner's request for a hearing on her **discharge**, effective October 18, 2018, from the position of Deputy Probation Officer II, Probation Department, **Case No. 18-263**.*  
ANNOUNCED AS THE PROPOSED DECISION OF THE COMMISSION TO ACCEPT THE FINDINGS AND RECOMMENDATION OF THE HEARING OFFICER, SAMUEL REYES, TO REDUCE THE DISCHARGE TO A FIFTEEN (15) DAY SUSPENSION. COMMISSIONER SEGAL WAS ABSENT.
5. *Petitioner's request for a hearing on his **discharge**, effective December 13, 2018, from the position of Probation Director, Probation Department, **Case No. 19-3**.*  
CONTINUED FOR ONE WEEK. COMMISSIONER SEGAL WAS ABSENT.
6. *Petitioner's request for a hearing on her **discharge**, effective October 2, 2018, from the position of Detention Services Officer, Probation Department, **Case No. 18-207**.*  
SUSTAINED THE DEPARTMENT'S OBJECTIONS, IN PART. THE COMMISSION REJECTED THE RECOMMENDATION OF THE HEARING OFFICER, JAN FRANKEL SCHAU, TO REDUCE THE DISCHARGE TO A LETTER OF WARNING AND ANNOUNCED AS ITS NEW PROPOSED DECISION TO IMPOSE A FIFTEEN (15) DAY SUSPENSION. COMMISSIONER SEGAL WAS ABSENT.
7. *Petitioner's request for a hearing on her **discharge**, effective January 15, 2019, from the position of Detention Services Officer, Probation Department, **Case No. 19-45**.*  
RECEIVED AND FILED COMMUNICATION WITHDRAWING THE PETITION BASED ON A SETTLEMENT. HEARING CANCELED. COMMISSIONER SEGAL WAS ABSENT.

### New Business

8. *Petitioner's request for a hearing on his **discharge**, effective June 27, 2013, from the position of Deputy Sheriff, Sheriff's Department, **Case No. 13-321**.*  
THE COMMISSION SPREAD THE WRIT AND IMPOSED DISCHARGE AS THE APPROPRIATE DISCIPLINE. COMMISSIONER SEGAL WAS ABSENT.

ADJOURNED CLOSED SESSION AND RECONVENED THE MEETING AT 11:14 A.M.

READ INTO THE RECORD AN ACCOUNTING OF ACTIONS TAKEN DURING CLOSED SESSION.

ADJOURNED THE MEETING AT 11:19 A.M.

Legal Advisors:  
Tamara Dennis  
Danielle Vappie

Head Commission Specialist:  
Luz Delgado

APPROVED BY THE CIVIL SERVICE  
COMMISSION ON JULY 28, 2021

A handwritten signature in black ink, appearing to read 'Steve Cheng', is written over a horizontal line. A vertical line is positioned to the right of the signature.

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Steve Cheng  
Deputy Executive Director

# EXHIBIT 4

## **MINUTES**

### **CIVIL SERVICE COMMISSION MEETING**

**Wednesday, August 18, 2021, at 9:30 a.m.**

522 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

**CONVENED THE MEETING AT 9:30 A.M. AND WENT INTO EXECUTIVE SESSION AT 9:30 A.M.**

**Instructions to join the Commission meeting via Cisco WebEx and telephone can be found on our website at [civilservice.lacounty.gov](http://civilservice.lacounty.gov)**

**WebEx Meeting Number (access code): 924 723 405**

**Meeting password: Open**

**Join by phone: 1-415-655-0001**

**Executive Session - Consideration of the appointment, employment, evaluation of performance, discipline, or dismissal of public employees pursuant to Government Code Section 54957, for the positions listed below.**

**Open Session agenda to start immediately upon conclusion of Executive Session.**

**RECONVENED THE MEETING AT 9:39 A.M.**

**COMMISSIONERS PRESENT: NIGHTINGALE, DURAN, DONNER, SEGAL, TEVRIZIAN**

**Minutes of the meeting of Wednesday, August 11, 2021, for approval**  
**APPROVED. COMMISSIONER DONNER ABSTAINED.**

**Consideration of Consent Calendar**  
**ADOPTED.**

## Unfinished Business

1. *Petition of **JOHN GIORDANO** for a hearing on his **discharge**, effective April 19, 2019, from the position of Irrigation and Lawn Sprinkler Fitter, Department of Parks and Recreation, **Case No. 19-121**.*  
RECEIVED AND FILED COMMUNICATION WITHDRAWING THE PETITION BASED ON A SETTLEMENT. HEARING CANCELED.

## New Business

2. *Petition of **VERNON MCLEMORE** for a hearing on her **suspension** not to exceed thirty (30) days following judgment of a criminal matter, effective April 7, 2021, from the position of Custodian Working Supervisor, Department of Health Services, LAC+USC Medical Center, **Case No. 21-116**.*  
HEARING GRANTED – HEARING OFFICER TO BE ASSIGNED.
3. *Petition of **BETTY NALUKWAGO** for a hearing on her **discharge**, effective April 2, 2021, from the position of Registered Nurse I, Department of Health Services, Olive View-UCLA Medical Center, **Case No. 21-115**.*  
HEARING GRANTED – HEARING OFFICER TO BE ASSIGNED.
4. *Petition of **GILLIAN REYNOLDS** for a hearing on her **discharge**, effective April 28, 2021, from the position of Children's Social Worker III, Department of Children and Family Services, **Case No. 21-119**.*  
HEARING GRANTED – HEARING OFFICER TO BE ASSIGNED.
5. *Petition of **CESAR SOLIS** for a hearing on his **discharge**, effective April 13, 2021, from the position of Security Officer, Sheriff's Department, **Case No. 21-117**.*  
HEARING GRANTED – HEARING OFFICER TO BE ASSIGNED.
6. *Petition of **MARIA GHOBADI** for a hearing on her **denial to promote** to the position of Deputy District Attorney III, based on her claim of a Civil Service Rule 25 violation, **Case No. 21-111**.*  
CONTINUED AT THE REQUEST OF GEOFFREY SHELDON, ATTORNEY FOR THE DEPARTMENT, IN ORDER FOR HIM TO BE PRESENT.
7. *Petition of **MAI NGUYEN** for a hearing on the Director of Personnel's denial of her appeal of the **rating from records score** received in the examination for Public Health Nurse, **Case No. 21-112**.*  
HEARING DENIED.



Miscellaneous

8. Opportunity for members of the public to address the Commission on items of interest that are within the subject matter jurisdiction of the Commission.  
NO PUBLIC COMMENTS.

ADJOURNED TO CLOSED SESSION AT 9:58 A.M.

## CLOSED SESSION

Consideration of confidential peace officer appeals pursuant to Copley Press.

### Unfinished Business

9. *Petitioner's request for a hearing on his **discharge**, effective July 31, 2018, from the position of Deputy Sheriff, Sheriff's Department, **Case No. 18-156**.*  
ANNOUNCED AS THE PROPOSED DECISION OF THE COMMISSION TO ACCEPT THE FINDINGS AND RECOMMENDATION OF THE HEARING OFFICER, JERRY ELLNER, TO SUSTAIN THE DEPARTMENT.
10. *Petitioner's request for a hearing on his **discharge**, effective September 12, 2018, from the position of Deputy Probation Officer I, Probation Department, **Case No. 18-185**.*  
ANNOUNCED AS THE PROPOSED DECISION OF THE COMMISSION TO ACCEPT THE FINDINGS AND RECOMMENDATION OF THE HEARING OFFICER, STEPHEN BIERSMITH, TO REDUCE THE DISCHARGE TO A THIRTY (30) DAY SUSPENSION.
11. *Petitioner's request for a hearing on his **discharge**, effective October 2, 2018, from the position of Detention Services Officer, Probation Department, **Case No. 18-226**.*  
OVERRULED THE DEPARTMENT'S OBJECTIONS. THE COMMISSION ADOPTED AS ITS FINAL DECISION THE FINDINGS AND RECOMMENDATION OF THE HEARING OFFICER, ROBERT CUEN, TO REDUCE THE DISCHARGE TO A THIRTY (30) DAY SUSPENSION.

### New Business

12. *Petitioner's request for a hearing on her seven (7) day **suspension**, effective May 7, 2021, from the position of Deputy Sheriff, Sheriff's Department, **Case No. 21-114**.*  
HEARING GRANTED – HEARING OFFICER TO BE ASSIGNED.
13. *Petitioner's request for a hearing on her ten (10) day **suspension**, effective April 19, 2021, from the position of Detention Services Officer, Probation Department, **Case No. 21-110**.*  
HEARING GRANTED – HEARING OFFICER TO BE ASSIGNED.
14. *Petitioner's request for a hearing on her **discharge**, effective April 8, 2021, from the position of Deputy Probation Officer II, Probation Department, **Case No. 21-113**.*  
HEARING GRANTED – HEARING OFFICER TO BE ASSIGNED.

ADJOURNED CLOSED SESSION AND RECONVENED THE MEETING AT 10:19 A.M.

READ INTO THE RECORD AN ACCOUNTING OF ACTIONS TAKEN DURING CLOSED SESSION.

ADJOURNED THE MEETING AT 10:20 A.M.

Legal Advisors:  
Tamara Dennis  
Danielle Vappie

Deputy Executive Director:  
Steve Cheng

Head Commission Specialist:  
Luz Delgado

APPROVED BY THE CIVIL SERVICE  
COMMISSION ON AUGUST 25, 2021



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Craig Hoetger  
Interim Executive Director

# EXHIBIT 5

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 82

**21STCP03412**

October 15, 2021

**ASSOCIATION OF DEPUTY DISTRICT ATTORNEYS FOR  
LOS ANGELES COUNTY (ADDA) vs GEORGE GASCON, ,  
LOS ANGELES COUNTY DISTRICT ATTORNEY, et al.**

8:30 AM

Judge: Honorable Mary H. Strobel  
Judicial Assistant: N DiGiambattista  
Courtroom Assistant: R Monterroso

CSR: None  
ERM: None  
Deputy Sheriff: None

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**APPEARANCES:**

For Petitioner(s): Elizabeth Gibbons (Telephonic) , Eric Siddall and Michele Hanisee (x);  
Richard Anthony Shinee (Telephonic) (x)

For Respondent(s): Geoffrey Scott Sheldon (x) (Telephonic); Julie Ann Silva (x) (Telephonic)

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**NATURE OF PROCEEDINGS:** EX PARTE APPLICATION OF PETITIONER,  
ASSOCIATION OF DEPUTY DISTRICT ATTORNEYS, FOR TEMPORARY  
RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY  
INJUNCTION

Department 86 being dark this date, matter is called for hearing in Department 82 and is argued.

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Based on the evidence presented to the court, the ex parte application for a temporary restraining order is denied.

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An order to show cause re preliminary injunction is scheduled for November 10, 2021, at 9:30 a.m. in Department 86.

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All moving and supplemental papers as well as the summons and complaint are to be filed and served by October 19, 2021.

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Any opposition is to be filed and served by October 29, 2021, and any reply is to be filed and served by November 3, 2021.

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Courtesy copies of all filed documents are to be delivered directly to Department 86 on the date they are filed.

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Counsel for petitioner is to give notice.



**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, Blanca Reyes am a citizen of the United States, over 18 years of age and am not a party to the within action. My business address is 1055 W. 7<sup>th</sup> Street, Suite 3200, Los Angeles, CA 90017, which is located in the County of Los Angeles where the service took place. My electronic service address is: [breyes@sandersroberts.com](mailto:breyes@sandersroberts.com).

On October 29, 2021 I served the foregoing document(s) described as:

**DECLARATION OF JUSTIN H. SANDERS IN SUPPORT OF RESPONDENTS' OPPOSITION TO PETITIONER'S MOTION FOR PRELIMINARY INJUNCTION**

on all interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as stated in the attached service list:

- ☐ **VIA MAIL** I am readily familiar with this office's practice for collection and processing of correspondence for mailing with the U.S. Postal Service. Per that practice the within correspondence will be deposited with the U.S. Postal Service on the same day shown on this affidavit in a sealed envelope with postage fully prepaid in the ordinary course of business.
- ☐ **VIA FACSIMILE** I caused such document to be transmitted via facsimile to the addressee(s) from the facsimile machine of Sanders Roberts LLP whose fax number is (213) 234-4581. No error was reported by the machine and pursuant to Rule 2008(e)(3), I caused the machine to print a record of the transmission.
- ☒ **VIA ELECTRONIC MAIL** I caused a PDF version of the documents to be transmitted by electronic mail to the party(s) identified on the attached service list using the e-mail address(es) indicated, per their stipulation. I did not receive, within a reasonable time after transmission, any electronic message or other indication that the transmission(s) were unsuccessful.
- ☐ **VIA PERSONAL SERVICE** I caused such envelope(s) to be delivered by a process server employed by Express Network the attached documents to the office(s) of the addressee.
- ☐ **VIA OVERNIGHT DELIVERY (FEDERAL EXPRESS)** I caused the attached document(s) to be delivered via overnight delivery to the recipients shown on the attached service list.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 29, 2021, at Los Angeles, California.

/s/ Blanca Reyes  
Blanca Reyes

**SERVICE LIST**

*ADDA vs. George Gascon, et al.*

LASC- Case No.: 21STCP03412

THE GIBBONS FIRM, P.C.  
Elizabeth J. Gibbons, Esq.  
811 Wilshire Blvd., 17<sup>th</sup> Floor  
Los Angeles, CA 90017  
Tel. (323) 591-6000  
[egibbons@thegibbonsfirm.com](mailto:egibbons@thegibbonsfirm.com)

Attorneys for Petitioner  
**ASSOCIATION OF DEPUTY  
DISTRICT ATTORNEYS FOR LOS  
ANGELES COUNTY (ADDA)**

