

SUMMONS
(CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

RIPON UNIFIED SCHOOL DISTRICT, BETHANY HOME SOCIETY, INC., LISA BOJE, BARBARA CAMPING, ANDREW LEE, and DOES 1 through 50, inclusive

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
COURT-STOCKTON
08 FEB 11 AM 8:39
ROSA JUNQUEIRO, CLERK
THERESA CARLETON
DEPUTY

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

KIANA CRAYTON

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

SAN JOAQUIN COUNTY SUPERIOR COURT
222 E WEBER AVENUE
STOCKTON, CALIFORNIA 95202

CASE NUMBER:
(Número del Caso):

CV 034729

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

ADAM J. STEWART, ESQ., SBN 167403

209-526-0522

JOHN P. CARTY, ESQ., SBN 95725

MOORAD, CLARK & STEWART

1020 15TH STREET, SUITE 22, MODESTO, CA 95354

THERESA CARLETON

DATE: **FEB 11 2008**

Clerk, by _____, Deputy

(Fecha) **FEB 11 2008** **ROSA JUNQUEIRO** (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

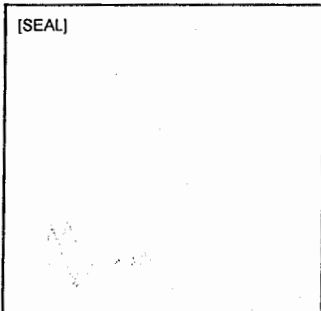
NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify):

- 3. on behalf of (specify):

- under: CCP 416.10 (corporation) CCP 416.60 (minor)
- CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
- CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
- other (specify):

- 4. by personal delivery on (date):



1 ADAM J. STEWART, SBN 167403
JOHN P. CARTY, SBN 95725
2 MOORAD, CLARK & STEWART
1020 15th Street, Suite 22
3 Modesto, CA. 95354
Telephone (209) 526-0522
4 Fax (209) 526-4703

5 Attorneys for Plaintiff

FILED
SUPERIOR COURT-STOCKTON
08 FEB 11 AM 8:36
ROSA JUNQUEIRO, CLERK
THERESA CARLETON
DEPUTY

6 THIS CASE HAS BEEN ASSIGNED TO
7 JUDGE LAUREN P. THOMASSON IN DEPARTMENT 11
8 FOR ALL PURPOSES, INCLUDING TRIAL

9 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN
10 STOCKTON BRANCH

11 KIANA CRAYTON,
12 Plaintiff,
13 v.
14 RIPON UNIFIED SCHOOL DISTRICT,
BETHANY HOME SOCIETY, INC., LISA
15 BOJE, BARBARA CAMPING, ANDREW
LEE, and DOES 1 through 50, inclusive,
16 Defendants.
17

CASE NO.: CV034729
COMPLAINT FOR DAMAGES FOR
EMPLOYMENT DISCRIMINATION AND
INVASION OF PRIVACY
[IN UNLIMITED CIVIL JURISDICTION]

18 Plaintiff KIANA CRAYTON alleges:

19 FIRST CAUSE OF ACTION

20 (Race Discrimination in Employment and Education)

21 1. Defendant BETHANY HOME SOCIETY, INC. is a corporation and is subject to suit under
22 the California Fair Employment and Housing Act, Government Code Section 12900, et seq. (FEHA),
23 in that defendant is an "employer" who regularly employs five or more persons, pursuant to Government
24 Code Section 12926, and does business in the City of Ripon, County of San Joaquin, State of California.

25 2. Defendant RIPON UNIFIED SCHOOL DISTRICT is a public entity and/or a public
26 corporation, and is subject to suit under the California Fair Employment and Housing Act, Government
27 Code Section 12900 et seq. (FEHA), in that defendant is an "employer" who regularly employees five
28 or more persons, pursuant to Government Code Section 12926, and does business in the City of Ripon,

1 County of San Joaquin, State of California.

2 3. Plaintiff is informed and believes, and thereon alleges that, Defendant LISA BOJE was the
3 Director of Curriculum of the RIPON UNIFIED SCHOOL DISTRICT, and a resident of the State of
4 California, at the time of the unlawful employment practices alleged in this Complaint, on or about
5 January 17, 2007. Plaintiff is informed and believes and thereon alleges that said defendant violated
6 Government Code section 12940 by discriminating on the basis of race against plaintiff KIANA
7 CRAYTON in refusing to hire or employ, or refusing to select for a training program leading to
8 employment, or to bar or discharge from employment or from a training program leading to employment.

9 4. Plaintiff is informed and believes, and thereon alleges that, Defendant BARBARA CAMPING
10 was the Bethany Home Administrator, and ANDREW LEE was the Executive Director of BETHANY
11 HOME SOCIETY, INC., and are both residents of the State of California, at the time of the unlawful
12 employment practices alleged in this Complaint, on or about July 17, 2007. Plaintiff is informed and
13 believes and thereon alleges that said defendants violated Government Code section 12940 by
14 discriminating on the basis of race against plaintiff KIANA CRAYTON in refusing to hire or employ,
15 or refusing to select for a training program leading to employment, or to bar or discharge from
16 employment or from a training program leading to employment.

17 5. Plaintiff is ignorant of the true names and capacities of defendants sued herein as DOES 1
18 through 50, inclusive, and therefore sues these defendants by such fictitious names. Plaintiff will amend
19 this complaint to allege their true names and capacities when ascertained. Plaintiff is informed and
20 believes and thereon alleges that each of the fictitiously named defendants is responsible in some manner
21 for the occurrences herein alleged, and to plaintiff's injuries as herein alleged were proximately caused
22 by the aforementioned defendants.

23 6. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned each
24 of the defendants was the agent and employee of each of the remaining defendants and, in doing the
25 things hereinafter alleged, was acting within the course and scope of such agency and employment.

26 7. The unlawful employment practices complained of herein were committed in or near the City
27 of Ripon, in the County of San Joaquin, and in the State of California. Therefore, venue is proper for
28

1 this action in the Superior Court of California for the County of San Joaquin, pursuant to Government
2 Code Section 12965, subdivision (c)(2). San Joaquin County is also the county in which the records
3 relevant to the alleged unlawful practices are maintained and administered, and is the county in which
4 Plaintiff KIANA CRAYTON would have worked but for the alleged unlawful practices.

5 8. Plaintiff KIANA CRAYTON is an adult person, and a resident of the County of San Joaquin,
6 State of California, at all times herein mentioned.

7 9. Plaintiff is an African-American person.

8 10. On or about January 17, 2007, Plaintiff KIANA CRAYTON was given two urine tests for
9 street drugs by defendants, which had unconfirmed positive results for cocaine. Plaintiff signed a
10 document in which she requested that her urine samples be tested in an independent lab if they tested
11 positive. Plaintiff is informed and believes and thereon alleges that defendants failed and refused to test
12 her urine samples in an independent lab, in order to confirm the positive results. Shortly after said drug
13 testing, Plaintiff submitted to a urine test for drugs that same evening at Doctors Medical Center, and
14 a blood and urine tests the following day at Dr. Freitas' medical office, all of which tests had negative
15 results for street drugs. Plaintiff was denied educational opportunities and denied anticipated subsequent
16 employment by Defendant BETHANY HOME SOCIETY, INC., by being terminated from her
17 vocational education program on January 17, 2007 by Defendant BETHANY HOME SOCIETY INC.,
18 and which termination was confirmed on or about January 18, 2007 by Defendant RIPON UNIFIED
19 SCHOOL DISTRICT. Said termination occurred after Plaintiff had been participating in a vocational
20 education program provided by defendants, for the purpose of enabling students to learn to be Certified
21 Nursing Assistants.

22 11. The actual reason for plaintiff's termination from this program was due to her race (i.e.
23 African-American). Plaintiff was one of two African-American students in her program as of January
24 17, 2007. However, defendants used two unconfirmed positive results for cocaine on a drug (urine) test,
25 as a pretext for terminating her from the vocational education program. Neither defendant would reverse
26 the termination after plaintiff provided them with her negative drug test results on or about January 18,
27 2007.

1 12. At all times herein mentioned, plaintiff was qualified for the position of training to become
2 a Certified Nursing Assistant with defendant RIPON UNIFIED SCHOOL DISTRICT, through their
3 vocational training program conducted by defendant BETHANY HOME SOCIETY, INC., in that she
4 paid her fees, attended her classes, and provided the school with a drug test that showed a negative result
5 soon after the defendants obtained an unconfirmed positive drug test result.

6 13. Defendants' termination of plaintiff from said vocational educational training program
7 constitutes disparate treatment in that it was based on the fact that the plaintiff is an African-American
8 person. Defendants intentionally refused to consider plaintiff's subsequent negative drug test results,
9 and persisted in her termination from the training program, based upon two unconfirmed drug tests
10 performed by the BETHANY HOMES SOCIETY, INC. Plaintiff alleges that the reason that defendants
11 terminated her from the educational program, with the expectation of future employment, was due to the
12 fact that plaintiff was one of two African-American persons in her vocational training class, as of
13 January 17, 2007.

14 14. Defendant's discriminatory actions against plaintiff, as alleged above, constituted unlawful
15 discrimination in employment of account of race, in violation of the California Fair Employment and
16 Housing Act, California Government Code Sections 12900, et seq., 12940, subdivision (a).

17 15. As a proximate result of defendant's discriminatory action(s) against plaintiff, as alleged
18 above, plaintiff has been harmed in that plaintiff has suffered the loss of wages, salary, earning capacity,
19 employment benefits, and additional amounts of money plaintiff would have received if plaintiff had
20 been hired by defendant BETHANY HOME SOCIETY, INC. upon the completion of her vocational
21 educational training program for Certified Nursing Assistants provided by defendant RIPON UNIFIED
22 SCHOOL DISTRICT. As a result of such discrimination and consequent harm, plaintiff has suffered
23 such damages in an amount according to proof.

24 16. As a further proximate result of defendant's discriminatory action(s) against plaintiff, as
25 alleged above, plaintiff has been harmed in that plaintiff has suffered the intangible loss of such
26 employment-related opportunities as vocational training, a Certified Nursing Assistant certificate,
27 experience in the position sought by plaintiff, letters of recommendation, self-esteem, confidence, self-

1 respect, and employment contacts. As a result of such discrimination and consequent harm, plaintiff has
2 suffered such damages in an amount according to proof.

3 17. As a further proximate result of defendants' discriminatory action(s) against plaintiff, as
4 alleged above, plaintiff has been harmed in that she has suffered humiliation, mental anguish, and
5 emotional and physical distress, and has been injured in mind (and body) as follows: emotional distress,
6 depression, loss of self-esteem, mental illness, physical illness, and other general damages. As a result
7 of such discrimination and consequent harm, plaintiff has suffered such general damages in an amount
8 according to proof. She has also suffered such special damages for medical and mental health treatment,
9 and related costs and expenses, in an amount according to proof, as a result of defendants' discriminatory
10 action(s) against plaintiff.

11 18. The above-recited actions of defendant were done with malice, fraud, or oppression, and in
12 reckless disregard for the plaintiff's rights under FEHA. Specifically, defendants, and each of them,
13 knew that the plaintiff was a young, African-American, woman, seeking vocational training so that she
14 would have sufficient job skills to enter a promising career in the health care field, so that she could
15 support herself and her family, rather than be supported by others. Even though plaintiff denied drug
16 use, and quickly provided defendants with subsequent reports from Doctors Medical Center and Dr.
17 Freitas of comprehensive drug screenings, taken hours after the first drug test performed by defendants,
18 and the following day, with results of negative findings for any street drugs, defendants stubbornly and
19 unreasonably persisted to relied upon the two, initial, unconfirmed (by a lab), drug tests taken just hours
20 before plaintiff obtained the testing at Doctors Medical Center, to justify termination of the plaintiff from
21 the vocational training program in which she had been participating, when they could foresee that doing
22 so would cause plaintiff to incur severe damages. Plaintiff had a two year old son, was single mother,
23 and was receiving public assistance when she entered the program in December 2006, had hoped to
24 become self-supporting, and her termination had a devastating effect upon her.

25 19. On February 27, 2007, plaintiff filed two Complaints of Discrimination under the provisions
26 of the California Fair Employment and Housing Act with the State of California, State and Consumer
27 Services Agency, Department of Fair Employment and Housing (hereinafter referred to as "DFEH"),
28

1 against Defendants BETHANY HOME and RIPON UNIFIED SCHOOL DISTRICT. True and correct
2 copies of these two administrative Complaints are attached hereto, marked "Exhibit A", and are
3 incorporated herein by this reference as though fully set forth.

4 20. On March 8, 2007, the DFEH issued to plaintiff two notices of right to bring a civil action
5 based on the Complaints that are attached as "Exhibit A" to this Complaint. True and correct copies of
6 the two "Right-To-Sue Notice" are attached hereto, marked "Exhibit B," and are incorporated herein by
7 this reference as though fully set forth.

8 22. On July 11, 2007, Plaintiff KIANA CRAYTON personally served a Claim Form upon the
9 RIPON UNIFIED SCHOOL DISTRICT. A true and correct copy of said Claim Form is marked as
10 "Exhibit C," attached to this Complaint, and incorporated herein by reference.

11 22. On or about August 15, 2007, Defendant RIPON UNIFIED SCHOOL DISTRICT, by and
12 through its claims administrator Keenan and Associates, served plaintiff with a notice that her claim was
13 rejected on August 13, 2007 by the RIPON UNIFIED SCHOOL DISTRICT, and included a warning that
14 she had only six (6) months from the date that said notice was personally delivered upon her or deposited
15 into the mail to file a court action on this claim. A true and correct copy of said rejection of claim is
16 marked as "Exhibit D," attached to this Complaint, and incorporated herein by reference.

17 **SECOND CAUSE OF ACTION**

18 (Invasion of Privacy)

19 23. Plaintiff refers to Paragraphs 1 to 22, inclusive, of this Complaint, and refers them herein
20 by reference as though fully set forth herein.

21 24. On or about January 17, 2007, in Ripon, San Joaquin County, California, defendants, and
22 each of them, by and through their employees and agents, violated Plaintiff KIANA CRAYTON'S right
23 to privacy under Article 1, Section 1, of the California Constitution by engaging in or authorizing
24 conduct that invaded Plaintiff KIANA CRAYTON'S privacy interests. Specifically, defendants visually
25 monitoring Plaintiff when she provided urine on two occasions for drug tests. Plaintiff had a "privacy
26 interest" in conducting personal activities, to wit, urinating, without observation

27 25. Plaintiff KIANA CRAYTON had a reasonable expectation of privacy as to the interests
28

1 invaded by defendants, as described in paragraph 24 hereinabove. Widely accepted community norms,
2 taking into consideration the customs of the time and place, the occupation of the plaintiff, and the habits
3 of her neighbors or fellow citizens and the extent to which the plaintiff voluntarily consented or
4 participated in activities impacting privacy interests, indicate that the plaintiff had a reasonable
5 expectation she could urinate in a private rest room, without any person observing her. Defendants
6 warned plaintiff that she would be terminated from her vocational training program if she did not allow
7 a person to observe her urinate, or completely disrobe prior to entering a rest room to urinate.
8 Therefore, Plaintiff's participation in urinating with an observer present was under duress and coercion,
9 and was not voluntarily consented to by her.

10 26. The invasion of privacy by defendants was "*serious*," because the invasion of her privacy
11 constituted an egregious breach of the social norms underlying the privacy right. Specifically, the
12 wrongful conduct by defendants and their employees and agents was "*serious*" because the visual
13 monitoring of a person providing urine for a drug test constitutes a "*serious*" invasion of that person's
14 privacy.

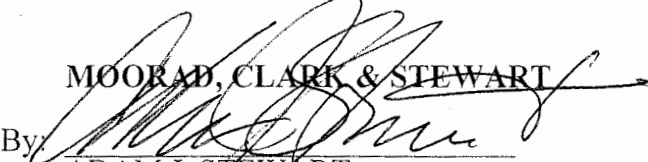
15 27. The invasion of privacy by defendants and their employees and agents caused plaintiff
16 KIANA CRAYTON to suffer injury, damage, loss or harm.

17 WHEREFORE, with regard to both causes of action, plaintiff prays for judgment against
18 defendants, and each of them, as follows:

- 19 1. For back pay, front pay, loss of earning capacity, and other monetary relief in a sum according
20 to proof;
- 21 2. For general damages in a sum according to proof, in excess of \$25,000.00;
- 22 3. For special damages, including but not limited to medical and mental health expenses, in a
23 sum according to proof;
- 24 4. For punitive damages in an amount appropriate to punish defendant for wrongful conduct and
25 set an example for others;
- 26 5. For interest on the sum of damages awarded, calculated from January 17, 2007 to the date of
27 Judgment;

- 1 6. For reasonable attorney's fees pursuant to Government Code Section 12965(b);
- 2 7. For costs of suit herein incurred; and
- 3 8. For such other and further relief as the court deems proper.

4 Dated: February 8, 2008

5 
6 **MOORAD, CLARK & STEWART**
7 ADAM J. STEWART
8 Attorneys for Plaintiff

9 VERIFICATION

10 I, KIANA CRAYTON, am the plaintiff in the above-entitled action. I have read the foregoing
11 complaint and know the contents thereof. The same is true of my own knowledge, except as to those
12 matters which are therein alleged on information and belief, and as to those matters, I believe it to be
13 true.

14 I declare under penalty of perjury under the laws of the State of California that the foregoing is
15 true and correct. Executed on February 7, 2008 at Modesto, California.

16 
17 KIANA CRAYTON

Exhibit “A”

*** EMPLOYMENT ***

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E-200607-C-0861-00c
DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (indicate Mr. or Ms.) MS. KIANA CRAYTON TELEPHONE NUMBER (INCLUDE AREA CODE) (209) [REDACTED]

ADDRESS [REDACTED]
CITY/STATE/ZIP RIPON, CA [REDACTED] COUNTY SAN JOAQUIN COUNTY CODE _____

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME RIPON UNIFIED SCHOOL DISTRICT TELEPHONE NUMBER (Include Area Code) (209) 559-2131

ADDRESS 304 N. ACACIA AVENUE DFEH USE ONLY _____

CITY/STATE/ZIP RIPON, CA 95366 COUNTY SAN JOAQUIN COUNTY CODE _____

NO. OF EMPLOYEES/MEMBERS (if known) UNKNOWN DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month, day, and year) 1/17/07 RESPONDENT CODE _____

THE PARTICULARS ARE:

On 1/17/07 I was _____ fired denied employment _____ denied family or medical leave
_____ laid off _____ denied promotion _____ denied pregnancy leave
_____ demoted _____ denied transfer _____ denied equal pay
_____ harassed _____ denied accommodation _____ denied right to wear pants
_____ genetic characteristics testing _____ impermissible non-job-related inquiry _____ denied pregnancy accommodation
_____ forced to quit other (specify) DENIED EDUCATIONAL OPPORTUNITIES

by RIPON UNIFIED SCHOOL DISTRICT
Name of Person _____ Job Title (supervisor/manager/personnel director/etc.) _____

because of my: _____ sex _____ national origin/ancestry _____ physical disability _____ cancer _____ (Circle one) filing;
_____ age _____ marital status _____ mental disability _____ genetic characteristic protesting; participating in
_____ religion _____ sexual orientation investigation (retaliation for)
 race/color _____ association other (specify) IMPROPER ADMINISTRATION OF URINE DRUG TEST

the reason given by EMPLOYEES AT RIPON UNIFIED SCHOOL DISTRICT.
Name of Person and Job Title _____

Was because of RIPON UNIFIED SCHOOL DISTRICT AND EMPLOYEES CLAIMED A POSITIVE URINE DRUG
[please state TEST, WHICH I PROVED TO BE NEGATIVE. I WAS NOT GIVEN AN OPPORTUNITY TO
what you believe RETAKE. THEREFORE BELIEVE I WAS DISCRIMINATED AGAINST DUE TO RACE/COLOR
to be reason(s)]

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue notice. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

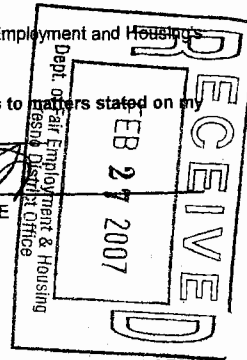
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated FEBRUARY 22, 2007

Kiana Crayton
COMPLAINANT'S SIGNATURE
KIANA CRAYTON

At RIPON, CA
City

DATE FILED: FEB 27 2007



*** EMPLOYMENT ***

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

DFEH #

E-200607-C-0862-00c

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (Indicate Mr. or Ms.)

TELEPHONE NUMBER (INCLUDE AREA CODE)

MS. KIANA CRAYTON

(209)

ADDRESS

SAN JOAQUIN

CITY/STATE/ZIP

COUNTY

COUNTY CODE

RIPON, CA

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

TELEPHONE NUMBER (Include Area Code)

BETHANY HOME

(209) 599-4221

ADDRESS

DFEH USE ONLY

930 W. MAIN STREET

SAN JOAQUIN

CITY/STATE/ZIP

COUNTY

COUNTY CODE

RIPON, CA 95366

NO. OF EMPLOYEES/MEMBERS (if known)

DATE MOST RECENT OR CONTINUING DISCRIMINATION

RESPONDENT CODE

UNKNOWN

TOOK PLACE (month, day, and year) 1/17/07

THE PARTICULARS ARE:

- On 1/17/07 I was
- fired
 - denied employment
 - denied family or medical leave
 - laid off
 - denied promotion
 - denied pregnancy leave
 - demoted
 - denied transfer
 - denied equal pay
 - harassed
 - denied accommodation
 - denied right to wear pants
 - genetic characteristics testing
 - impermissible non-job-related inquiry
 - denied pregnancy accommodation
 - forced to quit
 - other (specify) DENIED EDUCATIONAL OPPORTUNITIES

by EMPLOYEES OF BETHANY HOME

Name of Person

Job Title (supervisor/manager/personnel director/etc.)

- because of my:
- sex
 - national origin/ancestry
 - physical disability
 - cancer
 - (Circle one) filing:
 - protesting; participating in investigation (retaliation for)
 - age
 - marital status
 - mental disability
 - genetic characteristic
 - race/color
 - association
 - other (specify) IMPROPER ADMINISTRATION OF URINE DRUG TEST

the reason given by EMPLOYEES AT BETHANY HOME

Name of Person and Job Title

Was because of BETHANY HOME AND EMPLOYEES CLAIMED A POSITIVE URINE DRUG TEST, WHICH I PROVED
 [please state TO BE NEGATIVE. I WAS NOT GIVEN AN OPPORTUNITY TO RE-TAKE. THEREFORE
 what you believe BELIEVE I WAS DISCRIMINATED DUE TO RACE/COLOR.
 to be reason(s)]

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue notice. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated FEBRUARY 23 2007

Kiana Crayton
COMPLAINANT'S SIGNATURE

KIANA CRAYTON

At RIPON, CA

City

FEB 27 2007

DATE FILED:

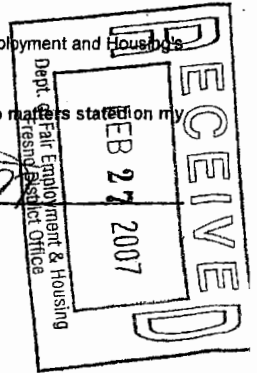


Exhibit "B"

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1320 E. Shaw Avenue, Suite 150, Fresno, CA 93710
(559) 244-4760 (800) 700-2320 Fax (559) 244-4819
www.dfeh.ca.gov



March 8, 2007

Adam J. Stewart
Attorney
MOORAD, CLARK & STEWART
1020 15th St. #20
Modesto, CA 95354

RE: E200607C0861-00-c
CRAYTON/RIPON UNIFIED SCHOOL DISTRICT

Dear Adam J. Stewart:

NOTICE OF CASE CLOSURE

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective February 27, 2007 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

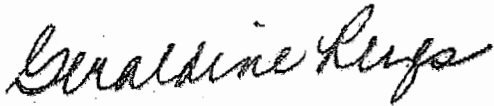
This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

Notice of Case Closure
Page Two

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in cursive script that reads "Geraldine Reyes".

Geraldine Reyes
District Administrator

cc: Case File

Human Resources
Manager
RIPON UNIFIED SCHOOL DISTRICT
304 N. Acacia Avenue
Ripon, CA 95366

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

1320 E. Shaw Avenue, Suite 150, Fresno, CA 93710
(559) 244-4760 (800) 700-2320 Fax (559) 244-4819
www.dfeh.ca.gov



March 8, 2007

Adam J. Stewart
Attorney
MOORAD, CLARK & STEWART
1020 15th St. #20
Modesto, CA 95354

RE: E200607C0862-00-c
CRAYTON/BETHANY HOME

Dear Adam J. Stewart:

NOTICE OF CASE CLOSURE

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective February 27, 2007 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

Notice of Case Closure
Page Two

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in cursive script that reads "Geraldine Reyes".

Geraldine Reyes
District Administrator

cc: Case File

Human Resources
Manager
BETHANY HOME
930 W. Main Street
Ripon, CA 95366

DFEH-200-43 (06/06)

Exhibit "C"

Michelle Regan
Admin. Asst.

Ripon Unified School District
304 N. Acacia Ave., Ripon, CA 95366

Claim Form

1. Claims for death, injury to person, or to personal property must be filed not later than six (6) months after the occurrence (Govt. Code, Section 911.2)
2. Claims for damages to real property or breach of contract must be filed not later than one year after the occurrence (Govt. Code, Section 911.2)

KIANA CRAYTON [redacted] (209) [redacted]
 Name of Claimant [redacted] DOB [redacted] Phone Number [redacted]
 [redacted] Ripon, CA [redacted]
 Address City Zip

WHEN did damage or injury occur? On or about 1/17/07

WHERE did damage or injury occur? Ripon, San Joaquin County, CA

HOW and under what circumstances did damage or injury occur? I was discriminated against due to my race/color. I was not allowed to register as a Certified Nursing Assistant even after I disputed the positive drug test (given by the School District), and provided two negative drug test results.

WHAT particular action by the District or its employees caused the alleged damage or injury: (include names of employees, if known) (See attachment about particulars)

WHAT sum do you claim: Include the estimated amount of any prospective loss insofar as it may be known at the time of the presentation of this claim, together with the basis of computation of the amount claimed; attach estimates or invoices, if possible. (If amount claimed exceeds \$10,000, no dollar amount be stated)

Loss of earning capacity/future & past wages	\$	according to proof
General Damages	\$	200,000.
Attorney's Fees	\$	according to proof
Total Amount Claimed	\$	500,000.

If total amount claimed exceeds \$10,000, is this a Limited Civil case? Yes _____ No ^x _____

NAMES and addresses of witnesses, doctors and hospitals: Ripon Unified School District, Bethany Home, Kiana Crayton, Lisa Boje, Leo Zuber, Doctor's Medical Center (Modesto), Barbara Camping, Janice Alford, Andrew Lee, Westcliff Medical Laboratories, Inc., Kathie Callantine, Inga Miller, Suze Black, Sheryl Dutra, Sue Matson, Linda S. Phillips, P.A., Aspen Family Medical Group, Elen Klein, N.P.

DATE: July 9, 2007

Kiana Crayton
Signature of Claimant
Kiana Crayton

NOTICE: Section 72 of the California Penal Code provides: "Every person who with intent to defraud, presents for payment to any School District any false or fraudulent claim, is guilty of a felony punishable by fine and/or imprisonment."

Attachment to Ripon Unified School District's
Claim Form

WHAT particular action by the District or its employees caused the alleged damage or injury:
(include names of employees, if known)

Bethany Home Society gave a drug test to claimant, which had a false positive result. Despite receiving a negative drug test result, Ripon Unified School District discriminated against Claimant due to her race color (i.e. African-American) by removing her from a Certified Nursing Assistant job training program, despite claimant providing two negative drug test results to Ripon Unified School District..

Exhibit “D”

Keenan

Associates

1111 Broadway
Suite 2000
Oakland, CA 94607

AUG 21 2007

510 986-6750
510 986-6756 fax
www.keenan.com
License No. 0451271

August 15, 2007

AUG 21 2007

CERTIFIED MAIL

Kiana Crayton

Ripon, California

RE: **Kiana Crayton v. Ripon Unified School District**

Claim Number: 4004-07-00004-01-06

Date of Loss: January 17, 2007

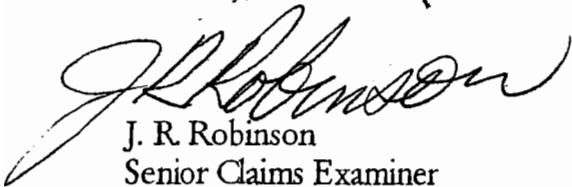
Dear Ms. Crayton:

Keenan and Associates are the claims administrators for the Ripon Unified School District. Notice is hereby given that the claim you presented to the Ripon Unified School District on or about July 11, 2007, was rejected on August 13, 2007, by the Ripon Unified School District's Board of Directors..

"WARNING"

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action in municipal or superior court of the State of California on this claim. See Government Code, Section 945.6.

Sincerely,



J. R. Robinson
Senior Claims Examiner
Property & Liability Claims Administration (PLCA)

CC: Adam J. Stewart, Esq.
Law Offices of Moorad, Clark & Stewart
1020 15th Street, Suite 20
Modesto, California 95354