

September 9, 2024

SENT BY CERTIFIED MAIL & E-MAIL

City of Riverside
City Clerk's Office
City of Riverside
3900 Main Street
Riverside, CA 92522
dgause@riversideca.gov

Re: *Tort Claim Form of Phaedra Ann Norton*

To Whom It May Concern:

Please be advised that we represent Phaedra Ann Norton (“Norton”). By this letter, we present the following claim for damages on her behalf, in what is commonly referred to as a tort claim form.

INDIVIDUALS AND ENTITIES AGAINST WHOM CLAIMS ARE BROUGHT

The names of the public entities and public employees who caused Norton’s injuries include but are not limited to: City of Riverside (“the City”), and individuals Charles Conder (“Conder”) and Sean Mill (“Mill”), collectively known as “Defendants.”

FACTS SUPPORTING CLAIM

Norton, a fifty-five-year-old homosexual female has diligently served as the City Attorney for over three years, commencing in July 2021. Throughout her tenure, she has consistently performed her duties with excellence, integrity, and dedication.

In October 2022, Norton received a witness list pertaining to an ongoing case against the City brought by Tony Platt. Notably, Council Member Conder was listed as a witness in this case. During Norton’s thorough investigation into Mr. Platt’s

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Los Angeles, California 90012

11520 San Vicente Boulevard
Los Angeles, California 90049

6205 Lusk Boulevard, Suite 200
San Diego, California 92121

650 California Street, Suite 4-137
San Francisco, California 94108

90 Broad Street, Suite 804
New York, New York 10004

3764 Elizabeth Street
Riverside, California 92506

allegations, Norton uncovered troubling evidence suggesting that Council Member Conder had been surreptitiously providing legally protected confidential information to Mr. Platt and engaging in other adverse actions against the City in his official capacity as a corporate officer.

Norton's discovery of Council Member Conder's wrongful actions was not only crucial to the integrity of the ongoing legal proceedings against the City but also revealed serious breaches of Council Member Conder's fiduciary duties as a corporate officer of the City including, but not limited to, his disclosure of legally protected confidential information.

Reasonably believing that legal wrongdoing had occurred and in order to safeguard the People and City's legal interests in accordance with her fiduciary and legal obligations, and as any diligent City Attorney with integrity would do; Norton engaged in legally protected activity by taking the necessary steps to address this legal wrongdoing by disclosing the same to the highest authority of the City, the City Council who are the persons authorized by law to receive it.

On February 7, 2023, having considered the various legal options to address Council Member Conder's legal wrongdoing, the City Council unanimously directed Norton to initiate the appropriate legal proceedings against Councilmember Conder for violating his fiduciary obligations to the City and the People and for illicitly and surreptitiously providing legally protected confidential information to Mr. Platt in violation of the Brown Act and attorney-client privilege.

Subsequently, on or about February 14, 2023, Norton, in her official capacity as City Attorney, filed a lawsuit against Council Member Conder in Riverside Superior Court, as directed by the City Council, seeking redress for his egregious breaches of confidentiality in violation of the Brown Act, the attorney-client privilege, and Councilmember Conder's duty of loyalty and fidelity to the corporation he was elected to serve. Temporary restraining orders were promptly issued on February 17 and 20, 2023, by two separate judicial officers to prevent further disclosures of legally protected information by Council Member Conder to anyone not authorized to receive it including, but not limited to, Mr. Platt.

Despite these necessary legal actions, directed unanimously by the entire City Council, Council Member Conder launched a relentless ongoing campaign of retaliation against Norton and the City's lead attorney in the Platt and Conder litigation, for engaging in legally protected whistleblower activity. On March 28, 2023, during a public meeting, Council Member Conder publicly attacked Norton's character and

professional integrity, baselessly accusing Norton's office of abusing its power in filing the lawsuit against him and making disparaging remarks as Norton's supervisor about Norton's performance as well as the performance of the City's lead attorney in the Platt and Conder litigation in violation of each employee's right to privacy.

Furthermore, in April 2023, during discussions among City Council members, Council Member Conder, despite his conflict of interest and bias participated in Norton's performance evaluation and brazenly asserted that Norton's performance as City Attorney was unsatisfactory, sought to increase scrutiny of Norton and her performance, and further perpetuating falsehoods and undermining Norton's reputation within the organization.

These retaliatory actions by Council Member Conder have not only created a hostile work environment but also constitute clear acts of discrimination and retaliation against Norton for engaging in legally protected activity. As a dedicated public servant, Norton has consistently acted with integrity and in the best interests of the City and its residents, upholding the rule of law and ethical standards without compromise and ensuring that the public's interest is being protected.

On May 2, 2023, Council Member Conder, openly expressed his disdain for homosexuals, a direct affront to Norton's identity as a homosexual woman. Despite Norton's complaint to an official that had the legal obligation to take appropriate action under the City's zero-tolerance policy for harassment, discrimination, and retaliation, no action was taken to comply with the City's legal mandate to investigate, stop, or prevent future harm to the City and its employees for Councilmember Conder's openly homophobic remarks as Norton's supervisor.

Following a positive performance review and merit increase the City Council began negotiating a contract extension with Norton in August 2023. During the negotiation process and despite his ongoing conflict of interest, Council Member Conder continued to brazenly assert that Norton's performance was unsatisfactory, perpetuated falsehoods regarding Norton's performance and continued to undermine Norton's reputation within the organization.

On September 19, 2023, Council Member Conder publicly engaged in verbal abuse of Norton and the lead attorney in the Platt and Conder litigation. Norton sought to enforce the City's zero tolerance policy on harassment, discrimination, and retaliation by confronting Conder about his ongoing harassment and retaliation in response to the lawsuit Norton, in her official capacity, had filed against him as unanimously directed by the City Council. In a shocking display of belligerence and defiance, Conder

aggressively and openly declared his intent to continue bullying, retaliating, and harassing Norton without consequence.

Despite raising concerns on September 21 and 26, 2023, respectively, to several officials that had legal responsibilities to enforce the City's zero tolerance policy regarding discrimination, harassment, and retaliation and to take appropriate action to investigate and take action to prevent further discrimination, harassment, and retaliation, no substantive actions were taken to address the escalating harassment and retaliation by Conder. It was not until September 26, 2023, that the City acknowledged Conder's ongoing abusive behavior and assured Norton of their awareness, yet no concrete steps were taken to protect Norton from further harm.

The situation deteriorated further in October 2023 when Conder persisted in publicly berating Norton's performance during council meetings. His relentless campaign against Norton culminated in shocking threats, defamatory statements, and verbal abuse directed at Norton in February 2024 for Norton and the City's lead attorney prevailing in the Platt litigation.

In the Platt litigation the jury found in favor of the City on all causes of action which entitles the City to recover attorney's fees and costs as the prevailing party. The total taxpayer recovery in the Platt litigation is approximately \$2,000,000. It appears based upon text messages between Council Member Conder and Mr. Platt that Council Member Conder and his allies are colluding to deprive the City and the taxpayers of their legal right to recover approximately \$2,000,000 in taxpayer funds. Council Member Conder and his allies see Norton as an impediment to achieving their unlawful objective and are seeking to "get rid" of Norton to achieve their insidious goal.

In March 2024, Council Member Sean Mill, openly aligned with Conder, indicated his loyalty and intentions to undermine Norton's position as City Attorney. This was followed by disturbing revelations in April 2024, where Norton discovered text messages between Conder and Tony Platt discussing efforts to terminate Norton's employment, praying for a good outcome in the elections indicating "there is a lot that you guys can do if you have the right people with you. . ." and directions from Council Member Conder to Mr. Platt to keep talking to the new Council Members because they are the two votes that Conder will need if Platt and Conder are going to have a chance.
Conder

On April 5, 2024, Council Member Elect Sean Mill brazenly raised the issue of requiring the City Attorney to reside within the City of Riverside, pointedly inquiring about Norton's residence despite understanding Norton did not live within the city

limits. This inquiry was clearly intended to create a pretextual basis for targeting and harassing Norton.

On April 8, 2024, Council Member Elect Mill openly expressed his opposition to flying the pride flag at any city facilities, displaying his hostility towards the LGBTQ+ community. He intentionally made these remarks to Norton fully aware of Norton's identity as a member of the pride community. Additionally, he disclosed that he had previously written a discriminatory letter to the LA Times while serving on the Parks and Recreation Commission in Santa Ana, where he advocated against LGBTQ+ gatherings near churches or parks. Councilmember Mill has continuously engaged in extremely severe racial and sexually explicit comments creating an intolerable and hostile work environment.

The retaliatory actions reached a critical juncture on April 9, 2024, when Conder, as part of his ongoing campaign of retaliation, discrimination, and harassment pretextually voted yes to approve Norton's contract so that he could later that same day procedurally manipulate a motion to reconsider and cancel Norton's employment contract. This was all part of Conder's systematic, relentless, and ongoing campaign to "get rid" of Norton for engaging in legally protected activity and for Norton complying with her fiduciary duties to the City and the public's by seeking the lawful recovery of taxpayer funds. Norton's contract was arbitrarily renegotiated, and the terms of Norton's contract were diminished, and resulting in a decreased in Norton's pay and benefits, clearly in retaliation for her legitimate complaints against Conder's unlawful conduct.

On June 18, 2024, during a City Council meeting, Council Member Clarissa Cervantes commendably recognized a Gay Pride nonprofit organization and presented them with a well-deserved award. However, Council Member Conder, displaying clear animus toward homosexuals, abruptly left the meeting during the presentation and returned only after the presentation and the photo op had concluded.

These actions by Council Member Conder not only demonstrate flagrant discrimination and animus against homosexuals but also constitute a deliberate effort to intimidate and harass Norton in retaliation for her vocal opposition to Council Member Conder's misconduct and unlawful behavior.

The harassment, discrimination, retaliation, and isolation orchestrated by Conder and Mill and their allies are ongoing and have created an intolerable work environment, making it increasingly difficult for Norton to effectively perform her duties and uphold her responsibilities as City Attorney. These actions by Council Member Conder, Mill,

and others not only constitute unlawful discrimination and retaliation based on Norton's sexual orientation and good faith complaints of illegalities by Conder but also inflict severe emotional distress and undermine the integrity of the City's governance and legal processes.

POTENTIAL LEGAL THEORIES/CLAIMS

Norton anticipates bringing causes of action based on legal violations and theories that include:

1. Discrimination and harassment on the basis of sex/gender, sexual orientation in violation of FEHA;
2. Retaliation in violation of FEHA;
3. Failure to prevent discrimination, harassment, or retaliation in violation of FEHA;
4. Negligent hiring, supervision, and retention;
5. Intentional infliction of emotional distress;
6. Violation of Labor Code, including but not limited to, sections 1102.5 and 232.5;
7. Defamation;
8. Violation of the right to privacy;
9. Breach of contract including, but not limited to, the breach of the covenant of good faith and fair dealing;
10. Due process violation; and
11. Violence in the workplace violation.

Additional causes of action and/or theories of relief may be raised on the basis of the facts generally set forth above, as is permitted by *Blair v. Superior Court* (1990) 218 Cal.App.3d 221.

DAMAGES SOUGHT

Norton seeks economic and noneconomic damages, as well as any other types of damages available, according to proof, which will exceed \$10,000 and will not be brought as a limited jurisdiction matter. Norton also seeks interest, attorneys' fees, and costs, although the amounts of such interest, fees, and costs are not known at this time.

NOTICE

Norton requests that all notices concerning this claim be sent to us, her counsel of record, Shegerian & Associates, Inc., 11520 San Vicente Boulevard, Los Angeles, California 90049, telephone: (310) 860-0770, facsimile: (310) 860-0771. Our e-mail addresses are CShegerian@Shegerianlaw.com and RZilifyan@shegerianlaw.com.

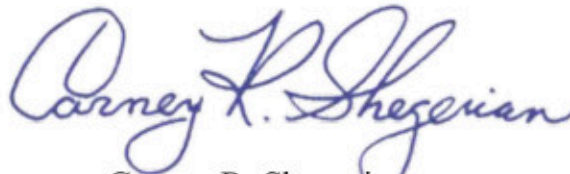
ACTING ON BEHALF

Pursuant to Government Code section 910, our firm is “acting on behalf” of Norton in submitting this demand. It is likewise hereby signed by Carney R. Shegerian on behalf of Norton, pursuant to Government Code section 910.2.

Thank you for your review and consideration of the above.

Very truly yours,

SHEGERIAN & ASSOCIATES, INC.



Carney R. Shegerian