

1 Warren R. Paboojian, No. 128462
wrp@bplaw-inc.com
2 BARADAT & PABOOJIAN, INC.
720 West Alluvial Avenue
3 Fresno, California 93711
Telephone: (559) 431-5366
4 Facsimile: (559) 431-1702

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FRESNO COUNTY SUPERIOR COURT
By: E. Medina, Deputy

5 Attorneys for Plaintiffs
RHONDA WILLIAMS and
6 KATHLEEN KUBALL

7 Todd B. Barsotti, No. 148862
tbar@barsotti-law.com
8 TODD B. BARSOTTI, A PROF. LAW CORP.
6780 N. West Ave., Suite 102
9 Fresno, CA 93711
Telephone: (559) 226-2100
10 Facsimile: (559) 226-7636

11 Attorneys for Plaintiff
SHANNON JEFFERIES

14 SUPERIOR COURT OF CALIFORNIA
15 COUNTY OF FRESNO

16 RHONDA WILLIAMS; KATHLEEN)
KUBALL; and SHANNON JEFFERIES,)
17)
Plaintiffs,)
18)
vs.)
19)
STATE CENTER COMMUNITY COLLEGE)
20 DISTRICT; and DOES 1 to 25, inclusive,)
21)
Defendants.)

Case No. 18CECG00180

COMPLAINT

- 1. Gender Discrimination - Govt. Code §12940(a)
- 2. Violation of Title IX - 20 U.S.C. § 1681 et seq.
- 3. Injunctive Relief
- 4. Declaratory Relief

23 Plaintiffs, RHONDA WILLIAMS, KATHLEEN KUBALL and SHANNON JEFFERIES, allege
24 as follows:

25 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

26 1. Plaintiffs are informed and believe, and thereon allege, that defendant, STATE CENTER
27 COMMUNITY COLLEGE DISTRICT (hereinafter referred to as "SCCCD"), is and at all times
28 mentioned herein was a governmental entity organized and existing under the laws of the State of

1 California, authorized to operate community colleges, including Fresno City College and Reedley
2 College.

3 2. SCCCD's principal place of business is in Fresno County. Fresno City College and
4 Reedley College are in Fresno County. Plaintiffs' claims arose in Fresno County.

5 3. The true names and capacities, whether individual, corporate, associate or otherwise, of
6 defendants named herein as DOES 1 through 25, inclusive, are unknown to plaintiffs, who therefore sue
7 said defendants by such fictitious names. Plaintiffs will amend this complaint to show their true names
8 and capacities when the same have been ascertained. Plaintiffs are informed and believe and thereon
9 allege that each of the defendants designated herein as DOE is legally responsible in some manner for
10 the events and happenings referred to, and predominately caused the damages to plaintiffs as herein
11 alleged.

12 4. Plaintiffs are informed and believe, and thereon allege, that defendants, and each of them,
13 were and/or are the agents and/or employees of each of the remaining defendants, and were acting in the
14 course and scope of said agency and/or employment in the performance of the acts herein alleged.

15 5. All plaintiffs are, and at all times mentioned herein were, female employees of defendant
16 and entitled under state and federal law to equal protection with all similarly situated employees of
17 SCCCD, specifically including coaches and staff associated with male athletic programs and activities.

18 6. Plaintiff, RHONDA WILLIAMS (hereinafter referred to as "WILLIAMS"), was hired by
19 SCCCD in or about January 1995. Throughout most of her employment with SCCCD and through the
20 present time, WILLIAMS has held the positions of Head Coach for the Fresno City College women's
21 softball team and Assistant Coach for the Fresno City College women's golf team. WILLIAMS has
22 performed her job duties in an exemplary manner throughout her employment with SCCCD and has never
23 been subject to disciplinary action.

24 7. Plaintiff, KATHLEEN KUBALL (hereinafter referred to as "KUBALL"), was hired by
25 SCCCD in or about 1997. Throughout most of her employment with SCCCD and through the present
26 time, KUBALL has held the position of Head Coach for the Reedley College women's softball team.
27 KUBALL has performed her job duties in an exemplary manner throughout her employment with
28 SCCCD and has never been subject to disciplinary action.

1 8. Plaintiff, SHANNON JEFFERIES (hereinafter referred to as "JEFFERIES"), was hired
2 by SCCC in or about June 1996. Throughout most of her employment with SCCC and through the
3 present time, JEFFERIES has held the position of Head Coach for the Reedley College women's
4 volleyball team. JEFFERIES has performed her job duties in an exemplary manner throughout her
5 employment with SCCC and has never been subject to disciplinary action.

6 9. Plaintiffs hold similar positions and perform comparable, and sometimes, more, job duties
7 than their counterparts associated with male athletic programs and activities, but are paid less than their
8 male counterparts because SCCC assigns more "duty days" to male coaches than to female coaches,
9 including plaintiffs. Plaintiffs are informed and believe, and thereon allege, that female coaches,
10 including plaintiffs, are assigned fewer "duty days" and receive lower compensation than their male
11 counterparts for no reason other than their gender and/or affiliation with women's athletics.

12 10. SCCC has a long-standing and pervasive policy, pattern, and practice of gender
13 discrimination and unequal treatment of female coaches, female athletes, and female athletic programs
14 and activities at Fresno City College and Reedley College as compared to male coaches, male athletes,
15 and male athletic programs and activities. SCCC has consistently throughout the years of plaintiffs'
16 employment, and up to and including the present time, provided male coaches, male athletes, and male
17 athletic programs and activities with better employment conditions and resources than female coaches,
18 female athletes, and female athletic programs and activities, including without limitation, better
19 compensation, treatment, benefits, facilities, equipment, supplies, travel and transportation, scheduling
20 of games and practices, locker rooms, uniforms, funding, publicity, coaching staffs, support staff, and
21 personal trainers.

22 FIRST CAUSE OF ACTION

23 **Gender Discrimination in Violation of Government Code Section 12940(a)**

24 11. Plaintiffs incorporate by reference paragraphs 1 through 10 as if fully set forth herein and
25 further allege as follows:

26 12. At all times herein mentioned, Government Code section 12940, subdivision (a), of the
27 California Fair Employment and Housing Act (FEHA), was in full force and effect and binding upon
28 SCCC. FEHA prohibits SCCC from, among other things, discriminating against a person in

1 employment or in terms, conditions, or privileges of employment, based on the sex or gender of the
2 employee.

3 13. At all times herein mentioned, plaintiffs were and are employees of SCCCD entitled to
4 the protections of FEHA.

5 14. SCCCD, its agents, administrators, supervisors, and members of the athletic department,
6 violated FEHA as described in paragraphs 11 and 12 above.

7 15. WILLIAMS and KUBALL exhausted their administrative remedies under FEHA by filing
8 claims with the Department of Fair Employment and Housing on December 28, 2017. That agency issued
9 right-to-sue letters on December 28, 2017.

10 16. JEFFERIES exhausted her administrative remedies under FEHA by filing a claim with
11 the Department of Fair Employment and Housing on December 22, 2017. That agency issued a
12 right-to-sue letter on December 29, 2017.

13 17. As a proximate result of SCCCD's violation of Government Code section 12940,
14 subdivision (a) and discrimination against plaintiffs, plaintiffs have in the past and will in the future suffer
15 substantial losses and earnings and other employment benefits, all to plaintiffs' damage in sums according
16 to proof.

17 18. As a proximate result of SCCCD's willful, knowing, and intentional discrimination against
18 plaintiffs, plaintiffs have in the past and will in the future suffer humiliation, emotional distress, mental
19 and physical pain and anguish, all to plaintiffs' damage in sums according to proof.

20 19. As a further direct and legal result of SCCCD's conduct, plaintiffs have been compelled
21 to retain the services of counsel to protect and enforce their rights and therefore, have incurred and
22 continue to incur attorneys' fees, legal fees, expert fees, and costs, for which plaintiffs are entitled to
23 reimbursement in an amount to be established at the time of trial.

24 **SECOND CAUSE OF ACTION**

25 **Gender Discrimination in Violation of Title IX**

26 **of the Education Amendment of 1972 (20 U.S.C., § 1681 et seq.)**

27 20. Plaintiffs incorporate by reference paragraphs 1 through 19 as if fully set forth herein and
28 further allege as follows:

1 21. Title IX of the Education Amendment of 1972, 20 U.S.C., § 1681 et seq. provides, in
2 relevant part, that “[n]o person ... shall, on the basis of sex, be excluded from participation in, be denied
3 the benefits of, or be subjected to discrimination under any education program or activity receiving
4 Federal financial assistance.” Title IX also prohibits employment discrimination on the basis of sex at
5 educational institutions receiving federal assistance.

6 22. At all times mentioned herein, SCCC and its community colleges, including Fresno City
7 College and Reedley College, have and continue to receive federal financial assistance and benefits, and
8 therefore, all programs and activities at Fresno City College and Reedley College, including athletics, are
9 subject to the requirements of Title IX.

10 23. The regulations interpreting Title IX are codified at 34 C.F.R., Part 106. With regard to
11 athletic programs, 34 C.F.R. § 106.42(a) provides that intercollegiate athletics are included within the
12 “program or activity” requirement of Title IX: “No person shall, on the basis of sex, be excluded from
13 participation in, be denied the benefits of, be treated differently from another person or otherwise be
14 discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a
15 recipient, and no recipient shall provide any such athletics separately on such basis.”

16 24. 34 C.F.R. § 106.42, subdivision (c), specifies the factors that are to be considered in the
17 determination of equal athletic opportunity, including without limitation: the provision of equipment and
18 supplies; scheduling of games and practice time; travel and per diem allowance; opportunity to receive
19 coaching and academic tutoring; assignment and compensation of coaches; provision of locker rooms,
20 practice and competitive facilities; provision of medical and training facilities and services; provision of
21 housing and dining facilities and services; and publicity.

22 25. SCCC has violated Title IX by discriminating against female coaches, female athletes,
23 and female athletic programs and activities, including plaintiffs, by, among other things, providing male
24 coaches, male athletes, and male athletic programs and activities with better employment conditions and
25 resources than female coaches, female athletes, and female athletic programs and activities, including
26 without limitation, better compensation, treatment, benefits, facilities, equipment, supplies, scheduling
27 of games and practices, locker rooms, uniforms, funding, publicity, coaching staffs, support staff, and
28 personal trainers.

1 athletes at Fresno City College and Reedley College do not have an adequate remedy at law for this harm.
2 The irreparable harm to female coaches, including plaintiffs, and female athletes far outweighs any
3 possible harm that granting injunctive relief might cause SCCCD. Injunctive relief would not disserve
4 the public interest, but rather, would prevent discrimination based on gender and would promote the goal
5 of full equality before the law.

6 **FOURTH CAUSE OF ACTION**

7 **Declaratory Relief**

8 32. Plaintiffs incorporate by reference paragraphs 1 through 31 as if fully set forth herein and
9 further allege as follows:

10 33. A present and actual controversy exists between plaintiffs and SCCCD concerning their
11 rights and respective duties. Plaintiffs contend that SCCCD has violated their rights, and the rights of
12 those similarly situated, including without limitation, female coaches and female athletes at Fresno City
13 College and Reedley College, under federal and state anti-discrimination laws. Plaintiffs are informed
14 and believe, and thereon allege, that SCCCD denies these allegations. Declaratory relief is therefore
15 necessary and appropriate.

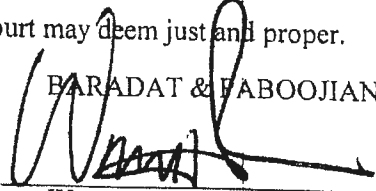
16 WHEREFORE, plaintiffs pray judgment against Defendant, STATE CENTER COMMUNITY
17 COLLEGE DISTRICT, and DOES 1 through 25, inclusive, as follows:

- 18 1. For general damages according to proof;
- 19 2. For special damages according to proof;
- 20 3. For an order declaring that SCCCD has engaged in a past and continuing pattern and
21 practice of discrimination against female coaches, female athletes, and female athletic programs and
22 activities on the basis of gender in violation of Title IX and the regulations promulgated thereunder
23 (including unequal treatment and benefits);
- 24 4. For the issuance of a permanent injunction (a) restraining SCCCD and its Board of
25 Trustees, officers, agents, employees, successors, and any other persons acting in concert with them, from
26 continuing to maintain practices and policies of discrimination against female coaches and female athletes
27 on the basis of gender, and (b) requiring SCCCD, immediately upon issuance of the injunctive order, to
28 remediate its violations of Title IX by, among other things, providing female coaches, female athletes,

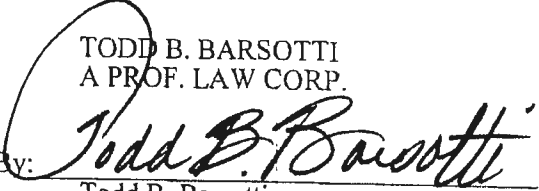
1 and female athletic programs and activities with treatment and benefits comparable to those provided to
2 male coaches, male athletes, and male athletic programs and activities;

- 3 5. For an award of attorneys' fees;
- 4 6. For costs of suit incurred herein;
- 5 7. For an award of interest, including pre-judgment interest, at the legal rate;
- 6 8. For such other and further relief as the court may deem just and proper.

7 Dated: January 11, 2018

8
9 By: 
10 WARADAT & PABOOJIAN, INC.
11 Warren R. Paboojian
12 Attorneys for Plaintiffs
13 RHONDA WILLIAMS and
14 KATHLEEN KUBALL

12 Dated: January 12, 2018

13
14 By: 
15 TODD B. BARSOTTI
16 A PROF. LAW CORP.
17 Todd B. Barsotti
18 Attorneys for Plaintiff
19 SHANNON JEFFERIES