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CARTER PAYSINGER

11
12 THE UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA
14 WESTERN DIVISION – LOS ANGELES
15

16 CARTER PAYSINGER, an
individual,

17 Plaintiff,

18 v.

19 THE BEVERLY HILLS UNIFIED
20 SCHOOL DISTRICT, a public
school district, LEWIS HALL,
21 individually, and DOES 1-100,
inclusive,

22 Defendants.
23

Case No.: 2:14-CV-5509

**PLAINTIFF CARTER PAYSINGER'S
COMPLAINT FOR DAMAGES
AGAINST DEFENDANTS THE
BEVERLY HILLS UNIFIED
SCHOOL DISTRICT AND LEWIS
HALL**

JURY TRIAL DEMANDED

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INTRODUCTION

1
2 1. Plaintiff Carter Paysinger (“Mr. Paysinger”) is Beverly Hills High
3 School’s (“BHHS”) first African-American principal in its more than 80-year
4 history. Mr. Paysinger has dedicated his entire professional career, spanning four
5 decades, to the Beverly Hills Unified School District (the “District”), its students,
6 its faculty and staff, and the Beverly Hills community. He is one of the most
7 highly decorated educators in the history of the school.

8 2. Recently, however, Mr. Paysinger has been the victim of a malicious
9 campaign of discrimination and retaliation, led by the Beverly Hills Board of
10 Education (the “Board”) and governing members Lewis Hall and Lisa Korbatov.
11 Board Vice-President Dr. Brian Goldberg admitted that “it would be easier for
12 Mr. Paysinger if he had lighter skin,” acknowledging the blatant racism within
13 the District.

14 3. In an effort to informally address this campaign of abuse,
15 Mr. Paysinger submitted four separate complaints with the District. These
16 complaints alleged racial discrimination, retaliation, and violations of California
17 law. They are acts protected under Federal and State law, as well as District
18 policy. In response to every complaint by Mr. Paysinger, the District responded
19 with hostility, anger, and more abusive discrimination and retaliation and, in the
20 process, violated every legal obligation bestowed upon them. For example,
21 within hours of receipt of Mr. Paysinger’s January 30, 2014 complaint, which
22 specifically named Defendant Lewis Hall and Ms. Korbatov, the District illegally
23 disclosed the existence and substance of the complaint to the *Beverly Hills*
24 *Courier*, a local newspaper. Defendants then contacted the *Los Angeles Times*
25 and illegally related to its reporters false and defamatory information regarding
26 Mr. Paysinger. On February 4, 2014, the *Los Angeles Times* published an article
27 containing this false information, causing irreparable damage to Mr. Paysinger.

1 or more of the wrongful acts and omissions and some portion of the damages
2 alleged herein.

3 **JURISDICTION AND VENUE**

4 9. Jurisdiction and venue are proper in the Central District. This action
5 alleges Federal Claims under 42 U.S.C. §§ 2000e, *et seq.* and 42 U.S.C. § 1983.
6 Jurisdiction of such claims is proper in this Court under 28 U.S.C. § 1331 and 42
7 U.S.C. § 2000e-5(f). This action also alleges state law claims, including
8 violations of California statutes and common law, over which this Court has
9 pendent jurisdiction under 28 U.S.C. § 1367.

10 10. The claims at issue in this action arose in Los Angeles County,
11 California. Venue is, therefore, proper in the United States District Court for the
12 Central District of California.

13 **ADMINISTRATIVE REMEDIES**

14 11. Mr. Paysinger has exhausted all administrative remedies required in
15 order to pursue this Action.

16 12. Pursuant to the District's internal administrative guidelines regarding
17 complaints with or against the District, Mr. Paysinger submitted three formal
18 complaints with the District on July 14, 2013, January 30, 2014 and February 10,
19 2014, respectively. With respect to the July 2013 complaint, Mr. Paysinger
20 exhausted his administrative remedies on October 30, 2013, when the District
21 completed its investigation and denied his request for an appeal to the Board.
22 With respect to the January and February complaints, the District failed to
23 respond within the prescribed time period.

24 13. On April 28, 2014, Mr. Paysinger timely filed a government tort
25 claim with the District encompassing the facts alleged herein. The District
26 rejected the claim in a May 13, 2014 letter.

27 14. On April 28, 2014, Mr. Paysinger timely filed a complaint with the

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1 California Department of Fair Employment and Housing (“DFEH”)
2 encompassing the facts alleged herein, thereafter receiving a right to sue notice
3 later the same date.

4 15. On April 28, 2014, Mr. Paysinger timely filed a complaint with the
5 United States Equal Employment Opportunity Commission (“EEOC”)
6 encompassing the facts alleged herein. The EEOC transferred the complaint to
7 the United States Department of Justice (the “DOJ”). On July 14, 2014, the DOJ
8 delivered to Mr. Paysinger’s counsel the right to sue notice.

9 16. Mr. Paysinger timely brings this action following the exhaustion of
10 all administrative remedies.

11 STATEMENT OF FACTS

12 I. Carter Paysinger – Award Winning Teacher, Coach, And 13 Administrator

14 17. Mr. Paysinger grew up in South Central Los Angeles. In 1971, he
15 received a special permit that granted him the right to attend BHHS despite
16 residing outside the Beverly Hills school district. Mr. Paysinger relished the
17 opportunities and challenges that attending BHHS would present. He graduated
18 from BHHS with the Class of 1974.

19 18. In 1979, BHHS invited Mr. Paysinger to coach football and baseball
20 on a part-time basis. Mr. Paysinger welcomed the opportunity to give back to the
21 school that he believed had given him so much. He thereafter dedicated his entire
22 professional career, spanning four decades, to the District as a coach, teacher,
23 and, ultimately, as an administrator.

24 19. In 1983, Mr. Paysinger became a full-time credentialed teacher at
25 BHHS. In 1990, Mr. Paysinger became head football coach, a position he
26 maintained for the next 19 years. In 1997, in addition to his coaching
27 responsibilities, the District appointed him Athletic Director. In 2009, the

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1 District promoted him to Assistant Principal. In 2010, Carter Paysinger was
2 elevated to Principal of BHHS, becoming the first African American to hold that
3 position in the history of the District.

4 20. Mr. Paysinger has excelled as BHHS' Principal, leading the
5 illustrious school to historic achievements in test scores and academic excellence.
6 During his professional career, spent entirely with the District, Mr. Paysinger has
7 become one of the most highly decorated administrators, educators and coaches
8 in school history. Some of his achievements include the following:

- 9 a. In 1991, Mr. Paysinger received the *Los Angeles Times* High
10 School Football Coach of the Year. He received the same
11 award in 1996.
- 12 b. In 1997, Mr. Paysinger received the City of Beverly Hills
13 Mayor's Commendation.
- 14 c. In 2003, Mr. Paysinger received the Apple Award, which is
15 the highest award the District bestows, recognizing the best
16 teachers in the District.
- 17 d. In 2006, Mr. Paysinger received the California Interscholastic
18 Federation ("CIF") Southern Section Champion of Character
19 Award, honoring coaches who exhibit exemplary character as
20 leaders of their respective programs.
- 21 e. In 2007, Mr. Paysinger earned the CIF Model Coach of the
22 Year for California.
- 23 f. In 2007, Mr. Paysinger was awarded the City of Beverly Hills
24 Mayor's Commendation for the second time.
- 25 g. In 2013, Mr. Paysinger earned his second Apple Award
26 recognizing his achievements as an administrator.
- 27

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1 21. Mr. Paysinger is also a member of the CIF’s Southern Section
2 Advisory Committee. The committee guides the development of the athletic
3 vision, philosophy and goals for the 600 member schools within the CIF Southern
4 Section. The CIF appointed Mr. Paysinger to the committee in 2001, and in 2014
5 the CIF selected him as its President Elect.

6 **II. Mr. Paysinger’s July 12, 2013 Complaint**

7 22. In or about June 2013, Defendant Lewis Hall contacted Mr.
8 Paysinger and threatened that he and Mr. Paysinger’s family would suffer
9 professional harm and unjustified attacks and investigations if he refused to
10 follow Mr. Hall’s orders. Mr. Paysinger ignored Mr. Hall’s threat and continued
11 on his course of professional administration of the school.

12 23. Immediately thereafter, Defendant Lewis Hall commenced his
13 threatened conduct. He contacted the District’s administrative office and
14 requested production of confidential information from Mr. Paysinger’s family
15 members’ personnel records. The District later admitted that Defendant Lewis
16 Hall’s actions violated multiple District policies.

17 24. On July 12, 2013, Mr. Paysinger submitted a complaint to the
18 District (“Complaint 1”). The complaint describes Defendant Lewis Hall’s
19 threatening conduct and requested that the District “look into the circumstances
20 surrounding this incident.” District policy required the District to investigate the
21 claims and to keep the complaint confidential within the District to prevent
22 retaliation.

23 25. The District did not maintain the confidentiality of Complaint 1.
24 Instead, on the next business day it delivered a copy of the confidential complaint
25 to Defendant Lewis Hall, the target of that very complaint.

26
27

1 26. Defendant Lewis Hall immediately retaliated against Mr. Paysinger.
2 On information and belief, on or about July 16, 2013, Defendant Lewis Hall
3 demanded of his fellow Board members that Mr. Paysinger be fired.

4 27. On July 16, 2013, Defendant Lewis Hall sent an email to
5 Superintendent Gary Woods (“Dr. Woods”), demanding that Mr. Paysinger be, at
6 the very least, reprimanded for making Complaint 1.

7 28. Three days later, on July 19, 2013, Defendant Lewis Hall sent an
8 email to Dr. Woods demanding that other members of the District be
9 reprimanded for disclosing Defendant Lewis Hall’s unlawful demands for
10 production of personnel records. Defendant Lewis Hall told Dr. Woods to “let
11 me know you have talked to [the employee] about this and if and how [the
12 employee] was reprimanded.”

13 29. The District attempted to interview Defendant Lewis Hall in
14 connection with Complaint 1. However, according to a July 21, 2013 email from
15 Defendant Lewis Hall, he refused to cooperate or participate in any interviews
16 until the District assigned a Caucasian attorney to handle the investigation.

17 30. The District never responded to Complaint 1. Consequently, on
18 August 19, 2013, Mr. Paysinger wrote to the District and requested an
19 explanation. In that letter Mr. Paysinger reminded the District of Defendant
20 Lewis Hall’s attempts to coerce him through threats and intimidation. Indeed,
21 Defendant Lewis Hall’s actions violated District policies and amounted to
22 “unlawful government conduct” under California law. (See e.g., Government
23 Code section 8547(b).)

24 31. However, even though the District concluded Defendant Lewis Hall
25 violated District policies, and it was equally clear he had violated California law,
26 Mr. Paysinger is informed and believes that the District neither disciplined
27 Defendant Lewis Hall nor took any other remedial or disciplinary action.

1 Further, upon information and belief, the District never employed any measures
2 to prevent Defendant Lewis Hall from engaging in retaliatory conduct or
3 otherwise impacting the terms and conditions of Mr. Paysinger's employment
4 with the District.

5 32. Because of the inadequacy of the District's response letter,
6 Mr. Paysinger requested an opportunity to appeal directly to the Board. On
7 October 30, 2013, the District denied Mr. Paysinger's request for an appeal.

8 **III. Defendants' Retaliatory Campaign Against Mr. Paysinger**

9 33. In retaliation for Mr. Paysinger's Complaint 1, Defendant Lewis Hall
10 persuaded the District to commence an investigation of Mr. Paysinger relating to
11 the operation of the Beverly Hills Sports Academy, a one-month-long private
12 summer sports and conditioning program offered at the BHHS facilities. The
13 initiation of and conducting of the investigation was malicious and knowingly
14 meritless.

15 34. As a matter of history, in or about 1997, the District had asked
16 Mr. Paysinger to operate the privately funded Academy, which had previously
17 been operated by another private entity, the University of La Verne ("La Verne").
18 The District explained that La Verne had discontinued the summer program's
19 operation, and that the District wanted to continue to offer the program. The
20 District, however, could not do so because of budgetary constraints. At the
21 District's express request, Mr. Paysinger, Howard Edelman and Jason Newman
22 agreed to take on this added responsibility. The Board participated in the
23 Academy's management and expressly approved the Academy's operations every
24 year beginning in or about 1997. Notwithstanding these facts and, in particular,
25 that the Board had asked Mr. Paysinger to operate the Academy and that it had
26 expressly and annually sanctioned its operations for over 15 years, Defendant
27 Lewis Hall beset the District to conduct its investigation into the Academy.

1 35. The District hired attorney Trevin Sims to perform the investigation
2 and publicly claimed that the investigation would be “independent” and,
3 therefore, impartial (the “Investigation”). On information and belief, however,
4 Defendants completely and secretly controlled Mr. Sims’ alleged “independent”
5 Investigation, including reviewing and editing draft memoranda, reports, and
6 related documents coming from Mr. Sims’ office. Mr. Paysinger did not become
7 aware of this until in or about January 2014, when it was disclosed that Mr. Sims
8 had discussed the Investigation and shared early drafts of reports regarding the
9 Investigation with the Board for review and comment. On information and
10 belief, Defendants controlled the investigation in order to intentionally
11 manipulate the Investigation direction and results and, ultimately, generate false
12 statements regarding Mr. Paysinger because of Defendants’ racial and retaliatory
13 animus.

14 **IV. District Attorney’s Office Rejects Defendants’ Retaliatory Complaint**

15 36. On information and belief, Defendants filed or participated in the
16 filing of a complaint with the Los Angeles County District Attorney’s Office
17 targeting Mr. Paysinger (the “DA Complaint”). The DA Complaint related to the
18 Academy and made unfounded assertions of conflicts of interest. On information
19 and belief, the District initiated the DA Complaint to retaliate against Mr.
20 Paysinger for making Complaint 1.

21 37. Mr. Paysinger is informed, believes, and on that basis alleges that
22 members of the District, including Mr. Hall, met directly with members of the
23 District Attorney’s office and participated in at least one interview.

24 38. On information and belief, Defendants knowingly made false and
25 intentionally misleading statements to the District Attorney’s office.

26 39. On September 24, 2013, the *Los Angeles Times* published an article
27 focusing on Mr. Paysinger entitled, “Beverly Hills High Principal a Target of

1 Complaint to D.A.” Prior to that time, Mr. Paysinger was unaware of any such
2 investigation. Mr. Paysinger is informed, believes, and on that basis alleges that
3 the District contacted the *Los Angeles Times* for the express purpose of disclosing
4 the existence of the DA Complaint, which is not supposed to be public
5 knowledge, and seeking to publicize the investigation, notwithstanding its
6 obvious lack of merit.

7 40. After an exhaustive five-month investigation, the District Attorney’s
8 office advised Mr. Paysinger that there was no evidence of wrongdoing and that
9 the case was closed.

10 41. Notwithstanding the outcome, the DA Complaint and its resulting
11 investigation caused Mr. Paysinger and his family significant professional,
12 personal and emotional harm. On information and belief, that was exactly what
13 the District intended.

14 **V. Mr. Paysinger’s January 30, 2014 Complaint and Defendants’ Leak**

15 42. On January 30, 2014, Mr. Paysinger submitted his second complaint
16 with the District (“Complaint 2”). Complaint 2 alleges that the District had
17 ignored, to Mr. Paysinger’s detriment, Complaint 1 and that the District and
18 Defendant Lewis Hall had engaged in a continued and pervasive pattern of
19 retaliation and racial discrimination.

20 43. The District was required, pursuant to its own policies, to
21 immediately initiate an impartial investigation of the alleged discrimination. The
22 policy also required the District to keep the complaint confidential and to employ
23 interim measures to ensure that further discriminatory incidents did not occur, at
24 least pending any formal determination. Finally, the policy required the District
25 to conclude the investigation within 30 days of receiving the complaint and
26 prepare a written report containing its findings. The District’s policies required
27 this report to include the District’s decision, the reasons for the decision, and the

1 steps taken during the investigation. If discrimination occurred, the District's
2 policies required the report to identify the corrective actions taken, if any, to
3 ensure that retaliation or further discrimination or harassment did not occur.

4 44. The District did none of this. It did not meet with Mr. Paysinger, it
5 did not investigate the complaint, it did not employ any corrective actions, it did
6 not issue a written response, and it did not keep the complaint confidential.

7 45. The District immediately and improperly distributed copies of
8 Complaint 2 to various members of the District, including Defendant Lewis Hall
9 and Lisa Korbatov, who were the two persons specifically identified as
10 wrongdoers in Complaint 2.

11 46. By noon on January 31, 2014, in violation of its own policies and in
12 retaliation against Mr. Paysinger, the District disclosed to the *Beverly Hills*
13 *Courier* newspaper that Mr. Paysinger had filed a complaint alleging
14 discrimination. On or about January 31, 2014, Defendants delivered to the *Los*
15 *Angeles Times* a copy of Mr. Sims' draft memorandum regarding the retaliatory
16 Investigation of Mr. Paysinger and the Academy. In connection with this
17 unlawful disclosure, it is believed and alleged that the District, specifically
18 Defendant Lewis Hall, met with and discussed the contents of this memorandum
19 with a reporter at the *Los Angeles Times*.

20 47. On information and belief, the District knew that the memorandum
21 contained false and defamatory information, and intended to retaliate against
22 Mr. Paysinger for his complaints by leaking it to the *Los Angeles Times*. On
23 information and belief, the District's retaliatory disclosures to the *Beverly Hills*
24 *Courier* and the *Los Angeles Times* were also motivated, in material part, by Mr.
25 Paysinger's race and his complaint alleging discrimination based on race. The
26 disclosure to the *Los Angeles Times* is defined herein as the "Leak."
27

1 48. On February 3, 2014, the *Los Angeles Times* published an article
2 reporting on the false allegations discussed in the confidential draft report.

3 49. In February 2014, the District publicly admitted that the report was
4 privileged and confidential and that its disclosure “exposed the District to
5 liability.”

6 50. As of February 12, 2014, the District had not responded to
7 Complaint 2. On that day, Mr. Paysinger made a written request for an
8 explanation. The District never responded.

9 **VI. Mr. Paysinger’s February 12, 2014 Complaint**

10 51. On or about February 12, 2014, Mr. Paysinger lodged a third
11 complaint with the District (“Complaint 3”). Complaint 3 alleged, in relevant
12 part, that the District had “intentionally and maliciously disclosed to the *Los*
13 *Angeles Times*” the draft report in retaliation for Mr. Paysinger’s Complaint 2.
14 Complaint 3, along with a corresponding letter dated February 10, 2014,
15 explained that the Leak violated California law, including Government Code
16 Section 54963, Civil Code Section 1798, *et seq.*, and Board Policies 4119.23,
17 9005, and 9271. Mr. Paysinger requested that the District contact him by
18 February 18 to explain how the District planned to address the allegations. The
19 District failed to respond.

20 52. Any actual investigation would have focused upon those in
21 possession of the draft report, which would have included the five members of
22 the Board. It is believed and alleged that the District never performed any actual
23 investigation and that the Board has actively tried to cover up Defendants’
24 unlawful conduct regarding the Leak.

25 53. In or about June 2014, the *Beverly Hills Weekly* newspaper requested
26 that the District produce the “leak investigation report” and “correspondence
27 regarding the leak.”

1 54. In a July 11, 2014 letter, the District represented that an investigation
2 of the Leak had taken place and that a “leak investigation report” existed (the
3 “Leak Investigation Report”). It is believed and alleged that this report asserted
4 that Board Members Lisa Korbatoov and Defendant Lewis Hall had engaged in
5 illegal conduct and that they were responsible for the retaliatory disclosures to the
6 *Los Angeles Times* and *Beverly Hills Courier*.

7 55. Contrary to their handling of the Investigation of Mr. Paysinger,
8 Defendants refused to produce the Leak Investigation Report and any related
9 correspondence and, to date, have not disclosed such documents. This is
10 additional evidence of Defendants’ disparate treatment of African Americans
11 (Mr. Paysinger) compared to Caucasians (Defendant Lewis Hall and Lisa
12 Korbatoov).

13 **VII. More Discrimination and Retaliation**

14 56. In January 2014, the District proposed a new policy governing
15 “Employment of Relatives.” The policy, as applied, would impact only two
16 employees – Mr. Paysinger’s brother and sister-in-law. The policy would
17 effectively eliminate any opportunity for their advancement. On information and
18 belief, the District is considering enforcing the policy “retroactively,” meaning
19 Mr. Paysinger’s relatives would be subject to demotion or termination because of
20 their relationship to Mr. Paysinger.

21 57. In March 2014, the District told Mr. Paysinger that it intended to
22 demote Mr. Paysinger’s brother from his current position as the District’s
23 Athletic Director to the post of physical education teacher. In addition to the
24 demotion in title, this change would decrease his income. Superintendent Gary
25 Woods told Mr. Paysinger that one of the reasons given for the change was
26 “because he is your [Mr. Paysinger’s] brother.”
27

1 58. Mr. Paysinger is informed, believes, and on that basis alleges that the
2 District considered the Employment of Relatives policy and threatened to impose
3 it retroactively in order to, once again, retaliate against Mr. Paysinger for
4 submitting his complaints to the District, and out of hostility towards Mr.
5 Paysinger and his relatives because of their race.

6 59. In or about March 2014, the District, governed by a Board made up
7 of five Caucasians, voted to terminate, gave notice to terminate, or chose to
8 replace employees in the District who were either a minority or in a relationship
9 with a minority, all the while electing to retain their Caucasian counterparts.

10 60. On information and belief, as of April 28, 2014, the District's 2014-
11 2015 employee roster includes only five African-American certificated teachers
12 and administrators of the 325 such employees in the entire District. In other
13 words, less than two percent of all certificated teachers and administrators in the
14 entire District are African American.

15 61. On information and belief, the District pays Caucasian employees
16 more than minority employees. For example, the District set Mr. Paysinger's
17 salary less than lower ranking Caucasian administrators in the District, including
18 Principals at the District's elementary schools, even though Mr. Paysinger works
19 more days, has greater responsibilities, manages more employees, and manages a
20 larger student body.

21 62. District officials have repeatedly made racially discriminatory
22 statements to or about Mr. Paysinger. District Board member Ms. Korbatov told
23 Mr. Paysinger that "one of the problems that you will have is that you do not look
24 like what a principal of Beverly Hills High School should look like." On
25 information and belief, Ms. Korbatov has made other derogatory statements about
26 minorities. When confronted with these statements, she responded, "Yeah, I said
27 it. That's how I am." For his part, Defendant Lewis Hall said he did not trust

1 Mr. Paysinger because of “where he is from.” Dr. Brian Goldberg, Board Vice-
2 President, said: “It would be easier [for Mr. Paysinger] if he had lighter skin,”
3 and that “[Mr. Paysinger] looks more intelligent when he wears glasses.”

4 **VIII. Defendant Lewis Hall’s Continued Involvement In Decisions**

5 **Impacting the Terms and Conditions of Mr. Paysinger’s Employment**

6 63. Through Complaints 1, 2, and 3, Mr. Paysinger repeatedly
7 complained to the District regarding Defendants’ campaign of unlawful conduct.
8 Mr. Paysinger also objected to Defendant Lewis Hall’s involvement in decisions
9 regarding Mr. Paysinger’s employment, pointing out that Defendant Lewis Hall
10 had a conflict of interest given the prior complaints for retaliation, violations of
11 District policies, and violations of privacy rights. On information and belief,
12 Defendants ignored Mr. Paysinger’s concerns and Defendant Lewis Hall
13 continued to participate in decisions concerning the terms and conditions of
14 Mr. Paysinger’s employment.

15 **IX. Defendants’ Unlawful Response To The April 28, 2014 Complaints**

16 64. On April 28, 2014, Mr. Paysinger filed three complaints relating to
17 the facts and claims alleged herein as a final effort to resolve his claims with the
18 District informally – a tort claim with the District, a complaint with the DFEH,
19 and a complaint with the EEOC (the “April 28, 2014 Complaints”). Defendants
20 are required to refrain from disclosing these complaints to third parties and to not
21 retaliate against Mr. Paysinger for making these complaints.

22 65. Instead, as has been its practice, the District retaliated against
23 Mr. Paysinger yet again. On information and belief, the District disclosed to the
24 *Beverly Hills Courier* newspaper that Mr. Paysinger had filed the April 28, 2014
25 Complaints against the District and disclosed the contents of the complaints. As
26 a result, on May 16, 2014, the *Beverly Hills Courier* published an article
27 discussing the complaints, the complaining party (Mr. Paysinger), the substance

1 of the complaints, and the District’s response to the complaints. According to the
2 *Beverly Hills Courier*, the District rejected the complaints.

3 **CLAIMS FOR RELIEF**

4 **FIRST CAUSE OF ACTION**

5 **(Violation of Title VII of Civil Rights Act, 42 U.S.C. §2000e-3 – Retaliation)**

6 **(Against Defendant Beverly Hills Unified School District)**

7 66. Mr. Paysinger alleges and incorporates by reference as though fully
8 set forth in full at this point all of all allegations previously stated herein,
9 inclusive.

10 67. Mr. Paysinger lodged and/or filed three sets of complaints with the
11 District alleging racial discrimination and retaliation. The act of filing these
12 complaints is protected by the United States Constitution, the laws of the United
13 States, California law, and District policy.

14 a. Complaint 2 – On January 30, 2014, Mr. Paysinger submitted
15 a complaint with the District. It stated that the District and Defendant Lewis Hall
16 had engaged in discrimination against Mr. Paysinger (and Mr. Paysinger’s
17 family) on the basis of Mr. Paysinger’s race. It also stated that, motivated by
18 discriminatory animus, Defendants engaged in conduct designed to (1) damage
19 Mr. Paysinger’s reputation, (2) create a hostile and intolerable working
20 environment for Mr. Paysinger, and, ultimately, (3) force Mr. Paysinger either to
21 resign his position or, if not, terminate his employment.

22 b. Complaint 3 – On February 12, 2014, Mr. Paysinger submitted
23 another complaint with the District. It stated that, in response to the January 30,
24 2014 complaint alleging racial discrimination and retaliation, Defendants
25 “intentionally and maliciously disclosed to the *Los Angeles Times* (and perhaps
26 other parties) a privileged and confidential ‘draft’ investigation report regarding
27 Mr. Paysinger.” It stated, “the District disclosed Mr. Paysinger’s [January 30,

1 2014] Complaint to third parties.” It stated, “these disclosures by the District
2 were obvious retaliation against [Mr. Paysinger] for making the Complaint.”
3 Upon identifying the responsible person, we demand that the District seek all
4 available remedies.” It stated, “[w]e have reason to believe that Lewis Hall is the
5 party responsible for the Leak,” explaining that the Leak occurred within days of
6 Mr. Paysinger’s complaint against the District and Defendant Lewis Hall for
7 “Constitutional violations, retaliation, and discrimination.”

8 c. The April 28, 2014 Complaints – On April 28, 2014, Mr.
9 Paysinger filed a tort claim with the District, a complaint with the DFEH, and a
10 complaint with the EEOC (previously defined as the April 28, 2014 Complaints).
11 These complaints contained the material facts alleged herein and stated, among
12 other things, that Defendants had engaged in a campaign of racial discrimination
13 and retaliation against Mr. Paysinger. Mr. Paysinger gave Defendants formal
14 notice of each of these complaints.

15 68. As a direct result of the complaints, and motivated by its retaliatory
16 and discriminatory animus, the District subjected Mr. Paysinger to adverse
17 employment actions including, but not limited to, the following: publicly
18 disclosing confidential and privileged information regarding Mr. Paysinger to the
19 media as an attack against him; refusing to investigate (or even respond to)
20 Mr. Paysinger’s complaints; subjecting Mr. Paysinger’s family to adverse
21 employment actions; altering the terms, conditions, and privileges of
22 Mr. Paysinger’s employment; subjecting Mr. Paysinger to racially discriminatory
23 statements; and denying Mr. Paysinger employment opportunities within the
24 District, including requested promotions and contract extensions.

25 69. On information and belief, these adverse employment actions would
26 have dissuaded and deterred a reasonable employee from making or supporting a
27 charge against the District alleging violations of the laws of the United States.

1 and maliciously disclosed to the *Los Angeles Times* (and perhaps other parties) a
2 privileged and confidential ‘draft’ investigation report regarding Mr. Paysinger.”
3 It stated, “the District disclosed Mr. Paysinger’s [January 30, 2014] Complaint to
4 third parties.” It also stated, “these disclosures by the District were obvious
5 retaliation against [Mr. Paysinger] for making the Complaint.” Upon identifying
6 the responsible person, we demand that the District seek all available remedies.”
7 It stated, “[w]e have reason to believe that Lewis Hall is the party responsible for
8 the Leak,” explaining that the Leak occurred within days of Mr. Paysinger’s
9 complaint against the District and Defendant Lewis Hall for “Constitutional
10 violations, retaliation, and discrimination.”

11 c. The April 28, 2014 Complaints – On April 28, 2014, Mr.
12 Paysinger filed a tort claim with the District, a complaint with the DFEH, and a
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15 other things, that Defendants had engaged in a campaign of racial discrimination
16 and retaliation against Mr. Paysinger. Mr. Paysinger gave Defendants formal
17 notice of each of these complaints.

18 75. As a direct result of the complaints, and motivated by its retaliatory
19 and discriminatory animus, the District subjected Mr. Paysinger to adverse
20 employment actions including, but not limited to, the following: publicly
21 disclosing confidential and privileged information regarding Mr. Paysinger to the
22 media as an attack against him; refusing to investigate (or even respond to)
23 Mr. Paysinger’s complaints; subjecting Mr. Paysinger’s family to adverse
24 employment actions; altering the terms, conditions, and privileges of
25 Mr. Paysinger’s employment; subjecting Mr. Paysinger to racially discriminatory
26 statements; and denying Mr. Paysinger employment opportunities within the
27 District, including requested promotions and contract extensions.

1 reports containing information regarding Mr. Paysinger that the District knew to
2 be false, misleading, and defamatory; publicly disclosed confidential and
3 privileged information regarding Mr. Paysinger to the media as an attack against
4 him; making a meritless complaint with the Los Angeles District Attorney's
5 office; subjecting Mr. Paysinger's family to adverse employment actions; altering
6 the terms, conditions, and privileges of Mr. Paysinger's employment; subjecting
7 Mr. Paysinger to racially discriminatory statements; denying Mr. Paysinger
8 employment opportunities within the District, including requested promotions
9 and contract extensions; subjecting Mr. Paysinger to racially charged insults
10 (including, as is described above, that he did not "look like" a principal of BHHS,
11 that he could not be trusted because of "where he was from" and that he would be
12 treated differently if "his skin were lighter"); and otherwise treating Mr.
13 Paysinger differently than Caucasian employees, including but not limited to
14 paying him less than lower ranking Caucasian employees; refusing to investigate
15 (or even respond to) Mr. Paysinger's complaints; and generally treating Mr.
16 Paysinger's complaints differently than the complaints of or against Caucasian
17 employees (including leaking them to the media, failing to respond to them,
18 failing to investigate them, and failing to prevent retaliation).

19 84. On information and belief, Mr. Paysinger's race was a motivating
20 factor for the District's decision to engage in the adverse employment actions.

21 85. On information and belief, these adverse employment actions
22 materially affected the terms and conditions of Mr. Paysinger's employment.

23 86. On information and belief, the District's conduct was malicious,
24 wanton, or oppressive, was driven by evil motive or intent, or involved a reckless
25 or callous indifference to Mr. Paysinger's federally protected rights.

26 87. As a direct result of the District's unlawful conduct, Mr. Paysinger
27 has been harmed in an amount to be determined at trial.

1 88. The District’s adverse employment actions were a substantial factor
2 in causing Mr. Paysinger’s harm.

3 **FOURTH CAUSE OF ACTION**
4 **(Violation of California Gov’t Code §12940(a) – Discrimination)**
5 **(Against Defendant Beverly Hills Unified School District)**

6 89. Mr. Paysinger alleges and incorporates by reference as though fully
7 set forth in full at this point all of all allegations previously stated herein,
8 inclusive.

9 90. Mr. Paysinger is African American, a classification protected under
10 FEHA.

11 91. On information and belief, the District has discriminatory animus
12 toward minorities, including African Americans.

13 92. As a result of the District’s discriminatory animus, the District
14 subjected Mr. Paysinger to adverse employment actions, including, but not
15 limited to, the following: initiating a knowingly meritless investigation of Mr.
16 Paysinger; controlling and directing that investigation in a manner to manufacture
17 reports containing information regarding Mr. Paysinger that the District knew to
18 be false, misleading, and defamatory; publicly disclosing confidential and
19 privileged information regarding Mr. Paysinger to the media as an attack against
20 him; making a meritless complaint with the Los Angeles District Attorney’s
21 office; subjecting Mr. Paysinger’s family to adverse employment actions; altering
22 the terms, conditions, and privileges of Mr. Paysinger’s employment; subjecting
23 Mr. Paysinger to racially discriminatory statements; denying Mr. Paysinger
24 employment opportunities within the District, including requested promotions
25 and contract extensions; subjecting Mr. Paysinger to racially charged insults
26 (including, as is described above, that he did not “look like” a principal of BHHS,
27 that he could not be trusted because of “where he was from” and that he would be

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1 treated differently if “his skin were lighter”); and otherwise treating Mr.
2 Paysinger differently than Caucasian employees, including but not limited to
3 paying him less than lower ranking Caucasian employees; refusing to investigate
4 (or even respond to) Mr. Paysinger’s complaints; and generally treating Mr.
5 Paysinger’s complaints differently than the complaints of or against Caucasian
6 employees (including leaking them to the media, failing to respond to them,
7 failing to investigate them, and failing to prevent retaliation).

8 93. These adverse employment actions materially affected the terms,
9 conditions and privileges of Mr. Paysinger’s employment.

10 94. On information and belief, Mr. Paysinger’s race, complaints with the
11 District, and the District’s retaliatory and discriminatory animus were substantial
12 and motivating factors for the District’s adverse employment actions against Mr.
13 Paysinger.

14 95. On information and belief, the District’s conduct was malicious,
15 wanton, or oppressive, was driven by evil motive or intent, or involved a reckless
16 or callous indifference to Mr. Paysinger’s rights guaranteed under FEHA.

17 96. As a direct result of the District’s misconduct, Mr. Paysinger has
18 been damaged in an amount to be proven at trial.

19 **FIFTH CAUSE OF ACTION**

20 **(Violation of 42 U.S.C. § 1983)**

21 **(Against Defendant Lewis Hall and DOES 1-10)**

22 97. Mr. Paysinger alleges and incorporates by reference as though fully
23 set forth in full at this point all of all allegations previously stated herein,
24 inclusive.

25 98. Mr. Paysinger pursues this cause of action under 42 U.S.C. §1983
26 against Defendant Lewis Hall and DOES 1-10 in their individual capacities, not
27 their official capacities.

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1 99. Defendant Lewis Hall and DOES 1-10 are governing members of the
2 Board. On information and belief, Defendant Lewis Hall and DOES 1-10 acted
3 under color of law, in that their unlawful conduct was the product of, in
4 performance of, and/or in the purported performance of their official duties as
5 members of the Board.

6 100. Their actions deprived Mr. Paysinger of rights guaranteed to him
7 under the United States Constitution and federal law, including Title VII of the
8 Civil Rights Act of 1964. Their conduct had two substantial motivating factors:
9 Mr. Paysinger's race and Mr. Paysinger's protected activity of submitting
10 complaints against Defendants alleging, among other things, retaliation and racial
11 discrimination.

12 101. As a result of retaliatory and discriminatory animus, Defendant
13 Lewis Hall and DOES 1-10 subjected Mr. Paysinger to adverse employment
14 actions. Defendant Lewis Hall used his power, authority and influence on the
15 Board to take these steps, or conducted them personally. The adverse
16 employment actions caused by Defendant Lewis Hall and DOES 1-10 include,
17 but are not limited to, the following: initiating a knowingly meritless
18 investigation of Mr. Paysinger; controlling and directing that investigation in a
19 manner to manufacture reports containing information regarding Mr. Paysinger
20 that Defendant Lewis Hall and the District knew to be false, misleading, and
21 defamatory; publicly disclosed confidential and privileged information regarding
22 Mr. Paysinger to the media as an attack against him; making a meritless
23 complaint with the Los Angeles District Attorney's office; subjecting Mr.
24 Paysinger's family to adverse employment actions; altering the terms, conditions,
25 and privileges of Mr. Paysinger's employment; subjecting Mr. Paysinger to
26 racially discriminatory statements; denying Mr. Paysinger employment
27 opportunities within the District, including requested promotions and contract

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1 extensions; subjecting Mr. Paysinger to racially charged insults (including, as is
2 described above, that he did not “look like” a principal of BHHS, that he could
3 not be trusted because of “where he was from” and that he would be treated
4 differently if “his skin were lighter”); and otherwise treating Mr. Paysinger
5 differently than Caucasian employees, including but not limited to paying him
6 less than lower ranking Caucasian employees; refusing to investigate (or even
7 respond to) Mr. Paysinger’s complaints; and generally treating Mr. Paysinger’s
8 complaints differently than the complaints of or against Caucasian employees
9 (including leaking them to the media, failing to respond to them, failing to
10 investigate them, and failing to prevent retaliation).

11 102. On information and belief, Mr. Paysinger’s race and complaints, and
12 the District’s and Defendant Lewis Hall’s retaliatory and discriminatory animus,
13 were the substantial and motivating factors for and “but for” cause of the
14 District’s and Defendant Lewis Hall’s adverse employment actions against Mr.
15 Paysinger.

16 103. On information and belief, Defendant Lewis Hall and DOES 1-10’s
17 conduct was malicious, wanton, or oppressive, was driven by evil motive or
18 intent, or involved a reckless or callous indifference to Mr. Paysinger’s rights.

19 104. As a direct result of Defendant Lewis Hall and DOES 1-10’s
20 conduct, Mr. Paysinger has suffered damages in an amount to be proven at trial.

21 **SIXTH CAUSE OF ACTION**

22 **(Violation of California Civil Code Section 1798, et seq.)**

23 **(Against Defendant Beverly Hills Unified School District)**

24 105. Mr. Paysinger alleges and incorporates by reference as though fully
25 set forth in full at this point all of all allegations previously stated herein,
26 inclusive.
27

1 114. Defendants and DOES 11-20 subjected Mr. Paysinger to adverse
2 employment actions in retaliation for Mr. Paysinger's protected activity
3 including, but not limited to, the following: initiating a knowingly meritless
4 investigation of Mr. Paysinger; controlling and directing that investigation in a
5 manner to manufacture reports containing information regarding Mr. Paysinger
6 that the District knew to be false, misleading, and defamatory; publicly disclosing
7 confidential and privileged information regarding Mr. Paysinger to the media as
8 an attack against him; making a meritless complaint with the Los Angeles
9 District Attorney's office; subjecting Mr. Paysinger's family to adverse
10 employment actions; altering the terms, conditions, and privileges of
11 Mr. Paysinger's employment; subjecting Mr. Paysinger to racially discriminatory
12 statements; denying Mr. Paysinger employment opportunities within the District,
13 including requested promotions and contract extensions; subjecting Mr.
14 Paysinger to racially charged insults (including, as is described above, that he did
15 not "look like" a principal of BHHS, that he could not be trusted because of
16 "where he was from" and that he would be treated differently if "his skin were
17 lighter"); and otherwise treating Mr. Paysinger differently than Caucasian
18 employees, including but not limited to paying him less than lower ranking
19 Caucasian employees; refusing to investigate (or even respond to)
20 Mr. Paysinger's complaints; and generally treating Mr. Paysinger's complaints
21 differently than the complaints of or against Caucasian employees (including
22 leaking them to the media, failing to respond to them, failing to investigate them,
23 and failing to prevent retaliation).

24 115. On information and belief, Mr. Paysinger's complaints with the
25 District, and Defendants' retaliatory and discriminatory animus, were substantial
26 and motivating factors for and but for cause of Defendants and DOES 11-20's
27 adverse employment actions against Mr. Paysinger.

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1 116. On information and belief, Defendants' conduct was malicious,
2 wanton, or oppressive, was driven by evil motive or intent, or involved a reckless
3 or callous indifference to the constitutional rights of Mr. Paysinger.

4 117. As a direct and proximate result of Defendants' misconduct,
5 Mr. Paysinger has suffered damages in an amount to be proven at trial. Further,
6 Defendants' conduct was a substantial factor in causing Mr. Paysinger's harm.

7 **EIGHTH CAUSE OF ACTION**

8 **(Violation of California Gov't Code §12940(k) –**

9 **Failure to Prevent Discrimination and Retaliation)**

10 **(Against Defendant Beverly Hills Unified School District)**

11 118. Mr. Paysinger alleges and incorporates by reference as though fully
12 set forth in full at this point all of all allegations previously stated herein,
13 inclusive.

14 119. The District had an affirmative and mandatory duty to prevent
15 retaliation and racial discrimination. Mr. Paysinger was subjected to racial
16 discrimination and retaliation. The District was aware of the discrimination and
17 retaliation because, among other reasons, Mr. Paysinger made four complaints
18 with the District, placing them on notice of the misconduct, and the
19 discrimination and retaliation against Mr. Paysinger was perpetrated by the
20 District's own Board members.

21 120. Under California Government Code section 12940(k), the District is
22 obligated to take all reasonable steps to prevent the discrimination and retaliation
23 from occurring. The District breached this duty. On information and belief, the
24 District did not undertake *any* steps to prevent the discrimination and retaliation
25 alleged herein and, instead, enabled and fostered the unlawful conduct. The
26 District distributed the protected complaints to the offending parties, including
27 Defendant Lewis Hall and Ms. Korbatov, failed to investigate the complaints,

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1 failed to implement appropriate personnel policies and procedures, failed to
2 implement appropriate preventative measures, failed to discipline the violators,
3 and covered up the alleged unlawful conduct.

4 121. The District's failure to take reasonable steps to prevent the
5 discrimination and retaliation was a substantial factor in causing the harm
6 Mr. Paysinger suffered.

7 122. As a direct or proximate cause of the District's breach of its duties
8 under Labor Code section 12940, Mr. Paysinger suffered, among other things, the
9 following harm: the District initiated a knowingly meritless investigation of Mr.
10 Paysinger; the District controlled and directed that investigation to manufacture
11 reports containing information regarding Mr. Paysinger that the District knew to
12 be false, misleading, and defamatory; the District publicly disclosing confidential
13 and privileged information regarding Mr. Paysinger to the media as an attack
14 against him; the District made a meritless complaint with the Los Angeles
15 District Attorney's office; the District failed to or refused to investigate (or even
16 respond to) Mr. Paysinger's complaints; the District subjected Mr. Paysinger's
17 family to adverse employment actions; the District altered the terms, conditions,
18 and privileges of Mr. Paysinger's employment; the District subjected Mr.
19 Paysinger to racially discriminatory statements; the District paid Mr. Paysinger
20 less than lower ranking Caucasian employees; and the District denied
21 Mr. Paysinger employment opportunities within the District, including requested
22 promotions and contract extensions.

23 123. On information and belief, the District's conduct was malicious,
24 wanton, or oppressive, was driven by evil motive or intent, or involved a reckless
25 or callous indifference to the constitutional rights of Mr. Paysinger.
26
27

1 124. As a direct and proximate result of the District’s conduct, Mr.
2 Paysinger has suffered damages in an amount to be proven at trial. The District’s
3 conduct was a substantial factor in causing Mr. Paysinger’s harm.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff Carter Paysinger demands judgment as follows:

6 125. A judgment for Plaintiff Carter Paysinger and Against Defendant
7 Beverly Hills Unified School District Under the First Cause of Action;

8 126. A judgment for Plaintiff Carter Paysinger and Against Defendant
9 Beverly Hills Unified School District Under the Second Cause of Action;

10 127. A judgment for Plaintiff Carter Paysinger and Against Defendant
11 Beverly Hills Unified School District Under the Third Cause of Action;

12 128. A judgment for Plaintiff Carter Paysinger and Against Defendant
13 Beverly Hills Unified School District Under the Fourth Cause of Action;

14 129. A judgment for Plaintiff Carter Paysinger and Against Defendant
15 Lewis Hall Under the Fifth Cause of Action;

16 130. A judgment for Plaintiff Carter Paysinger and Against Defendant
17 Beverly Hills Unified School District Under the Sixth Cause of Action;

18 131. A judgment for Plaintiff Carter Paysinger and Against Defendant
19 Beverly Hills Unified School District and Lewis Hall Under the Seventh Cause of
20 Action;

21 132. A judgment for Plaintiff Carter Paysinger and Against Defendants
22 Beverly Hills Unified School District Under the Eighth Cause of Action;

23 133. For an award of actual, consequential, and incidental losses and
24 money damages against all Defendants, jointly and severally, for all monetary
25 and nonmonetary losses and damages suffered by Plaintiff as a result of the acts
26 complained of in this complaint in an amount according to proof at trial;
27

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1 134. For punitive and/or exemplary damages against all Defendants,
2 jointly and severally, in an amount according to proof at trial;

3 135. For all reasonable attorneys' fees, costs, and expenses of suit against
4 all Defendants, jointly and severally; and

5 136. For such other further relief as this court may deem just and proper.

6 **JURY TRIAL DEMAND**

7 137. Mr. Paysinger demands a jury trial on all claims.

8 Dated: July 15, 2014 DAILY ALJIAN LLP

9
10 By: Reed T. Aljian /s/
11 Reed T. Aljian
12 Attorneys for Plaintiff
13 Carter Paysinger

14 Dated: July 15, 2014 BROWN WHITE & NEWHOUSE LLP

15 By: Alan Jackson /s/
16 Alan Jackson
17 Attorneys for Plaintiff
18 Carter Paysinger

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