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10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

12 **ALYSSA ESQUIVEL**, an individual,

13 Plaintiff(s)

14 v.

15 **SAN GABRIEL UNIFIED SCHOOL**
16 **DISTRICT; JAMES SYMONDS**,
17 both in his personal capacity and in his
18 official capacity as San Gabriel Unified
19 School District Superintendent; **ROSS**
20 **PERRY**, both in his personal capacity
21 and in his official capacity as San
22 Gabriel Unified School District
Assistant Superintendent of Human
Resources; **Muhammad Abdul-Qawi**,
both in his personal capacity and in his
official capacity as Del Mar High
School Principal.

23 Defendant(s).

Case No.: 2:24-cv-06335-MCS-SK

**SECOND AMENDED COMPLAINT
FOR INJUNCTIVE AND
DECLARATORY RELIEF AND
DAMAGES:**

- 1) **DEPRIVATION OF THE FREEDOM OF SPEECH**
- 2) **FIRST AMENDMENT RETALIATION**
- 3) **PROCEDURAL VIOLATION OF THE DUE PROCESS CLAUSE**
- 4) **SUBSTANTIVE VIOLATION OF THE DUE PROCESS CLAUSE**
- 5) **TITLE VII DISCRIMINATION**
- 6) **TITLE VII DISPARATE TREATMENT**
- 7) **TITLE VII RETALIATION**
- 8) **FAIR EMPLOYMENT AND HOUSING ACT VIOLATION**

1 **INTRODUCTION**

2 1. This Action challenges the San Gabriel Unified School District’s
3 (“District”) and its agents’ censorship, discrimination, and retaliation against Alyssa
4 Esquivel (“Ms. Esquivel”) for her Christian faith and political expression.

5 2. Since October 2022, Ms. Esquivel has been a dedicated and hard-
6 working American Sign Language (“ASL”) aide for the deaf within the District,
7 ensuring deaf students receive exceptional academic experiences.

8 3. She is well-liked and well-appreciated by her pupils, who would
9 not otherwise be able to participate in school without her ASL services. She has
10 never received a complaint about her job performance.

11 4. However, after colleagues disparaged Ms. Esquivel and expressed
12 their dislike for her Christian faith and Trump-themed backpack and water bottle,
13 the District began to unlawfully censure Ms. Esquivel for bringing those items to
14 school campus.

15 5. The District directed Ms. Esquivel to refrain from displaying or
16 otherwise bringing her backpack and water bottle to school campus.

17 6. The District eventually placed Ms. Esquivel on an indefinite
18 administrative leave, suspended her without pay, and eventually terminated her
19 employment.

20 7. The District’s actions violate Ms. Esquivel’s First Amendment
21 right to free speech, her right to be free from retaliation against the legitimate
22 exercise of her free speech, her Due Process rights under the Fifth and Fourteenth
23 Amendments, her rights under Title VII of the Civil Rights Act of 1964, and her
24 rights under California’s Fair Employment and Housing Act.

25 8. Ms. Esquivel brings this Complaint to vindicate her constitutional
26 and civil rights to speak as she chooses and to be free from retaliation.

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PARTIES - PLAINTIFF

9. Plaintiff ALYSSA ESQUIVEL resides in Los Angeles County, California.

PARTIES - DEFENDANTS

10. Defendant SAN GABRIEL UNIFIED SCHOOL DISTRICT is a school district in Los Angeles County, California.

11. Defendant JAMES SYMONDS is the San Gabriel Unified School District Superintendent. Defendant Symonds has the primary responsibility for overseeing the District’s personnel system and assigning and supervising the work of all District employees. He is also responsible for overseeing employee hiring, disciplinary, and termination decisions. He is responsible for implementing the District policies and practices challenged in this lawsuit. He is sued in his personal capacity and his official capacity.

12. Defendant ROSS PERRY is the San Gabriel Unified School District Assistant Superintendent of Human Resources. Defendant Perry has the responsibility for assigning and supervising the work of all District employees. He is also responsible for overseeing employee hiring, disciplinary, and termination decisions. He is responsible for implementing the District policies and practices challenged in this lawsuit. He is sued in his personal capacity and his official capacity.

13. Defendant MUHAMMAD ABDUL-QAWI is the former Principal at Del Mar High School. Defendant Abdul-Qawi is responsible for implementing the District policies and practices challenged in this lawsuit. He is sued in his personal capacity and his official capacity.

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JURISDICTION AND VENUE

14. This civil rights action raises federal questions under the United States Constitution, specifically the First Amendment, and under federal law, particularly 42 U.S.C. § 1983.

15. This Court has subject matter jurisdiction over the federal claims pursuant to 28 U.S.C. §§ 1331 and 1343.

16. This Court has supplemental jurisdiction over the state claims pursuant to 28 U.S.C. § 1367.

17. This Court has authority to grant the requested declaratory relief under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, implemented through Rule 57 of the Federal Rules of Civil Procedure. This Court is also authorized to grant injunctive relief and damages under 28 U.S.C. § 1343, pursuant to Rule 65 of the Federal Rules of Civil Procedure, and reasonable attorney’s fees and costs under 42 U.S.C. § 1988.

18. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Plaintiff’s claims occurred in this district.

STATEMENT OF FACTS

A. Ms. Esquivel’s Background and Employment History

19. Ms. Esquivel devotes her career to educating deaf students. She achieved her associate degree in Sign Language/Interpreting at Mt. San Antonio College in 2019, and further earned a bachelor’s degree in ASL Linguistics and Deaf Culture from California State University, Long Beach in 2021.

20. Ms. Esquivel received a completion certificate from Americans Against Language Barriers, a non-profit which focuses on assisting people with limited English proficiency, after completing 50 hours of medical interpreter training in June 2020.

1 21. She first began working with deaf students in various school
2 districts in 2014 and has held the position of ASL Special Education Instructional
3 Aide with the District since October 2022.

4 22. Ms. Esquivel is a permanent classified employee of the District.

5 23. Well-versed in ASL interpreting services for students, Ms. Esquivel
6 personally assists deaf students in one-on-one assignments to ensure the students
7 meet their Individualized Education Program (“IEP”) objectives.

8 24. Ms. Esquivel has gone above and beyond in her work as an ASL
9 Special Education Instructional Aide. It is because of her valuable work, talent, and
10 skills that deaf students in the District get to participate in school and receive a high-
11 quality education.

12 25. Ms. Esquivel has never received a poor performance review from
13 the District or complaints about the quality of her work or effort while working at
14 the District.

15 **B. The District’s Mistreatment of Ms. Esquivel**

16 26. Ms. Esquivel became the target of her co-workers’ contempt in
17 May 2023, when a classroom aide, Eugenia Dana, began a practice of verbally
18 insulting Ms. Esquivel.

19 27. On or about May 26, 2023, Ms. Dana repeatedly chastised Ms.
20 Esquivel about how it was “unfair” that Ms. Esquivel’s work schedule permitted her
21 to leave work earlier than Ms. Dana and the other classroom aides.

22 28. Ms. Esquivel reported Ms. Dana’s verbal insults to her classroom’s
23 lead teacher Mike Williams, and to then-Principal Muhammad Abdul-Qawi
24 (“Defendant Abdul-Qawi”), but they failed to investigate, address, or reprimand Ms.
25 Dana.

26 29. The District did not record or otherwise document Ms. Esquivel’s
27 report regarding Ms. Dana’s behavior.

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1 30. Ms. Esquivel had a practice of reading during her break times, and
2 she would often read religious books.

3 31. Sometime in early June 2023, after seeing some of Ms. Esquivel’s
4 religious books while she was on her break, lead teacher Mr. Williams told Ms.
5 Esquivel to “tone it down with [her] faith beliefs.”

6 32. Again, in early June 2023, Principal Abdul-Qawi, after seeing Ms.
7 Esquivel reading one of her religious books on her break, told her to hide her
8 religious books out of sight.

9 33. On or about June 1, 2023, and on or about June 12, 2023, Ms.
10 Esquivel again tried to meet with lead teacher Mr. Williams, Ms. Dana, and
11 Defendant Abdul-Qawi to discuss the tension between herself and Ms. Dana.
12 Because of Ms. Dana’s unwillingness and unavailability, neither meeting occurred.

13 34. Neither lead teacher Mr. Williams nor Defendant Abdul-Qawi
14 required a meeting or discussion with Ms. Dana despite Ms. Esquivel raising
15 concerns about Ms. Dana’s treatment of her.

16 35. Ms. Dana’s behavior escalated on or about June 15, 2023, when she
17 moved Ms. Esquivel’s water bottle (which sported several stickers depicting
18 presidents, including one of former-President Trump) (Exhibit 1) to a location out
19 of Ms. Esquivel’s reach.

20 36. When Ms. Esquivel asked Ms. Dana not to interfere with her
21 personal items, Ms. Dana ordered her—in front of a classroom full of students—to
22 “shut up.”

23 37. Ms. Dana stated that she “didn’t want Trump looking at [her],” a
24 sentiment another classroom aide, Jennifer Drake, echoed when Ms. Drake added,
25 “I asked you [Ms. Esquivel] not to bring in that Trump stuff.”

26 38. No student had commented or complained about Ms. Esquivel’s
27 water bottle.

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1 39. Ms. Esquivel reported the aides’ outburst to the onsite coordinator,
2 Ernest Lemus, but the District did not investigate or address this incident.

3 40. The District did not record or otherwise document Ms. Esquivel’s
4 report regarding the aides’ behavior.

5 41. The next day, on or about June 16, 2023, Ms. Esquivel and lead
6 teacher Mr. Williams entered their classroom to find Ms. Dana had flipped a desk
7 over and was throwing files around. She yelled that Ms. Esquivel was “not going to
8 put it [the water bottle] on my desk and taunt me with him [Donald Trump].”

9 42. Ms. Esquivel had placed her belongings on the now-flipped desk
10 since the beginning of the schoolyear without issue.

11 43. The desk where Ms. Esquivel placed her water bottle was a shared
12 desk used by all the classroom aides to place their belongings, including their water
13 bottles and lunch bags.

14 44. To Ms. Esquivel’s knowledge, the desk did not belong to Ms. Dana
15 or any other aide.

16 45. Consequently, Principal Abdul-Qawi held a staff meeting with Ms.
17 Esquivel, Ms. Dana and Ms. Drake, lead teacher Mr. Williams, and a third aide,
18 Omar Velasquez. This meeting opened with Ms. Dana demanding, “Can she [Ms.
19 Esquivel] stop bringing in the Trump stuff?”

20 46. Despite Principal Abdul-Qawi’s answer that Ms. Esquivel could
21 continue bringing her personal belongings to work, this meeting provided no clear
22 resolution to the conflict between Ms. Esquivel and the aides.

23 47. The District did not report or otherwise address Ms. Dana’s violent
24 outburst of flipping a desk over and throwing files.

25 48. In the following weeks, the other aides continued to mistreat Ms.
26 Esquivel, ignoring her and refusing to use her ASL interpreting services to
27 communicate with the deaf student in the classroom.

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1 49. The aides’ refusal to utilize Ms. Esquivel’s ASL interpreting
2 services interfered with the deaf student’s ability to follow along in class and
3 participate in various school activities because he could not understand what the
4 other aides were communicating.

5 50. Because of her co-workers’ treatment of her, Ms. Esquivel filed a
6 formal discrimination and harassment complaint with the District on or about June
7 28, 2023.

8 51. On information and belief, Ms. Dana submitted a complaint against
9 Ms. Esquivel over the phone to Assistant Superintendent Ross Perry (“Defendant
10 Perry”) on the same day.

11 52. On or about July 5, 2023, Principal Abdul-Qawi directed Ms.
12 Esquivel not to display her Trump-themed backpack and water bottle in public.

13 53. This was in reference to Ms. Esquivel’s souvenir backpack that
14 bore “T-R-U-M-P” lettering over an American flag background. *See* Exhibit 2.

15 54. Ms. Esquivel asked for a policy or law that supported this directive
16 to not display her backpack in public, but Principal Abdul-Qawi did not provide Ms.
17 Esquivel with any District policy or law that supported this directive.

18 55. Principal Abdul-Qawi told her that she could not accompany her
19 deaf student on the class’s field trip that afternoon unless she left her backpack
20 behind in the classroom under a desk.

21 56. To ensure her deaf student had access to her ASL interpreter
22 services on the field trip, Ms. Esquivel complied with Defendant Abdul-Qawi’s
23 directive.

24 57. As she went to return her backpack to the classroom, Ms. Esquivel
25 earned a further rebuke from Principal Abdul-Qawi when he noticed her American
26 flag-themed jewelry and said that she was “lucky” he did not “write her up.”

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1 58. On or about July 6, 2023, Principal Abdul-Qawi invited Ms.
2 Esquivel to meet with him to discuss the work conflicts with her colleagues and to
3 discuss whether she would be permitted to bring her Trump-themed backpack to
4 campus.

5 59. At this meeting, Principal Abdul-Qawi detained Ms. Esquivel for a
6 period of three hours while intermittently prioritizing other affairs unrelated to Ms.
7 Esquivel.

8 60. This lengthy delay meant that Ms. Esquivel was unable to attend a
9 school outing where she would have provided ASL interpreting services for deaf
10 students.

11 61. When Ms. Esquivel and Principal Abdul-Qawi did speak, they
12 discussed whether she would be permitted to bring her Trump-themed backpack to
13 school.

14 62. Defendant Abdul-Qawi never addressed the aides' comments about
15 Ms. Esquivel's work schedule, the aides' disparaging remarks about Ms. Esquivel's
16 water bottle and backpack, or Ms. Dana's violent outburst related to Ms. Esquivel's
17 Trump-themed water bottle.

18 63. Following this meeting, Principal Abdul-Qawi allowed Ms.
19 Esquivel to return to class with her water bottle and backpack but directed her not to
20 display her water bottle and backpack.

21 64. Ms. Esquivel asked for the relevant policy or law that prohibited
22 her from displaying her backpack and water bottle. Principal Abdul-Qawi did not
23 provide her with any policy or law to support his directive.

24 **C. The District's Policies**

25 65. Ms. Esquivel continued to bring her Trump-themed water bottle
26 and backpack with her to school campus believing she had a First Amendment right
27 to do so.

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1 66. On or about July 11, 2023, the Defendant Perry emailed Ms.
2 Esquivel with the directive that she could not “display any political attire while the
3 students [were] in session” pursuant to California Education Code section 7054.

4 67. California Education Code section 7054 states, in relevant part,
5 “No school district or community college district funds, services, supplies, or
6 equipment shall be used for the purpose of urging the support or defeat of any ballot
7 measure or candidate, including, but not limited to, any candidate for election to the
8 governing board of the district.”

9 68. At no point in time during her employment with the District did Ms.
10 Esquivel wear any “political attire.”

11 69. At no point in time during her employment with the District did Ms.
12 Esquivel use district funds, services, supplies, or equipment for the purpose of urging
13 the support or defeat of any candidate.

14 70. Neither her backpack nor her water bottle contained any messages
15 that urged the support or defeat of any candidate.

16 71. Ms. Esquivel met with Defendant Perry that afternoon, where he
17 gave her a copy of Education Code section 7054 and told her that she could not
18 “have” her Trump backpack, but that she could “have” an American flag.

19 72. Defendant Perry directed Ms. Esquivel not to bring her backpack
20 and water bottle to campus or otherwise display these items.

21 73. After seeking outside legal counsel regarding the applicability of
22 Education Code section 7054 and determining that the statute did not apply in this
23 instance, Ms. Esquivel returned to school on July 12, 2023, with her water bottle and
24 backpack.

25 74. In an effort to comply with Defendant Perry and Defendant Abdul-
26 Qawi’s directive to not display her Trump-themed backpack, Ms. Esquivel used a
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1 patch to cover a portion of the word “T-R-U-M-P” on her backpack, so that only the
2 letters “T-R-U” were visible. *See* Exhibit 3.

3 75. After Ms. Esquivel’s arrival to school campus, lead teacher Mr.
4 Williams alerted Defendant Perry that Ms. Esquivel had brought her backpack to
5 school campus.

6 76. Defendant Perry again informed Ms. Esquivel that she was not
7 permitted to display her water bottle and backpack. Relying on California Education
8 Code 7054(c), Defendant Perry threatened Ms. Esquivel with fines and
9 imprisonment for bringing her water bottle and backpack to school.

10 77. Ms. Esquivel requested the relevant District policy that prohibited
11 her from bringing or otherwise displaying her Trump-themed water bottle and
12 backpack to school.

13 78. Rather than provide a basis for his threats or any applicable District
14 policy, Defendant Perry told Ms. Esquivel that she was banned from campus, and
15 that effective immediately, she would be placed on involuntary administrative leave.

16 79. Defendant Perry did not inform Ms. Esquivel of the period of time
17 she would remain on administrative leave.

18 80. Defendant Perry had the police escort Ms. Esquivel off the
19 premises, humiliating her in front of her colleagues and pupils.

20 81. On or about July 20, 2023, Ms. Esquivel received a letter from
21 Defendant Perry reiterating that she had been placed on paid administrative leave on
22 July 12, 2023, and that she had been directed to “physically and remotely stay away
23 from District property, including all campuses and school sponsored events.” *See*
24 Exhibit 4.

25 82. In this letter, Defendant Perry also represented that Ms. Esquivel’s
26 paid summer assignment ended on July 14, 2023, that she would not be paid while
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1 on summer break, and that her pay would resume when the work year began on
2 August 17, 2023. *Id.*

3 83. Defendant Perry told Ms. Esquivel that while she was “on paid
4 administrative leave,” she was “directed to remain available by telephone and
5 personal email during [] normal work hours, so that [she] can be contacted if the
6 need arises.” *Id.*

7 84. The letter did not communicate how long Ms. Esquivel would
8 remain on administrative leave.

9 85. On or about August 17, 2023, Defendant Perry sent Ms. Esquivel
10 an email informing her that she was still on administrative leave. Defendant Perry
11 stated that the “District will soon make a determination regarding the
12 insubordination you exhibited at the end of the summer school, and I will follow up
13 with you soon.” *See* Exhibit 5.

14 86. In this email, Defendant Perry also informed Ms. Esquivel that he
15 was “still wrapping up the investigation into the complaint made against [her] and
16 the complaint that [she] made against a co-worker” and that he “should be completed
17 with that soon.” *Id.*

18 87. The email did not communicate how long Ms. Esquivel would
19 remain on administrative leave.

20 **D. Ms. Esquivel’s June 2023 Complaint**

21 88. Following the filing of her June 28, 2023,
22 discrimination/harassment complaint, the District conducted an investigation.

23 89. As part of its investigation, the District reviewed Ms. Esquivel’s
24 complaint, documents received from Ms. Esquivel and conducted interviews with
25 Ms. Esquivel and seven witnesses.

26 90. Defendant Perry interviewed Ms. Esquivel on or about July 11,
27 2023.

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1 91. On or about December 8, 2023, the District issued “Findings of
2 Fact” regarding Ms. Esquivel’s June 2023 discrimination/harassment complaint.

3 92. The District found that the allegations made in the complaint were
4 not sustained by the evidence and closed the complaint.

5 93. On information and belief, on the same day, the District likewise
6 found that the allegations made in Ms. Dana’s complaint against Ms. Esquivel were
7 not sustained by the evidence and also closed Ms. Dana’s complaint.

8 94. The District issued its decision on Ms. Esquivel’s complaint 163
9 days after Ms. Esquivel submitted her complaint, violating District Regulation 4030,
10 which requires a written decision to be sent to the complainant within 20 days from
11 the receipt of the complaint. *See* Exhibit 6.

12 95. Pursuant to District Regulation 4030, the 20-day timeline may be
13 extended for good cause. *Id.* If an extension is needed, the parties shall be notified
14 and informed of the reasons for the extension. *Id.*

15 96. At no point in time after Ms. Esquivel filed her complaint on June
16 28, 2023, did the District notify Ms. Esquivel of any good cause for an extension or
17 that an extension was needed.

18 97. Pursuant to District Regulation 4030, Ms. Esquivel timely appealed
19 the District’s decision.

20 98. The District again violated District Regulation 4030 by failing to
21 schedule a hearing regarding Ms. Esquivel’s appeal.

22 99. On or about January 24, 2024, without conducting a hearing, the
23 District denied her appeal and closed her complaint.

24 **E. The District’s Allegations**

25 100. Ms. Esquivel continued on paid administrative through the duration
26 of 2023 and through June 2024.
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1 101. She did not receive any communication from the District regarding
2 how long she would remain on administrative leave.

3 102. After nearly six months with no communication from the District
4 regarding her employment status, on February 15, 2024, Ms. Esquivel’s lawyer sent
5 a demand letter to Defendant Perry, Defendant Abdul-Qawi, and Defendant James
6 Symonds, District Superintendent, requesting Ms. Esquivel’s immediate
7 reinstatement.

8 103. Five days later, on or about February 20, 2024, and after not
9 sending any previous communication to Ms. Esquivel regarding her employment
10 status since August 17, 2023, the District sent Ms. Esquivel a Notice of Proposed
11 Intent to Suspend and Recommend Dismissal, and Statement of Charges.

12 104. In this Notice, the District stated cause existed to terminate Ms.
13 Esquivel and accused her of (1) inefficiency, (2) insubordination, (3) discourteous
14 treatment of colleagues, (4) improper political activity, (5) violation of District
15 policy, and (6) failure to exercise good behavior in violation of District AR 4218.

16 105. The letter invited Ms. Esquivel to attend a *Skelly* hearing, or in the
17 alternative, submit a written response to the District’s allegations.

18 106. This letter provided no explanation for why the District waited until
19 five days after Ms. Esquivel’s demand letter to recommend her suspension and
20 dismissal, when it could have done so seven months earlier.

21 107. On or about February 22, 2024, the District followed up with a
22 second letter that provided District Regulation 4219.25 as an additional basis for the
23 District’s allegations against Ms. Esquivel.

24 108. Prior to this February 22, 2024, letter, the District had not
25 previously cited or identified District Regulation 4219.25 as a basis for its directive
26 that Ms. Esquivel does not display or otherwise bring her Trump-themed backpack
27 and water bottle to school campus.

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1 109. In relevant part, District Regulation 4219.25(9) and (10) provide
2 that district employees cannot “[p]resent viewpoints on a particular candidate or
3 ballot measures in the classroom without giving equal time to the presentation of
4 opposing views,” nor can they “[w]ear buttons or articles of clothing that express
5 political opinions on ballot measures or candidates during instructional time.” See
6 Exhibit 7.

7 110. In its February 22, 2024, letter – which neglected to mention any
8 kind of *Skelly* hearing—the District offered Ms. Esquivel the opportunity to resign
9 “in lieu of being terminated by the District.”

10 111. On or about April 15, 2024, Ms. Esquivel responded to the
11 District’s February 20, 2024, letter in lieu of appearing at the *Skelly* hearing. In this
12 response, Ms. Esquivel denied the six charges against her.

13 112. On or about April 26, 2024, Defendant Perry informed Ms.
14 Esquivel that the District administration would be moving forward with its
15 recommendation to the Governing Board (“Board”) that she be suspended without
16 pay and dismissed.

17 113. On or about April 30, 2024, the Board approved Ms. Esquivel’s
18 suspension without pay pending her dismissal.

19 114. Ms. Esquivel requested a formal hearing contesting the
20 recommendation for her suspension without pay and dismissal.

21 115. On September 19, 2024, after an administrative hearing before
22 Hearing Officer Jose A. Gonzales on July 24, 2024, Hearing Officer Gonzales
23 determined cause existed for the termination of Ms. Esquivel’s employment with the
24 District.

25 116. On information and belief, on or about September 24, 2024, the
26 District’s Board of Education terminated Ms. Esquivel’s employment.

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1 117. On or about April 4, 2024, Ms. Esquivel obtained a right-to-sue
2 notice from California’s Civil Rights Department. *See* Exhibit 8.

3 118. On or about April 29, 2024, Ms. Esquivel obtained a right-to-sue
4 notice from the Equal Employment Opportunity Commission (“EEOC”). *See*
5 Exhibit 9.

6 **FIRST CAUSE OF ACTION**

7 **Deprivation of Civil Rights Under 42 U.S.C. § 1983**

8 **Violation of the Free Speech Clause of the**

9 **First Amendment to the United States Constitution**

10 **(Against Defendants Symonds, Perry, and Abdul-Qawi)**

11 119. Plaintiff re-alleges and incorporates by reference the allegations in
12 the preceding paragraphs 1 through 118, as if fully set forth herein.

13 Pursuant to 42 U.S.C. § 1983, Ms. Esquivel brings this claim against the District for
14 acting under the color of state law to deprive her of rights secured by the U.S.
15 Constitution.

16 120. “The First Amendment’s protections extend to ‘teachers and
17 students,’ neither of whom ‘shed their constitutional rights to freedom of speech or
18 expression at the schoolhouse gate.’” *Kennedy v. Bremerton Sch. Dist.*, 597 U.S.
19 507, 522 (2022) (quoting *Tinker v. Des Moines Independent Community School*
20 *Dist.*, 393 U.S. 503, 506 (1969)).

21 121. Ms. Esquivel’s political expression is fully protected under the First
22 Amendment, which prohibits the government from “abridging the freedom of
23 speech.” This prohibition applies to state and local governments through the
24 Fourteenth Amendment.

25 122. A public employee’s speech is protected by the First Amendment
26 when she “speaks on a matter of public concern” as a “private citizen.” *Johnson v.*
27 *Poway Unified Sch. Dist.*, 658 F.3d 954, 961 (9th Cir. 2011).

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1 123. The message(s) displayed on Ms. Esquivel’s Trump-themed
2 backpack and water bottle are matters of public concern because they relate to the
3 “political, social, or other concern to the community.” *Lane v. Franks*, 573 U.S. 228,
4 241 (2014).

5 124. Ms. Esquivel’s spoke as a private citizen because she “had no
6 official duty to make the questioned statements . . . [and] the speech was not the
7 product of perform[ing] the tasks [she] was paid to perform.” *Dodge v. Evergreen*
8 *Sch. Dist. #114*, 56 F.4th 767, 778 (9th Cir. 2022).

9 125. Ms. Esquivel had no official duty to utilize a Trump-themed water
10 bottle or backpack, and neither were required to perform her job. The District did
11 not issue or pay for Ms. Esquivel’s backpack and water bottle.

12 126. The District’s directive that Ms. Esquivel does not bring her
13 Trump-themed backpack and water bottle to campus or otherwise display these
14 items censored Ms. Esquivel’s speech by prohibiting her from speaking on matters
15 of public concern as a private citizen.

16 127. The District’s directive that Ms. Esquivel does not bring her
17 Trump-themed backpack and water bottle to campus or otherwise display these
18 items regulates Ms. Esquivel’s speech, including her political expression, based on
19 its communicative content, which is a content-based restriction and is presumptively
20 unconstitutional.

21 128. Specifically, the District ordered Ms. Esquivel to refrain from
22 bringing her Trump-themed backpack and water bottle to school with her or
23 otherwise displaying these items, which stifles her political expression.

24 129. A policy “aim[ed] at the suppression’ of views” is flatly
25 prohibited. *Iancu v. Brunetti*, 139 S. Ct. 2294, 2302 (2019).

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1 130. District Regulation 4219.25 does not require or support the
2 District’s directive that Ms. Esquivel not bring her Trump-themed backpack and
3 water bottle to campus or otherwise display these items.

4 131. District Regulation 4219.25 does not prohibit employees from
5 engaging in all political activity and it does not prohibit employees from bringing or
6 displaying personal items, like a backpack, that contain political expression on
7 campus.

8 132. The District’s directive, as applied, constitutes unconstitutional
9 conditions because it allows the District to dismiss Ms. Esquivel for legitimately
10 expressing unwelcome political speech. *Perry v. Sindermann*, 408 U.S. 593, 597
11 (1972).

12 133. The District’s directive requiring Ms. Esquivel to refrain from
13 displaying her Trump-themed backpack and water bottle, as applied, is not narrowly
14 tailored to meet any compelling government interest.

15 134. The free speech violation is “all the more blatant” in a situation
16 such as the one here, where the District threatened to terminate Ms. Esquivel while
17 letting her colleagues – who lashed out in opposition to the message(s) on Ms.
18 Esquivel’s backpack and water bottle – go unpunished. *Rosenberger v. Rector and*
19 *Visitors of University of Virginia*, 515 U.S. 819, 829 (1995).

20 135. The District has no compelling reason to prohibit a teacher from
21 bringing personal items to school that display only the last name or image of a former
22 president.

23 136. The District has no compelling interest in enforcing its directive
24 because the directive is not required by California or federal law.

25 137. As a direct and proximate result of Defendants’ violation of the
26 First Amendment, Ms. Esquivel has suffered, and will suffer, irreparable harm,
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1 including the loss of her fundamental constitutional rights, entitling her to
2 declaratory and injunctive relief against the individual Defendants.

3 138. Additionally, Plaintiff is entitled to nominal damages and
4 compensatory damages against the individual Defendants in their individual
5 capacity in an amount to be proven at trial, and attorneys' fees under 42 U.S.C. §
6 1988.

7 **SECOND CAUSE OF ACTION**

8 **Deprivation of Civil Rights Under 42 U.S.C. § 1983**

9 **First Amendment Retaliation**

10 **(Against Defendants Symonds, Perry, and Abdul-Qawi)**

11 139. Plaintiff re-alleges and incorporates by reference the allegations in
12 the preceding paragraphs 1 through 138, as if fully set forth herein.

13 140. This cause of action is brought pursuant to 42 U.S.C. § 1983 and
14 the First and Fourteenth Amendments to the United States Constitution.

15 141. Clearly established law bars the government from retaliating
16 against Americans for exercising their constitutional rights and from taking actions
17 designed to deter people from exercising their constitutional rights. *See, e.g.,*
18 *Pickering v. Bd. of Ed. of Tp. High Sch. Dist. 205, Will County, Ill.*, 391 U.S. 563,
19 574 (1968) (“[A] teacher's exercise of his right to speak on issues of public
20 importance may not furnish the basis for his dismissal from public employment.”).

21 142. A public employee's speech is protected by the First Amendment
22 when she “speaks on a matter of public concern” as a “private citizen.” *Johnson v.*
23 *Poway Unified Sch. Dist.*, 658 F.3d 954, 961 (9th Cir. 2011).

24 143. The message(s) displayed on Ms. Esquivel's Trump-themed
25 backpack and water bottle are matters of public concern because they relate to the
26 “political, social, or other concern to the community.” *Lane v. Franks*, 573 U.S. 228,
27 241 (2014).

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1 144. Ms. Esquivel’s spoke as a private citizen because she “had no
2 official duty to make the questioned statements . . . [and] the speech was not the
3 product of perform[ing] the tasks [she] was paid to perform.” *Dodge v. Evergreen*
4 *Sch. Dist. #114*, 56 F.4th 767, 778 (9th Cir. 2022).

5 145. Ms. Esquivel had no official duty to utilize a Trump-themed water
6 bottle or backpack, and neither were required to perform her job. The District did
7 not issue or pay for Ms. Esquivel’s backpack and water bottle.

8 146. Ms. Esquivel engaged in protected speech when she brought her
9 Trump-themed backpack and water bottle to campus.

10 147. Neither California Education Code section 7054 nor District
11 Regulation 4219.25 require or support the District’s directive that Ms. Esquivel not
12 bring her Trump-themed backpack and water bottle to campus or otherwise display
13 these items.

14 148. Education Code section 7054 prohibits the use of district funds,
15 services, supplies or equipment to urge the passage or defeat of a candidate.

16 149. Ms. Esquivel’s backpack and water bottle were personal items she
17 purchased with her own money, not district funds.

18 150. Neither her backpack nor her water bottle contained a message that
19 urged the passage or defeat of a candidate.

20 151. District Regulation 4219.25(10) prohibits employees from wearing
21 “articles of clothing” that express political opinions on candidates.

22 152. Ms. Esquivel’s backpack and water bottle are not articles of
23 clothing.

24 153. Defendants Symonds, Perry, and Abdul-Qawi are responsible for
25 the hiring, disciplinary, and termination decisions of District employees.

26 154. The District retaliated against Ms. Esquivel because of the speech
27 expressed on her backpack and water bottle by placing her on administrative leave,
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1 failing to provide her with information regarding her employment status for six
2 months, threatening her with her dismissal after she sought legal help, suspending
3 her without pay, and eventually terminating her employment.

4 155. The District terminated Ms. Esquivel’s employment and failed to
5 provide an adequate policy to justify its actions.

6 156. The District presented its Directive in a take-it-or-leave-it manner
7 because it failed to find a solution or compromise that would have allowed Ms.
8 Esquivel to continue using her personal items in spite of her colleagues’ disdain for
9 the items.

10 157. As a direct and proximate result of Defendants’ violation of the
11 First Amendment, Ms. Esquivel has suffered, and will suffer, irreparable harm,
12 including the loss of her fundamental constitutional rights, entitling her to
13 declaratory and injunctive relief against the individual Defendants.

14 158. Additionally, Plaintiff is entitled to nominal damages and
15 compensatory damages against the individual Defendants in their individual
16 capacity in an amount to be proven at trial, and attorneys’ fees under 42 U.S.C. §
17 1988.

18 **THIRD CAUSE OF ACTION**

19 **Procedural Violation of the Due Process Clause**

20 **to the United States Constitution**

21 **(42 U.S.C. § 1983)**

22 **(Against Defendants Symonds, Perry, and Abdul-Qawi)**

23 159. Plaintiff re-alleges and incorporates by reference the allegations in
24 the preceding paragraphs 1 through 158, as if fully set forth herein.

25 160. 42 U.S.C. § 1983 allows plaintiffs to sue people for depriving them
26 of “any rights, privileges, or immunities secured by the Constitution and laws.”
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1 161. The Fourteenth Amendment guarantees that the States may never
2 deprive a person of their interest in “life, liberty, or property” without “due process
3 of the law.” U.S. Const. amend. XIV, § 1.

4 162. “Public employees who can be discharged only for cause have a
5 constitutionally protected property interest in their employment and cannot be fired
6 without due process.” *Wasson v. Sonoma Cnty. Jr. Coll. Dist.*, 4 F. Supp. 2d 893,
7 906 (N.D. Cal. 1997), *aff’d* on other grounds *sub nom.* *Wasson v. Sonoma Cnty.*
8 *Junior Coll.*, 203 F.3d 659 (9th Cir. 2000)

9 163. As a permanent classified employee of the District, Ms. Esquivel
10 had a legitimate claim of entitlement to her continued employment, and therefore
11 was entitled to full due process of the law before her suspension without pay.

12 164. The District had a practice of depriving Ms. Esquivel of her due
13 process during her employment with the District and while she was on administrative
14 leave.

15 165. Two weeks after Ms. Esquivel filed her formal complaint, Ms.
16 Esquivel was placed on involuntary administrative leave on July 12, 2023.

17 166. The District violated District Regulation 4030 which requires that
18 “no more than 20 business days after receiving the complaint, the coordinator shall
19 conclude the investigation and prepare a written report of the findings.” *See* Exhibit
20 6.

21 167. Defendant Perry did not provide a written report of the findings
22 regarding Ms. Esquivel’s complaint until after the District had placed her on
23 administrative leave and over 160 days after she filed her complaint with the District.

24 168. The District did not identify good cause for an extension of time to
25 complete the investigation or otherwise notify Ms. Esquivel that it would not have a
26 written report of its findings completed within 20 business days.

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1 169. District Regulation 4030 also requires that the Board of Education
2 schedule a hearing “as soon as practicable” upon receiving a complainant’s appeal
3 of any findings. *See* Exhibit 6.

4 170. The District violated District Regulation 4030 when the District,
5 without holding a hearing on her appeal, denied her appeal.

6 171. Additionally, employees have the right to respond to disciplinary
7 charges in an evidentiary hearing before the discipline takes effect. *See Skelly v.*
8 *State Personnel Bd.*, 539 P.2d 774, 780 (Cal. 1975).

9 172. The District placed Ms. Esquivel on involuntary administrative
10 leave on July 12, 2023.

11 173. Ms. Esquivel did not receive any information, communication, or
12 updates regarding her employment status from August 17, 2023, until on or about
13 February 2024.

14 174. On February 20, 2024, five days after Ms. Esquivel’s lawyer sent a
15 demand letter requesting that Ms. Esquivel be reinstated to her position, the District
16 lodged six allegations against Ms. Esquivel.

17 175. The District’s February 20, 2024, letter provided no explanation as
18 to why the District waited until five days after Ms. Esquivel’s demand letter to
19 recommend her suspension and dismissal, when it could have done so seven months
20 earlier.

21 176. The District effectively deprived Ms. Esquivel of her interest in her
22 employment by failing to inform or communicate the status of Ms. Esquivel’s
23 employment for nearly seven months.

24 177. In its February 22, 2024, correspondence – which neglected to offer
25 any kind of *Skelly* hearing – the District told Ms. Esquivel she could resign from her
26 position with the District “in lieu of being terminated by the District.”
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1 178. Based upon this District communication, the result of Ms.
2 Esquivel’s employment – termination – was predetermined before she participated
3 in a proper *Skelly* hearing.

4 179. As a direct and proximate result of Defendants’ violation of the
5 First Amendment, Ms. Esquivel has suffered, and will suffer, irreparable harm,
6 including the loss of her fundamental constitutional rights, entitling her to
7 declaratory and injunctive relief against the individual Defendants.

8 180. Additionally, Plaintiff is entitled to nominal damages and
9 compensatory damages against the individual Defendants in their individual
10 capacity in an amount to be proven at trial, and attorneys’ fees under 42 U.S.C. §
11 1988.

12 **FOURTH CAUSE OF ACTION**

13 **Substantive Violation of the Due Process Clause**

14 **to the United States Constitution**

15 **(42 U.S.C. § 1983)**

16 **(Against Defendants Symonds, Perry, and Abdul-Qawi)**

17 181. Plaintiff re-alleges and incorporates by reference the allegations in
18 the preceding paragraphs 1 through 180, as if fully set forth herein.

19 182. 42 U.S.C. § 1983 allows plaintiffs to sue people for depriving them
20 of “any rights, privileges, or immunities secured by the Constitution and laws.”

21 183. The Fourteenth Amendment guarantees that the States may never
22 deprive a person of their interest in “life, liberty, or property” without “due process
23 of the law.” U.S. Const. amend. XIV, § 1.

24 184. Generally speaking, laws must “define the criminal offense with
25 sufficient definiteness that ordinary people can understand what conduct is
26 prohibited and in a manner that does not encourage arbitrary and discriminatory
27 enforcement.” *Kolender v. Lawson*, 461 U.S. 352, 357 (1983).

1 185. District Regulation 4219.25 unconstitutionally restricts the ability
2 of Ms. Esquivel to engage in First Amendment activities.

3 186. District Regulation 4219.25 contains various terms and phrases that
4 are impermissibly vague and ambiguous.

5 187. District Regulation 4219.25 fails to define what it means to “urge
6 the passage or defeat of any ballot measure or candidate” or to “express political
7 opinions” about candidates.

8 188. Further, District Regulation 4219.25 does not define “articles of
9 clothing” or “candidate.”

10 189. Further, District Regulation 4219.25 permits unbridled discretion
11 by allowing the District to determine what messages will warrant the suppression of
12 speech.

13 190. District Regulation 4219.25, as applied, encourages arbitrary
14 enforcement. Not only does it fail to define the prohibited conduct, but it also fails
15 to describe how the District ought to enforce District Regulation 4219.25.

16 191. The District disciplines employees pursuant to District Regulation
17 4219.25 based on its subjective interpretation as to what constitutes “articles of
18 clothing,” “instructional time,” “candidates,” “political opinions,” and improper
19 political activity.

20 192. The District arbitrarily applied District Regulation 4219.25 to Ms.
21 Esquivel, finding that her backpack constituted an “article of clothing” and that her
22 backpack urged the support of a candidate.

23 193. As a direct and proximate result of Defendants’ violation of the
24 First Amendment, Ms. Esquivel has suffered, and will suffer, irreparable harm,
25 including the loss of her fundamental constitutional rights, entitling her to
26 declaratory and injunctive relief against the individual Defendants.

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1 210. While working for the District, Ms. Esquivel did not receive any
2 poor or negative performance reviews.

3 211. The District discriminated against Ms. Esquivel because of her
4 Christian faith.

5 212. Multiple District employees made disparaging remarks regarding
6 Ms. Esquivel’s Christian faith, including one District employee who told her to
7 “tone” it down with her “faith beliefs.” Defendant Abdul-Qawi told her to put her
8 religious books away while she was reading them on a work break.

9 213. Following these remarks about her faith, the District refused to
10 address Ms. Esquivel’s reports of her colleagues’ disparaging comments about her
11 Trump-themed backpack and water bottle.

12 214. Following these remarks about her faith, the District began to
13 censor Ms. Esquivel’s political expression by directing her not to display or
14 otherwise bring her Trump-themed backpack and water bottle to school campus.

15 215. Defendants Symonds, Perry, and Abdul-Qawi are responsible for
16 the hiring, disciplinary, and termination decisions of District employees.

17 216. Because Ms. Esquivel refused to follow the District’s directive to
18 conceal her Trump-themed backpack and water bottle on school campus, the District
19 placed Ms. Esquivel on administrative leave for nearly a year and then suspended
20 her without pay.

21 217. The District treated Ms. Esquivel disparately by punishing her for
22 engaging in constitutionally protected activities.

23 218. After months with little to no communication from the District, Ms.
24 Esquivel sought legal help and demanded her reinstatement on or about February
25 15, 2024.

26 219. On or about February 20, 2024, the District responded by
27 expressing its intent to dismiss her from employment.

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1 against the person in compensation or in terms, conditions, or privileges of
2 employment.” Cal. Gov’t Code § 12940(a).

3 233. Disparate treatment claims allege that the employer treated the
4 plaintiff differently than other similarly situated employees based on the plaintiff’s
5 status as a protected class. *Jones v. Dep’t of Corrections & Rehabilitation*, 62 Cal.
6 Rptr. 3d 200, 209 (2007).

7 234. Multiple District employees made disparaging remarks regarding
8 Ms. Esquivel’s Christian faith, including one District employee who told her to
9 “tone” it down with her “faith beliefs.” Defendant Abdul-Qawi told her to put her
10 religious books away while she was reading them on a work break.

11 235. Following these remarks about her faith, the District refused to
12 address Ms. Esquivel’s reports of her colleagues’ disparaging comments about her
13 Trump-themed backpack and water bottle.

14 236. Following these remarks about her faith, the District began to
15 censor Ms. Esquivel’s political expression by directing her not to display or
16 otherwise bring her Trump-themed backpack and water bottle to school campus.

17 237. Defendants Symonds, Perry, and Abdul-Qawi are responsible for
18 the hiring, disciplinary, and termination decisions of District employees.

19 238. Because Ms. Esquivel refused to follow the District’s directive to
20 conceal her Trump-themed backpack and water bottle on school campus, the District
21 retaliated against Ms. Esquivel by placing her on administrative leave for nearly a
22 year, suspending her without pay, and eventually terminating her employment.

23 239. As a direct and proximate result of Defendants’ violation of FEHA,
24 Plaintiff has suffered loss of employment and employment benefits, entitling her to
25 declaratory and injunctive relief and damages.

26 **PRAYER FOR RELIEF**

27 WHEREFORE, Plaintiff prays for relief against defendants:

28

- 1 1. Nominal damages for violation of her civil rights;
- 2 2. Damages for Plaintiff in an amount to be proven at trial;
- 3 3. A declaratory judgment, declaring that Defendants violated Plaintiff's
- 4 First Amendment rights;
- 5 4. Temporary, preliminary, and permanent injunctive relief requiring
- 6 Defendants to reinstate Plaintiff's employment;
- 7 5. For costs, attorneys' fees and interest, as allowed by law; and
- 8 6. For such other relief that the Court determines is proper.

9 DATED: November 8, 2024

ADVOCATES FOR FAITH & FREEDOM

11 By: /s/ Julianne Fleischer
12 Julianne Fleischer, Esq.
13 Attorneys for Plaintiff

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VERIFICATION

I have read the foregoing **SECOND AMENDED VERIFIED COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF AND DAMAGES** and know its contents.

I am Plaintiff in this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

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

Executed on 11/8/24, at Covina, California.


Alyssa Esquivel (Nov 8, 2024 12:10 PST)

Attachment-Redline

1 ADVOCATES FOR FAITH & FREEDOM
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9 Attorneys for Plaintiff Alyssa Esquivel

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

12 **ALYSSA ESQUIVEL**, an individual,
13 Plaintiff(s)

14 v.

15 **SAN GABRIEL UNIFIED SCHOOL**
16 **DISTRICT; JAMES SYMONDS**,
17 both in his personal capacity and in his
18 official capacity as San Gabriel Unified
19 School District Superintendent; **ROSS**
20 **PERRY**, both in his personal capacity
21 and in his official capacity as San
22 Gabriel Unified School District
Assistant Superintendent of Human
Resources; **Muhammad Abdul-Qawi**,
both in his personal capacity and in his
official capacity as Del Mar High
School Principal.

23 Defendant(s).

Case No.: 2:24-cv-06335-MCS-SK

**~~FIRST~~SECOND AMENDED
COMPLAINT FOR INJUNCTIVE
AND DECLARATORY RELIEF
AND DAMAGES:**

- 1) DEPRIVATION OF THE FREEDOM OF SPEECH
- 2) FIRST AMENDMENT RETALIATION
- 3) PROCEDURAL VIOLATION OF THE DUE PROCESS CLAUSE
- 4) SUBSTANTIVE VIOLATION OF THE DUE PROCESS CLAUSE
- 5) TITLE VII DISCRIMINATION
- 6) TITLE VII DISPARATE TREATMENT
- 7) TITLE VII RETALIATION
- 8) FAIR EMPLOYMENT AND HOUSING ACT VIOLATION

1 INTRODUCTION

2 1. This Action challenges the San Gabriel Unified School District’s
3 (“District”) ~~and its agents’~~ censorship, discrimination, and retaliation against Alyssa
4 Esquivel (“Ms. Esquivel”) for her Christian faith and political expression.

5 2. Since October 2022, Ms. Esquivel has been a dedicated and hard-
6 working American Sign Language (“ASL”) aide for the deaf within the District,
7 ensuring deaf students receive exceptional academic experiences.

8 3. She is well-liked and well-appreciated by her pupils, who would
9 not otherwise be able to participate in school without her ASL services. She has
10 never received a complaint about her job performance.

11 4. However, after colleagues disparaged Ms. Esquivel and expressed
12 their dislike for her Christian faith and Trump-themed backpack and water bottle,
13 the District began to unlawfully censure Ms. Esquivel for bringing those items to
14 school campus.

15 5. The District directed Ms. Esquivel to refrain from displaying or
16 otherwise bringing her backpack and water bottle to school campus.

17 6. The District eventually placed Ms. Esquivel on an indefinite
18 administrative leave, suspended her without pay, and ~~threatened her dismissal for~~
19 ~~continuing to engage in protected speech. Ms. Esquivel is currently suspended~~
20 ~~without pay eventually terminated her employment.~~

21 7. The District’s actions violate Ms. Esquivel’s First Amendment
22 right to free speech, her right to be free from retaliation against the legitimate
23 exercise of her free speech, her Due Process rights under the Fifth and Fourteenth
24 Amendments, her rights under Title VII of the Civil Rights Act of 1964, ~~and~~ her
25 rights under California’s Fair Employment and Housing Act, ~~and her right under the~~
26 ~~California Labor Code to hold unwelcome political views without threat of~~
27 ~~discharge.~~

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1 **JURISDICTION AND VENUE**

2 14. This civil rights action raises federal questions under the United
3 States Constitution, specifically the First Amendment, and under federal law,
4 particularly 42 U.S.C. § 1983.

5 15. This Court has subject matter jurisdiction over the federal claims
6 pursuant to 28 U.S.C. §§ 1331 and 1343.

7 16. This Court has supplemental jurisdiction over the state claims
8 pursuant to 28 U.S.C. § 1367.

9 17. This Court has authority to grant the requested declaratory relief
10 under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, implemented
11 through Rule 57 of the Federal Rules of Civil Procedure. This Court is also
12 authorized to grant injunctive relief and damages under 28 U.S.C. § 1343, pursuant
13 to Rule 65 of the Federal Rules of Civil Procedure, and reasonable attorney’s fees
14 and costs under 42 U.S.C. § 1988.

15 18. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2) because
16 a substantial part of the events or omissions giving rise to Plaintiff’s claims occurred
17 in this district.

18 **STATEMENT OF FACTS**

19 **A. Ms. Esquivel’s Background and Employment History**

20 19. Ms. Esquivel devotes her career to educating deaf students. She
21 achieved her associate degree in Sign Language/Interpreting at Mt. San Antonio
22 College in 2019, and further earned a bachelor’s degree in ASL Linguistics and Deaf
23 Culture from California State University, Long Beach in 2021.

24 20. Ms. Esquivel received a completion certificate from Americans
25 Against Language Barriers, a non-profit which focuses on assisting people with
26 limited English proficiency, after completing 50 hours of medical interpreter training
27 in June 2020.
28

1 21. She first began working with deaf students in various school
2 districts in 2014 and has held the position of ASL Special Education Instructional
3 Aide with the District since October 2022.

4 22. Ms. Esquivel is a permanent classified employee of the District.

5 23. Well-versed in ASL interpreting services for students, Ms. Esquivel
6 personally assists deaf students in one-on-one assignments to ensure the students
7 meet their Individualized Education Program (“IEP”) objectives.

8 24. Ms. Esquivel has gone above and beyond in her work as an ASL
9 Special Education Instructional Aide. It is because of her valuable work, talent, and
10 skills that deaf students in the District get to participate in school and receive a high-
11 quality education.

12 25. Ms. Esquivel has never received a poor performance review from
13 the District or complaints about the quality of her work or effort while working at
14 the District.

15 **B. The District’s Mistreatment of Ms. Esquivel**

16 26. Ms. Esquivel became the target of her co-workers’ contempt in
17 May 2023, when a classroom aide, Eugenia Dana, began a practice of verbally
18 insulting Ms. Esquivel.

19 27. On or about May 26, 2023, Ms. Dana repeatedly chastised Ms.
20 Esquivel about how it was “unfair” that Ms. Esquivel’s work schedule permitted her
21 to leave work earlier than Ms. Dana and the other classroom aides.

22 28. Ms. Esquivel reported Ms. Dana’s verbal insults to her classroom’s
23 lead teacher Mike Williams, and to then-Principal Muhammad Abdul-Qawi
24 (“Defendant Abdul-Qawi”), but they failed to investigate, address, or reprimand Ms.
25 Dana.

26 29. The District did not record or otherwise document Ms. Esquivel’s
27 report regarding Ms. Dana’s behavior.
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1 30. Ms. Esquivel had a practice of reading during her break times, and
2 she would often read religious books.

3 31. Sometime in early June 2023, after seeing some of Ms. Esquivel’s
4 religious books while she was on her break, lead teacher Mr. Williams told Ms.
5 Esquivel to “tone it down with [her] faith beliefs.”

6 32. Again, in early June 2023, Principal Abdul-Qawi, after seeing Ms.
7 Esquivel reading one of her religious books on her break, told her to hide her
8 religious books out of sight.

9 33. On or about June 1, 2023, and on or about June 12, 2023, Ms.
10 Esquivel again tried to meet with lead teacher Mr. Williams, Ms. Dana, and
11 Defendant Abdul-Qawi to discuss the tension between herself and Ms. Dana.
12 Because of Ms. Dana’s unwillingness and unavailability, neither meeting occurred.

13 34. Neither lead teacher Mr. Williams nor Defendant Abdul-Qawi
14 required a meeting or discussion with Ms. Dana despite Ms. Esquivel raising
15 concerns about Ms. Dana’s treatment of her.

16 35. Ms. Dana’s behavior escalated on or about June 15, 2023, when she
17 moved Ms. Esquivel’s water bottle (which sported several stickers depicting
18 presidents, including one of former-President Trump) (Exhibit 1) to a location out
19 of Ms. Esquivel’s reach.

20 36. When Ms. Esquivel asked Ms. Dana not to interfere with her
21 personal items, Ms. Dana ordered her—in front of a classroom full of students—to
22 “shut up.”

23 37. Ms. Dana stated that she “didn’t want Trump looking at [her],” a
24 sentiment another classroom aide, Jennifer Drake, echoed when Ms. Drake added,
25 “I asked you [Ms. Esquivel] not to bring in that Trump stuff.”

26 38. No student had commented or complained about Ms. Esquivel’s
27 water bottle.

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1 39. Ms. Esquivel reported the aides’ outburst to the onsite coordinator,
2 Ernest Lemus, but the District did not investigate or address this incident.

3 40. The District did not record or otherwise document Ms. Esquivel’s
4 report regarding the aides’ behavior.

5 41. The next day, on or about June 16, 2023, Ms. Esquivel and lead
6 teacher Mr. Williams entered their classroom to find Ms. Dana had flipped a desk
7 over and was throwing files around. She yelled that Ms. Esquivel was “not going to
8 put it [the water bottle] on my desk and taunt me with him [Donald Trump].”

9 42. Ms. Esquivel had placed her belongings on the now-flipped desk
10 since the beginning of the schoolyear without issue.

11 43. The desk where Ms. Esquivel placed her water bottle was a shared
12 desk used by all the classroom aides to place their belongings, including their water
13 bottles and lunch bags.

14 44. To Ms. Esquivel’s knowledge, the desk did not belong to Ms. Dana
15 or any other aide.

16 45. Consequently, Principal Abdul-Qawi held a staff meeting with Ms.
17 Esquivel, Ms. Dana and Ms. Drake, lead teacher Mr. Williams, and a third aide,
18 Omar Velasquez. This meeting opened with Ms. Dana demanding, “Can she [Ms.
19 Esquivel] stop bringing in the Trump stuff?”

20 46. Despite Principal Abdul-Qawi’s answer that Ms. Esquivel could
21 continue bringing her personal belongings to work, this meeting provided no clear
22 resolution to the conflict between Ms. Esquivel and the aides.

23 47. The District did not report or otherwise address Ms. Dana’s violent
24 outburst of flipping a desk over and throwing files.

25 48. In the following weeks, the other aides continued to mistreat Ms.
26 Esquivel, ignoring her and refusing to use her ASL interpreting services to
27 communicate with the deaf student in the classroom.

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1 49. The aides' refusal to utilize Ms. Esquivel's ASL interpreting
2 services interfered with the deaf student's ability to follow along in class and
3 participate in various school activities because he could not understand what the
4 other aides were communicating.

5 50. Because of her co-workers' treatment of her, Ms. Esquivel filed a
6 formal discrimination and harassment complaint with the District on or about June
7 28, 2023.

8 51. On information and belief, Ms. Dana submitted a complaint against
9 Ms. Esquivel over the phone to Assistant Superintendent Ross Perry ("Defendant
10 Perry") on the same day.

11 52. On or about July 5, 2023, Principal Abdul-Qawi directed Ms.
12 Esquivel not to display her Trump-themed backpack and water bottle in public.

13 53. This was in reference to Ms. Esquivel's souvenir backpack that
14 bore "T-R-U-M-P" lettering over an American flag background. *See* Exhibit 2.

15 54. Ms. Esquivel asked for a policy or law that supported this directive
16 to not display her backpack in public, but Principal Abdul-Qawi did not provide Ms.
17 Esquivel with any District policy or law that supported this directive.

18 55. Principal Abdul-Qawi told her that she could not accompany her
19 deaf student on the class's field trip that afternoon unless she left her backpack
20 behind in the classroom under a desk.

21 56. To ensure her deaf student had access to her ASL interpreter
22 services on the field trip, Ms. Esquivel complied with Defendant Abdul-Qawi's
23 directive.

24 57. As she went to return her backpack to the classroom, Ms. Esquivel
25 earned a further rebuke from Principal Abdul-Qawi when he noticed her American
26 flag-themed jewelry and said that she was "lucky" he did not "write her up."
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1 58. On or about July 6, 2023, Principal Abdul-Qawi invited Ms.
2 Esquivel to meet with him to discuss the work conflicts with her colleagues and to
3 discuss whether she would be permitted to bring her Trump-themed backpack to
4 campus.

5 59. At this meeting, Principal Abdul-Qawi detained Ms. Esquivel for a
6 period of three hours while intermittently prioritizing other affairs unrelated to Ms.
7 Esquivel.

8 60. This lengthy delay meant that Ms. Esquivel was unable to attend a
9 school outing where she would have provided ASL interpreting services for deaf
10 students.

11 61. When Ms. Esquivel and Principal Abdul-Qawi did speak, they
12 discussed whether she would be permitted to bring her Trump-themed backpack to
13 school.

14 62. Defendant Abdul-Qawi never addressed the aides' comments about
15 Ms. Esquivel's work schedule, the aides' disparaging remarks about Ms. Esquivel's
16 water bottle and backpack, or Ms. Dana's violent outburst related to Ms. Esquivel's
17 Trump-themed water bottle.

18 63. Following this meeting, Principal Abdul-Qawi allowed Ms.
19 Esquivel to return to class with her water bottle and backpack but directed her not to
20 display her water bottle and backpack.

21 64. Ms. Esquivel asked for the relevant policy or law that prohibited
22 her from displaying her backpack and water bottle. Principal Abdul-Qawi did not
23 provide her with any policy or law to support his directive.

24 **C. The District's Policies**

25 65. Ms. Esquivel continued to bring her Trump-themed water bottle
26 and backpack with her to school campus believing she had a First Amendment right
27 to do so.
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1 66. On or about July 11, 2023, the ~~District's Human Resources~~
2 ~~Superintendent Ross Perry~~ ("Defendant Perry") emailed Ms. Esquivel with the
3 directive that she could not "display any political attire while the students [were] in
4 session" pursuant to California Education Code section 7054.

5 67. California Education Code section 7054 states, in relevant part,
6 "No school district or community college district funds, services, supplies, or
7 equipment shall be used for the purpose of urging the support or defeat of any ballot
8 measure or candidate, including, but not limited to, any candidate for election to the
9 governing board of the district."

10 68. At no point in time during her employment with the District did Ms.
11 Esquivel wear any "political attire."

12 69. At no point in time during her employment with the District did Ms.
13 Esquivel use district funds, services, supplies, or equipment for the purpose of urging
14 the support or defeat of any candidate.

15 70. Neither her backpack nor her water bottle contained any messages
16 that urged the support or defeat of any candidate.

17 71. Ms. Esquivel met with Defendant Perry that afternoon, where he
18 gave her a copy of Education Code section 7054 and told her that she could not
19 "have" her Trump backpack, but that she could "have" an American flag.

20 72. Defendant Perry directed Ms. Esquivel not to bring her backpack
21 and water bottle to campus or otherwise display these items.

22 73. After seeking outside legal counsel regarding the applicability of
23 Education Code section 7054 and determining that the statute did not apply in this
24 instance, Ms. Esquivel returned to school on July 12, 2023, with her water bottle and
25 backpack.

26 74. In an effort to comply with Defendant Perry and Defendant Abdul-
27 Qawi's directive to not display her Trump-themed backpack, Ms. Esquivel used a
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1 patch to cover a portion of the word “T-R-U-M-P” on her backpack, so that only the
2 letters “T-R-U” were visible. *See* Exhibit 3.

3 75. After Ms. Esquivel’s arrival to school campus, lead teacher Mr.
4 Williams alerted Defendant Perry that Ms. Esquivel had brought her backpack to
5 school campus.

6 76. Defendant Perry again informed Ms. Esquivel that she was not
7 permitted to display her water bottle and backpack. Relying on California Education
8 Code 7054(c), Defendant Perry threatened Ms. Esquivel with fines and
9 imprisonment for bringing her water bottle and backpack to school.

10 77. Ms. Esquivel requested the relevant District policy that prohibited
11 her from bringing or otherwise displaying her Trump-themed water bottle and
12 backpack to school.

13 78. Rather than provide a basis for his threats or any applicable District
14 policy, Defendant Perry told Ms. Esquivel that she was banned from campus, and
15 that effective immediately, she would be placed on involuntary administrative leave.

16 79. Defendant Perry did not inform Ms. Esquivel of the period of time
17 she would remain on administrative leave.

18 80. Defendant Perry had the police escort Ms. Esquivel off the
19 premises, humiliating her in front of her colleagues and pupils.

20 81. On or about July 20, 2023, Ms. Esquivel received a letter from
21 Defendant Perry reiterating that she had been placed on paid administrative leave on
22 July 12, 2023, and that she had been directed to “physically and remotely stay away
23 from District property, including all campuses and school sponsored events.” *See*
24 Exhibit 4.

25 82. In this letter, Defendant Perry also represented that Ms. Esquivel’s
26 paid summer assignment ended on July 14, 2023, that she would not be paid while
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1 on summer break, and that her pay would resume when the work year began on
2 August 17, 2023. *Id.*

3 83. Defendant Perry told Ms. Esquivel that while she was “on paid
4 administrative leave,” she was “directed to remain available by telephone and
5 personal email during [] normal work hours, so that [she] can be contacted if the
6 need arises.” *Id.*

7 84. The letter did not communicate how long Ms. Esquivel would
8 remain on administrative leave.

9 85. On or about August 17, 2023, Defendant Perry sent Ms. Esquivel
10 an email informing her that she was still on administrative leave. Defendant Perry
11 stated that the “District will soon make a determination regarding the
12 insubordination you exhibited at the end of the summer school, and I will follow up
13 with you soon.” *See* Exhibit 5.

14 86. In this email, Defendant Perry also informed Ms. Esquivel that he
15 was “still wrapping up the investigation into the complaint made against [her] and
16 the complaint that [she] made against a co-worker” and that he “should be completed
17 with that soon.” *Id.*

18 87. The email did not communicate how long Ms. Esquivel would
19 remain on administrative leave.

20 **D. Ms. Esquivel’s June 2023 Complaint**

21 88. Following the filing of her June 28, 2023,
22 discrimination/harassment complaint, the District conducted an investigation.

23 89. As part of its investigation, the District reviewed Ms. Esquivel’s
24 complaint, documents received from Ms. Esquivel and conducted interviews with
25 Ms. Esquivel and seven witnesses.

26 90. Defendant Perry interviewed Ms. Esquivel on or about July 11,
27 2023.

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1 91. On or about December 8, 2023, the District issued “Findings of
2 Fact” regarding Ms. Esquivel’s June 2023 discrimination/harassment complaint.

3 92. The District found that the allegations made in the complaint were
4 not sustained by the evidence and closed the complaint.

5 93. On information and belief, on the same day, the District likewise
6 found that the allegations made in Ms. Dana’s complaint against Ms. Esquivel were
7 not sustained by the evidence and also closed Ms. Dana’s complaint.

8 94. The District issued its decision on Ms. Esquivel’s complaint 163
9 days after Ms. Esquivel submitted her complaint, violating District Regulation 4030,
10 which requires a written decision to be sent to the complainant within 20 days from
11 the receipt of the complaint. *See* Exhibit 6.

12 95. Pursuant to District Regulation 4030, the 20-day timeline may be
13 extended for good cause. *Id.* If an extension is needed, the parties shall be notified
14 and informed of the reasons for the extension. *Id.*

15 96. At no point in time after Ms. Esquivel filed her complaint on June
16 28, 2023, did the District notify Ms. Esquivel of any good cause for an extension or
17 that an extension was needed.

18 97. Pursuant to District Regulation 4030, Ms. Esquivel timely appealed
19 the District’s decision.

20 98. The District again violated District Regulation 4030 by failing to
21 schedule a hearing regarding Ms. Esquivel’s appeal.

22 99. On or about January 24, 2024, without conducting a hearing, the
23 District denied her appeal and closed her complaint.

24 **E. The District’s Allegations**

25 100. Ms. Esquivel continued on paid administrative through the duration
26 of 2023 and through June 2024.

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1 101. She did not receive any communication from the District regarding
2 how long she would remain on administrative leave.

3 102. After nearly six months with no communication from the District
4 regarding her employment status, on February 15, 2024, Ms. Esquivel’s lawyer sent
5 a demand letter to Defendant Perry, Defendant Abdul-Qawi, and Defendant James
6 Symonds, District Superintendent, requesting Ms. Esquivel’s immediate
7 reinstatement.

8 103. Five days later, on or about February 20, 2024, and after not
9 sending any previous communication to Ms. Esquivel regarding her employment
10 status since August 17, 2023, the District sent Ms. Esquivel a Notice of Proposed
11 Intent to Suspend and Recommend Dismissal, and Statement of Charges.

12 104. In this Notice, the District stated cause existed to terminate Ms.
13 Esquivel and accused her of (1) inefficiency, (2) insubordination, (3) discourteous
14 treatment of colleagues, (4) improper political activity, (5) violation of District
15 policy, and (6) failure to exercise good behavior in violation of District AR 4218.

16 105. The letter invited Ms. Esquivel to attend a *Skelly* hearing, or in the
17 alternative, submit a written response to the District’s allegations.

18 106. This letter provided no explanation for why the District waited until
19 five days after Ms. Esquivel’s demand letter to recommend her suspension and
20 dismissal, when it could have done so seven months earlier.

21 107. On or about February 22, 2024, the District followed up with a
22 second letter that provided District Regulation 4219.25 as an additional basis for the
23 District’s allegations against Ms. Esquivel.

24 108. Prior to this February 22, 2024, letter, the District had not
25 previously cited or identified District Regulation 4219.25 as a basis for its directive
26 that Ms. Esquivel does not display or otherwise bring her Trump-themed backpack
27 and water bottle to school campus.

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1 109. In relevant part, District Regulation 4219.25(9) and (10) provide
2 that district employees cannot “[p]resent viewpoints on a particular candidate or
3 ballot measures in the classroom without giving equal time to the presentation of
4 opposing views,” nor can they “[w]ear buttons or articles of clothing that express
5 political opinions on ballot measures or candidates during instructional time.” See
6 Exhibit 7.

7 110. In its February 22, 2024, letter – which neglected to mention any
8 kind of *Skelly* hearing—the District offered Ms. Esquivel the opportunity to resign
9 “in lieu of being terminated by the District.”

10 111. On or about April 15, 2024, Ms. Esquivel responded to the
11 District’s February 20, 2024, letter in lieu of appearing at the *Skelly* hearing. In this
12 response, Ms. Esquivel denied the six charges against her.

13 112. On or about April 26, 2024, Defendant Perry informed Ms.
14 Esquivel that the District administration would be moving forward with its
15 recommendation to the Governing Board (“Board”) that she be suspended without
16 pay and dismissed.

17 113. On or about April 30, 2024, the Board approved Ms. Esquivel’s
18 suspension without pay pending her dismissal.

19 114. Ms. Esquivel requested a formal hearing contesting the
20 recommendation for her suspension without pay and dismissal.

21 115. On September 19, 2024, after an administrative hearing before
22 Hearing Officer Jose A. Gonzales on July 24, 2024, Hearing Officer Gonzales
23 determined cause existed for the termination of Ms. Esquivel’s employment with the
24 District.

25 116. On information and belief, on or about September 24, 2024, the
26 District’s Board of Education terminated Ms. Esquivel’s employment.

1 117. On or about April 4, 2024, Ms. Esquivel obtained a right-to-sue
2 notice from California’s Civil Rights Department. See Exhibit 8.

3 ~~117.~~118. On or about April 29, 2024, Ms. Esquivel obtained a right-to-sue
4 notice from the Equal Employment Opportunity Commission (“EEOC”). See
5 Exhibit 89.

6 **FIRST CAUSE OF ACTION**

7 **Deprivation of Civil Rights Under 42 U.S.C. § 1983**

8 **Violation of the Free Speech Clause of the**

9 **First Amendment to the United States Constitution**

10 **(Against Defendants Symonds, Perry, and Abdul-Qawi)**

11 ~~118.~~119. Plaintiff re-alleges and incorporates by reference the allegations
12 in the preceding paragraphs 1 through ~~117~~118, as if fully set forth herein.

13 Pursuant to 42 U.S.C. § 1983, Ms. Esquivel brings this claim against the District for
14 acting under the color of state law to deprive her of rights secured by the U.S.
15 Constitution.

16 ~~119.~~120. “The First Amendment’s protections extend to ‘teachers and
17 students,’ neither of whom ‘shed their constitutional rights to freedom of speech or
18 expression at the schoolhouse gate.’” *Kennedy v. Bremerton Sch. Dist.*, 597 U.S.
19 507, 522 (2022) (quoting *Tinker v. Des Moines Independent Community School*
20 *Dist.*, 393 U.S. 503, 506 (1969)).

21 ~~120.~~121. Ms. Esquivel’s political expression is fully protected under the
22 First Amendment, which prohibits the government from “abridging the freedom of
23 speech.” This prohibition applies to state and local governments through the
24 Fourteenth Amendment.

25 ~~121.~~122. A public employee’s speech is protected by the First Amendment
26 when she “speaks on a matter of public concern” as a “private citizen.” *Johnson v.*
27 *Poway Unified Sch. Dist.*, 658 F.3d 954, 961 (9th Cir. 2011).

1 ~~122.~~123.The message(s) displayed on Ms. Esquivel’s Trump-themed
2 backpack and water bottle are matters of public concern because they relate to the
3 “political, social, or other concern to the community.” *Lane v. Franks*, 573 U.S. 228,
4 241 (2014).

5 ~~123.~~124.Ms. Esquivel’s spoke as a private citizen because she “had no
6 official duty to make the questioned statements . . . [and] the speech was not the
7 product of perform[ing] the tasks [she] was paid to perform.” *Dodge v. Evergreen*
8 *Sch. Dist. #114*, 56 F.4th 767, 778 (9th Cir. 2022).

9 ~~124.~~125.Ms. Esquivel had no official duty to utilize a Trump-themed
10 water bottle or backpack, and neither were required to perform her job. The District
11 did not issue or pay for Ms. Esquivel’s backpack and water bottle.

12 ~~125.~~126.The District’s directive that Ms. Esquivel does not bring her
13 Trump-themed backpack and water bottle to campus or otherwise display these
14 items censored Ms. Esquivel’s speech by prohibiting her from speaking on matters
15 of public concern as a private citizen.

16 ~~126.~~127.The District’s directive that Ms. Esquivel does not bring her
17 Trump-themed backpack and water bottle to campus or otherwise display these
18 items regulates Ms. Esquivel’s speech, including her political expression, based on
19 its communicative content, which is a content-based restriction and is presumptively
20 unconstitutional.

21 ~~127.~~128.Specifically, the District ordered Ms. Esquivel to refrain from
22 bringing her Trump-themed backpack and water bottle to school with her or
23 otherwise displaying these items, which stifles her political expression.

24 ~~128.~~129.A policy “‘aim[ed] at the suppression’ of views” is flatly
25 prohibited. *Iancu v. Brunetti*, 139 S. Ct. 2294, 2302 (2019).

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1 ~~129.~~130. District Regulation 4219.25 does not require or support the
2 District’s directive that Ms. Esquivel not bring her Trump-themed backpack and
3 water bottle to campus or otherwise display these items.

4 ~~130.~~131. District Regulation 4219.25 does not prohibit employees from
5 engaging in all political activity and it does not prohibit employees from bringing or
6 displaying personal items, like a backpack, that contain political expression on
7 campus.

8 ~~131.~~132. The District’s directive, as applied, constitutes unconstitutional
9 conditions because it allows the District to dismiss Ms. Esquivel for legitimately
10 expressing unwelcome political speech. *Perry v. Sindermann*, 408 U.S. 593, 597
11 (1972).

12 ~~132.~~133. The District’s directive requiring Ms. Esquivel to refrain from
13 displaying her Trump-themed backpack and water bottle, as applied, is not narrowly
14 tailored to meet any compelling government interest.

15 ~~133.~~134. The free speech violation is “all the more blatant” in a situation
16 such as the one here, where the District threatened to terminate Ms. Esquivel while
17 letting her colleagues – who lashed out in opposition to the message(s) on Ms.
18 Esquivel’s backpack and water bottle – go unpunished. *Rosenberger v. Rector and*
19 *Visitors of University of Virginia*, 515 U.S. 819, 829 (1995).

20 ~~134.~~135. The District has no compelling reason to prohibit a teacher from
21 bringing personal items to school that display only the last name or image of a former
22 president.

23 ~~135.~~136. The District has no compelling interest in enforcing its directive
24 because the directive is not required by California or federal law.

25 ~~136.~~137. As a direct and proximate result of Defendants’ violation of the
26 First Amendment, Ms. Esquivel has suffered, and will suffer, irreparable harm,
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1 including the loss of her fundamental constitutional rights, entitling her to
2 declaratory and injunctive relief against the individual Defendants.

3 ~~137.138.~~ Additionally, Plaintiff is entitled to nominal damages and
4 compensatory damages against the individual Defendants in their individual
5 capacity in an amount to be proven at trial, and attorneys' fees under 42 U.S.C. §
6 1988.

7 SECOND CAUSE OF ACTION

8 Deprivation of Civil Rights Under 42 U.S.C. § 1983

9 First Amendment Retaliation

10 (Against Defendants Symonds, Perry, and Abdul-Qawi)

11 ~~138.139.~~ Plaintiff re-alleges and incorporates by reference the allegations
12 in the preceding paragraphs 1 through ~~137~~138, as if fully set forth herein.

13 ~~139.140.~~ This cause of action is brought pursuant to 42 U.S.C. § 1983 and
14 the First and Fourteenth Amendments to the United States Constitution.

15 ~~140.141.~~ Clearly established law bars the government from retaliating
16 against Americans for exercising their constitutional rights and from taking actions
17 designed to deter people from exercising their constitutional rights. *See, e.g.,*
18 *Pickering v. Bd. of Ed. of Tp. High Sch. Dist. 205, Will County, Ill.*, 391 U.S. 563,
19 574 (1968) (“[A] teacher's exercise of his right to speak on issues of public
20 importance may not furnish the basis for his dismissal from public employment.”).

21 ~~141.142.~~ A public employee's speech is protected by the First Amendment
22 when she “speaks on a matter of public concern” as a “private citizen.” *Johnson v.*
23 *Poway Unified Sch. Dist.*, 658 F.3d 954, 961 (9th Cir. 2011).

24 ~~142.143.~~ The message(s) displayed on Ms. Esquivel's Trump-themed
25 backpack and water bottle are matters of public concern because they relate to the
26 “political, social, or other concern to the community.” *Lane v. Franks*, 573 U.S. 228,
27 241 (2014).

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1 ~~143.~~144.Ms. Esquivel’s spoke as a private citizen because she “had no
2 official duty to make the questioned statements . . . [and] the speech was not the
3 product of perform[ing] the tasks [she] was paid to perform.” *Dodge v. Evergreen*
4 *Sch. Dist. #114*, 56 F.4th 767, 778 (9th Cir. 2022).

5 ~~144.~~145.Ms. Esquivel had no official duty to utilize a Trump-themed
6 water bottle or backpack, and neither were required to perform her job. The District
7 did not issue or pay for Ms. Esquivel’s backpack and water bottle.

8 ~~145.~~146.Ms. Esquivel engaged in protected speech when she brought her
9 Trump-themed backpack and water bottle to campus.

10 ~~146.~~147.Neither California Education Code section 7054 nor District
11 Regulation 4219.25 require or support the District’s directive that Ms. Esquivel not
12 bring her Trump-themed backpack and water bottle to campus or otherwise display
13 these items.

14 ~~147.~~148.Education Code section 7054 prohibits the use of district funds,
15 services, supplies or equipment to urge the passage or defeat of a candidate.

16 ~~148.~~149.Ms. Esquivel’s backpack and water bottle were personal items
17 she purchased with her own money, not district funds.

18 ~~149.~~150.Neither her backpack nor her water bottle contained a message
19 that urged the passage or defeat of a candidate.

20 ~~150.~~151.District Regulation 4219.25(10) prohibits employees from
21 wearing “articles of clothing” that express political opinions on candidates.

22 ~~151.~~152.Ms. Esquivel’s backpack and water bottle are not articles of
23 clothing.

24 153. Defendants Symonds, Perry, and Abdul-Qawi are responsible for
25 the hiring, disciplinary, and termination decisions of District employees.

26 ~~152.~~154.The District retaliated against Ms. Esquivel because of the
27 speech expressed on her backpack and water bottle by placing her on administrative
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1 leave, failing to provide her with information regarding her employment status for
2 six months, threatening her with her dismissal after she sought legal help, suspending
3 her without pay, and eventually terminating her employment.

4 ~~153.~~155. The District terminated Ms. Esquivel’s employment and failed to
5 provide an adequate policy to justify its actions.

6 ~~154.~~156. The District presented its Directive in a take-it-or-leave-it
7 manner because it failed to find a solution or compromise that would have allowed
8 Ms. Esquivel to continue using her personal items in spite of her colleagues’ disdain
9 for the items.

10 ~~155.~~157. As a direct and proximate result of Defendants’ violation of the
11 First Amendment, Ms. Esquivel has suffered, and will suffer, irreparable harm,
12 including the loss of her fundamental constitutional rights, entitling her to
13 declaratory and injunctive relief against the individual Defendants.

14 ~~156.~~158. Additionally, Plaintiff is entitled to nominal damages and
15 compensatory damages against the individual Defendants in their individual
16 capacity in an amount to be proven at trial, and attorneys’ fees under 42 U.S.C. §
17 1988.

18 **THIRD CAUSE OF ACTION**

19 **Procedural Violation of the Due Process Clause**

20 **to the United States Constitution**

21 **(42 U.S.C. § 1983)**

22 **(Against Defendants Symonds, Perry, and Abdul-Qawi)**

23 ~~157.~~159. Plaintiff re-alleges and incorporates by reference the allegations
24 in the preceding paragraphs 1 through ~~156~~158, as if fully set forth herein.

25 ~~158.~~160. 42 U.S.C. § 1983 allows plaintiffs to sue people for depriving
26 them of “any rights, privileges, or immunities secured by the Constitution and laws.”
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1 ~~159.~~161. The Fourteenth Amendment guarantees that the States may never
2 deprive a person of their interest in “life, liberty, or property” without “due process
3 of the law.” U.S. Const. amend. XIV, § 1.

4 ~~160.~~162. “Public employees who can be discharged only for cause have a
5 constitutionally protected property interest in their employment and cannot be fired
6 without due process.” *Wasson v. Sonoma Cnty. Jr. Coll. Dist.*, 4 F. Supp. 2d 893,
7 906 (N.D. Cal. 1997), *aff’d* on other grounds *sub nom.* *Wasson v. Sonoma Cnty.*
8 *Junior Coll.*, 203 F.3d 659 (9th Cir. 2000)

9 ~~161.~~163. As a permanent classified employee of the District, Ms. Esquivel
10 had a legitimate claim of entitlement to her continued employment, and therefore
11 was entitled to full due process of the law before her suspension without pay.

12 ~~162.~~164. The District had a practice of depriving Ms. Esquivel of her due
13 process during her employment with the District and while she was on administrative
14 leave.

15 ~~163.~~165. Two weeks after Ms. Esquivel filed her formal complaint, Ms.
16 Esquivel was placed on involuntary administrative leave on July 12, 2023.

17 ~~164.~~166. The District violated District Regulation 4030 which requires
18 that “no more than 20 business days after receiving the complaint, the coordinator
19 shall conclude the investigation and prepare a written report of the findings.” *See*
20 Exhibit 6.

21 ~~165.~~167. Defendant Perry did not provide a written report of the findings
22 regarding Ms. Esquivel’s complaint until after the District had placed her on
23 administrative leave and over 160 days after she filed her complaint with the District.

24 ~~166.~~168. The District did not identify good cause for an extension of time
25 to complete the investigation or otherwise notify Ms. Esquivel that it would not have
26 a written report of its findings completed within 20 business days.

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1 ~~167.169.~~District Regulation 4030 also requires that the Board of
2 Education schedule a hearing “as soon as practicable” upon receiving a
3 complainant’s appeal of any findings. *See* Exhibit 6.

4 ~~168.170.~~The District violated District Regulation 4030 when the District,
5 without holding a hearing on her appeal, denied her appeal.

6 ~~169.171.~~Additionally, employees have the right to respond to disciplinary
7 charges in an evidentiary hearing before the discipline takes effect. *See Skelly v.*
8 *State Personnel Bd.*, 539 P.2d 774, 780 (Cal. 1975).

9 ~~170.172.~~The District placed Ms. Esquivel on involuntary administrative
10 leave on July 12, 2023.

11 ~~171.173.~~Ms. Esquivel did not receive any information, communication,
12 or updates regarding her employment status from August 17, 2023, until on or about
13 February 2024.

14 ~~172.174.~~On February 20, 2024, five days after Ms. Esquivel’s lawyer sent
15 a demand letter requesting that Ms. Esquivel be reinstated to her position, the District
16 lodged six allegations against Ms. Esquivel.

17 ~~173.175.~~The District’s February 20, 2024, letter provided no explanation
18 as to why the District waited until five days after Ms. Esquivel’s demand letter to
19 recommend her suspension and dismissal, when it could have done so seven months
20 earlier.

21 ~~174.176.~~The District effectively deprived Ms. Esquivel of her interest in
22 her employment by failing to inform or communicate the status of Ms. Esquivel’s
23 employment for nearly seven months.

24 ~~175.177.~~In its February 22, 2024, correspondence – which neglected to
25 offer any kind of *Skelly* hearing – the District told Ms. Esquivel she could resign
26 from her position with the District “in lieu of being terminated by the District.”
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1 ~~176.178.~~Based upon this District communication, the result of Ms.
2 Esquivel’s employment – termination – was predetermined before she participated
3 in a proper *Skelly* hearing.

4 ~~177.179.~~As a direct and proximate result of Defendants’ violation of the
5 First Amendment, Ms. Esquivel has suffered, and will suffer, irreparable harm,
6 including the loss of her fundamental constitutional rights, entitling her to
7 declaratory and injunctive relief against the individual Defendants.

8 ~~178.180.~~Additionally, Plaintiff is entitled to nominal damages and
9 compensatory damages against the individual Defendants in their individual
10 capacity in an amount to be proven at trial, and attorneys’ fees under 42 U.S.C. §
11 1988.

12 **FOURTH CAUSE OF ACTION**

13 **Substantive Violation of the Due Process Clause**

14 **to the United States Constitution**

15 **(42 U.S.C. § 1983)**

16 **(Against Defendants Symonds, Perry, and Abdul-Qawi)**

17 ~~179.181.~~Plaintiff re-alleges and incorporates by reference the allegations
18 in the preceding paragraphs 1 through ~~178.180~~, as if fully set forth herein.

19 ~~180.182.~~42 U.S.C. § 1983 allows plaintiffs to sue people for depriving
20 them of “any rights, privileges, or immunities secured by the Constitution and laws.”

21 ~~181.183.~~The Fourteenth Amendment guarantees that the States may never
22 deprive a person of their interest in “life, liberty, or property” without “due process
23 of the law.” U.S. Const. amend. XIV, § 1.

24 ~~182.184.~~Generally speaking, laws must “define the criminal offense with
25 sufficient definiteness that ordinary people can understand what conduct is
26 prohibited and in a manner that does not encourage arbitrary and discriminatory
27 enforcement.” *Kolender v. Lawson*, 461 U.S. 352, 357 (1983).

1 ~~183.185.~~ District Regulation 4219.25 unconstitutionally restricts the
2 ability of Ms. Esquivel to engage in First Amendment activities.

3 ~~184.186.~~ District Regulation 4219.25 contains various terms and phrases
4 that are impermissibly vague and ambiguous.

5 ~~185.187.~~ District Regulation 4219.25 fails to define what it means to “urge
6 the passage or defeat of any ballot measure or candidate” or to “express political
7 opinions” about candidates.

8 ~~186.188.~~ Further, District Regulation 4219.25 does not define “articles of
9 clothing” or “candidate.”

10 ~~187.189.~~ Further, District Regulation 4219.25 permits unbridled
11 discretion by allowing the District to determine what messages will warrant the
12 suppression of speech.

13 ~~188.190.~~ District Regulation 4219.25, as applied, encourages arbitrary
14 enforcement. Not only does it fail to define the prohibited conduct, but it also fails
15 to describe how the District ought to enforce District Regulation 4219.25.

16 ~~189.191.~~ The District disciplines employees pursuant to District
17 Regulation 4219.25 based on its subjective interpretation as to what constitutes
18 “articles of clothing,” “instructional time,” “candidates,” “political opinions,” and
19 improper political activity.

20 ~~190.192.~~ The District arbitrarily applied District Regulation 4219.25 to
21 Ms. Esquivel, finding that her backpack constituted an “article of clothing” and that
22 her backpack urged the support of a candidate.

23 ~~191.193.~~ As a direct and proximate result of Defendants’ violation of the
24 First Amendment, Ms. Esquivel has suffered, and will suffer, irreparable harm,
25 including the loss of her fundamental constitutional rights, entitling her to
26 declaratory and injunctive relief against the individual Defendants.

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1 ~~192.194.~~ Additionally, Plaintiff is entitled to nominal damages and
2 compensatory damages against the individual Defendants in their individual
3 capacity in an amount to be proven at trial, and attorneys' fees under 42 U.S.C. §
4 1988.

5 **FIFTH CAUSE OF ACTION**

6 **Title VII Discrimination**

7 **(42 U.S.C. § 2000e-2(a))**

8 **(Against All Defendants)**

9 ~~193.195.~~ Plaintiff re-alleges and incorporates by reference the allegations
10 in the preceding paragraphs 1 through ~~192~~194, as if fully set forth herein.

11 ~~194.196.~~ Title VII of the Civil Rights Act of 1964 prohibits an employer
12 from discriminating against its employees because of their sincerely held religious
13 beliefs. *See* 42 U.S.C. § 2000e-2(a).

14 ~~195.197.~~ At all relevant times, Ms. Esquivel diligently performed her ASL
15 interpreting services for the District.

16 ~~196.198.~~ While working for the District, Ms. Esquivel did not receive any
17 poor or negative performance reviews.

18 ~~197.199.~~ The District discriminated against Ms. Esquivel because of her
19 Christian faith.

20 ~~198.200.~~ Multiple District employees made disparaging remarks
21 regarding Ms. Esquivel's Christian faith, including one District employee who told
22 her to "tone" it down with her "faith beliefs." Defendant Abdul-Qawi told her to put
23 her religious books away while she was reading them on a work break.

24 ~~199.201.~~ Following these remarks about her faith, the District refused to
25 address Ms. Esquivel's reports of her colleagues' disparaging comments about her
26 Trump-themed backpack and water bottle.

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1 ~~200.202.~~ Following these remarks about her faith, the District began to
2 censor Ms. Esquivel’s political expression by directing her not to display or
3 otherwise bring her Trump-themed backpack and water bottle to school campus.

4 ~~203. Defendants Symonds, Perry, and Abdul-Qawi are responsible for~~
5 ~~the hiring, disciplinary, and termination decisions of District employees.~~

6 ~~204. Because Ms. Esquivel refused to follow the District’s directive to~~
7 ~~conceal her Trump-themed backpack and water bottle on school campus, the District~~
8 ~~retaliated against Ms. Esquivel by placing her on administrative leave for nearly a~~
9 ~~year, suspending her without pay, and eventually terminating her employment.~~

10 ~~201.1. Because Ms. Esquivel refused to follow the District’s directive to~~
11 ~~conceal her Trump-themed backpack and water bottle on school campus, the District~~
12 ~~placed Ms. Esquivel on administrative leave for nearly a year and then suspended~~
13 ~~her without pay.~~

14 ~~202. By suspending her without pay, the District has effectively~~
15 ~~discharged Ms. Esquivel. The Governing Board has also recommended her~~
16 ~~dismissal.~~

17 ~~203.205.~~ As a direct and proximate result of Defendants’ violation of Title
18 VII, Plaintiff has suffered, and will suffer, harm in the loss of her employment and/or
19 employment benefits, entitling her to declaratory and injunctive relief and damages.

20 **SIXTH CAUSE OF ACTION**

21 **Title VII Disparate Treatment**

22 **(42 U.S.C. § 2000e-2(a))**

23 **(Against All Defendants)**

24 ~~204.206.~~ Plaintiff re-alleges and incorporates by reference the allegations
25 in the preceding paragraphs 1 through ~~203.205~~, as if fully set forth herein.

1 ~~205.207.~~ Title VII of the Civil Rights Act of 1964 prohibits an employer
2 from discriminating against its employees because of their sincerely held religious
3 beliefs. *See* 42 U.S.C. § 2000e–2(a).

4 ~~206.208.~~ Title VII prohibits an employer from engaging in disparate
5 treatment of its employees. *Id.* Disparate treatment occurs “where an employer has
6 treated a particular person less favorably than others because of a protected trait.”
7 *Wood v. City of San Diego*, 678 F.3d 1075, 1081 (9th Cir. 2012).

8 ~~207.209.~~ At all relevant times, Ms. Esquivel diligently performed her ASL
9 interpreting services for the District.

10 ~~208.210.~~ While working for the District, Ms. Esquivel did not receive any
11 poor or negative performance reviews.

12 ~~209.211.~~ The District discriminated against Ms. Esquivel because of her
13 Christian faith.

14 ~~210.212.~~ Multiple District employees made disparaging remarks
15 regarding Ms. Esquivel’s Christian faith, including one District employee who told
16 her to “tone” it down with her “faith beliefs.” Defendant Abdul-Qawi told her to put
17 her religious books away while she was reading them on a work break.

18 ~~211.213.~~ Following these remarks about her faith, the District refused to
19 address Ms. Esquivel’s reports of her colleagues’ disparaging comments about her
20 Trump-themed backpack and water bottle.

21 ~~212.214.~~ Following these remarks about her faith, the District began to
22 censor Ms. Esquivel’s political expression by directing her not to display or
23 otherwise bring her Trump-themed backpack and water bottle to school campus.

24 ~~215.~~ Defendants Symonds, Perry, and Abdul-Qawi are responsible for
25 the hiring, disciplinary, and termination decisions of District employees.

26 ~~213.~~ Because Ms. Esquivel refused to follow the District’s directive to
27 conceal her Trump-themed backpack and water bottle on school campus, the District

1 ~~placed Ms. Esquivel on administrative leave for nearly a year and then suspended~~
2 ~~her without pay.~~

3 ~~214. By suspending her without pay, the District has effectively~~
4 ~~discharged Ms. Esquivel. The Governing Board has also recommended her~~
5 ~~dismissal.~~

6 216. Because Ms. Esquivel refused to follow the District's directive to
7 conceal her Trump-themed backpack and water bottle on school campus, the District
8 placed Ms. Esquivel on administrative leave for nearly a year and then suspended
9 her without pay.

10 215-217. The District treated Ms. Esquivel disparately by punishing her
11 for engaging in constitutionally protected activities.

12 216-218. After months with little to no communication from the District,
13 Ms. Esquivel sought legal help and demanded her reinstatement on or about
14 February 15, 2024.

15 217-219. On or about February 20, 2024, the District responded by
16 expressing its intent to dismiss her from employment.

17 220. Because Ms. Esquivel refused to follow the District's directive to
18 conceal her Trump-themed backpack and water bottle on school campus, the District
19 retaliated against Ms. Esquivel by placing her on administrative leave for nearly a
20 year, suspending her without pay, and eventually terminating her employment.

21 218-221. On information and belief, the District did not discipline any
22 District employee for their disparaging comments regarding Ms. Esquivel's faith and
23 political expression.

24 219-222. As a direct and proximate result of Defendants' violation of Title
25 VII, Plaintiff has suffered, and will suffer, harm in the loss of her employment and/or
26 employment benefits, entitling her to declaratory and injunctive relief and damages.

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1 SEVENTH CAUSE OF ACTION

2 Title VII Retaliation

3 (42 U.S.C. § 2000e-2(a))

4 (Against All Defendants)

5 220-223. Plaintiff re-alleges and incorporates by reference the allegations
6 in the preceding paragraphs 1 through ~~219~~222, as if fully set forth herein.

7 221-224. Title VII of the Civil Rights Act of 1964 prohibits employers
8 from retaliating against employees who “oppose a practice that Title VII forbids” or
9 who “made a charge, testified, assisted, or participated in a Title VII investigation,
10 proceeding, or hearing.” 42 U.S.C. § 2000e-3(a); *see also Burlington Northern and*
11 *Sante Fe Ry. Co. v. White*, 548 U.S. 53, 59 (2006) (internal quotation marks omitted).

12 222-225. Multiple District employees made disparaging remarks
13 regarding Ms. Esquivel’s Christian faith, including one District employee who told
14 her to “tone” it down with her “faith beliefs.” Defendant Abdul-Qawi told her to put
15 her religious books away while she was reading them on a work break.

16 223-226. Following these remarks about her faith, the District refused to
17 address Ms. Esquivel’s reports of her colleagues’ disparaging comments about her
18 Trump-themed backpack and water bottle.

19 224-227. Following these remarks about her faith, the District began to
20 censor Ms. Esquivel’s political expression by directing her not to display or
21 otherwise bring her Trump-themed backpack and water bottle to school campus.

22 228. Defendants Symonds, Perry, and Abdul-Qawi are responsible for
23 the hiring, disciplinary, and termination decisions of District employees.

24 225.—Because Ms. Esquivel refused to follow the District’s directive to
25 conceal her Trump-themed backpack and water bottle on school campus, the District
26 ~~Because Ms. Esquivel refused to follow the District’s directive to conceal her~~
27 ~~Trump-themed backpack and water bottle on school campus, the District retaliated~~

1 ~~against Ms.~~ retaliated against Ms. Esquivel by placing her on administrative leave
2 for nearly a year ~~and then suspended her without pay.~~

3 ~~226.229.~~ By, suspending her without pay, ~~the District has effectively~~
4 ~~discharged Ms. Esquivel. The Governing Board has also recommended her~~
5 ~~dismissal and eventually terminating her employment.~~

6 ~~227.230.~~ As a direct and proximate result of Defendants’ violation of Title
7 VII, Plaintiff has suffered, and will suffer, harm in the loss of her employment and/or
8 employment benefits, entitling her to declaratory and injunctive relief and damages.

9 **EIGHTH CAUSE OF ACTION**

10 **Violation of California’s Fair Employment**

11 **and Housing Act**

12 **Cal. Gov’t Code § 12940**

13 **(Against All Defendants)**

14 ~~228.231.~~ Plaintiff re-alleges and incorporates by reference the allegations
15 in the preceding paragraphs 1 through ~~227~~230, as if fully set forth herein.

16 ~~229.232.~~ California’s Fair Employment and Housing Act (“FEHA”)
17 makes it unlawful “[f]or an employer, because of the . . . religious creed . . . of any
18 person, to refuse to hire or employ the person or to refuse to select the person for a
19 training program leading to employment, or to bar or to discharge the person from
20 employment or from a training program leading to employment, or to discriminate
21 against the person in compensation or in terms, conditions, or privileges of
22 employment.” Cal. Gov’t Code § 12940(a).

23 ~~230.233.~~ Disparate treatment claims allege that the employer treated the
24 plaintiff differently than other similarly situated employees based on the plaintiff’s
25 status as a protected class. *Jones v. Dep’t of Corrections & Rehabilitation*, 62 Cal.
26 Rptr. 3d 200, 209 (2007).

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1 ~~231.234.~~Multiple District employees made disparaging remarks
2 regarding Ms. Esquivel’s Christian faith, including one District employee who told
3 her to “tone” it down with her “faith beliefs.” Defendant Abdul-Qawi told her to put
4 her religious books away while she was reading them on a work break.

5 ~~232.235.~~Following these remarks about her faith, the District refused to
6 address Ms. Esquivel’s reports of her colleagues’ disparaging comments about her
7 Trump-themed backpack and water bottle.

8 ~~233.236.~~Following these remarks about her faith, the District began to
9 censor Ms. Esquivel’s political expression by directing her not to display or
10 otherwise bring her Trump-themed backpack and water bottle to school campus.

11 ~~237. Because Ms. Esquivel refused to follow the District’s directive to~~
12 ~~conceal her Trump-themed backpack and water bottle on school campus, the District~~
13 ~~placed~~Defendants Symonds, Perry, and Abdul-Qawi are responsible for the hiring,
14 disciplinary, and termination decisions of District employees.

15 ~~234. Because Ms. Esquivel refused to follow the District’s directive to~~
16 ~~conceal her Trump-themed backpack and water bottle on school campus, the District~~
17 ~~retaliated against~~ Ms. Esquivel by placing her on administrative leave for nearly a
18 ~~year and then suspended her without pay.~~

19 ~~235.238. By,~~ suspending her without pay, ~~the District has effectively~~
20 ~~discharged Ms. Esquivel. The Governing Board has also recommended and~~
21 ~~eventually terminating her dismissal.~~employment.

22 ~~236.239.~~As a direct and proximate result of Defendants’ violation of
23 FEHA, Plaintiff has suffered loss of employment and employment benefits, entitling
24 her to declaratory and injunctive relief and damages.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff prays for relief against defendants:

- 27 1. Nominal damages for violation of her civil rights;

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- 1 2. Damages for Plaintiff in an amount to be proven at trial;
- 2 3. A declaratory judgment, declaring that ~~the District~~Defendants violated
- 3 Plaintiff's First Amendment rights;
- 4 4. Temporary, preliminary, and permanent injunctive relief
- 5 enjoining requiring Defendants ~~from dismissing Plaintiff and/or taking any adverse to~~
- 6 reinstate Plaintiff's employment ~~action against Plaintiff~~;
- 7 5. For costs, attorneys' fees and interest, as allowed by law; and
- 8 6. For such other relief that the Court determines is proper.

9 DATED: November 14, 2024

ADVOCATES FOR FAITH & FREEDOM

11 By: /s/ Julianne Fleischer
 12 Julianne Fleischer, Esq.
 13 Attorneys for Plaintiff

14 **VERIFICATION**

15 I have read the foregoing **FIRST AMENDED VERIFIED COMPLAINT**
 16 **FOR INJUNCTIVE AND DECLARATORY RELIEF AND DAMAGES** and
 17 know its contents.

18 I am Plaintiff in this action. The matters stated in the foregoing document are
 19 true of my own knowledge except as to those matters which are stated on information
 20 and belief, and as to those matters, I believe them to be true.

21 I declare under penalty of perjury under the laws of the State of California that
 22 the foregoing is true and correct.

23 Executed on _____, at _____, California.

24
 25 _____
 Alyssa Esquivel