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10 Attorneys for Defendant
11 SEQUOIA UNION HIGH SCHOOL DISTRICT

12 [EXEMPT FROM FILING FEES PURSUANT TO
13 GOVERNMENT CODE §6103]

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 COUNTY OF SAN MATEO

16 SHARLETT DOWNING,

17 Case No. 24-CIV-02971

18 Plaintiff,

19 ASSIGNED FOR ALL PURPOSES TO
20 JUDGE V. RAYMOND SWOPE DEPT. 23

21 v.
22 SEQUOIA UNION HIGH SCHOOL
23 DISTRICT and DOES 1-10, inclusive,

24 DEFENDANT SEQUOIA UNION HIGH
25 SCHOOL DISTRICT'S ANSWER TO
26 PLAINTIFF'S COMPLAINT FOR DAMAGES

27 Defendants.

28 Action Filed: May 15, 2024
Trial Date: None Set

Defendant SEQUOIA UNION HIGH SCHOOL DISTRICT ("Defendant") responds to the unverified complaint as follows:

Under Code of Civil Procedure §431.30(d), Defendant denies each and every allegation in the complaint and denies it actually or proximately caused plaintiff any harm or injury.

AFFIRMATIVE DEFENSES

Defendant asserts the following affirmative defenses without conceding it has the burden of persuasion or burden of proof as to any of them. Defendant also reserves the right to assert additional affirmative defenses as warranted.

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Electronically
FILED

by Superior Court of California, County of San Mateo
ON 7/1/2024
By /s/ Anthony Berini
Deputy Clerk

FIRST AFFIRMATIVE DEFENSE

(Fails to State a Cause of Action)

The complaint, and each cause of action therein, fail to state a cause of action against the answering defendant.

SECOND AFFIRMATIVE DEFENSE

(Failure to Timely Exhaust – Administrative Remedies)

The claims alleged, in whole or part, are barred by the applicable claim filing deadlines imposed under statute for filing administrative claims. Calif. Govt. Code §§12960(d); 12965; Calif Govt. Code §§910, 911.2 et seq.

THIRD AFFIRMATIVE DEFENSE

(Statutes of Limitation)

The claims alleged, in whole or in part, are barred by the applicable statutes of limitation for filing a civil lawsuit. Calif. Govt. Code §§12960(d); 12965; Calif. Govt. Code §§910, 911.2 et seq.; also, Code of Civil Procedure §335.1.

FOURTH AFFIRMATIVE DEFENSE

(Failure to Exhaust Administrative Remedies)

The alleged claims are barred, in whole or in part, by a failure to properly exhaust administrative remedies or internal remedies including arbitration or a hearing before an administrative law judge.

FIFTH AFFIRMATIVE DEFENSE

(Lawful Reasons)

Defendant's employment decisions were for legitimate reasons not motivated by discrimination, retaliation, or any illegal motives. In addition, Defendant's lawful reasons were not pretexts to hide discriminatory or retaliatory motives.

SIXTH AFFIRMATIVE DEFENSE

(Mixed Motives)

Even if Defendant had an illegal motive for taking any adverse employment action towards Plaintiff, Defendant still would have made the same decision for legitimate reasons

1 unrelated to discrimination, retaliation, or any illegal motives.

2 **SEVENTH AFFIRMATIVE DEFENSE**

3 **(Avoidable Consequences)**

4 Plaintiff failed to report any alleged discrimination or retaliation in a timely manner, and
5 her remedies are limited by the doctrine of avoidable consequences.

6 **EIGHTH AFFIRMATIVE DEFENSE**

7 **(Unclean Hands)**

8 Plaintiff's claims are barred or limited by the doctrine of unclean hands.

9 **NINTH AFFIRMATIVE DEFENSE**

10 **(Laches)**

11 Plaintiff's claims are barred or limited by the doctrine of laches.

12 **TENTH AFFIRMATIVE DEFENSE**

13 **(Estoppel)**

14 Plaintiff's claims are barred or limited by the doctrine of equitable estoppel.

15 **ELEVENTH AFFIRMATIVE DEFENSE**

16 **(Discretionary Immunity)**

17 Plaintiff's claims are barred, in whole or in part, by immunity for discretionary decision-
18 making by public entities. (Calif. Govt. Code §§818.2; 820.2)

19 **TWELFTH AFFIRMATIVE DEFENSE**

20 **(Ministerial Immunity)**

21 Plaintiff's claims are barred, in whole or in part, by immunity for exercising ministerial
22 authority. (Calif. Govt. Code §§820.4; 821)

23 **THIRTEENTH AFFIRMATIVE DEFENSE**

24 **(After-Acquired Evidence)**

25 Plaintiff's claims, in whole or in part, are barred by the after-acquired evidence doctrine.

26 **FOURTEENTH AFFIRMATIVE DEFENSE**

27 **(Comparative Fault)**

28 Plaintiff's own conduct and/or fault was a substantial factor in the matters alleged and the

1 damages she seeks and therefore that comparative fault must be considered by a trier of fact and
2 to the extent plaintiff's comparative conduct and/or fault is found by a trier of fact, then it bars,
3 reduces, or diminishes her recoverable damages, if any, under the comparative fault doctrine.

4 **FIFTEENTH AFFIRMATIVE DEFENSE**

5 **(Civil Code §1431.2)**

6 Plaintiff's non-economic damages are subject to the application of Civil Code §1431.2 *et
7 seq.*

8 **SIXTEENTH AFFIRMATIVE DEFENSE**

9 **(Exclusive Remedy)**

10 Plaintiff's claims, in whole or in part, are barred by the exclusive remedy rule. (California
11 Labor Code §3601, *et seq.*)

12 **SEVENTEENTH AFFIRMATIVE DEFENSE**

13 **(Failure to Mitigate)**

14 Plaintiff has failed to act reasonably to mitigate her alleged damages, if any.

15 **EIGHTEENTH AFFIRMATIVE DEFENSE**

16 **(Health or Safety Risk)**

17 Defendant's conduct was not discriminatory because, even with reasonable
18 accommodation(s), Plaintiff was unable to perform at least one essential job duty without
19 endangering her health or safety and/or the health or safety of others.

20 **NINETEENTH AFFIRMATIVE DEFENSE**

21 **(Reasonable Actions to Prevent Discrimination and Retaliation)**

22 Defendant took all reasonable actions necessary to prevent discrimination and retaliation.

23 **TWENTIETH AFFIRMATIVE DEFENSE**

24 **(Business Necessity)**

25 Defendant's employment practice was lawful because the purpose of the practice is to
26 operate entity safely and efficiently, and its practices substantially accomplishes this business
27 purpose.

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TWENTY-FIRST AFFIRMATIVE DEFENSE

(Undue Hardship)

Defendant provided various accommodations to plaintiff during her employment.

Plaintiff's additional requests for accommodation would not be reasonable, and if granted, would create an undue financial and/or operational hardship to defendant.

TWENTY-SECOND AFFIRMATIVE DEFENSE

(Waiver)

Plaintiff's claims are limited in whole or in part by the doctrine of waiver.

PRAYER

Wherefore, Defendant prays for judgment as follows:

1. For judgment in favor of Defendant and against Plaintiff;
2. For reasonable attorney's fees and costs; and
3. For such other and further relief as the court deems just and proper.

Dated: July 1, 2024

ALLEN, GLAESSNER,
HAZELWOOD & WERTH, LLP

By: Desiri Schele
PETER O. GLAESSNER
DESIRI L. SCHELE
Attorneys for Defendant
SEQUOIA UNION HIGH SCHOOL
DISTRICT

1 PROOF OF SERVICE
2 *Downing v. Sequoia Union High School District*
3 San Mateo County Court Case No. 24-CIV-02971

4 I am a resident of the State of California, over 18 years of age and not a party to the
5 within action. I am employed in the County of San Francisco; my business address is: 180
6 Montgomery Street, Suite 1200, San Francisco, CA 94104. On July 1, 2024, I served the within:

7 **DEFENDANT SEQUOIA UNION HIGH SCHOOL DISTRICT'S ANSWER TO
8 PLAINTIFF'S COMPLAINT FOR DAMAGES**

9 on all parties in this action, as addressed below, by causing a true copy thereof to be distributed
10 as follows:

11 Jay T. Jambeck
12 Many G. Leigh
13 Damien B. Troutman
14 Leigh Law Group, P.C.
15 582 Market St., #905
16 San Francisco, CA 94104

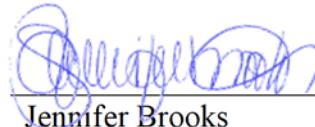
17 Telephone: (415) 399-9155
18 Facsimile: (415) 795-3733
19 E-Mail: jjambeck@leighlawgroup.com;
20 mleigh@leighlawgroup.com;
21 dtroutman@leighlawgroup.com

22 *Attorneys for Plaintiff*

23 **By E-Mail or Electronic Transmission:** Based on a court order or an agreement of the
24 parties to accept service by email or electronic transmission, I caused the documents to be sent to the
25 persons at the e-mail addresses listed below from my electronic service address which is
26 jbrooks@aghawlaw.com. I did not receive, within a reasonable time after the transmission, any electronic
27 message or other indication that the transmission was unsuccessful.

28 **(STATE)** I declare under penalty of perjury under the laws of the State of California
29 that the foregoing is true and correct.

30 Executed on July 1, 2024, at San Francisco, California.

31 
32 Jennifer Brooks