

August 5, 2016



[VIA U.S. MAIL]

Attn: City Clerk
CITY OF LA HABRA HEIGHTS
1245 N. Hacienda Road
La Habra Heights, CA 90631

To Whom It May Concern,

Please see attached Government Tort Claim my office has filed on behalf of Jared Hartstein, as Exhibit A. The original claim was inadvertently served on Orange County. A copy of the original claim and the County's response is attached hereto as Exhibit B.

Plaintiff then again inadvertently served the claim to City of La Habra instead of City of La Habra Heights. A copy of the original claim and City of La Habra's email response is attached as Exhibit C.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Brandon P. Ortiz, Esq.

CLAIM 2016-07 PG 2 OF 19

EXHIBIT A

RECEIVED

2016 AUG -9 A 8: 56

CITY OF LA HABRA HEIGHTS

Claim Number: 2016 07 (City Use Only)

NOTICE OF CLAIM AGAINST THE CITY OF LA HABRA HEIGHTS, CALIFORNIA (Government Code § 910, 910.2)

INSTRUCTIONS

TO: City of La Habra Heights

Claims related to injury to person or damage to personal property must be presented to the City within six (6) months from the date of loss.

Claims related to any other loss must be presented not later than one (1) year from the date of loss.

Answer all items fully and to the best of your knowledge and information. Failure to do so may result in your claim being found insufficient. If more space is needed to provide requested information, please attach additional pages identifying paragraphs(s) being answered.

ATTN: City Clerk	8.9.16 8:36 AM (4)
1245 N. Hacienda Road	Date and Time Filed with the City Clerk
La Habra Heights, CA 90631	[City Use Only]
1. Claimant's Name: Jared Hartstein Dat	e of Birth: 9/17/1989 Daytime Phone: (866) 920-1292
2. Claimant's Mailing Address:	
21051 Warner Center L	ane, Suite 225, Woodland Hills, California 91367
	- Street - Apt No City - State - Zip
Home Phone: ()	
3. Date of Loss: First occurrence on 08/04/15	. Continued until 12/21/15. Time of Loss:
4. Location of Loss:	
See attachment.	
5. Description of incident/accident that cause See attachment.	sed you to make this claim:
	71-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-
6. What specific injury, damages or other lo	<u> </u>
Wage loss; Emotional distress and other non-e	conomic damages including loss of reputation; medical
expenses	
7. List damages incurred to date (Attach coother documentation to prove your loss): Amount unknown.	ppies of receipts, repair estimates, bills, invoices and any
8. What are your total estimated prospective	ve damages?
Amount unknown.	

	1
(City Use O 9. What is your basis for claiming that the City or City employee(s) are the cause of your injury,	
damages or loss? See attachment. PG 4 0F 1	1
10. What are the name(s) of the City employee(s) whom you allege caused your injury, damages	or
loss, if known?	
See attachment.	
11 None odduce and phone much or of any mitues of the contribution	
11. Name, address and phone number of any witnesses who can substantiate your claim: All witnesses worked for the fire department.	
THE WIGHT SEE THE THE REPAIRMENT.	
12. Any additional information that you believe might be helpful to the City in considering this claim: See attachment.	_
13. All notices and communications with regard to this claim will be directed to the Claimant sho in lines 1 and 2 above unless you complete the following to identify to whom further communicat should be directed:	
Should be directed.	
Name: Brandon P. Ortiz Relationship: Attorney	_
Address: 21051 Warner Center Lane, Suite 225, Woodland Hills State: CA ZIP: 91367	_
Daytime Phone: (866) 920-1292 Home Phone: ()	
I/We, the undersigned, declare under penalty of perjury that I/we have read the foregoing claim	for
damages and know the contents thereof; that the same is true of my/our own knowledge and be	
save and except as to those matters wherein stated on information and belief, and as to them, I	/we
believe to be true.	
Jared Hartstein 9/5/6	
Claimant Printed Name Claimant Signature Date Signed (Note: If someone files the claim on behalf of the claimant, the person making the claim on behalf of the	

WARNING: Penal Code Section 72 makes it a crime punishable by imprisonment to submit a "false or fraudulent claim" for payment to a city or public district, and Code of Civil Procedures Section 1038 authorizes the award of attorney fees against a claimant who brings a claim that is "not

Claimant Signature Date Signed

brought in good faith and with reasonable cause."

claimant should sign above.)

Claimant Printed Name

CLAIM 2016-07 PG 5 OF 19

Attachment To Government Tort Claim Of Jared Hartstein

Legal Claims

- 1. Labor Code Section 1102.5
- 2. Labor Code Sections 6310 and 6311
- 3. Civil Code Section 43
- 4. Conversion
- 5. Trespass
- 6. Trespass To Chattels
- 7. Intentional Infliction Of Emotional Distress
- 8. Unruh Civil Rights Act
- 9. Civil Code Section 51.7
- 10. Civil Code Section 52.1
- 11. All Other Legal Theories Of Recovery Supported By The Facts And Law

Statement of Facts

Jared Hartstein began working for the La Habra Heights Fire Department on August 4, 2015. From the start of his employment until he was constructively terminated, Mr. Hartstein suffered discrimination and harassment on the basis of his religion. On his first shift, he was given the nickname "bear Jew." Senior firefighters Zachary Talbert and Michael Stokes singled out Mr. Hartstein, and relentlessly hazed and verbally abused him. Talbert and Stokes often punished Mr. Hartstein for complaining, whether it was about a safety issue or about physical pain. Furthermore, because Mr. Hartstein complained about being in pain from the hazing drills, Talbert referred to him as the "girl of the crew." Talbert also gave Mr. Hartstein a "heil Hitler" Nazi salute on two separate occasions. Talbert would also make fun of Mr. Hartstein's curly hair, calling it a "Jewfro" and saying that if he had, "nappy, curly hair, [he] would shave [his] head." Talbert and Stokes often sent Mr. Hartstein to do grocery shopping, saying he would find the best deals and save some money (referencing a Jewish stereotype). They also said, several times, "Don't be a Jew" or "Don't be a Hartstein." Talbert and Stokes repeatedly "failed" Mr. Hartstein on his training drills while other probationary firefighters were given more lenient evaluations and less criticism. Talbert's and Stokes' abuse even escalated to physical assault and battery when they took a large piece of

CLAIM 2016-07 PG 6 OF 19 (2)

plywood, slammed their weight into Mr. Hartstein and pinned him against a wall, while yelling "where's your 'Jew' jitsu now?" The two further humiliated Mr. Hartstein by forcing him to rap to avoid punishment, and then posting the video to social media. Talbert also embarrassed Mr. Hartstein by opening the shower door on Mr. Hartstein while he was fully nude. Talbert and Stokes further harassed Mr. Hartstein by spitting chewing tobacco waste into his Gatorade bottle. In one of the more egregious examples of harassment and abuse, Mr. Hartstein's air supply was maliciously cut off during a drill causing him to suffocate. On December 15, 2015, one of Mr. Hartstein's crew members drew a Nazi swastika on his training paperwork and left it out on the kitchen table on Mr. Hartstein's last shift. Fearing for his safety, Mr. Hartstein was forced to resign, and sent in his letter of resignation December 21, 2015.

In retaliation for his reports of harassment and discrimination in his resignation letter, Mr. Hartstein's harassers targeted his family's house in La Habra Heights, manipulating the water pressure and causing the home's water pipes to burst. As a result of these acts, Mr. Hartstein has suffered severe psychological and emotional distress, including PTSD, depression and anxiety. Because of these conditions, Mr. Hartstein is considered "unfit" for duty as a Firefighter, and his dream of a career in firefighting has been destroyed.

CLAIM 2016-07 PG 7 0F 19 @

EXHIBIT B



CLAIM FOR MONEY OR DAMAGES

CLA	IM	20	16-1	07
PG	8	OF	19	

☐ Mail

AGAINST THE COUNTY OF ORANGE (Pursuant to Govt. Code section 910 et seq.)	☐ Pony Mail ☐ Other	*** COB USE ONLY*	南京
		Ana Blvd., Suite	
CLAIMANT INFORMA	MOITA		
1. Claimant's Name: <u>Jared Hartstein</u> 2. Date of Birth: <u>09/17/</u>	1989		
3. Claimant's Address: 15 Clove Blossom Irvine, CA 92604			
Street (or P.O. Box) City	State	Zip Code	
4. Phone Number: Home: Work: Other: 866-92	0-1292		
5. Name and address where correspondence should be sent (if d	lifferent from	above):	
Brandon Ortiz, Esq. 21051 Warner Center Lane Suite 225 Woo	dland Hills, C	A 91367	
Name Street (or P.O. Box) City	S	tate Zip C	Code
CLAIM INFORMATI	ON		<i>,</i> ,
6. Exact date (including year) of the occurrence or transaction	which gave ris	se to the claim	
asserted: First occurrence on 08/04/15. Continued until 12/21/1	<u>5.</u>		
7. Exact location of the occurrence or transaction which gave ri	se to the oloin	a acreviado	
City of La Habra Heights	so to the civin	assuteu.	
8. Describe the circumstances of the occurrence or transaction v	vhich vou clai	im caused the	
damage/injury/loss: Please see attached.	inton j va ozaz	an chubba viio	
9. Jail Booking Number: N/A Police Agency/Report Number: N	Į/A		
10. Provide a description of the damage/injury/loss incurred so this claim: Wage loss; Emotional distress and other non-economic	far as is know nic damages ir	n as of the time o	f putation;
medical expenses			
11. Name(s) of County employee(s) causing damage/injury/loss,	if known: <u>Ple</u>	ase see attachment	
12. License number of County vehicle (if applicable):			
Revised 9/08	Pag	ge 1 of 2	

13. Name, address and phone number of any and all witnesses known: unknow 14. Any additional information that may assist us in evaluating your claim_ DAMAGES CLAIMED 15. a. If the amount claimed is less than \$10,000: Amount claimed to present: Estimated amount of any prospective damage/injury/loss: \$ TOTAL AMOUNT CLAIMED: b. If the amount claimed exceeds \$10,000, would the case be a limited civil case (\$25,000 or less)? Yes 🗌 No 🖂 c. Basis of computation of the amount of damages (Please attach any estimates and/or receipts): WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM Section 72 of the Penal Code states: "Every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, city, or district board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is punishable either by imprisonment in the county jail for a period of not more than one year, by a flud of not exceeding one thousand dollars (\$1,000), or by both such imprisonment or fine, or by imprisonment in the state prison, by a fine of not exceeding ten thousand dollars (\$10,000), or by both such imprisonment and finc." I declare under penalty of perjury that the foregoing is true and correct. (day of) one 20 6 at Signature of Claimant or Claimant's Representative

You Must Present Your Claim Within The Time Prescribed By Govt. Code Section 911.2

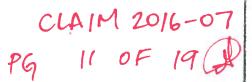
Attachment To Government Tort Claim Of Jared Hartstein

Legal Claims

- 1. Labor Code Section 1102.5
- 2. Labor Code Sections 6310 and 6311
- 3. Civil Code Section 43
- 4. Conversion
- 5. Trespass
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- 8. Unruh Civil Rights Act
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- 11. All Other Legal Theories Of Recovery Supported By The Facts And Law

Statement of Facts

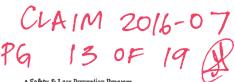
Jared Hartstein began working for the La Habra Heights Fire Department on August 4, 2015. From the start of his employment until he was constructively terminated, Mr. Hartstein suffered discrimination and harassment on the basis of his religion. On his first shift, he was given the nickname "bear Jew." Senior firefighters Zachary Talbert and Michael Stokes singled out Mr. Hartstein, and relentlessly hazed and verbally abused him. Talbert and Stokes often punished Mr. Hartstein for complaining, whether it was about a safety issue or about physical pain. Furthermore, because Mr. Hartstein complained about being in pain from the hazing drills, Talbert referred to him as the "girl of the crew." Talbert also gave Mr. Hartstein a "heil Hitler" Nazi salute on two separate occasions. Talbert would also make fun of Mr. Hartstein's curly hair, calling it a "Jewfro" and saying that if he had, "nappy, curly hair, [he] would shave [his] head." Talbert and Stokes often sent Mr. Hartstein to do grocery shopping, saying he would find the best deals and save some money (referencing a Jewish stereotype). They also said, several times, "Don't be a Jew" or "Don't be a Hartstein." Talbert and Stokes repeatedly "failed" Mr. Hartstein on his training drills while other probationary firefighters were given more lenient evaluations and less criticism. Talbert's and Stokes' abuse even escalated to physical assault and battery when they took a large piece of



plywood, slammed their weight into Mr. Hartstein and pinned him against a wall, while yelling "where's your 'Jew' jitsu now?" The two further humiliated Mr. Hartstein by forcing him to rap to avoid punishment, and then posting the video to social media. Talbert also embarrassed Mr. Hartstein by opening the shower door on Mr. Hartstein while he was fully nude. Talbert and Stokes further harassed Mr. Hartstein by spitting chewing tobacco waste into his Gatorade bottle. In one of the more egregious examples of harassment and abuse, Mr. Hartstein's air supply was maliciously cut off during a drill causing him to suffocate. On December 15, 2015, one of Mr. Hartstein's crew members drew a Nazi swastika on his training paperwork and left it out on the kitchen table on Mr. Hartstein's last shift. Fearing for his safety, Mr. Hartstein was forced to resign, and sent in his letter of resignation December 21, 2015.

In retaliation for his reports of harassment and discrimination in his resignation letter, Mr. Hartstein's harassers targeted his family's house in La Habra Heights, manipulating the water pressure and causing the home's water pipes to burst. As a result of these acts, Mr. Hartstein has suffered severe psychological and emotional distress, including PTSD, depression and anxiety. Because of these conditions, Mr. Hartstein is considered "unfit" for duty as a Firefighter, and his dream of a career in firefighting has been destroyed.

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COUNTY OF ORANGE COUNTY EXECUTIVE OFFICE

OFFICE OF RISK MANAGEMENT

. Safety & Loss Prevention Program

Workers' Compensation Program

· Liability Claims Management Program

· Administration & Financial Management

1 Jusurance/Contracts & Commercial Insurance • ADA II Public Access Compliance

> Telephone: (714) 285-5500 FAX: (714) 285-5599

June 17, 2016

Brandon Orliz, Esq. 21051 Warner Center Lane Suite 225 Woodland Hills, CA 91367

Re: Your Client: Jared Hartstein Date of Loss: 12/21/2015 Claim Number: 20160427

Dear Mr. Ortiz:

The claim that you filed on 6/8/2016 with the County of Orange Clerk of the Board of Supervisors has been forwarded to the Risk Management Office for review.

In reviewing your claim reveals that your allegations are against the City of La Habra Heights and not the County of Orange. Please be advised that the County of Orange and the City of La Habra Heights are separate entities, each with separate governing boards. Neither the County nor the City of La Habra Heights has jurisdiction or control over the actions of the other. In view of the circumstances, we have no recourse but to disclaim any liability on behalf of the County of Orange. Your claim needs to be filed with the City Clerk of La Habra Heights 1245 N. Hacienda Road La Habra Heights, CA 90631,

Notice is hereby given that the claim you presented on behalf of your client, Jared Hartstein, on 6/8/2016, is rejected by operations of law.

WARNING: "Subject to certain exceptions, you have only six months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code, Section 945.6,"

Calvin Wong

Sincerely

Claims Representative

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EXHIBIT C

CLAIM 2016-07 CLAIM FOR DAMAGES AGAINST THE CITY OF LA HABRAFG 15 OF 19

FILE WITH: CITY CLERK'S OFFICE 201 E. LA HABRA BLVD. LA HABRA, CA. 90631

SEE PAGE TWO (OVER)

INSTRUCTIONS 1. Claims for death, injury to person or to	nersonal property must be	filed no later than six months after the occurrence (Gov		
Code Sec. 911.2. See also La Habra Mu	 Claims for death, injury to person or to personal property must be filed no later than six months after the occurrence. (Gov. Code Sec. 911.2. See also La Habra Municipal Code Chapter 1.22.) 			
2. Claims for damages to real property mu	ist be filed no later than I y	year after the occurrence. (Gov. Code Sec. 911.2.)		
 Claims for payment or damages other the Municipal Code Chapter 1.22.) 	han tort claims must be file	d no later than 1 year after the claim accrues. (La Habra		
4. Read entire claim form before filing.				
5. See page 2 for diagram upon which to l				
6. This claim form must be signed on page 7. Attach separate sheets, if necessary, to		TH OTTERT		
	give full details. Ston EAG			
TO: [NAME OF CITY] City of La Habra		Date of Birth of Claimant 9/17/1989		
City of La Habra Name of Claimant:		Occupation of Claimant		
Jared Hartstein		unemployed		
Home Address of Claimant 15 Clove Blossom	City and State Irvine, CA	Home Telephone Number		
Business Address of Claimant	City and State	Business Telephone Number		
Give address and telephone number to whice		Claimant's Social Security No.		
Communications to be sent regarding this cl		star Lana Cuita 205 Wasdland Lilla 01267		
Brandon Ortiz, Bonm Law Group	o, 21051 warner Cer	nter Lane, Suite 225 Woodland Hills 91367		
When did DAMAGES or INJURY occur?	* ,	Names of any city employees involved		
Date: 8/15 to 12/21/15		in INJURY or DAMAGE:		
Time:	1-:	see attached		
Date:	e clamant served with the	compitant:		
If claim is for contract or other type of claim	n, state date of contract or d	ate when payment allegedly due.		
Where did DAMAGES or INJURY occur?	Describe fully and locate or	n diagram on reverse side of sheet. Where appropriate,		
give street names and addresses and measure		see attached		
Describe in detail how the DAMAGE or IN.	HIRV occurred:	attached		
Describe in detail now the DAMAGE of the	TORT occurred. See	auacheu		
	******	10 10 10 10 10 10 10 10 10 10 10 10 10 1		
Why do you along the city is usen meible?	see attached			
Why do you claim the city is responsible?	see allacheu			
		ntract or other non-tort claim, specify the type of		
Contract of basis of claim. past and ful	ure economic iosses	, past and future emotional distresa		

THIS CLAIM MUST BE SIGNED ON REVERSE SIDE

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The amount claimed, as of the		claim, is computed as follows:	
Damages incurred to date (exact			
Damage to property \$		Estimated prospective damages as far as kno	wn: \$
Expenses for medical \$		Future expenses for medical & hospital care	\$
& hospital care		Future loss of earnings	\$
Special damages \$		Other prospective special damages	\$
General damages \$_		Prospective general damages	\$
Contract damages: \$_		Total estimates prospective damages	\$
Other damages claimed to date	: \$		
Total Damages incurred to date	: 5 <u>unknown</u>	¢ unknoun	
Total amount claimed as of dat	e of presentation of this clar	t or others claim governed by LHMC Ch. 1.22, pl	age attach a conv
of the contract or other docume			case attach a copy
	*		
Was damage and/or injury inve	estigated by police?no_	If so, what city?	
were paramedics or ambulance	called? no	If so, name city or ambulance:	
If injured, state date, time, nam	e and address of doctor of y	our first visit:	
-			
WITNESSES to DAMAGE or	INJURY: List persons and a	addresses of persons known to have information:	
		Phone:	
Name:	Address:	Phone:	
Name:	Address:	Phone:	
DOCTORS and HOSPITALS:	A. 4.4	Data Hamiltonia	
Hospital:	Address:	Date Hospitalized:	
Doctor:	Address:	Date Hospitalized: Date Hospitalized:	
Doctor.	Address.	Date Hospitalized.	-
		SIDE WALK	
CURB			CURB
/ /		DIDWINIX	
/ / /		PARKWAY	
7 /	<u> </u>		
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′ ///		1	
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SIGNATURE OF CEAIMANT	OB DEBSON EILING ON	TYPED NAMED:	DATE:
HIS BEHALF GIVING RELA	TIONSHIP TO CLAIMANI	L. TEED MANAED:	DAID.
	ITOTOTILE TO CLAUMINI	··	
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/ T/		Drondon (Ichz	- 1/25//

CLAIM Z016-07
PG 17 0F 19 D
Attachment To Government Tort Claim Of Jared Hartstein

Legal Claims

- 1. Labor Code Section 1102.5
- 2. Labor Code Sections 6310 and 6311
- 3. Civil Code Section 43
- 4. Conversion
- 5. Trespass
- 6. Trespass To Chattels
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From: Lucy Coelho-LaFreniere [mailto:LCoelho@lahabraca.gov]

Sent: Thursday, August 4, 2016 7:42 AM

To: Brandon Ortiz <Brandon@bohmlaw.com>
Subject: Government Tort Claim -Jared Hartstein

CLAIM 2016-07

PG. 20 OF 20/

Mr. Ortiz.

I spoke to you on Monday, August 1, 2016, regarding the above reference tort claim indicating that it was delivered to the wrong City. The tort claim was sent to City of La Habra not City of La Habra Heights. This claim should be sent to City of La Habra Heights. I had asked how you would like to handle this claim packet. You asked that the City of La Habra send back the claim packet to the Woodland Hills office.

I had called your office back on the same day to send us in writing your instructions regarding said packet and left my email address.

As of today, I have not received such confirmation. Could you please confirm that you would like for the City of La Habra to send this packet to you?

Thank you,
Lucy Coelho-LaFreniere
Human Resources Manager
City of La Habra | 201 E. La Habra Blvd. | La Habra, CA 90631
lcoelho@lahabraca.gov | www.lahabraca.gov
Tel: (562) 383-4082 | Fax: (562) 383-4479