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LAW OFFICES OF STEPHEN M. MURPHY
STEPHEN M. MURPHY (No. 103768)
P. BOBBY SHUKLA (No. 229736)
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San Francisco, CA 94111
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ELECTRONICALLY
FILED
*Superior Court of California,
County of San Francisco*
07/22/2015
Clerk of the Court
BY:ANNIE PASCUAL
Deputy Clerk

Attorneys for Plaintiff
JOANNE HOEPER

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

JOANNE HOEPER,

Plaintiff,

v.

CITY AND COUNTY OF SAN
FRANCISCO, and DOES ONE through
TWENTY, inclusive,

Defendants.

) Case No. CGC-15-543553
)
)
) FIRST AMENDED COMPLAINT FOR
) DAMAGES FOR RETALIATION IN
) VIOLATION OF LABOR CODE
) SECTION 1102.5 AND
) GOVERNMENT CODE SECTION
) 12653
)
) JURY TRIAL DEMANDED
)
)
)

1 Plaintiff JOANNE HOEPER alleges:

2 **PARTIES AND JURISDICTION**

3 1. Plaintiff JOANNE HOEPER is an individual and at all relevant times
4 mentioned herein was a resident of Berkeley, County of Alameda, State of California.

5 2. DENNIS HERRERA is the City Attorney of San Francisco. Defendant
6 CITY AND COUNTY OF SAN FRANCISCO is a public entity.

7 3. Defendants Does one through twenty are sued herein under fictitious
8 names pursuant to California Code of Civil Procedure Section 474; these defendants
9 are in some way liable for the damages sustained, but plaintiff does not at this time
10 know the true names or capacities of said defendants, but prays that the same may be
11 inserted herein when ascertained.

12 **FACTS COMMON TO ALL CAUSES OF ACTION**

13 4. Plaintiff Hoeper was hired by the City and County of San Francisco in
14 ~~1994 as Chief of Complex Litigation for the City Attorney's Office and promoted to~~
15 Chief Trial Deputy (8193 Chief Attorney I), the position she held for most of her twenty-
16 year career with the City. As Chief Trial Deputy, Hoeper supervised the City Attorney's
17 Office Trial Team. She was responsible for much of the City's litigation and advised
18 City departments and officials. When Dennis Hererra was elected City Attorney in
19 2002, he appointed Hoeper to his four-person Executive Team, the position that
20 Hoeper held during the events described herein.

21 5. In late December 2011, after receiving a tip from an FBI agent, Hoeper
22 began investigating a possible fraudulent scheme being perpetrated against the City.
23 The scheme involved fraudulent claims to compensate owners of privately-owned
24 lateral sewer lines that supposedly had been damaged by the roots of City-owned
25 trees. Over the next several months, Hoeper and her team discovered that there was

1 no legal or factual basis for the Claims Bureau to have paid claims for damaged
2 private sewers. The Claims Unit exacerbated the losses to the City because, contrary
3 to basic legal principles, it paid the cost of replacing, rather than simply repairing, the
4 allegedly damaged sewers. Property owners with outmoded sewer lines -- some of
5 them more than 100 years old -- received new sewers constructed to modern
6 standards. As a result, the City paid many millions of dollars for capital improvements
7 to private property and the plumbing companies who did the work received a windfall.

8 6. When Hoyer and her team looked beyond the broad patterns and
9 focused on individual claims, they discovered additional problems. The files were
10 replete with false statements, inflated bills, suspiciously similar signatures and other
11 red flags. Hoyer asked an investigator to interview property owners who had
12 submitted claims for damaged sewers and learned that many had not been having
13 sewer problems but had been solicited by plumbing companies to do the work. Hoyer
14 and her team concluded that plumbing companies were submitting false claims and
15 that Claims Bureau employees, including the Assistant Chief, were knowingly and
16 illegally paying these false claims.

17 7. Hoyer and her team also discovered that the Claims Bureau was using
18 the claims process to award no-bid contracts to plumbing companies to do work on
19 City-owned sewers in City streets. The City's Administrative Code sets out the only
20 permissible procedures for awarding bids to perform work on public property. The use
21 of the claims process in this manner is illegal. Hoyer and her team discovered that
22 the Assistant Chief of the Claims Bureau authorized payment of specific sewer claims
23 in return for financial benefits to him or his family. They also found that one particular
24 plumbing company had inflated the claims they submitted by approximately \$3,000 per
25

1 claim. The timing and circumstances of these unexplained premiums raised additional
2 suspicions of illegal conduct by the Assistant Chief and other Claims Bureau
3 employees.

4 8. In mid-April 2012 Hoyer met with Herrera and informed him that she
5 had discovered a pattern of fraudulent and illegal sewer claims and that the Assistant
6 Chief appeared to have knowingly paid false claims. She discussed with Herrera her
7 plan to continue her investigation. Hoyer met again with Herrera on May 15, 2012
8 and May 17, 2012 and reported what she had found thus far. She reported that, inter
9 alia, plumbing companies had submitted illegal false claims to the City, that Claims
10 Bureau employees, including the Assistant Chief, had knowingly and illegally
11 authorized payment of these false claims, that Claims Bureau employees had
12 authorized and paid plumbing companies to do illegal work on City-owned sewers in
13 City streets, and that the Assistant Chief had paid sewer claims in return for financial
14 benefits to himself or his family. Herrera authorized Hoyer to continue her
15 investigation, including conducting interviews of City employees such as the Assistant
16 Chief of the Claims Bureau.

17 9. In June 2012, the City ceased to pay claims for private sewers allegedly
18 damaged by the roots of City-owned trees, and the Claims Bureau stopped using the
19 claims process to issue no-bid contracts for work on City-owned sewers. However,
20 Hoyer continued her investigation into the several thousand claims that had already
21 been paid.

22 10. On July 18, 2012, Hoyer submitted a 27 page "Draft Report of
23 Investigation" to Herrera and Chief Deputy City Attorney Terry Stewart. The report
24 discussed the information that Hoyer had reported to Herrera in April and May, 2012
25

1 and included additional evidence of wrongdoing as well as recommendations for
2 further investigation. On July 24, Hoyer met with Stewart and showed her additional
3 evidence pointing toward illegal bribes and kickbacks. The next morning, on July 25,
4 2012, Herrera called Hoyer into his office and told her that he was replacing her as
5 the Chief Trial Deputy. He told Hoyer that he had arranged for her to be transferred
6 to the San Francisco District Attorney's Office with the same pay and civil service
7 code. After Hoyer was removed from her position as Chief Trial Deputy and was
8 reassigned to the District Attorney's Office, Herrera shut down the investigation. On
9 January 7, 2014, defendants terminated plaintiff's employment.

10 11. Within the time provided by law, Hoyer filed a government tort claim
11 with defendant which was denied on or about July 17, 2014. A true and correct copy of
12 that claim is attached hereto as Exhibit A and incorporated by reference. The false
13 claims and wrongdoing that Hoyer reported to Herrera violate, inter alia, the San
14 Francisco Campaign and Governmental Conduct Code and Administrative Code and
15 the California Government and Penal Codes. Herrera terminated Hoyer's
16 employment in retaliation for her discovery and reporting of these illegal acts.

17 12. Within the time provided by law, Hoyer filed a claim under Labor Code
18 section 1102.5 with the California Labor Commissioner.

19 **FIRST CAUSE OF ACTION**
20 **(Retaliation in Violation of Labor Code section 1102.5)**

21 13. The allegations set forth in Paragraphs 1 through 12 are re-alleged and
22 incorporated herein by reference.

23 14. At all times herein mentioned, Labor Code section 1102.5, the California
24 Whistleblower Act, was in full force and effect and was binding upon the defendants.
25 This section required defendants to refrain from retaliating against an employee, such

1 as plaintiff, for having exercised her rights under the statute.

2 15. The conduct Hoeper reported to Hererra violates California law and the
3 laws and regulations of the City and County of San Francisco. Defendants retaliated
4 against plaintiff by terminating her employment in violation of California Labor Code
5 section 1102.5.

6 16. As a proximate result of defendants' conduct, plaintiff has sustained and
7 continue to sustain losses in earnings and other employment benefits.

8 17. As a proximate result of defendants' conduct, plaintiff has suffered and
9 continues to suffer humiliation, emotional distress, and mental and physical pain and
10 anguish, all to her damage in a sum according to proof.

11 18. Plaintiff has incurred and continues to incur legal expenses and attorneys
12 fees. Plaintiff is presently unaware of the precise amount of said expenses and fees
13 and prays leave of court to amend this complaint when said amounts are more fully
14 known.

15 **SECOND CAUSE OF ACTION**
16 **(Retaliation in Violation of Government Code section 12653)**

17 19. The allegations set forth in Paragraphs 1 through 18 are re-alleged and
18 incorporated herein by reference.

19 20. At all times herein mentioned, California Government Code section
20 12653 was in full force and effect and was binding on defendants and prohibited
21 defendants from discharging, threatening, harassing or discriminating against an
22 individual like plaintiff who engaged in lawful acts to report false claims submitted to
23 and/or paid by the City and County of San Francisco.

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- 6. For attorneys' fees; and
- 7. For such other and further relief as this Court deems just and proper.

Dated: July 22, 2015

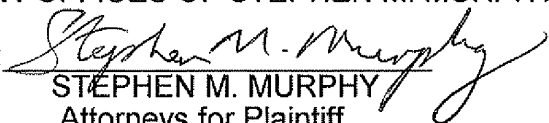
LAW OFFICES OF STEPHEN M. MURPHY
By: 
STEPHEN M. MURPHY
Attorneys for Plaintiff

EXHIBIT A

CLAIM AGAINST THE CITY AND COUNTY OF SAN FRANCISCO

Before completing this form please read the instructions on the back. Untimely claims will be returned. Please submit this form and supporting documentation to the **Controller's Office, Claims Division, 1390 Market Street, 7th Floor, San Francisco, CA 94102** in person or by mail.

* = REQUIRED ** = REQUIRED IF KNOWN

1. Claimant's Name and Home Address (Please Print Clearly) * Joanne Hooper c/o S. Murphy, 353 Sacramento St., Ste. 1140 city San Francisco State CA Zip 94111 Telephone <small>Daytime</small> (415) 986-1338 <small>Evening</small> <small>Cellular</small>		2. Send Official Notices and Correspondence to: * Stephen M. Murphy, Esq. 353 Sacramento St., Ste. 1140 city San Francisco State CA Zip 94111 Telephone <small>Daytime</small> (415) 986-1338 <small>Evening</small> <small>Cellular</small>	
3. Date of Birth 12/11/1953	4. Social Security Number	5. Date of Incident * 01/07/2014	6. Time of Incident (AM or PM) **
7. Location of Incident or Accident ** San Francisco		8. Claimant Vehicle License Plate #, Type, Mileage, and Year **	

9. Basis of Claim. State in detail all facts and circumstances of the incident. Identify all persons, entities, property and City departments involved. State why you believe the City is responsible for the alleged injury, property damage or loss.

* see attachment A.

Name, I.D. Number and City Department of City Employee who allegedly caused injury or loss	Type of City Vehicle	Vehicle License Number and Bus or Train Number
** Dennis J. Herrera	**	**

10. Description of Claimant's injury, property damage or loss * See attachment A. <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	11. Amount of Claimant's property damage or loss and method of computation. Attach supporting documentation. (See Instructions) <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">ITEMS</th> <th style="text-align: center;">\$</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr> <td>TOTAL AMOUNT</td> <td style="text-align: right;">\$</td> </tr> </tbody> </table> Court Jurisdiction: Limited (up to \$25,000) <input type="checkbox"/> Unlimited (over \$25,000) <input checked="" type="checkbox"/>	ITEMS	\$											TOTAL AMOUNT	\$
ITEMS	\$														
TOTAL AMOUNT	\$														

12. Witnesses (if any) Name	Address	Telephone
1. see attachment B.		
2.		

13. * <u>Stephen M. Murphy</u> 06/25/2014 Signature of Claimant or Representative Date Stephen M. Murphy Attorney Print Name Relationship to Claimant	Do Not Write In This Space <div style="text-align: center;"> RECEIVED 14 JUL - 1 PM 2:33 CITY & COUNTY OF SAN FRANCISCO CONTROLLER </div>
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CRIMINAL PENALTY FOR PRESENTING A FALSE OR FRAUDULENT CLAIM IS IMPRISONMENT OR FINE OR BOTH. (PENAL CODE §72)

ATTACHMENT A TO CLAIM AGAINST THE CITY AND COUNTY OF SAN FRANCISCO BY JOANNE HOEPER

BASIS OF CLAIM

This is a claim for whistleblower retaliation. On January 7, 2014, City Attorney Dennis Herrera terminated claimant Joanne Hoepfer from her position as Chief Trial Deputy because Hoepfer discovered and reported to Herrera that senior members of his staff had authorized the payment of several thousand factually and legally meritless claims -- costing taxpayers well over ten million dollars -- and that she believed that these individuals had also received kickbacks in return for approving fraudulent claims. Herrera chose to protect those engaged in wrongdoing and to terminate Hoepfer for reasons completely unrelated to her job performance. Hoepfer seeks lost wages and other damages and to be reinstated to her position.

BACKGROUND

Hoepfer was a twenty-year veteran of the San Francisco City Attorney's Office. Before joining the City Attorney's Office in 1994, Hoepfer was a partner at the law firm of Morrison and Foerster. For most of her twenty years at the City Attorney's Office, Hoepfer was the City's Chief Trial Deputy (8193 Chief Attorney I). As Chief Trial Deputy, Hoepfer supervised the Office's Trial Team and was a member of the City Attorney's four-person Executive Team. Hoepfer was responsible for much of the City's litigation and advised City departments and officials. Over the course of her career, Hoepfer saved the City tens of millions of dollars. She also investigated and prosecuted individuals and companies, including City employees who had defrauded the City, and she recovered millions of dollars from wrongdoers.

HOEPER'S INVESTIGATION

In late December 2011, after receiving a tip from an FBI agent, Hoepfer began investigating a possible scheme being perpetrated against the City. The scheme involved fraudulent claims to compensate owners of privately-owned lateral sewer lines that supposedly had been damaged by the roots of City-owned trees. As a first step, Hoepfer sent an email to the City Attorney's Office Claims Bureau, which handles claims against the City. The email summarized what she had heard and asked for information. A Claims Bureau employee responded and assured Hoepfer that the Bureau routinely denied problematic claims and that there were no issues that warranted further inquiry.

Because of the source of the initial information and the seriousness of the allegations, Hoepfer continued to have concerns. She began researching claims that the City Attorney's Office had paid to compensate property owners for damaged private sewers. She discovered that several thousand claims had been paid -- totaling more than \$19 million from 2002 to 2011--for damage allegedly caused by City trees. The vast majority of these claims were to replace private sewers that allegedly had been damaged by City tree roots. Hoepfer looked at the documentation for some of the claims

and found suspicious anomalies and patterns. She asked George Cothran, the Chief of Investigations, to work with her, and Cothran later assigned Investigator David Jensen to the investigation.

Hoeper met with Herrera and his Managing Attorney Marisa Moret soon after Hoeper began investigating the sewer claims and she kept Herrera and Moret informed of her findings.

Over the next several months, Hoeper and her team discovered that there was no legal or factual basis for the Claims Bureau to have paid claims for damaged private sewers. San Francisco's practice was unique. No other California city paid to replace private sewers that allegedly had been infiltrated by the roots of City-owned trees. This is because the maintenance and repair of private sewers is the legal responsibility of the property owners, not the City, a position the City Attorney's office has consistently endorsed. Moreover, the expert consensus of arborists and sewer engineers is that tree roots do not cause sewer breaks. Rather, tree roots infiltrate already broken or deteriorated sewer lines.

The Claims Unit exacerbated the losses to the City because, contrary to basic legal principles, it paid the cost of replacing, rather than simply repairing, the allegedly damaged sewers. Property owners with outmoded sewer lines -- some of them more than 100 years old -- received new sewers constructed to modern standards. As a result, the City paid many millions of dollars for capital improvements to private property and the plumbing companies who did the work received a windfall.

When Hoeper and her team looked beyond the broad patterns and focused on individual claims, they discovered additional problems. The files were replete with false statements, inflated bills, suspiciously similar signatures and other red flags. Hoeper asked Jensen to interview property owners who had submitted claims for damaged sewers and learned that many had not been having sewer problems but had been solicited by plumbing companies. The plumbing companies told the property owners that the City had a program to replace private sewers on streets planted with City-owned trees and that the companies would take care of all the paperwork. The companies filled out the claim forms, had the property owners sign them, and submitted the claims to the City. Michael Haase, the Assistant Chief of the Claims Bureau, approved the claims and his supervisor, Matthew Rothschild, the Chief of the Claims Bureau, authorized payment. The City paid the property owners and the property owners passed the money on to the plumbing companies who did the sewer replacement work. If, after a claim was submitted, a property owner balked at signing the documents required by the City to issue a check, Haase closed the property owner's claim and opened a new, otherwise identical claim, in the name of the plumbing company and paid the company directly.

One plumbing company's sole source of income for many years appeared to be City sewer claims. Other plumbing companies apparently derived the majority of their income from City claims.

Hoeper and her team also discovered that the Claims Bureau was using the claims process to award no-bid contracts to plumbing companies to do work on City-owned sewers in City streets. The City's Administrative Code sets out the only permissible procedures for awarding bids to perform work on public property. The use of the claims process in this manner is illegal.

The City documents that Hoeper and her team analyzed are public records. These records include the claims and supporting documents submitted to the City, the names and addresses of the claimants, the releases signed by the claimants and the checks they received; communications between the Claims Bureau and members of the public, claimants and/or plumbing companies; locations of City-owned trees; and City permits issued to plumbing companies to replace sewers.

Hoeper's investigation raised serious questions about Haase's behavior and motives. Haase was in close communication with the plumbing companies, he typically knew in advance that claims would be submitted, and he approved claims for payment within a day or two of receiving them. He repeatedly approved claims even though the documentation had obvious problems and red flags. He made false statements in the claim files when he described the reasons for approving the claims. Hoeper and her team also learned that Haase had been contacted several times by taxpayers who were suspicious of the plumbing companies and believed the sewer claims were fraudulent, and that Haase covered up the complaints. Moreover, Hoeper discovered that the reassuring response to her initial email inquiry, in December 2011, was false and misleading and Haase nonetheless had privately emailed the author and told him that the response was "well done."

Finally, Hoeper and her team found several instances in which Haase had used his position to benefit himself and/or his family, in apparent violation of the California Penal Code. They also found that Haase had billed and been paid for hours that he did not work, also an apparent violation of the Penal Code.

There were also serious questions about the conduct of Matthew Rothschild, the Chief of the Claims Division and Haase's supervisor. Rothschild was responsible for the final review of each of the meritless claims and for signing off on payment.

Rothschild has a close personal and professional relationship with Herrera. Rothschild has been active for decades in San Francisco Democratic Party politics and plays a central role in shaping and promoting Herrera's political career.

On May 17, 2012, Herrera met with Rothschild and informed him of Hoeper's investigation. After Rothschild left Herrera, he burst into Hoeper's office, where she was meeting with Cothran and Jensen. Rothschild was visibly angry and trembling. He shouted at Hoeper "I won't stand for this" and "you'll be sorry" for starting the investigation. Hoeper had other heated conversations with Rothschild in which he blamed her for causing trouble, told her she was unfairly picking on the Assistant Chief

and the Claims Bureau, and told her that he would stage a hunger strike if she persisted with the investigation.

In June 2012, the City ceased to pay claims for private sewers allegedly damaged by the roots of City-owned trees, and the Claims Bureau stopped using the claims process to issue no-bid contracts for work on City-owned sewers. However, Hoepfer continued her investigation into the several thousand claims that had already been paid.

In mid-June, in the middle of her investigation, Hoepfer left on a two week vacation. When she returned on July 2, she learned that while she was gone Herrera had directed Chief Deputy City Attorney Terry Stewart to take over and wrap up the investigation. Stewart had instructed Jensen to prepare a brief list of "bullet points" summarizing the investigation. Hoepfer met with Stewart and told her that it was premature to consider ending the investigation, that the issues she had uncovered were very serious and that a great deal of additional work needed to be done in order to understand the losses to the City and to determine whether City employees had received bribes or kickbacks. Hoepfer told Stewart that what she had discovered thus far was too complex to reduce to bullet points. Hoepfer told Stewart that she would prepare a report summarizing what had been done thus far and identifying the next steps in the investigation. Stewart later telephoned Hoepfer and told her that Herrera wanted the report by July 18.

On July 18, Hoepfer submitted a 27 page "Draft Report of Investigation" to Herrera and Stewart.

On the morning of July 24, Herrera and Stewart met for five minutes with Hoepfer, Cothran and Jensen. Herrera said that he had read Hoepfer's report and would implement her recommendations for additional investigation.

That afternoon, Hoepfer asked Jensen to prepare an analysis collating public records about recent claims involving work by one particular plumbing company. The analysis revealed that, from mid-2010 through 2011, the company had submitted 84 claims and the City had paid it approximately \$850,000. The 65 claims paid prior to mid-2011 were each inflated by approximately \$3,000. The \$3,000 premium ended after a citizen contacted Haase in mid-2011 and told him that he thought the company was engaged in fraud and that he would contact the press. The company then abruptly ceased submitting any claims at all at about the time Hoepfer sent her initial email to the Claims Bureau and started looking into the sewer claims in late 2011. Hoepfer showed Stewart the analysis on Jensen's computer screen. She told Stewart that the timing and amount of the payments led her to believe that Haase, and possibly other Claims Bureau employees, had colluded with the plumbing company to submit fraudulent and inflated claims and that Haase had then likely warned the plumbing company and tried to cover their tracks when the claims attracted suspicion. Hoepfer told Stewart that she suspected, based on her years of experience investigating public corruption, that Haase

had received at least a portion of the \$3,000 overpayments -- in the form of bribes or kickbacks -- from the company.

THE INVESTIGATION COST HOEPER HER JOB

At 9:15 a.m. on July 25, the morning after Hoyer met with Stewart and showed her the additional evidence pointing toward illegal bribes and kickbacks, Herrera called Hoyer into his office. Herrera told Hoyer that he was replacing her as the Chief Trial Deputy. He told Hoyer that he had arranged for her to be transferred to the San Francisco District Attorney's Office. Herrera told Hoyer that, although she would be assigned to the District Attorney's Office, she would continue to be an employee of the City Attorney's Office, would continue to hold the same civil service position (8193 Chief Attorney I) and would be paid the same salary. He told Hoyer that she would remain in that position until January 2014, the end of his second term as City Attorney.

On November 7, 2013, two days after he was re-elected to a third term as City Attorney, Herrera telephoned Hoyer at the District Attorney's Office and informed her that she would be terminated from her 8193 Chief Attorney I position as of January 2014. Hoyer's last day as an employee of the City Attorney's Office was January 7, 2014, the day that Herrera was sworn in to his third term.

As a result of her wrongful termination, Hoyer has sustained damages for lost earnings and benefits and emotional distress. She also seeks reinstatement to her position with the City Attorney's Office.

HERRERA SHUT DOWN THE INVESTIGATION

After Hoyer was removed from her position as Chief Trial Deputy and was reassigned to the District Attorney's Office, Herrera shut down the investigation. Herrera did not pursue the investigative leads Hoyer had developed and he did not permit Cothran or Jensen to take additional investigative steps they had recommended. Herrera did not inform City officials of the likely involvement of senior employees of the City Attorney's Office in a scheme to defraud the City. Herrera did not ask the Controller's Office or other agency to conduct an independent audit of the Claims Bureau. Herrera did not refer the apparent theft of public funds to criminal prosecutors for investigation. Herrera also took no action to prevent future losses to the City, such as increasing supervision of the Claims Bureau or implementing new procedures for the payment of claims. Herrera did not discipline the Chief or Assistant Chief of the Claims Bureau and in fact rewarded them and other employees implicated in the scheme with increased authority and promotions.

ATTACHMENT B TO CLAIM AGAINST THE CITY AND COUNTY OF SAN FRANCISCO BY JOANNE HOEPER

San Francisco City Attorney Dennis Herrera
Managing Attorney Marisa Moret
Chief Deputy Terry Stewart
Chief of the Claims Bureau Matthew Rothschild
Assistant Chief of the Claims Bureau Michael Haase
Chief of Investigations George Cothran
Investigator David Jensen
Investigator Blanche Blachman
Numerous city employees and members of public who were interviewed regarding
underlying investigation
Individuals identified in the Draft Report of Investigation dated July 8, 2012, referenced
in the claim

Joanne Hoeper v. Dennis Herrera, et al.
San Francisco Superior Court Case No. CGC-15-543553

PROOF OF SERVICE

The undersigned certifies and declares as follows:

I am over the age of eighteen years and not a party to this action. My business address is 353 Sacramento Street, Suite 1140, San Francisco 94111.

On July 22, 2015, at my place of business at San Francisco, California, I served a copy of the following document(s):

- ▶ **FIRST AMENDED COMPLAINT FOR DAMAGES FOR RETALIATION IN VIOLATION OF LABOR CODE SECTION 1102.5 AND GOVERNMENT CODE SECTION 12653**

on the interested parties in this action as follows:

John W. Kecker
Susan J. Harriman
Leah Pransky
KEKER & VAN NEST LLP
633 Battery Street
San Francisco, CA 94111-1809

Attorneys for Defendant:
City and County of San Francisco

XX BY ELECTRONIC EXPRESS: I electronically served the document(s) described above via File & ServeXpress, on the recipients designated on the Transaction Receipt located on the File & ServeXpress website (<https://secure.fileandservexpress.com>) pursuant to the Court Order establishing the case website and authorizing service of documents.

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

Executed on July 22, 2015, at San Francisco, California


MERCEDES GUSTIS