



EMPLOYEE	<b>* Name And Department Of The Employee(s) Causing The Damage Or Injury (if known):</b>		
	See Attachment	ID or Badge #:	
		ID or Badge #:	

OTHERS	<b>Name, Address, And Telephone Number Of Any Other Person(s) Injured:</b>
	See Attachment

OWNER	<b>Name And Address Of The Owner Of Any Damaged Property:</b>

DAMAGES	<b>Damage Claimed (amount known as of date claim filed)</b>	Notes / Basis:	<i>(Please check)</i>
	Amount claimed as of this date: \$		Claim < \$10,000- <input type="checkbox"/>
	Estimated amount of future costs: \$		Claim \$10,000-\$25,000- <input type="checkbox"/>
	<b>* Total Amount Claimed: \$ &gt; \$10,000</b>		Claim > \$25,000- <input type="checkbox"/>
	<b>* Estimate dollar amount if less than or equal to \$10,000: \$ N/A</b>		Unlimited Jurisdiction

BASIS	<b>Basis For Computation Of Amounts Claimed (attach copies of all bills, invoices, estimates, etc.):</b>

WITNESSES	<b>Name, Address And Phone # Of All Witness(es), Hospitals, Doctors, Etc.:</b>	Medical Attention Received- <input type="checkbox"/>
	See Attachment	

ADDITIONAL	<b>Any Additional Information That Might Be Helpful In Considering This Claim:</b>
	See Attachment

NOTICES	<b>Name, Telephone, And Address To Which Claimant Desires Notices To Be Sent. (if other than above)</b>			Attorney- <input type="checkbox"/>
	<b>* Notice Contact:</b>	Daniel M. Gilleon	Association:	Attorney
	<b>* Address:</b>	1320 Columbia St., Ste. 200		
	<b>* City:</b>	San Diego	<b>* State:</b>	CA
			<b>* ZIP Code:</b>	92101
	Telephone:	(619) 702-8623	Fax No.:	
	E-mail Address:	dan@gilleon.com	Other:	

**Warning: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM!** (Penal Code Section 72)  
 I have read the matters and statements made in the above claim, and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

<b>* Claimant's Signature:</b>	
<b>Date:</b>	11/27/2023
<b>Print Name:</b>	Daniel M. Gilleon

Attachment to Tort Claim Form  
*Outlaw v. MTS*

Complainant, Emily Outlaw, has been employed by Respondent, Metropolitan Transit System (“MTS”), as its Chief Information Officer (“CIO”), since September 2021. Ms. Outlaw reports directly to MTS’ Chief Executive Officer (“CEO”), Respondent, Sharon Cooney. Until April 2023, when Ms. Outlaw reported and opposed violations of law being committed by MTS, Ms. Cooney treated her CIO well, giving her glowing reviews. For example, in her October 2022 review of Ms. Outlaw, Ms. Cooney gave the CIO a score of 4.28/5.00 (“Exceeds Job Requirement”), as well as an extraordinary raise. The CEO explained, *“Emily came into the job with enthusiasm and some great ideas for improvement. She quickly defined for her team the most important mission of the department, which is to support the operations. She faced a number of personnel challenges and poor practices inherited from previous departmental management but addressed these with determination and enthusiasm. She took on additional tasks when she gained Fare Administration and Revenue on her list of responsibilities without missing a beat. In particular she established a structure to cybersecurity, the IT Steering Committee, and IT budgeting that puts the agency on better footing for years to come. I have recommended that this position be moved into the next higher salary grade consistent with the other Chiefs based on her performance of duties commensurate with this classification.”*

In late March 2023, press reports began emerging about sexual harassment allegations made by a former MTS employee, Grecia Figueroa, against MTS’ former board chair. On March 28, 2023, Ms. Figueroa filed a lawsuit, at which time MTS issued a false statement that officials were not aware of Ms. Figueroa’s allegations before the lawsuit: *“The filing of Ms. Figueroa’s lawsuit on March 28, 2023 was the first time that MTS executive management was provided with the specific details of Ms. Figueroa’s allegations.”* The truth was that MTS had known about Ms. Figueroa’s claims since February 2023, when its Chief Human Resources Officer (“CHRO”), Jeff Stumbo, received an email and letter from Ms. Figueroa’s attorney, Zachary Schumaker. In his email and letter, dated February 17, 2023, Mr. Schumaker summarized his client’s *“potential legal claims”* that the former chair, *“(1) discriminated against MS. FIGUEROA; (2) sexually harassed MS. FIGUEROA; (3) sexually assaulted MS. FIGUEROA; and (4) retaliated against MS. FIGUEROA because she complained or otherwise protested against sexual harassment that was perpetrated against her.”*

Despite having known about Ms. Figueroa’s allegations for several weeks, MTS enlisted Ms. Outlaw’s IT Department in its efforts to misinform the public about its prior knowledge, and to illegally search Ms. Figueroa’s private communications. For example, on April 3, 2023, MTS officials demanded that its CIO and her team obtain Ms. Figueroa’s *“Jabber”* messages on MTS’ network. When Ms. Outlaw refused, MTS officials went around her back to IT staff and asked them to hack into Ms. Figueroa’s Jabber account. Two weeks later, on April 19, 2023, MTS officials asked its CIO to prove that Mr. Schumaker’s email on February 17 had gone to the CHRO’s spam folder, and that Mr. Stumbo had not opened the email. However, during her

investigation, Ms. Outlaw discovered not only had Mr. Stumbo received the February 17 email, but that the CHRO had forwarded it to MTS' outside legal counsel.

The following day, April 20, 2023, MTS' CEO was preparing to address the board regarding the Figueroa matter when Ms. Outlaw asked to speak with her. Ms. Cooney asked if it could wait until after she made her presentation to the board. Ms. Outlaw replied that Ms. Cooney needed to know what she had discovered before the presentation. When Ms. Outlaw explained that Mr. Stumbo had not only opened the February 17 email and letter, but that he had even forwarded it to counsel, Ms. Cooney became visibly upset, and walked out of her office without looking at Ms. Outlaw.

Immediately thereafter, Ms. Cooney began treating Ms. Outlaw poorly, as though the CEO were trying to get her CIO to quit. For example, Ms. Cooney stopped responding to Ms. Outlaw's communications, and when they interacted, Ms. Cooney was short, abrasive, and rude. At the next annual review, the CEO dropped Ms. Outlaw's score from 4.28 to 2.67. Whereas the year before—prior to Ms. Outlaw engaging in the protected activity described above—the CEO had recommended a 6.5% raise instead of the standard 3%, a few months after reporting and resisting illegal conduct, Ms. Cooney recommended that Ms. Outlaw not receive a raise at all when the company standard was 4% this year. Other examples of retaliation include forcing Ms. Outlaw to use PTO hours for time she worked, and stripping the CIO of the privilege to work remotely.

The causes of action to be filed in the unlimited jurisdiction of the Superior Court of California will include: 1) retaliation (Labor Code 1102.5); 2) Breach of Mandatory Duty (Gov. Code 815.6); 3) Vicarious Liability (Gov. Code 815.2), to include Negligence, Intentional Infliction of Emotional Distress, Fraud, Interference with Contract, Defamation, and Conversion); 4) Civil Rights Violations Under Color of Authority (42 USC 1983); and 5) Ratification. Damages exceed \$10,000, to include economic losses for past and future wages, medical and psychological expenses, and non-economic losses of emotional distress and mental anguish. Complainant will also seek punitive damages against public employees, including but not limited to Respondent Cooney.