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## **AGENCY CLAIM FORM**

This form is for claims for money or damages against the Metropolitan Transit System (MTS), Metropolitan Transit Development Board (MTDB), its subsidiaries, including San Diego Transit Corporation (SDTC) and San Diego Trolley, Inc. (SDTI).

(MTDB), its subsidiaries, including San Diego Transit Corporation (SDTC) and San Diego Trolley, Inc. (SDTI).									
* Agency Against Which This Claim Is Brought (Check only those that apply.)									
	Metropolitan Tr	ansit System– <b></b> ✓	San Diego Tr	ansit Cor	poration	on– <b>L</b>	San	Diego Trolley, Inc	<b>U</b>
INSTRUCTIONS	2. Fill out to 3. Sign the 4. Deliver	<ol> <li>Fill out the form completely. Attach additional information, if necessary.</li> <li>Sign the claim form.</li> </ol>							
	* Name Of Claimant: Emily Outlaw								
	* Address: c/o Gilleon Law Firm, APC, 1320 Columbia St., Ste. 200								
오	* City:						CA	<b>★</b> ZIP Code:	92101
WHO	Home Telephone:			Busine	ss/Da	y Tele	ohone:	(619) 702-8623	3
	E-mail Address:	dan@gilleon.com	dan@gilleon.com			Other:			
	Social Security No.:	Private; Not requi	red	Birth D	ate:	Priva	te; Not r	equired MTS Pas	ssenger–
	Pronto Card No.:						ls RRRRRRRRR	s Card registered	d? □YES □NO
WHAT	Complete description of injury, property damage, or loss, so far as known at the time of this claim. If there were no injuries, state "no injuries." (If your claim involves a motor vehicle, include the license number, year, make and model. If your claim involves a trolley or bus, please include the vehicle number.)  * Description Of Injury / Damage / Loss:  See Attachment								
WHEN	(Check only those that apply.)  Vehicle Damage—  Property Loss/Damage—  Personal Injury—  Other—  Occurrence or event from which the claim arises								y- Other-
<u> </u>	* Date:   11/27/2023 (ongoing)   Time:   N/A								
	Place where damage or		act and spec	cific loca	tion).:				
	* Location/Area: See Attachment								
Щ	Address:								
WHERE		Boarding Location: Boarding Time: a.m. / p.m							
⋛	City: Vehicle Number:		Vahiala T	Vno:	3	state:		ZIP Code:	on:
	Specific Location:	Vehicle Type: Direction: □  Platform-□ Parking Lot-□ Bus Stop-□ Station-□							
	Route / Station:								
		Route / Station: Street/Highway- Inside Transit Vehicle- Other-							licie- Otriei-
		Describe in detail how the damage or injury occurred (use additional paper if necessary)							
	Circumstances Giving Rise To Claim Asserted:								
МОН	See Attachment								
H									
Ш									

三三	* Name And Department Of The Employee(s) Causing The Damage Or Injury (if known):  See Attachment  ID or Badge #:  ID or Badge #:								
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귙						ID or I	Badge #:		
				000000000000000000000000000000000000000	100000000000000000000000000000000000000	000000000000000000000000000000000000000			
٠.	ıĺ	Name, Address, And	d Telephone Number C	Of Any Othe	er Person(s	s) Injured:			
OTHERS		See Attachment	<u>'</u>			/ <b>,</b>			
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0									
ſ~	1	Name And Address	Of The Owner Of Any	Damaged	Property:				
OWNER			<u> </u>						
S									
-	]	Domaga Claimed (	and the same of date	alaire filad)		Notes / Ba	voice /	Diogga chaok)	
m	ı		amount known as of date claimed as of this date:	\$ claim filed)		Notes / Da	ISIS. (	Please check)	
뜅			amount of future costs:	\$			Olaina	Claim < \$10,000- <b>□</b> \$10,000-\$25,000- <b>□</b>	
DAMAGES			Total Amount Claimed:	\$ > \$10,00	10		Claim		
Δ		*	Total Amount Claimed.	ψ - ψ10,00	,0			Claim > \$25,000-	
	l	* Estimate dollar	amount if less than or e	qual to \$10,0	000: \$ N/A		Unlim	ited Jurisdiction	
	1 <b>[</b>	Basis For Computat	ion Of Amounts Claime	ed <i>(attach c</i>	opies of all l	oills, invoices,	estimates, etc.	):	
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BASIS									
	1 <b>[</b>	Name Address And	Phone # Of All Witnes	ss(es) Hos	nitals Doc	tors Etc.	Madiaal M	tention Becoived D	
WITNESSES		See Attachment	THORION OTTAIN WILLIAM	<u>30(00)</u> , <u>1100</u>	<u> </u>	<u></u> , <u></u>	iviedicai Ai	tention Received-	
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ΙZ									
Ε.	1 <b>[</b>	Any Additional Inforr	nation That Might Be I	Helnful In C	:onsidering	This Claim:			
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ADDITIONAL	Gee Attachment								
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¥									
	ĺ	Name Talanhana An	d Address To Which Clai	iment Desire	a Nationa T	o Do Cont <i>(if</i>	other then che		
	Name, Telephone, And Address To Which Claimant Desires Notices To Be Sent. (if other than above) Attorney—  ★ Notice Contact: Daniel M. Gilleon Association: Attorney								
	1	* Address:	Daniel M. Gilleon Association  1320 Columbia St., Ste. 200				Association.	Attorney	
贸		7 7 144 1550	1020 Oblambia Ot., Ote	. 200					
NOTICES		* City:	San Diego		* State:	CA	* ZIP Code:	92101	
Ž		Telephone:	(619) 702-8623			Fax No.:			
		E-mail Address:	dan@gilleon.com			Other:			
	Nε	arning: IT IS A CRIM	INAL OFFENSE TO F	ΊΙΕΔΕΔΙ	SE CLAIM	II (Penal Co	de Section 72	<i>'</i> \	
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.									
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	_	4	* Claimant's Signat		/				
	Ja	te:   11/27/2023	Print Na	ame:   Dan	iel M. Gille	on			

## 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. Schumacher 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. Fugueroa'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. Schumacher'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% raised 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.