

DEPARTMENT 53 LAW AND MOTION RULINGS

Tentative rulings are sometimes, but not always, posted. The purpose of posting a tentative ruling is to help focus the argument. The posting of a tentative ruling is not an invitation for the filing of additional papers shortly before the hearing.

FILED
Superior Court of California
County of Los Angeles

JUL 06 2017

Case Number: BC574443 Hearing Date: July 06, 2017 Dept: 53

Sherril Carter, Executive Officer/Clerk
By: K. Mason Deputy

JOSEPH RIVERA, et al., vs. CITY OF WHITTIER, et al., BC574443, JULY 6, 2017

[TENTATIVE] ORDER RE: DEFENDANT CITY OF WHITTIER'S MOTION FOR SUMMARY JUDGMENT, OR IN THE ALTERNATIVE, SUMMARY ADJUDICATION TO PLAINTIFF JOSEPH RIVERA'S COMPLAINT

✓ The Court **DENIES** Defendant's Motions for Summary Judgment and Summary Adjudication.

BACKGROUND

Plaintiffs Joseph Rivera ("Plaintiff Rivera," or "Plaintiff"), Jim Azpilicueta, Anthony Gonzalez, Steve Johnson, Nancy Ogle, and Mike Rosario filed this action on March 3, 2015 against Defendant City of Whittier ("Defendant"). Plaintiff joined the Whittier Police Department ("WPD") in 1992. (AMF 12) Rivera held the rank of Corporal. (AMF 13) The gravamen of Plaintiff and his co-plaintiffs' Complaint is that they were retaliated against for engaging in protected whistleblower activities, namely complaining about what they believed to be an unlawful citation and arrest quota and illegal comparison of officers' performance based on this quota. The Complaint asserts one cause of action for whistleblower retaliation in violation of Labor Code §1102.5.

Defendant now moves for summary judgment, or in the alternative summary adjudication as to claims brought by Plaintiff Rivera.

EVIDENCE

Plaintiff's objections to Defendant's evidence relied on in support of Defendant's motion for summary judgment are overruled.

07/13/2017