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Electronically
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ON 2/5/2025
By /s/ Kimberly Claussen
Deputy Clerk

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN MATEO

Brian Philip, an individual,

Plaintiff,

vs.

San Mateo County, a California municipality;
and Does 1 through 50,

Defendants.

Case No.: 25-CIV-00914

COMPLAINT FOR DAMAGES

1. **Violation of Labor Code § 1102.5(b);
Whistleblower Retaliation**
2. **Violation of Labor Code § 1102.5(c);
Whistleblower Retaliation**
3. **Violation of Government Code §
12940; Discrimination Based on Sex**
4. **Retaliation in Violation of San Mateo
County Ordinance Code § 2.14.090**
5. **Wrongful Termination in Violation of
Labor Code § 232.5**
6. **Failure to Timely Pay Final Wages
Upon Cessation of Employment and
Waiting Penalties Due to Willful Delay**

DEMAND FOR JURY TRIAL

1 4. Palo Alto’s loss was San Mateo’s gain. Captain Philip began working at San Mateo
2 County Sheriff’s Office on August 8, 2023 and he promptly went to work leading the Professional
3 Standards Bureau, coordinating office-wide training programs, managing the firing range,
4 overseeing investigations, and supervising multiple task forces.

5 **Victor Aenlle Felt Threatened by Captain Philip’s Legitimate Law Enforcement**
6 **Experience and His Friendly Relationship with Sheriff Corpus**

7 5. There are several things Sheriff Corpus failed to tell Captain Philip when she
8 recruited him to accept employment at San Mateo County. One of these things is that she planned
9 to fabricate a new leadership role at the Sheriff’s Office and hire her boyfriend, Victor Aenlle, to
10 that role. Her boyfriend’s role, “Chief of Staff”, never existed at San Mateo County until Sheriff
11 Corpus invented it to employ Aenlle. Aenlle, a real estate agent who failed the background check
12 required to become a sworn officer at San Mateo Police Department, seemed eager to play cop: he
13 fabricated a fake gold badge, told members of San Mateo County Sheriff’s Office that he was
14 Sheriff Corpus’s “dignitary protection”, and constructed a gun closet to store a custom suppressed
15 rifle that he was not lawfully permitted to possess. Aenlle wielded substantial authority as Chief
16 of Staff, bragging to the San Mateo Daily Journal that he “has every right” to question personnel,
17 regardless of whether the personnel is a sworn officer or a civilian employee because “they think
18 that the only people they need to report to or answer to have to [be] sworn and carry a big badge
19 on them...I am chief of staff. The undersheriff is her right hand, I am her left hand.”

20 6. Aenlle felt threatened by Captain Philip’s decades-long professional friendship
21 with Sheriff Corpus and Aenlle arranged a meeting with Captain Philip to take place on September
22 15, 2023 so he could threaten Captain Philip. Aenlle attempted to intimidate Captain Philip during
23 this meeting by quoting messages that Captain Philip had sent to Sheriff Corpus, telling Captain
24 Philip that Aenlle had “done his research” on Captain Philip, and demanding Captain Philip not
25 have any further communication with Sheriff Corpus.

1 10. Undersheriff Perea then contacted Captain Philip and instructed Captain Philip to
2 sign the internal affairs notice without providing Captain Philip with any information regarding
3 the basis of the investigation. Acting on instructions from Sheriff Corpus, Aenlle, and Undersheriff
4 Perea, San Mateo County’s human resources manager sent an email to Captain Philip asking
5 Captain Philip to sign the internal affairs notice per Undersheriff Perea’s instructions.

6 **Captain Philip Refused to Sign Sheriff Corpus and Aenlle’s Illegal Internal Affairs Notice**

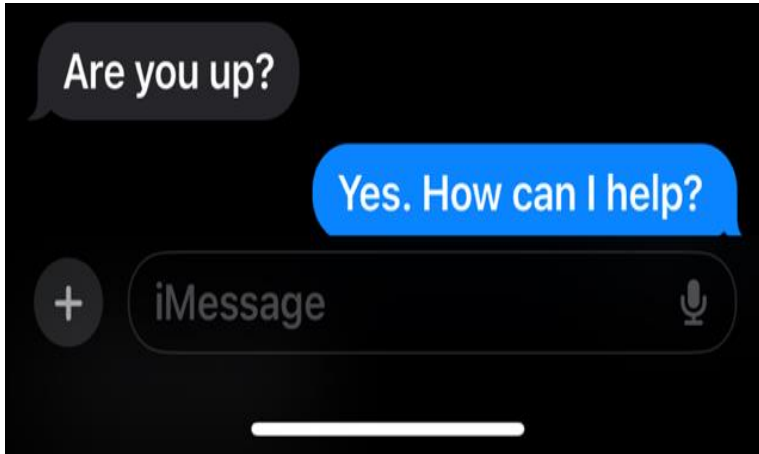
7 11. Captain Philip reviewed the draft internal affairs notice sent out by the human
8 resources manager and he quickly identified various deficiencies in the draft notice, including the
9 notice lacking the date and time for the subject officer’s interview and it not providing the identities
10 of the complainant or witnesses. Captain Philip correctly understood that the deficiencies rendered
11 the internal affairs notice illegal under the Public Safety Office Bill of Rights (“POBAR”). On
12 September 3, 2024, Captain Philip replied to the human resources manager’s email and informed
13 her and Assistant Sheriff Monaghan that the draft internal affairs notice violated POBAR (i.e.
14 Government Code 3303) and that he was therefore refusing to sign the document.

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From: Brian Philip <bphilip@smcgov.org>
17 **Sent:** Tuesday, September 3, 2024 5:06 PM
18 **To:** [REDACTED]
19 **Cc:** Ryan Monaghan <rmonaghan@smcgov.org>
20 **Subject:** Re: IA Notice

21 [REDACTED] although I have been ordered by Undersheriff Perea to provide [REDACTED]
22 [REDACTED] with notice of this complaint, it fails to meet several POBAR
23 requirements as referenced in Government Code section 3303. Please return this
24 notice to the author and provide the IA number, date and time of the interview, and
25 the identity of the interviewer. Contrary to normal custom and practice at the San
26 Mateo County Sheriff's Office, the Professional Standards Bureau was excluded
27 from the intake of this complaint, and as such, I do not have the requisite
28 information to properly serve this notice. Please return the notice when it is
compliant with the Government Code.

1 13. A few hours later, at 9:16 p.m., Aenlle texted the human resources manager to asked
2 her if she was awake. The human resources manager promptly replied to Aenlle’s text confirming
3 she was awake and asking how she could help.



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12 14. Aenlle then called the human resources manager and asked her, “Captain
13 Philip...why would he write that email knowing he would get IA’d for it or be fired?” When the
14 human resources manager told Aenlle that Captain Philip took issue with having no personal
15 knowledge of the investigation despite his role as the internal affairs captain, Aenlle responded
16 that he intended to remove Captain Philip from internal affairs and replace him with another
17 captain who would be willing to do Aenlle and Corpus’s bidding. True to his word, Aenlle started
18 retaliating against Captain Philip soon thereafter.

19 **Sheriff Corpus, Aenlle, and Their Cronies Retaliated Against Captain Philip Because He**
20 **Refused to Sign the Illegal Notice**

21 15. Aenlle and Sheriff Corpus began retaliating against Captain Philip for his refusal
22 to launch the internal affairs investigation into the individual close to one of Sheriff Corpus’s
23 political opponents. This retaliation included:

- 24 a. Removing Captain Philip from his position overseeing the Professional Standards
25 Bureau with the intent to replace him with a Corpus supporter who would comply with
26 the regime’s plan to use the Professional Standards Bureau to retaliate against those
27 perceived to oppose Corpus and/or Aenlle;

- b. Placing Captain Philip in a dead-end position overseeing the corrections unit despite another captain already having that role and there being no need for a second person in that role;
- c. Stripping Captain Philip of prestigious ancillary duties including overseeing the firing range and the task force for the creation of a childcare substation;
- d. Transferring Captain Philip’s responsibilities to lower ranking staff members;
- e. Undersheriff Perea engaging in petty bullying tactics including parking in Captain Philip’s assigned parking spot and sending hostile emails to Captain Philip; and
- f. Sheriff Corpus refusing to communicate with Captain Philip for months.

16. On September 5, 2024, Captain Philip reported to San Mateo County’s human resources department that Aenlle and Undersheriff Perea were creating a hostile work environment and unlawfully retaliating against him. San Mateo County did nothing in response to Captain Philip’s report.

San Mateo County Launched an Independent Investigation into Aenlle’s Suspicious Behavior Against Numerous San Mateo County Employees

17. San Mateo County has received an unprecedented number of complaints from both civilian and sworn personnel concerning Victor Aenlle. In around July 2023, the San Mateo County Board of Supervisors retained Judge LaDoris Cordell (Ret.) to conduct an independent investigation into these complaints. While the investigation initially only concerned Aenlle, Judge Cordell identified additional concerning behavior within the Sheriff’s Office and the scope of the investigation expanded to 15 allegations of wrongdoing that also directly implicated Sheriff Corpus. Judge Cordell interviewed 40 current and past sworn and civilian employees, the majority of whom had previously made formal complaints with San Mateo County about Aenlle and/or Sheriff Corpus.

1 **Captain Philip Cooperated in Judge Cordell’s Investigation and He Reported Corpus and**
2 **Aenlle’s Illegal Behavior**

3 18. On around September 3, 2024, Captain Philip cooperated in the independent
4 investigation, telling retired Judge Cordell the details of the conduct that he had personally
5 witnessed and experienced while working at the Sheriff’s Office, including Aenlle’s aggressive
6 behavior towards Captain Philip, the request for Captain Philip to serve an illegal internal affairs
7 notice, and the retaliation Captain Philip faced after he refused to execute the illegal internal affairs
8 notice.

9 **Sheriff Corpus Expressed Her Intent to Retaliate Against Captain Philip After Discovering**
10 **Captain Philip Cooperated in the Internal Affairs Investigation**

11 19. Judge Cordell interviewed Aenlle on September 25, 2024. The investigator’s
12 questions revealed to Aenlle Captain Philip’s involvement in her investigation. That evening,
13 Corpus, Aenlle, and other members of the executive team held a closed-door meeting in which
14 they criticized Captain Philip and several other employees for participating in the Cordell
15 investigation. Corpus instructed staff to remove Captain Philip from County servers and to lock
16 down all personnel files and account for all the keys.

17 **Corpus and Aenlle Escalated Their Retaliation Against Captain Philip After Learning He**
18 **Disclosed Their Illegal Behavior**

19 20. Sheriff Corpus and her cronies quickly went to work implementing Sheriff
20 Corpus’s plan to retaliate against Captain Philip, hoping to drive him to resign. Their retaliation
21 against Captain Philip included:

- 22 a. Expecting Captain Philip to respond to work emails during all hours of the day and
23 night, including on days when Captain Philip was not scheduled to work;
- 24 b. Intentionally altering meeting times to conflict with Captain Philip’s childcare
25 schedule;
- 26 c. Forcing Captain Philip to send early morning and late-night text messages with staffing
27 levels seven days per week, which was never previously a requirement;

- 1 d. Forcing Captain Philip to work when he was ill and called out of work;
- 2 e. Intentionally undermining Captain Philip by assigning him new job responsibilities that
- 3 San Mateo County knew he lacked experience in, while deliberately refusing to provide
- 4 him with any training support for these duties;
- 5 f. Interfering with Captain Philip’s scheduled training so that Captain Philip could not
- 6 obtain the knowledge and resources needed for him to gain the competence to complete
- 7 his job duties;
- 8 g. Closely monitoring Captain Philip’s timecards to attempt to find some basis to accuse
- 9 Captain Philip of timecard fraud;
- 10 h. Removing Captain Philip from close security detail for President-Elect Donald Trump
- 11 and replacing him with an officer with significantly less experience than Captain Philip;
- 12 and
- 13 i. Removing Captain Philip from his high-level spacious office and giving Captain
- 14 Philip’s previous office to his subordinate while putting Captain Philip in a lower-level
- 15 cramped office despite an office comparable to Captain Philip’s previous office was
- 16 immediately available.

17 21. Captain Philip once again demonstrated that he was not a man who Sheriff Corpus

18 and her henchman could intimidate. Instead of resigning his employment, Captain Philip continued

19 to perform his work serving the people of San Mateo County and attempting to mitigate the

20 corruption that Sheriff Corpus and Aenlle were spreading through the Sheriff’s Office. Philip also

21 reported this illegal retaliation to San Mateo County’s human resources department. The county’s

22 human resources professional confirmed that Captain Philip was being treated illegally, but San

23 Mateo County did not take any action to end the retaliation or to protect Captain Philip.

24 **Sheriff Corpus and Aenlle Devised a Plan to Force Captain Philip to Make an Illegal**

25 **Arrest Against Another Political Adversary of Sheriff Corpus**

26 22. By 2024, many Sheriff’s Office employees correctly believed that Aenlle had

27 effectively taken over the Sheriff’s Office by puppeteering Sheriff Corpus into doing his bidding,

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1 including engaging in various illegal union busting activities. Carlos Tapia, the President of the
2 Deputy Sheriff's Association, resisted Aenlle's illegal schemes. The Deputy Sheriff's Association,
3 alongside the Organization of Sheriff's Sergeants, filed multiple complaints for unfair labor
4 practices with the Public Employees Relations Board. Corpus and Aenlle then targeted the
5 president of the Organization of Sheriff's Sergeants by concocting a retaliatory internal affairs
6 investigation of someone close to him.

7 23. In around September 2024, Tapia escalated his opposition against Corpus by
8 arranging for the Deputy Sheriff's Association ("DSA") and Organization of Sheriff's Sergeants
9 ("OSS") to hold a vote of no confidence in Aenlle. The vote was a landslide: 96% of voting union
10 members approved the vote of no confidence. On September 17, Tapia publicly announced the
11 results of the no confidence vote, publicized Aenlle's interference with union protected activity,
12 and called on Corpus to remove Aenlle from his position as Chief of Staff.

13 24. Sheriff Corpus and Aenlle sought to retaliate against Tapia by fabricating pretext
14 to arrest him. Lacking any legitimate basis to arrest Tapia, Sheriff Corpus and her lackeys chose
15 to play a tune often sung by leadership of San Mateo County Sheriff's Office when it wants to
16 retaliate against an employee: it accused him of timecard fraud.

17 25. San Mateo County planned to release on November 12 Judge Cordell's
18 investigation report into Sheriff Corpus and Aenlle's illegal acts. Sheriff Corpus and her minions
19 devised a plan they hoped would rid themselves of Tapia and Captain Philip while blunting the
20 impact of Judge Cordell's report: conscript Captain Philip to make the illegal arrest of Tapia so
21 that Captain Philip could be scapegoated and forced out of the Sheriff's Office. Sheriff Corpus
22 thought she would be killing two birds by throwing one stone, but she ended up tossing a
23 boomerang that returned this lawsuit and Carlos Tapia being cleared.

24 26. Undersheriff Perea called Captain Fogarty on the morning of November 12 and he
25 instructed Captain Fogarty to bring Captain Philip and report to Undersheriff Perea's office for an
26 emergency meeting. Undersheriff Perea instructed Captain Philip and Captain Fogarty to bring
27 their body cameras but he provided no further details.

1 27. Captain Philip promptly reported to Undersheriff Perea’s office, and Undersheriff
2 Perea ordered Captain Philip to arrest Tapia when Tapia arrived at the Sheriff’s Office later that
3 morning. Undersheriff Perea informed Captain Philip that this arrest was a “probable cause arrest”,
4 meaning that there was a reasonable basis to suspect that a crime had been committed.
5 Undersheriff Perea did not identify the purported probable cause for the arrest, nor did
6 Undersheriff Perea explain why Captain Philip had been selected to make the arrest. Sheriff
7 Corpus, Undersheriff Perea, and others who had conspired to arrest Tapia were capable of making
8 the arrest.

9 28. Captain Philip refused to make the arrest because he reasonably believed that the
10 arrest would violate Tapia’s civil rights, including Tapia’s rights under the Peace Officer’s Bill of
11 Rights. Undersheriff Perea refused to provide Captain Philip with any additional information about
12 the basis for the arrest and he again ordered Captain Philip to make the arrest. Captain Philip again
13 refused to illegally arrest Tapia, insisting to see a police report, a felony affidavit, or some
14 documentation that would justify the arrest. Undersheriff Perea outright refused to provide Captain
15 Philip with any further information, instead choosing to threaten Captain Philip and accuse him of
16 “insubordination”.

17 29. Aware that Undersheriff Perea intended to move forward with the illegal arrest of
18 Tapia, Captain Philip informed Undersheriff Perea that he believed he was legally required to
19 report the illegal arrest to the San Mateo County’s District Attorney’s Office and to San Mateo
20 County’s legal counsel. Undersheriff Perea then ordered Captain Philip to not discuss the arrest of
21 Tapia with anyone.

22 30. Given the choice to join the illegal scheme to arrest Tapia or resign his employment,
23 Captain Philip honorably chose to turn in his badge and gun, ending his employment at and service
24 of San Mateo County. Captain Philip then promptly reported the illegal arrest order to Mike
25 Callagy, San Mateo County’s Executive Officer.

1 **San Mateo County Sheriff's Office Employees Celebrated Captain Philip for his Courage**
2 **and Integrity in Refusing to Make the Unlawful Arrest**

3 31. News of Captain Philip's sacrificing his career to uphold the rule of law quickly
4 spread and Captain Philip received dozens of text messages, calls, and emails applauding his
5 courage and integrity.

6
7 Whirlwind week bud. You made the right choice. while I know you wouldn't have done anything different it's still not easy and I support you

8 Glad to hear it. Let me know if you need anything. By the way, in case nobody has said it, Your refusal to make the arrest was a reminder what integrity looks like



GIF Keyboard via #images

9 Hello Captain. I just wanted to reach out and see how you are doing. It was upsetting to hear about what happened on Tuesday. Thank you for having the courage to do the right thing. I know you are aware of this, but your actions are appreciated. I'm sorry you had to do what you did though. I hope you are doing okay, and spending time with what matters most, your family.

10 Thanks for that

11 Hey buddy. Just wanted to reach out and say much respect to you and I am sorry all this happened when you tried to go there and do good things...hang in there brotha. Take care of yourself and your family man!

12 Just checking in dude. Let me know if you need anything.

13 You are an inspiration for everyone. Putting the troops above yourself is a true testament to your integrity and selflessness and that alone is going to put you way ahead at the end of this mess

14 Hey you- I'm sure everyone has been reaching out & I don't want to bother you but I do want you to know that I truly respect you and what you did. I am really sorry that this is the kind of experience you have had with SMCO. You deserved so much more and the county missed out on all that you had to offer. You deserved better.

15 Brian, I just wanted to reach out to you to tell you how impressed I was with your actions. I appreciate your ethical stance and adhering to our oath.

16 We don't want you to leave bro. I'm sorry your going through this bullshit

17 It was a pleasure working with you! Let me know if you ever need anything.

18 My brother, you are truly a good human. We are all here for you 🙏

19 **Captain Philip Suffered Immense Personal and Professional Damage Because he Upheld**
20 **the Rule of Law**

21 32. The illegal actions of Sheriff Corpus and her regime have caused Captain Philip to
22 suffer millions of dollars in damages, including: lost wages, lost earnings, and emotional distress.

23 **The Corpus Regime Consistently Retaliates Against Its Perceived Enemies**

24 33. Captain Philip and Carlos Tapia are unfortunately not the only individuals to suffer
25 retaliation and betrayal by Sheriff Corpus and her cronies for opposing illegal conduct at San
26 Mateo County Sheriff's Office. Other Sheriff's Office employees whom Sheriff Corpus has
27 retaliated against include:

- 28 a. Detective Carryn Barker. Deputy Barker is a Medal of Honor recipient who oversaw investigation of all sex crimes cases within San Mateo County while being the only woman on the SWAT team, a single mother, and the primary caretaker for her mother, who suffers from Parkinson's disease. Detective Barker was subjected to egregious

1 sexual harassment by her SWAT team supervisor and by others in leadership at San
2 Mateo County Sheriff's Office. Detective Barker confided in Sheriff Corpus (then
3 Captain Corpus), telling Corpus about the harassment and sexual assault. While Corpus
4 was legally required to report this harassment to others at San Mateo County, she failed
5 to report the harassment or the assault, and she failed to do anything about it. Instead
6 of helping Detective Barker, Corpus attempted to manipulate Deputy Barker into filing
7 a lawsuit against San Mateo County because Corpus hoped the lawsuit would
8 embarrass then-Sheriff Carlos Bolanos and help Corpus defeat Sheriff Bolanos in the
9 upcoming election. When Detective Barker expressed hesitancy to pursue a lawsuit,
10 Corpus appealed to Detective Barker's sense of duty, telling Detective Barker that a
11 lawsuit was the only way that Detective Barker could help other women at San Mateo
12 County. Corpus also promised Detective Barker that she would voluntarily testify in
13 Detective Barker's lawsuit and support her throughout the litigation. Inspired by
14 someone whom she considered a mentor, Detective Barker filed the lawsuit Corpus
15 encouraged her to file. However, Corpus betrayed Detective Barker soon after Corpus
16 became Sheriff and retaliated against Detective Barker by: (i) refusing to communicate
17 with Detective Barker; (ii) refusing to testify in Detective Barker's lawsuit; (iii)
18 attempting to reassign Detective Barker to less desirable work assignments; (iv) sharing
19 Detective Barker's private information with San Mateo County so it could attempt to
20 use it against Detective Barker in her lawsuit; and (v) falsely accusing Detective Barker
21 of timecard fraud. Then—after Detective Barker won \$8,000,000.00 in her lawsuit and
22 representatives of San Mateo County apologized to Detective Barker—Sheriff Corpus
23 made sexist and belittling comments about Detective Barker's body and breasts to
24 others in San Mateo County's leadership. Aenlle also made derogatory comments about
25 Detective Barker.

- 26 b. Assistant Sheriff Ryan Monaghan. Much like Captain Philip, Sheriff Corpus promoted
27 Ryan Monaghan to Assistant Sheriff looking for a lackey but instead received a
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1 dedicated public servant who refused to condone Aenlle and Corpus's illegal behavior.
2 Assistant Sheriff Monaghan disclosed the illegal behavior of Corpus and Aenlle to
3 Judge Cordell. Two days after Assistant Sheriff Monaghan's interview, Aenlle
4 approached Assistant Sheriff Monaghan and he asked whether Monaghan had
5 cooperated in the independent investigation. After Assistant Monaghan confirmed that
6 he had participated in the investigation, Sheriff Corpus terminated, or attempted to
7 terminate, Assistant Sheriff Monaghan's employment.

8 c. Captain Rebecca Albin. Captain Albin worked at San Mateo County's Sheriff's Office
9 for nearly twenty years. Sheriff Corpus and Aenlle began to retaliate against her after
10 she resigned to seek employment with another agency. This retaliation included: (i)
11 revoking her access to a community messaging service; (ii) revoking her access to San
12 Mateo County's secure law enforcement communications system used to share critical
13 information; (iii) locking her out of her work-related email account and prohibiting her
14 from sending any emails or using social media prior to the end of her employment; (iv)
15 physically locking her out of her workspace; and (v) requiring a monitor to be present
16 while she removed her personal belongings.

17 d. Captain Mark Myers. Captain Myers sent an email encouraging all lieutenants and
18 captains to unionize. In response, Sheriff Corpus stripped Captain Myers of his position
19 as SWAT Commander within one week of Captain Myers sending the email.

20 e. Lieutenant Stephanie Josephson. Lieutenant Josephson also sent an email to
21 encouraging San Mateo County lieutenants to organize. The next day, Sheriff Corpus
22 personally called the leader of Lieutenant Josephson's specialty assignment and Sheriff
23 Corpus demanded that Lieutenant Josephson immediately be transferred from her
24 position.

25 f. Records Manager. Aenlle and Corpus retaliated against a records manager after
26 learning that she had obtained employment at another agency. Aenlle repeatedly
27 demanded that the records manager reconsider her decision and become his personal
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1 assistant. When the records manager refused, Aenlle loudly confronted her at her
2 farewell party and he baselessly accused her of running the Instagram account that
3 Corpus had initially tasked Captain Philip with having removed. Aenlle continued to
4 criticize her even after she left the office, including by calling her “emotional and
5 mentally unstable” and saying that he would “like to smash her face in” when saw her
6 at a public event for another local law enforcement agency.

7 34. Sheriff Corpus and Aenlle continue to intimidate and retaliate against employees
8 who spoke up against their illegal conduct at San Mateo County Sheriff’s Office. On January 23,
9 2025, Sheriff Corpus brought Aenlle into San Mateo County Sheriff’s Office department
10 headquarters despite Aenlle’s termination from San Mateo County and San Mateo County banning
11 Aenlle from entering any county facility that is not open to the public. Aenlle was visibly armed
12 during this visit and encountered multiple employees who had participated in the independent
13 investigation against Aenlle. Some of these employees were so distressed that they requested to
14 leave the premises for their safety.

15 **FIRST CAUSE OF ACTION**

16 **VIOLATION OF LABOR CODE § 1102.5(b)**

17 **RETALIATION**

18 **(Against All Defendants)**

19 35. Captain Philip incorporates all of the foregoing paragraphs of this complaint as
20 if fully alleged herein.

21 36. Labor Code § 1102.5(b) states in pertinent part as follows: An employer, or any
22 person acting on behalf of the employer, shall not retaliate against an employee for disclosing
23 information, or because the employer believes that the employee disclosed or may disclose
24 information, ... to a person with authority over the employer or another employee who has the
25 authority to investigate, discover, or correct the violation or noncompliance, ... if the employee has
26 reasonable cause to believe that the information discloses a violation of state or federal statute, or

1 a violation of or noncompliance with a local, state, or federal rule or regulation, regardless of
2 whether disclosing the information is part of the employee's job duties.

3 37. Defendants violated Labor Code § 1102.5 against Captain Philip by taking adverse
4 action against Captain Philip because Captain Philip complained about ongoing illegal activities
5 at Defendants.

6 38. Captain Philip had reasonable cause to believe that the complaints constituted
7 violations of or noncompliance with state or federal statutes, rules or regulations including, but not
8 limited to, California Government Code § 12900 et seq., the California Constitution, the United
9 States Constitution, San Mateo County Ordinance § 2.14.090, Labor Code 232.5, and the Peace
10 Officer Bill of Rights.

11 39. The unlawful conduct alleged above was engaged in by the officers, directors,
12 supervisors, and/or managing agents of Defendants' and/or Does 1-50, who were acting at all times
13 relevant to this Complaint within the scope and course of their employment.

14 40. As a direct, legal, and proximate result of Defendants' conduct, as alleged above,
15 Captain Philip endured emotional distress and loss of wages, pursuant to which Captain Philip is
16 entitled to general and special damages according to proof.

17 41. As a further direct, legal and proximate result of Defendants' conduct, Captain
18 Philip was caused to and did employ the services of counsel to prosecute this action, and is
19 accordingly entitled to an award of attorneys' fees according to proof.

20 42. Wherefore, Captain Philip has been damaged as set forth above and requests relief
21 as hereafter provided.

22 **SECOND CAUSE OF ACTION**
23 **VIOLATION OF LABOR CODE 1102.5(c);**
24 **WHISTLEBLOWER RETALIATION**
25 **(Against All Defendants)**

26 43. Captain Philip incorporates all of the foregoing paragraphs of this complaint as if
27 fully alleged herein.

1 of the California Labor Code and applicable Wage Orders, including Wage Order 5-2001. When
2 Defendants failed to timely pay upon termination all wages earned prior to termination,
3 Defendants knew what they were doing and intended to do what they did.

4 79. Pursuant to Labor Code § 203, Captain Philip is entitled to waiting time penalty
5 continuation wages, from the day Captain Philip earned and unpaid wages were due upon
6 termination until paid, up to a maximum of 30 days.

7 80. Pursuant to Labor Code §§ 218, 218.5, 218.6, and/or Civil Code § 3287(a), Captain
8 Philip is entitled to recover the full amount of his unpaid wages, waiting time penalties, reasonable
9 attorneys' fees, costs of suit, and pre-judgment interest on all due and unpaid wages.

10 81. Wherefore, Captain Philip has been damaged as set forth above and requests relief
11 as hereafter provided.

12 **JURISDICTION AND VENUE**

13 82. Jurisdiction and Venue are proper in this Court because Defendants maintain or
14 maintained offices in and does or did business in California at all times relevant to this action,
15 Defendants employed Captain Philip in San Mateo County, California, Captain Philip is and was
16 a citizen of California at all relevant times, and the events giving rise to the claims alleged herein
17 occurred in San Mateo County, California.

18 83. The amount in controversy in this matter exceeds the sum of \$35,000, exclusive of
19 interest and costs.

20 **PARTIES**

21 84. Defendant San Mateo County is a chartered subdivision of the State of California,
22 a public entity, with the capacity to sue and be sued. Defendant San Mateo County is responsible
23 for the actions, omissions, policies, procedures, practices, and customs of its various agents and
24 agencies, including the San Mateo County Sheriff's Office, and its agents and employees, and is
25 sued in accord with the California Tort Claims Act, Gov. Code §§ 910 et seq., for the acts and
26 omissions of public employees Does 1 through 100, and each of them. At all times relevant to the
27 facts alleged, Defendant SMC was responsible for assuring that the actions, omissions, policies,
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1 practices, and customs of its employees and agents complied with the laws of the State of
2 California. Defendant had at least five employees at all times relevant to this litigation.

3 85. Captain Philip is informed and believes that Does 1 through 50 are corporations,
4 individuals, limited liability partnerships, limited liability companies, general partnerships, sole
5 proprietorships, public entities, or are other business entities or organizations of a nature not
6 currently known to Captain Philip.

7 86. Captain Philip is unaware of the true names of Defendants Does 1 through 50.
8 Captain Philip sues said defendants by said fictitious name, and will amend this complaint when
9 the true names and capacities are ascertained or when such facts pertaining to liability are
10 ascertained, or as permitted by law or by the Court. Captain Philip is informed and believes that
11 each of the fictitiously named Defendants is in some manner responsible for the vents and
12 allegations set forth in this complaint.

13 87. Captain Philip is informed and believes, and on thereon alleges, that at all times
14 herein mentioned each Defendant, including all Defendants sued under fictitious names, was the
15 agent, employee, or representative of each of the remaining Defendant, and in doing the things
16 hereinafter alleged, was at times acting within the course and scope of this agency or employment,
17 and at other times, acting in his or her own individual capacity. In the alternative, each of the
18 individually named Defendants, acted in concert and in furtherance of a fraudulent plan and
19 scheme and each actively participated in the wrongful acts alleged in this complaint.

20 88. Wherefore, Captain Philip has been damaged as set forth above and requests relief
21 as hereafter provided.

22 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

23 89. Captain Philip complied with the Government Tort Claims Act pursuant to
24 Government Code 815.2 by sending on or about November 18, 2024 a completed “Claim Against
25 the County of San Mateo” form and an attachment detailing Captain Philip’s claims and damages,
26 to the County of San Mateo, Claims, Board of Supervisors, 400 County Center, Redwood City,
27 CA 94063. Captain Philip received a response rejecting his claims on December 17, 2024.

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Dated: February 4, 2025

FRANKLIN LAW P.C.



By: _____
Zak Franklin
Julianna Zalinski
Attorneys for Plaintiff Brian Philip

DEMAND FOR JURY TRIAL

Captain Philip demands a trial by jury on all claims so triable.

Dated: February 4, 2025

FRANKLIN LAW P.C.



By: _____
Zak Franklin
Julianna Zalinski
Attorney for Plaintiff Brian Philip



Civil Rights Department

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

February 3, 2025

Zachary Franklin

,

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202502-27992803
Right to Sue: PHILIP / San Mateo County

Dear Zachary Franklin:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

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1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

February 3, 2025

RE: Notice of Filing of Discrimination Complaint
CRD Matter Number: 202502-27992803
Right to Sue: PHILIP / San Mateo County

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

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1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

February 3, 2025

BRIAN PHILIP
2524 VALDIVIA WAY
BURLINGAME, CA 94010

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202502-27992803
Right to Sue: PHILIP / San Mateo County

Dear BRIAN PHILIP:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective February 3, 2025 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

After receiving a Right-to-Sue notice from CRD, you may have the right to file your complaint with a local government agency that enforces employment anti-discrimination laws if one exists in your area that is authorized to accept your complaint. If you decide to file with a local agency, you must file before the deadline for filing a lawsuit that is on your Right-to-Sue notice. Filing your complaint with a local agency does not prevent you from also filing a lawsuit in court.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

1 VERIFICATION

2 I, **Brian Philip**, am the **Complainant** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based on
4 information and belief, which I believe to be true. The same is true of my own
5 knowledge, except as to those matters which are therein alleged on information and
6 belief, and as to those matters, I believe it to be true.

7 On February 3, 2025, I declare under penalty of perjury under the laws of the State of
8 California that the foregoing is true and correct.

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Burlingame, CA

CLAIM AGAINST THE COUNTY OF SAN MATEO

(Please print legibly or type. Please do not use pencil)

Claimant's Name:	Brian Philip		
Claimant's Address:	[REDACTED]		
City: [REDACTED]	State: [REDACTED]	ZIP Code: [REDACTED]	Phone: [REDACTED]
Amount of Claim:	\$ Pursuant to Cal. Gov. Code § 910(f), the claim exceeds \$10,000 and would constitute an unlimited civil case.		

Address to which notices are to be sent (if different than above):
Franklin Law P.C. 100 Wilshire Blvd. Ste. 700 Santa Monica, CA 90401

Date of incident: 8/2023-11/12/2024	Location of Incident: San Mateo County Sheriff's Office 400 County Center Redwood City, CA 94063
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WHAT particular action by the County or its employees caused the alleged damage or injury. How did it occur (describe damage or loss):
Please see attached.

Name of Public Employee(s) causing injury, damage, or loss (if known):

1. Please see attached.
- 2.

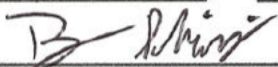
Itemization of Claim: List Item(s) that total the amount above:

1. Please see attached.	\$
2.	\$
3.	\$
4.	\$
TOTAL	\$

I declare under penalty of perjury that the foregoing is true and correct:

Dated at BURLINGAME, California,

on NOVEMBER 18, 2024.

Signature of Claimant: 

Return to: CLAIMS, Board of Supervisors, 400 County Center, Redwood City, CA 94063

Attachment to Claims Against County of San Mateo

WHAT particular action by the County or its employees caused the alleged damage or injury. How did it occur (describe damage or loss):

I began working at San Mateo County on around August 8, 2023. Shortly after I began working at San Mateo County Sheriff's Office, Chief of Staff Victor Aenlle hostilely informed me that he "knew all about me" and demanded that I stop communicating with Sheriff Corpus. Aenlle appeared threatened and angered by my then-friendly relationship with Sheriff Corpus.

On around September 3, 2024, I refused to serve an internal affairs notice that I believed violated the accused officer's rights under the government code. I also believed the notice to be a pretextual attempt to illegally retaliate against protected union activity. Less than one week after my refusal to engage in illegal activity, I was immediately transferred from my prestigious assignment into a nonexistent and undesirable assignment. I also began to experience other forms of retaliation, including without limitation: being forced to respond to emails at all hours of the day and night; being treated in an aggressive and hostile manner by Undersheriff Dan Perea; receiving non-urgent demands from the executive staff on my days off; being removed from my desirable ancillary assignment; and being forced to communicate through my personal devices rather than County channels for communication. I complained to human resources who confirmed that this conduct was illegal; however, the unlawful retaliation continued.

On around November 12, 2024, Undersheriff Perea ordered me to arrest an officer who publicly engaged in legally protected union activity. Undersheriff Perea refused to provide me with any factual basis to warrant this arrest. I refused his order as I believed the arrest was improper and illegal. Perea then ordered me not to report this arrest order to human resources or the district attorney's office. I was left with no choice but to resign from my employment at San Mateo County Sheriff's Office.

Name of public employee(s) causing injury, damage or loss (if known):

Employees causing injury include without limitation:

1. Sheriff Christina Corpus
2. Chief of Staff Victor Aenlle
3. Undersheriff Daniel Perea

Itemization of Claims:

Lost Wages	<p>I cannot provide an exact figure because the harm is ongoing and does not have a set timespan of resolution. Pursuant to Gov. Code § 910(f), I anticipate the amount of damages to be in excess of \$10,000 and that this would not be a limited civil case.</p> <p>I received approximately \$19,142.04 per month as salary pay.</p>
Lost Pension	<p>I cannot provide an exact figure because the harm is ongoing and does not have a set timespan of resolution. Pursuant to Gov. Code § 910(f), I anticipate the amount of damages to be in excess of \$10,000 and that this would not be a limited civil case.</p> <p>Had I not been wrongfully terminated, I would have received 15% of my salary at the time of my retirement from the date of my retirement until my death.</p>
Emotional Distress	<p>I cannot provide an exact figure because the harm is ongoing and does not have a set timespan of resolution. Pursuant to Gov. Code § 910(f), I anticipate the amount of damages to be in excess of \$10,000 and that this would not be a limited civil case.</p> <p>I have experienced substantial emotional distress as result of the harm and I am actively seeking treatment to address this emotional distress.</p>
Lost Earning Capacity	<p>I cannot provide an exact figure because the harm is ongoing and does not have a set timespan of resolution. Pursuant to Gov. Code § 910(f), I anticipate the amount of damages to be in excess of \$10,000 and that this would not be a limited civil case.</p> <p>I am actively seeking a new job. It is very likely that my new job will have substantially lower compensation than my job at San Mateo County.</p>
Lost Benefits	<p>I cannot provide an exact figure because the harm is ongoing and does not have a set timespan of resolution. Pursuant to Gov. Code § 910(f), I anticipate the amount of damages to be in excess of \$10,000 and that this would not be a limited civil case.</p> <p>I received approximately \$15,041.78 per month in benefits.</p>