

**IN THE DISTRICT COURT/COUNTY COURT AT LAW
EL PASO COUNTY, TEXAS**

EDMUNDO CALDERON,

Plaintiff,

v.

CITY OF EL PASO, TOMMY GONZALEZ,
CASSANDRA HERNANDEZ,
KARLA NIEMAN, JUAN GONZALEZ,
DEBORAH PAZ, and JEREMY JORDAN

Defendants

§
§
§
§
§
§
§
§
§
§
§

Cause No. _____

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES EDMUNDO CALDERON, Plaintiff, and files this Original Petition against the CITY OF EL PASO, TOMMY GONZALEZ, CASSANDRA HERNANDEZ, KARLA NIEMAN, JUAN GONZALEZ, DEBORAH PAZ and JEREMY JORDAN Defendants, and would respectfully show the Court as follows:

I. PARTIES

1. Plaintiff EDMUNDO CALDERON resides in El Paso County, Texas and is a citizen of Texas. He is a public employee of the City of El Paso.
2. Defendant CITY OF EL PASO is a city in El Paso County, Texas. It can be served with process by serving its Mayor, Oscar Leeser, who may be served at 300 N. Campbell, El Paso, Texas 79901 or wherever he may be found.

2. Defendant TOMMY GONZALEZ, City Manager for Midland, Texas, is an individual who works at City Hall and may be served with process at 300 N. Loraine St., Midland, Texas 79701 or wherever he may be found.
3. Defendant CASSANDRA HERNANDEZ, a representative of El Paso City Council, is an individual who can be served with process at 300 N. Campbell, El Paso, Texas 79901 or wherever she may be found.
4. Defendant KARLA NIEMAN, City Attorney of El Paso, Texas, is an individual who works at the City of El Paso and can be served with process at 300 N. Campbell, El Paso, Texas 79901 or wherever she may be found.
5. Defendant JUAN GONZALEZ, Assistant City Attorney of El Paso, Texas, is an individual who works at the City of El Paso and can be served with process at 300 N. Campbell, El Paso, Texas 79901 or wherever he may be found.
6. Defendant DEBORAH PAZ is an individual who resides in El Paso, Texas and can be served with process at 2929 Van Buren Ave., Apt. 18, El Paso, Texas 79930 or anywhere she may be found.
7. Defendant JEREMY JORDAN is an individual who resides in El Paso, Texas and can be served with process at 308 Stewart Ct., El Paso, Texas 79915-2528 or wherever he may be found.

II. JURISDICTION AND VENUE

8. The Court has jurisdiction over this case pursuant to the Texas Whistleblower Act Sec. 554.007 (b) allowing a public employee of a local governmental entity to sue in the district court of the county in which the cause of action arises.

10. Venue is proper in this county and court because the events forming the basis of this complaint took place in El Paso County, Texas.

III. DISCOVERY CONTROL PLAN

11. Plaintiff requests that discovery be conducted under Level 3 of Texas Rules of Civil Procedure 190.4. Plaintiff seeks monetary relief over \$250,000 but not more than \$1,000,000.

IV. FACTUAL BACKGROUND

12. In November 2022, Calderon received an anonymous call accusing former City Representative Rodriguez of using city gas cards for campaign use. Based on that report, he commenced an investigation of City Council use of gas cards.

13. As part of the investigation, on or about April 6, 2023, he met with members of the El Paso Police Department to obtain their assistance in obtaining gas station video evidence. Calderon met with Detective Hinojos in the morning. Calderon was not reporting a crime but was trying to obtain information. He then received a call from Police Chief Pacillas in the afternoon after Chief Pacillas spoke to his officers.

14. On the evening of April 6, 2023, after Calderon met with the Police Chief Pacillas and discussed the facts of the audit, Police Chief Pacillas told Calderon that the situation involved Theft By Credit Card and Misapplication of Fiduciary Property. Because he told Calderon that the actions were a potential crime, Calderon immediately called CFO Robert Cortinas and City Attorney Karla Nieman. He informed them of the investigation and the conversation with Chief Pacillas. At that point, Calderon realized it was the report of a crime and he was required to notify City officials. Neither CFO Cortinas nor City Attorney Nieman expressed concerns initially to Calderon about the investigation. Calderon also tried to reach then-City Manager Tommy Gonzalez but was unable to reach him.

15. On the morning of April 7, 2023, around 6:30 a.m., Calderon spoke to Tommy Gonzalez who did not express any concerns about the investigation. Instead, he complimented Calderon on his work. However, that quickly changed when Tommy Gonzalez realized the magnitude and issues that were discovered in the audit. For much of the rest of the day on April 7, 2023, Calderon fielded aggressive phone calls from city staff. The City Manager, City Attorney and the Deputy City Managers in particular were grilling him on “procedures.” The focus was not on the findings but on certain procedures. Calderon was asked why he chose to do this audit and why he did not tell the city officials. The biggest question which upset city officials was why he did not tell them sooner. Calderon was then asked why he didn’t tell them that he was reporting a crime. Calderon explained the reasons for the audit, and that he was only seeking assistance from the police department to obtain video. It was the Police Chief who told him he was reporting a crime. That is when he immediately reported it to City officials per his procedure. Calderon was baffled and shocked that the focus was on him and his decision to conduct the audit, not telling them sooner, and seeking assistance from the police department to obtain video. Calderon was grilled on page and line of certain audit procedures. The focus was not on the content of the audit. Once they realized the extent of the audit findings, the City officials, who supposedly work for the citizens of El Paso, were spending all their time trying to discredit Calderon and the audit.

16. That same evening, Calderon received a call from Tommy Gonzalez at approximately 7:00 p.m. In that call, Tommy Gonzalez aggressively questioned Calderon on why he chose to do the audit. Tommy Gonzalez was screaming at Calderon at the top of his lungs. Following that call, then-Deputy City Manager Cary Westin called Calderon to let him know that he and

City Attorney Karla Nieman had been listening in on the call. Mr. Westin told Calderon the call had been rough, but that it would get better once he took over.

17. On April 10, 2023, Calderon attended a meeting with Tommy Gonzalez, City Attorney Nieman, CFO Cortinas, and a member of his audit staff, Darryl Olson. Deputy City Managers Westin, Tracey Jerome, and Mario D'Agostino were present at first, but they left when Calderon told them the internal audit procedures did not allow him to discuss the investigation with them. During that meeting, Tommy Gonzalez aggressively yelled at Calderon telling him that the audit meant nothing and all he had was a bunch of meaningless charts and graphs. Tommy Gonzalez said he had been in City management for over 30 years and had seen and knew everything. Tommy Gonzalez said there is nothing he could tell him that he had not already seen or heard. Tommy Gonzalez said, "If you don't like it, you can take it to the FBI." "I don't care." "All of this is just a bunch of nothing." City Attorney Nieman and CFO Cortinas did not say or do anything, appearing to be in agreement with Tommy Gonzalez. It was clear to Calderon that Tommy Gonzalez was attempting to influence Calderon's audit procedure and the results. Tommy Gonzalez tried to make Calderon second guess himself on the findings. Tommy Gonzalez was using a "gaslighting" approach. He was minimizing Calderon's work. Tommy Gonzalez was treating Calderon poorly and began the retaliation against Calderon for conducting the audit and not notifying him and other City officials sooner and asking the police department for help in obtaining video.

18. Over the next several weeks, members of the Financial Oversight and Audit Committee ("FOAC") reported to Calderon that Tommy Gonzalez was attempting to influence and intimidate Calderon. Mayor Leeser, Representatives Kennedy, Representative Anello, Representative Fierro, and Representative Molinar all informed him that Tommy Gonzalez

and City Attorney Nieman were trying to discredit Calderon's work and getting the FOAC to stop the completion of the investigation. Representative Kennedy also informed Calderon that City Attorney Nieman questioned Calderon's honesty and integrity and said Calderon had too much power. The comments and attempts to discredit Calderon by Tommy Gonzalez and City Attorney Nieman were in retaliation for Calderon choosing to conduct the audit and not telling them sooner, so they could notify their allies who were stealing gas from the citizens of El Paso. Tommy Gonzalez and City Attorney Karla Nieman were upset that Calderon did not tell them sooner and involved the police department in the investigation. This is because Cassandra Hernandez was their ally and the person that had been chosen to run for Mayor. Tommy Gonzalez hoped that if the votes on the El Paso City Council changed, he would be able to get his job back. City Attorney Karla Nieman also wanted Cassandra Hernandez to not have this stain, so she could keep the votes and not worry about losing her job. All of the actions were done in an attempt to get the Mayor and the members of the FOAC to distrust Calderon's work. It was an attempt to discredit Calderon. It was an attempt to set up Calderon for poor work evaluations. They were trying to indirectly intimidate Calderon and discredit him and his work through those members of the FOAC as they had tried to do directly before.

19. FOAC had a meeting scheduled on May 4, 2023. On April 27, 2023, Calderon was preparing the agenda and received a request from Assistant City Attorney Juan Gonzalez that he be given an advanced draft copy of the results of the audit. Assistant City Attorney Juan Gonzalez refused to approve the agenda, which is required under the Texas Open Meetings Act, unless Calderon provided him with an advanced copy of the audit report findings. In Calderon's 19 years as the Chief Internal Auditor, he had never had a City Attorney or Assistant City Attorney make it a condition to see an advanced copy of an audit report before

approving a FOAC meeting agenda. Calderon was concerned that either Assistant City Attorney Juan Gonzalez, City Attorney Karla Nieman, or Tommy Gonzalez would attempt to alter the audit report. Calderon provided the report in PDF format so that it could not be altered.

20. Representative Hernandez campaigned against Proposition J of the City Charter citing in a press conference at the El Paso Zoo that bad things would happen and corrupt practices would occur if it passed. These comments were directed at Calderon. On May 6, 2023, city voters approved a City Charter Amendment moving the City's Chief Internal Auditor to report directly to City Council.

21. On May 11, 2023, Calderon presented his findings to the City Council in a Special City Council Meeting. At about the 1:57 time stamp, Mayor Leeser asked him the following questions:

Mayor: "The information and documentation, no one's asked you to change, alter or do anything different than what your report found."

Me: "No sir, I won't allow it."

Mayor: "Do you believe that you were ever pressured or felt that someone was trying to intimidate you at any point?"

Me: "I'd rather not answer, Mayor."

Mayor: "Anyone from council?"

Me: "I'd rather not answer."

Calderon did not answer the Mayor's questions because he did not want to make the audit process about him. Calderon was focused on completion of the investigation to inform the citizens about what happened. Calderon needed to finish his job and report the results of his

audit to the taxpayers. However, had Calderon answered fully, he would have said that he had experienced pressure from the City Manager and City Attorney and their staff to impede his independence and attempt to influence his work.

22. On May 18, 2023, Calderon met with Tommy Gonzales, CFO Cortinas, Nicole Cote, and Kimberly Rivera to work on the budget for the audit office. During that meeting, Tommy Gonzalez reacted negatively when Calderon asked for a supplemental budget request of \$250,000 for cybersecurity. He told Calderon, “If city council wants to take over the entire cybersecurity program, they can have it.” “Just like you took over the city Hotel Occupancy Tax and Franchise Tax audit, you took them over.” “I wanted Robert Cortinas to do them and you took them over.” “You were just trying to get yourself a raise, and I’m not giving you one.” Tommy Gonzalez was technically not Calderon’s boss at this time, however, following the City Charter Amendment Election, Tommy Gonzalez still had control over the budget. Tommy Gonzalez was still able to retaliate against Calderon. City employees were afraid of Tommy Gonzalez. Although Tommy Gonzalez had been terminated, he was trying to get City Council to reconsider the vote. Tommy Gonzalez did not give up on keeping his job despite the initial vote to terminate his contract. On June 9, 2023, Calderon learned from Budget Analyst Kimberly Rivera that the budget request had only been approved for \$100,000. Tommy Gonzalez made this decision in retaliation for Calderon choosing to conduct the audit, not telling him sooner about it, and involving the police department in the investigation.

23. Also on May 18, 2023, Tommy Gonzalez and others conducted a budget meeting with the Streets Department. Rene Barraza, who was present at the meeting, told Calderon that Tommy Gonzalez tore into Richard Bristol about the audit and stated Calderon’s audit was bad. Richard Bristol later confirmed this with Calderon. Tommy Gonzalez was attempting to

influence the audit procedure and retaliate against Calderon for choosing to conduct the audit and not telling City officials sooner. If they had known sooner, they could inform Cassadra Hernandez.

24. On June 21, 2023, El Paso resident Deborah Paz submitted an ethics complaint against Calderon. City Attorney Nieman declined to appoint an attorney to represent Calderon. Calderon was extremely worried about having to hire his own attorney. Calderon was stressed as to the costs based on the size and the number of allegations against him. Calderon was very disturbed by the claim that he had influenced an election. Representative Cassandra Hernandez, her husband Jeremy Jordan, and Tommy Gonzalez were behind the ethics complaint in retaliation for conducting the audit, not notifying anyone sooner, and involving the police department in the investigation. The complaint tracked the same language and allegations against Calderon that he heard from Tommy Gonzalez and City Attorney Nieman back in April. At Representative Cassandra Hernandez's ethics commission meeting later in July, Calderon saw her hugging and joking with Ms. Deborah Paz. Also, Ms. Paz worked for Representative Hernandez and Deborah Paz officed at the same place as her husband. Deborah Paz could not have written the complaint against Calderon alone. The complaint contained information that could only have been obtained from Tommy Gonzalez or City Attorney Karla Nieman. In the hearing on Representative Annello's ethics complaint, Deborah Paz was asked if she wrote the complaint herself. Deborah Paz said no but declined to identify who helped her. City Attorney Karla Nieman refused to hire an attorney in retaliation of Calderon's decision to conduct the audit, not let them know sooner, and involving the police department in the investigation. The ethics complaint against Calderon was dismissed before he had an

opportunity to respond. However, it was not dismissed before he lost sleep believing the costs would be so high that he would need to sell his house to afford a lawyer.

25. On July 5, 2023, at a regular City Council meeting, the City Council considered whether to appoint Calderon as Chief Internal Auditor in accordance with El Paso City Charter Section 3.20(B)(5). The agenda also directed the Interim City Manager Cary Westin and Ms. Nieman to prepare the necessary documents to implement this appointment. There was a long delay between the May 6 election and Calderon's appointment which was done in retaliation. To date, Calderon has not received an employment contract or any other documents necessary for the final appointment. The delay and continued refusal to provide a contract was done in retaliation because Calderon conducted the audit, did not tell them sooner, and used the police department to assist with the investigation. Representative Hernandez voted against Calderon's appointment in retaliation for conducting the audit, not notifying anyone sooner, and using the police department to assist with the investigation.

26. On July 20, 2023, Calderon attended the City Ethics Review Commission Meeting investigation into Representative Hernandez. City Attorney Nieman, allowed Representative Hernandez's attorney Felix Valenzuela to question Calderon aggressively, despite Calderon only being a witness. It was very upsetting to Calderon. City Attorney Nieman allowing the questioning by an outside attorney, and Ms. Nieman's allowance of it to continue, was done in retaliation for Calderon's decision to conduct the audit, not let them know sooner, and using the police to assist with the investigation.

27. On August 28, 2023, Calderon spoke to Representative Annello to go over the annual audit plan. During that meeting, she mentioned to Calderon that her Ethics Review Commission meeting was the next day. Representative Annello asked Calderon to be there.

Calderon was worried based on what happened at Representative Hernandez ethics' hearing, so Calderon told her he would only attend with his attorney. Representative Annello told Calderon that the other witnesses requested by the complainant had been given two weeks' notice that their attendance was requested by the City Manager and City Attorney. Calderon was not given reasonable notice by the City Attorney's office. This was an attempt to make Calderon look bad in front of the FOAC committee which is the oversight committee for the Chief's Internal Auditor in retaliation.

28. Also on August 28, 2023 Ms. Nieman called Calderon to ask him to be at Representative Annello's ethics hearing the following day. Calderon explained to Karla Nieman that he needed to confirm with his attorney to see if she was available. City Attorney Nieman asked Calderon why he needed an attorney present. City Manager Westin called Calderon to confirm his attendance. Calderon told them both that his attorney was unavailable so he would not be able to attend. Mr. Westin asked Calderon if he would reconsider attending the meeting. Calderon told him that his attorney had instructed him not to attend without her. Calderon was willing to testify on another day with his attorney present. Calderon was concerned as to the treatment that he received at the prior Ethics Review Commission meeting.

29. On August 29, 2023, Calderon left his office at 4:00 p.m. While Calderon was driving, he received four calls from Ms. Tracey Jerome, Deputy City Manager. Calderon did not answer because he was driving. When Calderon arrived home, he received a call from one of his staff members, advising him that Deputy City Manager Jerome showed up at the audit office and was pressuring Calderon's staff to attend the Ethics Review Commission Meeting. Calderon spoke to Deputy City Manager Jerome by telephone and informed her that Calderon's staff reports only to him per the City Charter, and not to the City Manager's office.

give complete and accurate testimony based on writing the audit report and his knowledge and position. Calderon believe that the late notice requesting his presence at the ethics complaint hearing for Representative Anello, and the additional pressure on Calderon and his staff to attend, was done in retaliation for Calderon conducting the audit, not notifying them sooner, and involving the police department in the investigation.

30. On November 9, 2023, Calderon sent an email reporting an audit to all members of City Council per a list server. That same day, City Representative Cassandra Hernandez sent Calderon an email telling him not to send her emails. Representative Cassandra Hernandez was not permitting him to do his job as the Chief Internal Auditor.

31. On December 12, 2023, El Paso City Council voted to clarify the process for complaints against the Chief Internal Auditor Edmundo Calderon under section 2.92.160 of the City of El Paso Ethics ordinance, listing him in the same position level as the city attorney and city manager. Specifically, he is added as a Council Appointed employee.

32. The City of El Paso is now trying to claim that it never intended to give Calderon a written employment contract in an attempt to avoid liability in this lawsuit. However, Edmundo Calderon was told by City Attorney Karla Nieman and members of City Council that he would be given a written employment contract. The human resources department of the City of El Paso began preparing a written employment contract with a salary recommendation based on a market analysis that they had completed. The City of El Paso is also now claiming that Edmundo Calderon is not entitled to a written employment contract. However, the other two similarly appointed employees reporting to City Council have written

contracts. Additionally, it appears there are other City of El Paso employees that have written contracts based on an open records request made by Plaintiff that the City refused to fulfill.

33. The retaliation was committed because (1) Calderon chose to do this audit; (2) Calderon did not inform them about the audit sooner; (3) Calderon sought assistance to obtain video from the police department; (4) Tommy Gonzalez, City Attorney Karla Nieman and others could not influence Calderon's work despite the gaslighting and intimidation; and (5) they could not get Calderon to stop the audit or change the final audit findings.

34. Plaintiff requests the retaliation stop. He requests the City to follow the chain of command for himself and his staff in compliance with the May 6 City charter election. Calderon requests training on retaliation be taken by all City Department heads of the City of El Paso, including those working in the City Attorney and City Manager's office. Plaintiff seeks a fair and equitable written employment contract that should have been offered to him.

V. COMPLETION OF THE GRIEVANCE PROCESS

35. Plaintiff has satisfied all conditions precedent to the filing of this suit including proceeding with the grievance process from July 21, 2023, until the completion of the process which they claim took place on November 17, 2023, the date Plaintiff received the findings. During that time period, the statute of limitations is tolled per the Texas Whistleblower Act. This lawsuit is timely filed within 30 days of that date.

36. Plaintiff Calderon alleges that the grievance process was not conducted for the purpose of investigating the claim. Instead, it was an attempt to obtain discovery from Plaintiff to help the City of El Paso and all defendants. This included getting to speak to independent witnesses first. The grievance process attempted to limit Edmundo Calderon's claims by changing his statements and trying to make him sign a document waiving his rights. All of the investigation

was done in hopes of finding some made-up non-retaliatory explanation of the actions. The process was not independent and unbiased. It was evident because the investigator tried to change Edmundo Calderon's statement. Additionally, City Attorney Karla Nieman was involved in the process despite complaints against her for retaliation and violation of the statute.

37. Plaintiff Calderon also alleges a purposeful delay in being given the report of the grievance process. The findings were reported to City Council on October 10, 2023. However, they were kept from Plaintiff until November 17, 2023, one day before the 120-day deadline. This was all done to make it more difficult and expensive to bring the lawsuit.

VI. CAUSES OF ACTION

TEXAS WHISTLEBLOWER ACT

38. Pursuant to the Texas Whistleblower Act section 554.0035, sovereign immunity is waived and abolished by the local government (City of El Paso) based on the allegations by public employee EDMUNDO CALDERON of violations of this law. Plaintiff believes the City of El Paso has over 5000 employees for the purpose of the analysis in the Texas Whistleblower Act. The burden of proof lies with Defendants because the adverse personnel action occurred within 90 days of the report of the violation of the law.

39. Plaintiff incorporates paragraphs 12-34 above. Plaintiff EDMUNDO CALDERON, public employee and auditor of the City of El Paso, made a good faith report to the El Paso Police Department about the violation of the laws by City Representative CASSANDRA HERNANDEZ involving the misuse of the City of El Paso gas card. EDMUNDO CALDERON made a police report. As stated above in detail, Defendants TOMMY GONZALEZ, KARLA NIEMAN, CASSANDRA HERNANDEZ and JUAN GONZALEZ

retaliated against EDMUNDO CALDERON taking adverse personnel action against him affecting his compensation, work assignment, and promotion.

40. With the election, EDMUNDO CALDERON was supposed to be given a written contract. That contract could give him any of the following: additional salary, enhanced retirement benefits, additional vacation and sick leave hours, the accrual of vacation and sick leave hours, a process on the performance evaluation, market based annual review of salary, life insurance and other benefits. His compensation was affected by not having a written contract regardless of any changes. No contract was given in retaliation for his report. EDMUNDO CALDERON had adverse personnel actions affecting his compensation, work assignments, and promotion. Each of these acts and omissions were a proximate cause of EDMUNDO CALDERON not receiving a written contract which had previously been discussed resulting in some of his damages.

**TORTIOUS INTERFERENCE WITH A PROSPECTIVE/CONTINUED
RELATIONS/CONTRACT-CONSPIRACY**

41. Plaintiff incorporates paragraphs 12-34 above. Alternatively, Defendants DEBORAH PAZ and JEREMY JORDAN conspired with and/or aided and abetted Defendant CASSANDRA HERNANDEZ for the unlawful purpose of tortiously interfering with a continued/prospective business and/or contractual relationship between EDMUNDO CALDERON and the City of El Paso. EDMUNDO CALDERON was going to receive a written contract but didn't because Defendants DEBORAH PAZ, JEREMY JORDAN, and CASSANDRA HERNANDEZ (conspirators) made fraudulent statements about EDMUNDO CALDERON to the public, including in the ethics complaints. Defendants CASSANDRA HERNANDEZ, DEBORAH PAZ, and JEREMY JORDAN also made those

statements about other City Representatives to bully them and make them fear retaliation. They made the ethics complaints against City Representatives ALEXSANDRA ANNELLO and BRIAN KENNEDY for the sole purpose of harassing each of them to bully them against voting for a written contract with benefits for EDMUNDO CALDERON. Both ethics complaints had no merit and were dismissed. DEFENDANT CASSANDRA HERNANDEZ, individually, committed unlawful conduct that was done in bad faith and retaliation for the reporting of the misuse of her public gas card.

42. Each of these acts and omissions were a proximate cause of EDMUNDO CALDERON not receiving a written contract which had previously been discussed resulting in his damages.

43. The acts were done with malice allowing for the recovery of punitive damages against the conspirators CASSANDRA HERNANDEZ, DEBORAH PAZ, and JEREMY JORDAN to punish them for these actions.

VII. DAMAGES

44. Plaintiff seeks actual damages, court costs, and reasonable attorney's fees. As a result of the occurrence, EDMUNDO CALDERON seeks lost wages in the past and future, lost benefits in the past and future, mental anguish in the past and future, loss of enjoyment of life in the past and future, and other damages permitted by law.

45. Plaintiff also seeks civil penalties to be paid individually by Defendants TOMMY GONZALEZ, KARLA NIEMAN, CASSANDRA HERNANDEZ and JUAN GONZALEZ in the amount of \$15,000 to be deposited into the state treasury pursuant to Section 554.008 of the Texas Whistleblower Act.

46. Plaintiff seeks changes in the City of El Paso grievance process to make it meaningful and allow an actual investigation. EDMUNDO CALDERON also seeks training for all City of El Paso employees and government officials on employment laws and specifically on the Texas Whistleblower Act. Specifically, under section 554.009, the Act requires local governments give notice to their employees of their rights under this chapter by posting a sign in a prominent location in the workplace. The law states “shall”. Despite the clear law, no such sign exists providing notice to employees of the rights afforded to them under this law.

VIII. JURY DEMAND

47. Plaintiff hereby demands trial by jury.

48. **WHEREFORE, PREMISES CONSIDERED**, Plaintiff EDMUNDO CALDERON prays that Defendants be cited to appear and answer, and that upon final trial, EDMUNDO CALDERON have judgment against Defendants for all relief requested including actual damages for lost wages in the past and future, lost benefits in the past and future, mental anguish in the past and future, loss of enjoyment of life in the past and future, civil penalties individually against TOMMY GONZALEZ, KARLA NIEMAN, CASSANDRA HERNANDEZ and JUAN GONZALEZ as permitted by the Texas Whistleblower Act, punitive damages against conspirators CASSANDRA HERNANDEZ, DEBORAH PAZ, and JEREMY JORDAN, reasonable attorney’s fees, damage to reputation and all other damages listed above, changes in the grievance process for a meaningful investigation, training for all city employees and government officials on employment law violations and education on the statutes protecting individuals like EDMUNDO CALDERON, proper signage so that employees of the City of El Paso understand their rights, pre-judgment interest and post-

judgment interest, court costs, and for such other and further relief, general and special, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

**LAURA ENRIQUEZ & ASSOCIATES
LAW FIRM, PLLC**

/s/Laura Enriquez

Laura Enriquez

State Bar No. 00795790

221 N. Kansas Street, Suite 710

El Paso, Texas 79901

(915) 335-0333 Phone

enriquez@leeplaw.com

***ATTORNEYS FOR PLAINTIFF
EDMUNDO CALDERON***