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\*Application forthcoming

10 *Attorneys for Plaintiff*  
11 *Captain Jeffrey Little*

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA

15 CAPTAIN JEFFREY LITTLE , an  
16 individual,  
17 Plaintiff,  
18 v.  
19 LOS ANGELES COUNTY FIRE  
20 DEPARTMENT, a public entity, et al.  
21 Defendants.

**Case No.: 2:24-cv-4353**  
**Notice of Application and Plaintiff's**  
**Ex Parte Application for a**  
**Temporary Restraining Order and**  
**OSC re: Preliminary Injunction**  
  
Judge: Hon. Josephine L. Staton  
Courtroom: 8A  
  
Action filed: May 24, 2024

1 **TO: THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF**  
2 **RECORD:**

3 PLEASE TAKE NOTICE that Plaintiff Captain Jeffrey Little, by and through  
4 counsel, will and hereby does apply to the above-captioned court, located at 350  
5 West 1st St., Los Angeles, CA 90012, pursuant to Fed. R. Civ. P. 65(b) for a  
6 temporary restraining order against Defendants Los Angeles County Fire  
7 Department, Lifeguard Division Chief Fernando Boiteux, Assistant Lifeguard Chief  
8 Adam Uehara, and Section Chief Arthur Lester (“Defendants”), and for the issuance  
9 of an order to show cause why a preliminary injunction should not issue, as follows:

10 1. Defendants, their agents, employees, and successors in office, are  
11 restrained and enjoined from enforcing, trying to enforce, threatening to enforce, or  
12 otherwise requiring compliance with EA-231 or any other requirement that Plaintiff  
13 (1) personally raise the Progress Pride Flag; or (2) ensure raising of the Progress  
14 Pride Flag.

15 2. Defendants shall show cause, on \_\_\_\_\_, 2024, at \_\_\_\_\_  
16 why a preliminary injunction should not issue requiring Defendants to act as  
17 described in above; the temporary restraining order shall remain effective until such  
18 time as the Court has ruled on whether a preliminary injunction should issue. Such  
19 relief is necessary to prevent Defendants from further violating Plaintiff’s  
20 constitutional rights, pending trial on the merits of Plaintiff’s claims.

21 **Plaintiff requests that this temporary restraining order issue prior to**  
22 **Saturday June 1, 2024.**

23 This Application is made on the grounds that Plaintiff is likely to succeed on  
24 the merits of this case, he will suffer irreparable harm without injunctive relief, the  
25 balance of equities tips sharply in his favor, and the relief sought is in the public  
26 interest. Good cause exists to issue the requested Order to preserve Plaintiff’s rights  
27 under the Title VII of the Civil Rights Act, under FEHA, under the Constitution of  
28 the United States, and under the Constitution of the State of California, and to avoid

1 irreparable harm to those rights. This Application is supported by the Verified  
2 Complaint and the accompanying declaration of Paul M. Jonna, Esq., and all exhibits  
3 attached thereto, and by such further argument and evidence that may be adduced at  
4 any hearing on this matter or of which the Court may take judicial notice. Plaintiff  
5 further requests that the Court waive any bond requirement, because enjoining  
6 Defendants from unconstitutionally violating Plaintiff’s rights will not financially  
7 affect Defendants.

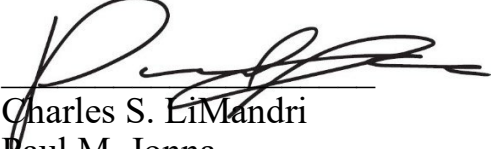
8 The Complaint in this action was filed on Friday, May 24, 2024; this  
9 Application followed on Tuesday, May 28, 2024. **Pursuant to this Court’s**  
10 **Chambers’ Rules, any opposition to an ex parte application for a temporary**  
11 **restraining order is due no later than 24 hours after service and such**  
12 **applications are rarely set for hearing**

13 As reflected in the accompanying declaration of Paul M. Jonna, Esq., Plaintiff  
14 will serve the Complaint, Summons, and this application for a TRO on Defendants  
15 after this application is filed, and will then file a Proof of Service. Plaintiff will serve  
16 Defendants at the following locations:

- |    |  |                                     |
|----|--|-------------------------------------|
| 17 | County of Los Angeles Fire Department  | Office of the County Counsel        |
| 18 | Department Headquarters                | County of Los Angeles               |
| 19 | 1320 N. Eastern Avenue                 | Kenneth Hahn Hall of Administration |
| 20 | Los Angeles CA 90063                   | 500 W Temple Street, #648           |
|    |  | Los Angeles, CA 90012               |
| 21 | County of Los Angeles Fire Department  |                                     |
| 22 | Risk Management Division               |                                     |
| 23 | 1255 Corporate Center Drive, Suite 206 |                                     |
| 24 | Monterey Park, CA 91754                |                                     |

Respectfully submitted,  
LiMANDRI & JONNA LLP

25 Dated: May 28, 2024

26 By:   
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28 Paul M. Jonna  
Jeffrey M. Trissell  
Joshua A. Youngkin  
Attorneys for Plaintiff Captain Jeffrey Little

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14 *Attorneys for Plaintiff*  
15 *Captain Jeffrey Little*

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17 CENTRAL DISTRICT OF CALIFORNIA

18 CAPTAIN JEFFREY LITTLE, an  
19 individual,  
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23 DEPARTMENT, a public entity, et al.  
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25 **Case No.: 2:24-cv-4353**

26 **Memorandum of Points &**  
27 **Authorities in Support of Plaintiff’s**  
28 **Ex Parte Application for a**  
**Temporary Restraining Order and**  
**OSC re: Preliminary Injunction**

Judge: Hon. Josephine L. Staton  
Courtroom: 8A

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## INTRODUCTION

1  
2 Plaintiff Captain Jeffrey Little has served as a lifeguard with the Los Angeles  
3 County Fire Department: Lifeguard Division—the largest professional lifeguard  
4 service in the world—for over 22 years. Verif. Compl., ¶¶15-17. In those 22 years,  
5 his work performance and reputation have been exemplary, and he has risen through  
6 the ranks to eventually become a Captain. Compl., ¶¶3, 24. But everything changed  
7 in February 2023. In that month, the city council of Huntington Beach voted to  
8 amend its Municipal Code to allow only governmental flags to fly at city properties.  
9 The vote was a decision to stop flying a Rainbow Pride Flag at city properties, and  
10 was later affirmed via an amendment to the City Charter approved by 58% of  
11 Huntington Beach voters.<sup>1</sup>

12 In response, in March 2023, the Los Angeles County Board of Supervisors  
13 voted to “Direct the Chief Executive Officer to work with all County Departments to  
14 explore ways the Progress Pride Flag can be flown at all county facilities.” Compl.,  
15 ¶17 & Ex.A. As stated in that resolution, because “the City of Huntington Beach ...  
16 will now only allow city, state and national flags to regularly be flown at City Hall,”  
17 Los Angeles County would now fly the Progress Pride Flag to “show LA County’s  
18 support for LGBTQ+ communities.” *Id.*

19 The Los Angeles County resolution, however, put Captain Little in a bind. As  
20 a result of the resolution, he was ordered to directly raise the Progress Pride Flag at  
21 his lifeguard stations. *See* Compl., ¶¶19-21 & Exs.B-C. This he cannot do. Captain  
22 Little is a devout Christian who objects to the ideas and views that the Progress Pride  
23 Flag represents. Compl., ¶¶24-29. He does not object to the County or Fire  
24 Department doing what they will, but he cannot be *personally responsible* for raising  
25 the Progress Pride Flag. Compl., ¶30. So he requested a religious accommodation.  
26 The Fire Department initially granted the request, but quickly reversed itself, and  
27

28 <sup>1</sup> Angelina Hicks, *Primary Election Night Results*, Voice of OC (Mar. 5, 2024),  
<https://bit.ly/3R3SAMv>.

1 then subjected Captain Little to hostile retaliation, pretextual investigations, and a  
2 death threat. Compl., ¶¶31-48 & Exs.D-O. These actions violated Captain Little’s  
3 statutory employment rights and constitutional rights.

4 Arising in the context of teachers leading students in recitation of the Pledge  
5 of Allegiance, for fifty years, courts have upheld the rule that the government cannot  
6 force its citizens, as a condition of public employment, to salute the American Flag.  
7 *Russo v. Cent. Sch. Dist. No. 1*, 469 F.2d 623, 633-34 (2d Cir. 1972); *State v.*  
8 *Lundquist*, 262 Md. 534, 554 (1971); *Hanover v. Northrup*, 325 F. Supp. 170, 173  
9 (D. Conn. 1970). The reason is simple. The government cannot “force an individual  
10 to ‘utter what is not in [her] mind’ *about a question of political and religious*  
11 *significance.*” *303 Creative LLC v. Elenis*, 600 U.S. 570, 596 (2023) (emphasis  
12 added) (quoting *W. Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 634  
13 (1943)).

14 After the debacle of last year’s Pride Month (June 2023), in April and May  
15 2024, Captain Little attempted to renew his request for a religious accommodation,  
16 but received no relief. See Compl., ¶¶55-63 & Exs.P-S. Thus, being forced to seek  
17 judicial relief in advance of this year’s Pride Month (June 2024), Captain Little seeks  
18 a narrow temporary restraining order and OSC re: preliminary injunction precluding  
19 the County of Los Angeles Fire Department from taking any adverse action against  
20 him for his refusal to personally participate in the raising of the Progress Pride Flag.

## 21 **FACTUAL & PROCEDURAL BACKGROUND**

### 22 **A. The County decides to fly the Progress Pride Flag at all County** 23 **facilities during Pride Month.**

24 Defendant Los Angeles County Fire Department provides firefighting and  
25 emergency medical services for over 4 million residents across 60 cities and all  
26 unincorporated areas of Los Angeles County. Its Lifeguard Division is the largest  
27 professional lifeguard service in the world. In 2021, the Lifeguard Division watched  
28

1 over 51 million beach attendees, and made over 9,000 ocean rescues. Compl., ¶¶15-  
2 16; Jonna Decl., Ex.V.

3 Plaintiff Captain Little has been a proud Los Angeles County lifeguard, saving  
4 countless lives over the course of 22 years. But, on March 7, 2023, the Board of  
5 Supervisors of Los Angeles County passed a motion titled *Raising the Progress*  
6 *Pride Flag at Los Angeles County Facilities*. By that motion, the Board “Direct[ed]  
7 the Chief Executive Officer to work with all County Departments to explore ways  
8 the Progress Pride Flag can be flown at all county facilities.” Compl., ¶¶17-18 &  
9 Ex.A. In implementation of the motion, on May 25, 2023, the Fire Department issued  
10 a memorandum (EA-231) stating that the Progress Pride Flag will be flown at all  
11 lifeguard stations, and that Captains must “[e]nsure flags are received and flown  
12 throughout the month of June.” Compl., ¶19 & Ex.B. In practice, not all lifeguard  
13 properties have either flag poles or adequate flag clasps, so the Fire Department also  
14 provided a flow chart to explain when the Progress Pride Flag must be flown, and  
15 when it would not need to be flown. Compl., ¶20 & Ex.C.

16 **B. Captain Little requests a religious accommodation, which is granted**  
17 **and then revoked, and for which he receives angry retaliation.**

18 The Progress Pride Flag is a specific version of the Rainbow Pride Flag.  
19 Compl., ¶¶25-28. All versions of a Rainbow Pride Flag, however, represent ideas  
20 that Captain Little cannot espouse. Captain Little is an evangelical Christian with  
21 beliefs on marriage, family, sexual behavior and identity that align with the  
22 traditional and orthodox biblical-social teachings. *See* Compl., ¶¶24, 28-29 (citing  
23 Bible verses).

24 On June 18, 2023, Captain Little requested a religious accommodation  
25 exempting him from “adhering to EA-231.” Later that day, he had an interactive  
26 process meeting (IPM) with a human resources officer. The next day, the Fire  
27 Department granted his request. Specifically, the Department agreed: (1) to move  
28 Captain Little to a site not flying the Progress Pride Flag (Dockweiler Area, North

1 and South, and El Segundo Lifeguard stations); (2) that he need not ever raise the  
 2 Progress Pride Flag; and (3) that he need not ensure raising of the Progress Pride  
 3 Flag. However, on June 21, 2023, before Captain Little’s shift, Section Chief Arthur  
 4 Lester visited the Dockweiler Area and added additional flag clasps to the flagpoles  
 5 so that they could fly the Progress Pride Flag. Section Chief Lester then ordered the  
 6 lifeguards at each subarea to raise Progress Pride Flags. Compl., ¶¶31-34 & Ex.D.

7       When Captain Little arrived on site for his shift on June 21, 2023, he saw the  
 8 Progress Pride Flag flying and lowered it—in accordance with his religious  
 9 accommodation. But later that day, the Fire Department informed him that his  
 10 accommodation had been revoked. Further, Section Chief Lester, in an aggressive  
 11 and abusive tone, ordered Captain Little to re-raise the Progress Pride Flag. At the  
 12 end of that day, Assistant Lifeguard Chief Adam Uehara confirmed the revocation of  
 13 the accommodation and informed Captain Little that he could not use his accrued  
 14 paid leave time to avoid violating his religious beliefs. Compl., ¶¶35-38.

15       The next day, June 22, 2023, Lifeguard Division Chief Fernando Boiteux  
 16 issued a written Direct Order to Captain Little to fly the Progress Pride Flag and  
 17 ensure that the Progress Pride Flag is flown as instructed in EA-231. When Chief  
 18 Boiteux hand-delivered the Direct Order, he told Captain Little that “You need to  
 19 stop what you are doing,” “You are an LA County employee; that’s the only thing  
 20 that matters,” and “Your religious beliefs do not matter; you are an LA County  
 21 employee.” Lifeguard Chief Boiteux is 6’4” tall and weighs 220 pounds and is  
 22 trained in martial arts. He delivered his message to Captain Little in a violent and  
 23 angry manner while standing over Captain Little—who is only 5’9” tall and weighs  
 24 150 pounds. Compl., ¶¶39-40 & Ex.E.

25       **C. Captain Little files a religious discrimination complaint with the**  
 26       **Fire Department, and is retaliated against.**

27       On June 22, 2023, Captain Little filed a County Policy of Equity (“CPOE”)  
 28 administrative complaint with the Fire Department for religious discrimination and

1 harassment. As stated by Captain Little in that complaint, “I felt like I was being  
 2 targeted or entrapped by Chief Lester and my religious beliefs were not being taken  
 3 seriously,” and “I believe that the actions by Chief Lester are retaliatory in nature.”  
 4 Compl., ¶41 & Exs.F-G. On that same day, Chief Boiteux informed Captain Little  
 5 that he was the subject of an internal investigation for lowering the Progress Pride  
 6 Flag during his shift the day prior, and hand-delivered to him a “Notice of  
 7 Instruction,” which stated that: “All Department employees, *irrespective of personal*  
 8 *beliefs*, are expected to comply with EA-231, which includes raising the flag as  
 9 instructed.” Compl., ¶¶42 & Exs.H-I.

10 In addition, Captain Little’s request for a religious accommodation was  
 11 somehow leaked—in violation of his right to privacy. *See Publius v. Boyer-Vine*, 321  
 12 F.R.D. 358, 363 (E.D. Cal. 2017) (discussing “the private and sensitive nature of  
 13 religious beliefs”). This led, on June 23, 2023, to Captain Little being suspended  
 14 from a prestigious role, with significant overtime pay, to retaliatory and pretextual  
 15 complaints being filed against him, and a death threat being mailed to his house. That  
 16 death threat said: “Jeff F\*\*\* you and your Jesus. Your hate won’t be tolerated. We  
 17 know where you live and work. You better pay respect to our pride flag or we will  
 18 f\*\*\* you up. We know about your cute little girls and aren’t afraid to rape the s\*\*\*  
 19 out of them if you don’t honor us. You are a fascist pig and deserve to die.” Compl.,  
 20 ¶44 & Exs.J-L.

21 Despite adding these matters to his complaint, Captain Little’s complaint was  
 22 eventually closed on the basis that, per the County’s Employment Relations Division,  
 23 nothing of which he had complained violated the CPOE. The Department refused to  
 24 take any actions to protect him from previous and future religious discrimination,  
 25 harassment, and retaliation. Compl., ¶¶45-46 & Ex.M. Instead, on February 7, 2024,  
 26 the Fire Department notified Captain Little that he had violated the CPOE and that  
 27 administrative action might follow. Compl., ¶¶47-48 & Exs.N-O.

28 ///





1 (“*FCA*”) (en banc) (citing *Winter v. Natural Res. Def. Council*, 555 U.S. 7, 20  
 2 (2008)). The Ninth Circuit applies a “sliding scale” approach such that “[w]hen the  
 3 balance of equities tips sharply in the plaintiff’s favor, the plaintiff must raise only  
 4 serious questions on the merits—a lesser showing than likelihood of success.” *Id.*  
 5 (cleaned up).

## 6 ARGUMENT

### 7 I. Plaintiff Little Is Likely to Succeed on the Merits.

8 “When evaluating likelihood of success on the merits, ... [i]f the moving party  
 9 is likely to succeed on each of several theories, the party’s argument for preliminary  
 10 relief is stronger than if the party has only one claim that is likely to be viable.” *Does*  
 11 *I-11 v. Bd. of Regents of Univ. of Colorado*, \_\_ F.4th \_\_, No. 21-1414, 2024 WL  
 12 2012317, at \*11 (10th Cir. May 7, 2024). Thus, the court may “consider all of a  
 13 moving party’s potential paths to success on the merits.” *Id.*; *cf. FCA*, 82 F.4th at 686  
 14 (addressing “all three” arguments). In evaluating likelihood of success on the merits,  
 15 “the burdens at the preliminary injunction stage track the burdens at trial.” *Gonzales*  
 16 *v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 429 (2006)  
 17 (statutory protection for religion).

18 Here, Captain Little’s Complaint raises five employment claims under both  
 19 Title VII and FEHA, and four constitutional claims for violation of the rights to  
 20 Freedom of Speech and Free Exercise of Religion. For purposes of this ex parte  
 21 application, Captain Little groups these claims into: (1) Failure to Accommodate;  
 22 (2) Free Exercise of Religion; and (3) Freedom of Speech.

#### 23 A. Captain Little is likely to succeed on his religious discrimination 24 claim for failure to accommodate under Title VII and FEHA.

##### 25 1. Captain Little can establish his *prima facie* claim.

26 Both Title VII and FEHA prohibit an employer from discriminating against  
 27 an employee by failing to reasonably accommodate the employee’s religious  
 28 practices or observances. 42 U.S.C. §§2000e(j), 2000e-2(a)(1); Cal. Gov. Code

1 §12940(a), (l).<sup>2</sup> In other words, it is “unlawful for an employer not to make  
2 reasonable accommodations, short of undue hardship, for the religious practices of  
3 his employees and prospective employees.” *Opuku-Boateng v. California*, 95 F.3d  
4 1461, 1467 (9th Cir. 1996) (cleaned up).

5 To establish a prima facie claim for failure to accommodate, a plaintiff must  
6 present evidence that: “(1) [he] had a bona fide religious belief, the practice of  
7 which conflicted with an employment duty; (2) [he] informed [his] employer of the  
8 belief and conflict; and (3) the employer threatened [him] with or subjected [him]  
9 to discriminatory treatment, including discharge, because of [his] inability to fulfill  
10 the job requirements.” *Heller v. EBB Auto Co.*, 8 F.3d 1433, 1438 (9th Cir. 1993).

11 Religious beliefs need only be sincerely held. They do not need to be  
12 understandable to others, recognized by any organization, or articulable in a way  
13 the employer accepts. *Thomas v. Review Bd. of Indiana*, 450 U.S. 707, 714 (1981)  
14 (“religious beliefs need not be acceptable, logical, consistent, or comprehensible to  
15 others”).<sup>3</sup> Religious beliefs are broadly understood to include a person’s “moral,  
16 ethical, or religious beliefs about what is right and wrong.” *United States v. Ward*,  
17 989 F.2d 1015, 1018 (9th Cir. 1992). As such, “a coincidence of religious and  
18 secular claims in no way extinguishes the weight appropriately accorded the  
19 religious one.” *Callahan v. Woods*, 658 F.2d 679, 684 (9th Cir. 1981).

20 With respect to threatened or actual adverse action, “[t]o make out a Title  
21 VII discrimination claim, [an employee] must show some harm respecting an  
22 identifiable term or condition of employment. What the transferee does not have to  
23

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24 <sup>2</sup> See *Keene v. City & Cnty. of San Francisco*, No. 22-16567, 2023 WL 3451687, at  
25 \*1 (9th Cir. May 15, 2023) (FEHA and Title VII use the same framework).

26 <sup>3</sup> *Riley v. Bendix Corp.*, 464 F.2d 1113, 1116-17 (5th Cir. 1972) (Title VII’s legislative  
27 history shows that it was “intended to protect the same rights in private employment  
28 as the Constitution protects”); *Philbrook v. Ansonia Bd. of Educ.*, 757 F.2d 476, 481-  
88 (2d Cir. 1985) (courts use same standard for religious sincerity under Title VII as  
in free exercise cases).

1 show, according to the relevant text, is that the harm incurred was ‘significant.’”  
2 *Muldrow v. City of St. Louis*, 144 S. Ct. 967, 974 (2024); *see also Dahlia v.*  
3 *Rodriguez*, 735 F.3d 1060, 1078 (9th Cir. 2013) (“[P]lacement on administrative  
4 leave can constitute an adverse employment action.”).

5 Here, the Verified Complaint and the materials attached to it establish Captain  
6 Little’s prima facie case. As mentioned above, Captain Little is an evangelical  
7 Christian with religious beliefs on marriage, family, sexual behavior and identity that  
8 align with traditional biblical-social teachings on those topics. Those religious beliefs  
9 preclude Captain Little from raising the Progress Pride Flag. *See* Compl., ¶¶3, 10,  
10 24-30. On June 19, 2023, the Fire Department acknowledged that Captain Little’s  
11 religious beliefs were sincerely held and initially granted his accommodation request.  
12 *See* Compl., ¶¶31-32.

13 Next, to make out a prima facie claim, there must be a conflict between the  
14 work requirement at issue and the bona fide, sincerely held religious belief (and  
15 related religious practice) of the employee. The work requirement here as expressed  
16 by EA-231 and the Direct Order is that Captain Little must raise the Progress Pride  
17 Flag at any station to which he may be assigned. As explained by Chief Boiteux,  
18 Captain Little’s religious beliefs on the issue simply “don’t matter” and, more  
19 specifically, being a Los Angeles County employee means prioritizing County-  
20 dictated beliefs and values over and against the religious beliefs and values of the  
21 employee in the event of conflict between the two. *See* Compl., ¶¶34-39 & Ex.E. The  
22 sum and substance of Captain Little’s religious beliefs, and the conflict with these  
23 beliefs that would arise as a result of the Fire Department’s demand for compliance  
24 with the work requirements of EA-231, were also communicated clearly to the  
25 Department during the interactive process. *See* Compl., ¶¶31, 60 & Exs.D, S.

26 Finally, for reasons that are as unclear as they are unsupportable, the  
27 Department initially granted but then revoked Captain Little’s accommodation and  
28 then illegally refused to further engage in the interactive process. *See* Compl., ¶¶35-

1 37. Both actions by Defendants violated Title VII. *EEOC v. Hacienda Hotel*, 881  
2 F.2d 1504, 1513 (9th Cir. 1989) (“at a minimum, the employer was required to  
3 negotiate with the employee in an effort reasonably to accommodate [their] religious  
4 beliefs.”), *overruled on other grounds by Burlington Indus., Inc. v. Ellerth*, 524 U.S.  
5 742 (1998). The revocation of Captain Little’s request for a religious accommodation  
6 also directly led to discriminatory and retaliatory treatment by the Fire Department,  
7 including removal from a desirable position, pretextual investigations, a death threat,  
8 verbal abuse and physical intimidation, and the threat of discipline and eventual  
9 termination. *See* Compl., ¶44. This satisfies Captain Little’s prima facie case.

10 **2. The Fire Department cannot establish the undue hardship defense.**

11 Once the plaintiff has made out his prima facie case, the burden shifts to the  
12 employer to show that it could not have reasonably accommodated the plaintiff’s  
13 religious beliefs without undue hardship. *Groff v. DeJoy*, 600 U.S. 447, 468 (2023).  
14 To establish the defense of “undue hardship,” the Fire Department must demonstrate  
15 that any of the accommodations proposed by Plaintiff Little would impose a burden  
16 that is “substantial in the overall context of an employer’s business.” *Id.*

17 In *Groff v. DeJoy*, the U.S. Supreme Court clarified what constitutes an  
18 “undue hardship” under Title VII in a manner that helps illustrate the lack of an  
19 undue hardship here. There, Mr. Gerald Groff, an Evangelical Christian, believed  
20 that Sunday should be devoted to worship and rest for religious reasons. He worked  
21 as a mail delivery employee with the United States Postal Service (USPS). Initially,  
22 his position did not involve Sunday work, but when USPS began facilitating Sunday  
23 deliveries for Amazon, Groff’s schedule changed. *Id.* at 454. To avoid Sunday work,  
24 Groff transferred to a rural USPS station that did not make Sunday deliveries.  
25 However, when Amazon deliveries started at that station too, Groff remained  
26 unwilling to work Sundays. USPS redistributed Groff’s Sunday deliveries to other  
27 staff, and he faced “progressive discipline” for not working on Sundays. Eventually,  
28 he resigned and sued under Title VII, asserting that USPS could have accommodated

1 his Sunday Sabbath practice *without undue hardship* on its business. *Id.* at 455.

2 The Supreme Court ultimately held that Title VII requires an employer  
3 denying a religious accommodation to demonstrate that the burden of granting the  
4 accommodation would result in *substantial increased costs* relative to the conduct of  
5 its specific business. *Id.* at 468. In so deciding, the Court rejected various lower  
6 courts' interpretation of *Trans World Airlines, Inc. v. Hardison*, 432 U.S. 63 (1977),  
7 which had set a *de minimis* cost standard for religious accommodations. Thus, as a  
8 result of *Groff*, employers cannot rely on minor inconveniences or minimal costs to  
9 deny religious accommodations.

10 As for the factors that count toward a determination of undue hardship, the  
11 Supreme Court clarified that “[w]hat matters more than a favored synonym for  
12 ‘undue hardship’ (which is the actual text) is that courts must apply the test in a  
13 manner that takes into account all relevant factors in the case at hand, including the  
14 particular accommodations at issue and their practical impact in light of the nature,  
15 ‘size and operating cost of [an] employer.’” *Groff*, 600 U.S. at 470-71 (citation  
16 omitted). As *Groff* makes clear, the number of employees employed by the defendant  
17 and its annual budget are both key factors in determining whether a specific religious  
18 accommodation request would genuinely result in substantially increased costs. *Id.*

19 The Supreme Court further clarified that co-worker hostility cannot factor at  
20 all into a finding of undue hardship. “[A] coworker’s dislike of ‘religious practice  
21 and expression in the workplace’ or ‘the mere fact [of] an accommodation’ is not  
22 ‘cognizable to factor into the undue hardship inquiry.’” *Id.* at 472. “An employer  
23 who fails to provide an accommodation has a defense only if the hardship is ‘undue,’  
24 and a hardship that is attributable to employee animosity to a particular religion, to  
25 religion in general, or to the very notion of accommodating religious practice cannot  
26 be considered ‘undue.’” *Id.* Indeed, “[i]f bias or hostility to a religious practice or a  
27 religious accommodation provided a defense to a reasonable accommodation claim,  
28 Title VII would be at war with itself. *Id.*

1 As applied here, the Fire Department cannot possibly demonstrate an undue  
2 hardship to its provision of Lifeguard Services. *See McGinnis v. U.S. Postal Serv.*,  
3 512 F. Supp. 517, 523-24 (N.D. Cal. 1980) (granting preliminary injunction  
4 because government failed to meet its burden of demonstrating undue hardship). In  
5 light of Chief Boiteux’s overbearing insistence that Captain Little’s sincerely held  
6 religious beliefs simply “do not matter,” *see* Compl., ¶39, religious animus is  
7 clearly present at the County and the Fire Department. *Masterpiece Cakeshop, Ltd.*  
8 *v. Colorado C. R. Comm’n*, 584 U.S. 617, 634 (2018) (governmental animus shown  
9 by espousing “the view that religious beliefs cannot legitimately be carried into the  
10 public sphere”); *accord FCA*, 82 F.4th at 690. But, in light of *Groff*, such animus is  
11 an improper basis for asserting an undue hardship to support denial of Captain  
12 Little’s request for a religious accommodation.

13 Moreover, granting Captain Little’s requested religious accommodation  
14 could not possibly impose an undue economic hardship on the Fire Department. It  
15 is one of the largest Fire Department’s in the nation with a budget of \$1.4 billion,  
16 and has the largest Lifeguard service in the world—with over 174 full-time  
17 lifeguards and 614 recurrent lifeguards. Compl., ¶¶15-16; Jonna Decl., Ex.V. The  
18 Fire Department has many employees it already pays who could—at no or low  
19 additional cost to the Department—substitute for Captain Little in performance of  
20 any Progress Pride Flag-related duties in June. It should be fairly simple and  
21 inexpensive relative to the Department’s size and resources to make basic  
22 rearrangements of shifts and schedules in June. Compl., ¶33.

23 **B. Captain Little is likely to succeed on his constitutional Free**  
24 **Exercise of Religion claims.**

25 Both the U.S. Constitution and the California Constitution include  
26 protections for the free exercise of religion. U.S. Const. amend. I; Cal. Const. art. I,  
27 §4. For both, the initial requirement is that the government regulation burden a  
28 sincerely held religious belief. *Thomas*, 450 U.S. at 714; *Montgomery v. Bd. of Ret.*,

1 33 Cal. App. 3d 447, 451 (1973).

2 If so, for the California Constitution, the next immediate inquiry is whether  
3 the government regulation satisfies strict scrutiny. *Valov v. Dep't of Motor*  
4 *Vehicles*, 132 Cal. App. 4th 1113, 1126 & n.7 (2005); *Vernon v. City of Los*  
5 *Angeles*, 27 F.3d 1385, 1392-93 (9th Cir. 1994). Thus, under the California  
6 Constitution, there is a simple, “two-fold analysis which calls for a determination  
7 of, first, whether the application of the statute imposes any burden upon the free  
8 exercise of the defendant’s religion, and second, if it does, whether some  
9 compelling state interest justifies the infringement.” *Montgomery*, 33 Cal. App. 3d  
10 at 451 (quoting *People v. Woody*, 61 Cal. 2d 716, 719 (1964)).

11 For the U.S. Constitution, in contrast, “Supreme Court authority sets forth  
12 three bedrock requirements of the Free Exercise Clause that the government may  
13 not transgress.” *FCA*, 82 F.4th at 686 (en banc). However, only two of those three  
14 principles are relevant here. First, “the government may not ‘treat ... comparable  
15 secular activity more favorably than religious exercise.’” *Id.* (quoting *Tandon v.*  
16 *Newsom*, 593 U.S. 61, 62 (2021)). If so, the government action must satisfy strict  
17 scrutiny. *Id.* Second, “the government may not act in a manner ‘hostile to ...  
18 religious beliefs’ or inconsistent with the Free Exercise Clause’s bar on even  
19 ‘subtle departures from neutrality.’” *Id.* (quoting *Masterpiece Cakeshop*, 584 U.S.  
20 at 638; *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 534  
21 (1993)). If the government so acts, its action must be “set aside” “without further  
22 inquiry.” *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 525 n.1 (2022).

23 Here, the burden on Captain Little’s religious beliefs is plain. *See Thomas*,  
24 450 U.S. at 717-19 (losing job is severe burden). Moreover, the manner with which  
25 his prior statutory religious accommodation was revoked is highly indicative of  
26 religious hostility. As stated in the Verified Complaint, the Fire Department granted  
27 Captain Little a religious accommodation on June 19, 2023. However, on June 21,  
28 the Fire Department revoked that accommodation and Section Chief Lester ordered

1 Captain Little to raise the Progress Pride Flag using an abusive, harassing, and  
2 discriminatory tone and demeanor. Compl., ¶36.

3 At the end of the day, Assistant Lifeguard Chief Uehara further told Captain  
4 Little that he could not use in June his accrued paid leave time to avoid the  
5 religious conflict. And the next day, Lifeguard Division Chief Boiteux handed  
6 Captain Little a written Direct Order to raise the Progress Pride Flag, while  
7 physically intimidating him and verbally berating him. As stated by Chief Boiteux,  
8 Captain Little’s religious beliefs “do not matter.” Compl., ¶¶38-39 & Ex.E. This  
9 religious hostility requires setting aside EA-231 as applied to Captain Little without  
10 further inquiry. *See FCA*, 82 F.4th at 692 (hostility shown when “Students were  
11 told—in front of their peers—that the views embodied in their Statement of Faith  
12 were objectionable and hurtful and had no rightful place on campus.”); *Meriwether*  
13 *v. Hartop*, 992 F.3d 492, 513 (6th Cir. 2021) (hostility shown through interruptions,  
14 interference, laughter; generally hostile demeanor).

15 In any event, the Fire Department’s burden on Captain Little’s free exercise  
16 of religion must at least satisfy strict scrutiny. This is necessarily required with  
17 respect to the California Constitution. *Valov*, 132 Cal. App. 4th at 1126 & n.7;  
18 *Vernon*, 27 F.3d at 1392-93. And it is required by the U.S. Constitution because  
19 there are numerous comparable exceptions. Here, the purpose of flying the Progress  
20 Pride Flag is to “show LA County’s support for LGBTQ+ communities.” Compl.,  
21 ¶17 & Ex.A; *Waln v. Dysart Sch. Dist.*, 54 F.4th 1152, 1159 (9th Cir. 2022)  
22 (“whether two activities are comparable for purposes of the Free Exercise Clause  
23 must be judged against the asserted government interest that justifies the regulation  
24 at issue.”).

25 Yet, not every facility operated by the Fire Department is required to fly the  
26 Progress Pride Flag and not every employee is required to raise or lower it. If the  
27 location does not have any flagpole, it does not have to fly the Progress Pride Flag,  
28 and if the location has only one flagpole with one flag clasp, then it does not have



1 to fly the Progress Pride Flag. Compl., ¶¶19-20 & Ex.C. Only a small number of  
 2 Fire Department employees are actually required to raise and lower the Progress  
 3 Pride Flags—Captains and Site Supervisors. Compl., ¶¶19, 21 & Ex.B. All of these  
 4 comparable exceptions trigger strict scrutiny with respect to the Fire Department’s  
 5 refusal to grant an exception to Captain Little. *See Tandon*, 593 U.S. at 62  
 6 (“government regulations are not neutral and generally applicable, and therefore  
 7 trigger strict scrutiny under the Free Exercise Clause, whenever they treat any  
 8 comparable secular activity more favorably than religious exercise”). Further,  
 9 because of these comparable exceptions, the Fire Department necessarily cannot  
 10 show that denying Captain Little an exception is absolutely necessary to achieve a  
 11 compelling government interest. *See id.* at 63.

12 **C. Captain Little is likely to succeed on his constitutional Freedom of**  
 13 **Speech claim.**

14 In light of the Free Speech clause, “a state cannot condition public  
 15 employment on a basis that infringes the employee’s constitutionally protected  
 16 interest in freedom of expression.” *Connick v. Myers*, 461 U.S. 138, 142 (1983).  
 17 Under this rule, the court must “arrive at a balance between the interests of the  
 18 [employee], as a citizen, in commenting upon matters of public concern and the  
 19 interest of the State, as an employer, in promoting the efficiency of the public  
 20 services it performs through its employees.” *Pickering v. Board of Education*, 391  
 21 U.S. 563, 568 (1968). In making this determination, the Ninth Circuit reviews five  
 22 questions which merge First Amendment and employment law analyses. *Eng v.*  
 23 *Cooley*, 552 F.3d 1062, 1070 (9th Cir. 2009).

24 In this context, however, only the First Amendment questions are relevant.<sup>4</sup>  
 25 Those Questions Nos. 1, 2, and 4 are: “(1) whether the plaintiff spoke on a matter of  
 26

27 <sup>4</sup> The employment law Questions Nos. 3 and 5 are only relevant after the government  
 28 takes adverse action against an employee. Here, because Plaintiff Little seeks  
 injunctive relief to avoid adverse action, these questions are not relevant.

1 public concern; (2) whether the plaintiff spoke as a private citizen or public  
2 employee; [and] (4) whether the state had an adequate justification for treating the  
3 employee differently from other members of the general public.” *Eng*, 552 F.3d at  
4 1070; accord *Dodge v. Evergreen Sch. Dist. #114*, 56 F.4th 767, 776 (9th Cir. 2022).  
5 It is the plaintiff’s burden to establish the first two questions in their favor, and the  
6 defendant’s burden as to the last question. *Riley’s Am. Heritage Farms v. Elsasser*,  
7 32 F.4th 707, 721 (9th Cir. 2022).

8 **First**, “[s]peech addresses an issue of public concern when it can ‘be fairly  
9 considered as relating to any matter of political, social, or other concern to the  
10 community,’ or when it ‘is a subject of legitimate news interest.’” *Dodge*, 56 F.4th  
11 at 777 (some quotations omitted). Thus, the first *Eng* question is whether the  
12 “content” of the speech is a matter of public concern. *Id.* Here, issues of sexual  
13 orientation and gender identity obviously are. See *Riley’s*, 32 F.4th at 723 (school  
14 district’s cancelling of field trips based on farm owner’s tweets about gender  
15 identity issues in high schools was retaliation for speaking on a matter of public  
16 concern); *Dodge*, 56 F.4th at 777 (wearing MAGA hat is commenting on a matter  
17 of public concern).

18 Importantly, the employee need not be explicitly advocating a viewpoint  
19 through his speech. For example, in *Kennedy*, the Supreme Court held that Coach  
20 Kennedy’s private prayer was speech implicating a matter of public concern even  
21 though he was privately praying by himself. 597 U.S. at 528. And in *Meriwether*, the  
22 refusal to use preferred pronouns was found to satisfy the first *Eng* question because  
23 the issue is whether the “speech relates” in any way to a “topic” being debated. 992  
24 F.3d at 508-09. Here, the Progress Pride Flag self-evidently has a clear meaning and  
25 comments on matters of public concern.

26 **Second**, Captain Little’s raising of the Progress Pride Flag is not speech  
27 performed pursuant to his official duties—and indeed, for this analysis, *cannot* be  
28 speech performed pursuant to his official duties. Under this analysis, “[t]he proper

1 inquiry is a practical one,” such that “the listing of a given task in an employee’s  
 2 written job description is neither necessary nor sufficient to demonstrate that  
 3 conducting the task is within the scope of the employee’s professional duties for  
 4 First Amendment purposes.” *Garcetti v. Ceballos*, 547 U.S. 410, 425 (2006). The  
 5 government may not “posit an excessively broad job description” and thereby  
 6 “treat[] everything teachers and coaches say in the workplace as government  
 7 speech subject to government control.” *Kennedy*, 597 U.S. at 531. Thus, “[m]ath  
 8 teachers must teach math, science teachers must teach science, history teachers  
 9 must teach history, and so on. But none of them can be compelled into the service  
 10 of controversial religious, political, or ideological causes.” *Vlaming v. W. Point*  
 11 *Sch. Bd.*, 895 S.E.2d 705, 739-40 (Va. 2023). Here, Plaintiff Little’s job duties  
 12 involve serving as a lifeguard—not affirming by word or deed ideological views  
 13 that he does not espouse. *See* Compl., ¶¶15-17, 163 & Ex.T.

14 Further, when the government touches ideological “matter[s] of major  
 15 significance,” *Vlaming*, 895 S.E.2d at 740, it completely loses the ability to enforce  
 16 compliance—even among employees. The First Amendment “freedom to think as  
 17 you will,” *303 Creative*, 600 U.S. at 584, prohibits the government from imposing  
 18 a “blanket requirement” that all employees “mouth support for views they find  
 19 objectionable.” *Janus v. AFSCME, Council 31*, 585 U.S. 878, 892, 907 (2018).  
 20 Thus, the government *cannot* require an employee, as a condition of employment,  
 21 to join a government union, *Babb v. California Tchrs. Ass’n*, 378 F. Supp. 3d 857  
 22 (C.D. Cal. 2019) (citing *Janus*, 585 U.S. 878), or to recite the pledge of allegiance,  
 23 *Russo*, 469 F.2d at 633-34, or to participate in a Pride Parade, *Ghiotto v. City of San*  
 24 *Diego*, No. D055029, 2010 WL 4018644, at \*1-4, 27-29 & n.28 (Cal. Ct. App. Oct.  
 25 14, 2010).<sup>5</sup> Here, the Progress Pride Flag has clear ideological meanings whose  
 26

27 <sup>5</sup> *See also, e.g., Weiman v. Updegraff*, 344 U.S. 183, 190-91 (1952) (government  
 28 may not compel prospective employees to swear loyalty oaths as a condition of  
 employment); *Shelton v. Tucker*, 364 U.S. 479, 489-90 (1960) (government may not

1 affirmation *cannot* be made a regular job duty of every government employee (or  
2 even *any* government employee hired for an executive/administrative departmental  
3 purpose—like policing, firefighting, lifeguarding, etc.—rather than for an  
4 expressive purpose, like public relations) over their objection.

5 *Lastly*, the final question is—in balancing the legitimate interests of the Fire  
6 Department *as employer* and Captain Little’s First Amendment rights *as a citizen*—  
7 does the Fire Department have a sufficiently compelling interest to make  
8 restrictions on Captain Little’s constitutional rights a condition of employment?

9 On the Fire Department’s side, the inquiry is limited to a “*legitimate*  
10 *administrative interest*.” *See Dodge*, 56 F.4th at 781 (emphasis added). Thus, the Fire  
11 Department—like all employers—has an interest in preventing the disruption of its  
12 provision of service. *See id.* at 781-82. But it does *not* have an interest in enforcing  
13 ideological conformity among its employees. *Janus*, 585 U.S. at 908-09. Further,  
14 “[a]s compelling as the interest in preventing discriminatory conduct may be, speech  
15 is treated differently under the First Amendment.” *Green v. Miss United States of*  
16 *Am., LLC*, 52 F.4th 773, 792 (9th Cir. 2022) (preventing discrimination not a valid  
17 basis for compelling speech).

18 The disruption analysis proceeds on a sliding scale: “The government’s burden  
19 in proving disruption varies with the content of the speech. The more tightly the First  
20 Amendment embraces the speech the more vigorous a showing of disruption must be  
21 made.” *Dodge*, 56 F.4th at 782. Under this analysis, “[s]peech is disruptive only  
22 when there is an *actual, material and substantial disruption*, or there are reasonable  
23 predictions of disruption in the workplace.” *Id.* “Speech that outrages or upsets” but  
24 “without evidence of ‘any actual injury’ to ... operations does not constitute a  
25

26

27

28

\_\_\_\_\_ compel teachers to disclose all of their recent associations in order to be hired at a public school).

1 disruption.” *Id.* (quoting *Settlegoode v. Portland Pub. Sch.*, 371 F.3d 503, 514 & n.8  
2 (9th Cir. 2004)).<sup>6</sup>

3 On Captain Little’s side, “the First Amendment affords the broadest protection  
4 to political expression.” *Dodge*, 56 F.4th at 782, Because “[p]olitical speech is the  
5 quintessential example of protected speech, and it is inherently controversial,” the  
6 government must show more than “the disruption that necessarily accompanies  
7 controversial speech.” *Id.* at 782-83. Indeed, for purposes of qualified immunity,  
8 many cases “clearly establish that disagreement with a disfavored political stance or  
9 controversial viewpoint, by itself, is not a valid reason to curtail expression of that  
10 viewpoint.” *Id.* at 786-87 & n.6 (collecting cases).<sup>7</sup>

11 Here, as stated above, the purpose of flying the Progress Pride Flag is to “show  
12 LA County’s support for LGBTQ+ communities.” Compl., ¶17 & Ex.A. But  
13

---

14 <sup>6</sup> With respect to “actual injury,” “where hundreds of parents threatened to remove  
15 their children from school,” due to “a public school teacher who was active in a  
16 pedophile association,” the school district’s legitimate interests in running a school  
17 could prevail over the teacher’s right to freedom of association. *See Riley’s*, 32 F.4th  
18 at 726-27 (citing *Melzer v. Bd. of Educ. of City Sch. Dist. of City of New York*, 336  
19 F.3d 185, 199 (2d Cir. 2003)). But the focus must be on actual “substantial  
20 disruption” itself—not merely finding a viewpoint offensive—and that finding of  
21 actual disruption cannot be based on “rank speculation or bald allegation.” *Id.* at 725-  
22 27 (a few complaints from parents was insufficient).

23 <sup>7</sup> *Accord, e.g., Kennedy*, 597 U.S. at 514 (“The Constitution and the best of our  
24 traditions counsel mutual respect and tolerance, not censorship and suppression,” for  
25 “learning how to tolerate speech ... of all kinds is part of learning how to live in a  
26 pluralistic society, a trait of character essential to a tolerant citizenry.”); *Tinker v.*  
27 *Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 508 (1969) (“Any word spoken  
28 ... that deviates from the views of another person may start an argument or cause a  
disturbance. But our Constitution says we must take this risk”); *Rodriguez v.*  
*Maricopa Cnty. Cmty. Coll. Dist.*, 605 F.3d 703, 710 (9th Cir. 2010) (failure to  
reprimand professor who sent “racially charged” emails against Dia de la Raza and in  
favor of Columbus Day could not create hostile educational environment because  
“emails were pure speech; they were the effective equivalent of standing on a soap  
box in a campus quadrangle and speaking to all within earshot. Their offensive  
quality was based entirely on their meaning”).

1 exempting Captain Little from raising the Progress Pride Flag—and having another  
 2 employee do so—will not undermine this interest at all. The only thing that will be  
 3 undermined is enforcement of ideological conformity, which is not a legitimate  
 4 government interest. *See Iancu v. Brunetti*, 588 U.S. 388, 399 (2019) (government  
 5 policy “‘aim[ed] at the suppression’ of views” is flatly prohibited).

6 Thus, with Captain Little’s interests entitled to heightened protection, and the  
 7 Fire Department’s interests not actually undermined, the question of which side’s  
 8 interests are paramount is answered squarely in Captain Little’s favor. All of the *Eng*  
 9 questions are rightly resolved in favor of Captain Little. The Court should therefore  
 10 enter an injunction protecting his Free Speech rights.

## 11 **II. The Other Injunction Factors Favor Captain Little.**

12 The remaining preliminary injunction factors are irreparable harm, balance of  
 13 harms, and the public interest. All three factors tilt strongly in Captain Little’s favor.

### 14 **A. Captain Little is suffering irreparable harm due to the loss of his** 15 **constitutional rights.**

16 With respect to irreparable harm, Captain Little is currently suffering “[t]he  
 17 loss of First Amendment freedoms [which], for even minimal periods of time,  
 18 unquestionably constitutes irreparable injury.” *FCA*, 82 F.4th at 694 (quoting *Roman*  
 19 *Cath. Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 19 (2020)). Even in the Title VII  
 20 context, placing “pressure on [plaintiffs] to violate their faith,” through a “Hobson’s  
 21 choice: lose your faith and keep your job, or keep your faith and lose your job,” is  
 22 irreparable harm. *Keene*, 2023 WL 3451687, at \*2 (9th Cir. May 15, 2023); *see also*,  
 23 *e.g.*, *Sambrano v. United Airlines, Inc.*, No. 21-11159, 2022 WL 486610, at \*8 (5th  
 24 Cir. Feb. 17, 2022); *Mirabelli v. Olson*, No. 3:23-cv-768, 2023 WL 5976992, at \*15  
 25 (S.D. Cal. Sept. 14, 2023).<sup>8</sup>

26  
 27 <sup>8</sup> With respect to Captain Little’s request that the Court issue an OSC re: preliminary  
 28 injunction, the irreparable harm need not be ongoing at the time of the motion. That  
 is the key difference between an application for a temporary restraining order and a

1           **B. The public interest and the balance of harms favors Plaintiff:**  
 2           **similarly situated Department employees will benefit from**  
 3           **preservation of Captain Little’s constitutional rights.**

4           When a party seeks a preliminary injunction against the government, the  
 5 balance of harms and public interest factors merge, because the government’s  
 6 interest is the public interest. *FCA*, 82 F.4th at 695 (citing *Nken v. Holder*, 556 U.S.  
 7 418, 435 (2009)). On the Fire Department’s side, alleged adverse consequences are  
 8 irrelevant because it is always in the public interest to make sure that the government  
 9 is following the law. *Nat’l Fed’n of Indep. Bus. v. Dep’t of Lab.*, 595 U.S. 109, 120  
 10 (2022) (refusing to weigh allegation that OSHA vaccine mandate “will save over  
 11 6,500 lives” because “[i]n our system of government, that is the responsibility of  
 12 those chosen by the people through the democratic process”). But, in any event,  
 13 Captain Little does not seek to harass or discriminate against any LGBT individual—  
 14 simply to be exempted from actively violating his religious beliefs.

15           On Captain Little’s side, in a case where the plaintiff has “‘raised serious First  
 16 Amendment questions,’ that alone ‘compels a finding that the balance of hardships  
 17 tips sharply in [his] favor.’” *FCA*, 82 F.4th at 695 (quoting *Am. Beverage Ass’n v.*  
 18 *City & County of San Francisco*, 916 F.3d 749, 758 (9th Cir. 2019) (en banc)). This  
 19 is because “it is always in the public interest to prevent the violation of a party’s  
 20 constitutional rights.” *Id.*; see also, e.g., *California v. Azar*, 911 F.3d 558, 582 (9th  
 21 Cir. 2018) (“Protecting religious liberty and conscience is obviously in the public  
 22 interest”). Further, the Ninth Circuit has recognized “los[ing] the opportunity to  
 23 pursue [a] ‘chosen profession’” as irreparable harm. *Keene*, 2023 WL 3451687, at \*2  
 24 \_\_\_\_\_  
 25 motion for a preliminary injunction. In the latter, “the injury need not have been  
 26 inflicted when application is made;” rather, a showing of “irreparable injury *before*  
 27 *trial* is an adequate basis.” *Diamontiney v. Borg*, 918 F.2d 793, 795 (9th Cir. 1990).  
 28 Thus, the analysis is not whether there “is *immediate* danger,” but whether the  
 plaintiff may suffer irreparable harm before trial and a permanent injunction can be  
 entered. *Boardman v. Pac. Seafood Grp.*, 822 F.3d 1011, 1023 (9th Cir. 2016)  
 (original emphasis).

1 (9th Cir. May 15, 2023) (citing *Chalk v. U.S. Dist. Ct.*, 840 F.2d 701, 710 (9th Cir.  
2 1988); *Enyart v. Nat’l Conf. of Bar Exam’rs, Inc.*, 630 F.3d 1153, 1156, 1165-66 (9th  
3 Cir. 2011)).

4 In sum, because Captain Little is suffering severe irreparable injury in the  
5 form having to abandon his constitutional rights to keep his job, in the absence of  
6 any actual harm that will be suffered by the Fire Department, the other injunction  
7 factors clearly favor Captain Little.

### 8 **III. The Court Should Dispense with a Bond Requirement.**

9 Finally, the federal rules provide that a preliminary injunction may be issued  
10 only if the plaintiff posts an appropriate bond. Fed. R. Civ. P. 65(c). Even so, this  
11 Court has discretion over whether any security is required and, if so, the amount.  
12 *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003). There is “long-standing  
13 precedent that requiring nominal bonds is perfectly proper in public interest  
14 litigation,” especially “where requiring security would effectively deny access to  
15 judicial review.” *Save Our Sonoran, Inc. v. Flowers*, 408 F.3d 1113, 1126 (9th Cir.  
16 2005) (collecting cases).

17 Here, Captain Little requests that the Court waive any bond requirement  
18 because enjoining the Fire Department from illegally enforcing its policy in the face  
19 of Title VII and constitutional objections will not financially affect the Fire  
20 Department. A bond would, however, be burdensome on an already burdened  
21 Plaintiff under these circumstances. *See, e.g., Bible Club v. Placentia-Yorba Linda*  
22 *Sch. Dist.*, 573 F. Supp. 2d 1291, 1302 n.6 (C.D. Cal. 2008) (waiving requirement of  
23 student group to post a bond where case involved “the probable violation of [the  
24 club’s] First Amendment rights” and minimal damages to the District of issuing  
25 injunction); *Doctor John’s, Inc. v. Sioux City*, 305 F. Supp. 2d 1022, 1043-44 (N.D.  
26 Iowa 2004) (“[R]equiring a bond to issue before enjoining potentially  
27 unconstitutional conduct by a governmental entity simply seems inappropriate,  
28 because the rights potentially impinged by the governmental entity’s actions are of



1 such gravity that protection of those rights should not be contingent upon an ability  
2 to pay.”).


3 **CONCLUSION**

4 For the foregoing reasons, Plaintiff Captain Little respectfully requests that  
5 this Court grant his ex parte application for a temporary restraining order and an  
6 OSC re: preliminary injunction in full and dispense with a bond requirement.

7  
8 Respectfully submitted,

9 LiMANDRI & JONNA LLP


10  
11 Dated: May 28, 2024

12 By:   
13 Charles S. LiMandri  
14 Paul M. Jonna  
15 Jeffrey M. Trissell  
16 Joshua A. Youngkin  
17 Attorneys for Plaintiff  
18 Captain Jeffrey Little

19 **CERTIFICATE OF COMPLIANCE**

20 The undersigned, counsel of record for Plaintiff Captain Little, certifies that  
21 this brief contains 6,997 words, which complies with the word limit of L.R. 11-6.1.

22 Dated: May 28, 2024

23 By:   
24 Paul M. Jonna  
25  
26  
27  
28

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2 cslimandri@limandri.com  
3 Paul M. Jonna, SBN 265389  
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5 Jeffrey M. Trissell, SBN 292480  
6 jtrissell@limandri.com  
7 Joshua A. Youngkin, SBN 332226  
8 jyoungkin@limandri.com  
9 LiMANDRI & JONNA LLP  
10 P.O. Box 9120  
11 Rancho Santa Fe, CA 92067  
12 Telephone: (858) 759-9930  
13 Facsimile: (858) 759-9938

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pbreen@thomasmorsociety.org  
THOMAS MORE SOCIETY  
309 W. Washington St., Ste. 1250  
Chicago, IL 60606  
Tel: (312) 782-1680  
\*Application forthcoming

10 *Attorneys for Plaintiff*  
11 *Captain Jeffrey Little*

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA

15 CAPTAIN JEFFREY LITTLE , an  
16 individual,  
17 Plaintiff,  
18 v.  
19 LOS ANGELES COUNTY FIRE  
20 DEPARTMENT, a public entity, et al.  
21 Defendants.

Case No.: **2:24-cv-04353**  
**Declaration of Paul M. Jonna, Esq., in**  
**Support of Plaintiff’s Ex Parte**  
**Application for a Temporary**  
**Restraining Order and OSC re:**  
**Preliminary Injunction**  
Judge: Hon. Josephine L. Staton  
Courtroom: 8A  
Action filed: May 24, 2024

1 I, Paul M. Jonna, Esq., declare and state as follows:

2 1. I am an attorney at law duly licensed to practice before all courts in  
3 California, both state and federal. I am a partner with the law firm LiMandri & Jonna  
4 LLP, counsel of record for Plaintiff Captain Jeffrey Little. As such, I have personal  
5 knowledge of the matters set forth below and could and would testify thereto if  
6 called upon to do so.

7 **EX PARTE NOTICE**

8 2. Since March of this year, my office has been trying to renew Plaintiff  
9 Captain Jeffrey Little’s request for a religious accommodation during Pride Month—  
10 June 2024. On March 21, 2024, Captain Little received an email from the County of  
11 Los Angeles’s County Equity Oversight Panel about his complaint filed last year.

12 3. I responded by sending a letter to that office stating that Captain Little  
13 had filed charges with both the Equal Employment Opportunity Commission  
14 (“EEOC”) and California Civil Rights Department (“CRD”), asked them to forward  
15 the letter to the County’s legal counsel, and to confirm that it had been forwarded. A  
16 true and correct copy of that letter is attached to the Verified Complaint as Exhibit Q.

17 4. Nobody from the County responded to my letter, so I sent a second one  
18 on April 19, 2024. This second letter was much longer at 11-pages, and laid out  
19 Captain Little’s request for a religious accommodation and the legal bases for his  
20 requested accommodation. In that letter, I requested a substantive response no later  
21 than May 3, 2024, so that we could avoid having to file a lawsuit. A true and correct  
22 copy of that letter is attached to the Verified Complaint as Exhibit R.

23 5. However, I again received no response. So, on May 8, 2024, Captain  
24 Little decided to directly email a separate human resources officer that he had spoken  
25 with last year. In his email, he renewed his request for a religious accommodation  
26 and requested that he hear back no later than by the end of the next week—or May  
27 17, 2024. A true and correct copy of Captain Little’s email is attached to the Verified  
28 Complaint as Exhibit S.

1           6.       When we did not hear anything back, we began preparing our complaint  
2 and the present ex parte papers. As stated in the accompanying memorandum of  
3 points and authorities, Captain Little needs an accommodation of his religious beliefs  
4 in advance of June 2024—Pride Month. Since our efforts to seek an accommodation  
5 informally were unsuccessful, we had no choice but to seek judicial relief.

6           7.       On May 23, 2024, we did finally hear back from the human resources  
7 officer that Captain Little emailed. In her responding email, she requested that  
8 Captain Little identify whether he was available for a meeting on June 28 or 29 (a  
9 typographical error, she meant May 28 or 29). Captain Little responded and  
10 requested a meeting on May 29, and requested to include his legal counsel. Captain  
11 Little also informed that human resources officer that, although he was interested in  
12 proceeding with the meeting, he was still planning to file his complaint on Friday,  
13 May 24, 2024, because of the proximity of Pride Month. A true and correct copy of  
14 this email chain is attached hereto as Exhibit U.

15           8.       On May 24, 2024, my office filed Captain Little’s complaint in this  
16 action. The case was assigned to a judicial officer in the afternoon of Tuesday, May  
17 28, 2024, and immediately thereafter, we filed the present ex parte application for a  
18 temporary restraining order.

19           9.       Despite our best efforts, we have not been in communication with  
20 counsel for the Los Angeles County Fire Department. Thus, our plan is to provide ex  
21 parte notice to the Defendants by filing this ex parte application for a temporary  
22 restraining order and OSC re: preliminary injunction, personally serving it on the Los  
23 Angeles County Fire Department and the Los Angeles County Counsel, and then  
24 filing a proof of service showing when that was done.

25           10.      The Fire Department’s website does not include a location for service of  
26 summons. But it does include a location for service of subpoenas. Thus, we plan to  
27 serve the Fire Department at its headquarters and at its subpoena location. Below are  
28

1 the following addresses at which we intend to serve the Complaint and these TRO  
2 papers.

3 County of Los Angeles Fire Department  
4 Department Headquarters  
5 1320 N. Eastern Avenue  
6 Los Angeles CA 90063

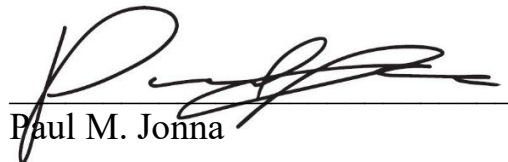
Office of the County Counsel  
County of Los Angeles  
Kenneth Hahn Hall of Administration  
500 W Temple Street, #648  
Los Angeles, CA 90012

7 County of Los Angeles Fire Department  
8 Risk Management Division  
9 1255 Corporate Center Drive, Suite 206  
Monterey Park, CA 91754

10 **AUTHENTICATION OF EXHIBITS**

11 11. Attached hereto as Exhibit V is a true and correct copy of the Los  
12 Angeles County Fire Department’s 2021 Annual Report. This is the latest annual  
13 report available online. It was retrieved from [https://fire.lacounty.gov/wp-](https://fire.lacounty.gov/wp-content/uploads/2022/07/LACoFD-2020-Annual-Report_072222_Final.pdf)  
14 [content/uploads/2022/07/LACoFD-2020-Annual-Report\\_072222\\_Final.pdf](https://fire.lacounty.gov/wp-content/uploads/2022/07/LACoFD-2020-Annual-Report_072222_Final.pdf).

15 I declare until penalty of perjury under the laws of the United States and the  
16 State of California that the foregoing is true and correct. Executed this 28th day of  
17 May 2024, at Rancho Santa Fe, California.

18   
19 Paul M. Jonna  
20  
21  
22  
23  
24  
25  
26  
27  
28

**EXHIBIT U**

**From:** [Jeff Little](#)  
**To:** [Renee Nuanes-Delgadillo](#)  
**Cc:** [Greg Crum](#); [Kyle Power](#); [Rachel Lara](#); [Adam Uehara](#); [Gregory Crum](#); [Greg Crum](#); [Joshua Youngkin](#); [Paul Jonna](#); [Jeffrey Trissell](#)  
**Subject:** Re: IPM reply  
**Date:** Thursday, May 23, 2024 5:42:28 PM  
**Attachments:** [image001.png](#)  
[LA County - 04-19-24 - Demand Ltr.pdf](#)

---

Ms. Nuanes-Delgadillo,

Although I am happy to proceed with the IPM meeting on May 29, I feel I should let you know that I will be filing a lawsuit tomorrow. I would very much like to resolve this issue informally, and am willing to still meet with you, but in light of the fact that I did not hear from you until today—and June 1 is only a week away—I have no choice but to file the lawsuit.

In the attached April 19 letter from my attorneys, I requested a religious accommodation and a response by Friday, May 3. When we did not receive a response, I emailed you on May 8 to request a religious accommodation and asked for a response “no later than by next week”—or by Friday, May 17. As stated in the letter, I have obtained right to sue letters from both the EEOC and CRD and must file my lawsuit by June 24, 2024. When we did not get any response to our letter or email, my lawyers drafted the complaint. If there are attorneys for the Fire Department who should now be brought into this discussion, please forward this to them so that they can communicate with my counsel.

Regards,

Jeff Little

On Thu, May 23, 2024 at 4:43 PM Renee Nuanes-Delgadillo <[Renee.Nuanes-Delgadillo@fire.lacounty.gov](mailto:Renee.Nuanes-Delgadillo@fire.lacounty.gov)> wrote:

Good afternoon,

Yes, that works. I will send an IPM invite shortly and include your legal representative, Mr. Youngkin.

Thank you,

*Renee Nuanes-Delgadillo*

*She/Her*

*Risk Management (RM) and Disability Management and Compliance (DMC)*

*County of Los Angeles Fire Department*

*1255 Corporate Center Drive, Suite 407*

*Monterey Park, CA 91754*

*(323) 267-7054 Phone*

*(323) 267-1403 Fax*

[Renee.Nuanes-Delgadillo@fire.lacounty.gov](mailto:Renee.Nuanes-Delgadillo@fire.lacounty.gov)



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---

**From:** Jeff Little <[jeffreyrobertlittle@gmail.com](mailto:jeffreyrobertlittle@gmail.com)>

**Sent:** Thursday, May 23, 2024 3:41 PM

**To:** Renee Nuanes-Delgadillo <[Renee.Nuanes-Delgadillo@fire.lacounty.gov](mailto:Renee.Nuanes-Delgadillo@fire.lacounty.gov)>

**Cc:** Greg Crum <[greg.crum@gmail.com](mailto:greg.crum@gmail.com)>; Kyle Power <[Kyle.Power@fire.lacounty.gov](mailto:Kyle.Power@fire.lacounty.gov)>;

Rachel Lara <[Rachel.Lara@fire.lacounty.gov](mailto:Rachel.Lara@fire.lacounty.gov)>; Adam Uehara

<[Adam.Uehara@fire.lacounty.gov](mailto:Adam.Uehara@fire.lacounty.gov)>; Gregory Crum <[Gregory.Crum@fire.lacounty.gov](mailto:Gregory.Crum@fire.lacounty.gov)>;

Greg Crum <[gcrum@lacola.org](mailto:gcrum@lacola.org)>; Joshua Youngkin <[jyoungkin@limandri.com](mailto:jyoungkin@limandri.com)>

**Subject:** Re: IPM reply

**CAUTION:** External Email. Proceed Responsibly.

Ms Nuanes-Delgadillo-

Adding my legal representation, Joshua Youngkin, who will accompany me during the IPM meeting. I am available Wed May 29, would 11am work for you?



Regards,

Jeff Little

On Thu, May 23, 2024, 11:43 AM Renee Nuanes-Delgadillo <[Renee.Nuanes-Delgadillo@fire.lacounty.gov](mailto:Renee.Nuanes-Delgadillo@fire.lacounty.gov)> wrote:

I apologize, yes. May 28<sup>th</sup> or May 29<sup>th</sup>.

*Renee Nuanes-Delgadillo*

*She/Her*

*Risk Management (RM) and Disability Management and Compliance (DMC)*

*County of Los Angeles Fire Department*

*1255 Corporate Center Drive, Suite 407*

*Monterey Park, CA 91754*

*(323) 267-7054 Phone*

*(323) 267-1403 Fax*

[Renee.Nuanes-Delgadillo@fire.lacounty.gov](mailto:Renee.Nuanes-Delgadillo@fire.lacounty.gov)



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received this communication in error, please contact the sender by reply e-mail or telephone and delete the original message and any attached document(s) from your system. Thank you.

---

**From:** [greg.crum@gmail.com](mailto:greg.crum@gmail.com) <[greg.crum@gmail.com](mailto:greg.crum@gmail.com)>  
**Sent:** Thursday, May 23, 2024 11:34 AM  
**To:** Renee Nuanes-Delgadillo <[Renee.Nuanes-Delgadillo@fire.lacounty.gov](mailto:Renee.Nuanes-Delgadillo@fire.lacounty.gov)>  
**Cc:** Jeff Little <[jeffreyrobertlittle@gmail.com](mailto:jeffreyrobertlittle@gmail.com)>; Kyle Power <[Kyle.Power@fire.lacounty.gov](mailto:Kyle.Power@fire.lacounty.gov)>; Rachel Lara <[Rachel.Lara@fire.lacounty.gov](mailto:Rachel.Lara@fire.lacounty.gov)>; Adam Uehara <[Adam.Uehara@fire.lacounty.gov](mailto:Adam.Uehara@fire.lacounty.gov)>; Gregory Crum <[Gregory.Crum@fire.lacounty.gov](mailto:Gregory.Crum@fire.lacounty.gov)>; Greg Crum <[gcrum@lacola.org](mailto:gcrum@lacola.org)>  
**Subject:** Re: IPM reply

**CAUTION:** External Email. Proceed Responsibly.

Good morning,

I presume the proposed dates are May 28 or 29, not June.

Thank you.

Best,

Greg Crum

LACoLA Board President

310 779 1513

Sent from my iPhone

On May 23, 2024, at 11:29 AM, Renee Nuanes-Delgadillo <[Renee.Nuanes-Delgadillo@fire.lacounty.gov](mailto:Renee.Nuanes-Delgadillo@fire.lacounty.gov)> wrote:

Good morning Captain,

I have received your email and would like to schedule an IPM with you for next week. Please let me know your availability for Tuesday, June 28<sup>th</sup> and Wednesday, June 29<sup>th</sup>.

Thank you,

*Renée Nuanes-Delgadillo*

*She/Her*

*Risk Management (RM) and Disability Management  
and Compliance (DMC)*

*County of Los Angeles Fire Department*

*1255 Corporate Center Drive, Suite 407*

*Monterey Park, CA 91754*

*(323) 267-7054 Phone*

*(323) 267-1403 Fax*

*[Renee.Nuanes-Delgadillo@fire.lacounty.gov](mailto:Renee.Nuanes-Delgadillo@fire.lacounty.gov)*

<image001.png>

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---

**From:** Jeff Little <[jeffreypobertlittle@gmail.com](mailto:jeffreypobertlittle@gmail.com)>

**Sent:** Wednesday, May 8, 2024 3:10 PM

**To:** Renee Nuanes-Delgadillo <[Renee.Nuanes-Delgadillo@fire.lacounty.gov](mailto:Renee.Nuanes-Delgadillo@fire.lacounty.gov)>; Kyle Power <[Kyle.Power@fire.lacounty.gov](mailto:Kyle.Power@fire.lacounty.gov)>

**Cc:** Rachel Lara <[Rachel.Lara@fire.lacounty.gov](mailto:Rachel.Lara@fire.lacounty.gov)>; Adam Uehara <[Adam.Uehara@fire.lacounty.gov](mailto:Adam.Uehara@fire.lacounty.gov)>; Gregory Crum <[Gregory.Crum@fire.lacounty.gov](mailto:Gregory.Crum@fire.lacounty.gov)>; Greg Crum <[gcrum@lacola.org](mailto:gcrum@lacola.org)>  
**Subject:** Re: IPM reply

**CAUTION:** External Email. Proceed Responsibly.

Adding Chief Kyle Power, my immediate supervisor.

On Wed, May 8, 2024 at 3:06 PM Jeff Little <[jeffreyrobertlittle@gmail.com](mailto:jeffreyrobertlittle@gmail.com)> wrote:

Ms. Nuanes-Delgadillo & Lifeguard Chain-of-Command -

As you requested of me in the email below, I hereby make my request to the Department and County of Los Angeles for an accommodation of my religious belief, the grant of which would be applied to my work conditions and assignments this June, deemed by the County of Los Angeles to be Pride Month.

Specifically, to accommodate my religious beliefs concerning marriage, sex, and family that conflict with views on these subjects publicly associated with Pride Month (June) and its various symbols, including the Pride Flag and Progress Pride Flag, I hereby request that:

- (1) I be exempt this June from the EA-231 requirement of captains/site supervisors to handle, raise, and lower the Pride Flag or Progress Pride Flag at stations/sites to which they've been assigned or otherwise stationed;
- (2) I be exempt this June from the Direct Order directing my specific compliance with this requirement of EA-231; and that;
- (3) I be exempt this June from any requirement to order, command, or supervise any other person, including any subordinate, colleague, or coworker, to raise, lower, or otherwise handle the Pride Flag or Progress Pride Flag.

To the extent continuation of the IPM from last year is required to negotiate the details of this request for accommodation, I ask that this process start again as soon as possible, but no later than by next week.

Thank you.

Jeff Little

On Mon, Aug 21, 2023 at 3:45 PM Renee Nuanes-Delgadillo <[Renee.Nuanes-Delgadillo@fire.lacounty.gov](mailto:Renee.Nuanes-Delgadillo@fire.lacounty.gov)> wrote:

Good Afternoon Captain,

Yes, I did receive your email and apologize for not getting back to you sooner. I have noted the responses you provided on your email dated August 6<sup>th</sup>. I cannot speak on if there will be a board motion, along with an EA, to have the PPF flown every year moving forward; however, as stated during the IPM and my response on July 31<sup>st</sup>, if you feel that you need a religious accommodation every year, you can request one through your chain of command and they will be going through the process.

Thank you,

*Renée Nuanes-Delgadillo*

*She/Her*

*Risk Management (RM) and Disability  
Management and Compliance (DMC)*

*Leadership & Professional Standards Bureau*

*County of Los Angeles Fire Department*

*(323) 267-7054 Phone*

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**From:** Jeff Little <[jeffreyrobertlittle@gmail.com](mailto:jeffreyrobertlittle@gmail.com)>

**Sent:** Monday, August 21, 2023 10:51 AM

**To:** Renee Nuanes-Delgadillo <[Renee.Nuanes-Delgadillo@fire.lacounty.gov](mailto:Renee.Nuanes-Delgadillo@fire.lacounty.gov)>

**Cc:** Rachel Lara <[Rachel.Lara@fire.lacounty.gov](mailto:Rachel.Lara@fire.lacounty.gov)>; Adam Uehara <[Adam.Uehara@fire.lacounty.gov](mailto:Adam.Uehara@fire.lacounty.gov)>; Gregory Crum <[Gregory.Crum@fire.lacounty.gov](mailto:Gregory.Crum@fire.lacounty.gov)>; Danielle McMillon <[Danielle.McMillon@fire.lacounty.gov](mailto:Danielle.McMillon@fire.lacounty.gov)>

**Subject:** Re: IPM reply

**CAUTION:** External Email. Proceed Responsibly.

Dear Ms. Nuanes-Delgadillo:

I write to follow up on my email to you dated August 6, below. If you would, please acknowledge by Wednesday, August 23 your receipt of the August 6 email and advise as to when the County intends to reply. Please provide a specific date by which I may expect a response from the County.

Thank you.

Captain Jeff Little

On Sun, Aug 6, 2023 at 9:28 PM Jeff Little <[jeffreyrobertlittle@gmail.com](mailto:jeffreyrobertlittle@gmail.com)> wrote:

Thank you for the reply, Ms. Nuanes-Delgadillo. If you would, please clarify the following statement from your July 31 email.

"In regards to your request to have a religious accommodation moving forward every June, and/or, the month that the PPF is flown, you would need to request this through your chain of command the month prior to your need of the accommodation."

This seems to be a rejection of my religious accommodation request for a standing exemption (1) from EA-231 and (2) from Chief Boiteux's direct order dated June 22 (see attachment "Direct Order) that I either fly the PPF myself or ensure it is flown in accordance with EA-231 in the month of June "each year going forward." This is a standing order, thus the request for a standing exemption, meaning an exemption that would not need to be renewed each May, as you direct, since the every-June-going-forward order it applies to is also not in need of renewal each May or at any other point in time.

To be clear, are you saying that this order has been rescinded by virtue of your July 31 email (or by other means) and that that is why the requested religious accommodation would need to be requested each May (or otherwise the month prior to the month of accommodation) going forward? If the direct order and its standing directives are not rescinded, and the request for a standing exemption from the same has been denied, then please provide the legal authority the County relies upon for the denial and any related factual basis in support of the denial. That is, please explain in detail why a standing exemption to the standing direct order has not been granted, if indeed it has not been granted.

If you would, please clarify the following statement.

"However, during the IPM it was noted that you would not be required to put up/take down the PPF flag."

I received the standing direct order from Chief Boiteux after the IPM at which the County said I would not be required to personally, directly raise or lower the PPF. This IPM statement and the standing direct order seem to be inconsistent with one another on the issue of whether I am to be exempt from personally, directly raising/lowering the PPF whenever EA-231 would apply to a site to which I have been assigned. Please clarify whether the two are inconsistent with one another and, if so, which of the two is to be followed, if the County's position is that one or the other must be followed. If the County's position is that the two are not inconsistent with one another, and that they

are both to be followed, please explain how this can be so.

Also, unlike the standing direct order, the IPM did not cover the issue of whether I would be required to ensure (e.g., by commanding a subordinate) that the PPF is raised/lowered whenever EA-231 would apply to a site to which I have been assigned. The direct order covered the topic and states that there I am not exempt from the responsibility of ensuring that the PPF is flown whenever EA-231 would apply to a site at which I have been assigned. Is it the County's position that I am exempt or not exempt from the responsibility of ensuring that the PPF is flown whenever EA-231 would apply to a site at which I have been assigned?

In view of the above, please clarify the County's position on my request for religious accommodation in the form of a standing exemption from (1) compliance with EA-231 and (2) compliance with Chief Boiteux's standing direct order. Further, please note that my request for accommodation of my religious beliefs includes a request to be exempt from working at a site at which EA-231 applies (i.e., PPF sites) unless the County can demonstrate how assignment to a non-PPF site each June would amount to an undue hardship for the County under the law. Note that this particular request for exemption is also a request for a standing exemption, since EA-231 is by its terms applicable to every June going forward.

In answering the requests for clarification of position above, please also consider the statements below.

In your letter dated July 13, you state that our second IPM meeting involved a "... discussion on Thursday, June 22, 2023." My records indicate that the second IPM meeting occurred on June 21, 2022. Would you please confirm the date of the second IPM?

Now, regarding this statement from the July 13 letter:

You stated that you do not agree to this because it is against your will.

To be clear, my will is to do the will of God, to comply with my religious beliefs and my religious duties to God, even when that means I am unable to fly the PPF, whether directly or indirectly, or work under it. Any reference to "my will" in the context of discussion of religious accommodation should be understood in this sense.

Regarding this statement from the July 13 letter:

"You stated that your major issue is that it is the captain's responsibility to ensure that the crew is flying the PPF flag. You were asked to clarify your concern; is it working in a location where the PPF is flown, or the responsibility of ensuring that the PPF is flown. You replied that your main issue is working in a building where the PPF is flown since it goes against your religious beliefs."

To be clear, the issue of raising the PPF and or working under/near a PPF site is one of association with or even the appearance of endorsement of a message contrary to my religious beliefs, as discussed in a prior email. Raising the PPF through another by command of another is no different from raising it myself. What I cannot do directly without violation of my duty to God I cannot do indirectly by command of another. Any exemption that still requires me to ensure the PPF is flown while exempting me from personally, directly raising the PPF would still present a conflict between my duty to God and this new condition of employment/employment practice.

Thank you.

Captain Jeffrey Little

On Mon, Jul 31, 2023 at 10:50 AM Renee Nuanes-Delgadillo <[Renee.Nuanes-Delgadillo@fire.lacounty.gov](mailto:Renee.Nuanes-Delgadillo@fire.lacounty.gov)> wrote:

Good Morning Captain,

Thank you for your email response below. I will attach your email to the follow up discussion document that I sent you. In regards to your request to have a religious accommodation moving forward every June, and/or, the month that the PPF is flown, you would need to request this through your chain of command the month prior to your need of the accommodation. However, during the IPM it was noted that you would not be required to put up/take down the PPF flag.

Please note that I am including Rachel Lara, Chief Uehara, Chief McMillon, and Captain Crum in this response.

Thank you,

*Renee Nuanes-Delgadillo*

*She/Her*

*Risk Management (RM) and Disability  
Management and Compliance (DMC)*

*Leadership & Professional Standards Bureau*

*County of Los Angeles Fire Department*

*(323) 267-7062 Phone*

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**From:** Jeff Little <[jeffreyrobertlittle@gmail.com](mailto:jeffreyrobertlittle@gmail.com)>

**Sent:** Sunday, July 23, 2023 6:11 PM



**To:** Renee Nuanes-Delgadillo <[Renee.Nuanes-Delgadillo@fire.lacounty.gov](mailto:Renee.Nuanes-Delgadillo@fire.lacounty.gov)>  
**Subject:** IPM reply

**CAUTION:** External Email. Proceed Responsibly.

[<image002.jpg>](#)

[IPM\\_6-19-2023\\_6-21-2023\\_DiscussionForm.pdf](#)

[<image002.jpg>](#)

[EA-231.pdf](#)

[<image002.jpg>](#)

[EA-231a.pdf](#)

[<image002.jpg>](#)

[386\\_07.21.23.pdf](#)

Dear Ms. Renée Nuanes-Delgadillo:

I write in response to the attached correspondence dated July 13, 2023. In your correspondence, you state there is a "... right to respond in writing regarding the

information provided in this letter," and that the response should be supplied to you "... no later than 10-calendar days from the date of this correspondence." Please accept this email as the timely exercise of the right of response.

My primary purposes in writing this initial response to your July 13 correspondence is to (1) request an extension of the 10 day response period referred to in your correspondence to 24 days, which if granted would change the deadline for response from today, July 23, 2023, to August 6, 2023, and to (2) provide an initial clarifying response to the content of certain statements/descriptions of our prior exchanges in your July 13 correspondence.

The request for extension of the response period is based on the facts that (a) I have been on leave since June 25 with very limited access to work communications, including your correspondence, which, as a result, I received only on Friday, July 21, and that (b) I have been ordered by Dr. Musher against any return to work prior to September 10, 2023, because of his finding of temporary total disability. See attached Patient Status Report.

In your July 13 correspondence, you describe the following exchange:

You were informed that although you are not the Area 33 Headquarters Captain, it is every captain's responsibility to ensure that the appropriate flags are flown at locations; therefore, there may be extenuating circumstances when you may have to put up or take down the PPF flag. You stated that you do not agree to this because it is against your will. You stated that your major issue is that it is the captain's responsibility to ensure that the crew is flying the PPF flag. You were asked to clarify your concern; is it working in a location where the PPF is flown, or the

responsibility of ensuring that the PPF is flown. You replied that your main issue is working in a building where the PPF is flown since it goes against your religious beliefs.

In response to the above, I hereby offer the following additional clarification: the religious beliefs implicated by working in a building or station near the Progress Pride Flag (or any form of the Pride flag), by raising the PPF, or requiring others to raise the PPF at my command may be partly summarized as follows:

God intends sexual intimacy to occur only between a man and a woman who are married to each other. God has commanded that no intimate sexual activity be engaged in outside of a marriage between a man and a woman (Heb. 13:4).

Any form of sexual immorality, such as adultery, fornication, homosexuality, bisexual conduct, bestiality, incest, pedophilia, pornography, any attempt to change one's sex or disagreement with one's biological sex, is sinful and offensive to God (Lev. 18:1–30; Matt. 5:28; Rom. 1:26–29; 1 Cor. 5:1, 6:9; 1 Thess. 4:1–8).

Homosexuality, in particular, is subject to God's wrath of abandonment; it is a matter of choice and not inherited status, and it epitomizes man's ungrateful rebellion against God (Rom. 1:18–28)

The above statements are excerpted from a church website with doctrinal/religious views very similar to those of the church I regularly attend with my family. The statements above at least generally express my sincerely held religious beliefs on social and behavioral matters implicated by the PPF. That is, these same

matters are also addressed by and in conflict with the beliefs of the Pride movement and with the messages communicated by the movement's various symbols, slogans and insignia, including but not limited to the PPF and various other Pride flags.

In your July 13 correspondence, you describe the following exchange:

“What is it about your religious beliefs that directly impacts your ability to work in a location where the PPF is flown and having to put up and take down the PPF?” You responded that you do not feel comfortable working at a location where the PPF is displayed and that you are not ready to compromise your religious beliefs.

In response to the above, I hereby offer the following additional clarification: I would feel uncomfortable raising and lowering the PPF because of the appearance from the standpoint of the reasonable observer of my endorsement and or celebration of the messages on various sexual behaviors (among other topics) associated with the PPF and similar, which as discussed above conflicts directly with my religious beliefs on the same set of topics.

Further, I would be uncomfortable raising and lowering the PPF because of my sincerely held religious belief that, as a matter of honesty before God and man, I am to avoid even apparent public endorsement of viewpoints on important topics such as sexual morality and identification that I do not in fact endorse, even under threat and duress; raising and lowering the PPF would require my violation of this related but separate additional religious belief. See Acts 5:17-29.

Additionally, my religious accommodation request should not be understood as merely applying to the month of June, 2022, but to every June to which EA-

231 may apply. By its terms, and specifically in view of EA-231's omission of any duration term, EA-231 would seemingly apply to every June until it is repealed entirely or is modified to include a duration term. Thus, in determining whether to grant or deny my religious accommodation request, I ask that the County consider the request to apply to June of 2023 *and every June thereafter*. See attached for EA-231.

Due to the short notice of actual receipt of the request to respond to your July 13 correspondence, the above is offered only as illustration of the matters in the correspondence to which I intend to respond. If the request for additional time to respond is granted, I intend to offer additional clarification and elaboration along the lines offered above.

If you would, and as soon as you are able, please let me know of your reply to my requests above by email reply to this email address.

Thank you.

Cpt. Jeff Little

**EXHIBIT V**



# 2021

County of Los Angeles Fire Department

# ANNUAL REPORT



**CARING • COMMITMENT • COMMUNITY • COURAGE • INTEGRITY • TEAMWORK**

## MESSAGE FROM FIRE CHIEF DARYL L. OSBY



The Los Angeles County Fire Department (Fire Department) takes pride in providing fire protection and life safety services 24/7 to over four million residents within our jurisdiction of 60 cities and all unincorporated areas of the County of Los Angeles (County).

As the communities we serve grow and diversify, our County continues to keep up and adjust with changing demands and needs. Together, with the Board of Supervisors, Chief Executive Office, and other County Departments, we partner and collaborate on the many challenging issues confronting our communities (i.e., epidemics, homelessness, mental health, youth programs, etc.).

This Annual Report reflects the many accomplishments, incidents, and programs our Fire Department and its team members have initiated, responded to, or been actively involved with in 2021. This Annual Report documents not only our achievements and successes but also showcases the short and long-term challenges we have overcome and continue to work through.

As you review this Annual Report, I hope you consider the critical role our team members play in the success of our Fire Department and how valuable they are in completing our daily mission. Our Fire Department is built upon our core values and the people who exemplify them every day.

A handwritten signature in black ink that reads "Daryl L. Osby".

Daryl L. Osby  
Los Angeles County Fire Chief



## COUNTY OF LOS ANGELES BOARD OF SUPERVISORS Kenneth Hahn Hall of Administration



**HOLLY J. MITCHELL**  
*Chair, Second District*



**HILDA L. SOLIS**  
*Supervisor, First District*



**SHEILA KUEHL**  
*Supervisor, Third District*



**JANICE HAHN**  
*Supervisor, Fourth District*



**KATHRYN BARGER**  
*Supervisor, Fifth District*



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# ABOUT THE LOS ANGELES COUNTY FIRE DEPARTMENT

## HISTORY

In 1949, the Consolidated Fire Protection District was established by the Board of Supervisors through the consolidation of numerous fire districts which existed since the 1920s. From 1967 to 1986, there existed four fire protection districts within the Los Angeles County, all of which were governed by the Board of Supervisors: the Consolidated Fire Protection District (CFPD), Universal Fire Protection District, Dominguez Fire Protection District, and Wrightwood Fire Protection District. In addition, there was the Forester and Fire Warden (F&FW) which is a chartered office of the County and was funded by the General Fund. The property tax rate for each district was considerably different.

With the property tax limitations and standardization of tax rates established by Proposition 13 in 1978, there was no longer a need to maintain the separate districts. From 1986 to 1992, the F&FW and the CFPD were the two remaining legal entities that made up what is commonly known as the Los Angeles County Fire Department. In 1992, the CFPD annexed all the remaining unincorporated area in with a corresponding property tax transfer to fulfill the chartered responsibilities of the F&FW.

The Los Angeles County Fire Department has a very rich and unique history, which is full of innovation, and daring accomplishments. From designing the 9-1-1 system and initiating a paramedic program in the 1970's to the current day Urban Search and Rescue and Homeland Security Sections, our Fire Department is a leader and model to fire departments around the world. Our Department's ability to develop new techniques and tactics to fight fires of all kinds has benefited not only the residents we serve, but the fire service in general, both nationally and internationally.

## ABOUT US

The Los Angeles County Fire Department (Fire Department) is responsible for protecting the lives and property of 4.0 plus million residents living in 1.25 million housing units in 60 cities and the unincorporated areas of the County, along with the City of La Habra located in Orange County. The Fire Department's service area includes suburban neighborhoods, city centers, commercial districts, sandy beaches, mountain ranges, and more.

There are 5,000 personnel working within the Fire Department's emergency and business operations bureaus, including firefighters, dispatchers, lifeguards, nurses, and administrative support.

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## OUR MISSION

To protect lives, the environment and property by providing prompt, skillful, and cost-effective fire protection and life safety services.

## OUR VISION

The Los Angeles County Fire Department will be an exemplary organization acclaimed for our national reputation, our regional strength, and our hometown attentiveness as we provide fire protection and life safety services.

## OUR CORE VALUES

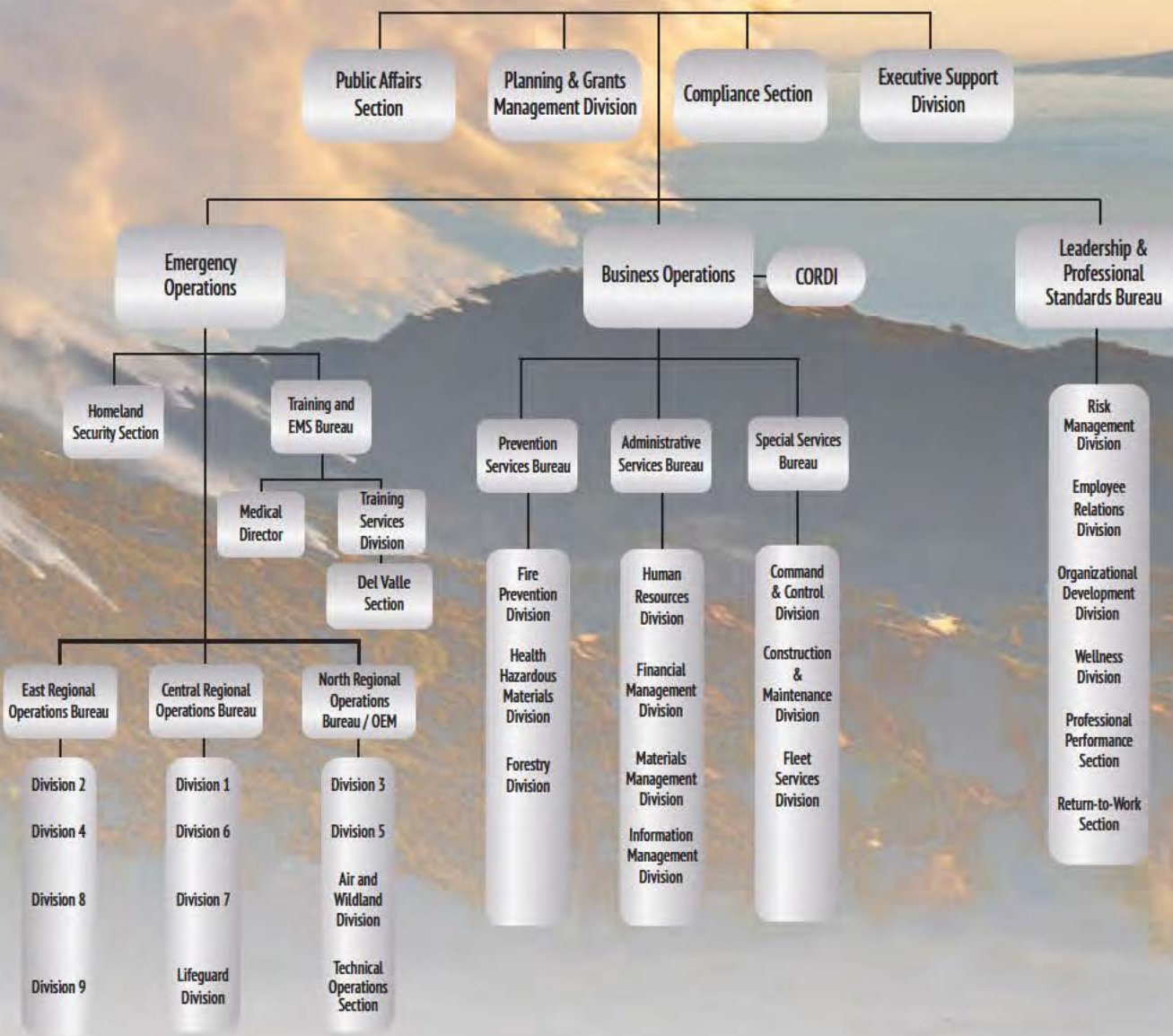
CARING • COMMITMENT • COMMUNITY • COURAGE • INTEGRITY • TEAMWORK

# ORGANIZATIONAL CHART

ORGANIZATIONAL CHART



**Fire Chief**  
Daryl L. Osby



## 2021 HIGHLIGHTS & ACCOMPLISHMENTS

### ADVANCED PROVIDER RESPONSE UNIT

The Fire Department’s Advanced Provider Response Unit (APRU) program was launched in 2019 to streamline and enhance emergency medical services (EMS) in the community.

Comprised of a nurse practitioner and a firefighter/paramedic, the APRU responds to 9-1-1 calls for low-to-medium acuity patients (e.g., prescription assistance, pain management, wound care, nausea, etc.), so paramedic units remain available to attend to more severe cases that require specialty skills and ambulance transport to the hospital emergency room (ER).



Since 2019, APRU teams have successfully cared for more than 2,000 patients. Currently, the APRU program operates every day in the Antelope Valley (AP-11) from 8:00 a.m. – 6:00 p.m. Through the American Rescue Plan Act, the Fire Department plans to continue the program for another three years and implement two additional units. The Fire Department is working with the Los Angeles County (County) Chief Executive Office to determine the best locations to base the expansion units.



### SIRENS OF SILENCE

For some children with autism spectrum disorder (ASD), lights and sirens become sensory overload and overwhelming. Individuals with ASD are each unique and have a range of challenges, including communication and social skills. Some may be limited in verbal communication or nonverbal which accounts for nearly one-third of people with autism.

To help familiarize and expose individuals with ASD to first responders, the Fire Department’s Sirens of Silence program works with local organizations, so children with ASD and their parents/caregivers can meet firefighters and lifeguards and see/touch the equipment and apparatus in a quiet, less stimulating setting.

### BOEING CH-47/QRF PROGRAM

Millions of residents in Southern California are among the most vulnerable living within wildfire-prone areas. Extreme drought conditions and dry vegetation, along with predictions of a dire wildfire season ahead, led to the annual 180-day lease of a Boeing Chinook helicopter in June of 2021 with funding from Southern California Edison assembled. Considered the world’s largest fire suppression, retardant-dropping helicopter, the Boeing Chinook helitanker (CH-47), housed at the Van Nuys Tanker base, the capacity to carry 3,000 gallons and can fly not only during the day but also for night-time operations.

The CH-47 enhances the Fire Department’s current air operations fleet which includes five Sikorsky S70 Firehawks, five Bell 412 helicopters, and a seasonal exclusive contract with the Government of Quebec for the 90-day lease of two CL-415 SuperScoopers which arrive annually in late summer.



## COVID-19 RESPONSE

Without a doubt, 2020 and 2021 were unprecedented years and the Fire Department adapted and navigated through the COVID-19 pandemic. At the start of the pandemic, the Fire Department took a lead role and remained in constant communication, monitoring COVID-19 with our County partners, including the Departments of Public Health and Health Services. While the world faced a global health emergency, the Fire Department continued to serve the communities and residents in its care without skipping a beat.



### PERSONAL PROTECTIVE EQUIPMENT

Immediately, as the Countywide lead, Fire Department team members were responsible for sourcing personal protective equipment (PPE). It was a major undertaking to secure PPE from the State and national stockpile, house, and distribute over 15 million pieces of PPE to the entire County workforce.

### MEGA TESTING & VACCINATION SITES

The Fire Department served as the lead in standing up and running the County's more than 30 mega-testing testing sites during March through May of 2020. In January 2021, the Fire Department partnered with the Department of Public Health to run five mega pods and two walk-up sites for vaccine administration. In total, we administered more than 1.1 million vaccinations by the time we concluded our involvement in May 2021.



### HEALTH PROGRAMS OFFICE

More than 2,600 Fire Department personnel have been diagnosed with COVID-19 since the beginning of the pandemic. Dozens have been hospitalized and, thankfully, there are no deaths among our personnel.

Our Health Programs Office, which once comprised of one nurse who made sure that all of our personnel had their vaccinations, was built out in March 2020 to handle the predicted surge of cases within the Fire Department. To date, the Health Programs Office has triaged thousands of COVID-19 exposures, performed more than 15,000 COVID-19 tests for our personnel, and vaccinated our personnel.

### PROJECT ROOM KEY

The Fire Department also lent assistance to the Los Angeles Homeless Services Authority with Project Room Key. We assisted in the placement of more than 2,300 individuals in over 30 hotel sites Countywide.

### QUARANTINE AND ISOLATION SHELTER PROJECT

The Fire Department also lent assistance to Health Services with the Quarantine and Isolation (QI) Shelter Project. We assisted in the establishment of five QI shelters throughout the County along with the demobilization process to combine sites and preplan for three additional QI sites on County property.



### OPERATIONS MULTI-AGENCY COORDINATION SYSTEM

The Operations Multi-Agency Coordination System (OPMACS) is a collaborative of the Region 1 Fire Departments in the Los Angeles area with local health agencies and partners to put together tools and assist agencies in strategically planning the COVID-19 pandemic response. Weekly meetings and daily data collections from the respective agencies provided real-time information for decisions to be made that ensured emergency services were not impacted.

## FIRE & RESCUE RESOURCES

- Nearly 3,000 fire series personnel
- 177 fire stations
- 228 engine companies
- 112 paramedic units
- 61 engines
- 33 truck companies
- 22 battalions
- 10 helicopters

## SPECIALIZED RESOURCES

- 4 hazardous materials squads
- 2 urban search and rescue squads
- 6 swift water rescue units
- 2 fire boats
- Additional specialized equipment

The Fire Department is also the home of California Task Force 2 (also known as USA Task Force 2), an urban search and rescue team that is qualified to respond to local, national, and international disasters.

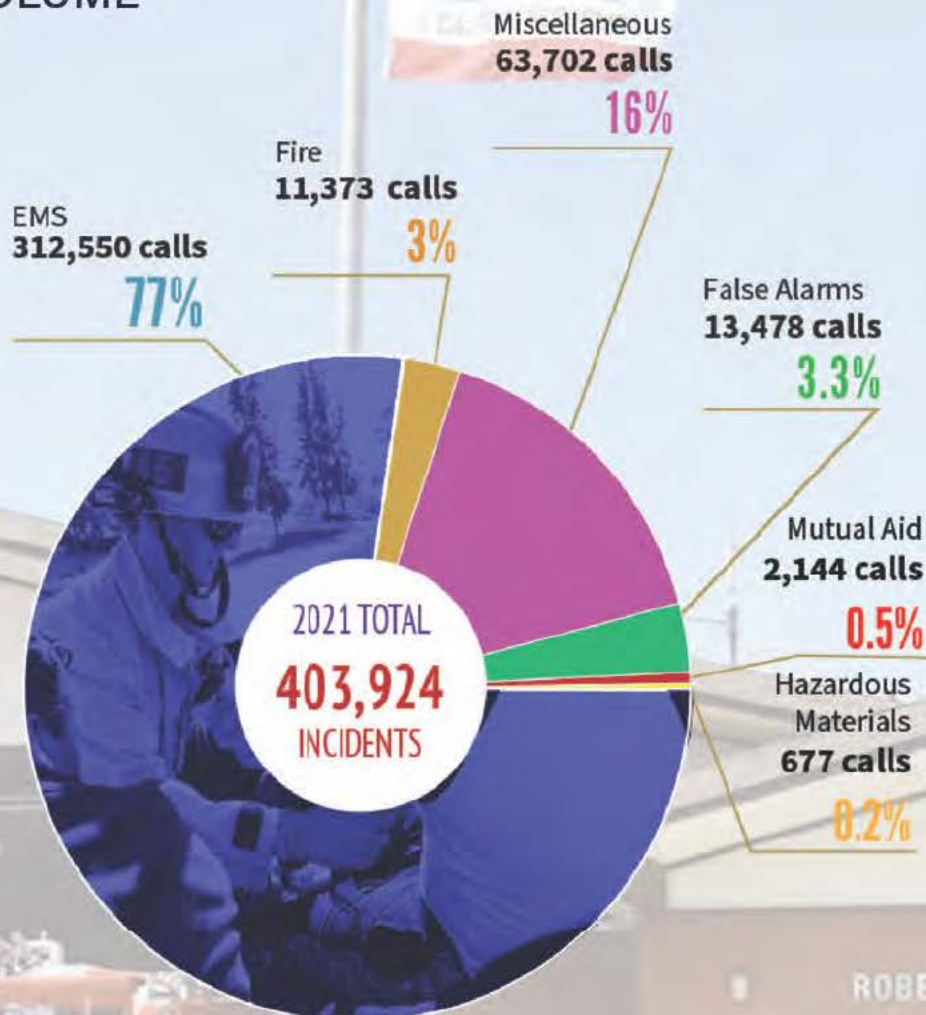


## TODAY'S SERVICE AREA

Today, the Fire Department serves all the 140 unincorporated areas within th County, as well as the following 60 incorporated cities, 59 of which are in Los Angeles County and one in Orange County.

Agoura Hills	Hawaiian Gardens	Palmdale
Artesia	Hawthorne	Palos Verdes Estates
Azusa	Hermosa Beach	Paramount
Baldwin Park	Hidden Hills	Pico Rivera
Bell	Huntington Park	Pomona
Bellflower	Industry	Rancho Palos Verdes
Bell Gardens	Inglewood	Rolling Hills
Bradbury	Irwindale	Rolling Hills Estates
Calabasas	La Cañada Flintridge	Rosemead
Carson	La Habra	San Dimas
Cerritos	La Mirada	Santa Clarita
Claremont	La Puente	Signal Hill
Commerce	Lakewood	South El Monte
Covina	Lancaster	South Gate
Cudahy	Lawndale	Temple City
Diamond Bar	Lomita	Vernon
Duarte	Lynwood	Walnut
El Monte	Malibu	West Hollywood
Gardena	Maywood	Westlake Village
Glendora	Norwalk	Whittier

## 2021 CALL VOLUME



## 2021 BUSIEST UNITS

- Engine 18 (Lennox) responded to 3,977 incidents.
- Engine 33 (Lancaster) responded to 3,015 incidents.
- Engine and Squad 14 (Los Angeles) responded to 1,936 incidents.
- Engine and Squad 41 (Los Angeles) responded to 1,927 incidents.
- Engine and Squad 37 (Palmdale) responded to 1,708 Incidents.

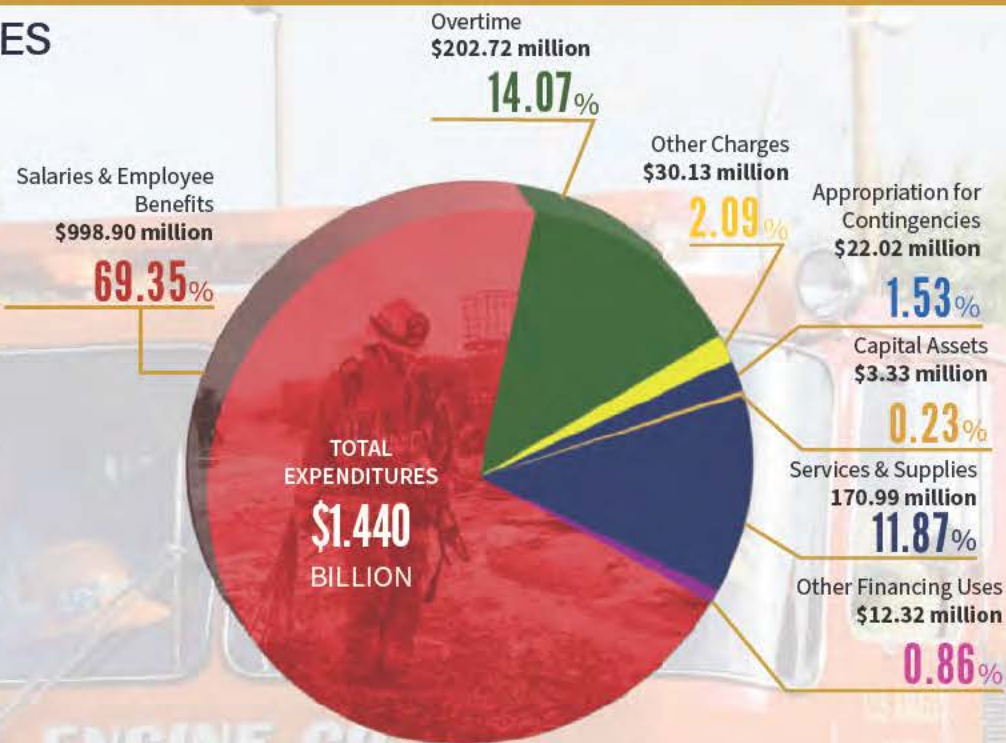
## RESPONSE TOTALS

	2019	2020	2021
EMS	333,973	307,025	312,550
Fire	7,114	9,813	11,373
Mutual Aid	2,164	2,066	2,144
Miscellaneous	22,119	39,747	63,702
Hazardous Materials	662	629	677
False Alarms	26,954	20,237	13,478
<b>Totals</b>	<b>392,986</b>	<b>379,517</b>	<b>403,924</b>

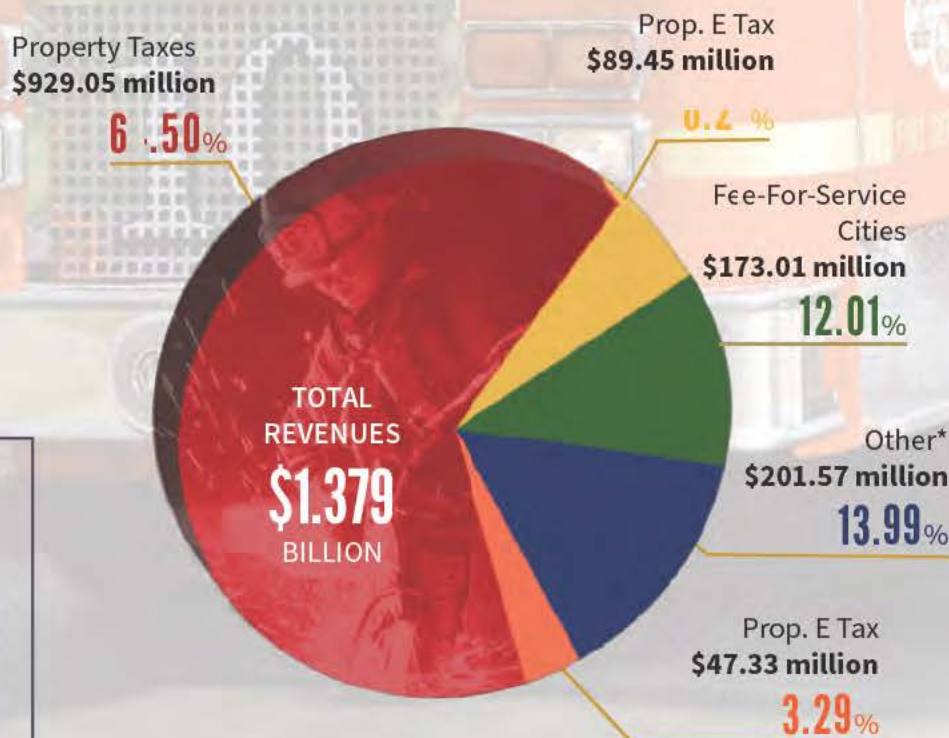
## BUDGET

The Fire Department is a special district.  
 Revenue streams are separate and distinct from the County General Fund.  
*Adopted Budget for 2020-21: \$1.413 Billion*

## EXPENDITURES



## REVENUES



**\*Other (Description/Millions):**

- Lifeguards \$40.6
- Measure B \$3.87
- CDCR \$4.85
- AB109 \$4.58
- Federal Grants \$21.36
- Advanced Life Support \$18.94
- Assistance by Hire \$17.17
- SRA/Graybook \$28.82
- HHMD \$27.39
- Prevention \$7.99
- Miscellaneous \$25.99



## 2016-2021 LOS ANGELES COUNTY STRATEGIC PLAN

In April 2016, the Chief Executive Office issued a report called (*Driving Transformative Change in Los Angeles County*). This report traced the path of Board Priorities and identified certain critical steps to continue moving forward in addressing some of the County's most critical challenges.

In that report, the CEO pointed out the following:

- As the Board continues to drive policy focused on addressing our most challenging social problems, and the Departments work to meet their respective and diverse missions, the CEO needs a mechanism to ensure that the efforts of County Departments are aligned with Board priorities in a way that increases the County's chances of successfully impacting the lives of children, adults, families and business of Los Angeles County.
- That mechanism is a strategic plan - a plan that provides direction to Departments and their partners and a measurement plan to track both performance and outcomes.

<p><b>GOAL I</b> Make Investments that Transform Lives</p>	<p><b>GOAL II</b> Foster Vibrant and Resilient Communities</p>	<p><b>GOAL III</b> Realize Tomorrow's Government Today</p>
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## 2017-2021 FIRE DEPARTMENT STRATEGIC PLAN

The Fire Department's Strategic Plan is the result of a collaborative effort between my Executive Team and over 40 managers from throughout the Fire Department. It closely aligns with the 2016-2021 County of Los Angeles Strategic Plan, *Creating Connections: People, Communities, and Government*, and the Board's priorities.

The Strategic Plan serves as our road map with a focus on the most important challenges and opportunities before us. The Strategic Plan is reviewed regularly to ensure our goals and priorities lead to measurable action and results.



**GOAL I**  
**EMERGENCY OPERATIONS**  
*Address Societal Challenges Through Non-Traditional Service Delivery*

**GOAL II**  
**PUBLIC SERVICE**  
*Catastrophic Preparedness and Community Initiatives*

**GOAL III**  
**ORGANIZATIONAL EFFECTIVENESS**  
*Building Tomorrow's Fire Department*



## EMERGENCY OPERATIONS

The Emergency Operations Bureau includes the Training and EMS Bureau (TEMSB), nine major firefighting divisions, Air and Wildland Division, and Homeland Security Section. The Fire Department's service area includes suburban neighborhoods, city centers, commercial district, sandy beaches, mountain ranges, and more. The region's varying terrain causes unique emergency incident challenges, including increased EMS calls and variety of fires that can take place on a single day (i.e., wildland, structure, railroad, aircraft, vehicle, etc.) as well as ocean rescues and medical calls across 72 miles of coastline.

## TRAINING AND EMERGENCY MEDICAL SERVICES BUREAU

The TEMSB consists of medical professionals and the Training Services Division. EMS personnel are responsible for paramedic training, certification, equipment, quality improvement, and legal aspects for all basic and advanced emergency medical services provided by the Fire Department. Training Services is responsible for training all new firefighters and conducting ongoing in-service training sessions for all members. Training Services develops training materials, and organizes classes and training programs for recruits and refresher courses for other Fire Departmental personnel.



### LIFEGUARD DIVISION

The Lifeguard Division protects 72 miles of coastline, including 31 miles of sandy beaches and Catalina Island. Lifeguard resources include, 174 full-time ocean lifeguards, 614 recurrent ocean lifeguards, 24 lifeguard stations, 159 lifeguard tower, and 8 rescue boats.

#### 2020-2021 Lifeguard Division Activity

Ocean rescues	9,286
Medical calls	13,303
Boat rescues (distress)	435
Missing persons	634
Therapy	112
Drownings	3
Beach attendance	51,869,968

### HOMELAND SECURITY SECTION

The Fire Department has a very engaged Homeland Security team that works with numerous local, State, and federal agencies and governments to ensure the safety, security, and resilience of the County against terrorism and other all-risk hazards.

**AIR & WILDLAND DIVISION: AIR OPS, TECH OPS, AND FIRE CAMPS**

**AIR OPERATIONS SECTION**

The Fire Department maintains a fleet of ten helicopters for paramedic transport, hoist rescues, and wildland firefighting. Contract aircraft are also available during wildfire season.

- 5 Sikorsky S-70 Firehawks
- 5 Bell 412 helicopters
- 2 Bombardier CL-415 SuperScoopers (seasonal lease)
- Chinook Helicopter CH-47 (Helitanker 55) Type 1 (seasonal lease)

**TECHNICAL OPERATIONS SECTION**

The Technical Operations Section is a functional division within the Fire Department that focuses on technical rescue disaster response and urban search and rescue training. Additionally, the Fire Department has a cooperative agreement with the Federal Emergency Management Agency (FEMA) where our team is designated as California Task Force 2. CA-TF2 has the responsibility to respond to domestic disasters, providing search and rescue capabilities when called upon.

The Fire Department also has a cooperative agreement with the United States Agency of International Development (USAID) where our team is designated as USA-2. USA-2 has the responsibility to respond to all international disasters with search and rescue capabilities when called upon. The national and international USAR deployments are performed in addition to the Fire Department’s state and regional responsibilities for providing search and rescue services.



Locally, in the County, we have Fire Station 103 and Fire Station 136 that are dedicated urban search and rescue stations for response and mitigation of all technical rescues.

**FIRE SUPPRESSION CAMPS**

Nine camps are staffed year-round for fire suppression, fire road maintenance, fuel modification, and miscellaneous projects.





## 2021 EMERGENCY OPERATIONS

### HOOPER INCIDENT (2/6/21)

Firefighters responded to a two-story commercial structure fire on East Slauson Avenue in the community of Florence. Second and third alarm resources were requested for defensive fire attack. The fire was knocked down with no injuries.



### DUNCAN INCIDENT (3/11/2021)

Firefighters responded to a vacant one-story commercial structure fire on East Olympic Blvd in East Los Angeles. Firefighters initiated a defensive fire attack and knocked down the fire with no reported injuries.



### ALAMEDA INCIDENT (3/31/21)

At the request of the Compton Fire Department, firefighters were dispatched to an industrial complex fire on North Rose Avenue in the City of Compton. The large pallet yard fire extended to nearby homes, destroying three and causing damage to a fourth home. There were no reported injuries.



### NORTH INCIDENT (4/28/21)

Firefighters responded to a brush fire near The Old Road in Castaic and initiated fire attack from the air and ground. The wildfire burned for four days and consumed 650 acres, prompting voluntary evacuations for nearby residents. There was no damage to structures and no reported injuries.



### DELTA INCIDENT (5/2/21)

Firefighters responded to a second-alarm wildfire burning in medium brush near West Avenue D in the City of Lancaster. The wildfire burned approximately 400 acres and prompted the evacuation of 16 homes. There was no damage to structures and no reported injuries.



### PALISADES FIRE (5/14/2021)

At the request of the Los Angeles Fire Department (LAFD), firefighters responded to a wildfire in Pacific Palisades. On May 15th, we entered into unified command with the LAFD when the wildfire crossed the County line. Mandatory evacuations affected over 1,000 residents. The wildfire burned approximately 1,200 acres. One firefighter sustained a minor injury.

## 2021 EMERGENCY OPERATIONS

### SALT INCIDENT (5/31/21)

Firefighters responded to a one-story commercial structure fire located on East Gage Avenue in the City of Huntington Park with heavy smoke and fire showing. Second and third alarm resources were requested by the incident commander for defensive fire attack. One firefighter sustained a minor injury.



### WILLOW INCIDENT (7/16/21)

Firefighters responded to a report of a hazardous materials incident with a fire, involving a truck carrying approximately 7,500 pounds of chlorine tablets and liquid. Residents and businesses were evacuated within a two-block radius of the incident on East Willow Street in the City of Signal Hill. There were no reported injuries.



### NORTHERN CALIFORNIA WILDFIRES (AUGUST 2021)

In mid-August, firefighters were deployed to multiple wildfires ravaging Northern California and the Pacific Northwest. Engine strike teams as well as numerous aerial assets, overhead, and hand crews responded to aid in the crisis. Our 9-1-1 dispatchers also staffed Region I to fulfill mutual aid requests.



### AVALON INCIDENT (9/30/21)

Firefighters responded to a one-story commercial structure fire with heavy smoke billowing into the sky on South Avalon Boulevard in the City of Carson. Second and third alarm resources were requested for a coordinated defensive fire attack. There were no reported injuries.



### IBBETSON INCIDENT (11/9/21)

Firefighters responded to a two-story commercial structure fire with heavy smoke and flames on Ibbetson Avenue in the City of Bellflower. The incident commander called for second and third alarm resources to assist with a defensive fire attack. The fire was knocked down with no reported injuries.



### DALEWOOD INCIDENT (11/9/21)

Firefighters responded to a commercial structure fire on Dalewood Street in the City of Baldwin Park. The incident commander called for a second and third alarm resource assignment to assist with defensive fire attack. The fire was knocked down with no reported injuries.



## EXECUTIVE OFFICE AND LEADERSHIP & PROFESSIONAL STANDARDS BUREAU

The Executive Office and Leadership and Professional Standards Bureau oversight includes public information and community outreach, risk management, organizational development, internal and external communications, strategic planning, leadership and career development, employee wellness, succession planning, compliance, and employee relations.

## BUSINESS OPERATIONS

Business Operations oversight includes 9-1-1 dispatch and field communications, recruitment, information management, fleet maintenance, construction and maintenance, procurement, finance, and human resources. Prevention services encompass hazards mitigation and specialized inspections, including plan check reviews, fire code and brush clearance enforcement, health hazardous materials, fire investigations, vegetation management, and natural resources protection.



### *CORDI SECTION*

Known as the Community Outreach, Recruitment, Diversity, and Inclusion Section, CORDI supports the Fire Department's mission to cultivate a workforce that represents the diverse communities we serve and creates a more inclusive environment for all of our members.

## ADMINISTRATIVE SERVICES BUREAU



The Administrative Services Bureau oversees the Fire Department's \$1.4 billion budget and provides executive oversight of the Financial Management, Human Resources, Information Management, and Materials Management Divisions. Together they work closely with internal and external stakeholders to improve standard business practices, ensure administrative and fiscal compliance, and provide purchasing and contracting services.

## SPECIAL SERVICES BUREAU

### *COMMAND AND CONTROL DIVISION*

Nearly 100 dispatchers answer hundreds of thousands of 9-1-1 calls and dispatch units to approximately 400,000 incidents annually.

### *FLEET SERVICES DIVISION*

Over 50 mechanics and administrative staff maintain and repair about 2,000 fleet assets.

### *CONSTRUCTION & MAINTENANCE DIVISION*

The Construction and Maintenance Division employs a variety of staff — including project managers, building trades, general maintenance workers, and administrative team members — who are responsible for new construction, repair work, and alterations to fire stations, administrative locations, fire suppression camps, training centers, and lifeguard facilities. In total, the Construction and Maintenance Division maintains more than 245 sites, amounting to nearly two million square feet.

# PREVENTION SERVICES BUREAU

## FORESTRY DIVISION

The Forestry Division is comprised of environmental professionals who deliver high quality fire prevention services to homeowners and public agency stakeholders, and assists Emergency Operations with logistical support. As the Fire Department's leader on environmental issues, it researches and develops solutions to emerging environmental problems, using innovative information technology. Made up of three sections, the Forestry Division's overall responsibilities, as defined in the County Charter, include forest and natural resource management, fire prevention, environmental review, pre-fire planning, and public education.

## HEALTH HAZARDOUS MATERIALS DIVISION

The Certified Unified Program Agency (CUPA) is a fee offset program that protects public health and the environment from improper handling, storage, and disposal of hazardous materials. Under state law, the Health Hazardous Materials Division (HHMD)/CUPA consolidates, coordinates, and maintains consistency of administrative requirements, permits, inspections, and enforcement activities for six environmental regulatory programs. These six programs are Hazardous Waste Generators, Hazardous Materials Handlers, Uniform Fire Code Hazardous Materials Management Plans, California Accidental Release Prevention, Aboveground Petroleum Storage Act, and Underground Storage Tanks.

## FIRE PREVENTION DIVISION

The mission of the Fire Prevention Division is to educate the community about the benefits of proper safety practices and to identify and eliminate all types of hazardous conditions that pose a threat to life, property, and the environment. The Division is comprised of a mix of civilian and sworn personnel. The Fire Prevention Division completes a wide variety of inspections. These include land entitlement, new construction, commercial and industrial facilities, schools and institutions, and specialized inspections related to film permits. Specialized functions include: land development services; Inspection of schools, institutions, high-rise buildings, County facilities; and arson investigations.

### ARSON UNIT 2021 YEAR IN REVIEW



## PUBLIC EDUCATION PROGRAMS

### READY! SET! GO!

The Fire Department, along with our partnering agencies, stand ready to respond to contain wildfires, utilizing our firefighting resources from the air and ground to help protect residents and property from wildfires.

The Ready! Set! Go! program is designed to provide residents with critical information on creating defensible space around their home, retrofitting their home with fire-resistant materials, and preparing residents to safely evacuate well ahead of a wildfire. We encourage residents to protect their families, and property from a devastating wildfire by taking the time to learn about Ready! Set! Go!



### FAMILY INSTRUCTIONS FOR RAPID ESCAPE (F.I.R.E.) GUIDE & COLORING BOOK

If there was a fire in your home, would you know the best way to escape? In most house or apartment fires, a properly prepared or maintained window can provide the quickest, safest, and most immediate way out.

We encourage families to review the (F.I.R.E) guide and coloring book to help you make your home fire ready, and learn how to safely escape.

### COMMUNITY EMERGENCY RESPONSE TRAINING (CERT)

The Fire Department offers free CERT classes taught by trained and certified firefighters. Learn from the experts about how to prepare for a major disaster. Once the CERT course is completed, individuals will have the skills and tools necessary to take care of themselves, their families, neighbors, and co-workers in the event of a disaster.



### SIRENS OF SILENCE

For some children with autism spectrum disorder (ASD), lights and sirens become sensory overload and overwhelming. Individuals with ASD are each unique and have a range of challenges, including communication and social skills. Some may be limited in verbal communication or nonverbal which accounts for nearly one-third of people with autism. To help familiarize and expose individuals with ASD to first responders, the Fire Department created the Sirens of Silence program to partner with local organizations, so children with ASD and their parents/caregivers can meet firefighters and lifeguards and see/touch equipment and apparatus in a quiet, less stimulating setting.

Sirens of Silence consists of three components: education and awareness for the Fire Department's first responders; special needs-friendly events; and safety-related items.



## CAREER PATHWAYS PROGRAMS



### EXPLORER PROGRAM

The Fire Department's Explorer Program introduces the youth of the County to today's fire and emergency medical services, emphasizing community service and civic involvement through positive mentoring, training, education, and career development.

### WOMEN'S FIRE PREP ACADEMY

The Women's Fire Prep Academy (WFPA) was developed in collaboration with the Los Angeles County Women's Fire League, to expose adults 18 years and older to the duties and detailed responsibilities of the firefighter position and what to expect in the Fire Department's Recruit Academy.



### GIRLS' FIRE CAMP

The Girls' Fire Camp was created to introduce youth, between the ages of 10 to 17 years old, to the career opportunities available within the Fire Department. This one-day camp allows participants to learn the basics of firefighting and gain valuable hands-on experience.

### JUNIOR LIFEGUARD PROGRAM

Open to children (ages 9 to 17), the mission of the Fire Department's Junior Lifeguard Program is to educate participants about ocean and beach safety, physical conditioning, basic first aid, and environmental awareness while developing the next generation of lifeguards and future leaders.



### BOOTS-TO-BADGES

The Fire Department's Boots-to-Badges Program is designed for active duty military, reservists, and veterans who wish to explore and/or pursue a career in the fire service. This program provides participants with a potential career and the essential knowledge, skills and abilities to help prepare them for the Fire Department.

## INVESTING IN OUR FUTURE

The Fire Department consistently aims to recruit, train, and hire individuals that uphold the standards of excellence in the fire service and exemplify our core values (caring, commitment, community, courage, integrity, and teamwork), while reflecting the vast and varied communities in our care. Although COVID-19 presented significant challenges for training, the Fire Department was able to overcome these challenges and provided employees with the tools, training, and processes needed to fulfill its life-saving mission.

### RECRUIT TRAINING

Through the demonstrated use of technology, innovative strategies, and fostering of workforce inclusivity and diversity, the Fire Department successfully graduated five recruit training classes in 2021. These newly hired firefighters continually step up, demonstrating grit, resilience, and self-mastery of their skill set.

#### 2021 RECRUIT CLASSES

Recruit Class 161	46
Recruit Class 162	44
Recruit Class 163	43
Recruit Class 164	37
Recruit Class 165	39
<b>TOTAL:</b>	<b>209</b>

### FIRE CAMPS TRAINING

In 2021, the Fire Department graduated three fire suppression aid academies. A total of 80 fire suppression aids successfully completed their respective four-week academies, well-prepared for fire suppression, fire road maintenance, and miscellaneous projects.

Within the Fire Camps, weekly and monthly training took place, including wildland power saws, fine fuel line construction, heavy fuel line construction, mop-u standards, EMS training, tree falling certification, EVOC driver training, power equipment training, and ignitions training.

#### 2021 FIRE SUPPRESSION AID ACADEMIES

Fire Suppression Aid Academy 82	27
Fire Suppression Aid Academy 83	23
Fire Suppression Aid Academy 84	30
<b>TOTAL:</b>	<b>80</b>

### LIFEGUARD TRAINING

Two Fire Department lifeguard academies took place in 2021. Each 140-hour training academy was held over seven consecutive weekends during the COVID-19 pandemic. A total of 33 lifeguards completed and graduated from the academies, ready to begin their assignments as ocean lifeguard recurrences.

In addition to the two Fire Department lifeguard academies, permanent lifeguards also participated in winter EMS and ocean rescue certification training, and marine firefighting and rescue boat operations training in the fall.



## IN-SERVICE TRAINING

Throughout 2021, newly promoted firefighters specialists, fire captains, battalion chiefs, and assistant fire chiefs completed their respective week-long, 40-hour academy. The academies provide newly promoted fire series personnel with leadership training; classroom lectures on wildland incident operations, and other fundamental skills needed in their new roles.

### 2021 ACADEMIES

Fire fighter Specialist Academy	98
Fire Captain Academy	81
Battalion Chief Academy	7
Assistant Fire Chief Academy	9
<b>TOTAL:</b>	<b>195</b>

### ADDITIONAL IN-SERVICE TRAINING:

- Specialized dive rescue training with the Lifeguard Division and USAR team (25 participants from across the U.S.)
- Basement firefighting (80 participants from across the U.S.)
- Nozzle forward class (80 participants from across the U.S.)
- Regional hazardous materials and USAR training, along with multi-disciplinary training with law enforcement, the National Guard, and U.S. Army



## INFORMING OUR COMMUNITY

With the COVID-19 pandemic continuing into 2021, many of the Fire Department's public education and community outreach activities were temporarily paused and successfully transitioned to web and social media outreach. Through the Public Information Office and Communications Section team, the Fire Department held many events throughout 2021 to share important information with the media, residents and communities in our care.

**Love to Nippon:** In March 2021, the Fire Department joined with the Love to Nippon project and Japan House LA to commemorate the 10th anniversary of the 2011 Great East Japan earthquake and tsunami through its webinar, "Be Prepared! Lessons Learned in Readiness and Resilience."



**Wildfire Preparedness Week:** In May 2021, Fire Chief Daryl L. Osby was joined by federal, state, and local partners to remind residents to do their part to prepare for wildfires and help protect their communities.

**Fire Season Outlook News Conference:** In June 2021, Fire Chief Daryl L. Osby was joined by Region I fire service peers to share their outlook on the fire season and extreme drought conditions throughout California.



**Fourth of July News Conference:** In July 2021, Fire Chief Daryl L. Osby joined First District Supervisor Hilda Solis and Fifth District Supervisor Kathryn Barger to discuss the dangers of fireworks.

**Valor Awards Ceremony:** In July 2021, the Los Angeles County Fire Foundation sponsored the Fire Department's virtual Valor Awards Ceremony to recognize Fire Department members and Good Samaritans for going above and beyond in the performance of their duties.



**Contract Aircraft News Conference:** In August 2021, SuperScoopers Quebec 1 and 2 safely arrived in Los Angeles County to join the Fire Department's arsenal of aerial firefighting resources, including the Boeing Chinook CH-47, known as Helitanker 55. These aircraft provided critical resources to augment the Fire Department's response during wildfire season.

**Spark of Love Campaign:** In November 2021, the Fire Department joined with ABC7, Toys for Tots, and Southern California firefighters to celebrate the 29th year of the Spark of Love toy drive. Over 25,000 toys were donated and distributed to underserved children and teens throughout Los Angeles County.



# PUBLIC INFORMATION OFFICE

The Public Information Office provides timely information to the communities in our care. Here is how you can contact us:

[fire.lacounty.gov](http://fire.lacounty.gov) • [info@fire.lacounty.gov](mailto:info@fire.lacounty.gov) • 323-881-2411

## SOCIAL MEDIA



**92K**  
Facebook followers  
[facebook.com LACoFD](https://facebook.com/LACoFD)



**103K**  
Instagram followers  
[@LACountyFD](https://@LACountyFD)



**9.72K**  
You tube followers  
[@LosAngelesCountyFD](https://@LosAngelesCountyFD)



**107.9K**  
Twitter followers  
[@LACoFD](https://@LACoFD)



**133.2K**  
Twitter followers  
[@LACoFDPIO](https://@LACoFDPIO)

## REMEMBERING OUR FALLEN

### Active Duty Death of Fire Captain Brian Levasseur:

On March 26, 2021, Fire Captain Brian Levasseur died unexpectedly. A proud protector of life and property with over 30 years of service, Captain Levasseur is survived by his daughter, parents, fiancé, siblings, extended family, colleagues, and friends.



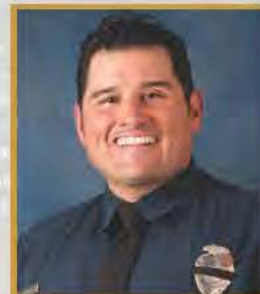
### Line of Duty Death of Fire Fighter Specialist Tory Carlon:

On June 1, 2021, Fire Fighter Specialist Tory Carlon was killed in the line of duty. With more than 20 years of fire service, he exemplified what a true hero is – caring, selfless, and brave. Fire Fighter Specialist Carlon is survived by his wife, three daughters, parents, siblings, extended family, colleagues, and friends.

### Firefighters' Memorial Ceremony:

On May 12, 2021, the Fire Department remembered all firefighters who died in the line of duty in a hybrid ceremony at the Memorial Wall. Two fallen members were added to the Memorial Wall:

- Battalion Chief Mark Tolbert
- Fire Fighter Paramedic Randall Duarte.



The Los Angeles County Fire Department Foundation was formed to turn your donations into equipment and educational programs that can save lives like:



SCAN ME

- F.I.R.E.
- Ready! Set! Go!
- Sirens of Silence
- Peer Support
- Explorer Program
- Junior Lifeguard Program
- Life-saving Equipment
- Station Equipment
- Wildland Support
- And More

Learn more on our website: [www.SupportLACountyFire.org](http://www.SupportLACountyFire.org).



# LOS ANGELES COUNTY FIRE DEPARTMENT

Fire Chief Daryl L. Osby

📍 1320 N. Eastern Ave., Los Angeles, CA 90063

🌐 [fire.lacounty.gov](http://fire.lacounty.gov)



Storage

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*Produced and edited by the Communications Section of the Executive Support Division. • July 2022*

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CAPTAIN JEFFREY LITTLE , an  
individual,  
  
                    Plaintiff,  
  
                    v.  
  
LOS ANGELES COUNTY FIRE  
DEPARTMENT, a public entity, et al.  
  
                    Defendants.

**Case No.: 2:24-cv-04353**  
  
**[Proposed] TEMPORARY  
RESTRAINING ORDER AND  
ORDER TO SHOW CAUSE RE:  
PRELIMINARY INJUNCTION**

1 Having reviewed Plaintiff Captain Jeffrey Little’s Application for a  
2 Temporary Restraining Order, and Order to Show Cause re: Preliminary Injunction,  
3 and good cause appearing, the application is hereby **GRANTED**.

4 1. Defendants, their agents, employees, and successors in office, are  
5 restrained and enjoined from enforcing, trying to enforce, threatening to enforce, or  
6 otherwise requiring compliance with EA-231 or any other requirement that Plaintiff  
7 (1) personally raise the Progress Pride Flag; or (2) ensure raising of the Progress  
8 Pride Flag.

9 2. Defendants shall show cause, on \_\_\_\_\_, 2024, at \_\_\_\_\_  
10 why a preliminary injunction should not issue requiring Defendants to act as  
11 described in above; the temporary restraining order shall remain effective until such  
12 time as the Court has ruled on whether a preliminary injunction should issue. Such  
13 relief is necessary to prevent Defendants from further violating Plaintiff’s  
14 constitutional rights, pending trial on the merits of Plaintiff’s claims.

15  
16 **IT IS SO ORDERED.**

17  
18 DATED: \_\_\_\_\_

\_\_\_\_\_  
19 Hon. Josphine L. Staton  
20 United States District Judge  
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