

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

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Case Number: CGC-17-563082

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ORDER

KAREN CLOPTON VS. CALIFORNIA PUBLIC UTILITIES COMMISSION ET AL

001C06352696

**Instructions:**

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**FILED**  
San Francisco County Superior Court

MAY 29 2018


CLERK OF THE COURT  
BY: [Signature]  
Deputy Clerk

Attorneys for Plaintiff  
KAREN CLOPTON

**SUPERIOR COURT OF CALIFORNIA**  
**CITY AND COUNTY OF SAN FRANCISCO**

11 KAREN CLOPTON,  
12  
13 Plaintiff,  
14 vs.  
15 CALIFORNIA PUBLIC UTILITIES  
16 COMMISSION, MICHAEL PICKER,  
17 CARLA J. PETERMAN, LIANE M.  
18 RANDOLPH, MARTHA GUZMAN  
19 ACEVES, CLIFFORD RECHTSCHAFFEN,  
20 and Does 1-15,  
21 Defendants.

Case No: CGC-17-563082

<sup>HL</sup>  
[PROPOSED] ORDER RE Demurrer 

Action Filed: December 12, 2017

Date; May 29, 2018  
Time: 9:30 a.m.  
Dept: 302  
Judge: Hon Harold E. Kahn

21 This matter came on regularly for hearing on May 29, 2018 at 9:30 a.m. in  
22 Department 302 of the above-entitled Court.

23 Defendants California Public Utilities Commission, Michael Picker, Carla  
24 Peterman, Liane Randolph, Martha Aceves, and Clifford Rechtschaffen's demurrer to  
25 the first and third causes of action in the first amended complaint filed by plaintiff  
26 Karen Clopton for retaliation in violation of the Whistleblower Protection Act and race  
27 discrimination in violation of Government Code 12940 is sustained as to the first cause  
28 of action alleged against Ms. Aceves, Ms. Peterman and Mr. Rechtschaffen with twenty

1 days leave to amend and overruled as to all other grounds asserted in the demurrer.  
2 While she did so as to Mr. Picker and Ms. Randolph, Ms. Clopton has not sufficiently  
3 alleged facts showing that Ms. Aceves, Ms. Peterman and Mr. Rechtschaffen committed  
4 a retaliatory act because of a protected disclosure she made. The race discrimination  
5 claim is adequately alleged by Ms. Clopton. She alleged that she is a member of a  
6 protected class; she performed competently in the position she held; she suffered  
7 adverse employment actions culminating in her termination; there are circumstances  
8 suggesting discriminatory motive (the hiring of a trainer over the complaints of Ms.  
9 Clopton that he made racists remarks and the statement "Are you ready to meet with  
10 three white men with white hair?").  
11

12 IT IS HEREBY ORDERED

13  
14 Date: May 29, 2018

15   
16 \_\_\_\_\_  
17 Hon. Judge Harold Khan

18 HAROLD KAHN  
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