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CIVIL BUSINESS OFFICE 4-17
CENTRAL DIVISION

2013 JUL 30 PH 3:07

CLERK OF SUPERIOR COURT
SAN DIEGO COUNTY, CA

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F I L E D
Clerk of the Superior Court
JUL 30 2013

Exempt from fees per
Gov. Code § 6103
To the benefit of the City of San Diego

6 Attorneys for Defendant
7 CITY OF SAN DIEGO
8 By: _____ Deputy

9 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

10 IRENE McCORMACK JACKSON
11 Plaintiff,
12 v.
13 CITY OF SAN DIEGO, ROBERT ("BOB")
14 FILNER, *et al.*
15 Defendants.
16 CITY OF SAN DIEGO
17 Cross-complainant,
18 v.
19 ROBERT ("BOB") FILNER, and ROES 1
20 through 20,
21 Cross-defendants.

Case No. 37-2013-00058613-CU-OE-CTL
DEFENDANT CITY OF SAN DIEGO'S
CROSS-COMPLAINT AGAINST
ROBERT FILNER FOR INDEMNITY

I/C Judge: Richard Strauss
Dept.: 75
Comp. filed: July 22, 2013
Trial date:

22 GENERAL ALLEGATIONS

- 23 1. City is now and at all times relevant herein was a charter city, duly organized and
24 existing under the laws of the State of California.
25 2. The true names or capacities, whether individual, corporate or otherwise of Cross-
26 defendants Roes 1 through 20 are unknown to City who, therefore, sues said Cross-defendants by
27 such fictitious names and will ask leave to amend this Cross-Complaint to show their true names
28 and capacities when the same have been ascertained. City is informed and believes that said

1 Roes 1 through 20 are in some manner responsible for the events and happenings referred to
2 herein and are liable to Cross-complainant as hereinafter alleged.

3 3. City is informed and believes that Cross-defendants, and each of them, were the
4 agents or employees, servants, partners, or in some manner agents or principals for each other
5 and acting within the course and scope of said agency or employment, and with the knowledge
6 and consent, express or implied, of the other Cross-defendants herein.

7 4. Cross-defendant Robert Filner is an individual who resides in San Diego County.

8 5. Plaintiff's Complaint, incorporated herein by reference, alleges that injuries and
9 other damages occurred to Plaintiff while employed by the City of San Diego.

10 6. The allegations of the Complaint, if true, constitute a violation of City policies
11 against sexual harassment. The City of San Diego maintains a zero tolerance policy as to sexual
12 harassment and sexual harassment is not within the course and scope of employment.

13 7. On information and belief, City denies that it is liable for Plaintiff's damages, if
14 any, but if she suffered damages, City alleges that Cross-defendants are liable to City for any such
15 damage alleged against it.

16 **FIRST CAUSE OF ACTION**

17 (Equitable Indemnity against All Cross-Defendants)

18 8. City incorporates by reference the allegations contained in all paragraphs above
19 as though fully set forth herein.

20 9. City is informed and believes that it neither caused nor contributed to the
21 damages alleged by Plaintiffs in the Complaint in this action. If, however, it is found that City was
22 responsible for any part of the damages claimed by Plaintiff, City is entitled to equitable
23 indemnity from Cross-defendants for the injuries and damages allegedly suffered by Plaintiff, if
24 any, and for reasonable attorney fees and costs incurred in defending this action.

25 **SECOND CAUSE OF ACTION**

26 (Contribution against all Cross-Defendants)

27 10. City incorporates by reference the allegations of all paragraphs above as though
28 fully set forth herein.

1 11. If City is held liable to Plaintiff, or to anyone else, for damages as a result of the
2 incidents and occurrences alleged in Plaintiff's Complaint, the damages, if any, were either
3 wholly or in part directly and legally caused by the culpable conduct of Cross-defendants, and
4 each of them. Each Cross-defendant should be required to pay a share of the damages in
5 proportion to the responsibility of that Cross-defendant in causing the damages and should
6 further be required to reimburse City for any payment of damages it makes in excess of its
7 proportional share, if any, of all parties' responsibility for the damages.

8 THIRD CAUSE OF ACTION

9 (Declaratory Relief against all Cross-Defendants)

10 12. City incorporates by reference the allegations of all paragraphs above as though
11 fully set forth herein.

12 13. A dispute has arisen and an actual controversy exists between City and Cross-
13 Defendants, and each of them, in that City contends it is entitled to total and/or partial indemnity,
14 equitable indemnity, apportionment and contribution from such Cross-Defendants in proportion
15 to the respective fault or liability of each of them.

16 14. City is informed and believes that a judicial determination is necessary and
17 proper to determine the rights of City and the respective duties of Cross-defendants in connection
18 with the matters alleged in Plaintiff's Complaint and this Cross-Complaint.

19 As to the First Cause of Action:

20 1. For complete indemnity from Cross-defendants, and each of them, for any
21 judgment entered against City in the above-captioned action;

22 2. For complete indemnity from Cross-defendants, and each of them, for costs and
23 attorney's fees reasonable incurred by Cross-complainant in defending against Plaintiff's claims;

24 As to the Second Cause of Action:

25 3. For a pro rata partial equitable indemnity from Cross-defendants, and each of
26 them, for any portion of any judgment entered in this action against Cross-complainant which
27 does not fairly reflect Cross-complainant's pro rata fault or responsibility, if any;

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As to the Third Cause of Action:

4. For a judicial determination of the rights and duties of the parties with respect to the matters alleged herein;

As to All Causes of Action:

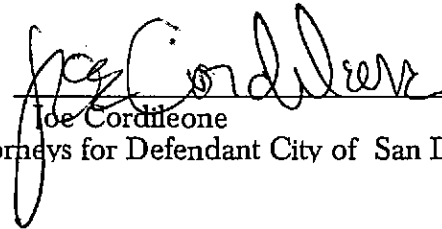
5. For costs of suit including attorney's fees;

6. For such other and further relief as the Court may deem just and proper.

Dated: July 30, 2013

JAN I. GOLDSMITH, City Attorney

By



Joe Cordileone

Attorneys for Defendant City of San Diego