

1 MICHAEL A. CONGER, ESQUIRE (State Bar #147882)
2 LAW OFFICE OF MICHAEL A. CONGER
3 16236 San Dieguito Road, Suite 4-14
4 Mailing: P.O. Box 9374
5 Rancho Santa Fe, California 92067
6 Telephone: (858) 759-0200
7 Facsimile: (858) 759-1906

8 Attorney for Plaintiff Alison N. Terry

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 ALISON N. TERRY,	)	CIVIL NO. 06-CV-1459 JAH(CAB)
12 Plaintiff,)	
13 v.	)	DECLARATION OF LISA DARLING
14 CITY OF SAN DIEGO, and DOES 1-20,	)	IN SUPPORT OF PLAINTIFF'S
15 Defendants.	)	OPPOSITION TO DEFENDANT
	)	CITY OF SAN DIEGO'S MOTION
	)	FOR SUMMARY JUDGMENT
)	
	)	Judge: Hon. John A. Houston
	)	Courtroom: 11m 2 nd Floor
	)	Date: October 9, 2008
	)	Time: 2:30 p.m.
	)	Complaint filed: June 20, 2006

18 I, Lisa Darling declare as follows:

19 1. I am employed by the City of San Diego ("City") as a Lifeguard II. I have
20 personal knowledge of the matters stated herein and if called to do so could testify competently
21 thereto.

22 2. I have been employed as a lifeguard by the City since 1992. In 1998, with great
23 difficulty, I was promoted to Lifeguard II, one of only a very few female Lifeguard Is to ever be
24 promoted.

25 3. The Lifeguard I position is seasonal, part-time work. Typically, Lifeguard Is work
26 from Memorial Day through Labor Day each summer.

27 4. The Lifeguard II position is full time, year round. Lifeguards employed in the
28

1 rank of Lifeguard II or higher are referred to as "permanent lifeguards."

2 5. Lifeguard IIs earn substantially more compensation than Lifeguard Is. Lifeguard
3 IIs also receive pension and health benefits, which Lifeguard Is do not receive.

4 6. Each year, all lifeguards receive a performance review and a performance rating.
5 Until 2003, the highest rating was "outstanding." In 2004, the highest rating was changed to
6 "commendation."

7 7. I have been told by numerous of my superiors in the lifeguard service, often in the
8 presence of other lifeguards, that an employee who does not receive the highest performance
9 rating has very little chance to promote. I specifically recall Sargent Mazur telling me that
10 applying for a promotion without the highest rating would be a "waste of time." I have passed
11 this information on to numerous other employees, including many Lifeguard Is, and believe this
12 information to be well known among lifeguard personnel, including Lifeguard Is.

13 8. During my experiences as a lifeguard, I strongly believe female lifeguards do not
14 receive the same opportunities as men. Often times it is a difficult place to work because sexual
15 harassment by male lifeguards is not taken seriously. Females who complain, including me, are
16 retaliated against, and many females have left the lifeguard service for this reason.

17 9. Of the six females currently employed by the City above the rank of Lifeguard I,
18 i.e., permanent female lifeguards, four of the six are married to other permanent male lifeguards.
19 (Lifeguard II Leslie Mendez is married to a lieutenant who retired. However, she was promoted
20 before his retirement.) Another female Lifeguard II, Currant Tiegan, who is presently on leave, is
21 also married to a permanent male lifeguard.

22 10. Since being promoted to Lifeguard II, I use the personal watercraft only one to
23 two time per year.

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct.

26 Executed this 19th day of September, 2008, at San Diego, California.

27
28


Lisa Darling