

GOVERNMENT TORT CLAIM

California Government Code Section 910 et seq.

TO: San Francisco Bay Area Rapid Transit District
ATTN: General Manager/Claims Administrator
2150 Webster Street
Oakland, CA 94612

Copy to: BART - Insurance Division
PO Box 12688
Oakland, CA 94612-3012

CLAIMANT INFORMATION

Name: Maria J. Avila c/o Counsel
Address: Weisenberg Law, 129 22nd Avenue, San Francisco, CA 94121
Phone: (415) 553-0911
Email: bruce@weisenberg.law

CLAIM DETAILS

Date of Incident/Occurrence: Ongoing course of conduct from February 3, 2020 through present, with specific incidents including but not limited to discrimination, harassment, and retaliation occurring throughout employment, culminating in escalated retaliation following BART's July 29, 2025 investigation findings.

Location: San Francisco Bay Area Rapid Transit District facilities, primarily at 2150 Webster Street, Oakland, CA 94612.

Description of Incident and Basis for Claim:

This claim arises from Defendant BART's violation of state and federal civil rights laws through a continuous pattern of employment discrimination, harassment, and retaliation against Claimant Maria J. Avila, a Senior Marketing Representative of Latino and Native American ancestry, over age 40.

Key Facts:

1. **Initial Discrimination (2020-2023):** From her February 3, 2020 hiring, Claimant was subjected to discriminatory treatment by Chief Communications Officer Alicia Trost, including pay inequity compared to younger white employees, denial of promised

promotions despite performing higher-level work, and exposure to racist and ageist commentary.

2. **Formal Complaints (2023):** Claimant filed formal complaints with BART Human Resources in 2023 reporting discrimination, harassment, and wage theft.
3. **Investigation and Findings (2025):** BART retained Boucher Law, PC for an independent investigation. On July 29, 2025, BART issued formal findings that "a violation of the District's Equal Employment Opportunity (EEO) policies did occur" and that "other, non-EEO-related BART policies may have also been violated" ^{27, 28, 29}.
4. **Escalated Retaliation (2025):** Despite formal findings of wrongdoing, BART failed to take meaningful corrective action. Instead, retaliation intensified, including:
 - Stripping Claimant of core job duties upon return from medical leave
 - Isolation from colleagues and sabotage of work performance
 - A malicious scheme in August 2025 to frame Claimant for felony theft of camera equipment ^{24, 25}
5. **Protected Activities:** Claimant's complaints involved protected activities under FEHA and Labor Code § 1102.5, including reporting race/age discrimination, wage theft, and unsafe working conditions.

Legal Basis: This claim is brought under the California Fair Employment and Housing Act (Gov. Code § 12900 et seq.), California Family Rights Act (Gov. Code § 12945.2), Labor Code § 1102.5 (whistleblower protection), and related state and federal civil rights laws.

Damages Claimed:

Claimant seeks compensation for damages including but not limited to:

- **Economic Losses:** Past and future lost wages, benefits, overtime pay, promotional opportunities, and career advancement estimated to exceed \$200,000
- **Non-Economic Damages:** Emotional distress, physical illness (including gastritis requiring medical treatment), humiliation, and damage to professional reputation
- **Medical Expenses:** Costs related to stress-induced physical ailments and ongoing treatment
- **Punitive Damages:** For willful and malicious conduct, particularly the August 2025 framing scheme
- **Attorney's Fees and Costs:** As provided by statute

Amount Claimed: \$368,000 (This amount may be increased based on further investigation and discovery)

Supporting Documentation: Medical records, BART's investigation closure letter dated July 29, 2025, employment records, emails, witness statements, and other documentation in BART's possession evidencing the discriminatory conduct and resulting damages.

PLEASE SEE ATTACHED DRAFT COMPLAINT FOR FURTHER INFORMATION.

VERIFICATION

I, Maria J. Avila, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief.

Date: 10/28/2025

Signature: 
Maria Avila (Oct 28, 2025 15:28:45 PDT)

Maria J. Avila, Claimant

Presented by:

Bruce Weisenberg, Esq. (SBN 260521)

WEISENBERG LAW

129 22nd Avenue

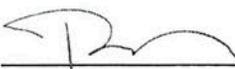
San Francisco, CA 94121

(415) 553-0911

bruce@weisenberg.law

Attorney for Claimant

Date: 10/28/2025

Signature: 
Bruce Weisenberg



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
 Insurance Division
 2150 Webster Street
 Oakland, CA 94612-3012

**CLAIM AGAINST SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
 IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 910 ET SEQ***

*Promptly complete this form and mail to: BART, P.O. Box 12688, Oakland, CA 94604-2688, Attn.: Insurance Division

PLEASE PRINT:

NAME OF CLAIMANT: LAST NAME:

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LOCATION/PLACE OF INCIDENT/OCCURENCE: (Please be specific, i.e., Station, train, escalator, stairway, etc.) Please see attached

DESCRIPTION OF OCCURRENCE OR INCIDENT: ''

NATURE OF INJURY, LOSS OR DAMAGE RESULTING FROM THE ABOVE: ''

CAUSE OF INJURY, OR DAMAGE (State what you believe caused the injury, loss or damage and state the name or names of the public employee or employees causing such injury, loss or damage if known): ''

AMOUNT CLAIMED AS OF DATE OR PRESENTATION OF CLAIM AND THE ESTIMATED AMOUNT OF FUTURE CLAIM, IF KNOWN: (include the basis of computation of the amount claimed): ''

I understand that, by furnishing this form, BARTD is not acknowledging any responsibility for payment of my claim.

(DO NOT DETACH - ALL (3) COPIES ARE TO BE RETURNED TO BART.)

Dated: 10/28/2025 Signed: Maria Avila (Oct 28, 2025 15:28:45 PDT)

***CLAIM MUST BE PRESENTED WITHIN 9 MONTHS OF INCIDENT IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS.**