



Lori J. Costanzo
Frank Zeccola
Luiza V. Dias
Zara Ashtiani

Reply to: lori@costanzo-law.com

March 8, 2026

BY EMAIL ONLY

SCVWD Board of Directors
5750 Almaden Expressway
San Jose, CA 95118
board@valleywater.org

Gilbert J. Tsai
Hanson Bridgett LLP
425 Market Street, 26th Floor
San Francisco, CA 94105
gtsai@hansonbridgett.com

RE: Our Client, Rick Callender

Dear SCVWD Board of Directors and Mr. Gilbert J. Tsai:

Be advised that at this time, Mr. Rick Callender intends to pursue legal action against Director Rebecca Eisenberg, and other third-party actors, including bargaining units, not covered in the Callender agreement with Valley Water, for claims involving defamation, intentional interference with prospective economic advantage, false light, retaliation, discrimination, and civil conspiracy.

Director Eisenberg worked directly with complainants and others to file false and frivolous claims against Mr. Callender with the intent to prevent him from obtaining future employment opportunities, which directly supports causes of action for defamation, intentional interference with prospective economic advantage, and civil conspiracy. There is substantial evidence of material mischaracterizations and investigator bias in the Callender report—which selectively omitted exculpatory context when drawing adopted adverse inferences—facts that corroborate the falseness and malicious nature of the facts which underlie defamatory statements. There has been a concerted effort by Dir. Eisenberg and other third-party actors to damage Mr. Callender's personal and professional reputation and future prospects.

An independent investigation of Eisenberg found her to have committed discriminatory harassment based on sex, age, and national origin, in violation of SCVWD's anti-harassment policies, including Board Policy GP-11.1 and the interpretive guidance of AD-2.8. The Eisenberg investigation found that these actions negatively impacted recipients, including CEO Rick Callender and other staff who reported being offended and shocked by her bigoted remarks. Specifically, the investigation concluded that (a) Eisenberg's statement that flooding exists

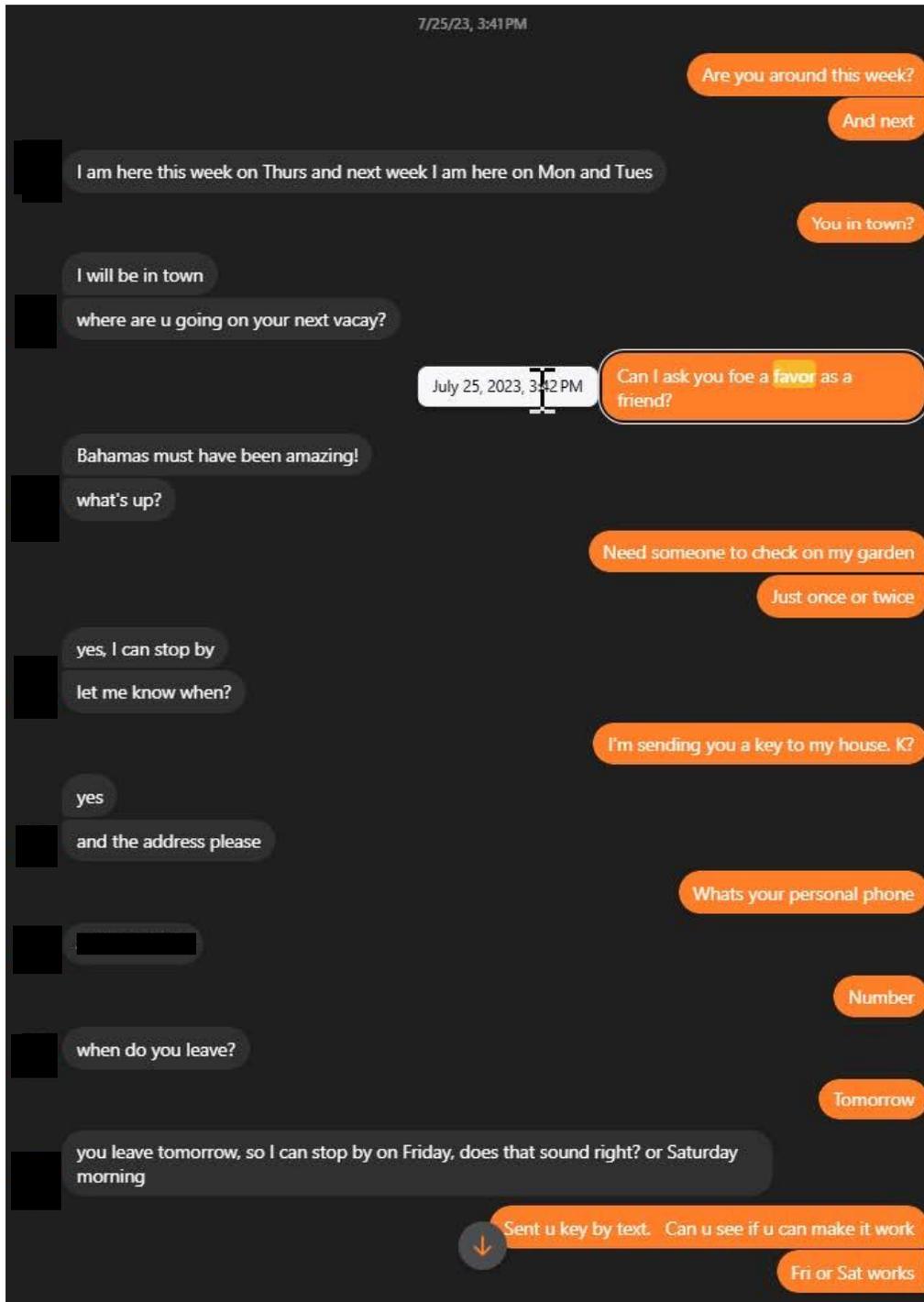
because of all the concrete poured by “men engineers,” and that “men” like to build things, constituted sex-based discriminatory harassment, which was SUBSTANTIATED under GP-11.1; (b) her statement during a January 24, 2023 Board meeting that she was the only “Non-Boomer on the Board and it shows” constituted age-based discriminatory harassment, which was SUBSTANTIATED under GP-11.1; and (c) her remarks to Director Nai Hsueh that “English isn’t your first language so I want to make sure you understand,” along with similar comments, constituted national origin-based discriminatory harassment, which was SUBSTANTIATED under GP-11.1. These findings reflect violations of SCVWD’s express prohibitions against discrimination and harassment on the bases of sex, age, and national origin (including language use restrictions).

We also provide context which demonstrates that the Callender report mischaracterizes key facts and reflects investigator bias.

Benign discussion about watering Callender’s plants while he was out of town

The report’s narrative that Complainant 1 was pressured to remain on Mr. Callender’s home-access list and that he used the phrase “you never know” in a suggestive manner is contradicted by the contemporaneous text messages. The messages show a friendly, reciprocal exchange about watering a garden while Mr. Callender was away; Complainant 1 volunteered timing, accepted a key, and later discussed the garden work performed. When Complainant 1 later stated she removed herself from access, Mr. Callender responded, “ok. i was going to leave you on never know if i need help!” — a practical, task-oriented comment, not the insinuation reported. This directly disproves the report’s portrayal and evidences selective quotation that omits exculpatory context.

The assertion that Mr. Callender invited Complainant 1 to his home in a manner implying impropriety is belied by messages indicating routine logistical coordination and benign gardening discussions spanning hundreds of messages, consistent with a shared interest rather than any inappropriate intent.



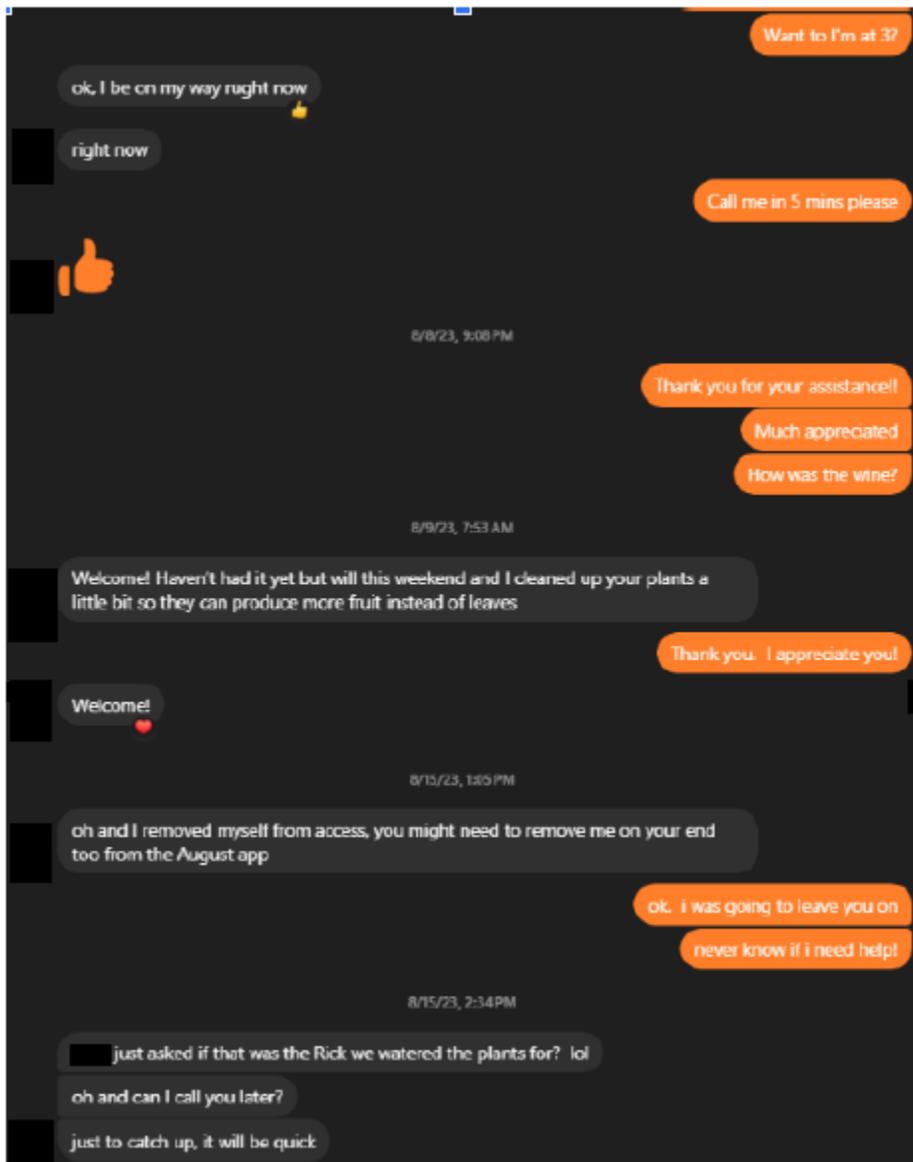


Photo of Callender in shirt and tie and sweatpants was not inappropriate

The investigators, without giving the context, claimed that Mr. Callender transmitted an inappropriate “crotch” photograph. The image — not of a crotch — came during the Covid-era video chat when he was asked about wearing a coat and tie at home. His answer: He had traded dress pants for sweatpants at home, and he sent the photo as proof. There was no “crotch” in the

photo and nothing prurient. This context, however, was ignored by investigators. Characterizing this as sexualized is an unreasonable inference and further evidence of bias.

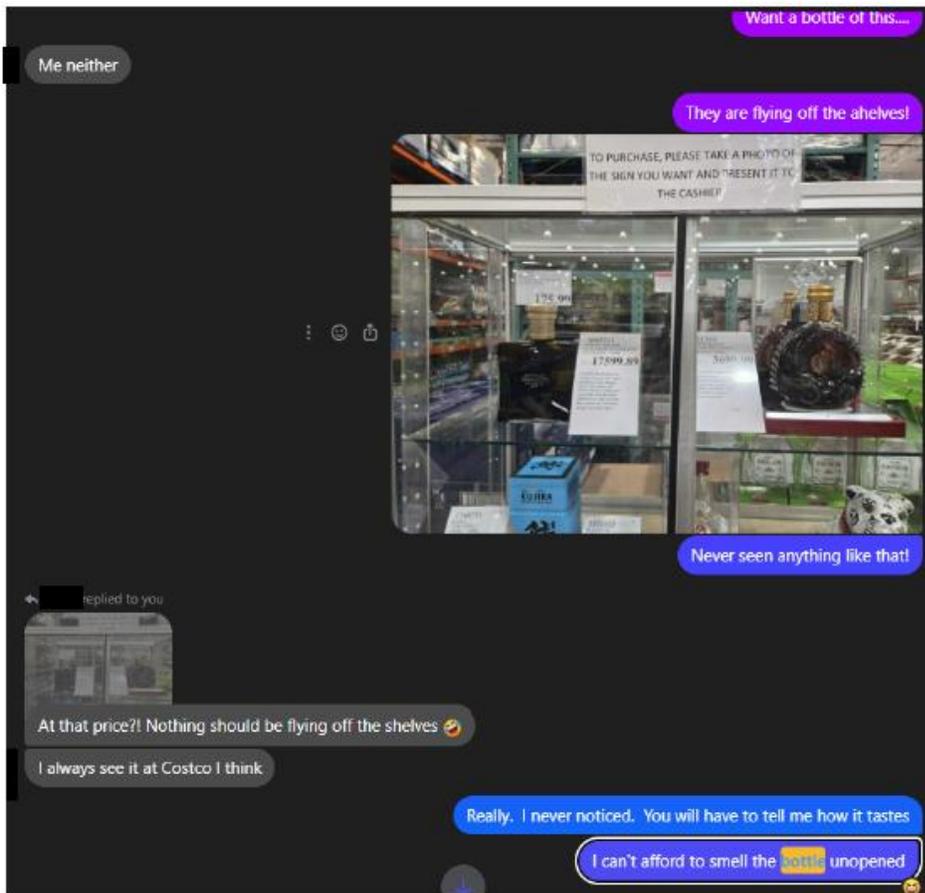


Reliance on a complaint filed about an employee who attempted to get it retracted.

With respect to Complainant 2, the report relies on a complaint that she did not personally file; instead, Complainant 3 filed it without her knowledge, and Complainant 2 attempted to retract it but was prevented by General Counsel. She told several employees she sought withdrawal because the complaint contained lies, falsehoods, and inaccuracies. Continuing to credit such a complaint while disregarding the declarant's repudiation reflects investigative partiality and undermines the report's reliability.

Complete misrepresentation of a commentary on expensive brandy at Costco

The contention that Mr. Callender offered Complainant 2 an expensive bottle of brandy is refuted by the actual exchange, which is plainly joking and expressly disclaims the ability to afford the item ("I can't afford to smell the bottle unopened"). The dialogue references prices in a humorous vein and contains no offer to purchase a gift; the report's contrary framing omits critical clarifiers.



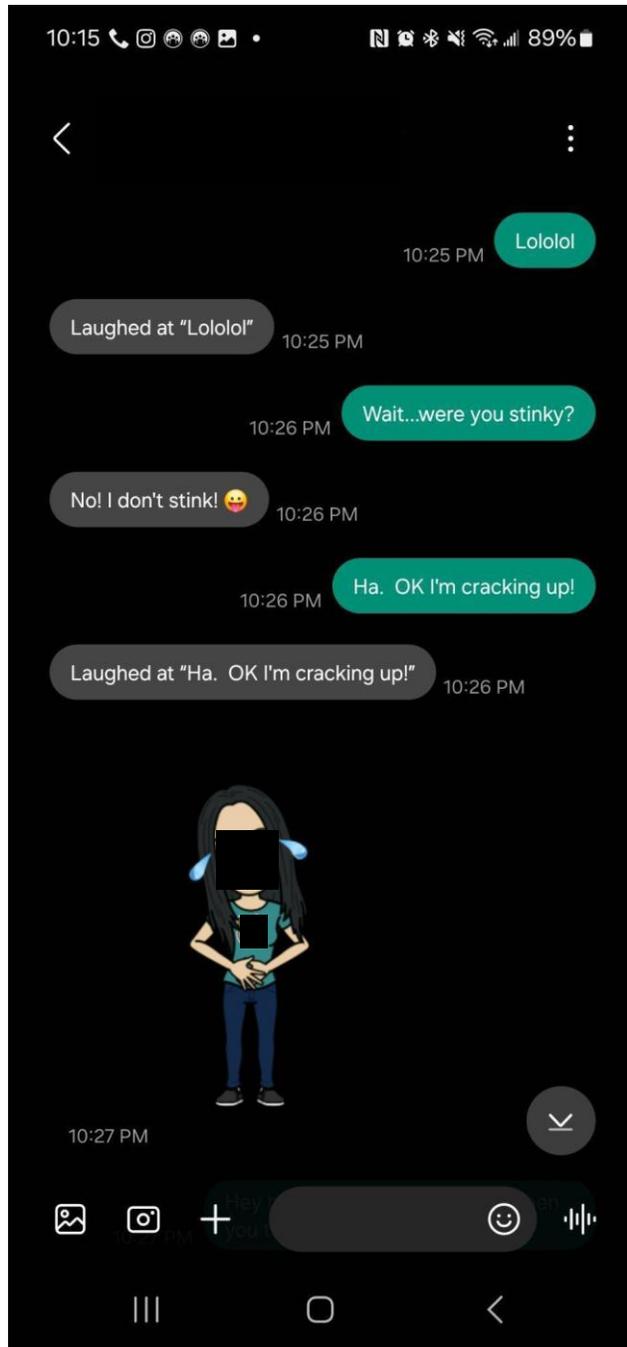
Complete misrepresentation about an employee wearing a hot, sweaty mascot costume

The report's implication that Mr. Callender made sexualized remarks about "smelling" Complainant 2 is dispelled by the full context: a lighthearted discussion about the agency mascot costume ("the nasty stinky drip"), sweating, and body odor, with mutual joking and emoji reactions. In context, "I'll believe it when I smell it" responds to Complainant 2's assertion that she does not stink and is coupled with self-depreciation about Mr. Callender being "stinky" when biking, negating any sexualized intent.

These examples share a common pattern: the result adopts adverse interpretations while excluding contemporaneous messages that neutralize or contradict those interpretations. The selective omission of exculpatory language ("never know if i need help!"), the failure to acknowledge the humorous and mutual nature of the exchanges, and the disregard of Complainant 2's repudiation demonstrates bias and manipulated findings.









We assert our demand that Valley Water preserve all documents and electronically stored information relevant to these matters, including but not limited to: communications by and between Director Eisenberg and any complainants, bargaining units, or third parties concerning Mr. Callender; drafts and final versions of the investigative report and related notes; internal messages, emails, text messages, social media messages, and metadata; and any communications with prospective employers or industry stakeholders concerning Mr. Callender. [date and scope to be further specified]

We remain willing to confer regarding corrective action and resolution.

Please direct all communications to the undersigned.

Very truly yours,
COSTANZO LAW FIRM, APC

A handwritten signature in cursive script that reads "LJ Costanzo".

Lori J. Costanzo
Attorney