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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA,**
10 **FOR THE COUNTY OF LOS ANGELES**

11 STEPHANIE STENNER HAARHAUS,
12 an Individual,

13
14 Plaintiff,

15 vs.

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18 LOB.COM, INC., a Delaware Corporation;
19 MICHAEL TUFFLEY, an Individual; and
20 DOES 1-20, inclusive,

21 Defendants.
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Case No.: **26STCV00871**

COMPLAINT FOR DAMAGES:

1. Discrimination Based on Sex, Gender, and/or Gender Identity;
2. Harassment Based on Sex, Gender, and/or Gender Identity;
3. Disability Discrimination;
4. Failure to Engage in a Prompt, Good Faith Interactive Process;
5. Failure to Provide Reasonable Accommodations;
6. Failure to Provide Statutory Job Protected Leave;
7. Retaliation in Violation of FEHA;
8. Failure to Take All Reasonable Steps to Prevent Discrimination, Harassment and/or Retaliation;
9. Violation of *Civil Code* § 51.7;
10. Violation of *Civil Code* § 52.1;
11. Retaliation and/or Wrongful Termination in Violation of *Labor Code* § 1102.5;
12. Retaliation and/or Wrongful Termination in Violation of *Labor Code* § 232.5;
13. Retaliation and/or Wrongful Termination in Violation of *Labor Code* § 6310;
14. Wrongful Termination in Violation of Public Policy;
15. Constructive Discharge in Violation of Public Policy; and
16. Violation of California *Labor Code* § 2698, et

seq.

Jury Trial Demanded

Plaintiff, Stephanie Stenner Haarhaus ("Plaintiff"), hereby alleges as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to California Constitution Article VI, § 10, which grants the Superior Court "original jurisdiction in all causes except those given by statute to other courts." The statutes under which this action is brought do not specify any other basis for jurisdiction.

2. Plaintiff has exhausted her administrative remedies by the timely request of a Right to Sue notice from the California Civil Rights Division within three years of the events alleged herein.

3. This Court has jurisdiction over all Defendants because, based on information and belief, each party is either a citizen of California, has sufficient minimum contacts in California, or otherwise intentionally avails itself of the California market so as to render the exercise of jurisdiction over it by the California courts consistent with traditional notions of fair play and substantial justice.

4. Prior to the filing of this complaint, Plaintiff exhausted her administrative remedies by submitting a letter detailing her claims and alleged violations with the Labor Workforce Development Administration ("LWDA"). More than sixty-five (65) days have elapsed since the submission of the PAGA notice, and the LWDA has not informed Plaintiff that it intends to investigate the alleged violations.

5. Venue is proper in this Court because, upon information and belief, one or more of the named Defendants reside, transact business, or have offices in this county and the acts and omissions alleged herein took place in this county.

THE PARTIES

6. Plaintiff at all times relevant to this action, resided in the Counties of Los Angeles and Centre County, Pennsylvania.

7. Plaintiff is informed and believes, and based thereupon alleges, that Defendant LOB.COM, INC. ("LOB" or "Defendant") is and was a Delaware corporation doing business within the State of

1 California as itself, and, at all times hereinafter mentioned, is an employer whose employees are engaged
2 in commerce throughout this country.

3 8. Plaintiff is informed and believes, and based thereupon alleges, that Defendant, MICHAEL
4 TUFFLEY (“TUFFLEY”), was and is an individual residing in the County of San Francisco, State of
5 California, and was a supervisory or managerial employee of Defendant LOB. TUFFLEY was an owner,
6 director, officer, or managing agent of LOB; therefore, his acts or omissions that resulted in any unlawful
7 conduct are imputed onto Defendant, and each of them.

8 9. LOB, TUFFLEY, and DOES 1 - 20 are referred to collectively as the “Defendants.”

9 10. Plaintiff is unaware of the true names or capacities of the Defendants sued herein under the
10 fictitious names DOES 1–20 but prays for leave to amend and serve such fictitiously names Defendants
11 pursuant to *California Code of Civil Procedure* § 474, once their names and capacities become known.

12 11. Plaintiff is informed and believes, and thereon alleges, that DOES 1–20 are the partners,
13 joint ventures, parent companies, owners, shareholders, or managers or employees of Defendants and,
14 therefore, were acting on behalf of Defendants.

15 12. Plaintiff is informed and believes, and thereon alleges, that each of said Defendants are in
16 some manner intentionally, negligently, or otherwise responsible for the acts, occurrences, or transactions
17 alleged herein.

18 13. Plaintiff is informed and believes, and thereon alleges, that each and all of the Acts and
19 omissions alleged herein were performed by, or are attributable to, all Defendants, each acting as the agent
20 for the other, with legal authority to act on the other’s behalf. The acts of Defendants were in accordance
21 with and represent the official policy of Defendants.

22 14. Plaintiff is informed and believes, and thereon alleges, that at all times material hereto and
23 mentioned herein, each Defendant sued herein (both named and DOE Defendants 1-20) was the expressly
24 and/or implicitly authorized agent, business-entity agent, servant, employer, partner, joint venturer,
25 integrated enterprise, joint employer, business-entity employer, authorized agent, contractor, contractee,
26 partner, division owner, subsidiary, principal, division, alias, successor in interest, and/or alter ego with
27 and/or of each of the remaining Defendants and was, at all times material hereto, acting within the purpose
28 and scope of such agency, servitude, partnership, employment, integrated enterprise, contract, venture,

ownership, subsidiary, principal, alias, and/or alter ego and with the authority, consent, approval, control, influence, and ratification of each remaining Defendant herein.

15. At all times herein mentioned, Defendants, and each of them, including DOES 1–20, ratified each and every act or omission complained of herein, and/or committed such actions themselves on behalf of themselves and/or, with authorization, on behalf of each other. At all times herein mentioned, the Defendants, and each of them, engaged in acts alleged herein as the employer and/or as an authorized business-entity employer (as defined by California Government Code §12925(d)), and/or, at a minimum, aided and abetted the acts and omissions of each and all the other Defendants, in either actually and/or proximately causing the damages herein alleged. Likewise, at all times herein mentioned, Defendants, and each of them, aided and abetted the acts and omissions of each and all the other Defendants in actually and/or proximately causing the damages herein alleged.

FACTUAL ALLEGATIONS

16. At all times, Defendant LOB is Delaware corporation with its headquarters in San Francisco, and conducts business within the State of California as a digital direct mailing service. At all relevant times, LOB was and is an employer with hundreds of employees in the State of California.

17. On or around March 5, 2021, LOB hired Plaintiff as a Mid-Market Customer Success Manager. On or around March 4, 2022, Plaintiff was promoted to Enterprise CSM after receiving a stellar performance review. In or around September 2022, Plaintiff was then promoted to Senior Enterprise CSM after another exemplary performance review from her peers.

18. On or around September 8, 2023, Plaintiff was again promoted to Director, Strategic Alliance. Plaintiff was a loyal and devoted employee of Defendants, and her work performance was almost always above average. At all times, Plaintiff fulfilled and substantially performed all her duties for Defendant's benefit as a loyal and devoted employee.

19. In or around January 2024, Plaintiff began to report to TUFFLEY who was LOB's Vice President of solutions. In the months to follow, TUFFLEY would subject Plaintiff to continuous harassment in the form of derogatory remarks regarding women and numerous instances of unwarranted beratement based upon Plaintiff's sex, gender and/or gender identity. At all times, such harassment existed

1 and a severe and/or pervasive basis for the remainder of Plaintiff's employment. Such harassment based
2 on Plaintiff's sex, gender and/or gender identity was committed in Plaintiff's presence and/or was directed
3 at Plaintiff. At all times, such harassment based on Plaintiff's sex, gender and/or gender identity was
4 unwelcome, unsolicited, unwarranted, outrageous, objectively offense and, in light of all of the
5 circumstances in their totality, created and perpetuated a hostile work environment which negatively
6 affected the terms and conditions of Plaintiff's employment, including her ability to engage in, enjoy
7 and/or advance in the same. Such harassing conduct which Plaintiff was exposed and/or subjected to in
8 the workplace based on her and/or her co-worker's sex, gender and/or gender identity included, but was
9 not limited to:

10 20. TUFFLEY sharing social media posts with Plaintiff and her coworkers related to "lazy
11 women,"

12 21. Using typical stereotypical misogynistic tropes against Plaintiff and/or her coworkers in
13 Plaintiff's presence, including criticizing Plaintiff as being too "opinionated" without any basis or
14 justification other than her gender.

15 22. TUFFLEY routinely treated Plaintiff and her female coworkers in the workplace very
16 poorly, criticizing their work without any justification but seemingly motivated solely by their gender
17 and/or sex, while also demanding from women, but not male, employees, including Plaintiff, that they do
18 as he says without questioning him, his authority, or decisions.

19 23. Often times, the women who did as TUFFLEY demanded without question would escape
20 his harassment more than those who at all resisted, who were then completely ostracized. Plaintiff and
21 other female employees who did not blindly succumb to TUFFLEY's demanded patriarchy, on the basis
22 of their gender, would often be harassed, bullied, degraded and humiliated simply for being women and/or
23 female.

24 24. In or around January 26, 2024, Plaintiff had her first one-on-one with TUFFLEY wherein
25 he reduced her to tears after unwarrantedly, and without any justification, belittling her work.
26 Additionally, during this period, Defendants changed Plaintiff's job title without prior notice or any
27 conversation about why her title was changed.

1 25. In or around January 30, 2024, Plaintiff attended a revenue kick-off (“RKO”) event for
2 LOB. On one of the nights of the RKO event, while Plaintiff was socializing with coworkers and after
3 Plaintiff had drank a small amount of alcohol, Plaintiff woke up the next morning recalling nothing that
4 occurred from the night. Thereafter, Plaintiff expressed concern to her coworkers and Defendant’s
5 managing agent, that Plaintiff reasonably believed that someone had slipped a drug into her drink.
6 Defendant’s managing agent took no action in response to Plaintiff’s concern that she had been drugged
7 and instead dismissed it entirely.

8 26. In or around April 3, 2024, as TUFFLEY’s harassing and discriminatory conduct
9 continued, Plaintiff complained to a LOB Human Resources (“HR”) manager about TUFFLEY’s conduct
10 on the basis of her sex and/or gender, thereby (a) putting LOB on notice that TUFFLEY was harassing
11 and discriminating against Plaintiff based on her sex-gender and (b) instigating LOB’s legal obligation to
12 conduct a prompt, unbiased and comprehensive investigation into her claims. Despite its obligations to
13 investigate, remedy and prevent such harassment and discrimination under California law, LOB did
14 nothing about Plaintiff’s complaints about TUFFLEY. In fact, rather than do anything to address
15 Plaintiff’s complaints, Defendant itself ratified the harassment and discrimination by undertaking a variety
16 of acts to retaliate against Plaintiff for making her complaints.

17 27. In or around June 2024, Plaintiff began working on a new pricing model for LOB. During
18 this time, as an act of harassment and/or discrimination on the basis of Plaintiff’s gender and/or sex, or
19 simply an act of retaliation due to her complaints, TUFFLEY told Plaintiff that this project was a complete
20 waste of time and that it was “a fucking joke.”

21 28. On or around June 28, 2024, Plaintiff complained to a LOB HR representative and
22 managing agent that TUFFLEY had shared a meme with another LOB manager which stated that account
23 managers, referring to Plaintiff, was a “lazy girl job.” The HR manager confirmed that TUFFLEY indeed
24 shared this meme with another LOB manager, yet nothing was done. There was no investigation or any
25 corrective action, no less minimal discipline, pursued. Rather, TUFFLEY continued to work for LOB
26 unscathed, enabled to continue with his sex and/or gender-based discriminatory and harassing conduct
27 untethered to any potential consequences. Once again, via its inaction, Defendant simply ratified, if not
28 encouraged and enabled, such harassment and discrimination.

1 29. On or around November 5, 2024, at a LOB event, it became apparent that TUFFLEY and
2 other employees knew that Plaintiff had complained about TUFFLEY. In clear retaliation for her
3 complaints, Plaintiff presentation was completely ignored by PURKISS and other employees. Even worse,
4 as a severe example of retaliation, Plaintiff began to see her work responsibilities dwindle without any
5 explanation or justification.

6 30. On or around November 11, 2024, Plaintiff emailed HR to complain about the hostile work
7 environment that she was experiencing, that LOB managers were taking credit for her pricing mode, and
8 the dismissive behavior of the managing agent in HR who did nothing regarding Plaintiff's complaint that
9 she believed that she was illicitly drugged at the January 2024 RKO event, thereby placing LOB on notice
10 once again of the hostile work environment and unsafe working conditions for employees. Based on these
11 conditions, Plaintiff reasonably believed that Defendants were operating in violation of applicable laws,
12 statutes, regulations, and professional standards intended to protect safety and employee health. These
13 conditions exposed Plaintiff to an increased risk of physical and mental injury in the course of her
14 employment. Plaintiff also notified Defendant that she was experiencing "stress and mental degradation"
15 due to the hostile work environment created by Defendants. At all times, the result of these conditions
16 made Plaintiff psychologically disabled as defined under California law. Moreover, via these
17 communications, Plaintiff formally placed Defendant on notice of the same. However, despite knowing
18 Plaintiff's actual or perceived disabilities, Defendant never engaged in any form of an interactive process,
19 nor did it offer Plaintiff or provide her any reasonable accommodations.

20 31. In the November 11, 2024 email, Plaintiff also asked to discuss "the possibility/potential
21 of taking a mental Health leave of absence." In so doing, Plaintiff further informed Defendants of her
22 disabilities while also requesting to engage in a good faith interactive process and requesting a reasonable
23 accommodations. Likewise, at all times, Defendants could have accommodated Plaintiff to keep her
24 working without suffering undue hardship. Despite these facts, and that it could have accommodated
25 Plaintiff without suffering undue hardship, Defendants failed to engage in an interactive process with
26 Plaintiff and failed to reasonably accommodate her as it was obligated to do under California law.

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1 32. On or around November 12, 2024, Plaintiff e-mailed Defendant's HR because she was
2 concerned that her discrimination and harassment complaints had leaked. As evidence that her complaints
3 had leaked, Plaintiff alerted HR that LOB managers had suddenly begun giving her credit for the pricing
4 model project. Additionally, Plaintiff was asked to cancel any upcoming meetings with the managing
5 agent in HR whom Plaintiff had reported her purported drugging to back in January 2024.

6 33. On or around November 19, 2024, Plaintiff emailed HR to confirm that LOB had offered
7 her only two options: Plaintiff could either request a leave of absence from her manager as paid time off
8 (which required her to disclose the reason for her leave to the very person who Plaintiff made complaints
9 about) or she could apply for unpaid leave as statutory job protected leave (i.e. California Family Rights
10 Act, or "CFRA"). In truth, these options were simply additional acts of retaliation and discrimination
11 against Plaintiff, providing her options that effectively forced her on a medical leave she did not want or
12 desire where there were other options which could have reasonably accommodated her to keep her
13 working rather than depriving her of her income. Thus, Defendant not only retaliated against Plaintiff
14 further through such "options", but also failed to engage in a good faith interactive process with Plaintiff
15 and failed to reasonably accommodate Plaintiff, including failing to offer modified work and/or medical
16 leave. As a result, Defendants unlawfully denied Plaintiff the reasonable accommodations she was owed,
17 failed to provide her a good faith interactive process, and, further, unlawfully discriminated against
18 Plaintiff, retaliated against her and wrongfully terminated her on the basis of her actual or perceived
19 disabilities and/or her requests for reasonable accommodations, including medical leave.

20 34. On or around November 20, 2024, Defendant's HR responded to Plaintiff's November 19,
21 2024 email, reiterating against the retaliatory two "options" Defendant provided to Plaintiff. . Again,
22 Defendants failed to engage in a good faith interactive process with Plaintiff and failed to reasonably
23 accommodate Plaintiff.

24 35. On or around December 12, 2024, HR emailed Plaintiff to inform her that they had
25 conducted an investigation, and that her complaints from the November 11, 2024 email were
26 unsubstantiated. At once, Plaintiff knew Defendant would never take her complaints seriously and that,
27 for as long as she remained employed by Defendant, she would have to tolerate being consistently
28 harassed, discriminated against and retaliated against, all to her ever-worsening mental health and the

unnecessary, wholly otherwise preventable, exacerbation of her disabilities. Moreover, by forcing Plaintiff to choose between two bad options which, either way, unlawfully forced her onto a medical leave that she did not desire or need with other reasonable accommodations available to keep her working, Defendant intentionally created and knowingly permitted working conditions to exist that were so intolerable that any reasonable person in Plaintiff's same or similarly position would have no reasonable alternative except to resign.

36. On or around December 16, 2024, Plaintiff replied to the above email, asking about the nature of the investigation as she could not understand how Defendant had reached this demonstrably false conclusion when TUFFLEY's harassing conduct had been confirmed by LOB's HR in the past. Plaintiff would later discover that Defendant had conducted a "sham" investigation since it only addressed some, but not most, of Plaintiff's complaints, and, even then, only did so in a lip service manner by failing to interview key witnesses. The intent of the sham investigation, in effect, was to send the message to Plaintiff that the hostile work environment was a figment of her imagination and, most importantly, that her efforts to address and remedy the unlawful conduct at LOB via her complaints and resistance to the same was (and would continue to be) futile. In truth, Defendant's refusal to meet its legal obligations to promptly and thoroughly investigate Plaintiff's complaints in an unbiased manner was no more than one more example of Defendant's intention to discriminate and retaliate against Plaintiff on the basis of her sex, gender, gender identity, disabilities and/or protected activities, including requests for reasonable accommodations, complaints of unsafe and unlawful working conditions, and/or complaints of harassment, discrimination and/or retaliation. In so doing, Defendant, again, intentionally created and knowingly permitted working conditions to exist that were so objectively intolerable that a reasonable person in Plaintiff's same or similar position would have no reasonable alternative except to resign, amounting to their constructive wrongful termination.

37. For months, Plaintiff had been discriminated against, harassed, retaliated against, not accommodated and even denied necessary medical treatment as acts of further discrimination and harassment. Plaintiff tried to put up with it all and fight to keep what she believed was a potentially promising career, only to be shut down and retaliated against by having her job duties removed. In the end, the writing was on the wall. At the time, it was absolutely clear that Defendant no longer wanted

1 Plaintiff employed simply because as a woman, she made complaints of harassment and unsafe working
2 environment, because she was disabled and required reasonable accommodation. Consequently, as any
3 reasonably objective person in her same or similar circumstances would find themselves, Plaintiff too
4 could no longer tolerate the hostile work environment she faced every day at work and, exhausted, no
5 longer had the resolve or energy to combat Defendant's unlawful conduct and/or fight for her job any
6 longer.

7 38. As such, Plaintiff decided to give Defendant exactly what it wanted, on January 15, 2025,
8 as the hostile work environment continued, and because Defendants failed to engage in a good faith
9 interactive process with Plaintiff, failed to reasonably accommodate Plaintiff and indicated to Plaintiff
10 that it did not take her complaints of harassment, discrimination, and unsafe working conditions seriously,
11 Plaintiff emailed HR to inform them that "I am left with no choice but to resign from my position. I feel
12 that I have been retaliated against and have been treated differently because of my gender and my report
13 of an unsafe and illegal working environment. This is an intolerable situation and has placed significant
14 strain on my mental health." In other words, Plaintiff reasonably found the working conditions created
15 and known by Defendants to be so intolerable that she had no reasonable alternative except to resign. For
16 months, Plaintiff complained about illegality and retaliation. Plaintiff tried to do the right thing and
17 commit to her job while trying to fight against illegal activity that jeopardized her safety, the safety of her
18 co-workers, and the public at large while placing herself in the crosshairs of retaliation, only to be
19 retaliated for her attempts. Plaintiff worked with integrity all while being subjected to constant
20 sexual/gender-based harassment and discrimination.

21 39. At all times, in constructively terminating Plaintiff, Defendant discriminated against
22 Plaintiff on the basis of her actual or perceived physical disability, harassed her based on her on sex,
23 gender and/or gender identity and retaliated against her on the basis of her requests for reasonable
24 accommodation, and/or retaliated against her on the basis of his complaints of not being reasonably
25 accommodated, unsafe working conditions and harassment. At no time did Defendant engage in any kind
26 of interactive process to determine whether Defendant could accommodate than Plaintiff rather force her
27 to quit. Thus, at all times, Defendant's rationale for Plaintiff's wrongful termination—e.g. Plaintiff's so-
28 called voluntary quit—was actually a pretext to mask Defendant's discriminatory and/or retaliatory

1 animus in constructively terminating Plaintiff on the basis of her requests for reasonable accommodations,
2 her complaints of not being accommodated, harassing and hostile work environment, unsafe working
3 conditions and/or her actual or perceived physical disabilities.

4 40. In being constructively wrongfully terminated, Plaintiff alleges that when was forced to
5 resign as no reasonable or objective person in Plaintiff's position would have continued to work for
6 Defendants knowing that, without reasonable accommodation for her disabilities, or correcting a hostile
7 and unsafe working environment, Plaintiff's health would continue to decline and, ultimately leave her
8 without being able to work regardless, all the while continuing to be harassed, discriminated against and
9 retaliated against. Due to Defendant's wrongful conduct, its refusals to accommodate her and its ultimate
10 goal of making Plaintiff quit, one way or the other, it was inevitable that Plaintiff would have lost her job
11 and, similarly, that her constructive termination was inevitable. Moreover, it was clear that Defendant,
12 through and by its agents, held discriminatory animus as evidenced by its ongoing refusal to acknowledge
13 Plaintiff's requests for accommodation and continued harassment and retaliation for her ongoing protected
14 activities.

15 41. At all times herein, Defendant knew, or should have known, that the conduct, acts, and
16 failures to act of Defendant and/or Defendant's owners, supervisors, agents, and employees, as described
17 herein above, violated Plaintiff's rights under the law. Likewise, Defendant knew or, in the exercise of
18 reasonable care, should have known that, unless Defendant intervened to protect Plaintiff, and to
19 adequately supervise, prohibit, discipline, and/or otherwise penalize the conduct, acts, and failures to act
20 of Defendant and others as described herein, Defendant's failure to so protect, supervise, and intervene
21 would have the effect of encouraging, ratifying, condoning, increasing, and/or worsening said conduct,
22 acts, and failures to act, which is in fact, what resulted.

23 42. At all times, Defendants' conduct, as described above, was enacted maliciously,
24 fraudulently and in total disregard and oppression of Plaintiff's rights and welfare. As a result of these
25 circumstances, Plaintiff has been damaged economically by the loss of both her current and future
26 employment, benefits, and income with Defendants, as well as other opportunities for income and/or
27 benefits and damage to her professional reputation. As a direct result of Defendants' conduct, Plaintiff has
28 also been damaged non-economically, now and in the foreseeable future. The full extent of Plaintiff's

1 damages, all of which exceed the jurisdictional minimum of this court, will be subject to a matter of proof
2 at trial.

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4 **FIRST CAUSE OF ACTION**

5 **DISCRIMINATION BASED ON SEX, GENDER, AND/OR GENDER IDENTITY**

6 **(Against LOB and DOES 1-20)**

7 43. As a separate and distinct cause of action, Plaintiff complains and realleges all the
8 allegations contained in this complaint and incorporates them by reference into this cause of action as
9 though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

10 44. All times relevant herein, the Fair Employment and Housing Act, as promulgated in
11 Government Code § 12940 et. seq. and other state and federal statutes, including the California
12 Constitution and the Civil Rights Act as amended, prohibit discrimination and harassment in employment
13 based on any protected category, including one's sex, gender and/or gender identity.

14 45. FEHA requires Defendants to refrain from discriminating against an employee on the basis
15 of sex, gender, and/or gender identity of a person, and to prevent discrimination on the basis of the
16 aforementioned protected classes from occurring.

17 46. At all times relevant herein, Plaintiff was a woman. The actions of Defendant, as described
18 in this Complaint, constitute unlawful discrimination on the basis of Plaintiff's sex, gender and/or gender
19 identity in violation of Government Code § 12940 et. seq. Such discrimination by Defendant created a
20 hostile, intimidating, and oppressive work environment for Plaintiff, whereby the conditions of her
21 employment were adversely altered. Moreover, the discrimination and retaliation, including stripping of
22 Plaintiff's job duties and unlawful constructive termination, impeded Plaintiff's progress and the
23 enjoyment of her employment with Defendant. The discriminatory work environment existed on a
24 continuing and ongoing basis up to, and including, Plaintiff's unlawful constructive termination.

25 47. Defendant knew, or should have known, of the discriminatory work environment and
26 conduct against Plaintiff but did nothing to prevent or stop the harassment and discrimination she was
27 subjected to.

1 48. As a direct and proximate result of Defendants' conduct, Plaintiffs has suffered and
2 continues to suffer actual, consequential and incidental financial losses, including without limitation, loss
3 of income, earnings, salary and benefits, and the intangible loss of employment related opportunities in
4 his field and damage to his professional reputation, the exact amount of which is not yet known and will
5 be shown according to proof at the time of trial. Plaintiff also claims such amounts as damages pursuant
6 to Civil Code §§ 3287, 3288 and/or any other laws providing for prejudgment interest.

7 49. As a direct and proximate result of Defendants' conduct, Plaintiff has sustained and
8 continues to suffer severe and serious emotional distress and physical injuries, including, but not limited
9 to, emotional trauma, physical manifestations of emotional distress, personal injuries, pain and suffering,
10 personal inconvenience, sickness and illness, all to Plaintiff's damages in an amount to be shown
11 according to proof.

12 50. The conduct of Defendant in discriminating against Plaintiff subjected Plaintiff to cruel
13 and unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by Defendant that
14 Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and believes, and based
15 thereon alleges, that Defendant's conduct against Plaintiff was done with an intent to cause injury to
16 Plaintiff. Moreover, the malicious, fraudulent and/or oppressive conduct was engaged in, authorized or
17 ratified by officers, directors or managing agents, and/or was the result of the application of unlawful,
18 malicious or oppressive policies and procedures. As a consequence of the aforesaid oppressive, malicious,
19 and despicable conduct, Plaintiff is entitled to an award of punitive damages in a sum to be shown
20 according to proof pursuant to California Government Code §§ 12965 & 12970.

21 51. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees which she
22 is entitled to recover pursuant to California Government Code § 12965.

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1 **SECOND CAUSE OF ACTION**

2 **HARASSMENT BASED ON SEX, GENDER, AND/OR GENDER IDENTITY**

3 **(Against LOB, TUFFLEY, and DOES 1-20)**

4 52. As a separate and distinct cause of action, Plaintiff complains and realleges all the
5 allegations contained in this complaint and incorporates them by reference into this cause of action as
6 though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

7 53. All times relevant herein, the Fair Employment and Housing Act, as promulgated in
8 Government Code § 12940 et. seq. and other state and federal statutes, including the California
9 Constitution and the Civil Rights Act as amended, prohibit discrimination and harassment in employment
10 based on any protected category, including one's sex, gender and/or gender identity.

11 54. At all times relevant herein, Plaintiff was a woman. The harassing acts of Defendants
12 mentioned in this Complaint against Plaintiff were unwelcome and were committed by Defendants in their
13 capacity as Defendants' employees, officers, managers, agents or persons under Defendants' control and
14 were committed within the scope of their employment.

15 55. Defendants' conduct as mentioned in this Complaint, subjected Plaintiff to sexual
16 harassment and intimidation all of which created an abusive and hostile environment.

17 56. Defendants knew or should have known of the sexual harassment and Defendants failed to
18 exercise reasonable care to prevent and promptly correct any future harassing behavior against Plaintiff.
19 Therefore, Defendants, and each of them, are responsible for TUFFLEY's conduct.

20 57. As a direct and proximate result of Defendants' conduct, Plaintiffs has suffered and
21 continues to suffer actual, consequential and incidental financial losses, including without limitation, loss
22 of income, earnings, salary and benefits, and the intangible loss of employment related opportunities in
23 his field and damage to his professional reputation, the exact amount of which is not yet known and will
24 be shown according to proof at the time of trial. Plaintiff also claims such amounts as damages pursuant
25 to Civil Code §§ 3287, 3288 and/or any other laws providing for prejudgment interest.

26 58. As a direct and proximate result of Defendants' conduct, Plaintiff has sustained and
27 continues to suffer severe and serious emotional distress and physical injuries, including, but not limited
28 to, emotional trauma, physical manifestations of emotional distress, personal injuries, pain and suffering,

1 personal inconvenience, sickness and illness, all to Plaintiff's damages in an amount to be shown
2 according to proof.

3 59. The conduct of the Defendants in sexually harassing Plaintiff, subjected Plaintiff to cruel
4 and unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by Defendants that
5 Plaintiff would be subjected to a hostile and oppressive environment. Plaintiff is informed and believes,
6 and based thereon alleges, that the sexual harassment conducted by Defendants, and each of them, was
7 done with an intent to cause injury to the Plaintiff. As a consequence of the aforesaid oppressive,
8 malicious, and despicable conduct, Plaintiff is entitled to an award of punitive damages in a sum to be
9 shown according to proof pursuant to California Government Code §§ 12965 & 12970.

10 60. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees which she
11 is entitled to recover pursuant to California Government Code § 12965.

12
13 **THIRD CAUSE OF ACTION**

14 **DISABILITY DISCRIMINATION**

15 **(Against LOB and DOES 1-20)**

16 61. As a separate and distinct cause of action, Plaintiff complains and realleges all the
17 allegations contained in this complaint and incorporates them by reference into this cause of action as
18 though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

19 62. At all times relevant to this action, Plaintiff had actual and/or perceived physical disabilities
20 within the meaning of Government Code §§ 12926(m) and 12926.1, and the California Fair Employment
21 and Housing Act (FEHA), and at all times hereto, the FEHA was in full force and effect and was binding
22 upon Defendants and each of them.

23 63. Plaintiff is informed and believes, and based thereon alleges, that Defendant constructively
24 terminated and/or retaliated against Plaintiff because of her actual disabilities and/or because it believed
25 her to be disabled, including any perception that she may become disabled in the future, in violation of
26 the FEHA and Government Code § 12940(a).

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1 64. At all times relevant to this action, Defendant was aware of Plaintiff's disabilities and/or
2 medical condition, as set forth above, because Plaintiff had informed Defendant of her disabilities, medical
3 condition, and requests for reasonable accommodation numerous times prior to the conclusion of her
4 employment.

5 65. Defendant discriminated against Plaintiff on the basis of her disabilities, as described
6 herein, by inter alia, refusing to reasonably accommodate her despite the availability of such reasonable
7 accommodations without undue hardship, by refusing to provide Plaintiff with medical care in violation
8 of Labor Code § 4600, by denying her medical leave, by refusing to engage in a good-faith interactive
9 process with her, by applying unlawful policies to Plaintiff, by wrongfully and/or constructively
10 terminating Plaintiff's employment, at least in part, because of Plaintiff's known disabilities, etc.

11 66. Plaintiff's disabilities and/or medical condition(s), whether actual, real and perceived
12 and/or believe to exist in the future, and/or some combination of these protected characteristics under
13 Government Code § 12926(j) were, at least, motivating reasons and/or factors in the decisions to subject
14 Plaintiff to the aforementioned adverse employment actions.

15 67. At all times relevant hereto, Plaintiff was either performing or ready, willing, and able to
16 perform the essential duties and functions of her position and/or the positions sought or available. At all
17 times, Plaintiff was qualified and capable of performing the essential functions of his same position or
18 another vacant position with Defendant.

19 68. At all times, Defendant knew, or should have known, that the conduct, acts, and failures to
20 act of Defendant and/or Defendant's owners, supervisors, agents, and employees, as described herein
21 above, violated Plaintiff's rights under the law. Likewise, Defendant knew, or in the exercise of reasonable
22 care, should have known, that unless Defendant intervened to protect Plaintiff, and to adequately
23 supervise, prohibit, discipline, and/or otherwise penalize the conduct, acts, and failures to act of Defendant
24 and others as described herein, Defendant would have the effect of encouraging, ratifying, condoning,
25 increasing, and/or worsening said conduct, acts, and failures to act, which is, in fact, what resulted.

26 69. As a direct, legal, and/or proximate result of the aforesaid acts of Defendant, Plaintiff has
27 suffered actual, consequential, and incidental financial losses, including without limitation, loss of income,
28 earnings, salary, benefits, the intangible loss of employment-related opportunities in her field, and damage

1 to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such
2 amounts as damages, including all prejudgment interest on the same.

3 70. As a direct, legal, and/or proximate result of Defendant's conduct, Plaintiff has sustained
4 and continues to suffer emotional injuries, emotional distress and physical injuries, including related
5 emotional and physical trauma, pain and suffering, personal injury, personal inconvenience, sickness and
6 illness, etc., all to Plaintiff's damages in an amount to be shown according to proof.

7 71. The conduct of Defendant in discriminating against Plaintiff subjected Plaintiff to cruel
8 and unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by Defendant that
9 Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and believes, and based
10 thereon alleges, that Defendant's conduct against Plaintiff was done with an intent to cause injury to
11 Plaintiff. Moreover, the malicious, fraudulent and/or oppressive conduct was engaged in, authorized or
12 ratified by officers, directors or managing agents of the corporation and/or was the result of the application
13 of unlawful, malicious or oppressive policies and procedures. As a consequence of the aforesaid
14 oppressive, malicious, and despicable conduct, Plaintiff is entitled to an award of punitive damages in a
15 sum to be shown according to proof pursuant to Government Code §§ 12965 & 12970.

16 72. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees which he is
17 entitled to recover pursuant to Government Code § 12965.

18
19 **FOURTH CAUSE OF ACTION**

20 **FAILURE TO ENGAGE IN A PROMPT, GOOD FAITH INTERACTIVE PROCESS**

21 **(Against LOB and DOES 1-20)**

22 73. As a separate and distinct cause of action, Plaintiff complains and realleges all the
23 allegations contained in this complaint and incorporates them by reference into this cause of action as
24 though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

25 74. At all times relevant to this action, Plaintiff had mental disabilities within the meaning of
26 Government Code § 12926(j)(1) and 2 CCR § 11065(d)(1), and the California Fair Employment and
27 Housing Act (FEHA), and at all times hereto, the FEHA was in full force and effect and was binding upon
28 Defendants and each of them.

1 75. After learning of Plaintiff's disabilities, Defendant failed to engage in an interactive
2 process with Plaintiff to determine whether Defendant could accommodate Plaintiff's disabilities and/or
3 her requests for reasonable accommodations, including, but not limited to, medical leave and work
4 restrictions. In failing and refusing to engage in an interactive process with Plaintiff, Defendant violated
5 Government Code § 12940(n).

6 76. As a direct, legal, and/or proximate result of the aforesaid acts of Defendant, Plaintiff has
7 suffered actual, consequential, and incidental financial losses, including without limitation, loss of income,
8 earnings, salary, benefits, the intangible loss of employment-related opportunities in her field, and damage
9 to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such
10 amounts as damages, including all prejudgment interest on the same.

11 77. As a direct, legal, and/or proximate result of Defendant's conduct, Plaintiff has sustained
12 and continues to suffer emotional injuries, emotional distress and physical injuries, including related
13 emotional and physical trauma, pain and suffering, personal injury, personal inconvenience, sickness and
14 illness, etc., all to Plaintiff's damages in an amount to be shown according to proof.

15 78. The conduct of Defendant in failing to engage in an interactive process with Plaintiff
16 subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, as it was
17 anticipated by Defendant that Plaintiff would suffer damages in the foreseeable future. Plaintiff is
18 informed and believes, and based thereon alleges, that Defendant's conduct against Plaintiff was done
19 with an intent to cause injury to Plaintiff. Moreover, the malicious, fraudulent and/or oppressive conduct
20 was engaged in, authorized or ratified by officers, directors or managing agents of the corporation and/or
21 was the result of the application of unlawful, malicious or oppressive policies and procedures. As a
22 consequence of the aforesaid oppressive, malicious, and despicable conduct, Plaintiff is entitled to an
23 award of punitive damages in a sum to be shown according to proof pursuant to California Government
24 Code §§ 12965 & 12970.

25 79. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees which he is
26 entitled to recover pursuant to Government Code § 12965.

1 **FIFTH CAUSE OF ACTION**

2 **FAILURE TO PROVIDE REASONABLE ACCOMMODATIONS**

3 **(Against LOB and DOES 1-20)**

4 80. As a separate and distinct cause of action, Plaintiff complains and realleges all the
5 allegations contained in this complaint and incorporates them by reference into this cause of action as
6 though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

7 81. At all times relevant to this action, Plaintiff had mental disabilities within the meaning of
8 Government Code § 12926(j)(1) and 2 CCR § 11065(d)(1), and the California Fair Employment and
9 Housing Act (FEHA), and at all times hereto, the FEHA was in full force and effect and was binding upon
10 Defendants and each of them.

11 82. At all times, Government Code § 12940(m) requires employers to provide an employee
12 with a known disability with a reasonable accommodation for said disability. After being diagnosed with
13 mental disabilities, as described herein, Plaintiff requested reasonable accommodations in the form of
14 medical leave. Despite learning of Plaintiff's disabilities, learning of his requests for reasonable
15 accommodations, and being able to accommodate Plaintiff as she requests without suffering undue
16 hardship, Defendant failed and refused to accommodate Plaintiff's needs based on her disabilities,
17 including, but not limited to, medical evaluation and treatment, time off from work, modified work duties
18 and/or medical leave, and, instead, wrongfully, and/or constructively, terminated Plaintiff from her
19 employment. In doing so, and failing and refusing to accommodate Plaintiff, Defendant violated
20 Government Code § 12940(m).

21 83. As a direct, legal, and/or proximate result of the aforesaid acts of Defendant, Plaintiff has
22 suffered actual, consequential, and incidental financial losses, including without limitation, loss of income,
23 earnings, salary, benefits, the intangible loss of employment-related opportunities in her field, and damage
24 to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such
25 amounts as damages, including all prejudgment interest on the same.

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84. As a direct, legal, and/or proximate result of Defendant's conduct, Plaintiff has sustained and continues to suffer emotional injuries, emotional distress and physical injuries, including related emotional and physical trauma, pain and suffering, personal injury, personal inconvenience, sickness and illness, etc., all to Plaintiff's damages in an amount to be shown according to proof.

85. The conduct of Defendant in failing to reasonably accommodate Plaintiff subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by Defendant that Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and believes, and based thereon alleges, that Defendant's conduct against Plaintiff was done with an intent to cause injury to Plaintiff. Moreover, the malicious, fraudulent and/or oppressive conduct was engaged in, authorized or ratified by officers, directors or managing agents of the corporation and/or was the result of the application of unlawful, malicious or oppressive policies and procedures. As a consequence of the aforesaid oppressive, malicious, and despicable conduct, Plaintiff is entitled to an award of punitive damages in a sum to be shown according to proof pursuant to California Government Code §§ 12965 & 12970.

86. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees which he is entitled to recover pursuant to Government Code § 12965.

SIXTH CAUSE OF ACTION

FAILURE TO PROVIDE STATUTORY JOB PROTECTED LEAVE

(Against LOB and DOES 1–20)

87. As a separate and distinct cause of action, Plaintiff complains and realleges all the allegations contained in this complaint and incorporates them by reference into this cause of action as though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

88. At all times relevant to this action, Plaintiff had physical and/or psychological disabilities within the meaning of *California Government Code* § 12926 (m), the California Family Rights Act (“CFRA”) and the California Fair Employment and Housing Act (FEHA).

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1 89. At all times, *California Government Code* § 12945.2 makes it an unlawful practice for any
2 employer to refuse an employee with more than twelve (12) months of service with the employer, and
3 who has at least twelve hundred and fifty (1,250) hours of service with the employer during the previous
4 twelve (12)-month period, to take up to a total of twelve (12) continuous and/or intermittent workweeks
5 in any twelve (12)-month period for family care and medical leave, including related to a pregnancy, the
6 birth of a child and/or baby bonding time, or to discharge an employee for taking the same. Additionally,
7 the employer must provide the employee with the same or a comparable position to the employee's
8 original position upon that employee's return from medical leave.

9 90. During her employment with Defendant, Plaintiff met the requirements to qualify for
10 statutory job protected medical leave under *California Government Code* § 12945.2, i.e. CFRA.

11 91. During Plaintiff's employment with Defendant, Plaintiff informed Defendant of her need
12 for leave due to her mental disabilities and/or required such leave where Defendant was incapable of
13 providing Plaintiff with modified work duties without forcing Plaintiff to perform work in violation of her
14 known limitations. As a result of suffering from said psychological disabilities, Plaintiff requested
15 temporary medical leave under CFRA from Defendant. Despite learning of her requests for statutory job
16 protected leave under CFRA, Defendant failed and refused to provide Plaintiff the statutory job protected
17 leave she was owed and, instead, ultimately constructively wrongfully terminated Plaintiff from her
18 employment, at least in part, because of her requests for and/or taking such statutory job protected leave
19 under the CFRA. In doing so, Defendant failed to provide Plaintiff with the statutory job protected
20 medical leave she required and was owed under the CFRA in direct violation of *California Government*
21 *Code* § 12945.2.

22 92. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered and
23 continues to suffer actual, consequential and incidental financial losses, including without limitation, loss
24 of income, earnings, salary and benefits, and the intangible loss of employment related opportunities in
25 her field and damage to her professional reputation, the exact amount of which is not yet known and will
26 be shown according to proof at the time of trial. Plaintiff also claims such amounts as damages pursuant
27 to *Civil Code* §§ 3287, 3288 and/or any other laws providing for prejudgment interest, all in an amount
28 according to proof.

1 93. As a direct and proximate result of Defendant's conduct, Plaintiff has sustained and
2 continues to suffer severe and serious emotional distress and physical injuries, including, but not limited
3 to, emotional trauma, physical manifestations of emotional distress, personal injuries, pain and suffering,
4 personal inconvenience, humiliation, anxiety, depression, embarrassment, loss of enjoyment, sickness and
5 illness, *etc.* all to Plaintiff's damages in an amount to be shown according to proof.

6 94. The conduct of Defendant in refusing to provide Plaintiff with statutory job protected leave
7 under CFRA subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights,
8 as it was anticipated by Defendant that Plaintiff would suffer damages in the foreseeable future. Plaintiff
9 is informed and believes, and based thereon alleges, that Defendant's conduct against Plaintiff was done
10 with an intent to cause injury to Plaintiff. Moreover, the malicious, fraudulent and/or oppressive conduct
11 was engaged in, authorized or ratified by officers, directors or managing agents of the corporation and/or
12 was the result of the application of unlawful, malicious or oppressive policies and procedures. As a
13 consequence of the aforesaid oppressive, malicious, and despicable conduct, Plaintiff is entitled to an
14 award of punitive damages in a sum to be shown according to proof pursuant to California *Government*
15 *Code* §§ 12965 & 12970.

16 95. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees which she
17 is entitled to recover pursuant to California *Government Code* § 12965.

18
19 **SEVENTH CAUSE OF ACTION**
20 **RETALIATION IN VIOLATION OF FEHA**
21 **(Against LOB and DOES 1-20)**

22 96. As a separate and distinct cause of action, Plaintiff complains and realleges all of the
23 allegations contained in this complaint and incorporates them by reference into this cause of action as
24 though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

25 97. At all times relevant to this action, Government Code § 12940(h), and the FEHA, was in
26 full force and effect and was binding upon Defendants and each of them. These laws set forth in the
27 preceding paragraph require employers such as Defendants to refrain from retaliating against an employee
28 for engaging in a protected activity, including requests for reasonable accommodations, requests for an

1 interactive process, requests for statutory job protected leave under CFRA, reports and/or complaints of a
2 failure to reasonably accommodate and/or reports and/or complaints of harassment based on sex, gender,
3 gender identity and/or sexual orientation in the workplace.

4 98. Plaintiff engaged in the protected activities by requesting reasonable accommodations for
5 her psychological disabilities, requesting and/or attempting to engage in an interactive process to
6 determine what reasonable accommodations would be available, requesting statutory job protected leave
7 under the CFRA, submitting report and/or complaint to Defendant of its failure to reasonably
8 accommodate her, by refusing to comply with Defendant's demand that she waive her FEHA rights, and
9 by submitting reports and/or complaints to Defendant of harassment based on sex, gender, gender identity
10 and/or sexual orientation in the workplace. Defendants, while acting at least partially in direct retaliation
11 for Plaintiff engaging in these protected activities, as described above, retaliated against Plaintiff by, inter
12 alia, refusing to reasonably accommodate her despite the availability of such reasonable accommodations
13 without undue hardship, by applying unlawful policies to Plaintiff and/or by constructively wrongfully
14 terminating Plaintiff's employment, among other adverse employment actions committed by Defendants
15 against Plaintiff. In so doing, Defendants, and each of them, violated Government Code § 12940(h) and
16 the FEHA.

17 99. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered and
18 continues to suffer actual, consequential and incidental financial losses, including without limitation, loss
19 of income, earnings, salary and benefits, and the intangible loss of employment related opportunities in
20 her field and damage to her professional reputation, the exact amount of which is not yet known and will
21 be shown according to proof at the time of trial. Plaintiff also claims such amounts as damages pursuant
22 to Civil Code §§ 3287, 3288 and/or any other laws providing for prejudgment interest, all in an amount
23 according to proof.

24 100. As a direct and proximate result of Defendants' conduct, Plaintiff has sustained and
25 continues to suffer severe and serious emotional distress and physical injuries, including, but not limited
26 to, emotional trauma, physical manifestations of emotional distress, personal injuries, pain and suffering,
27 personal inconvenience, humiliation, anxiety, depression, embarrassment, loss of enjoyment, sickness and
28 illness, etc. all to Plaintiff's damages in an amount to be shown according to proof.

1 101. The conduct of Defendants in retaliating against Plaintiff subjected Plaintiff to cruel and
2 unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by Defendant that Plaintiff
3 would suffer damages in the foreseeable future. Plaintiff is informed and believes, and based thereon
4 alleges, that Defendant's conduct against Plaintiff was done with an intent to cause injury to Plaintiff.
5 Moreover, the malicious, fraudulent and/or oppressive conduct was engaged in, authorized or ratified by
6 officers, directors or managing agents of the corporation and/or was the result of the application of
7 unlawful, malicious or oppressive policies and procedures. As a consequence of the aforesaid oppressive,
8 malicious, and despicable conduct, Plaintiff is entitled to an award of punitive damages in a sum to be
9 shown according to proof pursuant to Government Code §§ 12965 & 12970.
10 Plaintiff has incurred and continues to incur legal expenses and attorneys' fees which she is entitled to
11 recover pursuant to Government Code § 12965.

12
13 **EIGHTH CAUSE OF ACTION**

14 **FAILURE TO TAKE ALL REASONABLE STEPS TO PREVENT AND/OR REMEDY**
15 **DISCRIMINATION, HARASSMENT, AND/OR RETALIATION**

16 **(Against LOB and DOES 1-20)**

17 102. As a separate and distinct cause of action, Plaintiff complains and realleges all the
18 allegations contained in this complaint and incorporates them by reference into this cause of action as
19 though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

20 103. At all times relevant to this action, Government Code § 12940(k), and the FEHA was in
21 full force and effect and was binding upon Defendants and each of them.

22 104. In violation of Government Code § 12940(k), Defendant failed to take immediate and
23 appropriate corrective action to prevent and remedy the discrimination, harassment and/or retaliation to
24 which Plaintiff was subjected to. Specifically, Defendant set forth policies, practices and procedures, and
25 failed to properly train its employees, as to relevant disability, medical condition, sex, gender, gender
26 identity and/or sexual orientation harassment, disability discrimination and reasonable accommodations
27 laws, which not only failed to prevent discrimination, retaliation and harassment in the workplace, but
28 actually enabled and created a discriminatory, harassing and retaliatory work environment. Likewise, by

1 harassing Plaintiff based on her sex, gender, gender identity and/or sexual orientation, by discriminating
2 against Plaintiff while she was still employed due to her actual or perceived disabilities and/or requests
3 for accommodations, terminating him, and/or retaliating against her based on his disabilities and/or his
4 requests for reasonable accommodations and/or statutory job protected leave, Defendants failed to take
5 immediate and appropriate corrective action to prevent and/or remedy the discrimination, harassment and
6 retaliation to which Plaintiff was subjected to.

7 105. At all times, Defendant knew of its legal obligations to maintain legal compliant policies
8 and procedures, knew of its obligations to properly train its employees as to employees prohibit
9 harassment and retaliation, knew of the harassment and retaliation directed toward Plaintiff and knew of
10 its legal obligations to prohibit the same, but disregarded all these duties and, instead, retaliated against
11 Plaintiff and, ultimately, failed to accommodate her and wrongfully terminated her. Rather than taking
12 reasonable steps to prevent harassment, discrimination and/or retaliation, Defendant continued to harass,
13 discriminate and retaliate against Plaintiff through the end of Plaintiff's employment.

14 106. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered and
15 continues to suffer actual, consequential and incidental financial losses, including without limitation, loss
16 of income, earnings, salary and benefits, and the intangible loss of employment related opportunities in
17 her field and damage to her professional reputation, the exact amount of which is not yet known and will
18 be shown according to proof at the time of trial. Plaintiff also claims such amounts as damages pursuant
19 to Civil Code §§ 3287, 3288 and/or any other laws providing for prejudgment interest, all in an amount
20 according to proof.

21 107. As a direct and proximate result of Defendant's conduct, Plaintiff has sustained and
22 continues to suffer severe and serious emotional distress and physical injuries, including, but not limited
23 to, emotional trauma, physical manifestations of emotional distress, personal injuries, pain and suffering,
24 personal inconvenience, humiliation, anxiety, depression, embarrassment, loss of enjoyment, sickness and
25 illness, etc. all to Plaintiff's damages in an amount to be shown according to proof.

26 108. The conduct of Defendant in failing to prevent and/or remedy harassment and/or retaliation
27 subjected Plaintiff to cruel and unjust hardship in conscious disregard of her rights, as it was anticipated
28 by Defendant that she would suffer damages in the foreseeable future. Plaintiff is informed and believes,

1 and based thereon alleges, that Defendant's conduct against her was done with an intent to cause injury to
2 her. Moreover, the malicious, fraudulent and/or oppressive conduct was engaged in, authorized or ratified
3 by officers, directors or managing agents of the corporation and/or was the result of the application of
4 unlawful, malicious or oppressive policies and procedures. As a consequence of the aforesaid oppressive,
5 malicious, and despicable conduct, Plaintiff is entitled to an award of punitive damages in a sum to be
6 shown according to proof pursuant to Government Code §§ 12965 & 12970.

7 109. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees which she
8 is entitled to recover pursuant to Government Code § 12965.

9
10 **NINTH CAUSE OF ACTION**
11 **VIOLATION OF *CIVIL CODE* § 51.7**
12 **(Against LOB and DOES 1-20)**

13 110. As a separate and distinct cause of action, Plaintiff complains and realleges all the
14 allegations contained in this complaint and incorporates them by reference into this claim as though fully
15 set forth herein, excepting those allegations which are inconsistent with this cause of action.

16 111. At all times herein, California Civil Code § 43 provides that "every person has, subject to
17 the qualifications and restrictions provided by law, the right of protection from bodily restraint or harm,
18 from personal insult, from defamation, and from injury to his personal relations.

19 112. At all times relevant hereto, Civil Code § 51.7 was in full force and effect, and binding on
20 Defendants, and each of them, and provides that all persons within the jurisdiction of this state have the
21 right to be free from any violence, or intimidation by threat of violence, committed against their persons
22 or property because of political affiliation, or on account of any characteristic listed or defined in
23 subdivision (b) or (e) of Section 51 [inclusive of sex, gender and/or sexual orientation], or... because
24 another person perceives them to have one or more of those characteristics. The identification in this
25 subdivision of particular bases of discrimination is illustrative rather than restrictive."

26 113. At all times, Defendant's refusal to take corrective action and provide protection from
27 harassment, and/or potential continued acts of workplace violence, including assault and/or battery,
28 violates the law because Plaintiff was acting during the course and scope of her employment when she

1 was subjected to such unlawful conduct. Defendant failed to provide a workplace free from violence and
2 bodily harm as related to Plaintiff's sex, gender, gender identity and/or sexual orientation, thereby denying
3 Plaintiff protection in any way against harassment, violence and/or continued risks of workplace violence
4 pertaining to her sex, gender, gender identity and/or sexual orientation, all in direct violation California
5 Civil Code §§ 43 & 51.7.

6 114. The Constitution and laws of both the United States and California protect the rights of an
7 individual to be employed and work in an environment free of workplace violence, threats of violence
8 and/or harassment. As alleged hereinabove, Defendant violated and interfered with Plaintiff's right to
9 work in an environment free of violence and intimidation, including on the basis of her protected status
10 and/or protected employment activities, not only by failing to protect her from unlawful harassment and/or
11 acts of violence, but also in punishing her for attempting to protect herself from the same. Defendant
12 retaliated against and wrongfully terminated Plaintiff, at least in part, for reporting, resisting and/or
13 complaining of the unlawful sexual harassment, assault, battery and/or other unlawful violent acts in the
14 workplace.

15 115. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered and
16 continues to suffer actual, consequential and incidental financial losses, including without limitation, loss
17 of income, earnings, salary and benefits, and the intangible loss of employment related opportunities in
18 her field and damage to her professional reputation, the exact amount of which is not yet known and will
19 be shown according to proof at the time of trial. Plaintiff also claims such amounts as damages pursuant
20 to Civil Code §§ 3287, 3288 and/or any other laws providing for prejudgment interest, all in an amount
21 according to proof.

22 116. As a direct and proximate result of Defendant's conduct, Plaintiff has sustained and
23 continues to suffer severe and serious emotional distress and physical injuries, including, but not limited
24 to, emotional trauma, physical manifestations of emotional distress, personal injuries, pain and suffering,
25 personal inconvenience, humiliation, anxiety, depression, embarrassment, loss of enjoyment, sickness and
26 illness, etc. all to Plaintiff's damages in an amount to be shown according to proof.

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1 117. The conduct of Defendant in violating Civil Code § 51.7 subjected Plaintiff to cruel and
2 unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by Defendant that Plaintiff
3 would suffer damages in the foreseeable future. Plaintiff is informed and believes, and based thereon
4 alleges, that Defendant's conduct against Plaintiff was done with an intent to cause injury to Plaintiff.
5 Moreover, the malicious, fraudulent and/or oppressive conduct was engaged in, authorized or ratified by
6 officers, directors or managing agents of the corporation and/or was the result of the application of
7 unlawful, malicious or oppressive policies and procedures. As a consequence of the aforesaid oppressive,
8 malicious, and despicable conduct, Plaintiff is entitled to an award of punitive damages in a sum to be
9 shown according to proof pursuant to Civil Code § 3294.

10 118. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees which she
11 is entitled to recover pursuant to Civil Code § 52.1(i) and/or Code of Civil Procedure §1021.5.

12
13 **TENTH CAUSE OF ACTION**
14 **VIOLATION OF *CIVIL CODE* § 52.1**
15 **(Against LOB and DOES 1-20)**

16 119. As a separate and distinct cause of action, Plaintiff complains and realleges all the
17 allegations contained in this complaint and incorporates them by reference into this cause of action as
18 though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

19 120. At all times herein, California *Civil Code* § 43 provides that "every person has, subject to
20 the qualifications and restrictions provided by law, the right of protection from bodily restraint or harm,
21 from personal insult, from defamation, and from injury to his personal relations.

22 121. At all times relevant hereto, *Civil Code* § 52.1, also known as the Tom Bane Civil Rights
23 Act (the "Bane Act"), was in full force and effect, and binding on Defendants, and each of them. The Bane
24 Act provides that "Any individual whose exercise or enjoyment of rights secured by the Constitution or
25 laws of the United States, or of rights secured by the Constitution or laws of this state, has been interfered
26 with, or attempted to be interfered with ... may institute and prosecute in their own name and on their own
27 behalf a civil action for damages ... to protect the peaceable exercise or enjoyment of the right or rights
28 secured."

1 122. At all times, Defendant's refusal to take corrective action and provide protection from
2 harassment, assault, battery and/or potential continued acts of workplace violence, including sexual assault
3 and/or battery, violates the law because Plaintiff was acting during the course and scope of her
4 employment when she was subjected to such unlawful conduct. Therefore, Defendant failed to provide a
5 workplace free from violence and bodily harm, thereby denying Plaintiff protection in any way against
6 harassment, violence and/or continued risks of workplace violence, including assault and/or battery, and,
7 thus, failed to protect Plaintiff from the peaceable exercise and/or enjoyment of her rights, all in direct
8 violation California *Civil Code* §§ 43 & 52.1.

9 123. The Constitution and laws of both the United States and California protect the rights of an
10 individual to be employed and work in an environment free of workplace violence, threats of violence
11 and/or harassment. As alleged hereinabove, Defendant violated and interfered with Plaintiff's right to
12 work in an environment free of violence and intimidation, including on the basis of her protected status
13 and/or protected employment activities, not only by failing to protect her from unlawful harassment and/or
14 threats of violence, but also in punishing her for attempting to protect herself from the same. Defendant
15 retaliated against and constructively wrongfully terminated Plaintiff, at least in part, for reporting, resisting
16 and/or complaining of unlawful sexual harassment, assault, battery and/or other unlawful acts of violence
17 in the workplace.

18 124. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered and
19 continues to suffer actual, consequential and incidental financial losses, including without limitation, loss
20 of income, earnings, salary and benefits, and the intangible loss of employment related opportunities in
21 her field and damage to her professional reputation, the exact amount of which is not yet known and will
22 be shown according to proof at the time of trial. Plaintiff also claims such amounts as damages pursuant
23 to *Civil Code* §§ 3287, 3288 and/or any other laws providing for prejudgment interest, all in an amount
24 according to proof.

25 125. As a direct and proximate result of Defendant's conduct, Plaintiff has sustained and
26 continues to suffer severe and serious emotional distress and physical injuries, including, but not limited
27 to, emotional trauma, physical manifestations of emotional distress, personal injuries, pain and suffering,
28

1 personal inconvenience, humiliation, anxiety, depression, embarrassment, loss of enjoyment, sickness and
2 illness, *etc.* all to Plaintiff's damages in an amount to be shown according to proof.

3 126. The conduct of Defendant in failing to protect Plaintiff from workplace violence subjected
4 Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by
5 Defendants that Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and
6 believes, and based thereon alleges, that Defendant's conduct against Plaintiff was done with an intent to
7 cause injury to Plaintiff. Moreover, the malicious, fraudulent and/or oppressive conduct was engaged in,
8 authorized or ratified by officers, directors or managing agents of the company and/or was the result of
9 the application of unlawful, malicious or oppressive policies. As a consequence of the aforesaid
10 oppressive, malicious, and despicable conduct, Plaintiff is entitled to an award of punitive damages against
11 Defendant in a sum to be shown according to proof at trial.

12
13 **ELEVENTH CAUSE OF ACTION**

14 **RETALIATION AND/OR WRONGFUL TERMINATION**

15 **IN VIOLATION OF *LABOR CODE* § 1102.5**

16 **(Against LOB and DOES 1-20)**

17 127. As a separate and distinct cause of action, Plaintiff complains and realleges all the
18 allegations contained in this complaint and incorporates them by reference into this cause of action as
19 though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

20 128. Under California *Labor Code* § 1102.5 (a), it is unlawful for any employer, or any person
21 acting on behalf of the employer, to "make, adopt, or enforce any rule, regulation, or policy preventing an
22 employee from disclosing information to a government or law enforcement agency, to a person with
23 authority over the employee, or to another employee who has authority to investigate, discover, or correct
24 the violation or noncompliance, or from providing information to, or testifying before, any public body
25 conducting an investigation, hearing, or inquiry, if the employee has reasonable cause to believe that the
26 information discloses a violation of state or federal statute, or a violation of or noncompliance with a local,
27 state, or federal rule or regulation, regardless of whether disclosing the information is part of the
28 employee's job duties."

1 129. Under California *Labor Code* § 1102.5 (b), “an employer, or any person acting on behalf
2 of the employer, shall not retaliate against an employee for disclosing information, or because the
3 employer believes that the employee disclosed or may disclose information, to a government or law
4 enforcement agency, to a person with authority over the employee or another employee who has the
5 authority to investigate, discover, or correct the violation or noncompliance, or for providing information
6 to, or testifying before, any public body conducting an investigation, hearing, or inquiry, if the employee
7 has reasonable cause to believe that the information discloses a violation of state or federal statute, or a
8 violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether
9 disclosing the information is part of the employee’s job duties”

10 130. At all times herein mentioned, under *Labor Code* § 1102.5(c), an employer, or any person
11 acting on behalf of the employer, “shall not retaliate against an employee for refusing to participate in an
12 activity that would result in a violation of state or federal statute, or a violation of or noncompliance with
13 a local, state, or federal rule or regulation.”

14 131. At all times herein mentioned, believing LOB to be in violation of, including, but not
15 limited to, the California Fair Employment and Housing Act (“FEHA”), California *Government Code* §§
16 12940 *et seq.*, 19543 & 12945.2, *Labor Code* §§ 232.5, 432.6, 3550, 3551, 4600, 4600.3, 4601, 4605,
17 4616, 6310 and other sections of California’s *Labor Code*, *Civil Code* §§ 43, 51.7 & 52.1, *Penal Code* §§
18 243.3, 243.4, 11351 & 11352, *Code of Civil Procedure* § 340.16 and Article I of the California
19 Constitution, among other regulations, statues, codes and/or common law requiring employers to provide
20 safe working environments to their employees, and related criminal, penal and/or civil codes preventing
21 discrimination, retaliation, harassment, denial of CFRA, Plaintiff both resisted and submitted complaints
22 about unlawful conduct occurring within Defendant’s business and/or workplace, including but not limited
23 to, failures to reasonably accommodate, unlawful medical inquiries, unlawful waivers of FEHA rights,
24 sexual harassment, sexual assault, sexual battery and unlawful discrimination and retaliation. In response,
25 and, at least in part, as a result of these complaints, Defendants, and each of them, retaliated against
26 Plaintiff and, ultimately, wrongfully terminated Plaintiff in violation of *Labor Code* § 1102.5.

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1 132. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered and
2 continues to suffer actual, consequential and incidental financial losses, including without limitation, loss
3 of income, earnings, salary and benefits, and the intangible loss of employment related opportunities in
4 her field and damage to her professional reputation, the exact amount of which is not yet known and will
5 be shown according to proof at the time of trial. Plaintiff also claims such amounts as damages pursuant
6 to *Civil Code* §§ 3287, 3288 and/or any other laws providing for prejudgment interest, all in an amount
7 according to proof.

8 133. As a direct and proximate result of Defendants' conduct, Plaintiff has sustained and
9 continues to suffer severe and serious emotional distress and physical injuries, including, but not limited
10 to, emotional trauma, physical manifestations of emotional distress, personal injuries, pain and suffering,
11 personal inconvenience, humiliation, anxiety, depression, embarrassment, loss of enjoyment, sickness and
12 illness, *etc.* all to Plaintiff's damages in an amount to be shown according to proof.

13 134. The conduct of Defendants in retaliating against Plaintiff and/or wrongfully terminating
14 her because she resisted and/or complained to Defendants of its unlawful business practices subjected
15 Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by
16 Defendants that Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and
17 believes, and based thereon alleges, that Defendants' conduct against Plaintiff was done with an intent to
18 cause injury to Plaintiff. Moreover, the malicious, fraudulent and/or oppressive conduct was engaged in,
19 authorized or ratified by officers, directors or managing agents of the company and/or was the result of
20 the application of unlawful, malicious or oppressive policies. As a consequence of the aforesaid
21 oppressive, malicious, and despicable conduct, Plaintiff is entitled to an award of punitive damages against
22 Defendants in a sum to be shown according to proof at trial.

23 135. As a proximate result of the wrongful acts of Defendants, Plaintiff has been forced to hire
24 attorneys to prosecute her claims herein, and has incurred and is expected to continue to incur attorneys'
25 fees and costs in connection therewith. As a result, pursuant to *Labor Code* §§ 1102.5(j), Plaintiff is
26 entitled to recover attorneys' fees and costs.

TWELFTH CAUSE OF ACTION
RETALIATION AND/OR WRONGFUL TERMINATION
IN VIOLATION OF *LABOR CODE § 232.5*
(Against LOB and DOES 1-20)

136. As a separate and distinct cause of action, Plaintiff complains and realleges all the allegations contained in this complaint and incorporates them by reference into this cause of action as though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

137. At all times herein mentioned, California Labor Code §232.5 et seq. were in full force and effect and were binding on Defendants. Under Labor Code §232.5(a), an employer may not “[r]equire, as a condition of employment, that an employee refrain from disclosing information about the employer’s working conditions.”

138. At all times herein mentioned, under Labor Code §232.5(b), an employer may not “[r]equire an employee to sign a waiver or other document that purports to deny the employee the right to disclose information about the employer’s working conditions.”

139. At all times herein mentioned, under Labor Code §232.5(c), an employer may not “[d]ischarge, formally discipline, or otherwise discriminate against an employee who discloses information about the employer’s working conditions.”

140. At all times herein mentioned, under Labor Code §232.5(d), “[t]his section is not intended to permit an employee to disclose proprietary information, trade secret information, or information that is otherwise subject to a legal privilege without the consent of his or her employer.”

141. As fully alleged above, Plaintiff disclosed information regarding Defendants’ working conditions, including unsafe working conditions during work sponsored social events. Plaintiff’s disclosures concerned conditions affecting employee working conditions and were made outside the scope of her assigned job duties. Plaintiff engaged in protected activity within the meaning of Labor Code § 232.5. Plaintiff’s disclosures regarding Defendants’ working conditions were a motivating factor in Defendants’ decision to retaliate and terminate her employment.

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1 142. As a direct, legal and/or proximate result of the aforesaid acts of Defendants, Plaintiff has
2 suffered actual, consequential and incidental financial losses, including without limitation, loss of income,
3 earnings, salary and benefits, and the intangible loss of employment related opportunities in her field and
4 damage to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff also
5 claims such amounts as damages pursuant to Civil Code §§ 3287, 3288 and/or any other laws providing
6 for prejudgment interest.

7 143. As a direct, legal and/or proximate result of Defendants' conduct, Plaintiff has sustained
8 and continues to suffer emotional distress and related emotional trauma, pain and suffering, personal
9 inconvenience, sickness and illness, etc. all to Plaintiff's damages in an amount to be shown according to
10 proof.

11 144. The conduct of Defendants in retaliating against Plaintiff and/or wrongfully terminating
12 her because she disclosed information about Defendants' working conditions, subjected Plaintiff to cruel
13 and unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by Defendants that
14 Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and believes, and based
15 thereon alleges, that Defendants' conduct against Plaintiff was done with an intent to cause injury to
16 Plaintiff. Moreover, the malicious, fraudulent and/or oppressive conduct was engaged in, authorized or
17 ratified by officers, directors or managing agents of the company and/or was the result of the application
18 of unlawful, malicious or oppressive policies. As a consequence of the aforesaid oppressive, malicious,
19 and despicable conduct, Plaintiff is entitled to an award of punitive damages against Defendants in a sum
20 to be shown according to proof at trial.

21 145. As a proximate result of the wrongful acts of Defendants, Plaintiff has been forced to hire
22 attorneys to prosecute her claims herein and has incurred and is expected to continue to incur attorneys'
23 fees and costs in connection therewith. As a result, pursuant to Labor Code §§ 2699(g) and 2699.5, and/or
24 Code of Civil Procedure §1021.5, Plaintiff is entitled to recover attorneys' fees and costs.

THIRTEENTH CAUSE OF ACTION
RETALATION AND/OR WRONGFUL TERMINATION
IN VIOLATIOF OF LABOR CODE § 6310
(Against LOB and DOES 1–20)

146. As a separate and distinct cause of action, Plaintiff complains and realleges all the allegations contained in this complaint and incorporates them by reference into this cause of action as though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

147. At all times herein mentioned, California Labor Code § 6310 was in full force and effect, and was binding on Defendants. Under Labor Code § 6310, it is unlawful for an employer to discharge or discriminate against an employee in any manner because the employee made any oral or written complaint to his or her employer regarding the employees' belief that the employer is unlawfully committing health or safety violations in the workplace.

148. At all times herein mentioned, believed that Defendants to be in violation of a variety of statutes, including, but not limited to, Labor Code §§ 232.5 and 1102.5, among other related criminal and/or civil statutes. Based on this good faith and reasonable belief, Plaintiff complained to Defendants about such violations. In response, and, at least in parts, as a result of her complaints and/or the anticipation of her complaints, Defendants retaliated against Plaintiff and wrongfully terminated Plaintiff based on false, illegitimate and pretextual reasons all in violation of Labor Code § 6310.

149. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered and continues to suffer actual, consequential and incidental financial losses, including without limitation, loss of income, earnings, salary and benefits, and the intangible loss of employment related opportunities in her field and damage to her professional reputation, the exact amount of which is not yet known and will be shown according to proof at the time of trial. Plaintiff also claims such amounts as damages pursuant to Civil Code §§ 3287, 3288 and/or any other laws providing for prejudgment interest, all in an amount according to proof.

150. As a direct and proximate result of Defendants' conduct, Plaintiff has sustained and continues to suffer severe and serious emotional distress and physical injuries, including, but not limited to, emotional trauma, physical manifestations of emotional distress, personal injuries, pain and suffering,

1 personal inconvenience, sickness and illness, all to Plaintiff's damages in an amount to be shown
2 according to proof.

3 151. The conduct of Defendants in retaliating against Plaintiff and wrongfully terminating her
4 subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, as it was
5 anticipated by Defendants that Plaintiff would suffer damages in the foreseeable future. Plaintiff is
6 informed and believes, and based thereon alleges, that Defendants' conduct against Plaintiff was done
7 with an intent to cause injury to Plaintiff. Moreover, the malicious, fraudulent, and/or oppressive conduct
8 was engaged in, authorized, or ratified by officers, directors, or managing agents of the company and/or
9 was the result of unlawful, malicious, or oppressive policies. As a consequence of the aforesaid oppressive,
10 malicious, and despicable conduct, Plaintiff is entitled to an award of punitive damages against Defendants
11 in a sum to be shown according to proof at trial.

12 152. As a proximate result of the wrongful acts of Defendants, Plaintiff has been forced to hire
13 attorneys to prosecute her claims herein, and has incurred and is expected to continue to incur attorneys'
14 fees and costs in connection therewith. This action will also result in the enforcement of the constitutional
15 right to enjoying life and liberty, and pursuing and obtaining safety, all of which are important rights
16 affecting the public interest. As a result, Plaintiff's attorneys' fees incurred while pursuing such claims
17 should not, in the interest of justice, be paid out of the recovery. Accordingly, Plaintiff has incurred and
18 continues to incur legal expenses and attorneys' fees which Plaintiff is entitled to recover pursuant to
19 Labor Code §§ 2699(g) and 2699.5, and/or Code of Civil Procedure § 1021.5.

20
21 **FOURTEENTH CAUSE OF ACTION**

22 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

23 **(Against LOB and DOES 1-20)**

24 153. As a separate and distinct cause of action, Plaintiff complains and realleges all the
25 allegations contained in this complaint and incorporates them by reference into this cause of action as
26 though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

27 154. At all relevant times mentioned in this complaint, Article I, Section 8 of the California
28 Constitution was in full force and effect and binding on Defendants. California law prohibits termination

1 or other adverse employment actions against employees for reasons that violate public policy. Specifically,
2 here, California requires that employers refrain from terminating a person and/or employee for being part
3 of a protected class and/or for engaging in protected activity, including but not limited to those described
4 under the FEHA, Government Code § 12940 et seq., California Government Code § 12945.2, Labor Code
5 §§ 232.5, 1102.5 & 6310 and other related statutes and common law. These laws, statutes and their
6 interpretative regulations inure to the benefit of the public at large, and embody fundamental public policy
7 of the State of California and/or the United States.

8 155. At all times herein mentioned, believing LOB to be in violation of, including, but not
9 limited to, the California Fair Employment and Housing Act (“FEHA”), California Government Code §§
10 12940 et seq. & 19543, Labor Code §§ 232.5, 432.6, 3550, 3551, 4600, 4600.3, 4601, 4605, 4616, 6310
11 and other sections of California’s Labor Code, Civil Code §§ 43, 51.7 & 52.1, Penal Code §§ 243.3, 243.4,
12 11351 & 11352, Code of Civil Procedure § 340.16 and Article I of the California Constitution, among
13 other regulations, statues, codes and/or common law requiring employers to provide safe working
14 environments to their employees, and related criminal, penal and/or civil codes preventing discrimination,
15 retaliation, harassment, unlawful medical inquiries, invasions of privacy, assault and/or battery, Plaintiff
16 both resisted and submitted complaints about unlawful conduct occurring within Defendant’s business
17 and/or workplace, including but not limited to, failures to reasonably accommodate, unlawful medical
18 inquiries, unlawful waivers of FEHA rights, sexual harassment, sexual assault, sexual battery and unlawful
19 discrimination and retaliation. On the basis of Plaintiff’s numerous complaints and/or her actual or
20 perceived disabilities, Defendant decided to wrongfully terminate Plaintiff in direct contravention of well
21 settled California public policy protecting her from the same.

22 156. As a direct and proximate result of Defendant’s conduct, Plaintiffs has suffered and
23 continues to suffer actual, consequential and incidental financial losses, including without limitation, loss
24 of income, earnings, salary and benefits, and the intangible loss of employment related opportunities in
25 her field and damage to her professional reputation, the exact amount of which is not yet known and will
26 be shown according to proof at the time of trial. Plaintiff also claims such amounts as damages pursuant
27 to Civil Code §§ 3287, 3288 and/or any other laws providing for prejudgment interest, all in an amount
28 according to proof.

157. As a direct and proximate result of Defendant's conduct, Plaintiff has sustained and continues to suffer severe and serious emotional distress and physical injuries, including, but not limited to, emotional trauma, physical manifestations of emotional distress, personal injuries, pain and suffering, personal inconvenience, humiliation, anxiety, depression, embarrassment, loss of enjoyment, sickness and illness, etc. all to Plaintiff's damages in an amount to be shown according to proof.

158. The conduct of Defendant in wrongfully terminating Plaintiff subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by Defendant that Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and believes, and based thereon alleges, that Defendant's conduct against Plaintiff was done with an intent to cause injury to Plaintiff. Moreover, the malicious, fraudulent and/or oppressive conduct was engaged in, authorized or ratified by officers, directors or managing agents of the corporation and/or was the result of the application of unlawful, malicious or oppressive policies and procedures. As a consequence of the aforesaid oppressive, malicious, and despicable conduct, Plaintiff is entitled to an award of punitive damages in a sum to be shown according to proof at trial.

159. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees which she is entitled to recover pursuant to Code of Civil Procedure §1021.5.

FIFTEENTH CAUSE OF ACTION

WRONGFUL CONSTRUCTIVE TERMINATION IN VIOLATION OF PUBLIC POLICY

(Against LOB and DOES 1-20)

160. As a separate and distinct cause of action, Plaintiff complains and realleges all the allegations contained in this complaint and incorporates them by reference into this cause of action as though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

161. During Plaintiff's employment with Defendant, Plaintiff informed Defendant of her disabilities, her need for reasonable accommodations, including medical leave and other accommodations, her request for paid sick leave and/or statutory leave, Defendant's failure to accommodate her, Defendant's failure to provide statutory leave, her complaints of harassment, hostile and unsafe working

environment, and other unlawfully tortious conduct against her. In response, Defendant made the decision to wrongfully terminate Plaintiff on the basis of these protected acts and/or protected categories.

162. Whereas Defendant may claim that Plaintiff quit and Plaintiff claims that Defendant terminated her, to the extent that it may be perceived that Plaintiff resigned, Plaintiff alleges that she was forced to resign as no reasonable or objective person in Plaintiff's position would have continued to work for Defendant knowing they would continue to be retaliated against, discriminated against, denied statutory leave and denied reasonable accommodations meant to preserve Plaintiff's own health, putting her health and safety at risk, making no mention of the hostile, intimidating and unsafe workplace Plaintiff was subjected as well. Accordingly, as an alternative theory of liability to her claim of actual wrongful termination, Plaintiff alleges she was constructively wrongfully terminated.

163. Defendant's actual and/or constructive wrongful termination of Plaintiff's employment violated California statutes and/or common law that inure to the benefit of the public at large and are a statement of California public policy, including, but not limited to, the California Fair Employment and Housing Act ("FEHA"), California Government Code § 12940 et seq., California Code of Regulations, Title 2, § 11039 et seq., common law assault, and other related statutes and common law. These laws, statutes and their interpretative regulations inure to the benefit of the public at large, and embody fundamental public policy of the State of California and/or the United States.

164. As a direct, legal, and/or proximate result of the aforesaid acts of Defendant, Plaintiff has suffered actual, consequential, and incidental financial losses, including without limitation, loss of income, earnings, salary, benefits, the intangible loss of employment-related opportunities in her field, and damage to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such amounts as damages, including all prejudgment interest on the same.

165. As a direct, legal, and/or proximate result of Defendant's conduct, Plaintiff has sustained and continues to suffer emotional and physical injuries, including related emotional and physical trauma, pain and suffering, personal injury, personal inconvenience, sickness and illness, etc., all to Plaintiff's damages in an amount to be shown according to proof.

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1 166. The conduct of Defendant in constructively wrongfully terminating Plaintiff subjected
2 Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by
3 Defendant that Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and believes,
4 and based thereon alleges, that Defendant's conduct against Plaintiff was done with an intent to cause
5 injury to Plaintiff. Moreover, the malicious, fraudulent and/or oppressive conduct was engaged in,
6 authorized or ratified by officers, directors or managing agents of the corporation and/or was the result of
7 the application of unlawful, malicious or oppressive policies and procedures. As a consequence of the
8 aforesaid oppressive, malicious, and despicable conduct, Plaintiff is entitled to an award of punitive
9 damages in a sum to be shown according to proof at trial.

10 167. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees which she
11 is entitled to recover pursuant to Code of Civil Procedure §1021.5.

12
13 **SIXTEENTH CAUSE OF ACTION**

14 **VIOLATION OF LABOR CODE §§ 2699, ET SEQ.**

15 **(Against LOB and DOES 1-20)**

16 168. As a separate and distinct cause of action, Plaintiff complains and realleges all the
17 allegations contained in this complaint and incorporates them by reference into this cause of action as
18 though fully set forth herein, excepting those allegations which are inconsistent with this cause of action.

19 169. Under Labor Code § 2699, Plaintiff, as an aggrieved employee, may bring an action against
20 Defendants, on behalf of herself and other current or former employees, seeking statutory civil penalties
21 for Defendants' violations of the California Labor Code.

22 170. Plaintiff was and is an aggrieved employee within the meaning of Labor Code § 2699(c),
23 in that she was employed by Defendants and personally suffered the same Labor Code violations alleged
24 in this Complaint and is therefore authorized to pursue representative claims for civil penalties on behalf
25 of herself and other current or former employees who also sustained violations.

26 171. On August 20, 2025, more than 65 calendar days before filing this Complaint, Plaintiff
27 gave written notice by online filing with the LWDA and provided notice via certified mail to Defendants
28

1 of the specific provisions of the California Labor Code that Defendants violated, thereby satisfying the
2 requirements of Labor Code § 2699.3.

3 172. As of the filing of this Complaint, Plaintiff has not received any notice from the LWDA
4 that it intends to investigate or prosecute the alleged violations. Consequently, Plaintiff may now
5 commence this civil action pursuant to Labor Code § 2699.3.

6 173. As a direct and proximate result of Defendants' California Labor Code violations set forth
7 in this Complaint, Plaintiff and other aggrieved employees are entitled to recover civil penalties as
8 provided by Labor Code § 2699(f) and by the specific Labor Code provisions that expressly provide for
9 penalties. For violations not otherwise penalized, Plaintiff seeks civil penalties in the amount of \$100 for
10 each aggrieved employee per pay period for the initial violation, and \$200 for each aggrieved employee
11 per pay period for each subsequent violation, subject to any applicable adjustments or reductions as
12 provided by statute, including those relating to cure, reasonable compliance efforts, or other mitigating
13 factors, as amended effective June 19, 2024.

14 174. Plaintiff is also entitled to reasonable attorney's fees and costs, and 25% of the recovered
15 civil penalties, pursuant to Labor Code § 2699(g)(1).

16
17 **REQUEST FOR JURY TRIAL**

18 Plaintiff requests a trial by jury.

19
20 **PRAYER FOR RELIEF**

21 **WHEREFORE**, Plaintiff prays for judgment as follows:

- 22 1. For general damages, in the amount of no less than \$5,000,000, according to proof;
23 2. For special damages, in the amount of no less than \$5,000,000, according to proof;
24 3. For actual, consequential, and incidental damages, in the amount of no less than
25 \$5,000,000, according to proof;
26 4. For past and/or future economic damages, including all past and/or future lost earnings,
27 wages, and/or benefits, in the amount of no less than \$5,000,000, according to proof;
28

1 5. For past and/or future non-economic damages, including all past and/or future physical
2 injuries, emotional distress, pain, suffering, physical trauma, etc., in the amount of no less than
3 \$5,000,000, according to proof;

4 6. For punitive and exemplary damages in an amount necessary to punish Defendants to
5 deter any similar unlawful conduct, according to proof;

6 7. For all compensation and/or statutory penalties owed;

7 8. For prejudgment interest, according to proof;

8 9. For reasonable attorneys' fees and costs of suit incurred herein through the date of final
9 judgment;

10 10. For experts' costs and fees incurred herein through the date of final judgment; and

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

12
13 Dated: January 12, 2026

EMPLOYEE JUSTICE LEGAL GROUP, P.C.

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15 
16 KAVEH S. ELIHU, ESQ.
DANIEL J. FRIEDMAN, ESQ.
Attorneys for Plaintiff,
Stephanie Stenner Haarhaus