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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF LOS ANGELES**

CHRISTA BROWN aka CHRISTINA
 SALDANA, an Individual,

Plaintiff,

vs.

WAL-MART ASSOCIATES, INC., a
 Delaware Corporation; ALEJANDRO DOE,
 an Individual; VICTOR DOE, an Individual;
 FERNANDO DOE, an Individual; DANIEL
 ELLIOT, an Individual; and DOES 1 - 20,
 inclusive,

Defendants.

Case Number: 25STCV37516

FIRST AMENDED COMPLAINT FOR:

- (1) Sexual Assault;
- (2) Sexual Battery;
- (3) Harassment Based on Sex, Gender, and/or Sexual Orientation;
- (4) Disability Discrimination;
- (5) Failure to Reasonably Accommodate;
- (6) Failure to Engage in the Interactive Process;
- (7) Retaliation in Violation of FEHA;
- (8) Failure to Take All Reasonable Steps to Prevent and/or Remedy Discrimination, Harassment, and/or Retaliation;
- (9) Retaliation and/or Wrongful Termination in Violation of *Labor Code* § 232.5
- (10) Retaliation and Wrongful Termination in Violation of *Labor Code* § 1102.5;
- (11) Retaliation and/or Wrongful Termination in Violation of *Labor Code* § 6310;
- (12) Wrongful Termination in Violation of Public Policy;
- (13) Violation of *Civil Code* §§ 51.7 & 52.1; and
- (14) Violation of California Labor Code § 2698, et seq.

Jury Trial Demanded

1 Plaintiff, Christa Brown, hereby alleges as follows:

2
3 **JURISDICTION AND VENUE**

4 1. This Court has jurisdiction over this action pursuant to California Constitution Article VI,
5 § 10, which grants the Superior Court "original jurisdiction in all causes except those given by statute to
6 other courts." The statutes under which this action is brought do not specify any other basis for
7 jurisdiction.

8 2. Plaintiff has exhausted her administrative remedies by the timely request of a Right to
9 Sue notice from the California Civil Rights Division within three (3) years of the events alleged herein.

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

14 4. Plaintiff has exhausted her administrative remedies by providing written notice to the
15 California Labor and Workforce Development Agency ("LWDA") within one year of the events alleged
16 herein, providing notice of the same to all parties simultaneously.

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

20
21 **THE PARTIES**

22 6. Plaintiff, Christa Brown ("Plaintiff"), is and at all times relevant hereto was a resident in
23 the County of Los Angeles, in the State of California.

24 7. Defendant, Wal-Mart Associates, Inc. ("WALMART" or "Defendant"), was and is, upon
25 information and belief, a Delaware corporation doing business within the State of California, as itself,
26 as Wal-Mart Stores, Inc, as Wal-Mart Supercenter, as Wal-Mart Neighborhood Market, as Wal-Mart, as
27 Wal-Mart Vacations, as Sam's Club, and whose employees are engaged in commerce throughout this
28 County and the State of California.

1 8. Defendant, Daniel Elliot (“ELLIOT”), was and is, upon information and belief, an
2 individual and is and at all times relevant hereto was a resident in Los Angeles County, in the State of
3 California.

4 9. Defendant, Alejandro Doe (“ALEJANDRO”), was and is, upon information and belief,
5 an individual and is and at all times relevant hereto was a resident in Los Angeles County, in the State
6 of California.

7 10. Defendant, Victor Doe (“VICTOR”), was and is, upon information and belief, an
8 individual and is and at all times relevant hereto was a resident in Los Angeles County, in the State of
9 California.

10 11. Defendant, Fernando Doe (“FERNANDO”), was and is, upon information and belief, an
11 individual and is and at all times relevant hereto was a resident in Los Angeles County, in the State of
12 California.

13 12. Plaintiff is unaware of the true names or capacities of the Defendants sued herein under
14 the fictitious names DOES 1–20, and ALEJANDRO DOE, VICTOR DOE, and FERNANDO DOE, but
15 prays for leave to amend and serve such fictitiously names Defendants pursuant to *California Code of*
16 *Civil Procedure* § 474, once their names and capacities become known.

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

20 14. WALMART, ELLIOT, ALEJANDRO, VICTOR, and FERNANDO, and DOES 1–20
21 will hereafter be collectively referred to as “Defendants.”

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

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

17. Plaintiff is informed and believes, and thereon alleges, that at all times material hereto and mentioned herein, each Defendants sued herein (*both named and DOE Defendants*) was the agent, servant, employer, partner, joint venturer, integrated enterprise, joint employer, contractor, contractee, partner, division owner, subsidiary, principal, division, alias, successor in interest, and/or alter ego with and/or of each of the remaining Defendants and was, at all times material hereto, acting within the purpose 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 Defendants sued herein.

18. At all times herein mentioned, Defendants, and each of them, including DOES 1–20, ratified each and every act or omission complained of herein. At all times herein mentioned, the Defendants, and each of them, aided and abetted the acts and omissions of each and all the other Defendants in proximately causing the damages herein alleged.

FACTUAL ALLEGATIONS

19. Defendant WALMART operates a nationwide chain of retail stores. At all relevant times, Defendant WALMART was and is one of the largest private employers in the country, with thousands of employees within the state of California.

20. On or around September 2023, Plaintiff was hired by Defendants as an Automotive Technician. Plaintiff was the only female technician assigned to the automotive department. Plaintiff was passionate about her work, took pride in her performance, and consistently met Defendants' legitimate expectations. Plaintiff worked at Defendants' facility located at 7250 Carson Blvd., Long Beach, California.

21. Plaintiff's duties included tire changes and rotations, oil and fluid services, battery replacement, vehicle inspections, and other physically demanding tasks requiring frequent bending, lifting, and close proximity to coworkers.

22. Beginning on or around October 2023, Plaintiff was subjected to frequent, unwelcome, and degrading sexual comments by male coworkers specifically by ALEJANDRO, VICTOR, and FERNANDO. These comments were overtly sexual, humiliating, and targeted Plaintiff because of her

1 sex and gender., These coworkers commented on Plaintiff's body, clothing, and sexual preferences,
2 including repeated remarks about her pants, underwear, and body parts, including statements such as
3 "nice ass," "do you wear a G-string," "why are your pants so baggy," "you should wear tighter pants"
4 and suggestions she come to work in "daisy dukes." Commenting on Plaintiff's clothing and appearance
5 was a regular occurrence.

6 23. While Plaintiff was performing her job duties, particularly when she was bending over to
7 work on tires, her male coworkers, including ALEJANDRO, VICTOR and FERNANDO would make
8 sexually explicit remarks and gestures, including "do you like your hair being pulled on from that
9 position," or "is that the position you like?" Other sexually explicit questions included whether she "gets
10 really wet," whether she likes "sucking dick", or whether she likes her "tits and ass motorboated." This
11 conduct occurred openly in the workplace, during work hours, and in the presence of other employees
12 and supervisors.

13 24. Plaintiff reported harassment to management, including ELLIOT in or around November
14 2023. Management including ELLIOT failed to take prompt, effective, or meaningful corrective action.
15 Instead, the harassment continued unabated. After Plaintiff complained, Defendants including ELLIOT
16 began retaliating by issuing Plaintiff unjustified and disparate disciplinary write-ups for trivial conduct
17 for which male employees were not disciplined.

18 25. On or around December 2023, coworker ALEJANDRO escalated the harassment to
19 sexual assault. ALEJANDRO forcibly pulled Plaintiff onto his lap and grabbed her breasts without her
20 consent. Plaintiff immediately resisted, pushed him away, and told him to stop. Following the assault,
21 ALEJANDRO continued to sexually harass Plaintiff and, on multiple occasions, exposed his genitals to
22 her at work.

23 26. Plaintiff reported the sexual assault, ongoing harassment, and exposure to management
24 and requested a shift change or scheduling adjustment to avoid being alone with ALEJANDRO.
25 Defendants ignored Plaintiff's requests and took no steps to separate her from her assailant.

26 27. Plaintiff escalated her complaints to Human Resources, informing HR that she no longer
27 felt safe or comfortable reporting concerns to her direct supervisors due to their inaction and indifference.
28

1 28. From January 2024 through the end of her employment, Plaintiff submitted
2 approximately seven complaints through Defendants' ethics hotline reporting sexual assault, indecent
3 exposure, retaliation, and unsafe working conditions. Defendants failed to respond or take corrective
4 action in response to these complaints.

5 29. On or around February 2024, Plaintiff experienced stalking behavior that heightened her
6 fear for her personal safety. Plaintiff requested these schedule and safety-related adjustments as
7 reasonable accommodations for her worsening anxiety, medical condition, and physical and
8 psychological symptoms, which were exacerbated by Defendants' failure to address the harassment and
9 unsafe working conditions.

10 30. As a result of the severe and ongoing harassment, retaliation, and unsafe working
11 conditions, Plaintiff developed serious physical and mental health symptoms, including anxiety, panic,
12 loss of appetite, and physical collapse. On or around March 2024, Plaintiff collapsed at work and was
13 transported by ambulance. Defendants were aware of Plaintiff's condition through the ambulance
14 transport, subsequent hospitalization, medical leave requests, and ongoing communications regarding
15 her health. Plaintiff's physical and mental health conditions constituted an actual and/or perceived
16 disability within the meaning of the FEHA, as they limited major life activities including eating, sleeping,
17 concentrating, and working. After becoming aware of Plaintiff's disability and need for medical leave,
18 Defendants subjected Plaintiff to heightened scrutiny, adverse disciplinary actions, suspension, and
19 ultimately termination.

20 31. On or around May 2024, Plaintiff was hospitalized for severe malnutrition and infection
21 and required a medical leave of absence. Plaintiff's medical leave constituted a request for reasonable
22 accommodation due to her disability. Upon returning to work on or around June 2024, Defendants failed
23 to provide reasonable accommodation and failed to engage in any good-faith interactive process
24 regarding Plaintiff's return to work. Instead, Plaintiff was falsely accused of threatening a coworker and
25 suspended pending investigation.

26 32. Defendants failed to engage in a timely, good-faith interactive process with Plaintiff
27 regarding her known disability and requests for accommodation. Despite Plaintiff's repeated requests
28 for schedule modifications, safety adjustments, and medical leave, Defendants failed to discuss

1 alternative accommodations, failed to explore reassignment or modified duties, and failed to respond
2 meaningfully to Plaintiff's requests.

3 33. From June 2024 through August 2024, Defendants failed to conduct a good-faith
4 investigation or provide Plaintiff with meaningful updates regarding her suspension. Defendants
5 ultimately used the suspension as a pretext to sever Plaintiff's employment.

6 34. On or around November 2024, Defendants informed Plaintiff that she had been
7 terminated and her final paycheck would be in the mail.

8 35. Plaintiff was wrongfully terminated because of her complaints regarding the harassment
9 and hostile work environment. Defendants discriminated against, retaliated against and wrongfully
10 terminated Plaintiff due to Plaintiff's engagement in protected activities. Thus, negatively altering the
11 terms and conditions of her employment, as well as preventing Plaintiff from the benefits and enjoyment
12 of her employment.

13 36. Defendants have a duty to provide a working environment free from harassment,
14 intimidation, and sexual assault. Rather than upholding this duty, Defendants responded to the sexual
15 assault on Plaintiff by suspending and ultimately terminating her. By doing so, Defendants effectively
16 condoned and ratified the harassment by ALEJANDRO, FERNANDO and VICTOR, and the sexual
17 assault by ALEJANDRO and signaled to employees that sexual assault and/or harassment would be
18 tolerated. Defendants' ratification of the sexual assault makes them directly liable for the harm Plaintiff
19 suffered.

20 37. At all times, Defendants' discriminatory and/or retaliatory actions were ratified by its
21 managing agents, officers, and employees.

22 38. At all times, Defendants' conduct, as described above, was enacted maliciously,
23 fraudulently and in total disregard and oppression of Plaintiff's rights and welfare. As a result of these
24 circumstances, Plaintiff has been damaged economically by the loss of both her current and future
25 employment, benefits, and income with Defendants, as well as other opportunities for income and/or
26 benefits. As a direct result of Defendants' conduct, Plaintiff has also been damaged non-economically,
27 including both emotionally and physically, now and in the foreseeable future. The full extent of
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1 Plaintiff's damages, all of which exceed the jurisdictional minimum of this court, will be subject to a
2 matter of proof at trial.

3
4 **FIRST CAUSE OF ACTION**

5 **SEXUAL ASSAULT**

6 **(Against WALMART, ALEJANDRO and DOES 1-20)**

7 39. 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 40. In doing so, WALMART, ALEJANDRO, and each of them, acted with the intent to cause
11 an imminent apprehension of harmful or offensive contact. Said non-consensual sexual acts include, but
12 are not limited to, physical touching Plaintiff, including within a sexual context and/or manner, without
13 her permission or solicitation.

14 41. Defendants knew or should have known of the sexual assault and/or battery. At all times,
15 Defendants failed to exercise reasonable care to prevent and promptly correct any future assault and/or
16 battery against Plaintiff, despite receiving complaints of the same and, indeed, retaliated against Plaintiff
17 by wrongfully terminating her for making such complaints. In so doing, Defendants ratified
18 ALEJANDRO's sexual assault and/or battery of Plaintiff, thereby making Defendants, and each of them,
19 directly liable for the same.

20 42. By the aforesaid acts and conducts of Defendants, and each of them, Plaintiff has been
21 directly and legally caused to suffer actual damages pursuant to *Civil Code* § 3333 and *Code of Civil*
22 *Procedure* § 340.16, including, but not limited to, medical bills, attorneys' fees, and other pecuniary loss
23 not presently ascertained, for which Plaintiff will seek leave of Court to amend when ascertained.

24 43. As a direct and legal result of the acts and omissions of Defendants, and each of them,
25 Plaintiff suffered shock, pain, discomfort, and anxiety. The exact nature and extent of said injuries are
26 not known to the Plaintiff, who will pray leave of Court to insert the same when they are ascertained.
27 Plaintiff does not at this time know the exact duration or permanence of said injuries, but is informed
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1 and believes, and thereon alleges, that some of the said injuries are reasonably certain to be permanent
2 in character.

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

8 45. The aforementioned acts of WALMART and ALEJANDRO were willful, wanton,
9 malicious, intentional, oppressive and despicable, and were done in willful and conscious disregard of
10 the rights, welfare and safety of Plaintiff, and were done with the express knowledge, consent, and
11 ratification of managerial employees of Defendants, thereby justifying the awarding of punitive and
12 exemplary damages in an amount to be determined at the time of trial.

13 14 **SECOND CAUSE OF ACTION**

15 **SEXUAL BATTERY**

16 **(Against WALMART, ALEJANDRO and DOES 1-20)**

17 46. 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 47. WALMART and ALEJANDRO, and each of them acting individually and/or in concert,
21 sexually attacked, assaulted, and battered Plaintiff during the course of her employment while working
22 in Defendants' work site.

23 48. In doing the acts herein alleged, WALMART and ALEJANDRO acted with the intent to
24 cause harmful or offensive contacts and did cause such harmful or offensive contacts. Said offensive
25 contact included, but was not limited to, ALEJANDRO's unsolicited and unwanted sexual contacts with
26 Plaintiff throughout her employment, despite her complaints of and resistance to the same.

27 49. Defendants knew or should have known of the sexual assault and/or battery. At all times,
28 Defendants failed to exercise reasonable care to prevent and promptly correct any future assault and/or

1 battery against Plaintiff, despite receiving complaints of the same and, indeed, retaliated against Plaintiff
2 by wrongfully terminating her for making such complaints. In so doing, Defendants ratified
3 ALEJANDRO's sexual assault and/or battery of Plaintiff, thereby making Defendants, and each of them,
4 directly liable for the same.

5 50. By the aforesaid act and conduct of WALMART and ALEJANDRO, and each of them,
6 Plaintiff has been directly and legally caused to suffer actual damages post to California *Civil Code* §
7 3333, and *Code of Civil Procedure* § 340.16, including, but not limited to, medical bills, attorneys' fees,
8 and other pecuniary loss not presently ascertained, for which Plaintiff will seek leave of Court to amend
9 when ascertained.

10 51. As a direct and proximate result of WALMART and ALEJANDRO's conduct, Plaintiff
11 has sustained and continues to suffer severe and serious emotional and physical distress, including, but
12 not limited to, emotional trauma, physical trauma, physical manifestations of emotional distress,
13 personal injuries, pain and suffering, personal inconvenience, sickness and illness, all to Plaintiff's
14 damages in an amount shown according to proof.

15 52. As a further direct and legal result of the acts and conduct of WALMART and
16 ALEJANDRO as aforesaid, Plaintiff has been caused, and did suffer, and continues to suffer, severe and
17 permanent emotional and mental distress and anguish, humiliation, embarrassment, fright, shock, pain,
18 discomfort and anxiety. The exact nature and extent of said injuries is presently unknown to Plaintiff,
19 who will pray leave of Court to assert the same when they are ascertained.

20 53. The aforementioned acts of WALMART and ALEJANDRO were willful, wanton,
21 malicious, intentional, oppressive and despicable, and were done in willful and conscious disregard of
22 the rights, welfare and safety of Plaintiff, and were done with the express knowledge, consent, and
23 ratification of managerial employees of Defendants, thereby justifying the awarding of punitive and
24 exemplary damages in an amount to be determined at the time of trial.

1 **THIRD CAUSE OF ACTION**

2 **HARASSMENT BASED ON SEX, GENDER AND/OR SEXUAL ORIENTATION**

3 **(Against WALMART, ALEJANDRO, VICTOR, FERNANDO and DOES 1-20)**

4 54. 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 55. 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 harassment in employment based on any
10 protected category, including one's sex, gender, gender identity and/or sexual orientation.

11 56. At all times relevant herein, the harassing acts of Defendants mentioned in this Complaint
12 against Plaintiff were unwelcome and were committed by Defendants in their capacity as Defendants'
13 employees, officers, managers, agents or persons under Defendants' control and were committed within
14 the scope of their employment. Defendants' conduct as mentioned in this Complaint, subjected Plaintiff
15 to harassment on the basis of Plaintiff's sex, gender, gender identity and/or sexual orientation, and caused
16 Plaintiff offense, embarrassment, intimidation and emotional distress, all of which created an abusive,
17 pervasive, severe and hostile environment.

18 57. At all times, Defendants knew or should have known of the sexual harassment, especially
19 since Plaintiff complained to Defendants of the same, yet Defendants failed to exercise reasonable care
20 to prevent and promptly correct any future harassing behavior against Plaintiff, thereby ratifying the
21 sexual harassment. As a result, Defendants, and each of them, are responsible for ALEJANDRO,
22 VICTOR, and FERNANDO's conduct.

23 58. As a direct and proximate result of Defendant's conduct, Plaintiffs has suffered and
24 continues to suffer actual, consequential and incidental financial losses, including without limitation,
25 loss of income, earnings, salary and benefits, and the intangible loss of employment related opportunities
26 in her field and damage to her professional reputation, the exact amount of which is not yet known and
27 will be shown according to proof at the time of trial. Plaintiff also claims such amounts as damages
28

1 pursuant to *Civil Code* §§ 3287, 3288 and/or any other laws providing for prejudgment interest, all in an
2 amount according to proof.

3 59. As a direct and proximate result of Defendant's conduct, Plaintiff has sustained and
4 continues to suffer severe and serious emotional distress and physical injuries, including, but not limited
5 to, emotional trauma, physical manifestations of emotional distress, personal injuries, pain and suffering,
6 personal inconvenience, sickness and illness, all to Plaintiff's damages in an amount to be shown
7 according to proof.

8 60. The conduct of Defendants in harassing Plaintiff based on his sex, gender, gender identity
9 and/or sexual orientation subjected Plaintiff to cruel and unjust hardship in conscious disregard of
10 Plaintiff's rights, as it was anticipated by Defendant that Plaintiff would suffer damages in the
11 foreseeable future. Plaintiff is informed and believes, and based thereon alleges, that Defendants'
12 conduct against Plaintiff was done with an intent to cause injury to the Plaintiff. Moreover, the malicious,
13 fraudulent and/or oppressive conduct was engaged in, authorized or ratified by officers, directors or
14 managing agents of the corporation and/or was the result of the application of unlawful, malicious or
15 oppressive policies and procedures. As a consequence of the aforesaid oppressive, malicious, and
16 despicable conduct, Plaintiff is entitled to an award of punitive damages in a sum to be shown according
17 to proof at trial pursuant to California *Government Code* § §§ 12940 & 12965.

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

20
21 **FOURTH CAUSE OF ACTION**

22 **DISABILITY DISCRIMINATION**

23 **(Against WALMART and DOES 1 – 20)**

24 62. 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 63. At all times relevant to this action, Plaintiff had actual and/or perceived physical
28 disabilities within the meaning of *Government Code* §§ 12926(m) and 12926.1, and the California Fair

1 Employment and Housing Act (FEHA), and at all times hereto, the FEHA was in full force and effect
2 and was binding upon Defendants and each of them.

3 64. Plaintiff is informed and believes, and based thereon alleges, that Defendants terminated
4 Plaintiff because of her actual disabilities and/or because they believed her to be disabled, including any
5 perception that she may become disabled and/or need reasonable accommodations in the future, in
6 violation of the FEHA and *Government Code* § 12940(a).

7 65. At all times relevant to this action, Defendants were aware of Plaintiff's disabilities and/or
8 medical condition, as set forth above, because Plaintiff had informed Defendants of her disabilities,
9 medical condition, and requests for reasonable accommodation prior to the conclusion of her
10 employment.

11 66. Defendants discriminated against Plaintiff on the basis of her physical disabilities, as
12 described herein, by *inter alia*, refusing to reasonably accommodate her despite the availability of such
13 reasonable accommodations without undue hardship, by refusing to engage in a good-faith interactive
14 process with her, by applying unlawful policies to Plaintiff, by wrongfully terminating Plaintiff's
15 employment, at least in part, because of Plaintiff's known actual and/or perceived disabilities, *etc.*

16 67. Plaintiff's disabilities and/or medical condition(s), whether actual, real and perceived
17 and/or believe to exist in the future, and/or some combination of these protected characteristics under
18 *Government Code* § 12926(m) were, at least, motivating reasons and/or factors in the decisions to subject
19 Plaintiff to the aforementioned employment actions.

20 68. At all times relevant hereto, Plaintiff was either performing or ready, willing, and able to
21 perform the essential duties and functions of her position and/or the positions sought or available. At all
22 times, Plaintiff was qualified and capable of performing the essential functions of her same position or
23 another vacant position with Defendants.

24 69. At all times, Defendants knew, or should have known, that the conduct, acts, and failures
25 to act of Defendants and/or its owners, supervisors, agents, and employees, as described herein above,
26 violated Plaintiff's rights under the law. Likewise, Defendants knew, or in the exercise of reasonable
27 care, should have known, that unless Defendants intervened to protect Plaintiff, and to adequately
28 supervise, prohibit, discipline, and/or otherwise penalize the conduct, acts, and failures to act of

1 Defendants and others as described herein, Defendants would have the effect of encouraging, ratifying,
2 condoning, increasing, and/or worsening said conduct, acts, and failures to act, which is, in fact, what
3 resulted.

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

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

13 72. The conduct of Defendants in discriminating against Plaintiff subjected Plaintiff to cruel
14 and unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by Defendants that
15 Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and believes, and based
16 thereon alleges, that Defendants' conduct against Plaintiff was done with an intent to cause injury to
17 Plaintiff. Moreover, the malicious, fraudulent and/or oppressive conduct was engaged in, authorized or
18 ratified by officers, directors or managing agents of Defendants and/or was the result of the application
19 of its unlawful, malicious or oppressive policies and procedures. As a consequence of the aforesaid
20 oppressive, malicious, and despicable conduct, Plaintiff is entitled to an award of punitive damages in a
21 sum to be shown according to proof pursuant to *Government Code* §§ 12940 & 12965.

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

1 **FIFTH CAUSE OF ACTION**

2 **FAILURE TO REASONABLY ACCOMMODATE**

3 **(Against WALMART and DOES 1 – 20)**

4 74. 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 75. At all times relevant to this action, Plaintiff had physical disabilities within the meaning
8 of *Government Code* §§ 12926(m) and 12926.1, and the California Fair Employment and Housing Act
9 (FEHA), and at all times hereto, the FEHA was in full force and effect and was binding upon Defendants
10 and each of them.

11 76. 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 physical disabilities, as described herein, Plaintiff requested reasonable accommodations in the form of
14 seeking medical care in compliance with *Labor Code* § 4600. Despite learning of Plaintiff's disabilities,
15 learning of her requests for reasonable accommodations, and being able to accommodate Plaintiff as she
16 requests without suffering undue hardship, Defendants failed and refused to accommodate Plaintiff's
17 needs based on her disabilities, including, but not limited to, medical evaluation and treatment, modified
18 work duties, and, instead, wrongfully terminated Plaintiff from her employment. In doing so, and failing
19 and refusing to accommodate Plaintiff, Defendants violated *Government Code* § 12940(m).

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

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

3 79. The conduct of Defendants in failing to reasonably accommodate Plaintiff 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 Defendants' conduct against Plaintiff was done with an intent
7 to cause injury to the Plaintiff. Moreover, the malicious, fraudulent and/or oppressive conduct was
8 engaged in, authorized or ratified by officers, directors or managing agents of the corporation and/or was
9 the result of the application of unlawful, malicious or oppressive policies and procedures. As a
10 consequence of the aforesaid oppressive, malicious and/or fraudulent conduct, Plaintiff is entitled to an
11 award of punitive damages in a sum to be shown according to proof pursuant to California *Government*
12 *Code* §§ 12940 & 12965.

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

15 16 **SIXTH CAUSE OF ACTION**

17 **FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS**

18 **(Against WALMART and DOES 1 - 20)**

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

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

26 83. After learning of Plaintiff's actual and/or perceived disabilities, Defendants failed to
27 engage in an interactive process with Plaintiff to determine whether Defendants could accommodate
28 Plaintiff's disabilities and/or her requests for reasonable accommodation, including, but not limited to,

1 seeking medical care in compliance with *Labor Code* § 4600, work restrictions and/or other
2 accommodations. In failing and refusing to engage in an interactive process with Plaintiff, Defendants
3 violated *Government Code* § 12940(n).

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

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

14 86. The conduct of Defendants in failing to engage in the interactive process 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
18 to cause injury to the Plaintiff. As a consequence of the aforesaid oppressive, malicious and/or fraudulent
19 conduct, Plaintiff is entitled to an award of punitive damages in a sum to be shown according to proof
20 pursuant to California *Government Code* §§ 12940 & 12965.

21 87. 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.

SEVENTH CAUSE OF ACTION
RETALIATION IN VIOLATION OF FEHA
(Against WALMART and DOES 1 – 20)

88. As a separate and distinct cause of action, Plaintiff complains and realleges all of 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.

89. Plaintiff engaged in protected activities by complaining of, resisting and refusing to participate in Defendant's, ALEJANDRO's, harassment of Plaintiff, and others, based on sex, gender, gender identity and/or sexual orientation. Defendant, acting at least partially in direct retaliation for Plaintiff engaging in these same protected activities, as described above, retaliated against Plaintiff.

90. At all times as alleged herein, Defendant retaliated against Plaintiff on the basis of her engaging in such protected activities, as described herein, by, *inter alia*, by wrongfully suspending and terminating Plaintiff and by committing other adverse employment actions against Plaintiff, which, whether taken separately or collectively, negatively altered Plaintiff's employment.

91. As a direct and proximate result of Defendant's 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.

92. 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, sickness and illness, all to Plaintiff's damages in an amount to be shown according to proof.

93. The conduct of Defendant in retaliating against Plaintiff subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by Defendant that

1 Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and believes, and based
2 thereon alleges, that Defendant's conduct against Plaintiff was done with an intent to cause injury to
3 Plaintiff. Moreover, the malicious, fraudulent and/or oppressive conduct was engaged in, authorized or
4 ratified by officers, directors or managing agents of the corporation and/or was the result of the
5 application of unlawful, malicious or oppressive policies and procedures. As a consequence of the
6 aforesaid oppressive, malicious, and despicable conduct, Plaintiff is entitled to an award of punitive
7 damages in a sum to be shown according to proof pursuant to *Government Code* §§ 12940 & 12965.

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

11 **EIGHTH CAUSE OF ACTION**

12 **FAILURE TO TAKE ALL REASONABLE STEPS TO PREVENT AND/OR REMEDY**

13 **HARASSMENT, DISCRIMINATION AND/OR RETALIATION**

14 **(Against WALMART and DOES 1 – 20)**

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

18 96. Defendant failed to take immediate and appropriate corrective action to prevent and
19 remedy the harassment, discrimination, and/or retaliation to which Plaintiff was subjected to.
20 Specifically, Defendant ignored harassing, discriminating, and retaliatory conduct directed at Plaintiff
21 on the basis of Plaintiff's sex, gender, gender identity, sexual orientation and/or complaints of
22 harassment, discrimination, and/or retaliation, which not only failed to prevent retaliation,
23 discrimination, and harassment in the workplace but actually created a harassing and retaliatory work
24 environment. Likewise, by harassing, discriminating, and retaliating against Plaintiff while she was still
25 employed, ultimately leading to her wrongful termination as one final act of retaliation, Defendant failed
26 to take immediate and appropriate corrective action to prevent and/or remedy the harassment,
27 discrimination, and retaliation to which Plaintiff was subjected to.

1 97. At all times, Defendant knew of its legal obligations to maintain legal compliant policies
2 and procedures, knew of its obligations to properly train its employees as to employees prohibit
3 harassment, discrimination, and retaliation, knew of the harassment, discrimination, and retaliation
4 directed toward Plaintiff and knew of its legal obligations to prohibit the same, but disregarded all these
5 duties and, instead, retaliated against Plaintiff and, ultimately, wrongfully terminated her. Rather than
6 taking reasonable steps to prevent harassment, discrimination, and/or retaliation, Defendant continued
7 to harass and retaliate against Plaintiff through the end of Plaintiff's employment.

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

15 99. As a direct and proximate result of Defendant's conduct, Plaintiff has sustained and
16 continues to suffer severe and serious emotional distress and physical injuries, including, but not limited
17 to, emotional trauma, physical manifestations of emotional distress, personal injuries, pain and suffering,
18 personal inconvenience, sickness and illness, all to Plaintiff's damages in an amount to be shown
19 according to proof.

20 100. The conduct of Defendant in failing to prevent and/or remedy harassment, discrimination,
21 and/or retaliation subjected Plaintiff to cruel and unjust hardship in conscious disregard of his rights, as
22 it was anticipated by Defendant that she would suffer damages in the foreseeable future. Plaintiff is
23 informed and believes, and based thereon alleges, that Defendant's conduct against her was done with
24 an intent to cause injury to her. Moreover, the malicious, fraudulent and/or oppressive conduct was
25 engaged in, authorized or ratified by officers, directors or managing agents of the corporation and/or was
26 the result of the application of unlawful, malicious or oppressive policies and procedures. As a
27 consequence of the aforesaid oppressive, malicious, and despicable conduct, Plaintiff is entitled to an
28

1 award of punitive damages in a sum to be shown according to proof pursuant to *Government Code* §§
2 12940 & 12965.

3 101. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees which she
4 is entitled to recover pursuant to *Government Code* § 12965.

5
6 **NINTH CAUSE OF ACTION**
7 **RETALIATION AND/OR WRONGFUL TERMINATION**
8 **IN VIOLATION OF *LABOR CODE* § 232.5**
9 **(Against WALMART and DOES 1 - 20)**

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

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

17 104. At all times herein mentioned, under *Labor Code* §232.5(b), an employer may not
18 "[r]equire an employee to sign a waiver or other document that purports to deny the employee the right
19 to disclose information about the employer's working conditions."

20 105. At all times herein mentioned, under *Labor Code* §232.5(c), an employer may not
21 "[d]ischarge, formally discipline, or otherwise discriminate against an employee who discloses
22 information about the employer's working conditions."

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

26 107. As fully elaborated above, while within the course and scope of her duties as Defendants'
27 employee, Plaintiff reported and disclosed information regarding Defendants' unsafe working
28 conditions, which included but was not limited to sexual harassment, sexual assault, and sexual battery.

1 At all times herein mentioned, Plaintiff engaged in protected activity within the meaning of *Labor Code*
2 §232.5. In response, and as a direct result of Plaintiff's disclosure of Defendants' working conditions,
3 Defendants retaliated against Plaintiff by wrongfully terminating her from her employment.

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

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

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

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

TENTH CAUSE OF ACTION
RETALIATION AND/OR WRONGFUL TERMINATION
IN VIOLATION OF LABOR CODE § 1102.5
(Against WALMART , ELLIOT and DOES 1 – 20)

112. 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.

113. At all times herein mentioned, California Labor Code § 1102.5 et seq. was in full force and effect and were binding on Defendants. Under California Labor Code § 1102.5 (a), it is unlawful for any employer, or any person acting on behalf of the employer, to “make, adopt, or enforce any rule, regulation, or policy preventing an employee from disclosing information to a government or law enforcement agency, to a person with authority over the employee, or to another employee who has authority to investigate, discover, or correct the violation or noncompliance, or from providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing the information is part of the employee’s job duties.”

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

115. At all times herein mentioned, under Labor Code § 1102.5(c), an employer “shall not retaliate against an employee for refusing to participate in an activity that would result in a violation of

1 state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or
2 regulation.”

3 116. At all times herein mentioned, Labor Code §§ 232.5, 6310, and other relevant statutes
4 were in full force and effect and were binding on Defendants, and each of them. At all times, Plaintiff
5 acted under the reasonable belief that Defendants were in violation of such laws described immediately
6 above, among other potential civil laws and statutes. At all times during the relevant time period of this
7 action, based on these reasonable beliefs, Plaintiff resisted, refused to participate in and/or complained
8 to Defendants about assault and/or battery she was subjected to, about Defendants’ failure to properly
9 sterilize dental instruments, violations of patient safety standards, lack of training and/or certification by
10 staff handling contaminated instruments. In turn, Defendants then retaliated against Plaintiff for such
11 complaints, including, but not limited to, suspending Plaintiff, wrongfully terminating Plaintiff and
12 committing other adverse employment actions against Plaintiff, thereby violating Labor Code § 1102.5
13 et seq

14 117. In violation of Labor Code § 1102.5 et seq., Plaintiff alleges that she was retaliated against
15 and/or wrongfully terminated because, whether in part or in whole, Plaintiff complained of unsafe
16 working conditions, which included but were not limited to, sexual harassment, sexual assault and/or
17 sexual battery.

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

24 119. 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, sickness and illness, all to Plaintiff’s damages in an amount according to proof.

28

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

11 121. As a proximate result of the wrongful acts of Defendant, Plaintiff has been forced to hire
12 attorneys to prosecute his claims herein and has incurred and is expected to continue to incur attorneys'
13 fees and costs in connection therewith. As a result, pursuant to Labor Code § 1102.5(j), Plaintiff is
14 entitled to recover attorneys' fees and costs.

15
16 **ELEVENTH CAUSE OF ACTION**
17 **RETALIATION AND/OR WRONGFUL TERMINATION**
18 **IN VIOLATIOF OF *LABOR CODE* § 6310**
19 **(Against WALMART and DOES 1–20)**

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

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

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

6 125. At all times herein mentioned, believing Defendants to be in violation of a variety of
7 statutes, including, but not limited to, Labor Code §§ 232.5, 1102.5, among other related criminal and/or
8 civil statutes, Plaintiff submitted complaints regarding the health and safety of Defendants' employees,
9 the sexual assault and/or sexual battery she was subjected to. Based on this good faith and reasonable
10 belief, Plaintiff complained to Defendants about such violations. In response, and, at least in parts, as a
11 result of her complaints and/or the anticipation of her complaints, Defendants retaliated against Plaintiff
12 and wrongfully terminated Plaintiff based on false, illegitimate and pretextual reasons all in violation of
13 Labor Code § 6310.

14 126. As a direct and proximate result of Defendants' conduct, Plaintiffs has suffered and
15 continues to suffer actual, consequential and incidental financial losses, including without limitation,
16 loss of income, earnings, salary and benefits, and the intangible loss of employment related opportunities
17 in her field and damage to her professional reputation, the exact amount of which is not yet known and
18 will be shown according to proof at the time of trial.

19 127. As a direct and proximate result of Defendants' conduct, Plaintiff has sustained and
20 continues to suffer severe and serious emotional distress and physical injuries, including, but not limited
21 to, emotional trauma, physical manifestations of emotional distress, personal injuries, pain and suffering,
22 personal inconvenience, sickness and illness, all to Plaintiff's damages in an amount to be shown
23 according to proof.

24 128. The conduct of Defendants in retaliating against Plaintiff and wrongfully terminating her
25 because she complained to Defendants of harassment, retaliation, and/or discrimination, subjected
26 Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by
27 Defendants that Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and
28 believes, and based thereon alleges, that Defendants' conduct against Plaintiff was done with an intent

1 to cause injury to Plaintiff. Moreover, the malicious, fraudulent, and/or oppressive conduct was engaged
2 in, authorized, or ratified by officers, directors, or managing agents of the company and/or was the result
3 of unlawful, malicious, or oppressive policies. As a consequence of the aforesaid oppressive, malicious,
4 and despicable conduct, Plaintiff is entitled to an award of punitive damages against Defendants in a
5 sum to be shown according to proof at trial.

6 129. As a proximate result of the wrongful acts of Defendants, Plaintiff has been forced to hire
7 attorneys to prosecute her claims herein, and has incurred and is expected to continue to incur attorneys'
8 fees and costs in connection therewith. This action will also result in the enforcement of the constitutional
9 right to enjoying life and liberty, and pursuing and obtaining safety, all of which are important rights
10 affecting the public interest. As a result, Plaintiff's attorneys' fees incurred while pursuing such claims
11 should not, in the interest of justice, be paid out of the recovery. Accordingly, Plaintiff has incurred and
12 continues to incur legal expenses and attorneys' fees which Plaintiff is entitled to recover.

13 **TWELFTH CAUSE OF ACTION**

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

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

16 130. 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.

19 131. At all relevant times mentioned in this complaint, Article I, Section 8 of the California
20 Constitution was in full force and effect and binding on Defendants. California law prohibits termination
21 or other adverse employment actions against employees for reasons that violate public policy.
22 Specifically, here, California requires that employers refrain from terminating a person and/or employee
23 for being part of a protected class and/or for engaging in protected activity, including but not limited to
24 those described under the FEHA, Government Code § 12940 et seq., Civil Code §§ 51.7 & 52.1, Labor
25 Code §§ 232.5, 1102.5 & 6310, and other related statutes and common law. These laws, statutes and
26 their interpretative regulations inure to the benefit of the public at large, and embody fundamental public
27 policy of California and/or the United States.
28

1 132. At all times herein mentioned, believing WALMART to be in violation of, including, but
2 not limited to, the California Fair Employment and Housing Act (“FEHA”), California Government
3 Code §§ 12940 et seq., Labor Code §§ 232.5, 1102.5, 6310 and other sections of California’s Labor
4 Code, Civil Code §§ 51.7 & 52.1, and Article I of the California Constitution, among other regulations,
5 statutes, codes and/or common law requiring employers to provide safe working environments to their
6 employees, and related civil codes preventing discrimination, retaliation, harassment, assault and/or
7 battery, Plaintiff both resisted and submitted complaints about unlawful conduct occurring within
8 Defendant’s business and/or workplace, including but not limited to, sexual harassment, sexual assault,
9 sexual battery and unlawful retaliation. On the basis of Plaintiff engaging in protected activity by
10 reporting and opposing sexual harassment, sexual assault, indecent exposure, retaliation, and unsafe
11 working conditions; requesting reasonable accommodations and medical leave due to her disability; and
12 submitting complaints to management, Human Resources, and Defendants’ ethics hotline regarding
13 Defendants’ unlawful conduct, Defendants decided to wrongfully terminate Plaintiff in direct
14 contravention of well settled California public policy protecting her from the same.

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

22 134. 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
26 and illness, etc. all to Plaintiff’s damages in an amount to be shown according to proof.

27 135. The conduct of Defendant in wrongfully terminating Plaintiff subjected Plaintiff to cruel
28 and unjust hardship in conscious disregard of Plaintiff’s rights, as it was anticipated by Defendant that

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

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

10
11 **THIRTEENTH CAUSE OF ACTION**
12 **VIOLATION OF CIVIL CODE §§ 51.7 & 52.1**
13 **(Against WALMART and DOES 1 - 20)**

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

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

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

1 name and on their own behalf a civil action for damages ... to protect the peaceable exercise or
2 enjoyment of the right or rights secured.”

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

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

17 142. As a direct, legal, and/or proximate result of Defendants’ conduct, Plaintiff has sustained
18 and continues to suffer emotional injuries, emotional distress and physical injuries, including related
19 emotional and physical trauma, pain and suffering, personal injury, personal inconvenience, sickness
20 and illness, etc., all to Plaintiff’s damages in an amount to be shown according to proof at trial.

21 143. The conduct of Defendants in violating *Civil Code* §§ 51.7 & 52.1 subjected Plaintiff to
22 cruel and unjust hardship in conscious disregard of Plaintiff’s rights, as it was anticipated by Defendants
23 that Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and believes, and
24 based thereon alleges, that Defendants’ conduct against Plaintiff was done with an intent to cause injury
25 to Plaintiff. Moreover, the malicious, fraudulent and/or oppressive conduct was engaged in, authorized
26 or ratified by officers, directors or managing agents of the corporation and/or was the result of the
27 application of unlawful, malicious or oppressive policies and procedures. As a consequence of the
28

1 aforesaid oppressive, malicious, and despicable conduct, Plaintiff is entitled to an award of punitive
2 damages in a sum to be shown according to proof pursuant to *Civil Code* § 3294.

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

5
6 **FOURTEENTH CAUSE OF ACTION**

7 **VIOLATION OF CALIFORNIA LABOR CODE § 2698, ET SEQ.**

8 **(Against WALMART and DOES 1-20)**

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

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

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

19 148. Defendants violated provisions of the California Labor Code, specifically §§ 1102.5,
20 6310, and 232.5, which prohibit retaliation against employees who report unlawful conduct, unsafe
21 working conditions, or discuss working conditions.

22 149. On September 10, 2025, more than 65 calendar days before filing this Complaint, Plaintiff
23 gave written notice by online filing with the LWDA and provided notice via certified mail to Defendants
24 of the specific provisions of the California Labor Code that Defendants violated, thereby satisfying the
25 requirements of Labor Code § 2699.3.

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

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

152. Plaintiff is also entitled to reasonable attorney's fees and costs, pursuant to Labor Code § 2699(g)(1). Plaintiff and the other aggrieved employees are also entitled to their statutory share of any civil penalties recovered in this action, as provided by Labor Code § 2699(i).

REQUEST FOR JURY TRIAL

Plaintiff requests a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

1. For general damages, in the amount of no less than \$5,000,000, according to proof;
2. For special damages, in the amount of no less than \$5,000,000, according to proof;
3. For actual, consequential, and incidental damages, in the amount of no less than \$5,000,000, according to proof;
4. For past and/or future economic damages, including all past and/or future lost earnings, wages, and/or benefits, in the amount of no less than \$5,000,000, according to proof;
5. For past and/or future non-economic damages, including all past and/or future physical injuries, emotional distress, pain, suffering, physical trauma, etc., in the amount of no less than \$5,000,000, according to proof;
6. For punitive and exemplary damages in an amount necessary to punish Defendants to deter any similar unlawful conduct, according to proof ;

- 1 7. For prejudgment interest, according to proof;
2 8. For reasonable attorneys' fees and costs of suit incurred herein through the date of final
3 judgment;
4 9. For experts' costs and fees incurred herein through the date of final judgment; and
5 10. For such other and further relief as the Court may deem just and proper.
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7 Dated: March 16, 2026

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10 **KAVEH S. ELIHU, ESQ.**
11 **YESENIA L. RODRIGUEZ, ESQ.**
12 **EMPLOYEE JUSTICE LEGAL GROUP, P.C.**
13 Attorneys for Plaintiff, Christa Brown
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