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FILED
Superior Court of California
County of Los Angeles
09/28/2026
David W. Slayton, Executive Officer / Clerk of Court
By: N. Osollo Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA,

FOR THE COUNTY OF LOS ANGELES

AARON PEREZ, an Individual,

Plaintiff,

vs.

MODERN HERO, INC., a California Corporation; THE HEALTHCARE CENTER OF DOWNEY, LLC, a California Limited Liability Company doing business as LAKEWOOD HEALTHCARE CENTER; DURU DOE, an Individual; and DOES 1-20, inclusive,

Defendants.

Case Number: 26STCV23081

[Assigned to Hon. Marisa Hernandez-Stern in dept. 507]

FIRST AMENDED COMPLAINT FOR:

1. Assault;
2. Violation of *Civil Code* § 52.1;
3. Retaliation and/or Wrongful Termination in Violation of *Labor Code* § 1102.5;
4. Retaliation and/or Wrongful Termination in Violation of *Labor Code* § 6310;
5. Harassment Based on Sex, Gender and/or Sexual Orientation;
6. Discrimination Based on Sex, Gender and/or Sexual Orientation;
7. Retaliation in Violation of FEHA;
8. Failure to Take All Reasonable Steps to Prevent Discrimination, Harassment and Retaliation;
9. Wrongful Termination in Violation of Public Policy;
10. Intentional Infliction of Emotional Distress;
11. Defamation; and
12. Private Attorney General Act.

Jury Trial Demanded

Plaintiff, Aaron Perez, 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. 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.

3. Plaintiff has exhausted his 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.

4. Plaintiff has exhausted his administrative remedies by the timely submission of his claims through the Labor and Workforce Development Agency less than one year after the events alleged herein, providing notice of the same to all parties simultaneously, and the filing of this complaint more than sixty-five days thereafter.

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, Aaron Perez (hereinafter referred to as “Plaintiff”), is and at all times relevant hereto was a resident in the County of Los Angeles, in the State of California.

7. Defendant Modern Hero, Inc. (hereinafter referred to as “MHI”) was and is, upon information and belief, a California corporation doing business within the State of California and

whose employees are engaged in commerce throughout this County and the State of California.

8. Defendant The Healthcare Center of Downey, LLC (hereinafter referred to as "HCD") was and is, upon information and belief, a California limited liability company doing business as Lakewood Healthcare Center within the State of California and whose employees are engaged in commerce throughout this County and the State of California.

9. Defendant Duru "Doe" (hereinafter referred to as "Duru"), was and is, upon information and belief, an individual and is and at all times relevant hereto was a resident in the County of Los Angeles, in the State of California. Defendant Duru at all relevant times was an employee of MHI and HCD.

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

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

12. MHI, HCD and DOES 1-20 will hereafter be collectively referred to as "Defendants."

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

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

15. Plaintiff is informed and believes, and thereon alleges, that at all times material hereto and mentioned herein, each Defendant sued herein (both named and DOE Defendants

1-20) was the expressly and/or implicitly authorized agent, business-entity agent, servant, employer, partner, joint venturer, integrated enterprise, joint employer, business-entity employer, authorized agent, 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 Defendant herein.

16. 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.

GENERAL ALLEGATIONS

17. Defendants MHI and HCD jointly owned and/or operated a skilled nursing facility servicing psychiatric patients in the City of Downey, State of California, known as the "Lakewood Healthcare Center," located at 12023 Lakewood Boulevard, Downey, California 90242. At all relevant times, Defendants MHI and HCD were jointly Plaintiff's employers within the meaning of *Government Code* sections 12926, subdivision (d), 12940, subdivisions (a), (h), (i), (j), and (k), and 12950. At all relevant times, Defendants MHI and HCD each individually employed more than five persons within the State of California.

18. On or about March 15, 2025, Defendants MHI and HCD jointly hired Plaintiff as a certified nursing assistant to work at the Lakewood Healthcare Center. At all relevant times during Plaintiff's employment, Defendants MHI and HCD jointly exercised control over the terms, conditions, and privileges of Plaintiff's employment.

19. Plaintiff's job duties while employed by said Defendants included working in a psychiatric ward with about fifty patients/residents, escorting them around the facility, assisting them at mealtimes, cleaning their rooms, taking them outside for recreation, helping administer medication, and assisting them with toileting and bathing. At all times while employed by Defendants MHI and HCD, Plaintiff was a successful, productive, and devoted employee, performing his duties to Defendants' satisfaction.

20. Defendant Duru (full name unknown) was another certified nursing assistant that worked for Defendants MHI and HCD at the same facility as Plaintiff. Beginning in about May 2025, Duru began to harass and defame Plaintiff at their shared jobsite. Specifically, Duru began a campaign of homophobic harassment against Plaintiff. Although Plaintiff is not, in fact, homosexual, Duru perceived him as such.

21. For example, Duru would refer to Plaintiff using homophobic slurs such as "faggot." Duru also told others that he did not like Plaintiff because he does not "fuck with gay people." Duru made these comments to multiple mutual coworkers of his and Plaintiff's, who in turn informed Plaintiff of what Duru had said.

22. Also in May 2025, Plaintiff found an "AirTag" on his car. An "AirTag" is a location-tracking device that allows the owner to find it anywhere it may be. "AirTags" are often attached to personal property like cell phones and laptops to help locate them if they are lost or stolen. However, they can be attached to a person or vehicle surreptitiously to stalk or harass a target.

23. Upon information and belief, Duru placed the "AirTag" on Plaintiff's car in an effort to track him and discover his home address for the purpose of stalking, harassing, or assaulting him.

/ / /

24. In May 2025, Plaintiff reported the harassing and defamatory conduct to his supervisor, the head nurse Nicole “Doe” (last name unknown). Plaintiff also mentioned the “AirTag” that had been placed on his car.

25. However, Plaintiff is not aware of Nicole, or any other person at MHI/HCD, taking any action to address Duru’s conduct or to protect Plaintiff from intimidation, harassment, or defamation.

26. In June 2025, after Plaintiff had complained about Duru, Plaintiff was informed by another coworker that Duru had stated that he intended to kill Plaintiff and bragged about at one time having been a gang member.

27. Also in June 2025, Plaintiff renewed his complaint about Duru to Nicole, and mentioned the death threat. Although Plaintiff is not aware of the specifics of MHI/HCD’s response to his June complaint, Duru was moved from Plaintiff’s ward to a different ward.

28. However, Duru was still able to, and still did, come to Plaintiff’s ward, although he was no longer assigned there. When Duru would do so, he did not say anything to Plaintiff, but merely stared at him. Upon information and belief, this was an attempt to intimidate and harass Plaintiff.

29. In July 2025, Plaintiff offered a patient/resident a pack of cigarettes while they were on a smoking break. Duru came up, snatched the cigarettes from the patient, and told the resident not to “let that fag buy you cigarettes.” This slur was uttered in Plaintiff’s presence. Plaintiff demanded that Duru return the cigarettes, and so did the patient/resident. Duru complied, reluctantly, and left muttering to himself.

30. Shortly thereafter, also in July 2025, Duru sent text and voice messages to the cellphone of a mutual coworker, threatening to kill both Plaintiff and the coworker. In one voice message, Duru threatened to bring a gun to work and commit a mass shooting in which he would “fucking kill” Plaintiff. The coworker showed these messages to Plaintiff, who thereby heard them.

31. On July 21, 2025, after having seen the threatening messages, and without receiving any real help from his employers, Plaintiff went to speak to Duru. Plaintiff requested

Duru to come with him to the office to speak to Nicole about his conduct, but Duru refused. The mutual coworker, whom Duru had also threatened to kill, was present and recorded this conversation.

32. That same day, Plaintiff and the threatened coworker went to Nicole and complained about Duru again. They offered to show Nicole proof, including the messages and recording. But Nicole refused to look at said evidence. She told them that she was upset that they had "confronted" Duru in a "common area."

33. Nicole indicated to Plaintiff and the coworker that there were cameras in the area where the conversation with Duru took place, though upon information and belief these did not record audio, only visual. Nicole stated that she intended to review the footage, but would not do so with Plaintiff present.

34. Nicole made both Plaintiff and the threatened coworker give written statements about what occurred, which were to be disseminated to upper management. Plaintiff complied; and, upon information and belief, so did his coworker.

35. The next day, on July 22, 2025, Plaintiff came to work and was asked to speak to the manager of the facility (name unknown). She told Plaintiff that all three participants would be suspended pending an investigation into the "incident." She said Plaintiff would be contacted to inform him whether he would be terminated.

36. On July 31, 2025, the manager called Plaintiff and informed him that he was being terminated, ostensibly because he "started a confrontation" with Duru.

37. On July 31, 2025, Plaintiff was terminated by Defendants MHI and HCD. Upon information and belief, Plaintiff was terminated because he was the victim of an assault and harassment and reported the same, which was an incident of workplace violence and lack of safety, to Nicole.

38. The above said conduct of Duru constituted an assault as defined in Penal Code § 240, as well as a criminal threat as defined by Penal Code § 422. In addition to being criminal behavior, these acts were tortious and subject Duru to civil liability. Additionally, Duru's conduct was extreme and outrageous and was intended to, and did, cause severe emotional distress.

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

FIRST CAUSE OF ACTION

ASSAULT

(Against All Defendants)

40. 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.

41. In doing the acts herein alleged, DURU, acting individually and/or in concert with DOES 1–20, assaulted Plaintiff during the course of Plaintiff's employment at Defendants' worksite.

42. In doing the acts herein alleged, DURU acted with the intent to cause Plaintiff to reasonably apprehend imminent harmful or offensive contact. Among other things, DURU threatened to kill Plaintiff, represented that he had previously been a gang member, and sent text and voice messages threatening to bring a firearm to the workplace and commit a mass shooting in which he would "fucking kill" Plaintiff. DURU communicated the foregoing threats to a mutual coworker with the intent and/or reasonable expectation that the threats would be communicated to Plaintiff, and Plaintiff thereafter saw and heard the threatening messages.

43. After making the foregoing threats, DURU continued to enter Plaintiff's assigned ward despite having been transferred to a different ward. When DURU entered Plaintiff's ward,

he stared at Plaintiff in an intimidating and threatening manner. In light of DURU's repeated death threats, threatened workplace shooting, continued access to Plaintiff's workplace, physical proximity to Plaintiff, and intimidating conduct, Plaintiff reasonably believed that DURU was about to subject him to harmful or offensive physical contact and reasonably feared for his immediate physical safety.

44. At the time of the foregoing conduct, DURU appeared to possess the ability and opportunity to carry out the threatened harmful or offensive contact because he worked at the same facility as Plaintiff, continued to have access to Plaintiff's assigned ward, and repeatedly entered Plaintiff's immediate workplace after making the threats.

45. At no time did Plaintiff consent to DURU's threatened harmful or offensive contact, intimidation, or assaultive conduct.

46. DURU's conduct constituted an unlawful attempt, coupled with an apparent present ability, to commit a violent injury upon Plaintiff and was intended to, and did, cause Plaintiff to reasonably apprehend imminent harmful or offensive contact.

47. At all relevant times, DURU was an employee and agent of Defendants MHI and HCD. Plaintiff is informed and believes, and thereon alleges, that DURU committed the foregoing acts during the course and scope of his employment, while present at and having access to Defendants' facility by reason of his employment, and in connection with workplace interactions arising out of his shared employment with Plaintiff. Defendants MHI and HCD are therefore vicariously liable for DURU's assaultive conduct under the doctrine of respondeat superior and *Civil Code* § 2338.

48. Further, Plaintiff repeatedly notified MHI and HCD, through their supervisory and managerial employees, of DURU's harassment, intimidation, suspected stalking, death threats, and threats of workplace gun violence. Despite receiving actual notice of DURU's conduct and the danger he posed to Plaintiff, MHI and HCD permitted DURU to remain employed at and retain access to the facility, including Plaintiff's assigned ward, and failed to take adequate corrective action reasonably calculated to prevent the continued intimidation and threatened violence.

49. Plaintiff is informed and believes, and thereon alleges, that MHI and HCD, through their officers, directors, supervisors, and/or managing agents, authorized, adopted, approved, and/or ratified DURU's conduct by knowingly permitting the conduct to continue after receiving notice thereof, refusing to review evidence substantiating Plaintiff's complaints, failing to protect Plaintiff from further intimidation, and thereafter suspending and terminating Plaintiff after he sought protection and complained of DURU's conduct.

50. By the aforesaid acts and conduct of DURU, MHI, HCD, and DOES 1–20, Plaintiff has been directly and legally caused to suffer actual damages pursuant to California *Civil Code* § 3333, including, but not limited to, economic losses, medical and related expenses, and other pecuniary losses not presently ascertained, for which Plaintiff will seek leave of Court to amend when ascertained.

51. As a direct and proximate result of DURU's, MHI's, HCD's, and DOES 1–20's conduct, Plaintiff has sustained and continues to suffer severe and serious emotional and physical distress, 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 shown according to proof.

52. As a further direct and legal result of the acts and conduct of DURU, MHI, HCD, and DOES 1–20, as aforesaid, Plaintiff has been caused, and did suffer, and continues to suffer, severe emotional and mental distress and anguish, humiliation, embarrassment, fright, shock, pain, discomfort, and anxiety. The exact nature and extent of said injuries are presently unknown to Plaintiff, who will pray leave of Court to assert the same when they are ascertained.

53. The aforementioned acts of DURU and DOES 1–20 were willful, wanton, malicious, intentional, oppressive, and despicable, and were done in willful and conscious disregard of the rights, welfare, and safety of Plaintiff. DURU intended to cause injury to Plaintiff and/or engaged in despicable conduct with a willful and conscious disregard of Plaintiff's rights and safety.

54. Plaintiff is further informed and believes, and thereon alleges, that one or more officers, directors, and/or managing agents of MHI and HCD had advance knowledge of

DURU's unfitness and employed or continued to employ him with a conscious disregard of the rights and safety of others, and/or authorized or ratified DURU's wrongful conduct. The acts of MHI and HCD were malicious, oppressive, and undertaken with a willful and conscious disregard of Plaintiff's rights and safety.

55. As a consequence of the aforesaid oppressive, malicious, and despicable conduct, Plaintiff is entitled to an award of punitive and exemplary damages against DURU, MHI, HCD, and DOES 1–20 in an amount to be determined at the time of trial pursuant to *Civil Code* § 3294.

SECOND CAUSE OF ACTION

VIOLATION OF CIVIL CODE § 52.1

(Against All Defendants)

56. 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.

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

58. At all times relevant hereto, *Civil Code* § 52.1, also known as the Tom Bane Civil Rights Act (the "Bane Act"), was in full force and effect and binding on Defendants, and each of them. The Bane Act prohibits any person, whether or not acting under color of law, from interfering or attempting to interfere, by threat, intimidation, or coercion, with another person's exercise or enjoyment of rights secured by the Constitution or laws of the United States or the State of California. The Bane Act further permits an individual whose rights have been interfered with, or attempted to be interfered with, to bring a civil action for damages, injunctive relief, and other appropriate equitable relief.

59. At all relevant times, Plaintiff possessed rights secured by the laws of the State of California, including the right to protection from bodily restraint or harm, personal insult, and defamation under *Civil Code* § 43; the right to employment and a place of employment that were safe and healthful under *Labor Code* §§ 6400 et seq.; the right to report unsafe working conditions and threats of workplace violence without retaliation under *Labor Code* § 6310; the right to disclose reasonably suspected violations of law without retaliation under *Labor Code* § 1102.5; and the right to oppose and report unlawful harassment and discrimination without retaliation under *Government Code* § 12940.

60. As alleged hereinabove, Defendant DURU interfered with and attempted to interfere with Plaintiff's exercise and enjoyment of these rights through threats, intimidation, and coercion. Among other things, DURU subjected Plaintiff to homophobic slurs and defamatory statements, attempted to intimidate Plaintiff, and, upon information and belief, surreptitiously placed an AirTag on Plaintiff's vehicle in order to track, stalk, harass, and/or assault him. DURU also threatened to kill Plaintiff, represented that he had previously been a gang member, and threatened to bring a firearm to the workplace and commit a mass shooting in which he would kill Plaintiff.

61. DURU's threats of violence were credible and caused Plaintiff reasonably to fear for his safety. DURU worked at the same facility as Plaintiff, had continuing access to Plaintiff's workplace, repeatedly entered Plaintiff's assigned ward after being transferred to another ward, stared at Plaintiff in an intimidating manner, and expressly threatened to bring a firearm to the workplace. DURU therefore had, or reasonably appeared to have, the ability and opportunity to carry out his threats against Plaintiff.

62. DURU made the foregoing threats and engaged in the foregoing intimidation and coercion for the purpose of interfering with, preventing, discouraging, and/or retaliating against Plaintiff's exercise and enjoyment of his rights, including his rights to bodily security, personal safety, freedom from unlawful harassment and defamation, and the reporting of unlawful and unsafe workplace conduct. DURU intended to deprive Plaintiff of the exercise and enjoyment

of those rights and/or acted with reckless disregard for Plaintiff's exercise and enjoyment thereof.

63. At all times, Defendants MHI and HCD knew or should have known of DURU's harassment, intimidation, threats, and other unlawful conduct because Plaintiff repeatedly reported the conduct to his supervisor, Nicole, and requested assistance and protection. Plaintiff specifically reported the homophobic harassment, defamatory statements, suspected placement of the AirTag, intimidation, death threats, and threatened workplace shooting. Nevertheless, MHI and HCD failed and refused to take immediate and appropriate corrective action reasonably calculated to protect Plaintiff and prevent further threats, intimidation, harassment, and workplace violence.

64. Even after Plaintiff and another threatened coworker offered to provide Nicole with text messages, voice messages, and a recording substantiating their reports, Nicole refused to review the evidence. Rather than protect Plaintiff or meaningfully address DURU's conduct, MHI and HCD criticized Plaintiff for attempting to address the threats, required him to submit a written statement, suspended him, and ultimately terminated his employment, ostensibly because he had "started a confrontation" with DURU.

65. Through their managing employees and agents, MHI and HCD thereby ratified, encouraged, facilitated, and/or adopted the threatening and intimidating conduct directed at Plaintiff. MHI and HCD further used discipline, suspension, termination, and the threatened loss of Plaintiff's employment as intimidation and coercion to punish Plaintiff for reporting and opposing the unlawful conduct and to interfere with, deter, and discourage Plaintiff from exercising his rights to seek protection, report unsafe and unlawful workplace conduct, and oppose harassment, threats, and workplace violence.

66. The Constitution and laws of both the United States and California protect the rights of an individual to be employed and work in an environment free of workplace violence and credible threats of violence, and protect an employee's right to report and oppose unlawful harassment, threats, and unsafe workplace conditions without retaliation. As alleged hereinabove, Defendants each violated and interfered with Plaintiff's right to work in an

environment free of violence and intimidation, including on the basis of his protected status and/or protected employment activities, by threatening and intimidating Plaintiff, failing and refusing to protect him from credible threats of violence, ratifying and/or facilitating such conduct, and punishing Plaintiff for reporting, opposing, and attempting to protect himself and others from the same. Defendants retaliated against and wrongfully terminated Plaintiff, at least in part, for reporting, resisting, and/or complaining of unlawful harassment, intimidation, threats of death, criminal threats, suspected stalking, and threatened workplace violence.

67. Defendants, and each of them, intended to interfere with or deprive Plaintiff of the exercise and enjoyment of the foregoing statutory rights and/or acted with reckless disregard for Plaintiff's exercise and enjoyment of those rights. Defendants' threats, intimidation, coercion, retaliation, and related conduct were a substantial factor in causing Plaintiff's harm.

68. 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 his field and damage to his 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.

69. 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, 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.

70. The conduct of Defendants in threatening and intimidating Plaintiff, interfering with Plaintiff's protected rights, failing and refusing to protect Plaintiff from credible threats of workplace violence, ratifying and/or facilitating such conduct, and retaliating against Plaintiff for seeking protection subjected Plaintiff to cruel and unjust hardship in conscious disregard of

Plaintiff's rights, as it was anticipated by Defendants that Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and believes, and based thereon alleges, that Defendants' 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 corporate Defendants and/or was the result of the application of unlawful, malicious, or oppressive policies. As a consequence of the aforesaid oppressive, malicious, and despicable conduct, Plaintiff is entitled to an award of punitive damages against Defendants in a sum to be shown according to proof at trial pursuant to *Civil Code* § 3294.

71. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees which he is entitled to recover pursuant to *Civil Code* § 52.1(i).

THIRD CAUSE OF ACTION

RETALIATION AND/OR WRONGFUL TERMINATION

IN VIOLATION OF *Labor Code* § 1102.5

(Against Defendants MHI, HCD, and DOES 1–20)

72. 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.

73. At all times herein mentioned, California *Labor Code* §§ 1102.5 et seq. were in full force and effect and were binding on Defendants. Under *Labor Code* § 1102.5(a), it is unlawful for any employer, or any person acting on its behalf 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. . . ."

74. At all times herein mentioned, under *Labor Code* § 1102.5(b), an employer, or any person acting on its behalf, "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. . . agency [or] to a person with authority over the employee. . . if the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of. . . a local, state, or federal rule or regulation. . . ."

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

76. As alleged hereinabove, Plaintiff reported conduct that he reasonably believed violated state law and applicable workplace rules and regulations on the part of Defendants' employee Duru to his superiors, including Nicole, who had the authority to investigate, discover, or correct violations of law and workplace misconduct. Specifically, Plaintiff reported that he had been harassed, defamed, insulted, surreptitiously tracked and/or stalked, intimidated, threatened with death, and subjected to threats of workplace violence, including a threat to bring a firearm to the workplace and kill Plaintiff. Plaintiff reasonably believed that Duru's conduct, and Defendants' failure to adequately address that conduct, violated applicable laws prohibiting harassment, assault, criminal threats, and unsafe working conditions, including, but not limited to, *Government Code* § 12940, Penal Code §§ 240 and 422, and *Labor Code* §§ 6400 et seq.

77. In response to Plaintiff's protected disclosures, Defendants MHI and HCD retaliated against Plaintiff. Specifically, Plaintiff was subjected to adverse treatment, criticized for reporting and attempting to address Duru's conduct, suspended, and ultimately terminated shortly after making his most recent complaint and offering evidence substantiating his reports.

Plaintiff's protected disclosures were a contributing factor in Defendants' decisions to suspend and terminate him. This retaliation violated *Labor Code* § 1102.5.

78. As a direct, legal, and/or proximate result of the aforesaid acts of Defendants, Plaintiff has suffered 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 his field and damage to his 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.

79. As a direct, legal, and/or proximate result of Defendants' conduct, Plaintiff has sustained and continues to suffer severe emotional distress, physical injury and related emotional 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.

80. The conduct of Defendants in retaliating against Plaintiff and wrongfully terminating him subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by Defendants that Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and believes, and based thereon alleges, that Defendants' 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 company and/or was the result of unlawful, malicious, or oppressive policies. As a consequence of the aforesaid oppressive, malicious, and despicable conduct, Plaintiff is entitled to an award of punitive damages against Defendants in a sum to be shown according to proof at trial.

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

FOURTH CAUSE OF ACTION

RETALIATION AND/OR WRONGFUL TERMINATION

IN VIOLATION OF *Labor Code* § 6310

(Against Defendants MHI, HCD, and DOES 1–20)

82. 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.

83. At all times herein mentioned, California Labor Code § 6310 was in full force and effect and was binding on Defendants MHI and HCD. Under Labor Code § 6310, it is unlawful for any employer to discharge or discriminate against an employee in any manner because the employee made a bona fide oral or written complaint to the employee's employer or representative regarding unsafe working conditions or work practices in the employee's employment or place of employment.

84. At all times herein mentioned, Plaintiff reasonably and in good faith believed that the ongoing harassment, intimidation, suspected stalking, death threats, threatened use of a firearm, and threatened mass shooting at Defendants' facility created unsafe and dangerous working conditions and exposed Plaintiff and others to a substantial risk of workplace violence and bodily harm. Plaintiff further reasonably believed that Defendants were obligated to take reasonable steps to provide and maintain a safe and healthful workplace, including under Labor Code §§ 6400 et seq., Penal Code §§ 240 and 422, Civil Code §§ 43 and 52.1, and other related criminal, civil, and administrative statutes, regulations, and/or laws concerning workplace safety and the prevention of workplace violence.

85. Based on this good-faith and reasonable belief, Plaintiff made repeated oral and written complaints to Defendants through his supervisor, Nicole, and other members of Defendants' management. Plaintiff reported, among other things, that DURU had subjected him to homophobic harassment and intimidation, placed or caused an AirTag to be placed on his vehicle to track or stalk him, threatened to kill him, and threatened to bring a firearm to the

workplace and commit a mass shooting. Plaintiff and another threatened coworker also offered to provide Defendants with text messages, voice messages, and a recording substantiating their workplace-safety complaints.

86. In response to, and at least in part because of, Plaintiff's complaints concerning unsafe working conditions and the continuing threat of workplace violence, Defendants MHI and HCD retaliated against Plaintiff. Rather than take adequate corrective action and protect Plaintiff from the reported safety threats, Defendants criticized Plaintiff for attempting to address DURU's conduct, treated Plaintiff as a participant in the reported incident, suspended Plaintiff on July 22, 2025, and terminated Plaintiff's employment on July 31, 2025, ostensibly because he had "started a confrontation" with DURU. Plaintiff's workplace-safety complaints were a substantial motivating reason for Defendants' decisions to suspend and terminate him. Defendants thereby violated California Labor Code § 6310.

87. As a direct, legal, and/or proximate result of the aforesaid acts of Defendants, 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 his field and damage to his 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.

88. Pursuant to Labor Code § 6310(b), Plaintiff is entitled to reinstatement and reimbursement for the lost wages and employment benefits caused by Defendants' unlawful suspension and termination, together with all other relief available under applicable law.

89. 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, personal inconvenience, sickness, and illness, all to Plaintiff's damages in an amount according to proof.

90. The conduct of Defendants in retaliating against Plaintiff and wrongfully terminating him because he complained of unsafe working conditions and threats of workplace violence subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by Defendants that Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and believes, and based thereon alleges, that Defendants' 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 corporate Defendants and/or was the result of unlawful, malicious, or oppressive policies. As a consequence of the aforesaid oppressive, malicious, and despicable conduct, Plaintiff is entitled to an award of punitive damages against Defendants in a sum to be shown according to proof at trial pursuant to Civil Code § 3294.

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

FIFTH CAUSE OF ACTION

HARASSMENT BASED ON SEX, GENDER AND/OR SEXUAL ORIENTATION

(Against All Defendants)

92. 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.

93. All times relevant herein, the FEHA, as promulgated in *Government Code* § 12940 et. seq. and other state and federal statutes, including the California Constitution and

the Civil Rights Act as amended, prohibit discrimination and harassment in employment based on any protected category, including one's sex, gender, and/or sexual orientation.

94. At all times relevant herein, the actions of Defendants, as described in this Complaint, constitute unlawful harassment on the basis of Plaintiff's sex, gender, and/or sexual orientation in violation of *Government Code* § 12940 et. seq. Such harassment by Defendants created a hostile, intimidating, and oppressive work environment for Plaintiff, whereby the conditions of his employment were adversely altered. Moreover, the harassment impeded Plaintiff's progress and the enjoyment of his employment.

95. Defendants knew, or should have known, of the harassing work environment and conduct Plaintiff was subjected to by Defendants, and/or their owners, employees, managers, officers, supervisors and/or agents, but did nothing to prevent, remedy or stop the harassment. Indeed, throughout the relevant time period, Duru created a hostile work environment for Plaintiff on the basis of Duru's perception of Plaintiff as a homosexual man. As explained above, Duru openly derided Plaintiff, subjected him to slurs and insults, tried to intimidate him, and threatened him with bodily harm and death, all on the basis of a protected characteristic. This harassing conduct was both severe and pervasive.

96. 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 his field and damage to his 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.

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

98. The conduct of Defendants in harassing Plaintiff because of his sex and/or gender subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by Defendants that Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and believes, and based thereon alleges, that Defendants' conduct against Plaintiff was done with an intent to cause injury to the Plaintiff. As a consequence of the aforesaid oppressive, malicious and/or fraudulent 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.

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

SIXTH CAUSE OF ACTION

DISCRIMINATION BASED ON SEX, GENDER AND/OR SEXUAL ORIENTATION

(Against Defendants MHI, HCD, and DOES 1–20)

100. 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.

101. At all times relevant to this action, *Government Code* § 12940(a), and the FEHA, were in full force and effect and were binding upon Defendants and each of them. These laws require employers such as Defendants to refrain from discriminating against an employee based on protected characteristics, including sex, gender, and/or actual or perceived sexual orientation.

102. Plaintiff was qualified for and competently performed his position as a certified nursing assistant. Nevertheless, Defendants subjected Plaintiff to adverse employment actions, including, but not limited to, unfavorable treatment, discipline, suspension, and termination of employment. Plaintiff is informed and believes, and thereon alleges, that his sex, gender, and/or perceived sexual orientation were substantial motivating reasons and/or factors

in Defendants' decisions to subject Plaintiff to the foregoing adverse employment actions. As a direct and proximate result of Defendants' discriminatory conduct, Plaintiff suffered harm, including economic and non-economic damages. Defendants' conduct was a substantial factor in causing Plaintiff's harm. In so doing, Defendants, and each of them, violated *Government Code* § 12940(a) and the FEHA.

103. 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 his field and damage to his 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.

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

105. The conduct of Defendants in discriminating against Plaintiff because of his sex, gender, and/or perceived sexual orientation subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by Defendants that Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and believes, and based thereon alleges, that Defendants' 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 Defendants 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 *Civil Code* § 3294.

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

SEVENTH CAUSE OF ACTION

RETALIATION IN VIOLATION OF FEHA

(Against Defendants MHI, HCD, and DOES 1–20)

107. 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.

108. At all times relevant hereto, the FEHA was in full force and effect and was binding upon Defendants and each of them. FEHA, in particular *Government Code* § 12940(h), prohibits employers such as MHI and HCD from taking any adverse employment actions against an employee because that employee has engaged in activity protected by the FEHA, such as in reporting or complaining about harassment.

109. Plaintiff engaged in the protected activities of reporting, opposing, and complaining about harassment.

110. Plaintiff suffered various adverse employment actions at the hands of MHI and HCD, including unwarranted discipline and criticism, suspension, and termination, and was harmed thereby.

111. Plaintiff is informed and believes that his engagement in the aforementioned protected activities was a substantial motivating reason in Defendants' decisions to subject him to the aforementioned adverse employment actions.

112. Said conduct violates the FEHA, and such violations were a proximate cause in Plaintiff's damages stated below.

113. Plaintiff is informed and believes, and based thereon alleges, that the above acts of retaliation committed by Defendants' managing agents were done with the knowledge, consent, and/or ratification of, or at the direction of, Defendants.

114. The damage allegations of the Paragraphs above, inclusive, are herein incorporated by reference.

115. As a direct, legal, and/or proximate result of the aforesaid acts of Defendants, 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 his field, and damage to his 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.

116. As a direct, legal, and/or proximate result of Defendants' 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.

117. The conduct of Defendants in retaliating against Plaintiff subjected him to cruel and unjust hardship in conscious disregard of his rights, as it was anticipated by Defendants that Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and believes, and based thereon alleges, that Defendants' conduct against him was done with an intent to cause injury to him. 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 *Government Code* §§ 12965 & 12970.

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

EIGHTH CAUSE OF ACTION

FAILURE TO TAKE ALL REASONABLE STEPS TO PREVENT DISCRIMINATION, HARASSMENT AND RETALIATION

(Against Defendants MHI, HCD, and DOES 1–20)

119. 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.

120. Defendants failed to take immediate and appropriate corrective action and all reasonable steps necessary to prevent and remedy the discrimination, harassment, and/or retaliation to which Plaintiff was subjected. Specifically, by discriminating against Plaintiff, permitting and/or failing to remedy the harassment of Plaintiff, retaliating against Plaintiff, and/or terminating Plaintiff based on his sex, gender, and/or perceived sexual orientation, and/or because Plaintiff opposed and reported such conduct, Defendants failed to prevent and/or remedy the discrimination, harassment, and retaliation to which Plaintiff was subjected. Defendants failed to maintain, effectively implement, and/or enforce adequate policies and procedures, and failed to properly train their employees as to relevant laws prohibiting discrimination, harassment, and retaliation based on sex, gender, and/or perceived sexual orientation, which not only failed to prevent discrimination and harassment in the workplace, but actually created a discriminatory work environment. At all times, Defendants knew or should have known that Plaintiff was being subjected to harassment based on his perceived sexual orientation, knew of their legal obligation to take prompt corrective action in response to Plaintiff's complaints of discrimination, retaliation, and/or harassment, but disregarded their duties and instead suspended and wrongfully terminated Plaintiff.

121. At all times, Defendants knew of their legal obligations to maintain legally compliant policies and procedures, knew of their obligations to properly train their employees as to discrimination, harassment, and retaliation based on sex, gender, and/or perceived sexual orientation, but disregarded all these duties and, instead, failed to protect Plaintiff from

continued harassment, retaliated against Plaintiff and, ultimately, suspended and terminated him. Rather than taking reasonable steps to prevent discrimination, harassment, and retaliation, Defendants permitted the discrimination and harassment to continue and retaliated against Plaintiff through the end of Plaintiff's employment.

122. 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 his field and damage to his 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.

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

124. The conduct of Defendants in failing to prevent and/or remedy discrimination, harassment and/or retaliation subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by Defendants that Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and believes, and based thereon alleges, that Defendants' 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 *Government Code* §§ 12965 & 12970.

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

NINTH CAUSE OF ACTION

WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY

(Against Defendants MHI, HCD, and DOES 1–20)

126. 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.

127. At all relevant times, *Labor Code* §§ 6310 and 6400 et seq. were in effect and binding on all employers within the State of California, including Defendants herein. *Labor Code* § 6310 prohibits employers from discharging or otherwise discriminating or retaliating against an employee because said employee makes a written or oral complaint to the employer regarding workplace safety. *Labor Code* §§ 6400 et seq. require employers to furnish a safe and healthful working environment to all employees and to "do every other thing reasonably necessary to protect the life, safety, and health of employees."

128. The aforementioned code sections, including *Civil Code* §§ 43 and 52.1, *Labor Code* §§ 232.5, 6310, 6400, 6401, and 1102.5, Penal Code §§ 240 and 422, and *Government Code* §§ 12920 and 12940, subdivisions (a), (h), (j), and (k), embody fundamental public policies of the State of California. These statutes protect, among other things, an employee's right to disclose information regarding working conditions; report suspected unlawful conduct and unsafe working conditions; oppose and report discrimination, harassment, and retaliation; enjoy employment without discrimination or harassment based on sex, gender, and/or sexual orientation; and remain free from bodily harm, defamation, threats, intimidation, coercion, assault, and criminal threats. These statutes further impose duties upon employers not to terminate or retaliate against employees for engaging in conduct protected by the public policies reflected therein.

129. These provisions of law, when taken together, evince strong public policies in favor of protecting employees who disclose information concerning their working conditions, report conduct they reasonably believe violates the law, complain of unsafe working conditions and threats of workplace violence, and oppose or report unlawful discrimination and harassment. These provisions also embody public policies requiring employers to provide a workplace free of unlawful discrimination, harassment, credible threats of violence, intimidation, coercion, and unsafe working conditions. Accordingly, these public policies prohibit an employer from terminating an employee because the employee reported or opposed such conduct or sought assistance and protection concerning the same.

130. As alleged hereinabove, Defendants terminated Plaintiff's employment on July 31, 2025, because he reported, complained of, and opposed Duru's harassment, defamatory statements, intimidation, threats of violence, suspected stalking, and conduct creating unsafe working conditions; disclosed information concerning the conditions of his employment; and reported conduct that he reasonably believed violated state law. Defendants' decision to discharge Plaintiff was therefore in violation of the fundamental public policies embodied in *Civil Code* §§ 43 and 52.1; *Labor Code* §§ 232.5, 6310, 6400, 6401, and 1102.5; *Penal Code* §§ 240 and 422; and *Government Code* §§ 12920 and 12940, subdivisions (a), (h), (j), and (k).

131. As a direct, legal, and/or proximate result of the aforesaid acts of Defendants, 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 his field, and damage to his 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.

132. As a direct, legal, and/or proximate result of Defendants' 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.

133. The aforesaid conduct of Defendants individually, or by and through their managing agents, was intended by Defendants to cause harm to Plaintiff, or was despicable conduct carried on by Defendants with a conscious disregard of Plaintiff's right to be free of interference in his exercise of his right to employment by way of threats, intimidation, coercion, or physical violence, such as to constitute malice, oppression and fraud as defined by *Civil Code* § 3294, thereby entitling Plaintiff to an award of punitive or exemplary damages in an amount sufficient to punish or make an example of Defendants.

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

TENTH CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(Against All Defendants)

135. 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.

136. At all times, Defendant DURU targeted Plaintiff for the purpose of intentionally inflicting emotional distress upon him and/or acted with reckless disregard of the probability that his conduct would cause Plaintiff severe emotional distress. DURU repeatedly subjected Plaintiff to homophobic slurs, personal insults, defamatory statements, intimidation, suspected stalking, threats of death, and threats of workplace gun violence. Among other things, DURU referred to Plaintiff using homophobic slurs, stated that he did not associate with gay people, and, upon information and belief, placed or caused an AirTag to be placed on Plaintiff's vehicle in order to track, stalk, harass, and/or assault him.

137. DURU further threatened to kill Plaintiff, represented that he had previously been a gang member, and sent text and voice messages threatening to bring a firearm to the workplace and commit a mass shooting in which he would "fucking kill" Plaintiff. After making

the foregoing threats, DURU continued to enter Plaintiff's assigned ward, despite having been transferred to another ward, and stared at Plaintiff in an intimidating and threatening manner. DURU engaged in this conduct for no legitimate employment or business purpose and with the intent to intimidate, frighten, humiliate, harass, and cause severe emotional distress to Plaintiff.

138. At all times, Defendants MHI and HCD, through their supervisors, managers, officers, directors, managing agents, and other employees, knew that DURU was subjecting Plaintiff to unlawful harassment, intimidation, suspected stalking, death threats, and threats of workplace violence. Plaintiff repeatedly reported DURU's conduct to his supervisor, Nicole, and requested assistance and protection. Plaintiff also informed Defendants that evidence existed substantiating his complaints, including text messages, voice messages, and a recording.

139. Despite their actual knowledge of DURU's conduct and the substantial risk of harm to Plaintiff, MHI and HCD failed and refused to take immediate and appropriate corrective action reasonably calculated to prevent the conduct from continuing. MHI and HCD knowingly permitted DURU to retain access to Plaintiff's workplace and assigned ward, refused to review evidence substantiating Plaintiff's complaints, and failed to provide Plaintiff with meaningful protection from further intimidation and threatened violence.

140. Rather than protect Plaintiff, Defendants MHI and HCD criticized and blamed Plaintiff for attempting to address DURU's conduct, treated Plaintiff as a wrongdoer rather than as the victim of the reported harassment and threats, suspended Plaintiff, and ultimately terminated his employment. MHI and HCD thereby knowingly adopted, approved, encouraged, facilitated, and/or ratified DURU's outrageous conduct and independently engaged in conduct intended to punish, intimidate, humiliate, and cause emotional distress to Plaintiff because he reported the conduct and sought protection from Defendants.

141. Defendants DURU, MHI, and HCD, whether through their direct conduct and/or through the conduct of persons over whom they exercised authority and control, intentionally engaged in conduct that they knew, or acted with reckless disregard of the probability, would inflict severe emotional distress upon Plaintiff. Defendants knew that such harmful conduct was occurring and had the ability and duty to prevent it but instead knowingly engaged in, permitted,

authorized, and/or ratified such acts despite knowing the harm that the acts would cause, all to Plaintiff's express detriment and harm to his health, safety, and emotional well-being.

142. Defendants' conduct, as described herein, was extreme and outrageous under any circumstances. Defendants' campaign of homophobic harassment, suspected stalking, intimidation, death threats, threatened workplace shooting, refusal to protect Plaintiff after receiving repeated complaints, refusal to review evidence of the threats, and punishment of Plaintiff for seeking protection exceeded all bounds of conduct ordinarily tolerated in a civilized society. Such conduct was not a normal or legitimate part of the employment relationship and was unrelated to any legitimate personnel-management or business purpose.

143. Moreover, Defendants performed such conduct with full knowledge and/or reckless disregard of the probability that such conduct would cause Plaintiff severe emotional distress and would create and foster an extremely hostile, intimidating, and dangerous working environment from which Plaintiff would suffer. Thus, at all times, DURU's conduct was willful and intentional and was undertaken for the purpose of causing Plaintiff emotional distress, and MHI's and HCD's conduct was undertaken with the intent to cause emotional distress and/or with reckless disregard of the probability of causing such distress.

144. As a direct and proximate result of Defendants' extreme and outrageous conduct, Plaintiff suffered severe emotional distress of such substantial and enduring quality that no reasonable person in a civilized society should be expected to endure it. Defendants' conduct was a substantial factor in causing Plaintiff's severe emotional distress and related injuries.

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

146. 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 his field and damage to his 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.

147. The conduct of Defendants in intentionally inflicting emotional distress upon Plaintiff subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by Defendants that Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and believes, and based thereon alleges, that Defendants' conduct against him was done with an intent to cause injury to Plaintiff and/or with a willful and conscious disregard of Plaintiff's rights and safety.

148. Moreover, the malicious, fraudulent, and/or oppressive conduct was engaged in, authorized, or ratified by officers, directors, or managing agents of MHI and HCD, and/or one or more officers, directors, or managing agents had advance knowledge of DURU's unfitness and continued to employ him with a conscious disregard of the rights and safety of Plaintiff and others. Such conduct was also the result of the application of unlawful, malicious, or oppressive policies and procedures and MHI's and HCD's knowing retention and continued authorization of DURU's access to Plaintiff after receiving notice of his threats and misconduct.

149. As a consequence of the aforesaid oppressive, malicious, and despicable conduct, Plaintiff is entitled to an award of punitive damages against Defendants DURU, MHI, HCD, and DOES 1–20 pursuant to *Civil Code* § 3294, in a sum to be shown according to proof at trial.

ELEVENTH CAUSE OF ACTION

DEFAMATION

(Against All Defendants)

150. 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.

151. On information and belief, Defendant DURU caused to be published false and unprivileged oral communications concerning Plaintiff to third parties, including multiple coworkers and at least one patient or resident of the Lakewood Healthcare Center. Specifically, DURU falsely stated and/or represented to others that Plaintiff was homosexual and repeatedly referred to Plaintiff using homophobic and degrading terminology intended to communicate and reinforce that false representation. DURU further told Plaintiff's coworkers that he did not like Plaintiff because he did not "fuck with gay people," thereby falsely stating and/or implying that Plaintiff was homosexual.

152. DURU's statements expressly referred to Plaintiff and were understood by the persons who heard them as referring to Plaintiff. The statements were communicated at Defendants' facility during Plaintiff's employment and were disseminated among persons with whom Plaintiff was required to work and interact in performing his duties as a certified nursing assistant. The recipients of the statements had no legitimate business or employment-related need to receive the false and degrading communications.

153. Such statements made and published by DURU were patently false and known to be false, or made with reckless disregard for their truth or falsity, at the time they were made. Plaintiff is not homosexual, and DURU lacked any reasonable factual basis to state or represent otherwise. DURU made the statements as part of a deliberate effort to demean, ridicule, ostracize, harass, and injure Plaintiff's personal and professional reputation among his coworkers and the persons whom Plaintiff served at the facility.

154. DURU made and republished the statements with actual malice, hatred, and ill will toward Plaintiff. DURU's repeated use of homophobic slurs, his express statement that he disliked Plaintiff because he did not associate with gay people, his repeated publication of the statements to multiple persons, and his publication of the statements to persons having no legitimate need to know demonstrate that the statements were not made in good faith or for any legitimate workplace purpose.

155. To the extent the defamatory communications were or could be subject to a qualified common-interest privilege, DURU's actual malice, hatred, ill will, reckless disregard for the truth, improper discriminatory purpose, and excessive publication to persons without a legitimate need to know defeated and destroyed any such privilege.

156. The coworkers, patient or resident, and other persons who heard DURU's statements understood the statements, understood that they concerned Plaintiff, and reasonably understood DURU to be asserting or implying facts about Plaintiff's sexual orientation. As a result of the statements and the context in which they were made, Plaintiff was subjected to ridicule, contempt, humiliation, ostracism, and damage to his reputation and workplace relationships.

157. At all relevant times, DURU was an employee and agent of Defendants MHI and HCD. Plaintiff is informed and believes, and thereon alleges, that DURU made and published the foregoing statements during the course and scope of his employment, at Defendants' facility, during workplace interactions with Defendants' employees and residents, and through access and relationships created by his employment. MHI and HCD are therefore vicariously liable for DURU's defamatory publications.

158. Plaintiff further repeatedly notified MHI and HCD, through his supervisor Nicole and other members of management, that DURU was making false, defamatory, degrading, and homophobic statements concerning Plaintiff to persons at the facility. Despite receiving actual notice of the statements, MHI and HCD failed to adequately investigate, repudiate, correct, or prevent their continued publication. Plaintiff is informed and believes, and thereon alleges, that MHI and HCD, through their authorized supervisors, officers, directors, and/or managing agents, knowingly authorized, adopted, approved, and/or ratified DURU's defamatory conduct.

159. The false statements published by DURU constituted slander under *Civil Code* § 46. The statements caused actual harm to Plaintiff's reputation, workplace relationships, emotional well-being, and employment-related interests within the meaning of *Civil Code* § 46(5). To the extent the statements were understood as imputing to Plaintiff characteristics or

conduct that directly injured him with respect to his occupation, the statements also constituted slander under *Civil Code* § 46(3).

160. As a direct, legal, and/or proximate result of the aforesaid acts of Defendants, Plaintiff has suffered actual, consequential, and incidental financial losses, including, without limitation, damage to his professional and personal reputation, impairment of his workplace relationships, loss of employment-related opportunities, and other pecuniary losses, 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 pursuant to *Civil Code* §§ 3287 and 3288 and other applicable law.

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

162. The conduct of Defendants in publishing, authorizing, adopting, and/or ratifying false and defamatory statements to third parties subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's rights, as it was anticipated by Defendants that Plaintiff would suffer damages in the foreseeable future. Plaintiff is informed and believes, and based thereon alleges, that Defendants' conduct against Plaintiff was done with an intent to cause injury to Plaintiff.

163. Moreover, the malicious, fraudulent, and/or oppressive conduct was engaged in, authorized, or ratified by officers, directors, or managing agents of MHI and HCD 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 against Defendants pursuant to *Civil Code* § 3294, in a sum to be shown according to proof.

164. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees which he is entitled to recover pursuant to *Code of Civil Procedure* § 1021.5 and/or other applicable law.

TWELFTH CAUSE OF ACTION

PRIVATE ATTORNEY GENERAL ACT

(Against Defendants MHI, HCD, and DOES 1–20)

165. 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.

166. Under Labor Code § 2699, Plaintiff, as an aggrieved employee, may bring an action against Defendants, on behalf of himself and other current or former employees against whom the same Labor Code violations were committed, seeking statutory civil penalties for Defendants' violations of the California Labor Code.

167. Plaintiff was an aggrieved employee within the meaning of Labor Code § 2699(c)(1), as Defendants committed multiple California Labor Code violations against him, including violations of Labor Code §§ 232.5(c), 1102.5(b), and 6310, by disciplining, suspending, terminating, and otherwise retaliating against Plaintiff because he disclosed information concerning working conditions, reported conduct he reasonably believed violated applicable law, and complained about unsafe working conditions and threats of workplace violence, as previously pleaded in this Complaint.

168. On July 21, 2026, and more than 65 calendar days before filing this Complaint, Plaintiff gave written notice by online filing with the Labor and Workforce Development Agency and provided notice via certified mail to Defendants MHI and HCD of the specific provisions of the California Labor Code alleged to have been violated, including Labor Code §§ 232.5(c), 1102.5(b), and 6310, together with the facts and theories supporting those violations, thereby satisfying the requirements of Labor Code § 2699.3.

169. As of the filing of this Complaint, Plaintiff has not received timely notice from the Labor and Workforce Development Agency that it intends to investigate the alleged violations, and more than 65 calendar days have elapsed from the postmark date of Plaintiff's notice. Consequently, Plaintiff may now commence a civil action pursuant to Labor Code § 2699.3.

170. As a direct and proximate result of Defendants' Labor Code violations as set forth in this Complaint, Plaintiff seeks all civil penalties recoverable under the Private Attorneys General Act for violations of Labor Code §§ 232.5(c), 1102.5(b), and 6310, including civil penalties of $100 for each aggrieved employee per pay period pursuant to Labor Code § 2699(f)(2)(A) for violations for which a civil penalty is not otherwise specifically provided, $200 for each aggrieved employee per pay period where the requirements of Labor Code § 2699(f)(2)(B) are satisfied, and any civil penalties otherwise recoverable through PAGA for the specific Labor Code violations alleged herein.

171. Plaintiff is also entitled to reasonable attorney's fees and costs pursuant to Labor Code § 2699(k)(1), and any civil penalties recovered shall be distributed in accordance with Labor Code § 2699(m), including 65 percent to the Labor and Workforce Development Agency and 35 percent to the aggrieved employees.

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, etc., in the amount of no less than $5,000,000, according to proof;

6. For punitive and exemplary damages in an amount sufficient to punish Defendants and deter them from engaging in similar conduct in the future;

7. For all statutory penalties owed, among any other penalties owed arising from the causes of action pled herein;

8. For prejudgment interest, according to proof;

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

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

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

Dated: September 28, 2026

KAVEH S. ELIHU, ESQ.
SAMUEL J. MOORHEAD, ESQ.
EMPLOYEE JUSTICE LEGAL GROUP, P.C.
Attorneys for Plaintiff, Aaron Perez