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FILED
SAN MATEO COUNTY

FEB 23 2017

Clerk of the Superior Court

10 IN THE SUPERIOR COURT OF CALIFORNIA
11 IN AND FOR THE COUNTY OF SAN MATEO

17C1V00790

12 SIOBHAN SMITH,

13 Plaintiff,

14 vs.

15 THE CITY OF HALF MOON BAY, and DOES
16 1 to 100, inclusive,

17 DEFENDANT(s).

Case No.:

COMPLAINT FOR:

1. SEX DISCRIMINATION (DISPARATE TREATMENT): CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT (CAL. GOV'T. CODE §§12940 ET. SEQ.);
2. SEXUAL HARASSMENT (HOSTILE WORK ENVIRONMENT) (CAL. GOV'T CODE §§12940, ET SEQ.);
3. FAILURE TO PREVENT DISCRIMINATION AND HARASSMENT (CAL. GOV'T. CODE §§12940 ET. SEQ.);
4. DISABILITY DISCRIMINATION: CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT (CAL. GOV'T CODE §§12940 ET SEQ.);
5. RETALIATION: CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT (CAL. GOV'T. CODE §§12940 ET SEQ.);

JURY TRIAL DEMANDED

5:11 PM FAX



COMPLAINT

Now come SIOBHAN SMITH ("Plaintiff") in the above styled action, and files this Complaint and further show the court as follows:

JURISDICTION AND VENUE



- 1 1. PLAINTIFF brings this action pursuant and under the provisions of the FEHA.
- 2 2. Jurisdiction and subject matter in this action are proper as the amount in controversy, as set
- 3 forth in the Complaint, exceeds the minimum jurisdictional threshold of this Court.
- 4 3. Venue is proper as all actions relevant to this Complaint took place in Half Moon Bay,
- 5 California.
- 6 4. PLAINTIFF is informed and believe and thereon allege that DEFENDANT is an employer
- 7 subject to suit under the FEHA. DEFENDANT has at all relevant times been engaged in an
- 8 industry in the State of California, and has employed five (5) or more employees in the
- 9 current or preceding calendar year, and is therefore subject to the provisions of the FEHA.
- 10 5. PLAINTIFF filed a charge of discrimination against DEFENDANT with the Equal
- 11 Employment Opportunity Commission (hereinafter referred to as the "EEOC") and the
- 12 Department of Fair Employment and Housing (hereinafter referred to as the "DFEH").
- 13 PLAINTTFS received "Right to Sue" notices from the DFEH.

14 **FACTS COMMON TO ALL CAUSES OF ACTION**

- 15 6. DEFENDANT The City of Half Moon Bay is a municipal entity, has a place of business and
- 16 is and has been doing business at 501 Main Street, Half Moon Bay, California, 94019, and is
- 17 therefore subject to the jurisdiction of this Court. DEFENDANT may be served with
- 18 Summons and Complaint through its Clerk, Jessica Blair, located at 501 Main Street, Half
- 19 Moon Bay, California 94019.
- 20 7. DEFENDANT DOES 1-10, are sued herein under fictitious names. Their true names and
- 21 capacities are unknown to PLAINTIFFS. PLAINTIFFS are informed and believes and
- 22 thereon alleges that each of these fictitiously-named DEFENDANTS is responsible in some
- 23 way for the occurrences herein alleged and PLAINTIFF'S damages as herein alleged were
- 24 caused by DEFENDANT. When the true names of DOES 1-10 are ascertained,
- 25 PLAINTIFFS will amend their Complaint by inserting their true names and capacities
- 26 herein.
- 27 8. PLAINTIFF is informed and believes and thereon allege that DEFENDANT is an employer
- 28 subject to suit under the California Fair Employment and Housing Act (California



1 Government Code §§12940 *et seq.*, hereinafter referred to as the “FEHA”).
2 9. PLAINTIFF is a resident of San Mateo County.
3 10. PLAINTIFF worked for DEFENDANT between 1989 and 1995, and was re-hired in 2000.
4 DEFENDANT appointed PLAINTIFF to the position of City Clerk in or about 2005.
5 11. At all times during PLAINTIFF’S employment with DEFENDANT, PLAINTIFF
6 performed her duties in an exemplary fashion.
7 12. Beginning in or about 2014 and continuing through August 2015, PLAINTIFF suffered
8 from harassment by a member of the community, Charles Ullom (“ULLOM”). ULLOM was
9 known to DEFENDANT for his hostility towards officials employed by DEFENDANT,
10 regular appearances at City Council meetings, and numerous requests for public records
11 from DEFENDANT.
12 13. ULLOM’s communications singled PLAINTIFF out and alluded to PLAINTIFF possessing
13 “power” over DEFENDANT’s officials and government and that he would expose the
14 “truth” about PLAINTIFF.
15 14. In or about March 2014, ULLOM posted a video on YouTube of PLAINTIFF at a City
16 Council meeting that made PLAINTIFF uncomfortable and was offensive to PLAINTIFF.
17 PLAINTIFF brought this video to the attention of officials and employees of DEFENDANT
18 including the then City Manager and City Council members. After posting this video on
19 YouTube, ULLOM began regularly e-mailing PLAINTIFF to request records that did not
20 exist and accused PLAINTIFF of ignoring him.
21 15. In or about September 2014, a new City Manager, Magda Gonzales (“GONZALES”), was
22 hired. During this time, ULLOM e-mailed PLAINTIFF numerous times per day.
23 16. On or about October 7, 2014, PLAINTIFF and ULLOM both attended a City Council
24 meeting where ULLOM complained to PLAINTIFF that he “wished” he had a woman who
25 would “fight for her man” after hot tea was spilled on him. After this meeting concluded
26 around 10:00 pm, PLAINTIFF, while in her car, was blocked by ULLOM’s car in the
27 parking lot. ULLOM rolled down his window and said to PLAINTIFF “Siobhan, those
28 boots!” while leering at her. PLAINTIFF was offended and uncomfortable by this behavior



1 and felt trapped and unsafe. PLAINTIFF complained to several employees of
2 DEFENDANT'S the day after this incident.

3 17. ULLOM's constant communications via e-mail to PLAINTIFF continued.

4 18. In or about October 2014, PLAINTIFF requested and was granted a leave of absence related
5 to a non-work related injury. PLAINTIFF was off of work to receive treatment for this
6 injury between on or about October 13 and 27.

7 19. ULLOM continued to send requests and accuse PLAINTIFF of ignoring him during her
8 leave and advised the Deputy City Manager Alex Khojikian of his belief PLAINTIFF was
9 being manipulative because she "knows I like her" and that this "was not the first time I've
10 been manipulated by a pretty woman. She's abused my affections for her." PLAINTIFF was
11 offended and uncomfortable by ULLOM's behavior.

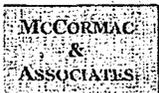
12 20. On or about October 27, 2014, PLAINTIFF complained about ULLOM's behavior to
13 GONZALEZ via e-mail.

14 21. On or about October 28, 2014, PLAINTIFF met with GONZALEZ regarding ULLOM and
15 the anxiety she experienced due to ULLOM's behavior and communications with her.
16 PLAINTIFF requested that another employee be the contact person for ULLOM's requests
17 to DEFENDANT. GONZALEZ advised PLAINTIFF to "be strong" and stated that her
18 request "showed weakness". PLAINTIFF's request was denied.

19 22. PLAINTIFF is informed and believes that employees of DEFENDANT complained about
20 ULLOM's harassing behavior toward PLAINTIFF on PLAINTIFF's behalf.

21 23. In or about August 2015 ULLOM sent an e-mail to PLAINTIFF asking why she was
22 "screwing" with him. Subsequent to this e-mail, DEFENDANT's City Attorney Reed
23 Gallogly wrote a letter to ULLOM prohibiting ULLOM from entering City Property
24 illegally. ULLOM was offended by this letter and notified PLAINTIFF he received the
25 "threat from your hired gun."

26 24. PLAINTIFF complained to numerous employees of DEFENDANT'S regarding ULLOM's
27 behavior and the stress and anxiety she experienced as a result of it. DEFENDANT did
28 nothing.



1 25. PLAINTIFF experienced such severe anxiety that she took a medical leave of absence
2 beginning August 28, 2015. This request was granted.

3 26. In December 2015, PLAINTIFF met with DEFENDANT regarding her leave of absence and
4 "reasonable accommodation" in her position. PLAINTIFF requested additional unpaid leave
5 as an accommodation.

6 27. On or about January 20, 2016, PLAINTIFF followed up regarding her accommodation
7 request. Russell Brunson, DEFENDANT'S Administrative Services Manager, denied
8 PLAINTIFF'S request.

9 28. On or about January 26, 2016, PLAINTIFF, by and through her attorneys, requested
10 DEFENDANT engage in an interactive process and provide reasonable accommodation to
11 PLAINTIFF. By this letter, PLAINTIFF requested an investigation into her claims of
12 harassment, discrimination, and retaliation.

13 29. DEFENDANT refused to return PLAINTIFF to work but agreed to investigate her claims.
14 PLAINTIFF was notified on or about June 1, 2016 that her "allegations were not sustained."

15 30. PLAINTIFF was forced to retire by DEFENDANT through its refusal to return her to work
16 or engage in an interactive process.

17 **FIRST CAUSE OF ACTION**
18 **Sex Discrimination (Disparate Treatment)**
19 **(California Government Code §§12940 et seq.)**

20 31. By this reference, PLAINTIFFS hereby incorporates 1-30 as though fully set forth herein.

21 32. At all times herein mentioned, California Government Code §§12940, et seq., was in
22 full force and effect and was binding upon DEFENDANT. Said sections require
23 DEFENDANT to refrain from discriminating against an employee because of gender,
24 among other things. Within the time provided by law, PLAINTIFF made a complaint to the
25 DFEH.

26 33. PLAINTIFF was subjected to continuous discriminatory treatment and harassment on the
27 basis of her gender. PLAINTIFF allege that similarly situated male employees were not
28 subjected to the same treatment.

34. DEFENDANT subjected PLAINTIFF to discriminatory treatment due to the conduct

1 referenced above, namely the continuous discrimination and harassment on the basis of
2 PLAINTIFF'S sex.

3 35. PLAINTIFF complained about the discrimination and nothing was done.

4 36. PLAINTIFF felt unsafe due to the ongoing discrimination and harassment.

5 37. DEFENDANT either intentionally created or knowingly permitted working conditions that
6 were so intolerable and/or aggravated at the time for PLAINTIFF that she required a
7 medical leave of absence.

8 38. DEFENDANT violated California Government Code §12940(a) by discriminating against
9 PLAINTIFF based on her gender. DEFENDANT subjected PLAINTIFF to disparate
10 treatment when it allowed the sexual harassment and hostile work environment stated
11 herein, and negligently failed to investigate PLAINTIFFS' complaints of sexual harassment
12 and a hostile work environment.

13 39. PLAINTIFF is informed, believes, and thereon alleges that DEFENDANT'S actions were
14 entirely or partially based on PLAINTIFF'S gender.

15 40. As a direct, foreseeable, and proximate result of DEFENDANT'S discriminatory acts,
16 PLAINTIFF has suffered and continues to suffer substantial losses and earnings and job
17 benefits, and has suffered and continues to suffer humiliation, embarrassment, mental and
18 emotional distress, and discomfort, all to PLAINTIFF'S damage in an amount in excess of
19 the minimum jurisdiction of this court, the precise amount to be proven at trial.

20 41. Pursuant to the FEHA, PLAINTIFF demands that DEFENDANT pay reasonable attorneys'
21 fees and costs as a part of the cost of this litigation.

22 42. DEFENDANT committed the acts herein alleged maliciously, fraudulently, and
23 oppressively with wrongful intention of injuring PLAINTIFFS and acted with an improper
24 and evil mode amounting to malice, in a conscious disregard for PLAINTIFF'S rights.
25 Managerial employees acting in a despicable, cold, callous and intentional manner in order
26 to injure and damage PLAINTIFFS carried out the acts taken toward PLAINTIFFS. As a
27 result of DEFENDANT'S discriminatory acts as alleged herein, PLAINTIFFS has no claim
28 adequate or complete remedy of law as DEFENDANT continues to engage in said alleged



1 wrongful practices, therefore, PLAINTIFFS requests:

- 2 a) That PLAINTIFFS be made whole and afforded all benefits attended
3 thereto that would have been afforded to PLAINTIFFS but for said
4 discrimination; and,
5 b) That DEFENDANT, its agents, successors, employees, and those acting
6 in concert with DEFENDANT be enjoined permanently from engaging in
7 each of the unlawful practices, policies, usage and customs set forth
8 herein.

9 WHEREFORE, PLAINTIFF prays for judgment as hereinafter set forth.

10 **SECOND CAUSE OF ACTION**
11 **Sexual Harassment (Hostile Work Environment)**
12 **(California Government Code §§12940 et seq.)**

13 43. PLAINTIFF incorporates paragraphs 1 through 42 as though fully set forth herein.

14 44. At all times herein mentioned, California Government Code §12940, et seq., was in
15 full force and effect and was binding upon DEFENDANT. Said sections require
16 DEFENDANT to refrain from discriminating against and/or harassing an employee because
17 of gender, among other things. Said sections apply to DEFENDANT when such acts of
18 harassment are committed by nonemployees. Within the time provided by law, PLAINTIFF
19 made a complaint to the DFEH.

20 45. DEFENDANT subjected PLAINTIFF to a hostile work environment with continuous
21 harassment and discrimination.

22 46. Additionally, PLAINTIFFS were subjected to a hostile work environment in that
23 DEFENDANT was aware of the illegal harassment against PLAINTIFF and failed to take
24 immediate and appropriate corrective action, and failed to take adequate remedial measures
25 to stop the harassment.

26 47. The aforementioned harassment was sufficiently severe and pervasive as to alter the
27 conditions of PLAINTIFF'S employment and created an abusive and hostile work
28 environment. DEFENDANT knew or should have known of, and/or actively perpetrated

1 upon PLAINTIFFS, the harassment and discrimination but failed to take corrective action in
2 violation of California Government Code §§12940, *et seq.*

3 48. The unlawful conduct of which PLAINTIFF complains was so pervasive, DEFENDANT'S
4 management knew or should have known such conduct was occurring thereby triggering its
5 obligation to investigate and take remedial measures to halt such conduct. DEFENDANT
6 failed to do either.

7 49. DEFENDANT was the direct and proximate cause of PLAINTIFFS' damages, which
8 resulted from the unlawful conduct and inaction by DEFENDANT.

9 50. As a direct, foreseeable, and proximate result of DEFENDANT'S actions, PLAINTIFF has
10 suffered and continues to suffer humiliation, embarrassment, mental and emotional distress
11 and discomfort, all to PLAINTIFFS' damage in an amount in excess of the minimum
12 jurisdiction of this court, the precise amount to be proven at trial.

13 51. Pursuant to California Government Code §§12940, *et seq.*, PLAINTIFFS hereby demands
14 that DEFENDANT pay reasonable attorneys' fees as part of the cost of this litigation.

15 52. DEFENDANT committed the acts herein alleged maliciously, fraudulently, and oppressively
16 with wrongful intention of injuring PLAINTIFFS and acted with an improper and evil mode
17 amounting to malice, in a conscious disregard for PLAINTIFFS' rights. Because managerial
18 employees acting in a despicable carried out the acts taken towards PLAINTIFFS, deliberate,
19 cold, callous and intentional manner in order to injure and damage PLAINTIFFS. As a result
20 of DEFENDANT'S discriminatory acts as alleged herein, PLAINTIFFS has no claim adequate
21 or complete remedy at law as DEFENDANT continues to engage in said alleged wrongful
22 practices, therefore, PLAINTIFFS requests:

- 23 a) That PLAINTIFFS be made whole and afforded all benefits attended
24 thereto that would have been afforded to PLAINTIFFS but for said
25 discrimination and retaliation; and,
26 b) That DEFENDANTS, its agents, successors, employees, and those acting
27 in concert with DEFENDANT be enjoined permanently from engaging in
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each of the unlawful practices, polices, usages and customs set forth herein.

WHEREFORE, PLAINTIFF prays for judgment as hereinafter set forth.

THIRD CAUSE OF ACTION
Failure to Prevent Discrimination and/or Harassment
(California Government Code §§12940 et seq.)

53. By this reference, PLAINTIFF hereby incorporates 1-52 as though fully set forth herein.

54. During the course of PLAINTIFF'S employment with DEFENDANT, PLAINTIF was continuously discriminated against, retaliated against, harassed, and subjected to a hostile work environment by the actions, conduct and comments of ULLOM, and his conduct and comments combined with DEFENDANT'S inaction created and allowed a pattern of discriminatory treatment and harassment of PLAINTIFF as alleged herein.

55. The aforementioned harassment was sufficiently severe and pervasive as to alter the conditions of PLAINTIFFS' employment and created an abusive and hostile work environment. DEFENDANT knew or should have known of the discrimination and harassment but failed to take corrective action in violation of the FEHA.

56. DEFENDANT negligently and in bad faith failed to properly investigate PLAINTIFFS' claims of discrimination and harassment, which caused and contributed to the existence of the hostile work environment as alleged herein. DEFENDANT failed to take all reasonable steps necessary to prevent or stop discrimination and harassment from occurring.

57. DEFENDANT had inadequate policies and procedures, and failed to implement the policies and procedures they did have to prevent discrimination and harassment in the workplace.

58. At all times herein mentioned, Government Code Section 12940(k) was in full force and effect and was binding on DEFENDANT. This subsection requires DEFENDANT to take all reasonable steps necessary to prevent discrimination and harassment from occurring. As alleged above, DEFENDANT violated this subsection by failing to take all reasonable steps necessary to prevent or stop discrimination and harassment from occurring.

59. As a direct, foreseeable, and proximate result of DEFENDANT'S failure to properly investigate PLAINTIFF'S complaints, PLAINTIFF has suffered and continues to suffer



1 substantial losses and earnings and job benefits, and has suffered and continues to suffer
2 humiliation, embarrassment, mental and emotional distress, and discomfort, all to
3 PLAINTIFFS' damages in an amount in excess of the minimum jurisdiction of this court,
4 the precise amount to be proven at trial.

5 60. Pursuant to the FEHA, PLAINTIFF demands that DEFENDANT pay reasonable attorneys'
6 fees and costs as a part of the cost of this litigation.

7 61. DEFENDANT committed the acts herein alleged maliciously, fraudulently, and
8 oppressively with wrongful intention of injuring PLAINTIFF and acted with an improper
9 and evil mode amounting to malice, in a conscious disregard for PLAINTIFFS' rights.
10 Managerial employees acting in a despicable, cold, callous and intentional manner in order
11 to injure and damage PLAINTIFF carried out the acts taken towards PLAINTIFF. As a
12 result of DEFENDANT'S discriminatory acts as alleged herein, PLAINTIFFS has no claim
13 adequate or complete remedy of law as DEFENDANT continues to engage in said alleged
14 wrongful practices, therefore, PLAINTIFF requests:

- 15 a) That PLAINTIFF be made whole and afforded all benefits attended
16 thereto that would have been afforded to PLAINTIFFS but for said
17 discrimination; and,
- 18 b) That DEFENDANT, its agents, successors, employees, and those acting
19 in concert with DEFENDANT be enjoined permanently from engaging in
20 each of the unlawful practices, policies, usage and customs set forth
21 herein.

22 **WHEREFORE**, PLAINTIFF prays for judgment as hereinafter set forth.

23 **FOURTH CAUSE OF ACTION**
24 **Disability Discrimination**
(California Government Code §§12940 et seq.)

25 62. By this reference, PLAINTIFF hereby incorporates 1-61 as though fully set forth herein.

26 63. PLAINTIFF received injuries to her psyche and suffered from stress disabilities.

27 64. DEFENDANT refused to return PLAINTIFF to work or engage in a good faith interactive
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process and instead, forced PLAINTIFF into disability retirement.

65. DEFENDANT willfully and/or with reckless indifference violated the FEHA and discriminated against PLAINTIFF by failing to engage in the interactive process with PLAINTIFF.

65. DEFENDANT willfully and/or with reckless indifference violated the FEHA and discriminated against PLAINTIFF by failing to make reasonable accommodations to and for the known or perceived disability of PLAINTIFF.

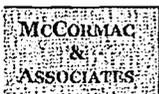
67. DEFENDANT willfully and/or with reckless indifference violated the FEHA and discriminated against PLAINTIFF by forcing PLAINTIFF to retire.

68. DEFENDANT was aware of PLAINTIFF'S disabilities and/or regarded PLAINTIFF as disabled, and PLAINTIFF believes and thereon alleges the substantial, but not the only, factor in DEFENDANT'S decision to not to return PLAINTIFF to work was because of PLAINTIFF'S disability. Such discrimination has resulted in damage to PLAINTIFF as alleged herein.

69 PLAINTIFF is informed and believes that in addition to the practices enumerated in this Cause of Action, DEFENDANT has engaged in other discriminatory practices that are not fully known by PLAINTIFF.

70. As a direct, foreseeable, and proximate result of DEFENDANT'S discriminatory acts, PLAINTIFF has suffered and continues to suffer substantial losses and earnings and job benefits, and has suffered and continues to suffer humiliation, embarrassment, mental and emotional distress, and discomfort, all to PLAINTIFF's damage in an amount in excess of the minimum jurisdiction of this court, the precise amount to be proven at trial.

71. Pursuant to the FEHA, PLAINTIFF demands that DEFENDANT pay reasonable attorneys'



1 fees and costs as a part of the cost of this litigation.

2 72. DEFENDANT committed the acts herein alleged maliciously, fraudulently, and
3 oppressively with wrongful intention of injuring PLAINTIFF and acted with an improper
4 and evil mode amounting to malice, in a conscious disregard for PLAINTIFF'S rights.
5 Managerial employees acting in a despicable, cold, callous and intentional manner in order
6 to injure and damage PLAINTIFF carried out the acts taken towards PLAINTIFF. As a
7 result of DEFENDANT'S discriminatory acts as alleged herein, PLAINTIFFS has no claim
8 adequate or complete remedy of law as DEFENDANT continues to engage in said alleged
9 wrongful practices, therefore, PLAINTIFF requests:

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- 12 (a) That PLAINTIFF be made whole and afforded all benefits attended
 - 13 thereto that would have been afforded to PLAINTIFF but for said
 - 14 discrimination; and,
 - 15 (b) That DEFENDANT, their agents, successors, employees, and those
 - 16 acting in concert with DEFENDANT are enjoined permanently from
 - 17 engaging in each of the unlawful practices, policies, usage and customs
 - 18 set forth herein.
 - 19

20 **WHEREFORE**, PLAINTIFF prays for judgment as hereinafter set forth.

21 **FIFTH CAUSE OF ACTION**

22 **Retaliation**

23 **(California Government Code §§12940 et seq.)**

24 73. By this reference, PLAINTIFF hereby incorporates paragraphs 1-72 of this document as if
25 they were set forth within this Cause of Action.

26 74. PLAINTIFF complained to managerial level employees about the ongoing discrimination
27 and harassment and there was no investigation into this conduct by DEFENDANT.

28 75. PLAINTIFF was made to fear for her safety and was constructively terminated after

1 engaging in protected activities and reporting the discriminatory and harassing behavior to
2 DEFENDANT.

3 76. PLAINTIFF believes DEFENDANT continued its discrimination and retaliation through its
4 failure to investigate the discrimination and harassment and its failure to provide a safe work
5 environment.

6 77. PLAINTIFF believes that DEFENDANT retaliated against her for reporting the
7 inappropriate and discriminatory conduct referenced above to management.

8 78. PLAINTIFFS are informed and believes that in addition to the practices enumerated in this
9 Cause of Action, DEFENDANT has engaged in other retaliatory practices that are not fully
10 known by PLAINTIFF.

11 79. As a direct, foreseeable, and proximate result of DEFENDANT'S retaliatory acts,
12 PLAINTIFF has suffered and continues to suffer substantial losses and earnings and job
13 benefits, and has suffered and continues to suffer humiliation, embarrassment, mental and
14 emotional distress, and discomfort, all to PLAINTIFF'S damages in an amount in excess of
15 the minimum jurisdiction of this court, the precise amount to be proven at trial.

16 80. Pursuant to the FEHA, PLAINTIFF demands that DEFENDANT pay reasonable attorneys'
17 fees and costs as a part of the cost of this litigation.

18 81. DEFENDANT committed the acts herein alleged maliciously, fraudulently, and
19 oppressively with wrongful intention of injuring PLAINTIFF and acted with an improper
20 and evil mode amounting to malice, in a conscious disregard for PLAINTIFF'S rights. The
21 acts taken towards PLAINTIFF was carried out by managerial employees acting in a
22 despicable, cold, callous and intentional manner in order to injure and damage PLAINTIFF.
23 As a result of DEFENDANT'S discriminatory acts as alleged herein, PLAINTIFF has no
24 claim adequate or complete remedy of law as DEFENDANT continues to engage in said
25 alleged wrongful practices, therefore, PLAINTIFF requests:

- 26 (a) That PLAINTIFF be made whole and afforded all benefits attended
27 thereto that would have been afforded to PLAINTIFFS but for said
28 retaliation; and,



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(b) That DEFENDANT, its agents, successors, employees, and those acting in concert with DEFENDANT be enjoined permanently from engaging in each of the unlawful practices, policies, usage and customs set forth herein.

WHEREFORE, PLAINTIFF prays for judgment as hereinafter set forth.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF makes the following demand:

- (a) That process be issued and served as provided by law, requiring DEFENDANT to appear and answer or face judgment;
- (b) That PLAINTIFF have and recover a judgment against DEFENDANT in an amount to be determined at trial as general, special, actual, compensatory and/or nominal damages for violation of the FEHA and the California Labor Code (California Government Code §§12940 *et seq.*);
- (c) That PLAINTIFF have and recover a judgment against DEFENDANT in an amount to be determined at trial for expenses of this litigation, including, but not limited to, reasonable attorneys' fees, costs and pre and post judgment interest;
- (d) That PLAINTIFF has such other relief, as this Court deems just and appropriate;

PLAINTIFF DEMANDS TRIAL BY JURY

Dated: February 22, 2017

MCCORMAC & ASSOCIATES

Valerie R. Perdue
VALERIE R. PERDUE
Attorneys for Plaintiff

