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11 JODI HOWARD

ELECTRONICALLY FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
SAN BERNARDINO DISTRICT

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By: Elda Ramirez, DEPUTY

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF SAN BERNARDINO CIVSB2329276**

14 JODI HOWARD,

15 Plaintiff,

16 vs.

17 NEWBERRY COMMUNITY SERVICES  
18 DISTRICT;

19 PAULA DEEL, an individual;  
20 JACK UNGER, an individual;  
21 MIKE MATSON, an individual;  
22 MARGIE ROBERTS, an individual;  
23 and DOES, 1 to 50, inclusive,

24 Defendants.

PLAINTIFF'S COMPLAINT FOR DAMAGES  
FOR:

- 25 (1) SEX/GENDER HARASSMENT IN  
VIOLATION OF CAL. GOV. CODE §§  
12940 ET SEQ.;
- 26 (2) SEX/GENDER DISCRIMINATION IN  
VIOLATION OF CAL. GOV. CODE §§  
12940 ET SEQ.;
- 27 (3) SEX/GENDER RETALIATION IN  
VIOLATION OF CAL. GOV. CODE §§  
12940 ET SEQ.;
- 28 (4) FAILURE TO PREVENT  
DISCRIMINATION, HARASSMENT  
AND RETALIATION IN VIOLATION  
OF CAL. GOV. CODE §§ 12940 ET  
SEQ.;
- (5) PENALTIES PURSUANT TO  
LABOR CODE § 203;
- (6) VIOLATION OF BUSINESS AND  
PROFESSION CODE §17200, ET SEQ.;
- (7) INTENTIONAL INFLICTION OF  
EMOTIONAL DISTRESS;
- (8) WHISTLEBLOWER VIOLATIONS  
UNDER LABOR CODE § 1102.5;
- (9) RETALIATION AND WRONGFUL  
TERMINATION IN VIOLATION OF

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PUBLIC POLICY

[JURY TRIAL DEMANDED ON ALL  
ISSUES AND CAUSES OF ACTION]

**ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

The following is pled on information and belief:

1. At all times mentioned in this complaint the Plaintiff JODI HOWARD (hereinafter, referred to as “HOWARD” or “Plaintiff” or “EMPLOYEE”) was and is a resident of the County of San Bernardino, California and was an employee of all Defendants.

2. At all times mentioned in this complaint, Defendant NEWBERRY COMMUNITY SERVICES DISTRICT and Does 1 to 50 (hereinafter jointly referred to as “NCSD” or “EMPLOYER”), was and is a Special District, formed in 1958 and is conducting itself as a Special Independent District per LAFCO.

3. At all times mentioned in this complaint, individual Defendant PAULA DEEL and DOES 11-20 (hereinafter jointly referred to as “DEEL”), was and is a resident of the County of San Bernardino California and was HOWARD’s Supervisor at Defendant NCSD at the time of this complaint.

4. At all times mentioned in this complaint, individual Defendant JACK UNGER and DOES 21-30 (hereinafter jointly referred to as “UNGER”), was and is a resident of the County of San Bernardino, California and was HOWARD’s Supervisor at Defendant NCSD at the time of this complaint.

5. At all times mentioned in this complaint, individual Defendant MIKE MATSON and DOES 31-40 (hereinafter jointly referred to as “MATSON”), was and is a resident of the

1 County of San Bernardino, California and was HOWARD's Supervisor at Defendant  
2 NCSD at the time of this complaint.

3 6. At all times mentioned in this complaint, individual Defendant MARGIE ROBERTS and  
4 DOES 41-50 (hereinafter jointly referred to as "ROBERTS"), was and is a resident of  
5 the County of San Bernardino, California and was HOWARD's Supervisor at Defendant  
6 NCSD at the time of this complaint.

7 7. At all times mentioned hereinafter in this complaint, Defendants NCSD, DEEL, UNGER,  
8 MATSON, ROBERTS, and DOES 1-50 will be collectively referred to as "Defendants."

9 8. NCSD employed Plaintiff HOWARD to work for Defendant NCSD in the County of San  
10 Bernardino, California.

11 9. The true names and capacities of the defendants named herein as DOES 1 through 50,  
12 inclusive, whether individual, corporate, associate or otherwise, are unknown to Plaintiff  
13 who therefore sues such defendants by fictitious names pursuant to Code of Civil  
14 Procedure Section 474. Plaintiff is informed and believes that the Doe defendants are  
15 California residents. Plaintiff will amend this complaint to show such true names and  
16 capacities when they have been determined.

17 10. Plaintiff is informed and believes, and thereby alleges, that each of the Defendants, herein  
18 were at all times the agent and/or employee of each of the remaining defendant, and was  
19 at all times mentioned, acting within the course and scope of said agency and/or  
20 employment, and each defendant was acting with the full knowledge and consent of his  
21 superior or principal, and each such principal or superior at all times ratified and  
22 acquiesced in each and every act of each defendant and agent thereof, and as such each  
23 defendant bound the other by its act and deed.

24 11. Plaintiff is informed and believes, and thereby allege, that each NCSD, acted as an  
25 integrated enterprise with the others, were alter egos of each other, were joint employers  
26 of Plaintiff, were acting as partners, were successors in interest of the other, and/or were  
27 a joint venture during the employment of Plaintiff. Further, each of the Defendants  
28 aided, abetted, incited, compelled, and/or coerced one another, and/or conspired with

1           one another, to do the acts alleged herein.

2           12. Plaintiff is informed and believes, and thereby alleges, that individual Defendants DEEL,  
3           UNGER, MATSON, ROBERTS, and Does 11-50, are “employers” of Plaintiff under  
4           California Labor Code §558.1, were acting on behalf of NCSD, actually violated Labor  
5           Code §§ 216 and/or 12900, 221, 450, 2802, and therefore are individually liable as an  
6           “employer” under California Labor Code §558.1 and are considered employers of  
7           Plaintiff.

8           13. Whenever and wherever reference is made in this complaint to any act by a defendant or  
9           Defendants, such allegations and references shall also be deemed to mean the acts or  
10          failures to act of each defendant acting individually, jointly and severally.

11          14. Plaintiff HOWARD filed a complaint against Defendant NCSD with the Department of Fair  
12          Employment and Housing, thereby exhausting the administrative remedies against this  
13          Defendant. Plaintiff has received a right-to-sue letter from the Department of Fair  
14          Employment and Housing. A true and correct copy of the right to sue letter is attached  
15          hereto and incorporated as though set forth herein.

16          15. Plaintiff HOWARD began working for Defendant NCSD in or around November 2012 as  
17          an Office Assistant.

18          16. In or around October of 2018, Plaintiff was appointed as the General Manager for NCSD.

19          17. Further, Defendant UNGER was installed on the board of directors in or around January  
20          2019.

21          18. Immediately after Defendant UNGER assumed his position, Defendant UNGER demanded  
22          to include items beyond the scope of NCSD responsibilities on the agenda, sparking the  
23          initial conflict. Plaintiff consistently explained the limitations on involving the district in  
24          such matters, which seemed to fuel Defendant Unger's frustration. Notably, Robert  
25          Springer echoed the same reasoning that Plaintiff presented.

26          19. Regrettably, it appeared that Defendant Unger exhibited a receptive attitude towards input  
27          from male counterparts rather than Plaintiff, a woman. This inequality in treatment was  
28          evident during their interactions.

1 20. Plaintiff's situation took a turn when Defendant Unger assumed the presidency of the board,  
2 leading to an abrupt escalation in aggressiveness towards Plaintiff. During this period,  
3 Plaintiff endured severe reprimands, feeling targeted and isolated due to her sex/gender.

4 21. By way of limited example, upon discovering that Defendant Unger deliberately concealed  
5 that the commodities group lacked insurance coverage, Plaintiff immediately took the  
6 initiative to seek clarification. On September 29, 2022, a professionally-worded email  
7 was sent to Director Unger, inquiring about his knowledge regarding the group's  
8 insurance status. Regrettably, Defendant Unger chose not to respond to this inquiry. In a  
9 shocking turn of events, Plaintiff was subjected to a highly emotionally distressing  
10 encounter when Director Unger personally visited Plaintiff's office. During this  
11 unfortunate incident, Defendant Unger unleashed a torrent of unjustifiable anger,  
12 brazenly disparaging Plaintiff in front of a concerned employee and even Plaintiff's own  
13 Fiancé. Adding insult to injury, Director Unger resorted to name-calling Plaintiff.

14 22. Further, after Defendant Unger assumed the position of President, he used his newfound  
15 authority to initiate a campaign aimed at terminating Plaintiff's employment, ultimately  
16 succeeding in doing so.

17 23. Further, Defendant Deel emerges as one among a group of individuals who consistently  
18 harbored a deep-seated desire to remove Plaintiff from her position based upon her  
19 sex/gender. Their actions extended beyond mere intent, as Defendant Deel took it upon  
20 herself to encroach upon areas of Plaintiff's job that were uniquely her responsibility.  
21 This pattern of behavior indicates a calculated and gradual campaign aimed at  
22 undermining her role and competence.

23 24. Further, Defendants Deel and Unger resorted to secretive tactics, seemingly intent on  
24 discovering any pretext to discipline Plaintiff based upon her sex/gender.

25 25. Additionally, Plaintiff encountered similar mistreatment from Defendant Deel, who  
26 unethically disclosed Plaintiff's personnel information to individuals outside the  
27 community services district. Consequently, Plaintiff found herself with no alternative  
28 but to express her concerns to Director Springer, who served as the President of the

1 Board of Directors during that period. In response to this matter, Director Springer  
2 composed an email condemning the hostile behavior aimed at Plaintiff in her capacity as  
3 the GM and reminding the director of their expected code of conduct. Regrettably, the  
4 director chose to disregard this guidance, exacerbating the situation.

5 26. Despite Plaintiff's repeated complaints, the Board of Directors stooped to even more  
6 extreme measures, intentionally fostering a hostile environment. Their retaliatory actions  
7 came in the form of proposing policies aimed at pressuring Plaintiff to resign, as if they  
8 had been plotting for her departure. The proposed policies sought to unlawfully strip  
9 Plaintiff of her authority to hire and fire volunteers, a power she rightfully possessed,  
10 and transfer it to the Board of Directors. This move was clearly intended to provide the  
11 Board with the ability to terminate and ban Plaintiff's Fiancé from volunteering, adding a  
12 deeply personal aspect to their vindictive agenda.

13 27. Throughout this period, Defendant Director Matson demonstrated a troubling pattern of  
14 harassment, directing disparaging comments towards Plaintiff and her fiancé, all in a  
15 deliberate attempt to terminate Plaintiff's partner and cause distress to Plaintiff. This  
16 targeted harassment was fueled by discriminatory motives based on Plaintiff's  
17 sex/gender, as she was singled out for such treatment.

18 28. Following Plaintiff's complaint, the Board of Directors hastily convenes a Special Meeting  
19 on May 1<sup>st</sup>, 2023, conducting a closed-door session in an apparent attempt to find a way  
20 to terminate Plaintiff while concealing their true intentions. It is evident that Plaintiff is  
21 facing termination, retaliation, and discrimination based on her sex/gender. Despite their  
22 efforts to justify their actions, the Board of Directors failed to find any legally defensible  
23 grounds to take action against Plaintiff during this meeting.

24 29. The following day, the attorney for the district calls Plaintiff with a verbal draft severance  
25 package.

26 30. On May 3, 2023, Plaintiff was acutely aware of being unfairly targeted and subjected to  
27 unlawful treatment based on her sex/gender. To address these grievances and seek  
28 redress, Plaintiff proactively composed a grievance letter addressed to the district's

1 attorney.

2 31. Despite having an opportunity to respond to Plaintiff's grievances appropriately, Defendants  
3 chose a different path. They began usurping Plaintiff's responsibilities by approaching  
4 the secretary to perform tasks that were within Plaintiff's purview. Furthermore, they  
5 embarked on a malicious campaign, falsely alleging that Plaintiff had abandoned her  
6 job, disseminating these baseless claims to members of the public. These actions only  
7 serve to compound the unfair treatment Plaintiff has endured, as they seek to tarnish her  
8 reputation unjustly and further undermine her professional standing.

9 32. On May 9, 2023, a special meeting was held and Plaintiff was wrongfully terminated based  
10 upon her sex/gender and her related complaints.

11 33. On June 14, 2023, compounding the distressing situation, Defendant Unger takes it upon  
12 himself to appear at Plaintiff's current place of employment and uses the public  
13 comment session during a general meeting as a platform. Shockingly, Defendant Unger  
14 presents a public records request to Plaintiff's current employer, specifically seeking  
15 information related to Plaintiff and her fiancé, with a primary focus on documents from  
16 Newberry NCSD, where Plaintiff is no longer employed. This egregious action serves as  
17 undeniable confirmation that their true intent all along was to engage in harassment and  
18 retaliate against Plaintiff due to her former employment. This brazen display of ill-intent  
19 only reinforces the urgent need for justice and accountability in the face of such targeted  
20 mistreatment and vindictive behavior.

21 34. During Plaintiff's employment, she was subjected to sex/gender harassment, hostile work  
22 environment, and discrimination, and retaliation for complaining of Defendants'  
23 unlawful conduct in violation of the Fair Employment and Housing Act (hereinafter,  
24 "FEHA"), and further retaliation and wrongful termination in violation of public policy.

25 35. During Plaintiff's employment with Defendant NCSD, all Defendants engaged in a  
26 continuous, regular, and persistent pattern of sex/gender harassment, discrimination, and  
27 retaliation towards Plaintiff, as well as other employees, which Plaintiff either witnessed  
28 or was informed about.

1 36. Plaintiff was harassed and discriminated against by Defendant NCSD, DEEL, UNGER,  
2 MATSON, and ROBERTS, on an ongoing, severe, and pervasive basis while working  
3 for Defendant NCSD.

4 37. In addition, NCSD violated numerous labor and public policy rules, regulations, and laws,  
5 which Plaintiff reported/complained about to NCSD. NCSD did not investigate  
6 Plaintiff's complaints and instead, terminated her in direct retaliation for opposing  
7 Defendant NCSD's conduct.

8 38. Due to and based upon her sex/gender and related complaints, Plaintiff was subjected to a  
9 variety of adverse actions. In direct response to Plaintiff's complaints of harassment and  
10 hostile work environment, complaints of violations of public policies and opposing  
11 practices forbidden by FEHA, Defendants engaged in discrimination, harassment and  
12 retaliation against Plaintiff, including, but not limited to continuing to harass Plaintiff,  
13 subjecting Plaintiff to a hostile work environment, overly monitoring and scrutinizing  
14 Plaintiff, terminating Plaintiff, failing to prevent discrimination, harassment, and  
15 retaliation from occurring, failing to stop discrimination, harassment, and retaliation  
16 from occurring and/or continuing, discriminating against Plaintiff in the terms,  
17 conditions and privileges of her employment, subjecting Plaintiff to emotional distress,  
18 failing to reinstate Plaintiff, failing to re-hire Plaintiff, failing to re-employ Plaintiff, as  
19 well as other adverse actions.

20 39. Plaintiff HOWARD was terminated from NCSD on or about May 9, 2023. Plaintiff  
21 HOWARD has not been reinstated, re-hired and/or re-employed by NCSD.

22 40. At all relevant times mentioned in this complaint Plaintiff HOWARD performed her job for  
23 Defendant NCSD in a satisfactory and competent manner.

24 41. Furthermore, pursuant to Business and Professions Code §§ 17200-17208, Plaintiff seeks  
25 injunctive relief, restitution, and disgorgement of all benefits Defendants have enjoyed  
26 from their violations of Labor Code.

27 42. Plaintiff has sustained general and special damages within the jurisdictional limits of this  
28 Court.



1 43. Plaintiff is informed and believes and, on that basis, alleges, that NCSD and Defendants  
2 engaged, continue to engage, and will continue to engage in the foregoing conduct set  
3 forth in this complaint unless they are restrained from so doing. Defendants' conduct  
4 has injured Plaintiff as well as others and will continue to cause irreparable injury to  
5 Plaintiff and others, who have no adequate remedy at law. Relief by damages alone for  
6 Defendants' continuing conduct would require a multiplicity of suits. Accordingly,  
7 Plaintiff is also entitled to injunctive and declaratory relief including declaratory relief  
8 that there were violations of FEHA, public policy and the law by Defendants.

9 44. Plaintiff seeks damages, attorney fees, costs, injunctive, declaratory relief and any other  
10 remedies they are entitled to under the law pursuant to the claims alleged in this  
11 complaint.

12 45. The conduct which Plaintiff complains of in this complaint, and which is alleged below, was  
13 carried out by all Defendants willfully, intentionally, and with oppression, malice and  
14 fraud and was carried out with conscious disregard of Plaintiff's rights as guaranteed by  
15 the state law pursuant to which Plaintiff is entitled to an award of exemplary damages  
16 according to proof.

17 46. Plaintiff had to employ an attorney to prosecute this action and have thereby incurred costs  
18 and attorney fees. Such attorneys' fees and costs are necessary for the prosecution of  
19 this action for which Plaintiff is entitled to an award of attorneys' fees and costs in an  
20 amount according to proof.

21 **FIRST CAUSE OF ACTION**

22 **SEX/GENDER HARRASSMENT IN VIOLATION OF FEHA**

23 California Government Code §§ 12940 et seq.

24 By Plaintiff Against All Defendants and DOES 1-50

25 47. Plaintiff incorporates herein by reference and re-alleges each and every paragraph in this  
26 Complaint as though duly set forth in full herein.

27 48. Defendant NCSD employed at least five employees during all relevant time periods of  
28 Plaintiff's employment.

1 49. At all times relevant herein, Plaintiff's sex/gender (female) made her a member of a  
2 protected class pursuant to the FEHA.

3 50. On a severe and/or pervasive basis throughout Plaintiff's employment and continuing at  
4 least through June 14, 2023, and continuing, Defendants NCSD, DEEL, UNGER,  
5 MATSON, ROBERTS, and DOES 1 through 50, and each of them, harassed Plaintiff as  
6 stated above due to and substantially motivated by Plaintiff's sex/gender—female,  
7 through the following actions, among others:

- 8 A. Immediately after Defendant UNGER assumed his position, Defendant UNGER  
9 demanded to include items beyond the scope of NCSD responsibilities on the agenda,  
10 sparking the initial conflict. Plaintiff consistently explained the limitations on  
11 involving the district in such matters, which seemed to fuel Defendant Unger's  
12 frustration. Notably, Robert Springer echoed the same reasoning that Plaintiff  
13 presented.
- 14 B. Regrettably, it appeared that Defendant Unger exhibited a receptive attitude towards  
15 input from male counterparts rather than Plaintiff, a woman. This inequality in  
16 treatment was evident during their interactions.
- 17 C. Plaintiff's situation took a turn when Defendant Unger assumed the presidency of the  
18 board, leading to an abrupt escalation in aggressiveness towards Plaintiff. During this  
19 period, Plaintiff endured severe reprimands, feeling targeted and isolated due to her  
20 sex/gender.
- 21 D. By way of limited example, upon discovering that Defendant Unger deliberately  
22 concealed that the commodities group lacked insurance coverage, Plaintiff  
23 immediately took the initiative to seek clarification. On September 29, 2022, a  
24 professionally-worded email was sent to Director Unger, inquiring about his  
25 knowledge regarding the group's insurance status. Regrettably, Defendant Unger  
26 chose not to respond to this inquiry. In a shocking turn of events, Plaintiff was  
27 subjected to a highly emotionally distressing encounter when Director Unger  
28 personally visited Plaintiff's office. During this unfortunate incident, Defendant

1 Unger unleashed a torrent of unjustifiable anger, brazenly disparaging Plaintiff in  
2 front of a concerned employee and even Plaintiff's own Fiancé. Adding insult to  
3 injury, Director Unger resorted to name-calling Plaintiff.

4 E. Further, after Defendant Unger assumed the position of President, he used his  
5 newfound authority to initiate a campaign aimed at terminating Plaintiff's  
6 employment, ultimately succeeding in doing so.

7 F. Further, Defendant Deel emerges as one among a group of individuals who  
8 consistently harbored a deep-seated desire to remove Plaintiff from her position based  
9 upon her sex/gender. Their actions extended beyond mere intent, as Defendant Deel  
10 took it upon herself to encroach upon areas of Plaintiff's job that were uniquely her  
11 responsibility. This pattern of behavior indicates a calculated and gradual campaign  
12 aimed at undermining her role and competence.

13 G. Further, Defendants Deel and Unger resorted to secretive tactics, seemingly intent on  
14 discovering any pretext to discipline Plaintiff based upon her sex/gender.

15 H. Additionally, Plaintiff encountered similar mistreatment from Defendant Deel, who  
16 unethically disclosed Plaintiff's personnel information to individuals outside the  
17 community services district. Consequently, Plaintiff found herself with no alternative  
18 but to express her concerns to Director Springer, who served as the President of the  
19 Board of Directors during that period. In response to this matter, Director Springer  
20 composed an email condemning the hostile behavior aimed at Plaintiff in her capacity  
21 as the GM and reminding the director of their expected code of conduct. Regrettably,  
22 the director chose to disregard this guidance, exacerbating the situation.

23 I. Despite Plaintiff's repeated complaints, the Board of Directors stooped to even more  
24 extreme measures, intentionally fostering a hostile environment. Their retaliatory  
25 actions came in the form of proposing policies aimed at pressuring Plaintiff to resign,  
26 as if they had been plotting for her departure. The proposed policies sought to  
27 unlawfully strip Plaintiff of her authority to hire and fire volunteers, a power she  
28 rightfully possessed, and transfer it to the Board of Directors. This move was clearly

1 intended to provide the Board with the ability to terminate and ban Plaintiff's Fiancé  
2 from volunteering, adding a deeply personal aspect to their vindictive agenda.

3 J. Throughout this period, Defendant Director Matson demonstrated a troubling pattern  
4 of harassment, directing disparaging comments towards Plaintiff and her fiancé, all in  
5 a deliberate attempt to terminate Plaintiff's partner and cause distress to Plaintiff. This  
6 targeted harassment was fueled by discriminatory motives based on Plaintiff's  
7 sex/gender, as she was singled out for such treatment.

8 K. Following Plaintiff's complaint, the Board of Directors hastily convenes a Special  
9 Meeting on May 1<sup>st</sup>, 2023, conducting a closed-door session in an apparent attempt to  
10 find a way to terminate Plaintiff while concealing their true intentions. It is evident  
11 that Plaintiff is facing termination, retaliation, and discrimination based on her  
12 sex/gender. Despite their efforts to justify their actions, the Board of Directors failed  
13 to find any legally defensible grounds to take action against Plaintiff during this  
14 meeting.

15 L. The following day, the attorney for the district calls Plaintiff with a verbal draft  
16 severance package.

17 M. On May 3, 2023, Plaintiff was acutely aware of being unfairly targeted and subjected  
18 to unlawful treatment based on her sex/gender. To address these grievances and seek  
19 redress, Plaintiff proactively composed a grievance letter addressed to the district's  
20 attorney.

21 N. Despite having an opportunity to respond to Plaintiff's grievances appropriately,  
22 Defendants chose a different path. They began usurping Plaintiff's responsibilities by  
23 approaching the secretary to perform tasks that were within Plaintiff's purview.  
24 Furthermore, they embarked on a malicious campaign, falsely alleging that Plaintiff  
25 had abandoned her job, disseminating these baseless claims to members of the public.  
26 These actions only serve to compound the unfair treatment Plaintiff has endured, as  
27 they seek to tarnish her reputation unjustly and further undermine her professional  
28 standing.

1 O. On May 9, 2023, a special meeting was held and Plaintiff was wrongfully terminated  
2 based upon her sex/gender and her related complaints.

3 P. On June 14, 2023, compounding the distressing situation, Defendant Unger takes it  
4 upon himself to appear at Plaintiff's current place of employment and uses the public  
5 comment session during a general meeting as a platform. Shockingly, Defendant  
6 Unger presents a public records request to Plaintiff's current employer, specifically  
7 seeking information related to Plaintiff and her fiancé, with a primary focus on  
8 documents from Newberry NCSD, where Plaintiff is no longer employed. This  
9 egregious action serves as undeniable confirmation that their true intent all along was  
10 to engage in harassment and retaliate against Plaintiff due to her former employment.  
11 This brazen display of ill-intent only reinforces the urgent need for justice and  
12 accountability in the face of such targeted mistreatment and vindictive behavior.

13 51. Defendant DEEL, UNGER, MATSON, and ROBERTS, had a pattern and practice of  
14 harassing female employees, including Plaintiff, as described hereinabove; further  
15 Defendant NCSD implemented policies and procedures that had a disproportionate  
16 adverse impact on Plaintiff because of her sex/gender, female, wherein they ratified and  
17 condoned the severe and pervasive harassment perpetrated by Defendant DEEL,  
18 UNGER, MATSON, and ROBERTS.

19 52. Plaintiff complained about Defendant DEEL, UNGER, MATSON, and ROBERTS, as  
20 stated above, but NCSD failed to provide Plaintiff a work environment that was free  
21 from unlawful discrimination, harassment and retaliation, and failed to take immediate  
22 appropriate action to stop the unlawful harassment that was occurring, all in violation of  
23 FEHA.

24 53. Plaintiff's sex/gender, female, and/or opposition to practices forbidden by FEHA, as stated  
25 above, was a substantial motivating factor for the harassment of Plaintiff by Defendants.

26 54. The aforementioned harassing conduct described hereinabove was unwelcome and  
27 sufficiently severe and pervasive that it had the purpose and effect of altering the  
28 conditions of Plaintiff's employment and created an intimidating, hostile, abusive and

1 offensive working environment for Plaintiff because of her sex/gender and related  
2 complaints, as stated above.

3 55. The environment created by the aforementioned harassing conduct would have been  
4 perceived as intimidating, hostile, abusive, and offensive by a reasonable person in the  
5 same position as Plaintiff.

6 56. The environment created by the aforementioned harassing conduct was perceived by  
7 Plaintiff as intimidating, hostile, abusive, and offensive.

8 57. Plaintiff considered the work environment to be hostile or abusive toward Plaintiff and  
9 females, and favorable to males.

10 58. In doing the acts alleged herein, Defendant NCSD, DEEL, UNGER, MATSON, ROBERTS,  
11 and DOES 1 through 50, and each of them, were substantially motivated by Plaintiff's  
12 sex/gender (female).

13 59. At all times relevant herein, Plaintiff believes and further alleges that Defendant NCSD  
14 and/or its agents/representatives failed to timely, properly, and/or completely investigate  
15 the harassment to which Plaintiff was routinely subjected, and instead ratified and  
16 condoned the unlawful conduct.

17 60. The acts and conduct of Defendant NCSD, DEEL, UNGER, MATSON, ROBERTS, and  
18 DOES 1 through 50, and each of them, as aforesaid, were in violation of California  
19 Government Code §§ 12940 et seq. Said statutes impose certain duties upon Defendant  
20 NCSD and DOES 1 through 50, and each of them, concerning harassment against  
21 persons, such as Plaintiff, on the basis of sex/gender. Said statutes were intended to  
22 prevent the type of injury and damage herein set forth.

23 61. By the acts and conduct described above, Defendant NCSD, DEEL, UNGER, MATSON,  
24 ROBERTS, and DOES 1 through 50, and each of them, in violation of said statutes,  
25 knew about, or should have known about, and failed to investigate and/or properly  
26 investigate, prevent or remedy the sex/gender harassment. The acts of harassment  
27 described herein were sufficiently pervasive so as to alter the terms and conditions of  
28 Plaintiff's employment, and created an abusive working environment.

1 62. Prior to the initiation of this lawsuit, Plaintiff filed a timely complaint against Defendant  
2 NCSD with the DFEH pursuant to Cal. Government Code § 12900 et seq. and has  
3 received a Right-to-Sue notice pursuant to California Government Code § 12965(b).  
4 Attached hereto and incorporated herein as Exhibit "A" is said Complaint and Right-to-  
5 Sure notice and by reference hereto are made a part hereof. Plaintiff has therefore  
6 exhausted her administrative remedies under the California Government Code.

7 63. As a direct and legal result of the acts and omissions of Defendant NCSD, DEEL, UNGER,  
8 MATSON, ROBERTS, and DOES 1 through 50, Plaintiff was rendered sick, sore, lame,  
9 disabled and/or disordered, both internally and externally, and/or suffered, among other  
10 things, numerous internal injuries, severe fright, shock, pain, discomfort and/or anxiety.

11 64. As a further legal result of the acts and omissions of Defendant NCSD, DEEL, UNGER,  
12 MATSON, ROBERTS, and DOES 1 through 50, Plaintiff has been forced and/or will be  
13 forced to incur expenses for medical care, and is informed and believes, and thereon  
14 alleges, that she will in the future be forced to incur additional expenses of the same  
15 nature, all in an amount which is at present unknown. Plaintiff will pray leave of court to  
16 show the exact amount of said expenses at the time of trial.

17 65. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but since  
18 said incidents has been unable to engage fully in Plaintiff's occupation, and is informed  
19 and believes, and thereon alleges, that Plaintiff will be fully and/or partially  
20 incapacitated and/or unable to perform Plaintiff's usual work for an indefinite period of  
21 time in the future, all to Plaintiff's damage in an amount which is at present  
22 unascertained. Plaintiff will pray leave of court to show the total amount of loss of  
23 earnings at the time of trial.

24 66. As a further direct and legal result of the acts and conduct of Defendant NCSD, DEEL,  
25 UNGER, MATSON, ROBERTS, and DOES 1 through 50, Plaintiff has been caused,  
26 and did suffer, and continues to suffer severe and permanent emotional and mental  
27 distress and anguish, humiliation, embarrassment, fright, shock, pain, discomfort and/or  
28 anxiety. The exact nature and extent of said injuries is presently unknown to Plaintiff,

1           who will pray leave of court to assert the same when they are ascertained.

2       67. The aforementioned acts of DOES 1 through 50, and each of them, were willful, wanton,  
3       malicious, intentional, oppressive and/or despicable and were done in willful and  
4       conscious disregard of the rights, welfare and safety of Plaintiff, and were done by  
5       managerial agents and employees of DOES 1 through 50, and with the express  
6       knowledge, consent, and/or ratification of managerial agents and employees of DOES 1  
7       through 50, thereby justifying the awarding of punitive and exemplary damages in an  
8       amount to be determined at the time of trial pursuant to California Civil Code § 3294(a)  
9       and (b).

10      68. By the aforesaid acts and conduct of Defendant NCSD, DEEL, UNGER, MATSON,  
11      ROBERTS, and DOES 1 through 50, Plaintiff has been directly and legally caused to  
12      suffer actual damages pursuant to California Civil Code § 3333 including, but not  
13      limited to, loss of earnings and future earning capacity, medical and related expenses for  
14      care and procedures both now and in the future, attorneys' fees, and other pecuniary loss  
15      not presently ascertained, for which Plaintiff will seek leave of court to amend when  
16      ascertained.

17      69. As a result of the harassing acts of Defendant NCSD, DEEL, UNGER, MATSON,  
18      ROBERTS, and DOES 1 through 50, as alleged herein, Plaintiff is entitled to reasonable  
19      attorneys' fees and costs of said suit as specifically provided in California Government  
20      Code § 12965(b).

21      70. The FEHA also provides remedies, including but not limited to, declaratory and injunctive  
22      relief. As such, Plaintiff is entitled to both declaratory and injunctive relief as a result of  
23      Defendants' unlawful conduct.

24      71. Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

25    ///

26    ///

27    ///

28    ///



1 **SECOND CAUSE OF ACTION**

2 SEX/GENDER DISCRIMINATION IN VIOLATION OF FEHA

3 California Government Code §§ 12940 et seq.

4 By Plaintiff Against Defendant NCSD and DOES 1-10, Only

5 72. Plaintiff incorporates herein by reference and re-alleges each and every paragraph in this  
6 Complaint as though duly set forth in full herein.

7 73. Defendant NCSD employed at least five employees during all relevant time periods of  
8 Plaintiff's employment.

9 74. Throughout Plaintiff's employment, occurring continuously through at least May 9, 2023  
10 and continuing thereafter, Plaintiff was treated differently in the terms and conditions of  
11 her employment due to and based upon her sex/gender.

12 75. At all times relevant herein, Plaintiff's sex/gender (female) made her a member of a  
13 protected class pursuant to the Fair Employment & Housing Act ("FEHA").

14 76. At all times relevant herein, Plaintiff was qualified for and competently performed the  
15 position she held throughout her employment with Defendant NCSD.

16 77. As a result of and substantially motivated by Plaintiff's sex/gender (female), Defendant  
17 NCSD and DOES 1 through 10, and each of them, subjected Plaintiff to discriminatory  
18 treatment and/or adverse employment actions including the following, among others:  
19 Plaintiff was treated differently, disparately, and negatively because of her sex/gender  
20 (female), including Defendants harassing her (as aforesaid), suspending her, unfairly  
21 disciplining her, denying Plaintiff opportunities, issuing pretextual write-ups, unfairly  
22 monitoring and overly scrutinizing Plaintiff, and ultimately wrongfully terminating  
23 Plaintiff and refusing to rehire and/or reinstate Plaintiff.

24 78. Defendants made decisions adverse to Plaintiff in regard to compensation and terms,  
25 conditions, and privileges of employment. Defendant NCSD engaged in the adverse  
26 actions of, including but not limited to, continuing to harass Plaintiff, subjecting Plaintiff  
27 to a hostile work environment, demoting Plaintiff, terminating Plaintiff, denying  
28 Plaintiff promotions, failing to prevent discrimination, harassment, and retaliation from

1 occurring, failing to stop discrimination, harassment, and retaliation from occurring  
2 and/or continuing, discriminating against Plaintiff in the terms, conditions and privileges  
3 of her employment, subjecting Plaintiff to emotional distress, failing to reinstate  
4 Plaintiff, failing to re-hire Plaintiff, failing to re-employ Plaintiff, as well as other  
5 adverse actions.

6 79. In doing the acts alleged herein, Defendant NCSD and DOES 1 through 10, and each of  
7 them, were substantially motivated by Plaintiff's sex/gender (female).

8 80. Plaintiff is informed, believes, and herein alleges that other non-female employees were not  
9 similarly subjected to such treatment.

10 81. At all times relevant herein, Plaintiff believes and further alleges that Defendant NCSD  
11 and/or its agents/representatives failed to timely, properly, and/or completely investigate  
12 the discrimination Plaintiff was routinely subjected to, and instead ratified and condoned  
13 the unlawful conduct.

14 82. The acts and conduct of Defendant NCSD and DOES 1 through 10, and each of them, as  
15 aforesaid, were in violation of Cal. Gov. Code §§ 12940 et seq. Said statutes impose  
16 certain duties upon Defendant NCSD and DOES 1 through 10, and each of them,  
17 concerning discrimination against persons, such as Plaintiff, on the basis of sex/gender.  
18 Said statutes were intended to prevent the type of injury and damage herein set forth.

19 83. By the acts and conduct described above, Defendant NCSD and DOES 1 through 10, and  
20 each of them, in violation of said statutes, knew about, or should have known about, and  
21 failed to investigate and/or properly investigate, prevent or remedy the sex/gender  
22 discrimination.

23 84. Prior to the initiation of this lawsuit, Plaintiff filed a timely complaint against Defendant  
24 NCSD with the DFEH pursuant to Cal. Government Code § 12900 et seq. and has  
25 received a Right-to-Sue notice pursuant to California Government Code § 12965(b).  
26 Attached hereto and incorporated herein as Exhibit "A" is said Complaint and Right-to-  
27 Sure notice and by reference hereto are made a part hereof. Plaintiff has therefore  
28 exhausted her administrative remedies under the California Government Code.

1 85. As a direct and legal result of the acts and omissions of Defendant NCSD and DOES 1  
2 through 10, Plaintiff was rendered sick, sore, lame, disabled and/or disordered, both  
3 internally and externally, and/or suffered, among other things, numerous internal  
4 injuries, severe fright, shock, pain, discomfort and/or anxiety.

5 86. As a further legal result of the acts and omissions of Defendant NCSD and DOES 1 through  
6 10, Plaintiff has been forced and/or will be forced to incur expenses for medical care,  
7 and is informed and believes, and thereon alleges, that she will in the future be forced to  
8 incur additional expenses of the same nature, all in an amount which is at present  
9 unknown. Plaintiff will pray leave of court to show the exact amount of said expenses at  
10 the time of trial.

11 87. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but since  
12 said incidents has been unable to engage fully in Plaintiff's occupation, and is informed  
13 and believes, and thereon alleges, that Plaintiff will be fully and/or partially  
14 incapacitated and/or unable to perform Plaintiff's usual work for an indefinite period of  
15 time in the future, all to Plaintiff's damage in an amount which is at present  
16 unascertained. Plaintiff will pray leave of court to show the total amount of loss of  
17 earnings at the time of trial.

18 88. As a further direct and legal result of the acts and conduct of Defendant NCSD and DOES 1  
19 through 10, Plaintiff has been caused, and did suffer, and continues to suffer severe and  
20 permanent emotional and mental distress and anguish, humiliation, embarrassment,  
21 fright, shock, pain, discomfort and/or anxiety. The exact nature and extent of said  
22 injuries is presently unknown to Plaintiff, who will pray leave of court to assert the same  
23 when they are ascertained.

24 89. The aforementioned acts of DOES 1 through 10, and each of them, were willful, wanton,  
25 malicious, intentional, oppressive and/or despicable and were done in willful and  
26 conscious disregard of the rights, welfare and safety of Plaintiff, and were done by  
27 managerial agents and employees of DOES 1 through 10, and with the express  
28 knowledge, consent, and/or ratification of managerial agents and employees of DOES 1

1 through 10, thereby justifying the awarding of punitive and exemplary damages in an  
2 amount to be determined at the time of trial pursuant to California Civil Code § 3294(a)  
3 and (b).

4 90. By the aforesaid acts and conduct of Defendant NCSD and DOES 1 through 10, Plaintiff  
5 has been directly and legally caused to suffer actual damages pursuant to California  
6 Civil Code § 3333 including, but not limited to, loss of earnings and future earning  
7 capacity, medical and related expenses for care and procedures both now and in the  
8 future, attorneys' fees, and other pecuniary loss not presently ascertained, for which  
9 Plaintiff will seek leave of court to amend when ascertained.

10 91. As a result of the discriminatory acts of Defendant NCSD and DOES 1 through 10, as  
11 alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as  
12 specifically provided in California Government Code § 12965(b).

13 92. The FEHA also provides remedies, including but not limited to, declaratory and injunctive  
14 relief. As such, Plaintiff is entitled to both declaratory and injunctive relief as a result of  
15 Defendants' unlawful conduct.

16 93. Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

17 **THIRD CAUSE OF ACTION**

18 **SEX/GENDER RETALIATION IN EMPLOYMENT**

19 California Government Code §§ 12940 et seq.

20 By Plaintiff Against Defendant NCSD and DOES 1-10, Only

21 94. Plaintiff incorporates herein by reference and re-alleges each and every paragraph in this  
22 Complaint as though duly set forth in full herein.

23 95. Defendant NCSD employed at least five employees during all relevant time periods of  
24 Plaintiff's employment.

25 96. Plaintiff was, at all times material hereto, a female employee who engaged in legally  
26 protected activities and within a protected class covered by Cal. Gov. Code § 12940,  
27 prohibiting sex/gender-based retaliation in employment.

28 97. Defendant NCSD retaliated against Plaintiff as a result of Plaintiff asserting her legal rights

1 and/or complaining about and/or protesting against the sex/gender harassment and  
2 discrimination to which she was subjected.

3 98. Plaintiff asserted her legal rights on the following occasions, among others:

4 a) Plaintiff complained directly to Defendant NCSD and its relevant supervisors,  
5 including Defendant DEEL, UNGER, MATSON, and ROBERTS, regarding the harassing  
6 and discriminatory conduct in which Defendant NCSD's employee was partaking and  
7 protested to cease the harassment and discrimination.

8 b) Plaintiff further complained directly to the attorney for the district regarding  
9 Defendants' behavior.

10 99. As a result of and substantially motivated by Plaintiff engaging in the aforesaid protected  
11 activities (assertion of legal rights, complaints, and/or protests) and her sex/gender,  
12 Defendant NCSD subjected Plaintiff to the following retaliatory adverse employment  
13 actions including the following, among others: Plaintiff was treated differently,  
14 disparately, and negatively because of her sex/gender, including Defendants harassing  
15 her (as aforesaid), suspending her, unfairly disciplining her, denying her opportunities,  
16 issuing pretextual write-ups, denying her benefits, wrongfully terminating Plaintiff, and  
17 refusing to return Plaintiff back to her former position or offer Plaintiff employment in  
18 any capacity, and failing to rehire Plaintiff.

19 100. Plaintiff opposed practices forbidden by FEHA, asserted her rights under FEHA as  
20 stated above, complained about violations of FEHA, including harassment directed at  
21 herself, and other female employees, complained of/reported sex/gender discrimination  
22 and harassment, participated in a FEHA complaint, asserted her rights pursuant to  
23 FEHA, assisted in/participated in claiming/investigating unlawful discrimination and  
24 harassment, complained about unlawful discrimination, harassment and/or retaliation  
25 and/or complained about being retaliated against, discriminated against and/or harassed.

26 101. Plaintiff had a protected status pursuant to FEHA when she opposed practices forbidden  
27 by FEHA and/or complained/reported to NCSD as stated above.

28 102. Plaintiff's protected status as stated above was a substantial motivating factor in

1 Defendant NCS D's adverse actions taken against Plaintiff.

2 103. As a direct, legal, and proximate result of Plaintiff's protected status, as stated above,  
3 Defendant NCS D failed to properly investigate Plaintiff's allegations of discrimination,  
4 harassment and retaliation, Defendant NCS D failed to take immediate, appropriate  
5 action to end discrimination, harassment and retaliation, Defendant NCS D failed to  
6 prevent discrimination, harassment and retaliation from occurring and continuing,  
7 Defendant NCS D made decisions adverse to Plaintiff in regards to compensation and  
8 terms, conditions, and privileges of Plaintiff's employment, as stated above.

9 104. In doing the acts alleged herein, Defendant NCS D and DOES 1 through 10, and each of  
10 them, were substantially motivated by Plaintiff's sex/gender, related complaints, and  
11 aforesaid legally protected activities.

12 105. At all times relevant herein, Plaintiff believes and further alleges that Defendant NCS D  
13 and/or its agents/representatives failed to timely, properly, and/or completely investigate  
14 the retaliation to which Plaintiff was routinely subjected, and instead ratified and  
15 condoned the unlawful conduct.

16 106. The acts and conduct of Defendant NCS D and DOES 1 through 10, and each of them, as  
17 aforesaid, were in violation of California Government Code §§ 12940 et seq. Said  
18 statutes impose certain duties upon Defendants, and each of them, concerning retaliation  
19 against persons, such as Plaintiff, on the basis of sex/gender and the prohibition of  
20 sex/gender retaliation. Said statutes were intended to prevent the type of injury and  
21 damage herein set forth.

22 107. By the acts and conduct described above, Defendant NCS D and DOES 1 through 10,  
23 and each of them, in violation of said statutes, knew about, or should have known about,  
24 and failed to investigate and/or properly investigate, prevent or remedy the sex/gender  
25 retaliation.

26 108. Prior to the initiation of this lawsuit, Plaintiff filed a timely complaint against Defendant  
27 NCS D with the DFEH pursuant to Cal. Government Code § 12900 et seq. and has  
28 received a Right-to-Sue notice pursuant to California Government Code § 12965(b).

1 Attached hereto and incorporated herein as Exhibit "A" is said Complaint and Right-to-  
2 Sure notice and by reference hereto are made a part hereof. Plaintiff has therefore  
3 exhausted her administrative remedies under the California Government Code.

4 109. As a direct and legal result of the acts and omissions of Defendant NCSD and DOES 1  
5 through 10, Plaintiff was rendered sick, sore, lame, disabled and/or disordered, both  
6 internally and externally, and/or suffered, among other things, numerous internal  
7 injuries, severe fright, shock, pain, discomfort and/or anxiety.

8 110. As a further legal result of the acts and omissions of Defendant NCSD and DOES 1  
9 through 10, Plaintiff has been forced and/or will be forced to incur expenses for medical  
10 care, and is informed and believes, and thereon alleges, that she will in the future be  
11 forced to incur additional expenses of the same nature, all in an amount which is at  
12 present unknown. Plaintiff will pray leave of court to show the exact amount of said  
13 expenses at the time of trial.

14 111. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but  
15 since said incidents has been unable to engage fully in Plaintiff's occupation, and is  
16 informed and believes, and thereon alleges, that Plaintiff will be fully and/or partially  
17 incapacitated and/or unable to perform Plaintiff's usual work for an indefinite period of  
18 time in the future, all to Plaintiff's damage in an amount which is at present  
19 unascertained. Plaintiff will pray leave of court to show the total amount of loss of  
20 earnings at the time of trial.

21 112. As a further direct and legal result of the acts and conduct of Defendant NCSD and  
22 DOES 1 through 10, Plaintiff has been caused, and did suffer, and continues to suffer  
23 severe and permanent emotional and mental distress and anguish, humiliation,  
24 embarrassment, fright, shock, pain, discomfort and/or anxiety. The exact nature and  
25 extent of said injuries is presently unknown to Plaintiff, who will pray leave of court to  
26 assert the same when they are ascertained.

27 113. The aforementioned acts of DOES 1 through 10, and each of them, were willful, wanton,  
28 malicious, intentional, oppressive and/or despicable and were done in willful and

1 conscious disregard of the rights, welfare and safety of Plaintiff, and were done by  
2 managerial agents and employees of DOES 1 through 10, and with the express  
3 knowledge, consent, and/or ratification of managerial agents and employees of DOES 1  
4 through 10, thereby justifying the awarding of punitive and exemplary damages in an  
5 amount to be determined at the time of trial pursuant to California Civil Code § 3294(a)  
6 and (b).

7 114. By the aforesaid acts and conduct of Defendant NCSD and DOES 1 through 10, Plaintiff  
8 has been directly and legally caused to suffer actual damages pursuant to California  
9 Civil Code § 3333 including, but not limited to, loss of earnings and future earning  
10 capacity, medical and related expenses for care and procedures both now and in the  
11 future, attorneys' fees, and other pecuniary loss not presently ascertained, for which  
12 Plaintiff will seek leave of court to amend when ascertained.

13 115. As a result of the retaliatory acts of Defendant NCSD and DOES 1 through 10, as  
14 alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as  
15 specifically provided in California Government Code § 12965(b).

16 116. The FEHA also provides remedies, including but not limited to, declaratory and  
17 injunctive relief. As such, Plaintiff is entitled to both declaratory and injunctive relief as  
18 a result of Defendants' unlawful conduct.

19 117. Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

20 **FOURTH CAUSE OF ACTION**

21 FAILURE TO PREVENT DISCRIMINATION, HARASSMENT, AND RETALIATION

22 California Government Code §§ 12940 et seq.

23 By Plaintiff Against Defendant NCSD, and DOES 1-10, Only

24 118. Plaintiff incorporates herein by reference and re-alleges each and every paragraph in this  
25 Complaint as though duly set forth in full herein.

26 119. Under FEHA it is an unlawful practice for employers, labor organizations, and  
27 employment agencies to fail to maintain and preserve any and all applications,  
28 personnel, membership, or employment referral records and files for a minimum period



1 of two years after the records and files are initially created or received, or for employers  
2 to fail to retain personnel files of applicants or terminated employees for a minimum  
3 period of two years after the date of the employment action taken. Additionally, upon  
4 notice that a complaint against it has been filed with the Department of Fair  
5 Employment and Housing, any such employer, labor organization, or employment  
6 agency shall maintain and preserve any and all records and files until the complaint is  
7 fully and finally disposed of and all appeals or related proceedings terminated.

8 120. Under FEHA all personnel or other employment records made or kept by any employer  
9 or other covered entity dealing with any employment practice and affecting any  
10 employment benefit of any applicant or employee (including all applications, personnel,  
11 membership or employment referral records or files) shall be preserved by the employer  
12 for a period of two years from the date of the making of the record or the date of the  
13 personnel action involved such as a termination, whichever occurs later.

14 121. Under the Fair Employment and Housing Act (“FEHA”), Government Code section  
15 12940 et. seq., it is an unlawful employment practice for an employer to fail to take all  
16 reasonable steps necessary to prevent discrimination, harassment and retaliation from  
17 occurring. It is unlawful, under FEHA to aid, abet, incite, compel, or coerce the doing  
18 of any acts forbidden under FEHA, and/or attempt to do so.

19 122. It is unlawful, under the Fair Employment and Housing Act (“FEHA”), Government  
20 Code section 12900 et seq., for an employer to fail to take immediate and appropriate  
21 corrective action to end unlawful harassment.

22 123. It is unlawful, under the Fair Employment and Housing Act (“FEHA”), Government  
23 Code section 12900 et seq., for an employer to fail to investigate a complaint by an  
24 employee regarding FEHA violations as stated above.

25 124. Defendant NCSD failed to train its managers, supervisors, and/or human resource  
26 employees of NCSD’s duties and responsibilities under FEHA as stated above.

27 125. Defendant NCSD failed to comply with its duties and responsibilities pursuant to FEHA  
28 and related regulations as stated above.

- 1 126. Defendant NCSD knew and/or should have known of the aforementioned unlawful  
2 harassing, retaliatory, and/or discriminatory conduct, described hereinabove, all in  
3 violation of FEHA.
- 4 127. Defendant NCSD failed to take all reasonable steps necessary to prevent discrimination,  
5 harassment, and retaliation from occurring to plaintiff, all in violation of FEHA.
- 6 128. Defendant NCSD failed to take all reasonable steps necessary to accommodate plaintiff  
7 for her disabilities, in violation of FEHA.
- 8 129. Defendant NCSD failed to take immediate appropriate corrective action to end unlawful  
9 harassment to plaintiff, all in violation of FEHA.
- 10 130. Defendant NCSD failed to investigate FEHA violations when it knew or should have  
11 known they were occurring, and/or when plaintiff complained as stated above, all in  
12 violation of FEHA.
- 13 131. Defendant NCSD failed to maintain all employment records related to plaintiff for two  
14 years after her termination and/or after NCSD was notified plaintiff had filed a  
15 complaint against NCSD with the Department of Fair Employment and Housing, and the  
16 failure to maintain records was all in violation of FEHA.
- 17 132. As a direct, foreseeable, and proximate result of Defendant NCSD's conduct, as alleged  
18 above, Plaintiff has suffered lost income, employment, and career opportunities, medical  
19 expenses and has suffered and continues to suffer other economic loss, the precise  
20 amount of which will be proven at trial.
- 21 133. As a direct, foreseeable and proximate result of Defendant NCSD's conduct, as alleged  
22 above, Plaintiff has suffered and continues to suffer pain and suffering, great anxiety,  
23 embarrassment, anger, loss of enjoyment of life, pain and suffering, and severe  
24 emotional distress, the precise amount of which will be proven at trial.
- 25 134. As a direct, foreseeable and proximate result of Defendant NCSD's conduct, as alleged  
26 above, Plaintiff has been damaged because she will not have records and evidence that  
27 Employer had a duty to maintain, and/or had a duty to create, which would have  
28 supported Plaintiff's claims as stated above, and would have been evidence at the trial in

1 this matter.

2 135. Prior to the initiation of this lawsuit, Plaintiff filed a timely complaint against Defendant  
3 NCSD with the DFEH pursuant to Cal. Government Code § 12900 et seq. and has  
4 received a Right-to-Sue notice pursuant to California Government Code § 12965(b).  
5 Attached hereto and incorporated herein as Exhibit "A" is said Complaint and Right-to-  
6 Sure notice and by reference hereto are made a part hereof. Plaintiff has therefore  
7 exhausted her administrative remedies under the California Government Code.

8 136. As a direct and legal result of the acts and omissions of Defendant NCSD and DOES 1  
9 through 10, Plaintiff was rendered sick, sore, lame, disabled and/or disordered, both  
10 internally and externally, and/or suffered, among other things, numerous internal  
11 injuries, severe fright, shock, pain, discomfort and/or anxiety.

12 137. As a further legal result of the acts and omissions of Defendant NCSD and DOES 1  
13 through 10, Plaintiff has been forced and/or will be forced to incur expenses for medical  
14 care, and is informed and believes, and thereon alleges, that she will in the future be  
15 forced to incur additional expenses of the same nature, all in an amount which is at  
16 present unknown. Plaintiff will pray leave of court to show the exact amount of said  
17 expenses at the time of trial.

18 138. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but  
19 since said incidents has been unable to engage fully in Plaintiff's occupation, and is  
20 informed and believes, and thereon alleges, that Plaintiff will be fully and/or partially  
21 incapacitated and/or unable to perform Plaintiff's usual work for an indefinite period of  
22 time in the future, all to Plaintiff's damage in an amount which is at present  
23 unascertained. Plaintiff will pray leave of court to show the total amount of loss of  
24 earnings at the time of trial.

25 139. As a further direct and legal result of the acts and conduct of Defendant NCSD and  
26 DOES 1 through 10, Plaintiff has been caused, and did suffer, and continues to suffer  
27 severe and permanent emotional and mental distress and anguish, humiliation,  
28 embarrassment, fright, shock, pain, discomfort and/or anxiety. The exact nature and

1 extent of said injuries is presently unknown to Plaintiff, who will pray leave of court to  
2 assert the same when they are ascertained.

3 140. The aforementioned acts of DOES 1 through 10, and each of them, were willful, wanton,  
4 malicious, intentional, oppressive and/or despicable and were done in willful and  
5 conscious disregard of the rights, welfare and safety of Plaintiff, and were done by  
6 managerial agents and employees of DOES 1 through 10, and with the express  
7 knowledge, consent, and/or ratification of managerial agents and employees of DOES 1  
8 through 10, thereby justifying the awarding of punitive and exemplary damages in an  
9 amount to be determined at the time of trial pursuant to California Civil Code § 3294(a)  
10 and (b).

11 141. By the aforesaid acts and conduct of Defendant NCSD and DOES 1 through 10, Plaintiff  
12 has been directly and legally caused to suffer actual damages pursuant to California  
13 Civil Code § 3333 including, but not limited to, loss of earnings and future earning  
14 capacity, medical and related expenses for care and procedures both now and in the  
15 future, attorneys' fees, and other pecuniary loss not presently ascertained, for which  
16 Plaintiff will seek leave of court to amend when ascertained.

17 142. As a result of the retaliatory acts of Defendant NCSD and DOES 1 through 10, as  
18 alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as  
19 specifically provided in California Government Code § 12965(b).

20 143. The FEHA also provides remedies, including but not limited to, declaratory and  
21 injunctive relief. As such, Plaintiff is entitled to both declaratory and injunctive relief as  
22 a result of Defendants' unlawful conduct.

23 144. Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

24 **FIFTH CAUSE OF ACTION**

25 VIOLATION OF CALIFORNIA BUSINESS & PROFESSIONS CODE § 17200, ET SEQ.

26 By Plaintiff Against Defendant NCSD and DOES 1-10, Only

27 145. Plaintiff incorporates herein by reference and re-alleges each and every paragraph in this  
28 Complaint as though duly set forth in full herein.

- 1 146. Plaintiff was an employee of Defendant NCSD beginning in or around November 2012.  
2 Plaintiff worked as General Manager until her wrongful termination on or about May 9,  
3 2023.
- 4 147. Defendant NCSD and DOES 1-10 engaged in unfair, unlawful, fraudulent, deceptive,  
5 untrue, and/or misleading business practices. Through the aforementioned acts,  
6 Defendant NCSD and DOES 1-10 engaged in unfair, unlawful, fraudulent, deceptive,  
7 untrue, and/or misleading business practices in direct violation of California Bus. &  
8 Prof. Code § 17200, which prohibits conducting such business.
- 9 148. Defendant NCSD and DOES 1-10 willful and/or reckless conduct constituted unfair  
10 business practices and acts because the harm to the general public outweighed any utility  
11 that its conduct may have produced.
- 12 149. As a direct result of the conduct, act and omissions of Defendant NCSD and DOES 1-  
13 10, and each of them, Plaintiff has been harmed and damaged in an amount to be shown  
14 at the time of trial, together with prejudgment interest thereon from the time owed until  
15 paid, all within an amount within the jurisdictional limits of this Court.
- 16 150. Plaintiff is also entitled to all penalties provided by Cal. Bus. & Prof. Code § 17206.
- 17 151. Additionally, Cal. Bus. & Prof. Code § 17205 declares, unless otherwise expressly  
18 provided, the remedies or penalties provided by this chapter are cumulative to each other  
19 and to the remedies or penalties available under all other laws of this state.
- 20 152. As a result of the retaliatory acts of Defendant NCSD and DOES 1-10, and each of  
21 them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of  
22 said suit as specifically provided in California Code of Civil Procedure § 1021.5.  
23 Plaintiff's action enforces important rights affecting the public interest by bringing forth  
24 this lawsuit to ensure Defendant NCSD, as an employer, does not engage in unfair  
25 business practices, thereby conferring a significant benefit on the general public's health  
26 and well-being as a result. The necessity and financial burden of this private  
27 enforcement, as well as the interest of justice, entitles Plaintiff to reasonable attorneys'  
28 fees and costs under California Code of Civil Procedure § 1021.5.

1 153. The acts of Defendant NCSD and DOES 1-10, were willful, wanton, malicious,  
2 intentional, oppressive and despicable and were done in willful and conscious disregard  
3 of the rights, welfare and safety of Plaintiff, and were done by managerial agents and  
4 employees of Defendant NCSD and DOES 1 through 10, and with the express  
5 knowledge, consent, and ratification of managerial agents and employees of Defendant  
6 NCSD and DOES 1-10, thereby justifying the awarding of punitive and exemplary  
7 damages in an amount to be determined at the time of trial pursuant to California Civil  
8 Code § 3294(a) and (b).

9 154. Plaintiff is entitled to both declaratory and injunctive relief as a result of Defendants'  
10 unlawful conduct.

11 155. Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

12 **SIXTH CAUSE OF ACTION**

13 INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

14 By Plaintiff Against All Defendants and DOES 1-50

15 156. Plaintiff incorporates herein by reference and re-alleges each and every paragraph in this  
16 Complaint as though duly set forth in full herein.

17 157. The aforesaid conduct of Defendants, and each of them, was so extreme and outrageous  
18 as to exceed all bounds of that usually tolerated in a civilized society, and intended to  
19 cause and actually did cause Plaintiff to suffer severe emotional distress.

20 158. Defendants, and each of them, intended to cause and did cause Plaintiff severe  
21 emotional distress, as a result of the aforesaid unlawful conduct, including but not  
22 limited to the severe and pervasive harassment to which Plaintiff was routinely  
23 subjected.

24 159. Plaintiff did not consent to Defendants' conduct, as herein alleged, and said conduct was  
25 unprivileged. Defendants' conduct caused Plaintiff to suffer severe emotional distress.

26 160. Defendants' conduct continues to cause Plaintiff to suffer severe emotional distress.

27 161. Further, at all times relevant herein, individual Defendants were agents/employees of  
28 Defendant NCSD, and in doing the acts alleged herein, were acting within the course

1 and scope of their employment with Defendant NCSD. Further, Defendants NCSD and  
2 DEEL, UNGER, MATSON, and ROBERTS, ratified and condoned the severe and  
3 pervasive harassing conduct perpetrated by Defendant DEEL, UNGER, MATSON, and  
4 ROBERTS.

5 162. As a direct and legal result of the acts and omissions of Defendants and DOES 1 through  
6 50, and each of them, Plaintiff was rendered sick, sore, lame, disabled and/or disordered,  
7 both internally and/or externally, and suffered, among other things, emotional distress,  
8 including but not limited to shock, pain, discomfort and/or anxiety.

9 163. As a further legal result of the acts and omissions of Defendants and DOES 1 through  
10 50, and each of them, Plaintiff has been forced to incur expenses for medical care, and is  
11 informed and believes, and/or thereon alleges, that Plaintiff will in the future be forced  
12 to incur additional expenses of the same nature, all in an amount which is at present  
13 unknown. Plaintiff will pray leave of court to show the exact amount of said expenses at  
14 the time of trial.

15 164. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but  
16 since said incidents has been unable to engage fully in Plaintiff's occupation, and/or is  
17 informed and believes, and thereon alleges, that Plaintiff will be partially and/or fully  
18 incapacitated and/or unable to perform Plaintiff's usual work for an indefinite period of  
19 time in the future, all to Plaintiff's damages in an amount which is at present  
20 unascertained. Plaintiff will pray leave of court to show the total amount of loss of  
21 earnings at the time of trial.

22 165. As a further direct and legal result of the acts of Defendants and DOES 1 through 50,  
23 Plaintiff has been caused, and did suffer, and continues to suffer severe and/or  
24 permanent emotional and/or mental distress and anguish, humiliation, embarrassment,  
25 fright, shock, pain, discomfort and/or anxiety. The exact nature and extent of said  
26 injuries is presently unknown to Plaintiff, who will pray leave of court to assert the same  
27 when they are ascertained.

28 166. The aforementioned acts of Defendants and DOES 1 through 50, and each of them, were

1 willful, wanton, malicious, intentional, oppressive and despicable and were done in  
2 willful and conscious disregard of the rights, welfare and safety of Plaintiff, and were  
3 done by managerial agents and employees of Defendants, and with the express  
4 knowledge, consent, and ratification of managerial agents and employees of Defendants  
5 and DOES 1 through 50, thereby justifying the awarding of punitive and exemplary  
6 damages in an amount to be determined at the time of trial pursuant to Cal. Civil Code §  
7 3294(a) and (b).

8 167. By the aforesaid acts and conduct of Defendants and DOES 1 through 50, and each of  
9 them, Plaintiff has been directly and legally caused to suffer actual damages pursuant to  
10 California Civil Code § 3333 including, but not limited to, loss of earnings and future  
11 earning capacity, medical and related expenses for care and procedures both now and in  
12 the future, attorneys' fees, and other pecuniary loss not presently ascertained, for which  
13 Plaintiff will seek leave of court to amend when ascertained.

14 168. As a result of the unlawful acts of Defendants and DOES 1 through 50, and each of  
15 them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said  
16 suit as specifically provided in Cal. C.C.P. § 1021.5. Plaintiff's action enforces  
17 important rights affecting the public interest by bringing forth this lawsuit to ensure  
18 Defendants refrain from intentionally inflicting emotional distress on others  
19 (employees/coworkers), thereby conferring a significant benefit on the general public's  
20 health and well-being as a result. The necessity and financial burden of this private  
21 enforcement, as well as the interest of justice, entitles Plaintiff to reasonable attorneys'  
22 fees and costs under Cal. C.C.P. § 1021.5.

23 169. Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

24 **SEVENTH CAUSE OF ACTION**

25 FOR WHISTLEBLOWER VIOLATIONS

26 California Labor Code § 1102.5

27 By Plaintiff Against Defendant NCSD and DOES 1-10, Only

28 170. Plaintiff incorporates herein by reference each and every paragraph in this Complaint as



1           though duly set forth in full herein.

2       171. Defendants retaliated against Plaintiff for blowing the whistle/complaining  
3       about/protesting against its unlawful activities, including but not limited to sex/gender  
4       harassment, discrimination, and retaliation, and wage and hour violations, where  
5       Plaintiff had reasonable cause to believe Plaintiff's employer was violating the law.

6       172. It is a violation of the California whistleblower statute, Cal. Labor Code § 1102.5, and  
7       public policy to unlawfully retaliate/punish/discharge or deny opportunities to an  
8       employee for refusing to violate the law and/or for protesting unlawful activities to a  
9       government agency or his/her employer.

10      173. Plaintiff was a whistleblower pursuant to Cal. Labor Code § 1102.5, as Plaintiff engaged  
11      in the following protected activities, among others:

12           a) Plaintiff complained directly to Defendant NCSD and its relevant supervisors,  
13           including Defendant DEEL, UNGER, MATSON, and ROBERTS regarding the harassing  
14           and discriminatory conduct in which Defendant NCSD's employees were partaking and  
15           protested to cease the harassment and discrimination.

16           b) Plaintiff protested Defendant DEEL, UNGER, MATSON, and ROBERTS's conduct  
17           and in return, was retaliated and ultimately terminated.

18      174. However, as a direct result of Plaintiff engaging in legally protected activity and  
19      complaining about and protesting against the aforesaid violations of law (or Plaintiff's  
20      reasonable belief that laws were being violated), Defendants retaliated against Plaintiff  
21      through the following, among others:

22           a) As a result of and substantially motivated by Plaintiff engaging in the aforesaid  
23           protected activities (assertion of legal rights, complaints, and/or protests) and her  
24           sex/gender, Defendant NCSD subjected Plaintiff to the following retaliatory adverse  
25           employment actions including the following, among others: Plaintiff was treated differently,  
26           disparately, and negatively because of her sex/gender, including Defendants harassing her  
27           (as aforesaid), unfairly disciplining her, denying her opportunities, issuing pretextual  
28           reviews, denying her benefits, wrongfully terminating Plaintiff, and refusing to return

1 Plaintiff back to her former position or offer Plaintiff employment in any capacity, and  
2 failing to rehire Plaintiff.

3 b) Plaintiff opposed practices forbidden by FEHA, asserted her rights under FEHA as  
4 stated above, complained about violations of FEHA, including harassment directed at  
5 herself, and other female employees, complained of/reported sex/gender discrimination and  
6 harassment, participated in a FEHA complaint, asserted her rights pursuant to FEHA,  
7 assisted in/participated in claiming/investigating unlawful discrimination and harassment,  
8 complained about unlawful discrimination, harassment and/or retaliation and/or complained  
9 about being retaliated against, discriminated against and/or harassed.

10 175. Accordingly, Defendant NCS D had and maintained a policy and/or practice which  
11 prevented/prevents Plaintiff and other employees from complaining about and/or  
12 protesting against his/her employer's violation(s) of law to a government agency, or  
13 reasonable belief that a law(s) is being violated.

14 176. California Labor Code § 1102.5 declares:

15 (a) An employer, or any person acting on behalf of the employer, shall not make,  
16 adopt, or enforce any rule, regulation, or policy preventing an employee from  
17 disclosing information to a government or law enforcement agency, to a person with  
18 authority over the employee, or to another employee who has authority to investigate,  
19 discover, or correct the violation or noncompliance, or from providing information to,  
20 or testifying before, any public body conducting an investigation, hearing, or inquiry,  
if the employee has reasonable cause to believe that the information discloses a  
violation of state or federal statute, or a violation of or noncompliance with a local,  
state, or federal rule or regulation, regardless of whether disclosing the information is  
part of the employee's job duties.

21 (b) An employer, or any person acting on behalf of the employer, shall not  
22 retaliate against an employee for disclosing information, or because the employer  
23 believes that the employee disclosed or may disclose information, to a government or  
24 law enforcement agency, to a person with authority over the employee or another  
25 employee who has the authority to investigate, discover, or correct the violation or  
26 noncompliance, or for providing information to, or testifying before, any public body  
27 conducting an investigation, hearing, or inquiry, if the employee has reasonable cause  
to believe that the information discloses a violation of state or federal statute, or a  
violation of or noncompliance with a local, state, or federal rule or regulation,  
regardless of whether disclosing the information is part of the employee's job duties.

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(c) An employer, or any person acting on behalf of the employer, 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.

177. Defendant NCSD violated Cal. Labor Code § 1102.5(a) as it made, adopted, and enforced rules, regulation and policies preventing Plaintiff from disclosing information to government and law enforcement agencies or a person with authority over Plaintiff and/or authority to investigate, discover, investigate, or correct the violation, where Plaintiff had reasonable cause to believe Plaintiff's employer was violating the law.

178. Defendant NCSD violated Cal. Labor Code § 1102.5(b) as it retaliated against Plaintiff for protesting Defendants' unlawful actions, and/or because Defendant NCSD felt Plaintiff may protest, to a government or law enforcement agency or to a person with authority over the employee and/or authority to investigate, discover, investigate, or correct the violation.

179. Plaintiff was retaliated against through the aforesaid acts by Defendant NCSD, at least in part, because of Plaintiff's refusal to participate in an activity that would result in a violation of state or federal statutes (or Plaintiff reasonably believed to be in violation). Defendant NCSD was thus in violation of Cal. Labor Code § 1102.5(c).

180. When Plaintiff was subjected to the adverse employment actions identified above, Defendant NCSD and DOES 1 through 10, and each of them, were substantially motivated by Plaintiff's complaints of violations of state and/or federal law (or Plaintiff's reasonable belief that a law(s) was being violated), and said complaints were substantial motivating factors and/or reasons in the decision to subject Plaintiff to the aforesaid retaliatory, adverse employment actions, in violation of California Labor Code § 1102.5.

181. As a direct and legal result of the acts and omissions of Defendant NCSD and DOES 1 through 10, and each of them, Plaintiff was rendered sick, sore, lame, disabled and/or disordered, both internally and/or externally, and suffered, among other things,

1 emotional distress, including but not limited to shock, pain, discomfort and/or anxiety.

2 182. As a further legal result of the acts and omissions of Defendant NCSD and DOES 1  
3 through 10, and each of them, Plaintiff has been forced to incur expenses for medical  
4 care, and is informed and believes, and/or thereon alleges, that Plaintiff will in the future  
5 be forced to incur additional expenses of the same nature, all in an amount which is at  
6 present unknown. Plaintiff will pray leave of court to show the exact amount of said  
7 expenses at the time of trial.

8 183. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but  
9 since said incidents has been unable to engage fully in Plaintiff's occupation, and/or is  
10 informed and believes, and thereon alleges, that Plaintiff will be partially and/or fully  
11 incapacitated and/or unable to perform Plaintiff's usual work for an indefinite period of  
12 time in the future, all to Plaintiff's damages in an amount which is at present  
13 unascertained. Plaintiff will pray leave of court to show the total amount of loss of  
14 earnings at the time of trial.

15 184. As a further direct and legal result of the acts of Defendant NCSD, and DOES 1 through  
16 10, Plaintiff has been caused, and did suffer, and continues to suffer severe and/or  
17 permanent emotional and/or mental distress and anguish, humiliation, embarrassment,  
18 fright, shock, pain, discomfort and/or anxiety. The exact nature and extent of said  
19 injuries is presently unknown to Plaintiff, who will pray leave of court to assert the same  
20 when they are ascertained.

21 185. The aforementioned acts of Defendant NCSD and DOES 1 through 10, and each of  
22 them, were willful, wanton, malicious, intentional, oppressive and despicable and were  
23 done in willful and conscious disregard of the rights, welfare and safety of Plaintiff, and  
24 were done by managerial agents and employees of Defendants, and with the express  
25 knowledge, consent, and ratification of managerial agents and employees of Defendant  
26 NCSD and DOES 1 through 10 thereby justifying the awarding of punitive and  
27 exemplary damages in an amount to be determined at the time of trial pursuant to Cal.  
28 Civil Code § 3294(a) and (b).

1 186. Plaintiff is entitled to a civil penalty up to ten thousand dollars (\$10,000) for each  
2 violation of Cal. Lab. Code § 1102.5.

3 187. By the acts and conduct of aforesaid Defendant NCSD, and DOES 1 through 10, and  
4 each of them, Plaintiff has been directly and legally caused to suffer actual damages  
5 pursuant to California Civil Code § 3333 including, but not limited to, loss of earnings  
6 and future earning capacity, medical and related expenses for care and procedures both  
7 now and in the future, attorneys' fees, and other pecuniary loss not presently ascertained,  
8 for which Plaintiff will seek leave of court to amend when ascertained.

9 188. As a result of the unlawful acts of Defendant NCSD and DOES 1 through 10, and each  
10 of them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of  
11 said suit as specifically provided in Cal. C.C.P. § 1021.5. Plaintiff's action enforces  
12 important rights affecting the public interest by bringing forth this lawsuit to ensure  
13 Defendants refrain from unlawfully retaliating against employees for blowing the  
14 whistle, thereby conferring a significant benefit on the general public's health and well-  
15 being as a result. The necessity and financial burden of this private enforcement, as well  
16 as the interest of justice, entitles Plaintiff to reasonable attorneys' fees and costs under  
17 Cal. C.C.P. § 1021.5.

18 189. Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

19 **EIGHTH CAUSE OF ACTION**

20 **RETALIATION AND WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

21 **By Plaintiff Against Defendant NCSD and DOES 1-10, Only**

22 190. Plaintiff incorporates herein by reference and re-alleges each and every paragraph in this  
23 Complaint as though duly set forth in full herein.

24 191. Plaintiff was retaliated and wrongfully terminated from Plaintiff's employment on or  
25 about May 9, 2023 due to Plaintiff's sex/gender, whistleblowing, and/or her aforesaid  
26 legally protected activities (i.e. blowing the whistle, complaints/protests against  
27 unlawful conduct), as aforesaid.

28 192. As such, Plaintiff was retaliated and discharged from Plaintiff's employment for reasons

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that violate a public policy(s).

193. At all times relevant herein, Plaintiff was employed by Defendant NCSD.
194. As alleged herein, Defendant NCSD discharged Plaintiff from Plaintiff's employment.
195. Plaintiff's wrongful discharge caused and continues to cause Plaintiff harm.
196. At all times herein mentioned, the public policy of the State of California, as codified, expressed and mandated by California Government Code §§ 12920 and 12940 et seq., was to prohibit employers from harassing, discriminating, and retaliating against and/or wrongfully terminating any individual on the grounds of their sex/gender. This public policy of the State of California is designed to protect all employees and to promote the welfare and well-being of the community at large. The policy inures to the benefit of the public and is fundamental and substantial.
197. At all times herein mentioned, the public policy of the State of California, as codified, expressed and mandated by California Labor Code § 1102.5 prohibited discrimination and/or retaliation against employees blowing the whistle about their employers' unlawful activities. This public policy of the State of California is designed to protect all employees and to promote the welfare and well-being of the community at large.
198. At all times herein mentioned, the public policy of the State of California, as codified, expressed and mandated by California Civil Code § 1750 prohibited unfair or deceptive business practices and/or retaliation against employees blowing the whistle regarding violations of the aforesaid. This public policy of the State of California is designed to protect all employees and to promote the welfare and well-being of the community at large.
199. At all times herein mentioned, the public policy of the State of California was to prohibit the intentional infliction of emotional distress to another or opposing said unlawful practices. This public policy of the State of California is designed to protect all employees and to promote the welfare and well-being of the community at large.
200. Accordingly, the actions of Defendant NCSD and DOES 1 through 10, in retaliating and wrongfully terminating Plaintiff on the grounds alleged and described herein were

wrongful and do not promote the welfare and well-being of the community at large.

201. As a direct and legal result of the acts and omissions of Defendants and DOES 1 through 10, and each of them, Plaintiff was rendered sick, sore, lame, disabled and/or disordered, both internally and/or externally, and suffered, among other things, emotional distress, including but not limited to shock, pain, discomfort and/or anxiety.

202. As a further legal result of the acts and omissions of Defendants NCSD and DOES 1 through 10, and each of them, Plaintiff has been forced to incur expenses for medical care, and is informed and believes, and/or thereon alleges, that Plaintiff will in the future be forced to incur additional expenses of the same nature, all in an amount which is at present unknown. Plaintiff will pray leave of court to show the exact amount of said expenses at the time of trial.

203. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but since said incidents has been unable to engage fully in Plaintiff's occupation, and/or is informed and believes, and thereon alleges, that Plaintiff will be partially and/or fully incapacitated and/or unable to perform Plaintiff's usual work for an indefinite period of time in the future, all to Plaintiff's damages in an amount which is at present unascertained. Plaintiff will pray leave of court to show the total amount of loss of earnings at the time of trial.

204. As a further direct and legal result of the acts of Defendants NCSD and DOES 1 through 10, Plaintiff has been caused, and did suffer, and continues to suffer severe and/or permanent emotional and/or mental distress and anguish, humiliation, embarrassment, fright, shock, pain, discomfort and/or anxiety. The exact nature and extent of said injuries is presently unknown to Plaintiff, who will pray leave of court to assert the same when they are ascertained.

205. The aforementioned acts of Defendant NCSD and DOES 1 through 10, and each of them, were willful, wanton, malicious, intentional, oppressive and despicable and were done in willful and conscious disregard of the rights, welfare and safety of Plaintiff, and were done by managerial agents and employees of Defendants, and with the express

1 knowledge, consent, and ratification of managerial agents and employees of Defendant  
2 NCSD and DOES 1 through 10, thereby justifying the awarding of punitive and  
3 exemplary damages in an amount to be determined at the time of trial pursuant to Cal.  
4 Civil Code § 3294(a) and (b).

5 206. By the aforesaid acts and conduct of Defendant NCSD and DOES 1 through 10, and  
6 each of them, Plaintiff has been directly and legally caused to suffer actual damages  
7 pursuant to California Civil Code § 3333 including, but not limited to, loss of earnings  
8 and future earning capacity, medical and related expenses for care and procedures both  
9 now and in the future, attorneys' fees, and other pecuniary loss not presently ascertained,  
10 for which Plaintiff will seek leave of court to amend when ascertained.

11 207. As a result of the unlawful acts of Defendant NCSD and DOES 1 through 10, and each  
12 of them, as alleged herein, Plaintiff is entitled to reasonable attorneys' fees and costs of  
13 said suit as specifically provided in Cal. C.C.P. § 1021.5. Plaintiff's action enforces  
14 important rights affecting the public interest by bringing forth this lawsuit to ensure  
15 Defendants refrain from unlawfully and wrongfully terminating their employees, thereby  
16 conferring a significant benefit on the general public's health and well-being as a result.  
17 The necessity and financial burden of this private enforcement, as well as the interest of  
18 justice, entitles Plaintiff to reasonable attorneys' fees and costs under Cal. C.C.P. §  
19 1021.5.

20 208. Plaintiff has been damaged in an amount within the jurisdictional limits of this Court.

21 **PRAYER FOR RELIEF**

22 Plaintiffs prays for judgment against all defendants on all causes of action as follows:

- 23 1. For general damages in an amount within the jurisdictional limits of this Court;
- 24 2. For special damages in an amount within the jurisdictional limits of this Court;
- 25 3. For medical expenses and related items of expense, according to proof;
- 26 4. For loss of earnings, according to proof;
- 27 5. For consequential and incidental damages according to proof;
- 28 6. For prejudgment interest according to proof;



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- 7. For declaratory relief;
- 8. For injunctive relief;
- 9. For damages, penalties and attorneys' fees and costs of suit as provided for by Cal. Gov. Code § 12965(b);
- 10. For civil penalties for each violation of Cal. Lab. Code § 1102.5.
- 11. For punitive and exemplary damages as provided for by Cal. Civil Code § 3294;
- 12. For damages, penalties and costs of suit as provided for by California Civil Code § 3333;
- 13. For damages, penalties and reasonable attorneys' fees and costs of suit against Defendant NCS D as provided for by California Code of Civil Procedure § 1021.5, according to proof;
- 14. For damages, penalties, cost of suit, and attorney fees as provided for by Cal. Gov. Code § 203 and 204 et. seq.
- 15. For damages, penalties, cost of suit, and attorney fees as provided for by California Civil Code §§ 201, 203, and 2926.
- 16. For damages, penalties and costs of suit as provided for by California Labor Code §§ 2802.
- 17. For such relief against Defendant NCS D as the Court deems appropriate under California Bus. & Prof. Code §§ 17200 and 17206 et seq.;
- 18. For such other and further relief as the Court may deem just and proper.

DATED: November 9, 2023

**B|B LAW GROUP LLP**



By: \_\_\_\_\_  
Virginia Ksadhikyan, Esq.  
Tina Heidari, Esq.  
Attorneys for Plaintiff,  
JODI HOWARD

# EXHIBIT A



## Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711  
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

November 9, 2023

Virginia Ksazhikyan  
6100 Center Drive Suite 1100  
Los Angeles, CA 90045

**RE: Notice to Complainant's Attorney**  
CRD Matter Number: 202311-22613310  
Right to Sue: HOWARD / Newberry Community Services District et al.

Dear Virginia Ksazhikyan:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

**Pursuant to Government Code section 12962, CRD will not serve these documents on the employer.** You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



## Civil Rights Department

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711  
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

November 9, 2023

**RE: Notice of Filing of Discrimination Complaint**

CRD Matter Number: 202311-22613310

Right to Sue: HOWARD / Newberry Community Services District et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



## Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711  
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

November 9, 2023

JODI HOWARD  
6100 Center Drive Suite 1100  
Los Angeles, CA 90045

**RE: Notice of Case Closure and Right to Sue**  
CRD Matter Number: 202311-22613310  
Right to Sue: HOWARD / Newberry Community Services District et al.

Dear JODI HOWARD:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective November 9, 2023 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**  
2 **BEFORE THE STATE OF CALIFORNIA**  
3 **Civil Rights Department**  
4 **Under the California Fair Employment and Housing Act**  
5 **(Gov. Code, § 12900 et seq.)**

6 **In the Matter of the Complaint of**

7 JODI HOWARD

CRD No. 202311-22613310

8 Complainant,

9 vs.

10 Newberry Community Services District  
11 30884 Newberry Rd  
12 Newberry Springs, CA 92365

13 PAULA DEEL  
14 30884 Newberry Rd  
15 Newberry Springs, CA 92365

16 JACK UNGER  
17 30884 Newberry Rd  
18 Newberry Springs, CA 92365

19 MIKE MATSON  
20 30884 Newberry Rd  
21 Newberry Springs, CA 92365

22 MARGIE ROBERTS  
23 30884 Newberry Rd  
24 Newberry Springs, CA 92365

25 Respondents

26  
27 1. Respondent **Newberry Community Services District** is an **employer** subject to suit under  
28 the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant is naming **PAULA DEEL** individual as Co-Respondent(s).  
Complainant is naming **JACK UNGER** individual as Co-Respondent(s).  
Complainant is naming **MIKE MATSON** individual as Co-Respondent(s).  
Complainant is naming **MARGIE ROBERTS** individual as Co-Respondent(s).

3. Complainant **JODI HOWARD**, resides in the City of **Los Angeles**, State of **CA**.

1 4. Complainant alleges that on or about **May 9, 2023**, respondent took the following  
2 adverse actions:

3 **Complainant was harassed** because of complainant's sex/gender, sexual harassment-  
4 hostile environment, association with a member of a protected class.

5 **Complainant was discriminated against** because of complainant's sex/gender, sexual  
6 harassment- hostile environment, association with a member of a protected class and as a  
7 result of the discrimination was terminated, denied hire or promotion, reprimanded,  
suspended, demoted, asked impermissible non-job-related questions, denied any  
employment benefit or privilege, denied work opportunities or assignments.

8 **Complainant experienced retaliation** because complainant reported or resisted any form  
9 of discrimination or harassment, participated as a witness in a discrimination or harassment  
10 complaint and as a result was terminated, denied hire or promotion, reprimanded,  
suspended, demoted, asked impermissible non-job-related questions, denied any  
employment benefit or privilege, denied work opportunities or assignments.

11  
12 **Additional Complaint Details:** Complainant Jodi Howard (“Complainant”) complains and  
13 alleges as follows: Throughout her tenure with Respondents, Complainant was harassed,  
14 discriminated against, and retaliated against due to her sex/gender and for blowing the  
15 whistle. Further, Complainant was routinely subjected to less favorable treatment due to her  
16 gender. She observed a work environment that appeared to favor men and less favorable  
17 women. As an illustrative instance, Complainant's supervisor, Respondent Unger, exhibited  
18 a more receptive attitude towards input from male colleagues, sidelining Complainant as a  
19 woman. Respondent Unger made this bias unmistakably apparent. Moreover, during a  
20 personal visit to Complainant's office, Respondent Unger unleashed an unwarranted  
21 outburst of anger and name-calling when Complainant sought clarification on a work-related  
22 matter/problem. Additionally, Respondent Deel took it upon himself to encroach upon  
23 aspects of Complainant's job that were uniquely her responsibility, in what felt as an attempt  
24 to demote her. Respondents orchestrated a contrived scheme to push Complainant from the  
25 workplace. Consistently feeling inferior to her male counterparts, Complainant endured  
26 mistreatment based on her gender. Despite lodging multiple complaints, she was  
27 unfortunately reprimanded, subjected to even worse treatment, and ultimately wrongfully  
28 terminated due to her grievances and gender. Complainant was subjected to a demotion  
and hostile work  
environment. Respondents failed to investigate and take appropriate remedial action after  
Complainant protested, complained, and/or disputed the unlawful conduct. Instead,  
Respondents unlawfully and constructively terminated Complainant's employment due to  
and because of her sex/gender and for complaining. Complainant was wrongfully terminated  
on or about May 9, 2023, due in part to Complainant's sex/gender, and reported and/or  
protested the retaliation. Complainant's harm is ongoing from the date of her termination  
through today, and continuing.

1 VERIFICATION

2 I, **Virginia Ksadhikyan**, am the **Attorney** in the above-entitled complaint. I have  
3 read the foregoing complaint and know the contents thereof. The matters alleged are  
4 based on information and belief, which I believe to be true.

5 On November 9, 2023, I declare under penalty of perjury under the laws of the State  
6 of California that the foregoing is true and correct.

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**Los Angeles, CA**