

JUN 02 2022

AFTER 4:00 P.M.

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF VENTURA**

11
12 JANE ROE, an individual,
13 Plaintiff,

14 vs.

15 THE COUNTY OF VENTURA, a
16 California Government Entity,
17 MICHAEL POWERS, an individual,
and DOES 1 THROUGH 10, inclusive
18 Defendants.

Case No:

COMPLAINT FOR DAMAGES

1. SEX DISCRIMINATION
2. RACIAL DISCRIMINATION
3. SEXUAL HARASSMENT, HOSTILE WORK ENVIRONMENT
4. RACIAL HARASSMENT, HOSTILE WORK ENVIRONMENT
5. SEXUAL HARASSMENT, QUID PRO QUO
6. RETALIATION
7. DEFAMATION
8. FAILURE TO PREVENT DISCRIMINATION, HARASSMENT AND RETALIATION
9. VIOLATION OF CALIFORNIA FAMILY RIGHTS ACT

DEMAND FOR JURY TRIAL

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1 INTRODUCTION

2 This is an action brought by Plaintiff JANE ROE ("Plaintiff") against THE COUNTY OF
3 VENTURA, MICHAEL POWERS, and other as of yet unnamed Defendants (hereinafter
4 collectively "Defendants") alleging, among other things, violations of the California
5 Fair Employment and Housing Act. Plaintiff seeks damages, attorneys' fees and
6 costs of suit.

7 GENERAL ALLEGATIONS

8 1. This Court is the proper court and this action is properly filed in the
9 County of Ventura and in this judicial district because Defendants do business in
10 the County of Ventura and because Defendants' obligations and liability arise
11 therein.

12 2. Plaintiff is an employee of Defendant, the County of Ventura, and a
13 resident of the County of Ventura, State of California.

14 3. Plaintiff is informed and believes, and thereon alleges that Defendant
15 the County of Ventura is a California Government Entity, and located in the County
16 of Ventura, State of California.

17 4. Plaintiff is informed and believes, and thereon alleges that Defendant,
18 Michael Powers, is a resident the County of Ventura, State of California.

19 5. The true names and capacities, whether individual, corporate,
20 associate, or otherwise, of DOES 1 through 10 are unknown to Plaintiff, who
21 therefore sues the DOE Defendants by fictitious names. Plaintiff will amend this
22 Complaint to show their true names and capacities when they have been
23 ascertained.

24 6. On information and belief, each and all of the acts and omissions
25 alleged herein were performed by, or are attributable to, all Defendants, each acting
26 as agents or employees, or under the direction and control of each of the other
27 Defendants, and that said acts and failures to act were within the course and scope
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1 of said agency, employment or direction and control or any combination thereof. On
2 information and belief, Defendants were and are the agents of each other.

3 7. Plaintiff further alleges that Defendants complained of herein operated
4 as a joint employer or integrated enterprise, or any combination thereof, with
5 another defendant or other defendants, each such defendant is jointly and severally
6 liable as an employer. In the event that any defendant was acting as the *alter ego* of
7 another defendant or other defendants such that there is or was such a unity and
8 identity of interest between or among each and all said defendants that adherence
9 to the legal fiction of separate existence would, under the particular circumstances
10 that exist or existed, would sanction fraud or promote injustice, it would be an
11 inequitable result to fail to disregard any such separateness of legal personality.

12 8. On information and belief, Defendants DOES 1 through 10 are the
13 partners, owners, shareholders, or managers of Defendants, and were acting on
14 behalf of Defendants in the payment of wages to Plaintiff.

15 **FACTS COMMON TO MORE THAN ONE CAUSE OF ACTION**

16 9. During the allegations as alleged herein, Plaintiff was an employee
17 of the County of Ventura.

18 10. Plaintiff is of Mexican decent.

19 11. Plaintiff's immediate supervisor was Michael Powers, the Chief
20 Executive Officer of Ventura County.

21 12. On or about January 31, 2019, after a work-related event and dinner,
22 Mr. Powers walked with Plaintiff to her vehicle in a parking garage.

23 13. Mr. Powers then grabbed Plaintiff's hands and kissed her, putting his
24 tongue in her mouth. Plaintiff stopped his unwanted sexual advances.

25 14. Mr. Powers responded by telling Plaintiff that he loved her and wanted
26 to make love to her.

27 15. Plaintiff refused Mr. Powers advances multiple times.
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1 16. Mr. Powers became upset, said that he did not understand Plaintiff's
2 refusals, and told Plaintiff that he needed to talk to her.

3 17. Mr. Powers then got into the passenger seat of Plaintiff's vehicle.

4 18. Mr. Powers continued to say he did not understand why Plaintiff was
5 refusing his advances. Plaintiff continued to refuse Mr. Powers' advances and was
6 visibly upset, crying.

7 19. Eventually, Mr. Powers got out of Plaintiff's vehicle.

8 20. Approximately a few weeks later in February 2019, Mr. Powers called
9 Plaintiff into his office.

10 21. Mr. Powers then proceeded to close the door of his office. He walked
11 over to Plaintiff and kissed her.

12 22. Plaintiff pulled her head back and away from his face and then
13 proceeded to walk out of his office, shaking.

14 23. After Plaintiff refused all sexual advances by Mr. Powers, Mr. Powers
15 and Plaintiff's professional relationship deteriorated.

16 24. On or about January or February 2020, Mr. Powers called Plaintiff
17 into his office, and once again closed the door.

18 25. He told Plaintiff that he would use every ounce of his being, every dime
19 he had to go after someone that goes after him. Mr. Powers went on to say that he
20 has worked hard and would destroy anyone that comes for him or ruins his good
21 name.

22 26. Plaintiff sat in shock and was paralyzed by fear.

23 27. At this time, Plaintiff began to be excluded from meetings and other
24 important work-related information that she had previously been apart of and
25 responsible for.

26 28. Mr. Powers ignored Plaintiff and stopped communicating with her
27 regarding her work-related responsibilities and projects.

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1 29. On or about April 2020, Plaintiff became aware that Mr. Powers was
2 telling other employees that Plaintiff was going “rogue” in her employment related
3 duties.

4 30. Plaintiff also discovered that there were rumors that she was having
5 an affair with Mr. Powers.

6 31. The rumors included that Mr. Powers was seen leaving Plaintiff's
7 house, that she was an awful person, that she should not be trusted, and that she
8 had slept her way to the position that she was in.

9 32. Mr. Powers called Plaintiff into his office and proceeded to discuss
10 these rumors with her, as he had also been made aware of them.

11 33. Plaintiff was visibly upset, and Mr. Powers told her just to simply not
12 to listen to them.

13 34. On or about May 2020, Plaintiff went on leave under the Family
14 Medical Leave Act/California Family Rights Act for a medical procedure.

15 35. During this time, Mr. Powers contacted Plaintiff numerous times with
16 work-related questions, asked her to review documents, participate in meetings,
17 and make phone calls.

18 36. Plaintiff was in fear of being terminated by Mr. Powers, so she
19 performed these duties, as she tried to recover from a major medical procedure.

20 37. Plaintiff returned to work in July 2020.

21 38. On or about July 16, 2021, Mr. Powers called Plaintiff into his office
22 and closed the door.

23 39. Mr. Powers had an upcoming performance evaluation with the
24 Ventura County Board of Supervisors. Mr. Powers was visibly angry, red, and
25 shaking. He had one hand in a closed fist.

26 40. He proceeded to ask Plaintiff if there was anything he should know
27 about.

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1 41. Plaintiff was incredibly scared for her safety, overwhelmed, and did
2 not understand what was happening.

3 42. Mr. Powers demanded to know if he should be prepared for anything or
4 know of anything that will come up at his evaluation. Plaintiff was frozen with fear.
5 She told him “no”, and Plaintiff immediately left Mr. Powers’ office.

6 43. Plaintiff believed that Mr. Powers thought that Plaintiff had made a
7 complaint about him.

8 44. On or about September 17, 2021, Plaintiff was a panelist for interviews
9 being held for the Director of Airports position for the County of Ventura.

10 45. Plaintiff was there with five others, including a Ventura County
11 Human Resources Manager.

12 46. At lunch, Plaintiff was having a salad and a Mexican Coke (Coca-Cola).
13 One of the panelists commented to Plaintiff that he had only seen a certain
14 demographic drink Mexican Coke, and that he can never say, “Mexican Coke”,
15 without people getting offended.

16 47. Plaintiff said that the Coke is made in Mexico and that you can say
17 what it is. Plaintiff proceed to read the ingredients and explain why she preferred it
18 to regular Coca-Cola.

19 48. The panelist said that he cannot go into a restaurant and order it
20 without offending others and being called a racist. Plaintiff responded that he could
21 go into a restaurant and order a “Mexican Coke” without being racist because that
22 what it is – Coke made in Mexico.

23 49. Plaintiff told him that she is Mexican, and you can say “Mexican
24 Coke”.

25 50. The panelist then said that “it better not have actual coke (cocaine) in
26 it”, and Plaintiff responded that the old American recipe was the version that had
27 cocaine in it.

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1 51. After the conversation about the Mexican Coke with the other
2 panelists, Mr. Powers walked in to introduce himself to the panel.

3 52. The same panelist that had started the discussion regarding the
4 Mexican Coke, said to Mr. Powers, “you better watch out with that one”. Mr. Powers
5 responded, “Who? Pico Rivera (Jane Roe)? I am aware of her”.

6 53. During that same meeting, after Plaintiff spoke about her concerns
7 with a candidate and his responses, another panelist said to Plaintiff “wow, you’re
8 just not another pretty face”.

9 54. Mr. Powers called Plaintiff “Pico Rivera (Jane Roe)” on multiple
10 occasions.

11 55. Mr. Powers used that name when Plaintiff voiced concerns at meetings
12 for the lack of resources/services and/or any issues in low income and communities
13 of color.

14 56. Previously, Mr. Powers had called Plaintiff “Pacoima (Jane Roe)”.

15 57. Both Pico Rivera and Pacoima are cities in Los Angeles County that
16 are known for their low income and Latino communities.

17 58. After the day of interviews for Director of Airports and text exchanges
18 regarding the interview panel events with the HR Manager that had been present,
19 Plaintiff reluctantly called her.

20 59. During a conversation with the HR Manager, that HR Manager stated
21 that she was sorry about what had occurred the day before. It was during her
22 conversations with the HR Manager, that Plaintiff expressed her feelings that the
23 harassment the day before was ongoing and that it was not the worse harassment
24 that she had been subjected to.

25 60. Plaintiff complained about the sexual harassment, racial
26 discrimination, and retaliation she had experienced from Mr. Powers.

1 61. That HR Manager notified the Assistant County Executive Officer /
2 Human Resources Director of Plaintiff's complaints. Plaintiff was notified that an
3 investigation was warranted.

4 62. On September 29, 2021, after making her complaints to the Human
5 Resources Department, Plaintiff took a leave of absence. This leave was caused by
6 the stress of the sexual harassment, the comments of race, the stress of reporting
7 Mr. Powers and fearing that he would retaliate against Plaintiff.

8 63. Mr. Powers remained at his position, performing his daily duties in the
9 Executive Office.

10 64. The investigation into the actions of Mr. Powers took approximately
11 five months.

12 65. Plaintiff fully cooperated with the investigation and spent hours being
13 interviewed.

14 66. Plaintiff provided emails, text messages, and other materials and
15 information detailing relevant incidents pertaining to the racial discrimination,
16 sexual harassment, and retaliation she experienced.

17 67. Plaintiff spent hours searching through her work emails, work
18 calendar, reviewing past work assignments and projects to provide the relevant
19 information requested by the investigator, all while using her own accrued paid
20 time-off.

21 68. Plaintiff is informed and believes that on March 8, 2022, the County of
22 Ventura Board of Supervisors was made aware of the findings of the investigation,
23 and that based on "a preponderance of the evidence", Plaintiff's claims had been
24 substantiated.

25 69. Plaintiff is informed and believes that that same day, Mr. Powers was
26 placed on paid administrative leave.

27 70. Based on information and belief, Plaintiff believes that Mr. Powers
28 knew that the County of Ventura Board of Supervisors was moving toward his

1 termination, and therefore, he resigned. At the time of his resignation, the County
2 of Ventura circulated a statement from Mr. Powers that he was resigning to spend
3 more time with his family despite the fact that management at the County of
4 Ventura knew that Mr. Powers had just been placed on administrative leave and
5 that he was facing discipline, up to and including, termination.

6 71. Prior to the filing of this complaint, Mr. Powers has made numerous
7 statements and published writings, in which he disseminated false information.

8 72. Mr. Powers had stated that it was Plaintiff who had feelings for him
9 and that she was the one who made romantic overtures toward him.

10 73. Mr. Powers continues to make false statements to the press regarding
11 Plaintiff's behavior, including that she fabricated the allegations against him.

12 74. Plaintiff continues to fear for her safety.

13 75. Plaintiff filed an administrative complaint with the Department of
14 Fair Employment and Housing ("DFEH"). On January 31, 2022, the DFEH issued
15 Plaintiff a right to sue letter, attached here as Exhibit A.

16 **FIRST CAUSE OF ACTION**

17 **(Sex Discrimination – Govt. Code §12940(a))**

18 **(Plaintiff Against Defendants,**

19 **The County of Ventura and DOES 1-10)**

20 76. Plaintiff restates and incorporates by reference each and every
21 allegation contained in paragraphs 1 through 75, inclusive, as though fully set forth
22 herein.

23 77. The Fair Employment and Housing Act ("FEHA") codified in
24 Government Code § 12940 makes it unlawful for an employer to discriminate against
25 an employee on the basis of the employee's sex.

26 78. Defendant engaged in unlawful employment practices in violation of the
27 FEHA by discriminating against Plaintiff because of her sex.
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1 79. Plaintiff is informed and believes and based thereon alleges that her sex
2 was a motivating factor in Defendant's violation of Government Code §12940(a).

3 80. As a proximate result of the wrongful conduct of Defendant, and each
4 of them, Plaintiff has suffered and continues to sustain substantial losses in
5 earnings and other employment benefits in an amount according to proof at the
6 time of trial.

7 81. As a proximate result of the wrongful conduct of Defendant, and each
8 of them, Plaintiff has suffered emotional distress and other general damages, in an
9 amount according to proof at the time of trial.

10 82. Pursuant to Code of Civil Procedure §1060, Plaintiff requests this
11 Court to issue a judicial determination of the rights and duties of the parties. A
12 judicial declaration is necessary and appropriate such that Defendant may also be
13 aware of its obligations under the law to not engage in discriminatory
14 practices. Plaintiff believes and thereon alleges that Plaintiff is entitled to
15 declaratory relief and an award of reasonable attorney's fees and costs under CGC
16 section 12965(b). *Harris v. City of Santa Monica*, 56 Cal. 4th 203, 241 (Cal. 2013)

17 83. The actions of Defendant DOES 1 through 10 as alleged herein were
18 carried out with malice, willfulness or reckless indifference, or any combination
19 thereof, to the rights of Plaintiff, with full knowledge of their unlawfulness, and
20 with the intent to deprive Plaintiff of rights guaranteed under the law. Plaintiff is
21 entitled to punitive damages for the purpose of deterring such unlawful, malicious,
22 oppressive or reckless conduct, or any combination thereof. Defendant's conduct
23 described herein was engaged in by officers, directors, or managing agents, or any
24 combination thereof, for the Defendant or ratified by officers, directors, or managing
25 agents, or any combination thereof.

26 84. Plaintiff has incurred and continues to incur attorneys' fees and legal
27 expenses in an amount according to proof at the time of trial.

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1 **SECOND CAUSE OF ACTION**

2 **(Racial Discrimination – Govt. Code §12940(a))**

3 **(Plaintiff Against Defendants,**

4 **The County of Ventura and DOES 1-10)**

5 85. Plaintiff restates and incorporates by reference each and every
6 allegation contained in paragraphs 1 through 75, inclusive, as though fully set forth
7 herein.

8 86. The Fair Employment and Housing Act ("FEHA") codified in
9 Government Code § 12940 makes it unlawful for an employer to discriminate against
10 an employee on the basis of the employee's race.

11 87. Defendant engaged in unlawful employment practices in violation of the
12 FEHA by discriminating against Plaintiff because of her race.

13 88. Plaintiff is informed and believes and based thereon alleges that her
14 race was a motivating factor in Defendant's violation of Government Code §12940(a).

15 89. As a proximate result of the wrongful conduct of Defendant, and each
16 of them, Plaintiff has suffered and continues to sustain substantial losses in
17 earnings and other employment benefits in an amount according to proof at the
18 time of trial.

19 90. As a proximate result of the wrongful conduct of Defendant, and each
20 of them, Plaintiff has suffered emotional distress and other general damages, in an
21 amount according to proof at the time of trial.

22 91. Pursuant to Code of Civil Procedure §1060, Plaintiff requests this
23 Court to issue a judicial determination of the rights and duties of the parties. A
24 judicial declaration is necessary and appropriate such that Defendants may also be
25 aware of its obligations under the law to not engage in discriminatory
26 practices. Plaintiff believes and thereon alleges that Plaintiff is entitled to
27 declaratory relief and an award of reasonable attorney's fees and costs under CGC
28 section 12965(b). *Harris v. City of Santa Monica*, 56 Cal. 4th 203, 241 (Cal. 2013)

1 92. The actions of Defendants DOES 1 through 10 as alleged herein were
2 carried out with malice, willfulness or reckless indifference, or any combination
3 thereof, to the rights of Plaintiff, with full knowledge of their unlawfulness, and
4 with the intent to deprive Plaintiff of rights guaranteed under the law. Plaintiff is
5 entitled to punitive damages for the purpose of deterring such unlawful, malicious,
6 oppressive or reckless conduct, or any combination thereof. Defendant's conduct
7 described herein was engaged in by officers, directors, or managing agents, or any
8 combination thereof, for the Defendant or ratified by officers, directors, or managing
9 agents, or any combination thereof.

10 93. Plaintiff has incurred and continues to incur attorneys' fees and legal
11 expenses in an amount according to proof at the time of trial.

12 **THIRD CAUSE OF ACTION**

13 **(Sexual Harassment, Hostile Work Environment –**

14 **Violation of Cal. Gov't Code §§ 12940(j); 12923)**

15 **(Plaintiff Against All Defendants)**

16 94. Plaintiff restates and incorporates by reference each and every
17 allegation contained in paragraphs 1 through 75, inclusive, as though fully set forth
18 herein.

19 95. The Fair Employment and Housing Act codified in Government Code §
20 12940 makes it unlawful for an employer to sexually harass an employee.

21 96. The Fair Employment and Housing Act codified in Government Code §
22 12923 sets forth the Legislative intent with regard to application of the laws about
23 harassment contained in the FEHA, including that harassment cases are rarely
24 appropriate for disposition on summary judgment.

25 97. Section 12923(a) states, among other things, that harassment creates a
26 hostile, offensive, oppressive, or intimidating work environment and deprives
27 victims of their statutory right to work in a place free of discrimination when the
28 harassing conduct sufficiently offends, humiliates, distresses, or intrudes upon its

1 victim, so as to disrupt the victim's emotional tranquility in the workplace, affect
2 the victim's ability to perform the job as usual, or otherwise interfere with and
3 undermine the victim's personal sense of well-being.

4 98. Section 12923(b) states, among other things, that a single incident of
5 harassing conduct is sufficient to create a triable issue regarding the existence of a
6 hostile work environment if the harassing conduct has unreasonably interfered with
7 the plaintiff's work performance or created an intimidating, hostile, or offensive
8 working environment.

9 99. Section 12923(c) states, among other things, that the existence of a
10 hostile work environment depends upon the totality of the circumstances and a
11 discriminatory remark, even if not made directly in the context of an employment
12 decision or uttered by a nondecision maker, may be relevant, circumstantial
13 evidence of discrimination.

14 100. Section 12923(d) states, among other things, that the legal standard
15 for sexual harassment should not vary by type of workplace. It is irrelevant that a
16 particular occupation may have been characterized by a greater frequency of
17 sexually related commentary or conduct in the past. In determining whether or not
18 a hostile environment existed, courts should only consider the nature of the
19 workplace when engaging in or witnessing prurient conduct and commentary is
20 integral to the performance of the job duties.

21 101. Defendant and each of them and/or their agents/employees engaged
22 in a pattern and practice of unlawful sexual harassment in violation of California
23 Fair Employment and Housing Act of California Government Code §12940(j).

24 102. The harassment was sufficiently severe or pervasive as to alter
25 conditions of employment and to create a hostile or abusive work environment.

26 103. As a proximate result of the wrongful conduct of Defendant, and
27 each of them, Plaintiff has suffered and continues to sustain substantial losses in
28 earnings and other employment benefits in an amount according to proof at the

1 time of trial.

2 104. As a proximate result of the wrongful conduct of Defendant, and
3 each of them, Plaintiff has suffered emotional distress and other general damages,
4 in an amount according to proof at the time of trial.

5 105. Pursuant to Code of Civil Procedure §1060, Plaintiff requests this
6 Court to issue a judicial determination of the rights and duties of the parties. A
7 judicial declaration is necessary and appropriate such that Defendant may also be
8 aware of its obligations under the law to not engage in discriminatory
9 practices. Plaintiff believes and thereon alleges that Plaintiff is entitled to
10 declaratory relief and an award of reasonable attorney's fees and costs under CGC
11 section 12965(b). *Harris v. City of Santa Monica*, 56 Cal. 4th 203, 241 (Cal. 2013)

12 106. The actions of Defendant Powers and Does 1 through 10 as alleged
13 herein were carried out with malice, willfulness or reckless indifference, or any
14 combination thereof, to the rights of Plaintiff, with full knowledge of their
15 unlawfulness, and with the intent to deprive Plaintiff of rights guaranteed under
16 the law. Plaintiff is entitled to punitive damages for the purpose of deterring such
17 unlawful, malicious, oppressive or reckless conduct, or any combination thereof.
18 Defendant's conduct described herein was engaged in by officers, directors, or
19 managing agents, or any combination thereof, for the Defendant or ratified by
20 officers, directors, or managing agents, or any combination thereof.

21 107. Plaintiff has incurred and continues to incur attorneys' fees and
22 legal expenses in an amount according to proof at the time of trial.

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FOURTH CAUSE OF ACTION

**(Racial Harassment, Hostile Work Environment –
Violation of Cal. Gov’t Code §§ 12940(j); 12923)
(Plaintiff Against All Defendants)**

108. Plaintiff restates and incorporates by reference each and every allegation contained in paragraphs 1 through 75, inclusive, as though fully set forth herein.

109. The Fair Employment and Housing Act codified in Government Code § 12940 makes it unlawful for an employer to harass an employee because of their race.

110. The Fair Employment and Housing Act codified in Government Code § 12923 sets forth the Legislative intent with regard to application of the laws about harassment contained in the FEHA, including that harassment cases are rarely appropriate for disposition on summary judgment.

111. Section 12923(a) states, among other things, that harassment creates a hostile, offensive, oppressive, or intimidating work environment and deprives victims of their statutory right to work in a place free of discrimination when the harassing conduct sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim’s emotional tranquility in the workplace, affect the victim’s ability to perform the job as usual, or otherwise interfere with and undermine the victim’s personal sense of well-being.

112. Section 12923(b) states, among other things, that a single incident of harassing conduct is sufficient to create a triable issue regarding the existence of a hostile work environment if the harassing conduct has unreasonably interfered with the plaintiff’s work performance or created an intimidating, hostile, or offensive working environment.

113. Section 12923(c) states, among other things, that the existence of a

1 hostile work environment depends upon the totality of the circumstances and a
2 discriminatory remark, even if not made directly in the context of an employment
3 decision or uttered by a nondecision maker, may be relevant, circumstantial
4 evidence of discrimination.

5 114. Defendant and each of them and/or their agents/employees engaged
6 in a pattern and practice of unlawful racial harassment in violation of California
7 Fair Employment and Housing Act of California Government Code §12940(j).

8 115. The harassment was sufficiently severe or pervasive as to alter
9 conditions of employment and to create a hostile or abusive work environment.

10 116. As a proximate result of the wrongful conduct of Defendant, and
11 each of them, Plaintiff has suffered and continues to sustain substantial losses in
12 earnings and other employment benefits in an amount according to proof at the
13 time of trial.

14 117. As a proximate result of the wrongful conduct of Defendant, and
15 each of them, Plaintiff has suffered emotional distress and other general damages,
16 in an amount according to proof at the time of trial.

17 118. Pursuant to Code of Civil Procedure §1060, Plaintiff requests this
18 Court to issue a judicial determination of the rights and duties of the parties. A
19 judicial declaration is necessary and appropriate such that Defendants may also be
20 aware of its obligations under the law to not engage in discriminatory
21 practices. Plaintiff believes and thereon alleges that Plaintiff is entitled to
22 declaratory relief and an award of reasonable attorney's fees and costs under CGC
23 section 12965(b). *Harris v. City of Santa Monica*, 56 Cal. 4th 203, 241 (Cal. 2013)

24 119. The actions of Defendant Powers and DOES 1 through 10 as alleged
25 herein were carried out with malice, willfulness or reckless indifference, or any
26 combination thereof, to the rights of Plaintiff, with full knowledge of their
27 unlawfulness, and with the intent to deprive Plaintiff of rights guaranteed under
28 the law. Plaintiff is entitled to punitive damages for the purpose of deterring such

1 unlawful, malicious, oppressive or reckless conduct, or any combination thereof.
2 Defendant's conduct described herein was engaged in by officers, directors, or
3 managing agents, or any combination thereof, for the Defendant or ratified by
4 officers, directors, or managing agents, or any combination thereof.

5 120. Plaintiff has incurred and continues to incur attorneys' fees and
6 legal expenses in an amount according to proof at the time of trial.

7 **FIFTH CAUSE OF ACTION**

8 **(Sexual Harassment, Quid Pro Quo -**
9 **Violation of Cal. Gov't Code §12940(j))**
10 **(Plaintiff Against All Defendants)**

11 121. Plaintiff restates and incorporates by reference each and every
12 allegation contained in paragraphs 1 through 76, inclusive, as though fully set forth
13 herein.

14 122. The Fair Employment and Housing Act ("FEHA") codified in
15 Government Code §12940 makes it unlawful for an employer to sexually harass an
16 employee.

17 123. Defendant and each of them or their agents/employees, or any
18 combination thereof, engaged in a pattern and practice of unlawful sexual
19 harassment in violation of California Fair Employment and Housing Act of
20 California Government Code §12940(j).

21 124. Said unlawful practices were in the nature of quid pro quo sexual
22 harassment wherein Plaintiff was subject to the sexually harassing conduct of
23 Defendant's Chief Executive Officer, Michael Powers.

24 125. As a proximate result of the wrongful conduct of Defendant, and
25 each of them, Plaintiff has suffered and continues to sustain substantial losses in
26 earnings and other employment benefits in an amount according to proof at the
27 time of trial.

28 126. As a proximate result of the wrongful conduct of Defendant, and

1 each of them, Plaintiff has suffered emotional distress and other general damages,
2 in an amount according to proof at the time of trial.

3 127. Pursuant to Code of Civil Procedure §1060, Plaintiff requests this
4 Court to issue a judicial determination of the rights and duties of the parties. A
5 judicial declaration is necessary and appropriate such that Defendants may also be
6 aware of its obligations under the law to not engage in discriminatory
7 practices. Plaintiff believes and thereon alleges that Plaintiff is entitled to
8 declaratory relief and an award of reasonable attorney's fees and costs under CGC
9 section 12965(b). *Harris v. City of Santa Monica*, 56 Cal. 4th 203, 241 (Cal. 2013)

10 128. The actions of Defendant Powers and DOES 1 through 10 as alleged
11 herein were carried out with malice, willfulness or reckless indifference, or any
12 combination thereof, to the rights of Plaintiff, with full knowledge of their
13 unlawfulness, and with the intent to deprive Plaintiff of rights guaranteed under
14 the law. Plaintiff is entitled to punitive damages for the purpose of deterring such
15 unlawful, malicious, oppressive or reckless conduct, or any combination thereof.
16 Defendant's conduct described herein was engaged in by officers, directors, or
17 managing agents, or any combination thereof, for the Defendant or ratified by
18 officers, directors, or managing agents, or any combination thereof.

19 129. Plaintiff has incurred and continues to incur attorneys' fees and
20 legal expenses in an amount according to proof at the time of trial.

21 **SIXTH CAUSE OF ACTION**

22 **(Retaliation – Violation of Cal. Gov't Code §12940(h))**

23 **(Plaintiff Against Defendants,**

24 **The County of Ventura and DOES 1-10)**

25 130. Plaintiff restates and incorporates by reference each and every
26 allegation contained in paragraphs 1 through 76, inclusive, as though fully set forth
27 herein.

28 131. Plaintiff engaged in the protected activities of, but not limited to,

1 opposing sexual harassment by Mr. Powers.

2 132. Defendant retaliated in violation of the FEHA.

3 133. As a proximate result of the wrongful conduct of Defendant, and
4 each of them, Plaintiff has suffered and continues to sustain substantial losses in
5 earnings and other employment benefits in an amount according to proof at the
6 time of trial.

7 134. As a proximate result of the wrongful conduct of Defendant, and
8 each of them, Plaintiff has suffered emotional distress and other general damages,
9 in an amount according to proof at the time of trial.

10 135. Pursuant to Code of Civil Procedure §1060, Plaintiff requests this
11 Court to issue a judicial determination of the rights and duties of the parties. A
12 judicial declaration is necessary and appropriate such that Defendant may also be
13 aware of its obligations under the law to not engage in discriminatory
14 practices. Plaintiff believes and thereon alleges that Plaintiff is entitled to
15 declaratory relief and an award of reasonable attorney's fees and costs under CGC
16 section 12965(b). *Harris v. City of Santa Monica*, 56 Cal. 4th 203, 241 (Cal. 2013)

17 136. The actions of Defendants DOES 1 through 10 as alleged herein
18 were carried out with malice, willfulness or reckless indifference, or any
19 combination thereof, to the rights of Plaintiff, with full knowledge of their
20 unlawfulness, and with the intent to deprive Plaintiff of rights guaranteed under
21 the law. Plaintiff is entitled to punitive damages for the purpose of deterring such
22 unlawful, malicious, oppressive or reckless conduct, or any combination thereof.
23 Defendant's conduct described herein was engaged in by officers, directors, or
24 managing agents, or any combination thereof, for the Defendant or ratified by
25 officers, directors, or managing agents, or any combination thereof.

26 137. Plaintiff has incurred and continues to incur attorneys' fees and
27 legal expenses in an amount according to proof at the time of trial.

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1 SEVENTH CAUSE OF ACTION

2 (Failure to Prevent Discrimination, Harassment and Retaliation –

3 Violation of Cal. Gov't Code §12940(k))

4 (Plaintiff Against Defendants,

5 The County of Ventura and DOES 1-10)

6 138. Plaintiff restates and incorporates by reference each and every
7 allegation contained in paragraphs 1 through 76, inclusive, as though fully set forth
8 herein.

9 139. To Plaintiff's knowledge, no meaningful or adequate disciplinary
10 action has been taken against any employees who discriminated, harassed, or
11 retaliated, or any combination thereof, against Plaintiff.

12 140. In violation of Cal. Gov. Code §12940(k), Defendant and each of
13 them, and/or their agents/employees, failed to take all reasonable steps necessary to
14 prevent and investigate unlawful discrimination, harassment, and/or retaliation
15 from occurring, and to remedy such discrimination, harassment, or retaliation.

16 141. As a proximate result of the wrongful conduct of Defendant, and
17 each of them, Plaintiff has suffered and continues to sustain substantial losses in
18 earnings and other employment benefits in an amount according to proof at the
19 time of trial.

20 142. As a proximate result of the wrongful conduct of Defendant, and
21 each of them, Plaintiff has suffered emotional distress and other general damages,
22 in an amount according to proof at the time of trial.

23 143. Pursuant to Code of Civil Procedure §1060, Plaintiff requests this
24 Court to issue a judicial determination of the rights and duties of the parties. A
25 judicial declaration is necessary and appropriate such that Defendants may also be
26 aware of its obligations under the law to not engage in discriminatory
27 practices. Plaintiff believes and thereon alleges that Plaintiff is entitled to
28 declaratory relief and an award of reasonable attorney's fees and costs under CGC

1 section 12965(b). *Harris v. City of Santa Monica*, 56 Cal. 4th 203, 241 (Cal. 2013)

2 144. The actions of Defendants DOES 1 through 10 as alleged herein
3 were carried out with malice, willfulness or reckless indifference, or any
4 combination thereof, to the rights of Plaintiff, with full knowledge of their
5 unlawfulness, and with the intent to deprive Plaintiff of rights guaranteed under
6 the law. Plaintiff is entitled to punitive damages for the purpose of deterring such
7 unlawful, malicious, oppressive or reckless conduct, or any combination thereof.
8 Defendants' conduct described herein was engaged in by officers, directors, or
9 managing agents, or any combination thereof, for the Defendant or ratified by
10 officers, directors, or managing agents, or any combination thereof.

11 145. Plaintiff has incurred and continues to incur attorneys' fees and
12 legal expenses in an amount according to proof at the time of trial.

13 **EIGHTH CAUSE OF ACTION**

14 **(Defamation)**

15 **(Plaintiff Against Defendants Michael Powers and DOES 1-10)**

16 146. Plaintiff restates and incorporates by reference each and every
17 allegation contained in paragraphs 1 through 76 inclusive, as though fully set forth
18 herein.

19 147. Plaintiff is informed and believes Defendant, by the herein-described
20 acts, conspired to, and in fact, did negligently, recklessly, and intentionally caused
21 excessive and unsolicited internal and external publications of defamation, of and
22 concerning Plaintiff, to third persons and to the community. While the precise dates
23 of these publications are not known to Plaintiff, she recently discovered and is
24 informed and believes the publications may have started in February 2019, for the
25 improper purpose of retaliating against her for sex, complaints regarding sexual and
26 racial discrimination and harassment and were later published and foreseeably
27 republished to first cause, and then justify, Plaintiff's accusations. These publications
28 were outrageous, negligent, reckless, intentional, and maliciously published and

1 republished by Defendant. Plaintiff is informed and believes that the negligent,
2 reckless, and intentional publications by Defendant were and continue to be,
3 foreseeably published and republished by Defendant, their agents and employees,
4 recipients, in the community. Plaintiff hereby seeks damages for these publications
5 and all foreseeable republications discovered up to the time of trial.

6 148. During the above-described time frame, Defendant, conspired to,
7 and in fact, did negligently, recklessly, and intentionally cause excessive and
8 unsolicited publication of defamation, of and concerning Plaintiff, to third persons,
9 who had no need or desire to know. Those third person(s) to whom this Defendant
10 published this defamation are believed to include, but are not limited to, other
11 agents and employees of Defendant, and the community, all of whom are known to
12 Defendant, but unknown at this time to Plaintiff.

13 149. The defamatory publications consisted of oral and written,
14 knowingly false and unprivileged communications, tending directly to injure
15 Plaintiff and Plaintiff's personal, business, and professional reputation. These
16 publications included the following false and defamatory statements (in violation of
17 Civil Code §§ 45 and 46(3)(5)) with the meaning and/or substance that Plaintiff was
18 the one who had feelings for Mr. Powers and that she was the one who made
19 romantic overtures toward him. These and similar statements published by
20 Defendant, expressly and impliedly asserted that Plaintiff fabricated the allegations
21 against him.

22 150. Plaintiff is informed, believes and fears that these false and
23 defamatory per se statements will continue to be published by Defendant, and each
24 of them, and will be foreseeably republished by their recipients, all to the ongoing
25 harm and injury to Plaintiff's business, professional, and personal reputations.
26 Plaintiff also seeks redress in this action for all foreseeable republications, including
27 her own compelled self-publication of these defamatory statements.

28 151. The defamatory meaning of all of the above-described false and

1 defamatory statements and their reference to Plaintiff, were understood by these
2 above-referenced third person recipients and other members of the community who
3 are known to Defendant, but unknown to Plaintiff at this time.

4 152. None of Defendant's defamatory publications against Plaintiff
5 referenced above are true.

6 153. The above defamatory statements were understood as assertions of
7 fact, and not as opinion. Plaintiff is informed and believes this defamation will
8 continue to be negligently, recklessly, and intentionally published and foreseeably
9 republished by Defendant, and foreseeably republished by recipients of Defendant's
10 publications, thereby causing additional injury and damages for which Plaintiff
11 seeks redress by this action.

12 154. Each of these false defamatory per se publications (as set forth
13 above) were negligently, recklessly, and intentionally published in a manner
14 equaling malice and abuse of any alleged conditional privilege (which Plaintiff
15 denies existed), since the publications, and each of them, were made with hatred, ill
16 will, and an intent to vex, harass, annoy, and injure Plaintiff in order to justify the
17 illegal and cruel actions of Defendant, to cause further damage to Plaintiff's
18 professional and personal reputation, to retaliate against Plaintiff for prior ill will,
19 rivalry, and disputes in retaliation for her sex, and complaints of sexual and racial
20 discrimination and harassment.

21 155. Each of these publications by Defendant were made with knowledge
22 that no investigation supported the unsubstantiated and obviously false statements.
23 Defendant published these statements knowing them to be false, unsubstantiated
24 by any reasonable investigation and the product of hostile witnesses. These acts of
25 publication were known by Defendant to be negligent to such a degree as to be
26 reckless. In fact, not only did Defendant have no reasonable basis to believe these
27 statements, but he also had no belief in the truth of these statements, and in fact
28 knew the statements to be false. Defendant excessively, negligently, and recklessly

1 published these statements to individuals with no need to know, and who made no
2 inquiry, and who had a mere general or idle curiosity of this information.

3 156. The above complained-of publications by Defendant were made with
4 hatred and ill will towards Plaintiff and the design and intent to injure Plaintiff,
5 Plaintiff's good name, her reputation, employment and employability. Defendant
6 published these statements, not with an intent to protect any interest intended to
7 be protected by any privilege, but with negligence, recklessness and/or an intent to
8 injure Plaintiff and destroy her reputation. Therefore, no privilege existed to
9 protect Defendant from liability for any of these aforementioned publications or
10 republications.

11 157. As a proximate result of the publication and republication of these
12 defamatory statements by Defendant, Plaintiff has suffered injury to her personal,
13 business and professional reputation including suffering embarrassment,
14 humiliation, severe emotional distress, anguish, fear, loss of employment, and
15 employability, and significant economic loss in the form of lost wages and future
16 earnings, all to Plaintiff's economic, emotional, and general damage in an amount
17 according to proof.

18 158. Defendant committed the acts alleged herein recklessly, maliciously,
19 fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff, for
20 an improper and evil motive amounting to malice (as described above), and which
21 abused and/or prevented the existence of any conditional privilege, which in fact did
22 not exist, and with a reckless and conscious disregard of Plaintiff's rights. All
23 actions of Defendant, his agents and employees, herein alleged were known, ratified
24 and approved by the Defendant. Plaintiff thus is entitled to recover punitive and
25 exemplary damages from Defendant for these wanton, obnoxious, and despicable
26 acts in an amount based on the wealth and ability to pay according to proof at time
27 of trial.

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1 **NINTH CAUSE OF ACTION**

2 **(Violation of California Family Rights Act – Govt Code § 12945.2)**

3 **(Plaintiff Against Defendants,**

4 **The County of Ventura and DOES 1-10)**

5 159. Plaintiff restates and incorporates by reference each and every
6 allegation contained in paragraphs 1 through 76, inclusive, as though fully set forth
7 herein.

8 160. At all times herein mentioned, Government Code Section 12945.2 was
9 in full force and effect and was binding upon Defendants. Government Code Section
10 12945.2(a) states that an employer with at least five employees must provide
11 protected leave of twelve weeks to any employee who has worked for the employer
12 for more than 12 months, and who has worked at least 1,250 hours during the
13 previous 12-month period. Government Code Section 12945.2(t) states that it is an
14 unlawful employment practice for an employer to interfere with, restrain, or deny
15 the exercise of, or the attempt to exercise, any right provided under this section.

16 161. Plaintiff was eligible for CFRA protected leave in May 2020 in both
17 hours worked and time employed by Defendant. Defendants were covered by the
18 CFRA because they employ at least five employees.

19 162. Plaintiff is informed and believes and thereon alleges that the acts of
20 Defendant is an unlawful employment practice in violation of the CFRA.

21 163. As a proximate result of the wrongful conduct of Defendant, and each of
22 them, Plaintiff has suffered and continues to sustain substantial losses in earnings
23 and other employment benefits in an amount according to proof at the time of trial.

24 164. As a proximate result of the wrongful conduct of Defendants, and each
25 of them, Plaintiff has suffered emotional distress and other general damages, in an
26 amount according to proof at the time of trial.

27 165. Pursuant to Code of Civil Procedure §1060, Plaintiff requests this Court
28 to issue a judicial determination of the rights and duties of the parties. A judicial

1 declaration is necessary and appropriate such that Defendants may also be aware of
2 its obligations under the law to not engage in discriminatory practices. Plaintiff
3 believes and thereon alleges that Plaintiff is entitled to declaratory relief and an
4 award of reasonable attorney's fees and costs under CGC section 12965(b). *Harris v.*
5 *City of Santa Monica*, 56 Cal. 4th 203, 241 (Cal. 2013)

6 166. The actions of Defendants as alleged herein were carried out with
7 malice, willfulness or reckless indifference, or any combination thereof, to the rights
8 of Plaintiff, with full knowledge of their unlawfulness, and with the intent to deprive
9 Plaintiff of rights guaranteed under the law. Plaintiff is entitled to punitive damages
10 for the purpose of deterring such unlawful, malicious, oppressive or reckless conduct,
11 or any combination thereof. Defendants' conduct described herein was engaged in by
12 officers, directors, or managing agents, or any combination thereof, for the Defendant
13 or ratified by officers, directors, or managing agents, or any combination thereof.

14 167. Plaintiff has incurred and continues to incur attorneys' fees and legal
15 expenses in an amount according to proof at the time of trial.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays judgment as follows:

- 1. For an award of damages in an amount according to proof with interest thereon;
- 2. For compensatory and general damages in an amount according to proof;
- 3. For past and future lost income and benefits;
- 4. For punitive damages against Defendant Powers and DOES 1 through 10;
- 5. For declaratory relief;
- 6. For injunctive relief;
- 7. For an award of reasonable attorneys' fees, costs and interest thereon pursuant to Code of Civil Procedure section 1021.5, Govt. Code section 12940 et seq., and/or all other applicable law; and
- 8. For such other and further relief as this Court deems just and proper.

Dated: May 27, 2022

THE MYERS LAW GROUP, A.P.C.

By: Marlies D. Mendoza
 David P. Myers
 Ann Hendrix
 Marlies D. Mendoza
 Attorneys for Plaintiff Jane Roe

DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury in this action.

Dated: May 27, 2022

THE MYERS LAW GROUP, A.P.C.

By: Marlies D. Mendoza
 David P. Myers
 Ann Hendrix
 Marlies D. Mendoza
 Attorneys for Plaintiff Jane Roe