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11 Jane Roe Three

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

13 **COUNTY OF ORANGE – CENTRAL JUSTICE CENTER**

14 JANE ROE THREE, an individual,

15 Plaintiff,

16 vs.

17 COUNTY OF ORANGE, a public entity;
18 and DOES 1-50, inclusive,

19 Defendants.

20 Case No.:

21 **PLAINTIFF’S COMPLAINT FOR
22 DAMAGES FOR:**

- 23 1. **HARASSMENT IN VIOLATION OF
24 THE FEHA;**
- 25 2. **DISCRIMINATION IN VIOLATION
26 OF THE FEHA**
- 27 3. **RETALIATION IN VIOLATION OF
28 THE FEHA; and**
- 4. **FAILURE TO INVESTIGATE AND
PREVENT IN VIOLATION OF THE
FEHA.**

DEMAND FOR JURY TRIAL

Plaintiff, JANE ROE THREE, hereby brings her employment complaint, demanding a trial by jury, against the above-named Defendants and states and alleges as follows:

1 **SUMMARY OF THIS CASE**

2 This is a harassment, discrimination, and retaliation case. The plaintiff has been a district
3 attorney with the Orange County District Attorney’s Office (“OCDA”) for 20 years. She’s not a
4 politician. She’s a hardworking employee, dedicated to protecting the citizens of Orange County.

5 The Orange County Board of Supervisors is the governing body of the defendant, County
6 of Orange. The Board is solely responsible for overseeing the management of all County
7 departments, including the OCDA. The five members who make up the Board are all elected
8 politicians.

9 Todd Spitzer was elected Orange County District Attorney in 2018. Previously, Mr.
10 Spitzer was on the Board of Supervisors. He recently told OCDA employees that because of his
11 prior tenure on the Board, he has a close personal relationship with, and “*access*” to, all current
12 Board members, intimating he can influence how they vote and how they govern.

13 Plaintiff is informed that during Mr. Spitzer’s time on the Board of Supervisors, he made
14 harassing comments about females in the OCDA. One career prosecutor targeted by Mr. Spitzer
15 succinctly described him as having “*no respect for women.*” In fact, Plaintiff is informed that
16 The Orange County Attorneys Association – the union for all County attorneys – sent a “cease
17 and desist” letter the Board to try and get them to curtail Mr. Spitzer’s abusive conduct.

18 Upon being put in power as District Attorney, Mr. Spitzer began giving preferential
19 treatment to his friends and allies in the OCDA – almost all of whom were men. One of those
20 men was Gary LoGalbo – Mr. Spitzer’s “*best friend*” of 25 years. Despite warnings from OCDA
21 managers, and despite having much more qualified female candidates, including Plaintiff, Mr.
22 Spitzer promoted Mr. LoGalbo into management positions three times in one year, ultimately
23 placing him in charge of all branch court operations and paying him more than women in similar
24 positions.

25 By all accounts, this was a disastrous decision, but with predictable results for someone
26 who had earned the nickname “*Scary Gary*” during his time with the OCDA. Feeling invincible
27 after being rapidly promoted, and believing he was protected by Mr. Spitzer (his former
28 roommate), Mr. LoGalbo began subjecting numerous female employees, including Plaintiff, to

1 sexually harassing conduct. One egregious example with Plaintiff occurred when Mr. LoGalbo
2 took a picture of her, telling her it was for his “*spank bank.*”

3 Mr. Spitzer has taken no responsibility for putting Mr. LoGalbo into a position of power
4 and has pled ignorance of Mr. LoGalbo’s prior harassing conduct. That Mr. Spitzer now denies
5 knowing Mr. LoGalbo – the best man in Mr. Spitzer’s wedding – was a danger to those he
6 supervised is suspect. Not only did Mr. Spitzer tell Plaintiff that he knew Mr. LoGalbo was “*like*
7 *that*” in his personal life, but Mr. LoGalbo has unabashedly acknowledged in a text, “*I am who I*
8 *am. TODD knew that going in.*” Mr. LoGalbo further boasted that he was a “*walking HR*
9 *violation*” that was “*not going to change.*”

10 Because of Mr. Spitzer’s choices, Mr. LoGalbo was given unfettered access to harass
11 OCDA employees for more than a year. Finally, in late 2020, the Board of Supervisors
12 succumbed to pressure by The Orange County Attorneys Association and hired a third-party
13 investigator to investigate Mr. LoGalbo’s workplace conduct.

14 The investigator interviewed Plaintiff and detailed her experience in a 150 plus page
15 “CONFIDENTIAL INVESTIGATION REPORT.” The investigator ultimately concluded that
16 Plaintiff, and other females in the OCDA, were unlawfully harassed and discriminated against by
17 Mr. LoGalbo.

18 Despite this, Mr. LoGalbo was allowed to retire. At the same time, some politically
19 motivated OCDA managers began minimizing the impact of his misconduct to protect the
20 elected District Attorney. For instance, Shawn Nelson, Mr. Spitzer’s second-in-command,
21 declared to managers, in front of Mr. Spitzer, that “*Gary doesn’t have any real victims.*” Mr.
22 Nelson also referred to Mr. LoGalbo’s female victims as “*chicken*” for not coming forward
23 earlier, even though everyone knew of Mr. Spitzer’s close relationship with Mr. LoGalbo.

24 As for Mr. Spitzer, he has accused Mr. LoGalbo’s victims of being “*dishonest.*” He also
25 chastised the employees who confirmed Mr. LoGalbo’s unlawful conduct. He told one manager,
26 “*Take your little notes about me that end up in reports.*” As for Plaintiff, who has an impeccable
27 work history, Mr. Spitzer referred to her as a liar for statements she made during the
28 investigation, which has undermined her ability to effectively do her job. Mr. Spitzer did this

1 even after he called Plaintiff during the investigation to influence her testimony and intimidate
2 her into not suing him.

3 The situation got worse on Friday, May 7, 2021 – the day before Mother’s Day weekend
4 – when a copy of the Confidential Investigation Report was disseminated by Mr. Spitzer without
5 any warning or notice. Plaintiff was shocked, humiliated, and concerned that the report was
6 released in retaliation for participating in the investigation into Mr. LoGalbo. This concern has
7 now been confirmed by Mr. Spitzer, who admitted the dissemination of the report “*absolutely*”
8 had a “*chilling effect*” on future victims of harassment.

9 Therefore, on May 24, 2021, Plaintiff made a complaint of retaliation. In response, the
10 County conducted another independent investigation.

11 Not surprisingly, the investigator concluded that Mr. Spitzer “*flagrantly*” violated County
12 EEO and Abusive Conduct policies and acted with “*malice*” towards Plaintiff and the other
13 victims of Mr. LoGalbo, which created a hostile and offensive work environment, and “*caused*
14 *unjustified embarrassment and indignity to [Plaintiff].*”

15 In short, on two occasions, an independent investigator confirmed that female prosecutors
16 were subjected to flagrant violations of County policies by the men at the very top of the OCDA.
17 Despite this fact, as well as the Board of Supervisors’ prior knowledge of Mr. Spitzer’s abusive
18 conduct towards women while he was on the Board, the Board has not taken a single corrective
19 or preventative action towards Mr. Spitzer, their former colleague. The Board’s inaction has sent
20 a clear message to Plaintiff, to countless other County employees, and to all citizens of Orange
21 County that harassment, discrimination, and retaliation when engaged in by politically well-
22 connected men will be tolerated by the current members of the Board of Supervisors.

23 The Board’s inaction also has real work consequences to the employees in the OCDA.
24 Some managers within OCDA, who now believe there are no consequences for their workplace
25 behavior, have felt emboldened to publicly accuse Mr. LoGalbo’s victims of lying about their
26 experiences, despite the clear findings of a third-party investigator. In fact, employees who have
27 spoken out against Mr. LoGalbo’s victims are being treated more favorably by Mr. Spitzer and
28 are being awarded for shaming innocent victims of sexual harassment.

1 Quite simply, the Board should have done more and should do more. It's apparent they
2 won't. Therefore, Plaintiff must file this lawsuit to protect herself and other women who have
3 bravely come forward, and to do what the Board should have done all along – ensure retaliation
4 is not tolerated by *anyone* in the County.

5 **THE PARTIES**

6 1. Defendant COUNTY OF ORANGE is a California public governmental entity. One
7 of the departments that make up Defendant COUNTY OF ORANGE's government is the
8 OCDA.

9 2. At all times mentioned herein, Plaintiff, JANE ROE THREE, was an individual and
10 a resident of the State of California. At all times, Plaintiff was an employee of Defendant
11 COUNTY OF ORANGE. Because Plaintiff is a victim of a sexual harassment of a sensitive and
12 personal nature, her identity is protected in this public filing. In fact, Defendant labeled Plaintiff
13 as "JANE ROE THREE" during the prelitigation claims process to protect her identity.

14 3. Plaintiff is unaware of the true names and capacities of Defendants sued herein as
15 DOES 1 through 50, inclusive, and for that reason sues said Defendants by such fictitious names.
16 Each of the Defendants designated herein as a DOE is negligently, intentionally, or otherwise
17 legally responsible in some manner for the events and happenings herein referred to and caused
18 injuries and damages proximately thereby to the Plaintiff, as herein alleged. Plaintiff will file and
19 serve one or more amendments to this complaint upon learning the true names and capacities of
20 said Defendants.

21 4. Plaintiff is informed and believes that each of the fictitiously named Defendants is
22 responsible in some manner for, and proximately caused, the injuries and damages to Plaintiff
23 hereinafter alleged.

24 5. Plaintiff is informed and believes, and based thereon alleges, that each of the
25 Defendants named herein acted as the employee, agent, servant, partner, alter-ego and/or joint
26 ventures of one or more of the other Defendants named herein. In doing the acts and/or
27 omissions alleged herein, each of said Defendants acted within the course and scope of his or her
28 relationship with any other Defendant; and gave and received full consent, permission and

1 ratification to the acts and/or omissions alleged herein.

2 6. Hereinafter in this Complaint, unless otherwise noted, reference to a Defendant shall
3 mean all Defendants, and each of them.

4 **JURISDICTION AND VENUE**

5 7. Jurisdiction in this Court is proper since the acts and omissions complained of
6 occurred in the State of California. The amount in controversy exceeds the jurisdictional
7 minimum of this Court.

8 8. Venue is proper in the County of Orange because the events giving rise to these
9 claims transpired in the County of Orange, at OCDA, including at 300 North Flower Street,
10 Santa Ana, California 92703.

11 **THE FACTUAL ALLEGATIONS**

12 9. Plaintiff has been employed by Defendant, with the OCDA, for approximately 20
13 years.

14 10. At all times mentioned herein, and at the time each of Plaintiff's causes of action
15 arose, Mr. LoGalbo was an employee of Defendant and was a "supervisor" of Defendant.

16 **Plaintiff Was Discriminated Against**

17 11. In or around July 2018, Plaintiff was asked to be the "Acting" Assistant Head of
18 Court for North Court. She began "Acting" as Assistant Head of Court of Special Prosecutions
19 Unit in or around November 2018 and became the official Assistant Head of Court of Special
20 Prosecutions Unit in or around March 2019.

21 12. Plaintiff first applied for the position of Assistant District Attorney in or around May
22 2019. Plaintiff was not promoted. Four men were promoted over her.

23 13. In or around November 2019, Mr. Spitzer promoted Mr. LoGalbo to "Acting"
24 Assistant District Attorney. Plaintiff is informed and believes, and based thereon alleges, that
25 Mr. Spitzer chose to pay Mr. LoGalbo more than Plaintiff for the same work she performed.

26 14. In or around March 2020, Plaintiff again applied for the position of Assistant
27 District Attorney. Plaintiff was not chosen. Four men were, including Mr. LoGalbo.

28 15. In short, in the first two years of Mr. Spitzer's tenure, the individual he chose to

1 promote to Assistant District Attorney were all men. Plaintiff was equally or more qualified than
2 the men chosen.

3 16. Plaintiff is informed and believes, and based thereon alleges, that Plaintiff was
4 denied promotions on account of her sex and was paid less than men for the same work.

5 **Plaintiff Was Subjected to a Hostile Work Environment**

6 17. Between May and November 2020, Plaintiff worked closely with Mr. LoGalbo for
7 the first time in her career.

8 18. During this time, Mr. LoGalbo made offensive and inappropriate comments to
9 Plaintiff daily. For instance, Mr. LoGalbo repetitively used offensive expletives like “*pu**y*” in
10 front of Plaintiff, as well as other foul and inappropriate language. Mr. LoGalbo would also
11 frequently make inappropriate comments regarding Plaintiff’s clothing and feet and made
12 repeated offers to sit on his lap. Mr. LoGalbo would also send Plaintiff inappropriate text
13 messages to Plaintiff.

14 19. In one particularly egregious example of harassment, Plaintiff’s review was being
15 completed by her previous supervisor and Plaintiff’s previous supervisor asked Mr. LoGalbo for
16 feedback to include. Mr. LoGalbo wrote back, “*Yeah, she’s a crazy fucking bitch. Ha, ha, ha –*
17 *just kidding.*”

18 20. On another occasion, Mr. LoGalbo brought Plaintiff some bottles of wine. He told
19 her to look at the names of the wines, which was “*Barefoot*” and “*Menage a Trios.*” He then
20 laughed and said, “*I thought you’d like that.*”

21 21. Another act of harassment occurred when they were both working late at night.
22 While Plaintiff was on the phone, Mr. LoGalbo came into her office and took a picture of
23 Plaintiff. Once Plaintiff was off the phone and asked why Mr. LoGalbo took a picture of her, Mr.
24 LoGalbo said it was for the “*...spank bank.*”

25 22. In addition to this harassment, Plaintiff also heard racially harassing comments at the
26 OCDA. For instance, Mr. LoGalbo made statements to Plaintiff that cases should be assigned
27 based on the race of the defense attorney, prosecutor, and defendant. Mr. Spitzer also accused
28 Plaintiff of being afraid to prosecute a defendant simply because of the defendant’s race.

1 **Plaintiff Was Retaliated Against**

2 23. After allegations began being made against Mr. LoGalbo by women in the OCDA,
3 Mr. Spitzer and some other men in management were quick to dismiss Plaintiff and other
4 victims. For instance, Mr. Nelson declared to at least two executive managers, in front of Mr.
5 Spitzer, that “*Gary doesn’t have any real victims.*” Mr. Nelson also called Mr. LoGalbo’s female
6 victims’ “*chicken*” for not coming forward earlier, even though he knows everyone knew of Mr.
7 Spitzer’s close personal relationship with Mr. LoGalbo. Mr. Spitzer, himself, accused Mr.
8 LoGalbo’s victims of being “*dishonest*” and tried to have one of them written-up. He chastised
9 and was dismissive of other employees for their role in the investigations, telling them, “*You take*
10 *your little notes about me that end up in reports.*”

11 24. On or about December 15, 2020, Mr. Nelson sent an email to all attorneys within the
12 OCDA: “*After more than 30 years of public service, Senior Assistant District Attorney Gary*
13 *LoGalbo has elected to retire.*” Mr. Nelson did not mention the reason why.

14 25. A few weeks later, on or about December 28, 2020, Defendant chartered the
15 independent investigation into allegations against Mr. LoGalbo. During this investigation, Mr.
16 Spitzer called Plaintiff to influence her testimony, requesting she not file a claim against him.

17 26. At the beginning of her investigative interview, Plaintiff was told that “[*t*]he County
18 [*was*] ordering [*them*] to discuss this matter with the County appointed investigator” and warned
19 that her “[*f*]ailure to fully cooperate in [*the*] investigation, or providing less than completely
20 truthful answers, will be deemed insubordination and may result in administrative discipline, up
21 to and including termination of [*their*] employment with the County of Orange.

22 27. During her interview, Plaintiff was assured by the County that her statement would
23 be confidential. That was important to her as she were not only disclosing personal and sensitive
24 information, but also reporting illegal conduct by a Senior Assistant District Attorney and the
25 close friend of the District Attorney. The promise of confidentiality is also consistent with the
26 County’s proclamation in its “Anti-Harassment Policy and Procedure” that complaints be “*kept*
27 *as confidential as possible.*”

28 28. Ultimately, the confidential investigative report found that “[*b*]ased upon a

1 *preponderance of the evidence, the allegation that LoGalbo engaged in a pattern of sexual and*
2 *gender harassment against multiple female employees who he directly supervised at the OCDA*
3 *is sustained.”* The investigator further concluded that “[t]he *preponderance of the evidence*
4 *supports that LoGalbo’s actions also constituted a hostile work environment for the women and*
5 *men who worked under his supervision at North Court. Under the Policy, a hostile work*
6 *environment exists when harassing conduct is severe or pervasive enough to alter the conditions*
7 *of employment so as to create an abusive working environment.”*

8 29. Plaintiff was hopeful she could return to a work environment free from harassment,
9 discrimination, and retaliation. However, on or about Friday, May 7, 2021, the day before
10 Mother’s Day weekend, a copy of the “Confidential Investigation Report” was disseminated by
11 Mr. Spitzer’s spokesperson, without notice or warning, to all OCDA employees, including a
12 member of Plaintiff’s family who was completely unaware about what happened to Plaintiff.
13 Since then, Plaintiff has been mocked by colleagues about what she experienced.

14 30. Therefore, on May 24, 2021, Plaintiff, who had not yet come forward with a claim
15 against Defendant, requested an investigation into the release of the report. In response,
16 Defendant undertook another third-party investigation.

17 31. The second investigation concluded on or about August 2, 2021. Five months later,
18 the investigation findings were finally made available to Plaintiff. The investigator concluded
19 that Mr. Spitzer “*flagrantly*” violated the County’s EEO and Abusive Conduct policies and acted
20 with “*malice*” towards Plaintiff and the other victims of Mr. LoGalbo, which created a hostile
21 and offensive work environment for Mr. LoGalbo’s victims, including Plaintiff and “*caused*
22 *unjustified embarrassment and indignity to [the district attorneys].*” Mr. Spitzer, himself,
23 admitted the release of the report will create a *chilling effect*” on future victims of harassment
24 within the OCDA.

25 32. During this time, Mr. Spitzer has taken subtle adverse employment actions against
26 Plaintiff that has adversely affected her job performance and/or ability for advancement within
27 the OCDA. For instance, Mr. Spitzer falsely accused Plaintiff of not keeping him informed on
28 her cases in a room full of OCDA managers and has also publicly accused Plaintiff of being a

1 liar for statements she made in the investigation into Mr. LoGalbo. Plaintiff's integrity and
2 honesty are vital to her being able to effectively perform her job duties. It is of the utmost
3 importance that police chiefs, executive command staff, elected officials, government agencies,
4 and the public feel confident that she is a truthful person whose integrity is untarnished. Mr.
5 Spitzer's conduct is, therefore, reasonably likely to impair Plaintiff's job performance and ability
6 for advancement within the OCDA.

7 **Defendant has Failed to Investigate and Prevent the Harassment, Discrimination,**
8 **and Retaliation**

9 33. As a result of the continued harassment, discrimination, retaliation, on or about
10 December 22, 2022, Plaintiff made another complaint to Defendant and requested an
11 investigation. Defendant has completely ignored Plaintiff; thereby ratifying the illegal conduct.

12 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

13 34. Plaintiff filed a complaint against Defendant with the Department of Fair
14 Employment and Housing ("DFEH") on July 19, 2021, and again on March 24, 2022. The DFEH
15 issued Plaintiff a "Right-to-Sue" letter those same days. This Complaint is timely filed pursuant
16 to those letters.

17 **FIRST CAUSE OF ACTION**

18 **HARASSMENT IN VIOLATION OF THE FEHA**

19 **(Against ALL Defendants)**

20 35. Plaintiff restates and incorporates by this reference as if fully set forth herein
21 paragraphs 1 through 34 of this Complaint.

22 36. At all times herein mentioned, California Government Code § 12940 et seq., the Fair
23 Employment and Housing Act ("FEHA"), was in full force and effect and was binding on
24 Defendants, as Defendants regularly employed five or more persons.

25 37. California Government Code § 12940(a) requires Defendants to refrain from
26 harassing an employee based on an individual's protected class, including sex, gender, race etc.

27 38. Defendant engaged in unlawful employment practices in violation of the FEHA by
28 harassing Plaintiff because of sex and/or gender and/or race.

1 39. As a proximate result of the aforesaid acts of Defendants, Plaintiff has suffered
2 actual, consequential, and incidental financial losses, including without limitation, loss of salary
3 and benefits, and the intangible loss of employment related opportunities in her field and damage
4 to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff
5 claims such amounts as damages pursuant to California Civil Code § 3287 and/or § 3288 and/or
6 any other provision of law providing for prejudgment interest.

7 40. As a proximate result of the wrongful acts of Defendants, Plaintiff has suffered and
8 continues to suffer emotional distress, humiliation, mental anguish and embarrassment, as well
9 as the manifestation of physical symptoms. Plaintiff is informed and believes, and thereupon
10 alleges, that she will continue to experience said physical and emotional suffering for a period in
11 the future not presently ascertainable, all in an amount subject to proof at the time of trial.

12 41. As a proximate result of the wrongful acts of Defendants, Plaintiff has been forced
13 to hire attorneys to prosecute her claims herein and has incurred and is expected to continue to
14 incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys'
15 fees and costs under California Government Code § 12965(b).

16 **SECOND CAUSE OF ACTION**

17 **DISCRIMINATION IN VIOLATION OF THE FEHA**

18 **(Against ALL Defendants)**

19 42. Plaintiff restates and incorporates by this reference as if fully set forth herein
20 paragraphs 1 through 42 of this Complaint.

21 43. At all times herein mentioned, California Government Code § 12940 et seq., the Fair
22 Employment and Housing Act ("FEHA"), was in full force and effect and was binding on
23 Defendants, as Defendants regularly employed five or more persons.

24 44. California Government Code § 12940(a) requires Defendants to refrain from
25 discriminating against an employee based on an individual's protected class, including sex,
26 gender etc.

27 45. Defendant engaged in unlawful employment practices in violation of the FEHA by
28 discriminating against Plaintiff because of sex and/or gender.

1 46. As a proximate result of the aforesaid acts of Defendants, Plaintiff has suffered
2 actual, consequential and incidental financial losses, including without limitation, loss of salary
3 and benefits, and the intangible loss of employment related opportunities in her field and damage
4 to her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff
5 claims such amounts as damages pursuant to California Civil Code § 3287 and/or § 3288 and/or
6 any other provision of law providing for prejudgment interest.

7 47. As a proximate result of the wrongful acts of Defendants, Plaintiff has suffered and
8 continues to suffer emotional distress, humiliation, mental anguish and embarrassment, as well
9 as the manifestation of physical symptoms. Plaintiff is informed and believes, and thereupon
10 alleges, that she will continue to experience said physical and emotional suffering for a period in
11 the future not presently ascertainable, all in an amount subject to proof at the time of trial.

12 48. As a proximate result of the wrongful acts of Defendants, Plaintiff has been forced
13 to hire attorneys to prosecute her claims herein and has incurred and is expected to continue to
14 incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys'
15 fees and costs under California Government Code § 12965(b).

16 **THIRD CAUSE OF ACTION**

17 **RETALIATION IN VIOLATION OF THE FEHA**

18 **(Against ALL Defendants)**

19 49. Plaintiff restates and incorporates by this reference as if fully set forth herein
20 paragraphs 1 through 49 of this Complaint.

21 50. At all times herein mentioned, the FEHA was in full force and effect and were
22 binding on Defendants, as Defendant regularly employed five or more persons. The FEHA
23 makes it unlawful for any person to retaliate against an employee who has opposed a
24 discriminatory practice and who asserts their rights under the FEHA.

25 51. Defendants' conduct in 1) commenting that Plaintiff was not a "real" victim of Mr.
26 LoGalbo, despite the findings of a third-party investigator; 2) accusing Plaintiff of being
27 dishonest in the investigation, impugning her honesty and integrity, which she needs to
28 effectively do her job; 3) chastising employees for participating in the investigation; 4)

1 undermining her job performance in front of other employees; and 5) awarding employees who
2 speak out against Plaintiff, are all retaliatory acts that have adversely affected the terms,
3 conditions and/or privileges of Plaintiff's employment, and which have undermined Plaintiff's
4 ability to effectively do her job and jeopardized her ability for advancement within the OCDA.

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

11 53. As a proximate result of the wrongful acts of Defendants, Plaintiff has suffered and
12 continues to suffer emotional distress, humiliation, mental anguish and embarrassment, as well
13 as the manifestation of physical symptoms. Plaintiff is informed and believes and thereupon
14 alleges that she will continue to experience said physical and emotional suffering for a period in
15 the future not presently ascertainable, all in an amount subject to proof at the time of trial.

16 54. As a proximate result of the wrongful acts of Defendants, Plaintiff has been forced
17 to hire attorneys to prosecute his claims herein and has incurred and is expected to continue to
18 incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys'
19 fees and costs under California Government Code § 12965(b).

20 **FOURTH CAUSE OF ACTION**

21 **FAILURE TO INVESTIGATE AND PREVENT IN VIOLATION OF THE FEHA**

22 **(Against ALL Defendants)**

23 55. Plaintiff restates and incorporates by this reference as if fully set forth herein
24 paragraphs 1 through 54 of this Complaint.

25 56. At all times mentioned herein, California Government Code Sections 12940, et seq.,
26 including but not limited to Sections 12940 (j) and (k), were in full force and effect and were
27 binding upon Defendants and each of them. These sections impose on an employer a duty to
28 take immediate and appropriate corrective action to end harassment, discrimination, and

1 retaliation and take all reasonable steps necessary to prevent harassment, discrimination, and
2 retaliation from occurring.

3 57. Defendants failed to take immediate and appropriate corrective action to end the
4 harassment, discrimination, and retaliation. FEHA renders it an unlawful act for employers to
5 fail to take all reasonable steps to protect their employees from harassment, discrimination, and
6 retaliation

7 58. In failing and/or refusing to take immediate and appropriate corrective action to end
8 the discrimination, harassment, and retaliation, and in failing and/or refusing to take and or all
9 reasonable steps necessary to prevent discrimination, harassment and retaliation from occurring,
10 Defendants violated California Government Code § 12940 (j) and (k), causing Plaintiff to suffer
11 damages as set forth above.

12 59. As a proximate result of the aforesaid acts of Defendants, and each of them, Plaintiff
13 has suffered actual, consequential and incidental financial losses, including without limitation,
14 loss of salary and benefits, and the intangible loss of employment related opportunities in her
15 field and damage to her professional reputation, all in an amount subject to proof at the time of
16 trial. Plaintiff claims such amounts as damages pursuant to Civil Code § 3287 and/or § 3288
17 and/or any other provision of law providing for prejudgment interest.

18 60. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff
19 has suffered and continues to suffer emotional distress, humiliation, mental anguish and
20 embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed and
21 believes and thereupon alleges that she will continue to experience said physical and emotional
22 suffering for a period in the future not presently ascertainable, all in an amount subject to proof
23 at the time of trial.

24 61. As a proximate result of the wrongful acts of Defendants, Plaintiff has been forced
25 to hire attorneys to prosecute her claims herein and has incurred and is expected to continue to
26 incur attorneys' fees and costs in connection therewith. Plaintiff is entitled to recover attorneys'
27 fees and costs under California Government Code § 12965(b).

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

1. For general damages in an amount within the jurisdictional limits of this Court;
2. For special damages, according to proof;
3. For medical expenses and related items of expense, according to proof;
4. For loss of earnings, according to proof;
5. For attorneys' fees, according to proof;
6. For prejudgment interest, according to proof;
7. For costs of suit incurred herein;
8. For declaratory relief;
9. For injunctive relief; and
10. For such other relief and the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

DATED: March 24, 2022

BROCK & GONZALES, LLP

By: _____

D. AARON BROCK

Attorneys for Plaintiff