

Matthew D. Murphy  
State Bar # 166252  
E-mail: matt@mattmurphyllaw.com  
MATT MURPHY LAW APC  
2155 Campus Drive, Suite 140  
El Segundo, CA 90245  
Tel:(714) 878-7104

**Attorney for Plaintiff**  
JANE DOE 2

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF ORANGE – CENTRAL JUSTICE CENTER**

JANE DOE 2, an individual,  
Plaintiff,

vs.

COUNTY OF ORANGE, a public  
entity; And DOES 1-50, inclusive,  
Defendants.

Case No.: 30-2022-01241346-CU-OE-CJC

**PLAINTIFF'S COMPLAINT FOR  
DAMAGES FOR:**

- 1. SEXUAL HARASSMENT IN  
VIOLATION OF THE FEHA;**
- 2. SEXUAL DISCRIMINATION IN  
VIOLATION OF THE FEHA**
- 3. RETALIATION IN VIOLATION OF  
THE FEHA; and**
- 4. FAILURE TO INVESTIGATE AND  
PREVENT IN VIOLATION OF THE  
FEHA.**

**DEMAND FOR JURY TRIAL**

**Assigned for All Purposes**

**Judge Stephanie George**

1 Plaintiff, JANE DOE 2, hereby brings her employment complaint, demanding a trial by  
2 jury, against the above-named Defendants and states and alleges as follows:

3 **SUMMARY OF THE CASE**

4 Plaintiff is a Deputy District Attorney with the Orange County District Attorney's Office  
5 ("OCDA"). Unfortunately, when District Attorney Todd Spitzer was elected and put into power  
6 in 2019, Mr. Spitzer immediately gave Gary Logalbo – Mr. Spitzer's close friend for over 25  
7 years – preferential treatment and promoted him into a management position despite knowing  
8 Mr. Logalbo had a history sexually harassing female employees. As a result, Plaintiff, and others  
9 under Mr. Spitzer's charge, were exposed daily to Mr. Logalbo's sexual harassing comments.

10 Ultimately, Defendant COUNTY OF ORANGE hired an independent investigator to  
11 review the harassment allegations made against Mr. Logalbo. The investigator concluded that  
12 Mr. Logalbo committed sexual harassment towards Plaintiff, and that his conduct was  
13 sufficiently severe or pervasive to create a hostile work environment.

14 Afterwards, Mr. Spitzer embarked on a campaign of retaliation against Plaintiff and other  
15 victims of Mr. Logalbo for blowing the whistle on his "*best*" friend. Therefore, Plaintiff and six  
16 other female district attorneys were compelled to make complaints of retaliation to Defendant  
17 COUNTY ORANGE. In response, Defendant COUNTY ORANGE conducted another  
18 independent investigation. The investigation concluded on or about August 2, 2021.

19 Five months later, the investigation findings were finally made available to Plaintiff, and  
20 they are stunning. The investigator concluded that Mr. Spitzer "flagrantly" violated Defendant  
21 COUNTY OF ORANGE's EEO and Abusive Conduct policies and acted with "malice" towards  
22 Plaintiff and the other victims of Mr. Logalbo. The investigator also concluded that Mr. Spitzer  
23 knowingly "abused" and "misused" his power as District Attorney, which created a hostile and  
24 offensive work environment for Mr. Logalbo's victims, including Plaintiff. Mr. Spitzer's conduct  
25 was specifically found to have exposed Plaintiff and other victims of Mr. Logalbo to "gawking"  
26 and "humiliation" and had the "effect of gratuitous sabotage" and "undermining of those  
27 [victims'] work performance." In short, Defendant COUNTY ORANGE's own investigation  
28 found that Mr. Spitzer has "caused unjustified embarrassment and indignity to [his own district

attorneys].” Shockingly, the report reveals that Mr. Sptizer, the County’s chief law enforcement officer, did not cooperate in the investigation and refused to be interviewed Plaintiff, however, is unaware of any formal investigation, in the history of Orange County, where an elected official was found to have so contemptuously betrayed the public trust.

### **THE PARTIES**

1. At all times mentioned herein, Plaintiff, JANE DOE 2, was an individual and a resident of the State of California. Because Plaintiff is a victim of a sexual harassment of a sensitive and personal nature, her identity is protected in this public filing.

2. Defendant COUNTY OF ORANGE is a California public governmental entity. One of the departments that make up Defendant COUNTY OF ORANGE’s government is the Orange County District Attorney’s Office (“OCDA”). At all times, Plaintiff was an employee of Defendant COUNTY OF ORANGE.

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

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

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

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

## **JURISDICTION AND VENUE**

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

8. Venue is proper in the County of Orange because the events giving rise to these claims transpired in the County of Orange, at OCDA, 300 North Flower Boulevard, Santa Ana, California 92703 and/or OCDA, 227 N. Broadway, Santa Ana, California 92701 and/or OCDA, 401 Civic Center Drive West, Santa Ana, California 92701

## THE FACTUAL ALLEGATIONS

9. Plaintiff is employed in the position of Deputy District Attorney with the OCDA.

10. Prior to November of 2018, Plaintiff and Gary Logalbo worked together as colleagues in the OCDA's Gang Unit. Plaintiff had no problems with Mr. Logalbo during this time. In the Fall of 2018, however, there was a contested election for District Attorney between incumbent D.A. Tony Rackauckas, and County Supervisor Todd Spitzer. Mr. Logalbo is Todd Spitzer's "*best friend*." The two are former roommates; Mr. Logalbo served as "Best Man" during Mr. Spitzer's wedding; and Mr. Spitzer has publicly referred to Mr. Logalbo as his "best friend" in at least one public speech. As the campaign progressed towards Mr. Spitzer's eventual election, Mr. Logalbo frequently spoke about their close personal relationship. He also became significantly bolder in his interactions with his female co-workers.

### **Plaintiff Is Subjected To Sexual Harassment And Discrimination**

11. On January 17, 2019, at 4:00 p.m., ten days after Mr. Spitzer was sworn into office, Mr. Logalbo and Plaintiff attended a Gang Unit event at a Santa Ana restaurant. Mr. Logalbo sat down next to Plaintiff and put his hand on her shoulder. Mr. Logalbo then leaned in and whispered in her ear: *“If there wasn’t anyone here right now, I would grab your ass.”* Plaintiff rebuffed his advance, got up, and walked away. This encounter made Plaintiff feel very

1 uncomfortable, but hoping it was an isolated incident and having seen a drink in Mr. Logalbo's  
2 hand at the time, chose not to file a formal complaint.

3 12. Plaintiff is informed and believes that Mr. Spitzer, as well as other management  
4 level employees in the OCDA were aware that Mr. Logalbo behaved like a "pervert." Despite  
5 this, on March 14, 2019, Mr. Spitzer announced that he was placing Mr. Lagalbo into a  
6 supervisory position. Mr. Logalbo was rotated out of the Gang Unit and given direct managerial  
7 authority as the Assistant Head of Court in the North Justice Center in Fullerton. At that time,  
8 North Justice Center was staffed with a significant number of young female attorneys.

9 13. Coincidentally, Plaintiff was scheduled to rotate out of the Gang Unit at the same  
10 time as Mr. Logalbo. Traditionally, when prosecutors rotate into new positions, there is often a  
11 small ceremony where they are presented with plaques and thanked for their service in their  
12 previous unit. This event was scheduled for 4:00 p.m. on March 21, 2019.

13 14. Both Plaintiff and Mr. Logalbo were to receive plaques. Plaintiff was rotating  
14 from the Gang Unit to Special Operations, and Mr. Logalbo had been promoted into  
15 management and was heading to North Court. When Plaintiff walked into the restaurant, she  
16 encountered Mr. Logalbo standing with several other male Deputy District Attorneys. The group  
17 had apparently been discussing the recent establishment of a nursing room ("Mommy Room")  
18 for new mothers within the District Attorney's Office. An email announcing this accommodation  
19 was sent to all office staff on March 20, one day prior to the Chapter One event. Specifically,  
20 Mr. Lagalbo was commenting on how the new Mommy Room included a "do not disturb" sign  
21 and a locking door. Mr. Lagalbo was discussing how he thought this would make an excellent  
22 place to engage in sexual relations within the office. Mr. Logalbo, the newly minted OCDA  
23 manager, then turned his attention to Plaintiff and stated to the group: "*Hey you know what you*  
24 *and I should go do [Plaintiff]? We should go upstairs, lock the door and bang one out in the*  
25 *mommy milk room.*" None of the other men laughed, joined in, or commented. Most  
26 immediately walked away in apparent discomfort. Plaintiff believed these men were embarrassed  
27 by Mr. Logalbo's comment.  
28

1           15. In December of 2019, Mr. Spitzer again promoted his “Best Man,” Mr. Logalbo.  
2 Despite a list of applicants far more qualified than Mr. Logalbo, and against the urging of at  
3 least two executive managers, Mr. Spitzer promoted Mr. Logalbo to the rank of Assistant  
4 District Attorney. This invested Mr. Logalbo with great power and authority over female  
5 prosecutors working under his supervision. Among other duties, as a Head of Court, Mr.  
6 Logalbo would be responsible for authoring formal employee reviews, recommending pay  
7 (“step”) raises, and advocating for, or against, critical promotions. Despite his history, which  
8 was known, both actually and constructively, to executive management within the OCDA, Mr.  
9 Logalbo was again assigned to North Justice Center in Fullerton.

10           16. Predictably, Mr. Logalbo went on to subject the young women under his  
11 supervision in North Court to a pervasive pattern of sexual harassment.

12           17. On or about and between March 22, 2019 and March 1, 2020, Plaintiff was  
13 returning to her office at 401 Civic Center Drive in Santa Ana (“the 401Building”). Plaintiff had  
14 just had lunch with a group of longtime friends, at least two of which were Senior Deputy  
15 District Attorneys. As the group was entering the building, Mr. Logalbo was exiting. As she  
16 was walking into the building Mr. Logalbo leered at Plaintiff’s chest and buttocks area. Once  
17 Mr. Logalbo was sufficiently far away so that he could no longer hear the conversations of the  
18 group, Plaintiff’s friends burst into nervous laughter, prompted by their shock and disgust at Mr.  
19 Logalbo’s blatant ogling at Plaintiff’s body. The group watched as Mr. Logalbo had once again  
20 objectified Plaintiff sexually, this time by deliberately slowing his gait when he saw her, then  
21 turning around to face her directly, and then intently and overtly leering at the intimate parts of  
22 her body while his face registered his gratification. Between March 21, 2019 and December 7,  
23 2020, Mr. Logalbo made sexual comments specifically directed at Plaintiff and/or leered at the  
24 intimate parts of Plaintiff’s body.

25           18. Despite this behavior, which was well known, and directly observed by at least  
26 two more OCDA managers, including Chief Deputy Shawn Nelson, in late 2020, Mr. Spitzer  
27 again decided to promote his friend. This time, Mr. Logalbo was made a Senior Assistant  
28 District Attorney, or a Grade Six. Mr. Logalbo’s new assignment not only placed him in charge

1 of every misdemeanor deputy in the OCDA, but also gave him power and influence over Senior  
2 Deputy District Attorney (“Turbo Four”) promotions.

3 19. By the first week of December 2020, therefore, the OCDA was both  
4 constructively, and actually aware of Mr. Logalbo’s treatment of Plaintiff, as well as several  
5 other women. In addition to this constructive and actual knowledge, Plaintiff is now also aware  
6 that the OCDA had been formally noticed of Mr. Logalbo’s behavior in an official complaint  
7 filed by another female Deputy District Attorney on November 4, 2020. This complaint had  
8 been formalized in a letter received by H.R. on November 10, 2020. Despite this, Mr. Logalbo  
9 was permitted to continue his duties as an Executive Manager for at least another month.

10 20. On December 7, 2020, Plaintiff interviewed via WebEx for a Senior Deputy  
11 District Attorney position. She had worked towards that position for 15 years and felt confident  
12 in her chances to perform well during the interview. She prepared carefully and had a great deal  
13 of faith in the professionalism and judgment of Senior Assistants Keith Bogardus, Tracy Miller  
14 and Ebrahim Baytieh. Plaintiff was dismayed, however, when the interview began, and Mr.  
15 Logalbo appeared on her computer screen. Despite everything that was known and/or should  
16 have been known by the OCDA, Mr. Logalbo was permitted to sit on Plaintiff’s promotion  
17 panel. After initial pleasantries from all members of the group, when it was Mr. Logalbo’s turn  
18 to ask questions, he again offered what Plaintiff perceived as an exaggerated greeting  
19 specifically commenting that it was “*Nice to see you again Plaintiff.*” Plaintiff interpreted Mr.  
20 Logalbo’s words, body language, and cadence as a continuation of his sexual objectification of  
21 her and as an assertion of his newly bestowed power. She immediately became self-conscious  
22 about the angle of the webcam and wondered if Mr. Logalbo could “see” anything that she  
23 didn’t want him to.

24 21. Plaintiff also suspected Mr. Logalbo had been made aware of her complaints  
25 about him and she became very nervous. Mr. Logalbo’s participation in the interview made  
26 Plaintiff feel her prospects for promotion were suddenly greatly diminished. Her answers were  
27 halting, she forgot critical pieces of information, and Plaintiff believes her performance during  
28 the interview was severely affected by Mr. Logalbo’s presence. After the interview, Plaintiff

1 worried about comments Mr. Logalbo might make to the group. She feared that her complaints,  
2 and Mr. Logalbo's rebuffed advances, would cause him to purposely downgrade his appraisal of  
3 her suitability for promotion. She feared Mr. Logalbo would exercise retaliatory power over  
4 Plaintiff's career path. Even if the other Senior Assistants recommended promotion, she feared  
5 Mr. Logalbo would simply use his flaunted influence with Mr. Spitzer to deny her promotion.  
6 The Plaintiff was mortified and remains deeply fearful of retaliation. Despite her professional  
7 dedication, years of experience, and exemplary work as a Deputy District Attorney. Plaintiff was  
8 denied the promotion.

9         22. Mr. Logalbo, of course, knew about his inappropriate sexual comments and  
10 Plaintiff's rejection of his advances.

11         23. On December 15, 2020, Chief Deputy Shawn Nelson finally sent the following  
12 email to all attorneys within the OCDA: "*After more than 30 years of public service, Senior*  
13 *Assistant District Attorney Gary Logalbo has elected to retire.*" Mr. Nelson did not mention the  
14 reason why.

15                                   **Plaintiff Is Retaliated Against**

16         24. On December 28, 2020, Defendant COUNTY OF ORANGE chartered the  
17 independent investigation into the allegations against Mr. Logalbo. This investigation was  
18 conducted by Attorney Elizabeth Frater from the law firm Burke, Williams & Sorensen LLP.  
19 Ms. Frater soon sent emails to many of the Deputy District Attorneys assigned to North Justice  
20 Center and requested to speak to them about the actions of Gary Logalbo. Ms. Frater assured the  
21 victims and witnesses involved in her investigation that they would be protected. Specifically,  
22 she wrote:

23                 "*Retaliation against anyone involved with this investigation is strictly prohibited. The*  
24                 *County will not permit any threat or action of dismissal, discipline, penalty, or coercion*  
25                 *against any employee or official related to this investigation.*"

26         25. On April 28, 2021, Ms. Frater submitted her conclusions to Defendant COUNTY  
27 OF ORANGE. Her report, which was 160 pages long, contained multiple responses and  
28 comments from former and current executive managers within the OCDA which impugned the



1 honesty and questioned the motives of those who had complained about Mr. Logalbo, including  
2 Plaintiff. This was to retaliate against Plaintiff, and has had the effect of undermining Plaintiff's  
3 ability to effectively perform her job. Specifically, the report revealed, among other things, that:

4 -After Plaintiff, JANE DOE 2,'s experiences were known to executive  
5 management, Chief Deputy Shawn Nelson declared to at least two executive  
6 managers that "**Gary doesn't have any victims,**" he patted Logalbo on the back  
7 when he returned from vacation, and the OCDA originally planned to provide Mr.  
8 Logalbo with some sort of training rather than terminate him.

9 -During his interview, Gary Logalbo, stated to Ms. Frater that the  
10 allegations against him had been "fabricated" by Plaintiff.

11 26. Subsequently, Plaintiff made a complaint of retaliation. In response, Defendant  
12 COUNTY ORANGE conducted another third-party investigation. The investigation concluded  
13 on or about August 2, 2021. The investigator concluded that Mr. Spitzer "flagrantly" violated the  
14 Defendant COUNTY OF ORANGE's EEO and Abusive Conduct policy and acted with malice  
15 towards Plaintiff. The investigator also concluded that Mr. Spitzer abused and misused his  
16 power, which created a hostile and offensive work environment. Mr. Spitzer's conduct was  
17 found to expose Plaintiff. To gawking and humiliation and had the "effect of gratuitous  
18 sabotage" and "undermining of those [Plaintiff's] work performance."

19 27. Indeed, Defendant COUNTY ORANGE's retaliatory conduct has not only caused  
20 Plaintiff emotional distress but has undermined Plaintiff's job performance and ability for  
21 advancement within the OCDA.

#### 22 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

23 28. Plaintiff filed a complaint against Defendants with the Department of Fair  
24 Employment and Housing ("DFEH") on January 20, 2021 and again on January 18, 2022. The  
25 DFEH issued Plaintiff a "Right-to-Sue" letter those same days. This Complaint is timely filed  
26 pursuant to those letters.

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1 **FIRST CAUSE OF ACTION**

2 **SEXUAL HARASSMENT IN VIOLATION OF THE FEHA**

3 **29. (Against ALL Defendants)**

4 30. Plaintiff restates and incorporates by this reference as if fully set forth herein  
5 paragraphs 1 through 29 of this Complaint.

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

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

11 33. Defendant engaged in unlawful employment practices in violation of the FEHA by  
12 harassing Plaintiff because of sex and/or gender.

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

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

24 36. 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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1 **SECOND CAUSE OF ACTION**

2 **SEXUAL DISCRIMINATION IN VIOLATION OF THE FEHA**

3 **(Against ALL Defendants)**

4 37. Plaintiff restates and incorporates by this reference as if fully set forth herein  
5 paragraphs 1 through 36 of this Complaint.

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

9 39. California Government Code § 12940(a) requires Defendants to refrain from  
10 discriminating against an employee based on an individual's protected class, including sex,  
11 gender etc.

12 40. Defendant engaged in unlawful employment practices in violation of the FEHA by  
13 discriminating against Plaintiff because of sex and/or gender.

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

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

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

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**THIRD CAUSE OF ACTION**  
**RETALIATION IN VIOLATION OF THE FEHA**  
**(Against ALL Defendants)**

44. Plaintiff restates and incorporates by this reference as if fully set forth herein paragraphs 1 through 43 of this Complaint.

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

46. Defendants' conduct as alleged above constituted unlawful retaliation in violation of the FEHA.

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

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

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

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1 **FOURTH CAUSE OF ACTION**

2 **FAILURE TO INVESTIGATE AND PREVENT IN VIOLATION OF THE FEHA**  
3 **(Against ALL Defendants)**

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

6 51. At all times mentioned herein, California Government Code Sections 12940, et seq.,  
7 including but not limited to Sections 12940 (j) and (k), were in full force and effect and were  
8 binding upon Defendants and each of them. These sections impose on an employer a duty to  
9 take immediate and appropriate corrective action to end harassment, discrimination, and  
10 retaliation and take all reasonable steps necessary to prevent harassment, discrimination, and  
11 retaliation from occurring.

12 52. Defendants failed to take immediate and appropriate corrective action to end the  
13 harassment, discrimination, and retaliation. FEHA renders it an unlawful act for employers to  
14 fail to take all reasonable steps to protect their employees from harassment, discrimination, and  
15 retaliation

16 53. In failing and/or refusing to take immediate and appropriate corrective action to end  
17 the discrimination, harassment, and retaliation, and in failing and/or refusing to take and or all  
18 reasonable steps necessary to prevent discrimination, harassment and retaliation from occurring,  
19 Defendants violated California Government Code § 12940 (j) and (k), causing Plaintiff to suffer  
20 damages as set forth above.

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

27 55. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff  
28 has suffered and continues to suffer emotional distress, humiliation, mental anguish and

1 embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed and  
2 believes and thereupon alleges that she will continue to experience said physical and emotional  
3 suffering for a period in the future not presently ascertainable, all in an amount subject to proof  
4 at the time of trial.

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

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10 **PRAYER FOR RELIEF**

11 **WHEREFORE, Plaintiff prays for judgment as follows:**

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

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury.

DATED: January 18, 2022

MATT MURPHY LAW APC



By: \_\_\_\_\_

MATTHEW MURPHY

Attorney for Plaintiff Jane Doe 2