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6 TISHAY WRIGHT

7 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF ALAMEDA**

10 TISHAY WRIGHT,

11 Plaintiff,

12 v.

13 SOUTHLAND CONSTRUCTION
14 MANAGEMENT, INC. a California Corporation,
KENNETH D. HAYDEN, an individual, ANITA
15 C. HAYDEN, an individual, and DOES 1
16 through 25, inclusive,

17 Defendants.

Case No.:

COMPLAINT FOR DAMAGES FOR

1. Discrimination Based on Race in Violation of FEHA (Cal. Gov. Code §§ 12900 et seq.);
2. Harassment Based on Race in Violation of FEHA (Cal. Gov. Code §§ 12900 et seq.)
3. Retaliation for Complaining of Discrimination and Harassment on the Basis of Race in Violation of FEHA (Cal. Gov. Code §§ 12900 et seq.);
4. Discrimination Based on Gender in Violation of FEHA (Cal. Gov. Code §§ 12900 et seq.);
5. Harassment Based on Gender in Violation of FEHA (Cal. Gov. Code §§ 12900 et seq.)
6. Retaliation for Complaining of Discrimination and Harassment on the Basis of Gender in Violation of FEHA (Cal. Gov. Code §§ 12900 et seq.);
7. Retaliation in Violation of Labor Code §6310;
8. Failure to Prevent Discrimination, Harassment and Retaliation in Violation of FEHA (Cal. Gov. Code §§ 12900 et seq.);
9. Assault;
10. Battery;
11. Intentional Infliction of Emotional Distress; and
12. Wrongful Termination in Violation of Public Policy

DEMAND FOR JURY TRIAL

1 **COMPLAINT**

2 COMES NOW Plaintiff, TISHAY WRIGHT, who, and by and through her attorneys of
3 record, hereby files this Complaint and alleges as follows.

4 **PARTIES TO THE CIVIL ACTION**

5 1. Plaintiff TISHAY WRIGHT (hereinafter referred to as "PLAINTIFF") is an African
6 American female adult natural person who is a resident of the State of California, and at all times
7 relevant to this Complaint worked for Defendants SOUTHLAND CONSTRUCTION
8 MANAGEMENT, INC., KENNETH D. HAYDEN, ANITA HAYDEN, and/or DOES 1-25 in the
9 County of Alameda, State of California.

10 2. Defendant SOUTHLAND CONSTRUCTION MANAGEMENT, INC. (hereinafter
11 "SOUTHLAND"), a California Corporation doing business in the County of Alameda, State of
12 California, and is an entity subject to suit before this Court. Defendant SOUTHLAND was the
13 employer of PLAINTIFF at all times relevant herein.

14 3. Defendant KENNETH D. HAYDEN (hereinafter "KENNETH HAYDEN"), is an at
15 all times mentioned in this Complaint was, employed by SOUTHLAND. KENNETH HAYDEN is,
16 and at all times mentioned in this Complaint was, a resident of the County of Alameda, State of
17 California. KENNETH HAYDEN is both a supervisor and co-owner of SOUTHLAND, and is thus
18 an officer, director and/or managing agent of SOUTHLAND.

19 4. Defendant ANITA C. HAYDEN (hereinafter "ANITA HAYDEN"), is an at all times
20 mentioned in this Complaint was, employed by SOUTHLAND. ANITA HAYDEN is, and at all
21 times mentioned in this Complaint was, a resident of the County of Alameda, State of California.
22 Further, ANITA HAYDEN is both a supervisor and a co-owner of SOUTHLAND, and is thus an
23 officer, director and/or managing agent of SOUTHLAND.

24 5. Defendants DOES 1-25 are herein sued under fictitious names. Their true names and
25 identities are unknown to PLAINTIFF. PLAINTIFF is informed and believes and thereon alleges
26 that Defendants DOES 1-25 are business organizations of unknown form who were the employers
27 of PLAINTIFF.

1 PLAINTIFF was shocked by the question and searched KENNETH HAYDEN's expression and
2 body language for signs the question was intended as a joke. PLAINTIFF saw nothing that would
3 indicate this. PLAINTIFF answered "No" and asked whether or not a drug test was required to
4 which he responded "No." ANITA HAYDEN then laughed off the question, playfully telling
5 PLAINTIFF to just "ignore him" and stating he was just "trying to be intimidating."

6 **17. Plaintiff's Job Duties as Project Administrator:** On or about June 22, 2015,
7 Defendants hired PLAINTIFF for the Project Administrator position. PLAINTIFF'S duties
8 included assisting Project Managers and Superintendents, creating contracts for subcontractors,
9 issuing change orders, managing project scheduling, creating and maintaining logs relating to
10 Defendants' business and revenue, and spoke with clients to ensure customer service needs were
11 fulfilled, along with numerous other administrative tasks.

12 **18. Defendants' Hostile Work Environment Towards Minorities:**

13 a. Several weeks after PLAINTIFF started as a Project Administrator, she was asked by
14 KENNETH HAYDEN to forge the signature of a subcontractor on a warranty. PLAINTIFF
15 refused to do so, stating she felt uncomfortable. Despite this protest, KENNETH HAYDEN went
16 ahead and forged the signature himself, asking PLAINTIFF to scan the document. PLAINTIFF
17 responded with frustration, as she did not want to be involved in the situation.

18 b. In November 2015, approximately six months after PLAINTIFF was hired,
19 KENNETH HAYDEN called her into his office and began telling her that when he was younger he
20 sold joints and smoked a lot of weed. During the conversation, he asked PLAINTIFF if she ever
21 smoked weed. PLAINTIFF felt extremely uncomfortable and told him "No," expressing her
22 discomfort through her body language. After the strange meeting ended, PLAINTIFF recounted
23 the conversation to several other co-workers. They claimed KENNETH HAYDEN had never
24 mentioned anything like that to them in all their years of employment.

25 c. From the date of her employment to her termination, PLAINTIFF witnessed both
26 KENNETH HAYDEN and ANITA HAYDEN making racist comments about other employees of
27 different ethnicities at SOUTHLAND. A common phrase amongst KENNETH HAYDEN and
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1 ANITA HAYDEN was “*We’ll just make the Mexicans do it.*” During the time PLAINTIFF
2 worked for Defendants the HAYDENS were remodeling their home. They hired a Hispanic crew
3 to perform the work, but regularly expressed displeasure with “*the Mexicans,*” claiming they were
4 lazy and would likely accept beer as payment for their remodeling work. These comments were
5 particularly abhorrent as they were frequently made in the presence of a number of Hispanic
6 employees, including Rivero and another assistant to one of the SOUTHLAND estimators.
7 ANITA HAYDEN also frequently made fun of Hispanic accents and would loudly roll her R’s and
8 say, “*Ariba! Ariba!*” in quick succession. PLAINTIFF never observed any of the Hispanic
9 employees laughing or playing along when she made these comments. PLAINTIFF herself was
10 deeply disturbed by these comments and behavior, which affected her both emotionally and
11 physically.

12 d. On another occasion, PLAINTIFF witnessed Tom Latimer (“Latimer”), the chief
13 estimator at SOUTHLAND make a comment to Hrishikesh Londhe (“Londhe”) an intern from
14 India that identified as a Sikh, telling him “*go get your people before they blow something up.*”
15 Both KENNETH HAYDEN and ANITA HAYDEN were present when this comment was made.
16 ANITA HAYDEN laughed off the comment stating, “*Oh Tom! He’s just kidding.*” Tom then
17 responded that he wasn’t kidding. KENNETH HAYDEN then chimed in that Tom was making an
18 “*after 4:30pm joke.*” This was a frequent response of KENNETH HAYDEN when someone said
19 something offensive, racist, harassing or politically incorrect. PLAINTIFF was highly offended
20 and was shocked such comments would be made in the workplace. PLAINTIFF recalls countless
21 other occasions Latimer made fun of Londhe including but not limited to telling him he couldn’t
22 wear his turban to insinuating Londhe’s “*people*” were involved in terrorist activities.

23 e. On or about August 9, 2016, KENNETH HAYDEN called PLAINTIFF into his
24 office and asked her some questions regarding a project she was working on, specifically regarding
25 the finances of the project. When PLAINTIFF stated she would have to contact the Project
26 Manager for the answers, KENNETH HAYDEN became upset. Moments after PLAINTIFF
27 returned to her desk, KENNETH HAYDEN threw his cell phone at PLAINTIFF. He missed and
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1 the phone flew past PLAINTIFF's head ricocheting off her desk and hitting her in forearm.
2 PLAINTIFF immediately sent an email to him stating she felt extremely disrespected and
3 demanding that it never happen again.

4 **19. Defendants' Hostile Work Environment Towards Women:**

5 a. On or about Friday, November 18, 2016, KENNETH HAYDEN called PLAINTIFF
6 and Rivero into his office to discuss some smaller projects. Upon the two women entering his
7 office, KENNETH HAYDEN said, "*Yall are my bitches and you're going to take notes for the*
8 *smaller projects coming up.*" PLAINTIFF was dumbfounded and said, "*What did you just say?*"
9 He ignored her and continued to speak about the small projects. PLAINTIFF left work that day in
10 tears feeling outraged about the way she was being treated.

11 b. On or about Monday, November 21, 2016, PLAINTIFF emailed ANITA HAYDEN
12 regarding KENNETH HAYDEN's behavior the previous Friday. PLAINTIFF stated that
13 KENNETH HAYDEN'S comment, "*Yall are my bitches*" was "*very offensive*" to her and that she
14 and Rivero did not find the comment funny in the slightest. She noted the stress she experienced
15 from the situation and the fear she felt that she would be terminated if she complained.

16 c. Later that same day, ANITA HAYDEN called PLAINTIFF and Rivero into
17 KENNETH HAYDEN'S office where he was waiting. PLAINTIFF stated to him that she and
18 Rivero did not appreciate being called "*bitches*" and that they felt really disrespected. KENNETH
19 HAYDEN balked and stated, "*Are you fucking kidding me? That's how I talk and it may come out*
20 *again.*" He went on to say, "*Raise your hand right now if you don't want to work with me. This is*
21 *the way I talk and if you don't like it and can't work with me then you don't have to.*" ANITA
22 HAYDEN then appeared to agree with him, asking the two directly if they minded working with
23 KENNETH HAYDEN. At this point, the meeting was adjourned and PLAINTIFF and Rivero
24 returned to their desks in shock and disgust.

25 d. Following PLAINTIFF's November 21, 2016 complaint, KENNETH HAYDEN
26 immediately became hostile towards PLAINTIFF. He began taking small projects away from her,
27 claiming she wasn't logging in the larger jobs correctly and was making mistakes. When
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1 PLAINTIFF provided him proof she was doing her work correctly, he moved on to a complaint
2 about something else.

3 20. **Defendants’ Retaliation Against Plaintiff for Her Good Faith FEHA-Protected**
4 **Complaints:**

5 a. On or about December 6, 2016, less than fifteen days after PLAINTIFF’s gender
6 harassment complaint, PLAINTIFF attended the annual SOUTHLAND Christmas Party. In the
7 weeks leading up to the party PLAINTIFF was unsure she would attend given KENNETH
8 HAYDEN and ANITA HAYDEN’s recent inappropriate and offensive conduct, but ultimately was
9 convinced by co-workers to attend. PLAINTIFF informed ANITA HAYDEN she would be
10 attending. ANITA HAYDEN expressed surprise.

11 b. Towards the end of the December 6, 2016 Christmas Party, KENNETH HAYDEN
12 and ANITA HAYDEN gathered their employees together for the annual white elephant gift
13 exchange. Each person received a number out of a hat. When their number was called they would
14 be able to come up to the table of presents and open a new gift or “steal” from someone who had
15 already opened a gift. The SOUTHLAND employees were not required to bring a gift for the
16 white elephant exchange, as all the gifts were bought and paid for by KENNETH HAYDEN and
17 ANITA HAYDEN, as was the case each year. Eventually, it was PLAINTIFF’s turn to come up to
18 the table to select her gift. As she approached the table, KENNETH HAYDEN handed a wrapped
19 gift to her and said, “*Here. This one is yours.*” PLAINTIFF protested that she thought she would
20 be allowed to select a gift herself and that KENNETH HAYDEN was changing the rules. He
21 insisted, however, that she was not allowed to trade or select any other present. PLAINTIFF chose
22 not to open the present in front of the group and only did so later after she got in her car to leave
23 the party.

24 c. Prior to the gift exchange, KENNETH HAYDEN and ANITA HAYDEN passed out
25 gift cards to every male employee that attended the party in addition to the gifts given during the
26 white elephant exchange. PLAINTIFF and Rivero, the only two female employees that attended
27 the Christmas Party apart from ANITA HAYDEN, were given nothing.

1 d. When PLAINTIFF returned to her car, she finally opened the present and was
2 horrified by what she found inside. Out of the Christmas packaging she unearthed a chain link
3 purse bearing the Confederate Flag in red, white and blue rhinestones. As the symbolism dawned
4 on her, PLAINTIFF became sick to her stomach and felt utter shock. The following is an image of
5 the exact purse found by PLAINTIFF inside the Christmas present deliberately handed to her by
6 KENNETH HAYDEN:



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17 e. Inside the purse, she found several pictures of ANITA HAYDEN and KENNETH
18 HAYDEN posing in front of a Confederate Flag, which bore the message in all capital letters, “*THE*
19 *SOUTHLAND SHALL RISE AGAIN.*” In one picture, KENNETH HAYDEN was donned in a
20 costume resembling Donald Trump. In another picture, ANITA HAYDEN modeled the same
21 Confederate Flag purse, which now sat in PLAINTIFF’S lap. The pictures appeared to be taken in
22 several different office cubicles at SOUTHLAND where PLAINTIFF worked. PLAINTIFF’S
23 shock and horror over the purse and pictures depicting racist symbolism and a hostile potential
24 violent message caused her to become increasingly nauseous and anxiety ridden. The following are
25 the several of the photographs enclosed in the Confederate Flag purse:



22 f. PLAINTIFF returned home in tears after opening the gift, horrified, humiliated and
23 deeply fearful that the owners of SOUTHLAND would go to these lengths to silence and intimidate
24 her after her multiple complaints to management.

25 g. As PLAINTIFF needed to keep her job at SOUTHLAND, she saw little choice but to
26 return to work and choose not to acknowledge the racist gift and photographs. This was extremely
27 difficult for the PLAINTIFF and deeply offended her sense of justice. Fearful of further retaliation
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1 however, PLAINTIFF attempted to simply keep her head down and do her work through the end of
2 the year and into 2017.

3 h. In early February 2017, PLAINTIFF was asked to attend a series of meetings in
4 Santa Cruz, California, for a project SOUTHLAND was doing there. PLAINTIFF attended the first
5 two meetings in Santa Cruz on or about February 13, 2017 and February 15, 2017, as she had been
6 asked to, however, it became clear to PLAINTIFF that the road conditions en route to the
7 construction site were wet and dangerous as a result of recent storms in the area. PLAINTIFF was
8 rerouted multiple times due to the road conditions including but not limited to huge felled
9 redwoods, potholes, erosion, and deep trenches. PLAINTIFF was terrified throughout the entire
10 ordeal. When she returned, she communicated her distress over the road conditions to ANITA
11 HAYDEN and KENNETH HAYDEN, but they expressed no sympathy or promise of support.
12 Instead, they instructed PLAINTIFF that the next day she was to take a different route to get there,
13 although that alternative route would take PLAINTIFF an additional three hours of time. To
14 PLAINTIFF'S knowledge, no other Project Administrators attended onsite meetings except for her.
15 When she pointed this out to ANITA HAYDEN and KENNETH HAYDEN and asked why she was
16 being treated differently, they simply responded with "*your job requires it.*"

17 i. On or about February 16, 2017, the day after PLAINTIFF complained about the
18 labor and safety concerns posed by the dangerous road conditions she was being exposed to,
19 KENNETH HAYDEN informed PLAINTIFF she wasn't doing her job right and was being
20 removed as the Project Administrator for the Santa Cruz site. PLAINTIFF stated that was fine but
21 that it was curious KENNETH HAYDEN was only now claiming PLAINTIFF wasn't doing her job
22 correctly after over a year and half of employment.

23 j. On or about February 20, 2017, KENNETH HAYDEN once again asked
24 PLAINTIFF to drive down to Santa Cruz to help him straighten out some records she allegedly
25 wasn't doing properly. Given another storm was scheduled to pass over the same area, PLAINTIFF
26 expressed in an email to KENNETH HAYDEN and ANITA HAYDEN that she was uncomfortable
27 making the trip. KENNETH HAYDEN then sent PLAINTIFF an email stating that since she was
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1 refusing to make the Santa Cruz trip, she was not allowed to come to work the following day or the
2 next day after that. PLAINTIFF asked if KENNETH HAYDEN was trying to pressure her to quit
3 because of all the things that have been going on lately. He failed to respond to this.

4 k. On or about February 23, 2017, PLAINTIFF returned to work. ANITA HAYDEN
5 remarked to her, *“Oh, I didn’t think you were coming back.”* PLAINTIFF responded, *“Why*
6 *wouldn’t I?”* at which point ANITA HAYDEN asked her to come to KENNETH HAYDEN’S
7 office with her. KENNETH HAYDEN expressed his displeasure that PLAINTIFF had chosen not
8 to go down to Santa Cruz and announced he was bringing someone else in to work on the project.
9 He informed PLAINTIFF that from this point forward, PLAINTIFF would only work with
10 KENNETH HAYDEN directly. ANITA HAYDEN then said to PLAINTIFF, *“Tishay, I don’t want*
11 *you to email us where there is an issue. Ken and I don’t like paper trails.”* ANITA HAYDEN went
12 on to remark that *“It just doesn’t seem right”* and indicated it was as if PLAINTIFF was sending the
13 emails to build a case against them. When PLAINTIFF asked why they would think that, ANITA
14 HAYDEN responded, *“Well you know there has been a lot going on here.”* PLAINTIFF stated,
15 *“Yes, it has been overwhelming and I don’t like it.”* PLAINTIFF, at this point, was in tears.
16 PLAINTIFF asked if she should be looking for another job as she felt she was being given the cold
17 shoulder. Neither ANITA HAYDEN nor KENNETH HAYDEN responded directly to this.

18 l. After returning to her desk, PLAINTIFF realized that because most if not all of her
19 smaller projects had been taken away, she had little to do. She informed KENNETH HAYDEN and
20 asked him what he would like her to be working on. He claimed they would meet later, but hours
21 went by. PLAINTIFF reminded KENNETH HAYDEN again that afternoon if there was something
22 he would like her to be doing as she was just sitting there. KENNETH HAYDEN then told her she
23 could clean his office as well as the rest of the office. Appalled, PLAINTIFF told him that cleaning
24 the office wasn’t what she signed up for and that she had come in to do her job. KENNETH
25 HAYDEN said, *“Well then just sit at your desk Tishay.”* PLAINTIFF spent the rest of the day
26 sitting at her desk waiting for an assignment. None came.

1 m. On or about February 24, 2017, PLAINTIFF reported for work and was asked to
2 drive down to Santa Cruz the following Monday to train the new Project Administrator that would
3 be working on the project. After checking the weather and determining the conditions appeared to
4 have improved, PLAINTIFF made the trip down to the Santa Cruz job site on February 27, 2017.
5 The new Project Administrator never showed up.

6 n. On or about March 6, 2017, KENNETH HAYDEN and ANITA HAYDEN informed
7 PLAINTIFF and Rivero that a “*new girl*” (as KENNETH HAYDEN and ANITA HAYDEN called
8 her) would be starting to assist Latimer, since the last assistant had quit. They informed
9 PLAINTIFF and Rivero that the new girl would be able to choose what tasks she wanted to do and
10 demanded that one of them would need to volunteer to sit at the reception desk. KENNETH
11 HAYDEN and ANITA HAYDEN asked the two women, “*Who is willing to give up their cubicle?*”
12 Neither PLAINTIFF nor Rivero volunteered. KENNETH HAYDEN then told PLAINTIFF she
13 would have to move to the front reception area and that she would begin answering calls as she had
14 no projects left to work on. PLAINTIFF felt immensely humiliated and degraded by this demand,
15 as receptionist duties were not part of her job description and felt to be a demotion in an effort to
16 humiliate her.

17 o. On or about March 7, 2017, PLAINTIFF was so sick to her stomach over the hostile
18 work environment she took a sick day to visit her doctor. She visited her doctor who informed her
19 she was exhibiting signs of depression and wanted to place her on medication.

20 **21. Defendants’ Wrongful Termination of Plaintiff:**

21 a. On or about March 8, 2017, PLAINTIFF returned to work. KENNETH HAYDEN
22 called PLAINTIFF and the new employee into his office to go over some of the outstanding
23 projects. He informed PLAINTIFF that he would be giving her Starbucks account to the new
24 employee as PLAINTIFF was out of the office yesterday. The Starbucks construction project had
25 been one that PLAINTIFF had been working hard on for months and one that she had personally
26 ensured was successfully managed up to this point. PLAINTIFF expressed he outrage for having
27 her project taken away from her to which KENNETH HAYDEN simply responded, “*Well, you*
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1 *were gone.*” PLAINTIFF asked him to place himself in PLAINTIFF’s shoes and think how she
2 must feel after how she had been treated over the past several months. KENNETH HAYDEN then
3 ordered PLAINTIFF to train the “*new girl*” on the Starbucks project and return to her desk.

4 b. Shortly after PLAINTIFF returned to her desk, KENNETH HAYDEN came to her
5 and told her he was sending her home for the day. Multiple witnesses were in or around
6 PLAINTIFF’s desk at the time. PLAINTIFF objected that this was getting ridiculous and he needed
7 to make a decision about what he wanted her to do, because he was making her work environment
8 incredibly stressful. KENNETH HAYDEN responded with, “*get out.*” PLAINTIFF stated she did
9 not appreciate being spoken to that way. KENNETH HAYDEN then backtracked and stated,
10 “*Tishay, I am not firing you. I’m just sending you home for the day.*” PLAINTIFF then said
11 KENNETH HAYDEN in the presence of numerous other that the way she had been treated by
12 SOUTHLAND had been unacceptable from being asked if she was on drugs, to being called a
13 “*bitch*” to receiving a Confederate Flag purse as a gift, it had been a horrible roller coaster ride.
14 PLAINTIFF said she would be talking to an attorney about the way she had been treated.
15 KENNETH HAYDEN told her to leave and PLAINTIFF left in tears feeling as though she was on
16 the verge of a nervous breakdown. She attempted to make a doctor’s appointment that day, but there
17 were no local appointments available.

18 c. On or about March 9, 2017, PLAINTIFF returned to work sick to her stomach about
19 what might happen next. When she attempted to login to her email, she realized she had been
20 blocked as she was unable to login. She waited for almost an hour until KENNETH HAYDEN and
21 ANITA HAYDEN arrived at work. ANITA HAYDEN approached her as soon as she got into the
22 office and told PLAINTIFF she would be writing her an “*exit check.*” PLAINTIFF told her she was
23 very disappointed that ANITA HAYDEN, as the only other female in the office aside from
24 PLAINTIFF and Rivero, had not looked out for them and had allowed her husband to called
25 PLAINTIFF a “*bitch.*” PLAINTIFF told her it was unacceptable that she thought it was somehow
26 funny to give an African American employee a Confederate Flag purse with photos inside of her
27 and KENNETH HAYDEN posing in front of Confederate Flags. ANITA HAYDEN told
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1 PLAINTIFF that she needed to get out of the office and that SOUTHLAND had three days to get
2 PLAINTIFF her final check. PLAINTIFF stated this wasn't true and that if a company were firing
3 someone, they needed to give them their check that same day. ANITA HAYDEN then told
4 PLAINTIFF to wait out in her car and that ANITA HAYDEN would come and get her shortly.
5 PLAINTIFF sat out in her car for approximately ten minutes at which point ANITA HAYDEN
6 came out and asked PLAINTIFF to come back in to sign some paperwork.

7 d. PLAINTIFF was then brought into a conference room where she was presented with
8 a document that ANITA HAYDEN wanted her to sign. ANITA HAYDEN slid the document
9 across the table but kept her hand on the edge of the paper and did not inform PLAINTIFF what the
10 document was. PLAINTIFF asked if she could read the document first to which ANITA HAYDEN
11 responded, "*Sign it, then you can read it.*" PLAINTIFF said she wasn't signing anything. At this
12 point KENNETH HAYDEN came into the room briefly and asked ANITA HAYDEN if
13 PLAINTIFF had agreed to sign the paper to which ANITA HAYDEN said "*No.*" PLAINTIFF was
14 then given her final check and asked to leave the premises.

15 **22. Plaintiff's Economic Damages:** As a consequence of Defendants conduct,
16 PLAINTIFF has suffered and will suffer harm, including lost past and future income and
17 employment benefits, damage to her career, and wages, overtime, unpaid expenses and penalties as
18 well as interest on unpaid wages at the legal rate from and after each payday on which those wages
19 should have been paid, in a sum to be proven at trial.

20 **23. Plaintiff's Non-Economic Damages:** As a consequence of Defendants' conduct,
21 PLAINTIFF has suffered and will suffer psychological and emotional distress, humiliation and
22 mental and physical pain and anguish, in a sum to be proven at trial.

23 **24. Punitive Damages:** Defendants conduct constitutes oppression, fraud and/or malice
24 under California Civil Code section 3294 and, thus, entitles PLAINTIFF to an award of
25 exemplary/punitive damages.

26 a. *Malice:* Defendants' conduct was committed with malice within the meaning of
27 California Civil Code section 3294, including the following: (1) Defendants acted with intent to
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1 cause injury to PLAINTIFF and/or acted with reckless disregard towards PLAINTIFF’S injury,
2 including terminating her employment and/or taking other adverse job actions against PLAINTIFF
3 because of PLAINTIFF’S race, gender and/or her good faith complaints; and (2) Defendants’
4 conduct was despicable and committed with willful and conscious disregard of PLAINTIFF’S
5 rights, health, and safety, including PLAINTIFF’s right to be free of discrimination, harassment,
6 retaliation, and wrongful termination.

7 b. *Oppression:* In addition, and/or alternatively, Defendants conduct was committed
8 with oppression within the meaning of California Civil Code section 3294 including Defendants’
9 actions against PLAINTIFF because of PLAINTIFF’S race, gender and/or her good faith
10 complaints were “despicable” and subjected PLAINTIFF to cruel and unjust hardship, in knowing
11 disregard of plaintiff’s right to a workplace free of discrimination, harassment, retaliation and
12 wrongful termination.

13 c. *Fraud:* In addition, and/or alternatively, Defendants conduct was committed with
14 oppression within the meaning of California Civil Code section 3294, including the fact that
15 Defendants asserted false (pretextual) grounds for terminating PLAINTIFF’S employment and/or
16 other adverse job actions intended to deprive plaintiff of her legal rights.

17 25. **Attorneys’ Fees:** PLAINTIFF has incurred and continues to incur legal expenses
18 and attorneys’ fees as a result of Defendants’ conduct.

19 26. **Exhaustion of Administrative Remedies:** On or about April 18, 2017, and within
20 the time provided by law, PLAINTIFF filed verified charges of discrimination with the California
21 Department of Fair Employment and Housing (“DFEH”) pertaining to Defendants SOUTHLAND,
22 KENNETH HAYDEN and ANITA HAYDEN and requesting a Right to Sue Letter. PLAINTIFF
23 obtained her Right to Sue Letter the same day. PLAINTIFF herein with this Complaint serves
24 SOUTHLAND with her DFEH Complaint and Right-to-Sue notices. Plaintiff now timely files this
25 action.

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2 **FIRST CAUSE OF ACTION**
3 **Discrimination Based on Race in Violation of FEHA**
4 **(Govt. Code § 12900 et seq.)**
5 **(Against Defendants SOUTHLAND and/or DOES 1-25)**

6 27. By this reference, PLAINTIFF hereby incorporates each and every paragraph set
7 forth above as though fully set forth at this place.

8 28. PLAINTIFF is informed and believes and thereon alleges that Defendants
9 SOUTHLAND and/or DOES 1-25 willfully and/or with reckless indifference violated California
10 Government Code sections 12900 et seq., and discriminated against PLAINTIFF in the terms and
11 conditions of her employment, as outlined above, on the basis of race. Such discrimination has
12 resulted in damage and injury to PLAINTIFF as alleged herein.

13 29. As a direct and proximate result of the unlawful conduct of Defendants
14 SOUTHLAND and/or DOES 1-25, and each of them, PLAINTIFF has suffered special damages
15 including but not limited to past and future loss of income, benefits, medical expenses, and other
16 damages to be proven at time of trial.

17 30. As a direct and proximate result of the unlawful conduct of Defendants
18 SOUTHLAND and/or DOES 1-25, and each of them, PLAINTIFF has suffered general damages
19 including but not limited to shock, embarrassment, physical distress and injury, humiliation,
20 emotional distress, stress and other damages to be proven at the time of trial.

21 31. The unlawful conduct alleged above was engaged in by the officers, directors,
22 supervisors and/or managing agents of Defendants SOUTHLAND and/or DOES 1-25, and each of
23 them, who were acting at all times relevant to this Complaint within the scope and course of their
24 employment. Defendants SOUTHLAND and/or DOES 1-25, and each of them, are therefore liable
25 for the conduct of said agents and employees pursuant to Government Code Section § 12926(d).

26 32. Defendants SOUTHLAND and/or DOES 1-25, and each of them, committed the acts
27 herein alleged maliciously, fraudulently and oppressively in conscious disregard for PLAINTIFF'S
28 rights and such acts were committed by and/or ratified by, and or were committed with the

1 knowledge of employees' lack of fitness in the workplace but were allowed to proceed, by officers,
2 directors, and/or managing agents of Defendants SOUTHLAND and/or DOES 1-25. PLAINTIFF
3 is, therefore, entitled to recover punitive damages from Defendants in an amount according to proof
4 at trial.

5 33. Defendants' conduct described herein was undertaken, authorized and/or ratified by
6 Defendants' officers, directors and/or managing agents. The aforementioned conduct of said
7 officers, directors and/or managing agents and individuals was therefore undertaken on behalf of
8 Defendants. Defendants further had advanced knowledge of the actions and conduct of said
9 individuals whose actions and conduct were ratified, authorized and approved by Defendant
10 SOUTHLAND'S officers, directors and/or managing agents, KENNETH HAYDEN, ANITA
11 HAYDEN, and other individuals whose precise identities are unknown to PLAINTIFF at this time
12 and are therefore identified and designated herein as DOES 1 through 25, inclusive.

13 34. As a result of the conduct of Defendants SOUTHLAND and/or DOES 1-25, and
14 each of them, PLAINTIFF was forced to retain an attorney in order to protect her rights.
15 Accordingly, PLAINTIFF seeks the reasonable attorneys' fees and costs incurred in this litigation in
16 an amount according to proof.

17 35. WHEREFORE, PLAINTIFF prays for judgment as set forth below.

18
19 **SECOND CAUSE OF ACTION**
20 **Harassment Based Upon Race in Violation of FEHA**
21 **(Govt. Code §§ 12900 et seq.)**
22 **(Against All Defendants and/or DOES 1-25)**

23 36. By this reference, PLAINTIFF hereby incorporates each and every paragraph set
24 forth above as though fully set forth at this place.

25 37. PLAINTIFF is informed and believes, and thereon alleges that she was harassed in
26 the terms and conditions of her employment and/or was subjected to a workplace environment
27 permeated with harassment, as outlined above, on the basis of race as set forth herein, in violation
28 of the FEHA. Additionally, PLAINTIFF's work environment permeated with intimidation, hostility

1 and harassment towards numerous SOUTHLAND employees, on the basis of race, as well as other
2 FEHA protected classifications.

3 38. The above conduct was so severe and/or pervasive it caused PLAINTIFF to perceive
4 her work environment as an intimidating, hostile, and/or offensive work environment, which
5 interfered with PLAINTIFF's ability to perform her job duties, and a reasonable person in
6 PLAINTIFF'S position would perceive the work environment as hostile.

7 39. PLAINTIFF is informed and believes and thereon alleges that Defendants and each
8 of them willfully and/or with reckless indifference violated California Government Code sections
9 12900 *et seq.* and harassed PLAINTIFF as outlined above on the basis of her race. Such harassment
10 has resulted in damage and injury to PLAINTIFF as alleged herein. Defendants also failed to
11 comply with California State Law AB1825, which requires Defendants to provide harassment
12 training for supervisors.

13 40. As a direct and proximate result of the unlawful conduct of Defendants and each of
14 them, PLAINTIFF has suffered special damages including but not limited to past and future loss of
15 income, benefits, and other damages to be proven at time of trial.

16 41. As a direct and proximate result of the unlawful conduct of Defendants and each of
17 them, PLAINTIFF has suffered general damages including but not limited to shock, embarrassment,
18 physical distress and injury, humiliation, emotional distress, stress and other damages to be proven
19 at the time of trial.

20 42. The unlawful conduct alleged above was engaged in by the officers, directors,
21 supervisors and/or managing agents of Defendants and each of them, who were acting at all times
22 relevant to this Complaint within the scope and course of their employment. Defendants and each of
23 them, are therefore liable for the conduct of said agents and employees pursuant to Government
24 Code Section § 12926(d).

25 43. Defendants and each of them, committed the acts herein alleged maliciously,
26 fraudulently and oppressively in conscious disregard for PLAINTIFF'S rights and such acts were
27 committed by and/or ratified by, and or were committed with the knowledge of employees' lack of
28

1 fitness in the workplace but were allowed to proceed, by officers, directors, and/or managing agents
2 of Defendants and each of them. PLAINTIFF is, therefore, entitled to recover punitive damages
3 from Defendants in an amount according to proof at trial.

4 44. Defendants' conduct described herein was undertaken, authorized and/or ratified by
5 Defendants' officers, directors and/or managing agents. The aforementioned conduct of said
6 officers, directors and/or managing agents and individuals was therefore undertaken on behalf of
7 Defendants. Defendants further had advanced knowledge of the actions and conduct of said
8 individuals whose actions and conduct were ratified, authorized and approved by Defendant
9 SOUTHLAND'S officers, directors and/or managing agents, KENNETH HAYDEN, ANITA
10 HAYDEN, and other individuals whose precise identities are unknown to PLAINTIFF at this time
11 and are therefore identified and designated herein as DOES 1 through 25, inclusive.

12 45. As a result of the conduct of Defendants and each of them, PLAINTIFF was forced
13 to retain an attorney in order to protect her rights. Accordingly, PLAINTIFF seeks the reasonable
14 attorneys' fees and costs incurred in this litigation in an amount according to proof.

15 46. WHEREFORE, PLAINTIFF prays for judgment as set forth below.

16
17 **THIRD CAUSE OF ACTION**
18 **Retaliation for Complaining of Discrimination and Harassment**
19 **on the Basis of Race in Violation of FEHA**
20 **(Cal. Gov. Code § 12000 et. seq.)**
21 **(Against Defendants SOUTHLAND, and/or DOES 1-25)**

22 47. By this reference, PLAINTIFF hereby incorporates each and every paragraph set
23 forth above as though fully set forth at this place.

24 48. PLAINTIFF is informed and believes, and thereon alleges that she was retaliated
25 against in the terms and conditions of her employment, as outlined above, as a result of her good
26 faith complaints regarding racial harassment and discrimination.

27 49. PLAINTIFF protested and opposed the harassing and discriminatory conduct, but the
28 harassment and discriminatory conduct continued and amplified. Defendants and each of them
failed to conduct a prompt and thorough good faith investigation and/or to take any remedial

1 measures. In fact, Defendants and each of them retaliated against PLAINTIFF by subjecting her to
2 adverse employment action and further harassment as a result of her good faith complaints.

3 50. As a direct and proximate result of the unlawful conduct of Defendants
4 SOUTHLAND and/or DOES 1-25, and each of them, PLAINTIFF has suffered special damages
5 including but not limited to past and future loss of income, benefits, medical expenses, and other
6 damages to be proven at time of trial.

7 51. As a direct and proximate result of the unlawful conduct of Defendants
8 SOUTHLAND and/or DOES 1-25, and each of them, PLAINTIFF has suffered general damages
9 including but not limited to shock, embarrassment, physical distress and injury, humiliation,
10 emotional distress, stress and other damages to be proven at the time of trial.

11 52. Defendants SOUTHLAND and/or DOES 1-25 committed the acts herein alleged
12 maliciously, fraudulently and oppressively in conscious disregard for PLAINTIFF's rights, as set
13 forth above in detail, Defendants SOUTHLAND and/or DOES 1-25 committed and/or ratified the
14 acts alleged herein. These acts were committed with the knowledge of employees' lack of fitness in
15 the workplace but were allowed to proceed, by officers, directors, and/or managing agents of
16 Defendants SOUTHLAND and/or DOES 1-25, as set forth above in detail. PLAINTIFF is,
17 therefore, entitled to recover punitive damages from Defendants in an amount according to proof at
18 trial.

19 53. Defendants' conduct described herein was undertaken, authorized and/or ratified by
20 Defendants' officers, directors and/or managing agents. The aforementioned conduct of said
21 officers, directors and/or managing agents and individuals was therefore undertaken on behalf of
22 Defendants. Defendants further had advanced knowledge of the actions and conduct of said
23 individuals whose actions and conduct were ratified, authorized and approved by Defendant
24 SOUTHLAND'S officers, directors and/or managing agents, KENNETH HAYDEN, ANITA
25 HAYDEN, and other individuals whose precise identities are unknown to PLAINTIFF at this time
26 and are therefore identified and designated herein as DOES 1 through 25, inclusive.

1 54. As a result of the conduct of Defendants SOUTHLAND and/or DOES 1-25, and
2 each of them, PLAINTIFF was forced to retain an attorney in order to protect her rights.
3 Accordingly, PLAINTIFF seeks the reasonable attorneys' fees and costs incurred in this litigation in
4 an amount according to proof at trial.

5 55. WHEREFORE, PLAINTIFF prays for judgment as set forth below.

6
7 **FOURTH CAUSE OF ACTION**
8 **Discrimination Based on Gender in Violation of FEHA**
9 **(Govt. Code § 12900 et seq.)**
10 **(Against Defendants SOUTHLAND and/or DOES 1-25)**

11 56. By this reference, PLAINTIFF hereby incorporates each and every paragraph set
12 forth above as though fully set forth at this place.

13 57. PLAINTIFF is informed and believes and thereon alleges that Defendants
14 SOUTHLAND and/or DOES 1-25 willfully and/or with reckless indifference violated California
15 Government Code sections 12900 et seq., and discriminated against PLAINTIFF in the terms and
16 conditions of her employment, as outlined above, on the basis of gender. Such discrimination has
17 resulted in damage and injury to PLAINTIFF as alleged herein.

18 58. As a direct and proximate result of Defendants SOUTHLAND and/or DOES 1-25's
19 unlawful conduct, PLAINTIFF has suffered special damages including but not limited to past and
20 future loss of income, benefits, and other damages to be proven at time of trial.

21 59. As a direct and proximate result of the unlawful conduct of Defendants
22 SOUTHLAND and/or DOES 1-25, and each of them, PLAINTIFF has suffered special damages
23 including but not limited to past and future loss of income, benefits, medical expenses, and other
24 damages to be proven at time of trial.

25 60. As a direct and proximate result of the unlawful conduct of Defendants
26 SOUTHLAND and/or DOES 1-25, and each of them, PLAINTIFF has suffered general damages
27 including but not limited to shock, embarrassment, physical distress and injury, humiliation,
28 emotional distress, stress and other damages to be proven at the time of trial.

1 61. The unlawful conduct alleged above was engaged in by the officers, directors,
2 supervisors and/or managing agents of Defendants SOUTHLAND and/or DOES 1-25, and each of
3 them, who were acting at all times relevant to this Complaint within the scope and course of their
4 employment. Defendants SOUTHLAND and/or DOES 1-25, and each of them, are therefore liable
5 for the conduct of said agents and employees pursuant to Government Code Section § 12926(d).

6 62. Defendants SOUTHLAND and/or DOES 1-50, and each of them, committed the acts
7 herein alleged maliciously, fraudulently and oppressively in conscious disregard for PLAINTIFF'S
8 rights and such acts were committed by and/or ratified by, and or were committed with the
9 knowledge of employees' lack of fitness in the workplace but were allowed to proceed, by officers,
10 directors, and/or managing agents of Defendants SOUTHLAND and/or DOES 1-25. PLAINTIFF
11 is, therefore, entitled to recover punitive damages from Defendants in an amount according to proof
12 at trial.

13 63. Defendants' conduct described herein was undertaken, authorized and/or ratified by
14 Defendants' officers, directors and/or managing agents. The aforementioned conduct of said
15 officers, directors and/or managing agents and individuals was therefore undertaken on behalf of
16 Defendants. Defendants further had advanced knowledge of the actions and conduct of said
17 individuals whose actions and conduct were ratified, authorized and approved by Defendant
18 SOUTHLAND'S officers, directors and/or managing agents, KENNETH HAYDEN, ANITA
19 HAYDEN, and other individuals whose precise identities are unknown to PLAINTIFF at this time
20 and are therefore identified and designated herein as DOES 1 through 25, inclusive.

21 64. As a result of the conduct of Defendants SOUTHLAND and/or DOES 1-50, and
22 each of them, PLAINTIFF was forced to retain an attorney in order to protect her rights.
23 Accordingly, PLAINTIFF seeks the reasonable attorneys' fees and costs incurred in this litigation in
24 an amount according to proof.

25 65. WHEREFORE, PLAINTIFF prays for judgment as set forth below.

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1 **FIFTH CAUSE OF ACTION**
2 **Harassment Based Upon Gender in Violation of FEHA**
3 **(Govt. Code §§ 12900 et seq.)**
4 **(Against All Defendants and/or DOES 1-25)**

5 66. By this reference, PLAINTIFF hereby incorporates each and every paragraph set
6 forth above as though fully set forth at this place.

7 67. PLAINTIFF is informed and believes, and thereon alleges that she was harassed in
8 the terms and conditions of her employment and/or was subjected to a workplace environment
9 permeated with harassment, as outlined above, on the basis of her gender as set forth herein, in
10 violation of the FEHA. Additionally, PLAINTIFF's work environment permeated with
11 intimidation, hostility and harassment towards numerous SOUTHLAND employees, on the basis of
12 gender, as well as other FEHA protected classifications.

13 68. The above conduct was so severe and/or pervasive it caused PLAINTIFF to perceive
14 her work environment as an intimidating, hostile, and/or offensive work environment, which
15 interfered with PLAINTIFF's ability to perform her job duties, and a reasonable person in
16 PLAINTIFF'S position would perceive the work environment as hostile.

17 69. PLAINTIFF is informed and believes and thereon alleges that Defendants and each
18 of them willfully and/or with reckless indifference violated California Government Code sections
19 12900 *et seq.* and harassed PLAINTIFF as outlined above on the basis of her gender. Such
20 harassment has resulted in damage and injury to PLAINTIFF as alleged herein. Defendants also
21 failed to comply with California State Law AB1825, which requires Defendants to provide
22 harassment training for supervisors.

23 70. As a direct and proximate result of the unlawful conduct of Defendants and each of
24 them, PLAINTIFF has suffered special damages including but not limited to past and future loss of
25 income, benefits, and other damages to be proven at time of trial.

26 71. As a direct and proximate result of the unlawful conduct of Defendants and each of
27 them, PLAINTIFF has suffered general damages including but not limited to shock, embarrassment,
28

1 physical distress and injury, humiliation, emotional distress, stress and other damages to be proven
2 at the time of trial.

3 72. The unlawful conduct alleged above was engaged in by the officers, directors,
4 supervisors and/or managing agents of Defendants and each of them, who were acting at all times
5 relevant to this Complaint within the scope and course of their employment. Defendants and each of
6 them, are therefore liable for the conduct of said agents and employees pursuant to Government
7 Code Section § 12926(d).

8 73. Defendants and each of them, committed the acts herein alleged maliciously,
9 fraudulently and oppressively in conscious disregard for PLAINTIFF'S rights and such acts were
10 committed by and/or ratified by, and or were committed with the knowledge of employees' lack of
11 fitness in the workplace but were allowed to proceed, by officers, directors, and/or managing agents
12 of Defendants and each of them. PLAINTIFF is, therefore, entitled to recover punitive damages
13 from Defendants in an amount according to proof at trial.

14 74. Defendants' conduct described herein was undertaken, authorized and/or ratified by
15 Defendants' officers, directors and/or managing agents. The aforementioned conduct of said
16 officers, directors and/or managing agents and individuals was therefore undertaken on behalf of
17 Defendants. Defendants further had advanced knowledge of the actions and conduct of said
18 individuals whose actions and conduct were ratified, authorized and approved by Defendant
19 SOUTHLAND'S officers, directors and/or managing agents, KENNETH HAYDEN, ANITA
20 HAYDEN, and other individuals whose precise identities are unknown to PLAINTIFF at this time
21 and are therefore identified and designated herein as DOES 1 through 25, inclusive.

22 75. As a result of the conduct of Defendants and each of them, PLAINTIFF was forced
23 to retain an attorney in order to protect her rights. Accordingly, PLAINTIFF seeks the reasonable
24 attorneys' fees and costs incurred in this litigation in an amount according to proof.

25 76. WHEREFORE, PLAINTIFF prays for judgment as set forth below.

26 //

27 //

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1 Defendants SOUTHLAND and/or DOES 1-25, as set forth above in detail. PLAINTIFF is,
2 therefore, entitled to recover punitive damages from Defendants in an amount according to proof at
3 trial.

4 83. Defendants' conduct described herein was undertaken, authorized and/or ratified by
5 Defendants' officers, directors and/or managing agents. The aforementioned conduct of said
6 officers, directors and/or managing agents and individuals was therefore undertaken on behalf of
7 Defendants. Defendants further had advanced knowledge of the actions and conduct of said
8 individuals whose actions and conduct were ratified, authorized and approved by Defendant
9 SOUTHLAND'S officers, directors and/or managing agents, KENNETH HAYDEN, ANITA
10 HAYDEN, and other individuals whose precise identities are unknown to PLAINTIFF at this time
11 and are therefore identified and designated herein as DOES 1 through 25, inclusive.

12 84. As a result of the conduct of Defendants SOUTHLAND and/or DOES 1-25, and
13 each of them, PLAINTIFF was forced to retain an attorney in order to protect her rights.
14 Accordingly, PLAINTIFF seeks the reasonable attorneys' fees and costs incurred in this litigation in
15 an amount according to proof at trial.

16 85. WHEREFORE, PLAINTIFF prays for judgment as set forth below.

17 **SEVENTH CAUSE OF ACTION**
18 **Retaliation in Violation of Labor Code § 6310**
(Against Defendants SOUTHLAND and/or DOES 1-25)

19 86. By this reference, PLAINTIFF hereby incorporates each and every paragraph set
20 forth above as though fully set forth at this place.

21 87. California Labor Code section 6310 prohibits employers from firing or
22 discriminating against any employee because the employee has informed their employer about
23 unsafe working conditions.

24 88. Plaintiff is informed and believes and thereon alleges that Defendants
25 SOUTHLAND and/or DOES 1-25 willfully and/or with reckless indifference violated California
26 Labor Code section 6310 by retaliating against PLAINTIFF for complaining of unsafe working
27 conditions.

1 89. As set forth above, Defendants SOUTHLAND and/or DOES 1-25 retaliated against
2 PLAINTIFF and terminated her employment because PLAINTIFF complained to
3 Defendants SOUTHLAND and/or DOES 1-25 of unsafe working conditions, including workplace
4 violence.

5 90. The unlawful conduct of Defendants SOUTHLAND and/or DOES 1-25, as alleged
6 above, directly and proximately caused PLAINTIFF to suffer, and continue to suffer, special
7 damages including but not limited to past and future loss of income, benefits and other damages to
8 be proven at the time of trial. As alleged above, Defendants SOUTHLAND and/or DOES 1-25
9 ratified the unlawful conduct of its employees, and are therefore liable for their conduct.

10 91. As a direct and proximate result of the unlawful conduct of Defendants
11 SOUTHLAND and/or DOES 1-25, and each of them, PLAINTIFF has suffered special damages
12 including but not limited to past and future loss of income, benefits, medical expenses, and other
13 damages to be proven at time of trial. Pursuant to Labor Code Section 6310,
14 Defendants SOUTHLAND and/or DOES 1-25 are liable for statutory damages, including
15 reimbursement for lost wages and work benefits.

16 92. As a direct and proximate result of the unlawful conduct of Defendants
17 SOUTHLAND and/or DOES 1-25, and each of them, PLAINTIFF has suffered general damages
18 including but not limited to shock, embarrassment, physical distress and injury, humiliation,
19 emotional distress, stress and other damages to be proven at the time of trial.

20 93. Defendants' conduct described herein was undertaken, authorized and/or ratified by
21 Defendants' officers, directors and/or managing agents. The aforementioned conduct of said
22 officers, directors and/or managing agents and individuals was therefore undertaken on behalf of
23 Defendants. Defendants further had advanced knowledge of the actions and conduct of said
24 individuals whose actions and conduct were ratified, authorized and approved by Defendant
25 SOUTHLAND'S officers, directors and/or managing agents, KENNETH HAYDEN, ANITA
26 HAYDEN, and other individuals whose precise identities are unknown to PLAINTIFF at this time
27 and are therefore identified and designated herein as DOES 1 through 25, inclusive.

1 94. Defendants SOUTHLAND and/or DOES 1-25 committed the acts herein alleged
2 maliciously, fraudulently, and oppressively in conscious disregard for PLAINTIFF’S rights, and
3 PLAINTIFF is entitled to recover punitive damages from Defendants in an amount according to
4 proof. As alleged above, Defendants SOUTHLAND and/or DOES 1-25 ratified the unlawful
5 conduct of its employees, and are therefore liable for their conduct. Pursuant to California Civil
6 Code Section 3294, Defendants are liable for punitive damages.

7 95. As a result of the conduct of Defendants SOUTHLAND and/or DOES 1-25, and
8 each of them, PLAINTIFF was forced to retain an attorney in order to protect her rights.

9 96. Pursuant to Labor Code Sections 2699(a) and (f), PLAINTIFF is entitled to recover
10 civil penalties for Defendant’s violations of Labor Code section 6310.

11 97. PLAINTIFF further demands reasonable attorney’s fees and costs pursuant to Labor
12 Code section 2699, subdivision (g)(1).

13 98. WHEREFORE, PLAINTIFF prays for judgment as set forth below.

14
15 **EIGHTH CAUSE OF ACTION**
16 **Failure to Prevent Harassment, Discrimination and Retaliation**
(Against Defendants SOUTHLAND, and/or DOES 1-25)

17 99. By this reference, PLAINTIFF hereby incorporates each and every paragraph set
18 forth above as though fully set forth at this place.

19 100. California Government Code Section 12940(k) makes it an unlawful employment
20 practice for an employer to “fail to take all reasonable steps necessary to prevent discrimination and
21 harassment from occurring.” Defendants, and each of them, violated this provision including, but
22 not limited to, by ignoring retaliation based on disability; allowing said discrimination and/or
23 retaliation to continue; failing to discipline and stop said discrimination and/or retaliation; failing to
24 enforce anti-discrimination policies and/or procedures; and/or failing to appropriately investigate
25 Plaintiff’s and/or others’ complaints of discrimination and/or retaliation. Defendants also failed to
26 comply with California State Law AB1825, which requires Defendants to provide harassment
27 training for supervisors.

1 101. As a direct and proximate result of the unlawful conduct of Defendants
2 SOUTHLAND and/or DOES 1-25, and each of them, PLAINTIFF has suffered special damages
3 including but not limited to past and future loss of income, benefits, medical expenses, and other
4 damages to be proven at time of trial.

5 102. As a direct and proximate result of the unlawful conduct of Defendants
6 SOUTHLAND and/or DOES 1-25, and each of them, PLAINTIFF has suffered general damages
7 including but not limited to shock, embarrassment, physical distress and injury, humiliation,
8 emotional distress, stress and other damages to be proven at the time of trial.

9 103. Defendants SOUTHLAND and/or DOES 1-25 committed the acts herein alleged
10 maliciously, fraudulently and oppressively in conscious disregard for PLAINTIFF's rights, as set
11 forth above in detail, Defendants SOUTHLAND and/or DOES 1-25 committed and/or ratified the
12 acts alleged herein. These acts were committed with the knowledge of employees' lack of fitness in
13 the workplace but were allowed to proceed, by officers, directors, and/or managing agents of
14 Defendants SOUTHLAND and/or DOES 1-25, as set forth above in detail. PLAINTIFF is,
15 therefore, entitled to recover punitive damages from Defendants in an amount according to proof at
16 trial.

17 104. Defendants' conduct described herein was undertaken, authorized and/or ratified by
18 Defendants' officers, directors and/or managing agents. The aforementioned conduct of said
19 officers, directors and/or managing agents and individuals was therefore undertaken on behalf of
20 Defendants. Defendants further had advanced knowledge of the actions and conduct of said
21 individuals whose actions and conduct were ratified, authorized and approved by Defendant
22 SOUTHLAND'S officers, directors and/or managing agents, KENNETH HAYDEN, ANITA
23 HAYDEN, and other individuals whose precise identities are unknown to PLAINTIFF at this time
24 and are therefore identified and designated herein as DOES 1 through 25, inclusive.

25 105. As a result of the conduct of Defendants SOUTHLAND and/or DOES 1-25, and
26 each of them, PLAINTIFF was forced to retain an attorney in order to protect her rights.

27
28

1 Accordingly, PLAINTIFF seeks the reasonable attorneys' fees and costs incurred in this litigation in
2 an amount according to proof at trial.

3 106. WHEREFORE, PLAINTIFF prays for judgment as set forth below.

4
5 **NINTH CAUSE OF ACTION**

6 **Assault**

7 **(Against Defendants SOUTHLAND and KENNETH HAYDEN)**

8 107. By this reference, PLAINTIFF hereby incorporates each and every paragraph set
9 forth above as though fully set forth at this place.

10 108. A person is liable for assault if the person intentionally threatened another person
11 causing a reasonable apprehension of an imminent harmful or offensive bodily contact.

12 109. As alleged herein, KENNETH HAYDEN intended to threaten and did threaten
13 PLAINTIFF with an imminent harmful or offensive bodily contact and caused PLAINTIFF a
14 reasonable apprehension of such contact, by throwing a cell phone at her, which then ricocheted off
15 PLAINTIFF's desk and hit her in the arm.

16 110. The above said acts of Defendants SOUTHLAND and KENNETH HAYDEN were a
17 proximate cause in PLAINTIFF'S damage as stated below.

18 111. As a direct and proximate result of these actions, PLAINTIFF has sustained
19 damages, including extreme mental suffering, humiliation, emotional distress, and economic losses,
20 entitling her to damages in an amount to be proven at trial.

21 112. The foregoing conduct of Defendants SOUTHLAND and KENNETH HAYDEN
22 was intended by Defendants SOUTHLAND and KENNETH HAYDEN to cause injury to the
23 PLAINTIFF or was despicable conduct carried on by the Defendants SOUTHLAND and
24 KENNETH HAYDEN with a willful and conscious disregard of the rights of PLAINTIFF or
25 subjected PLAINTIFF to cruel and unjust hardship in conscious disregard of PLAINTIFF'S right to
26 be free from violence or intimidation by threat of violence committed against PLAINTIFF'S
27 because of her race, gender and/or good faith complaints, such as to constitute malice, oppression or
28

1 fraud under California Civil Code § 3294, thereby entitling PLAINTIFF to punitive damages in an
2 amount appropriate to punish or make an example of Defendants.

3 113. Defendants conduct described herein was undertaken, authorized and/or ratified by
4 Defendants' officers, directors and/or managing agents. The aforementioned conduct of said
5 officers, directors and/or managing agents and individuals was therefore undertaken on behalf of
6 Defendants. Defendants further had advanced knowledge of the actions and conduct of said
7 individuals whose actions and conduct were ratified, authorized and approved by Defendant
8 SOUTHLAND'S officers, directors and/or managing agents.

9 114. WHEREFORE, PLAINTIFF prays for judgment as set forth below.

10
11 **TENTH CAUSE OF ACTION**

12 **Battery**

13 **(Against Defendants SOUTHLAND and KENNETH HAYDEN)**

14 115. By this reference, PLAINTIFF hereby incorporates each and every paragraph set
15 forth above as though fully set forth at this place.

16 116. A person is liable for battery if the person intentionally caused a harmful,
17 unprivileged, or offensive touching of another person.

18 117. As alleged herein, KENNETH HAYDEN committed a harmful or offensive touching
19 of PLAINTIFF by throwing a cell phone at her, which then ricocheted off PLAINTIFF's desk and
20 hit her in the arm, thereby causing a harmful and offensive touching of PLAINTIFF.

21 118. The above said acts of Defendant SOUTHLAND and KENNETH HAYDEN were a
22 proximate cause in PLAINTIFF'S damage as stated below.

23 119. As a direct and proximate result of these actions, PLAINTIFF has sustained
24 damages, including extreme mental suffering, humiliation, emotional distress, and economic losses,
25 entitling her to damages in an amount to be proven at trial.

26 120. The foregoing conduct of Defendants SOUTHLAND and KENNETH HAYDEN
27 was intended by Defendants SOUTHLAND and KENNETH HAYDEN to cause injury to the
28

1 PLAINTIFF or was despicable conduct carried on by the Defendants SOUTHLAND and
2 KENNETH HAYDEN with a willful and conscious disregard of the rights of PLAINTIFF or
3 subjected PLAINTIFF to cruel and unjust hardship in conscious disregard of PLAINTIFF'S right to
4 be free from violence or intimidation by threat of violence committed against PLAINTIFF'S
5 because of her race, gender and/or good faith complaints, such as to constitute malice, oppression or
6 fraud under California Civil Code § 3294, thereby entitling PLAINTIFF to punitive damages in an
7 amount appropriate to punish or make an example of Defendants.

8 121. Defendants conduct described herein was undertaken, authorized and/or ratified by
9 Defendants' officers, directors and/or managing agents. The aforementioned conduct of said
10 officers, directors and/or managing agents and individuals was therefore undertaken on behalf of
11 Defendants. Defendants further had advanced knowledge of the actions and conduct of said
12 individuals whose actions and conduct were ratified, authorized and approved by Defendant
13 SOUTHLAND'S officers, directors and/or managing agents.

14 122. WHEREFORE, PLAINTIFF prays for judgment as set forth below.

15
16 **ELEVENTH CAUSE OF ACTION**
17 **Intentional Infliction of Emotional Distress**
(Against All Defendants and/or DOES 1-25)

18 123. By this reference, PLAINTIFF hereby incorporates each and every paragraph set
19 forth above as though fully set forth at this place.

20 124. Defendants engaged in outrageous conduct towards PLAINTIFF so extreme that it
21 went beyond all possible bounds of decency and that a reasonable person would regard as
22 intolerable in a civilized community. Defendants engaged in such outrageous conduct towards
23 PLAINTIFF with the intention to cause – or with reckless disregard for the probability of causing –
24 PLAINTIFF to suffer severe emotional distress.

25 125. To the extent that such outrageous conduct was perpetrated by certain Defendants,
26 the remaining Defendants adopted and ratified the conduct with a wanton and reckless disregard of
27 the deleterious consequences to PLAINTIFF.

1 policy of the State of California is, in part, to protect and safeguard the right and opportunity of all
2 persons to seek and hold employment without discrimination and to be able to work in an
3 environment free of unsafe working conditions.

4 133. As a direct and proximate result of Defendants SOUTHLAND and/or DOES 1-25's
5 unlawful conduct, PLAINTIFF has suffered special damages including but not limited to past and
6 future loss of income, benefits, medical expenses, and other damages to be proven at time of trial.

7 134. As a direct and proximate result of the unlawful conduct of Defendants
8 SOUTHLAND and/or DOES 1-25, and each of them, PLAINTIFF has suffered general damages
9 including but not limited to shock, embarrassment, physical distress and injury, humiliation,
10 emotional distress, stress and other damages to be proven at the time of trial.

11 135. Defendants' conduct described herein was undertaken, authorized and/or ratified by
12 Defendants' officers, directors and/or managing agents. The aforementioned conduct of said
13 officers, directors and/or managing agents and individuals was therefore undertaken on behalf of
14 Defendants. Defendants further had advanced knowledge of the actions and conduct of said
15 individuals whose actions and conduct were ratified, authorized and approved by Defendant
16 SOUTHLAND'S officers, directors and/or managing agents, KENNETH HAYDEN, ANITA
17 HAYDEN, and other individuals whose precise identities are unknown to PLAINTIFF at this time
18 and are therefore identified and designated herein as DOES 1 through 25, inclusive.

19 136. Defendants committed the acts alleged in this Complaint maliciously, fraudulently,
20 and oppressively, with the wrongful intention of injuring PLAINTIFF, from an improper and evil
21 motive amounting to malice, and in conscious disregard of PLAINTIFF'S rights. PLAINTIFF is
22 thus entitled to recover punitive damages from defendants in an amount to be proven at trial.

23 137. WHEREFORE, PLAINTIFF prays for judgment as set forth below.

24 //
25 //
26 //
27 //

1 **PRAYER FOR RELIEF**

2 WHEREFORE, PLAINTIFF makes the following demand:

3 As to the First through Tenth Causes of Action set forth herein, PLAINTIFF prays:

4 a) That process be issued and served as provided by law, requiring Defendants to
5 appear and answer or face judgment;

6 b) That PLAINTIFF have and recover judgment against Defendants in an amount to be
7 determined at trial as special, actual, compensatory and/or nominal damages for their wrongful
8 conduct;

9 c) That PLAINTIFF have and recover judgment against Defendant in an amount to be
10 determined at trial as general damages for their wrongful conduct;

11 d) That PLAINTIFF have and recover a judgment against Defendants for punitive
12 damages in an amount to be determined at trial sufficient to punish, penalize and/or deter
13 Defendants;

14 e) That PLAINTIFF have and recover a judgment against Defendants in an amount to
15 be determined at trial for expenses of this litigation, including, but not limited to, reasonable
16 attorney's fees and costs;

17 f) That PLAINTIFF have and recover a judgment against Defendants for all pre-
18 judgment and post-judgment interest; and

19 g) That PLAINTIFF have such other relief as provided for by law and/or this Court
20 deems just and proper.

21 As to the Eleventh and Twelfth Causes of Action set forth herein, PLAINTIFF prays:

22 a) That process be issued and served as provided by law, requiring Defendants to
23 appear and answer or face judgment;

24 b) That PLAINTIFF have and recover judgment against Defendants in an amount to be
25 determined at trial as special, actual, compensatory and/or nominal damages for their wrongful
26 conduct;

27 c) That PLAINTIFF have and recover judgment against Defendant in an amount to be
28 determined at trial as general damages for their wrongful conduct;

1 d) That PLAINTIFF have and recover a judgment against Defendants for punitive
2 damages in an amount to be determined at trial sufficient to punish, penalize and/or deter
3 Defendants;

4 f) That PLAINTIFF have and recover a judgment against Defendants for all pre-
5 judgment and post-judgment interest; and

6 g) That PLAINTIFF have such other relief as provided for by law and/or this Court
7 deems just and proper.

8
9 DATED: June 8, 2017

DOLAN LAW FIRM, PC

10 BY:

11 _____
12 CHRISTOPHER B. DOLAN
13 EMILE A. DAVIS
14 VANESSA C. DENISTON
15 Attorneys for Plaintiff
16 TISHAY WRIGHT

17
18 **DEMAND FOR JURY TRIAL**

19 Plaintiff TISHAY WRIGHT hereby demands Trial by Jury.

20 DATED: June 8, 2017

DOLAN LAW FIRM, PC

21 BY:

22 _____
23 CHRISTOPHER B. DOLAN
24 EMILE A. DAVIS
25 VANESSA C. DENISTON
26 Attorneys for Plaintiff
27 TISHAY WRIGHT