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Electronically
FILED
by Superior Court of California, County of San Mateo
ON 12/21/2023
By /s/ Anthony Berini
Deputy Clerk

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF SAN MATEO**

9 LISA LUJAN, an individual;

10 Plaintiffs,

11 v.

12 UNITED AIRLINES, INC., a Delaware
13 corporation; PAUL JOYCE, an individual;
14 COLTON RAUENBUEHLER, an individual;
15 and DOES 1 through 50, inclusive,

16 Defendants.

Case No. 23-CIV-06106

COMPLAINT FOR:

1. **Sexual Harassment in Violation of Cal. Gov. § 12940(j)(1)**
2. **Gender Discrimination in Violation of Cal. Gov. § 12940(a)**
3. **National Origin Harassment in Violation of Cal. Gov. § 12940(j)(1)**
4. **National Origin Discrimination in Violation of Cal. Gov. § 12940(a)**
5. **Age-Based Harassment in Violation of Cal. Gov. § 12940(j)(1)**
6. **Age Discrimination in Violation of Cal. Gov. § 12940(a)**
7. **Retaliation**
8. **Negligent Supervision, Hiring, and Retention**
9. **Failure to Take All Reasonable Steps to Prevent Harassment, Discrimination, and Retaliation in Violation of Cal. Gov. § 12940(j)(1) and (k)**
10. **Intentional Infliction of Emotional Distress**

JURY TRIAL DEMANDED

1 Plaintiff LISA LUJAN (“Plaintiff”) alleges as follows:

2 **THE PARTIES**

3 1. Plaintiff LISA LUJAN is, and at all times herein mentioned was, an individual
4 residing in the County of San Mateo, State of California.

5 2. Plaintiff is informed and believe and, on the basis of such information and belief,
6 alleges that Defendant UNITED AIRLINES, INC. (“UNITED”) is a Delaware corporation doing
7 business in the State of California, and is, at all times hereinafter mentioned, an employer whose
8 employees are engaged in employment throughout this county, the State of California, and/or
9 various states of the United States of America.

10 3. Plaintiff is informed and believes and, on the basis of such information and belief,
11 alleges that Defendant PAUL JOYCE (“JOYCE”) is, and at all times herein mentioned was, an
12 individual residing in the County of San Mateo, State of California. At all relevant times, Plaintiff
13 is informed and believes and, on the basis of such information and belief, alleges that Defendant
14 JOYCE was an officer, director, supervisor, manager, SFO/LAS Flight Manager, and/or Captain
15 B-737 of Defendant UNITED.

16 4. Plaintiff is informed and believes and, on the basis of such information and belief,
17 alleges that Defendant COLTON RAUENBUEHLER (“RAUENBUEHLER”) is, and at all times
18 herein mentioned was, an individual residing in the County of San Mateo, State of California. At
19 all relevant times, Plaintiff is informed and believes and, on the basis of such information and
20 belief, alleges that Defendant RAUENBUEHLER was an officer, director, supervisor, manager,
21 Senior Staff Representative, and/or Operations Supervisor of Defendant UNITED.

22 5. The true names and capacities of DOES 1 through 50, inclusive, whether
23 individual, corporate, associate or otherwise, are unknown to Plaintiff at this time, who therefore
24 sue said defendants by such fictitious names, and when the true names, capacities, and
25 relationships of such defendants are ascertained, Plaintiff will ask leave of Court to amend this
26 Complaint to insert the same. Plaintiff are informed and believe and, on the basis of such
27 information and belief, allege that each of the Defendants was in some manner legally responsible
28 for the events and happenings alleged in this Complaint and for Plaintiff’s damages.

1 or facilities located in San Mateo County, California. Plaintiff certifies that venue lies within this
2 judicial district.

3 **ADMINISTRATIVE REMEDIES**

4 12. Plaintiff is informed and believe and, on the basis of such information and belief,
5 alleges that Defendants employ more than five (5) persons within the State of California and are
6 accordingly subject to the provisions of Fair Employment and Housing Act (“FEHA”), Cal. Gov.
7 Code § 12900 *et seq.*

8 13. Plaintiff was at all relevant times employees of Defendants.

9 14. On or about December 20, 2023, prior to the filing of this action, Plaintiff timely
10 filed an administrative complaint against each of the Defendants with the California Civil Rights
11 Department (“CRD”). CRD provided Plaintiff with a Right-To-Sue Notice, dated December 20,
12 2023.

13 15. On December 20, 2023, Plaintiff served Defendants with a copy of the Right-To-
14 Sue Notices.

15 16. Plaintiff has satisfied all private, administrative, and judicial prerequisites to the
16 institution of this action, pursuant to FEHA.

17 **FACTS COMMON TO ALL CAUSES OF ACTION**

18 17. Plaintiff is a 55-year-old Mexican-American woman who has spent the last 37.5
19 years of her life working at UNITED.

20 18. Plaintiff worked tirelessly to climb the ranks at UNITED from Reservations to Air
21 Cargo to Airport Operations to Corporate Security to Flight Operations.

22 19. Plaintiff received consistently exemplary evaluations and performance reviews at
23 every stage of her extraordinary career at UNITED.

24 20. Most recently, on November 6, 2023, Plaintiff received UNITED’s most
25 prestigious award, “United’s 100 Award.”

26 21. For the last five years, Plaintiff has worked in UNITED’s male-dominated Flight
27 Operations Department.

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1 22. Unfortunately, in her current role as a Base Business Manager, Plaintiff has
2 experienced unrelenting sexism, racism, ageism, and retaliation from UNITED’s managers.

3 23. Among other shocking incidents, as the only woman on the management team of
4 her entire department, Plaintiff and other female employees discovered a drawer filled with sex
5 toys that male UNITED pilots had been collecting and storing from their travels abroad. They
6 even added one such leather “spanking paddle” to the conference room key chain.

7 24. Other demeaning sexist conduct pervaded the office, including female employees
8 being required to launder the wet, used shower towels of male UNITED pilots.

9 25. Plaintiff suffered especially outrageous harassment and abuse from male managers,
10 including, without limitation, UNITED’s SFO/LAS Flight Manager JOYCE and UNITED’s
11 Senior Staff Representative/Operations Supervisor RAUENBUEHLER.

12 26. JOYCE has a long history of sexually harassing women at UNITED, without any
13 consequences.

14 27. Among JOYCE’s most outrageous incidents, on October 16, 2023, JOYCE created
15 a “poem” that ridiculed Plaintiff’s age, national origin, gender, and speech impediment. That
16 afternoon, JOYCE barged into Plaintiff’s office during a meeting between Plaintiff and another
17 employee. JOYCE gleefully held a piece of paper in his hand and recited a so-called “poem” at
18 Plaintiff and the other employee. Plaintiff asked what the poem was about, and JOYCE said it
19 was about her and even asked “isn’t it good?” Plaintiff felt humiliated and dehumanized.

20 28. Moments later, Plaintiff found JOYCE in the office of Assistant Chief Pilot Shawn
21 Cook, with the poem in his hand and both men laughing together about the poem. Plaintiff told
22 them both that it was not funny and expressed her displeasure. JOYCE and Mr. Cook continued to
23 laugh at her.

24 29. Then, JOYCE emailed the “poem” using his UNITED email address to 19 other
25 UNITED employees. The other employees included UNITED’s Chief Pilot (Plaintiff’s direct
26 supervisor), ten other pilots, and eight of Plaintiff’s direct reports.

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1 30. The “poem” was entitled “The CPO from a long time ago” and had the following
2 lyrics:

3 **Once there was a girl, who despite her joy was often called a tom boy.**
4 **She was born and raised in East L.A but always dreamed of the city by the bay.**
5 **Her brothers would pick on her and tease her lisp,**
6 **they laughed at the way she often talked.**
7 **they were persistent and would not stop, even after she became a cop.**
8 **She finally left East L.A, not due to languish,**
9 **she simply couldn’t learn the language.**
10 **She started working at UAL shortly after she learned to spell.**
11 **She worked here and there and everywhere.**
12 **She ran the ramp, she ran the gates,**
13 **at customer service she heard the nags. Heck, she even tossed the bags**
14 **She liked to travel and take many pitchers to send her friend feel,**
15 **even though he had yet to seal the deal.**
16 **She taught her team stay in their lane, even baby Einstein and his tiny brain**
17 **About 37 ½ years ago in in the city called SFO**
18 **This was the first CPO**

19 31. In addition to the shocking lyrics, JOYCE photoshopped a photograph of Plaintiff
20 alongside a photograph of a male pilot from the early 1900s with three men who looked like
21 gangsters. Below is a copy of the poem and photoshopped photograph that JOYCE emailed:

The CPO from a long time ago.

Once there was a girl, who despite her joy was often called a tom boy.
She was born and raised in East L.A but always dreamed of the city by the bay.
Her brothers would pick on her and tease her lisp,
they laughed at the way she often talked.
they were persistent and would not stop, even after she became a cop.
She finally left East L.A, not due to languish,
she simply couldn’t learn the language.
She started working at UAL shortly after she learned to spell.
She worked here and there and everywhere.
She ran the ramp, she ran the gates,
at customer service she heard the nags. Heck, she even tossed the bags
She liked to travel and take many pitchers to send her friend feel,
even though he had yet to seal the deal.
She taught her team stay in their lane, even baby Einstein and his tiny brain
About 37 ½ years ago in in the city called SFO
This was the first CPO



1 32. The “poem” was especially distressing and humiliating to Plaintiff because it stated
2 that she left her hometown of East Los Angeles because she could not learn Spanish and suggested
3 that she was so old that she had worked in UNITED’s first Chief Pilot’s Office.

4 33. The “poem” also belittled Plaintiff as a “tomboy” and cruelly ridiculed how she
5 pronounced the words pictures (“pitchers”) and Phil (“feel”) because of a “lisp.” In referencing
6 Phil (Plaintiff’s fiancé), JOYCE was making an inappropriate comment about their relationship.
7 The photograph of the “gangsters” is also consistent with JOYCE’s prior jokes and comments that
8 Plaintiff must have been involved in “gangs” because she was from “East LA” and Mexican-
9 American.

10 34. The very next day, Plaintiff complained to United’s HR, Ethics and Compliance
11 Department via email. She also tearfully complained in person to her direct supervisor Lawrence
12 Ellis, UNITED’s SFO Chief Pilot and Flight Ops DEI Ambassador.

13 35. Despite Plaintiff’s protests and complaints, offensive conduct from male managers
14 at UNITED intensified.

15 36. Three days later, on October 19, 2023, while speaking with her colleagues,
16 RAUENBUEHLER yelled at Plaintiff from down the hall “Lisa, you forgot your bottle in my car.”
17 RAUENBUEHLER then walked over with a baby bottle to imply that Plaintiff was a “baby” for
18 not going along with their sexist, chauvinistic, and racist jokes. Plaintiff quickly snapped the
19 following photographs of RAUENBUEHLER and the baby bottle:



1 37. On October 17, 2023, Plaintiff reported this offensive conduct in writing to
2 United's HR, Ethics and Compliance and DEI Departments. Plaintiff sent UNITED's HR,
3 Ethics and Compliance Department a series of emails, which included copies of the
4 "poem" and her statement about the offensive incident. She also emailed copies of the
5 photographs of RAUENBUEHLER and the baby bottle.

6 38. On October 26, 2023, Plaintiff described to her co-workers how much emotional
7 distress that UNITED's harassment and abuse were causing her.

8 39. Despite Plaintiff's repeated complaints, UNITED took no meaningful action to
9 investigate her complaints, protect her from further abuse and retaliation, or discipline the male
10 managers who had been harassing her. Instead, United actually rewarded JOYCE, Plaintiff's
11 harasser, by promoting him from First Officer to Captain B-756.

12 40. Plaintiff continued to complain to UNITED's HR Department. On November 1,
13 2023, Plaintiff sent an email to UNITED's Executive VP, Human Resources/Labor Relations,
14 about her prior complaints and about having to continue to work in close proximity with her
15 harasser, JOYCE. Plaintiff also complained that her supervisor did nothing to protect her after
16 receiving the original email from JOYCE with the offensive "poem." Plaintiff reiterated that she
17 was suffering in UNITED's "toxic environment" and felt "scared" and "humiliated."

18 41. Meanwhile, the nasty and sexist comments and abuse continued unabated. Among
19 other incidents, male pilots repeatedly called Plaintiff a "bitch" in retaliation for her complaints.

20 42. In addition, JOYCE posted in his office a photograph of a scantily clad woman in a
21 thong bikini showing off her behind. JOYCE told Plaintiff that he intended to display this
22 offensive photo in the office's flight planning area for a retiring pilot to have his co-workers sign it
23 as his retirement photo, to which Plaintiff vehemently objected.

24 43. Moreover, on a Zoom meeting on which Plaintiff's camera was off, Plaintiff's
25 direct supervisor demanded that Plaintiff go on camera. When Plaintiff respectfully responded
26 that she was not "camera ready," the supervisor again demanded that Plaintiff come on camera.
27 When Plaintiff did so, she put on a beany over her then curly hair. The supervisor immediately,
28 and without Plaintiff consent, took a photograph of Plaintiff. The supervisor then produced a mug

1 with that unflattering photograph and “gifted” it to Plaintiff for Christmas, in front of the entire
2 office, who broke out in laughter at Plaintiff.

3 44. Finally, after Plaintiff repeatedly complained about JOYCE’s offensive and
4 humiliating conduct, JOYCE began using his 6’3” nearly 300-pound frame to physically and
5 verbally threaten and intimidate Plaintiff around the office.

6 45. Defendants’ actions have caused Plaintiff severe panic attacks, headaches, anxiety,
7 loss of self-esteem, humiliation, the inability to eat, loss of sleep, and emotional distress, which
8 has required psychological treatment.

9 **FIRST CAUSE OF ACTION**

10 **Sexual Harassment In Violation Of Cal. Gov. § 12940**

11 **(Against All Defendants)**

12 46. Plaintiff repeats, realleges, and incorporates herein by this reference each and every
13 allegation contained in Paragraphs 1 through 45, inclusive, as though set forth in full herein.

14 47. At all relevant times, Defendants were employers within the meaning of Cal. Gov.
15 Code § 12926(d), and, as such, barred from discriminating, harassing, or retaliating in
16 employment decisions on the basis of gender or sex, as set forth in Cal. Gov. Code § 12940.

17 48. As alleged herein, Defendants harassed Plaintiff on the basis of her gender or sex.

18 49. Plaintiff is a 55-year-old Mexican-American woman.

19 50. Plaintiff was harassed by employers, supervisors, and other managers of
20 Defendants.

21 51. Defendants witnessed, knew or reasonably should have known of the harassers’
22 conduct, but failed to take any immediate and appropriate corrective action.

23 52. Defendants failed to exercise reasonable care to prevent and promptly correct the
24 harassing and discriminatory behavior.

25 53. As a direct and proximate result of Defendants’ aforementioned conduct, Plaintiff
26 has suffered and continue to suffer losses in earnings and job benefits, in an amount to be proven
27 at trial.

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1 61. As a further direct and proximate result of Defendants' aforementioned conduct,
2 Plaintiff suffered anxiety, worry, embarrassment, humiliation, injury to her professional
3 reputation, mental anguish, and emotional distress, in an amount to be proven at trial. Plaintiff is
4 further entitled to recover reasonable attorney's fees, costs, and pre-judgment interest in
5 connection with this matter.

6 62. Defendants committed the acts herein alleged maliciously and fraudulently, with
7 the wrongful intention of injuring Plaintiff and with an improper and evil motive rising to the level
8 of malice, in conscious disregard of Plaintiff's rights. Because the acts taken towards Plaintiff
9 were carried out by managerial employees acting in a despicable, deliberate, cold, callous, and
10 intentional manner in order to injure and damage Plaintiff, Plaintiff is entitled to recover punitive
11 damages from Defendants.

12 **THIRD CAUSE OF ACTION**

13 **National Origin Harassment In Violation Of Cal. Gov. § 12940(j)(1)**

14 **(Against All Defendants)**

15 63. Plaintiff repeats, realleges, and incorporates herein by this reference each and every
16 allegation contained in Paragraphs 1 through 62, inclusive, as though set forth in full herein.

17 64. At all relevant times, Defendants were employers within the meaning of Cal. Gov.
18 Code § 12926(d), and, as such, barred from discriminating, harassing, or retaliating in
19 employment decisions on the basis of national origin, as set forth in Cal. Gov. Code § 12940.

20 65. As alleged herein, Defendants harassed Plaintiff on the basis of her national origin.
21 Plaintiff is Mexican-American.

22 66. Plaintiff was harassed by employers, supervisors, and other managers of
23 Defendants.

24 67. Defendants knew or reasonably should have known of the harassers' conduct, but
25 failed to take any immediate and appropriate corrective action.

26 68. Defendants failed to exercise reasonable care to prevent and promptly correct the
27 harassing and discriminatory behavior.

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1 69. As a direct and proximate result of Defendants’ aforementioned conduct, Plaintiff
2 has suffered and continues to suffer losses in earnings and job benefits, in an amount to be proven
3 at trial.

4 70. As a further direct and proximate result of Defendants’ aforementioned conduct,
5 Plaintiff suffered anxiety, worry, embarrassment, humiliation, injury to her professional
6 reputation, mental anguish, and emotional distress, in an amount to be proven at trial. Plaintiff is
7 further entitled to recover reasonable attorney’s fees, costs, and pre-judgment interest in
8 connection with this matter.

9 71. Defendants committed the acts herein alleged maliciously and fraudulently, with
10 the wrongful intention of injuring Plaintiff and with an improper and evil motive rising to the level
11 of malice, in conscious disregard of Plaintiff’s rights. Because the acts taken towards Plaintiff
12 were carried out by managerial employees acting in a despicable, deliberate, cold, callous, and
13 intentional manner in order to injure and damage Plaintiff, Plaintiff is entitled to recover punitive
14 damages from Defendants.

15 **FOURTH CAUSE OF ACTION**

16 **National Origin Discrimination In Violation Of Cal. Gov. § 12940(a)**
17 **(Against All Defendants Except JOYCE and RAUENBUEHLER)**

18 72. Plaintiff repeats, realleges, and incorporates herein by this reference each and every
19 allegation contained in Paragraphs 1 through 71, inclusive, as though set forth in full herein.

20 73. At all relevant times, Defendants, and each of them, were employers within the
21 meaning of Cal. Gov. Code § 12926(d), and, as such, barred from discriminating, harassing, or
22 retaliating in employment decisions on the basis of national origin, as set forth in Cal. Gov. Code
23 § 12940.

24 74. As alleged herein, Defendants, and each of them, intentionally, knowingly, and
25 recklessly engaged in a pattern and practice of discriminating against Plaintiff on the basis of her
26 national origin, by subjecting Plaintiff to harassment and hostility because of her Mexican-
27 American national origin.

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1 84. Plaintiff was harassed by employers, supervisors, and other managers of
2 Defendants.

3 85. Defendants knew or reasonably should have known of the harassers' conduct, but
4 failed to take any immediate and appropriate corrective action.

5 86. Defendants failed to exercise reasonable care to prevent and promptly correct the
6 harassing and discriminatory behavior.

7 87. As a direct and proximate result of Defendants' aforementioned conduct, Plaintiff
8 has suffered and continues to suffer losses in earnings and job benefits, in an amount to be proven
9 at trial.

10 88. As a further direct and proximate result of Defendants' aforementioned conduct,
11 Plaintiff suffered anxiety, worry, embarrassment, humiliation, injury to her professional
12 reputation, mental anguish, and emotional distress, in an amount to be proven at trial. Plaintiff is
13 further entitled to recover reasonable attorney's fees, costs, and pre-judgment interest in
14 connection with this matter.

15 89. Defendants committed the acts herein alleged maliciously and fraudulently, with
16 the wrongful intention of injuring Plaintiff and with an improper and evil motive rising to the level
17 of malice, in conscious disregard of Plaintiff's rights. Because the acts taken towards Plaintiff
18 were carried out by managerial employees acting in a despicable, deliberate, cold, callous, and
19 intentional manner in order to injure and damage Plaintiff, Plaintiff is entitled to recover punitive
20 damages from Defendants.

21 **SIXTH CAUSE OF ACTION**

22 **Age Discrimination In Violation Of Cal. Gov. § 12940(a)**

23 **(Against All Defendants Except JOYCE and RAUENBUEHLER)**

24 90. Plaintiff repeat, reallege, and incorporate herein by this reference each and every
25 allegation contained in Paragraphs 1 through 89, inclusive, as though set forth in full herein.

26 91. At all relevant times, Defendants, and each of them, were employers within the
27 meaning of Cal. Gov. Code § 12926(d), and, as such, barred from discriminating, harassing, or
28 retaliating in employment decisions on the basis of age, as set forth in Cal. Gov. Code § 12940.

1 232.5, and/or Title 2 California Administrative Code §§ 7287.6, 7287.7, and 7287.8, and in
2 violation of the common law in abrogation of Plaintiff's rights.

3 100. As alleged herein, Plaintiff engaged in a protected activity by informing
4 Defendants' management and human resources department that Plaintiff was suffering from
5 discrimination and harassment.

6 101. Subsequent to and as a result of Plaintiff's complaints to Defendants' management,
7 Defendants retaliated against Plaintiff with harassment, abuse, threats, ridicule, and intimidation.

8 102. A causal connection exists between Plaintiff's protected activities, including
9 Plaintiff's complaints to Defendants' management and human resources department, and
10 Defendants' resulting harassment, abuse, threats, ridicule, and intimidation.

11 103. The actions of Defendants were caused by and in retaliation for the protected
12 activities of Plaintiff, as alleged herein.

13 104. As a direct and proximate result of Defendants' conduct as described herein,
14 Plaintiff suffered and continues to suffer loss of earnings and other employment benefits, mental
15 and emotional distress, anxiety, humiliation, embarrassment and damage to their reputation and
16 career, the exact amount of which is currently not fully ascertained but which will be established
17 according to proof at the time of trial herein.

18 105. Defendants committed the acts herein alleged willfully, maliciously, oppressively,
19 with the wrongful intention of injuring Plaintiff and with an improper and evil motive rising to the
20 level of malice, in conscious disregard of Plaintiff's rights. Because the acts taken towards
21 Plaintiff were carried out by managerial employees acting in a despicable, deliberate, cold,
22 callous, and intentional manner in order to injure and damage Plaintiff, Plaintiff is entitled to
23 recover punitive damages from Defendants in an amount sufficient to punish and set an example
24 of Defendants for their conduct and to deter Defendants and others from the commission of similar
25 acts in the future.

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1 **EIGHTH CAUSE OF ACTION**

2 **Negligent Supervision, Hiring, And Retention**

3 **(Against All Defendants Except JOYCE and RAUENBUEHLER)**

4 106. Plaintiff repeats, realleges, and incorporates herein by this reference each and every
5 allegation contained in Paragraphs 1 through 105, inclusive, as though set forth in full herein.

6 107. As alleged herein, Defendants, and each of them, and/or their managerial
7 employees or agents knew or reasonably should have known that employees of Defendants,
8 individually and in concert, were engaging in the conduct alleged herein.

9 108. Defendants, and each of them, knew or should have known that their employees
10 had a history of engaging in unlawful or dangerous conduct that could cause injury to Plaintiff and
11 others, yet failed to take any action to prevent such injury.

12 109. At all relevant times, Defendants, and each of them, and/or their managerial
13 employees or agents knew or reasonably should have known that the conduct and omissions
14 alleged herein violated Plaintiff's rights under state statutes and common law.

15 110. At all relevant times, Defendants, and each of them, and/or their managerial
16 employees or agents knew or reasonably should have known that the conduct alleged herein would
17 and did proximately result in physical injury and emotional distress to Plaintiff. The injuries
18 include but are not limited to physical pain and injury, anxiety, worry, embarrassment, mental
19 anguish, emotional distress, sleeplessness, headaches, tension, depression, and humiliation.

20 111. At all relevant times, Defendants, and each of them, and/or their managerial
21 employees or agents knew or reasonably should have known that unless they intervened to protect
22 Plaintiff and adequately supervise, prohibit, control, regulate, discipline and/or other penalize the
23 conduct of Defendants' employees as alleged herein, other Defendants and Defendants' employees
24 perceived the conduct and omissions as being ratified and condoned.

25 112. At all relevant times, the negligent failure of Defendants to protect Plaintiff, and to
26 supervise, prohibit, control, regulate, discipline, and/or otherwise penalize adequately the conduct
27 and omissions of Defendants' employees violated Plaintiff's rights under state statutes and
28 common law, as alleged herein.

1 **NINTH CAUSE OF ACTION**

2 **Failure To Take All Reasonable Steps To Prevent Harassment, Discrimination, And**
3 **Retaliation In Violation Of Cal. Gov. § 12940(j)(1) and (k)**

4 **(Against All Defendants Except JOYCE and RAUENBUEHLER)**

5 113. Plaintiff repeats, realleges, and incorporates herein by this reference each and every
6 allegation contained in Paragraphs 1 through 112, inclusive, as though set forth in full herein.

7 114. As alleged herein, Defendants, and each of them, were aware of the unwelcome,
8 severe, pervasive, and unlawful conduct of Defendants' employees.

9 115. Defendants, and each of them, failed to take all reasonable steps to prevent
10 Defendants' other employees and agents from engaging in ongoing harassment, discrimination,
11 and retaliation.

12 116. In perpetrating the above-described conduct, Defendants, and each of them,
13 engaged in a pattern, practice, policy, and custom of harassment, discrimination, and retaliation.
14 Said conduct on the part of Defendants violated Cal. Gov. Code § 12940(j)(1) and (k).

15 117. As a direct and proximate result of Defendants' aforementioned conduct, Plaintiff
16 suffered embarrassment, humiliation, injury to her professional reputation, mental anguish, and
17 emotional distress, in an amount to be proven at trial.

18 118. Plaintiff is further entitled to recover reasonable attorney's fees, costs, and pre-
19 judgment interest.

20 **TENTH CAUSE OF ACTION**

21 **Intentional Infliction Of Emotional Distress**

22 **(Against All Defendants)**

23 119. Plaintiff repeats, realleges, and incorporates herein by this reference each and every
24 allegation contained in Paragraphs 1 through 118, inclusive, as though set forth in full herein.

25 120. During Plaintiff's employment, Defendants subjected Plaintiff to acts of
26 discrimination, harassment, retaliation, intimidation, abuse, demotion, ridicule, threats, and other
27 unlawful conduct.

28 121. Defendants' conduct as alleged herein was extreme, outrageous, and an abuse of
Defendants' authority and position because it was intentionally and maliciously done to cause, and

1 recklessly disregarded the probability of causing, Plaintiff to suffer anxiety, worry,
2 embarrassment, humiliation, mental anguish, physical injury, fear, and emotional distress.

3 122. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered
4 physical pain and injury, anxiety, worry, embarrassment, humiliation, mental anguish, and
5 emotional distress.

6 123. Defendants committed the acts herein alleged willfully, maliciously, oppressively,
7 with the wrongful intention of injuring Plaintiff and with an improper and evil motive rising to the
8 level of malice, in conscious disregard of Plaintiff's rights. Because the acts taken towards
9 Plaintiff were carried out by managerial employees acting in a despicable, deliberate, cold,
10 callous, and intentional manner in order to injure and damage Plaintiff, Plaintiff is entitled to
11 recover punitive damages from Defendants in an amount sufficient to punish and set an example
12 of Defendants for their conduct and to deter Defendants and others from the commission of similar
13 acts in the future.

14 **WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of them,
15 jointly and severally, as follows:

- 16 1. For general damages, including past and future wages and employment benefits,
17 according to proof;
- 18 2. For specific damages according to proof;
- 19 3. For punitive and exemplary damages according to proof;
- 20 4. For reasonable attorney's fees and costs of suit incurred herein;
- 21 5. For pre-judgment interest according to proof; and
- 22 6. For such other and further relief as the Court may deem just and proper.

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24 Dated: December 21, 2023

MERINO YEBRI LLP



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27 By: _____

SAM S. YEBRI
Attorneys for Plaintiff
LISA LUJAN

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JURY DEMAND

Plaintiff demands trial by jury in this action.

Dated: December 21, 2023

MERINO YEBRI LLP



By: _____

SAM S. YEBRI
Attorneys for Plaintiff
LISA LUJAN