

ELECTRONICALLY FILED

Superior Court of California,
County of San Diego

04/12/2017 at 12:14:26 PM

Clerk of the Superior Court
By Patrick Gonzaga, Deputy Clerk

1 Daniel M. Gilleon SBN 195200
2 Samuel A. Clemens SBN 285919
3 THE GILLEON LAW FIRM
4 1320 Columbia Street, Suite 200
5 San Diego, CA 92101
6 Tel: (619) 702-8623/Fax: (619) 702-6337

7 Manuel Corrales, Jr. Esq. SBN 117647
8 Attorney at Law
9 17140 Bernardo Center Drive, Suite 358
10 San Diego, CA 92128
11 Tel: (858) 521-0634/Fax: (858) 521-0633
12 Email: mannycorrales@yahoo.com

13 Attorneys for Plaintiff ANABEL ARAUZ

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF SAN DIEGO - CENTRAL DIVISION**

16 ANABEL ARAUZ,

17 Plaintiff,

18 v.

19 UNITED FOOD & COMMERCIAL
20 WORKERS LOCAL 135, a labor
21 union charter; and DOES 1
22 through 20,

23 Defendants.

Case No.: 37-2017-00013268-CU-WT-CTL

COMPLAINT FOR DAMAGES

1. Gender Discrimination
2. Retaliation
3. Wrongful Termination in Violation of Public Policy
4. Failure to Prevent Discrimination
5. Violation of CC §52.1: Interference with Exercise of Civil Rights

DEMAND FOR JURY TRIAL

24 Plaintiff ANABEL ARAUZ ("Arauz") alleges as follows:

25 1. Defendant UNITED FOOD & COMMERCIAL WORKERS LOCAL 135
26 ("Local 135") is a labor union charter with its principal place
27 of business in San Diego County, California. At all material
28

1 times Local 135 was and is fully controlled and directed by its
2 President, Mickey Kasparian ("Kasparian").

3 2. Arauz is a female, adult resident of San Diego County,
4 California. At all material times, Arauz was a non-
5 confidential, non-managerial, and non-policymaking employee of
6 Local 135, and Kasparian and Richard Barrera ("Barrera") were
7 her supervisors in the workplace. At the time of Arauz's
8 wrongful termination, as herein alleged, she was a rank-and-file
9 union employee.

10 3. The true names and capacities, whether individual or
11 otherwise, of defendants DOES 1 through 20 are unknown to
12 Plaintiff who therefore sues them by such fictitious names
13 pursuant to CCP §474. Plaintiff au informed and believes that
14 each of the DOE defendants is responsible in some manner for the
15 acts of omissions alleged in this complaint or caused
16 Plaintiff's damages.

17 4. At all material times, all of the defendants named in
18 this complaint were the agents, employees, partners, joint-
19 venturers, or co-conspirators of the other defendants and when
20 doing the acts alleged in this complaint they acted within the
21 course and scope of such agency. At all material times, all of
22 the defendants named in this complaint aided and abetted,
23 authorized, and ratified all of the acts of the other
24 defendants.

25 5. Arauz was hired and worked as an union organizer from
26 2010 until January 6, 2017, when she was demoted to an "internal
27 research organizer" and isolated in a small room at the union
28 office with no further interaction or work as a regular
organizer. In this demoted position, Arauz no longer worked in
the field or was invited to attend union staff meetings, and was
otherwise barred from acting in any capacity as a union
organizer. She remained in this non-confidential, non-
managerial, and non-policymaking position, in isolation and

1 without any job responsibilities as punishment, until she was
2 formally terminated on March 24, 2017. As alleged herein, Arauz
3 was placed in this demoted position in retaliation for her
4 expressed willingness to act as a witness for fellow employee
5 Isabel Vasquez who had filed a lawsuit against Local 135 and
6 Kasparian for *quid pro quo* sexual harassment and hostile work
7 environment sexual harassment, when asked about it by her
8 supervisors Barrera and Kasparian, either directly or
9 indirectly.

10 5. As stated, Kasparian demanded and received *quid pro*
11 *quo* sex from Isabel Vasquez, a female employee, while Arauz
12 worked at Local 135, and acted inappropriately sexually toward
13 other women in the workplace. However, Arauz did not find about
14 the *quid pro quo* sexual abuse Kasparian subjected Isabel Vasquez
15 to until Vasquez filed her lawsuit in mid-December 2016, when a
16 fellow employee, Sara Saenz, sent Arauz a text and directed her
17 to a an "on-line" link to download it.

18 6. While Arauz worked at Local 135, Kasparian was "mean-
19 spirited" and "aggressive" toward female employees and treated
20 them differently than he did with male employees. He openly
21 used sexually explicit terms in the work place when verbally
22 expressing his displeasure with women politicians with whom he
23 interacted, calling them "bitches" and achieving their success
24 because of their "tits." Arauz heard Kasparian make these
25 sexual remarks in the workplace.

26 7. While Arauz worked at Local 135, Kasparian also
27 verbalized in the workplace his displeasure and disagreement
28 with fellow employee Sandy Naranjo's husband's political views.
Naranjo's husband worked at another union office, Local 569, and
was not employed with Local 135. Naranjo never advocated in the
workplace her husband's political views, and has never stated
she even shared those political views. In fact, Kasparian
mistakenly concluded that she did when she had taken time off of

1 work to go to her doctor for treatment of an occupational
2 injury. Kasparian mistakenly concluded that Naranjo had
3 attended a political rally in support of a politician supported
4 by her husband. Kasparian then suspended Naranjo in front of
5 her co-workers, including Arauz, and, when her husband accepted
6 an award for her at a labor event attended by Kasparian a couple
7 days later, Naranjo's husband, in accepting the award for his
8 wife, stated that he believed his wife's suspension was "unfair,
9 demeaning, and politically motivated." The next day, Kasparian
10 fired Naranjo, and immediately thereafter embarked on a smear
11 campaign against her, "falsely telling others that she had been
12 fired for dishonesty." As part of this smear campaign, Local
13 135 filed a Cross-Complaint to Naranjo's lawsuit, alleging that
14 Naranjo deleted electronic data from her company cell phone and
15 company I-Pad she turned in to Local 135 when she was
16 terminated, so as to allegedly conceal her purported
17 "dishonesty." Arauz became aware of Naranjo's firing on or
18 about December 9, 2016.

16 8. Arauz met Isabel Vasquez in 1999 or 2000 when Arauz
17 worked as a courtesy clerk at Vons supermarket in Chula Vista,
18 California. Vasquez was a checker at the cash register, and
19 Arauz was only 17 years old. Throughout the years Arauz and
20 Vasquez worked in the food industry, they became friends and
21 Vasquez encouraged Arauz to succeed and advance in the industry.
22 Eventually, Vasquez became Arauz's union representative, after
23 Vasquez moved into the union office. After much encouragement
24 by Vasquez, Arauz applied to work at Local 135 and was hired as
25 an organizer in 2010. In 2011, Arauz became a staff member at
26 Local 135.

26 9. Arauz's work at Local 135 was successful and she
27 earned many awards and praises for her hard work and success.
28 For example, in 2013, Arauz received "Organizer of the Year"
from the Interfaith Community Workers ("ICWJ"), an organization

1 that Kasparian donates money to and with whom Kasparian has a
2 good relationship (Kasparian and Rabbi Lori, the Executive
3 Director, were friends). Upon information and belief, Kasparian
4 recommended Arauz for the award.

5 10. In 2015, Arauz received "Organizer of the Year" from
6 the Labor council.

7 11. In 2015, Arauz also received a "Woman of the Year"
8 plaque from Assemblywoman Gonzales.

9 12. From February through September of 2016, Arauz
10 successfully organized 900 workers in 15 CVS stores in San Diego
11 County.

12 13. In October 2016, Kasparian sent Arauz a text message
13 recommending that she apply to the Board Leaders Commission
14 ("BCLS"), which was led by the Center on Policy Initiatives
15 ("CPI), because of Arauz's demonstrated leadership and
16 outstanding abilities as a union organizer.

17 14. In early December 2016, Kasparian publically thanked
18 Arauz for her dedication and successful work at a Stewards
19 Conference in San Diego County, California.

20 15. From December 16, 2016 through January 3, 2017, Arauz
21 went on a pre-planned, approved vacation. Before she left, she
22 became aware that Sandy Naranjo got suspended. On December 17,
23 2016, while Arauz was on vacation in Mexico, Local 135 called
24 her to inform her there was going to be an emergency staff
25 meeting, and that she, Arauz, would be required to participate
26 by telephone. On the same day, Sara Saez, an employee loyal to
27 Kasparian, downloaded Vasquez's complaint and texted the link to
28 Arauz. As instructed, Arauz teleconferenced into the staff
meeting while in Mexico. Kasparian and attorney Michael Fore
were on the phone in the meeting, as well as other staff members
at Local 135. During the meeting, Kasparian stated that there
were sexual harassment lawsuits coming out against him,
including Sandy Naranjo and Isabel Vasquez, hoping that Arauz

1 might say something in support of Vasquez, since Kasparian knew
2 that she and Vasquez were friends. To Kasparian's dismay, Arauz
3 said nothing about it during the telephone conference.

4 Undaunted, Kasparian elicited the help of Sara Saez once again,
5 and this time Saez sent Arauz a text message on December 20,
6 2016, after the meeting concluded asking to talk on the phone.
7 When Arauz got on the phone with Saez, Saez confirmed that Arauz
8 understood that Vasquez's sexual harassment lawsuit was about
9 Kasparian demanding and receiving sexual favors from Vasquez in
10 exchange for job benefits, and then asked Arauz if she believed
11 it. Unbeknownst to Arauz, Kasparian had asked Saez to contact
12 Arauz to "feel her out" and see where Arauz's loyalties were.
13 In an effort to get Arauz to open up to her, Saez then told
14 Arauz words to the effect, "I think it might be true," whereupon
15 Arauz stated: "If Isabel said it happened then it must have
16 happened." Upon information and belief, Saez later relayed this
17 information to Kasparian and Barrera. Sara Saez at one time ran
18 for City Council and was endorsed and funded by Kasparian. When
19 she did not win the City Councilman position, Kasparian offered
20 her a position at Local 135 as a union representative, a
21 position she holds now. Based on this history, Saez's
22 relationship with Kasparian runs deep, and she is understandably
23 completely loyal to Kasparian, even in the midst of his sexual
24 misconduct.

25 16. After hearing about Vasquez's lawsuit, Arauz deleted
26 her Facebook account on or about December 21, 2016.

27 17. In December of 2016, Arauz was in a romantic
28 relationship with a union organizer at NUHW by the name of
Christin Murguia ("Murguia"), which Kasparian and Barrera were
aware of. Murguia also knows Sara Saez and is a family friend
of Sandy Naranjo. Upon information and belief, Murguia is
"friends" with Saez on Facebook. When the Vasquez and Naranjo's
lawsuits were filed, Murguia immediately began to post on his

1 Facebook page various articles from the news media covering
2 these lawsuits, and began to attack Kasparian on his Facebook
3 account as well. Upon information and belief, Saez saw Murgia's
4 Facebook posts about these lawsuits and his criticism of
5 Kasparian and told Kasparian and Barrera about them.

6 18. Kasparian and Barrera are very close friends and work
7 closely together at Local 135. Both of them closely supervised
8 Arauz together.

9 19. On January 4, 2017, Arauz returned back to work from
10 vacation. Upon arrival, she was immediately confronted by
11 Barrera. Barrera told Arauz that he and Kasparian are aware
12 that her boyfriend was posting negative things about Kasparian
13 on social media and about the Vasquez and Naranjo lawsuits. He
14 told her that he and Kasparian shared the perception that she,
15 Arauz, "agreed with that stuff" her boyfriend posted on social
16 media. Arauz responded that the lawsuits were Kasparian's
17 problems and not hers, and that she did not post anything on
18 social media about Kasparian or the lawsuits filed against him.
19 Barrera repeatedly reminded Arauz that it was "all about
20 perception," whereupon Arauz again denied that she had anything
21 to do with posting any of those things on social media. Barrera
22 then probed further and asked her where her loyalties were, and
23 how she would testify if she were called as a witness in those
24 lawsuits. Arauz responded by saying that she has known Vasquez
25 for over 20 years and that she cannot dismiss what she is saying
26 about what Kasparian did to her. Arauz then told Barrera that
27 she read Vasquez's complaint and that she would be a valuable
28 character witness for Vasquez in her sexual harassment lawsuit
against Kasparian and Local 135, and that if she was called as a
witness in the case that she, Arauz, would tell the truth and
that her testimony would not contradict or even conflict with
what Vasquez alleged in her lawsuit.

1 20. As a result of Arauz's statement that she would
2 testify for Vasquez truthfully in Vasquez's sexual harassment
3 lawsuit against Kasparian, based on FEHA allegations, Kasparian,
4 Barrera and Local 135 retaliated against Arauz as herein
5 alleged, including demoting her, humiliating her in front of co-
6 workers and ultimately firing her, resulting in damages as
7 herein alleged.

8 21. On Wednesday, January 4, 2017, Arauz saw Kasparian in
9 the office building. She asked if they were going to have a
10 staff meeting sometime, whereupon Kasparian said they were.
11 However, Kasparian and other staff members later held a staff
12 meeting without Arauz, and purposely excluded her.

13 22. On Friday January 6, 2017, the San Diego Free Press
14 published an article about the Vasquez and Naranjo lawsuits.
15 Councilman David Alvarez, whom Kasparian knowingly despises, was
16 quoted in the article as saying that he supported Vasquez and
17 Naranjo in their lawsuits against Kasparian. This angered
18 Kasparian even further. Later that day, in retaliation for her
19 support of Vasquez and her willingness to act as a witness for
20 Vasquez in her sexual harassment lawsuit, Kasparian told Arauz
21 that she would no longer be an organizer, but that her job
22 position would change to that of an "internal research
23 organizer." This was a demotion.

24 23. There never was a position at Local 135 for an
25 "internal research organizer." It was a position made up or
26 created by Kasparian so that Arauz would be isolated and sit at
27 a desk doing basically nothing. She no longer would be allowed
28 to go out into the field and organize as she had been trained
and hired to do. It was Kasparian's form of punishment for
Arauz's willingness to testify for Vasquez in her sexual
harassment lawsuit against him. Kasparian only retaliated this
way against women, and never acted this way toward men
employees.

1 24. On January 7, 2017, Arauz filed a complaint with the
2 Department of Fair Employment and Housing ("DFEH") against Local
3 135, alleging sexual discrimination and retaliation in violation
4 of the California Fair Employment and Housing Act ("FEHA"). The
5 DFEH complaint was immediately emailed to Kasparian for a
6 response.

7 25. On Monday, January 9, 2017, when Arauz returned to
8 work after the weekend, Local 135 held another staff meeting and
9 intentionally excluded Arauz from attending. Since then, she
10 was never invited to any more staff meetings at Local 135.

11 26. After her demotion, Arauz asked Kasparian and Barrera
12 for some training and "tools" for her to do her work as an
13 "internal research organizer." After giving it some thought,
14 and in an obvious attempt to lessen the effect of his
15 retaliatory act of demoting Arauz, Kasparian directed Arauz to
16 travel to Los Angeles to be trained at Local 770 as an "internal
17 researcher." When she arrived, the person who was to train her
18 told Arauz he did not know why she was sent for training,
19 because what he did was "legal" research on Lexis/Nexis (a legal
20 research software tool for lawyers). He told her that to be
21 trained in what he did (i.e., legal research) required a college
22 degree. Arauz only had a high school diploma. As a result, it
23 was a waste of her time to go up to Los Angeles and try to get
24 trained in legal research. Upon information and belief,
25 Kasparian knew that getting trained as a "legal researcher" in
26 Los Angeles would not help Arauz get trained in her made up
27 position as an "internal research organizer." In fact, there is
28 no such thing as an "internal research organizer." In short,
sending Arauz up to Los Angeles was a farce and was calculated
to further harass and annoy Arauz. It was also an attempt to
set her up for failure. Upon information and belief, there is
no such thing as an "internal research organizer" in the union
industry. Kasparian simply fabricated that position to

1 retaliate against Arauz, and when pressed by Arauz to get some
2 training in that position, Kasparian retaliated further by
3 sending Arauz to Los Angeles to get training he knew she was not
4 qualified to receive and which had nothing to do with her made
5 up job. Upon information and belief, Kasparian knew about this
6 legal research position at Local 770, and sent Arauz there under
7 a ruse of getting training for an "internal research organizer,"
8 a position that did not exist. Arauz had no idea that this
9 position did not exist in the industry, or that she was being
10 set up for failure by Kasparian.

11 27. Arauz was later notified by the Labor Council of a
12 delegate meeting to be held on January 25, 2017. When Kasparian
13 and Barrera found out that Arauz was invited to this meeting,
14 they both told her she was no longer required to attend. In
15 fact, Kasparian told Arauz that it because she was "no longer a
16 delegate."

17 28. On January 26, 2017, Kasparian began to be more
18 worried about media attention to the sexual harassment claims
19 against him and started to have more staff meetings about it
20 without inviting Arauz.

21 29. On January 27, 2017, Kasparian sent Arauz to a Utah
22 slaughterhouse purportedly to act as an "organizer." However,
23 when she got there, she discovered the workers were already
24 organized, and all she was able to do was "representative" work
25 in dealing with grievances and giving the workers their
26 paychecks. She did no organizing and was there for ten (10)
27 days. Upon her return on February 15, 2017, Arauz approached
28 Kasparian and Barrera and asked them several times if she could
return to her duties as an organizer in San Diego. Kasparian
and Barrera, however, ignored those repeated requests, and Arauz
just sat at her desk at the Local 135 office doing nothing.
Nobody at Local 135 gave her anything to do as an "internal
research organizer," largely because no such position existed,

1 so Arauz was forced to just sit at a desk all day long doing
2 nothing. It was Kasparian's way of showing Arauz and the staff
3 that he had the power to punish those who were disloyal to him
4 and who sided with those who sued him for sexual harassment. It
5 was as if Kasparian had sent Arauz "in the corner" of a school
6 classroom for all the staff to see, bringing further humiliation
7 to Arauz.

8 30. On Tuesday, March 21, 2017, Arauz went to a democratic
9 central committee meeting, which was open to the public. She
10 held up a sign that read: "Silence is complicit." She made no
11 comments to anyone at the meeting about Kasparian or Local 135.
12 Kasparian was there and saw Arauz with her sign and became
13 visibly angry.

14 31. Because Arauz was doing nothing at work but sit behind
15 a desk, she became anxious and stressed out. Because of this,
16 she called in sick on Friday, March 24, 2017.

17 32. While Arauz was home sick, Kasparian arranged to have
18 a letter hand delivered to her at home terminating her
19 employment with Local 135. Attached and marked as Exhibit "1"
20 is a true and correct copy of this letter with an accompanying
21 cover letter. The letter purports to state that Arauz was
22 terminated because of her "words and actions" in undermining the
23 mission of Local 135, when in truth and fact Arauz was fired for
24 her willingness to act as a witness for Isabel Vasquez in
25 Vasquez's sexual harassment lawsuit against Kasparian and
26 because she opposed Kasparian's unlawful sexual misconduct in
27 the workplace. In truth and fact, Local 135's mission is not to
28 support Kasparian in defending himself against sexual harassment
lawsuits from female employees, especially when to do so would
be untruthful. In truth and fact, Local 135's mission is not to
promote or encourage sexual harassment in the workplace. The
letter also states that Arauz purportedly "created a hostile
work environment," discussed "current litigation" with others

1 (presumably the sexual harassment lawsuit against Kasparian)
2 "despite directives not to do so," "publically lied about [her]
3 being demoted," conducted personal business at work, and was
4 purportedly "disloyal" by "speaking disparagingly" of Kasparian
5 "to the news media" and by "posting negative comments on social
6 media concerning Local 135 and its leadership," all of which
7 were false and simply a pretext for termination. In truth and
8 fact, Arauz was terminated in retaliation for her willingness to
9 testify as a witness for Vasquez in Vasquez's FEHA sexual
10 harassment lawsuit against Kasparian and for opposing
11 Kasparian's unlawful sexual misconduct in the workplace.

12 33. As stated, Arauz exhausted her administrative remedies
13 by filing a DFEH complaint and obtaining a Right to Sue letter.
14 The DFEH Complaint and Right to Sue letter are attached and
15 marked as Exhibit "2."

16 **FIRST CAUSE OF ACTION**
17 **(Gender Discrimination Against All Defendants)**

18 34. The allegations in paragraphs 1 through 33 are re-
19 alleged and incorporated herein by reference.

20 35. Defendant Local 135, through the acts of its managing
21 agents, Kasparian and Barrera, wrongfully discriminated against
22 Arauz, in violation of Gov. Code §12940(a), because she was a
23 woman, by doing the things alleged in this complaint, including
24 terminating her because she was a woman and in retaliation for
25 Arauz's willingness to act as a witness in support of Vasquez in
26 Vasquez's sexual harassment lawsuit against Kasparian and
27 opposing Kasparian's sexual misconduct in the workplace. Arauz
28 was also subjected to a hostile sexual harassment environment,
created by Kasparian in the way he treated and spoke about women
in the workplace, as herein alleged, which was severe and
pervasive. Arauz, like other women in the workplace, was
treated differently than male co-workers, because she was a
woman, as herein alleged. Arauz's gender was a motivating

1 factor for her mistreatment in the workplace, as herein alleged,
2 and for her termination and abusive treatment.

3 36. As a result of the wrongful acts of Local 135,
4 including Kasparian and Barerra, as herein alleged, Plaintiff
5 sustained economic damages for lost wages and benefits, and non-
6 economic damages for emotional distress, anxiety, humiliation,
7 embarrassment, and other mental suffering.

8 37. Kasparian and Barerra's conduct and animus toward
9 Plaintiff because she was a woman was vile, and they acted with
10 malice, oppression, fraud, and in conscious disregard of
11 Plaintiff's rights and well-being, entitling Plaintiff to
12 recover punitive damages against Local 135 pursuant to CCP
13 §3294. Kasparian and Barrera were the managing agents of Local
14 135 who ratified such unlawful and wrongful conduct toward
15 Plaintiff.

14 **SECOND CAUSE OF ACTION**
15 **(Retaliation)**

16 38. The allegations in paragraphs 1 through 37 are re-
17 alleged and incorporated herein by reference.

18 39. Gov. Code §12940(h) of FEHA prohibits "any employer,
19 labor organization...or person to discharge, expel, or otherwise
20 discriminate against any person because the person has opposed
21 any practices forbidden under this part..." FEHA prohibits
22 sexual discrimination and specifically prohibits the allegations
23 of sexual harassment by Vasquez in her lawsuit against Kasparian
24 and Local 135. As a result, Kasparian and Barrera, as managing
25 agents for Local 135, were prohibited from firing Arauz for her
26 opposition to Kasparian's sexual harassment practices and for
27 her willingness to testify on behalf and in support of Vasquez.
28 Nevertheless, in violation of Gov. Code §12940(h), Kasparian and
Barrera fired Arauz because she was willing to testify for
Vasquez and opposed Kasparian's sexual misconduct in the

1 workplace, and thus wrongfully discriminated and retaliated
2 against Arauz as herein alleged.

3 40. As a result of the wrongful acts of Local 135,
4 including Kasparian and Barerra, as herein alleged, Plaintiff
5 sustained economic damages for lost wages and benefits, and non-
6 economic damages for emotional distress, anxiety, humiliation,
7 embarrassment, and other mental suffering.

8 41. Kasparian and Barerra's conduct and animus toward
9 Plaintiff because she was a woman was vile, and they acted with
10 malice, oppression, fraud, and in conscious disregard of
11 Plaintiff's rights and well-being, entitling Plaintiff to
12 recover punitive damages against Local 135 pursuant to CCP
13 §3294. Kasparian and Barrera were the managing agents of Local
14 135 who ratified such unlawful and wrongful conduct toward
15 Plaintiff.

14 **THIRD CAUSE OF ACTION**
15 **(Wrongful Termination in Violation of Public Policy)**

16 42. The allegations in paragraphs 1 through 41 are re-
17 alleged and incorporated herein by reference.

18 43. At all times herein mentioned, Defendants fired
19 Plaintiff because she was willing to testify on behalf of
20 Vasquez and because she opposed Kasparian's unlawful sexual
21 misconduct and harassment in the workplace, which is against
22 public policy and in violation of Gov. Code §12940(b) and (h).

23 44. As a result of the wrongful acts of Local 135,
24 including Kasparian and Barerra, as herein alleged, Plaintiff
25 sustained economic damages for lost wages and benefits, and non-
26 economic damages for emotional distress, anxiety, humiliation,
27 embarrassment, and other mental suffering.

28 45. Kasparian and Barerra's conduct and animus toward
Plaintiff because she was a woman was vile, and they acted with
malice, oppression, fraud, and in conscious disregard of
Plaintiff's rights and well-being, entitling Plaintiff to

1 recover punitive damages against Local 135 pursuant to CCP
2 \$3294. Kasparian and Barrera were the managing agents of Local
3 135 who ratified such unlawful and wrongful conduct toward
4 Plaintiff.

5 **FOURTH CAUSE OF ACTION**
6 **(Failure to Prevent Discrimination Against All Defendants)**

7 46. The allegations in paragraphs 1 through 45 are re-
8 alleged and incorporated herein by reference.

9 47. Local 135, as Plaintiff's employer, and Kasparian and
10 Barrera, as Plaintiff's supervisors, failed to take all
11 reasonable steps to prevent the discriminatory and retaliatory
12 actions brought against Plaintiff, as herein alleged, in
13 violation of Gov. Code §12940(k). In addition, Local 135 failed
14 to train Kasparian and Barrera on sexual harassment and
15 retaliatory conduct in the workplace, which resulted in
16 Kasparian's and Barrera's wrongful conduct toward Plaintiff as
17 herein alleged.

18 48. As a result of the wrongful acts and omissions of
19 Local 135, as herein alleged, Plaintiff sustained economic
20 damages for lost wages and benefits, and non-economic damages
21 for emotional distress, anxiety, humiliation, embarrassment, and
22 other mental suffering.

23 **FIFTH CAUSE OF ACTION**
24 **(Violation of CC §52.1: Interference with Exercise of Civil**
25 **Rights Against All Defendants)**

26 49. The allegations in paragraphs 1 through 48 are re-
27 alleged and incorporated herein by reference.

28 50. As alleged, Defendants retaliated against Plaintiff by
demoting her and ultimately firing her, in part, because
Plaintiff's "boyfriend" posted Vasquez's and Naranjo's lawsuit
on social media and posted comments on social media criticizing
Kasparian for his sexual misconduct. It is undisputed that
Plaintiff never posted anything pertaining to the Vasquez or

1 Naranjo lawsuit on social media prior to her termination, and in
2 fact deleted her Facebook account on December 21, 2017.

3 Defendants' adverse employment actions toward Plaintiff for her
4 boyfriend's social media posts, therefore, violates Plaintiff's
5 constitutional rights of freedom of association, because it
6 pressured Plaintiff to disavow her relationship with her
7 boyfriend, a protected association, in order to keep her job,
8 and made her "guilty by association." Defendants' adverse
9 actions against Plaintiff in this regard violated CC §52.1,
10 entitled "Interference with Exercise of Civil Rights," thereby
11 allowing Plaintiff to sue for civil damages for Local 135's
12 violation of her constitutional rights of freedom of association
13 under the first and fourteenth amendments of the U.S
14 Constitution, "whether or not [Local 135 has acted] under color
15 of law." Subsection (a) of CC §52.1 permits the state or local
16 government to bring a civil action for injunctive or equitable
17 relief against any person:

18 ...whether or not acting under color of law, [who]
19 interferes by threat, intimidation, or coercion, or
20 attempts to interfere by threat, intimidation, or coercion,
21 with the exercise or enjoyment by any individual or
22 individuals of rights secured by the Constitution or laws
23 of the United States, or of the rights secured by the
24 Constitution or laws of this state... (Emphasis added).

25 Subsection (b) further provides that an individual may pursue a
26 private right of action in state court for compensatory damages
27 against another private citizen or person for a violation of his
28 or her constitutional rights. It states in pertinent part as
follows:

Any individual whose exercise or enjoyment of rights
secured by the Constitution or laws of the United States,
or of rights secured by the Constitution or laws of this
state, has been interfered with, **or attempted to be**
interfered with, as described in subdivision (a), may
maintain and prosecute in his or her own name and on his or
her own behalf a civil action for damages... (Emphasis
added).

1 Whether or not Defendants' actions actually interfered with
2 Plaintiff's relationship with her boyfriend or caused them to
3 break up is irrelevant. The statute gives rise to liability for
4 Defendants' attempts to interfere with Plaintiff's relationship
5 with her boyfriend. Accordingly, Plaintiff is entitled to
6 damages, as herein alleged, for Defendants' violation of CC
7 §52.1.

8 51. A Plaintiff prosecuting a CC §52.1 civil action is
9 also entitled to an award of "reasonable attorney's fees," as
10 the prevailing party, and Plaintiff therefore is entitled to,
11 and hereby requests, reasonable attorney's fees as the
12 prevailing party in this action.

13 **PRAYER**

14 Therefore, Plaintiff prays for judgment against Defendants
15 as follows:

- 16 1. For special, compensatory and general damages
17 according to proof;
- 18 2. For punitive or exemplary damages;
- 19 3. For statutory attorney's fees and costs and expenses
20 of litigation;
- 21 4. For attorney's fees and cost for violation of CC
22 §52.1;
- 23 5. For such other relief the court deems just and proper.

24 Dated: April 12, 2017



25 Manuel Corrales, Jr., Esq.
26 Attorney for Plaintiff ANABEL
27 ARAUZ
28

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all causes of
action in this case.

DATED: April 12, 2017



Manuel Corrales, Jr., Esq.
Attorney for Plaintiff ANABEL
ARAUZ

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28