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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SACRAMENTO

CHAD CONDIT, an individual,

Plaintiff,

v.

MARIE ALVARADO-GIL, an individual; CALIFORNIA STATE SENATE, a California public entity; and DOES 1 through 50, inclusive,

Defendants.

Case No.: 24CV017664

VERIFIED COMPLAINT FOR DAMAGES AND EQUITABLE RELIEF

1. SEXUAL HARASSMENT-QUID PRO QUO;
2. SEXUAL HARASSMENT-HOSTILE WORK ENVIRONMENT
3. DISCRIMINATION IN VIOLATION OF THE FEHA
4. RETALIATION IN VIOLATION OF THE FEHA
5. FAILURE TO PREVENT HARASSMENT, DISCRIMINATION AND/OR RETALIATION
6. VIOLATION OF CALIFORNIA LABOR CODE SECTION 1102.5
7. VIOLATION OF CALIFORNIA CIVIL CODE SECTION 51.9
8. INJUNCTIVE RELIEF
9. DECLARATORY RELIEF

DEMAND FOR JURY TRIAL

COMES NOW, PLAINTIFF CHAD CONDIT ("PLAINTIFF"), for his causes of action against DEFENDANTS MARIE ALVARDO-GIL, the CALIFORNIA STATE SENATE and DOES 1-50 (collectively, "DEFENDANTS"), and each of them, and makes the following verified allegations and complaints as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to the California Constitution, Article VI, Section 10, which grants the superior court "original jurisdiction" in all other causes" except those given by statute to other courts. The statutes under which this action is brought do not specify any other basis for jurisdiction.

2. This Court has jurisdiction over DEFENDANTS because, upon information and belief, DEFENDANT are citizens of California, have sufficient minimum contacts in California, or otherwise intentionally avail themselves in California so as to render the exercise of jurisdiction over it by the California courts consistent with traditional notions of fair play and substantial justice.

3. Venue is proper in this Court because, upon information and belief, PLAINTIFF was employed by DEFENDANTS in Sacramento County, DEFENDANTS maintain offices, have agents, and/or transact business in the State of California, including the County of Sacramento, and because material acts and omissions giving rise to this action alleged herein took place in the State of California, County of Sacramento.

PARTIES

4. PLAINTIFF is and was oni at all times relevant herein a resident of the State of California. PLAINTIFF was an employee of DEFENDANTS, through his employment on behalf of DEFENDANT ALVARADO-GIL, a candidate and Senator in the CALIFORNIA STATE SENATE for the 4th State Senate District.

5. PLAINTIFF was the campaign manager and, later, the chief of staff employed by DEFENDANT ALVARADO-GIL.

6. DEFENDANT ALVARADO-GIL is a politician who was elected to the California State Senate in 2022.

7. The CALIFORNIA STATE SENATE is the political body in which DEFENDANT ALVARADO-GIL is a member and through whom she engages in the employment of staff, including, at all relevant periods, PLAINTIFF. As alleged herein, DEFENDANT CALIFORNIA STATE SENATE acted in concert with, and as the co-employer of PLAINTIFF, along with its member, DEFENDANT ALVARADO-GIL. As alleged herein, DEFENDANT CALIFORNIA STATE SENATE acted with indifference, ratified and furthered the scheme of DEFENDANT ALVARADO-GIL to harass, discriminate and retaliate against PLAINTIFF as alleged herein.

FACTUAL BACKGROUND

8. DEFENDANT MARIE ALVARADO-GIL is a California State Senator for the 4th Senate district. She is PLAINTIFF's former boss and she is an elected official who wields power in the district where PLAINTIFF resides. At relevant times alleged herein, PLAINTIFF was a subordinate employee and also a constituent of DEFENDANT ALVARADO-GIL, vulnerable to her exercise of abuse of power.

9. Prior to 2022, PLAINTIFF and DEFENDANT ALVARADO-GIL had both been around politics for a long time. PLAINTIFF has served in many political functions as a campaign advisor, assembly staffer, advisor to the Governor and chief of staff. He has also served as a political consultant for years. PLAINTIFF is also a Navy veteran who honorably served his country.

10. In 2022, PLAINTIFF ran for the State Assembly. ALVARADO-GIL ran for the State Senate. She got through the primary and he did not. PLAINTIFF and DEFENDANT

ALVARADO-GIL met in or about June 2022, and in July 2022, DEFENDANT ALVARADO-GIL's campaign reached out and hired PLAINTIFF and his son to run the campaign.

11. At the time he is hired, PLAINTIFF was married. ALVARADO-GIL was also married. She has been married three times. He had been married once. PLAINTIFF led a successful campaign for ALVARADO-GIL and she won as a Democrat in a Republican district.

12. In December 2022, after winning and being sworn in, ALVARADO-GIL hired PLAINTIFF to be her chief of staff. ALVARADO-GIL also employed her childhood best friend, Vanessa Bravo, on her staff. Ms. Bravo was not experienced but as alleged herein, ALVARADO-GIL would later position her to take over PLAINTIFF's duties after she proved herself tolerant and supportive of ALVARADO-GIL's discrimination, harassment and retaliation towards PLAINTIFF.

13. For the first six months after taking the job, ALVARADO-GIL and PLAINTIFF would travel together and attend events in the district and Sacramento. ALVARADO-GIL wanted PLAINTIFF to be with her at everything. In the course of their interactions as boss-subordinate, ALVARADO-GIL began grooming PLAINTIFF and sharing personal and intimate details.

14. Beginning in December 2022, ALVARADO-GIL began to share her personal intimate life story with PLAINTIFF, including her dating life, divorces and how her current husband cheated on her. ALVARADO-GIL told PLAINTIFF she got her own house, dog, and a lifetime free pass (to cheat) out of the deal.

15. ALVARADO-GIL asked PLAINTIFF if he had ever cheated on his wife and asked if PLAINTIFF would ever be intimate with a boss. PLAINTIFF stated he was married and her response was that it was "endearing" and that she was going to make herself friends with his wife. ALVARADO-GIL would openly talk about her vices which included sex and using the drug, ayahuasca, and taking gummies. She commented about how sex and ayahuasca go well together.

16. As ALVARADO-GIL became more comfortable in her position as the dominant in the relationship, she insisted that PLAINTIFF and her share locations on their phones by using the tracking feature. She asked PLAINTIFF if he would rent in Sacramento with her and the deputy chief of staff, Vanessa Bravo (who was her friend since childhood and has no experience working in state government).

17. PLAINTIFF's father had been a long-time politician and had been accused of having affairs when he was in office. ALVARADO-GIL commented to PLAINTIFF several times that she assumed PLAINTIFF would be like his father—insinuating that he should be open to a sexual relationship with her.

18. In January 2023, ALVARADO-GIL started talking about filming a 'sitcom' about her and PLAINTIFF. She would also sing a song that she wrote about the campaign that had PLAINTIFF's name in the song. ALVARADO-GIL would also brag about asserting her power on senior staff calls and would tell PLAINTIFF and other staff that she was the senator and she can do whatever she wants. This was evident to more than 300 prominent farmers, their spouses and children when she told the group "I'm a fucking democrat "and walked off the stage. She would later apologize at a private meeting set up by PLAINTIFF, and she claimed that Chad told her to say it. ALVERADO-GIL went as far as to use tax dollars for travel to and from horse riding lessons claiming it was for a legislative purpose.

19. ALVARADO-GIL started saying to PLAINTIFF that "we are family" and she got PLAINTIFF involved with her daughter's move to the district, and on several occasions she had PLAINTIFF pick up her daughter. She even told PLAINTIFF he had to find a job for her son and daughter. On one weeknight at around 11:00 pm, ALVARADO-GIL called PLAINTIFF and directed him to go pick up her daughter who had a flat tire. ALVARADO-GIL also commented that when her daughter needed a ride to work she called police chief in Patterson to take her

daughter to work. When her daughter was going to cosmetology school to become a beautician, ALVERADO-GIL insisted PLAINTIFF be her daughter's first customer and allow the daughter to cut his hair. On many occasions ALVERADO-GIL had PLAINTIFF transport, walk, and take care of her dog during work hours. This growing control and exercise of power by ALVARADO-GIL further conditioned PLAINTIFF into an unequal and subservient position.

20. PLAINTIFF was pulled into intimate and uncomfortable situations by ALVARADO-GIL. She told him that one of her goals was to find the deputy chief (her childhood friend Vanessa Bravo) a rich boyfriend at the Capitol and to help her buy a house. During the staff retreat in February 2023, ALVARADO-GIL has the staff take a personality test. She also has PLAINTIFF's wife take the test too and later intimated to PLAINTIFF that she knew why PLAINTIFF and his wife had stayed together, further suggesting her dominant positioning over PLAINTIFF. She also gives PLAINTIFF a Valentines Day card.

21. By March 2023, ALVARADO-GIL became more blunt and direct towards her subordinate, PLAINTIFF. She asks PLAINTIFF what his feelings are about "throuples" and whether PLAINTIFF thought his wife would be into that. ALVARADO-GIL brought up the topic of "throuples" in front of another staff member. ALVARADO-GIL told PLAINTIFF that she prefers short black men and old white guys like PLAINTIFF. She has said this in front of other staff members.

22. ALVARADO-GIL also talked about other staff members' sex lives to PLAINTIFF and showed him her phone showing another staff member's location. She commented that the staff member was at a hotel fucking some guy. She brought up wanting one of her female staffers to seduce a local married sheriff and take pictures because the sheriff had been rude to her. ALVARADO-GIL routinely referred to her husband as a drunk and claimed that he was ill with Parkinson's. ALVARADO-GIL told PLAINTIFF that she and her friend on staff, Vanessa Bravo,

took the same drug cocktail for a condition. ALVARADO-GIL hired PLAINTIFF's wife to be on her campaign in March 2023 and she started going to the same beautician as PLAINTIFF's wife. These were clear moves by ALVARADO-GIL to insert herself into a position of control over PLAINTIFF's and his wife's lives.

23. In one incident, ALVARADO-GIL called PLAINTIFF to her hotel room after a crab feed in Mariposa saying she bumped her head. When PLAINTIFF got to ALVARADO-GIL's room she showed him she had bumped her head. PLAINTIFF left the room to get her ice. When he came back with the ice, she was sitting on the edge of the bed with just a t-shirt on. ALVARADO-GIL commented to PLAINTIFF that she thought he looked like Brad Pitt. Bravo, the Deputy Chief/friend for ALVARADO-GIL told PLAINTIFF that ALVARADO-GIL was bipolar. She also told PLAINTIFF that ALVARADO-GIL had told her that she wanted to be "selfish" with PLAINTIFF's time with her. ALVARADO-GIL said in front of 2 staffers that PLAINTIFF made her feel nice inside and out. Vanessa Bravo blurted out that this was inappropriate and asked the other staffer to leave the room, and privately told ALVARADO-GIL and PLAINTIFF that it was an inappropriate conversation which was why she told staff to leave.

24. As the parties were engaged in traveling for work and after asserting her control and power over PLAINTIFF, ALVARADO-GIL demanded PLAINTIFF to show her loyalty by having him go down on her. She first initiated this during a trip to Inyo County. They were driving together and they pulled over to go to the restroom. When he came back to the car, she had her pants pulled down and said, "I want you to kiss it and prove your loyalty." She had her legs spread and turned towards him exposing her vagina. Her direction was for him to submit to her demand and to orally pleasure her vagina. After months of creating a dominant-submissive relationship, PLAINTIFF was numbed and acted without thinking and it went from there with ALVARADO-GIL establishing her ability to dominate him. PLAINTIFF briefly performed as demanded until

she was satisfied by his submission to her.

25. ALVARADO-GIL appeared to enjoy her power and demanded this show of "loyalty" on several occasions. There was no sexual intercourse. Rather, it was ALVARADO-GIL treating this demand as a perk of her power and that PLAINTIFF would be a tool to service her continual demand asking if he would kiss it. PLAINTIFF was demeaned and made to feel empty and subordinate to his boss, a California state senator, with power over his career and livelihood.

26. During the last occasion where PLAINTIFF performed oral sex as demanded by ALVARADO-GIL, PLAINTIFF suffered a back injury while performing in a car seat with his body having to twist and contort in the confined space of the car. PLAINTIFF later went to the doctor and discovered that the injury was more severe, and that PLAINTIFF had suffered three herniated discs in his back and a collapsed hip.

27. Senator ALVARADO-GIL continued to push through her power positioning towards PLAINTIFF and his wife. However, PLAINTIFF began to refuse and object to ALVARADO-GIL's later demands for oral sex and identified his physical limitations and injuries to get out of her demands, which made her unhappy with him.

28. PLAINTIFF received numerous complaints from staff about Vanessa Bravo and reported the complaints to ALVARADO-GIL. ALVARADO-GIL gave directions not to report the Deputy Chief of staff to HR regarding numerous complaints from district staff, and PLAINTIFF was concerned about speaking up about his own situation, and the power that ALVARADO-GIL had over him. ALVARADO-GIL continued her grooming and in May 2023, during the annual jumping frog event at the Capitol, named her frog, "Chad". ALVARADO-GIL also told PLAINTIFF to call her husband and tell him to never call into committee meetings. She told PLAINTIFF repeatedly she wanted to take him on a cruise with her.

29. PLAINTIFF was placed in a position of anxiety and feeling pressured by the Senator. It is clear to other staffers that PLAINTIFF is being used by ALVARADO-GIL to the exclusion of other staffers and there were complaints and threats to quit from other staffers. After PLAINTIFF's injury, ALVARADO-GIL directed him to go to the emergency room/doctor and ALVARADO-GIL showed up early the next morning and demanded that the doctor do a full blood test on PLAINTIFF, which PLAINTIFF found strange.

30. During the following week, ALVARADO-GIL puts someone else into PLAINTIFF's office to temporarily replace him. She said there wasn't anyone on staff that was capable enough to do PLAINTIFF's work while he was out. In July 2023, ALVARADO-GIL decorated PLAINTIFF's office herself for his birthday.

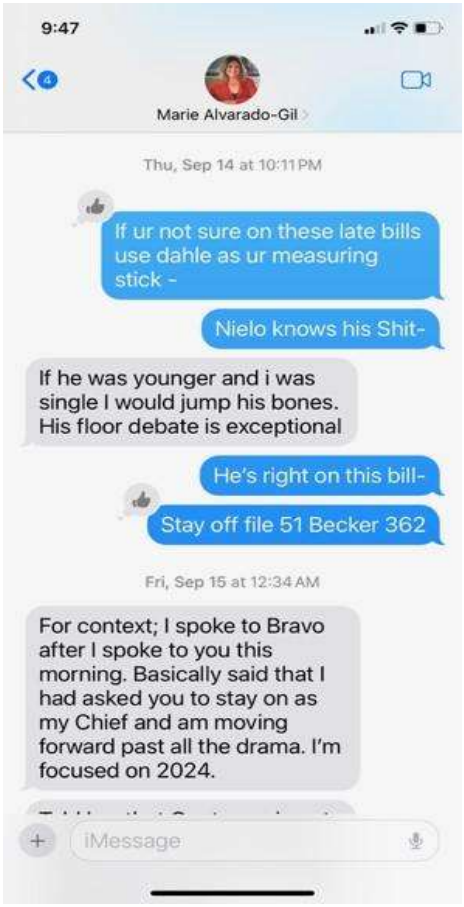
31. By the end of July-beginning of August 2023, PLAINTIFF had made it very clear that ALVARADO-GIL's further advances and attention were not welcome and he sought to distance himself from ALVARADO-GIL's personal relationship efforts and told her so. He started wearing a wedding ring which he had not done before. After he started wearing the wedding ring, ALVARADO-GIL made a point to comment "nice ring" and added "now I know she [his wife] doesn't trust you." ALVARADO-GIL also began making comments in August 2023, to attempt to make PLAINTIFF feel guilty about being hospitalized and unable to attend the staff retreat, where she could have access to him. After being discharged from the hospital PLAINTIFF's wife drove him to the staff retreat after party. ALVARADO-GIL took charge and pushed PLAINTIFF around the casino in a wheelchair. ALVARADO-GIL also made a sexual remark to PLAINTIFF that her husband liked to watch.

32. By this point, in August 2023, PLAINTIFF has repeatedly made it clear to ALVARADO-GIL that her sexualized and domineering conduct towards him was unwelcome and that he opposed further personalized sexualized behavior by ALVARADO-GIL towards him.

After PLAINTIFF had communicated his opposition to ALVARADO-GIL over her continuing advances and behavior, ALVARADO-GIL and her deputy chief/childhood buddy Vanessa Bravo went to the Secretary of the Senate in or about August 2023 to get PLAINTIFF fired as punishment and retaliation.

33. ALVARADO-GIL also began accusing PLAINTIFF of having a girlfriend. Privately, ALVARADO-GIL said that PLAINTIFF would not work for anyone but her, which confirmed the threat to his job security and public employee position posed by refusing her sexualized behavior and demands. After PLAINTIFF communicated his opposition, ALVARADO-GIL went to PLAINTIFF's home with a staff member and falsely told his wife that PLAINTIFF was seeing someone to cause him distress. PLAINTIFF was home sick at the time and heard the conversation.

34. Staff members confided to PLAINTIFF that ALVARADO-GIL was upset at what she has done to him to cause him to be written up, and PLAINTIFF learned that he was being issued a bogus disciplinary letter with accusations of inappropriate behavior made by ALVARADO-GIL against him. ALVARADO-GIL called PLAINTIFF to tell him about the forthcoming letter and directed him to accept a "slap on the wrist" and that she would fix it with evaluations. Staffers told PLAINTIFF that he should get an HR attorney based on what ALVARADO-GIL told them about him. ALVARADO-GIL continued to be erratic towards PLAINTIFF and texted him in September 2023 about another legislator stating that if he was younger, she would "jump his bones." She would often claim to PLAINTIFF that "I know how to handle white men."



35. Despite ALVARADO-GIL's moves to punish and retaliate against PLAINTIFF, she still wanted him in his position. The deputy chief/friend of ALVARADO-GIL privately cried to PLAINTIFF and told him that ALVARADO-GIL wanted him and not her. Due to his serious medical disability issues, PLAINTIFF was scheduled for hip surgery.

36. In October 2023, after PLAINTIFF's hip surgery, ALVARADO-GIL assured him that HR was taking care of everything regarding accommodations. ALVARADO-GIL offered to give PLAINTIFF money for a down payment on a house. She later asked PLAINTIFF if he needed marriage advice. ALVARADO-GIL bought PLAINTIFF a Santa Claus costume in December 2023 and instructed PLAINTIFF to wear it prior to the staff and stakeholder holiday party. No other staff member was directed to wear a costume. Shortly thereafter, PLAINTIFF got a text message from ALVARADO-GIL notifying him that he's been fired. ALVARADO-GILL tried to

get PLAINTIFF to resign by offering to hire PLAINTIFF'S wife in her state office.

37. PLAINTIFF was given notice of termination on December 18, 2023 that his last day of employment would be December 31, 2023.

38. As an employer/supervisor, DEFENDANT ALVARADO-GIL engaged in erratic, controlling, sexually dominating abuse of authority and power. This was a sex-based quid pro quo relationship of unwelcome advances and sexual behaviors coupled with punishment and flexing of power. ALVARADO-GIL created a toxic and hostile working environment for PLAINTIFF. She further aggravated his working conditions while he suffered from debilitating disabilities and protected medical leave by refusing to accommodate his recovery and workplace limitations.

39. DEFENDANT CALIFORNIA STATE SENATE is vicariously liable for the acts of ALVARADO-GIL as a controlling supervisor over PLAINTIFF. Moreover, the Secretary of the Senate blindly accepted ALVARADO-GIL's retaliatory actions against PLAINTIFF and ratified her abuse of him. PLAINTIFF engaged in protected activity and was retaliated against by his DEFENDANTS.

40. PLAINTIFF had a monthly salary of $11,825.00 plus CalPERS and other benefits. He reasonably expected to continue to serve in additional employment functions during election cycles. PLAINTIFF's age and disability limitations made him more vulnerable to ALVARADO-GIL who used her power of hiring and firing to offer PLAINTIFF the likely prospect to be able to remain employed and to retire as a Senate employee. This was something that ALVARADO-GIL toyed with and tore away due to her quid-pro-quo self-gratification and abuse of power. Just before firing PLAINTIFF, ALVARADO-GIL humiliated him and ordered PLAINTIFF into a costume as the only costumed person at a large Staff and political/stakeholder event. PLAINTIFF has moments of total despair, headaches, fatigue, guilt and shame, and seeks to avoid friends and family. He showed the signs and symptoms of abuse, becoming numb, emotionally detached and

depressed. The fact that he is a man, does not take away from the shame at being put into submission by his boss.

41. In September 2023, in the run up to firing PLAINTIFF after he refused and objected to ALVARADO-GIL's sexualized abuse of power, ALVARADO-GIL caused the HR representative for the CALIFORNIA STATE SENATE to reprimand PLAINTIFF. This was in punishment for PLAINTIFF's protected activities and for him stopping and resisting ALVARADO-GIL's inappropriate sexual behavior and conduct. HR never provided PLAINTIFF with dates or notice of alleged workplace issues it claimed the Senator had with him. The fact that ALVARADO-GIL personally targeted PLAINTIFF and went into his home to accuse him to his wife of seeing someone, when she was the person ordering PLAINTIFF into sexually inappropriate situations, demonstrates a malicious intent. It also caused a major rift between PLAINTIFF and his wife. PLAINTIFF's personal and professional relationships were forever altered, and his employment record and opportunities in public employment are irreparably damaged and will never be the same.

42. PLAINTIFF is informed that DEFENDANT ALVARADO-GIL has continued to target PLAINTIFF and his family since his termination with unwanted hostile behavior and lies about PLAINTIFF and other family members, in an effort to cause him harm. As an elected official who personally abused PLAINTIFF while in a position of power over him, DEFENDANT ALVARADO-GIL has continued to violate PLAINTIFF's rights in a coercive manner and is using her power over PLAINTIFF through her role as his employer, to further embarrass and humiliate him and insure he would not be employable. Working in the political arena and/or holding public service employment is all that PLAINTIFF knows and it is his identity and livelihood. ALVERADO-GIL told PLAINTIFF he would never work for another member but her.

43. PLAINTIFF has satisfied the administrative prerequisites with respect to all of his

claims arising under the FEHA and the California Government Tort Claims presentation requirements. PLAINTIFF timely filed complaints against DEFENDANTS under Government Code sections 12940, et seq., the California Fair Employment and Housing Act ("FEHA"), with the California Civil Rights Department and received a "Right to Sue" Notice. PLAINTIFF filed a timely and proper Government Tort Claim with the Department of General Services Office of Risk and Insurance Management and is informed that this Complaint has been filed in compliance with the satisfaction of such requirements alleged herein.

FIRST CAUSE OF ACTION

SEXUAL HARASSMENT-QUID PRO QUO

(By PLAINTIFF Against All DEFENDANTS)

44. PLAINTIFF realleges and incorporates by reference every allegation contained in paragraphs 1 through 43 this Complaint as though set forth herein in full.

45. At all times herein mentioned, FEHA, Government Code section 12940, was in full force and effect and was binding on DEFENDANTS. This statute requires DEFENDANTS to refrain from harassing any employee on the basis of gender, among other things. Within the time provided by law, PLAINTIFF filed a complaint with the CRD, in full compliance with administrative requirements, and received a right-to-sue letter.

46. During PLAINTIFF'S employment with DEFENDANTS, DEFENDANTS, directly and/or through their supervisors and employees, engaged in a series of acts that had a negative impact on the treatment of PLAINTIFF while in DEFENDANTS' employ.

47. During PLAINTIFF'S employment with DEFENDANTS, DEFENDANTS intentionally engaged in harassment on the basis of sex. The harassment included verbal, physical and visual harassment, as well as unwanted sexual advances.

48. During PLAINTIFF'S employment with DEFENDANTS, DEFENDANTS made

and/or tolerated unwanted sexual advances to PLAINTIFF or engaged in other unwanted verbal or physical conduct of a sexual nature.

49. Job benefits were conditioned, by words or conduct, on PLAINTIFF'S acceptance of ALVARADO-GIL'S sexual advances or conduct.

50. Employment decisions affecting PLAINTIFF were made based on his acceptance or rejection of ALVARADO'GIL'S sexual advances or conduct.

51. At the time of the unwanted conduct or words, ALVARADO-GIL was a supervisor principal, member and/or agent for DEFENDANT CALIFORNIA STATE SENATE.

52. As a result of DEFENDANTS' conduct, PLAINTIFF was harmed, and ALVARADO-GIL'S conduct was a substantial factor in causing PLAINTIFF'S harm.

53. PLAINTIFF is a qualified employee who performed his job in an satisfactory manner. DEFENDANTS subjected PLAINTIFF to sexualized, abusive, negative sex-based comments and to continuous harassing and threatening behavior. DEFENDANT ALVARADO-GIL intentionally harassed PLAINTIFF in violation of the law.

54. As a proximate result of DEFENDANTS' willful, knowing, and intentional harassment of PLAINTIFF, PLAINTIFF has sustained and continues to sustain substantial losses of earnings and other employment benefits.

55. As a proximate result of DEFENDANTS' willful, knowing, and intentional harassment of PLAINTIFF, PLAINTIFF has suffered and continues to suffer humiliation, emotional distress, and mental and physical pain and anguish, all to his damage in a sum according to proof.

56. As to DEFENDANT ALVARADO-GIL, the foregoing conduct was intended to cause injury to PLAINTIFF or was despicable conduct carried on by said DEFENDANT with a willful and conscious disregard of PLAINTIFF's rights, such as to constitute malice, oppression,

or fraud under California Civil Code section 3294. Said DEFENDANT was fully aware of her obligation to not harass, discriminate or retaliate against PLAINTIFF. Said DEFENDANT was aware and conscious of PLAINTIFF's rights and yet chose to ignore and disregard them. In light of the outrageous and malicious conduct of DEFENDANT ALVARADO-GIL, PLAINTIFF seeks an award of punitive damages in an amount appropriate to punish or make an example of said DEFENDANT.

57. PLAINTIFF has incurred and continues to incur legal expenses and attorneys' fees. Pursuant to Government Code section 12965(b), PLAINTIFF is entitled to recover reasonable attorneys' fees and costs (including expert costs) in an amount according to proof.

SECOND CAUSE OF ACTION

SEXUAL HARASSMENT-HOSTILE WORK ENVIRONMENT

(By PLAINTIFF Against All DEFENDANTS)

58. PLAINTIFF realleges and incorporates by reference every allegation contained in paragraphs 1 through 57 this Complaint as though set forth herein in full.

59. At all times herein mentioned, FEHA, Government Code section 12940, was in full force and effect and was binding on DEFENDANTS. This statute requires DEFENDANTS to refrain from harassing any employee on the basis of gender, among other things. Within the time provided by law, PLAINTIFF filed a complaint with the CRD, in full compliance with administrative requirements, and received a right-to-sue letter.

60. During PLAINTIFF'S employment with DEFENDANTS, DEFENDANTS, directly and/or through their supervisors and employees, engaged in a series of acts that had a negative impact on the treatment of PLAINTIFF.

61. During PLAINTIFF'S employment with DEFENDANTS, DEFENDANTS intentionally engaged in sexual harassment.

62. PLAINTIFF was a qualified employee who performed his job in a satisfactory manner. DEFENDANTS subjected PLAINTIFF to negative sex-based comments and to continuous harassing and threatening behavior. DEFENDANTS intentionally harassed PLAINTIFF in violation of the law.

63. DEFENDANTS, directly and/or through managers and supervisors, engaged in conduct and made a number of comments to and about PLAINTIFF that exhibited sexually harassing motivations, intentions, and consciousness.

64. On the basis of the above, PLAINTIFF believes and alleges that DEFENDANTS sexually harassed him and that PLAINTIFF was subjected to unwanted sexually harassing conduct.

65. The harassing conduct was so severe, widespread, or persistent that a reasonable male in PLAINTIFF'S circumstances would have considered the work environment to be hostile or abusive.

66. PLAINTIFF considered the work environment to be hostile or abusive.

67. DEFENDANT ALVARADO-GIL, a supervisor and control figure in power with actual or reasonably perceived authority over PLAINTIFF, engaged in the conduct.

68. DEFENDANTS and/or their supervisors or agents knew or should have known of the conduct and failed to take immediate and appropriate corrective action.

69. PLAINTIFF was harmed, and the conduct was a substantial factor in causing PLAINTIFF'S harm.

70. DEFENDANTS, individually and/or through their managers and supervisors, made a number of comments to and about Plaintiff that exhibited harassing motivations, intentions, and consciousness.

71. During PLAINTIFF's employment with DEFENDANTS, DEFENDANTS

engaged in sexualized behavior and unwanted contact designed to demean and control PLAINTIFF, and further displayed and/or permitted the displaying of sexually graphic words and imagery and targeting of PLAINTIFF. The conduct, words and images were unwanted and created a hostile work environment. Defendants took these actions intentionally.

72. On the basis of the above, PLAINTIFF believes and alleges that DEFENDANTS sexually harassed PLAINTIFF.

73. As a proximate result of DEFENDANTS' willful, knowing, and intentional harassment of PLAINTIFF, PLAINTIFF has sustained and continues to sustain substantial losses of earnings and other employment benefits.

74. As a proximate result of DEFENDANTS' willful, knowing, and intentional harassment of PLAINTIFF, PLAINTIFF has suffered and continues to suffer humiliation, emotional distress, and mental and physical pain and anguish, all to his damage in a sum according to proof.

75. As to DEFENDANT ALVARADO-GIL, the foregoing conduct was intended to cause injury to PLAINTIFF or was despicable conduct carried on by said DEFENDANT with a willful and conscious disregard of PLAINTIFF's rights, such as to constitute malice, oppression, or fraud under California Civil Code section 3294. Said DEFENDANT was fully aware of her obligation to not harass, discriminate or retaliate against PLAINTIFF. Said DEFENDANT was aware and conscious of PLAINTIFF's rights and yet chose to ignore and disregard them. In light of the outrageous and malicious conduct of DEFENDANT ALVARADO-GIL, PLAINTIFF seeks an award of punitive damages in an amount appropriate to punish or make an example of said DEFENDANT.

76. PLAINTIFF has incurred and continues to incur legal expenses and attorneys' fees. Pursuant to Government Code section 12965(b), PLAINTIFF is entitled to recover reasonable

attorneys' fees and costs (including expert costs) in an amount according to proof.

THIRD CAUSE OF ACTION

DISCRIMINATION IN VIOLATION OF THE FEHA

(By PLAINTIFF Against All DEFENDANTS and DOES)

77. PLAINTIFF repeats and realleges all the allegations set forth in paragraphs 1 through 76 above and incorporates the same by reference as though fully set forth herein.

78. At all times herein mentioned, FEHA, Government Code section 12940, et seq., was in full force and effect and was binding on DEFENDANTS. This statute requires DEFENDANTS to refrain from discriminating against any employee based on his or her disability or age. Within the time provided by law, PLAINTIFF filed a complaint with the CRD, in full compliance with administrative requirements, and received a right-to-sue letter.

79. During PLAINTIFF'S employment DEFENDANTS, individually and/or through their supervisors, engaged in actions that had a negative impact on the treatment of PLAINTIFF based on his disability and/or age. Specifically, DEFENDANTS discriminated against PLAINTIFF, failed to reasonably accommodate him, failed to engage in a good faith and timely interactive process, and/or used and/or targeted his protected characteristics and need for reasonable accommodations as a basis to target PLAINTIFF and/or engage in adverse employment actions.

80. During PLAINTIFF'S employment with DEFENDANTS, DEFENDANTS intentionally engaged in disability and/or age discrimination by treating PLAINTIFF differently and adversely, failing to reasonably accommodate him, failing to engage in a timely and/or good faith interactive process, and/or targeting PLAINTIFF with harassing behavior.

81. DEFENDANTS' conduct, as alleged, violated the FEHA, and DEFENDANTS committed unlawful employment practice(s), including, without limitation, by the following,

separate bases for liability:

a. Terminating, barring, discharging, refusing to transfer, retain, hire, select, and/or employ; and/or otherwise discriminating against PLAINTIFF based, in whole or in part, on PLAINTIFF'S age, disability, requested accommodations and/or engagement in protected activities and/or an interactive process, in violation of Cal. Govt. Code § 12940(a).

b. Harassing PLAINTIFF and/or creating a hostile work environment, based, in whole or in part, on PLAINTIFF'S age, disability, requested accommodations and/or engagement in protected activities and/or an interactive process, in violation of Cal. Govt. Code § 12940(j).

c. Failing to take all reasonable steps to prevent discrimination and/or harassment based on PLAINTIFF'S age, disability, requested accommodations and/or engagement in protected activities and/or an interactive process, in violation of Cal. Govt. Code § 12940(k).

d. Retaliating against PLAINTIFF for seeking to exercise rights guaranteed under the FEHA and/or opposing DEFENDANTS' failure to provide such rights, in violation of Cal. Govt. Code § 12940(h).

82. On the basis of the above, PLAINTIFF believes and alleges that his age, disability, requested accommodations and/or engagement in protected activities and/or an interactive process were a substantial motivating factor in DEFENDANTS' negative treatment of him by his employers and/or supervisors, including being singled out, targeted, reprimanded, scrutinized, tested, subjected to sexually hostile work conditions, demeaned, disparaged, and being disciplined and terminated.

83. As a proximate result of DEFENDANTS' willful, knowing, and intentional discrimination against PLAINTIFF, PLAINTIFF has sustained and continues to sustain substantial

losses of earnings and other employment benefits.

84. As a proximate result of DEFENDANTS' willful, knowing, and intentional discrimination against PLAINTIFF, PLAINTIFF has suffered and continues to suffer humiliation, emotional distress, and mental and physical pain and anguish, all to his damage in a sum according to proof.

85. PLAINTIFF has incurred and continues to incur legal expenses and attorneys' fees. PLAINTIFF is at present unaware of the precise amounts of these expenses and fees and will seek leave of court to amend this Complaint when the amounts are fully known.

FOURTH CAUSE OF ACTION

RETALIATION IN VIOLATION OF THE FEHA

(By PLAINTIFF Against All DEFENDANTS and DOES)

86. PLAINTIFF repeats and realleges the allegations set forth in paragraphs 1 through 85 above and incorporates the same by reference as though fully set forth herein.

87. At all times relevant hereto, the FEHA, including in particular California Government Code section 12940, subdivision (h), was in full force and effect and was binding upon DEFENDANTS, inclusive, and each of them. California Government Code section 12940, subdivision (h) prohibits covered employers and/or persons from retaliating against employees for exercising any rights under the FEHA.

88. During all material times alleged herein, PLAINTIFF exercised his rights under the FEHA and engaged in legally protected activity by complaining about workplace discrimination, harassment, and retaliation, by objecting to continuing forms of sexual harassment, by requesting an interactive process, by requesting a reasonable accommodation for his disability, and by complaining about DEFENDANTS' failure to provide these things. Instead of performing their obligations under the FEHA, DEFENDANTS retaliated against PLAINTIFF and subjected him to

adverse employment actions including, but not limited to, termination from employment. PLAINTIFF is informed and believes and based thereon alleges that his exercise of the rights under the FEHA was a substantial motivating reason for DEFENDANTS's retaliation against PLAINTIFF.

89. As a direct, foreseeable, and proximate result of the foregoing conduct of DEFENDANTS as alleged above, PLAINTIFF suffered and continues to special and consequential damages including but not limited to suffer lost income, benefits, and earning capacity, as well as other economic loss, the precise amount of which will be proven at trial.

90. As a direct, foreseeable, and proximate result of the foregoing conduct of DEFENDANTS as alleged above, PLAINTIFF has suffered general damages including humiliation, emotional distress, and pain and suffering, the precise amount of which will be proven at trial.

91. The foregoing conduct of DEFENDANTS was a substantial factor in causing the aforementioned harm to PLAINTIFF.

92. On information and belief, other instances of discrimination, harassment, and retaliation have occurred against other employees who have worked for DEFENDANT CALIFORNIA STATE SENATE. The allegations of discrimination, retaliation, and harassment specifically alleged herein are consistent with an ongoing pattern and practice of misconduct whereby other employees similarly situated to PLAINTIFF and other employees who simply work for DEFENDANT CALIFORNIA STATE SENATE have been subjected to discrimination, retaliation, and harassment as a result of CALIFORNIA STATE SENATE'S systemic policies, practices, and procedures, its effort to protect, enable and insulate senators and senior management, and its failure to protect employees like PLAINTIFF and others from retaliation.

93. As a result of the foregoing conduct of DEFENDANTS as alleged above,

PLAINTIFF incurred and continues to incur attorneys' fees and costs. PLAINTIFF is entitled to, and demands, an award of reasonable attorney's fees and costs pursuant to Government Code section 12965, subdivision (b).

FIFTH CAUSE OF ACTION

FAILURE TO PREVENT HARASSMENT, DISCRIMINATION AND/OR RETALIATION

(By PLAINTIFF Against All DEFENDANTS and DOES)

94. PLAINTIFF repeats and realleges the allegations set forth in paragraphs 1 through 93 above and incorporates the same by reference as though fully set forth herein.

95. At all relevant times, the FEHA, including in particular Government Code section 12940, subdivision (k), was in full force and effect and was binding upon DEFENDANTS.

96. This subdivision imposes a duty on employers to take all reasonable steps necessary to prevent discrimination and retaliation from occurring, including the institution by employer of policies, procedures and practices that include prompt and effective sexual harassment prevention training, remedial procedures, and appropriate training, monitoring and disciplinary measures. As alleged above, DEFENDANTS violated this subdivision and breached their duty by failing to take all reasonable steps necessary to prevent discrimination, harassment or retaliation from occurring.

97. DEFENDANTS intentionally and willfully discriminated, harassed, and retaliated against PLAINTIFF based on DEFENDANT ALVARADO-GIL'S sexual harassment of PLAINTIFF, PLAINTIFF'S actual and/or perceived disability, his age, his exercise of protected rights under the FEHA with respect to sexual harassment, disability, age, or any combination of these protected characteristics. The policies, procedures, and practices of said DEFENDANTS were inadequate for preventing, monitoring, and remedying discrimination or retaliation. To the extent that any such policies, procedures and practices existed, employees, including

DEFENDANT ALVARADO-GIL and/or supervisors and agents, were insufficiently trained, or made aware of those policies and procedures for the policies and procedures to prevent discrimination, harassment or retaliation from occurring. Once said DEFENDANTS, and each of them, were made aware of discriminatory, harassing and retaliatory conduct by DEFENDANT ALVARADO-GIL and DEFENDANTS' supervisor, agent, or employee, they failed to take measures to prevent unlawful discrimination, harassment and retaliation against PLAINTIFF.

98. As a direct, foreseeable, and proximate result of the foregoing conduct of DEFENDANTS, and each of them, as alleged above, PLAINTIFF suffered and continues to special and consequential damages including but not limited to suffer lost income, benefits, and earning capacity, as well as other economic loss, the precise amount of which will be proven at trial.

99. As a direct, foreseeable, and proximate result of the foregoing conduct of DEFENDANTS, and each of them, as alleged above, PLAINTIFF has suffered general damages including humiliation, emotional distress, and pain and suffering, the precise amount of which will be proven at trial.

100. The foregoing conduct of DEFENDANTS was a substantial factor in causing the aforementioned harm to PLAINTIFF.

101. On information and belief, other instances of discrimination, harassment, and retaliation have occurred against other employees who have worked for DEFENDANTS. The allegations of discrimination, retaliation, and harassment specifically alleged herein are consistent with an ongoing pattern and practice of misconduct whereby other employees similarly situated to PLAINTIFF and other employees have been subjected to discrimination, retaliation, and harassment as a result of DEFENDANTS' systemic policies, practices, and procedures.

102. As a result of the foregoing conduct of DEFENDANTS, as alleged above,

PLAINTIFF incurred and continues to incur attorneys' fees and costs. PLAINTIFF is entitled to, and demands, an award of reasonable attorney's fees and costs pursuant to Government Code section 12965, subdivision (b).

SIXTH CAUSE OF ACTION

VIOLATION OF CALIFORNIA LABOR CODE SECTION 1102.5

(By PLAINTIFF Against All DEFENDANT and DOES)

103. PLAINTIFF repeats and realleges all the allegations of paragraphs 1 through 102 as set forth above and incorporates the same by reference as though fully set forth herein.

104. PLAINTIFF was employed by DEFENDANTS.

105. PLAINTIFF engaged in protected activities by protesting and objecting to harassment, retaliation and/or discrimination which violated the law. PLAINTIFF also disclosed violations of laws and/or regulations, to DEFENDANTS, including supervisors, and other employees who had authority to investigate, discover, and/or correct the legal violations and issues of noncompliance alleged herein. PLAINTIFF also disclosed these violations to government officials. PLAINTIFF also refused to participate in the illegal activities.

106. PLAINTIFF had reasonable cause to believe that the information disclosed, and the activities he objected to, and/or refused to participate in, violated a state, federal, and/or local statute, or were a violation of or noncompliance with a local, state, or federal rule or regulation.

107. PLAINTIFF was subjected to numerous adverse employment actions, including but not limited to wrongful discharge, and PLAINTIFF's protected activities described herein were a contributing factor in DEFENDANTS' decision to subject PLAINTIFF to those adverse employment actions.

108. As a direct, foreseeable, and proximate result of the foregoing conduct of DEFENDANTS, and each of them, as alleged above, PLAINTIFF suffered and continues to

special and consequential damages including but not limited to suffer lost income, benefits, and earning capacity, as well as other economic loss, the precise amount of which will be proven at trial.

109. As a direct, foreseeable, and proximate result of the foregoing conduct of DEFENDANTS, and each of them, as alleged above, PLAINTIFF has suffered general damages including humiliation, emotional distress, and pain and suffering, the precise amount of which will be proven at trial.

110. The foregoing conduct of DEFENDANTS was a substantial factor in causing the aforementioned harm to PLAINTIFF.

111. On information and belief, other instances of retaliation have occurred against other employees who have worked for DEFENDANTS. The allegations of retaliation specifically alleged herein are consistent with an ongoing pattern and practice of misconduct whereby other employees similarly situated to PLAINTIFF and other employees who simply work for DEFENDANTS have been subjected to retaliation as a result of DEFENDANTS' systemic policies, practices, and procedures, and DEFENDANTS' pattern and practice of willful misconduct against its employees. Such conduct supports equitable and injunctive relief to prevent ongoing and/or continuing retaliation and/or irreparable harm to PLAINTIFF and others.

112. As to DEFENDANT ALVARADO-GIL, the foregoing conduct was intended to cause injury to PLAINTIFF or was despicable conduct carried on by said DEFENDANT with a willful and conscious disregard of PLAINTIFF's rights, such as to constitute malice, oppression, or fraud under California Civil Code section 3294. Said DEFENDANT was fully aware of her obligation to not harass, discriminate or retaliate against PLAINTIFF. Said DEFENDANT was aware and conscious of PLAINTIFF's rights and yet chose to ignore and disregard them. In light of the outrageous and malicious conduct of DEFENDANT ALVARADO-GIL, PLAINTIFF seeks

an award of punitive damages in an amount appropriate to punish or make an example of said DEFENDANT.

113. As a result of the foregoing conduct of DEFENDANTS as alleged above, PLAINTIFF incurred and continues to incur attorneys' fees and costs. PLAINTIFF is entitled to, and demands, an award of reasonable attorney's fees and costs pursuant to Labor Code 1102.5, subdivision (j).

SEVENTH CAUSE OF ACTION

VIOLATION OF CALIFORNIA CIVIL CODE SECTION 51.9

(By PLAINTIFF Against All DEFENDANT and DOES)

114. PLAINTIFF repeats and realleges all the allegations of paragraphs 1 through 113 as set forth above and incorporates the same by reference as though fully set forth herein.

115. During PLAINTIFF's employment with DEFENDANTS, ALVARADO-GIL intentionally, recklessly and wantonly engaged in verbal, visual, or physical conduct of a sexual nature or of a hostile nature and/or conditioned PLAINTIFF's employment on a quid pro quo relationship based on abuse of power and sexual domination, that was unwelcome and pervasive or severe, including but not limited to the aforementioned acts of sexual abuse.

116. DEFENDANT ALVARADO-GIL engaged in sexual harassment, sexual advances, sexual requests, solicitations and/or requests for sexual compliance against the PLAINTIFF, and engaged in other verbal, visual, or physical conduct of a sexual nature or of a hostile nature based on gender, that were unwelcome, pervasive and severe.

117. DEFENDANTS were acting in concert and/or in joint agency and/or in the course and scope of employment and/or agency through DEFENDANT ALVARADO-GIL's status as a California State Senator within the body of the CALIFORNIA STATE SENATE.

118. The incidents of abuse outlined herein above took place while PLAINTIFF was in

a business, service and professional relationship with DEFENDANTS as enumerated in Civil Code section 51.9(a)(1)(E).

119. PLAINTIFF is informed and believes that a public official and/or entity such as DEFENDANTS are a "person" within meaning of Civil Code section 51.9, which subjects persons to liability for sexual harassment within a business, service or professional relationship, and an entity defendant may be held liable under this statute for the acts of its agents, principles and/or employees. *C.R. v. Tenet Healthcare Corp.* (2009) 169 Cal.App.4th 1094. Further, principles of ratification apply when a principal ratifies an agent's originally unauthorized harassment, as is alleged to have occurred herein.

120. As the aforementioned allegations set out, CALIFORNIA STATE SENATE and its managers, employees and agents ratified the behavior of ALVARADO-GIL by allowing the harassment when being on notice of the unfitness of ALVARADO-GIL.

121. DEFENDANTS' conduct (and the conduct of their agents) denied PLAINTIFF his rights and was a breach of their duties to PLAINTIFF and a substantial cause of actual damages to PLAINTIFF.

122. As to DEFENDANT ALVARADO-GIL, the foregoing conduct was intended to cause injury to PLAINTIFF or was despicable conduct carried on by said DEFENDANT with a willful and conscious disregard of PLAINTIFF's rights, such as to constitute malice, oppression, or fraud under California Civil Code section 3294. Said DEFENDANT was fully aware of her obligation to not harass, discriminate or retaliate against PLAINTIFF. Said DEFENDANT was aware and conscious of PLAINTIFF's rights and yet chose to ignore and disregard them. In light of the outrageous and malicious conduct of DEFENDANT ALVARADO-GIL, PLAINTIFF seeks an award of punitive damages in an amount appropriate to punish or make an example of said DEFENDANT.

123. As a result of the above-described conduct, PLAINTIFF has suffered and continues to suffer actual damages, in an amount according to proof at time of trial, for which PLAINTIFF seeks recovery, along with exemplary damages and penalties. PLAINTIFF further seeks an award of reasonable attorneys' fees and costs, and all equitable remedies as prayed for herein and as allowed under Civil Code section 52.

EIGHTH CAUSE OF ACTION

DECLARATORY RELIEF

(By PLAINTIFF Against All DEFENDANTS and DOES)

124. PLAINTIFF repeats and realleges all of the allegations set forth in paragraphs 1 through 123 above and incorporates the same by reference as though fully set forth herein.

125. Government Code section 12920 sets forth the public policy of the State of California as follows:

> It is hereby declared as the public policy of this state that it is necessary to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgment on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation. It is recognized that the practice of denying employment opportunity and discriminating in the terms of employment for these reasons foments domestic strife and unrest, deprives the state of the fullest utilization of its capacities for development and advancement, and substantially and adversely affects the interests of employees, employers, and the public in general.
>
> Further, the practice of discrimination because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin,

ancestry, familial status, source of income, disability, or genetic information in housing accommodations is declared to be against public policy.

It is the purpose of this part to provide effective remedies that will eliminate these discriminatory practices.

This part shall be deemed an exercise of the police power of the state for the protection of the welfare, health, and peace of the people of this state.

126. Government Code section 12920.5 embodies the intent of the California legislature and states:

In order to eliminate discrimination, it is necessary to provide effective remedies that will both prevent and deter unlawful employment practices and redress the adverse effects of those practices on aggrieved persons. To that end, this part shall be deemed an exercise of the Legislature's authority pursuant to Section 1 of Article XIV of the California Constitution.

127. Government Code section 12941 embodies the intent of the California legislature and states:

The Legislature further reaffirms and declares its intent that the courts interpret the state's statutes prohibiting age discrimination in employment broadly and vigorously, in a manner comparable to prohibitions against sex and race discrimination, and with the goal of not only protecting older workers as individuals, but also of protecting older workers as a group, since they face unique obstacles in the later phases of their careers.

128. Finally, Government Code section 12921, subdivision (a) states in pertinent part:

The opportunity to seek, obtain, and hold employment without discrimination because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender

identity, gender expression, age, or sexual orientation is hereby recognized as and declared to be a civil right.

129. The CALIFORNIA STATE SENATE and Senator ALVARADO-GIL should live up to these laws. An actual controversy has arisen and now exists between PLAINTIFF and DEFENDANTS, and each of them, concerning their respective rights and duties as it is believed that DEFENDANTS, may allege that they did not discriminate harass, or retaliate against PLAINTIFF; that PLAINTIFF was not subjected to adverse employment actions alleged herein as a result of his protected activities, protests, complaints, perceived and/or actual disability or age, sex, or exercise of the rights under the FEHA, and/or combination of these protected characteristics; and that said DEFENDANTS did not violate PLAINTIFF's civil rights. PLAINTIFF contends that DEFENDANTS, and each of them, did discriminate, harass and retaliate against PLAINTIFF on the basis of his protected activities, protests, complaints, perceived and/or actual disability or age, sex, or exercise of the rights under the FEHA, and/or combination of these protected characteristics; and that said DEFENDANTS, and each of them violated PLAINTIFF's civil rights. PLAINTIFF is informed and believes, and on that basis alleges, that DEFENDANTS, and each of them, will dispute PLAINTIFF's contentions.

130. Pursuant to California Code of Civil Procedure section 1060, PLAINTIFF desires a judicial determination of his rights and duties, and a declaration that DEFENDANTS discriminated, harassed and retaliated against PLAINTIFF on the basis of his protected activities, protests, complaints, perceived and/or actual disability or age, sex, or exercise of the rights under the FEHA, and/or combination of these protected characteristics; and violated PLAINTIFF's civil rights.

131. A judicial declaration is necessary and appropriate at this time under the circumstances in order that PLAINTIFF, for himself and on behalf of employees and persons in

the State of California and in conformity with the public policy of the State, obtain a judicial declaration of the wrongdoing of DEFENDANTS, and to condemn such discriminatory employment and policies or practices prospectively. Employees of DEFENDANT CALIFORNIA STATE SENATE deserve protection under the law too.

132. A judicial declaration is vindicate the rights and powers afforded to the judicial branch by the Legislature, and it is necessary and appropriate at this time such that DEFENDANTS may also be aware of their obligations under the law to not engage in discriminatory practices, harassment and/or retaliation and to not violate the law in the future.

133. PLAINTIFF seeks reasonable attorneys' fees. Government Code section 12965, subdivision (b) provides that an aggrieved party, such as PLAINTIFF herein, may be awarded reasonable attorney's fees and costs: "In civil actions brought under this section, the court, in its discretion, may award to the prevailing party, including the department, reasonable attorney's fees and costs, including expert witness fees." Such fees and costs expended by an aggrieved party may be awarded for the purpose of redressing, preventing, or deterring discrimination.

NINTH CAUSE OF ACTION

INJUNCTIVE RELIEF

(By PLAINTIFF Against All DEFENDANTS and DOES)

134. PLAINTIFF repeats and realleges all of the allegations set forth in paragraphs 1 through 133 above and incorporates same by reference as though fully set forth herein.

135. The acts and omissions of DEFENDANTS, and each of them, have caused irreparable harm to PLAINTIFF and will continue to cause irreparable harm to current employees unless the complained of conduct is enjoined. There is no immediate, adequate or speedy remedy at law to redress the continuing discriminatory, harassing and retaliatory policies and practices of DEFENDANTS, and each of them. Therefore, PLAINTIFF seeks affirmative and injunctive relief

as follows:

(a) for an injunction restraining DEFENDANTS and DOES 1 through 50, inclusive, and each of them, from continuing or maintaining any policy, practice, custom or usage which is discriminatory or retaliatory in nature against any employee based upon the employee's protected class status, such as disability, age and/or engaging in protected activities under the FEHA, including protesting sexual harassment.

(b) for an injunction restraining the DEFENDANTS, and each of them, along with their supervising employees, agents and all those subject to its control or acting in concert with it from causing, encouraging, condoning or permitting discriminatory and/or harassing practices, as well as the practice of retaliation;

(c) for affirmative relief requiring, and each of them, to conduct training of all employees to "sensitize" them to the harmful nature of discrimination, harassment and retaliation against any employee. The proposed plan of education and training should also include training and detection, and correction and prevention of such discriminatory, harassing and retaliatory employment practices;

(d) for affirmative relief requiring DEFENDANTS, and each of them, to notify all employees and supervisors, through individual letters and permanent postings in prominent locations in all offices that discrimination, harassment and retaliation violate the California Fair Employment and Housing Act and the consequences of violation of such laws and policies;

(e) for affirmative relief requiring DEFENDANTS, and each of them, to develop clear and effective policies and procedures for employees complaining of retaliation, harassment, discrimination or other violations of FEHA so they may have their complaints promptly and thoroughly investigated (by a neutral fact finder) and informal, as well as formal,

processes for hearing, adjudication and appeal of the complaints; and

(f) for affirmative relief requiring DEFENDANTS and each of them, to develop appropriate sanctions or disciplinary measures for supervisors or other employees who are found to have committed discriminatory, harassing or retaliatory acts, including warnings to the offending person and notations in that person's employment record for reference in the event future complaints are directed against that person, and dismissal where other measures fail.

136. PLAINTIFF seeks reasonable attorneys' fees. Government Code section 12965, subdivision (b) provides that an aggrieved party, such as PLAINTIFF herein, may be awarded reasonable attorney's fees and costs: "In civil actions brought under this section, the court, in its discretion, may award to the prevailing party, including the department, reasonable attorney's fees and costs, including expert witness fees." Such fees and costs expended by an aggrieved party may be awarded for the purpose of redressing, preventing, or deterring discrimination.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF seeks judgment against DEFENDANT, and each of them, in an amount according to proof, as follows:

AS TO THE FIRST CAUSE OF ACTION

1. For a money judgment representing compensatory damages, including lost wages, loss of earning capacity, employee benefits, and all other sums of money, together with interest on these amounts; for other special damages; and for general damages for emotional distress;

2. For punitive damages as against DEFENDANT ALVARADO-GIL;

3. For reasonable attorneys' fees and costs, pursuant to the FEHA, California Code of Civil Procedure section 1021.5, and/or any other basis;

AS TO THE SECOND CAUSE OF ACTION

1. For a money judgment representing compensatory damages, including lost wages, loss of earning capacity, employee benefits, and all other sums of money, together with interest on these amounts; for other special damages; and for general damages for emotional distress;

2. For punitive damages as against DEFENDANT ALVARADO-GIL;

3. For reasonable attorneys' fees and costs, pursuant to the FEHA, California Code of Civil Procedure section 1021.5, and/or any other basis;

AS TO THE THIRD CAUSE OF ACTION

1. For a money judgment representing compensatory damages, including lost wages, loss of earning capacity, employee benefits, and all other sums of money, together with interest on these amounts; for other special damages; and for general damages for emotional distress;

2. For reasonable attorneys' fees and costs, pursuant to the FEHA, California Code of Civil Procedure section 1021.5, and/or any other basis;

AS TO THE FOURTH CAUSE OF ACTION

1. For a money judgment representing compensatory damages, including lost wages, loss of earning capacity, employee benefits, and all other sums of money, together with interest on these amounts; for other special damages; and for general damages for emotional distress;

2. For reasonable attorneys' fees, pursuant to the FEHA, California Code of Civil Procedure section 1021.5, and/or any other basis;

AS TO THE FIFTH CAUSE OF ACTION

1. For a money judgment representing compensatory damages, including lost wages, loss of earning capacity, employee benefits, and all other sums of money, together with interest on these amounts; for other special damages; and for general damages for emotional distress;

2. For reasonable attorneys' fees and costs, pursuant to the FEHA, California Code of Civil Procedure section 1021.5, and/or any other basis;

AS TO THE SIXTH CAUSE OF ACTION

1. For a money judgment representing compensatory damages, including lost wages, loss of earning capacity, employee benefits, and all other sums of money, together with interest on these amounts; for other special damages; and for general damages for emotional distress;

2. For punitive damages as against DEFENDANT ALVARADO-GIL;

3. For reasonable attorneys' fees, pursuant to the Labor Code 1102.5, California Code of Civil Procedure section 1021.5, and/or any other basis;

4. For equitable and/or injunctive relief as allowed under the Labor Code 1102.62 and/or as permitted at law or in equity.

AS TO THE SEVENTH CAUSE OF ACTION

1. For a money judgment representing actual damages according to proof at time of trial, including lost wages, loss of earning capacity, employee benefits, and all other sums of money, together with interest on these amounts; for other special damages; and for general damages for emotional distress;

2. For exemplary damages and penalties as permitted by statute;

3. For punitive damages as against DEFENDANT ALVARADO-GIL;

4. For reasonable attorneys' fees and costs, and all equitable remedies as prayed for herein and as allowed under Civil Code section 52.

AS TO THE EIGHTH CAUSE OF ACTION

1. For a declaratory relief reaffirming PLAINTIFF’s equal standing under the law and condemning DEFENDANTS, and each of them, for engaging in discriminatory, harassing and retaliatory employment practices under the FEHA;

2. For reasonable attorneys’ fees, pursuant to the FEHA, California Code of Civil Procedure section 1021.5, and/or any other basis;

AS TO THE NINTH CAUSE OF ACTION

1. For injunctive relief preventing and barring DEFENDANTS, and each of them, from implementing discriminatory, harassing and retaliatory employment policies and engaging in discriminatory, harassing and retaliatory employment practices in the future;

2. For reasonable attorneys' fees, pursuant to the FEHA, California Code of Civil Procedure section 1021.5, and/or any other basis;

AS TO ALL CAUSES OF ACTION

1. For prejudgment interest on each of the foregoing at the legal rate from the date on which the obligation became due through the date of judgment in this matter;

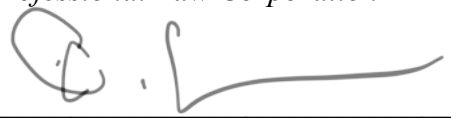
2. For post-judgment interest;

3. For costs of suit incurred herein, including expert witness fees pursuant to the FEHA, and/or any other basis; and

4. For any other relief that is just and proper.

Dated: September 5, 2024

SCHIMMEL & PARKS
A Professional Law Corporation



Alan I. Schimmel
Michael W. Parks
Arya Rhodes
Ashtyne Cofer
Attorneys for PLAINTIFF

DEMAND FOR JURY TRIAL

PLAINTIFF, hereby demands a trial by jury for the causes of action and claims asserted herein.

Dated: September 5, 2024

SCHIMMEL & PARKS
A Professional Law Corporation

Alan I. Schimmel
Michael W. Parks
Arya Rhodes
Ashtyne Cofer
Attorneys for PLAINTIFF

VERIFICATION

I, CHAD CONDIT, am the Plaintiff named in the above-entitled action. I have read the forgoing Complaint for Damages and know the content thereof. The same is true of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed September 4, 2024, at Ceres, California.

Signed by:
Chad Condit
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Chad Condit