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**FILED**  
Superior Court of California  
County of Los Angeles

OCT 22 2018

Sherri R. Carter, Executive Officer/Clerk  
By M. Soto, Deputy  
Moses Soto

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **FOR THE COUNTY OF LOS ANGELES**

9 MAYRA ALVAREZ, an individual,

10 Plaintiff,

11 v.

12 JOSE HUIZAR, an individual; CITY OF LOS  
13 ANGELES, a municipality; and DOES 1-10,  
14 inclusive,

15 Defendants.

Case No. **18STCV01722**

**VERIFIED COMPLAINT  
FOR DAMAGES**

**First Cause of Action**

Retaliation  
(Cal. Gov. Code § 12940(a),(h))

**Second Cause of Action**

Retaliation  
(Cal. Labor Code § 1102.5(b))

**Third Cause of Action**

Pregnancy Discrimination  
(Cal. Gov. Code §§ 12940(a), 12945(a))

**Fourth Cause of Action**

Wrongful Termination in Violation of  
Public Policy

**Fifth Cause of Action**

Failure to Prevent Discrimination  
(Cal. Gov. Code § 12940(k))

**Sixth Cause of Action**

Workplace Harassment  
(Cal. Gov. Code § 12940(a),(h),(j))

**Seventh Cause of Action**

Intentional Infliction of Emotional Distress

**DEMAND FOR JURY TRIAL**

COMES NOW Plaintiff Mayra Alvarez (“Mrs. Alvarez” or “Plaintiff”), who brings this Verified Complaint for Damages and Demand for Jury Trial (“Complaint”) against Defendants—Jose Huizar, Councilmember for the City of Los Angeles’ 14th District, in his individual capacity, the City of Los Angeles (the “City”), a municipality, and Does 1-10, inclusive (collectively, “Defendants”)—alleging, based upon personal knowledge and information and belief, the following with respect to Defendants’ identities and conduct:

**I.**

**NATURE OF THE CASE**

1. For nearly a decade, Plaintiff Mayra Alvarez worked for and was loyal to Jose Huizar, the City of Los Angeles’ Councilmember for the 14th District. Mrs. Alvarez began working for Huizar as an intern in 2010 while she was still in high school. She needed a certain number of community service hours to graduate but, regardless, enjoyed contributing to a cause and political leader who, at least at the time, she truly believed in. Mrs. Alvarez came back to work for Huizar after high school and, over the ensuing years, ascended the ranks within the Councilmember’s office.

2. In August 2015, Huizar promoted Mrs. Alvarez to the position of Executive Assistant and Scheduler. As Huizar’s Executive Assistant and Scheduler, Mrs. Alvarez was primarily responsible for performing the initial assessment of the myriad requests to meet with Huizar as well as invitations for him to attend events. The requests came from lobbyists, campaign donors, other community and political leaders, businesspersons, and constituents. In other words, Mrs. Alvarez was among Huizar’s chief executive “gatekeepers.” She would field the requests, research the requesting party, and provide Huizar with a written assessment of whether the meeting or event request was one he should accept because it aligned his political agenda.

3. In that capacity, Mrs. Alvarez was available to Huizar essentially 24/7. She was by no means Huizar’s secretary or receptionist; Mrs. Alvarez was among his senior executive staff. Mrs. Alvarez was young, savvy, and fully committed to the office and her burgeoning career.

1           4.       However, as Mrs. Alvarez sought to balance the demands of her career and  
2 Huizar's political agenda with her desire to start a family, Huizar began to punish and retaliate  
3 against Mrs. Alvarez for diverting her attention to anyone or anything other than him.

4           5.       In October 2017, Mrs. Alvarez informed Huizar that she and her husband were  
5 expecting their first child. She advised Huizar, as well as the rest of his staff, that she would be  
6 taking a 12-week maternity leave following the birth of her son in April 2018.

7           6.       As described in further detail below, Huizar harassed and retaliated against  
8 Mrs. Alvarez on account of her pregnancy and resultant disability and maternity leaves.  
9 Among other things, Huizar unreasonably and unjustifiably increased Mrs. Alvarez's workload,  
10 became bitterly impatient with the speed with which she was completing assignments,  
11 and unsympathetically criticized Mrs. Alvarez for taking time off to attend prenatal  
12 appointments. Huizar's behavior caused Mrs. Alvarez so much stress and anxiety that she  
13 began having preterm labor pains at just 16 weeks into her pregnancy and later endured two  
14 miscarriage scares.

15          7.       Huizar had also begun to retaliating against Mrs. Alvarez on account of her  
16 voicing discomfort with some of his and the office's practices which she believed violated local,  
17 state, and federal law. For instance, the Los Angeles Times annually requested copies of  
18 Huizar's official calendar pursuant to the California Public Records Act. As Huizar's Executive  
19 Assistant and Scheduler, Mrs. Alvarez was primarily responsible for maintaining that calendar.  
20 However, Huizar would direct Mrs. Alvarez to alter his calendar entries in order to conceal the  
21 nature of his meetings from public scrutiny. Huizar did not want the media or general public  
22 to know that he was meeting with certain lobbyists and developers—particularly when their  
23 particular issue or project was soon to be considered by the City Council or the Planning  
24 and Land Use Management Committee (for which Huizar is the chairperson). Those meetings  
25 were, of course, often followed close in time by donations to Huizar's campaign coffers.  
26 Mrs. Alvarez did not believe that there was any legal basis to withhold the information Huizar  
27 directed her to conceal, and voiced her concern about the potential legal and ethical violations  
28 of withholding the information, but was compelled by Huizar to do so nonetheless.

1           8.       Mrs. Alvarez also voiced her concern with respect to the potential legal and  
2 ethical violations as concerned the candidacy of Huizar's wife, Richelle Huizar, for his seat on  
3 the City Council. Although Richelle Huizar only recently announced her candidacy to succeed  
4 her husband in September 2018, planning for her potential bid began more than a year ago—  
5 and did so on the City's time and dime. Despite local, state, and federal laws prohibiting  
6 government employees from engaging in political activity on the job, Huizar required his City  
7 staffers to conduct meetings in order to plan Richelle Huizar's campaign. Those meetings were  
8 formally calendared and occurred during normal City work hours and within City properties.  
9 Furthermore, Huizar directed his staffers to create a secret email address for Richelle Huizar  
10 through which they could communicate with her, share his City calendar with her so that she  
11 would know which events to attend that might help publicize her potential candidacy, as well as  
12 to send her briefings and "talking points" on certain issues. Mrs. Alvarez did not believe that  
13 ethics laws permitted City staffers to engage in campaign activities for Huizar's wife while on  
14 City time, but was compelled by Huizar to do so nonetheless.

15           9.       Mrs. Alvarez also voiced concern that Huizar was having an affair with one of  
16 his City staffers. This caused friction in the office amongst many staffers, Mrs. Alvarez among  
17 them, particularly because many believed that Huizar's mistress received more favorable  
18 treatment from him with respect to assignments and more leniency with respect to deadlines  
19 and attendance.

20           10.      In April 2018, Mrs. Alvarez went on maternity leave. She was still Huizar's  
21 Executive Assistant and Administrative Scheduler when she left. When she returned from  
22 maternity leave, however, she was not. Huizar demoted Mrs. Alvarez to an office manager  
23 position. In other words, Huizar reduced Mrs. Alvarez's executive-level role to that of a  
24 receptionist. In fact, that is where Mrs. Alvarez was physically relocated when she returned from  
25 leave; whereas she used to sit in the anteroom right outside of Huizar's office along with his  
26 other senior advisors, when Mrs. Alvarez returned from maternity leave she was moved to the  
27 receptionists' desk at the front of the Councilmember's office suite to greet visitors and answer  
28 phones.



1           11.     Mrs. Alvarez's demotion resulted in the loss of all of her pre-leave duties and  
2 responsibilities. She was reduced from being the executive adviser primarily responsible for  
3 scheduling meetings with Huizar to being the receptionist primarily responsible for reserving  
4 conference rooms and ordering ink for the printers. The office manager position was not the  
5 same or comparable as her previous position and there was no legitimate business reason  
6 unrelated to Mrs. Alvarez's pregnancy, medical leave, gender, and internal complaints that  
7 justified the demotion.

8           12.     And Mrs. Alvarez was humiliated. Everyone knew she had been demoted.  
9 Despite how Huizar and his Chief of Staff tried to reframe the reassignment, no staffer would  
10 ever consider a move from a position as the Councilmember's Executive Scheduler with direct  
11 influence over he and the meetings he takes with lobbyists and developers—to a position as the  
12 office's lead receptionist with direct influence over ordering office supplies—to be anything  
13 other than a demotion. Huizar rendered Mrs. Alvarez useless to the office and, consequently,  
14 she had no reasonable alternative but to resign in July 2018.

15           13.     Huizar's decision to demote Mrs. Alvarez was retaliatory in nature. Among other  
16 reasons, Huizar demoted Mrs. Alvarez as reprisal for: (i) taking disability leave in advance of  
17 her pregnancy; (ii) taking maternity leave to give birth to a child and bond with her newborn son;  
18 (iii) voicing concerns and complaining about having to alter Huizar's calendars in response to  
19 requests made pursuant to the California Public Records Act; (iv) voicing concerns and  
20 complaining about having to engage in political campaign activities for Huizar's wife during  
21 normal City work hours and while utilizing City resources; and (v) voicing concerns and  
22 complaining about the preferential treatment Huizar was giving to a City staffer with whom he  
23 was having an extramarital affair.

24           14.     The proffered basis for Mrs. Alvarez's demotion was pretextual and the decision  
25 by Huizar to demote Mrs. Alvarez, validated by other senior staff and managing agents, was  
26 rooted in retaliatory animus based upon Mrs. Alvarez's pregnancy, medical leave, gender, and  
27 internal complaints.  
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15. Pursuant to California's Fair Employment and Housing Act (Cal. Gov. Code § 12940 et seq.) ("FEHA"), California's Pregnancy Disability Leave law (Cal. Gov. Code § 12945 et seq.), and California's Family Rights Act (Cal. Gov. Code § 12945 et seq.), this lawsuit seeks to redress the financial and emotional harm Mrs. Alvarez suffered, and continues to suffer, as a result of the discrimination, harassment, and retaliation she endured while employed with Huizar, as well as on account of her constructive termination.

## II.

## JURISDICTION AND VENUE

16. The Court has subject matter jurisdiction over this matter pursuant to Article VI, section 10, of the California Constitution, in that the amount in controversy exceeds the jurisdictional requirement of this Court.

17. This Court has personal jurisdiction over Defendant Jose Huizar in this action pursuant to C.C.P. § 410.10, in that he is a resident of this state.

18. The Court has personal jurisdiction over the City of Los Angeles pursuant to C.C.P. § 410.10, in that the City is a municipality within this state.

19. Venue for this matter properly lies within Los Angeles County pursuant to C.C.P. §§ 395 and 395.5, in that Defendants' liability arises, and the injury to Plaintiff occurred, in whole or in part, within Los Angeles County.

20. Prior to the initiation of this action before this Court, Plaintiff properly exhausted her administrative remedies as required under FEHA by filing a complaint against Defendants with the California Department of Fair Employment and Housing (“DFEH”) alleging, *inter alia*, the claims asserted herein. DFEH issued Plaintiff a “right-to-sue” letter on October 16, 2018. Accordingly, Plaintiff has fulfilled all preconditions to the filing of this FEHA-based suit. (Collectively attached hereto as Exhibit A are true and correct copies of Mrs. Alvarez’s administrative complaint and right-to-sue letter.)

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**III.**

**PARTIES & RELEVANT NON-PARTIES**

21. Plaintiff Mayra Alvarez is an individual who, at all times material to the allegations of this Complaint, was a resident of Los Angeles County, California.

22. Defendant Jose Huizar is an individual who, at all times material to the allegations of this Complaint, was a resident of Los Angeles County, California. Huizar was at all times material to the allegations of this Complaint, and continues to be as of the filing of this Complaint, a City Councilmember, representing the City's 14th District. Huizar took office in 2005 and, on account of City Council term limits, is expected to step down in 2020.

23. Defendant City of Los Angeles is a public entity which, at all times material to the allegations of this Complaint, employed Mrs. Alvarez.

24. Plaintiff is further informed and believes, and on that basis alleges, that at all times mentioned herein and otherwise relevant to the allegations of this Complaint, FEHA was in full force and effect, and binding on the City of Los Angeles, as the City regularly employed more than five persons within the State of California thereby bringing it within the provisions of FEHA's statutory scheme.

25. Given his position on the City Council and within his District's office, Huizar is a managing agent within the City and his District's office. He was able to exercise substantial independent authority and judgment in his office's decision-making such that his decisions ultimately determined office policy. Huizar had full responsibility for the operational functionality of his main office and field offices. He had the authority and discretion to dictate and implement policies and standards for the recruitment, hiring, and training of legislative, administrative, and operational staff; he had the authority and discretion to dictate and implement legislative and community action agendas; and he had the authority and discretion to dictate and implement formal policies and informal practices in his offices with respect to responding to complaints of workplace discrimination, harassment, and other complaints of perceived violations of the law and breaches of City rules and policies.

1           26.     Plaintiff herein alleges that the actions taken by employees of the City against  
2 Plaintiff, by Huizar in particular, occurred within the normal scope and course of these  
3 individuals' employment with the City. Plaintiff further alleges that several of these employee(s)  
4 were Plaintiff's supervisor(s) while Plaintiff was employed by the City. Thus, the City is  
5 vicariously liable for these individuals' actions under the doctrine of respondeat superior.

6           27.     Plaintiff is ignorant of the true names and capacities of the defendants sued as  
7 DOES 1 through 10, inclusive (the "DOE Defendants") and, therefore, sues these DOE  
8 Defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true  
9 names and capacities when such is ascertained.

10          28.     Plaintiff is informed and believes, and on that basis alleges, that the DOE  
11 Defendants acted wrongfully, maliciously, intentionally and negligently; that each is responsible  
12 in some manner for the events and happenings complained of herein; and that Plaintiff's injuries,  
13 as alleged herein, were proximately caused by the DOE Defendants, either through each  
14 Defendant's own conduct or through the conduct of their agents and/or employees.

15          29.     Plaintiff is informed and believes, and on that basis alleges, that at all times  
16 material to the allegations of this Complaint, each of the Defendants, whether named or  
17 fictitiously named as a DOE Defendant, were the merging entity, merged entity, subsidiary,  
18 acquiring corporation, agent and/or employee of each of the remaining Defendants, and in doing  
19 the things hereinafter alleged, was acting within the course and scope of such agency and/or  
20 employment with knowledge, advice, permission and consent of each other.

21          30.     As used herein, the term "Defendants" means all Defendants, both jointly and  
22 severally, and references by name to any one Defendant shall include and reference all  
23 Defendants, both individual, corporate and business entities, both specifically named and  
24 unnamed, and both jointly and severally to all.

25          31.     Plaintiff is further informed and believes, and on that basis allege, that at all times  
26 material to the allegations of this Complaint, Defendants caused, aided, abetted, facilitated,  
27 encouraged, authorized, permitted and/or ratified the wrongful acts and omissions described in  
28 this Complaint.

IV.

FACTUAL ALLEGATIONS

A. Mrs. Alvarez's Early Employment with Huizar

32. Plaintiff incorporates by reference paragraphs 1 through 31, above, and repeats, reiterates, and realleges each and every allegation contained therein with the same force and effect as if such paragraphs were set forth fully at length here.

33. In or about December 2010, while she was still in high school, Mrs. Alvarez began working as an unpaid intern in Huizar's Boyle Heights Field Office.

34. The following month, in or about January 2011, based upon her performance and commitment, Mrs. Alvarez was asked to accept a 3-month internship to assist with Huizar's 2011 reelection campaign, which she did. In that capacity, she helped make presentations at high schools within Huizar's district to generate voter excitement and encourage turnout on Election Day. Mrs. Alvarez was still in high school herself at the time and accepted the internship as a means of accruing the community service hours required for graduation.

35. In or about January 2012, Mrs. Alvarez accepted another internship at Huizar's main City Hall office, this time working closely with Francine Godoy, who was then Huizar's Deputy Chief of Staff.

36. Mrs. Alvarez graduated from high school in June 2012, but was soon approached by Godoy with another job offer. In or about July 2012, Godoy offered Mrs. Alvarez a position to help plan the events surrounding the unveiling of the statute of Antonio Aguilar statue at El Pueblo de Los Angeles Historical Monument, which she accepted. Mrs. Alvarez worked closely with Godoy for several months, even sharing office space with her, and was aware of Huizar's extramarital affair with her.

37. In or about October 2012, Mrs. Alvarez was offered a temporary position to work at the front desk of Huizar's City Hall office suite as an administrative assistant, which she accepted. In that capacity, Mrs. Alvarez performed general reception duties; she greeted visitors, answered phones, and the like.

1           38.     On or about February 2, 2014, Mrs. Alvarez became a fulltime City employee,  
2 continuing in the role of an administrative assistant within Huizar's office at City Hall.

3           39.     In or about December 2014, Mrs. Alvarez took a leave of absence from her City  
4 employment so that she could work on Huizar's 2015 reelection campaign without running afoul  
5 of any laws proscribing government employees' involvement in political activities. Huizar made  
6 Mrs. Alvarez his campaign's Boyle Heights Area Director.

7           40.     Following a successful reelection bid, Mrs. Alvarez returned to her position with  
8 the City in or about March 2015 and was offered an elevated Special Assistant position within  
9 Huizar's office, which she accepted.

10       **B.     Mrs. Alvarez's Employment as Huizar's Executive Assistant and Scheduler**

11           41.     In or about August 2015, Mrs. Alvarez was offered the position of Executive  
12 Assistant and Scheduler to Huizar, which she accepted. It was a promotion. Mrs. Alvarez was  
13 trained to take on that position for the next month and began her first day in that role on  
14 September 5, 2015.

15           42.     As Huizar's Executive Assistant and Scheduler, Mrs. Alvarez was primarily  
16 responsible for performing the initial assessment of the myriad requests to meet with Huizar  
17 as well as invitations for him to attend events. The requests came from lobbyists, campaign  
18 donors, other community and political leaders, businesspersons, and constituents. In other  
19 words, Mrs. Alvarez was among Huizar's chief executive "gatekeepers." She would field  
20 the requests, research the requesting party, and provide Huizar with a written assessment of  
21 whether the meeting or event request was one he should accept because it aligned his political  
22 agenda. As Huizar's Executive Assistant and Scheduler, Mrs. Alvarez was available to Huizar  
23 essentially 24/7.

24           43.     Huizar was challenging to work for, to say the least. Given the nature of the job  
25 and local politics, Mrs. Alvarez certainly expected Huizar to be demanding; but being rude and  
26 unthanking in his demands was the rule with Huizar rather than the exception. And he would  
27 often chastise and verbally abuse Mrs. Alvarez and other staffers for mistakes and oversights that  
28

1 were of his own making. For instance, Huizar would frequently scold Mrs. Alvarez and other  
2 staffers for not following up on requests for him to accept positions on certain honorary  
3 committees that other Councilmembers had accepted. But they were often requests that Mrs.  
4 Alvarez had indeed presented to Huizar but that which he declined; he just did not remember  
5 and would blow up nonetheless. Huizar would often blow up over petty issues as well, like the  
6 temperature of his tea that he demanded be personally served to him in Council Chambers.  
7 If his tea was not waiting for him when he sat at his seat, he would repeatedly text Mrs.  
8 Alvarez—"Tea" "Tea" Tea" "Tea" "Tea," "Tea"—like a petulant child and then chastise her  
9 after the fact if the tea was not hot enough when it got to him.

10 44. The job was also demanding in that Huizar saw no boundary between his staffers'  
11 responsibility for assisting him with his work agenda as opposed to his personal life. Huizar  
12 frequently demanded that Mrs. Alvarez and other staffers pick up his dry-cleaning, take his car to  
13 get washed, drop off and pick up his children from school, and even go to his house to let his dog  
14 out to poop.

15 45. Nonetheless, Mrs. Alvarez complied with Huizar's personal requests while also  
16 balancing the demands of assessing his meeting and appearance requests and managing his  
17 calendar. And she excelled at her job. Mrs. Alvarez never received a failing performance rating  
18 during her tenure as Huizar's Executive Assistant and Scheduler nor at any other time during her  
19 employment with the City.

20 46. Still, Mrs. Alvarez endured a tremendous amount of angst and stress on account  
21 of her employment with Huizar. For instance, while staffing Huizar at an event in 2014,  
22 his brother groped Mrs. Alvarez by grabbing her butt in front of dozens of onlookers—Huizar  
23 among them. She was violated and humiliated. Mrs. Alvarez wanted to report the incident,  
24 but did not want to jeopardize her job or standing with Huizar, nor suffer any retaliation.  
25 And Huizar lobbied Mrs. Alvarez to keep the matter quiet, since it might negatively impact  
26 the public's perception of him. So she did.



1           47.     Mrs. Alvarez was also interviewed by the City Attorney's Office as part of  
2     Godoy's 2013 sexual harassment and retaliation lawsuit against Huizar and the City.<sup>1</sup> She had  
3     never been involved in a lawsuit before and was unsettled by the experience. She was also  
4     unsettled by the lobbying Huizar seemed to be doing amongst those staffers that he knew would  
5     be interviewed or deposed in a not-so-subtle effort to persuade them to give testimony favorable  
6     to him and not Godoy.<sup>2</sup> As before, Mrs. Alvarez did not want to jeopardize her job or standing  
7     with Huizar, nor suffer any retaliation.

8                               **1.     Huizar Harassed and Retaliated Against Mrs. Alvarez for Voicing**  
9                               **Concerns and Complaints about the Legality of Altering His Calendar**  
10                              **Entries in Response to Public Records Requests**

11           48.     Beginning in or about November 2016, Huizar directed Mrs. Alvarez to alter his  
12     calendars for the years 2015 and 2016 to conceal the nature of his meetings. The Los Angeles  
13     Times had requested copies of Huizar's official calendars pursuant to the California Public  
14     Records Act. However, Huizar did not want to fully release his calendars because he did not  
15     want the public to be able to scrutinize the nature of his meetings. Huizar did not want the public  
16     to know that he was meeting with certain lobbyists and developers—particularly when their  
17     particular issue or project was soon to be considered by the City Council or the Planning  
18     and Land Use Management Committee (for which Huizar is the chairperson)—and particularly  
19     when the meeting was followed close in time by a donation to his campaign coffers.

20           49.     So, in or about November 2016, Huizar directed Mrs. Alvarez to begin the  
21     process of altering his calendar entries so that he could withhold certain information from public  
22     disclosure. Huizar would go through the calendar entries and, for information he did not want  
23     disclosed, direct Mrs. Alvarez to move that particular information into a section of his calendar  
24     that would not appear on the printed version produced to the Los Angeles Times. Mrs. Alvarez

25                               <sup>1</sup> *Francine Godoy v. City of Los Angeles, et al.*, Los Angeles County Superior Court,  
26     Case No. BC524640.

27                               <sup>2</sup> Huizar has apparently already begun doing the same thing in anticipation of this lawsuit.  
28     He has been incessantly calling and texting former staffers, even showing up unannounced at  
   one's house, in an attempt to intimidate and pressure them into "rethinking" their understanding  
   of why Mrs. Alvarez was demoted.

1 made changes to Huizar's 2015 and 2016 calendars in the same manner (but kept copies of the  
2 originals for whistleblower protection).

3 50. Mrs. Alvarez did not believe that there was any legal basis to withhold the  
4 information Huizar directed her to conceal and, in February 2017, voiced her concern about the  
5 potential legal and ethical violations of concealing the information to Huizar, Paul Habib  
6 (Huizar's Chief of Staff), as well as to Rick Coca (Huizar's Communications Director).  
7 However, Mrs. Alvarez's complaints were rebuffed and she was compelled by Huizar to make  
8 the changes nonetheless. She was then directed to delete all of the emails concerning the  
9 calendar modifications.

10 51. Mrs. Alvarez had at the time a reasonable and good faith belief that altering  
11 Huizar's calendars was a violation of City ethics rules and laws (Los Angeles Municipal Code  
12 Chapter IV, Articles 9.5 and 9.7), state public records and political activity laws (Cal. Gov. Code  
13 § 6250 et seq.; Cal Gov. Code §§ 3203, 3209, 19990), as well as federal political activity law  
14 (5 U.S.C. § 7321 et seq.).

15 52. Plaintiff is informed and believes, and on that basis alleges, that the internal  
16 complaints she raised about altering Huizar's calendar entries engendered extreme retaliatory  
17 animus in Huizar toward Mrs. Alvarez, who was angered and disappointed that Mrs. Alvarez  
18 was not being a "team player" and challenging his authority and decision-making.

19 53. In or about this same time, February 2017, Mrs. Alvarez became aware that  
20 Huizar was engaged in another extramarital affair with a City staffer. This caused friction in the  
21 office because many staffers, Mrs. Alvarez among them, believed that Huizar's mistress received  
22 more favorable treatment from him with respect to assignments and more leniency with respect  
23 to deadlines and attendance. Moreover, Huizar would tell certain male staffers that they could  
24 not work with his mistress, which constrained their ability to take on projects for which they  
25 would otherwise be responsible and eager to execute.

1                                   2.     ***Huizar Harassed and Retaliated Against Mrs. Alvarez for Announcing***  
2                                   ***Her Pregnancy***

3           54.     In or about March 2017, Mrs. Alvarez began a relationship with a man who is  
4 now her husband. As is common in this day and age, Mrs. Alvarez would intermittently post  
5 images of she and her husband on her various social media platforms (e.g., Facebook,  
6 Instagram). At the time, Mrs. Alvarez had allowed Huizar to “follow” her on those accounts.  
7 However, she eventually grew wary of allowing Huizar to follow her because it seemed that  
8 every time she would post a photograph of she and her husband—even if it was a picture of them  
9 doing something on a weekend—Huizar would text or email Mrs. Alvarez to give her some  
10 random task or inquire about the status of an assignment. There was never anything urgent or  
11 pressing about the issue Huizar would contact Mrs. Alvarez about; he just could not abide the  
12 notion that those working for him might have something else to do in their lives that did not  
13 revolve around him.

14           55.     It was somewhat amusing at first. Mrs. Alvarez would post a photograph of she  
15 and her husband and then count the minutes it took Huizar—ostensibly having seen the picture  
16 and seen that she was out living a life unrelated to him—to send her a text or email about some  
17 superfluous issue. But it soon became harassing and abusive. Huizar would berate Mrs. Alvarez  
18 for not completing tasks that she had long since completed but that Huizar had clearly forgotten  
19 about, and criticize her about the quality of work product that he had previously praised or  
20 otherwise taken no issue with. Huizar had even begun complaining to other staffers that Mrs.  
21 Alvarez was suddenly not focusing on her work (that is, complaining that she was not focused  
22 solely on him).

23           56.     One day, in October 2017, Huizar even threw a heavy 4-inch binder at Mrs.  
24 Alvarez. Huizar had returned from a City Council meeting and was complaining that Mrs.  
25 Alvarez was purportedly late in bringing his scheduling request binder (and hot tea) down to him  
26 in chambers. So, Huizar walked past Mrs. Alvarez’s desk and barked, “Next time, have my book  
27 down to me on time!”—and then threw the binder at Mrs. Alvarez and hit her in the chest with it.  
28

1 Two other senior staffers witnessed the incident and, like Mrs. Alvarez, were appalled by  
2 Huizar's behavior.

3 57. Things got so bad that, in May 2017, Mrs. Alvarez blocked Huizar from following  
4 her on Facebook and Instagram so that she would not be targeted by him for retaliation on  
5 account of having a personal life.

6 58. In September 2017, Mrs. Alvarez and her husband learned that they were  
7 pregnant with their first child.

8 59. In October 2017, Mrs. Alvarez personally informed Huizar that she was pregnant.

9 60. That same month, October 2017, Mrs. Alvarez also announced her pregnancy  
10 during an Executive Meeting. Huizar was present at that meeting as were his senior advisors and  
11 other members of his executive staff.

12 61. Plaintiff is informed and believes, and on that basis alleges, that Huizar was  
13 angry that Mrs. Alvarez was pregnant. He knew that her pregnancy meant that she would have  
14 to take time off from work for prenatal doctor appointments and that Mrs. Alvarez would  
15 eventually take maternity leave, and was frustrated by how her temporary absence might impact  
16 him. Thereafter, Huizar began telling other staffers that Mrs. Alvarez was not focused, that she  
17 suddenly had an "attendance problem," and that he should think about replacing her.

18 62. Huizar's complaints about Mrs. Alvarez's attendance were unfounded.  
19 For instance, Huizar would often complain that Mrs. Alvarez was AWOL when someone  
20 (often his mistress) would tell him that she was not at her desk. However, as was the case well  
21 before her pregnancy, Mrs. Alvarez would routinely work out of one of Huizar's field offices  
22 when his executive team was scheduled to have a meeting there. Nor had Mrs. Alvarez lost  
23 focus on her job. To the contrary, even on the days on which she was battling morning sickness  
24 or attending doctors' appointments, Mrs. Alvarez would log onto her computer and work  
25 remotely to update Huizar's calendar, continue evaluating his scheduling requests, and perform  
26 the other tasks and assignments for which she was responsible.

1                                   3.     ***Huizar Harassed and Retaliated Against Mrs. Alvarez for Voicing***  
2   ***Concerns and Complaints about the Legality of Engaging in Political***  
3   ***Activities for Richelle Huizar on City Time***

4           63.     Things became even more uncomfortable for Mrs. Alvarez when, in or about June  
5     2017, Huizar began requiring his staff to hold meetings to plan and launch Richelle Huizar's  
6     campaign for his seat when term limits require him to step down in 2020. Mrs. Alvarez was  
7     unsettled by the potential ethical and legal consequences of Huizar's requirement that she and  
8     other staffers conduct those meetings to begin with. Huizar frequently required his staffers to  
9     conduct these meetings during normal City work hours and in City properties, which were  
10    calendared as an "Executive No. 2 Meeting." Furthermore, Huizar directed his staffers to create  
11    a secret email address for Richelle Huizar through which they could communicate with her,  
12    share his City calendar with her so that she would know which events to attend that might help  
13    publicize her potential candidacy, as well as to send her briefings and "talking points" on certain  
14    issues. Those materials were often created by Huizar's staffers on City time and specifically for  
15    Richelle Huizar.

16           64.     Mrs. Alvarez was solely responsible for updating Richelle Huizar's calendar with  
17    meetings and events her husband's executive staff believed she should attend to increase her  
18    name recognition and publicize her impending candidacy. Mrs. Alvarez was also responsible for  
19    personally notifying Richelle Huizar about the addition to her calendar and explaining why she  
20    should make the appearance.

21           65.     Mrs. Alvarez had at the time a reasonable and good faith belief that the meetings  
22    held and work product generated for Richelle Huizar's campaign constituted a violation of  
23    City ethics rules and laws (Los Angeles Municipal Code Chapter IV, Articles 9.5 and 9.7),  
24    state public records and political activity laws (Cal. Gov. Code § 6250 et seq.; Cal Gov. Code  
25    §§ 3203, 3209, 19990), as well as federal political activity law (5 U.S.C. § 7321 et seq.).

26           66.     In or about January 2018, Mrs. Alvarez voiced her concerns to Huizar about the  
27    potential legal and ethical violations of engaging in the above-described on-the-job political  
28    activity for Richelle Huizar, but was rebuffed by the Councilman.

1           67.     Still, in January 2018, Huizar asked Mrs. Alvarez to organize a special program  
2 that would generate name recognition for his wife and publicize Richelle Huizar's impending  
3 campaign. Mrs. Alvarez declined Huizar's request since she was already leery of engaging in  
4 political activity on City time and did not want to continue doing so.

5           68.     Huizar was angered by Mrs. Alvarez's rejection of his request. Plaintiff is  
6 informed and believes, and on that basis alleges, that the internal complaints she raised about the  
7 above-described on-the-job political activity for Richelle Huizar engendered extreme retaliatory  
8 animus in Huizar toward Mrs. Alvarez, who was angered and disappointed that Mrs. Alvarez  
9 was not being a "team player" and challenging his authority and decision-making.

10          69.     As a result, Huizar continued to personally harass and retaliate against Mrs.  
11 Alvarez. Among other things, Huizar continued hassling Plaintiff both during and outside of  
12 normal work hours; unreasonably and unjustifiably increasing Plaintiff's workload; unreasonably  
13 and unjustifiably criticizing the speed with which Plaintiff was completing assignments;  
14 unreasonably and unjustifiably criticizing the quality of Plaintiff's work product and general job  
15 execution; questioning and criticizing Plaintiff for taking sick and vacation leave to attend  
16 medical appointments; throwing things at Plaintiff and otherwise invading her personal space;  
17 and making snide comments about Plaintiff's personal life.

18                   **4.     Huizar Demoted Mrs. Alvarez Following Her Return from Disability**  
19                   **and Maternity Leave**

20          70.     In January 2018, Mrs. Alvarez was still early in her pregnancy. Yet, Huizar's  
21 behavior caused Mrs. Alvarez so much stress and anxiety that she began having preterm labor  
22 pains at just 16 weeks and endured two miscarriage scares.

23          71.     As a result, in February 2018, Mrs. Alvarez's physician diagnosed her with a  
24 generalized anxiety, panic, and depressive disorder and placed her off of work as a consequence  
25 of her disability. Mrs. Alvarez provided her office and the City with all of the necessary doctors'  
26 notes and leave paperwork incident to her healthcare providers' diagnoses and disability leave  
27 orders. Huizar was aware of Mrs. Alvarez's leave and that it was doctor-ordered.  
28

1           72. Plaintiff is informed and believes, and on that basis alleges, that Mrs. Alvarez'  
2 absence, taken for medical necessity, angered Huizar and engendered extreme retaliatory animus  
3 in Huizar toward Plaintiff. Huizar was angered and frustrated on account of the operational  
4 adjustments he would have to make in the office on account of Mrs. Alvarez's temporary  
5 absence, such as finding another employee to stand in as his Executive Assistant and Scheduler  
6 during Mrs. Alvarez's leave.

7           73. In April 2018, Mrs. Alvarez took maternity leave from the office.

8           74. Before she left on leave, Mrs. Alvarez trained another staffer on how to perform  
9 her job while she was out.

10          75. When she left on leave, Mrs. Alvarez still held the title and position of Executive  
11 Assistant and Scheduler.

12          76. Mrs. Alvarez was scheduled to return from leave on July 2, 2018.

13          77. In advance of her return, on June 27, 2018, Mrs. Alvarez emailed Huizar's Chief  
14 of Staff, Paul Habib, to advise that she wanted to come into the office the week prior to her  
15 formal return date to get reacclimated. She wanted to confer with her temporary stand-in to  
16 catch up on the scheduling requests that had come in while she was on leave and to get an idea of  
17 what requests still needed evaluation, write-up, and follow-up.

18          78. Yet, Habib was oddly reticent about Mrs. Alvarez's desire to transition back into  
19 the office. He responded via email on June 30, 2018, and directed Mrs. Alvarez not to return to  
20 the office and not to confer with any staff other than him until he could schedule a date and time  
21 for them to discuss her transition in person.

22          79. On July 3, 2018, Mrs. Alvarez returned to the office and met with Habib. During  
23 that meeting, at Huizar's direction, Habib demoted Mrs. Alvarez to an office manager position.

24          80. Mrs. Alvarez expressed dismay at being demoted, but Habib told Mrs. Alvarez  
25 that the office manager position is where Huizar "needed her right now." Habib then tried to  
26 mollify Mrs. Alvarez by telling her that the office manager position came with an increased  
27 salary. But Mrs. Alvarez is no fool. She knew the raise was just an attempt to cover up the  
28 discriminatory, harassing, and retaliatory nature of he and Huizar's decision. And besides,



1 the salary increase was merely \$1,000—per year—as in, less than an extra \$40 per paycheck—  
2 before taxes.

3 81. In any event, the office manager position was not the same as, nor comparable to,  
4 Mrs. Alvarez's previous position and there was no legitimate business reason unrelated to  
5 Plaintiff's pregnancy, medical leave, gender, and internal complaints that justified the demotion.

6 82. Mrs. Alvarez's demotion resulted in the loss of all of her pre-leave duties and  
7 responsibilities. She was reduced from being the executive adviser primarily responsible for  
8 scheduling meetings with Huizar to being the receptionist primarily responsible for reserving  
9 conference rooms and ordering ink for the printers. Mrs. Alvarez was removed from Huizar's  
10 cadre of senior advisors and disinvited from attending any further executive team meetings.  
11 Huizar also revoked Mrs. Alvarez's access to his calendar.

12 83. What's more, the office manager responsibilities that Huizar assigned to  
13 Mrs. Alvarez were not even comparable to those given to the office manager that immediately  
14 preceded her in that role (and, incidentally, who also left the office as a result of Huizar's  
15 retaliatory conduct). Among other things, the previous office manager had responsibility over  
16 funding requests and vendor contracts. Yet, Mrs. Alvarez was stripped of even those more  
17 sophisticated administrative duties. Instead, the version of office manager Huizar wanted Mrs.  
18 Alvarez to fulfill involved only answering phones, greeting visitors, ordering office supplies and  
19 staffers' business cards, and coordinating tours of City Hall.

20 84. In other words, Huizar reduced Mrs. Alvarez's executive-level role to that of a  
21 receptionist. In fact, that is where Mrs. Alvarez was physically relocated when she returned from  
22 leave; whereas she used to sit in the anteroom right outside of Huizar's office along with his  
23 other senior advisors, when Mrs. Alvarez returned from maternity leave she was moved to the  
24 receptionists' desk at the front of the Councilmember's office suite.

25 85. Huizar's decision to demote Mrs. Alvarez was retaliatory in nature. Among other  
26 reasons, Huizar demoted Mrs. Alvarez as reprisal for: (i) taking disability leave in advance of  
27 her pregnancy; (ii) taking maternity leave to give birth to a child and bond with her newborn son;  
28 (iii) voicing concerns and complaining about having to alter Huizar's calendars in response to

1 requests made pursuant to the California Public Records Act; (iv) voicing concerns and  
2 complaining about having to engage in political campaign activities for Huizar's wife during  
3 normal City work hours and while utilizing City resources; and (v) voicing concerns and  
4 complaining about the preferential treatment Huizar was giving to a City staffer with whom he  
5 was having an extramarital affair.

6 86. The employee Mrs. Alvarez had trained to temporarily fulfill her role as  
7 Executive Assistant and Scheduler was upset about the change as well, since she was told that  
8 the position would be her new permanent job in the office. She confessed to Mrs. Alvarez that  
9 she told Habib that she did not want Mrs. Alvarez's job, but was forced to accept the position  
10 notwithstanding Mrs. Alvarez's impending return from leave.

11 87. As a result of being demoted and stripped of any meaningful function at the  
12 office, Mrs. Alvarez was constructively terminated. Huizar intentionally created and knowingly  
13 permitted working conditions that were so intolerable that any reasonable and comparably-  
14 situated employee would be compelled to resign.

15 88. Mrs. Alvarez submitted a formal resignation communication to Habib on  
16 July 23, 2018.

17 89. She was humiliated. Mrs. Alvarez felt that she had no other option but to resign  
18 rather than endure the ridicule, shame, and uselessness associated with her demotion and  
19 diminished position in the office. No other staffer would ever reasonably conclude that being  
20 involuntarily reassigned from Huizar's Executive Assistant and Scheduler to an office manager  
21 position was anything other than a punitive demotion.

22 90. Mrs. Alvarez's last day as a City employee was July 31, 2018.  
23  
24  
25  
26  
27  
28

1 **FIRST CAUSE OF ACTION**

2 **Retaliation**

3 **In Violation of Cal. Gov. Code § 12940(a), (h)**

4 **(Against the City of Los Angeles and Does 1-10)**

5 91. Plaintiff incorporates by reference paragraphs 1 through 90, above, and repeats,  
6 reiterates, and realleges each and every allegation contained therein with the same force and  
7 effect as if such paragraphs were set forth fully at length here.

8 92. Section 12940(h) of the California Government Code makes it unlawful for an  
9 employer to retaliate against an employee for “oppos[ing] practices forbidden under [FEHA’s  
10 statutory scheme] or because the person has filed a complaint, testified, or assisted in any  
11 proceeding under [FEHA’s statutory scheme].”

12 93. As described in the preceding paragraphs of this Complaint, Plaintiff engaged in  
13 such protected conduct under FEHA by complaining to and about Defendants’ conduct. In  
14 particular, Plaintiff’s protected activity included, but is not limited to: (i) taking disability leave  
15 in advance of her pregnancy; (ii) taking maternity leave to give birth to a child and bond with her  
16 newborn son; (iii) voicing concerns and complaining about having to alter Huizar’s calendars in  
17 response to requests made pursuant to the California Public Records Act; (iv) voicing concerns  
18 and complaining about having to engage in political campaign activities for Huizar’s wife during  
19 normal City work hours and while utilizing City resources; and (v) voicing concerns and  
20 complaining about the preferential treatment Huizar was giving to a City staffer with whom he  
21 was having an extramarital affair (as described in the preceding paragraphs of this Complaint  
22 (*see infra* at Sect. IV)).

23 94. At the time in which Plaintiff engaged in such protected activities, Plaintiff held a  
24 good faith and reasonable belief that the alleged actions violated a law or administrative statute  
25 (Los Angeles Municipal Code Chapter IV, Articles 9.5 and 9.7), state public records and political  
26 activity laws (Cal. Gov. Code § 6250 et seq.; Cal Gov. Code §§ 3203, 3209, 19990), as well as  
27 federal political activity law (5 U.S.C. § 7321 et seq.).  
28

1           95. Plaintiff's protected activities, as set forth herein, were individually and  
2 collectively a contributing factor in Defendant's decision to constructively terminate Plaintiff's  
3 employment and, prior thereto, to subject her to abusive and harassing retaliatory employment  
4 practices. Plaintiff's protected activities were the sole, motivating, and but-for cause of the  
5 adverse employment actions Defendants took against her.

6           96. In response to Plaintiff's protected activities, Defendants retaliated against  
7 Plaintiff, including, but not limited to: harassing and hassling Plaintiff both during and outside  
8 of normal work hours; unreasonably and unjustifiably increasing Plaintiff's workload;  
9 unreasonably and unjustifiably criticizing the speed with which Plaintiff was completing  
10 assignments; unreasonably and unjustifiably criticizing the quality of Plaintiff's work product  
11 and general job execution; and, questioning and criticizing Plaintiff for taking sick and vacation  
12 leave to attend medical appointments (as described in the preceding paragraphs of this Complaint  
13 (*see infra* at Sect. IV)).

14           97. As a proximate result of the wrongful acts of Defendants, and each of them,  
15 Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer, actual,  
16 consequential, and incidental financial losses, including, without limitation, loss of income,  
17 salary and benefits, and the intangible loss of employment-related opportunities for growth in  
18 Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount according to  
19 proof at the time of trial.

20           98. As a direct, foreseeable and proximate result of Defendants' wrongful acts,  
21 Plaintiff has suffered, and continues to suffer, substantial losses of earnings and employment  
22 benefits, and has suffered humiliation, embarrassment, mental and emotional distress and  
23 discomfort, all to Plaintiff's damage in an amount proven at trial.

24           99. Plaintiff is informed and believes, and on that basis alleges, that the aforesaid acts  
25 directed toward Plaintiff by Defendants were carried out with a conscious disregard of Plaintiff's  
26 right to be free from such illegal behavior, such as to constitute oppression, fraud, or malice  
27 pursuant to section 3294 of the California Civil Code, among other provisions, entitling Plaintiff  
28 to punitive damages in an amount appropriate to punish and set an example of Defendants.

100. The actions alleged herein were taken by managing agents and/or officers of Defendant and/or ratified by managing agents and/or officers of Defendant, namely, Jose Huizar and Paul Habib. In so doing, said managing agents and/or officers of Defendant acted with oppression and malice as those terms are used in section 3294 of the California Civil Code. As such, Plaintiff is entitled to an award of punitive damages.

101. Plaintiff is also entitled to an award of attorneys' and experts' fees pursuant to, *inter alia*, section 12965(b) of the California Government Code.

## SECOND CAUSE OF ACTION

## Retaliation

**In Violation of Cal. Labor Code § 1102.5(b)**

**(Against the City of Los Angeles and Does 1-10)**

102. Plaintiff incorporates by reference paragraphs 1 through 101, above, and repeats, reiterates, and realleges each and every allegation contained therein with the same force and effect as if such paragraphs were set forth fully at length here.

103. Section 1102.5(b) of the California Labor Code makes it unlawful for an employer to retaliate against an employee for “disclosing information . . . to a person with authority over the employee or another employee who has the authority to investigate, discover, or correct the violation or noncompliance . . . of state or federal statute . . . or regulation, regardless of whether disclosing the information is part of the employee’s job duties.”

104. On multiple occasions, Plaintiff engaged in such protected conduct under section 1102.5 by complaining to and about Defendant's conduct, as described in the preceding paragraphs of this Complaint. In particular, Plaintiff's protected activity included, but is not limited to: (i) taking disability leave in advance of her pregnancy; (ii) taking maternity leave to give birth to a child and bond with her newborn son; (iii) voicing concerns and complaining about having to alter Huizar's calendars in response to requests made pursuant to the California Public Records Act; (iv) voicing concerns and complaining about having to engage in political campaign activities for Huizar's wife during normal City work hours and while utilizing City

resources; and (v) voicing concerns and complaining about the preferential treatment Huizar was giving to a City staffer with whom he was having an extramarital affair (as described in the preceding paragraphs of this Complaint (*see infra* at Sect. IV)).

105. At the time in which Plaintiff engaged in such protected activities, Plaintiff held a good faith and reasonable belief that the alleged actions violated the City's ethics and integrity rules, or were otherwise violations of a law or administrative statute (Los Angeles Municipal Code Chapter IV, Articles 9.5 and 9.7), state public records and political activity laws (Cal. Gov. Code § 6250 et seq.; Cal Gov. Code §§ 3203, 3209, 19990), as well as federal political activity law (5 U.S.C. § 7321 et seq.).

106. Plaintiff's protected activities, as set forth herein, were individually and collectively a contributing factor in Defendant's decision to constructively terminate Plaintiff's employment. Plaintiff's protected activities were the sole, motivating, and but-for cause of the adverse employment actions Defendants took against her.

107. In response to Plaintiff's protected activities, Defendants retaliated against Plaintiff, including, but not limited to: harassing and hassling Plaintiff both during and outside of normal work hours; unreasonably and unjustifiably increasing Plaintiff's workload; unreasonably and unjustifiably criticizing the speed with which Plaintiff was completing assignments; unreasonably and unjustifiably criticizing the quality of Plaintiff's work product and general job execution; and, questioning and criticizing Plaintiff for taking sick and vacation leave to attend medical appointments (as described in the preceding paragraphs of this Complaint (*see infra* at Sect. IV)).

108. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer, actual, consequential, and incidental financial losses, including, without limitation, loss of income, salary and benefits, and the intangible loss of employment-related opportunities for growth in Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount according to proof at the time of trial.

1           109. As a direct, foreseeable and proximate result of Defendants' wrongful acts,  
2 Plaintiff has suffered, and continues to suffer, substantial losses of earnings and employment  
3 benefits, and has suffered humiliation, embarrassment, mental and emotional distress and  
4 discomfort, all to Plaintiff's damage in an amount proven at trial.

5           110. Plaintiff is informed and believes, and on that basis alleges, that the aforesaid acts  
6 directed toward Plaintiff by Defendants were carried out with a conscious disregard of Plaintiff's  
7 right to be free from such illegal behavior, such as to constitute oppression, fraud, or malice  
8 pursuant to section 3294 of the California Civil Code, among other provisions, entitling Plaintiff  
9 to punitive damages in an amount appropriate to punish and set an example of Defendants.

10           111. The actions alleged herein were taken by managing agents and/or officers of  
11 Defendant and/or ratified by managing agents and/or officers of Defendant, namely, Jose Huizar  
12 and Paul Habib. In so doing, said managing agents and/or officers of Defendant acted with  
13 oppression and malice as those terms are used in section 3294 of the California Civil Code. As  
14 such, Plaintiff is entitled to an award of punitive damages.

15           112. Plaintiff is also entitled to an award of attorneys' and experts' fees pursuant to,  
16 *inter alia*, section 1102.5(f) of the California Labor Code.

17  
18                                   **THIRD CAUSE OF ACTION**

19                                   **Pregnancy Discrimination**

20                   **In Violation of Cal. Gov. Code § 12940(a), 12945(a)**

21                   **(Against the City of Los Angeles and Does 1-10)**

22           113. Plaintiff incorporates by reference paragraphs 1 through 112, above, and repeats,  
23 reiterates, and realleges each and every allegation contained therein with the same force and  
24 effect as if such paragraphs were set forth fully at length here.

25           114. Sections 12940 and 12945 of the California Government Code make it unlawful  
26 for an employer "to discriminate against [a] person in compensation or in terms, conditions,  
27 or privileges of employment" because of "pregnancy, childbirth, or a related medical condition."  
28



1           115. As averred in the preceding paragraphs of this Complaint, Mrs. Alvarez informed  
2 Defendants, and each of them, as well as their agents and subordinates, that she was pregnant  
3 in October 2017. Thereafter, Defendants, and each of them, as well as their agents and  
4 subordinates, singled Mrs. Alvarez out for retaliation and disparate treatment with regard to the  
5 terms, conditions, and privileges of her employment because of Mrs. Alvarez's pregnancy,  
6 gender, and associated disability and maternity leaves, in violation of Sections 12940 and 12945.  
7 In particular, Defendants' retaliatory and disparate treatment of Mrs. Alvarez included, but was  
8 not limited to: harassing and hassling Plaintiff both during and outside of normal work hours;  
9 unreasonably and unjustifiably increasing Plaintiff's workload; unreasonably and unjustifiably  
10 criticizing the speed with which Plaintiff was completing assignments; unreasonably and  
11 unjustifiably criticizing the quality of Plaintiff's work product and general job execution; and,  
12 questioning and criticizing Plaintiff for taking sick and vacation leave to attend medical  
13 appointments (as described in the preceding paragraphs of this Complaint (*see infra* at Sect. IV)).

14           116. The actions of Defendants, and each of them, as well as those of their agents and  
15 subordinates, negatively affected the terms, conditions, and privileges of Mrs. Alvarez's  
16 employment, and resulted in the constructive termination of Mrs. Alvarez's employment.

17           117. Defendants, and each of them, as well as their agents and subordinates, did not  
18 treat non-pregnant, male, or non-disabled employees in the same manner in which Mrs. Alvarez  
19 was treated; they were treated more favorably.

20           118. Defendants, and each of them, as well as their agents and subordinates, have  
21 consistently failed to give any reasonable justification for subjecting Mrs. Alvarez to the  
22 foregoing adverse employment actions. Mrs. Alvarez alleges that these actions were taken by  
23 Defendants, and each of them, as well as their agents and subordinates, because of Mrs.  
24 Alvarez's pregnancy, gender, and associated disability and maternity leaves, in violation of  
25 Sections 12940 and 12945. These immutable characteristics were the sole, motivating, and but-  
26 for cause of the adverse employment actions Defendants took against her.

27           119. As a proximate result of the wrongful acts of Defendants, and each of them,  
28 Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer, actual,

1 consequential, and incidental financial losses, including, without limitation, loss of income,  
2 salary and benefits, and the intangible loss of employment-related opportunities for growth in  
3 Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount according to  
4 proof at the time of trial.

5 120. As a direct, foreseeable and proximate result of Defendants' wrongful acts,  
6 Plaintiff has suffered, and continues to suffer, substantial losses of earnings and employment  
7 benefits, and has suffered humiliation, embarrassment, mental and emotional distress and  
8 discomfort, all to Plaintiff's damage in an amount proven at trial.

9 121. Plaintiff is informed and believes, and on that basis alleges, that the aforesaid acts  
10 directed toward Plaintiff by Defendants were carried out with a conscious disregard of Plaintiff's  
11 right to be free from such illegal behavior, such as to constitute oppression, fraud, or malice  
12 pursuant to section 3294 of the California Civil Code, among other provisions, entitling Plaintiff  
13 to punitive damages in an amount appropriate to punish and set an example of Defendants.

14 122. The actions alleged herein were taken by managing agents and/or officers of  
15 Defendant and/or ratified by managing agents and/or officers of Defendant, namely, Jose Huizar  
16 and Paul Habib. In so doing, said managing agents and/or officers of Defendant acted with  
17 oppression and malice as those terms are used in section 3294 of the California Civil Code.  
18 As such, Plaintiff is entitled to an award of punitive damages.

19 123. Plaintiff is also entitled to an award of attorneys' and experts' fees pursuant to,  
20 *inter alia*, section 12965(b) of the California Government Code.

#### 21 22 **FOURTH CAUSE OF ACTION**

#### 23 **Wrongful Termination in Violation of Public Policy**

#### 24 **(Against the City of Los Angeles and Does 1-10)**

25 124. Plaintiff incorporates by reference paragraphs 1 through 123, above, and repeats,  
26 reiterates, and realleges each and every allegation contained therein with the same force and  
27 effect as if such paragraphs were set forth fully at length here.

1           125. The discharge of an employee in retaliation for resisting or complaining about  
2 employer violations of laws that secure important public policies contravenes those policies, and  
3 gives rise to a common law action in tort.

4           126. Plaintiff engaged in such protected conduct under FEHA and under section  
5 1102.5 of the Civil Code by complaining to and about Defendants' conduct, as described above.  
6 In particular, Plaintiff's protected activity included, but is not limited to: (i) taking disability  
7 leave in advance of her pregnancy; (ii) taking maternity leave to give birth to a child and bond  
8 with her newborn son; (iii) voicing concerns and complaining about having to alter Huizar's  
9 calendars in response to requests made pursuant to the California Public Records Act; (iv)  
10 voicing concerns and complaining about having to engage in political campaign activities for  
11 Huizar's wife during normal City work hours and while utilizing City resources; and (v) voicing  
12 concerns and complaining about the preferential treatment Huizar was giving to a City staffer  
13 with whom he was having an extramarital affair (as described in the preceding paragraphs of this  
14 Complaint (*see infra* at Sect. IV)).

15           127. At the time in which Plaintiff engaged in such protected activities, Plaintiff held a  
16 good faith and reasonable belief that the alleged actions violated the City's ethics and integrity  
17 rules, or were otherwise violations of a law or administrative statute (Los Angeles Municipal  
18 Code Chapter IV, Articles 9.5 and 9.7), state public records and political activity laws (Cal. Gov.  
19 Code § 6250 et seq.; Cal Gov. Code §§ 3203, 3209, 19990), as well as federal political activity  
20 law (5 U.S.C. § 7321 et seq.).

21           128. Plaintiff's protected activities, as set forth herein, were individually and  
22 collectively a contributing factor in Defendant's decision to constructively terminate Plaintiff's  
23 employment. Plaintiff's protected activities were the sole, motivating, and but-for cause of the  
24 adverse employment actions Defendants took against her.

25           129. Plaintiff was harassed and subsequently constructively terminated for asserting  
26 her statutory and constitutional rights to engage in protected activity. Defendants' violation of  
27 Plaintiff's statutory and constitutional rights is inconsistent with, and hostile to, the public's  
28

1 interest in correcting violations of state and federal laws and regulations, and has a chilling effect  
2 on reports of such actual and suspected violations of state and federal laws and regulations.

3 130. Defendants' reasons for harassing Plaintiff and subsequently constructively  
4 terminating Plaintiff's employment are pretextual in nature and calculated to disguise the  
5 motivating bases of the adverse employment actions to which Plaintiff was subjected.

6 131. As a proximate result of the wrongful acts of Defendants, and each of them,  
7 Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer, actual,  
8 consequential, and incidental financial losses, including, without limitation, loss of income,  
9 salary and benefits, and the intangible loss of employment-related opportunities for growth in  
10 Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount according to  
11 proof at the time of trial.

12 132. As a direct, foreseeable and proximate result of Defendants' wrongful acts,  
13 Plaintiff has suffered, and continues to suffer, substantial losses of earnings and employment  
14 benefits, and has suffered humiliation, embarrassment, mental and emotional distress and  
15 discomfort, all to Plaintiff's damage in an amount proven at trial.

16 133. Plaintiff is informed and believes, and on that basis alleges, that the aforesaid acts  
17 directed toward Plaintiff by Defendants were carried out with a conscious disregard of Plaintiff's  
18 right to be free from such illegal behavior, such as to constitute oppression, fraud, or malice  
19 pursuant to section 3294 of the California Civil Code, among other provisions, entitling Plaintiff  
20 to punitive damages in an amount appropriate to punish and set an example of Defendants.

21 134. The actions alleged herein were taken by managing agents and/or officers of  
22 Defendant and/or ratified by managing agents and/or officers of Defendant, namely, Jose Huizar  
23 and Paul Habib. In so doing, said managing agents and/or officers of Defendant acted with  
24 oppression and malice as those terms are used in section 3294 of the California Civil Code. As  
25 such, Plaintiff is entitled to an award of punitive damages.

1 **FIFTH CAUSE OF ACTION**

2 **Failure to Prevent Unlawful Discrimination**

3 **In Violation of Cal. Gov. Code § 12940(k)**

4 **(Against the City of Los Angeles and Does 1-10)**

5 135. Plaintiff incorporates by reference paragraphs 1 through 134, above, and repeats,  
6 reiterates, and realleges each and every allegation contained therein with the same force and  
7 effect as if such paragraphs were set forth fully at length here.

8 136. Section 12940(k) of the California Government Code makes it unlawful for an  
9 employer to “fail to take all reasonable steps necessary to prevent discrimination and harassment  
10 from occurring.”

11 137. As described in the preceding paragraphs of this Complaint, Plaintiff engaged in  
12 protected conduct under FEHA by complaining to and about Defendant’s conduct. In particular,  
13 Plaintiff’s protected activity included, but is not limited to: (i) taking disability leave in advance  
14 of her pregnancy; (ii) taking maternity leave to give birth to a child and bond with her newborn  
15 son; (iii) voicing concerns and complaining about having to alter Huizar’s calendars in response  
16 to requests made pursuant to the California Public Records Act; (iv) voicing concerns and  
17 complaining about having to engage in political campaign activities for Huizar’s wife during  
18 normal City work hours and while utilizing City resources; and (v) voicing concerns and  
19 complaining about the preferential treatment Huizar was giving to a City staffer with whom he  
20 was having an extramarital affair (as described in the preceding paragraphs of this Complaint  
21 (*see infra* at Sect. IV)).

22 138. At the time in which Plaintiff engaged in such protected activities, Plaintiff held a  
23 good faith and reasonable belief that the alleged actions violated the City’s ethics and integrity  
24 rules, or were otherwise violations of a law or administrative statute (Los Angeles Municipal  
25 Code Chapter IV, Articles 9.5 and 9.7), state public records and political activity laws (Cal. Gov.  
26 Code § 6250 et seq.; Cal Gov. Code §§ 3203, 3209, 19990), as well as federal political activity  
27 law (5 U.S.C. § 7321 et seq.).  
28

1           139. Plaintiff's protected activities, as set forth herein, were individually and  
2 collectively a contributing factor in Defendant's decision to constructively terminate Plaintiff's  
3 employment, as well as to subject her to the abusive, harassing, and retaliatory adverse  
4 employment actions as described above. Plaintiff's protected activities were the sole,  
5 motivating, and but-for cause of the adverse employment actions Defendants took against her.

6           140. In response to Plaintiff's protected activities, Defendants retaliated against  
7 Plaintiff, including, but not limited to: harassing and hassling Plaintiff both during and outside  
8 of normal work hours; unreasonably and unjustifiably increasing Plaintiff's workload;  
9 unreasonably and unjustifiably criticizing the speed with which Plaintiff was completing  
10 assignments; unreasonably and unjustifiably criticizing the quality of Plaintiff's work product  
11 and general job execution; and, questioning and criticizing Plaintiff for taking sick and vacation  
12 leave to attend medical appointments (as described in the preceding paragraphs of this Complaint  
13 (*see infra* at Sect. IV)).

14           141. Defendants failed to take reasonable steps necessary to prevent the discrimination,  
15 harassment, and retaliation that Plaintiff was subjected to from occurring.

16           142. As a proximate result of the wrongful acts of Defendants, and each of them,  
17 Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer, actual,  
18 consequential, and incidental financial losses, including, without limitation, loss of income,  
19 salary and benefits, and the intangible loss of employment-related opportunities for growth in  
20 Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount according to  
21 proof at the time of trial.

22           143. As a direct, foreseeable and proximate result of Defendants' wrongful acts,  
23 Plaintiff has suffered, and continues to suffer, substantial losses of earnings and employment  
24 benefits, and has suffered humiliation, embarrassment, mental and emotional distress and  
25 discomfort, all to Plaintiff's damage in an amount proven at trial.

26           144. Plaintiff is informed and believes, and on that basis alleges, that the aforesaid acts  
27 directed toward Plaintiff by Defendants were carried out with a conscious disregard of Plaintiff's  
28 right to be free from such illegal behavior, such as to constitute oppression, fraud, or malice

1 pursuant to section 3294 of the California Civil Code, among other provisions, entitling Plaintiff  
2 to punitive damages in an amount appropriate to punish and set an example of Defendants.

3 145. The actions alleged herein were taken by managing agents and/or officers of  
4 Defendant and/or ratified by managing agents and/or officers of Defendant, namely, Jose Huizar  
5 and Paul Habib. In so doing, said managing agents and/or officers of Defendant acted with  
6 oppression and malice as those terms are used in section 3294 of the California Civil Code. As  
7 such, Plaintiff is entitled to an award of punitive damages.

8 146. Plaintiff is also entitled to an award of attorneys' and experts' fees pursuant to,  
9 *inter alia*, section 12965(b) of the California Government Code.

#### 10 **SIXTH CAUSE OF ACTION**

##### 11 **Workplace Harassment**

##### 12 **In Violation of Cal. Gov. Code § 12940(a), (h), (j)**

##### 13 **(Against Jose Huizar, in his individual capacity, and Does 1-10)**

14 147. Plaintiff incorporates by reference paragraphs 1 through 146, above, and repeats,  
15 reiterates, and realleges each and every allegation contained therein with the same force and  
16 effect as if such paragraphs were set forth fully at length here.

17 148. Section 12940, subsections (a) and (j), of the California Government Code make  
18 it unlawful for an employer to discriminate against and harass an employee because of  
19 "pregnancy, childbirth, or related medical conditions," or on account of the employee's gender or  
20 other protected immutable characteristics.

21 149. As averred in the preceding paragraphs of this Complaint, Mrs. Alvarez informed  
22 Defendants, and Huizar in particular, as well as Defendants' agents and subordinates, that she  
23 was pregnant in October 2017. Thereafter, Defendants, and Huizar in particular, as well as  
24 Defendants' agents and subordinates, personally singled Mrs. Alvarez out for retaliation and  
25 disparate treatment with regard to the terms, conditions, and privileges of her employment  
26 because of Mrs. Alvarez's pregnancy, gender, and associated disability and maternity leaves, in  
27 violation of Sections 12940 and 12945. In particular, Defendants' retaliatory and disparate  
28



1 treatment of Mrs. Alvarez included, but was not limited to: harassing and hassling Plaintiff both  
2 during and outside of normal work hours; unreasonably and unjustifiably increasing Plaintiff's  
3 workload; unreasonably and unjustifiably criticizing the speed with which Plaintiff was  
4 completing assignments; unreasonably and unjustifiably criticizing the quality of Plaintiff's work  
5 product and general job execution; and, questioning and criticizing Plaintiff for taking sick and  
6 vacation leave to attend medical appointments (as described in the preceding paragraphs of this  
7 Complaint (*see infra* at Sect. IV)). Huizar personally undertook the foregoing actions as against  
8 Mrs. Alvarez.

9         150. The actions of Defendants, and Huizar in particular, as well as those of their  
10 agents and subordinates, negatively affected the terms, conditions, and privileges of Mrs.  
11 Alvarez's employment, and resulted in the constructive termination of Mrs. Alvarez's  
12 employment.

13         151. Defendants, and Huizar in particular, as well as their agents and subordinates, did  
14 not treat non-pregnant, male, or non-disabled employees in the same manner in which Mrs.  
15 Alvarez was treated; they were treated more favorably.

16         152. Similarly, section 12940(h) of the California Government Code makes it unlawful  
17 for an employer to harass an employee for "oppos[ing] practices forbidden under [FEHA's  
18 statutory scheme] or because the person has filed a complaint, testified, or assisted in any  
19 proceeding under [FEHA's statutory scheme]."

20         153. As described in the preceding paragraphs of this Complaint, Plaintiff engaged  
21 in such protected conduct under FEHA by complaining to and about Defendants' conduct.  
22 In particular, Plaintiff's protected activity included, but is not limited to: (i) taking disability  
23 leave in advance of her pregnancy; (ii) taking maternity leave to give birth to a child and bond  
24 with her newborn son; (iii) voicing concerns and complaining about having to alter Huizar's  
25 calendars in response to requests made pursuant to the California Public Records Act;  
26 (iv) voicing concerns and complaining about having to engage in political campaign activities for  
27 Huizar's wife during normal City work hours and while utilizing City resources; and (v) voicing  
28 concerns and complaining about the preferential treatment Huizar was giving to a City staffer

1 with whom he was having an extramarital affair (as described in the preceding paragraphs of this  
2 Complaint (*see infra* at Sect. IV)).

3 154. At the time in which Plaintiff engaged in such protected activities, Plaintiff held a  
4 good faith and reasonable belief that the alleged actions violated a law or administrative statute  
5 (Los Angeles Municipal Code Chapter IV, Articles 9.5 and 9.7), state public records and political  
6 activity laws (Cal. Gov. Code § 6250 et seq.; Cal Gov. Code §§ 3203, 3209, 19990), as well as  
7 federal political activity law (5 U.S.C. § 7321 et seq.).

8 155. Plaintiff's protected activities, as set forth herein, were individually and  
9 collectively a contributing factor in Defendant's decision to constructively terminate Plaintiff's  
10 employment and, prior thereto, subject her to abusive and harassing retaliatory employment  
11 practices. Plaintiff's protected activities were the sole, motivating, and but-for cause of the  
12 adverse employment actions Defendants took against her.

13 156. In response to Plaintiff's protected activities, Defendants, and Huizar in  
14 particular, personally subjected Plaintiff to retaliatory harassment by, among other things:  
15 harassing and hassling Plaintiff both during and outside of normal work hours; unreasonably and  
16 unjustifiably increasing Plaintiff's workload; unreasonably and unjustifiably criticizing the speed  
17 with which Plaintiff was completing assignments; unreasonably and unjustifiably criticizing the  
18 quality of Plaintiff's work product and general job execution; and, questioning and criticizing  
19 Plaintiff for taking sick and vacation leave to attend medical appointments (as described in the  
20 preceding paragraphs of this Complaint (*see infra* at Sect. IV)). Huizar personally undertook the  
21 foregoing actions as against Mrs. Alvarez.

22 157. That is, Huizar personally subjected Plaintiff to verbal abuse, derogatory  
23 comments, and physical interference with freedom of movement. Huizar's conduct was beyond  
24 the scope of his necessary job performance and was engaged in for personal gratification because  
25 of meanness or bigotry and for other personal motives. His conduct did not arise out of his  
26 normal and necessary personnel management duties.

27 158. Defendants, and Huizar in particular, as well as their agents and subordinates,  
28 have consistently failed to give any reasonable justification for subjecting Mrs. Alvarez to the

1 foregoing adverse employment actions. Mrs. Alvarez alleges that these actions were taken by  
2 Defendants, and Huizar in particular, as well as their agents and subordinates, because of Mrs.  
3 Alvarez's pregnancy, gender, and associated disability and maternity leaves, in violation of  
4 Sections 12940 and 12945.

5 159. As a proximate result of the wrongful acts of Defendants, and each of them,  
6 Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer, actual,  
7 consequential, and incidental financial losses, including, without limitation, loss of income,  
8 salary and benefits, and the intangible loss of employment-related opportunities for growth in  
9 Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount according to  
10 proof at the time of trial.

11 160. As a direct, foreseeable and proximate result of Defendants' wrongful acts,  
12 Plaintiff has suffered, and continues to suffer, substantial losses of earnings and employment  
13 benefits, and has suffered humiliation, embarrassment, mental and emotional distress and  
14 discomfort, all to Plaintiff's damage in an amount proven at trial.

15 161. Plaintiff is informed and believes, and on that basis alleges, that the aforesaid acts  
16 directed toward Plaintiff by Defendants were carried out with a conscious disregard of Plaintiff's  
17 right to be free from such illegal behavior, such as to constitute oppression, fraud, or malice  
18 pursuant to section 3294 of the California Civil Code, among other provisions, entitling Plaintiff  
19 to punitive damages in an amount appropriate to punish and set an example of Defendants.

20 162. The actions alleged herein were taken by managing agents and/or officers of  
21 Defendant and/or ratified by managing agents and/or officers of Defendant, namely, Jose Huizar  
22 and Paul Habib. In so doing, said managing agents and/or officers of Defendant acted with  
23 oppression and malice as those terms are used in section 3294 of the California Civil Code.  
24 As such, Plaintiff is entitled to an award of punitive damages.

25 163. Plaintiff is also entitled to an award of attorneys' and experts' fees pursuant to,  
26 *inter alia*, section 12965(b) of the California Government Code.

1 **SEVENTH CAUSE OF ACTION**

2 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

3 **(Against Jose Huizar, in his individual capacity, and Does 1-10)**

4 164. Plaintiff incorporates by reference paragraphs 1 through 163, above, and repeats,  
5 reiterates, and realleges each and every allegation contained therein with the same force and  
6 effect as if such paragraphs were set forth fully at length here.

7 165. “A cause of action for intentional infliction of emotional distress exists when  
8 there is ‘(1) extreme and outrageous conduct by the defendant with the intention of causing, or  
9 reckless disregard of the probability of causing, emotional distress; (2) the plaintiff’s suffering  
10 severe or extreme emotional distress; and (3) actual and proximate causation of the emotional  
11 distress by the defendant’s outrageous conduct.’” *Hughes v. Pair*, 46 Cal. 4th 1035 (2009).

12 166. Defendants’ conduct as described above—harassing and hassling Plaintiff both  
13 during and outside of normal work hours; unreasonably and unjustifiably increasing Plaintiff’s  
14 workload; unreasonably and unjustifiably criticizing the speed with which Plaintiff was  
15 completing assignments; unreasonably and unjustifiably criticizing the quality of Plaintiff’s work  
16 product and general job execution; questioning and criticizing Plaintiff for taking sick and  
17 vacation leave to attend medical appointments; throwing things at Plaintiff and otherwise  
18 invading her personal space; and making snide comments about Plaintiff’s personal life (as  
19 described in the preceding paragraphs of this Complaint (*see infra* at Sect. IV))—goes beyond all  
20 possible bounds of decency of that usually tolerated in a civilized community, particularly when  
21 directed toward a pregnant woman.

22 167. Defendants devoted little or no thought to the probable distress such acts would  
23 cause Plaintiff, and simply acted in reckless disregard to the possibility that Plaintiff would  
24 suffer severe emotional distress as a result of such acts.

25 168. Defendants’ acts did in fact cause Plaintiff to suffer, among other emotions,  
26 anguish, nervousness, anxiety, grief, worry, shock, humiliation, and embarrassment. The distress  
27 is of such severity that no reasonable person in a civilized society should be expected to bear the  
28 same.

1           169. Defendants' conduct was outrageous and outside the normal scope of the  
2 employment relationship and was a substantial factor in causing Plaintiff's harm.

3           170. Defendants' acts subjected Plaintiff to cruel and unjust hardship in violation of  
4 her rights as an employee under California law. Defendant acted with malice in that Defendants'  
5 actions were intended to injure Plaintiff, and did so, and because such despicable acts were  
6 carried out with a willful disregard for Plaintiff's legal rights and personal wellbeing.

7           171. Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer,  
8 actual, consequential, and incidental financial losses, including, without limitation, loss of  
9 income, salary and benefits, and the intangible loss of employment-related opportunities for  
10 growth in Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount  
11 according to proof at the time of trial.

12           172. As a direct, foreseeable and proximate result of Defendants' wrongful acts,  
13 Plaintiff has suffered, and continues to suffer, substantial losses of earnings and employment  
14 benefits, and has suffered humiliation, embarrassment, mental and emotional distress and  
15 discomfort, all to Plaintiff's damage in an amount proven at trial.

16           173. Plaintiff is informed and believes, and on that basis alleges, that the aforesaid acts  
17 directed toward Plaintiff by Defendants were carried out with a conscious disregard of Plaintiff's  
18 right to be free from such illegal behavior, such as to constitute oppression, fraud, or malice  
19 pursuant to section 3294 of the California Civil Code, among other provisions, entitling Plaintiff  
20 to punitive damages in an amount appropriate to punish and set an example of Defendants.

21           174. The actions alleged herein were taken by managing agents and/or officers of  
22 Defendant and/or ratified by managing agents and/or officers of Defendant, namely, Jose Huizar  
23 and Paul Habib. In so doing, said managing agents and/or officers of Defendant acted with  
24 oppression and malice as those terms are used in section 3294 of the California Civil Code. As  
25 such, Plaintiff is entitled to an award of punitive damages.

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4. For Plaintiff's reasonable attorneys' fees;
5. For Plaintiff's reasonable experts' fees;
6. For an award of prejudgment interest;
7. For such other relief as the Court deems just and proper.

**On the Fourth Cause for Wrongful Termination in Violation of Public Policy:**

1. For actual and money damages;
2. For compensatory and emotional distress damages;
3. For an award of prejudgment interest;
4. For such other relief as the Court deems just and proper.

**On the Fifth Cause of Action for Failure to Prevent Discrimination (Cal. Gov. Code § 12940(k)):**

1. For actual and money damages in an amount according to proof at trial;
2. For compensatory and emotional distress damages;
3. For punitive and exemplary damages
4. For Plaintiff's reasonable attorneys' fees;
5. For Plaintiff's reasonable experts' fees;
6. For an award of prejudgment interest;
7. For such other relief as the Court deems just and proper.

**On the Sixth Cause of Action for Workplace Harassment (Cal. Gov. Code §§ 12940(a), (h), (j)):**

1. For actual and money damages in an amount according to proof at trial;
2. For compensatory and emotional distress damages;
3. For punitive and exemplary damages
4. For Plaintiff's reasonable attorneys' fees;
5. For Plaintiff's reasonable experts' fees;
6. For an award of prejudgment interest;
7. For such other relief as the Court deems just and proper.



1 **On the Seventh Cause of Action for Intentional Infliction of Emotional Distress:**

- 2 1. For actual and money damages in an amount according to proof at trial;  
3 2. For compensatory and emotional distress damages;  
4 3. For punitive and exemplary damages  
5 4. For an award of prejudgment interest;  
6 5. For such other relief as the Court deems just and proper.

7  
8  
9 DATED: October 18, 2018

THE LAW OFFICE OF TERRENCE JONES

10 

11 Terrence Jones

12 Attorneys for Plaintiff MAYRA ALVAREZ  
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**VERIFICATION**

**(Pursuant to C.C.P. § 446)**

I, MAYRA ALVAREZ, hereby state, declare, and verify as follows:

1. I am the Plaintiff in the above-captioned matter. I have read the foregoing Verified Complaint for Damages and Demand for Jury Trial ("Complaint"), and know the contents thereof.

2. The information supplied therein is based on my own personal knowledge, knowledge personally provided or made available to me by my friends, family, associates, and legal counsel and other agents.

3. The information contained in the Complaint document is true, except as to the matters which are therein stated upon information and belief, and, as to those matters, I am informed and reasonably believe to be true.

\* \* \*

Under penalty of perjury in accordance with the law of the State of California, I declare the foregoing to be true and correct to the best of my knowledge and belief.

Executed this 17th day of October 2018, within Los Angeles County, California.

  
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Mayra Alvarez

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# Exhibit A



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711  
<http://www.dfeh.ca.gov> | email: [contact.center@dfef.ca.gov](mailto:contact.center@dfef.ca.gov)

October 16, 2018

Terrence Jones  
6737 Bright Avenue, Suite B6  
Whittier, California 90601

RE: **Notice to Complainant's Attorney**  
DFEH Matter Number: 201810-03905916  
Right to Sue: Alvarez / City of Los Angeles et al.

Dear Terrence Jones:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

**Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer.** You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711  
<http://www.dfeh.ca.gov> | email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

October 16, 2018

RE: **Notice of Filing of Discrimination Complaint**  
DFEH Matter Number: 201810-03905916  
Right to Sue: Alvarez / City of Los Angeles et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing

20181016101010



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711  
<http://www.dfeh.ca.gov> | email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

October 16, 2018

Mayra Alvarez

RE: **Notice of Case Closure and Right to Sue**  
DFEH Matter Number: 201810-03905916  
Right to Sue: Alvarez / City of Los Angeles et al.

Dear Mayra Alvarez,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective October 16, 2018 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing



1                               **COMPLAINT OF EMPLOYMENT DISCRIMINATION**  
2                               **BEFORE THE STATE OF CALIFORNIA**  
3                               **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**  
4                               **Under the California Fair Employment and Housing Act**  
5                               **(Gov. Code, § 12900 et seq.)**

6       **In the Matter of the Complaint of**  
7       **Mayra Alvarez**

DFEH No. 201810-03905916

8   Complainant,

9       vs.

10       City of Los Angeles  
11       200 N. Spring St. Room 360  
12       Los Angeles, California 90012

13       Jose Huizar

14   Respondents

15       1. Respondent **City of Los Angeles** is an **employer** subject to suit under the  
16       California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

17       2. Complainant **Mayra Alvarez**, resides in the City of State of .

18       3. Complainant alleges that on or about **July 31, 2018**, respondent took the following  
19       adverse actions:

20       **Complainant was harassed** because of complainant's sex/gender, family care or  
21       medical leave (cfra) (employers of 50 or more people), disability (physical or mental),  
22       medical condition (cancer or genetic characteristic), pregnancy, childbirth, breast  
23       feeding, and/or related medical conditions.

24       **Complainant was discriminated against** because of complainant's sex/gender,  
25       family care or medical leave (cfra) (employers of 50 or more people), disability  
26       (physical or mental), medical condition (cancer or genetic characteristic), other,  
27       pregnancy, childbirth, breast feeding, and/or related medical conditions and as a  
28       result of the discrimination was forced to quit, reprimanded, denied or forced  
29       transfer, demoted, denied a work environment free of discrimination and/or  
30       retaliation, denied accommodation for pregnancy, other, denied work opportunities  
31       or assignments.

1 **Complainant experienced retaliation** because complainant reported or resisted  
2 any form of discrimination or harassment, participated as a witness in a  
3 discrimination or harassment claim, requested or used a pregnancy-disability related  
4 accom., requested or used california family rights act or fmla, requested or used a  
5 disability-related accommodation, requested or used baby bonding leave (employers  
6 of 20-49 people) and as a result was forced to quit, reprimanded, denied or forced  
7 transfer, demoted, denied a work environment free of discrimination and/or  
8 retaliation, denied any employment benefit or privilege, denied reasonable  
9 accommodation for a disability, denied accommodation for pregnancy.

10 **Additional Complaint Details:** Complainant Mayra Alvarez was subjected to  
11 unlawful harassment, discrimination, and retaliation in violation of the Fair  
12 Employment and Housing Act (FEHA) on account of her: gender (female);  
13 pregnancy; maternity leave; disability; disability leave; and complaints of potential  
14 violations of local, state, and federal law. Complainant was employed by the City of  
15 Los Angeles (the "City") and worked for Jose Huizar, the City's Councilmember for  
16 its 14th District. At the time of her constructive termination on July 31, 2018, Plaintiff  
17 was employed as Huizar's Executive Assistant and Scheduler. Huizar demoted  
18 Complainant from that position on July 3, 2018, as retaliation for her FEHA-protected  
19 classes and activities. Among other reasons, Huizar demoted Mrs. Alvarez as  
20 reprisal for: (i) taking disability leave in advance of her pregnancy; (ii) taking  
21 maternity leave to give birth to a child and bond with her newborn son; (iii) voicing  
22 concerns and complaining about having to alter Huizar's calendars in response to  
23 requests made pursuant to the California Public Records Act; (iv) voicing concerns  
24 and complaining about having to engage in political campaign activities for Huizar's  
25 wife during normal City work hours and while utilizing City resources; and (v) voicing  
26 concerns and complaining about the preferential treatment Huizar was giving to a  
27 City staffer with whom he was having an extramarital affair. In response to Plaintiff's  
28 protected activities, from in or about November 2016 and continuing to in or about  
July 2018, Huizar and the City retaliated against Plaintiff, including, but not limited to:  
harassing and hassling Complainant both during and outside of normal work hours;  
unreasonably and unjustifiably increasing Complainant's workload; unreasonably  
and unjustifiably criticizing the speed with which Complainant was completing  
assignments; unreasonably and unjustifiably criticizing the quality of Complainant's  
work product and general job execution; and, questioning and criticizing  
Complainant for taking sick and vacation leave to attend medical appointments. As  
a result of being demoted and stripped of any meaningful function with her employer,  
Complainant was constructively terminated. Huizar and the City intentionally  
created and knowingly permitted working conditions that were so intolerable that any  
reasonable and comparably-situated employee would be compelled to resign.

1 VERIFICATION

2 I, **Terrence Jones**, am the **Attorney** in the above-entitled complaint. I have read the  
3 foregoing complaint and know the contents thereof. The matters alleged are based  
4 on information and belief, which I believe to be true.

5 On October 16, 2018, I declare under penalty of perjury under the laws of the State of  
6 California that the foregoing is true and correct.

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**Whittier, California**