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

9 JESSE LEON, an individual,

10 Plaintiff,

11 v.

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

14 Defendants.
 15
 16
 17

Case No. **20STCV11617**

COMPLAINT FOR DAMAGES

First Cause of Action

Wrongful Termination – Retaliation
 (Cal. Gov. Code §§ 12940(a),(h), 12945(a))

Second Cause of Action

Wrongful Termination – Retaliation
 (Cal. Labor Code § 1102.5(b))

Third Cause of Action

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

Fourth Cause of Action

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

Fifth Cause of Action

Intentional Infliction of Emotional Distress

DEMAND FOR JURY TRIAL

COMES NOW Plaintiff Jesse Leon (“Leon or “Plaintiff”), who brings this 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. This is a retaliation- and whistleblower-based wrongful termination lawsuit brought against Los Angeles City Councilmember Jose Huizar and the City of Los Angeles by Jesse Leon, who has become the third staffer that the Councilmember has fired after learning that Leon spoke out about practices that he believed Huizar was engaged in that violated local, state, and federal law. Leon shared his concerns about Huizar’s illegal, unethical, and immoral conduct with the Los Angeles City Attorney’s Office, the City Ethics Commission, and the FBI—all of which Huizar became aware, all of which angered Huizar and engendered in him retaliatory animus, and all of which prompted the Councilmember to fire Leon.

2. In particular, Leon shared his concerns that he believed Huizar was attempting to undertake a “pay-to-play” scheme in which the Councilmember intended to extort commercial cannabis operators seeking to do business within his Council District by conditioning operators’ ability to secure a “Public Convenience or Necessity Application”—a permit which would allow them to do business within Huizar’s district and a permit over which Huizar had sole discretion to issue—upon political donations, “consulting fees” funneled to the Councilmember’s friends, and cash payments made directly to Huizar.

3. Such was the same tactic that many believed Huizar employed with real estate developers as chairperson of the City’s Planning and Land Use Management Committee (“PLUM Committee”). In those circumstances, too, Huizar—who had the sole discretion to put major development projects on the PLUM Committee’s agenda for a go or no-go vote—would

1 refuse to do so unless those developers had adequately donated to his high school alma mater's
2 fundraisers, paid into Huizar's political coffers, or otherwise paid directly into Huizar's pocket.

3 4. Thus, Leon's meetings with City and Federal authorities infuriated Huizar,
4 who knew that Leon—who was among the Councilmember's senior executive staffers, who had
5 served as the Campaign Manager for Huizar's most recent 2015 reelection, and who is a licensed
6 attorney—was in a better position than most to credibly describe the Councilmember's conduct
7 and practices.

8 5. And, in any event, Huizar had already begun to confront, harass, shun, and
9 retaliate against Leon on account of the Councilmember's belief that Leon had helped
10 orchestrate two preceding wrongful termination lawsuits against Huizar and the City brought
11 by two other staffers who had likewise spoken out about the Councilmember's practices that
12 they believed violated local and federal law. Those staffers—Mayra Alvarez and Pauline
13 Medina—were similarly pushed out of their jobs by Huizar in 2018 after complaining about
14 his misconduct.

15 6. Among other things, both Alvarez and Medina had complained about having to
16 alter Huizar's calendars in response to requests made pursuant to the California Public Records
17 Act, having to engage in political campaign activities for Huizar's wife, Richelle, during normal
18 City work hours and while utilizing City resources, and having to engage in fundraising activities
19 for Huizar's high school alma mater, Bishop Mora Salesian High School. As well, both Alvarez
20 and Medina had voiced concerns that Huizar was having yet another extramarital affair with
21 another one of his young staffers and that that woman was receiving preferential treatment with
22 respect to assignments and attendance.

23 7. Leon shared all of this with the City Attorney's Office, City Ethics Commission,
24 and the FBI: that Alvarez's and Medina's allegations were true; that Huizar was again engaged
25 in an intra-office affair; that Huizar had pushed Alvarez and Medina out for speaking up; that
26 Huizar had confronted Leon about encouraging those women to file lawsuits against him and the
27 City; that following the FBI raids Huizar appeared to have begun turning his "pay-to-play"
28 attention to cannabis; that Leon believed that Huizar was engaged in conduct designed to extort

1 applicants for cannabis permits within his Council District; and that Leon, who had been
2 assigned to be one of the Councilmember's cannabis policy advisors, was fearful that he might
3 get caught up in Huizar's illegal and unethical conduct.

4 8. Thus, having recently learned about Leon's meetings with the City Attorney's
5 Office and City Ethics Commission with respect to cannabis, Huizar became even further
6 infuriated and paranoid by Leon's disclosures about the Councilmember's illegal and unethical
7 practices. As a result, Huizar concocted a baseless reason to fire Leon and terminated Leon's
8 employment with the City on October 31, 2019.

9 9. Leon's termination was particularly callous because, as Huizar well knew,
10 Leon and his wife were expecting the birth of their first child that same month. Therefore,
11 Huizar intentionally fired Leon at a time when a loss of income and health benefits would
12 cause the most damage and upheaval in Leon's life.

13 10. Huizar's decision to terminate Leon's employment was retaliatory in nature.
14 Among other reasons, Huizar terminated Leon's employment as reprisal for: (i) voicing
15 concerns about Huizar's illegal and unethical conduct to the City Attorney's Office, City Ethics
16 Commission, and FBI; (ii) the Councilmember's perception that Leon helped orchestrate
17 Alvarez's and Medina's preceding civil suits against him; (iii) the counsel Leon gave Alvarez
18 about how to return to her same pre-pregnancy position following her return from maternity
19 leave; (iv) speaking truthfully to the City Attorney's Office about the merits of Alvarez's and
20 Medina's lawsuits; (v) voicing concerns and complaining about having to engage in political
21 campaign activities for Huizar's wife during normal City work hours and while utilizing City
22 resources; and (vi) Leon's intention to take paternity leave upon the birth of his son.

23 11. The proffered basis for Leon's termination was pretextual and the decision
24 by Huizar to fire Leon, validated by other senior staff and managing agents, was rooted in
25 retaliatory animus based upon Leon's internal and external complaints about Huizar's illegal and
26 unethical practices, as well as Leon's protected participation in, and support, of other FEHA-
27 based claims against Huizar and the City.

12. Pursuant to California's Fair Employment and Housing Act (Cal. Gov. Code § 12940 et seq.) ("FEHA"), as well as provisions of the California Labor Code, this lawsuit seeks to redress the financial and emotional harm Leon suffered, and continues to suffer, as a result of the discrimination, harassment, and retaliation he endured while employed with Huizar, as well as on account of his wrongful termination.

II.

JURISDICTION AND VENUE

13. 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.

14. 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.

15. 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.

16. 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 injuries to Plaintiff occurred, in whole or in part, within Los Angeles County.

17. Prior to the initiation of this action before this Court, Plaintiff properly exhausted his 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 March 20, 2020. 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 Plaintiff’s administrative complaint and right-to-sue letter.)

18. Prior to the initiation of this action before this Court, Plaintiff properly exhausted his administrative remedies as required under Sections 945-949 of the California Government Code by filing a claim with the City of Los Angeles alleging, *inter alia*, the claims asserted

1 herein. Plaintiff submitted his government tort claim online on September 23, 2019. The City
2 denied Leon's claim on October 29, 2019. Accordingly, Plaintiff has fulfilled all preconditions
3 to the filing of this suit. (Collectively attached hereto as Exhibit B are true and correct copies of
4 Plaintiff's government tort claim complaint and right-to-sue letter.)

6 **III.**

7 **PARTIES & RELEVANT NON-PARTIES**

8 19. Plaintiff Jesse Leon is an individual who, at all times material to the allegations of
9 this Complaint, was a resident of Los Angeles County, California.

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

15 21. Defendant City of Los Angeles is a public entity which, at all times material to the
16 allegations of this Complaint, employed Leon.

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

22 23. Given his position on the City Council and within his District's office, Huizar is a
23 managing agent within the City and his District's office. He was able to exercise substantial
24 independent authority and judgment in his office's decision-making such that his decisions
25 ultimately determined office policy. Huizar had full responsibility for the operational
26 functionality of his main office and field offices. He had the authority and discretion to dictate
27 and implement policies and standards for the recruitment, hiring, and training of legislative,
28 administrative, and operational staff; he had the authority and discretion to dictate and implement

1 legislative and community action agendas; and he had the authority and discretion to dictate and
2 implement formal policies and informal practices in his offices with respect to responding to
3 complaints of workplace discrimination, harassment, and other complaints of perceived
4 violations of the law and breaches of City rules and policies.

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

10 25. Plaintiff herein further alleges that some of the actions taken against him by
11 employees of the City, and by Huizar in particular, occurred outside the normal scope and course
12 of these individuals employment with the City. Plaintiff alleges that such employees, and Huizar
13 in particular, committed the wrongful acts alleged herein on their personal time, in their personal
14 capacities, utilizing their personal discretion and, therefore, are personally liable for the same.

15 26. Plaintiff is ignorant of the true names and capacities of the defendants sued as
16 DOES 1 through 10, inclusive (the "DOE Defendants") and, therefore, sues these DOE
17 Defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true
18 names and capacities when such is ascertained.

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

24 28. Plaintiff is informed and believes, and on that basis alleges, that at all times
25 material to the allegations of this Complaint, each of the Defendants, whether named or
26 fictitiously named as a DOE Defendant, were the merging entity, merged entity, subsidiary,
27 acquiring corporation, agent and/or employee of each of the remaining Defendants, and in doing
28

1 the things hereinafter alleged, was acting within the course and scope of such agency and/or
2 employment with knowledge, advice, permission and consent of each other.

3 29. As used herein, the term "Defendants" means all Defendants, both jointly and
4 severally, and references by name to any one Defendant shall include and reference all
5 Defendants, both individual, corporate and business entities, both specifically named and
6 unnamed, and both jointly and severally to all.

7 30. Plaintiff is further informed and believes, and on that basis allege, that at all times
8 material to the allegations of this Complaint, Defendants caused, aided, abetted, facilitated,
9 encouraged, authorized, permitted and/or ratified the wrongful acts and omissions described in
10 this Complaint.

11 12 IV.

13 FACTUAL ALLEGATIONS

14 A. Leon's Employment with Huizar

15 31. Plaintiff incorporates by reference paragraphs 1 through 30, above, and repeats,
16 reiterates, and realleges each and every allegation contained therein with the same force and
17 effect as if such paragraphs were set forth fully at length here.

18 32. Leon first began working for Huizar in 2007 as a Field Deputy in the
19 Councilmember's Boyle Heights office. Within a year's time, given Leon's political acumen
20 and organizational skills, Huizar promoted Leon to Director of that office. Leon held that
21 Director role for approximately three years and then left the City to attend law school.

22 33. Leon graduated from law school in 2014 and was approached by Huizar to come
23 back and serve as his Campaign Manager for the Councilmember's reelection bid against then
24 Los Angeles County Supervisor Gloria Molina. Leon accepted and assumed that role in October
25 2014. Molina was expected to be formidable opponent given her position, name recognition, and
26 decades' long record of public service.

27 34. Moreover, at that time, Huizar had been sued for workplace harassment by
28 Francine Godoy, his former Deputy Chief of Staff. Godoy filed a sexual harassment suit against

1 Huizar and the City contending that the Councilmember had retaliated against and harassed her
2 after she broke off a sexual relationship with him.¹ Godoy filed her lawsuit in 2013 and the
3 litigation persisted into 2014. Huizar admitted to the extramarital affair, but denied the
4 harassment and retaliation allegations.

5 35. Still, Huizar understood that the extramarital affair and pending lawsuit were
6 political liabilities that his opponent might use against him, so settled the case in 2014 before his
7 reelection bid got fully underway such that the lawsuit would not be a continuing attack-point
8 during the campaign.

9 36. Leon was not a part of the Godoy dealings. He came aboard the campaign just as
10 Huizar settled that suit.

11 37. Huizar was reelected to his final term in 2015. As Huizar's Campaign Manager,
12 Leon spent time a considerable amount of time with the Councilmember in the office, at various
13 campaign events, political functions, and the like. Given the quantity and quality of time Leon
14 has spent with Huizar, he knows the Councilmember quite well and is fully aware of Huizar's
15 professional patterns and practices.

16 38. After the election, Huizar asked Leon to stay on as a fulltime, City-employed
17 staffer. At that time, Huizar had ambitions for higher office, including a potential run for mayor,
18 so wanted someone with Leon's political acumen and organizational skills to remain a
19 permanent fixture on his executive team. Leon accepted the offer and officially became a City
20 employee in March 2015.

21 39. Huizar hired Leon as his "Director of External Affairs." In that role, Leon was
22 generally responsible for liaising and relationship-building with the labor unions and other
23 influential political organizations that would need courting in the future. Leon was also
24 responsible for making various policy recommendations for Huizar to support on Council,
25 including those relating to affordable housing and economic development. Leon's annual salary
26 was approximately \$100,000.

27
28 ¹ *Francine Godoy v. City of Los Angeles, et al.*, L.A. County Superior Court, Case No. BC524640.

1 **B. Huizar Harassed and Retaliated Against Leon for Counseling Another Employee**
2 **About How to Return to Work in the Same Position Following Her Maternity Leave**

3 1. The Alvarez and Medina Lawsuits

4 40. In October 2018, Mayra Alvarez, the Councilmember's former Executive
5 Assistant and Scheduler, sued Huizar and the City for wrongful termination, workplace
6 harassment, and pregnancy discrimination.² As Huizar's Executive Assistant and Scheduler,
7 Alvarez was primarily responsible for performing the initial assessment of the myriad requests
8 to meet with Huizar as well as invitations for him to attend events. The requests came from
9 lobbyists, campaign donors, other community and political leaders, businesspersons, and
10 constituents. In other words, Alvarez was among Huizar's chief executive "gatekeepers."
11 She would field the requests, research the requesting party, and provide Huizar with a written
12 assessment of whether the meeting or event request was one he should accept because it aligned
13 his political agenda. In that capacity, Alvarez was available to Huizar essentially 24/7. She was
14 by no means Huizar's secretary or receptionist; Alvarez was among his senior executive staff.

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

23 42. Huizar's decision to demote Alvarez was retaliatory in nature. Among other
24 reasons, Huizar demoted Alvarez as reprisal for: (i) taking disability leave in advance of her
25 pregnancy; (ii) taking maternity leave to give birth to a child and bond with her newborn son;
26 (iii) voicing concerns and complaining about having to alter Huizar's calendars in response to
27 requests made pursuant to the California Public Records Act; (iv) voicing concerns and

28 ² *Mayra Alvarez v. Jose Huizar, et al.*, L.A. County Superior Court, Case No. 18STCV01722.

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

5 43. Following the filing of Alvarez's suit, another ex-staffer named Pauline Medina,
6 whom Huizar had likewise pushed out for speaking up against him, also had the courage to file
7 suit. Medina filed suit in October 2018.³ Medina had worked for Huizar for nearly a decade,
8 having served as the Councilmember's office manager and lead administrator since 2012.

9 44. In 2017, as did Alvarez and other of the Councilman's staffers, Medina became
10 aware that Huizar was having another affair with one of the women that worked for him in his
11 office. Medina had worked for Huizar since 2008, so was aware of his previously-admitted
12 affair in 2013 with Francine Godoy and the resulting sexual harassment suit. Medina recalled
13 vividly the type of friction and hostility that Huizar's prior affair caused in the office and could
14 see that the Councilman's new relationship was triggering the same type of issues. Medina,
15 as did other of the Councilman's staffers, believed that Huizar's mistress was receiving more
16 favorable treatment with respect to assignments and more leniency with respect to deadlines and
17 attendance. So, in October 2017, Medina began speaking out about it and complained to
18 Huizar's Chief of Staff, Paul Habib.

19 45. Medina also at that time began complaining about certain practices employed by
20 the Councilman's office that she believed violated local, state, and federal law, such as funneling
21 City money to Huizar's high school alma mater, Bishop Mora Salesian High School, and secretly
22 using City funds to pay for Huizar's personal expenses.

23 46. Consequently, Huizar and Habib retaliated against Medina for speaking out and
24 undertook a campaign to push her out of the office. Among other things, Medina was stripped of
25 certain duties and responsibilities she had long held in the office, stripped of access to Huizar's
26 calendar, subjected to unreasonable and unjustified criticism of her work, and subjected to
27

28 ³ *Pauline Medina v. Jose Huizar, et al.*, L.A. County Superior Court, Case No. 18STCV03011

1 unsympathetic criticism for taking time off for health reasons. Medina had no choice but to resign
2 her City employment in June 2018.

3
4 2. Huizar's Harassment and Retaliation Against Leon in the Wake of the
5 Alvarez and Medina Lawsuits

6 47. It was the filing of the Alvarez and Medina lawsuits that instigated Huizar's
7 change of behavior and retaliatory conduct toward Leon. Huizar knew that Leon had counseled
8 Alvarez about her legal rights upon returning to work following her maternity leave.

9 48. In June 2018, Alvarez called and spoke with Habib about her return to work
10 following her maternity leave. Alvarez wanted to advise Habib about her impending return to
11 the office and to coordinate the return of her workload from the staffer that had been temporarily
12 assigned to Alvarez's duties.

13 49. Habib, however, was not receptive to Alvarez's efforts (since the decision had
14 already been made to demote her) and was deliberately evasive about how to coordinate her
15 return to work.

16 50. Alvarez then sought advice from Leon because she was concerned about the
17 possibility of losing her position on account of having taken maternity leave. Leon counseled
18 Alvarez about how to protect herself against that type of discrimination.

19 51. Among other things, Leon advised Alvarez to communicate with Habib in writing
20 so that there would be a clear record of her requests to return to her regular duties at the
21 conclusion of her leave. Alvarez copied Leon on one of her emails to Habib who, in turn, told
22 Huizar about Leon's involvement. This angered Huizar and engendered extreme retaliatory
23 animus in him toward Leon.

24 52. In October 2018, in the wake of the filing of the Alvarez and Medina lawsuits,
25 Huizar was infuriated that his misconduct and second extramarital affair had been exposed,
26 and quickly went on the attack with Leon, among others. The Councilmember confronted Leon
27 about his involvement with the lawsuits. Huizar demanded to know whether Leon had drafted
28 correspondence for Alvarez and accused Leon of orchestrating her lawsuit. From that moment

1 on, and on that basis, among others, Huizar has harbored retaliatory animus against Leon and
2 undertaken actions to harass and harangue him.

3 53. Given the intense scrutiny on the Councilmember's office in the wake of the
4 Alvarez and Medina lawsuits, Huizar knew that he could not outright fire Leon at that time.
5 Thus, in the alternative, Huizar began stripping duties and responsibilities from Leon, reducing
6 Leon's autonomy over certain tasks and projects, banning his participation in executive
7 meetings, aggressively confronting him, and creating the impression that Leon was disloyal.

8 54. On that latter point, though, Huizar was correct in his reading of Leon. Leon had
9 no intention of extending any loyalty to an elected official who he knew abused his power and
10 authority, mistreated women, exploited subordinates, and pushed people out of their jobs with
11 impunity. Leon knew, as did other staffers, that it was time to begin the process of detaching
12 himself from the Councilmember and moving into a new role within City government. But that
13 became virtually impossible given the circumstances that unfolded just weeks after the filing of
14 the Alvarez and Medina suits.

15
16 **C. Huizar Harassed and Retaliated Against Leon for Reporting His Concerns About
the Councilmember's Illegal Activities to the FBI**

17 55. In November 2018, just weeks after the filing of the Alvarez and Medina lawsuits,
18 federal authorities raided Huizar's home and office. The FBI executed search warrants on both
19 the Councilmember's personal residence as well as his City Hall office space.

20 56. That further infuriated Huizar and engendered retaliatory animus in him toward
21 Leon, since the Councilmember irrationally believed that Leon and his former staffers could
22 somehow instigate a federal investigation and direct the FBI to raid his office and home. Huizar
23 then learned that Leon met with Federal authorities to discuss with the FBI what Leon knew
24 about Huizar's in-office conduct, which angered the Councilmember even further.

25 57. In November 2018, the FBI contacted Leon to ask whether he would sit for an
26 interview concerning the Councilmember's conduct, to which he agreed. Leon, a licensed
27 attorney, believed that he had an ethical duty of candor and felt compelled to be as honest,
28 forthcoming, and helpful to Federal authorities as he could.

1 58. What's more, Leon was not afraid to speak out against the Councilmember as
2 were other of Huizar's staffers. Given Leon's former role as Huizar's Campaign Manager and
3 the candid relationship dynamic he had with the Councilmember during the reelection bid,
4 in no way did Leon feel compelled to kowtow to Huizar.

5 59. Thus, Leon was not shy about informing Habib that he intended to meet with the
6 FBI, as per their request. Habib, in turn, advised Huizar about Leon's meeting with Federal
7 authorities. This engendered further retaliatory animus in Huizar toward Leon, because the
8 Councilmember assumed (as he should have) that Leon would be truthful about Huizar's
9 in-office conduct and some of the backroom dealings that Leon believed Huizar was engaged in
10 that were likely violations of the law.

11 60. In November 2018, Leon met with Federal authorities and described the kind of
12 extortionist tactics that he believed Huizar would employ with respect to those seeking to open
13 cannabis businesses within his district and who, therefore, would need the Councilmember's
14 sign-off on their Public Convenience or Necessity Application ("PCN") to do so.

15 61. As Leon perceived it, Huizar was angling to employ the same tactics that
16 many suspected he had been undertaking with real estate developers as PLUM Committee
17 chairperson—a "pay-to-play" scheme in which one would not get development approval unless
18 Huizar was first compensated, either through direct personal payment or with a campaign
19 donation, or a "gift" to Salesian High School.

20 62. After learning about Leon's meeting with Federal authorities, and in retaliation
21 therefor, Huizar continued stripping duties and responsibilities from Leon, reducing Leon's
22 autonomy over certain tasks and projects, banning his participation in executive meetings,
23 aggressively confronting him, and creating an impression that Leon was disloyal and
24 incompetent.

25 63. The Alvarez and Medina lawsuits and FBI raids created a stain on Huizar's
26 already tarnished reputation, and created a cloud of doubt over everyone who worked in his
27 office. Leon wanted to continue working in City government, and had made inquiries about
28

1 employment in other Councilmembers' offices, but was told that people from Huizar's office
2 were "radioactive" and would be blackballed from other City jobs.

3
4 **D. Huizar Harassed and Retaliated Against Leon for Meeting with the City Attorney's
Office to Discuss the Credibility of Alvarez's and Medina's Allegations**

5 64. Things got worse when Leon was asked by the City Attorney's Office to sit for an
6 interview with respect to his knowledge of the allegations in the two civil suits filed against
7 Huizar by Alvarez and Medina.

8 65. In April 2019, the City Attorney's Office contacted Leon and asked to interview
9 him concerning Alvarez's and Medina's accusations against Huizar and the City, to which Leon
10 agreed.

11 66. The City Attorney's Office informed Habib about their Leon meeting who,
12 in turn, notified Huizar.

13 67. As with Leon's meeting with Federal authorities, his meeting with the City
14 Attorney's Office also infuriated Huizar and engendered further retaliatory animus in him toward
15 Leon, because the Councilmember knew that Leon could offer damaging information about his
16 in-office conduct.

17 68. Leon was quite clear with the City Attorney's Office that he was profoundly
18 uncomfortable with the fact that they had copied Habib on their emails about the interview,
19 but the damage was already done.

20 69. After learning about Leon's meeting with the City Attorney's Office, and in
21 retaliation therefor, Huizar continued stripping duties and responsibilities from Leon, reducing
22 Leon's autonomy over certain tasks and projects, banning his participation in executive
23 meetings, aggressively confronting him, and creating an impression that Leon was disloyal and
24 incompetent.

25 ///

26 ///

1 **E. Huizar Fired Leon for Meeting with the City Attorney's Office and City Ethics**
2 **Commission to Discuss His Belief that the Councilmember Might Attempt to Extort**
3 **Cannabis Operators**

4 70. In mid-2018, prior to the Alvarez and Medina lawsuits and the FBI raids, Huizar
5 assigned Leon to be one of his cannabis policy advisors, to which Leon agreed.

6 71. However, following the FBI raids that November, then Council President Herb
7 Wesson stripped Huizar of all of his Council Committee assignments. Huizar, of course,
8 wielded his greatest power and influence over the PLUM Committee. But Huizar also sat on the
9 Cannabis Regulation Committee that Wesson chaired. He lost both spots.

10 72. After that, Huizar was effectively rendered a lame duck and there was not much
11 for Leon to do with respect to cannabis. The only thing Leon was principally tasked with doing
12 was to continue meeting with potential cannabis proprietors who wanted to open retail shops in
13 the Downtown Los Angeles area ("DTLA"). Given that there was an over-concentration of
14 commercial retailers in DTLA, those businesses needed an approved permit from Huizar to
15 operate in his district (PCN). Yet, in the wake of the FBI raids, Huizar took full control over
16 which businesses the office would agree to meet with and cut Leon out of that loop entirely.

17 73. Nearly a year later, in August 2019, Leon and his wife submitted an application to
18 the Department of Cannabis Regulation's "Social Equity Program" ("SEP") in advance of the
19 impending rollout of its cannabis retail licensing application process.

20 74. In general, the SEP was a policy means by which the City hoped to right the
21 wrong of the over-prosecution and over-sentencing of marijuana-related crimes in certain inner
22 city neighborhoods. Thus, the City made it such that the Cannabis Department would first only
23 open up the retail license application process to individuals who could demonstrate that they
24 were from one of those effected neighborhoods and "prequalified" through the SEP. So, the SEP
25 application was not an actual application for a cannabis license; that process had not yet begun.
26 It was going to be the case, though, that one could not even apply during the initial phase of the
27 cannabis licensing process unless you had first been "prequalified" as an SEP applicant.
28

1 75. Leon did not consult or advise Huizar about his and his wife's SEP application.
2 And Leon had no obligation to do so, particularly since neither Huizar nor his office had any
3 influence or control over the SEP acceptances.

4 76. In response to his SEP application, Leon was advised by the Cannabis
5 Department that it could no longer share cannabis-related information with him in his capacity as
6 a Huizar staffer and given his intention of seeking to acquire a retail cannabis license.
7 Leon, in turn, advised the Cannabis Department that he had not decided whether he would be
8 applying for an actual cannabis license in the future, and further advised that he would seek
9 guidance from the City Ethics Commission and City Attorney's Office before doing so.

10 77. Leon met with David Tristan, the Deputy Executive Director of the City Ethics
11 Commission the following morning. Leon discussed with Tristan whether there was any conflict
12 of interest with respect to his SEP application. Tristan advised that there was not, but
13 encouraged Leon to also consult the City Attorney's Office since it at times tended to offer
14 conclusions contrary to the Ethics Commission.

15 78. Leon then discussed with Tristan, as he had with the FBI, his concerns that Huizar
16 had begun efforts to extort cannabis retailers seeking PCN approvals in the Councilmember's
17 district. Tristan asked whether Leon wanted to file a formal ethics complaint, which he declined
18 (since everyone knew there was already an ongoing FBI investigation).

19 79. Later that same afternoon, Leon emailed Assistant City Attorney Renee Stadell
20 from the Office's "Ethics, Elections and Governance" group. The pair eventually connected by
21 phone that day and, as Tristan cautioned, Stadell's conclusion was contrary to his. Stadell
22 advised that she believed there was the "appearance" of a conflict of interest given Leon's
23 cannabis-related work in Huizar's office, however limited, and counseled Leon to wall himself
24 off from further cannabis-related tasks and projects pending his SEP application.

25 80. Leon concluded his initial phone conversation with Stadell by telling her that he
26 indeed intended to withdraw his SEP application. But then, to Leon's profound dismay, Stadell
27 advised that she would be contacting Huizar's office to inform them about the potential conflict.
28 Leon could not understand that. He assumed there would be some kind of discretion or safe-

1 harbor in consulting the Ethics Commission and City Attorney's Office—not that they would
2 immediately turn around and tell Huizar. Moreover, considering that it was widely known that
3 Huizar was under investigation by Federal authorities and that there were already two pending
4 civil suits against him for employment retaliation, Leon could not understand the logic in
5 disclosing his meetings with them to Huizar and exposing Leon to potential reprisal.

6 81. The next day, Leon met with Tristan again to discuss his meeting with Stadell and
7 her countervailing conclusion about the conflict of interest. Despite his disagreement with
8 Stadell's conclusion, Leon told Tristan, just as he had advised Stadell, that he intended to
9 withdraw his SEP application. He did so later that evening.

10 82. The following morning, Leon received an email from Huizar's Executive
11 Assistant and Scheduler advising that Huizar and Habib wanted to meet with him later that day.

12 83. During that meeting, Huizar confronted Leon about his SEP application and
13 Leon's discussions about the Councilmember with the City Ethics Commission and City
14 Attorney's Office. As with Leon's previous meetings with Federal authorities and the City
15 Attorney's Office, his recent meetings with respect to cannabis likewise engendered retaliatory
16 animus in Huizar toward Leon. The Councilmember believed that Leon had exposed (and, thus,
17 thwarted) Huizar's next "pay-to-play" scheme. Consequently, Huizar placed Leon on
18 administrative leave that day "pending further investigation."

19 84. Thereafter, on September 16, 2019, at Huizar's direction, Habib sent Leon a
20 termination letter indicating that Leon would be fired as of October 31, 2019.

21 85. Huizar's decision to terminate Leon's employment was particularly malicious
22 based on the circumstances described above, but also because Huizar knew quite well that Leon
23 and his wife were expecting their first child in October and, thus, deliberately aligned the timing
24 of Leon's firing with that profound family event.

25 86. Huizar's decision to terminate Leon's employment was retaliatory in nature.
26 Among other reasons, Huizar terminated Leon's employment as reprisal for: (i) voicing
27 concerns about Huizar's illegal and unethical conduct to the City Attorney's Office, City Ethics
28 Commission, and FBI; (ii) the Councilmember's perception that Leon helped orchestrate

1 Alvarez's and Medina's preceding civil suits against him; (iii) the counsel Leon gave Alvarez
2 about how to return to her same pre-pregnancy position following her return from maternity
3 leave; (iv) speaking truthfully to the City Attorney's Office about the merits of Alvarez's and
4 Medina's lawsuits; (v) voicing concerns and complaining about having to engage in political
5 campaign activities for Huizar's wife during normal City work hours and while utilizing City
6 resources; and (vi) Leon's intention to take paternity leave upon the birth of his son.

7 8 **FIRST CAUSE OF ACTION**

9 **Retaliation**

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

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

12 87. Plaintiff incorporates by reference paragraphs 1 through 86, above, and repeats,
13 reiterates, and realleges each and every allegation contained therein with the same force and
14 effect as if such paragraphs were set forth fully at length here.

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

19 89. As described in the preceding paragraphs of this Complaint, Plaintiff engaged
20 in such protected conduct under FEHA by complaining to and about Defendants' conduct.
21 In particular, Plaintiff's protected activity included, but is not limited to: (i) voicing concerns
22 about Huizar's illegal and unethical conduct to the City Attorney's Office, City Ethics
23 Commission, and FBI; (ii) the counsel Leon gave Alvarez about how to return to her same pre-
24 pregnancy position following her return from maternity leave; (iii) speaking truthfully to the City
25 Attorney's Office about the merits of Alvarez's and Medina's lawsuits; (iv) voicing concerns and
26 complaining about having to engage in political campaign activities for Huizar's wife during
27 normal City work hours and while utilizing City resources; and (v) voicing his intention to take
28 paternity leave upon the birth of his son (*see infra* at Sect. IV)).

1 90. At the time in which Plaintiff engaged in such protected activities, Plaintiff held a
2 good faith and reasonable belief that the alleged actions violated a law or administrative statute,
3 (Los Angeles Municipal Code Chapter IV, Articles 9.5 and 9.7), as well as federal political
4 activity law (5 U.S.C. § 7321 et seq.).

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

10 92. In response to Plaintiff's protected activities, Defendants retaliated against
11 Plaintiff, including, but not limited to: harassing and hassling Plaintiff both during and outside
12 of normal work hours; stripping duties and responsibilities from him; reducing Plaintiff's
13 autonomy over certain tasks and projects; banning his participation in executive meetings;
14 aggressively confronting him; and creating the impression that Leon was disloyal and
15 incompetent (as described in the preceding paragraphs of this Complaint (*see infra* at Sect. IV)).

16 93. 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 94. 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 95. 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 96. 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.
7 As such, Plaintiff is entitled to an award of punitive damages.

8 97. 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 11 **SECOND CAUSE OF ACTION**

12 **Retaliation**

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

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

15 98. Plaintiff incorporates by reference paragraphs 1 through 97, above, and repeats,
16 reiterates, and realleges each and every allegation contained therein with the same force and
17 effect as if such paragraphs were set forth fully at length here.

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

23 100. On multiple occasions, Plaintiff engaged in such protected conduct under section
24 1102.5 by complaining to and about Defendant's conduct, as described in the preceding
25 paragraphs of this Complaint. In particular, Plaintiff's protected activity included, but is not
26 limited to: (i) voicing concerns about Huizar's illegal and unethical conduct to the City
27 Attorney's Office, City Ethics Commission, and FBI; (ii) the counsel Leon gave Alvarez about
28 how to return to her same pre-pregnancy position following her return from maternity leave;

1 (iii) speaking truthfully to the City Attorney's Office about the merits of Alvarez's and Medina's
2 lawsuits; (iv) voicing concerns and complaining about having to engage in political campaign
3 activities for Huizar's wife during normal City work hours and while utilizing City resources;
4 and (v) voicing his intention to take paternity leave upon the birth of his son (*see infra* at Sect.
5 IV)).

6 101. At the time in which Plaintiff engaged in such protected activities, Plaintiff held a
7 good faith and reasonable belief that the alleged actions violated a law or administrative statute,
8 (Los Angeles Municipal Code Chapter IV, Articles 9.5 and 9.7), as well as federal political
9 activity law (5 U.S.C. § 7321 et seq.).

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

15 103. In response to Plaintiff's protected activities, Defendants retaliated against
16 Plaintiff, including, but not limited to: harassing and hassling Plaintiff both during and outside
17 of normal work hours; stripping duties and responsibilities from him; reducing Plaintiff's
18 autonomy over certain tasks and projects; banning his participation in executive meetings;
19 aggressively confronting him; and creating the impression that Leon was disloyal and
20 incompetent (as described in the preceding paragraphs of this Complaint (*see infra* at Sect. IV)).

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

27 105. As a direct, foreseeable and proximate result of Defendants' wrongful acts,
28 Plaintiff has suffered, and continues to suffer, substantial losses of earnings and employment

1 benefits, and has suffered humiliation, embarrassment, mental and emotional distress and
2 discomfort, all to Plaintiff's damage in an amount proven at trial.

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

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

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

15 16 **THIRD CAUSE OF ACTION**

17 **Wrongful Termination in Violation of Public Policy**

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

19 109. Plaintiff incorporates by reference paragraphs 1 through 108, above, and repeats,
20 reiterates, and realleges each and every allegation contained therein with the same force and
21 effect as if such paragraphs were set forth fully at length here.

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

25 111. Plaintiff engaged in such protected conduct under FEHA and under section
26 1102.5 of the Civil Code by complaining to and about Defendants' conduct, as described above.
27 In particular, Plaintiff's protected activity included, but is not limited to: (i) voicing concerns
28 about Huizar's illegal and unethical conduct to the City Attorney's Office, City Ethics

1 Commission, and FBI; (ii) the counsel Leon gave Alvarez about how to return to her same pre-
2 pregnancy position following her return from maternity leave; (iii) speaking truthfully to the City
3 Attorney's Office about the merits of Alvarez's and Medina's lawsuits; (iv) voicing concerns and
4 complaining about having to engage in political campaign activities for Huizar's wife during
5 normal City work hours and while utilizing City resources; and (v) voicing his intention to take
6 paternity leave upon the birth of his son (*see infra* at Sect. IV)).

7 112. At the time in which Plaintiff engaged in such protected activities, Plaintiff held a
8 good faith and reasonable belief that the alleged actions violated a law or administrative statute,
9 (Los Angeles Municipal Code Chapter IV, Articles 9.5 and 9.7), as well as federal political
10 activity law (5 U.S.C. § 7321 et seq.).

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

16 114. Plaintiff was harassed and subsequently terminated for asserting his statutory and
17 constitutional rights to engage in protected activity. Defendants' violation of Plaintiff's statutory
18 and constitutional rights is inconsistent with, and hostile to, the public's interest in correcting
19 violations of state and federal laws and regulations, and has a chilling effect on reports of such
20 actual and suspected violations of state and federal laws and regulations.

21 115. Defendants' reasons for harassing Plaintiff and subsequently terminating
22 Plaintiff's employment are pretextual in nature and calculated to disguise the motivating bases of
23 the adverse employment actions to which Plaintiff was subjected.

24 116. As a proximate result of the wrongful acts of Defendants, and each of them,
25 Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer, actual,
26 consequential, and incidental financial losses, including, without limitation, loss of income,
27 salary and benefits, and the intangible loss of employment-related opportunities for growth in
28

1 Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount according to
2 proof at the time of trial.

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

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

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

17
18 **FIFTH CAUSE OF ACTION**

19 **Failure to Prevent Unlawful Discrimination**

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

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

22 120. Plaintiff incorporates by reference paragraphs 1 through 119, 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.

25 121. Section 12940(k) of the California Government Code makes it unlawful for an
26 employer to "fail to take all reasonable steps necessary to prevent discrimination and harassment
27 from occurring."
28

1 122. As described in the preceding paragraphs of this Complaint, Plaintiff engaged in
2 protected conduct under FEHA by complaining to and about Defendant's conduct. In particular,
3 Plaintiff's protected activity included, but is not limited to: (i) voicing concerns about Huizar's
4 illegal and unethical conduct to the City Attorney's Office, City Ethics Commission, and FBI;
5 (ii) the counsel Leon gave Alvarez about how to return to her same pre-pregnancy position
6 following her return from maternity leave; (iii) speaking truthfully to the City Attorney's Office
7 about the merits of Alvarez's and Medina's lawsuits; (iv) voicing concerns and complaining
8 about having to engage in political campaign activities for Huizar's wife during normal City
9 work hours and while utilizing City resources; and (v) voicing his intention to take paternity
10 leave upon the birth of his son (*see infra* at Sect. IV)).

11 123. At the time in which Plaintiff engaged in such protected activities, Plaintiff held a
12 good faith and reasonable belief that the alleged actions violated a law or administrative statute,
13 (Los Angeles Municipal Code Chapter IV, Articles 9.5 and 9.7), as well as federal political
14 activity law (5 U.S.C. § 7321 et seq.).

15 124. Plaintiff's protected activities, as set forth herein, were individually and
16 collectively a contributing factor in Defendant's decision to terminate Plaintiff's employment
17 and, prior thereto, to subject him to abusive and harassing retaliatory employment practices.
18 Plaintiff's protected activities were the sole, motivating, and but-for cause of the adverse
19 employment actions Defendants took against him.

20 125. In response to Plaintiff's protected activities, Defendants retaliated against
21 Plaintiff, including, but not limited to: harassing and hassling Plaintiff both during and outside
22 of normal work hours; stripping duties and responsibilities from him; reducing Plaintiff's
23 autonomy over certain tasks and projects; banning his participation in executive meetings;
24 aggressively confronting him; and creating the impression that Leon was disloyal and
25 incompetent (as described in the preceding paragraphs of this Complaint (*see infra* at Sect. IV)).

26 126. As a proximate result of the wrongful acts of Defendants, and each of them,
27 Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer, actual,
28 consequential, and incidental financial losses, including, without limitation, loss of income,

1 salary and benefits, and the intangible loss of employment-related opportunities for growth in
2 Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount according to
3 proof at the time of trial.

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

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

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

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

20 **SIXTH CAUSE OF ACTION**

21 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

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

23 131. Plaintiff incorporates by reference paragraphs 1 through 130, above, and repeats,
24 reiterates, and realleges each and every allegation contained therein with the same force and
25 effect as if such paragraphs were set forth fully at length here.

26 132. "A cause of action for intentional infliction of emotional distress exists when
27 there is '(1) extreme and outrageous conduct by the defendant with the intention of causing, or
28

1 reckless disregard of the probability of causing, emotional distress; (2) the plaintiff's suffering
2 severe or extreme emotional distress; and (3) actual and proximate causation of the emotional
3 distress by the defendant's outrageous conduct.'" *Hughes v. Pair*, 46 Cal. 4th 1035 (2009).

4 133. Defendants' conduct as described above—harassing, hassling, and aggressively
5 confronting Plaintiff both during and outside of normal work hours; stripping duties and
6 responsibilities from him; reducing Plaintiff's autonomy over certain tasks and projects; banning
7 his participation in executive meetings; creating the impression that Leon was disloyal and
8 incompetent; and deliberately timing Plaintiff's termination to coincide with the birth of his
9 firstborn child (as described in the preceding paragraphs of this Complaint (*see infra* at Sect.
10 IV))—goes beyond all possible bounds of decency of that usually tolerated in a civilized
11 community.

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

15 135. Defendants' acts did in fact cause Plaintiff to suffer, among other emotions,
16 anguish, nervousness, anxiety, grief, worry, shock, humiliation, and embarrassment. The distress
17 is of such severity that no reasonable person in a civilized society should be expected to bear the
18 same.

19 136. Defendants' conduct was outrageous and outside the normal scope of the
20 employment relationship and was a substantial factor in causing Plaintiff's harm.

21 137. Defendants' acts subjected Plaintiff to cruel and unjust hardship in violation of his
22 rights as an employee under California law. Defendant acted with malice in that Defendants'
23 actions were intended to injure Plaintiff, and did so, and because such despicable acts were
24 carried out with a willful disregard for Plaintiff's legal rights and personal wellbeing.

25 138. Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer,
26 actual, consequential, and incidental financial losses, including, without limitation, loss of
27 income, salary and benefits, and the intangible loss of employment-related opportunities for
28

1 growth in Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount
2 according to proof at the time of trial.

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

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

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

17
18
19 **JURY TRIAL DEMAND**

20 Plaintiff hereby demands a jury trial to resolve each and every one of the claims averred
21 in this Complaint against each and every Defendant.

22
23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them,
25 according to proof, as follows:

26 **On the First Cause of Action for Retaliation (Cal. Gov. Code § 12940(a), (h)), 12945(a):**

- 27 1. For actual and money damages in an amount according to proof at trial;
28 2. For compensatory and emotional distress damages;

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

On the Second Cause for Retaliation (Cal. Labor Code § 1102.5(b)):

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

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

On the Fourth 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 Fifth 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: March 24, 2020

THE LAW OFFICE OF TERRENCE JONES

10 

11 _____
Terrence Jones

12 Attorneys for Plaintiff JESSE LEON

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Exhibit A



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

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

March 20, 2020

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

RE: **Notice to Complainant's Attorney**
DFEH Matter Number: 202003-09670620
Right to Sue: Leon / City of Los Angeles

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

KEVIN KISH, DIRECTOR

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

March 20, 2020

RE: **Notice of Filing of Discrimination Complaint**

DFEH Matter Number: 202003-09670620

Right to Sue: Leon / City of Los Angeles

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



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

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

March 20, 2020

Jesse Leon
6737 Bright Ave Ste B6
Whittier, California 90601

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 202003-09670620
Right to Sue: Leon / City of Los Angeles

Dear Jesse Leon,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective March 20, 2020 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 Jesse Leon

DFEH No. 202003-09670620

8 Complainant,

9 vs.

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

13 Respondents

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

16 2. Complainant **Jesse Leon**, resides in the City of **Whittier** State of **California**.

17 3. Complainant alleges that on or about **October 31, 2019**, respondent took the
18 following adverse actions:

19 **Complainant was harassed** because of complainant's family care or medical leave
20 (cfra) (employers of 50 or more people), other, pregnancy, childbirth, breast feeding,
21 and/or related medical conditions, baby bonding leave (employers of 20 - 49
22 people), association with a member of a protected class.

23 **Complainant was discriminated against** because of complainant's family care or
24 medical leave (cfra) (employers of 50 or more people), other, pregnancy, childbirth,
25 breast feeding, and/or related medical conditions, association with a member of a
26 protected class and as a result of the discrimination was terminated, denied any
27 employment benefit or privilege, denied family care or medical leave (cfra)
28 (employers of 50 or more people), denied accommodation for pregnancy, other,
29 denied baby bonding leave (employers of 20-49 people).

30 **Complainant experienced retaliation** because complainant reported or resisted
31 any form of discrimination or harassment, requested or used baby bonding leave
32 (employers of 20-49 people), participated as a witness in a discrimination or

1 harassment complaint, requested or used leave under the california family rights act
2 or fmla (employers of 50 or more people) and as a result was terminated, denied any
3 employment benefit or privilege, denied family care or medical leave (cfra)
4 (employers of 50 or more people), denied accommodation for pregnancy, other,
5 denied baby bonding leave (employers of 20-49 people).

6 **Additional Complaint Details:** Complainant Jesse Leon was subjected to unlawful
7 harassment, discrimination, and retaliation in violation of the Fair Employment and
8 Housing Act (FEHA) on account of his: assistance in a FEHA-based proceeding;
9 paternity leave; sick leave; and complaints of potential violations of local, state, and
10 federal law. Complainant was employed by the City of Los Angeles (the "City") and
11 worked for Jose Huizar, the City's Councilmember for its 14th District. Complainant
12 was employed as Huizar's "Director of External Affairs." On August 9, 2019, Huizar
13 placed Leon on an administrative leave. On September 16, 2019, Huizar
14 subsequently issued Leon a letter of termination that discharged Leon's employment
15 with the City as of October 31, 2019. The termination was wrongful, pretextual, and
16 illegal under FEHA. Among other reasons, Huizar terminated Leon's employment as
17 reprisal for: (i) voicing concerns about Huizar's illegal and unethical conduct to the
18 City Attorney's Office, City Ethics Commission, and FBI; (ii) the Councilmember's
19 perception that Leon helped orchestrate two other former staff members' preceding
20 civil suits against him and the City; (iii) the counsel Leon gave a former staff member
21 about how to return to her same pre-pregnancy position following her return from
22 maternity leave; (iv) speaking truthfully to the City Attorney's Office about the merits
23 of those staff members' lawsuits; (v) voicing concerns and complaining about having
24 to engage in political campaign activities for Huizar's wife during normal City work
25 hours and while utilizing City resources; and (vi) Leon's intention to take paternity
26 leave upon the birth of his son.

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 March 20, 2020, 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, CA

Exhibit B



MIKE FEUER
CITY ATTORNEY

October 29, 2019

Jesse Leon
c/o Law Offices of Terrence Jones, APC
6737 Bright Avenue, Suite B6
Whittier, California 90601

Re: Claimant: Jesse Leon
Claim No. C20-01531

Dear Mr. Leon:

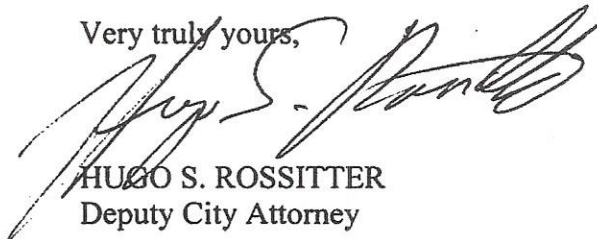
Your claim against the City has been referred to this Office. After reviewing the circumstances of your claim and the applicable law, we have come to the conclusion that your claim should be denied. This letter represents a formal notice to you that your claim has been denied. In view of this action, we are required by law to give you the following warning:

WARNING

Subject to certain exceptions, you have only six months (6) from the date this notice was personally delivered or deposited in the mail to file a court action. See Government Section 945.6.

You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.

Very truly yours,



HUGO S. ROSSITTER
Deputy City Attorney

PROOF OF SERVICE OF CLAIM RESPONSE

I, the undersigned state: I am over the age of 18 years and not a party to the within Claim for Damages, C20-01531. My business address is 800 City Hall East, 200 North Main Street, Los Angeles, California.

On October 29, 2019, I served the foregoing document(s) described as:

LETTER RE: CLAIM NO. C20-01531

on all interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Jesse Leon
c/o Law Offices of Terrence Jones, APC
6737 Bright Ave., Ste. B6
Whittier, CA 90601

☒ BY MAIL - I am readily familiar with the business practice for collection and processing of correspondence for mailing. Under that practice, it is deposited with the United States Postal Service on that same day, at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postage cancellation date or postage meter date is more than one (1) day after the date of deposit for mailing in affidavit.

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

Executed on October 29, 2019 at Los Angeles, California.



MARISOL CONTRERAS