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9 Attorneys for Plaintiff
10 KENDRA BOWYER

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF SACRAMENTO**

13 KENDRA BOWYER, an individual,
14 Plaintiff,

15 vs.

16 CALIFORNIA GOVERNOR'S OFFICE
17 OF EMERGENCY SERVICES;
18 STATE OF CALIFORNIA;
19 RYAN BURAS, an individual;
20 and DOES 1-100, inclusive,
21 Defendants.

Case No.:

COMPLAINT FOR:

1. **SEXUAL HARASSMENT BASED ON SEX AND/OR GENDER IN VIOLATION OF THE FEHA, CAL. GOV. CODE § 12900 *et seq.***
2. **DISCRIMINATION BASED ON SEX AND/OR GENDER IN VIOLATION OF THE FEHA, CAL. GOV. CODE § 12900 *et seq.***
3. **HOSTILE WORK ENVIRONMENT BASED ON SEX IN VIOLATION OF THE FEHA, CAL. GOV. CODE § 12900 *et seq.***
4. **FAILURE TO PREVENT HARASSMENT AND DISCRIMINATION BASED ON SEX AND/OR GENDER IN VIOLATION OF THE FEHA, CAL. GOV. CODE § 12900 *et seq.***
5. **RETALIATION IN VIOLATION OF THE FEHA, CAL. GOV. CODE § 12900 *et seq.***
and

**DEMAND FOR JURY TRIAL &
REQUEST FOR INJUNCTIVE RELIEF**

1 PLAINTIFF KENDRA BOWYER (“PLAINTIFF” or “Ms. Bowyer”) alleges against
2 DEFENDANT CALIFORNIA GOVERNOR’S OFFICE OF EMERGENCY SERVICES (“CAL
3 OES”), DEFENDANT STATE OF CALIFORNIA (“STATE OF CA”), DEFENDANT RYAN
4 BURAS (“BURAS”), and DEFENDANTS DOES 1 through 100, inclusive (collectively,
5 “DEFENDANTS”), and each of them, as follows:

6 **INTRODUCTION**

7 Appointed Deputy Director Ryan Buras sexually harassed women throughout CAL OES
8 for years, yet he remains the appointed Deputy Director. The harassment was well known to CAL
9 OES, yet it was ignored and condoned. A manager at CAL OES, Steven Larson, reported the
10 sexual harassment in 2019; however, CAL OES failed to conduct a full investigation and instead
11 retaliated against Mr. Larson terminating his employment. As a result, Deputy Director Buras was
12 able to continue his predatory behavior sexually harassing Ms. Bowyer. After Ms. Bowyer
13 refused Buras’ constant advancements she was retaliated against and forced to resign. Buras’
14 retaliation prevented Ms. Bowyer from providing essential services to disaster survivors, placing
15 their health and safety at risk.

16 The sexual harassment and retaliation were so severe a doctor determined Ms. Bowyer
17 was totally disabled resulting from the sexual harassment. CAL OES knew Ms. Bowyer was
18 totally disabled because of Buras’ sexual harassment yet did nothing other than to have its attorney
19 call Ms. Bowyer and ask her why she allowed the sexual harassment. CAL OES kept Buras and
20 forced Ms. Bowyer to quit given its inaction.

21 CAL OES’s actions are egregious and demonstrate it does not care to stop a sexual
22 predator and will take action to cover up its illegal activity including terminating employees,
23 making false accusations against those employees, and forcing victims out. All the while it posts
24 about the #MeToo movement, bringing light to the deep impacts sexual harassment has on its
25 victims.

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Ryan Buras
Deputy Director
Recovery Operations

THE PARTIES

1. PLAINTIFF KENDRA BOWYER is, and at all times herein mentioned was, an adult woman residing in the State of California.

2. PLAINTIFF is informed, believes, and thereon alleges that DEFENDANT CALIFORNIA GOVERNOR’S OFFICE OF EMERGENCY SERVICES (“CAL OES”) is, and at all times herein mentioned was, an agency or subdivision of the STATE OF CALIFORNIA responsible for coordinating the overall state response to major disasters, assuring the state’s readiness to respond to and recover from natural, manmade, and war-caused emergencies, and assisting local governments in their emergency preparedness, response and recovery efforts.

3. PLAINTIFF is informed, believes, and thereon alleges that DEFENDANT STATE OF CALIFORNIA is, and at all relevant times herein mentioned was, the proper political entity subject to suit as PLAINTIFF’S employer and as the entity liable or vicariously liable for the acts or omissions of its employees, agencies, and subdivisions, including but not limited to CAL OES and CAL OES employees.

4. PLAINTIFF is informed, believes, and thereon alleges that DEFENDANT RYAN BURAS is, and at all relevant times herein mentioned was, an adult man residing in the State of California and an employee of the STATE OF CALIFORNIA and Deputy Director of the CALIFORNIA GOVERNOR’S OFFICE OF EMERGENCY SERVICES.

5. PLAINTIFF is informed, believes, and thereon alleges that each defendant aided and abetted each other such that the principal is liable for the acts of each DEFENDANT.

6. PLAINTIFF is informed, believes, and thereon alleges, that at all times mentioned in this Complaint, DEFENDANTS were the agents and employees of their co-defendants, and in doing the things alleged in this Complaint were acting within the course and scope of such agency and employment and acted in such a manner as to ratify the conduct of their co-defendants.

7. PLAINTIFF is ignorant of the true names and capacities of DEFENDANTS sued herein under the fictitious names DOES 1-100, inclusive, and therefore sues these DEFENDANTS by such fictitious names. PLAINTIFF will seek leave of court to amend this complaint to allege their true names and capacities when ascertained. PLAINTIFF is informed, believes, and thereon alleges that each of the fictitiously named DEFENDANTS is responsible as hereinafter shown for the occurrences and injuries to PLAINTIFF as herein alleged.

8. PLAINTIFF is informed, believes, and thereon alleges that, at all times herein mentioned, DEFENDANTS, and each of them, were the agents of each and all of the other DEFENDANTS, and in doing the things hereinafter alleged, were acting in the course and scope of such agency and with the permission and consent of their co-defendants.

9. PLAINTIFF is informed, believes, and thereon alleges that DEFENDANTS employed PLAINTIFF individually and as joint employers and/or as an integrated enterprise. Each DEFENDANT exercised substantial control over PLAINTIFF'S compensation, hours, and terms of employment, and knew or should have known of the discriminatory conduct alleged herein and failed to take those corrective measures within its control. DEFENDANTS, and each of them, further operated as an integrated enterprise with interrelation of operations, centralized control of labor relations, common management, and/or common ownership or financial control.

JURISDICTION AND VENUE

10. Under article VI, section 10 of the California Constitution and section 12965 of the Government Code, this Court has jurisdiction over the subject matter of this case. Venue is proper in this Court under California Government Code Section 12965(b), which provides that an action for violation of the FEHA may be brought “in any county in the state in which the unlawful

1 practice is alleged to have been committed [or] in the county in which the records relevant to such
2 practice are maintained.” PLAINTIFF is informed, believes, and thereon alleges that the unlawful
3 employment practices at issue in this action were committed in Sacramento County and/or that
4 the records relevant to the unlawful employment practices at issue in this action are maintained in
5 Sacramento County. The main office of CAL OES is located in Sacramento County at 3650
6 Schriever Avenue, Mather, CA 95655.

7 11. Venue is also proper in this Court under section 401 of the Code of Civil
8 Procedure because the action is against the State or a department thereof and the Attorney
9 General has an office in the County of Sacramento, located at 1300 I Street, Sacramento, CA
10 95814.

11 12. The amount in controversy in this matter exceeds the sum of \$25,000.00, exclusive
12 of interest and costs.

13 **ADMINISTRATIVE EXHAUSTION**

14 13. PLAINTIFF submitted an administrative complaint to the California Department
15 of Fair Employment and Housing (“DFEH”) against CAL OES alleging multiple violations of
16 California Fair Employment and Housing Act (“FEHA”). On October 5, 2023, DFEH issued
17 Plaintiff a right-to-sue letter permitting Plaintiff to file this civil action.

18 **GENERAL ALLEGATIONS**

19 **Steven Larson Complains About Buras Sexual Harassment of Women in 2019**

20 14. In 2019, Steven Larson received a complaint from employees that BURAS had
21 sexually harassed at least four women. Mr. Larson raised the issues with senior executives at
22 CAL OES and was terminated shortly thereafter. BURAS remained employed.

23 15. On December 10, 2020, Mr. Larson filed a public lawsuit against CAL OES and
24 Ryan Buras, *Larson v. Cal OES and Ryan Buras*, 34-2020-00290271 in Sacramento Superior
25 Court. Mr. Larson, in detail, again laid out how BURAS was sexually harassing employees and
26 terminating employees that reported his harassment. CAL OES did nothing in response.

27 16. Due to CAL OES’ inaction, BURAS remained in power and began aggressively
28 sexually harassing PLAINTIFF.

1 **From 2020 to 2022, Deputy Ryan Buras Sexually Harasses Plaintiff Due to CAL**
2 **OES' Failure to Investigate Larson's Claims**

3 17. PLAINTIFF began working as an Emergency Services Coordinator at CAL OES
4 in 2018. PLAINTIFF received positive performance reviews in 2019.

5 18. PLAINTIFF met Defendant BURAS in January 2020 during a disaster response.
6 BURAS is married with children. BURAS was immediately overly friendly with PLAINTIFF.
7 He began asking PLAINTIFF to go out to dinner alone with him. PLAINTIFF did not feel
8 comfortable, so only agreed to walk to the restaurant to pick up take-out. When returning from
9 the restaurant another CAL OES manager saw the two arrive. BURAS and PLAINTIFF got in an
10 elevator together and BURAS said, "Tom definitely thinks we are sleeping together."
11 PLAINTIFF was very uncomfortable with this comment.

12 19. During the same deployment as PLAINTIFF, a co-worker and BURAS all went
13 swimming together. PLAINTIFF intentionally wore a one-piece swimming suit to cover her
14 body while swimming, the co-worker left leaving PLAINTIFF alone with BURAS. PLAINTIFF
15 felt very uncomfortable, so she called a friend while she was alone with BURAS.

16 20. During the deployment, BURAS made comments to PLAINTIFF such as "this is
17 where marriages go to die" referencing that many employees had affairs while on deployment at
18 this location.

19 21. In early 2020, PLAINTIFF's direct supervisor told her she could not work
20 remotely. Later BURAS called PLAINTIFF and during the call told her she could work remotely
21 in a different state. PLAINTIFF was then allowed to work from her home state outside of
22 California.

23 22. During the time PLAINTIFF was working remotely, BURAS would often call
24 PLAINTIFF to just talk about his personal life. At one point he suggested meeting PLAINTIFF
25 and her family in her home state. PLAINTIFF's brother-in-law overheard one of these
26 conversations and was so upset he left the room. Later PLAINTIFF's brother-in-law said he left
27 the room because he was uncomfortable with how BURAS, a married man with children, was
28 talking with PLAINTIFF.

1 23. BURAS would skip over the chain of command and go directly to PLAINTIFF to
2 ask her to complete tasks. This led to Tina Walker, PLAINTIFF's direct supervisor, getting upset
3 with PLAINTIFF because Ms. Walker had no prior knowledge of the tasks PLAINTIFF was
4 working on. Later Ms. Walker came to resent PLAINTIFF because BURAS continuously gave
5 her unwarranted preferential treatment. BURAS conduct made it difficult for PLAINTIFF to
6 work with Ms. Walker and ultimately complete her tasks.

7 24. In or around August 2020, Plaintiff returned to California for an assignment. At
8 that time, PLAINTIFF was promoted to Senior Emergency Services Coordinator in August 2020.

9 25. In August 2020, BURAS came to a kickoff meeting for the Camp Fire Hazard
10 Tree Removal Program.

11 26. PLAINTIFF was experiencing a lot of issues with Cal Recycle that created so
12 much conflict that PLAINTIFF was going to leave. PLAINTIFF told BURAS she intended to
13 quit. In response, BURAS told PLAINTIFF she needed to start dressing "more like a woman and
14 they [Cal Recycle] will respect you more."

15 27. Following this discussion, on a day PLAINTIFF was off and resting at her hotel,
16 BURAS showed up unannounced. PLAINTIFF was surprised to see him, and at the time,
17 PLAINTIFF was swimming in the hotel pool. BURAS arrived in a swimming suit and got in the
18 pool with PLAINTIFF. PLAINTIFF was instantly uncomfortable. Had PLAINTIFF known that
19 BURAS was coming, she would not have worn a bikini.

20 28. While in the pool, BURAS was pleading with PLAINTIFF to stay with CAL OES.
21 BURAS assured PLAINTIFF he was going to talk with Ms. Walker and others at Cal Recycle to
22 ease over the issues. BURAS showered PLAINTIFF with comments such as "you are so bright"
23 and "we cannot do this without you."

24 29. BURAS then started saying "oh it is so late" and that he did not want to drive all
25 the way back to Sacramento. PLAINTIFF told BURAS she could talk to the front desk about
26 getting a room for him. BURAS said he already talked to them, and they do not have anything.
27 He kept saying "oh I am so tired" and "I do not really want to go home." After BURAS pleaded
28 with PLAINTIFF she said: "okay, you can stay on my couch."

1 30. When PLAINTIFF went to her hotel room she immediately put on sweats and
2 made sure to wear frumpy clothes. PLAINTIFF slept on the bed and BURAS slept on the sofa.

3 31. Afterwards, PLAINTIFF agreed to stay at CAL OES, but her work situation
4 continued to be untenable. BURAS told PLAINTIFF “you just pick the place you want to go and
5 I will make that happen.” PLAINTIFF told BURAS where she would like to work, and BURAS
6 agreed to place her there.

7 32. Prior to being deployed again, PLAINTIFF went with BURAS and others to a
8 location where BURAS was staying at a hotel. BURAS kept pressuring PLAINTIFF to go into
9 his hotel room telling her “You have to come and see my room.” After several requests
10 PLAINTIFF agreed to come and see his hotel room. Immediately BURAS pointed out “look at
11 this big bed.” It was clear he was just trying to get PLAINTIFF alone in the room. PLAINTIFF
12 was very uncomfortable and repetitively told BURAS she needed to leave. PLAINTIFF left and
13 afterwards wanted to make sure she was never alone with BURAS again.

14 33. PLAINTIFF was then deployed to Monterey for the 2020 wildfires. Initially,
15 PLAINTIFF was the only person from CAL OES staying at the hotel.

16 34. After about two or three weeks a few employees were sent to work with
17 PLAINTIFF. One person was in an administrative role and the other person assisted with day-to-
18 day operation. At points in time there were around four people working out of Monterey.

19 35. There was no oversight to these operations. PLAINTIFF was managing debris
20 operations for the entire state and other operations within five other counties.

21 36. PLAINTIFF was very isolated in Monterey because she was in an area she did not
22 know well, in a state she is not from, and it was during the COVID-19 shelter-in-place period.
23 She mostly worked from her hotel room six to seven (6-7) days a week up to 18 hours a day
24 several days in row.

25 37. While alone in Monterey, calls from BURAS started increasing. Often the calls
26 would go from work related to very personal conversations. PLAINTIFF would not engage or
27 provide information regarding her personal life. BURAS would call almost every night. BURAS
28 would complain about his wife, Labor Secretary Natalie Palugyai, claiming he wanted to leave

1 her.¹ BURAS called his wife his “soon to be ex-wife” and commented on how he wished she
2 was more like PLAINTIFF. BURAS degraded his wife and sought pity from PLAINTIFF for
3 him being in an unhappy marriage.

4 38. It appeared to PLAINTIFF that BURAS was drinking during his calls to
5 PLAINTIFF and as he continued to drink, he would get more and more personal. During these
6 calls, BURAS continuously showered PLAINTIFF with compliments, such as “you are so
7 beautiful,” “I wish I had someone like you” that was “caring and supportive,” and “I just want
8 someone I can sing and dance in the rain with.”

9 39. PLAINTIFF felt obligated to talk to BURAS because she feared retaliation, given
10 that he once told her that staff who do not answer his calls after hours are on his “Dead to Me
11 List.” BURAS would tell PLAINTIFF specifically who was on this list and PLAINTIFF saw how
12 he treated these employees.

13 40. These calls from BURAS would sometimes go until 1:00 a.m. and PLAINTIFF
14 often pleaded with BURAS to get off the phone explaining how tired she was, how much work
15 she had, and that she needed to get up early to start working again. BURAS was undeterred.

16 41. BURAS would also text PLAINTIFF late in the evenings and early mornings.

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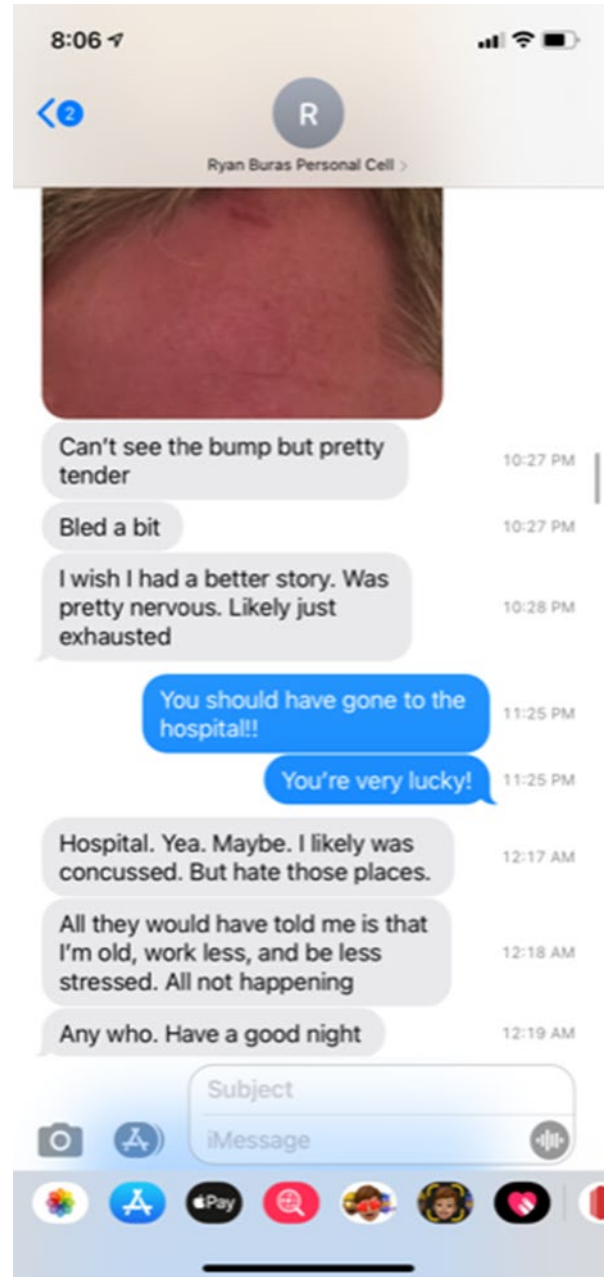
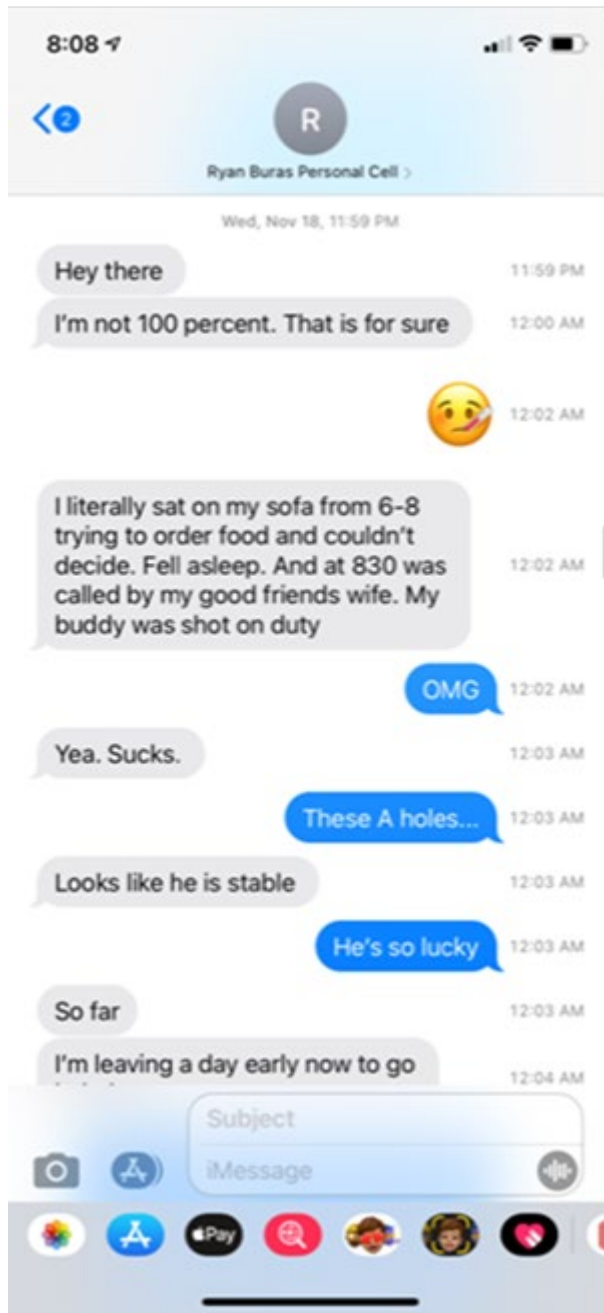
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28 1 Gavin Newson appointed Ms. Palugyai as the labor secretary in July 2021.



42. In or around late September 2020, BURAS invited PLAINTIFF and a male co-worker to his apartment for dinner and drinks. BURAS insisted he wanted to cook dinner for PLAINTIFF and the co-worker as a kickoff event. PLAINTIFF told the co-worker he needed to stay with her throughout the night and that she did not feel comfortable being alone with BURAS. The co-worker agreed that he would not leave her alone with BURAS.

1 43. Upon BURAS' request, PLAINTIFF and her co-worker attended dinner at
2 BURAS' apartment. After dinner PLAINTIFF said she was getting tired and wanted to leave.

3 44. BURAS told PLAINTIFF and her co-worker that they didn't need to leave and
4 could spend the night at his apartment. BURAS offered PLAINTIFF the upstairs bedroom and
5 said "just take my bed. I'm going to sleep downstairs together with [co-worker]." After some
6 discussion, PLAINTIFF agreed to stay under the conditions the co-worker would remain, and the
7 co-worker and BURAS would sleep downstairs while PLAINTIFF slept upstairs.

8 45. PLAINTIFF went to sleep fully clothed.

9 46. At some point that night, PLAINTIFF woke up and found BURAS next to her in
10 bed. The entire front side of his body wrapped around the backside of PLAINTIFF's body, and
11 his left arm wrapped around and resting on PLAINTIFF's arm. PLAINTIFF was instantly
12 terrified. She thought this was the moment she would instantly lose her job.

13 47. PLAINTIFF said, "what are you doing?" BURAS said "oh, well it got cold." He
14 then commented about being lonely. PLAINTIFF responded that he should cuddle with his
15 blanket or the co-worker, not her. He then said, "I am just going to get my toiletries out of the
16 bathroom and go."

17 48. PLAINTIFF moved away from BURAS' reach, and he eventually got up and went
18 to work.

19 49. In or around October 2020, BURAS said he was taking PLAINTIFF out for lunch
20 for her birthday. PLAINTIFF dismissed BURAS' comments. On Sunday, the day she had off,
21 BURAS texted PLAINTIFF that he was on his way to see her. PLAINTIFF was surprised and
22 not sure what to do. BURAS arrived at PLAINTIFF's hotel. PLAINTIFF left her room and went
23 outside to meet BURAS to avoid him knowing which hotel room she was in. PLAINTIFF got in
24 BURAS's car and the two headed towards the marina and had lunch on the pier. BURAS insisted
25 on buying PLAINTIFF a drink. At the end of lunch BURAS said, "I have a surprise." He then
26 took PLAINTIFF to a winery in Carmel. During the time at the winery a few people referenced
27 BURAS and PLAINTIFF as a couple. BURAS did not correct them, so PLAINTIFF did.



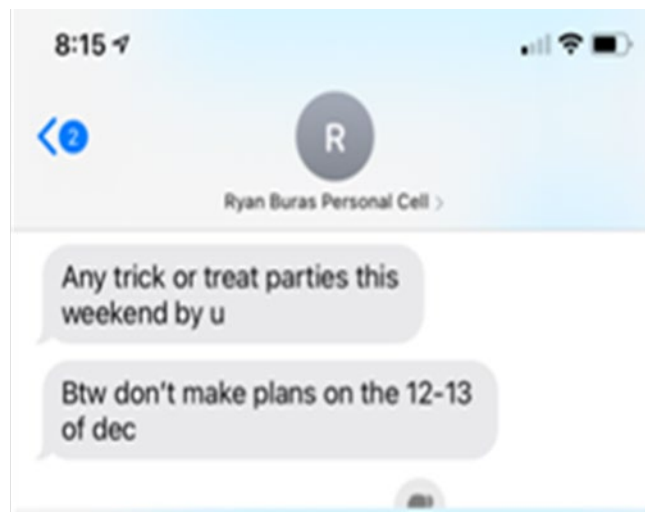
50. At the winery BURAS said he had another surprise for PLAINTIFF. At this point PLAINTIFF did not have a car so agreed to get in the car with him again. BURAS then drove to the beach and parked. BURAS then went to the trunk and took out a Bluetooth speaker, a bottle of wine, glasses, and a blanket. PLAINTIFF was mortified. With no way out, PLAINTIFF followed BURAS to the beach. BURAS then set up the blanket against a log and put romantic music on. PLAINTIFF became even more uncomfortable. PLAINTIFF then started making up excuses to leave, such as constantly needing to use the restroom. At one point after returning from the restroom PLAINTIFF made it clear she wanted to go home because she was cold. BURAS then said, "I will keep you warm" and placed his hands over PLAINTIFF's hands. PLAINTIFF jumped up and said I must use the restroom again. PLAINTIFF felt terrified, and then got very upset with the situation and became angry. PLAINTIFF returned and insisted "I really have to go." BURAS returned PLAINTIFF to the hotel.

51. Two weeks later, in or around late October 2020, BURAS again arrived unannounced at PLAINTIFF's hotel. PLAINTIFF was on the phone for a meeting when she heard a knock at her door, but she ignored it. PLAINTIFF refused to answer the door. About an hour or more later PLAINTIFF opened her door and saw cooked beans left at her door. BURAS had told PLAINTIFF the night before that he was cooking beans.

52. After some time had passed and hoping that BURAS was gone, PLAINTIFF texted him to ask if he brought the food. BURAS said yes and that he just dropped it off because he had an appointment in San Francisco.

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2 53. In or around early-November, PLAINTIFF's mother flew out to visit PLAINTIFF.
3 Knowing PLAINTIFF's mom was coming out, BURAS interjected himself offering to show
4 PLAINTIFF's mother around and insisting that he cook dinner for PLAINTIFF and her mother.
5 At this point, PLAINTIFF felt obligated to deal with BURAS and felt too embarrassed and fearful
6 to tell her mother, so agreed.

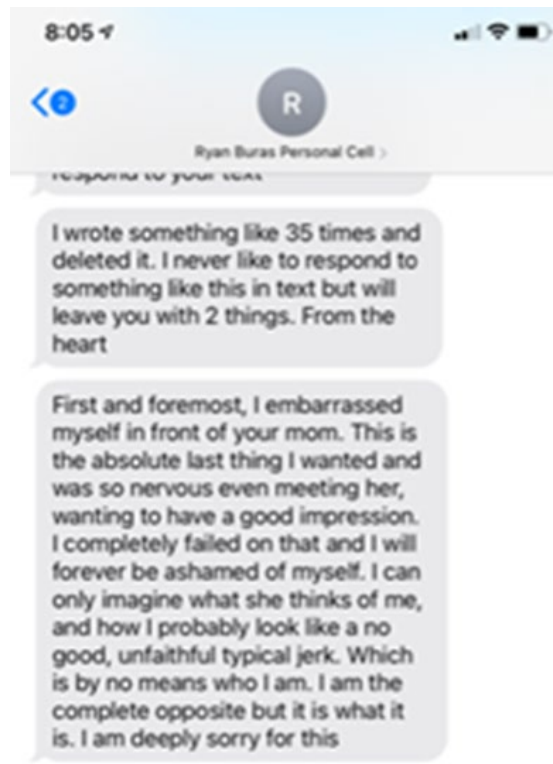
7 54. PLAINTIFF picked up her mom at the airport and then went to BURAS' house.
8 BURAS had prepared dinner for the three of them. After dinner BURAS told PLAINTIFF's mom
9 he wanted to show them old-time Sacramento. The three left and walked around some of the
10 stores. They went into a store where there were masks with bright Christmas colors. BURAS
11 commented to PLAINTIFF "this will be perfect for your surprise Christmas trip." PLAINTIFF
12 was mortified and pretended the comment did not occur.



22 55. When they finished shopping PLAINTIFF told BURAS she needed to go. While
23 walking back to the car BURAS grabbed PLAINTIFF's hand and PLAINTIFF's mother saw.

24 56. The next day, PLAINTIFF texted BURAS to try and diffuse the situation. She
25 pretended not to remember BURAS grabbed her hand. PLAINTIFF believed her career would be
26 over the moment she told BURAS to stop his advances, so she tried to come up with the politest
27 way to stop his behavior. PLAINTIFF texted BURAS and communicated to him that the
28

1 relationship was unprofessional and needed to cease. PLAINTIFF told him she did not want to
2 jeopardize her career or put either one of them in an unethical situation.



16 57. In or around Thanksgiving, BURAS traveled to the east coast. During his trip he
17 was messaging PLAINTIFF pictures of his wife and kids. PLAINTIFF thought it was a good
18 sign and that she could keep her job and the sexual harassment would cease.

19 58. BURAS called PLAINTIFF and she again made it clear she needed BURAS to
20 remain professional. BURAS then said, “so this means we are not going on the Christmas trip?”
21 PLAINTIFF said, “no we are not going on the trip.” In response BURAS said “okay” and
22 PLAINTIFF hung up.

23 59. Immediately, BURAS began his campaign of retaliation against PLAINTIFF by
24 abruptly terminating all communication with her, making it impossible for PLAINTIFF to do her
25 job.

26 60. BURAS even stopped attending executive meetings which required his presence
27 for decision making. These meetings were PLAINTIFF’s only opportunity to confirm important
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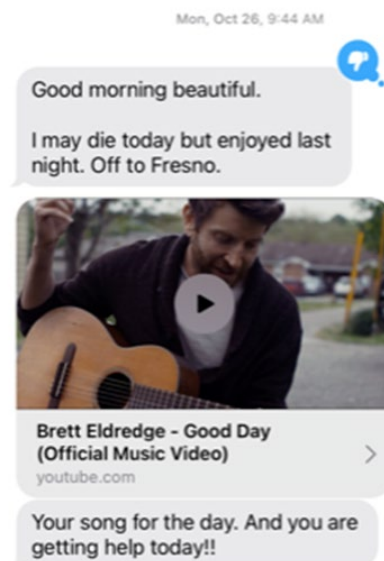
1 decisions on pressing matters with BURAS and other executives. This caused months of
2 unnecessary delays for disaster survivors that PLAINTIFF was tasked to support.

3 61. These delays had substantial impacts for disaster survivors. For example, to get a
4 tree removed, FEMA needed to approve it. PLAINTIFF would communicate to BURAS that the
5 approval was not getting through, and without the weekly meetings PLAINTIFF could not press
6 the issue. She sent emails but did not get responses from BURAS. BURAS played an integral part
7 in communicating and interacting with FEMA to get approval. Without his involvement it meant
8 that counties could not get approval to remove trees that were falling on houses, roads, and school
9 playgrounds.

10 62. BURAS' actions caused county executives to become furious with PLAINTIFF.

11 63. Colleagues observed BURAS' abrupt change in behavior towards PLAINTIFF,
12 including excluding PLAINTIFF from meetings and discussions. A co-worker told PLAINTIFF:
13 "I do not know what happened. You went from Ryan's golden child to nothing. This means he
14 will turn on anyone."

15 64. CAL OES then took resources and assistance away from PLAINTIFF and started
16 sending unskilled people to work on tasks, while other branches had seven to eight assistants and
17 deputies. PLAINTIFF used to have no problem getting help when she requested help from
18 BURAS. Now BURAS was setting PLAINTIFF up to fail, while jeopardizing the life and safety
19 of disaster survivors.



1 65. BURAS' actions made it impossible to get her job done. PLAINTIFF would seek
2 other routes to get her job done but knew the issues would not get resolved because BURAS
3 refused to communicate with her.

4 66. In or around May 2021, the counties started calling and telling PLAINTIFF they
5 were going to go above her head because they are not getting anywhere. PLAINTIFF encouraged
6 them to directly contact executive leadership.

7 67. PLAINTIFF and the county were scheduled to meet, but prior to the meeting she
8 got a call from BURAS' subordinates. They said the FEMA denied the tree removal request.
9 PLAINTIFF, knowing this did not sound accurate, asked for something in writing. They said,
10 "no, FEMA was not going to give you anything in writing." PLAINTIFF insisted on something in
11 writing. They said "no." PLAINTIFF knew this was a set up because FEMA puts denials in
12 writing.

13 68. The following week, in a meeting with the County, they asked for a denial letter.
14 PLAINTIFF tried to ease the situation. They said, "do not be offended but we are going to call
15 the director." The Counties then wrote the director a letter.

16 69. BURAS then called for a meeting in Santa Cruz. He did not even tell PLAINTIFF
17 there was a meeting. Instead, PLAINTIFF got an email from his assistant about it.

18 70. PLAINTIFF went to Santa Cruz for the meeting and asked why the tree removal is
19 only being denied via a phone call. BURAS then blamed PLAINTIFF, claiming she never
20 submitted the request. This was false. The Counties then looked at PLAINTIFF. She said she
21 submitted it in August and did so on multiple occasions and brought up the status on multiple
22 occasions and said she was told FEMA denied it.

23 71. BURAS asked, "well, who told you that?" PLAINTIFF said the person sitting next
24 to BURAS was the one who told her FEMA denied the request. Neither BURAS nor the person
25 next to him addressed the issue, but instead tried to deflect and told PLAINTIFF they would
26 investigate it. PLAINTIFF knew this was all a set up to make PLAINTIFF look incompetent.

27 72. The County and PLAINTIFF were left in the room. The County told PLAINTIFF
28 they believed her but were upset about what was occurring.

1 73. In the times PLAINTIFF and BURAS were in meetings together after she rebuffed
2 his advances, he demonstrated aggressive and demeaning behavior towards PLAINTIFF, raising
3 his voice beyond acceptable professional boundaries.

4 74. PLAINTIFF began experiencing stress, anxiety, and depression because of
5 BURAS' retaliation and CAL OES's failure to protect her.

6
7 Ms. Bowyer presents with generalized anxiety disorder. Her symptom complex includes insomnia and Crying, dreading
8 work.. The frequency symptoms is nearly constant. Apparent triggers include occupational stressors. She is not
currently being treated for anxiety. Pt works for dept of emergency services covering 5 counties without help for last 9
months. Experiencing difficulty sleeping, dreads work, fears retaliation from employer.

9 75. In June 2021, PLAINTIFF left California to see her family. In an unexpected
10 event, PLAINTIFF was not able to return to California in time, so she told her supervisor she
11 would work remotely for one day, as she had before.

12 76. PLAINTIFF started working and after eight hours got an email saying she could
13 not work remotely. She continued to work because she did not have anyone to cover her duties.
14 That day PLAINTIFF worked approximately 12 hours.

15 77. A week later PLAINTIFF submitted her timesheet. CAL OES accused her of
16 falsifying her timesheet and not actually working on the day she worked remotely. PLAINTIFF
17 called CAL OES and pointed out that she does her job every day remotely.

18 78. This was PLAINTIFF's breaking point. After the call, PLAINTIFF immediately
19 went to urgent care and was placed on medical leave for 30 days.

20 79. PLAINTIFF returned from urgent care and sent some pressing emails to tie up
21 loose ends. Then she sent emails to BURAS and others informing them she was going on medical
22 leave for 30 days.

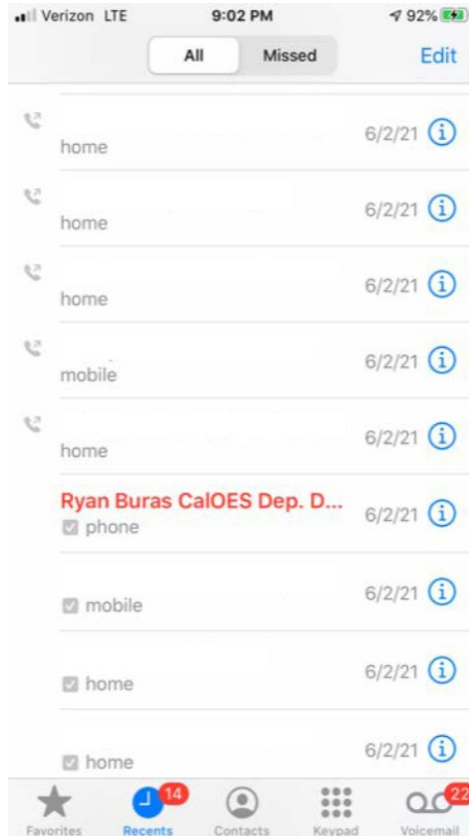
23 80. BURAS called PLAINTIFF within an hour, but PLAINTIFF did not answer his
24 call.

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81. In September 2021, PLAINTIFF's medical condition did not improve, and her doctor extended her leave.

82. While on medical leave, PLAINTIFF attended a medical examination wherein the medical results would be released to CAL OES. During the more intensive interview PLAINTIFF disclosed, in detail, BURAS' conduct. The exam was eight hours long.

Ms. B reported experiencing moderate to severe psychological symptoms, including; increases in anxiety, anxiety attacks, moderate psychomotor agitation, fatigue, obsessive worrying, fear states, anger, crying, insomnia, anhedonia, irritability, shame, sleeping disturbances, eating disturbances, sexual disturbances, pounding heart, shortness of breath, chest pains, nausea, fear of losing control or going crazy, feeling like hitting something, muscle tension, worry and negative ruminative thoughts, Ms. B stated that she felt sad most of the time, with negative, "thoughts of worthlessness and worries about the future."

As noted, Ms. B reported moderate to severe disturbances in sleep, experiencing anxiety and depression symptomology daily. Ms. B's conditions escalated over approximately a 2-year period because of several factors including sexual harassment by her Deputy Director (Mr. Ryan Buras). Ms. B reported his initial behaviors include fully supporting her in the work environment. Then once Ms. B refused his advances, he punished her and created an even more hostile work environment both when alone and with other Agencies and personnel were present. Results indicated that the Deputy Director crossed numerous employment boundaries, causing an already incendiary environment to deteriorate even further. Ms. B's fears increased and were exacerbated by other psychological symptoms and diagnoses along with her incidents of numerous conflicting relationships, loss of authority and loss of self-confidence.

1 In my professional opinion Ms. B's descriptions of both the incidences and her responses meet the criteria of
2 sexual harassment and a hostile work environment.

3 As noted in the initial QME, Ms. B's statements were congruent with someone who had been experiencing this
4 type of hostile work environment.

5 After Ms. B's refusal Mr. Buras's punitive behaviors toward her caused her to lose what residual emotional
6 stability she had developed considering the other ongoing and escalating conflicts within her work
7 environment.

8 Ms. B stated, "My fear was constantly increasing... I didn't know who knew or what was going to happen next. I
9 was falling apart minute by minute."

10 83. In mid to late 2021, PLAINTIFF got a phone call from an attorney from CAL OES
11 to do an independent investigation following the results of PLAINTIFF's medical examination.

12 84. An attorney then did a very short interview with PLAINTIFF and engaged in
13 victim blaming asking PLAINTIFF "why didn't you just tell him to leave you alone?" The entire
14 interview lasted around an hour.

15 85. About a month later, PLAINTIFF received an email telling her she should expect a
16 letter determining that there was no inappropriate action on BURAS' part. PLAINTIFF received
17 the letter within two and a half weeks.

18 86. In December 2021, PLAINTIFF's health had not improved and returning to work
19 became impossible given her health condition, thus she was forced to resign.

20 87. Other employees continued to come forward regarding BURAS' conduct. On
21 November 11, 2022, a high-level employee reported "Ryan Buras is telling current CAL OES
22 staff that he is 'protected,' implying he is immune from consequences of his retaliation,
23 intimidation, mental abuse and harassment (sexual and verbal). These employees live in fear
24 because so far, he's been right." "An old friend from CAL OES contacted me, and her story
25 would break the heart of anyone who cares about men abusing their power to sexually harm
26 women. This friend told me she was a victim of Ryan Buras' harassment and she wanted to tell
27 her story if it helps other women."

28 88. BURAS remains employed and CAL OES continues to turn a blind eye to his
conduct and the conduct of those that protect him.

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1 **Steven Larson Reported Complaints of Sexual Harassment and Retaliation by Ryan**
2 **Buras to Senior Management**

3 89. CAL OES was aware BURAS engaged in sexual harassment and relentless
4 retaliation regarding those that reported his unlawful harassment yet has done nothing except
5 protect BURAS and terminate his accusers.

6 90. Before PLAINTIFF was harassed, on or around October 10, 2019, CAL OES
7 manager, Steven Larson, received a complaint from subordinate employees that BURAS was
8 creating a hostile work environment for women.

9 91. Mr. Larson reported the complaint immediately in an email to Tina Walker, Ursula
10 Harelson, Mary Whishire, and Branch Chief Jennifer Hogan and later to Equal Employment
11 Officer Robin Frazier. Mr. Larson stated that several female staff raised concerns and made
12 similar allegations to him about inappropriate behavior by BURAS toward female staff members,
13 and that “it warranted bringing it to [their] collective attention, to investigate whether or not the
14 allegations are true and if so, report it to EEO or Senior leadership.”

15 92. The same day, at 7:50 p.m. Branch Chief Hogan forwarded Mr. Larson’s email
16 directly to BURAS writing “FYSA...” Plaintiff is informed and believes that FYSA stands for
17 “For Your Situational Awareness.”

18 Message
19 From: Hogan, Jennifer REDACTED
20 Sent: 10/10/2019 7:50:26 PM
21 To: Buras, Ryan REDACTED
22 Subject: Fwd: CONFIDENTIAL-ACTION REQUIRED
23
24 FYSA...
25 Sent from my iPhone

26 93. CAL OES immediately responded to Mr. Larson’s complaint with threats and
27 retaliation. On October 11, 2019, Mr. Larson asked CAL OES to stop the retaliation writing
28 “Tina, I complied with the policy and reported the incident, to threaten me with retaliation is
actually in violation of the same policy.”

1 94. Mr. Larson met with EEO Officer Robin Frazier (“EEO Officer Frazier”) and
2 directly told her about his concerns about retaliation in an interview. Instead of addressing Mr.
3 Larson’s concerns, EEO Officer Frazier rushed the meeting and showed no interest in addressing
4 the sexual harassment or Mr. Larson’s concerns about retaliation.

5 95. It was clear EEO Officer Frazier was not going to investigate BURAS and was
6 very “antagonistic” with Mr. Larson. Mr. Larson sent EEO Officer Frazier a follow-up email
7 expressing his concerns regarding her conduct and the retaliatory position CAL OES immediately
8 took.

9 Message

10 **From:** Larson, Steven REDACTED
11 **Sent:** 10/11/2019 3:24:40 PM
12 **To:** Frazier, Robin REDACTED
13 **CC:** Wilson, Meg REDACTED
14 **Subject:** RE: Draft

15 Robin,

16 For the record, I would like to say that I found the end of our interview very antagonistic, and the rush at which the
17 interview was conducted was not in the best interest of those, that took the courage to bring this issue to my attention.

18 It was my perception that you felt my current issue with Tina Walk and Ryan Buras, somehow influenced my coming
19 forward. Nothing could be further from the truth. I thought long and hard at how this might look and that by me being
20 the one bringing it forward, might actually hurt these women’s complaint because it wouldn’t be taken seriously.

21 I don’t know if it was harassment, intimidation or Ryan just trying to be friendly, the bottom line, whatever he said or
22 how he said it, made enough people uncomfortable to bring it to someone they trusted, and I followed the policy and
23 reported it.

24 I am just the messenger and not the bad guy.

25 96. Soon after, Mr. Larson learned EEO Officer Frazier had only interviewed one of
26 the eight witnesses, so he escalated his concerns about CAL OES’s failure to investigate to
27 several others.

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1 Ms. Curry,

2 It is unfortunate that I am having to bring this policy violation to your attention, but I have a
3 responsibility to the staff that had the courage to bring an EEO issue to me, to ensure the matter is given
4 the due diligence it deserves.

5 The EEO Officer, Robin Frazier has not complied with the attached policy, by not seeking a resolution
6 (investigation) into alleged inappropriate conduct by Deputy Director of Recovery, Ryan Buras, within 15
7 days of my reporting the incident. Today is day 14, and to date, she has only conducted 1 interview out

8 of 8, that were either a witness to or subject to, the alleged inappropriate conduct, and no interviews
9 for the remaining 7 have been scheduled. The one interview that was conducted, the female staff
10 member reported that she characterized the meeting as "dismissive".

11 97. Just days later, on October 14, 2019, Ryan Gronsky², CAL OES Senior Counsel,
12 started an investigation into an issue raised in June 2019 regarding Mr. Larson calling a
13 contractor for information about a plot. CAL OES alleged Mr. Larson had a "close relationship"
14 with a low-level contractor and arbitrarily launched an investigation.

15 98. Staff Service Manager, Lisa Franklin, on October 15, wrote to Mr. Larson "it has
16 been brought to my attention that you have been making complaints...and other HR issues to
17 various departments at CAL OES. Moving forward, please discuss HR issues with HR only."

18 99. Mr. Larson was not the only witness met with retaliation. Another witness was
19 immediately brought in and given a "Corrective Counseling Memorandum." On October 16,
20 2019, this witness reported to Mr. Larson "What I find most interesting is the timing of this. I am
21 pulled into an office to be written up just days after I was included as a witness in an investigation
22 against Ryan [Buras] for his misconduct."

23 100. On October 24, 2019, Mr. Larson reached out to Deputy Director Christina Curry
24 and Chief of Staff Timothy Perry to report CAL OES's failure to investigate the allegations
25 against BURAS. He also cc'ed Tina Walker, who then forwarded the email directly to BURAS.
26 BURAS then emailed with Nancy Ward writing: "I'm tired Nancy."

27 //

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2 In or around July 2020, Gronsky receives a complaint from the Department of Fair
3 Employment and Housing regarding Mr. Larson's allegations about unlawful retaliation. In the
4 letter the DFEH requests information about Mr. Larson's complaint. Gronsky subsequently leads
5 the team in preparing its response to the DFEH.

Message

From: Buras, Ryan@CalOES [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8475F918463143319D4892F073423DAB-RYAN BURAS]
Sent: 10/25/2019 11:05:24 AM
To: Ward, Nancy REDACTED
Subject: Fwd: EEO Violation
Attachments: Policy Against Discrimination and Harassment and Complaint Process.pdf; ATT00001.htm

I'm tired Nancy.

Sent from my iPhone

Begin forwarded message:

From: "Walker, Tina REDACTED"
To: "Buras, Ryan REDACTED"
Subject: FW: EEO Violation

101. The same email was sent to Alex Pal.

Message

From: Perry, Timothy REDACTED
Sent: 10/24/2019 9:31:22 AM
To: Pal, Alex REDACTED; Frazier, Robini REDACTED
CC: Curry, Christina REDACTED
Subject: Fwd: EEO Violation
Attachments: Policy Against Discrimination and Harassment and Complaint Process.pdf; ATT00001.htm

FYI

Begin forwarded message:

102. Ward responded "Just hang in there! This is all just noise!!!"

Message

From: Ward, Nancy REDACTED
Sent: 10/25/2019 12:15:20 PM
To: Buras, Ryan REDACTED
Subject: Re: EEO Violation

Just hang in there! This is all just noise!!!

Sent from my iPhone

> On Oct 25, 2019, at 11:05 AM, Buras, Ryan@CalOES
>
> I'm tired Nancy.

103. The next day, on October 25, 2019, CAL OES placed Mr. Larson on administrative leave, took his phone and computer, and escorted him out of the building with security.

1 104. CAL OES subsequently did a forensic analysis of Mr. Larson's computer and
2 phone and did a full investigation into the allegation regarding Mr. Larson's interactions with a
3 low-level contract company employee in June 2019. CAL OES collected emails between the two,
4 pulled text messages, reviewed how long Mr. Larson looked at her resume, and had an attorney
5 conduct two interviews with Mr. Larson.

6 105. Mr. Larson immediately pointed out: "the hypocrisy of that is almost laughable."

7 106. Mr. Larson did not stop raising his concerns and brought these concerns to several
8 CAL OES representatives, including Alex Pal. There was no one at CAL OES in executive
9 leadership that did anything to stop BURAS from retaliating against Mr. Larson or to investigate
10 the sexual harassment BURAS perpetrated about women.

11 107. CAL OES completed its "investigation" into Mr. Larson in or around November
12 2019, issuing a twenty-page report regarding Mr. Larson's assistance with the contractor's
13 resume. Cal OES claimed Mr. Larson's activities violated its anti-nepotism policies.

14 108. CAL OES claimed Mr. Larson's actions regarding continuing to report BURAS'
15 sexual harassment and failure to investigate as "completely inappropriate" and "egregious" –
16 attempting to paint Mr. Larson as the problem while covering up for BURAS. CAL OES openly
17 portrayed Mr. Larson as "disloyal" for complaining about BURAS' illegal conduct.

18 109. Mr. Larson filed a detailed complaint demonstrating how BURAS was retaliating
19 against him for reporting sexual harassment and other illegal activities. CAL OES continued to
20 protect BURAS and it appears to have done nothing to discipline him or curb his continued
21 unlawful conduct.

22 110. CAL OES ultimately terminated Mr. Larson. CAL OES, in its termination, took
23 issue with Mr. Larson's attempts to raise concerns about BURAS. CAL OES even noted Mr.
24 Larson wanted Deputy Director Curry and Chief of Staff Perry to interview witnesses and take
25 appropriate action. The only action CAL OES took was to keep BURAS and terminate Mr.
26 Larson.

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FIRST CAUSE OF ACTION
UNLAWFUL HARASSMENT BASED ON SEX AND/OR GENDER IN VIOLATION OF
THE FEHA, CAL. GOV. CODE § 12900 et seq.
(AGAINST ALL DEFENDANTS)

111. PLAINTIFF re-alleges and incorporates by reference the allegations contained in the preceding paragraphs fully as though set forth at length herein.

112. The Fair Employment and Housing Act ("FEHA") provides it an unlawful employment practice to sexually harass an employee.

113. The sexual harassment was so severe and/or pervasive as to alter the conditions of PLAINTIFF'S employment and created a hostile and abusive work environment that affected tangible aspects of PLAINTIFF's employment, including, but not limited to the terms, conditions, and/or privileges of her employment.

114. CAL OES is vicariously liable under FEHA for sexual harassment of PLAINTIFF by DEFENDANT BURAS because DEFENDANTS were aware of the sexual harassment and did nothing to stop it.

115. As a direct and proximate result of the acts of DEFENDANTS, and each of them, as alleged above, PLAINTIFF has suffered and will continue to suffer economic damages, including lost wages and benefits, and other compensatory damages in an amount to be ascertained at the time of trial.

116. As a further direct and proximate result of the acts of DEFENDANTS, and each of them, as alleged above, PLAINTIFF has suffered mental, physical, and emotional distress, including but not limited to anxiety, nervousness, depression, sleeplessness, and has been generally damaged in an amount to be ascertained at the time of trial.

117. As a further direct and proximate result of the acts of DEFENDANTS, and each of them, as alleged above, PLAINTIFF will continue to expend sums in the future for the treatment of the emotional, physical, and mental injuries sustained by PLAINTIFF as a result of said DEFENDANTS', and each of them, acts in an amount to be ascertained at the time of trial.

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SECOND CAUSE OF ACTION:
DISCRIMINATION BASED ON SEX AND/OR GENDER
IN VIOLATION OF THE FEHA
(AGAINST CAL OES, STATE OF CA, and DOE 1-100)

118. PLAINTIFF re-alleges and incorporates by reference the allegations contained in the preceding paragraphs fully as though set forth at length herein.

119. Sex and/or gender discrimination violates the FEHA. PLAINTIFF was a member of a protected class based on her sex and/or gender, female.

120. During the course of her employment with DEFENDANTS, PLAINTIFF was subjected to discrimination as a result of her gender.

121. PLAINTIFF reported to CAL OES that DEFENDANT BURAS sexually harassed her, but CAL OES failed to do a thorough investigation to protect her. Instead, DEFENDANT CAL OES took action to cover up its illegal activity. DEFENDANT BURAS remains employed while those that reported sexual harassment were terminated from their employment.

122. CAL OES'S discriminatory bias towards PLAINTIFF is detailed through, at least, the above allegations of harassing conduct by DEFENDANT BURAS targeting female employees of CAL OES, including PLAINTIFF.

123. PLAINTIFF was terminated as a result of CAL OES's discriminatory bias regarding her sex and/or gender.

124. PLAINTIFF suffered damages as a result of DEFENDANTS' discrimination against her sex and/or gender, including but not limited to compensatory and special damages, in amounts according to proof.

125. PLAINTIFF has, and will have, incurred substantial attorneys' fees and costs in the prosecution of this action. When PLAINTIFF prevails at trial, she will be entitled to recover reasonable attorneys' fees and costs, including expert costs.

126. The conduct of DEFENDANTS and/or their agents/employees, as described herein was malicious, and/or oppressive, and done with a willful and conscious disregard for PLAINTIFF'S rights and for the deleterious consequences of DEFENDANTS'

1 actions. DEFENDANTS and/or their agents/employees or supervisors authorized, condoned and
2 ratified the unlawful conduct.

3
4 **THIRD CAUSE OF ACTION**
5 **HOSTILE WORK ENVIRONMENT BASED ON SEX**
6 **IN VIOLATION OF THE FEHA, CAL. GOV. CODE § 12900 et seq.**
7 **(AGAINST ALL DEFENDANTS)**

8 127. PLAINTIFF re-alleges and incorporates by reference the allegations contained in
9 the preceding paragraphs fully as though set forth at length herein.

10 128. California Government Code Section 12940(j)(1) makes it an unlawful
11 employment practice for an employer “because of . . . sex [or] gender . . . to harass an employee .
12 . . .”

13 129. CAL OES, the STATE OF CA, and each of them, are “employers” within the
14 meaning of California Government Code Section 12940(j)(4)(A), and are subject to FEHA as
15 employers of one (1) or more persons.

16 130. BURAS is liable for harassment pursuant to California Government Code Section
17 12940(j)(3), which states “An employee of an entity subject to this subdivision is personally
18 liable for any harassment prohibited by this section that is perpetrated by the employee....”

19 131. PLAINTIFF was subjected to unwanted harassment by BURAS, supervisors,
20 directors and/or managers of DEFENDANTS, and each of them, because of her sex and/or
21 gender.

22 132. The harassing conduct was so severe and/or pervasive as to alter the conditions of
23 PLAINTIFF’S employment and created a hostile and abusive work environment that affected
24 tangible aspects of her compensation, terms, conditions, and/or privileges of employment.

25 133. The harassing conduct was so widespread and/or persistent that a reasonable
26 person in PLAINTIFFS’ circumstances would have considered the work environment to be
27 hostile and/or abusive, and PLAINTIFF in fact considered the work environment created by
28 DEFENDANTS, and each of them, to be hostile and/or abusive.

134. DEFENDANTS, and each of them, including supervisors and/or agents knew or

1 should have known of the harassing conduct and failed to take immediate and appropriate
2 corrective action.

3 135. DEFENDANTS, and each of them, are vicariously and strictly liable under FEHA
4 for sex and/or gender-based harassment of PLAINTIFF by supervisors with immediate or
5 successively higher authority over PLAINTIFF within the meaning of California Government
6 Code Section 12926(s), including but not limited to BURAS.

7 136. DEFENDANTS, and each of them, are vicariously and strictly liable under FEHA
8 for sex and/or gender-based harassment of PLAINTIFF because they and/or their agents and/or
9 supervisors, knew or should have known of the harassment conduct and failed to take immediate
10 and appropriate corrective action.

11 137. As a direct and proximate result of the acts of DEFENDANTS, and each of them,
12 as alleged above, PLAINTIFF has suffered and will continue to suffer economic damages,
13 including lost wages and benefits, and other compensatory damages in an amount to be
14 ascertained at the time of trial.

15 138. As a further direct and proximate result of the acts of DEFENDANTS, and each
16 of them, as alleged above, PLAINTIFF has suffered mental, physical, and emotional distress,
17 including but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and has
18 been generally damaged in an amount to be ascertained at the time of trial.

19 139. As a further direct and proximate result of the acts of DEFENDANTS, and each
20 of them, as alleged above, PLAINTIFF will continue to expend sums in the future for the
21 treatment of the emotional, physical, and mental injuries sustained by PLAINTIFF as a result of
22 said DEFENDANTS', and each of their, acts in an amount to be ascertained at the time of trial.

23 140. As a further direct and proximate result of the above-described acts of
24 DEFENDANTS, and each of them, PLAINTIFF has incurred attorney's fees and costs and,
25 pursuant to the provisions of California Government Code Section 12965(b), PLAINTIFF is
26 entitled to the reasonable value of such attorney's fees.

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FOURTH CAUSE OF ACTION
FAILURE TO PREVENT HARASSMENT AND DISCRIMINATION
BASED ON SEX AND/OR GENDER
IN VIOLATION OF THE FEHA, CAL. GOV. CODE § 12900 et seq.
(AGAINST CAL OES, STATE OF CA, AND DOES 1-100)

141. PLAINTIFF re-alleges and incorporates by reference the allegations contained in the preceding paragraphs fully as though set forth at length herein.

142. In violation of the FEHA, DEFENDANTS failed to take all reasonable steps necessary to prevent discrimination against employees of CAL OES.

143. In perpetrating the above-described conduct, CAL OES and DOES 1-100 engaged in a pattern, practice, policy, and custom of unlawful discrimination. Said conduct on the part of CAL OES and DOES 1-100, and each of them, constituted a policy, practice, tradition, custom, and usage that denied PLAINTIFF protections of the FEHA.

144. At all relevant time periods CAL OES and DOES 1-100, and each of them established a policy, custom, practice, or usage within the organization of CAL OES that condoned, encouraged, tolerated, sanctioned, ratified, approved of, and/or acquiesced in unlawful harassment and discrimination towards employees of CAL OES including, but not limited to, PLAINTIFF.

145. At all relevant time periods there existed within the organization of CAL OES a pattern and practice of conduct by its personnel that resulted in harassment and discrimination including, but not limited to, conduct directed at PLAINTIFF.

146. On information and belief, CAL OES did not provide adequate harassment and discrimination training with respect to its employees and managers.

147. CAL OES and DOES 1-100, and each of them were put on notice that it might be committing harassment and discrimination in the workplace and/or are strictly liable for the discriminatory behaviors. Once CAL OES was put on notice that it might be committing discrimination in the workplace, it was a reasonable step to conduct a thorough investigation into whether there was harassment and discrimination in the workplace. CAL OES and DOES 1-100,

1 and each of them, failed to take this reasonable step of conducting a thorough investigation into
2 PLAINTIFF'S complaint of harassment and discrimination in the workplace.

3 148. CAL OES and DOES 1-100 and each of them, knew, or reasonably should have
4 known, that the failure to provide any or adequate education, training, and information as to their
5 personnel policies and practices regarding harassment and discrimination would result in
6 retaliation. Providing adequate education, training, and information as to their personnel policies
7 and practices regarding harassment and discrimination was a reasonable step that CAL OES could
8 have taken, but did not take, to prevent harassment and discrimination in the workplace.

9 149. The failure of CAL OES and DOES 1-100, and each of them, to take the above-
10 mentioned reasonable steps to prevent harassment and discrimination constituted deliberate
11 indifference to the rights of employees of CAL OES including, but not limited to, those of
12 PLAINTIFF.

13 150. By reason of the conduct of DEFENDANTS, as alleged herein, PLAINTIFF has
14 necessarily retained attorneys to prosecute the within action. PLAINTIFF therefore is entitled to
15 reasonable attorney's fees and litigation expenses, including expert witness fees and costs,
16 incurred in bringing the within action.

17 151. As a result of DEFENDANTS' actions, PLAINTIFF sustained economic damages
18 to be proven at trial. As a further result of DEFENDANTS' actions, PLAINTIFF suffered non-
19 economic losses including, but not limited to, emotional distress resulting in damages to be
20 proven at trial.

21 152. The above harassing and discriminatory conduct and failure to take reasonable
22 steps to prevent the same violates California's FEHA, Cal. Gov. Code §§ 12940 *et seq.*, and
23 California public policy and entitles PLAINTIFF to all categories of damages.

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FIFTH CAUSE OF ACTION
RETALIATION IN VIOLATION OF THE FEHA
CAL. GOV. CODE § 12900 et seq.
(AGAINST CAL OES, STATE OF CA, AND DOES 1-100)

153. PLAINTIFF re-alleges and incorporates by reference the allegations contained in the preceding paragraphs fully as though set forth at length herein.

154. California Government Code section 12940(h) provides that it is an unlawful employment practice “[f]or any employer . . . or person to discharge, expel, or otherwise discriminate against any person because the person has opposed any practices forbidden under this part or because the person has filed a complaint, testified, or assisted in any proceeding under [FEHA].”

155. PLAINTIFF exercised her rights under FEHA and engaged in legally protected activity, including but not limited to, by notifying DEFENDANTS, and each of them, regarding DEFENDANT BURAS’ discriminatory and harassing conduct.

156. PLAINTIFF’S protected activity under the FEHA was a substantial motivating reason for DEFENDANTS’ decision to discharge Plaintiff and subject her to other adverse employment actions.

157. DEFENDANTS’ discharge of PLAINTIFF has directly and proximately caused PLAINTIFF to suffer lost wages and other benefits of employment in an amount to be proven at trial.

158. As a further direct and proximate result of the acts of DEFENDANTS, and each of them, as alleged above, PLAINTIFF has suffered mental, physical, and emotional distress, including but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and has been generally damaged in an amount to be ascertained at the time of trial.

159. As a further direct and proximate result of the acts of DEFENDANTS, and each of them, as alleged above, PLAINTIFF, will continue to expend sums in the future for the treatment of the emotional, physical, and mental injuries sustained by PLAINTIFF as a result of said DEFENDANTS’, and each of them, acts in an amount to be ascertained at the time of trial.

1 160. As a further direct and proximate result of the above-described acts of
2 DEFENDANTS, and each of them, PLAINTIFF has incurred attorney's fees and costs and,
3 pursuant to the provisions of California Government Code Section 12965(b), PLAINTIFF is
4 entitled to the reasonable value of such attorney's fees.

5
6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff prays judgment as against all Defendants, and each of them, as
8 follows:

9 1. For compensatory damages against all Defendants, and each of them, according to
10 proof;

11 2. For special damages against as according to law against any Defendant allowable
12 via law, and each of them, according to proof;

13 3. For general damages against all Defendants, and each of them, according to proof;

14 4. For costs pursuant to California Code of Civil Procedure section 1032, or as
15 otherwise provided by law;

16 5. For prejudgment interest;

17 6. For an award of costs and attorney's fees, in an amount the court determines to be
18 reasonable, as authorized by the provisions of Government Code section 12965(b), Code of Civil
19 Procedure section 1021.5, or as otherwise provided by law;

20 7. For equitable relief, including injunctive relief where available, including, but not
21 limited to, quantum meruit for services performed, and injunctive relief pursuant to *Harris v. City*
22 *of Santa Monica* (2013) 56 Cal.4th 203;

23 8. Plaintiff seeks injunctive relief requiring CAL OES to provide in-person sexual
24 harassment training, conduct a full investigation into RYAN BURAS' conduct towards female
25 employees and for all employees that failed to take action to be removed from their positions; and

26 //

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9. For such other and further relief as the court deems just and proper.

Dated: January 16, 2024

GOMERMAN | BOURN & ASSOCIATES

By: Maria Bourn
MARIA BOURN
Attorney for Plaintiff
KENDRA BOWYER

DEMAND FOR JURY TRIAL

PLAINTIFF KENDRA BOWYER demands a trial by jury as to all issues so triable.

Dated: January 16, 2024

GOMERMAN | BOURN & ASSOCIATES

By: Maria Bourn
MARIA BOURN
Attorney for Plaintiff
KENDRA BOWYER