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Attorneys for Defendant
CALIFORNIA STATE SENATE

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

CHAD CONDIT, an individual,
Plaintiff,

v.

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

Case No. 24CV017664

EXEMPT FROM FEES (GOV. CODE §6103)

**DEFENDANT’S ANSWER TO PLAINTIFF’S
VERIFIED COMPLAINT FOR DAMAGES
AND EQUITABLE RELIEF**

Complaint filed: September 5, 2024

Defendant CALIFORNIA STATE SENATE (“Defendant”), answers the Verified Complaint for Damages and Equitable Relief (“Complaint”) of Plaintiff CHAD CONDIT (“Plaintiff”), filed on September 5, 2024, as follows¹:

JURISDICTION AND VENUE

1. In response to paragraph 1, no answer is required because those allegations state a legal conclusion and do not allege any facts. In an abundance of caution, Defendant admits that this court has jurisdiction over this action.

¹ Pursuant to Code of Civil Procedure section 446, subdivision (a), this Answer need not be verified.

2. In response to paragraph 2, Defendant does not dispute that it is subject to the jurisdiction of this court.

3. In response to paragraph 3, Defendant does not dispute that venue is proper in this court.

PARTIES

4. In response to paragraph 4, Defendant is informed and believes, and on that basis, admits that Plaintiff was a resident of the State of California during his employment with Defendant. Defendant admits that Plaintiff is a former employee of Defendant. Defendant admits that Senator Alvarado-Gil was both a candidate for Senate and currently the Senator representing the 4th Senate District. Except as admitted, Defendant DENIES each and every remaining allegation contained in this paragraph of the Complaint.

5. In response to paragraph 5, Defendant admits that Plaintiff was formerly employed by Defendant as the Chief of Staff in the Office of Senator Alvarado-Gil. Defendant lacks sufficient information as to whether Plaintiff was the campaign manager for Senator Alvarado-Gil, and on that basis, DENIES that allegation. Except as admitted, Defendant denies each and every remaining allegation contained in this paragraph of the Complaint.

6. In response to paragraph 6, Defendant admits that Marie Alvarado-Gil was elected as a Member of the California State Senate in 2022. Except as admitted, Defendant DENIES each and every remaining allegation contained in this paragraph of the Complaint.

7. In response to paragraph 7, Defendant avers that the California State Senate is a part of the legislative branch of the State of California. Defendant further avers that all employees of the California State Senate are employed by the Senate Rules Committee. Defendant admits that pursuant to the California Constitution, Senator Alvarado-Gil is a Member of the California State Senate. Except as admitted or averred, Defendant denies each and every remaining allegation contained in this paragraph of the Complaint.

FACTUAL BACKGROUND

8. In response to paragraph 8, Defendant admits that Senator Alvarado-Gil is a Member of the California State Senate and represents the 4th Senate district. Defendant avers that all employees of the

California State Senate are employed by the Senate Rules Committee. Except as admitted or averred, Defendant denies each and every remaining allegation contained in this paragraph of the Complaint.

9. In response to paragraph 9, Defendant admits that based on his resume, Plaintiff represented that he previously worked for various elected officials and in the California State Assembly. Except as admitted, Defendant denies each and every remaining allegation contained in this paragraph of the Complaint.

10. In response to paragraph 10, Defendant admits that Senator Alvarado-Gil ran for election to the California State Senate. Defendant lacks sufficient information to admit or deny the remaining allegations in this paragraph, and on that basis, denies the remaining allegations contained in this paragraph of the Complaint.

11. In response to paragraph 11, Defendant admits that Senator Alvarado-Gil was elected to the Senate. Defendant lacks sufficient information to admit or deny the remaining allegations in this paragraph, and on that basis, denies the remaining allegations contained in this paragraph of the Complaint.

12. In response to paragraph 12, Defendant admits that both Plaintiff and Vanessa Bravo were employed by the California State Senate in the Office of Senator Alvarado-Gil. Except as admitted, Defendant denies each and every remaining allegation contained in this paragraph of the Complaint.

13. In response to paragraph 13, Defendant admits it was generally aware that Plaintiff traveled on occasion with Senator Alvarado-Gil as part of his job duties. Except as admitted, Defendant denies each and every remaining allegation contained in this paragraph of the Complaint.

14. In response to paragraph 14, Defendant was not aware of these allegations during Plaintiff's employment with Defendant. Defendant lacks sufficient information to admit or deny the allegations in this paragraph, and on that basis, denies the allegations contained in this paragraph of the Complaint.

15. In response to paragraph 15, Defendant was not aware of these allegations during Plaintiff's employment with Defendant. Defendant lacks sufficient information to admit or deny the allegations in this paragraph, and on that basis, denies the allegations contained in this paragraph of the Complaint.

16. In response to paragraph 16, Defendant was not aware of these allegations during Plaintiff's employment with Defendant. Defendant lacks sufficient information to admit or deny the allegations in this paragraph, and on that basis, denies the allegations contained in this paragraph of the Complaint.

1 17. In response to paragraph 17, Defendants admits that Plaintiff's father was a former member
2 of Congress. Defendant was not aware of the remaining allegations in this paragraph during Plaintiff's
3 employment with Defendant. Except as admitted, Defendant denies each and every remaining allegation
4 contained in this paragraph of the Complaint.

5 18. In response to paragraph 18, Defendant was not aware of these allegations during Plaintiff's
6 employment with Defendant. Defendant lacks sufficient information to admit or deny the allegations in
7 this paragraph, and on that basis, denies the allegations contained in this paragraph of the Complaint.

8 19. In response to paragraph 19, Defendant was not aware of these allegations during Plaintiff's
9 employment with Defendant. Defendant lacks sufficient information to admit or deny the allegations in
10 this paragraph, and on that basis, denies the allegations contained in this paragraph of the Complaint.

11 20. In response to paragraph 20, Defendant was not aware of these allegations during Plaintiff's
12 employment with Defendant. Defendant lacks sufficient information to admit or deny the allegations in
13 this paragraph, and on that basis, denies the allegations contained in this paragraph of the Complaint.

14 21. In response to paragraph 21, Defendant was not aware of these allegations during Plaintiff's
15 employment with Defendant. Defendant lacks sufficient information to admit or deny the allegations in
16 this paragraph, and on that basis, denies the allegations contained in this paragraph of the Complaint.

17 22. In response to paragraph 22, Defendant was not aware of these allegations during Plaintiff's
18 employment with Defendant. Defendant lacks sufficient information to admit or deny the allegations in
19 this paragraph, and on that basis, denies the allegations contained in this paragraph of the Complaint.

20 23. In response to paragraph 23, Defendant was not aware of these allegations during Plaintiff's
21 employment with Defendant. Defendant lacks sufficient information to admit or deny the allegations in
22 this paragraph, and on that basis, denies the allegations contained in this paragraph of the Complaint.

23 24. In response to paragraph 24, Defendant was not aware of these allegations during Plaintiff's
24 employment with Defendant. Defendant lacks sufficient information to admit or deny the allegations in
25 this paragraph, and on that basis, denies the allegations contained in this paragraph of the Complaint.

26 25. In response to paragraph 25, Defendant was not aware of these allegations during Plaintiff's
27 employment with Defendant. Defendant lacks sufficient information to admit or deny the allegations in
28 this paragraph, and on that basis, denies the allegations contained in this paragraph of the Complaint.

26. In response to paragraph 26, Defendant avers that Plaintiff informed Defendant that he injured his back while on personal time. Defendant was aware that Plaintiff sought medical treatment for his back. Defendant was not aware of the remaining allegations in this paragraph during Plaintiff's employment with Defendant. Defendant denies the remaining allegations contained in this paragraph of the Complaint.

27. In response to paragraph 27, Defendant was not aware of these allegations during Plaintiff's employment with Defendant. Defendant lacks sufficient information to admit or deny the allegations in this paragraph, and on that basis, denies the allegations contained in this paragraph of the Complaint.

28. In response to paragraph 28, Defendant was not aware of these allegations during Plaintiff's employment with Defendant. Defendant lacks sufficient information to admit or deny the allegations in this paragraph, and on that basis, denies the allegations contained in this paragraph of the Complaint.

29. In response to paragraph 29, Defendant was not aware of these allegations during Plaintiff's employment with Defendant. Defendant lacks sufficient information to admit or deny the allegations in this paragraph, and on that basis, denies the allegations contained in this paragraph of the Complaint.

30. In response to paragraph 30, Defendant was not aware of these allegations during Plaintiff's employment with Defendant. Defendant lacks sufficient information to admit or deny the allegations in this paragraph, and on that basis, denies the allegations contained in this paragraph of the Complaint.

31. In response to paragraph 31, Defendant was not aware of these allegations during Plaintiff's employment with Defendant. Defendant lacks sufficient information to admit or deny the allegations in this paragraph, and on that basis, denies the allegations contained in this paragraph of the Complaint.

32. In response to paragraph 32, Defendant avers that in or around August 2023, Senator Alvarado-Gil voiced concerns about Plaintiff's work performance, including that the Senator believed that Plaintiff had authorized actions on her behalf without her knowledge. Defendant avers that it issued Plaintiff a Letter of Warning on or about September 15, 2023. Defendant lacks sufficient information to admit or deny the remaining allegations in this paragraph, and on that basis, denies the remaining allegations contained in this paragraph of the Complaint.

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33. In response to paragraph 33, Defendant was not aware of these allegations during Plaintiff's employment with Defendant. Defendant lacks sufficient information to admit or deny the allegations in this paragraph, and on that basis, denies the allegations contained in this paragraph of the Complaint.

34 In response to paragraph 34, Defendant avers that it issued a Letter of Warning to Plaintiff on or about September 15, 2023, for incidents of poor judgment, poor performance, and the failure to adhere to the established Senate Code of Conduct. Defendant was not aware of the remaining allegations in this paragraph during Plaintiff's employment with Defendant. Defendant lacks sufficient information to admit or deny the remaining allegations in this paragraph, and on that basis, denies the remaining allegations contained in this paragraph of the Complaint.

35. In response to paragraph 35, Defendant was aware at some point that Plaintiff underwent a medical procedure. Defendant was not aware of the remaining allegations in this paragraph during Plaintiff's employment with Defendant. Defendant lacks sufficient information to admit or deny the remaining allegations in this paragraph, and on that basis, denies the remaining allegations contained in this paragraph of the Complaint.

36. In response to paragraph 36, Defendant admits that it was aware that Senator Alvarado-Gil informed Plaintiff that he would be terminated from employment with Defendant. Defendant was not aware of the other allegations in this paragraph during Plaintiff's employment with Defendant. Defendant lacks sufficient information to admit or deny the remaining allegations in this paragraph, and on that basis, denies the remaining allegations contained in this paragraph of the Complaint.

37. In response to paragraph 37, Defendant admits that on or about December 18, 2023, Plaintiff was informed that his employment was being terminated and that his last day on Defendant's payroll would be December 31, 2023. Except as admitted, Defendant denies each and every remaining allegation contained in this paragraph of the Complaint.

38. In response to paragraph 38, Defendant denies the allegations of this paragraph of the Complaint.

39. In response to paragraph 39, Defendant denies the allegations of this paragraph of the Complaint.

41. In response to paragraph 41, Defendant admits that it issued a Letter of Warning to Plaintiff on or about September 15, 2023, for incidents of poor judgment, poor performance, and the failure to adhere to the established Senate Code of Conduct. Except as admitted, Defendant denies each and every remaining allegation contained in this paragraph of the Complaint.

42. In response to paragraph 42, Defendant was not aware of these allegations during Plaintiff's employment with Defendant. Defendant lacks sufficient information to admit or deny the allegations in this paragraph, and on that basis, denies the allegations contained in this paragraph of the Complaint.

43. In response to paragraph 43, Defendant admits that Plaintiff filed a government claim on or about June 20, 2024. Defendant avers that on or about July 25, 2024, Plaintiff's government claim was rejected, at least in part, because it was untimely. Except as admitted or averred, Defendant denies each and every remaining allegation contained in this paragraph of the Complaint.

SEXUAL HARASSMENT-QUID PRO QUO

(By PLAINTIFF Against All DEFENDANTS)

44. In response to paragraph 44, no response is required because it alleges no new facts. In an abundance of caution, Defendant denies the allegations in this paragraph of the Complaint.

45. In response to paragraph 45, no response is required because it alleges no new facts and/or alleges a legal conclusion. In an abundance of caution, Defendant denies the allegations in this paragraph of the Complaint.

46. In response to paragraph 46, Defendant denies the allegations in this paragraph of the Complaint.

47. In response to paragraph 47, Defendant denies the allegations in this paragraph of the Complaint.

48. In response to paragraph 48, Defendant denies the allegations in this paragraph of the Complaint.

49. In response to paragraph 49, Defendant denies the allegations in this paragraph of the Complaint.

50. In response to paragraph 50, Defendant denies the allegations in this paragraph of the Complaint.

51. In response to paragraph 51, Defendant admits that Senator Alvarado-Gil is a Member of the California State Senate. Except as admitted, Defendant denies each and every remaining allegation contained in this paragraph of the Complaint.

52. In response to paragraph 52, Defendant denies the allegations in this paragraph of the Complaint.

53. In response to paragraph 53, Defendant denies the allegations in this paragraph of the Complaint.

54. In response to paragraph 54, Defendant denies the allegations in this paragraph of the Complaint.

55. In response to paragraph 55, Defendant denies the allegations in this paragraph of the Complaint.

56. In response to paragraph 56, Defendant denies the allegations in this paragraph of the Complaint.

57. In response to paragraph 57, Defendant denies the allegations in this paragraph of the Complaint.

SECOND CAUSE OF ACTION

SEXUAL HARASSMENT-HOSTILE WORK ENVIRONMENT

(By PLAINTIFF Against All DEFENDANTS)

58. In response to paragraph 58, no response is required because it alleges no new facts. In an abundance of caution, Defendant denies the allegations in this paragraph of the Complaint.

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1 59. In response to paragraph 59, no response is required because it alleges no new facts and/or
2 alleges a legal conclusion. In an abundance of caution, Defendant denies the allegations in this paragraph
3 of the Complaint.

4 60. In response to paragraph 60, Defendant admits that it terminated Plaintiff's employment in
5 December 2023. Except as admitted, Defendant denies each and every remaining allegation contained in
6 this paragraph of the Complaint.

7 61. In response to paragraph 61, Defendant denies the allegations in this paragraph of the
8 Complaint.

9 62. In response to paragraph 62, Defendant denies the allegations in this paragraph of the
10 Complaint.

11 63. In response to paragraph 63, Defendant denies the allegations in this paragraph of the
12 Complaint.

13 64. In response to paragraph 64, Defendant denies the allegations in this paragraph of the
14 Complaint.

15 65. In response to paragraph 65, Defendant denies the allegations in this paragraph of the
16 Complaint.

17 66. In response to paragraph 66, Defendant denies the allegations in this paragraph of the
18 Complaint.

19 67. In response to paragraph 67, Defendant denies the allegations in this paragraph of the
20 Complaint.

21 68. In response to paragraph 68, Defendant denies the allegations in this paragraph of the
22 Complaint.

23 69. In response to paragraph 69, Defendant denies the allegations in this paragraph of the
24 Complaint.

25 70. In response to paragraph 70, Defendant denies the allegations in this paragraph of the
26 Complaint.

27 71. In response to paragraph 71, Defendant denies the allegations in this paragraph of the
28 Complaint.

72. In response to paragraph 72, Defendant denies the allegations in this paragraph of the Complaint.

73. In response to paragraph 73, Defendant denies the allegations in this paragraph of the Complaint.

74. In response to paragraph 74, Defendant denies the allegations in this paragraph of the Complaint.

75. In response to paragraph 75, Defendant denies the allegations in this paragraph of the Complaint.

76. In response to paragraph 76, Defendant denies the allegations in this paragraph of the Complaint.

THIRD CAUSE OF ACTION

DISCRIMINATION IN VIOLATION OF THE FEHA

(By PLAINTIFF Against All DEFENDANTS and DOES)

77. In response to paragraph 77, no response is required because it alleges no new facts. In an abundance of caution, Defendant denies the allegations in this paragraph of the Complaint.

78. In response to paragraph 78, no response is required because it alleges no new facts and/or alleges a legal conclusion. In an abundance of caution, Defendant denies the allegations in this paragraph of the Complaint.

79. In response to paragraph 79, Defendant denies the allegations in this paragraph of the Complaint.

80. In response to paragraph 80, Defendant denies the allegations in this paragraph of the Complaint.

81. In response to paragraph 81, Defendant denies the allegations in this paragraph of the Complaint.

82. In response to paragraph 82, Defendant denies the allegations in this paragraph of the Complaint.

83. In response to paragraph 83, Defendant denies the allegations in this paragraph of the Complaint.

84. In response to paragraph 84, Defendant denies the allegations in this paragraph of the Complaint.

85. In response to paragraph 85, Defendant denies the allegations in this paragraph of the Complaint.

FOURTH CAUSE OF ACTION

RETALIATION IN VIOLATION OF THE FEHA

(By PLAINTIFF Against All DEFENDANTS and DOES)

86. In response to paragraph 86, no response is required because it alleges no new facts. In an abundance of caution, Defendant denies the allegations in this paragraph of the Complaint.

87. In response to paragraph 87, no response is required because it alleges no new facts and/or alleges a legal conclusion. In an abundance of caution, Defendant denies the allegations in this paragraph of the Complaint.

88. In response to paragraph 88, Defendant denies the allegations in this paragraph of the Complaint.

89. In response to paragraph 89, Defendant denies the allegations in this paragraph of the Complaint.

90. In response to paragraph 90, Defendant denies the allegations in this paragraph of the Complaint.

91. In response to paragraph 91, Defendant denies the allegations in this paragraph of the Complaint.

92. In response to paragraph 92, Defendant denies the allegations in this paragraph of the Complaint.

93. In response to paragraph 93, Defendant denies the allegations in this paragraph of the Complaint.

FIFTH CAUSE OF ACTION

FAILURE TO PREVENT HARASSMENT, DISCRIMINATION AND/OR

RETALIATION

(By PLAINTIFF Against All DEFENDANTS and DOES)

95. In response to paragraph 95, no response is required because it alleges a legal conclusion. In an abundance of caution, Defendant denies the allegations in this paragraph of the Complaint.

96. In response to paragraph 96, no response is required because it alleges no new facts and/or alleges a legal conclusion. In an abundance of caution, Defendant denies the allegations in this paragraph of the Complaint.

97. In response to paragraph 97, Defendant denies the allegations in this paragraph of the Complaint.

98. In response to paragraph 98, Defendant denies the allegations in this paragraph of the Complaint.

99. In response to paragraph 99, Defendant denies the allegations in this paragraph of the Complaint.

100. In response to paragraph 100, Defendant denies the allegations in this paragraph of the Complaint.

101. In response to paragraph 101, Defendant denies the allegations in this paragraph of the Complaint.

102. In response to paragraph 102, Defendant denies the allegations in this paragraph of the Complaint.

SIXTH CAUSE OF ACTION

VIOLATION OF CALIFORNIA LABOR CODE SECTION 1102.5

(By PLAINTIFF Against All DEFENDANT and DOES)

103. In response to paragraph 103, no response is required because it alleges no new facts. In an abundance of caution, Defendant denies the allegations in this paragraph of the Complaint.

104. In response to paragraph 104, Defendant avers that all employees of the California State Senate are employed by the Senate Rules Committee. Except as averred, Defendant denies each and every remaining allegation contained in this paragraph of the Complaint.

1 105. In response to paragraph 105, Defendant denies the allegations in this paragraph of the
2 Complaint.

3 106. In response to paragraph 106, Defendant denies the allegations in this paragraph of the
4 Complaint.

5 107. In response to paragraph 107, Defendant denies the allegations in this paragraph of the
6 Complaint.

7 108. In response to paragraph 108, Defendant denies the allegations in this paragraph of the
8 Complaint.

9 109. In response to paragraph 109, Defendant denies the allegations in this paragraph of the
10 Complaint.

11 110. In response to paragraph 110, Defendant denies the allegations in this paragraph of the
12 Complaint.

13 111. In response to paragraph 111, Defendant denies the allegations in this paragraph of the
14 Complaint.

15 112. In response to paragraph 112, Defendant denies the allegations in this paragraph of the
16 Complaint.

17 113. In response to paragraph 113, Defendant denies the allegations in this paragraph of the
18 Complaint.

19 **SEVENTH CAUSE OF ACTION**

20 **VIOLATION OF CALIFORNIA CIVIL CODE SECTION 51.9**

21 **(By PLAINTIFF Against All DEFENDANT and DOES)**

22 114. In response to paragraph 114, no response is required because it alleges no new facts. In an
23 abundance of caution, Defendant denies the allegations in this paragraph of the Complaint.

24 115. In response to paragraph 115, Defendant denies the allegations in this paragraph of the
25 Complaint.

26 116. In response to paragraph 116, Defendant denies the allegations in this paragraph of the
27 Complaint.

1 117. In response to paragraph 117, Defendant denies the allegations in this paragraph of the
2 Complaint.

3 118. In response to paragraph 118, Defendant denies the allegations in this paragraph of the
4 Complaint.

5 119. In response to paragraph 119, no response is required because it alleges a legal conclusion.
6 In an abundance of caution, Defendant denies the allegations in this paragraph of the Complaint.

7 120. In response to paragraph 120, Defendant denies the allegations in this paragraph of the
8 Complaint.

9 121. In response to paragraph 121, Defendant denies the allegations in this paragraph of the
10 Complaint.

11 122. In response to paragraph 122, Defendant denies the allegations in this paragraph of the
12 Complaint.

13 123. In response to paragraph 123, Defendant denies the allegations in this paragraph of the
14 Complaint.

15 **EIGHTH CAUSE OF ACTION**

16 **DECLARATORY RELIEF**

17 **(By PLAINTIFF Against All DEFENDANTS and DOES)**

18 124. In response to paragraph 124, no response is required because it alleges no new facts. In an
19 abundance of caution, Defendant denies the allegations in this paragraph of the Complaint.

20 125. In response to paragraph 125, no response is required because it alleges a legal conclusion.
21 In an abundance of caution, Defendant denies the allegations in this paragraph of the Complaint.

22 126. In response to paragraph 126, no response is required because it alleges a legal conclusion.
23 In an abundance of caution, Defendant denies the allegations in this paragraph of the Complaint.

24 127. In response to paragraph 127, no response is required because it alleges a legal conclusion.
25 In an abundance of caution, Defendant denies the allegations in this paragraph of the Complaint.

26 128. In response to paragraph 128, no response is required because it alleges a legal conclusion.
27 In an abundance of caution, Defendant denies the allegations in this paragraph of the Complaint.
28

SECOND ADDITIONAL DEFENSE

The Complaint and each cause of action are barred by the applicable statutes of limitation, including, but not limited to, the statutes of limitation set forth in Code of Civil Procedure sections 335.1, 337, 338, 339, 340, and/or 342 and Government Code sections 911.2, 945.4, 945.6, 12960, and 12965(b).

THIRD ADDITIONAL DEFENSE

Plaintiff is barred from seeking any damages for the physical or emotional injuries allegedly suffered as a result of employment in that the sole and exclusive remedy in this respect is governed by the California Workers' Compensation Act, California Labor Code sections 3600 *et seq.*

FOURTH ADDITIONAL DEFENSE

The Complaint and each cause of action are barred in whole or in part because all actions and conduct by Defendants and their agents or employees were justified and subject to governmental immunities, including but not limited to, the immunities arising under the United States Constitution and federal law, immunities arising under the California Constitution and California law, immunities arising under California Civil Code Section 47, and immunities arising under the Tort Claims Act, Government Code sections 810 *et seq.*, including sections 815, 815.2, 818, 818.2, 818.8, 820.2, 820.4, 820.6, 820.8, 821.2, 821.6, and 822.2 *et seq.*

FIFTH ADDITIONAL DEFENSE

The Complaint and each cause of action are barred, and the Court lacks jurisdiction over this matter, because Plaintiff failed to exhaust applicable administrative and/or judicial remedies.

SIXTH ADDITIONAL DEFENSE

The Complaint and each cause of action fails to state a claim against Defendant under the California Fair Employment and Housing Act ("FEHA") (Gov. Code §12900 *et seq.*) because the actions taken by Defendant with regard to Plaintiff, and the policies, procedures and standards applied to Plaintiff were job-related and consistent with business necessity, and/or based upon a bona fide occupational qualification.

SEVENTH ADDITIONAL DEFENSE

The Complaint and each pending cause of action therein fails to state a claim against Defendant under the FEHA because the actions taken by Defendant with regard to Plaintiff were based on nondiscriminatory and nonretaliatory reasons. If it is found that Defendant's actions were motivated by

discriminatory and/or retaliatory and nondiscriminatory and/or nonretaliatory reasons, the nondiscriminatory/nonretaliatory reasons alone would have induced Defendant to take such actions.

EIGHTH ADDITIONAL DEFENSE

Plaintiff's claims under the FEHA are barred to the extent they vary from the allegations contained in the administrative charge filed with the appropriate agency.

NINTH ADDITIONAL DEFENSE

The Complaint and each cause of action are barred by the doctrines of estoppel, laches, unclean hands, and/or waiver.

TENTH ADDITIONAL DEFENSE

The Complaint and each cause of action are barred and/or limited because Defendant promulgated and disseminated throughout its workplace policies and procedures designed to prevent prohibited harassment, discrimination, and/or retaliation and to the extent Plaintiff knew, or should have known, about these policies and procedures and unreasonably failed to take advantage of these preventive or corrective opportunities, including but not limited to, using the complaint procedure provided by Defendant that would otherwise have prevented some or all of Plaintiff's alleged harm.

ELEVENTH ADDITIONAL DEFENSE

Defendant is not, by way of principles of respondeat superior or otherwise, vicariously liable for any act or omission of any person.

TWELFTH ADDITIONAL DEFENSE

To the extent Plaintiff is entitled to any recovery, said recoveries must be reduced by the amounts Plaintiff received from any collateral source, and Defendant is entitled to set off such amounts and are also entitled to reimbursement pursuant to Government Code section 985.

THIRTEENTH ADDITIONAL DEFENSE

To the extent Plaintiff is entitled to any recovery, that recovery is barred and/or limited by Government Code section 815.3 against the California State Senate.

PRAYER FOR RELIEF

WHEREFORE, Defendant prays as follows:

1. That the Complaint, and each pending cause of action therein, be dismissed with prejudice;

1 2. That judgment be entered in favor of Defendant and against Plaintiff on the Complaint, and
2 that Plaintiff take nothing by way of the Complaint;

3 3. That Defendant be awarded the costs, expenses and attorneys' fees incurred in this action,
4 including, but not limited to, those costs contemplated by Government Code section 6103 *et seq.*; and

5 4. That the Court grant Defendant such additional relief as it deems proper.
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7 Dated: November 12, 2024

SLOAN SAKAI YEUNG & WONG LLP



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9 By: _____
10 TIM YEUNG

11 Attorneys for Defendant
12 CALIFORNIA STATE SENATE
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

I, the undersigned, am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 555 Capitol Mall, Suite 600, Sacramento, CA 95814.

On November 12, 2024, I served the following document(s) by the method indicated below:

**DEFENDANT'S ANSWER TO VERIFIED COMPLAINT FOR DAMAGES AND
EQUITABLE RELIEF**

- ☒ **United States Mail.** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses on the attached Service List and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
- ☐ **Overnight delivery.** I enclosed the document(s) in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses on the attached Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- ☒ **Electronic Mail.** Courtesy copy via by e-mail of the above document(s) in PDF format were transmitted to the e-mail address(es) of the parties listed below on **November 12, 2024**. No delivery errors were reported.

Alan I. Schimmel, Esq.
Michael W. Parks, Esq.
Arya Rhodes, Esq.
Ashtyne Cofer, Esq.
Schimmel & Parks, APLC
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mwparcs@spattorneys.com
arhodes@spattorneys.com

Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on November 12, 2024, at Sacramento, California.



Angela M. Adame

-PROOF OF SERVICE-