

11/12/2024

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MARIE ALVARADO-GIL
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SACRAMENTO
10

11 CHAD CONDIT, an individual,
12 Plaintiff,

13 v.

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

CASE NO.: 24CV017664
[Unlimited Jurisdiction]

**DEFENDANT MARIE ALVARADO-GIL'S
VERIFIED ANSWER TO PLAINTIFF'S
COMPLAINT**

Complaint Filed: September 5, 2024
Trial Date: Not Set

[Exempt from Fees – Gov. Code § 6103]

1 VERIFIED ANSWER AND AFFIRMATIVE DEFENSES OF DEFENDANT, MARIE ALVARADO-
2 GIL

3 Defendant, MARIE ALVARADO-GIL, (“Defendant”) responds to Plaintiff CHAD CONDIT’s
4 (“Plaintiff”) verified complaint as follows:

5 **I. JURISDICTION AND VENUE**

6 1. In response to paragraph 1 of the Complaint, the allegations contained therein are legal
7 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
8 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

9 2. In response to paragraph 2 of the Complaint, the allegations contained therein are legal
10 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
11 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

12 3. In response to paragraph 3 of the Complaint, the allegations contained therein are legal
13 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
14 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

15 **II. PARTIES**

16 4. In response to paragraph 4 of the Complaint, Plaintiff lacks sufficient information as to
17 the residency of Plaintiff to meaningfully respond. Defendant ALVARADO-GIL denies that Plaintiff
18 was ever an employee of Defendant ALVARADO-GIL. Defendant ALVARADO-GIL admits that
19 Plaintiff was an employee of the Rules Committee of Defendant CALIFORNIA STATE SENATE
20 during the time that Plaintiff served as Chief of Staff to Defendant ALVARADO-GIL.

21 5. In response to paragraph 5 of the Complaint, Defendant ALVARADO-GIL denies that
22 Plaintiff was ever an employee of Defendant ALVARADO-GIL. Defendant ALVARADO-GIL admits
23 that Plaintiff was an employee of the Rules Committee of Defendant CALIFORNIA STATE SENATE
24 during the time that Plaintiff served as Chief of Staff to Defendant ALVARADO-GIL.

25 6. In response to paragraph 6 of the Complaint, Defendant admits that she is a politician
26 who was elected to the California State Senate in 2022.

27 7. In response to paragraph 7 of the Complaint, Defendant ALVARADO-GIL admits that
28 Plaintiff was an employee of the Rules Committee of Defendant CALIFORNIA STATE SENATE

1 during the time that Plaintiff served as Chief of Staff to Defendant ALVARADO-GIL. Defendant
2 ALVARADO-GIL admits that Defendant CALIFORNIA STATE SENATE is the political body in
3 which she is a member. Defendant denies the remainder of the allegations contained in this paragraph.

4 **III. FACTUAL BACKGROUND**

5 8. In response to paragraph 8 of the Complaint, Defendant admits that she is a California
6 State Senator for the 4th Senate District. Defendant denies the remainder of the allegations contained in
7 this paragraph.

8 9. In response to paragraph 9 of the Complaint, Defendant denies that she had been around
9 politics for a long time. Defendant ran for Senate for the first time in 2022. Defendant lacks sufficient
10 knowledge and information to form a belief as to the truth of the remainder of the assertions in this
11 paragraph.

12 10. In response to paragraph 10 of the Complaint, Defendant admits that she ran for the
13 California State Senate in 2022. Defendant admits that she met Plaintiff in or about 2022. Defendant
14 denies that her campaign reached out to Plaintiff or his son to run her campaign. Instead, Plaintiff reached
15 out to Defendant regarding her campaign. In part because of Defendant's unfamiliarity with California's
16 political landscape as a first-time Senator, Plaintiff persuaded Defendant to hire his son's purported
17 consulting agency to help campaign and to work for her actual campaign manager, Matt Riley, run her
18 campaign. Plaintiff never worked for Defendant's campaign except as a volunteer. Defendant lacks
19 sufficient knowledge and information to form a belief as to the truth of the remainder of the assertions
20 in this paragraph.

21 11. In response to paragraph 11 of the Complaint, Defendant admits that she has been married
22 three times. Defendant admits that she won as a Democrat in a Republican district in 2022. Defendant
23 denies that Plaintiff led a successful campaign for Defendant because Defendant's campaign manager
24 was Matt Riley. Defendant lacks sufficient knowledge and information to form a belief as to the truth of
25 the remainder of the assertions in this paragraph.

26 12. In response to paragraph 12 of the Complaint, Defendant ALVARADO-GIL admits that
27 Defendant CALIFORNIA STATE SENATE hired her childhood friend, Vanessa Bravo. Defendant
28 ALVARADO-GIL denies that Plaintiff was ever an employee of Defendant ALVARADO-GIL because

1 Plaintiff was hired by Defendant CALIFORNIA STATE SENATE, not Defendant ALVARADO-GIL.
2 Defendant denies the remainder of the allegations contained in this paragraph.

3 13. In response to paragraph 13 of the Complaint, Defendant admits that Plaintiff was one of
4 the multitude of staff members with whom Defendant frequently traveled as part of the demands of her
5 job as a Senator. Defendant denies the remainder of the allegations contained in this paragraph.

6 14. In response to paragraph 14 of the Complaint, Defendant admits that she has been
7 publicly open about her personal life as part of her campaign, including that she has been married three
8 times, that one of her husbands had cheated on her, and that she had sought an annulment. Defendant
9 admits that she has been publicly open about her being a person of faith who is a cancer survivor.
10 Defendant admits that she has been publicly open that she has sought marital counseling in the past for
11 marital issues and that she has sought emotional counseling in the past due to her battles with cancer.
12 Defendant admits she has discussed those topics in the past, generally, with her staff, including, but not
13 limited to, Plaintiff. Defendant denies the remainder of the allegations contained in this paragraph.

14 15. In response to paragraph 15 of the Complaint, Defendant admits that she has been friends
15 with Plaintiff's wife. Defendant denies the remainder of the allegations contained in this paragraph.

16 16. In response to paragraph 16 of the Complaint, Defendant admits that, at Plaintiff's
17 request, she shared her location with her staff, including but not limited to Plaintiff, to make it easier for
18 her staff to locate her for the purpose of work-related travel. Defendant denies the remainder of the
19 allegations contained in this paragraph.

20 17. In response to paragraph 17 of the Complaint, Defendant lacks sufficient knowledge and
21 information to form a belief as to the truth of the allegations about Plaintiff's father. Defendant denies
22 the remainder of the allegations contained in this paragraph.

23 18. In response to paragraph 18 of the Complaint, Defendant admits that she, on occasion,
24 jokingly referred to Plaintiff and Vanessa Bravo as "Mr. & Mrs. Smith", played by Brad Pitt and
25 Angelina Jolie, respectively, because of an incident, similar to the "Mr. & Mrs. Smith" film, in which
26 Plaintiff and Ms. Bravo mistakenly got into the wrong car when Plaintiff and Ms. Bravo attempted to
27 pick Defendant up from an event. In reminiscing about the incident, Plaintiff and Ms. Bravo joked that

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1 they thought Defendant had been kidnapped. Defendant denies the remainder of the allegations contained
2 in this paragraph.

3 19. In response to paragraph 19 of the Complaint, Defendant admits that, on occasion, a staff
4 member, sometimes Plaintiff, would help Defendant take care of her dog. Sometimes, Defendant's dog
5 and Plaintiff's wife's dog would play together. Defendant admits that Plaintiff was one of multiple
6 people for whom her daughter cut hair while awaiting her beautician credentials. Defendant denies the
7 remainder of the allegations contained in this paragraph.

8 20. In response to paragraph 20 of the Complaint, Defendant admits that she suggested, as a
9 team-building exercise, that staff members take an optional Meyers-Briggs personality test. Defendant
10 denies that she had a goal to find Vanessa Bravo a rich boyfriend. Ms. Bravo was in a serious
11 relationship. Instead, Plaintiff made inappropriate comments to Ms. Bravo on more than one occasion.
12 Defendant denies the remainder of the allegations contained in this paragraph.

13 21. In response to paragraph 21 of the Complaint, Defendant denies the allegations contained
14 in this paragraph.

15 22. In response to paragraph 22 of the Complaint, Defendant admits that it is public
16 knowledge that her husband suffers from Parkinson's disease. Defendant admits that, at the urging of
17 Plaintiff's wife, Defendant went to get her hair and makeup done at Plaintiff's wife's beautician, along
18 with Plaintiff's wife. Plaintiff's wife booked the beautician appointment for herself and Defendant.
19 Defendant denies the remainder of the allegations contained in this paragraph.

20 23. In response to paragraph 23 of the Complaint, Defendant admits that she bumped her
21 head after a crab feed. Defendant admits that she showed Plaintiff the bump in the outdoor hallway of a
22 Quality Inn, fully clothed. Defendant denies that Plaintiff ever entered her hotel room. Defendant denies
23 the remainder of the allegations contained in this paragraph.

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

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

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1 26. In response to paragraph 26 of the Complaint, Defendant denies the allegations contained
2 in this paragraph.

3 27. In response to paragraph 27 of the Complaint, Defendant denies the allegations contained
4 in this paragraph.

5 28. In response to paragraph 28 of the Complaint, Defendant admits that there was a frog
6 named “Chad” that was entered into an annual frog-jumping event. The frog belonged to Defendant’s
7 office, and it was named “Chad” by Plaintiff’s co-workers. “Chad” won a trophy for “shortest jump” in
8 the annual event. Defendant admits that she had Plaintiff’s co-workers sign a letter agreeing to not blame
9 each other for team failures because they office operate as a team. Defendant admits that her husband
10 called into a public comment session and that Defendant did not want her husband to do so in the future.
11 Defendant admits discussing a cruise with Plaintiff’s wife, however, only Defendant and Plaintiff’s wife
12 would have been on the cruise, not Plaintiff. Defendant lacks sufficient knowledge and information to
13 form a belief as to the truth of the allegations about complaints against Vanessa Bravo. Defendant denies
14 the remainder of the allegations contained in this paragraph.

15 29. In response to paragraph 29 of the Complaint, Defendant admits that she advised
16 Plaintiff’s wife that the hospital should do a full blood test on Plaintiff during his stay at the hospital for
17 a back injury. Based on Defendant’s experience with cancer and based on concerns expressed to
18 Defendant by Plaintiff’s wife about a lump on Plaintiff’s breast and that Plaintiff had not been to a doctor
19 in 20 years, Defendant suggested the bloodwork to Plaintiff’s wife. Further, Defendant was concerned
20 about Plaintiff’s consistent drinking and possible illicit drug use and wanted Plaintiff to return to work
21 clean and sober. Plaintiff appeared to Defendant to be under the influence of alcohol and drugs to mask
22 the pain of his injury by using alcohol and prescription drugs without a doctor’s direction. Defendant
23 denies the remainder of the allegations contained in this paragraph.

24 30. In response to paragraph 30 of the Complaint, Defendant admits that, while Plaintiff was
25 out with a serious back injury, she requested a temporary, two-week assignment of a replacement chief
26 of staff to assist with “hell week.” Plaintiff, at the time, refused to accept any help even though he could
27 barely walk and was taking multiple painkillers. Despite Defendant securing a temporary replacement
28 for Plaintiff, he nonetheless returned to work approximately four days later, hobbling and seemingly

1 inebriated from painkillers. Defendant admits that on staff birthdays, the Plaintiff and Plaintiff's co-
2 workers put decorations in the office of the staffer with the birthday. Defendant denies the remainder of
3 the allegations contained in this paragraph.

4 31. In response to paragraph 31 of the Complaint, Defendant admits that shortly after his
5 release from the hospital, Plaintiff attended a senior leadership retreat at Red Rock Casino with his wife
6 despite his back injury. At the time, Plaintiff's wife had a broken arm because she had previously fell
7 into a parked ambulance at the Apricot Festival in Patterson. At the retreat, both Plaintiff and his wife
8 had too much to drink and began bickering. Plaintiff claimed to be on Valium in addition to having too
9 much to drink. Because Plaintiff's wife was inebriated with a broken arm, Defendant wheeled Plaintiff
10 in a wheelchair through the casino to her room while Plaintiff's wife walked along with them on foot.
11 Defendant confiscated the couple's car keys, removed all of her belongings from her suite, and gave her
12 suite to Plaintiff and his wife so they could rest and sober up. Defendant denies the remainder of the
13 allegations contained in this paragraph.

14 32. In response to paragraph 32 of the Complaint, Defendant admits that she had reported
15 some of Plaintiff's repeated inappropriate behavior to Human Resources for Defendant CALIFORNIA
16 STATE SENATE. Defendant denies the remainder of the allegations contained in this paragraph.

17 33. In response to paragraph 33 of the Complaint, Defendant admits that Plaintiff told her a
18 lobbyist allegedly sent Plaintiff naked pictures and allegedly tried to have sex with Plaintiff. Defendant
19 denies the remainder of the allegations contained in this paragraph.

20 34. In response to paragraph 34 of the Complaint, Defendant lacks sufficient knowledge and
21 information to form a belief as to the truth of the allegations that staff members confided in or told things
22 to Plaintiff. Defendant admits that she referred to another legislator in a text saying that she would "jump
23 his bones." However, Defendant has personally apologized to that legislator because the comments were
24 said in jest and Defendant did not intend for the text message to become public. Defendant denies the
25 remainder of the allegations contained in this paragraph.

26 35. In response to paragraph 35 of the Complaint, Defendant lacks sufficient knowledge and
27 information to form a belief as to the truth of the allegations that Vanessa Bravo told anything to Plaintiff.
28 Defendant denies the remainder of the allegations contained in this paragraph.

1 36. In response to paragraph 36 of the Complaint, Defendant admits that she offered to help
2 Plaintiff and his wife by providing a bridge loan from Defendant to find a new place to live because
3 Plaintiff and his wife were being evicted and had one week to find a new place to live. Defendant admits
4 that she had, at Plaintiff's request, bought a Santa Claus outfit for the holiday party. However, Plaintiff
5 happened to be on medical leave at the time of the holiday party so Defendant did not anticipate he would
6 attend. Plaintiff did attend the holiday party. After becoming fall-down drunk at the holiday party,
7 Plaintiff demanded that he be allowed to wear the Santa Claus costume. He ended up in the bathroom
8 with his pants down, yelling loudly. Defendant admits she subsequently advised Plaintiff she no longer
9 wanted him to be her Chief of Staff. Upon hearing that news, Plaintiff loudly yelled at and threatened
10 the life of Defendant, and Defendant believed that Plaintiff was going to attack her in a fit of rage.
11 Because of Plaintiff's history of alcohol and prescription drug use, history of carrying weapons, and
12 history of threats to harm Defendant on multiple occasions, Defendant reasonably believed her safety to
13 be at risk. Defendant was a credible threat to Defendant's physical safety. Later, Defendant learned that
14 Plaintiff had embezzled approximately \$50,000.00 from her campaign. Defendant denies the remainder
15 of the allegations contained in this paragraph.

16 37. In response to paragraph 37 of the Complaint, Defendant denies the allegations contained
17 in this paragraph.

18 38. In response to paragraph 38 of the Complaint, Defendant denies the allegations contained
19 in this paragraph.

20 39. In response to paragraph 39 of the Complaint, the allegations contained therein are legal
21 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
22 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

23 40. In response to paragraph 40 of the Complaint, Defendant lacks sufficient knowledge and
24 information to form a belief as to the truth of the allegations as to Plaintiff's salary or expectations.
25 Defendant denies the remainder of the allegations contained in this paragraph.

26 41. In response to paragraph 41 of the Complaint, Defendant ALVARADO-GIL lacks
27 sufficient knowledge and information to form a belief as to the truth of the allegations as to the actions
28 of any Human Resources representative for Defendant CALIFORNIA STATE SENATE. Defendant

1 ALVARADO-GIL denies the remainder of the allegations contained in this paragraph.

2 42. In response to paragraph 42 of the Complaint, Defendant denies the allegations contained
3 in this paragraph.

4 43. In response to paragraph 43 of the Complaint, the allegations contained therein are legal
5 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
6 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

7 **FIRST CAUSE OF ACTION**

8 **SEXUAL HARASSMENT-QUID PRO QUO**

9 44. In response to paragraph 44 of the Complaint, the allegations contained therein are legal
10 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
11 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

12 45. In response to paragraph 45 of the Complaint, the allegations contained therein are legal
13 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
14 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

15 46. In response to paragraph 46 of the Complaint, the allegations contained therein are legal
16 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
17 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

18 47. In response to paragraph 47 of the Complaint, the allegations contained therein are legal
19 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
20 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

21 48. In response to paragraph 48 of the Complaint, the allegations contained therein are legal
22 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
23 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

24 49. In response to paragraph 49 of the Complaint, the allegations contained therein are legal
25 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
26 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

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1 50. In response to paragraph 50 of the Complaint, the allegations contained therein are legal
2 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
3 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

4 51. In response to paragraph 51 of the Complaint, the allegations contained therein are legal
5 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
6 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

7 52. In response to paragraph 52 of the Complaint, the allegations contained therein are legal
8 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
9 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

10 53. In response to paragraph 53 of the Complaint, the allegations contained therein are legal
11 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
12 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

13 54. In response to paragraph 54 of the Complaint, the allegations contained therein are legal
14 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
15 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

16 55. In response to paragraph 55 of the Complaint, the allegations contained therein are legal
17 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
18 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

19 56. In response to paragraph 56 of the Complaint, the allegations contained therein are legal
20 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
21 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

22 57. In response to paragraph 57 of the Complaint, the allegations contained therein are legal
23 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
24 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

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1 **SECOND CAUSE OF ACTION**

2 **SEXUAL HARASSMENT-HOSTILE WORK ENVIRONMENT**

3 58. In response to paragraph 58 of the Complaint, the allegations contained therein are legal
4 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
5 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

6 59. In response to paragraph 59 of the Complaint, the allegations contained therein are legal
7 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
8 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

9 60. In response to paragraph 60 of the Complaint, the allegations contained therein are legal
10 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
11 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

12 61. In response to paragraph 61 of the Complaint, the allegations contained therein are legal
13 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
14 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

15 62. In response to paragraph 62 of the Complaint, the allegations contained therein are legal
16 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
17 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

18 63. In response to paragraph 63 of the Complaint, the allegations contained therein are legal
19 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
20 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

21 64. In response to paragraph 64 of the Complaint, the allegations contained therein are legal
22 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
23 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

24 65. In response to paragraph 65 of the Complaint, the allegations contained therein are legal
25 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
26 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

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1 66. In response to paragraph 66 of the Complaint, the allegations contained therein are legal
2 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
3 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

4 67. In response to paragraph 67 of the Complaint, the allegations contained therein are legal
5 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
6 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

7 68. In response to paragraph 68 of the Complaint, the allegations contained therein are legal
8 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
9 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

10 69. In response to paragraph 69 of the Complaint, the allegations contained therein are legal
11 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
12 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

13 70. In response to paragraph 70 of the Complaint, the allegations contained therein are legal
14 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
15 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

16 71. In response to paragraph 71 of the Complaint, the allegations contained therein are legal
17 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
18 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

19 72. In response to paragraph 72 of the Complaint, the allegations contained therein are legal
20 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
21 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

22 73. In response to paragraph 73 of the Complaint, the allegations contained therein are legal
23 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
24 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

25 74. In response to paragraph 74 of the Complaint, the allegations contained therein are legal
26 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
27 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

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75. In response to paragraph 75 of the Complaint, the allegations contained therein are legal conclusions that do not contain any factual allegations to which Defendants must respond. To the extent this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

76. In response to paragraph 76 of the Complaint, the allegations contained therein are legal conclusions that do not contain any factual allegations to which Defendants must respond. To the extent this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

THIRD CAUSE OF ACTION

DISCRIMINATION IN VIOLATION OF THE FEHA

77. In response to paragraph 77 of the Complaint, the allegations contained therein are legal conclusions that do not contain any factual allegations to which Defendants must respond. To the extent this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

78. In response to paragraph 78 of the Complaint, the allegations contained therein are legal conclusions that do not contain any factual allegations to which Defendants must respond. To the extent this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

79. In response to paragraph 79 of the Complaint, the allegations contained therein are legal conclusions that do not contain any factual allegations to which Defendants must respond. To the extent this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

80. In response to paragraph 80 of the Complaint, the allegations contained therein are legal conclusions that do not contain any factual allegations to which Defendants must respond. To the extent this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

81. In response to paragraph 81 of the Complaint, the allegations contained therein are legal conclusions that do not contain any factual allegations to which Defendants must respond. To the extent this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

a. In response to paragraph 81a of the Complaint, the allegations contained therein are legal conclusions that do not contain any factual allegations to which Defendants must respond. To the extent this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

b. In response to paragraph 81b of the Complaint, the allegations contained therein are legal

1 conclusions that do not contain any factual allegations to which Defendants must respond.
2 To the extent this paragraph makes any factual allegations against Defendant, Defendant
3 denies those allegations.

4 c. In response to paragraph 81c of the Complaint, the allegations contained therein are legal
5 conclusions that do not contain any factual allegations to which Defendants must respond.
6 To the extent this paragraph makes any factual allegations against Defendant, Defendant
7 denies those allegations.

8 d. In response to paragraph 81d of the Complaint, the allegations contained therein are legal
9 conclusions that do not contain any factual allegations to which Defendants must respond.
10 To the extent this paragraph makes any factual allegations against Defendant, Defendant
11 denies those allegations.

12 82. In response to paragraph 82 of the Complaint, the allegations contained therein are legal
13 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
14 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

15 83. In response to paragraph 83 of the Complaint, the allegations contained therein are legal
16 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
17 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

18 84. In response to paragraph 84 of the Complaint, the allegations contained therein are legal
19 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
20 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

21 85. In response to paragraph 85 of the Complaint, the allegations contained therein are legal
22 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
23 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

24 **FOURTH CAUSE OF ACTION**

25 **RETALIATION IN VIOLATION OF THE FEHA**

26 86. In response to paragraph 86 of the Complaint, the allegations contained therein are legal
27 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
28 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

1 87. In response to paragraph 87 of the Complaint, the allegations contained therein are legal
2 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
3 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

4 88. In response to paragraph 88 of the Complaint, the allegations contained therein are legal
5 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
6 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

7 89. In response to paragraph 89 of the Complaint, the allegations contained therein are legal
8 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
9 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

10 90. In response to paragraph 90 of the Complaint, the allegations contained therein are legal
11 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
12 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

13 91. In response to paragraph 91 of the Complaint, the allegations contained therein are legal
14 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
15 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

16 92. In response to paragraph 92 of the Complaint, the allegations contained therein are legal
17 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
18 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

19 93. In response to paragraph 93 of the Complaint, the allegations contained therein are legal
20 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
21 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

22 **FIFTH CAUSE OF ACTION**

23 **FAILURE TO PREVENT HARASSMENT, DISCRIMINATION AND/OR RETALIATION**

24 94. In response to paragraph 94 of the Complaint, the allegations contained therein are legal
25 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
26 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

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1 95. In response to paragraph 95 of the Complaint, the allegations contained therein are legal
2 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
3 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

4 96. In response to paragraph 96 of the Complaint, the allegations contained therein are legal
5 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
6 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

7 97. In response to paragraph 97 of the Complaint, the allegations contained therein are legal
8 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
9 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

10 98. In response to paragraph 98 of the Complaint, the allegations contained therein are legal
11 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
12 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

13 99. In response to paragraph 99 of the Complaint, the allegations contained therein are legal
14 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
15 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

16 100. In response to paragraph 100 of the Complaint, the allegations contained therein are legal
17 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
18 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

19 101. In response to paragraph 101 of the Complaint, the allegations contained therein are legal
20 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
21 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

22 102. In response to paragraph 102 of the Complaint, the allegations contained therein are legal
23 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
24 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

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1 **SIXTH CAUSE OF ACTION**

2 **VIOLATION OF LABOR CODE SECTION 1102.5**

3 103. In response to paragraph 103 of the Complaint, the allegations contained therein are legal
4 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
5 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

6 104. In response to paragraph 104 of the Complaint, the allegations contained therein are legal
7 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
8 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

9 105. In response to paragraph 105 of the Complaint, the allegations contained therein are legal
10 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
11 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

12 106. In response to paragraph 106 of the Complaint, the allegations contained therein are legal
13 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
14 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

15 107. In response to paragraph 107 of the Complaint, the allegations contained therein are legal
16 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
17 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

18 108. In response to paragraph 108 of the Complaint, the allegations contained therein are legal
19 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
20 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

21 109. In response to paragraph 109 of the Complaint, the allegations contained therein are legal
22 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
23 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

24 110. In response to paragraph 110 of the Complaint, the allegations contained therein are legal
25 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
26 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

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1 111. In response to paragraph 111 of the Complaint, the allegations contained therein are legal
2 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
3 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

4 112. In response to paragraph 112 of the Complaint, the allegations contained therein are legal
5 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
6 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

7 113. In response to paragraph 113 of the Complaint, the allegations contained therein are legal
8 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
9 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

10 **SEVENTH CAUSE OF ACTION**

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

12 114. In response to paragraph 114 of the Complaint, the allegations contained therein are legal
13 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
14 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

15 115. In response to paragraph 115 of the Complaint, the allegations contained therein are legal
16 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
17 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

18 116. In response to paragraph 116 of the Complaint, the allegations contained therein are legal
19 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
20 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

21 117. In response to paragraph 117 of the Complaint, the allegations contained therein are legal
22 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
23 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

24 118. In response to paragraph 118 of the Complaint, the allegations contained therein are legal
25 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
26 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

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119. In response to paragraph 119 of the Complaint, the allegations contained therein are legal conclusions that do not contain any factual allegations to which Defendants must respond. To the extent this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

120. In response to paragraph 120 of the Complaint, the allegations contained therein are legal conclusions that do not contain any factual allegations to which Defendants must respond. To the extent this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

121. In response to paragraph 121 of the Complaint, the allegations contained therein are legal conclusions that do not contain any factual allegations to which Defendants must respond. To the extent this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

122. In response to paragraph 122 of the Complaint, the allegations contained therein are legal conclusions that do not contain any factual allegations to which Defendants must respond. To the extent this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

123. In response to paragraph 123 of the Complaint, the allegations contained therein are legal conclusions that do not contain any factual allegations to which Defendants must respond. To the extent this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

EIGHTH CAUSE OF ACTION

DECLARATORY RELIEF

124. In response to paragraph 124 of the Complaint, the allegations contained therein are legal conclusions that do not contain any factual allegations to which Defendants must respond. To the extent this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

125. In response to paragraph 125 of the Complaint, the allegations contained therein are legal conclusions that do not contain any factual allegations to which Defendants must respond. To the extent this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

126. In response to paragraph 126 of the Complaint, the allegations contained therein are legal conclusions that do not contain any factual allegations to which Defendants must respond. To the extent this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

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1 127. In response to paragraph 127 of the Complaint, the allegations contained therein are legal
2 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
3 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

4 128. In response to paragraph 128 of the Complaint, the allegations contained therein are legal
5 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
6 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

7 129. In response to paragraph 129 of the Complaint, the allegations contained therein are legal
8 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
9 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

10 130. In response to paragraph 130 of the Complaint, the allegations contained therein are legal
11 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
12 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

13 131. In response to paragraph 131 of the Complaint, the allegations contained therein are legal
14 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
15 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

16 132. In response to paragraph 132 of the Complaint, the allegations contained therein are legal
17 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
18 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

19 133. In response to paragraph 133 of the Complaint, the allegations contained therein are legal
20 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
21 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

22 **NINTH CAUSE OF ACTION**

23 **INJUNCTIVE RELIEF**

24 134. In response to paragraph 134 of the Complaint, the allegations contained therein are legal
25 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
26 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

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1 135. In response to paragraph 135 of the Complaint, the allegations contained therein are legal
2 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
3 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

4 a. In response to paragraph 135a of the Complaint, the allegations contained therein are legal
5 conclusions that do not contain any factual allegations to which Defendants must respond.
6 To the extent this paragraph makes any factual allegations against Defendant, Defendant
7 denies those allegations.

8 b. In response to paragraph 135b of the Complaint, the allegations contained therein are legal
9 conclusions that do not contain any factual allegations to which Defendants must respond.
10 To the extent this paragraph makes any factual allegations against Defendant, Defendant
11 denies those allegations.

12 c. In response to paragraph 135c of the Complaint, the allegations contained therein are legal
13 conclusions that do not contain any factual allegations to which Defendants must respond.
14 To the extent this paragraph makes any factual allegations against Defendant, Defendant
15 denies those allegations.

16 d. In response to paragraph 135d of the Complaint, the allegations contained therein are legal
17 conclusions that do not contain any factual allegations to which Defendants must respond.
18 To the extent this paragraph makes any factual allegations against Defendant, Defendant
19 denies those allegations.

20 e. In response to paragraph 135e of the Complaint, the allegations contained therein are legal
21 conclusions that do not contain any factual allegations to which Defendants must respond.
22 To the extent this paragraph makes any factual allegations against Defendant, Defendant
23 denies those allegations.

24 f. In response to paragraph 135f of the Complaint, the allegations contained therein are legal
25 conclusions that do not contain any factual allegations to which Defendants must respond.
26 To the extent this paragraph makes any factual allegations against Defendant, Defendant
27 denies those allegations.

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1 136. In response to paragraph 136 of the Complaint, the allegations contained therein are legal
2 conclusions that do not contain any factual allegations to which Defendants must respond. To the extent
3 this paragraph makes any factual allegations against Defendant, Defendant denies those allegations.

4 **IV. PRAYER FOR RELIEF**

5 With respect to the remaining paragraphs in the Complaint, Defendant alleges that such
6 paragraphs constitute requests for relief to which no response is necessary. To the extent that a response
7 is necessary, Defendant specifically denies that Plaintiff is entitled to any relief whatsoever.

8 **ANSWER**

9 Defendant generally denies each and every allegation and cause of action in Plaintiff's verified
10 complaint.

11 **FIRST AFFIRMATIVE DEFENSE**

12 1. Plaintiff's complaint, and each and every cause of action therein, fails to state facts
13 sufficient to constitute any cause of action against Defendant.

14 **SECOND AFFIRMATIVE DEFENSE**

15 2. Plaintiff's complaint, and each and every cause of action therein, is barred by the
16 applicable statute of limitations.

17 **THIRD AFFIRMATIVE DEFENSE**

18 3. Plaintiff's complaint, and each and every cause of action therein, is barred by the
19 exclusive remedy provisions of the Workers' Compensation Act pursuant to California Labor Code
20 section 3601 et seq.

21 **FOURTH AFFIRMATIVE DEFENSE**

22 4. If Plaintiff has received, or in the future receives, Workers' Compensation benefits by
23 reason of the claimed injuries which give rise to this suit, any judgment rendered in favor of Plaintiff
24 should be reduced by the amount of all Workers' Compensation benefits paid to or on behalf of Plaintiff.

25 **FIFTH AFFIRMATIVE DEFENSE**

26 5. Plaintiff is estopped by his conduct from recovering any relief sought in the complaint,
27 or in any purported cause of action alleged therein.

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1 **SIXTH AFFIRMATIVE DEFENSE**

2 6. By his conduct, Plaintiff has waived any right to recover any relief sought in the
3 complaint, or in any purported cause of action alleged therein.

4 **SEVENTH AFFIRMATIVE DEFENSE**

5 7. Plaintiff's claims are barred by the doctrine of unclean hands.

6 **EIGHTH AFFIRMATIVE DEFENSE**

7 8. The acts of the other named Defendants of which Plaintiff complains were all undertaken
8 outside the scope of their agency and/or employment with this answering Defendant and without the
9 knowledge or consent of this answering Defendant and this answering Defendant may not be held liable
10 therefor.

11 **NINTH AFFIRMATIVE DEFENSE**

12 9. To the extent Plaintiff suffered any symptoms of mental or emotional distress or injury,
13 they were the result of a pre-existing psychological disorder or alternative concurrent cause, and not the
14 result of any act or omission of Defendant.

15 **TENTH AFFIRMATIVE DEFENSE**

16 10. Plaintiff's claims are barred because Plaintiff's term of employment was terminable at
17 will, with or without cause, pursuant to California Labor Code section 2922.

18 **ELEVENTH AFFIRMATIVE DEFENSE**

19 11. If it is found that Plaintiff had a contractual right not to be terminated except for good
20 cause and that Plaintiff was terminated from employment, Plaintiff was terminated with good cause.

21 **TWELFTH AFFIRMATIVE DEFENSE**

22 12. Plaintiff's claims are barred on the ground that as to each and every oral, implied, or other
23 contractual relationship alleged therein, there was a failure of consideration.

24 **THIRTEENTH AFFIRMATIVE DEFENSE**

25 13. Plaintiff's claims are barred on the ground that, as to each and every oral, implied, or
26 other contractual relationship alleged therein, Plaintiff failed to fulfill conditions precedent to the
27 enforcement of any said contract.

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1 **FOURTEENTH AFFIRMATIVE DEFENSE**

2 14. Plaintiff's claims are barred by Plaintiff's failure to exhaust administrative remedies
3 and/or internal grievance procedures.

4 **FIFTEENTH AFFIRMATIVE DEFENSE**

5 15. There existed legitimate, non-discriminatory, and non-retaliatory reasons for the alleged
6 acts of Defendant of which Plaintiff complains.

7 **SIXTEENTH AFFIRMATIVE DEFENSE**

8 16. The alleged acts of which Plaintiff complains were based on reasonable factors other than
9 race, color, national origin, ancestry, sex, religion, creed, gender, marital status, age, sexual orientation,
10 or any other prohibited factor, including Plaintiff's alleged whistleblowing.

11 **SEVENTEENTH AFFIRMATIVE DEFENSE**

12 17. Even if there was discrimination against Plaintiff (which Defendant denies), Plaintiff
13 would have been terminated anyway.

14 **EIGHTEENTH AFFIRMATIVE DEFENSE**

15 18. Plaintiff failed to cooperate in the process of reasonable accommodation.

16 **NINETEENTH AFFIRMATIVE DEFENSE**

17 19. Plaintiff's claims are barred because his perception of conduct alleged to constitute
18 harassment was not reasonable.

19 **TWENTIETH AFFIRMATIVE DEFENSE**

20 20. Plaintiff's claims are barred because alleged incidents of harassment were not sufficiently
21 severe or pervasive so as to alter the terms and conditions of Plaintiff's employment and create an abusive
22 work environment.

23 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

24 21. Plaintiff welcomed any conduct alleged to be harassing.

25 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

26 22. Defendant exercised reasonable care to prevent and promptly correct any allegedly
27 harassing behavior.

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1 **TWENTY-THIRD AFFIRMATIVE DEFENSE**

2 23. Plaintiff unreasonably failed to take advantage of any preventive or corrective
3 opportunities provided by Defendant or to avoid harm otherwise.

4 **TWENTY-FOURTH AFFIRMATIVE DEFENSE**

5 24. Plaintiff's reasonable use of Defendant's procedures to prevent and/or correct the
6 allegedly harassing behavior would have prevented all or some of the alleged harm he claims to have
7 suffered.

8 **TWENTY-FIFTH AFFIRMATIVE DEFENSE**

9 25. Plaintiff was never an employee of Defendant.

10 **TWENTY-SIXTH AFFIRMATIVE DEFENSE**

11 26. Plaintiff's claims are barred because the actions complained of were protected by the free
12 speech provisions of the First Amendment to the United States Constitution.

13 **TWENTY-SEVENTH AFFIRMATIVE DEFENSE**

14 27. Plaintiff's claims for punitive damages are by the California Tort Claims Act.

15 **TWENTY-EIGHTH AFFIRMATIVE DEFENSE**

16 28. Plaintiff's claims are barred because he failed to comply with the requirements of the
17 California Tort Claims Act.

18 **TWENTY-NINTH AFFIRMATIVE DEFENSE**

19 29. Plaintiff's claims are barred because any alleged physical contact with Plaintiffs was
20 undertaken with Plaintiff's consent.

21 **THIRTIETH AFFIRMATIVE DEFENSE**

22 30. Any recovery on Plaintiff's complaint, or any purported cause of action alleged therein,
23 is barred in whole or in part by Plaintiff's failure to mitigate his damages.

24 **THIRTY-FIRST AFFIRMATIVE DEFENSE**

25 31. Any recovery on Plaintiff's complaint or any purported cause of action alleged therein, is
26 barred in whole or in part by after-acquired evidence which independently justified Plaintiff's
27 termination.

28 ///

1 **THIRTY-SECOND AFFIRMATIVE DEFENSE**

2 32. Plaintiff is not entitled to recover punitive or exemplary damages from Defendant on the
3 grounds that any award of punitive or exemplary damages would violate Defendant's constitutional
4 rights under the Due Process Clauses of the Fifth and Fourteenth Amendments of the United States
5 Constitution.

6 **RIGHT TO AMEND AFFIRMATIVE DEFENSES**

7 33. Because the Complaint is couched in vague and conclusory terms, Defendant cannot fully
8 anticipate all defenses that may be applicable to the allegations set forth and the causes of action pleaded
9 therein. Accordingly, Defendant respectfully reserve the right to amend their Answer to assert additional
10 affirmative defenses in the future and to supplement those asserted herein upon further investigation and
11 discovery.

12 **WHEREFORE**, this answering Defendant prays as follows:

- 13 1. That Plaintiff take nothing by his complaint for damages;
14 2. That Plaintiff's complaint herein be dismissed in its entirety with prejudice;
15 3. That Defendant recover its costs of suit herein, including its reasonable attorneys' fees;
16 and
17 4. That the court award such other and further relief as it deems appropriate.

18
19 DATE: November 12, 2024

FISHER & PHILLIPS LLP

20
21
22 By:


Alden J. Parker
David B. Witkin

23 Attorneys for Defendant
24 MARIE ALVARADO-GIL
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I have read the foregoing **DEFENDANT MARIE ALVARADO-GIL'S VERIFIED ANSWER TO PLAINTIFF'S COMPLAINT** and know the contents thereof.

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


Marie Alvarado-Gil (Nov 12, 2024 10:58 PST)

MARIE ALVARADO-GIL

**PROOF OF SERVICE
(CCP § 1013(a) and 2015.5)**

I, the undersigned, am at least 18 years old and not a party to this action. I am employed in the County of Sacramento with the law offices of Fisher & Phillips LLP and its business address is 621 Capitol Mall, Suite 2400, Sacramento, California 95814.

On **November 12, 2024**, I served the foregoing document(s) **DEFENDANT MARIE ALVARADO-GIL'S VERIFIED ANSWER TO PLAINTIFF'S COMPLAINT** on the person(s) listed below as follows:

Alan I. Schimmel, Esq.
Michael W. Parks, Esq.
Arya Rhodes, Esq.
Ashtyne Cofer, Esq.
SCHIMMEL & PARKS, APLC
15303 Ventura Blvd., Suite 650
Sherman Oaks, CA 91403

Attorneys for Plaintiff
CHAD CONDIT

E-Mails: aischimmel@spattorneys.com
mwparks@spattorneys.com
arhodes@spattorneys.com

☒ **[by MAIL]** - I enclosed the document(s) in a sealed envelope or package addressed to the person(s) whose address(es) are listed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in Sacramento, California, in a sealed envelope with postage fully prepaid.

☐ **[by OVERNIGHT DELIVERY]** - I enclosed the document(s) in an envelope or package provided by an overnight delivery carrier and addressed to the person(s) at the address(es) listed above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight carrier.

☐ **[by ELECTRONIC SERVICE]** - Based on a court order or an agreement of the parties to accept service by electronic transmission, I electronically served the document(s) to the person(s) at the electronic service address(es) listed above.

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

Executed **November 12, 2024**, at Sacramento, California.

Shelby Kerner

Print Name

By: _____

Signature