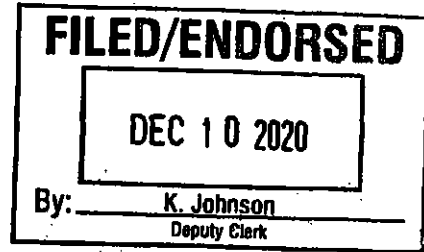


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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF SACRAMENTO**

15 STEVEN LARSON, an individual,

16 Plaintiff,

17 vs.

18 CALIFORNIA GOVERNOR'S OFFICE
19 OF EMERGENCY SERVICES; STATE
20 OF CALIFORNIA; RYAN BURAS and
21 DOES 1-100, inclusive,

22 Defendants.

Case No.: 34-2020-00290271

COMPLAINT FOR:

1. UNLAWFUL RETALIATION IN VIOLATION OF LAB. CODE, § 98.6;
2. UNLAWFUL RETALIATION IN VIOLATION OF LAB. CODE, § 1102.5;
3. UNLAWFUL RETALIATION IN VIOLATION OF LAB. CODE, § 6310;
4. UNLAWFUL RETALIATION IN VIOLATION OF GOV. CODE, § 12940(h);
5. UNLAWFUL RETALIATION IN VIOLATION OF GOV. CODE, § 12945.2(l);
6. FAILURE TO PREVENT DISCRIMINATION IN VIOLATION OF GOV. CODE, § 12940(k); and
7. VIOLATIONS OF THE LABOR CODE PRIVATE ATTORNEYS GENERAL ACT

DEMAND FOR JURY TRIAL

23
24
25 Plaintiff STEVEN LARSON ("Plaintiff" or "Mr. Larson") alleges against defendant
26 CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES ("Cal OES"), defendant
27 STATE OF CALIFORNIA, defendant RYAN BURAS ("Mr. Buras"), and defendant DOES 1
28 through 100, inclusive (collectively, "Defendants"), and each of them, as follows:

GENERAL ALLEGATIONS

1. In or around March 2017, Cal OES hired Mr. Larson to work from their offices in Sacramento, California. Mr. Larson received nothing but praise for his performance and consistently received excellent performance evaluations which lead to two promotions, most recently in February of 2019.

2. In or around June of 2019, Cal OES deployed Mr. Larson to serve as Statewide Debris Removal Manager. While in this position, he observed what he reasonably believed was fraud, as inappropriate payments were linked to services.

Mr. Larson reports fraud and is demoted less than a month later

3. On July 28, 2019, Mr. Larson contacted The Chief of Internal Audits, Ralph Zavala and sent a formal complaint explicitly requesting Whistleblower protection for the fraud he had uncovered. In his email to Mr. Zavala, Mr. Larson explicitly referred to the California Whistleblowers Protection Act (Cal. Gov't section 8547 et seq.) and the suspected fraud in a public contract. Mr. Larson also requested protection for himself and other similarly situated employees, including, but not limited to Sean Smith.

4. Less than a month after his complaint, Cal OES removed Mr. Larson from his Statewide Manger position and issued him a negative probation report (which is equivalent to a negative performance review).

Mr. Larson reports retaliation and unsafe work environment

5. In or around September 2019, Mr. Larson complained internally within Cal OES about the retaliation and about the safety of employees such as himself and other similarly situated employees who were Whistleblowers. Cal OES ignored Mr. Larson's complaints and thus Mr. Larson filed a complaint externally with the Department of Fair Employment and Housing ("DFEH").

Mr. Larson reports claims of sexual harassment against Ryan Buras

6. In October of 2019, Mr. Larson received a complaint from subordinate employees that Mr. Buras, Cal OES Deputy Director for Recovery, was creating a hostile work environment for women. In accordance with workplace policies that require supervisors to report unsafe

1 working conditions, Mr. Larson forwarded the complaint to the internal EEO office.

2 7. In addition, Mr. Larson complained externally to the State Personnel Board about
3 the retaliation for his whistleblowing actions and about an unsafe work environment for
4 Whistleblowers. One employee believed it was so unsafe that he needed to hire security to protect
5 his family.

6 **Mr. Larson placed on administrative leave**

7 8. At the end of October 2019, Cal OES issued Mr. Larson another negative
8 probation report (performance review) and placed him on leave for a bogus nepotism charge. Mr.
9 Larson continued to complain internally about how this was retaliation for his whistleblowing
10 action and unsafe working conditions. His complaints fell on deaf ears.

11 **Mr. Larson receives further demotion**

12 9. In December 2019, Cal OES failed Mr. Larson on probation from his Program
13 Manager 2 position, and when he requested reinstatement rights back to his Program Manager 1
14 position he was demoted out of management in to a Disaster Assistant Program Specialist.

15 **Mr. Larson continues to report retaliation and unsafe work conditions.**

16 10. Since all his internal complaints remained unheard, Mr. Larson complained to the
17 State Auditor's Office and Department of Justice, Department of Homeland Security, and Office
18 of Inspector General for the retaliation he endured for whistleblowing and for protesting unlawful
19 work conditions. Mr. Larson also brought his complaints to Federal Law Enforcement (FBI).

20 **Mr. Larson takes medical leave**

21 11. In January 2020, Mr. Larson returned to work but could not withstand the unsafe
22 and retaliatory conditions and therefore his doctor placed him on medical leave.

23 **Mr. Larson terminated shortly after returning from medical leave**

24 12. On or around March 2020, when Mr. Larson returned from medical leave, he was
25 immediately investigated again for frivolous reasons. Mr. Larson last worked for Defendants on
26 March 12. On March 13, Mr. Larson was placed on administrative leave pending a Skelly review.
27 Effective March 20, 2020, based on pretextual and false accusations of misconduct, Defendants
28 terminated Mr. Larson's employment.

13. Cal OES continuously retaliated and instituted adverse employment action against Mr. Larson and similarly situated employees for his and their complaints and concerns about whistleblower retaliation and workplace safety which dated back to his first complaint made in July of 2019.

14. Further, several other female employees complained about hostile work environment by Mr. Buras. Mr. Larson forwarded their complaint describing how Mr. Buras made it difficult for women in the office, yet despite this information Cal OES did nothing and failed to protect Mr. Larson and their female employees. In addition, Mr. Larson filed numerous internal complaints describing the retaliation and unsafe working conditions for himself and other whistleblowers, but Cal OES continued to retaliate. Instead, Cal OES instituted a retaliation practice working to terminate and discredit whistleblowers following their complaints about fraud and workplace safety.

THE PARTIES

15. Plaintiff STEVEN LARSON is, and at all times herein mentioned was, an adult individual residing in the State of California.

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

17. Plaintiff is informed, believes, and thereon alleges that defendant STATE OF CALIFORNIA is, and at all relevant times herein mentioned was, the proper political entity subject to suit as Plaintiff's employer and as the entity liable or vicariously liable for the acts or omissions of its employees, agencies and subdivisions, including but not limited to Cal OES and Cal OES employees.

18. Plaintiff is informed, believes, and thereon alleges that defendant RYAN BURAS is, and at all relevant times herein mentioned was, an adult individual residing in the State of

1 California and an employee of the STATE OF CALIFORNIA and the CALIFORNIA
2 GOVERNOR'S OFFICE OF EMERGENCY SERVICES.

3 19. Plaintiff is informed, believes, and thereon alleges that each defendant aided and
4 abetted each other such that the principal is liable for acts of each defendant. Plaintiff is informed,
5 believes, and thereon alleges, that at all times mentioned in this Complaint, Defendants were the
6 agents and employees of their co-Defendants, and in doing the things alleged in this Complaint
7 were acting within the course and scope of such agency and employment and acted in such a
8 manner as to ratify the conduct of their co-Defendants.

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

15 21. Plaintiff is informed, believes, and thereon alleges that, at all times herein
16 mentioned, Defendants, and each of them, were the agents of each and all of the other
17 Defendants, and in doing the things hereinafter alleged, were acting in the course and scope of
18 such agency and with the permission and consent of their co-defendants.

19 22. Plaintiff is informed, believes, and thereon alleges that Defendants employed
20 Plaintiff individually and as joint employers and/or as an integrated enterprise. Each defendant
21 exercised substantial control over Plaintiff's compensation, hours, and terms of employment, and
22 knew or should have known of the discriminatory conduct alleged herein and failed to take those
23 corrective measures within its control. Defendants, and each of them, further operated as an
24 integrated enterprise with interrelation of operations, centralized control of labor relations,
25 common management, and/or common ownership or financial control.

26 //

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28 //

JURISDICTION AND VENUE

23. Under article VI, section 10 of the California Constitution and section 12965 of the Government Code, this Court has jurisdiction over the subject matter of this case.

24. Venue is proper in this Court under California Government Code Section 12965(b), which provides that an action for violation of the FEHA may be brought “in any county in the state in which the unlawful practice is alleged to have been committed [or] in the county in which the records relevant to such practice are maintained.” Plaintiff is informed, believes, and thereon alleges that the unlawful employment practices at issue in this action were committed in Sacramento County and/or that the records relevant to the unlawful employment practices at issue in this action are maintained in Sacramento County. The main office of Cal OES is located in Sacramento County at 3650 Schriever Avenue, Mather, CA 95655.

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

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

ADMINISTRATIVE EXHAUSTION

27. On July 1, 2020, Plaintiff presented a government claim for money or damages to the STATE OF CALIFORNIA based on allegations that are the same as, or substantially similar to, the allegations set forth in this complaint. By correspondence, dated July 20, 2020, the California Government Claims Program responded to Plaintiff by referring him to the court system as the appropriate means for resolution of his claim.

28. Plaintiff submitted an administrative complaint to the California Department of Fair Employment and Housing ("DFEH") against Cal OES alleging multiple violations of California Fair Employment and Housing Act ("FEHA"), including the California Family Rights Act ("CFRA"). On October 1, 2020, DFEH issued Plaintiff a right-to-sue letter permitting Plaintiff to file this civil action.

1 Plaintiff had reasonable cause to believe that the information he disclosed to Mr. Zavala disclosed
2 a violation of state law.

3 35. In or around September 2019, Plaintiff engaged in further protected activity when
4 he complained internally to Cal OES regarding the retaliation he began to experience as a result
5 of his disclosure of suspected fraud to Mr. Zavala. Plaintiff challenged his negative probation
6 report as being in retaliation for his disclosure of protected fraud. Plaintiff also reported that he
7 and other whistleblowers were being subjected to dangerous work conditions. Plaintiff had
8 reasonable cause to believe that the information he disclosed to Cal OES disclosed a violation of
9 state law.

10 36. In October 2019, Plaintiff engaged in further protected activity when he forwarded
11 complaints alleging that Ryan Buras was creating a hostile work environment for women to the
12 Cal OES EEO. Plaintiff had reasonable cause to believe that the information he disclosed to Cal
13 OES EEO disclosed a violation of state law.

14 37. Plaintiff further engaged in protected activity when he complained to the State
15 Personnel Board regarding the retaliation he had experienced, and the unsafe work environment
16 reported that he and other whistleblowers were being subjected to dangerous work conditions.
17 Plaintiff had reasonable cause to believe that the information he disclosed to the State Personnel
18 Board disclosed a violation of state law.

19 38. Plaintiff further engaged in protected activity by continuing to complain internally
20 within Cal OES after his demotion in December 2019 that he was being retaliated against as a
21 whistleblower. Plaintiff had reasonable cause to believe that the information he disclosed to Cal
22 OES disclosed a violation of state law.

23 39. Plaintiff further engaged in protected activity by complaining to the State
24 Auditor's Office, Department of Justice, and the FBI about the retaliation he experienced for
25 engaging in whistleblower activity and for protesting the unsafe work conditions for
26 whistleblowers. Plaintiff had reasonable cause to believe that the information he disclosed to
27 State Auditor's Office, Department of Justice, and the FBI disclosed a violation of state law.
28

1 40. Plaintiff refused to participate in Defendants' fraudulent and unlawful activity.
2 Plaintiff had reasonable cause to believe that participating in Defendants' fraudulent and unlawful
3 activity would violate state law.

4 41. Defendants discharged Plaintiff and subjected him to other adverse employment
5 actions, including assigning him work in an unsafe workplace.

6 42. Prior to Plaintiff's discharge, Defendants were aware that Plaintiff had engaged in
7 protected activity.

8 43. Plaintiff's disclosure of information regarding Defendants' fraudulent and
9 unlawful activities and his refusal to participate in those activities was a contributing factor in
10 Defendants' decision to discharge Plaintiff and subject him to other adverse employment actions;
11 thus, Defendants discharged plaintiff and subjected him to other adverse employment actions in
12 violation of Labor Code section 98.6.

13 44. Defendants' discharge of Plaintiff has directly and proximately caused Plaintiff to
14 suffer lost wages and other benefits of employment in an amount to be proven at trial.

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

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

23 **SECOND CAUSE OF ACTION**
24 **(Unlawful Retaliation — Lab. Code, § 1102.5)**
 (Against All Defendants)

25 47. Plaintiff incorporates by this reference each and all of the foregoing allegations as
26 though set forth at length herein.

27 48. Under Labor Code section 1102.5, subdivision (a):
28

1 An employer, or any person acting on behalf of the employer, shall not
2 make, adopt, or enforce any rule, regulation, or policy preventing an
3 employee from disclosing information to a government or law
4 enforcement agency, to a person with authority over the employee, or to
5 another employee who has authority to investigate, discover, or correct the
6 violation or noncompliance, or from providing information to, or
7 testifying before, any public body conducting an investigation, hearing, or
8 inquiry, if the employee has reasonable cause to believe that the
9 information discloses a violation of state or federal statute, or a violation
10 of or noncompliance with a local, state, or federal rule or regulation,
11 regardless of whether disclosing the information is part of the employee's
12 job duties.

13 49. Under Labor Code section 1102.5, subdivision (b):

14 An employer, or any person acting on behalf of the employer, shall not
15 retaliate against an employee for disclosing information, or because the
16 employer believes that the employee disclosed or may disclose
17 information, to a government or law enforcement agency, to a person with
18 authority over the employee or another employee who has the authority to
19 investigate, discover, or correct the violation or noncompliance, or for
20 providing information to, or testifying before, any public body conducting
21 an investigation, hearing, or inquiry, if the employee has reasonable cause
22 to believe that the information discloses a violation of state or federal
23 statute, or a violation of or noncompliance with a local, state, or federal
24 rule or regulation, regardless of whether disclosing the information is part
25 of the employee's job duties.

26 50. Under Labor Code section 1102.5, subdivision (c):

27 An employer, or any person acting on behalf of the employer, shall not
28 retaliate against an employee for refusing to participate in an activity that
would result in a violation of state or federal statute, or a violation of or
noncompliance with a local, state, or federal rule or regulation.

51. Plaintiff's disclosure of information regarding Defendants' fraudulent and
unlawful activities and his refusal to participate in those activities was a contributing factor in
Defendants' decision to discharge Plaintiff and subject him to other adverse employment actions;
thus, Defendants discharged Plaintiff and subjected him to other adverse employment actions in
violation of Labor Code section 1102.5.

52. Defendants' discharge of Plaintiff has directly and proximately caused Plaintiff to
suffer lost wages and other benefits of employment in an amount to be proven at trial.

53. As a further direct and proximate result of the acts of Defendants, and each of
them, as alleged above, Plaintiff has suffered mental, physical, and emotional distress, including

1 but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and has been
2 generally damaged in an amount to be ascertained at the time of trial.

3 54. As a further direct and proximate result of the acts of Defendants, and each of
4 them, as alleged above, Plaintiff, will continue to expend sums in the future for the treatment of
5 the emotional, physical, and mental injuries sustained by Plaintiff as a result of said Defendants',
6 and each of them, acts in an amount to ascertained at the time of trial.

7
8 **THIRD CAUSE OF ACTION**
(Unlawful Retaliation — Lab. Code, § 6310)
9 **(Against All Defendants)**

10 55. Plaintiff incorporates by this reference each and all of the foregoing allegations as
11 though set forth at length herein.

12 56. Under Labor Code section 6310, subdivision (a):

13 No person shall discharge or in any manner discriminate against any
14 employee because the employee has done any of the following:

15 (1) Made any oral or written complaint to the division, other governmental
16 agencies having statutory responsibility for or assisting the division with
17 reference to employee safety or health, his or her employer, or his or her
18 representative.

19 (2) Instituted or caused to be instituted any proceeding under or relating to
20 his or her rights or has testified or is about to testify in the proceeding or
21 because of the exercise by the employee on behalf of himself, herself, or
22 others of any rights afforded him or her.

23 (3) Participated in an occupational health and safety committee established
24 pursuant to Section 6401.7.

25 (4) Reported a work-related fatality, injury, or illness, requested access to
26 occupational injury or illness reports and records that are made or
27 maintained pursuant to Subchapter 1 (commencing with Section 14000) of
28 Chapter 1 of Division 1 of Title 8 of the California Code of Regulations,
or exercised any other rights protected by the federal Occupational Safety
and Health Act (29 U.S.C. Sec. 651 et seq.), except in cases where the
employee alleges he or she has been retaliated against because he or she
has filed or made known his or her intention to file a workers'
compensation claim pursuant to Section 132a, which is under the
exclusive jurisdiction of the Workers' Compensation Appeals Board

57. While employed, Plaintiff made written and oral complaints regarding the unsafe
working conditions for himself and other whistleblowers to Cal OES and other governmental
entities having statutory responsibility regarding government employee health and safety.

58. Plaintiff's reporting of unsafe working conditions was a substantial motivating reason for Defendants' decision to discharge Plaintiff and subject him to other adverse employment actions; thus, Defendants discharged Plaintiff and subjected him to other adverse employment actions in violation of Labor Code section 6310.

59. Defendants' discharge of Plaintiff has directly and proximately caused Plaintiff to suffer lost wages and other benefits of employment in an amount to be proven at trial.

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

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

FOURTH CAUSE OF ACTION

(Unlawful Retaliation — Gov. Code, § 12940(h))

(Against CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES, STATE OF CALIFORNIA, and DOES 1-100)

62. Plaintiff incorporates by this reference each and all of the foregoing allegations as though set forth at length herein.

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

64. Plaintiff exercised his rights under FEHA and engaged in legally protected activity, including but not limited to, by notifying Defendants, and each of them, of the complaints of discrimination and harassment regarding Mr. Buras's conduct towards women.

1 Plaintiff further engaged in protected activity under the FEHA when he reported to DFEH that he
2 was being retaliated against for having forwarded the complaints of discrimination and
3 harassment against Mr. Buras to Cal OES EEO.

4 65. Plaintiff's protected activity under the FEHA was a substantial motivating reason
5 for Defendants' decision to discharge Plaintiff and subject him to other adverse employment
6 actions; thus, Defendants discharged Plaintiff and subjected him to other adverse employment
7 actions in violation of Government Code section 12940, subdivision (h).

8 66. Defendants' discharge of Plaintiff has directly and proximately caused Plaintiff to
9 suffer lost wages and other benefits of employment in an amount to be proven at trial.

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

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

18 69. As a further direct and proximate result of the above-described acts of Defendants,
19 and each of them, Plaintiff has incurred attorney's fees and costs and, pursuant to the provisions
20 of California Government Code Section 12965(b), Plaintiff is entitled to the reasonable value of
21 such attorney's fees.

22 **FIFTH CAUSE OF ACTION**
23 **(Unlawful Retaliation — Gov. Code, § 12945.2(l))**
24 **(Against CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES, STATE OF**
25 **CALIFORNIA, and DOES 1-100)**

26 70. Plaintiff incorporates by this reference each and all of the foregoing allegations as
27 though set forth at length herein.

28 71. California Government Code section 12945.2 provides that it is an unlawful
employment practice "for any employer to refuse to hire, or to discharge, fine, suspend, expel, or

1 discriminate against, any individual because of . . . [a]n individual's exercise of the right to family
2 care and medical leave. . . ."

3 72. Plaintiff exercised his right to medical leave in January 2020.

4 73. When Plaintiff returned from medical leave, he was immediately investigated for
5 based on false allegations that he had committed fraud in a grant application. Within days of his
6 return he was placed on administrative leave pending a Skelly review and then fired.

7 74. Plaintiff's taking of protected medical leave was a substantial motivating reason
8 for Defendants' decision to discharge Plaintiff and subject him to other adverse employment
9 actions; thus, Defendants discharged Plaintiff and subjected him to other adverse employment
10 actions in violation of Government Code section 12945.2, subdivision (l).

11 75. Defendants' discharge of Plaintiff has directly and proximately caused Plaintiff to
12 suffer lost wages and other benefits of employment in an amount to be proven at trial.

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

17 77. As a further direct and proximate result of the acts of Defendants, and each of
18 them, as alleged above, Plaintiff, will continue to expend sums in the future for the treatment of
19 the emotional, physical, and mental injuries sustained by Plaintiff as a result of said Defendants',
20 and each of them, acts in an amount to ascertained at the time of trial.

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

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Failure to Prevent Discrimination — Gov. Code, § 12940(K)
**(AGAINST CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES, STATE
 OF CALIFORNIA, AND DOES 1-100)**

80. California Government Code Section 12940(k) makes it an unlawful employment practice for an employer to "fail to take all reasonable steps necessary to prevent discrimination and harassment from occurring."

82. Plaintiff was subjected to retaliation in the course of his employment.

84. As a result of the failure by Defendants, and each of them, to take all reasonable steps to prevent discrimination and harassment from occurring in the workplace, Plaintiff was continuously subjected to retaliation.

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

1 General pursuant to California Labor Code section 2698 et. seq. and/or California Code of Civil
2 Procedure section 1021.5, and related case law.

3 96. Pursuant to Labor Code § 2699(g)(1), Plaintiff seeks awards of reasonable costs
4 and attorneys' fees in connection with her claims for civil penalties on behalf of herself and other
5 aggrieved employees.

6 **PRAYER FOR RELIEF**

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

- 9 1. For compensatory damages against all Defendants, and each of them, according to proof;
- 10 2. For special damages against all Defendants, and each of them, according to proof;
- 11 3. For general damages against all Defendants, and each of them, according to proof;
- 12 4. For exemplary and punitive damages according to proof;
- 13 5. For costs pursuant to California Code of Civil Procedure section 1032, or as otherwise
14 provided by law;
- 15 6. For prejudgment interest;
- 16 7. For an award of costs and attorney's fees, in an amount the court determines to be
17 reasonable, as authorized by the provisions of Government Code section 12965(b), the Private
18 Attorneys General Act of 2004 ("PAGA") (Labor Code section 2698, *et seq.*), Code of Civil
19 Procedure section 1021.5, or as otherwise provided by law;
- 20 8. For such damages the Court deems just and proper under the California Labor Code,
21 and/or PAGA, or as otherwise provided by law;
- 22 9. For equitable relief, including injunctive relief where available, including, but not limited
23 to, quantum meruit for services performed, and injunctive relief pursuant to *Harris v. City of*
24 *Santa Monica* (2013) 56 Cal.4th 203;

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

2
3 Dated: December 9, 2020

LAW OFFICES OF TANYA GOMERMAN

4
5 By: Maria Bourn
6 MARIA BOURN
7 Attorney for Plaintiff
8 STEVEN LARSON

9 **DEMAND FOR JURY TRIAL**

10 Plaintiff STEVEN LARSON demands a trial by jury as to all issues so triable.

11 Dated: December 9, 2020

LAW OFFICES OF TANYA GOMERMAN

12
13
14 By: Maria Bourn
15 MARIA BOURN
16 Attorney for Plaintiff
17 STEVEN LARSON
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