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Clerk of the Napa Superior Court
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DARLENE ELIA

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF NAPA
(Unlimited Jurisdiction)

Case No. 22CV001127

DARLENE ELIA,
Plaintiff,

v.

CITY OF NAPA; NAPA POLICE
DEPARTMENT; JENNIFER GONZALES;
GARY PITKIN;
and DOES 1 through 10, inclusive,
Defendants.

COMPLAINT FOR DAMAGES

- (1) Discrimination (FEHA)
- (2) Harassment (FEHA)
- (3) Retaliation (FEHA)
- (4) Failure to prevent (FEHA)

JURY TRIAL DEMANDED

INTRODUCTION

1. Plaintiff Darlene Elia ("ELIA") brings this complaint against Defendants CITY OF NAPA; NAPA POLICE DEPARTMENT; JENNIFER GONZALES; and GARY PITKIN (collectively, "NAPA") on account of its persistent discriminatory and retaliatory acts towards her during the course of her employment.

PARTIES

2. Plaintiff ELIA is an individual person, and a resident of Napa County, California. ELIA has been employed by NAPA from November 1, 2002 through the present.

3. Defendant CITY OF NAPA ("NAPA") is a California municipality, the municipality that established, oversees, and funds Defendant NAPA POLICE DEPARTMENT, and is an entity subject to suit before this Court.

4. Defendant NAPA POLICE DEPARTMENT ("NPD"), a California municipal department, and the department that employs Plaintiff. Defendant NPD was at all times material to this Complaint doing business in the City and County of Napa, State of California, and is an entity subject to suit before this Court.

5. Defendant JENNIFER GONZALES is the Police Chief of NPD, and is being sued in her official capacity.

6. Defendant GARY PITKIN is a Captain for NPD, and is being sued in his official capacity

7. ELIA is informed and believes and thereon alleges that each of the defendants herein, including those fictitiously named, were at all times relevant to this action, the agent, employer, partner, supervisor, director, joint employer, managing agent, joint venturer, alter ego or part of an integrated enterprise of the remaining defendants and each were acting within the course and scope of that relationship. ELIA sues defendants on their own right and on the basis of *respondeat superior*.

8. ELIA is further informed and believes and thereon alleges that each of the defendants herein gave consent to, ratified and authorized the acts alleged herein to each of the remaining defendants, including those fictitiously named defendants.

GENERAL ALLEGATIONS

9. ELIA began working as a police officer for NPD in or around November 1, 2002.

10. Throughout her employment, ELIA has suffered from discrimination.

1 11. In or around April 2003, when ELIA was the only female officer working a swing
2 shift, her sergeant (Terry Gonsalves) treated her like a secretary, asking her to make copies for
3 the team, and assigning her duties to make fliers for a team trip. He further treated her
4 differently from her male counterparts by making derogatory statements towards her, and
5 unjustifiably belittling and reprimanding her. ELIA complained about Mr. Gonsalves' behavior,
6 and he was subsequently moved to be a Sergeant for the School Resource Officers (SRO), where
7 he received more complaints about gender discrimination.

8 12. On or around January 2007, ELIA began a new role as a Corporeal / Field
9 Training Officer. In this role, she trained several new officers and acted as the supervisor in the
10 absence of the Sergeant.

11 13. On or around August 2008, ELIA was selected to fill a vacancy for a Detective
12 position. Upon information and belief, she received that position because her female predecessor
13 in the role raised complaints about gender discrimination in NPD's promotion practices and was
14 thereafter promoted.

15 14. In or around 2012, ELIA tested for Sergeant but was passed over for promotion in
16 favor of a male officer (Aaron Medina) who was less qualified. In fact, Mr. Medina could not
17 pass the probationary period in the role and was ultimately demoted back to his officer position.
18 Moreover, Defendant PITKIN (then-Lieutenant in patrol) ignored repeated complaints from
19 multiple female officers that Sgt. Medina engaged in gender and age discrimination and created a
20 hostile work environment for women. Upon information and belief, rather than take their
21 complaints seriously, PITKIN instructed Sgt. Medina to write up the female officers for
22 insubordination.

23 15. In or around July 2012, ELIA was again passed over for Sergeant by a male
24 officer.

25 16. In or around August 2012, ELIA was reprimanded for wearing shorts while
26 "shadowing" a trainee in their final phase of field training, even though male officers were
27 regularly permitted to wear shorts for such an assignment. When ELIA complained about the
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1 disparate treatment, NPD quickly published a new policy barring shorts for everyone.

2 Afterwards, ELIA was ridiculed and harassed by male officers for “ruining it for everyone.”

3 17. In or around December 2012, ELIA was again passed over for Sergeant by a male
4 officer who had less experience than her. Specifically, this male officer was never a Field
5 Training Officer, never a Corporal, never served in a specialty assignment, and was placed on the
6 Sergeant’s list at a lower ranking than ELIA. This was ELIA’s third interview with the Police
7 Chief, and she was removed from the Sergeant’s list afterwards.

8 18. In or around early 2013, ELIA began experiencing signs of post-traumatic stress
9 disorder (PTSD) due to her ongoing assignment as a Detective investigating child sexual assault
10 and child pornography cases. When ELIA went to her Sergeant for assistance with her PTSD
11 symptoms and concerns, however, her request for assistance was ignored.

12 19. In or around June 2013, ELIA sought mental health treatment and was diagnosed
13 with severe PTSD, depression and anxiety. ELIA requested Commander Potter to assign her
14 back to patrol in order to lessen her exposure to child sex cases. Instead of receiving assistance
15 and being permitted to transfer without completing her open caseload (as other officers had been
16 allowed), she was reprimanded for failing to complete her open child sexual assault cases.

17 20. In or around the Spring of 2014, ELIA was on leave for several months due to a
18 work-related shoulder injury. While she was out on leave, NPD conducted Sergeant testing.
19 Because she was on leave at the time of the announcement, she did not receive notice of the
20 Sergeant testing until the day after the deadline to submit an application. She immediately
21 contacted Human Resources to submit a late application, but was not permitted to submit a day-
22 late application. Upon information and belief, NPD and City of Napa had permitted male
23 officers who were out on leave for work-related injuries to submit even later applications in such
24 situations. As a result of City of Napa’s refusal to grant ELIA the accommodation it had
25 previously granted male officers, ELIA was denied entirely the opportunity to test and be
26 promoted.

21. In or around September 2014, ELIA tested for Corporal, and was placed on the list, but was never selected. Instead, NPD extended the assignment for two male officers who were already in the position, and selected a different male officer for the third open position.

22. In or around 2015, ELIA tested for Corporal and was placed on the list, but was not selected. Instead, the position went to a male officer who was 18 months from retirement, in order to give him his “single-highest year” for pension purposes. The other position went to a newer male officer.

23. Further, in or around 2015, ELIA tested for, and was selected to become, a Field Training Officer. But despite the selection and assignment, NPD did not give her a trainee for the entire year.

24. Further, in or around 2015, ELIA tested for Sergeant again, and placed as the second candidate on the list. The list was good for six months with the option to extend for six more months.

25. In or around January 2016, ELIA was passed over for Sergeant by a male officer.

26. In or around April 2016, an Internal Affairs Investigation was initiated against ELIA for failure to investigate a sexual assault. The Sergeant in charge of the investigation determined there was no substantiation of wrong-doing and cleared ELIA of all allegations.

27. In or around May 2016, ELIA was passed over for Sergeant again, despite the fact that all ten Sergeants had recommended she be selected for the position over the other candidate, who was male. The male candidate who was selected was not considered a leader and openly went against Chief Potter’s recommendations to return to patrol if he wanted to get promoted. During her feedback session with Chief Potter, he assured ELIA that her “time will come,” and “just keep doing what you’re doing.”

28. In or around May 2016, Captain Pat Manzer sent the previous Internal Affairs Investigation back to the Sergeant with six additional allegations of violations, and the Sergeant was told to “find” something against ELIA. Upon information and belief, this action was taken against ELIA to provide NPD with pretext for not selecting her for the Sergeant role.

29. In or around June 2016, ELIA remained first on the Sergeant's list with 11 eligible candidates. With the approaching promotion of a Sergeant to Lieutenant in July 2016, she should have been promoted to that vacated position. Additionally, the list had one other female at the top, which would have made two females eligible for the vacated Sergeant position.

30. But instead of actually promoting ELIA, or any other woman, Chief Potter decided to overhaul the testing process entirely. ELIA complained about this course of action to the Civil Service Commission, and even though Chief Potter assured the Civil Service Commission that the testing overhaul could be complete in time for the July 2016 vacancy, it was not. Thus, NPD allowed the Sergeant position to remain vacant for four months afterwards, rather than just promote ELIA as the first person on the list. By this point, NPD had only promoted two women, one of whom was known to be a live-in girlfriend of Chief Potter, and the other of whom had threatened to sue NPD for discrimination.

31. Throughout 2016, ELIA was still not given a single trainee as part of her role of Field Training Officer.

32. In or around 2017, ELIA participated in the new testing process for Sergeant, and dropped to tenth on the list as a result. The new process notably was less objective, permitted personal biases to be taken into account, and did not account for an applicant's history of experience and/or expertise.

33. Throughout 2017, ELIA continued to be passed over for Corporal / Lead Officer positions, so that male officers who were preparing to retire could obtain their "single highest year" for pension purposes.

34. Throughout 2017, ELIA was still not given a single trainee as part of her role as a Field Training Officer.

35. In or around October 2017, ELIA requested a meeting with Chief Potter and Lieutenant Campagna (the Lieutenant in charge of the Field Training Program), to inquire as to why she had never received a single trainee in the approximately two years she had been in the role. She was informed that there were "issues and concerns" with her job performance,

1 although Lieutenant Campagna could not provide any specific examples, and there was no
2 written documentation to support this. During the meeting, ELIA pointed out the disparate
3 treatment at play in her role. For example, she pointed out that a male colleague received
4 trainees, even though he had left his SWAT team rifle in the trunk of a taxi after a night of
5 drinking, and was well-known for being a mediocre (at best) employee. ELIA also pointed out
6 that same male colleague was also given a Corporal / Lead Officer position. At the end of the
7 meeting, Chief Potter ordered the Lieutenant to assign ELIA trainees, but he took no other action
8 on ELIA's complaints of discrimination.

9 36. In or around March 2018, Joanne Fabia (Human Resources) asked ELIA how she
10 was managing with her PTSD symptoms. ELIA informed Ms. Fabia that she felt uncomfortable
11 with her questioning her about her PTSD, and noted that she was performing strongly according
12 to her performance evaluations.

13 37. In or around July 2018, ELIA went on leave for a work-related injury that
14 required two separate surgeries to her right wrist and months of rehabilitation.

15 38. In early 2019, while ELIA was out on leave for her wrist injury, NAPA attempted
16 to push ELIA into retirement entirely because of her PTSD diagnosis. Chief Robert Plummer,
17 who had never met ELIA, had recommended she not be permitted to continue to work as a police
18 officer.

19 39. In or around March 2019, a worker's compensation judge cleared ELIA for full
20 duty work, with no modifications related to her PTSD diagnosis.

21 40. In or around May 2019, ELIA was cleared for light duty on account of her wrist.
22 However, before returning to work, ELIA was contacted by Human Resources to inform her she
23 was being sent to a "fit for duty" analysis based on her PTSD, and that she would be forced to be
24 out on leave until she was cleared by a psychologist. ELIA felt it was inappropriate to be placed
25 on leave because of the perceived effects of her PTSD, especially after a worker's compensation
26 judge had already cleared her to full duty on account of her PTSD.

1 41. In June 2019, ELIA was subjected to an intensive psychological evaluation. At
2 the end of the evaluation, the psychologist confirmed she had PTSD, but again confirmed that
3 ELIA could perform her work without restrictions – neither of which was surprising after the
4 worker’s compensation decision.

5 42. In or around July 2019, ELIA returned to work light-duty in Investigations.

6 43. In or around September 2019, ELIA tested for School Resource Officer (SRO)
7 and Special Operations Lead Officer (SOLO). She was successful in both tests and placed on the
8 eligibility lists.

9 44. Further, in or around September 2019, ELIA was called into Detective Sergeant
10 Amy Hunter’s office to speak with PITKIN. In the meeting, PITKIN alluded to ELIA’s
11 worker’s compensation case, and advised he was concerned about ELIA’s inability to work on
12 sexual assault cases. In response, ELIA reminded PITKIN that her PTSD was under control and
13 that she was cleared to work without any restrictions. Nevertheless, PITKIN subsequently
14 emailed ELIA that she was not permitted to work on any sexual assault cases anymore
15 (regardless of her position).

16 45. ELIA complained about this disability-based discrimination in her work
17 assignments, and ultimately met with Chief Plummer (with PITKIN and Captain Manzer
18 present). At the meeting, Chief Plummer advised her that she should feel “lucky” he was even
19 permitting her to work light-duty in Investigations because “most officers on light-duty work the
20 front counter in Records.” When ELIA pointed out that he was permitting two male officers at
21 that very moment to work light duty, and neither one of them was assigned to the counter, Chief
22 Plummer lifted the restriction of not being allowed to work sexual assault cases and permitted
23 ELIA to continue to work in Investigations on light-duty.

24 46. In or around November 2019, ELIA’s name was the only name on the SRO list
25 and she was selected to fill the position for a grant.

26 47. In or around January 2020, SOLO Tommy Keener was selected to fill a position
27 in Napa Special Investigations Bureau (NSIB). Typically, when a SOLO moves to NSIB, the
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1 SOLO position opens up. In fact, during ELIA's entire tenure with NPD, there has not been a
2 single example of the SOLO being selected from an officer at NSIB (as the NSIB position is not
3 with NPD, works odd hours, and is typically not available for immediate support). In line with
4 that practice, at least three Sergeants requested that Captain Pitkin select ELIA to fill Officer
5 Keener's SOLO role. But instead of providing her with that opportunity, he made the
6 unprecedented decision to permit Officer Keener to remain SOLO while at NSIB, again
7 preventing ELIA from being selected for a better position. When all officers in specialty
8 assignments were assigned back to patrol at the beginning of the COVID pandemic, Officer
9 Keener was the only one who was permitted to count his time working in patrol towards his
10 specialty assignment (because of his SOLO role).

11 48. In or around September 2020, ELIA tested for, and was placed on the eligibility
12 list for the SOLO. She was the only name on the list.

13 49. When all officers assigned to specialty assignments were sent back to their units
14 in or around October 2020, Officer Keener remained in patrol and continued to keep his SOLO
15 assignment, thus there was no SOLO available to those working in Special Operations.

16 50. In or around August 2021, Captain Jennifer Gonzales was promoted to Police
17 Chief, and her first major decision was to promote PITKIN to Captain. ELIA met with
18 GONZALES to voice her concerns about PITKIN's promotion specifically his lack of
19 leadership, multiple issues with female officers throughout the department specific to ELIA and
20 a retired female Sergeant, and his continued incompetency in his job.

21 51. In or around September 2021, ELIA again tested for the SOLO, passed the exam,
22 and was placed first on the eligibility list. Soon afterwards, union negotiations commenced
23 regarding changes to the SOLO assignment, and specifically that the assignment should not be
24 held by anyone in NSIB. During those discussions, PITKIN proposed that the policy be changed
25 so that the SOLO could only be selected from the Special Enforcement Unit (SEU), which
26 revealed his intent to make ELIA ineligible for the SOLO role yet again (even though she was
27 first on the list).

1 52. In or around November 2021, Officer Keener’s SOLO assignment was extended
2 beyond the three-year mark (another unprecedented move), even though he was still expected to
3 return to NSIB, and even though ELIA was at the top of the list and would have received the
4 position had it not been for the unprecedented extension.

5 53. After extending Officer Keener’s SOLO assignment, the final policy was changed
6 that would limit the SOLO position to an officer currently assigned to SEU and the Youth
7 Service Bureau (YSB). But Officer Keener was not assigned to either, and was still on patrol. It
8 was thus pointed out that SEU and YSB had no officers working the SOLO assignment, but NPD
9 refused to fill that position (as ELIA’s name was the next on the list).

10 54. In or around April 2022, Officer Keener was promoted to Sergeant, which left the
11 SOLO position vacant. PITKIN had a conversation with SEU Detective Kevin Skillings
12 regarding Skillings’ desire to leave the unit at the end of the year, which meant ELIA would be
13 the only one eligible to fill the SOLO position. PITKIN offered Det. Skillings an extension to
14 keep him in the unit, thus signaling his intent again to not give ELIA the SOLO position.

15 55. On or around May 19, 2022, ELIA was called into a meeting with Captain Fabio
16 Rodriguez and PITKIN. At the meeting, they explained there were two eligible officers on the
17 SOLO list, ELIA and SEU Detective Kevin Skillings (male). Captain Rodriguez and PITKIN
18 informed ELIA that they were giving the position to Detective Skillings instead of her. Instead
19 of giving her a lead position, they were allowing her to temporarily stay in her SRO assignment
20 in YSB through the summer. When she asked why he was being chosen over her, PITKIN
21 explained that they were looking for someone with gang experience. ELIA knew this rationale
22 was pretextual because the current SEU Sergeant has no gang experience. When ELIA further
23 probed about Detective Skillings, it became clear that he had less experience overall than she
24 did. When she then asked why someone with less experience was being chosen, PITKIN
25 explained that NPD “[they] want to give the younger officers more opportunities.” When ELIA
26 complained that every older male officer over the last 10 years who requested a Lead Officer
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1 assignment at the end of their career for retirement purposes, was given it; PITKIN had no
2 response.

3 56. After the SOLO decision, ELIA learned from multiple Sergeants that they had
4 recommended her for the position, and/or were shocked that Detective Skillings was selected as
5 he was preparing to leave SEU entirely and return to patrol. Upon learning this additional
6 information, and in light of his persistent discriminatory acts, ELIA requested that PITKIN no
7 longer have personal contact with her for work-related issues.

8 57. Soon afterwards, ELIA met with Defendant GONZALES and others about the
9 incident. In this meeting, ELIA complained to Defendant GONZALES that PITKIN had
10 discriminated against her on account of her age, and disclosed his ageist remark to GONZALES.
11 Rather than take any action in response to PITKIN's ageist comments, GONZALES attempted to
12 justify them by insisting that he did "not mean it that way." GONZALES then proceeded to give
13 various pretextual reasons for NPD's refusal to select ELIA for the SOLO assignment, including
14 her purported work attendance, dependability, performance and attitude. Contrary to
15 GONZALES' assessment, however, ELIA has never been informed that there were issues with
16 any of those items. In fact, after the meeting, ELIA's sergeant informed her that he had not been
17 consulted about the selection at all, and that he had no issues whatsoever with ELIA's
18 attendance, dependability, performance, or attitude. He then expressed shock that Detective
19 Skillings was selected over ELIA.

20 58. In a follow-up email dated June 7, 2022, Defendant GONZALES attempted to
21 provide concrete examples of how ELIA's performance was allegedly deficient, but the
22 examples provided were demonstrably pretextual. By way of example, GONZALES alleged that
23 ELIA had "missed scheduled trainings and then [was] unavailable for the make-up session." But
24 the only trainings ELIA has missed in her 20 years of employment with NPD were during
25 periods of leave (due to workplace injuries), or during times when she was absent due to being
26 sick or taking care of a sick child. At no point in her 20-year tenure, had ELIA ever been
27 counselled for missing a training.

67. As further described above, Plaintiff's sex, gender, disability, and/or age were a substantial motivating factor in Defendants' decision, *inter alia*, to deny her advancement opportunities, deny her specialty assignments, hold her to a higher performance standard, and pay her less money.

68. Defendants' conduct constitutes unlawful discrimination in violation of the FEHA.

69. Defendants' conduct described herein was engaged in by managing agents for Defendants and/or ratified by managing agents.

70. As a direct and proximate result of Defendants' wrongful conduct, Plaintiff has suffered damages including, but not limited to, a loss of income and benefits, mental suffering, emotional distress, grief, anxiety, humiliation, shock, indignity, fear, stress, anger, frustration, embarrassment, a sense of increased vulnerability, feelings of stigmatization, and other damages to be proven at the time of trial.

71. Pursuant to Gov't Code § 12965(b), Plaintiff is entitled to reasonable attorney's fees and costs, including expert witness fees.

WHEREFORE, ELIA prays for judgment against defendants as set forth below.

SECOND CAUSE OF ACTION

(Harassment in Violation of the Fair Employment and Housing Act (FEHA),
Gov. Code § 12940(j))

72. Plaintiff repeats, realleges, and incorporates by reference all preceding paragraphs as though fully set forth herein.

73. The California Fair Employment and Housing Act, Government Code § 12900, *et seq.*, prohibits workplace harassment on the basis of sex, gender, disability, and/or age.

74. Government Code § 12940 also requires an employer who knows or should have known of such harassment or take immediate and appropriate corrective action to stop such harassment, and to take all reasonable steps to prevent harassment from occurring.

1 75. ELIA was subjected to unwanted, unwelcomed and inappropriate comments about
2 her sex, gender, disability, and/or age that altered the conditions of her working environment, as
3 stated in the general allegations above.

4 76. Defendants' conduct described herein was engaged in by managing agents for
5 Defendants and/or ratified by managing agents.

6 77. As a direct and proximate result of Defendants' wrongful conduct, Plaintiff has
7 suffered damages including, but not limited to, a loss of income and benefits, mental suffering,
8 emotional distress, grief, anxiety, humiliation, shock, indignity, fear, stress, anger, frustration,
9 embarrassment, a sense of increased vulnerability, feelings of stigmatization, and other damages
10 to be proven at the time of trial.

11 78. Pursuant to Gov't Code § 12965(b), Plaintiff is entitled to reasonable attorney's
12 fees and costs, including expert witness fees.

13 WHEREFORE, ELIA prays for judgment against defendants as set forth below.

14 **THIRD CAUSE OF ACTION**

15 (Retaliation Pursuant to Government Code § 12940(h) against all Defendants)

16 79. Plaintiff repeats, realleges, and incorporates by reference all preceding paragraphs
17 as though fully set forth herein.

18 80. This cause of action is brought pursuant to the California Government Code §
19 12900, *et seq.*, and the corresponding regulations of the California Department of Fair
20 Employment and Housing.

21 81. Defendants' conduct as alleged in this complaint constitutes unlawful retaliation
22 and violates the California Fair Employment and Housing Act, Government Code § 12900, *et*
23 *seq.*, prohibiting workplace retaliation.

24 82. Government Code § 12940(h) prohibits any employer or person from
25 discriminating against any employee because that employee has opposed practices forbidden by
26 Government Code § 12940. In the conduct alleged, Defendants and each of them retaliated
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1 against ELIA for her opposition to harassment and discrimination by management of
2 Defendants.

3 83. As a direct and proximate result of Defendants' unlawful retaliation ELIA has
4 suffered, humiliation and emotional distress in an amount to be established at trial.

5 84. Pursuant to Gov't Code § 12965(b), Plaintiff is entitled to reasonable attorney's
6 fees and costs, including expert witness fees.

7 WHEREFORE, ELIA prays for judgment against defendants as set forth below.

8 **FOURTH CAUSE OF ACTION**

9 (Failure to Prevent Discrimination, Harassment, and Retaliation in Violation of the Fair
10 Employment and Housing Act (FEHA), Gov. Code § 12940(k))

11 85. Plaintiff repeats, realleges, and incorporates by reference all preceding paragraphs
12 as though fully set forth herein.

13 86. This cause of action is brought pursuant to the California Government Code §
14 12900, *et seq.*, and the corresponding regulations of the California Department of Fair
15 Employment and Housing.

16 87. Government Code § 12940(k) requires an employer who knows or should have
17 known of discrimination and/or harassment or take immediate and appropriate corrective action
18 to stop such discrimination and/or harassment, and to take all reasonable steps to prevent the
19 discrimination and/or harassment from occurring.

20 88. Defendants' conduct as alleged in this complaint violates the California Fair
21 Employment and Housing Act, Government Code § 12940(k) because they did not immediate
22 and corrective action to stop the above discriminatory acts and/or harassing conduct from
23 occurring.

24 89. ELIA is informed, believes and thereon alleges that: Defendants (a) had an
25 ineffective policy regarding workplace discrimination/harassment; (b) had ineffective procedures
26 for addressing or investigating complaints of discrimination/harassment; (c) did not adequately
27 investigate ELIA's complaints; and (d) failed to train its employees appropriately. Defendants
28 and each of them knew or should have known about their unwelcome and harassing conduct

1 toward ELIA and were remiss in failing to take immediate and appropriate corrective action.
2 Rather, sexist and ageist conduct was encouraged, ratified, condoned and tolerated if not actually
3 fostered by Defendants' management. Furthermore, Defendants are strictly liable for the
4 unlawful conduct of its supervisors and/or employees.

5 90. Management employees who received ELIA's complaints of discrimination
6 and/or harassment did not take any corrective action regarding her complaints. On some
7 occasions, management employees even witnessed the discriminatory and/or harassing conduct,
8 and still refused to take any corrective action.

9 91. In doing the acts and omissions set forth above, Defendants permitted the
10 discriminatory conduct and/or harassment of ELIA to continue, failed to take immediate and
11 appropriate corrective action to stop the discriminatory and harassment reported by ELIA, failed
12 to prevent the discrimination and harassment from occurring, and ultimately permitted the
13 discriminatory behavior towards ELIA, thereby violating Government Code § 12940(k).

14 92. As a direct and proximate result of Defendants' wrongful conduct, Plaintiff has
15 suffered damages including, but not limited to a loss of income and benefits, mental suffering,
16 emotional distress, grief, anxiety, humiliation, shock, indignity, fear, stress, anger, frustration,
17 embarrassment, a sense of increased vulnerability, feelings of stigmatization, and other damages
18 to be proven at the time of trial.

19 93. Pursuant to Gov't Code § 12965(b), Plaintiff is entitled to reasonable attorney's
20 fees and costs, including expert witness fees.

21 WHEREFORE, ELIA prays for judgment against defendants as set forth below.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff prays for judgment against Defendants, jointly and severally, as
24 follows:

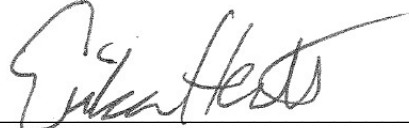
- 25 1. For compensatory damages, including mental anguish, emotional distress, and
26 other special and general damages according to proof;
27

2. For an award of attorneys' fees and costs, including expert costs, pursuant to
Gov't Code § 12965(b); and

3. For such other relief that the Court may deem just and proper.

Dated: September 26, 2022

DUCKWORTH & PETERS LLP

By: 

Mark C. Peters

Erika A. Heath

Attorneys for Plaintiff

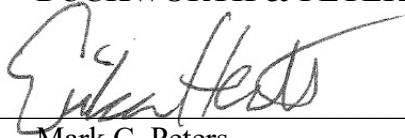
DARLENE ELIA

JURY DEMAND

Plaintiff requests trial by jury on all issues so triable.

Dated: September 26, 2022

DUCKWORTH & PETERS LLP

By: 

Mark C. Peters

Erika A. Heath

Attorneys for Plaintiff

DARLENE ELIA