

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
NORTH COUNTY**

MINUTE ORDER

DATE: 07/17/2026

TIME: 3:00 PM

DEPT: N-28

JUDICIAL OFFICER: DANIEL SEGURA

CLERK: Suzie Kuliha'apai

REPORTER/ERM:

BAILIFF/COURT ATTENDANT:

CASE NO: **24CU007443N** CASE INIT.DATE: 08/19/2024

CASE TITLE: **Link vs Trademark Venues LLC**

CASE CATEGORY: Civil CASE TYPE: (U)Wrongful Termination

HEARING TYPE: Miscellaneous Minute Order

MOVING PARTY:

APPEARANCES

The Court, having taken the above-entitled matter under submission on July 10, 2026, and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, issues the following ruling:

Defendant Trademark Venues, LLC's ("Defendant") motion for summary judgment or, in the alternative, summary adjudication (ROA # 38) is denied in full.

Evidentiary Objections

The Court declines to rule on Defendant's objections to evidence submitted by Plaintiff Karamia Link ("Plaintiff") in opposition to Defendant's motion for summary judgment (ROA # 74). Defendant's filing includes 131 objections to various evidence submitted by Plaintiff. The objections are excessive, superfluous, and present an unjustifiable level of burden on the Court. Such objections burden the record and impose unnecessary inefficiencies on the Court. When objections are asserted as a matter of habit rather than necessity, they serve less as a tool for evidentiary gatekeeping and more as an irritant that detracts from effective advocacy.

By way of just one issue, in boilerplate fashion, Defendant asserts a hearsay objection to over half of the materials objected to. For example, in Objection No. 58 Defendant makes a hearsay objection to the following, "My email of March 22 also again reiterates my complaints about the false gossip and reiterates that I never had any romantic relationship with Jorge at all." In Objection No. 119 Defendant

again makes a hearsay objection to a statement by Plaintiff that “[w]hen I was terminated during this meeting, Angela was smirking.” These objections are frivolous as both are clearly based on Plaintiff’s own perception and/or characterization of her own writing.

As it pertains to Plaintiff, there are instances in which objections are levied within her separate statement response. This is also improper and the Court declines to rule on any objections contained therein.

Discussion

Via this motion, Defendant seeks summary judgment, or alternatively, summary adjudication of 17 issues related to each of Plaintiff’s eight causes of action and punitive damages. The Court addresses each below.

Summary judgment is proper when all the papers submitted on the motion show there are no triable issues of material fact and the moving party is entitled to judgment as a matter of law. (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 843; *Code Civ. Proc.* § 437c(c).) A defendant moving for summary judgment bears an initial burden of showing that one or more elements of the plaintiff’s cause of action cannot be established or that there is a complete defense to that cause of action. (*Aguilar, supra*, 25 Cal.4th at p. 849.) If the defendant meets this burden, the plaintiff has the burden to demonstrate one or more triable issues of material fact as to the cause of action or defense. (*Ibid.*) A triable issue of material fact exists “if, and only if, the evidence would allow a reasonable trier of fact to find the underlying fact in favor of the party opposing the motion in accordance with the applicable standard of proof.” (*Id.* at p. 850.) To establish a triable issue of material fact, the party opposing the motion must produce substantial responsive evidence. (*Sangster v. Paetkau* (1998) 68 Cal.App.4th 151, 166.)

In ruling on a summary judgment/adjudication motion, the Court must “liberally construe” the opposing party’s evidence and “strictly scrutinize” the moving party’s evidence, and “resolve any evidentiary doubts or ambiguities” in favor of the party opposing the motion. (*McDonald v. Antelope Valley Community College District* (2008) 45 Cal.4th 88, 96-97.) Similarly, “any doubts as to the propriety of granting a summary judgment motion should be resolved in favor of the party opposing the motion.” (*Reid v. Google, Inc.* (2010) 50 Cal.4th 512, 535.)

The inclusion of a fact in the moving party’s separate statement concedes that the fact is material. (*Nazir v. United Airlines, Inc.* (2009) 178 Cal.App.4th 243, 252.) As such, if a triable issue is raised as to any facts in the separate statement with respect to an issue, then the motion must be denied. (*Id.*; see also *Insalaco v. Hope Lutheran Church of West Contra Costa County* (2020) 49 Cal.App.5th 506, 521.)

In 2018, the Legislature added *Gov. Code* § 12923 to make summary judgment far more difficult for defendants moving on harassment-based FEHA claims. This Court’s view of these amendments represents a legislative mandate to trial courts to exercise restraint and grant summary judgment only in the most meritless of cases. “Harassment cases are rarely appropriate for disposition on summary judgment. In that regard, the Legislature affirms the decision in *Nazir v. United Airlines, Inc.* (2009) 178 Cal.App.4th 243 and its observation that hostile working environment cases involve issues ‘not determinable on paper.’” (*Gov. Code* § 12923(e).)

Supervisory Role of Mr. Ortiz (Issue No. 1)

Defendant seeks summary adjudication of Plaintiff's First Cause of Action for Sexual Harassment under Gov. Code § 12940(j) arguing it fails as a matter of law because Jorge Ortiz ("Ortiz"), the alleged perpetrator, was not a supervisor.

In support of this position, Defendant puts forth evidence deposition testimony from Plaintiff that identifies her supervisors. It appears from the Court's reading of Plaintiff's opposition that she concedes Ortiz was not her supervisor. However, Plaintiff does not concede Ortiz was not a supervisor. To the contrary, Plaintiff puts forward evidence that Ortiz held the title of Banquet Supervisor and engaged in directing the duties of other employees of Defendant. The foregoing is sufficient to create a disputed issue of material fact.

Defendant's request for summary adjudication of Issue No. 1 is denied.

Adequacy of Defendant's Response (Issue Nos. 2 and 11)

Defendant seeks summary adjudication of Plaintiff's First Cause of Action for Sexual Harassment under Gov. Code § 12940(j) and Plaintiff's Fourth Cause of Action for Failure to Prevent Discrimination and Sexual Harassment under Gov. Code § 12940(k) arguing Defendant immediately and appropriately took all reasonable steps to prevent any further instances of harassment.

In support of its position, Defendant puts forward evidence that, upon receiving Plaintiff's complaints, it commenced an investigation, implemented remedial measures, and prevented Plaintiff from working with Ortiz any further. In response, Plaintiff presents evidence which she characterizes as proof of Defendant failing to take reasonable remedial measures and "manipulating the results of the investigation to be contrary to a finding of sexual harassment." In reviewing the evidence which supports this characterization, the Court finds Plaintiff's evidence sufficient to create a triable issue of material fact. Ultimately, whether Defendant engaged in a good faith effort to address Plaintiff's complaints hinges on witness credibility – a determination reserved exclusively for the trier of fact.

Defendant's request for summary adjudication of Issue Nos. 2 and 11 are denied.

Off-Duty Conduct (Issue No. 3)

Defendant seeks summary adjudication of Plaintiff's First Cause of Action for Sexual Harassment under Gov. Code § 12940(j) arguing it fails as a matter of law because Defendant cannot be held liable for Ortiz's off-duty conduct.

Defendant puts forth evidence Ortiz: (a) admitted to going to Plaintiff's home without her knowledge with the intent to apologize; (b) admitted to sending a stuffed animal gift to Plaintiff's home; and (c) admitted that he made false comments about Plaintiff and Ortiz being in a relationship together. Plaintiff does not dispute the foregoing but adds Ortiz also lied about engaging in sexual relations with Plaintiff.

In seeking summary adjudication of this issue, Defendant's argument is premised on the assumption that all of the foregoing occurred outside of work. As it pertains to Ortiz's false comments about being in a relationship with and/or engaging in sexual relations with Plaintiff, there is no evidence as to where, when, and to whom these comments were made. Instead, the declaration of Angela McAdams states

only that “Ortiz shares that he told his friends that he and Plaintiff were in a relationship...” The preceding is sufficient to create a disputed issue of material fact.

Even if all of the alleged conduct occurred off-duty – a claim Defendant has yet to provide evidence of – Plaintiff’s recovery is still not absolutely barred. FEHA does not limit liability to on-the-clock conduct.

Defendant’s request for summary adjudication of Issue No. 3 is denied.

Severity and Pervasiveness of Conduct (Issue Nos. 4, 10)

Defendant seeks summary adjudication of Plaintiff’s First Cause of Action for Sexual Harassment under *Gov. Code* § 12940(j) and Plaintiff’s Fourth Cause of Action for Failure to Prevent Discrimination and Sexual Harassment under *Gov. Code* § 12940(k) arguing there is no evidence Plaintiff endured “severe” or “pervasive” discrimination or harassment.

Following a review of the totality of voluminous evidence put forward before the Court in conjunction with this motion and opposition, the Court finds a trier of fact could find the subject conduct “severe” and “pervasive.” In reaching this conclusion, the Court places great weight on the following: “Harassment cases are rarely appropriate for disposition on summary judgment. In that regard, the Legislature affirms the decision in *Nazir v. United Airlines, Inc.* (2009) 178 Cal.App.4th 243 and its observation that hostile working environment cases involve issues ‘not determinable on paper.’” (*Gov. Code* § 12923(e).)

Defendant’s request for summary adjudication of Issue Nos. 4 and 10 are denied.

Legitimate Non-Discriminatory Reason for Firing (Issue Nos. 5, 6, 7, 8, 9, 12, 13, and 14)

Defendant seeks summary adjudication of Plaintiff’s Second Cause of Action for Gender Discrimination under *Gov. Code* § 12940(a), Plaintiff’s Third Cause of Action for Retaliation under *Gov. Code* § 12940(h), Plaintiff’s Fifth Cause of Action for Retaliation under *Lab. Code* § 1102.5, and Plaintiff’s Sixth Cause of Action for Retaliation under *Lab. Code* § 98.6 arguing Plaintiff was terminated for legitimate, non-retaliatory reasons that weren’t pretextual.

In support of this argument, Defendant puts forth evidence Plaintiff was terminated for making disparaging comments about Defendant on social media. The post at issue is described as a TikTok video with audio stating, “What do you know about sexual relations? I don’t know nothing much, I’m a little worried about being a slut.” In the caption of the video Plaintiff wrote, “According to my HR, I already am.” As a preliminary matter, and though not raised by Plaintiff in her opposition, there is nothing in the preceding or in the TikTok video itself (Notice of Lodgment, Ex. E) which identifies Defendant. The posts states only “my HR” without referencing Defendant. The post also does not affirmatively include Plaintiff’s name. Though a trier of fact certainly could find the TikTok as falling within the purview of Defendant’s broadly written social media policy, the Court similarly believes a trier of fact could also determine it does not.

The preceding is critical to the consideration of issues such as pretext. As pointed out by Plaintiff in her opposition, pretext can be demonstrated by “weaknesses, implausibility, [and] inconsistencies...in the employer’s proffered legitimate reasons for his action so that a reasonable fact finder could rationally find them unworthy.” Naturally, this involves a weighing of credibility by the trier of fact. The task of weighing

potential indicators of pretext against presumably valid reasons for termination is a fact-finding mission that requires determination by a jury in almost all instances.

Defendant's request for summary adjudication of Issue Nos. 5, 6, 7, 8, 9, 12, 13, and 14 are denied.

Derivative Claims (Issue Nos. 15 and 16)

Defendant seeks summary adjudication of Plaintiff's Seventh Cause of Action for Wrongful Termination in Violation of Public Policy and Eighth Cause of Action for Negligence arguing they are derivative of Plaintiff's harassment and discrimination claims, meaning that if those claims fail then Plaintiff's Wrongful Termination and Negligence claims must fail as well. Given the Court's determination that Plaintiff's harassment and discrimination-based causes of action do not fail, Defendant's motion as to these two causes of action must fail as well.

Punitive Damages (Issue No. 17)

Finally, Defendant seeks adjudication of Plaintiff's request for punitive damages arguing the prayer fails as a matter of law because Plaintiff cannot establish by clear and convincing evidence that any officer, director, or managing agent of Defendant personally engaged in oppression, fraud, or malice towards Plaintiff or authorized or ratified such conduct.

Malice is defined as "conduct which is intended by the defendant to cause injury to plaintiff or despicable conduct which is carried on by the defendant with a willful and conscious disregard of the rights or safety of others." (Civ. Code § 3294(c)(1).) "'Despicable conduct' is conduct which is so vile, base, contemptible, miserable, wretched or loathsome that it would be looked down upon and despised by ordinary decent people." (*Mock v. Michigan Millers Mutual Insurance Co.* (1992) 4 Cal.App.4th 306, 331.) Such conduct has been described as having the character of outrage frequently associated with crime. (*Tomaselli v. Transamerica Insurance Co.* (1994) 25 Cal.App.4th 1269, 1287.)

In determining whether summary adjudication should be granted on a punitive damages claim, the Court should, "...view the evidence presented through the prism of the substantive clear and convincing evidentiary burden." (*American Airlines, Inc. v. Sheppard, Mullin, Richter & Hampton* (2002) 96 Cal.App.4th 1017, 1049.) "[O]n a motion for summary adjudication with respect to a punitive damages claim, the higher evidentiary standard applies. If the plaintiff is going to prevail on a punitive damages claim, he or she can only do so by establishing malice, oppression or fraud by clear and convincing evidence. Thus, any evidence submitted in response to a motion for summary adjudication must necessarily meet that standard." (*Basich v. Allstate Insurance Co.* (2001) 87 Cal.App.4th 1112, 1121.)

For a corporation to be liable for punitive damages a plaintiff must show, by clear and convincing evidence, that the corporation was guilty of oppression, fraud, or malice that is committed, authorized, or ratified by an officer, director, or managing agent of the corporation. The term "managing agent" is meant to apply to those corporate employees who exercise substantial independent authority and judgment in their corporate decision-making so that their decisions ultimately determine corporate policy. (*White v. Ultramar, Inc.* (1999) 21 Cal.4th 563, 566-567.)

Following a review of the arguments and evidence of both parties, the Court finds Plaintiff has submitted evidence sufficient to create a triable issue of fact. Specifically, the Court finds Plaintiff has submitted

evidence that could lead a trier of fact to find Angela McAdams and Andy Conder were both “managing agents” given discretion over corporate policy and in conducting investigations. Despite Defendant’s arguments to the contrary, there is a sufficient threshold of testimony in the record which might lead a trier of fact to a finding of pretext for Plaintiff’s termination.

Defendant’s request for summary adjudication of Issue No. 17 is denied.

Ruling

Defendant’s motion for summary judgment is denied. Defendant’s alternatively sought motion for summary adjudication is also denied in full.

IT IS SO ORDERED.

Daniel Segura

Judge Daniel Segura