

Clerk of the Superior Court  
By S. Allen Thurston, Deputy Clerk

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**IN THE SUPERIOR COURT FOR THE COUNTY OF  
SAN DIEGO, NORTH COUNTY DIVISION**

KARAMIA LINK,

PLAINTIFF,

vs.

TRADEMARK VENUES, LLC; and  
DOES 1-25,

DEFENDANTS.

Case No.:

COMPLAINT FOR DAMAGES AND  
DEMAND FOR JURY TRIAL FOR:

- (1) Sexual Harassment in violation of FEHA;
- (2) Discrimination in violation of FEHA;
- (3) Retaliation for Reporting and Resisting Sexual Harassment in violation of FEHA;
- (4) Failure to Prevent Sexual Harassment in violation of FEHA;
- (5) Retaliation for Reporting and Resisting Illegal Conduct;
- (6) Retaliation for Exercising Rights of an Employee;
- (7) Wrongful Termination in Violation of Public Policy;
- (8) Negligence

**TO THE CLERK OF THE COURT, THE PARTIES AND COUNSEL:**

1. By this action, PLAINTIFF seeks penalties, damages, restitution, and any other remedies the Court deems just, due to the misconduct committed by the

**COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL**

1 DEFENDANTS as alleged in this Complaint for violations including, but not  
2 limited to, sexual harassment and wrongful retaliation.

3 2. Pursuant to Government Code § 12923, made effective January 1, 2019,  
4 entitled “Application of laws about harassment; legislative intent”:

5 The Legislature hereby declares its intent with regard to application of  
6 the laws about harassment contained in this part.

7 (a) The purpose of these laws is to provide all Californians with an equal  
8 opportunity to succeed in the workplace and should be applied  
9 accordingly by the courts. The Legislature hereby declares that  
10 harassment creates a hostile, offensive, oppressive, or intimidating work  
11 environment and deprives victims of their statutory right to work in a  
12 place free of discrimination when the harassing conduct sufficiently  
13 offends, humiliates, distresses, or intrudes upon its victim, so as to  
14 disrupt the victim's emotional tranquility in the workplace, affect the  
15 victim's ability to perform the job as usual, or otherwise interfere with  
16 and undermine the victim's personal sense of well-being. In this regard,  
17 the Legislature affirms its approval of the standard set forth by Justice  
18 Ruth Bader Ginsburg in her concurrence in Harris v. Forklift Systems  
19 (1993) 510 U.S. 17 that in a workplace harassment suit “the plaintiff  
20 need not prove that his or her tangible productivity has declined as a  
21 result of the harassment. It suffices to prove that a reasonable person  
22 subjected to the discriminatory conduct would find, as the plaintiff did,  
23 that the harassment so altered working conditions as to make it more  
24 difficult to do the job.” (Id. at 26).

25 (b) A single incident of harassing conduct is sufficient to create a triable  
26 issue regarding the existence of a hostile work environment if the  
27 harassing conduct has unreasonably interfered with the plaintiff's work  
performance or created an intimidating, hostile, or offensive working  
environment. In that regard, the Legislature hereby declares its rejection  
of the United States Court of Appeals for the 9th Circuit's opinion  
in Brooks v. City of San Mateo (2000) 229 F.3d 917 and states that the  
opinion shall not be used in determining what kind of conduct is  
sufficiently severe or pervasive to constitute a violation of the California  
Fair Employment and Housing Act.

1 (c) The existence of a hostile work environment depends upon the  
2 totality of the circumstances and a discriminatory remark, even if not  
3 made directly in the context of an employment decision or uttered by a  
4 non-decisionmaker, may be relevant, circumstantial evidence of  
5 discrimination. In that regard, the Legislature affirms the decision  
6 in Reid v. Google, Inc. (2010) 50 Cal.4th 512 in its rejection of the  
7 “stray remarks doctrine.”

8 (d) The legal standard for sexual harassment should not vary by type of  
9 workplace. It is irrelevant that a particular occupation may have been  
10 characterized by a greater frequency of sexually related commentary or  
11 conduct in the past. In determining whether or not a hostile environment  
12 existed, courts should only consider the nature of the workplace when  
13 engaging in or witnessing prurient conduct and commentary is integral  
14 to the performance of the job duties. The Legislature hereby declares its  
15 disapproval of any language, reasoning, or holding to the contrary in the  
16 decision Kelley v. Conco Companies (2011) 196 Cal.App.4th 191.

17 (e) Harassment cases are rarely appropriate for disposition on summary  
18 judgment. In that regard, the Legislature affirms the decision in Nazir v.  
19 United Airlines, Inc. (2009) 178 Cal.App.4th 243 and its observation  
20 that hostile working environment cases involve issues “not determinable  
21 on paper.”

22 3. PLAINTIFF KARAMIA LINK (hereinafter “PLAINTIFF”) is an  
23 individual, residing in the County of Riverside, State of California.

24 4. Defendant TRADEMARK VENUES, LLC (hereinafter, “DEFENDANT  
25 TRADEMARK”) is a California business entity registered with the State of  
26 California with its principal place of business located at 2938 Reche Road,  
27 Fallbrook, CA 92028, in the County of San Diego.

5. All Defendants are sometimes collectively referred to as  
“DEFENDANTS”, but conduct attributable to only one DEFENDANT or specific  
DEFENDANTS will be specified by the names above.

6. The true names and capacities, whether individual, corporate, associate,  
or otherwise of the Defendants named herein as DOES 1 through 25, are unknown

1 to PLAINTIFF at this time. PLAINTIFF therefore sues said Defendants by such  
2 fictitious names pursuant to § 474 of the California Code of Civil Procedure.  
3 PLAINTIFF will seek leave to amend this Complaint to allege the true names and  
4 capacities of DOES 1 through 25 when their names are ascertained. PLAINTIFF  
5 is informed and believes, and based thereon alleges, that each of the DOE  
6 Defendants is in some manner liable to PLAINTIFF for the events and actions  
7 alleged herein.

8 7. PLAINTIFF is informed, believes, and based thereon alleges, that at all  
9 times relevant, each Defendant was acting as an agent, joint venturer, and/or alter  
10 ego for each of the other Defendants, and each were co-conspirators with respect to  
11 the acts and the wrongful conduct alleged herein so that each is responsible for the  
12 acts of the other in connection with the conspiracy in such wrongful acts with the  
13 other Defendants.

14 8. PLAINTIFF is informed, believes, and based thereon alleges, that each  
15 Defendant was acting partly within and partly without the scope and course of their  
16 employment, and was acting with the knowledge, permission, consent, and  
17 ratification of every other Defendant.

18 9. PLAINTIFF is informed and believes, and therefore alleges, that each  
19 of the Defendants was an agent, managing general partner, managing member,  
20 owner, co-owner, partner, employee, and/or representative of each of the  
21 Defendants and was at all times material hereto, acting within the purpose and  
22 scope of such agency, employment, contract and/or representation, and that each of  
23 them is jointly and severally liable to PLAINTIFF.

24 10. PLAINTIFF is informed and believes, and therefore alleges, that each  
25 of the Defendants is liable to PLAINTIFF under legal theories and doctrines  
26 including but not limited to (1) joint employer; (2) integrated enterprise; (3)  
27 agency; and/or (4) alter ego, based in part, on the facts set forth below.

1 11. PLAINTIFF is informed and believes, and therefore alleges, that each  
2 of the named Defendants are part of an integrated enterprise and have acted or  
3 currently act as the employer and/or joint employer of PLAINTIFF making each of  
4 them liable for the violations alleged herein.

5 **FACTUAL ALLEGATIONS**

6 12. DEFENDANT TRADEMARK is a wedding events coordinator.

7 13. At all relevant times, DEFENDANTS have employed at least 5 or more  
8 employees.

9 14. PLAINTIFF was hired in or about August 2022 to work in the position  
10 of Event Planner, and was eventually promoted to Event Planner II.

11 15. During PLAINTIFF'S employment, she began to suffer ongoing and  
12 repeated sexual harassment by a coworker both during working hours and during  
13 non-working hours.

14 16. All such sexual harassment behavior by PLAINTIFF'S coworker was  
15 objectionable, unwanted, and unconsented to.

16 17. The sexual harassment behavior by PLAINTIFF'S coworker was severe  
17 and pervasive, unreasonably interfered with PLAINTIFF'S ability to perform the  
18 duties of her job, and also the behavior seriously affected PLAINTIFF'S  
19 psychological well-being.

20 18. At no point ever did PLAINTIFF participate in, invite, or be open to any  
21 sexual advances or sexual behavior by her coworker.

22 19. PLAINTIFF considered the working environment to be hostile and  
23 abusive towards her as a direct result of the sexual harassment committed by her  
24 coworker.

25 20. Furthermore, a reasonable woman in PLAINTIFF'S position would  
26 have also considered the environment to be hostile and abusive towards  
27 PLAINTIFF.

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1           21. PLAINTIFF reasonably believed that such behavior was illegal,  
2 amounting to sexual harassment and hostile work environment.

3           22. PLAINTIFF submitted multiple complaints to her supervisors and  
4 managers and requested that the sexual harassment be investigated for rectification  
5 and correction.

6           23. DEFENDANTS knew, and had reason to know, about the sexual  
7 harassment being inflicted upon PLAINTIFF, not only by virtue of PLAINTIFF'S  
8 own complaints but also by the comments and observations of others in the  
9 workplace.

10          24. Unfortunately, however, DEFENDANTS refused and failed to undertake  
11 reasonable investigation into PLAINTIFF'S complaints, which includes  
12 DEFENDANTS' managing agents failing and refusing to even interview the  
13 perpetrator of the sexual harassment for more than an entire calendar year and  
14 failing and refusing to remove the perpetrator from the same schedule as  
15 PLAINTIFF for more than an entire calendar year.

16          25. DEFENDANTS also refused and failed to undertake reasonable steps to  
17 protect PLAINTIFF from the harassment.

18          26. As a direct and proximate result of DEFENDANTS' refusal and failure  
19 to undertake reasonable investigation and refusal and failure to undertake  
20 reasonable steps to protect PLAINTIFF, the perpetrator became emboldened and,  
21 instead of ceasing his sexual harassment conduct, he continued and persisted to  
22 engage in more actions of sexual harassment of PLAINTIFF.

23          27. On multiple occasions PLAINTIFF complained about and protested the  
24 fact that her complaints about sexual harassment were not being taken seriously  
25 and were not being investigated, and also complained about and protested  
26 DEFENDANTS' failures and refusals to take reasonable steps to protect her from  
27 such sexual harassment.

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1       28. Eventually, DEFENDANTS suggestion was to remove PLAINTIFF  
2 from her schedule and reassign her to different venues, instead of removing the  
3 perpetrator, which would have effectively resulted in a demotion of PLAINTIFF  
4 because being reassigned from her preferred venue caused her to suffer less  
5 financial gain and to be deprived from the ability to earn points towards upward  
6 momentum within the company.

7       29. PLAINTIFF then protested the fact that DEFENDANTS' choice in  
8 action would have been to remove PLAINTIFF from her schedule and reassign her  
9 to different venues, instead of removing the perpetrator, which would have  
10 effectively resulted in a demotion of PLAINTIFF.

11       30. DEFENDANTS thereafter failed to take reasonable steps to ensure that  
12 PLAINTIFF would not be scheduled to work with the perpetrator, and in fact did  
13 schedule PLAINTIFF to work with the perpetrator on multiple occasions.

14       31. PLAINTIFF continued to protest the fact that DEFENDANTS persisted  
15 in scheduling PLAINTIFF to work with the perpetrator on multiple occasions, and  
16 PLAINTIFF had to email HR on multiple occasions to request that the perpetrator  
17 be moved to a different assignment away from PLAINTIFF.

18       32. Very shortly thereafter, PLAINTIFF was terminated effectively  
19 immediately.

20       33. DEFENDANTS' asserted basis for termination of PLAINTIFF was  
21 based on false pretextual reasons as a cover up.

22       34. DEFENDANTS' true intent for terminating PLAINTIFF was derived  
23 from a contribution of the following factors: retaliation for PLAINTIFF'S  
24 resistance to sexual harassment and creation of a hostile work environment, to  
25 cover up the sexual harassment and creation of a hostile work environment, and  
26 retaliation for PLAINTIFF'S complaints and resistance to the unlawful business  
27 practices and to cover up such unlawful business practices.

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1 35. Any other reason that has, or can be, given by DEFENDANTS for  
2 termination of PLAINTIFF is false and pretextual.

3 36. As a direct, foreseeable, and proximate result of DEFENDANTS'  
4 conduct, PLAINTIFF has suffered, and continues to suffer, emotional distress,  
5 losses in salary, wages, job benefits, health insurance, and other employment  
6 benefits that she would have received from DEFENDANTS, plus denial of loans  
7 due to lack of income, plus expenses, all to her damage in a sum within the  
8 jurisdiction of this Court, to be ascertained according to proof.

9 37. PLAINTIFF has exhausted administrative remedies by filing a  
10 complaint and obtaining a Right to Sue letter from the California Civil Rights  
11 Department (formerly, Department of Fair Employment and Housing) on 8-19-24.

12 **FIRST CAUSE OF ACTION**  
13 **Sexual Harassment in violation of FEHA**  
14 **California Government Code § 12940(j)**  
15 **(Against all DEFENDANTS)**

16 38. PLAINTIFF re-alleges and incorporates by reference the foregoing  
17 allegations as though set forth herein.

18 39. At all times herein mentioned, California Government Code §§ 12940,  
19 *et seq.* of the Fair Employment and Housing Act ("FEHA") and the corresponding  
20 regulations of the California Department of Fair Employment and Housing Act  
21 were in full force and effect and were binding on DEFENDANTS.

22 40. These sections, *inter alia*, require DEFENDANTS, as employers or  
23 employees, to refrain from harassing any employee on the basis of, among other  
24 things, their gender and sex.

25 41. As alleged above, PLAINTIFF was subjected to a pattern and practice of  
26 sexual harassment by DEFENDANTS and a hostile work environment based on  
27 sexual harassment.

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1       42. At all relevant times to the actions of sexual harassment, PLAINTIFF  
2 was an employee of DEFENDANTS.

3       43. DEFENDANTS have liability for the sexual harassment by  
4 PLAINTIFF'S coworker, as DEFENDANTS knew or should have known about  
5 the sexually harassing conduct yet allowed it to persist.

6       44. Additionally, DEFENDANTS' own actions at refusing to protect  
7 PLAINTIFF from the known sexual harassment in turn subjected PLAINTIFF to  
8 unlawful and unwelcome pattern and practice of harassment due to her gender and  
9 sex, as alleged in this Complaint.

10       45. The foregoing conduct was offensive and unwanted sexual harassment  
11 based on gender.

12       46. Such misconduct created an intimidating and hostile work environment.

13       47. Such conduct constitutes illegal sexual harassment in violation of  
14 Government Code section 12940(j) and other provisions of FEHA.

15       48. Within the time provided by law, PLAINTIFF filed a complaint with the  
16 California Department of Fair Employment and Housing, in full compliance with  
17 the law, and has received a right to sue letter, thereby exhausting any applicable  
18 administrative remedy requisite to the commencement of this lawsuit.

19       49. As a direct, foreseeable, and proximate result of DEFENDANTS'  
20 conduct, PLAINTIFF has suffered, and continues to suffer, emotional distress,  
21 losses in salary, wages, job benefits, health insurance, and other employment  
22 benefits that she would have received from DEFENDANTS, plus expenses for not  
23 being regularly employed at her full-time position, all to her damage in a sum  
24 within the jurisdiction of this Court, to be ascertained according to proof.

25       50. PLAINTIFF also prays for reasonable costs and attorney fees against  
26 DEFENDANTS, as allowed by any and all applicable statutes.

27       51. DEFENDANTS' actions were willful, malicious, oppressive, and were

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1 committed with the wrongful intent to injure PLAINTIFF and in conscious  
2 disregard of PLAINTIFF'S rights, which entitles PLAINTIFF to exemplary and/or  
3 punitive damages in an amount to be proven at trial.

4 52. To the extent that any violations of the above cause of action is based  
5 upon the conduct of executives, managers, and supervisors, DEFENDANT  
6 TRADEMARK knew about such conduct and ratified such conduct and did so  
7 with the wrongful intent to injure PLAINTIFF and in conscious disregard of  
8 PLAINTIFF'S rights.

9 **SECOND CAUSE OF ACTION**  
10 **Discrimination in violation of FEHA**  
11 **California Government Code §§ 12940(a)**  
12 **(Against all DEFENDANTS)**

13 53. PLAINTIFF re-alleges and incorporates by reference the foregoing  
14 allegations, as though set forth fully herein.

15 54. DEFENDANTS discriminated against PLAINTIFF in violation of  
16 FEHA because: (a) DEFENDANTS were the employer of PLAINTIFF; (b)  
17 PLAINTIFF was an employee of DEFENDANTS; (c) PLAINTIFF is a woman; (d)  
18 DEFENDANTS subjected PLAINTIFF to an adverse employment action because  
19 she is a woman; (e) PLAINTIFF was harmed; and (f) DEFENDANTS' conduct  
20 was a substantial factor in causing PLAINTIFF'S harm.

21 55. Such conduct constitutes illegal discrimination in violation of  
22 Government Code section 12940(a) and other provisions of FEHA.

23 56. Within the time provided by law, PLAINTIFF filed a complaint with the  
24 California Department of Fair Employment and Housing, in full compliance with  
25 the law, and has received a right to sue letter, thereby exhausting any applicable  
26 administrative remedy requisite to the commencement of this lawsuit.

27 57. As a direct, foreseeable, and proximate result of DEFENDANTS'

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1 conduct, PLAINTIFF has suffered, and continues to suffer, emotional distress,  
2 losses in salary, wages, job benefits, health insurance, and other employment  
3 benefits that she would have received from DEFENDANTS, plus expenses for not  
4 being regularly employed at her full-time position, all to her damage in a sum  
5 within the jurisdiction of this Court, to be ascertained according to proof.

6 58. PLAINTIFF also prays for reasonable costs and attorney fees against  
7 DEFENDANTS, as allowed by any and all applicable statutes.

8 59. DEFENDANTS' actions were willful, malicious, oppressive, and were  
9 committed with the wrongful intent to injure PLAINTIFF and in conscious  
10 disregard of PLAINTIFF'S rights, which entitles PLAINTIFF to exemplary and/or  
11 punitive damages in an amount to be proven at trial.

12 60. To the extent that any violations of the above cause of action is based  
13 upon the conduct of executives, managers, and supervisors, DEFENDANT  
14 TRADEMARK knew about such conduct and ratified such conduct and did so  
15 with the wrongful intent to injure PLAINTIFF and in conscious disregard of  
16 PLAINTIFF'S rights.

17 **THIRD CAUSE OF ACTION**

18 **Retaliation for Reporting Sexual Harassment in violation of FEHA**  
19 **California Government Code §§ 12940(h)**  
20 **(Against all DEFENDANTS)**

21 61. PLAINTIFF re-alleges and incorporates by reference the foregoing  
22 allegations, as though set forth fully herein.

23 62. At all times herein mentioned, California Government Code sections  
24 12940, *et seq.* of the Fair Employment and Housing Act and the corresponding  
25 regulations of the California Department of Fair Employment and Housing Act  
26 were in full force and effect and were binding on DEFENDANTS.  
27

1       63. These sections, *inter alia*, prohibit DEFENDANTS, from retaliating  
2 against employees for reporting or opposing sexual harassment, a form of gender  
3 discrimination in the workplace.

4       64. As alleged above, PLAINTIFF was subjected to a pattern of sexual  
5 harassment and hostile work environment.

6       65. PLAINTIFF resisted such conduct.

7       66. DEFENDANTS demoted PLAINTIFF and eventually terminated her  
8 employment.

9       67. DEFENDANTS' decision to terminate PLAINTIFF was derived from a  
10 contribution of the following factors: retaliation for PLAINTIFF'S resistance to  
11 sexual harassment and creation of a hostile work environment, to cover up the  
12 sexual harassment and creation of a hostile work environment, and retaliation for  
13 PLAINTIFF'S complaints and resistance to the unlawful business practices and to  
14 cover up such unlawful business practices.

15       68. Such conduct violates sections of the California Fair Employment and  
16 Housing Act.

17       69. Within the time provided by law, PLAINTIFF filed a complaint with the  
18 California Department of Fair Employment and Housing, in full compliance with  
19 the law, and has obtained a right to sue letter, thereby exhausting any applicable  
20 administrative remedy requisite to the commencement of this lawsuit.

21       70. As a direct, foreseeable, and proximate result of DEFENDANTS'  
22 conduct, PLAINTIFF has suffered, and continues to suffer, emotional distress,  
23 losses in salary, wages, job benefits, health insurance, and other employment  
24 benefits that she would have received from DEFENDANTS, plus expenses for not  
25 being regularly employed at her full-time position, all to her damage in a sum  
26 within the jurisdiction of this Court, to be ascertained according to proof.

27       71. PLAINTIFF also prays for reasonable costs and attorney fees against

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1 DEFENDANTS, as allowed by any and all applicable statutes.

2 72. DEFENDANTS' actions were willful, malicious, oppressive, and were  
3 committed with the wrongful intent to injure PLAINTIFF and in conscious  
4 disregard of PLAINTIFF'S rights, which entitles PLAINTIFF to exemplary and/or  
5 punitive damages in an amount to be proven at trial.

6 73. To the extent that any violations of the above cause of action is based  
7 upon the conduct of executives, managers, and supervisors, DEFENDANT  
8 TRADEMARK knew about such conduct and ratified such conduct and did so  
9 with the wrongful intent to injure PLAINTIFF and in conscious disregard of  
10 PLAINTIFF'S rights.

11 **FOURTH CAUSE OF ACTION**

12 **Failure to Take Steps Reasonably Necessary to Prevent Discrimination and**  
13 **Sexual Harassment in violation of FEHA**  
14 **California Government Code § 12940(k)**  
**(Against all DEFENDANTS)**

15 74. PLAINTIFF re-alleges and incorporates by reference the foregoing  
16 allegations, as though set forth herein.

17 75. At all times herein mentioned, California Government Code section  
18 12940, *et seq.* of the Fair Employment and Housing Act and the corresponding  
19 regulations of the California Department of Fair Employment and Housing Act  
20 were in full force and effect and were binding on Defendants.

21 76. These sections, *inter alia*, require DEFENDANTS, as employers of  
22 PLAINTIFF, "to take all reasonable steps necessary to prevent discrimination and  
23 harassment from occurring".

24 77. DEFENDANTS knew about the sexual harassment engaged in by its  
25 agents, but failed to take all steps reasonably necessary to prevent the harassment  
26 and discrimination from occurring in violation of the applicable provisions of  
27 Government Code sections 12940, *et seq.*

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1 78.DEFENDANTS failed to take immediate and appropriate corrective and  
2 preventative action and failed to put in place any training or additional measures to  
3 prevent sexual harassment in the workplace.

4 79.Such conduct violates Government Code section 12940(k) and other  
5 provisions providing for the safety and protection of their employees.

6 80.Within the time provided by law, PLAINTIFF filed a complaint with the  
7 California Department of Fair Employment and Housing, in full compliance with  
8 the law, thereby exhausting any applicable administrative remedy requisite to the  
9 commencement of this lawsuit.

10 81. As a direct, foreseeable, and proximate result of DEFENDANTS'  
11 conduct, PLAINTIFF has suffered, and continues to suffer, emotional distress,  
12 losses in salary, wages, job benefits, health insurance, and other employment  
13 benefits that she would have received from DEFENDANTS, plus expenses for not  
14 being regularly employed at her full-time position, all to her damage in a sum  
15 within the jurisdiction of this Court, to be ascertained according to proof.

16 82. PLAINTIFF also prays for reasonable costs and attorney fees against  
17 DEFENDANTS, as allowed by any and all applicable statutes.

18 83. DEFENDANTS' actions were willful, malicious, oppressive, and were  
19 committed with the wrongful intent to injure PLAINTIFF and in conscious  
20 disregard of PLAINTIFF'S rights, which entitles PLAINTIFF to exemplary and/or  
21 punitive damages in an amount to be proven at trial.

22 84.To the extent that any violations of the above cause of action is based  
23 upon the conduct of executives, managers, and supervisors, DEFENDANT  
24 TRADEMARK knew about such conduct and ratified such conduct and did so  
25 with the wrongful intent to injure PLAINTIFF and in conscious disregard of  
26 PLAINTIFF'S rights.

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**FIFTH CAUSE OF ACTION**  
**Retaliation for Reporting and Resisting Illegal Activity**  
**Cal Labor Code § 1102.5**  
**(Against all DEFENDANTS)**

85. PLAINTIFF re-alleges and incorporates herein by this reference the allegations in the foregoing paragraphs, as though set forth herein.

86. This cause of action is based on DEFENDANTS' conduct in violation of California Labor Code § 1102.5(b), which prohibits employers from terminating employees that disclose information when the employee has reasonable cause to believe that the information discloses a violation of state or federal law, or a violation or noncompliance with a state or federal rule or regulation.

87. This cause of action is also based on DEFENDANTS' conduct in violation of California Labor Code § 1102.5(c), which prohibits employers from retaliating against an employee for refusing to participate in an activity when the employee has reasonable cause to believe that the activity would result in a violation of state or federal statute, or a violation or noncompliance with a state or federal rule or regulation.

88. As alleged above, DEFENDANTS terminated PLAINTIFF'S employment based on the following: retaliation for PLAINTIFF'S resistance to sexual harassment and creation of a hostile work environment, to cover up the sexual harassment and creation of a hostile work environment, and retaliation for PLAINTIFF'S complaints and resistance to the unlawful business practices and to cover up such unlawful business practices.

89. Any other purported basis for PLAINTIFF'S termination is false and pretextual.

90. As a direct, foreseeable, and proximate result of DEFENDANTS' conduct, PLAINTIFF has suffered, and continues to suffer, emotional distress,

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1 losses in salary, wages, job benefits, health insurance, and other employment  
2 benefits that she would have received from DEFENDANTS, plus expenses for not  
3 being regularly employed at her full-time position, all to her damage in a sum  
4 within the jurisdiction of this Court, to be ascertained according to proof.

5 91. PLAINTIFF also prays for any penalties and liquidated damages that  
6 may be available by any and all statutes.

7 92. PLAINTIFF also prays for reasonable costs and attorney fees against  
8 DEFENDANTS, as allowed by any and all applicable statutes.

9 93. DEFENDANTS' actions were willful, malicious, oppressive, and were  
10 committed with the wrongful intent to injure PLAINTIFF and in conscious  
11 disregard of PLAINTIFF'S rights, which entitles PLAINTIFF to exemplary and/or  
12 punitive damages in an amount to be proven at trial.

13 94. To the extent that any violations of the above cause of action is based  
14 upon the conduct of executives, managers, and supervisors, DEFENDANT  
15 TRADEMARK knew about such conduct and ratified such conduct and did so  
16 with the wrongful intent to injure PLAINTIFF and in conscious disregard of  
17 PLAINTIFF'S rights.

18 **SIXTH CAUSE OF ACTION**

19 **Retaliation for Exercising the Rights of an Employee**

20 **Cal Labor Code § 98.6**

21 **(Against all DEFENDANTS)**

22 95. PLAINTIFF re-alleges and incorporates herein by this reference the  
23 allegations in the foregoing paragraphs, as though set forth herein.

24 96. This cause of action is based on DEFENDANTS' conduct in violation of  
25 California Labor Code § 98.6, which prohibits retaliation against employees for  
26 exercising their rights.

27 97. As alleged above, DEFENDANTS terminated PLAINTIFF'S

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1 employment based on the following: retaliation for PLAINTIFF'S resistance to  
2 sexual harassment and creation of a hostile work environment, to cover up the  
3 sexual harassment and creation of a hostile work environment, and retaliation for  
4 PLAINTIFF'S complaints and resistance to the unlawful business practices and to  
5 cover up such unlawful business practices.

6 98. Any other purported basis for PLAINTIFF'S termination is false and  
7 pretextual.

8 99. As a direct, foreseeable, and proximate result of DEFENDANTS'  
9 conduct, PLAINTIFF has suffered, and continues to suffer, emotional distress,  
10 losses in salary, wages, job benefits, health insurance, and other employment  
11 benefits that she would have received from DEFENDANTS, plus expenses for not  
12 being regularly employed at her full-time position, all to her damage in a sum  
13 within the jurisdiction of this Court, to be ascertained according to proof.

14 100. PLAINTIFF also prays for any penalties and liquidated damages that  
15 may be available by any and all statutes.

16 101. PLAINTIFF also prays for reasonable costs and attorney fees against  
17 DEFENDANTS, as allowed by any and all applicable statutes.

18 102. DEFENDANTS' actions were willful, malicious, oppressive, and were  
19 committed with the wrongful intent to injure PLAINTIFF and in conscious  
20 disregard of PLAINTIFF'S rights, which entitles PLAINTIFF to exemplary and/or  
21 punitive damages in an amount to be proven at trial.

22 103. To the extent that any violations of the above cause of action is based  
23 upon the conduct of executives, managers, and supervisors, DEFENDANT  
24 TRADEMARK knew about such conduct and ratified such conduct and did so  
25 with the wrongful intent to injure PLAINTIFF and in conscious disregard of  
26 PLAINTIFF'S rights.  
27

**SEVENTH CAUSE OF ACTION**  
**Wrongful Termination in Violation of Public Policy**  
**(Against all DEFENDANTS)**

104. PLAINTIFF re-alleges and incorporates by reference the foregoing allegations as though set forth fully herein.

105. "[W]hen an employer's discharge of an employee violates fundamental principles of public policy, the discharged employee may maintain a tort action and recover damages traditionally available in such actions." *Tameny v. Atlantic Richfield Co.* (1980) 27 Cal.3d 167, 170.

106. Sections 6310(b) and 6400 of the California Labor Code express California's fundamental public policy of ensuring that employees are not required to work in unsafe or unhealthy work environments.

107. Section 12940 of the California Government Code expresses California's fundamental public policy of requiring work environments to be free from discrimination and harassment due to immutable traits.

108. Sections 98.6 and 1102.5 of the California Labor Code recognize a fundamental public policy interest in preventing employers from terminating or retaliating against employees who oppose, report, or resist and complain about what employees believe are illegal practices, in order to protect the California workforce as a whole.

109. PLAINTIFF complained about and resisted actions within the workplace that she reasonably perceived to be unlawful.

110. As alleged above, DEFENDANTS terminated PLAINTIFF'S employment based on the following: retaliation for PLAINTIFF'S resistance to sexual harassment and creation of a hostile work environment, to cover up the sexual harassment and creation of a hostile work environment, and retaliation for

1 PLAINTIFF'S complaints and resistance to the unlawful business practices and to  
2 cover up such unlawful business practices.

3 111. Any other purported basis for PLAINTIFF'S termination is false and  
4 pretextual.

5 112. DEFENDANTS' discharge of PLAINTIFF violated the public policy  
6 of the State of California.

7 113. As a direct, foreseeable, and proximate result of DEFENDANTS'  
8 conduct, PLAINTIFF has suffered, and continues to suffer, emotional distress,  
9 losses in salary, wages, job benefits, health insurance, and other employment  
10 benefits that she would have received from DEFENDANTS, plus expenses for not  
11 being regularly employed at her full-time position, all to her damage in a sum  
12 within the jurisdiction of this Court, to be ascertained according to proof.

13 114. PLAINTIFF also prays for reasonable costs and attorney fees against  
14 DEFENDANTS, as allowed by C.C.P. § 1021.5 and any other applicable statutes.

15 115. DEFENDANTS' actions were willful, malicious, oppressive, and were  
16 committed with the wrongful intent to injure PLAINTIFF and in conscious  
17 disregard of PLAINTIFF'S rights, which entitles PLAINTIFF to exemplary and/or  
18 punitive damages in an amount to be proven at trial.

19 116. To the extent that any violations of the above cause of action is based  
20 upon the conduct of executives, managers, and supervisors, DEFENDANT  
21 TRADEMARK knew about such conduct and ratified such conduct and did so  
22 with the wrongful intent to injure PLAINTIFF and in conscious disregard of  
23 PLAINTIFF'S rights.

24 **EIGHTH CAUSE OF ACTION**

25 **Negligence**  
26 **(Against all DEFENDANTS)**

27 117. PLAINTIFF re-alleges and incorporates by reference the foregoing

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

1 allegations as though set forth fully herein.

2 118. At all relevant times, DEFENDANTS owed a duty of care to  
3 PLAINTIFF to not engage in harassment/discrimination against her, to prevent and  
4 protect her from harassment/discrimination, to not cause her physical or emotional  
5 harm in connection with her employment, and to not engage in unlawful acts of  
6 retaliation.

7 119. DEFENDANTS' actions intended to, and did, cause physical, mental,  
8 emotional, financial, and property damage to PLAINTIFF in that they did engage  
9 in discrimination/harassment and retaliation against her, and they failed to prevent  
10 and protect her from discrimination/harassment and retaliation.

11 120. DEFENDANTS' actions intended to, and did, cause physical, mental,  
12 emotional, financial, and property damages to PLAINTIFF.

13 121. As a direct, legal and proximate result of the negligent acts of  
14 DEFENDANTS, PLAINTIFF has sustained actual harm, the duration and extent of  
15 which is yet undetermined, but will be determined shown according to proof at the  
16 time of trial.

17 122. It is well settled that nonintentional torts, such as negligence, can be a  
18 basis for punitive damages if conduct constituted conscious disregard of rights or  
19 safety of others; nonintentional conduct is within definition of malicious acts  
20 punishable by assessment of punitive damages if a party intentionally performed  
21 act from which he or she knew, or should have known, it was highly probable that  
22 harm would result. *Peterson v. Superior Court* (1982) 31 Cal. 3d 147, 158, 181  
23 Cal. Rptr. 784, 642 P.2d 1305; *Slaughter v. Legal Process & Courier Serv.* (1984)  
24 162 Cal. App. 3d 1236, 1252, 209 Cal. Rptr. 189.

25 123. As a direct, foreseeable, and proximate result of DEFENDANTS'  
26 conduct, PLAINTIFF has suffered, and continues to suffer, emotional distress,  
27 losses in salary, wages, job benefits, health insurance, and other employment

benefits that she would have received from DEFENDANTS, plus expenses for not being regularly employed at her full-time position, all to her damage in a sum within the jurisdiction of this Court, to be ascertained according to proof.

124. PLAINTIFF also prays for reasonable costs and attorney fees against DEFENDANTS, as allowed by C.C.P. § 1021.5 and any other applicable statutes.

125. DEFENDANTS' actions were willful, malicious, oppressive, and were committed with the wrongful intent to injure PLAINTIFF and in conscious disregard of PLAINTIFF'S rights, which entitles PLAINTIFF to exemplary and/or punitive damages in an amount to be proven at trial.

126. To the extent that any violations of the above cause of action is based upon the conduct of executives, managers, and supervisors, DEFENDANT TRADEMARK knew about such conduct and ratified such conduct and did so with the wrongful intent to injure PLAINTIFF and in conscious disregard of PLAINTIFF'S rights.

### **PRAYER FOR RELIEF**

WHEREFORE, PLAINTIFF prays for judgment against each DEFENDANT individually, and that PLAINTIFF be awarded the following:

1. That PLAINTIFF is entitled to punitive or exemplary damages against each DEFENDANT for their acts as described in this cause of action in a sum to be determined at the time of trial;
2. For penalties, special damages, and general damages in an amount to be proven at trial;
3. For emotional distress damages;
4. Loss of income incurred and to be incurred, including any and all damages flowing therefrom, according to proof;
5. Injunctive relief in the type and manner deemed appropriate by the Court, such as mandatory training for supervisors;

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

- 1 6. For statutory damages where applicable by statute;  
2 7. For prejudgment interest at the legal rate;  
3 8. That PLAINTIFF be awarded costs and reasonable attorneys' fees; and  
4 9. Such other and further relief as the Court may deem proper and just.

5 **TRIAL BY JURY**

6 Pursuant to the Seventh Amendment to the Constitution of the United States  
7 of America, PLAINTIFF is entitled to, and demands, a trial by jury.

8  
9 Dated: August 19, 2024

**SEMNR & HARTMAN, LLP**

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11 By: Jared M. Hartman,  
12 Jared M. Hartman, Esq.  
13 Attorneys for Plaintiff,  
14 KARAMIA LINK  
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