1 2 3 4 5 6 7 8	McNICHOLAS & McNICHOLAS, LLP Patrick McNicholas, State Bar No. 125868 Emily R. Pincin, State Bar No. 334566 10866 Wilshire Blvd., Suite 1400 Los Angeles, California 90024 Tel: (310) 474-1582 Fax: (310) 475-7871 Attorneys for Plaintiff ISABEL SIDERAKIS SUPERIOR COURT FOR	ELECTRONICALLY FILED 8/12/2021 10:51 AM Superior Court of California County of Mendocino By: S. Delgado Deputy Clerk THE STATE OF CALIFORNIA
9	COUNTY OF MENDOCINO	
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11	ISABEL SIDERAKIS,	CASE NO.: 21CV00603
12	Plaintiff,	
13	v.	COMPLAINT FOR DAMAGES
14	CITY OF UKIAH, a government entity;	1. Discrimination in Violation of FEHA (Cal. Gov't Code § 12940 et seq.)
15 16 17	UKIAH POLICE DEPARTMENT, a government entity; KEVIN MURRAY, an individual; and DOES 1 through 100, inclusive,	2. Sexual Harassment/Hostile Work Environment in Violation of FEHA (<i>Cal. Gov't Code</i> § 12940 <i>et seq.</i>)
18	Defendants.	3. Retaliation in Violation of FEHA (Cal. Gov't Code § 12940 et seq.)
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20		4. Failure to Prevent Discrimination, Harassment, and Retaliation in Violation of
21		FEHA (Cal. Gov't Code § 12940 et seq.)
22		DEMAND FOR JURY TRIAL
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26	COMES NOW Plaintiff, ISABEL SIDERAKIS, and hereby demands a trial by jury, and	
27	based on information and belief complains and alleges as follows:	
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THE PARTIES

- 1. At all times relevant hereto, Plaintiff ISABEL SIDERAKIS ("SIDERAKIS" or "Plaintiff") was employed with the City of Ukiah Police Department ("the UPD" or "Department") and was a competent adult.
- 2. Plaintiff is informed and believes and thereon alleges that, at all times relevant hereto, Defendant CITY OF UKIAH ("City" or "Defendant") was a public entity violating laws within the State of California in the County of Mendocino. At all times pertinent hereto, Defendant City owned, controlled, and operated the law enforcement agency known as the Ukiah Police Department.
- 3. Plaintiff is informed and believes and thereupon alleges that Defendants DOES 1 through 100, inclusive, and each of them, at all times relevant hereto, were individuals or public, business, and/or other entities whose form is unknown committing torts in and/or engaged in purposeful economic activity within the County of Mendocino, State of California.
- 4. Plaintiff is informed and believes, and thereon alleges, that at all times material herein Defendant Kevin Murray ("Murray") was a sergeant of the UPD and was the agent, servant, or employee, or ostensible agent, servant, and employee of each other Defendant, and as such, was acting within the course and scope of said agency and employment or ostensible agency and employment.
- 5. The true names and capacities of Defendants DOES 1 through 100, and each of them, whether individual, corporate, associate or otherwise, are unknown to Plaintiff at this time, therefore Plaintiff sues said Defendants by such fictitious names. Plaintiff will file DOE amendments, and/or ask leave of court to amend this complaint to assert the true names and capacities of these Defendants when they have been ascertained. Plaintiff is informed and believes, and upon such information and belief alleges, that each Defendant herein designated as a DOE was and is in some manner negligently, wrongfully, or otherwise responsible and liable to Plaintiff for the injuries and damages hereinafter alleged, and that Plaintiff's damages as herein alleged were proximately caused by their conduct.

- 6. Plaintiff is informed and believes, and thereon alleges, that at all times material herein the Defendants, and each of them, were the agents, servants, or employees, or ostensible agents, servants, and employees of each other Defendant, and as such, were acting within the course and scope of said agency and employment or ostensible agency and employment, except on those occasions when Defendants were acting as principals, in which case, said Defendants; and each of them, were negligent in the selection, hiring, and use of the other Defendants.
- 7. At all times mentioned herein, each of the Defendants was the co-tortfeasor of each of the other Defendants in doing the things hereinafter alleged.
- 8. Plaintiff is further informed and believes that at all times relevant hereto, Defendants, and each of them, acted in concert and in furtherance of the interests of each other Defendant. The conduct of each Defendant combined and cooperated with the conduct of each of the remaining Defendants so as to cause the herein described incidents and the resulting injuries and damages to Plaintiff.

VENUE AND JURISDICTION

- 9. At all relevant times hereto, Plaintiff was residing and/or employed in the City of Ukiah and County of Mendocino, State of California.
- 10. At all relevant times hereto, the Defendants, and each of them, were residents of the County of Mendocino, State of California.
- 11. The wrongful conduct alleged against the Defendants, and each of them, occurred in the City of Ukiah and County of Mendocino, State of California. At all times relevant hereto, the conduct at issue was part of a continuous and ongoing pattern of behavior.
- 12. This Court is the proper court because the wrongful acts that are the subject of this action occurred here, at least one Defendant now resides in its jurisdictional area, and injury to person or damage to personal property occurred in its jurisdictional area.
- 13. Plaintiff has complied with and/or exhausted any applicable claims statutes and/or administrative and/or internal remedies and/or grievance procedures, and/or is excused from complying therewith. Plaintiff filed a complaint with the Department of Fair Employment and Housing ("DFEH") on June 25, 2021 and was issued right-to-sue notices on or about June 25, 2021.

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GENERAL ALLEGATIONS

- 14. At all times relevant to this claim, Plaintiff was a Police Officer for the Ukiah Police Department. Plaintiff was qualified for the positions she held by reason of her education, skills, experience, and training. Plaintiff joined the UPD on or about August 2013.
- 15. At all times relevant hereto, Plaintiff held the title and paygrade rank of Police Officer and—subsequently—Detective and was assigned to various Divisions within the UPD. During the course of her employment with the City, Plaintiff has performed her various responsibilities as a law enforcement officer in an exemplary fashion and otherwise capably performed each and every condition of her employment agreement.

Plaintiff is Sexually Assaulted and Harassed by UPD Officer Murray, Prompting Years of Unabated Sexual Harassment and Discrimination Which Was Ratified by UPD

- 16. Beginning in or around October 2013, Plaintiff was harassed on the basis of her sex and/or gender.
- 17. In or around October 2013, Plaintiff attended a training program through the Department with three other officers, including Defendant Officer Kevin Murray ("Murray"). The training was held at a remote location, which required Plaintiff and the other training officers to stay in a hotel.
- 18. On the first evening of the training, Plaintiff met with a few other officers to play card games in one of the officer's hotel rooms. Plaintiff and the other officers, including Murray, played cards and drank alcohol. Eventually, Plaintiff left the gathering to return to her hotel room for the night. Once Plaintiff stepped into the elevator, Murray stuck his hand in the door and insisted on escorting Plaintiff to her room.
- 19. When Plaintiff and Murray arrived at Plaintiff's room, Murray asked to come inside under the guise that he wanted to offer Plaintiff "advice," since he was a "senior officer", and she was still on probation. Plaintiff reluctantly agreed. After Murray and Plaintiff talked for a little while longer, Plaintiff told Murray that he should leave.

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- 20. Murray then grabbed Plaintiff's hand and began caressing her breasts. Plaintiff tried to remove his hands, but she was unsuccessful. Murray then aggressively shoved his hands up Plaintiff's shirt and continued fondling her breasts. He demanded that Plaintiff just "give [him] a goodnight kiss." During this assault, Murray continuously reminded and threatened Plaintiff that she "is still on probation," she "doesn't have family nearby," that her "daughter depends on" her having this job, and that "nobody at the Department will believe" her.
- 21. Murray then started pulling Plaintiff toward the bedroom. Frightened of what Murray would do to her, Plaintiff ran to the bathroom and locked him out. When Plaintiff opened the door a few moments later, Murray was standing in front of her, naked, with an erect penis. Still frightened, Plaintiff slammed the bathroom door and locked it again. Plaintiff was so scared to leave the safety of the bathroom that she slept on the bathroom floor. After some time, Plaintiff heard snoring and opened the door to find Murray asleep on her bed, still completely naked. Plaintiff immediately left the room.
- 22. Plaintiff was shaken up from Murray's conduct the following day at training. When Plaintiff's fellow officers asked her what was wrong, Murray moved closely behind Plaintiff and whispered in her ear, "You're fine. Nothing happened, and no one will believe you."
- 23. In or around December 2013, when Plaintiff began dating her now husband, Murray told Plaintiff that her husband "only wants what [I] wanted. That's all he wants you for."
- 24. In or around October 2015, Plaintiff transferred to the Detectives Unit. During this time, Plaintiff learned that Murray had been involved in numerous Internal Affairs ("IA") investigations as an accused for things like pulling out his gun at a party, drug abuse, sex addiction, and for violating other Department policies. Murray laughed and bragged about not getting in trouble with the Department for these violations. This confirmed Plaintiff's fears: Murray was untouchable and would be protected at all costs to the detriment of others.

UPD's Policy and Practice of Permitting Harassment, Discrimination, and Hostile Work Environment

- 25. In or around March or April 2020, in further discrimination and harassment based on gender, the Department removed the lock from the women's locker room but not the lock from the men's locker room. Removing the lock left a fist-sized hole in the door that passersby could easily gaze through. Indeed, Murray often paced back and forth in front of the women's locker room once the lock was removed.
- 26. Plaintiff reported to her Lieutenant that she was not comfortable changing in or using the locker room with the lock removed and that having the lock removed triggered some past trauma. In discrimination and harassment based on gender, Plaintiff's complaints were disregarded, and her Lieutenant responded only that he would "talk to the guys about it." Plaintiff was forced to go to the Fire Department side of the building to use their women's bathroom and get dressed.
- 27. In or around April or May 2020, Murray began assigning Plaintiff duties based on her gender, including non-detective duties. For example, Murray assigned Plaintiff to write the report for a case involving a woman who had had nude photos stolen off her phone and used without her permission (the "Case"). Murray told Plaintiff that she had to handle the Case because she was the "only female in the office" and because Murray did not want to look at the photos because the victim was "fat, ugly, and not my type." Murray told Plaintiff that it was Department policy for her to handle this case.
- 28. Immediately thereafter, Plaintiff reported to Detective Sergeant Rick that Murray was assigning her tasks based on her gender. Plaintiff referenced the Department policies, which did not indicate that female officers must accept work based on their gender. Nevertheless, Sgt. Rick ordered Plaintiff to handle the report for the Case. Plaintiff completed the report and once again expressed to Sgt. Rick that she should not be assigned tasks based on her gender. Plaintiff also reported to Sgt. Rick that she feared Murray and his harassing and discriminatory conduct based on sex/gender, but nothing was done.

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- 29. Shortly thereafter, Plaintiff reported to her Lieutenant her complaints of gender discrimination, gender harassment, that Murray was assigning her duties based on her gender, and that Sgt. Rick refused to investigate or otherwise address her complaints. In violation of law and Department policy, Plaintiff's Lieutenant did not investigate, address, or attempt to abate the unlawful conduct which Plaintiff reported. Plaintiff thereafter overheard Murray talking to other male officers and mocking her for her complaint, saying that he had "gotten away with it" even though Plaintiff "ran and cried to Lieutenant."
- 30. Later, Plaintiff performed a follow-up investigation on the Case. Sgt. Rick became aware that the photographs of the victim were explicit, and he excitedly told Plaintiff that "you have to show these [photographs] to [Murray]." Plaintiff stated that the request was inappropriate and unprofessional. Nevertheless, Sgt. Rick *ordered* Plaintiff to show Murray the explicit, nude photographs for "identification" purposes.
- 31. When Murray saw the photographs, he stated, "Wow, [the victim] looks good here." Murray then asked to watch the explicit videos that had been produced in the investigation, even though it was not his case or responsibility to do so. Plaintiff refused to share the explicit videos with Murray. Later that day, Plaintiff returned to her desk to find Sgt. Rick and Murray sitting at her computer and watching the explicit videos of the victim.

Plaintiff is Retaliated Against for Reporting the Unlawful Conduct Alleged Herein

- 32. Plaintiff again reported to her Lieutenant what she believed to be discrimination, harassment, and a hostile work environment based on sex.
- 33. In further discrimination and harassment, and in retaliation for reporting the same, Sgt. Rick began isolating, ostracizing, and ignoring Plaintiff and assigning her extra investigations.
- 34. In or around June 2020, in harassment and discrimination based on sex/gender and in retaliation for reporting the same, Plaintiff's schedule was changed without explanation or warning. Shortly thereafter, in retaliation for reporting the unlawful conduct described herein, Plaintiff was demoted to Patrol, which results in a pay cut.

- 35. Because of the unending harassment, discrimination, and retaliation, Plaintiff put in her two-week notice to leave the Department shortly after being demoted to Patrol. Plaintiff planned on applying to work for the Sheriff's Department.
- 36. In further retaliation, Plaintiff was assigned four complex investigations only a few days before her last day of work. Further, Sgt. Rick refused to write Plaintiff's performance evaluation for the month of October.
- 37. Additionally, in further retaliation, Murray posted a photo-shopped image of Plaintiff throughout the Department, which prompted her peers to reprimand her for resigning and blame her for another officer not being able to promote due to limited staffing after Plaintiff's departure.

Plaintiff Again Reports the Harassment, Discrimination, and Hostile Work Environment and is Again Ignored and Threatened

- 38. In or around November 2020, Plaintiff met with the Chief and Lt. Noble for her exit interview. Plaintiff again disclosed all the instances of sexual harassment and misconduct she experienced while working at the Department and the Department's refusal to address her complaints.
- 39. In reporting the unlawful conduct described herein, Plaintiff became visibly upset and began to cry. In further harassment and discrimination, the Chief told her to "stop crying. You are getting too emotional." Instead of addressing Plaintiff's reports of harassment, discrimination, retaliation, and hostile work environment, the Chief told Plaintiff that she should have reported her complaints to the DA investigators. The Chief further threatened Plaintiff and said, "Remember, Matt (the Sheriff) and I have been friends for a very long time."
- 40. Plaintiff was repeatedly subjected to harassment, discrimination, hostile work environment, and retaliatory adverse actions in response to reporting the unlawful conduct described herein. The City of Ukiah Police Department, and specifically the supervisors assigned to Plaintiff's division refused to take any action to curtail, prevent, or otherwise address Plaintiff's complaints. In addition, Plaintiff was retaliated against in direct response to her reports of the unlawful workplace practices.

- 41. As a direct and proximate consequence of reporting such misconduct, Defendants, and each of them, retaliated against, discriminated against, and harassed Plaintiff and subjected Plaintiff to adverse employment actions as described herein. Those adverse employment actions taken together materially and adversely affected the terms, conditions, and privileges of Plaintiff's employment because her ability to perform her job was impaired and she was unable to carry out the duties of her position and assignment at UPD.
- 42. Plaintiff has suffered both general and special damages in the past and present and will continue to suffer such damages in the future for an unknown period of time. Plaintiff has also suffered and continues to suffer losses in earnings and other employment benefits, as well as past and future non-economic injury. This has caused damage to her professional reputation and her ability to work. Moreover, it has adversely affected her personal health and well-being, including medical expenses that are anticipated into the future. Plaintiff has also suffered extensive general damages in the form of anxiety, anguish, and mental suffering. Plaintiff's damages are continuing and in an amount not yet determined, but in excess of \$25,000.
- 43. The conduct of Defendants, and each of them, was a violation of Plaintiff's rights, as described above, as well as her rights under both state and federal law, including but not limited to the Fair Employment and Housing Act (CAL. GOV'T C. §§ 12940, et seq.). Therefore, Defendants, and each of them, are liable under the FEHA, are liable for retaliation in violation of public policy as identified in *Tamely v. Atlantic Richfield Co.* (1980) 27 Cal.3d 167 and its progeny, and may be liable for constructive discharge.

FIRST CAUSE OF ACTION

BY PLAINTIFF AGAINST ALL DEFENDANTS

GENDER DISCRIMINATION IN VIOLATION OF FEHA, CAL. GOV'T C. §§ 12940, ET SEQ.

- 44. Plaintiff re-alleges and incorporates by reference each and every allegation contained in paragraphs 1-43 of this complaint as though fully set forth herein.
- 45. At all times herein mentioned, *Government Code* §§ 12940, *et seq.* was in full force and effect and was binding upon Defendants, and each of therm.

- 46. At all times herein mentioned, Plaintiff was in the protected class of persons, *i.e.*, female (sex/gender), and one who engaged in protected activities contemplated by *Government Code* §§ 12940, *et seq.* Plaintiff is informed and believes and based thereon alleges that Defendants, and each of them, discriminated against her based on her gender and for reporting, challenging, opposing, and speaking out against wrongful and discriminatory treatment based on her gender, speaking out against improper conduct, and for generally attempting to protect and secure her rights and the rights of others under the FEHA.
- 47. Commencing before and during 2013 and continuing to the present, Defendants created and allowed to exist an environment hostile to females in general and discriminated against and targeted Plaintiff on the basis of her gender. Such discrimination was in violation of *Government Code* §§ 12940, *et seq.* and the public policy embodied therein.
- 48. At all times herein mentioned, Defendants, and each of them, had actual and/or constructive knowledge of the harassing, hostile, and discriminatory conduct levied against Plaintiff by Defendants, fellow employees, and superiors. Moreover, such retaliation, harassment, and discriminatory conduct was also ratified, approved, encouraged and/or condoned by Defendants, and each of them.
- 49. As a direct, foreseeable, and proximate result of Defendants' discriminatory conduct and failure to act, Plaintiff suffered and continues to suffer humiliation, embarrassment, anxiety, mental anguish, and emotional distress. Plaintiff was required to and did employ, and will in the future employ, physicians and health care providers to examine, treat, and care for Plaintiff. The exact amount of such expenses is unknown to Plaintiff at this time.
- 50. As a direct, foreseeable, and proximate result of the Defendants' discriminatory conduct, Plaintiff suffered and continues to suffer losses in earnings and other employment benefits all to her damage in an amount in excess of the minimum jurisdictional limits of this court, the precise amount of which will be proven at trial.
- 51. As a further legal result of the above-described conduct of Defendants, and each of them, Plaintiff has and will continue to incur attorneys' fees and costs in an amount according to proof.

SECOND CAUSE OF ACTION

BY PLAINTIFF AGAINST ALL DEFENDANTS

SEXUAL HARASSMENT/HOSTILE WORK ENVIRONMENT IN VIOLATION OF FEHA, CAL. GOV'T

C. §§ 12940, ET SEQ.

- 52. Plaintiff re-alleges and incorporates by reference each and every allegation contained in paragraphs 1–51 of this complaint as though fully set forth herein again.
- 53. At all times mentioned herein, *California Government Code* § 12940 was in full force and effect and was binding upon Defendants, and each of them. Said law required Defendants, and each of them, to refrain from harassing any employee based upon her sex and gender and to provide each employee with a working environment free from harassment based on sex and gender.
- 54. Plaintiff was subjected to unwanted harassing conduct because of her sex and gender as described herein above.
- 55. Plaintiff is informed and believes that Defendants, and each of them, targeted and harassed her based on her sex and gender. Defendants, and each of them, would not have harassed Plaintiff if she were male. The harassment was severe and pervasive in that it occurred on a regular, continuous basis commencing in and during 2013 and continuing unabated up to the present. Further, the harassment was severe and pervasive in that it was humiliating, demeaning, degrading, and threatening and occurred on a regular, continuous basis. The harassment was not occasional, isolated, sporadic, or trivial. Rather, the harassment was part of the accepted, long-term, and consistent policy, custom, habit, pattern, and practice at UPD in which harassers were protected and complainants were ignored.
- 56. The harassment altered the conditions, privileges, and terms of Plaintiff's employment and created an abusive working environment.
- 57. A reasonable person of Plaintiff's sex and gender, in Plaintiff's circumstances, would have considered the work environment to be hostile or abusive. Indeed, Plaintiff herself considered the work environment to be hostile and abusive to women, and she reported the same to multiple supervisors at UPD.

- 58. Defendants, and each of them, participated in, assisted, encouraged, condoned, and/or ratified the harassing conduct and the hostile environment at UPD.
- 59. As a direct, foreseeable, and proximate result of Defendants' harassing conduct, failure to act, and the creation and maintaining of a hostile environment to females, Plaintiff suffered and continues to suffer harm, including humiliation; embarrassment, anxiety, mental anguish, and emotional distress. Plaintiff was required to and did employ, and will in the future employ, physicians and health care providers to examine, treat and care for Plaintiff, and did, and will in the future, incur medical and incidental expenses. The exact amount of such expenses is unknown to Plaintiff at this time.
- 60. As a direct, foreseeable, and proximate result of Defendants' harassing conduct, and the hostile environment for women created thereby, Plaintiff suffered and continues to suffer losses in earnings and other employment benefits all to her damage in an amount in excess of the minimum jurisdictional limits of this court, the precise amount of which will be proven at trial.
- 61. As a result of the unlawful conduct of Defendants, and each of them, Plaintiff was required to retain attorneys and is entitled to attorney's fees pursuant to *California Government Code* § 12965.

THIRD CAUSE OF ACTION

BY PLAINTIFF AGAINST ALL DEFENDANTS

RETALIATION IN VIOLATION OF FEHA

- 62. Plaintiff re-alleges and incorporates by reference each and every allegation contained in paragraphs 1–61 of this complaint as though fully set forth herein again.
- 63. At all times herein mentioned, *Government Code* §§ 12940, et seq., was in full force and effect and were binding upon Defendants, and each of them. Said sections required Defendants, and each of them, to refrain from retaliating against an employee for her opposition to employment practices prohibited under the FEHA.
- 64. At all times herein mentioned, Plaintiff was in the protected class of persons, *i.e.*, female, and engaged in protected activities contemplated by *Government Code* §§ 12940, *et seq*. Plaintiff is informed and believes that Defendants, and each of them, retaliated against her for

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opposing, challenging, and speaking out against inappropriate workplace behavior, reporting and speaking out against wrongful, discriminatory, harassing, and retaliatory treatment based on her gender, speaking out against improper conduct, and for generally attempting to protect and secure her rights and the rights of others under the FEHA.

- 65. At all times herein mentioned, Defendants, and each of them, had actual and/or constructive knowledge of the retaliatory conduct levied against Plaintiff by Defendants, fellow employees, and superiors. Moreover, such retaliation, harassment, and discriminatory conduct was also conducted and/or condoned by Defendants, and each of them. Such retaliation was in violation of *Government Code* §§ 12940, et seq. and the public policy embodied therein.
- 66. As a direct, foreseeable, and proximate result of Defendants' discriminatory, harassing and retaliatory conduct, Plaintiff suffered and continues to suffer humiliation, embarrassment, anxiety, mental anguish, and emotional distress. Plaintiff was required to and did employ, and will in the future employ, physicians and health care providers to examine, treat and care for Plaintiff, and did, and will in the future, incur medical and incidental expenses. The exact amount of such expenses is unknown to Plaintiff at this time.
- 67. As a direct, foreseeable, and proximate result of the Defendants' retaliatory conduct, Plaintiff suffered and continues to suffer losses in earnings and other employment benefits all to her damage in an amount in excess of the minimum jurisdictional limits of this court, the precise amount of which will be proven at trial.
- 68. As a further legal result of the above-described conduct of Defendants, and each of them, Plaintiff has and will continue to incur attorneys' fees and costs in an amount according to proof.

FOURTH CAUSE OF ACTION

BY PLAINTIFF AGAINST ALL DEFENDANTS CITY OF UKIAH and UKIAH POLICE DEPARTMENT

FAILURE TO PREVENT HARASSMENT, DISCRIMINATION, AND RETALIATION IN VIOLATION OF FEHA

- 69. Plaintiff re-alleges and incorporates by reference each and every allegation contained in paragraphs 1–68 of this complaint as though fully set forth herein again.
- 70. At all times herein mentioned, Cal. Gov't Code §§ 12900, et seq., was in full force and effect and was fully binding upon Defendants. Specifically, section 12940(k) makes it an unlawful employment practice for an employer to fail to take all reasonable steps necessary to prevent discrimination, retaliation, and/or harassment based on an employee's sex, gender, and for engaging in protected activity contemplated by the FEHA.
- 71. At all times herein mentioned, Plaintiff was in the protected class of persons, *i.e.*, female, and engaged in protected activities contemplated by *Government Code* §§ 12940, *et seq*. Plaintiff is informed and believes that Defendants, and each of them, harassed and discriminated against her based on her sex/gender and retaliated against her for opposing, challenging, and speaking out against inappropriate workplace behavior, reporting and speaking out against wrongful, discriminatory, harassing, and retaliatory treatment based on her gender, speaking out against improper conduct, and for generally attempting to protect and secure her rights and the rights of others under the FEHA.
- 72. At all times herein mentioned, Defendants, and each of them, had actual and/or constructive knowledge of the retaliatory conduct levied against Plaintiff by Defendants, fellow employees, and superiors. Moreover, such retaliation, harassment, and discriminatory conduct was also conducted and/or condoned by Defendants, and each of them. Such retaliation was in violation of *Government Code* §§ 12940, *et seq.* and the public policy embodied therein.
- 73. Defendants breached their statutory duty of care to Plaintiff by failing to take all steps reasonably necessary to prevent the harassment, discrimination, and retaliation experienced by Plaintiff.

- 74. As a direct, foreseeable, and proximate result of Defendants' failure to prevent harassment, discrimination, and retaliation, Plaintiff suffered and continues to suffer humiliation, embarrassment, anxiety, mental anguish, and emotional distress. Plaintiff was required to and did employ, and will in the future employ, physicians and health care providers to examine, treat and care for Plaintiff, and did, and will in the future, incur medical and incidental expenses. The exact amount of such expenses is unknown to Plaintiff at this time.
- 75. As a direct, foreseeable, and proximate result of the Defendants' failure to prevent harassment, discrimination, and retaliation, Plaintiff suffered and continues to suffer losses in earnings and other employment benefits all to her damage in an amount in excess of the minimum jurisdictional limits of this court, the precise amount of which will be proven at trial.
- 76. As a further legal result of the above-described conduct of Defendants, and each of them, Plaintiff has and will continue to incur attorneys' fees and costs in an amount according to proof.

1 **PRAYER** 2 WHEREFORE, Plaintiff seeks judgment against all Defendants, and each of them, on all 3 Causes of Action for: 4 1. Physical, mental, and emotional injuries, pain, distress, suffering, anguish, fright, 5 nervousness, grief, anxiety, worry, shame, mortification, injured feelings, shock, humiliation and 6 indignity, as well as other unpleasant physical, mental, and emotional reactions, damages to 7 reputation, and other non-economic damages, in a sum to be ascertained according to proof; 8 2. Health care, services, supplies, medicines, health care appliances, modalities, and 9 other related expenses in a sum to be ascertained according to proof; 10 3. Loss of wages, income, earnings, earning capacity, support, domestic services, 11 benefits, and other economic damages in a sum to be ascertained according to proof; 12 4. Other actual, consequential, and/or incidental damages in a sum to be ascertained 13 according to proof; 14 5. Attorney fees and costs of suit pursuant to statute; 15 6. Costs of suit herein incurred; 16 7. Pre-judgment interest; and 17 8. Such other and further relief as the Court may deem just and proper. 18 19 Dated: August 11, 2021 McNICHOLAS & McNICHOLAS, LLP 20 21 Patrick McNicholas 22 Emily R. Pincin Attorneys for Plaintiff 23 ISABEL SIDERAKIS 24 25 26 27 28

DEMAND FOR JURY TRIAL Plaintiff hereby demands a jury trial. Dated: August 11, 2021 McNICHOLAS & McNICHOLAS, LLP Emily R. Pincin Attorneys for Plaintiff ISABEL SIDERAKIS