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11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF ORANGE**

13 CARLIN RAE MOTLEY,

14 Plaintiff,

15 vs.

16 THE REGENTS OF THE UNIVERSITY OF
17 CALIFORNIA; IBRAHIM ELDUMIATI; and
DOES 1 TO 25, INCLUSIVE,

18 Defendants.
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CASE NO 30-2018-01034602-CU-OE-CJC
Judge Layne H. Melzer

**COMPLAINT FOR DAMAGES AND
DEMAND FOR JURY TRIAL
(Unlimited Civil Case)**

1. Hostile Work Environment Sexual Harassment (Gov. Code, § 12940(j))
2. Failure to Take All Reasonable Steps Necessary to Prevent and Correct Harassment, Discrimination, and Retaliation (Gov. Code, § 12940(k))
3. Retaliation (Gov. Code, § 12940(h))
4. Intentional Infliction of Emotional Distress
5. Battery
6. Negligent Hiring, Supervision, and Retention

25 Plaintiff Carlin Rae Motley, for her complaint against Defendants THE REGENTS OF
26 THE UNIVERSITY OF CALIFORNIA, IBRAHIM ELDUMIATI, and DOES 1 TO 25,
27 inclusive, (sometimes collectively referred to as "Defendants"). alleges as follows:

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1 **JURISDICTION AND VENUE**

2 1. This Court has jurisdiction and venue because as at least some of the wrongful
3 conduct alleged herein occurred in Irvine, California, and because at least one defendant is
4 domiciled therein.

5 **PARTIES**

6 2. Plaintiff Carlin Rae Motley (“Plaintiff” or “Motley”) is an adult female who is
7 domiciled in Orange County, California.

8 3. On information and belief, defendant THE REGENTS OF THE UNIVERSITY
9 OF CALIFORNIA (“UC REGENTS”) is, and at all times herein mentioned was, a California
10 domestic non-profit corporation with its principal place of business in Alameda County,
11 California.

12 4. Defendant IBRAHIM ELDUMIATI (“ELDUMIATI”) is an adult male, who, on
13 information and belief, is domiciled in Orange County, California.

14 5. The true names or capacities, whether individual, corporate, associate or
15 otherwise, of Defendants DOES 1 to 25, inclusive, are unknown to Plaintiff, who therefore sues
16 said Defendants by such fictitious names. Plaintiff is informed and believes and thereon alleges
17 that each of the Defendants designated herein as DOE is legally responsible in some manner (as
18 the agent, partner, employee, contractor, joint venture, or co-conspirator of the other co-
19 Defendants) for the events and happenings herein referred to, and in doing the actions described
20 below was acting individually and as an agent of Defendant UC REGENTS. Plaintiff will
21 amend this Complaint to allege the true names and capacities of such Defendants when they are
22 ascertained.

23 6. At all times relevant herein, each defendant was the agent, employee, supervisor,
24 servant, and joint venturer of each of the remaining defendants, and in doing the things hereafter
25 alleged each Defendant was acting within the course, scope, and authority of such agency,
26 employment, and joint venture, and with the consent and permission of each of the other
27 Defendants. All actions of each Defendant alleged in the causes of action in which this
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1 paragraph is incorporated by reference were ratified and approved by the officers and/or
2 managing agents of every other Defendant.

3 **FACTUAL ALLEGATIONS**

4 7. Defendant UC REGENTS employs well over five employees and is, and at all
5 times herein mentioned was, an “employer” within the meaning of California Government Code
6 sections 12926(d) and 12940(j)(4)(A). Consequently, UC REGENTS is, and at all times herein
7 mentioned was, barred from discriminating against, harassing, and retaliating against its
8 employees on the bases set forth in Government Code section 12940. On further information
9 and belief, at all times herein mentioned, defendant UC REGENTS was authorized, pursuant to
10 Article IX, Section 9, of the California Constitution to administer that public trust known to the
11 general public as “The University of California,” which is comprised of ten public universities,
12 including The University of California, Irvine (“UCI”). At all times herein mentioned, defendant
13 UC REGENTS was, through its employees and agents, operating UCI.

14 8. At all times herein mentioned, Plaintiff was employed by defendant UC
15 REGENTS as a Marketing Analyst at UCI’s Cancer Center.

16 9. Plaintiff’s manager was Jennifer Sarrail. On information and belief, Sarrail’s job
17 title, at all times herein mentioned, was Executive Director, Bike-a-Thon, UCI Cancer Center.
18 On information and belief, Sarrail, in her capacity as Plaintiff’s manager, had the authority, in
19 the interest of UC REGENTS, to hire, transfer, suspend, lay off, recall, promote, discharge,
20 assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust
21 their grievances, or effectively to recommend that action, using her independent judgment.
22 Consequently, Sarrail, at all times herein mentioned, was a “supervisor” within the meaning of
23 Government Code section 12926(t).

24 10. On information and belief, defendant UC REGENTS negligently hired defendant
25 ELDUMIATI by, among other things, failing to sufficiently review his application; by failing to
26 verify his prior employment; by failing to sufficiently interview him; by failing to conduct a
27 sufficient background check on him; and by failing to sufficiently check his references, among
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1 other things. On information and belief, defendant UC REGENTS also knew, or should have
2 known, that defendant ELDUMIATI had a brain injury from a prior automobile accident that
3 caused him to act violently and inappropriately with others, especially with females. Yet, despite
4 this knowledge, defendant UC REGENTS proceeded to hire ELDUMIATI. Thereafter,
5 defendant UC REGENTS expressly and/or impliedly authorized defendant ELDUMIATI, at all
6 times herein mentioned, to represent UC REGENTS and UCI in dealings with third parties,
7 including during ELDUMIATI'S interactions with patients at the UCI Medical Center;
8 interactions with members of the general public during ELDUMIATI'S efforts to fundraise for
9 UCI's Cancer Center; and with other UCI employees, including Plaintiff. Defendant
10 ELDUMIATI was, therefore, an actual or ostensible agent of defendant UC REGENTS and UCI.
11 In the alternative, defendant ELDUMIATI was a volunteer employee of defendant UC
12 REGENTS and UCI, which, at all times herein mentioned, retained the right to direct the day-to-
13 day activities of ELDUMIATI; supervise him; discipline him; and terminate him.

14 11. On information and belief, ELDUMATI'S supervisors were Barbara Arbour and
15 Sandra Serrano, whose job titles, on information and belief, were Manager, Patient Relations
16 (Volunteer Services), and Assistant Manager, Volunteer Services, respectively.

17 12. On information and belief, defendants UC REGENTS and DOES 1 to 25 failed to
18 take all reasonable steps necessary to prevent discrimination, harassment, and retaliation from
19 occurring by failing to sufficiently raise the subjects of discrimination, harassment, and
20 retaliation with their employees, including their volunteer employees and agents, including
21 ELDUMIATI.

22 13. On information and belief, defendants UC REGENTS and DOES 1 to 25 failed to
23 take all reasonable steps necessary to prevent discrimination, harassment, and retaliation from
24 occurring by failing to sufficiently express strong disapproval of discrimination, harassment, and
25 retaliation with their employees, including their volunteer employees and agents, including
26 ELDUMIATI.

27 14. Plaintiff is informed and believes, and thereon alleges, that at all times herein
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1 mentioned, defendants UC REGENTS and DOES 1 to 25 failed to take all reasonable steps
2 necessary to prevent discrimination, harassment, and retaliation from occurring by failing to
3 sufficiently develop appropriate sanctions to deter their employees and agents, including
4 ELDUMIATI, from engaging in discrimination, harassment, and retaliation, and by failing to
5 take prompt, appropriate corrective action against employees and agents who were found to have
6 engaged in discrimination, harassment, and retaliation, including ELDUMIATI.

7 15. Plaintiff is informed and believes, and thereon alleges, that at all times herein
8 mentioned, defendants UC REGENTS and DOES 1 to 25 failed to take all reasonable steps
9 necessary to prevent discrimination, harassment, and retaliation from occurring by failing to
10 sufficiently inform their employees of their right to raise and how to raise the issues of
11 discrimination, harassment, and retaliation under applicable law.

12 16. Plaintiff is informed and believes, and thereon alleges, that at all times herein
13 mentioned, defendants UC REGENTS and DOES 1 to 25 failed to take all reasonable steps
14 necessary to prevent discrimination, harassment, and retaliation from occurring by failing to
15 sufficiently develop methods to sensitize their employees and agents, including ELDUMIATI, as
16 to matters of discrimination, harassment, and retaliation.

17 17. Plaintiff is informed and believes, and thereon alleges, that defendants UC
18 REGENTS and DOES 1 to 25 failed to take all reasonable steps necessary to prevent
19 discrimination, harassment, and retaliation from occurring by failing to provide their employees
20 and agents, including ELDUMIATI, with a sufficient policy prohibiting discrimination,
21 harassment, and retaliation; by failing to adequately disseminate said policy; and by failing to
22 provide sufficient training on said policy, including, but not limited to, training to defendant
23 ELDUMIATI.

24 18. Plaintiff is informed and believes, and thereon alleges, that defendants UC
25 REGENTS and DOES 1 to 25, their agents, and/or their supervisors knew, or should have
26 known, of the acts complained of herein, and/or ratified them.

27 19. Plaintiff met defendant ELDUMIATI in about December of 2016. Beginning in
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1 about January of 2017, and continuing regularly thereafter through at least the end of January of
2 2018, ELDUMIATI engaged in the following conduct of a sexual nature toward Plaintiff, which
3 was unwelcome to her, and which caused her to reasonably perceive her work environment as
4 hostile, offensive, and intimidating:

- 5 a. Creating reasons to visit Plaintiff at her office, then visiting Plaintiff at her
6 office up to four times a week;
- 7 b. Calling Plaintiff up to several times a day, during which he repeatedly
8 attempted to get Plaintiff to divulge details about her personal life;
- 9 c. Volunteering information to Plaintiff about his personal life;
- 10 d. Inviting Plaintiff to attend his birthday celebration;
- 11 e. Disclosing personal family information to Plaintiff as the “first person he
12 had told” in an attempt to make her feel trusted and special;
- 13 f. Hugging and attempting to hug Plaintiff;
- 14 g. Touching and rubbing Plaintiff’s arms and shoulders;
- 15 h. Telling Plaintiff that she looked nice;
- 16 i. Telling Plaintiff that she looked good in certain colors;
- 17 j. Telling Plaintiff that he did not like it when she wore black;
- 18 k. Telling Plaintiff that he did not like it when she wore her hair up;
- 19 l. Keeping a picture of Plaintiff and him as the screensaver on his cellphone,
20 then showing it to Plaintiff to let her know he had done so;
- 21 m. Kissing Plaintiff on the cheek;
- 22 n. Kissing Plaintiff on the neck;
- 23 o. Telling Plaintiff that he loved her;
- 24 p. Boxing Plaintiff up against a wall and blocking her escape;
- 25 q. Standing close to Plaintiff in the copy room;
- 26 r. Waiting in the parking lot for Plaintiff to arrive for work.

27 20. The aforementioned list of conduct is not meant to be an exhaustive list of
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1 conduct engaged in by Defendant ELDUMIATI.

2 21. The aforementioned conduct caused Plaintiff to experience severe discomfort,
3 stress, and anxiety, to the point where she so dreaded seeing ELDUMIATI that she would throw
4 up knowing that she had to see him. Plaintiff began locking the door in about June of 2017 if she
5 knew she was working alone.

6 22. Plaintiff opposed ELDUMIATI'S conduct through words, gestures, and other
7 body language that communicated to ELDUMIATI that his conduct made her uncomfortable,
8 and was hostile and intimidating to her. She also tried to avoid ELDUMIATI whenever possible.
9 Despite Plaintiff's efforts, ELDUMIATI continued engaging in the aforementioned conduct.

10 23. In about late Summer or early Fall of 2017, Plaintiff's manager, Jennifer Sarrail,
11 told ELDUMIATI to limit his visits to Plaintiff's office to once a week. ELDUMIATI ignored
12 Sarrail's directive and continued to visit Plaintiff several times a week.

13 24. In October of 2017, Plaintiff and ELDUMIATI were scheduled to work at an
14 Anti-Cancer Challenge event at UCI's Bren Center. Internationally-renowned singer Sheryl
15 Crow, who is also a breast cancer survivor, was to perform as part of the festivities. The night
16 before the concert, on or about October 20, 2017, ELDUMIATI attended a dinner for top
17 fundraisers, during which he became so intoxicated that he took his shoes off during dinner and
18 was unable to chew his food. Food literally fell out of his mouth.

19 25. Despite his drunken behavior the night before, defendant UC REGENTS
20 permitted ELDUMIATI to attend the Anti-Cancer Challenge event the next day, October 21,
21 2017. During this event, ELDUMIATI again became inebriated, after which he "bear hugged"
22 Plaintiff; kissed her multiple times on the cheek and neck; and told her multiple times that he
23 loved her. Plaintiff could not escape because ELDUMIATI was much bigger and stronger than
24 Plaintiff, and because he had her trapped against a wall. This incident was witnessed by Jennifer
25 Sarrail. After it was over, Plaintiff directly told Sarrail that ELDUMIATI had kissed her and it
26 was not ok, hoping Sarrail would finally address this problem once and for all. Sarrail said
27 nothing, however, and walked away.

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1 26. The Monday after the Anti-Cancer Challenge event, Sarrail said that the issue
2 with ELDUMIATI needed to be addressed. Plaintiff, for one, said she never wanted to be alone
3 with him. On information and belief, Sarrail felt it was not her job to deal with ELDUMIATI;
4 instead, she intended to let the Director of the Cancer Center, Dr. Van Etten, handle it. On
5 further information and belief, however, Sarrail did not speak with Dr. Van Etten about the issue.
6 Consequently, ELDUMIATI continued engaging in the above-reference conduct through
7 November, December, and January.

8 27. The last straw for Plaintiff was at the end of January of 2018. On or about January
9 29, 2018, Plaintiff arrived at work to find ELDUMIATI waiting for her in the parking lot.
10 ELDUMIATI said he needed to ask her some questions. Plaintiff walked into the building and
11 stopped at the security desk in the lobby, where she answered ELDUMIATI'S questions, hoping
12 he would then go away. Instead, ELDUMIATI insisted on riding the elevator up to Plaintiff's
13 office under the guise of picking up some materials. During the elevator ride, even ELDUMIATI
14 noticed Plaintiff's extreme discomfort, asking her if she was "okay" because she "seemed off."

15 28. Later in the day of the "parking lot incident," Plaintiff, Jennifer Sarrail, and
16 Plaintiff's co-worker, Crista Pulos, met with ELDUMIATI'S supervisors, Barbara Arbour and
17 Sandra Serrano. Plaintiff reiterated that she wanted ELDUMIATI to leave her alone. Either
18 Arbour or Serrano remarked during this meeting that she was curious to see what Plaintiff looked
19 like because ELDUMIATI always said how beautiful Plaintiff was. It was also discussed during
20 the meeting that ELDUMIATI failed to comply with other rules, and that there had been other
21 issues with him in the past. Jennifer Sarrail, Plaintiff's manager, said during this meeting that
22 she was uncomfortable making any decisions without involving Dr. Van Etten, the Director of
23 the Cancer Center. Sarrail also said that ELDUMIATI was a valuable contributor to the program.
24 This led Plaintiff to believe that she needed to escalate her complaint to someone else.

25 29. On or about January 31, 2018, Plaintiff contacted UCI's Office of Equal
26 Opportunity and Diversity (OEOD) and spoke with Gregory Timberlake, Senior Investigator.
27 Timberlake sent Plaintiff an email with various options and offered to make an appointment with
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1 an investigator for her to discuss the options.

2 30. On February 5, 2018, Plaintiff reported the matter to the UCI Police Department.
3 That same day, she also met with Gregory Timberlake. On February 6, 2018, Plaintiff emailed
4 Timberlake to advise him that she wanted to proceed with a formal investigation and inquired
5 about the next steps. She thereafter submitted a formal complaint form on February 6, 2018.
6 Three days later, on February 9, 2018, Timberlake emailed Plaintiff to acknowledge receipt of
7 the complaint form and to advise her of the process and the timeline. This communication
8 indicated that investigations would be completed, “promptly, typically within 50 business days.”

9 31. Timberlake ended up conducting the investigation, which ended on May 15, 2018,
10 three and a half months after Plaintiff’s January 31, 2018 call to UCI’s Campus Assault
11 Resources and Education (CARE) hotline. ELDUMIATI was not interviewed until March 13,
12 2018, a month and a half after Plaintiff’s initial call to the CARE hotline.

13 32. On information and belief, ELDUMIATI continued working during the entire
14 pendency of the investigation. Plaintiff was even more terrified of seeing him after reporting
15 him, so she began carrying pepper spray and took a self-defense course. She also started seeing
16 a health care professional to help her deal with her extreme emotional distress.

17 33. In mid-April, after having interviewed Plaintiff again on March 7, 2018,
18 Timberlake sent Plaintiff a statement for her to review. Plaintiff noted that many details that she
19 had provided were omitted from her statement, and she emailed Timberlake a few days later and
20 told him so. He continued to collect information from Plaintiff as late as April 24, 2018. And on
21 April 26, 2018, Timberlake advised that the investigation’s conclusion date would be extended to
22 May 15, 2018.

23 34. On May 15, 2018, Timberlake finally completed his investigation, culminating in
24 a twenty-eight page report, not including accompanying exhibits. He emailed this report to
25 Plaintiff on or about May 17, 2018. Among other things, Timberlake found, by a preponderance
26 of the evidence, that:

- 27 a. ELDUMIATI called Plaintiff on at least once a day;

- b. ELDUMIATI visited Plaintiff's office around three times a week;
- c. ELDUMIATI'S calls were not restricted to business;
- d. ELDUMIATI hugged Plaintiff, and that the hugs in June and October of 2017 were not welcomed;
- e. ELDUMIATI hugged and kissed Plaintiff, and told her that he loved her, in October of 2017;
- f. ELDUMIATI stalked and sexually harassed Plaintiff in violation of university policies and guidelines.

35. In addition to receiving the Findings, Plaintiff was informed that she could not challenge them or present new evidence. Rather, she was informed that, within ten days, should could respond to express her perspective and a desired outcome. Plaintiff was also informed that "Director Payal Mehta" would recommend any proposed action to the Chancellor's designee, Ramona Agrela, who would then approve and issue such action.

36. By about July 18, 2018, Plaintiff still had heard nothing at all about any proposed action. Further, her manager, Jennifer Sarrail, was treating her in a derogatory manner, which was causing her to have trouble concentrating and doing her job.

37. On about July 20, 2018, Plaintiff emailed Gregory Timberlake to follow up on proposed action.

38. On about August 2, 2018, Plaintiff was summoned to a meeting with Timberlake and her manager, Sarrail, where she was told that the process was over and that Plaintiff needed to "move on." Plaintiff was also told that ELDUMIAIT had been informed that he would not be involved in the Anti-Cancer Challenge. Plaintiff said she was happy to hear that, as Sarrail had been trying to schedule her to work alone with ELDUMIATI.

39. On or about August 10, 2018, Plaintiff was informed that her department was going to be reorganized. Since then, she has been "in limbo" as to what her future will be at UCI. Plaintiff has heard rumors that she will be transferred back to the main campus, but to date, that has not happened.

1 40. To date, Gregory Timberlake has still not informed Plaintiff in writing of whether
2 ELDUMIATI has been disciplined. On information and belief, this is something that should
3 have been done. Since it hasn't, Plaintiff is informed and believes that ELDUMIATI has not
4 been disciplined and has been retained by UC REGENTS. Thus, on information and belief, UC
5 REGENTS has taken no corrective action, or insufficient corrective action, against
6 ELDUMIATI, placing his perceived value as a fundraiser over Plaintiff's health and safety.
7 Plaintiff is still fearful of seeing ELDUMIATI to this day, and continues to lock the office door
8 when she works alone. She also continues to be hyper-vigilant when entering into the parking
9 lot. She also continues to see a therapist to help her deal with her extreme emotional distress.

10 41. Jennifer Sarrail has also retaliated against Plaintiff by excluding her from monthly
11 meetings that she has always attended, as well as all other meetings of every type. Further, in
12 September of 2018, Sarrail asked Plaintiff to go down the hall to ask a co-worker about
13 something, then locked Plaintiff out of the office for an extended time before finally unlocking
14 the door and permitting Plaintiff to re-enter. Sarrail has also left Plaintiff off of emails that she
15 previously was copied on by Sarrail. Plaintiff believes Sarrail is also snooping on her computer.
16 Sarrail has generally been hostile toward Plaintiff since her formal report.

17 42. On information and belief, defendant UC REGENTS has taken other retaliatory
18 actions against Plaintiff.

19 43. Based on the above, Plaintiff has exhausted internal remedies.

20 44. Plaintiff, through counsel, filed a Complaint of Discrimination with the
21 Department of Fair Employment and Housing on October 18, 2018, and requested, and obtained,
22 an immediate Notice of Case Closure. Copies of the Complaint of Discrimination, Notice to
23 Complainant's Attorney, and Notice of Case Closure are attached collectively hereto as Exhibit
24 A and incorporated herein by this reference. Plaintiff has, therefore, exhausted administrative
25 remedies prior to the filing of this action.

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1 **FIRST CAUSE OF ACTION**

2 (Against All Defendants for Hostile Work Environment [Gov. Code, § 12940(j)])

3 45. Plaintiff realleges and incorporates herein the allegations set forth in the other
4 paragraphs of this Complaint, except for those that are inconsistent with a cause of action for
5 hostile work environment sexual harassment.

6 46. At all times herein mentioned, Government Code section 12940(j) was in full
7 force and effect and was binding on Defendants. Section 12940(j) requires employers, including
8 defendant UC REGENTS, to take all reasonable steps necessary to prevent harassment from
9 occurring and, further, prohibits harassment of an employee on the basis of the employee's sex.

10 47. The acts of Defendants, and each of them, as described more fully above,
11 constituted a pattern and continuous course of harassment on the basis of sex in violation of
12 Government Code sections 12940(j)(1).

13 48. The unlawful harassment of Plaintiff by Defendants created an oppressive,
14 hostile, intimidating and/or offensive work environment for Plaintiff and interfered with her
15 emotional well-being and ability to perform her duties. The unlawful harassment was
16 sufficiently severe and/or pervasive as to materially alter Plaintiff's conditions of employment,
17 and to create an abusive working environment.

18 49. As a direct and proximate result of the unlawful harassment of Plaintiff described
19 above, Plaintiff has suffered, and continues to suffer special damages in the form of past and
20 future medical costs and expenses to be proven at the time of trial.

21 50. As a direct and proximate result of the unlawful conduct of Defendants and each
22 of them, Plaintiff has suffered, and continues to suffer, general damages including but not limited
23 to shock, embarrassment, physical distress and injury, humiliation, emotional distress, stress and
24 other damages to be proven at the time of trial.

25 51. ELDUMIATI committed the acts herein alleged maliciously, fraudulently and
26 oppressively with the wrongful intention of injuring Plaintiff, from an improper and evil motive
27 amounting to malice, and in conscious disregard of the rights of Plaintiff. Consequently,
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1 Plaintiff seeks an award of punitive and exemplary damages against ELDUMIATI in an amount
2 according to proof.

3 52. As a direct cause of the acts alleged above, Plaintiff has had to hire the services of
4 an attorney. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees, and
5 is entitled to an award of attorneys' fees and costs pursuant to Government Code section
6 12965(b). Plaintiff is presently unaware of the precise amount of these expenses and fees and
7 prays leave of court to amend this complaint when the amounts are more fully known.

8 WHEREFORE Plaintiff prays for judgment as set forth below.

9 **SECOND CAUSE OF ACTION**

10 (Against Defendants UC REGENTS and DOES 1 to 25 Only for Failure
11 to Take All Reasonable Steps Necessary to Prevent and Correct Harassment,
12 Discrimination, and Retaliation [Gov. Code, § 12940(k)])

13 53. Plaintiff realleges and incorporates herein the allegations set forth in the other
14 paragraphs of this Complaint, except for those that are inconsistent with a cause of action for
15 failure to take all reason steps necessary to prevent and correct harassment, discrimination, and
16 retaliation.

17 54. Plaintiff is informed and believes and thereupon alleges that Defendants knew or
18 reasonably should have known of defendant ELDUMIATI'S propensity for engaging in unlawful
19 harassing and discriminatory conduct in the workplace and that he should not have been
20 employed with Defendants. Each and every Defendant should have restrained its employees
21 from engaging in unlawful, discriminatory conduct and should have provided training and
22 instruction to its employees on the laws pertaining to harassment and discrimination.

23 55. At all times herein mentioned, Government Code sections 12940(j) and (k) were
24 in full force and effect and were binding on all Defendants. These subsections require
25 Defendants to take all reasonable steps necessary to prevent harassment, discrimination, and
26 retaliation from occurring, and to take reasonable steps to correct those things. As alleged above,
27 Defendants violated these subsections by failing to take all reasonable steps necessary to prevent
28 and correct harassment, discrimination, and retaliation.

1 56. Plaintiff is informed and believes and thereupon alleges that Defendants failed to
2 provide adequate training to their employees, agents, supervisors, managers, officers, directors,
3 and managing agents.

4 57. As a direct and proximate result of the unlawful harassment of Plaintiff described
5 above, Plaintiff has suffered, and will continue to suffer special damages in the form of past and
6 future medical costs and expenses to be proven at the time of trial.

7 58. As a direct and proximate result of the unlawful conduct of Defendants and each
8 of them, Plaintiff has suffered, and continues to suffer, general damages including but not limited
9 to shock, embarrassment, physical distress and injury, humiliation, emotional distress, stress and
10 other damages to be proven at the time of trial.

11 59. As a direct cause of the acts alleged above, Plaintiff has had to hire the services of
12 an attorney. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees, and
13 is entitled to an award of attorneys' fees and costs pursuant to Government Code section
14 12965(b). Plaintiff is presently unaware of the precise amount of these expenses and fees and
15 prays leave of court to amend this complaint when the amounts are more fully known.

16 WHEREFORE Plaintiff prays for judgment as set forth below.

17 **THIRD CAUSE OF ACTION**

18 (Against Defendants UC REGENTS and DOES 1 to 25 Only

19 for Retaliation [Gov. Code, § 12940(h)])'

20 60. Plaintiff realleges and incorporates herein the allegations set forth in the other
21 paragraphs of this Complaint, except for those that are inconsistent with a cause of action for
22 retaliation.

23 61. At all times herein mentioned, Government Code section 12940(h) was in full
24 force and effect and was binding on Defendants. This section prohibits retaliation because of
25 opposition to, or making a complaint regarding, unlawful discrimination or harassment.

26 62. After Plaintiff protested against ELDUMIATI'S harassment and Defendants'
27 failure to prevent said harassment, Defendants retaliated against Plaintiff by, including, but not
28 limited to: (1) allowing ELDUMIATI to continue to harass and abuse Plaintiff, (2) failing to

1 conduct a prompt investigation of her complaints; (3) attempting to schedule Plaintiff to work
2 alone with ELDUMIATI; (4) intentionally keeping her “in the dark” about her future at UCI
3 during the reorganization of her department; (5) failing to take prompt, appropriate corrective
4 action against ELDUMIATI; (6) permitting Jennifer Sarraill to exclude Plaintiff from monthly
5 meetings that Plaintiff has always attended, as well as all other meetings of every type; (7)
6 permitting Jennifer Sarraill to lock Plaintiff out of the office for an extended time before finally
7 unlocking the door and permitting Plaintiff to re-enter; (8) permitting Jennifer Sarraill to exclude
8 Plaintiff from the types of emails that Plaintiff had previously been copied on by Sarraill; (9)
9 permitting Jennifer Sarraill to snoop on Plaintiff’s computer; and (10) permitting Sarraill to be
10 generally hostile toward Plaintiff since her formal report. On information and belief, UC
11 REGENTS has taken other retaliatory actions against Plaintiff.

12 63. Defendants’ acts constitute retaliation in violation of Government Code Section
13 12940(h).

14 64. As a direct and proximate result of the unlawful harassment of Plaintiff described
15 above, Plaintiff has suffered, and will continue to suffer special damages in the form of past and
16 future medical costs and expenses to be proven at the time of trial.

17 65. As a direct and proximate result of the unlawful conduct of Defendants and each
18 of them, Plaintiff has suffered, and continues to suffer, general damages including but not limited
19 to shock, embarrassment, physical distress and injury, humiliation, emotional distress, stress and
20 other damages to be proven at the time of trial.

21 66. As a direct cause of the acts alleged above, Plaintiff has had to hire the services of
22 an attorney. Plaintiff has incurred and continues to incur legal expenses and attorneys’ fees, and
23 is entitled to an award of attorneys’ fees and costs pursuant to Government Code section
24 12965(b). Plaintiff is presently unaware of the precise amount of these expenses and fees and
25 prays leave of court to amend this complaint when the amounts are more fully known.

26 WHEREFORE Plaintiff prays for judgment as set forth below.

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1 **FOURTH CAUSE OF ACTION**

2 (Against All Defendants for Intentional Infliction of Emotional Distress)

3 67. Plaintiff realleges and incorporates herein the allegations set forth in the other
4 paragraphs of this Complaint, except for those that are inconsistent with a cause of action for
5 intentional infliction of emotional distress.

6 68. Defendants' conduct alleged herein was intentional, outrageous, malicious, and
7 committed for the purpose of causing Plaintiff to suffer humiliation, mental anguish, and severe
8 physical and emotional distress.

9 69. Defendants had advance knowledge of the unfitness of their employee, Defendant
10 ELDUMIATI, and continued to employ him, and ratified the intentional, outrageous,
11 malicious conduct set forth herein after managing agents were given notice of such conduct.

12 70. As a direct and proximate result of Defendants' conduct as herein above alleged,
13 Plaintiff was injured in her strength, health, and activity, sustaining shock and injury to her
14 nervous system, all of which have caused and continue to cause Plaintiff severe emotional
15 distress, great mental pain, embarrassment, humiliation, anguish and suffering, all to her damage
16 in an amount in excess of the minimum subject matter jurisdiction of this court and according to
17 proof.

18 71. As a direct and proximate result of the unlawful harassment of Plaintiff described
19 above, Plaintiff has suffered, and will continue to suffer special damages in the form of past and
20 future medical costs and expenses to be proven at the time of trial.

21 72. As a direct and proximate result of the unlawful conduct of Defendants and each
22 of them, Plaintiff has suffered, and continues to suffer, general damages including but not limited
23 to shock, embarrassment, physical distress and injury, humiliation, emotional distress, stress and
24 other damages to be proven at the time of trial.

25 73. Defendant ELDUMIATI'S conduct as described above was committed
26 maliciously, fraudulently and oppressively, with the wrongful intention of injuring Plaintiff, from
27 an improper and evil motive amounting to malice, and in conscious disregard of the rights of
28

1 Plaintiff. Consequently, Plaintiff seeks an award of punitive and exemplary damages against
2 ELDUMIATI in an amount according to proof.

3 **FIFTH CAUSE OF ACTION**

4 (Against All Defendants for Battery)

5 74. Plaintiff realleges and incorporates herein the allegations set forth in the other
6 paragraphs of this Complaint, except for those that are inconsistent with a cause of action for
7 battery.

8 75. The touching described in this Complaint was committed by defendant
9 ELDUMIATI with the intent to harm and/or offend Plaintiff, or was done in reckless disregard of
10 the probability that it would be harmful and/or offensive to Plaintiff.

11 76. Plaintiff never consented, expressly or impliedly, to any touching by defendant
12 ELDUMIATI.

13 77. Plaintiff was harmed by defendant ELDUMIATI'S touching of her person, as
14 otherwise set forth in this Complaint.

15 78. Defendant ELDUMIATI'S conduct as described above was committed
16 maliciously, fraudulently and oppressively with the wrongful intention of injuring Plaintiff, from
17 an improper and evil motive amounting to malice, and in conscious disregard of the rights of
18 Plaintiff. Consequently, Plaintiff seeks an award of punitive and exemplary damages against
19 ELDUMIATI in an amount according to proof.

20 **SIXTH CAUSE OF ACTION**

21 (Against Defendants UC REGENTS and DOES 1 to 25 Only

22 for Negligent Hiring, Supervision, and Retention)

23 79. Plaintiff realleges and incorporates herein the allegations set forth in the other
24 paragraphs of this Complaint, except for those that are inconsistent with a cause of action for
25 negligent hiring, supervision, and retention.

26 80. Defendants hired defendant ELDUMIATI.

27 81. Defendant ELDUMIATI was, at the time of his hiring, unfit and/or incompetent
28 to perform the work for which he was hired, and/or became unfit and/or incompetent to perform

1 said work, in that he had a propensity to treat female employees inappropriately, possibly due to
2 a brain injury that he had suffered in a prior automobile accident and/or his excessive use and/or
3 abuse of alcohol, including during work-related events.

4 82. Defendants knew or should have known that ELDUMIATI was, and/or had
5 become, unfit and/or incompetent, and of his propensity to mistreat women in the workplace due
6 to his brain injury and/or excessive use and/or abuse of alcohol, and that ELDUMIATI'S
7 unfitness and/or incompetence created a particular risk to female employees.

8 83. Plaintiff was harmed by ELDUMIATI'S unfitness and/or incompetence, as
9 otherwise set forth in this Complaint.

10 84. Defendants' negligence in hiring, supervising, and/or retaining ELDUMIATI was
11 a substantial factor in causing Plaintiff's harm.

12 WHEREFORE Plaintiff prays for judgment as set forth below.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- 15 1. For general damages, according to proof;
- 16 2. For special damages, according to proof;
- 17 3. For punitive damages against ELDUMIATI pursuant to Government Code section
18 12965, Civil Code section 3294, and as otherwise provided by law;
- 19 4. For attorneys' fees, pursuant to Government Code section 12965, and as
20 otherwise provided by law;
- 21 5. For equitable and declaratory relief, pursuant to Government Code 12965, and as
22 otherwise permitted by law;
- 23 6. For pre-judgment interest as provided by law;

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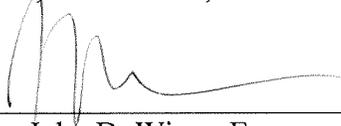
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- 7. For costs of suit incurred herein; and,
- 8. For such other and further relief as the Court deems fair and just.

DATED: November 21, 2018

WINER, McKENNA, BURRITT & TILLIS LLP

By: 

John D. Winer, Esq.
Kelli Burritt, Esq.
Rachael Sauer, Esq.
Attorneys for Plaintiff

Demand for Jury Trial

Plaintiff hereby demands a trial by jury.

DATED: November 21, 2018

WINER, McKENNA, BURRITT & TILLIS LLP

By: 

John D. Winer, Esq.
Kelli Burritt, Esq.
Rachael Sauer, Esq.
Attorneys for Plaintiff