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**FILED BY FAX**  
 ALAMEDA COUNTY  
 June 19, 2017  
 CLERK OF  
 THE SUPERIOR COURT  
 By Burt Moskaira, Deputy  
 CASE NUMBER:  
**RG17864456**

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 9 IN AND FOR THE COUNTY OF ALAMEDA

11 ALICE MCNEIL,	)Case No.
12 Plaintiff,	)
13 v.	) <b>COMPLAINT FOR DAMAGES</b>
14 UNIVERSITY OF CALIFORNIA, BERKELEY;	)(Retaliation in Violation of California Labor
15 REGENTS OF THE UNIVERSITY OF	Code Section 1102.5)
16 CALIFORNIA; and DOES I-X.	)
17 Defendants.	)

19 **INTRODUCTION**

20 1. Plaintiff Alice McNeil brings this lawsuit against her former employer for unlawful  
 21 retaliation in violation of Labor Code Section 1102.5.

22 **JURISDICTION AND VENUE**

23 2. This Court has jurisdiction over this action because Plaintiff's claims arise under  
 24 state law, the wrongful acts alleged herein were committed in this state, and the harms suffered by  
 25 Plaintiff occurred in this state.

26 3. Venue is proper in the County of Alameda pursuant to California Code of Civil  
 27 Procedure § 395(a) because Defendant Regents of University of California resides in the City of  
 28 Oakland, which is located in the County of Alameda.

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**PARTIES**

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4. At all times relevant herein, Plaintiff Alice McNeil ("Plaintiff" or "McNeil") was a resident of the State of California and was employed by defendant at the University of California, Berkeley ("UC Berkeley"), located in the County of Alameda.

5. At all times herein mentioned, Defendant Regents of the University of California ("Defendant" or "Regents") was and is a government agency constituted by Article IX, Section 9 of the California Constitution and is authorized to do business, and is doing business, in the State of California. Defendant maintains its headquarters and principal place of business in Oakland, California.

6. Plaintiff is informed and believes, and therefore alleges, that Defendant is the governing body of UC Berkeley.

7. The true names and capacities of the defendants named herein as DOES 1 through 10, inclusive, whether individual, corporate, associate or otherwise, are unknown to Plaintiff who therefore sues such defendants by fictitious names pursuant to California Code of Civil Procedure § 474. Plaintiff is informed and believes that the DOE defendants are California residents.

8. Plaintiff is informed and believes and thereon alleges that each of these fictitiously named DOE defendants is responsible in some manner for the occurrences herein alleged, and that these defendants proximately caused Plaintiff's injuries. Plaintiff will amend this Complaint to show such true names and capacities when they have been determined.

9. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned, each defendant was the agent of the other defendants and in performing the acts herein alleged was acting within the course and scope of such agency and with the permission and consent of its co-defendants. Each of the defendants ratified and/or authorized the acts of the other defendants.

**FACTUAL ALLEGATIONS**

10. Plaintiff McNeil began working at UC Berkeley in approximately March 2012 as a Catering Coordinator at International House. In July of 2013, Ms. McNeil was selected to become the University House Manager, where she performed a variety of duties for Chancellor

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1 Nicholas Dirks (the "Chancellor"), his wife, Associate Professor Janaki Bakhle ("Professor  
2 Bakhle"), and their family. For example, Ms. McNeil managed the household calendar,  
3 scheduling both personal and professional appointments as well as public and private events. She  
4 arranged for domestic and international travel for the Chancellor's family, including flights and  
5 accommodations for family, guests, and pets. In collaboration with other University departments,  
6 she planned and managed many different special events that were hosted at University House.

7 11. During her initial training, Ms. McNeil was informed that she would be required to  
8 submit quarterly G-45 forms to report time spent on any "personal services" for the Chancellor's  
9 family. This task was emphasized as being "very important" for tax purposes.

10 12. The first time that Ms. McNeil attempted to comply with this directive by  
11 accurately reporting the time spent on performing personal services for the Chancellor, Professor  
12 Bakhle, and their family, she was verbally reprimanded by the then-Chief of Staff, was instructed  
13 to re-submit her G-45 with "zeros" for time spent performing personal services, and was warned  
14 that "going forward, the Chancellor does not want to see any personal service on your G-45."

15 13. Ms. McNeil understood the Chief of Staff's warning as a threat to her job and  
16 therefore followed the instructions to report "zero" hours on the G-45 form. However, Ms.  
17 McNeil was repeatedly instructed to perform personal services for the Chancellor's family, such  
18 as taking their son to the dentist, filling out medical forms for their son's boarding school, mailing  
19 personal packages for them, taking their personal vehicle in for service, and taking their pets to  
20 the vet, among other things.

21 14. Ms. McNeil was uncomfortable following the direction to submit inaccurate G-45  
22 forms, but she valued her job and feared that disobeying these directions would cause her to lose  
23 it. After the Chief of Staff retired, Ms. McNeil raised this moral dilemma directly with the next  
24 Chief of Staff, explaining that she was uncomfortable putting false information on her G-45  
25 forms. The new Chief of Staff told Ms. McNeil that she should "follow her conscience" when  
26 submitting G-45 forms in the future.

27 15. Up until this point, the Chancellor's family was clearly happy with Ms. McNeil's  
28 services and job performance. As a result, her job duties were expanded and, in approximately

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1 September of 2014, her title was upgraded to Executive to the Associate of the Chancellor and  
2 Director of University House. The Chancellor's wife, Professor Bakhle, also made statements to  
3 Ms. McNeil indicating that she was happy with her work and was discussing a substantial pay  
4 raise with the Chancellor.

5 16. In approximately December of 2014, Ms. McNeil submitted a G-45 that accurately  
6 reported hours of work spent on personal services for the Chancellor's family. She had also  
7 encouraged the family's housekeeper to accurately report her personal service hours on her G-45.

8 17. Almost immediately thereafter, Professor Bakhle complained to the Chief of Staff  
9 about Ms. McNeil's G-45 form submission – a meeting that was held at University House while  
10 Ms. McNeil was present working. The Chief of Staff, in turn, reprimanded Ms. McNeil and the  
11 housekeeper, claiming that their G-45 reports "resulted in a \$4,000+ tax liability" for the  
12 Chancellor's family and stating that "The Chancellor and his Associate [Bakhle] are not happy"  
13 about their tax bill. The Chief of Staff further instructed Ms. McNeil to meet with the Executive  
14 Director of External Relations to describe, in detail, all of the personal services that she provided  
15 for the Chancellor's family. This meeting took place on December 17, 2014.

16 18. Effective January 1, 2015, Ms. McNeil was placed under the supervision of the  
17 Special Advisor to the Chancellor, and on January 16, 2015 she was removed from University  
18 House and instructed to perform her work from California Hall. Thereafter, her job duties and  
19 access to the University House were taken away.

20 19. On February 5, 2015, Ms. McNeil met with the Special Advisor to the Chancellor,  
21 the Executive Director of External Relations, and by Ms. McNeil's request, a representative from  
22 the Human Resources department. At that meeting, Ms. McNeil was directed to sign a new G-45  
23 form, which had been "revised" to cut her reported personal service hours. After being told that  
24 the report was revised and approved by the University's legal department, Ms. McNeil reluctantly  
25 agreed to sign it.

26 20. Immediately upon signing the revised form, Ms. McNeil was informed that she  
27 would be "laid off" from her position at University House. She was also assured by Human  
28 Resources and the Special Advisor to the Chancellor that the University would work with her to

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1 find another position elsewhere on campus.

2 21. In March 2015, Ms. McNeil received an official lay-off notice that indicated she  
3 was being laid off due to a "lack of work." Despite promises that she would be given a new job  
4 on campus, Ms. McNeil was only given a short-term contract position that ended on January 19,  
5 2016, thus ending her employment with the University.

6 22. Although the lay-off notice indicated that the reason she was let go from University  
7 House was "lack of work," this explanation is false and pretextual. The staff at University House  
8 increased after she left and Ms. McNeil saw multiple job postings for positions within University  
9 House for which she was qualified. She applied and interviewed for one of the positions, but was  
10 later told, months after she interviewed for it, that the filling of the position was "on hold."

11 23. Ms. McNeil has made a variety of attempts to report retaliation to UC Berkeley and  
12 the UC Regents, repeatedly emphasizing her desire to obtain a new position at UC Berkeley. For  
13 example, she has contacted the Assistant Vice Chancellor of Human Resources at UC Berkeley,  
14 the Chief of Staff for the President of the UC Regents, and the Director of Systemwide Employee  
15 Relations for the UC Regents – all in an effort to explain what happened to her and seek  
16 assistance in finding a new position at UC Berkeley. Ms. McNeil also opted into UC Berkeley's  
17 preferential rehire-program (in lieu of severance pay) and applied for a variety of open positions  
18 for which she was qualified. Despite these efforts, her status as a preferential rehire, and her  
19 many qualifications, Defendant has refused to re-hire Ms. McNeil.

20 24. Ms. McNeil's removal from her University House job, the termination of her  
21 employment, and the refusal to re-hire her into positions for which she is qualified are all unlawful  
22 acts of retaliation by Defendant, which were taken in direct response to her refusal to participate  
23 in unlawful conduct by submitting false information to a governmental organization on forms that,  
24 upon information and belief, are used to calculate tax liabilities, and also for encouraging other  
25 staff to similarly refuse to submit false reports.

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**FIRST CAUSE OF ACTION**

***Unlawful Retaliation in Violation of Cal. Labor Code § 1102.5***

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25. Plaintiff re-alleges and incorporates herein by reference the allegations in paragraphs 1 through 24 above, as though fully set forth herein.

26. At all times relevant herein, Defendant UC Regents was a government agency and an employer within the meaning of Labor Code section 1102.5.

27. At all times relevant herein, Plaintiff was an employee of a government agency within the meaning of Labor Code section 1102.5.

28. At all times relevant herein, Plaintiff held a reasonable good faith belief that Defendant used G-45 forms to calculate state and/or federal tax liabilities for the Chancellor's family and that the directive she received to submit inaccurate information to Defendant on her own G-45 form forced her participate in an activity that would result in a violation of or noncompliance with state or federal tax laws.

29. As described in more detail above, Plaintiff engaged in activity protected by Labor Code section 1102.5 by, inter alia, complaining to her employer, which is a government agency, about the directive she received to submit inaccurate G-45 forms about and refusing to continue to comply with this directive based on her reasonable good faith belief that it required her to participate in an activity that would result in a violation of or noncompliance with state of federal tax laws.

30. Defendant knew and/or suspected that Plaintiff was engaging in the protected activity described above.

31. In violation of Labor Code section 1102.5, Defendant retaliated against Plaintiff for engaging in the protected activity described above and/or because Defendant suspected that Plaintiff was engaging in such protected activity.

32. Plaintiff's protected activity, described above, and/or Defendant's suspicion that Plaintiff was engaging in such protected activity was a contributing factor in her termination.

33. As a direct and proximate result of said wrongful conduct, Plaintiff suffered and will continue to suffer damages and injuries, including but not limited to, past and future lost wages, benefits of employment, other special and/or incidental damages and prejudgment interest,

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1 all in an amount to be proven at trial.

2 34. As further direct and proximate result of the unlawful actions committed by  
3 Defendant as described herein, Plaintiff suffered and will continue to suffer emotional distress,  
4 including but not limited to: humiliation, mental anguish, loss of enjoyment of life, all in an  
5 amount to be proven at trial.

6 35. As further direct and proximate result of the unlawful actions committed by  
7 Defendant as described herein, Plaintiff was required to hire lawyers and incur attorneys' fees and  
8 costs, in an amount to be proven at trial.

9 WHEREFORE, Plaintiff requests that judgment be entered in her favor and against  
10 Defendant as hereinafter set forth.

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**REQUEST FOR RELIEF**

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Plaintiff requests relief as follows:

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a. For special damages, including wages and benefits of employment, and other  
15 economic and incidental damages, past and future, according to proof;

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b. For general damages, including pain, suffering, mental injury, and emotional  
17 distress, past and future, according to proof;

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c. For reasonable attorneys' fees and costs of suit pursuant to California Code of Civil  
19 Procedure section 1021.5;

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d. For prejudgment interest and post judgment interest where warranted;

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e. For injunctive relief enjoining defendant from directing or encouraging UC  
22 employees to participate in the underreporting of personal services provided by UC employees to  
23 UC Chancellors or other UC officials to any state or federal taxing authorities;

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f. For injunctive relief enjoining defendant from initiating and/or participating in  
25 discipline, termination, and/or other retaliatory measures against any other UC employee as a  
26 result of the employee refusing to submit inaccurate G-45 forms other otherwise participate in

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defendant's efforts to underreport the value of personal services provided by UC employees to UC  
28 Chancellors or other UC officials to any state or federal taxing authorities; and

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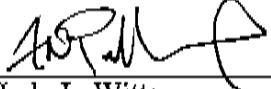
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1 g. For such other and further relief, in law or equity, as this Court may deem  
2 appropriate and just.

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DATED: June 19, 2017

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By: 

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