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9 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **IN AND FOR THE COUNTY OF SAN DIEGO**

11 VICTORIA J. LUNDBLAD, PhD., )

12 Plaintiff, )

13 -vs.- )

14 SALK INSTITUTE FOR BIOLOGICAL )  
STUDIES; )  
15 and DOES 1 through 50, )

16 Defendants. )  
17 )  
18 )  
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23 )  
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Case No. 37-2017-00025248-CU-OE-CTL

**COMPLAINT FOR DAMAGES:**

1. Discrimination Because of Gender in Violation of FEHA – Government Code § 12940(a) (Disparate Treatment);
2. Discrimination Because of Gender in Violation of FEHA – Government Code § 12940(a) (Disparate Treatment);
3. Failure to Prevent Discrimination – California Government Code § 12940(k);
4. Unfair Business Practices – California Business and Professions Code §§ 17200, et seq.;
5. Intentional Infliction of Emotional Distress

**JURY TRIAL DEMANDED**

1 PLAINTIFF VICTORIA J. LUNDBLAD alleges as follows:

2 **GENERAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

3 1. At all relevant times, Plaintiff Victoria J. Lundblad, PhD (“Plaintiff” or “Dr.  
4 Lundblad”), was, and is, an individual residing within the State of California, County of San Diego.

5 2. Defendant The Salk Institute for Biological Studies (hereinafter “Defendant” or “Salk” )  
6 is a business entity doing business in the State of California, County of San Diego and is subject to suit  
7 under the California Fair Employment Housing Act (hereinafter “FEHA”), California Government  
8 Code § 12940.

9 3. The true names and capacities of Defendants designated herein as DOES 1 through 50,  
10 whether each is an individual, a business, a public entity, or otherwise, are presently unknown to  
11 Plaintiff, who therefore sues said Defendants by such fictitious names, pursuant to Code of Civil  
12 Procedure section 474. Plaintiff will amend the Complaint to state the true names and capacities of said  
13 Defendants when the same have been ascertained.

14 4. Each DOE defendant is responsible in some actionable manner for the events alleged  
15 herein as the agents, employers, representatives or employees of other named Defendants, and in doing  
16 the acts herein alleged were acting within the scope of their agency, employment or representative  
17 capacity of said named Defendant.

18 5. Each Defendant conspired with each other Defendant, and other unknown parties, to  
19 commit each of the acts alleged herein.

20 6. The acts alleged herein were performed by management-level employees, professors  
21 and superiors of Plaintiff working for and at the direction of Defendants. Defendants allowed, ratified  
22 and/or condoned a continuing pattern of discriminatory and unfair practices.

23 7. At all times mentioned herein, California Government Code § 12940, et seq., was in full  
24 force and effect and was binding on Defendants.

25 8. The actions of Defendants against Plaintiff constitute unlawful employment practices in  
26 violation of California Government Code § 12940, et seq., as herein alleged, and have caused, and will  
27 continue to cause, Plaintiff’s emotional distress, loss of earnings, loss of benefits and loss of career  
28 enhancement opportunities.

1 9. Defendants had actual or constructive knowledge of the tortious acts alleged and  
2 thereafter ratified the conduct by failing to reprimand or terminate wrongdoers and by perpetuating the  
3 conduct through its policies and practices. The discriminatory practices at Salk are institutional and  
4 result in the systemic marginalization of tenured women professors due to lack of resources,  
5 opportunities for access to funding controlled by Salk and support of scientific discoveries.

6 10. Defendants' discriminatory conduct has continued from the beginning of Dr.  
7 Lundblad's employment with Salk to this day. The discrimination has been consistent and similar  
8 over the years, has been reasonably frequent, and in fact continuous, and has never stopped.

9 11. The actions of Defendants, and each of them, against Plaintiff constitutes unlawful  
10 employment practices in violation of public policy, and caused, and will continue to cause, Plaintiff's  
11 loss of earnings, benefits, opportunities and employment.

12 12. Defendants' discriminatory and demeaning treatment of Plaintiff over her tenure has  
13 also caused her tremendous mental and related harm, including mental suffering, loss of enjoyment of  
14 life, anxiety, humiliation and emotional distress.

15 13. Defendants' actions warrant the assessment of punitive damages in an amount sufficient  
16 to punish Defendants and deter others from engaging in similar conduct.

17 14. Plaintiff seeks compensatory damages, punitive damages, costs of suit, and attorney's  
18 fees as a result of the wrongdoing alleged herein.

19 **ADMINISTRATIVE REMEDIES**

20 15. Dr. Lundblad filed her charges of discrimination against Salk with the California  
21 Department of Fair Employment and Housing (DFEH) June 30, 2017, and thereafter, on the same day,  
22 received from DFEH the "Right to Sue" letter, which is attached hereto as "Exhibit A."

23 **SPECIFIC FACTUAL ALLEGATIONS**

24 **Background on Salk**

25 16. Salk's highest ranking professor-position is full Professor with tenure. There are about  
26 50 individual research laboratories, each supervised by a faculty member, within Salk. Of the faculty,  
27 there are 28 men who are full Professors with tenure, and only four women who are full Professors  
28

1 with tenure, but of the four women, there are only three who are paid employees of Salk (hereinafter  
2 referred to as “Salk tenured women professors”).

3 17. Salk lacks any oversight of fairness or transparency for compensation, individual  
4 laboratory support, and leadership opportunities. Salk does not have written guidelines or information  
5 detailing compensation, guidelines for distribution of laboratory space and other resources or access to  
6 Salk-funded support. Instead, decisions are conducted behind closed doors with a few dominant senior  
7 faculty and Salk administrators determining advancement opportunities and access to Salk-controlled  
8 funding opportunities, to the detriment of Salk tenured women professors.

9 18. Salk has allowed an “old boys club” culture to dominate, creating a hostile work  
10 environment for the Salk tenured women professors, including Dr. Lundblad. While Salk claims it  
11 promotes women, it fails to hire women faculty in a manner proportional to the hiring of male faculty,  
12 and only supports junior women faculty early in their career. Salk women faculty who stay at Salk are  
13 subjected to mistreatment, inequalities and explicit and implicit discrimination.

14 19. Because of institutional failures to restrict or prohibit both explicit and implicit  
15 discrimination and biases, Dr. Lundblad and the other Salk tenured women professors have been  
16 treated and continue to be treated as “second class citizens” to this day.

17 **Dr. Lundblad Is a National Academy of Sciences Member**

18 **Who Salk Discriminates Against Because She is a Woman**

19 20. Salk recruited Dr. Lundblad in 2003, she accepted a position in December 2003, and  
20 she moved her laboratory to Salk in October 2004. As of June 2017, Dr Lundblad is the only woman  
21 to be hired at the full Professor level by Salk over the past 40 years. Prior to Salk, Dr. Lundblad had a  
22 notably successful career and was well established in her field of research.

23 21. Dr. Lundblad is recognized as one of the top leaders in her field, culminating with her  
24 well-deserved election to the National Academy of Sciences (NAS) in 2015. The scientific  
25 community, when evaluating Dr. Lundblad’s science over the past five years, has consistently  
26 acknowledged her scientific accomplishments, noting she is “a highly original and creative thinker  
27 who has time and again pushed her field forward in unanticipated directions” with “a long track record  
28 of productivity and innovation” resulting in “seminal contributions to the field.” Her election to the

1 NAS - considered one of the highest honors that a scientist in the U.S. can receive - further exemplifies  
2 her distinguished and continuing achievements in original research.

3 22. Despite Dr. Lundblad's objective achievements, she has not been treated as a highly  
4 accomplished scientist by senior members of Salk administration, as well as a group of senior faculty,  
5 who have consistently disparaged her for years and created a hostile work environment. Salk's gender-  
6 biased policies and practices have led to both explicit and implicit gender discrimination, affecting the  
7 women full Professors at Salk, including Dr. Lundblad. For example, at the annual faculty retreat,  
8 Salk faculty have an opportunity to present their latest unpublished research findings to their faculty  
9 colleagues. This is also an opportunity for Salk's development team to learn about faculty members'  
10 research to allow development to find donors and help with funding. Generally, 16 to 18 faculty  
11 present their work at these retreats, but the majority of retreats have included only one to two women  
12 faculty members as speakers. Dr. Lundblad has only spoken two times at the Salk faculty retreat in 13  
13 years, first in 2004 (six weeks after she arrived at Salk) and once again 13 years later; in contrast,  
14 numerous male faculty have presented their work repeatedly year after year. The other Salk tenured  
15 women professors have similarly presented very few times. As a result, the Salk tenured women  
16 professors' research is not presented and they are not given the same opportunities to share their  
17 important findings, receive accolades and, importantly, Salk's development team fails to learn about  
18 their science to help with donors or funding.

19 23. Since establishing her laboratory as an independent investigator, Dr. Lundblad has  
20 received continuous funding from the National Institutes of Health (NIH). In addition, multiple  
21 members of her laboratory have been supported by individual, often prestigious, fellowships.  
22 Nevertheless, Dr. Lundblad has been under constant pressure for at least five years by Salk senior  
23 administration to down-size her laboratory. Based on information and belief known to Dr. Lundblad,  
24 two other Salk tenured women professors have also been under similar intense pressure to reduce their  
25 laboratories. Dr. Katherine Jones, one of the other three Salk tenured women professors, has  
26 maintained a continuous level of NIH support that has exceeded that of a number of her male  
27 colleagues, but Dr. Lundblad is aware and hereby alleges, Dr. Jones has had to resist efforts for several  
28

1 years to fire one of the only four scientists in her research group because Salk will not provide access  
2 to the same resources for women tenured professors as the men.

3       24.     Based on information and belief and Dr. Lundblad’s own personal experiences, Salk’s  
4 administration has disproportionately pressured the only three Salk-employed tenured women to  
5 reduce their laboratories for many years. As a result, the laboratories run by the only three Salk  
6 tenured women professors are three of the smallest research groups at Salk. Salk only employs three  
7 women who are Full Professors, yet those same women professors are under constant pressure to  
8 reduce their labs, reducing the ability of these labs to conduct cutting edge research. As a result of this  
9 Salk-generated pressure, Salk then claims 100% of the Salk tenured women professors’ research is not  
10 on par with the men, who have access to extensive Salk-controlled financial resources which are not  
11 available to Salk tenured women professors.

12       25.     As the result of pressure by Salk senior administrators to down-size her laboratory, even  
13 during periods where Dr. Lundblad’s research program has been supported by more than one federally  
14 awarded NIH grant, Dr. Lundblad’s laboratory has consisted of only 3 to 4 full-time researchers for the  
15 past 5 to 6 years, a size that Salk itself has determined is “non-sustainable.” The administration  
16 pressure is not warranted or justified, and it is a key example of the gender-biased policies and  
17 practices disparately impacting the only three Salk tenured women professors.

18       26.     In contrast to Dr. Lundblad’s laboratory and that of the only two other Salk tenured  
19 women professors, laboratories run by virtually every tenured male faculty are considerably larger.  
20 Even male faculty with levels of NIH funding comparable to that of Dr. Lundblad and Dr. Jones  
21 maintain laboratories that are two-to-three times larger. In contrast to Dr. Lundblad and Dr. Jones, and  
22 based on information and belief, these faculty have the opportunity to apply for extensive financial  
23 support from numerous private foundations for their research programs. Receiving foundation support  
24 can greatly elevate a laboratories’ scientific productivity, which helps a faculty member become more  
25 competitive for additional funding. Many institutions, including Salk, receive substantial monies from  
26 these privately held funding programs, which have very restricted application procedures. Most  
27 institutions have rigorous and transparent internal processes to select the individual faculty member  
28 who will be allowed to apply to a particular foundation. In contrast, at Salk, decisions about who will

1 be chosen to apply to private foundations occur behind closed doors, through a non-transparent process  
2 that has been heavily influenced for many years by a small cadre of senior faculty, to the detriment of  
3 Salk's tenured women professors. Based on information and belief, this same group of senior faculty  
4 have also been direct beneficiaries of substantial private foundation support for many years, all of  
5 whom as a consequence have laboratories that are much larger than that of the three tenured Salk  
6 women professors.

7         27. Both the number of researchers in a laboratory and the amount of support from private  
8 foundations have a substantial impact on a laboratories' scientific productivity. This in turn can  
9 influence whether a faculty member continues to be competitive for external nationally competitive  
10 funding from agencies such as the National Institutes of Health (NIH). By excluding the women-run  
11 laboratories from the resources that are available to their male colleagues, and exerting constant  
12 pressure on these laboratories to down-size, Salk has created a downward spiral for laboratories run by  
13 women faculty. Dr. Lundblad and Dr. Jones nevertheless publish high-quality scientific publications  
14 that have been well-received by the scientific community, despite their significantly smaller  
15 laboratories. Dr. Lundblad has also built her scientific reputation by publishing high-impact papers, as  
16 opposed to a larger number of smaller impact publications. However, the amount of publications is  
17 directly correlated to the size of her laboratory and directly impacts the number of publications her  
18 laboratory can produce. If Dr. Lundblad had access to Salk-controlled funds comparable to that of her  
19 male colleagues, her laboratory would have a larger number of researchers and a comparable increase  
20 in the number of publications. Salk has therefore created a situation in which her laboratory is under-  
21 valued, relative to the laboratories run by her male colleagues.

22         28. Salk's gender-biased policies and practices have led to both explicit and implicit gender  
23 discrimination, affecting the women Full Professors at Salk, including Dr. Lundblad.

24         29. Salk allows a subset of senior men to openly vocalize biases against the only three Salk  
25 tenured women professors, which has created a hostile work environment, but also the discrimination  
26 has effected these women's advancements within Salk. The pervasive gender discrimination is  
27 obvious, yet Salk takes no action to stop such conduct or rectify its damage. For example, Dr.  
28 Lundblad repeatedly witnessed Dr. Inder Verma, a senior faculty member, openly disparage the only

1 other two Salk-employed tenured women professors, Dr. Jones and Dr. Emerson, with numerous  
2 overtly derogatory comments about them and their science. Based on information and belief and based  
3 on conversations with other witnesses, Dr. Verma has made similar comments about Dr. Lundblad.  
4 Dr. Verma, as well as a past president of Salk and senior Salk administrators have created a culture and  
5 dominating overarching sentiment that the three Salk tenured women professors “do not belong” at  
6 Salk because they are women. Even Dr. Blackburn, the newly appointed Salk president and one of the  
7 most accomplished scientists in the world, has not been immune to such judgmental comments, with  
8 numerous senior male faculty making disparaging remarks about her abilities to function as Salk’s  
9 president.

10 30. This hostile work environment was so prevalent that even junior members of Salk  
11 administration felt it was permissible to make disparaging comments about the scientific  
12 accomplishments of senior tenured women faculty. On one particular example, Dr. Lundblad was  
13 astonished to be told by a member of the Research Accounting department that she was “the worst  
14 faculty member at Salk;” another administrator in the same department described senior women  
15 faculty as “babies” in response to their complaints about the severe gender-specific skewed distribution  
16 of resources at Salk. Salk senior administration actively encouraged a hostile work environment that  
17 was continuously directed against Dr. Lundblad and her fellow tenured woman faculty colleagues.

18 31. Salk’s administration allows implicit and explicit biases to run rampant. When the only  
19 three Salk tenured women professors make significant accomplishments, they are disregarded as  
20 “lucky,” with Salk failing to correct or stop such derogatory comments. These type of implicit biases  
21 are called “prove it again” biases where women consistently must demonstrate over and over again  
22 they are “worthy” of their status, because they are not treated as equals.

23 **Salk’s Resource Distribution is Discriminatory**

24 **Towards the Only Three Salk Tenured Women Professors**

25 32. Another example of Salk’s discriminatory practice and implicit biases against women is  
26 the manner in which funding from the Helmsley Charitable Trust has been allotted, which is only one  
27 of many examples of the severity of gender-biased distribution of resources at Salk. In 2013, Salk  
28 received \$42,000,000 from Helmsley, which was the largest single donation to Salk to date. **None** of



1 the three Salk tenured women professors working in the exact scientific area covered by the Helmsley  
2 grant were recipients of any funding from this grant. Based on information and belief of information  
3 reported to Dr. Lundblad, the reason that 100% of these three tenured women faculty did not receive  
4 funding was because Dr. Inder Verma, who has historically denied support to Salk-employed women  
5 faculty, controlled the distribution of Helmsley funds, with the full backing of senior Salk  
6 administration. In fact, only one female non-tenured faculty member received any monies from this  
7 2013 award, while 11 laboratories run by male faculty received the majority of the funding.

8 33. Then again in 2016, Salk received another \$25,000,000 funding from Helmsley, and  
9 again, **none** of the three Salk tenured women professors received any funding, even though their  
10 research was highly appropriate to the goals of the Helmsley grant. Whereas, in contrast, 13 of 14 male  
11 tenured faculty working in the area covered by the Helmsley grant received funding. Notably, every  
12 male NAS faculty member whose research was related to the goals of the Helmsley grant received  
13 support, but the sole female NAS faculty member working in this same research area – Dr. Lundblad –  
14 did not receive any funding.

15 34. Dr. Lundblad protested this blatant discrimination, but she was told by a member of  
16 Salk senior administration that Dr. Verma controlled the Helmsley funding and he alone decided which  
17 faculty would receive support for their research, which did not include any tenured women. Of course  
18 this came as no surprise to Dr. Lundblad, who has endured years of Dr. Verma’s discrimination, which  
19 was once again ratified by the Salk administration.

20 35. This gender bias in distribution of Salk-controlled resources is also evident in Salk-  
21 sponsored fundraising events, where women are underrepresented. Dr. Lundblad is an accomplished  
22 speaker, when explaining biomedical research to lay audiences, and she has participated in numerous  
23 fundraising events promoted by Salk over the years. For example, the Salk Women & Science  
24 initiative was developed in 2012, with substantial input from Dr. Lundblad. Dr. Lundblad was on the  
25 organizing committee, she was the featured speaker at the inaugural event and she was the moderator  
26 at a second event. This initiative has been very successful at raising funds to support science in Salk  
27 laboratories, but this has not benefited women faculty. Instead, six of the first seven awards have gone  
28

1 to labs run by male faculty. Even fundraising initiatives that rely solely on the efforts of Salk women  
2 faculty end up primarily supporting their male faculty colleagues.

3 **Salk Will Not Agree to Extend Dr. Lundblad’s Professorial Appointment,**  
4 **A Benefit Every Male NAS Member Has Received**

5 36. This gender discrimination persists at an institutional level at Salk in regards to  
6 implementing Salk procedures. For example, starting in 2012, Salk faculty who were elected to the  
7 NAS became eligible for a five-year extension of their professorial appointment, which was granted to  
8 every male faculty member who was close to the end of his tenured appointment and also a member of  
9 NAS. The week after Dr. Lundblad was elected to NAS, she was told by one of these senior faculty  
10 members that she would similarly receive a five-year contract extension. Dr. Lundblad is also aware  
11 that even a male faculty member who had not been elected to the NAS was nevertheless granted a five-  
12 year extension of his tenure. Dr. Lundblad is the first woman faculty member at Salk elected to the  
13 NAS who is eligible for this extension. However, in response to Dr. Lundblad’s request for a contract  
14 extension, Salk deferred, stating its “current faculty policies and guidelines” were being re-evaluated.  
15 This re-evaluation apparently only applied to women members of NAS, because two months later, Salk  
16 hired a senior male faculty member, also a member of the NAS, who was granted a professorial  
17 appointment that extended to age 70. Salk has selectively decided to implement changes in its policy  
18 in a manner that negatively affects and discriminates against the very few tenured women faculty who  
19 are NAS members, and specifically against Dr. Lundblad.

20 **Salk’s Discrimination Against Women Has Been Documented For Years**

21 37. The lack of parity for women scientists, in general, is well documented in numerous  
22 peer-reviewed publications in scientific journals. Notably, Salk is illustrative of one of the worst  
23 institutions for ongoing and historical gender disparities. Salk’s long-standing issues in this area was  
24 assessed in a 2003 report (“Report of the Faculty Development Committee on the Status of Women  
25 Faculty at Salk”) commissioned by then Salk President Richard Murphy. Dr. Lundblad was hired by  
26 Dr. Murphy soon after the completion of the 2003 report and believed she was a part of an intentional  
27 change in Salk’s culture and treatment of women faculty. She did not imagine the levels of  
28 discrimination, humiliation and hostility she would endure and continues to endure. Both female and

1 male non-Salk scientists have also witnessed Salk’s discriminatory practices during Dr. Lundblad’s  
2 employment at Salk, noting “she is the wrong gender” to advance at Salk. In fact, other faculty at Salk  
3 know about the mistreatment of women and are similarly dismayed, but fear retaliation for speaking  
4 out.

5 38. Based on information and belief, in a recent External Advisory Board (EAB) meeting  
6 for the Salk Cancer Center, a member of the EAB addressed Salk’s continuous gender inequities,  
7 pointing out the obvious lack of women in leadership at Salk, including the fact that in the 30 years of  
8 Salk’s Cancer Center there have been no women in leadership positions; as she succinctly put it, Salk  
9 is still an “old boys’ club.”

10 39. Salk has not indicated any institutional commitment to change its status as an old boys’  
11 club, as only one of the 13 faculty that Salk has hired in the last three years has been a woman. As a  
12 consequence of both hiring practices and an inability to retain junior women faculty, the last time Salk  
13 promoted a woman scientist to a tenured Professor appointment was in 1999. In fact, in the field of  
14 neuroscience, which encompasses approximately 40% of Salk’s faculty, the only woman neuroscientist  
15 faculty member who has achieved the rank of Professor was hired 49 years ago, in 1968.

16 40. Salk’s institutional gender discrimination practices also manifest in its allocation of  
17 another Salk-controlled resource, endowed chairs. There is no written policy for endowed chairs and it  
18 is done at the discretion of Salk senior administration who have consistently demonstrated animus  
19 towards the three tenured women employed by Salk. The main beneficiaries of all the recent endowed  
20 chair appointments have been men: 21 chairs were awarded to male faculty, and only two to female  
21 faculty. Neither Dr. Lundblad nor Dr. Jones were recipients of these 21 newly endowed chairs. Dr.  
22 Lundblad finally received an endowed chair, only after a male chair-holder left Salk for a position at  
23 another institution, leaving his endowed chair vacant. Dr. Jones still does not have an endowed chair.  
24 Endowed chairs provide the funds to cover a substantial portion of a faculty member’s salary, and  
25 without an endowed chair, Salk senior administration places the onus on the faculty member to come  
26 up with other sources to cover his or her salary, using this as a further rationale to force a laboratory to  
27 down-size below a sustainable size. Salk has weaponized the awarding of endowed chairs and, again,  
28 perpetuated a negative cycle where female faculty are unable to obtain resources, but then denied

1 further resources or opportunities because they do not have prior access to resources, including an  
2 endowed chair, which limits their ability to pursue cutting edge research.

3 41. This continual discriminatory treatment takes a toll on one’s psyche and, in particular,  
4 on Dr. Lundblad’s self-esteem, her motivation and her belief that she could change the system to be  
5 equitable. She has now come to realize the discriminatory practices and implicit biases are too  
6 engrained in Salk’s long history as they continue to manifest to the present. The lack of transparency  
7 in decisions by Salk’s Finance/Research Accounting department, combined with the completely  
8 undefined criteria for distribution of Salk-controlled financial resources, creates a highly politicized  
9 environment where a small number of senior faculty and administrators have an inordinate influence  
10 on all critical decisions, to the detriment of Dr. Lundblad, as well as the other Salk tenured women  
11 professors.

12 42. Since coming to Salk, Dr. Lundblad has been subjected to consistent and pervasive  
13 comments, disparate treatment and efforts to undermine her reputation and accomplishments. This was  
14 exemplified by Salk President Dr. Brody’s comments, when he told Dr. Lundblad, shortly before she  
15 was elected to the National Academy of Sciences, that senior faculty had concluded that her science  
16 was “in a downward spiral” and “the field had passed her by” (a phrase that was frequently used at  
17 Salk to disparage women scientists, including even a female Nobel Laureate).

18 **Salk Does Not Promote Women to Positions of Power**

19 43. In addition to the discriminatory funding practices, Salk also fails to provide  
20 opportunities to qualified women equivalent to its male scientists and professors and fails to promote  
21 female professors to positions of leadership.

22 44. Without explanation and without regard to merit or accomplishments, senior women  
23 faculty are disproportionately denied opportunities for leadership positions at Salk. As a result, senior  
24 women are not provided an equal voice to contribute to decisions about the distribution of Salk-  
25 controlled funding and other resources. The lack of qualified women in positions of power also  
26 negatively impacts their respective compensation and opportunities.

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1 **FIRST CAUSE OF ACTION**

2 **GENDER DISCRIMINATION**

3 **(Disparate Treatment)**

4 **California Government Code § 12940(a)**

5 **Against all Defendants**

6 45. Dr. Lundblad alleges and incorporates as if fully stated herein each and every allegation  
7 contained in every preceding paragraph above.

8 46. At all relevant times, California Government Code section 12940(a) was in full force  
9 and effect and was binding on Defendants as Dr. Lundblad's employer.

10 47. Dr. Lundblad believes and thereon alleges that her gender was a substantial motivating  
11 factor in Defendant's discrimination against her, as set forth herein. Such actions are in violation of  
12 Government Code section 12940(a).

13 48. As a direct, foreseeable, and proximate result of Defendants' conduct, Dr. Lundblad has  
14 sustained and continues to sustain substantial losses in earnings, employment benefits, employment  
15 opportunities, loss in reputation, promotions and economic losses in the amount to be determined at the  
16 time of trial.

17 49. As a further direct, foreseeable, and proximate result of Defendants' discriminatory and  
18 demeaning treatment of Dr. Lundblad over the past 13 years, she has also suffered tremendous mental  
19 and related harm, including mental suffering, loss of enjoyment of life, anxiety, humiliation and  
20 emotional distress, all in a sum to be established according to proof at the time of trial.

21 50. As a result of Defendants' deliberate, outrageous, and despicable conduct, Dr. Lundblad  
22 is entitled to recover punitive and exemplary damages in the amount commensurate with each of  
23 Defendants' wrongful acts and in an amount sufficient to punish and deter future similar reprehensible  
24 conduct.

25 51. Dr. Lundblad has also incurred and continues to incur legal expenses and attorney's  
26 fees. In addition to such other damages as may be properly recovered herein, Dr. Lundblad is entitled  
27 to recover prevailing party attorney's fees and costs pursuant to California Government Code section  
28 12965.

1 **SECOND CAUSE OF ACTION**

2 **GENDER DISCRIMINATION**

3 **(Disparate Impact)**

4 **Cal. Gov't Code § 12940(a)**

5 **Against all Defendants**

6 52. Dr. Lundblad alleges and incorporates as if fully stated herein each and every allegation  
7 contained in each and every preceding paragraph above.

8 53. At all relevant times mentioned herein, California Government. Code section 12940(a)  
9 was in full force and effect and binding on Defendant.

10 54. At all relevant times mentioned herein, Defendants had a practice of failing to treat Dr.  
11 Lundblad, as a woman, and other women, in an equitable fashion and thereby wrongfully  
12 discriminated against Dr. Lundblad. Defendants' policies included failing to provide adequate access  
13 to Salk-controlled funding or resources to Dr. Lundblad, as a woman and because she was a woman,  
14 and failing to promote Dr. Lundblad to internal leadership positions when she was qualified.  
15 Defendants' policies had a disproportionate adverse effect on women, like Dr. Lundblad.

16 55. Dr. Lundblad was subjected to discrimination on the basis of her gender, as set forth  
17 herein.

18 56. Defendants' policies were a substantial factor in causing Dr. Lundblad's harm.

19 57. As a direct, foreseeable, and proximate result of Defendants' conduct, Dr. Lundblad  
20 has sustained and continues to sustain substantial losses in earnings, employment benefits, employment  
21 opportunities, loss in reputation, promotions and economic losses in the amount to be determined at the  
22 time of trial.

23 58. As a further direct, foreseeable, and proximate result of Defendants' discriminatory and  
24 demeaning treatment of Dr. Lundblad since her employment at Salk, she has also suffered tremendous  
25 mental and related harm, including mental suffering, loss of enjoyment of life, anxiety, humiliation and  
26 emotional distress, all in a sum to be established according to proof at the time of trial.

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1 59. As a result of Defendants' deliberate, outrageous, despicable conduct, Dr. Lundblad is  
2 entitled to recover punitive and exemplary damages in an amount commensurate with Defendants'  
3 wrongful acts sufficient to punish and deter future similar reprehensible conduct.

4 60. In addition, to such other damages as may properly be recovered herein, Dr. Lundblad  
5 is entitled to recover prevailing party attorney's fees and costs pursuant to Cal. Gov't Code § 12965.

6 **THIRD CAUSE OF ACTION**

7 **FAILURE TO PREVENT DISCRIMINATION**

8 **Cal. Gov't Code § 12940(k)**

9 **Against all Defendants**

10 61. Dr. Lundblad alleges and incorporates as if fully stated herein each and every allegation  
11 contained in each and every preceding paragraph above.

12 62. At all relevant times mentioned herein, California Government. Code section 12940(k)  
13 *et seq.* was in full force and effect and binding on Defendant.

14 63. Dr. Lundblad was subjected to discrimination on the basis of her gender, as set forth  
15 herein.

16 64. Defendants failed to take reasonable steps to prevent the discrimination as described  
17 herein.

18 65. As a direct, foreseeable, and proximate result of Defendants' conduct, Dr. Lundblad has  
19 sustained and continues to sustain substantial losses in earnings, employment benefits, employment  
20 opportunities, loss in reputation, promotions and economic losses in the amount to be determined at the  
21 time of trial.

22 66. As a further direct, foreseeable, and proximate result of Defendants' discriminatory and  
23 demeaning treatment of Dr. Lundblad over the past 13 years, she has also suffered tremendous mental  
24 and related harm, including mental suffering, loss of enjoyment of life, anxiety, humiliation and  
25 emotional distress, all in a sum to be established according to proof at the time of trial.

26 67. As a result of Defendants' deliberate, outrageous, despicable conduct, Dr. Lundblad is  
27 entitled to recover punitive and exemplary damages in an amount commensurate with Defendants'  
28 wrongful acts sufficient to punish and deter future similar reprehensible conduct.

1 68. In addition, to such other damages as may properly be recovered herein, Dr. Lundblad  
2 is entitled to recover prevailing party attorney's fees and costs pursuant to Cal. Gov't Code § 12965.

3 **FOURTH CAUSE OF ACTION**

4 **UNFAIR BUSINESS PRACTICES**

5 **Cal. Bus. & Prof. Code §§ 17200 *et seq.***

6 **Against all Defendants**

7 69. Dr. Lundblad alleges and incorporates as if fully stated herein, each and every  
8 allegation contained in each and every preceding paragraph above.

9 70. California Business and Professions Code § 17200 prohibits unfair competition in the  
10 form of any unlawful, or unfair business act or practice.

11 71. Defendants are "persons" as defined under California Business and Professions Code §  
12 17021.

13 72. Defendants' willful failure to pay women equally and otherwise offer women equal  
14 employment opportunities as alleged above, constitutes unlawful and/or unfair and/or fraudulent  
15 activity prohibited by California Business and Professions Code § 17200.

16 73. As a result of Defendants' unlawful and/or unfair acts, Defendants reaped and continue  
17 to reap unfair benefits at the expense of Dr. Lundblad. Defendants should be enjoined from this  
18 activity.

19 74. Accordingly, Dr. Lundblad is entitled to restitution with interest and other equitable  
20 relief, pursuant to Cal. Bus. & Prof. Code § 17203.

21 75. In addition, Dr. Lundblad seeks injunctive relief in the form of an order preventing  
22 Defendants from continuing their discriminatory practices.

23 **FIFTH CAUSE OF ACTION**

24 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

25 **Against all Defendants**

26 76. Dr. Lundblad alleges and incorporates as if fully stated herein, each and every  
27 allegation contained in each and every preceding paragraph above.

28 ///



1 77. Defendants' intentional conduct, as set forth herein, was extreme and outrageous.  
2 Defendants intended to cause Dr. Lundblad to suffer extreme emotional distress. Dr. Lundblad did  
3 suffer extreme emotional distress.

4 78. As a direct, foreseeable, and proximate result of Defendants' conduct, Dr. Lundblad has  
5 sustained and continues to sustain substantial losses in reputation, promotions, and other employment  
6 opportunities.

7 79. As a further direct, foreseeable, and proximate result of Defendants' intentional and  
8 outrageous discriminatory and demeaning treatment of Dr. Lundblad over the past 13 years, she has  
9 also suffered tremendous mental and related harm, including mental suffering, loss of enjoyment of  
10 life, anxiety, humiliation and emotional distress, all in a sum to be established according to proof at the  
11 time of trial.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, PLAINTIFF prays for judgment against Defendants SALK INSTITUTE FOR  
14 BIOLOGICAL STUDIES, and DOES 1 through 50 as follows:

15 1. For general and compensatory damages, in an amount according to proof, including but  
16 not limited past and future promotional opportunities, benefits and other lost opportunities of  
17 resources;

18 2. For special damages in an amount to be proven at trial;

19 3. For punitive damages in an amount necessary to make an example of and to punish  
20 Defendants, and to deter future similar misconduct;

21 4. For mental and emotional distress damages;

22 5. For an award of interest, including prejudgment interest, at the legal rate as permitted by  
23 law;

24 6. For restitution with interest and other equitable relief, including injunctive relief,  
25 pursuant to Cal. Bus. & Prof. Code § 17203;

26 7. For costs of suit incurred herein, including attorney's fees as permitted by law; and

27 8. For such other and further relief as the Court deems just and proper.

28 ///


**JURY DEMAND**

Plaintiff demands a jury trial for all claims so triable.

Dated: July 11, 2017

Respectfully submitted,

**GOMEZ TRIAL ATTORNEYS**

By:   
John H. Gomez, Esq.  
Allison C. Worden, Esq.  
Deborah S. Dixon, Esq.

**Attorneys for Plaintiff  
Victoria J. Lundblad, PhD**

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# **EXHIBIT A**



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
800-884-1684 | TDD 800-700-2320  
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

June 30, 2017

Victoria J. Lundblad  
2154 Pinar Place  
Del Mar, California 92014

**RE: Notice of Case Closure and Right to Sue**  
DFEH Matter Number: 934142-298283  
Right to Sue: Lundblad / Salk Institute For Biological Studies

Dear Victoria J. Lundblad,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 30, 2017 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing