

**Josh D. Gruenberg, Esq. (163281)
Benjamin S. Silver, Esq. (284741)
Pamela Vallero, Esq. (308301)**
GRUENBERG LAW
2155 FIRST AVENUE
SAN DIEGO, CALIFORNIA 92101
TELEPHONE: (619) 230-1234
TELECOPIER: (619) 230-1074

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Clerk of the Superior Court
Clarissa Bustamante, Deputy Clerk

David S. Bristol, Esq. (163032)
LAW OFFICES OF DAVID S. BRISTOL
462 STEVENS AVENUE, SUITE 100
SOLANA BEACH, CALIFORNIA 92075
TELEPHONE (858) 792-1112
TELECOPIER (858) 792-1114

**Attorneys for Plaintiff,
SHERILANI GARRETT**

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE

SHERILANI GARRETT, an individual,

) Case No. 30-2018-01014198-CU-OE-CJC

Plaintiff

{ PLAINTIFF'S COMPLAINT FOR:

v

CALIFORNIA SOUTHERN UNIVERSITY, an unknown business entity; DR. DONALD HECHT, an individual; and DOES 1 through 25, Inclusive.

- 1. SEXUAL HARASSMENT [Cal. Gov't Code § 12940(j)];
- 2. FAILURE TO PREVENT SEXUAL HARASSMENT [Cal. Gov't Code § 12940(k)];
- 3. RETALIATION [Cal. Gov't Code § 12940(h)];
- 4. SEXUAL BATTERY [Civ. Code § 1708.5];
- 5. INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS

Defendants.

[JURY TRIAL DEMANDED]

Judge Ronald L. Bauer

COMES NOW THE PLAINTIFF, alleging against Defendants as follows:

28 | //

- 1 **GENERAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**
- 2 1. Plaintiff, SHERILANI GARRETT (hereinafter "Plaintiff"), is a natural person who is,
- 3 and at all relevant times was, a resident of the United States and a domiciliary of the State
- 4 of California.
- 5 2. Plaintiff is informed and believes and theron alleges that Defendant, CALIFORNIA
- 6 SOUTHERN UNIVERSITY (hereinafter "CALSOUTHERN"), is a for-profit educational
- 7 institution doing business in the State of California.
- 8 3. Plaintiff is informed and believes and thereon alleges that Defendant, DR. DONALD
- 9 HECHT (hereinafter "HECHT") (collectively "Defendants"), is a natural person who is,
- 10 and at all relevant times was, a resident of the United States and a domiciliary of the State
- 11 of California.
- 12 4. Plaintiff is ignorant to the true names and capacities of the Defendants sued herein as
- 13 DOES 1 through 25 and therefore sues these defendants by such fictitious names.
- 14 Plaintiff will amend this Complaint to allege the true names and capacities when they are
- 15 ascertained.
- 16 5. Plaintiff is informed and believes and thereon alleges that each fictitiously named
- 17 Defendant is responsible in some manner for the occurrences herein alleged, and
- 18 Plaintiff's injuries and damages as herein alleged are directly, proximately and/or legally
- 19 caused by Defendant.
- 20 6. Plaintiff is informed and believes and thereon alleges that the aforementioned DOES are
- 21 somehow responsible for the acts alleged herein as the agents, employers, representatives
- 22 or employees of other named Defendant, and in doing the acts herein alleged were acting
- 23 within the scope of their agency, employment or representative capacity of said named
- 24 Defendant.
- 25 7. The tortious acts and omissions alleged herein were performed by management level
- 26 employees of Defendant. Defendant allowed and/or condoned a continuing pattern of
- 27 discriminatory practices.
- 28 8. Plaintiff filed her charge with the California Department of Fair Employment and

1 Housing (“DFEH”) on August 15, 2018, and thereafter on that same day received from
2 the DFEH her “right to sue,” which is collectively attached hereto as “EXHIBIT A.”

3 **SPECIFIC FACTUAL ALLEGATIONS**

- 4 9. Plaintiff re-alleges and incorporates by reference each and every allegation contained in
5 the preceding paragraphs as though fully set forth herein.
- 6 10. Plaintiff is a female in her 50’s. HECHT is a male in his 80s. HECHT founded and owns
7 CALSOUTHERN.
- 8 11. On or around March 5, 2012, CALSOUTHERN hired Plaintiff as an Executive Assistant.
9 In this role, Plaintiff was responsible for coordinating travel reservations, booking hotels,
10 itineraries, and maintaining calendars for the owner and president; scheduling and
11 coordinating meetings, conferences, luncheons and events, including managing
12 invitations, RSVP’s, speakers, entertainment, transportation, catering, and setup;
13 maintaining owner’s financial documents and calendar. Plaintiff’s starting salary was
14 \$54,000 per year.
- 15 12. On or around July 1, 2015, Plaintiff received a raise to \$69,600 based on her performance
16 and merit. At all times throughout her employment, Plaintiff was a competent employee.
17 Plaintiff rapidly advanced through CALSOUTHERN receiving several well-deserved
18 promotions. From the start of her employment with CALSOUTHERN, Plaintiff was a
19 dedicated employee who routinely went above and beyond the scope of her job
20 description. Plaintiff successfully performed all tasks required of her and has been an
21 integral part of CALSOUTHERN’s success and growth.
- 22 13. During her employment, HECHT subjected Plaintiff to persistent and pervasive sexual
23 harassment. HECHT’s unwanted sexual harassment was especially difficult because of
24 the required interaction between Plaintiff and HECHT. Throughout much of Plaintiff’s
25 employment at CALSOUTHERN, she looked at HECHT as a father figure. Plaintiff
26 believed she could trust HECHT and confide in him.
- 27 14. In or around 2015, HECHT’s meetings with Plaintiff became more frequent.
28 Additionally, around this time, HECHT began inquiring into Plaintiff’s personal love life

- 1 and dating. HECHT made inappropriate and harassing comments such as, "You look
2 sexy today," and "You look sexy in that blouse," or words to that effect. HECHT also
3 told Plaintiff what parts of her body he liked. On several occasions, HECHT told
4 Plaintiff, "I like your legs," "You have a great body," or words to that effect. Whenever
5 HECHT made remarks like that, Plaintiff told him, "Don't say that," and "Stop and move
6 on," or words to that effect. She also attempted to change the subject. Work became a
7 constant struggle of redirecting him and hoping Plaintiff could get him focused on
8 business. HECHT's comments made Plaintiff feel humiliated and diminished as a female.
- 9 15. HECHT also made inappropriate remarks about his marriage. For example, HECHT told
10 Plaintiff, "sex at home is non-existent."
- 11 16. Throughout Plaintiff's employment, HECHT asked her to show him dating sites and was
12 extremely interested in sites such as: Ashley Madison, Match.com and J-date. To get him
13 to stop pursuing her, Plaintiff showed HECHT how to use these sites and helped him set
14 up accounts and a private email address to receive his dating emails. Each time he came
15 into the office, HECHT had Plaintiff screen his dates, discuss their profiles with him, and
16 set up any dinner and hotel arrangements. It became nearly a daily routine and it made
17 Plaintiff feel disgusted and degraded having to read these emails and listen to HECHT
18 discuss his personal love-life. Plaintiff only hoped that encouraging HECHT to date other
19 women would stop him from pursuing her.
- 20 17. During one of the many times Plaintiff tried to find HECHT a girlfriend online, they
21 stumbled across Dr. Gwen Finestone (Finestone)'s profile on J-date. Plaintiff hoped if
22 HECHT started dating someone, he would no longer sexually harass her. Plaintiff
23 encouraged HECHT to contact Finestone.
- 24 18. In or around June 2016, HECHT began a romantic relationship with Finestone. HECHT
25 immediately began bringing Finestone to the office and company events. When
26 Finestone first met Plaintiff, she asked her what her "role" was right in front of HECHT.
27 HECHT responded that Plaintiff was his right hand and bragged about her. When
28 HECHT walked away, Finestone asked Plaintiff what type of relationship she had with

- 1 HECHT. Plaintiff told her they had a “business relationship,” or words to that effect.
2 Finestone said, “HECHT seems to dote on you,” and “Why is that?” or words to that
3 effect. Plaintiff responded, “HECHT relies on me because I am his and Dr. Ryan’s
4 executive assistant, and I maintain his personal records and calendar along with Dr.
5 Ryan’s,” or words to that effect. Finestone insisted, “That’s all?” Plaintiff responded,
6 “Yes, he is like a father to me,” or words to that effect. Plaintiff felt targeted and
7 embarrassed during Finestone’s interrogation.
- 8 19. Shortly thereafter, Defendants hired Finestone. Over time, Finestone’s role at
9 CALSOUTHERN became increasingly supervisory and involved.
- 10 20. Throughout 2015 and 2016, HECHT frequently asked Plaintiff to be his lover. HECHT
11 hugged, kissed, and touched Plaintiff inappropriately. During board meetings, a member
12 of the Board of Directors observed HECHT constantly staring at Plaintiff and hugging
13 her in front of him. The Board of Directors member told Plaintiff, “It is clear HECHT
14 likes you,” and “I don’t have any doubt that HECHT is sexually harassing you,” or words
15 to that effect. After hearing these comments, Plaintiff felt hopeless and humiliated.
16 Plaintiff recognized that HECHT displayed inappropriate behaviors and that the whole
17 board knew he harassed her. She felt helpless because, on information and belief, Carol
18 Stanton, the VP/Chief Operating Officer overseeing Human Resources, did nothing to
19 prevent further harassment and failed to investigate any complaints against HECHT.
20 Plaintiff felt she could not complain to anyone and feared retaliation if she did. On
21 information and belief, throughout Plaintiff’s employment, HECHT subjected multiple
22 female employees to paternalistic, disparaging, gender-related comments. If the
23 employee refused HECHT’s sexual advances, he moved on to the next employee.
24 HECHT gave power and authority to female employees who submitted to his sexual
25 advances, and retaliated against those who did not. On Plaintiff’s information and belief,
26 there have been multiple lawsuits filed against HECHT for similar claims.
- 27 21. Despite HECHT’s unwanted sexual advances, Plaintiff loved her job and wanted to grow
28 with CALSOUTHERN. Plaintiff worked diligently and was rewarded for her hard work.

1 On or around November 2015, Defendants promoted Plaintiff to Director of Alumni
2 Services. In this role, Plaintiff engaged and involved 1,500 alumni through service,
3 events and leadership; created an alumni website; conducted surveys; promoted the
4 welfare of the university and alumni while guiding and encouraging current and future
5 students through career services, development, time, talent and life networking.
6 Plaintiff's salary was eventually increased to approximately \$75,000 per year in or
7 around February 2016.

8 22. While Plaintiff focused on her professional development and growth, HECHT was
9 fixated on having a sexual relationship with Plaintiff. In or around mid-March 2016,
10 HECHT and Plaintiff had lunch at Panera Bread off of Culver in Irvine. HECHT was
11 looking around for apartments to rent or houses to buy after recently being separated
12 from his wife, Susie Hecht. HECHT had dropped his cell phone at CALSOUTHERN's
13 parking lot while leaving the day before. Plaintiff saw it on her way out and picked it up.
14 Plaintiff forgot to bring it to work the next day for him. After lunch, HECHT wanted to
15 retrieve his phone. He asked Plaintiff, "Don't you live in this area?" or words to that
16 effect. Plaintiff replied, "yes," or words to that effect. He said, "Let's go pick it up," or
17 words to that effect. Plaintiff was uncomfortable with that and told him she could bring it
18 to him the following day. HECHT yelled, "No, I need my phone now!" or words to that
19 effect. HECHT was driving and asked Plaintiff for her address. Plaintiff hesitated; she
20 felt helpless. Plaintiff tried to just blow it off and keep the conversation going. When they
21 arrived at Plaintiff's house, she told him she would run in and get it, but he insisted on
22 going in and looking around at the floor plan and seeing her dog, Chance. Plaintiff
23 showed him the first floor and pointed towards the kitchen. She grabbed his phone from
24 her kitchen table. While in the kitchen, HECHT came up behind Plaintiff, put his arms
25 around her, and whispered in her ear, "I want to fuck you," or words to that effect.
26 Plaintiff was startled and scared. Her heart began to race. She walked out of his arms and
27 said, "No, we need to go back to work," or words to that effect. He said they did not need
28 to go back so soon, but Plaintiff walked quickly towards the door with her head down

- 1 saying, "Yes, we do, I have a lot of work to do!" or words to that effect. Plaintiff was
2 trying not to be frightened, but she was deeply humiliated and frightened. Additionally,
3 while at Plaintiff's home, HECHT asked Plaintiff to perform oral sex on him. HECHT
4 walked over to her couch, sat down, and requested that she perform oral sex while
5 touching his penis. HECHT told Plaintiff no one would know. Plaintiff felt disgusted and
6 humiliated. Plaintiff refused and insisted that they leave.
- 7 23. The working conditions had become intolerable for Plaintiff. Plaintiff saw her career at
8 CALSOUTHERN threatened because she would not agree to have sex with HECHT.
9 The next day, Plaintiff had lunch with Leslie Jepsen (Jepsen), CALSOUTHERN's
10 Human Resources ("HR") Generalist. Plaintiff complained to Jepsen about what had
11 happened at her home the day prior, and informed her of all the unwanted, sexually
12 harassing conduct HECHT had subjected her to. Jepsen informed Plaintiff that she was
13 going to have to tell her manager who oversees HR, Carol Stanton (Stanton), and they
14 were going to have to discuss the allegations with HECHT. Plaintiff wanted HECHT to
15 know it was not appropriate, how humiliated and degraded it had made her feel, and that
16 he needed to stop. Jepsen said she would take care of talking to Stanton. Plaintiff
17 followed up with Jepsen later, and Jepsen said she had informed Stanton. Neither Stanton
18 nor HECHT ever followed up with Plaintiff on her sexual harassment complaints. On
19 Plaintiff's information and belief, Stanton never investigated Plaintiff's complaints.
20 Plaintiff feared she was going to get fired for her complaints and for taking a position
21 against HECHT.
- 22 24. Defendants terminated Dr. Carol Ryan, CALSOUTHERN's President, on September 12,
23 2016. Defendants then promoted Plaintiff on September 26, 2016, to Director of Planning
24 and Project Management as part of a step progression because the Interim President, Dr.
25 Beazley wanted Plaintiff to take over planning the relocation of the company. Defendants
26 informed Plaintiff they believed her skills were a great fit for project management.
27 Before her termination, Dr. Ryan handled the designing and remodeling of a new location
28 in Costa Mesa. In her role, Plaintiff oversaw the IT and other departments to plan,

- 1 organize, and work with vendors and 80 employees to get them packed and moved to the
2 new building. After successfully moving everyone to the new location, both Dr. Beazley,
3 President & Chief Executive Officer, and Dr. Hecht, owner, praised Plaintiff for her
4 efforts.
- 5 25. On or around December 6, 2016, Defendants promoted Plaintiff to Chief Operation
6 Officer (COO). As COO, Plaintiff decreased rent and implemented other changes that
7 saved Defendants thousands of dollars. After multiple complaints that her salary did not
8 align with other employees in similar positions, CALSOUTHERN gave Plaintiff a pay
9 equity adjustment to \$120,000. Plaintiff has raised inequity issues since she was a
10 Director of Alumni Services compared to other Director's salaries in addition to doing
11 two jobs: Director of Alumni and Executive Assistant to the President and Owner.
12 Plaintiff had to raise this issue each time she was promoted. When addressed with Hecht
13 these unfair, discriminatory pay inequities, Plaintiff was told she was "lucky to have a job
14 and "she already made too much."
- 15 26. In or around April 3, 2017, Defendants promoted Plaintiff to Executive Vice President
16 and Chief Operation Officer. Dr. Beazley and HECHT informed Plaintiff Dr. Beazley
17 was going to Vietnam on a two-and-a-half-week tour with CALSOUTHERN's
18 international director the very next day, and that they needed Plaintiff to run
19 CALSOUTHERN with HECHT while Dr. Beazley was gone. The first day after
20 returning from Vietnam, Dr. Beazley and HECHT got into an argument and HECHT
21 terminated him. HECHT told Plaintiff she would continue to run CALSOUTHERN.
22 Plaintiff told HECHT she would need training in admissions and academics to be able to
23 run all of the departments. HECHT never approved or provided the training Plaintiff
24 requested, so after 5 months in her new role, Plaintiff took it upon herself to attend
25 WASC accreditation workshops to further her higher institutional knowledge. Plaintiff's
26 annual salary for the Executive Vice President and COO promotion was increased to
27 \$165,000 in or around October 2017.
- 28 27. Despite her continued denials, HECHT found every opportunity to sexually harass

- 1 Plaintiff. As an example, in or around October 2017, HECHT gave Plaintiff a birthday
2 card, asking her “Friend sex?” Plaintiff felt humiliated and embarrassed.
- 3 28. In or around December 2017, HECHT ended his relationship with Finestone. During this
4 time, Plaintiff was helping HECHT with his computer, and he told her, “You look very
5 sexy today,” or words to that effect. HECHT then rubbed his hand up Plaintiff’s leg as
6 she stood next to him while he was seated at his desk. Plaintiff was wearing a skirt as
7 HECHT ran his hand up her leg under her skirt. Plaintiff was shocked and jumped back.
8 HECHT asked Plaintiff, “Why are we not dating?” or words to that effect. HECHT then
9 told Plaintiff, “We are so right for each other,” and “I think you are very smart, and
10 sexy,” and “I want to fuck you,” or words to that effect. Plaintiff told him to stop.
11 Plaintiff was scared and did not want to anger him because she had seen him lose his
12 temper and fire people. On Plaintiff’s information and belief, HECHT even had his best
13 friend laid off without even speaking to him for over one year. Plaintiff was scared
14 because she had been learning her position and overseeing a variety of projects that she
15 loved and was afraid she would be fired. Plaintiff tried to diffuse the situation. Plaintiff
16 told him, “Let’s not ruin our working relationship,” or words to that effect. Plaintiff
17 turned around to quickly leave, and HECHT smacked her on her buttocks. Plaintiff was
18 insulted and humiliated. Plaintiff did not report HECHT’s unwanted sexually harassing
19 conduct to HR because nothing happened the last time she had reported harassment from
20 HECHT. After her previous unsuccessful attempt to contact HR, Plaintiff understood
21 that there was no one willing to do anything to help her. Although she had complained
22 against the harassment, she was isolated and alone. Plaintiff felt victimized and helpless.
23 Plaintiff was suffering severe emotional distress.
- 24 29. That week, HECHT had Plaintiff arrange a hotel room at the Embassy Suites in Irvine,
25 California for him because Finestone was living with HECHT at the time and remained in
26 the home after the breakup. During his stay, on or about December 16, 2017, HECHT
27 texted Plaintiff details about his room and asked her if she wanted to come over for a
28 tour. Plaintiff understood HECHT to be making a sexual advance towards her. Plaintiff

- changed the conversation and did not go to HECHT's hotel room.

30. After their short breakup, HECHT and Finestone reconciled and began dating again. Finestone came back in a more involved role with CALSOUTHERN. Additionally, Finestone began seeing Plaintiff as a threat to her relationship and manipulation of HECHT. On Plaintiff's information and belief, Finestone, using her increasing authority at CALSOUTHERN, devised a plan to run Plaintiff out of CALSOUTHERN and minimize the interactions between Plaintiff and HECHT. Finestone believed Plaintiff and HECHT had a romantic relationship and that Plaintiff was the reason HECHT had briefly broken up their relationship. Finestone's actions were in retaliation for the perceived relationship Plaintiff had with HECHT.

31. Throughout Plaintiff's employment, HECHT conditioned each and every promotion on Plaintiff continuing to perform duties better suited for an executive assistant. As a result of continuing to work closely with HECHT with each promotion, HECHT was in a position to tell Plaintiff she looked sexy or make other inappropriate comments. HECHT also often called Plaintiff "a little person" and belittled her. For HECHT it was simple: either sleep with him and have money, the presidency, and an expensive home with him, or be a "little" female who did not have a doctorate and live with the rest of the little people. Plaintiff felt degraded by HECHT's comments.

32. Despite Plaintiff's professional success, HECHT persistently sexually harassed her. On or around February 13, 2018, Plaintiff and HECHT were walking back from getting coffee in the break room. HECHT grabbed Plaintiff's hand and kissed it, asking her again why they were not boyfriend/girlfriend, and if she wanted to go to dinner. On Plaintiff's information and belief, Finestone was in DC for a meeting. HECHT informed Plaintiff that if she agreed to be his girlfriend, he would break up with Finestone. HECHT said that Plaintiff could then move in with him. Plaintiff responded, "No, you need to stop," or words to that effect. HECHT further told Plaintiff, "If you are my lover, I will make you president of CALSOUTHERN," and "If you refuse, you will never be president," or words to that effect. During this exchange, HECHT again propositioned Plaintiff to

- 1 perform oral sex on him.
- 2 33. HECHT was undeterred. The following day, HECHT gave Plaintiff a Valentine's Day
3 card. Plaintiff thought the card was inappropriate and was offended by his continued
4 conduct. Plaintiff felt helpless and believed any complaint would not be investigated like
5 her prior complaint. HECHT asked Plaintiff about Tinder and to put him on the Tinder
6 app. Plaintiff denied and walked out of the office. HECHT later told Plaintiff he viewed
7 Tinder and set it up on his phone.
- 8 34. On or around March 19, 2018, during lunch, HECHT sat next to Plaintiff. During the
9 lunch, HECHT physically touched her knee, kissed her on the neck, and again tried
10 convincing her to be his girlfriend. Plaintiff was highly embarrassed and humiliated.
11 HECHT whispered in her ear, "Have you turned in your transcripts to John Minchin for
12 review, so you can start the DBA program so I can make you President?" or words to that
13 effect. He then told her, "I'm the owner, I can do anything, as long as you are my lover
14 and have a relationship with me. I will break up with Finestone if you will just say yes,"
15 or words to that effect. HECHT added, "You are just giving me excuses," or words to
16 that effect. Plaintiff said, "Absolutely not," or words to that effect. She further explained
17 to him that he was ruining their business relationship. She told him she was not going to
18 be his girlfriend and/or lover. He responded, "Well, then you are lucky to still have a
19 job!" or words to that effect. Plaintiff's fears were exacerbated by these comments.
- 20 35. As part of her plan to terminate Plaintiff's employment, on or around April 27, 2018,
21 Finestone circulated a 360 Evaluation. According to the circulated form, "A 360 is a
22 performance evaluation of an employee that includes comments by superiors and
23 subordinates." Finestone waited until Plaintiff was out of the office at a conference to
24 circulate a 360 Evaluation. The 360 Evaluation was circulated to all staff with leading
25 and negative questions. The exercise was not neutral. On information and belief, several
26 employees complained to Finestone and her assistant, Amanda Steed, that the evaluation
27 form seemed biased. Finestone ignored the complaints.
- 28 36. On or around April 30, 2018, Finestone called a meeting with Plaintiff and HECHT.

1 Finestone told Plaintiff that 52 responses were received and 31 allegedly had "scathing"
2 remarks about her. Plaintiff requested Finestone show her the responses, but Finestone
3 refused. Plaintiff insisted that she would like to see the responses and that she was open
4 to constructive criticism and improving herself. Finestone just replied, "Well, you are
5 very busy preparing for the depositions and prepping with HECHT today and the attorney
6 so just focus on that, and we will meet again and look at the evaluations on Friday along
7 with your new exciting duties," or words to that effect. Plaintiff looked at HECHT who
8 remained quiet throughout the entire meeting. Plaintiff left and went back to her office.
9 Plaintiff saw the evaluation as retaliation from HECHT because of her continued refusal
10 to give into his unwanted sexual advances, and retaliation from Finestone because of her
11 unfounded belief that Plaintiff posed a threat to her relationship with HECHT.

12 37. On or around May 3, 2018, Plaintiff was with HECHT attending his depositions related
13 to other lawsuits against Defendants. That day, Finestone held a mandatory all staff
14 meeting. Plaintiff, HECHT, and CALSOUTHERN's attorney, Guillermo Escobedo, had
15 lunch together, per usual. During lunch, Plaintiff asked HECHT what the purpose of the
16 mandatory meeting was. HECHT responded, "[Finestone]is just telling them that I am
17 recommending her to be president on Monday to the board," or words to that effect.
18 However, on Plaintiff's information and belief, the meeting was much more than just an
19 announcement of Finestone's nomination for president; it was a mandatory meeting
20 where Finestone spoke about the low morale of CALSOUTHERN's staff, Plaintiff's
21 alleged unethical practices, and Finestone's plan to curb these problems. During the
22 meeting, Finestone told the staff she expected loyalty. She told the staff that HECHT
23 paid all of their salaries from his personal account and that he deserved loyalty from
24 them. She emphasized that all she wanted from them was loyalty and to put in their two-
25 week notices if they could not give it to her. Plaintiff believes Finestone used this
26 meeting, in part, to elicit responses that would compromise Plaintiff's standing with her
27 subordinates. Plaintiff shifted the conversation with HECHT to her needing an assistant
28 because Finestone had promoted Plaintiff's assistant. In response, HECHT looked at her

- 1 and said, "You're lucky you still have a job," or words to that effect. Plaintiff was
2 shocked and did not say anything because it was in front of third persons. Plaintiff was
3 embarrassed and humiliated after she had been working so hard on collecting information
4 to prepare HECHT for the depositions. Plaintiff believes HECHT said that because she
5 had refused to have sexual intercourse with him.
- 6 38. On or around May 4, 2018, in an act of further retaliation, CALSOUTHERN placed
7 Plaintiff on administrative leave. Plaintiff was tired from working on trying to find
8 documents for HECHT all week. Plaintiff had returned to CALSOUTHERN on Tuesday
9 after a deposition and had worked until 8:00 pm trying to find documents that HECHT
10 had requested. Plaintiff was very tired and getting severe headaches because of the
11 distress the false 360 Evaluation was causing her. She called in sick. Shortly thereafter,
12 Plaintiff began receiving text messages from Finestone and HECHT, stating, "It is
13 imperative for you to come in to continue talking about your new EVP focus and
14 concentration," or words to that effect. Plaintiff expressed to Finestone that she felt too
15 tired and was emotional from the one-year anniversary of her dog's passing.
16 Immediately, HECHT texted her, "Your attendance is required at his office for a 10:00
17 meeting today," "We won't be long but need to settle urgent matter today," or words to
18 that effect. Plaintiff responded to him saying, "I understand but hoped you understood
19 that I'm very tired and emotionally drained," or words to that effect. HECHT then called
20 Plaintiff at 3:17 pm and left her a voice mail stating that she was on administrative leave
21 and under an investigation for charges and accusations that came about from the 360-
22 degree evaluation. He further stated he would be sending her an email on the terms and
23 conditions of this leave.
- 24 39. In further retaliation, on or around May 6, 2018, Finestone sent all staff an email giving
25 them very specific instructions about any contact with Plaintiff. In her email, Finestone
26 made the following instructions:
- 27 a. "[Plaintiff] has been placed on Administrative Leave through May 21, 2018.
28 During this time she is not to have access to the building or the property, nor is

she to have contact with any employees for any reason. Pending the results of our investigation, further instructions in this regard will be forthcoming. If you see [Plaintiff] in the building, or if she contacts you via email/call/text, the following steps must be taken IMMEDIATELY: 1. Call Amanda Steed on her office line. 2. Call Colton Irving on his office line. 3. Call Dr. Finestone on her office line. If you're in the parking lot and see her anywhere on the lot, immediately tell our security person working the facility that day, then call Amanda, Colton, and Dr. Finestone. Thank you for your adherence to this policy."

- 9 40. After being placed on administrative leave, Plaintiff's level of emotional distress hit an
10 all-time high. As a result of Defendants' conduct, Plaintiff suffers from insomnia,
11 anxiety, and stress. Plaintiff has been excluded from communication vital to perform her
12 position and feels isolated because of the retaliation resulting from her refusal to submit
13 to HECHT's unwanted sexual advances.

14 41. After not hearing from Defendants, on or around June 29, 2018, Plaintiff contacted
15 Defendants via certified mail and email. Plaintiff stated: "As you know, I was placed on
16 Administrative Leave on May 4, 2018. I want to return to work. I enjoy the work and it is
17 important to me. I have been on leave for two months now and I believe this leave is
18 adversely affecting me, my life and my career [sic]. Please let me know when I can return
19 to work." As of the beginning of July 2018, Plaintiff is still on administrative leave.

20 42. Plaintiff is technically still an employee of CALSOUTHERN. However, on information
21 and belief, Defendants have been representing to third parties that Plaintiff is no longer
22 with CALSOUTHERN. Plaintiff feels as though she is being forced out of her job by the
23 conduct of Defendants.

FIRST CAUSE OF ACTION

SEXUAL HARASSMENT

Plaintiff v. All Defendants

[Cal. Gov't Code § 12940(j)(1)]

- 28 43. Plaintiff re-alleges and incorporates by reference each and every allegation contained in

- 1 the preceding paragraphs as though fully set forth herein.
- 2 44. Plaintiff was subject to unwanted harassing conduct on the basis of her sex, as set forth
3 herein.
- 4 45. The sexual harassment to which Defendants subjected Plaintiff was severe, having been
5 the victim of sexual battery and continuingly pervasive of a sexual nature including leers,
6 comments, and advances that interfered with Plaintiff's ability to do her job despite her
7 complaints. Plaintiff is aware of sexual harassment of other employees in the workplace
8 victimized in the same or similar manner by Defendants.
- 9 46. A reasonable woman in Plaintiff's circumstances would have considered the work
10 environment to be hostile or abusive, and Plaintiff did in fact consider the work
11 environment to be hostile or abusive.
- 12 47. Plaintiff's supervisor knew or should have known of this conduct and failed to take
13 immediate and appropriate corrective action, as stated herein.
- 14 48. As a direct, foreseeable, and proximate result of Defendants' conduct, Plaintiff has
15 sustained and continues to sustain substantial losses in earnings, employment benefits,
16 employment opportunities, and Plaintiff has suffered other economic losses in an amount
17 to be determined at time of trial. Plaintiff has sought to mitigate these damages.
- 18 49. As a further direct, foreseeable, and proximate result of Defendants' conduct, Plaintiff
19 has suffered and continues to suffer humiliation, emotional distress, loss of reputation,
20 and mental and physical pain and anguish, all to her damage in a sum to be established
21 according to proof.
- 22 50. As a result of Defendants' deliberate, outrageous, despicable conduct, Plaintiff is entitled
23 to recover punitive and exemplary damages in an amount commensurate with
24 Defendants' wrongful acts and sufficient to punish and deter future similar reprehensible
25 conduct.
- 26 51. In addition to such other damages as may properly be recovered herein, Plaintiff is
27 entitled to recover prevailing party attorney fees and costs pursuant to Government Code
28 section 12965.

1

SECOND CAUSE OF ACTION

2

FAILURE TO PREVENT HARASSMENT

3

Plaintiff v. Defendant CALSOUTHERN

4

[Cal. Gov't Code §12940(k)]

5

52. Plaintiff re-alleges and incorporates by reference each and every allegation contained in
the preceding paragraphs as though fully set forth herein.

6

53. Plaintiff was subject to unwanted harassing conduct on the basis of her sex, as set forth
herein. Plaintiff was also subject to retaliation for opposing the sexual harassment.

7

54. CALSOUTHERN failed to take all reasonable steps to prevent the harassment and
retaliation as described herein after having knowledge of numerous instances of sexual
harassment.

8

55. As a direct, foreseeable, and proximate result of CALSOUTHERN's conduct, Plaintiff
has sustained and continues to sustain substantial losses in earnings, employment
benefits, employment opportunities, and Plaintiff has suffered other economic losses in
an amount to be determined at time of trial. Plaintiff has sought to mitigate these
damages.

9

56. As a further direct, foreseeable, and proximate result of CALSOUTHERN's conduct,
Plaintiff has suffered and continues to suffer humiliation, emotional distress, loss of
reputation, and mental and physical pain and anguish, all to her damage in a sum to be
established according to proof.

10

57. As a result of CALSOUTHERN's deliberate, outrageous, despicable conduct, Plaintiff is
entitled to recover punitive and exemplary damages in an amount commensurate with
CALSOUTHERN's wrongful acts and sufficient to punish and deter future similar
rehprehensible conduct.

11

58. In addition to such other damages as may properly be recovered herein, Plaintiff is
entitled to recover prevailing party attorney fees and costs pursuant to Government Code
section 12965.

12

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1

THIRD CAUSE OF ACTION

2

RETALIATION

3

Plaintiff v. Defendant CALSOUTHERN

4

[Cal. Gov't Code §12940(h)]

- 5 59. Plaintiff re-alleges and incorporates by reference each and every allegation contained in
6 the preceding paragraphs as though fully set forth herein.
- 7 60. Plaintiff opposed the sexual harassment, as stated herein.
- 8 61. CALSOUTHERN engaged in conduct that, taken as a whole, materially and adversely
9 affected the terms and conditions of Plaintiff's employment, including suspending
10 Plaintiff.
- 11 62. Plaintiff's opposition to sexual harassment was a substantial motivating reason for
12 CALSOUTHERN engaging in conduct that, taken as a whole, materially and adversely
13 affected the terms and conditions of Plaintiff's employment, including terminating her
14 employment.
- 15 63. As a direct, foreseeable, and proximate result of CALSOUTHERN's conduct, Plaintiff
16 has sustained and continues to sustain substantial losses in earnings, employment
17 benefits, employment opportunities, and Plaintiff has suffered other economic losses in
18 an amount to be determined at time of trial. Plaintiff has sought to mitigate these
19 damages.
- 20 64. As a further direct, foreseeable, and proximate result of CALSOUTHERN's conduct,
21 Plaintiff has suffered and continues to suffer humiliation, emotional distress, loss of
22 reputation, and mental and physical pain and anguish, all to her damage in a sum to be
23 established according to proof.
- 24 65. As a result of CALSOUTHERN's deliberate, outrageous, despicable conduct, Plaintiff is
25 entitled to recover punitive and exemplary damages in an amount commensurate with
26 CALSOUTHERN's wrongful acts and sufficient to punish and deter future similar
27 reprehensible conduct.
- 28 66. In addition to such other damages as may properly be recovered herein, Plaintiff is

1 entitled to recover prevailing party attorney fees and costs pursuant to Government Code
2 section 12965.

3 **FOURTH CAUSE OF ACTION**

4 **SEXUAL BATTERY**

5 **Plaintiff v. HECHT**

6 **[Cal Civ. Code § 1708.5]**

- 7 67. Plaintiff re-alleges and incorporates by reference each and every allegation contained in
8 the preceding paragraphs as though fully set forth herein.
9 68. This cause of action is brought against HECHT.
10 69. This cause of action incorporated the conduct specifically set forth in paragraphs 19, 22,
11 30, and 36, where it is alleged that HECHT unlawfully and intentionally exercised force,
12 fear, or caused harm on Plaintiff by offensively touching her. This conduct was not only
13 sexual harassment but also sexual battery.
14 70. HECHT touched Plaintiff with the intent to cause a harmful or sexually offensive contact
15 to Plaintiff, directly or indirectly.
16 71. Plaintiff did not consent to be touched by HECHT.
17 72. Plaintiff was harmed and sexually offended by HECHT's conduct in touching her against
18 her will.
19 73. As a direct, foreseeable, and proximate result of HECHT's conduct, Plaintiff has
20 sustained and continues to sustain substantial losses in earnings, employment benefits,
21 employment opportunities, and Plaintiff has suffered other economic losses in an amount
22 to be determined at time of trial. Plaintiff has sought to mitigate these damages.
23 74. As a further direct, foreseeable, and proximate result of HECHT's conduct, Plaintiff has
24 suffered and continues to suffer humiliation, emotional distress, loss of reputation, and
25 mental and physical pain and anguish, all to her damage in a sum to be established
26 according to proof.
27 75. As a result of HECHT's deliberate, outrageous, despicable conduct, Plaintiff is entitled to
28 recover punitive and exemplary damages in an amount commensurate with HECHT's

1 wrongful acts and sufficient to punish and deter future similar reprehensible conduct.

FIFTH CAUSE OF ACTION

INTENTIONAL INFILCTION OF EMOTIONAL DISTRESS

Plaintiff v. All Defendants

- 5 76. Plaintiff re-alleges and incorporates by reference each and every allegation contained in
6 the preceding paragraphs as though fully set forth herein.

7 77. Defendants' intentional conduct, as set forth herein, was extreme and outrageous.

8 78. Defendants intended to cause Plaintiff to suffer extreme emotional distress. Plaintiff
9 suffered extreme emotional distress.

10 79. As a further direct, foreseeable, and proximate result of Defendants' conduct, Plaintiff
11 has sustained and continues to suffer humiliation, emotional distress, loss of reputation,
12 and mental and physical pain and anguish, all to Plaintiff's damage in an amount
13 according to proof at trial.

WHEREFORE, Plaintiff prays for the following relief:

1 PLAINTIFF SHERILANI GARRETT demands a jury trial on all issues in this case.

2

3 DATED: *August 16, 2018*

4

5 GRUENBERG LAW

6 

7

8 JOSH D. GRUENBERG, ESQ.
9 BENJAMIN S. SILVER, ESQ.
10 PAMELA VALLERO, ESQ.

11

12 LAW OFFICES OF DAVID S. BRISTOL

13 

14

15 DAVID S. BRISTOL, ESQ.
16 Attorneys for Plaintiff,
17 SHERILANI GARRETT

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GRUENBERG LAW
2155 FIRST AVENUE
SAN DIEGO, CALIFORNIA 92101

GRUENBERG LAW
2155 FIRST AVENUE
SAN DIEGO, CALIFORNIA 92101

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EXHIBIT A

- (1) PLAINTIFF'S CHARGE FILED WITH THE DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING (DFEH).

(2) PLAINTIFF'S RIGHT TO SUE LETTERS FROM THE DFEH.

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STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758

(800) 884-1684 | TDD (800) 700-2320

<http://www.dfeh.ca.gov> | email: contact.center@dfEH.ca.gov

GOVERNOR EDMUND G. BROWN JR.
DIRECTOR KEVIN KISH

August 15, 2018

Pamela Vallero, Esq.
2155 First Avenue
San Diego, CA 92101

RE: Notice to Complainant's Attorney
DFEH Matter Number: 201808-03241915
Right to Sue: Garrett / California Southern University et al.

Dear Pamela Vallero, Esq.:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

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(800) 884-1684 | TDD (800) 700-2320

<http://www.dfeh.ca.gov> | email: contact.center@dfeh.ca.gov

GOVERNOR EDMUND G. BROWN JR.
DIRECTOR KEVIN KISH

August 15, 2018

RE: Notice of Filing of Discrimination Complaint

DFEH Matter Number: 201808-03241915

Right to Sue: Garrett / California Southern University et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

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GOVERNOR EDMUND G. BROWN JR.
DIRECTOR KEVIN KISH

August 15, 2018

Sherilani Garrett
2155 First Avenue
San Diego, California 92101

RE: Notice of Case Closure and Right to Sue
DFEH Matter Number: 201808-03241915
Right to Sue: Garrett / California Southern University et al.

Dear Sherilani Garrett,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective August 15, 2018 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 contact 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

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**
4 **Under the California Fair Employment and Housing Act**
5 **(Gov. Code, § 12900 et seq.)**

6 **In the Matter of the Complaint of**
7 Sherilani Garrett

DFEH No. 201808-03241915

8 Complainant,
9 vs.

10 California Southern University
11 3330 Harbor Blvd
12 Costa Mesa, California 92626

13 Donald Hecht
14 3330 Harbor Blvd
15 Costa Mesa, California 92626

16 Respondents

17 1. Respondent California Southern University is an employer subject to suit
18 under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900
19 et seq.).

20 2. Complainant Sherilani Garrett, resides in the City of San Diego State of
21 California.

22 3. Complainant alleges that on or about May 6, 2018, respondent took the following
23 adverse actions:

24 **Complainant was harassed because of complainant's sex/gender.**

25 **Complainant experienced retaliation** because complainant reported or resisted
26 any form of discrimination or harassment and as a result was terminated, denied a
27 work environment free of discrimination and/or retaliation.

28 **Additional Complaint Details:** Complainant is a female in her 50s. Hecht is a male
29 in his 80s. Hecht founded and owns California Southern (CAS). On 3/5/12, CAS
30 hired Complainant as an Executive Assistant. In this role, she was responsible for

1 coordinating travel reservations, booking hotels, itineraries, and maintaining
2 calendars for the owner and president; scheduling and coordinating meetings,
3 conferences, luncheons and events, including managing invitations, RSVP's,
4 speakers, entertainment, transportation, catering, and setup; maintaining owner's
5 financial documents and calendar. Her starting salary was \$54,000 per year. On or
6 around 7/1/15, Complainant received a raise to \$69,600 based on her performance
7 and merit. At all times throughout her employment, Complainant was a competent
8 employee. She rapidly advanced through CAS receiving several well-deserved
9 promotions. From the start of her employment with CAS, Complainant was a
10 dedicated employee who routinely went above and beyond the scope of her job
11 description. She successfully performed all the tasks required of her and has been
12 an integral part of CAS' success and growth.

13 During her employment, HECHT subjected Plaintiff to persistent and pervasive
14 sexual harassment. Hecht's unwanted sexual harassment was especially difficult
15 because of the required interaction between Complainant and Hecht. Throughout
16 much of her employment at CAS, she looked at Hecht as a father figure. She
17 believed she could trust and confide in him.

18 In or around 2015, Hecht's meetings with Complainant became more frequent.
19 Additionally, around this time, Hecht began inquiring into her personal love life and
20 dating. Hecht made inappropriate and harassing comments such as, "You look sexy
21 today," and "You look sexy in that blouse," or words to that effect. He also told
22 Complainant what parts of her body he liked. On several occasions, Hecht told her,
23 "I like your legs," "You have a great body," or words to that effect. Whenever he
24 made remarks like that, Complainant told him, "Don't say that," and "Stop and move
25 on," or words to that effect. She also attempted to change the subject. Work
became a constant struggle of redirecting him and hoping Complainant could get
him focused on business. Hecht's comments made her feel humiliated and
diminished as a female.

26 Hecht also made inappropriate remarks about his marriage. For example, he told
27 Complainant, "sex at home is non-existent. Throughout her employment, Hecht
28 asked her to show him dating sites and was extremely interested in sites such as
Ashley Madison, Match.com, and J-date. To get him to stop pursuing her, she
showed him how to use these sites and helped him set up accounts and a private
email address to receive his dating emails. Each time he came into the office, Hecht
had her screen his dates, discuss their profiles with him, and set up any dinner and
hotel arrangements. It became nearly a daily routine and it made her feel disgusted
and degraded having to read these emails and listen to Hecht discuss his personal
love-life. Complainant only hoped that encouraging him to date other women would
stop him from pursuing her. During one of the many times Complainant tried to find
him a girlfriend online, they stumbled across Dr. Gwen Finestone (Finestone)'s
profile on J-date. Complainant hoped if Hecht started dating someone, he would no
longer sexually harass her. She encouraged him to contact Finestone.

1 In or around 6/16, Hecht began a romantic relationship with Finestone. He
2 immediately began bringing Finestone to the office and company events. When
3 Finestone first met Complainant, she asked her what her "role" was right in front of
4 Hecht. He responded that she was his right hand and bragged about her. When
5 Hecht walked away, Finestone asked Complainant what type of relationship she had
6 with Hecht. Complainant told her they had a "business relationship," or words to that
7 effect. Finestone said, "Hecht seems to dote on you," and "Why is that?" or words to
8 that effect. Complainant responded, "Hecht relies on me because I am his and Dr.
9 Ryan's executive assistant, and I maintain his personal records and calendar along
10 with Dr. Ryan's," or words to that effect. Finestone insisted, "That's all?"
11 Complainant responded, "Yes, he is like a father to me," or words to that effect.
12 Complainant felt targeted and embarrassed during Finestone's interrogation.
13 Shortly thereafter, CAS hired Finestone. Over time, Finestone's role at CAS became
14 increasingly supervisory and involved. Throughout 2015 and 2016, Hecht frequently
15 asked Complainant to be his lover. Hecht hugged, kissed, and touched her
16 inappropriately. During board meetings, a member of the Board of Directors
17 observed Hecht constantly staring at Complainant and hugging her in front of him.
18 The Board of Directors member told her, "It is clear Hecht likes you," and "I don't
19 have any doubt that Hecht is sexually harassing you," or words to that effect. After
20 hearing these comments, she felt hopeless and humiliated. She recognized that
21 Hecht displayed inappropriate behaviors and that the whole board knew he
22 harassed her. She felt helpless because, on information and belief, Carol Stanton,
23 the VP/Chief Operating Officer overseeing Human Resources, did nothing to prevent
24 further harassment and failed to investigate any complaints against Hecht.
25 Complainant felt she could not complain to anyone and feared retaliation if she did.
26 On information and belief, throughout Complainant's employment, Hecht subjected
27 multiple female employees to paternalistic, disparaging, gender-related comments.
28 If the employee refused his sexual advances, he moved on to the next employee not
before retaliating. Hecht gave power and authority to female employees who
submitted to his sexual advances, and retaliated against those who did not. On
Complainant's information and belief, there have been multiple lawsuits filed against
Hecht for similar claims.
Despite his unwanted sexual advances, Complainant loved her job and wanted to
grow with CAS. Plaintiff worked diligently and was rewarded for her hard work. On
or around November 2015, CAS promoted her to Director of Alumni Services. In this
role, Complainant engaged and involved 1,500 alumni through service, events, and
leadership; created an alumni website; conducted surveys; promoted the welfare of
CAS and alumni while guiding and encouraging current and future students through
career services, development, time, talent and life networking.
While Complainant focused on her professional development and growth, Hecht was
fixated on having a sexual relationship with her. In or around mid-3/16, he and
Complainant had lunch at Panera Bread off of Culver in Irvine. Hecht was looking
around for apartments to rent or houses to buy after recently being separated from

1 his wife, Susie Hecht. He had dropped his cell phone at CAS' parking lot while
2 leaving the day before. Complainant saw it on her way out and picked it up. She
3 forgot to bring it to work the next day for him. After lunch, Hecht wanted to retrieve
4 his phone. He asked Complainant, "Don't you live in this area?" or words to that
5 effect. She replied, "yes," or words to that effect. He said, "Let's go pick it up," or
6 words to that effect. She was uncomfortable with that and told him she could bring it
7 to him the following day. Hecht yelled, "No, I need my phone now!" or words to that
8 effect. He was driving and asked Complainant for her address. She hesitated; she
9 felt helpless. She tried to just blow it off and keep the conversation going. When they
10 arrived at her house, she told him she would run in and get it, but he insisted on
11 going in and looking around at the floor plan and seeing her dog, Chance.
12 Complainant showed him the first floor and pointed towards the kitchen. She
13 grabbed his phone from her kitchen table. While in the kitchen, Hecht came up
14 behind her, put his arms around her, and whispered in her ear, "I want to fuck you,"
15 or words to that effect. She was startled and scared. Her heart began to race. She
16 walked out of his arms and said, "No, we need to go back to work," or words to that
17 effect. He said they did not need to go back so soon, but Complainant walked
18 quickly towards the door with her head down saying, "Yes, we do, I have a lot of
19 work to do!" or words to that effect. Complainant was trying not to be frightened, but
20 she was deeply humiliated and frightened. Additionally, while at her home, Hecht
21 asked Plaintiff to perform oral sex on him. He walked over to her couch, sat down,
22 and requested that she perform oral sex while touching his penis. He told her no
23 one would know. Complainant felt disgusted and humiliated. She refused and
24 insisted that they leave.

25 The working conditions had become intolerable for Complainant. She saw her
26 career at CAS threatened because she would not agree to have sex with Hecht.
27 The next day, Complainant had lunch with Leslie Jepsen (Jepsen), CAS' Human
28 Resources ("HR") Generalist. Complainant complained to Jepsen about what had
happened at her home the day prior, and informed her of all the unwanted, sexually
harassing conduct Hecht had subjected her to. Jepsen informed her that she was
going to have to tell her manager who oversees HR, Carol Stanton (Stanton), and
they were going to have to discuss the allegations with Hecht. Complainant wanted
Hecht to know it was not appropriate, how humiliated and degraded it had made her
feel, and that he needed to stop. Jepsen said she would take care of talking to
Stanton. Complainant followed up with Jepsen later, and Jepsen said she had
informed Stanton. Neither Stanton nor Hecht ever followed up with Complainant on
her sexual harassment complaints. On Complainant's information and belief, Stanton
never investigated her complaints. She feared she was going to get fired for her
complaints and for taking a position against Hecht.

CAS terminated Dr. Carol Ryan, CAS' President, on 11/12/16. CAS then promoted
Complainant on 9/26/16, to Director of Planning and Project Management as part of
a step progression because the Interim President, Dr. Beazley wanted Complainant
to take over planning the relocation of the company. CAS informed Complainant

1 they believed her skills were a great fit for project management. Before her
2 termination, Dr. Ryan handled the designing and remodeling of a new location in
3 Costa Mesa. In her role, Complainant oversaw the IT and other departments to
4 plan, organize, and work with vendors and 80 employees to get them packed and
moved to the new building. After successfully moving everyone to the new location,
both Dr. Beazley, President & Chief Executive Officer, and Dr. Hecht, owner, praised
Complainant for her efforts.

5 On or around 12/6/16, CAS promoted Complainant to Chief Operation Officer
(COO). As COO, she decreased rent and implemented other changes that saved
Defendants thousands of dollars. After multiple complaints that her salary did not
align with other employees in similar positions, CAS gave her a pay equity
adjustment to \$120,000. Complainant has raised inequity issues since she was a
Director of Alumni Services compared to other Director's salaries in addition to doing
two jobs: Director of Alumni and Executive Assistant to the President and Owner.
She had to raise this issue each time she was promoted. When she addressed with
Hecht these unfair, discriminatory pay inequities, Plaintiff was told she was "lucky to
have a job and "she already made too much."

11 In or around 4/3/17, CAS promoted Complainant to Executive Vice President and
Chief Operation Officer. Dr. Beazley and Hecht informed her Dr. Beazley was going
to Vietnam on a two-and-a-half-week tour with CAS' international director the very
next day, and that they needed her to run CAS with Hecht while Dr. Beazley was
gone. The first day after returning from Vietnam, Dr. Beazley and Hecht got into an
argument and Hecht terminated him. Hecht told Complainant she would continue to
run CAS. She told Hecht she would need training in admissions and academics to
be able to run all of the departments. Hecht never approved or provided the training
Complainant requested, so after 5 months in her new role, she took it upon herself to
attend WASC accreditation workshops to further her higher institutional knowledge.
Complainant's annual salary for the Executive Vice President and COO promotion
was increased to \$165,000 in or around 10/17.

18 Despite her continued denials, Hecht found every opportunity to sexually harass
Complainant. As an example, in or around 10/17, Hecht gave her a birthday card,
asking her "Friend sex?" She felt humiliated and embarrassed.

20 In or around 12/17, Hecht ended his relationship with Finestone. During this time,
Complainant was helping him with his computer, and he told her, "You look very
sexy today," or words to that effect. Hecht then rubbed his hand up Complainant's
leg as she stood next to him while he was seated at his desk. She was wearing a
skirt. She was shocked and jumped back. Hecht asked her, "Why are we not
dating?" or words to that effect. Hecht then told her, "We are so right for each
other," and, "I think you are very smart, and sexy," and " I want to fuck you," or words
to that effect. Complainant told him to stop. She was scared and did not want to
anger him because she had seen him lose his temper and fire people and because
she had been learning her position and overseeing a variety of projects that she
loved and was afraid she would be fired. She tried to diffuse the situation. She told

1 him, "Let's not ruin our working relationship," or words to that effect. Complainant
2 turned around to quickly leave, and Hecht smacked her on her buttocks. She was
3 insulted and humiliated. She did not report Hechts unwanted sexually harassing
4 conduct to HR because after her previous unsuccessful attempt to contact HR, she
5 understood that there was no one willing to do anything to help her. Although she
6 had complained about the harassment, she was isolated and alone. Complainant
7 felt victimized and helpless. She was suffering severe emotional distress.
8 That week, Hecht had Complainant arrange a hotel room at the Embassy Suites in
9 Irvine, California for him because Finestone was living with Hecht at the time and
10 remained in the home after the breakup. During his stay, on or about 12/16/17,
11 Hecht texted Complainant details about his room and asked her if she wanted to
12 come over for a tour. She understood him to be making a sexual advance towards
13 her. Complainant changed the conversation and did not go to Hecht's hotel room.
14 After their short breakup, Hecht and Finestone reconciled and began dating again.
15 Finestone came back in a more involved role with CAS. Additionally, Finestone
16 began seeing Complainant as a threat to her relationship and manipulation of Hecht.
17 On Complainant's information and belief, Finestone, using her increasing authority at
18 CAS, devised a plan to run her out of CAS and minimize the interactions between
19 Complainant and Hecht. Finestone believed Complainant and Hecht had a romantic
20 relationship and that Complainant was the reason Hecht had briefly broken up their
21 relationship.
22 Throughout Complainant's employment, Hecht conditioned each and every
23 promotion on her continuing to perform duties better suited for an executive
24 assistant. As a result of continuing to work closely with Hecht with each promotion,
25 Hecht was in a position to tell Complainant she looked sexy or make other
inappropriate comments. Hecht also often called her "a little person" and belittled
her. For Hecht, it was simple: either sleep with him and have money, the presidency,
and an expensive home with him or be a "little" female who did not have a doctorate
and live with the rest of the little people. Complainant felt degraded by his
comments.
26 Despite Complainant's professional success, Hecht persistently sexually harassed
her. On or around 2/13/18, she and Hecht were walking back from getting coffee in
the break room. Hecht grabbed her hand and kissed it, asking her again why they
27 were not boyfriend/girlfriend, and if she wanted to go to dinner. Hecht informed
Complainant that if she agreed to be his girlfriend, he would break up with
Finestone. He said that she could then move in with him. Complainant responded,
"No, you need to stop," or words to that effect. Hecht persisted, "If you are my lover,
I will make you president of CAS," and "If you refuse, you will never be president," or
words to that effect. During this exchange, Hecht again propositioned her to perform
oral sex on him.
28 Hecht was undeterred. The following day, he gave Complainant a Valentine's Day
card. She thought the card was inappropriate and was offended by his continued
conduct. She felt helpless and believed any complaint would not be investigated like

1 her prior complaint. Hecht asked her about Tinder and to put him on the Tinder app.
2 She denied and walked out of the office. Hecht later told her he viewed Tinder and
3 set it up on his phone.

4 On or around 3/19/18, during lunch, Hecht sat next to Complainant. During the
lunch, he physically touched her knee, kissed her on the neck, and again tried
convincing her to be his girlfriend. She was highly embarrassed and humiliated.
5 Hecht whispered in her ear, "Have you turned in your transcripts to John Minchin for
review, so you can start the DBA program so I can make you President?" or words
to that effect. He then told her, "I'm the owner, I can do anything, as long as you are
6 my lover and have a relationship with me. I will break up with Finestone if you will
just say yes," or words to that effect. He added, "You are just giving me excuses," or
7 words to that effect. Complainant said, "Absolutely not," or words to that effect. She
further explained to him that he was ruining their business relationship. She told him
8 she was not going to be his girlfriend and/or lover. He responded, "Well, then you
9 are lucky to still have a job!" or words to that effect. Plaintiff's fears were
exacerbated by these comments.

10 As part of her plan to terminate Complainant's employment, on or around 4/27/18,
11 Finestone circulated a 360 Evaluation. According to the circulated form, "A 360 is a
12 performance evaluation of an employee that includes comments by superiors and
subordinates." Finestone waited until Complainant was out of the office at a
conference to circulate a 360 Evaluation. The 360 Evaluation was circulated to all
13 staff with leading and negative questions. The exercise was not neutral. On
information and belief, several employees complained to Finestone and her
14 assistant, Amanda Steed, that the evaluation form seemed biased. Finestone
15 ignored the complaints.

16 On or around 4/30/18, Finestone called a meeting with Complainant and Hecht.
17 Finestone told Complainant that 52 responses were received and 31 allegedly had
"scathing" remarks about her. Complainant requested Finestone show her the
responses, but Finestone refused. Complainant insisted that she would like to see
the responses and that she was open to constructive criticism and improving herself.
18 Finestone just replied, "Well, you are very busy preparing for the depositions and
prepping with Hecht today and the attorney so just focus on that, and we will meet
again and look at the evaluations on Friday along with your new exciting duties," or
19 words to that effect. Complainant looked at Hecht who remained quiet throughout
the entire meeting. She left and went back to her office. She saw the evaluation as
20 retaliation from Hecht because of her continued refusal to give into his unwanted
sexual advances, and retaliation from Finestone because of her unfounded belief
21 that she posed a threat to her relationship with Hecht.

22 On or around 5/3/18, Complainant was with Hecht attending his depositions related
to other lawsuits against CAS. That day, Finestone held a mandatory all-staff
23 meeting. Complainant, Hecht, and CAS' attorney, Guillermo Escobedo, had lunch
together, per usual. During lunch, she asked Hecht what the purpose of the
24 mandatory meeting was. Hecht responded, "[Finestone]is just telling them that I am

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1 recommending her to be president on Monday to the board," or words to that effect.
2 However, on information and belief, the meeting was much more than just an
3 announcement of Finestone's nomination for president; it was a mandatory meeting
4 where Finestone spoke about the low morale of CAS' staff, Complainant's allegedly
5 unethical practices, and Finestone's plan to curb these problems. During the
6 meeting, Finestone told the staff she expected loyalty. She told the staff that Hecht
7 paid all of their salaries from his personal account and that he deserved loyalty from
8 them. She emphasized that all she wanted from them was loyalty and to put in their
9 two-week notices if they could not give it to her. Complainant believes Finestone
10 used this meeting, in part, to elicit responses that would compromise Complainant's
11 standing with her subordinates. Complainant shifted the conversation with HECHT to
12 her needing an assistant because Finestone had promoted Complainant's assistant.
13 In response, Hecht looked at her and said, "You're lucky you still have a job," or
14 words to that effect. Complainant was shocked and did not say anything because it
15 was in front of third persons. She was embarrassed and humiliated after she had
16 been working so hard on collecting information to prepare Hecht for the depositions.
17 She believes Hecht said that because she had refused to have sexual intercourse
18 with him.

19 On or around 5/4/18, in an act of further retaliation, CAS placed Complainant on
20 administrative leave. She was tired from working on trying to find documents for
21 Hecht all week. She had returned to CAS on Tuesday after a deposition and had
22 worked until 8:00 pm trying to find documents that Hecht had requested.

23 Complainant was very tired and getting severe headaches because of the distress
24 the false 360 Evaluation was causing her. She called in sick. Shortly thereafter, she
25 began receiving text messages from Finestone and Hecht, stating, "It is imperative
for you to come in to continue talking about your new EVP focus and concentration,"
or words to that effect. She expressed to Finestone that she felt too tired and was
emotional from the one-year anniversary of her dog's passing. Immediately, Hecht
texted her, "Your attendance is required at his office for a 10:00 meeting today," "We
won't be long but need to settle urgent matter today," or words to that effect. She
responded to him saying, "I understand but hoped you understood that I'm very tired
and emotionally drained," or words to that effect. Hecht then called her at 3:17 pm
and left her a voicemail stating that she was on administrative leave and under an
investigation for charges and accusations that came about from the 360-degree
evaluation. He further stated he would be sending her an email on the terms and
conditions of this leave.

26 In further retaliation, on or around 5/6/18, Finestone sent all staff an email giving
them very specific instructions about any contact with Complainant. In her email,
27 Finestone made the following instructions: a."[Complainant] has been placed on
Administrative Leave through 5/21/18. During this time she is not to have access to
the building or the property, nor is she to have contact with any employees for any
reason. Pending the results of our investigation, further instructions in this regard will
be forthcoming If you see her in the building, or if she contacts you via

1 email/call/text, the following steps must be taken IMMEDIATELY: 1. Call Amanda
2 Steed on her office line. 2. Call Colton Irving on his office line. 3. Call Dr. Finestone
3 on her office line. If you're in the parking lot and see her anywhere on the lot,
immediately tell our security person working the facility that day, then call Amanda,
Colton, and Dr. Finestone. Thank you for your adherence to this policy."
4 After being placed on administrative leave, Complainant's level of emotional distress
5 hit an all-time high. As a result of Respondents' conduct, she suffers from insomnia,
6 anxiety, and stress. She has been excluded from communication vital to perform
7 her position and feels isolated because of the retaliation resulting from her refusal to
submit to Hecht's unwanted sexual advances. She is currently on administrative
leave.
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1 **VERIFICATION**

2 I, Pamela Vallero, am the Attorney in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On August 15, 2018, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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