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BECKY MCGINNIS

FILED
Superior Court of California
County of Riverside

12/14/2018

K. Vigil

By Fax

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF RIVERSIDE

Case No.: MCC1801431

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

BECKY MCGINNIS, an individual,

Plaintiff,

v.

AT&T CORP.; PACIFIC BELL
TELEPHONE COMPANY, WILLIAM
STOVALL; and DOES 1-10, inclusive,

Defendants.

(1) NEGLIGENT HIRING

(2) NEGLIGENT RETENTION

(3) FAILURE TO PREVENT
HARASSMENT
(Cal. Gov. Code § 12900, *et seq.*)

(4) HOSTILE WORK ENVIROMENT

(5) NEGLIGENT INFLICTION OF
EMOTIONAL DISTRESS

(6) INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS

(7) FALSE IMPRISONMENT

(8) ASSAULT

DEMAND FOR JURY TRIAL

1 Plaintiff BECKY MCGINNIS ("Plaintiff" or "MCGINNIS") files this Complaint for
2 Damages and Injunctive Relief, and complains of the named Defendants, and each of them,
3 jointly and severally, and for causes of action, alleges as follows:

4 **JURISDICTION AND VENUE**

- 5 1. This Court has jurisdiction over this matter pursuant to Article VI, § 10 of the
6 Constitution of the State of California.
7
8 2. Venue is proper in Riverside County in that Plaintiff is a resident of this County, part of
9 the wrongs alleged herein occurred within this County, and Defendants are located in and/or
10 transact business within this County.
11 3. Plaintiff has been damaged in excess of the jurisdictional amount of this Court.

12 **INTRODUCTION**

- 13 4. This action arises out of events during Plaintiff's employment with the AT&T.
14

15 **THE PARTIES**

- 16 5. Plaintiff MCGINNIS is a Network Technology professional, and is a resident of
17 Riverside, California.
18 6. Defendant AT&T CORP. (jointly with PACIFIC BELL TELEPHONE COMPANY,
19 "AT&T") is a New York Corporation licensed to and doing business under the laws of the State
20 of California, with field offices relevant to this lawsuit located in the County of Riverside, and
21 employed Defendant WILLIAM STOVALL at all times relevant.
22 7. Defendant PACIFIC BELL TELEPHONE COMPANY (jointly with AT&T CORP.,
23 "AT&T") is a California Corporation, licensed to and doing business under the laws of the State
24 of California, with field offices relevant to this lawsuit located in the County of Riverside.
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1 8. Defendant WILLIAM STOVALL is an individual, upon information and belief, also a
2 resident of the County of Riverside, and employed Defendant WILLIAM STOVALL at all times
3 relevant.

4 9. Plaintiff is ignorant of the true names and capacities of defendants sued herein as "DOES
5 1-10, inclusive," and Plaintiff therefore sues such defendants by such fictitious names. Plaintiff
6 will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is
7 informed and believes and thereon alleges that each of these fictitiously named defendants is
8 responsible in some manner for the occurrences, acts, and omissions alleged herein and that
9 Plaintiff's injuries as alleged herein were proximately caused by such aforementioned defendants.
10

11 10. Plaintiff is informed and believes, and therefore alleges, that at all times mentioned
12 herein defendants were the agents, servants, employees and/or joint venturers of the other
13 defendants and were, as such, at all times mentioned acting within the scope, course and
14 authority of this agency, employment and/or joint venture. Plaintiff is further informed and
15 believes and, therefore alleges, that each of the defendants consented to, ratified, participated in,
16 or authorized the acts of the remaining defendants. Plaintiff will amend this Complaint to allege
17 their true names and capacities when ascertained.
18

19 **FACTS COMMON TO ALL CAUSES OF ACTION**

20 11. Sometime in late 2016, AT&T became aware that one of Plaintiff's subordinates, William
21 Stovall, ("Mr. Stovall") was reviewing pornographic materials in the workplace. Despite this
22 knowledge, Plaintiff was informed that AT&T would not terminate Mr. Stovall. Plaintiff was
23 then instructed to attend a meeting with Mr. Stovall where he was shown evidence of misconduct
24 gathered over several months by asset protection.
25

26 12. Soon after the meeting, Mr. Stovall sent a voicemail to Plaintiff that he would be retiring
27 effecting Friday, January 25, 2017.
28

1 13. Soon thereafter, Mara Stevens ("Ms. Stevens") informed Plaintiff that prior to retiring
2 Mr. Stovall would need to report to work to turn in tools and equipment and Plaintiff would need
3 to conduct an exit interview with Mr. Stovall. Ms. Stevens did not offer to have corporate
4 security present or any other form of protection for an employee who was obviously humiliated,
5 and potentially dangerous given the nature of the pornographic material he was found to have
6 been viewing in the workplace. Instead, AT&T forced Plaintiff to meet with Mr Stovall in the
7 dark of the night, during his regular shift, because AT&T had already cut the final paycheck.

8 14. AT&T had notice of Mr. Stovall's unlawful behavior prior to the above-mentioned
9 incident between Plaintiff and Mr. Stovall, which included non-consensual "violent" graphic
10 sexual depictions, and thereafter failed to take any action to protect Plaintiff from an employee
11 that AT&T knew from his search history that he had been seeking prurient and violent graphic
12 material.
13

14 15. Moreover, Mr. Stovall was widely regarded as a seriously disgruntled employee, who
15 constantly used profanity in the workplace, and was extremely difficult to work with.
16

17 16. At the direction of Ms. Stevens, Plaintiff informed Mr. Stovall that he needed to report to
18 work for an exit interview. Mr. Stovall replied that he would be there by 4 a.m. Upon arriving
19 into the conference room for their meeting, Mr. Stovall blocked Plaintiff's exit and threatened to
20 allow a dog he brought into the conferee room to attack her as he made several other threats over
21 the next 35-40 minutes, including, "this would all be over now if I had brought my pit bull," and
22 "you know, I am a convicted felon."
23

24 17. AT&T caused Plaintiff to be in an extremely dangerous situation, in the middle of the
25 night, with a person known to have been searching for graphic and violent sex acts, and took no
26 steps to protect her.
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1 18. AT&T did not follow its own policy of placing persons on investigations of misconduct
2 (especially misconduct related to the zero tolerance policy prohibiting pornography) on
3 suspension during investigation. Had AT&T followed its own policy of suspension, including
4 depriving STOVALL of access and entry to the facility, Mr. Stovall would not have been able to
5 lay his trap with his dog by entering the facility before Plaintiff, and laying in wait for her.

6 19. As a result of this incident, Plaintiff has suffered severe and extreme emotional distress.
7 Further, her healthcare providers have informed her that she is suffering symptoms of Post
8 Traumatic Stress Disorder. As a result, she has serious, debilitating fear of darkness, and other
9 symptoms that limit her major life activities.
10

11 **FIRST CAUSE OF ACTION**
12 **NEGLIGENT HIRING**
13 **AGAINST DEFENDANTS AT&T ONLY**

14 20. Plaintiff alleges against Defendants AT&T and for a first, separate, and distinct cause of
15 action alleges as follows:

16 21. Plaintiff realleges the factual allegations of paragraphs 1 through 19 above as though
17 fully set forth herein.

18 22. At the time of William Stovall's hire AT&T should have known that William Stovall was
19 unfit to perform the work for which he was hired.

20 23. A simple background check would have revealed that Mr. Stovall would be a danger to
21 female employees in the workplace.
22

23 24. AT&T knew or in the exercise of ordinary care should have known that William Stovall
24 was unfit and that this unfitness created a particular risk to others.

25 25. William Stovall's unfitness harmed Plaintiff.

26 26. AT&T's negligence in hiring William Stovall was a substantial factor in causing
27 Plaintiff's harm.
28

1 WHEREFORE, Plaintiff has been damaged and prays judgment as set forth below.

2 **SECOND CAUSE OF ACTION**
3 **NEGLIGENT RETENTION**
4 **AGAINST DEFENDANTS AT&T ONLY**

5 27. Plaintiff alleges against Defendants AT&T and for a second, separate, and distinct cause
6 of action alleges as follows:

7 28. Plaintiff realleges the factual allegations of paragraphs 1 through 26 above as though
8 fully set forth herein.

9 29. During his employment William Stovall became unfit to perform the work for which
10 he was hired.

11 30. AT&T had notice of Mr. Stovall's unlawful behavior prior to the above-mentioned
12 incident between Plaintiff and Mr. Stovall, which included non-consensual "violent" graphic
13 sexual depictions, and thereafter failed to take any action to protect Plaintiff from an employee
14 that AT&T knew from his search history that he had been seeking prurient and violent graphic
15 material.
16

17 31. Moreover, Mr. Stovall was widely regarded as a seriously disgruntled employee, who
18 constantly used profanity in the workplace, and was extremely difficult to work with.

19 32. At the direction of Ms. Stevens, Plaintiff informed Mr. Stovall that he needed to report to
20 work for an exit interview. Mr. Stovall replied that he would be there by 4 a.m. Upon arriving
21 into the conference room for their meeting, Mr. Stovall blocked Plaintiff's exit and threatened to
22 allow a dog he brought into the conferee room to attack her as he made several other threats over
23 the next 35-40 minutes, including, "this would all be over now if I had brought my pit bull," and
24 "you know, I am a convicted felon."
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1 33. AT&T caused Plaintiff to be in an extremely dangerous situation, in the middle of the
2 night, with a person known to have been searching for graphic and violent sex acts, and took no
3 steps to protect her.

4 34. AT&T did not follow its own policy of placing persons on investigations of misconduct
5 (especially misconduct related to the zero tolerance policy prohibiting pornography) on
6 suspension during investigation. Had AT&T followed its own policy of suspension, including
7 depriving Mr. Stovall of access and entry to the facility, Mr. Stovall would not have been able to
8 lay his trap with his dog by entering the facility before Plaintiff, and laying in wait for her.

9 35. As a result of this incident, Plaintiff has suffered severe and extreme emotional distress.
10 Further, her healthcare providers have informed her that she is suffering symptoms of Post
11 Traumatic Stress Disorder. As a result, she has serious, debilitating fear of darkness, and other
12 symptoms that limit her major life activities.
13

14 36. AT&T knew or should have known that William Stovall was unfit and that this unfitness
15 created a particular risk to others.
16

17 37. William Stovall's unfitness harmed Plaintiff.

18 38. AT&T's negligence in retaining William Stovall was a substantial factor in causing
19 Plaintiff's harm.

20 WHEREFORE, Plaintiff has been damaged and prays judgment as set forth below.
21

22 **THIRD CAUSE OF ACTION**
23 **FAILURE TO PREVENT HARASSMENT**
24 **AGAINST DEFENDANTS AT&T ONLY**

25 39. Plaintiff alleges against Defendants AT&T and for a third, separate, and distinct cause of
26 action alleges as follows:

27 40. Plaintiff realleges the factual allegations of paragraphs 1 through 38 above as though
28 fully set forth herein.

1 41. Plaintiff was subjected to harassment in the course of her employment at AT&T.

2 42. AT&T failed to take all reasonable steps to prevent the harassment.

3 43. Plaintiff was harmed and AT&T's failure to take all reasonable steps to prevent
4 harassment was a substantial factor in causing Plaintiff's harm.

5 44. AT&T had notice of Mr. Stovall's unlawful behavior prior to the above-mentioned
6 incident between Plaintiff and Mr. Stovall, which included non-consensual "violent" graphic
7 sexual depictions, and thereafter failed to take any action to protect Plaintiff from an employee
8 that AT&T knew from his search history that he had been seeking prurient and violent graphic
9 material.
10

11 45. Moreover, Mr. Stovall was widely regarded as a seriously disgruntled employee, who
12 constantly used profanity in the workplace, and was extremely difficult to work with.

13 46. At the direction of Ms. Stevens, Plaintiff informed Mr. Stovall that he needed to report to
14 work for an exit interview. Mr. Stovall replied that he would be there by 4 a.m. Upon arriving
15 into the conference room for their meeting, Mr. Stovall blocked Plaintiff's exit and threatened to
16 allow a dog he brought into the conferee room to attack her as he made several other threats over
17 the next 35-40 minutes, including, "this would all be over now if I had brought my pit bull," and
18 "you know, I am a convicted felon."
19

20 47. AT&T caused Plaintiff to be in an extremely dangerous situation, in the middle of the
21 night, with a person known to have been searching for graphic and violent sex acts, and took no
22 steps to protect her.
23

24 48. AT&T did not follow its own policy of placing persons on investigations of misconduct
25 (especially misconduct related to the zero tolerance policy prohibiting pornography) on
26 suspension during investigation. Had AT&T followed its own policy of suspension, including
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1 depriving Mr. Stovall of access and entry to the facility, Mr. Stovall would not have been able to
2 lay his trap with his dog by entering the facility before Plaintiff, and laying in wait for her.

3 49. As a result of this incident, Plaintiff has suffered severe and extreme emotional distress.
4 Further, her healthcare providers have informed her that she is suffering symptoms of Post
5 Traumatic Stress Disorder. As a result, she has serious, debilitating fear of darkness, and other
6 symptoms that limit her major life activities.

7
8 WHEREFORE, Plaintiff has been damaged and prays judgment as set forth below.

9
10 **FOURTH CAUSE OF ACTION**
HOSTILE WORK ENVIRONMENT
AGAINST ALL DEFENDANTS

11 50. Plaintiff alleges against all Defendants and for a fourth, separate, and distinct cause of
12 action alleges as follows:

13 51. Plaintiff realleges the factual allegations of paragraphs 1 through 49 above as though
14 fully set forth herein.

15
16 52. On January 25, 2017, Plaintiff was subjected to unwanted harassing conduct because of
17 her gender.

18 53. The harassment plaintiff suffered was severe.

19 54. AT&T had notice of Mr. Stovall's unlawful behavior prior to the above-mentioned
20 incident between Plaintiff and Mr. Stovall, which included non-consensual "violent" graphic
21 sexual depictions, and thereafter failed to take any action to protect Plaintiff from an employee
22 that AT&T knew from his search history that he had been seeking prurient and violent graphic
23 material.

24
25 55. Moreover, Mr. Stovall was widely regarded as a seriously disgruntled employee, who
26 constantly used profanity in the workplace, and was extremely difficult to work with.
27
28

1 56. At the direction of Ms. Stevens, Plaintiff informed Mr. Stovall that he needed to report to
2 work for an exit interview. Mr. Stovall replied that he would be there by 4 a.m. Upon arriving
3 into the conference room for their meeting, Mr. Stovall blocked Plaintiff's exit and threatened to
4 allow a dog he brought into the conferee room to attack her as he made several other threats over
5 the next 35-40 minutes, including, "this would all be over now if I had brought my pit bull," and
6 "you know, I am a convicted felon."

7
8 57. AT&T caused Plaintiff to be in an extremely dangerous situation, in the middle of the
9 night, with a person known to have been searching for graphic and violent sex acts, and took no
10 steps to protect her.

11 58. AT&T did not follow its own policy of placing persons on investigations of misconduct
12 (especially misconduct related to the zero tolerance policy prohibiting pornography) on
13 suspension during investigation. Had AT&T followed its own policy of suspension, including
14 depriving Mr. Stovall of access and entry to the facility, Mr. Stovall would not have been able to
15 lay his trap with his dog by entering the facility before Plaintiff, and laying in wait for her.

16
17 59. As a result of this incident, Plaintiff has suffered severe and extreme emotional distress.
18 Further, her healthcare providers have informed her that she is suffering symptoms of Post
19 Traumatic Stress Disorder. As a result, she has serious, debilitating fear of darkness, and other
20 symptoms that limit her major life activities.

21
22 60. A reasonable woman in Plaintiff's circumstances have considered the work environment
23 to be hostile or abusive.

24 61. Plaintiff considered the work environment to be hostile and abusive.

25 62. Plaintiff's supervisors could have taken steps to prevent this harassment from taking place.

26 63. Plaintiff's supervisors failed to take steps to prevent this harassment from occurring.
27
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1 64. The harassment Plaintiff faced in the work place was a substantial factor in causing
2 Plaintiff's harm.

3 WHEREFORE, Plaintiff has been damaged and pray judgment as set forth below.

4 **FIFTH CAUSE OF ACTION**
5 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**
6 **AGAINST ALL DEFENDANTS**

7 65. Plaintiff alleges against all Defendants, and for a fifth, separate, and distinct cause of
8 action alleges as follows:

9 66. Plaintiff realleges the factual allegations of paragraphs 1 through 64 above as though
10 fully set forth herein.

11 67. On January 25, 2017, William Stovall negligently caused Plaintiff to suffer severe
12 emotional distress.

13 68. AT&T had notice of Mr. Stovall's unlawful behavior prior to the above-mentioned
14 incident between Plaintiff and Mr. Stovall, which included non-consensual "violent" graphic
15 sexual depictions, and thereafter failed to take any action to protect Plaintiff from an employee
16 that AT&T knew from his search history that he had been seeking prurient and violent graphic
17 material.
18

19 69. Moreover, Mr. Stovall was widely regarded as a seriously disgruntled employee, who
20 constantly used profanity in the workplace, and was extremely difficult to work with.

21 70. At the direction of Ms. Stevens, Plaintiff informed Mr. Stovall that he needed to report to
22 work for an exit interview. Mr. Stovall replied that he would be there by 4 a.m. Upon arriving
23 into the conference room for their meeting, Mr. Stovall blocked Plaintiff's exit and threatened to
24 allow a dog he brought into the conferee room to attack her as he made several other threats over
25 the next 35-40 minutes, including, "this would all be over now if I had brought my pit bull," and
26 "you know, I am a convicted felon."
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1 71. AT&T caused Plaintiff to be in an extremely dangerous situation, in the middle of the
2 night, with a person known to have been searching for graphic and violent sex acts, and took no
3 steps to protect her.

4 72. AT&T did not follow its own policy of placing persons on investigations of misconduct
5 (especially misconduct related to the zero tolerance policy prohibiting pornography) on
6 suspension during investigation. Had AT&T followed its own policy of suspension, including
7 depriving Mr. Stovall of access and entry to the facility, Mr. Stovall would not have been able to
8 lay his trap with his dog by entering the facility before Plaintiff, and laying in wait for her.

9 73. As a result of this incident, Plaintiff has suffered severe and extreme emotional distress.
10 Further, her healthcare providers have informed her that she is suffering symptoms of Post
11 Traumatic Stress Disorder. As a result, she has serious, debilitating fear of darkness, and other
12 symptoms that limit her major life activities.
13

14 74. Stovall's negligence was a substantial factor in causing Plaintiff's serious emotional
15 distress.
16

17 WHEREFORE, Plaintiff has been damaged prays judgement as set forth below.

18 **SIXTH CAUSE OF ACTION**
19 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
20 **AGAINST ALL DEFENDANTS**

21 75. Plaintiff alleges against all Defendants and for a sixth, separate, and distinct cause of
22 action alleges as follows:

23 76. Plaintiff realleges the factual allegations of paragraphs 1 through 74 above as though
24 fully set forth herein.

25 77. On January 25, 2017 William Stovall's intentionally inflicted severe emotional distress
26 on Plaintiff.

27 78. William Stovall intended to cause Plaintiff emotional distress.
28

1 79. AT&T had notice of Mr. Stovall's unlawful behavior prior to the above-mentioned
2 incident between Plaintiff and Mr. Stovall, which included non-consensual "violent" graphic
3 sexual depictions, and thereafter failed to take any action to protect Plaintiff from an employee
4 that AT&T knew from his search history that he had been seeking prurient and violent graphic
5 material.

6 80. Moreover, Mr. Stovall was widely regarded as a seriously disgruntled employee, who
7 constantly used profanity in the workplace, and was extremely difficult to work with.

8 81. At the direction of Ms. Stevens, Plaintiff informed Mr. Stovall that he needed to report to
9 work for an exit interview. Mr. Stovall replied that he would be there by 4 a.m. Upon arriving
10 into the conference room for their meeting, Mr. Stovall blocked Plaintiff's exit and threatened to
11 allow a dog he brought into the conferee room to attack her as he made several other threats over
12 the next 35-40 minutes, including, "this would all be over now if I had brought my pit bull," and
13 "you know, I am a convicted felon."
14

15 82. AT&T caused Plaintiff to be in an extremely dangerous situation, in the middle of the
16 night, with a person known to have been searching for graphic and violent sex acts, and took no
17 steps to protect her.
18

19 83. AT&T did not follow its own policy of placing persons on investigations of misconduct
20 (especially misconduct related to the zero tolerance policy prohibiting pornography) on
21 suspension during investigation. Had AT&T followed its own policy of suspension, including
22 depriving Mr. Stovall of access and entry to the facility, Mr. Stovall would not have been able to
23 lay his trap with his dog by entering the facility before Plaintiff, and laying in wait for her.
24

25 84. As a result of this incident, Plaintiff has suffered severe and extreme emotional distress.
26 Further, her healthcare providers have informed her that she is suffering symptoms of Post
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1 Traumatic Stress Disorder. As a result, she has serious, debilitating fear of darkness, and other
2 symptoms that limit her major life activities.

3 WHEREFORE, Plaintiff has been damaged and prays judgment as set forth below.

4 **SEVENTH CAUSE OF ACTION**
5 **FALSE IMPRISONMENT**
6 **AGAINST DEFENDANT WILLIAM STOVALL**

7 85. Plaintiff alleges against Defendant STOVALL and for a seventh, separate, and distinct
8 cause of action alleges as follows:

9 86. Plaintiff realleges the factual allegations of paragraphs 1 through 84 above as though
10 fully set forth herein.

11 87. On or about January 25, 2017, William Stovall intentionally deprived Plaintiff of her
12 freedom of movement by use of physical barriers and threats of force.

13 88. AT&T had notice of Mr. Stovall's unlawful behavior prior to the above-mentioned
14 incident between Plaintiff and Mr. Stovall, which included non-consensual "violent" graphic
15 sexual depictions, and thereafter failed to take any action to protect Plaintiff from an employee
16 that AT&T knew from his search history that he had been seeking prurient and violent graphic
17 material.
18

19 89. Moreover, Mr. Stovall was widely regarded as a seriously disgruntled employee, who
20 constantly used profanity in the workplace, and was extremely difficult to work with.

21 90. At the direction of Ms. Stevens, Plaintiff informed Mr. Stovall that he needed to report to
22 work for an exit interview. Mr. Stovall replied that he would be there by 4 a.m. Upon arriving
23 into the conference room for their meeting, Mr. Stovall blocked Plaintiff's exit and threatened to
24 allow a dog he brought into the conferee room to attack her as he made several other threats over
25 the next 35-40 minutes, including, "this would all be over now if I had brought my pit bull," and
26 "you know, I am a convicted felon."
27
28

1 91. AT&T caused Plaintiff to be in an extremely dangerous situation, in the middle of the
2 night, with a person known to have been searching for graphic and violent sex acts, and took no
3 steps to protect her.

4 92. AT&T did not follow its own policy of placing persons on investigations of misconduct
5 (especially misconduct related to the zero tolerance policy prohibiting pornography) on
6 suspension during investigation. Had AT&T followed its own policy of suspension, including
7 depriving Mr. Stovall of access and entry to the facility, Mr. Stovall would not have been able to
8 lay his trap with his dog by entering the facility before Plaintiff, and laying in wait for her.

9 93. As a result of this incident, Plaintiff has suffered severe and extreme emotional distress.
10 Further, her healthcare providers have informed her that she is suffering symptoms of Post
11 Traumatic Stress Disorder. As a result, she has serious, debilitating fear of darkness, and other
12 symptoms that limit her major life activities.
13

14 94. Plaintiff did not consent to Stovall depriving her of her freedom of movement.
15

16 **EIGHTH CAUSE OF ACTION**
17 **ASSAULT**
18 **AGAINST DEFENDANT WILLIAM STOVALL**

19 95. Plaintiff alleges against Defendant Stovall and for a eighth, separate, and distinct cause of
20 action alleges as follows:

21 96. Plaintiff realleges the factual allegations of paragraphs 1 through 94 above as though
22 fully set forth herein.

23 97. On January 25, 2017, William Stovall acted in a manner intending to place Plaintiff in
24 fear of a harmful or an offensive contact.

25 98. Plaintiff was in fear of imminent physical harm, and unconsented touching by the actions
26 of Stovall.
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1 99. As a result of this incident, Plaintiff has suffered severe and extreme emotional distress.
2 Further, her healthcare providers have informed her that she is suffering symptoms of Post
3 Traumatic Stress Disorder. As a result, she has serious, debilitating fear of darkness, and other
4 symptoms that limit her major life activities.

5 100. Plaintiff reasonably believed that she was about to be touched in a harmful or offensive
6 manner.

7
8 101. Plaintiff did not consent to Stovall's conduct.

9 102. Plaintiff has duly exhausted her administrative remedies, receiving a Right-to-Sue letter
10 from the California Department of Fair Employment and Housing on February 23, 2018.

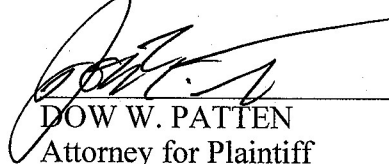
11
12 **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiff prays for relief as follows:

- 14 1. For general damages in amounts according to proof and in no event in an amount
15 less than the jurisdictional limit of this Court;
 - 16 2. For special damages in amounts according to proof;
 - 17 3. For punitive damages against each Defendant, in amounts according to proof;
 - 18 4. For attorneys' fees as provided by law;
 - 19 5. For interest as provided by law;
 - 20 6. For costs of suit herein; and
 - 21 7. For a mandatory injunction requiring Defendants to institute, maintain and report
22 to the Court effective measures to train and monitor their employees in the
23 mandates of California law and the prohibitions on harassment and retaliation;
24 and
 - 25 8. Such other and further relief as the Court deems fair and just.
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1
2 Dated: September 7, 2018

SMITH PATTEN

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DOW W. PATTEN
Attorney for Plaintiff
BECKY MCGINNIS

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7 **JURY DEMAND**

8 Plaintiff hereby demands trial by jury of all matters so triable.
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10 Dated: September 7, 2018

SMITH PATTEN

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DOW W. PATTEN
Attorney for Plaintiff
BECKY MCGINNIS
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): SMITH PATTEN, Dow W. Patten (#135931) 888 S. Figueroa St., Suite 2030 Los Angeles, CA 90017 TELEPHONE NO.: 415-402-0084 FAX NO.: 415-520-0104 ATTORNEY FOR (Name): Plaintiff Becky McGinnis		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Riverside STREET ADDRESS: 30755-D Auld Rd, Suite 1226 MAILING ADDRESS: CITY AND ZIP CODE: Murrieta, CA 92563 BRANCH NAME: Southwest Justice Center		
CASE NAME: BECKY MCGINNIS V AT&T CORP., et. al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: <div style="text-align: center; font-size: 1.2em; font-weight: bold;">MCC1801431</div> JUDGE: DEPT:

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): Neg. Hiring, Neg. Retention, Failure To Prevent Harassment, Hostile Wk. En
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: November 14, 2018

Dow W. Patten

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on **all** other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

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