

Superior Court of California County of Orange



Case Number : 30-2019-01086376-CU-WT-CJC

Copy Request: 4243051

Request Type: Case Documents

Prepared for: cns

Number of documents: 1

Number of pages: 12

I.

INTRODUCTORY ALLEGATIONS

1. Plaintiff DAVID BLANCO (herein "Plaintiff") is an African American homosexual male who resides within the County of Los Angeles and the state of California.
2. Defendant VERIFY INC., (herein referred to as "VERIFY") is a California limited liability corporation doing business and authorized to conduct business in the state of California, County of Los Angeles (for purposes of this complaint "ACE" shall refer to any and all subsidiaries thereof and Plaintiff reserves the right to amend this complaint to name those entities/ individuals).
3. The true names and capacities of the Defendants named herein as DOES 1 through 50, inclusive, whether individual, corporate, associate, or otherwise, are unknown to PLAINTIFF who therefore sues such Defendants by fictitious names pursuant to Code of Civil Procedure §474.
4. Plaintiff is informed and believes that DOE Defendants 1 through 50 are California residents and/or parents, subsidiaries, and/or sister corporations to Defendant Employer, and/or individuals responsible for the acts complained of herein. Plaintiff will amend this Complaint to show such true names and capacities when they have been determined. Plaintiff alleges all known and unknown Defendants, and all named Defendants, including corporate and individual Defendants and their parents, subsidiaries, their successors in interest, partners, and their employees and/or agents, acted on behalf of, and for the benefit of, at the direction of, and under the control of, and in conspiracy with, each and every Defendant, known or unknown, and their agents and/or employees, and each of them, to do the acts complained of herein.

1 5. Plaintiff is informed and believes and thereon alleges that each of the fictitiously named
2 defendants is responsible in some manner for the occurrences hereinafter alleged, and
3 that Plaintiff's injuries as herein alleged were proximately caused by the
4 aforementioned defendants.
5

6 **II.**

7 **STATEMENT OF FACTS**

8 6. On or about June 26, 2017, Plaintiff was hired by VERIFY as a recruiter.

9 7. During the course his employment, Plaintiff's superiors, including VERIFY's vice
10 president, Charlie Stevenson, and several directors and program managers reporting to
11 him, would repeatedly use expletives, including "Jesus Fucking Christ" in Plaintiff's
12 presence. Plaintiff is a devout Christian and was offended by such foul language, which
13 he considered sacrilegious.
14

15 8. For several months, Plaintiff attempted to ignore the offensive language and focus on
16 his job duties. However, when the conduct became so pervasive that Plaintiff felt it had
17 begun to effect his mental health, he contacted VERIFY's human resource department
18 and lodged a formal complaint. Plaintiff was advised that his complaint would be
19 addressed with Mr. Stevenson and his staff.
20

21 9. However, in retaliation for his complaint, during Plaintiff's subsequent interactions with
22 Mr. Stevenson and the directors reporting to him, the executive made his disdain for
23 Plaintiff clear to all present.
24

25 10. Shortly thereafter, Plaintiff began witnessing a co-worker loudly masturbating in the
26 VERIFY office restroom in violation of *California Penal Code* section 647(a). After
27 Plaintiff witnessed the co-worker engage in the illegal conduct on no less than four
28

1 occasions, he contacted his supervisor, Cindy Brink, and reported the incident. In
2 response, Ms. Brink advised Plaintiff that she would address the matter with the human
3 resources department.
4

- 5 11. On July 30, 2018, Plaintiff received a voice message from Ms. Brink asking him to
6 return her call. When Plaintiff returned the call, he was routed to VERIFY's human
7 resources department. Present the line were Ms. Brink, VERIFY's vice president, and a
8 human resources representative. Ms. Brink advised Plaintiff that he was being
9 terminated for "not respecting other people's privacy."
10
11 12. The reason provided Plaintiff was however a pretext to mask VERIFY's discriminatory
12 and retaliatory motives.

13 **III.**

14 **FIRST CAUSE OF ACTION**

15 **DISCRIMINATION BASED ON RELIGION IN VIOLATION OF FEHA**

16 *[Cal. Gov. Code Section 12940, et seq.]*

17 **(AGAINST ALL DEFENDANTS)**

- 18
19 13. Plaintiff restates and incorporates by reference each and every allegation contained in
20 paragraphs 1 through 12, inclusive, as though fully set forth herein.
21
22 14. Defendant's actions, as alleged above violate the California Fair Employment and
23 Housing Act ("FEHA"), *Government Code section 12940, et seq.*
24
25 15. Plaintiff received a right-to-sue letter from the DFEH and filed this action in a timely
26 manner thereafter, a copy of which is attached hereto as **Exhibit A**. Accordingly,
27 Plaintiff has timely complied with all prerequisites to suit.
28

1 16. As a proximate result of Defendant's wrongful actions against Plaintiff , as alleged
2 above, Plaintiff has been harmed in that Plaintiff has suffered the loss of wages, salary,
3 benefits, and additional amounts of money Plaintiff would have received if Plaintiff had
4 not been wrongfully terminated by Defendant.
5

6 17. As a further proximate result of Defendant's wrongful actions against Plaintiff as
7 alleged above, Plaintiff has been harmed in that Plaintiff has suffered intangible loss of
8 employment-related opportunities. As a further proximate result of Defendant's
9 wrongful actions against Plaintiff , as alleged above, Plaintiff has been harmed in that
10 Plaintiff has suffered humiliation, mental anguish, emotional and physical distress,
11 anxiety, and has been injured in the mind and body.
12

13 18. The wrongful conduct of Defendant set forth herein above was perpetrated upon
14 Plaintiff intentionally, willfully, fraudulently, in conscious disregard of Plaintiff 's rights
15 and safety and with a callous indifference to the injurious consequences which were
16 substantially certain to occur and was shameful, despicable and deplorable.
17

18 19. Plaintiff is further informed and believes that each business or corporate employer,
19 through its officers, directors and managing agents, and each individual defendant,
20 including without limitation, defendant VERIFY, had advance knowledge of the
21 wrongful conduct set forth above and allowed said wrongful conduct to occur and
22 continue to occur, thereby ratifying said wrongful conduct, with a conscious disregard of
23 the rights and safety of Plaintiff , and after becoming aware of their wrongful conduct,
24 each corporate defendant by and through its officers, directors and managing agents, and
25 each individual defendant, including defendant VERIFY, authorized and ratified the
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1 wrongful conduct herein alleged. Therefore, Plaintiff seeks exemplary and punitive
2 damages against Defendant in an amount according to proof.

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4 **IV.**

5 **SECOND CAUSE OF ACTION**

6 **FAILURE TO TAKE REASONABLE STEPS TO PREVENT HOSTILE WORK**
7 **ENVIRONMENT IN THE WORKPLACE IN VIOLATION OF FEHA**

8 *[Government Code Section 12940(i)]*

9 **(AGAINST ALL DEFENDANTS)**

10
11 20. Plaintiff restates and incorporates by reference each and every allegation contained in
12 paragraphs 1 through 19, inclusive, as though fully set forth herein.

13 21. At all times mentioned in the complaint, Government Code Section 12940(i) was in full
14 force and effect and was binding on defendants. This subsection requires defendants to
15 take all reasonable steps necessary to prevent discrimination and harassment from
16 occurring. As alleged above, defendants violated this subsection by failing to take all
17 reasonable steps necessary to prevent discrimination and harassment from occurring
18 before and after Defendants were placed on notice of the wrongful conduct.

19
20 22. Within the time provided by law, Plaintiff filed a complaint with the California
21 Department of Fair Employment and Housing and received a right-to-sue letter. See
22 **Exhibit A.**

23
24 23. As a proximate result of defendants' conduct, Plaintiff has suffered and continues to
25 suffer humiliation, emotional distress, and mental and physical pain and anguish all to
26 her damage in a sum according to proof.

1 24. Plaintiff has incurred and continues to incur legal expenses and attorney fees. Plaintiff is
2 presently unaware of the precise amount of these expenses and fees and prays leave of
3 court to amend this complaint when the amounts are more fully known.
4

5 **V.**

6 **THIRD CAUSE OF ACTION**

7 **RETALIATION - VIOLATION OF FEHA**

8 *Cal. Gov. Code Section 12940, et seq.*

9 **(AGAINST ALL DEFENDANTS)**

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11 25. Plaintiff restates and incorporates by reference each and every allegation contained in
12 paragraphs 1 through 24, inclusive, as though fully set forth herein.

13 26. In violation of *Cal. Govt. Code* 12940, et seq., Defendant, as alleged herein above,
14 retaliated against Plaintiff for complaining about discriminatory conduct and a hostile
15 work environment, which are protected activities, by subjecting him to adverse
16 employment actions including, but not limited to the following:
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- 18 a) Treating Plaintiff less favorably than his co-workers;
19 b) Denying Plaintiff the benefits and privileges of his employment;
20 c) Terminating his employment.
21

22 27. Plaintiff received a right-to-sue letter from the DFEH and filed this action in a timely
23 manner thereafter, a copy of which is attached hereto as **Exhibit A**. Accordingly,
24 Plaintiff has timely complied with all prerequisites to suit.

25 28. As a proximate result of Defendant's wrongful actions against Plaintiff, as alleged
26 above, Plaintiff has been harmed in that Plaintiff has suffered the loss of wages, salary,
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1 benefits, and additional amounts of money Plaintiff would have received if Plaintiff had
2 not been wrongfully terminated by Defendant.

3 29. As a further proximate result of Defendant's wrongful actions against Plaintiff as
4 alleged above, Plaintiff has been harmed in that Plaintiff has suffered intangible loss of
5 employment-related opportunities. As a further proximate result of Defendant's
6 wrongful actions against Plaintiff, as alleged above, Plaintiff has been harmed in that
7 Plaintiff has suffered humiliation, mental anguish, emotional and physical distress,
8 anxiety, and has been injured in the mind and body.

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10 30. The wrongful conduct of Defendant set forth herein above was perpetrated upon
11 Plaintiff intentionally, willfully, fraudulently, in conscious disregard of Plaintiff's rights
12 and safety and with a callous indifference to the injurious consequences which were
13 substantially certain to occur and was shameful, despicable and deplorable.

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15 31. Plaintiff is further informed and believes that each business or corporate employer,
16 through its officers, directors and managing agents, and each individual defendant,
17 including without limitation, defendant VERIFY, had advance knowledge of the
18 wrongful conduct set forth above and allowed said wrongful conduct to occur and
19 continue to occur, thereby ratifying said wrongful conduct, with a conscious disregard of
20 the rights and safety of Plaintiff, and after becoming aware of their wrongful conduct,
21 each corporate defendant by and through its officers, directors and managing agents, and
22 each individual defendant, including defendant VERIFY, authorized and ratified the
23 wrongful conduct herein alleged. Therefore, Plaintiff seeks exemplary and punitive
24 damages against Defendant in an amount according to proof.
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VI.

FORTH CAUSE OF ACTION

WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY

(AGAINST ALL DEFENDANTS)

32. Plaintiff restates and incorporates by reference each and every allegation contained in paragraphs 1 through 31, inclusive, as though fully set forth herein.

33. Defendant's actions, as alleged above, constitute a violation of the public policy of this State, in that the wrongful termination of Plaintiff contravenes specific statutory provisions, which prohibit terminating an employee in retaliation for protesting discrimination, a hostile work environment and workplace violations of California Penal Code 647(a), pursuant to the Constitution of the State of California, Article 1, section 8; or terminating an employee in retaliation for exercising his right to defend life and liberty, or pursue safety, happiness and privacy pursuant to Constitution of the State of California, Article 1, section 1.

34. Plaintiff's protesting participation in the unlawful conduct alleged herein was his effort to foster the State of California's public policy prohibiting discrimination and in favor of protecting the public safety.

35. As a proximate result of Defendant's wrongful actions against Plaintiff, as alleged above, Plaintiff has been harmed in that Plaintiff has suffered the loss of wages, salary, benefits, medical expenses and additional amounts of money Plaintiff would have received if Plaintiff had not been wrongfully terminated by Defendant. As a further proximate result of Defendant's wrongful actions against Plaintiff as alleged above, Plaintiff has been harmed in that Plaintiff has suffered intangible loss of employment-

1 related opportunities. As a further proximate result of Defendant's wrongful actions
2 against Plaintiff, as alleged above, Plaintiff has been harmed in that Plaintiff has
3 suffered humiliation, mental anguish, emotional and physical distress, anxiety, and has
4 been injured in the mind and body.

5
6 36. The wrongful conduct of Defendant set forth herein above was perpetrated upon
7 Plaintiff intentionally, willfully, fraudulently, in conscious disregard of Plaintiff's rights
8 and safety and with a callous indifference to the injurious consequences which were
9 substantially certain to occur and was shameful, despicable and deplorable.

10
11 37. Plaintiff is further informed and believes that each business or corporate employer,
12 through its officers, directors and managing agents, and each individual defendant,
13 including without limitation, defendant VERIFY, had advance knowledge of the
14 wrongful conduct set forth above and allowed said wrongful conduct to occur and
15 continue to occur, thereby ratifying said wrongful conduct, with a conscious disregard of
16 the rights and safety of Plaintiff, and after becoming aware of their wrongful conduct,
17 each corporate defendant by and through its officers, directors and managing agents, and
18 each individual defendant, including defendant VERIFY, authorized and ratified the
19 wrongful conduct herein alleged. Therefore, Plaintiff seeks exemplary and punitive
20 damages against Defendant in an amount according to proof.

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23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff prays for damages against Defendants and each of them as
25 follows:

26 **FIRST CAUSE OF ACTION**

- 27
28 1. General and compensatory damages in amounts to be proven at trial;

1 2. Punitive Damages;

2 3. For the costs of suit herein incurred, including but not limited to attorney's fees and
3 for such other and further relief as this Court may deem proper; and
4

5 Plaintiff further requests a jury trial on all issues.

6 **SECOND CAUSE OF ACTION**

7 1. General and compensatory damages in amounts to be proven at trial;

8 2. Punitive Damages;

9 3. For the costs of suit herein incurred, including but not limited to attorney's fees and
10 for such other and further relief as this Court may deem proper; and
11

12 Plaintiff further requests a jury trial on all issues.

13 **THIRD CAUSE OF ACTION**

14 1. General and compensatory damages in amounts to be proven at trial;

15 2. Punitive Damages;

16 3. For the costs of suit herein incurred, including but not limited to attorney's fees and
17 for such other and further relief as this Court may deem proper; and
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19 Plaintiff further requests jury trial on all issues.

20 **FOURTH CAUSE OF ACTION**

21 1. General and compensatory damages in amounts to be proven at trial;


22 2. Punitive Damages;

23 3. For the costs of suit herein incurred, including but not limited to attorney's fees and
24 for such other and further relief as this Court may deem proper; and
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1 Plaintiff further requests a jury trial on all issues.

2 DATED: July 24, 2019

LAW OFFICES OF LOYST P. FLETCHER

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4 By: 
5 Loyst P. Fletcher
6 Attorneys for Plaintiff
7 DAVID BLANCO
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