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7 Attorneys for Plaintiff GRECIA FIGUEROA

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**SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF SAN DIEGO – HALL OF JUSTICE**

GRECIA FIGUEROA, an individual,

Plaintiff(s),

vs.

NATHAN FLETCHER, an individual;  
SAN DIEGO METROPOLITAN  
TRANSIT SYSTEM, a California  
public agency; and, DOES 1-20,  
Inclusive,

Defendant(s).

Case No.:

**UNLIMITED CIVIL**

[IMAGED]

Assigned for all purposes to:

**COMPLAINT FOR:**

1. **Sexual Harassment**  
[*Gov. Code § 12940, et seq.*]
2. **Failure to Prevent Sexual Harassment and Retaliation**  
[*Gov. Code § 12940(k)*]
3. **Sexual Assault and Battery**
4. **Whistleblower Retaliation**  
[*Labor Code § 1102.5*]

1 COMES NOW, plaintiff GRECIA FIGUEROA (“Ms. Figueroa” or  
2 “Plaintiff”), who alleges against the defendants, and each of them, as follows:

3 **PARTIES**

4 1. Plaintiff is, and at all times herein mentioned was, an individual residing  
5 in the County of San Diego in the State of California.

6 2. Defendant NATHAN FLETCHER (“Fletcher”) is, and at all times  
7 herein mentioned was, the Chairman of the Board of Directors for MTS – the senior  
8 most ranking person within the MTS agency. In addition, Fletcher was an elected  
9 Member of the San Diego County Board of Supervisors, and from January 2021 to  
10 January 2023, was the Chair of the County Board of Supervisors. Fletcher is married  
11 to former California State Assemblywoman Lorena Gonzalez; and Fletcher himself  
12 was a member of the California State Assembly from 2008-2012.

13 3. Defendant SAN DIEGO METROPOLITAN TRANSIT SYSTEM  
14 (“MTS”) is, and at all times herein mentioned was, a California public agency  
15 comprising the San Diego Transit Corp.; San Diego Trolley, Inc.; San Diego and  
16 Arizona Eastern Railway Company (nonprofit public benefit corporations); and San  
17 Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with  
18 Chula Vista Transit. MTS member agencies include the County of San Diego and  
19 the Cit(ies) of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon  
20 Grove, National City, Poway, San Diego, Santee.

21 4. Defendants Fletcher, MTS, and DOES 1-20, inclusive, are hereinafter  
22 referred to collectively as “Defendants”.

23 5. Plaintiff is informed and believes and thereon alleges that Defendant  
24 and DOES 1-20, inclusive, are an integrated enterprise and share an interrelation of  
25 operations, common management, centralized control of labor relations, and  
26 common ownership of financial control. As such, they are a single employer, joint  
27 employer, and/or integrated enterprise. These defendants are, and at all times herein  
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1 mentioned were, joint employers and/or an integrated enterprise employing Plaintiff  
2 and all of Plaintiff's supervisors and managers, and all individuals named herein.

3 6. The true names, identities, or capacities, whether individual, corporate,  
4 associate, or otherwise, of DOES 1 through 20, inclusive, are unknown to Plaintiff,  
5 who therefore sues said defendants by such fictitious names. When the true names,  
6 identities or capacities of such fictitiously designated defendants are ascertained,  
7 Plaintiff will seek to amend this Complaint and insert said true names, identities, and  
8 capacities, together with the proper charging allegations.

9 7. Plaintiff is informed and believes and thereon alleges that each of the  
10 defendants sued herein is responsible in some manner and liable herein for negligent,  
11 wanton, reckless, and tortious conduct, strict liability, and by such wrongful conduct,  
12 proximately caused Plaintiff's injuries and damages.

13 8. Plaintiff is informed and believes and thereon alleges that at all times  
14 herein mentioned, each defendant, whether specifically identified or designated as a  
15 DOE, was the agent, managing agent, principal, owner, partner, joint venturer,  
16 representative, supervisor, manager, alter ego, affiliate, co-employer, joint venturer,  
17 servant, and/or co-conspirator of each of the other defendants, and was at all times  
18 mentioned herein acting within the course and scope of said agency, and that all acts  
19 or omissions alleged herein were duly committed with the ratification, knowledge,  
20 permission, encouragement, authorization and consent of each defendant designated  
21 herein.

### 22 **JURISDICTION AND VENUE**

23 9. Jurisdiction in this Court is proper because the parties are residents of  
24 California and the amount in controversy exceeds \$25,000. Venue in this Court is  
25 proper because the acts and occurrences that give rise to this lawsuit occurred in the  
26 City and County of San Diego.

1                                    **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

2            10.    Prior to filing this action, Plaintiff timely filed a complaint with the  
3 California Department of Fair Employment and Housing (“DFEH”) against all  
4 Defendants named herein. DFEH issued a right to sue letter, authorizing Plaintiff to  
5 bring this action.

6                                    **GENERAL ALLEGATIONS**

7            11.    Plaintiff Grecia Figueroa is a 34-year-old woman. She was born in Peru  
8 and moved to southern California with her family as a teenager. She is fluent in both  
9 Spanish and English, although her English carries an undeniable South American  
10 accent. She is a diminutive 5’2” tall, weighs 130 pounds, and has dark hair and tan  
11 skin. Defendant Fletcher once described her as a “natural Peruvian beauty.”

12           12.    Ms. Figueroa began working for MTS in June 2019. Her most recent  
13 job title was Public Relations Specialist. Her office was located at MTS headquarters  
14 in downtown San Diego, but her job duties often required her to travel throughout  
15 San Diego County to manage, attend, or participate in various press conferences  
16 related to MTS.

17           13.    As a Public Relations Specialist, Ms. Figueroa was responsible for,  
18 among other things, attending community meetings, managing content for MTS  
19 media outlets, and drafting public remarks for MTS officials, including MTS Board  
20 Chair, Defendant Fletcher.

21           14.    During her employment with MTS, Ms. Figueroa received good marks  
22 for her work, generally scoring “Exceeds Job Requirements” or higher on annual  
23 performance reviews. Ms. Figueroa also enjoyed her work, got along well with her  
24 coworkers, and took pride knowing that she was a valuable asset to her team.

25           15.    Ms. Figueroa reported to her department manager, Stacie Bishop, and to  
26 the Director of Marketing & Communications, Mark Olson. Although much of  
27 Ms. Figueroa’s work involved preparing statements and presentation materials for  
28

1 Fletcher and/or attending events with Fletcher, her job required very little, if any,  
2 direct interaction with him.

### 3 **Defendant Fletcher Begins to Stalk Ms. Figueroa Online**

4 16. Beginning around May 2021, Ms. Figueroa noticed that Fletcher was  
5 frequently viewing her personal Instagram account. He did not officially “follow”  
6 her on social media, nor did he openly “like” or “comment” on her posts at that time;  
7 but in May 2021, she began receiving notifications that Fletcher was viewing content  
8 on her profile. He was “lurking” in the common parlance of social media activity.

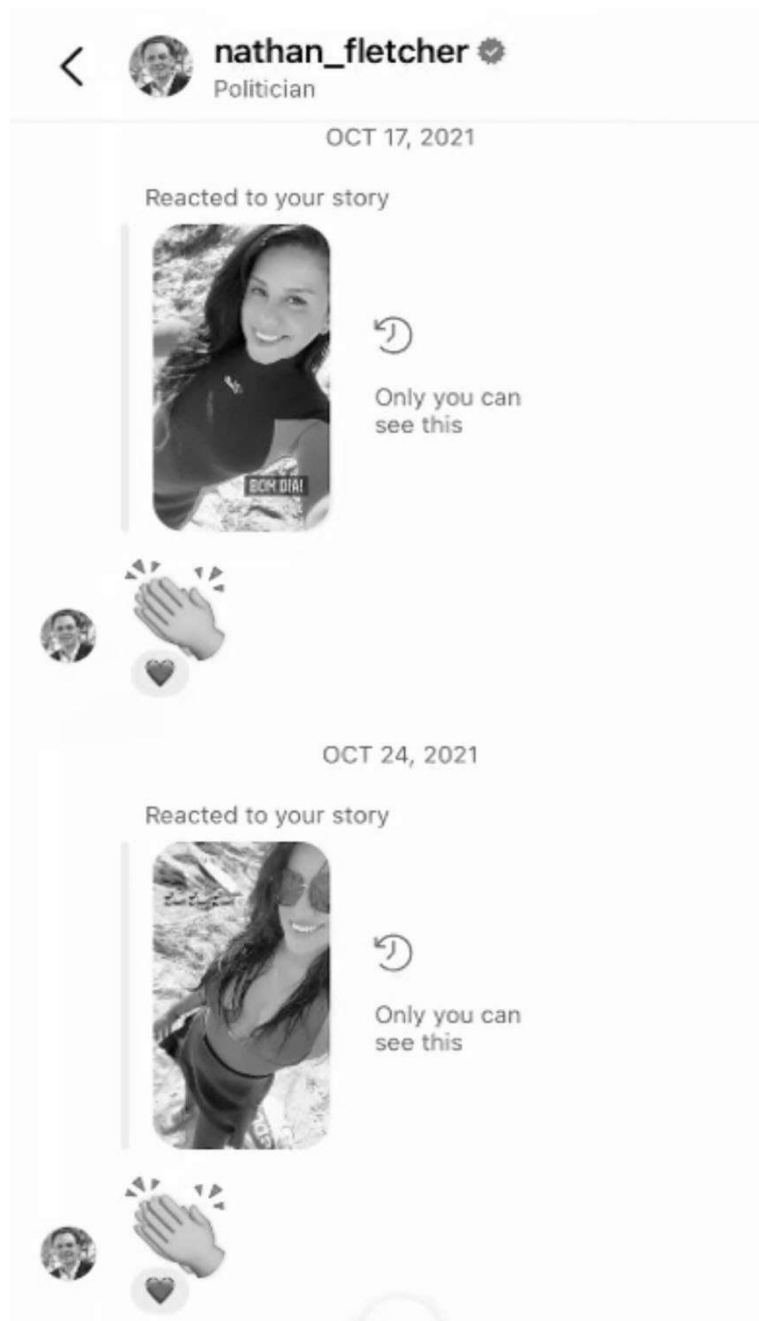
9 17. In the weeks and months that followed, Fletcher viewed almost every  
10 photograph and video Ms. Figueroa had posted on her Instagram profile, sometimes  
11 viewing them multiple times. Many of these photos and videos were purely personal.  
12 They included, for example, pictures/videos of Ms. Figueroa at the beach in a bikini,  
13 traveling, or going dancing with girlfriends on the weekend.

14 18. Around that same time, Ms. Figueroa also noticed Fletcher paying closer  
15 attention to her during MTS board meetings and news conferences. He sometimes  
16 stared or smiled at her where she sat, which was usually in the back of the room,  
17 beyond the cameras and the audience. Ms. Figueroa found it odd because, other than  
18 Fletcher spending so much time on her Instagram account, the two barely knew each  
19 other. In fact, the only reason Ms. Figueroa even knew that Fletcher was viewing her  
20 profile was through notifications she received from the social media application  
21 itself; and even then, she wondered if it was really him, or merely a staffer who had  
22 access to his account.

### 23 **Defendant Fletcher Surfaces on Ms. Figueroa’s Social Media Account**

24 19. In October 2021, Fletcher made his first open appearance on  
25 Ms. Figueroa’s Instagram account by voting on a social media “poll” on her profile.  
26 But even then, Fletcher still did not officially “follow” her on Instagram, and he still  
27 had not revealed to her (on social media or elsewhere) that he was viewing all of her  
28 photos and videos.

1           20.    Around that same time, Fletcher began making additional open remarks  
2 on Ms. Figueroa’s profile by posting “hearts”, “heart-eyes smiley faces”, and  
3 “fire/hot” emojis in reaction to many of Ms. Figueroa’s pictures and videos.



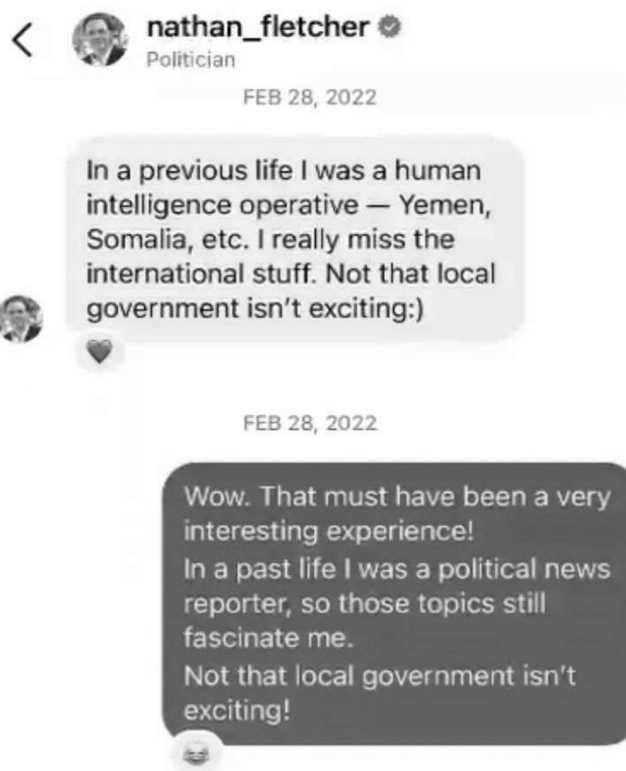
1           21.    Around November 2021, Fletcher approached Ms. Figueroa before  
2 taking the stage at an MTS event and – for the first time – directly contacted her by  
3 simply asking, “How you been?” Ms. Figueroa found the comment odd because it  
4 seemed to imply that she and Fletcher were old acquaintances, when, in reality, they  
5 had never really interacted.

6           22.    On February 14, 2022, following a press conference, after most  
7 attendees had left the event, Fletcher approached Ms. Figueroa in the parking lot,  
8 wrapped his arm around her shoulder (without her consent), and commented on one  
9 of her recent social media posts. In addition to catching Ms. Figueroa by surprise,  
10 Fletcher’s interaction also confirmed that he was indeed the person who had been  
11 stalking her Instagram profile for the past six to nine months. Immediately after their  
12 interaction, Fletcher sent Ms. Figueroa a private, direct-message (“DM”) through  
13 Instagram, saying, “Nice to see you!” Ms. Figueroa responded to the Chairman of  
14 MTS with simply, “Nice to see you too. Have a great day.”



1           23. In the days and weeks that followed, Fletcher continued to send private  
2 DMs to Ms. Figueroa through Instagram, usually complimenting her posts or  
3 showcasing his experience with social/political issues – for example, he dropped  
4 buzzwords about his experience as an intelligence operative in the middle east.

5           24. Ms. Figueroa felt obliged to entertain the Chairman of the MTS Board  
6 – the pinnacle managing agent of her employer – and thus, she responded in kind to  
7 most of Fletcher’s messages.





1                   **Defendant Fletcher Reveals that He Wants Sex from Ms. Figueroa**

2                   25.     Soon, Fletcher’s private DMs included hints that his wife and children  
3 were out of town and that he might be looking for Ms. Figueroa’s companionship.  
4 For example, on February 28, 2022, he sent Ms. Figueroa a private DM that read,  
5 “Home alone – no wife and kids.” Then, on March 7, 2022, he sent a message that  
6 read, “I have another very rare Monday night with no wife or kids. I get bored with  
7 nothing to do...” And on the evening of May 2, 2022, he sent a series of messages  
8 which included, “I just got home ... all amped up from class and energy from students  
9 ... And all home alone tonight”.

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1           26.   Notably, at this time, Fletcher and his family were living at a hotel in  
2 downtown San Diego while repairs were being made to their home. Fletcher’s wife,  
3 former State Assemblywoman Lorena Gonzalez Fletcher, spent much of her time in  
4 Sacramento and other cities throughout California, at which times Fletcher often  
5 stayed in San Diego.

6           27.   On May 2, 2022, Fletcher began to solicit Ms. Figueroa to meet with  
7 him outside of work but insisted that Ms. Figueroa keep it very “discreet.” For  
8 example, Fletcher told Ms. Figueroa, in private DMs, that “If I went to lunch with  
9 you (beautiful woman) our lunch would be on social media in 10 minutes.” ... “You  
10 get the problem we would have if out in public?” ... “[We] just have to find the  
11 right setting. Like in a closet or something ...”

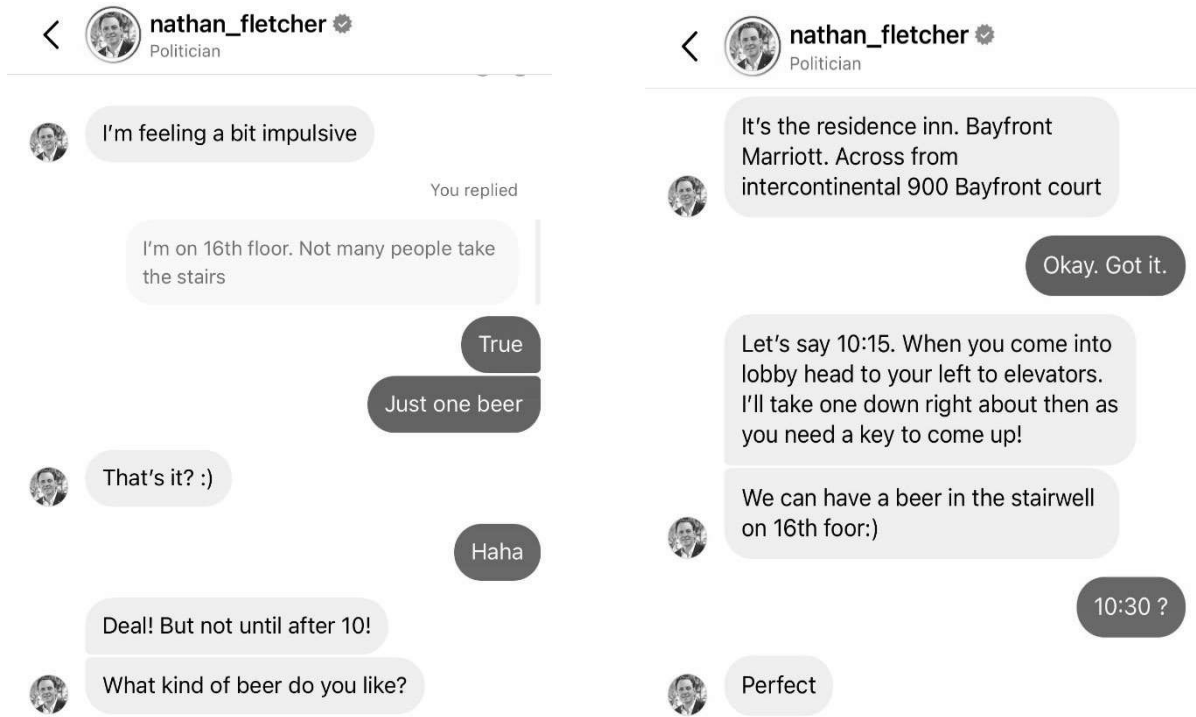


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28. As Fletcher pursued Ms. Figueroa, he pressed her to always delete their text conversations to cover his tracks. For example, he wrote, “Can you do me a favor and delete our chats. I would hate for someone to grab your phone.” ... “My staff has access to my account so delete as we go.” ... “You are good to be 100% discrete?”

**Defendant Fletcher Lures Ms. Figueroa to His Hotel**

29. On May 12, 2022, Fletcher asked Ms. Figueroa to visit him at his hotel. He told her that his wife was out of town, he would only be in the hotel for another two weeks, and he wanted to see Ms. Figueroa before he moved back into his house. Around 8:30pm that evening, Fletcher told Ms. Figueroa that he had put his two children to bed for the night, that he was “feeling a bit impulsive”, and that he wanted Ms. Figueroa to join him for a drink at his hotel. He convinced Ms. Figueroa to visit him but asked that she come after 10:00pm because that’s when his security guards would be off-duty. “And please make sure you delete our chats!”



1           30.    When Ms. Figueroa arrived at the hotel, Fletcher met her outside and  
2 instructed her to follow him through the lobby to the elevators – separately, and from  
3 a distance – because “all the staff here know me.” She did as he instructed. Fletcher  
4 then took her to the 16<sup>th</sup> floor of the hotel and led her down the hallway to an  
5 emergency stairwell.

6           31.    Once in the stairwell, Fletcher quickly asked to kiss Ms. Figueroa, but  
7 she rejected his advance, pointing out that he was married and she had no intention  
8 of having anything more than a conversation. Fletcher then confessed to stalking  
9 Ms. Figueroa’s Instagram account and obsessing over her for at least a year. He said  
10 he had a crush on her, and he encouraged her to have a few drinks so they could  
11 continue talking. Shocked and confused, but feeling powerless in front of the Chair  
12 of the MTS Board, Ms. Figueroa reluctantly agreed to stay. Over the next 2-3 hours,  
13 Fletcher continued to make advances towards her, until eventually, near the end of  
14 the night, he put his hands on her and kissed her. Unsure of what she was getting  
15 into, Ms. Figueroa soon insisted that they stop and she go home, which she did around  
16 2:00am.

17           32.    The following morning, on May 13, 2022, Fletcher messaged  
18 Ms. Figueroa to thank her for a “nice escape” in the stairwell of his hotel. He said  
19 he would “check in” with her the following week, when he was back from his trip  
20 with California Governor Gavin Newsom.

21           **Defendant Fletcher Sexually Assaults Ms. Figueroa on Multiple Occasions**

22           33.    After May 13, 2022, Fletcher saw Ms. Figueroa in-person only a few  
23 times per month – always at MTS headquarters or at a press conference – but he  
24 regularly sent her messages encouraging her to meet for another intimate encounter.  
25 Ms. Figueroa felt pressured to reciprocate Fletcher’s advances because she knew he  
26 had authority, as both a career-politician and as Chair of the MTS Board, to destroy  
27 her career at MTS and to potentially humiliate her publicly if she made him angry.  
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1           34. During MTS Board and Executive Committee meetings and  
2 news/media events, Fletcher sent private messages to Ms. Figueroa from his cell  
3 phone – often *while* participating in the very events he was attending. Sometimes, it  
4 was quite obvious he was messaging Ms. Figueroa, because he had his phone open  
5 within eyesight of other MTS Board members and executives, and because he usually  
6 stared or smirked at Ms. Figueroa while sending these communications. In addition,  
7 Fletcher would occasionally break conversation with important board members and  
8 other high-ranking leaders to smile at, compliment, or otherwise cast a look towards  
9 Ms. Figueroa.

10           35. Ms. Figueroa was intimidated by the dynamic Fletcher had created, and  
11 she feared that she would lose her job if anyone found out that she was being pursued  
12 sexually by the senior-most ranking official at MTS...its Board Chair.

13           36. On June 9, 2022, during an MTS Executive Committee meeting,  
14 Fletcher messaged Ms. Figueroa while she was sitting in the audience. He told her  
15 to meet him in an adjacent conference room when the meeting was over because “I  
16 have five minutes.” When she got to the room, Fletcher asked her to close the door.  
17 He then put his mouth against hers, and began to grab her breasts through her clothes.  
18 Ms. Figueroa pushed him back because she was not comfortable having this type of  
19 encounter with him, especially at MTS headquarters, while coworkers and managers  
20 were immediately outside the door. Fletcher assured her that “no one will bother us  
21 in here,” but Ms. Figueroa felt shocked and uncomfortable and soon left the room.

22           37. Over the next several months, Fletcher continued to pursue  
23 Ms. Figueroa via private DMs, always pushing for another encounter with her when  
24 he was in town. Ms. Figueroa felt compelled to mimic his erotic tone because she  
25 was afraid that Fletcher would ruin her career at MTS again if she did not appear  
26 receptive to his interests. She also grew sickened by the fact that Fletcher was using  
27 her to cheat on his wife.

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1           38. In or around September 2022, during an MTS Board meeting, Fletcher  
2 locked eyes and smirked at Ms. Figueroa while messaging her from his seat at the  
3 head of the boardroom. Ms. Figueroa recognized that anyone sitting near Fletcher  
4 could likely see that he was messaging her. For example, sitting immediately to  
5 Fletcher’s left was the CEO of MTS, Sharon Cooney, and sitting to Fletcher’s right  
6 was MTS Board member (and San Diego City Council Present), Sean Elo-Rivera.

7           39. In addition, Ms. Figueroa’s department head, Mark Olson, seemed to  
8 notice what was going on between Fletcher and Ms. Figueroa that day, and he cast a  
9 look to Ms. Figueroa, appearing unhappy about the interaction.

10          40. From that point on, Ms. Figueroa carried an unremitting sense of  
11 anxiety, wondering if her entire department – or even the entire MTS organization –  
12 knew that Fletcher was pursuing her sexually. She felt trapped because, on one hand,  
13 Fletcher’s relentless pursuit of her was changing the conditions of her employment  
14 and would likely destroy her career and her professional reputation, as people learned  
15 of the affair and drew their own conclusions about Ms. Figueroa; but on the other  
16 hand, she knew Fletcher was too powerful, especially within MTS, to risk upsetting  
17 by trying to make him stop.

18          41. On September 19, 2022, Ms. Figueroa learned that multiple people had  
19 posted allegations on Fletcher’s Instagram account accusing him of cheating on his  
20 wife, Lorena Gonzalez Fletcher. For example, one comment read, “Lorena had 0  
21 stage cancer! Why don’t you talk about [] your lies, cheating on her, [] and your  
22 corruption in San Diego and the state of California. You are awful individuals. ...”  
23 Another comment read, “I feel sorry for her, just wait until the truth comes out  
24 cheating, lies and corrupt you are [sic].”

25          42. Several days later, on October 5, 2022, Ms. Figueroa complained to  
26 Fletcher in a phone call that she was afraid of being publicly exposed or dragged into  
27 some kind of scandal, because it would ruin her career and destroy her professional  
28 reputation. She suggested that Fletcher keep things strictly professional with her

1 from that point forward. In response, Fletcher assured her there was nothing to worry  
2 about. He said he had been in politics for a long time, and this was just part of the  
3 game, that she should not believe everything people post online.

4 43. Later that month, while Ms. Figueroa was picking up mail outside the  
5 MTS boardroom, she was unexpectedly approached by Fletcher’s bodyguard. The  
6 bodyguard asked whether Ms. Figueroa was employed by MTS or the County of San  
7 Diego and whether he had seen her at a County Board of Supervisors meeting in the  
8 past, because he thought he had seen her around the County Administration building.  
9 Ms. Figueroa politely answered his questions but found them bizarre because she had  
10 never attended meetings at the County Administration building and because  
11 Fletcher’s bodyguards rarely, if ever, spoke to anyone other than Fletcher himself.  
12 The interaction suggested to Ms. Figueroa that Fletcher’s bodyguard(s) – in addition  
13 to others – might be aware of everything Fletcher had been doing with her.

14 44. On December 1, 2022, during an MTS Executive Committee meeting,  
15 Fletcher messaged Ms. Figueroa from his phone while he was conducting the  
16 meeting. In the message, Fletcher asked Ms. Figueroa to “come say hi” and to meet  
17 him in the adjacent conference room after the event.



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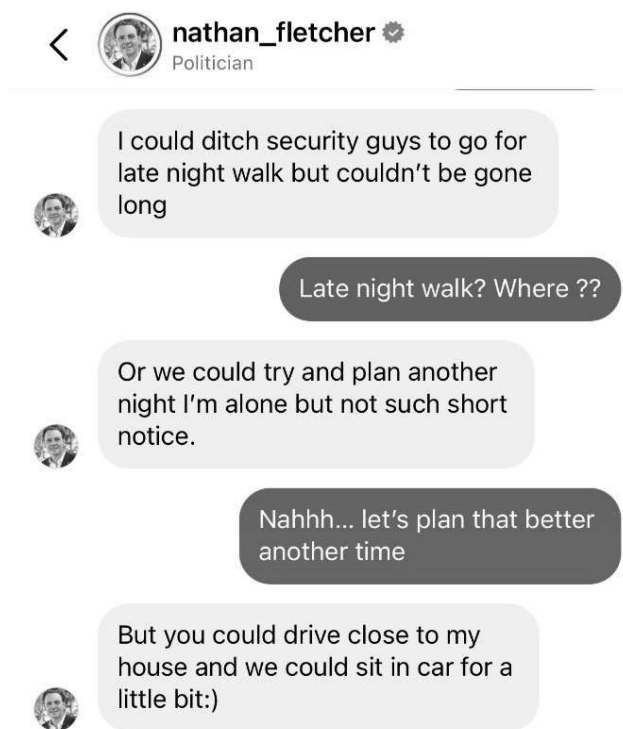
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24 45. When Ms. Figueroa arrived at the room, Fletcher asked her to close the  
25 door and then sexually assaulted her a second time – this time grabbing her breasts  
26 underneath her blouse, pulling off some of her clothes, exposing her breasts, and  
27 putting his mouth on her nipple, while forcefully shoving his hand back and forth  
28 over her vaginal area.

1 46. Ms. Figueroa was shocked, scared, and humiliated – not only from being  
2 sexually objectified, but from the reality that this was happening in an MTS  
3 conference room, immediately adjacent to the MTS Boardroom where a committee  
4 meeting had just concluded. This was simply not something Ms. Figueroa was  
5 comfortable doing. She (again) pushed Fletcher back, told him she was too nervous,  
6 and insisted that he stop or she would leave, at which point Fletcher allowed her to  
7 put her clothes back together.

8 47. The next day, on December 2, 2022, Fletcher grinned at Ms. Figueroa  
9 while she spoke publicly at an MTS press conference. Ms. Figueroa was standing at  
10 a podium in front of an audience, and Fletcher was sitting at a table beside her. The  
11 event was covered by local news media and others. Even in front of cameras, media  
12 personnel, and MTS executives, Fletcher asserted his sexual dominance over  
13 Ms. Figueroa.

14 48. Several days later, at 11:22pm on December 5, 2022, Fletcher sent  
15 messages to Ms. Figueroa requesting that she drive to his house that evening for  
16 another intimate encounter. Ms. Figueroa declined.







1           53. Ms. Figueroa's last communication with Fletcher was on January 26,  
2 2023, during an MTS Board meeting.

3           **Ms. Figueroa Is Abruptly Terminated from MTS on the Same Day**

4                   **Fletcher Announces His Run for California State Senate**

5           54. On February 6, 2023, Fletcher announced his official candidacy for a  
6 seat in the California State Senate. That very same day, Ms. Figueroa was  
7 unexpectedly called into a closed-door meeting with the MTS Chief Human  
8 Resources Officer, Jeff Stumbo, and abruptly fired. She received no warning, no  
9 opportunity to speak with her supervisor or anyone else at MTS, and she was required  
10 to leave immediately without gathering any of her personal belongings. In addition,  
11 the MTS Chief Human Resources Officer could not confirm the reason for her  
12 termination.

13           55. Ms. Figueroa is informed and believes and thereon alleges that MTS  
14 terminated her employment because she was sexually harassed by Defendant  
15 Fletcher.

16           **Defendant Fletcher Tries to Silence Ms. Figueroa by Threatening to Destroy**  
17           **Her Reputation and Sue Her for Extortion if She Vindicates Her Rights**

18           56. Prior to filing this action, Ms. Figueroa attempted to engage in  
19 meaningful, pre-litigation settlement discussions with Fletcher to resolve her claims  
20 quietly and amicably.

21           57. Fletcher immediately contacted Ms. Figueroa, by and through counsel,  
22 to request that Ms. Figueroa keep the matter strictly between herself and Fletcher and  
23 that she remain absolutely silent about her story, not even sharing it with MTS. As  
24 a professional courtesy, Ms. Figueroa agreed and provided a summary of her claims,  
25 in hopes that the parties could open a good-faith dialogue to resolve the matter on  
26 mutually agreeable terms.

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1 58. These discussions were short-lived, however, because Fletcher soon  
2 resorted to threats of bullying, intimidation, and defamatory legal action against  
3 Ms. Figueroa if she ever brought her story to light.

4 59. Specifically, on March 26, 2023, Fletcher's counsel conveyed that  
5 Fletcher and his wife, Lorena Gonzalez-Fletcher, intended to sue Ms. Figueroa (and  
6 her counsel) for extortion if Ms. Figueroa filed a civil suit to vindicate her rights as  
7 alleged herein. In addition, they stated they would make Ms. Figueroa "look terrible,  
8 and it's going to follow her for the rest of her life."

9 60. Needless to say, Ms. Figueroa did not perceive Fletcher's threats as an  
10 indication of good-faith settlement communications, and the discussion quickly  
11 proved futile.

12 61. Notably, just a few hours later, that same day, on March 26, 2023,  
13 Fletcher publicly announced his withdrawal from the California State Senate race,  
14 citing the need to address "post traumatic stress, trauma and alcohol abuse" – a  
15 maneuver which some might characterize as a PR stunt designed to shift optics from  
16 villain to victim in anticipation of a scandal.

17  
18 **FIRST CAUSE OF ACTION**  
19 **Sexual Harassment**  
20 **Gov. Code § 12940, et seq.**  
21 **(Against all Defendants)**

22 62. The allegations in all preceding paragraphs are re-alleged and  
23 incorporated herein by reference as though fully set forth herein.

24 63. Defendants are "employers" as defined by Government Code section  
25 12940, et seq.

26 64. Plaintiff was, at all times material hereto, an "employee" as defined by  
27 Government Code section 12940, et seq.  
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1           65. The conduct alleged herein created an intimidating, hostile and  
2 offensive work environment for plaintiff. The foregoing conduct was based on  
3 Plaintiff's sex. The foregoing conduct created an intimidating and hostile work  
4 environment, in violation of Government Code section 12940(h) and other provisions  
5 of the FEHA. The harassment was sufficiently pervasive or severe as to alter  
6 conditions of Plaintiff's employment and to create a hostile or abusive work  
7 environment.

8           66. The conduct alleged herein, in addition to pervasively or severely  
9 altering the terms and conditions of Plaintiff's employment, constituted quid pro quo  
10 harassment.

11           67. Defendant MTS and DOES 1-20 are strictly liable for said conduct  
12 because the unlawful harassment was committed by Defendant FLETCHER, who  
13 was Chair of the MTS Board and therefore qualifies as a manager and/or managing  
14 agent of MTS.

15           68. Alternatively, Defendant MTS and DOES 1-20 are liable because they  
16 knew, or should have known, of the sexual harassment and failed to take immediate  
17 and appropriate corrective action. Said conduct violated Government Code section  
18 12940(j)(1) and other provisions of the FEHA.

19           69. As a direct and proximate result of the acts of the defendants, and each  
20 of them, as alleged above, Plaintiff has suffered emotional distress, humiliation, and  
21 has been generally damaged in an amount to be ascertained at the time of trial.

22           70. As a direct and proximate result of the acts of the defendants, as alleged  
23 above, Plaintiff has necessarily incurred and will continue to incur attorneys' fees  
24 and costs in an amount to be proven at the time of trial. Pursuant to the provisions  
25 of California Government Code section 12965(b), Plaintiff is entitled to the  
26 reasonable value of such attorneys' fees and costs.

27           71. The above-described acts of Defendant FLETCHER were willful,  
28 intentional and malicious and done with the intent to vex, injure and annoy Plaintiff

1 and warrant the imposition of exemplary and punitive damages in an amount  
2 sufficient to punish Defendant FLETCHER and to deter others from engaging in  
3 similar conduct. The above-described acts were authorized, ratified, or committed  
4 by an officer, director and/or managing agent of Defendant MTS.

5  
6 **SECOND CAUSE OF ACTION**

7 **Failure to Prevent Sexual Harassment and Retaliation**

8 **Gov. Code § 12940(k)**

9 **(Against Defendant MTS)**

10 72. The allegations in all preceding paragraphs are re-alleged and  
11 incorporated herein by reference as though fully set forth herein.

12 73. Defendants are “employers” as defined by Government Code section  
13 12940, *et. seq.*

14 74. Plaintiff was, at all times material hereto, an “employee” as defined by  
15 Government Code section 12940, *et. seq.*

16 75. In violation of Government Code section 12940(k), Defendant MTS and  
17 DOES 1-20 failed to take all reasonable steps to prevent the harassment,  
18 discrimination and retaliation inflicted by Defendant FLETCHER, and failed to take  
19 immediate and appropriate corrective action to address, remedy and cure such  
20 conduct as alleged herein.

21 76. Defendant MTS and DOES 1-20 failed to take effective steps to prevent  
22 harassment and retaliation and failed to effectively investigate plaintiff’s claims of  
23 harassment. Any policy that purported to prevent harassment, discrimination and  
24 retaliation was ineffectively implemented or enforced, causing Plaintiff to suffer the  
25 adverse conduct as alleged herein.

26 77. During the material time alleged herein, Defendant MTS and DOES  
27 1-20 had no adequate response to harassment, discrimination and retaliation that  
28 occurred within its workplace, and thereby established a policy, custom, practice or

1 usage that condoned, encouraged, tolerated, sanctioned, ratified, and approved of  
2 harassing, retaliatory and discriminatory conduct.

3 78. During the material time alleged herein, Defendant MTS and DOES  
4 1-20 failed to provide adequate training, education, and information to its personnel  
5 and most particularly to its officers, managing agents and directors, and supervisors  
6 to address, reduce or eliminate unlawful employment conduct.

7 79. As a result of the foregoing acts and omissions by Defendant MTS and  
8 DOES 1-20, Plaintiff suffered a pattern and practice of sexual harassment and  
9 experienced a hostile, offensive, oppressive and intimidating work environment. The  
10 acts and omissions set forth herein interfered with Plaintiff's ability to perform her  
11 job duties, caused Plaintiff humiliation and distress, disrupted Plaintiff's emotional  
12 tranquility in the workplace, affected her ability to perform job duties, and  
13 undermined her personal sense of well-being.

14 80. As a proximate result of the conduct alleged herein, Plaintiff has  
15 suffered and continues to suffer substantial losses in earnings and other employment  
16 benefits she would have otherwise received.

17 **THIRD CAUSE OF ACTION**

18 **Sexual Assault and Battery**

19 **(Against Defendant Fletcher)**

20  
21 81. The allegations in all preceding paragraphs are re-alleged and  
22 incorporated herein by reference as though fully set forth herein.

23 82. As alleged herein, Defendant FLETCHER forced himself onto Plaintiff,  
24 touching her sexually and without her consent, numerous times – first in the stairwell  
25 of the hotel, then at least two additional times at MTS headquarters.

26 83. Plaintiff did not consent to the touching, and was in fact shocked,  
27 humiliated, and offended by the touching.

28

1 84. As a direct and proximate result of the acts of the defendants, and each  
2 of them, as alleged above, Plaintiff has suffered emotional distress, humiliation, and  
3 has been generally damaged in an amount to be ascertained at the time of trial.

4 85. As a direct and proximate result of the acts of the defendants, and each  
5 of them, as alleged above, Plaintiff has incurred compensatory damages, including  
6 lost earnings and other economic damages.

7 86. As a direct and proximate result of the acts of the defendants, and each  
8 of the, as alleged above, Plaintiff is entitled to recover attorneys’ fees in this action  
9 pursuant to California Code of Civil Procedure section 1021.5.

10 87. Defendant FLETCHER’s wrongful conduct was a substantial factor in  
11 causing Plaintiff’s damages.

12 **FOURTH CAUSE OF ACTION**

13 **Whistleblower Retaliation**

14 **Labor Code § 1102.5**

15 **(Against Defendant MTS)**

16  
17 88. The allegations in all preceding paragraphs are re-alleged and  
18 incorporated herein by reference as though fully set forth herein.

19 89. Labor Code section 1102.5(b) prohibits retaliation against an employee  
20 “for disclosing information, or because the employer believes that the employee  
21 disclosed or may disclose information ... to a person with authority over the  
22 employee or another employee who has the authority to investigate, discover, or  
23 correct the violation or noncompliance, or for providing information to, or testifying  
24 before, any public body conducting an investigation, hearing, or inquiry, if the  
25 employee has reasonable cause to believe that the information discloses a violation  
26 of state or federal statute, or a violation of or noncompliance with a local, state, or  
27 federal rule or regulation, regardless of whether disclosing the information is part of  
28 the employee’s job duties.”

1           90. Plaintiff was an employee of MTS.

2           91. In a phone call on October 5, 2022, Plaintiff complained to Defendant  
3 FLETCHER that his ongoing sexual pursuit of her might be exposed, causing  
4 Plaintiff to be dragged into a public scandal over Defendant FLETCHER's actions.  
5 Plaintiff was afraid of being publicly exposed or dragged into some kind of scandal,  
6 because it would ruin her career and destroy her professional reputation. She asked  
7 that Fletcher keep things strictly professional with her from that point forward. In  
8 response, Fletcher assured her there was nothing to worry about. He said he had been  
9 in politics for a long time, and this was just part of the game, that she should not  
10 believe everything people post online.

11           92. Plaintiff reasonably and in good faith believed that Defendant  
12 FLETCHER's conduct, by and through his position as Chair of the MTS Board,  
13 violated numerous ethical guidelines, internal policies within MTS, and state, local,  
14 and/or federal laws and regulations.

15           93. As Defendant FLETCHER was the senior-most ranking officer at MTS,  
16 its Board Chair, he had authority to investigate and/or correct the violation  
17 complained of.

18           94. Defendants retaliated against Plaintiff by terminating her employment  
19 rather than taking responsibility for the damage caused by Defendant FLETCHER's  
20 actions. Notably, the defendants terminated Plaintiff on the very same day that  
21 Defendant FLETCHER publicly announced his official candidacy for a seat in the  
22 California State Senate.

23           95. Plaintiff is informed and believes and thereon alleges that the defendants  
24 were conscious of Plaintiff's rights under the law to disclose illegal activities at MTS.

25           96. The actions against Plaintiff were carried out by the defendants'  
26 officers, directors, and/or managing agents acting in a despicable, oppressive,  
27 fraudulent, malicious, deliberate, egregious, and inexcusable manner and in  
28 conscious disregard for the rights and safety of Plaintiff. The defendants and their



1 agents/employees or supervisors, authorized, condoned and ratified the unlawful  
2 conduct of each other.

3 97. As a direct and proximate result of the acts of the defendants, and each  
4 of them, as alleged above, Plaintiff has incurred compensatory damages, including  
5 lost earnings and other economic damages.

6 98. As a direct and proximate result of the acts of the defendants as alleged  
7 above, Plaintiff has suffered humiliation, emotional distress, loss of dignity, anxiety,  
8 and has been generally damaged in an amount to be ascertained at the time of trial.

9 99. As a direct and proximate result of the acts of the defendants, and each  
10 of them, as alleged above, Plaintiff is entitled to recover attorneys' fees in this action  
11 pursuant to California Code of Civil Procedure section 1021.5.

12  
13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff prays for judgment against the defendants, and each of  
15 them, as follows:

- 16 1. For general, special, compensatory, and actual damages in amounts to be  
17 proven at trial;
- 18 2. For declaratory and injunctive relief;
- 19 3. For reasonable attorney's fees and costs of suit and expenses;
- 20 4. For pre- and post-judgment interest, to the extent allowed by law;
- 21 5. For punitive and exemplary damages against Defendant Fletcher in an amount  
22 appropriate to punish the defendant(s) and to deter similar conduct in the  
23 future; and
- 24 6. For such other and further relief as the Court may deem just and proper.

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**DEMAND FOR JURY TRIAL**

Plaintiff requests a trial by jury in this matter.

Dated: March 28, 2023

SCHUMACHER PC

By: /s/Zachary S. Schumacher  
Zachary S. Schumacher  
Attorneys for GRECIA FIGUEROA