

1 Terrence Jones (Cal. Bar No. 256603)
THE LAW OFFICE OF TERRENCE JONES, APC
2 6737 Bright Avenue, Suite B6
Whittier, California 90601
3 213.863.4490 | Terrence@JonesOnLaw.com

4 Attorneys for Plaintiff JESSE LEON

5
6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7 **FOR THE COUNTY OF LOS ANGELES**
8

9 JESSE LEON, an individual,

10 Plaintiff,

11 v.

12 JOSE HUIZAR, an individual; CITY OF LOS
ANGELES, a municipality; and DOES 1-10,
13 inclusive,

14 Defendants.
15
16
17

Case No. 20STCV11617

Assigned to Hon. John P. Doyle
Department 58

**FIRST AMENDED
COMPLAINT FOR DAMAGES**

First Cause of Action

Wrongful Termination – Retaliation
(Cal. Gov. Code §§ 12940(a),(h), 12945(a))

Second Cause of Action

Wrongful Termination – Retaliation
(Cal. Labor Code § 1102.5(b))

Third Cause of Action

Failure to Prevent Discrimination
(Cal. Gov. Code § 12940(k))

Fourth Cause of Action

Workplace Harassment
(Cal. Gov. Code § 12940(a),(h),(j))

Fifth Cause of Action

Intentional Infliction of Emotional Distress

DEMAND FOR JURY TRIAL



1 COMES NOW Plaintiff Jesse Leon (“Leon or “Plaintiff”), who brings this First Amende
2 Complaint for Damages and Demand for Jury Trial (“Complaint”) against Defendants—Jose
3 Huizar, Councilmember for the City of Los Angeles’ 14th District, in his individual capacity,
4 the City of Los Angeles (the “City”), a municipality, and Does 1-10, inclusive (collectively,
5 “Defendants”)—alleging, based upon personal knowledge and information and belief,
6 the following with respect to Defendants’ identities and conduct:

7 I.

8 NATURE OF THE CASE

9 1. This is a retaliation- and whistleblower-based wrongful termination lawsuit
10 brought against Los Angeles City Councilmember Jose Huizar and the City of Los Angeles
11 by Jesse Leon, who has become the third staffer that the Councilmember has fired after learning
12 that Leon spoke out about practices that he believed Huizar was engaged in that violated local,
13 state, and federal law. Leon shared his concerns about Huizar’s illegal, unethical, and immoral
14 conduct with the Los Angeles City Attorney’s Office, the City Ethics Commission, and the
15 FBI—all of which Huizar became aware, all of which angered Huizar and engendered in him
16 retaliatory animus, and all of which prompted the Councilmember to fire Leon.

17 2. In particular, Leon shared his concerns that he believed Huizar was attempting to
18 undertake a “pay-to-play” scheme in which the Councilmember intended to extort commercial
19 cannabis operators seeking to do business within his Council District by conditioning operators’
20 ability to secure a “Public Convenience or Necessity Application”—a permit which would allow
21 them to do business within Huizar’s district and a permit over which Huizar had sole discretion
22 to issue—upon political donations, “consulting fees” funneled to the Councilmember’s friends,
23 and cash payments made directly to Huizar.

24 3. Such was the same tactic that many believed Huizar employed with real estate
25 developers as chairperson of the City’s Planning and Land Use Management Committee
26 (“PLUM Committee”). In those circumstances, too, Huizar—who had the sole discretion to put
27 major development projects on the PLUM Committee’s agenda for a go or no-go vote—would
28

1 refuse to do so unless those developers had adequately donated to his high school alma mater’s
2 fundraisers, paid into Huizar’s political coffers, or otherwise paid directly into Huizar’s pocket.

3 4. Thus, Leon’s meetings with City and Federal authorities infuriated Huizar,
4 who knew that Leon—who was among the Councilmember’s senior executive staffers, who had
5 served as the Campaign Manager for Huizar’s most recent 2015 reelection, and who is a licensed
6 attorney—was in a better position than most to credibly describe the Councilmember’s conduct
7 and practices.

8 5. And, in any event, Huizar had already begun to confront, harass, shun, and
9 retaliate against Leon on account of the Councilmember’s belief that Leon had helped
10 orchestrate two preceding wrongful termination lawsuits against Huizar and the City brought
11 by two other staffers who had likewise spoken out about the Councilmember’s practices that
12 they believed violated local and federal law. Those staffers—Mayra Alvarez and Pauline
13 Medina—were similarly pushed out of their jobs by Huizar in 2018 after complaining about
14 his misconduct.

15 6. Among other things, both Alvarez and Medina had complained about having to
16 alter Huizar’s calendars in response to requests made pursuant to the California Public Records
17 Act, having to engage in political campaign activities for Huizar’s wife, Richelle, during normal
18 City work hours and while utilizing City resources, and having to engage in fundraising activities
19 for Huizar’s high school alma mater, Bishop Mora Salesian High School. As well, both Alvarez
20 and Medina had voiced concerns that Huizar was having yet another extramarital affair with
21 another one of his young staffers and that that woman was receiving preferential treatment with
22 respect to assignments and attendance.

23 7. Leon shared all of this with the City Attorney’s Office, City Ethics Commission,
24 and the FBI: that Alvarez’s and Medina’s allegations were true; that Huizar was again engaged
25 in an intra-office affair; that Huizar had pushed Alvarez and Medina out for speaking up; that
26 Huizar had confronted Leon about encouraging those women to file lawsuits against him and the
27 City; that following the FBI raids Huizar appeared to have begun turning his “pay-to-play”
28 attention to cannabis; that Leon believed that Huizar was engaged in conduct designed to extort

1 applicants for cannabis permits within his Council District; and that Leon, who had been
2 assigned to be one of the Councilmember's cannabis policy advisors, was fearful that he might
3 get caught up in Huizar's illegal and unethical conduct.

4 8. Thus, having recently learned about Leon's meetings with the City Attorney's
5 Office and City Ethics Commission with respect to cannabis, Huizar became even further
6 infuriated and paranoid by Leon's disclosures about the Councilmember's illegal and unethical
7 practices. As a result, Huizar concocted a baseless reason to fire Leon and terminated Leon's
8 employment with the City on October 31, 2019.

9 9. Leon's termination was particularly callous because, as Huizar well knew,
10 Leon and his wife were expecting the birth of their first child that same month. Therefore,
11 Huizar intentionally fired Leon at a time when a loss of income and health benefits would cause
12 the most damage and upheaval in Leon's life. By the fall of 2019, Leon had already conveyed
13 his intention to Huizar and others of taking paternity leave upon the birth of his son. This
14 engendered further retaliatory animus in Huizar toward Leon, who was angered and frustrated on
15 account of the operational adjustments he would have to make in the office on account of Leon's
16 temporary absence, such as finding another employee to stand in as his policy advisor during
17 Leon's leave.

18 10. Huizar's decision to terminate Leon's employment was retaliatory in nature.
19 Among other reasons, Huizar terminated Leon's employment as reprisal for: (i) voicing
20 concerns about Huizar's illegal and unethical conduct to the City Attorney's Office, City Ethics
21 Commission, and FBI; (ii) the Councilmember's perception that Leon helped orchestrate
22 Alvarez's and Medina's preceding civil suits against him; (iii) the counsel Leon gave Alvarez
23 about how to return to her same pre-pregnancy position following her return from maternity
24 leave; (iv) speaking truthfully to the City Attorney's Office about the merits of Alvarez's and
25 Medina's lawsuits; (v) voicing concerns and complaining about having to engage in political
26 campaign activities for Huizar's wife during normal City work hours and while utilizing City
27 resources; and (vi) Leon's intention to take paternity leave upon the birth of his son.

1 (Collectively attached hereto as Exhibit A are true and correct copies of Plaintiff’s administrative
2 complaint and right-to-sue letter.)

3 18. Prior to the initiation of this action before this Court, Plaintiff properly exhausted
4 his administrative remedies as required under Sections 945-949 of the California Government
5 Code by filing a claim with the City of Los Angeles alleging, *inter alia*, the claims asserted
6 herein. Plaintiff submitted his government tort claim online on September 23, 2019. The City
7 denied Leon’s claim on October 29, 2019. Accordingly, Plaintiff has fulfilled all preconditions
8 to the filing of this suit. (Collectively attached hereto as Exhibit B are true and correct copies of
9 Plaintiff’s government tort claim complaint and right-to-sue letter.)

10
11 **III.**

12 **PARTIES & RELEVANT NON-PARTIES**

13 19. Plaintiff Jesse Leon is an individual who, at all times material to the allegations of
14 this Complaint, was a resident of Los Angeles County, California.

15 20. Defendant Jose Huizar is an individual who, at all times material to the allegations
16 of this Complaint, was a resident of Los Angeles County, California. Huizar was at all times
17 material to the allegations of this Complaint, and continues to be as of the filing of this
18 Complaint, a City Councilmember, representing the City’s 14th District. Huizar took office in
19 2005 and, on account of City Council term limits, is expected to step down in 2020.

20 21. Defendant City of Los Angeles is a public entity which, at all times material to the
21 allegations of this Complaint, employed Leon.

22 22. Plaintiff is further informed and believes, and on that basis alleges, that at all
23 times mentioned herein and otherwise relevant to the allegations of this Complaint, FEHA was in
24 full force and effect, and binding on the City of Los Angeles, as the City regularly employed
25 more than five persons within the State of California thereby bringing it within the provisions of
26 FEHA’s statutory scheme.

27 23. Given his position on the City Council and within his District’s office, Huizar is a
28 managing agent within the City and his District’s office. He was able to exercise substantial

1 independent authority and judgment in his office’s decision-making such that his decisions
2 ultimately determined office policy. Huizar had full responsibility for the operational
3 functionality of his main office and field offices. He had the authority and discretion to dictate
4 and implement policies and standards for the recruitment, hiring, and training of legislative,
5 administrative, and operational staff; he had the authority and discretion to dictate and implement
6 legislative and community action agendas; and he had the authority and discretion to dictate and
7 implement formal policies and informal practices in his offices with respect to responding to
8 complaints of workplace discrimination, harassment, and other complaints of perceived
9 violations of the law and breaches of City rules and policies.

10 24. Plaintiff herein alleges that some of the actions taken against him by employees of
11 the City, and by Huizar in particular, occurred within the normal scope and course of these
12 individuals’ employment with the City. Plaintiff further alleges that several of these employee(s)
13 were Plaintiff’s supervisor(s) while Plaintiff was employed by the City. Thus, the City is
14 vicariously liable for these individuals’ actions under the doctrine of respondeat superior.

15 25. Plaintiff herein further alleges that some of the actions taken against him by
16 employees of the City, and by Huizar in particular, occurred outside the normal scope and course
17 of these individuals’ employment with the City. Plaintiff alleges that such employees, and
18 Huizar in particular, committed the wrongful acts alleged herein on their personal time, in their
19 personal capacities, utilizing their personal discretion and, therefore, are personally liable for the
20 same.

21 26. Plaintiff is ignorant of the true names and capacities of the defendants sued as
22 DOES 1 through 10, inclusive (the “DOE Defendants”) and, therefore, sues these DOE
23 Defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true
24 names and capacities when such is ascertained.

25 27. Plaintiff is informed and believes, and on that basis alleges, that the DOE
26 Defendants acted wrongfully, maliciously, intentionally and negligently; that each is responsible
27 in some manner for the events and happenings complained of herein; and that Plaintiff’s injuries,
28

1 as alleged herein, were proximately caused by the DOE Defendants, either through each
2 Defendant's own conduct or through the conduct of their agents and/or employees.

3 28. Plaintiff is informed and believes, and on that basis alleges, that at all times
4 material to the allegations of this Complaint, each of the Defendants, whether named or
5 fictitiously named as a DOE Defendant, were the merging entity, merged entity, subsidiary,
6 acquiring corporation, agent and/or employee of each of the remaining Defendants, and in doing
7 the things hereinafter alleged, was acting within the course and scope of such agency and/or
8 employment with knowledge, advice, permission and consent of each other.

9 29. As used herein, the term "Defendants" means all Defendants, both jointly and
10 severally, and references by name to any one Defendant shall include and reference all
11 Defendants, both individual, corporate and business entities, both specifically named and
12 unnamed, and both jointly and severally to all.

13 30. Plaintiff is further informed and believes, and on that basis allege, that at all times
14 material to the allegations of this Complaint, Defendants caused, aided, abetted, facilitated,
15 encouraged, authorized, permitted and/or ratified the wrongful acts and omissions described in
16 this Complaint.

17
18 **IV.**

19 **FACTUAL ALLEGATIONS**

20 **A. Leon's Employment with Huizar**

21 31. Plaintiff incorporates by reference paragraphs 1 through 30, above, and repeats,
22 reiterates, and realleges each and every allegation contained therein with the same force and
23 effect as if such paragraphs were set forth fully at length here.

24 32. Leon first began working for Huizar in 2007 as a Field Deputy in the
25 Councilmember's Boyle Heights office. Within a year's time, given Leon's political acumen
26 and organizational skills, Huizar promoted Leon to Director of that office. Leon held that
27 Director role for approximately three years and then left the City to attend law school.

28

1 33. Leon graduated from law school in 2014 and was approached by Huizar to come
2 back and serve as his Campaign Manager for the Councilmember's reelection bid against then
3 Los Angeles County Supervisor Gloria Molina. Leon accepted and assumed that role in October
4 2014. Molina was expected to be formidable opponent given her position, name recognition, and
5 decades' long record of public service.

6 34. Moreover, at that time, Huizar had been sued for workplace harassment by
7 Francine Godoy, his former Deputy Chief of Staff. Godoy filed a sexual harassment suit against
8 Huizar and the City contending that the Councilmember had retaliated against and harassed her
9 after she broke off a sexual relationship with him.¹ Godoy filed her lawsuit in 2013 and the
10 litigation persisted into 2014. Huizar admitted to the extramarital affair, but denied the
11 harassment and retaliation allegations.

12 35. Still, Huizar understood that the extramarital affair and pending lawsuit were
13 political liabilities that his opponent might use against him, so settled the case in 2014 before his
14 reelection bid got fully underway such that the lawsuit would not be a continuing attack-point
15 during the campaign.

16 36. Leon was not a part of the Godoy dealings. He came aboard the campaign just as
17 Huizar settled that suit.

18 37. Huizar was reelected to his final term in 2015. As Huizar's Campaign Manager,
19 Leon spent time a considerable amount of time with the Councilmember in the office, at various
20 campaign events, political functions, and the like. Given the quantity and quality of time Leon
21 has spent with Huizar, he knows the Councilmember quite well and is fully aware of Huizar's
22 professional patterns and practices.

23 38. After the election, Huizar asked Leon to stay on as a fulltime, City-employed
24 staffer. At that time, Huizar had ambitions for higher office, including a potential run for mayor,
25 so wanted someone with Leon's political acumen and organizational skills to remain a
26 permanent fixture on his executive team. Leon accepted the offer and officially became a City
27 employee in March 2015.

28 _____
¹ *Francine Godoy v. City of Los Angeles, et al.*, L.A. County Superior Court, Case No. BC524640.

1 39. Huizar hired Leon as his “Director of External Affairs.” In that role, Leon was
2 generally responsible for liaising and relationship-building with the labor unions and other
3 influential political organizations that would need courting in the future. Leon was also
4 responsible for making various policy recommendations for Huizar to support on Council,
5 including those relating to affordable housing and economic development. Leon’s annual salary
6 was approximately \$100,000.

7
8 **B. Huizar Harassed and Retaliated Against Leon for Counseling Another Employee
 About How to Return to Work in the Same Position Following Her Maternity Leave**

9 1. *The Alvarez and Medina Lawsuits*

10 40. In October 2018, Mayra Alvarez, the Councilmember’s former Executive
11 Assistant and Scheduler, sued Huizar and the City for wrongful termination, workplace
12 harassment, and pregnancy discrimination.² As Huizar’s Executive Assistant and Scheduler,
13 Alvarez was primarily responsible for performing the initial assessment of the myriad requests
14 to meet with Huizar as well as invitations for him to attend events. The requests came from
15 lobbyists, campaign donors, other community and political leaders, businesspersons, and
16 constituents. In other words, Alvarez was among Huizar’s chief executive “gatekeepers.”
17 She would field the requests, research the requesting party, and provide Huizar with a written
18 assessment of whether the meeting or event request was one he should accept because it aligned
19 his political agenda. In that capacity, Alvarez was available to Huizar essentially 24/7. She was
20 by no means Huizar’s secretary or receptionist; Alvarez was among his senior executive staff.

21 41. In April 2018, Alvarez went on maternity leave. She was still Huizar’s Executive
22 Assistant and Administrative Scheduler when she left. When she returned from maternity leave,
23 however, she was not. Huizar demoted Alvarez to an “office manager” position. In other words,
24 Huizar reduced Alvarez’s executive-level role to that of a receptionist. In fact, that is where
25 Alvarez was physically relocated when she returned from leave; whereas she used to sit in the
26 anteroom right outside of Huizar’s office along with his other senior advisors like Leon, when
27

28 ² *Mayra Alvarez v. Jose Huizar, et al.*, L.A. County Superior Court, Case No. 18STCV01722.

1 Alvarez returned from maternity leave she was moved to the receptionists' desk at the front of
2 the Councilmember's office suite to merely greet visitors and answer phones.

3 42. Huizar's decision to demote Alvarez was retaliatory in nature. Among other
4 reasons, Huizar demoted Alvarez as reprisal for: (i) taking disability leave in advance of her
5 pregnancy; (ii) taking maternity leave to give birth to a child and bond with her newborn son;
6 (iii) voicing concerns and complaining about having to alter Huizar's calendars in response to
7 requests made pursuant to the California Public Records Act; (iv) voicing concerns and
8 complaining about having to engage in political campaign activities for Huizar's wife during
9 normal City work hours and while utilizing City resources; and (v) voicing concerns and
10 complaining about the preferential treatment Huizar was giving to a City staffer with whom he
11 was having an extramarital affair.

12 43. Following the filing of Alvarez's suit, another ex-staffer named Pauline Medina,
13 whom Huizar had likewise pushed out for speaking up against him, also had the courage to file
14 suit. Medina filed suit in October 2018.³ Medina had worked for Huizar for nearly a decade,
15 having served as the Councilmember's office manager and lead administrator since 2012.

16 44. In 2017, as did Alvarez and other of the Councilman's staffers, Medina became
17 aware that Huizar was having another affair with one of the women that worked for him in his
18 office. Medina had worked for Huizar since 2008, so was aware of his previously-admitted
19 affair in 2013 with Francine Godoy and the resulting sexual harassment suit. Medina recalled
20 vividly the type of friction and hostility that Huizar's prior affair caused in the office and could
21 see that the Councilman's new relationship was triggering the same type of issues. Medina,
22 as did other of the Councilman's staffers, believed that Huizar's mistress was receiving more
23 favorable treatment with respect to assignments and more leniency with respect to deadlines and
24 attendance. So, in October 2017, Medina began speaking out about it and complained to
25 Huizar's Chief of Staff, Paul Habib.

26 45. Medina also at that time began complaining about certain practices employed by
27 the Councilman's office that she believed violated local, state, and federal law, such as funneling

28 ³ *Pauline Medina v. Jose Huizar, et al.*, L.A. County Superior Court, Case No. 18STCV03011

1 City money to Huizar’s high school alma mater, Bishop Mora Salesian High School, and secretly
2 using City funds to pay for Huizar’s personal expenses.

3 46. Consequently, Huizar and Habib retaliated against Medina for speaking out and
4 undertook a campaign to push her out of the office. Among other things, Medina was stripped of
5 certain duties and responsibilities she had long held in the office, stripped of access to Huizar’s
6 calendar, subjected to unreasonable and unjustified criticism of her work, and subjected to
7 unsympathetic criticism for taking time off for health reasons. Medina had no choice but to resign
8 her City employment in June 2018.

9
10 2. *Huizar’s Harassment and Retaliation Against Leon in the Wake of the
Alvarez and Medina Lawsuits*

11 47. It was the filing of the Alvarez and Medina lawsuits that instigated Huizar’s
12 change of behavior and retaliatory conduct toward Leon. Huizar knew that Leon had counseled
13 Alvarez about her legal rights upon returning to work following her maternity leave.

14 48. In June 2018, Alvarez called and spoke with Habib about her return to work
15 following her maternity leave. Alvarez wanted to advise Habib about her impending return to
16 the office and to coordinate the return of her workload from the staffer that had been temporarily
17 assigned to Alvarez’s duties.

18 49. Habib, however, was not receptive to Alvarez’s efforts (since the decision had
19 already been made to demote her) and was deliberately evasive about how to coordinate her
20 return to work.

21 50. Alvarez then sought advice from Leon because she was concerned about the
22 possibility of losing her position on account of having taken maternity leave. Leon counseled
23 Alvarez about how to protect herself against that type of discrimination.

24 51. Among other things, Leon advised Alvarez to communicate with Habib in writing
25 so that there would be a clear record of her requests to return to her regular duties at the
26 conclusion of her leave. Alvarez copied Leon on one of her emails to Habib who, in turn, told
27 Huizar about Leon’s involvement. This angered Huizar and engendered extreme retaliatory
28 animus in him toward Leon.

1 52. In October 2018, in the wake of the filing of the Alvarez and Medina lawsuits,
2 Huizar was infuriated that his misconduct and second extramarital affair had been exposed,
3 and quickly went on the attack with Leon, among others. The Councilmember confronted Leon
4 about his involvement with the lawsuits. Huizar demanded to know whether Leon had drafted
5 correspondence for Alvarez and accused Leon of orchestrating her lawsuit. From that moment
6 on, and on that basis, among others, Huizar has harbored retaliatory animus against Leon and
7 undertaken actions to harass and harangue him.

8 53. Given the intense scrutiny on the Councilmember’s office in the wake of the
9 Alvarez and Medina lawsuits, Huizar knew that he could not outright fire Leon at that time.
10 Thus, in the alternative, Huizar began stripping duties and responsibilities from Leon, reducing
11 Leon’s autonomy over certain tasks and projects, banning his participation in executive
12 meetings, aggressively confronting him, and creating the impression that Leon was disloyal.

13 54. On that latter point, though, Huizar was correct in his reading of Leon. Leon had
14 no intention of extending any loyalty to an elected official who he knew abused his power and
15 authority, mistreated women, exploited subordinates, and pushed people out of their jobs with
16 impunity. Leon knew, as did other staffers, that it was time to begin the process of detaching
17 himself from the Councilmember and moving into a new role within City government. But that
18 became virtually impossible given the circumstances that unfolded just weeks after the filing of
19 the Alvarez and Medina suits.

20
21 **C. Huizar Harassed and Retaliated Against Leon for Reporting His Concerns About
22 the Councilmember’s Illegal Activities to the FBI**

23 55. In November 2018, just weeks after the filing of the Alvarez and Medina lawsuits,
24 federal authorities raided Huizar’s home and office. The FBI executed search warrants on both
25 the Councilmember’s personal residence as well as his City Hall office space.

26 56. That further infuriated Huizar and engendered retaliatory animus in him toward
27 Leon, since the Councilmember irrationally believed that Leon and his former staffers could
28 somehow instigate a federal investigation and direct the FBI to raid his office and home. Huizar
then learned that Leon met with Federal authorities to discuss with the FBI what Leon knew

1 about Huizar’s in-office conduct, which angered the Councilmember even further.

2 57. In November 2018, the FBI contacted Leon to ask whether he would sit for an
3 interview concerning the Councilmember’s conduct. Leon had no legal obligation to sit for the
4 interview, but agreed to do so in order to convey to the FBI his concerns about his perception of
5 Huizar’s illegal conduct, particularly relating to cannabis, of which federal authorities may not
6 have been aware. Moreover, Leon, a licensed attorney, believed that he had an ethical duty of
7 candor and felt compelled to be as honest, forthcoming, and helpful to Federal authorities as he
8 could.

9 58. What’s more, Leon was not afraid to speak out against the Councilmember as
10 were other of Huizar’s staffers. Given Leon’s former role as Huizar’s Campaign Manager and
11 the candid relationship dynamic he had with the Councilmember during the reelection bid,
12 in no way did Leon feel compelled to kowtow to Huizar.

13 59. Thus, Leon was not shy about informing Habib that he intended to meet with the
14 FBI, as per their request. Habib, in turn, advised Huizar about Leon’s meeting with Federal
15 authorities. This engendered further retaliatory animus in Huizar toward Leon, because the
16 Councilmember assumed (as he should have) that Leon would be truthful about Huizar’s
17 in-office conduct and some of the backroom dealings that Leon believed Huizar was engaged in
18 that were likely violations of the law.

19 60. In November 2018, Leon met with Federal authorities and described the kind of
20 extortionist tactics that he believed Huizar would employ with respect to those seeking to open
21 cannabis businesses within his district and who, therefore, would need the Councilmember’s
22 sign-off on their Public Convenience or Necessity Application (“PCN”) to do so.

23 61. As Leon perceived it, Huizar was angling to employ the same tactics that
24 many suspected he had been undertaking with real estate developers as PLUM Committee
25 chairperson—a “pay-to-play” scheme in which one would not get development approval unless
26 Huizar was first compensated, either through direct personal payment or with a campaign
27 donation, or a “gift” to Salesian High School.

28

1 62. After learning about Leon’s meeting with Federal authorities, and in retaliation
2 therefor, Huizar continued stripping duties and responsibilities from Leon, reducing Leon’s
3 autonomy over certain tasks and projects, banning his participation in executive meetings,
4 aggressively confronting him, and creating an impression that Leon was disloyal and
5 incompetent.

6 63. The Alvarez and Medina lawsuits and FBI raids created a stain on Huizar’s
7 already tarnished reputation, and created a cloud of doubt over everyone who worked in his
8 office. Leon wanted to continue working in City government, and had made inquiries about
9 employment in other Councilmembers’ offices, but was told that people from Huizar’s office
10 were “radioactive” and would be blackballed from other City jobs.

11
12 **D. Huizar Harassed and Retaliated Against Leon for Meeting with the City Attorney’s
13 Office to Discuss the Credibility of Alvarez’s and Medina’s Allegations**

14 64. Things got worse when Leon was asked by the City Attorney’s Office to sit for an
15 interview with respect to his knowledge of the allegations in the two civil suits filed against
16 Huizar by Alvarez and Medina.

17 65. In April 2019, the City Attorney’s Office contacted Leon and asked to interview
18 him concerning Alvarez’s and Medina’s accusations against Huizar and the City, to which Leon
19 agreed.

20 66. The City Attorney’s Office informed Habib about their Leon meeting who,
21 in turn, notified Huizar.

22 67. As with Leon’s meeting with Federal authorities, his meeting with the City
23 Attorney’s Office also infuriated Huizar and engendered further retaliatory animus in him toward
24 Leon, because the Councilmember knew that Leon could offer damaging information about his
25 in-office conduct.

26 68. Leon was quite clear with the City Attorney’s Office that he was profoundly
27 uncomfortable with the fact that they had copied Habib on their emails about the interview,
28 but the damage was already done.

1 69. After learning about Leon’s meeting with the City Attorney’s Office, and in
2 retaliation therefor, Huizar continued stripping duties and responsibilities from Leon, reducing
3 Leon’s autonomy over certain tasks and projects, banning his participation in executive
4 meetings, aggressively confronting him, and creating an impression that Leon was disloyal and
5 incompetent.

6
7 **E. Huizar Fired Leon for Meeting with the City Attorney’s Office and City Ethics**
8 **Commission to Discuss His Belief that the Councilmember Might Attempt to Extort**
9 **Cannabis Operators**

10 70. In mid-2018, prior to the Alvarez and Medina lawsuits and the FBI raids, Huizar
11 assigned Leon to be one of his cannabis policy advisors, to which Leon agreed.

12 71. However, following the FBI raids that November, then Council President Herb
13 Wesson stripped Huizar of all of his Council Committee assignments. Huizar, of course,
14 wielded his greatest power and influence over the PLUM Committee. But Huizar also sat on the
15 Cannabis Regulation Committee that Wesson chaired. He lost both spots.

16 72. After that, Huizar was effectively rendered a lame duck and there was not much
17 for Leon to do with respect to cannabis. The only thing Leon was principally tasked with doing
18 was to continue meeting with potential cannabis proprietors who wanted to open retail shops in
19 the Downtown Los Angeles area (“DTLA”). Given that there was an over-concentration of
20 commercial retailers in DTLA, those businesses needed an approved permit from Huizar to
21 operate in his district (PCN). Yet, in the wake of the FBI raids, Huizar took full control over
22 which businesses the office would agree to meet with and cut Leon out of that loop entirely.

23 73. Nearly a year later, in August 2019, Leon and his wife submitted an application to
24 the Department of Cannabis Regulation’s “Social Equity Program” (“SEP”) in advance of the
25 impending rollout of its cannabis retail licensing application process.

26 74. In general, the SEP was a policy means by which the City hoped to right the
27 wrong of the over-prosecution and over-sentencing of marijuana-related crimes in certain inner-
28 city neighborhoods. Thus, the City made it such that the Cannabis Department would first only
open up the retail license application process to individuals who could demonstrate that they

1 were from one of those effected neighborhoods and “prequalified” through the SEP. So, the SEP
2 application was not an actual application for a cannabis license; that process had not yet begun.
3 It was going to be the case, though, that one could not even apply during the initial phase of the
4 cannabis licensing process unless you had first been “prequalified” as an SEP applicant.

5 75. Leon did not consult or advise Huizar about his and his wife’s SEP application.
6 And Leon had no obligation to do so, particularly since neither Huizar nor his office had any
7 influence or control over the SEP acceptances.

8 76. In response to his SEP application, Leon was advised by the Cannabis
9 Department that it could no longer share cannabis-related information with him in his capacity as
10 a Huizar staffer and given his intention of seeking to acquire a retail cannabis license.
11 Leon, in turn, advised the Cannabis Department that he had not decided whether he would be
12 applying for an actual cannabis license in the future, and further advised that he would seek
13 guidance from the City Ethics Commission and City Attorney’s Office before doing so.

14 77. Leon met with David Tristan, the Deputy Executive Director of the City Ethics
15 Commission the following morning. Leon discussed with Tristan whether there was any conflict
16 of interest with respect to his SEP application. Tristan advised that there was not, but
17 encouraged Leon to also consult the City Attorney’s Office since it at times tended to offer
18 conclusions contrary to the Ethics Commission.

19 78. Leon then discussed with Tristan, as he had with the FBI, his concerns that Huizar
20 had begun efforts to extort cannabis retailers seeking PCN approvals in the Councilmember’s
21 district. Tristan asked whether Leon wanted to file a formal ethics complaint, which he declined
22 (since everyone knew there was already an ongoing FBI investigation).

23 79. Later that same afternoon, Leon emailed Assistant City Attorney Renee Stadell
24 from the Office’s “Ethics, Elections and Governance” group. The pair eventually connected by
25 phone that day and, as Tristan cautioned, Stadell’s conclusion was contrary to his. Stadell
26 advised that she believed there was the “appearance” of a conflict of interest given Leon’s
27 cannabis-related work in Huizar’s office, however limited, and counseled Leon to wall himself
28 off from further cannabis-related tasks and projects pending his SEP application.

1 80. Leon concluded his initial phone conversation with Stadell by telling her that he
2 indeed intended to withdraw his SEP application. But then, to Leon’s profound dismay, Stadell
3 advised that she would be contacting Huizar’s office to inform them about the potential conflict.
4 Leon could not understand that. He assumed there would be some kind of discretion or safe-
5 harbor in consulting the Ethics Commission and City Attorney’s Office—not that they would
6 immediately turn around and tell Huizar. Moreover, considering that it was widely known that
7 Huizar was under investigation by Federal authorities and that there were already two pending
8 civil suits against him for employment retaliation, Leon could not understand the logic in
9 disclosing his meetings with them to Huizar and exposing Leon to potential reprisal.

10 81. The next day, Leon met with Tristan again to discuss his meeting with Stadell and
11 her countervailing conclusion about the conflict of interest. Despite his disagreement with
12 Stadell’s conclusion, Leon told Tristan, just as he had advised Stadell, that he intended to
13 withdraw his SEP application. He did so later that evening.

14 82. The following morning, Leon received an email from Huizar’s Executive
15 Assistant and Scheduler advising that Huizar and Habib wanted to meet with him later that day.

16 83. During that meeting, Huizar confronted Leon about his SEP application and
17 Leon’s discussions about the Councilmember with the City Ethics Commission and City
18 Attorney’s Office. As with Leon’s previous meetings with Federal authorities and the City
19 Attorney’s Office, his recent meetings with respect to cannabis likewise engendered retaliatory
20 animus in Huizar toward Leon. The Councilmember believed that Leon had exposed (and, thus,
21 thwarted) Huizar’s next “pay-to-play” scheme. Consequently, Huizar placed Leon on
22 administrative leave that day “pending further investigation.”

23 84. Thereafter, on September 16, 2019, at Huizar’s direction, Habib sent Leon a
24 termination letter indicating that Leon would be fired as of October 31, 2019.

25 85. Huizar’s decision to terminate Leon’s employment was particularly malicious
26 based on the circumstances described above, but also because Huizar knew quite well that Leon
27 and his wife were expecting their first child in October and, thus, deliberately aligned the timing
28 of Leon’s firing with that profound family event.

1 Attorney's Office about the merits of Alvarez's and Medina's lawsuits; (iv) voicing concerns and
2 complaining about having to engage in political campaign activities for Huizar's wife during
3 normal City work hours and while utilizing City resources; and (v) voicing his intention to take
4 paternity leave upon the birth of his son (*see infra* at Sect. IV)).

5 90. At the time in which Plaintiff engaged in such protected activities, Plaintiff held a
6 good faith and reasonable belief that the alleged actions violated a law or administrative statute
7 (Los Angeles Municipal Code Chapter IV, Articles 9.5 and 9.7), as well as federal political
8 activity law (5 U.S.C. § 7321 et seq.).

9 91. Plaintiff's protected activities, as set forth herein, were individually and
10 collectively a contributing factor in Defendant's decision to terminate Plaintiff's employment
11 and, prior thereto, to subject him to abusive and harassing retaliatory employment practices.
12 Plaintiff's protected activities were the sole, motivating, and but-for cause of the adverse
13 employment actions Defendants took against him.

14 92. In response to Plaintiff's protected activities, Defendants retaliated against
15 Plaintiff, including, but not limited to: harassing and hassling Plaintiff both during and outside
16 of normal work hours; stripping duties and responsibilities from him; reducing Plaintiff's
17 autonomy over certain tasks and projects; banning his participation in executive meetings;
18 aggressively confronting him; and creating the impression that Leon was disloyal and
19 incompetent (as described in the preceding paragraphs of this Complaint (*see infra* at Sect. IV)).

20 93. As a proximate result of the wrongful acts of Defendants, and each of them,
21 Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer, actual,
22 consequential, and incidental financial losses, including, without limitation, loss of income,
23 salary and benefits, and the intangible loss of employment-related opportunities for growth in
24 Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount according to
25 proof at the time of trial.

26 94. As a direct, foreseeable and proximate result of Defendants' wrongful acts,
27 Plaintiff has suffered, and continues to suffer, substantial losses of earnings and employment
28

1 benefits, and has suffered humiliation, embarrassment, mental and emotional distress and
2 discomfort, all to Plaintiff's damage in an amount proven at trial.

3 95. Plaintiff is informed and believes, and on that basis alleges, that the aforesaid acts
4 directed toward Plaintiff by Defendants were carried out with a conscious disregard of Plaintiff's
5 right to be free from such illegal behavior, such as to constitute oppression, fraud, or malice
6 pursuant to section 3294 of the California Civil Code, among other provisions, entitling Plaintiff
7 to punitive damages in an amount appropriate to punish and set an example of Defendants.

8 96. The actions alleged herein were taken by managing agents and/or officers of
9 Defendant and/or ratified by managing agents and/or officers of Defendant, namely, Jose Huizar
10 and Paul Habib. In so doing, said managing agents and/or officers of Defendant acted with
11 oppression and malice as those terms are used in section 3294 of the California Civil Code.
12 As such, Plaintiff is entitled to an award of punitive damages.

13 97. Plaintiff is also entitled to an award of attorneys' and experts' fees pursuant to,
14 *inter alia*, section 12965(b) of the California Government Code.

15
16 **SECOND CAUSE OF ACTION**

17 **Retaliation**

18 **In Violation of Cal. Labor Code § 1102.5(b)**

19 **(Against the City of Los Angeles and Does 1-10)**

20 98. Plaintiff incorporates by reference paragraphs 1 through 97, above, and repeats,
21 reiterates, and realleges each and every allegation contained therein with the same force and
22 effect as if such paragraphs were set forth fully at length here.

23 99. Section 1102.5(b) of the California Labor Code makes it unlawful for an
24 employer to retaliate against an employee for "disclosing information . . . to a person with
25 authority over the employee or another employee who has the authority to investigate, discover,
26 or correct the violation or noncompliance . . . of state or federal statute . . . or regulation,
27 regardless of whether disclosing the information is part of the employee's job duties."
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1 100. On multiple occasions, Plaintiff engaged in such protected conduct under section
2 1102.5 by complaining to and about Defendant’s conduct, as described in the preceding
3 paragraphs of this Complaint. In particular, Plaintiff’s protected activity included, but is not
4 limited to: (i) voicing concerns about Huizar’s illegal and unethical conduct to the City
5 Attorney’s Office, City Ethics Commission, and FBI; (ii) the counsel Leon gave Alvarez about
6 how to return to her same pre-pregnancy position following her return from maternity leave;
7 (iii) speaking truthfully to the City Attorney’s Office about the merits of Alvarez’s and Medina’s
8 lawsuits; (iv) voicing concerns and complaining about having to engage in political campaign
9 activities for Huizar’s wife during normal City work hours and while utilizing City resources;
10 and (v) voicing his intention to take paternity leave upon the birth of his son (*see infra* at Sect.
11 IV)).

12 101. At the time in which Plaintiff engaged in such protected activities, Plaintiff held a
13 good faith and reasonable belief that the alleged actions violated a law or administrative statute
14 (Los Angeles Municipal Code Chapter IV, Articles 9.5 and 9.7), as well as federal political
15 activity law (5 U.S.C. § 7321 et seq.).

16 102. Plaintiff’s protected activities, as set forth herein, were individually and
17 collectively a contributing factor in Defendant’s decision to terminate Plaintiff’s employment
18 and, prior thereto, to subject him to abusive and harassing retaliatory employment practices.
19 Plaintiff’s protected activities were the sole, motivating, and but-for cause of the adverse
20 employment actions Defendants took against him.

21 103. In response to Plaintiff’s protected activities, Defendants retaliated against
22 Plaintiff, including, but not limited to: harassing and hassling Plaintiff both during and outside
23 of normal work hours; stripping duties and responsibilities from him; reducing Plaintiff’s
24 autonomy over certain tasks and projects; banning his participation in executive meetings;
25 aggressively confronting him; and creating the impression that Leon was disloyal and
26 incompetent (as described in the preceding paragraphs of this Complaint (*see infra* at Sect. IV)).

27 104. As a proximate result of the wrongful acts of Defendants, and each of them,
28 Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer, actual,

1 consequential, and incidental financial losses, including, without limitation, loss of income,
2 salary and benefits, and the intangible loss of employment-related opportunities for growth in
3 Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount according to
4 proof at the time of trial.

5 105. As a direct, foreseeable and proximate result of Defendants' wrongful acts,
6 Plaintiff has suffered, and continues to suffer, substantial losses of earnings and employment
7 benefits, and has suffered humiliation, embarrassment, mental and emotional distress and
8 discomfort, all to Plaintiff's damage in an amount proven at trial.

9 106. Plaintiff is informed and believes, and on that basis alleges, that the aforesaid acts
10 directed toward Plaintiff by Defendants were carried out with a conscious disregard of Plaintiff's
11 right to be free from such illegal behavior, such as to constitute oppression, fraud, or malice
12 pursuant to section 3294 of the California Civil Code, among other provisions, entitling Plaintiff
13 to punitive damages in an amount appropriate to punish and set an example of Defendants.

14 107. The actions alleged herein were taken by managing agents and/or officers of
15 Defendant and/or ratified by managing agents and/or officers of Defendant, namely, Jose Huizar
16 and Paul Habib. In so doing, said managing agents and/or officers of Defendant acted with
17 oppression and malice as those terms are used in section 3294 of the California Civil Code.
18 As such, Plaintiff is entitled to an award of punitive damages.

19 108. Plaintiff is also entitled to an award of attorneys' and experts' fees pursuant to,
20 *inter alia*, section 1102.5(f) of the California Labor Code.

21
22 **THIRD CAUSE OF ACTION**

23 **Failure to Prevent Unlawful Discrimination**

24 **In Violation of Cal. Gov. Code § 12940(k)**

25 **(Against the City of Los Angeles and Does 1-10)**

26 109. Plaintiff incorporates by reference paragraphs 1 through 108, above, and repeats,
27 reiterates, and realleges each and every allegation contained therein with the same force and
28 effect as if such paragraphs were set forth fully at length here.

1 110. Section 12940(k) of the California Government Code makes it unlawful for an
2 employer to “fail to take all reasonable steps necessary to prevent discrimination and harassment
3 from occurring.”

4 111. As described in the preceding paragraphs of this Complaint, Plaintiff engaged in
5 protected conduct under FEHA by complaining to and about Defendant’s conduct. In particular,
6 Plaintiff’s protected activity included, but is not limited to: (i) voicing concerns about Huizar’s
7 illegal and unethical conduct to the City Attorney’s Office, City Ethics Commission, and FBI;
8 (ii) the counsel Leon gave Alvarez about how to return to her same pre-pregnancy position
9 following her return from maternity leave; (iii) speaking truthfully to the City Attorney’s Office
10 about the merits of Alvarez’s and Medina’s lawsuits; (iv) voicing concerns and complaining
11 about having to engage in political campaign activities for Huizar’s wife during normal City
12 work hours and while utilizing City resources; and (v) voicing his intention to take paternity
13 leave upon the birth of his son (*see infra* at Sect. IV)).

14 112. At the time in which Plaintiff engaged in such protected activities, Plaintiff held a
15 good faith and reasonable belief that the alleged actions violated a law or administrative statute,
16 (Los Angeles Municipal Code Chapter IV, Articles 9.5 and 9.7), as well as federal political
17 activity law (5 U.S.C. § 7321 et seq.).

18 113. Plaintiff’s protected activities, as set forth herein, were individually and
19 collectively a contributing factor in Defendant’s decision to terminate Plaintiff’s employment
20 and, prior thereto, to subject him to abusive and harassing retaliatory employment practices.
21 Plaintiff’s protected activities were the sole, motivating, and but-for cause of the adverse
22 employment actions Defendants took against him.

23 114. In response to Plaintiff’s protected activities, Defendants retaliated against
24 Plaintiff, including, but not limited to: harassing and hassling Plaintiff both during and outside
25 of normal work hours; stripping duties and responsibilities from him; reducing Plaintiff’s
26 autonomy over certain tasks and projects; banning his participation in executive meetings;
27 aggressively confronting him; and creating the impression that Leon was disloyal and
28 incompetent (as described in the preceding paragraphs of this Complaint (*see infra* at Sect. IV)).

1 115. As a proximate result of the wrongful acts of Defendants, and each of them,
2 Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer, actual,
3 consequential, and incidental financial losses, including, without limitation, loss of income,
4 salary and benefits, and the intangible loss of employment-related opportunities for growth in
5 Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount according to
6 proof at the time of trial.

7 116. As a direct, foreseeable and proximate result of Defendants' wrongful acts,
8 Plaintiff has suffered, and continues to suffer, substantial losses of earnings and employment
9 benefits, and has suffered humiliation, embarrassment, mental and emotional distress and
10 discomfort, all to Plaintiff's damage in an amount proven at trial.

11 117. Plaintiff is informed and believes, and on that basis alleges, that the aforesaid acts
12 directed toward Plaintiff by Defendants were carried out with a conscious disregard of Plaintiff's
13 right to be free from such illegal behavior, such as to constitute oppression, fraud, or malice
14 pursuant to section 3294 of the California Civil Code, among other provisions, entitling Plaintiff
15 to punitive damages in an amount appropriate to punish and set an example of Defendants.

16 118. The actions alleged herein were taken by managing agents and/or officers of
17 Defendant and/or ratified by managing agents and/or officers of Defendant, namely, Jose Huizar
18 and Paul Habib. In so doing, said managing agents and/or officers of Defendant acted with
19 oppression and malice as those terms are used in section 3294 of the California Civil Code.
20 As such, Plaintiff is entitled to an award of punitive damages.

21 119. Plaintiff is also entitled to an award of attorneys' and experts' fees pursuant to,
22 *inter alia*, section 12965(b) of the California Government Code.

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1 **FOURTH CAUSE OF ACTION**

2 **Workplace Harassment**

3 **In Violation of Cal. Gov. Code § 12940(a), (h), (j)**

4 **(Against Jose Huizar, in his individual capacity, and Does 1-10)**

5 120. Plaintiff incorporates by reference paragraphs 1 through 119, above, and repeats,
6 reiterates, and realleges each and every allegation contained therein with the same force and effect
7 as if such paragraphs were set forth fully at length here.

8 121. Section 12940, subsections (a) and (j), of the California Government Code make it
9 unlawful for an employer to discriminate against and harass an employee on account of the
10 employee's gender or other protected immutable characteristics, or because of the employee's
11 engagement in protected activities under the FEHA. Section 12940(h) of the California
12 Government Code makes it unlawful for an employer to harass an employee for "oppos[ing]
13 practices forbidden under [FEHA's statutory scheme] or because the person has filed a complaint,
14 testified, or assisted in any proceeding under [FEHA's statutory scheme]."

15 122. As averred in the preceding paragraphs of this Complaint, in the fall of 2019, Leon
16 sat for an interview with the FBI for the purpose of conveying to federal authorities his concerns
17 about his perception of Huizar's illegal conduct, particularly relating to cannabis, of which federal
18 authorities may not have been aware. As well, Leon conveyed his concerns with the City
19 Attorney's Office about Huizar's illegal conduct, as set forth above. Thereafter, because of their
20 awareness of Leon's interviews with the FBI and City Attorney's Office, and on account of the
21 retaliatory animus engendered in them thereby, Defendants, and Huizar in particular, as well as
22 Defendants' agents and subordinates, personally singled Leon out for retaliation and disparate
23 treatment with regard to the terms, conditions, and privileges of his employment because of
24 Leon's intention of taking paternity and disability leave in violation of Sections 12940. In
25 particular, Defendants' retaliatory and disparate treatment of Leon included, but was not limited
26 to: harassing and hassling Plaintiff both during and outside of normal work hours; stripping duties
27 and responsibilities from him; reducing Plaintiff's autonomy over certain tasks and projects;
28 banning his participation in executive meetings; aggressively confronting him; and creating the

1 impression that Leon was disloyal and incompetent (as described in the preceding paragraphs of
2 this Complaint (*see infra* at Sect. IV)). Huizar personally undertook the foregoing actions as
3 against Leon.

4 123. At the time in which Plaintiff engaged in such protected activities, Plaintiff held a
5 good faith and reasonable belief that the alleged actions violated a law or administrative statute
6 (Los Angeles Municipal Code Chapter IV, Articles 9.5 and 9.7), as well as federal political
7 activity law (5 U.S.C. § 7321 et seq.).

8 124. Furthermore, as averred in the preceding paragraphs of this Complaint, in the fall
9 of 2019, Leon informed Defendants, and Huizar in particular, as well as Defendants' agents and
10 subordinates, that his wife was pregnant and that Leon intended to take paternity leave upon the
11 birth of his son in October 2019. Thereafter, Defendants, and Huizar in particular, as well as
12 Defendants' agents and subordinates, personally singled Leon out for retaliation and disparate
13 treatment with regard to the terms, conditions, and privileges of his employment because of
14 Leon's intention of taking paternity and disability leave in violation of Sections 12940 and 12945.
15 In particular, Defendants' retaliatory and disparate treatment of Leon included, but was not limited
16 to: harassing and hassling Plaintiff both during and outside of normal work hours; stripping duties
17 and responsibilities from him; reducing Plaintiff's autonomy over certain tasks and projects;
18 banning his participation in executive meetings; aggressively confronting him; and creating the
19 impression that Leon was disloyal and incompetent (as described in the preceding paragraphs of
20 this Complaint (*see infra* at Sect. IV)). Huizar personally undertook the foregoing actions as
21 against Leon.

22 125. The actions of Defendants, and Huizar in particular, as well as those of their agents
23 and subordinates, negatively affected the terms, conditions, and privileges of Leon's employment,
24 and ultimately resulted in the termination of Leon's employment.

25 126. Defendants, and Huizar in particular, as well as their agents and subordinates,
26 did not treat other similarly-situated employees, who did not share the same FEHA-protected
27 characteristics or circumstances as did Leon, in the same manner in which Leon was treated; they
28 were treated more favorably.

1 127. Plaintiff's protected activities, as set forth herein, were individually and
2 collectively a contributing factor in Defendant's decision to retaliate against Plaintiff and to
3 ultimately terminate Plaintiff's employment and, prior thereto, subject him to abusive and
4 harassing retaliatory employment practices. Plaintiff's protected activities were the sole,
5 motivating, and but-for cause of the adverse employment actions Defendants took against him.

6 128. That is, Huizar personally subjected Plaintiff to verbal abuse, derogatory
7 comments, and physical interference with freedom of movement. Huizar's conduct was beyond
8 the scope of his necessary job performance and was engaged in for personal gratification because
9 of meanness or bigotry and for other personal motives. His conduct did not arise out of his normal
10 and necessary personnel management duties.

11 129. Defendants, and Huizar in particular, as well as their agents and subordinates, have
12 consistently failed to give any reasonable justification for subjecting Leon to the foregoing adverse
13 employment actions. Leon alleges that these actions were taken by Defendants, and Huizar in
14 particular, as well as their agents and subordinates, because of Leon's protected activities,
15 characteristics, and circumstances, as described herein.

16 130. As a proximate result of the wrongful acts of Defendants, and each of them,
17 Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer, actual,
18 consequential, and incidental financial losses, including, without limitation, loss of income,
19 salary and benefits, and the intangible loss of employment-related opportunities for growth in
20 Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount according to
21 proof at the time of trial.

22 131. As a direct, foreseeable and proximate result of Defendants' wrongful acts,
23 Plaintiff has suffered, and continues to suffer, substantial losses of earnings and employment
24 benefits, and has suffered humiliation, embarrassment, mental and emotional distress and
25 discomfort, all to Plaintiff's damage in an amount proven at trial.

26 132. Plaintiff is informed and believes, and on that basis alleges, that the aforesaid acts
27 directed toward Plaintiff by Defendants were carried out with a conscious disregard of Plaintiff's
28 right to be free from such illegal behavior, such as to constitute oppression, fraud, or malice

1 pursuant to section 3294 of the California Civil Code, among other provisions, entitling Plaintiff
2 to punitive damages in an amount appropriate to punish and set an example of Defendants.

3 133. The actions alleged herein were taken by managing agents and/or officers of
4 Defendant and/or ratified by managing agents and/or officers of Defendant, namely, Jose Huizar
5 and Paul Habib. In so doing, said managing agents and/or officers of Defendant acted with
6 oppression and malice as those terms are used in section 3294 of the California Civil Code.
7 As such, Plaintiff is entitled to an award of punitive damages.

8 134. Plaintiff is also entitled to an award of attorneys' and experts' fees pursuant to,
9 *inter alia*, section 12965(b) of the California Government Code.

10
11 **FIFTH CAUSE OF ACTION**

12 **Intentional Infliction of Emotional Distress**

13 **(Against Jose Huizar, in his individual capacity, and Does 1-10)**

14 135. Plaintiff incorporates by reference paragraphs 1 through 134, above, and repeats,
15 reiterates, and realleges each and every allegation contained therein with the same force and
16 effect as if such paragraphs were set forth fully at length here.

17 136. "A cause of action for intentional infliction of emotional distress exists when
18 there is '(1) extreme and outrageous conduct by the defendant with the intention of causing, or
19 reckless disregard of the probability of causing, emotional distress; (2) the plaintiff's suffering
20 severe or extreme emotional distress; and (3) actual and proximate causation of the emotional
21 distress by the defendant's outrageous conduct.'" *Hughes v. Pair*, 46 Cal. 4th 1035 (2009).

22 137. Defendants' conduct as described above—harassing, hassling, and aggressively
23 confronting Plaintiff both during and outside of normal work hours; stripping duties and
24 responsibilities from him; reducing Plaintiff's autonomy over certain tasks and projects; banning
25 his participation in executive meetings; creating the impression that Leon was disloyal and
26 incompetent; and deliberately timing Plaintiff's termination to coincide with the birth of his
27 firstborn child (as described in the preceding paragraphs of this Complaint (*see infra* at Sect.
28

1 IV))—goes beyond all possible bounds of decency of that usually tolerated in a civilized
2 community.

3 138. Defendants devoted little or no thought to the probable distress such acts would
4 cause Plaintiff, and simply acted in reckless disregard to the possibility that Plaintiff would
5 suffer severe emotional distress as a result of such acts.

6 139. Defendants' acts did in fact cause Plaintiff to suffer, among other emotions,
7 anguish, nervousness, anxiety, grief, worry, shock, humiliation, and embarrassment. The distress
8 is of such severity that no reasonable person in a civilized society should be expected to bear the
9 same.

10 140. Defendants' conduct was outrageous and outside the normal scope of the
11 employment relationship and was a substantial factor in causing Plaintiff's harm.

12 141. Defendants' acts subjected Plaintiff to cruel and unjust hardship in violation of his
13 rights as an employee under California law. Defendant acted with malice in that Defendants'
14 actions were intended to injure Plaintiff, and did so, and because such despicable acts were
15 carried out with a willful disregard for Plaintiff's legal rights and personal wellbeing.

16 142. Plaintiff has been harmed in that Plaintiff has suffered, and will continue to suffer,
17 actual, consequential, and incidental financial losses, including, without limitation, loss of
18 income, salary and benefits, and the intangible loss of employment-related opportunities for
19 growth in Plaintiff's field and damage to Plaintiff's professional reputation, all in an amount
20 according to proof at the time of trial.

21 143. As a direct, foreseeable and proximate result of Defendants' wrongful acts,
22 Plaintiff has suffered, and continues to suffer, substantial losses of earnings and employment
23 benefits, and has suffered humiliation, embarrassment, mental and emotional distress and
24 discomfort, all to Plaintiff's damage in an amount proven at trial.

25 144. Plaintiff is informed and believes, and on that basis alleges, that the aforesaid acts
26 directed toward Plaintiff by Defendants were carried out with a conscious disregard of Plaintiff's
27 right to be free from such illegal behavior, such as to constitute oppression, fraud, or malice
28

1 pursuant to section 3294 of the California Civil Code, among other provisions, entitling Plaintiff
2 to punitive damages in an amount appropriate to punish and set an example of Defendants.

3 145. The actions alleged herein were taken by managing agents and/or officers of
4 Defendant and/or ratified by managing agents and/or officers of Defendant, namely, Jose Huizar
5 and Paul Habib. In so doing, said managing agents and/or officers of Defendant acted with
6 oppression and malice as those terms are used in section 3294 of the California Civil Code.
7 As such, Plaintiff is entitled to an award of punitive damages.

8
9 **JURY TRIAL DEMAND**

10 Plaintiff hereby demands a jury trial to resolve each and every one of the claims averred
11 in this Complaint against each and every Defendant.

12
13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them,
15 according to proof, as follows:

16 **On the First Cause of Action for Retaliation (Cal. Gov. Code § 12940(a), (h)), 12945(a):**

- 17
- 18 1. For actual and money damages in an amount according to proof at trial;
 - 19 2. For compensatory and emotional distress damages;
 - 20 3. For Plaintiff's reasonable attorneys' fees;
 - 21 4. For Plaintiff's reasonable experts' fees;
 - 22 5. For an award of prejudgment interest;
 - 23 6. For such other relief as the Court deems just and proper.

24 **On the Second Cause for Retaliation (Cal. Labor Code § 1102.5(b)):**

- 25
- 26 1. For actual and money damages in an amount according to proof at trial;
 - 27 2. For compensatory and emotional distress damages;
 - 28 3. For Plaintiff's reasonable attorneys' fees;
 4. For Plaintiff's reasonable experts' fees;

- 1 5. For an award of prejudgment interest;
- 2 6. For such other relief as the Court deems just and proper.

3 **On the Third Cause of Action for Failure to Prevent Discrimination (Cal. Gov. Code**
4 **§ 12940(k)):**

- 5 1. For actual and money damages in an amount according to proof at trial;
- 6 2. For compensatory and emotional distress damages;
- 7 3. For Plaintiff's reasonable attorneys' fees;
- 8 4. For Plaintiff's reasonable experts' fees;
- 9 5. For an award of prejudgment interest;
- 10 6. For such other relief as the Court deems just and proper.

11 **On the Fourth Cause of Action for Workplace Harassment (Cal. Gov. Code §§ 12940(a),**
12 **(h), (j)):**

- 13 1. For actual and money damages in an amount according to proof at trial;
- 14 2. For compensatory and emotional distress damages;
- 15 3. For punitive and exemplary damages
- 16 4. For Plaintiff's reasonable attorneys' fees;
- 17 5. For Plaintiff's reasonable experts' fees;
- 18 6. For an award of prejudgment interest;
- 19 7. For such other relief as the Court deems just and proper.

20 **On the Fifth Cause of Action for Intentional Infliction of Emotional Distress:**

- 21 1. For actual and money damages in an amount according to proof at trial;
- 22 2. For compensatory and emotional distress damages;
- 23 3. For punitive and exemplary damages
- 24 4. For an award of prejudgment interest;
- 25 5. For such other relief as the Court deems just and proper.

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DATED: May 18, 2020

THE LAW OFFICE OF TERRENCE JONES



Terrence Jones
Attorneys for Plaintiff JESSE LEON

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is as follows: The Law Office of Terrence Jones, 6737 Bright Avenue, Suite B6, Whittier, California 90601.

On **May 18, 2020**, I served the document(s) listed immediately below on each person(s) and/or entity(ies) named below by causing the document(s) to be mailed, hand-delivered, e-mailed, or faxed, as indicated herein:

- **First Amended Complaint for Damages**


Person(s) and/or entity(ies) to whom/which the above document(s) were mailed:

<p>Karen J. Park LOS ANGELES CITY ATTORNEY'S OFFICE 200 N. Main St., 7th Flr. Los Angeles, CA 90012</p> <p><i>Counsel for Defendant City of Los Angeles</i></p>	<p>Linda Miller Savitt BALLARD ROSENBERG GOLPER & SAVITT LLP 15760 Ventura Blvd., 18th Flr. Encino, CA 91436</p> <p><i>Counsel for Defendant Jose Huizar</i></p>
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- BY MAIL I caused such envelope with postage fully prepaid thereon to be placed in the United States Mail within Los Angeles County.
- BY OVERNIGHT MAIL I caused such document(s) to be placed in a box or other facility regularly maintained by an express mail carrier, in an envelope designated by such carrier with delivery fees fully prepaid thereon, or provided for, addressed to the person on whom it is to be served, within Los Angeles County.
- BY FACSIMILE I caused such document(s) to be faxed to the following number(s):
- BY HAND-DELIVERY I caused such document(s) to be delivered by hand to:
- BY E-MAIL I caused such document(s) to be electronically transmitted to the following e-mail address(es): **karen.park@lacity.org**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **May 18, 2020**, at Whittier, California.



Terrence M. Jones, Esq.