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Attorneys for Plaintiff  
FRANKIE DE GUZMAN

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

FRANKIE DE GUZMAN,

Plaintiff,

v.

LOS ANGELES COUNTY  
METROPOLITAN TRANSPORTATION  
AUTHORITY, and DOES 1 to 50, inclusive,

Defendants.

Case No. **20STCV06916**

**COMPLAINT FOR:**

- (1) **Discrimination on the Basis of Gender in Violation of FEHA;**
- (2) **Harassment on the Basis of Gender In Violation of FEHA;**
- (3) **Discrimination on the Basis of Race, National Origin and/or Color in Violation of FEHA;**
- (4) **Harassment on the Basis of Race, National Origin and/or Color in Violation of FEHA;**
- (5) **Discrimination on the Basis of Disability in Violation of FEHA;**
- (6) **Discrimination on the Basis of Veteran Status in Violation of FEHA;**
- (7) **Discrimination on the Basis of Age in Violation of FEHA; and**
- (8) **Retaliation in Violation of Cal. Labor Code §1102.5**

**JURY TRIAL DEMANDED**

1 Plaintiff Frankie De Guzman ("Plaintiff" or "De Guzman"), by and through Plaintiff's  
2 undersigned counsel, alleges, on the basis of personal knowledge and/or information and belief, as  
3 follows:

#### 4 **SUMMARY OF ACTION**

5 1. This is an action by plaintiff Frankie De Guzman -- a combat veteran and the first  
6 woman ever hired as a Lieutenant in the Los Angeles County Metropolitan Transportation Authority  
7 ("MTA") security department -- who was subjected to ongoing discrimination and harassment on the  
8 basis of gender or sex, national origin or perceived national origin, age, disability and veteran status,  
9 and whose employment with defendant MTA was wrongfully terminated -- after she complained of  
10 the discrimination and harassment. Plaintiff brings this action against defendants for economic, non-  
11 economic, and compensatory damages, pursuant to Civil Code section 3294, prejudgment interest  
12 pursuant to Code of Civil Procedure section 3291, and costs and reasonable attorneys' fees pursuant  
13 to Government Code section 12965(b) and Code of Civil Procedure section 1021.5.

#### 14 **PARTIES**

15 2. Plaintiff De Guzman is, and at all times relevant was, a resident of the County of Los  
16 Angeles, California.

17 3. Defendant MTA is, and at all times relevant was, a public entity organized and existing  
18 under the laws of the State of California, with its principal place of business in Los Angeles County,  
19 California.

20 4. Defendants Does 1 to 50, inclusive, are sued under fictitious names pursuant to Code  
21 of Civil Procedure 474. Plaintiff is informed and believes, and on that basis alleges, that each of the  
22 defendants sued under fictitious names is in some manner responsible for the wrongs and damages  
23 alleged below, in so acting was functioning as the agent, servant, partner, and/or employee of the co-  
24 defendants, and in taking the actions mentioned below was acting within the course and scope of his  
25 or her authority as such agent, servant, partner, and/or employee, with the permission of the co-  
26 defendants. The named defendant and Doe defendants are sometimes hereafter referred to,  
27 collectively and/or individually, as "Defendants."

28 5. All defendants compelled, coerced, aided, and/or abetted the discrimination,

1 retaliation, and/or harassment alleged in this Complaint, which conduct is prohibited under California  
2 Government Code section 12940(i). All defendants were responsible for the events and damages  
3 alleged herein, including on the following bases: (a) defendants committed the acts alleged; (b) at all  
4 relevant times, one or more of the defendants was the agent or employee, and/or acted under the  
5 control or supervision, of one or more of the remaining defendants and, in committing the acts alleged,  
6 acted within the course and scope of such agency and employment and/or is or are otherwise liable  
7 for Plaintiff's damages; (c) at all relevant times, there existed a unity of ownership and interest  
8 between or among two or more of the defendants such that any individuality and separateness between  
9 or among those defendants has ceased, and defendants are the alter egos of one another. Defendants  
10 exercised domination and control over one another to such an extent that any individuality or  
11 separateness of defendants does not, and at all times herein mentioned did not, exist. Adherence to  
12 the fiction of the separate existence of defendants would permit abuse of the corporate privilege and  
13 would sanction fraud and promote injustice. All actions of all defendants were taken by employees,  
14 supervisors, executives, officers, and directors during employment with all defendants, were taken on  
15 behalf of all defendants, and were engaged in, authorized, ratified, and approved of by all other  
16 defendants.

17 6. Defendant MTA directly employed Plaintiff, as defined in the Fair Employment and  
18 Housing Act ("FEHA") at Government Code section 12926(d).

19 7. In addition, defendant MTA compelled, coerced, aided, and abetted the discrimination,  
20 which is prohibited under Government Code section 12940(i).

21 8. At all relevant times mentioned herein, all defendants acted as agents of all other  
22 defendants in committing the acts alleged herein.

23 9. The unlawful employment practices complained of herein occurred in Los Angeles  
24 County, California.

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

26 10. Frankie de Guzman is a combat veteran, teacher and experienced security officer, with  
27 a Master's degree in criminal justice and both training and management experience in the security  
28

1 field. She was the first woman, and first woman military veteran, ever hired as a Lieutenant in the  
2 MTA security department. Although there are some women security officers in the MTA, the  
3 environment is overwhelmingly male, particularly at higher levels.

4 11. Ms. De Guzman was personally recruited for the job by the Director of Transit  
5 Security, Rivers Jacques ("the Director"), who said he was impressed by her training credentials. The  
6 Director told Ms. De Guzman that he wanted to hire her to train and mentor other officers and  
7 particularly the female officers coming up the line. Before being hired in January 2017, Ms. De  
8 Guzman went through a lengthy evaluation process including an interview, written test and  
9 background check. At the two-hour written test session, Ms. De Guzman was the only female out of  
10 over 20 applicants applying for one of three open Lieutenant positions. Ms. De Guzman was one of  
11 three Lieutenants hired at approximately the same time; the other two hires were both male. Although  
12 all three Lieutenants were hired into the positions at the same time, both male Lieutenants started  
13 before Ms. De Guzman and, upon information and belief, received a longer training and orientation  
14 period than she did before assuming supervisory responsibilities.

15 12. Once on the job, Ms. De Guzman immediately encountered disparate treatment and  
16 hostility. She was asked by the Director to develop a training program for fare enforcement, a  
17 communications program, and a CPR training program. After completing the work to prepare the  
18 plans and develop manuals for these new training programs, MTA abruptly removed her from the  
19 implementation phase of the training programs.

20 13. In addition, Ms. De Guzman experienced disparate treatment and hostility from other  
21 (mostly male) officers, who criticized her hiring by MTA, questioned her orders and methods,  
22 undercut her authority, and repeatedly complained to their Union (Teamsters) about her. Several  
23 officers who reported to her continuously questioned and criticized her, while they did not question  
24 nor criticize the male lieutenants. Ms. De Guzman was also singled out on occasions by the Director  
25 for different treatment – e.g. she was admonished for not wearing her full belt when others (men) did  
26 not wear their full belts, but only wore side arms.

27 14. Ms. De Guzman was also unfairly criticized for carrying out her superior's instructions  
28 and/or reporting legitimate concerns (such as inadequate training, officers carrying batons with

1 expired permits, officers not following protocols, etc.). Male officers repeatedly mischaracterized her  
2 actions and complained to her supervisor or the union. Ms. De Guzman was also met with resentment  
3 when she offered to provide training, as specifically requested by the Director. She was angrily told  
4 by another lieutenant that *he* was the “lieutenant for training,” and that she should back off.

5 15. Ms. De Guzman also endured a hostile work environment at MTA. Officers  
6 complained that MTA was hiring too many women, and one officer claimed that feminine hygiene  
7 products would end up stuck in the toilet facilities. After Ms. De Guzman reported these comments  
8 to the Director, the officer refused to speak to her or acknowledge her in any way. At the firing range,  
9 officers expressed shock that she knew how to use firearms, said that women should not be on the  
10 firing range, and made suggestive comments about guns, comparing the size of guns to size of parts  
11 of the male anatomy. In a ride-along, an officer told Ms. De Guzman that she shouldn’t have been  
12 hired as lieutenant, and that the Director should have hired “from within.” She was told her  
13 professional style was “too military.” Despite its knowledge of these incidents, MTA took no action  
14 to remedy or stop the conduct

15 16. The work environment at MTA was frequently hostile to people of certain races,  
16 including Asians and Latinos. Ms. De Guzman is Native American, but many people assume she is  
17 Latina because of the way she looks and because she speaks Spanish. While at MTA, colleagues  
18 criticized her for trying to help Spanish-speaking riders and for speaking Spanish. At least one officer  
19 said that she should not help the Spanish-speaking riders--that they “should learn to speak English.”  
20 Some of the officers repeatedly referred to the Asian officers as the “Filipino mafia,” and criticized  
21 Ms. De Guzman for giving Asian officers overtime opportunities, even though such opportunities  
22 were voluntary and open to all officers. The officers reacted with hostility when Ms. De Guzman  
23 told them that their comments were inappropriate, and MTA took no action to remedy or stop the  
24 offensive comments.

25 17. Ms. De Guzman was 56 years old when she was employed at Metro Security.  
26 Throughout her employment, officers in Metro Security commented that she was “too old” for the  
27 job she was hired for, and said to her “shouldn’t you be retiring by now?”

28 18. At one point, a colleague pulled her aside and warned De Guzman to “watch her back”

1 because he didn't like what some of the other officers were saying about her. Another transit employee  
2 (and fellow air force veteran) also warned her, "Watch your back, LT. They're out to get you. The air  
3 that you breathe bothers them."

4 19. Meanwhile, Ms. De Guzman received frequent praise and compliments from the  
5 Director, as well as positive feedback from certain colleagues, for her professionalism and leadership.  
6 She was never "written up" or disciplined by anyone at MTA.

7 20. In June 2017, Ms. De Guzman injured her back at work and was placed on light duty.  
8 She made a workers' compensation claim and provided a note from her doctor prescribing light duty  
9 restrictions, including not carrying more than five pounds of weight around her waist. Despite these  
10 restrictions, there was no change to Ms. De Guzman's duties or responsibilities. However, Ms. De  
11 Guzman was criticized for not wearing her full firearm belt, notwithstanding her doctor's orders to  
12 not carry more than five pounds of weight around her waist. A few weeks after the initial injury, Ms.  
13 De Guzman reinjured her back at work while she was trying to help a co-worker who had fallen.

14 21. While she was on light duty, Ms. De Guzman received a letter discharging her from  
15 her position on July 7, 2017, just prior to completing her six-month probationary period. The letter  
16 stated that she "did not demonstrate the necessary qualifications" for the job. She requested, but  
17 received no union representation or appeal process because she was "still on probation." Despite the  
18 stated basis for her terminations, Ms. De Guzman was in fact terminated because of her gender or  
19 sex, temporary disability, age, race/national origin and veteran status, and in retaliation for her  
20 complaints about the harassment she was experiencing on the job, and her reports of legitimate  
21 concerns about illegal activity, including officers not having proper permits for firearms and batons  
22 and not otherwise following protocols. Ms. De Guzman was still on light duty and receiving medical  
23 treatment for her work injury at the time of dismissal. She was terminated from her position, and also  
24 rejected for a transfer to another position in the Department.

25 22. *Economic damages:* As a consequence of MTA's conduct, De Guzman has suffered  
26 and will suffer harm, including lost past and future income and employment benefits, damage to her  
27 career, and lost wages, and penalties, as well as interest on unpaid wages at the legal rate from and  
28 after each payday on which those wages should have been paid, in a sum to be proven at trial.

23. *Non-economic damages:* As a consequence of Defendants' conduct, De Guzman has suffered and will suffer psychological and emotional distress, humiliation, and mental and physical pain and anguish, in a sum to be proven at trial.

24. *Attorneys' fees:* De Guzman has incurred and continues to incur legal expenses and attorneys' fees.

25. *Statutory liability:* De Guzman's statutory claims under FEHA apply to MTA, and those claims are exempt from the claim-presentation requirements of the Tort Claims Act.

26. *Exhaustion of administrative remedies:* Prior to filing this action, De Guzman exhausted her administrative remedies by filing a timely administrative complaint with the Department of Fair Employment and Housing (“DFEH”) and receiving a DFEH right-to-sue letter. Moreover, De Guzman specifically requested that she be provided union representation or an internal appeal process, but she was denied both on the ground that she was “still on probation.” Based on this denial, De Guzman reasonably believed that she was precluded from union representation or an internal appeal process, and did not pursue these avenues further. Therefore, MTA is equitably estopped from raising an exhaustion defense.

**FIRST CAUSE OF ACTION**  
**Violation of FEHA -- Gender Discrimination--Against Defendant MTA and Does 1  
 through 50, Inclusive)**  
**(Government Code §§ 12900 *et seq.*)**

27. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein, and further alleges as follows.

28. Defendants' conduct, as alleged, violated FEHA, Government Code section 12900, et seq., and Defendant committed unlawful employment practices, including by the following bases for liability:

a. Discharging, refusing to transfer, retain, and/or employ, and/or otherwise discriminating against Plaintiff, in whole or in part on the basis of Plaintiff's gender, in violation of Government Code section 12940(a);

b. Harassing Plaintiff and/or creating a hostile work environment, in whole or in part on the basis of Plaintiff's gender, in violation of Government Code section 12940(j);

1 c. Failing to take all reasonable steps to prevent discrimination and harassment based on  
2 gender, in violation of Government Code section 12940(k);

3 d. Retaliating against Plaintiff for seeking to exercise rights guaranteed under FEHA  
4 and/or opposing Defendants' failure to provide such rights, in violation of Government Code section  
5 12940(h).

6 29. As a proximate result of Defendants' willful, knowing, and intentional discrimination  
7 against Plaintiff, Plaintiff has sustained and continues to sustain substantial losses of earnings and  
8 other employment benefits.

9 30. As a proximate result of Defendants' willful, knowing, and intentional discrimination  
10 against Plaintiff, Plaintiff has suffered and continues to suffer humiliation, emotional distress, and  
11 physical and mental pain and anguish, all to her damage in a sum according to proof.

12 31. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees.  
13 Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover reasonable attorneys'  
14 fees and costs (including expert costs) in an amount according to proof.

15 **SECOND CAUSE OF ACTION**  
16 **Violation of FEHA – Gender-based Harassment--Against Defendant MTA and Does**  
17 **1 through 50, Inclusive)**  
18 **(Government Code §§ 12900 *et seq.*)**

19 32. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein,  
20 and further alleges as follows.

21 33. Defendants' conduct, as alleged, violated FEHA, Government Code section 12900, *et*  
22 *seq.*, and Defendant committed unlawful employment practices, including by the following bases for  
23 liability:

24 a. Harassing Plaintiff and/or creating a hostile work environment, in whole or in part on  
25 the basis of Plaintiff's actual or perceived gender or sex, in violation of Government Code  
26 section 12940(j);

27 b. Failing to take all reasonable steps to prevent discrimination and harassment based on  
28 gender or sex, in violation of Government Code section 12940(k);

c. Retaliating against Plaintiff for seeking to exercise rights guaranteed under FEHA



1 and/or opposing Defendants' failure to provide such rights, in violation of Government  
2 Code section 12940(h).

3 34. As a proximate result of Defendants' willful, knowing, and intentional harassment  
4 against Plaintiff, Plaintiff has sustained and continues to sustain substantial losses of earnings and  
5 other employment benefits.

6 35. As a proximate result of Defendants' willful, knowing, and intentional harassment  
7 against Plaintiff, Plaintiff has suffered and continues to suffer humiliation, emotional distress, and  
8 physical and mental pain and anguish, all to her damage in a sum according to proof.

9 36. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees.  
10 Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover reasonable attorneys'  
11 fees and costs (including expert costs) in an amount according to proof.

12 **THIRD CAUSE OF ACTION**  
13 **Violation of FEHA -- Race Discrimination--Against Defendant MTA and Does 1**  
14 **through 50, Inclusive)**  
**(Government Code §§ 12900 *et seq.*)**

15 37. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein,  
16 and further alleges as follows.

17 38. Defendants' conduct, as alleged, violated FEHA, Government Code section 12900, et  
18 seq., and Defendants committed unlawful employment practices, including by the following bases for  
19 liability:

20 a. Discharging, refusing to transfer, retain, and/or employ, and/or otherwise  
21 discriminating against Plaintiff, in whole or in part on the basis of Plaintiff's actual or  
22 perceived race, national origin, and/or color, in violation of Government Code section  
23 12940(a);

24 b. Harassing Plaintiff and/or creating a hostile work environment, in whole or in part on  
25 the basis of Plaintiff's actual or perceived race, national origin, and/or color, in violation of  
26 Government Code section 12940(j);

27 c. Failing to take all reasonable steps to prevent discrimination and harassment based on  
28 race, in violation of Government Code section 12940(k);

1 d. Retaliating against Plaintiff for seeking to exercise rights guaranteed under FEHA  
2 and/or opposing Defendants' failure to provide such rights, in violation of Government Code  
3 section 12940(h).

4 39. As a proximate result of Defendants' willful, knowing, and intentional discrimination  
5 against Plaintiff, Plaintiff has sustained and continues to sustain substantial losses of earnings and  
6 other employment benefits.

7 40. As a proximate result of Defendants' willful, knowing, and intentional discrimination  
8 against Plaintiff, Plaintiff has suffered and continues to suffer humiliation, emotional distress, and  
9 physical and mental pain and anguish, all to her damage in a sum according to proof.

10 41. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees.  
11 Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover reasonable attorneys'  
12 fees and costs (including expert costs) in an amount according to proof.

13 **FOURTH CAUSE OF ACTION**  
14 **Violation of FEHA – Harassment on basis of Race, Color or National Origin--**  
15 **Against Defendant MTA and Does 1 through 50, Inclusive)**  
16 **(Government Code §§ 12900 *et seq.*)**

17 42. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein,  
18 and further alleges as follows.

19 43. Defendants' conduct, as alleged, violated FEHA, Government Code section 12900, et  
20 seq., and Defendants committed unlawful employment practices, including by the following bases for  
21 liability:

22 a. Harassing Plaintiff and/or creating a hostile work environment, in whole or in part on  
23 the basis of Plaintiff's actual or perceived race, national origin, and/or color, in violation of  
24 Government Code section 12940(j);

25 b. Failing to take all reasonable steps to prevent discrimination and harassment based on  
26 race, in violation of Government Code section 12940(k);

27 c. Retaliating against Plaintiff for seeking to exercise rights guaranteed under FEHA  
28 and/or opposing Defendants' failure to provide such rights, in violation of Government Code  
section 12940(h).

44. As a proximate result of Defendants' willful, knowing, and intentional harassment against Plaintiff, Plaintiff has sustained and continues to sustain substantial losses of earnings and other employment benefits.

45. As a proximate result of Defendants' willful, knowing, and intentional harassment against Plaintiff, Plaintiff has suffered and continues to suffer humiliation, emotional distress, and physical and mental pain and anguish, all to her damage in a sum according to proof.

46. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees. Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover reasonable attorneys' fees and costs (including expert costs) in an amount according to proof.

**FIFTH CAUSE OF ACTION**  
**Violation of FEHA -- Disability Discrimination--Against Defendant MTA and Does**  
**1 through 50, Inclusive)**  
**(Government Code §§ 12900 *et seq.*)**

47. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein, and further alleges as follows.

48. Defendants' conduct, as alleged, violated FEHA, Government Code section 12900, et seq., and Defendants committed unlawful employment practices, including by the following bases for liability:

- a. Discharging, refusing to transfer, retain, and/or employ, and/or otherwise discriminating against Plaintiff, in whole or in part on the basis of Plaintiff's temporary physical disability, in violation of Government Code section 12940(a);
- b. Harassing Plaintiff and/or creating a hostile work environment, in whole or in part on the basis of Plaintiff's temporary physical disability, in violation of Government Code section 12940(j);
- c. Failing to take all reasonable steps to prevent discrimination and harassment based on Plaintiff's temporary physical disability, in violation of Government Code section 12940(k);
- d. Retaliating against Plaintiff for seeking to exercise rights guaranteed under FEHA and/or opposing Defendants' failure to provide such rights, in violation of Government Code section 12940(h).

49. As a proximate result of Defendants' willful, knowing, and intentional discrimination against Plaintiff, Plaintiff has sustained and continues to sustain substantial losses of earnings and other employment benefits.

50. As a proximate result of Defendants' willful, knowing, and intentional discrimination against Plaintiff, Plaintiff has suffered and continues to suffer humiliation, emotional distress, and physical and mental pain and anguish, all to her damage in a sum according to proof.

51. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees. Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover reasonable attorneys' fees and costs (including expert costs) in an amount according to proof.

**SIXTH CAUSE OF ACTION**  
**Violation of FEHA -- Veteran Status Discrimination--Against Defendant MTA and**  
**Does 1 through 50, Inclusive)**  
**(Government Code §§ 12900 *et seq.*)**

52. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein, and further alleges as follows.

53. Defendants' conduct, as alleged, violated FEHA, Government Code section 12900, et seq., and Defendants committed unlawful employment practices, including by the following bases for liability:

- a. Discharging, refusing to transfer, retain, and/or employ, and/or otherwise discriminating against Plaintiff, in whole or in part on the basis of Plaintiff's veteran status, in violation of Government Code section 12940(a);
- b. Harassing Plaintiff and/or creating a hostile work environment, in whole or in part on the basis of Plaintiff's veteran status in violation of Government Code section 12940(j);
- c. Failing to take all reasonable steps to prevent discrimination and harassment based on veteran status, in violation of Government Code section 12940(k);
- d. Retaliating against Plaintiff for seeking to exercise rights guaranteed under FEHA and/or opposing Defendants' failure to provide such rights, in violation of Government Code section 12940(h).

54. As a proximate result of Defendants' willful, knowing, and intentional discrimination

1 against Plaintiff, Plaintiff has sustained and continues to sustain substantial losses of earnings and  
2 other employment benefits.

3 55. As a proximate result of Defendants' willful, knowing, and intentional discrimination  
4 against Plaintiff, Plaintiff has suffered and continues to suffer humiliation, emotional distress, and  
5 physical and mental pain and anguish, all to her damage in a sum according to proof.

6 56. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees.  
7 Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover reasonable attorneys'  
8 fees and costs (including expert costs) in an amount according to proof.

9 **SEVENTH CAUSE OF ACTION**  
10 **Violation of FEHA -- Age Discrimination--Against Defendant MTA and Does 1**  
11 **through 50, Inclusive)**  
12 **(Government Code §§ 12900 *et seq.*)**

13 57. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein,  
14 and further alleges as follows.

15 58. Plaintiff is, and at all relevant times was, over the age of 40.

16 59. Defendants' conduct, as alleged, violated FEHA, Government Code section 12900, *et*  
17 *seq.*, and Defendants committed unlawful employment practices, including by the following bases for  
18 liability:

19 a. Discharging, refusing to transfer, retain, and/or employ, and/or otherwise  
20 discriminating against Plaintiff, in whole or in part on the basis of Plaintiff's age, in violation  
21 of Government Code section 12940(a);

22 b. Harassing Plaintiff and/or creating a hostile work environment, in whole or in part on  
23 the basis of Plaintiff's age, in violation of Government Code section 12940(j);

24 c. Failing to take all reasonable steps to prevent discrimination and harassment based on  
25 age, in violation of Government Code section 12940(k);

26 d. Retaliating against Plaintiff for seeking to exercise rights guaranteed under FEHA  
27 and/or opposing Defendants' failure to provide such rights, in violation of Government Code  
28 section 12940(h).

59. As a proximate result of Defendants' willful, knowing, and intentional discrimination

1 against Plaintiff, Plaintiff has sustained and continues to sustain substantial losses of earnings and  
2 other employment benefits.

3 61. As a proximate result of Defendants' willful, knowing, and intentional discrimination  
4 against Plaintiff, Plaintiff has suffered and continues to suffer humiliation, emotional distress, and  
5 physical and mental pain and anguish, all to her damage in a sum according to proof.

6 62. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees.  
7 Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover reasonable attorneys'  
8 fees and costs (including expert costs) in an amount according to proof.

9 **EIGHTH CAUSE OF ACTION**  
10 **Retaliation Against Defendant MTA and Does 1 through 50, Inclusive)**  
11 **(Labor Code §§ 1102.5 *et seq.*)**

12 63. Plaintiff incorporates by reference all preceding paragraphs as if fully set forth herein,  
13 and further alleges as follows.

14 64. At all relevant times, Labor Code section 1102.5 was in effect and was binding on  
15 Defendants. This statute prohibits Defendants from retaliating against any employee, including  
16 Plaintiff, for raising complaints of illegality.

17 65. Plaintiff raised complaints of illegality while she worked for Defendants -- including  
18 that many officers did not have the proper permits, including firearms permits, baton permits and  
19 guard cards, and officers routinely illegally parked their vehicles -- and Defendants retaliated against  
20 her by discriminating against her, harassing her, and taking adverse employment actions, including  
21 employment termination, against her.

22 66. As a proximate result of Defendants' willful, knowing, and intentional violations of  
23 Labor Code section 1102.5, Plaintiff has suffered and continues to suffer humiliation, emotional  
24 distress, and mental and physical pain and anguish, all to her damage in a sum according to proof.

25 67. As a result of Defendants' adverse employment actions against Plaintiff, Plaintiff has  
26 suffered general and special damages in sums according to proof.

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1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff demands judgment in its favor and against the Defendants, as  
3 follows:

- 4 1. For general and special damages according to proof;  
5 2. For exemplary damages according to proof;  
6 3. For injunctive relief, including but not limited to: (a) reinstatement of employment  
7 with MTA; and (b) changes in MTA's policies with respect to discrimination claims of employees  
8 during probationary period.  
9 4. For Plaintiff's attorneys' fees and costs;  
10 5. For pre- and post-judgment interest;  
11 6. For civil penalties of \$25,000 per violation; and  
12 7. For such other relief as this Court may deem just and proper.

13 **DEMAND FOR JURY TRIAL**

14 Plaintiff demands trial by jury on all of the triable issues of this Complaint. The amount  
15 demanded exceeds \$25,000.00.

16  
17 Dated: February 20, 2020

Respectfully,

18 ARNOLD & PORTER KAYE SCHOLER LLP  
19 RHONDA R. TROTTER

20 PUBLIC COUNSEL  
21 JILL THOMPSON

22 By:   
RHONDA R. TROTTER

23 Attorneys for Plaintiff  
24 FRANKIE DE GUZMAN  
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