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Attorneys for Plaintiff
SHANEL DICKSON

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

22CV393878

SHANEL DICKSON, an individual,

Plaintiff,

vs.

TESLA ENERGY OPERATIONS, INC., a
Delaware corporation; TESLA, INC., a
Delaware corporation; KENNY GRIFFIN, an
individual; and DOES 1 through 50, inclusive,

Defendants.

CASE NO.:

COMPLAINT FOR:

1. Sexual and Racial Harassment in Violation of Cal. Gov't Code § 12940(j) (FEHA);
2. Gender and Race Discrimination in Violation of Cal. Gov't Code § 12940(a);
3. Failure to Take Steps Necessary to Prevent Harassment, Discrimination, and/or Retaliation in Violation of Cal. Gov't Code § 12940(k);
4. Retaliation in Violation of Cal. Gov't Code § 12940(h);
5. Intentional Infliction of Emotional Distress;
6. Negligent Hiring, Supervision, and/or Retention;
7. Constructive Discharge in Violation of Public Policy.

DEMAND FOR JURY TRIAL

1 **NATURE OF THE ACTION**

2 1. Plaintiff SHANEL DICKSON ("PLAINTIFF"), an individual, demanding a jury
3 trial, brings this action against Defendants TESLA ENERGY OPERATIONS, INC., a Delaware
4 corporation doing business in the State of California ("TESLA ENERGY"); TESLA, INC., a
5 Delaware corporation doing business in the state of California ("TESLA"); KENNY GRIFFIN
6 ("GRIFFIN"), an individual; and DOES 1 through 50, inclusive (collectively, "DEFENDANTS"),
7 to remedy DEFENDANTS' employment practices and policies of sexual and racial harassment,
8 discrimination, retaliation, failure to prevent discrimination and harassment, intentional infliction of
9 emotional distress, constructive discharge in violation of public policy, and other unlawful and
10 tortious conduct. PLAINTIFF seeks compensatory damages, punitive damages, injunctive relief,
11 attorneys' fees, and costs.

12 **JURISDICTION AND VENUE**

13 2. This Court has jurisdiction in this matter because PLAINTIFF was a resident and a
14 citizen of the State of California at all times relevant to this complaint, and DEFENDANTS are
15 residents and citizens of, and/or regularly conduct business in, the State of California. Further, no
16 federal question is at issue, because the claims are based solely on California law.

17 3. Venue is proper in the County of Santa Clara, California because PLAINTIFF
18 performed work for DEFENDANTS in the County of Santa Clara, and DEFENDANTS' unlawful
19 actions and omissions, set forth herein, occurred in the County of Santa Clara.

20 **PLAINTIFF**

21 4. PLAINTIFF is a female resident and citizen of the State of New York. PLAINTIFF
22 was employed by DEFENDANTS in the County of Santa Clara, California from in or around
23 September 2020 to September 2021.

24 **DEFENDANTS**

25 5. On information and belief, PLAINTIFF alleges that Defendant TESLA ENERGY is
26 and at all relevant times was, a corporation organized and existing under the laws of the State of
27 Delaware. PLAINTIFF is further informed and believes, and thereon alleges, that TESLA
28 ENERGY conducts business in the State of California. Specifically, upon information and belief,

1 TESLA ENERGY conducts business in the County of Santa Clara, where PLAINTIFF worked, and
2 where the unlawful conduct occurred.

3 6. On information and belief, PLAINTIFF alleges that Defendant TESLA is and at all
4 relevant times was, a corporation organized and existing under the laws of the State of Delaware.
5 PLAINTIFF is further informed and believes, and thereon alleges, that TESLA conducts business
6 in the State of California. Specifically, upon information and belief, TESLA conducts business in
7 the County of Santa Clara, where PLAINTIFF worked, and where the unlawful conduct occurred.

8 7. PLAINTIFF is informed and believes, and based thereon alleges, that Defendant
9 GRIFFIN is a male resident of the State of California. At all times relevant herein, GRIFFIN was
10 employed by TESLA ENERGY and TESLA, and served as PLAINTIFF's direct supervisor.
11 Additionally, GRIFFIN acted within the course and scope of his employment and/or as an agent of
12 DEFENDANTS during the events described herein, unless alleged otherwise.

13 8. The true names and capacities of Defendant DOES 1 through 50, inclusive, are
14 unknown to PLAINTIFF at this time, and PLAINTIFF therefore sues such Defendants under
15 fictitious names. PLAINTIFF is informed and believes, and thereon alleges, that each Defendant
16 designated as a DOE is responsible in some manner for the events and happenings referred to herein,
17 and legally caused the injuries and damages alleged in this Complaint. PLAINTIFF will seek leave
18 of the court to amend this Complaint to allege their true names and capacities when ascertained.

19 **FACTUAL ALLEGATIONS**

20 9. PLAINTIFF was employed by TESLA ENERGY and TESLA a solar roofer from
21 approximately September 2020 to September 2021 in Santa Clara County, California. PLAINTIFF
22 performed her job competently at all times material to this complaint.

23 10. While working at TESLA ENERGY and TESLA between September 2020 and
24 September 2021, PLAINTIFF was directly supervised by GRIFFIN.

25 11. From approximately July 2021 to September 2021, while working at TESLA
26 ENERGY and TESLA under the supervision of GRIFFIN, PLAINTIFF was subjected to sexually
27 demeaning and explicit comments, racially harassing and discriminatory comments, and other
28 harassing conduct, perpetrated by GRIFFIN and other TESLA ENERGY and TESLA managers and

1 employees. Such actions, which were offensive and unwelcome and created a hostile, abusive, and
2 intimidating work environment, include, but are not limited to, the following:

3 A. GRIFFIN, who is white, frequently called PLAINTIFF, who is Black,
4 “*nigga*.” GRIFFIN also called PLAINTIFF “*Sha-nay-nay*,” “*fat ass*,” and made other
5 inappropriate, sexual comments. PLAINTIFF tried ignoring GRIFFIN when he called her the n-
6 word and otherwise referred to her in a derogatory manner, as well as asking him to stop, but
7 GRIFFIN continued.

8 B. Another white TESLA employee, operations manager Silva (last name
9 unknown), laughed at PLAINTIFF’s hair, which was styled in dreadlocks, in front of a group. Silva
10 then asked PLAINTIFF to take her hair wrap off so she could touch PLAINTIFF’s hair.
11 PLAINTIFF’s manager, Frank Wu, was standing directly across from Silva, but said nothing.
12 PLAINTIFF felt humiliated.

13 C. DEFENDANTS also discriminated against PLAINTIFF on the basis of her
14 gender. PLAINTIFF was the only woman on her solar roofing team. The men were given
15 appropriate duties for the position, whereas PLAINTIFF was only given light duty work.

16 D. PLAINTIFF complained about the discrimination and harassment she
17 experienced to Mr. Wu. Soon thereafter, DEFENDANTS issued PLAINTIFF a performance
18 improvement plan (“PIP”). The PIP stated in part that PLAINTIFF was not meeting performance
19 requirements, but DEFENDANTS had denied PLAINTIFF proper training and work opportunities
20 on the basis of her gender. This PIP subsequently prevented PLAINTIFF from seeking internal
21 opportunities.

22 E. On September 13, 2021, PLAINTIFF complained about the discrimination,
23 harassment, and retaliatory PIP to TESLA’s Human Resources department. Chenoa Chavez, an HR
24 Partner with TESLA, met with PLAINTIFF regarding these concerns. Ms. Chavez then informed
25 PLAINTIFF that TESLA was opening an investigation into the matter, and removing her from the
26 crew where she worked with GRIFFIN. Instead of placing PLAINTIFF in another appropriate
27 position as a solar roofer, however, ***TESLA assigned her to pick up trash—an assignment that still***
28 ***required her to see GRIFFIN.***

1 F. PLAINTIFF was not interviewed by anyone as part of this investigation, nor
2 was she informed of any findings or resulting corrective action. On information and belief,
3 PLAINTIFF alleges that TESLA failed to take immediate and appropriate corrective action to
4 remedy the discrimination and harassment that she experienced.

5 G. In or around late September 2021, PLAINTIFF's mother, who lives in New
6 York, fell ill. PLAINTIFF had to return to New York to care for her, so she applied for an internal
7 transfer to another solar roofing position. The retaliatory PIP, however, prevented PLAINTIFF from
8 being eligible to transfer. Because DEFENDANTS refused to allow PLAINTIFF to transfer, she
9 was forced to quit.

10 **INJURIES TO PLAINTIFF**

11 12. As a direct and proximate result of the foregoing unlawful and malicious acts of
12 DEFENDANTS, PLAINTIFF has suffered, and will continue to suffer, great mental and emotional
13 anguish. Additionally, PLAINTIFF has been humiliated and embarrassed as a result of the
14 foregoing acts and omissions of DEFENDANTS.

15 13. As a further direct and proximate result of the foregoing unlawful and malicious acts
16 of DEFENDANTS, PLAINTIFF has suffered monetary damages in an amount subject to proof at
17 trial.

18 **FIRST CAUSE OF ACTION**

19 **Violation of California Fair Employment and Housing Act – Sexual and Racial Harassment**

20 **[Cal. Gov't Code § 12940(j)]**

21 **(Against all DEFENDANTS)**

22 14. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the
23 factual allegations in the foregoing paragraphs.

24 15. At all relevant times herein, California Government Code § 12940 provided that
25 “[i]t is an unlawful employment practice, unless based upon a bona fide occupational qualification,
26 or, except where based upon applicable security regulations established by the United States or the
27 State of California... (j) [f]or an employer ... or any other person, because of ... race, sex, gender
28 ... to harass an employee.”

1 16. As set forth above, DEFENDANTS' acts and omissions constitute violations of
2 California Government Code § 12940(j). PLAINTIFF timely filed a complaint against
3 DEFENDANTS with the California Department of Fair Employment and Housing and received a
4 Right to Sue letter on January 21, 2022. DEFENDANTS sexually harassed PLAINTIFF by
5 engaging in severe or pervasive conduct that created a hostile work environment on the basis of
6 PLAINTIFF's sex.

7 17. TESLA ENERGY and TESLA knew, or should have known, of GRIFFIN's conduct
8 and failed to properly investigate, reprimand, terminate, or take an appropriate disciplinary action
9 against GRIFFIN for his egregious conduct, thereby ratifying his actions.

10 18. As a proximate result of DEFENDANTS' unlawful acts, practices, and omissions,
11 PLAINTIFF has suffered monetary damages, humiliation, mental anguish, and physical and
12 emotional distress, in an amount subject to proof at trial. PLAINTIFF claims such amount as
13 damages together with prejudgment interest thereon pursuant to California Civil Code §§ 3287,
14 3288, and/or any other applicable provision providing for prejudgment interest.

15 19. By engaging in the aforementioned unlawful acts, practices, and omissions,
16 DEFENDANTS intended to cause injury to PLAINTIFF. DEFENDANTS' conduct was reckless,
17 malicious, and despicable, and was carried on with a conscious and willful disregard of the rights
18 and safety of others. Therefore, an award of punitive damages, sufficient to punish DEFENDANTS
19 and to serve as an example to deter DEFENDANTS from similar conduct in the future, should be
20 made. PLAINTIFF claims such amount as damages to be determined at trial. PLAINTIFF claims
21 such amount as damages together with prejudgment interest thereon pursuant to California Civil
22 Code §§ 3287, 3288 and/or any other applicable provision providing for prejudgment interest.

23 20. Additionally, PLAINTIFF seeks an award of reasonable attorneys' fees and costs
24 against DEFENDANTS pursuant to the California Fair Employment and Housing Act.

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1 **SECOND CAUSE OF ACTION**

2 **Gender and Race Discrimination in Violation of the Fair Employment and Housing**
3 **Act**

4 **[Cal. Gov't Code § 12940(a)]**

5 **(Against DEFENDANTS TESLA ENERGY and TESLA)**

6 21. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the
7 factual allegations in the foregoing paragraphs.

8 22. At all relevant times herein, California Government Code § 12940 provided that
9 “[i]t is an unlawful employment practice . . . [f]or an employer, because of the race [,] sex, [or]
10 gender . . . of any person . . . to discriminate against the person in compensation or in terms,
11 conditions, or privileges of employment.”

12 23. As set forth above, TESLA ENERGY and TESLA’s acts and omissions constitute
13 violations of Government Code section 12940. TESLA ENERGY and TESLA discriminated
14 against Plaintiff in compensation, conditions, and privileges of employment, on the basis of and
15 because of her gender and race. PLAINTIFF was an employee of TESLA ENERGY and TESLA
16 and was subjected to discrimination because she was a Black woman. PLAINTIFF was denied
17 employment benefits and privileges, denied work opportunities and assignments, and was
18 reprimanded. This conduct was severe and pervasive and so altered working conditions as to make
19 it more difficult for PLAINTIFF to do her job. A reasonable person in PLAINTIFF’s position would
20 have considered the work environment to be hostile, just as PLAINTIFF did.

21 24. PLAINTIFF believes, and thereon alleges, that her gender and race were the
22 motivating factors in the wrongful employment actions and practices. Such discrimination is in
23 violation of Government Code section 12940 and has resulted in damage and injury to PLAINTIFF,
24 as alleged herein.

25 25. As a direct and proximate result of TESLA ENERGY and TESLA’s unlawful acts,
26 practices, and omissions, PLAINTIFF has suffered monetary damages, humiliation, mental anguish,
27 and physical and emotional distress, in an amount subject to proof at trial. PLAINTIFF claims such
28 amount as damages together with prejudgment interest thereon pursuant to Civil Code sections

1 3287, 3288, and/or any other applicable provision providing for prejudgment interest.

2 26. By engaging in the aforementioned unlawful acts, practices, and omissions, and by
3 ratifying such acts, practices, and omissions, TESLA ENERGY and TESLA intended to cause injury
4 to PLAINTIFF. TESLA ENERGY and TESLA's conduct was reckless, malicious, and despicable,
5 and was carried on with a conscious and willful disregard of the rights and safety of others. By
6 engaging in the aforementioned unlawful acts, practices, and omissions, and by ratifying such acts,
7 practices, and omissions, TESLA ENERGY and TESLA intended to cause injury to PLAINTIFF.
8 The individual and DOE defendants were officers, directors, or managing agents of the defendant
9 corporation and personally engaged in the oppressive, fraudulent, or malicious conduct, and
10 authorized or ratified that conduct. Therefore, PLAINTIFF seeks an award of punitive damages,
11 sufficient to punish DEFENDANTS and to serve as an example to deter similar conduct in the
12 future, in an amount according to proof at trial, together with prejudgment interest thereon pursuant
13 to Civil Code sections 3287, 3288, and/or any other applicable provision providing for prejudgment
14 interest.

15 27. Additionally, PLAINTIFF seeks an award of reasonable attorneys' fees and costs
16 against DEFENDANTS pursuant to the California Fair Employment and Housing Act.

17 **THIRD CAUSE OF ACTION**

18 **Failure to Take Steps Necessary to Prevent Harassment, Discrimination, and/or Retaliation**

19 **[Cal. Gov't Code § 12940(k)]**

20 **(Against DEFENDANTS TESLA ENERGY and TESLA)**

21 28. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the
22 factual allegations in the foregoing paragraphs.

23 29. At all relevant times, California Government Code § 12940 provided that "[i]t is an
24 unlawful employment practice . . . (k) [f]or an employer . . . to fail to take all reasonable steps
25 necessary to prevent discrimination and harassment from occurring."

26 30. As set forth above, TESLA ENERGY and TESLA's acts and omissions constitute
27 violations of the California Government Code § 12940(k), in that they failed to take necessary steps
28 to prevent harassment, and retaliation. PLAINTIFF filed a complaint with the California

1 Department of Fair Employment and Housing, and received a right to sue letter on January 21, 2022.
2 TESLA ENERGY and TESLA failed to take all reasonable steps necessary to prevent such
3 harassment and retaliation from occurring.

4 31. By reason of TESLA ENERGY and TESLA's unlawful acts, practices and
5 omissions, PLAINTIFF has suffered monetary damages, humiliation, mental anguish, and physical
6 and emotional distress, in an amount subject to proof at trial. PLAINTIFF claims such amount as
7 damages together with pre-judgment interest thereon pursuant to California Civil Code §§ 3287,
8 3288 and any other applicable provision providing for prejudgment interest.

9 32. TESLA ENERGY and TESLA knew, or should have known, of GRIFFIN's conduct
10 and failed to properly investigate, reprimand, terminate, or take appropriate disciplinary action
11 against GRIFFIN for his egregious conduct, thereby ratifying his actions. TESLA ENERGY and
12 TESLA engaged in the aforementioned unlawful acts, practices and omissions alleged herein, and
13 by ratifying such acts, engaged in intentional, reckless and willful, oppressive and malicious
14 conduct, acted with willful and conscious disregard of PLAINTIFF's rights, welfare and safety, and
15 caused great physical and emotional harm to PLAINTIFF. Therefore, an award of punitive
16 damages, sufficient to punish TESLA ENERGY and TESLA and to serve as an example to deter
17 them from similar conduct in the future, should be made. PLAINTIFF claims such amount as
18 damages to be determined at trial. PLAINTIFF claims such amount as damages together with pre-
19 judgment interest thereon pursuant to California Civil Code §§ 3287, 3288 and any other applicable
20 provision providing for prejudgment interest.

21 33. PLAINTIFF will also seek the costs and expenses of this action, including reasonable
22 attorneys' fees pursuant to the California Fair Employment and Housing Act and California public
23 policy.

24 **FOURTH CAUSE OF ACTION**

25 **Retaliation [Cal. Gov't Code § 12490(h)]**

26 **(Against DEFENDANTS TESLA ENERGY and TESLA)**

27 34. PLAINTIFF incorporates by specific reference, as though fully set forth, the factual
28 allegations in the foregoing paragraphs.

1 35. At all relevant times, California Government Code § 12940 provided that “[i]t is an
2 unlawful employment practice . . . (h) [f]or any employer . . . to discharge, expel, or otherwise
3 discriminate against any person because the person has opposed any practices forbidden under this
4 part or because the person has filed a complaint, testified, or assisted in any proceeding under this
5 part.”

6 36. As set forth above, TESLA ENERGY and TESLA’s acts and omissions constitute
7 violations of the California Government Code § 12940(h), in that it continued to subject
8 PLAINTIFF to intolerable working conditions following her complaints about GRIFFIN’s conduct
9 toward her and failed to investigate her complaints about him. TESLA ENERGY and TESLA failed
10 to take all reasonable steps necessary to prevent such harassment from occurring. PLAINTIFF filed
11 a complaint with the California Department of Fair Employment and Housing, and received a right
12 to sue letter on January 21, 2022.

13 37. By reason of DEFENDANTS’ unlawful acts, practices and omissions, PLAINTIFF
14 has suffered monetary damages, humiliation, mental anguish, and physical and emotional distress,
15 in an amount subject to proof at trial. PLAINTIFF claims such amount as damages together with
16 pre-judgment interest thereon pursuant to California Civil Code §§ 3287, 3288 and any other
17 applicable provision providing for prejudgment interest.

18 38. DEFENDANTS engaged in the aforementioned unlawful acts, practices and
19 omissions alleged herein, and by ratifying such acts, engaged in intentional, reckless and willful,
20 oppressive and malicious conduct, acted with willful and conscious disregard of PLAINTIFF’s
21 rights, welfare and safety, and caused great physical and emotional harm to PLAINTIFF. Therefore,
22 an award of punitive damages, sufficient to punish DEFENDANTS and to serve as an example to
23 deter them from similar conduct in the future, should be made. PLAINTIFF claims such amount as
24 damages to be determined at trial. PLAINTIFF claims such amount as damages together with pre-
25 judgment interest thereon pursuant to California Civil Code §§ 3287, 3288 and any other applicable
26 provision providing for prejudgment interest.

27 39. PLAINTIFF will also seek the costs and expenses of this action, including
28 reasonable attorneys’ fees pursuant to the California Fair Employment and Housing Act and

1 California public policy.

2 **FIFTH CAUSE OF ACTION**

3 **Intentional Infliction of Emotional Distress**

4 **(Against All DEFENDANTS)**

5 40. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the
6 factual allegations in the foregoing paragraphs.

7 41. During all relevant times, GRIFFIN was employed by TESLA ENERGY and
8 TESLA and was acting in his capacity as a supervisor at TESLA ENERGY and TESLA, such that
9 TESLA ENERGY and TESLA are liable for GRIFFIN's conduct. TESLA ENERGY and TESLA
10 knew, or should have known, of GRIFFIN's conduct and failed to properly investigate, reprimand,
11 terminate, or take an appropriate disciplinary action against GRIFFIN for his egregious conduct,
12 thereby ratifying his actions.

13 42. GRIFFIN's conduct, as set forth above, was outrageous in that it was so extreme as
14 to exceed all bounds of decency. Further, DEFENDANTS' conduct would be regarded by any
15 reasonable person as intolerable in a civilized community.

16 43. By engaging in the aforementioned conduct, GRIFFIN knew that his conduct would
17 likely result in harm due to mental distress.

18 44. On information and belief, PLAINTIFF alleges that GRIFFIN acted with the intent
19 to cause PLAINTIFF emotional distress or, at minimum, acted with reckless disregard of the
20 probability that PLAINTIFF would suffer emotional distress.

21 45. By committing the outrageous and malicious acts and omissions alleged herein,
22 DEFENDANTS knew, or should have known, that such conduct would result in PLAINTIFF's
23 severe emotional distress. Moreover, DEFENDANTS' acts and omissions were perpetrated with
24 the intent of inflicting humiliation, mental anguish, and severe emotional distress upon PLAINTIFF.

25 46. As a direct and proximate result of DEFENDANTS' unlawful acts, practices, and
26 omissions, PLAINTIFF has suffered severe emotional distress, in an amount subject to proof at trial.
27 PLAINTIFF claims such amount as damages together with prejudgment interest thereon pursuant
28 to California Civil Code §§ 3287, 3288, and/or any other applicable provision providing for

1 prejudgment interest.

2 47. DEFENDANTS engaged in the aforementioned unlawful acts, practices, and
3 omissions and/or ratified such acts, practices, and omissions. In doing so, DEFENDANTS engaged
4 in intentional, reckless, willful, oppressive, and malicious conduct, acted with willful and conscious
5 disregard of PLAINTIFF's rights, welfare, and safety, and caused great physical and/or emotional
6 harm to PLAINTIFF. Therefore, an award of punitive damages, sufficient to punish
7 DEFENDANTS and to deter them and others from similar conduct in the future, is appropriate.
8 PLAINTIFF claims such amount as damages to be determined at trial.

9 **SIXTH CAUSE OF ACTION**

10 **Negligent Hiring, Supervision, and/or Retention**

11 **(Against DEFENDANTS TESLA ENERGY and TESLA)**

12 48. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the
13 factual allegations in the foregoing paragraphs.

14 49. As alleged above, GRIFFIN was incompetent and/or unfit to perform the work for
15 which TESLA ENERGY and TESLA hired him.

16 50. PLAINTIFF is informed and believes, and thereon alleges, that TESLA ENERGY
17 and TESLA knew, or in the exercise of reasonable diligence, should have known that GRIFFIN,
18 who committed the harassing conduct, was incompetent and unfit to perform the duties for which
19 he was hired, and that an undue risk to persons such as PLAINTIFF would exist because of his
20 employment. TESLA ENERGY and TESLA retained the employees responsible for the acts
21 described above in conscious disregard for the rights and well-being of others, including
22 PLAINTIFF.

23 51. TESLA ENERGY and TESLA had a duty to use reasonable care and to properly
24 supervise their managers, employees, and agents, which it breached, thereby causing injury to
25 PLAINTIFF in the form of the harassment and retaliation alleged above. PLAINTIFF in no manner
26 consented to such outrageous and dangerous conduct.

27 52. TESLA ENERGY and TESLA's negligence in hiring, supervising, and/or retaining
28 GRIFFIN was a substantial factor in causing PLAINTIFF's harm.

53. As a direct and proximate result of TESLA ENERGY and TESLA's unlawful acts, practices, and omissions, PLAINTIFF has suffered monetary damages, humiliation, mental anguish, and physical and emotional distress in an amount subject to proof at trial. PLAINTIFF claims such amounts as damages together with prejudgment interest thereon pursuant to California Civil Code §§ 3287, 3288 and/or any other applicable provision providing for prejudgment interest.

54. By engaging in the aforementioned unlawful acts, practices, omissions, and by condoning and ratifying such acts by failing to properly investigate and adequately discipline the perpetrators of these practices and omissions, TESLA ENERGY and TESLA intended to cause injury to PLAINTIFF. TESLA ENERGY and TESLA's intentional and injurious conduct toward PLAINTIFF was reckless, malicious, and despicable, and was carried out with a conscious and willful disregard of the rights and safety of others. Therefore, PLAINTIFF seeks an award of punitive damages, sufficient to punish TESLA ENERGY and TESLA and to serve as an example to deter them from similar conduct in the future. PLAINTIFF claims such amounts as damages together with prejudgment interest thereon pursuant to California Civil Code §§ 3287, 3288, and/or any other applicable provision providing for prejudgment interest.

SEVENTH CAUSE OF ACTION

Constructive Discharge in Violation of Public Policy

(Against DEFENDANTS TESLA ENERGY and TESLA)

55. PLAINTIFF incorporates herein by specific reference, as though fully set forth, the allegations in the foregoing paragraphs.

56. At all times relevant in this action, Article 1, Section 8 of the California Constitution and the California Fair Employment and Housing Act was in full force and effect, and was binding on DEFENDANTS. Article I, Section 8 of the Constitution, the California Fair Employment and Housing Act, and the public policy of the State of California based thereupon prohibit DEFENDANTS from discriminating against or harassing an employee because of race or gender, from retaliating against an employee because she protests harassment or discrimination, and from failing to take all reasonable steps necessary to prevent discrimination and harassment from occurring.

57. Each of the aforementioned statutes embodies a fundamental and well-established public policy in the State of California.

58. PLAINTIFF believes, and thereon alleges, that her race and gender were substantial motivating factors in DEFENDANTS' conduct, as set forth above, including but not limited to the constructive discharge of PLAINTIFF's employment. PLAINTIFF further alleges that DEFENDANTS retaliated against PLAINTIFF, including, but not limited to, by constructively discharging her employment, because she opposed DEFENDANTS' unlawful employment practices prohibited under the Fair Employment and Housing Act. Accordingly, PLAINTIFF was subject to working conditions by DEFENDANTS that violated public policy.

59. As a proximate result of DEFENDANTS' unlawful acts, practices, and omissions, PLAINTIFF has suffered monetary damages, humiliation, mental anguish, and physical and emotional distress, in an amount subject to proof at trial. PLAINTIFF claims such amount as damages together with prejudgment interest thereon pursuant to Civil Code §§ 3287, 3288 and/or any other applicable provision providing for prejudgment interest.

60. By engaging in the aforementioned unlawful acts, practices, and omissions, and by ratifying such acts, practices, and omissions, DEFENDANTS intended to cause injury to PLAINTIFF. DEFENDANTS' conduct was reckless, malicious, and despicable, and was carried on with a conscious and willful disregard of the rights and safety of others. Therefore, PLAINTIFF seeks an award of punitive damages, sufficient to punish DEFENDANTS and to serve as an example to deter similar conduct in the future, in an amount according to proof at trial, together with prejudgment interest thereon pursuant to Civil Code §§ 3287, 3288, and/or any other applicable provision providing for prejudgment interest.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF prays for judgment against DEFENDANTS as follows:

1. For compensatory damages on PLAINTIFF's economic losses, deprivation of civil rights, humiliation, physical anguish, and mental and emotional distress;

2. For injunctive relief permanently enjoining DEFENDANTS and their agents, employees and successors, and all persons in active conduct or participation with DEFENDANTS

1 from engaging in discriminatory and harassing practices;

2 3. For an award of punitive and exemplary damages on each cause of action as
3 permitted by law;

4 4. For interest accrued to date pursuant to Civil Code §§ 3287, 3288, and/or and other
5 applicable provision providing for prejudgment interest;


6 5. For an award of reasonable attorneys' fees, costs, and expenses, pursuant to the
7 California Fair Employment and Housing Act, California Government Code § 12965, and all other
8 applicable statutes providing for attorneys' fees and costs; and

9 6. For such other relief as the Court may deem just and proper.

10 DATED: January 27, 2022

Respectfully submitted,

11 **MATERN LAW GROUP, PC**

12
13 By: 
14 MATTHEW J. MATERN
15 JOSHUA D. BOXER
16 COREY B. BENNETT
17 CLARE E. MORAN
18 Attorneys for Plaintiff
19 SHANEL DICKSON
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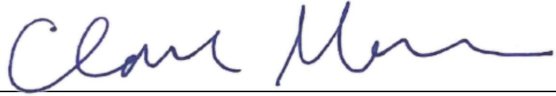
1 **DEMAND FOR JURY TRIAL**

2 PLAINTIFF hereby demands a jury trial with respect to all issues triable of right by jury.

3
4 DATED: January 27, 2022

Respectfully submitted,

5 **MATERN LAW GROUP, PC**

6
7 By: 
8 MATTHEW J. MATERN
9 JOSHUA D. BOXER
10 COREY B. BENNETT
11 CLARE E. MORAN
12 Attorneys for Plaintiff
13 SHANEL DICKSON
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