

1 John R. Coniglio, Esq. State Bar No. 210342  
LAW OFFICES OF JOHN R. CONIGLIO  
2 490 Calle Principal  
Monterey, CA 93940  
3 Tel.: (831) 373-3151  
Fax: (831) 373-3157  
4 [john@conigliolawyer.com](mailto:john@conigliolawyer.com)

5 Daniel D. Hollingsworth, State Bar No. 304617  
HOLLINGSWORTH LAW FIRM  
6 550 Figueroa Street, Suite F  
Monterey, CA 93940  
7 Tel. (831) 920-0777  
Fax. (831) 920-0840  
8 [daniel@hollingsworthlegal.com](mailto:daniel@hollingsworthlegal.com)

9 Attorneys for Plaintiff, JANE DOE

10 **SUPERIOR COURT OF CALIFORNIA**  
11 **COUNTY OF SANTA CLARA**  
12 **(UNLIMITED CIVIL)**  
13

14 JANE DOE,

15 Plaintiff,

16 vs.

17 CHP LIEUTENANT KERMIT EDWARDS,  
18 an individual; CALIFORNIA HIGHWAY  
PATROL; and DOES 1-20, inclusive,

19 Defendants.  
20  
21  
22

Case No.:

COMPLAINT FOR:

1. Sexual Battery;
2. Battery;
3. Workplace Environment Harassment;
4. Failure to Prevent Harassment;
5. Negligent Supervision and Retention;
6. Retaliation
7. Violation of the Ralph Civil Rights Act;
8. Bane Civil Rights Act;
9. Retaliation for Whistleblowing; and
10. Intentional Infliction of Emotional Distress.

DEMAND FOR JURY TRIAL

23  
24 Plaintiff JANE DOE (“Plaintiff”) comes now for her Complaint against  
25 Defendants CHP LIEUTENANT KERMIT EDWARDS (“Edwards”) and CALIFORNIA  
26 HIGHWAY PATROL (“CHP”).  
27

1 **I. GENERAL AND JURISDICTIONAL ALLEGATIONS**

2 1. At all times relevant herein, Plaintiff JANE DOE was an adult and resident of  
3 Santa Clara County, California. Plaintiff is a Navy veteran and has been an employee of  
4 California Highway Patrol since January 22, 1996.

5 2. At all times relevant herein, CHP Lieutenant Kermit Edwards was an employee  
6 of the California Highway Patrol and is presently a resident of Alameda County,  
7 California, and is retired from CHP.

8 3. Defendant California Highway Patrol is, and at all times mentioned herein is a  
9 state law enforcement agency of the United States, State of California.

10 4. DOES 1-25 are persons, partnerships, corporations and/or associations subject  
11 to suit in a common name whose true identities are unknown and who may be  
12 responsible, in whole or in part, for the events and happenings referred to herein and  
13 legally caused the damages alleged by Plaintiff in this Complaint. Plaintiff will seek to  
14 amend this Complaint to set forth the true names and capacities of any of the DOE  
15 Defendants when their identities become known to Plaintiff.

16 5. At all times material herein, each of the defendants was the agent, employee or  
17 representative of each of the remaining defendants, and in doing the things alleged herein,  
18 was acting within the scope of such agency, employment, or representation.

19 6. The actions, damages and losses that give rise to this Complaint were  
20 committed or occurred in the County of Santa Clara, California. Venue is therefore  
21 proper in this Court.

22 **II. FACTUAL ALLEGATIONS RELEVANT TO ALL CLAIMS**

23 7. Plaintiff re-alleges and incorporates by reference each and every allegation  
24 contained in the paragraphs above, as though fully set forth herein.

25 8. At all times relevant herein, Plaintiff was employed as an office Services  
26 Supervisor II with the CHP in the office located at 2020 Junction Ave, San Jose, CA  
27

1 95131 (“San Jose Office”).

2 9. In or about March of 2017, Defendant Edwards transferred to the San Jose  
3 Office.

4 10. On information and belief, Defendant Edwards had a history of sexual  
5 harassment against female coworkers, of which managers at CHP were aware prior to and  
6 after his transfer to the San Jose Office. Between February and March of 2017, Plaintiff  
7 received warnings from CHP employees who had worked with Defendant Edwards prior  
8 to his transfer informing Plaintiff that he was a problem in the office and that she should  
9 stay away him. One Lieutenant informed Plaintiff that Defendant Edwards did not  
10 respect personal boundaries and would attempt to harass her and solicit a sexual  
11 relationship with her. Plaintiff is informed and believes that this Lieutenant also warned  
12 other employees at the San Jose Office of the same thing, as did another Lieutenant at the  
13 San Jose Office.

14 11. Shortly after he began working at the San Jose Office, Defendant Edwards  
15 initiated what would be a pattern of harassing conduct sexual in nature against Plaintiff.

16 12. In one of their first interactions, and prior to his arrival to the San Jose Office,  
17 Defendant Edwards emailed Plaintiff and called her “honey-buns”, and said words to the  
18 effect of “you and I are made from the same cloth and are going to get along better than  
19 you think.” CHP Lieutenant George Gori saw this email shortly after it was sent.

20 13. On one occasion shortly after his transfer, Defendant Edwards put his arms  
21 around Plaintiff’s shoulders and said, “Do you always dress like this?” He also asked her  
22 if she was “looking for a man?” This occurred in or about April of 2017.

23 14. In or about May of 2017, Defendant Edwards approached Plaintiff at her desk,  
24 pointed to a picture of her husband, and asked if she “fucked [her] husband”.

25 15. In or about June of 2017, Defendant Edwards approached Plaintiff and asked  
26 her if “her pussy was made of gold”. He also asked her if she had “ever fucked a black  
27

1 guy”. Several other employees at the San Jose Office saw this interaction.

2 16. In or about July of 2017, Plaintiff drove Defendant Edwards to drop off his car  
3 in Redwood City, California. During the drive, Defendant Edwards placed his hand on  
4 her upper thigh. Although Plaintiff did not report this behavior, one Sergeant and one  
5 Lieutenant told Plaintiff that they were concerned that Plaintiff was driving Defendant  
6 Edwards, and informed her that she did not need to drive him in the future.

7 17. Plaintiff is informed and believes that her supervisors were aware of the  
8 sexual harassment by Defendant Edwards and were trying to protect her, but they failed to  
9 file any internal complaints against Mr. Edwards or take administrative remedial  
10 measures against him on the matter. One Lieutenant attempted to report the behavior to  
11 CHP Captain Ceto Ortiz.

12 18. Throughout May-July of 2017, Defendant Edwards continued to constantly  
13 make comments to Plaintiff of a sexual nature. Two Sergeants witnessed some of the  
14 above acts by Defendant Edwards, and asked Plaintiff if she was okay.

15 19. On two occasions Defendant Edwards showed Plaintiff pictures of a naked  
16 woman on his phone saying words to the effect of “see how many women want me?”

17 20. In or about October of 2017, Defendant Edwards called Plaintiff while she  
18 was driving. He asked if she was alone. When she responded “yes” he told her to pull  
19 her car over so they could talk in private. Defendant Edwards told Plaintiff that if she did  
20 not do what he told her, that someone would write an anonymous letter and that he was  
21 trying to prevent that from happening. Defendant Edwards asked Plaintiff if she was  
22 having sexual relations with another co-worker, and asked if he “had a big dick”.

23 Defendant also threatened that anonymous letters would be sent to management about  
24 Plaintiff and the other co-worker he had inquired about. Plaintiff told Defendant Edwards  
25 that he was scaring her, which he was. Defendant Edwards told Plaintiff not to tell  
26 anyone about the phone call. Out of fear, she refrained from reporting the incident or any  
27

1 of his sexual harassment to management.

2 21. Between the years of 2017 and 2019, Defendant Edwards continued sexually  
3 harassing Plaintiff and had directly propositioned Plaintiff for sex several times.

4 22. Approximately two months after the above-conversation, an anonymous letter  
5 was sent to Plaintiff's manager stating that Plaintiff and the co-worker were running a  
6 business together during work hours at CHP. The truth was that Plaintiff and her co-  
7 worker had attempted to start a private investigation business in their off hours. They had  
8 disclosed this business to CHP, and had filled out all appropriate forms and received  
9 approval from CHP.

10 23. In or about May of 2018, Plaintiff was called into the Captain Ceto Ortiz's  
11 office at the San Jose Office to discuss the anonymous letter. Plaintiff informed Captain  
12 Ortiz that she knew who wrote the letter, and disclosed that Defendant Edwards had  
13 threatened her that he was going to send it. Plaintiff informed Captain Ortiz that  
14 Defendant Edwards wanted more than a professional relationship. Neither Captain Ortiz  
15 nor any other manager at CHP took any action to investigate Defendant Edwards for this  
16 hostile and retaliatory act.

17 24. As of about May of 2018, Plaintiff had not disclosed the sexual harassment by  
18 Defendant Edwards to her supervisors, as she still feared further negative repercussions  
19 by Defendant Edwards and more anonymous letters being sent to her supervisors and  
20 management at CHP. She did not believe that CHP management was or would protect  
21 her from Defendant Edwards.

22 25. Defendant Edwards did not stop his harassing behavior after sending the  
23 anonymous letter. He informed Plaintiff that he was protected by Amanda Ray, who was  
24 upper management at CHP and would eventually become the Commissioner. Defendant  
25 Edwards showed Plaintiff that he had Amanda Ray's personal telephone number on his  
26 phone. This frightened Plaintiff further and caused her to refrain from disclosing  
27

1 Defendant Edward's harassment to any third parties.

2           26. In or about July of 2018, Captain Ortiz called Plaintiff into his office. He  
3 informed her that Defendant Edwards was performing poorly as the Field Lieutenant and  
4 wanted to move him to Administrative Lieutenant, which would him Plaintiff's direct  
5 manager. Plaintiff informed Captain Ortiz that it would make her job difficult because  
6 Defendant Edwards wanted more from Plaintiff than a working relationship. Despite  
7 Plaintiff's advisement to Captain Ortiz, Defendant Edwards was made Administrative  
8 Lieutenant.

9           27. After he was made Administrative Lieutenant, the harassment continued. At  
10 one staff meeting, Defendant Edwards texted Plaintiff that he "could see [her] titties".

11           28. In or about April of 2019, CHP Captain Jason Reardon transferred to the San  
12 Jose Office. Captain Reardon had a reputation for holding officers accountable in the  
13 work-place.

14           29. After receiving negative performance reviews from Captain Reardon,  
15 Defendant Edwards requested a transfer from the San Jose Office in or about August of  
16 2019. Even though Defendant Edwards transferred, Plaintiff still feared that he would  
17 send another anonymous letters to punish her if she revealed his conduct to her  
18 supervisors. She was correct. Plaintiff is informed and believes that between about  
19 October of 2019 to about November of 2020, four additional anonymous letters were sent  
20 to the San Jose Office about Plaintiff, Captain Reardon and others.

21           30. In or about December of 2020, another anonymous letter was sent to upper  
22 management at CHP alleging that Captain Reardon was a racist, and also repeating the  
23 allegation that Plaintiff was running a business with a co-worker during work hours for  
24 CHP, and was engaged in an sexual relationship with a co-worker.

25           31. In or about November of 2020, Amanda Ray became the CHP Commissioner.  
26 In or about February of 2021, Commissioner Ray ordered an investigation into the  
27

1 allegation that Plaintiff and her co-worker were running a business on CHP time. The  
2 CHP opened an investigation in about March of 2021 into Plaintiff and her co-worker as a  
3 result of the letter being sent.

4 32. In or about October of 2021, Plaintiff was interrogated regarding the alleged  
5 improper act of running a business during work hours. At this time Plaintiff advised the  
6 interrogators of Defendant Edward's sexual harassment, and also of his threats of  
7 retaliation. Plaintiff conveyed that she believed that the anonymous letters were from  
8 Defendant Edwards and in retaliation of Plaintiff's perceived transgression of rebuffing  
9 his many sexual advances and solicitations. Either no action was taken against Defendant  
10 Edwards based on Plaintiff's statements, or Plaintiff was not notified that CHP was  
11 initiating an investigation into Defendant Edwards.

12 33. On November 1, 2021, Plaintiff interviewed for the position of Staff Services  
13 Analyst position with the Golden Gate Division's Commercial Operations Unit. This  
14 position would have been a promotion with a pay increase. Plaintiff was very qualified  
15 for the position and received numerous recommendations within CHP management.  
16 Plaintiff was praised for her interview, and was told that she was the most qualified  
17 candidate for the job. She was also told that she should expect receiving an offer for the  
18 job. Plaintiff is informed and believes that she did not receive this promotion as a result  
19 of Defendant Edwards' anonymous letters and because she had informed CHP  
20 investigators of his harassment. While Plaintiff believed at that time that the denial of the  
21 promotion was in retaliation for revealing Defendant Edwards' conduct, she feared taking  
22 any further action to challenge the denial and raise this issue based on Defendant  
23 Edward's threats against her and her co-workers.

24 34. In or about December of 2021, CHP received an anonymous letter written in  
25 favor of Plaintiff reciting the sexual harassment by Defendant Edwards against Plaintiff.  
26 An internal investigation was thereafter initiated in about January of 2022, and during the  
27

1 scope of that investigation Plaintiff again disclosed all facts regarding Defendant  
2 Edward’s harassment. When Defendant Edwards was threatened with interrogation, he  
3 retired rather than be questioned in about March of 2022. Plaintiff was interviewed  
4 regarding this investigation. Plaintiff was not informed by CHP as to whether there were  
5 any findings into the investigation regarding the sexual harassment claims, or whether the  
6 investigation concluded or simply ceased following Defendant Edward’s resignation.

7 35. During the various investigations, it was discovered that on one occasion  
8 Plaintiff had accessed the CLETS system at the San Jose Office for personal purposes. A  
9 15-day suspension without pay was recommended for Plaintiff’s misuse of the CHP  
10 computer. The disciplinary response was extremely unusual, as other similar violations  
11 by other employees resulted in a suspension of one to three days.

12 36. Plaintiff objected to the fifteen-day suspension as the original investigation  
13 which revealed her improper use of the CHP computer occurred in the years preceding.

14 37. On May 10, 2022, a “Notice of Adverse Action” was issued to Plaintiff  
15 assessing a fifteen-day suspension for her improper use of the CHP computer. Plaintiff  
16 was served with this notice on May 11, 2022. A true and correct copy of said Notice of  
17 Adverse Action is attached hereto as Exhibit “A” and incorporated herein by reference.

18 38. On May 16, 2022, Plaintiff had an informal discussion with CHP Captain C.E.  
19 Oliver wherein she alleged that the discovery of her use of the CLETS system occurred  
20 during an investigation which lasted between January and late April of 2021. The fifteen-  
21 day suspension was issued over one year after the investigation concluded.

22 39. Plaintiff’s Union Representative and Captain Reardon both informed the  
23 Golden Gate Division Chief and Internal Investigations that the suspension was a  
24 violation of CHP internal policy as it fell outside of the one-year window for  
25 implementation of disciplinary actions after discovery.

26 40. The Public Safety Officers Procedural Bill of Rights Act (POBR) specifies  
27

1 elements of procedural rights that must be afforded to “public safety officers.”  
2 Department policy for CHP extends the rights under the POBR to all employees with the  
3 exception of cadets. As a CHP employee and not a cadet, Plaintiff is therefore afforded  
4 rights under the POBR.

5 . Pursuant to Government Code, Section 3304(d) states in pertinent part,  
6 “no punitive action, nor denial of promotion on grounds other than merit,  
7 shall be undertaken for any act, omission, or other allegation of misconduct  
8 if the investigation of the allegation is not completed within one year of the  
9 public agency's discovery by a person authorized to initiate an investigation  
10 of the allegation of an act, omission, or other misconduct.”

11 41. On May 16, 2022, CHP Captain C.E. Oliver issued a Memorandum  
12 describing Plaintiff’s discussion with Captain Oliver and her contention that the  
13 suspension was improper as it violated the one-year limitation for disciplinary action set  
14 forth in Government Code, Section 3304(d). The Memorandum concluded, “The ability  
15 to vacate the discipline taken by the Department does not exist at my level and I am  
16 unable to grant the requested remedy you have offered. In closing, I thank you for giving  
17 me the opportunity to address your concerns.”

18 42. Plaintiff is informed and believes that several persons contacted Internal  
19 Affairs on Plaintiff’s behalf to lessen the disciplinary action as it was acknowledged as  
20 excessive. Plaintiff is informed and believes that Internal Affairs stated that the  
21 Commissioner’s office insisted that Plaintiff’s fifteen-day suspension remain in place.

22 43. To date, Plaintiff has not been provided with any notifications that there was  
23 any investigation into the allegations of sexual harassment Plaintiff provided to her  
24 employer regarding Defendant Edwards. Plaintiff reasonably believed that an  
25 investigation would be timely conducted into the allegations of sexual harassment she  
26 revealed on October 26, 2021. Plaintiff relied on CHP’s policies that an investigation  
27 would in fact be conducted once they were put on notice of her claims. To date, no  
28 information has been provided to Plaintiff regarding her allegations of harassment.

1 Plaintiff's reliance on CHP to conduct an investigation was reasonable and made in good  
2 faith.

3 44. Plaintiff feared retaliation of any complaints made against Defendant Edwards  
4 and/or CHP because of Defendant Edwards threats to have damaging anonymous letters  
5 written against Plaintiff and her co-workers. Plaintiff not only feared making complaints  
6 to her supervisors at CHP, but she feared taking any affirmative legal action against  
7 Defendants Edwards or CHP. These fears were realized when Defendant CHP instituted  
8 an investigation into her after she had reported Defendant Edwards to CHP investigators,  
9 and were further realized when Defendant CHP instituted disciplinary actions against her  
10 that she was advised were procedurally deficient as the time to take such actions had  
11 passed. It was only after receiving the "Notice of Adverse Action" on May 11, 2022 that  
12 Plaintiff was able to overcome her fear of the threats by Defendant Edwards and decided  
13 she needed to take legal action against both him and Defendant CHP to protect her rights.

14 45. A defendant whose threats have caused plaintiff to delay filing suit (or filing a  
15 governmental tort claim) may be estopped from raising the delay as a defense. (*John R. v.*  
16 *Oakland Unified School Dist.* (1989) 48 Cal.3d 438, 445.) Here, both Defendant  
17 Edwards and Defendant CHP are estopped from contending, and have waived any right to  
18 contend that any of the causes of action set forth herein are barred by the applicable  
19 statute of limitations based on Defendant Edwards' threats against Plaintiff that he would  
20 retaliate against her and her co-workers, which she believed and caused her to refrain  
21 from seeking legal assistance to seek affirmative relief through the California Judicial  
22 System. At the time the threats were made, Defendant Edwards was an employee of  
23 Defendant CHP. CHP management was even made aware of these threats, yet took no  
24 action against Defendant Edwards, leading Plaintiff to believe that they would not protect  
25 her.

26 46. On or about September 20, 2022, Plaintiff received correspondence from  
27

1 Defendant CHP stating that the Notice of Adverse Action had been rescinded. A true and  
2 correct copy of the correspondence is attached hereto as Exhibit “B” and incorporated  
3 herein by reference.

4 47. On October 7, 2022, Plaintiff mailed a Government Claim Form with a check  
5 in the amount of \$25.00 to the Government Claims Program, Office of Risk and  
6 Insurance Management. A copy of the Government Claim Form is attached hereto as  
7 Exhibit “C”. A true and correct copy of the receipt for the mailing is attached hereto as  
8 Exhibit “D”. The mailing was confirmed delivered on October 10, 2022. The check was  
9 cashed on October 25, 2022. A true and correct copy of the cancelled check is attached  
10 hereto as Exhibit “E”. No response, including but not limited a rejection notice was  
11 provided to Plaintiff within forty-five days of receipt on October 10, 2022 or afterwards.

12 48. On November 9, 2022, Plaintiff filed a complaint with the California Civil  
13 Rights Department against Defendants Edwards and CHP, and obtained a “Right to Sue”  
14 letter. A true and correct copy of the Right to Sue letter is attached hereto as Exhibit “F”  
15 and incorporated herein by reference.

16  
17 **FIRST CAUSE OF ACTION**

18 **SEXUAL BATTERY (Civil Code Section 1708.5)**

19 (Plaintiff vs. Defendant Edwards)

20 49. Plaintiff re-alleges and incorporates by reference each and every allegation  
21 contained in the paragraphs above, as though fully set forth herein.

22 50. In doing the acts described above, Defendant Edwards acted with intent to  
23 make an offensive contact with Plaintiff.

24 51. Defendant Edwards did in fact bring himself into offense and unwelcome  
25 contact with Plaintiff as described above. At all relevant times, Plaintiff found this  
26 contact to be offensive to her person and dignity.





1 work environment to be hostile, intimidating, offensive, oppressive or abusive.

2 65. Plaintiff considered the work environment to be hostile, intimidating,  
3 offensive, oppressive or abusive.

4 66. Defendant CHP is strictly liable for Defendant Edwards' sexual harassment  
5 because Defendant Edwards was a supervisor at all relevant times. Defendant Edwards  
6 had authority to direct Plaintiff's work activities and had influence over her work  
7 assignments, schedule, responsibilities, and discipline.

8 67. Defendant CHP knew of Defendant Edwards' conduct, yet failed to take  
9 immediate and appropriate corrective action. CHP's failure to take immediate and  
10 appropriate corrective action was a substantial factor in causing Plaintiff's harm.

11 68. As a direct result of Defendant Edwards' sexual harassment, including sexual  
12 battery, Plaintiff has suffered and will continue to suffer pain, extreme and severe mental  
13 anguish and emotional distress. Plaintiff has incurred and will continue to incur medial  
14 expenses and other incidental expenses. She has suffered a loss of job opportunities.  
15 Plaintiff is thereby entitled to general and compensatory damages in amounts to be proven  
16 at trial.

17 69. Defendant CHP had knowledge that Defendant Edwards were likely to inflict  
18 injury on Plaintiff but continued to employ him with conscious disregard for Plaintiff's  
19 rights or safety, justifying an award of exemplary and punitive damages.

20 70. Plaintiff has filed a complaint with the California Department of Fair  
21 Employment and Housing, and has obtained a Right to Sue letter pursuant to Government  
22 Code, § 12900 et seq., and § 12965(b). A copy of said letter is attached hereto as Exhibit  
23 "F" and incorporated herein by reference.

24 WHEREFORE, Plaintiff Prays for Relief as Requested Below.

25 ///

26 ///

1 **FOURTH CAUSE OF ACTION**

2 **FAILURE TO PREVENT HARASSMENT (Gov. Code, § 12940(k))**

3 (Plaintiff vs. Defendant CHP)

4 71. Plaintiff re-alleges and incorporates by reference each and every allegation  
5 contained in the paragraphs above, as though fully set forth herein.

6 72. Defendant CHP failed to take immediate preventative and corrective steps  
7 reasonably calculated to prevent Plaintiff's sexual harassment.

8 73. As an actual and proximate result of Defendant CHP's conduct, Plaintiff has  
9 suffered and continue to suffer emotional distress, including but not limited to  
10 humiliation, embarrassment, anger, and worry, all of which is substantial and continues to  
11 the present.

12 74. Defendant CHP failed to express strong disapproval of sexual harassment,  
13 inform and explain to Plaintiff its policies against sexual harassment and what procedures  
14 were available to report harassment to Defendant CHP and/or about Plaintiff's legal  
15 rights to a harassment-free workplace, or develop appropriate sanctions for those who  
16 commit sexual harassment.

17 75. Defendant CHP knew and/or should have known of the sexual harassment by  
18 Defendant Edwards. Defendant CHP was informed of the harassing conduct of  
19 Defendant Edwards and ratified, approved, and authorized that conduct. Defendant CHP  
20 failed to take preventative actions to avoid that conduct, and subsequently failed to stop  
21 and/or further prevent the same conduct.

22 76. Prior to the incidents alleged herein, Defendant CHP failed to provide to its  
23 supervisory employees, including but not limited to Defendant Edwards, effective  
24 training and education regarding sexual harassment and retaliation, the prohibition against  
25 and the prevention and correction of sexual harassment, and the remedies available to  
26 victims of sexual harassment; all in violation of its duties as an employer under Gov't  
27

1 Code § 12950.1.

2 77. Defendant CHP's failure to take all reasonable steps to prevent sexual  
3 harassment was a substantial factor in causing Plaintiff's harm.

4 78. Defendant CHP's actions as described above were done with oppression,  
5 fraud, and/or malice and in reckless disregard of Plaintiff's rights under FEHA, justifying  
6 an award of exemplary and punitive damages.

7 WHEREFORE, Plaintiff Prays for Relief as Requested Below.

8  
9 **FIFTH CAUSE OF ACTION**

10 **NEGLIGENT SUPERVISION AND RETENTION IN VIOLATION OF FEHA**

11 (Plaintiff vs. Defendant CHP)

12 79. Plaintiff re-alleges and incorporates by reference each and every allegation  
13 contained in the paragraphs above, as though fully set forth herein.

14 80. Defendant CHP hired Defendant Edwards and employed them in supervisory  
15 roles.

16 81. Defendant Edwards became unfit to perform the work for which he was hired  
17 because he engaged in sexually harassing conduct of his subordinates, up to and including  
18 sexual harassment and sexual battery.

19 82. Defendant CHP knew or reasonably should have known that Defendant  
20 Edwards was engaging in unlawful employment practices described herein, and that  
21 allowing him to remain in his role created a risk to women employees at CHP.

22 83. As described above, Defendant Edwards unfitness harmed Plaintiff.

23 84. Defendant CHP's negligence in supervising and retaining Defendant Edwards  
24 was a substantial factor in causing Plaintiff's harm.

25 WHEREFORE, Plaintiff Prays for Relief as Requested Below.

1 **SIXTH CAUSE OF ACTION**

2 **RETALIATION IN VIOLATION OF FEHA, GOV'T CODE § 12940, et seq.**

3 (Plaintiff vs. Defendant CHP)

4 85. Plaintiff re-alleges and incorporates by reference each and every allegation  
5 contained in the paragraphs above, as though fully set forth herein.

6 86. Plaintiff reported Defendant Edwards' sexual harassment to CHP.

7 87. In response to Plaintiff's complaint, Defendant CHP subjected her to adverse  
8 employment actions, including disciplinary actions that were unjustified as the time in  
9 which they were able to institute such actions had lapsed. On information and belief,  
10 Defendant CHP also denied Plaintiff a promotion based on her revealing Defendant  
11 Edwards' sexual harassment to CHP investigators.

12 88. Defendant CHP's actions were adverse employment actions because they  
13 materially and adversely affected the terms, conditions, or privileges of Plaintiff's  
14 employment and were reasonably likely to impair Plaintiff's job performance and  
15 prospects for advancement or promotion.

16 89. Plaintiff's complaint about Defendant Edwards was a substantial motivating  
17 reason for Defendant CHP's decision to take these adverse actions.

18 90. Plaintiff was harmed by Defendant CHP's actions, and Defendant CHP's  
19 actions were a substantial factor in causing Plaintiff's harm. As a direct and proximate  
20 result of Defendant CHP's willful, knowing, and intentional discrimination against  
21 Plaintiff, she has suffered and will continue to suffer pain, extreme and severe mental  
22 anguish and emotional distress. Plaintiff has incurred and will continue to incur medical  
23 expenses and other incidental expenses. She has suffered a loss of earnings and other  
24 employment benefits and job opportunities. She is therefore entitled to general and  
25 compensatory damages in amounts to be proven at trial.

26 91. On information and belief, the outrageous conduct described above was done  
27

1 with fraud, oppression, and/or malice and in reckless disregard of Plaintiff’s rights under  
2 FEHA. Defendant CHP’s officers, managing agents, and/or supervisors authorized,  
3 condoned, and/or ratified such outrageous conduct, justifying an award of exemplary and  
4 punitive damages.

5 WHEREFORE, Plaintiff Prays for Relief as Requested Below.

6  
7 **SEVENTH CAUSE OF ACTION**

8 **VIOLATION OF CIVIL CODE § 51.7 & 52 (RALPH CIVIL RIGHTS ACT)**

9 (Plaintiff vs. Defendants Edwards and CHP)

10 92. Plaintiff re-alleges and incorporates by reference each and every allegation  
11 contained in the paragraphs above, as though fully set forth herein.

12 93. Civil Code Section 51.7, the Ralph Civil Rights Act, provides that “all persons  
13 within the jurisdiction of this state have the right to be free from any violence, or  
14 intimidation by threat of violence, committed against their persons” on account of gender.

15 94. Defendants committed acts of gender violence against the Plaintiff by  
16 committing a physical intrusion or physical invasion of a sexual nature, or threatening  
17 such, under coercive conditions as set forth above.

18 95. Additionally, Civil Code Section 52 establishes liability for those who aid,  
19 incite or conspire to deny Plaintiff’s the rights guaranteed by Section 51.7. Defendant  
20 CHP aided, incited, or conspired to deny Plaintiff her rights guaranteed by Civil Code  
21 Section 51.7 in that they knew or should have known that Defendant Edwards engaged  
22 and were continuing to engage in physical and/or verbal sexual harassment of the Plaintiff  
23 and other women employed at CHP. By failing to take any prompt effective action to halt  
24 these violations, Defendant CHP aided the continued violations of the Plaintiff’s rights.

25 96. As a direct and proximate result of these acts, omissions and ratifications,  
26 Plaintiff has suffered and will continue to suffer pain and suffering, extreme and severe  
27

1 mental anguish and emotional distress, and they will incur medical expenses for treatment  
2 by psychotherapists and other health professionals and for other incidental expenses.  
3 Plaintiff is thereby entitled to general and compensatory damages in amounts to be proven  
4 at trial.

5 97. Defendants' conduct was malicious and oppressive, and done with a conscious  
6 disregard of Plaintiff's rights. Plaintiff is entitled to punitive damages from all  
7 Defendants in an amount to be determined at trial. Plaintiff is also entitled to treble  
8 damages and statutory damages as provided by Civil Code Section 51.7.

9 WHEREFORE, Plaintiff Prays for Relief as Requested Below.

10  
11 **EIGHTH CAUSE OF ACTION**

12 **CIVIL CODE § 52.1 (BANE CIVIL RIGHTS ACT)**

13 (Plaintiff vs. Defendants Edwards and CHP)

14 98. Plaintiff re-alleges and incorporates by reference each and every allegation  
15 contained in the paragraphs above, as though fully set forth herein.

16 99. Civil Code Section 52.1, the Bane Civil Rights Act, establishes the liability of  
17 "a person or persons, whether or not acting under color of law, [who] interferes by threat,  
18 intimidation, or coercion, or attempts to interfere by threat, intimidation, or coercion, with  
19 the exercise or enjoyment by any individual or individuals of rights secured by the  
20 Constitution or laws of the United States, or of the rights secured by the Constitution or  
21 laws of this state."

22 100. Plaintiff had and have a right to a workplace free from harassment based on  
23 gender under the laws and Constitution of the State of California.

24 101. Defendants' actions and omissions set forth herein, through the use of  
25 threats, intimidation and/or coercion, interfered with and/or attempted to interfere with  
26 Plaintiff's rights to be free of harassment and battery based on their gender.



1 Defendants, were in violation of laws that required that they be provided a workplace free  
2 from sexual harassment. The laws violated, included, but were and are not limited to,  
3 Article 1, Section 8 of the California Constitution, California Civil Code Section 51.7,  
4 52.1, and 1708.5, and FEHA.

5 108. Following Plaintiff's protected activity, Defendant CHP retaliated against  
6 Plaintiff as set forth above, including but not limited to making the environment hostile  
7 by refusing to take action to stop the harassment and instituting disciplinary charges  
8 against Plaintiff that were not authorized, and denial of a promotion.

9 109. Plaintiff's protected activity was a motivating reason for Defendant CHP's  
10 retaliatory conduct.

11 110. Defendant CHP's retaliatory conduct was in violation of Cal. Govt. Code  
12 § 1102.5(b).

13 111. As a direct and legal result of Defendants' willful, wanton, intentional,  
14 outrageous, and malicious conduct, Plaintiff suffered severe and extreme mental and  
15 emotional distress, the exact nature and extent of which is not presently known to them.  
16 Plaintiff does not at this time know the exact duration or permanence of said injuries but  
17 are informed and believe, and on that basis allege, that some of the injuries are reasonably  
18 certain to be permanent in character.

19 112. As a result of Defendants' actions, and each of them, Plaintiff has been  
20 directly and proximately caused to suffer damages as alleged herein.

21 113. Defendant CHP's actions were willful, intentional, malicious, oppressive,  
22 and despicable, and Defendants acted with willful and conscious disregard for Plaintiff's  
23 rights. Plaintiff is therefore also entitled to punitive and/or exemplary damages in an  
24 amount to be proven at trial.

25 114. As a direct and further proximate result of the above violations of her rights,  
26 Plaintiff has suffered damages in the form of past and future wage loss, other pecuniary  
27

1 losses, and emotional distress in an amount to be proven at trial.

2 WHEREFORE, Plaintiff Prays for Relief as Requested Below.

3  
4 **TENTH CAUSE OF ACTION**

5 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

6 (Plaintiff vs. Defendant Edwards and CHP)

7 115. Plaintiff re-alleges and incorporates by reference each and every allegation  
8 contained in the paragraphs above, as though fully set forth herein.

9 116. Defendant's conduct was outrageous.

10 117. Defendants intended to cause Plaintiff emotional distress, or acted with a  
11 reckless disregard to the probability that Plaintiff would suffer emotional distress,  
12 knowing that Plaintiff was present when the conduct occurred.

13 118. Plaintiff suffered severe emotional distress.

14 119. Defendants' conduct was a substantial factor in causing Plaintiff severe  
15 emotional distress.

16 120. As the result of Defendants' actions, Plaintiff suffered extreme emotional  
17 distress, including but not limited to extreme anxiety, and ongoing emotional distress.

18 121. Under Civil Code, § 3294, Defendants are liable for punitive damages for the  
19 sake of example and by way of punishing them, because they are guilty of recklessness,  
20 oppression, fraud and malice in the commission of the above-described egregious acts.

21 WHEREFORE, Plaintiff Prays for Relief as Requested Below.

22  
23 **PRAYER FOR RELIEF**


24 WHEREFORE, Plaintiff prays for judgment as follows:

- 25 1. Compensatory, special and general damages in an amount to be proven at  
26 trial, together with prejudgment interest thereon;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- 2. For emotional distress damages;
- 3. For treble damages;
- 4. For punitive damages against Defendants, and each of them;
- 5. For injunctive relief, including but not limited to directing Defendant CHP to immediately take steps to prevent any current or future sexual harassment of and retaliation against Plaintiff;
- 6. For penalties for violation of Civil Code Sections 51.2 and 52.1;
- 7. For pre-judgment interest on all damages as allowed by law;
- 8. For costs of suit incurred herein;
- 9. For attorney's fees under existing law;
- 10. For such other and further relief as the Court may deem just and proper.

Dated: January 19, 2023

HOLLINGSWORTH LAW FIRM  
  
Daniel D. Hollingsworth, Esq.  
Attorney for Plaintiff, JANE DOE