

1 Benjamin Schonbrun SBN 118323  
 V. James DeSimone, SBN 119668  
 2 Supreeta Sampath, SBN 232190  
 SCHONBRUN DESIMONE SEPLow  
 3 HARRIS & HOFFMAN LLP  
 723 Ocean Front Walk  
 4 Venice, CA 90291  
 Telephone: (310) 396-0731  
 5 Fax: (310) 399-7040

6 Attorneys for Plaintiff, Sara Gonzalez

**CONFORMED COPY  
 OF ORIGINAL FILED**  
 Los Angeles Superior Court

APR 22 2009

John A. Clarke, Executive Officer/Clerk  
 By *[Signature]*, Deputy  
 DOROTHY SWAIN

7  
 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 9 FOR THE COUNTY OF LOS ANGELES

11 SARA GONZALEZ, an individual

12 Plaintiff,

13 vs.

14 ITT CORPORATION; GREG BEE, an  
 15 individual; JERRY JONES, an individual and  
 DOES 1 through 10, inclusive,

16 Defendants.

Case No. BC412253

**COMPLAINT FOR DAMAGES**

- I. Sexual Harassment in Violation of Gov. Code §12940(j)(1) [Fair Employment & Housing Act]
- II. Retaliation in Violation of Gov. Code §12940(h)
- III. Sexual Discrimination in Violation of Gov. Code §12940(a)
- IV. Failure to Prevent Sexual Harassment in Violation of Gov. Code §12940(k)
- V. Constructive Wrongful Termination and Retaliation in Violation of Public Policy
- VI. Intentional Infliction of Emotional Distress
- VII. Negligent Infliction of Emotional Distress
- VIII. Negligent Hiring, Retention and Supervision

**JURY TRIAL DEMANDED**

17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28  


---

 COMPLAINT FOR DAMAGES

1 Plaintiff Sara Gonzalez ("Plaintiff" or "Ms. Gonzalez") for her Complaint against  
2 Defendants ITT Corporation ("ITT"); Greg Bee ("Defendant" or "Bee"), an individual, Jerry  
3 Jones (Defendant or "Jones") and DOES 1 through 10, inclusive, alleges as follows:

4 SUMMARY

5 1. Plaintiff Sara Gonzalez, a 26-year old Air Force veteran, **was recruited to work**  
6 **by ITT while she resided in the State of California and signed a contract for one year**  
7 **employment prior to relocating to work in Afghanistan. Ms. Gonzalez** was expecting that  
8 when she agreed to work for ITT as an air traffic controller providing tactical and logistical  
9 support to the United States armed forces in Afghanistan, she would be given a further  
10 opportunity to serve her country by working in an environment that adhered to the highest  
11 standards of professionalism. Instead, she was subjected to a degrading and sexually hostile  
12 work environment that was condoned by her employer ITT. At a time when ITT officials and  
13 supervisors should have acted professionally with the goal of providing critical support to the  
14 U.S. Military, they engaged in reckless and illegal conduct which resembled an out-of-control  
15 college fraternity, instead of a disciplined professional organization.

16 2. As an air traffic controller, Ms. Gonzalez was tasked with harboring into safety  
17 multimillion dollar United States Military planes and overseeing the protection of American lives  
18 in Afghanistan. Unfortunately, her supervisors at ITT gave short shrift to these obligations and  
19 instead treated Ms. Gonzalez as a sex object to be mocked and leered at by her male supervisors  
20 and co-workers who repeatedly asked her for sexual favors and made sexually charged remarks  
21 to her at a time when she was doing her best to provide support for the US. Military. Not only  
22 was such conduct a clear violation of Ms. Gonzalez's right to work in an environment free of  
23 sexual harassment and discrimination, it placed the safety of the American military personnel at  
24 risk by making it difficult for air traffic controllers such as Ms. Gonzalez to focus on their job  
25 duties.

26 3. When Ms. Gonzalez refused the incessant sexual advances of her supervisor and  
27 co-workers, she was shunned and humiliated, labeled the "camp tramp" and a "slut" and  
28 subjected to bogus disciplinary charges. Indeed, in response to her complaints of sexual

1 harassment, Ms. Gonzalez was subjected to a vicious campaign of retaliation, which culminated  
2 in her supervisor sending a package of sex toys to her family in California in a final attempt to  
3 degrade and humiliate Ms. Gonzalez.

4 **JURISDICTION AND VENUE**

5 4. The Court has personal jurisdiction over the Defendants because they solicited  
6 Plaintiff in California to work for ITT. Upon information and belief, ITT, registered with the  
7 California Secretary of State, is an Indiana corporation doing business in the State of California.  
8 Further the Court has personal jurisdiction over Defendants because certain acts of harassment  
9 and retaliation by Defendants occurred in California. The Court has personal jurisdiction over  
10 Plaintiff because she is a resident of the state of California.

11 5. Venue is proper in this county in accordance with Section 395(a) of the California  
12 Code of Civil Procedure because Plaintiff entered into her contract for employment with ITT in  
13 Los Angeles County and because acts of harassment and retaliation occurred in Los Angeles  
14 County.

15 **EXHAUSTION OF REMEDIES**

16 6. Prior to the filing of this action, Plaintiff timely filed complaints with the  
17 Department of Fair Employment and Housing ("DFEH") alleging that the acts of Defendants  
18 established a violation of FEHA, Government Code Section 12900 et Seq. Plaintiff has received  
19 "right to sue" letters from the DFEH against each named Defendant and has timely brought this  
20 action thereafter.

21 **PLAINTIFF**

22 7. Plaintiff, Sara Gonzalez is a 26-year old woman. At all times relevant hereto, Ms.  
23 Gonzalez was employed by Defendants and/or DOES 1 through 10. During her tenure of  
24 employment, Ms. Gonzalez was subjected to sexual harassment, discrimination, retaliation and  
25 constructive wrongful termination based on her gender and complaints to her supervisors  
26 regarding such discrimination.

27 **DEFENDANTS**

28 8. ITT and DOES 1 through 10, and each of them, are, and at all relevant times

1 mentioned herein were, corporations or other business entities conducting and soliciting business  
2 in the State of California. At all relevant times mentioned herein, Defendants Greg Bee and  
3 Jerry Jones were Plaintiff's supervisors and managing agents of ITT.

4 9. The true names and capacities of Defendants named herein as DOES 1 through  
5 10, inclusive, whether individual, corporate, associate, or otherwise, are unknown to Plaintiff  
6 who therefore sues such defendants by such fictitious names. Plaintiff will amend this  
7 Complaint to show true names and capacities when they have been determined.

8 10. In doing the acts and things described in this Complaint, Bee and Jones were  
9 acting on behalf of and with the authority of ITT and/or DOES 1 through 10, and were acting in  
10 the course and scope of their employment. At all times mentioned herein, defendants, and each  
11 of them, were the agents, representatives, employees, successors, assigns, parents, subsidiaries  
12 and/or affiliates, each of the other, and at all times pertinent hereto were acting within the course  
13 and scope of their authority as such agents, representatives, employees, successors, assigns,  
14 parents, subsidiaries and/or affiliates.

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

16 **Defendant Bee's Acts of Sexually Inappropriate Comments Began In California.**

17 11. Plaintiff Sara Gonzalez is a 26-year old female resident of California. After being  
18 honorably discharged from the United State Air Force, Ms. Gonzalez forged a career as a  
19 civilian air traffic controller for the U.S. military. In April 2007, Ms. Gonzalez accepted a  
20 position with ITT to serve as a civilian Air Traffic Control Specialist at the Forward Operating  
21 Base, Salerno in Afghanistan ("FOB Salerno"). Ms. Gonzalez worked at FOB Salerno from on  
22 or about April 22, 2007 until her constructive discharge on or about November 30, 2007.

23 12. In or about March 2007 Defendant Bee began soliciting Ms. Gonzalez at her  
24 home in La Puente, California via the internet to work for ITT in Afghanistan. Several on-line  
25 exchanges took place between Bee and Ms. Gonzalez, including some in which Bee made  
26 flirtatious remarks to Ms. Gonzalez.

27 13. In his internet exchanges, Bee expressed his personal eagerness to have Plaintiff  
28 execute her employment contract and immediately leave California to join ITT in Afghanistan.

1 Ms. Gonzalez signed her employment contract and several other ITT employment documents in  
2 California.

3 **Bee Created and Encouraged a Sexually Charged Hostile Work Environment at**  
4 **ITT While Jones and ITT Contributed to and Condoned this Unlawful Conduct.**

5 14. Shortly after Ms. Gonzalez arrived at FOB Salerno, Bee began inappropriately  
6 telling Ms. Gonzalez about his sexual desires. Though Ms. Gonzalez never solicited or  
7 encouraged Bee's inappropriate sexual remarks and offensive behavior, she often found herself  
8 in an extremely awkward and uncomfortable situation with him. For example, Bee constantly  
9 told Ms. Gonzalez he wanted sex and repeatedly asked Ms. Gonzalez to "find me some pussy".

10 15. At least 2 to 3 times each week during her employment at ITT, Bee repeated his  
11 demeaning demand "for pussy" directly to Ms. Gonzalez. He made these statements either alone  
12 with Ms. Gonzalez or in front of other coworkers. In addition, Bee made it widely known with  
13 his staff that he sexually desired Ms. Gonzalez and wanted to have intercourse with her. Bee also  
14 voiced his increasing frustration that Ms. Gonzalez would not fulfill his sexual desires.

15 16. Ms. Gonzalez was also subjected to sexual harassment by her fellow male co-  
16 workers who degraded her with their sexually explicit requests and comments. One co-worker  
17 offered Ms. Gonzalez \$1,000 in exchange for intercourse. In or around June 2007, another co-  
18 worker Adam Hahn ("Hahn"), began maliciously calling Ms. Gonzalez the "camp tramp" or  
19 "slut" after it became clear she would not have sexual relations with him. For example, when an  
20 active duty military personnel asked Hahn where Plaintiff was, Hahn falsely declared, "Probably  
21 out giving a blow job." Upon learning of Hahn's statement, Plaintiff made a complaint to Bee.

22 17. Instead of putting an end to the hostile work environment immediately, Bee and  
23 Jones encouraged and condoned the sexually charged male fraternization at ITT. Upon  
24 information and belief, Plaintiff also alleges that Bee and Jones often mockingly referred to  
25 Plaintiff as the "camp tramp" when speaking about her to military or ITT personnel behind her  
26 back.

27 18. In or about August 2007, Hahn was asked by another ITT co-worker where Ms.  
28 Gonzalez was and why she did not socialize with Hahn and the co-worker. Once again, Hahn

1 remarked, "because she's probably out having sex". When Plaintiff became aware of this remark,  
2 she again reported the incident to Bee and Jones .

3 19. After complaining to Bee and Jones about her increasingly hostile work  
4 environment Plaintiff was subjected to further sustained hostility and degradation from her male  
5 co-workers and supervisors. In or around late June 2007, co-worker Cesar Corderro  
6 ("Corderro"), alluded that Ms. Gonzalez was the source of his sexually perverted thoughts.  
7 Corderro crudely informed Plaintiff while they were scheduled for the same shift, "I'm horny and  
8 need to go to my room to jerk off". Corderro then left the building on an unscheduled break and  
9 returned sometime later. Plaintiff was extremely uncomfortable working with Corderro but  
10 feared further retaliation should she complaint to Bee or Jones again.

11 20. Approximately one month later, Corderro divulged to Plaintiff, "If I could, I  
12 would sleep with you right here, right now!" Plaintiff refused his advances. Later that same  
13 week, Plaintiff left the air traffic control tower to use the restroom during a shift with Corderro.  
14 When she returned, she could not enter the tower because Corderro had completely locked her  
15 out. Despite her efforts to get Corderro to unlock the door, he refused. Humiliated, Plaintiff was  
16 forced to climb in through the window to resume her duty. That same day, Plaintiff met with the  
17 acting-supervisor to complain about the incident. When Corderro was asked why he locked Ms.  
18 Gonzalez out of the tower, he yelled, "Well someone has to teach her a lesson!"

19 **Plaintiff was Singled Out for Disciplinary Action Because She Refused to Have Sex**  
20 **with Bee.**

21 21. In or about October 2007, Plaintiff and another female co-worker Shelley Bruner  
22 had possession of the company vehicle known as "the mule". Employees were allowed to use  
23 the mule with permission during their time off. Inadvertently, on one occasion, Plaintiff and  
24 Bruner kept the mule longer than authorized. Plaintiff alone was given a written counseling for  
25 this incident.

26 22. Throughout Plaintiff's tenure in Afghanistan, Bee singled out Ms. Gonzalez in a  
27 disparate manner for reprimand regarding the mule and other alleged minor infractions. Upon  
28 information and belief, Bee did so because he was upset and frustrated that Ms. Gonzalez would

1 not have intercourse with him. Bee spared Plaintiff's co-workers from similar adverse treatment  
2 even when they engaged in more egregious violations of company policy.

3 23. Bee also provided other ITT co-workers with benefits that he did not provide to  
4 Ms. Gonzalez. For example, while Bee routinely granted each controller a minimum of a week  
5 early departure in order to get out of the dangerous region, Bee refused to provide Ms. Gonzalez  
6 this same benefit. Instead, when Ms. Gonzalez requested a one-week early departure date for her  
7 planned vacation, Bee became irate, yelled a series of profanities at Ms. Gonzalez and denied  
8 her the request.

9 **ITT Made Plaintiffs Working Conditions So Intolerable She Was Forced to Quit.**

10 24. In or around November 2007, Bee sent Ms. Gonzalez an email while she was on  
11 vacation in California giving her no choice but to resign. Among other things, the email falsely  
12 accused Plaintiff of being a "continue[d] . . . distraction and imposition to the rest of the team".  
13 The email was a clear ruse to force Plaintiff to quit; Bee provided Plaintiff an attachment that he  
14 threatened to submit (should she return to FOB Salerno) to Jones containing a recommendation  
15 that Ms. Gonzalez be terminated.

16 25. Approximately two weeks after receiving Bee's email, Jones continued the set up  
17 planned by him and Bee. In an equally hostile email sent by Jones to Plaintiff while she was on  
18 vacation in California, he blamed Plaintiff for sexual rumors that were being spread on the base  
19 about her. Jones blamed Plaintiff for the fact others were calling her a "camp tramp" – yet,  
20 incredibly, Jones failed to take any action against the individuals responsible for these comments  
21 or conduct an investigation into these false rumors. Instead, Jones blamed Plaintiff for being  
22 unfairly targeted and sexually harassed by others. Jones listed a series of questions for Plaintiff  
23 to answer upon her return and threatened that she would receive written counseling if she  
24 returned.

25 26. Recognizing that Bee and Jones had plans to make Plaintiff's life more miserable  
26 at FOB Salerno and that the threat of unwarranted adverse employment actions, including  
27 termination, loomed over her should she return, on November 30, 2007, Plaintiff submitted her  
28 letter of resignation to Jones. In her letter, Plaintiff provided a detailed explanation of her painful

1 experience at ITT. In the letter, Plaintiff again made complaints about the sexual harassment,  
2 hostile work environment and acts of retaliation to which she was subjected by and at ITT.

3 **ITT Conducted a Sham Investigation Into Plaintiff's Complaints.**

4 27. Following Plaintiff's constructive discharge, Defendants proceeded to conduct a  
5 sham investigation after which it held ". . . we could **not** substantiate your allegations of sexual  
6 harassment and forced resignation. However, it was determined that there was a hostile work  
7 environment and that you were a contributor to the *contentious* work environment [emphasis in  
8 original].

9 28. Contrary to the written representations by ITT, no impartial investigation ever  
10 occurred. The sham investigation began by Bee coercing and encouraging employees to write  
11 negative statements about Ms. Gonzalez that were untrue. No independent investigator from ITT  
12 came to Afghanistan to investigate Ms. Gonzalez's claims. Instead, the alleged thorough  
13 investigation was conducted by Jerry Jones, the same supervisor who had blamed Ms. Gonzalez  
14 for being called the "camp tramp".

15 29. In or around February 2008, Jones and Bee, in an effort to further humiliate,  
16 sexually harass and retaliate against Plaintiff Defendants mailed a box of "sex toys" to Ms.  
17 Gonzalez's home in California. Ms. Gonzalez family received and opened the package with a  
18 customs declaration form signed by Jones stating, "adult massage toys". To their complete  
19 shock and horror, along with the box was a letter from Jones alleging that the contents of the box  
20 were the remainder of Plaintiff's belongings. Inside the box were four "sex toys" and a note that  
21 read:

22 *"Ms. Gonzalez,*

23 *These sex toys were found in your closet when your belongings were packed. We hung on*  
24 *to them to show the Company officials (sic) when he came out here for a visit.*

25 *Can you imagine the laughter at the Post office when these were dumped on the counter?*

26 *It appears there were a few of those proverbial 'skeletons' in your closet.*

27 *Anyway, these are your toys and we wanted to ensure they were returned to you. Enjoy!"*

28 30. After Plaintiff's constructive discharge, Defendants' further retaliated against her

1 by assigning her "signing bonus" of \$4500 to a collection agency. For several months after her  
2 employ with ITT, the collection agency sent statements to Ms. Gonzalez's home. ITT knew this  
3 malicious conduct would effect Ms. Gonzalez's livelihood as an air traffic controller. Upon  
4 information and belief, Plaintiff alleges that other ITT employees who resigned before their one  
5 year contract ended, were not required to return their signing bonus nor subjected to this type of  
6 harassing and retaliatory conduct.

7 **I.**

8 **FIRST CAUSE OF ACTION**

9 **SEXUAL HARASSMENT IN VIOLATION OF**  
10 **FAIR EMPLOYMENT AND HOUSING ACT**

11 (Against ITT and Greg Bee, and Does 1-10, inclusive)

12 31. Ms. Gonzalez realleges and incorporates by reference paragraphs 1 through 30,  
13 inclusive, of this Complaint as if fully set forth herein.

14 32. Beginning in or about March 2007, Defendant Bee, while acting in the course  
15 and scope of his employment with ITT, and DOES 1 through 10, sexually harassed, and  
16 discriminated against Plaintiff as alleged herein. The harassment was sufficiently pervasive and  
17 severe as to alter the conditions of Plaintiff's employment and to create a hostile, intimidating,  
18 and/or abusive work environment. Defendants' acts of sexual harassment included, without  
19 limitation, the following:

- 20 a. Defendant Bee's unwelcome sexual comments towards Plaintiff, which at all  
21 times was initiated by Bee and was unwelcome, uninvited, non-consensual in  
22 nature and was against Plaintiff's will.
- 23 b. Creating and allowing a sexually hostile environment to exist for Plaintiff  
24 including unwelcome sexual advances and verbal sexual harassment by Defendant  
25 Bee.
- 26 c. All conduct described in the Facts Common to All Causes of Action portion of  
27 this Complaint.

28 33. The sexual harassment against Plaintiff by Defendant Bee was condoned,

1 permitted and encouraged by ITT and DOES 1 through 10, and each of them, in a manner which  
2 was grossly negligent, reckless, willful, malicious and deliberately indifferent to the Plaintiff's  
3 personal rights to a discrimination free work environment and safety in the work-place. ITT and  
4 Does 1 through 10 failed to prevent sexual harassment from occurring in the work-place.

5 34. The acts and conduct of Defendants, and each of them, as aforesaid, was in  
6 violation of California Government Code Section 12940 *et seq.* Said statutes impose certain  
7 duties upon Defendants, and each of them, concerning discrimination and harassment against  
8 persons, such as the Plaintiff, on the basis of gender. Said statutes were intended to prevent the  
9 type of injury and damage set forth herein. Plaintiff was, at all times herein mentioned, a  
10 member of the class of persons intended to be protected by said statutes. At all times herein  
11 mentioned, Plaintiff was a person of the female sex and therefore entitled to the protection of  
12 California Government Code Section 12940 *et seq.*

13 35. As a direct and legal result of Defendants' wilful, wanton, intentional, malicious  
14 and/or reckless conduct and the policies alleged herein, Plaintiff suffered severe and extreme  
15 mental and emotional distress, including but not limited to anguish, humiliation, embarrassment,  
16 loss of confidence, fright, depression and anxiety, the exact nature and extent of which are not  
17 now known to her. Plaintiff does not at this time know the exact duration or permanence of said  
18 injuries, but is informed and believes, and thereon alleges, that some of the injuries are  
19 reasonably certain to be permanent in character. By the aforesaid acts and omissions of  
20 defendants, and each of them, Plaintiff has been directly and legally caused to suffer damages as  
21 alleged herein.

22 36. Plaintiff is informed and believes and thereon alleges that the Defendants, and  
23 each of them, by the acts of its managing agents, officers and/or directors in the aforementioned  
24 acts and/or ratifying such acts, engaged in willful, malicious, intentional, oppressive and  
25 despicable conduct, and acted with willful and conscious disregard of the rights, welfare and  
26 safety of Plaintiff, thereby justifying the award of punitive and exemplary damages, against  
27 Defendants in an amount to be determined at trial.

28 37. As a result of Defendants' discriminatory acts as alleged herein, Plaintiff is

1 entitled to reasonable attorney's fees and costs of said suit as provided by Cal. Govt. Code  
2 Section 12965(b).

3 **II.**

4 **SECOND CAUSE OF ACTION**

5 **UNLAWFUL RETALIATION IN VIOLATION OF GOV. CODE §12940(h)**

6 (Against Defendant ITT and Does 1 through 10)

7 38. Plaintiff hereby incorporates by reference Paragraphs 1 through 37 of this  
8 Complaint as if fully set forth herein.

9 39. At all times herein mentioned, Government Code Section 12940 et seq. was in full  
10 force and effect and was binding upon Defendants and each of them. Said statute imposes certain  
11 duties upon Defendants concerning discrimination, harassment and retaliation against persons,  
12 such as Plaintiff, on the basis of gender or complaints of sexual discrimination or harassment.  
13 Said statutes were intended to prevent the type of injury and damage set forth herein. Plaintiff  
14 was, at all time herein mentioned, a member of the class of persons intended to be protected by  
15 said statutes. As alleged above, Ms. Gonzalez was retaliated against for making complaints of  
16 discrimination and harassment. Among other things, Ms. Gonzalez was unfairly disciplined  
17 more harshly than her co-workers, threatened with termination and humiliated and harassed  
18 further when her supervisors mailed a box of sex toys to her parents' home in California after her  
19 constructive discharge.

20 40. As a direct, foreseeable, and legal result of Defendants' discriminatory, harassing  
21 and retaliatory acts, Plaintiff has suffered losses in earnings, attorney's fees and costs of suit and  
22 has suffered and continues to suffer physical pain, humiliation, embarrassment, mental and  
23 emotional distress, and discomfort, all to her damage in an amount in excess of the minimum  
24 jurisdiction of this Court, the precise amount of which will be proven at trial.

25 41. Plaintiff is informed and believes and thereon alleges that the Defendants, and  
26 each of them, by the acts of its managing agents, officers and/or directors in the aforementioned  
27 acts and/or ratifying such acts, engaged in willful, malicious, intentional, oppressive and  
28 despicable conduct, and acted with willful and conscious disregard of the rights, welfare and

1 safety of Plaintiff, thereby justifying the award of punitive and exemplary damages, against  
2 Defendant ITT and DOES 1-10, in an amount to be determined at trial.

3 42. As a result of Defendants' discriminatory acts as alleged herein, Plaintiff is  
4 entitled to reasonable attorneys' fees and costs of said suit as provided by California Government  
5 Code Section 12965(b).

6 **III.**

7 **THIRD CAUSE OF ACTION**

8 **GENDER DISCRIMINATION IN VIOLATION OF G.C. §12940(a)**

9 (Against Defendant ITT and Does 1-10, inclusive)

10 43. Plaintiff hereby incorporates by reference Paragraphs 1 through 42 of this  
11 Complaint as if fully set forth herein.

12 44. At all times herein mentioned, Government Code Section 12940 et seq. was in full  
13 force and effect and was binding upon Defendants. Said statute imposes certain duties upon  
14 Defendants concerning discrimination, harassment and wrongful discharge against persons, such  
15 as Plaintiff, on the basis of gender or complaints of sexual discrimination or harassment. Said  
16 statutes were intended to prevent the type of injury and damage set forth herein. Plaintiff was, at  
17 all time herein mentioned, a member of the class of persons intended to be protected by said  
18 statutes.

19 45. As alleged herein, ITT intentionally created and knowingly permitted egregious  
20 sexual harassment and retaliation against Plaintiff which was so intolerable and aggravated that  
21 Plaintiff was coerced and compelled to resign her employment. Defendants also employed a  
22 gender-based double standard in which female employees who did not engage in sexual relations  
23 with ITT co-workers or supervisors were disciplined more severely and treated more harshly.

24 46. As a direct, foreseeable, and legal result of Defendants' discriminatory, harassing  
25 and retaliatory acts, Plaintiff has suffered losses in earnings, attorney's fees and costs of suit and  
26 has suffered and continues to suffer physical pain, humiliation, embarrassment, mental and  
27 emotional distress, and discomfort, all to her damage in an amount in excess of the minimum  
28 jurisdiction of this Court, the precise amount of which will be proven at trial.



1 practice or usage, which condoned, encouraged, tolerated, sanctioned, ratified, approved of,  
2 and/or acquiesced in harassment against women employees, including, but not limited to,  
3 Plaintiff.

4 52. Plaintiff is informed and believes, and thereon alleges, that during all relevant  
5 time periods, Defendants failed to provide any or adequate training and education to their  
6 personnel and most particularly to management and supervisory personnel regarding their  
7 discrimination and harassment policies and procedures. Defendants knew or reasonably should  
8 have known that such failure would result in discrimination and/or harassment against women  
9 employees, including, but not limited to, Plaintiff. Such failure on the part of Defendant  
10 constituted deliberate indifference to the rights of women employees, including, but not limited  
11 to, Plaintiff under Government Code § 12940(k).

12 53. Defendants' failure to prevent and/or stop the harassment described herein  
13 compounded and exacerbated the physical and emotional injuries Plaintiff was already suffering  
14 as a result of the unlawful conduct described above. As a proximate result of Defendants  
15 conduct as described more fully above, Plaintiff suffered economic damages, including lost  
16 earnings, noneconomic damages, including, without limitation, physical pain, humiliation,  
17 embarrassment and discomfort, physical and mental emotional distress and anguish, all to  
18 Plaintiff's damages in an amount to be proven at trial but in excess of the jurisdictional threshold  
19 of this court.

20 54. Plaintiff is informed and believes and thereon alleges that the Defendants, and  
21 each of them, by the acts of its managing agents, officers and/or directors in the aforementioned  
22 acts and/or ratifying such acts, engaged in willful, malicious, intentional, oppressive and  
23 despicable conduct, and acted with willful and conscious disregard of the rights, welfare and  
24 safety of Plaintiff, thereby justifying the award of punitive and exemplary damages, against  
25 Defendant ITT and DOES 1-10, in an amount to be determined at trial.

26 55. As a result of Defendants' acts as alleged herein, Plaintiff is entitled to reasonable  
27 attorneys' fees and costs of suit as provided in Section 12965(b) of the California Government  
28 Code.

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

V.

**FIFTH CAUSE OF ACTION**

**CONSTRUCTIVE WRONGFUL TERMINATION**

**AND RETALIATION IN VIOLATION OF PUBLIC POLICY**

(Against Defendant ITT and DOES 1 through 10 only)

56. Plaintiff hereby incorporates by reference Paragraphs 1 through 55 of this Complaint as if fully set forth herein.

57. At all times during her employment with Defendants, Plaintiff performed her duties with the utmost diligence and competence.

58. Plaintiff is informed and believes and thereon alleges that Defendants' decisions to harass and discriminate against her, as alleged herein, was motivated by Plaintiff's gender.

Plaintiff is further informed and believes and thereon alleges that any other reasons proffered by Defendants were and are pretextual in nature. Defendants intentionally created the aforementioned discrimination, harassment and retaliation, thereby creating working conditions so intolerable that Plaintiff had no alternative but to resign.

59. By reason of the aforementioned conduct and circumstances, Defendants, and each of them, violated the fundamental public policies of the State of California, as set forth in Section 12940 of the Government Code and California Constitution which mandate that employees be free from unlawful discrimination, harassment and retaliation. As a further result of the aforesaid conduct of Defendants, and each of them, Plaintiff has been deprived of her right to a work environment free from discrimination, harassment and retaliation.

60. By the aforesaid acts and omissions of Defendants, Plaintiff has been directly and legally caused to suffer the harm and damages alleged herein.

61. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, committed the acts alleged herein maliciously, fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff and acted with an improper and evil motive amounting to malice, and in conscious disregard of Plaintiff's rights. Because the acts taken towards Plaintiff were carried out by managerial employees acting in a despicable, deliberate, cold, callous and

1 intentional manner in order to injure and damage Plaintiff, Plaintiff is entitled to recover punitive  
2 damages from the individual defendants in an amount according to proof.

3 **VI.**

4 **SIXTH CAUSE OF ACTION**

5 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

6 (Against all Defendants and Does 1-10, inclusive)

7 62. The allegations set forth in paragraphs 1 through 61 are incorporated herein by  
8 reference.

9 63. Defendants, and each of them, engaged in extreme and outrageous conduct by  
10 intentionally and/or recklessly subjecting Plaintiff, or permitting Plaintiff to be subjected to,  
11 unwanted, unwelcome, and non-consensual sexual advances, abuse, harassment, discrimination  
12 and retaliation including conduct that occurred after Plaintiff's termination when her supervisors  
13 mailed a box of sex toys to her parents' home in California. Defendants, and each of them,  
14 ratified such conduct by failing and refusing to take any and all reasonable steps necessary to  
15 prevent such conduct from occurring, by failing to take appropriate corrective action following  
16 such conduct and, in the case of Defendants Bee and Jones, who held supervisory positions with  
17 ITT and DOES 1-10, inclusive, by engaging in such conduct. As a direct and legal result,  
18 Plaintiff was harmed, and continues to suffer harm, in an amount to be proved at trial.

19 64. As alleged herein, Defendant Bee subjected Plaintiff to unwanted sexual  
20 comments and propositions directed to Plaintiff, as well as repeated sexual harassment.  
21 Defendant ITT and Bee created and fostered a sexually hostile work environment. ITT and  
22 DOES 1-10, and each of them, failed and refused to take all reasonable steps necessary to prevent  
23 harassment from occurring and to take appropriate corrective action against Defendant Bee  
24 following said harassment and as a direct and legal result, Plaintiff was harmed, and continues to  
25 suffer harm, in an amount to be proved at trial.

26 65. Plaintiff is informed and believes ITT and DOES 1 through 10, inclusive, and  
27 each of them, their agents, and/or assigns failed to investigate the matter in an adequate fashion  
28 and failed to take steps reasonably necessary to prevent foreseeable harm to Plaintiff by

1 Defendant Bee.

2 66. As a direct and legal result of Defendants' wilful, wanton, intentional, outrageous  
3 and malicious conduct, Plaintiff became terrified and suffered severe and extreme mental and  
4 emotional distress the exact nature and extent of which are not presently known to Plaintiff.  
5 Plaintiff does not at this time know the exact duration or permanence of said injuries, but is  
6 informed and believes, and thereon alleges, that some of the injuries are reasonably certain to be  
7 permanent in character.

8 67. By the aforesaid acts and omissions of Defendants, and each of them, Plaintiff has  
9 been directly and legally caused to suffer damages as alleged herein.

10 68. The aforementioned acts of Defendants, and each of them, were wilful, malicious,  
11 intentional, oppressive and despicable and were done in wilful and conscious disregard of the  
12 rights, welfare and safety of Plaintiff, thereby justifying the awarding of punitive and exemplary  
13 damages, against all of the individual Defendants only, in an amount to be determined at time of  
14 trial.

15 **VII.**

16 **SEVENTH CAUSE OF ACTION**

17 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

18 (Against All Defendants, and Does 1 through 10)

19 69. The allegations set forth in paragraphs 1 through 68 are incorporated herein by  
20 reference.

21 70. As an employee of Defendants, Plaintiff was owed a duty of due care by  
22 Defendants, and each of them, to ensure that Plaintiff was not exposed to foreseeable harms.

23 71. Defendants, and each of them, knew, or should have known, that Plaintiff was  
24 being subjected to sexual harassment, discrimination and retaliation, and that, by failing to  
25 exercise due care to prevent Bee and Jones from engaging in a sexually harassing, discriminatory  
26 and retaliatory course of conduct could and would cause Plaintiff to suffer severe emotional  
27 distress.

28 72. Defendants, and each of them, failed to exercise their duty of due care to prevent

1 their employees, managers, supervisors and/or officers from sexually harassing, discriminating  
2 and retaliating against Plaintiff.

3 73. As a direct and proximate result of the acts and conduct of Defendants, and each  
4 of them, as aforesaid, Plaintiff has been caused to and did suffer and continues to suffer severe  
5 and extreme mental and emotional distress, including but not limited to anguish, humiliation,  
6 embarrassment, loss of confidence, fright, depression and anxiety, the exact nature and extent of  
7 which are not now known to her. Plaintiff does not know at this time the exact duration or  
8 permanence of said injuries, but is informed and believes and thereon alleges that some if not all  
9 of the injuries are reasonably certain to be permanent in character.

10 74. By the aforesaid acts and omissions of Defendants, and each of them, Plaintiff has  
11 been directly and legally caused to suffer damages as alleged herein.

### 12 XIII.

#### 13 EIGHTH CAUSE OF ACTION

#### 14 NEGLIGENT HIRING RETENTION & SUPERVISION

#### 15 (Against Defendant ITT and DOES 1-10)

16 75. The allegations set forth in paragraphs 1 through 74 are incorporated herein by  
17 reference.

18 76. Upon information and belief, ITT, by and through its agents and employees, knew  
19 or reasonably should have known through reasonable investigation of Bee's propensity for  
20 unlawful sexually harassing and physically aggressive behavior.

21 77. ITT had a duty to not hire or retain Bee given his wrongful, dangerous, and  
22 sexually depraved propensities, and to provide reasonable supervision of Bee.

23 27. ITT negligently hired, retained and/or failed to adequately supervise Bee in his  
24 position as Assistant Site Manager/Airfield Manager at ITT, where Bee was able to commit the  
25 wrongful acts complained of herein against Plaintiff. ITT failed to provide reasonable  
26 supervision of Bee despite knowing of Bee's propensities and complaints made against him.

27 28. As a result of the above-described conduct, Plaintiff has suffered, and continues to  
28 suffer, great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem,

1 disgrace, humiliation and loss of enjoyment of life.

2 29. ITT engaged in these acts alleged herein and/or condoned, permitted, authorized,  
3 and/or ratified the conduct of its employees and agents and is vicariously liable for the wrongful  
4 conduct of its employees and agents for this cause of action.

5 **IX.**

6 **PRAYER FOR DAMAGES**

7 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as  
8 follows:

9 A. First, Second, Third and Fourth Causes of Action:

- 10 1. For compensatory damages according to proof;
- 11 2. For emotional distress damages and medical expenses;
- 12 3. For attorneys fees and costs pursuant to Gov. Code §12965(b) and Cal. Civ. Code  
13 §52(b)(3);
- 14 4. For punitive and exemplary damages pursuant to Cal. Civ. Code §3294;
- 15 5. For costs of suit;
- 16 6. For an award of interest, including prejudgment interest, at the legal rate; and
- 17 7. For such other and further relief as the Court may deem just and proper.

18 B. Fifth Cause of Action

- 19 1. For compensatory damages according to proof;
- 20 2. For emotional distress damages and medical expenses;
- 21 3. For costs of suit;
- 22 4. For punitive and exemplary damages pursuant to Cal. Civ. Code §3294
- 23 5. For an award of interest, including prejudgment interest, at the legal rate; and
- 24 6. For such other and further relief as the Court may deem just and proper.

25 C. Sixth Cause of Action

- 26 1. For compensatory damages according to proof;
- 27 2. For emotional distress damages and medical expenses;
- 28 3. For punitive and exemplary damages pursuant to Cal. Civ. Code §3294;

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

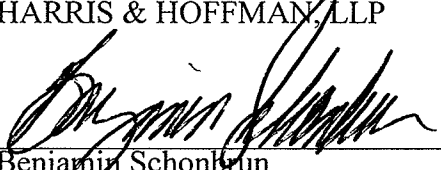
- 4. For costs of suit;
- 5. For an award of interest, including prejudgment interest, at the legal rate; and
- 6. For such other and further relief as the Court may deem just and proper.

D. Seventh and Eight Causes of Action

- 1. For compensatory damages according to proof;
- 2. For emotional distress damages and medical expenses;
- 3. For costs of suit;
- 4. For an award of interest, including prejudgment interest, at the legal rate; and
- 5. For such other and further relief as the Court may deem just and proper.

Dated: April 21, 2009

SCHONBRUN DESIMONE SEPLOW  
HARRIS & HOFFMAN LLP



Benjamin Schonbrun  
V. James DeSimone  
Supreeta Sampath  
Attorneys for Plaintiff SARA GONZALEZ

//  
//  
//  
//  
//  
//  
//  
//  
//  
//  
//  
//  
//  
//

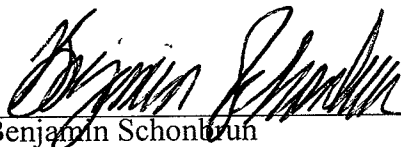
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DEMAND FOR JURY TRIAL**

Plaintiff Sara Gonzalez hereby demands a trial by jury on all claims.

Dated: April 21, 2009

SCHONBRUN DESIMONE SEPLOW  
HARRIS & HOFFMAN, LLP



\_\_\_\_\_  
Benjamin Schonbrun  
V. James DeSimone  
Supreeta Sampath  
Attorneys for Plaintiff SARA GONZALEZ