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11 REGINALD PULLIAM

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO CIVIL DIVISION

OCT 15 2021

abc
BY: ASHLEE BAYLESS CHAPA, DEPUTY

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN BERNARDINO**

10 REGINALD PULLIAM,

11 Plaintiff,

12 vs.

13 REDLANDS UNIFIED SCHOOL
14 DISTRICT, a public entity; and DOES 1
15 through 100, inclusive,

16 Defendants,

Case No. CIV SB 2129676

COMPLAINT FOR DAMAGES

- 1) **DISABILITY DISCRIMINATION IN VIOLATION OF FEHA;**
- 2) **FAILURE TO ACCOMMODATE IN VIOLATION OF FEHA;**
- 3) **FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS IN VIOLATION OF FEHA;**
- 4) **RELIGIOUS DISCRIMINATION IN VIOLATION OF FEHA;**
- 5) **RETALIATION IN VIOLATION OF FEHA;**
- 6) **FAILURE TO PREVENT RETALIATION IN VIOLATION OF FEHA;**
- 7) **FAILURE TO PREVENT DISCRIMINATION IN VIOLATION OF FEHA; AND**
- 8) **HARASSMENT IN VIOLATION OF FEHA;**

[DEMAND FOR JURY TRIAL]

RECEIVED
OCT 15 2021
SUPERIOR COURT
COUNTY OF SAN BENITO
SAN BENITO DISTRICT

1 COMES NOW the Plaintiff, REGINALD PULLIAM, who hereby respectfully alleges,
2 avers, and complains, as follows:

3 **INTRODUCTION**

4 1. This is an action brought by Plaintiff REGINALD PULLIAM pursuant to
5 California statutory, decisional, and regulatory laws. Plaintiff was an employee of Defendants at
6 all times herein mentioned.

7 **JURISDICTION AND VENUE**

8 2. This Court has jurisdiction over this action pursuant to the California Constitution,
9 Article VI, and section 10, which grants the Superior Court "original jurisdiction in all causes
10 except those given by statute to other courts." The statutes under which this action is brought do
11 not specify any other basis for jurisdiction.

12 3. This Court has jurisdiction over all Defendants because, upon information and
13 belief, each party is either a citizen of California, has sufficient minimum contacts in California,
14 or otherwise intentionally avails itself of the California market so as to render the exercise of
15 jurisdiction over it by the California courts consistent with traditional notions of fair play and
16 substantial justice.

17 4. Venue is proper in this Court because, upon information and belief, one or more of
18 the named Defendants reside, transact business, or have offices in this county and the acts and
19 omissions alleged herein took place in this county.

20 **PARTIES**

21 5. At all times herein mentioned, Plaintiff REGINALD PULLIAM (hereinafter
22 referred to as "Plaintiff" or "PULLIAM") is and has been an individual residing in the County of
23 San Bernardino, State of California. Plaintiff is employed with Defendant.

24 6. Defendant REDLANDS UNIFIED SCHOOL DISTRICT (hereinafter referred to
25 as "RUSD") is at all times herein mentioned has been a public entity with the capacity to be sued
26 in California and located in Redlands, California. Citrus Valley High School, where Plaintiff is
27 employed, is located at 800 W. Pioneer Ave, Redlands, CA 92374.

28 7. Plaintiff is informed, believes, and thereon alleges that each of the Defendants
herein were at all times the agent, employee, or representative of each remaining Defendant and

1 were at all times herein acting within and outside the scope and purpose of said agency and
2 employment. Plaintiff further alleges that as to each Defendant, whether named or referred to as
3 a fictitious name, said Defendants supervised, ratified, controlled, acquiesced in, adopted,
4 directed, substantially participated in, and/or approved the acts, errors, and/or omissions, of each
5 remaining Defendant.

6 8. The Defendants' true names and capacities named herein as DOES 1 through 100,
7 inclusive, whether individual, corporate, partnership, association, or otherwise, are unknown to
8 Plaintiff, who therefore sues these Defendants by such fictitious names. Plaintiff will request
9 leave of Court to amend this Complaint to allege their true names and capacities at such time as
10 they are ascertained.

11 9. Plaintiff alleges that California statutory, decisional, and regulatory laws prohibit
12 the conduct by Defendants herein alleged, and therefore Plaintiff is entitled to monetary relief on
13 the basis that Defendants violated such statutes, decisional law, and regulations.

14 10. Plaintiff is informed and believes that the Defendants committed other wrongful
15 acts or omissions that Plaintiff is presently unaware of; Plaintiff shall conduct discovery to
16 identify such wrongful acts and seek leave of Court to amend this Complaint to add these actions
17 upon discovery.

18 FACTUAL ALLEGATIONS

19 11. Plaintiff is and has been an employee with Defendant REDLANDS UNIFIED
20 SCHOOL DISTRICT serving in the capacity of special education teacher since 2017.

21 12. Plaintiff is employed with Citrus Valley High School as a special education
22 teacher specializing in teaching mathematics to special education students.

23 13. Plaintiff is and has been a member of the True Hope Ministry, which is a Christian
24 religious ministry and Church. Plaintiff is a fully committed member of this religious ministry
25 and is fully committed to the ministry's doctrine, including its teachings in opposition to the
26 COVID-19 vaccine and to the practice of masking one's face.

27 14. The True Hope Ministry holds as one of its fundamental beliefs the idea that the
28 body is a temple of the Holy Spirit and as such, the body must be safeguarded and protected from
outside contaminants and harmful substances that could potentially cause harm to the body.

1 15. For that reason, it is prohibited to subject the body to medical experimentation,
2 such as, for example, vaccines that have not been fully tested and proven by a lengthy testing
3 process to not be harmful to the body.

4 16. Further, because the body is a gift from God, the Creator, it is prohibited to cover
5 one's face with a veil and restrict one's God-given breath.

6 17. The True Hope Ministry preaches that God breathed life into man and when man
7 breathes, he is breathing the breath of God. For that reason, veiling is strictly prohibited and
8 viewed as being an affront to the Creator.

9 18. Furthermore, the True Hope Ministry holds that the act of covering one's mouth
10 and nose and concealing one's identity is prohibited by the Bible as reflective of those who turn
11 away their faces from God in shame.

12 19. Furthermore, the practice of testing for COVID-19 is also prohibited according to
13 the ministry's teaching, since COVID-19 tests contain harmful substances which could damage
14 the body, which is viewed as a gift from God and which must not be subjected to any harmful
15 substances.

16 20. For the foregoing reasons, Plaintiff cannot, as a fully committed member of the
17 True Hope Ministry, participate in the COVID-19 vaccinations, nor can Plaintiff participate in
18 testing for COVID-19 nor can he participate in masking as all such activities are fundamentally in
19 violation of his sincerely held beliefs as a Christian, as a believer in God and Jesus Christ, and as
20 a member of the True Hope Ministry and as a follower of the ministry's teachings.

21 21. Plaintiff, as an employee of RUSD, on or about August 5, 2021, communicated by
22 e-mail to the human resources department at the school district his inability to participate in the
23 foregoing activities to RUSD personnel and that the idea of being forced to undergo testing or
24 vaccination or masking procedures would cause him serious psychological distress and would be
25 in fundamental opposition to his religious beliefs as a Christian. Plaintiff also communicated to
26 RUSD his request for a religious exemption to the foregoing requirements. In doing so, Plaintiff
27 attached to the e-mail a letter (attestation of faith).

28 22. In response to Plaintiff's requests, RUSD, purporting to engage in an interactive
process, scheduled a meeting with Plaintiff and advised him that he could not report to work until

1 he met with human resources personnel to determine whether they would provide with him with
2 the requested exemptions.

3 23. On or about August 9, 2021, Plaintiff met with human resources personnel at
4 RUSD.

5 24. In that meeting, RUSD agreed to partially grant Plaintiff's requests by granting an
6 exemption from COVID-19 testing and the vaccination requirement, but Plaintiff would still be
7 required to wear a mask.

8 25. On or about August 16, 2021, RUSD sent a letter to Plaintiff which summarized
9 the outcome of the meeting, which they characterized as an "Interactive Process."

10 26. In that letter, RUSD referred to the health order announced by California
11 Governor, Gavin Newsom, requiring public and private K-12 school employees to provide to
12 their employer proof of their COVID-19 fully vaccinated status or undergo weekly testing. RUSD
13 stated that "the District will not be able to accommodate this request for you not to participate in
14 Covid tests or vaccines as all RUSD employees will be mandated no later than October 15, 2021,
15 to provide the District proof of their vaccination status or undergo weekly testing."

16 27. Therefore, RUSD explicitly failed to accommodate Plaintiff's request for a
17 religious exemption from the vaccination and testing requirement.

18 28. Defendant RUSD advised Plaintiff that if he did comply with the vaccination or
19 testing requirement by October 15, 2021, Plaintiff and any other employees who similarly refused
20 to undergo vaccination or weekly testing would be prevented from returning to the school district.

21 29. Plaintiff is informed and believes that there are many other employees employed
22 with RUID who object to the vaccine mandate on religious grounds and are therefore threatened
23 with termination of their employment with RUSD.

24 30. Based on the foregoing, Plaintiff bring this complaint alleging violations of the
25 California Fair Employment and Housing Act, including but not limited to disability
26 discrimination in violation of FEHA, retaliation in violation of FEHA, harassment in violation of
27 FEHA, and failure to prevent harassment, discrimination, and retaliation in violation of FEHA.

28 31. Prior to filing this Complaint, Plaintiff fulfilled any legal requirement or
exhausted any administrative remedy imposed on him by having filed the substance of claims

1 alleged herein with the California Department of Fair Employment and Housing (hereinafter
2 "DFEH"), and has received a Right to Sue Letter from the DFEH. Plaintiff has, therefore,
3 substantially complied with all requirements for the filing of this Complaint and has exhausted his
4 administrative remedies prior to filing, commencing, and serving the within action.

5
6 **FIRST CAUSE OF ACTION**

7 **Disability Discrimination in Violation of FEHA**

8 **(By Plaintiff Against Defendant RUSD)**

9 32. Plaintiff hereby incorporates by reference the allegations in the above paragraphs
10 of this Complaint as though fully set forth herein.

11 33. At all relevant times herein mentioned, California Government Code Section
12 12940(a) was in full force and effect and was binding upon Defendants. California Government
13 Code Section § 12940(a) generally prohibits employers from discharging and otherwise
14 discriminating against an employee based on that employee's disability.

15 34. At all relevant times herein mentioned, Defendant was Plaintiff's employer, and
16 Plaintiff was Defendant's employee.

17 35. Plaintiff suffered from health and medical conditions that made him unable to
18 comply with the vaccination and testing requirements and he was therefore entitled to an
19 exemption from having to undergo vaccination and/or testing. Specifically, the requirement that
20 Plaintiff submit to RUSD's vaccination and testing requirement that conflicted with his religious
21 beliefs imposed serious psychological hardship on Plaintiff which caused him severe emotional
22 distress. Plaintiff's psychological disability is ongoing and continues to be aggravated by the
23 conduct of the school district.

24 36. Plaintiff's disability substantially limited one or more major life activities,
25 including but not limited to his ability to work. Defendants knew Plaintiff had a disability that
26 limited his ability to perform major life activities as set forth in this Complaint.

27 37. At all times mentioned herein, Plaintiff performed his essential job duties and was
28 willing and able to perform the essential job duties of his position or other suitable positions if
Defendants had made reasonable accommodation. At no time would the performance of the
employment position's functions, with a reasonable accommodation for Plaintiff's disability, have

1 been a danger to Plaintiff's or any other person's health or safety, nor would it have created an
2 undue hardship to Defendants. For the foregoing reasons, Plaintiff was entitled to receive an
3 exemption from having to be vaccinated and/or tested for the COVID-19 vaccine and Defendants
4 could have offered accommodations to him.

5 38. As a proximate result of Defendants' discrimination against Plaintiff, Plaintiff has
6 suffered and continue to suffer general, consequential, and special damages, including but not
7 limited to substantial losses in earnings and other employment benefits, physical injuries,
8 emotional distress, humiliation, mental pain, and anguish, all to his damage in an amount
9 according to proof.

10 39. In doing the acts herein alleged, Defendants acted maliciously, fraudulently, and
11 oppressively, in an intentional and deliberate manner, in violation of Plaintiff's civil rights, and
12 with a conscious disregard of his rights and Plaintiff is therefore entitled to punitive damages in
13 an amount to be determined at trial according to proof.

14 40. Plaintiff has also incurred and continues to incur legal expenses and attorney's
15 fees. He is presently unaware of the precise amount of these expenses and fees. Plaintiff requests
16 an award of attorney's fees pursuant to Government Code § 12965.

17 **SECOND CAUSE OF ACTION**

18 **Failure To Accommodate in Violation of FEHA**

19 **(By Plaintiff Against Defendant RUSD)**

20 41. Plaintiff hereby incorporates by reference the allegations in the above paragraphs
21 of the Complaint as though fully set forth herein.

22 42. At all relevant times herein mentioned, California Government Code Section §
23 12940(m) was in full force and effect and was binding upon Defendants. California Government
24 Code Section § 12940(m) generally prohibits employers from failing to make reasonable
25 accommodations for the known physical or mental disability of an employee.

26 43. Plaintiff was an employee of Defendants covered by California Government Code
27 § 12940, et seq, prohibiting discrimination based on disability and prohibiting an employer's
28 refusal to reasonably accommodate qualified disabled employees.

1 44. Plaintiff has suffered from a disability during their employment with Defendants.
2 Plaintiff disability substantially limits one or more major life activities, including but not limited
3 to their ability to work. Specifically, the requirement that Plaintiff submit to RUSD's vaccination
4 and testing requirement that conflicted with his religious beliefs imposed serious psychological
5 hardship on Plaintiff which caused him severe emotional distress. Plaintiff's psychological
6 disability is ongoing and continues to be aggravated by the conduct of the school district.

7 45. Defendants knew Plaintiff had a disability that limited his ability to perform major
8 life activities as set forth in this Complaint.

9 46. At all times mentioned herein, Plaintiff was willing and able to perform the
10 essential job duties of his position or other suitable positions if reasonable accommodation had
11 been made by Defendants. At no time would the performance of the functions of the employment
12 position, with a reasonable accommodation for his disability, have been a danger to Plaintiff's or
13 any other person's health or safety, nor would it have created an undue hardship to Defendants.

14 47. As set forth more fully above, Defendants failed to reasonably accommodate
15 Plaintiff's disability, and instead of interacting about accommodations, Defendants retaliated
16 against Plaintiff because of his disabilities and/or his requests for accommodation for his
17 disabilities..

18 48. As a proximate result of the wrongful conduct of Defendants, and each of them,
19 Plaintiff has suffered general, consequential, and special damages, including but not limited to
20 substantial losses in earnings, other employment benefits, personal physical injuries, and sickness,
21 as well as emotional distress, humiliation, and mental pain and anguish, all to his damage in an
22 amount to be determined at trial according to proof.

23 49. In doing the acts herein alleged, Defendants acted maliciously, fraudulently, and
24 oppressively, in an intentional and deliberate manner, in violation of Plaintiff's civil rights, and
25 with a conscious disregard of their rights and Plaintiff is therefore entitled to punitive damages in
26 an amount to be determined at trial according to proof.

27 50. Plaintiff has also incurred and continues to incur legal expenses and attorney's
28 fees. He is presently unaware of the precise amount of these expenses and fees. Plaintiff requests
an award of attorney's fees pursuant to Government Code § 12965.

THIRD CAUSE OF ACTION**Failure to Engage in the Interactive Process in Violation of FEHA****(By Plaintiff Against Defendant RUSD)**

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4 51. Plaintiff hereby incorporates by reference the allegations in the paragraphs above
5 as though fully set forth herein.

6 52. At all times relevant herein, Government Code § 12940(n) was in full force and
7 effect and was binding upon Defendants. This section provides that it is unlawful for an employer
8 to fail to engage in a timely, good faith, interactive process with an employee to determine
9 adequate, reasonable accommodations in response to a request by the employee for reasonable
10 accommodation by the employer for a known disability.

11 53. Plaintiff has suffered from a disability during their employment with Defendants.
12 Their disability substantially limits one or more major life activities, including but not limited to
13 his ability to work. Specifically, the requirement that Plaintiff submit to RUSD's vaccination and
14 testing requirement that conflicted with his religious beliefs imposed serious psychological
15 hardship on Plaintiff which caused him severe emotional distress. Plaintiff's psychological
16 disability is ongoing and continues to be aggravated by the conduct of the school district.

17 54. Defendants knew Plaintiff had a disability that limited his ability to perform major
18 life activities as set forth in this Complaint.

19 55. At all times material to this Complaint, Plaintiff was willing to participate in an
20 interactive process to determine whether a reasonable accommodation could be made so that he
21 would be able to perform the essential job requirements for their position or any other positions
22 within RUID for which they were eligible.

23 56. Defendants failed to participate in a timely, good-faith interactive process with
24 Plaintiff to determine whether a reasonable accommodation could be made.

25 57. As a proximate result of the wrongful conduct of Defendants, and each of them,
26 Plaintiff has suffered general, consequential, and special damages, including but not limited to
27 substantial losses in earnings, other employment benefits, personal physical injuries, and sickness,
28 as well as emotional distress, humiliation, and mental pain and anguish, all to his damage in an
amount to be determined at trial according to proof.

58. In doing the acts herein alleged, Defendants acted maliciously, fraudulently, and

1 oppressively, in an intentional and deliberate manner, in violation of Plaintiff's civil rights, and
2 with a conscious disregard of their rights and Plaintiff is therefore entitled to punitive damages in
3 an amount to be determined at trial according to proof.

4 59. Plaintiff has also incurred and continues to incur legal expenses and attorney's
5 fees. He is presently unaware of the precise amount of these expenses and fees. Plaintiff requests
6 an award of attorney's fees pursuant to Government Code § 12965.

7
8 **FOURTH CAUSE OF ACTION**

9 **Religious Discrimination in Violation of the FEHA**

10 **(By Plaintiff Against Defendant RUSD)**

11 60. Plaintiff hereby incorporates by reference the allegations in the above paragraphs
12 of this Complaint as though fully set forth herein.

13 61. At all relevant times herein mentioned, California Government Code Section
14 12940(a) was in full force and effect and was binding upon Defendants. California Government
15 Code Section § 12940(a) generally prohibits employers from discharging and otherwise
discriminating against an employee based on that employee's religion.

16 62. At all relevant times herein mentioned, Defendant was Plaintiff's employer, and
17 Plaintiff was Defendants' employee.

18 63. Plaintiff held sincerely held religious beliefs that prohibit him from being
19 vaccinated with the COVID-19 vaccine and which prohibit him from having to undergo testing
20 for the COVID-19 vaccine or from having to cover his face.

21 64. Plaintiff' religious beliefs conflicted with the requirement of RUSD that he be
22 compelled to undergo vaccination, testing, and wear a face mask.

23 65. Defendant RUSD knew of the conflict between Plaintiff's religious beliefs and the
24 requirement that he undergo vaccination and/or testing for the COVID-19 virus and wear a mask
covering his face which Defendants were aware conflicted with his religious beliefs.

25 66. Defendant RUSD did not explore available reasonable alternatives of
26 accommodating Plaintiff, including excusing Plaintiff from duties that conflict with his religious
27 beliefs and observance or permitting these duties to be performed at another time or by another
28 person, or otherwise reasonably accommodating Plaintiff's religious beliefs and observance.

1 67. Furthermore, Defendant RUSD threatened that Plaintiff would be terminated from
2 their employment in order to avoid having to accommodate his religious beliefs and observance.

3 68. Plaintiff failure to comply with the conflicting job requirement, namely, the
4 vaccination, testing, and mask requirements, was a substantial motivating reason for Defendant
5 RUSD's subjecting him to adverse and employment actions, including threatening to terminate
6 him unless they complied with the requirements and setting in motion a process to discharge
7 Plaintiff if he refused to submit to vaccination and testing by an established deadline.

8 69. As a result of Defendant RUSD's adverse employment actions, Plaintiff was
9 harmed.

10 70. Defendant RUSD's failure to reasonably accommodate Plaintiff religious beliefs
11 and observance was a substantial factor in causing his harm.

12 71. As a proximate result of the wrongful conduct of Defendants, and each of them,
13 Plaintiff has suffered general, consequential, and special damages, including but not limited to
14 substantial losses in earnings, other employment benefits, personal physical injuries, and sickness,
15 as well as emotional distress, humiliation, and mental pain and anguish, all to his damage in an
16 amount to be determined at trial according to proof.

17 72. In doing the acts herein alleged, Defendants acted maliciously, fraudulently, and
18 oppressively, in an intentional and deliberate manner, in violation of Plaintiff's civil rights, and
19 with a conscious disregard of his rights and Plaintiff is therefore entitled to punitive damages in
20 an amount to be determined at trial according to proof.

21 73. Plaintiff has also incurred and continues to incur legal expenses and attorney's
22 fees. He is presently unaware of the precise amount of these expenses and fees. Plaintiff requests
23 an award of attorney's fees pursuant to Government Code § 12965.

24 **FIFTH CAUSE OF ACTION**

25 **Retaliation in Violation of the FEHA**

26 **(By Plaintiff Against Defendant RUSD)**

27 74. Plaintiff hereby incorporates by reference the allegations in the above paragraphs
28 of this Complaint as though fully set forth herein.

1 75. At all relevant times herein mentioned, California Government Code Section §
2 12940(h) was in full force and effect and was binding upon Defendants. California Government
3 Code Section § 12940(h) generally prohibits employers from retaliating against employees for
4 engaging in protected activities, including but not limited to requesting reasonable
5 accommodations for their religious complaints and complaining about harassment and refusal of
6 their employer to accommodate their beliefs.

7 76. As set forth fully above, Plaintiff engaged in protected activity by requesting
8 exemptions from the mandated vaccination and testing requirements and by seeking to find
9 reasonable accommodations that would allow him to avoid having to submit to vaccination and
10 testing and resisting the discrimination and harassment to which he was subjected.

11 77. As a result of Plaintiff exercise of his right to seek accommodations and
12 exemptions from having to undergo vaccination and/or COVID-19 testing on valid religious and
13 health/medical grounds, he was subjected to adverse employment actions and Defendants
14 retaliated against him by threatening him with termination if he did not submit to the
15 vaccination/testing by an established deadline and by beginning the process of removing him
16 from the school district.

17 78. As a proximate result of the wrongful conduct of Defendants, and each of them,
18 Plaintiff has suffered general, consequential, and special damages, including but not limited to
19 substantial losses in earnings, other employment benefits, personal physical injuries, and sickness,
20 as well as emotional distress, humiliation, and mental pain and anguish, all to his damage in an
21 amount to be determined at trial according to proof.

22 79. In doing the acts herein alleged, Defendants acted maliciously, fraudulently, and
23 oppressively, in an intentional and deliberate manner, in violation of Plaintiff's civil rights, and
24 with a conscious disregard of their rights and Plaintiff is therefore entitled to punitive damages in
25 an amount to be determined at trial according to proof.

26 80. Plaintiff has also incurred and continues to incur legal expenses and attorney's
27 fees. He is presently unaware of the precise amount of these expenses and fees. Plaintiff requests
28 an award of attorney's fees pursuant to Government Code § 12965.

SIXTH CAUSE OF ACTION**Failure to Prevent Retaliation in Violation of FEHA****(By Plaintiff Against Defendant RUSD)**

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4 81. Plaintiff hereby incorporates by reference the allegations in the paragraphs above
5 as though fully set forth herein.

6 82. At all relevant times herein mentioned, California Government Code Section §
7 12940(k) was in full force and effect and was binding upon Defendants. California Government
8 Code Section § 12940(k) generally prohibits employers from failing to take all reasonable steps
9 necessary to prevent discrimination, harassment, and retaliation from occurring.

10 83. As set forth fully above, Plaintiff engaged in protected activity including but not
11 limited to seeking reasonable accommodations and exemptions from the vaccination and testing
12 requirements relating to the COVID-19 pandemic.

13 84. As a result of Plaintiff's protected activity, Defendants retaliated against Plaintiff
14 by subjecting him to harassment and threats and threatening to terminate him and putting in
15 motion a process for permanently terminating Plaintiff from employment with Defendants.

16 85. Defendants had knowledge of the discrimination through their agents, supervisors,
17 and managers.

18 86. Defendants failed to take reasonable steps to prevent retaliation. Such conduct
19 violates California Government Code section § 12900 et seq. and has resulted in damage and
20 injury to Plaintiff as alleged herein.

21 87. As a proximate result of the wrongful conduct of Defendants, and each of them,
22 Plaintiff has suffered general, consequential, and special damages, including but not limited to
23 substantial losses in earnings, other employment benefits, personal physical injuries, and sickness,
24 as well as emotional distress, humiliation, and mental pain and anguish, all to his damage in an
25 amount to be determined at trial according to proof.

26 88. In doing the acts herein alleged, Defendants acted maliciously, fraudulently, and
27 oppressively, in an intentional and deliberate manner, in violation of Plaintiff's civil rights, and
28 with a conscious disregard of their rights and Plaintiff is therefore entitled to punitive damages in
an amount to be determined at trial according to proof.

1 89. Plaintiff has also incurred and continues to incur legal expenses and attorney's
2 fees. He is presently unaware of the precise amount of these expenses and fees. Plaintiff requests
3 an award of attorney's fees pursuant to Government Code § 12965.
4

5 **SEVENTH CAUSE OF ACTION**

6 **Failure To Prevent Discrimination In Violation of FEHA**

7 **(By Plaintiff Against Defendant RUSD)**

8 90. Plaintiff hereby incorporates by reference the allegations in the above paragraphs
9 of this Complaint as though fully set forth herein.

10 91. At all relevant times herein mentioned, California Government Code Section §
11 12940(k) was in full force and effect and was binding upon Defendants. California Government
12 Code Section § 12940(k) generally prohibits employers from failing to take all reasonable steps
13 necessary to prevent discrimination, harassment, and retaliation from occurring.

14 92. The facts alleged above constitute violations of the FEHA in that Defendants
15 discriminated against Plaintiff. Plaintiff alleges that Defendant's discrimination against Plaintiff
16 (as described above) was an unlawful employment practice in that Defendants, and each of them
17 failed to take all reasonable steps necessary to prevent discrimination and retaliation from
18 occurring in violation of Government Code § 12940 of the FEHA.

19 93. As a proximate result of the wrongful conduct of Defendants, and each of them,
20 Plaintiff has suffered general, consequential, and special damages, including but not limited to
21 substantial losses in earnings, other employment benefits, personal physical injuries, and sickness,
22 as well as emotional distress, humiliation, and mental pain and anguish, all to his damage in an
23 amount to be determined at trial according to proof.

24 94. In doing the acts herein alleged, Defendants acted maliciously, fraudulently, and
25 oppressively, in an intentional and deliberate manner, in violation of Plaintiff's civil rights, and
26 with a conscious disregard of his rights and Plaintiff is therefore entitled to punitive damages in
27 an amount to be determined at trial according to proof.

28 95. Plaintiff has also incurred and continues to incur legal expenses and attorney's
fees. He is presently unaware of the precise amount of these expenses and fees. Plaintiff requests
an award of attorney's fees pursuant to Government Code § 12965.

EIGHTH CAUSE OF ACTION**Harassment in Violation of FEHA****(By Plaintiff Against Defendant RUSD)**

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4 96. Plaintiff hereby incorporates by reference the allegations in the above paragraphs
5 of this Complaint as though fully set forth herein

6 97. At all relevant times herein mentioned, California Government Code Section §
7 12940(j) was in full force and effect and was binding upon Defendants. California Government
8 Code Section § 12940(j) generally prohibits employers from harassing an employee due to
9 membership in a protected class.

10 98. At all relevant times herein mentioned, Defendant was Plaintiff's employer, and
11 Plaintiff was Defendants' employee.

12 99. Plaintiff was subjected to harassing conduct because he refused to submit to the
13 constant bullying and harassment by Defendant RUSD's managers and supervisors in response to
14 seeking exemptions on valid religious and medical grounds from the COVID vaccination
15 requirements.

16 100. The harassing conduct was severe and/or pervasive.

17 101. That a reasonable person in Plaintiff's circumstances would have considered the
18 work environment to be hostile, intimidating, oppressive, or abusive.

19 102. Plaintiff considered the work environment to be hostile, intimidating, oppressive,
20 or abusive.

21 103. A supervisor engaged in the conduct and/or the supervisors knew or should have
22 known of the conduct and failed to take immediate and appropriate corrective action.

23 104. As a proximate result of the wrongful conduct of Defendants, and each of them,
24 Plaintiff has suffered general, consequential, and special damages, including but not limited to
25 substantial losses in earnings, other employment benefits, personal physical injuries, and sickness,
26 as well as emotional distress, humiliation, and mental pain and anguish, all to his damage in an
27 amount to be determined at trial according to proof.

28 105. In doing the acts herein alleged, Defendants acted maliciously, fraudulently, and
oppressively, in an intentional and deliberate manner, in violation of Plaintiff's civil rights, and
with a conscious disregard of his rights and Plaintiff is therefore entitled to punitive damages in

1 an amount to be determined at trial according to proof.

2 106. Plaintiff has also incurred and continues to incur legal expenses and attorney's
3 fees. He is presently unaware of the precise amount of these expenses and fees. Plaintiff requests
4 an award of attorney's fees pursuant to Government Code § 12965.

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6 **REQUEST FOR RELIEF**

7 1. For damages according to proof including loss of earnings, deferred
8 compensation, and other employment benefits;

9 2. For prejudgment interest on lost wages and benefits;

10 3. For general damages, according to proof;

11 4. For punitive damages;

12 5. For other special damages according to proof, including, but not limited to,
13 reasonable medical expenses;

14 6. For all damages available for violations of the FEHA, the Government Code, the
15 California Constitution, common law, and any other provisions of law;

16 7. For attorney's fees and costs of suit incurred, pursuant to Government Code
17 § 12965(b) and any other applicable provisions of law;

18 8. For interest at the legal rate from the date of injury or pursuant to Code of Civil
19 Procedure § 3287;

20 9. For costs incurred by Plaintiff, including reasonable attorneys' fees and costs of
21 suit, in obtaining the benefits due Plaintiff and for violations of his civil rights as set forth
22 above; and

23 10. For such other and further relief as the Court deems just and proper.

24 Dated: October 15, 2021

THE LAW OFFICES OF GARY R. CARLIN, APC

25 By 

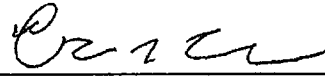
26 Gary R. Carlin
27 Alexander Zaimi
28 Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

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Plaintiff herein demands a jury trial.

Dated: October 15, 2021

By.  _____

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