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Clerk of the Superior Court  
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9 ELIYAHU YISHAI CORTEZ LEVY

10 SUPERIOR COURT OF CALIFORNIA

11 COUNTY OF ORANGE

Judge James Crandall

12 ELIYAHU YISHAI CORTEZ LEVY,

13 Plaintiff,

14 v.

15 CITY OF WESTMINSTER; and LEWIS  
16 EWING, an individual, and DOES 1 through  
17 100, inclusive,

18 Defendants.

Case No: 30-2019-01063410-CU-OE-CJC

**PLAINTIFF'S VERIFIED COMPLAINT  
FOR DAMAGES:**

1. Religious Creed Discrimination [Govt. Code § 12940, subd. (a)];
2. Race, Color, National Origin Discrimination [Govt. Code § 12940, subd. (a)];
3. Harassment Based on National Origin and Religious Creed [Govt. Code § 12940, subd. (j)];
4. Retaliation [Govt. Code § 12940, subd. (h)];
5. Failure to Prevent Discrimination, Harassment and Retaliation [Govt. Code § 12940, subd. (k)];
6. Violation of Labor Codes Sections 98.6 & 1102.5, subdivision (c);
7. Violation of Civil Code Section 52.1;
8. Violation of Civil Code Section 43;
9. Violation of Civil Code Section 51.7;
10. Assault and Battery
11. Negligent Hiring, Supervision, Retention and/or Training;
12. Intentional Infliction of Emotional Distress; and
13. Negligent Infliction of Emotional Distress.

**DEMAND FOR JURY TRIAL**

**PLAINTIFF'S VERIFIED COMPLAINT FOR DAMAGES**

*Levy v. City of Westminster, et al.*

Case No.:

V. James DeSimone, Esq.

Carmen D. Sabater, Esq.

1 PLAINTEFF, ELIYAHU YISHAI CORTEZ LEVY, respectfully submits the instant  
2 Complaint for Damages and Demand for Jury Trial against DEFENDANTS CITY OF  
3 WESTMINSTER, LEWIS EWING, and DOES 1-100 collectively known as “DEFENDANTS”  
4 and alleges as follows:

5 **OVERVIEW OF THE CASE**

6 DEFENDANT LEWIS EWING (hereinafter “EWING”) along with supervisory and other  
7 personnel of the CITY OF WESTMINSTER (hereinafter “WESTMINSTER”) relentlessly  
8 discriminated, harassed, and retaliated against ELIYAHU YISHAI CORTEZ LEVY (hereinafter  
9 “MR. LEVY” or “PLAINTEFF”) because of his religion (Judaism), ethnicity/color (Latino), race,  
10 national origin (Sephardic Jewish male born in Mexico) in violation of the California Fair  
11 Employment and Housing Act. EWING and other WESTMINSTER employees called MR.  
12 LEVY anti-Semitic and racial slurs like, “Spic Jew,” “Kike,” “Stupid Mexican,” “Fucking Jew,”  
13 and “Beaner.” Despite MR. LEVY’s numerous complaints, no corrective action was ever taken.  
14 DEFENDANT EWING and other personnel mentioned herein have a pattern and practice of  
15 harassing and discriminating against employees who are Mexican or who are Jewish.  
16 DEFENDANTS also retaliated against MR. LEVY for engaging in protected activity.

17 **JURISDICTION AND VENUE**

18 1. Plaintiff brings this action pursuant to and under the provisions of the Fair  
19 Employment and Housing Act, California Government Code section 12940, *et. seq.* (hereinafter  
20 referred to as FEHA, California Civil Code sections 51.1, 43 and 51.7, Article I, section 1 of the  
21 California Constitution and other common and statutory laws.

22 2. The amount in controversy exceeds the minimum jurisdictional threshold of this  
23 Court.

24 3. Defendant is, and at all times relevant hereto has been, an “employer” as defined  
25 by FEHA. At all times set forth herein, Defendant employed 5 or more employees for each  
26 working day in each of twenty or more calendar weeks in the current or preceding calendar year  
27 and is otherwise subject to the provisions of FEHA and other applicable laws.

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1 DEFENDANT WESTMINSTER ratified the actions of the DEFENDANTS and named  
2 employees.

3 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

4 12. Within the time provided by law, PLAINTIFF filed charges with the California  
5 Department of Fair Employment and Housing ("FEHA") alleging religious, national origin, color,  
6 ethnic and race discrimination against DEFENDANTS. PLAINTIFF has received a "right to sue"  
7 letters to proceed in California Superior Court pursuant to California Government Code section  
8 12965, subdivision (b). PLAINTIFF files this action within one year of his receipt of his "right  
9 to sue" letter from the FEHA, and has, therefore, properly exhausted his administrative remedies  
10 and has timely filed this complaint. A true and correct copy of same is attached hereto as Exhibit  
11 "A" and "B."

12 13. Within the time provided by law, PLAINTIFF has also filed a complaint pursuant  
13 to Government Code section 910. A true and correct copy of same is attached hereto as Exhibit  
14 "C".

15 **STATEMENT OF FACTS**

16 14. MR. LEVY began his employment at WESTMINSTER in February 2011, as a  
17 Water Technician I (WT-I).

18 15. In 2013, WESTMINSTER promoted MR. LEVY to Water Technician II (WT-II)  
19 because of his exemplary work.

20 16. In addition to his exemplary work, MR. LEVY was a reliable, consistent and  
21 flexible employee, accommodating his employer by often volunteering for assignments.

22 17. Shortly after MR. LEVY began his employment at WESTMINSTER, supervisory  
23 personnel and co-workers subjected him to religious and racially motivated discrimination,  
24 harassment, retaliation and bullying. From this time to the present, EWING and other employees  
25 of WESTMINSTER constantly berated MR. LEVY with highly offensive religious and racially  
26 based verbal harassment and conduct.

27 18. While standing outside the City Yard building on October 20, 2011 with a co-  
28 worker, Pete Sanchez, Public Works Supervisor, EWING driving a City work truck, entered the

1 premises. As EWING entered, he persistently honked his horn at them and made a gun gesture  
2 with his hand simulating pointing a gun at MR. LEVY. Mr. Sanchez was shocked and inquired  
3 to MR. LEVY what is that about. MR. LEVY, also in shock and disbelief, replied, "I don't know!"

4 19. Then, on November 10, 2011, as MR. LEVY was outside the City Yard building  
5 by himself, again EWING entered the premises with his work truck and immediately began  
6 honking his horn at MR. LEVY while making the same gun gesture with his hand simulating  
7 pointing a gun at MR. LEVY. Being a new employee, MR. LEVY just looked away and ignored  
8 him. However, once MR. LEVY learned that EWING owned firearms, he was concerned for his  
9 safety.

10 20. On December 27, 2011, EWING, Marty Seefried, Gene Brewer, Acting Foremen,  
11 and MR. LEVY responded to service a water leak. In front of Mr. Seefried and Mr. Brewer,  
12 EWING lashed out at MR. LEVY calling him a "beaner." Instead of immediately correcting this  
13 behavior as an acting foreman, Mr. Brewer laughed along with Mr. Seefried, thereby condoning  
14 EWING's outrageous conduct. Receiving applause from Mr. Brewer and Mr. Seefried, EWING  
15 continued his insults and added, "No, not just a beaner, a fancy beaner." Again, Mr. Brewer and  
16 the others stood by laughing and condoning this insulting discriminatory and harassing behavior.

17 21. On December 28, 2011, EWING, Mr. Seefried, Mr. Brewer and MR. LEVY  
18 responded to a main break and were assigned to train MR. LEVY. As MR. LEVY was digging,  
19 he asked Mr. EWING and Mr. Brewer some questions about the repairs and was ignored and told  
20 by both in an aggressive tone to "just keep digging." Based on EWING and Mr. Brewer's hostile  
21 behavior towards MR. LEVY, it was obvious they had no intentions of providing him with any  
22 training.

23 22. The next day on December 29, 2011, MR. LEVY was again on a service call with  
24 EWING and Mr. Brewer. MR. LEVY was assigned to dig a trench approximately 7 to 8 feet  
25 below grade. As MR. LEVY was in the hole, he asked EWING for a probe to help him locate the  
26 water line. MR. LEVY then stretched out his hand to receive the probe and EWING deliberately  
27 passed the probe by MR. LEVY's outstretched hand and slung it onto the street and laughed as  
28 he walked away.

1           23.     MR. LEVY was visibly upset and frustrated as he was trying to complete his task  
2 and asked for some simple assistance. At this point, MR. LEVY felt it was implausible that people  
3 who were assigned to train him were treating him this way and asked Mr. Brewer who was also  
4 laughing, "Why am I being treated this way?" Mr. Brewer replied mockingly, "This is how we  
5 teach people." MR. LEVY still astonished at the manner he was being treated then asked, "Like  
6 this?" Mr. Brewer's response was, "Yes." MR. LEVY then stated, "I don't want to be taught this  
7 way." Mr. Brewer replied, "Well then, fuck you," and walked away.

8           24.     Then on March 12, 2013, MR. LEVY, EWING and Mr. Brewer responded to a  
9 service request. While working at the location, both EWING and Mr. Brewer were intentionally  
10 directing racial jokes, including words like "Spic" and "Beaner" towards MR. LEVY. MR. LEVY  
11 realizing that this antagonistic offensive behavior was not going to stop, complained to Mr. Tony  
12 Thomas, the lead worker, who was present at the jobsite. MR. LEVY was in disbelief when Mr.  
13 Thomas totally disregarded his complaint and said nothing to either EWING or Mr. Brewer. Since  
14 their actions were validated and condoned by management, they continued with the  
15 discriminatory offensive jokes on a regular basis.

16           25.     On February 6, 2014, EWING and Tony Moon were training MR. LEVY on well  
17 rounds and fundamentals of the Production Department. Mr. Moon expressed, "We need to add  
18 more salt." EWING recognizing an opportunity to terrorize MR. LEVY, grabbed a salt bag and  
19 placed it on the edge of the well rim. EWING then with a fixated stare at MR. LEVY reached for  
20 his knife and said, "I heard you're a Jew too." Relishing the terrified look on MR. LEVY'S face,  
21 EWING added, "Spic Jew?" and then began to cut the salt bag very slowly as he kept his eyes  
22 fixated on MR. LEVY while simulating cutting MR. LEVY's throat. When EWING reached the  
23 end of cutting the bag, he wiped his knife clean on his pants and continuing his fixed stare at MR.  
24 LEVY. Mr. Moon witnessed the entire incident and was extremely offended. Mr. Moon told Mr.  
25 EWING, "Stop that crap!" Knowing that his offensive conduct was condoned by  
26 WESTMINSTER , EWING continued his campaign of intimidating and threatening MR. LEVY  
27 in this manner at every opportunity.

28           26.     Then on February 20, 2014, the reservoir antenna needed to be repaired and

1 someone was needed to work overtime to repair it. When someone suggested that MR. LEVY  
2 repair it, EWING yelled, "Not the Spic Jew!" Mr. Moon was present and felt that EWING was  
3 very disrespectful and insulting towards MR. LEVY and told EWING, "Stop!" However, since  
4 WESTMINSTER did not take any corrective action or discipline against EWING for engaging in  
5 such blatant discriminatory conduct, EWING felt he was beyond approach and continued  
6 uncensored with the green light from WESTMINSTER .

7 27. On March 20, 2014, EWING was assigned to train MR. LEVY on water sampling,  
8 however, he refused to train him. Instead, when MR. LEVY would ask EWING any questions,  
9 he would ignore him and antagonistically say, "Just pay attention," and call MR. LEVY, "Stupid  
10 Mexican."

11 28. MR. LEVY, feeling insulted and disrespected notified Mr. Moon of EWING's  
12 refusal to train him and the racial slur he called him. Mr. Moon appeared stunned that EWING  
13 continued this offensive discriminatory behavior, and he called a meeting with Paul Kalix, the  
14 Supervisor.

15 29. Mr. Kalix met with EWING, Mr. Moon and MR. LEVY and told EWING to  
16 "stop." However, Mr. Kalix then turned around and gave EWING the green light to continue the  
17 harassment by telling MR. LEVY that he needed to have "thicker skin," and that he "needed to  
18 put up with the different personalities at the Yard."

19 30. Based on Mr. Kalix's response to EWING's offensive and hostile behavior, MR.  
20 LEVY felt that Mr. Kalix had no intentions of taking any corrective or disciplinary action against  
21 EWING. As such, EWING was free to continue on his crusade of anti-Semitic and racial slurs as  
22 well as continuing to make every task assigned to MR. LEVY as difficult as possible to complete.  
23 Therefore, EWING continued his verbal insults and hostile conduct at every opportunity.

24 31. On June 5, 2014, MR. LEVY again complained to Paul Kalix and Mr. Moon  
25 regarding EWING's discriminatory comments and behavior towards him as well as his refusal to  
26 train him on the day-to-day operations of Production. Instead of taking corrective action, Mr.  
27 Kalix suggested that MR. LEVY move to another rotation.

28 32. Since WESTMINSTER made it clear that they would take no action against

1 EWING, he realized he had endorsement to continue his hostile, discriminatory actions, so he  
2 escalated his conduct to include battery. In mid-November 2016, as MR. LEVY was walking by  
3 EWING's cubicle holding a cup of boiling water, EWING purposefully bumped into him causing  
4 the boiling water to spill on MR. LEVY's hand. MR. LEVY dazed and in excruciating pain yelled,  
5 "Lewis!" and EWING grinned at MR. LEVY, and taunted, "Watch where you're going," and  
6 walked away.

7 33. In January 2017 as MR. LEVY was walking out from the City Yard building into  
8 the parking lot, he heard someone yelling, "Hey Jew! Hey Jew!" and immediately turned around  
9 and saw EWING with his outstretched right arm, shouting, "Sieg Heil!" As MR. LEVY looked  
10 shocked at his gesture and offensive comment, EWING looked at MR. LEVY and walked away  
11 laughing. MR. LEVY immediately walked into the City Yard building and made a complaint to  
12 Brad Wade, lead-worker. Mr. Wade's response to MR. LEVY was, "What do you expect? You're  
13 a Jew."

14 34. Frustrated that his complaint was ignored, and EWING's behavior was endorsed  
15 by Mr. Wade, MR. LEVY then walked down the hall and made a complaint to Scott Miller, Water  
16 Superintendent. In addition to this incident, MR. LEVY also mentioned other previous anti-  
17 Semitic incidents regarding EWING to Mr. Miller. Although Mr. Miller replied, "I did not know  
18 any of it... I will take care of it," no investigation was conducted, nor any corrective action taken.

19 35. MR. LEVY, Tony Thomas, Construction Foreman, Mr. Brewer, and Mr. Seefried  
20 attended a seminar in Santa Ana on January 19, 2017. The attendees were grouped together by  
21 the cities they represent. Midway through the seminar, MR. LEVY's name was picked as a winner  
22 of a raffle. As MR. LEVY walked to the center of the room to receive his prize, he lifted his  
23 employee cap slightly, while pointing at the City logo. The gesture unintentionally partially  
24 revealed MR. LEVY's yarmulke. After collecting his prize, MR. LEVY then walked back to his  
25 group, and Mr. Seefried shouted with an angry face, "Thanks a lot. Now everyone knows we hire  
26 Fucking Jews!" Mr. Brewer grinned, and Mr. Thomas looked away, thereby both of them  
27 condoning Seefried's conduct and giving him clearance to continue his hostile discriminatory  
28 behavior.

1           36.     MR. LEVY was on standby over the weekend in 2017 from January 20th through  
2 January 22nd. The weekend had one of the worst rains in years. On the following Monday,  
3 January 23, most of MR. LEVY's clothes were still wet since he had responded to a call that  
4 morning around 4:30 a.m. Before his regular shift began, he ran home and grabbed a dry pair of  
5 socks. Upon returning to work, he placed the dry pair of socks on a chair next to his boots and  
6 raincoat in the crew room. MR. LEVY then attended a meeting with his foreman to provide him  
7 with an update on events that occurred over the weekend. When MR. LEVY walked back into  
8 the crew room, Mr. Seefried was there and angrily said, "Hey, this isn't your house. Pick up your  
9 shit!" MR. LEVY replied, "What? My socks are clean. I was in a meeting." Mr. Seefried then  
10 scoffed, "I don't give a shit," and began shouting racist comments like, "Pick up your shit you  
11 fucking beaner." MR. LEVY tried to ignore Mr. Seefried's abusive ranting tirade, however Mr.  
12 Seefried then threatened MR. LEVY by saying, "pick them up or else," while approaching MR.  
13 LEVY in a threatening manner. Mr. Moon and Kip Ramsey, WT-II, were present and stepped in  
14 between MR. LEVY and Mr. Seefried but, again nothing was done to properly address this  
15 harassment and workplace bullying. Shaken, MR. LEVY continued working that day.

16           37.     During February 2017, City Yard employees including foremen and supervisors  
17 were present in a large conference room for training related to underground mapping of the water  
18 system. MR. LEVY asked a question pertinent to the material regarding measurements and being  
19 able to save data. After MR. LEVY asked his question, Mr. Seefried yelled, "I have a question ....  
20 how can I draw a big red fucking swastika on that map and save it?" Everyone in the room heard  
21 the comment and the room went silent. Mr. Brewer and a few other employees chuckled, thereby  
22 applauding Mr. Seefried's outrageous anti-Semitic comment. The presenter remained quiet and  
23 in disbelief said, "Ok, let's move on."

24           38.     On Thursday February 16, 2017, MR. LEVY and another co-worker, Moti Cohen  
25 met with H.R. Director, Mr. Harary and H.R. Manager Ms. Sanders to make a formal complaint  
26 of the years of harassment by EWING, Mr. Seefried, Mr. Brewer and others.

27           39.     Two weeks before the Employee of the Year Award selection, on March 30, 2017,  
28 a co-worker relayed to MR. LEVY that he was going to receive the award however, due to his

1 complaints to Human Resources regarding his co-workers, the Water Superintendent retaliated  
2 against him and gave the award to someone else. MR. LEVY promptly complained to human  
3 resources as he believed he deserved the award, but realized WESTMINSTER retaliated against  
4 him because of his complaints.

5 40. MR. LEVY was on rotation to repair hydrants and valves with Mr. Moon on  
6 April 6, 2017. Mr. Brewer retaliated against MR. LEVY for making complaints by visiting every  
7 location MR. LEVY and Mr. Moon completed and reported that they were not doing their jobs  
8 correctly, even though he was not assigned to supervise their location. MR. LEVY immediately  
9 complained about Mr. Brewer's retaliation and harassment to Mr. Wade, his foreman at the time,  
10 who had not made any complaints regarding MR. LEVY or Mr. Moon's work. Mr. Wade  
11 informed MR. LEVY that he would put Mr. Brewer on notice since he knew that Mr. Brewer was  
12 retaliating against MR. LEVY because of the complaints he made to human resources. Mr. Wade  
13 told MR. LEVY "he just wants you to get in trouble because he is upset about the Marty thing."  
14 Then Mr. Wade added, "Gene should not be going out of his way to get you in trouble." Even  
15 though Mr. Wade said he was going to take action, the retaliation and harassment continued.

16 41. When Mr. Seefried resigned from WESTMINSTER on approximately May 15,  
17 2017, MR. LEVY went to Mr. Harary to follow up on his complaint. Mr. Harary stated, "Marty  
18 made it easy for me since he has resigned." MR. LEVY then asked, "What does that mean?" Mr.  
19 Harary replied, "It's over and I can't do anything since he is gone." Mr. Harary did not mention  
20 anything regarding the outcome of the investigation involving EWING, Mr. Brewer, or the others,  
21 so MR. LEVY assumed that the investigation was still pending. MR. LEVY later learned that the  
22 investigation was closed without any discipline or corrective action taken.

23 42. On April 2, 2018, MR. LEVY opened the gates to his driveway to prepare to take  
24 his 12-year-old daughter to school. As he was opening the gate, he noticed EWING driving a City  
25 work truck heading southbound on Olive Street. As EWING neared MR. LEVY's residence, he  
26 smirked at MR. LEVY and gestured a Nazi salute with his arm and hand towards MR. LEVY.  
27 EWING then abruptly headed towards Hazard Ave, while giving MR. LEVY another gesture  
28 with his hand waving it in a downward motion which signifies, "Get out of here!"

1           43.     MR. LEVY's neighbor was inside his parked vehicle, about 20 feet away and  
2 witnessed the incident. His neighbor was about to drive to work but instead exited his vehicle and  
3 walked towards MR. LEVY. The neighbor asked, "What was that about? Did he throw something  
4 at you?" MR. LEVY asked, "Did you see that?" Neighbor responded, "Yes." MR. LEVY then  
5 said, "It was a Nazi salute." The neighbor replied, "Like a salute to Hitler?" MR. LEVY said,  
6 "Yeah." Neighbor asked, "Does he know you are Jewish?" I replied, "Yes."

7           44.     WESTMINSTER retaliated against MR. LEVY as when he attempted to apply for  
8 a promotion, he was put through a much more rigorous and intensive interview process than other  
9 candidates.

10          45.     Then in an effort to detract from the issues MR. LEVY had been complaining  
11 about for years, WESTMINSTER signaled him out for retaliatory discipline.

12          46.     On June 18, 2018, EWING threatened MR. LEVY's life. MR. LEVY exited the  
13 City Yard at Olive Street to walk home and as he began to cross eastbound on Olive Street, he  
14 heard a vehicle accelerate very loudly from behind him. In fear for his life, MR. LEVY  
15 immediately turned quickly and recognized the driver of the vehicle as EWING. EWING savoring  
16 threatening and intimidating MR. LEVY then accelerated directly towards MR. LEVY. MR.  
17 LEVY was in shock and froze for a second as he did not know which direction was safest to flee  
18 for his safety. Prior to reaching MR. LEVY, EWING briefly swerved away only to turn directly  
19 towards MR. LEVY again. Within feet of hitting MR. LEVY, EWING again swerved away from  
20 MR. LEVY and laughed at him as he continued driving by.

21          47.     The next morning, June 19, 2018, MR. LEVY contacted the Westminster Police  
22 and filed a report with Detective Norma Vasquez and also made a complaint to Human Resources,  
23 Ms. Sanders regarding EWING's threatening and intimidating conduct. EWING received no  
24 disciplinary or corrective action.

25          48.     To date, EWING continues to discriminate and harass MR. LEVY. Although  
26 EWING can park on the other side of the facility, EWING purposefully drives by MR. LEVY's  
27 home on a daily basis and parks either across the street from MR. LEVY's home or on the same  
28 side of the street in very close proximity to MR. LEVY's home for the purpose of threatening and

1 intimidating MR. LEVY.

2 49. Around the end of September 2018, EWING parked his car close to Mr. LEVY's  
3 home, and sat there drinking his coffee waiting for MR. LEVY to exit his home. When MR.  
4 LEVY came out of his house, EWING stared at him in a threatening manner for the duration of  
5 MR. LEVY walking to his car.

6 50. Every Tuesday, WESTMINSTER runs tests to sample the water at a sample station  
7 directly across the street from MR. LEVY's home. Instead of sending someone else, EWING is  
8 often sent to do these tests and when EWING is not assigned to run these tests, he often comes  
9 anyway to look for an opportunity to threaten and intimidate MR. LEVY.

10 51. EWING was last there March 12, 2019, and when MR. LEVY left his home,  
11 EWING was standing on the rear passenger side tire of his work truck directly across the street  
12 from MR. LEVY and stared at MR. LEVY in a threatening and intimidating manner. MR. LEVY  
13 feels like a prisoner in his own home as he often has to avoid leaving his home in fear of EWING  
14 being outside waiting to threaten or intimidate him.

15 52. The above incidents are a result of WESTMINSTER and their upper management  
16 disregarding the numerous complaints and pleas for help from MR. LEVY. Instead of addressing  
17 these complaints and taking appropriate action to stop this discriminatory, outrageous and  
18 offensive behavior by their employees, WESTMINSTER chose to turn a blind eye. Levy has  
19 complained throughout his employment to his immediate supervisors as well as human resources,  
20 including the Human Resources Director, Mr. Harary.

21 **FIRST CAUSE OF ACTION**

22 **DISCRIMINATION BASED ON RELIGIOUS CREED IN VIOLATION OF FEHA**

23 **GOVERNMENT CODE SECTION 12940, SUBDIVISION (a):**

24 **[Against all DEFENDANTS and DOES 1 THROUGH 100]**

25 53. PLAINTIFF re-alleges the information set forth in the preceding paragraphs and  
26 incorporates them into this cause of action as if they were fully alleged herein.

27 54. As set forth above, PLAINTIFF was subjected to discrimination based upon his  
28 religious creed, race and national origin during his employment with DEFENDANT,

1 WESTMINSTER.

2 ///

3 55. At all times relevant to this Complaint, Government Code section 12940, *et seq.*,  
4 was in full force and effect and was binding upon DEFENDANTS, and each of them. Said  
5 sections required DEFENDANTS to refrain from discriminating against any employee, including  
6 PLAINTIFF, based upon religious creed, among other characteristics.

7 56. DEFENDANTS discriminated against PLAINTIFF based upon his religious creed  
8 in violation of this statute by engaging in the course of conduct more fully set forth above, as well  
9 as other prohibited acts.

10 57. PLAINTIFF filed timely charges of discrimination with the California DFEH and  
11 received a notice granting him the right to sue in California Superior Court. PLAINTIFF has  
12 exhausted all of his administrative remedies necessary to this claim.

13 58. By the aforesaid acts and omissions of DEFENDANTS, and each of them,  
14 PLAINTIFF has been directly and legally caused to suffer actual damages including, but not  
15 limited to, loss of earnings and future earning capacity, attorneys' fees, costs of suit and other  
16 pecuniary loss to be proven at trial.

17 59. As a further result of DEFENDANTS' actions, PLAINTIFF suffered severe  
18 physical sickness or injury, emotional and mental distress, depression, anguish, humiliation,  
19 shame, embarrassment, fright, shock, pain, discomfort and anxiety. These amounts exceed the  
20 jurisdictional requirements of this Court.

21 60. PLAINTIFF is informed and believes and thereon alleges that DEFENDANT  
22 EWING and other WESTMINSTER personnel, and each of them, by the conduct of their  
23 managing agents, officers and/or directors in committing the aforementioned acts or omissions  
24 and/or in ratifying such acts or omissions, engaged in willful, malicious, intentional, oppressive  
25 and 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 in an  
27 amount to be determined at trial.

28 61. As a result of DEFENDANTS' conduct as alleged herein, PLAINTIFF is entitled

1 to reasonable attorneys' fees and costs pursuant to California Government Code section 12965,  
2 subdivision (b).

3 **SECOND CAUSE OF ACTION**

4 **RACE, COLOR, NATIONAL ORIGIN DISCRIMINATION IN VIOLATION OF FEHA**  
5 **GOVERNMENT CODE SECTION 12940, SUBDIVISION (a):**

6 **[Against all DEFENDANT and DOES 1-100]**

7 62. PLAINTIFF re-alleges the information set forth in the preceding paragraphs and  
8 incorporates them into this cause of action as if they were fully alleged herein.

9 63. DEFENDANT WESTMINSTER is an employer as defined by the Fair  
10 Employment and Housing Act (FEHA).

11 64. PLAINTIFF is a Jew born in Mexico, and thus part of a protected class as defined  
12 by the FEHA.

13 65. DEFENDANT subjected PLAINTIFF to adverse employment actions, including  
14 but not limited to, discrimination, harassment, disparate job treatment, undue scrutiny, and  
15 sabotage of PLAINTIFF's job duties.

16 66. PLAINTIFF's protected status as a Jewish male born in Mexico was a motivating  
17 reason(s) for the adverse employment actions, in violation of FEHA.

18 67. PLAINTIFF was harmed by DEFENDANTS' actions.

19 68. DEFENDANTS' act of subjecting PLAINTIFF to adverse employment actions  
20 based on his race and national origin is a substantial factor in causing PLAINTIFF's harm.

21 69. DEFENDANTS' actions were willful, malicious, fraudulent and oppressive, and  
22 were committed with the wrongful intent to injure PLAINTIFF and in conscious disregard of  
23 PLAINTIFF's rights.

24 70. As a result of DEFENDANTS' actions, PLAINTIFF sustained economic harms  
25 and losses in an amount according to proof at the time of trial. These amounts included but are  
26 not limited to lost wages, and benefits that exceed the jurisdictional requirements of this Court.

27 71. PLAINTIFF is informed and believes and thereon alleges that DEFENDANT  
28 EWING and other WESTMINSTER personnel, and each of them, by the conduct of their

1 managing agents, officers and/or directors in committing the aforementioned acts or omissions  
2 and/or in ratifying such acts or omissions, engaged in willful, malicious, intentional, oppressive  
3 and despicable conduct, and acted with willful and conscious disregard of the rights, welfare and  
4 safety of PLAINTIFF, thereby justifying the award of punitive and exemplary damages in an  
5 amount to be determined at trial.

6 72. As a further result of DEFENDANTS' actions, PLAINTIFF suffered severe  
7 physical sickness or injury, emotional and mental distress, depression, anguish, humiliation,  
8 shame, embarrassment, fright, shock, pain, discomfort and anxiety. These amounts exceed the  
9 jurisdictional requirements of this Court.

10 73. As a result of DEFENDANTS' conduct as alleged herein, PLAINTIFF is entitled  
11 to reasonable attorneys' fees and costs pursuant to California Government Code section 12965,  
12 subdivision (b).

13 **THIRD CAUSE OF ACTION**

14 **HARASSMENT AND HOSTILE WORK ENVIRONMENT IN VIOLATION OF FEHA**  
15 **GOVERNMENT CODE SECTION 12940, SUBDIVISION (j):**

16 **[Against all DEFENDANT and DOES 1-100]**

17 74. PLAINTIFF re-alleges the information set forth in the preceding paragraphs and  
18 incorporates them into this cause of action as if they were fully alleged herein.

19 75. This cause of action is asserted against all DEFENDANTS.

20 76. DEFENDANTS, and each of them engaged in a campaign of harassment against  
21 PLAINTIFF that includes but is not limited to: mocking his religious and cultural heritage,  
22 making racist jokes at his expense, referring to him by anti-Semitic derogatory nicknames like  
23 "Spic Jew," and "Kike," "Stupid Mexican," "Fucking Jew," and "Beaner," engaging in anti-  
24 Semitic symbols such as Nazi Swastikas and "Seig heil" gestures, physically threatening and  
25 battering him, making false reports about his work performance, ostracizing him in front of co-  
26 workers and supervisors, denying him a merited award and promotion, refusing to train him and  
27 all other conduct described herein.

28 77. PLAINTIFF was subjected to the actions described above based on his actual or

1 perceived race national origin, ethnicity, and religion, or his actual or perceived association with  
2 such persons.

3 78. Said actions were severe and/or pervasive. Said actions were subjectively and  
4 objectively offensive and unwanted. A reasonable person in PLAINTIFF's circumstances would  
5 have considered the work environment to be hostile or abusive.

6 79. DEFENDANTS had actual and constructive knowledge of the conduct described  
7 in the paragraphs above.

8 80. DEFENDANTS failed to comply with their statutory duty to take all reasonable  
9 and necessary steps to eliminate discrimination and harassment from the workplace and to prevent  
10 it from occurring in the future. Alternatively, DEFENDANTS ratified and approved the conduct  
11 upon learning of it.

12 81. Each of the above acts described herein were committed by employees of  
13 WESTMINSTER , including supervisors. Alternatively, WESTMINSTER knew of or should  
14 have known of the harassment, and failed to take reasonable steps to stop it. Alternatively,  
15 DEFENDANT ratified and approved it.

16 82. As an actual and proximate result of the aforementioned violations, PLAINTIFF  
17 has been harmed in an amount according to proof, but in an amount in excess of the jurisdiction  
18 of this Court.

19 83. The working conditions created by the DEFENDANTS was so intolerable that a  
20 reasonable person in PLAINTIFF's circumstances would perceive it as unconscionable.

21 84. The DEFENDANTS intentionally created or knowingly permitted these  
22 intolerable conditions. This disparate treatment is unlawful discrimination according to US Labor  
23 Law which prohibits unequal behavior toward someone because of a protected characteristic  
24 under Title VII of the United States Civil Rights Act. As a result of WESTMINSTER condoning  
25 this offensive conduct, PLAINTIFF lost the opportunity to pursue his chosen career without being  
26 subjected to extremely offensive conduct and being in fear for his life, and thus has suffered past  
27 and future economic and non-economic damages, as alleged herein.

28 85. PLAINTIFF is informed and believes and thereon alleges that DEFENDANT

1 EWING and other WESTMINSTER personnel, and each of them, by the conduct of their  
2 managing agents, officers and/or directors in committing the aforementioned acts or omissions  
3 and/or in ratifying such acts or omissions, engaged in willful, malicious, intentional, oppressive  
4 and despicable conduct, and acted with willful and conscious disregard of the rights, welfare and  
5 safety of PLAINTIFF, thereby justifying the award of punitive and exemplary damages in an  
6 amount to be determined at trial.

7 86. As a result of DEFENDANTS' conduct as alleged herein, PLAINTIFF is entitled  
8 to reasonable attorneys' fees and costs pursuant to California Government Code section 12965,  
9 subdivision (b).

10 **FOURTH CAUSE OF ACTION**

11 **RETALIATION IN VIOLATION OF FEHA GOVERNMENT CODE SECTION 12940,**

12 **SUBDIVISION (h):**

13 **[Against DEFENDANTS and DOES 1 THROUGH 100]**

14 87. PLAINTIFF re-alleges the information set forth in the preceding paragraphs and  
15 incorporates them into this cause of action as if they were fully alleged herein.

16 88. At all times herein mentioned, Government Code section 12940, *et seq.*, was in  
17 full force and effect and was binding upon DEFENDANTS, and each of them. Said statute  
18 imposes certain duties upon DEFENDANTS, and each of them, concerning discrimination and  
19 retaliation against persons on the basis of religious creed, race and national origin. Said statute  
20 was intended to prevent the type of injury and damage set forth herein.

21 89. PLAINTIFF was, at all times herein mentioned, a member of the class of persons  
22 intended to be protected by said statute.

23 90. As alleged above, PLAINTIFF was retaliated against for making complaints of  
24 discrimination and harassment based on his religious creed, race and national origin by  
25 DEFENDANT EWING and other WESTMINSTER employees, leading to impairment of his  
26 future ability to work in a place free from harassment and discrimination.

27 91. Prior to the filing of this action, PLAINTIFF filed complaints with the Department  
28 of Fair Employment and Housing ("FEHA") alleging that the acts of DEFENDANTS established

1 a violation of FEHA, Government Code section 12900, *et seq.* PLAINTIFF has received right to  
2 sue letters from the FEHA against each named DEFENDANT and has timely brought this action  
3 thereafter.

4 92. As a direct, foreseeable, and legal result of DEFENDANTS' discriminatory and  
5 retaliatory acts, PLAINTIFF has suffered and continues to suffer substantial losses in earnings,  
6 earnings capacity, job benefits, expenses, attorney's fees and costs of suit and has suffered and  
7 continues to suffer physical sickness and injury, humiliation, embarrassment, mental and  
8 emotional distress, anxiety, and discomfort, all to his damage in an amount in excess of the  
9 minimum jurisdiction of this Court, the precise amount of which will be proved at trial.

10 93. PLAINTIFF is informed and believes and thereon alleges that DEFENDANT  
11 EWING and other WESTMINSTER personnel, and each of them, by the conduct of their  
12 managing agents, officers and/or directors in committing the aforementioned acts or omissions  
13 and/or in ratifying such acts or omissions, engaged in willful, malicious, intentional, oppressive  
14 and despicable conduct, and acted with willful and conscious disregard of the rights, welfare and  
15 safety of PLAINTIFF, thereby justifying the award of punitive and exemplary damages in an  
16 amount to be determined at trial.

17 94. As a result of DEFENDANTS' conduct as alleged herein, PLAINTIFF is entitled  
18 to reasonable attorneys' fees and costs pursuant to California Government Code section 12965,  
19 subdivision (b).

20 **FIFTH CAUSE OF ACTION**

21 **FAILURE TO PREVENT HARASSMENT, DISCRIMINATION AND RETALIATION**  
22 **IN VIOLATION OF FEHA GOVERNMENT CODE SECTION 12940, SUBDIVISION**

23 **(k)**

24 **[Against DEFENDANT WESTMINSTER ]**

25 95. PLAINTIFF re-alleges the information set forth in the preceding paragraphs and  
26 incorporates them into this cause of action as if they were fully alleged herein.

27 96. This cause of action is asserted against WESTMINSTER only.

28 97. It is unlawful employment practice for a California employer to fail to take all

1 reasonable steps necessary to prevent discrimination, harassment and retaliation from occurring.  
2 Government Code section 12940, subdivision (k).

3 98. At all times, the FEHA and in particular Government Code section 12940,  
4 subdivision (k), was in full force and was binding upon DEFENDANTS.

5 99. As alleged above, WESTMINSTER violated Government Code section 12940,  
6 subdivision (k) and breached its statutory duty by failing to take all reasonable steps necessary to  
7 address and prevent unlawful harassment, discrimination and retaliation of PLAINTIFF from  
8 occurring. Specifically, WESTMINSTER created or tolerated a risk or hazard of harassing,  
9 discriminatory behavior towards PLAINTIFF and other individuals in protected categories and  
10 failed and refused to take any preventative action, including training, education or reassignment  
11 designed to prevent harassing behavior.

12 100. Upon information and belief, WESTMINSTER and its agents knowingly  
13 permitted a culture of anti-Semitic and racial slurs in WESTMINSTER which placed PLAINTIFF  
14 at unreasonable risk of being harassed and discriminated against on the basis of a protected  
15 category.

16 101. The working conditions created by the DEFENDANTS were so intolerable that a  
17 reasonable person in PLAINTIFF's would consider it unconscionable.

18 102. The DEFENDANTS intentionally created or knowingly permitted these  
19 intolerable conditions. This Disparate treatment is unlawful discrimination according to US Labor  
20 Law which prohibits unequal behavior toward someone because of a protected characteristic  
21 under Title VII of the United States Civil Rights Act. As a result of DEFENDANT  
22 WESTMINSTER condoning this offensive conduct, PLAINTIFF lost the opportunity to pursue  
23 his chosen career without being subjected to extremely offensive conduct and being in fear for  
24 his life, and thus has suffered past and future economic and non-economic damages.

25 103. As an actual and proximate result of the aforementioned violations, PLAINTIFF  
26 has been harmed in an amount according to proof, but in an amount in excess of the jurisdiction  
27 of this Court.

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- 1 g. Government Code section 12940, subdivision (k), which prohibits employers from  
2 failing to take all reasonable steps necessary to prevent discrimination and/or  
3 harassment from occurring in the workplace;
- 4 h. California Code of Regulations, title 2, regarding the FEHA, and specifically  
5 sections 7287.6, 7287.8, Harassment is unlawful as defined in section 7287.6  
6 (1)(A), and includes verbal harassment, *e.g.* assault, derogatory comments or slurs  
7 on a basis enumerated in the Act, 7287.6 (E) (2) Harassment of an employee by  
8 another employee or other covered entity, its agents or supervisors is unlawful and  
9 7287.8(a) Retaliation- it is unlawful for an employer...to adversely affect working  
10 conditions or otherwise deny any employment benefit to an individual because that  
11 individual has opposed practices prohibited by this Act, or has filed a complaint;
- 12 i. Article I, section 8 of the California Constitution, which prohibits discrimination,  
13 due to race, creed, color, or national origin;
- 14 j. Penal Code sections 240-241, which prohibits assault; and
- 15 k. Labor Code section 1102.5, subdivision (c), which was violated because  
16 WESTMINSTER retaliated against MR. LEVY because he complained of and  
17 refused to put up with a statutorily prohibited work environment wherein, he was  
18 expected to endure and tolerate offensive discriminatory and harassing comments  
19 made by DEFENDANT Ewing and other WESTMINSTER employees, including  
20 supervisory personnel.

21 107. MR. LEVY will be able to establish his claim because he will be able to show that  
22 WESTMINSTER ignored his ongoing complaints about the anti-Semitic and racial slurs which  
23 created an extremely hostile environment to which he was subjected as well as the impact on his  
24 mental and physical health. Instead of addressing these complaints, WESTMINSTER retaliated  
25 against MR. LEVY and allowed the severe and pervasive harassment to continue.

26 108. California Law requires employers to include training to prevent abusive conduct  
27 (Govt. Code, § 12950.1, subd. (b)) but this training was not provided to employees of  
28 WESTMINSTER .

1           109. DEFENDANT WESTMINSTER refused to remediate and/or curtail the  
2 discrimination and harassment by the individual DEFENDANT Ewing and other  
3 WESTMINSTER employees, or prevent them from retaliating against MR. LEVY as alleged in  
4 herein, supra, and therefore fostered a work environment whereby MR. LEVY was forced to work  
5 in a statutorily prohibited work environment, where discrimination, harassment and assault would  
6 not be adequately investigated or remediated, would be allowed to continue unabated, and where  
7 MR. LEVY would face retaliation if he complained. Furthermore, the DEFENDANT  
8 WESTMINSTER has continued to allow this outrageous, offensive conduct to continue and as a  
9 direct consequence to MR. LEVY reporting and complaining of the discrimination and  
10 harassment, and other conduct forbidden by FEHA he was further retaliated against.

11           110. The named DEFENDANTS' actions, alleged in this cause of action, directly and  
12 proximately resulted in MR. LEVY suffering and continuing to suffer physical sickness and  
13 injury, emotional distress, including stress, anxiety, anger, humiliation, depression, loss of self-  
14 confidence, loss of self-esteem, feelings of hopelessness, and feelings of betrayal, bonuses, plus  
15 future expenses incurred in seeking professional medical treatment for the aforementioned  
16 symptoms, all of which was and is to his damage in a sum within the minimum jurisdiction of  
17 this Court, to be ascertained according to proof.

18           111. MR. LEVY is informed and believes and thereon alleges that DEFENDANT  
19 EWING and other WESTMINSTER employees, by engaging in the aforementioned acts and/or  
20 in authorizing and/or ratifying such acts, engaged in willful, malicious, fraudulent, intentional,  
21 oppressive and despicable conduct, and acted with willful and conscious disregard of the rights,  
22 welfare and safety of MR. LEVY, thereby justifying the award of punitive and exemplary  
23 damages in an amount to be determined at trial.

24           112. PLAINTIFF also prays for all penalties allowed under Labor Code section 1102.5,  
25 subdivision (f) including up to \$ 10,000.00 penalties and its enhanced burden of proof.

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1 **SEVENTH CAUSE OF ACTION**

2 **VIOLATION OF CIVIL CODE SECTION 52.1**

3 **(Against All DEFENDANTS)**

4 109. PLAINTIFF re-alleges the information set forth in the preceding paragraphs and  
5 incorporates them into this cause of action as if they were fully alleged herein.

6 110. On or about the above stated dates, and sometime prior thereto, DEFENDANTS  
7 violated PLAINTIFF's civil rights, guaranteed by the Bane Civil Rights Act, the California  
8 Constitution and the laws of the State of California thereby violating California law, including,  
9 but not limited to, Civil Code section 52.1.

10 111. DEFENDANT EWING interfered with MR. LEVY's right to be free from bodily  
11 restraint or harm (Civ. Code, § 43), and rights protected by the California Penal Code and  
12 California Constitution, and the right to a safe workplace protected by Labor Code sections 6400  
13 and 6401, by committing threatening, intimidating and violent acts against MR. LEVY.

14 112. DEFENDANT WESTMINSTER knew or should have known that during the  
15 incidents EWING committed acts of threats, intimidation and violence against MR. LEVY, in  
16 violation of Civil Code section 52.1. EWING's threatening, intimidating and violent conduct was  
17 perpetrated as an employee of WESTMINSTER during the course and scope of his employment,  
18 making WESTMINSTER vicariously liable for his conduct.

19 113. As a proximate result of the aforementioned acts of DEFENDANT EWING,  
20 PLAINTIFF suffered damages in a sum according to proof, and is entitled to damages, statutory  
21 damages, attorney's fees and costs provided for by Civil Code sections 52 and 52.1.

22 114. MR. LEVY is informed and believes and thereon alleges that DEFENDANT  
23 EWING and other WESTMINSTER employees, by engaging in the aforementioned acts and/or  
24 in authorizing and/or ratifying such acts, engaged in willful, malicious, fraudulent, intentional,  
25 oppressive and despicable conduct, and acted with willful and conscious disregard of the rights,  
26 welfare and safety of MR. LEVY, thereby justifying the award of punitive and exemplary  
27 damages in an amount to be determined at trial.

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1 **EIGHTH CAUSE OF ACTION**

2 **VIOLATION OF CIVIL CODE SECTION 43**

3 **(Against All DEFENDANTS)**

4 115. PLAINTIFF re-alleges the information set forth in the preceding paragraphs and  
5 incorporates them into this cause of action as if they were fully alleged herein.

6 116. Civil Code section 43, provides that “[b]esides the personal rights mentioned or  
7 recognized in the Government Code, every person has, subject to the qualifications and  
8 restrictions provided by law, the right of protection from bodily restraint or harm, from personal  
9 insult, from defamation, and from injury to his personal relations.”

10 117. As alleged herein, and in violation of Civil Code section 43, DEFENDANTS  
11 EWING, WESTMINSTER, and DOES 1 through 100, and each of them, violated MR. LEVY’s  
12 right to be free from violence and bodily harm and personal insult.

13 118. DEFENDANT WESTMINSTER’s refusal to take corrective action violates the  
14 law because EWING, an employee, was acting in the course and scope of employment when  
15 harassed, discriminated and assaulted MR. LEVY causing him serious emotional, psychological  
16 and physical injuries.

17 119. By the aforesaid acts and omissions of DEFENDANTS, and each of them, MR.  
18 LEVY has been directly and legally caused to suffer actual damages including, but not limited to,  
19 loss of earnings, medical bills, costs of suit and other pecuniary loss in an amount not presently  
20 ascertained, but to be proven at trial.

21 120. As a further direct and legal result of the acts and conduct of DEFENDANTS, and  
22 each of them, as aforesaid, MR. LEVY has been caused to and did suffer and continues to suffer  
23 severe emotional and mental distress, depression, anguish, humiliation, shame, embarrassment,  
24 fright, shock, pain, discomfort and anxiety.

25 121. MR. LEVY is informed and believes and thereon alleges that the DEFENDANT  
26 EWING and other WESTMINSTER employees, by engaging in the aforementioned acts and/or  
27 in authorizing and/or ratifying such acts, engaged in willful, malicious, fraudulent, intentional,  
28 oppressive and despicable conduct, and acted with willful and conscious disregard of the rights,

1 welfare and safety of MR. LEVY, thereby justifying the award of punitive and exemplary  
2 damages in an amount to be determined at trial.

3 **NINTH CAUSE OF ACTION**

4 **VIOLATION OF CALIFORNIA CIVIL CODE SECTION 51.7**

5 **(Against All DEFENDANTS)**

6 122. PLAINTIFF re-alleges the information set forth in the preceding paragraphs and  
7 incorporates them into this cause of action as if they were fully alleged herein.

8 123. California Civil Code section 51.7, provides that “[b]esides the personal rights  
9 mentioned or recognized in the Government Code, every person has, subject to the qualifications  
10 and restrictions provided by law, the right to be free from any violence, or intimidation by threat  
11 of violence, committed against their persons on the basis of their religion, race or national origin,  
12 (Cal. Civ. Code, §§ 51.4 & 51.6).”

13 124. As alleged herein, DEFENDANTS failed to provide a workplace free from  
14 personal insults, including anti-Semitic and racial slurs, by failing to act on PLAINTIFF’s  
15 complaints that the workplace was hostile, verbally abusive and he felt unsafe. DEFENDANTS’  
16 refusal to take corrective action and provide protection from workplace abusive conduct violates  
17 this section.

18 125. The PLAINTIFF is informed and believes, and thereon alleges, that  
19 WESTMINSTER’s requirement that MR. LEVY work in a workplace with EWING and other  
20 WESTMINSTER employee’s offensive, hostile and verbally abusive conduct as Violative of  
21 Section 51.7 of the California Civil Code as he was not protected from personal insults or harm  
22 as provided by law. EWING and other WESTMINSTER employees’ abusive conduct was  
23 perpetrated as employees of WESTMINSTER during the course and scope of their employment,  
24 making WESTMINSTER vicariously liable for their conduct.

25 126. By the aforesaid acts and omissions of DEFENDANTS, and each of them,  
26 PLAINTIFF has been directly and legally caused to suffer actual damages including, but not  
27 limited to, loss of earnings, reliance damages, costs of suit and other pecuniary loss in an amount  
28 not presently ascertained, but to be proven at trial.







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**THIRTEENTH CAUSE OF ACTION**

**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

**(Against All DEFENDANTS)**

147. PLAINTIFF re-alleges the information set forth in the preceding paragraphs and incorporates them into this cause of action as if they were fully alleged herein

148. MR. LEVY was owed a duty of due care by DEFENDANTS, and each of them, to ensure that MR. LEVY was not exposed to foreseeable harms.

149. DEFENDANTS, and each of them, knew, or should have known, that MR. LEVY was being, or would be, subjected to the conduct as alleged herein, and knew, or should have known, that subjecting MR. LEVY to such conduct and/or failing to exercise due care to prevent their agents from engaging in such conduct, could and would cause MR. LEVY to suffer severe emotional distress. DEFENDANTS, and each of them, breached their duty of due care by engaging in such conduct, by failing to take any and all reasonable steps to halt such conduct and/or to prevent such conduct from occurring, and by failing to take appropriate corrective action following such conduct.

150. By the aforesaid acts and omissions of DEFENDANTS, and each of them, MR. LEVY has been directly and legally caused to suffer actual damages including, but not limited to, loss of earnings and future earning capacity, job benefits, medical expenses, attorney's fees, costs of suit and other pecuniary loss not presently ascertained.

151. As a further direct and legal result of the acts and conduct of DEFENDANTS, and each of them, as aforesaid, MR. LEVY has been caused to and did suffer and continues to suffer physical sickness and injury, severe emotional and mental distress, depression, anguish, humiliation, embarrassment, discomfort and anxiety.

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**PRAYER FOR RELIEF**

WHEREFORE, PLAINTIFF demands judgment against all DEFENDANTS and any other DEFENDANTS who may be later added to this action as follows:

1. For compensatory damages, including, but not limited to lost wages and non-economic damages in the amount according to proof;
2. For attorneys' fees and costs pursuant to all applicable statutes or legal principles;
3. For cost of suit incurred;
4. For punitive damages or other penalties recoverable by law, in an amount to be proved against each individual DEFENDANT (not including WESTMINSTER );
5. For prejudgment interest on all amounts claimed pursuant to Civil Code sections 3287 and/or 3288; and
6. For such other and further relief as the court may deem proper.

**V. JAMES DESIMONE LAW**

Date: April 12, 2019

By: Ney Finkler (on behalf of)

V. JAMES DESIMONE, ESQ.  
CARMEN D. SABATER, ESQ


Attorneys for PLAINTIFF,  
ELIYAHU YISHAI CORTEZ LEVY

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**DEMAND FOR JURY TRIAL**

PLAINTIFF ELIYAHU YISHAI CORTEZ LEVY hereby demands a trial by jury on all claims.

Date: April 12, 2019

By:   
V. JAMES DESIMONE, ESQ.  
CARMEN D. SABATER, ESQ

Attorneys for PLAINTIFF,  
ELIYAHU YISHAI CORTEZ LEVY

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**VERIFICATION OF COMPLAINT FOR DAMAGES**

I, ELIYAHU YISHAI CORTEZ LEVY, have read the attached Complaint for Damages and hereby attest that the same is true of my own knowledge, except as to those matters, which are therein stated on my information or belief, and as to those matter that I believe it to be true.

I declare under penalty of perjury under to the laws of the State of California that the foregoing is true and correct.

This Verification was executed on April 12, 2019, in Westminster, California.

  
\_\_\_\_\_  
ELIYAHU YISHAI CORTEZ LEVY