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FRESNO COUNTY SUPERIOR COURT

6 Attorneys for Plaintiff
Monique Aoki

By: M. Vang, Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF FRESNO

10 MONIQUE AOKI, an individual,

Case No. 17CECG02190

11 Plaintiff,

**PLAINTIFF MONIQUE AOKI'S
VERIFIED COMPLAINT FOR
DAMAGES**

12 vs.

13 PLANNED PARENTHOOD MAR
14 MONTE, INC., a corporation; ERIC
RIGHTMEIER, an individual; and DOES 1
15 through 50, inclusive,

1. **SEXUAL HARASSMENT IN
VIOLATION OF FEHA-
CALIFORNIA GOVERNMENT
CODE SECTION 12940, ET SEQ.;**

16 Defendants.

2. **RETALIATION IN VIOLATION
OF FEHA – CALIFORNIA
GOVERNMENT CODE SECTION
12940, ET SEQ.;**

3. **FAILURE TO PREVENT
HARASSMENT IN VIOLATION
OF FEHA – CALIFORNIA
GOVERNMENT CODE SECTION
12940, ET SEQ.;**

4. **CIVIL RIGHTS VIOLATIONS
UNDER CIVIL CODE SECTIONS
51.7 AND 52(b);**

5. **RETALIATION IN VIOLATION
OF LABOR CODE 1102.5; and,**

6. **REQUEST FOR DECLARATORY
AND INJUNCTIVE RELIEF.**

[DEMAND FOR JURY TRIAL]

1 Plaintiff Monique Aoki ("Ms. Aoki") alleges as follows on knowledge as to herself and
2 her own acts, and on information and belief as to all other matters:

3 I.

4 **PARTIES**

5 1. Ms. Aoki, an individual, was employed by Planned Parenthood Mar Monte, Inc.
6 ("Planned Parenthood") from August 2012 until the end of her employment in February 2017.
7 Ms. Aoki worked at Planned Parenthood's Response Center located at 90 West Ashlan Ave.,
8 Suite 100, Clovis, California 93612, in the County of Fresno, California. Ms. Aoki is, and at all
9 times mentioned herein was, a resident of the County of Fresno.

10 2. Defendant Planned Parenthood is a California corporation registered to do
11 business in the State of California, conducting business in the County of Fresno, and had its
12 principal place of business in the State of California.

13 3. Defendant Eric Rightmeier ("Rightmeier"), an individual, was the response center
14 director at Planned Parenthood's Family Response Center in Clovis, California. Rightmeier is a
15 resident of Fresno County and a citizen of the State of California.

16 4. Ms. Aoki is ignorant of the true names and capacities of Defendants sued herein
17 as Does 1-50, inclusive, and therefore sues these Defendants by such fictitious names. Ms. Aoki
18 will amend this complaint to allege the true names and capacities of said Defendants when the
19 same has been ascertained. Each of the fictitiously named Defendants is responsible in some
20 manner for the acts complained of herein. Unless otherwise stated, all references to named
21 Defendants shall include the Doe Defendants as well.

22 5. Each business entity of Defendants and Doe Defendants 1-50, whether corporate,
23 partnership, joint venture, unincorporated association, public entity, or other business entity of
24 unknown form, and whether named or sued by fictitious name, is, and at all times mentioned
25 herein was, in some manner involved in the ownership and/or operation of the business entity
26 defendants herein. Each of the defendants named in the caption and each Doe Defendant
27 (hereinafter collectively "Defendants"), whether named or sued by fictitious name, whether
28 acting in an individual capacity or within or without their capacity as managerial agent, servant,

1 employee, officer, director, partner, or joint venturer of each of the defendants aforementioned,
2 in committing the acts or omissions as alleged herein which resulted in damage to Ms. Aoki, was
3 an agent, employee, and/or partner of the remaining Defendants, including the Doe Defendants,
4 and in doing the things herein alleged was acting within the scope of such agency, employment,
5 and/or partnership and with the permission and consent and/or knowledge, authorization, or
6 ratification of each of the other defendants mentioned above, unless otherwise stated herein.

7 6. At all times mentioned herein, Planned Parenthood, Rightmeier, and each Doe
8 Defendant were agents, employees and/or partners of the remaining defendants, including the
9 Doe defendants, and, in doing the things hereinafter alleged, was acting within the course and
10 scope of such agency and/or employment with the knowledge, advice, permission, acquiescence
11 and/or consent of same.

12 II.

13 FACTUAL ALLEGATIONS

14 7. Ms. Aoki is a thirty-six (36) year-old female.

15 8. In or around August 2012, Ms. Aoki was hired by Planned Parenthood as a
16 Response Center Agent in Clovis, California. As a Response Center Agent, Ms. Aoki managed
17 and directed calls for health centers.

18 9. Throughout Ms. Aoki's employment with Planned Parenthood, Rightmeier was
19 head of the Planned Parenthood Response Center in Clovis, California. From the beginning of
20 Ms. Aoki's employment with Planned Parenthood, Ms. Aoki regularly hear Planned Parenthood
21 employees complain about Rightmeier because he yelled at employees, retaliated against
22 employees who complained about him, and made disparaging remarks toward female employees.

23 10. In or around September 2013, Ms. Aoki was promoted to a trainer position with
24 Planned Parenthood. Ms. Aoki trained new hires and existing employees who were coming back
25 from an extended leave.

26 11. After receiving positive reviews from her supervisors, Ms. Aoki was again
27 promoted to a mentor/trainer position in which she managed calls for response center agents and
28 provided them with feedback on answering calls.

1 12. In or around May 2015, Ms. Aoki was again promoted, this time to a template
2 specialist position with the Planned Parenthood Response Center in Clovis, California.

3 13. As a template specialist, Ms. Aoki was responsible for monitoring patient health
4 center appointment schedules and tracking and analyzing health center appointment rates and
5 trends. At the time of Ms. Aoki's promotion, Veronica Guzman ("Guzman"), her supervisor, told
6 Ms. Aoki that no other employees had ever received such high scores on performance reviews as
7 Ms. Aoki. Ms. Aoki was proud of her contribution to Planned Parenthood and excited about her
8 promotion.

9 14. As a result of the promotion, Ms. Aoki began regularly interacting with
10 Rightmeier. Prior to her promotion, Ms. Aoki repeatedly heard Planned Parenthood employees
11 talk about how Rightmeier made derogatory remarks about female employees, and how he had
12 favorites in the office who he treated better than others.

13 15. In or around March 2016, Ms. Aoki was sitting at her desk when she heard
14 Rightmeier approach Guzman's desk. Rightmeier had just returned from a trip with Ms. Aoki's
15 coworker to retrieve the coworker's stolen purse. Rightmeier boasted to Guzman about helping
16 the coworker and told Guzman, "You know I take care of my bitches."

17 16. All the female employees turned to look at Rightmeier. Guzman was in shock and
18 did not know how to respond. No employees laughed or responded to Rightmeier's reference to
19 female employees as "bitches." Rightmeier himself laughed, and walked away towards his
20 office. Ms. Aoki was personally offended and uncomfortable that a supervisor and director of an
21 organization like Planned Parenthood would refer to his coworkers as "bitches."

22 17. In or around September 2016, Planned Parenthood's Director of Public Affairs
23 Pedro Elias ("Elias") attended an all staff meeting and handed out postcards as part of a Planned
24 Parenthood advertising campaign. After Elias left the meeting, Rightmeier described Elias as a
25 "dog with a pink thing hanging out" in an attempt to disgust and harass the female employees.
26 The female employees were repulsed by Rightmeier's unnecessary comment. After seeing the
27 look of disgust on the female employees' faces, Rightmeier said, "I just want to take care of my
28

1 bitches is all.” Rightmeier laughed and walked away. Ms. Aoki and the other female employees
2 were again in shock at Rightmeier’s reference to female employees as “bitches.”

3 18. Ms. Aoki understood Rightmeier’s regular reference to female employees as his
4 “bitches” as sexual harassment of the female employees of Planned Parenthood, including
5 herself, in violation of California *Government Code* Section 12940(j)(1).

6 19. In or around November 2016, Ms. Aoki’s coworker Maura Luna (“Luna”) won a
7 raffle with a cash prize at the Planned Parenthood office. When Rightmeier heard that Luna had
8 won the cash prize, he approached Luna with the money. Instead of handing Luna the money,
9 Rightmeier said, “Now show me that you really know how to make your money” and threw the
10 money in the air and at Luna as if she were a stripper. Luna turned bright red and had to crawl on
11 the floor to pick up the money. Ms. Aoki, supervisor Jordana Dablan (“Dablan”), and coworker
12 Brendy Mendoza (“Mendoza”) all watched Rightmeier humiliate Luna in a sexist and degrading
13 manner.

14 20. It was clear to Ms. Aoki that the sexist and degrading treatment of her female
15 coworkers was sexual harassment and created a hostile work environment for the female
16 employees of Planned Parenthood.

17 21. In or around December 2016, the Planned Parenthood office was preparing for the
18 upcoming holiday party. Two (2) female coworkers were talking about bringing their brothers to
19 the holiday party. Rightmeier overheard them and jumped into their conversation. Rightmeier
20 told them, “Oh I heard you were bringing your brother. Why don’t you hook them up with Leti
21 [another coworker]?” Rightmeier laughed loud and hard at his comment because he viewed Leti
22 as an undesirable female and figured the brothers would as well. The two (2) female coworkers
23 to whom Rightmeier made his sexist comments both separately told Ms. Aoki about what
24 Rightmeier had said and how uncomfortable his comments made them feel. When Ms. Aoki
25 encouraged the female coworkers to report Rightmeier’s sexist comments, the female coworkers
26 told Ms. Aoki that Rightmeier had a close relationship with Human Resources and that nothing
27 could be done to stop Rightmeier’s behavior.

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1 22. Rightmeier was creating a hostile work environment that made female employees
2 like Ms. Aoki uncomfortable, embarrassed, and nervous everyday about Rightmeier’s insults and
3 ridicule towards the female employees.

4 23. Later in or around December 2016, only a few days before the Planned
5 Parenthood holiday party, Rightmeier told the female employees, including Ms. Aoki, that Elias
6 would be at the holiday party. Rightmeier told the female employees, “You might look down and
7 he might be humping your leg.” Rightmeier was purposely trying to disgust and offend the
8 female employees. The female employees, including Ms. Aoki, exchanged glances with each
9 other and avoided responding to Rightmeier’s inappropriate comment.

10 24. Immediately after, Rightmeier added, “I’m just taking care of my bitches is all.”
11 Rightmeier chuckled to himself and walked away before any of the female employees could even
12 react to his sexist and harassing comments.

13 25. Ms. Aoki had heard enough of Rightmeier’s sexually harassing comments. Ms.
14 Aoki decided that she wanted to report the harassment to Planned Parenthood’s Human
15 Resources director, Sandi Moniz (“Moniz”). Ms. Aoki confided to her coworkers that she
16 planned on reporting Rightmeier’s sexual harassment to Moniz but her coworkers advised
17 against it. Ms. Aoki’s coworkers reminded Ms. Aoki that Moniz and Rightmeier had a close
18 personal friendship outside of work and that prior attempts to report Rightmeier only resulted in
19 retaliation.

20 26. Specifically, Ms. Aoki’s coworkers told Ms. Aoki about an incident in which
21 there was a carbon monoxide scare at the Planned Parenthood office and firefighters reported to
22 the building. A female employee, Daisy Rodriguez (“Rodriguez”) made small talk with the
23 firefighters while waiting to enter the building. Shortly thereafter, Rightmeier approached
24 Rodriguez and loudly said, “You would do anything to get a fireman’s attention.” Rodriguez was
25 insulted and reported the incident to Moniz. Moniz told Rodriguez that there was nothing she
26 [Moniz] could do except put Rightmeier and Rodriguez in a room together and force them to talk
27 about the issue. Rodriguez refused to spend time alone in a room with her harasser. In response,
28

1 Moniz told Rodriguez that there was nothing she could do for Rodriguez and never investigated
2 Rodriguez's complaint about Rightmeier's harassment.

3 27. Ms. Aoki was disheartened to hear that making a complaint about Rightmeier
4 might cost her a job at Planned Parenthood. Ms. Aoki loved her job at Planned Parenthood and
5 loved what Planned Parenthood did for her community. She was terrified to lose her job and
6 feared retaliation, especially retaliation from Human Resources.

7 28. In or around January 2017, Rightmeier brought in his fiancée's engagement ring
8 to show to the female employees in the office. One of the employees, Christina Meza ("Meza"),
9 complimented the ring and jokingly said, "Can I have it?" Rightmeier looked at Meza and said,
10 "It depends on what you're doing later." Rightmeier did not laugh or indicate that he was joking
11 at all with Meza. Rightmeier stared at Meza and looked her up and down, indicating he was
12 serious about wanting to see her outside of work. Meza turned red and walked away from
13 Rightmeier. Ms. Aoki observed the harassment and again wanted to report Rightmeier for
14 creating a toxic work environment for the female employees, but was afraid of losing her job.

15 29. On or around January 30, 2017, Ms. Aoki and three (3) other female template
16 specialists at the Planned Parenthood office sent an email to Rightmeier about concerns that the
17 template specialists had with some of the supervisors who did not understand the nature of the
18 template specialist position. The template specialists reached out to Rightmeier after multiple
19 attempts to resolve their issues with the supervisors directly.

20 30. Later in the afternoon on or around January 30, 2017, Rightmeier called the
21 supervisors into his office, one by one, to explain that the template specialists had complained
22 about the supervisors. One of the supervisors told template specialist Mendoza, "Be careful, you
23 don't want to make Eric [Rightmeier] feel cornered. If he does, he'll turn this ugly real quick."

24 31. After speaking with the supervisors, Rightmeier came to each template
25 specialist's cubicle and angrily asked them, "Well are you ready to meet now?" The four (4)
26 female template specialists, including Ms. Aoki, nodded their heads and followed Rightmeier
27 into his office.

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1 32. After Rightmeier closed the door to his office, Ms. Aoki saw that he was visibly
2 furious. Rightmeier's hands were shaking and he was red in the face. Ms. Aoki was scared that
3 Rightmeier was going to react violently to any complaints that the female template specialists
4 had about their supervisors and workplace. Rightmeier started the meeting by throwing his hands
5 up and yelling, "So what did you guys want to talk about? Did you want to discuss as a group or
6 individually? Because I don't like meetings like this!" Ms. Aoki and the other template
7 specialists were terrified to say anything.

8 33. Ms. Aoki decided to be the first to speak up. Ms. Aoki told Rightmeier that the
9 female template specialists "just wanted to touch on the points made in the email so that we can
10 all be on the same page with the supervisors." The other template specialists began chiming in
11 and expressed how overwhelming and chaotic their job had become because the supervisors did
12 not fully understand the duties and responsibilities of the template specialist position.

13 34. Suddenly, Rightmeier cut off Ms. Aoki and the other template specialists and
14 yelled, "THAT'S IT??? Because how busy are you guys REALLY?" Rightmeier then slammed a
15 stack of papers down on his desk causing paper and other office supplies to scatter on the floor
16 and towards the template specialists. Ms. Aoki and the female template specialists were terrified
17 that Rightmeier was going to throw something at them.

18 35. Rightmeier then began hurling accusations at Ms. Aoki and the other template
19 specialists about the amount of time that they took for personal calls in an unspecified month.
20 Rightmeier then threw printouts of each template specialist's call log at each of them. The
21 women were left speechless by their supervisor's violent behavior.

22 36. Rightmeier then singled out Ms. Aoki and yelled, "Monique, you only took ten
23 (10) calls for January. BUT YOU'RE BUSY?!" Ms. Aoki told Rightmeier, "I'm not an agent.
24 I'm a template specialist. So of course I wouldn't have many patient calls. When I was
25 previously an agent, I took over 100 calls a day." Rightmeier interrupted Ms. Aoki and asked
26 her, "But are you taking calls?!" Ms. Aoki was scared to correct Rightmeier a second time so she
27 just looked down and did not respond.

28 ///

1 37. Rightmeier grew even more agitated by Ms. Aoki's silence. He then leaned over,
2 got uncomfortably close to Ms. Aoki's face and screamed multiple times, "ARE YOU? ARE
3 YOU!? ARE YOU!!?" Rightmeier screamed in Ms. Aoki's face for over ten (10) seconds. Ms.
4 Aoki was shaking from fear that Rightmeier was going to physically assault her.

5 38. Ms. Aoki tried to diffuse the situation. She told Rightmeier, "My answer to you is
6 whatever you want it to be at this point so you stop screaming in my face. If you want me to say
7 yes, it's yes. If you want me to say no, it's no." Rightmeier sat back down in his chair and asked
8 if there was anything else the female template specialists wanted to talk about. Horrified, the
9 female template specialists shook their heads no and Rightmeier pointed to his door to indicate
10 he wanted them all to leave his office.

11 39. Rightmeier never treated the male employees at Planned Parenthood in this way.
12 Rightmeier screamed, harassed, and threatened the template specialists because they were all
13 female.

14 40. Immediately after the meeting, Aoki and the other template specialists were
15 trembling. They were afraid to speak to each other to discuss Rightmeier's explosive behavior
16 because they did not want to set him off again.

17 41. Ms. Aoki was terrified and on the verge of tears. Her supervisor had gotten in her
18 face, nearly hit her, and screamed at her and all the other template specialists in an enraged and
19 demeaning tone. After thinking about all of Rightmeier's sexist comments as detailed above, Ms.
20 Aoki feared Rightmeier's repeated harassment and that he might physically assault her. With
21 Rightmeier in the office, Ms. Aoki feared that she was mentally incapable of performing her job.

22 42. On or around January 30, 2017, Ms. Aoki drafted a resignation to Planned
23 Parenthood and Rightmeier. In her resignation letter, Ms. Aoki wrote that her resignation was
24 based on the fact "that there is no open door policy here" and because "working for someone that
25 refers to their employees as "Taking Care of My Bitches" is not something I want to continue to
26 represent."

27 43. Ms. Aoki told her fellow female template specialists that given the hostile work
28 environment caused by Rightmeier, she would be resigning. The other female template

1 specialists begged her not to leave. Ms. Aoki told them that she would think about it that night
2 and speak with her family about the situation. Ms. Aoki told her family about the psychological
3 stress that she endured every day that she was forced to work with Rightmeier.

4 44. On or around January 31, 2017, Ms. Aoki came to work at 7 AM and saw an
5 email sent by Planned Parenthood supervisor Lisa Hinthorne ("Hinthorne") to all the female
6 template specialists. Hinthorne's email starts, "Eric [Rightmeier] has requested that I send out
7 these schedules to all of you." Immediately Ms. Aoki feared this was retaliation towards the
8 template specialists for asking to speak with Rightmeier. Hinthorne's email went on to change
9 the female template specialists schedules without warning, and the schedules were set to change
10 on February 1, 2017, the next day. The female template specialists were also now required to
11 take lunch and breaks at set times.

12 45. Furthermore, Hinthorne's email changed the basic job duties of the female
13 template specialists. In reaction to Rightmeier's rage that Ms. Aoki told Rightmeier that template
14 specialists do not take calls, Hinthorne's email specifically required the female template
15 specialists to assist on phones every day for a designated period of time.

16 46. Later in the morning on or around January 31, 2017, Hinthorne sent a follow up
17 email again changing the female template specialists' schedules. This time, the schedule included
18 shifts from 9 AM – 6 PM, which had never been assigned to the female template specialists
19 previously. Hinthorne stated that the changes would take effect the next week, giving the female
20 template specialists less than a week to adjust to a brand new schedule.

21 47. The female template specialists were distraught. Some of them had children at
22 home and working until 6 PM was not an option. Each template specialist went to Rightmeier
23 crying, asking him to change the shifts back or at least give them a few weeks to figure things
24 out before changing the schedules.

25 48. Rightmeier was callous and unsympathetic to his employees. He told them that if
26 the "reports" showed there was no need for someone to stay until 6PM, then he would change the
27 schedule back. Rightmeier admitted that he had changed the schedule not based on factual
28

1 business need but rather his own need to retaliate against Ms. Aoki and the other female template
2 specialists.

3 49. After meeting with Rightmeier on or around January 31, 2017, one of the female
4 template specialists, Mendoza, ran reports from Planned Parenthood's request tracking software,
5 TrackIt. TrackIt keeps records of all dates and times for requests sent via email from Planned
6 Parenthood Health Centers that are requesting assistance with scheduling issues through the
7 Planned Parenthood Response Center. Mendoza pulled TrackIt's date and time information for
8 all requests sent to TrackIt from Planned Parenthood Health Centers for the few months prior.
9 Mendoza counted the requests submitted through TrackIt requesting assistance and the time of
10 day for each of those emailed requests in order to evaluate whether a template specialist needed
11 to stay past 6 PM. Mendoza's reports showed that there was no need for a template specialist to
12 stay past 6 PM because the number of email requests needing a template specialist coming in
13 past 6 PM was approximately two (2) per month.

14 50. Mendoza immediately gave the reports to Rightmeier. Rightmeier yelled at
15 Mendoza, "I never asked for you to PROVE that the need wasn't there!" Rightmeier told
16 Mendoza that the female template specialists would continue to work late, regardless of business
17 need.

18 51. Mendoza came out of her meeting with Rightmeier in tears and told Ms. Aoki that
19 Rightmeier refused to change the schedule. Ms. Aoki was shocked at Rightmeier's reaction.
20 Mendoza had presented him with concrete evidence that there was not a business need for the
21 female template specialists to work past 6 PM and yet Rightmeier was still insisting that they
22 work late. Ms. Aoki knew that Rightmeier was retaliating against her and the other female
23 template specialists.

24 52. Ms. Aoki was sickened by Rightmeier's harassment and retaliation. Ms. Aoki felt
25 as though she was too psychologically scarred to continue to work with Rightmeier. For the sake
26 of her own mental and physical health, Ms. Aoki felt as though she needed to leave the toxic
27 atmosphere that Rightmeier had created for female employees.

28

1 53. Immediately after talking to Mendoza, Ms. Aoki went into Rightmeier's office
2 and handed him her resignation letter, stating that she would be leaving in two (2) weeks time.
3 She told Rightmeier that she was tired of the sexual harassment, retaliation, and the way he got
4 in her face and screamed at her the prior day. Rightmeier shrugged and did not seem concerned
5 by Ms. Aoki's statement about his conduct in the office.

6 54. Ms. Aoki left Rightmeier's office and immediately went to her direct supervisor,
7 Michelle Resendez ("Resendez") and asked Resendez if she could go home because she was not
8 feeling well. Resendez allowed Ms. Aoki to leave and Ms. Aoki went straight to see her doctor.

9 55. Ms. Aoki explained to her doctor what had happened at work with Rightmeier and
10 the months of sexual harassment she was forced to endure. Ms. Aoki's doctor put her on stress
11 leave for a few days with a return to work date on or around February 2, 2017. Working with
12 Rightmeier was making Ms. Aoki physically and mentally ill.

13 56. Between January 31, 2017 and February 2, 2017, Ms. Aoki heard from at least
14 two co-workers that Rightmeier was showing Ms. Aoki's resignation letter to other employees.
15 Rightmeier also told employees that both Moniz and his boss, Dominique Lee, told him that he
16 "did not have anything to worry about." Rightmeier was bragging about the fact that Planned
17 Parenthood managers had ratified his harassing and retaliatory behavior.

18 57. On or around February 2, 2017, Ms. Aoki returned from her stress leave. Ms.
19 Aoki was afraid to enter the office because she was afraid of what Rightmeier might do to
20 retaliate against her. Upon entering the office, she immediately met with Resendez who asked
21 her to sign resignation paperwork. Resendez told Ms. Aoki that all the resignation paperwork
22 would be send to Moniz because Moniz was the HR representative in the office. Resendez told
23 Ms. Aoki that normally the paperwork would include Ms. Aoki's resignation letter, but that
24 Rightmeier refused to provide it.

25 58. Later on or around February 2, 2017, Ms. Aoki received an email from Moniz.
26 Moniz's email asked Ms. Aoki to conduct an exit interview. Ms. Aoki emailed Moniz, stating
27 that she was not comfortable doing an exit interview with Moniz because of Moniz's close
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1 relationship with Rightmeier both inside and outside of work. Ms. Aoki told Moniz that she
2 wanted her exit interview done by Rochelle Noone (“Noone”), Moniz’s boss.

3 59. Instead of acknowledging the conflict of interest, Moniz proceeded to conduct her
4 own “investigation” into Ms. Aoki’s complaints about Rightmeier. Rightmeier remained in the
5 office while Moniz asked everyone else questions about Rightmeier and Ms. Aoki. The fact that
6 Rightmeier was only a few feet away made all the employees uncomfortable and unwilling to
7 discuss issues freely with Moniz.

8 60. One of the employees reported Moniz’s “investigation” to Noone. Shortly
9 thereafter, Noone stopped Moniz from investigating the matter and sent two (2) HR individuals
10 from Planned Parenthood’s San Jose office to conduct the investigation.

11 61. To this day, Ms. Aoki has never received any information from Planned
12 Parenthood about the results of this investigation or any investigation that Planned Parenthood
13 made as a result of her Ms. Aoki’s complaints about Rightmeier’s sexual harassment and
14 retaliation.

15 62. On or around February 3, 2017, Ms. Aoki took a vacation leave. Worried that
16 Rightmeier might not pass along her resignation letter and the allegations of harassment
17 contained therein, Ms. Aoki emailed Planned Parenthood VP Stephanie Merrell (“Merrell”) to
18 explain in full the reasons for her resignation.

19 63. In her email dated February 3, 2017, Ms. Aoki told Merrell, “I have recently
20 resigned my position due to the harassing comments, bullying, retaliation, and nepotism by our
21 director Eric Rightmeier.” Ms. Aoki also told Merrell that she was not comfortable with Moniz
22 conducting her exit interview “due to the relationship that Sandi [Moniz] and Eric [Rightmeier]
23 have inside and outside of work” and because “there have been many reports about Eric’s antics
24 to Sandi that fail to go anywhere past her. We have lost a number of valuable and hard working
25 employees because of this.”

26 64. Just a few hours after Ms. Aoki sent Merrell an email explaining the reasons for
27 her resignation, Merrell called Ms. Aoki. Merrell apologized for the behavior of Rightmeier, and
28 asked Ms. Aoki if she [Merrell] could forward Ms. Aoki’s email to Moniz’s boss, Noone. Ms.

1 Aoki agreed. Merrell never offered Ms. Aoki assurances that Planned Parenthood would stop
2 Rightmeier's harassing and retaliatory behavior.

3 65. Later on or around February 3, 2017, Noone emailed Ms. Aoki and asked to set
4 up a time to meet with Ms. Aoki about her complaints. Ms. Aoki emailed Noone in response and
5 told Noone that she [Ms. Aoki] was not comfortable working at the Planned Parenthood response
6 center while Rightmeier was working there. Ms. Aoki asked for a solution to the issue because
7 she wanted to return to work until her designated resignation date.

8 66. On or around February 8, 2017, Ms. Aoki and Noone spoke over the phone about
9 Rightmeier's harassment, retaliation, and nearly getting physical with Ms. Aoki. Ms. Aoki
10 explained to Noone that she did not want to leave Planned Parenthood but that she no longer felt
11 safe in the workplace with Rightmeier and that he had created a hostile work environment for the
12 female employees. Ms. Aoki told Noone that she did not feel comfortable returning for her last
13 few days of work because Rightmeier's presence caused her anxiety and fear.

14 67. Noone told Ms. Aoki that Ms. Aoki did not have to return to work with
15 Rightmeier and that Planned Parenthood would pay her for those days that she was scheduled to
16 work. Noone did not offer any assurance that something would be done about Rightmeier's sex-
17 based harassment and retaliation at Planned Parenthood.

18 68. On or around February 10, 2017, Ms. Aoki received her final paycheck from
19 Planned Parenthood.

20 69. Shortly after resigning from Planned Parenthood because of Rightmeier's
21 harassment, Ms. Aoki applied for unemployment insurance benefits from the California
22 Employment Development Department ("EDD"). Ms. Aoki explained in her unemployment
23 application that even though she "resigned," she was regularly harassed and nearly physically
24 assaulted by her supervisor, Rightmeier. Ms. Aoki told the EDD that she felt like she did not
25 have a choice because her safety was at issue if she did not resign. The EDD gave Ms. Aoki
26 unemployment insurance benefits even though she "resigned."

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1 75. Defendants Planned Parenthood and/or Does 1-25 are subject to the laws of the
2 State of California and are entities subject to suit under FEHA for sexual harassment under
3 California *Government Code* Section 12940(j)(1) in that each of these Defendants is an employer
4 who regularly employs one (1) or more persons in the State of California.

5 76. At all relevant times, Defendant Rightmeier and/or Does 26-50 was a
6 “supervisor” within the meaning of California *Government Code* Section 12926(t) because he
7 had the authority, in the interest of Defendants Planned Parenthood and/or Does 1-25, “to hire,
8 transfer, suspend, lay-off, recall, promote, discharge, assign, reward, or discipline other
9 employees, or the responsibility to direct them, or to adjust their grievances, or to effectively
10 recommend that action,” and in connection with the foregoing required to use independent
11 judgment.

12 77. Because Defendant Rightmeier and/or Does 26-50 was a supervisor as defined by
13 FEHA, Defendants Planned Parenthood and/or Does 1-25 are strictly liable for his acts of
14 harassment. Defendants Planned Parenthood and/or Does 1-25 also knew or should have known
15 about illegal harassment by Defendant Rightmeier and/or Does 26-50 but repeatedly failed to
16 take appropriate corrective action.

17 78. California *Government Code* Section 12940(j)(3) provides, in part, that “[a]n
18 employee of an entity subject to this subdivision is personally liable for any harassment
19 prohibited by this section that is perpetrated by the employee” Defendant Rightmeier
20 and/or Does 26-50 was an employee of Defendants Planned Parenthood and/or Does 1-25, which
21 are entities subject to harassment proscriptions in *Government Code* Section 12940(j)(1).
22 Defendant Rightmeier and/or Does 26-50 are personally liable for any harassment prohibited by
23 *Government Code* Section 12940(j)(1) that he perpetrated against Ms. Aoki.

24 79. Defendants, and each of them, violated FEHA by their own conduct and/or by
25 authorizing and/or ratifying the conduct of others, and engaged in unwanted verbal and physical
26 conduct based on Ms. Aoki’s gender, by acts including, but not limited to:

- 27 a. Rightmeier loudly boasting to female employees in the office, “You know I
28 take care of my bitches” in or around March 2016;

- 1 b. Rightmeier describing another male colleague to female colleagues as a “dog
2 with a pink thing hanging out” in an attempt to disgust and harass the female
3 employees in or around September 2016;
- 4 c. Rightmeier telling female employees, “I just want to take care of my bitches is
5 all,” in or around September 2016;
- 6 d. Rightmeier throwing money at another female employee and saying, “Now
7 show me that you really know how to make your money,” in or around
8 November 2016;
- 9 e. Rightmeier making fun of a female employee because of her weight in or
10 around December 2016;
- 11 f. Rightmeier describing a male colleague to female colleagues as someone
12 “humping your leg” in an attempt to disgust and harass the female employees
13 in or around December 2016;
- 14 g. Rightmeier telling female employees, “I’m just taking care of my bitches is
15 all” in or around December 2016;
- 16 h. Rightmeier hitting on a female employee in front of other female employees
17 in or around January 2017;
- 18 i. Rightmeier screaming at Ms. Aoki and other female employees when they
19 requested to have a meeting with him to discuss their supervisors in or around
20 January 2017;
- 21 j. Rightmeier yelling and accusing Ms. Aoki and other female employees of not
22 working or being busy in or around January 2017;
- 23 k. Rightmeier slamming a stack of papers on his desk causing office supplies to
24 fly towards Ms. Aoki and other female employees in or around January 2017;
- 25 l. Rightmeier purposely screaming in Ms. Aoki’s face in or around January
26 2017;
- 27 m. Rightmeier creating a hostile work environment for Ms. Aoki and other
28 female employees; and,

1 n. By all other conduct alleged above.

2 80. The harassing conduct that Ms. Aoki was subjected to was sufficiently severe or
3 pervasive to alter the conditions of her employment and create a sexually hostile work
4 environment.

5 81. Ms. Aoki was subjected to a continuing and frequent pattern of sexual
6 harassment. The pattern and course of sexual harassment to which Ms. Aoki was subjected
7 violated FEHA. By reason of the foregoing, Defendants, and each of them, have committed
8 unlawful employment practices which violate FEHA.

9 82. As a proximate result of the conduct of Defendants, and each of them, Ms. Aoki
10 has suffered and will continue to suffer damages in terms of lost wages, lost bonuses, lost
11 benefits, and other pecuniary loss according to proof. Ms. Aoki has also suffered and will
12 continue to suffer anxiety, worry, embarrassment, humiliation, mental anguish, and serious,
13 severe emotional distress. The amount of Ms. Aoki's damages will be ascertained at trial, but is
14 believed to be in excess of \$500,000.

15 83. In committing the foregoing acts, Defendants, and each of them, acted in a
16 despicable, oppressive, and malicious manner with the express intent of injuring or damaging
17 Ms. Aoki or with conscious disregard of her rights and with the intent to vex, injure, and annoy
18 Ms. Aoki, such as to constitute oppression, fraud, or malice under California *Civil Code* Section
19 3294 thereby entitling Ms. Aoki to punitive and exemplary damages against Defendants Planned
20 Parenthood, Rightmeier, and/or Does 1-50 in a sum appropriate to punish and make an example
21 out of each of the foregoing Defendants.

22 84. Defendants' acts as alleged above were carried out by its employees, managing
23 agents, officers and directors, and/or were directed or ratified by Defendants' managing agents,
24 officers, and/or directors. Each of the foregoing Defendant employers had advance knowledge
25 of the unfitness of each employee who acted with malice, oppression, or fraud and employed him
26 with a conscious disregard of the rights or safety of Plaintiff, and/or authorized or ratified the
27 wrongful conduct for which an award of punitive damages is sought, and/or was personally
28 guilty of oppression, fraud, or malice. The advance knowledge and conscious disregard,

1 authorization, ratification, or act of oppression, fraud, or malice was committed by or on the part
2 of an officer, director, or managing agent of each of the corporate employer defendants, thereby
3 entitled Plaintiff to punitive and exemplary damages against each corporate employer defendant
4 in accordance with California *Civil Code* Section 3294 in a sum appropriate to punish and make
5 an example of each corporate employer Defendant.

6 85. FEHA provides for an award of reasonable attorneys' fees and costs incurred by
7 the prevailing party in an action brought under its provisions. Ms. Aoki has employed and will
8 continue to employ attorneys for the initiation and prosecution of this action. Ms. Aoki has
9 incurred and will continue to incur attorneys' fees and costs herein. Ms. Aoki is entitled to an
10 award of attorneys' fees and costs under California *Government Code* Section 12965(b).

11 86. Ms. Aoki has been generally damaged in an amount within the jurisdictional
12 limits of this Court.

13 V.

14 **SECOND CAUSE OF ACTION**

15 **Retaliation in Violation of the California Fair Employment and Housing Act (FEHA) –**

16 **California *Government Code* Section 12940, *et seq.***

17 **(Against Defendants Planned Parenthood and Does 1-25)**

18 87. Ms. Aoki realleges and incorporates by reference all preceding paragraphs of this
19 Verified Complaint as though fully set forth herein.

20 88. Defendants Planned Parenthood and Does 1-25 are subject to the laws of the State
21 of California and are entities subject to suit under FEHA for retaliation under California
22 *Government Code* Section 12940 because they regularly employ five (5) or more persons in the
23 State of California.

24 89. California *Government Code* Section 12940(h) makes it unlawful for an employer
25 to “discharge, expel, or otherwise discriminate against any person because the person has
26 opposed any practices forbidden under this part or because the person has filed a complaint,
27 testified, or assisted in any proceeding under this part.”

1 90. As set forth in detail above, Ms. Aoki complained about illegal sexual
2 harassment, and demanded that the illegal conduct cease.

3 91. Defendants, and each of them, violated FEHA and retaliated against Ms. Aoki
4 because she exercised her rights under FEHA and complained about sexual harassment by their
5 conduct and/or by authorizing and/or ratifying the conduct of others, which included, but was not
6 limited to, the following:

- 7 a. Allowing Rightmeier to continue to make derogatory and degrading remarks
8 about women in the workplace;
- 9 b. Allowing Rightmeier to regularly refer to the female employees as “my
10 bitches;”
- 11 c. Allowing Rightmeier to scream and yell at the female template specialists;
- 12 d. Rightmeier changing the female template specialists schedules in retaliation
13 for making complaints;
- 14 e. Failing to investigate Ms. Aoki’s complaints about Rightmeier’s sexually
15 harassing comments and behavior;
- 16 f. Allowing Rightmeier to continue his employment at Planned Parenthood even
17 after Ms. Aoki’s complaints;
- 18 g. By all other conduct alleged above.

19 92. The adverse employment actions as described above were done in retaliation for
20 Ms. Aoki engaging in activities protected by FEHA.

21 93. As a proximate result of the conduct of Defendants, and each of them, Ms. Aoki
22 has suffered and will continue to suffer damages in terms of lost wages, lost bonuses, lost
23 benefits, and other pecuniary losses according to proof. Ms. Aoki also has suffered and will
24 continue to suffer anxiety, worry, embarrassment, humiliation, mental anguish, and severe
25 emotional distress. The amount of Ms. Aoki’s damages will be ascertained at trial, but is
26 believed to be in excess of \$500,000.

27 94. In committing the foregoing acts, Defendants, and each of them, acted in a
28 despicable, oppressive, and malicious manner with the express intent of injuring or damaging

1 Ms. Aoki or with conscious disregard of her rights and with the intent to vex, injure, and annoy
2 Ms. Aoki, such as to constitute oppression, fraud, or malice under California *Civil Code* § 3294
3 thereby entitling Ms. Aoki to punitive and exemplary damages against Defendants Planned
4 Parenthood, and/or Does 1-25 in a sum appropriate to punish and make an example out of each
5 of the foregoing Defendants.

6 95. Defendants' acts as alleged above were carried out by its employees, managing
7 agents, officers and directors, and/or were directed or ratified by Defendants' managing agents,
8 officers, and/or directors. Each of the foregoing Defendant employers had advance knowledge
9 of the unfitness of each employee who acted with malice, oppression, or fraud and employed him
10 with a conscious disregard of the rights or safety of Plaintiff, and/or authorized or ratified the
11 wrongful conduct for which an award of punitive damages is sought, and/or was personally
12 guilty of oppression, fraud, or malice. The advance knowledge and conscious disregard,
13 authorization, ratification, or act of oppression, fraud, or malice was committed by or on the part
14 of an officer, director, or managing agent of each of the corporate employer defendants, thereby
15 entitled Plaintiff to punitive and exemplary damages against each corporate employer defendant
16 in accordance with California *Civil Code* § 3294 in a sum appropriate to punish and make an
17 example of each corporate employer Defendant.

18 96. FEHA provides for an award of reasonable attorneys' fees and costs incurred by
19 the prevailing party in an action brought under its provisions. Ms. Aoki has employed and will
20 continue to employ attorneys for the initiation and prosecution of this action. Ms. Aoki has
21 incurred and will continue to incur attorneys' fees and costs herein. Ms. Aoki is entitled to an
22 award of attorneys' fees and costs under California *Government Code* § 12965(b).

23 97. Ms. Aoki has been generally damaged in an amount within the jurisdictional
24 limits of this Court.

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1 VI.

2 **THIRD CAUSE OF ACTION**

3 **Failure to Prevent Harassment in Violation of California Fair Employment and Housing**
4 **Act (FEHA) – *Government Code Section 12940, et seq.***

5 **(Against Defendants Planned Parenthood and/or Does 1 through 25, inclusive)**

6 98. Ms. Aoki realleges and incorporates by reference all preceding paragraphs of this
7 Verified Complaint as if fully alleged herein.

8 99. Defendants Planned Parenthood and/or Does 1-25 are subject to the laws of the
9 State of California and are entities subject to suit under FEHA for failure to prevent sexual
10 harassment and retaliation, because each of these Defendants regularly employs five (5) or more
11 persons in the state of California.

12 100. Defendants Planned Parenthood and/or Does 1-25 violated California *Government*
13 *Code* Section 12940(k) by failing to take all reasonable steps to prevent acts of harassment and
14 retaliation, which included, but were not limited to:

- 15 a. Failing to properly investigate Plaintiff's complaints about sexual harassment
16 or take appropriate remedial actions;
- 17 b. Failing to properly and adequately train managers about the prohibitions
18 against sexual harassment provided under California law;
- 19 c. Continuing to employ Defendant Rightmeier even though its managers and
20 supervisors knew that Defendant Rightmeier had sexually harassed Plaintiff
21 and made other female employees uncomfortable;
- 22 d. Failing to adequately discipline and stop Defendant Rightmeier from
23 continuing to interact with Plaintiff;
- 24 e. Failing to prevent harassment and protect Plaintiff from harassment;
- 25 f. Failing to prevent retaliation and protect Plaintiff from retaliation after she
26 reported and attempted to stop the sexual harassment;
- 27 g. Failing to enforce its harassment and sexual harassment policies;
- 28 h. Allowing a supervisor to verbally sexually harass Ms. Aoki; and

1 i. By the other conduct alleged above.

2 101. As a direct and proximate result of the foregoing conduct by Defendants, Ms.
3 Aoki was subjected to a continuing and frequent pattern of sexual harassment and retaliation as
4 set forth above. The sexual harassment and retaliation to which Ms. Aoki was subjected violated
5 FEHA. By reason of the foregoing, Defendants, and each of them, have committed unlawful
6 employment practices which violate FEHA.

7 102. As a proximate result of the conduct of Defendants, and each of them, Ms. Aoki
8 has suffered and will continue to suffer damages in terms of lost wages, lost bonuses, lost
9 benefits, and other pecuniary loss according to proof. Ms. Aoki has also suffered and will
10 continue to suffer anxiety, worry, embarrassment, humiliation, mental anguish, and serious,
11 severe emotional distress. The amount of Ms. Aoki's damages will be ascertained at trial, but is
12 believed to be in excess of \$500,000.

13 103. In committing the foregoing acts, Defendants, and each of them, acted in a
14 despicable, oppressive, and malicious manner with the express intent of injuring or damaging
15 Ms. Aoki or with conscious disregard of her rights and with the intent to vex, injure, and annoy
16 Ms. Aoki, such as to constitute oppression, fraud, or malice under *California Civil Code* § 3294
17 thereby entitling Ms. Aoki to punitive and exemplary damages against Defendants Planned
18 Parenthood and/or Does 1-25 in a sum appropriate to punish and make an example out of each of
19 the foregoing Defendants.

20 104. Defendants' acts as alleged above were carried out by its employees, managing
21 agents, officers and directors, and/or were directed or ratified by Defendants' managing agents,
22 officers, and/or directors. Each of the foregoing Defendant employers had advance knowledge
23 of the unfitness of each employee who acted with malice, oppression, or fraud and employed him
24 with a conscious disregard of the rights or safety of Plaintiff, and/or authorized or ratified the
25 wrongful conduct for which an award of punitive damages is sought, and/or was personally
26 guilty of oppression, fraud, or malice. The advance knowledge and conscious disregard,
27 authorization, ratification, or act of oppression, fraud, or malice was committed by or on the part
28 of an officer, director, or managing agent of each of the corporate employer defendants, thereby

1 entitled Plaintiff to punitive and exemplary damages against each corporate employer defendant
2 in accordance with California *Civil Code* § 3294 in a sum appropriate to punish and make an
3 example of each corporate employer Defendant.

4 105. FEHA provides for an award of reasonable attorneys' fees and costs incurred by
5 the prevailing party in an action brought under its provisions. Ms. Aoki has employed and will
6 continue to employ attorneys for the initiation and prosecution of this action. Ms. Aoki has
7 incurred and will continue to incur attorneys' fees and costs herein. Ms. Aoki is entitled to an
8 award of attorneys' fees and costs under California *Government Code* § 12965(b).

9 106. Ms. Aoki has been generally damaged in an amount within the jurisdictional
10 limits of this Court.

11 **VII.**

12 **FOURTH CAUSE OF ACTION**

13 **Civil Rights Violations Under California *Civil Code* Sections 51.7 and 52(b)**

14 **(Against Defendants Planned Parenthood, Rightmeier, and/or Does 1-50, inclusive)**

15 107. Ms. Aoki realleges and incorporates by reference all preceding paragraphs of this
16 Verified Complaint as if fully alleged herein.

17 108. California *Civil Code* Section 51.7 provides that, "All persons within the
18 jurisdiction of this state have the right to be free from any violence, or intimidation by threat of
19 violence, committed against their persons . . . because of . . . or on account of . . ." their sex.
20 (Emphasis added.)

21 109. California *Civil Code* Section 52(b) provides: "Whoever denies the right provided
22 by Section 51.7 . . . or aids, incites, or conspires in that denial, is liable for **each and every**
23 **offense for the actual damages suffered by any person denied that right** and, in addition, the
24 following: (1) An amount to be determined by a jury, or a court sitting without a jury, for
25 exemplary damages[;] (2) A civil penalty of twenty-five thousand dollars (\$25,000) to be
26 awarded to the person denied the right provided by Section 51.7." (Emphasis added.)

27 110. Defendants Rightmeier and/or Does 26-50 were acting within the course and
28 scope of their employment with Defendant Planned Parenthood and/or Does 1-25 when they

1 committed violence or intimidation by threat of violence toward Ms. Aoki because of or on
2 account of her sex as specified in preceding paragraphs.

3 111. Defendants Planned Parenthood, Rightmeier, and/or Does 1-50 are subject to the
4 laws of the State of California and are individuals subject to suit under California Civil Code
5 Sections 51.7 and 52(b) because they each committed acts of violence or intimidation by threat
6 of violence toward Ms. Aoki because of or on account of her sex.

7 112. Defendants Planned Parenthood, Rightmeier and/or Does 1-50 committed acts of
8 violence or intimidation by threat of violence toward Ms. Aoki because of or on account of her
9 gender in violation of *Civil Code* Sections 51.7 and 52(b) by engaging in a variety of acts, which
10 include, but are not limited to:

- 11 a. Rightmeier slamming a large stack of paper on his desk causing supplies to
12 fall on Ms. Aoki making her fear that Rightmeier would be violent toward her;
- 13 b. Screaming and yelling at Ms. Aoki and other female employees in close
14 proximity;
- 15 c. Getting close to Ms. Aoki's face and screaming at her to the point where she
16 thought Rightmeier would hit her;
- 17 d. By all other conduct alleged above.

18 113. A reasonable person in Ms. Aoki's position would have believed that Defendant
19 Rightmeier would carry out physical violence against Ms. Aoki and that Defendant Rightmeier
20 had the apparent ability to carry out threats of violence.

21 114. Defendants Planned Parenthood, Rightmeier, and/or Does 1-50's verbal threats
22 and intimidation by threat of violence against Ms. Aoki because or on account of her sex caused
23 Ms. Aoki to reasonably fear that Defendants Planned Parenthood, Rightmeier, and/or Does 1-50
24 would commit physical violence against her and that Defendants Planned Parenthood,
25 Rightmeier, and/or Does 1-50 had the ability to carry out the threats of physical violence.

26 115. Defendants Planned Parenthood and/or Does 1-25 aided or incited the violence or
27 intimidation by threat of violence because or on account of Ms. Aoki's sex, in violation of *Civil*
28 *Code* Sections 51.7 and 52(b) by allowing Rightmeier and/or Does 26-50 to remain employed at

1 Planned Parenthood after Defendant Planned Parenthood's supervisors became aware of
2 Defendant Rightmeier's intimidation by threats of violence because or on account of Ms. Aoki's
3 sex and failing to take prompt remedial action against Defendant Rightmeier after Ms. Aoki
4 requested an end to the violent conduct and intimidation by threat of violence.

5 116. As a direct and proximate result of the conduct of the Defendants Planned
6 Parenthood, Rightmeier, and/or Does 1-50, and each of them, Ms. Aoki has suffered and will
7 continue to suffer damages in terms of lost wages, lost bonuses, lost benefits, and other
8 pecuniary loss according to proof. Ms. Aoki has also suffered and will continue to suffer
9 physical and emotional injuries, including nervousness, humiliation, depression, embarrassment,
10 fright, shock, pain, discomfort, anxiety, mental anguish, and serious and severe emotional
11 distress. The amount of Ms. Aoki's damages will be ascertained at trial, but believed to be in
12 excess of \$500,000.

13 117. Defendants Planned Parenthood, Rightmeier, and/or Does 1-50, acted in a
14 despicable, oppressive, and malicious manner with the express intent of injuring or damaging
15 Ms. Aoki or with conscious disregard of her rights and with the intent to vex, injure, and annoy
16 Ms. Aoki, such as to constitute oppression, fraud, or malice under *California Civil Code* Section
17 3294, thereby entitling Ms. Aoki to punitive and exemplary damages against Defendants Planned
18 Parenthood, Rightmeier, and/or Does 1-50, in a sum appropriate to punish and make an example
19 out of Defendants Planned Parenthood, Rightmeier, and/or Does 1-50.

20 118. The acts of oppression, fraud, or malice, were engaged in by employees of
21 Defendants Planned Parenthood and/or Does 1-25. Each of the foregoing defendant employers
22 had advance knowledge of the unfitness of each employee who acted with malice, oppression, or
23 fraud and employed him with a conscious disregard of the rights or safety of Ms. Aoki and/or
24 authorized or ratified the wrongful conduct for which an award of punitive damages is sought,
25 and/or was personally guilty of oppression, fraud, or malice. The advance knowledge and
26 conscious disregard, authorization, ratification, or act of oppression, fraud, or malice was
27 committed by or on the part of an officer, director, or managing agent of each of the corporate
28 employer defendants, thereby entitled Ms. Aoki to punitive and exemplary damages against each

1 corporate employer defendant in accordance with California *Civil Code* Section 3294 in a sum
2 appropriate to punish and make an example of each corporate employer Defendant.

3 119. Pursuant to *Civil Code* Section 52(b), Ms. Aoki is entitled to actual damages she
4 suffered for each and every offense that denied her the right provided by *Civil Code* Section
5 51.7. Pursuant to *Civil Code* Section 52(b)(1), in addition to actual damages, Ms. Aoki is entitled
6 to exemplary damages.

7 120. In addition to actual compensatory, exemplary, and punitive damages, pursuant to
8 *Civil Code* Section 52(b)(2), Ms. Aoki is entitled to recover a statutory civil penalty of \$25,000
9 against each Defendant for each and every offense against Ms. Aoki which violated any right
10 provided to her by *Civil Code* Section 51.7.

11 121. California *Civil Code* Section 52(b)(3) provides for an award of reasonable
12 attorneys' fees and costs incurred by the prevailing party in an action brought under its
13 provisions. Ms. Aoki has employed and will continue to employ attorneys for the initiation and
14 prosecution of this action. Ms. Aoki has incurred and will continue to incur attorneys' fees and
15 costs herein.

16 122. Pursuant to *Civil Code* Section 52(c)(3), Ms. Aoki requests preventative relief,
17 including a permanent or temporary injunction, restraining order, or other order against
18 Defendant Rightmeier which is necessary to ensure the full enjoyment of Ms. Aoki's rights as
19 described by *Civil Code* Section 51.7.

20 123. Ms. Aoki has been generally damaged in an amount within the jurisdictional
21 limits of this Court.

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VIII.

FIFTH CAUSE OF ACTION

Retaliation in Violation of *Labor Code 1102.5(b)*

(Against Defendants Planned Parenthood and/or Does 1 through 25, inclusive)

124. Ms. Aoki realleges and incorporates by reference all preceding paragraphs of this Verified Complaint as if fully alleged herein.

125. Ms. Aoki disclosed information to persons with authority over her or to persons with authority to investigate, discover, or conduct the violations of law about which she complained including, but not limited to, Rightmeier's harassment, Rightmeier's intimidation by threat of violence, and Rightmeier creating a hostile and unsafe workplace.

126. At the time Ms. Aoki made the complaints that disclosed information about the foregoing violations, Ms. Aoki had reasonable cause to believe that the information in her complaints disclosed a violation of state or federal statute, or a violation of or non-compliance with a local, state, or federal rule or regulation, including but not limited to: *Government Code* Section 12940, *Civil Code* Section 51.7, and *Labor Code* Section 6400(a).

127. Defendants retaliated against Ms. Aoki for making the foregoing complaints by acts which included, but were not limited to:

- a. Allowing Rightmeier to continue to make derogatory and degrading remarks about women in the workplace;
- b. Allowing Rightmeier to regularly refer to the female employees as "my bitches;"
- c. Allowing Rightmeier to scream and yell at the female template specialists;
- d. Allowing Rightmeier to intimidate the female template specialists by threats of violence;
- e. Rightmeier changing the female template specialists schedules in retaliation for making complaints;
- f. Failing to investigate Ms. Aoki's complaints about Rightmeier's sexually harassing comments and behavior;

- 1 g. Allowing Rightmeier to continue his employment at Planned Parenthood even
2 after Ms. Aoki's complaints;
- 3 h. Allowing Rightmeier to create an unsafe work environment for female
4 employees;
- 5 i. By all other conduct alleged above.

6 128. As a result of the foregoing conduct by Defendants, Ms. Aoki was subjected to
7 retaliation for reporting a violation of state or federal statute, or a violation of or non-compliance
8 with a local, state, or federal rule or regulation as set forth above.

9 129. As a proximate result of the conduct of Defendants, and each of them, Ms. Aoki
10 has suffered and will continue to suffer damages in terms of lost wages, lost bonuses, lost
11 benefits, and other pecuniary loss according to proof. Ms. Aoki also has suffered and will
12 continue to suffer anxiety, worry, embarrassment, humiliation, mental anguish, and serious,
13 severe emotional distress. The amount of damages will be ascertained at trial, but is believed to
14 be in excess of \$500,000.

15 130. In committing the foregoing acts, Defendants Planned Parenthood and/or Does 1-
16 25, have been guilty of oppression, fraud, or malice under California *Civil Code* Section 3294,
17 thereby entitling Ms. Aoki to punitive damages in a sum appropriate to punish and make an
18 example out of each of the foregoing defendants.

19 131. The acts of oppression, fraud, or malice against Ms. Aoki were engaged in by
20 employees of Defendants Planned Parenthood and/or Does 1-25. Each of the foregoing
21 Defendant employers had advance knowledge of the unfitness of each employee who acted with
22 malice, oppression, or fraud and employed him or her with a conscious disregard of the rights or
23 safety of Ms. Aoki, and/or authorized or ratified the wrongful conduct for which an award of
24 punitive damages is sought, and/or was personally guilty of oppression, fraud, or malice. The
25 advance knowledge and conscious disregard, authorization, ratification, or act of oppression,
26 fraud, or malice was committed by or on the part of an officer, director, or managing agent of
27 each of the corporate/entity employer defendants, thereby entitling Ms. Aoki to punitive and
28 exemplary damages against each corporate/entity employer defendant in accordance with

1 California *Civil Code* Section 3294 in a sum appropriate to punish and make an example of each
2 corporate employer defendant.

3 132. The violation of *Labor Code* Section 1102.5(b) also entitles Ms. Aoki to civil
4 penalties pursuant to *Labor Code* Section 1102.5(f) in an amount not exceeding ten thousand
5 dollars (\$10,000.00) for each violation.

6 133. Ms. Aoki has been generally damaged in an amount within the jurisdictional
7 limits of this Court.

8 IX.

9 **SIXTH CAUSE OF ACTION**

10 **Declaratory and Injunctive Relief, California *Code of Civil Procedure* Section 1060;**

11 **California *Government Code* Sections 12920 and 12920.5, *et seq.***

12 **(Against Defendants Planned Parenthood and Does 1-25, inclusive)**

13 134. Ms. Aoki realleges and incorporates by reference all preceding paragraphs of this
14 Verified Complaint as though fully set forth herein.

15 135. An actual controversy exists between Ms. Aoki and Defendants Planned
16 Parenthood, Rightmeier, and Does 1-50 concerning whether Defendants, and each of them,
17 violated Ms. Aoki's rights under the California Fair Employment and Housing Act, as alleged in
18 the First, Second, and Third Causes of Action in this Verified Complaint. Ms. Aoki seeks a
19 finding from the Court that Defendants' adverse employment actions were substantially
20 motivated by unlawful harassment, whether or not Defendants prove that they would have made
21 the same employment decisions concerning Ms. Aoki even if harassment was not a substantial
22 motivating factor for their adverse employment actions concerning Ms. Aoki. Ms. Aoki seeks an
23 order from the Court condemning Defendants' harassing employment policies or practices, as
24 provided by California *Code of Civil Procedure* Section 1060.

25 136. In addition, upon a finding of unlawful harassment, Ms. Aoki requests that the
26 Court grant injunctive relief to stop the harassing practices which violate FEHA as provided for
27 in California *Government Code* Section 12920 and 12920.5, and the California Supreme Court's
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1 decisions in *Harris v. City of Santa Monica* (2013) 56 Cal.4th 203, 234-35 and *Aguilar v. Avis*
2 *Rent A Car Systems*, (1999) 21 Cal.4th 121, 131-32.

3 137. Under FEHA, “in order to eliminate discrimination, it is necessary to provide
4 effective remedies that will both prevent and deter unlawful employment practices and redress
5 the adverse effects of those practices on aggrieved persons.” *California Government Code*
6 Section 12920.5.

7 138. One of the stated purposes of FEHA is “to provide effective remedies which will
8 eliminate” employment harassment. *California Government Code* Section 12920.

9 139. FEHA authorizes a Court to grant injunctive relief and prospective relief
10 including, but not limited to, cease and desist orders, posting of notices, training of personnel and
11 other similar relief that is intended to correct unlawful employment practices. *California*
12 *Government Code* Section 12926(a).

13 140. Upon a determination that harassment was a substantial motivating factor in any
14 employment decision concerning Ms. Aoki, Ms. Aoki requests this Court to enter an order
15 enjoining Defendants from engaging in those practices, requiring the posting of notices
16 containing employees’ rights and detailing Defendants’ violations of FEHA, requiring
17 Defendants to effectively train their personnel in FEHA’s proscriptions against harassment, and
18 requiring Defendants to make periodic reports to the Court to ensure compliance by Defendants,
19 and each of them, with their obligations under FEHA.

20 141. Pursuant to *California Government Code* Section 12965(b), Ms. Aoki seeks an
21 award from the court of reasonable attorneys’ fees and costs incurred in obtaining the declaratory
22 and injunctive relief.

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1 WHEREFORE, Ms. Aoki prays for judgment as set forth below.

2 **PRAYER**

3 1. For general damages, according to proof, on each cause of action for which such
4 damages are available;

5 2. For special damages, according to proof, on each cause of action for which such
6 damages are available;

7 3. For compensatory damages, according to proof, on each cause of action for which
8 such damages are available;

9 4. For punitive damages, according to proof, on each cause of action for which such
10 damages are available;

11 5. For an injunction on the Sixth Cause of Action enjoining Defendants from
12 engaging in unlawful employment practices, requiring the posting of notices containing
13 employee rights and detailing Defendants' violations of FEHA, requiring Defendants to
14 effectively train their personnel in FEHA's proscriptions against discrimination and retaliation,
15 and requiring Defendants to make periodic reports to the Court;

16 6. For statutory penalties and civil penalties, according to proof, on each cause of
17 action for which such damages are available;

18 7. For pre-judgment and post-judgment interest according to law;

19 8. For reasonable attorney's fees incurred in this action on those causes of action for
20 which such fees are recoverable under the applicable law

21 9. For costs of suit incurred in this action; and

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

23 Dated: June 27, 2017

BONONI LAW GROUP, LLP

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25
26 By:



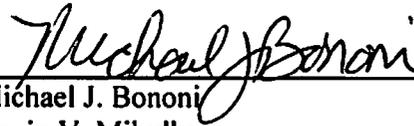
Michael J. Bononi
Devin V. Mikulka
Attorneys for Plaintiff
Monique Aoki

DEMAND FOR JURY TRIAL

Ms. Aoki hereby demands a trial by jury on all causes of action alleged herein in the
Verified Complaint for Damages.

Dated: June 27, 2017

BONONI LAW GROUP, LLP

By: 
Michael J. Bononi
Devin V. Mikulka
Attorneys for Plaintiff
Monique Aoki

1 **VERIFICATION**

2
3 I have read the foregoing **VERIFIED COMPLAINT FOR DAMAGES; DEMAND**
4 **FOR JURY TRIAL** and know its contents.

5 I am a party to this action. The matters stated in the **VERIFIED COMPLAINT FOR**
6 **DAMAGES; DEMAND FOR JURY TRIAL** are true of my own knowledge, except as to those
7 matters which are stated on information and belief, and as to those matters, I believe them to be
8 true.

9 Executed this 27 th day of June, 2017 at Fresno, California.

10 I declare under penalty of perjury under the laws of the State of California and under the
11 laws of the United States of America that the foregoing is true and correct.

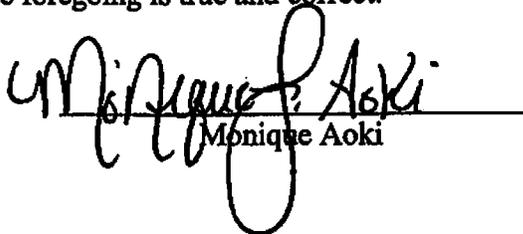
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Monique Aoki

Exhibit “A”



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

June 22, 2017

Devin Mikulka
Bononi Law Group LLP, 301 N. Lake Ave, Suite 820
Pasadena California 91101

RE: Notice to Complainant or Complainant's Attorney
DFEH Matter Number: 796206-293634
Right to Sue: Aoki / Planned Parenthood Mar Monte, Inc.

Dear Complainant or Complainant's Attorney:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer. You or your attorney must serve the complaint. If you do not have an attorney, you must serve the complaint yourself. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

June 22, 2017

RE: Notice of Filing of Discrimination Complaint

DFEH Matter Number: 796206-293634

Right to Sue: Aoki / Planned Parenthood Mar Monte, Inc.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

June 22, 2017

Monique Aoki
5496 N. Lead Ave.
Fresno, California 93711

RE: Notice of Case Closure and Right to Sue
DFEH Matter Number: 796206-293634
Right to Sue: Aoki / Planned Parenthood Mar Monte, Inc.

Dear Monique Aoki,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 22, 2017 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

Enclosures

cc: Eric Rightmeier .

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**
4 **Under the California Fair Employment and Housing Act**
 (Gov. Code, § 12900 et seq.)

6 In the Matter of the Complaint of DFEH No. 796206-293634
7 Monique Aoki, Complainant.
8 5496 N. Lead Ave.
9 Fresno, California 93711

9 vs.

10 Planned Parenthood Mar Monte, Inc.,
11 Respondent.
12 1691 The Alameda
13 San Jose, California 95126

14 Complainant alleges:

- 15 1. Respondent **Planned Parenthood Mar Monte, Inc.** is a **Private Employer**
16 subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov.
17 Code, § 12900 et seq.). Complainant believes respondent is subject to the FEHA.
- 18 2. On or around **January 31, 2017**, complainant alleges that respondent took the
19 following adverse actions against complainant: **Harassment, Retaliation Denied a**
20 **work environment free of discrimination and/or retaliation, Forced to quit, .**
21 Complainant believes respondent committed these actions because of their:
22 **Engagement in Protected Activity, Sex - Gender .**
3. Complainant **Monique Aoki** resides in the City of **Fresno, State of California.** If
complaint includes co-respondents please see below.

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Co-Respondents:

Eric Rightmeier
90 West Ashlan Ave., Suite 100
Clovis California 93612

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2 **Additional Complaint Details:**

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4 In August 2012, Monique Aoki was hired by Planned Parenthood Mar Monte, Inc. Aoki
5 received many promotions during her time at Planned Parenthood. Her most recent
6 promotion was in May 2015 when she was promoted to template specialist. As template
7 specialist, she worked closely and regularly with the Director of the Planned Parenthood
8 response center Eric Rightmeier. Rightmeier repeatedly harassed and retaliated against
9 female employees, including but not limited to the following. Rightmeier made
10 derogatory remarks about female employees at Planned Parenthood. Rightmeier
11 repeatedly called other female employees his bitches. Rightmeier purposely and
12 repeatedly made female employees including Aoki uncomfortable because he
13 regularly referred to a male coworker as a dog that might hump the female employees.
14 Rightmeier repeatedly talked to the female employees in a demeaning tone. Aoki was
15 uncomfortable, embarrassed, and nervous every day that she had to work with
16 Rightmeier. Aoki wanted to report the comments and harassment by Rightmeier to HR,
17 but the HR representative Sandi Moniz was a close personal friend of Rightmeier's. The
18 other female employees warned Aoki not to report Rightmeier because it would just
19 result in retaliation or the loss of her job. Aoki and the other female employees silently
20 dealt with the harassment by Rightmeier. In January 2017, Aoki and three other female
21 template specialists at the Planned Parenthood office sent an email to Rightmeier about
22 concerns that the template specialists had with some of the supervisors. The female
template specialists reached out to Rightmeier after multiple attempts to resolve their
issues with the supervisors directly. One of the supervisors told a template specialist,
Be careful, you dont want to make Eric (Rightmeier) feel cornered. If he does, hell turn
this ugly real quick. The female template specialists then met with Rightmeier.
Rightmeier looked furious. Aoki was scared that Rightmeier was going to react violently
to any complaints. After Aoki explained that they were overwhelmed at work, Rightmeier
cut off Aoki and the other female template specialists and yelled, THATS IT???
Because how busy are you guys REALLY? Rightmeier then slammed a stack of papers
down on his desk causing paper and other office supplies to scatter on the floor and
towards the template specialists. Aoki and the template specialists were terrified that
Rightmeier was going to throw something at them. After Rightmeier accused Aoki of not
taking enough calls, Aoki told him that her job as a template specialist did not include as
many phone calls. Rightmeier interrupted Aoki and asked her, But are you taking calls?!
Aoki was scared to correct Rightmeier a second time so she just looked down and did
not respond. Rightmeier grew even more agitated by Aokis silence. He then leaned
over, got uncomfortably close to Aokis face and screamed multiple times, ARE YOU?
ARE YOU!? ARE YOU!!? Rightmeier screamed in Aokis face for over ten (10) seconds.
Aoki was shaking from fear that Rightmeier was going to physically assault her. Shortly
after the meeting, Aoki typed up a draft resignation letter because she was mentally and
physically unable to continue to work with Rightmeier. Aokis letter specifically stated,
working for someone that refers to their employees as Taking Care of My Bitches is not

something I want to continue to represent in reference to Rightmeier. The next morning, January 31, 2017, the female template specialists were sent an email changing their schedule and forcing them to work longer hours, per Rightmeiers request. Rightmeier was retaliating against Aoki and the female template specialists. After the retaliation from Rightmeier, Aoki sent her resignation letter to Rightmeier and HR. She repeated her complaints about Rightmeier in her emails with HR, but no investigation occurred and no discipline of Rightmeier occurred. Aoki felt like the harassment and threatening behavior of Rightmeier created a hostile work environment for all female employees at Planned Parenthood.

1 VERIFICATION

2 I, **Devin Mikulka**, am the Attorney for Complainant in the above-entitled complaint.
3 I have read the foregoing complaint and know the contents thereof. The same is
4 true of my own knowledge, except as to those matters which are therein alleged on
5 information and belief, and as to those matters, I believe it to be true.

6 On June 22, 2017, I declare under penalty of perjury under the laws of the State of
7 California that the foregoing is true and correct.

8 **Pasadena, California**
9 **Devin Mikulka**
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