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10 **Velasco**

11
12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

14 **SHAWNA VELASCO**, an individual;

15 Plaintiff(s)

16 v.

17 **FALLBROOK UNION**
18 **ELEMENTARY SCHOOL**
19 **DISTRICT;**

20 Defendant(s)

Case No.: '23CV1469 LL AHG

VERIFIED COMPLAINT FOR DAMAGES

- 1. **Violation of the Americans with Disabilities Act of 1990**
- 2. **Discrimination**
- 3. **Failure to Accommodate**
- 4. **Retaliation**

DEMAND FOR JURY TRIAL

INTRODUCTION

1. This is an action for the unlawful discrimination and retaliation against Shawna Velasco in violation of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et. seq.* and the Fair Employment & Housing Act, Cal. Gov't Code § 12940 *et. seq.*

2. The Fallbrook Union Elementary School District ("District"), in violation of the Americans with Disabilities Act of 1990 ("ADA") and California's Fair Employment & Housing Act ("FEHA"), discriminated and retaliated against Ms. Velasco based upon her physical disability.

1 3. Ms. Velasco provided the District with three medical notes specifying
2 her inability to comply with the District's masking and testing policies for medical
3 reasons, but instead of offering her any reasonable accommodations that would permit
4 her to continue to perform her job duties, the District removed her from her position,
5 hired another individual to fill her position, placed her in an unpaid/unbenefited status,
6 and constructively terminated her by placing her on a 39-month rehire list.

7 4. The only "accommodation" the District offered to Ms. Velasco was to
8 wear a face shield – in violation of her doctor's orders – or to go on unpaid leave – an
9 unsustainable accommodation.

10 5. The District forced Ms. Velasco to go on unpaid leave and then
11 subsequently placed her on a 39-month rehire list at the expiration of her unpaid leave
12 instead of providing her with any reasonable accommodation.

13 6. Ms. Velasco brings this Complaint to vindicate her civil rights.
14 Specifically, Ms. Velasco seeks special and compensatory damages, including loss of
15 past, present, and future earnings and benefits as well as punitive damages.

16 **PARTIES - PLAINTIFF**

17 7. Plaintiff SHAWNA VELASCO resides in San Diego County, California.

18 **PARTIES - DEFENDANT**

19 8. Defendant FALLBROOK UNION ELEMENTARY SCHOOL
20 DISTRICT is a school district in San Diego County, California.

21 **JURISDICTION AND VENUE**

22 9. This Court has subject matter jurisdiction over this action pursuant to 28
23 U.S.C. § 1331 and § 1343(a)(3) & (a)(4) for violation of the Americans with
24 Disabilities Act of 1990, 42 U.S.C. § 12101, *et. seq.*, which incorporates by reference
25 Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §§ 2000e-5(f)(1)
26 and (3); and pursuant to § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

27 10. This Court has supplemental jurisdiction over the state claims pursuant
28 to 28 U.S.C. § 1367.

1 11. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2) because a
2 substantial part of the events or omissions giving rise to Plaintiff’s claims occurred in
3 this district.

4 12. Plaintiff has satisfied the prerequisites for filing a suit under the ADA.
5 On August 11, 2022, Plaintiff filed a Charge of Discrimination with the San Diego
6 Area Office of the EEOC alleging that she had been discriminated against in violation
7 of the ADA and FEHA. On June 15, 2023, the United States Department of Justice
8 Civil Rights Division issued to Plaintiff a Notice of Right to Sue.

9 **STATEMENT OF FACTS**

10 **A. Ms. Velasco’s Employment**

11 13. Ms. Velasco began working for the District as a Personnel Services
12 Technician on or about September 1, 2017. In this role, Ms. Velasco served as a
13 liaison for District Substitute Employees and ensured proper substitute coverage
14 throughout the District.

15 14. Specifically, Ms. Velasco “monitor[ed] the [online] automated
16 Substitute Employee Management System (SEMS); respond[ed] to questions
17 regarding SEMS and substituting opportunities within the District; assure[d] proper
18 classroom and employee coverage; prepare[d] and process[ed] materials for substitute
19 employees for the school district; and [did] related work as required.” **See Exh. A.**

20 15. During her time as a Personnel Services Technician, Ms. Velasco
21 received high performance evaluations. **See Exh. B.** On her most recent performance
22 evaluation, Associate Superintendent Bill Billingsley noted that Ms. Velasco “has
23 performed at an extremely high level since joining FUESD [in 2017]” and that Ms.
24 Velasco is “very flexible and works to support all HR team members as needed.” *Id.*

25 16. Until this present action, Ms. Velasco has not had any issues with the
26 District.

27 **B. The District’s COVID-19 Policies**

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1 17. Five days prior to the start of the 2021-2022 school year, on August 11,
2 2021, the District sent an email to all staff stating that effective immediately
3 unvaccinated workers would be required to be tested weekly for Covid-19 and that
4 “all staff, vaccinated and unvaccinated, [would be] required to wear masks on school
5 campuses while indoors.”

6 18. On August 11, 2021, the District sent a separate email to district staff
7 who the District had “not received a vaccination record from” and informed the staff
8 that they are considered unvaccinated and that “[e]ffective immediately, [they] are to
9 be wearing a mask at all times while at work.”

10 19. The District considered Ms. Velasco unvaccinated and thus, required her
11 to test weekly for Covid-19 and wear a mask at all times while at work.

12 **C. The District’s Response to Ms. Velasco’s Medical Disability**

13 20. In or around July 2021, while waiting for medically diagnosed surgery
14 for an extensive labral tear in her hip, Ms. Velasco suffered a second injury which
15 also required surgery.

16 21. As a result of the second injury, Ms. Velasco suffered a shattered nose,
17 a split septum, a fractured sinus cavity, a concussion, and dental damage. On October
18 26, 2021, Ms. Velasco had a complete nose reconstruction and had to wear a cast on
19 her nose for approximately two months.

20 22. This facial injury resulted in Ms. Velasco’s physical disability.

21 23. After the District issued its COVID-19 masking and testing policies, Ms.
22 Velasco immediately contacted her supervisor, Assistant Superintendent Brian Morris
23 (“Mr. Morris”), to discuss her physical inability to comply with the District’s policies.

24 24. On August 11, 2021, the same day that the District published its Safe
25 School Reopening Plan for the 2021–2022 school year and emailed district staff
26 regarding its masking and testing policies, Ms. Velasco called Mr. Morris and then
27 sent a text message to Mr. Morris telling him that she could not comply with the
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1 masking and testing policies for medical reasons and offered to set up a time with Mr.
2 Morris to further discuss her disability and reasonable accommodations. **See Exh. C.**

3 25. Mr. Morris replied to Ms. Velasco via text message informing her, “We
4 need to hold an ADA interactive meeting with you to discuss how to reasonably
5 accommodate you based on the work restrictions your doctor provides.” *Id.* He also
6 texted Ms. Velasco to “work from home tomorrow until you provide me the medical
7 note.” *Id.*

8 26. On August 12, 2021, Mr. Morris called Ms. Velasco while she was
9 working from home with a work-related question. During this call, Ms. Velasco also
10 informed Mr. Morris that she was not able to get an appointment with her primary
11 care physician until the next day, Friday, August 13, 2021. Mr. Morris told Ms.
12 Velasco “no problem” and to continue to work from home on Friday as well.

13 27. On August 13, 2021, Ms. Velasco received a medical note from her
14 primary care physician, Dr. Hui Wen A. Dai, DO, stating that “[d]ue to her medical
15 reason, [Ms. Velasco] cannot wear a mask. She also cannot have weekly nasal swab
16 for COVID infection screening.” **See Exh. D.** Ms. Velasco subsequently submitted
17 this medical note to the District.

18 28. On August 16, 2021, Ms. Velasco had an ADA Interactive Meeting with
19 Mr. Morris. Mr. Morris told Ms. Velasco that as an unvaccinated employee she must
20 wear a mask or face covering and must submit proof of a COVID-19 test once per
21 week.

22 29. Ms. Velasco informed Mr. Morris that she would agree to submit to a
23 weekly COVID-19 mouth swab test, but that for medical reasons, she would not be
24 able to comply with the mask or face covering policy as indicated in her medical note,
25 dated August 13, 2021.

26 30. Mr. Morris suggested that Ms. Velasco wear a face shield instead. Ms.
27 Velasco informed Mr. Morris that for medical reasons, she was unable to wear
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1 anything on her head and that wearing a mask or face shield would compound her
2 physical disability.

3 31. Ms. Velasco proposed working from home as an accommodation as she
4 and other District employees had done full time for approximately five months
5 between March 2020 and August 2020 during the COVID-19 pandemic and as Mr.
6 Morris had permitted her to do on August 12, 2021 and August 13, 2021 while she
7 waited to receive her medical note.

8 32. Additionally, the District permitted Ms. Velasco to work from home for
9 approximately seven hours every week from August 2020 to August 2021.

10 33. While Ms. Velasco was working from home in 2020, the District created
11 a system in which substitute orientations—a large component of Ms. Velasco’s job—
12 could be conducted via Zoom. Ms. Velasco also created a digital orientation packet
13 to complement the remote orientations.

14 34. Mr. Morris told Ms. Velasco that the District would not accommodate
15 her by allowing her to work from home even though the District was able to
16 accommodate her for approximately a year and a half without imposing any burden
17 on the school’s operations.

18 35. When Ms. Velasco asked for other available accommodations, Mr.
19 Morris replied, “There really are none. You would have to comply or submit your
20 resignation. I don’t see another option.”

21 36. During this meeting, Ms. Velasco informed Mr. Morris that she had
22 substitute orientations scheduled for the next day, August 17, 2021. Mr. Morris asked
23 Ms. Velasco if the orientations were remote orientations to be conducted from home
24 or whether they were orientations scheduled at the District Office. Ms. Velasco
25 informed Mr. Morris that the orientations were scheduled at the District Office.

26 37. Mr. Morris asked Ms. Velasco if she could wear a mask to perform the
27 orientations.

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1 38. Ms. Velasco reiterated that she could not wear a mask and that it would
2 be a violation of her doctor’s orders.

3 39. Mr. Morris then told Ms. Velasco she would not be permitted to conduct
4 the orientations—either at the District Office or from her home—and that another
5 employee would conduct the orientations.

6 40. Mr. Morris provided no explanation as to why Ms. Velasco could not
7 conduct the orientations remotely.

8 41. Ms. Velasco told Mr. Morris that she would consult with her doctor to
9 see what other options might be available for her.

10 42. Mr. Morris informed Ms. Velasco that she would need to go home for
11 the remainder of the day and that she would have to use personal business sick pay
12 upon leaving for the day.

13 43. On August 17, 2021, Ms. Velasco received an updated medical note from
14 her primary care physician, Dr. Hui Wen A. Dai, DO, stating that “[d]ue to her
15 medical reason, [Ms. Velasco] cannot wear a mask or a face shield. She also cannot
16 have weekly nasal swab for COVID infection screening.” **See Exh. E.**

17 44. Ms. Velasco submitted this note to the District. **See Exh. F.**
18 On August 17, 2021, Ms. Velasco also received a medical note from her surgeon, Dr.
19 Michael Muldoon, M.D., stating that Ms. Velasco would be unable to perform her
20 work for approximately five months and is considered temporarily disabled until
21 January 7, 2022. **See Exh. G.**

22 45. After receiving this medical note and submitting the medical note to the
23 District, Ms. Velasco requested and received Family and Medical Leave under the
24 Family and Medical Leave Act (“FMLA”).

25 46. Her FMLA expired on January 7, 2022.

26 47. On December 29, 2021, Ms. Velasco emailed Mr. Morris informing him
27 that she planned to return to work as scheduled on January 10, 2022. **See Exh. H.**

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1 On January 3, 2022, Ms. Velasco emailed an updated medical note, dated December
2 23, 2021, to Mr. Morris stating that “[d]ue to her medical reason, [Ms. Velasco]
3 cannot wear a mask, or a face shield. She also cannot have weekly nasal swab for
4 COVID infection screening.” **See Exh. I.**

5 48. On January 6, 2022, Ms. Velasco received a medical note from her
6 surgeon, Dr. Michael Muldoon, M.D., stating that Ms. Velasco is released to work on
7 January 10, 2022, subject to certain restrictions. **See Exh. J.**

8 49. Ms. Velasco subsequently emailed this medical note to Mr. Morris.

9 50. Upon her return on January 10, 2022, Ms. Velasco participated in a
10 second ADA interactive meeting, via Zoom, with Mr. Morris, John Pearl, Shawnta
11 Bailey, and Vickie Nelson. During this meeting, Mr. Morris told Ms. Velasco that she
12 would no longer be performing her responsibilities as Personnel Services Technician
13 as they had hired another individual to cover those duties.

14 51. Ms. Velasco was alarmed to learn that the District had removed her from
15 her position and hired another individual to take her place.

16 52. During this meeting, the District told Ms. Velasco that if she complied
17 with the District’s masking and testing polices, however, she could return to the
18 District in a receptionist position.

19 53. Ms. Velasco referenced her most recent medical note, dated December
20 23, 2021, that stated she could not wear a mask or face shield for medical reasons. As
21 an accommodation, Ms. Velasco asked if she could either work in one of the District’s
22 many isolated workspaces or work from her home.

23 54. The District refused those accommodations and placed Ms. Velasco on
24 unpaid leave, effective that day, for not complying with the District’s masking
25 policies.

26 55. Ms. Velasco was placed on unpaid leave with benefits until January 31,
27 2022, and then placed on unpaid/unbenefited status on February 1, 2022.

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1 56. On January 11, 2022, Ms. Velasco received an email from Shawnta
2 Bailey (“Ms. Bailey”), the Labor Relations Representative, informing her that the
3 “District is firm on not having you return to work in-person without a face mask (or
4 a face shield w/drape).”

5 57. Ms. Bailey also noted that Mr. Morris stated, “that having [Ms. Velasco]
6 stay in in the Receptionist Office with the door closed and the windowpane closed is
7 not a reasonable accommodation”

8 58. Ms. Bailey reiterated the District’s position:

9 At this time, unless or until (1) the masking requirements
10 are lifted, and masks or shields are no longer required (as
11 of now until 2/15/2021 but possibly longer, if extended
12 again), or (2) your physician releases you from the
13 restrictions and provides an updated report or (3) your
14 physician recommends an alternative face covering that is
15 also acceptable to the District, you’ll remain in an unpaid
16 status with benefits until 1/31/2022 and then transition into
17 an unpaid/unbenefited status as of 2/1/2022.

18 59. Ms. Velasco remained on unpaid/unbenefited status until June 30, 2022,
19 when her leave expired.

20 60. The District sent a letter on or about June 23, 2022 to Ms. Velasco stating
21 that if she was not medically able to return to work or if she was able to return to
22 work, but the District could not accommodate her restrictions the District would place
23 her on a 39-month rehire list.

24 61. On July 1, 2022, the District placed Ms. Velasco on the 39-month re-hire
25 list.

26 62. Ms. Velasco is a qualified individual with a disability in that she is an
27 individual with a disability who, with or without a reasonable accommodation, could
28 have performed the essential functions of the employment position she held.

D. Ms. Tapia’s Charge of Discrimination with the EEOC.

1 63. Ms. Velasco filed a complaint of discrimination with the Equal
2 Employment Opportunity Commission (“EEOC”) on August 11, 2022.

3 64. The U.S. Department of Justice issued a right-to-sue letter on June 15,
4 2023.

5 65. Ms. Velasco also received a right-to-sue letter with California’s
6 Department of Fair Employment and Housing.

7 **FIRST CAUSE OF ACTION**
8 **VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**
9 **(Against All Defendants (42 U.S. Code § 12101, et seq.))**

10 66. Ms. Velasco re-alleges and incorporates by reference, as though fully set
11 forth herein, all preceding paragraphs of this Complaint.

12 67. The ADA prohibits covered entities from discriminating against a
13 qualified individual on the basis of disability in regard to employment. 42 U.S. Code
14 § 12112(a)-(b).

15 68. Plaintiff had a medically diagnosed disability, but she possessed the
16 requisite skill, experience, and other job-related qualities for the Personnel Services
17 Technician position that she held with the District.

18 69. During her employment she continued to meet the requirements of that
19 job position and she would have been able to continue to perform the essential
20 functions of her position with or without a reasonable accommodation.

21 70. Defendant failed to make a reasonable accommodation for Plaintiff’s
22 medical disability by, for example, permitting her to work in one of the District’s
23 many available isolated work spaces or to work from home as she and other District
24 employees had done throughout the course of the COVID-19 pandemic.

25 71. Defendant discriminated against Plaintiff on the basis of her disability
26 by hiring another individual to take her position as Personnel Services Technician,
27 placing her on unpaid leave/unbenefited status, and constructively terminating her by
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1 placing her on a 39-month rehire list due to her inability to comply with the District’s
2 masking and testing policies.

3 72. The effect of the practices complained of above has been to deprive Ms.
4 Velasco of equal employment opportunities and otherwise adversely affect her rights
5 under the ADA resulting in lost wages, emotional pain, suffering, inconvenience,
6 mental anguish, embarrassment, frustration, humiliation, and loss of enjoyment of
7 life, because of her disability and record of disability.

8 73. The District’s unlawful employment practices were intentional.

9 74. The District’s unlawful employment practices were done with malice or
10 reckless indifference to the federally protected rights of Ms. Velasco.

11 75. As a direct and proximate result of Defendants’ above-described
12 discriminatory conduct, Defendants have damaged Ms. Velasco as Defendants
13 wrongfully and tortiously deprived her of future wages, bonuses, benefits, and other
14 compensation she was and remains entitled to.

15 76. As a further direct and proximate result of Defendants’ above-described
16 discriminatory conduct, Defendants have deprived Ms. Velasco of the security,
17 solace, and peace of mind for which she entered the employment relationship with
18 Defendants, and have thereby caused Ms. Velasco to suffer emotional distress, mental
19 anguish, embarrassment, financial insecurity, and humiliation, all to her special
20 damage in an amount per proof at trial.

21 77. As a further direct and proximate result of Defendants’ actions, Ms.
22 Velasco is entitled to recover and seeks to recover her attorney fees and costs. Cal.
23 Gov’t Code § 12965(b).

24 **SECOND CAUSE OF ACTION**
25 **VIOLATION OF Cal. Gov. Code (FEHA) §§ 12940(a) and 12926(m)**
26 **(Disability Discrimination)**

27 78. Ms. Velasco re-alleges and incorporates by reference, as though fully set
28 forth herein, all preceding paragraphs of this Complaint.

1 79. Under the FEHA, it is unlawful for an employer to engage in
2 discrimination based on disability. Cal. Gov’t Code § 12940(a).

3 80. Ms. Velasco was an employee of Defendants during the relevant period.

4 81. Defendants are employers of Ms. Velasco under the FEHA as
5 Defendants employ more than five people. Cal. Gov’t Code § 12926(d).

6 82. Ms. Velasco had a physical disability that resulted in her inability to
7 comply with the District’s masking and testing policies.

8 83. During her employment she continued to meet the requirements of that
9 job position and she would have been able to continue to perform the essential
10 functions of her position with or without a reasonable accommodation.

11 84. Defendants refused to provide Ms. Velasco with any reasonable
12 accommodation for her physical disability and prohibited her from continuing her
13 work duties.

14 85. Defendant discriminated against Plaintiff on the basis of her disability
15 by hiring another individual to take her position as Personnel Services Technician,
16 placing her on unpaid leave/unbenefited status, and constructively terminating her by
17 placing her on a 39-month rehire list due to her inability to comply with the District’s
18 masking and testing policies.

19 86. Ms. Velasco openly opposed all unlawful acts of discrimination based
20 on her disability. In response to Ms. Velasco’s opposition to such unlawful
21 discrimination, Defendants continued to discriminate and retaliate against her.

22 87. As a direct and proximate result of Defendants’ above-described
23 discriminatory conduct, Defendants have damaged Ms. Velasco as Defendants
24 wrongfully and tortiously deprived her of future wages, bonuses, benefits, and other
25 compensation she was and remains entitled to.

26 88. As a further direct and proximate result of Defendants’ above-described
27 discriminatory conduct, Defendants have deprived Ms. Velasco of the security,
28 solace, and peace of mind for which she entered the employment relationship with

1 Defendants, and have thereby caused Ms. Velasco to suffer emotional distress, mental
2 anguish, embarrassment, financial insecurity, and humiliation , all to her special
3 damage in an amount per proof at trial.

4 89. As a further direct and proximate result of Defendants’ actions, Ms.
5 Velasco is entitled to recover and seeks to recover her attorney fees and costs. Cal.
6 Gov’t Code § 12965(b).

7 **THIRD CAUSE OF ACTION**
8 **VIOLATION OF Cal. Gov. Code (FEHA) §§ 12940(m)**
9 **(Failure to Accommodate)**

10 90. Ms. Velasco re-alleges and incorporates by reference, as though fully set
11 forth herein, all preceding paragraphs of this Complaint.

12 91. Ms. Velasco suffered from a disability under the FEHA.

13 92. Ms. Velasco is a qualified individual with a disability in that she is an
14 individual with a disability who, with or without a reasonable accommodation could
15 have performed the essential functions the employment position she held.

16 93. Defendant was aware of Ms. Velasco’s physical disability when it took
17 adverse employment action against her and placed her on the 39-month rehire list.
18 Defendant had a duty to accommodate Ms. Velasco’s disability and failed to
19 accommodate her disability and her request for them to do so under the FEHA.

20 94. Ms. Velasco’s status as a disabled individual was one substantial factor,
21 which led to Defendant’s decision to take adverse employment against her, such as
22 refusing to accommodate her physical disability, hiring an individual to replace her,
23 and constructively terminating her employment.

24 95. As a direct and proximate result of Defendants’ above-described
25 discriminatory conduct, Defendants have damaged Ms. Velasco as Defendants
26 wrongfully and tortiously deprived her of future wages, bonuses, benefits, and other
27 compensation she was and remains entitled to.

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1 96. As a further direct and proximate result of Defendants' above-described
2 discriminatory conduct, Defendants have deprived Ms. Velasco of the security,
3 solace, and peace of mind for which she entered the employment relationship with
4 Defendants, and have thereby caused Ms. Velasco to suffer emotional distress, mental
5 anguish, embarrassment, financial insecurity, and humiliation, all to her special
6 damage in an amount per proof at trial.

7 97. As a further direct and proximate result of Defendants' actions, Ms.
8 Velasco is entitled to recover and seeks to recover her attorney fees and costs. Cal.
9 Gov't Code § 12965(b).

10 **FOURTH CAUSE OF ACTION**
11 **VIOLATION OF Cal. Gov. Code (FEHA) § 12940(h)**
12 **(Retaliation)**

13 98. Ms. Velasco re-alleges and incorporates by reference, as though fully set
14 forth herein, all preceding paragraphs of this Complaint.

15 99. Ms. Velasco brings this cause of action against Defendant.

16 100. Under the FEHA, it is unlawful for an employer to engage in retaliatory
17 discrimination. Cal. Gov't Code § 12940(h).

18 101. Ms. Velasco was an employee of Defendant during the relevant period.

19 102. Ms. Velasco openly opposed all unlawful acts of discrimination based
20 on her disability. In response to Ms. Velasco's opposition to such unlawful
21 discrimination, Defendant continued to discriminate and retaliate against her.

22 103. At all material times, Defendant discriminated against Ms. Velasco by
23 refusing to accommodate her physical disability, hiring an individual to replace her,
24 and constructively terminating her employment.

25 104. Defendant also told Ms. Velasco that she would be responsible for
26 paying for the mouth swab Covid-19 tests.

27 105. On information and belief, the District did not require any other district
28 employee to pay for their own Covid-19 tests.

1 106. There is no reason as to why the District could freely provide Ms.
2 Velasco with the Covid-19 nasal swab tests that she could not use due to her physical
3 inability but require her to pay for the Covid-19 mouth swab tests. The District asserts
4 there is no difference between the two types of tests.

5 107. As a direct and proximate result of Defendant’s above-described
6 discriminatory conduct, Defendant has damaged Ms. Velasco as Defendant
7 wrongfully and tortiously deprived her of future wages, bonuses, benefits, and other
8 compensation she was and remains entitled to.

9 108. As a further direct and proximate result of Defendant’s above-described
10 discriminatory conduct, Defendant have deprived Ms. Velasco of the security, solace,
11 and peace of mind for which she entered the employment relationship with Defendant,
12 and have thereby caused Ms. Velasco to suffer emotional distress, mental anguish,
13 embarrassment, financial insecurity, and humiliation , all to her special damage in an
14 amount per proof at trial.

15 109. As a further direct and proximate result of Defendant’s actions, Ms.
16 Velasco is entitled to recover and seeks to recover her attorneys’ fees and costs. Cal.
17 Gov’t Code § 12965(b).

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Ms. Velasco prays for relief against Defendant as follows:

- 20 1. For general, special, and compensatory damages, including loss of past,
- 21 present, and future earnings and benefits, in a sum to be determined per proof at time
- 22 of trial damages;
- 23 2. For punitive damages;
- 24 3. Pre- and post-judgment interest at the prevailing statutory rates;
- 25 4. For penalties;
- 26 5. For reasonable attorney fees and costs; and
- 27 6. For such other and further relief that the Court may deem just and proper.

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DEMAND FOR JURY TRIAL

Ms. Velasco hereby demands trial by jury.

DATED: August 10, 2023

ADVOCATES FOR FAITH & FREEDOM

By: /s/ Julianne Fleischer
Julianne Fleischer

Attorney for **Plaintiff**