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Attorneys for Plaintiff KARISSA FENWICK

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF LOS ANGELES

KARISSA FENWICK, an individual;

Plaintiff,

v.

UNIVERSITY OF SOUTHERN  
CALIFORNIA; ERICK G. GUERRERO; and  
DOES 1-25, inclusive,

Defendants.

Case No.:  
(Unlimited Civil Case)

BC 680904

COMPLAINT FOR DAMAGES AND  
DEMAND FOR JURY TRIAL

1. Quid Pro Quo Sexual Harassment (Gov. Code, § 12940(i))
2. Hostile Work Environment Sexual Harassment (Gov. Code, § 12940(j))
3. Failure to Prevent and Correct Discrimination, Harassment, and Retaliation (Gov. Code, § 12940(k))
4. Retaliation (Gov. Code, § 12940(h))
5. Violation of Title IX (20 U.S.C., § 1681(a))
6. Violation of Equity in Higher Education Act (Ed. Code, § 66270);
7. Gender Violence (Civ. Code, § 52.4);
8. Sexual Harassment (Civ. Code, § 51.9);
9. Negligence;
10. Intentional Infliction of Emotional Distress;
11. Battery;

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Superior Court of California  
County of Los Angeles

OCT 24 2017

Sherril R. Galton, County Clerk  
By: M. Soto, Deputy  
Mesas Soto

1 Plaintiff KARISSA FENWICK (hereinafter sometimes referred to as "Plaintiff") for her  
2 complaint against defendants UNIVERSITY OF SOUTHERN CALIFORNIA ("USC"), ERICK  
3 G. GUERRERO ("GUERRERO"), and DOES 1-25, inclusive (sometimes collectively  
4 "Defendants"), alleges as follows:

5 **JURISDICTION AND VENUE**

6 1. Venue is proper because the injuries and wrongful acts occurred in Los Angeles  
7 County and because at least one defendant is domiciled in Los Angeles County, California.

8 2. Subject matter in this action is properly heard in this Court, as the action  
9 incorporates an amount in controversy as set forth in the complaint which exceeds \$25,000.00.

10 **PARTIES**

11 3. Plaintiff is an adult female who is domiciled in Los Angeles County, California.  
12 She is a graduate student at USC's Suzanne Dworak-Peck School of Social Work. She is also  
13 employed by USC.

14 4. Plaintiff is informed and believes, and thereon alleges, that defendant USC is, and  
15 at all times herein mentioned was, a nonprofit public benefit corporation formed and operating  
16 pursuant to California's Nonprofit Public Benefit Corporation Law, which is codified at  
17 Corporations Code sections 5110 – 6910. Defendant USC'S principal place of business is in Los  
18 Angeles County, California. Plaintiff is further informed and believes, and thereon alleges, that,  
19 at all times herein mentioned, defendant USC owned and operated the private university located  
20 in Los Angeles, California, that is known to the public as The University of Southern California,  
21 or "USC."

22 5. Defendant GUERRERO is an adult male who, on information and belief, is  
23 domiciled in Los Angeles County, California. He is an associate professor at USC's Suzanne  
24 Dworak-Peck School of Social Work.

25 6. The true names and capacities, whether individual, corporate, associate or  
26 otherwise, of DOES 1-25, inclusive, are unknown to Plaintiff, who therefore sues such  
27 defendants by such fictitious names. Plaintiff is informed and believes, and thereon alleges, that  
28 each of the defendants designated herein as DOE is legally responsible in some manner for the

1 acts and omissions alleged herein. Plaintiff will amend this Complaint to allege the true names  
2 and capacities of such defendants when they are ascertained.

3 7. Plaintiff is informed and believes, and thereon alleges, that, at all times herein  
4 mentioned, each of the defendants was the agent, employee, supervisor, servant, and/or joint  
5 venturer of each of the remaining defendants, and in doing the things alleged herein, was acting  
6 within the course, scope, and authority of such agency, employment, and/or joint venture, and  
7 with the consent and permission of each of the other defendants. Plaintiff is further informed  
8 and believes, and thereon alleges, that all acts and omissions alleged herein were ratified and  
9 approved by the officers, directors, and/or managing agents of each defendant

10 8. In a nutshell, Plaintiff alleges that GUERRERO sexually harassed her, sexually  
11 assaulted her, and then tried to coerce her into not reporting his gross misconduct. GUERRERO  
12 has a history of engaging in sexually inappropriate behavior with female students and by  
13 allowing him to remain as an employee, USC has ratified his conduct and put other female  
14 students at risk of being sexually harassed and sexually assaulted by him.

15 **FACTUAL ALLEGATIONS**

16 9. Plaintiff is a graduate student at USC's Suzanne Dworak-Peck School of Social  
17 Work. She is also employed by USC.

18 10. Defendant USC employed defendant GUERRERO in about 2009 as a Post-  
19 Doctoral Fellow in the USC Suzanne Dworak-Peck School of Social Work (the "School of  
20 Social Work"). On further information and belief, defendant USC promoted defendant  
21 GUERRERO in about 2010 to the position of Assistant Professor in the School of Social Work.

22 11. Plaintiff is informed and believes, and thereon alleges, that in about early 2011,  
23 defendant GUERRERO began engaging in inappropriate conduct of a sexual nature with another  
24 student, who shall be identified as Student X for the purposes of this lawsuit. On information and  
25 belief, such conduct included, but was not limited to, the following:

- 26 a. Telling Student X that her hair looked nice;
- 27 b. Telling Student X that her outfits looked nice;
- 28 c. Telling Student X that he liked the way her perfume smelled;

1           d.     Telling Student X that she did not have to worry about her weight, as she  
2 had a petite build;

3           e.     Calling Student X on her cellphone and inviting her to go to the opera with  
4 him, his cousin, and his cousin's wife.

5           12.    Plaintiff is informed and believes, and thereon alleges, that all of the  
6 aforementioned conduct was unwelcome to Student X and made her feel uncomfortable, to the  
7 extent that she avoided defendant GUERRERO whenever she could and, when she couldn't  
8 avoid him, she was very short with him during their interactions. On information and belief, on  
9 one such occasion defendant GUERRERO admonished Student X, stating in Spanish something  
10 like, "You don't be like that with me; I'm your senior colleague." On information and belief,  
11 this occurred in front of another student and embarrassed Student X.

12           13.    Plaintiff is informed and believes, and thereon alleges, that a few days after  
13 defendant GUERRERO had invited Student X to the opera, which occurred in about early 2011,  
14 Student X reported defendant GUERRERO to her faculty advisor, Michalle Mor Barak, telling  
15 her that defendant GUERRERO had been making inappropriate comments to her; that he had  
16 been asking her out; that she thought he liked her; that she felt his conduct was inappropriate;  
17 and that she felt very uncomfortable. On information and belief, Mor Barak has been employed  
18 as a professor in the School Work since 1988, and has been a full professor since about 2003.

19           14.    On information and belief, at all times herein mentioned there existed at USC a  
20 Faculty Handbook (the "Handbook"), which, on further information and belief, was created by  
21 defendant USC or, in the alternative, at its direction and with its approval. On further  
22 information and belief, defendant USC represents in the Handbook that all faculty who receive a  
23 complaint of discrimination, harassment, or retaliation are to report the complaint immediately to  
24 the Office of Equity and Diversity (the "OED"), even if the complaint is "informal." On further  
25 information and belief, defendant USC represents in the Handbook that all faculty who become  
26 aware of sex-based harassment, even in the absence of a complaint, are also required to report  
27 the harassment to the OED. Moreover, and on further information and belief, defendant USC  
28

1 represents in the Handbook that faculty are prohibited from investigating and trying to resolve  
2 any claims of discrimination, harassment, and retaliation.

3 15. Plaintiff is informed and believes, and thereon alleges, that the Handbook also  
4 contains a policy against discrimination, harassment, and retaliation (the "Policy"). On further  
5 information and belief, the Policy reiterates that faculty members, supervisors, Provosts, Vice  
6 Provosts, Deans of schools, Vice Deans for Faculty and for Students, and any administrators of  
7 the rank of Assistant Vice President and above are required to report to the OED any formal or  
8 informal complaint involving policy or Title IX violations, and also to report any awareness of  
9 sex-based harassment to a Title IX Coordinator, regardless of whether a complaint has been  
10 made. On information and belief, defendant USC represents that the OED thereafter will  
11 determine whether to investigate, and that the OED is the "Designated Investigator" under the  
12 policy, though defendant USC may designate a different investigatory.

13 16. Plaintiff is further informed and believes, and thereon alleges, that the Handbook  
14 further represents that students who report they have been the victim of sexual harassment  
15 committed by a faculty member will receive written notification of their rights and options; will  
16 receive victims-related services, such as counseling, health, mental health, victim advocacy, legal  
17 assistance, and other services; and options for, and assistance in, changing academic, living,  
18 transportation, and working situations.

19 17. After Student X reported to Professor Michalle Mor Barak in early 2011 that  
20 defendant GUERRERO had been engaging in inappropriate conduct of a sexual nature and had  
21 asked her out, Professor Mor Barak, on information and belief, asked Student X if she wanted to  
22 report the matter "to senior staff" or if she wanted to speak to defendant Guerrero about the  
23 matter. Student X responded that she did not want to "make a big scandal" out of the matter, but  
24 reiterated that defendant GUERRERO made her uncomfortable and that she did not want to work  
25 with him anymore. Professor Mor Barak also asked Student X if she wanted defendant  
26 GUERRERO on her qualifying exam committee. Student X said she did not, and said again that  
27 she did not want to work with him anymore. On information and belief, Professor Mor Barak  
28 deliberately concealed Student X's complaint from the OED in order to protect defendant USC

1 and defendant GUERRERO. In the alternative, Professor Mor Barak reported the matter to the  
2 OED, which, in turn, deliberately refused to initiate an investigation in order to avoid negative  
3 publicity and to protect both defendant USC and defendant GUERRERO. As a result, and on  
4 information and belief, no investigation was ever initiated, and no corrective action was taken  
5 against defendant GUERRERO. Thus, defendant USC, through the inaction of Professor Mor  
6 Barak and other various officials with the ability and authority to take remedial action to stop  
7 defendant GUERRERO from committing sexual harassment of students, had actual knowledge  
8 of, and was deliberately indifferent to sexual harassment that he was committing against female  
9 students, and which permitted defendant GUERRERO to continuing engaging in such conduct  
10 with the knowledge and approval of defendant USC.

11 18. Plaintiff is informed and believes, and thereon alleges, that in about January 2012,  
12 Student X was at a conference in Tampa, Florida, with defendant GUERRERO and other  
13 students. One evening, the group went to a salsa club. While Student X was dancing with a  
14 group that did not include defendant GUERRERO, defendant GUERRERO approached her, put  
15 his arm around her, and then asked her if she was dating a particular male student that was also at  
16 the conference, and said something like "something intimate is happening here. Are you  
17 together?" Student X told defendant GUERRERO it was none of his business. Defendant  
18 GUERRERO insisted, however, that there was something happening. Student X told the male  
19 student what defendant GUERRERO had said, and the male student wanted to talk to defendant  
20 GUERRERO. Student X talked him out of it, however, not wanting there to be a confrontation  
21 between a student and a faculty member.

22 19. On information and belief, Professor Mor Barak asked Student X in about 2013 if  
23 she would be willing to work with defendant GUERRERO on a project again. Student X said no  
24 and told Mor Barak that he made her feel uncomfortable.

25 20. On information and belief, Student X attended an event called "Dinner With Your  
26 Professor," in which students nominated the professors they would like to have dinner with.  
27 Someone nominated defendant GUERRERO, as a result of which Student X had to send him an  
28 email inviting him to this dinner as she was involved in the organization planning the dinner.:

1 Student X attended the dinner with her boyfriend. During the dinner, defendant GUERRERO  
2 approached Student X's boyfriend and asked why he was there. Student X's boyfriend  
3 responded that Student X was his girlfriend, to which defendant GUERRERO said, "You have  
4 good taste, and I'm not talking about your plate of food."

5 21. On information and belief, on another occasion, Professor Mor Barak invited  
6 Student X and others to her home for dinner. Defendant GUERRERO was also present. During  
7 this dinner, defendant GUERRERO stood so close to Student X that she became even more  
8 uncomfortable. In fact, Student X's friend was present and commented that she was  
9 uncomfortable with how close defendant GUERRERO had stood to Student X.

10 22. On information and belief, other students, were aware of defendant  
11 GUERRERO'S reputation for being inappropriate.

12 23. Plaintiff completed a master's degree at the University of North Carolina in about  
13 2007, then worked for several years as a clinical social worker. Thereafter, desiring to return to  
14 school and obtain a Ph.D., she applied for admission and was accepted to USC. Thereafter she  
15 commenced classwork in about 2012. She expected to complete coursework and her dissertation  
16 in about five to six years. Plaintiff met defendant GUERRERO shortly after starting her  
17 coursework at USC.

18 24. During the years Plaintiff has been a student at USC, defendant GUERRERO has  
19 made some comments that have made her uncomfortable, including telling her that stairs would  
20 be good for her butt. Plaintiff had also heard from other students to watch out for defendant  
21 GUERRERO. But in about 2015, hoping that GUERRERO would remain professional and  
22 would assist her in her educational pursuits, Plaintiff chose defendant GUERRERO as her  
23 mentor and dissertation advisor because she had decided that his area of research coincided with  
24 her interests, and because defendant GUERRERO was frequently published. Plaintiff was  
25 published frequently, as well, due to her association with defendant GUERRERO.

26 25. On information and belief, defendant USC promoted defendant GUERRERO to  
27 the position of Associate Professor sometime in 2016.

28 26. In about the Summer of 2016, defendant GUERRERO became the formal chair of

1 Plaintiff's dissertation committee.

2 27. In about November of 2016, defendant GUERRERO wanted Plaintiff to attend a  
3 conference with him. Defendant USC would not pay for Plaintiff to attend, however, because  
4 Plaintiff had not co-authored the paper on which defendant GUERRERO was presenting.  
5 Plaintiff could not afford to pay to attend the conference, so defendant GUERRERO told  
6 Plaintiff that he would pay; however, registration for the conference was already full. After  
7 arriving at the conference, which was in Seattle, defendant GUERRERO called Plaintiff, said  
8 that he had talked to the conference organizers about allowing Plaintiff to register, and pressured  
9 Plaintiff to fly up. Plaintiff did so, paying with her own money as she was told she would get  
10 reimbursed.

11 28. Upon arriving in Seattle, defendant GUERRERO took Plaintiff to lunch at a nice  
12 steakhouse. During lunch, defendant GUERRERO ordered wine and talked about personal  
13 matters. He said his wife was pregnant, then asked if Plaintiff was seeing anyone. Plaintiff was  
14 uncomfortable with the topic.

15 29. In January 2017, Plaintiff and defendant GUERRERO traveled to New Orleans to  
16 attend a large convention related to research they had worked on. They stayed in separate hotels.  
17 On January 12, 2017, Plaintiff, defendant GUERRERO, and another colleague had dinner  
18 together. Earlier that afternoon, defendant GUERRERO had suggested to Plaintiff that they have  
19 a drink after dinner to discuss Plaintiff's networking strategy. After dinner, he suggested they  
20 walk to a piano bar. While they were there, defendant GUERRERO approached Plaintiff from  
21 behind, put his hands on her lower back and waist, and shoved a dollar into the front pocket of  
22 her jeans. After the bar closed, Plaintiff and defendant GUERRERO walked outside, where  
23 defendant GUERRERO said, "we should talk about the sexual tension between us. It would be  
24 better if we could get it out in the open." He told Plaintiff that he had always thought about her  
25 sexually and got very close to her. Plaintiff was confused and protested and said that she should  
26 get back to her hotel. Defendant GUERRERO said no to that, and instead offered to call Uber or  
27 a cab from his hotel room. Although Plaintiff was extremely uncomfortable, she reluctantly  
28 walked back with defendant GUERRERO, with the plan being to talk it out and firmly put a stop



1 to the situation. Plaintiff was particularly concerned and worried, given that defendant  
2 GUERRERO was the chair of her dissertation committee and essentially had the power to  
3 approve or disapprove of her dissertation and, therefore, effectively prevent her from obtaining  
4 her Ph.D.

5 30. Once in defendant GUERRERO'S room, Plaintiff sat in an armchair. Plaintiff  
6 repeated that she needed to get back to her hotel. Defendant GUERRERO used his phone to  
7 order Uber and said the car was coming. Plaintiff stood up and started to leave, but Defendant  
8 GUERRERO put his hands on the sides of her arms as she walked past and guided her over to  
9 his bed, where he then sat her down and quickly leaned in for a kiss. Plaintiff leaned back onto  
10 the bed in order to avoid contact with defendant GUERRERO, who moved closer in response.  
11 His lips actually made contact with hers, but she did not reciprocate. Instead, Plaintiff yelled out  
12 in protest, stood up, pushed past him, and ran out of the room. Out on the street, Plaintiff got  
13 into the vehicle, and the driver asked if she was okay because she was crying. Plaintiff  
14 responded, "My boss tried to have sex with me." The driver asked if he should call the police.  
15 Plaintiff said no, and he drove her back to her hotel.

16 31. Back at her hotel, Plaintiff was extremely upset and called a friend and her mother  
17 and explained to her mother what had happened.

18 32. After the incident, Plaintiff avoided defendant GUERRERO as best she could and  
19 did not respond to his efforts to contact her.

20 33. The next morning, January 13, 2017, Plaintiff met with Michael Hurlburt, who  
21 was also attending the convention. Hurlburt was another USC Professor in the School of Social  
22 Work who was also the Ph.D. Program Director. Despite being told what had happened,  
23 Professor Hurlburt told Plaintiff to proceed with her presentation with defendant GUERRERO  
24 the next day. On information and belief, Professor Hurlburt also called the university during his  
25 meeting with Plaintiff.

26 34. On January 14, 2017, Plaintiff and defendant GUERRERO did their presentation.  
27 Plaintiff was extremely uncomfortable the entire time. After the presentation, defendant  
28 GUERRERO followed Plaintiff out of the room and downstairs to the hotel lobby. He insisted

1 that Plaintiff have a conversation with him in the lobby about her "plan going forward". He  
2 threatened her not to tell anyone what had occurred. In the conversation, he said, among other  
3 things, "I need you to commit to not telling anyone. And if you have, you need to go back and do  
4 whatever you need to do to get rid of it." He said if she told anyone it could "ruin both of their  
5 careers." He also told her if she reported it, she would look bad. He repeatedly stated that he  
6 needed her to "commit to not telling anyone." He also told her "I would do what I need to do.  
7 I've worked too hard to get where I am, I will take them down too." He also said that the Dean  
8 "has his back." He further said "The Dean has invested a lot in me and would never take your  
9 side or let anything happen to me." He also said to Plaintiff that he had "invested so much in her  
10 and this is what happens, you remember one bad thing." There was also a discussion about  
11 whether or not she would switch mentors and he said he would not do anything or retaliate  
12 against her if they kept what happened between the two of them. Plaintiff reported these threats  
13 to a friend, her mother, and also to Professor Hurlburt. She also later reported them to the OED  
14 during the investigation.

15 35. On January 15, 2017, defendant GUERRERO asked Plaintiff to take notes for him  
16 at a workshop. Plaintiff did so. During a roundtable discussion with participants about their  
17 research, defendant GUERRERO seemed to go out of his way to praise Plaintiff's dissertation  
18 research. Plaintiff felt he did this in order to try to keep her quiet.

19 36. Plaintiff flew home later on January 15, 2017. After returning to Los Angeles,  
20 she had discussions with Professor Hurlburt about her options because she felt she could no  
21 longer work with defendant GUERRERO.

22 37. Later in the week after they had returned, defendant GUERRERO emailed  
23 Plaintiff about their shared research projects and also left her a voicemail to ask her if she was  
24 going to be working on these projects.

25 38. Plaintiff did not attend a team building event at a bowling alley, stating she was  
26 sick and could not go. This was so she could avoid seeing defendant GUERRERO.

27 39. On or about January 19, 2017, Plaintiff reported defendant GUERRERO to the  
28 OED and met with an investigator named Donna Wagner. On information and belief, an

1 investigation was commenced, but did not conclude until nearly four months later in May 2017.  
2 On information and belief, defendant GUERRERO initially refused to be interviewed, then was  
3 forced to do so by the Dean of the School of Social Work, after which he denied the allegations  
4 and made false assertions about Plaintiff.

5 40. The OED investigator, Donna Wagner, emailed a letter to Plaintiff on May 11,  
6 2017, in which she informed Plaintiff that her allegations of an unwelcome sexual advance by  
7 defendant GUERRERO on January 12, 2017, had been substantiated, as had her further  
8 allegation that defendant GUERRERO had dissuaded her from reporting the matter on January  
9 14, 2017. Wagner advised that the matter was being referred to Karen Nutter, Interim Director  
10 of the OED, "for determination as to whether or not these findings rise to the level of a policy  
11 violation."

12 41. On information and belief, defendant GUERRERO submitted additional alleged  
13 evidence and witnesses after May 11, 2017, to Donna Wagner, causing Wagner to reopen the  
14 investigation.

15 42. Wagner notified Plaintiff of her findings in a letter attached to a July 13, 2017,  
16 email. In her letter, Wagner set forth defendant GUERRERO'S various claims against Plaintiff,  
17 none of which were substantiated by Wagner. Further, according to Wagner's letter to Plaintiff,  
18 GUERRERO actually alleged that "there was a "sexualized" environment at the school towards  
19 him and that students referred to him as the "hot Latino professor." Wagner indicated that the  
20 witnesses provided by Guerrero to support his claims did not do so and that at least one of the  
21 pieces of evidence he provided was actually contradictory to his statement. Wagner also  
22 indicated in the letter that the additional evidence and witnesses provided by GUERRERO were  
23 insufficient to cause her to alter her original conclusion that GUERRERO made a sexual advance  
24 towards Plaintiff and dissuaded Plaintiff from reporting the incident. Again, Wagner indicated  
25 that the matter was being referred to Karen Nutter for a decision on whether defendant  
26 GUERRERO'S conduct constituted a violation of university policy.

27 43. In a memorandum to Plaintiff dated August 1, 2017, Nutter indicated that she  
28 concurred with Wagner's findings and that the findings constituted a violation of Faculty

1 Handbook Section 6-B(4), "in that, as your dissertation advisor, Dr. Guerrero held considerable  
2 influence over your academic career, and submission to his unwelcome advance was an implicit  
3 condition of your academic evaluation."

4 44. On information and belief, defendant GUERRERO appealed the findings of the  
5 investigation. On August 29, 2017, a letter was sent to GUERRERO indicating that the appeal  
6 was denied. The letter said his appeal had not shown that the investigator's findings and  
7 conclusions should be reversed.

8 45. On September 7, 2017, a letter was sent to GUERRERO by Martin Levine, Vice  
9 Provost and Senior Advisor to the Provost, stating that the Provost's delegate considered his  
10 appeal and affirmed the findings and conclusions of the OED that he violated university policies.  
11 However, GUERRERO was not fired. He received much lesser discipline and will still be  
12 allowed to teach and interact with female students.

13 46. GUERRERO has since filed a grievance with the USC Faculty Tenure &  
14 Privileges Appeals Committee. He has not accepted any responsibility for his conduct, yet he  
15 will remain as an employee at USC. The corrective actions taken were minimal and not  
16 reasonable under the circumstances. Consequently, defendant USC has ratified defendant  
17 GUERRERO'S conduct, which amounts to deliberate indifference.

18 47. Plaintiff was previously very active in the School of Social Work, but now no  
19 longer attends school or program events due to fear of seeing defendant GUERRERO and being  
20 questioned about the investigation by other students and faculty. She is also afraid of attending  
21 future professional conferences where defendant GUERRERO is present, and has already lost  
22 the opportunity to co-present a paper she co-authored with defendant GUERRERO at a  
23 conference in August 2017 due to being unable to be around him. Her progress on her  
24 dissertation, which was partially written, has been impeded because it was based on research she  
25 conducted with defendant GUERRERO and she can no longer work with him. Additionally, she  
26 was not able to submit a planned dissertation research grant to the National Institute of Drug  
27 Abuse in February 2017 because defendant GUERRERO was to be her faculty sponsor.  
28 Although Plaintiff now has a new dissertation chair and works with other faculty members,

1 defendant GUERRERO'S expertise was most closely aligned with her dissertation topic.  
2 Further, since Plaintiff's dissertation proposal was so strongly associated with defendant  
3 GUERRERO, working on her dissertation triggers distressing memories of GUERRERO'S  
4 sexual misconduct and subsequent threats, hindering Plaintiff's ability to concentrate. Her  
5 preferred alternative would be to change dissertation topics, but this would cost her years of  
6 work and money. Instead, Plaintiff is attempting to complete her dissertation under the guidance  
7 of a new dissertation committee using a smaller scale study than originally planned, but it has  
8 been very difficult for her to continue. Thus, Plaintiff believes completion of her Ph.D. has been  
9 jeopardized, as have her chances of a career in academia afterward given that the majority of her  
10 previous connections and job leads were obtained through defendant GUERRERO.

11 **FIRST CAUSE OF ACTION**

12 **(Against All Defendants for Quid Pro Quo Environment**

13 **Harassment in Violation of Government Code Section 12940(j))**

14 48. Plaintiff incorporates by this reference all the other allegations of this Complaint,  
15 except those that are inconsistent with a cause of action for quid pro quo sexual harassment.

16 49. At all times herein mentioned, Government Code section 12940(j) was in full  
17 force and effect, was binding on Defendants, and required them to refrain from subjecting  
18 Plaintiff to unwanted harassing conduct because of her sex.

19 50. At all times herein mentioned, Plaintiff was employed by defendant USC and  
20 defendant GUERRERO as a research assistant and was paid by both.

21 51. Defendant GUERRERO made unwanted sexual advances and engaged in other  
22 unwanted verbal and physical conduct of a sexual nature, as set forth above and incorporated  
23 herein.

24 52. The terms of Plaintiff's employment, her job benefits, and/or her favorable  
25 working conditions were made contingent, by words and/or conduct, on Plaintiff's acceptance of  
26 defendant GUERRERO'S sexual advances and conduct.

27 53. At all times herein mentioned, defendant GUERRERO was a supervisor as that  
28 term is defined in Government Code section 12926(t).

1           54.     Plaintiff was harmed as set forth above and incorporated herein.

2           55.     Defendant GUERRERO is personally liable for his own acts of harassment,  
3 pursuant to Government Code section 12940(j)(3). Defendants USC and DOES 1 to 25 are  
4 strictly liable for defendant GUERRERO'S acts of harassment because, at all times herein  
5 mentioned, GUERRERO was a supervisor, as that term is defined in Government Code section  
6 12926(t). In the alternative, even if GUERRERO was not a supervisor, defendants USC and  
7 DOES 1 to 25 are liable for his acts of harassment because they knew, or should have known,  
8 about them and failed to take immediate and appropriate corrective action.

9           56.     As a direct and proximate result of the sexual harassment of Plaintiff described  
10 above, Plaintiff has suffered, and continues to suffer, special damages, in an amount according to  
11 proof at the time of trial.

12           57.     As a direct and proximate result of the unlawful conduct of Defendants, and each  
13 of them, Plaintiff has suffered, and continues to suffer, general damages, including, but not  
14 limited to, shock, embarrassment, humiliation, mental anguish, anger, emotional and physical  
15 distress, stress, and other damages to be proven at the time of trial.

16           58.     Defendant GUERRERO committed the acts herein alleged maliciously,  
17 fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff, from an  
18 improper and evil motive amounting to malice, and in conscious disregard of the rights of  
19 Plaintiff. Plaintiff is informed and believes, and thereon alleges, that defendants USC and DOES  
20 1 to 25 knew of the probable injurious consequences of GUERRERO'S continued employment  
21 (harassment of female employees and tenants), but deliberately failed to avoid these  
22 consequences by deliberately choosing to continue GUERRERO'S employment, and by  
23 deliberately failing to restrain him, despite ample notice, from engaging in unlawful,  
24 discriminatory sexual harassment. Plaintiff is informed and believes, and thereon alleges, that  
25 such conduct was also authorized, approved of, and/or ratified by an owner, officer, director, or  
26 managing agent of defendants USC and DOES 1 to 25. Plaintiff consequently seeks an award of  
27 punitive and exemplary damages against Defendants, and each of them, in an amount according  
28 to proof.

1           59.     As a direct cause of the acts alleged above, Plaintiff has had to hire the services of  
2 an attorney, and has incurred, and will continue to incur, costs, including attorney fees, to  
3 enforce her statutory and constitutional rights to be free from harassment in the workplace.  
4 Plaintiff is, therefore, entitled to an award of attorney fees and costs pursuant to Government  
5 Code section 12965(b), in an amount according to proof.

6           60.     Within the time required by law, Plaintiff filed a Complaint of Discrimination  
7 with the Department of Fair Employment & Housing and obtained an immediate Notice of Case  
8 Closure. Plaintiff has, therefore, exhausted her administrative remedies before the filing of this  
9 lawsuit.

10           WHEREFORE Plaintiff prays for judgment as set forth below;

11    **SECOND CAUSE OF ACTION**

12    **(Against All Defendants for Hostile Work Environment**

13    **Harassment in Violation of Government Code Section 12940(j))**

14           61.     Plaintiff incorporates by this reference all the other allegations of this Complaint,  
15 except those that are inconsistent with a cause of action for hostile work environment sexual  
16 harassment.

17           62.     At all times herein mentioned, Government Code section 12940(j) was in full  
18 force and effect, was binding on Defendants, and required them to refrain from subjecting  
19 Plaintiff to unwanted harassing conduct because of her sex.

20           63.     Defendant GUERRERO'S acts, as more fully described above, were unwelcome  
21 to Plaintiff, and were severe, or pervasive, or both, and created an oppressive, hostile,  
22 intimidating, and/or offensive work environment for Plaintiff. A reasonable person in Plaintiff's  
23 position would also have considered the environment to be hostile and/or abusive.

24           64.     Defendant GUERRERO is personally liable for his own acts of harassment,  
25 pursuant to Government Code section 12940(j)(3). Defendants USC and DOES 1 to 25 are  
26 strictly liable for defendant GUERRERO'S acts of harassment because, at all times herein  
27 mentioned, GUERRERO was a supervisor, as that term is defined in Government Code section  
28 12926(t). In the alternative, even if GUERRERO was not a supervisor, defendants USC and

1 DOES 1 to 25 are liable for his acts of harassment because they knew, or should have known,  
2 about them and failed to take immediate and appropriate corrective action.

3 65. As a direct and proximate result of the sexual harassment of Plaintiff described  
4 above, Plaintiff has suffered, and continues to suffer, special damages, in an amount according to  
5 proof at the time of trial.

6 66. As a direct and proximate result of the unlawful conduct of Defendants, and each  
7 of them, Plaintiff has suffered, and continues to suffer, general damages, including, but not  
8 limited to, shock, embarrassment, humiliation, mental anguish, anger, emotional and physical  
9 distress, stress, and other damages to be proven at the time of trial.

10 67. Defendant GUERRERO committed the acts herein alleged maliciously,  
11 fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff, from an  
12 improper and evil motive amounting to malice, and in conscious disregard of the rights of  
13 Plaintiff. Plaintiff is informed and believes, and thereon alleges, that defendants USC and DOES  
14 1 to 25 knew of the probable injurious consequences of GUERRERO'S continued employment  
15 (harassment of female employees and tenants), but deliberately failed to avoid these  
16 consequences by deliberately choosing to continue GUERRERO'S employment, and by  
17 deliberately failing to restrain him, despite ample notice, from engaging in unlawful,  
18 discriminatory sexual harassment. Plaintiff is informed and believes, and thereon alleges, that  
19 such conduct was also authorized, approved of, and/or ratified by an owner, officer, director, or  
20 managing agent of defendants USC and DOES 1 to 25. Plaintiff consequently seeks an award of  
21 punitive and exemplary damages against Defendants, and each of them, in an amount according  
22 to proof.

23 68. As a direct cause of the acts alleged above, Plaintiff has had to hire the services of  
24 an attorney, and has incurred, and will continue to incur, costs, including attorney fees, to  
25 enforce her statutory and constitutional rights to be free from harassment in the workplace.  
26 Plaintiff is, therefore, entitled to an award of attorney fees and costs pursuant to Government  
27 Code section 12965(b), in an amount according to proof.

28



1 69. Within the time required by law, Plaintiff filed a Complaint of Discrimination  
2 with the Department of Fair Employment & Housing and obtained an immediate Notice of Case  
3 Closure. Plaintiff has, therefore, exhausted her administrative remedies before the filing of this  
4 lawsuit.

5 WHEREFORE Plaintiff prays for judgment as set forth below;

6 **THIRD CAUSE OF ACTION**

7 **(Against All Defendants, Except GUERRERO, for Failure to Take**  
8 **All Reasonable Steps Necessary to Prevent and Correct Discrimination, Harassment,**  
9 **and Retaliation in Violation of Government Code Section 12940(k))**

10 70. Plaintiff incorporates herein the allegations set forth in the other paragraphs of  
11 this Complaint, except for those that are inconsistent with a cause of action for failure to take all  
12 reasonable steps necessary to prevent and correct discrimination, harassment, and retaliation.

13 71. At all times herein mentioned, Government Code section 12940(k) was in full  
14 force and effect, was binding on Defendants, and required them to take all reasonable steps  
15 necessary to prevent discrimination, harassment, and retaliation from occurring in the workplace.

16 72. Plaintiff is informed and believes, and thereon alleges, that Defendants, and each  
17 of them, failed to take all reasonable steps necessary to prevent discrimination, harassment, and  
18 retaliation from occurring by failing to sufficiently educate its employees about those things,  
19 including what they are and how to report them; by failing to sufficiently express strong  
20 disapproval of those things; by failing to sufficiently monitor the workplace; by failing to have in  
21 place a sufficient plan to promptly and adequately investigate complaints of discrimination,  
22 harassment, and retaliation; by failing to promptly and adequately investigate complaints of  
23 discrimination, harassment, and retaliation; by failing to have in place appropriate sanctions to  
24 deter those things; by failing to apply appropriate sanctions to deter future discrimination,  
25 harassment, and retaliation; by failing to comply with Government Code sections 12950 and  
26 12950.1, to the extent they applied; by failing to comply with relevant sections of Title 2 of the  
27 California Code of Regulations, including, but not limited to sections 11023 and 11024; by  
28

1 engaging in retaliatory conduct, as set forth above; and other, yet-to-be-identified failures to take  
2 reasonable steps to prevent and correct discrimination, harassment, and retaliation.

3 73. As a direct and proximate result of Defendants' failure to take all reasonable steps  
4 necessary to prevent discrimination, harassment, from occurring, Plaintiff was subjected to  
5 unwelcome conduct of a sexual nature by defendant GUERRERO, as set forth above. Said  
6 conduct was severe, or pervasive, or both, and created an oppressive, hostile, intimidating, and/or  
7 offensive work environment for Plaintiff. A reasonable person in Plaintiff's position would also  
8 have considered the environment to be hostile and/or abusive. She has also been subjected to  
9 retaliation, as set forth more fully above.

10 74. As a direct and proximate result of the sexual harassment of Plaintiff described  
11 above, Plaintiff has suffered, and continues to suffer, special damages, in an amount according to  
12 proof at the time of trial.

13 75. As a direct and proximate result of the unlawful conduct of Defendants, and each  
14 of them, Plaintiff has suffered, and continues to suffer, general damages, including, but not  
15 limited to, shock, embarrassment, humiliation, mental anguish, anger, emotional and physical  
16 distress, stress, and other damages to be proven at the time of trial.

17 76. Defendant GUERRERO committed the acts herein alleged maliciously,  
18 fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff, from an  
19 improper and evil motive amounting to malice, and in conscious disregard of the rights of  
20 Plaintiff. Plaintiff is informed and believes, and thereon alleges, that defendants USC and DOES  
21 1 to 25 knew of the probable injurious consequences of GUERRERO'S continued employment  
22 (harassment of female employees and tenants), but deliberately failed to avoid these  
23 consequences by deliberately choosing to continue GUERRERO'S employment, and by  
24 deliberately failing to restrain him, despite ample notice, from engaging in unlawful,  
25 discriminatory sexual harassment. Plaintiff is informed and believes, and thereon alleges, that  
26 such conduct was also authorized, approved of, and/or ratified by an owner, officer, director, or  
27 managing agent of defendants USC and DOES 1 to 25. Plaintiff consequently seeks an award of  
28

1 punitive and exemplary damages against Defendants, and each of them, in an amount according  
2 to proof.

3 77. As a direct cause of the acts alleged above, Plaintiff has had to hire the services of  
4 an attorney, and has incurred, and will continue to incur, costs, including attorney fees, to  
5 enforce her statutory and constitutional rights to be free from harassment in the workplace.  
6 Plaintiff is, therefore, entitled to an award of attorney fees and costs pursuant to Government  
7 Code section 12965(b), in an amount according to proof.

8 78. Within the time required by law, Plaintiff filed a Complaint of Discrimination  
9 with the Department of Fair Employment & Housing and obtained an immediate Notice of Case  
10 Closure. Plaintiff has, therefore, exhausted her administrative remedies before the filing of this  
11 lawsuit.

12 WHEREFORE Plaintiff prays for judgment as set forth below;

13 **FOURTH CAUSE OF ACTION**

14 **(Against All Defendants, Except GUERRERO, For Retaliation**

15 **in Violation of Government Code Section 12940(h))**

16 79. Plaintiff incorporates herein the allegations set forth in the other paragraphs of  
17 this Complaint, except for those that are inconsistent with a cause of action for retaliation.

18 80. At all times herein mentioned, Government Code section 12940(h) was in full  
19 force and effect, was binding on Defendants, and required them to refrain from retaliating against  
20 their employees for, among other things, opposing any practices forbidden by the Fair  
21 Employment and Housing Act, including, but not limited to, unwanted harassment based on sex  
22 and retaliation.

23 81. After Plaintiff opposed defendant GUERRERO'S harassment of her, and after  
24 Plaintiff made a formal complaint, defendants USC and DOES 1 to 25 failed to conduct a  
25 prompt, appropriate investigation of Plaintiff's allegations and, on information and belief, took  
26 no interim corrective action. Further, even after the investigation was concluded, Defendants  
27 failed to remove defendant GUERRERO from the workplace. The retaliatory acts and omissions  
28 amounted to conduct that, taken as a whole, have materially and adversely affected the terms and

1 conditions of Plaintiff's employment. Plaintiff is informed and believes, and thereon alleges,  
2 that Defendants, and each of them, have performed additional retaliatory acts of which Plaintiff  
3 is not yet aware, but which have contributed to and aggravated the working conditions.

4 82. As a direct and proximate result of Defendants' retaliatory acts and omissions,  
5 Plaintiff was subjected to further sexual harassment from defendant GUERRERO, as set forth  
6 above, that was unwelcome to Plaintiff and which was severe, or pervasive, or both, and which  
7 created an oppressive, hostile, intimidating, and/or offensive work environment for Plaintiff. A  
8 reasonable person in Plaintiff's position would also have considered the environment to be  
9 hostile and/or abusive.

10 83. As a direct and proximate result of the sexual harassment of Plaintiff described  
11 above, Plaintiff has suffered, and continues to suffer, special damages, in an amount according to  
12 proof at the time of trial.

13 84. As a direct and proximate result of the unlawful conduct of Defendants, and each  
14 of them, Plaintiff has suffered, and continues to suffer, general damages, including, but not  
15 limited to, shock, embarrassment, humiliation, mental anguish, anger, emotional and physical  
16 distress, stress, and other damages to be proven at the time of trial.

17 85. Defendant GUERRERO committed the acts herein alleged maliciously,  
18 fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff, from an  
19 improper and evil motive amounting to malice, and in conscious disregard of the rights of  
20 Plaintiff. Plaintiff is informed and believes, and thereon alleges, that defendants USC and DOES  
21 1 to 25 knew of the probable injurious consequences of GUERRERO'S continued employment  
22 (harassment of female employees and tenants), but deliberately failed to avoid these  
23 consequences by deliberately choosing to continue GUERRERO'S employment, and by  
24 deliberately failing to restrain him, despite ample notice, from engaging in unlawful,  
25 discriminatory sexual harassment. Plaintiff is informed and believes, and thereon alleges, that  
26 such conduct was also authorized, approved of, and/or ratified by an owner, officer, director, or  
27 managing agent of defendants USC and DOES 1 to 25. Plaintiff consequently seeks an award of  
28

1 punitive and exemplary damages against Defendants, and each of them, in an amount according  
2 to proof.

3 86. As a direct cause of the acts alleged above, Plaintiff has had to hire the services of  
4 an attorney, and has incurred, and will continue to incur, costs, including attorney fees, to  
5 enforce her statutory and constitutional rights to be free from harassment in the workplace.  
6 Plaintiff is, therefore, entitled to an award of attorney fees and costs pursuant to Government  
7 Code section 12965(b), in an amount according to proof.

8 WHEREFORE Plaintiff prays for judgment as set forth below;

9 **FIFTH CAUSE OF ACTION**

10 **(Against Defendants USC and DOES 1-25 for Violation of Title IX [20 U.S.C., § 1681(a)])**

11 87. Plaintiff incorporates by this reference all the other allegations of this Complaint,  
12 except those that are inconsistent with a cause of action for violation of Title 20, Section 1681,  
13 subpart (a).

14 88. At all times herein mentioned, Title IX of the Education Amendments of 1972,  
15 codified at Title 20, Sections 1681 – 1688, of the United States Code, was in full force and effect  
16 and provided, in Title 20, Section 1681, subpart (a), as follows: “No person in the United States  
17 shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be  
18 subjected to discrimination under any education program or activity receiving Federal financial  
19 assistance[.]”

20 89. Plaintiff is informed and believes, and thereon alleges, that, at all times herein  
21 mentioned, defendant USC received, and continues to receive, Federal financial assistance.

22 90. USC, through the inaction of various officials and employees with the ability and  
23 authority to take remedial action to stop the sexual harassment, sexual assault, and sexual  
24 discrimination of Plaintiff, had knowledge of, and were deliberately indifferent to sexual  
25 harassment that was so severe, pervasive and objectively offensive that it deprived Plaintiff of  
26 access to the educational benefits or opportunities provide by USC, in violation of Title IX.

27 91. As of years ago when Student X reported the sexual misconduct by Guerrero, if  
28 not sooner, USC had knowledge of, and was deliberately indifferent to, reports and/or a

1 substantial risk of severe and pervasive sexual harassment presented by defendant GUERRERO  
2 to female students at USC.

3 92. As a direct and proximate result of USC'S deliberate indifference to knowledge of  
4 and notice of a substantial risk of further sexual harassment and sexual assault, Plaintiff was  
5 subjected to sexual harassment and a sexual assault by Defendant GUERRERO.

6 93. USC'S failure to take any action to prevent or redress reports of GUERRERO'S  
7 conduct toward female students or to address the severe and pervasive sexual harassment, despite  
8 its authority to do so, was clearly unreasonable in light of known circumstances.

9 94. As a result of USC'S misconduct, Plaintiff suffered significant, severe, and  
10 ongoing emotional distress and mental anguish.

11 95. Plaintiff was subjected to sexual harassment, sexual assault, and sexual  
12 discrimination that was so severe, pervasive and objectively offensive that she was denied access  
13 to educational opportunities and benefits.

14 96. Further, GUERRERO has not accepted any responsibility for his conduct, yet he  
15 will remain as an employee at USC. The corrective actions taken by USC were minimal and not  
16 reasonable under the circumstances. Consequently, defendant USC has ratified defendant  
17 GUERRERO'S conduct, which amounts to deliberate indifference.

18 97. As a result of the improper discrimination set forth above, Plaintiff has been  
19 excluded from participation in, denied the benefits of, and subjected to discrimination in  
20 violation of 20 U.S.C., § 1681(a). Plaintiff was previously very active in the School of Social  
21 Work, but now no longer attends school or program events due to fear of seeing defendant  
22 GUERRERO and being questioned about the investigation by other students and faculty. She is  
23 also afraid of attending future professional conferences where defendant GUERRERO is present,  
24 and has already lost the opportunity to co-present a paper she co-authored with defendant  
25 GUERRERO at a conference in August 2017 due to being unable to be around him. Her progress  
26 on her dissertation, which was partially written, has been impeded because it was based on  
27 research she conducted with defendant GUERRERO and she can no longer work with him.  
28 Additionally, she was not able to submit a planned dissertation research grant to the National

1 Institute of Drug Abuse in February 2017 because defendant GUERRERO was to be her faculty  
2 sponsor. Although Plaintiff now has a new dissertation chair and works with other faculty  
3 members, defendant GUERRERO'S expertise was most closely aligned with her dissertation  
4 topic. Further, since Plaintiff's dissertation proposal was so strongly associated with defendant  
5 GUERRERO, working on her dissertation triggers distressing memories of GUERRERO'S  
6 sexual misconduct and subsequent threats, hindering Plaintiff's ability to concentrate. Her  
7 preferred alternative would be to change dissertation topics, but this would cost her years of  
8 work and money. Instead, Plaintiff is attempting to complete her dissertation under the guidance  
9 of a new dissertation committee using a smaller scale study than originally planned, but it has  
10 been very difficult for her to continue. Thus, Plaintiff believes completion of her Ph.D. has been  
11 jeopardized, as have her chances of a career in academia afterward given that the majority of her  
12 previous connections and job leads were obtained through defendant GUERRERO.

13 98. As a result of the improper discrimination set forth above, Plaintiff has also  
14 suffered special damages in an amount according to proof at trial.

15 99. As a result of the improper discrimination set forth above, Plaintiff has also  
16 suffered general damages, including, but not limited to, shock, embarrassment, humiliation,  
17 emotional distress, and other damages to be proven at the time of trial

18 100. As a direct and proximate result of the unlawful conduct of Defendants, Plaintiff  
19 was harmed and suffered, and continues to suffer, special damages including, but not limited to,  
20 losses of earning capacity, opportunities for employment advancement and work experience, and  
21 other damages to be proven at the time of trial.

22 101. As a direct and proximate result of the unlawful conduct of Defendants, and each  
23 of them, Plaintiff was harmed and suffered, and continues to suffer, general damages including  
24 but not limited to shock, embarrassment, humiliation, emotional distress, and other damages to  
25 be proven at the time of trial.

26 102. The conduct of Defendants, and each of them, was a substantial factor in causing  
27 Plaintiff's harm.

28

1 103. As a direct cause of the acts alleged above, Plaintiff had to hire the services of an  
2 attorney. Plaintiff incurred and continues to incur legal expenses and attorneys' fees, and is  
3 entitled to an award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988(b). Plaintiff is  
4 presently unaware of the precise amount of these expenses and fees and prays leave of court to  
5 amend this Complaint when the amounts are more fully known.

6 WHEREFORE Plaintiff prays for judgment as set forth below.

7 **SIXTH CAUSE OF ACTION**

8 **(Against Defendants USC and DOES 1-25 for Violation of the California Equity in Higher**  
9 **Education Act [Ed. Code, § 66270])**

10 104. Plaintiff incorporates by this reference all the other allegations of this Complaint,  
11 except those that are inconsistent with a cause of action for violation of Education Code Section  
12 66270.

13 105. At all times herein mentioned, the Equity in Higher Education Act, codified at  
14 Sections 66250 – 66292.4 of the California Education Code, was in full force and effect, and  
15 provided, at Section 66270, as follows: "No person shall be subjected to discrimination on the  
16 basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity,  
17 religion, sexual orientation, or any characteristic listed or defined in Section 11135 of the  
18 Government Code or any other characteristic that is contained in the prohibition of hate crimes  
19 set forth in subdivision (a) of Section 422.6 of the Penal Code in any program or activity  
20 conducted by any postsecondary educational institution that receives, or benefits from, state  
21 financial assistance or enrolls students who receive state student financial aid

22 106. Defendant USC is a postsecondary educational institutional that, on information  
23 and belief, and at all times herein mentioned, received and benefitted from state financial  
24 assistance, and also enrolled students who received state student financial aid.

25 107. Plaintiff was subjected to discrimination on the basis of gender while attending  
26 defendant USC, as set forth more fully above.

27 108. Defendant USC's actions and inaction as alleged herein violated Education Code  
28 Section 66270 of the Equity in Higher Education Act. Plaintiff is entitled to enforce the Equity



1 in Higher Education action through a civil action pursuant to Education Code Section 66292.4.

2 109. As a result of the improper discrimination set forth above, Plaintiff has also  
3 suffered special damages in an amount according to proof at trial.

4 110. As a result of the improper discrimination set forth above, Plaintiff has also  
5 suffered general damages, including, but not limited to, shock, embarrassment, humiliation,  
6 emotional distress, and other damages to be proven at the time of trial

7 WHEREFORE Plaintiff prays for judgment as set forth below.

8 **SEVENTH CAUSE OF ACTION**

9 **(Against All Defendants for Gender Violence [Civ. Code, § 52.4])**

10 111. Plaintiff incorporates by this reference all the other allegations of this Complaint,  
11 except those that are inconsistent with a cause of action for gender violence in violation of Civil  
12 Code Section 52.4.

13 112. At all times herein mentioned, California Civil Code Section 52.4 was in full  
14 force and effect, and authorized any person subjected to gender violence to bring a civil action  
15 for damages against any responsible party.

16 113. Plaintiff was subjected to gender violence as that term is defined in Civil Code  
17 Section 52.4(c).

18 114. Defendants were responsible parties for the reasons set forth above and  
19 incorporated herein.

20 115. As a result of the gender violence perpetrated on Plaintiff, Plaintiff has suffered  
21 special damages in an amount according to proof at trial.

22 116. As a result of the gender violence perpetrated on Plaintiff, Plaintiff has also  
23 suffered general damages, including, but not limited to, shock, embarrassment, humiliation,  
24 emotional distress, and other damages to be proven at the time of trial.

25 117. Plaintiff seeks all remedies provided for in Civil Code Section 52.4(a), including  
26 actual damages, compensatory damages, punitive damages, injunctive relief, costs, attorney fees,  
27 and other relief that the Court deems necessary.

28 WHEREFORE Plaintiff prays for judgment as set forth below.

1 **EIGHTH CAUSE OF ACTION**

2 **(Against All Defendants for Sexual Harassment [Civ. Code, § 51.9])**

3 118. Plaintiff incorporates by this reference all the other allegations of this Complaint,  
4 except those that are inconsistent with a cause of action for sexual harassment in violation of  
5 Civil Code Section 51.9.

6 119. At all times herein mentioned, California Civil Code Section 51.9 was in full  
7 force and effect, and prohibited sexual harassment in certain business, service, and professional  
8 relationship, including that of teacher-student or a relationship that is substantially similar to that  
9 of teacher-student. The relationship between defendant GUERRERO and Plaintiff was  
10 substantially similar to that of teacher-student, given that he was a professor who supervised the  
11 work of Plaintiff, including her dissertation, and Plaintiff was his student.

12 120. Defendant GUERRERO made sexual advances, solicitations, sexual requests,  
13 demands for sexual compliance by Plaintiff, or engaged in other verbal, visual, or physical  
14 conduct of a sexual nature or of a hostile nature based on gender, that were unwelcome and  
15 pervasive or severe, as set forth above. Plaintiff is informed and believes, and thereon alleges,  
16 that defendant USC knew or should have known of the conduct of defendant GUERRERO and  
17 thereafter authorized, approved of, and/or ratified said conduct, as set forth above.

18 121. Plaintiff was unable to easily terminate her business, service, and/or professional  
19 relationship with Defendants.

20 122. As a result of the sexual harassment perpetrated on Plaintiff by defendant  
21 GUERRERO, and authorized, approved of, and/or ratified by defendant USC, Plaintiff has  
22 suffered special damages in an amount according to proof at trial.

23 123. As a result of the sexual harassment perpetrated on Plaintiff by defendant  
24 GUERRERO, and authorized, approved of, and/or ratified by defendant USC, Plaintiff has also  
25 suffered general damages, including, but not limited to, shock, embarrassment, humiliation,  
26 emotional distress, and other damages to be proven at the time of trial.

27 124. Plaintiff seeks all remedies provided for in Civil Code Section 52(b), including  
28 actual damages, compensatory damages, punitive damages, injunctive relief, costs, attorney fees,

1 and other relief that the Court deems necessary.

2 WHEREFORE Plaintiff prays for judgment as set forth below.

3 **NINTH CAUSE OF ACTION**

4 **(Against All Defendants for Negligence)**

5 125. Plaintiff incorporates by this reference all the other allegations of this Complaint,  
6 except those that are inconsistent with a cause of action for negligence.

7 126. Defendants owed a legal duty to use reasonable care to prevent harm to their  
8 students.

9 127. Defendant USC breached its duty to Plaintiff by, among other things, negligently  
10 failing to provide defendant GUERRERO and other faculty with proper training in the  
11 prevention of sexual harassment and retaliation, including training that reporting suspected  
12 sexual harassment and retaliation was mandatory; by negligently failing to provide faculty with  
13 proper training on how to report suspected sexual harassment and retaliation; by negligently  
14 failing to provide appropriate training to personnel on how to promptly and properly investigate  
15 allegations of suspected sexual harassment and retaliation, and/or by negligently failing to hire  
16 such individuals as already had experience in doing so; by negligently failing to provide proper  
17 training on how to analyze evidence gathered in order to reach an appropriate conclusion, and/or  
18 by negligently failing to hire such individuals as already had experience in doing so; by  
19 negligently supervising defendant GUERRERO; by negligently retaining defendant  
20 GUERRERO after learning that he had been engaging in inappropriate conduct of a sexual  
21 nature with students who interacted with him and/or were under his supervision, including  
22 Student X, and/or by negligently retaining him after it should have known of such conduct; by  
23 negligently failing to warn its students about the conduct of defendant GUERRERO and  
24 permitting him to continue interacting with students; by negligently permitting female students to  
25 travel to off-campus and out-of-town events with defendant GUERRERO; among other things  
26 set forth above and incorporated herein by this reference. The aforementioned acts and  
27 omissions created a particular risk of harm to defendant USC'S students, specifically, that  
28 defendant GUERRERO would subject them to unwanted conduct of a sexual nature and its

1 resulting consequences, all of which was reasonably foreseeable, especially in an academic  
2 environment.

3 128. Defendant GUERRERO breached his duty to Plaintiff by, among other things,  
4 subjecting Plaintiff to unwanted conduct of a sexual nature as set forth above.

5 129. Defendants' acts and omissions were a substantial factor in causing harm to  
6 Plaintiff.

7 130. As a result of the gender violence perpetrated on Plaintiff, Plaintiff has suffered  
8 special damages in an amount according to proof at trial.

9 131. As a result of the gender violence perpetrated on Plaintiff, Plaintiff has also  
10 suffered general damages, including, but not limited to, shock, embarrassment, humiliation,  
11 emotional distress, and other damages to be proven at the time of trial.

12 WHEREFORE Plaintiff prays for judgment as set forth below.

13 **TENTH CAUSE OF ACTION**

14 **(Against All Defendants for Intentional Infliction of Emotional Distress)**

15 132. Plaintiff incorporates by this reference all the other allegations of this Complaint,  
16 except those that are inconsistent with a cause of action for intentional infliction of emotional  
17 distress.

18 133. Defendant GUERRERO'S conduct, as set forth above, was extreme and  
19 outrageous because it amounted to sexual harassment of a student and threatened retaliation if  
20 she reported it, but also because he abused a position of authority over Plaintiff in that he was her  
21 dissertation supervisor and the chair of her dissertation committee, which gave him apparent and  
22 real power to affect Plaintiff's academic interests. Further, Plaintiff, as a doctoral student who  
23 had completed substantial coursework and work on her dissertation, was particularly vulnerable  
24 to emotional distress under such circumstances.

25 134. Defendant GUERRERO acted intending to cause Plaintiff severe emotional  
26 distress, or with reckless disregard of the probability that Plaintiff would suffer severe emotional  
27 distress.

28 135. Plaintiff suffered severe emotional distress.

1           136. The acts of Defendants alleged above were done maliciously, oppressively, and/or  
2 fraudulently. On information and belief, Defendants had advance knowledge of the unfitness of  
3 GUERRERO, and employed him, and/or retained him in employment, with conscious disregard  
4 of the rights or safety of Plaintiff and others. Accordingly, Plaintiff seeks an award of punitive  
5 and exemplary damages in an amount according to proof. Plaintiff is informed and believes, and  
6 thereon alleges, that defendant USC authorized, approved of, and/or ratified defendant  
7 GUERRERO'S conduct, and is, therefore, liable for his conduct as though defendant USC had  
8 itself committed it.

9           137. Defendants' conduct was a substantial factor in causing Plaintiff's severe  
10 emotional distress.

11           WHEREFORE Plaintiff prays for judgment as set forth below;

12   **ELEVENTH CAUSE OF ACTION**

13   **(Against All Defendants for Battery)**

14           138. Plaintiff incorporates by this reference all the other allegations of this Complaint,  
15 except those that are inconsistent with a cause of action for battery.

16           139. Defendant GUERRERO intentionally put his hands on the sides of Plaintiff's  
17 arms to prevent her from leaving his hotel room, guided her over to his bed and pushed her  
18 down, then attempted to kiss her.

19           140. Plaintiff did not expressly or impliedly consent to be touched at any time in any  
20 manner by defendant GUERRERO. But even if Plaintiff consented to defendant GUERRERO'S  
21 conduct, which she did not, such consent was obtained under duress and was, therefore, vitiated  
22 because defendant GUERRERO abused a position of authority over Plaintiff in that he was her  
23 dissertation supervisor and the chair of her dissertation committee, which gave him apparent and  
24 real power to affect Plaintiff's academic interests. Further, Plaintiff, as a doctoral student who  
25 had completed substantial coursework and work on her dissertation, was particularly vulnerable  
26 to emotional distress under such circumstances.

27           141. Plaintiff was harmed by defendant GUERRERO'S conduct.  
28

1 142. A reasonable person in Plaintiff's situation would have been harmed and offended  
2 by defendant GUERRERO'S conduct.

3 143. The acts of Defendants alleged above were done maliciously, oppressively, and/or  
4 fraudulently. On information and belief, Defendants had advance knowledge of the unfitness of  
5 GUERRERO, and employed him, and/or retained him in employment, with conscious disregard  
6 of the rights or safety of Plaintiff and others. Accordingly, Plaintiff seeks an award of punitive  
7 and exemplary damages in an amount according to proof. Plaintiff is informed and believes, and  
8 thereon alleges, that defendant USC authorized, approved of, and/or ratified defendant  
9 GUERRERO'S conduct, and is, therefore, liable for his conduct as though defendant USC had  
10 itself committed it.

11 144. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

12 WHEREFORE Plaintiff prays for judgment as set forth below;

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as  
15 follows:

- 16 1. For special damages, according to proof at the time of trial.
- 17 2. For general damages, according to proof at the time of trial;
- 18 3. For punitive damages, pursuant to Civil Code section 3294;
- 19 4. For attorney fees, as allowed by law, under, but not limited to, Government Code  
20 section 12965(b); Civil Code, sections 51.9(b), 52(b)(3), 52.4(a), and 1021.5; and 42 U.S.C., §  
21 1988(b);
- 22 5. For pre- and post-judgment interest, pursuant Civil Code section 3289;
- 23 6. For costs of suit incurred herein;
- 24 7. For such other and further relief as the Court deems just and proper.

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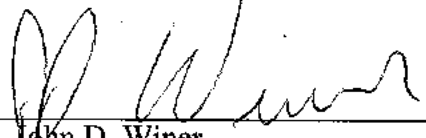
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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial.

DATED: October 23, 2017

WINER, McKENNA, & BURRITT, LLP

BY:   
John D. Winer  
Kelli D. Burritt  
Attorneys for Plaintiff