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(Fee Exempt, Gov. Code, § 6103)

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10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **IN AND FOR THE COUNTY OF ALAMEDA**

12 CALIFORNIA CIVIL RIGHTS DEPARTMENT,
13 an agency of the State of California,

14 Plaintiff,

15 vs.

16 AYOQUEZCO FARMS, INC., JUAN RAFAEL
CRUZ, and DOES ONE through TEN, inclusive,

17 Defendants.

Case No. 23CV034365

**PLAINTIFF CALIFORNIA CIVIL
RIGHTS DEPARTMENT COMPLAINT
FOR INJUNCTIVE RELIEF AND
DAMAGES**

JURY TRIAL DEMANDED

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20 Plaintiff, CALIFORNIA CIVIL RIGHTS DEPARTMENT (CRD), an agency of the
21 State of California, brings this action in its own name to remedy violations of the California
22 Fair Employment and Housing Act, Government Code Section 12900 et seq. (FEHA) by
23 Defendants Ayoquezco Farms, Inc. (Ayoquezco), and Juan Rafael Cruz, and DOES ONE
24 through TEN (collectively referred to as “Defendants”).

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INTRODUCTION

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2 1. Ayoquezco Farms, Inc. was incorporated in 2018, and is headquartered in
3 Watsonville, California. Ayoquezco grows fruit on land it operates, as well as providing farm
4 labor contracting services. Ayoquezco and Juan Rafael Cruz have hired women farmworkers
5 over the course of its operation, and have subjected women, including Patricia Maldonado
6 Zaragoza, to sexual harassment

7 2. Defendants have employed a pattern of sexual harassment and control over Ms.
8 Zaragoza. Ms. Zaragoza began her employment with Defendants as a seasonal produce
9 harvester beginning on or about June 25, 2018 as a strawberry picker, on land operated by
10 Defendants. Defendant Cruz’s harassment of Ms. Zaragoza began shortly after her employment
11 with Defendants began. Initially, Defendant Cruz began by making crude sexual remarks about
12 Ms. Zaragoza’s body, particularly her breasts. Defendant Cruz’s verbal sexual harassment
13 occurred during and after work hours, despite Ms. Zaragoza’s repeated requests that he leave
14 her alone. Defendant Cruz’s sexual harassment quickly escalated into brazen sexual assaults
15 against Ms. Zaragoza. Defendant Cruz acted with conscious disregard for Ms. Zaragoza’s
16 bodily autonomy, and treated her as a sexual object and not a valuable employee of his
17 company.

18 3. Plaintiff CRD, an agency of the State of California, brings this enforcement
19 action against Defendants in its prosecutorial role, seeking relief in the public interest for the
20 state and for Ms. Zaragoza. Pursuant to the authority vested in CRD under the FEHA,
21 Government Code section 12900 et seq. and related laws, CRD’s enforcement action seeks to
22 remedy, prevent, and deter unlawful harassment, retaliation, and discrimination. Specifically,
23 the violations pled herein include claims for sex discrimination in terms and condition of
24 employment (including constructive discharge); unlawful sexual harassment; retaliation; and
25 failure to prevent sex discrimination.

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PARTIES

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2 4. Plaintiff CRD is a department of the State of California with prosecutorial
3 authority to investigate, mediate, and litigate civil rights actions under the FEHA. (Gov. Code, §
4 12930 et seq.) California’s legislature exercised its police power in enacting the FEHA and
5 vested authority in CRD, “to protect and safeguard the right and opportunity of all persons to
6 seek, obtain, and hold employment without discrimination...” (Gov. Code, § 12920; *Dept. Fair*
7 *Empl. & Hous. v. Cathy’s Creations, Inc.* (2020) 54 Cal.App.5th 404, 410 [“the [CRD’s] task is
8 to represent the interests of the state and to effectuate the declared public policy of the state to
9 protect and safeguard the rights and opportunities of all persons from unlawful
10 discrimination.”].)

11 5. Among its authorities, CRD is charged with enforcing the FEHA, as set forth in
12 Government Code section 12900 et seq., by initiating complaints on behalf of itself and persons
13 aggrieved by discriminatory employment practices. (Gov. Code, §§ 12930, 12961.) The CRD
14 acts as a public prosecutor when it pursues civil litigation under the FEHA, and may seek
15 remedies to vindicate civil rights violations that are contrary to the public interest by preventing
16 discrimination. (*Dept. Fair Empl. & Hous. v. Superior Ct. of Kern Cty.* (2020) 54 Cal.App.5th
17 356, 373 [citing *State Personnel Bd. v. Fair Employment & Housing Com.* (1985) 39 Cal.3d
18 422, 444 and *Dept. Fair Empl. & Hous. v. Law Sch. Admission Council, Inc.* (2013) 941
19 F.Supp.2d 1159, 1172].)

20 6. Defendant Ayoquezco Farms, Inc. is now and was, at all times relevant to this
21 complaint, a California corporation which provides farm labor contracting services, and grows
22 produce in Watsonville, California. Defendant Ayoquezco is and was, at all times relevant to
23 this complaint, an “employer” within the meaning of Government Code sections 12926,
24 subdivision (d), 12940, 12951, and all other applicable statutes.

25 7. Defendant Juan R. Cruz is now and was, at all times relevant to this complaint, a
26 resident of the State of California and the owner of Defendant Ayoquezco Farms, Inc.
27 Defendant Cruz directed the work of Ms. Zaragoza at all times relevant to this complaint.

1 Defendant Cruz was, at all times relevant to this complaint, a “supervisor” within the meaning
2 of Government Code section 12926, subdivision (t), and all other applicable statutes.

3 8. Defendants Ayoquezco and Cruz were the employers of Ms. Zaragoza because
4 they had the right to exercise, and in fact exercised control over the wages, hours, and working
5 conditions of Ms. Zaragoza.

6 9. Defendants DOES ONE THROUGH TEN, inclusive, are sued herein pursuant to
7 Code of Civil Procedure section 474. CRD is ignorant of the true names or capacities of the
8 defendants sued herein under the fictitious names DOES ONE through TEN, inclusive. CRD will
9 amend this complaint to allege their true names and capacities when the same are ascertained.
10 CRD is informed, believes, and alleges, that each of the fictitiously named defendants is legally
11 responsible for the occurrences, injuries, and damages alleged herein.

12 10. The CRD is informed, believes, and alleges that at all times mentioned herein,
13 each defendant was the director, agent, employee, and/or representative of every other
14 defendant and acted within the scope of their agency, service, employment, and/or
15 representation, and that each defendant herein is jointly and severally responsible and liable to
16 Ms. Zaragoza for the damages alleged hereinafter.

17 11. Patricia Maldonado Zaragoza is the real party in interest and worked as a
18 produce harvester for Defendants.

19 **GOVERNMENT ENFORCEMENT ACTION ALLEGATIONS**

20 12. CRD has authority to bring this action to seek relief on behalf of itself in the
21 public interest. The Legislature has delegated CRD power to initiate a complaint itself,
22 investigate claims, and prosecute such claims under FEHA. (See, e.g., Gov. Code, §§ 12920,
23 12920.5, 12930, 12960, and 12965.) Section 12965 expressly authorizes the CRD to file a
24 complaint in the name of the Department on behalf of the person claiming to be aggrieved.
25 (Gov. Code, § 12965.)

26 13. CRD brings this government enforcement action in its own name pursuant to
27 express authority from the Legislature. (Gov. Code, § 12900 et seq.; Cal. Const., Art. III, § 3.)

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1 The Legislature authorized CRD to prosecute this administrative matter in a civil action. (Gov.
2 Code, § 12965, subd. (a).)

3 14. CRD’s government enforcement action seeks to remedy, prevent, and deter the
4 unlawful discrimination and other violations, and continuing violations the Defendants engaged
5 in against Ms. Zaragoza.

6 **PROCEDURAL HISTORY, JURISDICTION, AND VENUE**

7 15. Venue is proper in the County of Alameda under Government Code section
8 12965, subdivision (a) (4), which permits the Department to institute a civil action in a county
9 where it has an office. The Department has an office in Alameda county.

10 16. This action arises under FEHA, Government Code section 12940, subdivisions
11 (a), (h), (j), and (k).

12 17. Ms. Zaragoza filed an administrative complaint with the CRD, against
13 Defendants Ayoquezco and Cruz, on behalf of herself, on or about November 2, 2021 (CRD
14 Case No. 202107-14148013, which only named Defendants Ayoquezco and Cruz). The
15 administrative complaint alleged that these Defendants engaged in sex discrimination, sexual
16 harassment, and retaliation. The administrative complaint also alleges that Defendants failed to
17 take steps to prevent the unlawful discrimination, harassment, or retaliation.

18 18. Pursuant to its statutory authority, the CRD investigated the administrative
19 complaint with Defendants. CRD issued a cause finding on October 28, 2022. In the course of
20 its investigation, CRD found evidence that Defendants discriminated against and sexually
21 harassed Ms. Zaragoza; failed to take all reasonable steps to prevent unlawful discrimination,
22 harassment, or retaliation; and retaliated against Ms. Zaragoza for opposing sexual harassment.

23 19. After a failure to eliminate the unlawful practices through mediation,
24 conciliation, and persuasion,¹ CRD filed this civil action seeking to remedy the administrative
25 complaint in this Court. (Gov. Code, §§ 12930, subd. (h), 12960, 12965, subd. (a).)

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27 ¹ CRD attempted to resolve the matter through mediation on February 28, 2022. The negotiations continued until
28 March 4, 2022, but ultimately was unsuccessful. CRD again attempted to mediate the matter on October 28, 2022,
and an impasse was declared on April 25, 2023.

1 20. All administrative procedures precedent to the institution of this lawsuit have
2 been fulfilled.

3 21. The amount of damages sought by this complaint exceeds the minimum
4 jurisdictional limits of this Court.

5 **FACTUAL ALLEGATIONS**

6 22. The CRD incorporates by reference each allegation contained in all of the
7 preceding paragraphs as if fully set forth herein.

8 23. Ms. Zaragoza’s employment with Defendants Ayoquezco and Cruz began on or
9 about June 25, 2018. Ms. Zaragoza worked as a seasonal produce harvester, picking
10 strawberries on land operated by Defendants. Defendant Cruz’s sexual harassment of Ms.
11 Zaragoza began early in her tenure as Defendants’ employee. In about July 2018, Defendant
12 Cruz started to make sexually charged comments to Ms. Zaragoza such as, “Que grande sus
13 pechos!,” (“What big breasts!”) and “Me gusta sus labios” (“I like your lips”).

14 24. During this same period of time, Defendant Cruz pursued sex with Ms. Zaragoza
15 with crude comments such as, “Cuando vas a darme una oportunidad?” (When are you going to
16 give me an opportunity?).

17 25. Defendant Cruz’s sexual harassment did not end with sexually charged
18 comments, but included continuous brazen assaults. For example, during this same period of
19 time, Defendant Cruz offered Ms. Zaragoza a watermelon to take home. She refused the offer
20 because it was too much food for her and her daughter. Defendant Cruz insisted and told her to
21 come close to his truck to get a watermelon. When Ms. Zaragoza got close, Defendant Cruz
22 immediately tried to grab Ms. Zaragoza’s body without her consent. Ms. Zaragoza managed to
23 escape this incident without being touched by Defendant Cruz.

24 26. Defendant Cruz continued to harass Ms. Zaragoza through messages, often while
25 under the heavy influence of alcohol. In these messages, Defendant Cruz shared pictures of the
26 many beers he was going to drink and made comments on Ms. Zaragoza’s appearance.

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1 27. In these communications, Ms. Zaragoza told Defendant Cruz to “Ya deje eso”,
2 (“leave it alone”), when Defendant Cruz sent a photo of the many beers he had consumed. On
3 September 5, 2018, Defendant Cruz implied that Ms. Zaragoza was in love with him when he
4 messaged her saying, “Senora Enamorada” (“woman in love”). In response, Ms. Zaragoza
5 responded, “Esta borracho” (“you are drunk”) and “Calmese” (“calm down”).

6 28. On September 21, 2018, Defendant Cruz also started a conversation by saying,
7 “Ola mi amor” (“hello my love”).

8 29. Defendant Cruz also made verbal comments such as, “wow, look how big they
9 are?”, when staring at Ms. Zaragoza’s breasts. Defendant Cruz further asked Ms. Zaragoza,
10 “when she was going to give it up to him?”, implying that he was entitled to sex with her. Ms.
11 Zaragoza expressed disgust in response to Defendant Cruz’s comments, but he continued to
12 routinely make these highly inappropriate statements throughout the duration of Ms. Zaragoza’s
13 tenure at Defendant Ayoquezco. Ms. Zaragoza did not return to work for Defendants during the
14 2019 harvest season.

15 30. In November 2020, Ms. Zaragoza returned to work with Defendants for a very
16 short period of time. Defendant Cruz immediately asked Ms. Zaragoza to go out with him, and
17 reminded her that he wanted an “opportunity”, implying that he was expecting sex from Ms.
18 Zaragoza. Ms. Zaragoza responded “never.” Shortly after this incident, Ms. Zaragoza went to
19 pick up her check at work, when she saw Defendant Cruz in the parking lot. Defendant Cruz
20 immediately walked towards Ms. Zaragoza, and forcefully put his arms around her, and pressed
21 his body against hers. Ms. Zaragoza struggled to break free from this assault and eventually fell
22 to the ground to escape. Ms. Zaragoza fled to the safety of her car, and did not return to work.

23 31. In 2021, out of necessity, Ms. Zaragoza reluctantly returned to work for
24 Defendants. During this work season, Defendant Cruz escalated the sexual harassment against
25 Ms. Zaragoza. On a nearly daily basis, Defendant Cruz asked Ms. Zaragoza for sex, would
26 make sexual innuendos, and would comment about Ms. Zaragoza’s body.

1 32. Defendant Cruz also made implicit threats of sexual assault against Ms.
2 Zaragoza by saying, “Quiero tus pechos en mis manos” (“I want your breasts in my hands”)
3 after ogling her breasts. Defendant Cruz made other comments about Ms. Zaragoza’s breasts,
4 such as “Que grandotas bolas” (“What big balls”). Ms. Zaragoza routinely pleaded with
5 Defendant Cruz to stop harassing her, but he refused. Defendant Cruz viewed every interaction
6 with Ms. Zaragoza as an opportunity to make inappropriate sexual commentary. For example,
7 Ms. Zaragoza had told Defendant Cruz that the field work was difficult because the land was
8 very steep. His response was the weight of her breasts is what made the work difficult, and then
9 made cupping gestures with his hands, implying her breasts were in his hands.

10 33. In the summer of 2021, Defendant Cruz’s harassment became a daily
11 occurrence. Defendant Cruz would blow kisses and make kissing sounds to Ms. Zaragoza.
12 Defendant Cruz’s sexual coercion campaign against Ms. Zaragoza continued when he asked
13 Ms. Zaragoza “Cuando me vas a dar?” (“When are you going to give it to me?”). Ms. Zaragoza
14 continued to make it clear to Defendant Cruz that she was not interested in any romantic or
15 sexual relationship with him, and again asked him to stop.

16 34. Ms. Zaragoza’s stress became nearly intolerable because the harassment was so
17 frequent. She felt isolated and out of options. Defendant Cruz made it known that he was the
18 owner of Defendant Ayoquezco, and there was no one she could complain to that would make
19 Defendant Cruz stop harassing her. On about June 21, 2021, in continuing his incessant,
20 unwanted advances, Defendant Cruz called Ms. Zaragoza during work for a non-work related
21 reason. Ms. Zaragoza told Defendant Cruz to leave her alone and hung up the phone.

22 35. The following day, on June 22, 2021, as Ms. Zaragoza was leaving work in her
23 car, Defendant Cruz approached Ms. Zaragoza’s driver side window to provide her paycheck.
24 Defendant Cruz told Ms. Zaragoza to sign the check if she wanted it. Defendant Cruz then
25 leaned into her car, and started groping her breasts. Defendant Cruz grabbed Ms. Zaragoza’s
26 face and forcibly pulled her face towards him, telling her to kiss him. Ms. Zaragoza was totally
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1 overpowered by Defendant Cruz, and yelled at him to stop. Because Ms. Zaragoza had not
2 parked the car, and her foot was resting on the break, she was able to drive away.

3 36. On about June 23, 2021, Ms. Zaragoza sent Defendant Cruz a text message
4 saying that his assault the prior day was totally inappropriate, and that she had already asked
5 him to stop before. Ms. Zaragoza had indicated that during her entire employment with
6 Defendants, Defendant Cruz always viewed her as a sexual object, and not as a valued
7 employee. In response, Defendant Cruz sent Ms. Zaragoza a text message apologizing for the
8 assault, and indicated he would maintain his distance.

9 37. On June 24, 2021, Ms. Zaragoza reported the assault to her foreman, Mario
10 Vargas. Mr. Vargas told Ms. Zaragoza that he had heard Defendant Cruz make sexual
11 comments and gestures to women at work. Specifically, Mr. Vargas had seen Defendant Cruz
12 make a gesture with his tongue to women at work, imitating a sex act. Mr. Vargas told Ms.
13 Zaragoza that he had talked to Defendant Cruz before about respecting women at work, and
14 Defendant Cruz had said that he could not help himself around women. On this same day, Ms.
15 Zaragoza sent a text message to Defendant Cruz that she had to resign because of the continued
16 harassment, including the recent sexual assault.

17 38. On June 26, 2021, Ms. Zaragoza contacted the police to report the June 22, 2021
18 sexual assault perpetrated by Defendant Cruz. Officer Gurley responded to the call, and took
19 Ms. Zaragoza's statement. Officer Gurley contacted Defendant Cruz and took his statement.
20 During this call, Defendant Cruz detailed intimate knowledge of the incident. Defendant Cruz
21 ultimately admitted to Officer Gurley that he had touched Ms. Zaragoza's breasts with an open
22 hand. These reports were memorialized in writing by Officer Gurley.

23 **NATURE OF THE HARM**

24 39. As a result of Defendants' unlawful employment practices, Ms. Zaragoza
25 suffered and continues to suffer lost earnings, lost benefits, lost future employment
26 opportunities, and other financial loss as well as non-economic damages, including but not
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1 limited to, emotional pain, humiliation, embarrassment, belittlement, sadness, and mental
2 anguish, in an amount to be determined at trial.

3 40. Defendants' actions have caused Ms. Zaragoza significant harm. She has
4 experienced emotional distress as a result of the persistent sexual harassment, including the
5 aggressive sexual assaults. Ms. Zaragoza endured Defendant Cruz's constant harassment so that
6 she could continue to support her family, but it came at the great cost of her emotional well-
7 being. CRD brings this action in the public interest against Defendants to remedy violations of
8 the FEHA.

9 41. By reason of the continuous nature of Defendants' unlawful conduct, the
10 continuing violations doctrine is applicable to all violations alleged herein. Defendants have
11 engaged in, and by their refusal to comply with the law have demonstrated they will continue to
12 engage in, unlawful employment discrimination based on sex unless they are enjoined pursuant
13 to the police power granted by Government Code sections 12920 and 12920.5, from failing or
14 refusing to comply with the mandates of the FEHA, Government Code section 12900 et seq.

15 42. Defendants' actions were willful, malicious, fraudulent, and oppressive, and
16 were committed with the wrongful intent to injure Ms. Zaragoza in conscious disregard of her
17 rights.

18 **FIRST CAUSE OF ACTION**

19 **Employment Discrimination Because of Sex - Harassment**
20 **(Gov. Code § 12940, subds. (a) and (j))**

21 43. The CRD incorporates and realleges all previous allegations as if fully set forth
22 herein.

23 44. Government Code section 12940, subdivision (a), declares that it is an unlawful
24 employment practice for an employer to discriminate against any person "in terms, conditions,
25 or privileges of employment," or to "discharge the person" because of, inter alia, that person's
26 sex. Government Code section 12940, subdivision (j) states that it is an unlawful employment
27 practice for an employer "or any other person" "to harass an employee, an applicant, an unpaid
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1 intern or volunteer, or a person providing services pursuant to a contract,” because of that
2 person’s sex.

3 45. Defendants discriminated against Ms. Zaragoza in the terms, conditions, or
4 privileges of employment on the basis of her sex, female.

5 46. Defendants similarly discriminated against Ms. Zaragoza by constantly harassing
6 her because of her sex.

7 47. As a result of Defendants’ unlawful employment practices, Ms. Zaragoza
8 suffered and continues to suffer lost earnings, lost benefits, lost future employment
9 opportunities, and other financial loss as well as non-economic damages, including but not
10 limited to, emotional pain, humiliation, embarrassment, belittlement, sadness, and mental
11 anguish, in an amount to be determined at trial.

12 48. Defendants’ actions were willful, malicious, fraudulent, and oppressive, and
13 were committed with the wrongful intent to injure Ms. Zaragoza and were in conscious
14 disregard of her rights. Defendants were aware of the discrimination and harassment against
15 Ms. Zaragoza but failed to take immediate and appropriate corrective action to stop the
16 unlawful conduct.

17 49. Defendants were aware of misconduct but nonetheless authorized and ratified
18 such discrimination and harassment based on sex by continuing to perpetuate the harassment.

19 50. Defendants have engaged in, and by their refusal to comply with the law have
20 demonstrated they will continue to engage in, unlawful retaliation unless they are enjoined from
21 doing so pursuant to Government Code sections 12965, subdivision (d).

22 51. Plaintiff CRD requests relief as described herein.

23 **SECOND CAUSE OF ACTION**

24 **Retaliation**

25 **(Gov. Code, § 12940, subd. (h))**

26 52. Government Code section 12940, subdivision (h) states that it is an unlawful
27 employment practice for “any employer, labor organization, employment agency, or person to
28 discharge, expel, or otherwise discriminate against any person because the person has opposed

1 any practices forbidden under this part or because the person has filed a complaint, testified, or
2 assisted in any proceeding under this part.”

3 53. Ms. Zaragoza engaged in protected activities, such as complaining to her
4 foreman Mario Vargas, and refusing Defendant Cruz’s frequent sexual advances. Defendants
5 took adverse employment actions against Ms. Zaragoza, by escalating the sexual harassment
6 and creating working conditions which were so intolerable she was forced to resign. Such
7 adverse employment actions included but was not limited to denial of work opportunities,
8 escalating harassment, and constructive termination.

9 **THIRD CAUSE OF ACTION**
10 **Employment Discrimination Because of Sex - Constructive Discharge**
11 **(Gov. Code, § 12940, subd. (a))**

12 54. Defendants constructively discharged Ms. Zaragoza in violation of Government
13 Code section 12940, subdivision (a). For example, in subjecting Ms. Zaragoza to sexual
14 harassment and a hostile work environment, Defendants effectively forced her to leave her
15 employment with Defendants. Defendants intentionally discriminated against Ms. Zaragoza,
16 which resulted in her constructive discharge.

17 55. As a result of Defendants’ unlawful employment practices, Ms. Zaragoza
18 suffered and continue to suffer harm, including but not limited to lost earnings, lost benefits,
19 lost future employment opportunities, and other financial loss as well as non-economic
20 damages.

21 56. Defendants’ actions were willful, malicious, fraudulent, and oppressive, and
22 were committed with the wrongful intent to injure Ms. Zaragoza in conscious disregard of her
23 rights.

24 57. Unless Defendants are enjoined, pursuant to Government Code section 12965,
25 subdivision (d), from failing or refusing to comply with the mandates of the FEHA, Defendants
26 will continue to violate FEHA.

27 58. Plaintiff CRD requests relief as described herein.

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1 **FOURTH CAUSE OF ACTION**

2 **Failure to Prevent Discrimination and Harassment (On Behalf of CRD)**
3 **(Gov. Code, § 12940, subd. (k))**

4 59. Government Code section 12940, subdivision (k), requires employers to take all
5 reasonable steps necessary to prevent discrimination and sexual harassment from occurring. In
6 an exercise of its police powers, the CRD may independently seek non-monetary preventative
7 remedies for a violation of Government Code, section 12940 (k) whether or not the CRD
8 prevails on an underlying claim of discrimination, harassment, or retaliation. (Cal. Code Regs.,
9 tit. 2, § 11023.)

10 60. Defendants violated Government Code section 12940, subd. (k), by failing to
11 take all reasonable steps necessary to prevent discrimination and harassment of female
12 employees, including Ms. Zaragoza. Defendants' failure to have and/or enforce adequate and
13 consistent anti-discrimination policies were substantial motivating factors in causing harm to
14 Ms. Zaragoza.

15 61. Defendants failed to have an effective sexual harassment policy, failed to
16 adequately train all supervisors on the prevention of discrimination and harassment based on
17 sex as required under Government Code section 12950.1, and/or failed to timely discipline or
18 stop discriminatory or harassing behavior from occurring in the workplace, including without
19 limitation failing to prevent Defendant Cruz from discriminating against Ms. Zaragoza.

20 62. Defendants additionally failed to provide sexual harassment training for non-
21 supervisor seasonal agricultural workers as required by Government Code section 12950.1,
22 subdivision (g).

23 63. Defendants have engaged in, and by its refusal to comply with the law
24 demonstrated they will continue to engage in, the unlawful employment discrimination unless
25 they are enjoined from doing so pursuant to Government Code sections 12965, subdivision (d).

26 64. Plaintiff CRD requests relief as herein described.

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FIFTH CAUSE OF ACTION

**Failure to Prevent Discrimination and Harassment (On Behalf of Real Party)
(Gov. Code, § 12940, subd. (k))**

65. Defendants violated Government Code section 12940, subd. (k), by failing to take all reasonable steps necessary to prevent discrimination and harassment of female employees, including Ms. Zaragoza. Defendants' failure to have and/or enforce adequate and consistent anti-discrimination policies were substantial motivating factors in causing harm to Ms. Zaragoza.

66. Defendants failed to have an effective sexual harassment policy, failed to adequately train all supervisors on the prevention of discrimination and harassment based on sex as required under Government Code section 12950.1, and/or failed to timely discipline or stop discriminatory or harassing behavior from occurring in the workplace, including without limitation failing to prevent Defendant Cruz from discriminating against Ms. Zaragoza.

67. Defendants additionally failed to provide sexual harassment training for non-supervisor seasonal agricultural workers as required by Government Code section 12950.1, subdivision (g).

68. Defendants have engaged in, and by its refusal to comply with the law demonstrated they will continue to engage in, the unlawful employment discrimination unless they are enjoined from doing so pursuant to Government Code sections 12965, subdivision (d).

69. Plaintiff CRD requests relief as herein described.

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1 **PRAYER FOR RELIEF**

2 **WHEREFORE**, the CRD prays that this court issue judgement in favor of CRD, and
3 against Defendants, ordering:

- 4 1. Lost wages and other compensation denied to or lost by Ms. Zaragoza, the Real
5 Party, including but not limited to reinstatement and/or front pay, lost job
6 opportunities, pay adjustments, backpay, lost wages and benefits, in an amount
7 to be proven at trial;
- 8 2. Compensatory damages for emotional distress;
- 9 3. Punitive damages in an amount according to proof;
- 10 4. Injunctive relief;
- 11 5. Declaratory relief;
- 12 6. Pre- and post-judgment interest on all monetary amounts awarded in this action,
13 as required by law;
- 14 7. Attorneys' fees and costs to the CRD;
- 15 8. Other relief the Court deems to be just and proper.

16
17 DATED: May 23, 2023

CALIFORNIA CIVIL RIGHTS DEPARTMENT

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19  _____

20 Juan Gamboa
21 Attorneys for CRD