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By A. Munoz, Deputy Clerk

8 Attorneys for Plaintiff
California Civil Rights Department (Fee Exempt, Gov. Code, § 6103)

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA,
11 COUNTY OF LOS ANGELES

12 CALIFORNIA CIVIL RIGHTS)	Case No. 25STCV03520
13 DEPARTMENT, an agency of the State of)	
California,)	
)	
14 Plaintiff,)	CIVIL RIGHTS COMPLAINT FOR
)	INJUNCTIVE AND MONETARY
15 v.)	RELIEF – HOUSING
)	DISCRIMINATION
16 RCM SOCAL, INC. and RUSSELL DURGIN)	Complaint Filed:
)	Trial Date: TBD
17 Defendants.)	
18)	
19)	
20)	

1 **INTRODUCTION**

2 1. The California Civil Rights Department (“CRD” or “the Department” or “Plaintiff”),
3 a State agency, brings this action against RCM SoCal, Inc. (“RCM”), and Russell Durgin, in his
4 individual capacity, (“Defendants”) to remedy a pattern and practice of sexual harassment of female
5 tenants in violation of the Fair Employment and Housing Act (“FEHA”), Government Code section
6 12900 et seq., the Unruh Civil Rights Act (“Unruh Act”), Civil Code Section 51 and incorporated
7 into FEHA pursuant to Government Code sections 12930 subdivision (f)(2) and 12955, subdivision
8 (d), and Civil Code Section 51.9. The pattern and practice of sexual harassment of female tenants
9 includes quid pro quo demands for sexual favors in exchange for housing related benefits, a hostile
10 living environment, and retaliation.

11 **JURISDICTION AND VENUE**

12 2. This Court has jurisdiction under Article VI, section 10 of the California Constitution
13 and California Code of Civil Procedure section 410.10.

14 3. CRD’s Director, in their discretion, may file a complaint on behalf of a group or
15 class. (Gov. Code, §§ 12961, 12981; Cal. Code Regs., tit. 2, §§ 10012, 10013.) Under this authority,
16 the CRD Director filed and served a Notice of Group or Class Complaints and Investigation against
17 Defendants in 2022 (DFEH/CRD Case No. 202205-16933809) (“Group Complaint”) arising out of
18 CRD’s investigation an individual administrative complaint pursuant to Government Code section
19 12980, subdivision (c).

20 4. CRD investigated the Group Complaint under Government Code sections 12930,
21 subdivision (f)(1), 12961, subdivision (b)(1), and 12963 et seq.

22 5. At the conclusion of the investigation, the parties participated in mediation with a
23 neutral mediator from CRD’s Dispute Resolution Division.

24 6. All administrative procedures precedent to the initiation of this lawsuit in
25 Government Code sections 12965, 12980, and 12981 have been fulfilled.

26 7. The damages amount sought exceeds the minimum jurisdictional limits of this Court
27 pursuant to Code of Civil Procedure section 116.221, subdivision (a)

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1 of Civil Procedure sections 378 and 382. Thus, CRD brings this government enforcement action on
2 behalf of itself and the Group.

3 21. As a result of Defendants' sexual harassment and subsequent retaliation, members of
4 the Group have suffered and continue to suffer harm.

5 22. By reason of the continuous nature of RCM's conduct, the continuing violations
6 doctrine is applicable to all violations alleged herein.

7 **FACTUAL ALLEGATIONS**

8 23. RCM is and has been operating in and under the laws of California and conducting
9 business throughout California. RCM owns approximately 10 residential rental properties primarily
10 in Bakersfield, California. RCM's primary place of business in California is in South Pasadena,
11 California, in the County of Los Angeles.

12 24. At all relevant times, Russell Durgin worked as a property manager and in
13 other positions for RCM from June 22, 2016 until on or around June 15, 2022 at several properties
14 owned by RCM in Bakersfield, California.

15 25. From at least 2016 until 2022, Durgin subjected female tenants of RCM properties to
16 discrimination on the basis of sex, including a hostile living environment of unwelcome sexual
17 harassment. Durgin's conduct included subjecting tenants to unwelcome sexual contact, including
18 sexual assault; frequently making sexual comments and unwelcome sexual advances; and taking and
19 sharing sexually explicit photos of females, including female tenants.

20 26. Throughout his employment, Durgin engaged in quid pro quo requests for
21 sexual favors in exchange for housing benefits, such as rent reductions, furniture, or maintenance
22 work. While some women refused his requests, others felt that they had no choice but to comply.

23 27. Durgin created a hostile living environment. Durgin often tried to get female tenants
24 alone in his apartment, insisting that they pay rent in person at his apartment and using the
25 opportunity to ask female tenants out on dates and gaze at their bodies. Defendant Durgin repeatedly
26 asked his victims out on dates, to come over to his apartment for drinks, or to have sex with him,
27 persisting even after they refused his advances. Many tried to ignore him, but the behavior would
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1 continue. Several women expressed that they moved out of RCM properties because Durgin's
2 conduct made them uncomfortable.

3 28. RCM's management were on notice that Durgin had a history of sexual misconduct
4 and was aware of complaints of sexual harassment against Durgin, but failed to take action to stop
5 behavior, leaving residents vulnerable to further harassment and retaliation.

6 29. After tenants resisted Durgin's sexual advances and/or complained about Durgin's
7 sexual harassment, they were subjected to retaliation such as unlawful termination notices and
8 harassment by Durgin for minor issues or their maintenance requests were ignored.

9 30. The experiences of the women described above were not the only instances of
10 Defendants' sexual harassment of actual and prospective female tenants. Rather, they were part of
11 Defendant' longstanding pattern and practice of illegal sexual harassment of multiple actual and
12 prospective female tenants from at least 2016 to the present.

13 31. Defendants' conduct, as described above, caused female tenants to suffer physical
14 harm, fear, anxiety, and emotional distress, and interfered with their ability to secure and maintain
15 rental housing for themselves and their families. Defendants' actions were willful, malicious,
16 fraudulent, and oppressive, and were committed with the wrongful intent to injure group members.

17 **FIRST CAUSE OF ACTION**

18 **Violation of FEHA: Quid Pro Quo Sexual Harassment**

19 **(Gov. Code, § 12955, subd. (a))**

20 32. CRD realleges and incorporates by reference all the preceding paragraphs of this
21 Complaint as if fully set forth herein.

22 33. Government Code, section 12955, subdivision (a) makes it illegal "[f]or the owner of
23 any housing accommodation to discriminate against or harass any person because of the . . . sex... of
24 that person."

25 34. Quid pro quo harassment occurs when a housing provider or their agent explicitly or
26 implicitly conditions housing opportunities or benefits on sexual favors. (Cal. Code Regs., tit. 2, §
27 12120, subd. (a)(1)).

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1 35. As alleged above, Defendants have discriminated against the Group based on sex and
2 will continue to discriminate against the Group based on sex by subjecting members of the Group to
3 quid pro quo sexual harassment, in violation of Government Code, section 12955, subdivision (a)
4 and Cal. Code Regs., tit. 2, § 12120, subd. (a)(1).

5 36. Plaintiff CRD seeks relief as described herein.

6 **SECOND CAUSE OF ACTION**

7 **Violation of FEHA: Hostile Living Environment Based on Sex**

8 **(Gov. Code, § 12955, subd. (a))**

9 37. Plaintiff realleges and incorporates by reference all the preceding paragraphs of this
10 Complaint as if fully set forth herein.

11 38. Government Code section 12955, subdivision (a) makes it illegal “[f]or the owner of
12 any housing accommodation to discriminate against or harass any person because of the . . . sex... of
13 that person.”

14 39. A hostile environment occurs when the unwelcome conduct is sufficiently severe or
15 pervasive as to interfere with any conditions of the housing arrangement “or constitute any kind of
16 adverse action.” (Cal. Code Regs., tit. 2, § 12120, subd. (a)(1)).

17 40. As alleged above, Defendants have discriminated against the Group based on sex and
18 will continue to discriminate against the Group based on sex by subjecting the Group to a hostile
19 living environment, in violation of Government Code section 12955, subdivision (a) and Cal. Code
20 Regs., tit. 2, § 12120, subd. (a)(1).

21 41. Plaintiff CRD requests relief as described herein.

22 **THIRD CAUSE OF ACTION**

23 **Violation of FEHA: Retaliation**

24 **(Gov. Code, § 12955, subd. (f))**

25 42. Plaintiff realleges and incorporates by reference all the preceding paragraphs of this
26 Complaint as if fully set forth herein.

27 43. Government Code section 12955, subdivision (f) makes it unlawful “[f]or any owner
28 of housing accommodation to harass, evict, or otherwise discriminate against any person in the sale

1 or rental of housing accommodations when the owner’s dominant purpose is retaliation against a
2 person who has opposed practices unlawful under this section.”

3 44. As alleged above, Defendants have retaliated against and will continue to retaliate
4 against members of the Group who have engaged in protected activities, in violation of Government
5 Code section 12955, subdivision (f).

6 45. Plaintiff CRD requests relief as described herein.

7 **FIFTH CAUSE OF ACTION**

8 **Violation of the Unruh Act: Discrimination Based on Sex**
9 **Against Defendant RCM Only**

10 **(Civ. Code, § 51)**

11 46. Plaintiff realleges and incorporates by reference all the preceding paragraphs of this
12 Complaint as if fully set forth herein.

13 47. Civil Code section 51, subdivision (b), provides: “All persons within the jurisdiction
14 of this state are free and equal, and... are entitled to full and equal accommodations, advantages,
15 facilities, privileges, or services in all business establishments of every kind whatsoever.”

16 48. RCM operates business establishments within the meaning of the Unruh Act.

17 49. As alleged above, Defendant has discriminated against the Group based on sex and
18 will continue to discriminate against the Group based on sex by engaging in unlawful sexual
19 harassment, in violation of Civil Code, section 51.

20 50. Plaintiff CRD requests relief as described herein.

21 **FIFTH CAUSE OF ACTION**

22 **Violation of the Civil Code 51.9**

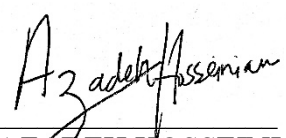
23 51. Plaintiff realleges and incorporates by reference all the preceding paragraphs of this
24 Complaint as if fully set forth herein.

25 52. Civil Code section 51.9 makes it unlawful for landlords or property managers who
26 “has made sexual advances, solicitations, sexual requests, demands for sexual compliance by the
27 plaintiff, or engaged in other verbal, visual, or physical conduct of a sexual nature or of a hostile
28 nature based on gender, that were unwelcome and pervasive or severe.”

1 DATED: February 7, 2025

CALIFORNIA CIVIL RIGHTS DEPARTMENT

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By: AZADEH HOSSEINIAN
Attorney for the Department