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County Of Los Angeles

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13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 IN THE COUNTY OF LOS ANGELES

15 MARIA GUADALUPE VAZQUEZ
16 GARCIA, an individual,

17 Plaintiff,

18 v.

19 ARTHUR BOONE, an individual and dba
ARTS WINGS AND THINGS; and DOES 1-
20 10.

21 Defendants.

CASE NO. BC547535

COMPLAINT FOR DAMAGES FOR:

- (1) SEXUAL HARASSMENT [HOSTILE WORK ENVIRONMENT];
- (2) SEXUAL HARASSMENT [QUID PRO QUO];
- (3) HARRASMENT ON THE BASIS OF NATIONAL ORIGIN [HOSTILE WORK ENVIRONMENT];
- (4) HARASSMENT ON THE BASIS OF MARITAL STATUS [HOSTILE WORK ENVIRONMENT];
- (5) VIOLENCE AND INTIMIDATION ON THE BASIS OF SEX [RALPH ACT];
- (6) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
- (7) BATTERY;
- (8) SEXUAL BATTERY;
- (9) ASSAULT; AND
- (10) FALSE IMPRISONMENT.

[DEMAND FOR JURY TRIAL]

1 Plaintiff Maria Guadalupe Vazquez Garcia ("Plaintiff") hereby alleges as follows:

2 **NATURE OF THE ACTION**

3 1. This action arises out of the egregious, tortious sexual assault, abuse and
4 discrimination that Plaintiff suffered at the hands of her supervisor and employer Defendant
5 Arthur Boone, the sole owner and proprietor of Arts Wings and Things, restaurants located in
6 Los Angeles, California, ("Defendant") and DOES 1-10. Throughout Plaintiff's eleven-year
7 employment with Defendant at his restaurants, he preyed on her circumstances as a monolingual
8 Spanish-speaking immigrant single mother of six with very limited job options, exerting
9 dominance and control over her and creating a hostile work environment. In or around 2005,
10 Defendant called Plaintiff into the restaurant's warehouse to assist him with inventory. When
11 she entered, Defendant closed the door behind her, forced himself on her and raped her.
12 Thereafter, Defendant continually and regularly sexually assaulted and raped Plaintiff over a
13 period of eight years, knowing she is a single mother and would continue working for him to
14 provide for her children. Defendant, as the sole owner and proprietor of the restaurant,
15 maintained complete control over Plaintiff throughout her employment. Absent leaving her only
16 employment, which she desperately needed to support her children, she had no avenue to seek
17 recourse for Defendant's abuse. Through the claims asserted herein, Plaintiff seeks monetary
18 damages, including punitive damages, for the wrongful acts Defendant committed.

19 **JURISDICTION AND VENUE**

20 2. This Court has jurisdiction because the matter in controversy exceeds the sum or
21 value of \$25,000.

22 3. Venue is proper in this Court pursuant to California Code of Civil Procedure
23 Section 395. Plaintiff was employed by Defendant in Los Angeles County, California, and
24 Defendant's conduct hereinafter alleged occurred in the county of Los Angeles, State of
25 California.

26 **THE PARTIES**

27 4. Plaintiff Maria Guadalupe Vazquez Garcia is and, at all relevant times mentioned
28 herein, was an individual residing in the County of Los Angeles, State of California.

1 5. Plaintiff is informed and believes and on that basis alleges that Defendant Arthur
2 Boone is and, at all relevant times mentioned herein, was an individual residing in the County of
3 Los Angeles, State of California.

4 6. Plaintiff is informed and believes and on that basis alleges that Defendant does
5 business as the sole owner and proprietor of the restaurants “Arts Wings and Things”¹ within the
6 County of Los Angeles, State of California.

7 7. Plaintiff is informed and believes and on that basis alleges that Defendant does
8 business as “Arts Wings and Things,” which, as consistent with the allegations herein, operated
9 out of two locations within Los Angeles County, State of California: 4213 Crenshaw Boulevard,
10 Los Angeles, California 90008 (the “Crenshaw Location”) and at 3386 West Century Boulevard,
11 Inglewood, California 90303 (the “West Century Location”). Plaintiff is informed and believes
12 and on that basis alleges that Arts Wings and Things continues to operate at 3386 West Century
13 Boulevard but no longer operates at 4213 Crenshaw Boulevard.

14 8. The true names and capacities, whether individual, corporate or otherwise, of
15 Defendants DOES 1-10, inclusive, are unknown to Plaintiff, who therefore sues each and all of
16 them by such fictitious names pursuant to Code of Civil Procedure § 474. Plaintiff will seek
17 leave to amend this Complaint to allege their true names and capacities when they have been
18 ascertained. Plaintiff is informed and believes and thereon alleges that each of the fictitiously
19 named Defendants is responsible in some manner for the occurrences herein alleged and that
20 Plaintiff’s damages as herein alleged were proximately caused by Defendants DOES 1-10,
21 inclusive.

22 9. Plaintiff is informed and believes and on that basis alleges that at all relevant
23 times, each of defendants, whether named or fictitious, was the agent or employee of each of the
24 other defendants, and in doing the things alleged to have been done in the complaint, acted
25 within the scope of such agency or employment, or ratified the acts of the other.

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27 ¹ Arts Wings and Things is also registered to do business as “Arts Wings and Things Etc,”
28 and “Wings and Fins.”

FACTUAL ALLEGATIONS

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2 10. Plaintiff began working for Defendant at his restaurant Arts Wings and Things in
3 or about March 2002 at the Crenshaw Location. At all times pertinent to the Complaint, Plaintiff
4 was employed by Defendant, and she performed varied tasks, including cooking, cleaning,
5 preparing food, assessing inventory and opening and closing the restaurant for business.
6 Plaintiff's work was directly supervised by Defendant.

7 11. Beginning in or about 2004, Defendant started verbally harassing Plaintiff,
8 making inappropriate, sexually explicit comments, including but not limited to, telling Plaintiff
9 she was "beautiful," that "all this could be yours" and that he "wanted to have children with her."

10 12. Thereafter, Defendant's verbal harassment escalated into unwanted and violent
11 physical contact. In or around 2005, Defendant called Plaintiff into the warehouse, located in the
12 rear of the restaurant and beyond the view and earshot of other employees and customers, to take
13 inventory of the restaurant's supplies. While Plaintiff was standing in the warehouse conducting
14 an inventory of the restaurant's supplies, Defendant came up behind Plaintiff and grabbed her.
15 He restrained Plaintiff's arms and forced down her pants. Once Defendant had Plaintiff isolated
16 and restrained, he forcibly raped her.

17 13. After the assault and rape, Plaintiff was devastated, crying uncontrollably.
18 Defendant forced Plaintiff to accompany him to the store to pick up supplies for the restaurant so
19 that Plaintiff could compose herself in the car ride before returning to work with her coworkers.

20 14. Plaintiff felt terrified and helpless. Her employment by Defendant at Arts Wings
21 and Things was her sole source of income and her six children relied upon her to provide for the
22 family. Defendant knew that as a monolingual, Spanish-speaking immigrant and single mother,
23 she had few, if any, other options for employment. Defendant's abusive behavior left Plaintiff
24 feeling helpless and ashamed. Plaintiff feared Defendant; given his size and strength, he could
25 easily overpower her as he did in the warehouse. Moreover, Plaintiff knew that Defendant often
26 carried a concealed firearm.

27 15. After Defendant's first assault, Defendant began to regularly rape and sexually
28 assault Plaintiff at work. The assaults repeated the same brutal pattern. About once or twice per

1 month, Defendant would call Plaintiff into the warehouse to conduct "inventory." Once isolated,
2 he would force her to have oral or vaginal sex. The assaults often happened in the morning when
3 Plaintiff opened the restaurant and her coworkers had not yet arrived. While the assaults
4 ordinarily took place in the warehouse, Defendant also occasionally attacked Plaintiff in the
5 small changing room when no one else was at the restaurant. Plaintiff was routinely in fear for
6 her safety while at work. When Plaintiff resisted Defendant during the assaults, he would
7 overpower her using physical force, bruising her arms and wrists and intimidating her by saying,
8 "You are mine," or "You belong to me," or "You can't leave here."

9 16. In or about June 2012, Plaintiff began working at the Century Location of Arts
10 Wings and Things. Plaintiff performed the same types of tasks that she performed when working
11 at the Crenshaw Location, including cooking, cleaning, preparing food, conducting inventory
12 and opening and closing the restaurant for business. The Century Location did not have a
13 warehouse like the Crenshaw Location. Plaintiff hoped that this would put an end to the attacks.
14 But Defendant found another way to assault and rape her without detection.

15 17. Ordinarily, Plaintiff opened the Century Location alone. However, before her
16 scheduled day off on Monday, she returned her keys to Defendant. Therefore, on Tuesday
17 mornings, Defendant met Plaintiff alone to deliver the keys she needed to open the restaurant. It
18 was on those Tuesday mornings, before other restaurant employees or customers arrived, that
19 Defendant routinely assaulted and raped Plaintiff in the bathroom of the Century Location.

20 18. Further, during the time Plaintiff worked at the Century Location, Defendant
21 required Plaintiff to go to the Crenshaw Location to collect the wages she had earned. While she
22 was at the Crenshaw Location, Defendant would assault and rape Plaintiff in the warehouse. On
23 one occasion, Defendant raped Plaintiff in the warehouse even though he was aware that her
24 grandchild was waiting for her in the car.

25 19. In or about September 2013, when Plaintiff was working at the Century Location,
26 Defendant forced Plaintiff into the bathroom of the restaurant where he raped and assaulted her.
27 During this assault, Plaintiff again resisted and confronted Defendant, asking him why he

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1 continued to assault her, particularly when he was married. Defendant said nothing in return, but
2 continued the assault. Thereafter, the assaults, at least for a short period, ceased.

3 20. Just a few weeks later, in or about October 15, 2013, Defendant informed Plaintiff
4 that he intended to lower her wages going forward. When Plaintiff objected, Defendant yelled at
5 Plaintiff calling her a "headache." In the preceding months, Defendant had regularly failed to
6 pay her wages in full or on time. Plaintiff had not yet been paid at all for the prior pay period,
7 which ended on October 6, 2013. Plaintiff was never paid the overtime premiums for her
8 extraordinary long hours, which often amounted to over seventy hours per week. Defendant's
9 recent unpredictable pay schedule and the decrease in her wages further exacerbated the already
10 intolerable working conditions of enduring Defendant's regular sexual abuse and constantly
11 fearing for her safety, such that Plaintiff was forced to resign.

12 21. After Plaintiff stopped working for Defendant, Defendant continued to harass
13 Plaintiff. He sent her text messages telling her "I love you" and went to Plaintiff's home
14 uninvited.

15 22. Plaintiff has exhausted her administrative remedies by timely filing complaints
16 with the Department of Fair Housing and Employment ("DFEH") on January 21, 2014. The
17 DFEH issued Plaintiff right-to-sue letters on April 16, 2014.

18 **FIRST ALLEGED CAUSE OF ACTION**

19 **SEXUAL HARASSMENT**

20 **[HOSTILE WORK ENVIRONMENT]**

21 **(Violation of California Government Code § 12940(j))**

22 **(by Plaintiff against all Defendants)**

23 23. Plaintiff repeats and alleges each and every allegation contained in paragraphs 1-
24 22 of this Complaint, and incorporates them herein.

25 24. At all times herein mentioned, California Government Code §§ 12940 *et seq.*
26 were in full force and effect and were binding on Defendants. These sections prohibit employers
27 from creating a hostile work environment for employees on the basis of sex.

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1 Wings and Things. Plaintiff therefore had no recourse for Defendant's abuse. As such,
2 Defendant forced Plaintiff to endure his repeated sexual abuse in order to remain at her job at
3 Arts Wings and Things in violation of the California Fair Employment and Housing Act,
4 Government Code § 12940(j).

5 32. As a proximate result of Defendant's willful, knowing and intentional sexual
6 harassment, Plaintiff has suffered and continues to suffer damages, including economic loss, pain
7 and suffering, emotional distress, mental anguish, shame, and embarrassment, in an amount to be
8 proven at trial.

9 33. Defendant's actions toward Plaintiff were committed with oppression, malice and
10 fraud and in conscious disregard of the rights and safety of Plaintiff, thereby justifying an award
11 of exemplary and punitive damages.

12 34. Plaintiff is entitled to an award of reasonable attorney's fees and costs, according
13 to proof, pursuant to Government Code § 12965.

14 **THIRD ALLEGED CAUSE OF ACTION**

15 **HARASSMENT ON THE BASIS OF NATIONAL ORIGIN**

16 **[HOSTILE WORK ENVIRONMENT]**

17 **(Violation of California Government Code § 12940(j))**

18 **(by Plaintiff against all Defendants)**

19 35. Plaintiff repeats and alleges each and every allegation contained in paragraphs 1-
20 34 of this Complaint, and incorporates them herein.

21 36. At all times herein mentioned, California Government Code §§ 12940 *et seq.*
22 were in full force and effect and were binding on Defendants. These sections prohibit employers
23 from creating a hostile work environment for employees on the basis of national origin.

24 37. Defendant has a pattern and practice of hiring primarily monolingual, Spanish-
25 speaking immigrant women. Upon information and belief, Plaintiff alleges that Defendant
26 targets monolingual, Spanish-speaking immigrant women because they are more vulnerable to
27 and less able to defend themselves against his abuse. Defendant would also yell at his
28 employees to speak English, when he knew they only spoke Spanish. Defendant knew that as a

1 monolingual, Spanish-speaking immigrant and single mother, Plaintiff had few, if any, other
2 options for employment.

3 38. Defendant repeatedly used coercion, intimidation, threats of physical violence,
4 and physical violence to sexually assault Plaintiff at the workplace. Upon information and
5 belief, Plaintiff alleges that Defendant targeted Plaintiff for his abuse on the basis of her status as
6 a monolingual, Spanish-speaking immigrant. In perpetrating the above-described actions,
7 Defendant created a severe and pervasive, hostile, offensive, oppressive and abusive work
8 environment in violation of California Fair Employment Housing Act, Government Code §
9 12940(j).

10 39. As a proximate result of Defendant's willful, knowing and intentional harassment
11 of Plaintiff on the basis of her national origin, she has sustained and continues to suffer damages,
12 including economic loss, pain and suffering, emotional distress, mental anguish, shame, and
13 embarrassment, in an amount to be proven at trial.

14 40. Defendant's actions toward Plaintiff were committed with oppression, malice and
15 fraud and in conscious disregard of the rights and safety of Plaintiff, thereby justifying an award
16 of exemplary and punitive damages.

17 41. Plaintiff is entitled to an award of reasonable attorney's fees and costs, according
18 to proof, pursuant to Government Code § 12965.

19 **FOURTH ALLEGED CAUSE OF ACTION**

20 **HARASSMENT ON THE BASIS OF MARITAL STATUS**

21 **[HOSTILE WORK ENVIRONMENT]**

22 **(Violation of California Government Code § 12940(j))**

23 **(by Plaintiff against all Defendants)**

24 42. Plaintiff repeats and alleges each and every allegation contained in paragraphs 1-
25 41 of this Complaint, and incorporates them herein.

26 43. At all times herein mentioned, California Government Code §§ 12940 *et seq.*
27 were in full force and effect and were binding on Defendants. These sections prohibit employers
28 from creating a hostile work environment for employees on the basis of marital status.

1 44. In or about 2005, Defendant knew that Plaintiff was separated from and
2 subsequently filed for divorce from her husband, and was in the midst of domestic violence
3 proceedings.

4 45. Shortly thereafter, Defendant's verbal abuse escalated into unwanted physical and
5 violent contact. Defendant preyed on Plaintiff's weakened state, knowing she was the only
6 source of income for her children and a victim of domestic violence. Defendant zeroed in on
7 Plaintiff, perceiving her as an easy target for his abuse because she was single and did not have a
8 significant other to protect her. Defendant also knew that as a single mother, Plaintiff would
9 continue to work for him to provide for her children.

10 46. Defendant repeatedly used coercion, intimidation, threats of physical violence,
11 and physical violence to sexually assault Plaintiff at the workplace. Upon information and
12 belief, Plaintiff alleges that Defendant targeted Plaintiff for his abuse on the basis of her
13 unmarried status. In perpetrating the above-described actions, Defendant created a severe and
14 pervasive, hostile, offensive, oppressive and abusive work environment in violation of California
15 Fair Employment Housing Act, Government Code § 12940(j).

16 47. As a proximate result of Defendant's willful, knowing and intentional harassment
17 of Plaintiff on the basis of her marital status, she has sustained and continues to suffer damages,
18 including economic loss, pain and suffering, emotional distress, mental anguish, shame, and
19 embarrassment, in an amount to be proven at trial.

20 48. Defendant's actions toward Plaintiff were committed with oppression, malice and
21 fraud and in conscious disregard of the rights and safety of Plaintiff, thereby justifying an award
22 of exemplary and punitive damages.

23 49. Plaintiff is entitled to an award of reasonable attorney's fees and costs, according
24 to proof, pursuant to Government Code § 12965.

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FIFTH ALLEGED CAUSE OF ACTION
VIOLENCE AND INTIMIDATION ON THE BASIS OF SEX
(Violation of the Ralph Civil Rights Act, Civil Code § 51.7)
(by Plaintiff against Defendant Arthur Boone)

50. Plaintiff repeats and alleges each and every allegation contained in paragraphs 1-49 of this Complaint, and incorporates them herein.

51. At all times herein mentioned, Civil Code § 51.7 was in full force and effect and was binding on Defendants. Section 51.7 prohibits violence or intimidation by threats of violence on the basis of a person's sex.

52. Defendant's repeated sexual assaults constitute violence on the basis of Plaintiff's sex in violation of Section 51.7.

53. Plaintiff brings this action pursuant to Civil Code § 52.

54. As a proximate result of Defendant's willful, knowing and intentional acts of violence against Plaintiff, she has sustained and continues to suffer damages, including economic loss, pain and suffering, emotional distress, mental anguish, shame, and embarrassment, in an amount to be proven at trial.

55. Defendant's actions toward Plaintiff were committed with oppression, malice and fraud and in conscious disregard of the rights and safety of Plaintiff, thereby justifying an award of exemplary and punitive damages.

56. Plaintiff is entitled to a civil penalty in the amount of twenty-five thousand dollars pursuant to Civil Code § 52(b)(2).

57. Plaintiff is entitled to an award of reasonable attorney's fees and costs, according to proof, pursuant to Civil Code § 52(b)(3).

SIXTH ALLEGED CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(by Plaintiff against Defendant Arthur Boone)

58. Plaintiff repeats and alleges each and every allegation contained in paragraphs 1-57 of this Complaint, and incorporates them herein.

