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12 Attorneys for Plaintiff  
13 Alize Brown

14  
15 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**

16 **COUNTY OF ALAMEDA**

17  
18 ALIZE BROWN,

19 Plaintiff,

20 vs.

21 TESLA, INC. WHICH WILL DO BUSINESS  
IN CALIFORNIA AS TESLA MOTORS,  
22 INC., a Delaware Corporation; and DOES 1  
through 20, inclusive.

23 Defendants.  
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**FILED**  
**ALAMEDA COUNTY**

DEC 14 2021

CLERK OF THE SUPERIOR COURT  
BY Melissa Alize Deputy

Case No. 21CV 004029

**COMPLAINT FOR DAMAGES**

**DEMAND FOR JURY TRIAL**

BY FAX

1 Alize Brown complains and alleges as follows:

2 **NATURE OF THE CASE**

3 1. Although Tesla publicly claims that it fosters a safe and respectful environment  
4 for its workers,<sup>1</sup> the truth is that for years Tesla has subjected women working in its Fremont  
5 plant to nightmarish conditions of rampant sexual harassment. Tesla's factory floor more  
6 resembles a crude, archaic construction site or frat house than a cutting-edge company in the  
7 heart of the progressive San Francisco Bay Area. The pervasive culture of sexual harassment,  
8 which includes a daily barrage of sexist language and behavior, including frequent groping on the  
9 factory floor, is known to supervisors and managers and often perpetrated by them.

10 2. Alize Brown was 21 years old and had a three-month-old baby when she started  
11 working the night shift in Tesla's Fremont factory. A man in her area began harassing her every  
12 day. He would call her a "cow" when her breast-milk stained her shirt, and say "oh, I see you're  
13 milking today"; he referred to her back-side as her "wagon," saying "Oh, I see that wagon back  
14 there today," and he commented on her figure ("You're looking thick today."). When she told  
15 her Supervisor (a man who frequently looked her body up and down) that she was being harassed  
16 and asked if he would talk to the harasser, he treated it like a joke and told her to go back to  
17 work. She went out and bought a baggy jumpsuit to avoid comments from her harasser and  
18 others about her figure, and every chance she could, she requested to be given jobs that would  
19 take her away from the area where her harasser worked. Working with her harasser was like  
20 living a nightmare, but she worked hard because it was COVID and she needed the job to support  
21 her new baby. After three months, her Supervisor to whom she had complained told her that she  
22 was being let go because her contract was not being renewed. At her request, another Supervisor  
23 looked her up in the system, and told her that there was an entry saying she was being terminated  
24 for being away from her work-station too much. In other words, the Supervisor who had ignored  
25 her request for protection from her harasser fired her because she took on tasks in other areas to  
26 try to escape her harasser.

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28 <sup>1</sup> Tesla, Inc. 2020 10-K Report to the Securities and Exchange Commission at pp. 12-13,  
[https://www.sec.gov/Archives/edgar/data/1318605/000156459021004599/tsla-10k\\_20201231.htm](https://www.sec.gov/Archives/edgar/data/1318605/000156459021004599/tsla-10k_20201231.htm)



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1           16.     Ms. Brown asked to be moved to a different section of castings to escape Carl,  
2 which she was, but then Carl moved there as well and continued harassing her. Whenever the  
3 machine in castings was down, rather than stand around all night and listen to Carl's comments,  
4 she would ask her Supervisor to send her to other parts of the factory where she could be  
5 productive.

6           17.     Other men would comment regularly on Ms. Brown's figure or would flirt with  
7 her as she walked through the factory. It was like working in a prison. Approximately every  
8 other shift, she heard comments like: "Oh, wow, you're beautiful," and "Are you single?" and  
9 "Clearly whatever man you're with doesn't care about you because you're working." She got so  
10 tired of these comments that she would respond "We're not at a party, we're here to work," or  
11 "I'm not here to flirt with you - I would like you to leave me alone." The comments continued.

12          18.     When she finished her shift at 5:00 a.m. and walked to her car, one male co-  
13 worker who reeked of liquor would follow her to her car, asking if he could have a ride with her.  
14 She would walk very fast and try to lose him before going to where her car was parked.

15          19.     After several months, Mr. Grey told Ms. Brown that her contract was up, and she  
16 was being let go. This made no sense to her, because she had not been on a short-term contract,  
17 and she had just spoken to her recruiter at the staffing company, who had said nothing about this.  
18 She asked another Supervisor if he knew why she was being let go, and he looked her up in the  
19 system and said the records said she was being terminated for being away from her workstation  
20 too often. Ms. Brown felt like she had been robbed. She had been a harder worker than just  
21 about anyone else in her area, despite the fact that she was being harassed, breast-pumping, and  
22 recovering from giving birth. Yet she was the one who had been let go. Her impression was that  
23 women who responded favorably to flirtations from Supervisors and Leads were able to move up  
24 or were rewarded in other ways, while those who did not, like her, were treated less favorably or  
25 terminated.

26          20.     The behavior that Ms. Brown experienced made her feel depressed, ashamed,  
27 angry, anxious, afraid, and uncomfortable, both at work and outside of work.

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1 **FIRST CAUSE OF ACTION**

2 **(Sexual Harassment in Violation of FEHA, Gov. Code §§ 12940 *et seq.*)**

3 21. Plaintiff hereby incorporates by reference the previous paragraphs as if fully set  
4 forth herein and alleges as follows:

5 22. Ms. Brown is a woman who was employed by Tesla. Although she was employed  
6 through a staffing company, Tesla was her joint employer. She spent all of her work time at  
7 Tesla's facility, where she was supervised by a Tesla employee who ignored her complaints of  
8 being harassed, and where Tesla controlled the working conditions.

9 23. Ms. Brown was subjected to severe and pervasive harassing conduct from her  
10 supervisor and colleagues because she is a woman.

11 24. As detailed above, this severe, pervasive, and harassing conduct included near-  
12 daily obscene comments and catcalls of an objectifying, demeaning, and sexual nature, and  
13 unwanted attempts by her Supervisor to touch her back-side.

14 25. Ms. Brown's circumstances constituted a hostile work environment.

15 26. The sexual advances and comments directed to Ms. Brown were unwelcome.

16 27. Tesla is strictly liable for the sexual harassment because it was ratified by Tesla's  
17 Supervisor, who had authority to direct Ms. Brown's work activities, evaluate her performance,  
18 and discipline her.

19 28. Tesla knew or should have known of the rampant sexual harassment directed at  
20 Ms. Brown because the behavior was known to her Supervisor and was generally known to and  
21 tolerated by Tesla. Yet Tesla failed to take immediate and appropriate corrective action.

22 29. As a direct, foreseeable, and proximate result of Tesla's unlawful actions,  
23 Ms. Brown has suffered pain and suffering and continues to suffer severe emotional distress,  
24 including shame, anxiety, embarrassment, stress, and indignity, all to her damage in an amount to  
25 be proven at the time of trial.

26 30. Tesla committed the aforementioned acts despicably, maliciously, and willfully,  
27 with the wrongful intention of injuring Ms. Brown, from an improper and evil motive amounting  
28 to malice, and in conscious disregard of her rights and safety. Tesla managing agents were on

1 notice of and ratified the offending conduct. Ms. Brown is thus entitled to recover punitive  
2 damages from Tesla in an amount according to proof.

3 **SECOND CAUSE OF ACTION**

4 **(Failure to Prevent Sexual Harassment in Violation of FEHA, Gov. Code § 12940(k))**

5 31. Plaintiff hereby incorporates by reference the previous paragraphs as if fully set  
6 forth herein and alleges as follows:

7 32. Tesla failed to take immediate preventative and corrective steps reasonably  
8 calculated to prevent the sexual harassment of Ms. Brown.

9 33. Tesla knew or should have known of the rampant sexual harassment in its  
10 workplace.

11 34. As a direct, foreseeable, and proximate result of Tesla's unlawful actions,  
12 Ms. Brown has suffered pain and suffering and continues to suffer severe emotional distress,  
13 including shame, anxiety, embarrassment, stress, and indignity, all to her damage in an amount to  
14 be proven at the time of trial.

15 35. Tesla committed the aforementioned acts despicably, maliciously, and willfully,  
16 with the wrongful intention of injuring Ms. Brown, from an improper and evil motive amounting  
17 to malice, and in conscious disregard of her rights and safety. Tesla managing agents were on  
18 notice of and ratified the offending conduct. Ms. Brown is thus entitled to recover punitive  
19 damages from Tesla in an amount according to proof.

20 **THIRD CAUSE OF ACTION**

21 **(Discrimination in Violation of FEHA, Gov. Code §§ 12940 *et seq.*)**

22 36. Plaintiff hereby incorporates by reference the previous paragraphs as if fully set  
23 forth herein and alleges as follows:

24 37. Under California Government Code § 12940, it is an unlawful employment  
25 practice for an employer to discharge an employee or to discriminate against an employee in  
26 terms, conditions, or privileges of employment, because of her sex.

27 38. Tesla discriminated against Plaintiff by subjecting her to working conditions to  
28 which men were not subjected – including the above-described unlawful treatment – based upon



1 her sex. Plaintiff was denied terms and privileges granted to men – *i.e.*, a workplace free of sex-  
2 motivated negative treatment.

3 39. Ms. Brown sought out work assignments that would take her away from her  
4 harasser. Tesla then fired her for being away from her workstation so often. This was an  
5 unlawful, discriminatory termination because of her sex.

6 40. As a direct, foreseeable, and proximate result of Tesla's unlawful actions,  
7 Ms. Brown has suffered economic loss, pain and suffering and severe emotional distress,  
8 including shame, anxiety, embarrassment, stress, and indignity, all to her damage in an amount to  
9 be proven at the time of trial.

10 41. Tesla committed the aforementioned acts despicably, maliciously, and willfully,  
11 with the wrongful intention of injuring Ms. Brown, from an improper and evil motive amounting  
12 to malice, and in conscious disregard of her rights and safety. Tesla managing agents were on  
13 notice of and ratified the offending conduct. Ms. Brown is thus entitled to recover punitive  
14 damages from Tesla in an amount according to proof.

15 **FOURTH CAUSE OF ACTION**

16 **(Retaliation in Violation of FEHA, Gov. Code § 12940(h))**

17 42. Plaintiff hereby incorporates by reference the previous paragraphs as if fully set  
18 forth herein and alleges as follows:

19 43. FEHA makes it unlawful for an employer to discriminate against a person because  
20 she has opposed practices that are unlawful under the FEHA.

21 44. As set forth above, Ms. Brown engaged in protected activity by opposing and  
22 reporting complaints of sexual harassment and discrimination to her Supervisor. Ms. Brown also  
23 repeatedly rebuffed the sexual advances or invitations and made it clear that she objected to this  
24 inappropriate conduct.

25 45. The conduct that Ms. Brown reported, complained of, and objected to constituted  
26 unlawful sexual harassment and discrimination under the FEHA.

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46. After making these complaints and objecting to the above inappropriate conduct, Ms. Brown was **retaliated** against in various ways. She was **denied** certain privileges and benefits that were afforded to women who did not object to Supervisors' sexual advances and flirtations.

47. Ms. Brown's complaint was ignored, so she tried to protect herself by requesting work in other areas. This negatively affected her conditions of employment, ability to succeed in her job, and prospects for career advancement. Because she was sexually harassed and opposed it, Tesla ultimately terminated her.

48. As a direct, foreseeable, and proximate result of Tesla's unlawful actions, Ms. Brown has suffered physical injury, pain, and suffering and continues to suffer severe emotional distress, including shame, anxiety, embarrassment, stress, and indignity, all to her damage in an amount to be proven at the time of trial.

49. Tesla committed the aforementioned acts despicably, maliciously, and willfully, with the wrongful intention of injuring Ms. Brown, from an improper and evil motive amounting to malice, and in conscious disregard of her rights and safety. Tesla managing agents were on notice of and ratified the offending conduct. Ms. Brown is thus entitled to recover punitive damages from Tesla in an amount according to proof.

### FIFTH CAUSE OF ACTION

**(Wrongful Termination in Violation of Public Policy against Defendant Tesla)**

50. Plaintiff hereby incorporates by reference the previous paragraphs as if fully set forth herein and alleges as follows:

51. Tesla's termination of Ms. Brown violated the fundamental public policy of the State of California embodied by FEHA that employers shall not discriminate against or harass employees on the basis of sex or retaliate against employees for opposing discrimination or harassment.

52. As a direct, foreseeable, and proximate result of Tesla's unlawful actions, Ms. Brown has suffered physical injury, pain and suffering and continues to suffer severe emotional distress, including shame, anxiety, embarrassment, stress, and indignity, all to her damage in an amount to be proven at the time of trial.

53. Tesla committed the aforementioned acts despicably, maliciously, and willfully, with the wrongful intention of injuring Ms. Brown, from an improper and evil motive amounting to malice, and in conscious disregard of her rights and safety. Tesla's managing agents were on notice of and ratified the offending conduct. Ms. Brown is thus entitled to recover punitive damages from Tesla in an amount according to proof.

## PRAYER FOR RELIEF

WHEREFORE, Ms. Brown prays for judgment against Tesla as follows:

1. For compensatory damages, including but not limited to, lost back pay (including, but not limited to, salary and bonus wages), equity, fringe benefits, future lost earnings, and emotional distress;
2. For punitive damages as allowed by law;
3. For an award to Ms. Brown of costs of suit incurred herein and reasonable attorneys' fees;
4. For prejudgment interest and post-judgment interest permitted by law; and
5. For an award of such other and further relief as the Court deems just and proper.

DATED: December 14, 2021

Respectfully submitted,

RUDY, EXELROD, ZIEFF & LOWE, LLP

By:

DAVID A. LOWE  
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*Attorneys for Plaintiff Alize Brown*

1 **DEMAND FOR JURY TRIAL**

2 Plaintiff hereby demands a trial by jury on all causes of action and/or issues so triable.

3  
4 DATED: December 14, 2021

Respectfully submitted,

5 RUDY, EXELROD, ZIEFF & LOWE, LLP

6  
7  
8 By: 

9 DAVID A. LOWE  
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12 *Attorneys for Plaintiff Alize Brown*