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12 Attorneys for Plaintiff
13 Jessica Brooks

14
15 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
16 **COUNTY OF ALAMEDA**

17
18 JESSICA BROOKS,
19 Plaintiff,
20 vs.

Case No. 21CV004015

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF**

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.

DEMAND FOR JURY TRIAL

ENDORSED
FILED
ALAMEDA COUNTY

DEC 14 2021

CLERK OF THE SUPERIOR COURT
By K. Ghoo Deputy

COPY

BY FAX

1 Jessica Brooks 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,¹ the truth is that for years Tesla has subjected women working in its Fremont
5 factory facilities to nightmarish conditions of rampant sexual harassment. Tesla’s facilities more
6 resemble a crude, archaic construction site or frat house than a cutting-edge company in the heart
7 of the progressive San Francisco Bay Area. The pervasive culture of sexual harassment, which
8 includes a daily barrage of sexist language and behavior, is known to supervisors and managers
9 and often perpetrated by them.

10 2. Jessica Brooks was harassed starting from the first day of orientation, spurring her
11 to state in her feedback to the orientation that the company needed to place more importance on
12 sexual harassment training. Once she began the job at Tesla’s seat-making factory, Ms. Brooks
13 was harassed so constantly that she began stacking boxes around her work station to discourage
14 men from coming and whistling at and ogling her. She made a special trip to a thrift store to buy
15 flannels to tie around her waist so men would stop commenting on her back-side and approaching
16 her to stare at her figure. When she complained to Human Resources about a particularly
17 persistent harasser, Human Resources was already aware that she had been stacking boxes around
18 her station to protect herself but had done nothing; as a result of the complaint, as far as
19 Ms. Brooks was aware, the *only* repercussion was that H.R. moved *her* to a new workstation
20 where she was forced to learn a new role and the harassment continued.

21 3. Ms. Brooks received comments at work like “Look at all that ass!” and “I like
22 your tattoos – you got em all over your body? I think it’s really sexy.” She was regularly
23 subjected to whistles, sexual noises (“Mm-mm”), sexual hand gestures, and men brushing up
24 against her. She did not report every incident to H.R. because she would have been complaining
25 to H.R. nearly every single day that she worked at Tesla – there was no sense in complaining
26 again about something that everyone knew about.

27 _____
28 ¹ 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

1 explain why starting from her first day, so many male co-workers were hanging around her
2 station, gawking at her, and ogling her. As the weeks went on, men would stare at her, brush up
3 against her on purpose, make sexual comments like “Damn, that’s a lot of ass,” make sexual hand
4 gestures, and whistle or make sexual noises at her, like “mmm-mmm.” Drivers would drive past
5 on forklifts and stare at her or stop and try to get her attention and flirt with her.

6 18. Within her first couple of months of starting, she became so exasperated that she
7 stacked up boxes behind her to block men from staring at her figure.

8 19. Men were staring at her back-side so noticeably that Ms. Brooks went to a thrift
9 store and bought flannels to wear around her waist. She started wearing baggy clothes along with
10 her Tesla uniform, but men continued to shower her with unwanted attention.

11 20. One of the Leads in Ms. Brooks’s area told her he could tell she felt
12 uncomfortable, and he said she was not alone, mentioning another female employee who had
13 been barraged with similar attention and saying that “all the guys are like that as soon as they see
14 ‘fresh meat.’”

15 21. On one occasion, Ms. Brooks’ co-worker, [D.J.], told her that he overheard a
16 male-coworker making comments about Ms. Brooks, along the lines of “Damn, who is that?” and
17 “Look at her over there,” while smiling and laughing with other male employees like it was a
18 joke. A Lead, Ian [last name unknown], replied “That’s all [D.J.] right there” – joking that
19 Ms. Brooks was a conquest who “belonged” to [D.J.]. Managers demonstrate that there will be
20 no consequences for treating female employees like this.

21 22. One co-worker, Roberto [last name unknown], emerged as particularly aggressive
22 and bothersome toward Ms. Brooks. He constantly made little jokes, whistled at her, and
23 bothered her. On one occasion, he came and leaned inappropriately close to her body. When she
24 recoiled, he said he was trying to smell what kind of perfume she had on, flirtatiously explaining
25 “I’m a man, and, you know....” On this same day, he ran a cart into her, apparently as an excuse
26 to flirt with her. She had had enough of the harassment by this point and said to him, “excuse
27 me, what are you doing?” and “you’re being very unprofessional with the staring and comments
28 and you need to grow up.” Roberto grew visibly upset and angry, turning red in the face, and he

1 responded threateningly “Do you know where I’m from?” as if he were in a gang. Leads and
2 managers overheard this exchange.

3 23. On another occasion, Ms. Brooks saw a group of men, whom she knew as friends
4 of Roberto’s, huddled together staring at her, and one of the men made a sexual hand-motion of
5 slapping a woman’s ass. Around the same time, another man who had been part of the same
6 group was teaching her how to put a bolt inside a seat frame, and told her “I like your tattoos –
7 you got ‘em all over your body? I think it’s really sexy.”

8 24. Ms. Brooks told her supervisor that Roberto was bothering her, and her supervisor
9 told her to report it to H.R., which she did. She was surprised that the H.R. representative (Ellen
10 [last name unknown]) already knew that Ms. Brooks had set up boxes around her to block men
11 from staring at her – Ms. Brooks did not understand why H.R. had not done anything if the
12 Company was already aware of the lengths to which she had gone to stop the harassment. It was
13 clear to Ms. Brooks that her managers also were aware that her stacking the boxes was a reaction
14 to the constant harassment.

15 25. H.R. informed Ms. Brooks that the investigation was ongoing. This same day, her
16 manager, Louis [spelling unknown], informed Ms. Brooks that she would be moving to a new
17 work area. She said to her manager, “why am I being moved when I’m the one being harassed?”
18 There was no direct response to this question, and the manager proceeded to move Ms. Brooks to
19 a new area. A couple weeks later, H.R. told Ms. Brooks that they had completed the
20 investigation but that they were not allowed to disclose any details about it.

21 26. Ms. Brooks was moved to the Manual line, where she had to start from scratch
22 learning the position. A witness will testify that once Ms. Brooks had been moved, the steady
23 stream of certain male employees lingering around her prior work station miraculously
24 disappeared. In her new location on the Manual line, Ms. Brooks noticed that men would come
25 all the way across the factory to stare at her and flirt with her. One man, a Lead, stared at her
26 persistently that she felt as if she were being stalked, and she finally asked him “what is your
27 problem?”

28 ///

1 27. On one occasion, a male employee came over and told her he was going to need
2 her to remove the flannel she had tied around her waist because it might get caught in the
3 machine. She began to comply when she realized that he seemed to be playing a sexual joke on
4 her to get her to expose her back-side – she shook her head “no” that she was not going to
5 remove the flannel, thinking that plenty of women wore sweaters around their waists for the same
6 reasons that Ms. Brooks chose to do so and that no one considered it a serious enough issue to
7 address. The male employee dropped the issue, leaving Ms. Brooks to conclude that she had
8 been right. She felt so humiliated from this incident, and from the ongoing harassment in her
9 new area, that she went to the bathroom and cried. Afterwards, a Manager, Jonathan [last name
10 unknown], approached Ms. Brooks about taking too much time for a restroom break. She
11 responded that it was because of the constant harassment, and that she did not feel safe at her
12 work station. Seeing that Ms. Brooks was clearly distressed, the Manager left her alone and said
13 he would come back and check on her. He did not.

14 28. On another occasion, Ms. Brooks saw a man who appeared to be surreptitiously
15 taking her picture with his phone.

16 29. On another occasion, Ms. Brooks was walking to take a break with [D.J.], and
17 they passed a male employee in the lobby who called out “Damn, look at all that ass.” A female
18 co-worker who was walking with the male co-worker said, “She do got a lot of ass,” as they
19 continued walking past Ms. Brooks. A Tesla security employee was right there and heard the
20 comment but did nothing. With these comments made so publicly in the lobby and overheard by
21 multiple people, Ms. Brooks was embarrassed, humiliated, uncomfortable, and felt disrespected
22 and not safe. After that, she sometimes avoided going on breaks to avoid attention and avoid
23 being around people.

24 **B. Ms. Brooks Was Retaliated Against for Complaining.**

25 30. Ms. Brooks had been afraid to complain to H.R., and after she did so, she noticed
26 that Roberto and his friends treated her negatively. She noticed one of them looking at her and
27 then looking down and shaking his head, as if he could not believe what she had done. She got
28 the impression that Roberto was going around telling people negative things about her. The same

1 day she reported to H.R., Louis gave her an “occurrence.” As noted above, the result of
2 Ms. Brooks’s complaint was that *she* was moved, not her harasser. H.R. did not take steps to
3 protect her from the harassment that H.R. knew was happening, and instead Ms. Brooks now has
4 to exist in a state of fear that her co-workers will find ways to harm her because she spoke up.

5 **C. Sexual Harassment at Tesla Severely Harmed Plaintiff.**

6 31. Ms. Brooks cries in the mornings because she does not want to deal with this
7 abuse. She tried to deal with it, tried to ignore it, and then tried to report it, but it has not stopped,
8 and it has taken a toll on her. She began missing work because of the stress and anxiety it was
9 causing. She used up her sick-time. She needs her job, but the toxic environment is harming her.
10 In her role at Tesla, Ms. Brooks is stuck in one place on the factory floor, and there is nothing she
11 can do to avoid having men come and gawk at her – she is stuck and exposed, and the way she is
12 treated makes her feel helpless and depressed.

13 **FIRST CAUSE OF ACTION**

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

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

17 33. Ms. Brooks is a woman employed by Tesla.

18 34. Ms. Brooks was subjected to severe and pervasive harassing conduct from her
19 colleagues and managers because she is a woman.

20 35. As detailed above, this severe, pervasive, and harassing conduct included near-
21 daily obscene comments and catcalls of an objectifying, demeaning, and sexual nature, ogling,
22 propositioning, and unwanted touching.

23 36. Ms. Brooks’s circumstances constituted a hostile work environment.

24 37. The sexual advances and comments directed to Ms. Brooks were unwelcome.

25 38. Ms. Brooks reported the sexually harassing conduct directed at her to Supervisors,
26 Leads, and HR, and took all reasonable steps to avoid the conduct at work.

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1 39. Tesla is strictly liable for the sexual harassment because it was conducted by
2 Tesla's Supervisors and Leads, who had authority to direct Ms. Brooks's work activities, evaluate
3 her performance, and discipline her.

4 40. Tesla knew or should have known of the rampant sexual harassment directed at
5 Ms. Brooks, both through her complaints, and because the behavior was committed and/or
6 witnessed by Supervisors and Leads. Yet Tesla failed to take immediate and appropriate
7 corrective action.

8 41. As a direct, foreseeable, and proximate result of Tesla's unlawful actions,
9 Ms. Brooks has suffered physical injury, pain, and suffering and continues to suffer severe
10 emotional distress, including shame, anxiety, embarrassment, stress, and indignity, all to her
11 damage in an amount to be proven at the time of trial. As a result of the conduct she has missed
12 work and lost wages.

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

18 **SECOND CAUSE OF ACTION**

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

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

22 44. Tesla failed to take immediate preventative and corrective steps reasonably
23 calculated to prevent the sexual harassment of Ms. Brooks.

24 45. Tesla failed to act on Ms. Brooks's reports of sexual harassment.

25 46. Tesla knew or should have known of the rampant sexual harassment in its
26 workplace.

27 47. As a direct, foreseeable, and proximate result of Tesla's unlawful actions,
28 Ms. Brooks has suffered physical injury, pain, and suffering and continues to suffer severe

1 emotional distress, including shame, anxiety, embarrassment, stress, and indignity, all to her
2 damage in an amount to be proven at the time of trial.

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

8 **THIRD CAUSE OF ACTION**

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

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

12 50. FEHA makes it unlawful for an employer to discriminate against a person because
13 she has opposed practices that are unlawful under the FEHA.

14 51. As set forth above, Ms. Brooks engaged in protected activity by opposing and
15 reporting complaints of sexual harassment and discrimination to HR and to her Supervisors and
16 Leads. Ms. Brooks also repeatedly rebuffed the sexual advances or invitations and made it clear
17 that she objected to this inappropriate conduct.

18 52. The conduct that Ms. Brooks reported, complained of, and objected to constituted
19 unlawful sexual harassment and discrimination under the FEHA.

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

24 54. When Ms. Brooks complained about being harassed, H.R. moved Ms. Brooks to a
25 new location at the factory, rather than moving the male coworker or otherwise addressing his
26 inappropriate conduct. The subject of the complaint and his friends created a hostile work
27 environment for Ms. Brooks in retaliation for her complaint. This negatively affected her
28 conditions of employment, ability to succeed in her job, and prospects for career advancement.

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

3 **PRAYER FOR RELIEF**

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

- 5 1. For compensatory damages, including but not limited to, lost back pay (including,
6 but not limited to, salary and bonus wages), equity, fringe benefits, future lost earnings, and
7 emotional distress;
- 8 2. For a temporary, preliminary, and permanent injunction enjoining Tesla from
9 continuing to engage in the violations of California Government Code § 12940 described herein,
10 including by requiring Tesla to adopt training, monitoring, reporting, and enforcement policies
11 reasonably calculated to immediately end such unlawful practices;
- 12 3. For punitive damages as allowed by law;
- 13 4. For an award to Ms. Brooks of costs of suit incurred herein and reasonable
14 attorneys' fees;
- 15 5. For prejudgment interest and post-judgment interest permitted by law;
- 16 6. For an injunction to prevent future violations of Government Code § 12940; and
- 17 7. For an award of such other and further relief as the Court deems just and proper.

18
19 DATED: December 14, 2021

Respectfully submitted,
RUDY, EXELROD, ZIEFF & LOWE, LLP

21
22 By: 
23 DAVID A. LOWE
24 MEGHAN F. LOISEL

25 THE JHAVERI-WEEKS FIRM
26 WILLIAM C. JHAVERI-WEEKS
27 ALLY N. GIROUARD

Attorneys for Plaintiff Jessica Brooks

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DEMAND FOR JURY TRIAL

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

DATED: December 14, 2021

Respectfully submitted,

RUDY, EXELROD, ZIEFF & LOWE, LLP

By: 

DAVID A. LOWE
MEGHAN F. LOISEL

THE JHAVERI-WEEKS FIRM

WILLIAM C. JHAVERI-WEEKS
ALLY N. GIROUARD

Attorneys for Plaintiff Jessica Brooks

1 Jessica Brooks 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,¹ the truth is that for years Tesla has subjected women working in its Fremont
5 factory facilities to nightmarish conditions of rampant sexual harassment. Tesla's facilities more
6 resemble a crude, archaic construction site or frat house than a cutting-edge company in the heart
7 of the progressive San Francisco Bay Area. The pervasive culture of sexual harassment, which
8 includes a daily barrage of sexist language and behavior, is known to supervisors and managers
9 and often perpetrated by them.

10 2. Jessica Brooks was harassed starting from the first day of orientation, spurring her
11 to state in her feedback to the orientation that the company needed to place more importance on
12 sexual harassment training. Once she began the job at Tesla's seat-making factory, Ms. Brooks
13 was harassed so constantly that she began stacking boxes around her work station to discourage
14 men from coming and whistling at and ogling her. She made a special trip to a thrift store to buy
15 flannels to tie around her waist so men would stop commenting on her back-side and approaching
16 her to stare at her figure. When she complained to Human Resources about a particularly
17 persistent harasser, Human Resources was already aware that she had been stacking boxes around
18 her station to protect herself but had done nothing; as a result of the complaint, as far as
19 Ms. Brooks was aware, the *only* repercussion was that H.R. moved *her* to a new workstation
20 where she was forced to learn a new role and the harassment continued.

21 3. Ms. Brooks received comments at work like "Look at all that ass!" and "I like
22 your tattoos – you got em all over your body? I think it's really sexy." She was regularly
23 subjected to whistles, sexual noises ("Mm-mm"), sexual hand gestures, and men brushing up
24 against her. She did not report every incident to H.R. because she would have been complaining
25 to H.R. nearly every single day that she worked at Tesla – there was no sense in complaining
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https://www.sec.gov/Archives/edgar/data/1318605/000156459021004599/tsla-10k_20201231.htm

1 4. Tesla's Managers and Leads participate in and tolerate the harassment, and the
2 culture is that this kind of behavior is so normal that nothing will happen to those who engage in
3 it.

4 5. Ms. Brooks often cries in the morning before work because she dreads having to
5 deal with this harassing behavior. She feels embarrassed, humiliated, uncomfortable,
6 disrespected, and unsafe at work. She is a hard worker and a fast learner. She has devoted
7 herself to doing her work well at Tesla, and she needs the job. She wanted to have a long career
8 at Tesla and grow professionally within the Company, but is now suffering anxiety because of the
9 harassment. She brings this case to stop to the systemic sexual harassment that plagues her and
10 the other women at Tesla.

11 **PARTIES**

12 6. Ms. Brooks has been employed by Tesla since June 26, 2021 at its Fremont,
13 California factory. She resides in Antioch, California.

14 7. Defendant Tesla, Inc. Which Will Do Business In California As Tesla Motors, Inc.
15 ("Tesla" or "Defendant"), is a Delaware Corporation with its principal place of business in
16 California.

17 8. The true names and capacities of Defendants named herein as Does 1 through 20,
18 inclusive, whether individual, corporate, associate or otherwise are unknown to Plaintiff, who
19 therefore sues said Defendants by fictitious names pursuant to California Code of Civil Procedure
20 section 474. Plaintiff will amend this Complaint to show such true names and capacities of
21 Does 1 through 20, inclusive, when they have been determined.

22 **VENUE AND JURISDICTION**

23 9. Venue is proper in this Court under California Code of Civil Procedure § 395.5
24 because Plaintiff's employment was performed in this county and because the legal violations
25 alleged herein took place in this county.

26 10. Venue is also proper in this Court under California Government Code § 12965(b)
27 because Defendant committed the unlawful practices alleged herein in this county.

28 ///

1 explain why starting from her first day, so many male co-workers were hanging around her
2 station, gawking at her, and ogling her. As the weeks went on, men would stare at her, brush up
3 against her on purpose, make sexual comments like “Damn, that’s a lot of ass,” make sexual hand
4 gestures, and whistle or make sexual noises at her, like “mmm-mmm.” Drivers would drive past
5 on forklifts and stare at her or stop and try to get her attention and flirt with her.

6 18. Within her first couple of months of starting, she became so exasperated that she
7 stacked up boxes behind her to block men from staring at her figure.

8 19. Men were staring at her back-side so noticeably that Ms. Brooks went to a thrift
9 store and bought flannels to wear around her waist. She started wearing baggy clothes along with
10 her Tesla uniform, but men continued to shower her with unwanted attention.

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12 uncomfortable, and he said she was not alone, mentioning another female employee who had
13 been barraged with similar attention and saying that “all the guys are like that as soon as they see
14 ‘fresh meat.’”

15 21. On one occasion, Ms. Brooks’ co-worker, [D.J.], told her that he overheard a
16 male-coworker making comments about Ms. Brooks, along the lines of “Damn, who is that?” and
17 “Look at her over there,” while smiling and laughing with other male employees like it was a
18 joke. A Lead, Ian [last name unknown], replied “That’s all [D.J.] right there” – joking that
19 Ms. Brooks was a conquest who “belonged” to [D.J.]. Managers demonstrate that there will be
20 no consequences for treating female employees like this.

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22 and bothersome toward Ms. Brooks. He constantly made little jokes, whistled at her, and
23 bothered her. On one occasion, he came and leaned inappropriately close to her body. When she
24 recoiled, he said he was trying to smell what kind of perfume she had on, flirtatiously explaining
25 “I’m a man, and, you know....” On this same day, he ran a cart into her, apparently as an excuse
26 to flirt with her. She had had enough of the harassment by this point and said to him, “excuse
27 me, what are you doing?” and “you’re being very unprofessional with the staring and comments
28 and you need to grow up.” Roberto grew visibly upset and angry, turning red in the face, and he

1 responded threateningly “Do you know where I’m from?” as if he were in a gang. Leads and
2 managers overheard this exchange.

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4 of Roberto’s, huddled together staring at her, and one of the men made a sexual hand-motion of
5 slapping a woman’s ass. Around the same time, another man who had been part of the same
6 group was teaching her how to put a bolt inside a seat frame, and told her “I like your tattoos –
7 you got ‘em all over your body? I think it’s really sexy.”

8 24. Ms. Brooks told her supervisor that Roberto was bothering her, and her supervisor
9 told her to report it to H.R., which she did. She was surprised that the H.R. representative (Ellen
10 [last name unknown]) already knew that Ms. Brooks had set up boxes around her to block men
11 from staring at her – Ms. Brooks did not understand why H.R. had not done anything if the
12 Company was already aware of the lengths to which she had gone to stop the harassment. It was
13 clear to Ms. Brooks that her managers also were aware that her stacking the boxes was a reaction
14 to the constant harassment.

15 25. H.R. informed Ms. Brooks that the investigation was ongoing. This same day, her
16 manager, Louis [spelling unknown], informed Ms. Brooks that she would be moving to a new
17 work area. She said to her manager, “why am I being moved when I’m the one being harassed?”
18 There was no direct response to this question, and the manager proceeded to move Ms. Brooks to
19 a new area. A couple weeks later, H.R. told Ms. Brooks that they had completed the
20 investigation but that they were not allowed to disclose any details about it.

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22 learning the position. A witness will testify that once Ms. Brooks had been moved, the steady
23 stream of certain male employees lingering around her prior work station miraculously
24 disappeared. In her new location on the Manual line, Ms. Brooks noticed that men would come
25 all the way across the factory to stare at her and flirt with her. One man, a Lead, stared at her
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27 problem?”

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5 remove the flannel, thinking that plenty of women wore sweaters around their waists for the same
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7 address. The male employee dropped the issue, leaving Ms. Brooks to conclude that she had
8 been right. She felt so humiliated from this incident, and from the ongoing harassment in her
9 new area, that she went to the bathroom and cried. Afterwards, a Manager, Jonathan [last name
10 unknown], approached Ms. Brooks about taking too much time for a restroom break. She
11 responded that it was because of the constant harassment, and that she did not feel safe at her
12 work station. Seeing that Ms. Brooks was clearly distressed, the Manager left her alone and said
13 he would come back and check on her. He did not.

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15 taking her picture with his phone.

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17 they passed a male employee in the lobby who called out “Damn, look at all that ass.” A female
18 co-worker who was walking with the male co-worker said, “She do got a lot of ass,” as they
19 continued walking past Ms. Brooks. A Tesla security employee was right there and heard the
20 comment but did nothing. With these comments made so publicly in the lobby and overheard by
21 multiple people, Ms. Brooks was embarrassed, humiliated, uncomfortable, and felt disrespected
22 and not safe. After that, she sometimes avoided going on breaks to avoid attention and avoid
23 being around people.

24 **B. Ms. Brooks Was Retaliated Against for Complaining.**

25 30. Ms. Brooks had been afraid to complain to H.R., and after she did so, she noticed
26 that Roberto and his friends treated her negatively. She noticed one of them looking at her and
27 then looking down and shaking his head, as if he could not believe what she had done. She got
28 the impression that Roberto was going around telling people negative things about her. The same

1 day she reported to H.R., Louis gave her an “occurrence.” As noted above, the result of
2 Ms. Brooks’s complaint was that *she* was moved, not her harasser. H.R. did not take steps to
3 protect her from the harassment that H.R. knew was happening, and instead Ms. Brooks now has
4 to exist in a state of fear that her co-workers will find ways to harm her because she spoke up.

5 **C. Sexual Harassment at Tesla Severely Harmed Plaintiff.**

6 31. Ms. Brooks cries in the mornings because she does not want to deal with this
7 abuse. She tried to deal with it, tried to ignore it, and then tried to report it, but it has not stopped,
8 and it has taken a toll on her. She began missing work because of the stress and anxiety it was
9 causing. She used up her sick-time. She needs her job, but the toxic environment is harming her.
10 In her role at Tesla, Ms. Brooks is stuck in one place on the factory floor, and there is nothing she
11 can do to avoid having men come and gawk at her – she is stuck and exposed, and the way she is
12 treated makes her feel helpless and depressed.

13 **FIRST CAUSE OF ACTION**

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

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

17 33. Ms. Brooks is a woman employed by Tesla.

18 34. Ms. Brooks was subjected to severe and pervasive harassing conduct from her
19 colleagues and managers because she is a woman.

20 35. As detailed above, this severe, pervasive, and harassing conduct included near-
21 daily obscene comments and catcalls of an objectifying, demeaning, and sexual nature, ogling,
22 propositioning, and unwanted touching.

23 36. Ms. Brooks’s circumstances constituted a hostile work environment.

24 37. The sexual advances and comments directed to Ms. Brooks were unwelcome.

25 38. Ms. Brooks reported the sexually harassing conduct directed at her to Supervisors,
26 Leads, and HR, and took all reasonable steps to avoid the conduct at work.

27 ///

28 ///

1 39. Tesla is strictly liable for the sexual harassment because it was conducted by
2 Tesla's Supervisors and Leads, who had authority to direct Ms. Brooks's work activities, evaluate
3 her performance, and discipline her.

4 40. Tesla knew or should have known of the rampant sexual harassment directed at
5 Ms. Brooks, both through her complaints, and because the behavior was committed and/or
6 witnessed by Supervisors and Leads. Yet Tesla failed to take immediate and appropriate
7 corrective action.

8 41. As a direct, foreseeable, and proximate result of Tesla's unlawful actions,
9 Ms. Brooks has suffered physical injury, pain, and suffering and continues to suffer severe
10 emotional distress, including shame, anxiety, embarrassment, stress, and indignity, all to her
11 damage in an amount to be proven at the time of trial. As a result of the conduct she has missed
12 work and lost wages.

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

18 **SECOND CAUSE OF ACTION**

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

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

22 44. Tesla failed to take immediate preventative and corrective steps reasonably
23 calculated to prevent the sexual harassment of Ms. Brooks.

24 45. Tesla failed to act on Ms. Brooks's reports of sexual harassment.

25 46. Tesla knew or should have known of the rampant sexual harassment in its
26 workplace.

27 47. As a direct, foreseeable, and proximate result of Tesla's unlawful actions,
28 Ms. Brooks has suffered physical injury, pain, and suffering and continues to suffer severe

1 emotional distress, including shame, anxiety, embarrassment, stress, and indignity, all to her
2 damage in an amount to be proven at the time of trial.

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

8 **THIRD CAUSE OF ACTION**

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

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

12 50. FEHA makes it unlawful for an employer to discriminate against a person because
13 she has opposed practices that are unlawful under the FEHA.

14 51. As set forth above, Ms. Brooks engaged in protected activity by opposing and
15 reporting complaints of sexual harassment and discrimination to HR and to her Supervisors and
16 Leads. Ms. Brooks also repeatedly rebuffed the sexual advances or invitations and made it clear
17 that she objected to this inappropriate conduct.

18 52. The conduct that Ms. Brooks reported, complained of, and objected to constituted
19 unlawful sexual harassment and discrimination under the FEHA.

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

24 54. When Ms. Brooks complained about being harassed, H.R. moved Ms. Brooks to a
25 new location at the factory, rather than moving the male coworker or otherwise addressing his
26 inappropriate conduct. The subject of the complaint and his friends created a hostile work
27 environment for Ms. Brooks in retaliation for her complaint. This negatively affected her
28 conditions of employment, ability to succeed in her job, and prospects for career advancement.

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


3 **PRAYER FOR RELIEF**

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

- 5 1. For compensatory damages, including but not limited to, lost back pay (including,
6 but not limited to, salary and bonus wages), equity, fringe benefits, future lost earnings, and
7 emotional distress;
- 8 2. For a temporary, preliminary, and permanent injunction enjoining Tesla from
9 continuing to engage in the violations of California Government Code § 12940 described herein,
10 including by requiring Tesla to adopt training, monitoring, reporting, and enforcement policies
11 reasonably calculated to immediately end such unlawful practices;
- 12 3. For punitive damages as allowed by law;
- 13 4. For an award to Ms. Brooks of costs of suit incurred herein and reasonable
14 attorneys' fees;
- 15 5. For prejudgment interest and post-judgment interest permitted by law;
- 16 6. For an injunction to prevent future violations of Government Code § 12940; and
- 17 7. For an award of such other and further relief as the Court deems just and proper.

18
19 DATED: December 14, 2021

Respectfully submitted,
RUDY, EXELROD, ZIEFF & LOWE, LLP

21
22 By: 
23 DAVID A. LOWE
24 MEGHAN F. LOISEL

25 THE JHAVERI-WEEKS FIRM
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DEMAND FOR JURY TRIAL

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

DATED: December 14, 2021

Respectfully submitted,

RUDY, EXELROD, ZIEFF & LOWE, LLP

By: 
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