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

16 **COUNTY OF ALAMEDA**

17
18 MICHALA CURRAN,
19 Plaintiff,
20 vs.

Case No. 21CV004040

COMPLAINT FOR DAMAGES

DEMAND FOR JURY TRIAL

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

ENDORSED
FILED
ALAMEDA COUNTY
DEC 14 2021
CLERK OF THE SUPERIOR COURT
By TANIA PIERCE Deputy

COPY

BY FAX

1 Michala Curran 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 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. Michala Curran was eighteen-years-old when she started her first job as an adult at
11 Tesla's Fremont factory. Within her first weeks at work, her own Supervisor told her that with
12 her "big butt" she should "shake her ass," be an exotic dancer, and tried to slap her on the back-
13 side as she changed out of the bodysuit she had to wear when painting Tesla's cars. To her face,
14 male co-workers would make comments like, "Oh, this white bitch has ass," "she has hella ass,"
15 "your tits are small, but you have a big ass," and "hey come over here." One male co-worker
16 sexually propositioned Ms. Curran and asked her to give him a hand job in the Tesla parking lot,
17 referencing how other employees would often have sex in the parking lot. Ms. Curran was not
18 sure who to complain to, given that her own Supervisor was himself one of the harassers. After
19 nearly two months of being sexualized at her first job out of high school, she could not take it
20 anymore and decided to quit.

21 3. Ms. Curran saw other women experiencing the same environment, and witnesses
22 will testify that they observed the rampant sexual harassment at Tesla. Ms. Curran brings this
23 action to hold Tesla accountable for the harm it has caused her, and in hopes that Tesla that will
24 put a stop to the unsafe, hostile work environment harming women at its Fremont factory.

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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 **PARTIES**

2 4. Plaintiff Michala Curran was employed by Tesla from approximately the
3 beginning of December 2019 until approximately the end of January 2020. She resides in
4 Modesto, California.

5 5. Defendant Tesla, Inc. Which Will Do Business In California As Tesla Motors, Inc.
6 (“Tesla” or “Defendant”), is a Delaware Corporation with its principal place of business in
7 California.

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

13 **VENUE AND JURISDICTION**

14 7. Venue is proper in this Court under California Code of Civil Procedure § 395.5
15 because Plaintiff’s employment was performed in this county and because the legal violations
16 alleged herein took place in this county.

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

19 9. This Court has general jurisdiction to adjudicate this unlimited civil case, in which
20 the total amount in controversy, exclusive of interest and costs, exceeds \$75,000.

21 10. This Court has jurisdiction to adjudicate Plaintiff’s claims under the Fair
22 Employment and Housing Act pursuant to California Government Code § 12965(b).

23 11. This Court has personal jurisdiction over Defendant because Defendant employed
24 Plaintiff at Defendant’s place of business located in this county, and because Defendant’s acts
25 allegedly giving rise to liability occurred in this county.

26 **PROCEDURAL ALLEGATIONS**

27 12. Prior to filing this Complaint, Plaintiff filed a complaint with the Department of
28 Fair Employment and Housing against Defendant for discrimination and harassment on

1 December 13, 2021. Plaintiff obtained a notice of Right-to-Sue on the same date prior to filing
2 this lawsuit.

3 **FACTS COMMON TO ALL CAUSES OF ACTION**

4 13. Tesla hired Ms. Curran through a third-party staffing agency in approximately the
5 beginning of December 2019 as a Production Associate working on the factory floor in Fremont.
6 She was placed at a station applying paint to car bodies. At the start and end of shifts, she and
7 other employees at her station would change into and out of bodysuits in a booth next to the line.

8 14. Ms. Curran’s supervisor was a man named Ron [last name unknown]. Ron
9 harassed Ms. Curran throughout her time at Tesla. When Ms. Curran had to change out of her
10 bodysuit in the booth, she would notice that Ron would be right behind her just watching her as
11 she took off her bodysuit. While she was changing, Ron made comments to her about her body,
12 including telling her she had a “big butt,” that she should “shake [her] ass,” and that she “should
13 dance” (*i.e.*, work as a stripper). On approximately two occasions, Ron attempted to slap
14 Ms. Curran’s behind, generally as she was taking off her body suit. Ms. Curran would dodge his
15 hand and move away quickly.

16 15. Ron’s behavior made Ms. Curran extremely uncomfortable, but because he was
17 her Supervisor, and she was young and new to her job, she was scared to complain to anyone.

18 16. Other men on the factory floor made sexual comments about her on a daily basis.
19 Men would also stare at her in a creepy and suggestive way. Specific examples of comments
20 included “Oh, this white bitch has ass;” “That white bitch was there – she has hella ass;” “she’s
21 hella thick;” “your tits are small, but you have a big ass;” and general hollering comments such as
22 “hey come over here.” Men would make these comments when she was right in front of them,
23 clearly intending for her to hear. Ms. Curran did not know these men’s names – there was simply
24 a culture in the factory in which male workers brazenly made sexual comments about the bodies
25 of female employees passing by.

26 17. On one occasion, a male co-worker who was stationed in her work area that day
27 propositioned Ms. Curran to engaged in a sexual act with him in Tesla’s parking lot. Ms. Curran
28 had previously heard that Tesla employees would have sex in the parking lot of the factory. This

1 male co-worker mentioned this to Ms. Curran and asked if she wanted to join him in the parking
2 lot and give him a hand job. She felt extremely uncomfortable and immediately rejected him.

3 18. The behavior that Ms. Curran experienced made her feel depressed, ashamed,
4 angry, anxious, afraid, and uncomfortable, both at work and even outside of work. She began
5 wearing baggie clothes to try to avoid drawing attention to herself.

6 19. Ms. Curran had been excited to work in her first job after high school, and she
7 thought she might really excel at Tesla and start a career there. About two months into the job,
8 she got sick, possibly with COVID-19. The thought of going back to the factory after that was
9 unbearable – she felt that no job was worth being sexualized and insulted, and she did not feel
10 safe in an environment where men were treating her that way. Therefore, she felt like her only
11 viable option was to quit and look for a different job.

12 20. About a month later, the COVID-19 pandemic arrived, and Ms. Curran was out of
13 work for nearly two years.

14 **FIRST CAUSE OF ACTION**

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

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

18 22. Ms. Curran was jointly employed by Tesla and her staffing agency. She spent all
19 of her work time at Tesla’s facility, where she was supervised by a Tesla employee who harassed
20 her, and where Tesla controlled the working conditions at issue in this case.

21 23. Ms. Curran was subjected to severe and pervasive harassing conduct from her
22 Supervisor and colleagues because she is a woman.

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

26 25. Ms. Curran’s circumstances constituted a hostile work environment.

27 26. The sexual advances and comments directed to Ms. Curran were unwelcome.

28 27. Defendant is strictly liable for the sexual harassment because it was conducted by

1 Ms. Curran's Supervisor, who had authority to direct Ms. Curran's work activities, evaluate her
2 performance, and discipline her.

3 28. Tesla knew or should have known of the rampant sexual harassment directed at
4 Ms. Curran because the behavior was committed and/or witnessed by Supervisors and Leads and
5 was generally known to and tolerated by Tesla. Yet Tesla failed to take immediate and
6 appropriate corrective action.

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

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

16 **SECOND CAUSE OF ACTION**

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

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

20 32. Tesla failed to take immediate preventative and corrective steps reasonably
21 calculated to prevent the sexual harassment of Ms. Curran.

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

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

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1 to malice, and in conscious disregard of her rights and safety. Tesla managing agents were on
2 notice of and ratified the offending conduct. Ms. Curran is thus entitled to recover punitive
3 damages from Tesla in an amount according to proof.

4 **FOURTH CAUSE OF ACTION**

5 **(Wrongful Termination in Violation of Public Policy)**

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

8 44. Defendant's termination and/or constructive discharge of Ms. Curran violated the
9 fundamental public policy of the State of California embodied by FEHA that employers shall not
10 discriminate against or harass employees on the basis of sex.

11 45. As a direct, foreseeable, and proximate result of Defendant's unlawful actions,
12 Ms. Curran has suffered economic loss, physical injury, pain and suffering and severe emotional
13 distress, including shame, anxiety, embarrassment, stress, and indignity, all to her damage in an
14 amount to be proven at the time of trial.

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

20 **PRAYER FOR RELIEF**

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

22 1. For compensatory damages, including but not limited to, lost back pay (including,
23 but not limited to, salary and bonus wages), equity, fringe benefits, future lost earnings, and
24 emotional distress;

25 2. For punitive damages as allowed by law;

26 3. For an award to Ms. Curran of costs of suit incurred herein and reasonable
27 attorneys' fees;


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- 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: 

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Attorneys for Plaintiff Michala Curran

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

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