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Samira Sheppard

14  
15 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**  
16 **COUNTY OF ALAMEDA**  
17

18 SAMIRA SHEPPARD,  
19 Plaintiff,  
20 vs.

Case No. 21CV 004031  
**COMPLAINT FOR DAMAGES**

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.

**DEMAND FOR JURY TRIAL**

**FILED**  
ALAMEDA COUNTY

DEC 14 2021

CLERK OF THE SUPERIOR COURT  
BY Heather Lee Deputy

BY FAX

1 Samira Sheppard 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. Samira Sheppard was nineteen years old when she started her first job as an adult  
11 at Tesla's Fremont factory. On a daily basis, she had to hear comments sexualizing her and other  
12 female employees, such as "Oh my god, you have such big tits" and "I'd fuck the shit out of her."  
13 Two male co-workers would consistently try to ask Ms. Sheppard out on dates outside of work,  
14 despite her clearly telling them she was not interested. During her first week at work, another  
15 male co-worker began to stalk her, following her throughout the factory. A Supervisor made  
16 comments to her male co-workers about being able to see her nipples through her shirt.  
17 Ms. Sheppard was not sure who to complain to, given that the Supervisors or Leads were often  
18 the harassers. After approximately two months of being sexualized at work, Ms. Sheppard went  
19 out sick. A Tesla employee, who Ms. Sheppard believes was a factory supervisor or manager  
20 named Morgan, contacted her about returning, and she replied that she was not comfortable  
21 returning to her same area on the line and asked if there was any other area where she could  
22 work. The Tesla employee never responded. Ms. Sheppard could not take it anymore.

23 3. Ms. Sheppard saw other women experiencing the same sexually inappropriate  
24 behavior, and witnesses will testify that they observed the rampant sexual harassment at Tesla.  
25 Ms. Sheppard brings this action to hold Tesla accountable for the harm it caused her, and in  
26

27  
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)

1 hopes that Tesla that will put a stop to the unsafe, hostile work environment for women at its  
2 Fremont factory.

3 **PARTIES**

4 4. Plaintiff Samira Sheppard was employed by Tesla from approximately October  
5 27, 2020, until at the beginning of March 2021. She resides in Modesto, California.

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

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

14 **VENUE AND JURISDICTION**

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

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

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

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

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

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1           16.     Ms. Sheppard carpooled with another female co-worker who drove a forklift and  
2 worked near Anthony. Knowing that Ms. Sheppard carpooled with this co-worker, Anthony  
3 would ask the co-worker questions about Ms. Sheppard, such as "did you drive with Samira  
4 today?"; "when is the last time you saw Samira?"; and "Are you going to meet Samira today?"

5           17.     Anthony also found Ms. Sheppard's personal social media profiles, and he told her  
6 he was looking at her social media pages at work, making comments to Ms. Sheppard about her  
7 photos such as, "I've seen the pictures you've posted, you look good" and "you're really pretty in  
8 your pictures."

9           18.     Ms. Sheppard began arriving and leaving early or late from work to try to avoid  
10 having to interact with Anthony. Ms. Sheppard's friend told her that she had made an H.R.  
11 complaint about Anthony and also dealt with harassment by him. The friend said that she had  
12 been moved to a new location after making the complaint to H.R.

13           19.     Two male co-workers, CJ [last name unknown] and Lerone ("Rone") [last name  
14 unknown], were particularly bothersome and would harass Ms. Sheppard on a daily basis. CJ  
15 and Rone were friends, and they asked Ms. Sheppard and one of her female friends out on a  
16 double date. Ms. Sheppard (like her female friend) made it clear that she was not interested, by  
17 saying directly to CJ and Rone that she did not want to go out with them. At one point, Rone  
18 said to Ms. Sheppard, "We don't need a serious relationship, but I still want to mess around with  
19 you."

20           20.     Throughout her time at Tesla, CJ and Rone continually made sexualized  
21 comments and stared at Ms. Sheppard's body. Referring to Ms. Sheppard's female friend and co-  
22 worker, Rone said to Ms. Sheppard, "I'd fuck the shit out of her." CJ made comments to  
23 Ms. Sheppard like "You have such big tits," and he would often stare at her chest area. CJ would  
24 tell Ms. Sheppard that she was his "best friend," as if this were an excuse or explanation for his  
25 conduct. Ms. Sheppard never felt that he was her friend and continued to indicate to him that she  
26 was not interested.

27           21.     On one occasion, a colleague came up to Ms. Sheppard and told her that a  
28 Supervisor named Atuba [phonetic, last name unknown] was encouraging male employees to

1 look at Ms. Sheppard's breasts because her nipples were visible through her shirt. Ms. Sheppard  
2 did not think of complaining about this because it was a Supervisor making the comment.  
3 Similarly, Ms. Sheppard did not complain about the daily sexual comments because they were  
4 out in the open and clearly known to and participated in by Supervisors and Leads, and it  
5 appeared to her that that was just the accepted culture at Tesla or at workplaces in general  
6 because this was her first job.

7 22. The behavior that Ms. Sheppard experienced made her feel depressed, ashamed,  
8 angry, anxious, afraid, and uncomfortable, both at work and even outside of work. She began  
9 wearing baggie clothes to try to avoid drawing attention to herself.

10 23. Ms. Sheppard had been excited to work at Tesla as her first job, and she thought  
11 she might really excel at Tesla and grow a career there. About two months into the job, at the  
12 end of December 2020, she went on bereavement leave. While on leave, she became ill and was  
13 hospitalized. A Tesla employee, who Ms. Sheppard believes was a Supervisor or manager  
14 named Morgan, texted Ms. Sheppard about coming back to work. She responded with a lengthy  
15 text message that said (as best she remembers) she was not comfortable returning to her same  
16 area on the line and asked if there was any other area where she could work. She never got a  
17 response. Ms. Sheppard decided she was not willing to go back into a harassment-filled  
18 environment. Later, Tesla sent her a letter in the mail that she would need to return to work or  
19 else she would be fired. Ms. Sheppard did not receive this letter until on or around March 3,  
20 2021, at which point the deadline in the letter for her to return to work had already passed.

21 24. Ms. Sheppard was hesitant to begin working again after the traumatizing  
22 experience she had at Tesla as her first-ever work experience. The sexual harassment she faced  
23 was so normalized at Tesla that Ms. Sheppard assumed she would have similar experiences at  
24 other jobs. She enrolled in school, and approximately eight months after leaving Tesla,  
25 Ms. Sheppard found a new job and began working again.

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1 **FIRST CAUSE OF ACTION**

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

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

5 26. Ms. Sheppard is a woman who was employed by Tesla.

6 27. Ms. Sheppard was subjected to severe and pervasive harassing conduct from a  
7 Supervisor and colleagues because she is a woman.

8 28. As detailed above, this severe, pervasive, and harassing conduct included near-  
9 daily comments of a demeaning, objectifying, and sexual nature; overtly sexual comments about  
10 her body; unwelcome and persistent romantic propositioning; and threatening stalking behavior.

11 29. Ms. Sheppard's circumstances constituted a hostile work environment.

12 30. The sexual advances and comments directed to Ms. Sheppard were unwelcome.

13 31. Tesla is strictly liable for the sexual harassment because it was conducted by  
14 Tesla's Supervisor, who had authority to direct Ms. Sheppard's work activities, evaluate her  
15 performance, and discipline her.

16 32. Tesla knew or should have known of the rampant sexual harassment directed at  
17 Ms. Sheppard because the behavior was committed and/or witnessed by Supervisors and Leads  
18 and was generally known to and tolerated by Tesla. Yet Tesla failed to take immediate and  
19 appropriate corrective action.

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

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



1 **SECOND CAUSE OF ACTION**

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

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

5 36. Tesla failed to take immediate preventative and corrective steps reasonably  
6 calculated to prevent the sexual harassment of Ms. Sheppard.

7 37. Tesla knew or should have known of the rampant sexual harassment in its  
8 workplace.

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

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

18 **THIRD CAUSE OF ACTION**

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

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

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

25 42. Tesla discriminated against Plaintiff by subjecting her to working conditions to  
26 which men were not subjected – including the above-described unlawful treatment – based upon  
27 her sex. Plaintiff was denied terms and privileges granted to men – *i.e.*, a workplace free of sex-  
28 motivated negative treatment.



1       43. By engaging in the above unlawful conduct, Tesla either forced Plaintiff to stay  
2 away from work, which resulted in her termination, or constructively terminated Plaintiff. Tesla,  
3 through its officers, managing agents, and/or supervisory employees, intentionally created and  
4 knowingly permitted sexual harassment of Plaintiff that was so intolerable that a reasonable  
5 person in Plaintiff's position would have had no reasonable alternative except to refrain from  
6 returning to work.

7       44. Ms. Sheppard refrained from returning to work because of these working  
8 conditions, which resulted in her termination.

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

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

18                                   **FOURTH CAUSE OF ACTION**

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

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

22       48. Defendant's termination and/or constructive discharge, of Ms. Sheppard violated  
23 the fundamental public policy of the State of California embodied by FEHA that employers shall  
24 not discriminate against or harass employees on the basis of sex.

25       49. As a direct, foreseeable, and proximate result of Defendant's unlawful actions,  
26 Ms. Sheppard has suffered economic loss, physical injury, pain and suffering and severe  
27 emotional distress, including shame, anxiety, embarrassment, stress, and indignity, all to her  
28 damage in an amount to be proven at the time of trial.

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

6                                   **PRAYER FOR RELIEF**

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

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

16  
17 DATED: December 14, 2021

Respectfully submitted,

18 RUDY, EXELROD, ZIEFF & LOWE, LLP

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20  
21 By: 

22 DAVID A. LOWE  
23 MEGHAN F. LOISEL

24 THE JHAVERI-WEEKS FIRM

25 WILLIAM C. JHAVERI-WEEKS  
26 ALLY N. GIROUARD

27 *Attorneys for Plaintiff Samira Sheppard*  
28

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 By: 

8 DAVID A. LOWE  
9 MEGHAN F. LOISEL

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11 WILLIAM C. JHAVERI-WEEKS  
12 ALLY N. GIROUARD

13 *Attorneys for Plaintiff Samira Sheppard*  
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