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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES**

14 MELISSA LEGREE,

15 Plaintiff,

16 v.

17 OneLegacy, a corporation; OneLegacy
18 Foundation, a corporation; Cynthia Perley,
19 an individual; and DOES 1 through 50,
20 inclusive,

21 Defendants.

CASE NO. BC674748

**PLAINTIFF'S FIRST AMENDED
COMPLAINT FOR DAMAGES:**

- 22 (1) RACE DISCRIMINATION IN VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT (CALIFORNIA GOVERNMENT CODE § 12940(a))
- 23 (2) RACE HARASSMENT IN VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT (CALIFORNIA GOVERNMENT CODE § 12940(j))
- 24 (3) UNLAWFUL RETALIATION IN VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT (CALIFORNIA GOVERNMENT CODE § 12940(h))
- 25 (4) FAILURE TO PREVENT HARASSMENT (CALIFORNIA GOVERNMENT CODE § 12940(K))
- 26 (5) VIOLATION OF CALIFORNIA LABOR CODE SECTION 1102.5
- 27 (6) WRONGFUL DEMOTION IN VIOLATION OF PUBLIC POLICY
- 28 (7) RETALIATION FOR EXERCISING RIGHTS PURSUANT TO THE CALIFORNIA FAMILY RIGHTS ACT [CALIFORNIA GOVERNMENT CODE § 12945.2(1)]

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- 1 (8) NEGLIGENCE HIRING, SUPERVISION,
2 TRAINING, AND RETENTION
3 (9) FAILURE TO PAY ALL WAGES OWED
4 (CALIFORNIA LABOR CODE SECTION
5 200 ET SEQ.)
6 (10) FAILURE TO PROVIDE REST PERIODS
7 (11) FAILURE TO PROVIDE ACCURATE
8 ITEMIZED WAGE STATEMENTS
9 (CALIFORNIA LABOR CODE § 226)
10 (12) NEGLIGENCE INFLICTION OF
11 EMOTIONAL DISTRESS
12 (13) INTENTIONAL INFLICTION OF
13 EMOTIONAL DISTRESS

14 **PLAINTIFF'S DEMAND FOR JURY TRIAL**

15 Plaintiff MELISSA LEGREE (hereinafter referred to as “Ms. LeGree” and/or “Plaintiff”)
16 complains and alleges as follows:

17 **INTRODUCTION**

18 1. While defendant OneLegacy – a federally designated organ procurement
19 organization earning in excess of \$100 million per year – boasts that it is dedicated to providing
20 a “sense of purpose and comfort to those families [it] serve[s],” its treatment of those families
21 and its own employees falls deplorably short of this standard.

22 2. Instead, for example, OneLegacy routinely discriminates and harasses its minority
23 employees, and retaliates against them when they dare to complain. OneLegacy also engages in
24 rampant wage and hour violations in which it routinely misclassifies (and fails to pay overtime
25 to) its employees. Such conduct is perpetrated and sanctioned by the highest echelons of
26 OneLegacy’s management including OneLegacy’s CEO, Tom Mone.

27 3. Beginning in the summer of 2016, Plaintiff Melissa LeGree, a long-term
28 employee with glowing performance evaluations, began reporting unrelenting and systematic
race discrimination and harassment at the hands of OneLegacy’s new Chief Financial Officer,

1 defendant Cynthia Perley. Defendant Perley, who was hired in February 2016, engaged in
2 systematic offensive and demeaning racial harassment against non-Caucasian employees
3 including towards Ms. LeGree (who is African-American). With respect to Ms. LeGree,
4 Defendant Perley, among other things, engaged in the following racial harassment:

- 5 • Telling Ms. LeGree: *“White women and Asian women can get away with more*
6 *than you can because of the way you are built;”*
- 7 • *Ostracizing and ignoring Ms. LeGree, but routinely engaging in small talk with*
8 *Ms. LeGree’s Caucasian colleagues;*
- 9 • *Giving Ms. LeGree’s Caucasian colleagues gift cards but giving Ms. LeGree*
10 *nothing;*
- 11 • *Engaging in unwarranted criticism towards Ms. LeGree;*
- 12 • *Implying or suggesting that Ms. LeGree was a prostitute or slut by:*
 - 13 ○ Telling Ms. LeGree: *“I heard you wore an outfit so provocative that it was*
14 *offensive;”*
 - 15 ○ Telling Ms. LeGree: *“You look like you are going to the club;”* and
 - 16 ○ Telling Ms. LeGree: *“Men have made a lot of sexual comments about*
17 *your physicality. Do you know the connotation that comes with wearing*
18 *high heels?”*

19 4. Among others, Ms. LeGree complained to officials in OneLegacy’s Human
20 Resources Department (including Anita Corliss and Cheryl Kritz) and to the Company’s CEO,
21 Tom Mone.

22 5. In the face of Ms. LeGree’s complaints to Human Resources and CEO Tom
23 Mone, OneLegacy, which is mandated to take immediate steps to stop harassment, did absolutely
24 nothing. Ms. Corliss’ refusal to investigate Ms. LeGree’s complaints was disappointing, albeit
25 not surprising. Indeed, Ms. Corliss herself had previously spread a disgusting rumor about Ms.
26 LeGree, telling Ms. LeGree’s colleagues that a OneLegacy board member did not like Ms.
27 LeGree because Ms. LeGree reminded the board member of “all the ghetto black people.”

28 ///

1 6. When Ms. LeGree reported defendant Perley's harassment to CEO Tom Mone in
2 January 2017 and March 2017, Mr. Mone likewise admitted he was "*unsurprised*" but, like, Ms.
3 Corliss, Mr. Mone neither began an investigation into Ms. LeGree's complaints nor took prompt
4 effective remedial action to ensure that defendant Perley's racially inappropriate conduct ceased.

5 7. Indeed, rather than launching an investigation and taking steps to protect Ms.
6 LeGree (as it was required to do by law), OneLegacy demoted Ms. LeGree in April 2017, *less*
7 *than a month* after Ms. LeGree's second meeting with Tom Mone in retaliation for her
8 complaints and in the hopes that she would resign.

9 8. Ms. LeGree was devastated by OneLegacy's retaliation. Ms. LeGree simply could
10 not believe that OneLegacy was punishing her because of complaints and doing nothing to stop
11 defendant Perley's unlawful conduct. As a result of the harassment, discrimination and
12 retaliation, Ms. LeGree began having panic attacks and developed psoriasis, a stress-related
13 dermatological condition causing Ms. LeGree to have large, humiliating dark patches all over her
14 face. After consultation with a therapist, Ms. LeGree began a medical leave of absence in late
15 April 2017.

16 9. However, when Ms. LeGree attempted to return to work eight weeks later,
17 OneLegacy retaliated again by banning her from the workplace and forcing her to take an
18 "administrative leave," of an unspecified duration. It was only after nearly *two months* – during
19 which time OneLegacy allowed vituperative and damaging rumors to circulate that Ms. LeGree
20 had engaged in misconduct warranting an exile of this length – and only after Ms. LeGree
21 complained to OneLegacy's Board of Directors that OneLegacy finally allowed Ms. LeGree to
22 return to work. When Ms. LeGree finally did return to work, OneLegacy retaliated yet again by
23 taking away her office and relegating her to a cubicle (even though OneLegacy had empty
24 offices available).

25 10. In addition to the foregoing, Ms. LeGree is informed and believes and thereon
26 alleges that OneLegacy's illegal conduct did not stop at OneLegacy's unlawful harassment,
27 discrimination and retaliation. In particular, Ms. LeGree is informed and believes and thereon
28 alleges that OneLegacy cares more about making money than it cares about its employees, its

1 organ donors, and the families of its organ donors. This drive for profit is, perhaps, explainable
2 by the Company's need to pay the enormous compensation packages given to OneLegacy's
3 executives such as CEO Thomas Mone (also known as Tom Mone) who, according to the
4 Company's IRS Form 990 received more than \$740,000.00 in compensation in 2015 and
5 Chowdary Garimella, the Company's COO/CIO, who received more than \$710,000.00 in 2015,
6 and Anita Corliss, the Vice-President of Human Resources, who received more than \$350,000.00
7 in 2015. See http://pdfs.citizenaudit.org/2017_03_EO/95-3138799_990_201512.pdf.

8 9 JURISDICTION AND VENUE

10 2. The Court has personal jurisdiction over the defendants because they are residents
11 of and/or doing business in the State of California.

12 3. Venue is proper in this county in accordance with Section 395(a) of the California
13 Code of Civil Procedure because the defendants, or some of them, reside in this County, and the
14 injuries alleged herein occurred in this County. Venue is also proper in this County in
15 accordance with Section 12965(b) of the California Government Code because the unlawful
16 practices alleged by Ms. LeGree in violation of the California Fair Employment and Housing Act
17 [Cal. Gov't Code §§ 12940, *et seq.*] were committed in this County. In the alternative, venue is
18 appropriate in this County in accordance with Section 395(a) and Section 395.5 of the California
19 Code of Civil Procedure because Defendants and Ms. LeGree contracted to perform their
20 obligations in this County, the contract was entered into in this county, and because the liability,
21 obligation and breach occurred within this County.

22 23 THE PARTIES

24 4. Ms. LeGree is an individual who, at relevant times during the events alleged
25 herein, resided in North Hollywood, California.

26 5. Ms. LeGree is a current employee of defendants OneLegacy and OneLegacy
27 Foundation with a current employment dispute against them.

1 6. Ms. LeGree is informed and believes, and thereon alleges, that Defendants
2 OneLegacy and OneLegacy Foundation and Does 1-25 and each of them, are, and at all times
3 herein mentioned were, California corporations or other business entities qualified to and doing
4 business in California. Ms. LeGree is informed and believes, and thereon alleges, that
5 Defendants Cynthia Perley and Does 26 – 50 are individuals.

6 7. Ms. LeGree is informed and believes, and thereon alleges, that Defendants
7 OneLegacy and OneLegacy Foundation and Does 1-25 and each of them, are, and were, at all
8 relevant times mentioned herein, “employer[s]” within the meaning of Sections 12926(d) and
9 12940(j)(4)(A) of the California Government Code. Ms. LeGree is informed and believes, and
10 thereon alleges, that, at all relevant times herein mentioned, Tom Mone was an officer, a
11 director, or a managing agent of Defendants OneLegacy and OneLegacy Foundation and that he
12 knew of the conduct alleged herein constituting malice, oppression, or fraud and that he adopted
13 or approved that conduct after it occurred. Ms. LeGree is also informed and believes, and
14 thereon alleges, that, at all relevant times herein mentioned, the Board of Directors of
15 OneLegacy (William I. Chertok, Art Torress, Gloria Bohrer, Rob Blackman, Sandra Wallace
16 Blyadow, Earle E. Crandall, William Gallio, Jason L. Gray, Rafeal Mendez, Robert Mendez,
17 Thomas Mone, Darlene P. Robles, and J. Thomas Rosenthal) and OneLegacy Foundation (Gloria
18 Ann Bohrer, William Chertock, William Gallio, Earle Crandall, Thomas Mone, and J. Thomas
19 Rosenthal) were officers, directors, or managing agents of Defendants OneLegacy and
20 OneLegacy Foundation and that they knew of the conduct alleged herein constituting malice,
21 oppression, or fraud and that they adopted or approved that conduct after it occurred.

22 8. Ms. LeGree is informed and believes, and thereon alleges, that, at all relevant
23 times herein mentioned, Cynthia Perley was the Chief Financial Officer of Defendants
24 OneLegacy and OneLegacy Foundation, and Ms. Perley held supervisory authority over Ms.
25 LeGree. Ms. LeGree is informed and believes, and thereon alleges, that, at all relevant times
26 herein mentioned, Cynthia Perley was an officer, a director, or a managing agent of Defendants
27 OneLegacy and OneLegacy Foundation and that she engaged in the conduct alleged herein
28 constituting malice, oppression, or fraud.

1 9. The true names and capacities, whether corporate, associate, individual or
2 otherwise of Defendants Does 1 through 50, inclusive, are unknown to Ms. LeGree, who
3 therefore sues said Defendants by such fictitious names. Each of the Defendants designated
4 herein as a Doe is negligently or otherwise legally responsible in some manner for the events and
5 happenings herein referred to and caused injuries and damages proximately thereby to Ms.
6 LeGree, as herein alleged. Ms. LeGree will seek leave of Court to amend this Complaint to
7 show their names and capacities when the same have been ascertained.

8 10. At all times herein mentioned, Defendants, and each of them, were the agents,
9 representatives, employees, successors and/or assigns, each of the other, and at all times
10 pertinent hereto were acting within the course and scope of their authority as such agents,
11 representatives, employees, successors and/or assigns and acting on behalf of, under the
12 authority of, and subject to the control of each other.

13 11. Ms. LeGree is informed and believes, and thereon alleges, that each defendant
14 named in this Complaint, including Does 1 through 50, inclusive, knowingly and willfully acted
15 in concert, conspired and agreed together among themselves and entered into a combination and
16 systemized campaign of activity to, inter alia, damage Ms. LeGree and to otherwise consciously
17 and/or recklessly act in derogation of Ms. LeGree's rights, and the trust reposed by Ms. LeGree
18 in each of said defendants, said acts being negligently and/or intentionally inflicted.

19 12. Said conspiracy, and defendants' concerted actions, were such that, to the
20 information and belief of Ms. LeGree, and to all appearances, defendants and each of them,
21 represented a unified body so that the actions of one defendant were accomplished in concert
22 with, and with knowledge, ratification, authorization and approval of each of the other
23 defendants.

24 13. At all times set forth herein, the acts and omissions of each defendant caused, led
25 and/or contributed to the various acts and omissions of each and all of the other defendants,
26 legally causing the injuries as set forth.

27 14. Ms. LeGree is informed and believes, and thereon alleges, that defendants
28 OneLegacy and OneLegacy Foundation are, together, an integrated enterprise, containing,

1 among other things, interrelation of operations, common management and centralized control of
2 labor relations. Ms. LeGree is further informed and believes, and thereon alleges, that
3 defendants OneLegacy and OneLegacy Foundation are Ms. LeGree's joint or co-employers.
4

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

6 15. With yearly revenues in excess of \$100 million and approximately 350
7 employees, OneLegacy and OneLegacy Foundation (collectively hereinafter referred to as
8 "ONELEGACY") is headquartered in Los Angeles, California. ONELEGACY is the largest non-
9 profit, federally-designated organ procurement organization in the United States and receives
10 funding from major federal agencies including MediCare. ONELEGACY is also a licensed tissue
11 bank and eye bank which is regulated by the Food & Drug Administration.

12 16. ONELEGACY's reach in Southern California is vast and deep. With a veritable
13 monopoly over the Southern California organ donation market, ONELEGACY serves 215 hospitals
14 11 transplant centers, coroners, funeral homes and approximately 19 million people in Los
15 Angeles, Kern, Orange, Riverside, San Bernardino, Santa Barbara and Ventura counties.

16 17. In particular, ONELEGACY's clients include medical giants such as Cedars-Sinai
17 Medical Center, Children's Hospital Los Angeles, UCLA medical Center, City of Hope National
18 Medical Center, Keck Hospital of USC, Loma Linda University Medical Center, and UC Irvine
19 Medical Center, to name a few.

20 18. While ONELEGACY boasts that it is dedicated to providing a "sense of purpose
21 and comfort to those families [it] serve[s]," its treatment of its own employees falls woefully
22 short of this standard. Instead, and as described in further detail below, ONELEGACY engages in
23 a pattern and practice of discriminatory conduct towards its minority employees, and retaliates
24 against those (including Plaintiff Melissa LeGree), who dare to complain.

25 19. Plaintiff Melissa LeGree, who is African-American, is a native Californian.
26

27 **A. MELISSA LEGREE IS HIRED BY ONELEGACY; ONELEGACY IMMEDIATELY**
28 **MISCLASSIFIES MS. LEGREE AS "EXEMPT."**

1 20. In April 2012, ONELEGACY hired Ms. LeGree as an Executive Assistant in its
2 Donation, Science, Research and Education department. Despite the fact that Ms. LeGree was
3 an “assistant” who neither managed anyone, nor regularly exercised discretion or independent
4 judgment (to wit, her duties were purely secretarial in nature and included, for example,
5 scheduling meetings and providing administrative support for ONELEGACY’s managers and
6 executives), ONELEGACY misclassified her as an exempt employee in an effort to deprive her of
7 overtime pay so that it could earn more money.

8 21. While Ms. LeGree worked substantial amounts of overtime in this position,
9 including working both nights and weekends (including receiving and/or responding to emails
10 and telephone calls on “off” hours on her company cell phone that she was forced to carry at all
11 times), ONELEGACY did not compensate her for these hours. Moreover, ONELEGACY did not
12 provide Ms. LeGree with rest periods (nor did it compensate Ms. LeGree for these missed rest
13 periods).

14 22. In August 2013, Ms. LeGree became an “Education Project Specialist.” While
15 Ms. LeGree’s duties changed to preparing materials (including making copies and collating
16 documents) for ONELEGACY’s periodic employee trainings, Ms. LeGree, as in her Executive
17 Assistant position, did not regularly exercise discretion or independent judgment, nor did she
18 manage any employees. ONELEGACY also continued to misclassify Ms. LeGree as exempt. As
19 in her Executive Assistant position, Ms. LeGree continued working substantial overtime hours,
20 often late into the night and on weekends (including receiving and/or responding to emails and
21 telephone calls on “off” hours on her company cell phone that she was forced to carry at all
22 times). Also like in her Executive Assistant position, ONELEGACY did not provide Ms. LeGree
23 with rest periods (nor did it compensate Ms. LeGree for these missed rest periods).

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1 **B. MS. LEGREE REALIZES THAT ONELEGACY’S HUMAN RESOURCES DEPARTMENT –**
2 **WHICH WAS TASKED WITH PROTECTING ITS EMPLOYEES FROM ILLEGAL CONDUCT –**
3 **HAD COMPLETELY ABDICATED ITS STATUTORILY-MANDATED OBLIGATIONS.**

4 23. In March 2014, Ms. LeGree’s position was transferred to ONELEGACY’s Human
5 Resources department.

6 24. Shortly after transferring to ONELEGACY’s Human Resources Department, Ms.
7 LeGree realized that neither ONELEGACY nor its Human Resources Department had any interest
8 in protecting ONELEGACY employees from illegal discrimination, harassment and retaliation. To
9 the contrary, when a ONELEGACY employee engaged in legally protected activity, the Company
10 retaliated against them in an effort to force them to resign or set them up for firing. In particular,
11 Anita Corliss, ONELEGACY’s Vice President of Human Resources (and the highest-ranking
12 executive in ONELEGACY’s Human Resources department) had no interest in fulfilling her
13 statutorily-mandated obligations to protect ONELEGACY employees from illegal discrimination,
14 harassment and retaliation.

15 25. *Instead*, Ms. LeGree learned that Ms. Corliss herself had begun to engage in what
16 she suspected might be illegal conduct. In particular, Ms. LeGree is informed and believes and
17 thereon alleges that Ms. Corliss and ONELEGACY’s then-Chief Financial Officer, David Graft
18 had commenced an affair, and, misusing and/or misappropriating ONELEGACY funds, Ms.
19 Corliss and Mr. Graft embarked on expensive trips to Las Vegas resorts and casinos.

20 26. Ms. LeGree is further informed and believes, and thereon alleges, that an internal
21 independent audit later substantiated David Graft’s embezzlement and/or misuse and/or
22 misappropriation of ONELEGACY funds, and Mr. Graft was allowed to “resign,” but ONELEGACY
23 inexplicably continued to employ Ms. Corliss. As discussed below (*see infra* ¶¶ 77-81),
24 ONELEGACY’s decision to continue Ms. Corliss’ employment (and allow Mr. Graft to “resign”)
25 was symptomatic of the Company’s disparate treatment of African-American employees – *i.e.*, if
26 Ms. Corliss had been an African-American employee or if she had complained about illegal race
27 discrimination/harassment, she would have been fired. Likewise, Mr. Graft never would have
28

1 been allowed to “resign,” and remain on the Company website allowing him to secure other
2 employment.

3 27. In addition to Ms. Corliss’ apparent misuse of and/or benefiting from Mr. Graff’s
4 misuse of ONELEGACY funds, Ms. Corliss sanctioned and perpetuated a culture in which
5 ONELEGACY routinely retaliated against its employees.

6 28. For instance, when one employee went on maternity leave in March 2015, Ms.
7 Corliss informed Ms. LeGree and others that they needed to help Ms. Corliss “build a case”
8 against the employee so she could be fired upon her return. Ms. LeGree refused to participate
9 and reminded Ms. Corliss that the employee was on a protected medical leave.

10 29. Thereafter Ms. Corliss set her sights on Ms. LeGree and began launching
11 vituperative and racially harassing attacks on Ms. LeGree. In particular, weeks after Ms. LeGree
12 refused to participate in the pre-textual “investigation” of the employee who was on maternity
13 leave, Ms. Corliss informed multiple individuals in Ms. LeGree’s department that Sandra
14 Blyadow, a Board Member at ONELEGACY, did not like Ms. LeGree because Ms. LeGree
15 reminded the ONELEGACY Board Member of “*all the ghetto black people.*” Ms. Corliss’
16 disgusting comments confirmed what Ms. LeGree strongly suspected: the one person tasked with
17 protecting her, would never do so.

18
19 C. DEFENDANT CYNTHIA PERLEY IS HIRED TO BE ONELEGACY’S CHIEF FINANCIAL
20 OFFICER; ALMOST IMMEDIATELY, SHE BEGINS TO HARASS MS. LEGREE ON THE BASIS
21 OF HER RACE.

22 30. On February 1, 2016, defendant Cynthia Perley (hereinafter “defendant Perley” or
23 “Perley”) commenced employment with ONELEGACY as its new Chief Financial Officer. Almost
24 immediately upon the commencement of her employment, defendant Perley began to harass Ms.
25 LeGree and other minority employees because of their race (*e.g.*, their non-Caucasian race).

26 31. Among other things, defendant Perley began to incessantly comment upon Ms.
27 LeGree’s appearance (which, prior to defendant Perley’s arrival, had never been an issue)
28 implying that Ms. LeGree dressed like a prostitute or slut. In particular, defendant Perley made

1 verbal demeaning and offensive comments to Ms. LeGree including, among other things:

- 2 • *“White women and Asian women can get away with more than you can*
3 *because of the way you are built;”*
- 4 • Implying or suggesting that Ms. LeGree was a prostitute or a slut by:
 - 5 ○ Telling Ms. LeGree: *“I heard you wore an outfit so provocative*
6 *that it was offensive;”*
 - 7 ○ Telling Ms. LeGree: *“You look like you are going to the club;”*
 - 8 ○ Telling Ms. LeGree: *“Men have made a lot of sexual comments*
9 *about your physicality.”*
 - 10 ○ Telling Ms. LeGree: *“Do you know the connotation that comes*
11 *with wearing high heels?”*

12 32. Defendant Perley never made any of the foregoing comments to ONELEGACY’s
13 Caucasian employees. In addition to her verbal harassment of Ms. LeGree, defendant Perley
14 also engaged in other discriminatory conduct as well including, among other things:

- 15 • Ignoring Ms. LeGree during any of defendant Perley’s trips down to the
16 4th floor where Ms. LeGree’s office was located (even after Ms. LeGree
17 said hello to her), but routinely engaging in small talk with Ms. LeGree’s
18 Caucasian colleagues;
- 19 • Giving Ms. LeGree’s Caucasian colleagues gift cards but giving Ms.
20 LeGree nothing;
- 21 • Visiting Ms. LeGree’s Caucasian colleagues in their offices but refusing to
22 come into Ms. Ms. LeGree’s office;
- 23 • Asking Ms. LeGree’s Caucasian colleagues about their weekends, but
24 never asking Ms. LeGree;
- 25 • Making sarcastic comments to Ms. LeGree but never making these
26 comments to Ms. LeGree’s Caucasian colleagues; and
- 27 • Asking Ms. LeGree’s Caucasian colleagues about how their families are
28 doing, but never asking Ms. LeGree.

- Using a demeaning tone of voice when speaking to Ms. LeGree but not when speaking to Caucasian employees.

33. Defendant Perley also began to engage in unwarranted criticism towards Ms. LeGree.

34. For instance, in response to a questionnaire about ways to improve the ONELEGACY's trainings on which Ms. LeGree worked, defendant Perley wrote the vague and unwarranted criticism, "Melissa should not make it all about her." When Ms. LeGree later reported this comment to ONELEGACY's CEO, Tom Mone, Mr. Mone admitted that such criticism was totally unwarranted. Likewise, none of the nearly 300 questionnaires in which ONELEGACY staff and executives commented on this training contained any criticism of Ms. LeGree.

35. Other times, defendant Perley, upon arriving at the office at the same time as Ms. LeGree, would snidely comment that Ms. LeGree - who was classified as an exempt employee (albeit illegally classified as exempt) - was "*very late*."

36. In addition to the foregoing, defendant Perley also organized a training to communicate to ONELEGACY's employees the "new look" of ONELEGACY. This training, which was spearheaded by defendant Perley and Ms. Corliss, displayed multiple PowerPoint slides which included how ONELEGACY employees should groom themselves and style their hair.

37. Notably, one slide which was meant to demonstrate how an ONELEGACY employee's hair should not look, showed a Caucasian woman with wavy hair. The next slide, which demonstrated how an ONELEGACY employee should look, showed the same Caucasian woman with her hair completely flat-ironed and straight. Ms. LeGree, an African-American woman with naturally curly hair, was offended and scared. Indeed, defendant Perley's training communicated the offensive and demeaning message that Ms. LeGree, an African-American woman with naturally curly hair was not welcome in the workplace because natural African-American was unkempt.

38. In addition to defendant Perley's abusive conduct towards Ms. LeGree, Ms. LeGree is informed and believes and thereon alleges that defendant Perley also harassed other

1 non-Caucasian employees on the basis of their race and/or ethnicity including ONELEGACY's
2 [REDACTED]. Ms. LeGree is further informed and believes and thereon alleges
3 that defendant Perley harassed [REDACTED] so unrelentingly that [REDACTED] collapsed at her own
4 desk due to the stress from defendant Perley's illegal racial harassment (and ONELEGACY's own
5 inaction in the face of [REDACTED] complaints). Ms. LeGree is informed and believes and
6 thereon alleges that, shortly after [REDACTED] complained to ONELEGACY about discrimination
7 and harassment, [REDACTED] was pre-textually fired in retaliation for her complaints.
8

9 **D. MS. LEGREE BEGINS REPORTING DEFENDANT PERLEY'S HARASSMENT AND**
10 **DISCRIMINATION TO ONELEGACY EXECUTIVES AND HUMAN RESOURCES; THE**
11 **COMPANY FAILS TO CONDUCT AN INVESTIGATION AND TAKES NO ACTION TO STEM**
12 **THIS ILLEGAL CONDUCT AND INSTEAD, RETALIATES AGAINST MS. LEGREE.**
13

14 **i. Ms. LeGree Reports Defendant Perley's Discrimination and Harassment**
15 **to Human Resources.**

16 39. Beginning in summer 2016 (and continuing until present), Ms. LeGree began to
17 report defendant Perley's offensive and demeaning conduct to ONELEGACY Human Resources
18 department.

19 40. Specifically, in June 2016, in a meeting with Anita Corliss and a Human
20 Resources Manager, Cheryl Kritz, Ms. LeGree reported the defendant Perley's demeaning and
21 offensive conduct. Ms. LeGree specifically reported that she felt that defendant Perley disliked
22 her because she was not Caucasian, she was black. In response, Ms. Corliss stated that she was
23 "*not surprised,*" and then proceeded to share a story in which defendant Perley made derogatory
24 comments about Mexicans. Ms. Kritz, in attempting to justify defendant Perley's misconduct,
25 stated to Ms. LeGree: "*oh well, you know, she's from the South . . .*"

26 41. Ms. Corliss and Ms. Kritz ended the meeting by apologizing to Ms. LeGree for
27 defendant Perley's conduct. *However,* despite their rote apology, neither Ms. Corliss nor Ms.
28

1 Kritz undertook any type of investigation or took any other immediately steps necessary to stop
2 defendant Perley's harassment and discrimination from occurring.

3 42. Because ONELEGACY refused to take any corrective action to stop defendant
4 Perley's illegal conduct, it continued.

5
6 *ii. Ms. LeGree Protests Defendant Perley's Discrimination and*
7 *Harassment to Defendant Perley Herself.*

8 43. Accordingly, Ms. LeGree took it upon herself to protest defendant Perley's
9 harassment to defendant Perley herself.

10 44. In particular, in an in-person, one-on-one meeting on January 18, 2017, Ms.
11 LeGree informed defendant Perley that her comments about white women and Asian women
12 being allowed to get away with more were very offensive and demeaning to Ms. LeGree. In
13 response, defendant Perley denied making such comments, and confusingly and vaguely stated
14 that such comments were Ms. LeGree's "perception." Ms. LeGree left the meeting knowing that
15 she needed to complain to the top of the organization if she had any hope of stopping defendant
16 Perley's harassment.

17
18 *iii. Ms. LeGree Objects to Defendant Perley's Discrimination and*
19 *Harassment to ONELEGACY Chief Executive Officer, Tom Mone.*

20 45. Thus, in a series of meetings with ONELEGACY's CEO, Tom Mone, on January
21 20, 2017 and again on March 23, 2017, Ms. LeGree reported defendant Perley's verbal and non-
22 verbal harassment and discrimination. During the March 23, 2017 meeting, both Ms. Corliss and
23 Ms. Kritz were present.

24 46. During each of these meetings, Ms. LeGree – who was now suffering from
25 extensive anxiety and depression as a result of defendant Perley's actions – informed Mr. Mone:
26 *"the one thing I can't change is the color of my skin, and yet, that was the one thing that*
27 *[defendant] Perley hates me for."* During her January 20, 2017 meeting with Mr. Mone, Ms.
28 LeGree sobbed throughout the meeting.

1 47. Mr. Mone's response was much the same as Ms. Corliss'. Specifically, Mr. Mone
2 informed Ms. LeGree that he was "*not surprised*" and that Mr. Mone had been forced to address
3 defendant Perley's discriminatory comments on multiple other occasions.

4 48. As the meetings ended, Ms. LeGree informed Mr. Mone that she was frightened.
5 She told him that she knew that ONELEGACY retaliated against those employees who complained
6 of illegal conduct, and she knew that because she had come forward, she would most likely
7 suffer adverse consequences.

8 49. Shockingly, Mr. Mone, who had an affirmative obligation to immediately take all
9 necessary steps to stop defendant Perley's discrimination and harassment from occurring,
10 responded that he "*needed some time to figure out how to proceed.*"

11 50. Thereafter, ONELEGACY never took any steps to investigate or stop defendant
12 Perley's illegal conduct; rather, ONELEGACY demoted Ms. LeGree and then placed her on an
13 involuntary indefinite leave of absence and allowed rumors to fester that Ms. LeGree had been
14 placed on leave as punishment for some type of misconduct.

15
16 **E. CONFIRMING MS. LEGREE'S WORST FEARS, ONELEGACY RETALIATES AGAINST MS.**
17 **LEGREE BY DEMOTING HER FOR HER COMPLAINTS OF ILLEGAL CONDUCT.**

18 51. On April 11, 2017, less than a month after Ms. LeGree's last meeting with Mr.
19 Mone, Ms. Corliss and Ms. Kritz in which Ms. LeGree reported defendant Perley's race
20 discrimination and harassment, Ms. LeGree met with Ms. Corliss for her yearly performance
21 evaluation. During this meeting, Ms. LeGree was informed that the Company had decided to
22 alter her employment such that:

- 23 • She now occupied a "lesser role" within the Company;
- 24 • Because she occupied a "lesser role," she would now be classified as a
25 non-exempt hourly employee; and
- 26 • Her salary range was now capped and she could not earn any more money.

27 52. While Ms. LeGree asked Ms. Corliss why ONELEGACY was taking these actions,
28 Ms. Corliss avoided the question and could not provide any answer to Ms. LeGree. In any event,

1 any reasoning ONELEGACY may proffer for such action is totally pre-textual; ONELEGACY's
2 demotion of Ms. LeGree was clearly a transparent effort to force Ms. LeGree to resign.

3 53. Indeed, every single one of Ms. LeGree's performance evaluations for the five (5)
4 years leading up to her demotion were uniformly positive.

5 54. Likewise, in Ms. LeGree's meetings with ONELEGACY CEO Tom Mone on
6 January 20, 2017 and March 23, 2017, Mr. Mone reassured Ms. LeGree that she was doing a
7 phenomenal job and told her that defendant Perley's unwarranted criticism was simply not true.

8 55. Moreover, Ms. LeGree's personnel file – which Ms. LeGree obtained shortly
9 before this Complaint was filed – similarly confirmed there was not a shred of evidence to
10 support her demotion.

11
12 **F. MS. LEGREE IS FORCED TO TAKE A MEDICAL LEAVE OF ABSENCE TO ADDRESS THE**
13 **SEVERE EMOTIONAL DISTRESS CAUSED BY DEFENDANT PERLEY'S AND ONELEGACY'S**
14 **ILLEGAL CONDUCT; WHILE ON LEAVE, MS. LEGREE DESPERATELY CONTACTS**
15 **ONELEGACY'S BOARD OF DIRECTORS FOR HELP.**

16 56. Ms. LeGree was devastated. Due to defendant Perley's incessant harassment, as
17 well as ONELEGACY's retaliation, Ms. LeGree began to suffer debilitating panic attacks,
18 insomnia, anxiety and depression. She also developed psoriasis – a stress-related dermatological
19 condition which left her with large, conspicuous and humiliating dark patches of discolored skin
20 on her face. Realizing that she could no longer work under such conditions and suffering from
21 extreme emotional and physical manifestations of stress from defendant Perley's harassment, on
22 April 28, 2017, Ms. LeGree went out on a medical leave of absence.

23 57. On June 13, 2017, while still on her medical leave of absence, Ms. LeGree, who
24 was desperate to stop defendant Perley's illegal conduct, contacted Sandra Blyadow, a member
25 of ONELEGACY's Board of Directors. Ms. LeGree again described defendant Perley's
26 demeaning and offensive behavior, specifically informed her that she was "*suffering from a*
27 *racially hostile work environment,*" and asked for Ms. Blyadow's help. Ms. Blyadow sighed and
28

1 stated: “*this is getting out of hand*,” alluding to other complaints Ms. Blaydow had heard about
2 defendant Perley’s harassing behavior.

3
4 **G. MS. LEGREE ATTEMPTS TO RETURN TO WORK; SHE IS RETALIATED AGAINST FOR**
5 **HER COMPLAINTS AND TOLD SHE IS NOT ALLOWED TO RETURN AND INSTEAD, IS**
6 **BEING BANISHED FROM THE WORKPLACE.**

7 58. While Ms. LeGree was scheduled to return to work on Monday, June 28, 2017, on
8 Wednesday, June 23, 2017, Cheryl Kritz (an ONELEGACY Human Resources Manager) called
9 Ms. LeGree to inform her that she was being placed on a forced “administrative leave of
10 absence” until July 12, 2017. This forced and involuntary “administrative leave of absence” was
11 clearly retaliatory in nature and designed to punish Ms. LeGree for her earlier complaints.

12 59. Then, two days before Ms. LeGree was scheduled to return to work on July 12th,
13 Ms. Kritz again called Ms. LeGree to inform her that her banishment was being continued.
14 Instead, Ms. LeGree’s forced and involuntary “administrative leave” would continue until July
15 19, 2017. Ms. LeGree, who had watched another employee, [REDACTED], complain to the
16 Company about defendant Perley’s harassment and discrimination, and be fired in short order,
17 knew her forced leave was all part of ONELEGACY’s pattern and practice of retaliation.

18 60. By any measure, there is simply no plausible explanation for placing Ms. LeGree
19 on a forced and involuntary “administrative leave,” much less for leaving her in an exile of this
20 length, and any attempt by ONELEGACY to justify this involuntary leave, much less a leave of
21 this length, is pre-textual.

22
23 **I. MS. LEGREE COMPLAINS TO ONELEGACY CEO, TOM MONE, IN WRITING, ABOUT**
24 **DISCRIMINATION, HARASSMENT AND RETALIATION, AND FAILURE TO PAY ALL WAGES**
25 **EARNED.**

26 61. On July 13, 2017, Ms. LeGree, who was devastated by ONELEGACY’s refusal to
27 allow her to return to work, wrote to Mr. Mone. Among other things, Ms. LeGree wrote:

1 Tom, I feel like I am being punished and that **OneLegacy's**
2 **decision to ban me from the workplace is part of its**
3 **ongoing pattern of retaliation against me for reporting**
4 **Cynthia Perley's racial discrimination** to you on January
5 20, 2017 and March 23, 2017, and because I directly opposed
6 Cynthia's offensive actions in a one-on-one meeting with
7 her on January 18, 2017.

8 . . .

9 Based on this retaliation (and the fact that OneLegacy had
10 done nothing to stop Cynthia's offensive conduct), I went
11 on medical leave in late April 2017, for the stress and
12 sickness I was suffering as a result. I had hoped that by
13 the end of my medical leave I would be able to return and
14 start fresh. However, as you know, **OneLegacy has now**
15 **retaliated against me yet again by banning me from the**
16 **workplace.**

17 **To add insult to injury, I have recently learned that for**
18 **the last six years, while I should have been receiving**
19 **overtime wages for the amount of hours I was working at**
20 **nights and on the weekends, OneLegacy wrongfully made me an**
21 **exempt employee and has not paid me all the wages that I am**
22 **owed.**

23 . . .

24 **It devastates me to know that this is the way OneLegacy has**
25 **chosen to treat me after I came forward with my complaints**
26 **of race discrimination.**

27 All I want to do is to come back to work, be reinstated to
28 my former role, and be able to do my job in a non-
discriminatory, non-harassing, and non-retaliatory
environment. I would also like to be compensated for all of
the overtime hours that I have worked without compensation.

When can I come back to work?

(Emphasis added).

62. In response to Ms. LeGree's written complaint of retaliation, Mr. Mone *admitted* that because Ms. LeGree had raised concerns *during her leave of absence* "that caused OneLegacy to initiate an independent investigation," Ms. LeGree would be forced to remain on the involuntary administrative leave. In other words, Mr. Mone admitted that Ms. LeGree's complaints of discrimination and harassment to ONELEGACY's Board Member Sandra Blaydow were *the* motivating reason for ONELEGACY's decision to retaliate against Ms. LeGree and banish her from the workplace.

1 63. Offended by Mr. Mone's statement that her forced "administrative leave" was not
2 a form of retaliation, and shocked by Mr. Mone's suggestion that she had not previously raised
3 issues that warranted an investigation, Ms. LeGree wrote back on July 19, 2017:

4 Tom,

5 I'm not sure how forcing me to be on leave is not
6 considered punishment, even if it is paid. ***I don't see how***
7 ***me being put on administrative leave is "simply a standard***
8 ***protocol." It's always been my understanding that if an***
9 ***employee reports discrimination, harassment or the like, OL***
10 ***would place the harasser/discriminator on leave, not the***
11 ***victim. Has Cynthia Perley been placed on leave? If the***
12 ***aggressor is present, how will staff feel comfortable to***
13 ***speak out?*** You and I both know that other employees have
14 complained about Cynthia Perley's discrimination and
15 harassment. As far as I know she hasn't been forced to take
16 a leave like I am being forced to take leave. I reported
17 the discrimination, now I'm being retaliated against.

18 ***I'm also not sure why OL is looking into the discrimination***
19 ***and harassment now considering I reported this officially***
20 ***to you in January 2017 and in March 2017 after it got***
21 ***worse. Now that I think about it, why didn't the***
22 ***investigation happen in summer 2016 when I told Anita***
23 ***[Corliss] and Cheryl [Kritz] about Cynthia's***
24 ***discrimination?*** Anita told me she shared Cynthia's
25 discrimination and harassment with you and that you would
26 be coming to talk to me about it but you never did.

27 In any event, by forcing me on leave against my will, OL is
28 not only causing me unnecessary stress and anxiety but its
harming my reputation at work. ***I'm sure staff have caught***
on to my absence and would think I must have done something
wrong in order to be in this position. I also think forcing
me to be on leave (not to mention demoting me) because I
formally complained to you and other people about the
harassment and discrimination sets a bad example to our
staff. They will be less likely to report current or future
illegal stuff going on in the workplace for fear of
retaliation.

I have always said and continue to be worried about being
fired even though I followed OL policy in reporting the
illegal discrimination and harassment. I want to come back
to work and not be punished for reporting the truth and I
want to be reinstated to my former position. I understand
your email to mean that I am still not allowed to come back
to work and OL is yet again extending my administrative
leave. Can you please confirm that is correct? ***Also, when***
am I going to be paid for the overtime that I have worked?

(Emphasis added and in original).

1 64. Mr. Mone responded the same day (July 19, 2017). In Mr. Mone's response, he
2 *admitted* that ONELEGACY *did not* conduct an investigation into previous Ms. LeGree's
3 complaints, and further appeared to put the onus on Ms. LeGree for not "reporting" her overtime
4 hours. Specifically, Mr. Mone wrote, in part:

5
6 [W]hile I did follow up with the parties and with you after
7 you brought your concerns to my attention, it appears that
8 my determination was not found to be acceptable to you.

9 Please send me details re. any overtime you have worked, as
10 I am unaware of any possibly unpaid worked time, which of
11 course should always be paid when reported.

12 65. Mr. Mone had still not answered Ms. LeGree's questions. Namely, Mr. Mone had
13 still not informed Ms. LeGree when she could return to work, nor had Mr. Mone addressed Ms.
14 LeGree's pleas to be reinstated to her previous position. ONELEGACY had also not honored its
15 promise to Ms. LeGree to advise her about the status of her "administrative leave" by the close
16 of business every Friday.

17 66. Accordingly, on Friday July 21, 2017, at 10:29 p.m., Ms. LeGree, who was
18 experiencing a panic attack as a result of ONELEGACY's refusal update her as to the status of her
19 employment, wrote to Mr. Mone again. Specifically, Ms. LeGree wrote:

20 Tom,

21 You told me in your previous email that Cheryl Kritz would
22 advise me by email today of the status of the
23 investigation. **I waited and waited all day and yet, I did
24 not hear anything from Cheryl or anyone else. Leaving me
25 hanging like this leaves me with an overwhelming sense of
26 anxiety and is yet another act of retaliation by OL.** I am
27 assuming that because I have not heard anything, OL is
28 making me take yet another week of forced leave. Please
confirm immediately that this is the case.

***I'm not sure why I need to be on leave when I am the victim
and not the wrongdoer,*** and why I need to be on leave while
an investigation is being completed. What is the purpose of
this leave? Is Cynthia similarly on leave? You still have
not answered these questions. In any event, I am being
stigmatized by being banished from the workplace.

1 You also have not addressed OL's punishment and retaliation
2 towards me after I complained to you *about discrimination*
3 *and harassment in January and March 2017. Is the company*
4 *planning to reinstate me to my former position, give me my*
5 *office back and reverse the salary cap that was imposed?*

6 ***Also, when you say that you did "follow up with the***
7 ***parties," after I complained to you in January and March***
8 ***2017 about discrimination and harassment, do you mean that***
9 ***an investigation was done?*** As I've learned from my time in
10 the Human Resources department, California law requires
11 that OL conduct an investigation after I stepped forward
12 with my complaints of discrimination and harassment in
13 January and March 2017. Did OL do this?

14 I'm also not sure what you mean by your "determination"
15 after I complained to you in January and March 2017 about
16 discrimination and harassment. ***You never informed me of a***
17 ***determination. The only "determination" that is acceptable,***
18 ***as you know, is for Cynthia's harassment and discrimination***
19 ***to stop, and, if it did not, for the OL to take all steps***
20 ***necessary to stop her discrimination and harassment. In my***
21 ***case, because Cynthia's discrimination and harassment did***
22 ***not stop, you are correct; your determination was not***
23 ***"acceptable."***

24 I am in the process of compiling an estimate regarding the
25 overtime I worked. I don't understand what you mean by
26 should be paid "when reported." ***Why would I have reported***
27 ***it when the company misclassified me as "exempt" and told***
28 ***me I was not entitled to overtime?***

I would really appreciate some answers to my questions.
Your responses are very vague and do not address the
questions I have. Please also let me know exactly when I
can return to work.

(Emphasis added).

67. In response, Mr. Mone refused to answer any of Ms. LeGree's questions. Instead, Mr. Mone vaguely informed her she would have to wait "for the completion of the investigation before we meet and discuss these issues." Mr. Mone further informed Ms. LeGree that she would remain on her indefinite forced leave "until further notice."

68. So, each Friday thereafter, Ms. Kritz (a Human Resources Manager) would email Ms. LeGree to tell her that she would remain in exile for another week. And, each week, Ms.

1 LeGree would renew her protests that ONELEGACY was retaliating against her and ask to be
2 reinstated. For instance, on August 11, 2017 Ms. LeGree wrote to ONELEGACY:

3
4 ***I do not understand why I am still on this forced***
5 ***administrative leave.*** It is has been ***45 days*** since OL has
6 begun this forced administrative leave and it is clearly in
7 retaliation for my reporting of Cynthia Perley's racial
8 discrimination to OL on January 20, 2017 and March 23,
9 2017, and because I complained about Cynthia's offensive
10 actions in a one-on-one meeting with her on January 18,
11 2017.

12
13 This continued punishment of banishing me from my job, my
14 colleagues and my workplace all because I reported race
15 harassment and discrimination is causing me so much
16 emotional turmoil, anxiety and depression. It is also
17 damaging my career and totally stigmatizing me. ***I wonder***
18 ***what OL is telling all of my colleagues about my absence.***
19 ***It certainly sends the message that, should an employee***
20 ***dare to complain, they too will be banished on forced***
21 ***"administrative leave."***

22 Please let me know when OL intends to reinstate me to my
23 position and allow me to return to work.

24 (Emphasis in original and added).

25
26 69. ONELEGACY refused to respond. Instead, on August 18, 2017, ONELEGACY told
27 Ms. LeGree she would remain on her forced leave of absence. So, Ms. LeGree again emailed
28 ONELEGACY and protested:

19 It has been almost ***two months*** since I have been on forced
20 "administrative leave." Why am I still on leave? What do
21 you mean by the "administrative resolution process"? This
22 term is very vague and given that any investigation should
23 have been completed long ago, it makes no sense to me. As I
24 previously stated, ***I believe OL's decision to banish me***
25 ***from the workplace (with no end in sight) is in retaliation***
26 ***for my reporting of Cynthia Perley's racial discrimination***
27 ***to OL on January 20, 2017 and March 23, 2017, and because I***
28 ***complained about Cynthia's offensive conduct in a one-on-one***
meeting with her on January 18, 2017, and to OL Board
member Sandra Blaydow on June 13, 2017. Given that Cynthia
Perley is the actual wrongdoer, is Cynthia Perley similarly
on leave?

In any event, OL's decision to keep me on indefinite forced
leave has stigmatized me and damaged my career. In fact, I

1 **recently heard from a colleague that other colleagues are**
2 **specifically asking what I did wrong.** These horrible rumors
3 are causing me even more anxiety and stress. What steps is
4 OL taking to counter these false rumors and what steps is
5 OL taking to ensure that I am not ostracized further upon
6 my return?

(Emphasis in original and added).

7 70. Any explanation offered by ONELEGACY for Ms. LeGree's banishment is pre-text.
8 Even the Department of Fair Employment and Housing, in its Workplace Harassment Guide for
9 California Employers, warns that investigations should "**conclude quickly**" and states that "**if the**
10 **allegation is not urgent, many companies . . . strive to finish the investigation in a few weeks.**"
11 See DFEH Workplace Harassment Guide for California Employers (Emphasis added). Given
12 that Ms. LeGree's allegations were persistent and urgent, ONELEGACY should have completed its
13 investigation much sooner "a few weeks." Instead, nearly two months later, ONELEGACY
14 continued to flout its obligations and retaliate against Ms. LeGree.

15 71. Indeed, in her absence, Ms. LeGree was informed that multiple colleagues began
16 perpetuating the damaging rumor that Ms. LeGree engaged in some type of misconduct and was
17 being subjected to some type of discipline.

18 **J. MS. LEGREE, WHO HAD LANGUISHED AT HOME ON FORCED LEAVE FOR NEARLY**
19 **TWO MONTHS, ESCALATES HER PROTESTS OF ONELEGACY'S RETALIATORY**
20 **CONDUCT TO ITS BOARD OF DIRECTORS.**

21 72. By August 24, 2017, Ms. LeGree, who had been languishing at home, watching
22 her health deteriorate due to ONELEGACY's egregiously retaliatory and seemingly never-ending
23 forced leave of absence, could not take it anymore. She knew she had to contact ONELEGACY's
24 Board of Directors if she would ever be allowed to return to work. So, on Thursday August 24,
25 2017, Ms. LeGree wrote a lengthy letter to Tom Mone and ONELEGACY's Board of Directors. In
26 her letter, Ms. LeGree pled:

27 Dear Tom and Board of Directors:

28 ***I am writing this letter desperately seeking your help.***
From virtually the time Cynthia Perley began harassing and

1 discriminating against non-Caucasian employees, I
2 repeatedly complained to Anita Corliss, Cheryl Kritz, and
3 Tom Mone about the racial discrimination and harassment.
4 ***It is my belief that other employees including [REDACTED] [REDACTED]
5 have also complained that Cynthia Perley was discriminating
6 against and harassing non-Caucasian employees and Ms.
7 [REDACTED] collapsed at work and became unconscious due to Ms.
8 Perley's harassment.***

9 The reason I am writing to you now is because following the
10 last occasion on which I directly complained to Tom, Anita
11 and Cheryl, the Company forced me out of work on an
12 involuntary administrative leave. I have now been out on
13 this involuntary leave for almost two months. I have
14 repeatedly asked Tom and Cheryl why the Company has forced
15 me out on leave and when am I going to be returned to work
16 and nobody has provided any answers to me. ***I would like
17 OneLegacy to reinstate me immediately and in addition to
18 investigating Cynthia Perley for widespread discrimination
19 and harassment against non-Caucasians, I would like the
20 Board (the members of which I am copying on this letter) to
21 investigate you (Tom), Cynthia and Anita for retaliation.***

22 ***I do not understand why OneLegacy forced me out on an
23 involuntary administrative leave of absence for nearly two
24 months in retaliation for my complaints about
25 discrimination and harassment. Likewise, why was [REDACTED] fired
26 after she was horribly discriminated against and harassed
27 because of her race by Cynthia Perley? If anyone should
28 have been placed on a leave of absence or fired, it should
29 have been Cynthia Perley. Why wasn't she placed on a leave
30 of absence? Also, why is Anita Corliss still employed by
31 OneLegacy even after the Company learned that she was
32 having an extramarital affair with David Graft, OneLegacy's
33 CFO, that he (David Graft) was embezzling money from the
34 Company, and that Ms. Corliss likely participated in that
35 embezzlement?***

36 ***It seems like the Company goes out of its way to protect
37 people who engage in wrongdoing but does nothing to protect
38 employees like me and [REDACTED] who complain about the
39 wrongdoing.***

40 Respectfully,
41 Melissa

42 **K. ONELEGACY RETALIATES AGAINST MS. LEGREE BY DIRECTING HER TO RETURN TO
43 WORK DURING HER PRE-APPROVED VACATION.**

44 73. In retaliation for her complaints to ONELEGACY, ONELEGACY responded on
45 Friday August 25, 2017 by informing Ms. LeGree that she should report to work on Monday,
46
47
48

1 August 28th – a date that ONELEGACY *knew* (and had known for months) that Ms. LeGree would
2 be on a pre-approved vacation.

3 74. In particular, long before Ms. LeGree was forced out on leave, Ms. LeGree had
4 sought and received permission from ONELEGACY to visit her parents in Florida. However,
5 intent on setting Ms. LeGree up for further retaliation (and to create a pre-text under which to
6 fire her), ONELEGACY chose a date that it knew Ms. LeGree would be unable to return, emailed
7 Ms. LeGree while she was in route to Florida to see her parents and told her to return to work on
8 Monday.

9 75. Ms. LeGree, who feared for her health after almost two (2) months of her
10 indefinite, abusive and forced leave of absence wrote back:

11 Tom and Cheryl:

12 I am writing this email to you en route to Florida.

13 As you know, more than five months ago, I submitted
14 an email to Anita Corliss requesting the Company's
15 permission to go on a vacation to Florida with my
16 parents from Monday, August 28th to September 4th.
17 As you also know, Anita Corliss approved my request.
18 *In addition to requesting the approval of and*
19 *receiving permission for my vacation from Anita, both*
20 *of you knew that I was going to Florida to be with my*
21 *parents and family and neither of you have ever told*
22 *me that I could not go on my vacation. So, I believe*
23 *that the timing of your decision to demand that I*
24 *return to work when you know I am on vacation is*
25 *further evidence of discrimination, harassment and*
26 *retaliation and your attempt to set me up to be*
27 *fired.*

28 . . .

*I have been sitting at home every day of my forced
leave worrying about my employment and what people
are saying about me at work and watching my health
deteriorate. The only thing that has gotten me
through these last two months is looking forward to
seeing my parents for so long. Now, OneLegacy has
not only caused me this terrible stress, depression
and anxiety because of its retaliatory forced leave,
but it has also ruined my vacation - a respite I
desperately needed - because I am worried that I am
going to be fired for not leaving my pre-approved
vacation.*

1 *I need this vacation and am afraid that if I am*
2 *forced to cut it short, I will have a nervous*
3 *breakdown.* Under the circumstances and because the
4 Company already approved it, I will return to the
5 office on Tuesday, September 5th after *I return from*
6 *my vacation that was pre-approved long ago by Anita*
7 *Corliss.*

8 (Emphasis added).

9 76. When Ms. LeGree returned to work on Tuesday, September 5, 2017, her worst
10 fears were again confirmed. ONELEGACY had retaliated against Ms. LeGree once again for her
11 protests of race discrimination, race harassment, retaliation and failure to pay all wages earned.
12 In particular, instead of the office that Ms. LeGree occupied before her forced “administrative”
13 leave and before her complaints of race discrimination race harassment, retaliation and failure to
14 pay all wages earned, Ms. LeGree was now relegated from her office to a cubicle (even though
15 the Company had vacant available offices to which it could have assigned her).

16 **L. ONELEGACY’S DISPARATE TREATMENT TOWARDS MS. LEGREE (WHO COMMITTED**
17 **NO WRONGDOING) IS EVEN MORE GLARING AND INDICATIVE OF DISPARATE**
18 **TREATMENT, DISCRIMINATION AND RETALIATION WHEN VIEWED THROUGH THE**
19 **PRISM OF ONELEGACY’S TREATMENT OF MS. LEGREE’S NON-AFRICAN-AMERICAN**
20 **COUNTERPARTS WHO VIOLATE COMPANY POLICIES AND THE LAW, AND WHO**
21 **SUFFER NO CONSEQUENCES WHATSOEVER.**

22 77. While Ms. LeGree, who committed absolutely no wrongdoing whatsoever, was
23 subjected to a litany of abuse and retaliation for bringing her complaints of discrimination,
24 harassment and retaliation to ONELEGACY’s Human Resources Department, Chief Executive
25 Officer and Board of Directors, Ms. LeGree’s non-African-American counterparts, including
26 Anita Corliss, David Graft, and Cynthia Perley, suffered absolutely no adverse consequences for
27 violating both Company policies and the law.

28 78. *First*, as described herein, Ms. LeGree is informed and believes and thereon
alleges that Vice-President of Human Resources, Anita Corliss, had previously engaged in an
affair with ONELEGACY’s then-Chief Financial Officer, during which they embarked on
expensive trips to Las Vegas resorts and casinos using and/or appropriating ONELEGACY funds.

1 Ms. LeGree is informed and believes and thereon alleges that Ms. Corliss was never disciplined
2 in any way or suffered any type of adverse employment action for her alleged participation in the
3 embezzlement and/or misuse and/or misappropriation of these funds and/or her benefiting
4 personally from Mr. Graft's embezzlement and/or misuse and/or misappropriation of company
5 assets for his own personal benefit.

6 79. *Second*, as described herein, Ms. LeGree is informed and believes and thereon
7 alleges that David Graft, ONELEGACY's former Chief Financial Officer, was allowed to resign
8 after his embezzlement and/or misuse and/or misappropriation of company assets for his own
9 personal benefit, stay on ONELEGACY's website to help him secure other employment, and allow
10 him to lie to potential employers about the circumstances of his separation with ONELEGACY.
11 Glaringly, however, Ms. LeGree is informed and believes and thereon alleges that minority
12 employees such as ██████████, who did absolutely nothing wrong, were fired for no reason other
13 than complaining about discrimination and harassment. Likewise, Ms. LeGree, who did
14 absolutely nothing wrong, was demoted for complaining about discrimination and harassment.

15 80. *Third*, Ms. LeGree is further informed and believes and thereon alleges that
16 defendant Perley, since commencing her employment at ONELEGACY has not only violated the
17 law by discriminating against and harassing Ms. LeGree and ██████████, but also by soliciting
18 and hiring employees from her former employer, in violation of defendant Perley's non-
19 solicitation agreement with her former employer. Ms. LeGree is further informed and believes
20 and thereon alleges that such conduct, which could subject both ONELEGACY and defendant
21 Perley to legal liability, is known of and condoned by ONELEGACY Chief Executive Officer Tom
22 Mone.

23 81. ONELEGACY's decision to continue Ms. Corliss' and defendant Perley's
24 employments is symptomatic of the Company's disparate treatment of non-African-American
25 employees – *i.e.*, if Ms. Corliss and/or defendant Perley had been African-American employees,
26 they would have been fired.

27 82. Ms. LeGree has filed for and received her Right-To-Sue Letters from the
28 California Department of Fair Employment and Housing.

1
2 **FIRST CAUSE OF ACTION**

3 **RACE DISCRIMINATION IN VIOLATION OF THE CALIFORNIA FAIR**

4 **EMPLOYMENT AND HOUSING ACT**

5 **(CALIFORNIA GOVERNMENT CODE § 12940(a))**

6 **(Against Defendants OneLegacy, OneLegacy Foundation and Does 1-25)**

7 83. Ms. LeGree re-alleges and incorporates by reference paragraphs 1 through 82, as
8 though set forth in full.

9 84. At all times herein mentioned, the California Fair Employment and Housing Act
10 (“FEHA”), Government Code § 12940 et seq., was in full force and effect and was binding upon
11 Defendants OneLegacy, OneLegacy Foundation and Does 1-25 and each of them.

12 85. FEHA, Government Code § 12940(a), expressly provides that it is an unlawful
13 employment practice for an “employer, because of the . . . race . . . of any person, to . . .
14 discriminate against the person in compensation or in terms, conditions, or privileges of
15 employment.”

16 86. Defendants OneLegacy, OneLegacy Foundation and Does 1-25 each constitute an
17 “employer” or “other entity covered by [FEHA]” as those terms are defined by FEHA.

18 87. Ms. LeGree is an “employee” as that term is defined by FEHA.

19 88. Ms. LeGree is African-American.

20 89. As described herein above, Defendants OneLegacy, OneLegacy Foundation and
21 Does 1-25 discriminated against Ms. LeGree in compensation or in terms, conditions, or
22 privileges of employment because of her race.

23 90. Defendants OneLegacy, OneLegacy Foundation and Does 1-25 discriminated
24 against Ms. LeGree on the basis of her race via the disparate treatment, disparate impact, and
25 pattern and practice theories of race discrimination.

26 91. As a direct, foreseeable, and legal result of the violations of FEHA by Defendants
27 OneLegacy, OneLegacy Foundation and Does 1-25 as alleged herein, Ms. LeGree has suffered
28 losses in earnings, attorney’s fees and costs of suit and has suffered and continues to suffer

1 physical pain, humiliation, mental and emotional distress, depression, anxiety, insomnia, all to
2 her damage in an amount in excess of the minimum jurisdiction of this Court, the precise amount
3 of which will be proven at trial.

4 92. Ms. LeGree is informed and believes and thereon alleges that the Defendants
5 OneLegacy, OneLegacy Foundation and Does 1-25, and each of them, by the acts of their
6 managing agents, officers and/or directors in the aforementioned acts and/or ratifying such acts,
7 engaged in willful, malicious, intentional, oppressive and despicable conduct, and acted with
8 willful and conscious disregard of the rights, welfare and safety of Ms. LeGree, thereby
9 justifying the award of punitive and exemplary damages, against Defendants OneLegacy,
10 OneLegacy Foundation and Does 1-25, in an amount to be determined at trial.

11 93. As a result of the violations of FEHA by Defendants OneLegacy, OneLegacy
12 Foundation and Does 1-25 as alleged herein, Ms. LeGree is entitled to reasonable attorneys' fees
13 and costs of said suit as provided by California Government Code § 12965(b).

14
15 **SECOND CAUSE OF ACTION**

16 **HARASSMENT BASED ON RACE**

17 **(CALIFORNIA GOVERNMENT CODE SECTION 12940(j))**

18 **(Against Defendants OneLegacy, OneLegacy Foundation, Cynthia Perley and Does 1-25)**

19 94. Ms. LeGree re-alleges and incorporates by reference paragraphs 1 through 93, as
20 though set forth in full.

21 95. As alleged herein and in violation of California Government Code Section
22 12940(j), defendants, and each of them, and/or their agents and employees, subjected Ms.
23 LeGree to harassment based on race. Defendants, their agents, and supervisors, actively engaged
24 in, facilitated, fostered, approved of, and knew or should have known of the unlawful harassing
25 conduct, failed to take immediate and appropriate corrective action and otherwise failed to abide
26 by their statutory duty to take all reasonable steps to prevent harassment from occurring.

27 96. The harassment was sufficiently pervasive or severe as to alter the conditions of
28 Ms. LeGree's employment and to create a hostile, intimidating and/or abusive work

1 environment.

2 97. By the aforesaid acts and omissions of defendants, and each of them, Ms. LeGree
3 has been directly and legally caused to suffer actual damages including, but not limited to, loss of
4 earnings and future earning capacity, attorneys' fees, costs of suit and other pecuniary loss not
5 presently ascertained.

6 98. As a further direct and legal result of the acts and conduct of respondents, and
7 each of them, as aforesaid, Ms. LeGree has been caused to and did suffer and continues to suffer
8 severe emotional and mental distress, anguish, humiliation, embarrassment, fright, shock,
9 discomfort, anxiety, and related symptoms. The exact nature and extent of said injuries is
10 presently unknown to Ms. LeGree. Ms. LeGree does not know at this time the exact duration or
11 permanence of said injuries, but is informed and believes, and thereon alleges, that some if not
12 all of the injuries are reasonably certain to be permanent in character.

13 99. Ms. LeGree is informed and believes, and thereon alleges, that the respondents,
14 and each of them, by engaging in the aforementioned acts and/or in authorizing and/or ratifying
15 such acts, engaged in wilful, malicious, intentional, oppressive and despicable conduct, and acted
16 with wilful and conscious disregard of the rights, welfare and safety of Ms. LeGree, thereby
17 justifying the award of punitive and exemplary damages in an amount to be determined at trial.

18 100. As a result of defendants' acts and conduct, as alleged herein, Ms. LeGree is
19 entitled to reasonable attorneys' fees and costs of suit as provided in Section 12965(b) of the
20 California Government Code.

21
22 **THIRD CAUSE OF ACTION**

23 **UNLAWFUL RETALIATION IN VIOLATION OF**
24 **THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**
25 **(CALIFORNIA GOVERNMENT CODE § 12940(h))**

26 **(Against Defendants OneLegacy, OneLegacy Foundation and Does 1-25)**

27 101. Ms. LeGree hereby incorporates by reference Paragraphs 1 through 100 of this
28 Complaint as if fully set forth herein.

1 102. At all times herein mentioned, the California Fair Employment and Housing Act
2 (“FEHA”), Government Code § 12940 *et seq.*, was in full force and effect and was binding upon
3 Defendants and each of them.

4 103. FEHA, Government Code § 12940(h), expressly provides that it is an unlawful
5 employment practice for an “employer or other entity covered by [FEHA] or person to discharge,
6 expel, or otherwise discriminate against any person because the person has opposed any practices
7 forbidden under [FEHA] or because the person has filed a complaint [under FEHA].”

8 104. Defendants OneLegacy, OneLegacy Foundation and Does 1-25 each constitute an
9 “employer” or “other entity covered by [FEHA]” as those terms are defined by FEHA.

10 105. Ms. LeGree is an “employee” as that term is defined by FEHA.

11 106. Ms. LeGree complained to Defendants OneLegacy, OneLegacy Foundation and
12 Does 1-25 about and otherwise opposed and protested conduct that Ms. LeGree reasonably
13 believed constituted: race discrimination, harassment, and retaliation against her complaining
14 about race discrimination and harassment.

15 107. Defendants OneLegacy, OneLegacy Foundation and Does 1-25 retaliated against
16 Ms. LeGree by, among other things, demoting her, banishing her from the workplace by placing
17 her on an indefinite leave of absence, and taking away her office and relegating her to a cubicle.

18 108. As a direct, foreseeable, and legal result of the violations of FEHA by Defendants
19 OneLegacy, OneLegacy Foundation and Does 1-25 as alleged herein, Ms. LeGree has suffered
20 losses in earnings, attorney’s fees and costs of suit and has suffered and continues to suffer
21 physical pain, humiliation, mental and emotional distress, depression, anxiety, insomnia, all to
22 his damage in an amount in excess of the minimum jurisdiction of this Court, the precise amount
23 of which will be proven at trial.

24 109. Ms. LeGree is informed and believes and thereon alleges that Defendants
25 OneLegacy, OneLegacy Foundation and Does 1-25, and each of them, by the acts of its
26 managing agents, officers and/or directors in the aforementioned acts and/or ratifying such acts,
27 engaged in willful, malicious, intentional, oppressive and despicable conduct, and acted with
28 willful and conscious disregard of the rights, welfare and safety of Ms. LeGree, thereby

1 justifying the award of punitive and exemplary damages, against Defendants OneLegacy,
2 OneLegacy Foundation and Does 1-25, in an amount to be determined at trial.

3 110. As a result of the violation of FEHA by Defendants OneLegacy, OneLegacy
4 Foundation and Does 1-25 as alleged herein, Ms. LeGree is entitled to reasonable attorneys' fees
5 and costs of said suit as provided by California Government Code § 12965(b).

6
7 **FOURTH CAUSE OF ACTION**

8 **FAILURE TO PREVENT HARASSMENT**

9 **(CALIFORNIA GOVERNMENT CODE § 12940(k))**

10 **(Against Defendants OneLegacy, OneLegacy Foundation and Does 1-25)**

11 111. Ms. LeGree re-alleges and incorporates by reference paragraphs 1 through 110 as
12 though set forth in full.

13 112. Pursuant to California Government Code Section 12940(k), Defendants owed to
14 Ms. LeGree the duty to take all reasonable steps necessary to prevent harassment against Ms.
15 LeGree based on her race and/or color.

16 113. As alleged herein and in violation of California Government Code Section
17 12940(k), Defendants violated the California Fair Employment and Housing Act by, among
18 other things, failing to take all reasonable steps to prevent such harassment from occurring.

19 114. By the aforesaid acts and omissions of Defendants, Ms. LeGree has been directly
20 and legally caused to suffer actual damages including, but not limited to, loss of earnings and
21 future earning capacity, attorneys' fees, costs of suit and other pecuniary loss not presently
22 ascertained.

23 115. As a further direct and legal result of the acts and conduct of Defendants as
24 aforesaid, Ms. LeGree has been caused to and did suffer and continues to suffer severe emotional
25 and mental distress, anguish, humiliation, embarrassment, insomnia, fright, shock, pain,
26 discomfort and anxiety. The exact nature and extent of said injuries is presently unknown to Ms.
27 LeGree. Ms. LeGree does not know at this time the exact duration or permanence of said
28 injuries, but is informed and believes and thereon alleges that some if not all of the injuries are

1 reasonably certain to be permanent in character.

2 116. Ms. LeGree is informed and believes, and thereon alleges, that the Defendants, by
3 engaging in the aforementioned acts and/or in authorizing and/or ratifying such acts, engaged in
4 wilful, malicious, intentional, oppressive and despicable conduct, and acted with wilful and
5 conscious disregard of the rights, welfare and safety of Ms. LeGree, thereby justifying the award
6 of punitive and exemplary damages in an amount to be determined at trial.

7 117. As a result of Defendants' acts and conduct, as alleged herein, Ms. LeGree is
8 entitled to reasonable attorneys' fees and costs of suit as provided in Section 12965(b) of the
9 California Government Code.

10
11 **FIFTH CAUSE OF ACTION**

12 **VIOLATION OF CALIFORNIA LABOR CODE SECTION 1102.5**

13 **(Against Defendants OneLegacy, OneLegacy Foundation and Does 1-25)**

14 118. Ms. LeGree realleges and incorporates by reference paragraphs 1 through 116 as
15 though set forth in full.

16 119. As alleged herein and in violation of California Labor Code Section 1102.5,
17 Defendants OneLegacy, OneLegacy Foundation and Does 1 - 25, and each of them, retaliated
18 against Ms. LeGree for her disclosure of information that she had reasonable cause to believe
19 disclosed a violation of Federal and California laws, rules and regulations to persons with
20 authority over Ms. LeGree, and who had the authority to investigate, discover, and correct the
21 complained of violations or non-compliance. Said activities would result in a violation of
22 various Federal and California statutes and regulations such as the following: (1) Section 12940
23 of the California Government Code; (2) Section 12945.2 *et seq.* of the California Government
24 Code (including for refusing to participate Ms. Corliss' illegal directive "build a case" against a
25 OneLegacy employee who was on maternity leave); (3) various other California and Federal
26 statutes, regulations and codes.

27 120. By the aforesaid acts and omissions of Defendants, and each of them, Ms. LeGree
28 has been directly and legally caused to suffer actual damages including, but not limited to, loss of

1 earnings, reliance damages, costs of suit and other pecuniary loss in an amount not presently
2 ascertained, but to be proven at trial.

3 121. As a further direct and legal result of the acts and conduct of Defendants, and
4 each of them, as aforesaid, Ms. LeGree has been caused to and did suffer and continues to suffer
5 severe emotional and mental distress, anguish, humiliation, shame, embarrassment, fright, shock,
6 pain, discomfort and anxiety. Ms. LeGree does not know at this time the exact duration or
7 permanence of said injuries, but is informed and believes, and thereon alleges, that some if not
8 all of the injuries are reasonably certain to be permanent in character.

9 122. Ms. LeGree is informed and believes and thereon alleges that the Defendants, and
10 each of them, by engaging in the aforementioned acts and/or in authorizing and/or ratifying such
11 acts, engaged in wilful, malicious, fraudulent, intentional, oppressive and despicable conduct,
12 and acted with wilful and conscious disregard of the rights, welfare and safety of Ms. LeGree,
13 thereby justifying the award of punitive and exemplary damages in an amount to be determined
14 at trial.

15 123. The aforesaid acts and omissions of Defendants, and each of them, justify the
16 imposition of any and all civil penalties pursuant to Cal. Labor Code § 1102.5(f).

17 124. As a result of Defendants' conduct as alleged herein Ms. LeGree is entitled to
18 reasonable attorneys' fees and costs of suit as provided in Section 1021.5 of the California Civil
19 Procedure Code.

20
21 **SIXTH CAUSE OF ACTION**

22 **WRONGFUL DEMOTION IN VIOLATION OF PUBLIC POLICY**

23 **(Against Defendants OneLegacy, OneLegacy Foundation and Does 1-25)**

24 125. Ms. LeGree re-alleges and incorporates by reference paragraphs 1 through 124 as
25 though set forth in full.

26 126. As set forth herein, Defendants OneLegacy, OneLegacy Foundation and Does 1-
27 25, and each of them, wrongfully demoted Ms. LeGree in violation of various fundamental
28 public policies of the State of California. These fundamental public policies are embodied in:

- 1 A. Section 12940(a) of the California Government Code;
2 B. Section 12940(h) of the California Government Code;
3 C. Article I, Section 8 of the California Constitution;
4 D. Section 12945.2 *et seq.* of the California Government Code;
5 E. Sections 17500 and 17200, *et seq.* of the California Business and Professions
6 Code; and
7 F. Various other California and Federal statutes and codes, including fundamental
8 public policies that prohibit employers from, *inter alia*, discriminating against and/or retaliating
9 against an employee on the basis of race, color, and/or taking family and medical leave, and/or
10 complaining about violations of FEHA.

11 127. By the aforesaid acts and omissions of Defendants OneLegacy, OneLegacy
12 Foundation and Does 1-25, and each of them, Ms. LeGree has been directly and legally caused to
13 suffer actual damages including, but not limited to, loss of earnings and future earning capacity,
14 attorneys' fees, costs of suit and other pecuniary loss not presently ascertained.

15 128. By the aforesaid acts and omissions of Defendants OneLegacy, OneLegacy
16 Foundation and Does 1-25, and each of them, Ms. LeGree has been directly and legally caused to
17 suffer actual damages including, but not limited to, loss of earnings, reliance damages, costs of
18 suit and other pecuniary loss in an amount not presently ascertained, but to be proven at trial

19 129. As a further direct and legal result of the acts and conduct of Defendants
20 OneLegacy, OneLegacy Foundation and Does 1-25, and each of them, as aforesaid, Ms. LeGree
21 has been caused to and did suffer and continues to suffer severe emotional and mental distress,
22 anguish, humiliation, embarrassment, insomnia, fright, shock, discomfort and anxiety. Ms.
23 LeGree does not know at this time the exact duration or permanence of said injuries, but is
24 informed and believes, and thereon alleges, that some if not all of the injuries are reasonably
25 certain to be permanent in character.

26 130. Ms. LeGree is informed and believes and thereon alleges that Defendants
27 OneLegacy, OneLegacy Foundation and Does 1-25, and each of them, by engaging in the
28 aforementioned acts and/or in authorizing and/or ratifying such acts, engaged in willful,

1 malicious, fraudulent, intentional, oppressive and despicable conduct, and acted with willful and
2 conscious disregard of the rights, welfare and safety of Ms. LeGree, thereby justifying the award
3 of punitive and exemplary damages in an amount to be determined at trial.

4 131. As a result of the conduct of Defendants OneLegacy, OneLegacy Foundation and
5 Does 1-25 as alleged herein, Ms. LeGree is entitled to reasonable attorneys' fees and costs of suit
6 as provided in Section 1021.5 of the California Civil Procedure Code.

7 **SEVENTH CAUSE OF ACTION**

8 **RETALIATION FOR EXERCISING RIGHTS PURSUANT TO THE CALIFORNIA**
9 **FAMILY RIGHTS ACT**

10 **(CALIFORNIA GOVERNMENT CODE § 12945.2, SUBDIVISION (I))**

11 **(Against Defendants OneLegacy, OneLegacy Foundation and Does 1-25)**

12 132. Ms. LeGree re-alleges and incorporates by reference paragraphs 1 through 131, as
13 though set forth in full.

14 133. As alleged herein and in violation of California Government Code § 12945.2,
15 subdivision (I), Defendants OneLegacy, OneLegacy Foundation and Does 1-25, and each of
16 them, retaliated against, and otherwise discriminated against Ms. LeGree for exercising her right
17 to family care and medical leave pursuant to the California Family Rights Act, including, among
18 other things, forcing Ms. LeGree out of the workplace on a forced "administrative leave."

19 134. By the aforesaid acts and omissions of Defendants OneLegacy, OneLegacy
20 Foundation and Does 1-25, and each of them, Ms. LeGree has been directly and legally caused to
21 suffer actual damages including, but not limited to, loss of earnings and future earning capacity,
22 attorneys' fees, costs of suit and other pecuniary loss not presently ascertained, for which Ms.
23 LeGree will seek leave to amend when ascertained.

24 135. As a further direct and legal result of the acts and conduct of Defendants
25 OneLegacy, OneLegacy Foundation and Does 1-25, and each of them, as aforesaid, Ms. LeGree
26 has been caused to and did suffer and continues to suffer severe emotional and mental distress,
27 anguish, humiliation, embarrassment, fright, shock, pain, discomfort and anxiety. The exact
28 nature and extent of said injuries is presently unknown to Ms. LeGree. Ms. LeGree does not

1 know at this time the exact duration or permanence of said injuries, but is informed and believes
2 and thereon alleges that some if not all of the injuries are reasonably certain to be permanent in
3 character.

4 136. Ms. LeGree is informed and believes and thereon alleges that Defendants
5 OneLegacy, OneLegacy Foundation and Does 1-25, and each them, by engaging in the
6 aforementioned acts and/or in authorizing and/or ratifying such acts, engaged in wilful,
7 malicious, intentional, oppressive and despicable conduct, and acted with wilful and conscious
8 disregard of the rights, welfare and safety of Ms. LeGree, thereby justifying the award of
9 punitive and exemplary damages in an amount to be determined at trial.

10 137. As a result of the retaliatory and discriminatory acts by Defendants OneLegacy,
11 OneLegacy Foundation and Does 1-25 as alleged herein, Ms. LeGree is entitled to reasonable
12 attorneys' fees and costs of suit as provided in Section 12965(b) of the California Government
13 Code.

14
15 **EIGHTH CAUSE OF ACTION**

16 **NEGLIGENT SUPERVISION, TRAINING, AND RETENTION**

17 **(Against Defendants OneLegacy, OneLegacy Foundation and Does 1-25)**

18 138. Ms. LeGree hereby incorporates by reference Paragraphs 1 through 137 of this
19 Complaint as if fully set forth herein.

20 139. Defendants OneLegacy, OneLegacy Foundation and Does 1-25 owed a duty of
21 care to Ms. LeGree. Among other things, this duty arose from: (1) the fact that all persons are
22 required to use due care in managing their activities and property [Civ. C. § 1714(a)]; and (2) an
23 employer owes a duty to its employees to hire, supervise, train and retain employees in a manner
24 to prevent the risk of harm caused by those employees to other employees.

25 140. Defendants OneLegacy, OneLegacy Foundation and Does 1-25 knew or should
26 have known that, during the employment of Ms. LeGree, defendant Cynthia Perley posed a risk
27 of engaging in unlawful harassment and retaliation.

28 141. Defendants OneLegacy, OneLegacy Foundation and Does 1-25 breached their

1 duty to Ms. LeGree by failing to adequately supervise defendant Perley, failing to adequately
2 train defendant Perley, and failing to take care to prevent defendant Perley from engaging
3 unlawful retaliation and harassment.

4 142. Defendants OneLegacy, OneLegacy Foundation and Does 1-25, by breaching
5 their duty to Ms. LeGree, caused her to suffer injury.

6
7 **NINTH CAUSE OF ACTION**

8 **FAILURE TO PAY WAGES INCLUDING OVERTIME PREMIUM PAY**

9 (CALIFORNIA LABOR CODE § 1194 *et seq.*)

10 (Against Defendants OneLegacy, OneLegacy Foundation and Does 1-25)

11 143. Ms. LeGree re-alleges and incorporates by reference paragraphs 1 through 142 as
12 though set forth in full.

13 144. By the aforesaid acts and omissions of Defendants, and each of them, Ms. LeGree
14 was deprived of the wages to which she was entitled pursuant to the California Labor Code, the
15 California Industrial Welfare Commission's ("IWC") Wage Orders and other wage and hour
16 laws.

17 145. Defendants routinely required Ms. LeGree to work more than eight (8) hours per
18 day, and/or forty (40) hours per week during her employment with Defendant

19 146. However, Defendants failed to fully compensate Ms. LeGree for all wages she
20 earned, including overtime premium pay. As a result of Defendants' knowing and intentional
21 policies and procedures, Ms. LeGree was not properly compensated for all hours she worked.

22 147. Ms. LeGree is informed and believes, and thereon alleges that the failure of
23 Defendants to fully compensate her for all hours worked was willful, purposeful, unlawful per
24 California Labor Code section 1194 *et seq.*, and done in accordance with the policies and
25 practices of Defendants' operations.

26 148. As a direct and proximate cause of the aforementioned violations, Ms. LeGree has
27 been damaged in an amount according to proof at time of trial, but in an amount in excess of the
28 jurisdiction of this Court. Ms. LeGree is entitled to recover the unpaid balance of all wages

1 owed, penalties, reasonable attorney fees and costs of suit according to the mandate of California
2 Labor Code Section 1194, *et seq.*

3
4 **TENTH CAUSE OF ACTION**

5 **FAILURE TO PROVIDE REST PERIODS**

6 **(Against Defendants OneLegacy, OneLegacy Foundation and Does 1-25)**

7 149. Ms. LeGree re-alleges and incorporates by reference paragraphs 1 through 148 as
8 though set forth in full.

9 150. At all times herein set forth, California Labor Code § 218 authorizes employees to
10 sue directly for any wages or penalty due to them under the Labor Code.

11 151. At all times herein set forth, the Industrial Welfare Commission (“IWC”) Wage Orders and California Labor Code §§ 226.7(a) and 512(a) were applicable to Defendants
12 and their employees including Ms. LeGree.

14 152. At all times herein set forth, California Labor Code § 226.7(a) provides that no
15 employer shall require an employee to work during any rest period mandated by an applicable
16 order of the California Industrial Welfare Commission. At all times herein set forth, California
17 Labor Code §226.7(b) provides that if an employer fails to provide an employee a rest period, the
18 employer shall pay the employee one additional hour of pay at the employee's regular rate of
19 compensation for each work day that the rest period is not provided.

20 153. At all times herein set forth, the relevant IWC Wage Order provides that every
21 employer shall authorize and permit all employees to take rest periods, which shall be based on
22 the total hours worked daily at the rate of ten (10) minutes net rest time per four (4) hours or
23 major fraction thereof. Authorized rest period time shall be counted as hours worked for which
24 there shall be no deduction from wages. If an employer fails to provide an employee a rest period
25 in accordance with the applicable provisions of the wage order, the employer shall pay the
26 employee one (1) hour of pay at the employee’s regular rate of compensation for each workday
27 that the rest period is not provided.

1 154. During the relevant time, Defendants knew or should have known that they were
2 requiring Ms. LeGree work more than four hours in a row without taking an uninterrupted ten
3 (10) minute rest period.

4 \\\

5 155. During the relevant time, Defendants failed to pay Ms. LeGree one (1) hour of
6 pay at the employees' regular rate of compensation for each workday that a meal and/or rest
7 period was not provided.

8 156. Pursuant to the relevant IWC Wage Order and California Labor Code § 226.7(b),
9 Ms. LeGree is entitled to recover from Defendants one (1) hour of pay at the employees' regular
10 rate of compensation for each workday that a rest period was not provided.

11 157. Ms. LeGree is entitled to recover from Defendants an award of interest, costs and
12 reasonable attorneys' fees pursuant to California Labor Code §§ 218.5 and 218.6 and California
13 Code of Civil Procedure §1021.5.

14
15 **ELEVENTH CAUSE OF ACTION**

16 **FAILURE TO PROVIDE ACCURATE ITEMIZED WAGE STATEMENTS**

17 **(CALIFORNIA LABOR CODE § 226)**

18 **(Against Defendants OneLegacy, OneLegacy Foundation and Does 1-25)**

19 158. Ms. LeGree re-alleges and incorporates by reference paragraphs 1 through 157, as
20 though set forth in full.

21 159. At all times herein set forth, California Labor Code § 218 authorizes employees to
22 sue directly for any wages or penalty due to them under the California Labor Code.

23 160. Defendants have either recklessly or intentionally failed to either make, keep and
24 preserve true, accurate, and complete records and/or furnish such records to its employees
25 pursuant to the requirements of California Labor Code § 226(a).

26 161. Ms. LeGree is entitled to recover from Defendants the greater of her actual
27 damages caused by Defendants' failure to comply with California Labor Code § 226(a) or an
28 aggregate penalty not exceeding four thousand dollars (\$4,000.00), and an award of costs and

1 reasonable attorneys' fees pursuant to California Labor Code § 226(e) and California Code of
2 Civil Procedure §1021.5.

3
4 **TWELFTH CAUSE OF ACTION**

5 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

6 **(Against Defendants OneLegacy, OneLegacy Foundation and Does 1-25)**

7 162. Ms. LeGree re-alleges and incorporates by reference paragraphs 1 through 161, as
8 though set forth in full.

9 163. OneLegacy, OneLegacy Foundation and Does 1-25 breached their duty of care
10 owed to Ms. LeGree to protect her from foreseeable harm. Their conduct, as alleged above, was
11 done in a careless or negligent manner, without consideration for the effect of such conduct upon
12 Ms. LeGree's emotional well-being.

13 164. By the aforesaid acts and omissions of OneLegacy, OneLegacy Foundation and
14 Does 1-25, and each of them, Ms. LeGree has been directly and legally caused to suffer actual
15 damages including, but not limited to, loss of earnings and future earning capacity, attorneys'
16 fees, costs of suit and other pecuniary loss not presently ascertained.

17 165. As a further direct and legal result of the acts and conduct of OneLegacy,
18 OneLegacy Foundation and Does 1-25, and each of them, as aforesaid, Ms. LeGree has been
19 caused to and did suffer and continues to suffer severe emotional and mental distress, anguish,
20 humiliation, embarrassment, fright, shock, discomfort, anxiety, and related symptoms. The exact
21 nature and extent of said injuries is presently unknown to Ms. LeGree. Ms. LeGree does not
22 know at this time the exact duration or permanence of said injuries, but is informed and believes,
23 and thereon alleges, that some if not all of the injuries are reasonably certain to be permanent in
24 character.

25 166. By the aforesaid acts and omissions of OneLegacy, OneLegacy Foundation and
26 Does 1-25, and each of them, Ms. LeGree has been directly and legally caused to suffer actual
27 damages including, but not limited to, loss of earnings and future earning capacity, attorneys'
28 fees, costs of suit and other pecuniary loss not presently ascertained.

1 oppression, fraud and malice, as those terms are used in California Civil Code section 3294. As
2 such, Ms. LeGree is entitled to an award of punitive damages.

3 \\\

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Ms. LeGree prays for a judgment against Defendants as follows:

- 6 a. For general economic and non-economic damages according to proof;
- 7 b. For special damages according to proof;
- 8 c. For punitive damages where allowed by law;
- 9 d. For prejudgment interest pursuant to California Civil Code section 3287 and/or
10 California Civil Code section 3288 and/or any other provision of law providing
11 for prejudgment interest;
- 12 e. For attorneys' fees where allowed by law;
- 13 f. For penalties;
- 14 g. For injunctive relief;
- 15 h. For costs of suit incurred herein; and
- 16 i. For such other and further relief as this Court deems just and proper.

17 *November 17*
18 DATED: ~~September 6~~, 2017

Respectfully submitted,
HELMER FRIEDMAN, LLP

19
20 By:

Courtney Abrams
Attorneys for Plaintiff
MELISSA LEGREE

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