

Helmer • Friedman, LLP
 Andrew H. Friedman, P.C., SBN 153166
afriedman@helmerfriedman.com
 9301 Wilshire Blvd., Suite 609
 Beverly Hills, California 90210
 Telephone: (310) 396-7714 - Fax: (310) 396-9215

Courtney Abrams, PC
 Courtney Abrams, SBN 265742
courtney@courtneyabramslaw.com
 2711 N. Sepulveda Blvd., No. 625
 Manhattan Beach, California 90266
 Telephone: (310) 601-4448
 The deRubertis Law Firm, APC

David DeRubertis, SBN 208709
david@derubertislaw.com
 8889 W. Olympic Blvd., 2nd Floor
 Beverly Hills, California 90211
 Telephone: (818) 761-2322 – Fax: (818) 761-2323
 Attorneys for Plaintiffs,
 Clare Weber and Anissa Rogers

**Superior Court of the State of California
 For the County of Los Angeles – Central District**

Clare Weber, Anissa Rogers
 Plaintiffs,

vs.

Board of Trustees of the California
 State University (the State of
 California acting in its higher
 education capacity); Tomás
 Morales, an individual; Jake Zhu, an
 individual and Does 1 through 50,
 inclusive

Defendants.

Case No. 23STCV05549
*[Assigned for all purposes to Hon. Maurice A.
 Leiter, Department 54]*

**First Amended Complaint for Damages
 and Public Injunctive Relief**

- 1. Violation of California Equal Pay Act (California Labor Code § 1197.5**
- 2. Retaliation in Violation of California Equal Pay Act (California Labor Code § 1197.5(k))**
- 3. Discrimination on the Basis of**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Gender (California Government Code § 12940(a))

- 4. Harassment on the Basis of Gender (California Government Code § 12940(j))**
- 5. Retaliation (California Government Code § 12940(h))**
- 6. Failure to Prevent Harassment (California Government Code § 12940(k))**
- 7. Violation of California Labor Code Section 1102.5(c)**
- 8. Unlawful Sex Discrimination in Violation of California Constitution, Article I, Section 8**
- 9. Failure to Produce Personnel File for Inspection in Violation of California Labor Code Section 1198.5**
- 10. Negligent Infliction of Emotional Distress**
- 11. Intentional Infliction of Emotional Distress**

Jury Trial Demanded by Plaintiffs

Complaint Filed: April 25, 2023
Trial Date: February 18, 2025

1 Plaintiffs Clare Weber and Anissa Rogers (hereinafter referred to as “Dr.
2 Weber,” “Dr. Rogers” and/or “Plaintiffs”) complain and allege as follows:
3

4 Introduction

5 1. Defendant Board of Trustees of the California State University
6 (“Defendant CSU”) is a cesspool of gender harassment and discrimination.
7

8 2. After an avalanche of reports¹ throughout spring, summer, fall and
9 winter of 2022 exposing Defendant CSU for lavish payouts to known workplace
10 harassers and for burying complaints of sexual harassment and gender
11 discrimination – not to mention a published study finding that Defendant CSU
12 pays its female employees less than their male counterparts – Chancellor Jolene
13 Koester was forced to admit what females at CSU have known for decades:

14 *“California State University has fallen short in our effort to ensure that*
15 *our campuses are safe and welcoming environments where students, faculty*
16 *and staff can thrive personally, professionally and intellectually, free of*
17 *discrimination, harassment and sexual misconduct.”²*

18 ¹ See Alexis Timko, *Cal State agreed to keep sexual harassment findings against two professors under*
19 *wraps*, Los Angeles Times (July 26, 2022) <https://www.latimes.com/california/story/2022-07-26/two-csu-san-marcos-professors-faced-no-punishment-after-sex-harassment-claims>;

20 Colleen Shalby, Robert J. Lopez, *After Times investigations, state will investigate CSU sex*
21 *harassment scandals*, Los Angeles Times (June 27, 2022)
22 <https://www.latimes.com/california/story/2022-06-27/state-lawmakers-approve-independent-audit-of-csu-handling-of-sexual-harassment-cases>;

23 Colleen Shalby, Robert J. Lopez, *CSU provost faced retaliation after reporting harassment by*
24 *president’s husband, records claim*, Los Angeles Times (April 13, 2022)
25 <https://www.latimes.com/california/story/2022-04-13/csu-provost-reported-harassment-against-presidents-husband-then-faced-retaliation-records-say>;

26 Michael Burke, *Castro to receive \$400,000 salary for one year following resignation as CSU*
27 *chancellor*, Edsource (March 4, 2022), <https://edsource.org/2022/castro-to-receive-400000-salary-for-one-year-following-resignation-as-csu-chancellor/668438>;

28 ² *An Important Message from CSU Interim Chancellor Jolene Koester* (June 23, 2022),
<https://www.calstate.edu/csu-system/news/Pages/Letter-From-Chancellor-Koester-June-23->

1 3. Despicably, however, this abuse has been well known and accepted by
2 Dr. Koester (and other CSU leaders) – *for years*.

3 4. A barrage of witnesses have emerged to corroborate, under penalty of
4 perjury, that, despite Dr. Koester’s trite platitudes, Dr. Koester is known to have
5 “coached” female employees about how best to *endure* well-documented sex
6 harassment, discrimination and retaliation by high-ranking male employees (while
7 doing nothing to stop it). As one employee declared under penalty of perjury:

8 ***“California State University, San Bernardino protects its men.”***
9

10 5. Defendant CSU operates 23 campuses and is the largest four-year
11 public university system in the United States, employing nearly 56,000 faculty and
12 staff.³

13 6. Defendant CSU is governed by a Board of Trustees that appoints the
14 chief executive officer of the system (the Chancellor), as well as the president of
15 each of its campuses,⁴ including Defendant Tomás Morales (“Defendant
16 Morales”) – the President of Defendant CSU’s San Bernardino campus, which
17 also includes the Palm Desert campus. Defendant Morales, in turn, appoints
18 various Deans including Defendant Jake Zhu – Dean of the Palm Desert campus.

19 7. For the 2022-2023 fiscal year, the State of California agreed to pay
20 Defendant CSU \$365 million in annual funding ***in addition to*** a whopping \$1.1
21 billion one-time payment.⁵

22
23 [2022.aspx#:~:text=As%20you%20likely%20know%20and,and%20intellectually%2C%20free%20of%20discrimination%2C](#)
24

25 ³ <https://www.calstate.edu/csu-system/about-the-csu/facts-about-the-csu/Pages/introduction.aspx>

26 ⁴ See Ex. A (April 29, 2022 CSU Employee Compensation/Staff Salary Structure Study Findings)
27

28 ⁵ <https://www.calstate.edu/csu-system/news/Pages/CSU-Statement-on-CA-2022-23-Budget-Agreement->

1 8. Despite this record influx of cash, however, Defendant CSU – which
2 boasts that “nearly 70 percent of CSU employees are women and minorities”⁶ –
3 has a notorious and well-documented pattern and practice of refusing to pay its
4 female employees equal pay for equal work and for retaliating against those female
5 employees who ask for pay equal to their male peers.^{7 8}

6 9. And, while this entrenched gender pay inequity is striking in and of
7 itself, Defendant CSU’s abuse of its female employees is far more insidious.

8 10. Instead of using its billions of dollars to eradicate severe gender
9 discrimination and harassment, Defendant CSU sits in silence as mostly male
10 administrators and faculty run roughshod over female employees and students,
11 harassing them and retaliating against them with impunity.

12 11. As multiple witnesses have corroborated and attested under penalty of
13 perjury, Defendant Morales, for his part, is well known for his harassment of
14 female employees. Among other things, Defendant Morales is widely known for
15 his:

- 16 a. Ranting at female employees, including Dr. Weber, but not
17 male employees;
18 b. Refusing to pay (*i.e.*, approve salaries for) female employees –
19 including Dr. Weber – equal pay compared to their male
20 counterparts performing substantially similar (and in many

21
22 [.aspx#:~:text=Their%20agreement%20includes%20a%20total,California%20State%20University%20\(CSU\).](#)

23 ⁶ <https://www.calstate.edu/impact-of-the-csu/diversity>

24 ⁷ See Ex. B, *Camelia Fowler v. California State University, et al.*, Superior Court of California, San
25 Bernardino County Case No. SB2212118) (Alleging that Defendant “CSU pay[s] its female
26 employees and employees of color less money for the substantially the same work in substantially
the same work positions.”).

27 ⁸ See Ex. C, May 26, 2022 “CSU Salary Structure: Gender and Racial Based Pay Gaps” (Finding
28 there is “a consistent pattern of wage gaps for women and non-White workers in the CSU
system.”).

- cases identical) work;
- c. Holding female employees to higher standards than their male counterparts;
 - d. Subjecting female employees, including Dr. Weber, to unwarranted criticism;
 - e. Approving retaliatory investigations that target female employees;
 - f. Routinely denying salary increases for female employees, including Dr. Weber, despite dire warnings from Vice Presidents to Defendant Morales that such female employees are making drastically less than their male counterparts, that Defendant CSU has Title IX exposure, and that by raising such salaries “*the university can avoid a Title IX complaint;*”
 - g. Aggressively attempting to intimidate female employees, including Dr. Weber, but not male employees;
 - h. Undermining female employees, including Dr. Weber, but not similarly undermining male employees;
 - i. Refusing to call female employees by their real names (instead, routinely calling them by different names entirely; for instance, he routinely called Dr. Weber, “Dr. Web”); Defendant Morales used correct names when referring to male employees;
 - j. Failing to promote female employees, including Dr. Weber, instead promoting less qualified male candidates including by selecting Rafik Mohamed, to replace Provost Shari McMahan;
 - k. Refusing to discipline (let alone investigate) a male employee, Craig Seal (then Dean of Undergraduate Studies), who repeatedly undermined and was insubordinate to Dr. Weber, instead ratifying such conduct by assigning Mr. Seal more prestigious job responsibilities;
 - l. Stripping Dr. Weber of job duties after she complained that a male subordinate was engaging in repeated acts of insubordination and was undermining her; Defendant Morales

1 then assigned such job duties to the male employee;

- 2 m. Becoming hostile towards female employees who required
- 3 modified schedules for childcare obligations but allowing male
- 4 employees with children to adjust their schedules as needed;
- 5 n. Passing over female employees, including Dr. Weber, for
- 6 leadership roles, instead selecting less qualified males;
- 7 o. Refusing to use correct job titles for his female employees
- 8 (instead using less prestigious and incorrect job titles when
- 9 referring to female employees, including calling Dr. Weber, who
- 10 was a Vice Provost, an Associate Vice Provost); and
- 11 p. Retaliating against his female employees who complain of
- 12 gender discrimination.

12 12. Defendant Morales – the highest ranking official at Defendant CSU’s

13 San Bernardino campus – sends the unequivocal message that the harassment of

14 female employees is not only acceptable but that it is standard operating procedure.

15 13. Indeed, Defendant Morales – despite repeated reports that Defendant

16 Jake Zhu (Dean of CSU, San Bernardino’s Palm Desert campus) was emulating

17 Morales’ misogynist conduct and systematically targeting female employees – took

18 no action whatsoever. Defendant Zhu, understanding he could harass female

19 employees with impunity, was relentless. Among other things, Defendant Zhu’s

20 harassment included:

- 21 a. Routinely embarking upon what can only be described as
- 22 screaming rampages against Dr. Rogers and at other female
- 23 employees, but rarely against male employees;
- 24 i. Defendant Zhu’s screaming was so severe that female
- 25 employees cried on multiple occasions. Once the female
- 26 employee was crying, Defendant Zhu would sadistically
- 27 attempt to shame and humiliate them responding: “*good*
- 28 *leaders don’t cry.*” Defendant Zhu’s attempts to make female
- employees cry was purposeful – often using their emotional

1 response to his abuse against them, and then refuse to
2 promote them on that basis;

3 b. Regularly using gender stereotypes to denigrate Dr. Rogers and
4 other female employees including:

5 i. Telling Dr. Rogers and other female employees that that they
6 were too “*emotional*” even when they were maintaining an
7 even, calm tone;

8 ii. Telling female employees: “*Women are too sensitive;*”

9 iii. Telling female employees: women “*should have the bigger*
10 *heart for male colleagues;*”

11 iv. Telling Dr. Rogers and other female employees to “*calm*
12 *down*” even though they were speaking in an even, calm tone;

13 v. Telling female employees they were “*too ambitious*” –
14 something Defendant Zhu never told male employees;

15 c. Frequently telling female employees who had children, “*Careers*
16 *aren’t freight trains you can just jump on and off of*” sending the
17 message that female employees who became pregnant and had
18 children should not be in the workplace;

19 d. Praising male employees for work done by their female colleagues
20 and female subordinates but refusing to recognize female
21 employees;

22 e. Regularly publicly took credit for Dr. Rogers’ ideas and work
23 product;

24 f. Informed Dr. Rogers that one female employee could not be
25 promoted until “*she was done being a mother and her kids were*
26 *grown;*”

27 g. Was routinely very aggressive towards Dr. Rogers and other
28 female employees, but was rarely aggressive towards male
employees;

- 1 h. Was routinely dismissive and condescending towards Dr. Rogers
2 and other female employees, but was not condescending and
3 dismissive towards male employees;
- 4 i. Routinely mocked Dr. Rogers but not male employees;
- 5 j. Frequently interrupted Dr. Rogers while she was speaking
6 including in front of her colleagues; Defendant Zhu rarely
7 interrupted male employees;
- 8 k. Allowed male subordinates to act very aggressively towards Dr.
9 Rogers and other female employees;
- 10 l. Assigned ratings to employees based on, in Defendant Zhu's
11 words, "their worth." Defendant Zhu ranked male employees
12 highly, but rated Dr. Rogers and other female employees low or
13 skipped them entirely;
- 14 m. Purposefully tried to intimidate Dr. Rogers and other female
15 employees by raising his voice during routine work
16 conversations;
- 17 n. Disruptively and regularly paced back and forth in front of Dr.
18 Rogers' office door in an attempt to intimidate her;
- 19 o. Attempted to set Dr. Rogers up for failure including by, among
20 other things:
- 21 i. Assigning complex, time-consuming projects to Dr. Rogers
22 but informing her she only had a day or two to complete the
23 project;
- 24 ii. Assigning complex, time-consuming projects to Dr. Rogers
25 but refusing to provide her with a deadline until the day before
26 Defendant Zhu informed her it was due;
- 27 iii. Assigning a barrage of tasks to Dr. Rogers but when she asked
28 Defendant Zhu for his priorities, he refused to respond
instead cryptically and cruelly informing Dr. Rogers, "that's
your challenge;" and

iv. Frequently asking Dr. Rogers for her opinion but then berating her for providing it.

- p. Allowed male subordinates to purposefully attempt to intimidate Dr. Rogers and other female employees by allowing male subordinates to yell at female employees in his presence; and
- q. Mocked Dr. Rogers for using gender pronouns in her Zoom name.

14. Given the pervasive and known abuse, a litany of employees reported the gender-based abuse by Defendants Morales and Zhu directly to Dr. Jolene Koester, Defendant CSU's Chancellor. But, as these witnesses corroborated under penalty of perjury, Dr. Koester did absolutely nothing. The abuse continued.

15. And, despite Defendant CSU's confirmed knowledge of Morales' and Zhu's brazenly illegal conduct, Defendant CSU lavishly rewards Defendants Morales⁹ and Zhu¹⁰ with hundreds of thousands each year.

16. This is the norm for Defendant CSU which has a long and sordid history of ratifying gender harassment and discrimination by:

- a. Paying generous settlement offers *to the harassers* worth hundreds of thousands of dollars;
- b. Supplying the harassers with paid administrative leave;
- c. Allowing the harassers to "voluntarily" resign; and
- d. Scrubbing the harassers' personnel files of all mention of disciplinary action.¹¹

⁹ <https://transparentcalifornia.com/salaries/2021/california-state-university/thomas-d-morales/>

¹⁰ <https://transparentcalifornia.com/salaries/2021/california-state-university/jake-j-zhu/>

¹¹ See Alexis Timko, *Cal State agreed to keep sexual harassment findings against two professors under wraps*, Los Angeles Times (July 26, 2022) [https://www.latimes.com/california/story/2022-07-26/two-csu-san-marcos-professors-faced-no-punishment-after-sex-harassment-claims](https://www.latimes.com/california/story/2022-07-26/two-csu-san-marcos-professors-faced-no-punishment-after-sex-harassment-claims;);

Colleen Shalby, Robert J. Lopez, *After Times investigations, state will investigate CSU sex harassment scandals*, Los Angeles Times (June 27, 2022)

- 1 e. Failing to maintain a centralized data-base to house all
2 complaints of gender discrimination and harassment.
- 3 f. Failing to investigate all complaints of gender discrimination
4 and harassment. And, when Defendant CSU does bother to
5 conduct such investigations, it does not follow standard
6 protocols by having an independent and impartial third party
7 conduct the investigations. Rather, Defendant CSU selects
8 employees whose livelihoods are dependent upon staying in its
9 good graces.

10 17. Indeed, in February 2022, Defendant CSU's Chancellor, Joseph I.
11 Castro, was forced to resign amid a maelstrom of complaints that he did nothing in
12 the face of at least 12 sexual harassment complaints against an administrator over a
13 six-year period.

14 18. Despicably, just like Dr. Koester who replaced him, Castro did
15 absolutely nothing to prevent the sex harassment from occurring. He enabled it.
16 Castro recommended the administrator for a top position at Defendant CSU's San
17 Marcos campus, lauding the administrator as "an exemplary colleague and campus
18 leader" who would be "well prepared."¹²

19 <https://www.latimes.com/california/story/2022-06-27/state-lawmakers-approve-independent-audit-of-csu-handling-of-sexual-harassment-cases>;

20 Colleen Shalby, Robert J. Lopez, *CSU provost faced retaliation after reporting harassment by*
21 *president's husband, records claim*, Los Angeles Times (April 13, 2022)

22 <https://www.latimes.com/california/story/2022-04-13/csu-provost-reported-harassment-against-presidents-husband-then-faced-retaliation-records-say>;

23 Michael Burke, *Castro to receive \$400,000 salary for one year following resignation as CSU*
24 *chancellor*, Edsource (March 4, 2022), <https://edsource.org/2022/castro-to-receive-400000-salary-for-one-year-following-resignation-as-csu-chancellor/668438>;

25 ¹² Thomas Peele, Ashely A. Smith and Daniel J. Willis, *More CSU sexual harassment and abuse*
26 *cases made public: Records show CSU administrators verbally abused and sexually harassed employees*
27 *at six campuses*, EdSource (May 6, 2022), <https://edsource.org/2022/more-csu-sexual-harassment-and-abuse-cases-made-public/671753>

28 Kenny Jacoby, *Disgraced CSU chancellor nominated admin accused of sexual harassment for*
San Marcos presidency, USA Today (March 8, 2022)

1 19. In 2020, after an investigation substantiated more harassment, and six
2 months before Castro was named Defendant CSU's Chancellor, he approved a
3 \$260,000 settlement agreement with the administrator, which included retirement
4 benefits and a promise of a glowing letter of recommendation for the
5 administrator to retire.¹³

6 20. Then, when Castro was forced to "resign," Defendant CSU rewarded
7 Castro's inaction – signing a settlement agreement with Castro that assigned
8 Castro to Defendant CSU's executive transition program, where he receives a
9 \$401,364 salary and a prestigious title, and be allowed to return to the classroom.¹⁴

10 21. Equally stunning, however, are the measures to which CSU resorts to
11 silence its victims – forcing them to resign (like Plaintiff Anissa Rogers), or, if they
12 refuse, simply firing them (like Plaintiff Clare Weber).

13 22. Indeed, as recently as August 2022, Tom Jackson, President of
14 Defendant CSU's Humboldt Campus, urged the CSU community to have empathy
15 with those accused of sexual harassment and victims should not go public with their
16 allegations, shamelessly admitting:

17 *"We're a campus filled with secrets"*¹⁵

18 23. And, as the Faculty Senate at Defendant CSU's San Bernardino
19 campus recognized in a scathing rebuke of Defendant Morales in 2017:

20
21
22
23
24 [https://www.usatoday.com/story/news/investigations/2022/03/08/joseph-castro-nominated-](https://www.usatoday.com/story/news/investigations/2022/03/08/joseph-castro-nominated-frank-lamas-csu-san-marcos-presidency-fresno-state/9422822002/?gnt-cfr=1)
25 [frank-lamas-csu-san-marcos-presidency-fresno-state/9422822002/?gnt-cfr=1](https://www.usatoday.com/story/news/investigations/2022/03/08/joseph-castro-nominated-frank-lamas-csu-san-marcos-presidency-fresno-state/9422822002/?gnt-cfr=1)

26 ¹⁴ See Ex. F (February 17, 2022 Castro Settlement Agreement and Release).

27 ¹⁵ Sonia Waraich, *Cal Poly Humboldt president: Keep Title IX claims behind closed doors*, Times
28 Standard (September 9, 2022) [https://www.times-standard.com/2022/09/09/cal-poly-](https://www.times-standard.com/2022/09/09/cal-poly-humboldt-president-keep-title-ix-claims-behind-closed-doors/)
[humboldt-president-keep-title-ix-claims-behind-closed-doors/](https://www.times-standard.com/2022/09/09/cal-poly-humboldt-president-keep-title-ix-claims-behind-closed-doors/)

1 “*Compliance is valued over competence and dissent is not tolerated.*”¹⁶

2
3 24. And so, it was with Dr. Clare Weber (former Vice Provost of
4 Academic Affairs at Defendant CSU’s San Bernardino’s campus) and Dr. Anissa
5 Rogers (former Associate Dean at Defendant CSU’s San Bernardino’s Palm
6 Desert campus).

7 25. Within *weeks* after Dr. Weber complained of Defendant CSU’s glaring
8 gender pay disparities, and Dr. Rogers protested to Defendant Zhu that Defendant
9 CSU needed to “*disrupt sexism*” and specifically reported to Dr. Jolene Koester
10 (CSU’s Chancellor) that Defendant Zhu was ruthlessly harassing Dr. Rogers and
11 other female employees, Defendant CSU retaliated.

12 26. Specifically, in *identical* conversations with both Dr. Weber and Dr.
13 Rogers, Defendant CSU’s Provost, Rafik Mohamed, directed both Dr. Weber and
14 Dr. Rogers to lie to their colleagues and students and say they were “resigning.”
15 Dr. Mohamed was abundantly clear with both Dr. Weber and Dr. Rogers: If you do
16 not resign, you will be fired.

17 27. As one current executive of Defendant CSU corroborated under
18 penalty of perjury:

19 “President Morales is so deeply hostile to and regularly discriminates
20 against female employees who work for him, there is a culture of fear at
21 California State University. **And, unfortunately, President Morales**
22 **has a well-known practice of forcing female employees to “resign”**
23 **or “retire” if they disagree with him or complain. He quickly turns**
24 **on female employees who report workplace concerns to him and**
engages in what I can only called a “campaign” to discredit them
and remove the female employees.”

25 (Emphasis added).

26 ///

27 ¹⁶ See Ex. D (May 2017 Resolution of No Confidence in the President of California State
28 University, San Bernardino).

1 28. Dr. Rogers was terrified for her career that she spent decades building.
2 Understanding that Defendant CSU was threatening to ruin her reputation in a
3 tightknit academic community and prospects of future advancement, Dr. Rogers
4 was forced to resign.

5 29. Dr. Weber refused to resign.

6 30. Instead, Dr. Weber – who had just weeks before received a glowing
7 performance evaluation and months before received outward praise from
8 Defendant Morales himself, doubled-down on her complaints.

9 31. On July 26, 2022, Dr. Weber wrote to Defendant Morales:

10 “I explicitly raised concerns that these female Vice Provosts were
11 being paid less because of their gender. I have been shocked and
12 saddened that CSU’s response to my complaints was to subject me to
13 unprecedented and unwarranted criticism and then -- just a month
14 later -- ask me to “resign” from my position. This is highly offensive
15 and totally discriminatory, and retaliatory . . . I ask that you stop this
16 discrimination and retaliation immediately and let me continue on. I
17 also ask that you investigate my concerns that CSU engages in gender
discrimination by paying its female Vice Provosts less than its male
Vice Provosts.”

18 32. The very next day, Defendant CSU fired Dr. Weber.

19 33. And, thereafter, Defendant CSU, understanding the magnitude of its
20 illegal conduct, attempted to cover up its actions in subsequent (and conflicting)
21 explanations to current employees, who have corroborated the same under penalty
22 of perjury.

23 34. As one employee lamented to Dr. Weber in writing shortly after her
24 firing:

25 *“It is outrageous . . . It doesn’t make sense.”*

26 (Emphasis added).
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Jurisdiction and Venue

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

36. Venue is proper in this County in accordance with Section 395(a) of the California Code of Civil Procedure because the defendants, or some of them, reside in this County, and the injuries alleged herein occurred in this county. Venue is also proper in this County in accordance with Section 12965(c)(3) of the California Government Code because the unlawful practices alleged by Dr. Weber in violation of the California Fair Employment and Housing Act (California Government Code §§ 12940, *et seq.*) were committed in this County. In the alternative, venue is appropriate in this County in accordance with Section 395(a) and Section 395.5 of the California Code of Civil Procedure because Defendants and Dr. Weber contracted to perform their obligations in this County, the contract was entered into in this County, and because the liability, obligation and breach occurred within this County.

The Parties

37. Dr. Weber is an individual who, at relevant times during the events alleged herein, resided in Los Angeles, California.

38. Dr. Weber is a current employee of Defendant Board of Trustees of the California State University (hereinafter “CSU”) with an employment dispute against them. Before she was fired from her position, Dr. Weber was employed by Defendant CSU as the Deputy Provost and Vice Provost for Academic Programs at California State University, San Bernardino.

39. Dr. Rogers is an individual who, at relevant times during the events alleged herein, resided in La Quinta, California.

///

1 40. Dr. Weber is a current employee of Defendant Board of Trustees of
2 the California State University (hereinafter “CSU”) with an employment dispute
3 against them. Before she was forced to resign her position, Dr. Rogers was
4 employed as by Defendant CSU as the Associate Dean of the Palm Desert at
5 California State University, San Bernardino.

6 41. Defendant CSU is a public entity – the State of California, acting in its
7 higher education capacity, under the operative control of Defendant Board of
8 Trustees of the California State University.

9 42. Defendant Tomás Morales is the President of California State
10 University, San Bernardino. Defendant Morales, at all relevant times during the
11 events alleged herein, resided in Claremont, California.

12 43. Defendant Jake Zhu is the Dean of California State University, San
13 Bernardino (Palm Desert campus). Defendant Zhu, at all relevant times during the
14 events alleged herein, resided in Highland, California.

15 44. The true names and capacities, whether corporate, associate,
16 individual or otherwise of Defendants Does 1 through 50, inclusive, are unknown to
17 Dr. Weber and Dr. Rogers, who therefore sue said Defendants by such fictitious
18 names. Each of the Defendants designated herein as a Doe is negligently or
19 otherwise legally responsible in some manner for the events and happenings herein
20 referred to and caused injuries and damages proximately thereby to Dr. Weber and
21 Dr. Rogers as herein alleged. Dr. Weber and Dr. Rogers will seek leave of Court to
22 amend this Complaint to show their names and capacities when the same have been
23 ascertained.

24 45. At all times herein mentioned, Defendants, and each of them, were
25 the agents, representatives, employees, successors and/or assigns, each of the
26 other, and at all times pertinent hereto were acting within the course and scope of
27 their authority as such agents, representatives, employees, successors and/or
28

1 assigns and acting on behalf of, under the authority of, and subject to the control of
2 each other.

3 46. Dr. Weber and Dr. Rogers are informed and believe, and thereon
4 allege, that each defendant named in this Complaint, including Does 1 through 50,
5 inclusive, knowingly and willfully acted in concert, conspired and agreed together
6 among themselves and entered into a combination and systemized campaign of
7 activity to, *inter alia*, damage Dr. Weber and to otherwise consciously and/or
8 recklessly act in derogation of Dr. Weber's and Dr. Rogers' rights, and the trust
9 reposed by Dr. Weber and Dr. Rogers in each of said defendants, said acts being
10 negligently and/or intentionally inflicted.

11 47. Said conspiracy, and defendants' concerted actions, were such that, to
12 the information and belief of Dr. Weber and Dr. Rogers, and to all appearances,
13 defendants and each of them, represented a unified body so that the actions of one
14 defendant were accomplished in concert with, and with knowledge, ratification,
15 authorization and approval of each of the other defendants.

16 48. At all times set forth herein, the acts and omissions of each defendant
17 caused, led and/or contributed to the various acts and omissions of each and all of
18 the other defendants, legally causing the injuries as set forth herein.

19 **Facts Common to All Causes of Action**

20 **A. Defendant CSU's Mythological Anti-Discrimination and Harassment** 21 **Policies.**

22 77. Defendant CSU routinely lies to the public, its employees and its staff
23 about its effusive commitment to equity and diversity, setting forth a litany of what
24 one employee recently described as: "perfunctory platitudes."

25 78. Conspicuously, on Defendant CSU's website and in materials
26 advertising its "renowned" education to millions of Californians, Defendant CSU
27
28

boasts that “nearly 70 percent of CSU employees are women and minorities.”¹⁷

79. Defendant CSU likewise advertises on its website and in materials to millions of Californians that “CSU’s workforce is 55 percent female.” *Id.*

80. Defendant CSU also proclaims on its website and in advertising to millions of Californians that it “fosters” an “employment environment that is safe and respects all employees.”¹⁸

81. Elsewhere, Defendant CSU claims that it is “celebrated nationally for its commitment to diversity, inclusion and excellence.”¹⁹

82. Still elsewhere Defendant CSU lauds itself for having a workforce that is “exceptionally diverse.”²⁰

83. Defendant CSU purports to advance such diversity by “protect[ing] people from discrimination based on . . . gender.” And, should an employee complain of discrimination, Defendant CSU professes to “protect[] the rights of those who report.”²¹

84. This effusive, self-serving commitment to gender equity and a “safe” working environment is a complete and utter ruse. Instead, Defendant CSU in general, and Defendant Morales in particular, are notoriously hostile to their female employees. Female employees who complain about that hostility or the fact that they are discriminated against and paid less than their male peers are swiftly punished.

///

¹⁷ <https://www.calstate.edu/impact-of-the-csu/diversity>

¹⁸ <https://www.calstate.edu/csu-system/administration/systemwide-human-resources/your-rights>

¹⁹ <https://www.calstate.edu/csu-system/why-the-csu-matters/pages/closing-the-achievement-gap.aspx>

²⁰ <https://www.calstate.edu/csu-system/administration/systemwide-human-resources>

²¹ <https://www.calstate.edu/csu-system/administration/systemwide-human-resources/your-rights>

1 85. This retaliation is nothing new to Defendant CSU. As the Faculty
2 Senate at CSU's San Bernardino campus wrote of Defendant Morales who helms
3 the campus:
4

5 *"Compliance is valued over competence and dissent is not tolerated."*²²

6 **B. In May 2017, An Overwhelming Majority of Faculty, Staff and**
7 **Administrators Forcefully Call for Defendant Morales' Ouster; While**
8 **This Is Not the First Time Morales Has Been Rebuked By His**
9 **Employer, Defendant CSU Does Absolutely Nothing.**

10 86. In May 2017, within three years of his appointment as President of
11 California State University, San Bernardino, the Faculty Senate, in a "Resolution
12 of No Confidence" called for Defendant Morales' replacement.²³

13 87. The Resolution of No Confidence against Defendant Morales was
14 scathing. It detailed a glaring pattern of abuse by Defendant Morales. Among
15 other things, the Resolution forcefully declared:
16

- 17 a. In a survey of "more than 750 faculty, staff and administrators .
18 . . over two-thirds of the respondents indicated the climate had
19 changed, and 89% of those individuals stated that the climate
20 had become worse [under President Morales]."
21 b. "The results indicated that an atmosphere of toxicity, fear and
22 distrust of the central administration has developed among
23 CSUSB faculty, administrators, and staff during the President's
24 tenure, with numerous reports of bullying, favoritism and
25 retaliation."
26 c. "One year after the release of the climate survey findings,
27 despite initially promising that all of the survey's
28

26 ²² See Ex. D (May 2017 Resolution of No Confidence in the President of California State
27 University, San Bernardino).

28 ²³ See Ex. D (May 2017 Resolution of No Confidence in the President of California State
University, San Bernardino).

1 recommendations would be implemented, the President has
2 failed to address the bulk of the recommendations for improving
3 campus climate, including the development of an anti-bullying
4 policy and an audit of the Human Resources department.”

5 d. “President Morales continues to be unwilling to acknowledge
6 the severity of the problems of fear and distrust among
7 employees.”

8 e. “There has been an unusually high level of turnover in the
9 CSUSB senior administration since President Morales’ arrival
10 on campus, as highly regarded longstanding administrators have
11 been fired or asked to resign, resulting in a loss of institutional
12 memory and a weakened understanding of CSUSB’s rootedness
13 in our service area.”

14 f. “President Morales has exhibited cronyism and favoritism in
15 his appointment of interim administrators.”

16 g. “A majority of all faculty, staff, and administrator respondents
17 to the campus climate survey have lost confidence in the
18 campus leadership, believe that it is not open to receiving
19 feedback, has not communicated a clear direction, and does not
20 act with honesty and integrity.”

21 88. But, Defendant Morales – who fosters and perpetuates this
22 “atmosphere of toxicity [and] fear” – refuses to lift a finger to address these
23 problems. According to the Resolution of No Confidence:

24 Defendant Morales “den[ies] the importance of the problems . . . and
25 seems disinterested in resolving the climate issues, clearly attributable
26 to him.”

27 89. And yet, the scathing Resolution of No Confidence did not stop there.
28 It found:

“The central administration operates in secret and seems to
encourage the division of the campus into factions. Friends are
rewarded, sometimes lavishly; **enemies are ignored or suffer**

1 **retaliation. Compliance is valued over competence and dissent is**
2 **not tolerated. President Morales pays lip service to cherished**
3 **values, like shared governance, but does not practice them; he**
4 **frequently talks about transparency, integrity and openness, yet**
5 **fails to practice these values, and he is failing the faculty, staff,**
6 **administrators, and students of this university.**

7 We respectfully request that faculty colleagues join us in calling for an
8 end to this unworthy leadership by voting decisively in favor of no
9 confidence in the President. We do not undertake this step lightly, but
10 the President has established a pattern of behavior that jeopardizes our
11 mission to provide our students with a quality education. We believe
12 we must take this action now to restore the health of our cherished
13 institution.”

14 *See Ex. D (Emphasis added).*

15 90. The Resolution of No Confidence – which alone was withering its
16 assessment of Defendant Morales – was not the only time Morales had been
17 rebuked by his employer. Defendant Morales’ career has been plagued by such
18 accusations.

19 91. Specifically, in March 2012, 31 of 54 senators of the College of Staten
20 Island led a similar “No Confidence Resolution” against Defendant Morales,
21 calling him “incapable of effectively leading the College of Staten Island.”
22 Defendant CSU – which was no doubt aware of this “No Confidence Resolution”
23 – hired Morales just two months later.²⁴ CSU’s decision to hire Defendant Morales
24 in the face of accusations calling him “incapable of effectively leading the College
25 of Staten Island,” is emblematic of the problems caused by higher education’s “old
26 boys’ network” in which colleges and universities trade back-and-forth one “bad
27 apple” for another rather than promoting obviously deserving female employees.

28 ²⁴ Peter Hogness, *CSI President Morales Announces Departure*, Professional Staff Congress (June 2012) <https://psc-cuny.org/clarion/june-2012/csi-president-morales-announces-departure>

1 **C. Dr. Weber – an Educator with An Established Commitment to Gender**
2 **Rights – Commences Employment as Vice Provost at Defendant CSU;**
3 **She Immediately Receives (and Spends Five Years Receiving) Glowing**
4 **Feedback.**

5 92. On or about August 14, 2017, Dr. Weber was appointed to her position
6 as Deputy Provost and Vice Provost for Academic Programs at Defendant CSU's
7 San Bernardino campus – the first person to ever hold this role.

8 93. Long before her appointment, however, Dr. Weber had already
9 established herself as an expert with an unassailable commitment to diversity,
10 equity and inclusion efforts in general, and gender equity in particular. Among
11 many other things, Dr. Weber:

- 12 a. Serves as Senior Advisor to the Gender Equity Policy Institute;
- 13 b. Pioneered and chaired the Women's Studies Faculty Advisory
- 14 Committee at Defendant CSU's Dominguez Hills campus;
- 15 c. Co-authored the Women's Resource Center recommended
- 16 campus sexual assault policies at Defendant CSU's Dominguez
- 17 Hills campus;
- 18 d. Oversaw the development of the Women's Resource Center at
- 19 Defendant CSU Dominguez Hills campus;
- 20 e. Authored numerous publications seeking to advancing gender
- 21 equity including, among others:
 - 22 i. *"We Don't Need Your Help, We Need Your Support:*
 - 23 *Mexican Immigrant Mothering and Community*
 - 24 *Organizing"* Journal of the Motherhood Initiative issue
 - 25 on Mothering and Migration: (Trans)nationalisms,
 - 26 Globalization, And Displacement., Vol. 2.2, Fall/Winter
 - 27 2011;
 - 28 ii. *Visions of Solidarity: US Peace Activists in Nicaragua, from*
 - War to Women's Activism and Globalization.* Lanham,

MD: Lexington Books 2006;

- f. Served as a prolific speaker and panel organizer on gender equity and diversity, equity and inclusion topics including:
- i. *“First Steps: Addressing Issues of Equity, Diversity, and Social Justice in the Development of a Campus-Wide Assessment Process,”* Co- Presented with J. Sylva, M. Lopez-Wagner, M. Nguyen at WSCUC Annual Academic Resource Conference, Garden Grove, CA, April 10, 2019;
 - ii. *“Intentionally Engaging Every General Education Student Through Diverse and Global Perspectives,”* Co- Presented with J. Gilbert, M. Texeira, WSCUC Annual Academic Resource Conference, Garden Grove, CA, April 11, 2019;
 - iii. *“Development and Gender”* American Sociological Association 106th Annual Meeting, Las Vegas, Nevada, August 15, 2011.
 - iv. *“Women’s Community Organizing,”* CSUDH, Carson, CA, March 11, 2011;
 - v. *“Cultural Politics and Resistance in the 21st Century: Community based Social Movements and Global Change in the Americas,”* Pacific Coast Conference of Latin American Studies, Malibu, CA, November 6, 2010;
 - vi. *“Immigrant Women’s Community Organizing in Long Beach, CA”* Panel “Local Resistance and Global Connections” Pacific Sociological Association, Oakland, CA, April 9, 2010;
 - vii. *“Global Inequalities and Local Resistance”* Pacific Sociological Association Annual Meeting San Diego, CA, April 7, 2009;
 - viii. *“Teaching Feminist and Sociological Perspectives on Community Activism Through A Community Action Project,”* CSUDH Campus Community Self-Study Poster

Session, Carson, CA, February 14, 2008;

- ix. “*Working Across Borders: A Critical Look*” presented to the International Research Conference: Dimensions of International Migration, Pomona, CA, April 14, 2007;
- x. “*Author Meets Critics: Clare Weber, Visions of Solidarity: US Peace Activists in Nicaragua form War to Women’s Activism and Globalization*” presented to the 78th Annual Meeting of the Pacific Sociological Association Oakland, CA, March 30, 2007;
- xi. “*Reflections on Research and Activism Across Borders: Examining White Privilege*” presented to the 17th Annual Pacific Southwest Women’s Studies Association Conference, Los Angeles, CA, April, 2007;
- xii. “*Activist Mothering and Mexican Women Immigrant Struggles for Social Movement Autonomy in a Global Port City,*” Motherhood Activism, Advocacy, Agency International Conference, Toronto, Canada, May 13 2011;
- xiii. “*A Process of Influence: Leading for Change*” Co-Presented with J. Sylva, M. Nguyen, J. Schiller, Len Zegarski, and Tiffany Rodriguez, WSCUC Annual Academic Resource Conference, Garden Grove, CA, April 11, 2019; and
- xiv. “*Women to Women Dissident Citizen Diplomacy in Nicaragua,*” presented to the 8th International Interdisciplinary Congress on Women, Kampala, Uganda, 2002.

94. And, upon assuming her appointment as Defendant CSU’s Deputy Provost and Vice Provost for Academic Affairs, Dr. Weber continued her impressive spate of accomplishments, establishing herself as a beloved and prodigious member of Defendant CSU’s senior leadership. Among many other things, Dr. Weber’s remarkable list of successes included:

- 1 a. Developing and adopting a comprehensive diversity, equity and
2 inclusion effort at Defendant CSU, San Bernardino including:
- 3 i. Implementing assessment practices appropriate for
4 Defendant CSU's role as a Minority Serving Institution
5 (institutions of higher education that serve minority
6 populations);
- 7 ii. Worked with Halualani and Associates to initiate an
8 analysis of diversity, equity and inclusion efforts to
9 improve and deepen work at Defendant CSU, San
10 Bernardino; Dr. Weber's successful efforts in this regard
11 led to the development of the "DEI Strategic Plan" and
12 other actions to support diversity, equity and inclusion
13 efforts at the University;
- 14 iii. Overseeing the first-time freshman summer experience
15 "Coyote First Step" for first- generation students in
16 Math and English;
- 17 iv. Co-creating the University Diversity, Equity, and
18 Inclusion Assessment Plan;
- 19 v. Leading the Deans and Vice Presidents in the
20 development of the CSUSB Strategic Plan Extension and
21 the Diversity, Equity, and Inclusion Strategic Plan
22 assessment processes;
- 23 vi. Initiating, designing and establishing the Intensive
24 Writing Program with embedded faculty development in
25 anti-racist pedagogy;
- 26 vii. Implemented a faculty diversity recruitment plan leading
27 to an 18% hiring increase of underrepresented tenure-
28 track faculty;
- 29 viii. Oversaw and directed Rebecca Lubas, Dean of Libraries,
30 to implement diversity, equity and inclusion efforts
31 including: (1) Planning a banned-book book lecture series
32 ensuring that the banned books spoke to the experiences
33 of CSUSB students, the majority of whom are students of

1 color and women; and (2) Evaluating library materials to
2 ensure that the collection of authors and creators are
3 diverse in race, ethnicity and gender;

4 ix. Partnering with the Academic Senate to revise the
5 program review process including closing equity gaps and
6 ensuring that program level learning outcomes were
7 inclusive;

8 x. Advocated for and facilitated the development of the
9 Ethnic Studies major;

10 b. Leading the development of an embedded, culturally competent
11 peer mentor program in the first year General Education
12 Foundation Seminar;

13 c. Overseeing the Spring 2021-22 student success and equity
14 campaign for undergraduate re-enrollment leading to a 33%
15 increase in re-enrolled students from Fall 2021 to Spring 2022;

16 d. Chairing the First-Year Experience Task Force charged with
17 integrating cross-campus approaches for continued increase in
18 graduation and retention rates;

19 e. Leading the effort to adopt the Stanford-developed PERTs
20 Growth Mindset Program for first-year students leading to a
21 10% increase in a growth mindset for participating 2019 students
22 and a 13% increase in 2020;

23 f. Leading the successful process for WSCUC accreditation
24 resulting in ten years of reaccreditation and commendations for
25 the process and several areas of responsibility in Academic
26 Programs;

27 g. Serving as the University Accreditation Liaison Officer;

28 h. Launching a data-driven and transparent campus initiative for
the 2021 reaffirmation of accreditation self-study involving ten
working groups that included Deans, Vice Presidents, and over
136 faculty, staff, and students;

///

- i. Leading the successful completion of the 2017 WSCUC Interim Report and the 2019 Mid-cycle Review;
- j. Guiding 16 externally accredited academic programs in the accreditation review process;
- k. Initiating and leading and the University Strategic Planning Process 2023-2027;
- l. Leading the Academic Affairs team in a data-driven planning process linking academic strategic goals and objectives to assessment and academic planning;
- m. Developing the Office of Assessment, including the founding position of Faculty Director;
- n. Founding the University Assessment Capabilities Collaborative resulting in a streamlined and transparent planning and assessment process involving all levels of leadership in academic affairs, student affairs, administration and finance, institutional technology services, and development;
- o. Serving as the Co-Principal Investigator, Inland Empire Cybersecurity Initiative for K-12, Community College, CSUSB Pre-Apprenticeship and Apprenticeship Program, \$3,000,000;
- p. Serving as the Co-Director, Title V-HSI grant from the Federal Department of Education on \$2,608,955;
- q. Serving as a Governing Committee Member for the National Institute of Health Advancing Sponsored Program Infrastructure for Research Excellence (ASPIRE) grant of \$871,000;
- r. Developing and implementing the proposal for the \$200,000 annual Anthology platform project;
- s. Overseeing the \$20,000 faculty Intellectual Life Award;
- t. Serving on the Sponsored Programs Advisory Committee charged with evaluation and implementation of NCURA Report for CSUSB;

- u. Chairing the CSUSB High Impact Practices Committee, meeting the strategic plan goal of student participation in 3 HIPs and professional development opportunities for faculty;
- v. Integrating and elevating the Office of Graduate Studies with Research and Funded Projects resulting in coordinated leadership for graduate and undergraduate student research and increased support for faculty and student research;
- w. Leading the implementation of a general education first-year student seminar with embedded peer mentors trained in culturally inclusive methods; and
- x. Leading the implementation of the CSU Executive Order 1110, resulting in a new math curriculum and co-curriculum offerings in the summer bridge program and academic year terms.

95. Dr. Weber's accomplishments for Defendant CSU were extraordinary by any measure.

96. In Dr. Weber's most recent, mid-year 2022 performance review, her former supervisor, Provost Shari McMahan, awarded Dr. Weber the *highest possible performance rating* ("exceeds expectations") in every single category and extolled Dr. Weber, including recognitions that Dr. Weber:

- a. Is "A champion of change;"
- b. Is "An effective leader;"
- c. "Has shown exceptional leadership;"
- d. "Can pivot as change necessitates while assuming managerial responsibility of different units in Academic affairs;"
- e. "Mentors staff and has supported several to transition to more advanced positions in the University;"
- f. "Effectively mentors the General Education, Writing Intensive, and Assessment Faculty Directors;"

- g. “Set structures to move the campus forward and have always done so collaboratively;”
- h. “Is team-oriented and has built strong working relationships across divisions;”
- i. “Always a team player;” and
- j. “Successful[ly] attain[ed] goals and objectives [which] has occurred due to her ability to work well with others.”

97. Dr. McMahan was especially effusive about Dr. Weber’s “Diversity and Inclusion” efforts, writing:

“Weber has over 15 years of working on diversity initiatives in higher education. She has encouraged collaboration, shares ideas and techniques, and builds strong relationships with others through involvement in projects. Given her current role at CSUSB, Weber centers her commitment to diversity and equity on the development of academic programs, program review, assessment, and support for Community Engagement. She initiated the collaborative workshop with the TRC and Office of Assessment to support faculty in developing inclusive, and equity-minded course syllabi with aligned course learning outcomes. She has supported the writing-intensive program’s inclusion of anti-racist writing pedagogies. She has also led the effort to develop assessment outcomes for the University’s Diversity, Equity, and Inclusion Strategic Plan.

...

She has been an essential member of the academic affairs leadership team. She is mindful and educated about the first-generation experience and the steps the University needs to take to ensure the success of students of color. She is intentional in creating programs and processes that are equity-minded.”

98. Critically, Dr. Weber’s mid-year 2022 performance review was forward-looking and described multiple projects for which Dr. Weber would be responsible in the coming months and year ahead.

1 99. And, like Dr. McMahan, Defendant Morales likewise publicly lauded
2 Dr. Weber – at least until June 2022, when Dr. Weber opposed Defendant CSU’s
3 egregious gender discrimination.

4 100. For instance, on March 11, 2022, Defendant Morales recognized Dr.
5 Weber for the university’s achievement of the maximum ten-year re-accreditation
6 from WSCUC – the accrediting body for Western United States higher educational
7 institutions, calling her “an outstanding coordinator for the entire process.”

8 101. On May 6, 2022, Defendant Morales again applauded Dr. Weber’s job
9 performance, emailing Dr. Weber and copying multiple members of executive
10 leadership:

11 “Clare,

12
13 I want to again express my deep appreciation for the exemplary
14 job you did in facilitating today’s leadership retreat. The
15 coordination, organization, technology, and structure were truly
16 outstanding. This successful strategic planning “kick off” will
 serve us well as we move forward.”

17 **D. Despite Dr. Weber’s Impressive Tenure, and Defendant Morales’**
18 **Outward-Facing Praise, Defendant Morales Subjects Dr. Weber and**
19 **Her Female Colleagues to Constant Abuse and Discriminatory Working**
20 **Conditions.**

21 102. Despite his outward praise, however, Defendant Morales was
22 notorious for his routine aggression and harassment of Defendant CSU’s female
23 employees; harassment of which Dr. Weber was a regular victim – including,
24 among other things:

- 25 a. Ranting at female employees, including Dr. Weber, but not
26 male employees;
- 27 b. Refusing to pay (*i.e.*, approve salaries for) female employees –
28 including Dr. Weber – equal pay compared to their male

1 counterparts performing substantially similar (and in many
2 cases identical) work;

3 c. Holding female employees to higher standards than their male
4 counterparts;

5 d. Subjecting female employees, including Dr. Weber, to
6 unwarranted criticism;

7 e. Approving retaliatory investigations that target female
8 employees;

9 f. Routinely denying salary increases for female employees,
10 including Dr. Weber, despite dire warnings from Vice
11 Presidents to Defendant Morales that such female employees
12 are making drastically less than their male counterparts,
13 Defendant CSU has Title IX exposure and by raising such
14 salaries “*the university can avoid a Title IX complaint;*”

15 g. Aggressively attempting to intimidate female employees,
16 including Dr. Weber, but not male employees;

17 h. Undermining female employees, including Dr. Weber, but not
18 similarly undermining male employees;

19 i. Refusing to call female employees by their real names (instead,
20 routinely calling them by different names entirely; for instance,
21 he routinely called Dr. Weber, “Dr. Web”); Defendant
22 Morales used correct names when referring to male employees;

23 j. Failing to promote female employees, including Dr. Weber,
24 instead promoting less qualified male candidates including by
25 selecting Rafik Mohamed, to replace Provost Shari McMahan;

26 k. Requiring female management employees to attend campus
27 events such as Convocation and subjecting them to criticism
28 when they did not but not similarly requiring male employees to
attend the same events;

l. Refusing to discipline (let alone investigate) a male employee,
Craig Seal (then Dean of Undergraduate Studies), who
repeatedly undermined and was insubordinate to Dr. Weber,

1 instead ratifying such conduct by assigning Mr. Seal more
2 prestigious job responsibilities;

- 3 m. Becoming hostile towards female employees who required
4 modified schedules for childcare obligations but allowing male
5 employees with children to adjust their schedules as needed;
- 6 n. Passing over female employees, including Dr. Weber, for
7 leadership roles, instead selecting less qualified males;
- 8 o. Refusing to use correct job titles for his female employees
9 (instead using less prestigious and incorrect job titles when
10 referring to female employees, including calling Dr. Weber, who
11 was a Vice Provost, an Associate Provost); and
- 12 p. Retaliating against his female employees who complain of
gender discrimination.

13 103. Indeed, it is so well known that Defendant Morales is deeply hostile to
14 female employees that, at a recent Faculty Senate meeting, Dr. McMahan aptly
15 observed, when discussing future candidates for a Provost position reporting
16 directly to Defendant Morales:

17 *“I would probably not recommend somebody [for the Provost position]*
18 *with young kids or a husband.”*

19 104. A high-ranking executive reporting to Defendant Morales likewise
20 protested to him, in writing:

- 21 a. “I am being held to a higher standard when compared to my
22 male colleagues”
- 23 b. “I believe expectations are held differently for my male . . .
24 colleagues on the leadership team.”
- 25 c. “You also approved investigations that targeted me as a female
26 .and [another female employee].”
- 27 d. “I am treated differently than my male counterparts”
- 28

- e. “Four [Human Resources AVPs in five years is problematic.]”
- f. “I have been subjected to different and more stringent standards of success [than my male peers].”
- g. “This hostile work environment is horrific.”

105. Defendant Morales is well aware of the criticism that he discriminates against Defendant CSU’s female employees and he moves swiftly moves to silence any disapproval of his record in this regard.

106. For instance, at the March 15, 2022 meeting of the Faculty Senate for Defendant CSU’s San Bernardino campus, Chair of the Faculty Senate, Beth Steffel, protested directly to Defendant Morales that “*right now, in the senior administrative leadership, a little less than 40% of the leaders are female or women.*”

107. Ms. Steffel then specifically emphasized the importance to Defendant Morales of selecting a female Provost to replace outgoing female Provost Shari McMahan.

108. However, rather than acknowledge Ms. Steffel’s legitimate concerns, Defendant Morales became irate and rudely and disrespectfully interrupted and cut off Ms. Steffel. While simultaneously admitting that his Cabinet – senior level employees who were hand-selected by Defendant Morales to report directly to him – was, in fact, actually less than 40% female (*i.e.*, Ms. Steffel was correct) – ironically declared:

“I will stand behind my record as the president for the last decade in promoting women in campus in the leadership positions.”

109. He then, in a Trumpian, self-congratulatory boast, claimed:

“*Very few presidents [like me] take the time to listen to members of the campus community.*”

1 110. Defendant Morales’ belief in his “record” is delusional. As one
2 witness declared under penalty of perjury:

3 “Despite President Morales’ really discriminatory treatment of female
4 employees, President Morales has a myopic and hypocritical fixation on
5 DEI (Diversity, Equity and Inclusion) efforts. I have found this to be
6 incredibly ironic given his history of mistreatment of female employees
7 like myself.”

8 111. Indeed, witnesses have emerged to paint a dire and frightening portrait
9 of Defendant Morales. For instance, one female executive attested under penalty
10 of perjury:

11 **“In my observation, President Morales has a very real problem**
12 **working with female employees and frequently expresses his**
13 **disdain for them.**

14 ...

15 **President Morales often screams at me and other female**
16 **employees during Cabinet meetings when we are raising routine**
17 **issues facing California State University.** If President Morales
18 perceives that I disagree with him, even though I am at all times
19 respectful, he will frequently berate and yell at me. I have not seen
20 President Morales engage in similar screaming at and berating male
21 employees. He lashes out at female employees but not male
22 employees. It is highly disturbing.

23 ...

24 **As I described above, President Morales also subjects his female**
25 **employees to higher standards than his male employees including**
26 **a stricter level of scrutiny.** As a female employee I have often had
27 the experience of having to “prove” myself whereas my male
28 counterparts can say something and it is taken at face value – a
female’s word is regarded by President Morales as nothing regardless
of her expertise.

 ...

 President Morales displays such a severe lack of trust and deep
skepticism towards his female employees that **it is well known**

1 amongst female employees who report to President Morales that,
2 if you are female, it is critical to have a “male champion” at work
3 who can advocate for your recommendations and “plead your
4 case.”

5 ...

6 I have never heard of or observed male employees, who President
7 Morales appears to trust implicitly, needing an “advocate” or a
8 “champion” to further their work at California State University. If
9 you are female, your word means nothing to President Morales,
10 regardless of your expertise and he does not trust female employees
11 to know what they are doing.

12 ...

13 **President Morales also pays female employees, who are doing**
14 **identical or substantially similar job duties, less than their male**
15 **counterparts. I know this to be true because this is what**
16 **happened to me.** I am currently paid thousands upon thousands of
17 dollars less than my male predecessor who had the same experience
18 as I did when I accepted my job position. In fact, I have far more job
19 duties than my male predecessor and, if anything, I should be paid
20 more. When I protested this to President Morales, he told me it was
21 “take it or leave it.”

22 (Emphasis added).

23 112. However, despite Defendant Morales’ well-known abuse of female
24 employees, Defendant CSU has designed a Human Resources Department to
25 protect Morales and others who engage in unlawful discrimination, harassment,
26 and retaliation.

27 113. As yet another employee attested under penalty of perjury:

28 “I quickly learned once I joined California State University, San
Bernardino that **Dr. Morales’ practice of aggression and**
intimidation was disproportionately directed towards female
members of his staff.

...
Like Dr. Morales’ aggression, it was well known at California State
University, San Bernardino that the Human Resources employees,

1 including **Jeanne Durr, the Interim Vice President of Human**
2 **Resources would acquiesce to Dr. Morales at the expense of doing**
3 **what was right.** In fact, during my time at California State
4 University, San Bernardino, there were multiple female candidates
5 who were brought in to interview with Dr. Morales for Human
6 Resources positions, but because the candidates were too assertive
7 during their interviews with Dr. Morales, they did not get the job. In
8 my observation, if the candidate was an assertive female, she would
9 not get the job. In Ms. Durr's words, California State University
10 needed to "*hire someone who would get along with the President,*"
11 *and he would not tolerate assertive females.*

12 California State University, San Bernardino does not just allow Dr.
13 Morales to bully and intimidate female employees. I have also
14 observed California State University, San Bernardino discriminate
15 against female employees by underpaying them in comparison to their
16 male counterparts who are performing nearly identical (if not
17 identical) job duties.

18 For instance, there was a female employee who needed a 19% pay
19 increase to account for the disparity between herself and her male
20 counterpart doing identical work. According to her supervisor, this
21 female employee had been underpaid for years compared to her male
22 colleagues and when I reviewed the pay data, I agreed. However, once
23 the issue was brought to Dr. Morales' attention, he refused. **He**
24 **arbitrarily declared – even though it did not come close to bridging**
25 **the pay gap between this female employee and her male**
26 **counterpart – that Management Personnel Plan employees like**
27 **this female employee could only receive a 9% raise."**

28 (Emphasis added).

///

///

///

///

///

1 **E. Because Defendant Morales Sent the Unequivocal Message That It Was**
2 **Acceptable to Harass Female Employees, Defendant Zhu – Who**
3 **Reported to Defendant Morales – Followed Morales’ Lead, Subjecting**
4 **Female Employees to Vitriol and Abuse**

5 114. In July 2019, just one month before Dr. Rogers was appointed to her
6 Associate Dean position in August 2019, Defendant Zhu became Dean for
7 Defendant CSU’s Palm Desert Campus at San Bernardino. Defendant Zhu
8 reported to Defendant Morales.

9 115. Almost immediately upon the commencement of his employment
10 Defendant as Dean, Defendant Zhu, began to subject Dr. Rogers and other female
11 employees to a barrage of harassment including, among other things:

- 12
- 13 a. Routinely embarking upon what can only be described as
14 screaming rampages against Dr. Rogers and at other female
15 employees, but rarely against male employees;
 - 16 i. Defendant Zhu’s screaming was so severe that female
17 employees cried on multiple occasions. Once the female
18 employee was crying, Defendant Zhu would sadistically
19 attempt to shame and humiliate them responding: “*good*
20 *leaders don’t cry.*” Defendant Zhu’s attempts to make
21 female employees cry was purposeful – often using their
22 emotional response to his abuse against them, and then
23 refuse to promote them on that basis;
 - 24 b. Regularly using gender stereotypes to denigrate Dr. Rogers and
25 other female employees including:²⁵

26 ²⁵ The United States Supreme Court, in *Price Waterhouse v. Hopkins*, 490 U.S. 228, 251 (1989),
27 made abundantly clear that sex stereotyping of the type engaged in by Defendant Zhu in this case
28 is evidence of sex discrimination, specifically holding: “As for the legal relevance of sex
stereotyping, we are beyond the day when an employer could evaluate employees by assuming or
insisting that they matched the stereotype associated with their group, for “ ‘[i]n forbidding
employers to discriminate against individuals because of their sex, Congress intended to strike at
the entire spectrum of disparate treatment of men and women resulting from sex
stereotypes.” See also *Lindahl v. Air France*, 930 F.2d 1434, 1438 (direct evidence of sexual

- i. Telling Dr. Rogers and other female employees that that they were too “*emotional*” even when they were maintaining an even, calm tone;
- ii. Telling female employees: “*Women are too sensitive;*”
- iii. Telling female employees: women “*should have the bigger heart for male colleagues;*”
- iv. Telling Dr. Rogers and other female employees to “*calm down*” even though they were speaking in an even, calm tone;
- v. Telling female employees they were “*too ambitious*” – something Defendant Zhu never told male employees;
- c. Frequently telling female employees who had children, “*Careers aren’t freight trains you can just jump on and off of*” sending the message that female employees who became pregnant and had children should not be in the workplace;
- d. Praising male employees for work done by their female colleagues and female subordinates but refusing to recognize female employees;
- e. Regularly publicly took credit for Dr. Rogers’ ideas and work product;
- f. Informed Dr. Rogers that one female employee could not be promoted until “*she was done being a mother and her kids were grown;*”
- g. Was routinely very aggressive towards Dr. Rogers and other female employees, but was rarely aggressive towards male employees;

stereotyping where employer believed that the female candidates get “nervous” and “easily upset”).

- h. Was routinely dismissive and condescending towards Dr. Rogers and other female employees, but was not condescending and dismissive towards male employees;
- i. Routinely mocked Dr. Rogers but not male employees;
- j. Frequently interrupted Dr. Rogers while she was speaking including in front of her colleagues; Defendant Zhu rarely interrupted male employees;
- k. Allowed male subordinates to act very aggressively towards Dr. Rogers and other female employees;
- l. Assigned ratings to employees based on, in Defendant Zhu's words, "their worth." Defendant Zhu ranked male employees highly, but rated Dr. Rogers and other female employees low or skipped them entirely;
- m. Purposefully tried to intimidate Dr. Rogers and other female employees by raising his voice during routine work conversations;
- n. Disruptively and regularly paced back and forth in front of Dr. Rogers' office door in an attempt to intimidate her;
- o. Attempted to set Dr. Rogers up for failure including by, among other things:
 - i. Assigning complex, time-consuming projects to Dr. Rogers but informing her she only had a day or two to complete the project;
 - ii. Assigning complex, time-consuming projects to Dr. Rogers but refusing to provide her with a deadline until the day before Defendant Zhu informed her it was due;
 - iii. Assigning a barrage of tasks to Dr. Rogers but when she asked Defendant Zhu for his priorities, he refused to respond instead cryptically and cruelly informing Dr. Rogers, "that's *your* challenge;" and

iv. Frequently asking Dr. Rogers for her opinion but then berating her for providing it.

p. Allowed male subordinates to purposefully attempt to intimidate Dr. Rogers and other female employees by allowing male subordinates to yell at female employees in his presence; and

q. Mocked Dr. Rogers for using gender pronouns in her Zoom name.

F. Employees Have Emerged to Paint a Dire and Frightening Portrait of Defendant Zhu's Harassment of Female Employees in General and Against Dr. Rogers, In Particular.

116. Numerous current and former employees have corroborated that Defendant Zhu is a serial harasser of female employees and that he specifically went out of his way to target Dr. Rogers and turn her workplace into a hostile work environment because of her gender.

117. For instance, as one current employee attested in detail and at length, under penalty of perjury:

"I believe Dr. Zhu is incredibly sexist and misogynistic. He engaged in regular mistreatment of me and my female colleagues, including Associate Dean, Dr. Anissa Rogers.

In particular, Dr. Zhu frequently used sexist stereotypes to demean me and other female employees during routine, work-related conversations including telling me and other female employees that we were being "too sensitive," telling me and other female employees to "calm down," and telling me and other female employees that we were "too emotional." I never heard Dr. Zhu use such language or talk to male employees in a similarly demeaning way.

Dr. Zhu also frequently used a sarcastic and degrading tone of voice when communicating with me, Dr. Rogers and our other female colleagues. I never heard Dr. Zhu use this type of sarcastic and degrading tone with male employees.

1 **Dr. Zhu regularly interrupted me, Dr. Rogers and our other female**
2 **colleagues. I never heard Dr. Zhu interrupt our male colleagues.**

3 **Dr. Zhu was extremely condescending to me, Dr. Rogers and our**
4 **other female colleagues. I never heard Dr. Zhu talk to a male**
5 **employee in a condescending way.**

6 **Dr. Zhu went out of his way to publicly praise male employees.**
7 **However, I rarely heard Dr. Zhu specifically single out and publicly**
8 **praise a female employee even though there were many female**
9 **employees who deserved his praise.**

10 **Dr. Zhu was especially demeaning to Dr. Rogers. For instance, Dr.**
11 **Zhu interrupted and disagreed with Dr. Rogers when she was**
12 **speaking, and even when she was discussing routine,**
13 **“uncontroversial” topics. It seemed like Dr. Zhu was intentionally**
14 **trying to humiliate Dr. Rogers in front of other faculty. By way of**
15 **example only, there was one meeting where Dr. Zhu notified Dr.**
16 **Rogers, me and primarily other female faculty that were present that he**
17 **would give us some funds for faculty-led student research projects.**
18 **When Dr. Rogers asked Dr. Zhu if non-tenure track faculty could apply**
19 **to use these funds, Dr. Zhu pointedly said to her: “*How about a ‘thank***
20 ***you, Dr Zhu’? How about ‘thank you for your generous offer, Dr.***
21 ***Zhu’? I just offered you money and you aren’t grateful, how do you***
22 ***think that makes me feel? How about a little gratitude?”* Dr. Rogers**
23 **was visibly shaken. His degrading demeanor towards Dr. Rogers was**
24 **shocking and offensive to me. It was especially unsettling since at this**
25 **point, Dr. Rogers had not been at California State University for very**
26 **long at all. I never witnessed or heard Dr. Zhu making similarly**
27 **demeaning comments to our male colleagues who asked questions of**
28 **him.**

23 **Dr. Zhu also routinely tried to degrade Dr. Rogers by treating her**
24 **as if she was his secretary or assistant even though Dr. Rogers was**
25 **the second-highest ranking employee at the Palm Desert campus**
26 **of California State University, San Bernardino. I routinely**
27 **witnessed Dr. Zhu directing Dr. Rogers to take notes during meetings**
28 **even though it was not her job. I never witnessed Dr. Zhu instructing**
a male employee to take notes for him.”

1 (Emphasis added).

2
3 118. And, yet another employee likewise corroborated, under penalty of
4 perjury, Defendant Zhu's harassment of Dr. Rogers and other female employees as
5 follows:

6 "Dr. Zhu was particularly outwardly critical and demeaning to Dr.
7 Rogers . . . Dr. Zhu would frequently interrupt Dr. Rogers and/or not
8 let Dr. Rogers finish presenting her proposed initiatives (initiatives he
9 had asked her to complete). Dr. Zhu appeared to go out of his way to
10 humiliate Dr. Rogers, ridiculing her ideas and opinions about programs
11 for California State University's students. **Dr. Zhu's mistreatment of**
12 **Dr. Rogers was frequently so intense that various faculty and staff**
13 **who were present at these meetings averted their eyes in**
14 **discomfort. Other times, faculty and staff would attempt to change**
15 **the subject to diffuse Dr. Zhu's contempt.**

16 **I never witnessed Dr. Zhu publicly humiliate or ridicule another**
17 **male employee the way Dr. Zhu openly humiliated or ridiculed Dr.**
18 **Rogers and other female employees.** Unfortunately, because Dr. Zhu
19 publicly treated female employees more disrespectfully than their male
20 counterparts, I observed many female employees in leadership
21 positions at the Palm Desert campus, who were under Dr. Zhu's
22 leadership, leave their jobs.

23 **To be clear: Dr. Rogers was exceptionally well qualified for her**
24 **position as Associate Dean and talented at her job.** Dr. Rogers
25 went above and beyond whatever was asked from her for an
26 assignment. There was absolutely no reason for Dr. Zhu to treat her
27 in this disrespectful manner. In fact, I was on the Hiring Committee
28 for Dr. Rogers' Associate Dean position. Dr. Rogers was chosen out
of over one hundred candidates. **But, Dr. Zhu went out of his way to**
thwart Dr. Rogers' ability to perform her job."

119. Another former employee likewise confirmed under penalty of perjury
that Zhu was unrelenting in his abuse of Dr. Rogers and other female employees

"Working with Dr. Zhu was very difficult. During the approximately
three years that I worked with him, I observed Dr. Zhu overtly

1 mistreating the female employees on his team, including Dr. Rogers.
2 This included, among other things, Dr. Zhu:

- 3 • Frequently using misogynistic stereotypes to demean
4 female employees including Dr. Rogers; Dr. Zhu's
5 demeaning statements included telling the female
6 employees (but not the male employees) to "calm down;"
7 stating that they "were too emotional;" and saying that
8 they were "too sensitive;"
- 9 • Subjecting female employees to unwarranted criticism
10 more so than male employees; and
- 11 • Allowing men to freely voice their opinions even if Dr. Zhu
12 disagreed, but female employees were frequently
13 denigrated by Dr. Zhu for voicing their opinions especially
14 when they disagreed with Dr. Zhu.

15 Based on my personal observation and the comments that I received
16 from others, it was apparent that Dr. Zhu had a problem with female
17 employees . . . multiple female employees actually resigned because
18 they could no longer endure Dr. Zhu's mistreatment."

19 120. Yet another current employee corroborated under penalty of perjury,
20 Defendant Zhu's abuse of female employees and Dr. Rogers in particular as
21 follows:

22 "During my time reporting to Dr. Rogers, I frequently attended
23 meetings where she and Dr. Jake Zhu, Dean of the Palm Desert
24 Campus, were present. **During these meetings, I often observed
25 Dr. Zhu treating Dr. Rogers more like his assistant than an
26 Associate Dean.**

27 Among other things, Dr. Zhu would instruct Dr. Rogers to take notes
28 (even though this was not her job) and if an employee asked Dr. Zhu a
work-related request, he would respond "Anissa will take care of it"
(referring to Dr. Rogers) – even if the request was not within Dr.
Rogers' job duties. **This was very unsettling to me given that there
were male employees who present at these meetings who had
lower ranking job titles than Dr. Rogers, and who Dr. Zhu never**

1 **asked to perform these tasks.**

2 During my employment at California State University, there have
3 been multiple conversations amongst other female employees and I
4 that Dr. Zhu appears to have an issue with female employees in
5 leadership positions, like Dr. Rogers. **It became so evident that Dr.**
6 **Zhu had issues with females in leadership positions and was more**
7 **receptive to male employees in leadership positions that if Dr.**
8 **Rogers needed to bring something to Dr. Zhu's attention, she**
9 **would find a male employee "surrogate" to do so because Dr.**
10 **Rogers understood that Dr. Zhu had such a dismissive, knee-jerk**
11 **reaction to Dr. Rogers.**

12 Dr. Zhu also interrupted Dr. Rogers a lot during meetings in an
13 attempt to shut her down. It was not just that Dr. Zhu was speaking
14 over Dr. Rogers. **Instead, Dr. Zhu would interrupt Dr. Rogers very**
15 **quickly and in a pointed effort to reject any of her ideas out of**
16 **hand before even letting Dr. Rogers get a complete sentence out. I**
17 **rarely observed Dr. Zhu interrupt male employees in this way, if**
18 **he interrupted them at all (which was rare).**

19 I have also observed that **Dr. Zhu is very quick to publicly praise**
20 **male employees, but not female employees.** For instance, **there is**
21 **one male assistant at California State University who has a lower**
22 **ranking job title than me, and who Dr. Zhu would seemingly go**
23 **out of his way to praise for doing minute tasks even though this**
24 **male employee is notorious for not getting anything done. In**
25 **contrast, if I accomplished something, Dr. Zhu refused to**
26 **acknowledge it during meetings with other employees. Likewise,**
27 **Dr. Zhu would take credit for Dr. Rogers' accomplishments and**
28 **would not acknowledge that it was Dr. Rogers who actually did the**
29 **work.**

30 **Dr. Zhu also appears to have a problem with female employees**
31 **who are mothers and have childcare obligations. I believe Dr. Zhu**
32 **uses the fact that female employees are mothers as an excuse not**
33 **to promote them.** For instance, although one female employee with
34 children applied for a promotion, and was qualified for this promotion,
35 Dr. Zhu refused to promote her, explaining: *"maybe when your kids*
36 *are older, you'll be ready for that position."* Similarly, when I have

1 needed to leave work early to attend to a childcare obligation for my
2 own children, Dr. Zhu made me feel as if I was indebted to him and I
3 owed him something even though I needed to leave work for family
4 care reasons. **I do not recall Dr. Zhu treating male employees with
childcare obligations like this.**

5 (Emphasis added).

6 121. The number of employees who have emerged to corroborate
7 Defendant Zhu's abuse is stunning. Indeed, as yet *another* employee attested under
8 penalty of perjury:

9
10 **"I was shocked to experience a litany of offensive and humiliating**
11 **behavior from Dr. Zhu. I want to be very clear – Dr. Zhu did not**
12 **subject male employees to this same behavior, which I detail**
13 **below. Dr. Zhu's behavior was sexist, aggressive and degrading.**
Dr. Zhu's behavior included among other things:

- 14 a. Dr. Zhu used an incredibly condescending and demeaning
15 tone when speaking to me and other female employees and
16 frequently dismissed other female employees and I when
17 we offered our opinions or feedback during meetings. He
18 did this in front of other employees and he also did it in
19 one-on-one meetings with just him and me.
- 20 b. Dr. Zhu raised his voice at me and other female employees
21 during routine work conversations;
- 22 c. Dr. Zhu used sexist gender stereotypes to demean me and
23 other female employees including telling me that a female
24 colleague "*should have the bigger heart for male colleagues;*"
25 and telling my female colleagues that they were "*too*
26 *emotional;*" and were "*too sensitive;*"
- 27 d. Dr. Zhu frequently interrupted female employees and me
28 during meetings;
- e. Dr. Zhu limited the amount of time that female employees
were allowed to speak during meetings, while giving male
employees as much speaking time as they wanted;

- 1 f. Dr. Zhu allowed male employees to publicly berate and
2 raise their voices at a female employee named Avi
3 Rodriguez (Interim Assistant Dean, Palm Desert Campus)
4 (an incident which I describe in further detail below);
- 5 g. Dr. Zhu frequently talked over and attempted to silence
6 female employees and me while we were providing
7 feedback or opinions on a particular topic;
- 8 h. Dr. Zhu rarely praised female employees even when
9 female employees were doing equal or better work than
10 their male colleagues;
- 11 i. Dr. Zhu frequently used hand gestures in an effort to cut-
12 off, dismiss and “wave away” me and other female
13 colleagues when we attempted to offer our opinions in
14 meetings;
- 15 j. Dr. Zhu took credit for work done by female employees
16 including, in particular, Dr. Anissa Rogers; and
- 17 k. Dr. Zhu was routinely very aggressive towards me and
18 other female employees.

19 Dr. Zhu appeared to make it a point to humiliate and undermine other
20 female employees and me . . . In approximately October 2021, I
21 developed a relationship with a female employee from the Admissions
22 Department at Copper Mountain College and I invited her to be my
23 guest at an event sponsored by the Palm Desert Campus. However,
24 when I brought Dr. Zhu over to say hello to my guest, he made a
25 conspicuous and intentional effort to pull over a male California State
26 University employee to physically stand in front of me, introduced the
27 male employee to my guest and proceeded to effusively praise the
28 male employee. Dr. Zhu refused to acknowledge that I was even
present and excluded me entirely from the conversation with my guest
that I had brought to this event. It was so humiliating and degrading.

Yet another time, I was directed by my supervisor to speak with Dr.
Zhu about office space requirements for [my] program at the Palm
Desert campus. During this conversation, Dr. Zhu became angry at
me for asking for office space for [my] program, abruptly changed the

1 subject and assigned me a task of bringing doughnuts to an upcoming
2 meeting. It was not, nor has it ever been my job duty to bring
3 refreshments to meetings. It was evident that Dr. Zhu was attempting
4 to purposefully demean me by reducing my job to bringing doughnuts
to a meeting.”

5 (Emphasis added).
6

7 **G. Dr. Rogers Received Glowing Performance Reviews Which Were**
8 **Abundantly Clear – Defendant CSU Anticipated That Dr. Rogers**
9 **Would Remain in Her Position Through *At Least* the 2022-2023**
10 **Academic Calendar Year.**

11 122. Although Defendant Zhu’s harassment was unrelenting, Dr. Rogers,
12 who had packed up and moved her family from Portland, Oregon specifically to
13 work for Defendant CSU, thrived in her position as Associate Dean.

14 123. Indeed, Dr. Rogers’ June 2021 performance evaluation was forward-
15 looking and clearly anticipated her tenure through *at least* the 2022-2023 academic
16 calendar year. In particular, Dr. Rogers’ June 2021 performance review specifically
17 noted multiple projects for which Dr. Rogers would be responsible through 2022,
18 including that Dr. Rogers would:

- 19
- 20 a. “[H]ave a thorough assessment plan in place by the end of the
21 academic year and lead the implementation for AY 2021-2022;”
 - 22 b. “[H]ave a communication plan in place. . . and lead the
23 implementation for AY 2021-2022;” and
 - 24 c. “[L]ead and contribute to next year’s campus repopulation, continued
25 student success and motivate ALT for campus excellence and
collegiality building.”

26 124. In July 2021, Defendant Zhu acknowledged Dr. Rogers’ work on
27 Defendant CSU’s 2020-2025 Strategic Plan for its San Bernardino, Palm Desert
28 campus. And, again, because Defendant CSU anticipated that Dr. Rogers would

1 remain in her position through, at the very least, the 2022-2023 academic calendar,
2 wrote: “I look forward to working with you and other campus constituents toward
3 implementing those goals.”

4 125. Notwithstanding her positive work performance, Rogers was stunned
5 by the constant abuse by Defendant Zhu and the male employees that reported to
6 him. Defendant Zhu’s abuse quickly became an open topic of conversation
7 amongst senior female leadership at Defendant CSU. By October 2021, Dr. Rogers
8 could no longer endure Defendant Zhu’s constant misogyny and routine tirades.

9
10 **H. Dr. Rogers and Other Female Employees Protest Gender Harassment to**
11 **Defendant Zhu – Harassment Which He Had Witnessed But Did**
12 **Nothing to Stop.**

13 126. On or about October 25, 2021, Defendant Zhu held what he billed as a
14 casual meeting – “*Coffee with the Dean*” – with his employees. Dr. Rogers was
15 unable to attend. However, Dr. Rogers was deeply concerned when, immediately
16 following this meeting, she received multiple complaints from her female
17 colleagues.

18 127. According to Dr. Rogers’ female colleagues who were present,
19 Defendant Zhu stood idly by as a group of male employees became aggressive with,
20 yelled at and berated a female employee – Avi Rodriguez, Defendant CSU’s
21 current Interim Assistant Dean – for a lengthy period of time. Defendant Zhu did
22 nothing to intervene or stop the harassment.

23 128. Several female employees, recognizing the sex harassment in progress,
24 immediately stood up and walked out in protest.

25 129. As one female employee who was present at this meeting corroborated
26 under penalty of perjury:

27 ///
28

1 **“Dr. Zhu also did nothing to stop gender-based harassment even**
2 **when it occurred right in front of him.** Specifically, on October 25,
3 2021, Dr. Zhu held what I believed to be an informal meeting called
4 “Coffee with the Dean.” I attended this meeting. Shortly after the
5 meeting started, two male California State University employees –
6 Robert Garcia (Interim Director of Information Technology at Palm
7 Desert) and Peter Sturgeon (Director of Philanthropy at Palm Desert)
8 – began raising their voices at and speaking in angry, demanding and
9 condescending tones towards a female employee, Avi Rodriguez
10 (Interim Assistant Dean, Palm Desert Campus), about her upcoming
11 assignment to give California State University’s Board of Trustees a
12 tour of the Palm Desert campus. Mr. Garcia and Mr. Sturgeon took
13 turns berating Ms. Rodriguez, raising their voices at her from across the
14 room, gesticulating wildly at her, peppering her with rapid-fire
15 questions, and questioning her ability to do her assignment.

16 Mr. Garcia and Mr. Sturgeon interrogated Ms. Rodriguez about every
17 small detail of her tour for the Board of Trustees, even though neither
18 Mr. Garcia nor Mr. Sturgeon had any supervisory authority whatsoever
19 over Ms. Rodriguez. There were approximately 15-18 other employees
20 present during Mr. Garcia’s and Mr. Sturgeon’s harassment of Ms.
21 Rodriguez. It appeared to be deeply humiliating and upsetting for Ms.
22 Rodriguez.

23 **Mr. Garcia’s and Mr. Sturgeon’s harassment of Ms. Rodriguez**
24 **went on for a really long time – approximately 20 to 30 minutes. On**
25 **multiple occasions, I and female administrators tried to defend Ms.**
26 **Rodriguez and intervene,** urging Mr. Garcia and Mr. Sturgeon to stop,
27 and assuring them that Ms. Rodriguez was more than capable of
28 handling her assignment without their input. Nevertheless, Mr. Garcia
29 and Mr. Sturgeon continued raising their voices at and berating Ms.
30 Rodriguez and raising their voices over me and other female employees
31 as we tried (unsuccessfully) to stop their badgering and abuse of Ms.
32 Rodriguez.

33 **During this lengthy period of time (again, approximately 20 to 30**
34 **minutes) that Mr. Garcia and Mr. Sturgeon were raising their**
35 **voices at, berating and otherwise harassing Ms. Rodriguez, Dr. Zhu**
36 ***watched silently but did absolutely nothing to stop the harassment in***
37 ***progress before his eyes.*** It appeared that he supported their

1 **mistreatment of Ms. Rodriguez. Eventually, a group of female**
2 **employees and administrators became so disgusted with Mr.**
3 **Garcia's and Mr. Sturgeon's harassment of Ms. Rodriguez – and**
4 **Dr. Zhu's refusal to stop the harassment – that the female**
5 **employees and administrators walked out of the meeting in**
6 **protest.”**

(Emphasis added).

7 130. That same day, on or about October 25, 2021, Dr. Rogers confronted
8 Defendant Zhu. In particular, after learning about the despicable gender
9 harassment from multiple female employees, Dr. Rogers was aghast. She protested
10 to Defendant Zhu that the manner in which male employees communicated with
11 female employees at Defendant CSU was highly aggressive. Dr. Rogers
12 complained that male employees did not treat other male employees in a similarly
13 demeaning fashion. Dr. Rogers specifically complained to Defendant Zhu that
14 Defendant CSU “*needed to do better to disrupt sexism.*”

15 131. Rather than reassure Dr. Rogers he would immediately take steps to
16 stop the harassment by his male subordinates, Defendant Zhu seemed annoyed by
17 her complaint and he became dismissive and defensive. Despicably, Defendant Zhu
18 instructed Dr. Rogers to just “*train the men*” even though this was not within the
19 scope of Dr. Rogers' job duties, Dr. Rogers had no training in Human Resources,
20 and these men *reported to Defendant Zhu.*

21 132. Later, when Dr. Deirdre Lanesskog, a female professor present at the
22 October 25, 2021 meeting similarly complained to Defendant Zhu about the
23 outrageous gender harassment by Defendant CSU's male employees at the October
24 25, 2021 meeting, Defendant Zhu again made it clear that Defendant CSU's female
25 employees needed to tolerate the abuse, responding:

26 “*You're running around stirring up trouble*”

27 “*Women are too sensitive*”

1 133. Defendant Zhu likewise chastised Dr. Lanesskog and instructed her to
2 tell Avi Rodriguez, the victim of gender harassment at the October 25, 2021 meeting,
3 that “*women need to have the bigger heart for her male colleagues.*”

4 134. Then, Defendant Zhu despicably admitted to Dr. Lanesskog: “*the men*
5 *were just trying to impress the boss*” – confirming his belief that such harassment would
6 indeed be “impressive” to him. Shocked, Dr. Lanesskog responded: “*I thought that,*
7 *as the Dean, you might have a problem with gender discrimination in the organization.*”
8 Defendant Zhu – indicating that he would not take any steps to prevent
9 discrimination and harassment from occurring – indicated that he would not do
10 anything to address the gender harassment that had occurred. Instead, he
11 responded, he “*might*” talk to Defendant CSU’s male employees “*if it happened*
12 *again.*”

13 135. Defendant Shu’s “smoking gun” admission has been corroborated,
14 under penalty of perjury, by a person who contemporaneously learned of it.

15
16 **I. Within Hours of Dr. Rogers Opposing Gender Harassment to Defendant**
17 **Zhu, Defendant Zhu Retaliates.**

18 136. Defendant Zhu’s retaliation against Dr. Rogers for her complaints of
19 sex harassment was swift.

20 137. Within hours after Dr. Rogers complained about sex harassment,
21 Defendant Zhu emailed Dr. Rogers and reprimanded her, implausibly and absurdly
22 asserting that, when she took a vacation *months earlier in July 2021*, Dr. Rogers had
23 “harmed” the campus. Highlighting the ludicrous and pretextual nature of his
24 criticism, however, Defendant Zhu had previously approved Dr. Rogers’ vacation of
25 which he had ample notice. Nevertheless, Defendant Zhu slammed Dr. Rogers,
26 informing her that he was “disappointed” in her, and complained about her failure
27 to “show support” for Defendant CSU.
28

1 138. Defendant Zhu also criticized Dr. Rogers for attending an event at her
2 daughter's college – time off which Defendant Zhu had previously approved via
3 email, writing: “*Thank you for letting me know, Anissa. There should be no problem.*”

4 139. Defendant Zhu likewise criticized Dr. Rogers for failing to attend events
5 that did not actually happen. Defendant Zhu's pretextual and retaliatory criticism
6 was so absurd that Defendant Zhu was later forced to concede via email (and only
7 after Dr. Rogers protested) that he was “incorrect.”

8 140. Prior to this time, Dr. Rogers had never received any type of criticism
9 whatsoever and in fact, had highly positive performance reviews.²⁶

10 141. Critically, Defendant Zhu's retaliation was so transparent that
11 Defendant Zhu's Executive Assistant printed out and kept every email related to
12 Defendant Zhu's pretextual criticism, and subsequently handed it to Dr. Rogers in
13 a file, and warned: “*He's trying to build a case against you.*”

14 142. Indeed, in yet another email, Defendant Zhu's Executive Assistant
15 confirmed to Dr. Rogers:

16 **“I truly believe he's vindictive, and that type of personality needs**
17 **to take someone down with h/er, so you became the target. Keep**
18 **standing up for yourself, and keep moving forward.”**

19 (Emphasis added).

20 143. Critically, Defendant Zhu's Executive Assistant specifically attested
21 under penalty of perjury that Defendant Zhu *went out of his way to destroy evidence* that
22 he had previously approved Dr. Rogers' vacation days:

23 **“At some point during my employment, it became clear to me that**
24 **Dr. Zhu was intentionally targeting Dr. Rogers. Specifically, as**

25
26 ²⁶ California courts have routinely held that an employee may establish pretext by showing that
27 she had never received a reprimand or negative performance review until she engaged in
28 protected activity. *Mokler v. Cnty. of Orange*, 157 Cal. App. 4th 121, 140 (2007). *See also Yanowitz*
v. L'Oréal USA, Inc., 36 Cal. 4th 1028, 1062 (2005) (recognizing evidence of material change in
performance reviews after protected activity is probative of pretext).

1 part of my job duties as Dr. Zhu's Executive Assistant, I was tasked
2 with recording employee vacation days in Dr. Zhu's Outlook calendar.
3 I only recorded employee vacation days in Dr. Zhu's Outlook calendar
4 once I was notified by Dr. Zhu that he had approved the vacation days.
5 Other than the IT Department, only Dr. Zhu and I had access to and
6 could modify this Outlook calendar.

7 At some point during my employment, Dr. Zhu came to my office and
8 asked me if Dr. Rogers had requested time off of work for various
9 vacation days that she had taken. Dr. Zhu had never asked me similar
10 questions about a male employee. In response, I reminded Dr. Zhu
11 that Dr. Rogers had, in fact, requested those days off and that, after
12 Dr. Zhu had approved Dr. Rogers' vacation days, and based on my
13 own standard practice, I recorded entries for Dr. Rogers' vacation
14 time on Dr. Zhu's Outlook calendar. Dr. Zhu then left my office.

15 **After Dr. Zhu left my office, I made a point of double checking the**
16 **Outlook calendar that Dr. Zhu and I shared to verify that I had in**
17 **fact recorded Dr. Rogers' vacation days in the calendar. I**
18 **confirmed that I had recorded Dr. Rogers' vacation days -**
19 **vacation days that Dr. Zhu had previously approved - and they**
20 **were right there in Dr. Zhu's Outlook calendar.**

21 Within a few days later, Dr. Zhu came to my office again. He asked
22 me if I was sure that Dr. Rogers had requested days off of work for
23 various vacations she had previously taken, and he also asked me the
24 reasons for her vacations. **At the time, Dr. Zhu's behavior struck**
25 **me as odd. It seemed like Dr. Zhu was looking for a reason to**
26 **punish Dr. Rogers.** In response to his questions, I told Dr. Zhu that I
27 would forward him the emails where Dr. Rogers had requested
28 vacation days and Dr. Zhu had approved it. **Because Dr. Zhu's**
behavior seemed manipulative to me (indeed, I had already
answered these same questions), after he left my office, I went
back to look at the Outlook calendar that I shared with Dr. Zhu. I
was very surprised to discover that Dr. Rogers' vacation time that Dr.
Zhu had asked me about - time which I had just verified was recorded
on the calendar - was no longer posted on the Outlook calendar."

(Emphasis added).

1 **J. Defendant CSU – Including Specifically, Current Interim Chancellor**
2 **Jolene Koester – Has Long Been on Notice of the Systemic Harassment**
3 **by Defendants Morales and Zhu, But Has Done Absolutely Nothing to**
4 **Stop It.**

5 144. Defendants Morales and Zhu are deeply hostile toward female
6 employees. And, although Defendant CSU knows this to be so – because it is an
7 open topic of discussion amongst senior leadership female employees – Defendant
8 CSU ratifies their conduct.

9 145. In June 2022, for example, Jolene Koester, claimed:

10 “I have experienced sexually inappropriate behavior and physical
11 intimidation. And I know unequivocally that how people are treated—
12 how we treat people, as universities and a university system—matters.
13 In fact, it reflects all that we stand for.”²⁷

14 146. Despite this noble proclamation however, Dr. Koester was directly
15 and unequivocally informed of the abuse by Defendants Morales and Zhu. And,
16 while it apparently mattered to Dr. Koester in June 2022, when Dr. Rogers and Dr.
17 Weber complained to Dr. Koester, rather than protect them, she was complicit.

18 147. For instance, Dr. Koester, more than once in response to complaints
19 about Defendant Morales’ misogyny, Dr. Koester “coached” Dr. Weber and other
20 female senior leadership employees on ways to avoid Defendant Morales’ wrath.

21 148. Among other instances, at one Academic Affairs retreat on or about
22 November 1, 2019, Dr. Koester indicated to Dr. Weber and other female executives
23 present that they needed to simply accept tirades against them in the workplace. It
24 was, according to her, a forgone conclusion.

25 ///

26
27 ²⁷ *An Important Message From Interim Chancellor Jolene Koester* (June 23, 2022)
28 <https://www.calstate.edu/csu-system/news/Pages/Letter-From-Chancellor-Koester-June-23-2022.aspx>

1 149. In August 2021, Dr. Koester discussed with Dr. Weber giving then-
2 Provost Shari McMahan “support” to stem President Morales’ frequent tirades
3 against female employees.

4 150. As one current female employee attested under penalty of perjury:

5 “Unfortunately, while President Morales has been mistreating female
6 employees like myself for years, California State University’s Human
7 Resources Department is totally useless. It is chronically understaffed
8 and appears to be unable to effectively respond to complaints of
9 discrimination and harassment and it fails to prevent retaliation. For
10 these reasons, many people with valid complaints of discrimination
11 and harassment simply do not bothering complaining for fear that, at
12 best, nothing will come of their complaints and, at worst, they will be
13 retaliated against.”

14 151. Defendant CSU and Dr. Koester were likewise indifferent to explicit
15 warnings that Defendant Zhu was a serial harasser. As one witness attested under
16 penalty of perjury, Defendant CSU and Dr. Koester simply did not care to protect
17 Defendant CSU’s female employees:

18 “It was so upsetting to watch Dr. Rogers and other female employees
19 suffer like this that I reported to California State University that Dr.
20 Zhu was mistreating female employees. **What was equally
21 disturbing was California State University’s lack of response to
22 my reports that Dr. Zhu was mistreating female employees.**

23 For instance, in approximately late 2020 or early 2021, I reported to
24 California State University’s Human Resources Department that
25 there was obvious mistreatment of female employees by Dr. Zhu.
26 Unfortunately, California State University took no action in response
27 to my complaints.

28 Around this same time period, I also reported Dr. Zhu’s mistreatment
of female employees to Shari McMahan, then-Provost at California
State University, San Bernardino. As far as I am aware, California
State University took no action as a result of my complaints to Provost
McMahan about Dr. Zhu’s mistreatment of female employees.

1 I also protested Dr. Zhu's mistreatment of female employees directly
2 to Dr. Zhu, himself. In response, Dr. Zhu was dismissive and
3 unconcerned that I was reporting to him that he was mistreating
4 female employees.

5 In late October 2021, I had a meeting with Jolene Koester who said she
6 had been retained by California State University to interview me about
7 my experience with Dr. Zhu. **In my interview with Dr. Koester, I**
8 **made it absolutely clear to her that Dr. Zhu was mistreating**
9 **female employees that worked for him, and that female employees**
10 **were fleeing from their positions at California State University as**
11 **a result of Dr. Zhu's inappropriate conduct.** I specifically asked Dr.
12 Koester what the outcome of her interviews with me and other
13 California State University employees would be. Dr. Koester was very
14 vague in her response.

15 **As far as I am aware, California State University took no action as**
16 **a result of my complaints to Dr. Koester that Dr. Zhu was**
17 **mistreating female employees. Instead, despite my clear reporting**
18 **to Dr. Koester that Dr. Zhu was mistreating female employees, it**
19 **was "business as usual." Dr. Zhu was able to continue**
20 **mistreating female employees."**

21 (Emphasis added).

22 152. Indeed, yet another employee likewise corroborated, under penalty of
23 perjury, as follows:

24 "Sometime around late October 2021 or early November 2021, I met
25 virtually with Dr. Jolene Koester who was then working for California
26 State University to help "coach" Dr. Zhu. **I reported to Dr. Koester**
27 **that Dr. Zhu was not equipped to lead a university and that he was**
28 **targeting Dr. Rogers. I also specifically said to Dr. Koester:**
"What bothers me the most is what are we teaching and what example
are we setting for the other female administrative assistants and the
younger working mothers who are coming up through the ranks, by
allowing Dr. Zhu to mistreat them and get away with it?"

(Emphasis in original and added).

1 153. Yet another employee also declared under penalty of perjury:

2
3 “There is, unfortunately, a consensus amongst faculty at California
4 State University that California State University protects male
5 employees who mistreat female employees at the expense of
6 protecting its female employees. I have heard on multiple different
7 occasions faculty saying things to the effect of, **California State
8 University, San Bernardino protects its men.**”

9 (Emphasis added).

10 154. On or about October 27, 2021, Dr. Rogers met with Dr. Koester.
11 According to Dr. Koester, Defendant CSU wanted to gently guide Defendant Zhu
12 in the “right direction” so he could remain in the workplace.

13 155. In Dr. Rogers’ October 27, 2021 meeting with Dr. Koester, Dr. Rogers
14 specifically complained to Dr. Koester that Defendant Zhu was misogynistic, and
15 cited to Dr. Koester very specific examples of Defendant Zhu’s discriminatory and
16 sexist conduct including, among other things that:

- 17 a. Defendant Zhu mocked Dr. Rogers for using gender pronouns
18 on her Zoom identification;
19 b. Defendant Zhu bullied female employees and make them cry;
20 and,
21 c. After making them cry, Defendant Zhu would tell female
22 employees, “*good leaders don’t cry.*”

23 156. Despite the severity of the issues Dr. Rogers was reporting, Dr.
24 Koester appeared unmoved.

25 ///

26 ///

27 ///

28 ///

1 **K. Defendant CSU Directs Dr. Rogers to Lie to Her Colleagues and**
2 **Students and Inform Them She is Resigning.**

3 157. Rather than do anything to stop the harassment that Dr. Rogers and
4 other female employees were enduring from Defendant Zhu, Defendant CSU
5 retaliated.

6 158. In November 2021 – just weeks after Dr. Rogers protested gender
7 harassment to Defendant Zhu and Dr. Koester – Dr. Rafik Mohamed (current
8 Provost at California State University, San Bernardino but who was then Dean of
9 the College of Social Behavioral Sciences) instructed Dr. Rogers to lie to her
10 colleagues and tell them she was “resigning.” However, even then, Dr. Mohamed
11 refused to provide a reason for his retaliation. Dr. Rogers was shocked. When she
12 asked Dr. Mohamed for more detail, Dr. Mohamed instead vaguely referenced a
13 “leadership issue” and told Dr. Rogers that she “should get in front of it.”

14 159. Then, in a smoking gun admission that no “leadership issue” actually
15 existed, Dr. Mohamed threatened Dr. Rogers, informing her Defendant CSU
16 would fire Dr. Rogers if she did not resign, and if it “were between Defendant Zhu
17 and Dr. Rogers, Defendant Zhu would not be the person to get fired.” Dr.
18 Mohamed specifically referenced Dr. Rogers’ goal to become a Dean and warned
19 Dr. Rogers that if she wanted any prospect of career advancement, “resignation”
20 was her only option.

21 160. Dr. Rogers had spent years building her career. She was sick to her
22 stomach. She understood that in a tightknit academic community like Defendant
23 CSU, a firing would torpedo any future opportunity for advancement.

24 161. Thereafter, Dr. McMahan pressured Dr. Rogers to write an email
25 purporting to “explain” her forthcoming “resignation” to her colleagues. Dr.
26 Rogers refused and instead sent a terse email for Defendant CSU to forward to her
27 colleagues. Brazenly, when Defendant CSU sent the email, Defendant CSU
28

1 embellished the language to make it appear that the “resignation” was up to Dr.
2 Rogers, instead of Defendant CSU’s constructive firing.

3 162. On or about January 1, 2022, Dr. Rogers was constructively
4 terminated and forced to resign her position of Associate Dean of California State
5 University, San Bernardino’s Palm Desert campus. Dr. Rogers retreated to faculty
6 where she earns less than she earned as Associate Dean; Defendants’ retaliation
7 and the harm to which she has been subjected by Defendants is ongoing.
8

9 **L. In May 2022, a Comprehensive Study Concludes That Defendant CSU**
10 **Has a Glaring Pattern and Practice of Paying Its Female Employees Less**
11 **Than Male Employees.**

12 163. Six months after Dr. Rogers was forced to resign, on or about May 26,
13 2022, a study, “CSU Salary Structure: Gender and Racial Based Pay Gaps,”²⁸
14 commissioned by the California State University Employees Union was published.

15 164. This Study found a striking disparity in wages among CSU employees
16 based on gender and ethnicity. According to the Study, white men at CSU make
17 about 3% more than men of color, 5% more than white women and 7% more than
18 women of color. The Study also found that CSU does not have consistent
19 procedures for providing employee raises and promotions and recommended that
20 the State of California spend \$287 million to correct the CSU system’s
21 compensation disparities.

22 165. Shortly thereafter, in June 2022, a class action lawsuit was filed on
23 behalf of Defendant CSU’s current and former employees, alleging that Defendant
24 CSU “has a policy and practice of paying its employees identifying as female and
25 its employees of color, less in wages for work in the same positions where others
26

27 ²⁸ See Ex. C, May 26, 2022 “CSU Salary Structure: Gender and Racial Based Pay Gaps”
28 (Finding there is “a consistent pattern of wage gaps for women and non-White workers in the CSU system.”).

1 receive more money.”²⁹

2 166. For Defendant CSU’s senior level female employees, such as Dr.
3 Weber, these disparities are even more glaring.

4 167. For instance, female Vice Provosts, on average, make approximately
5 7% less than their male counterparts performing substantially similar work. Dr.
6 Weber, in particular, was earning approximately 9% lower than the average male
7 Vice Provost. In other words, Dr. Weber’s Vice Provost salary was just 89.6
8 percent of the male Vice Provost median salary.

9 168. This pay inequity at Defendant CSU in general and at Defendant
10 CSU’s San Bernardino campus in particular is intentional. As one employee
11 corroborated under penalty of perjury:

12 “California State University, San Bernardino does not just allow Dr.
13 Morales to bully and intimidate female employees. **I have also**
14 **observed California State University, San Bernardino discriminate**
15 **against female employees by underpaying them in comparison to**
16 **their male counterparts who are performing nearly identical (if not**
17 **identical) job duties.**

18 For instance, there was a female employee who needed a 19% pay
19 increase to account for the disparity between herself and her male
20 counterpart doing identical work. According to her supervisor, this
21 female employee had been underpaid for years compared to her male
22 colleagues and when I reviewed the pay data, I agreed. However, once
23 the issue was brought to Dr. Morales’ attention, he refused. *He*
24 *arbitrarily declared – even though it did not come close to bridging the*
pay gap between this female employee and her male counterpart – that
Management Personnel Plan employees like this female employee could
only receive a 9% raise.

25 I think the pay inequity at California State University, San Bernardino
26 is entrenched. Given my 33 years of experience performing

27 ²⁹ See Ex. B, *Camelia Fowler v. California State University, et al.*, Superior Court of California, San
28 Bernardino County Case No. SB2212118)

1 compensation analyses for employees like Clare Weber, **I would be**
2 **hard pressed to explain why Dr. Weber, with whom I worked**
3 **closely and who was very well qualified for her position as Vice**
4 **Provost, was making less than the other male Vice Provosts at**
5 **California State University.”**

6 (Emphasis added).

7 169. And, as yet another high-ranking female management employee
8 attested under penalty of perjury:

9 **“President Morales also pays female employees, who are doing**
10 **identical or substantially similar job duties, less than their male**
11 **counterparts. I know this to be true because this is what happened**
12 **to me. I am currently paid thousands upon thousands of dollars less**
13 **than my male predecessor who had the same experience as I did when I**
14 **accepted my job position. In fact, I have far more job duties than my**
15 **male predecessor and, if anything, I should be paid more. When I**
16 **protested this to President Morales, he told me it was “take it or leave**
17 **it.”**

18 **This pay inequity is pervasive at California State University. For**
19 **instance, Dr. Rueyling Chuang, current Dean of the College of Arts**
20 **and Letters at California State University, San Bernardino makes**
21 **less than her male counterparts who also hold the “Dean” job**
22 **position.”**

23 (Emphasis added).

24 **M. Dr. Weber Complains, In No Uncertain Terms, That Defendant CSU’s**
25 **Pattern and Practice of Paying Female Employees Less Than Male**
26 **Employees Extends to Her and Other Female Vice Provosts.**

27 170. Dr. Weber was deeply disturbed by the results of the May 26, 2022
28 Salary Study. Shortly after the Study was published, Dr. Weber analyzed her own
salary compared to the male Vice Provosts across Defendant CSU’s other
campuses. Dr. Weber was appalled by what she learned.

1 171. With the exception of one female Vice Provost, every single female
2 Vice Provost at Defendant CSU made less than every single male Vice Provost
3 (with the exception of one male Vice Provost who made just \$2,780 less than what
4 Dr. Weber, who was at the bottom, was earning).

5 172. Accordingly, on or about June 15, 2022, Dr. Weber met with incoming
6 then-Interim Vice Provost Rafik Mohamed (who had forced Dr. Rogers to resign
7 months earlier) and Interim VP of Human Resources, Jeanne Durr (Interim Vice
8 President of Human Resources).

9 173. Dr. Mohamed was a subordinate to Dr. Weber but, upon Dr. Shari
10 McMahan's departure from the Provost position, Defendant Morales selected Dr.
11 Mohamed, a male, as the replacement for Provost McMahan – despite the fact that
12 Dr. Weber was the more qualified candidate and had expressly informed Defendant
13 Morales that she wanted to be Dr. McMahan's successor.

14 174. During this June 15, 2022 meeting with Dr. Mohamed and Ms. Durr –
15 because it was understood that Dr. Weber would be continuing on in her position
16 as Vice Provost – Dr. Mohamed began the meeting by telling Dr. Weber that he
17 was looking forward to working with her.

18 175. And – because it was understood that Dr. Weber would be continuing
19 on in her position as Vice Provost – Dr. Mohamed, then went on to discuss Dr.
20 Weber's position description, and specifically assigned Dr. Weber the additional
21 duty of supervising the Associate Provost for Research and Sponsored Programs
22 and Dean of Graduate Studies.

23 176. Dr. Weber balked. Dr. Weber responded that she would be happy to
24 take on additional duties, but in doing so, she “wanted a 12% “equity raise.”

25 177. Dr. Weber then specifically raised concerns to Dr. Mohamed and Ms.
26 Durr of gender discrimination, protesting that: (1) she had learned that she was not
27 making the same amount of money as her male counterparts in the CSU system;
28

1 and (2) she was one of the lowest paid despite her large portfolio of assignments,
2 the additional duties assigned to her previously and now the new duties being
3 assigned in this meeting. Dr. Weber indicated an “equity raise” would account for
4 the disparity in pay between her and her male colleagues.

5 178. Thereafter, Dr. Weber emailed Defendant Morales and asked for this
6 same 12% raise.

7 179. However, rather than take any steps to correct the gender inequity in
8 pay or otherwise investigate Dr. Weber’s concerns of gender discrimination, CSU
9 and Defendant Morales swiftly retaliated.

10
11 **N. As it Did with Dr. Rogers, Defendant CSU Swiftly Retaliates Against**
12 **Dr. Weber, Issuing the Identical Directive It Did With Dr. Rogers:**
13 **Resign or Be Fired.**

14 180. Specifically, although Defendant Morales pretends to “air [sic] on the
15 side of ensuring that complaints that are expressed are looked at in very methodical
16 way,”³⁰ he instead, methodically moved to silence Dr. Weber.

17 181. Indeed, true to the Faculty Senate’s assessment that for Defendant
18 Morales, “*Compliance is valued over competence and dissent is not tolerated,*”³¹
19 Defendant Morales – identical to Defendant Zhu’s retaliation against Dr. Rogers –
20 began to subject Dr. Weber to absurd and unwarranted criticism.

21 182. As one current female executive corroborated under penalty of
22 perjury:

23
24 “Although President Morales is so deeply hostile to and regularly
25 discriminates against female employees who work for him, there is a

26 ³⁰ See Ex. E, *California State University, San Bernardino Faculty Senate Executive Committee*
27 *Minutes* (February 22, 2022).

28 ³¹ See Ex. D (May 2017 Resolution of No Confidence in the President of California State
University, San Bernardino).

1 culture of fear at California State University. **And, unfortunately,**
2 **President Morales has a well-known practice of forcing female**
3 **employees to “resign” or “retire” if they disagree with him or**
4 **complain. He quickly turns on female employees who report**
5 **workplace concerns to him and engages in what I can only called a**
6 **“campaign” to discredit them and remove the female employees.**

7 Despite President Morales’ really discriminatory treatment of female
8 employees, President Morales has a myopic and hypocritical fixation on
9 DEI (Diversity, Equity and Inclusion) efforts. **I have found this to be**
10 **incredibly ironic given his history of mistreatment of female**
11 **employees like myself.”**

12 (Emphasis added).

13 183. And so, it was with Dr. Weber. On or about July 19, 2022, *just four*
14 *weeks* after Dr. Weber complained to Defendant CSU about gender discrimination,
15 Dr. Mohamed (Provost) called a Zoom meeting with Dr. Weber, Ms. Durr (Interim
16 Vice President of Human Resources), and Kelly Campbell (Interim Vice Provost of
17 Academic Affairs).

18 184. Upon Dr. Weber entering the Zoom meeting, Dr. Mohamed curtly
19 informed Dr. Weber that he “was going to cut to the chase.” Dr. Mohamed – who
20 had been on the job for less than three (3) weeks – and had not yet even had the
21 opportunity to work with Dr. Weber – pretextually and speciously claimed he could
22 not work with Dr. Weber.

23 185. Dr. Mohamed then instructed Dr. Weber to lie to her colleagues and
24 Defendant CSU’s students and faculty and tell them that she had decided to
25 “resign.”

26 186. Dr. Weber immediately informed Dr. Mohamed that she needed
27 “representation,” and left the call.

28 187. Defendant Morales “forced resignations” are well known among
Defendant CSU’s employees. As one employee attested:

1 “President Morales also engages in frequent attempts to intimidate
2 female employees who disagree with him including by telling me and
3 other female employees that he “knows a lot of people” and he is very
4 well liked by California State University’s Chancellor’s Office.
5 **President Morales makes it very clear to me and other female
6 employees who disagree with him that he could ruin our career and,
7 because he is so well regarded by the Chancellor’s Office, he can
8 mistreat female employees with impunity.”**

9 . . .

10 **President Morales has a well-known practice of forcing female
11 employees to “resign” or “retire” if they disagree with him or
12 complain. He quickly turns on female employees who report
13 workplace concerns to him and engages in what I can only called a
14 “campaign” to discredit them and remove the female employees.”**

15 (Emphasis added).

16 188. But, Dr. Weber refused to resign. Instead, on July 26, 2022, Dr.
17 Weber – who had just weeks before received a glowing performance evaluation and
18 months before received outward and effusive praise from Defendant Morales –
19 wrote to Defendant Morales:

20 “I explicitly raised concerns that these female Vice Provosts were
21 being paid less because of their gender. I have been shocked and
22 saddened that CSU’s response to my complaints was to subject me to
23 unprecedented and unwarranted criticism and then -- just a month
24 later -- ask me to “resign” from my position. This is highly offensive
25 and totally discriminatory, and retaliatory. I love serving CSU San
26 Bernardino and the system as a whole. I ask that you stop this
27 discrimination and retaliation immediately and let me continue on. I
28 also ask that you investigate my concerns that CSU engages in gender
discrimination by paying its female Vice Provosts less than its male
Vice Provosts.”

189. *The very next day*, Defendant CSU fired Dr. Weber.

///
///

1 **O. Defendant CSU Attempts to Cover-Up Its Illegal Firing of Dr. Weber**
2 **with Ever-Shifting, Demonstrably False Explanations and an Utter**
3 **Refusal to Timely Investigate.**

4 190. Defendant CSU, understanding the magnitude of its illegal conduct,
5 hastily attempted to cover up its actions in subsequent (and conflicting)
6 explanations. Such ever-shifting pre-textual explanations were as absurd as they
7 were vague.

8 191. First, Defendant CSU demanded that Dr. Weber lie and say that she
9 had resigned from her position.

10 192. Second, when Dr. Weber refused to go along with Defendant CSU's
11 lie, Defendant CSU falsely informed Dr. Weber's former colleagues that she had
12 left to take on "special projects."

13 193. Third, when that explanation was disbelieved, and after pointed
14 questioning from Dr. Weber's loyal staff, Defendant CSU defamed Dr. Weber.

15 194. Specifically, in a deeply ironic twist, Dr. Mohamed informed her
16 colleagues that Dr. Weber had been fired because she was not making adequate
17 efforts to advance diversity, equity and inclusion at Defendant CSU, and,
18 according to Dr. Mohamed, they "had different visions" and "were not going to be
19 able to work together."

20 195. As one of Dr. Weber's former colleagues lamented to Dr. Weber in
21 writing shortly after her firing:

22 *"It is outrageous . . . It doesn't make sense."*

23 (Emphasis added).

24 196. And, yet another current employee declared under penalty of perjury:

25 "In or about mid-August 2022, shortly after Dr. Weber was told by
26 California State University that she was being removed from her
27 position as Vice Provost, Dr. Mohamed (Interim Vice Provost), held a
28

1 meeting with me and various other California State University
2 employees. During this meeting, an employee specifically questioned
3 Dr. Mohamed, asking why Dr. Weber had been removed from her Vice
4 Provost position. Dr. Mohamed's explanation was vague. He told us
5 that he and Dr. Weber had "different visions" and "we were not going
6 to be able to work together." **Obviously, this contradicted Dr.
7 Mohamed's August 15, 2022 email to various California State
8 University employees in which Dr. Mohamed stated that Dr.
9 Weber was going to pursue "special projects."**

10 (Emphasis added).

11 197. In addition to Defendant CSU's ever-shifting explanations, Defendant
12 CSU tried to cover up its retaliation against Dr. Weber by refusing to investigate
13 her discrimination complaint. Indeed, although Dr. Weber first complained of
14 gender discrimination on or about June 15, 2022, Defendant CSU, completely
15 abdicating its obligations under California law, did not, until – January 2023 –
16 commence an "investigation" into her claims.³²

17 198. Even then, however, Defendant CSU essentially hired itself to
18 conduct the "investigation." Specifically, Defendant CSU hired the Attorney
19 General of California – which represents and defends Defendant CSU in litigation
20 – to conduct the purportedly neutral "investigation." Indeed, as recently as March
21 10, 2023, Defendant CSU *admitted* to Dr. Weber that it instructed the Attorney
22 General *not* to investigate Dr. Weber's gender harassment claims against
23 Defendant Morales. As Sue McCarthy, Defendant CSU's Systemwide TIX
24 Compliance Officer & Senior Director speciously claimed, Dr. Weber's gender
25 harassment allegations – which Dr. Weber had meticulously detailed to Defendant
26 CSU – were "not specific enough."

27 ³² Defendant CSU's refusal to investigate Dr. Weber's complaints is sufficient to establish pre-
28 text and defeat summary judgment. *Mendoza v. Western Med.*, 222 Cal. App. 4th 1334, 1344
(2014) (The lack of a rigorous investigation by defendants is evidence suggesting that defendants
"did not value the discovery of the truth so much as a way to clean up the mess that was
uncovered when [Dr. Weber] made h[er] complaint.").

1 **P. Just Weeks After Illegally Firing Her, and Consistent with Its Routine**
2 **Ratification of Harassment and Discrimination, Defendant CSU**
3 **Rewards Defendant Morales with a Lavish Raise, Again Retaliates**
4 **Against Dr. Weber.**

5 199. Just weeks after firing Dr. Weber, and despite Defendant CSU's
6 obvious knowledge of Defendant Castro's well-documented propensity for abuse
7 against female employees, Defendant CSU rewarded Defendant Morales, who
8 earned \$557,998.96³³ in 2021, with a lavish raise worth \$25,860.00.

9 200. And, although Dr. Weber's appointment letter from Defendant CSU
10 provided that, should she be fired as Vice Provost, she would be allowed to
11 "retreat" to a faculty position, earning a salary equal to at least that of the highest-
12 paid faculty member in the College of Social and Behavioral Sciences, on August
13 18, 2022, Defendant CSU retaliated against Dr. Weber again. Specifically,
14 consistent with its established practice of shortchanging Dr. Weber, Defendant
15 CSU attempted to force Dr. Weber to work for a salary far below what had been
16 contractually agreed upon.

17 201. As Dr. Weber wrote to Defendant CSU in a complaint about this
18 further act of retaliation:

19 "Given that I recently complained that I was being retaliated against
20 and fired for complaining about gender discrimination (including
21 gender pay disparities), and my attorneys shortly thereafter informed
22 CSU that I was contemplating litigation, this abrupt "180" in the
23 amount of money that CSU says it will pay me feels like yet another
act of harassment and retaliation."

24 202. Defendant CSU, realizing it had been caught in another act of
25 retaliation and gender pay discrimination, and likely upon the advice of counsel
26 who realized that gravity of this illegal act, immediately reversed course.

27 ³³ [https://transparentcalifornia.com/salaries/2021/california-state-university/thomas-d-](https://transparentcalifornia.com/salaries/2021/california-state-university/thomas-d-morales/)
28 [morales/](https://transparentcalifornia.com/salaries/2021/california-state-university/thomas-d-morales/)

1 **Q. Only After Dr. Weber’s Attorneys Notify Defendant CSU That Dr.**
2 **Weber Has Retained Attorneys and Is Contemplating Litigation Does**
3 **CSU Say That It Will Launch a Farcical “Investigation” – However,**
4 **Months and Months Later, That Investigation Has Not Commenced**

5 203. On August 18, 2022, instead of taking prompt, remedial action by
6 retaining a neutral, truly unbiased investigator to “investigate” Dr. Weber’s
7 complaints – complaints that first raised by Dr. Weber *over two months before* –
8 Defendant CSU wrote to Dr. Weber and promised that the investigation would
9 start with an “external consultant.”

10 204. In doing so, however, Defendant CSU lied to Dr. Weber.

11 205. First, this “external consultant” turned out to be a full-time employee
12 of Defendant CSU whose livelihood was dependent upon staying in the good
13 graces of Defendant CSU.

14 206. Critically, this was not the first time Defendant CSU has hired
15 “bought and paid for” “investigators” to reach pretextual conclusions designed to
16 absolve CSU of responsibility. In mid-June 2022, Defendant CSU sought to retain
17 a notorious employment law defense firm – Cozen O’Connor – to “investigate”
18 the pervasive discrimination and harassment across campuses.³⁴

19 207. And, California lawmakers balked. Recognizing the absurdity of this
20 “bought and paid for” investigation by employment law defense firm Cozen O’
21 Connor, lawmakers instead retained the California State Auditor’s office to
22 perform its own, truly independent investigation. As Assemblymember Jim
23 Patterson (R-Fresno) put it:

24
25
26 ³⁴ *An Important Message from CSU Interim Chancellor Jolene Koester* (June 23, 2022),
27 <https://www.calstate.edu/csu-system/news/Pages/Letter-From-Chancellor-Koester-June-23-2022.aspx#:~:text=As%20you%20likely%20know%20and,and%20intellectually%2C%20free%20of%20discrimination%2C>
28

1 “The system protects itself . . . I am much more [trusting] of
2 the independent auditing processes and individuals at the
3 California state auditor’s office than I am of a law firm that has
4 had a history of relationships with the CSU and the chancellor’s
5 office. It is unacceptable for this nation’s largest four-year
6 public university system to have such widespread sexual
7 harassment allegations and payouts.”³⁵

8 208. Second, despite Defendant CSU’s lies to Dr. Weber, the investigation
9 process did not actually begin at all. Instead, as of January 2023 – seven months
10 after Dr. Weber first complained, Defendant CSU had yet to start its investigation.

11 **R. Nine Months After Dr. Rogers is Forced to Resign, The Faculty at**
12 **Defendant Zhu’s Campus Protest Defendant Zhu’s Rampant Gender**
13 **Discrimination; Less Than Four Weeks Later, Defendant Zhu – Who**
14 **Had Often Confirmed His Intention to Stay with Defendant CSU**
15 **“Long-Term,” Abruptly “Retires.”**

16 209. Nearly one year after Dr. Rogers’ complaints that Defendant Zhu was
17 running a sexist and misogynistic campus, the entire faculty at Defendant CSU,
18 San Bernardino’s Palm Desert Campus (run by Defendant Zhu) including Dr.
19 Rogers protested Zhu’s gender discrimination to Dr. Rafik Mohamed (then-
20 Interim Vice Provost and Vice President for Academic Affairs).

21 210. Among other things, as Dr. Rogers and all of the other faculty
22 members protested:

23 “[I]t has become increasingly clear that the organizational structure or
24 management of [Palm Desert Campus] **has created gender and other**
25 **inequities that are harming our community** and unnecessarily curtailing

26 ³⁵ Colleen Shalby, Robert J. Lopez, *After Times investigations, state will investigate CSU sex*
27 *harassment scandals*, Los Angeles Times (June 27, 2022)
28 <https://www.latimes.com/california/story/2022-06-27/state-lawmakers-approve-independent-audit-of-csu-handling-of-sexual-harassment-cases>;

1 our ability to serve our students.”

2 *See* Ex. G. (September 9, 2022 Letter from Palm Desert Faculty to Defendant
3 CSU) (Emphasis added).

4 211. The faculty demanded to meet with Dr. Mohamed to “Address
5 discrimination issues around gender and other types of bias that impact faculty and
6 staff.”

7 212. On or about September 20, 2022, the faculty at Defendant CSU, San
8 Bernardino’s Palm Desert Campus, including Dr. Rogers, met with Dr. Mohamed.
9 Dr. Rogers was vocal about Defendant Zhu’s sexism and misogyny at this meeting.

10 213. Among other things, Dr. Rogers and other faculty members
11 complained that Defendant Zhu had driven highly talented female employees from
12 Defendant CSU, had made demeaning and degrading statements to female
13 employees, and Defendant Zhu had fostered a misogynistic culture where male
14 employees were lauded for work actually done by female employees.

15 214. Less than four (4) weeks later, Defendant Zhu “retired.” This, of
16 course, was a ruse designed to protect Defendant Zhu. Indeed, prior to this time,
17 Defendant Zhu had openly spoken of his intention to remain with Defendant
18 California long-term. As one current employee who worked closely with
19 Defendant Zhu attested under penalty of perjury:

20 “I do not believe that Dr. Zhu is actually “retiring.” Instead, I believe
21 that he was ousted by California State University but allowed to say he
22 was “retiring” to protect his reputation. **In fact, in multiple meetings**
23 **that I had with Dr. Zhu, it was clear that he intended to stay long-**
24 **term at California State University and he had no intention of**
25 **retiring any time soon. I find it totally disheartening that even**
26 **though Dr. Zhu has been known to mistreat female employees,**
27 **California State University is rewarding Dr. Zhu’s bad behavior by**
28 **paying Dr. Zhu through June 2023.”**

(Emphasis added).

1 215. And, as yet another current employee attested under penalty of
2 perjury:

3 “I received an email notifying me that Dr. Zhu was “retiring.” I put
4 the word “retiring” in quotes because I truly believe that California
5 State University was protecting Dr. Zhu by giving him the option to
6 “retire” to avoid a Title IX investigation which likely would
7 substantiate our allegations of gender discrimination. Dr. Zhu had
8 repeatedly indicated he was staying at California State University
9 long-term. The explanation sounded like a pretext and I do not believe
it was the real reason for him leaving his job.”

10 216. Prior to the filing of this action, Dr. Weber and Dr. Rogers timely filed
11 complaints with the Department of Fair Employment and Housing (“DFEH”)
12 alleging that the acts of Defendants established a violation of FEHA, Government
13 Code § 12900 *et seq.* Dr. Weber and Dr. Rogers have received “right to sue”
14 letters from the DFEH against each named Defendant and has timely brought this
15 action thereafter. Dr. Weber and Dr. Rogers have also both timely presented
16 claims to Defendant CSU meeting the requirements of the California Tort Claims
17 Act (Government Code § 810 *et seq.*).
18

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

First Cause of Action
Violation of California Equal Pay Act
(California Labor Code § 1197.5(a))
(Dr. Weber Against Defendant Board of Trustees of the California State
University and Does 1 - 25)

217. Dr. Weber realleges and incorporates by reference paragraphs 1 through 216 as though set forth in full.

218. At all times herein mentioned, California’s Equal Pay Act (California Labor Code § 1197.5) was in full force and effect and was binding upon Defendants and each of them.

219. California’s Equal Pay Act (California Labor Code § 1197.5) provides that “[a]n employer shall not pay any of its employees at wage rates less than the rates paid to employees of the opposite sex for substantially similar work, when viewed as a composite of skill, effort, and responsibility.

220. Defendants paid Dr. Weber, a female, less than the rate paid to male employees working for Defendant CSU who were performing substantially similar work as Dr. Weber, considering the overall combination of skill, effort, and responsibility required and who were working under similar working conditions as Dr. Weber.

221. Defendants, their agents, and supervisors, actively engaged in, facilitated, fostered, approved of, knew or should have known of California Equal Pay Act violations.

222. By the aforesaid acts and omissions of defendants, and each of them, Dr. Weber has been directly and legally caused to suffer actual damages including, but not limited to, loss of earnings and future earning capacity, attorneys’ fees, costs of suit and other pecuniary loss not presently ascertained.

///

1 223. As a further direct and legal result of the acts and conduct of
2 defendants, and each of them, as aforesaid, Dr. Weber has been caused to and did
3 suffer and continues to suffer severe emotional and mental distress, anguish,
4 humiliation, embarrassment, insomnia, fright, shock, discomfort, and anxiety. The
5 exact nature and extent of said injuries is presently unknown to Dr. Weber and Dr.
6 Weber does not know at this time the exact duration or permanence of said injuries,
7 but is informed and believes and thereon alleges that some if not all of the injuries
8 are reasonably certain to be permanent in character.

9 224. Dr. Weber has been damaged in an amount according to proof at trial,
10 but in an amount in excess of the jurisdiction of this Court. Dr. Weber is entitled to
11 recover the unpaid balance of wages owed, plus interest on that amount, all
12 penalties, reasonable attorneys' fees, and costs of suit pursuant to California Labor
13 Code § 1197.5 (h), as well as any other legal and equitable relief the Court deems
14 just and proper, including a declaratory judgment that Defendants have engaged in
15 systemic gender discrimination against Dr. Weber by paying female employees less
16 than their male counterparts for substantially equal or substantially similar work; by
17 a permanent injunction against such continuing discriminatory pay practices,
18 policies, and procedures; and injunctive relief that effectuates a restructuring of
19 Defendants' compensation policies, practices, and procedures in violation of the
20 California Equal Pay Act.

21
22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

Second Cause of Action
Retaliation in Violation of California Equal Pay Act
(California Labor Code § 1197.5(k))
(Dr. Weber Against Defendant Board of Trustees of the California State
University and Does 1 - 25)

225. Dr. Weber hereby incorporates by reference Paragraphs 1 through 224 of this Complaint as if fully set forth herein.

226. California Labor Code Section 1197.5(k) provides, “An employer shall not discharge, or in any manner discriminate or retaliate against, any employee by reason of any action taken by the employee to invoke or assist in any manner the enforcement of this section.”

227. As described herein, Dr. Weber invoked her right to equal pay as Defendants’ male employees and opposed, raised concerns about, and otherwise complained about Defendants’ refusal to pay her equal pay as male employees who were performing substantially similar work including, among other times, on:

- a. June 15, 2022 in a meeting with Rafik Mohamed and Jeanne Durr, in which Dr. Weber protested that: (1) she had learned that she was not making the same amount of money as her male counterparts in the CSU system who were performing the same work; and (2) she was one of the lowest paid employees despite her large portfolio of assignments, the additional duties assigned to me previously and now the new duties being assigned in this meeting.
- b. July 20, 2022 in a letter to Defendants in which Dr. Weber complained: “I recently learned that I earn substantially less than my CSU counterparts, mostly male (see Attachment A). In addition to the 7% merit increase as requested above, I am asking for a minimum of 12% retroactive annual salary increase from my original start date in 2017 and a 12% equity increase starting now to the end of my one-year sabbatical ending on August 17, 2023. Attached are the comparable salaries of CSU’s

1 highest-earning vice provosts.”

2 c. July 26, 2022 in an email to Defendants in which Dr. Weber
3 protested: ““I explicitly raised concerns that these female Vice
4 Provosts were being paid less because of their gender. I have
5 been shocked and saddened that CSU’s response to my
6 complaints was to subject me to unprecedented and
7 unwarranted criticism and then -- just a month later -- ask me to
8 “resign” from my position. This is highly offensive and totally
9 discriminatory, and retaliatory. I love serving CSU San
10 Bernardino and the system as a whole. I ask that you stop this
11 discrimination and retaliation immediately and let me continue
12 on. I also ask that you investigate my concerns that CSU
13 engages in gender discrimination by paying its female Vice
14 Provosts less than its male Vice Provosts.”

15 228. Dr. Weber’s invocation of her right to equal pay and pursuit of equal
16 pay was a substantial motivating reason for Defendants’ discharging of Dr. Weber
17 from her Deputy Vice Provost and Vice Provost of Academic Affairs position.

18 229. By the aforesaid acts and omissions of defendants, and each of them,
19 Dr. Weber has been directly and legally caused to suffer actual damages including,
20 but not limited to, loss of earnings and future earning capacity, attorneys’ fees,
21 costs of suit and other pecuniary loss not presently ascertained.

22 230. As a further direct and legal result of the acts and conduct of
23 defendants, and each of them, as aforesaid, Dr. Weber has been caused to and did
24 suffer and continues to suffer severe emotional and mental distress, anguish,
25 humiliation, embarrassment, insomnia, fright, shock, discomfort, and anxiety. The
26 exact nature and extent of said injuries is presently unknown to Dr. Weber and Dr.
27 Weber does not know at this time the exact duration or permanence of said injuries,
28 but is informed and believes and thereon alleges that some if not all of the injuries
are reasonably certain to be permanent in character.

Third Cause of Action
Discrimination on the Basis of Gender in Violation of the
California Fair Employment and Housing Act
(California Government Code § 12940(a))
(Dr. Weber Against Defendant Board of Trustees of the California State
University and Does 1 - 25)

231. Dr. Weber hereby incorporates by reference Paragraphs 1 through 230 of this Complaint as if fully set forth herein.

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

233. FEHA, Government Code § 12940(a), expressly provides that it is an unlawful employment practice for an "employer or other entity covered by [FEHA]" to discriminate against the person in compensation or in terms, conditions, or privileges of employment.

234. Defendants and Does 1 - 25 each constitute an "employer" or "other entity covered by [FEHA]" as those terms are defined by FEHA.

235. Dr. Weber is a female.

236. Dr. Weber is an "employee" as that term is defined by FEHA.

237. Defendants discriminated against Dr. Weber in compensation and in the terms, conditions, or privileges of employment by by: (1) failing to pay Dr. Weber equal pay as male employees who were performing substantially similar work; (2) failing to promote Dr. Weber to the position of Interim Provost of California State University, San Bernardino and, instead, promoting a man (Rafik Mohamed) to that position; (3) failing to promote Dr. Weber to the position of Provost at California State University, San Bernardino and, instead, promoting a man (Rafik Mohamed) to that position; and (4) firing Dr. Weber from the position

1 of Deputy Provost and Vice Provost for Academic Programs at California State
2 University, San Bernardino.

3 238. As a direct, foreseeable, and legal result of Defendants' violations of
4 FEHA as alleged herein, Dr. Weber has suffered losses in earnings, attorney's fees
5 and costs of suit and has suffered and continues to suffer physical pain, humiliation,
6 mental and emotional distress, depression, anxiety, and insomnia, all to her damage
7 in an amount in excess of the minimum jurisdiction of this Court, the precise
8 amount of which will be proven at trial.

9 239. As a result of Defendants' violation of FEHA as alleged herein, Dr.
10 Weber is entitled to reasonable attorneys' fees and costs of said suit as provided by
11 California Government Code § 12965(b).

12
13 **Fourth Cause of Action**

14 **Unlawful Harassment in Violation of the California Fair**

15 **Employment and Housing Act**

16 **(California Government Code § 12940(h))**

17 **(Dr. Weber Against Defendant Board of Trustees of the California State**
18 **University, Defendant Tomás Morales and Does 1 - 50; Dr Rogers Against**
19 **Defendant Board of Trustees of the California State University, Defendant**
20 **Jake Zhu and Does 1 - 50)**

21 240. Dr. Weber and Dr. Rogers hereby incorporate by reference Paragraphs
22 1 through 239 of this Complaint as if fully set forth herein.

23 241. In perpetrating the above-described actions, the defendants, and each
24 of them, including Does 1 through 50 and/or their agents and employees, subjected
25 Dr. Weber and Dr. Rogers to a continuing and ongoing pattern and practice of
26 gender harassment in violation of California Government Code Section 12940, *et*
27 *seq.*

1 242. Defendants, their agents, and supervisors, actively engaged in,
2 facilitated, fostered, approved of, knew or should have known of the unlawful
3 harassing conduct, failed to take immediate and appropriate corrective action and
4 otherwise failed to abide by their statutory duty to take all reasonable steps to
5 prevent harassment from occurring. The harassment was sufficiently pervasive or
6 severe as to alter the conditions of the employment of Dr. Weber and Dr. Rogers
7 and to create a hostile, intimidating and/or abusive work environment.

8 243. As a direct, foreseeable, and legal result of Defendants' violation of
9 FEHA as alleged herein, Dr. Weber and Dr. Rogers have suffered losses in
10 earnings, attorney's fees and costs of suit and have suffered and continue to suffer
11 physical pain, humiliation, mental and emotional distress, depression, anxiety, and
12 insomnia, all to their damage in an amount in excess of the minimum jurisdiction of
13 this Court, the precise amount of which will be proven at trial.

14 244. Dr. Weber and Dr. Rogers are informed and believes and thereon
15 alleges that Defendant Morales and Defendant Zhu, and each them, by engaging in
16 the aforementioned acts and/or in authorizing and/or ratifying such acts, engaged
17 in wilful, malicious, intentional, oppressive and despicable conduct, and acted with
18 wilful and conscious disregard of the rights, welfare and safety of Dr. Weber and
19 Dr. Rogers, thereby justifying the award of punitive and exemplary damages against
20 Defendants Morales and Zhu in an amount to be determined at trial.

21 245. As a result of Defendants' violation of FEHA as alleged herein, Dr.
22 Weber and Dr. Rogers are entitled to reasonable attorneys' fees and costs of said
23 suit as provided by California Government Code § 12965(b).

24
25 ///

26 ///

27 ///

28

Fifth Cause of Action
Unlawful Retaliation in Violation of the California Fair
Employment and Housing Act
(California Government Code § 12940(h))
(Dr. Weber and Dr. Rogers Against Defendant Board of Trustees of the
California State University and Does 1 - 25)

246. Dr. Weber and Dr. Rogers hereby incorporate by reference Paragraphs 1 through 245 of this Complaint as if fully set forth herein.

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

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

249. Defendants and Does 1-25 each constitute an "employer" or "other entity covered by [FEHA]" as those terms are defined by FEHA.

250. Dr. Weber and Dr. Rogers are each an "employee" as that term is defined by FEHA.

251. Dr. Weber complained to Defendants about, opposed, protested and otherwise raised concerns about conduct that Dr. Weber reasonably believed constituted gender discrimination.

252. Dr. Rogers complained to Defendants about, opposed, protested and otherwise raised concerns about conduct that Dr. Rogers reasonably believed constituted gender harassment.

///

1 253. Defendants, and each of them, retaliated against Dr. Weber by, among
2 other things:

- 3 a. Telling Dr. Weber that she should resign; and
4 b. Firing her.

5 254. Defendants, and each of them, retaliated against Dr. Rogers by, among
6 other things:

- 7 a. Telling Dr. Rogers that she should resign; and
8 b. Constructively firing Dr. Rogers (by giving her no choice but to
9 resign).

10 255. As a direct, foreseeable, and legal result of Defendants' violation of
11 FEHA as alleged herein, Dr. Weber and Dr. Rogers have suffered losses in
12 earnings, attorney's fees and costs of suit and have suffered and continue to suffer
13 physical pain, humiliation, mental and emotional distress, depression, anxiety, and
14 insomnia, all to their damage in an amount in excess of the minimum jurisdiction of
15 this Court, the precise amount of which will be proven at trial.

16 256. As a result of Defendants' violation of FEHA as alleged herein, Dr.
17 Weber and Dr. Rogers are entitled to reasonable attorneys' fees and costs of said
18 suit as provided by California Government Code § 12965(b).

19
20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2

3

4

6

7

8

9

10

1 262. As a result of Defendants' acts and conduct, as alleged herein, Dr.
2 Weber and Dr. Rogers are entitled to reasonable attorneys' fees and costs of suit as
3 provided in Section 12965(b) of the California Government Code.
4

5
6 **Seventh Cause of Action**

7 **Violation of California Labor Code Section 1102.5**

8 **(Dr. Weber Against Defendant Board of Trustees of the California State**
9 **University, Defendant Tomás Morales and Does 1 - 50; Dr. Rogers Against**
10 **Defendant Board of Trustees of the California State University, Defendant**
11 **Jake Zhu and Does 1 - 50)**

12 263. Dr. Weber and Dr. Rogers reallege and incorporate by reference
13 paragraphs 1 through 262 as though set forth in full.

14 264. As alleged herein and in violation of California Labor Code Section
15 1102.5, Defendants retaliated against Dr. Weber and Dr. Rogers for their disclosure
16 of information that they had reasonable cause to believe disclosed a violation of
17 Federal and California laws, rules and regulations to persons with authority over
18 Dr. Weber and Dr. Rogers, and who had the authority to investigate, discover, and
19 correct the complained of violations or non-compliance. Said activities would
20 result in a violation of various Federal and California statutes and regulations such
21 as the following:

- 22 a. 20 U.S.C. §1681-§1688 (Title IX of the of the Education
23 Amendments Act of 1972);
24 b. Section 12940 of the California Government Code;
25 c. Section 1197.5 of the California Labor Code;
26 d. Article I, Section 8 of the California Constitution prohibiting
27 disqualification from pursuing employment based on sex; and
28

1 e. Various other California and Federal statutes, regulations and
2 codes.

3 265. By the aforesaid acts and omissions of Defendants, and each of them,
4 Dr. Weber and Dr. Rogers have been directly and legally caused to suffer actual
5 damages including, but not limited to, loss of earnings, reliance damages, costs of
6 suit and other pecuniary loss in an amount not presently ascertained, but to be
7 proven at trial.

8 266. As a further direct and legal result of the acts and conduct of
9 Defendants, and each of them, as aforesaid, Dr. Weber and Dr. Rogers have been
10 caused to and did suffer and continue to suffer severe emotional and mental
11 distress, anguish, humiliation, shame, embarrassment, fright, shock, pain,
12 discomfort and anxiety. Dr. Weber and Dr. Rogers do not know at this time the
13 exact duration or permanence of said injuries, but are informed and believe, and
14 thereon allege, that some if not all of the injuries are reasonably certain to be
15 permanent in character.

16 267. Dr. Weber and Dr. Rogers are informed and believes and thereon
17 alleges that Defendant Morales and Defendant Zhu, and each them, by engaging in
18 the aforementioned acts and/or in authorizing and/or ratifying such acts, engaged
19 in wilful, malicious, intentional, oppressive and despicable conduct, and acted with
20 wilful and conscious disregard of the rights, welfare and safety of Dr. Weber and
21 Dr. Rogers, thereby justifying the award of punitive and exemplary damages against
22 Defendants Morales and Zhu in an amount to be determined at trial.

23 268. As a result of Defendants' conduct as alleged herein Dr. Weber and
24 Dr. Rogers are entitled to reasonable attorneys' fees and costs of suit pursuant to
25 Cal. Labor Code § 1102.5(j).
26
27
28

Eighth Cause of Action
Violation of Article I, Section 8 of the California Constitution Prohibiting
Discrimination Based on Sex
(Dr. Weber Against Defendant Board of Trustees of the California State
University and Does 1 - 25)

269. Dr. Weber realleges and incorporates by reference paragraphs 1 through 268 as though set forth in full.

270. At all times herein mentioned, the California Constitution, Article I, Section 8 was in full force and effect and was binding upon Defendants and each of them.

271. The California Constitution, Article I, Section 8 expressly prohibits discrimination in employment and, in particular, expressly provides that it is an unlawful employment practice for a person to be “disqualified from entering or pursuing a business, profession, vocation, or employment because of sex”

272. At all times relevant herein, Defendants and Does 1-25 were Dr. Weber’s employer.

273. Defendants discriminated against Dr. Weber because of her sex by paying her less than Defendants’ male employees who were performing substantially similar work

274. As a direct, foreseeable, and legal result of Defendants’ violations of the California Constitution, Article I, Section 8 as alleged herein, Dr. Weber has suffered losses in earnings, attorney’s fees and costs of suit and has suffered and continues to suffer physical pain, humiliation, mental and emotional distress, depression, anxiety, and insomnia, all to her damage in an amount in excess of the minimum jurisdiction of this Court, the precise amount of which will be proven at trial.

///

1 275. As a result of Defendants' conduct as alleged herein, Dr. Weber is
2 entitled to reasonable attorney' fees and costs of suit as provided in Section 1021.5
3 of the California Civil Procedure Code.
4

5 **Ninth Cause of Action**

6 **Failure to Produce Personnel File for Inspection**

7 **(California Labor Code Section 1198.5**

8 **(Dr. Rogers Against Defendant Board of Trustees of the California State**
9 **University and Does 1 - 25)**

10 276. Dr. Rogers realleges and incorporates by reference paragraphs 1
11 through 275, as though set forth in full.

12 277. On October 7, 2022, Dr. Rogers sent a written request to Defendants
13 to make the contents of her personnel records available for inspection. In violation
14 of Labor Code section 1198.5(b), Defendants failed to respond at all, let alone
15 within thirty (30) days.

16 278. Accordingly, Dr. Rogers seeks injunctive relief to obtain compliance
17 with this section, pursuant to Labor Code section 1198.5(l).

18 279. As a result of Defendants' failure produce Dr. Rogers personnel
19 records for inspection, as alleged herein, Dr. Rogers is entitled to reasonable
20 attorneys' fees and costs of suit, as provided in Labor Code section 1198.5(l).
21

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Tenth Cause of Action

Negligent Infliction of Emotional Distress

(Dr. Weber Against Defendant Board of Trustees of the California State University, Defendant Tomás Morales and Does 1 - 50; Dr Rogers Against Defendant Board of Trustees of the California State University, Defendant Jake Zhu and Does 1 - 50)

280. Dr. Weber and Dr. Rogers reallege and incorporate by reference paragraphs 1 through 279 as though set forth in full.

281. Defendants breached their duty of care owed to Dr. Weber and Dr. Rogers to protect them from foreseeable harm. Their conduct, as alleged above, was done in a careless or negligent manner, without consideration for the effect of such conduct upon the emotional well-being of Dr. Weber and Dr. Rogers.

282. By the aforesaid acts and omissions of defendants, and each of them, Dr. Weber and Dr. Rogers have been directly and legally caused to suffer actual damages including, but not limited to, loss of earnings and future earning capacity, attorneys' fees, costs of suit and other pecuniary loss not presently ascertained.

283. As a further direct and legal result of the acts and conduct of defendants, and each of them, as aforesaid, Dr. Weber and Dr. Rogers have been caused to and did suffer and continue to suffer severe emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, discomfort, anxiety, and related symptoms. The exact nature and extent of said injuries is presently unknown to Dr. Weber and Dr. Rogers. Dr. Weber and Dr. Rogers do not know at this time the exact duration or permanence of said injuries, but are informed and believe, and thereon allege, that some if not all of the injuries are reasonably certain to be permanent in character.

284. By the aforesaid acts and omissions of Defendants, and each of them, Dr. Weber and Dr. Rogers have been directly and legally caused to suffer actual

1 damages including, but not limited to, loss of earnings and future earning capacity,
2 attorneys' fees, costs of suit and other pecuniary loss not presently ascertained.

3 285. Dr. Weber and Dr. Rogers are informed and believes and thereon
4 alleges that Defendant Morales and Defendant Zhu, and each them, by engaging in
5 the aforementioned acts and/or in authorizing and/or ratifying such acts, engaged
6 in wilful, malicious, intentional, oppressive and despicable conduct, and acted with
7 wilful and conscious disregard of the rights, welfare and safety of Dr. Weber and
8 Dr. Rogers, thereby justifying the award of punitive and exemplary damages against
9 Defendants Morales and Zhu in an amount to be determined at trial.

10
11 **Eleventh Cause of Action**

12 **Intentional Infliction of Emotional Distress**

13 **(Dr. Weber Against Defendant Board of Trustees of the California State**
14 **University, Defendant Tomás Morales and Does 1 - 50; Dr Rogers Against**
15 **Defendant Board of Trustees of the California State University, Defendant**
16 **Jake Zhu and Does 1 - 50)**

17 286. Dr. Weber and Dr. Rogers hereby incorporate by reference Paragraphs
18 1 through 285 of this Complaint as if fully set forth herein.

19 287. Defendants' actions in retaliating against and then firing Dr. Weber
20 for her complaints of gender discrimination were extreme and outrageous acts and
21 taken with the intention of causing Dr. Weber extreme emotional distress,
22 humiliation, embarrassment and mental anguish.

23 288. Similarly, Defendants' actions in retaliating against and then
24 constructively firing Dr. Rogers for her complaints of gender harassment were
25 extreme and outrageous acts and taken with the intention of causing Dr. Rogers
26 extreme emotional distress, humiliation, embarrassment and mental anguish.

27 ///

1 289. Such conduct exceeded the inherent risks of employment and was not
2 the sort of conduct normally expected to occur in the workplace.

3 290. As a result of those extreme and outrageous acts, Dr. Weber and Dr.
4 Rogers have suffered extreme emotional distress and incurred medical expenses for
5 the treatment of said emotional distress, in an amount to be proven at the time of
6 trial, but in any event sufficient to satisfy the jurisdictional limits of this Court.

7 291. As a further direct and legal result of the acts and conduct of
8 defendants, and each of them, as aforesaid, Dr. Weber and Dr. Rogers have been
9 caused to and did suffer and continue to suffer severe emotional and mental
10 distress, anguish, humiliation, embarrassment, fright, shock, discomfort, anxiety,
11 and related symptoms. The exact nature and extent of said injuries is presently
12 unknown to Dr. Weber and Dr. Rogers. Dr. Weber and Dr. Rogers do not know at
13 this time the exact duration or permanence of said injuries, but are informed and
14 believe, and thereon allege, that some if not all of the injuries are reasonably certain
15 to be permanent in character.

16 292. By the aforesaid acts and omissions of Defendants, and each of them,
17 Dr. Weber and Dr. Rogers have been directly and legally caused to suffer actual
18 damages including, but not limited to, loss of earnings and future earning capacity,
19 attorneys' fees, costs of suit and other pecuniary loss not presently ascertained.

20 293. Dr. Weber and Dr. Rogers are informed and believes and thereon
21 alleges that Defendant Morales and Defendant Zhu, and each them, by engaging in
22 the aforementioned acts and/or in authorizing and/or ratifying such acts, engaged
23 in wilful, malicious, intentional, oppressive and despicable conduct, and acted with
24 wilful and conscious disregard of the rights, welfare and safety of Dr. Weber and
25 Dr. Rogers, thereby justifying the award of punitive and exemplary damages against
26 Defendants Morales and Zhu in an amount to be determined at trial.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Prayer for Relief

WHEREFORE, Dr. Weber and Dr. Rogers pray for a judgment against Defendants as follows:

- a. For general economic and non-economic damages according to proof;
- b. For special damages according to proof;
- c. For prejudgment interest pursuant to California Civil Code section 3287 and/or California Civil Code section 3288 and/or any other provision of law providing for prejudgment interest;
- d. For attorneys' fees where allowed by law;
- e. For injunctive relief;
- f. For costs of suit incurred herein; and
- g. For such other and further relief as this Court deems just and proper.

Dated: January 13, 2025

Respectfully submitted,
HELMER FRIEDMAN, LLP
COURTNEY ABRAMS, PC

By: 

Andrew H. Friedman
Attorney for Plaintiffs
Clare Weber and Anissa Rogers

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Demand for a Jury Trial by Plaintiffs
Clare Weber and Anissa Rogers

Plaintiffs Clare Weber and Anissa Rogers hereby demand a trial by jury.

Dated: January 13, 2025

Respectfully submitted,
HELMER FRIEDMAN, LLP
COURTNEY ABRAMS, PC

By: 

Andrew H. Friedman
Attorney for Plaintiffs
Clare Weber and Anissa Rogers

