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5 Attorneys for Plaintiff Harold Meza

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

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Clerk of the Superior Court
By Rachel Harmon, Deputy Clerk

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8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**
9 **(Hall of Justice)**

10
11 **HAROLD MEZA,**

12 **Plaintiff,**

13 **vs.**

14 **DIANE PORTER; GLYNNIS**
15 **VAUGHAN; and DOES 1 through 20,**

16 **Defendants.**

CASE NO. 37-2015-00019416-CU-OE-CTL

COMPLAINT FOR HOSTILE WORK
ENVIRONMENT
[Gov. Code § 12940(j)]

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18 Plaintiff, Harold Meza, alleges:

- 19 1. Plaintiff, Harold Meza ("Meza"), is an adult resident of San Diego County, California.
20 2. Defendant, Diane Porter ("Porter"), is an adult resident of San Diego County,
21 California.
22 3. Defendant, Glynnis Vaughan ("Vaughan"), is an adult resident of San Diego County,
23 California.
24 4. The true names and capacities, whether individual or otherwise, of Does 1 through
25 20 are unknown to Plaintiff. Plaintiff is informed and believes that each of the Doe defendants is
26 responsible in some manner for the acts or omissions alleged in this complaint and caused his
27 damages.

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1 5. At all material times, all of the defendants were agents, partners, joint-venturers, or
2 co-conspirators of the other defendants and when doing the acts alleged in this complaint, they acted
3 within the course and scope of such agency.

4 6. Meza graduated from California State University San Marcos ("CSUSM") in May,
5 2014, earning a Bachelor of Arts degree in History, with Dean's List honors and a final 3.0 GPA.
6 Meza was actively involved in the campus community such as the National History Honors Society,
7 and held an officer's position as Secretary of the History Club. Meza's studies were likewise
8 sophisticated, mastering United States history, as well as taking advanced courses in international
9 law and the histories of the French Colonies, Caribbean, Indochina, Middle East, Haiti, and medieval
10 Europe.

11 7. During Meza's senior year at CSUSM, a professor recommended that he seek a
12 student internship, for college credits, with an elected official in San Diego County. Meza grew up
13 in a politically involved family. Meza's great-uncle was Vice President of the Republic of Ecuador
14 (Jorge Zavala Baquerizo, 1968-1970), and other relatives had campaigned for political office. As
15 such, Meza was always passionate about public service, hoping to someday earn a position as an
16 elected official himself.

17 8. When Meza learned of a possible position with the office of Supervisor Dave Roberts
18 ("Supervisor Roberts"), he applied, performed well at his interview, and was offered an unpaid,
19 student intern position, which he accepted. Meza's internship with Supervisor Roberts' office, for
20 which he earned college credits, began in September, 2013, with duties such as policy research,
21 administrative work, attending community meetings, and constituent work at Rancho Penasquitos
22 Town Council meetings, Rancho Penasquitos Planning Board meetings, Escondido street fairs, Mira
23 Mesa street festivals, Escondido City Council meetings, and others. In addition, Meza assisted his
24 fellow staff members in their assigned areas, and would work primarily at the District Office in
25 Escondido, and occasionally at the County Administration Center.

26 9. During the eleven month internship with Supervisor Roberts' office, Meza continued
27 his studies--carrying twenty-three units--and continued his forty hour work weeks as a supervisor

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1 at Starbucks. Meza paid for 100% of his college tuition and housing, taking no money by way of
2 grants, loans or otherwise.

3 10. Upon graduating college in May, 2014, Meza interviewed for a paid position with
4 Supervisor Roberts' office. Given his proven record of reliability, consistency, and trustworthiness,
5 Meza was hired in July, 2014, as a Policy Advisor/Community Representative, at \$47,000 per year.
6 In January, 2015, the newly hired Chief of Staff, Vaughan, changed Meza's title to Executive
7 Assistant/Community Representative, even though Meza's responsibilities of constituent work,
8 assisting the staff, and policy research remained the same, as well as his pay rate. After Vaughan
9 resigned in April, 2015, the new Chief of Staff changed Meza's title back to Policy
10 Advisor/Community Representative.

11 11. Porter also started working for Supervisor Roberts' office in July, 2014. Her position
12 upon hire was an administrative assistant, and was in charge of special projects as well as certificates
13 of appreciation and proclamations, until her promotion to the position of scheduler in February,
14 2015. Porter and Meza became friends, and they would socialize after work, including when Porter's
15 husband, a Navy sailor, was deployed. Although Porter shared (by word and conduct) intimate
16 details about her personal life, at first she would not discuss her sex life in the workplace, or speak
17 to Meza about her problems at work. However, upon her husband's return from deployment in early
18 2015, Porter's demeanor changed drastically. She became extremely short-tempered with numerous
19 staffers, including Meza, and she would complain about her husband constantly. In approximately
20 March, 2015, while Meza was at Porter's desk to discuss a scheduling issue, Porter made a vivid,
21 obscene comment to Meza related to intimate marital problems she was experiencing. Meza was
22 shocked and offended, and responded, "Okay, this is not the time or the place," and walked away.
23 As a result of Porter's offensive, sexually charged language during work hours, Meza felt extremely
24 uncomfortable around Porter, and he would avoid her as much as possible.

25 12. Feeling shunned by Meza and fearing (without justification) that her intimate secrets
26 were not safe with Meza, Porter embarked on a smear campaign against Meza. Porter decided to
27 exploit Supervisor Roberts' sexual orientation as a gay man to her advantage by spreading rumors
28 that Meza was having an inappropriate sexual relationship with Supervisor Roberts. Porter chose

1 to spread such false rumors even though she knew Meza was heterosexual and that Supervisor
2 Roberts was in a monogamous, seventeen-year relationship with his spouse, Wally Oliver. In fact,
3 Porter had even invited herself and her children into joint activities with Supervisor Roberts, Mr.
4 Oliver, and their six adopted children, including spending time in the Roberts/Oliver home.

5 13. Vaughan, also generally unhappy and looking for a way to quit her job but blame
6 someone else, likewise exploited Supervisor Roberts' sexual orientation and Meza's age/gender to
7 spin a deceitful story that would supposedly force her to resign. Although Vaughan and Porter had
8 demonstrated considerable disdain for each other in the past, they joined forces to spread despicable
9 rumors in the workplace to the effect that Meza was nothing but a "barista" and a "young male
10 driver" having an affair with Supervisor Roberts, and that Meza was generally unfit for his position.
11 Despite their open dislike for each other, Vaughan and Porter conspired to create hostility among the
12 staff by spreading what they knew to be vicious, false rumors about Meza, e.g., that he and
13 Supervisor Roberts were sleeping together, and that Supervisor Roberts had fed Meza with a spoon.
14 When Meza and Supervisor Roberts were attending an event out of town, Vaughan even made an
15 insulting, sexually charged comment to Meza that she did not care if Meza and Supervisor Roberts
16 wanted to sleep together, but they would still need to book their own rooms.

17 14. Vaughan and Porter also participated in other staff members' harassing and
18 demeaning treatment of Meza at work, such as making unfounded complaints about his performance,
19 entering his office without permission to move and hide personal property for the deliberate purpose
20 of harassing him, mimicking and making fun of him in front of his co-workers, and incessant
21 derogatory and condescending remarks about him, such as telling Meza, "no one knows what you
22 do," "no one trusts you," and "you need to cover your ass." When Meza commented to Vaughan that
23 he loved his job and his boss, she snidely responded, "you don't love him--*that way*." Similarly
24 disparaging comments were made to others in the work place, such as that Meza "smelled bad," was
25 "socially awkward," was a "teacher's pet," and that he "throws people under the bus to make himself
26 look better." In short, instead of acting with integrity and simply resigning from jobs they did not
27 appreciate, both Porter and Vaughan chose to fabricate salacious stories that exploited Supervisor
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1 Roberts' sexual orientation and Meza's gender and age, all for the purpose of obtaining lucrative
2 severance packages from the County of San Diego.

3 15. Meza filed a complaint of discrimination with the Department of Fair Employment
4 and Housing (DFEH) on June 10, 2015. The DFEH issued a Right-to-Sue letter on June 10, 2015.
5 A true and correct copy of the Right-to-Sue letter is attached as "Exhibit 1." Meza has exhausted
6 his administrative remedies.

7
8 **FIRST CAUSE OF ACTION**
Hostile Work Environment (Gov. Code § 12940(j))
(Against Porter, Vaughan, and Does 1 to 20)

9 16. Meza realleges paragraphs 1 through 13, and 15.

10 17. Meza was employed by the County of San Diego, and Vaughan, Porter and Does 1
11 to 10 were his co-workers. Vaughan was also Meza's supervisor. As a result of these defendants'
12 conduct, Meza was subjected to unwanted harassing conduct because he was a young, male,
13 heterosexual, and because he worked closely (i.e., "associated") with a gay man. All three of these
14 classifications—age, gender, and sexual orientation—are protected against discrimination by state and
15 federal law.

16 18. The harassing conduct, all of which occurred in the workplace, as alleged in
17 paragraphs 11 to 14, was so severe, widespread, and persistent that Meza considered the work
18 environment to be hostile and abusive, just as any reasonable young heterosexual man in Meza's
19 circumstances would.

20 19. As a result of defendants' conduct, Meza suffered humiliation and other emotional
21 distress, as recognized by law, as well as future special damages. Meza is also entitled to recover
22 attorney's fees and costs.

23 20. Porter's and Vaughan's conduct was malicious, fraudulent, and oppressive, and
24 carried out with despicable disregard for Meza's rights, entitling him to recover punitive damages
25 against them in sufficient amounts to punish them and to deter others from engaging in similarly
26 deplorable ways.

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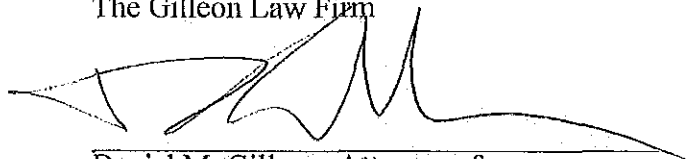
1 **REQUEST FOR RELIEF**

2 THEREFORE, Plaintiff Harold Meza requests a judgment against Defendants Diane Porter,
3 Glynnis Vaughan, and Does 1 through 20 for:

- 4 a. General and special damages according to proof;
5 b. Punitive damages;
6 c. Attorney's fees and costs of suit; and
7 d. Other further relief.

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9 Date: June 10, 2015

The Gilleon Law Firm

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12 Daniel M. Gilleon, Attorneys for
13 Plaintiff Harold Meza
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DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

June 10, 2015

Clemens Samuel
C/O The Gilleon Law Firm 1320 Columbia St. Suite 200
San Diego California 92101

RE: Notice to Complainant or Complainant's Attorney

DFEH Matter Number: 576222-163041

Right to Sue: Meza / Diane Porter

Dear Complainant or Complainant's Attorney:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue. Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer. You or your attorney must serve the complaint. If you do not have an attorney, you must serve the complaint yourself. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

June 10, 2015

RE: Notice of Filing of Discrimination Complaint

DFEH Matter Number: 576222-163041

Right to Sue: Meza / Diane Porter

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfef.ca.gov

DIRECTOR KEVIN KISH

June 10, 2015

Harold Meza
C/O The Gilleon Law Firm 1320 Columbia St., Ste. 200
San Diego California 92101

RE: Notice of Case Closure and Right to Sue
DFEH Matter Number: 576222-163041
Right to Sue: Meza / Diane Porter

Dear Harold Meza,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 10, 2015 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GOVERNOR EDMUND G. BROWN JR.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

Enclosures

cc: Glynnis Vaughan

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**
4 **Under the California Fair Employment and Housing Act**
5 **(Gov. Code, § 12900 et seq.)**

6 In the Matter of the Complaint of
7 Harold Meza, Complainant.
8 C/O The Gilleon Law Firm 1320 Columbia St.,
9 Ste. 200
San Diego California 92101

DFEH No. 576222-163041

10 vs.

11 Diane Porter Respondent.
12 1600 Pacific Hwy #335
San Diego, California 92101

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15 Complainant alleges:

16 1. Respondent is a **State/Local Govt** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.). Complainant believes respondent is subject to the FEHA.

17 2. On or around **April 01, 2015**, complainant alleges that respondent took the following adverse actions against
18 complainant: **Discrimination, Harassment, Retaliation Denied a work environment free of discrimination**
19 **and/or retaliation, .** Complainant believes respondent committed these actions because of their: **Association**
with a member of a protected class, Sex- Gender, Sexual Orientation .

20 3. Complainant **Harold Meza** resides in the City of **San Diego**, State of **California**. If complaint includes co-
21 respondents please see below.
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Co-Respondents:

Glynnis Vaughan
1600 Pacific Hwy #335
San Diego California 92101

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2 **Additional Complaint Details:**

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4 1. Complainant Harold Meza ("Meza") graduated from California State University San
5 Marcos ("CSUSM") in May, 2014, earning a Bachelor of Arts degree in History, with
6 Deans List honors and a final 3.0 GPA. Meza was actively involved in the campus
7 community such as the National History Honors Society, and held an officers position as
8 Secretary of the History Club. Mezas studies were likewise sophisticated, mastering
9 United States history, as well as taking advanced courses in international law and the
10 histories of the French Colonies, Caribbean, Indochina, Middle East, Haiti, and medieval
11 Europe.2.During Mezas senior year at CSUSM, a professor recommended that he seek
12 a student internship, for college credits, with an elected official in San Diego County.
13 Meza grew up in a politically involved family. Mezas great-uncle was Vice President of
14 the Republic of Ecuador (Jorge Zavala Baquerizo, 1968-1970), and other relatives had
15 campaigned for political office. As such, Meza was always passionate about public
16 service, hoping to someday earn a position as an elected official himself. 3.When Meza
17 learned of a possible position with the office of Supervisor Dave Roberts ("Supervisor
18 Roberts"), he applied, performed well at his interview, and was offered an unpaid,
19 student intern position, which he accepted. Mezas internship with Supervisor Roberts
20 office, for which he earned college credits, began in September, 2013, with duties such
21 as policy research, administrative work, attending community meetings, and constituent
22 work at Rancho Penasquitos Town Council meetings, Rancho Penasquitos Planning
Board meetings, Escondido street fairs, Mira Mesa street festivals, Escondido City
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their assigned areas, and would work primarily at the District Office in Escondido, and
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with Supervisor Roberts office, Meza continued his studies--carrying twenty-three units--
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100% of his college tuition and housing, taking no money by way of grants, loans or
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Representative, at \$47,000 per year. In January, 2015, the newly hired Chief of Staff,
Respondent Glynnis Vaughan ("Vaughan"), changed Mezas title to Executive
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also started working for Supervisor Roberts office in July, 2014. Her position upon hire
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scheduler in February, 2015. Porter and Meza became friends, and they would socialize
after work, including when Porters husband, a Navy sailor, was deployed. Although

Porter shared (by word and conduct) intimate details about her personal life, at first she would not discuss her sex life in the workplace, or speak to Meza about her problems at work. However, upon her husbands return from deployment in early 2015, Porters demeanor changed drastically. She became extremely short-tempered with numerous staffers, including Meza, and she would complain about her husband constantly. In approximately March, 2015, while Meza was at Porters desk to discuss a scheduling issue, Porter made a vivid, obscene comment to Meza related to intimate marital problems she was experiencing. Meza was shocked and offended, and responded, "Okay, this is not the time or the place," and walked away. As a result of Porters offensive, sexually charged language during work hours, Meza felt extremely uncomfortable around Porter, and he would avoid her as much as possible. 7. Feeling shunned by Meza and fearing (without justification) that her intimate secrets were not safe with Meza, Porter embarked on a smear campaign against Meza. Porter decided to exploit Supervisor Roberts sexual orientation as a gay man to her advantage by spreading rumors that Meza was having an inappropriate sexual relationship with Supervisor Roberts. Porter chose to spread such false rumors even though she knew Meza was heterosexual and that Supervisor Roberts was in a monogamous, seventeen-year relationship with his spouse, Wally Oliver. In fact, Porter had even invited herself and her children into joint activities with Supervisor Roberts, Mr. Oliver, and their six adopted children, including spending time in the Roberts/Oliver home. 8. Vaughan, also generally unhappy and looking for a way to quit her job but blame someone else, likewise exploited Supervisor Roberts sexual orientation and Mezas age/gender to spin a deceitful story that would supposedly force her to resign. Although Vaughan and Porter had demonstrated considerable disdain for each other in the past, they joined forces to spread despicable rumors in the workplace to the effect that Meza was nothing but a barista and a "young male driver" having an affair with Supervisor Roberts, and that Meza was generally unfit for his position. Despite their open dislike for each other, Vaughan and Porter conspired to create hostility among the staff by spreading what they knew to be vicious, false rumors about Meza, e.g., that he and Supervisor Roberts were sleeping together, and that Supervisor Roberts had fed Meza with a spoon. When Meza and Supervisor Roberts were attending an event out of town, Vaughan even made an insulting, sexually charged comment to Meza that she did not care if Meza and Supervisor Roberts wanted to sleep together, but they would still need to book their own rooms. 9. Vaughan and Porter also participated in other staff members harassing and demeaning treatment of Meza at work, such as making unfounded complaints about his performance, entering his office without permission to move and hide personal property for the deliberate purpose of harassing him, mimicking and making fun of him in front of his co-workers, and incessant derogatory and condescending remarks about him, such as telling Meza, "no one knows what you do," "no one trusts you," and "you need to cover your ass." When Meza commented to Vaughan that he loved his job and his boss, she snidely responded, "you dont love him--that way." Similarly disparaging comments were made to others in the work place, such as that Meza "smelled bad," was "socially awkward," was a "teachers pet," and that he "throws people under the bus to make himself look better." In short, instead of acting with integrity and simply resigning from jobs they did not appreciate, both Porter

and Vaughan chose to fabricate salacious stories that exploited Supervisor Roberts sexual orientation and Mezas gender and age, all for the purpose of obtaining lucrative severance packages from the County of San Diego.

1 VERIFICATION

2 I, **Samuel A. Clemens**, am the Attorney for Complainant in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The same is true of my own knowledge, except as to those
4 matters which are therein alleged on information and belief, and as to those matters, I believe it to be true.

5 On June 10, 2015, I declare under penalty of perjury under the laws of the State of California that the foregoing
6 is true and correct.

7 **San Diego, CA**
8 **Samuel A. Clemens**
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