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7 ADAM CHOW, TIARA PAULINO,
8 SHARNIQUE MARTIN, GREGORY VASS,
and OZELL MURRAY

9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 LINDA PELOQUIN, an individual;
13 ADAM CHOW, an individual; TIARA
PAULINO, an individual; SHARNIQUE
14 MARTIN, an individual; GREGORY
VASS, an individual; and OZELL
MURRAY, an individual,

15 Plaintiff,

16
17 v.

18 TESLA, INC., a Delaware corporation
19 doing business in California as "TESLA
20 MOTORS, INC.," and DOES 1-10,
inclusive,

21 Defendants.
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Civil Case No. 25-6690

COMPLAINT FOR DAMAGES

First Cause of Action

Retaliation
(Cal. Gov. Code § 12490(h))

Second Cause of Action

Retaliation
(Cal. Labor Code § 1102.5(b))

Third Cause of Action

Disability Discrimination
(Cal. Gov. Code § 12490(a),(h))

Fourth Cause of Action

Wrongful Termination in Violation of
Public Policy

Fifth Cause of Action

Failure to Prevent Discrimination
(Cal. Gov. Code § 12940(k))

Demand for Jury Trial



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COMES NOW, Plaintiffs—Linda Peloquin, Adam Chow, Tiara Paulino, Sharnique Martin, Gregory Vass, and Ozell Murray (hereinafter, collectively, “Plaintiff”)—all California residents permanently domiciled here, who bring this Complaint for Damages and Demand for Jury Trial (“Complaint”), rested upon this Court’s diversity jurisdiction, against Tesla, Inc. d/b/a “Tesla Motors, Inc.” (hereinafter, “Tesla” or the “Company”), a corporation having its principal place of business in Austin, Texas, and Does 1-10, inclusive (hereinafter, collectively, “Defendant”), alleging, based upon information and belief, the following with respect to Defendants’ identities and conduct:

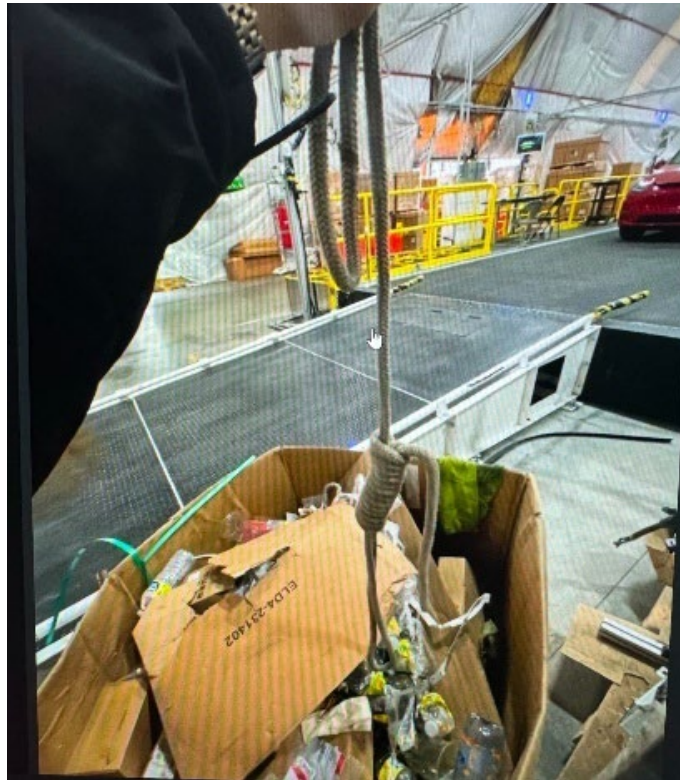
I.

NATURE OF THE CASE

A. Tesla is a Racist and Toxic Place to Work

1. By all accounts, Tesla is a racist and toxic place to work—particularly at its facilities in Fremont, California. Many who have worked there have likened the workplace to the Jim Crow South; an environment in which Black employees and brown-skinned workers are besieged with constant racial abuse, stereotyping, and hostility—including with repeated use of inarguably the most brutal and degrading racial slur in the history of humanity: *Nigger*.

2. For nearly a decade now, Black Tesla employees have filed complaints with state and federal anti-discrimination agencies about the pervasive use of racial slurs toward them at work—including “Nigger,” “Nigga,” “Monkey,” “Boy,” and “Black Bitch,” among others. Black Tesla employees have reported regularly encountering nooses on desks and other equipment as well as seeing the word “Nigger” graffitied on walls, in bathroom stalls, elevators—even on new Tesla vehicles rolling off the production line:



(See Exhibit A, hereto.)

3. The racist and toxic culture at Telsa has been well-documented and, now, increasingly well-litigated. For instance, one Black Tesla Fremont employee sued the Company after being regularly subjected to the “N-word” and racial slurs on the factory floor, as well as seeing racist graffiti in the bathrooms. A federal jury awarded him a multi-million-dollar verdict in 2021. That employee’s case, though, is just one of a litany of instances exemplifying the Company’s toxic culture and inability to control the racist, discriminatory, and retaliatory conduct in its workplaces.

4. State and federal anti-discrimination agencies have received so many complaints about Tesla—particularly from Black employees—that they, too, have taken legal action against the Company on behalf of the government. In February 2022, California’s Civil Rights Department (known then as the Department of Fair Employment and Housing (DFEH)) filed suit against Tesla for injunctive and monetary relief given the extraordinary volume of “complaints by Black and/or

1 African American workers about racial harassment, racial discrimination, and
2 retaliation lodged over a span of almost a decade[, which] have been futile.”

3 5. According to the State’s complaint, Tesla turned “a blind eye to years
4 of complaints from Black workers who protest the commonplace use of racial slurs
5 on the assembly line” and that the Company continues to be “slow to clean up
6 racist graffiti with swastikas and other hate symbols scrawled in common areas.”
7 As the State’s complaint also alleges, Tesla supervisory and management officials
8 would then unlawfully retaliate against Black employees who voiced complaints
9 and opposed actions they perceived to constitute unlawful employment
10 discrimination—namely, being called a “Nigger” and “Nigga” in a modern
11 workplace.

12 6. For those that spoke out, they wound up shunned, black-balled,
13 subjected to even more intense harassment, or were simply summarily fired under
14 the pretextual guise of “poor performance.” But, of course, invariably, there were
15 no legitimately documented performance issues prior to the termination; rather,
16 the only thing documented was that employee’s complaints about the racial abuse
17 and harassment they had experienced.

18 7. After the State of California took legal action against Tesla in
19 February 2022, the federal government followed suit by filing its own race-based
20 discrimination case against the Company. In September 2023, the U.S. Equal
21 Employment Opportunity Commission (EEOC) likewise filed a civil rights
22 lawsuit against Tesla for racial harassment and discrimination against its Black
23 employees. The suit, brought pursuant to Title VII of the Civil Rights Act of 1964,
24 alleges—just as does the State of California’s action—that Tesla “has subjected
25 Black employees at its manufacturing facilities in Fremont, California (Fremont
26 Factory) to severe or pervasive racial harassment and created and maintained a
27 hostile work environment because of their race, in a continuing violation of
28 Title VII.”

1 8. Much of Tesla’s workplace toxicity stems from its rapid sales growth
2 and manufacturing demand, and the breakneck pace at which it hired employees to
3 work in its plants and overall operation. Since its introduction in 2020, Tesla’s
4 “Model Y,” for instance, has become the Company’s top-selling vehicle line—and,
5 by most estimates, one of the top-selling electric vehicles in the world. Thus, there
6 was, and remains, constant pressure to keep the Model Y’s sales trajectory high.

7 9. Yet, as a consequence of this desire to produce vehicles at such a
8 rapid pace, the Company has failed to cultivate a healthy working environment at
9 the Fremont facility, and instead fostered one that is beset with racism, sexism,
10 cronyism, and outright physical violence.

11 10. Healthy profits have always been more important to the Company
12 than a healthy working environment. For Tesla, more bodies on the manufacturing
13 line meant more vehicles flying out the factory door—no matter how unclean the
14 hands were that were assembling those cars. Thus, Tesla cut corners with respect
15 to background checks by ignoring red flags that would otherwise have been fatal to
16 an employment application and turned a blind eye to individuals with spotty work
17 histories and questionable credentials. In the end, Tesla has been more concerned
18 about the sheer number of bodies it could get in the door to help push new vehicles
19 out, rather than ensuring that the Company was hiring good people with good work
20 ethic and character—as opposed to blatant racists and misogynists.

21 11. With that kind of hastily-hired and poorly-vetted workforce, there
22 have been a multitude of Human Resources (HR) issues from the moment vehicle
23 production—and, in particular, Model Y production—ramped up at the Fremont
24 facility. There have been poor attendance issues, misconduct and discipline issues,
25 physical fights, acts of sexual deviance, and, of course, repeated instances of
26 racism and sexism.

27 12. Given the toxicity of the workplace environment, among other things,
28 there has always been an extraordinarily high rate of employee turnover at the

1 Fremont facility. On the one hand, because of the tolerance of, and acquiescence
2 to, intentional retaliation against employees that voiced complaints about racial
3 slurs and discrimination, many of those employees either resigned because they
4 could not take it any longer, or were similarly fired for raising those concerns in
5 the first place. On the other hand, in the limited instances when wrongdoers were
6 actually terminated, the need for a workforce increase due to the growing demand
7 for vehicles was so great that many of those disciplinary firings were simply
8 “loopholed” back in through temp agencies. In other words, in order to “work
9 around” the fact that a particular employee had been fired—for cause—and would
10 not ordinarily be subject to rehire, Tesla would simply bring that particular person
11 back in through a temp agency so that that individual would not be subject to
12 Tesla’s own internal background check process which would have immediately
13 red-flagged that individual.

14 13. This loophole reality contributed to the lack of morale at the Fremont
15 facility and exacerbated the toxicity there. Everyone realized—both wrongdoers
16 and high performers alike—that there were no real consequences at Tesla for the
17 violation of any anti-discrimination or anti-retaliation policy, nor any true
18 workplace accountability of any kind.

19 14. According to the former Senior Manager of Physical Security
20 Operations who had responsibility over safety and security at the Fremont facility,
21 that meant that even employees that had been terminated for instances of
22 workplace violence were loopholed back in via temp agencies. That meant, then,
23 that oftentimes the employee who had been previously victimized had to actually
24 resume working with their attacker and tormentor.

25 15. In fact, that Senior Security Manager himself was attacked and
26 suffered a serious injury when he attempted to stop a loopholed employee—one
27 who had been returned to work after being terminated for cause—after that
28 employee came back aboard and attacked another worker.

B. Tesla Repeatedly Fired HR Professionals for Validating Reports of Workplace Racism

16. The Tesla HR professionals that worked at the Fremont facility tried their best to manage the never-ending cascade of issues, complaints, and investigations that arose on a day-to-day basis there. However, those professionals quickly began to realize that in substantiating many of the complaints they investigated—particularly with respect to discrimination and retaliation—that they themselves were then subjected to reprisal for simply doing their job and validating those well-founded reports.

17. As a bizarre and misguided kind of institutional deflection, rather than try to resolve the underlying problem—a toxic, racist, and retaliatory workplace environment—Tesla instead turned its ire on the HR professionals that had merely investigated and substantiated the bases of the complaints. So, oddly, in most instances it was the HR official that wound up being penalized and pushed out for substantiating the alleged wrongdoing rather than the wrongdoer themselves. Consequently, a dizzying number of HR professionals—the Plaintiffs here: Peloquin, Chow, Paulino, Martin, and Vass, among them—have either been outright fired for substantiating complaints of discrimination and retaliation, or resigned because they saw a termination coming and did not want that type of disciplinary stain on their job history.

18. A Fremont Operations Manager had a rabid and irrational desire to fire an employee because she had taken a statutorily-protected medical leave. An HR Manager refused the Operations Manager’s repeated requests to terminate the employee for taking medical leave since, of course, that would have constituted illegal disability-based retaliation. But yet, it was the HR Manager that was fired for “poor performance” after validating the discriminatory basis of the Operations Manager’s motivation to terminate the worker on medical leave.

19. A manufacturing employee made an angry comment to a Black

1 employee, asking him, “Do you want to hang by a tree?”—plainly threatening to
2 lynch him as were thousands upon thousands of Black men and women during and
3 after Slavery. An HR professional investigated the Black employee’s complaint,
4 the investigation confirmed that the comment was indeed intended to be physically
5 threatening and racially derogatory, and, so, the HR professional recommended
6 that the offending employee be terminated. But yet, the HR professional was
7 chastised and given a poor rating on his performance evaluation. He was then
8 threatened with agreeing to either a “Performance Improvement Plan” with
9 benchmarks that were intentionally unachievable or to a severance package with
10 strict legal recourse waivers and nondisclosure language. Either way, the message
11 was clear: Tesla wanted him gone. So, he had no choice but to resign to avoid that
12 stain on his job record.

13 20. That HR professional’s direct supervisor spoke up in defense of his
14 investigation and performance. She had supervised his “hang by a tree”
15 investigation and endorsed his termination recommendation. But yet, she, too, was
16 then terminated for “poor performance.” Remarkably, her termination came after
17 her Tesla HR higher-ups told her that the number of validated race-based
18 complaints at Fremont was too high and that they as HR managers needed to
19 somehow reduce those numbers—particularly in light of all the pending litigation
20 against the Company by State and Federal regulators.

21 21. Following those alarming and clearly retaliatory terminations, two HR
22 professional drafted and sent an email to high-level operations officials at the
23 Fremont facility explaining, among other things, their fear of retaliation simply for
24 investigating and validating employees’ workplace complaints—which was their
25 fundamental job function. They were fired just weeks later as well. And the list
26 goes on.

27 22. Accordingly, this is a wrongful termination action brought pursuant to
28 California’s Fair Employment and Housing Act (Cal. Gov. Code § 12940 et seq.)

1 (“FEHA”) in which these Plaintiffs individually and collectively allege that they
2 were outright fired or constructively terminated as a consequence of their protected
3 activities and characteristics. As set forth in further detail herein, these Plaintiffs
4 individually and collectively voiced concerns, objections, and complaints about the
5 discriminatory and retaliatory practices that Tesla officials engaged in at the
6 Fremont facility and, as a consequence, they were each pushed out of their Tesla
7 employment as a direct result. Thus, this lawsuit seeks to redress the financial and
8 emotional harm they suffered, and continue to suffer, as a result of the reprisal they
9 endured while employed with Tesla, as well as on account of their wrongful
10 termination.

11 **C. A Common Denominator: Nicole Burgers**

12 23. A common denominator in many of these terminations is a HR
13 Manager named Nicole Burgers. By all accounts, Burgers has had an irrational
14 fixation on fostering the delusion that the environment and culture at Tesla is one
15 of tolerance and innovation, rather than racism and retaliation. By all accounts,
16 given that Burgers was the overall HR manager for the entire Fremont facility, she
17 believed that she would be held accountable for further instances of racism and
18 misconduct at the Fremont location—particularly in light of the pending State,
19 Federal, and private litigation against the Company. Thus, rather than undertake to
20 change the culture and environment that fostered those types of instances of
21 racism, Burgers instead undertook to weed out the HR professionals beneath her
22 that merely investigated and substantiated the occurrence of that type of depravity.

23 24. Invariably in each of those cases, the HR professional had merely
24 been charged with investigating yet another instance of discriminatory conduct at
25 the Fremont facility, concluded that the event was substantiated given their
26 investigation, and wished to take some sort of remedial action to stop it or
27 otherwise penalize the person who did it. Yet, when Burgers and her Texas
28 headquarters-based HR managerial counterparts—Allie Arebalo, Bert Somsin,

1 Jenifer Romero, and Leah Allen—became aware of those investigations and
2 outcomes, it engendered in them retaliatory animus toward the HR professional
3 rather than the actual underlying wrongdoer. Rather than let another instance of
4 racism get out—or, especially, rather than have to document another instance of
5 racism while litigation was actively pending against the Company—Burgers and
6 her Texas counterparts made sure that the HR professional was pushed out instead.
7 Those revelations, Burgers believed, would adversely impact perception of her
8 ability to lead the HR effort at the Fremont facility and her ability to change its
9 culture and environment in a positive way.

10 25. So, the directive from Burgers and her Texas-based HR managerial
11 counterparts was for Fremont HR professionals to “re-frame” the bases of
12 employees’ complaints so that the claims would not be characterized as “race-
13 based” even though that was plainly the case. As one of many former Tesla HR
14 employees has attested under oath:

15 As HR professionals in Fremont, we were all quite aware—as a
16 consequence of the many validated instances of racism and
17 retaliation at the plant—when the State of California’s
18 Department of Civil Rights filed suit against Tesla in February
19 2022. As a result, the messaging I received from our leadership
20 was that were supposed to try to “reframe” the alleged instances
21 of racism and retaliation we were responsible for investigating
22 in light of that litigation and the likelihood of exacerbating the
23 company’s exposure with newly-validated incidents. I
24 understood that we were supposed to do our best to try to create
25 an alternative “narrative” for incidents so that they did not
26 appear to be race-based. We were supposed to try to find ways
27 to recharacterize the nature of our investigation and its outcome
28 so that the central issue was predicated on something other than
race, even though that was not the truth.

(See Exhibit B, hereto.)

26 26. Burgers’ modus operandi was generally the same in each instance
27 when the HR professionals working beneath her did not comply with that directive.
28

1 Whereas the HR professional had previously received above-average performance
2 reviews, now—as a consequence of their investigation—there was suddenly a
3 “performance issue.” Or there was suddenly a need to open an investigation
4 against the HR professional for some petty, inconsequential, or outright fabricated
5 incident. Burgers would then summarily terminate the HR professional—without
6 any progressive discipline or coaching—on the grounds that their performance
7 had suddenly fell off a cliff such that they needed to be walked out the door
8 immediately.

9 27. And that circumstance, too, was both literal and intentional. In an
10 effort to humiliate the HR professional and to send a message to others who might
11 be considering disclosing the same type of instances of racism and retaliation,
12 Burgers would intentionally have security escort the HR person out the door—as a
13 kind of “perp walk”—so that the other HR professionals would see that “walk of
14 shame” and appreciate the fate that could likewise befall them. Burgers would
15 order this done especially where the HR professional was a manager and team
16 leader so that their subordinates would see their supervisor being walked out like a
17 petty thief.

18 28. According to the Fremont facility’s long-time Senior Security
19 Manager, Ozell Murray—who is aligned with these HR professionals—that was
20 frequently Burgers’ direct request of he and his team. And according to Murray,
21 that type of one-on-one escort was not something routinely done for any other
22 department except for when Burgers terminated the HR professionals working
23 beneath her.

24 29. “A PIP or a package.” That was the “Hobbs Choice” Burgers
25 presented to the many Tesla HR professionals she and her Texas-based HR
26 counterparts pushed out; either accept an unattainable Performance Improvement
27 Plan or accept a modest payout and leave. Regardless, the writing was on the wall:
28 You’re out.

1 30. As one of many former Telsa HR employees has also attested under
2 oath:

3 Burgers was vindictive and retaliatory. As the Fremont HR
4 lead, I think Burgers believed that the toxic environment
5 reflected poorly on her leadership ability, so she retaliated
6 against those of us who spoke up. Frequently, what I saw
7 Burgers do was to open investigations against people for issues
8 that were petty or otherwise grossly exaggerated as a means of
9 “papering” your file to make you appear to be the wrongdoer
10 and poor performer. This would be the case even if you had
11 just received positive reviews and feedback during your most
12 recent formal performance assessment. Regardless, Burgers
13 would suddenly blindside you with some overstated issue that
14 she claimed reflected so negatively on your performance that it
15 warranted separation and a severance package.

16 (See Exhibit B, hereto.)

17 **D. Elon Musk was Aware of—and Directly Involved in—the Effort to Try**
18 **to Mitigate the Staggering Degree of Turnover Within the Fremont HR**
19 **Department**

20 31. As a consequence of the Fremont facility’s general danger and
21 dysfunction, Elon Musk, the co-founder and CEO of Tesla, frequently visited the
22 facility and walked the floor of the Model Y production line in particular. Musk
23 leads all product design, engineering and global manufacturing of the Company’s
24 electric vehicles, battery products, and solar energy products. Musk frequently sat
25 down for face-to-face meetings with Model Y employees in Fremont—of all levels
26 and degrees of authority—to directly discuss a myriad of issues, including
27 manufacturing efficiencies and production problems, Company culture and work
28 environment, and the recruitment and retention of employees.

32. Musk was a frequent visitor to the facility—and not just for high-level
photo opportunities, but to take a hands-on approach to managing, directing, and
facilitating resolution of the manufacturing and workforce issues at the plant.

1 Musk would frequently visit the plant and conduct issue-resolution meetings with
2 actual line employees, not just upper management bureaucrats. Musk would hold
3 meetings with line-level employees from every function of the plant—from the
4 manufacturing line to operations to HR—and issue directives right then and there
5 to resolve the issues employees raised.

6 33. For instance, Musk would promote individuals right on the spot who,
7 by his estimation, he believed could perform better in a particular position or
8 otherwise accomplish a task or function more efficiently. As well, Musk would
9 eliminate certain positions and functions that he considered to be bloat and
10 inefficient to the manufacturing process. Musk would also reassign certain
11 functions that were being managed from afar, like from Tesla’s headquarters in
12 Texas, to an individual directly on site in Fremont who had actual daily contact and
13 exposure to the issues at the plant.

14 34. And Musk would repeatedly tell employees that they had an open line
15 of contact with him, frequently telling workers to email him directly if and when
16 his directives were not being followed and executed. That occurred in many of the
17 instances and with many of the Plaintiffs’ situations described herein, but to no
18 avail.

19 35. Musk’s hands-on approach was equally true vis-à-vis the Fremont HR
20 staff which, in 2022, was struggling with a variety of issues—and, in particular,
21 a lack of trusted HR leadership to help steer them through Fremont’s many
22 challenges.

23 36. As above, Musk was known to make personnel changes right there
24 on-the-spot when he determined the situation warranted it. Notably, in February
25 2022, Musk personally promoted a woman named Aenoi Jones to become the
26 overall HR leader for Tesla’s Fremont facility. After meeting with the HR team,
27 Musk decided right then and there that Jones was the best person to fill that
28 leadership role. Given that he is the CEO of the Company, Musk obviously

1 expected that his personal personnel directives would be executed.

2 37. Another of these kind of “instant-change” meetings occurred with the
3 HR team just a few months later in June 2022, when Musk visited the Fremont
4 facility and met with the entire HR team. The need for the meeting came about
5 because of the alarming rate of turnover among HR Professionals in Fremont.

6 38. The HR professionals at Fremont were assigned an extraordinarily
7 large number of employees to manage which, in turn, begat an extraordinarily
8 large number of investigations to conduct—particularly with respect to race-based
9 allegations of wrongdoing—which the HR professionals were then themselves
10 retaliated against for substantiating. That then demoralized the HR staff members
11 and brought about a number of terminations and resignations, which then
12 exacerbated the overall turnover rate in Fremont. There was already a high
13 turnover rate amongst operational employees; that was the larger issue that was
14 supposed to be assuaged by a robust HR team. But the HR team itself was rapidly
15 bleeding away—in which case there were no problem-solvers to help solve the
16 overarching problem. As a result, Musk visited the facility on June 9, 2022,
17 to help resolve the multi-layered issues:



28 (See Exhibit C, hereto.)

1 39. But, again, Musk’s visit was not simply for a “photo op” and
2 handshake session. As with the previous February 2022 sit-down, the June 2022
3 meeting was purposeful and meaningful such that Musk could himself undertake to
4 resolve some of issues that were plaguing the Fremont facility and its HR
5 department.

6 40. Among the issues discussed during that June 2022 Musk meeting was
7 the attrition rate amongst employees in manufacturing operations. The production
8 demand for Tesla vehicles was exploding, but Fremont’s HR team was having a
9 hard time hiring and retaining employees to keep up with the workforce need.
10 Among the reasons for that challenge was, of course, the rampant occurrence of
11 racism and retaliation at the plant that poisoned the workplace environment.

12 41. The attrition problem amongst operations employees was then having
13 a derivative effect on the attrition rate amongst Fremont’s HR STAFF. The HR
14 professionals felt overworked, under-supported, and undermined by their leader,
15 Nicole Burgers—and particularly given that the HR staff understood that Aenoi
16 Jones had instead been hand-selected by Musk to run the department.

17 42. The HR staff was besieged with complaints and investigations of
18 racist incidents at the Fremont facility, and was demoralized by the implicit and
19 explicit pressure to try to “reframe” those incidents as something other than what
20 they plainly were because of all the pending litigation. Consequently, HR
21 professionals were likewise leaving the Company.

22 43. One of the issues that an HR professional named Karen Draper
23 articulated during the Musk meeting was that the HR manager who was designated
24 to be the internal inward-facing point-person with respect to personal and
25 professional support for Tesla’s HR professionals—a management position the
26 Company called “HR-for-HR”—was an individual who was physically situated
27 in Tesla’s Texas headquarters. Thus, Draper, among others, believed that that
28 HR-for-HR manager would be more impactful if they were actually on the ground

1 in Fremont rather than merely available virtually from afar. Musk agreed.

2 44. Moreover, impressed by Draper's insight, poise, and performance,
 3 Musk told Draper that he wanted her to fill that HR-for-HR management role in
 4 Fremont. Draper accepted, so Musk promoted her right there on-the-spot. Musk
 5 believed that Draper was better-suited to take on the role given her talent and
 6 poise, and given the impracticality and inefficiency of the role being performed by
 7 a Texas-based manager. As with his decision to appoint Aenoi Jones as the overall
 8 HR lead in Fremont—not Nicole Burgers—Musk articulated that he expected his
 9 Draper promotion and other personnel directives to be executed.

10 45. At the conclusion of the meeting, Musk asked Draper to compile her
 11 notes about his decisions during the meeting, as well as the participants' other
 12 discussions, and email them to him that night so that they would be memorialized
 13 in writing. Draper did so that same evening after first consulting with Aenoi Jones
 14 about the email's contents, as well as with Hrushikesh Sagar, Fremont's overall
 15 production manager, who were both present during the June 9 meeting. The email
 16 indicated, as Musk had dictated, that, effectively immediately, the HR-for-HR role
 17 would be reassigned from a manager in Texas to Draper in California:

18 From: Karen Draper <kadraper@tesla.com>
 19 Date: Thursday, June 9, 2022 at 11:13 PM
 20 To: Elon Musk [REDACTED]
 21 Cc: Hrushikesh Sagar [REDACTED], Aenoi Jones [REDACTED]
 22 Subject: HR Fremont Team (Skip-Level) Meeting 6/8/22 Follow Up

23 Hello Mr. Musk,

24 As discussed, please find below the notes from the 6/8/22 on-site meeting with HR Fremont, CA. Please review
 25 and reply as appropriate. Thank you.

26 **2/22/22 – Previous Meeting Task Updates**

- 27 1. Parking Lot – additional light installation
- 28 2. Security Team Enhancements
3. Additional Surveillance/Camera System Upgrades
4. On-site LOA and Payroll Personnel

Meeting Minutes

In alignment with Elon's expectations - all Business and HR Leaders will be physically present at the locations they
 lead/support:

Effective Immediately – **Aenoi Jones**, will assume the role of Site HR Leader (HR Director) @ Fremont, CA
 (as previously assigned by Elon on 2/22/22)

Effective Immediately -HR for HR role/responsibilities will be reassigned from:

Allie Arebalo @ Giga, TX > Karen Draper @ Fremont, CA.

(See Exhibit D, hereto.)

1 46. A little over a week later, on June 18, 2022, after some follow-up
2 emails from Jones and Sagar, Musk responded to the email thread that Draper
3 started on June 9. In Musk's email, he approved Jones' earlier emphasis that Sagar
4 would have the authority to approve Musk's personnel decision, which included
5 approval of Draper's promotion to the Fremont-based HR-for-HR role as discussed
6 during the subject meeting.

7 47. As a consequence of Musk's personal and direct involvement in
8 Draper's case, the retired judge presiding over her wrongful termination action
9 against the Company ordered Musk to appear for deposition.

10
11 Tesla did not submit one supporting declaration with its briefing papers for this motion
12 from any Tesla employee present at the subject meeting attesting to the Company's contention
13 that Musk did not promote Ms. Draper to the HR-for-HR manager position that day. Respondent
14 has not established "good cause" for precluding Musk's deposition because it has not
produced anything, other than argument, to dispute Claimant's actual evidence in support of her
position. Accordingly, Claimant should be permitted to depose Elon Musk relative to the issues
described herein.

15
16 (See Exhibit E, hereto.)

17 18 II.

19 JURISDICTION, VENUE & DIVISIONAL ASSIGNMENT

20 48. This Court has diversity jurisdiction over this matter pursuant to
21 28 U.S.C. § 1332. As set forth below, Plaintiff is diverse from all Defendants in
22 this litigation and the amount in controversy exceeds seventy-five thousand dollars
23 (\$75,000).

24 49. The Court has personal jurisdiction over Defendant in that Tesla is
25 registered to do business and, in fact, does do substantial business within the State
26 of California and within the Northern District of California.

27 50. Venue is proper in the Northern District of California pursuant to 28
28 U.S.C. § 1391(b)(2) in that a substantial part of the acts or omissions giving rise to

1 Plaintiff's claims occurred within this judicial district, namely, within Alameda
2 County.

3 51. Prior to the initiation of this action before this Court, Plaintiff properly
4 exhausted their administrative remedies as required under FEHA by filing a
5 complaint against Defendant with the California Department of Civil Rights
6 ("DCR") alleging, inter alia, the claims asserted herein. DCR issued Plaintiff a
7 "right-to-sue" letter on August 7, 2025. Accordingly, Plaintiff has fulfilled all
8 preconditions to the filing of this FEHA-based suit. (Collectively attached hereto
9 as Exhibit F are true and correct copies of those right-to-sue letters.)

10 52. Assignment to this Division is proper, consistent with Civil L.R.
11 3-2(c), in that a substantial part of the acts or omissions giving rise to Plaintiff's
12 claims occurred within Alameda County.

13 14 III.

15 PARTIES & RELEVANT NON-PARTIES

16 53. Plaintiff Linda Peloquin is an individual who, at all times material to
17 the allegations of this Complaint, was domiciled in California, living here with the
18 intention of permanently residing in this state. At all times material to the
19 allegations of this Complaint, Plaintiff was a resident of Alameda County, which is
20 situated within this judicial district.

21 54. Plaintiff Adam Chow is an individual who, at all times material to the
22 allegations of this Complaint, was domiciled in California, living here with the
23 intention of permanently residing in this state. At all times material to the
24 allegations of this Complaint, Plaintiff was a resident of Los Angeles County,
25 which is situated within this judicial district.

26 55. Plaintiff Tiara Paulino is an individual who, at all times material to the
27 allegations of this Complaint, was domiciled in California, living here with the
28 intention of permanently residing in this state. At all times material to the

1 allegations of this Complaint, Plaintiff was a resident of Alameda County, which is
2 situated within this judicial district.

3 56. Plaintiff Sharnique Martin is an individual who, at all times material
4 to the allegations of this Complaint, was domiciled in California, living here with
5 the intention of permanently residing in this state. At all times material to the
6 allegations of this Complaint, Plaintiff was a resident of Alameda County, which is
7 situated within this judicial district.

8 57. Plaintiff Ozell Murray is an individual who, at all times material to the
9 allegations of this Complaint, was domiciled in California, living here with the
10 intention of permanently residing in this state. At all times material to the
11 allegations of this Complaint, Plaintiff was a resident of Los Angeles County,
12 which is situated within this judicial district.

13 58. Plaintiff Gregory Vass is an individual who, at all times material to
14 the allegations of this Complaint, was domiciled in California, living here with the
15 intention of permanently residing in this state. At all times material to the
16 allegations of this Complaint, Plaintiff was a resident of Alameda County, which is
17 situated within this judicial district.

18 59. Defendant Tesla, Inc., doing business as “Tesla Motors, Inc.,” is, as
19 Plaintiff is informed and believes, and on that basis alleges, a corporation
20 organized under the laws of the State of Delaware which, at all times material to
21 the allegations of this Complaint, had its principal place in Austin, Texas and was
22 registered by the California Secretary of State to do business in California.
23 Plaintiff is further informed and believes, and on that basis alleges, that Tesla is a
24 business entity which, generally, operates as a manufacturer of electric motor
25 vehicles.

26 60. Plaintiff is further informed and believes, and on that basis alleges,
27 that at all times mentioned herein and otherwise relevant to the allegations of this
28 Complaint, FEHA was in full force and effect, and binding on Tesla, as the

1 Company regularly employed more than five persons within the State of California
2 thereby bringing Tesla within the provisions of FEHA's statutory scheme.

3 61. Plaintiff is ignorant of the true names and capacities of the defendants
4 sued as DOES 1 through 10, inclusive (the "DOE Defendants") and, therefore, sues
5 these DOE Defendants by such fictitious names. Plaintiff will amend this
6 Complaint to allege their true names and capacities when ascertained.

7 62. Plaintiff is informed and believes, and on that basis alleges, that the
8 DOE Defendants acted wrongfully, maliciously, intentionally, and negligently; that
9 each is responsible in some manner for the events and happenings complained of
10 herein; and that Plaintiff's injuries, as alleged herein, were proximately caused by
11 the DOE Defendants, either through each Defendant's own conduct or through the
12 conduct of their agents and/or employees.

13 63. Plaintiff is informed and believes, and on that basis alleges, that at all
14 times material to the allegations of this Complaint, each of the Defendants,
15 whether named or fictitiously named as a DOE Defendant, were the merging
16 entity, merged entity, subsidiary, acquiring corporation, agent and/or employee of
17 each of the remaining Defendants, and in doing the things hereinafter alleged, was
18 acting within the course and scope of such agency and/or employment with
19 knowledge, advice, permission and consent of each other.

20 64. As used herein, the term "Defendants" means all Defendants, both
21 jointly and severally, and references by name to any one Defendant shall include
22 and reference all Defendants, both individual, corporate, and business entities, both
23 specifically named and unnamed, and both jointly and severally to all.

24 65. Plaintiff is further informed and believes, and on that basis allege, that
25 at all times material to the allegations of this Complaint, Defendants caused, aided,
26 abetted, facilitated, encouraged, authorized, permitted, and/or ratified the wrongful
27 acts and omissions described in this Complaint.

28 66. At all times material to the allegations of this Complaint, the Fremont

1 location was the corporate duty station for approximately 50 HR professionals. In
 2 additional to the Model Y, the Fremont plant also produced vehicles from Tesla's
 3 Model S, Model 3, and Model X lines.

4 67. At all times material to the allegations of this Complaint, Plaintiff's
 5 principal physical duty-station was located within Tesla's Fremont facilities.
 6 Among Plaintiff's managers within the hierarchical chain were the following
 7 individuals:

- 8 ▪ Allie Arebalo, Senior Human Resources Director
- 9 ▪ Bert Somsin, Senior Human Resources Director
- 10 ▪ Nicole Burgers, Senior Human Resources Manager
- 11 ▪ Jenifer Romero, Senior Human Resources Manager
- 12 ▪ Leah Allen, Senior Human Resources Business Partner,
 13 HR-for-HR Manager
- 14 ▪ Ray Sethna, Physical Security Director

15 68. Each of these individuals had the authority to, and often did, control
 16 Plaintiff's day-to-day tasks and functioning as one of their direct-reports. Each of
 17 these individuals dictated Plaintiff's daily execution of their HR-based and
 18 security-based role, endorsed their decisions, overruled their decisions, and
 19 provided them advice and counsel with respect to issues that came up at the
 20 Fremont location.

21 69. At all times material to the allegations of this Complaint, each of the
 22 individuals listed in the preceding paragraph was a managing agent within Tesla's
 23 corporate hierarchical structure. Each of the HR Managers and Directors was a
 24 high-level Tesla official and directly responsible for overseeing Tesla's entire HR
 25 operation, including at its Fremont facility. In that role, each of these individuals
 26 exercised substantial discretionary authority over decisions that ultimately
 27 determined Tesla's HR and organizational policy. Each of them conceived of and
 28 implemented Company HR policies and practices, determined HR-related budgets,

1 and hired and fired both HR and Operations staff. Each of them had the authority
2 and discretion: to dictate and implement corporate policies and standards for the
3 recruitment, hiring, and training of HR and Operations staff, from associate to
4 management-level employees; to dictate and implement recruitment campaigns
5 specifically-targeted to the demographics of their region's employee base; and, to
6 dictate and implement formal policies and informal practices at the overall
7 Fremont facility with respect to responding to employees' complaints of workplace
8 discrimination, harassment, and other complaints of perceived violations of the law
9 and breaches of Company rules and policy.

10 70. At all times material to the allegations of this Complaint, Ray Sethna
11 was a managing agent within Tesla's corporate hierarchical structure. Sethna was a
12 high-level Tesla official and directly responsible for overseeing Tesla's global
13 security apparatus, including at its Fremont facility. In that role, Sethna exercised
14 substantial discretionary authority over decisions that ultimately determined
15 Tesla's physical security policies. Sethna conceived of and implemented Company
16 safety and security policies and practices, determined security-related budgets, and
17 hired and fired security staff. Sethna had the authority and discretion: to dictate
18 and implement corporate policies and standards for the recruitment, hiring, and
19 training of security staff, from associate to management-level employees; to dictate
20 and implement recruitment campaigns specifically-targeted to the demographics of
21 his region's employee base; and, to dictate and implement formal policies and
22 informal practices at the overall Fremont facility with respect to responding to
23 security incidents, safety violations, medical emergencies, and other perceived
24 violations of the law and breaches of Company rules and policy.

1 IV.

2 **FACTUAL ALLEGATIONS**

3 71. Plaintiff incorporates by reference each and every of the foregoing
4 paragraphs, above, and repeats, reiterates, and realleges each and every allegation
5 contained therein with the same force and effect as if such paragraphs were set
6 forth fully at length here.

7 **A. Karen Draper**

8 72. Karen Draper was one of the first dominos to fall in what became a
9 long line of retaliatory terminations by Burgers and her Texas-based
10 counterparts—Allie Arebalo, Bert Somsin, Jenifer Romero, and Leah Allen—or,
11 instances where other HR professionals simply resigned under protest because they
12 knew Burgers had begun to target them.

13 73. In Draper’s situation, an operations manager had a rabid and irrational
14 desire to fire an employee because she had taken a statutorily-protected medical
15 leave. Draper refused the operations managers’ repeated requests to terminate the
16 employee for taking medical leave since, of course, that would have constituted
17 illegal disability-based retaliation. Draper complained to Burgers that the
18 manager’s conduct already constituted illegal retaliation and would likely to
19 subject Tesla to liability. This unfolded in December 2022—after State and
20 Federal regulators had filed civil rights suits against Tesla. Understanding that
21 reality, Burgers turned her ire on Draper rather than the manager. Burgers then
22 opened a misconduct investigation into Draper’s behavior rather than the
23 manager’s retaliatory misconduct. Draper was fired two months later for “poor
24 performance.”

25 74. In May 2023, Draper filed a federal lawsuit against Tesla alleging that
26 she was wrongfully terminated in violation of California’s Fair Employment and
27 Housing Act.

28 75. Plaintiff Karen Draper is a Black female. Draper received her

1 undergraduate degree from UCLA. Draper has spent the majority of her
2 professional career working in the Human Resources field, having worked in high-
3 level HR positions for the past 17 years. Draper has worked for a number of
4 Fortune 500 companies and excelled in each position she has held.

5 76. On or about February 28, 2022, Draper began working for Tesla as a
6 “Senior Human Resources Business Partner.” Such was an HR management
7 position for which Draper was generally responsible for managing approximately
8 five subordinate HR representatives in the provision of HR-related services to auto
9 production employees. Specifically, Draper was assigned to oversee the provision
10 of HR-related services to production employees for Tesla’s Model Y vehicle at the
11 Company’s manufacturing plant in Fremont, California.

12 77. In September 2022, a Tesla production supervisor named B.M.
13 submitted the appropriate medical documentation and internal paperwork to take
14 an FMLA-protected leave of absence, which was approved.

15 78. Despite the medical necessity and B.M.’s compliance with Tesla’s
16 internal policies and procedures for taking such leave, her absence engendered in
17 B.M.’s manager—Kristopher Lindsey—retaliatory animus toward her and a stated
18 desire to fire B.M. while she was out. Lindsey conveyed his desire and requests to
19 fire B.M. openly and repeatedly—in emails to HR and other operational managers,
20 during face-to-face meetings with HR and other operational managers, and with
21 clear disdain for B.M. during team meetings with his direct-reports and B.M.’s
22 peers and coworkers that she “was not welcome back.” Lindsey was personally
23 and irrationally fixated on getting B.M. terminated despite the fact that she had
24 done nothing wrong other than to exercise her statutory rights to take protected
25 medical leave. B.M. did not have any significant documented performance
26 deficiencies; Lindsey was able to back-fill B.M.’s position during her leave such
27 that her absence did not adversely impact Tesla’s manufacturing operation; and
28 B.M. had been compliant while on leave with her obligations to submit appropriate

1 medical documentation and internal leave forms timely and upon request.

2 79. Still, Lindsey was rabid about getting B.M. terminated. Lindsey
3 began lashing out at the HR representatives that attempted to calm him down and
4 explain that it was illegal—and would likely subject Tesla to liability—if they
5 executed his request to terminate B.M. without cause while she was on protected
6 leave. On at least three separate occasions, Draper sent her direct-reports to
7 personally discuss with Lindsey his requests to terminate B.M. and to explain to
8 him that there was no legal or practical basis to do so. Yet, in each instance,
9 Draper’s direct-reports returned from their respective interactions with Lindsey
10 complaining of his loud, aggressive, and maniacal behavior toward them when
11 discussing B.M., as Lindsey continued to press each of them to execute on his
12 groundless requests to terminate her. It was plain to each of Draper’s direct-
13 reports that Lindsey had some kind of personal vendetta against B.M. that was
14 clouding his judgment. Moreover, whatever vengeful crusade Lindsey was
15 mounting was causing him to lash out at HR and operational representatives in a
16 rude, abrasive, and unprofessional manner. They each reported back to Draper
17 after their respective meetings with Lindsey that he had yelled at, belittled, and
18 disrespected them, and that they were uncomfortable having further interactions
19 with Lindsey going forward.

20 80. Consequently, on December 9, 2022, Draper held her own meeting
21 with Lindsey to try herself to explain to him that terminating B.M. while on
22 protected leave and without cause was illegal and would likely subject Tesla to
23 liability. Yet, just as in previous instances, Lindsey was loud, rude, rabid, and
24 intransigent with Draper during their meeting about his position that B.M. could
25 and should be fired while out on FMLA leave. Following her meeting with
26 Lindsey, which was attended by two other HR representatives and an operational
27 manager, Draper immediately reported his behavior to Burgers. Yet, Burgers did
28 not react the way in which Draper anticipated. Instead of validating Draper’s

1 admonishment to Lindsey that it would be illegal to fire an employee on protected
2 leave for no reason, and instead of validating Draper's description of Draper's own
3 firsthand experience with Lindsey's aggressive obsession with terminating B.M.,
4 Burgers turned on Draper and opened an investigation against her for not
5 capitulating to a production manager's demands.

6 81. Among other reasons, Draper's refusal to capitulate to Lindsey's
7 demands engendered retaliatory animus in Burgers toward Draper. Lindsey was a
8 production manager for one of Tesla's highest volume vehicles, its "Model Y."
9 Thus, there was a significant amount of institutional pressure to keep Model Y
10 production on course, which meant keeping Model Y production managers, like
11 Lindsey, happy. The Model Y production managers wielded a lot of institutional
12 power within the Company and, as above, frequently held face-to-face meetings
13 with Musk.

14 82. The hostility toward Draper was also rooted in race-based animus and
15 bias against Draper as a Black woman. Despite witness statements to the contrary,
16 Draper's managers characterized her interactions with Lindsey as the product of
17 being an "Angry Black Woman," a racial trope that stereotypes Black women as
18 inherently short-tempered, ill-mannered, and over-bearing. Burgers accused her of
19 being "aggressive" and "out-of-control" with Lindsey—a Caucasian male—while
20 merely describing him as "passionate" and "animated," a race-based disparity that
21 Draper was quick to confront her about.

22 83. Thus, Draper's refusal to acquiesce in Lindsey's illegal crusade to fire
23 B.M. engendered in Burgers and her managers retaliatory animus toward Draper
24 insofar as they believed that they could be held responsible for not fostering an
25 environment that coddled and appeased Model Y production managers, like
26 Lindsey. So, Burgers fired Draper instead.

27 84. And there was the broader context that motivated Burgers as well. As
28 set forth above, Burgers was motivated by a desire to suppress additional findings

1 of retaliation arising out of the Fremont facility because of the pending litigation
2 against Tesla. As the facility's overall HR lead, Burgers believed that additional
3 findings would negatively impact assessment of her ability to eliminate the culture
4 of racism and retaliation in Fremont and to impact the workplace environment in a
5 positive way.

6 85. On February 10, 2023—in just over 60 days' time following Draper's
7 face-to-face meeting with Lindsey and refusal to terminate B.M.—Burgers called
8 Draper into a meeting with Burgers' Texas counterparts and abruptly terminated
9 Draper's employment. Burgers offered Draper no explanation for the basis of her
10 termination other than it was for unspecified "performance issues." But that was
11 pretext. The real reason that Draper was fired was because she refused to execute
12 Lindsey's, Burgers', and others' requests to fire B.M. while she was on a protected
13 FMLA leave.

14 86. And to be sure, Draper did not have any legitimate "performance
15 issues." At no point during Draper's Tesla employment, and certainly not during
16 the intervening period between her subject interaction with Lindsey and her
17 termination, did she have any legitimate "performance issues." She had glowing
18 performance reviews. She had never been issued any corrective actions. She had
19 never been informally chastised for insubordination or dereliction of her duties.
20 She did not have any attendance or tardiness problems. To the contrary, Draper
21 excelled in her position from the moment she was hired. And, in June 2022, just
22 six months before her final meeting with Lindsey and readout with Burgers, Draper
23 had been personally promoted by Elon musk because of superior performance.

24 87. The proffered basis for Draper's termination was pretextual. The
25 decision to fire Draper was not truly the result of "performance issues," but was
26 instead rooted in retaliatory animus based upon Draper's refusal to engage in what
27 she believed in good faith to be an illegal act on Tesla's behalf—that is, to execute
28 the termination of B.M. while she was on protected FMLA leave. It was also a

1 direct consequence of race-based animus and bias against Black women.

2 88. On May 5, 2023, Draper filed a federal lawsuit against Tesla alleging
3 wrongful termination based upon race and retaliation. Tesla was able to force that
4 suit out of public view and into private arbitration because Draper, as are with most
5 Tesla employees, was forced to sign an arbitration agreement as a condition of
6 employment with the Company.

7 89. Ultimately, in April 2025, after the Arbitrator entered an order
8 permitting Draper's attorneys to depose Elon Musk, as described above, Tesla
9 entered into a settlement agreement with Draper to resolve her claims.

10 **B. Linda Peloquin**

11 90. Linda Peloquin became the next managerial domino to fall after
12 Burgers fired Draper. Peloquin was similarly fired in retaliation for complaining
13 and speaking out against Tesla's refusal to fire an employee for patently racist
14 misconduct. In Peloquin's situation, a manufacturing employee made an angry
15 comment to a Black employee, asking him, "Do you want to hang by a tree?" This
16 incident, too, occurred after DCR and the EEOC filed suit against Tesla and were
17 already investigating the Company.

18 91. One of Peloquin's direct reports investigated the Black employee's
19 complaint, the investigation confirmed that the comment was indeed intended to be
20 racially-derogatory, and, so, that HR professional recommended that the
21 manufacturing employee be terminated. Peloquin concurred.

22 92. Yet, bizarrely, Burgers chastised the HR professional instead of
23 endorsing his termination recommendation. Peloquin spoke up to Burgers in
24 defense of her direct report's performance, investigative findings, and termination
25 recommendation of the racist wrongdoer. Peloquin had supervised his "hang by a
26 tree" investigation and endorsed his findings. Yet, as with Draper, Burgers turned
27 her ire on Peloquin, accused her of "poor performance," and terminated her
28 employment less than a month later.

1 93. Plaintiff Linda Peloquin is an Asian female. Peloquin has spent the
2 majority of her professional career working in Human Resources, having worked
3 in high-level HR positions for the past 25 years. Peloquin has worked for a
4 number of Fortune 500 companies and excelled in each position she has held.
5 Until her retaliatory termination from Tesla, Peloquin had never before been fired
6 from a job.

7 94. On or about March 27, 2023, Peloquin began working for Tesla as a
8 “HR Manager.” Such was an HR management position for which Peloquin was
9 generally responsible for managing approximately 11 subordinate HR
10 representatives in the provision of HR-related services to auto production
11 employees. Specifically, Peloquin was assigned to oversee the provision of HR-
12 related services to production employees for Tesla’s Model S, 3, X, and Y vehicles
13 at the Company’s manufacturing plant in Fremont, California.

14 95. Peloquin never received any bonafide corrective actions during the
15 course of her employment with Tesla. She was never written up. She was never
16 formally or informally disciplined. She never had any attendance issues. And she
17 never received any negative performance reviews or work evaluations. To the
18 contrary, both her superiors and subordinates consistently praised Peloquin’s work
19 execution and lauded her management prowess. So, too, did the operational
20 colleagues she worked with throughout the Company on various matters and
21 projects.

22 96. The final incident that led to Peloquin’s termination occurred in or
23 about December 2023. A few months earlier, one of Peloquin’s direct reports, an
24 HR associate named Adam Chow, received a complaint from a manufacturing
25 employee about a racially-motivated incident that that employee perceived to also
26 be a threat of violence.

27 97. As the complaining employee and another employee were working on
28 a vehicle, he called out to his coworker to stop him from closing a door and

1 causing damage to the car. The coworker responded by angrily yelling back, “Do
2 you want to hand by a tree?”

3 98. The complaining employee, who is Black, was astounded by what his
4 coworker, who is Caucasian, had yelled at him. He understood the comment to be
5 referring the lynching of Black men, so was threatened and offended by it—
6 particularly because of the overall racial tension and toxicity in the Fremont
7 facility. He reported it to HR and Chow was ultimately assigned to investigate the
8 incident.

9 99. As a consequence of his investigation, Chow validated that the
10 incident occurred, that it was racially motivated, and that it was physically
11 threatening in nature—all in violation of Tesla’s anti-violence and anti-racism
12 policies. Among other things, the wrongdoer had texted the complaining employee
13 a purported apology the next day, thus, conceding that he had indeed made the
14 statement—but then, not knowing that Chow possessed the texts, denied during his
15 interview with Chow that he said anything at all.

16 100. Consequently, Chow recommended that the employee be fired for
17 violating the Company’s anti-racism and anti-violence policies, as well as for a
18 lack of candor. The wrongdoer’s operational supervisory chain agreed. So, too,
19 did Peloquin, Chow’s direct supervisor, who found the employee’s statements to
20 be an intentional reference to the lynching of Black men that was pervasive for
21 hundreds of years in this country.

22 101. Both Peloquin and Chow recommended to Burgers that the employee
23 be terminated for that depravity, but Burgers disagreed. Again, Burgers and her
24 Texas-based counterparts were fearful that another instance of racism and racially-
25 motivated violence would reflect poorly on their leadership—particularly given the
26 State and Federal lawsuits against Tesla.

27 102. So, ultimately, in an effort to downplay, contain, and conceal further
28 instances of racist conduct at Tesla in the midst of the California Civil Rights

1 Department's suit against the Company for racial misconduct, Burgers fired
2 Peloquin (and later Chow, as described below) rather than the racist employee.

3 103. In or about November 2023, when Peloquin challenged Burgers about
4 her decision to overrule the termination recommendation, Burgers contended that
5 Chow had prior discipline and "performance problems," and that his investigation
6 was not done in accordance with Company policy. Peloquin adamantly disagreed.

7 104. Peloquin's challenge to Burgers about the termination
8 recommendation, as well as Peloquin's defense of Chow, engendered retaliatory
9 animus in Burgers toward Peloquin.

10 105. On or about December 1, 2023, Burgers then called Peloquin into a
11 meeting and told Peloquin that she herself had "performance issues" and, as a
12 consequence, that Peloquin would not be receiving a pay increase during that
13 performance rating period. But that was absurd; Burgers had already given
14 Peloquin a superb performance rating during that timeframe; a score of 3 out of 5,
15 which Tesla considers "Excellent."

16 106. It was retaliatory. Nothing had changed with respect to Peloquin's job
17 performance; the only thing that had changed was that Peloquin had continued to
18 raise complaints and challenges to Burger's decisions to overrule discipline for
19 validated instances of racism, sexual harassment, and workplace violence in
20 Fremont.

21 107. On or about December 6, 2023, Peloquin sent an email to Musk
22 expressing, as had others, her concerns about Burgers' retaliatory conduct.

23 108. Five days later, on or about December 11, 2023, Burgers called
24 Peloquin into a meeting and fired her for "poor performance."

25 109. Peloquin's termination was pretextual in nature. Burgers did not truly
26 fire her for poor performance; instead, Burgers fired Peloquin in retaliation for
27 lodging complaints against her. To be sure, there was nothing wrong with
28 Peloquin's performance at any point during her employment with the Tesla.

1 Rather, what was actually wrong was Peloquin's desire to do the right thing and
2 continue to rid the Company of the cultural scourge of racism that exists there.
3 Yet, in a misguided effort to "save face" rather than eliminate the blight of racism,
4 Tesla pushed Peloquin out just as it has with others.

5 110. Plainly, Peloquin's recommendation that the employee be terminated
6 for racial misconduct engendered in Burgers and her Texas-based counterparts fear
7 and anxiety that yet another instance of racial misconduct would expose Tesla to
8 further liability in the context of the State's lawsuit. She also feared that it would
9 generally expose the Company to bad press and negative public perception. And
10 given that Burgers was the overall HR manager for the Fremont facility and
11 responsible for trying to change the culture there, Burgers was fearful and anxious
12 that she would be held responsible for the occurrence of these additional instances
13 of racial misconduct.

14 111. Consequently, Burgers' decision to terminate Peloquin's employment
15 was motivated entirely by the retaliatory animus Peloquin's investigation and
16 termination recommendation engendered in Burgers.

17 112. And Peloquin's termination was especially astonishing in the context
18 of complaints and concerns she had expressed in the preceding months concerning
19 Tesla's efforts to try to manipulate the number of validated race-based complaints
20 from Fremont employees.

21 113. In or about the summer of 2023, in the midst of the State's racial
22 discrimination suit against the Company, as described above, one of Peloquin's HR
23 superiors from Tesla's Texas headquarters named Bert Somsin came to visit the
24 Fremont facility. During a meeting with Peloquin, Burgers, and other of
25 Peloquin's HR colleagues, Somsin told the group that the number of validated
26 race-based complaints coming out of Fremont was too high.

27 114. In raising the issue, Somsin's concern was not borne out of any
28 genuine concern for fixing the racist culture in Fremont, but instead because he

1 knew that a high number of validated complaints as investigated by the Fremont
2 HR professionals would only further justify bases of the State’s discrimination suit
3 against the Company.

4 115. Thus, it was in the context of this particular meeting and others that
5 the HR professionals at Fremont were given the directive to try to “re-frame” and
6 “re-characterize” what were plainly race-based circumstances as incidents that
7 were motivated by something—anything—other than race.

8 116. Peloquin voiced her disagreement and displeasure with that directive.
9 And she did so directly with Burgers on or about August 30, 2023, when Burgers
10 sent Peloquin a text message asking for her help in figuring out a way to artificially
11 reduce Fremont’s validated race-based complaint numbers. Peloquin offered to
12 help re-examine the complaints and investigative outcomes, but was unwilling to
13 falsely re-characterize those complaints if the facts did not warrant it.

14 117. Peloquin’s complaints, concerns, and objections on that issue, and
15 others, engendered in Burgers and Somsin retaliatory animus toward her. They
16 fired Peloquin as a result.

17 118. Peloquin was also outspoken about the favorable treatment toward
18 white male employees in Fremont, who often received disciplinary leeway and
19 favoritism that Black and Latino employees did not. For instance, in or about May
20 2023, Peloquin complained to Burgers that many white males were not being
21 disciplined in the same way as non-white employees. One white male employee
22 had two complaints of sexual harassment substantiated against him; yet, Burgers
23 refused to mete out discipline at a level commensurate with that repeated
24 misconduct, even after the employee’s behavior continued after being issued a
25 final written warning.

26 119. Another white employee had been disciplined for absenteeism as
27 work; he had clocked in, but was then MIA from his duty station and was caught.
28 The incident was a major safety violation given a death that occurred in Tesla’s

1 Shanghai facility when a similar incident occurred. That same employee then
2 yelled at a supervisor who was trying to give him instruction, which the supervisor
3 perceived to be a precursor to a forthcoming physical attack. Peloquin's team
4 placed the employee on unpaid administrative leave pending investigation of the
5 incident, as is standard Tesla policy and practice. Yet, Burgers changed the leave
6 status back to "paid," which was a concession rarely offered to similarly-situated
7 Black and Latino employees.

8 **B. Adam Chow**

9 120. Following the wrongful termination of Linda Peloquin, there was no
10 one left to protect her direct-report—Adam Chow, the HR professional that
11 investigated and substantiated the "hang by a tree" comment—from Burgers'
12 retaliation. After Peloquin was pushed out in December 2023, Burgers then also
13 fired Chow for "poor performance"—following her typical M.O.—just three
14 months later in March 2024.

15 121. Plaintiff Adam Chow is an Asian male. Chow has spent the majority
16 of his professional career working in Human Resources, having worked in high-
17 level HR positions for the past 10 years. Chow has worked for a number of
18 Fortune 500 companies and excelled in each position he has held. Until his
19 retaliatory termination from Tesla, Chow had never before been fired from a job.

20 122. In or about March 2022, Chow began working for Tesla as a "HR
21 Business Partner." Such was an HR management position for which Chow was
22 generally responsible for the provision of HR-related services to auto production
23 employees. Specifically, Chow was assigned to oversee the provision of HR-
24 related services to production employees for Tesla's passenger vehicles at the
25 Company's manufacturing plant in Fremont, California.

26 123. Chow never had any bonafide discipline or attendance issues during
27 the course of his employment with Tesla. And he never received any negative
28 performance reviews or work evaluations. To the contrary, both his superiors and

1 subordinates consistently praised Chow’s work execution and lauded his
2 investigative prowess. So, too, did the operational colleagues he worked with
3 throughout the Company on various matters and projects.

4 124. As above, in or about October 2023, Chow received a complaint from
5 a manufacturing employee named M.P. about a racially-motivated incident that the
6 employee also perceived to be a threat of physical violence. As M.P. and another
7 employee named M.S. were working on a vehicle, M.P. called out to M.S. to stop
8 him from closing a door and causing damage to the car. M.S. responded by angrily
9 yelling back, “Do you want to hang by a tree?” M.P., who is Black, was astounded
10 by what M.S., who is Caucasian, yelled at him. He understood the comment to be
11 referring the lynching of Black men, so was threatened and offended by it—
12 particularly because of the overall racial tension and toxicity in the Fremont
13 facility. He reported it to HR and Chow was assigned to investigate the incident.

14 125. As a consequence of his investigation, Chow validated that the
15 incident occurred, that it was racially motivated, and that it was physically
16 threatening in nature—all in violation of Tesla’s anti-racism and anti-violence
17 policies. Among other things, M.S. had texted M.P. a purported apology the next
18 day, thus, admitting that he had made the statement—but then denied during his
19 interview with Chow that he had said anything, not knowing that Chow had
20 already reviewed the text exchange.

21 126. Chow recommended that the employee be fired for violating policy
22 and for a lack of candor. The wrongdoer’s operational supervisory chain agreed.
23 So, too, did Peloquin, Chow’s direct supervisor withing HR.

24 127. Burgers did not agree. Again, Burgers was fearful that another
25 instance of racism and racially-motivated violence would reflect poorly on her
26 leadership, particularly given the state and federal lawsuits against the Company.

27 128. When Peloquin challenged Burgers about her decision to overrule the
28 termination recommendation, Burgers contended that Chow had prior discipline

1 and performance problems, and that his investigation was not done in accordance
2 with Company policy.

3 129. Peloquin adamantly disagreed. As she should have. Chow did not
4 have any formal discipline in his file and, in any event, the prior misconduct to
5 which Burgers was an incident in which another employee misconstrued Chow's
6 known physical disability—and for which Chow had already lodged a complaint
7 against Burgers for taking the other employee's side.

8 130. Peloquin's challenge to Burgers about Chow's termination
9 recommendation, as well as Peloquin's defense of Chow, engendered retaliatory
10 animus in Burgers and her Texas counterparts toward both Peloquin and Chow.

11 131. As above, Burgers ultimately fired Peloquin in retaliation in
12 December 2023. In February 2023, Burgers intentionally began "papering"
13 Chow's file with pretextual "poor performance" issues. Burgers gave Chow a
14 performance assessment rating of just 2.5 out of 5, meaning that his performance
15 rating was less than average. That rating was unjustified and only meted out in
16 retaliation for Chow's prior complaints against Burgers as well as for
17 substantiating the race-based "hang by a tree" threat.

18 132. Chow's performance was not poor or failing. To the contrary, his
19 direct supervisor—Linda Peloquin—believed that Chow was excelling in his role
20 and should have received an "Excellent" rating.

21 133. Moreover, Chow had never received such a low rating during the
22 entirety of his tenure at Tesla, which preceded Burgers' arrival in Fremont.

23 134. On or about March 8, 2024, Burgers advised Chow that he had two
24 options; one, that he could accept being placed on a "Performance Improvement
25 Plan" (PIP), or, two, that he could accept a severance package and separate from
26 the Company.

27 135. Either way, the message was clear: Burgers wanted Chow out. And
28 she was papering his file, just as she had done with others before him, to

1 pretextually justify a “poor performance” termination down the line.

2 136. Chow knew that Burgers’ criticism of his work performance was
3 groundless and that it would be impossible to survive the PIP because it was
4 designed for failure. His fate was already sealed. Accordingly, on or about March
5 11, 2024, Chow had no choice but to resign from Tesla given the discriminatory
6 and harassing working environment created by the Company. Chow had been
7 constructively terminated. No reasonable person would have continued to subject
8 themselves to that kind of retaliation—being subjected to false accusations and
9 suddenly deemed a poor performer when there was no legitimate basis for it.

10 137. Chow’s termination was also rooted in retaliatory and discriminatory
11 animus relating to his physical disability. The year prior to the “hang by a tree,” in
12 or about December 2022, Chow was encouraged to, and did, accept responsibility
13 for becoming the night shift HR Partner for the entire Fremont facility. That meant
14 that Chow was solely responsible from 6:00 p.m. to 4:00 a.m. for providing HR
15 guidance at the 24-hour manufacturing facility. That meant that, at any given time,
16 Chow had over 100 active HR cases, including investigations of race-based
17 incidents and retaliation, as well as Musk-level escalations because of the gravity
18 of the circumstance.

19 138. In the Spring of 2023, Chow had an encounter with two employees
20 who were known to repeatedly raise baseless complaints about a myriad of issues
21 at the Fremont plant. One of those employees was a plant worker named B.R.,
22 with whom Chow had been dealing since the beginning of his tenure with Tesla.
23 B.R. had made over a dozen allegations up to that point, for which Chow did the
24 intake since he was B.R.’s assigned HR partner.

25 139. One night in the Spring of 2023, B.R. met with Chow and conveyed
26 the same complaints against management that he had repeatedly articulated to
27 Chow on previous occasions and which Chow had already processed for
28 investigation. Chow suggested to B.R. that he take the issues up with the assigned

1 Employee Relations investigator since they already have open cases on the
2 repeated issues.

3 140. Following their interaction, B.R. complained to Burgers that Chow
4 had acted unprofessionally during their meeting by constantly rolling his eyes.

5 141. In or about May 2023, Burgers issued Chow a disciplinary write-up
6 for the B.R. incident. But as Burgers well knew, Chow did not roll his eyes at
7 B.R., nor dismiss his concerns. Rather, as Burgers well knew, Chow suffers from
8 a physical disability that causes involuntary movements of the muscles around his
9 eyes. So, to the extent B.R. perceived an “eye roll,” it was a consequence of
10 Chow’s disability.

11 142. Consequently, in or about May 2023, Chow filed a complaint against
12 Burgers, contending that the write-up constituted illegal discrimination and
13 retaliation based upon his disability. Chow escalated his concerns about Burgers’
14 retaliatory writeup to Leah Allen and Jenifer Romero, HR managers within his
15 supervisory chain.

16 143. Yet, astoundingly, Burgers was made aware of the complaint. In or
17 about August 2023, Tesla hired outside legal counsel to conduct an investigation of
18 the Chow’s complaint; and when the law firm emailed Chow to set up a meeting
19 regarding his Burgers complaint, the firm copied Burgers on the email.

20 144. Chow’s complaint engendered retaliatory animus in Burgers toward
21 Chow, and she later fired him for that reason as well.

22 **C. Tiara Paulino & Sharnique Martin**

23 145. Following the wrongful termination of Linda Peloquin, there was no
24 one left to protect her direct-reports from Burgers’ retaliation. Others on
25 Peloquin’s team besides Adam Chow were likewise terrified of suffering the same
26 type of retaliation by Burgers. That included Plaintiffs Sharnique Martin and Tiara
27 Paulino, two HR Business Partners that also worked under Peloquin. Martin and
28 Paulino had also raised complaints about Burgers’ poor leadership, vindictiveness,

1 and retaliatory personnel actions, so were fearful that Burgers' behavior would
2 continue unless upper management stepped in—including Elon Musk.

3 146. It was as if no one was safe and that Burgers could act with complete
4 impunity. As a HR Manager, Peloquin was essentially Burgers' supervisory peer
5 within Fremont's HR hierarchical chain. So, many thought that if it were so easy
6 to fire Peloquin—and for reasons that were plainly retaliatory—then they, too,
7 could be fired at the whim of Burgers and her Texas counterparts.

8 147. Martin began working for Tesla as an "HR Business Partner" on or
9 about June 13, 2022. Paulino took the same position on or about June 27, 2022.
10 Neither Martin nor Paulino received any corrective actions during the course of
11 their employment with Tesla. Neither was ever written up. Neither was ever
12 formally or informally disciplined. Neither ever had any attendance issues. And
13 neither ever received any negative performance reviews or work evaluations. To
14 the contrary, both their superiors and colleagues consistently praised Martin's and
15 Paulino's work execution and lauded their HR prowess. So, too, did the
16 operational and HR colleagues they worked with throughout the Company on
17 various matters and projects.

18 148. After firing Peloquin on December 11, 2023, Burgers held a virtual
19 Teams meeting with Peloquin's direct-reports, Martin and Paulino among them, to
20 inform them about the termination. Burgers could not provide any intelligible
21 basis or context for Peloquin's termination during the meeting because, of course,
22 it was rooted entirely in retaliatory animus.

23 149. On or about December 13, 2023, in the immediate wake of Peloquin's
24 termination, Martin and Paulino sent an email to high-ranking managing agents at
25 Fremont, including the HR Director and Manufacturing Director. Among the
26 individuals copied on Martin's and Paulino's email were Allie Arebalo, Tom Zhu,
27 and Hrushikesh Sagar.

28 150. Martin's and Paulino's email described, among other things, the

1 extraordinarily high attrition rate amongst HR professionals in Fremont, the lack of
2 leadership by Burgers, and Burgers' retaliatory misconduct toward HR
3 professionals that spoke up and complained about those issues.

4 151. Fearful of retaliation from Burgers, Martin and Paulino did not
5 include her on the email.

6 152. Regardless, the email engendered retaliatory animus in those
7 management officials that did receive it toward Martin and Paulino—in Allie
8 Arebalo, in particular—who were aligned with Burgers and were likewise
9 motivated to suppress new allegations of discrimination and retaliation given the
10 pending litigation against the Company.

11 153. Moreover, the individuals that were copied on the email—Arebalo, in
12 particular—forwarded the email to Burgers and discussed it with her, which
13 engendered further retaliatory animus in Burgers toward Martin and Paulino. They
14 were both fired within five weeks of sending that email, in retaliation for sending it
15 in the first place.

16 154. Initially, Arebalo responded to the email and facilitated virtual
17 interviews for Martin and Paulino to express their concerns. In or about December
18 2023, Martin and Paulino each met with Jenifer Romero, Senior HR Manager, to
19 discuss the concerns raised in their email, including Burgers' plainly retaliatory
20 termination of Peloquin and others.

21 155. Both Martin and Paulino could discern from their discussions with
22 Romero that she had spoken with Burgers, and had described the contents of their
23 email and identified them as the authors. Martin and Paulino began to appreciate
24 then that they, too, would likely have targets on their backs.

25 156. Thereafter, Martin undertook to move out of the HR Department and
26 into a different role within the Company outside of Burgers' chain of command.
27 In or about January 2024, after six successful interviews with individuals on the
28 team, Martin was offered and accepted a non-HR position within a manufacturing

1 operations group.

2 157. Martin’s first day in her new role was on or about February 12, 2024.
3 Yet, Martin was fired just two days later on February 16, 2024. When she asked
4 why, Martin was told by the manager that fired her that “her role was no longer
5 critical.”

6 158. But that was untrue. That Manufacturing Operations Manager—who
7 himself became the subject of a retaliatory demotion—shared with Martin that he
8 was pressured by the HR Department to “re-characterize” her role as non-critical
9 so that Martin could be terminated.

10 159. That Manufacturing Operations Manager also shared with Martin that
11 the HR Department was blaming she and Paulino for authoring an anonymous
12 “open letter” to the Fremont Factory that was critical of management and
13 encouraged unionizing at the Fremont facility. Neither Martin nor Paulino
14 authored that letter, either offered any input for the letter, nor has either ever even
15 seen it. The manager shared with Martin that there was no genuine investigation of
16 who authored the letter, because Arebalo and Burgers were keen to blame it on
17 Martin and Paulino as a pretextual basis to terminate their employment.

18 160. Paulino was fired the day before Martin, on or about February 15,
19 2024. That day, Martin was summoned to a conference room at the Fremont
20 facility by Burgers and informed that her employment was terminated for “poor
21 performance.” Leah Allen, the “HR-for-HR” Manager at Tesla’s Texas
22 headquarters, was also present via video.

23 161. As with the others fired by Burgers, the “poor performance” reasoning
24 was pretextual.

25 162. Paulino had never during her tenure with Tesla received any form of
26 performance coaching, warning, or negative feedback. To the contrary, she
27 repeatedly received written praise from the peers and operations leaders with
28 whom she worked. Moreover, Paulino had just been promoted six months earlier,

1 on about August 7, 2023. Furthermore, Paulino had already been informed by
2 Peloquin—to whom she directly reported prior to Peloquin’s firing—that Peloquin
3 had given Paulino an “Excellent” performance rating during the most recent
4 assessment cycle.

5 **D. Gregory Vass**

6 163. Ironically, Tesla is an equal opportunity discriminator. Not only does
7 the Company discriminate on the basis of race and gender and retaliates against
8 employees that lodge complaints, but the Company also discriminates on the basis
9 of sexuality. Plaintiff Gregory Vass, a former Tesla employee who is gay, was
10 fired in March 2024 after complaining that Nicole Burgers had unilaterally placed
11 him in a LGBTQ affinity group for Tesla employees without his permission or
12 consent.

13 164. Although Vass is by no means ashamed of his sexuality, the way in
14 which Vass decides to exhibit his sexuality—particularly in the workplace—is an
15 agency that he wished to control, not his HR manager. Vass was aware that
16 Burgers was retaliatory and vindictive against those that voiced complaints and
17 objections about her decisions, so he instead went to the designated “HR-for-HR”
18 Manager, Leah Allen, whose role was to help remediate those types of issues for
19 Tesla HR professionals. Still, Allen was aligned with Burgers, shared Vass’
20 concerns with her and, consequently, that criticism engendered in Burgers
21 retaliatory animus toward Vass. Burgers then greenlit an investigation against
22 Vass, as she had done with others, and directed his supervisor to terminate his
23 employment less than six months later.

24 165. Vass began working with Tesla as “HR Business Partner” in or about
25 June 2022.

26 166. Vass never had any bonafide discipline or attendance issues during the
27 course of his employment with Tesla. And he never received any negative
28 performance reviews or work evaluations. To the contrary, both his superiors and

1 subordinates consistently praised Vass' work execution and lauded his
2 investigative prowess. So, too, did the operational colleagues he worked with
3 throughout the Company on various matters and projects.

4 167. In or about June 2023, Nicole Burgers advised Vass that she was
5 placing him in a "Pride Group." Vass had not asked to be placed in this group, nor
6 was he aware of any other HR professionals being asked if they wanted to support
7 whatever the mission of the Pride Group was. Burgers advised Vass that one of
8 the group's initial projects was to create a slide deck with facts about the LGBTQ
9 community that would be played in the cafeteria to help raise awareness and
10 educate employees.

11 168. Vass was profoundly uncomfortable with being unilaterally placed in
12 the Pride Goup since it appeared to him that he was only singled out to be a part of
13 the group because of his sexuality. Vass expressed those concerns to his coworkers
14 at the time.

15 169. In or about October 2023, Vass had a meeting with Leah Allen, the
16 designated "HR -or-HR" Manager that physically sat in Tesla's Texas
17 headquarters. During that meeting, Vass articulated his concerns and complaints
18 about being unilaterally placed in the Pride Group without any prior consultation
19 or consent, and expressed his belief that he was singled out to be a part of the
20 group because of his sexuality. Vass explained that, to his knowledge, all of the
21 other members of the group were also members of the LGBTQ community, and
22 that they were likewise uncomfortable being forced into a public grouping solely
23 based on their sexuality. Following the meeting, Vass sent Allen screenshots of
24 Burgers' emails relating to the group and awaited her follow-up, which never
25 came.

26 170. Thereafter, Vass continued to excel as a member of the HR team. He
27 was even moved into the role of "Employee Relations Partner," a specialty position
28 within HR that is responsible for conducting investigations into allegations of

1 discrimination and harassment based upon protected class, prior complaints,
2 romantic conflicts of interest, and abuse of power allegations against senior
3 managers, among other things. The scope of Vass' work also increased, as he
4 began conducting investigations across all of Tesla's North American sites, not just
5 in Fremont.

6 171. As was the case with others, though, that exceptional performance did
7 not matter. The only thing that mattered was the fact that Vass had complained
8 about Burgers.

9 172. Because Allen was aligned with Burgers, rather than holding Vass'
10 complaints in confidence, she immediately shared them with Burgers—which, of
11 course, engendered retaliatory animus in Burgers toward Vass.

12 173. Consequently, in March 2024, Burgers and Allen opened an
13 investigation against Vass for allegedly improperly viewing certain employees'
14 salary records, despite the fact that that was part of his fundamental job
15 duties. Vass was placed on administrative leave pending that investigation, but
16 already knew what the outcome would be. On March 22, 2024, his direct
17 supervisor called Vass and informed him that his Tesla employment was
18 terminated.

19 **E. Ozell Murray**

20 174. By all accounts, not only is Tesla a racist and toxic place to work in
21 terms of its Company culture, but it is a physically unsafe place to work as well.
22 Plaintiff Ozell Murray began working for Tesla in September 2018, having taken a
23 job as a "Protective Operations Specialist" with the physical security team
24 responsible for safety and order at the Fremont facility.

25 175. Murray has an extensive background in law enforcement, having
26 worked as a sworn peace officer for a number of different police departments. At
27 the time Murray accepted the position with Tesla, he had a 5-year background in
28 law enforcement and, as well, a 4-year background in corporate security.

1 176. Murray excelled at all times during his Tesla employment, having
2 been promoted more than five times during his six-year tenure with the
3 Company. At the time of his constructive termination from the Company, Murray
4 was in the role of “Senior Manager of Physical Security Operations” and, thus,
5 generally responsible for managing the overall security apparatus at the 22,000-
6 person Fremont facility.

7 177. And, indeed, the Fremont plant certainly needed Murray and his team
8 of 120 direct reports to help ensure the safety and security of the workers and
9 workplace there. Murray and his team routinely:

- 10 ▪ broke up physical fights between employees;
- 11 ▪ recovered drugs and drug paraphernalia, including cocaine and
12 fentanyl;
- 13 ▪ pulled employees off the manufacturing line and sent them home
14 for being alcohol-intoxicated and high on drugs;
- 15 ▪ confiscated guns discovered on the premises; and
- 16 ▪ responded to and investigated sexual assaults on employee shuttle
17 buses.

18 178. In fact, in December 2021, one employee was even shot dead at the
19 Fremont plant. Thereafter, Murray met with Musk to discuss how to make the
20 plant safer with bag searches, metal detectors, and the like.

21 179. Like the other Plaintiffs, Murray never received any Bonafide
22 corrective actions during his tenure with Tesla. He was never written up. He was
23 never formally or informally disciplined. He never had any attendance issues.
24 And he never received any negative performance reviews or work evaluations. To
25 the contrary, both his superiors and subordinates consistently praised Murray’s
26 work execution and lauded his management prowess. So, too, did the operational
27 and HR colleagues he worked with throughout the Company on various matters
28 and projects.

1 180. Still, during his tenure with Tesla, Murray was outspoken with his
2 superiors as well as with Fremont's HR managers, including with Nicole Burgers,
3 about many of the policy-based issues that he believed were fostering the lack of
4 safety and security in Fremont. That, of course, engendered in those officials the
5 retaliatory animus that ultimately led to Murray's termination.

6 181. Among other things prior to his termination, Murray spoke out about:

- 7 ▪ An incident in September 2023, when several HR employees were
8 caught by one of Murray's security personnel drinking alcohol on
9 the Fremont property which, according to express Tesla policy
10 warranted immediate suspension no matter the employee's
11 position. In September 2023, Murray complained to his
12 supervisors and HR counterparts that the offending employees
13 were allowed to return to work whereas others who had committed
14 the same type of violation were not.
- 15 ▪ In or about March 2023, Murray was outspoken about a policy that
16 he believed supervisors and managers were abusing as a means of
17 retaliating against line employees. At the time, Tesla had a "zero
18 tolerance" policy with respect to drug and alcohol impairment
19 while working. Under the policy, if a supervisor or manager
20 suspected that a worker was under the influence, that manager
21 could simply report that belief to security and someone from
22 Murray's team would then escort the worker off the premises
23 without question. However, there were many instances in which
24 Murray's team responded to such calls and could not perceive or
25 discern that the individual reported by the manager was, in fact,
26 under the influence. As it turned out, many supervisors and
27 managers were merely using the policy as a means to retaliate
28 against their subordinates—and, in particular, when a line

1 employee had turned down the supervisor or manager's sexual
2 advances. Or, when the manager or supervisor wanted to retaliate
3 against someone because of their race or ethnicity. Or, when the
4 manager or supervisor wanted to retaliate against someone because
5 of a complaint an employee had lodged against them. Yet, because
6 of the policy was written, there was no means for Murray's
7 security personnel to challenge the veracity of manager's
8 allegation; they had to walk to the person out regardless. In or
9 about March 2023, Murray voiced his objections to his superiors as
10 well as to his HR counterparts about this concerns that the policy
11 was being abused—particularly as against Black and Latino
12 employees.

- 13 ▪ In or about December 2022, Murray was outspoken about his
14 objections to Nicole Burgers' requests, as described above, to
15 effectively "perp walk" the HR employees that she had terminated.
16 Based upon his professional training and experience, Murray's
17 custom and practice was to only have security personnel escort off
18 the premises high-risk individuals that might be violent or
19 mentally-unstable or who might steal something from the property.
20 None of the HR professionals that Burgers was requesting be
21 escorted out met that criterion and Murray believed it was an
22 unnecessary act of retribution on Burgers' part.
- 23 ▪ In or about January 2022, Murray was also outspoken with his
24 direct supervisor, Ray Sethna, the overall Senior Director of
25 Global Security Operations, after Sethna gave Murray what he
26 perceived to be racially insensitive and insulting direction with
27 respect to new Black would-be hires in Security Department. As
28 above, the use of the "N-word" was prevalent throughout the

1 Fremont facility. A few months prior, one of Murray's direct-
2 reports, a female security officer who was also a former police
3 officer, was victimized when a Tesla employee called her a nigger.
4 Murray's colleague was so distressed by the incident and the
5 impunity with which the word was used toward her and around the
6 Fremont facility that she had to take a medical leave from work to
7 recover from the trauma. Yet, instead of offering encouragement,
8 Murray's supervisor, Sethna, counseled him that Murray should be
9 informing all new Black security personnel that the use of the "N-
10 word" was simply engrained in the culture at Tesla and, so, Murray
11 should only be bringing aboard that are willing to accept and
12 acquiesce to the prevalence of that word in the workplace.

13 Each of these instances, both singularly and collectively, engendered in
14 Murray's supervisors as well as their HR counterparts discriminatory and
15 retaliatory animus against him.

16 182. Thus, when Murray was injured on the job in or about April 2024, his
17 managers and supervisors used that circumstance as an opportunity to push him
18 out.

19 183. Murray suffered an on-the-job injury in or about April 2024 after
20 being attacked by a Tesla employee as he tried to intervene in an altercation
21 between that employee and another. Murray underwent surgery on a knee injured
22 during that attack and ultimately returned to work in or about June 2024 in a
23 physician-approved "light duty" capacity that did not substantially impair his
24 ability to perform the essential functions of his job.

25 184. The fact that Murray took medical leave in the first place as a
26 consequence of his workplace injury and, as well, the fact that he returned to work
27 in a "light-duty" status engendered disability-based discriminatory and retaliatory
28 animus in his supervisors and their HR counterparts toward him. In or about June

1 2024, just weeks after Murray's return to work, he was notified that he was "under
2 investigation" and would need to sit for an interview.

3 185. That, too, was the modus operandi of the HR Department when they
4 wanted to "paper" someone's file and ultimately push them out the door. They
5 would identify some petty and inconsequential incident, and then open an
6 investigation with the goal of substantiating a Company policy violation of upon
7 which they could predicate discipline and termination. And the HR Department
8 would reach back however far back in time they needed in order to manufacture
9 what they needed.

10 186. Such was the case with Murray. Murray was notified that he was the
11 subject of an investigation relating to a two-year-old incident in which he
12 purportedly said something inappropriate to some unidentified person. The
13 accusation was false and nonsensical. The incident did not even occur at a Tesla-
14 sponsored event nor did it even occur on Tesla property. Nor was the purported
15 inappropriate comment even alleged to have been made toward a Tesla employee.
16 But Murray had seen this tactic play out with other employees in the past, so
17 understood the message Tesla was sending him: they wanted him gone.

18 187. Murray confronted his manager, Sethna, about the investigation and
19 convey his belief that it was retaliatory—but that accusation, of course, only
20 further engendered retaliatory animus in Sethna toward Murray.

21 188. In August 2024, Murray's Tesla superiors and their HR counterparts
22 then forced him onto an unwarranted and unsubstantiated "stress leave" as a
23 pretextual means of justifying Murray's inability to work.

24 189. The stress leave decision was pretextual. There was not actually any
25 legitimate problem with Murray's work performance. Rather, Murray's superiors
26 and their HR counterparts simply wanted to begin to artificially document and
27 "paper" his file with baseless performance issues so that they could justify
28 Murray's eventual termination. The forced leave was entirely driven by the

1 discriminatory and retaliatory animus harbored by Murray’s managers against him
 2 on account of Murray’s prior complaints and temporary disability, not because of
 3 her work performance.

4 190. Accordingly, on or about September 12, 2024, Murray had no choice
 5 but to resign from Tesla given the discriminatory and harassing working
 6 environment created by the Company. Murray had been constructively terminated.
 7 No reasonable person would have continued to subject themselves to that kind of
 8 retaliation—being subjected to false accusations and placed “under investigation”
 9 designed to vex and harass them, being suddenly deemed a poor performer, and
 10 being forced onto a completely unwarranted Company-imposed “stress leave”
 11 when there was no medical basis for it.

12
 13 **V.**
 14 **CAUSES OF ACTION**

15 **First Cause of Action**

16 **Retaliation**

17 **In Violation of Cal. Gov. Code § 12940(h)**

18 **(All Plaintiffs as Against All Defendants)**

19 191. Plaintiff incorporates by reference each of every of the paragraphs
 20 above, and repeats, reiterates, and realleges each and every allegation contained
 21 therein with the same force and effect as if such paragraphs were set forth fully at
 22 length here.

23 192. Section 12940(h) of the California Government Code makes it
 24 unlawful for an employer to retaliate against an employee for “oppos[ing] practices
 25 forbidden under [FEHA’s statutory scheme] or because the person has filed a
 26 complaint, testified, or assisted in any proceeding under [FEHA’s statutory
 27 scheme].”
 28

1 193. As described in the preceding paragraphs of this Complaint, on
2 multiple occasions on the particular dates and during the date-ranges set forth
3 above, and continuing until Plaintiff's termination from the Company, Plaintiff
4 engaged in such protected conduct under FEHA by complaining to and about
5 Defendant's conduct. In particular, Plaintiff's protected activity included, but is
6 not limited to that which was described in the preceding paragraphs of this
7 Complaint (*see, supra*, at Sect. IV): voicing concerns, objections, and complaints
8 about the discrimination and retaliation against, as well as the harassment and
9 intimidation of, employees on protected medical leave or otherwise employees
10 with permanent and temporary physical disabilities; and/or voicing concerns,
11 objections, and complaints about the discrimination and retaliation against, as well
12 as the harassment and intimidation of, employees from racial minorities, namely,
13 Black and Latino employees; and/or voicing concerns, objections, and complaints
14 about the discrimination and retaliation against, as well as the harassment and
15 intimidation of, female employees by male employees on account of that gender
16 difference; and/or voicing concerns, objections, and complaints about the
17 discrimination and retaliation against, as well as the harassment and intimidation
18 of, homosexual employees.

19 194. At all times material to the allegations of this Complaint in which
20 Plaintiff engaged in such protected activities, Plaintiff maintained a good faith and
21 reasonable belief that it was a violation of state and federal law for Defendant to
22 engage in the conduct about which Plaintiff voiced concerns, objections, and
23 complaints. In particular, Plaintiff maintained a good faith and reasonable belief
24 that Defendant's conduct violated the provisions of the FMLA, California's FEHA,
25 and other statutory laws protective of employees on medical leave, disability leave,
26 and prohibitive of harassment, discrimination, and retaliation based upon
27 employees' protected characteristics such as race, ethnicity, gender, disability, and
28 sexuality.

1 195. On multiple occasions on the particular dates and during the date-
2 ranges set forth above, and continuing until Plaintiff's termination from the
3 Company, Plaintiff refused to participate in Defendant's illegal, discriminatory,
4 retaliatory, immoral, and fraudulent activities, including without limitation, the
5 harassment and intimidation of, retaliation against, and wrongful termination of
6 employees on protected medical leave, disability leave, and prohibitive of
7 harassment, discrimination, and retaliation based upon employees' protected
8 characteristics such as race, ethnicity, gender, disability, and sexuality.

9 196. In response, Defendant retaliated against Plaintiff, including, but not
10 limited to: harassing and hassling Plaintiff both during and outside of normal work
11 hours; unreasonably and unjustifiably increasing Plaintiff's workload;
12 unreasonably and unjustifiably criticizing the speed with which Plaintiff was
13 completing assignments; unreasonably and unjustifiably criticizing the quality of
14 Plaintiff's work product and general job execution; questioning and criticizing
15 Plaintiff for taking sick and disability leave; forcing Plaintiff to take medical
16 and/or administrative leave; offering and/or placing Plaintiff onto a sham, last-
17 chance Performance Improvement Plan; and, terminating Plaintiff's employment
18 (as described in the preceding paragraphs of this Complaint (*see, supra, at Sect.*
19 *IV*)).

20 197. Plaintiff's protected activities, as set forth herein, were individually
21 and collectively a substantial motivating reason in Defendant's decision to
22 terminate Plaintiff's employment. In other words, Defendant fired Plaintiff
23 because of Plaintiff's protected activities. But for Plaintiff's protected activities,
24 Plaintiff would not have been terminated. Plaintiff's protected activities were the
25 sole, motivating, and but-for cause of the adverse employment actions Defendants
26 took against Plaintiff.

27 198. The actions of Plaintiff's Tesla managers, as identified herein, as well
28 as those of their agents and subordinates, negatively affected the terms, conditions,

1 and privileges of Plaintiff's employment, ultimately resulting in Plaintiff's
2 wrongful and illegal termination.

3 199. Plaintiff's Tesla managers, as identified herein, as well as their agents
4 and subordinates, did not treat non-complaining, non-objecting, non-outspoken,
5 non-Black, non-Asian, non-female-identifying, non-disabled, non-LGBTQ-
6 identifying employees in the same manner in which Plaintiff was treated; they
7 were treated more favorably. Thus, Plaintiff's Tesla managers, as identified
8 herein, as well as their agents and subordinates, personally singled Plaintiff out for
9 disparate treatment, harassment, retaliation, and with regard to the terms,
10 conditions, and privileges of Plaintiff's employment, ultimately culminating in
11 wrongful termination, because of Plaintiff's protected activities as described
12 herein.

13 200. Defendant's reasons for harassing Plaintiff and subsequently
14 terminating Plaintiff's employment are pretextual in nature and calculated to
15 disguise the true motivating bases of the adverse employment actions to which
16 Plaintiff was subjected.

17 201. Nicole Burgers, Leah Allen, Allie Arebalo, Bert Somsin, and/or Ray
18 Sethna each personally participated in the effort to undertake the foregoing actions
19 as against Plaintiff. They each engaged in such conduct for personal gratification
20 because of meanness or bigotry and for other personal motives.

21 202. The actions of Plaintiff's managers, as well as those of their agents
22 and subordinates, negatively affected the terms, conditions, and privileges of
23 Plaintiff's employment, ultimately resulting in a wrongful and illegal termination.

24 203. The actions of Plaintiff's managers, as well as those of their agents
25 and subordinates, created a work environment that was so intolerable that a
26 reasonable person in Plaintiff's position would have had no reasonable alternative
27 except to resign.

28 204. To the extent Plaintiff "resigned," such was because of the actions of

1 Plaintiff's managers, as well as those of their agents and subordinates; Plaintiff was
2 harmed by the loss of their employment, Company stock equity, and medical
3 benefits package; and the actions of Plaintiff's managers were a substantial factor
4 in causing Plaintiff's harm.

5 205. As a direct, foreseeable, and proximate result of the wrongful acts of
6 Defendants, and each of them, Plaintiff has been harmed in that Plaintiff has
7 suffered, and will continue to suffer, actual, consequential, and incidental financial
8 losses, including, without limitation, loss of income, salary and benefits, and the
9 intangible loss of employment-related opportunities for growth in Plaintiff's field
10 and damage to Plaintiff's professional reputation, humiliation, embarrassment,
11 mental and emotional distress and discomfort all in an amount according to proof
12 at the time of trial.

13 206. Plaintiff is informed and believes, and on that basis alleges, that the
14 aforesaid acts directed toward Plaintiff by Defendants were carried out with a
15 conscious disregard of Plaintiff's right to be free from such illegal behavior, such
16 as to constitute oppression, fraud, or malice pursuant to section 3294 of the
17 California Civil Code, among other provisions, entitling Plaintiff to punitive
18 damages in an amount appropriate to punish and set an example of Defendants.

19 207. The actions alleged herein were taken by managing agents and/or
20 officers of Defendant and/or ratified by managing agents and/or officers of
21 Defendant, namely, Nicole Burgers, Leah Allen, Allie Arebalo, Bert Somsin,
22 and/or Ray Sethna. In so doing, said managing agents and/or officers of Defendant
23 acted with oppression and malice as those terms are used in section 3294 of the
24 California Civil Code. As such, Plaintiff is entitled to an award of punitive
25 damages.

26 208. Plaintiff is also entitled to an award of attorneys' and experts' fees
27 pursuant to, inter alia, section 12965(b) of the California Government Code.
28

Second Cause of Action

Retaliation

In Violation of Cal. Labor Code § 1102.5(b)

(Against the City of Los Angeles and Does 1-10)

209. Plaintiff incorporates by reference each of every of the paragraphs above, and repeats, reiterates, and realleges each and every allegation contained therein with the same force and effect as if such paragraphs were set forth fully at length here.

210. Section 1102.5(b) of the California Labor Code makes it unlawful for an employer to retaliate against an employee for “disclosing information . . . to a person with authority over the employee or another employee who has the authority to investigate, discover, or correct the violation or noncompliance . . . of state or federal statute . . . or regulation, regardless of whether disclosing the information is part of the employee’s job duties.”

211. As described in the preceding paragraphs of this Complaint, on multiple occasions on the particular dates and during the date-ranges set forth above, and continuing until Plaintiff’s termination from the Company, Plaintiff engaged in such protected conduct under section 1102.5 by complaining to and about Defendant’s conduct. In particular, Plaintiff’s protected activity included, but is not limited to that which was described in the preceding paragraphs of this Complaint (see, supra, at Sect. IV): voicing concerns, objections, and complaints about the discrimination and retaliation against, as well as the harassment and intimidation of, employees on protected medical leave or otherwise employees with permanent and temporary physical disabilities; and/or voicing concerns, objections, and complaints about the discrimination and retaliation against, as well as the harassment and intimidation of, employees from racial minorities, namely, Black and Latino employees; and/or voicing concerns, objections, and complaints about the discrimination and retaliation against, as well as the harassment and

1 intimidation of, female employees by male employees on account of that gender
2 difference; and/or voicing concerns, objections, and complaints about the
3 discrimination and retaliation against, as well as the harassment and intimidation
4 of, homosexual employees.

5 212. At all times material to the allegations of this Complaint in which
6 Plaintiff engaged in such protected activities, Plaintiff maintained a good faith and
7 reasonable belief that it was a violation of state and federal law for Defendant to
8 engage in the conduct about which Plaintiff voiced concerns, objections, and
9 complaints. In particular, Plaintiff maintained a good faith and reasonable belief
10 that Defendant's conduct violated the provisions of the FMLA, California's FEHA,
11 and other statutory laws protective of employees on medical leave, disability leave,
12 and prohibitive of harassment, discrimination, and retaliation based upon
13 employees' protected characteristics such as race, ethnicity, gender, disability, and
14 sexuality.

15 213. On multiple occasions on the particular dates and during the date-
16 ranges set forth above, and continuing until Plaintiff's termination from the
17 Company, Plaintiff refused to participate in Defendant's illegal, discriminatory,
18 retaliatory, immoral, and fraudulent activities, including without limitation, the
19 harassment and intimidation of, retaliation against, and wrongful termination of
20 employees on protected medical leave, disability leave, and prohibitive of
21 harassment, discrimination, and retaliation based upon employees' protected
22 characteristics such as race, ethnicity, gender, disability, and sexuality.

23 214. In response, Defendant retaliated against Plaintiff, including, but not
24 limited to: harassing and hassling Plaintiff both during and outside of normal work
25 hours; unreasonably and unjustifiably increasing Plaintiff's workload;
26 unreasonably and unjustifiably criticizing the speed with which Plaintiff was
27 completing assignments; unreasonably and unjustifiably criticizing the quality of
28 Plaintiff's work product and general job execution; questioning and criticizing

1 Plaintiff for taking sick and disability leave; forcing Plaintiff to take medical
2 and/or administrative leave; offering and/or placing Plaintiff onto a sham, last-
3 chance Performance Improvement Plan; and, terminating Plaintiff's employment
4 (as described in the preceding paragraphs of this Complaint (*see, supra, at Sect.*
5 *IV*)).

6 215. Plaintiff's protected activities, as set forth herein, were individually
7 and collectively a substantial motivating reason in Defendant's decision to
8 terminate Plaintiff's employment. In other words, Defendant fired Plaintiff
9 because of Plaintiff's protected activities. But for Plaintiff's protected activities,
10 Plaintiff would not have been terminated. Plaintiff's protected activities were the
11 sole, motivating, and but-for cause of the adverse employment actions Defendants
12 took against Plaintiff.

13 216. The actions of Plaintiff's Tesla managers, as identified herein, as well
14 as those of their agents and subordinates, negatively affected the terms, conditions,
15 and privileges of Plaintiff's employment, ultimately resulting in Plaintiff's
16 wrongful and illegal termination.

17 217. Plaintiff's Tesla managers, as identified herein, as well as their agents
18 and subordinates, did not treat non-complaining, non-objecting, non-outspoken,
19 non-Black, non-Asian, non-female-identifying, non-disabled, non-LGBTQ-
20 identifying employees in the same manner in which Plaintiff was treated; they
21 were treated more favorably. Thus, Plaintiff's Tesla managers, as identified
22 herein, as well as their agents and subordinates, personally singled Plaintiff out for
23 disparate treatment, harassment, retaliation, and with regard to the terms,
24 conditions, and privileges of Plaintiff's employment, ultimately culminating in
25 wrongful termination, because of Plaintiff's protected activities as described
26 herein.

27 218. Defendant's reasons for harassing Plaintiff and subsequently
28 terminating Plaintiff's employment are pretextual in nature and calculated to

1 disguise the true motivating bases of the adverse employment actions to which
2 Plaintiff was subjected.

3 219. Nicole Burgers, Leah Allen, Allie Arebalo, Bert Somsin, and/or Ray
4 Sethna each personally participated in the effort to undertake the foregoing actions
5 as against Plaintiff. They each engaged in such conduct for personal gratification
6 because of meanness or bigotry and for other personal motives.

7 220. The actions of Plaintiff's managers, as well as those of their agents
8 and subordinates, negatively affected the terms, conditions, and privileges of
9 Plaintiff's employment, ultimately resulting in a wrongful and illegal termination.

10 221. The actions of Plaintiff's managers, as well as those of their agents
11 and subordinates, created a work environment that was so intolerable that a
12 reasonable person in Plaintiff's position would have had no reasonable alternative
13 except to resign.

14 222. To the extent Plaintiff "resigned," such was because of the actions of
15 Plaintiff's managers, as well as those of their agents and subordinates; Plaintiff was
16 harmed by the loss of their employment, Company stock equity, and medical
17 benefits package; and the actions of Plaintiff's managers were a substantial factor
18 in causing Plaintiff's harm.

19 223. As a direct, foreseeable, and proximate result of the wrongful acts of
20 Defendants, and each of them, Plaintiff has been harmed in that Plaintiff has
21 suffered, and will continue to suffer, actual, consequential, and incidental financial
22 losses, including, without limitation, loss of income, salary and benefits, and the
23 intangible loss of employment-related opportunities for growth in Plaintiff's field
24 and damage to Plaintiff's professional reputation, humiliation, embarrassment,
25 mental and emotional distress and discomfort all in an amount according to proof
26 at the time of trial.

27 224. Plaintiff is informed and believes, and on that basis alleges, that the
28 aforesaid acts directed toward Plaintiff by Defendants were carried out with a

conscious disregard of Plaintiff's right to be free from such illegal behavior, such as to constitute oppression, fraud, or malice pursuant to section 3294 of the California Civil Code, among other provisions, entitling Plaintiff to punitive damages in an amount appropriate to punish and set an example of Defendants.

225. The actions alleged herein were taken by managing agents and/or officers of Defendant and/or ratified by managing agents and/or officers of Defendant, namely, Nicole Burgers, Leah Allen, Allie Arebalo, Bert Somsin, and/or Ray Sethna. In so doing, said managing agents and/or officers of Defendant acted with oppression and malice as those terms are used in section 3294 of the California Civil Code. As such, Plaintiff is entitled to an award of punitive damages.

226. Plaintiff is also entitled to an award of attorneys' and experts' fees pursuant to, inter alia, section 1102.5(f) of the California Labor Code.

Third Cause of Action

Disability Discrimination

In Violation of Cal. Gov. Code § 12940(a),(h), (j)

(Plaintiffs Adam Chow and Ozell Murray as Against All Defendants)

227. Plaintiff incorporates by reference each of every of the paragraphs above, and repeats, reiterates, and realleges each and every allegation contained therein with the same force and effect as if such paragraphs were set forth fully at length here.

228. Section 12940, subsections (a), (h), and (j), of the California Government Code make it unlawful for an employer to discriminate against and harass an employee because of "physical disability, mental disability, medical condition," or on account of the employee's other protected immutable characteristics. Section 12940(h) of the California Government Code makes it unlawful for an employer to harass an employee for "oppos[ing] practices

1 forbidden under [FEHA's statutory scheme] or because the person has filed a
2 complaint, testified, or assisted in any proceeding under [FEHA's statutory
3 scheme].”

4 229. As described in the preceding paragraphs of this Complaint, Plaintiff
5 Adam Chow engaged in such protected conduct under FEHA by disclosing his
6 congenital eye condition and physical disability (as described in the preceding
7 paragraphs of this Complaint (*see, supra, at Sect. IV*)).

8 230. As described in the preceding paragraphs of this Complaint, Plaintiff
9 Ozell Murray engaged in such protected conduct under FEHA by disclosing his
10 temporary total-disabling knee injury, resulting knee injury, and resulting
11 physician-approved light-duty return-to-work status (as described in the preceding
12 paragraphs of this Complaint (*see, supra, at Sect. IV*)).

13 231. At all times material to the allegations of this Complaint, Tesla was
14 aware that Plaintiff was a person with a physician-diagnosed and physician-
15 documented medical condition and, thus, aware that Plaintiff was a protected
16 person on account of such “physical disability, mental disability, medical
17 condition” and immutable characteristics within the meaning of state and federal
18 law.

19 232. At all times material to the allegations of this Complaint, Tesla was
20 aware that Plaintiff had sought, or was seeking, medical treatment because of
21 Plaintiff's disability. Tesla was also aware that Plaintiffs managers, coworkers,
22 and colleagues could visibility perceive Plaintiff's disability without Plaintiff
23 having to disclose the same; Plaintiff's disability was open, obvious, and
24 immutable during Plaintiff's employment with the Company.

25 233. At all times material to the allegations of this Complaint, Plaintiff's
26 Tesla managers, as well as those managers' agents and subordinates, personally
27 singled Plaintiff out for harassment and disparate treatment with regard to the
28 terms, conditions, and privileges of Plaintiff's employment because of Plaintiff's

1 medical condition and disability in violation of Sections 12940 and 12945 of the
2 California Government Code.

3 234. Plaintiff's protected activities and characteristics—namely, Plaintiff's
4 physical disability and medical condition, and attendant need for medical leave—
5 were individually and collectively a contributing factor in Defendant's decision to
6 terminate Plaintiff's employment and, prior thereto, to subject Plaintiff to abusive
7 and harassing retaliatory employment practices. Plaintiff's protected activities
8 were the sole, motivating, and but-for cause of the adverse employment actions
9 Defendants took against Plaintiff.

10 235. In response to Plaintiff's protected activities and characteristics—
11 namely, Plaintiff's physical disability and medical condition, and attendant need
12 for medical leave—the Company discriminated against Plaintiff, including, but
13 not limited to: harassing and hassling Plaintiff both during and outside of normal
14 work hours; unreasonably and unjustifiably increasing Plaintiff's workload;
15 unreasonably and unjustifiably criticizing the speed with which Plaintiff was
16 completing assignments; unreasonably and unjustifiably criticizing the quality of
17 Plaintiff's work product and general job execution; questioning and criticizing
18 Plaintiff for taking sick and disability leave; forcing Plaintiff to take medical
19 and/or administrative leave; offering and/or placing Plaintiff onto a sham, last-
20 chance Performance Improvement Plan; and, terminating Plaintiff's employment
21 (as described in the preceding paragraphs of this Complaint (*see, supra, at Sect.*
22 *IV*)).

23 236. Plaintiff's protected activities, as set forth herein, were individually
24 and collectively a substantial motivating reason in Defendant's decision to
25 terminate Plaintiff's employment. In other words, Defendant fired Plaintiff
26 because of Plaintiff's protected activities. But for Plaintiff's protected activities,
27 Plaintiff would not have been terminated. Plaintiff's protected activities were the
28 sole, motivating, and but-for cause of the adverse employment actions Defendants

1 took against Plaintiff.

2 237. The actions of Plaintiff's Tesla managers, as identified herein, as well
3 as those of their agents and subordinates, negatively affected the terms, conditions,
4 and privileges of Plaintiff's employment, ultimately resulting in Plaintiff's
5 wrongful and illegal termination.

6 238. Plaintiff's Tesla managers, as identified herein, as well as their agents
7 and subordinates, did not treat non-complaining, non-objecting, non-outspoken,
8 non-Black, non-Asian, non-female-identifying, non-disabled, non-LGBTQ-
9 identifying employees in the same manner in which Plaintiff was treated; they
10 were treated more favorably. Thus, Plaintiff's Tesla managers, as identified
11 herein, as well as their agents and subordinates, personally singled Plaintiff out for
12 disparate treatment, harassment, retaliation, and with regard to the terms,
13 conditions, and privileges of Plaintiff's employment, ultimately culminating in
14 wrongful termination, because of Plaintiff's protected activities as described
15 herein.

16 239. Defendant's reasons for harassing Plaintiff and subsequently
17 terminating Plaintiff's employment are pretextual in nature and calculated to
18 disguise the true motivating bases of the adverse employment actions to which
19 Plaintiff was subjected.

20 240. Nicole Burgers, Leah Allen, Allie Arebalo, Bert Somsin, and/or Ray
21 Sethna each personally participated in the effort to undertake the foregoing actions
22 as against Plaintiff. They each engaged in such conduct for personal gratification
23 because of meanness or bigotry and for other personal motives.

24 241. The actions of Plaintiff's managers, as well as those of their agents
25 and subordinates, negatively affected the terms, conditions, and privileges of
26 Plaintiff's employment, ultimately resulting in a wrongful and illegal termination.

27 242. The actions of Plaintiff's managers, as well as those of their agents
28 and subordinates, created a work environment that was so intolerable that a

1 reasonable person in Plaintiff's position would have had no reasonable alternative
2 except to resign.

3 243. To the extent Plaintiff "resigned," such was because of the actions of
4 Plaintiff's managers, as well as those of their agents and subordinates; Plaintiff was
5 harmed by the loss of their employment, Company stock equity, and medical
6 benefits package; and the actions of Plaintiff's managers were a substantial factor
7 in causing Plaintiff's harm.

8 244. As a direct, foreseeable, and proximate result of the wrongful acts of
9 Defendants, and each of them, Plaintiff has been harmed in that Plaintiff has
10 suffered, and will continue to suffer, actual, consequential, and incidental financial
11 losses, including, without limitation, loss of income, salary and benefits, and the
12 intangible loss of employment-related opportunities for growth in Plaintiff's field
13 and damage to Plaintiff's professional reputation, humiliation, embarrassment,
14 mental and emotional distress and discomfort all in an amount according to proof
15 at the time of trial.

16 245. Plaintiff is informed and believes, and on that basis alleges, that the
17 aforesaid acts directed toward Plaintiff by Defendants were carried out with a
18 conscious disregard of Plaintiff's right to be free from such illegal behavior, such
19 as to constitute oppression, fraud, or malice pursuant to section 3294 of the
20 California Civil Code, among other provisions, entitling Plaintiff to punitive
21 damages in an amount appropriate to punish and set an example of Defendants.

22 246. The actions alleged herein were taken by managing agents and/or
23 officers of Defendant and/or ratified by managing agents and/or officers of
24 Defendant, namely, Nicole Burgers, Leah Allen, Allie Arebalo, Bert Somsin,
25 and/or Ray Sethna. In so doing, said managing agents and/or officers of Defendant
26 acted with oppression and malice as those terms are used in section 3294 of the
27 California Civil Code. As such, Plaintiff is entitled to an award of punitive
28 damages.

247. Plaintiff is also entitled to an award of attorneys' and experts' fees pursuant to, inter alia, section 12965(b) of the California Government Code.

Fourth Cause of Action

Wrongful Termination in Violation of Public Policy

(All Plaintiffs as Against All Defendants)

248. Plaintiff incorporates by reference each of every of the paragraphs above, and repeats, reiterates, and realleges each and every allegation contained therein with the same force and effect as if such paragraphs were set forth fully at length here.

249. The discharge of an employee in retaliation for resisting or complaining about employer violations of laws that secure important public policies contravenes those policies, and gives rise to a common law action in tort.

250. As described in the preceding paragraphs of this Complaint, on multiple occasions on the particular dates and during the date-ranges set forth above, and continuing until Plaintiff's termination from the Company, Plaintiff engaged in such protected conduct under FEHA and section 1102.5 by complaining to and about Defendant's conduct. In particular, Plaintiff's protected activity included, but is not limited to that which was described in the preceding paragraphs of this Complaint (see, supra, at Sect. IV): voicing concerns, objections, and complaints about the discrimination and retaliation against, as well as the harassment and intimidation of, employees on protected medical leave or otherwise employees with permanent and temporary physical disabilities; and/or voicing concerns, objections, and complaints about the discrimination and retaliation against, as well as the harassment and intimidation of, employees from racial minorities, namely, Black and Latino employees; and/or voicing concerns, objections, and complaints about the discrimination and retaliation against, as well as the harassment and intimidation of, female employees by male employees on

1 account of that gender difference; and/or voicing concerns, objections, and
2 complaints about the discrimination and retaliation against, as well as the
3 harassment and intimidation of, homosexual employees.

4 251. At all times material to the allegations of this Complaint in which
5 Plaintiff engaged in such protected activities, Plaintiff maintained a good faith and
6 reasonable belief that it was a violation of state and federal law for Defendant to
7 engage in the conduct about which Plaintiff voiced concerns, objections, and
8 complaints. In particular, Plaintiff maintained a good faith and reasonable belief
9 that Defendant's conduct violated the provisions of the FMLA, California's FEHA,
10 and other statutory laws protective of employees on medical leave, disability leave,
11 and prohibitive of harassment, discrimination, and retaliation based upon
12 employees' protected characteristics such as race, ethnicity, gender, disability, and
13 sexuality.

14 252. On multiple occasions on the particular dates and during the date-
15 ranges set forth above, and continuing until Plaintiff's termination from the
16 Company, Plaintiff refused to participate in Defendant's illegal, discriminatory,
17 retaliatory, immoral, and fraudulent activities, including without limitation, the
18 harassment and intimidation of, retaliation against, and wrongful termination of
19 employees on protected medical leave, disability leave, and prohibitive of
20 harassment, discrimination, and retaliation based upon employees' protected
21 characteristics such as race, ethnicity, gender, disability, and sexuality.

22 253. In response, Defendant retaliated against Plaintiff, including, but not
23 limited to: harassing and hassling Plaintiff both during and outside of normal work
24 hours; unreasonably and unjustifiably increasing Plaintiff's workload;
25 unreasonably and unjustifiably criticizing the speed with which Plaintiff was
26 completing assignments; unreasonably and unjustifiably criticizing the quality of
27 Plaintiff's work product and general job execution; questioning and criticizing
28 Plaintiff for taking sick and disability leave; forcing Plaintiff to take medical

1 and/or administrative leave; offering and/or placing Plaintiff onto a sham, last-
2 chance Performance Improvement Plan; and, terminating Plaintiff's employment
3 (as described in the preceding paragraphs of this Complaint (*see, supra, at Sect.*
4 *IV*)).

5 254. Plaintiff's protected activities, as set forth herein, were individually
6 and collectively a substantial motivating reason in Defendant's decision to
7 terminate Plaintiff's employment. In other words, Defendant fired Plaintiff
8 because of Plaintiff's protected activities. But for Plaintiff's protected activities,
9 Plaintiff would not have been terminated. Plaintiff's protected activities were the
10 sole, motivating, and but-for cause of the adverse employment actions Defendants
11 took against Plaintiff.

12 255. The actions of Plaintiff's Tesla managers, as identified herein, as well
13 as those of their agents and subordinates, negatively affected the terms, conditions,
14 and privileges of Plaintiff's employment, ultimately resulting in Plaintiff's
15 wrongful and illegal termination.

16 256. Plaintiff's Tesla managers, as identified herein, as well as their agents
17 and subordinates, did not treat non-complaining, non-objecting, non-outspoken,
18 non-Black, non-Asian, non-female-identifying, non-disabled, non-LGBTQ-
19 identifying employees in the same manner in which Plaintiff was treated; they
20 were treated more favorably. Thus, Plaintiff's Tesla managers, as identified
21 herein, as well as their agents and subordinates, personally singled Plaintiff out for
22 disparate treatment, harassment, retaliation, and with regard to the terms,
23 conditions, and privileges of Plaintiff's employment, ultimately culminating in
24 wrongful termination, because of Plaintiff's protected activities as described
25 herein.

26 257. Defendant's violation of Plaintiff's statutory and constitutional rights
27 is inconsistent with, and hostile to, the public's interest in correcting violations of
28 state and federal laws and regulations, particularly with respect to protecting the

1 workplace rights of permanently-disabled and temporarily-disabled individuals and
2 ensuring their ability to work and to meaningfully contribute to society and the
3 economy, and has a chilling effect on other disabled individuals who might wish to
4 participate in the workforce.

5 258. Defendant's violation of Plaintiff's statutory and constitutional rights
6 is inconsistent with, and hostile to, the public's interest in correcting violations of
7 state and federal laws and regulations, particularly with respect to protecting the
8 workplace rights of racial and ethnic minorities, and of permanently-disabled and
9 temporarily-disabled workers, and of female-identifying individuals, and of
10 LGBTQ-identifying individuals, and ensuring their ability to work and to
11 meaningfully contribute to society and the economy, and has a chilling effect on
12 other such minorities and individuals who might wish to participate in the
13 workforce.

14 259. Defendant's reasons for harassing Plaintiff and subsequently
15 terminating Plaintiff's employment are pretextual in nature and calculated to
16 disguise the true motivating bases of the adverse employment actions to which
17 Plaintiff was subjected.

18 260. Nicole Burgers, Leah Allen, Allie Arebalo, Bert Somsin, and/or Ray
19 Sethna each personally participated in the effort to undertake the foregoing actions
20 as against Plaintiff. They each engaged in such conduct for personal gratification
21 because of meanness or bigotry and for other personal motives.

22 261. The actions of Plaintiff's managers, as well as those of their agents
23 and subordinates, negatively affected the terms, conditions, and privileges of
24 Plaintiff's employment, ultimately resulting in a wrongful and illegal termination.

25 262. The actions of Plaintiff's managers, as well as those of their agents
26 and subordinates, created a work environment that was so intolerable that a
27 reasonable person in Plaintiff's position would have had no reasonable alternative
28 except to resign.

1 263. To the extent Plaintiff “resigned,” such was because of the actions of
2 Plaintiff’s managers, as well as those of their agents and subordinates; Plaintiff was
3 harmed by the loss of their employment, Company stock equity, and medical
4 benefits package; and the actions of Plaintiff’s managers were a substantial factor
5 in causing Plaintiff’s harm.

6 264. As a direct, foreseeable, and proximate result of the wrongful acts of
7 Defendants, and each of them, Plaintiff has been harmed in that Plaintiff has
8 suffered, and will continue to suffer, actual, consequential, and incidental financial
9 losses, including, without limitation, loss of income, salary and benefits, and the
10 intangible loss of employment-related opportunities for growth in Plaintiff’s field
11 and damage to Plaintiff’s professional reputation, humiliation, embarrassment,
12 mental and emotional distress and discomfort all in an amount according to proof
13 at the time of trial.

14 265. Plaintiff is informed and believes, and on that basis alleges, that the
15 aforesaid acts directed toward Plaintiff by Defendants were carried out with a
16 conscious disregard of Plaintiff’s right to be free from such illegal behavior, such
17 as to constitute oppression, fraud, or malice pursuant to section 3294 of the
18 California Civil Code, among other provisions, entitling Plaintiff to punitive
19 damages in an amount appropriate to punish and set an example of Defendants.

20 266. The actions alleged herein were taken by managing agents and/or
21 officers of Defendant and/or ratified by managing agents and/or officers of
22 Defendant, namely, Nicole Burgers, Leah Allen, Allie Arebalo, Bert Somsin,
23 and/or Ray Sethna. In so doing, said managing agents and/or officers of Defendant
24 acted with oppression and malice as those terms are used in section 3294 of the
25 California Civil Code. As such, Plaintiff is entitled to an award of punitive
26 damages.

Fifth Cause of Action

Failure to Prevent Unlawful Discrimination

In Violation of Cal. Gov. Code § 12940(k)

(Against All Defendants)

267. Plaintiff incorporates by reference each of every of the paragraphs above, and repeats, reiterates, and realleges each and every allegation contained therein with the same force and effect as if such paragraphs were set forth fully at length here.

268. Section 12940(k) of the California Government Code makes it unlawful for an employer to “fail to take all reasonable steps necessary to prevent discrimination and harassment from occurring.”

269. As described in the preceding paragraphs of this Complaint, on multiple occasions on the particular dates and during the date-ranges set forth above, and continuing until Plaintiff’s termination from the Company, Plaintiff engaged in such protected conduct under FEHA by complaining to and about Defendant’s conduct. In particular, Plaintiff’s protected activity included, but is not limited to that which was described in the preceding paragraphs of this Complaint (see, supra, at Sect. IV): voicing concerns, objections, and complaints about the discrimination and retaliation against, as well as the harassment and intimidation of, employees on protected medical leave or otherwise employees with permanent and temporary physical disabilities; and/or voicing concerns, objections, and complaints about the discrimination and retaliation against, as well as the harassment and intimidation of, employees from racial minorities, namely, Black and Latino employees; and/or voicing concerns, objections, and complaints about the discrimination and retaliation against, as well as the harassment and intimidation of, female employees by male employees on account of that gender difference; and/or voicing concerns, objections, and complaints about the discrimination and retaliation against, as well as the harassment and intimidation

1 of, homosexual employees.

2 270. At all times material to the allegations of this Complaint in which
3 Plaintiff engaged in such protected activities, Plaintiff maintained a good faith and
4 reasonable belief that it was a violation of state and federal law for Defendant to
5 engage in the conduct about which Plaintiff voiced concerns, objections, and
6 complaints. In particular, Plaintiff maintained a good faith and reasonable belief
7 that Defendant's conduct violated the provisions of the FMLA, California's FEHA,
8 and other statutory laws protective of employees on medical leave, disability leave,
9 and prohibitive of harassment, discrimination, and retaliation based upon
10 employees' protected characteristics such as race, ethnicity, gender, disability, and
11 sexuality.

12 271. On multiple occasions on the particular dates and during the date-
13 ranges set forth above, and continuing until Plaintiff's termination from the
14 Company, Plaintiff refused to participate in Defendant's illegal, discriminatory,
15 retaliatory, immoral, and fraudulent activities, including without limitation, the
16 harassment and intimidation of, retaliation against, and wrongful termination of
17 employees on protected medical leave, disability leave, and prohibitive of
18 harassment, discrimination, and retaliation based upon employees' protected
19 characteristics such as race, ethnicity, gender, disability, and sexuality.

20 272. In response, Defendant retaliated against Plaintiff, including, but not
21 limited to: harassing and hassling Plaintiff both during and outside of normal work
22 hours; unreasonably and unjustifiably increasing Plaintiff's workload;
23 unreasonably and unjustifiably criticizing the speed with which Plaintiff was
24 completing assignments; unreasonably and unjustifiably criticizing the quality of
25 Plaintiff's work product and general job execution; questioning and criticizing
26 Plaintiff for taking sick and disability leave; forcing Plaintiff to take medical
27 and/or administrative leave; offering and/or placing Plaintiff onto a sham, last-
28 chance Performance Improvement Plan; and, terminating Plaintiff's employment

1 (as described in the preceding paragraphs of this Complaint (*see, supra, at Sect.*
2 *IV*).)

3 273. Plaintiff's protected activities, as set forth herein, were individually
4 and collectively a substantial motivating reason in Defendant's decision to
5 terminate Plaintiff's employment. In other words, Defendant fired Plaintiff
6 because of Plaintiff's protected activities. But for Plaintiff's protected activities,
7 Plaintiff would not have been terminated. Plaintiff's protected activities were the
8 sole, motivating, and but-for cause of the adverse employment actions Defendants
9 took against Plaintiff.

10 274. The actions of Plaintiff's Tesla managers, as identified herein, as well
11 as those of their agents and subordinates, negatively affected the terms, conditions,
12 and privileges of Plaintiff's employment, ultimately resulting in Plaintiff's
13 wrongful and illegal termination.

14 275. Plaintiff's Tesla managers, as identified herein, as well as their agents
15 and subordinates, did not treat non-complaining, non-objecting, non-outspoken,
16 non-Black, non-Asian, non-female-identifying, non-disabled, non-LGBTQ-
17 identifying employees in the same manner in which Plaintiff was treated; they
18 were treated more favorably. Thus, Plaintiff's Tesla managers, as identified
19 herein, as well as their agents and subordinates, personally singled Plaintiff out for
20 disparate treatment, harassment, retaliation, and with regard to the terms,
21 conditions, and privileges of Plaintiff's employment, ultimately culminating in
22 wrongful termination, because of Plaintiff's protected activities as described
23 herein.

24 276. Defendant's reasons for harassing Plaintiff and subsequently
25 terminating Plaintiff's employment are pretextual in nature and calculated to
26 disguise the true motivating bases of the adverse employment actions to which
27 Plaintiff was subjected.

28 277. Defendant failed to take reasonable steps necessary to prevent the

1 discrimination and retaliation that Plaintiff was subjected to from occurring,
2 namely, by among other things: failing to educate, inform, and train its employees;
3 failing to have a robust and effective internal reporting process for such violations;
4 and failing to promptly and thoroughly investigate such violations.

5 278. As a direct, foreseeable, and proximate result of the wrongful acts of
6 Defendants, and each of them, Plaintiff has been harmed in that Plaintiff has
7 suffered, and will continue to suffer, actual, consequential, and incidental financial
8 losses, including, without limitation, loss of income, salary and benefits, and the
9 intangible loss of employment-related opportunities for growth in Plaintiff's field
10 and damage to Plaintiff's professional reputation, humiliation, embarrassment,
11 mental and emotional distress and discomfort all in an amount according to proof
12 at the time of trial.

13 279. Plaintiff is informed and believes, and on that basis alleges, that the
14 aforesaid acts directed toward Plaintiff by Defendants were carried out with a
15 conscious disregard of Plaintiff's right to be free from such illegal behavior, such
16 as to constitute oppression, fraud, or malice pursuant to section 3294 of the
17 California Civil Code, among other provisions, entitling Plaintiff to punitive
18 damages in an amount appropriate to punish and set an example of Defendants.

19 280. The actions alleged herein were taken by managing agents and/or
20 officers of Defendant and/or ratified by managing agents and/or officers of
21 Defendant, namely, Nicole Burgers, Leah Allen, Allie Arebalo, Bert Somsin,
22 and/or Ray Sethna. In so doing, said managing agents and/or officers of Defendant
23 acted with oppression and malice as those terms are used in section 3294 of the
24 California Civil Code. As such, Plaintiff is entitled to an award of punitive
25 damages.

26 281. Plaintiff is also entitled to an award of attorneys' and experts' fees
27 pursuant to, inter alia, section 12965(b) of the California Government Code.
28

JURY TRIAL DEMAND

Plaintiffs hereby demand a jury trial to resolve each and every one of the claims averred in this Complaint against each and every Defendant.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as to each of the Causes of Action set forth herein, for each such category of damages set forth therein, only to the extent provided by law, according to proof, as follows:

On the First Cause of Action for Retaliation (Cal. Gov. Code § 12940(a),(h)):

1. For actual and money damages in an amount according to proof at trial;
2. For compensatory and emotional distress damages;
3. For punitive and exemplary damages
(only to the extent provided by law);
4. For Plaintiff's reasonable attorneys' fees
(only to the extent provided by law);
5. For Plaintiff's reasonable experts' fees
(only to the extent provided by law);
6. For an award of prejudgment interest;
7. For such other relief as the Court deems just and proper.

On the Second Cause of Action for Retaliation (Cal. Labor Code § 1102.5(b)):

1. For actual and money damages in an amount according to proof at trial;
2. For compensatory and emotional distress damages;
3. For punitive and exemplary damages
(only to the extent provided by law);
4. For Plaintiff's reasonable attorneys' fees
(only to the extent provided by law);

5. For Plaintiff's reasonable experts' fees
(only to the extent provided by law);
6. For an award of prejudgment interest;
7. For such other relief as the Court deems just and proper.

On the Third Cause of Action for Disability Discrimination (Cal. Gov. Code § 12940(a),(h)):

1. For actual and money damages;
2. For compensatory and emotional distress damages;
3. For punitive and exemplary damages
(only to the extent provided by law);
4. For Plaintiff's reasonable attorneys' fees
(only to the extent provided by law);
5. For Plaintiff's reasonable experts' fees
(only to the extent provided by law);
6. For an award of prejudgment interest;
7. For such other relief as the Court deems just and proper.

On the Fourth Cause for Wrongful Termination in Violation of Public Policy

1. For actual and money damages in an amount according to proof at trial;
2. For compensatory and emotional distress damages;
3. For punitive and exemplary damages
(only to the extent provided by law);
4. For Plaintiff's reasonable attorneys' fees
(only to the extent provided by law);
5. For Plaintiff's reasonable experts' fees
(only to the extent provided by law);
6. For an award of prejudgment interest;

7. For such other relief as the Court deems just and proper.

On the Fifth Cause of Action for Failure to Prevent Discrimination and Harassment (Cal. Gov. Code § 12940(k)):

1. For actual and money damages in an amount according to proof at trial;
2. For compensatory and emotional distress damages;
3. For punitive and exemplary damages
(only to the extent provided by law);
4. For Plaintiff's reasonable attorneys' fees
(only to the extent provided by law);
5. For Plaintiff's reasonable experts' fees
(only to the extent provided by law);
6. For an award of prejudgment interest;
7. For such other relief as the Court deems just and proper.

Dated: August 7, 2025

DOUGLAS / HICKS LAW APC
Carl E. Douglas
Jamon R. Hicks

/s/ Terrence M. Jones 

Attorneys for Plaintiffs LINDA
PELOQUIN, ADAM CHOW, TIARA
PAULINO, SHARNIQUE MARTIN,
GREGORY VASS, and OZELL
MURRAY

Exhibit A



Exhibit B

DECLARATION OF ADAM CHOW

1. I, Adam Chow, hereby submit this declaration, generally, in support of Karen Draper's opposition to Tesla's motion for a protective order regarding the deposition of Elon Musk and, specifically, in support of Karen Draper's contention that Elon Musk did, in fact, personally promote her to the "HR-4-HR" manager position during an in-person meeting with the HR staff at Tesla's Fremont facility in June 2022.

2. I worked for Tesla from approximately March 2022 to March 2024. I worked as a HR professional during the entirety of my tenure with Tesla and physically worked out of its Fremont facility, where much of the company's vehicle manufacturing operations are based.

3. During my time with Tesla, it was not unusual to myself experience or otherwise hear about Elon Musk—despite the fact that he was the CEO of the company—becoming personally involved in helping to resolve both high-level and low-level issues in Fremont. Musk would visit the Fremont plant with some degree of frequency and was known to make himself accessible to both line-level and management-level employees.

4. The same was true with respect to our HR team in Fremont. There were instances in which Musk would meet with our HR team in person to resolve some of the issues we were struggling to rectify. In 2022, our HR team was struggling with a variety of issues, and in particular a lack of HR leadership to help steer us through some workforce challenges in Fremont's manufacturing operation, which was experiencing rapid growth.

5. I recall an in-person meeting that occurred with our HR team and Musk on June 9, 2022. In particular, I recall that Musk initially expressed surprise and frustration when he learned that a woman named Aenoi Jones—whom Musk had personally appointed to become the overall HR leader for Tesla's Fremont facility—had not been permitted to assume that role. Instead, the offsite HR leadership team at Tesla's Texas headquarters had hired a woman named Nicole Burgers in May 2022 to fill that role, apparently without Musk's knowledge. Musk made it very clear that he had promoted Jones, not anyone else, and that he expected his personnel directive would be executed.

6. At the time of that meeting, my position was as a "Senior HR Business Partner." Karen Draper was also at the Musk meeting and held the title of "Senior HR Business Partner."

7. Among the issues we discussed during that June 2022 Musk meeting was the attrition rate amongst employees in manufacturing operations. The production demand for Tesla vehicles was exploding, but we were having a hard time as HR professionals hiring and retaining employees to keep up with the workforce need.

8. Among other reasons for that difficulty, there were serious issues with racism and retaliation in Fremont that were causing a toxic workplace environment. There were numerous Black employees that lodged complaints about having the word "n-gger" and other racial slurs

used toward them, and that they were then being retaliated against for raising those complaints in the first place.

9. The attrition problem amongst operations employees was having a derivative effect on the attrition rate amongst our HR staff. HR professionals were leaving the company or otherwise feeling demoralized because we felt overworked and unsupported by leadership.

10. We discussed these issues openly with Musk during the June 2022 meeting, and I was present and attentive to that discussion. As a consequence of that discussion, Musk made a number of decisions and issued a number of directives. Among Musk's directives was that Karen Draper would be promoted to a manager position and would fill the role of what we called "HR-4-HR." That role was generally the person responsible for providing HR services for HR professionals, whether that was professional or personal counsel.

11. As was his prerogative, and as with his directive to elevate Jones to the overall HR lead for Fremont, Musk promoted Draper right there on the spot and expected his directive to be executed. Ultimately, Karen Draper did not receive the actual promotion that Elon Musk dictated.

12. As HR professionals in Fremont, we were all quite aware—as a consequence of the many validated instances of racism and retaliation at the plant—when the State of California's Department of Civil Rights filed suit against Tesla in February 2022. As a result, the messaging I received from our leadership was that we were supposed to try to "reframe" the alleged instances of racism and retaliation we were responsible for investigating in light of that litigation and the likelihood of exacerbating the company's exposure with newly-validated incidents. I understood that we were supposed to do our best to try to create an alternative "narrative" for incidents so that they did not appear to be race-based. We were supposed to try to find ways to recharacterize the nature of our investigation and its outcome so that the central issue was predicated on something other than race, even though that was not the truth.

13. I was fired because I investigated and validated an employee's complaint of racism. A manufacturing employee made an angry comment to a Black employee, asking him, "Do you want to hang by a tree?" I investigated the Black employee's complaint, my investigation confirmed that the comment was indeed intended to be racially-derogatory, and, so, my manager and I recommended that the manufacturing employee be terminated. Burgers first fired my manager for "poor performance" when, in reality, Burgers just wanted to suppress more instances of racism at Tesla. After my manager was fired, Burgers terminated me shortly thereafter, also for purported "poor performance."

14. Burgers was vindictive and retaliatory. As the Fremont HR lead, I think Burgers believed that the toxic environment reflected poorly on her leadership ability, so she retaliated against those of us who spoke up. Frequently, what I saw Burgers do was to open investigations against people for issues that were petty or otherwise grossly exaggerated as a means of "papering" your file to make you appear to be the wrongdoer and poor performer. This would be the case even if you had just received positive reviews and feedback during your most recent formal performance assessment. Regardless, Burgers would suddenly blindside you with some

overstated issue that she claimed reflected so negatively on your performance that it warranted separation and a severance package.

I declare the foregoing to be true and, if called to testify verbally, I could and would articulate the same under penalty of perjury.

Dated: 09 / 12 / 2024

Signed: 

Exhibit C





Exhibit D

From: Karen Draper <kadraper@tesla.com>

Date: Thursday, June 9, 2022 at 11:13 PM

To: Elon Musk [REDACTED]

Cc: Hrushikesh Sagar [REDACTED], Aenoi Jones [REDACTED]

Subject: HR Fremont Team (Skip-Level) Meeting 6/8/22 Follow Up

Hello Mr. Musk,

As discussed, please find below the notes from the 6/8/22 on-site meeting with HR Fremont, CA. Please review and reply as appropriate. Thank you.

2/22/22 – Previous Meeting Task Updates

1. Parking Lot – additional light installation
2. Security Team Enhancements
3. Additional Surveillance/Camera System Upgrades
4. On-site LOA and Payroll Personnel

Meeting Minutes

In alignment with Elon's expectations - all Business and HR Leaders will be physically present at the locations they lead/support:

Effective Immediately – **Aenoi Jones**, will assume the role of Site HR Leader (HR Director) @ Fremont, CA
(as previously assigned by Elon on 2/22/22)

Effective Immediately -HR for HR role/responsibilities will be reassigned from:

Allie Arebalo @ Giga, TX > Karen Draper @ Fremont, CA.

1. Staffing/Hiring Challenges Plan to Action @ Fremont, CA

Local HR Leader will leverage current internal talent to fill critical/difficult-to-fill roles.

Effective Immediately:

Angela Roundtree, Sr. HRBP > HR Manager @ Fremont, CA

Keiahnna Poole, Sr. HRBP > HR Manager @ Fremont, CA

2. Staff Retention of Top Talent Plan

Effective Immediately – local HR will evaluate and deliver ‘appreciation bonus award’ for current HR teams **by end of Q2.**

Local HR Leader will develop and implement Career Path/Training Module for HRC role @ Fremont. Ex. **(S1>S2>S3>S4>Lead(I-IV)>Supervisors>AM>Manager)**

Local HR will evaluate HR Production Team premium/differential (workload vs. other HR teams).

3. Market Adjustments/Competitive Pay Alignment – Bay Area, CA

Local HR Leader will lead and implement local **HR Market Compensation Analysis** to establish new pay scale and appropriate increases for HR roles **by end of Q2.**

4. Relocation Costs & Expenses (to attract/hire and retain top candidates)

Local HR Leader will partner with Finance Leadership to evaluate and align to the location COL (Cost of Living) @ Fremont, CA.

5. Systems Access

Local HR Leader will partner with appropriate business partners to establish access/training to HRP’s – for all HRIS systems – including IST/ER/LOA/Payroll/ADA/KRONOS/. Goal is to mitigate redundancy in tasks and reduce timeline for open employee relations issues.

Local HR will Partner with the appropriate leadership to recruit/hire on-site Stock Admin associate(s).

6. Budget

-Local HR Leader will partner with appropriate business leader to establish a budget for HR related projects:

1. Team Building Events/Outings
2. Celebrations
3. Team Gear (Swag)
4. Rewards/Recognition/Bonuses/Awards

7. Other Items

HR will receive 2 electric/battery powered vehicles (**golf carts**) for ease of access to service client groups.

Local Point of Contact: Hrushikesh “Hrushi” Sagar

Items to escalate to Elon: Anything that Hrushi cannot resolve

Elon’s Email: [REDACTED] (Best after midnight)

Confirmation of action items approved by Elon:

Hrushi can approve Immigration and Relocation Exceptions

Hrushi can approve comp adjustments up to \$500k (prev. limit \$100k)

Hrushi can authorize internal moves/promotions (outside of IM criteria) for Critical Roles.

Increased Salary Range for roles (new/existing)

1. P2 – up to \$96k - \$128k
2. P3 – up to \$129 - \$157k

HR for HR will be local and on-site @ Fremont, CA under Karen Draper (reporting to Hrushi)

The following people-support team members will report under Fremont HR for HR

1. Compensation Support partner Jorge Kornblueh
2. Recruiting Team Support partner Lily Crowley
3. (2) ER support partners (TBD)

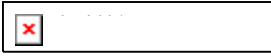
4. All Fremont direct-support, people relations teams reporting to leaders in other locations i.e., Training/Onboarding/ADA etc.

I Appreciate You!

Karen Draper | **Sr. HR Business Partner** | Production HR

45500 Fremont Blvd | Fremont, CA 94538

E. kadraper@tesla.com



From: Karen Draper <kadraper@tesla.com>
Date: Friday, August 19, 2022 at 12:55 PM
To: Karen Draper [REDACTED]
Subject: FW: Fremont HR Team

I Appreciate You!

Karen Draper | Sr. HR Business Partner | Production HR

45500 Fremont Blvd | Fremont, CA 94538

E. kadraper@tesla.com



From: Karen Draper
Sent: Thursday, July 21, 2022 11:14 PM
To: Elon Musk [REDACTED]

Cc: Aenoi Jones [REDACTED]; Hrushikesh Sagar [REDACTED]

Subject: Fremont HR Team

Hello,

I am writing you tonight to provide an update on the status of our HR Team. Since your last visit, we have seen some slight improvements such as leveraging our internal talent in HR by offering internal promotions and the official appointment of Aenoi Jones as the Site HR Leader. However, there are some important items that remain unfulfilled. Specifically, you were very clear and deliberate that any Leader with direct reports at Fremont, should be physically present at Fremont, yet that continues not be true. We specifically discussed the lack of support from our external partners and teams; particularly, the lack of HR4HR on-site. You stated that you wanted that service to be visible and accessible to our team - and you appointed me as the person to lead that initiative. However, since you gave that directive, the leadership team from Giga-Texas/Nevada (Omead/Bert and Allie) have launched a campaign to undermine your authority and have actively worked against empowering Hrushi and Aenoi to lead our site. This was the same undermining that occurred when they hired 2 new Sr. HR Managers over Aenoi - after you appointed her the Site Leader in February. Honestly, I feel that they are intimidated by Fremont and fear that when we assume control of our teams and our site - their incompetence will be exposed. Aenoi and Hrushi have been working together trying to establish their positions and secure support services such as HR4HR at our site - as they understand the critical natural is not having this support system. But they continue to be met with opposition from Texas/Nevada leadership. The Fremont Production HR team works tirelessly, day and night supporting the mission of the business, but we cannot even get the basic support of an HR4HR partner. There are no services to support us - physically, mentally, emotionally. We are all deeply committed to Tesla...that's why we are here. Yet, we are dismissed and met with opposition and ignorance from Texas/Nevada leadership. The current HR4HR regime has been absent, unresponsive, and dismissive. I can confidently say that you could count on one hand how many people on our team have ever met Allie or received support from her. For those who have attempted to seek her support, they have been met with silence, incompetence, and ignorance.

There is not one success story of a positive outcome from the current HR4HR Texas team.

Fremont is your Flagship Site. It houses the largest HR team and the largest overall employee population, yet we find ourselves shut out, ignored, and begging for services. Fremont just produced your 2 Millionth vehicle - largely on the backs of a forgotten HR team. Without the leadership and commitment of members of this HR team and our partners (recruiting/training/compensation) we could not have successfully met this goal. We bring the people in the doors, and we work hard to keep them here. HR provides this business with the invaluable service of retaining the talent needed to run this business. We were a very lean team, yet we powered through, servicing client groups of up to 2500:1. We are constantly acting as agents of this business, mitigating lawsuits, and driving employee engagement - but it feels thankless. Fremont deserves better than this. We have the internal talent and experience to lead our site and set the example for all your other locations. We should not be regulated to scraps and denigrated to begging Texas/Nevada to support us. This week, a newly hired HR4HR person from Texas - Leah Allen - who is supposedly here to support us - we've seen once. She is inexperienced and unable to provide the support that this team needs and deserves. Having HR4HR Fremont, sitting in Texas - or anywhere else is useless. Having HR4HR permanently on-site at Fremont is critical to sustaining this team. We have the internal talent - you said it yourself. The act of bringing another Texas/Nevada person to lead Fremont is a slap in our face and a direct undermining of your authority. Empower us, empower Hrushi, empower Aenoi...you have the right team at Fremont - now, trust us to show you that we can be the true Tesla leaders. Thank you.

I Appreciate You!

Karen Draper

Sr. HR Business Partner-Production

Tesla

From: Karen Draper [REDACTED]
Date: Saturday, February 11, 2023 at 12:04 AM
To: [REDACTED]
Subject: Today was my last day at Tesla...THANK YOU!!!

Hello Elon,

I'm writing you this email to say THANK YOU! Thank you for the opportunity to be a part of your vision for Tesla at the Fremont, CA plant. I joined Tesla just 1 year ago, with great excitement about the future of the mission and the prospect of making a value-added impact on the culture and employee experience. I believe in the mission of Tesla and I respect your unwavering commitment to it. I am proud to have been a part of it! When I initially joined Tesla, I started with the Model-Y/GA4 Production team as a Sr.HRBP and then an Assoc., HR Manager for the same team. I was committed to this team and from the onset I had a goal to transform the negative narrative around a very fractured relationship between GA4 and HR; while simultaneously fostering an environment where all employees felt valued, heard, seen and respected. I'd like to think that I had some great successes on both points, and made a significant impact on the overall employee experience - based on the positive feedback from many GA4 leaders, employees, and our extended business partners. I am proud of that! Unfortunately, I quickly learned that not all 'leaders' at Tesla are aligned with these ideals, and would rather maintain the status quo, to protect their own agendas. As a result, tonight my employment was ended under the guise of 'Failure to Meet Performance Expectations' - which I find ironic since my previous PA score (after only 3 months) was a strong 3.5, then I was promoted after only 6 months, and I have never received any feedback, corrective action or performance related conversation which would indicate that I was underperforming.

This feels a lot like targeting and retaliation for escalating concerns about the lack of integrity, lack of accountability, lack of leadership and for calling out the grossly corrupt and manipulative behaviors of current leaders. I'm certain that my refusal to align with illegal practices related to the treatment of employees, my consistent practice of holding leadership accountable for misconduct, and my vocal disagreement with dangerous and risky business decisions, are the true reasoning for my separation. I would challenge you to find any quantifiable evidence, facts or examples that substantiate the claim of underperformance. In fact, you will more easily find evidence that I am consistently a Top Performer. I will acknowledge that you may find some bruised egos and hurt feelings along the way - because some people can't handle the truth about themselves and their ineptitude, but absolutely nothing that could be considered 'underperforming'. Nonetheless, I'm grateful...grateful for the opportunity to have been the type of TRUE LEADER that your employees deserve. I am the type of leader that always leads with integrity and honesty, who supports, trusts, empowers, develops and builds-up. I have successfully nurtured an amazing team of young HR Professionals who worked with me during my time at Tesla, and who I am confident will continue grow and care about the people at Tesla - because I cared about

them! My hope is that I have prepared them, fortified and strengthened them enough to withstand the destructive environment that I left them in, and that they will have the courage and discernment to know when to walk away from it. They are the legacy I leave behind. Just ask them...they will be honest.

I Appreciate You!

~Karen Pinks-Draper

Sent from my iPhone

Exhibit E

JAMS

KAREN DRAPER

Arbitration No.5100001254

Claimant,

ORDER PARTIALLY GRANTING
MOTION FOR PROTECTIVE ORDER

Vs.

TESLA, INC.

Respondent

A virtual discovery hearing was conducted in this matter on September 16, 2024, at 10:00 A.M. PST pursuant to written notice. Attorney Terrence Jones of Cameron Jones LLP appeared for Claimant. Attorney Graham Helm of Ogletree Deakins appeared for Respondent. The following order is made with respect to the arbitration:

1. Parties and Counsel: The parties to this arbitration are identified in the caption and are represented as follows:

Terrence Jones
Cameron Jones LLP
6737 Bright Ave., Suite B6
Whittier, CA 90601
Phone: 213-863-4490
Email: terrence@cameronjoneslaw.com

Representing Claimant, Karen Draper

Danielle Ochs
Graham Helm
Ogletree Deakins
One Embarcadero Center, Suite 900
San Francisco, CA 94111
Graham Helm Phone: 415-442-4810
Danielle Ochs Phone: 415-536-3429
Fax: 415-442-4787
Email: graham.helm@ogletree.com
Email: danielle.ochs@ogletree.com

Representing Respondent, Tesla, Inc.

2. Arbitrator:

Hon. Lynn O'Malley Taylor (Ret.)
JAMS
Two Embarcadero Center, Suite 1500
San Francisco, CA 94111
Telephone: 415-982-5267
Fax: 415-982-5287
Email: ltaylor@jamsadr.com

3. Case Manager:

John Peterson
JAMS
Two Embarcadero Center, Suite 1500
San Francisco, CA 94111
Telephone: 415-982-5267/Direct: 415-774-2609
Fax: 415-982-5287
Email: jpeterson@jamsadr.com

4. Motion for Protective Order:

On September 6, 2024, Respondent filed a Motion for Protective Order to Prevent the taking of the deposition of Elon Musk. On September 13, 2024, Claimant file his Opposition to Respondent's Motion.

Respondent's Arguments

Apex depositions can only be held where the proposed deponent has firsthand, *unique* knowledge of the issues in the case. *Jordan v. Wonderful Citrus Packing LLC*, 2019 WL 176264 (E.D. Cal. Jan. 11, 2019) Musk has no unique knowledge of any relevant issues and claimant failed to first utilize less intrusive methods of discovery.

Whether Musk promoted Claimant at the June 2022 Meeting or recalls anything from that Meeting is irrelevant. Whether Musk "promoted" Claimant at the June 2022 Meeting is irrelevant because Claimant's discrimination, retaliation, and wrongful termination claims are based on the alleged conduct of Burgers, in which Musk had no involvement.

Claimant cannot show that Musk had unique knowledge of any relevant issue or that she exhausted less intrusive means of discovery. Even if Musk promoted Claimant during the June 2022 Meeting and that is relevant to the issues (which Respondent disputes), Musk does not have any unique first-hand knowledge about what occurred during the June 2022 Meeting because numerous employees attended that meeting. Those witnesses can testify about what occurred and what was said during the June 2022 Meeting. Accordingly, whatever Musk may recall about the June 2022 Meeting is merely repetitive of others' knowledge.

Claimant not yet deposed Burgers who evaluated Claimant's performance and decided to terminate her.

Limited written deposition questions are appropriate under FRCP Rule 26(c)(1), the Arbitrator may direct Claimant to proceed with other methods of discovery, such as limited written deposition questions under FRCP 30(c)(3), in order to protect a person from annoyance, embarrassment, oppression, or undue burden.

Respondent is entitled to attorneys' fees for Bringing this Motion. *Fed. R. Civ. P.37(a)(5)(A)*.

Claimant's Opposition

Elon Musk hand-selected Ms. Draper for promotion during an In-Person Meeting in June 2022. Ms. Draper suggested that it was impractical and inefficient to have the HR-for HR management role performed by Texas based management. Musk told Ms. Draper that he wanted her to fill that HR-for-HR management role in Fremont. She accepted, so Musk promoted her right there on-the-spot.

Ms. Draper was terminated in retaliation for refusing to carry out a Production Manager's Desire to fire an employee on protected medical leave. Burgers, Draper's Manager, was motivated by a desire to suppress additional findings of retaliation arising out of the Fremont facility because of the pending litigation against Tesla. As the facility's overall HR lead, Burgers believed that additional findings would negatively impact assessment of her ability to eliminate the culture of racism and retaliation in Fremont and to impact the workplace environment in a positive way.

Musk's promotion of Ms. Draper undermines Burgers' proffered "poor performance" basis for terminating her and instead supports Claimant's pretext contention. Plainly, it is difficult to credibly characterize someone as a terminable poor performer when the CEO of the Company had just personally promoted that person because of exceptional performance. The fact that Burgers then fired Ms. Draper from that role to which she had been appointed—without Musk's approval and validation—tends to show an intentional concealment of the termination so that Musk would not know that his personal choice had been pushed out.

This particular situation differs from the typical "apex doctrine" scenario in which a party seeks to randomly depose a C-suite executive who had absolutely no direct involvement in the underlying facts. Here, Musk is a percipient witness that has direct knowledge and direct involvement in facts materially relevant to the case. He attended a seminal meeting, issued a seminal personnel directive, asked for confirming emails, and then engaged with those emails to ensure that his personal directives were understood and followed.

Ms. Draper has exhausted less intrusive discovery methods, which only emphasize the factual dispute that only Musk can resolve. Tesla respondent with boiler plate answers to special interrogatories and requests for admission and failed to verify its responses.

Tesla did not submit one supporting declaration with its briefing papers for this motion from any Tesla employee present at the subject meeting attesting to the Company's contention that Musk did not promote Ms. Draper to the HR-for-HR manager position that day. Respondent has not established "good cause" for precluding Musk's deposition because it has not produced anything, other than argument, to dispute Claimant's actual evidence in support of her position. Accordingly, Claimant should be permitted to depose Elon Musk relative to the issues described herein.

ORDER

Tesla has denied, without opposing declarations, that Elon Musk promoted Claimant Draper at the June 8, 2022 meeting. Rather than proceeding with an oral deposition of Mr. Musk, Claimant may pose written direct deposition questions to Mr. Musk about the purpose of the meeting and his concerns about HR at the Fremont Plant, about Ms. Draper, what he knew of Ms. Draper prior to the June Meeting, what he learned from her or about her during the meeting, whether he told Ms. Draper that he wanted her to fill that HR-for-HR management role in Fremont during the meeting, whether after he chose Ms. Draper he knew she had been terminated or had any involvement in her termination etc.

If Mr. Musk fails to respond directly in writing to the questions posed, Claimant may renew her request to take the oral deposition of Mr. Musk.

As the motion was granted in part, Respondent is entitled to a partial award of attorney's fees for making the motion. Respondent may file a specific request for attorney's fees by September 24, 2024. Claimant shall file a response by October 1, 2024. A hearing on the Attorney's fee issue is set for October 11, 2024, at 9:30 A.M. PST.

September 17, 2024



Hon. Lynn O'Malley Taylor, Ret., Arbitrator

Exhibit F



Civil Rights Department

KEVIN KISH, DIRECTOR

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August 7, 2025

Terrence Jones
5120 Goldleaf Circle, Suite 425
Los Angeles, CA 90056

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202508-30657407
Right to Sue: Peloquin / Tesla, Inc.

Dear Terrence Jones:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) 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, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. 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. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

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

Sincerely,

Civil Rights Department



Civil Rights Department

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August 7, 2025

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202508-30657407

Right to Sue: Peloquin / Tesla, Inc.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) 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. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Reproductive Loss Leave, or Bereavement Leave (Government Code sections 12945.2, 12945.6, or 12945.7) has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

Civil Rights Department

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August 7, 2025

Linda Peloquin
 5120 Goldleaf Circle, Suite 425
 Los Angeles, CA 90056

RE: **Notice of Case Closure and Right to Sue**
 CRD Matter Number: 202508-30657407
 Right to Sue: Peloquin / Tesla, Inc.

Dear Linda Peloquin:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective August 7, 2025 because an immediate Right to Sue notice was requested.

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.

This matter may qualify for CRD's Small Employer Family Leave Mediation Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Reproductive Loss Leave, or Bereavement Leave (Government Code sections 12945.2, 12945.6, or 12945.7) has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



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After receiving a Right-to-Sue notice from CRD, you may have the right to file your complaint with a local government agency that enforces employment anti-discrimination laws if one exists in your area that is authorized to accept your complaint. If you decide to file with a local agency, you must file before the deadline for filing a lawsuit that is on your Right-to-Sue notice. Filing your complaint with a local agency does not prevent you from also filing a lawsuit in court.

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

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Linda Peloquin

CRD No. 202508-30657407

Complainant,

vs.

Tesla, Inc.
1 Tesla Road
Austin, TX 78725

Respondents

1. Respondent **Tesla, Inc.** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant **Linda Peloquin**, resides in the City of **Los Angeles**, State of **CA**.

3. Complainant alleges that on or about **December 11, 2023**, respondent took the following adverse actions:

Complainant was harassed because of complainant's sex/gender, gender identity or expression, sexual orientation, medical condition (cancer or genetic characteristic), age (40 and over), other, disability (physical, intellectual/developmental, mental health/psychiatric), race (includes hairstyle and hair texture).

Complainant was discriminated against because of complainant's sex/gender, gender identity or expression, sexual orientation, medical condition (cancer or genetic characteristic), age (40 and over), other, disability (physical, intellectual/developmental, mental health/psychiatric), race (includes hairstyle and hair texture) and as a result of the discrimination was terminated, forced to quit, reprimanded, suspended, demoted, other, denied work opportunities or assignments, denied or forced to transfer, denied accommodation for a disability, given additional work responsibilities or assignments.

Complainant experienced retaliation because complainant reported or resisted any form of discrimination or harassment, requested or used a disability-related accommodation, participated as a witness in a discrimination or harassment complaint and as a result was terminated, laid off, forced to quit, reprimanded, suspended, demoted, other, denied work opportunities or assignments, denied accommodation for a disability, given additional work responsibilities or assignments.

Additional Complaint Details: Complainant Linda Peloquin (“Complainant”) was subjected to unlawful harassment, discrimination, and retaliation in violation of the Fair Employment and Housing Act (FEHA) on account of Complainant’s: perceived race; perceived sexuality; perceived disability; complaints of discriminatory conduct by other employees; and complaints of potential violations of local, state, and federal law.

Complainant was employed by Tesla, Inc., a Delaware corporation doing business in California as “Tesla Motors, Inc.” (hereinafter, “Tesla,” “Defendant,” or the “Company”). Complainant worked as a Human Resources (“HR”) professional for the auto production unit of Tesla at its facility in Fremont, California. Complainant began working for Tesla on or about March 27, 2023, and was actually and constructively terminated on or about December 11, 2023.

The proffered basis for Complainant’s termination was pretextual. The decision to terminate Complainant, as validated by Tesla’s executive staff and managing agents was not truly the result of intentionally-nondescript “performance issues,” but was instead rooted in retaliatory and discriminatory animus as a direct consequence of Complainant’s objections about Tesla’s efforts to minimize and artificially recharacterize the alleged instances of racism and retaliation that HR professionals were responsible for investigating in light of pending litigation against Tesla and the likelihood of exacerbating the company’s exposure with newly-validated incidents.

In or about November 2022, an operations manager had a rabid and irrational desire to fire an employee because she had taken a statutorily-protected medical leave. An HR official named Karen Draper refused the operations managers’ repeated requests to terminate the employee for taking medical leave since, of course, that would have constituted illegal disability-based retaliation. But yet, Draper was fired for “poor performance.”

In or about October 2023, a manufacturing employee made an angry comment to a Black employee, asking him, “Do you want to hang by a tree?”—plainly threatening to lynch him as were tens of thousands of Black men and women during and after slavery. An HR official, named Adam Chow, investigated the Black employee’s complaint, the investigation confirmed that the comment was indeed intended to be physically threatening and racially derogatory, and, so, Chow recommended that the manufacturing employee be terminated. But yet, Chow was chastised and given a poor rating on his performance evaluation. He was then threatened with agreeing to either a “Performance Improvement Plan” with benchmarks that were intentionally unachievable or to a severance package with strict legal recourse waivers and nondisclosure language. Either way, the message was clear: Tesla wanted him gone. So, Chow had no choice but to resign to avoid that stain on his job record.

1 In or about November 2023, Chow's direct supervisor, Linda Peloquin, spoke up in
2 defense of his performance. She had supervised his "hang by a tree" investigation and
3 endorsed his termination recommendation. But yet, Peloquin, too, was then terminated for
4 poor performance. Her termination came after Peloquin's Tesla HR higher-ups told her that
5 the number of validated race-based complaints at Fremont was too high and that they as
6 HR managers needed to somehow reduce those numbers—particularly in light of all the
7 pending litigation.

8 In or about December 2023, following those alarming and clearly retaliatory
9 terminations, two HR professionals—Tiara Paulino and Sharnique Martin—drafted and sent
10 an email to high-level operations officials at the Fremont facility explaining, among other
11 things, their fear of retaliation for investigating and validating employees' workplace
12 complaints. They, too, were fired just weeks later as reprisal.

13 In or about January 2022, the Fremont facility's Senior Manager of Physical Security
14 Operations, Ozell Murray, was outspoken with his direct supervisor about what Murray
15 perceived to be racially insensitive and insulting direction with respect to new Black would-
16 be hires in the Security Department. The use of the "N-word" was prevalent throughout the
17 Fremont facility. A few months prior, one of Murray's direct-reports, a female security officer
18 who was also a former police officer, was victimized when a Tesla employee called her a
19 nigger. Murray's colleague was so distressed by the incident and the impunity with which
20 the word was used toward her and around the Fremont facility that she had to take a
21 medical leave from work to recover from the trauma. Yet, instead of offering
22 encouragement, Murray's supervisor, counseled him that Murray should be informing all
23 new Black security personnel that the use of the "N-word" was simply engrained in the
24 culture at Tesla and, so, Murray should only be bringing aboard those that were willing to
25 accept and acquiesce to the prevalence of that word in the workplace.

26 In or about June 2023, a HR professional named Gregory Vass was unilaterally
27 placed by the overall Fremont HR manager into a "Pride Group." Vass had not asked to be
28 placed in this group, nor was he aware of any other HR professionals being asked if they
wanted to support whatever the mission of the Pride Group was. The HR manager advised
Vass that one of the group's initial projects was to create a slide deck with facts about the
LGBTQ community that would be played in the cafeteria to help raise awareness and
educate employees.

Vass was profoundly uncomfortable with being unilaterally placed in the Pride Goup
since it appeared to him that he was singled out to be a part of the group and execute its
mission because of his sexuality. Vass expressed those concerns to his coworkers at the
time.

In or about October 2023, Vass voiced his concerns and complaints to the
designated HR-for-HR Manager that physically sat in Tesla's Texas headquarters. Yet she,
in turn, shared Vass' complaints directly with the Fremont HR manager about whom Vass
was complaining. Vass was then terminated five months later as a direct result of that
retaliatory animus.

In response to Complainant's protected activities, Tesla retaliated against
Complainant, including, but not limited to: harassing and hassling Complainant both during
and outside of normal work hours; unreasonably and unjustifiably increasing Complainant's
workload; unreasonably and unjustifiably criticizing the speed with which Complainant was
completing assignments; unreasonably and unjustifiably criticizing the quality of

1 Complainant's work product and general job execution; questioning and criticizing
2 Complainant for taking sick and disability leave; forcing Complainant to take medical and/or
3 administrative leave; offering and/or placing Complainant onto a sham, last-chance
4 Performance Improvement Plan; and, terminating Complainant's employment.

5 Complainant's Tesla managers, as well as their agents and subordinates, did not
6 treat non-complaining, non-objecting, non-outspoken, non-Black, non-Asian, non-female-
7 identifying, non-disabled, non-LGBTQ-identifying employees in the same manner in which
8 Complainant was treated; they were treated more favorably. Thus, Complainant's Tesla
9 managers, as well as their agents and subordinates, personally singled Complainant out for
10 disparate treatment, harassment, retaliation, and with regard to the terms, conditions, and
11 privileges of Complainant's employment, ultimately culminating in wrongful termination,
12 because of Complainant's protected activities and characteristics.
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1 VERIFICATION

2 I, **Terrence Jones**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based on
4 information and belief, which I believe to be true. The matters alleged are based on
5 information and belief, which I believe to be true.

6 On August 7, 2025, I declare under penalty of perjury under the laws of the State of
7 California that the foregoing is true and correct.

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Los Angeles, CA



Civil Rights Department

KEVIN KISH, DIRECTOR

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August 7, 2025

Terrence Jones
5120 Goldleaf Circle, Suite 425
Los Angeles, CA 90056

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202508-30657607
Right to Sue: Chow / Tes

Dear Terrence Jones:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) 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, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. 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. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

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

Sincerely,

Civil Rights Department



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August 7, 2025

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202508-30657607

Right to Sue: Chow / Tes

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) 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. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Reproductive Loss Leave, or Bereavement Leave (Government Code sections 12945.2, 12945.6, or 12945.7) has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

Civil Rights Department

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August 7, 2025

Adam Chow
 5120 Goldleaf Circle, Suite 425
 Los Angeles, CA 90056

RE: **Notice of Case Closure and Right to Sue**
 CRD Matter Number: 202508-30657607
 Right to Sue: Chow / Tes

Dear Adam Chow:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective August 7, 2025 because an immediate Right to Sue notice was requested.

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.

This matter may qualify for CRD's Small Employer Family Leave Mediation Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Reproductive Loss Leave, or Bereavement Leave (Government Code sections 12945.2, 12945.6, or 12945.7) has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



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

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Adam Chow

CRD No. 202508-30657607

Complainant,

vs.

Tes
1 Tesla Road
Austin, TX 78725

Respondents

1. Respondent **Tes** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant **Adam Chow**, resides in the City of **Los Angeles**, State of **CA**.

3. Complainant alleges that on or about **March 11, 2024**, respondent took the following adverse actions:

Complainant was harassed because of complainant's color, sex/gender, gender identity or expression, sexual orientation, medical condition (cancer or genetic characteristic), other, association with a member of a protected class, disability (physical, intellectual/developmental, mental health/psychiatric), race (includes hairstyle and hair texture).

Complainant was discriminated against because of complainant's sex/gender, gender identity or expression, sexual orientation, medical condition (cancer or genetic characteristic), other, association with a member of a protected class, disability (physical, intellectual/developmental, mental health/psychiatric), race (includes hairstyle and hair texture) and as a result of the discrimination was terminated, laid off, forced to quit, denied hire or promotion, reprimanded, suspended, demoted, other, denied work opportunities or assignments, denied or forced to transfer, denied accommodation for a disability, given additional work responsibilities or assignments.

-1-

Complaint – CRD No. 202508-30657607

Date Filed: August 7, 2025

1 **Complainant experienced retaliation** because complainant reported or resisted any form
2 of discrimination or harassment, requested or used a disability-related accommodation,
3 participated as a witness in a discrimination or harassment complaint and as a result was
4 terminated, laid off, forced to quit, denied hire or promotion, reprimanded, suspended,
5 demoted, other, denied work opportunities or assignments, denied or forced to transfer,
6 denied accommodation for a disability, given additional work responsibilities or assignments.

7 **Additional Complaint Details:** Complainant Adam Chow (“Complainant”) was subjected to
8 unlawful harassment, discrimination, and retaliation in violation of the Fair Employment and
9 Housing Act (FEHA) on account of Complainant’s: perceived race; perceived sexuality;
10 perceived disability; complaints of discriminatory conduct by other employees; and
11 complaints of potential violations of local, state, and federal law.

12 Complainant was employed by Tesla, Inc., a Delaware corporation doing business in
13 California as “Tesla Motors, Inc.” (hereinafter, “Tesla,” “Defendant,” or the “Company”).
14 Complainant worked as a Human Resources (“HR”) professional for the auto production unit
15 of Tesla at its facility in Fremont, California. Complainant began working for Tesla on or
16 about March 1, 2022, and was actually and constructively terminated on or about March 11,
17 2024.

18 The proffered basis for Complainant’s termination was pretextual. The decision to
19 terminate Complainant, as validated by Tesla’s executive staff and managing agents was
20 not truly the result of intentionally-nondescript “performance issues,” but was instead rooted
21 in retaliatory and discriminatory animus as a direct consequence of Complainant’s
22 objections about Tesla’s efforts to minimize and artificially recharacterize the alleged
23 instances of racism and retaliation that HR professionals were responsible for investigating
24 in light of pending litigation against Tesla and the likelihood of exacerbating the company’s
25 exposure with newly-validated incidents.

26 In or about November 2022, an operations manager had a rabid and irrational desire
27 to fire an employee because she had taken a statutorily-protected medical leave. An HR
28 official named Karen Draper refused the operations managers’ repeated requests to
terminate the employee for taking medical leave since, of course, that would have
constituted illegal disability-based retaliation. But yet, Draper was fired for “poor
performance.”

In or about October 2023, a manufacturing employee made an angry comment to a
Black employee, asking him, “Do you want to hang by a tree?”—plainly threatening to lynch
him as were tens of thousands of Black men and women during and after slavery. An HR
official, named Adam Chow, investigated the Black employee’s complaint, the investigation
confirmed that the comment was indeed intended to be physically threatening and racially
derogatory, and, so, Chow recommended that the manufacturing employee be terminated.
But yet, Chow was chastised and given a poor rating on his performance evaluation. He
was then threatened with agreeing to either a “Performance Improvement Plan” with

1 benchmarks that were intentionally unachievable or to a severance package with strict legal
2 recourse waivers and nondisclosure language. Either way, the message was clear: Tesla
3 wanted him gone. So, Chow had no choice but to resign to avoid that stain on his job
4 record.

5 In or about November 2023, Chow's direct supervisor, Linda Peloquin, spoke up in
6 defense of his performance. She had supervised his "hang by a tree" investigation and
7 endorsed his termination recommendation. But yet, Peloquin, too, was then terminated for
8 poor performance. Her termination came after Peloquin's Tesla HR higher-ups told her that
9 the number of validated race-based complaints at Fremont was too high and that they as
10 HR managers needed to somehow reduce those numbers—particularly in light of all the
11 pending litigation.

12 In or about December 2023, following those alarming and clearly retaliatory
13 terminations, two HR professionals—Tiara Paulino and Sharnique Martin—drafted and sent
14 an email to high-level operations officials at the Fremont facility explaining, among other
15 things, their fear of retaliation for investigating and validating employees' workplace
16 complaints. They, too, were fired just weeks later as reprisal.

17 In or about January 2022, the Fremont facility's Senior Manager of Physical Security
18 Operations, Ozell Murray, was outspoken with his direct supervisor about what Murray
19 perceived to be racially insensitive and insulting direction with respect to new Black would-
20 be hires in the Security Department. The use of the "N-word" was prevalent throughout the
21 Fremont facility. A few months prior, one of Murray's direct-reports, a female security officer
22 who was also a former police officer, was victimized when a Tesla employee called her a
23 nigger. Murray's colleague was so distressed by the incident and the impunity with which
24 the word was used toward her and around the Fremont facility that she had to take a
25 medical leave from work to recover from the trauma. Yet, instead of offering
26 encouragement, Murray's supervisor, counseled him that Murray should be informing all
27 new Black security personnel that the use of the "N-word" was simply engrained in the
28 culture at Tesla and, so, Murray should only be bringing aboard those that were willing to
accept and acquiesce to the prevalence of that word in the workplace.

In or about June 2023, a HR professional named Gregory Vass was unilaterally
placed by the overall Fremont HR manager into a "Pride Group." Vass had not asked to be
placed in this group, nor was he aware of any other HR professionals being asked if they
wanted to support whatever the mission of the Pride Group was. The HR manager advised
Vass that one of the group's initial projects was to create a slide deck with facts about the
LGBTQ community that would be played in the cafeteria to help raise awareness and
educate employees.

Vass was profoundly uncomfortable with being unilaterally placed in the Pride Goup
since it appeared to him that he was singled out to be a part of the group and execute its
mission because of his sexuality. Vass expressed those concerns to his coworkers at the
time.

1 In or about October 2023, Vass voiced his concerns and complaints to the
2 designated HR-for-HR Manager that physically sat in Tesla's Texas headquarters. Yet she,
3 in turn, shared Vass' complaints directly with the Fremont HR manager about whom Vass
was complaining. Vass was then terminated five months later as a direct result of that
retaliatory animus.

4 In response to Complainant's protected activities, Tesla retaliated against
5 Complainant, including, but not limited to: harassing and hassling Complainant both during
6 and outside of normal work hours; unreasonably and unjustifiably increasing Complainant's
7 workload; unreasonably and unjustifiably criticizing the speed with which Complainant was
8 completing assignments; unreasonably and unjustifiably criticizing the quality of
9 Complainant's work product and general job execution; questioning and criticizing
Complainant for taking sick and disability leave; forcing Complainant to take medical and/or
administrative leave; offering and/or placing Complainant onto a sham, last-chance
Performance Improvement Plan; and, terminating Complainant's employment.

10 Complainant's Tesla managers, as well as their agents and subordinates, did not
11 treat non-complaining, non-objecting, non-outspoken, non-Black, non-Asian, non-female-
12 identifying, non-disabled, non-LGBTQ-identifying employees in the same manner in which
13 Complainant was treated; they were treated more favorably. Thus, Complainant's Tesla
14 managers, as well as their agents and subordinates, personally singled Complainant out for
15 disparate treatment, harassment, retaliation, and with regard to the terms, conditions, and
16 privileges of Complainant's employment, ultimately culminating in wrongful termination,
17 because of Complainant's protected activities and characteristics.

1 VERIFICATION

2 I, **Terrence Jones**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based on
4 information and belief, which I believe to be true. The matters alleged are based on
5 information and belief, which I believe to be true.

6 On August 7, 2025, I declare under penalty of perjury under the laws of the State of
7 California that the foregoing is true and correct.

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Los Angeles, CA



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

August 7, 2025

Terrence Jones
5120 Goldleaf Circle, Suite 425
Los Angeles, CA 90056

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202508-30657707
Right to Sue: Paulino / Tesla, Inc.

Dear Terrence Jones:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) 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, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. 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. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

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

Sincerely,

Civil Rights Department



Civil Rights Department

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August 7, 2025

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202508-30657707

Right to Sue: Paulino / Tesla, Inc.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) 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. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Reproductive Loss Leave, or Bereavement Leave (Government Code sections 12945.2, 12945.6, or 12945.7) has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

Civil Rights Department

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August 7, 2025

Tiara Paulino
 5120 Goldleaf Circle, Suite 425
 Los Angeles, CA 90056

RE: Notice of Case Closure and Right to Sue
 CRD Matter Number: 202508-30657707
 Right to Sue: Paulino / Tesla, Inc.

Dear Tiara Paulino:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective August 7, 2025 because an immediate Right to Sue notice was requested.

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.

This matter may qualify for CRD's Small Employer Family Leave Mediation Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Reproductive Loss Leave, or Bereavement Leave (Government Code sections 12945.2, 12945.6, or 12945.7) has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



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After receiving a Right-to-Sue notice from CRD, you may have the right to file your complaint with a local government agency that enforces employment anti-discrimination laws if one exists in your area that is authorized to accept your complaint. If you decide to file with a local agency, you must file before the deadline for filing a lawsuit that is on your Right-to-Sue notice. Filing your complaint with a local agency does not prevent you from also filing a lawsuit in court.

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

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Tiara Paulino

CRD No. 202508-30657707

Complainant,

vs.

Tesla, Inc.
1 Tesla Road
Austin, TX 78725

Respondents

1. Respondent **Tesla, Inc.** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant **Tiara Paulino**, resides in the City of **Los Angeles**, State of **CA**.

3. Complainant alleges that on or about **February 23, 2024**, respondent took the following adverse actions:

Complainant was harassed because of complainant's color, sex/gender, gender identity or expression, sexual orientation, medical condition (cancer or genetic characteristic), other, association with a member of a protected class, disability (physical, intellectual/developmental, mental health/psychiatric), race (includes hairstyle and hair texture).

Complainant was discriminated against because of complainant's sex/gender, gender identity or expression, sexual orientation, genetic information or characteristic, other, association with a member of a protected class, disability (physical, intellectual/developmental, mental health/psychiatric), race (includes hairstyle and hair texture) and as a result of the discrimination was terminated, laid off, forced to quit, denied hire or promotion, reprimanded, suspended, demoted, other, denied work opportunities or assignments, denied accommodation for a disability, given additional work responsibilities or assignments.

-1-

Complaint – CRD No. 202508-30657707

Date Filed: August 7, 2025

1 **Complainant experienced retaliation** because complainant reported or resisted any form
2 of discrimination or harassment, participated as a witness in a discrimination or harassment
3 complaint and as a result was terminated, laid off, forced to quit, denied hire or promotion,
4 reprimanded, suspended, demoted, other, denied work opportunities or assignments,
5 denied or forced to transfer, denied accommodation for a disability, given additional work
6 responsibilities or assignments.

7 **Additional Complaint Details:** Complainant Tiara Paulino ("Complainant") was subjected
8 to unlawful harassment, discrimination, and retaliation in violation of the Fair Employment
9 and Housing Act (FEHA) on account of Complainant's: perceived race; perceived sexuality;
10 perceived disability; complaints of discriminatory conduct by other employees; and
11 complaints of potential violations of local, state, and federal law.

12 Complainant was employed by Tesla, Inc., a Delaware corporation doing business in
13 California as "Tesla Motors, Inc." (hereinafter, "Tesla," "Defendant," or the "Company").
14 Complainant worked as a Human Resources ("HR") professional for the auto production unit
15 of Tesla at its facility in Fremont, California. Complainant began working for Tesla on or
16 about June 27, 2022, and was actually and constructively terminated on or about February
17 23, 2024.

18 The proffered basis for Complainant's termination was pretextual. The decision to
19 terminate Complainant, as validated by Tesla's executive staff and managing agents was
20 not truly the result of intentionally-nondescript "performance issues," but was instead rooted
21 in retaliatory and discriminatory animus as a direct consequence of Complainant's
22 objections about Tesla's efforts to minimize and artificially recharacterize the alleged
23 instances of racism and retaliation that HR professionals were responsible for investigating
24 in light of pending litigation against Tesla and the likelihood of exacerbating the company's
25 exposure with newly-validated incidents.

26 In or about November 2022, an operations manager had a rabid and irrational desire
27 to fire an employee because she had taken a statutorily-protected medical leave. An HR
28 official named Karen Draper refused the operations managers' repeated requests to
terminate the employee for taking medical leave since, of course, that would have
constituted illegal disability-based retaliation. But yet, Draper was fired for "poor
performance."

In or about October 2023, a manufacturing employee made an angry comment to a
Black employee, asking him, "Do you want to hang by a tree?"—plainly threatening to lynch
him as were tens of thousands of Black men and women during and after slavery. An HR
official, named Adam Chow, investigated the Black employee's complaint, the investigation
confirmed that the comment was indeed intended to be physically threatening and racially
derogatory, and, so, Chow recommended that the manufacturing employee be terminated.
But yet, Chow was chastised and given a poor rating on his performance evaluation. He
was then threatened with agreeing to either a "Performance Improvement Plan" with

1 benchmarks that were intentionally unachievable or to a severance package with strict legal
2 recourse waivers and nondisclosure language. Either way, the message was clear: Tesla
3 wanted him gone. So, Chow had no choice but to resign to avoid that stain on his job
4 record.

5 In or about November 2023, Chow's direct supervisor, Linda Peloquin, spoke up in
6 defense of his performance. She had supervised his "hang by a tree" investigation and
7 endorsed his termination recommendation. But yet, Peloquin, too, was then terminated for
8 poor performance. Her termination came after Peloquin's Tesla HR higher-ups told her that
9 the number of validated race-based complaints at Fremont was too high and that they as
10 HR managers needed to somehow reduce those numbers—particularly in light of all the
11 pending litigation.

12 In or about December 2023, following those alarming and clearly retaliatory
13 terminations, two HR professionals—Tiara Paulino and Sharnique Martin—drafted and sent
14 an email to high-level operations officials at the Fremont facility explaining, among other
15 things, their fear of retaliation for investigating and validating employees' workplace
16 complaints. They, too, were fired just weeks later as reprisal.

17 In or about January 2022, the Fremont facility's Senior Manager of Physical Security
18 Operations, Ozell Murray, was outspoken with his direct supervisor about what Murray
19 perceived to be racially insensitive and insulting direction with respect to new Black would-
20 be hires in the Security Department. The use of the "N-word" was prevalent throughout the
21 Fremont facility. A few months prior, one of Murray's direct-reports, a female security officer
22 who was also a former police officer, was victimized when a Tesla employee called her a
23 nigger. Murray's colleague was so distressed by the incident and the impunity with which
24 the word was used toward her and around the Fremont facility that she had to take a
25 medical leave from work to recover from the trauma. Yet, instead of offering
26 encouragement, Murray's supervisor, counseled him that Murray should be informing all
27 new Black security personnel that the use of the "N-word" was simply engrained in the
28 culture at Tesla and, so, Murray should only be bringing aboard those that were willing to
accept and acquiesce to the prevalence of that word in the workplace.

1 In or about June 2023, a HR professional named Gregory Vass was unilaterally
2 placed by the overall Fremont HR manager into a "Pride Group." Vass had not asked to be
3 placed in this group, nor was he aware of any other HR professionals being asked if they
4 wanted to support whatever the mission of the Pride Group was. The HR manager advised
5 Vass that one of the group's initial projects was to create a slide deck with facts about the
6 LGBTQ community that would be played in the cafeteria to help raise awareness and
7 educate employees.

8 Vass was profoundly uncomfortable with being unilaterally placed in the Pride Goup
9 since it appeared to him that he was singled out to be a part of the group and execute its
10 mission because of his sexuality. Vass expressed those concerns to his coworkers at the
11 time.

1 In or about October 2023, Vass voiced his concerns and complaints to the
2 designated HR-for-HR Manager that physically sat in Tesla's Texas headquarters. Yet she,
3 in turn, shared Vass' complaints directly with the Fremont HR manager about whom Vass
was complaining. Vass was then terminated five months later as a direct result of that
retaliatory animus.

4 In response to Complainant's protected activities, Tesla retaliated against
5 Complainant, including, but not limited to: harassing and hassling Complainant both during
6 and outside of normal work hours; unreasonably and unjustifiably increasing Complainant's
7 workload; unreasonably and unjustifiably criticizing the speed with which Complainant was
8 completing assignments; unreasonably and unjustifiably criticizing the quality of
9 Complainant's work product and general job execution; questioning and criticizing
Complainant for taking sick and disability leave; forcing Complainant to take medical and/or
administrative leave; offering and/or placing Complainant onto a sham, last-chance
Performance Improvement Plan; and, terminating Complainant's employment.

10 Complainant's Tesla managers, as well as their agents and subordinates, did not
11 treat non-complaining, non-objecting, non-outspoken, non-Black, non-Asian, non-female-
12 identifying, non-disabled, non-LGBTQ-identifying employees in the same manner in which
13 Complainant was treated; they were treated more favorably. Thus, Complainant's Tesla
managers, as well as their agents and subordinates, personally singled Complainant out for
disparate treatment, harassment, retaliation, and with regard to the terms, conditions, and
privileges of Complainant's employment, ultimately culminating in wrongful termination,
because of Complainant's protected activities and characteristics.

1 VERIFICATION

2 I, **Terrence Jones**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based on
4 information and belief, which I believe to be true. The matters alleged are based on
information and belief, which I believe to be true.

5 On August 7, 2025, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Los Angeles, CA**



Civil Rights Department

KEVIN KISH, DIRECTOR

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August 7, 2025

Terrence Jones
5120 Goldleaf Circle, Suite 425
Los Angeles, CA 90056

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202508-30657807
Right to Sue: Martin / Tesla, Inc.

Dear Terrence Jones:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) 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, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. 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. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

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

Sincerely,

Civil Rights Department



Civil Rights Department

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August 7, 2025

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202508-30657807

Right to Sue: Martin / Tesla, Inc.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) 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. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Reproductive Loss Leave, or Bereavement Leave (Government Code sections 12945.2, 12945.6, or 12945.7) has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

Civil Rights Department

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August 7, 2025

Sharnique Martin
 5120 Goldleaf Circle, Suite 425
 Los Angeles, CA 90056

RE: **Notice of Case Closure and Right to Sue**
 CRD Matter Number: 202508-30657807
 Right to Sue: Martin / Tesla, Inc.

Dear Sharnique Martin:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective August 7, 2025 because an immediate Right to Sue notice was requested.

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.

This matter may qualify for CRD's Small Employer Family Leave Mediation Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Reproductive Loss Leave, or Bereavement Leave (Government Code sections 12945.2, 12945.6, or 12945.7) has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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After receiving a Right-to-Sue notice from CRD, you may have the right to file your complaint with a local government agency that enforces employment anti-discrimination laws if one exists in your area that is authorized to accept your complaint. If you decide to file with a local agency, you must file before the deadline for filing a lawsuit that is on your Right-to-Sue notice. Filing your complaint with a local agency does not prevent you from also filing a lawsuit in court.

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

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Sharnique Martin

CRD No. 202508-30657807

Complainant,

vs.

Tesla, Inc.
1 Tesla Road
Austin, TX 78725

Respondents

1. Respondent **Tesla, Inc.** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant **Sharnique Martin**, resides in the City of **Los Angeles**, State of **CA**.

3. Complainant alleges that on or about **February 16, 2024**, respondent took the following adverse actions:

Complainant was harassed because of complainant's color, sex/gender, sexual orientation, other, association with a member of a protected class, disability (physical, intellectual/developmental, mental health/psychiatric), race (includes hairstyle and hair texture).

Complainant was discriminated against because of complainant's color, sex/gender, gender identity or expression, sexual orientation, other, association with a member of a protected class, disability (physical, intellectual/developmental, mental health/psychiatric), race (includes hairstyle and hair texture) and as a result of the discrimination was terminated, laid off, forced to quit, denied hire or promotion, reprimanded, suspended, demoted, other, denied work opportunities or assignments, denied or forced to transfer, denied accommodation for a disability, given additional work responsibilities or assignments.

1 **Complainant experienced retaliation** because complainant reported or resisted any form
2 of discrimination or harassment, participated as a witness in a discrimination or harassment
3 complaint and as a result was terminated, laid off, forced to quit, denied hire or promotion,
4 reprimanded, suspended, demoted, other, denied work opportunities or assignments,
5 denied or forced to transfer, denied accommodation for a disability, given additional work
6 responsibilities or assignments.

7 **Additional Complaint Details:** Complainant Sharnique Martin (“Complainant”) was
8 subjected to unlawful harassment, discrimination, and retaliation in violation of the Fair
9 Employment and Housing Act (FEHA) on account of Complainant’s: perceived race;
10 perceived sexuality; perceived disability; complaints of discriminatory conduct by other
11 employees; and complaints of potential violations of local, state, and federal law.

12 Complainant was employed by Tesla, Inc., a Delaware corporation doing business in
13 California as “Tesla Motors, Inc.” (hereinafter, “Tesla,” “Defendant,” or the “Company”).
14 Complainant worked as a Human Resources (“HR”) professional for the auto production unit
15 of Tesla at its facility in Fremont, California. Complainant began working for Tesla on or
16 about June 13, 2022, and was actually and constructively terminated on or about February
17 16, 2024.

18 The proffered basis for Complainant’s termination was pretextual. The decision to
19 terminate Complainant, as validated by Tesla’s executive staff and managing agents was
20 not truly the result of intentionally-nondescript “performance issues,” but was instead rooted
21 in retaliatory and discriminatory animus as a direct consequence of Complainant’s
22 objections about Tesla’s efforts to minimize and artificially recharacterize the alleged
23 instances of racism and retaliation that HR professionals were responsible for investigating
24 in light of pending litigation against Tesla and the likelihood of exacerbating the company’s
25 exposure with newly-validated incidents.

26 In or about November 2022, an operations manager had a rabid and irrational desire
27 to fire an employee because she had taken a statutorily-protected medical leave. An HR
28 official named Karen Draper refused the operations managers’ repeated requests to
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In or about October 2023, a manufacturing employee made an angry comment to a
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official, named Adam Chow, investigated the Black employee’s complaint, the investigation
confirmed that the comment was indeed intended to be physically threatening and racially
derogatory, and, so, Chow recommended that the manufacturing employee be terminated.
But yet, Chow was chastised and given a poor rating on his performance evaluation. He
was then threatened with agreeing to either a “Performance Improvement Plan” with
benchmarks that were intentionally unachievable or to a severance package with strict legal

1 recourse waivers and nondisclosure language. Either way, the message was clear: Tesla
2 wanted him gone. So, Chow had no choice but to resign to avoid that stain on his job
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3 In or about November 2023, Chow's direct supervisor, Linda Peloquin, spoke up in
4 defense of his performance. She had supervised his "hang by a tree" investigation and
5 endorsed his termination recommendation. But yet, Peloquin, too, was then terminated for
6 poor performance. Her termination came after Peloquin's Tesla HR higher-ups told her that
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7 In or about December 2023, following those alarming and clearly retaliatory
8 terminations, two HR professionals—Tiara Paulino and Sharnique Martin—drafted and sent
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things, their fear of retaliation for investigating and validating employees' workplace
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10 In or about January 2022, the Fremont facility's Senior Manager of Physical Security
11 Operations, Ozell Murray, was outspoken with his direct supervisor about what Murray
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12 be hires in the Security Department. The use of the "N-word" was prevalent throughout the
Fremont facility. A few months prior, one of Murray's direct-reports, a female security officer
13 who was also a former police officer, was victimized when a Tesla employee called her a
nigger. Murray's colleague was so distressed by the incident and the impunity with which
14 the word was used toward her and around the Fremont facility that she had to take a
medical leave from work to recover from the trauma. Yet, instead of offering
15 encouragement, Murray's supervisor, counseled him that Murray should be informing all
new Black security personnel that the use of the "N-word" was simply engrained in the
16 culture at Tesla and, so, Murray should only be bringing aboard those that were willing to
accept and acquiesce to the prevalence of that word in the workplace.

17 In or about June 2023, a HR professional named Gregory Vass was unilaterally
18 placed by the overall Fremont HR manager into a "Pride Group." Vass had not asked to be
19 placed in this group, nor was he aware of any other HR professionals being asked if they
wanted to support whatever the mission of the Pride Group was. The HR manager advised
20 Vass that one of the group's initial projects was to create a slide deck with facts about the
LGBTQ community that would be played in the cafeteria to help raise awareness and
21 educate employees.

22 Vass was profoundly uncomfortable with being unilaterally placed in the Pride Goup
23 since it appeared to him that he was singled out to be a part of the group and execute its
mission because of his sexuality. Vass expressed those concerns to his coworkers at the
24 time.

1 In or about October 2023, Vass voiced his concerns and complaints to the
2 designated HR-for-HR Manager that physically sat in Tesla's Texas headquarters. Yet she,
3 in turn, shared Vass' complaints directly with the Fremont HR manager about whom Vass
was complaining. Vass was then terminated five months later as a direct result of that
retaliatory animus.

4 In response to Complainant's protected activities, Tesla retaliated against
5 Complainant, including, but not limited to: harassing and hassling Complainant both during
6 and outside of normal work hours; unreasonably and unjustifiably increasing Complainant's
7 workload; unreasonably and unjustifiably criticizing the speed with which Complainant was
8 completing assignments; unreasonably and unjustifiably criticizing the quality of
9 Complainant's work product and general job execution; questioning and criticizing
Complainant for taking sick and disability leave; forcing Complainant to take medical and/or
administrative leave; offering and/or placing Complainant onto a sham, last-chance
Performance Improvement Plan; and, terminating Complainant's employment.

10 Complainant's Tesla managers, as well as their agents and subordinates, did not
11 treat non-complaining, non-objecting, non-outspoken, non-Black, non-Asian, non-female-
12 identifying, non-disabled, non-LGBTQ-identifying employees in the same manner in which
13 Complainant was treated; they were treated more favorably. Thus, Complainant's Tesla
managers, as well as their agents and subordinates, personally singled Complainant out for
disparate treatment, harassment, retaliation, and with regard to the terms, conditions, and
privileges of Complainant's employment, ultimately culminating in wrongful termination,
because of Complainant's protected activities and characteristics.

1 VERIFICATION

2 I, **Terrence Jones**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based on
4 information and belief, which I believe to be true. The matters alleged are based on
5 information and belief, which I believe to be true.

6 On August 7, 2025, I declare under penalty of perjury under the laws of the State of
7 California that the foregoing is true and correct.

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Los Angeles, CA



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

August 7, 2025

Terrence Jones
5120 Goldleaf Circle, Suite 425
Los Angeles, CA 90056

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202508-30658007
Right to Sue: Vass / Tesla, Inc.

Dear Terrence Jones:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) 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, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. 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. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

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

Sincerely,

Civil Rights Department



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August 7, 2025

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202508-30658007

Right to Sue: Vass / Tesla, Inc.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) 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. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Reproductive Loss Leave, or Bereavement Leave (Government Code sections 12945.2, 12945.6, or 12945.7) has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

Civil Rights Department

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August 7, 2025

Gregory Vass
5120 Goldleaf Circle, Suite 425
Los Angeles, CA 90056

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202508-30658007
Right to Sue: Vass / Tesla, Inc.

Dear Gregory Vass:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective August 7, 2025 because an immediate Right to Sue notice was requested.

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.

This matter may qualify for CRD's Small Employer Family Leave Mediation Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Reproductive Loss Leave, or Bereavement Leave (Government Code sections 12945.2, 12945.6, or 12945.7) has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



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After receiving a Right-to-Sue notice from CRD, you may have the right to file your complaint with a local government agency that enforces employment anti-discrimination laws if one exists in your area that is authorized to accept your complaint. If you decide to file with a local agency, you must file before the deadline for filing a lawsuit that is on your Right-to-Sue notice. Filing your complaint with a local agency does not prevent you from also filing a lawsuit in court.

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

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Gregory Vass

CRD No. 202508-30658007

Complainant,

vs.

Tesla, Inc.
1 Tesla Road
Austin, TX 78725

Respondents

1. Respondent **Tesla, Inc.** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant **Gregory Vass**, resides in the City of **Los Angeles**, State of **CA**.

3. Complainant alleges that on or about **March 22, 2024**, respondent took the following adverse actions:

Complainant was harassed because of complainant's gender identity or expression, sexual orientation, medical condition (cancer or genetic characteristic), other, association with a member of a protected class.

Complainant was discriminated against because of complainant's sex/gender, gender identity or expression, sexual orientation, other, association with a member of a protected class, disability (physical, intellectual/developmental, mental health/psychiatric) and as a result of the discrimination was terminated, laid off, forced to quit, denied hire or promotion, reprimanded, suspended, demoted, denied any employment benefit or privilege, other, denied work opportunities or assignments, denied or forced to transfer, denied accommodation for a disability, given additional work responsibilities or assignments.

Complainant experienced retaliation because complainant reported or resisted any form of discrimination or harassment, participated as a witness in a discrimination or harassment

-1-

Complaint – CRD No. 202508-30658007

Date Filed: August 7, 2025

1 complaint and as a result was terminated, laid off, forced to quit, denied hire or promotion,
2 reprimanded, suspended, demoted, other, denied work opportunities or assignments,
3 denied or forced to transfer, denied accommodation for a disability, given additional work
responsibilities or assignments.

4 **Additional Complaint Details:** Complainant Gregory Vass ("Complainant") was subjected
5 to unlawful harassment, discrimination, and retaliation in violation of the Fair Employment
6 and Housing Act (FEHA) on account of Complainant's: perceived race; perceived sexuality;
perceived disability; complaints of discriminatory conduct by other employees; and
complaints of potential violations of local, state, and federal law.

7 Complainant was employed by Tesla, Inc., a Delaware corporation doing business in
8 California as "Tesla Motors, Inc." (hereinafter, "Tesla," "Defendant," or the "Company").
Complainant worked as a Human Resources ("HR") professional for the auto production unit
9 of Tesla at its facility in Fremont, California. Complainant began working for Tesla on or
about June 1, 2022, and was actually and constructively terminated on or about March 22,
10 2024.

11 The proffered basis for Complainant's termination was pretextual. The decision to
12 terminate Complainant, as validated by Tesla's executive staff and managing agents was
not truly the result of intentionally-nondescript "performance issues," but was instead rooted
13 in retaliatory and discriminatory animus as a direct consequence of Complainant's
objections about Tesla's efforts to minimize and artificially recharacterize the alleged
14 instances of racism and retaliation that HR professionals were responsible for investigating
in light of pending litigation against Tesla and the likelihood of exacerbating the company's
15 exposure with newly-validated incidents.

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to fire an employee because she had taken a statutorily-protected medical leave. An HR
17 official named Karen Draper refused the operations managers' repeated requests to
terminate the employee for taking medical leave since, of course, that would have
18 constituted illegal disability-based retaliation. But yet, Draper was fired for "poor
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19 In or about October 2023, a manufacturing employee made an angry comment to a
20 Black employee, asking him, "Do you want to hang by a tree?"—plainly threatening to lynch
him as were tens of thousands of Black men and women during and after slavery. An HR
21 official, named Adam Chow, investigated the Black employee's complaint, the investigation
confirmed that the comment was indeed intended to be physically threatening and racially
22 derogatory, and, so, Chow recommended that the manufacturing employee be terminated.
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benchmarks that were intentionally unachievable or to a severance package with strict legal
24 recourse waivers and nondisclosure language. Either way, the message was clear: Tesla
25

1 wanted him gone. So, Chow had no choice but to resign to avoid that stain on his job
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3 In or about November 2023, Chow's direct supervisor, Linda Peloquin, spoke up in
4 defense of his performance. She had supervised his "hang by a tree" investigation and
5 endorsed his termination recommendation. But yet, Peloquin, too, was then terminated for
6 poor performance. Her termination came after Peloquin's Tesla HR higher-ups told her that
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8 HR managers needed to somehow reduce those numbers—particularly in light of all the
9 pending litigation.

10 In or about December 2023, following those alarming and clearly retaliatory
11 terminations, two HR professionals—Tiara Paulino and Sharnique Martin—drafted and sent
12 an email to high-level operations officials at the Fremont facility explaining, among other
13 things, their fear of retaliation for investigating and validating employees' workplace
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18 be hires in the Security Department. The use of the "N-word" was prevalent throughout the
19 Fremont facility. A few months prior, one of Murray's direct-reports, a female security officer
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Vass that one of the group's initial projects was to create a slide deck with facts about the
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5 and outside of normal work hours; unreasonably and unjustifiably increasing Complainant's
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Complainant's work product and general job execution; questioning and criticizing
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identifying, non-disabled, non-LGBTQ-identifying employees in the same manner in which
13 Complainant was treated; they were treated more favorably. Thus, Complainant's Tesla
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15 disparate treatment, harassment, retaliation, and with regard to the terms, conditions, and
16 privileges of Complainant's employment, ultimately culminating in wrongful termination,
17 because of Complainant's protected activities and characteristics.

1 VERIFICATION

2 I, **Terrence Jones**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based on
4 information and belief, which I believe to be true. The matters alleged are based on
information and belief, which I believe to be true.

5 On August 7, 2025, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Los Angeles, CA**



Civil Rights Department

KEVIN KISH, DIRECTOR

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August 7, 2025

Terrence Jones
5120 Goldleaf Circle, Suite 425
Los Angeles, CA 90056

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202508-30658207
Right to Sue: Murray / Tesla, Inc.

Dear Terrence Jones:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) 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, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. 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. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

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

Sincerely,

Civil Rights Department



Civil Rights Department

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August 7, 2025

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202508-30658207

Right to Sue: Murray / Tesla, Inc.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) 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. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Reproductive Loss Leave, or Bereavement Leave (Government Code sections 12945.2, 12945.6, or 12945.7) has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

Civil Rights Department

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August 7, 2025

Ozell Murray
 5120 Goldleaf Circle, Suite 425
 Los Angeles, CA 90056

RE: **Notice of Case Closure and Right to Sue**
 CRD Matter Number: 202508-30658207
 Right to Sue: Murray / Tesla, Inc.

Dear Ozell Murray:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective August 7, 2025 because an immediate Right to Sue notice was requested.

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.

This matter may qualify for CRD's Small Employer Family Leave Mediation Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Reproductive Loss Leave, or Bereavement Leave (Government Code sections 12945.2, 12945.6, or 12945.7) has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



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

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Ozell Murray

CRD No. 202508-30658207

Complainant,

vs.

Tesla, Inc.
1 Tesla Road
Austin, TX 78725

Respondents

1. Respondent **Tesla, Inc.** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant **Ozell Murray**, resides in the City of **Los Angeles**, State of **CA**.

3. Complainant alleges that on or about **September 12, 2024**, respondent took the following adverse actions:

Complainant was harassed because of complainant's color, association with a member of a protected class, disability (physical, intellectual/developmental, mental health/psychiatric), race (includes hairstyle and hair texture).

Complainant was discriminated against because of complainant's color, medical condition (cancer or genetic characteristic), other, association with a member of a protected class, disability (physical, intellectual/developmental, mental health/psychiatric), race (includes hairstyle and hair texture) and as a result of the discrimination was terminated, laid off, forced to quit, denied hire or promotion, reprimanded, suspended, demoted, other, denied work opportunities or assignments, denied or forced to transfer, denied accommodation for a disability, denied family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies, given additional work responsibilities or assignments.

Complainant experienced retaliation because complainant reported or resisted any form of discrimination or harassment, requested or used a disability-related accommodation, participated as a witness in a discrimination or harassment complaint, requested or used family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies, requested or used leave to obtain victim of violence-related services, requested or used safety-related accommodation for a victim of violence and as a result was terminated, laid off, forced to quit, denied hire or promotion, reprimanded, suspended, demoted, other, denied work opportunities or assignments, denied or forced to transfer, denied accommodation for a disability, denied leave to obtain victim of violence-related services, given additional work responsibilities or assignments.

Additional Complaint Details: Complainant Ozell Murray ("Complainant") was subjected to unlawful harassment, discrimination, and retaliation in violation of the Fair Employment and Housing Act (FEHA) on account of Complainant's: perceived race; perceived sexuality; perceived disability; complaints of discriminatory conduct by other employees; and complaints of potential violations of local, state, and federal law.

Complainant was employed by Tesla, Inc., a Delaware corporation doing business in California as "Tesla Motors, Inc." (hereinafter, "Tesla," "Defendant," or the "Company"). Complainant worked as a Human Resources ("HR") professional for the auto production unit of Tesla at its facility in Fremont, California. Complainant began working for Tesla on or about September 1, 2018, and was actually and constructively terminated on or about September 12, 2024.

The proffered basis for Complainant's termination was pretextual. The decision to terminate Complainant, as validated by Tesla's executive staff and managing agents was not truly the result of intentionally-nondescript "performance issues," but was instead rooted in retaliatory and discriminatory animus as a direct consequence of Complainant's objections about Tesla's efforts to minimize and artificially recharacterize the alleged instances of racism and retaliation that HR professionals were responsible for investigating in light of pending litigation against Tesla and the likelihood of exacerbating the company's exposure with newly-validated incidents.

In or about November 2022, an operations manager had a rabid and irrational desire to fire an employee because she had taken a statutorily-protected medical leave. An HR official named Karen Draper refused the operations managers' repeated requests to terminate the employee for taking medical leave since, of course, that would have constituted illegal disability-based retaliation. But yet, Draper was fired for "poor performance."

In or about October 2023, a manufacturing employee made an angry comment to a Black employee, asking him, "Do you want to hang by a tree?"—plainly threatening to lynch him as were tens of thousands of Black men and women during and after slavery. An HR official, named Adam Chow, investigated the Black employee's complaint, the investigation confirmed that the comment was indeed intended to be physically threatening and racially

1 derogatory, and, so, Chow recommended that the manufacturing employee be terminated.
2 But yet, Chow was chastised and given a poor rating on his performance evaluation. He
3 was then threatened with agreeing to either a “Performance Improvement Plan” with
4 benchmarks that were intentionally unachievable or to a severance package with strict legal
5 recourse waivers and nondisclosure language. Either way, the message was clear: Tesla
6 wanted him gone. So, Chow had no choice but to resign to avoid that stain on his job
7 record.

8 In or about November 2023, Chow’s direct supervisor, Linda Peloquin, spoke up in
9 defense of his performance. She had supervised his “hang by a tree” investigation and
10 endorsed his termination recommendation. But yet, Peloquin, too, was then terminated for
11 poor performance. Her termination came after Peloquin’s Tesla HR higher-ups told her that
12 the number of validated race-based complaints at Fremont was too high and that they as
13 HR managers needed to somehow reduce those numbers—particularly in light of all the
14 pending litigation.

15 In or about December 2023, following those alarming and clearly retaliatory
16 terminations, two HR professionals—Tiara Paulino and Sharnique Martin—drafted and sent
17 an email to high-level operations officials at the Fremont facility explaining, among other
18 things, their fear of retaliation for investigating and validating employees’ workplace
19 complaints. They, too, were fired just weeks later as reprisal.

20 In or about January 2022, the Fremont facility’s Senior Manager of Physical Security
21 Operations, Ozell Murray, was outspoken with his direct supervisor about what Murray
22 perceived to be racially insensitive and insulting direction with respect to new Black would-
23 be hires in the Security Department. The use of the “N-word” was prevalent throughout the
24 Fremont facility. A few months prior, one of Murray’s direct-reports, a female security officer
25 who was also a former police officer, was victimized when a Tesla employee called her a
26 nigger. Murray’s colleague was so distressed by the incident and the impunity with which
27 the word was used toward her and around the Fremont facility that she had to take a
28 medical leave from work to recover from the trauma. Yet, instead of offering
encouragement, Murray’s supervisor, counseled him that Murray should be informing all
new Black security personnel that the use of the “N-word” was simply engrained in the
culture at Tesla and, so, Murray should only be bringing aboard those that were willing to
accept and acquiesce to the prevalence of that word in the workplace.

29 In or about June 2023, a HR professional named Gregory Vass was unilaterally
30 placed by the overall Fremont HR manager into a “Pride Group.” Vass had not asked to be
31 placed in this group, nor was he aware of any other HR professionals being asked if they
32 wanted to support whatever the mission of the Pride Group was. The HR manager advised
33 Vass that one of the group’s initial projects was to create a slide deck with facts about the
34 LGBTQ community that would be played in the cafeteria to help raise awareness and
35 educate employees.

36 Vass was profoundly uncomfortable with being unilaterally placed in the Pride Goup
37 since it appeared to him that he was singled out to be a part of the group and execute its

1 mission because of his sexuality. Vass expressed those concerns to his coworkers at the
2 time.

3 In or about October 2023, Vass voiced his concerns and complaints to the
4 designated HR-for-HR Manager that physically sat in Tesla's Texas headquarters. Yet she,
5 in turn, shared Vass' complaints directly with the Fremont HR manager about whom Vass
6 was complaining. Vass was then terminated five months later as a direct result of that
7 retaliatory animus.

8 In response to Complainant's protected activities, Tesla retaliated against
9 Complainant, including, but not limited to: harassing and hassling Complainant both during
10 and outside of normal work hours; unreasonably and unjustifiably increasing Complainant's
11 workload; unreasonably and unjustifiably criticizing the speed with which Complainant was
12 completing assignments; unreasonably and unjustifiably criticizing the quality of
13 Complainant's work product and general job execution; questioning and criticizing
14 Complainant for taking sick and disability leave; forcing Complainant to take medical and/or
15 administrative leave; offering and/or placing Complainant onto a sham, last-chance
16 Performance Improvement Plan; and, terminating Complainant's employment.

17 Complainant's Tesla managers, as well as their agents and subordinates, did not
18 treat non-complaining, non-objecting, non-outspoken, non-Black, non-Asian, non-female-
19 identifying, non-disabled, non-LGBTQ-identifying employees in the same manner in which
20 Complainant was treated; they were treated more favorably. Thus, Complainant's Tesla
21 managers, as well as their agents and subordinates, personally singled Complainant out for
22 disparate treatment, harassment, retaliation, and with regard to the terms, conditions, and
23 privileges of Complainant's employment, ultimately culminating in wrongful termination,
24 because of Complainant's protected activities and characteristics.

1 VERIFICATION

2 I, **Terrence Jones**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based on
4 information and belief, which I believe to be true. The matters alleged are based on
information and belief, which I believe to be true.

5 On August 7, 2025, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

7 **Los Angeles, CA**

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS (b) County of Residence of First Listed Plaintiff <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i> (c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i>	DEFENDANTS County of Residence of First Listed Defendant <i>(IN U.S. PLAINTIFF CASES ONLY)</i> NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys <i>(If Known)</i>
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II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i> 1 U.S. Government Plaintiff 3 Federal Question <i>(U.S. Government Not a Party)</i> 2 U.S. Government Defendant 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i>	III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i> <table><tr><td></td><td>PTF</td><td>DEF</td><td></td><td>PTF</td><td>DEF</td></tr><tr><td>Citizen of This State</td><td>1</td><td>1</td><td>Incorporated or Principal Place of Business In This State</td><td>4</td><td>4</td></tr><tr><td>Citizen of Another State</td><td>2</td><td>2</td><td>Incorporated and Principal Place of Business In Another State</td><td>5</td><td>5</td></tr><tr><td>Citizen or Subject of a Foreign Country</td><td>3</td><td>3</td><td>Foreign Nation</td><td>6</td><td>6</td></tr></table>		PTF	DEF		PTF	DEF	Citizen of This State	1	1	Incorporated or Principal Place of Business In This State	4	4	Citizen of Another State	2	2	Incorporated and Principal Place of Business In Another State	5	5	Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6
	PTF	DEF		PTF	DEF																				
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Citizen or Subject of a Foreign Country	3	3	Foreign Nation	6	6																				

IV. NATURE OF SUIT <i>(Place an "X" in One Box Only)</i>					
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument 150 Recovery of Overpayment Of Veteran's Benefits 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excludes Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury -Medical Malpractice CIVIL RIGHTS 440 Other Civil Rights 441 Voting 442 Employment 443 Housing/ Accommodations 445 Amer. w/Disabilities-- Employment 446 Amer. w/Disabilities--Other 448 Education	PERSONAL INJURY 365 Personal Injury -- Product Liability 367 Health Care/ Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability PRISONER PETITIONS HABEAS CORPUS 463 Alien Detainee 510 Motions to Vacate Sentence 530 General 535 Death Penalty OTHER 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 560 Civil Detainee-- Conditions of Confinement	625 Drug Related Seizure of Property 21 USC § 881 690 Other LABOR 710 Fair Labor Standards Act 720 Labor/Management Relations 740 Railway Labor Act 751 Family and Medical Leave Act 790 Other Labor Litigation 791 Employee Retirement Income Security Act IMMIGRATION 462 Naturalization Application 465 Other Immigration Actions	422 Appeal 28 USC § 158 423 Withdrawal 28 USC § 157 PROPERTY RIGHTS 820 Copyrights 830 Patent 835 Patent--Abbreviated New Drug Application 840 Trademark 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY 861 HIA (1395ff) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) FEDERAL TAX SUITS 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS--Third Party 26 USC § 7609	375 False Claims Act 376 Qui Tam (31 USC § 3729(a)) 400 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced & Corrupt Organizations 480 Consumer Credit 485 Telephone Consumer Protection Act 490 Cable/Sat TV 850 Securities/Commodities/ Exchange 890 Other Statutory Actions 891 Agricultural Acts 893 Environmental Matters 895 Freedom of Information Act 896 Arbitration 899 Administrative Procedure Act/Review or Appeal of Agency Decision 950 Constitutionality of State Statutes

V. ORIGIN <i>(Place an "X" in One Box Only)</i>							
1 Original Proceeding	2 Removed from State Court	3 Remanded from Appellate Court	4 Reinstated or Reopened	5 Transferred from Another District <i>(specify)</i>	6 Multidistrict Litigation--Transfer	8 Multidistrict Litigation--Direct File	

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing <i>(Do not cite jurisdictional statutes unless diversity):</i> Brief description of cause:
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VII. REQUESTED IN COMPLAINT:	CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: Yes No
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VIII. RELATED CASE(S), IF ANY <i>(See instructions):</i>	JUDGE	DOCKET NUMBER
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IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2) <i>(Place an "X" in One Box Only)</i>	SAN FRANCISCO/OAKLAND	SAN JOSE	EUREKA-MCKINLEYVILLE
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INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
- c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 - (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
 - (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”

Date and Attorney Signature. Date and sign the civil cover sheet.