

Carl E. Douglas (Cal. Bar No. 97011)  
*Carl@DouglasHicksLaw.com*  
Jamon R. Hicks (Cal. Bar No. 232747)  
*Jamon@DouglasHicksLaw.com*  
Terrence M. Jones (Cal. Bar No. 256603)  
*Terrence@DouglasHicksLaw.com*  
DOUGLAS / HICKS LAW APC  
5120 Goldleaf Circle, Suite 425  
Los Angeles, California 90056  
(323) 655-6505 | [www.DouglasHicksLaw.com](http://www.DouglasHicksLaw.com)

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

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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

Plaintiff,

V.

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

## Defendants.

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

10

11 **I.**

12

**NATURE OF THE CASE**

13

**A. Tesla is a Racist and Toxic Place to Work**

14

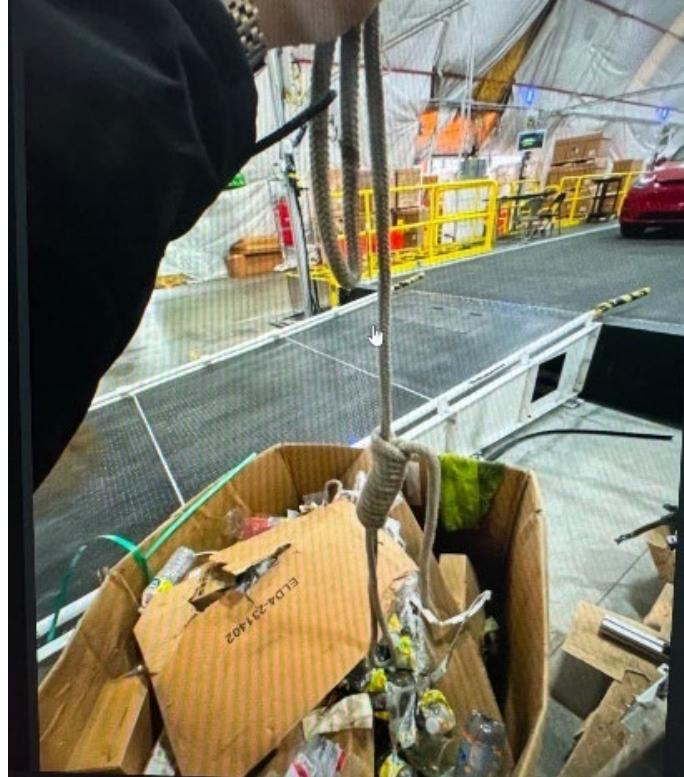
1. By all accounts, Tesla is a racist and toxic place to work—particularly at its facilities in Fremont, California. Many who have worked there have likened the workplace to the Jim Crow South; an environment in which Black employees and brown-skinned workers are besieged with constant racial abuse,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

20

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:

27

28



(See Exhibit A, hereto.)

3. The racist and toxic culture at Tesla 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.

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

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

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

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

28         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 we 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.

29  
 30 (See Exhibit B, hereto.)

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

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  
 28 photo opportunities, but to take a hands-on approach to managing, directing, and  
 29 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  
 and reply as appropriate. Thank you.

25 **2/22/22 – Previous Meeting Task Updates**

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

27 **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.

28 (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      12      13      14      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.

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

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

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

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

III.

## PARTIES & RELEVANT NON-PARTIES

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

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

55. Plaintiff Tiara Paulino is an individual who, at all times material to the allegations of this Complaint, was domiciled in California, living here with the 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,  
                   HR-for-HR Manager
- 13           • Ray Sethna, Physical Security Director

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

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

25

26

27

28

IV.

## FACTUAL ALLEGATIONS

71. Plaintiff incorporates by reference each and every of the foregoing 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.

## A. Karen Draper

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

73. In Draper’s situation, an operations manager had a rabid and irrational desire to fire an employee because she had taken a statutorily-protected medical leave. 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. Draper complained to Burgers that the manager’s conduct already constituted illegal retaliation and would likely to subject Tesla to liability. This unfolded in December 2022—after State and Federal regulators had filed civil rights suits against Tesla. Understanding that reality, Burgers turned her ire on Draper rather than the manager. Burgers then opened a misconduct investigation into Draper’s behavior rather than the manager’s retaliatory misconduct. Draper was fired two months later for “poor performance.”

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

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 hang 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  
       fentanyl;
- 12       • pulled employees off the manufacturing line and sent them home  
       for being alcohol-intoxicated and high on drugs;
- 13       • confiscated guns discovered on the premises; and
- 14       • responded to and investigated sexual assaults on employee shuttle  
       buses.

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

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

## V. CAUSES OF ACTION

## First Cause of Action

## Retaliation

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

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

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.

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

12        226. Plaintiff is also entitled to an award of attorneys' and experts' fees  
13 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)**

19       227. 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        228. Section 12940, subsections (a), (h), and (j), of the California  
24 Government Code make it unlawful for an employer to discriminate against and  
25 harass an employee because of “physical disability, mental disability, medical  
26 condition,” or on account of the employee’s other protected immutable  
27 characteristics. Section 12940(h) of the California Government Code makes it  
28 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.

27  
28

## **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);

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

5

6 **On the Third Cause of Action for Disability Discrimination (Cal. Gov. Code**

7 **§ 12940(a),(h)):**

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

18

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

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

1       7. For such other relief as the Court deems just and proper.  
2

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

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

15  
16  
17  
18       Dated: August 7, 2025

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

21       \_\_\_\_\_  
22       /s/ Terrence M. Jones   
23  
24

25  
26  
27  
28       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



Draper

Musk



# Exhibit D

---

**From:** Karen Draper <kadrapr@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)

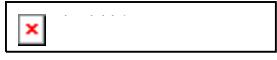
4. All Fremont direct-support, people relations teams reporting to leaders in other locations i.e., Training/Onboarding/ADA etc.

## I Appreciate You!

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

45500 Fremont Blvd | Fremont, CA 94538

E. [kadraper@tesla.com](mailto:kadraper@tesla.com)



**From:** Karen Draper <kadrapr@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. [kadrapr@tesla.com](mailto:kadrapr@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 to 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 nature 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

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**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

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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](mailto: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](mailto:graham.helm@ogletree.com)  
Email: [danielle.ochs@ogletree.com](mailto: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](mailto: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](mailto: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

*Lynn O. Taylor*

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

# Exhibit F



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

**Civil Rights Department**

651 Bannon 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](http://calcivilrights.ca.gov) | [contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov)

KEVIN KISH, DIRECTOR

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

651 Bannon 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](http://calcivilrights.ca.gov) | [contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov)

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](mailto: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

651 Bannon Street, Suite 200 | Sacramento | CA | 95811  
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711  
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KEVIN KISH, DIRECTOR



## Civil Rights Department

651 Bannon Street, Suite 200 | Sacramento | CA | 95811  
 1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711  
[calccivilrights.ca.gov](http://calccivilrights.ca.gov) | [contact.center@calccivilrights.ca.gov](mailto:contact.center@calccivilrights.ca.gov)

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@calccivilrights.ca.gov](mailto:DRDOnlinerequests@calccivilrights.ca.gov) and include the CRD matter number indicated on the Right to Sue notice.



## Civil Rights Department

651 Bannon 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](http://calcivilrights.ca.gov) | [contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov)

KEVIN KISH, DIRECTOR

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.

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, reprimanded, suspended, demoted, other, denied work  
 5 opportunities or assignments, denied accommodation for a disability, given additional work  
 6 responsibilities or assignments.

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

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

19 The proffered basis for Complainant’s termination was pretextual. The decision to  
 20 terminate Complainant, as validated by Tesla’s executive staff and managing agents was  
 21 not truly the result of intentionally-nondescript “performance issues,” but was instead rooted  
 22 in retaliatory and discriminatory animus as a direct consequence of Complainant’s  
 23 objections about Tesla’s efforts to minimize and artificially recharacterize the alleged  
 24 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.

25 In or about November 2022, an operations manager had a rabid and irrational desire  
 26 to fire an employee because she had taken a statutorily-protected medical leave. An HR  
 27 official named Karen Draper refused the operations managers’ repeated requests to  
 28 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.”

29 In or about October 2023, a manufacturing employee made an angry comment to a  
 30 Black employee, asking him, “Do you want to hang by a tree?”—plainly threatening to lynch  
 31 him as were tens of thousands of Black men and women during and after slavery. An HR  
 32 official, named Adam Chow, investigated the Black employee’s complaint, the investigation  
 33 confirmed that the comment was indeed intended to be physically threatening and racially  
 34 derogatory, and, so, Chow recommended that the manufacturing employee be terminated.  
 35 But yet, Chow was chastised and given a poor rating on his performance evaluation. He  
 36 was then threatened with agreeing to either a “Performance Improvement Plan” with  
 37 benchmarks that were intentionally unachievable or to a severance package with strict legal  
 38 recourse waivers and nondisclosure language. Either way, the message was clear: Tesla  
 39 wanted him gone. So, Chow had no choice but to resign to avoid that stain on his job  
 40 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  
 1 Vass that one of the group's initial projects was to create a slide deck with facts about the  
 2 LGBTQ community that would be played in the cafeteria to help raise awareness and  
 3 educate employees.

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

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

13       In response to Complainant's protected activities, Tesla retaliated against  
 14 Complainant, including, but not limited to: harassing and hassling Complainant both during  
 15 and outside of normal work hours; unreasonably and unjustifiably increasing Complainant's  
 16 workload; unreasonably and unjustifiably criticizing the speed with which Complainant was  
 17 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  
4 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**

26 -5-

27 *Complaint – CRD No. 202508-30657407*

28 Date Filed: August 7, 2025



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

**Civil Rights Department**

651 Bannon 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](http://calcivilrights.ca.gov) | [contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov)

KEVIN KISH, DIRECTOR

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](mailto: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

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KEVIN KISH, DIRECTOR



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[calccivilrights.ca.gov](http://calccivilrights.ca.gov) | [contact.center@calccivilrights.ca.gov](mailto:contact.center@calccivilrights.ca.gov)

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@calccivilrights.ca.gov](mailto:DRDOnlinerequests@calccivilrights.ca.gov) and include the CRD matter number indicated on the Right to Sue notice.



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KEVIN KISH, DIRECTOR

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**

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                   **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,  
 demoted, other, denied work opportunities or assignments, denied or forced to transfer,  
 denied accommodation for a disability, given additional work responsibilities or assignments.

5  
 6                   **Additional Complaint Details:** Complainant Adam Chow (“Complainant”) was subjected to  
 7 unlawful harassment, discrimination, and retaliation in violation of the Fair Employment and  
 8 Housing Act (FEHA) on account of Complainant’s: perceived race; perceived sexuality;  
 perceived disability; complaints of discriminatory conduct by other employees; and  
 9 complaints of potential violations of local, state, and federal law.

10                  Complainant was employed by Tesla, Inc., a Delaware corporation doing business in  
 California as “Tesla Motors, Inc.” (hereinafter, “Tesla,” “Defendant,” or the “Company”).  
 11 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 1, 2022, and was actually and constructively terminated on or about March 11,  
 12 2024.

13                  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  
 14 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  
 15 objections about Tesla’s efforts to minimize and artificially recharacterize the alleged  
 instances of racism and retaliation that HR professionals were responsible for investigating  
 16 in light of pending litigation against Tesla and the likelihood of exacerbating the company’s  
 exposure with newly-validated incidents.

17                  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  
 18 official named Karen Draper refused the operations managers’ repeated requests to  
 terminate the employee for taking medical leave since, of course, that would have  
 19 constituted illegal disability-based retaliation. But yet, Draper was fired for “poor  
 20 performance.”

21                  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  
 22 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  
 23 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  
 24 was then threatened with agreeing to either a “Performance Improvement Plan” with  
 25

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  
 record.

4 In or about November 2023, Chow's direct supervisor, Linda Peloquin, spoke up in  
 5 defense of his performance. She had supervised his "hang by a tree" investigation and  
 6 endorsed his termination recommendation. But yet, Peloquin, too, was then terminated for  
 7 poor performance. Her termination came after Peloquin's Tesla HR higher-ups told her that  
 the number of validated race-based complaints at Fremont was too high and that they as  
 HR managers needed to somehow reduce those numbers—particularly in light of all the  
 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  
 things, their fear of retaliation for investigating and validating employees' workplace  
 complaints. They, too, were fired just weeks later as reprisal.

11 In or about January 2022, the Fremont facility's Senior Manager of Physical Security  
 12 Operations, Ozell Murray, was outspoken with his direct supervisor about what Murray  
 13 perceived to be racially insensitive and insulting direction with respect to new Black would-  
 be hires in the Security Department. The use of the "N-word" was prevalent throughout the  
 14 Fremont facility. A few months prior, one of Murray's direct-reports, a female security officer  
 15 who was also a former police officer, was victimized when a Tesla employee called her a  
 16 nigger. Murray's colleague was so distressed by the incident and the impunity with which  
 17 the word was used toward her and around the Fremont facility that she had to take a  
 18 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.

19 In or about June 2023, a HR professional named Gregory Vass was unilaterally  
 20 placed by the overall Fremont HR manager into a "Pride Group." Vass had not asked to be  
 21 placed in this group, nor was he aware of any other HR professionals being asked if they  
 22 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.

23 Vass was profoundly uncomfortable with being unilaterally placed in the Pride Goup  
 24 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  
 4 was complaining. Vass was then terminated five months later as a direct result of that  
 5 retaliatory animus.

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

14       Complainant's Tesla managers, as well as their agents and subordinates, did not  
 15 treat non-complaining, non-objecting, non-outspoken, non-Black, non-Asian, non-female-  
 16 identifying, non-disabled, non-LGBTQ-identifying employees in the same manner in which  
 17 Complainant was treated; they were treated more favorably. Thus, Complainant's Tesla  
 18 managers, as well as their agents and subordinates, personally singled Complainant out for  
 19 disparate treatment, harassment, retaliation, and with regard to the terms, conditions, and  
 20 privileges of Complainant's employment, ultimately culminating in wrongful termination,  
 21 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  
4 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**

26 -5-

27 *Complaint – CRD No. 202508-30657607*

28 Date Filed: August 7, 2025



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

## Civil Rights Department

651 Bannon 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](http://calcivilrights.ca.gov) | [contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov)

KEVIN KISH, DIRECTOR

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



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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](mailto: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

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KEVIN KISH, DIRECTOR



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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@calccivilrights.ca.gov](mailto:DRDOnlinerequests@calccivilrights.ca.gov) and include the CRD matter number indicated on the Right to Sue notice.



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KEVIN KISH, DIRECTOR

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                   **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,  
 denied or forced to transfer, denied accommodation for a disability, given additional work  
 responsibilities or assignments.

5  
 6                   **Additional Complaint Details:** Complainant Tiara Paulino (“Complainant”) was subjected  
 7 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;  
 8 perceived disability; complaints of discriminatory conduct by other employees; and  
 complaints of potential violations of local, state, and federal law.

9                   Complainant was employed by Tesla, Inc., a Delaware corporation doing business in  
 California as “Tesla Motors, Inc.” (hereinafter, “Tesla,” “Defendant,” or the “Company”).  
 10 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  
 11 about June 27, 2022, and was actually and constructively terminated on or about February  
 23, 2024.

12                   The proffered basis for Complainant’s termination was pretextual. The decision to  
 13 terminate Complainant, as validated by Tesla’s executive staff and managing agents was  
 14 not truly the result of intentionally-nondescript “performance issues,” but was instead rooted  
 15 in retaliatory and discriminatory animus as a direct consequence of Complainant’s  
 16 objections about Tesla’s efforts to minimize and artificially recharacterize the alleged  
 17 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  
 18 exposure with newly-validated incidents.

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

25                   In or about October 2023, a manufacturing employee made an angry comment to a  
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14       Complainant's Tesla managers, as well as their agents and subordinates, did not  
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17 Complainant was treated; they were treated more favorably. Thus, Complainant's Tesla  
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19 disparate treatment, harassment, retaliation, and with regard to the terms, conditions, and  
20 privileges of Complainant's employment, ultimately culminating in wrongful termination,  
21 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  
4 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**

26 -5-

27 *Complaint – CRD No. 202508-30657707*

28 Date Filed: August 7, 2025



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

**Civil Rights Department**

651 Bannon 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](http://calcivilrights.ca.gov) | [contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov)

KEVIN KISH, DIRECTOR

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



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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](mailto: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

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KEVIN KISH, DIRECTOR



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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@calccivilrights.ca.gov](mailto:DRDOnlinerequests@calccivilrights.ca.gov) and include the CRD matter number indicated on the Right to Sue notice.



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KEVIN KISH, DIRECTOR

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,  
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 6 responsibilities or assignments.

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

13  
 14 Complainant was employed by Tesla, Inc., a Delaware corporation doing business in  
 15 California as “Tesla Motors, Inc.” (hereinafter, “Tesla,” “Defendant,” or the “Company”).  
 16 Complainant worked as a Human Resources (“HR”) professional for the auto production unit  
 17 of Tesla at its facility in Fremont, California. Complainant began working for Tesla on or  
 18 about June 13, 2022, and was actually and constructively terminated on or about February  
 19 16, 2024.

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

29  
 30 In or about November 2022, an operations manager had a rabid and irrational desire  
 31 to fire an employee because she had taken a statutorily-protected medical leave. An HR  
 32 official named Karen Draper refused the operations managers’ repeated requests to  
 33 terminate the employee for taking medical leave since, of course, that would have  
 34 constituted illegal disability-based retaliation. But yet, Draper was fired for “poor  
 35 performance.”

36  
 37 In or about October 2023, a manufacturing employee made an angry comment to a  
 38 Black employee, asking him, “Do you want to hang by a tree?”—plainly threatening to lynch  
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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**

26 -5-

27 *Complaint – CRD No. 202508-30657807*

28 Date Filed: August 7, 2025



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

## Civil Rights Department

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KEVIN KISH, DIRECTOR

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.

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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

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KEVIN KISH, DIRECTOR



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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:

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KEVIN KISH, DIRECTOR

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 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  
 4 responsibilities or assignments.

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

10 Complainant was employed by Tesla, Inc., a Delaware corporation doing business in  
 11 California as “Tesla Motors, Inc.” (hereinafter, “Tesla,” “Defendant,” or the “Company”).  
 12 Complainant worked as a Human Resources (“HR”) professional for the auto production unit  
 13 of Tesla at its facility in Fremont, California. Complainant began working for Tesla on or  
 14 about June 1, 2022, and was actually and constructively terminated on or about March 22,  
 15 2024.

16 The proffered basis for Complainant’s termination was pretextual. The decision to  
 17 terminate Complainant, as validated by Tesla’s executive staff and managing agents was  
 18 not truly the result of intentionally-nondescript “performance issues,” but was instead rooted  
 19 in retaliatory and discriminatory animus as a direct consequence of Complainant’s  
 20 objections about Tesla’s efforts to minimize and artificially recharacterize the alleged  
 21 instances of racism and retaliation that HR professionals were responsible for investigating  
 22 in light of pending litigation against Tesla and the likelihood of exacerbating the company’s  
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24 In or about November 2022, an operations manager had a rabid and irrational desire  
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 26 official named Karen Draper refused the operations managers’ repeated requests to  
 27 terminate the employee for taking medical leave since, of course, that would have  
 28 constituted illegal disability-based retaliation. But yet, Draper was fired for “poor  
 performance.”

29 In or about October 2023, a manufacturing employee made an angry comment to a  
 30 Black employee, asking him, “Do you want to hang by a tree?”—plainly threatening to lynch  
 31 him as were tens of thousands of Black men and women during and after slavery. An HR  
 32 official, named Adam Chow, investigated the Black employee’s complaint, the investigation  
 33 confirmed that the comment was indeed intended to be physically threatening and racially  
 34 derogatory, and, so, Chow recommended that the manufacturing employee be terminated.  
 35 But yet, Chow was chastised and given a poor rating on his performance evaluation. He  
 36 was then threatened with agreeing to either a “Performance Improvement Plan” with  
 37 benchmarks that were intentionally unachievable or to a severance package with strict legal  
 38 recourse waivers and nondisclosure language. Either way, the message was clear: Tesla

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  
 7 the number of validated race-based complaints at Fremont was too high and that they as  
 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  
 14 complaints. They, too, were fired just weeks later as reprisal.

15      In or about January 2022, the Fremont facility's Senior Manager of Physical Security  
 16 Operations, Ozell Murray, was outspoken with his direct supervisor about what Murray  
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 18 be hires in the Security Department. The use of the "N-word" was prevalent throughout the  
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 20 who was also a former police officer, was victimized when a Tesla employee called her a  
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 22 the word was used toward her and around the Fremont facility that she had to take a  
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 24 encouragement, Murray's supervisor, counseled him that Murray should be informing all  
 25 new Black security personnel that the use of the "N-word" was simply engrained in the  
 26 culture at Tesla and, so, Murray should only be bringing aboard those that were willing to  
 27 accept and acquiesce to the prevalence of that word in the workplace.

28      In or about June 2023, a HR professional named Gregory Vass was unilaterally  
 1 placed by the overall Fremont HR manager into a "Pride Group." Vass had not asked to be  
 2 placed in this group, nor was he aware of any other HR professionals being asked if they  
 3 wanted to support whatever the mission of the Pride Group was. The HR manager advised  
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 9 mission because of his sexuality. Vass expressed those concerns to his coworkers at the  
 10 time.

11      In or about October 2023, Vass voiced his concerns and complaints to the  
 12 designated HR-for-HR Manager that physically sat in Tesla's Texas headquarters. Yet she,

1 in turn, shared Vass' complaints directly with the Fremont HR manager about whom Vass  
2 was complaining. Vass was then terminated five months later as a direct result of that  
retaliatory animus.

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

12 Complainant's Tesla managers, as well as their agents and subordinates, did not  
13 treat non-complaining, non-objecting, non-outspoken, non-Black, non-Asian, non-female-  
14 identifying, non-disabled, non-LGBTQ-identifying employees in the same manner in which  
15 Complainant was treated; they were treated more favorably. Thus, Complainant's Tesla  
16 managers, as well as their agents and subordinates, personally singled Complainant out for  
17 disparate treatment, harassment, retaliation, and with regard to the terms, conditions, and  
18 privileges of Complainant's employment, ultimately culminating in wrongful termination,  
19 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  
4 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**



STATE OF CALIFORNIA | Business, Consumer Services and Housing Agency

GAVIN NEWSOM, GOVERNOR

## Civil Rights Department

651 Bannon 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](http://calcivilrights.ca.gov) | [contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov)

KEVIN KISH, DIRECTOR

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

651 Bannon Street, Suite 200 | Sacramento | CA | 95811  
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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](mailto: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

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KEVIN KISH, DIRECTOR



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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@calccivilrights.ca.gov](mailto:DRDOnlinerequests@calccivilrights.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  
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## **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.

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, requested or used  
 4 family care and medical leave (cfra) related to serious health condition of employee or family  
 5 member, child bonding, or military exigencies, requested or used leave to obtain victim of  
 6 violence-related services, requested or used safety-related accommodation for a victim of  
 7 violence and as a result was terminated, laid off, forced to quit, denied hire or promotion,  
 8 reprimanded, suspended, demoted, other, denied work opportunities or assignments,  
 9 denied or forced to transfer, denied accommodation for a disability, denied leave to obtain  
 10 victim of violence-related services, given additional work responsibilities or assignments.

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

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

22 The proffered basis for Complainant’s termination was pretextual. The decision to  
 23 terminate Complainant, as validated by Tesla’s executive staff and managing agents was  
 24 not truly the result of intentionally-nondescript “performance issues,” but was instead rooted  
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29 In or about November 2022, an operations manager had a rabid and irrational desire  
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35 In or about October 2023, a manufacturing employee made an angry comment to a  
 36 Black employee, asking him, “Do you want to hang by a tree?”—plainly threatening to lynch  
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 38 official, named Adam Chow, investigated the Black employee’s complaint, the investigation  
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 40 discriminatory.

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  
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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  
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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  
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20       In or about January 2022, the Fremont facility’s Senior Manager of Physical Security  
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20       In or about June 2023, a HR professional named Gregory Vass was unilaterally  
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22 privileges of Complainant's employment, ultimately culminating in wrongful termination,  
23 because of Complainant's protected activities and characteristics.

24

25

26

27

28

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  
4 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 COVER SHEET**

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  
(EXCEPT IN U.S. PLAINTIFF CASES)

**(c)** Attorneys (Firm Name, Address, and Telephone Number)

**DEFENDANTS**

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

1 U.S. Government Plaintiff	3 Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant	4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

PTF	DEF	PTF	DEF
Citizen of This State	1	1	Incorporated or Principal Place of Business In This State
Citizen of Another State	2	2	Incorporated and Principal Place of Business In Another State
Citizen or Subject of a Foreign Country	3	3	Foreign Nation

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	625 Drug Related Seizure of Property 21 USC § 881	375 False Claims Act
120 Marine	310 Airplane	365 Personal Injury – Product Liability	422 Appeal 28 USC § 158	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability	367 Health Care/Pharmaceutical Personal Injury Product Liability	423 Withdrawal 28 USC § 157	400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	330 Federal Employers' Liability		410 Antitrust
150 Recovery of Overpayment Of Veteran's Benefits	340 Marine	345 Marine Product Liability		430 Banks and Banking
151 Medicare Act	350 Motor Vehicle	355 Motor Vehicle Product Liability		450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	360 Other Personal Injury	368 Asbestos Personal Injury Product Liability		460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	362 Personal Injury -Medical Malpractice	370 Other Fraud		470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits		371 Truth in Lending		480 Consumer Credit
190 Other Contract		380 Other Personal Property Damage		485 Telephone Consumer Protection Act
195 Contract Product Liability		385 Property Damage Product Liability		490 Cable/Sat TV
196 Franchise	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	861 HIA (1395ff)	850 Securities/Commodities/ Exchange
<b>REAL PROPERTY</b>	440 Other Civil Rights	<b>HABEAS CORPUS</b>	862 Black Lung (923)	890 Other Statutory Actions
210 Land Condemnation	441 Voting	463 Alien Detainee	863 DIWC/DIWW (405(g))	891 Agricultural Acts
220 Foreclosure	442 Employment	510 Motions to Vacate Sentence	864 SSID Title XVI	893 Environmental Matters
230 Rent Lease & Ejectment	443 Housing/ Accommodations	530 General	865 RSI (405(g))	895 Freedom of Information Act
240 Torts to Land	445 Amer. w/Disabilities– Employment	535 Death Penalty	<b>FEDERAL TAX SUITS</b>	896 Arbitration
245 Tort Product Liability	446 Amer. w/Disabilities–Other	<b>OTHER</b>	870 Taxes (U.S. Plaintiff or Defendant)	899 Administrative Procedure Act/Review or Appeal of Agency Decision
290 All Other Real Property	448 Education	540 Mandamus & Other	871 IRS–Third Party 26 USC § 7609	950 Constitutionality of State Statutes
		550 Civil Rights		
		555 Prison Condition		
		560 Civil Detainee– Conditions of Confinement		

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding	2 Removed from State Court	3 Remanded from Appellate Court	4 Reinstated or Reopened	5 Transferred from Another District (specify)	6 Multidistrict Litigation–Transfer	8 Multidistrict Litigation–Direct File
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**VI. CAUSE OF ACTION** Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

**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**VIII. RELATED CASE(S), IF ANY** (See instructions): JUDGE DOCKET NUMBER**IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)**  
(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE

SIGNATURE OF ATTORNEY OF RECORD

## 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.