1 . 2 . 3 . 4 . 5 . 6 . 7 . 8 . 9 . 10 . 11 . 12		CONFORMED FILED Los Angeles Superior Court AUG 20 2013 John A. Clarke, Recutive Officer/Clerk By SHAUNYAWESLEY THE STATE OF CALIFORNIA TY OF LOS ANGELES
12 13 14 15 16 17 18 19	ALMA MARTINEZ, Plaintiff, vs. POMONA COLLEGE, and DOES 1 to 20, inclusive, Defendants.	Case NoBC518863 COMPLAINT FOR NATIONAL ORIGIN DISCRIMINATION, GENDER DISCRIMINATION, AND WRONGFUL TERMINATION DEMAND FOR JURY TRIAL Judge: Dept:
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PLAINTIFF Alma Martinez, Ph.D. ("Professor Martinez" or "Plaintiff") alleges as follows:

INTRODUCTION

1. This action seeks remedies for unlawful discrimination that Professor Martinez experienced in her position as an Assistant Professor of Theatre for Pomona College, and Does 1 to 20, inclusive (collectively, "Defendants"). In terminating Professor Martinez and denying her tenure, the Defendants discriminated against Professor Martinez on the basis of her national origin and gender.

JURISDICTION AND VENUE

- 2. Venue is proper in this Court because the illegal acts against the Plaintiff took place in the County of Los Angeles. Pomona College also maintains its college campus in this county.
 - 3. The amount in controversy is within the jurisdiction of this Court.

PARTIES

- 4. Professor Martinez is an individual of Latino/Hispanic origin. She resides in Los Angeles County, California. Pomona College employed Martinez in Los Angeles County, California, for approximately six (6) years, until June, 2013. At all times during her employment, Martinez was fully qualified for her position and was performing her job duties well. Pomona College subjected Martinez to discrimination on the basis of her national origin and gender.
- 5. Defendant Pomona College is a private college. Defendant operates
 Pomona College in Los Angeles County: Pomona College is located at 333 N. College
 Way, Claremont, California 91711.
- 6. The true names and capacities, whether individual, corporate, associate, or otherwise, and the true involvement of Defendants sued here as Does 1 through 20, inclusive, are unknown to Plaintiff who therefore sues these Defendants by fictitious names and will amend this Complaint to show the true names, capacities and involvement when ascertained. Plaintiff is informed and believes and alleges that each

of the Defendants designated as a Doe is responsible in some manner for the events and happenings referred to here, and that Plaintiff's injuries and damages were proximately caused by these Defendants.

FACTUAL ALLEGATIONS

- 7. In or about 2006, Pomona College hired Professor Martinez as a tenure-track Assistant Professor of Theatre.
- 8. Plaintiff's career at Pomona College was very successful. At all times during her employment, Professor Martinez was fully qualified for her position and was performing her job duties well.
- 9. On September 30, 2011, the Department of Theatre and Dance at Pomona College submitted a departmental recommendation unanimously supporting Professor Martinez's promotion to Associate Professor with tenure.
- 10. Under the Pomona College Faculty Handbook, the criteria for tenure are intellectual leadership, professional achievement, and effective service.
 - 11. Professor Martinez met all of the criteria for tenure.
- 12. On or about January 18, 2013, Pomona College denied Professor Martinez tenure and notified her that they would be terminating her employment.
- 13. Professor Martinez's last day of employment at Pomona College was on June 30, 2013.

EXHAUSTION OF ADMINISTRATIVE PROCEEDINGS

14. Plaintiff timely exhausted her administrative remedies by filing complaints against Pomona College with the California Department of Fair Employment and Housing (DFEH) and thereafter received right-to-sue notices.

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FIRST CAUSE OF ACTION

National Origin Discrimination

In Violation of Cal. Gov. Code Section 12940 et seq.

- 15. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 15 of this Complaint.
- 16. Pomona College discriminated against Plaintiff based on her national origin, Latino.
- 17. Pomona College denied Plaintiff a promotion with tenure in 2013 because of her national origin, Latino.
- 18. Pomona College subjected Plaintiff to differential treatment in the terms and conditions of her employment because of her national origin, Latino.
- 19. Pomona College terminated Plaintiff because of her national origin, Latino.
 - 20. Plaintiff exhausted her administrative remedies.
- 21. As a result of Defendants' conduct, Plaintiff has suffered damages including economic losses and emotional distress, in an amount to be determined at trial.
- 22. Pomona College's actions were willful, malicious, fraudulent, and oppressive, and were committed with the wrongful intent to injure Plaintiff and in conscious disregard of Plaintiff's rights.

SECOND CAUSE OF ACTION

Gender Discrimination

In Violation of Cal. Gov. Code Section 12940 et seq.

- 23. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 22 of this Complaint.
 - 24. Pomona College discriminated against Plaintiff based on her gender.

- 25. Pomona College denied Plaintiff a promotion with tenure in 2013 because of her gender.
- 26. Pomona College subjected Plaintiff to differential treatment in the terms and conditions of her employment because of her gender.
 - 27. Plaintiff exhausted her administrative remedies.
- 28. As a result of Defendants' conduct, Plaintiff has suffered damages including economic losses and emotional distress, in an amount to be determined at trial.
- 29. Pomona College's actions were willful, malicious, fraudulent, and oppressive, and were committed with the wrongful intent to injure Plaintiff and in conscious disregard of Plaintiff's rights.

THIRD CAUSE OF ACTION

Wrongful Termination in Violation of Public Policy

- 30. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 29 of this Complaint.
- 31. By engaging in the conduct set forth above, Pomona College illegally and wrongfully terminated Plaintiff's employment on the basis of her national origin and gender. Pomona College's acts were in violation of public policy of the State of California as evidenced in Article I, § 1, of the California Constitution, as well as enactment of the California Fair Employment House Act (Cal. Gov. Code Section 12900, et seq.).
- 32. As a result of Pomona College's conduct, Plaintiff has suffered damages including economic losses and emotional distress, in an amount to be determined at trial.
- 33. Defendant's actions were willful, malicious, fraudulent, and oppressive, and were committed with the wrongful intent to injure Plaintiff and in conscious disregard of Plaintiff's rights.

28