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F I L E D
Clerk of the Superior Court

JUL 22 2013

Attorneys for Plaintiff, IRENE McCORMACK JACKSON

BY FAX

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

IRENE McCORMACK JACKSON,)
)
Plaintiff,)
)
vs.)
)
CITY OF SAN DIEGO; ROBERT)
("BOB") FILNER, an Individual; and)
DOES 1 through 25, inclusive,)
)
Defendants.)

CASE NO: 37-2013-00058613-CU-OE-CTL

COMPLAINT FOR DAMAGES

EMPLOYMENT DISCRIMINATION-
SEXUAL HARASSMENT
(Violation of Gov't Code §12940 *et seq.*)

JURY TRIAL DEMANDED

PRELIMINARY FACTUAL STATEMENT

1. Plaintiff **IRENE McCORMACK JACKSON** (hereinafter referred to as "Plaintiff" or "Ms. McCormack Jackson") is, and at all relevant times mentioned herein was, a resident of the County of San Diego, State of California.

2. Plaintiff Ms. McCormack Jackson is informed and believes, and based thereon alleges, that Defendant **CITY OF SAN DIEGO** is, and at all times relevant herein

1 was, a municipality organized and existing under the laws of the State of California doing
2 substantial business in the County of San Diego, State of California. City of San Diego
3 employs more than five employees and is engaged in interstate commerce within the
4 meaning of California Government Code § 12926.

5 3. Plaintiff Ms. McCormack Jackson is informed and believes, and based
6 thereon alleges that Defendant **ROBERT ("BOB") FILNER**, (hereinafter "FILNER") is an
7 individual who at all relevant times herein was a resident of the County of San Diego.
8 Plaintiff McCormack Jackson is informed and believes that at all relevant times herein
9 FILNER was the Mayor for Defendant City of San Diego and as such, a managing agent
10 of Defendant City of San Diego.

11 4. The true names and capacities, whether individual, associate or otherwise,
12 of Defendants sued herein as DOES 1 through 25, inclusive, are currently unknown to
13 Plaintiff McCormack Jackson, who therefore sues said Defendants by such fictitious
14 names. Plaintiff is informed and believes, and based thereon alleges, that each of the
15 Defendants designated herein as a DOE is legally responsible in some manner for the
16 events and happenings referred to herein, and caused injury and damage proximately
17 thereby to Plaintiff as hereinafter alleged. Plaintiff will seek leave of Court to amend this
18 complaint to show the true names and capacities of the Defendants designated herein as
19 DOES when the same have been ascertained.

20 5. Whenever in this complaint reference is made to "Defendants, and each of
21 them," such allegation shall be deemed to mean the acts of Defendants acting
22 individually, jointly, and/or severally.

23 6. Plaintiff McCormack Jackson is informed and believes, and based thereon
24 alleges, that at all times mentioned herein, each of the Defendants was the agent,
25 servant and employee, co-venturer and co-conspirator of each of the remaining
26 Defendants, and was at all times herein mentioned, acting within the course, scope,
27 purpose, consent, knowledge, ratification and authorization of such agency, employment,
28 joint venture and conspiracy.

1 7. On November 6, 2012, Defendant Robert Filner edged out Carl DeMaio to
2 become the Mayor of San Diego, the 8th most populous City in the United States. In his
3 first press conference following the election the Mayor-elect promised to bring a divided
4 city together. He said he wanted to have an administration that would be inclusive of
5 minorities and women. He presented himself throughout the mayoral campaign as a
6 supporter of women's rights.

7 8. At his first news conference following his election Defendant Mayor-elect
8 Filner introduced his fiancée, Bronwyn Ingram, as his first lady. (However, on July 8,
9 2013, she announced via email to a group of her supporters that the engagement had
10 been called off and "the relationship was over.")

11 9. On January 7, 2013, Defendant Mayor Filner held a press conference to
12 announce the appointment of his staff which consisted of 24 individuals, more than half
13 of them female, one third of whom were Latino and twenty-five percent of whom were
14 African Americans. He described the two dozen appointees standing behind Defendant
15 Mayor Filner at the press conference as his "core team." He said that the first
16 requirements were competence, effectiveness and experience.

17 10. Standing right behind Defendant Mayor Filner that day was a proud Irene
18 McCormack Jackson, the Mayor's newly appointed communications director. Other
19 appointees included Donna Frye (since resigned), who would be in charge of open
20 government and transparency, Vince Hall, Filner's new Chief of Staff (since resigned)
21 and Allen Jones, Deputy Chief of Staff (since resigned).

22 11. In introducing Plaintiff McCormack Jackson, the Defendant Mayor Filner
23 pointed out that she had recently left a 9-year career as the Vice President of Public
24 Policy for the Port of San Diego. He stated that her vast experience at the Port and her
25 prior experience as a working news person would be invaluable in making the City a
26 driving economic engine in the future. What Defendant Mayor Filner did not mention was
27 that Plaintiff McCormack Jackson had taken a \$50,000 pay cut in order to take this job
28 with his administration. She believed in what the Mayor had publicly put forth as his

1 vision for San Diego's future. Ms. McCormack Jackson believed in Defendant Filner,
2 plain and simple.

3 12. That day Defendant Filner said in referring to his core team, "They all know
4 what they're getting into." Plaintiff McCormack Jackson thought that was a true
5 statement. She thought that what she was getting into was an administration that would
6 be dedicated to improving the lives of San Diego residents. She thought that the Filner
7 administration would be doing great things for the people of the City of San Diego and
8 that she would play a part in that historic effort.

9 13. Instead, in the short time that Defendant Filner has been Mayor, Robert
10 Filner has disgraced himself and the office he holds, by engaging in numerous instances
11 of sexual harassment. If Plaintiff McCormack Jackson had known what she was "really
12 getting into" she never would have left her position at the Port of San Diego.

13
14 **FIRST CAUSE OF ACTION**

15 **(Sexual Harassment in Violation of California Gov't Code §12940 et seq.**

16 **Against All Defendants and DOES 1-25)**

17 14. Plaintiff McCormack Jackson repeats and realleges by reference each and
18 every allegation contained in paragraphs 1 through 13 and incorporates the same herein
19 as though fully set forth.

20 15. Plaintiff McCormack Jackson was previously employed as the Vice
21 President of Public Policy for the Port of San Diego. In that capacity, she earned
22 \$175,000 a year. After Defendant Filner was elected Mayor for Defendant City of San
23 Diego, Plaintiff resigned her position as the Vice President of Public Policy for the Port of
24 San Diego and accepted the position of Communications Director for Defendants, at a
25 salary reduction of \$50,000 a year, because she is an idealist and felt that the new
26 administration would be doing good things and she wanted to be a part of it. Plaintiff
27 McCormack Jackson believes in public service. Plaintiff McCormack Jackson began
28 employment with Defendants on January 3, 2013.

1 16. On January 25, 2013, Defendant Mayor Filner was giving a "State of the
2 City" address. The speech was supposed to begin at 6:00 p.m. However, they were
3 running late. As the Communications Director, Plaintiff McCormack Jackson was
4 backstage with Defendant Filner. Plaintiff said to Defendant Mayor Filner, "Don't worry
5 Mayor, you will do a great job." Defendant Mayor Filner replied in sum or substance, "I
6 would do a better job if you gave me a kiss."

7 17. The following month, February 2013, Defendant Mayor Filner decided to
8 crash the City Attorney's Press conference. Plaintiff McCormack Jackson was in an
9 elevator with Defendant Mayor Filner along with the police officer assigned to Defendant
10 Mayor Filner. The police officer was fixing his handcuffs. The Mayor put a headlock on
11 Plaintiff and said, "you know what I would like to do with those handcuffs?" Plaintiff
12 extricated herself and immediately changed the subject.

13 18. In or about late February/early March 2013, Plaintiff McCormack Jackson,
14 Defendant Mayor Filner and his assigned police officer got into an elevator. As they were
15 getting into the elevator Defendant Mayor Filner realized that he had forgotten his jacket.
16 The police officer offered to go back and get it. Plaintiff McCormack Jackson got into the
17 elevator with Defendant Mayor Filner.

18 19. As soon as the elevator doors closed, Defendant Mayor Filner pulled
19 Plaintiff McCormack Jackson toward him while placing his arms around her without her
20 consent. He said in sum or substance, "you know you are beautiful. I have always loved
21 you. Someday I know that you are going to marry me. I am so in love with you.
22 Wouldn't it be great if you took off your panties and worked without them on?" Plaintiff
23 was aghast and pushed him away. Defendant Filner then stated "Come on. Give me a
24 kiss." When Plaintiff turned away, without her consent, he kissed her on the cheek.
25 Mayor Filner only ceased trying to kiss her when the elevator stopped and a staffer got in
26 with them.

27 20. The first Saturday in April 2013, Defendant Mayor Filner opened the lobby
28 of City Hall to meet with anyone who wanted to speak with him for a few minutes each.

1 As the Communications Director, Plaintiff McCormack Jackson was required to be at this
2 event. Defendant Filner had been meeting with constituents for a while and decided to
3 take a break. Defendant Mayor Filner is known to love chocolate doughnuts. Plaintiff
4 pointed out to Defendant Mayor Filner that there were some chocolate doughnuts
5 available.

6 21. Without her consent, Defendant Mayor Filner put Plaintiff McCormack
7 Jackson into a headlock and pulled her along with him as he made his way toward the
8 doughnuts. Plaintiff McCormack Jackson could not get away. His grip was too strong. As
9 Mayor Filner pulled her along, he told her that she was "so beautiful" and that he had
10 loved her for a long time. Plaintiff could not move. He asked her "when are we going to
11 get married. Wouldn't it be great if we consummated the marriage?" All Plaintiff
12 McCormack Jackson could think of to say was, "Sir, you have people out there." He
13 finally released her.

14 22. In late April/early May 2013, Plaintiff McCormack Jackson and Defendant
15 Mayor Filner were going to the "Monthly talk with the Mayor" at the Fox Studios in San
16 Diego when Defendant Mayor Filner came up behind Plaintiff McCormack Jackson, and
17 without her consent, put his arm around her shoulder. Defendant Mayor Filner said in
18 sum or substance, "you are so beautiful. I love you. One day we are going to get
19 married." Defendant Mayor Filner said he was infatuated with Plaintiff and that they were
20 going to be together. "Let's make it happen," he said.

21 23. In June 2013, Defendant Mayor Filner was sitting in a chair reading a
22 proposed press release. He said to Plaintiff McCormack Jackson, "Let's just put some
23 exclamation points at the end." As Defendant Mayor Filner got up to leave, with the door
24 to her office open, he said in sum or substance, "you are so beautiful. I am infatuated
25 with you. When are you going to get naked? Come on, give me a kiss." As Plaintiff
26 McCormack Jackson attempted to get Defendant Mayor Filner to leave her office, he
27 kissed her on the cheek. Plaintiff sternly told him that he needed to leave her office.
28 Defendant Mayor Filner replied, "you cannot kick me out. I am the Mayor. I can go

1 anywhere I want, any time I want.”

2 24. In June 2013, Defendant Mayor Filner went to Sacramento with his Chief of
3 Staff. Plaintiff McCormack Jackson is informed and believes that while Defendant Mayor
4 Filner was gone, female staffers approached his Deputy Chief of Staff, Allen Jones about
5 the hostile work environment that the Mayor had created for female employees.

6 25. Plaintiff McCormack Jackson is informed and believes that in the short time
7 that Defendant Mayor Filner had been in office, three women had to be driven home
8 because of his abusive treatment. Plaintiff McCormack Jackson is further informed and
9 believes that five schedulers resigned because of Defendant Mayor Filner’s behavior.
10 Plaintiff had also confided in Mr. Jones that she too had been thinking about getting
11 another job.

12 26. The day after Defendant Mayor Filner returned from Sacramento, there
13 was a policy meeting at City Hall. Defendant Mayor Filner walked into the conference
14 room along with his Chief of Staff. As the Communications Director, Plaintiff McCormack
15 Jackson was in attendance as was the Deputy Chief of Staff, Mr. Jones.

16 27. Mr. Jones began to address Defendant Mayor Filner and said in sum or
17 substance, “before we start there is something I need to say. I have known you
18 [Defendant Mayor Filner] longer than anyone here. We have been friends for 35 years.
19 You need to listen to me. You are running a terrible office. You are treating women in a
20 horrible manner. What you are doing may even be illegal. You need to change your
21 ways. You need extreme therapy. In the meantime, let us (referring to his core staff) run
22 the office.” Defendant Mayor Filner interrupted him saying, “Allen, you are full of shit.
23 Give me one example.” Mr. Jones replied, “Bob, I know your modus operandi. This is
24 how you get people off their point. You interrupt them. I am not playing your game. You
25 need to listen to me.” Defendant Mayor Filner then sat back and said in sum or
26 substance, “maybe you [Allen Jones] just do not want to be here.” Mr. Jones replied,
27 “You are right, I do not want to be here. I resign.”

28 ///

1 28. At that moment Plaintiff McCormack Jackson realized that nothing would
2 change. If Defendant Mayor Filner would not listen to his friend and confidante of 35
3 years, then there was no chance that Defendant Filner was going to stop his sexual
4 harassment of her or stop creating a hostile and intimidating work environment for the
5 other women who worked at City Hall.

6 29. Plaintiff McCormack had been suffering degradation and humiliation at the
7 hands of Defendant Mayor Filner. At that moment Plaintiff realized that Defendant Filner
8 would not cease his behavior and that she could no longer allow/tolerate his behavior.
9 Plaintiff McCormack Jackson stood up and said in sum or substance, "I agree with Allen.
10 You are horrible" and she began walking out.

11 30. As Plaintiff McCormack Jackson was leaving Defendant Mayor Filner said
12 in sum or substance, "Really Irene, give me just one example, I dare you." Plaintiff
13 turned around and said in sum or substance, "Really Mayor -- you want me to do that?
14 How about when you said that I should take my panties off and work without them."
15 Plaintiff McCormack Jackson slammed the door and walked out.

16 31. After Plaintiff McCormack Jackson left that day Defendant Mayor Filner
17 sent an emissary to her which then led to a meeting on June 25, 2013. At that meeting,
18 Defendant Mayor Filner agreed that he had been despicable toward women. He said that
19 he needed help and that he would apologize publicly for what he had done. Defendant
20 Mayor Filner also said that he would get sexual harassment training.

21 32. Defendant Mayor Filner offered Plaintiff McCormack Jackson the
22 opportunity to work for the interim COO in charge of operational communications for the
23 City. Plaintiff had no other employment opportunity and thus accepted the position.

24 33. There were several other occasions where Defendant Mayor Filner placed
25 Plaintiff McCormack Jackson in a headlock without her consent. Plaintiff is informed and
26 believes that Defendant Mayor Filner has done the same to other women.

27 ///

28 ///

1 34. Plaintiff McCormack Jackson is informed and believes that Defendant
2 Mayor Filner has also engaged in sexually offensive behavior with other female
3 employees.

4 35. Plaintiff McCormack Jackson repeats and realleges by reference each and
5 every allegation contained in paragraphs 1 through 34 and incorporates the same herein
6 as though fully set forth and further alleges that: (1) Plaintiff McCormack Jackson was an
7 employee of Defendant City of San Diego; (2) Plaintiff McCormack Jackson was
8 subjected to unwanted harassing conduct because she is a woman; (3) the harassing
9 conduct was severe or pervasive; (4) a reasonable woman in Plaintiff McCormack
10 Jackson's circumstances would have considered the work environment to be hostile or
11 abusive; (5) Plaintiff McCormack Jackson considered the work environment to be
12 hostile or abusive; (6) Defendant Filner participated in the harassing conduct; (7) Plaintiff
13 McCormack Jackson was harmed; and (8) the conduct was a substantial factor in
14 causing Plaintiff McCormack Jackson's harm.

15 36. As a result of the aforementioned conduct, Plaintiff McCormack Jackson
16 has suffered and will continue to suffer pain and suffering, and extreme and severe
17 mental anguish and emotional distress resulting from Defendant Mayor Filner's conduct.

18 37. Defendants are employers in the State of California, as defined in the
19 California Fair Employment and Housing Act ("FEHA"), California Government Code
20 §12926.

21 38. Defendants' harassment of Plaintiff on the basis of her gender constitutes a
22 violation of the California Fair Employment and Housing Act, California Government
23 Code §12940 et seq.

24 39. Plaintiff McCormack Jackson is informed and believes, and based thereon
25 alleges, that in addition to the practices enumerated above, Defendants may have
26 engaged in other discriminatory practices against her which are not yet fully known. At
27 such time as such discriminatory practices become known to her, Plaintiff will seek leave
28 of Court to amend this Complaint in that regard.

1 40. On July 18, 2013, Plaintiff McCormack Jackson filed timely charges against
2 Defendants with the California Department of Fair Employment and Housing ("DFEH")
3 against Defendants Mayor Filner and City of San Diego. Within one year of the filing of
4 this Complaint, the California Department of Fair Employment and Housing issued right
5 to sue notices to Plaintiff McCormack Jackson authorizing this lawsuit. True and correct
6 copies of the administrative charges and right to sue letter are attached hereto as
7 Exhibits "A" and "B." Plaintiff McCormack Jackson has therefore exhausted her
8 administrative remedies

9 41. As a direct and proximate result of Defendants' willful, knowing and
10 intentional discrimination against her, Plaintiff McCormack Jackson has suffered and will
11 continue to suffer extreme and severe mental anguish and emotional distress. Plaintiff
12 McCormack Jackson is thereby entitled to general and compensatory damages in
13 amounts to be proven at trial.

14 42. As a direct and proximate result of Defendants' willful, knowing and
15 intentional discrimination against her, Plaintiff McCormack Jackson has further suffered
16 and will continue to suffer a loss of earnings and/or other employment benefits and job
17 opportunities. Plaintiff McCormack Jackson is thereby entitled to general and
18 compensatory damages in amounts to be proven at trial.

19 43. As a further, direct and proximate result of Defendants' violation of
20 California Government Code §12900, et. seq., as heretofore described, Plaintiff
21 McCormack Jackson has been compelled to retain the services of counsel in an effort to
22 enforce the terms and conditions of her employment relationship with Defendants, and
23 has thereby incurred, and will continue to incur, legal fees and costs, the full nature and
24 extent of which are presently unknown to her. Plaintiff McCormack Jackson will therefore
25 seek leave of Court to amend this Complaint in that regard when the same shall be fully
26 and finally ascertained. Plaintiff McCormack Jackson requests that attorneys fees be
27 awarded pursuant to California Government Code §12965.

28 ///

1 44. Plaintiff McCormack Jackson is informed and believes, and based thereon
2 alleges, that the outrageous conduct of Defendants described above was done with
3 malice, fraud and oppression and with conscious disregard for her rights and with the
4 intent, design and purpose of injuring her. Defendants participated, authorized,
5 condoned and/or ratified the unlawful conduct of Defendant Mayor Filner. By reason
6 thereof, Plaintiff McCormack Jackson is entitled to punitive or exemplary damages from
7 Defendant Filner in a sum according to proof at trial.

8 **WHEREFORE**, Plaintiff McCormack Jackson prays that judgment be entered in
9 her favor and against Defendants as follows:

- 10 1. That Plaintiff be awarded general and compensatory damages,
11 including prejudgment interest, in an amount according to proof at trial;
- 12 2. That Plaintiff be awarded reasonable attorneys' fees and costs of suit and
13 interest incurred;
- 14 3. That Plaintiff be awarded punitive or exemplary damages against
15 Defendant Filner in an amount according to proof at trial; and
- 16 4. That this Court award such other and further relief as the Court deems just
17 and proper.

18
19 DATED: July 22, 2013

ALLRED, MAROKO & GOLDBERG

20
21 By: *Gloria Allred*
22 GLORIA ALLRED
23 Attorneys for Plaintiff
24 IRENE McCORMACK JACKSON
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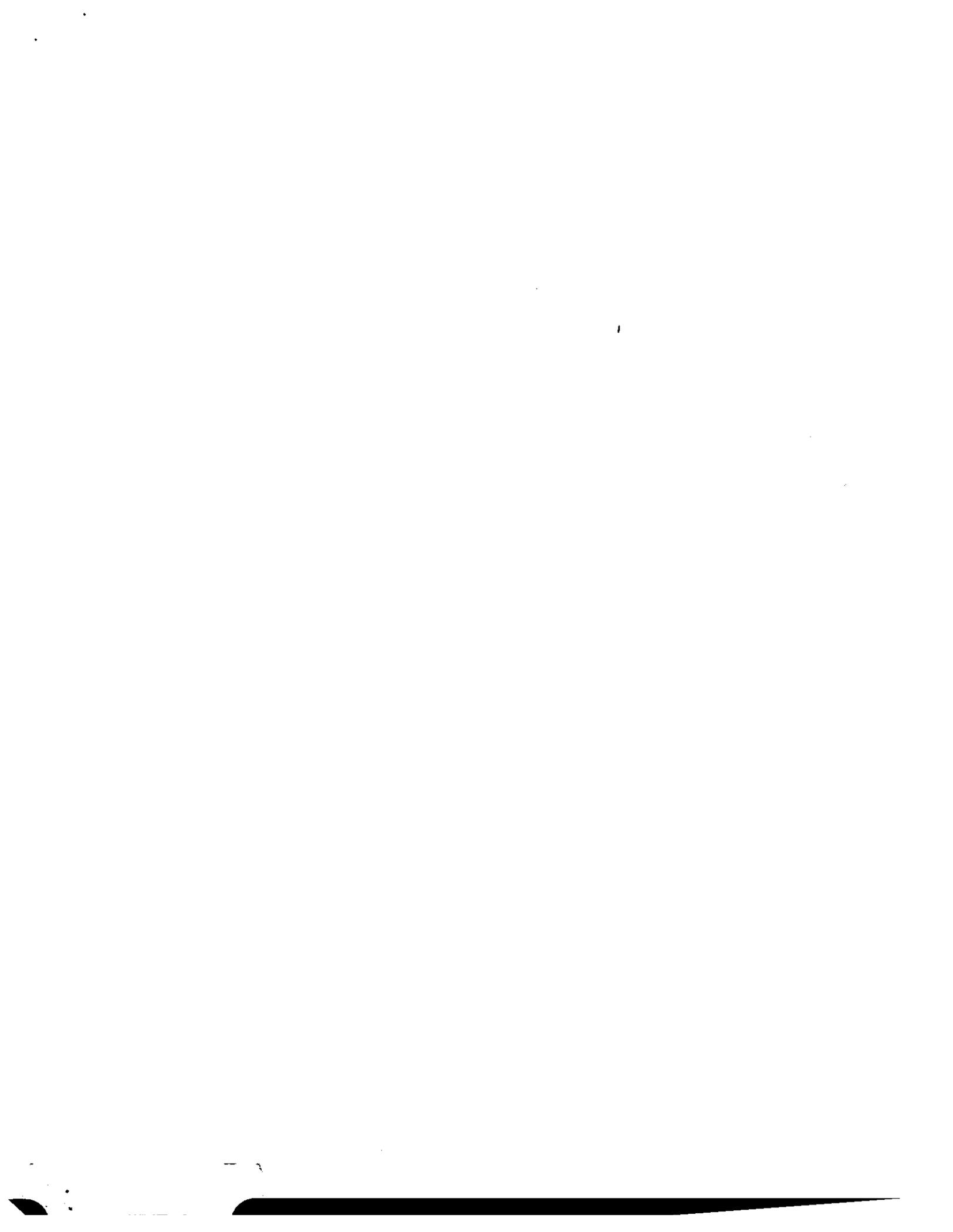


EXHIBIT A

**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**DFEH MATTER NUMBER
141691-60538COMPLAINANT
Irene Jackson

NAMED IS THE EMPLOYER, PERSON, AGENCY, ORGANIZATION OR GOVERNMENT ENTITY WHO DISCRIMINATED AGAINST ME

RESPONDENT	ADDRESS	PHONE
City of San Diego, Robert [Bob] Filner	202 C Street San Diego CA 92101	(619) 236-6220

AGENT FDR SERVICE	ADDRESS	PHONE
Jan Goldstein, City of San Diego	202 C Street San Diego CA 92101	(619) 236-6220

NO. OF EMPLOYEES	MOST RECENT DISCRIMINATION TOOK PLACE	TYPE OF EMPLOYER
10500	Jun 20, 2013	Elected Official/State- Local

CO-RESPONDENT(S)	ADDRESS
Robert [Bob] Filner	202 C Street San Diego CA 92101

**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**DFEH MATTER NUMBER
141691-60538

I ALLEGE THAT I EXPERIENCED	Harassment
ON OR BEFORE	Jun 20, 2013
BECAUSE OF MY	Sex- Gender
AS A RESULT, I WAS	Denied a work environment free of discrimination and/or retaliation, Forced to quit, Other subjected to sexual harassment

STATEMENT OF FACTS

I was employed by the City of San Diego as the Director of Communications for Mayor Bob Filner from January 3, 2013 until June 20, 2013. During the course of my employment, I was subjected to sexual harassment by Mr. Filner. Because of the intolerable working conditions, I had no choice but to resign my employment as Director of Communications. Thereafter, I was offered another position in another department which I currently hold.

**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**DFEH MATTER NUMBER
141691-60538

SIGNED UNDER PENALTY OF PERJURY

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right to sue. I understand that if I want a federal right to sue notice, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure and Right to Sue," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint, I am declaring under penalty of perjury under the laws of the State of California that, to the best of my knowledge, all information contained in this complaint is true and correct, except matters stated on my information and belief, and I declare that those matters I believe to be true.

Verified by Irene McCormack Jackson, Complainant, and dated on July 18, 2013 at El Cajon, CA.



EXHIBIT B



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA 95758
800-884-1684 | Videophone 916-226-5285 | TTY 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

Jul 18, 2013

Irene Jackson
11878 Avenida Marcella
El Cajon, CA 92019

RE: Notice of Case Closure and Right to Sue
DFEH Matter Number: 141691-60538
Right to Sue: Jackson / City of San Diego, Robert [Bob] Filner

Dear Irene Jackson:

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective Jul 18, 2013 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

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

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

Sincerely,

Department of Fair Employment and Housing

Enclosures

cc: Jan Goldstein, Agent for Service for City of San Diego Robert [Bob] Filner
Robert [Bob] Filner