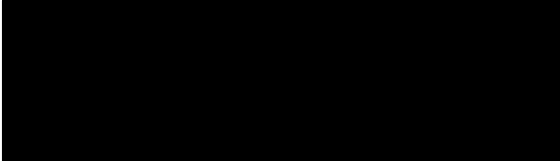


1 EXCELUS LAW GROUP, INC.
WILLIAM W. BLOCH, SBN 133139



FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

90030
A76024

JUL 20 2010

John A. Clarke, Executive Officer/Clerk
By Mary E. Garcia, Deputy
MARY E. GARCIA

5 Attorneys for Plaintiff CARL JONES

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

8 CARL JONES, an individual,
9
10 Plaintiff,

CASE NO. BC 441981

COMPLAINT FOR DAMAGES FOR:

11 vs.

12 UNIVERSAL NETWORK TELEVISION,
13 LLC, a limited liability company; TYLER
14 PATTON, an individual; MIKE CASEY, an
15 individual; and DOES 1 through 100,
16 inclusive,

1. Gender Discrimination in Violation of FEHA (Cal. Gov't Code Section 12900, et seq.);
2. Retaliation in violation of FEHA
3. Hostile Work Environment Harassment, in Violation of FEHA;
4. Failure to Prevent Discrimination and Harassment in Violation of FEHA;
5. Violation of the Unruh Civil Rights Act-Discrimination, Boycott, and Blacklisting (Cal. Civ. Code Sections 51.5, 52(a)); and
6. Violation of the Ralph Act-Violence and Intimidation by Threat of Violence (Cal. Civ. Code Sections 51.7, 52(b))

16 Defendants.

19 DEMAND FOR JURY TRIAL

20 Plaintiff CARL JONES ("Plaintiff") alleges, on information and belief, as
21 follows:

22 GENERAL ALLEGATIONS

23 1. Plaintiff is, and at all times mentioned in this complaint was, a
24 resident of Los Angeles County, California. At all times relevant, Plaintiff is and was a
25 person of the male gender, and a member of a protected class under the California Fair
26 Employment and Housing Act ("FEHA") and the California Unruh Civil Rights Act as

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RECEIPT #: CM478057041
DATE PAID: 07/20/10 01:17:00 PM
PAYMENT: \$355.00
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CHECK #: 355.00
CASE #
CHARGE:
DATE:

1 codified at Section 51, et seq., of the California Civil Code.

2 2. Plaintiff alleges on information and belief that Defendant
3 UNIVERSAL NETWORK TELEVISION, LLC (“Universal”) is, and at all times mentioned
4 herein was, a limited liability company, conducting business and qualified to do business in
5 Los Angeles County.

6 3. Plaintiff alleges on information and belief that Defendant TYLER
7 PATTON (“Patton”) is, and at all times mentioned herein was, a resident of the County of
8 Los Angeles and an employee of Universal and a supervisor with Universal.

9 4. Plaintiff alleges on information and belief that Defendant MIKE
10 CASEY (“Casey”) is, and at all times mentioned herein was, a resident of the County of Los
11 Angeles, and an employee of Universal and a supervisor with Universal. At all times
12 relevant, Casey and Patton were supervisors of property at Universal, and working as
13 property masters on the House television program which was shot on the Fox lot, under the
14 supervision, control and ownership of Universal, in the County of Los Angeles, and all of
15 the acts complained of against these individuals were within the course and scope of their
16 duties and/or authority.

17 5. Plaintiff is unaware of the true names and capacities of Defendants
18 sued herein as Does one (1) through one hundred (100), inclusive, and sues these
19 Defendants under such fictitious names. Plaintiff will seek leave of court to amend this
20 complaint to name such Defendants when their true names and capacities have been
21 ascertained. Plaintiff is informed and believes and, on that basis alleges, that each of the
22 fictitiously named Defendants is in some manner responsible for the acts and omissions
23 herein alleged.

24 6. Plaintiff is informed and believes, and thereon alleges, that at all
25 times herein mentioned, each business or corporate employer, through its officers, directors
26 and managing agents, and each individual Defendant, including without limitation,

1 is against Universal policies. Patton also was seen throwing a knife at a target on set, a very
2 dangerous, and also forbidden practice, and Casey and Patton were also observed drinking
3 tequila in between throwing a real throwing knife inside the prop trailer. The
4 aforementioned conduct caused Plaintiff fear, upset and other mental and emotional distress.

5 8. On or about March 25, 2010, Patton was extremely drunk, and told
6 Plaintiff that he was terminated as an employee of the House program, where Plaintiff had
7 worked four consecutive years as assistant property master. Plaintiff is informed and
8 believes and thereon alleges that Plaintiff was terminated in retaliation for opposing the
9 discriminatory and harassing conduct of Defendants. Plaintiff then attempted to contact
10 Patton and Casey's supervisors, with Patton stating that as a result of such complaint,
11 Plaintiff would be blackballed from all Universal Productions. Plaintiff managed to get in
12 touch with Garret van der Meer, co-Executive Producer/Unit Production Manager. When
13 told that Patton was very drunk and was harassing Plaintiff, van der Meer ignored the fact
14 that Patton was visibly very drunk, and told Plaintiff that his oral complaint to van der Meer
15 was sufficient, and that he and his producer did not plan to do anything further. Since that
16 incident, Plaintiff has been ignored by Universal, in spite of complaints made to human
17 resources, he remains terminated and has not been called for any work since March 25,
18 2010. Plaintiff is informed and believes and thereon alleges that House was renewed for a
19 7th season, that Patton and Casey remain on that show as Property Masters, and Plaintiff has
20 not been, nor will he be called to work on House.

21 9. During his employment, Plaintiff suffered severe and pervasive
22 gender harassment and discrimination. Plaintiff reported to his union, and to Universal
23 managers the unfair treatment he had received by supervisors and managers in the Property
24 Department on the Fox lot beginning in May 2006. After the union and others investigated
25 the complaint about the discrimination and harassment in the Property Department, Plaintiff
26 suffered severe and pervasive harassment in retaliation for his complaints about harassment
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1 and discrimination.

2 10. Plaintiff was harassed and disparaged by Defendants, based on
3 Plaintiff's gender, and based upon his refusal to go along with Patton and Casey's
4 degenerate conduct, visits to strip bars, participation in getting drunk, stoned or intoxicated
5 on cocaine, to participate in sexual conduct at the trailer, and other dangerous conduct. The
6 harassing conduct occurred in an offensive and non-consensual manner and otherwise
7 subjected Plaintiff to unwanted hostile work environment, harassment, and to sexual
8 comments and harassment.

9 11. Plaintiff was extremely upset and threatened by these comments and
10 by the conduct of Patton and Casey. Because of the assault and threats of further harassment
11 by Patton and Casey against Plaintiff, and their harassing statements and actions, and due to
12 fears and worries occasioned by their presence, Plaintiff became severely depressed and
13 emotionally distraught, and suffered physical injury as well.

14 12. Plaintiff alleges on information and belief that Defendants tolerate
15 their supervisors, managers and executives engaging in gender-based harassment and sexual
16 harassment. Further, Defendants do not and did not take seriously Plaintiff's concerns that
17 he had voiced to both his union and the Universal executives and to the personnel
18 department, and failed to take appropriate remedial action, or to provide Plaintiff with a
19 workplace free from harassment and discrimination, based upon Plaintiff's gender.

20 **FIRST CAUSE OF ACTION**

21 (Discrimination in Violation of FEHA, Cal. Gov. Code Section 12900 et seq.
22 Against All of the Corporate Defendants)

23 13. Plaintiff realleges and incorporates by reference paragraphs 1 through
24 12 above, as though set forth herein at length.

25 14. Defendants' discriminatory acts, as alleged above, violated the Fair
26 Employment and Housing Act (Government Code Section 12900 et seq. ("FEHA")).
27 Plaintiff is a male and a member of a protected class.

1 15. Defendants have engaged in a "pattern and practice" of employment
2 discrimination against Plaintiff. Plaintiff was discriminated against when he was
3 blackballed and excluded from the Universal lot and the set of the House show.

4 16. Plaintiff suffered from discrimination in violation of the Fair
5 Employment and Housing Act ("FEHA"). The discrimination that Plaintiff suffered from
6 Defendants included, but was not limited to, the harassment by Patton and Casey and others
7 in the Fox lot Property Department, Defendants' refusal and failure to take immediate and
8 appropriate corrective action with respect to the threats made by Casey, and the termination
9 of his employment on the Universal lot and on the set of the House show because of his sex,
10 perceived sexual orientation, and his complaints about violations of the FEHA to
11 management and his union.

12 17. As a proximate result of Defendants' discriminatory actions against
13 Plaintiff, as alleged above, Plaintiff has been harmed in that Plaintiff has suffered the loss of
14 the wages, salary, benefits, and additional amounts of money Plaintiff would have received
15 if Plaintiff had not been excluded from working on the Fox lot and for Universal and the set
16 of the House show. As a further proximate result of Defendants' discriminatory actions
17 against Plaintiff, as alleged above, Plaintiff has been harmed in that Plaintiff has suffered the
18 intangible loss of employment-related opportunities. Also as a further proximate result of
19 Defendant's discriminatory actions against Plaintiff, as alleged above, Plaintiff has been
20 harmed in that Plaintiff has suffered humiliation, mental anguish, and emotional and
21 physical distress, and has been injured in mind and body.

22 18. Plaintiff is further informed and believes that each business or
23 corporate employer, through its officers, directors and managing agents, and each individual
24 Defendant, including without limitation, van der Meer, Patton and Casey, had advance
25 knowledge of the wrongful conduct set forth above and allowed said wrongful conduct to
26 occur and continue to occur, thereby ratifying said wrongful conduct, with a conscious
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1 disregard of the rights and safety of Plaintiff, and after becoming aware of their wrongful
2 conduct, each corporate Defendant by and through its officers, directors and managing
3 agents, and each individual Defendant, including Casey, aided, abetted, authorized and
4 ratified the wrongful conduct herein alleged. Therefore, Plaintiff seeks exemplary and
5 punitive damages against Defendants in an amount according to proof.

6 19. Plaintiff filed Complaints of Discrimination with the State of
7 California's Department of Fair Employment and Housing ("DFEH") and was issued right
8 to sue letters within one year of filing this action applicable against all the Defendants sued
9 in this cause of action.

10 SECOND CAUSE OF ACTION

11 (Retaliation in Violation of FEHA, Cal. Gov. Code Section 12900
12 et seq., Against Patton, Casey and All of the Corporate/Business Defendants)

13 20. Plaintiff realleges and incorporates by reference paragraphs 1 through
14 19, above, as though set forth herein at length.

15 21. Plaintiff informed Defendants of the unlawful discriminatory and
16 retaliatory practices alleged on several occasions beginning in March 2010 though May
17 2010, and that the unlawful activity made the working conditions on the House show
18 intolerable. Defendants failed to take immediate and appropriate corrective action.
19 Defendants failed and refused to take corrective steps regarding the gender-based comments
20 made by Patton and Casey, yet no remedy occurred. Plaintiff was terminated from the
21 House show and excluded from the working on the House show because of his opposition to
22 the conduct that violated the FEHA. Plaintiff is informed and believes and thereon alleges
23 that his termination was based in substantial part, upon his gender, his perceived sexual
24 orientation, his refusal to accept harassment and discrimination, and because of his
25 complaints of harassment and discrimination.

26 22. As a proximate result of Defendants' discriminatory and retaliatory
27 actions against Plaintiff, Plaintiff has been harmed in that Plaintiff has suffered the loss of
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1 constituted sex, and sexual orientation discrimination, in violation of California Government
2 Code section 12900 et seq.

3 27. Defendants' actions, as alleged above, resulted in a work environment
4 which was hostile to Plaintiff and said hostile environment permeated Plaintiff's work place
5 and altered the conditions of Plaintiff's employment.

6 28. Defendants' actions, as alleged above, were unwelcome to Plaintiff
7 and negatively altered Plaintiff's work place by creating an environment hostile to Plaintiff.
8 Plaintiff informed Defendants that this discriminatory conduct was not welcome.

9 29. In spite of Plaintiff's repeated complaints about the hostile conduct
10 and reports of this unwelcome conduct to management and the union, Defendants, and each
11 of them, caused, aided, abetted, allowed and failed to prevent a hostile work environment for
12 Plaintiff. As a result of such discrimination, as aided, abetted, ratified and authorized by
13 Defendants, Plaintiff was violated in his person and humiliated, as well as being subjected to
14 severe emotional distress and damage.

15 30. As a proximate result of Defendants' discriminatory action against
16 Plaintiff, as alleged above, Plaintiff has been harmed in that Plaintiff has suffered the loss of
17 wages, salary, benefits, and additional amounts of money Plaintiff would have received if
18 Plaintiff had not been subjected to a hostile working environment and eventually terminated
19 by Defendants. As a further proximate result of Defendants' discriminatory actions against
20 Plaintiff, as alleged above, Plaintiff has been harmed in that Plaintiff has suffered intangible
21 loss of employment-related opportunities. As a further proximate result of Defendants'
22 discriminatory action against Plaintiff, as alleged above, Plaintiff has been harmed in that
23 Plaintiff has suffered humiliation, mental anguish, emotional and physical distress, anxiety,
24 and has been injured in the mind and body.

25 31. The wrongful conduct of Defendants set forth hereinabove was
26 perpetrated upon Plaintiff intentionally, willfully, fraudulently, in conscious disregard of
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1 Plaintiff's rights and safety and with a callous indifference to the injurious consequences
2 which were substantially certain to occur and was shameful, despicable and deplorable.
3 Plaintiff is further informed and believes that each business or corporate employer, through
4 its officers, directors and managing agents, and each individual Defendant, including Patton
5 and Casey, had advance knowledge of the wrongful conduct set forth above and allowed
6 said wrongful conduct to occur and continue to occur, thereby aiding, abetting and ratifying
7 said wrongful conduct, with a conscious disregard of the rights and safety of Plaintiff, and
8 after becoming aware of their wrongful conduct, each corporate Defendant by and through
9 its officers, directors and managing agents, and each individual Defendant, aided, abetted,
10 authorized and ratified the wrongful conduct herein alleged. Therefore, exemplary and
11 punitive damages in a sufficient sum should be assessed against Defendants.

12 FOURTH CAUSE OF ACTION

13 (Failure to Take All Reasonable and Necessary Steps to Prevent Discrimination and
14 Harassment Under Government Code Section 12940(k) Against Universal and Does 1-10)

15 32. Plaintiff incorporates herein by reference all of the allegations set forth in
16 paragraphs 1 through 31 herein above as though fully set forth at length.

17 33. At all times material, Defendants had a statutory duty to their
18 employees, including Plaintiff, to take all reasonable and necessary steps to prevent
19 harassment and discrimination, under Government Code Section 12940(k). Moreover, it
20 was reasonably foreseeable that the breach of such duty would cause Plaintiff to sustain
21 injuries and damages if Plaintiff were subjected to the wrongful conduct of the Defendants
22 which is described herein above.

23 34. Pursuant to Trujillo v. North County Transit District, 63 Cal. App. 4th
24 280 (1998), Plaintiff has a right to bring a tort cause of action for such breach of duty.

25 35. In spite of Defendants' duty to take all reasonable steps to prevent
26 harassment and discrimination from occurring, including a duty to train employees in the
27 avoidance of harassment and discrimination and a duty to conduct an investigation after
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1 Plaintiff's complaint(s) were made, Defendants intentionally or carelessly breached such
2 duty causing Plaintiff damages, according to proof.

3 FIFTH CAUSE OF ACTION
4 (Violation of Unruh Civil Rights Act-Discrimination, Boycott, & Blacklisting,
5 Cal. Civ. Code Sections 51.5, 52(a), 52.1(b),
6 Against Universal and Does 1-10)

7 36. Plaintiff incorporates herein by reference all of the allegations set
8 forth in paragraphs 1 through 35 herein above as though fully set forth at length.

9 37. Defendants discriminated against Plaintiff and denied him of the
10 equal advantage of employment as a Assistant Property master for Universal. They
11 blacklisted him and refused to call him for Property work.

12 38. A motivating reason for the Defendants' denying Plaintiff
13 employment was because of Plaintiff's gender and/or the perception that Plaintiff was
14 homosexual. A further motivating reason was Plaintiff's complaints about discriminatory
15 treatment that he received.

16 39. Plaintiff was harmed as a result of the Defendants' conduct, and
17 Defendants' wrongful conduct was a substantial factor in causing Plaintiff's harm.

18 40. As a proximate result of Defendants' discriminatory, blacklisting, and
19 boycotting actions against Plaintiff, as alleged above, Plaintiff has been harmed in that
20 Plaintiff has suffered the loss of the wages, salary, benefits, and additional amounts of
21 money Plaintiff would have received if Plaintiff had not been terminated from working on
22 the House show as a result of the conduct of Defendants. As a further proximate result of
23 Defendants' discriminatory actions against Plaintiff, as alleged above, Plaintiff has been
24 harmed in that Plaintiff has suffered the intangible loss of employment-related opportunities.
25 Also as a further proximate result of Defendants' discriminatory action against Plaintiff, as
26 alleged above, Plaintiff has been harmed in that Plaintiff has suffered humiliation, mental
27 anguish, and emotional and physical distress, and has been injured in mind and body.

28 41. Plaintiff is further informed and believes that each business or

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1 had not been terminated from working on the House show as a result of the conduct of
2 Defendants. As a further proximate result of Defendants' discriminatory actions against
3 Plaintiff, as alleged above, Plaintiff has been harmed in that Plaintiff has suffered the
4 intangible loss of employment-related opportunities. Also as a further proximate result of
5 Defendants' discriminatory action against Plaintiff, as alleged above, Plaintiff has been
6 harmed in that Plaintiff has suffered humiliation, mental anguish, and emotional and
7 physical distress, and has been injured in mind and body.

8 46. Plaintiff is further informed and believes that each business or
9 corporate employer, through its officers, directors and managing agents, and each individual
10 Defendant, including without limitation, Patton and Casey had advance knowledge of the
11 wrongful conduct set forth above and allowed said wrongful conduct to occur and continue
12 to occur, thereby ratifying said wrongful conduct, with a conscious disregard of the rights
13 and safety of Plaintiff, and after becoming aware of their wrongful conduct, each corporate
14 Defendant by and through its officers, directors and managing agents, and each individual
15 Defendant, including Patton and Casey aided, abetted, authorized and ratified the wrongful
16 conduct herein alleged. Therefore, Plaintiff seeks exemplary and punitive damages against
17 Defendants in an amount according to proof.

18 WHEREFORE, Plaintiff prays for relief as set forth hereafter:

- 19 1. Damages according to proof but believed to be in excess of
20 \$1,000,000.00;
- 21 2. Attorneys' fees on all causes of action;
- 22 3. Treble damages, and no damage amount less than \$4,000.00 on the
23 fifth and sixth causes of action, pursuant to Civil Code Section
24 52(a)(1);
- 25 4. A civil penalty of \$25,000.00 on the sixth cause of action, pursuant to
26 Civil Code Section 52(b)(2);

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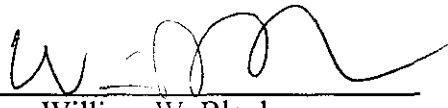
- 5. Costs;
- 6. Prejudgment interest;
- 7. Punitive and exemplary damages; and
- 8. Such other and further relief as the court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury.

DATED: July 9, 2010

EXCELUS LAW GROUP, INC.

By: 
William W. Bloch
Attorneys for Plaintiff
CARL JONES



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