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Per local Rule, This case is assigned to Judge Devine, John P, for all purposes.

SUMMONS ISSUED

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF CONTRA COSTA

AISHA FORD, an individual,

Plaintiff,

v.

CALIBER PUBLIC SCHOOLS, A NONPROFIT CORPORATION; and **DOES** 1 through 20, inclusive,

Defendants.

CASE NO.: C24-02643

Unlimited Jurisdiction

COMPLAINT FOR:

1) **FEHA DISCRIMINATION**
2) **FEHA HARASSMENT**
3) **FAILURE TO MAKE A REASONABLE ACCOMODATION**
4) **FAILURE TO ENGAGE IN AN INTERACTIVE PROCESS**
5) **FEHA RETALIATION**
6) **LABOR CODE 1102.5(b) RETALIATION**
7) **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

JURY TRIAL DEMANDED

Plaintiff **AISHA FORD (FKA AISHA FROSS)** brings this action, by and through counsel, for damages against Defendant **CALIBER PUBLIC SCHOOLS, A NONPROFIT CORPORATION**, and **DOES** 1 through 20, inclusive (collectively, "Caliber" or "Defendants"), and each of them. Plaintiff hereby complains of Defendants, and/or each of them, named hereinabove as follows:

JURISDICTION AND VENUE

1. Jurisdiction is proper because Ms. Ford worked for Caliber in the State of California, County of Contra Costa, and Defendants committed all unlawful conduct, including the wrongful termination, in the State of California, County of Contra Costa. Significant relief is being sought against Defendants whose violations of California employment laws form a significant basis for Ms. Ford's claims.

2. Venue is proper because Ms. Ford primarily performed work for Defendants in the County of Contra Costa and a substantial portion of the transactions and occurrences related to this action occurred in this County, including, without limitation, the wrongful discharge of Ms. Ford. Civ. Proc. Code § 395. Had the unlawful conduct, including the wrongful termination, not occurred, Ms. Ford would still be working for Caliber in the County of Contra Costa.

3. Prior to the filing of this action, Ms. Ford exhausted her administrative remedies. She filed her complaint with the California Civil Rights Department ("CRD") alleging that the acts of Defendants constituted multiple violations of California's Fair Employment and Housing Act ("FEHA"), among other things, and obtained a "right to sue" letter from CRD against Defendants on or around September 30, 2024. She subsequently brought this action on a timely basis.

PARTIES

4. Plaintiff **AISHA FORD** is a natural person who at all times relevant to this claim was employed in Contra Costa County.

5. Ms. Ford is informed and believes, and thereon alleges, that Defendant **CALIBER PUBLIC SCHOOLS, A NONPROFIT CORPORATION** (Caliber) is, and at all times relevant to this claim, was, a California Nonprofit Corporation doing business in Contra Costa County, with its registered California address of 3260 Blume Drive, #120, Richmond, CA 94806. Caliber Public Schools operates charter schools in California.

6. The true names and capacities, whether individual, corporate, associate or otherwise of Defendants DOES 1 through DOES 20, inclusive, are unknown to Ms. Ford who therefore sues said Defendants by such fictious names pursuant to Code of Civil Procedure section 474. Ms. Ford further alleges that each of said fictitious Defendants are in some manner responsible for the acts and occurrences hereinafter set forth. Ms. Ford will amend this Complaint to show their true names and capacities when the same are ascertained, as well as the manner in which each fictitious Defendant is responsible.

FACTS

7. Ms. Ford was employed by Caliber starting in or around August 2019.

8. Ms. Ford's latest position at Caliber was Senior Managing Director of Teaching and Learning.

9. Prior to this role, Ms. Ford served as an Instructional Coach, Assistant Principal, and Principal.

10. Ms. Ford's last supervisor was Rachel Wiengarten, Chief of Schools.

11. Over the years, Ms. Ford made countless contributions to Caliber and the students it serves. Her performance was excellent.

12. Ms. Ford never received significant negative feedback or written warnings. She was never on a performance improvement plan.

13. Ms. Ford has diagnosed depression and is a black female.

14. On or about December 19, 2023, Ms. Ford notified Sarah Strom, HR, of an update to her medical condition, including that she was taking a new medication for her depression.

15. The next day, Ms. Ford followed up with Ms. Strom and provided a doctor's note regarding care for her mental health and medical condition.

16. Around this same time, Ms. Ford also complained to Ms. Strom about her manager, Ms. Weingarten, because Ms. Weingarten was harassing and discriminating against Ms. Ford based on her medical condition (depression).

17. Ms. Weingarten was aware of Ms. Ford's medical condition.

18. For example, Ms. Weingarten made fun of Ms. Ford for her medical condition on multiple occasions, at one point stating, "You are emotionally dysregulated."

19. Ms. Weingarten told Ms. Ford that "things changed for the worse after you started taking antidepressants."

20. Ms. Weingarten often and repeatedly told Ms. Ford that her disability was ridiculous, embarrassing, and bizarre, among other things.

21. Throughout the remainder of Ms. Ford's employment, Ms. Weingarten would continue to harass Ms. Ford based on her disability, stating that she had "inconsistent emotions" and was "noise" to the organization.

22. Ms. Ford was humiliated and reasonably found the workplace to constitute a toxic and hostile work environment based on Ms. Weingarten's statements.

23. Ms. Weingarten treated Ms. Ford differently—and worse—because of her depression by making such statements and belittling Ms. Ford in the workplace.

24. Ms. Strom from HR failed to offer reasonable accommodations, instead stating only that she would share the news with Ms. Weingarten and highlight the need for Ms. Weingarten to use more objective feedback.

25. Ms. Strom did not conduct any investigation into Ms. Ford's complaint of harassment and/or discrimination.

26. Ms. Strom did not engage in any timely, good faith, interactive process for reasonable accommodations to be considered.

27. Instead, Caliber began to retaliate.

28. For example, Ms. Weingarten removed Ms. Ford from work projects and excluded her from meetings she would have ordinarily attended throughout 2024.

29. Separately, throughout her employment, Ms. Ford observed and endured issues of racial inequities and race-based discrimination and harassment.

30. For example, in summer 2022, Ms. Weingarten mailed Ms. Ford a monkey pacifier while she was on maternity leave as a gift to her daughter. Ms. Ford did not ask for this gift, and it was certainly not on her registry. Ms. Ford reasonably believed that the gift was a reference to the racist comparison of black individuals and primates.

31. In a meeting in May 2024, Ms. Weingarten stated, "Based on the skin you are in, you are going to feel uncomfortable," meaning that Ms. Weingarten was using Ms. Ford's race as a signifier of how comfortable she would be.

32. In that same conversation, Ms. Weingarten brought up older issues of instances where Ms. Ford complained about racial inequities, including when Ms. Ford was Principal in 2022.

33. Ms. Weingarten also referenced when Ms. Ford complained about issues of racial inequities regarding the onboarding of employees in 2023 and the number of minutes of core curriculum instruction at Caliber schools for children of color.

34. Ms. Weingarten cited these examples and others to state that Ms. Ford was "creating noise" around race in a negative manner.

35. Based on this statement, Ms. Weingarten clearly did not want Ms. Ford to bring up racial inequities.

36. Yet during that May 2024 conversation, Ms. Ford sought to bring up the race discrimination, harassment, and/or inequities with Ms. Weingarten.

37. Ms. Weingarten responded that Ms. Ford should "not talk about inequity with anyone."

38. Because of this, Ms. Ford felt that she could not complain to HR about the race-based discrimination she and others endured.

39. She reasonably felt harassed based on her own black race based on these and other comments concerning race in the workplace.

40. On or about May 8, 2024, Ms. Ford reported again in good faith and in writing to HR that she was experiencing discrimination and/or harassment based on her disability/medical condition and retaliation for reporting her disability to Caliber. She also complained about race-based discrimination and/or harassment.

41. Later that day, instead of making a firm commitment to investigating her complaints, HR placed Ms. Ford on administrative leave due to her own purported wrongdoing, in retaliation against Ms. Ford for speaking up.

42. Ms. Ford was cleared of any purported wrongdoing on or about May 21, 2024 and was reinstated. In other words, Caliber made up purported wrongdoing to minimize its own actual illegal conduct, in further retaliation against Ms. Ford for complaining.

43. Since May 2024, Ms. Ford was forced by Caliber to work from home and was unable to attend on site meetings while Caliber started to investigate her complaints of discrimination.

44. Caliber conducted a purported investigation.

45. In or around June 2024, Caliber CEO Terrance Johnson told Ms. Ford that she was jeopardizing her job by making a complaint and that she was "playing with fire."

46. On or about June 9, 2024, Caliber informed Ms. Ford that the investigation came back with no findings.

47. Then, Caliber took the ultimate retaliatory step: immediate termination.

48. Ms. Ford was told she would have to resign or that she would be terminated immediately.

49. Ms. Ford would not resign, so Caliber terminated her employment in retaliation for speaking up and/or based on her race and/or medical condition/disability. Any alternate explanation is mere pretext.

50. Ms. Ford was left unemployed. Even worse, she suffered significant emotional distress and economic hardship due to the sudden wrongful termination.

FIRST CAUSE OF ACTION

FEHA Discrimination

(Against all Defendants)

51. Ms. Ford re-alleges and incorporates by reference each and every allegation set forth above and below.

52. The Fair Employment and Housing Act ("FEHA") prohibits discrimination based on disability/medical condition and/or race. Gov. Code § 12940(a).

53. Caliber was Ms. Ford's employer, and Ms. Ford was Caliber's employee.

54. Caliber discriminated against Ms. Ford based on her disability/medical condition and/or race. For example, it excluded her from meetings and removed her from projects. It then terminated her employment.

55. Ms. Ford's race and medical condition/disability were each substantial motivating reasons for Caliber's decision to do these adverse employment actions.

56. Ms. Ford was harmed, and Caliber's conduct was a substantial factor in causing Ms. Ford's harm.

57. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Ms. Ford has suffered damages including, without limitation, lost income, compensation and benefits, physical injuries, physical distress, emotional distress, pain and suffering, depression, anxiety, humiliation, and loss of reputation and other injuries in an amount to be proven at trial.

58. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by Caliber senior leadership with zero regard for Ms. Ford's emotional and/or physical safety or legal rights. Thus, Ms. Ford is entitled to recover punitive damages from Defendants, and each of them.

SECOND CAUSE OF ACTION

FEHA Harassment

(Against all Defendants)

59. Ms. Ford re-alleges and incorporates by reference each and every allegation set forth above and below.

60. FEHA prohibits harassment based on disability/medical condition and/or race. Gov. Code § 12940(j). It prohibits hostile work environment harassment, whereby an employer created a hostile work environment for an employee because of that employee's disability/medical condition and/or race.

61. Caliber was Ms. Ford's employer, and Ms. Ford was Caliber's employee.

62. Ms. Ford was subjected to pervasive and severe harassment because she had a disability/medical condition (depression) and is a black individual.

63. A reasonable black individual with depression in Ms. Ford's circumstances would have considered the work environment to be hostile, intimidating, offensive, oppressive, and/or abusive.

64. Ms. Ford considered the work environment to be hostile, intimidating, offensive, oppressive, and/or abusive.

65. A supervisor, including, without limitation, Ms. Weingarten, engaged in the conduct.

66. Ms. Ford was harmed, and Caliber's conduct was a substantial factor in causing Ms. Ford's harm.

67. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Ms. Ford has suffered damages including, without limitation, lost income, compensation and benefits, physical injuries, physical distress, emotional distress, pain and suffering, depression, anxiety, humiliation, and loss of reputation and other injuries in an amount to be proven at trial.

68. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by Caliber senior leadership with zero

regard for Ms. Ford's emotional and/or physical safety or legal rights. Thus, Ms. Ford is entitled to recover punitive damages from Defendants, and each of them.

THIRD CAUSE OF ACTION

Failure to Make a Reasonable Accommodation

(Against all Defendants)

69. Ms. Ford re-alleges and incorporates by reference each and every allegation set forth above and below.

70. FEHA provides in pertinent part that employers must make reasonable accommodation for employees' known physical or mental disabilities. Employers must engage in a timely, good faith, interactive process with the employee to determine effective reasonable accommodations. Gov. Code. § 12940(m),(n).

71. Caliber was Ms. Ford's employer, and Ms. Ford was Caliber's employee.

72. Ms. Ford had diagnosed depression, of which Caliber was aware. This condition impacted Ms. Ford's ability to function in the workplace.

73. Ms. Ford was able to perform the essential duties of her position with reasonable accommodations.

74. Caliber failed to provide reasonable accommodations.

75. Ms. Ford was harmed, and Caliber's conduct was a substantial factor in causing Ms. Ford's harm.

76. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Ms. Ford has suffered damages including, without limitation, lost income, compensation and benefits, physical injuries, physical distress, emotional distress, pain and suffering, depression, anxiety, humiliation, and loss of reputation and other injuries in an amount to be proven at trial.

77. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by Caliber senior leadership with zero

regard for Ms. Ford's emotional and/or physical safety or legal rights. Thus, Ms. Ford is entitled to recover punitive damages from Defendants, and each of them.

FOURTH CAUSE OF ACTION

Failure to Engage in Interactive Process

(Against all Defendants)

78. Ms. Ford re-alleges and incorporates by reference each and every allegation set forth above and below.

79. FEHA provides in pertinent part that it is an unlawful practice for an employer not to engage in a timely, good faith, interactive process with an employee concerning a reasonable accommodation. Gov. Code. § 12940(n).

80. Caliber was Ms. Ford's employer, and Ms. Ford was Caliber's employee.

81. Ms. Ford had diagnosed depression, of which Caliber was aware. This condition impacted Ms. Ford's ability to function in the workplace.

82. Ms. Ford was able to perform the essential duties of her position with reasonable accommodations.

83. Caliber failed to provide reasonable accommodations.

84. Moreover, Caliber failed to engage in any timely, good faith, interactive process to determine whether accommodations could be made.

85. Ms. Ford was harmed, and Caliber's conduct was a substantial factor in causing Ms. Ford's harm.

86. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Ms. Ford has suffered damages including, without limitation, lost income, compensation and benefits, physical injuries, physical distress, emotional distress, pain and suffering, depression, anxiety, humiliation, and loss of reputation and other injuries in an amount to be proven at trial.

87. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by Caliber senior leadership with zero

regard for Ms. Ford's emotional and/or physical safety or legal rights. Thus, Ms. Ford is entitled to recover punitive damages from Defendants, and each of them.

FIFTH CAUSE OF ACTION

FEHA Retaliation

(Against all Defendants)

88. Ms. Ford re-alleges and incorporates by reference each and every allegation set forth above and below.

89. FEHA prohibits retaliation against an employee who has opposed or reported any practice forbidden by FEHA. Gov. Code. § 12940(h).

90. Caliber was Ms. Ford's employer, and Ms. Ford was Caliber's employee.

91. Ms. Ford made multiple reports to HR and/or supervisors concerning disability/medical condition and race based harassment and discrimination.

92. Caliber retaliated against Ms. Ford for making such complaints. For example, it excluded her from meetings and removed her from projects. It then terminated her employment.

93. Ms. Ford's complaints were each substantial motivating reasons for Caliber's decision to do these adverse employment actions.

94. Ms. Ford was harmed, and Caliber's conduct was a substantial factor in causing Ms. Ford's harm.

95. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Ms. Ford has suffered damages including, without limitation, lost income, compensation and benefits, physical injuries, physical distress, emotional distress, pain and suffering, depression, anxiety, humiliation, and loss of reputation and other injuries in an amount to be proven at trial.

96. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by Caliber senior leadership with zero

regard for Ms. Ford's emotional and/or physical safety or legal rights. Thus, Ms. Ford is entitled to recover punitive damages from Defendants, and each of them.

SIXTH CAUSE OF ACTION

Labor Code Retaliation

(Against all Defendants)

97. Ms. Ford re-alleges and incorporates by reference each and every allegation set forth above and below.

98. Labor Code section 1102.5(b) prohibits retaliation when an employee discloses information she has reasonable cause to believe violates the law.

99. Caliber was Ms. Ford's employer, and Ms. Ford was Caliber's employee.

100. Ms. Ford made multiple reports to HR and/or supervisors concerning disability/medical condition and race based harassment and discrimination that she had reasonable cause to believe violates multiple state and federal laws and that does violate multiple state and federal laws. *See e.g.*, Gov. Code § 12940(a), (j).

101. Caliber retaliated against Ms. Ford for making such complaints. For example, it excluded her from meetings and removed her from projects. It then terminated her employment within 90 days of her latest complaint. *See* S.B. 497 (establishing a rebuttable presumption of retaliation if the adverse act occurred within 90 days of the protected report).

102. Ms. Ford's complaints were each contributing and substantial motivating reasons for Caliber's decision to do these adverse employment actions.

103. Ms. Ford was harmed, and Caliber's conduct was a substantial factor in causing Ms. Ford's harm.

104. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Ms. Ford has suffered damages including, without limitation, lost income, compensation and benefits, physical injuries, physical distress, emotional distress, pain and suffering, depression, anxiety, humiliation, and loss of reputation and other injuries in an amount to be proven at trial.

105. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by Caliber senior leadership with zero regard for Ms. Ford's emotional and/or physical safety or legal rights. Thus, Ms. Ford is entitled to recover punitive damages from Defendants, and each of them.

SEVENTH CAUSE OF ACTION

Wrongful Termination in Violation of Public Policy

(Against all Defendants)

106. Ms. Ford re-alleges and incorporates by reference each and every allegation set forth above and below.

107. It is an unlawful employment practice and violation of public policy to discharge an employee based on her medical condition/disability and/or race, which is exactly what Caliber did.

108. It is also an unlawful employment practice and violation of public policy to discharge an employee in retaliation for reporting unlawful conduct, which is exactly what Caliber did.

109. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Ms. Ford has suffered damages including, without limitation, lost income, compensation and benefits, physical injuries, physical distress, emotional distress, pain and suffering, depression, anxiety, humiliation, and loss of reputation and other injuries in an amount to be proven at trial.

110. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by Caliber senior leadership with zero regard for Ms. Ford's emotional and/or physical safety or legal rights. Thus, Ms. Ford is entitled to recover punitive damages from Defendants, and each of them.

PRAYER FOR RELIEF

WHEREFORE, Ms. Ford prays that this Court enter judgment in her favor on every claim and relief against Defendants and each of them, as follows:

1. For compensatory damages;
2. For punitive damages;
3. For pre-judgment and post-judgment interest, at the legal rate;
4. For attorney's fees and costs;
5. For applicable penalties;
6. For costs of suit;
7. For declaratory relief; and
8. For all such other and further relief as the court may deem just, proper and equitable.

Dated: October 2, 2024

Chizen Law, Professional Corporation

/s/ Steven Chizen
Steven Chizen

Attorney for Plaintiff Aisha Ford

JURY DEMAND

PLAINTIFF AISHA FORD demands trial by jury on all issues so triable.

Dated: October 2, 2024

Chizen Law, Professional Corporation

/s/ Steven Chizen
Steven Chizen

Attorney for Plaintiff Aisha Ford