STEVEN M. CHIZEN, State Bar No. 329160
CHIZEN LAW, PROFESSIONAL CORPORATION
5111 Telegraph Avenue, Suite 301
Oakland, CA 94609
Telephone: (510) 545-9556
Email: steven.chizen@chizenlaw.com

Attorney for Plaintiff Pooya Nasseri

ELECTRONICALLY
FILED
Superior Court of California, County of San Francisco
01/20/2023
Clerk of the Court
BY: JEFFREY FLORES
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

CGC-23-604138

POOYA NASSERI, an individual,

Plaintiff,

v.

META PLATFORMS, INC., a Delaware Corporation; **CHURCHILL COST CONSULTANTS, LLC**, a California Limited Liability Company; and **DOES** 1 through 10, inclusive,

Defendants.

CASE NO.:

Unlimited Jurisdiction

COMPLAINT FOR:

1) **FEHA SEX/GENDER DISCRIMINATION**
2) **FEHA RACE DISCRIMINATION**
3) **FEHA NATIONAL ORIGIN DISCRIMINATION**
4) **FAILURE TO PREVENT DISCRIMINATION**
5) **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

JURY TRIAL DEMANDED

Plaintiff **POOYA NASSERI** ("Ms. Nasseri") brings this action, by and through counsel, for damages against Defendants **META PLATFORMS, INC.**, a Delaware Corporation ("Meta"), **CHURCHILL COST CONSULTANTS, LLC**, a California Limited Liability Company ("Churchill"), and **DOES** 1 through 10, inclusive (collectively with Meta and Churchill, "Defendants"), and each of them. Plaintiff hereby complains of Defendants, and/or each of them, named hereinabove as follows:

INTRODUCTION

1. Defendants, including Meta manager Jean Lubbe and other supervisors and leadership of Meta and Churchill, terminated Ms. Nasseri, a joint employee of Meta and Churchill, based on her female sex/gender, Middle-Eastern race, and Iranian national origin.

2. The white and male-dominated leadership of Meta's construction cost management group then immediately replaced Ms. Nasseri with a more expensive employee, Patrick Aranda, who fit Defendants', and specifically, Mr. Lubbe's, preferred mold: a white male.

3. Ms. Nasseri was left unemployed. Even worse, she suffered, and continues to suffer, substantial emotional distress and pain and suffering due to the discrimination and wrongful termination.

JURISDICTION AND VENUE

4. Jurisdiction is proper because Ms. Nasseri worked remotely for Defendants in the State of California, County of San Francisco, and Defendants wrongfully terminated Ms. Nasseri's employment in the State of California, County of San Francisco. Government Code §12965(c)(3). Significant relief is being sought against Defendants whose violations of California employment laws form a significant basis for Ms. Nasseri's claims.

5. Venue is proper under Government Code section 12965(c)(3) because Ms. Nasseri primarily performed work for Defendants in the County of San Francisco 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. Nasseri. Civ. Proc. Code

§ 395. Had the unlawful conduct, including the wrongful termination, not occurred, Ms. Nasseri would still be primarily working for Defendants in the County of San Francisco. Government Code §12965(c)(3).

6. Prior to the filing of this action, Ms. Nasseri exhausted her administrative remedies. She filed her complaint with the California Department of Fair Employment and Housing ("DFEH") alleging that the acts of Defendants constituted multiple violations of California's Fair Employment and Housing Act ("FEHA") and obtained a "right to sue" letter from DFEH against Defendants on or around January 11, 2023. She subsequently brought this action on a timely basis.

PARTIES

7. Plaintiff **POOYA NASSERI** (Ms. Nasseri) is a natural person who at all times relevant to this claim was a resident of San Francisco County and employed in San Francisco County. Ms. Nasseri is a female of Middle-Eastern race and Iranian national origin.

8. Ms. Nasseri is informed and believes, and thereon alleges, that Defendant **META PLATFORMS, INC.** (Meta) is, and at all times relevant to this claim, was, a Delaware Corporation headquartered and doing business in San Mateo County, State of California, also doing business in San Francisco County, State of California, organized and existing under the laws of the State of Delaware, with its principal place of business located at 1601 Willow Road, Menlo Park, California 94025. Meta is a well-known technology conglomerate that owns and operates social platforms including Facebook, Instagram, and WhatsApp, among other products and services.

9. Ms. Nasseri is informed and believes, and thereon alleges, that Defendant **CHURCHILL COST CONSULTANTS, LLC** (Churchill) is, and at all times relevant to this claim, was, a California Limited Liability Company doing business in San Mateo County, State of California, also doing business in San Francisco County, State of California, organized and existing under the laws of the state of California, with its principal place of business located at 17141 Ventura Boulevard, Suite 200, Encino, California 91316. Churchill is a financially

focused construction consulting firm specialized in estimating, cost management, project controls, audit, and contract administration.

10. The true names and capacities, whether individual, corporate, associate or otherwise of Defendants DOES 1 through DOES 10, inclusive, are unknown to Ms. Nasseri who therefore sues said Defendants by such fictious names pursuant to Code of Civil Procedure section 474. Ms. Nasseri further alleges that each of said fictitious Defendants are in some manner responsible for the acts and occurrences hereinafter set forth. Ms. Nasseri 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.

DUAL EMPLOYEE

11. Ms. Nasseri is informed and believes, and thereon alleges, that each Defendant named in this Complaint, and each Doe Defendant, were joint employers of Ms. Nasseri, making Ms. Nasseri a dual employee. Ms. Nasseri is further informed and believes, and thereon alleges, that each said Defendant is in some matter responsible for the wrongs and damages alleged below, and in so acting was functioning, at all relevant times, as the agent, servant, partner, alter ego and/or employee of the other Defendants, and in doing the actions described below, was acting within the course and scope of his, her or its authority as such agent, servant, partner and/or employee with the permission and consent of each of the other Defendants. All acts herein alleged were approved of and ratified by each and every other Defendant. Each Defendant, including, without limitation, Meta and Churchill, is vicariously liable for the acts of all Defendants.

12. Churchill and Meta each had the power to control the work of Ms. Nasseri.

13. For example, Ms. Nasseri received wages and benefits from Churchill. She had an employment agreement with Churchill. She was provided employment information and human resources services from Churchill. Ms. Nasseri's work was within Churchill's primary business practice. Ms. Nasseri was subject to the control of Churchill managers.

14. Meta controlled Ms. Nasseri's work schedule and processes. Ms. Nasseri worked full-time for Meta. She reported to Meta supervisors. She received performance reviews from Meta. She was required to do Meta trainings. Each day, Ms. Nasseri was under the direct supervision and direction of Meta management.

15. Ms. Nasseri was therefore a dual employee of Churchill and Meta. Churchill and Meta are jointly liable for the acts and omissions described herein.

FACTS

EMPLOYMENT

16. Ms. Nasseri is of female sex and gender.

17. An Iranian native, Ms. Nasseri moved to the United States in 2013. That said, Ms. Nasseri remains Iranian at heart, and retains her Iranian accent, culture, and characteristics.

18. Ms. Nasseri's race is Middle-Eastern.

19. Ms. Nasseri has had an excellent career in Project Management and Controls and Cost Management for over 15 years.

20. Ms. Nasseri was awarded a bachelor's degree in civil engineering in Tehran, Iran. She later obtained a Master of Business Administration from HTW-Berlin in Germany and a master's in real estate finance from Georgetown University. Ms. Nasseri also obtained the "MRICS Designation," which is an extremely important designation in the cost management industry.

21. Ms. Nasseri worked in Tehran, Dubai, Berlin, and Washington D.C. before settling in San Francisco. She has experience in construction project management, project controls, real estate asset management, cost management, strategic planning, and financial planning and analysis.

22. Since moving to San Francisco in 2016, Ms. Nasseri worked at Uber Technologies Inc. as Global Real Estate Portfolio Manager and We Work Management, LLC. In these roles, Ms. Nasseri worked on projects that were larger in size, cost, and complexity than the projects she later worked on at Meta.

23. Ms. Nasseri was hired by Churchill in or around November 2021 specifically to work full time on a Meta project ("Project 1") which was among the largest active Meta construction projects in the San Francisco Bay Area in 2022. As alleged above, Ms. Nasseri was a dual employee of Meta and Churchill.

24. Ms. Nasseri also worked significantly on another ongoing program at Meta ("Project 2").

25. Meta planned to retain Ms. Nasseri's services for at least five-years to help with a set of construction projects. Each project's statement of work would last approximately one-year, before the next one would consecutively begin.

26. Ms. Nasseri accepted Churchill's offer of employment specifically because it and Meta agreed to five years of projects.

27. Ever since Ms. Nasseri took her talents to Meta and Churchill, she demonstrated that she went above and beyond. Her work ethic, contributions, and successes are numerous.

28. Ms. Nasseri created reporting and data management systems from scratch and successfully managed projects.

29. Ms. Nasseri built cash flow and accruals reporting for Meta's projects. She easily navigated quarterly analysis and detailed reporting on variances.

30. Ms. Nasseri was directly responsible for saving Meta money. For example, she absorbed duties for Project 2 by working long and intensive hours beyond the call of her contract. Moreover, by increasing the efficiency of work, she saved Meta funds.

31. Because of Ms. Nasseri's contributions, Project 2 could be handled by two full time cost mangers instead of two and half or even three cost managers as was the case before.

32. Ms. Nasseri was very successful at rejecting high fee contracts, invoices, and change orders. She often requested third parties to adjust fees, which saved Meta significant funds on the projects.

33. Ms. Nasseri had never been on a performance improvement plan and did not receive any significant constructive feedback. In fact, in or around May 2022, Ms. Nasseri received excellent feedback in a performance review that praised the quality of her work.

DISCRIMINATION

34. Around the time Ms. Nasseri was hired, Mr. Lubbe left his role at Churchill to work directly for Meta.

35. After leaving Churchill, Mr. Lubbe complained to Meta's former Cost Management Team Lead, Mark Jones, and to Churchill's Co-Founder, Luke Roberts, about the attitude of Mahsa Sakhaei, another female, Iranian Senior Cost Manager. Such complaints were without merit.

36. Ms. Sakhaei was a top performer and had no problems working with Meta personnel such as Lori Larson, Andres Diaz, and Mr. Jones.

37. Mr. Lubbe was envious that Iranian females were hired to more senior positions than he was at Churchill. Mr. Lubbe was a Manager when Ms. Nasseri and Ms. Sakhaei were hired as Senior Managers.

38. Amar Deshini, Project Manager, acknowledged this very fact, stating, "*Some men just can't handle working with strong women*." Mr. Deshini was referring to Mr. Lubbe.

39. Mr. Roberts subsequently met with Ms. Sakhaei and Ms. Nasseri to discuss Mr. Lubbe's complaints, explaining that Mr. Lubbe has a "*huge ego*," and that he "*was very upset*" about the two Iranian females becoming Senior Costs Managers over him when Mr. Lubbe was at Churchill.

40. Mr. Lubbe became Cost Manager Lead at Meta in or around March 2022.

41. In this role, Mr. Lubbe supervised numerous white, male Cost Managers.

42. Additionally, Mr. Lubbe supervised Patrick Aranda, a white male who was hired around the same time to work on another project ("Project 3").

43. Finally, Mr. Lubbe supervised Ms. Nasseri and Ms. Sakhaei.

44. Now that Mr. Lubbe had an internal position of leadership at Meta, he could discriminate against these female Iranians with a vengeance.

45. First, Mr. Lubbe and/or other Meta leaders arranged for Mr. Aranda to be on weekly calls between Ms. Nasseri, Ms. Sakhaei, Nancy (another cost manger), and Mr. Lubbe because, apparently, Mr. Lubbe and/or Meta generally did not trust the female staff to do things the way they trusted men to do so. Mr. Aranda would never be asked to join weekly calls between Mr. Lubbe and the male cost managers. Then, Mr. Lubbe and Meta got rid of these females all together.

46. First to go was Ms. Sakhaei. Mr. Lubbe did not renew her contract in or around May 2022 even though her cost management project was still underway and she was very successful in her position.

47. Next to go was Ms. Nasseri. On or about June 17, 2022, Mr. Lubbe terminated Ms. Nasseri's contract and Churchill terminated Ms. Nasseri's employment.

48. The termination occurred despite the fact that Ms. Nasseri's projects, Project 1 and Project 2, were still underway. In fact, Mr. Lubbe made clear that neither Project 1 nor Project 2 would be cut.

49. Days later, Churchill's Mr. Aranda informed Ms. Nasseri that he would be replacing her. Mr. Aranda asked Ms. Nasseri to give him all of her work product for her projects.

50. There is only one reason why Mr. Aranda would take over for Ms. Nasseri: discrimination.

51. Mr. Aranda fit Mr. Lubbe's preferred mold: American, white, and male.

52. Mr. Aranda was far more expensive. Specifically, Mr. Aranda's purchase order was over $65,000 more than Ms. Nasseri's purchase order.

53. Meta paid more for Mr. Aranda despite claiming to be "cost cutting," so this justification is completely bogus.

54. Additionally, Mr. Aranda's Project 3 was canceled in or around April 2022. Instead of letting him go, Mr. Lubbe eliminated the Iranian females, who both had active projects and were working at least thirty percent overtime due to their heavy workload.

55. Andres Diaz, Meta's Projects Program Manager who worked with Ms. Nasseri and oversaw all project managers, was not consulted on the termination of Ms. Nasseri.

56. When Mr. Diaz found out, he told Ms. Nasseri, "*This is unbelievable*." He then stated, "*I apologize on behalf of Meta that you have been treated like this by Meta.*" He was incredibly angry about Mr. Lubbe's overt discrimination.

57. Lori Larson, Senior Main Project Manager on Project 2, agreed, stating, "*[Meta] is treating you terribly*."

58. Mr. Deshini opined on Ms. Nasseri's termination: "*This is personal, both your case and Mahsa's had nothing to do with cost cutting and performance.*"

59. Nancy (the last remaining female Cost Manager) expressed that Mr. Lubbe is "*one of those guys who thinks women are stupid and need more assisting at work than men*."

60. Retaining men was a theme under Mr. Lubbe's management.

61. When a Meta project with a male cost manager was canceled, Mr. Lubbe simply found new work for the male cost manager. This, unfortunately, came at the expense of female (and Iranian) cost managers with active projects. They had to make room.

62. Moreover, male employees on the Cost Management Team were never let go when they had an ongoing project and full workload. Ms. Nasseri was.

63. Jacob Gorman, who was working as a Project Manager on a project, even had his contract extended despite the fact that his only project would end less than halfway through the extension. Charl Marnewick is still working for Meta despite the fact that some of his projects were canceled. In fact, in the midst of mass layoffs in or around November 2022, Mr. Marnewick's was hired directly by Meta.

64. Mr. Marinus Lampard (Mr. Lubbe's supervisor) contracted for Mr. Leon Rosenberg's project management services effective on or about June 1, 2022, around the time

Mr. Pooya was laid off, at a price far greater than his prior contract. Cost cutting was a non-issue there.

65. This reality is consistent with the male-dominated culture in the construction and cost management industries. Ms. Nasseri was never welcomed.

66. For example, male members of the Cost Management Team would often go out for beers, with both members from Churchill and leadership at Meta such as Mr. Lubbe present—she was never invited. No females were.

67. These happy hours occurred despite the fact that these male team members, Mr. Lubbe, Mr. Lamprecht, Mr. Aranda, Leon Rensberg, and Mr. Marnewick, among others, all worked mostly remotely or, if in the office, from different locations.

68. Ms. Nasseri was excluded because of her female sex/gender.

69. She always felt like an outsider as a female in the male dominated construction project management and cost management sector.

70. At Meta, under Mr. Lubbe's leadership, there was no room for an outsider Middle-Eastern female. At the end of the day, cost was not the issue; women were the issue.

71. As a result of Defendants' unlawful conduct described above, Ms. Nasseri has suffered, and will continue to suffer, substantial economic and emotional injuries.

72. Ms. Nasseri was left unemployed, losing out on income, benefits, and other forms of compensation.

73. The unlawful discharge will negatively impact Ms. Nasseri's resume and qualifications, as well as her personal and professional reputation.

74. Ms. Nasseri has also suffered and continues to suffer from pain, emotional distress, humiliation, anxiety, and degradation as a result of Defendants' discrimination. Ms. Nasseri will likely need counseling services for a year or longer to address the ongoing trauma.

75. Ms. Nasseri is unable to spend quality time with her family without reliving the trauma she endured.

76. Ms. Nasseri's self-esteem and proud identity as a female, Middle Eastern and Iranian professional is tarnished.

FIRST CAUSE OF ACTION

FEHA Sex/Gender Discrimination

(Against all Defendants)

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

78. FEHA prohibits discrimination based on sex gender. Gov. Code § 12940(a). Sex/gender discrimination includes discrimination based on traditional female characteristics. Gov. Code § 12926(r)(2).

79. As more fully set forth above, Defendants, including, without limitation, Meta and Churchill**,** and in particular Ms. Nasseri's supervisor Mr. Lubbe, discriminated against Ms. Nasseri based on her female sex and gender when they excluded her, terminated her contract and ended her employment.

80. Ms. Nasseri, a dual-employee at Meta and Churchill, was therefore subjected to an adverse employment action because of and/or substantially motivated by her sex and gender.

81. Defendants, including, without limitation, Meta and Churchill, are employers within the meaning of FEHA.

82. Ms. Nasseri was harmed.

83. The discrimination was a substantial factor in causing Ms. Nasseri harm.

84. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Ms. Nasseri has suffered damages including, without limitation, lost income, compensation and benefits, 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.

85. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by members of Churchill's leadership team

and Meta supervisors without regard for Ms. Nasseri's safety. Ms. Nasseri is entitled to recover punitive damages from Defendants, and each of them.

SECOND CAUSE OF ACTION

FEHA Race Discrimination

(Against all Defendants)

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

87. FEHA prohibits discrimination based on race. Gov. Code § 12940(a).

88. As more fully set forth above, Defendants, including, without limitation, Meta and Churchill**,** and in particular Ms. Nasseri's supervisor Mr. Lubbe, discriminated against Ms. Nasseri based on her Middle Eastern race when they excluded her, terminated her contract and ended her employment.

89. Ms. Nasseri, a dual employee at Meta and Churchill, was therefore subjected to an adverse employment action because of and/or substantially motivated by her race.

90. Defendants, including, without limitation, Met and Churchill, are employers within the meaning of FEHA.

91. Ms. Nasseri was harmed.

92. The discrimination was a substantial factor in causing Ms. Nasseri harm.

93. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Ms. Nasseri has suffered damages including, without limitation, lost income, compensation and benefits, 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.

94. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by members of Churchill's leadership team and Meta supervisors without regard for Ms. Nasseri's safety. Ms. Nasseri is entitled to recover punitive damages from Defendants, and each of them.

THIRD CAUSE OF ACTION

FEHA National Origin Discrimination

(Against all Defendants)

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

96. FEHA prohibits discrimination based on national origin. Gov. Code § 12940(a). National origin includes not only the country or continent where an individual is from, but also that location's "cultural . . . characteristics," such as stereotypes. 2 CA ADC § 11027.1(a) (Definitions).

97. As more fully set forth above, Defendants, including, without limitation, Meta and Churchill**,** and in particular Ms. Nasseri's supervisor Mr. Lubbe, discriminated against Ms. Nasseri based on her Iranian national origin when they excluded her, terminated her contract and ended her employment.

98. Ms. Nasseri, a dual employee at Meta and Churchill, was therefore subjected to an adverse employment action because of and/or substantially motivated by her national origin.

99. Defendants, including, without limitation, Met and Churchill, are employers within the meaning of FEHA.

100. Ms. Nasseri was harmed.

101. The discrimination was a substantial factor in causing Ms. Nasseri harm.

102. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Ms. Nasseri has suffered damages including, without limitation, lost income, compensation and benefits, 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.

103. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by members of Churchill's leadership team and Meta supervisors without regard for Ms. Nasseri's safety. Ms. Nasseri is entitled to recover punitive damages from Defendants, and each of them.

FOURTH CAUSE OF ACTION

Failure to Prevent Discrimination

(Against all Defendants)

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

105. FEHA provides in pertinent part that employers must take all reasonable steps to prevent discrimination. Gov. Code § 12940(k).

106. The actions and conduct of Defendants, as alleged hereinabove, constitute failure to prevent discrimination, in violation of FEHA.

107. Churchill's CEO and Meta leadership knew about Mr. Lubbe's discriminatory behavior yet failed to prevent it, stop it, or remedy it.

108. Churchill and Meta did not have requisite policies in place to prevent harassment and discrimination. There were inadequate remedial actions.

109. The failure to prevent discrimination was a substantial factor in causing Ms. Nasseri harm.

110. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Ms. Nasseri has suffered damages including, without limitation, lost income, compensation and benefits, 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.

111. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by members of Churchill's leadership team and Meta supervisors without regard for Ms. Nasseri's safety. Ms. Nasseri is entitled to recover punitive damages from Defendants, and each of them.

FIFTH CAUSE OF ACTION

Wrongful Termination in Violation of Public Policy

(Against all Defendants)

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

113. It is an unlawful employment practice and violation of public policy to discharge an employee based on her sex/gender, race, or national origin in violation of FEHA, which is exactly what Defendants did.

114. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Ms. Nasseri has suffered damages including, without limitation, lost income, compensation and benefits, 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.

115. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by members of Churchill's leadership team and Meta supervisors without regard for Ms. Nasseri's safety. Ms. Nasseri is entitled to recover punitive damages from Defendants, and each of them.

PRAYER FOR RELIEF

WHEREFORE, Ms. Nasseri 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, including but not limited to pursuant to FEHA;
5. For costs of suit; and
6. For all such other and further relief as the court may deem just, proper and equitable.

Dated: January 20, 2023

Chizen Law, Professional Corporation

/s/ Steven Chizen
Steven Chizen

Attorney for Plaintiff Pooya Nasseri

JURY DEMAND

PLAINTIFF POOYA NASSERI demands trial by jury on all issues so triable.

Dated: January 20, 2023

Chizen Law, Professional Corporation

/s/ Steven Chizen
Steven Chizen

Attorney for Plaintiff Pooya Nasseri