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County of Santa Clara
23CV424933
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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA CLARA

TYLER HOLMES, an individual,

Plaintiff,

v.

TG ADMINISTRATION, LLC; and **DOES** 1 through 20, inclusive,

Defendants.

CASE NO.: 23CV424933

Unlimited Jurisdiction

COMPLAINT FOR:

1) **RETALIATION IN VIOLATION OF LABOR CODE SECTION 6310**
2) **RETALIATION IN VIOLATION OF LABOR CODE SECTION 1102.5**
3) **FEHA RETALIATION**
4) **SEXUAL HARASSMENT – HOSTILE WORK ENVIRONMENT**
5) **FAILURE TO MAKE REASONABLE ACCOMODATION**
6) **FAILURE TO ENGAGE IN AN INTERACTIVE PROCESS**
7) **DISABILITY DISCRIMINATION**
8) **FAILURE TO PREVENT HARASSMENT, DISCRIMINATION, AND RETALIATION**
9) **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

JURY TRIAL DEMANDED

Plaintiff **TYLER HOLMES** brings this action, by and through counsel, for damages against Defendant **TG ADMINISTRATION, LLC**, and **DOES** 1 through 20, inclusive (collectively, "Troon" 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 Mr. Holmes worked for Troon in the State of California, County of Santa Clara, and Defendants committed all unlawful conduct, including the wrongful termination, in the State of California, County of Santa Clara. Significant relief is being sought against Defendants whose violations of California employment laws form a significant basis for Mr. Holmes's claims.

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

3. Prior to the filing of this action, Mr. Holmes exhausted his administrative remedies. He 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") and obtained a "right to sue" letter from CRD against Defendants on or around October 23, 2023. He subsequently brought this action on a timely basis.

PARTIES

4. Plaintiff **TYLER HOLMES** is a natural person who at all times relevant to this claim was employed in Santa Clara County.

5. Mr. Homes is informed and believes, and thereon alleges, that Defendant **TG ADMINISTRATION, LLC** (Troon) is, and at all times relevant to this claim, was, an out of

state Limited Liability Company doing business in Santa Clara County, with its registered California address of 818 W Seventh Street, Suite 930, Los Angeles, CA 90017. Troon operates the **Silver Creek Valley Country Club ("SCV")** in San Jose, California.

6. The true names and capacities, whether individual, corporate, associate or otherwise of Defendants DOES 1 through DOES 20, inclusive, are unknown to Mr. Holmes who therefore sues said Defendants by such fictious names pursuant to Code of Civil Procedure section 474. Mr. Holmes further alleges that each of said fictitious Defendants are in some manner responsible for the acts and occurrences hereinafter set forth. Mr. Holmes 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. Mr. Holmes was hired by Troon on or about November 26, 2021 as their Executive Chef at the Silver Creek Valley Country Club (SCV) located in San Jose, California.

8. Troon chose Mr. Holmes after a careful selection process. The Company talked with four of Mr. Holmes's references. Mr. Holmes cooked for the president of the Board of Directors (Ray Scott) and others, who all loved his food and were certain that he would be a great hire. Ray Scott even invited Mr. Holmes to his Napa restaurant to help train his Chef at that restaurant.

9. Mr. Holmes had multiple offers but chose to work at SCV because of its positive reputation in the Bay Area.

10. In his role as Executive Chef, Mr. Holmes thrived.

11. In fact, Mr. Holmes was given a raise from $110,000 to $128,000 annually in or around July 2022, and another on or about January 1, 2023 to $131,200.08 as a "merit increase."

12. SCV General Manager Barrett Eiselman, Mr. Holmes's old supervisor, told Mr. Holmes that he should "keep doing what you're doing" and was very pleased with his work.

13. Bill Embleton, President of the 2022 Board of Directors, as well as other members of the Board of Directors, told Mr. Holmes he was doing a great job.

14. Mr. Embleton even gave Mr. Holmes a $400 tip after the Cowboy Steak Dinner, which Mr. Holmes shared with his entire team.

15. Mr. Holmes received numerous standing ovations following VIP meals and menus. He excelled in his role, both internally and externally.

16. In or about May 2022, Mr. Holmes was instructed by Timo Posern, former SCV Food and Beverage Director, to falsely adjust employees' meal and break periods by editing the times they clocked out from lunch if they had worked for over a certain number of hours.

17. Mr. Holmes refused to participate in this misconduct, which he reasonably believed was unlawful. Mr. Posern and other Troon superfisors were aware that Mr. Holmes refused to participate.

18. Throughout his employment, Mr. Holmes observed emails from SCV General Manager and his supervisor's supervisor, Charles Lewis, that reprimanded the team when they had meal break violations. But, generally, Mr. Lewis refused to hire the help the team needed, resulting in directors feeling pressure to continue making illegal adjustments to the time sheets.

19. In or about December 2022, Mr. Holmes reported to Troon management that the elevator was out of order and that employees were stuck in it, creating a life safety issue.

20. In fact, the fire department had to come and coordinate with the emergency repair company to rescue passengers, including employees.

21. Mr. Holmes and other kitchen employees had to use the stairs to carry large, heavy banquet supplies, which Mr. Holmes also reasonably believed was a safety issues both for himself and his colleagues, which he also reported to his supervisors.

22. Mr. Holmes reported these issues twice throughout late 2022 and early 2023 to Troon management, but nothing was done. Moreover, it became clear that Troon did not appreciate Mr. Holmes for speaking up.

23. During one such elevator breakdown (elevator from the first to second floor), on or about February 14, 2023, Mr. Holmes was forced to carry heavy trays of food up and down stairs.

24. While doing so, Mr. Holmes suddenly felt a sharp, shooting pain on his right knee.

25. The pain continued, so on or about February 16, 2023, Mr. Holmes reported in writing the incident to supervisor Mr. Lewis.

26. Mr. Lewis failed to respond.

27. Mr. Holmes then sent an email to both Mr. Lewis and his direct manager, Domenic Pomponio, SCV's Food and Beverage Director, advising them of the incident report he had submitted to Mr. Lewis previously.

28. After sending more follow up emails, Mr. Pomponio finally responded, on or about February 23, 2023. Mr. Pomponio finally sent Mr. Holmes to Concertra San Jose for urgent care treatment.

29. After filing a claim for worker's compensation, Mr. Holmes was placed on restricted duty and prescribed anti-inflammatory medication due to his injury/disability to his knee and other areas of his body.

30. The worker's compensation doctor gave Mr. Holmes a large knee brace and specific instructions to Troon requiring Mr. Holmes to immediately stop lifting heaving objects and using stairs.

31. Specifically, Mr. Holmes was not to lift more than 15 pounds, was not to push/pull more than 15 pounds, was to only stand occasionally, and was to only walk occasionally.

32. Troon received these work restrictions and became aware of Mr. Holmes's need for reasonable accommodations due to his disability/medical condition.

33. When Mr. Pomponio read through these restrictions to determine whether the request for reasonable accommodations could be granted, he stated that he (Mr. Pomponio)

would not be able to do any of the lifting himself because he had a bad back, suggesting that Mr. Holmes's work restrictions were unacceptable and that his reasonable accommodations could not be made.

34. Nonetheless, Troon indicated to Mr. Holmes that these reasonable accommodations would be granted. Unfortunately, Troon did not stick to its word.

35. Troon failed to initiate an interactive process to further discuss the reasonable accommodations requested and/or made.

36. On or about March 3, 2023, Troon leader Mr. Lewis told Mr. Holmes that he needed to be careful with the photographs on his personal phone, that Mr. Lewis had access to the phone, and that Mr. Lewis "had enough on there" to fire him, alluding to salacious images and communications involving Mr. Holmes's romantic partner.

37. This was out of the blue and very odd considering the phone was owned by Mr. Holmes (there was a stipend for Company phone use).

38. Mr. Lewis also told Mr. Holmes that he heard that "*your wife gets a little frisky when she drinks*."

39. Mr. Holmes was very uncomfortable with this sexual harassment and found it threatening and inappropriate.

40. Mr. Holmes did not participate in further discussion, which Mr. Lewis did not appreciate.

41. Between reporting the elevator breakdown and refusing the sexual harassment, Mr. Holmes was labeled a whistleblower and nuisance.

42. Mr. Holmes was also labeled a worker with a disability due to his work restrictions and requests for reasonable accommodations.

43. Mr. Lewis had enough. He would have to put an end to Mr. Holmes's employment with Troon.

44. On or about March 10, 2023, Troon placed Mr. Holmes on a "performance improvement plan" full of inaccurate, fabricated information, often invoking issues that arose and existed prior to Mr. Holmes's employment.

45. Important to note, Mr. Pomponio told Mr. Holmes that Mr. Lewis asked him to "get rid of" Mr. Holmes and made him create the falsified performance improvement plan to better support this effort.

46. The performance improvement plan was to last for four weeks until April 10, 2023.

47. Despite all the inaccuracies, Mr. Holmes easily accomplished everything asked of him on the performance improvement plan.

48. When the performance improvement plan was extended due to staffing shortages, Mr. Holmes covered the staffing storages by working the line for breakfast, lunch and dinner.

49. Troon then released Mr. Holmes from the performance improvement plan, in an admission that he was doing a good job at work.

50. At the same time, management tried to get Mr. Holmes to resign since they could not justify terminating him, as Mr. Holmes successfully "beat" the bogus performance improvement plan scheme.

51. Moreover, to try to make Mr. Holmes's performance look worse, Mr. Pomponio blatantly ignored Mr. Holmes's work restrictions and reasonable accommodations ever since Mr. Holmes provided his work restrictions form.

52. Mr. Pomponio forced Mr. Holmes to stand for five hours outside at the 10th tee at SCV to work a sandwich station in the rain where he had to build sandwiches specially for the members.

53. This was an unusual request, since Mr. Holmes's staff would normally handle that type of activity.

54. Mr. Pomponio made Mr. Holmes go up and down stairs to set up and tear down. Mr. Holmes's knee was in immense pain, but he continued to work because he feared his job would be threatened if he stopped.

55. Mr. Holmes often had to do work that violated his work restrictions and reasonable accommodations.

56. For example, in May 2023, Mr. Pomponio forced Mr. Holmes to put away liquor deliveries (with heavy boxes), even after Mr. Holmes asked him to schedule someone else to do it due to Mr. Holmes's work restrictions and reasonable accommodations.

57. Mr. Holmes had to consistently lift and move wine, liquor, and food boxes as well as meat orders in violation of his work restrictions and reasonable accomodations.

58. In fact, this was work that was routinely done by servers, bar tenders, or bar-backs, so it made no sense for Mr. Pomponio to require Mr. Holmes to complete the work. He just wanted Mr. Holmes to suffer and ultimately resign.

59. Mr. Holmes would regularly receive over 4,000 pounds of food, which he was forced to put away. Mr. Pomponio refused to schedule other employees to help despite Mr. Holmes's request given his work restrictions/reasonable accommodations. Mr. Pomponio also refused to help himself.

60. Additionally, in May 2023, Mr. Holmes observed Isidro Facio, Mr. Holmes's Banquet Chef Assistant, sexually harass others in the workplace.

61. First, Mr. Facio told Mr. Holmes that he "*had an appointment where they shove something up my ass.*"

62. Mr. Facio then mentioned a "*black guy putting something in my ass*."

63. These comments made Mr. Holmes feel incredibly uncomfortable and humiliated.

64. Mr. Facio also asked if Thamara Hernandez, a Cook, was a man or woman, in a transphobic manner.

65. Furthermore, Mr. Facio told Mr. Holmes that he did not let Jennifer McMullen, Lead Cook, into the kitchen because she had "*stinky hands*," since she "*rub[ed] her pussy and [did] not wash her hands*."

66. Mr. Holmes was horrified by all the sexual harassment.

67. Mr. Holmes attempted to coach Mr. Facio on how this behavior was inappropriate and unlawful, and he reported the sexual harassment to supervisor Mr. Pomponio on or about May 29, 2023.

68. Mr. Holmes never heard anything back from Troon leadership regarding this issue.

69. When Mr. Pomponio left the Company on or about June 21, 2023, he apologized to Mr. Holmes for placing him on the false performance improvement plan, explaining that Mr. Lewis made him do it since one of Mr. Pomponio's job responsibilities was to force Mr. Holmes out.

70. Mr. Lewis finally had enough. He was tired of Mr. Holmes's refusing to participate in unlawful conduct, reporting of unlawful/unsafe conduct, reporting of sexual harassment, and asking for reasonable accomodations for his medical condition/disability. For these reasons, Troon terminated Mr. Holmes's employment.

71. On or about June 26, 2023, Mr. Lewis informed Mr. Holmes that he was fired.

FIRST CAUSE OF ACTION

Retaliation in Violation of Labor Code Section 6310

(Against all Defendants)

72. Mr. Holmes re-alleges and incorporates by reference each and every allegation set forth above and below.

73. Mr. Holmes was an employee of Troon.

74. Mr. Holmes made bona fide complaints to Troon leadership about an unsafe and unhealthy workplace condition, i.e., the broken elevators that caused a physical safety issue for employees and guests who were stuck.

75. He also complained that the broken elevators threatened his own physical safety since he had to now lift heavy objects on staircases.

76. Troon retaliated by placing Mr. Holmes on a false performance improvement plan and terminating his employment.

77. Mr. Holmes's complaints were a substantial motivating reason for Troon's decision to discharge him.

78. Mr. Holmes was harmed.

79. Troon's conduct was a substantial factor in causing Mr. Holmes the harm.

80. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Mr. Holmes 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.

81. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by SCV leadership with zero regard for Mr. Holmes's physical safety or legal rights. Thus, Mr. Holmes is entitled to recover punitive damages from Defendants, and each of them.

SECOND CAUSE OF ACTION

Retaliation in Violation of Labor Code 1102.5

(Against all Defendants)

82. Mr. Holmes re-alleges and incorporates by reference each and every allegation set forth above and below.

83. Mr. Holmes was an employee of Troon.

84. Mr. Holmes disclosed to his supervisor and/or an employee who had authority to investigate the matter, an unsafe and unhealthy workplace condition, i.e., the unsafe broken elevators.

85. Mr. Holmes had reasonable cause to believe that the information disclosed a violation of state and/or federal law or local ordinances, including, without limitation, Labor Code sections 6310, 6400, and 6401.

86. Mr. Holmes also refused to falsify timecards despite supervisor Mr. Posern's request because he reasonably did not want to violate multiple federal, state and local laws.

87. Troon retaliated by placing Mr. Holmes on a false performance improvement plan and terminating his employment.

88. Mr. Holmes's complaints and refusal to participate in unlawful conduct were a substantial motivating reasons for Troon's decision to discharge him.

89. Mr. Holmes was harmed.

90. Troon's conduct was a substantial factor in causing Mr. Holmes the harm.

91. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Mr. Holmes 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.

92. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by SCV leadership with zero regard for Mr. Holmes's physical safety or legal rights. Thus, Mr. Holmes is entitled to recover punitive damages from Defendants, and each of them.

THIRD CAUSE OF ACTION

FEHA Retaliation

(Against all Defendants)

93. Mr. Holmes re-alleges and incorporates by reference each and every allegation set forth above and below.

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

95. Troon retaliated against Mr. Holmes for reporting to his supervisor multiple instances sexual harassment by other employees in violation of FEHA by terminating his employment.

96. A causal link existed between Mr. Holmes's reporting and Defendants' termination of his employment.

97. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Mr. Holmes 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.

98. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by SCV leadership with zero regard for Mr. Holmes's physical safety or legal rights. Thus, Mr. Holmes is entitled to recover punitive damages from Defendants, and each of them.

FOURTH CAUSE OF ACTION

FEHA Sexual Harassment – Hostile Work Environment

(Against all Defendants)

99. Mr. Holmes re-alleges and incorporates by reference each and every allegation set forth above and below.

100. FEHA prohibits harassment based on sex. Gov. Code § 12940(a). It prohibits hostile work environment sexual harassment, whereby an employer created a hostile environment for an employee because of that employee's sex.

101. As more fully set forth above, Defendants, including, without limitation, Troon, sexually harassed Mr. Holmes based on his male sex. They made sexual jokes in his direction about his wife, stating that she was "frisky when she drinks." Mr. Holmes's supervisor's supervisor, Mr. Lewis, also alluded to salacious items on Mr. Holmes's phone involving his wife that would be grossly inappropriate in the workplace, stating that he had enough to fire

Mr. Holmes based on the images and communications involving Mr. Holmes's romantic partner.

102. Defendants are employers within the meaning of FEHA, and the sexual harassment was carried out by a supervisor, Mr. Lewis.

103. A reasonable man in Mr. Holmes's circumstances would consider the work environment to be hostile or abusive due to the severe and pervasive sexual harassment.

104. Mr. Holmes considered the work environment to be hostile or abusive.

105. Mr. Holmes was harmed.

106. The harassment based on sex was a substantial factor in causing Mr. Holmes's harm.

107. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Mr. Holmes 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.

108. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by SCV leadership with zero regard for Mr. Holmes's physical safety or legal rights. Thus, Mr. Holmes is entitled to recover punitive damages from Defendants, and each of them.

FIFTH CAUSE OF ACTION

Failure to Provide a Reasonable Accommodation

(Against all Defendants)

109. Mr. Holmes re-alleges and incorporates by reference each and every allegation set forth above and below.

110. 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).

111. The actions and conduct of Defendants, as alleged hereinabove, constitute failure to accommodate Mr. Holmes's physical disability in violation of FEHA.

112. Mr. Holmes reported sufficient information to make known his physical disability concerning his knee and need for a reasonable accommodations, including by providing a doctor's note that listed out work restrictions.

113. As described above, Defendants took inadequate action when they required Mr. Holmes to perform duties that violated such work restrictions and/or reasonable accommodations requested. In other words, Defendants wholly failed to make Mr. Holmes's request for reasonable accommodations.

114. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Mr. Holmes 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 SCV leadership with zero regard for Mr. Holmes's physical safety or legal rights. Thus, Mr. Holmes is entitled to recover punitive damages from Defendants, and each of them.

SIXTH CAUSE OF ACTION

Failure to Engage in a Timely, Good Faith, Interactive Process

(Against all Defendants)

116. Mr. Holmes re-alleges and incorporates by reference each and every allegation set forth above and below.

117. 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).

118. Defendants' conduct, as alleged herein, constitutes failure to engage in the interactive process in violation of FEHA.

119. Defendants never engaged with Mr. Holmes about his disability despite being put on notice of such disability. They failed to explain what whether and to what extent his request for reasonable accommodations could be granted.

120. When Defendants refused to provide certain accommodations during the workday, they failed to engage in any interactive process to discuss what accommodations could be made instead.

121. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Mr. Holmes 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.

122. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by SCV leadership with zero regard for Mr. Holmes's physical safety or legal rights. Thus, Mr. Holmes is entitled to recover punitive damages from Defendants, and each of them.

SEVENTH CAUSE OF ACTION

FEHA Disability Discrimination

(Against all Defendants)

123. Mr. Holmes re-alleges and incorporates by reference each and every allegation set forth above and below.

124. FEHA prohibits discrimination based on disability/medical condition. Gov. Code § 12940(a).

125. As more fully set forth above, Defendants discriminated against Mr. Holmes based on his newfound medical condition/disability to his knee and other areas of his body when they placed him on a fabricated performance improvement plan and terminated his employment because of his medical condition/disability. Defendants discriminated against Mr. Holmes for getting injured on the job and reporting such injury to his employer, and for requesting reasonable accommodations in the workplace.

126. Mr. Holmes, an employee of Troon, was therefore subjected to an adverse employment action because of and/or substantially motivated by his disability/medical condition.

127. Defendants, Troon, are employers within the meaning of FEHA.

128. Mr. Holmes was harmed.

129. The discrimination was a substantial factor in causing Mr. Holmes's harm.

130. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Mr. Holmes 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.

131. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by SCV leadership with zero regard for Mr. Holmes's physical safety or legal rights. Thus, Mr. Holmes is entitled to recover punitive damages from Defendants, and each of them.

EIGTH CAUSE OF ACTION

Failure to Prevent Harassment, Discrimination, and Retaliation

(Against all Defendants)

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

133. FEHA provides in pertinent part that employers must take all reasonable steps to prevent discrimination, harassment, and retaliation. Gov. Code § 12940(k).

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

135. Mr. Holmes reported instances of harassment but Defendants failed to take steps to prevent it from continuing.

136. Senior SCV leaders were aware of discrimination and retaliation, but carried it out anyways without taking any corrective actions.

137. Troon did not have requisite policies in place to prevent harassment, discrimination, and retaliation. There were inadequate remedial actions.

138. The failure to prevent discrimination was a substantial factor in causing Mr. Holmes's harm.

139. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Mr. Holmes 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.

140. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by SCV leadership with zero regard for Mr. Holmes's physical safety or legal rights. Thus, Mr. Holmes is entitled to recover punitive damages from Defendants, and each of them.

NINTH CAUSE OF ACTION

Wrongful Termination in Violation of Public Policy

(Against all Defendants)

141. Mr. Holmes re-alleges and incorporates by reference each and every allegation set forth above and below.

142. It is an unlawful employment practice and violation of public policy to discharge an employee based on his medical condition/disability, which is exactly what Defendants did.

143. It is also an unlawful employment practice and violation of public policy to discharge an employee in retaliation for reporting unlawful conduct and/or refusing to participate in wrongful conduct, which is exactly what Defendants did.

144. As a direct result of the unlawful employment practices of Defendants as alleged hereinabove, Mr. Holmes 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.

145. Defendants' actions were fraudulent, malicious and oppressive, because, among other things, the conduct was carried out and ratified by SCV leadership with zero regard for Mr. Holmes's physical safety or legal rights. Thus, Mr. Holmes is entitled to recover punitive damages from Defendants, and each of them.

PRAYER FOR RELIEF

WHEREFORE, Mr. Holmes prays that this Court enter judgment in their 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 24, 2023

Chizen Law, Professional Corporation

/s/ Steven Chizen
Steven Chizen

Attorney for Plaintiff Tyler Holmes

JURY DEMAND

PLAINTIFF TYLER HOLMES demands trial by jury on all issues so triable.

Dated: October 24, 2023

Chizen Law, Professional Corporation

/s/ Steven Chizen
Steven Chizen

Attorney for Plaintiff Tyler Holmes