

1 Zachary S. Schumacher (SBN: 286898)  
2 **SCHUMACHER PC**  
3 1901 1st Avenue, First Floor  
4 San Diego, California 92101  
5 Tel: (619) 344-0800  
6 Email: zach@schumacher-law.com

7 DANTE T. PRIDE (SBN 262362)  
8 *dpride@pridelawfirm.com*  
9 JESSICA K. PRIDE (SBN 249212)  
10 *jpride@pridelawfirm.com*  
11 ZACHARY FREIRE-AVIÑA (SBN 325460)  
12 *zfa@pridelawfirm.com*  
13 **THE PRIDE LAW FIRM**  
14 2831 Camino Del Rio S, Suite 104  
15 San Diego, California 92108  
16 Telephone: 619-516-8166  
17 Facsimile: 619-785-3414

18 Attorneys for Plaintiff,  
19 GRECIA FIGUEROA

20 SUPERIOR COURT OF CALIFORNIA  
21 COUNTY OF SAN DIEGO – HALL OF JUSTICE

22 GRECIA FIGUEROA, an individual,

23 Plaintiff(s),

24 vs.

25 NATHAN FLETCHER, an individual; SAN  
26 DIEGO METROPOLITAN TRANSIT  
27 SYSTEM, a California public agency; and,  
28 DOES 1-20, Inclusive,

Defendant(s).

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego

**07/14/2023** at 02:54:00 PM

Clerk of the Superior Court  
By Jimmy Siharath, Deputy Clerk

CASE NO.: 37-2023-00012828-CU-OE-CTL

FIRST AMENDED COMPLAINT FOR:

1. **Sexual Harassment** (Gov. Code § 12940(j));
2. **Gender Violence** (Civ. Code § 52.4);
3. **Sexual Assault and Battery**;
4. **Gender Discrimination** (Cal. Gov. Code § 12940(a));
5. **Retaliation** (Cal. Gov. Code § 12940(h));
6. **Failure to Prevent Harassment, Discrimination, and Retaliation** (Cal. Gov. Code § 12940(k));
7. **Wrongful Termination in Violation of Public Policy** (Cal. Gov. Code § 12940(a), common law);
8. **Intentional Infliction of Emotional Distress.**

**JURY TRIAL DEMANDED**

1 COMES NOW, plaintiff GRECIA FIGUEROA (“Ms. Figueroa” or “Plaintiff”), who  
2 alleges against the defendants, and each of them, as follows:

3 **PARTIES**

4 1. Plaintiff is, and at all times herein mentioned was, an individual residing in the  
5 County of San Diego in the State of California.

6 2. Defendant NATHAN FLETCHER (“Fletcher”) is, and at all times herein mentioned  
7 was, the Chairman of the Board of Directors for SAN DIEGO METROPOLITAN TRANSIT  
8 SYSTEM (“MTS”) – the senior most ranking person within the MTS agency. In addition, Fletcher  
9 was an elected Member of the San Diego County Board of Supervisors, and from January 2021 to  
10 January 2023, was the Chair of the County Board of Supervisors. Fletcher is married to former  
11 California State Assemblywoman Lorena Gonzalez; and Fletcher himself was a member of the  
12 California State Assembly from 2008-2012.

13 3. Defendant MTS is, and at all times herein mentioned was, a California public agency  
14 comprising the San Diego Transit Corp.; San Diego Trolley, Inc.; San Diego and Arizona Eastern  
15 Railway Company (nonprofit public benefit corporations); and San Diego Vintage Trolley, Inc., a  
16 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS member agencies  
17 include the County of San Diego and the Cit(ies) of Chula Vista, Coronado, El Cajon, Imperial  
18 Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee.

19 4. Defendants Fletcher, MTS, and DOES 1-20, inclusive, are hereinafter referred to  
20 collectively as “Defendants”.

21 5. Plaintiff is informed and believes and thereon alleges that Defendant and DOES 1-  
22 20, inclusive, are an integrated enterprise and share an interrelation of operations, common  
23 management, centralized control of labor relations, and common ownership of financial control.  
24 As such, they are a single employer, joint employer, and/or integrated enterprise. These defendants  
25 are, and at all times herein mentioned were, joint employers and/or an integrated enterprise  
26 employing Plaintiff and all of Plaintiff’s supervisors and managers, and all individuals named  
27 herein.

28 ///

1           6.       The true names, identities, or capacities, whether individual, corporate, associate, or  
2 otherwise, of DOES 1 through 20, inclusive, are unknown to Plaintiff, who therefore sues said  
3 defendants by such fictitious names. When the true names, identities or capacities of such  
4 fictitiously designated defendants are ascertained, Plaintiff will seek to amend this Complaint and  
5 insert said true names, identities, and capacities, together with the proper charging allegations.

6           7.       Plaintiff is informed and believes and thereon alleges that each of the defendants  
7 sued herein is responsible in some manner and liable herein for negligent, wanton, reckless, and  
8 tortious conduct, strict liability, and by such wrongful conduct, proximately caused Plaintiff's  
9 injuries and damages.

10          8.       Plaintiff is informed and believes and thereon alleges that at all times herein  
11 mentioned, each defendant, whether specifically identified or designated as a DOE, was the agent,  
12 managing agent, principal, owner, partner, joint venturer, representative, supervisor,  
13 manager, alter ego, affiliate, co-employer, joint venturer, servant, and/or co-conspirator of each of  
14 the other defendants, and was at all times mentioned herein acting within the course and scope of  
15 said agency, and that all acts or omissions alleged herein were duly committed with the ratification,  
16 knowledge, permission, encouragement, authorization and consent of each defendant designated  
17 herein.

18    **JURISDICTION AND VENUE**

19          9.       Jurisdiction in this Court is proper because the parties are residents of California and  
20 the amount in controversy exceeds \$25,000. Venue in this Court is proper because the acts and  
21 occurrences that give rise to this lawsuit occurred in the City and County of San Diego.

22    **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

23          10.       On or about March 28, 2023, the California Civil Rights Department (formerly the  
24 Department of Fair Employment and Housing) issued Plaintiff a Right-to-Sue letter relating to  
25 various violations of the Fair Employment and Housing Act (the "FEHA"); a copy of such letter is  
26 attached hereto as "*Exhibit A*" and incorporated herein by reference.

27       ///

28       ///

1 GENERAL ALLEGATIONS

2 11. Plaintiff Grecia Figueroa is a 34-year-old woman. She was born in Peru and moved  
3 to southern California with her family as a teenager. She is fluent in both Spanish and English,  
4 although her English carries an undeniable South American accent. She is a diminutive 5'2" tall,  
5 weighs 130 pounds, and has dark hair and tan skin. Defendant Fletcher once described her as a  
6 "natural Peruvian beauty."

7 12. Ms. Figueroa began working for MTS in June 2019. Her most recent job title was  
8 Public Relations Specialist. Her office was located at MTS headquarters in downtown San Diego,  
9 but her job duties often required her to travel throughout San Diego County to manage, attend, or  
10 participate in various press conferences related to MTS.

11 13. As a Public Relations Specialist, Ms. Figueroa was responsible for, among other  
12 things, attending community meetings, managing content for MTS media outlets, and drafting  
13 public remarks for MTS officials, including MTS Board Chair, Defendant Fletcher.

14 14. During her employment with MTS, Ms. Figueroa received good marks for her work,  
15 generally scoring "Exceeds Job Requirements" or higher on annual performance reviews. Ms.  
16 Figueroa also enjoyed her work, got along well with her coworkers, and took pride knowing that  
17 she was a valuable asset to her team.

18 15. Ms. Figueroa reported to her department manager, Stacie Bishop, and to the Director  
19 of Marketing & Communications, Mark Olson. Although much of Ms. Figueroa's work involved  
20 preparing statements and presentation materials for Fletcher and/or attending events with Fletcher,  
21 her job required very little, if any, direct interaction with him.

22 **Defendant Fletcher Begins to Stalk Ms. Figueroa Online**

23 16. Beginning around May 2021, Ms. Figueroa noticed that Fletcher was frequently  
24 viewing her personal Instagram account. He did not officially "follow" her on social media, nor did  
25 he openly "like" or "comment" on her posts at that time; but in May 2021, she began receiving  
26 notifications that Fletcher was viewing content on her profile. He was "lurking" in the common  
27 parlance of social media activity.

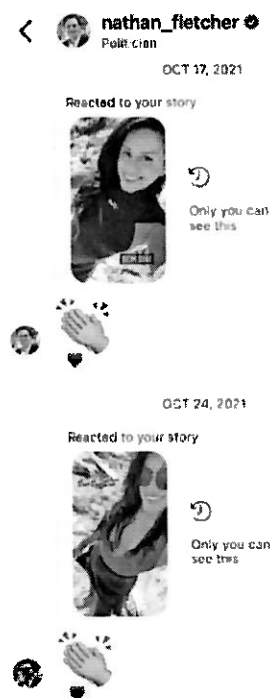
28 ///

1           17.     In the weeks and months that followed, Fletcher viewed almost every photograph  
2 and video Ms. Figueroa had posted on her Instagram profile, sometimes viewing them multiple  
3 times. Many of these photos and videos were purely personal. They included, for example,  
4 pictures/videos of Ms. Figueroa at the beach in a bikini, traveling, or going dancing with girlfriends  
5 on the weekend.

6           18.     Around that same time, Ms. Figueroa also noticed Fletcher paying closer attention  
7 to her during MTS board meetings and news conferences. He sometimes stared or smiled at her  
8 where she sat, which was usually in the back of the room, beyond the cameras and the audience.  
9 Ms. Figueroa found it odd because, other than Fletcher spending so much time on her Instagram  
10 account, the two barely knew each other. In fact, the only reason Ms. Figueroa even knew that  
11 Fletcher was viewing her profile was through notifications she received from the social media  
12 application itself; and even then, she wondered if it was really him, or merely a staffer who had  
13 access to his account.

#### 14                           **Defendant Fletcher Surfaces on Ms. Figueroa's Social Media Account**

15           19.     In October 2021, Fletcher made his first open appearance on Ms. Figueroa's  
16 Instagram account by voting on a social media "poll" on her profile. But even then, Fletcher still



1 did not officially “follow” her on Instagram, and he still had not revealed to her (on social media  
2 or elsewhere) that he was viewing all of her photos and videos.

3 20. Around that same time, Fletcher began making additional open remarks on Ms.  
4 Figueroa’s profile by posting “hearts”, “heart-eyes smiley faces”, and “fire/hot” emojis in reaction  
5 to many of Ms. Figueroa’s pictures and videos.

6 21. Around November 2021, Fletcher approached Ms. Figueroa before taking the stage  
7 at an MTS event and – for the first time – directly contacted her by simply asking, “How you been?”  
8 Ms. Figueroa found the comment odd because it seemed to imply that she and Fletcher were old  
9 acquaintances, when, in reality, they had never really interacted.

10 22. On February 14, 2022, following a press conference, after most attendees had left  
11 the event, Fletcher approached Ms. Figueroa in the parking lot, wrapped his arm around her  
12 shoulder (without her consent), and commented on one of her recent social media posts. In addition  
13 to catching Ms. Figueroa by surprise, Fletcher’s interaction also confirmed that he was indeed the  
14 person who had been stalking her Instagram profile for the past six to nine months. Immediately  
15 after their interaction, Fletcher sent Ms. Figueroa a private, direct-message (“DM”) through  
16 Instagram, saying, “Nice to see you!” Ms. Figueroa responded to the Chairman of MTS with  
17 simply, “Nice to see you too. Have a great day.”



23 23. In the days and weeks that followed, Fletcher continued to send private DMs to Ms.  
24 Figueroa through Instagram, usually complimenting her posts or showcasing his experience with  
25 social/political issues – for example, he dropped buzzwords about his experience as an intelligence  
26 operative in the middle east.

27 24. Ms. Figueroa felt obliged to entertain the Chairman of the MTS Board – the pinnacle  
28 managing agent of her employer – and thus, she responded in kind to most of Fletcher’s messages.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

<  **nathan\_fletcher**   
Politician  
FEB 28, 2022

In a previous life I was a human intelligence operative — Yemen, Somalia, etc. I really miss the international stuff. Not that local government isn't exciting:)



FEB 28, 2022

Wow. That must have been a very interesting experience!  
In a past life I was a political news reporter, so those topics still fascinate me.  
Not that local government isn't exciting!



**Defendant Fletcher Reveals that He Wants Sex from Ms. Figueroa**

25. Soon, Fletcher’s private DMs included hints that his wife and children were out of town and that he might be looking for Ms. Figueroa’s companionship. For example, on February 28, 2022, he sent Ms. Figueroa a private DM that read, “Home alone – no wife and kids.” Then, on March 7, 2022, he sent a message that read, “I have another very rare Monday night with no wife or kids. I get bored with nothing to do...” And on the evening of May 2, 2022, he sent a series of messages which included, “I just got home ... all amped up from class and energy from students ... And all home alone tonight”.

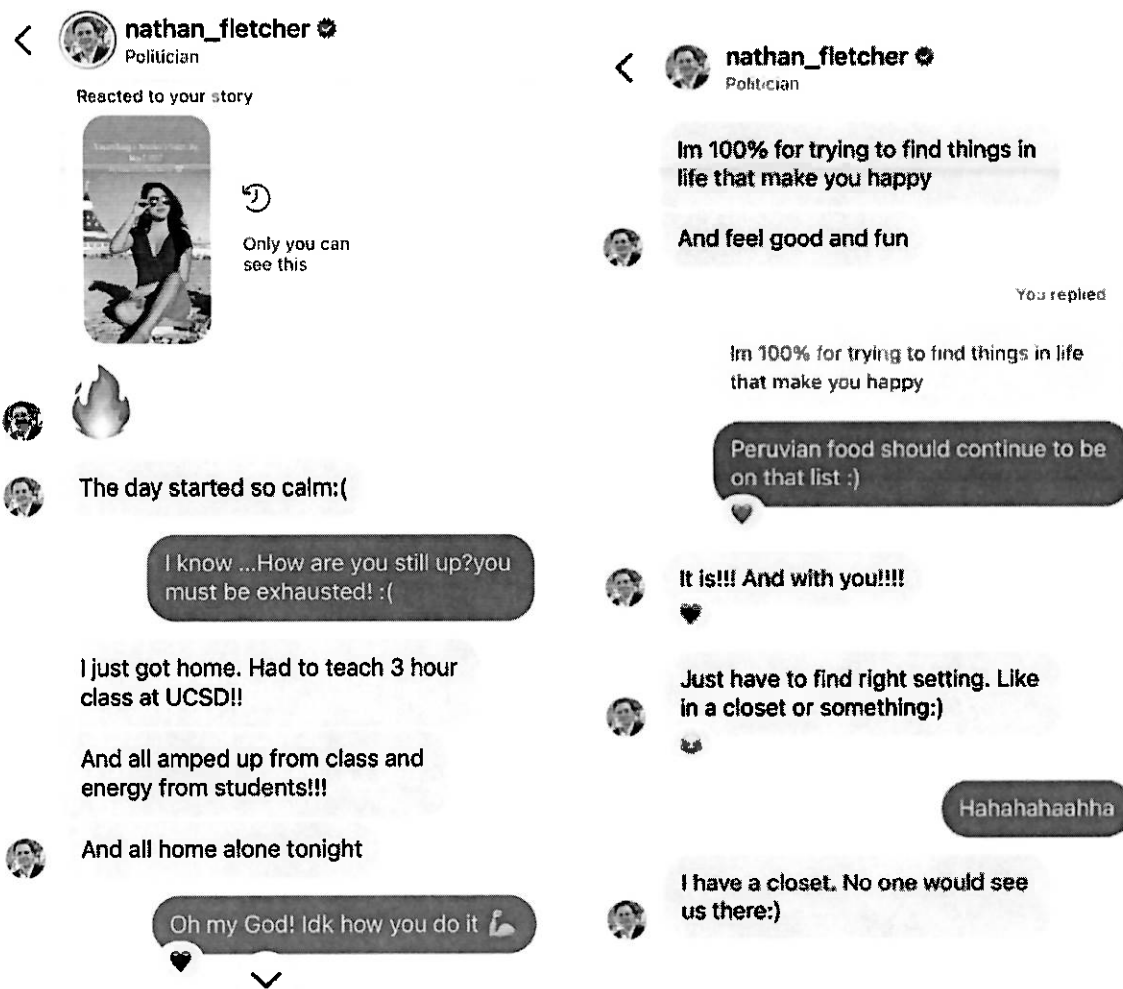
26. Notably, at this time, Fletcher and his family were living at a hotel in downtown San Diego while repairs were being made to their home. Fletcher’s wife, former State Assemblywoman Lorena Gonzalez Fletcher, spent much of her time in Sacramento and other cities throughout California, at which times Fletcher often stayed in San Diego.

///

///

///

1           27.     On May 2, 2022, Fletcher began to solicit Ms. Figueroa to meet with him outside of  
 2 work but insisted that Ms. Figueroa keep it very “discreet.” For example, Fletcher told Ms.  
 3 Figueroa, in private DMs, that “If I went to lunch with you (beautiful woman) our lunch would be  
 4 on social media in 10 minutes.” ... “You get the problem we would have if out in public?” ...  
 5 “[We] just have to find the right setting. Like in a closet or something ...”



23           28.     As Fletcher pursued Ms. Figueroa, he pressed her to always delete their text  
 24 conversations to cover his tracks. For example, he wrote, “Can you do me a favor and delete our  
 25 chats. I would hate for someone to grab your phone.” ... “My staff has access to my account so  
 26 delete as we go.” ... “You are good to be 100% discrete?”

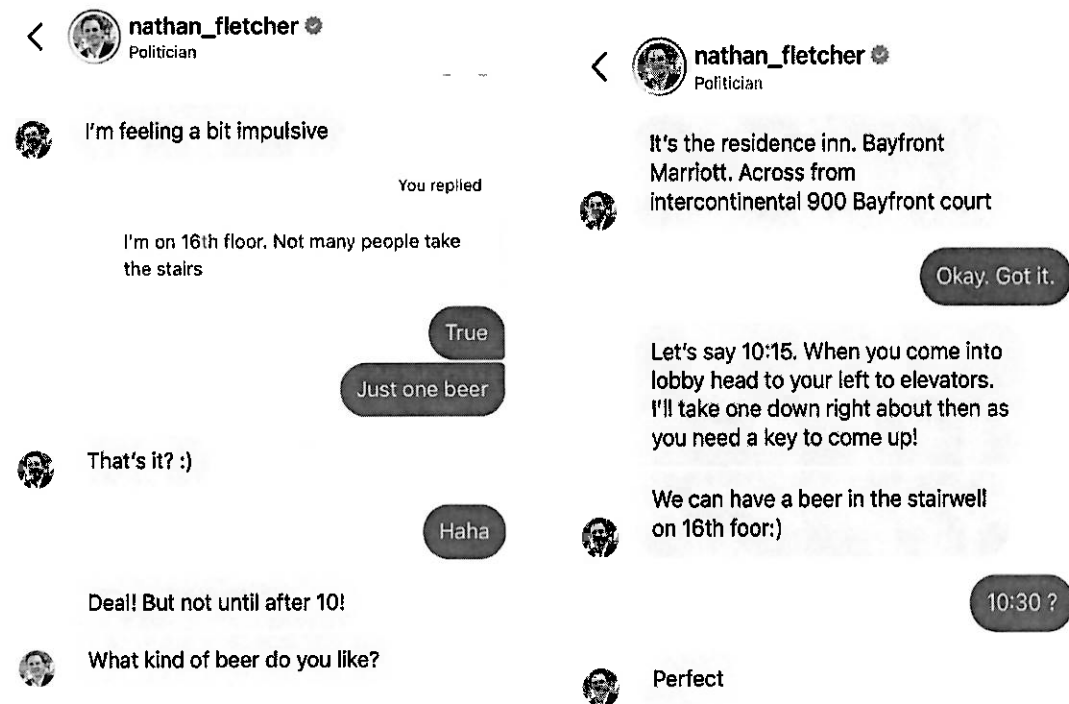
27 ///



1 **Defendant Fletcher Lures Ms. Figueroa to His Hotel**

2 29. On May 12, 2022, Fletcher asked Ms. Figueroa to visit him at his hotel. He told her  
3 that his wife was out of town, he would only be in the hotel for another two weeks, and he wanted  
4 to see Ms. Figueroa before he moved back into his house. Around 8:30pm that evening, Fletcher  
5 told Ms. Figueroa that he had put his two children to bed for the night, that he was “feeling a bit  
6 impulsive”, and that he wanted Ms. Figueroa to join him for a drink at his hotel. He convinced Ms.  
7 Figueroa to visit but asked that she come after 10:00pm because that’s when his security guards  
8 would be off-duty. “And please make sure you delete our chats!”

9 30. When Ms. Figueroa arrived at the hotel, Fletcher met her outside and instructed her



11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22 to follow him through the lobby to the elevators – separately, and from a distance – because “all  
23 the staff here know me.” She did as he instructed. Fletcher then took her to the 16<sup>th</sup> floor of the  
24 hotel and led her down the hallway to an emergency stairwell.

25 31. Once in the stairwell, Fletcher quickly asked to kiss Ms. Figueroa, but she rejected  
26 his advance, pointing out that he was married and she had no intention of having anything more  
27 than a conversation. Fletcher then confessed to stalking Ms. Figueroa’s Instagram account and  
28

1 obsessing over her for at least a year. He said he had a crush on her, and he encouraged her to have  
2 a few drinks so they could continue talking. Shocked and confused, but feeling powerless to say  
3 no to the Chair of the MTS Board, Ms. Figueroa reluctantly agreed to stay. Over the next 2-3 hours,  
4 Fletcher continued to make advances towards her, until eventually, near the end of the night, he put  
5 his hands on her and kissed her. Unsure of what she was getting into, Ms. Figueroa soon insisted  
6 they stop and that she go home, which she did around 2:00am.

7 32. The following morning, on May 13, 2022, Fletcher messaged Ms. Figueroa to thank  
8 her for a “nice escape” in the stairwell of his hotel. He said he would “check in” with her the  
9 following week, when he was back from his trip with California Governor Gavin Newsom.

10 **Defendant Fletcher Sexually Assaults Ms. Figueroa on Multiple Occasions**

11 33. After May 13, 2022, Fletcher saw Ms. Figueroa in-person only a few times per  
12 month – always at MTS headquarters or at a press conference – but he regularly sent her messages  
13 encouraging her to meet for another intimate encounter. Ms. Figueroa felt pressured to reciprocate  
14 Fletcher’s advances because she knew he had authority, as both a career-politician and as Chair of  
15 the MTS Board, to destroy her career at MTS and to potentially humiliate her publicly if she made  
16 him angry.

17 34. During MTS Board and Executive Committee meetings and news/media events,  
18 Fletcher sent private messages to Ms. Figueroa from his cell phone – often *while* participating in  
19 the very events he was attending. Sometimes, it was quite obvious he was messaging Ms. Figueroa  
20 because he had his phone open within eyesight of other MTS Board members and executives, and  
21 because he usually stared or smirked at Ms. Figueroa while sending these communications. In  
22 addition, Fletcher would occasionally break conversation with important board members and other  
23 high-ranking leaders to smile at, compliment, or otherwise cast a look towards Ms. Figueroa.

24 35. Ms. Figueroa was intimidated by the dynamic Fletcher had created, and she feared  
25 that she would lose her job if anyone found out that she was being pursued sexually by the senior-  
26 most ranking official at MTS...its Board Chair.

27 36. On June 9, 2022, during an MTS Executive Committee meeting, Fletcher messaged  
28 Ms. Figueroa while she was sitting in the audience. He told her to meet him in an adjacent

1 conference room when the meeting was over because “I have five minutes.” When she got to the  
2 room, Fletcher asked her to close the door. He then put his mouth against hers and began to grab  
3 her breasts through her clothes. Ms. Figueroa pushed him back because she was not comfortable  
4 having this type of encounter with him, especially at MTS headquarters, while coworkers and  
5 managers were immediately outside the door. Fletcher assured her that “no one will bother us in  
6 here,” but Ms. Figueroa felt shocked and uncomfortable and soon left the room.

7 37. Over the next several months, Fletcher continued to pursue Ms. Figueroa via private  
8 DMs, always pushing for another encounter with her when he was in town. Ms. Figueroa felt  
9 compelled to mimic his erotic tone because she was afraid that Fletcher would ruin her career at  
10 MTS if she did not appear receptive to his interests. Simultaneously, however, she also grew  
11 sickened by the fact that Fletcher was using her to cheat on his wife.

12 38. In or around September 2022, during an MTS Board meeting, Fletcher locked eyes  
13 and smirked at Ms. Figueroa while messaging her from his seat at the head of the boardroom. Ms.  
14 Figueroa recognized that anyone sitting near Fletcher could likely see that he was messaging her.  
15 For example, sitting immediately to Fletcher’s left was the CEO of MTS, Sharon Cooney, and  
16 sitting to Fletcher’s right was MTS Board member (and San Diego City Council Present), Sean  
17 Elo-Rivera.

18 39. In addition, Ms. Figueroa’s department head, Mark Olson, seemed to notice what  
19 was going on between Fletcher and Ms. Figueroa that day, and he shot a gaze at Ms. Figueroa,  
20 appearing unhappy about the interaction.

21 40. From that point on, Ms. Figueroa carried an unremitting sense of anxiety, wondering  
22 if her entire department – or even the entire MTS organization – knew that Fletcher was pursuing  
23 her sexually. She felt trapped because, on one hand, Fletcher’s relentless pursuit of her was  
24 changing the conditions of her employment and would likely destroy her career and her professional  
25 reputation as people learned of the situation and drew their own conclusions about Ms. Figueroa;  
26 but on the other hand, she knew Fletcher was too powerful, especially within MTS, to risk upsetting  
27 him by trying to make him stop.

28

1           41.     On September 19, 2022, Ms. Figueroa learned that multiple people had posted  
2 allegations on Fletcher’s Instagram account accusing him of cheating on his wife, Lorena Gonzalez  
3 Fletcher. For example, one comment read, “Lorena had 0 stage cancer! Why don’t you talk about  
4 [] your lies, cheating on her, [] and your corruption in San Diego and the state of California. You  
5 are awful individuals. ...” Another comment read, “I feel sorry for her, just wait until the truth  
6 comes out cheating, lies and corrupt you are [sic].”

7           42.     Several days later, during a phone call on October 5, 2022, Ms. Figueroa complained  
8 to Fletcher that she was afraid of being publicly exposed or dragged into some kind of scandal,  
9 because it would ruin her career and destroy her professional reputation. She suggested that  
10 Fletcher keep things strictly professional with her from that point forward. Fletcher’s response was  
11 merely to assure Ms. Figueroa that she had nothing to worry about. He said he had been in politics  
12 for a long time, and this was just part of the game, that she should not believe everything people  
13 post online.

14           43.     Later that month, while Ms. Figueroa was picking up mail outside the MTS  
15 boardroom, she was unexpectedly approached by Fletcher’s bodyguard. The bodyguard asked  
16 whether Ms. Figueroa was employed by MTS or the County of San Diego and whether he had seen  
17 her at a County Board of Supervisors meeting in the past, because he thought he had seen her  
18 around the County Administration building. Ms. Figueroa politely answered his questions but  
19 found them bizarre because she had never attended meetings at the County Administration building  
20 and because Fletcher’s bodyguards rarely, if ever, spoke to anyone other than Fletcher himself. The  
21 interaction suggested to Ms. Figueroa that Fletcher’s bodyguard(s) – in addition to others – might  
22 be aware of everything Fletcher had been doing with her.

23     ///

24     ///

25     ///

26     ///

27     ///

28     ///







1 disparage the personal and/or business reputations, practices, and/or conduct” of MTS or Fletcher.  
2 Despite abruptly losing her only source of income, being personally destroyed over a months-long  
3 course of sexual harassment and assault, and having her professional reputation diminished by an  
4 unmerited termination, Ms. Figueroa did not accept the “severance” offer. Ms. Figueroa is  
5 informed and believes that Fletcher and MTS expected otherwise.

6 **Defendant Fletcher Tries to Silence Ms. Figueroa by Threatening to Destroy Her**  
7 **Reputation and Sue Her for Extortion if She Vindicates Her Rights**

8 57. Prior to filing this action, Ms. Figueroa attempted to engage in meaningful, pre-  
9 litigation settlement discussions with Fletcher to resolve her claims quietly and amicably.

10 58. On the afternoon of February 17, 2023, Ms. Figueroa delivered a letter to Defendants  
11 Fletcher and MTS indicating that Ms. Figueroa was investigating potential claims for sexual  
12 harassment and sexual assault and instructing the defendants to preserve relevant evidence in  
13 anticipation of litigation.

14 59. On the morning of February 18, 2023 (a Saturday), Fletcher contacted Ms. Figueroa,  
15 by and through counsel, to request that Ms. Figueroa keep the matter strictly between herself and  
16 Fletcher and that she remain absolutely silent about her story, not even sharing it with MTS. As a  
17 professional courtesy, Ms. Figueroa agreed and provided a summary of her claims – in the form of  
18 a *confidential draft complaint* – in hopes that the parties could open a good-faith dialogue to resolve  
19 the matter on mutually agreeable terms.

20 60. Over the next several weeks, Fletcher pushed for settlement options, despite  
21 Ms. Figueroa’s desire to vindicate her rights through a civil trial. At Fletcher’s request,  
22 Ms. Figueroa provided a dollar figure representing the amount of money it would take to keep her  
23 from ever speaking about what Fletcher had done to her.

24 61. These discussions were short-lived, however, because Fletcher soon resorted to  
25 threats of bullying, intimidation, and defamation against Ms. Figueroa if she ever brought her story  
26 to light.

27 62. Specifically, on March 26, 2023, Fletcher’s counsel conveyed that Fletcher and his  
28 wife, Lorena Gonzalez-Fletcher, intended to sue Ms. Figueroa (and her counsel) for extortion if



1 Ms. Figueroa filed a civil suit to vindicate her rights as alleged herein. In addition, they stated they  
2 would make Ms. Figueroa “look terrible, and it’s going to follow her for the rest of her life.”

3 63. Needless to say, Ms. Figueroa did not perceive Fletcher’s threats as an indication of  
4 good-faith settlement communications, and the discussion quickly proved futile.

5 64. Notably, just a few hours later, that same day, on March 26, 2023, Fletcher publicly  
6 announced his withdrawal from the California State Senate race, citing the need to address “post  
7 traumatic stress, trauma and alcohol abuse” – a maneuver which some might characterize as a PR  
8 stunt designed to shift optics from villain to victim in anticipation of a scandal.

9 **Defendant Fletcher and His Counsel Act on Their Threats to Destroy Ms. Figueroa’s**  
10 **Reputation and to Falsely Accuse Her of Extortion**

11 65. At approximately 5:30pm on March 28, 2023, Ms. Figueroa electronically filed her  
12 civil complaint in this action. Although the Court’s automated system immediately acknowledged  
13 that a case had been filed against Fletcher and MTS, the Court did not publish the complaint until  
14 approximately 12:15pm the following day, on March 29, 2023.

15 66. Unbeknownst to Fletcher, before filing the lawsuit, Ms. Figueroa added several new  
16 paragraphs to her final complaint which had never been included in the *confidential draft*.  
17 Specifically, in paragraphs 56-61 of the original complaint, Ms. Figueroa added that Fletcher and  
18 Lorena Gonzalez Fletcher had threatened to defame and “destroy” Ms. Figueroa on the evening of  
19 March 26<sup>th</sup> after realizing they could not buy her silence for an unjust sum of money.

20 67. Around 9:00am on March 29, 2023 – after the lawsuit was filed, but before the  
21 (updated) complaint was published by the Court – Fletcher and his attorney, Danielle Moore,  
22 delivered on their threats by releasing an official statement to social media and the press, entitled  
23 “Statements About False Allegations”. In the statement, Fletcher falsely alleged that Ms. Figueroa  
24 “demanded millions of dollars from me and my family with the threat of not only embarrassment  
25 but a willingness to lie about the circumstances and nature of the interactions.” In the same  
26 statement, Fletcher’s attorney, Danielle Moore, described the lawsuit as “an attempt by a former  
27 colleague to obtain millions of dollars.” With regard to the Fletchers’ threat to (falsely) accuse  
28 Ms. Figueroa of extortion, Danielle Moore said, “We have asked the authorities to investigate these

1 efforts and are pursuing our own legal response.”

2 68. When the Court published Ms. Figueroa’s complaint, around 12:15pm on March 29,  
3 2023, Fletcher presumably realized the blunder of publicly defaming Ms. Figueroa in the context  
4 of this lawsuit because, later that same day, he announced his resignation from MTS and his  
5 intention to resign as a County Supervisor. Nonetheless, the damage of Fletcher’s statements to  
6 the professional reputation and general well-being of Ms. Figueroa had already been inflicted.  
7 Furthermore, to date, the defendants continue to deny accountability for their actions.

8 **FIRST CAUSE OF ACTION**

9 **Sexual Harassment**

10 **(Gov. Code § 12940(j))**

11 ***(Against all Defendants)***

12 69. The allegations in all preceding paragraphs are re-alleged and incorporated herein  
13 by reference as though fully set forth herein.

14 70. Defendants are “employers” as defined by the FEHA, Government Code section  
15 12940, *et. seq.*

16 71. Plaintiff was, at all times material hereto, an “employee” as defined by the FEHA,  
17 Government Code section 12940, *et. seq.*

18 72. The conduct alleged herein created an intimidating, hostile and offensive work  
19 environment for plaintiff. The foregoing conduct was based on Plaintiff’s sex. The foregoing  
20 conduct created an intimidating and hostile work environment, in violation of Government Code  
21 section 12940(h) and other provisions of the FEHA. The harassment was sufficiently pervasive or  
22 severe as to alter conditions of Plaintiff’s employment and to create a hostile or abusive work  
23 environment.

24 73. The conduct alleged herein, in addition to pervasively or severely altering the terms  
25 and conditions of Plaintiff’s employment, constituted quid pro quo harassment.

26 74. Defendant MTS and DOES 1-20 are strictly liable for said conduct because the  
27 unlawful harassment was committed by Defendant FLETCHER, who was Chair of the MTS Board  
28 and therefore qualifies as a manager and/or managing agent of MTS.



1 touching. The physical sexual advances, acts, and touching perpetrated by FLETCHER against  
2 Plaintiff were done under the coercive conditions present between FLETCHER and Plaintiff.

3 82. As a direct and proximate result of each of the Defendants' conduct, Plaintiff has  
4 suffered physical, mental, and emotional injuries, injuries to her personal dignity, and various  
5 economic damages in an amount to be proven at trial. Moreover, Plaintiff is entitled to recover  
6 attorneys' fees and costs in this action pursuant to, without limitation, California Code of Civil  
7 Procedure § 1021.5 and the FEHA

8 83. In performing the acts alleged herein, Defendants, and each of them, acted in an  
9 oppressive, fraudulent, malicious manner, with the conscious disregard of the rights of Plaintiff and  
10 others. Therefore, Plaintiff is entitled to punitive damages according to proof at the time of trial, in  
11 addition to all other available remedies at law.

12 **THIRD CAUSE OF ACTION**

13 **Sexual Assault and Battery**

14 ***(Against Defendant FLETCHER)***

15 84. The allegations in all preceding paragraphs are re-alleged and incorporated herein  
16 by reference as though fully set forth herein.

17 85. As alleged herein, Defendant FLETCHER forced himself onto Plaintiff, touching  
18 her sexually and without her consent, numerous times – first in the stairwell of the hotel, then at  
19 least two additional times at MTS headquarters.

20 86. Plaintiff did not consent to the touching, and was in fact shocked, humiliated, and  
21 offended by the touching.

22 87. As a direct and proximate result of the acts of the defendants, and each of them, as  
23 alleged above, Plaintiff has suffered emotional distress, humiliation, and has been generally  
24 damaged in an amount to be ascertained at the time of trial.

25 88. As a direct and proximate result of the acts of the defendants, and each of them, as  
26 alleged above, Plaintiff has incurred compensatory damages, including lost earnings and other  
27 economic damages.

28 ///

1 89. As a direct and proximate result of the acts of said defendants, and each of them, as  
2 alleged above, Plaintiff is entitled to recover attorneys' fees and costs in this action pursuant to,  
3 without limitation, California Code of Civil Procedure § 1021.5 and the FEHA.

4 90. In performing the acts alleged herein, FLETCHER acted in an oppressive,  
5 fraudulent, and/or malicious manner, with the conscious disregard of the rights of Plaintiff and  
6 others. Therefore, Plaintiff is entitled to punitive damages according to proof at the time of trial, in  
7 addition to all other available remedies at law.

8 **FOURTH CAUSE OF ACTION**

9 **Gender Discrimination**

10 **(Gov. Code § 12940(a))**

11 **(Against all Defendants)**

12 91. The allegations in all preceding paragraphs are re-alleged and incorporated herein  
13 by reference as though fully set forth herein.

14 92. At all times relevant herein, Plaintiff was an employee of Defendants.

15 93. Defendants, and each of them, discriminated against Plaintiff simply because she is  
16 woman. As alleged herein, Plaintiff was subjected to harassing conduct at the hands of  
17 FLETCHER, including sexual harassment, unwanted physical touching, online stalking, and  
18 retaliation and intimidation. Plaintiff was subjected to these harassing working conditions because  
19 she is a woman – specifically, a Latina woman whom FLETCHER desired. FLETCHER's desires  
20 and discriminatory and harassing conduct were isolated to female staff, including Plaintiff. He was  
21 and is a predator to women, particularly in the workplace.

22 94. However, FLETCHER is not the only party at fault. MTS was fully aware of  
23 FLETCHER's conduct yet did nothing to address it in any meaningful way, or any way whatsoever.  
24 At no time during Plaintiff's employment did MTS investigate FLETCHER's conduct or discipline  
25 him. In fact, FLETCHER's employment with MTS ended voluntarily, rather than through a  
26 termination as would have been warranted.

27 95. Each of Defendants' conduct was substantially motivated by Plaintiff's identity as  
28 a woman.



1           102. Plaintiff reasonably and in good faith believed that Defendant FLETCHER's  
2 conduct, by and through his position as Chair of the MTS Board, violated numerous ethical  
3 guidelines, internal policies within MTS, and state, local, and/or federal laws and regulations.

4           103. As Defendant FLETCHER was the senior-most ranking officer at MTS, its Board  
5 Chair, he had authority to investigate and/or correct the violation complained of.

6           104. Defendants retaliated against Plaintiff by terminating her employment rather than  
7 taking responsibility for the damage caused by Defendant FLETCHER's actions. Notably, the  
8 defendants terminated Plaintiff on the very same day that Defendant FLETCHER publicly  
9 announced his official candidacy for a seat in the California State Senate.

10           105. Plaintiff is informed and believes and thereon alleges that the defendants were  
11 conscious of Plaintiff's rights under the law to disclose illegal activities at MTS.

12           106. The actions against Plaintiff were carried out by the defendants' officers, directors,  
13 and/or managing agents acting in a despicable, oppressive, fraudulent, malicious, deliberate,  
14 egregious, and inexcusable manner and in conscious disregard for the rights and safety of Plaintiff.  
15 The defendants and their agents/employees or supervisors, authorized, condoned and ratified the  
16 unlawful conduct of each other.

17           107. As a direct and proximate result of the acts of the defendants, and each of them, as  
18 alleged above, Plaintiff has incurred compensatory damages, including lost earnings and other  
19 economic damages.

20           108. As a direct and proximate result of the acts of the defendants as alleged above,  
21 Plaintiff has suffered humiliation, emotional distress, loss of dignity, anxiety, and has been  
22 generally damaged in an amount to be ascertained at the time of trial. Moreover, Plaintiff is entitled  
23 to recover attorneys' fees and costs in this action pursuant to, without limitation, California Code  
24 of Civil Procedure § 1021.5 and the FEHA.

25           109. In performing the acts alleged herein, Defendants, and each of them, acted in an  
26 oppressive, fraudulent, and/or malicious manner, with the conscious disregard of the rights of  
27 Plaintiff and others. Therefore, Plaintiff is entitled to punitive damages according to proof at the  
28 time of trial, in addition to all other available remedies at law.

1 **SIXTH CAUSE OF ACTION**

2 **Failure to Prevent Sexual Harassment, Discrimination, and Retaliation**

3 **(Gov. Code § 12940(k))**

4 ***(Against Defendant MTS)***

5 110. The allegations in all preceding paragraphs are re-alleged and incorporated herein  
6 by reference as though fully set forth herein.

7 111. Defendants are “employers” as defined by the FEHA, and employed Plaintiff for all  
8 relevant times herein.

9 112. In violation of Government Code section 12940(k), Defendant MTS and DOES 1-  
10 20 failed to take all reasonable steps to prevent the harassment, discrimination, and retaliation  
11 inflicted by Defendant FLETCHER, and failed to take immediate and appropriate corrective action  
12 to address, remedy and cure such conduct as alleged herein.

13 113. Defendant MTS and DOES 1-20 failed to take effective steps to prevent harassment,  
14 discrimination, and retaliation, and further failed to effectively investigate plaintiff’s claims of  
15 harassment. Any policy that purported to prevent harassment, discrimination, and retaliation was  
16 ineffectively implemented or enforced, causing Plaintiff to suffer the adverse conduct as alleged  
17 herein.

18 114. During the material time alleged herein, Defendant MTS and DOES 1-20 had no  
19 adequate response to harassment, discrimination and retaliation that occurred within its workplace,  
20 and thereby established a policy, custom, practice or usage that condoned, encouraged, tolerated,  
21 sanctioned, ratified, and approved of harassing, retaliatory, and discriminatory conduct.

22 115. During the material time alleged herein, Defendant MTS and DOES 1-20 failed to  
23 provide adequate training, education, and information to its personnel and most particularly to its  
24 officers, managing agents and directors, and supervisors to address, reduce or eliminate unlawful  
25 employment conduct.

26 116. As a result of the foregoing acts and omissions by Defendant MTS and DOES 1-20,  
27 Plaintiff suffered a pattern and practice of sexual harassment and experienced a hostile, offensive,  
28 oppressive and intimidating work environment. The acts and omissions set forth herein interfered



1 with Plaintiff's ability to perform her job duties, caused Plaintiff humiliation and distress, disrupted  
2 Plaintiff's emotional tranquility in the workplace, affected her ability to perform job duties, and  
3 undermined her personal sense of well-being.

4 117. As a proximate result of the conduct alleged herein, Plaintiff has suffered and  
5 continues to suffer substantial losses in earnings and other employment benefits she would have  
6 otherwise received. Moreover, Plaintiff is entitled to recover attorneys' fees and costs in this action  
7 pursuant to, without limitation, California Code of Civil Procedure § 1021.5 and the FEHA.

8 **SEVENTH CAUSE OF ACTION**

9 **Wrongful Termination in Violation of Public Policy**

10 **(Gov. Code § 12940(a), common law)**

11 ***(Against all Defendants)***

12 118. The allegations in all preceding paragraphs are re-alleged and incorporated herein  
13 by reference as though fully set forth herein.

14 119. At all relevant times herein, Plaintiff was employed by Defendants.

15 120. On the same day FLETCHER announced his run for office, Defendants and DOES  
16 1 through 20, inclusive, and each of them terminated Plaintiff as a result of FLETCHER's sexual  
17 conduct toward Plaintiff. Under no reasonable circumstance was Plaintiff's termination lawful, and  
18 was likely carried out to silence Plaintiff.

19 121. As alleged herein, MTS and DOES 1 through 20, inclusive, and each of them, failed  
20 to address FLETCHER's predatory conduct towards women in the workplace, including Plaintiff,  
21 and instead chose to punish the victim. In terminating Plaintiff's employment, such defendants  
22 prioritized FLETCHER despite the charges against him that were known at the time and that would  
23 become more fully publicized with his resignation from MTS in the wake of scandal.

24 122. Not only did MTS and DOES 1 through 20, inclusive, and each of them, wrongfully  
25 terminate the wrong person (i.e., Plaintiff rather than FLETCHER), they also failed to implement  
26 appropriate measures to address FLECTHER's conduct, such as trainings, policies and procedures,  
27 and other safeguards for female employees, like Plaintiff. As a result, FLECTCHER's conduct was  
28 allowed to continue to the detriment of Plaintiff and likely other female employees of MTS and

1 other entities in which FLECTCHER was involved.

2 123. As a direct, foreseeable, and proximate result of said defendants' unlawful conduct  
3 described in the preceding paragraphs, Plaintiff has suffered and continues to suffer losses in  
4 compensation and benefits, and has incurred other economic losses, including severe emotional  
5 distress. Moreover, Plaintiff is entitled to recover attorneys' fees and costs in this action pursuant  
6 to, without limitation, California Code of Civil Procedure § 1021.5 and the FEHA.

7 124. The conduct of said defendants in terminating Plaintiff's employment was without  
8 good, just, or legitimate cause, and in violation of California public policy, including but not limited  
9 to, the FEHA. Such actions were therefore done in conscious disregard of the rights of Plaintiff to  
10 be free from sexual harassment, discrimination, and retaliation in the workplace, among other rights  
11 secured under California law.

12 125. In performing the acts alleged herein, FLECTHER acted in an oppressive,  
13 fraudulent, malicious manner, with the conscious disregard of the rights of Plaintiff and others.  
14 Therefore, Plaintiff is entitled to punitive damages according to proof at the time of trial, in addition  
15 to all other available remedies at law.

16 **EIGHTH CAUSE OF ACTION**

17 **Intentional Infliction of Emotional Distress**

18 ***(Against Defendant FLETCHER)***

19 126. The allegations in all preceding paragraphs are re-alleged and incorporated herein  
20 by reference as though fully set forth herein.

21 127. As a direct and proximate result of the acts of FLETCHER, as alleged herein,  
22 Plaintiff has incurred damages. FLETCHER's intentional conduct was extreme and outrageous.  
23 Specifically, FLECTHER knowingly and intentionally subjected Plaintiff to ongoing sexual  
24 harassment.

25 128. FLECTHER intended to cause Plaintiff to suffer extreme and emotional distress  
26 and/or acted with reckless disregard of the probability that Plaintiff would suffer emotional distress,  
27 knowing that Plaintiff was present when the outrageous conduct occurred.

28 ///



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DEMAND FOR JURY TRIAL**

Plaintiff requests a trial by jury in this matter.

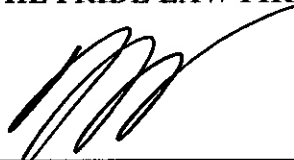
DATED: July 14, 2023

**SCHUMACHER PC**

By: /s/Zachary S. Schumacher  
ZACHARY S. SCHUMACHER  
Attorneys for Plaintiff,  
GRECIA FIGUEROA

DATED: July 14, 2023

**THE PRIDE LAW FIRM**

By:   
DANTE T. PRIDE  
JESSICA K. PRIDE  
ZACHARY FREIRE-AVIÑA  
Attorneys for Plaintiff,  
GRECIA FIGUEROA