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WILLIAM FLOYD

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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF LOS ANGELES**
15

16 WILLIAM FLOYD,

17 Plaintiff,

18 v.

19 THE CALIFORNIA DEMOCRATIC PARTY;
ERIC BAUMAN, an individual; THE LOS
20 ANGELES COUNTY DEMOCRATIC
CENTRAL COMMITTEE aka THE LOS
21 ANGELES COUNTY DEMOCRATIC
PARTY; and DOES 1-25, Inclusive,

22 Defendants.
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Case No. **19STCP01487**

COMPLAINT FOR:

1. **SEXUAL HARASSMENT (QUID PRO QUO) IN VIOLATION OF THE FAIR EMPLOYMENT & HOUSING ACT ("FEHA")**
2. **SEXUAL HARASSMENT (HOSTILE WORK ENVIRONMENT) IN VIOLATION OF FEHA**
3. **FAILURE TO PREVENT HARASSMENT IN VIOLATION OF FEHA**
4. **ASSAULT**
5. **SEXUAL BATTERY**
6. **NEGLIGENT SUPERVISION AND RETENTION**

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- 7. **VIOLENCE BASED ON SEX AND SEXUAL ORIENTATION IN VIOLATION OF CAL. CIV. CODE § 51.7 (Ralph Civil Rights Act)**
- 8. **GENDER VIOLENCE IN VIOLATION OF CAL. CIV. CODE § 52.4**
- 9. **SEXUAL ORIENTATION VIOLENCE IN VIOLATION OF CAL. CIV. CODE § 52.45**
- 10. **DENIAL OF RIGHTS UNDER CAL. CIV. CODE § 52.1 (Bane Civil Rights Act)**

JURY TRIAL DEMANDED

1 Plaintiff WILLIAM FLOYD alleges against Defendants THE CALIFORNIA
2 DEMOCRATIC PARTY, ERIC BAUMAN, an individual, THE LOS ANGELES COUNTY
3 DEMOCRATIC CENTRAL COMMITTEE aka THE LOS ANGELES COUNTY DEMOCRATIC
4 PARTY, and DOES 1-25, inclusive, as follows:

5 **INTRODUCTION**

6 1. This is an action for sexual assault, battery, sexual harassment and other civil rights
7 violations against the California Democratic Party (“CDP”), the Los Angeles County Democratic
8 Party (“LACDP”), and their former Chair Eric Bauman, necessitated by Mr. Bauman’s intolerable
9 physical and verbal sexual attacks against his young assistant William Floyd. The California
10 Democratic Party Platform says that California Democrats

11 . . . strongly support the rights of all individuals to . . . work in a safe and professional
12 environment free from all forms of discrimination and harassment, including sexual
13 harassment and sexual violence; . . . help for survivors; training and laws holding
14 perpetrators personally accountable; an end to non-disclosure agreements that force
15 survivors to bear the shame of silence; [and that] [s]exual harassment/sexual assault will not
16 be tolerated as a condition of employment or career advancement in any form of
17 employment.

18 In this case, Defendants are responsible for committing privately the very type of offenses that they
19 condemn publicly. Mr. Bauman abused his position of power to forcibly perform oral sex on Mr.
20 Floyd, and repeatedly groped, violated, and sexually harassed him. The CDP and LACDP, though
21 aware of Mr. Bauman’s excessive drinking and sexually abusive behavior, did nothing to stop him.
22 In this proceeding, Mr. Floyd seeks redress for his injuries caused by the CDP, the LACDP, and
23 Mr. Bauman in violation of California’s civil rights statutes (including the Ralph and Bane Civil
24 Rights Acts), violation of California’s workplace sexual harassment laws established by the Fair
25 Employment and Housing Act (“FEHA”), and for sexual battery and other related claims. Mr.
26 Floyd also seeks monetary damages for emotional distress, pain and suffering, and exemplary
27 damages to punish the CDP, the LACDP and Mr. Bauman in the hope that this will deter them and
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1 other political organizations from ignoring their own precepts and behaving no differently from
2 those they criticize.

3 **THE PARTIES**

4 2. Plaintiff WILLIAM FLOYD (“Plaintiff” or “Floyd”) is, and at all times herein
5 relevant was, an individual residing in the County of Los Angeles, State of California. In early
6 January 2019, Defendant CDP required Floyd temporarily to relocate to Sacramento, California,
7 but he remains a resident of Los Angeles County.

8 3. The majority of the acts alleged herein took place in the County of Los Angeles,
9 State of California.

10 4. Defendant THE CALIFORNIA DEMOCRATIC PARTY (the “CDP”) is, and at all
11 times herein relevant was, a California political party with its principal place of business located in
12 Sacramento, California. The CDP’s governing body is the Democratic State Central Committee
13 (“Central Committee”). The CDP is governed by the California Elections Code, §§ 7050 *et seq.* At
14 all relevant times, the CDP regularly employed in excess of five (5) employees and was a covered
15 “employer” as defined in FEHA (Government Code § 12926(e)).

16 5. Defendant ERIC BAUMAN (“Bauman”) is, and at all times herein relevant was, a
17 resident of the County of Los Angeles, State of California. Bauman is the former Chair of the
18 Central Committee. As Chair, Bauman was the chief executive officer and the official voice of the
19 Central Committee and the CDP, and responsible for carrying out the policies and purposes of the
20 Central Committee and the CDP. Bauman is approximately 60 years old.

21 6. County Central Committees are semi-independent committees authorized and/or
22 chartered by the CDP’s Bylaws. (Bylaws, Art. I, § 4.) Defendant Los Angeles County Democratic
23 Central Committee aka the Los Angeles County Democratic Party (“LACDP”) is the County
24 Central Committec for the County of Los Angeles, with its principal place of business located in
25 Los Angeles County, California.

26 7. Plaintiff is informed, believes, and thereon alleges that Defendants CDP and
27 LACDP have common management, centralized control of labor relations, common ownership and
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1 financial control, overlapping employees or members, shared offices, and interrelated operations
2 such that these entities operated as a single, integrated enterprise with regard to Plaintiff's
3 employment. Alternatively, Plaintiff is informed, believes, and thereon alleges that from mid-May,
4 2017 through October 31, 2017, the CDP and LACDP were Plaintiff's joint employers.

5 8. Plaintiff is ignorant of the true names and capacities of Defendants sued herein as
6 Does 1 through 25, inclusive, and therefore sues said Defendants by such fictitious names.
7 Plaintiff is informed and believes and thereon alleges that at all times herein relevant each such
8 fictitiously named Defendant was and is responsible in some manner for the occurrences herein
9 alleged, and that Plaintiff's injuries and/or damages were and are directly and/or proximately
10 caused thereby. Plaintiff is informed and believes and thereon alleges that each such fictitiously
11 named Defendant is directly and/or indirectly liable on one or more causes of action set forth
12 herein. The CDP, Bauman, the LACDP and Doe Defendants will sometimes be collectively
13 referred to as the "Defendants."

14 9. Plaintiff is informed and believes and thereon alleges that at all times herein
15 relevant, each of the Defendants, including each fictitiously named Defendant, was the agent,
16 servant, joint venturer, authorized representative and/or employee of each of the remaining
17 Defendants, and, except as provided herein, in doing the acts and things hereinafter alleged, was
18 acting within the course and scope of said agency, joint venture, representative, servitude and/or
19 employment, consent, approval and subsequent satisfaction of each of the remaining Defendants.
20 Each of the Defendants was authorized and empowered by each of the other Defendants to act and
21 did act as the principal, employee or agent of each of the other Defendants. Plaintiff is further
22 informed and believes and thereon alleges that, except as provided herein, each Defendant was
23 acting within the course and scope of his/her/its authority in performing the acts herein alleged, and
24 that the acts of each Defendant as alleged herein were authorized and/or ratified by the other
25 Defendants.

1 **JURISDICTION AND VENUE**

2 10. The Los Angeles County Superior Court has both subject matter and personal
3 jurisdiction over all parties to this dispute.

4 11. The Los Angeles County Superior Court is the proper venue for this dispute under
5 Government Code § 12965(b) and Code of Civil Procedure § 395(a), because most of the unlawful
6 practices occurred in Los Angeles County, Plaintiff resided in and worked for the CDP in Los
7 Angeles County at all times during the events in question, and Plaintiff would have continued to
8 work for the CDP in Los Angeles County had the CDP not closed its Los Angeles office and
9 required him temporarily to relocate to Sacramento, CA as a condition of retaining his job. Finally,
10 venue is proper in Los Angeles County because Defendant Bauman resides in Los Angeles County,
11 and the LACDP's principal place of business is in Los Angeles County.

12 **BACKGROUND TO PLAINTIFF'S EMPLOYMENT WITH THE CDP**
13 **AND MEETING BAUMAN**

14 12. Plaintiff is a 28-year-old gay man who from a young age has aspired to work in
15 politics. In 2009, while in college in Alabama, Plaintiff volunteered for then candidate Barack
16 Obama's campaign (then known as "Obama For America"). He made phone calls and helped
17 organize events for the Obama campaign. He then secured a year-long fellowship with Obama For
18 America (now known as "Organizing for America") where he did volunteer work and organized
19 phone banks for Ron Sparks, who was the Democratic candidate for Governor of Alabama.
20 Plaintiff stayed on with the Sparks campaign after his OFA fellowship ended, and worked on the
21 campaign from the primaries to the end of the gubernatorial election.

22 13. Plaintiff moved to Los Angeles in early 2014, and became a field organizer for Los
23 Angeles City Council Member David Ryu. He also enrolled in college at California State
24 University – Los Angeles, majoring in political science, and received his Bachelor of Arts in
25 political science in 2016.

26 14. In August 2015, Plaintiff secured an internship with the LACDP. As an intern,
27 Plaintiff performed research for the political director, informed members of upcoming events and
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1 meetings, performed data entry, answered phones, and helped staff various political events.
2 Plaintiff met Bauman in the course of this internship, as Bauman was the Chair of the LACDP and
3 was also a Vice-Chair of the CDP.

4 15. By 2015, Bauman had a reputation for excessive drinking, making crude sexual
5 comments to LACDP and CDP employees and volunteers, and engaging in unwanted sexual
6 touching and/or physical intimidation in professional settings. Plaintiff is informed and believes,
7 and based on such information and belief alleges, that LACDP and CDP officials were aware of
8 Bauman's acts and/or reputation, but looked the other way, and failed to confront Bauman, prevent
9 his misconduct, or address the harm he caused to others, because of his success in assisting
10 Democratic Party candidates in California.

11 16. In or around March, 2016, Bauman offered Plaintiff formal employment with the
12 LACDP as his assistant with the title of Special Assistant to the Chair of the LACDP. Although
13 Floyd was committed to his work on behalf of the Democratic Party and its causes, and was
14 thankful to have found employment doing work to which he was personally committed, he quickly
15 became fearful of Bauman, who drank excessively, behaved erratically, intimidated him and others,
16 and frequently threatened that, "if you cross me, I will break you."

17 **BAUMAN FORCIBLY PERFORMS ORAL SEX ON PLAINTIFF**
18 **ON THREE SEPARATE OCCASIONS**

19 17. On or about June 17, 2016, as part of his duties as Bauman's Special Assistant,
20 Plaintiff attended an LACDP Executive Committee meeting at the Hyatt Regency Hotel in Long
21 Beach, California. The meeting took place over two days, and the LACDP provided Plaintiff,
22 Bauman and other LACDP employees with separate hotel rooms.

23 18. On the evening of June 18, 2016, Plaintiff was in Bauman's hotel room with two
24 other members of the LACDP. Plaintiff had too much to drink that evening, was not feeling well,
25 and fell asleep in Bauman's room. Plaintiff is informed and believes, and based on such
26 information and belief alleges, that after he fell asleep, Bauman told the two other LACDP
27 members to leave his room. Plaintiff awoke to find Bauman performing oral sex on him without his
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1 consent. Plaintiff was shocked and in disbelief. As he painfully processed what Bauman was doing
2 to him, he moved away, pulled up his pants, rushed out of Bauman's room and ran to his own
3 room.

4 19. On or about May 18, 2017, Bauman was elected Chair of the CDP. As Chair of the
5 CDP, Bauman relinquished his employment with the State of California, and became an employee
6 of the CDP. Upon his election as CDP Chair, Bauman offered Plaintiff the position of Special
7 Assistant to the Chair of the CDP, a staff position with the CDP. Plaintiff accepted the new
8 position, but for purported budgeting and financial reasons he remained on the LACDP payroll and
9 was not placed on the CDP's payroll until approximately November 1, 2017. As a result, from
10 approximately May 18, 2017 until October 31, 2017, Plaintiff was jointly employed by the LACDP
11 and the CDP.

12 20. Bauman required Plaintiff to travel with him to Sacramento for the election, and
13 Bauman's campaign paid for Plaintiff's hotel room at the Crown Plaza Hotel in Sacramento.
14 Bauman was declared the winner and new Chair of the CDP the evening of May 18th.

15 21. After the election, Bauman asked Plaintiff to come to his room to discuss CDP
16 work-related matters. Bauman had been drinking heavily throughout the day, and was visibly
17 intoxicated. At some point during their discussion, Bauman told Plaintiff to walk over to him and
18 unzip his pants. Plaintiff was uncomfortable, intimidated, scared, and felt he had no choice but to
19 comply with his supervisor's demand because he was familiar with Bauman's aggressive behavior
20 and had heard Bauman tell him many times that if Plaintiff crossed him, "I will break you."
21 Bauman then proceeded to perform oral sex on Plaintiff against his will and without his consent.
22 Bauman used his position as the Chair of the CDP to intimidate Plaintiff into submitting to his
23 demand. After approximately ten seconds, Plaintiff could tolerate it no longer, pulled away and ran
24 out of Bauman's room. He went back to his room, took a hot shower and began to cry.

25 22. Because Bauman resides in North Hollywood, the CDP provided an office for
26 Bauman, Plaintiff and other CDP staff at 6400 Laurel Canyon Drive, North Hollywood, California
27 (the "CDP LA office"). Plaintiff worked at the CDP LA office (and before that, at Bauman's home
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1 which served as a temporary CDP office) from approximately late May 2017 until the CDP closed
2 the CDP LA office in late December 2018.

3 23. Bauman drank heavily on the job, and his drinking was well-known to CDP
4 management and others who worked with him. His drink of choice was scotch, and he would
5 typically start drinking around 10:00 a.m. and would continue drinking throughout the work day on
6 nearly a daily basis.

7 24. During the period January 24 to 27, 2018, Plaintiff traveled with Bauman to the
8 Maya Hotel in Long Beach for an Association of State Democratic Chairs meeting in connection
9 with his CDP employment. On the last night of the meeting, January 26, 2018, Bauman told
10 Plaintiff to come to his hotel room to discuss work-related matters. As Plaintiff was preparing
11 Bauman's electronic devices (ipads and cell-phone) for the next workday, Bauman told Plaintiff to
12 walk over to him and unzip his pants. Plaintiff again felt he had no choice but to submit to
13 Bauman's demand, and Bauman proceeded to perform oral sex on Plaintiff against Plaintiff's will
14 and without his consent. Plaintiff pulled away and ran out of Bauman's room.

15 25. The next morning, Plaintiff confronted Bauman about these sexual assaults. He told
16 Bauman to stop, and that if he tried again, he would resign. Bauman refused to acknowledge what
17 he had done or take any responsibility for his despicable actions, which caused Plaintiff to become
18 even more distraught. Bauman then told Plaintiff to leave and not to come back until he was more
19 composed.

20 26. Plaintiff is informed, believes and thereon alleges that Bauman preyed on and
21 sexually assaulted Plaintiff because he is a gay man. Plaintiff is further informed, believes and
22 thereon alleges that Bauman has sexually assaulted at least one other gay male employee or intern
23 in a manner similar to his sexual assaults against Plaintiff.

24 **OTHER INCIDENTS OF SEXUAL HARASSMENT PERPETRATED BY BAUMAN**

25 27. Although Bauman's sexual assaults were his most heinous and egregious acts of
26 misconduct, he also frequently and repeatedly sexually harassed Plaintiff throughout his
27 employment with the CDP and LACDP in a variety of other ways. All of the sexually
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1 inappropriate and unlawful conduct set forth in paragraphs 28 through 31 occurred multiple times
2 throughout Plaintiff's employment with the CDP and LACDP.

3 28. One of Plaintiff's duties as Bauman's special assistant was to drive Bauman to
4 meetings, conferences and other business-related matters. On several occasions, Bauman put his
5 hand on Plaintiff's thigh, caressed Plaintiff's thigh in a sexual manner, and tried to and did touch
6 Plaintiff's genitals over his pants while Plaintiff drove Bauman to work-related events.

7 29. On several occasions, Bauman told Plaintiff that his "ass looks really good in those
8 pants," that he'd "like to slide up that," referring to Plaintiff's buttocks, that his "dick looks good in
9 those khakis, I can see the outline of everything," and made similar sexually inappropriate
10 comments.

11 30. Bauman also repeatedly spoke about his sexual assaults against Plaintiff during his
12 employment with the CDP and LACDP. In particular, Bauman frequently talked about his sexual
13 battery against Bauman described in Paragraph 18 above. He told Plaintiff that his "balls tasted so
14 good," and that Plaintiff "jerked around when I licked you." Bauman also suggested that he
15 penetrated Plaintiff's anus with his penis during the first sexual assault. Bauman said to Plaintiff,
16 "you were so tight," or "you were so fucking tight."

17 31. Bauman also discussed his past and current sexual encounters in Plaintiff's
18 presence. He repeatedly told Plaintiff how he used to "pick up tricks" in the 1970s and 1980s, and
19 that things are so much different now with dating apps. He also constantly referred to gay men as
20 either "a top" or "a bottom," which are references to their positions during sex, and told Plaintiff
21 that he sounded, acted or looked "butch."

22 32. Plaintiff was present at a dinner on November 1, 2018, when Bauman asked two
23 female employees if they were "sleeping together" or "having an affair." Plaintiff observed that
24 both female employees appeared visibly uncomfortable with Bauman's inappropriate inquiries.
25 Bauman regularly made sexually inappropriate comments to CDP and LACDP employees and
26 volunteers, and on many occasions physically groped them (by placing his hands on their legs, or
27 rubbing their necks, shoulders or backs) against their will and without their consent. At this same
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1 dinner, the CDP's Controller, Dan Weitzman, asked Plaintiff if he and John Vigna (the CDP's
2 former Communications Director) were dating or having an affair.

3 **PLAINTIFF COMPLAINS TO SEVERAL CDP EMPLOYEES AND REPRESENTATIVES**
4 **REGARDING BAUMAN'S SEXUAL ASSAULTS AND HARASSMENT**

5 33. On or around November 1, 2018, Plaintiff told a senior member of the CDP's
6 management that Bauman sexually assaulted him by performing oral sex on him without his
7 consent. Plaintiff also told this individual that Bauman forcibly performed oral sex on him on two
8 other occasions but did not discuss the details of those incidents. This individual told Plaintiff that
9 he believed Bauman sexually assaulted another of his former assistants/staffers years earlier in a
10 manner similar to what Plaintiff described. Plaintiff does not know what actions, if any, this
11 individual or the CDP took in response to Plaintiff's disclosure.

12 34. In or around the week of November 19, 2018, CDP Director of Human Resources
13 Amy Vrattos ("Vrattos") called Plaintiff. She said she had learned of serious allegations that
14 Bauman had sexually harassed Plaintiff, and asked if he wanted to speak with her about these
15 allegations. Plaintiff responded that there were three particularly serious incidents of harassment,
16 but that he wanted to speak with an attorney before providing her with any details. The call ended
17 shortly thereafter.

18 35. Bauman resigned from his position as Chair of the CDP on or about November 28,
19 2018, as a result of allegations that he had sexually harassed several CDP employees, staff
20 members and/or others.

21 36. Around that same time, the CDP hired an investigator, Debra Hinshaw Vierra
22 ("Vierra"), to investigate numerous allegations that had been made against Bauman of sexual
23 harassment and other inappropriate sexual conduct. Vrattos asked Plaintiff if he would meet with
24 Vierra, he agreed, and they met on December 11, 2018. At this meeting, Plaintiff told Vierra about
25 the three sexual assaults and the numerous other incidents of sexual harassment perpetrated by
26 Bauman.

1 37. Within a week after Plaintiff's meeting with Vierra, the CDP told Plaintiff it was
2 closing the CDP LA office and that Plaintiff would be terminated unless he agreed to work out of
3 the CDP's Sacramento office. The CDP was aware that Plaintiff was living in Los Angeles
4 throughout his employment with the CDP and that he had never lived in Sacramento. Plaintiff is
5 informed, believes and thereon alleges that the CDP requested Plaintiff to move to Sacramento in
6 an effort to force him to quit. Plaintiff is also informed, believes and thereon alleges that the CDP
7 would not have closed its Los Angeles office but for the acts of sexual harassment and assault
8 committed by Bauman.

9 38. Plaintiff had previously told CDP management that he was accepted to the Masters
10 in Public Policy program at Claremont Graduate University, that he would be attending graduate
11 school there in the fall of 2019, and that he planned to work for the CDP until approximately
12 August 2019. Plaintiff could not afford to be unemployed, so he agreed to move temporarily to
13 Sacramento to keep his job and did so in early January 2019. Plaintiff plans to return to Los
14 Angeles County in August 2019, for graduate school.

15 **PLAINTIFF FILES AND SERVES HIS DFEH COMPLAINT**

16 39. On December 30, 2018, Plaintiff filed a Complaint with the California Department
17 of Fair Employment & Housing ("DFEH") for quid pro quo and hostile work environment sex
18 harassment, and failure to prevent said harassment, against the CDP and Bauman. The DFEH
19 issued its Notice of Case Closure and Right to Sue ("Right to Sue Notice") the same day.

20 40. On January 4, 2019, Plaintiff served true and correct copies of his DFEH complaint
21 and Right to Sue Notice on the CDP and Bauman via certified mail pursuant to Government Code
22 § 12962. (A true and correct copy of the DFEH material served on CDP and Bauman is attached
23 hereto collectively as Exhibit "A".)

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1 **FIRST CAUSE OF ACTION FOR**
2 **VIOLATION OF THE FAIR EMPLOYMENT AND HOUSING ACT**
3 **QUID PRO QUO SEX HARASSMENT**

4 **(As Against the CDP, Bauman and Does 1-25)**

5 41. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 40,
6 inclusive, as if fully set forth herein.

7 42. The Fair Employment and Housing Act prohibits an employer or any person from
8 harassing an employee, applicant, unpaid intern or volunteer, or a person providing services
9 pursuant to a contract, because of sex and/or sexual orientation.

10 43. At all times herein relevant, the CDP, Bauman and the DOE defendants, and each of
11 them, were and are employers, supervisory employees and/or employees subject to the provisions
12 of FEHA. At all times herein relevant, Plaintiff was and is an employee subject to the protections
13 of FEHA.

14 44. Bauman, as the Chair of the CDP and Plaintiff's supervisor, forced Plaintiff to
15 engage in unwanted sexual conduct with him, engaged in unwanted sexual advances towards him,
16 and engaged in unwanted verbal and/or physical conduct of a sexual nature, all of which was
17 unwanted and against Plaintiff's will.

18 45. The terms of Plaintiff's employment, job benefits, or favorable working conditions
19 were made contingent, by Bauman's words or conduct, on Plaintiff's acceptance of Bauman's
20 forced sexual advances and conduct.

21 46. Defendants, and each of them, are strictly liable under the FEHA for engaging in the
22 above-mentioned conduct because Bauman was the CDP's Chair and Plaintiff's supervisor.

23 47. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered
24 special damages in the form of lost earnings, benefits, and/or out-of-pocket expenses in an amount
25 according to proof at the time of trial. As a further direct and proximate result of these Defendants'
26 conduct, Plaintiff will suffer additional special damages in the form of lost future earnings,
27 benefits, and/or other prospective damages in an amount according to proof at the time of trial.

1 54. By their conduct and actions as alleged above, these Defendants, and each of them,
2 continually and consistently harassed, assaulted, abused, threatened, and abused Plaintiff because
3 of his sex and/or sexual orientation, and continually and repeatedly harassed, assaulted, abused,
4 threatened and subjected Plaintiff to a hostile, abusive, unwanted and intolerable work
5 environment. Defendants' harassment was severe or pervasive.

6 55. Defendants, and each of them, are strictly liable under FEHA for engaging in the
7 above-mentioned conduct because Bauman was the CDP's Chair and Plaintiff's supervisor. In
8 addition, Defendants were and are aware of Bauman's above-referenced conduct, and failed to take
9 immediate, appropriate or proper corrective action.

10 56. As a direct and proximate result of these Defendants' conduct, Plaintiff has suffered
11 special damages in the form of lost earnings, benefits, and/or out-of-pocket expenses in an amount
12 according to proof at the time of trial. As a further direct and proximate result of these Defendants'
13 conduct, Plaintiff will suffer additional special damages in the form of lost future earnings,
14 benefits, and/or other prospective damages in an amount according to proof at the time of trial.

15 57. As a further direct and proximate result of these Defendants' conduct, Plaintiff has
16 suffered mental and emotional pain, distress, and discomfort, all to his detriment and damage in
17 amounts not fully ascertained but within the jurisdiction of this court and subject to proof at the
18 time of trial.

19 58. By engaging in the conduct alleged herein, these Defendants, and each of them,
20 acted oppressively, maliciously, fraudulently, and/or outrageously towards Plaintiff, with conscious
21 disregard for his known rights and with the intention of causing, and/or willfully disregarding the
22 probability of causing, unjust and cruel hardship to Plaintiff. In so acting, these Defendants
23 intended to and did vex, injury, and annoy Plaintiff. Therefore, an assessment of punitive damages
24 should be made against Defendants in an amount sufficient to punish them and to prevent them
25 from willfully engaging in future discriminatory and/or retaliatory conduct.

1 should be made against Defendants in an amount sufficient to punish them and to prevent them
2 from willfully engaging in future discriminatory and/or retaliatory conduct.

3 65. Plaintiff is entitled to costs and reasonable attorneys' fees pursuant to California
4 Government Code § 12965(b), and appropriate and effective equitable or injunctive relief pursuant
5 to California Government Code § 12965(c).

6 **FOURTH CAUSE OF ACTION FOR**

7 **ASSAULT**

8 **(As Against All Defendants)**

9 66. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 40,
10 inclusive, as if fully set forth herein.

11 67. As alleged herein, Bauman intended to cause harmful or offensive contact with
12 Plaintiff, and Plaintiff believed and was in fear that he was going to be touched in a harmful or
13 offensive manner.

14 68. As alleged herein, Plaintiff did not consent to Bauman's conduct.

15 69. As alleged herein, Bauman was an agent of, and/or employed by the LACDP and/or
16 CDP when he committed the assaults as alleged herein, and was acting within the course and scope
17 of his agency and/or employment with the LACDP and/or CDP when he committed the assaults as
18 alleged herein.

19 70. As a result of Bauman's acts as alleged herein, Plaintiff was harmed.

20 71. As a direct and proximate result of these Defendants' conduct, Plaintiff has suffered
21 special damages in the form of lost earnings, benefits, and/or out-of-pocket expenses in an amount
22 according to proof at the time of trial. As a further direct and proximate result of these Defendants'
23 conduct, Plaintiff will suffer additional special damages in the form of lost future earnings,
24 benefits, and/or other prospective damages in an amount according to proof at the time of trial.

25 72. As a direct and proximate result of these Defendants' conduct, Plaintiff has suffered
26 mental and emotional pain, distress, and discomfort, all to his detriment and damage in amounts
27 not fully ascertained but within the jurisdiction of this court and subject to proof at the time of trial.

1 the form of lost future earnings, benefits, and/or other prospective damages in an amount according
2 to proof at the time of trial.

3 91. As a further direct and proximate result of these Defendants' conduct, Plaintiff has
4 suffered mental and emotional pain, distress, and discomfort, all to his detriment and damage in
5 amounts not fully ascertained but within the jurisdiction of this court and subject to proof at the
6 time of trial.

7 92. By engaging in the conduct alleged herein, these Defendants, and each of them,
8 acted oppressively, maliciously, fraudulently, and/or outrageously towards Plaintiff, with conscious
9 disregard for his known rights and with the intention of causing, and/or willfully disregarding the
10 probability of causing, unjust and cruel hardship to Plaintiff. In so acting, these Defendants
11 intended to and did vex, injury, and annoy Plaintiff. Therefore, an assessment of punitive damages
12 should be made against Defendants in an amount sufficient to punish them and to prevent them
13 from willfully engaging in future discriminatory and/or retaliatory conduct.

14 **EIGHTH CAUSE OF ACTION FOR**
15 **GENDER VIOLENCE (Cal. Civ. Code § 52.4)**
16 **(As Against All Defendants)**

17 93. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 40,
18 inclusive, as if fully set forth herein.

19 94. California Civil Code § 52.4(c)(2) defines gender violence as “a physical intrusion
20 or physical invasion of a sexual nature under coercive conditions, whether or not those acts have
21 resulted in criminal complaints, charges, prosecution, or conviction.”

22 95. As alleged above, on at least three separate occasions Bauman violated Civ. Code
23 § 52.4 by forcibly performing oral sex on Plaintiff against his will and without his consent.

24 96. As alleged herein, Bauman was an agent of and/or employed by the LACDP and/or
25 CDP when he committed the acts of gender violence against Plaintiff as alleged herein, and was
26 acting within the course and scope of his agency and/or employment with the LACDP and/or CDP
27 when he committed the acts of gender violence alleged herein.

28

1 102. As alleged above, Bauman violated Civ. Code § 52.45(c) by forcibly performing
2 oral sex on Plaintiff against his will and without his consent, and by rubbing Plaintiff's thigh and
3 genitals without his consent, and Bauman committed these violent acts at least in part because
4 Plaintiff is a gay man.

5 103. As alleged herein, Bauman was employed by the LACDP and/or CDP when he
6 committed the acts of sexual orientation violence against Plaintiff as alleged herein, and was acting
7 within the course and scope of his employment with the LACDP and/or CDP when he committed
8 the acts of sexual orientation violence alleged herein.

9 104. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered
10 special damages in the form of lost earnings, benefits, and/or out-of-pocket expenses in an amount
11 according to proof at the time of trial. As a further direct and proximate result of these Defendants'
12 conduct, Plaintiff will suffer additional special damages in the form of lost future earnings,
13 benefits, and/or other prospective damages in an amount according to proof at the time of trial.

14 105. As a further direct and proximate result of these Defendants' conduct, Plaintiff has
15 suffered mental and emotional pain, distress, and discomfort, all to his detriment and damage in
16 amounts not fully ascertained but within the jurisdiction of this court and subject to proof at the
17 time of trial.

18 106. By engaging in the conduct alleged herein, these Defendants, and each of them,
19 acted oppressively, maliciously, fraudulently, and/or outrageously towards Plaintiff, with conscious
20 disregard for his known rights and with the intention of causing, and/or willfully disregarding the
21 probability of causing, unjust and cruel hardship to Plaintiff. In so acting, these Defendants
22 intended to and did vex, injury, and annoy Plaintiff. Therefore, an assessment of punitive damages
23 should be made against Defendants in an amount sufficient to punish them and to prevent them
24 from willfully engaging in future discriminatory and/or retaliatory conduct.

TENTH CAUSE OF ACTION FOR
VIOLENCE (Cal. Civ. Code § 52.1)
(As Against All Defendants)

107. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 40, inclusive, as if fully set forth herein.

108. California Civil Code § 52.1 (California's Bane Civil Rights Act) provides that any individual whose enjoyment of rights secured by California law, has been interfered with, or attempted to be interfered with, by threat, intimidation, or coercion, or attempts thereby, may prosecute a civil action in his own name, and obtain injunctive relief, recover damages, and (under §52.1(h)) obtain attorney's fees.

109. As alleged above, Defendants denied Plaintiff the rights guaranteed in Civ. Code §§ 51.7, 52.4, 52.45, and FEHA, through threat, intimidation or coercion.

110. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered special damages in the form of lost earnings, benefits, and/or out-of-pocket expenses in an amount according to proof at the time of trial. As a further direct and proximate result of these Defendants' conduct, Plaintiff will suffer additional special damages in the form of lost future earnings, benefits, and/or other prospective damages in an amount according to proof at the time of trial.

111. As a further direct and proximate result of these Defendants' conduct, Plaintiff has suffered mental and emotional pain, distress, and discomfort, all to his detriment and damage in amounts not fully ascertained but within the jurisdiction of this court and subject to proof at the time of trial.

112. By engaging in the conduct alleged herein, these Defendants, and each of them, acted oppressively, maliciously, fraudulently, and/or outrageously towards Plaintiff, with conscious disregard for his known rights and with the intention of causing, and/or willfully disregarding the probability of causing, unjust and cruel hardship to Plaintiff. In so acting, these Defendants intended to and did vex, injury, and annoy Plaintiff. Therefore, an assessment of punitive damages

1 should be made against Defendants in an amount sufficient to punish them and to prevent them
2 from willfully engaging in future discriminatory and/or retaliatory conduct.

3

4 WHEREFORE, Plaintiff prays for judgment on all causes of action against Defendants as
5 follows:

6 1. For special damages, including, but not limited to, lost earnings, benefits, and/or
7 out-of-pocket expenses in an amount according to proof at the time of trial, all in an amount set
8 forth above and/or according to proof at the time of trial;

9 2. For further special damages, including but not limited to, lost future earnings,
10 benefits and other prospective damages in an amount set forth above and/or according to proof at
11 the time of trial;

12 3. For general damages in an amount set forth above and/or according to proof at the
13 time of trial;

14 4. For punitive and exemplary damages in an amount according to proof at the time of
15 trial;

16 5. For interest;

17 6. For injunctive and/or equitable relief;

18 7. For reasonable attorneys' fees;

19 8. For costs of suit; and

20 9. For such other relief that the court deems just and appropriate.

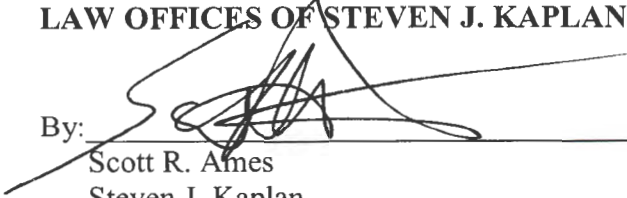
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22 DATED: April 24, 2019

LAW OFFICES OF SCOTT R. AMES, PC
LAW OFFICES OF STEVEN J. KAPLAN, PC

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24

By: 

Scott R. Ames
Steven J. Kaplan
Erin M. Kelly

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Attorneys for Plaintiff William Floyd

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JURY TRIAL DEMAND

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Plaintiff demands a jury trial on all issues so triable.

DATED: April 24, 2019

LAW OFFICES OF SCOTT R. AMES, PC
LAW OFFICES OF STEVEN J. KAPLAN, PC

By: 

Scott R. Ames
Steven J. Kaplan
Erin M. Kelly

Attorneys for Plaintiff William Floyd

Exhibit A

LAW OFFICES OF SCOTT R. AMES

A PROFESSIONAL CORPORATION

Writer's e-mail:
scott@scottameslaw.com

January 4, 2019

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Shaye Schrick
Delfino Madden O'Malley Coyle Koewler
500 Capitol Mall, Suite 1550
Sacramento, CA 95814

Re: **William Floyd v. The California Democratic Party and Eric Bauman**
DFEH Matter No. 201812-04411905

Dear Ms. Schrick:

Enclosed please find copies of William Floyd's Complaint of Sexual Harassment and Failure to Prevent said Harassment against his employer the California Democratic Party (the "CDP") and its former Chair Eric Bauman which was filed with the Department of Fair Employment & Housing ("DFEH") on December 30, 2018. Also enclosed are the Notice of Case Closure and Right to Sue and other related documents from the DFEH.

These documents are being served on you as the CDP's attorney/agent pursuant to your December 5, 2018 letter to me, and are being served per Government Code Section 12962. If you are not authorized to accept service of these DFEH documents on behalf of the CDP, please provide us with the name, address, email address and phone number of the individual who is authorized to accept service of these documents no later than January 14, 2019. These DFEH documents have also been separately served on Mr. Bauman.

If you have any questions do not hesitate to contact me.

Very truly yours,

LAW OFFICES OF SCOTT R. AMES, P.C.


SCOTT R. AMES

encls.



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | email: contact.center@dfeh.ca.gov

December 30, 2018

Scott Ames
1880 Century Park East Suite 614
Los Angeles, California 90067

RE: **Notice to Complainant's Attorney**
DFEH Matter Number: 201812-04411905
Right to Sue: Floyd / California Democratic Party et al.

Dear Scott Ames:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | email: contact.center@dfeh.ca.gov

December 30, 2018

RE: Notice of Filing of Discrimination Complaint
DFEH Matter Number: 201812-04411905
Right to Sue: Floyd / California Democratic Party et al.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

DIRECTOR KEVIN KISH

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | email: contact.center@dfeh.ca.gov

December 30, 2018

William Floyd
1143 W. 28th Street Apt I
Los Angeles, California 90007

RE: Notice of Case Closure and Right to Sue
DFEH Matter Number: 201812-04411905
Right to Sue: Floyd / California Democratic Party et al.

Dear William Floyd,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective December 30, 2018 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Department of Fair Employment and Housing

1 William Floyd to repeatedly sexually assault, sexually grope, and sexually harass Mr.
2 Floyd during his employment with the CDP. The CDP knew or should of known that
3 Mr. Bauman was sexually harassing Mr. Floyd, and failed to take immediate and
appropriate corrective action.

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1 VERIFICATION

2 I, **Scott Ames**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On December 30, 2018, I declare under penalty of perjury under the laws of the State
6 of California that the foregoing is true and correct.

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Los Angeles, CA