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17 Attorneys for Plaintiff Sharon T.

18 UNITED STATES DISTRICT COURT
19 CENTRAL DISTRICT OF CALIFORNIA

20 SHARON T., an individual,
Plaintiff,
21 v.
22 NEW DIRECTIONS, INC., a non-profit
organization; A COMMUNITY OF
23 FRIENDS, a non-profit organization;
JOHN STEWART COMPANY, a
24 California Corporation; UNIFIED
PROTECTIVE SERVICES, INC., a
25 California corporation; GEOGERY
WILLIAMS; MAURO PRADO; and Does
26 1-50,
Defendants.

) Case No.

) **COMPLAINT FOR
DECLARATORY RELIEF,
INJUNCTIVE RELIEF AND
DAMAGES**

) **JURY TRIAL DEMANDED**

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1 Plaintiff Sharon T. alleges as follows:

2 **NATURE OF THE ACTION**

3 This action arises from Defendants' failure to provide safe housing to a
4 needy and particularly vulnerable population: women military veterans with
5 disabilities. There are two groups of defendants responsible for the misconduct
6 and omissions alleged herein: the corporate entity defendants that manage, operate
7 and have committed to provide services to the residents of New Directions
8 Sepulveda, a veteran-only housing facility ("Entity Defendants"); and two
9 individual defendants employed by the Entity Defendants who sexually assaulted
10 and harassed Plaintiff Sharon T., a resident of New Directions Sepulveda
11 ("Individual Defendants"). New Directions Sepulveda purports to provide
12 "supportive" housing to veterans who suffer from mental and physical disabilities
13 and has undertaken to provide both accommodations and appropriate services
14 specifically for women veterans dealing with issues of homelessness and post-
15 traumatic stress syndrome. Among its residents are veterans like Sharon T., whom
16 Defendants know suffer from Post-Traumatic Stress Disorder ("PTSD") due to
17 Military Sexual Trauma ("MST").

18 The Individual Defendants sexually assaulted and sexually harassed Sharon
19 T. The Entity Defendants permitted the assault and harassment to occur as a result
20 of their having inadequately hired, trained, and supervised staff employed on the
21 New Directions Sepulveda campus, in particular with respect to the special needs
22 population that includes those who have suffered MST. Through their inadequate
23 management practices and their failure to take appropriate measures to ensure the
24 safety of their residents, the Entity Defendants permitted the sexual assault and
25 repeated sexual harassment of Plaintiff Sharon T. The Entity Defendants also
26 failed to provide adequate safety measures on the campus, and once presented with
27 complaints of sexual assault and repeated sexual harassment suffered by Plaintiff
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1 Sharon T. at the New Directions Sepulveda housing facility, the Entity Defendants
2 failed to respond adequately or to undertake sufficient remedial actions. The
3 Entity Defendants failed to make reasonable accommodation of Plaintiff's
4 disability, despite having undertaken to provide housing and supportive services to
5 people suffering from PTSD, including PTSD caused by MST.

6 Sharon T. is a military veteran who served her country honorably for nearly
7 15 years. Sharon T. is also the victim of military sexual traumas inflicted by her
8 supervisors in the military, which resulted in PTSD and other mental health
9 conditions. Sharon T. applied for a residence at New Directions Sepulveda
10 because she believed it would be a safe place for her to recover from the mental
11 anguish and psychological harms resulting from the military sexual trauma she
12 experienced and to begin a new chapter after having endured homelessness and
13 other related hardships. Instead, Sharon T. suffered months of unrelenting sexual
14 harassment from Defendant Geogery Williams, a resident property manager
15 employed by Defendant John Stewart Company, and has been the victim of verbal
16 and physical harassment by security guards employed by Defendant Unified
17 Protective Services, charged with protecting her safety—including a physical
18 sexual assault committed by a security guard believed to be Defendant Mauro
19 Prado.

20 As a result of Defendants' violence, deficient practices and inaction, Sharon
21 T. feels so unsafe in her own home that she sleeps with a chair propped against her
22 door at night in fear of additional assaults. Plaintiff Sharon T. continues to
23 experience mental and physical stress because of the assault and harassment,
24 improper training and supervision of the property managers and security guards,
25 and unsafe conditions that contributed to Sharon T.'s assault and harassment at
26 New Directions Sepulveda. The resulting stress exacerbates Sharon T.'s existing
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1 disability resulting from military sexual trauma and impedes her ability to pursue
2 the fresh start the supportive housing community was intended to help her achieve.

3 The sexual harassment and assault Sharon T. has endured would be
4 reprehensible if it happened to anyone. But, what happened to Sharon T. also
5 illustrates that the Entity Defendants have failed to provide safe housing at New
6 Directions Sepulveda for one of the very segments of the population it is intended
7 to serve: women veterans who have disabilities as a result of military sexual
8 trauma. In order to fairly accommodate, enable, and encourage women veterans to
9 take advantage of much needed services, and in particular, supportive permanent
10 housing, prompt action must be taken against those who display any sexual
11 predation in or around the housing facility. Further, housing providers such as
12 New Directions and A Community of Friends must provide adequate security
13 measures to ensure the safety of their residents. In particular, Sharon T. seeks an
14 injunction requiring the Entity Defendants to provide women residents with
15 gender-specific safety measures, including the option of living in housing separate
16 from male residents, to provide all residents with adequate safety measures on the
17 campus, and to provide mandatory disability sensitivity training, including with
18 respect to MST disabilities, and appropriate supervision and discipline of all
19 personnel who are employed at, or interact with residents of, New Directions
20 Sepulveda.

21 **JURISDICTION AND VENUE**

22 1. This Court has jurisdiction pursuant to 42 U.S.C. § 3613 and 28
23 U.S.C. §§ 1331 and 1343. This Court has supplemental jurisdiction pursuant to 28
24 U.S.C. § 1367 to hear and determine Sharon T.'s state law claims because they are
25 related to her federal claims and arise out of a common nucleus of operative facts.
26 Sharon T.'s state and federal claims form part of the same case or controversy
27 under Article III of the United States Constitution.

1 “end homelessness through the provision of quality permanent supportive housing
2 for people with mental illness.”¹ Upon information and belief, ACOF operates the
3 New Directions Sepulveda housing facility, including but not limited to
4 subcontracting and overseeing the operations of the property, management of
5 employees, and supervision of vendors.

6 7. Defendant John Stewart Company is a corporation organized under
7 the laws of the State of California with its principal place of business at 1388
8 Sutter St., Fl. 11, San Francisco, California 94109-5454. Upon information and
9 belief Defendant John Stewart Company is the management agent of New
10 Directions Sepulveda, and is the lessor for tenants who reside there.

11 8. Defendant Unified Protective Services, Inc. (“Unified”) is, upon
12 information and belief, a California corporation with its principal place of business
13 at 4431 West Rosecrans Avenue, Suite 200, Hawthorne, California, 90250. Upon
14 information and belief, Unified is a vendor of ACOF and/or John Stewart
15 Company and provides security services at New Directions Sepulveda.

16 9. Defendant Geogery Williams is an individual who, upon information
17 and belief, resides in Los Angeles, California. Defendant Williams was employed
18 by Defendant John Stewart Company as a property manager at New Directions
19 Sepulveda until in or around May 2014. Williams resided in the same building as
20 Sharon T. on the New Directions Sepulveda campus until approximately July
21 2014.

22 10. Defendant Mauro Prado is an individual who, upon information and
23 belief, resides in or around Los Angeles, California. Upon information and belief,
24 Defendant Prado was employed by Unified, ACOF and/or John Stewart Company,
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27 ¹ <http://www.acof.org/about/who-we-are/> (last visited June 3, 2015).

1 and worked as a roving security guard at New Directions Sepulveda during all
2 relevant periods herein.

3 11. Plaintiff does not know the true names, capacities, relationships, and
4 extent of participation in the conduct alleged herein of the Defendants sued as
5 Does 1-50, inclusive, but is informed and believes that said Defendants are legally
6 responsible for such conduct and therefore sues these Defendants by such fictitious
7 names. Plaintiff will amend this Complaint to allege both the true names and
8 capacities of the Doe Defendants when ascertained.

9 12. Plaintiff is informed and believes, and on that basis alleges, that each
10 of the named Defendants and the Doe Defendants (jointly, "Defendants")
11 perpetrated some or all of the wrongful acts alleged herein, is responsible in some
12 manner for the matters alleged herein, and that all Defendants are jointly and
13 severally liable to Plaintiff. At all times mentioned herein, each of the named
14 Defendants and the Doe Defendants was the agent or employee of each of the other
15 Defendants and was acting within the course and scope of such agency or
16 employment and/or with the knowledge, authority, ratification and consent of the
17 other Defendants.

18 **FACTUAL ALLEGATIONS**

19 **A. Sharon T. Suffers from PTSD and Major Depressive Disorder,** 20 **Disabilities that Resulted from the Military Sexual Trauma She** 21 **Experienced During Her Service**

22 13. Many homeless female veterans are victims of MST and suffer its
23 attendant effects. MST has been found to be more traumatic and debilitating than
24 sexual assaults and rapes in the civilian context, and MST victims are at a higher
25 risk for a variety of psychological, physical and social problems. MST victims are
26 nine times more likely to exhibit PTSD symptoms than veterans who have not been
27

1 sexually assaulted. MST is also more likely to lead to PTSD than combat
2 exposure.²

3 14. Sharon T. devoted nearly 15 years to serving in the United States
4 Army between her enlistment in 1985 and her honorable discharge in 2006. While
5 serving in the military, Sharon T. was a victim of rape, repeated verbal and
6 physical harassment, and sexual assault at the hands of supervising officers.

7 15. These sexual traumas exacted a significant physical and mental toll on
8 Sharon T. As a result, Sharon T. suffers from major depressive disorder and PTSD
9 that continues to this day. The Department of Veterans Affairs has given Sharon
10 T. a 70% disability rating based on her service-connected military sexual trauma.

11 16. Sharon T. suffers from many of the symptoms common to people who
12 suffer from MST-related PTSD. For example, she: finds it difficult to be in noisy
13 or crowded environments, has difficulty trusting people and forging new
14 relationships, has difficulty sleeping, and is afraid to go out at night.

15 17. Since her discharge in 2006, Sharon T. has been plagued by the far-
16 reaching ramifications of the sexual traumas she experienced in the military. The
17 severe psychological effects of the MST-related PTSD Sharon T. suffers from have
18 rendered her unable to find and hold long-term employment, and she has been
19 homeless during many years since her discharge. Dr. Blanca Cervantes, a doctor
20 for the Department of Veterans Affairs, found that Sharon T.'s disabilities are too
21 severe for her to be capable of seeking and maintaining employment.

22
23 ² The National Center on Family Homelessness, *Understanding the Experience of Military Families and Their*
24 *Returning War Fighters: Military Literature and Resource Review*, at 12-13 (Jan. 2010), available at
25 <http://www.familyhomelessness.org/media/100.pdf> (citing Suris et al., *Sexual Assault in Women Veterans: An*
26 *Examination of PTSD Risk, Health Care Utilization, and Cost of Care*, *Psychosomatic Medicine* 66, (2004): 749-
27 756); see also, Department of Veterans Affairs, Office of Inspector General, *Inpatient and Residential Programs*
28 *For Female Veterans with Mental Health Conditions Related to Military Sexual Trauma*, 12-03399054, at 3-4 (Dec.
5, 2012), available at <http://www.va.gov/oig/pubs/VAOIG-12-03399-54.pdf> (“Research on the effects of trauma has
found that the experience of rape can be equal to or greater than other stressors, including combat exposure, in the
risk of developing PTSD.” [sic]).

1 **B. New Directions Sepulveda Purports to Be a Haven for Veterans with**
2 **Disabilities**

3 18. The New Directions Sepulveda housing complex consists of two
4 buildings, Buildings 4 and 5, on the North Hills, California VA campus. The
5 housing complex is owned by the Veterans Administration, which has leased the
6 property to Defendants New Directions and ACOF. New Directions Sepulveda
7 opened in September 2013.

8 19. At New Directions Sepulveda, Defendants New Directions and ACOF
9 purport to provide supportive housing designed to serve homeless and chronically
10 homeless, low-income veterans with disabilities. Supportive housing couples low-
11 income housing with convenient access to a variety of social services targeted to
12 the special needs of the housing community's population. The services available at
13 the New Directions Sepulveda housing community are represented to include
14 onsite case management, counseling, mental health services, educational programs,
15 vocational training, and job placement assistance. The property offers residents
16 furnished studio apartments, laundry facilities, a dining area, a computer lab, and
17 recreational spaces. There is also a bus stop directly in front of the property.

18 20. Residence at New Directions Sepulveda is limited to military veterans
19 who are homeless or chronically homeless, with a qualifying disability, such as a
20 diagnosed mental disability or a physical disability. New Directions Sepulveda
21 residents' total gross income may not exceed 30% of the Los Angeles County Area
22 Median Income. (This means that a New Directions Sepulveda resident's total
23 gross income may not exceed \$18,900 in 2015).

24 21. The vast majority of the residents of New Directions Sepulveda are
25 men. Upon information and belief, less than three percent, *i.e.*, approximately five,
26 of the 147 units at New Directions Sepulveda are leased by women veterans.
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1 22. Despite the fact that the overwhelming majority of the population of
2 New Directions Sepulveda is male, the range of amenities offered at New
3 Directions Sepulveda, especially the ease of access to the VA health care treatment
4 and services, was particularly appealing to Sharon T. in her search for a fresh start.
5 Sharon T. anticipated that New Directions Sepulveda would be a safe place where
6 she could establish a home, continue addressing the mental health issues resulting
7 from her MST and get back on her feet after years of chronic homelessness, health-
8 related hardship, and financial difficulties. The location of New Directions
9 Sepulveda was another draw for Sharon T. because of its proximity to California
10 State University Northridge, where Sharon T. is pursuing her education.

11 23. On March 19, 2013, Sharon T. applied for a residence at New
12 Directions Sepulveda. Sharon T. was assigned a studio apartment in Building 5.
13 No separate housing for women is available at New Directions Sepulveda. The
14 unit Sharon T. was assigned is surrounded by units that are occupied by men.
15 When Sharon T. asked if New Directions Sepulveda provided separate women-
16 only housing, Defendant Geogery Williams, then the Building 5 property manager,
17 told her that separate housing for women was not provided because such an
18 arrangement would constitute segregation.

19 24. Sharon T. entered an agreement for the apartment effective October 4,
20 2013 and moved in to Building 5 on October 4, 2013.

21 **C. Sharon T. Suffered Multiple Incidents of Sexual Harassment and**
22 **Assault at New Directions Sepulveda**

23 **1. Sharon T. was subjected to sexual harassment by Geogery**
24 **Williams, a New Directions Sepulveda property manager**

25 25. Defendant Geogery Williams was a property manager for Building 5
26 at New Directions Sepulveda until approximately May 2014. Defendant Williams
27 resided in Building 5 and worked in an office with a large internal window,
28

1 directly adjacent to and that provided a view of the entrance of Building 5.

2 Although Williams was the property manager, not a security guard, the Entity
3 Defendants maintained the monitors for the building's security cameras in
4 Williams' office.

5 26. Even before Sharon T. moved into her apartment, Williams began an
6 unrelenting campaign of sexual harassment, making inappropriate sexual
7 comments to Plaintiff when she visited New Directions Sepulveda before the start
8 of her occupancy. Instead of walking beside her, Williams fell behind Sharon T.
9 and began making murmuring sounds. When Sharon T. asked Williams what he
10 was doing, he told her that he saw something he liked, referring to her buttocks.
11 Sharon T. told him to keep his eyes elsewhere and his remarks to himself.

12 27. Despite that Sharon T. made it known to Williams that his conduct
13 was unwelcome, Williams continued to harass Sharon T. after she moved into her
14 apartment in Building 5 on October 4, 2013. Over the course of the next month,
15 Williams frequently appeared at Sharon T.'s apartment under false pretenses,
16 purportedly related to his responsibilities as a property manager, and made sexual
17 advances despite Sharon T.'s objections.

18 28. When Sharon T. walked by Williams' office, which she did whenever
19 she used the main entrance of Building 5, Williams often called her into his office.
20 Williams took such opportunities to make further sexual comments and innuendos
21 to Plaintiff. On at least one of these occasions, Williams told Sharon T. that the
22 male residents could not stop talking about the "lady in red," referring to the color
23 of the clothing Sharon T. often wore. Williams also commented on Sharon T.'s
24 eyes on a number of occasions, often calling them "bedroom eyes." On each
25 occasion, Sharon T. told Williams that his sexual comments were inappropriate,
26 warned him that he needed to stop, and reminded him that they were only to
27 maintain a professional relationship.

1 29. Williams eventually came to Sharon T.'s apartment and asked if he
2 could have sex with her. Sharon T. said no. Williams returned the next day and
3 pursued Sharon T. again. Sharon T. again rejected his advances. After leaving her
4 apartment, Williams telephoned Sharon T. and told her that he would "get" her.
5 On another occasion, Williams came to Sharon T.'s apartment and told her that he
6 could not stop thinking about her or her eyes, and then abruptly kissed her, without
7 her consent. On numerous occasions, Williams told Sharon T. that they could keep
8 a romantic relationship to themselves, despite Sharon T.'s continued insistence that
9 she did not want to be in a relationship with him.

10 30. On another occasion, Williams appeared at Sharon T.'s apartment.
11 When she opened the door, he walked in, kissed her, and took off his pants and
12 proceeded to rub his body against her and eventually ejaculated on her bed.

13 31. Throughout this period, Williams also called Sharon T.'s cell phone,
14 after obtaining the number from her tenant file. Sharon T. repeatedly requested
15 that he stop calling and texting her, although his calls and texts—some of which
16 were sexual in nature—eventually became so persistent that she relented in hopes
17 that it would ease his aggressive pursuit and harassment and began responding.
18 Moreover, she feared his retaliation and that she could lose her apartment if she did
19 not start responding to his sexual advances.

20 32. On the morning of November 8, 2013, Williams called Sharon T. and
21 asked if he could stop by her apartment. She reluctantly agreed. When Williams
22 entered the apartment, he took off his clothes and said to her, "I told you I was
23 going to get this pussy." Williams' harassment had become so unrelenting and of
24 such intensity that Sharon T. felt she had no choice but to submit to his advances in
25 order to make him stop his aggressive pursuit. In her fragile state, she succumbed
26 to William's sexual advances. After the sexual encounter, Williams left Sharon
27 T.'s apartment.
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1 33. In the days following the November 8, 2013 incident, Sharon T.
2 avoided Williams. Sharon T. began using the back entrance to Building 5 to avoid
3 having to walk by Williams' office, from which Williams frequently confronted
4 her.

5 34. Williams continued to pursue Sharon T. and she believes that
6 Williams was watching her movements via the building's security cameras, which
7 Williams could monitor from his office, because he frequently crossed paths with
8 her as she made her way around Building 5 regardless of what entrance she used.

9 35. On a few occasions, Sharon T. noticed Williams pacing outside her
10 apartment window while appearing to pray. Williams later told Sharon T. he was
11 praying he would get a chance to talk to her.

12 **2. Sharon T. was sexually assaulted by a security guard working at**
13 **the New Directions Sepulveda campus whom, on information and**
14 **belief, she believes to be Mauro Prado**

15 36. Sharon T. was sexually harassed and assaulted by New Directions
16 Sepulveda security guards working at Building 5. Security guards employed at
17 New Directions wore no name tags or other items that disclosed their identities.
18 Therefore, Sharon T. is unaware of the names and/or identities of all the security
19 guards who engaged in the conduct alleged herein. Multiple security guards
20 mentioned to Sharon T. that they saw how Williams looked at her and that she
21 should take advantage of the situation for material gain. They also made sexual
22 comments directly to Sharon T., asking on one occasion, for example, "Can I
23 ride?" She understood this comment to mean that they were asking to have sexual
24 intercourse with her.

25 37. One night in or around January 2014, while Sharon T. was folding her
26 laundry in the laundry room down the hall from her apartment, a security guard,
27 later identified as Defendant Mauro Prado, entered the laundry room. He wore a
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1 Unified security guard uniform but, typical of all security guards employed at New
2 Directions, no name tag or other item that disclosed his identity.

3 38. The security guard, whom Plaintiff is now informed and believes is
4 named Prado, asked Sharon T. for her phone number. Sharon T. declined. Prado
5 nonetheless asked Sharon T. if he could take her on a date. Again, Sharon T.
6 declined. He provided her no information about his own name.

7 39. Sharon T. finished folding her laundry and left the laundry room. She
8 walked down the hall to her apartment. She had not yet had the opportunity to put
9 the laundry basket down and turn the lock in her apartment door before Prado
10 entered her apartment and forced Sharon T. onto her bed. She was shocked
11 because she had not heard him following her down the hall.

12 40. Prado began sexually assaulting Sharon T. Sharon T. struggled
13 against Prado, yelled at him to stop, and told him that he did not want to do this.
14 Prado responded by telling Sharon T. "Let me satisfy you." Plaintiff continued to
15 resist. Prado finally stopped and got off the bed. He buttoned his pants,
16 apologized to Sharon T., and left the apartment.

17 41. Once he left, Sharon T. locked the door, crumbled to the floor, and
18 cried. She could not sleep that night. From that point on, Sharon T. has slept with
19 a chair blocking her front door for fear of a further assault. She fears retaliation
20 and further assaults from the guards that are employed to protect her and the other
21 residents of New Directions Sepulveda.

22 **D. Defendants New Directions, ACOF and John Stewart Company Have**
23 **Failed to Provide Reasonable Accommodation to Sharon T.**

24 42. New Directions Sepulveda is a housing community targeted and
25 restricted to veterans with disabilities, including diagnosed mental disabilities such
26 as Sharon T.'s MST-related PTSD.

1 43. The New Directions website recognizes the severity and prevalence of
2 military sexual trauma, and has dedicated a separate section on the website to
3 explain the trauma in detail. The New Directions website states that “sexual
4 trauma associated with military service most often occurs in settings where victims
5 live and work. In most cases, victims must continue to live and work closely with
6 their perpetrators, often leading to an increased sense of feeling helpless,
7 powerless, and at risk for additional victimization.”³ Despite New Directions’
8 express public acknowledgment of the unique challenges that survivors of military
9 sexual trauma face and being on notice, Defendants failed to implement any
10 measures to address the problems within the New Directions housing community.

11 44. Defendants New Directions, ACOF, and John Stewart Company were
12 put on notice of the sexual assaults and repeated harassment Sharon T. has suffered
13 at New Directions Sepulveda. They nonetheless failed to take sufficient action to
14 remedy Sharon T.’s situation. And, Sharon T. does not, as a practical matter, have
15 the option of leaving the housing facility and moving to other veteran housing that
16 is also within a reasonable proximity to her school.

17 45. Williams continued to reside in Building 5 until approximately July
18 2014. Shortly after the new property manager, Douglas Kim, arrived at New
19 Directions Sepulveda, he too began harassing Sharon T., making sexually-charged
20 and inappropriate comments to her on more than one occasion. Kim’s conduct
21 underscores Defendants’ woefully inadequate training and supervision of their
22 employees. The New Directions website boasts that the New Directions Sepulveda
23 facility has live-in resident managers as a means of “ensur[ing] a safe
24 environment” for residents.⁴ The safety assurances ostensibly provided by live-in
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26 _____
27 ³ http://www.newdirectionsinc.org/resources_military_sexual_trauma.html (last visited June 3, 2015).

28 ⁴ http://www.newdirectionsinc.org/about_sepulveda.html (last visited June 3, 2015).

1 managers mean nothing, however, if these managers are not adequately screened,
2 trained and supervised to handle the needs of their vulnerable residents.

3 46. Unified states on its website “our services are unmatched throughout
4 the industry in accordance with the ‘best practices’ of our industry” and “[n]o two
5 assignments are ever alike and we treat each and every valued client individually,
6 based on their specific needs....Each and every assignment we undertake will have
7 custom written post instructions prepared.”⁵ Despite these assurances, Defendant
8 Prado’s behavior – as well as the harassing behavior of other security guards in its
9 employ – demonstrates that Unified’s screening, training, and supervision falls
10 remarkably short of the standards needed for working with women veterans with
11 disabilities.

12 47. Upon information and belief, there have been no improvements in
13 Defendants’ hiring, training and supervision procedures to ensure that the staff is
14 aware of and will respond appropriately to the specific disabilities of the residents
15 of New Directions Sepulveda, such as Sharon T., and to refrain from inappropriate
16 harassing behavior. Yet, on its web site New Directions expressly states that the
17 purpose of the “round-the-clock front desk support” provided by Unified and its
18 employees is to “ensure a safe environment.”⁶

19 48. Upon information and belief, there have been insufficient gender-
20 specific safety measures employed on the New Directions Sepulveda campus to
21 provide adequate security to women veterans with disabilities such as Sharon T.
22 and to prevent further acts of sexual harassment and assault. Moreover, on
23 information and belief, no action has been taken against Defendant Prado – a
24 security guard who inappropriately pursued Sharon T., and when she refused him,
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26 _____
27 ⁵ <http://unifiedprotectiveservices.com/security-guard-services-los-angeles-la-ca.html> (last visited June 3, 2015)).

28 ⁶ http://www.newdirectionsinc.org/about_sepulveda.html (last visited June 3, 2015).

1 followed her back to her apartment at night, entered her apartment uninvited and
2 sexually assaulted her.

3 49. Nor has corrective action been taken with regard to the operation of
4 the facility generally. Following the sexual assault and harassment, Sharon T.
5 sought relief from the unsafe and insecure environment provided at New
6 Directions Sepulveda by asking her assigned service coordinator whether she could
7 move to women-only housing. Sharon T.'s service coordinator told her that New
8 Directions Sepulveda's policy was not to provide separate housing for women
9 veterans.

10 50. In addition, on information and belief, the security measures and
11 procedures in general are inadequate, including but not limited to the lack of
12 proper lighting in all common areas, the failure to require staff to wear nametags or
13 be otherwise identifiable at all times, and the absence of proper camera-
14 surveillance technology or a procedure for reviewing and saving the surveillance
15 data for a reasonable amount of time.

16 51. At the outset, Defendants failed to provide a safe and secure housing
17 environment for women veterans who have suffered military sexual trauma and as
18 a result have disabilities including PTSD. Once on notice of their failure to
19 accommodate the disabilities of veterans such as Sharon T., their creation of the
20 hostile environment in which Sharon T. was forced to live, and the injurious effects
21 of having maintained a housing facility with a hostile environment, they failed to
22 take appropriate remedial action.

23 52. Defendants must be held accountable for their specific acts of sexual
24 violence and harassment against Sharon T.; for their negligence and reckless
25 disregard in permitting this hostile living environment to fester; for their failure to
26 reasonably accommodate Sharon T.'s identified disabilities; and for their lack of
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1 appropriate corrective action in response to the actions perpetrated against Sharon
2 T.

3 **FIRST CAUSE OF ACTION**
4 **FOR VIOLATION OF THE FAIR HOUSING ACT – HOSTILE LIVING**
5 **ENVIRONMENT**

6 **(Against New Directions, ACOF and John Stewart Company)**

7 53. Plaintiff realleges and incorporates the allegations set forth in all of
8 the preceding paragraphs in this Complaint.

9 54. Defendants have violated the Fair Housing Act, 42 U.S.C. § 3601, *et*
10 *seq.*, by discriminating against Plaintiff based on her sex in the following ways:

11 A. Sharon T. has been subjected to unwelcome harassment in
12 violation of 42 U.S.C. § 3604(b);

13 B. The harassment has been sexual in nature, including unwanted
14 sexual comments to and advances toward Sharon T. without regard to her
15 protestations; and

16 C. The sexual harassment has been sufficiently severe or pervasive
17 such that it has deprived, and continues to deprive Sharon T. of her right to
18 use and enjoy her home.

19 55. As a direct and proximate result of the Defendants' complete and
20 purposeful disregard for the rights and safety of Sharon T., she has suffered, and
21 continues to suffer medical harm and psychological harm and damage.

22 56. Defendants' acts constitute an ongoing violation of the Fair Housing
23 Act.

24 57. Defendants are also liable to Sharon T. for compensatory and punitive
25 damages, injunctive relief, and attorneys' fees and costs. 42 U.S.C. § 3613(c)(1)
26 and (2).

1 **SECOND CAUSE OF ACTION**
2 **FOR VIOLATION OF THE FAIR HOUSING ACT – FAILURE TO**
3 **PROVIDE REASONABLE ACCOMMODATION**
4 **(Against New Directions, ACOF and John Stewart Company)**

5 58. Plaintiff realleges and incorporates the allegations set forth in all of
6 the preceding paragraphs in this Complaint.

7 59. Defendants New Directions, ACOF and John Stewart Company have
8 violated, and continue to violate the Fair Housing Act, 42 U.S.C. § 3601, *et seq.*,
9 by discriminating against Plaintiff based on her disability in the following ways:

10 A. Plaintiff suffers from PTSD due to military sexual trauma, a
11 disability recognized by the Fair Housing Amendments Act;

12 B. Defendants New Directions, ACOF and John Stewart Company
13 know or should have known of Plaintiff’s disability because she was
14 approved to live in a facility designated for homeless veterans with
15 disabilities;

16 C. Plaintiff has requested that Defendants New Directions, ACOF
17 and John Stewart Company put in place specific safety measures and
18 procedures to ensure that women veterans with PTSD resulting from MST
19 are safe, and to provide training and supervision to all personnel who are
20 employed at, or interact with residents of, New Directions Sepulveda. These
21 measures are necessary in order for Plaintiff to enjoy and use her home;

22 D. This reasonable accommodation will not impose undue
23 financial or administrative burdens on Defendants New Directions, ACOF
24 and John Stewart Company, and will not alter their business operations in
25 any significant manner; and
26

1 E. Defendants New Directions, ACOF and John Stewart Company
2 have refused to reasonably accommodate Sharon T. in violation of 42 U.S.C.
3 § 3604(f)(3)(B).

4 60. As a direct and proximate result of Defendants New Directions,
5 ACOF and John Stewart Company's complete and purposeful disregard for the
6 rights and safety of Sharon T. by refusing to reasonably accommodate Sharon T.,
7 she has suffered, or will suffer, and continue to, or will continue to suffer from
8 harassment, assault, and exacerbations of PTSD associated with military sexual
9 trauma.

10 61. Defendants New Directions, ACOF and John Stewart Company's acts
11 constitute an ongoing violation of the Fair Housing Act.

12 62. Defendants New Directions, ACOF and John Stewart Company are
13 liable to Sharon T. for compensatory and punitive damages, injunctive relief, and
14 attorneys' fees and costs. 42. U.S.C. § 3613(c)(1) and (2).

15 **THIRD CAUSE OF ACTION**

16 **DISCRIMINATION IN BUSINESS DEALINGS (Cal. Civ. Code § 51.5)**

17 **(Against New Directions, ACOF, Unified, John Stewart Company, Geogery**
18 **Williams and Mauro Prado)**

19 63. Plaintiff realleges and incorporates the allegations set forth in all of
20 the preceding paragraphs in this Complaint.

21 64. Defendants Williams and Prado discriminated against Plaintiff on the
22 basis of Plaintiff's sex by their sexual harassment of Plaintiff.

23 65. Defendants New Directions, ACOF, Unified and John Stewart
24 Company discriminated against Plaintiff on the basis of Plaintiff's sex by their
25 failure adequately to respond to Plaintiff's complaints of sexual harassment by
26 their employees or agents.

1 66. Defendants' conduct caused Sharon T. bodily harm when she was
2 assaulted and harassed on the premises and also caused her great emotional harm
3 when these incidents exacerbated Sharon T.'s PTSD associated with military
4 sexual trauma.

5 **FOURTH CAUSE OF ACTION**
6 **SEXUAL HARASSMENT IN A DEFINED RELATIONSHIP**
7 **(Cal. Civ. Code § 51.9)**
8 **(Against All Defendants)**

9 67. Plaintiff realleges and incorporates the allegations set forth in all of
10 the preceding paragraphs of the complaint.

11 68. Plaintiff had a business, service or professional relationship with each
12 of the Defendants:

- 13 A. New Directions provides Plaintiff with needed counseling and social
14 services;
15 B. ACOF operates the housing facility where Plaintiff resides;
16 C. Unified provides security services at Plaintiff's residence;
17 D. John Stewart Company is the management agent at Plaintiff's
18 residence;
19 E. Geogery Williams was the property manager at her residence; and
20 F. Mauro Prado was a security guard at her residence.

21 69. Defendant Williams made unwelcome sexual advances to Plaintiff.

22 70. Defendant Prado made unwelcome sexual advances to and sexually
23 assaulted Plaintiff.

24 71. Defendants New Directions, ACOF, Unified and John Stewart
25 Company ratified Defendants Williams' and Prado's misconduct through their
26 failure to take adequate action in response to Plaintiff's complaints about the
27 unwelcome sexual advances, harassment and assault she suffered.

1 72. Plaintiff was unable to easily end the relationship with Defendant
2 Williams or avoid Defendant Prado.

3 73. Defendants' conduct caused Sharon T. bodily harm when she was
4 assaulted and harassed on the premises and also caused her great emotional harm
5 when these incidents exacerbated Sharon T.'s PTSD associated with military
6 sexual trauma.

7 **FIFTH CAUSE OF ACTION**
8 **NEGLIGENCE**

9 **(Against New Directions, ACOF, Unified, and John Stewart Company)**

10 74. Plaintiff realleges and incorporates the allegations set forth in all of
11 the preceding paragraphs in this Complaint.

12 75. As the lessors, managers and security guard service provider for the
13 property, Defendants owed a duty of care under common law and California Civil
14 Code section 1714 to exercise due care in the management and oversight of the
15 premises so as to avoid foreseeable injury to others.

16 76. Defendants owed Sharon T. a duty not to interfere with the use,
17 control, and peaceable possession of her apartment, and to maintain and oversee
18 the premises generally in accordance with all applicable state and federal laws.

19 77. Under federal and state housing laws, Defendants owed a duty to
20 operate and oversee the premises without unlawfully discriminating against Sharon
21 T. Defendants also owed Sharon T. a duty to train and supervise their employees
22 properly so as to not breach this duty.

23 78. Defendants showed a complete and purposeful disregard for the rights
24 and safety of Sharon T. by breaching the duties alleged above by failing to keep
25 the premises free from unlawful discrimination.

26 79. Defendants' negligence includes, but is not limited to:

27 A. Failure to train their employees and agents to comply with the
28

1 requirements of federal housing laws;

2 B. Failure to supervise employees to comply with the requirements of
3 federal housing laws;

4 C. Failure to address their employees' breach of the requirements of
5 federal housing laws; and

6 D. Failure to use reasonable care to prevent harm to Sharon T. caused
7 by continued sexual harassment from a property manager and
8 sexual assault by a security guard.

9 80. Sharon T. was harmed by this extreme, outrageous, and despicable
10 conduct, harassment and assault; and

11 81. Defendants' negligence was a substantial factor in causing Sharon T.
12 harm as a reasonable person would consider Defendants' conduct to have
13 contributed to the harm.

14 **SIXTH CAUSE OF ACTION**

15 **BREACH OF COVENANT OF QUIET ENJOYMENT**

16 **(Against New Directions, ACOF and John Stewart Company)**

17 82. Plaintiff realleges and incorporates the allegations set forth in all of
18 the preceding paragraphs in this Complaint.

19 83. During the relevant period, Sharon T. and Defendants were in a
20 landlord-tenant relationship.

21 84. Implied in each rental agreement in California is a covenant that the
22 landlord will not interfere with the tenant's quiet enjoyment of the premises during
23 the term of his or her tenancy.

24 85. Defendants New Directions, ACOF and John Stewart Company, their
25 agents, and employees have a duty to abide by the implied covenant of quiet
26 enjoyment. Defendants breached this duty by the conduct of Defendants Williams
27 and Prado and property manager Kim, described above, including but not limited
28

1 to Defendant Prado's sexual assault of Sharon T. on the premises and Defendant
2 Williams' sexual harassment of Sharon T.

3 86. Defendants New Directions, ACOF and John Stewart Company knew,
4 or should have known, that Sharon T. would suffer damage as a result of this
5 breach.

6 87. As a direct and proximate result of Defendants New Directions,
7 ACOF and John Stewart Company's breaches of the covenant of quiet enjoyment,
8 the value of Sharon T.'s leasehold has been diminished. Consequently, Sharon T.
9 suffered damages as a direct and proximate cause of the breach of the covenant of
10 quiet enjoyment.

11 **SEVENTH CAUSE OF ACTION**

12 **NEGLIGENCE**

13 **(Against Geogery Williams)**

14 88. Plaintiff realleges and incorporates the allegations set forth in all of
15 the preceding paragraphs in this Complaint.

16 89. Defendant Williams was a property manager for New Directions
17 Sepulveda, Building 5 during the period October 4, 2013 through in or about May
18 2014, during which time Sharon T. was a tenant of Building 5.

19 90. As the property manager, Defendant Williams owed Building 5
20 tenants a duty to protect Plaintiff and not to engage in sexual harassment.

21 91. Defendant Williams breached this duty by sexually harassing Sharon
22 T.

23 92. Sharon T. was harmed by Mr. Williams' complete and purposeful
24 disregard for her rights and safety; and

25 93. Mr. Williams' negligence was a substantial factor in causing Sharon
26 T. harm as a reasonable person would consider his conduct to have contributed to
27 the harm.

1 **EIGHTH CAUSE OF ACTION**

2 **NEGLIGENCE**

3 **(Against Mauro Prado)**

4 94. Plaintiff realleges and incorporates the allegations set forth in all of
5 the preceding paragraphs in this Complaint.

6 95. Defendant Prado was a roving security guard at New Directions
7 Sepulveda during the relevant period, during which time Sharon T. was a tenant of
8 New Directions Sepulveda.

9 96. Defendant Prado owed Sharon T. a duty to protect Plaintiff and not to
10 engage in sexual harassment or assault.

11 97. Defendant Prado breached this duty by sexually assaulting Sharon T.

12 98. Sharon T. suffered great emotional and physical harm by Defendant
13 Prado's complete and purposeful disregard for her rights and safety conduct; and

14 99. Defendant Prado's negligence was a substantial factor in causing
15 Sharon T. harm as a reasonable person would consider his conduct to have
16 contributed to the harm.

17 **NINTH CAUSE OF ACTION**

18 **ASSAULT**

19 **(Against Mauro Prado)**

20 100. Plaintiff realleges and incorporates the allegations set forth in all of
21 the preceding paragraphs in this Complaint.

22 101. When Defendant Prado sexually assaulted Sharon T., he intended to
23 cause harmful or offensive contact, as he forced himself upon her and sexually
24 assaulted her.

25 102. Sharon T. reasonably believed she was about to be touched in a
26 harmful or offensive manner.

1 103. Sharon T. did not consent to this touching, as she repeatedly told Mr.
2 Prado to stop touching her and forcibly fought him off.

3 104. Plaintiff was harmed by Defendant Prado's complete and purposeful
4 disregard for her rights and safety and suffered great emotional and physical
5 damage as a result.

6 **TENTH CAUSE OF ACTION**

7 **SEXUAL BATTERY**

8 **(Against Mauro Prado)**

9 105. Plaintiff realleges and incorporates the allegations set forth in all of
10 the preceding paragraphs in this Complaint.

11 106. When Defendant Prado sexually assaulted Sharon T., he touched her
12 intending to cause harmful or offensive contact with Sharon T.'s breast, and a
13 sexually offensive contact with Sharon T. resulted, as he forced himself upon her.

14 107. When Defendant Prado sexually assaulted Sharon T., he caused an
15 imminent fear of a harmful or offensive contact with Sharon T.'s vagina by use of
16 Defendant Prado's mouth and groin, and a sexually offensive contact with Sharon
17 T. resulted, either directly or indirectly, as he forced himself upon her.

18 108. Sharon T. did not consent to this touching, as she repeatedly told Mr.
19 Prado to stop touching her and forcibly fought him off.

20 109. Plaintiff was harmed by Defendant Prado's complete and purposeful
21 disregard for her rights and safety and suffered great emotional and physical
22 damage as a result.

23 **ELEVENTH CAUSE OF ACTION**

24 **TRESPASS**

25 **(Against Mauro Prado)**

26 110. Plaintiff realleges and incorporates the allegations set forth in all of
27 the preceding paragraphs in this Complaint.

1 111. Sharon T. occupied her apartment in Building 5.

2 112. Prado intentionally entered Sharon's T's apartment when he entered
3 her apartment unannounced and uninvited and sexually assaulted her.

4 113. Sharon T. did not give permission for Prado's entry.

5 114. Sharon T. suffered great emotional and bodily damage by Defendant
6 Prado's entry into her apartment.

7 **TWELFTH CAUSE OF ACTION**

8 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

9 **(Against Geogery Williams and Mauro Prado)**

10 115. Plaintiff realleges and incorporates the allegations set forth in all of
11 the preceding paragraphs in this Complaint.

12 116. Williams' sexual harassment of and Prado's sexual assault against
13 Sharon T. was outrageous conduct.

14 117. Williams and Prado acted with reckless disregard of the probability
15 that Sharon T. would suffer emotional distress as a result of their complete and
16 purposeful disregard for her rights and safety.

17 118. Sharon T. suffered severe emotional distress as a result of Williams'
18 and Prado's extreme, outrageous, and despicable conduct.

19 **THIRTEENTH CAUSE OF ACTION**

20 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

21 **(Against All Defendants)**

22 119. Plaintiff realleges and incorporates the allegations set forth in all of
23 the preceding paragraphs in this Complaint.

24 120. Defendants Williams and Prado were negligent in their offensive
25 sexual conduct against Sharon T.

26 121. Defendants New Directions, A Community of Friends, John Stewart
27 Company, and Unified were negligent in failing to provide a safe housing
28

1 environment for Sharon T. and in failing to adequately screen, train and supervise
2 employees engaged in the management of and security for the New Directions
3 Sepulveda housing community.

4 122. Sharon T. suffered serious emotional distress as a result of Williams'
5 and Prado's complete and purposeful disregard for her rights and safety.

6 123. Williams' negligence in sexually harassing Sharon T. and Prado's
7 negligence in sexually assaulting Sharon T. was a substantial factor in causing
8 Sharon T.'s serious emotional distress.

9 124. Defendants New Directions', A Community of Friends', John Stewart
10 Company's, and Unified's negligence in failing to prevent the sexual harassment
11 and sexual assault that Sharon T. suffered was a substantial factor in causing
12 Sharon T.'s serious emotional distress.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiff prays this judgment against Defendants as follows:

15 1. Declare that the discriminatory practices of Defendants New
16 Direction, A Community of Friends, and John Stewart Company, as set forth
17 above, violate the Fair Housing Act;

18 2. Enjoin the Entity Defendants, requiring them to provide women
19 residents with the option of living in housing separate from male residents and to
20 provide mandatory disability sensitivity training and adequate supervision and
21 discipline of all personnel who are employed at, or interact with residents of, New
22 Directions Sepulveda. Further enjoin the Entity Defendants, requiring them to
23 implement adequate safety protocols and measures, including providing adequate
24 lighting in all common areas, requiring that all staff wear name tags when on-duty,
25 and requiring implementation of an adequate video-surveillance system that is
26 routinely reviewed and for which the data is routinely backed-up and not discarded
27 or overwritten for a reasonable period of time.

1 3. Award compensatory damages to Plaintiff in an amount to be
2 determined at trial;

3 4. Award punitive damages to Plaintiff in an amount to be determined at
4 trial;

5 5. Award any other such damages as may be allowed under all the above
6 federal and state laws;

7 6. Award to Plaintiff her reasonable attorneys' fees and costs in this
8 action; and

9 7. Award all such other relief as the Court deems just and proper.

10 **DEMAND FOR JURY TRIAL**

11 Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs hereby demand
12 a trial by jury as to all issues.

13 DATED: June 5, 2015

/s/ Lois D. Thompson

Lois D. Thompson
Proskauer Rose LLP

/s/ Laura Riley

Laura Riley
California Women's Law Center

/s/ J. Cacilia Kim

J. Cacilia Kim, SBN 210414
Legal Aid Society – Employment
Law Center

/s/ F. Edie Mermelstein

F. Edie Mermelstein
FEM LAW GROUP

Attorneys for Plaintiff Sharon T.