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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego



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Clerk of the Superior Court
By J. Siharath ,Deputy Clerk

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO, CIVIL UNLIMITED JURISDICTION

) Case No. 25CU040761C
Plaintiff,)
v.) COMPLAINT FOR DAMAGES
) (Hostile Work Environment per Gov.
BELMONT PARK ENTERTAINMENT, LLC;) Code, secs. 12923, 12940(j) et seq..)
PACIFICA ENTERPRISES INVESTMENTS, LLC)
and DOES 1-10, Inclusive)
Defendants.)
_____)

TO THE COURT AND CLERK OF THE COURT, Please take notice that Plaintiff 
 (hereafter "Plaintiff") brings this action for civil damages against Defendants BELMONT
PARK ENTERTAINMENT, LLC, PACIFICA ENTERPRISES INVESTMENTS, LLC and DOES
1-10, inclusive (collectively "Defendants") and hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for recovery of damaged that arises from Plaintiff's employment with
Defendants, and a situation wherein Plaintiff suffered pervasive sexual harassment and a hostile
work environment in violation of California's Fair Employment and Housing Act ("FEHA").

PARTIES

2. Plaintiff was, at all relevant times herein, a resident of the State of California and employed by Defendant Defendant Belmont Park Entertainment LLC and Pacifica Enterprises Investments, LLC to work as a restaurant worker and food server.

3. At all times mentioned herein, Defendant Belmont Park Entertainment, LLC is a California Limited Liability Company and a hospitality business headquartered in San Diego County, California. At all relevant times, Defendant Defendant Belmont Park Entertainment, LLC was Plaintiff's employer. At all relevant times, Defendant Pacifica Enterprises Investments, LLC was a California Limited Liability Company, or a Limited Liability Company of another state operating within California as the owner and operator of Belmont Park Entertainment LLC.

4. At all relevant times, Belmont Park Entertainment, LLC was an agent of Defendant Pacifica Enterprises Investments, LLC, as were its employees, who were acting within the course and scope of their agency at all times mentioned herein. At all relevant times, Plaintiff's direct supervisor at Belmont Park Entertainment, LLC was an agent and/or employee of both Defendants Belmont Park Entertainment LLC and Pacifica Enterprises Investments, LLC, acting within the scope and course of his agency or employment and is listed herein as "Doe #1".

JURISDICTION AND VENUE

5. The amount of damages herein is greater than \$35,000, and is based upon special damages for the costs of mental health care treatment and expenses incurred by Plaintiff, and upon general damages for emotional distress, loss of enjoyment of life, inconvenience and humiliation, lost wages, and loss of earning capacity. This case is therefore within the unlimited jurisdiction of this Court.

6. This Court has jurisdiction over the parties and claims involved in this action because Plaintiff is a resident of California and Defendant is headquartered in San Diego County, California. Defendant Belmont Park Entertainment LLC has its principal business location listed with the CA Secretary of State as, and is actually located at, 3146 Mission Blvd. San Diego, CA 92019. Defendant Pacifica Enterprises Investments, LLC has its principal business location listed with the CA Secretary of State as, and is actually located at, 18029 Calle Ambiente Suit 500 Rancho Santa Fe, CA 92091.

7. Venue is proper in San Diego County pursuant to California Code of Civil Procedure §395.5 because the unlawful acts alleged herein occurred in San Diego County. This action is filed in the Central Division of the Superior Court for the County of San Diego, because the principal business location for Defendant Pacifica Enterprises Investments, LLC is located within zip code 92109, and because the incident giving rise to this action occurred in zip code 92109 as well.

EXHAUSTION OF ADMINISTRATIVE REMEDIES / CLAIMS STATUTE

8. Plaintiff filed a timely charge of discrimination against Defendants with the California Department of Fair Employment and Housing (“DFEH”) and the California Civil Rights Department (“CRD”) naming Defendant Belmont Park Entertainment, LLC and 'Pacifica Enterprises, LLC.' Plaintiff received a right-to-sue notice from California DFEH dated August 6, 2024, and has commenced this action in a timely manner.

9. Plaintiff alleges that the true and correct name for the former Defendant is 'Pacifica Enterprises Investments, LLC,' , and not Pacifica Enterprises, LLC. It was in fact Defendant Pacifica Enterprises Investments, LLC which was involved in the alleged acts alleged herein with

Defendant Belmont Park Entertainment, LLC, and that entity has suffered no prejudice from the misidentification or incorrect name. Both of these Defendants share the same principal business address. At the time Plaintiff received her Right to Sue Letter, she was unaware of the exact correct name of Defendant Pacifica Enterprises Investments, LLC.

FACTUAL ALLEGATIONS

10. In the Summer of 2021, Plaintiff [REDACTED] moved from Northern California to San Diego to take an exciting job opportunity as an employee at one or more restaurants owned and operated by Defendants in the Mission Beach area of San Diego County. It was her first opportunity to move away from home as a young adult.

11. Plaintiff's employment for Defendants began on or about 08/01/2021 and lasted until on or about 11/30/2021. Plaintiff performed work for Defendants as a food server, hostess and/or general restaurant employee. Plaintiff performed well in her position and was regarded as an excellent employee, receiving many commendations and compliments from co workers and managers about the quality of her work.

12. Plaintiff's direct supervisor was a male, Defendant DOE #1. It was a male-dominated workplace.

13. Within a a few days of working for Defendants, Plaintiff was subjected to sexual harassment and a hostile work environment that made Plaintiff feel unsafe and uncomfortable. Specifically, Defendant Doe #1 engaged in inappropriate behavior, such as awkward compliments to Plaintiff on her appearance and made lewd remarks to her or within hearing range of Plaintiff.

14. He also made unwanted solicitations for romantic dates with Plaintiff while she was on duty. On multiple occasions, Doe #1 groped Plaintiff's buttocks in a sexually suggestive manner without the consent or advance knowledge of Plaintiff.
15. This activity always occurred during Plaintiff's shifts at work. Plaintiff had no relationship with Doe #1 outside of work at all.
16. Plaintiff reported this behavior of Doe #1 and the existence of a hostile work environment it created to the Human Resources ("HR") department of Defendant Belmont Park Entertainment, LLC. The HR representative who received Plaintiff's complaint of harassment and a hostile work environment failed to protect Plaintiff from retaliation, and notified Doe #1 of Plaintiff's complaint. Over the next few days, Plaintiff was labeled an informer by Doe #1 and declared that label or insinuated it to Plaintiff's coworkers.
17. Plaintiff then was subjected to near daily humiliation, taunting, and ridicule initiated by Doe #1, and another employee sued as Doe #2, to and between Plaintiff's co-workers. The ridicule and humiliation included comments made by Doe #1 and / or Doe #2 to Plaintiff's coworkers regarding Doe #1's fantastical descriptions of Plaintiff's sexual promiscuity, and vulgar name calling behind Plaintiff's "back" so to speak, but within earshot of Plaintiff.
18. Plaintiff's friends among her coworkers reported Doe #1's retaliatory behavior and comments to Plaintiff. Plaintiff also learned from her coworkers that Doe #1 had displayed similar behavior to other female employees. Plaintiff is informed and believes that at least one other female employee had made a complaint of Doe #1's behavior.
19. Defendants failed to take any effective or reasonable action to prevent Defendant from suffering the above described humiliation and ridicule.

20. Plaintiff suffered emotional distress and humiliation as a proximate and legal result of these actions and failures to such a degree that she quit employment with Defendants, and returned to Northern CA prematurely in distress.

21. Defendants failed to prevent, correct, or stop this severe and pervasive sexual harassment, although Defendants had the opportunity, requisite knowledge, and ability to do so. Defendants failed to provide training, policies and/or procedures that would address the prevention, reporting, and correcting of sexual harassment in the workplace, despite the fact that Defendants knew or should have known the lack of such training policies and procedures in the workplace was a danger to Plaintiff.

22. Plaintiff quit the employment with Defendants long before she wanted to, and before she planned to leave as a direct, proximate and legal result of the mental distress and humiliation she suffered under the actions of her direct supervisor, and management of Defendants. But for the conduct of Defendants listed above, Plaintiff would have enjoyed working for Defendants for much longer, and would have enjoyed a much longer stay in the San Diego area living on her own.

23. After quitting due to the hostile work environment, Plaintiff returned to Northern, CA, with a shattered self image and feeling like a failure. The negative feelings and emotions that followed Plaintiff home after leaving Defendant's employment persisted for many months, and resulted in a deep depression. This depression lasted for months, and led Plaintiff to seek professional mental health treatment and therapy. Symptoms of the depression manifested as fear of working with others, fear of sexual harassment at the workplace, fear of male supervisors, and fear of admitting what had happened to her while employed by Defendants was her own fault.

24. Defendants' conduct was malicious, and/or willful, intentional conduct taken in reckless disregard for the health and safety of Plaintiff, and at all times herein, Defendants knew or should have known that their conduct posed a significant risk to the health and safety of Plaintiff. Further, Defendant Belmont Park Entertainment, LLC's failure to warn Plaintiff of Doe #1's proclivities for sexual harassment of young female employees was malicious, and/or willful and/or intentional reckless disregard for Plaintiff's health and safety because that defendant knew or should have known given Doe #1's employment history that he was likely to sexually harass Plaintiff during her employment with Defendants.

25. As a direct and proximate result of the above events and omissions, Plaintiff suffered medical special damages for mental health treatment, and general damages in the form of emotional distress, humiliation, and loss of enjoyment of life for more than 120 days.

FIRST CAUSE OF ACTION

Hostile Work Environment Harassment in Violation of FEHA

26. California's Fair Employment and Housing Act ("FEHA") provides in pertinent part that it is an unlawful practice for an employer to subject an employee to harassment based on his or her sex and/or gender, causing a hostile work environment.

27. Defendant is an employer within the meaning of FEHA.

28. Plaintiff was a female employee of Defendants.

29. Plaintiff has been subjected to unwanted harassing conduct and a hostile work environment because of her sex and/or gender.

30. The harassing conduct was severe or pervasive.

31. A reasonable woman in Plaintiff's circumstances would consider the work

environment to be hostile or abusive.

32. Plaintiff considered the work environment to be hostile or abusive.

33. Plaintiff has been harmed, physically, and has suffered monetary loss.

34. The harassing conduct was a substantial factor in causing Plaintiff's harm, and was a proximate and legal cause of plaintiff's harm and damages.

SECOND CAUSE OF ACTION

Gender Discrimination in Violation of FEHA

35. FEHA provides in pertinent part that it is an unlawful practice for an employer to discriminate against any individual on the basis of the individual's gender.

36. The actions and conduct of Defendant, as alleged hereinabove, constitute discrimination on the basis of gender against Plaintiff, in violation of FEHA.

37. As a direct result of the unlawful employment practices of Defendant as alleged hereinabove, Plaintiff has been deprived of a discrimination-free work environment, lost income and benefits, and suffered other damages to be determined at trial.

38. As a further and direct result of the unlawful employment practices of Defendant as alleged hereinabove, Plaintiff has suffered emotional distress, physical pain and suffering, and injuries in an amount to be proven at trial.

39. As a further result of Defendant's violation of FEHA, Plaintiff has been compelled to employ attorney's fees and is entitled to attorney's fees pursuant to Gov. Code §12965 and CCP §1021.5.

THIRD CAUSE OF ACTION

Failure to Prevent Sexual Harassment in Violation of FEHA

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

41. The actions and conduct of Defendant, as alleged hereinabove, constitute failure to prevent sexual harassment, in violation of FEHA.

42. As a direct result of the unlawful employment practices of Defendant as alleged hereinabove, Plaintiff has lost income and benefits, and suffered other damages to be determined at trial.

43. As a further and direct result of the unlawful employment practices of Defendant as alleged hereinabove, Plaintiff has suffered emotional distress, physical pain and suffering, and injuries in an amount to be proven at trial.

44. As a further result of Defendant's violation of FEHA, Plaintiff has been compelled to employ attorney's fees and is entitled to attorney's fees pursuant to Cal. Gov. Code §12965 and CCP §1021.5.

FOURTH CAUSE OF ACTION

Retaliation in Violation of FEHA

45. FEHA provides in pertinent part that it is an unlawful practice for an employer to retaliate against an employee for opposing discriminatory activity that she reasonably believes to be unlawful.

46. The actions and conduct of Defendant, as alleged hereinabove, constitute retaliation against Plaintiff, in violation of FEHA.

47. As a direct result of the unlawful employment practices of Defendant as alleged hereinabove, Plaintiff has lost income and benefits, and suffered other damages to be

determined at trial.

48. As a further and direct result of the unlawful employment practices of Defendant as alleged hereinabove, Plaintiff has suffered emotional distress, physical pain and suffering, and injuries in an amount to be proven at trial.

49. As a further result of Defendant's violation of FEHA, Plaintiff has been compelled to employ attorney's fees and is entitled to attorney's fees pursuant to Gov. Code §12965 and CCP §1021.5.

FIFTH CAUSE OF ACTION

Failure to Engage in the Interactive Process in Violation of FEHA

50. FEHA provides in pertinent part that it is an unlawful practice for an employer not to engage in the interactive process with an employee.

51. Defendant's conduct, as alleged herein, constitutes failure to engage in the interactive process, in violation of FEHA.

52. As a direct result of the unlawful employment practices of Defendant, as alleged above, Plaintiff has been deprived of a discrimination-free work environment, lost income and benefits, and suffered other damages to be determined at trial.

53. As a further and direct result of the unlawful employment practices of Defendant as alleged hereinabove, Plaintiff has suffered emotional distress, physical pain and suffering, and injuries in an amount to be proven at trial.

54. As a further result of Defendant's violation of FEHA, Plaintiff has been compelled to employ attorney's fees and is entitled to attorney's fees pursuant to Gov. Code §12965 and CCP §1021.5.

SIXTH CAUSE OF ACTION

Wrongful Termination in Violation of Public Policy

55. Defendant's conduct, as alleged herein, constitutes wrongful termination in violation of public policy against Plaintiff in violation of the common law principles explained in Tameny v. Atlantic Richfield Co. (1980) 27 Cal.3d 167 and its progeny.

56. As a direct result of the unlawful employment practices of Defendant, as alleged above, Plaintiff has suffered lost wages, lost benefits, and emotional distress in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

57. For an award of damages to Plaintiff against Defendants, jointly and severally, for special and general compensatory damages, economic damages, emotional and physical distress, punitive damages, and for any punitive or penalty damages allowed under California law;

58. All applicable statutory penalties;

59. Costs and expenses of this action incurred herein, including reasonable attorneys' fees and expert fees;

60. A declaratory judgment that Defendant discriminated against and retaliated against Plaintiff in violation of FEHA and that Defendants' conduct was wrongful;

61. For an order awarding Plaintiff liquidated damages pursuant to 29 U.S.C. §2617(a)(1)(A)(iii);

62. Pre- and post-judgment interest, as provided by law;
63. Exemplary damages to the extent allowed by law; and
64. Any and all such other and further legal and equitable relief as this Court deems necessary, just and proper.

DEMAND FOR JURY TRIAL

65. Plaintiff hereby demands a jury trial on all causes of action and claims to which she has a right to jury trial, and provides notice that Attorneys for Plaintiff are not authorized to waive jury trial.

Signed,

A handwritten signature in black ink, appearing to be "CB Dort", written over a horizontal line.

Dated: 08/04/2025

Christopher B. Dort, Attorney for Plaintiff