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9 Attorneys for Plaintiff
10 SASCHA ROGERS

11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF CONTRA COSTA**

13 SASCHA ROGERS, individually
14 Plaintiff,

15 v.

16 CASSANDRA BANKSON, LLC, a California
17 Corporation; RICHARD WLASENKO, an
18 individual; and DOES 1 through 25, inclusive.

19 Defendants.

Case No. C22-02483

**FIRST AMENDED COMPLAINT FOR
DAMAGES**

1. Sexual Harassment – Hostile Work Environment, Cal. Gov. Code § 12940(j)
2. Retaliation, Cal. Gov’t Code § 12940(h)
3. Failure to Prevent Discrimination and Harassment, Cal. Gov. Code § 12940
4. Wrongful Termination in Violation of Public Policy
5. Intentional Infliction of Emotional Distress

DEMAND FOR JURY TRIAL

21 1. Plaintiff SASCHA ROGERS (“Ms. Rogers” or “Plaintiff”), individually, brings this action
22 against Defendants CASSANDRA BANKSON, LLC, a California Corporation; RICHARD
23 WLASENKO; and DOES 1 through 25.

PARTIES

25 2. Plaintiff is, and at all times relevant to this action was, a resident of the City of Danville,
26 California. The events giving rise to this action arose in Contra Costa County, California.

27 3. Plaintiff is informed and believes, and based thereon alleges, that Defendant Cassandra
28 Bankson, LLC. is a California limited liability corporation and is authorized to do business in California.

1 Cassandra Bankson is an officer, director, or managing agent of Cassandra Bankson, LLC.

2 4. Defendant Richard Wlasenko (“Defendant” or “Mr. Wlasenko”) is an individual. At all
3 relevant times, Mr. Wlasenko was Cassandra Bankson’s father. Mr. Wlasenko resided in the dwelling in
4 which Cassandra Bankson, LLC maintained its principal place of business.

5 5. Plaintiff does not know the true names of Defendants Does 1 through 25, inclusive, and
6 therefore sues them by those fictitious names. The names, capacities, and relationships of Defendants Does
7 1 through 25, inclusive, will be alleged by amendment to this Complaint when the same are known to
8 Plaintiff.

9 6. The true names and capacities, whether individual, corporate, associate or otherwise, of
10 defendants Does 1 through 25 (“Does”), inclusive and each of them, are not known to Plaintiff at this time.
11 Such Does are legally responsible for the events and happenings described herein and for the damages
12 proximately caused thereby. Plaintiff will seek the leave of the Court to amend this complaint to set forth
13 the true names and capacities of any such Does when they have been ascertained.

14 7. On information and belief, at all times mentioned herein, defendants, inclusive and each of
15 them, including without limitation any Does, were acting in concert and participation with each other; were
16 joint participants and collaborators in the acts complained of; and were the agents and/or employees of one
17 another in doing the acts complained of herein, each acting within the course and scope of said agency
18 and/or employment.

19 8. Cassandra Bankson, LLC, Richard Wlasenko, and Does 1 through 25, inclusive, are
20 collectively referred to hereafter as “Defendants”.

21 ***JURISDICTION AND VENUE***

22 9. This Court has jurisdiction over Defendant Cassandra Bankson, LLC, because at all times
23 relevant, it is and was authorized to transact, and is transacting business in Contra Costa County,
24 California.

25 10. Venue is proper in this Court pursuant to Code of Civil Procedure § 395, because the acts,
26 events and omissions complained of herein occurred in Contra Costa County, California.

27 ***EXHAUSTION OF ADMINISTRATIVE REMEDIES***

28 11. On February 1, 2022, Plaintiff obtained a Right to Sue Letter from the California

Department of Fair Employment and Housing (DFEH) attached hereto as Exhibit A.

GENERAL ALLEGATIONS

12. Plaintiff Sascha Rogers is 19-year-old Asian American female.

13. Plaintiff began employment with Defendant Cassandra Bankson, LLC in June 2021 as Cassandra Bankson's personal assistant.

14. Cassandra Bankson, LLC is a business that operates out of the home of Cassandra Bankson. Plaintiff worked for Cassandra Bankson at her home base office.

15. Richard Wlasenko is an employee of Cassandra Bankson, LLC and also the father of Cassandra Bankson.

16. During her employment with Defendants, Plaintiff was subject to unwanted sexual harassment and exposure by Richard Wlasenko.

17. On three separate occasions, during the months of July and August 2021, Defendant Richard Wlasenko exposed himself in front of Plaintiff by walking into the kitchen/living room area of Ms. Bankson's home and Ms. Rogers' workspace, naked from the waist down.

18. Plaintiff complained and reached out to Ms. Bankson via text message to explain the occasions of exposure of Mr. Wlasenko on multiple occasions, however the exposures continued and were not resolved.

19. In response to Plaintiff's complaints, Cassandra Bankson on behalf of Cassandra Bankson, LLC, retaliated against Plaintiff by curtailing Plaintiff's work assignments, speaking to Plaintiff in a derogatory and demeaning manner, and making Plaintiff feel unwanted on the job, ultimately leading to Plaintiff's constructive discharge from Cassandra Bankson, LLC.

20. Plaintiff felt as though she was being forced to quit and therefore chose to end her employment and after a two-week notice, was constructively terminated on November 17, 2021. Defendant Cassandra Bankson, LLC did not pay Ms. Rogers for the unused two weeks accrued vacation time at the time of her departure.

21. As a result of the forgoing actions, Ms. Rogers has had feelings of depression and trauma since the exposures of sexual harassment by Mr. Wlasenko. Ms. Rogers often cries, feels angry, and let down.

22. As a result of the forgoing actions, Ms. Rogers was harassed, sexually harassed, and dismissed. Defendants are also liable for the negligent and/or intentional infliction of emotional distress to Ms. Rogers' detriment.

FIRST CAUSE OF ACTION

Sexual Harassment – Hostile Work Environment

Cal. Gov. Code §§ 12940 Et Seq.

(On Behalf Plaintiff Against All Defendants)

23. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set forth in this Complaint.

24. On information and belief, Mr. Wlasenko was an employee of Cassandra Bankson, LLC.

25. The above conduct by Richard Wlasenko, was unwelcome, directed towards Plaintiff, and was part of an ongoing and continuing pattern of conduct.

26. The above conduct caused Plaintiff to perceive her work environment as intimidating, hostile, abusive, or offensive, and a reasonable woman in Plaintiff's position would perceive the work environment as intimidating, hostile, abusive, or offensive.

27. Complaints and/or information regarding much of the harassing conduct were made to Defendants. After the complaints, the harassment continued.

28. Defendants' acts were malicious, oppressive, or fraudulent with intent to vex, injure, annoy, humiliate, and embarrass Plaintiff, and in conscious disregard of the rights or safety of Plaintiff and other employees of Defendants, and in furtherance of Defendants' ratification of the wrongful conduct of the employees and managers of Defendants. Because the above-described words and actions, among others, were spoken or carried out and/or ratified by Defendants and/or managerial agents of Defendants in whom Plaintiff placed his justified and good faith trust, and because said Defendants acted in a deliberate, malicious, and intentional manner in order to injure and damage the Plaintiff, and/or with callous disregard for Plaintiff's rights, Plaintiff is entitled to recover punitive damages from Defendants.

29. By reason of the conduct of defendants and each of them as alleged herein, Plaintiff has necessarily retained attorneys to prosecute the within action. Plaintiff is therefore entitled to reasonable

1 attorney's fees and litigation expenses, including expert witness fees and costs, incurred in bringing the
2 within action.

3 30. As a result of Defendants and each of their actions, Plaintiff sustained economic damages
4 to be proven at trial. As a further result of Defendants' and each of their actions, Plaintiff suffered non-
5 economic losses including, but not limited to, emotional distress resulting in damages to be proven at trial.

6 ***SECOND CAUSE OF ACTION***

7 *Retaliation*

8 *Cal. Gov't Code §12940(h)*

9 *(Against Defendant Cassandra Bankson, LLC)*

10 31. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set
11 forth in this Complaint.

12 32. At all relevant times, the California Fair Employment & Housing Act, sections 12940, et
13 seq., was in full force and effect, and binding on Defendant.

14 33. FEHA makes it an unlawful employment practice for an employer to retaliate against an
15 employee who has opposed a forbidden practice or filed a complaint against an employer or supervisor.
16 CGC §12940(h).

17 34. Government Code section 12940(h) provides in relevant part:
18

19 It is an unlawful employment practice . . . (h) For any employer, labor
20 organization, employment agency, or person to discharge, expel, or
21 toherwise discriminate against any person because the person has opposed
any practices forbidden under this part or because the person has filed a
complaint, testified, or assisted in any proceeding under this part.

22 35. Cassandra Bankson, LLC was Plaintiff's employer, and Plaintiff was Defendant's
23 employee.

24 36. Plaintiff made several complaints regarding discrimination and harassment she recieved
25 from Defendants.

26 37. Instead of investigating and preventing futher discrimination, Defendant retaliated against
27 Plaintiff by continuing to harass and discriminate Plaintiff, and ultimately constructively terminating
28

1 Plaintiff's employment.

2 38. Plaintiff was harmed.

3 39. Defendant's conduct was a substantial factor in causing Plaintiff's harm.

4 40. The conduct of Defendants and each of them as described above was malicious, fraudulent,
5 or oppressive and done with a willful and conscious disregard for Plaintiff's rights. Defendants and each
6 of them, and their agents/employees or supervisors, authorized, condoned, and ratified the unlawful
7 conduct of each other. Consequently, Plaintiff is entitled to punitive damages against each of said
8 Defendants.

9 ***THIRD CAUSE OF ACTION***

10 *Failure to Prevent Discrimination and Harassment*

11 *Cal. Lab. Code § 12940*

12 *(On Behalf of Plaintiff Against Defendant Cassandra Bankson, LLC)*

13 41. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set
14 forth in this Complaint.

15 42. Government Code section 12940(m)(2) provides in relevant part:

16 It is an unlawful employment practice . . . (k) For an employer . . . to fail to
17 take all reasonable steps necessary to prevent discrimination and harassment
from occurring.

18 43. Defendant wrongfully failed to take all reasonable steps necessary to prevent harassment
19 and discrimination of Plaintiff based on her gender.

20 44. Plaintiff suffered and continues to suffer harm as a result of Plaintiff's discrimination by
21 Defendant.

22 45. Defendant's conduct was a substantial factor in causing Plaintiff's harm.

23 46. Under Government Code section 12940, Plaintiff is entitled to recover Plaintiff's economic
24 and noneconomic damages caused by Defendant's unlawful practices. Plaintiff is also entitled to
25 reasonable attorney's fees and costs pursuant to Government Code section 12965.

26 47. The conduct of Defendant as described above was malicious, fraudulent, or oppressive and
27 done with a willful and conscious disregard for Plaintiff's rights. Defendants and each of them, and their
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agents/employees or supervisors, authorized, condoned, and ratified the unlawful conduct of each other. Consequently, Plaintiff is entitled to punitive damages against each of said Defendants.

FOURTH CAUSE OF ACTION

Wrongful Termination in Violation of Public Policy

(Against All Defendant Cassandra Bankson, LLC)

48. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set forth in this Complaint.

49. Art. I, § 8, of the California Constitution provides that a person may not be disqualified from pursuing a profession or employment because of her gender.

50. At all times herein mentioned in this complaint, California Government Code Section 12940 (a), was in full force and effect and were binding on the Defendants and the Defendants were subject to their terms, and therefore Defendant was required to refrain from violations of public policy, including discrimination based on national origin in violation of FEHA and in retaliation for complaining of said discrimination.

51. Defendant was Plaintiff's employer, and Plaintiff was Defendant's employee.

52. Defendant terminated Plaintiff in violation of Plaintiff's rights and public policy.

53. Plaintiff is informed and believes and thereon alleges that her protected status (national origin) and/or her protestation against being discriminated against based on said protected status as alleged above, were, in part, factors in Defendant's decision to constructively terminate Plaintiff's employment.

54. Plaintiff was harmed.

55. Defendant's conduct was a substantial factor in causing Plaintiff's harm.

56. As a proximate result of Defendant's 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 Defendant's 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.

57. As a further direct and proximate result of Defendant's conduct, Plaintiff has suffered loss

1 of financial stability, peace of mind and future security, and has suffered embarrassment, humiliation,
2 mental and emotional pain and distress and discomfort, all to her detriment and damage in amounts not
3 fully ascertained but within the jurisdiction of this court and subject to proof at the time of trial.

4 58. In violation of public policy, Defendant constructively terminated Plaintiff because she is a
5 female, who made multiple complaints regarding discrimination and harassment she received from Mr.
6 Wlasenko.

7 59. The conduct of Defendant as described above was malicious, fraudulent, or oppressive and
8 done with a willful and conscious disregard for Plaintiff's rights. Defendant and each of them, and their
9 agents/employees or supervisors, authorized, condoned, and ratified the unlawful conduct of each other.
10 Consequently, Plaintiff is entitled to punitive damages against each of said Defendant.

11 ***FIFTH CAUSE OF ACTION***

12 *Intentional Infliction of Emotional Distress*

13 *(Against All Defendants)*

14 60. Plaintiff re-pleads, re-alleges, and incorporates by reference each and every allegation set
15 forth in this Complaint.

16 61. Defendants' treatment of Plaintiff as discussed supra, exceeds the bounds of decency, is
17 intolerable within our civilized community, and is therefore outrageous.

18 62. Defendants' actions, as discussed supra, were intended to cause Plaintiff to suffer the
19 resulting emotional distress.

20 63. Defendants succeeded in their attempt to cause Plaintiff to suffer extreme emotional distress
21 as indicated by the lingering anxiety and shame, and that are the direct and proximate results of Defendant's
22 conduct.

23 64. Plaintiff was harmed.

24 65. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

25 66. The conduct of Defendant as described above was malicious, fraudulent, or oppressive and
26 done with a willful and conscious disregard for Plaintiff's rights. Defendants and each of them, and their
27 agents/employees or supervisors, authorized, condoned, and ratified the unlawful conduct of each other.
28 Consequently, Plaintiff is entitled to punitive damages against Defendants.

1 **PRAYER FOR RELIEF**

2 **WHEREFORE**, Plaintiff prays for judgment against the Defendants, and each of them, as
3 follows:

- 4 1. Compensatory damages including emotional distress damages and lost wages, benefits
5 and interest in a sum according to proof;
6 2. Interest on judgment, including prejudgment interest, at the legal rate;
7 3. Punitive damages in a sum according to proof;
8 4. Attorney's fees and costs; and
9 5. For any further legal and equitable relief, the Court deems proper.

10 Dated: February 27, 2023.

RATNER MOLINEAUX, LLP

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14 David S. Ratner
15 Shelley A. Molineaux
16 Attorneys for Plaintiff Sascha Rogers
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