

1 R. SCOTT ERLEWINE (State Bar No. 95106)
2 PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP
3 39 Mesa Street, Suite 201 - The Presidio
4 San Francisco, CA 94129
5 Telephone: 415-398-0900
6 Fax: 415-398-0911
7 Email: rse@phillaw.com
8 Attorney for Plaintiff AARON YOUNG

9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 AARON YOUNG, an individual,
12 Plaintiff,
13 v.
14 UNITED PARCEL SERVICE, INC., a
15 corporation; and DOES 1-20, inclusive,
16 Defendants.

Case No:

COMPLAINT FOR:

- (1) RACIAL DISCRIMINATION AND HARASSMENT IN VIOLATION OF 42 U.S.C. § 1981;**
- (2) RACE DISCRIMINATION UNDER FEHA;**
- (3) HARASSMENT UNDER FEHA;**
- (4) RETALIATION UNDER FEHA;**
- (5) VIOLATION OF LABOR CODE § 1102.5;**
- (6) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

JURY TRIAL DEMANDED

PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP
39 Mesa Street, Suite 201 – The Presidio
San Francisco, CA 94129
Telephone: (415) 398-0900

1 Plaintiff AARON YOUNG alleges:

2 **INTRODUCTION**

3 1. Plaintiff Aaron Young is an African American male, who was a nine-year
4 supervisory employee of Defendant UPS with a spotless disciplinary record. However, when
5 Plaintiff was transferred to UPS's Rocklin, California facility, where less than 15 out of 500
6 employees are African American and virtually all employees are Caucasian, Plaintiff was
7 subjected to a racially harassing environment and his complaints were laughed off by company
8 management. Ultimately, Plaintiff was terminated under the pretext that he had ordered some
9 wheels for his son's scooter, even though he had cancelled the order and intended to pay for
10 them. Even setting aside this innocent conduct, not only did Plaintiff's termination run counter
11 to UPS's practice of giving employees a second chance, but UPS had a history of giving much
12 less harsh discipline to non-African-American employees. In reality, Plaintiff was terminated
13 due to his race, and/or in retaliation for Plaintiff reporting harassing and discriminatory conduct
14 or cooperating in a purported sexual harassment investigation.

15 2. Shockingly, shortly after Plaintiff was fired, one or more UPS employees,
16 including on information and belief a company manager, photo-shopped Plaintiff's face onto a
17 racist photograph of a Church's Texas Chicken employee holding fried chicken (Exhibit A) and
18 also photo-shopped the faces of Plaintiff and his former Division Manager onto a racist and
19 homophobic photograph falsely depicting them as working at Dick's Sporting Goods (Exhibit
20 B). These photographs were circulated among various UPS personnel.

21 **THE PARTIES**

22 3. Plaintiff Aaron Young was employed by Defendant United Parcel Service, Inc.
23 from approximately 2014 through the date of his termination in October 2023. Plaintiff is, and
24 all relevant times herein was, an African-American resident of California.

25 4. Defendant United Parcel Service, Inc. is a multinational shipping and receiving
26 and supply chain management Fortune 500 company. (Defendants United Parcel Service, Inc.
27 and Does 1-10, and each of them, individually and collectively, are hereafter referred to as
28 "UPS"). UPS is the largest courier company in the world by revenue, having more than 500,000

1 employees worldwide. UPS is an Ohio corporation, with its principal place of business located
2 in the State of Georgia.

3 5. On information and belief, the true names and capacities, whether individual,
4 corporate, associate or otherwise, of Defendants named herein as Does 1 through 20, inclusive,
5 are unknown to Plaintiff, who therefore sues said Defendants by such fictitious names. Plaintiff
6 will amend this complaint to allege their true names and capacities when such have been
7 ascertained. On information and belief, each of the Defendants designated herein as “Doe” is
8 legally responsible for the events and actions alleged herein, and proximately caused or
9 contributed to the injuries and damages as hereinafter described.

10 6. Plaintiff is informed and believes, and thereon alleges, that each Defendant
11 named in this complaint, and each Doe Defendant, is in some manner responsible for the wrongs
12 and damages alleged below, and in so acting was functioning, at all relevant times, as the agent,
13 servant, partner, alter ego and/or employee of the other Defendants, and in doing the actions
14 described below, was acting within the course and scope of his, her or its authority as such
15 agent, servant, partner, alter ego and/or employee with the permission and consent of each of the
16 other Defendants. All acts herein alleged were approved of and ratified by each and every other
17 Defendant.

18 JURISDICTION AND VENUE

19 7. This action is based in part on Plaintiff’s claims of employment discrimination
20 against Defendants, which arise under the Civil Rights Act of 1866 (42 U.S.C. § 1981). This
21 court has jurisdiction over Plaintiff’s federal claim pursuant to 28 U.S.C. § 1331.

22 8. This court also has supplemental jurisdiction over Plaintiff’s related state law
23 claims under 28 U.S.C. § 1367. Plaintiff’s state law claims arise from the same common
24 nucleus of operative facts as the underlying federal claim. Resolving all state and federal claims
25 in a single action serves the interests of judicial economy, convenience, and fairness to all
26 parties.

1 exemplary performance and spotless disciplinary records at UPS. As a show of dedication to
2 UPS, Plaintiff moved his family to Roseville to be closer to the new work location.

3 **Reporting of Harassing Statement**

4 15. At the time of Plaintiff's transfer, the Manager of the UPS Valley Division (Jeff
5 Kendall) maintained an office at the Rocklin Facility. In or about Fall 2021, Plaintiff, in the
6 presence of Mr. Kendall, received a call from Division Manager Freeburg asking about an
7 incident that Plaintiff and Mr. Kendall were handling involving a particular female UPS
8 employee. When Plaintiff got off the call, Mr. Kendall asked Plaintiff in an accusatory manner:
9 "*What does he [Mr. Freeburg] want, is he fucking her too,*" referring to the same female
10 employee. Plaintiff understood that Mr. Kendall appeared to be accusing Mr. Freeburg of sexual
11 harassment. Plaintiff responded that he didn't know what Mr. Kendall was talking about.
12 Plaintiff subsequently reported this statement by Mr. Kendall to Mr. Freeburg.

13 16. Shortly afterwards, Division Manager Freeburg was placed on administrative
14 leave, and was subsequently terminated and replaced by Mr. Kendall. When Mr. Freeburg
15 disputed his termination through UPS's Employee Dispute Resolution ("EDR") process, he
16 submitted a written statement disclosing that Plaintiff had told him that Mr. Kendall had asked
17 Plaintiff "Is Brad fucking her too" or words to that effect. When Mr. Freeburg submitted this
18 statement, it was accidentally routed through the UPS Human Resource office for the Division
19 managed by Mr. Kendall, who, on information and belief, saw the statement and learned that
20 Plaintiff was the person who had reported Mr. Kendall's accusation to Mr. Freeburg.

21 17. On information and belief, in retaliation for such reporting and also due to
22 Plaintiff's race, Mr. Kendall in part stripped Plaintiff of his responsibilities to manage the entire
23 Rocklin Facility when the Operations Manager for the facility was unavailable.

24 **Racially and Sexually Harassing Environment**

25 18. UPS management promoted, tolerated and failed to stop a racially and sexually
26 harassing environment at the Rocklin Facility.

27 19. In or about March 2023, supervisor Ray Caldwell, an African American,
28 discovered that someone had placed an offensive black doll with African American features on

PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP
39 Mesa Street, Suite 201 – The Presidio
San Francisco, CA 94129
Telephone: (415) 398-0900

1 his computer keyboard. Mr. Caldwell immediately showed it to Plaintiff, and both were
2 outraged. Despite that Mr. Caldwell and Plaintiff reported this offensive incident to
3 management, one of the managers and several supervisors laughed it off and no investigation
4 was conducted.

5 20. In or about May 2023, one of UPS's Caucasian male loaders commented to
6 another Caucasian male employee, directly in front an African-American female loader, that he
7 hates black people and he loves to see their facial expressions when he tells them that. The
8 female loader was horrified, terrified, and felt threatened by this racist comment. Although the
9 female loader immediately reported this incident to her direct supervisor and then to Mr.
10 Kendall (the Division Manager), Mr. Kendall said he couldn't be bothered and that she should
11 simply call the company's 800 hotline number. The female loader then reported the incident to
12 supervisor Caldwell, who reported it to his manager. Despite this reporting, UPS management
13 failed to fire the employee who made the racist comment. Although the harassing employee was
14 initially moved to another area of the facility, UPS on several occasions had him work in the
15 same area as the victimized female loader, who had to take sick leave to avoid being in
16 proximity with the harasser. Plaintiff was aware of this situation.

17 21. In addition, a number of employees at the Rocklin facility played loud music
18 blaring throughout the facility, and also in the parking lot during breaks. This music constantly
19 included lyrics using racially offensive and derogatory terms towards African Americans,
20 including the N-Word (N*****) and other derogatory racial terms. This music also contained
21 offensive and sexually graphic and derogatory and demeaning lyrics, such as "Pussy," "Bitch"
22 and "Dick." These employees, who were overwhelmingly Caucasian, would frequently sing the
23 lyrics of the songs throughout the workday in the vicinity of African American employees,
24 including Plaintiff and others. Plaintiff and other African American employees were extremely
25 upset by this offensive and outrageous music and conduct.

26 22. Plaintiff reported this racially and sexually offensive and harassing music to one
27 of his managers, who laughed it off and nothing was done. The African-American female
28 loader and potentially others also objected and reported this offensive music up the chain at UPS

1 but those complaints were ignored. In or about May 2023, she filed a grievance with her union,
2 which forced UPS management to ban loud music in the facility, but nothing was done about the
3 offensive music being played in the parking lots.

4 **Plaintiff's Wrongful Termination**

5 23. In or about late September 2023, Plaintiff wanted to build a scooter for his 10-
6 year old son's birthday. As Plaintiff was having trouble finding correct wheels for the scooter
7 on his own, he noticed that one of the UPS maintenance men was working on a pushcart that
8 had the type of wheels that would work for the scooter. When Plaintiff asked where he got the
9 wheels, the maintenance worker told him "Coupa" and wrote down the part number for Plaintiff.
10 Plaintiff had never used Coupa before and understood that it was an ordering site for UPS and
11 its employees, who could use the site to purchase items at discount and pay for them when the
12 items arrived.

13 24. Plaintiff then took the information to a fellow supervisor and asked if she was the
14 person who had placed the order for the pushcart wheels. The supervisor said she was not the
15 right person, but gave Plaintiff a printout of the wheels and what company they came from.
16 When Plaintiff was then directed to a second supervisor who could help him, Plaintiff told her
17 that he needed the wheels to build a scooter for his son and would pay for them when they came
18 in. This second supervisor pulled up the wheels on "Coupa" and ordered them for Plaintiff. The
19 second supervisor, a long-time UPS employee, did not indicate that it was in any way improper
20 for Plaintiff to be ordering the wheels through Coupa.

21 25. Shortly thereafter, the second supervisor gave Plaintiff the invoice for the order.
22 When plaintiff reviewed it, he discovered that the wrong wheels had been ordered, and asked the
23 second supervisor to cancel the order, which she did. When they looked at other wheels
24 together on Coupa, the second supervisor printed out a few options (ranging from \$6 to \$13 per
25 wheel – four wheels in total) and Plaintiff said he would think about ordering it but never did so.

26 26. Approximately a week later (on or about October 11), Plaintiff received a call
27 from a UPS security supervisor stating that he was investigating a flagged Coupa order.
28 Plaintiff fully cooperated and explained what had happened.

1 27. The following day, Plaintiff was called in by a security manager and further
2 interviewed. The interviewers told Plaintiff they were going to discuss this incident with
3 Plaintiff's Division Manager (Mr. Kendall). Within an hour, two managers (Rob Bonago and
4 Lee Murita) met with Plaintiff and announced that he could either resign or be placed on
5 administrative leave pending investigation. Plaintiff responded that he did not intend to resign.
6 Mr. Kendall then told Plaintiff that management would be considering several disciplinary
7 options, including no raise, no bonus, no stock, or termination.

8 28. Approximately two weeks later, on or about October 27, Plaintiff met with
9 Division Manager Kendall (Caucasian), manager Doug Sedgwick (Caucasian) and an HR
10 supervisor. Mr. Sedgwick told Plaintiff that he could either resign or he would be fired. When
11 Plaintiff again responded that he did not intend to resign, Mr. Kendall fired him and Plaintiff
12 was escorted out of the building.

13 29. On information and belief, Plaintiff's termination was due to his race and/or in
14 retaliation for Plaintiff having reported the racially harassing environment, for having reported
15 Division Manager Kendall's inquiry about Division Manager Freeburg [Is Brad fucking her
16 too?] or for having participated in Mr. Kendall's apparent sexual harassment investigation of
17 Mr. Freeberg.

18 30. On information and belief, UPS has a history of not disciplining similarly-
19 situated non-African-American employees in the harsh manner in which it disciplined Plaintiff.
20 Further, on information and belief, the supervisor who assisted Plaintiff in locating and placing
21 an order (later cancelled by Plaintiff) for the wheels was not disciplined.

22 31. Shortly after Plaintiff's termination, Division Manager Kendall transferred the
23 only other African American supervisor (Ray Caldwell) at the Rocklin Facility to another
24 facility. As a result, on information and belief, the Rocklin Facility no longer has any African-
25 American supervisors.

PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP
39 Mesa Street, Suite 201 – The Presidio
San Francisco, CA 94129
Telephone: (415) 398-0900

PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP
39 Mesa Street, Suite 201 – The Presidio
San Francisco, CA 94129
Telephone: (415) 398-0900

1 **The Racist and Homophobic Post-Termination Photos**

2 32. On information and belief, shortly after Plaintiff was terminated, one or more
3 UPS employees, including a UPS manager who was involved in Plaintiff’s termination, photo-
4 shopped Plaintiff’s face onto two highly offensive, racist and disparaging photographs.

5 33. The first photograph (Exhibit A hereto) depicts a Church’s Texas Chicken
6 employee holding fried chicken in his hand with Plaintiff’s face photo-shopped replacing the
7 face of the Church’s employee. Church’s fried chicken is a fast-food restaurant headquartered
8 in the South. This photo is the embodiment of the racist stereotype of African Americans eating
9 and selling fried chicken.

10 34. The second photograph (Exhibit B hereto) depicts two Dick’s Sporting Goods
11 employees with the faces of Plaintiff and his former Division Manager and mentor (Brad
12 Freeburg) replacing the faces of the Dick’s employees. On information and belief, this photo
13 was intended to derogate Plaintiff due to his race and his association with his former Division
14 Manager who was viewed at UPS as supporting African-Americans employees and also to
15 falsely portray them as having a gay relationship. On information and belief, UPS managers and
16 employees circulated, both before and after Plaintiff was employed, false rumors that Plaintiff
17 and Mr. Freeburg were gay lovers.

18 35. Plaintiff is informed and believes that these manipulated photographs were
19 circulated extensively amongst UPS management, other UPS employees and potentially third
20 parties.

21 **Exhaustion of Administrative Remedies**

22 36. Plaintiff has exhausted his administrative remedies by submitting a charge to the
23 California Civil Right Division (“CRD”). On or about January 11, 2024, the CRD issued
24 Plaintiff a notice of Right to Sue.

25 ///
26 ///
27 ///
28 ///

FIRST CLAIM FOR RELIEF

(Racial Discrimination, Racial Harassment (Hostile Work Environment), Retaliation, Failure To Investigate and Prevent Discrimination and Harassment, and Wrongful Discharge)

(Violation of 42 U.S.C. Section 1981)

(Against All Defendants)

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

37. Plaintiff re-alleges and incorporates the above paragraphs by reference as if fully set forth herein.

38. As an African-American individual, Plaintiff is a member of a protected class.

39. During the course of Plaintiff's employment, Defendants, and each of them, violated Plaintiff's rights by depriving Plaintiff of his right to the enjoyment of all benefits, privileges, terms, and conditions of Plaintiff's employment contract "as is enjoyed by white citizens," in direct violation of 42 U.S.C. § 1981(b).

40. Specifically, said Defendants subjected Plaintiff to racial harassment, racial discrimination and a racially hostile work environment, culminating in the termination of Plaintiff's employment. Said Defendants also failed to investigate and prevent incidents of racial harassment, despite numerous reports and complaints, thereby evidencing a pattern and practice of racial discrimination and harassment. Defendants also photo-shopped and circulated racist photographs of Plaintiff.

41. Said Defendants acted intentionally to discriminate against Plaintiff.

42. Said Defendants failed to prevent the racially harassing, discriminatory and retaliatory behavior directed at Plaintiff and other African-American employees. Ultimately, Plaintiff was wrongfully terminated due to his race.

43. Through their actions and treatment of Plaintiff, Said Defendants and their agents intended to discriminate against Plaintiff on the basis of his race.

44. Said Defendants' violations of the Civil Rights Act of 1866, as amended, caused Plaintiff to suffer harm, including but not limited to discharging Plaintiff, and stripping him of responsibilities and assignments.

- 1 a. losses of wages and benefits, past and future, lost promotions, loss of
2 earning capacity, reputational harm and other economic losses; and
- 3 b. personal physical injury, physical sickness, emotional distress,
4 depression, anxiety, humiliation, embarrassment, mental anguish, pain and suffering, loss of
5 reputation, goodwill and standing in the community, scorn and humiliation, embarrassment, hurt
6 feelings, loss of enjoyment of life, and a general loss of self-esteem and well-being and other
7 non-economic damages.

8 51. The actions of Defendants, and each of them, were malicious, oppressive and
9 fraudulent, and Plaintiff is entitled to recover punitive damages against said Defendants, and
10 each of them, pursuant to Cal. Civil Code § 3294.

11 **THIRD CLAIM FOR RELIEF**
12 **(Racial Harassment in Violation of FEHA)**
13 **(Against All Defendants)**

14 52. Plaintiff re-alleges and incorporates paragraphs 1 - 51 by reference as if fully set
15 forth herein.

16 53. FEHA makes it unlawful for any person to harass an employee based on his or
17 her race.

18 54. Plaintiff was employed by UPS, and was subjected to harassing conduct based on
19 his African-American race by UPS employees. This harassing conduct included but was not
20 limited to, placement of an offensive doll with African American features on the keyboard of an
21 African American supervisor, permitting the playing of music in the workplace having highly
22 offensive racist and sexual lyrics and employees singing those lyrics in the workplace, and a
23 Caucasian employee taunting an African American employee by stating that he hates black
24 people and that he loves seeing the facial expressions of black people when he tells them that.

25 55. Management was notified of these harassing conditions and failed to take
26 effective remedial actions to combat them.

27 56. The harassing conduct was severe or pervasive.
28

1 Manager had engaged in sexual harassment in violation of FEHA; and 2) reporting racially and
2 sexually harassing conduct in violation of FEHA. Plaintiff also participated in a purported
3 investigation regarding potential sexual harassment.

4 64. On information and belief, Plaintiff's reports and participation were a substantial
5 motivating factor for Defendants, and each of them, to retaliate and take the above-alleged
6 adverse employment actions against Plaintiff, including but not limited to discharging Plaintiff
7 and stripping him of responsibilities and assignments.

8 65. As a result of the actions of Defendants, and each of them, Plaintiff has suffered
9 and continues to suffer damages and injury in amounts not yet fully ascertained, but in excess of
10 the jurisdictional minimum of this court, including but not limited to:

- 11 a. losses of wages and benefits, past and future, lost promotions, loss of
12 earning capacity, reputational harm and other economic losses; and
13 b. personal physical injury, physical sickness, emotional distress,
14 depression, anxiety, humiliation, embarrassment, mental anguish, pain and suffering, loss of
15 reputation, goodwill and standing in the community, scorn and humiliation, embarrassment, hurt
16 feelings, loss of enjoyment of life, and a general loss of self-esteem and well-being and other
17 non-economic damages.

18 66. The actions of Defendants, and each of them, were malicious, oppressive and
19 fraudulent, and Plaintiff is entitled to recover punitive damages against said Defendants, and
20 each of them, pursuant to Cal. Civil Code § 3294.

21 **FIFTH CLAIM FOR RELIEF**

22 **(Whistleblower Retaliation – Cal. Lab. Code § 1102.5)**

23 **(Against Defendant UPS and Does 1-10)**

24 67. Plaintiff re-alleges and incorporates paragraphs 1 - 66 by reference as if fully set
25 forth herein.

26 68. California Labor Code § 1102.5 prohibits, among other things, an employer, or
27 any person acting on behalf of the employer, from retaliating against an employee for disclosing
28 information, or because the employer believes that the employee disclosed or may disclose

PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP
39 Mesa Street, Suite 201 – The Presidio
San Francisco, CA 94129
Telephone: (415) 398-0900

1 information, to a government or law enforcement agency, to a person with authority over the
2 employee, or to another employee who has the authority to investigate, discover, or correct the
3 violation or noncompliance, if the employee has reasonable cause to believe that the information
4 discloses a violation of state or federal statute or a violation of or noncompliance with a state or
5 federal rule or regulation, regardless of whether disclosing the information is part of the
6 employee's job duties.

7 69. As set forth above in paragraphs 15 - 22, Plaintiff disclosed one or more
8 violations of state or federal statutes, rules or regulations by Defendants, and each of them,
9 including disclosures that 1) Division Manager Kendall had made an accusatory statement that
10 another Division Manager had engaged in sexual harassment in violation of FEHA; and 2)
11 reporting racially harassing conduct in violation of FEHA and 42 U.S.C. § 1981. Plaintiff also
12 participated in a purported investigation regarding potential sexual harassment.

13 70. Plaintiff made these disclosures to his managers and to Human Resources, each
14 of whom had authority over Plaintiff and/or had the authority to investigate, discover, or correct
15 the violations.

16 71. Defendants, and each of them, believed that Plaintiff had disclosed or might
17 disclose same, to a government or law enforcement agency, a person with authority over
18 Plaintiff, or to an employee with authority to investigate, discover, or correct legal violations or
19 noncompliance.

20 72. Plaintiff had reasonable cause to believe that the information disclosed a
21 violation of state or federal statute, rule or regulation.

22 73. On information and belief, in retaliation for Plaintiff's protected disclosures and
23 participation, Defendants UPS, and Does 1-10, and each of them, took the above-alleged
24 adverse employment actions against Plaintiff, including but not limited to discharging Plaintiff
25 and stripping him of responsibilities and assignments.

26 74. Plaintiff's protected disclosures and participation, and each of them, were at the
27 very least a contributing factor in Defendants' decisions to take the foregoing adverse
28 employment actions against Plaintiff.

- 1 a. losses of wages and benefits, past and future, lost promotions, loss of
2 earning capacity, reputational harm and other economic losses; and
3 b. personal physical injury, physical sickness, emotional distress,
4 depression, anxiety, humiliation, embarrassment, mental anguish, pain and suffering, loss of
5 reputation, goodwill and standing in the community, scorn and humiliation, embarrassment, hurt
6 feelings, loss of enjoyment of life, and a general loss of self-esteem and well-being and other
7 non-economic damages.

8 **83.** The actions of Defendants, and each of them, were malicious, oppressive and
9 fraudulent, and Plaintiff is entitled to recover punitive damages against said Defendants, and
10 each of them, pursuant to Cal. Civil Code § 3294.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff prays for judgment in his favor and relief against Defendants,
13 and each of them, as follows as appropriate for the above claims for relief:

- 14 (a) For compensatory damages in an amount to be determined at trial;
15 (b) For punitive and exemplary damages;
16 (c) For pre- and post-judgment interest, at the legal rate;
17 (d) For injunctive relief;
18 (e) For attorneys' fees and costs, including but not limited to fees and costs pursuant
19 to Cal. Lab. Code § 1102.5(j), Gov't Code § 12965(b), CCP § 1021.5, and 42
20 U.S.C. § 1988(b);
21 (f) For costs of suit herein incurred; and
22 (g) For all such other and further relief this Court deems just, proper, and equitable.

23 Dated: January 24, 2024

Respectfully submitted,

24 PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP

25 By /s/ R. Scott Erlewine

26 R. Scott Erlewine
27 Attorney for Plaintiff

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff hereby demands a trial by jury of all claims asserted in this complaint so triable.

Dated: January 24, 2024

Respectfully submitted,

PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP

By /s/ R. Scott Erlewine

R. Scott Erlewine

Attorney for Plaintiff

PHILLIPS, ERLEWINE, GIVEN & CARLIN LLP
39 Mesa Street, Suite 201 – The Presidio
San Francisco, CA 94129
Telephone: (415) 398-0900

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