

1 JOSEPH W. SINGLETON (State Bar No. 209862)
2 JWS, PC
3 23035 VENTURA BLVD.
4 WOODLAND HILLS, CALIFORNIA 91364
5 (818) 999-1950
6 Joesingleton.esq@verizon.net

7
8
9
10
11
12 Attorneys for Plaintiff,
13 Brigadier General
14 Jeffrey W. Magram (Ret.)

15
16
17 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
18 COUNTY OF LOS ANGELES - CENTRAL UNLIMITED
19
20
21
22
23
24

25 BRIGADIER GENERAL JEFFREY W.)
26 MAGRAM (RET.), an individual,

27 Plaintiff,

28 vs.

29 MAJOR GENERAL MATTHEW P.)
30 BEEVERS; STATE OF CALIFORNIA;)
31 CALIFORNIA MILITARY DEPARTMENT;)
32 GAVIN NEWSOM; AND DOES 1-20,

33 Defendants.
34
35
36
37
38

Case No. 24STCV01950

COMPLAINT

- 1) Discrimination on the Basis of Religion - FEHA - Government Code Section 12940;
- 2) Harassment on the Basis of Religion - FEHA - Government Code Section 12940;
- 3) Retaliation for Complaining of Religious Discrimination and/or Harassment - FEHA - Government Code Section 12940;
- 4) Failure to Prevent Discrimination, Harassment, and Retaliation - FEHA Gov. Code Section 12940;
- 5) Whistleblower Retaliation - FEHA - Gov. Code Section 12940;
- 6) Discrimination on the Basis of Physical Disability/Medical Condition - FEHA - Government Code Section 12940;
- 7) Wrongful Termination of Employment in Violation of Public Policy - FEHA - Gov. Code Section 12940.

DEMAND FOR JURY TRIAL

1 Plaintiff, Brigadier General Jeffrey W. Magram (Ret.) (“Magram”), hereby alleges
2 against defendants, Major General Matthew P. Beevers (“Beevers”); State of California;
3 California Military Department (“CMD”); Governor Gavin Newsom (“Governor Newsom”); and
4 DOES 1-20, Defendants (collectively referred to herein as “Defendants”), as follows:

5 **NATURE OF THE ACTION**

6 1. This case is an action for Religious Discrimination, Harassment, and Wrongful
7 Termination in violation of California Government Code § 12940, and the California Fair
8 Employment and Housing Act (“FEHA”) arising out of Magram’s 37-plus years of employment
9 with the California Air Guard and United States Air Force, which includes 14-plus years as a
10 full time officer on State Active Duty with the CMD. Beevers discriminated against Magram by
11 harassing and wrongfully terminating Magram because of Magram’s Jewish faith, Jewish
12 heritage, and Magram’s complaints about Beevers’ anti-Semitic discrimination and harassment.
13 Beevers’ discrimination against Magram violated FEHA and California public policy. The State
14 of California, CMD, and Governor Newsom were aware of Beevers’ anti-Semitism, Beevers’
15 anti-Semitic campaign, and Beevers’ retaliation against Magram. The State California, CMD
16 and Governor Newsom facilitated and ratified Beevers’ anti-Semitism and Beevers’ anti-Semitic
17 campaign against Magram.

18 **PARTIES**

19 2. Plaintiff, Magram, resides in the City of Lincoln, California, is of the Jewish faith, and
20 until January 8, 2023, was a Brigadier General with the CMD, on full time State Active Duty
21 and was also assigned as part of the California Air National Guard in Sacramento California. In
22 this position, Magram was the most senior full-time general in the California Air National Guard
23 and was responsible for the administration and support of more than 4,900 California air service
24 members. At all times relevant hereto, Magram was an employee of Defendant CMD within the
25 meaning of the FEHA (Cal. Gov. Code §12900 et seq.)

26 3. Defendant, State of California, is now, and at all times mentioned in this complaint was, a
27 sovereign state of the United States and is subject to suit under the provisions of FEHA.
28

1 4. Defendant, CMD, is a political subdivision of the State of California, and is subject to
2 suit under the provisions of FEHA. CMD employs civilians, soldiers and airmen in four
3 employment categories: Active Guard and Reserve, Federal Technicians, State of California
4 Civil Service, and State Active Duty. State Active Duty service is governed by provisions of
5 state law and military regulations. To be appointed to a State Active Duty position within
6 defendant CMD, a person must be a member of the active militia of California. The active
7 militia is defined as the California Army and Air National Guard, State Guard, Naval Militia and
8 retired personnel of the California Army and Air National Guard.

9 5. Defendant Beevers was, at all relevant times alleged herein, a supervisory employee of
10 defendant CMD and California, and is subject to suit under the provisions of FEHA,
11 Government Code Section 12940 (I).

12 6. Defendant, Governor Newsom, is the chief executive officer of the State of California.
13 Governor Newsom is responsible for overseeing the operations of the State and ensuring that its
14 laws are faithfully executed. As the leader of the executive branch, Governor Newsom is the
15 chief of California's executive branch agencies, including the CMD. (Cal. Const., art. V, § 1.)
16 Governor Newsom is the Commander-in-Chief of the California National Guard. (Cal. Const.,
17 art. V, § 7; Cal. Mil. & Vet. Code §140.)

18 7. Magram is informed and believes, and thereon alleges, that there exists, and at all times
19 herein mentioned there has existed, a unity of interest and ownership between Defendants, such
20 that any individuality and separateness between Defendants does not exist and each Defendant is
21 the alter ego of one another.

22 8. The true names, identities, or capacities whether individual, corporate, associate, or
23 otherwise of Does 1 - 20 inclusive are unknown to Magram, who therefore sues said Defendants
24 by such fictitiously named Defendants as they are in some way responsible for the acts and
25 wrongs alleged herein. When the true names, identities, or capacities of such fictitiously
26 designated Defendants are ascertained, Magram will ask leave of this Court to amend this
27 Complaint and insert said true names, identities, and capacities, together with detailed charging
28 allegations.

1 9. Magram is informed and believes, and on that basis alleges, that each Defendant sued
2 under such fictitious names is in some manner responsible for the wrongs and damages as
3 alleged below; and in so acting, each was functioning as the agent, servant, partner, alter ego,
4 supervisor and/or employee of the other Defendants. In committing the actions mentioned
5 below, each Defendant was acting within the course and scope of her or his authority as such
6 agent, servant, partner, supervisor and/or employee, with the permission and consent of the other
7 Defendants.

8 **JURISDICTION AND VENUE**

9 10. Venue is proper in this judicial district, pursuant to California Code of Civil Procedure §
10 395(a). Defendants transact business in the County of Los Angeles and the Attorney General has
11 an office in Los Angeles. Any action triable in or removable to Sacramento County can be
12 commenced or tried in any other county in which the Attorney General has an office (i.e., San
13 Francisco, Los Angeles, or San Diego). (CCP § 401(1); *see California Gun Rights Found. v.*
14 *Sup.Ct. (Dept. of Justice)* (2020) 49 Cal.App.5th 777, 783, 789-790.) The Amount in
15 controversy here exceeds the minimum jurisdictional requirement of this Court.

16 **FACTS AND ALLEGATIONS**

17 11. During the course of Magram's interactions with Beevers over the past few years, Beevers
18 has displayed a pattern of antisemitism and bigotry that created a hostile and toxic work
19 environment. Over the course of time while Magram was under Beevers' command, Beevers
20 made multiple bigoted and disparaging statements to Magram and to other officers about Jewish
21 military personnel. When Beevers learned a Jewish Lieutenant Colonel in the California State
22 Guard negotiated a military discount on a car he said, "How Jewish can you get." He also
23 repeatedly called a Jewish Major General "cheap" and said he was giving "you guys (referring to
24 Jews) a bad name." Beevers described the California State Guard Leadership as run by a bunch
25 of "Kike" lawyers, which he stated in the presence of another senior leader in the CMD.

26 12. On or about August 8, 2022, Magram emailed a letter to the California Inspector
27 General's Office and to the Governor, Gavin Newsom's, office alleging abuse of authority, toxic
28

1 work environment and discriminatory language by Beevers. Contemporaneously, Magram
2 emailed Beevers with notice of this complaint to the Inspector General.

3 13. On August 10, 2022, Magram was brought before a Disciplinary Action Board ("DAB").
4 The complainant and instigator of the DAB was Beevers. The DAB failed to follow due process
5 and the rules of evidence and was improperly constituted, thereby violating civil service
6 procedures that are fundamental and a key part of Magram's employment agreement with the
7 State of California. Magram is informed and believes, and thereon alleges, that Beevers
8 interfered with the DAB complaint because of Magram's Jewish heritage and in retaliation for
9 Magram's complaints.

10 14. Magram alleges on information and belief that, on August 9, 2022, the day before the
11 hearing, one of Magram's potential witnesses at the DAB was told by Beevers that the
12 Department needed to get rid of Magram and warned the witness to be careful about who he
13 supported on this issue. This conduct was a clear violation of protocol, constituted witness
14 intimidation, and further demonstrated Beevers' hostility and religious and retaliatory animus
15 toward Magram. This witness, along with three more of Magram's potential witnesses, thereafter
16 declined to testify on his behalf. Magram alleges on information and belief that Beevers
17 contacted the DAB members themselves, either directly or through third parties, to make sure
18 that Magram's dismissal was preordained. The DAB is a fundamental part of the contract for
19 "permanent status" CMD personnel, as Magram cannot be dismissed without a proper hearing.
20 Instead, the DAB was not conducted fairly or with due process, in violation of regulations and
21 CMD's legal obligations to Magram.

22 15. A key witness against Magram, used and referenced by Beevers, had been counseled by
23 Magram (when Magram was the Vice Commander of the 129th Rescue Wing) for making anti-
24 Semitic statements (among them was a statement that he "was sweating like a Hebrew slave"),
25 while on official travel. Beevers relied heavily on a decade old, inaccurate and stale story that
26 Magram directed a subordinate to take his mother to Whole Foods in 2013. Magram had part of
27 his lung removed, was recuperating at home and under the care of his 78 year old mother who
28 was visiting from out of town. A couple of weeks into Magram's recovery, a group of Airmen

1 from his wing requested to come over and check on Magram and offer any assistance, a standard
2 practice for the organization. During this visit, one of the visiting leaders offered to take
3 Magram's mother to Whole Foods, after his mother mentioned she liked to shop there because
4 of their Kosher Food selection, but the drive to the store was too complicated. Magram did not
5 direct any of the airman to do anything. However, despite the incident being far outside Air
6 Force Instruction 90-301 standard time lines and being questionable, Beevers used the story as a
7 centerpoint for his termination of Magram. Magram alleges on information and belief that
8 Beevers' actions were fueled by his anti-Semitic animus and was part of Beevers' deliberate
9 campaign to discredit Magram and unfairly push him out of the Department.

10 16. In April 2021, Magram was given a letter by the Department stating he was supposedly
11 suspended "for cause" by the Department, yet he was simply reassigned to the main front office,
12 was at work every day, and assigned to work under the then State Guard Adjutant General and
13 Beevers. Even after requesting the "cause" from Beevers many times, no cause was ever
14 provided to Magram to provide detail and context to the letter. Instead of Magram's personnel
15 status being kept confidential as it should have been, Beevers announced to the California Air
16 National Guard and is believed to have leaked confidential personnel information to the LA
17 Times that Magram was suspended. The Department later rescinded the "for cause" from this
18 suspension, but the damage from the Beevers' public releases was already done. Magram is
19 informed and believes, and thereon alleges, that Beevers published this false and defamatory
20 information for the purpose of harming Magram's employment and prospects for future
21 employment because of Magram's Jewish heritage.

22 17. On June 16, 2022, Beevers wrongfully barred Magram from working inside the CMD
23 headquarters building even though Magram was not under investigation and no complaints had
24 been made against Magram. Beevers effectively suspended Magram without cause or due
25 process. This action was prejudicial to the DAB. Magram is informed, believes, and thereon
26 alleges that Beevers' barring of Magram from working inside the headquarters building was
27 motivated by Beevers' anti-Semitic animus.

1 18. On September 1, 2022, Magram filed a follow up complaint with Governor Newsom's
2 staff regarding Beevers' conduct and on October 17, 2022, submitted a whistleblower complaint
3 to Headquarters, Department of the Army, and the Inspector General's Office. Based upon
4 information and belief, Beevers was informed of these complaints and retaliated by attempting
5 to initiate unwarranted investigations of Magram about line of duty injuries/disability claims
6 with the Air National Guard.

7 19. In or around September, 2022, after Magram's complaints to Governor Newsom's office,
8 Beevers tried to sabotage Magram's line of duty medical approvals from the Air Guard that were
9 needed in support of his disability retirement by attempting to instigate an investigation into
10 Magram's disability claims. Magram is informed and believes, and thereon alleges, that Beevers
11 was aware that Magram's disability claims would trigger medical orders that might interfere
12 with Beevers' campaign to railroad Magram out of the California Air National Guard.
13 Ultimately, Beevers failed to discredit Magram's disability claims.

14 20. After his failed attempt to medically discredit Magram's disability claims, Beevers further
15 retaliated against Magram on November 10, 2022, by bringing a California Military and
16 Veterans Code Article 239 action ("Article 239 Action") against Magram, thereby wrongfully
17 removing Magram from his affiliation with the California Air National Guard, effective on
18 January 9, 2023. At the time Beevers initiated this Article 239 action, Magram was on a medical
19 hold (Air Force Code 37 status) and in the middle of his ongoing disability evaluation process.
20 Magram is informed and believes, and thereon alleges, that Beevers used this Article 239 action
21 to have Magram's military medical treatment orders, pay, and further medical care cut short in
22 order to cause Magram to be arbitrarily separated from the California Air National Guard on
23 January 9, 2023. Between October and December of 2022, counsel for Magram, on his behalf,
24 sent four (4) letters to Governor Newsom's office detailing issues with the DAB and Beevers'
25 behavior, including Beevers' anti-Semitic statements and his interference with his disability
26 retirement.

27 21. Initiation of an Article 239 action is almost never used in California and is not
28 appropriate when a service member is in the middle of an ongoing disability evaluation process.

1 Magram is informed and believes, and thereon alleges, that the Article 239 action was done as
2 an act of reprisal and retaliation as a result of Magram complaining about anti-Semitism and
3 other issues to the Inspector General and Governor Newsom's office about Beevers.

4 22. The DAB approved Magram's dismissal, and Governor Newsom's office, despite being
5 informed of Beevers' discriminatory animus, authorized Magram's termination from his State
6 Active Duty position at the CMD on November 9, 2022, with an actual final separation date of
7 January 8, 2023. Yet, there was no new or even recent negative or adverse information about
8 Magram that could have compelled or warranted Beevers to initiate the 239 action other than to
9 retaliate for Magram's complaints, Jewish heritage, and disability evaluation status. Based on
10 information and belief, the 239 action was motivated by Beevers' anti-Semitic animus and in
11 retaliation for Magram's complaints about Beevers' religious animus.

12 23. Continuing with his retaliatory behavior, Magram is informed and believes, and thereon
13 alleges, that in early January 2023, Beevers released Magram's private personnel information to
14 the press in violation of California's Constitutional Right to Privacy and the civil service
15 procedures in place for disciplinary conduct. The press articles contained information that was
16 not public nor available to the public regarding the allegations made against Magram and his
17 resulting termination, including, but not limited to, that Magram, in conjunction with the CMD
18 termination action, was being fired from the Federal Air National Guard, which was patently
19 false, as the DAB proceeding against Magram was solely related to his CMD position. No
20 adverse discharge separation action was ever initiated or contemplated with respect to Magram's
21 federal position in the Air National Guard and Magram was honorably discharged from the Air
22 National Guard.

23 24. On January 8, 2023, when Magram was still assigned as part of the California Air
24 National Guard, Beevers wrongfully, and with no legitimate basis, barred Magram from entering
25 the CMD Headquarters building, and the next day, barred him from entering the 129 Rescue
26 Wing at Moffett Air National Guard base. Magram was not allowed to collect his own
27 belongings from his office and had to turn in his computer equipment in a parking lot. These acts
28 were not justifiable by any regulation and prevented Magram from out-processing normally from

1 the Air National Guard after 37 years of service. It was a further attempt by Beevers to publicly
2 humiliate Magram.

3 25. As a direct result of this restriction by Beevers, information regarding Magram was
4 entered into the Defense Biometric Identification System ("DBIDS"), that notifies every military
5 installation of entry restrictions. This information on Magram's restriction was allowed to remain
6 in the system until June 13th, 2023, for more than five (5) months, and caused Magram to be
7 wrongfully barred from entering a local Air Force base. Restricting base access to Magram and
8 initiating this chain of events was a targeted abuse of authority and retaliation by Beevers.
9 Magram never did anything during his thirty-seven and a half years (37.5) of service that
10 warranted such action. There was no legitimate reason to restrict access other than Beevers' anti-
11 Semitic animus and retaliation against Magram for complaining about Beevers' anti-Semitism
12 and his behavior that caused a delay in his appointment. Restricting base access to Magram and
13 causing the DBIDS entry without a valid reason violated Magram's rights to due process and his
14 rights as a service member and veteran. Such action was done by Beevers purely to embarrass
15 and retaliate against Magram.

16 26. Beevers set out to ruin Magram's reputation in the CMD as well as with the Air National
17 Guard and the United States Air Force and punish Magram for speaking out against anti-
18 Semitism. Consistent with the treatment of Magram, on information and belief, when Beevers
19 found out in late 2022 that a senior ranking Jewish General from the State Guard (the
20 commander referenced in paragraph 11 herein as a "kike" lawyer) complained of Beevers
21 antisemitic behavior, Beevers retaliated against this Jewish General by first making it widely
22 known to other senior leaders that he wanted this Jewish general out of the department, by
23 finding ways to negate any actions he took as a commander, by trying to turn his command
24 against him, and by eventually even denying him the ability to testify before the State
25 legislature, after that Jewish General received an official request to do so, out of fear of what he
26 might say. This general shortly thereafter retired.

27 27. Beevers and the Department intentionally misled the DAB, the Governor's staff, and the
28 general public regarding Magram. Magram has had a highly successful career with the

1 California Air National Guard and Military Department, serving California and this country for
2 nearly four decades. This kind of longevity of service is rarely seen, especially with the entirety
3 of Magram's service as a California Air Guardsman. Beevers and the CMD have gone to great
4 lengths to try to rewrite Magram's service history and have taken actions that have had an
5 adverse impact on his public reputation and future employability. As a result, Defendants'
6 discrimination and retaliation have cost Magram his salary and forced him to take an early
7 retirement, thereby limiting the amount of pension he can receive, as well as negatively
8 impacting his reputation. Further, Beevers' and Governor Newsom's actions have wrongfully
9 prevented Magram's continued employment at a senior level in another California agency that
10 would have enabled his service within the CALPERS retirement system to continue. Magram's
11 damages are in excess of \$1,600,000.

12 28. Magram was, at all times relevant herein, an employee covered by the California
13 Government Code § 12940, *et seq.* Defendants were, at all times relevant herein, an employer
14 subject to the California Government Code § 12940, *et seq.*

15 29. Prior to filing the instant Complaint, Magram filed a timely administrative charge with
16 the DFEH and received a right-to-sue letter.

17 **FIRST CAUSE OF ACTION**

18 **(Violation of FEHA (Government § 12900, *et seq.*))**

19 **(Discrimination on the Basis of Religion--Against All Defendants)**

20 30. Magram incorporates the allegations set forth in paragraphs 1 through 29 as though fully
21 set forth herein.

22 31. Pursuant to the California Government Code, § 12940, *et seq.*, it is an unlawful
23 employment practice: (a) For an employer, because of the... religious creed... of any person, to...
24 discriminate against the person in compensation or in terms, conditions, or privileges of
25 employment.

26 32. Defendants' conduct, as alleged, violated FEHA, Government Code section 12900, *et*
27 *seq.*, and Defendants committed unlawful employment practices, including by the following
28 bases for liability:

- 1 a. Discharging, barring, refusing to transfer, retain, hire, select, and/or employ, and/or
2 otherwise discriminating against Magram, in whole or in part on the basis of Magram's
3 religion, in violation of Government Code section 12940(a);
- 4 b. Harassing Magram and/or creating a hostile work environment, in whole or in part on
5 the basis of Magram's religion, in violation of Government Code section 12940(j);
- 6 c. Failing to take all reasonable steps to prevent discrimination and harassment based on
7 religion, in violation of Government Code section 12940(k);
- 8 d. Retaliating against Magram for seeking to exercise rights guaranteed under FEHA
9 and/or opposing defendants' failure to provide such rights, in violation of Government
10 Code section 12940(h).

11 33. As a proximate result of Defendants' willful, knowing, and intentional discrimination
12 against Magram, Magram has sustained and continues to sustain substantial losses of earnings
13 and other employment benefits.

14 34. As a proximate result of Defendants' willful, knowing, and intentional discrimination
15 against Magram, Magram has suffered and continues to suffer humiliation, emotional distress,
16 and physical and mental pain and anguish, all to his damage in a sum according to proof.

17 35. Magram has incurred and continues to incur legal expenses and attorneys' fees. Pursuant
18 to Government Code section 12965(b), Magram is entitled to recover reasonable attorneys' fees
19 and costs (including expert costs) in an amount according to proof.

20 36. Defendants' misconduct was committed intentionally, in a malicious, despicable,
21 oppressive manner, and was committed with an improper and evil motive to injure Magram,
22 amounting to malice and in conscious disregard of Magram's rights. Magram is thus entitled to
23 recover punitive damages from Defendants in an amount according to proof.

24 37. Defendants engaged in, and by their refusal to comply with the law, demonstrated they
25 will continue to engage in, the pattern or practice of unlawful employment practices prohibited
26 by the FEHA unless they are enjoined pursuant to the police power granted by Government
27 Code sections 12920 and 12920.5, from failing or refusing to comply with the mandates of the
28 FEHA, Government Code section 12900 *et seq.*

1 38. Unless Defendants are enjoined from failing or refusing to comply with the mandates of
2 the FEHA, Magram's and other people's right to seek or hold employment free of unlawful
3 harassment will continue to be violated.

4 39. Magram lacks any plain, speedy, adequate remedy at law to prevent such harm, injury,
5 and loss, which will continue until this court enjoins Defendants of unlawful conduct and grants
6 other affirmative relief as prayed for herein.

7 **SECOND CAUSE OF ACTION**

8 **(Violation of FEHA (Government § 12900, *et seq.*))**

9 **(Harassment on the Basis of Religion--Against Major General Matthew P. Beevers; State of**
10 **California; California Military Department; and Does 1 to 20, Inclusive)**

11 40. Magram incorporates the allegations set forth in paragraphs 1 through 29 as though fully
12 set forth herein.

13 41. Under the provisions of Government Code § 12940, *et seq.*, it is illegal for any employer
14 or its supervisory agents in the State of California to harass any person in relation to
15 compensation or in terms, conditions or privileges of employment on the basis of their religion.

16 42. Defendants' conduct, as alleged, violated FEHA, Government Code section 12900, *et*
17 *seq.*, and Defendants committed unlawful employment practices, including by the following
18 bases for liability:

19 a. Harassing Magram and/or creating a hostile work environment, in whole or in part on
20 the basis of Magram's religion, in violation of Government Code section 12940(j);

21 b. Failing to take all reasonable steps to prevent discrimination, harassment, and
22 retaliation based on religion, in violation of Government Code section 12940(k).

23 43. As a proximate result of Defendants' willful, knowing, and intentional harassment of
24 Magram, Magram has sustained and continues to sustain substantial losses of earnings and other
25 employment benefits.

26 44. As a proximate result of Defendants' willful, knowing, and intentional harassment of
27 Magram, Magram has suffered, and continues to suffer, humiliation, emotional distress, and
28 physical and mental pain and anguish, all to his damage in a sum according to proof.

1 45. Magram has incurred and continues to incur legal expenses and attorneys' fees. Pursuant
2 to Government Code section 12965(b), Magram is entitled to recover reasonable attorneys' fees
3 and costs (including expert costs) in an amount according to proof.

4 46. Defendants' misconduct was committed intentionally, in a malicious, despicable,
5 oppressive manner, and were committed with an improper and evil motive to injure Magram,
6 amounting to malice and in conscious disregard of Magram's rights. Magram is thus entitled to
7 recover punitive damages from Defendants in an amount according to proof.

8 47. Defendants engaged in, and by their refusal to comply with the law, demonstrated they
9 will continue to engage in, the pattern or practice of unlawful employment practices prohibited
10 by the FEHA unless they are enjoined pursuant to the police power granted by Government
11 Code sections 12920 and 12920.5, from failing or refusing to comply with the mandates of the
12 FEHA, Government Code section 12900 *et seq.*

13 48. Unless Defendants are enjoined from failing or refusing to comply with the mandates of
14 the FEHA, Magram's and other people's right to seek or hold employment free of unlawful
15 harassment will continue to be violated.

16 49. Magram lacks any plain, speedy, adequate remedy at law to prevent such harm, injury,
17 and loss, which will continue until this court enjoins Defendants of unlawful conduct and grants
18 other affirmative relief as prayed for herein.

19 **THIRD CAUSE OF ACTION**

20 **(Violation of FEHA (Government Code § 12900, *et seq.*))**

21 **(Retaliation for Complaining of Religious Discrimination and/or Harassment--Against**
22 **Major General Matthew P. Beevers; State of California; California Military Department;**
23 **and Does 1 to 20, Inclusive)**

24 50. Magram incorporates the allegations set forth in paragraphs 1 through 29 as though fully
25 set forth herein.

26 51. Under the FEHA, an employer cannot discharge, expel, or otherwise discriminate against
27 any person because the person has opposed any practices forbidden under this part or because
28 the person has filed a complaint, testified, or assisted in any proceeding under this part, or

1 requested an accommodation. (Cal. Gov't Code, § 12940, subd. (h).) The FEHA also forbids
2 employers from retaliating or otherwise discriminating against a person for requesting an
3 accommodation under this subdivision, regardless of whether the request was granted. (Gov.
4 Code, § 12940.) This part includes pre-emptive retaliation. "Action taken against an individual
5 in anticipation of that person engaging in protected [activity] to discrimination is no less
6 retaliatory than action taken after the fact." (*Steele v. Youthful Offender Parole Board* (2008)
7 162 Cal.App.4th 1241, 1254.)

8 52. Magram's religion and/or other characteristics protected by FEHA, Government Code
9 section 12900, *et seq.*, were the motivating factors in Defendants' decision to terminate
10 Magram's employment, to not retain, hire, or otherwise employ Magram in any position, and/or
11 to take other adverse job actions against Magram.

12 53. Defendants' conduct, as alleged, violated FEHA, Government Code section 12900, *et*
13 *seq.*, and Defendants committed unlawful employment practices, including by the following,
14 separate bases for liability:

- 15 a. Discharging, barring, refusing to transfer, retain, hire, select, and/or employ, and/or
16 otherwise discriminating against Magram, in whole or in part on the basis of Magram's
17 religion and/or other protected characteristics, in violation of Government Code section
18 12940(a);
- 19 b. Harassing Magram and/or creating a hostile work environment, in whole or in part on
20 the basis of Magram's religion and/or other protected characteristics, in violation of
21 Government Code section 12940(j);
- 22 c. Failing to take all reasonable steps to prevent discrimination, harassment, and
23 retaliation based on religion, in violation of Government Code section 12940(k);
- 24 d. Retaliating against Magram for seeking to exercise rights guaranteed under FEHA
25 and/or opposing Defendants' failure to provide such rights, including rights to be free of
26 discrimination, in violation of Government Code section 12940(h).

1 54. As a proximate result of Defendants' willful, knowing, and intentional retaliation against
2 Magram, Magram has sustained and continues to sustain substantial losses of earnings and other
3 employment benefits.

4 55. As a proximate result of Defendants' willful, knowing, and intentional retaliation against
5 Magram, Magram has suffered and continues to suffer humiliation, emotional distress, and
6 physical and mental pain and anguish, all to his damage in a sum according to proof.

7 56. Magram has incurred and continues to incur legal expenses and attorneys' fees. Pursuant
8 to Government Code section 12965(b), Magram is entitled to recover reasonable attorneys' fees
9 and costs (including expert costs) in an amount according to proof.

10 57. Defendants' misconduct was committed intentionally, in a malicious, despicable,
11 oppressive manner, and were committed with an improper and evil motive to injure Magram,
12 amounting to malice and in conscious disregard of Magram's rights. Magram is thus entitled to
13 recover punitive damages from Defendants in an amount according to proof.

14 58. Defendants engaged in, and by their refusal to comply with the law, demonstrated they
15 will continue to engage in, the pattern or practice of unlawful employment practices prohibited
16 by the FEHA unless they are enjoined pursuant to the police power granted by Government
17 Code sections 12920 and 12920.5, from failing or refusing to comply with the mandates of the
18 FEHA, Government Code section 12900 *et seq.*

19 59. Unless Defendants are enjoined from failing or refusing to comply with the mandates of
20 the FEHA, Magram's and other people's right to seek or hold employment free of unlawful
21 harassment will continue to be violated.

22 60. Magram lacks any plain, speedy, adequate remedy at law to prevent such harm, injury,
23 and loss, which will continue until this court enjoins Defendants of unlawful conduct and grants
24 other affirmative relief as prayed for herein.

25 //

26 //

27

28

1 **FOURTH CAUSE OF ACTION**

2 **(Violation of FEHA (Government Code § 12940(k) (Failure to Prevent Discrimination,**
3 **Harassment, and Retaliation)--Against Major General Matthew P. Beevers; State of**
4 **California; California Military Department; and Does 1 to 20, Inclusive)**

5 61. Magram incorporates the allegations set forth in paragraphs 1 through 29 as though fully
6 set forth herein.

7 62. At all times herein mentioned, FEHA, Government Code section 12940(k), was in full
8 force and effect and was binding on Defendants. This statute states that it is an unlawful
9 employment practice in California for an employer “to fail to take all reasonable steps necessary
10 to prevent discrimination and harassment from occurring.”

11 63. During the course of Magram's employment, Defendants failed to prevent their
12 employees from engaging in intentional actions that resulted in Magram's being treated less
13 favorably because of Magram's protected status (i.e., his religion and ancestry). During the
14 course of Magram's employment, Defendants failed to prevent their employees from engaging in
15 unjustified employment practices against employees in such protected classes. During the course
16 of Magram's employment, Defendants failed to prevent a pattern and practice by their employees
17 of intentional discrimination and harassment on the bases of religion, ancestry and/or other
18 protected statuses or protected activities.

19 64. Magram believes, and on that basis alleges, that his religion and/or other protected status
20 and/or protected activity were substantial motivating factors in Defendants' employees'
21 discrimination and retaliation against him. Further, Defendants' failure to enforce adequate and
22 consistent anti-discrimination policies was a substantial motivating factor in causing Magram's
23 harm. On information and belief and at all relevant times, Defendants failed to adequately train
24 their supervisors and managers on the prevention of discrimination and harassment based on
25 religion and failed to have an adequate management system in place to check or audit the actions
26 of its managers for discriminatory acts and treatment of its employees. Based on Defendants'
27 failure to take all reasonable steps necessary to prevent discrimination and harassment from
28 occurring, Defendants violated Government Code section 12940, subdivision (k).

1 65. As a proximate result of Defendants' willful, knowing, and intentional misconduct,
2 Magram has sustained, and continues to sustain, substantial losses of earnings and other
3 employment benefits.

4 66. As a proximate result of Defendants' willful, knowing, and intentional misconduct,
5 Magram has suffered and continues to suffer humiliation, emotional distress, and physical and
6 mental pain and anguish, all to his damage in a sum according to proof.

7 67. Magram has incurred and continues to incur legal expenses and attorneys' fees. Pursuant
8 to Government Code section 12965(b), Magram is entitled to recover reasonable attorneys' fees
9 and costs (including expert costs) in an amount according to proof.

10 68. Defendants' misconduct was committed intentionally, in a malicious, despicable,
11 oppressive manner, and were committed with an improper and evil motive to injure Magram,
12 amounting to malice and in conscious disregard of Magram's rights. Magram is thus entitled to
13 recover punitive damages from Defendants in an amount according to proof.

14 69. Defendants engaged in, and by their refusal to comply with the law, demonstrated they
15 will continue to engage in, the pattern or practice of unlawful employment practices prohibited
16 by the FEHA unless they are enjoined pursuant to the police power granted by Government
17 Code sections 12920 and 12920.5, from failing or refusing to comply with the mandates of the
18 FEHA, Government Code section 12900 *et seq.*

19 70. Unless Defendants are enjoined from failing or refusing to comply with the mandates of
20 the FEHA, Magram's and other people's right to seek or hold employment free of unlawful
21 harassment will continue to be violated.

22 71. Magram lacks any plain, speedy, adequate remedy at law to prevent such harm, injury,
23 and loss, which will continue until this court enjoins Defendants of unlawful conduct and grants
24 other affirmative relief as prayed for herein.

25 //

26 //

27

28

1 **FIFTH CAUSE OF ACTION**

2 **(Whistleblower Retaliation (Labor Code § 1102.5; Cal. Mil. & Vet. Code § 56)--Against**
3 **Major General Matthew P. Beevers; State of California; California Military Department;**
4 **and Does 1 to 20, Inclusive)**

5 72. Magram incorporates the allegations set forth in paragraphs 1 through 29 as though fully
6 set forth herein.

7 73. At all relevant times, Labor Code § 1102.5 was in effect and was binding on Defendants.
8 This statute prohibits Defendants from retaliating against any employee, including Magram, for
9 complaining of activity they believe to be illegal.

10 74. At all relevant times, Cal. Mil. & Vet. Code § 56 was in effect and was binding on
11 Defendants. This statute prohibits Defendants from retaliating against any employee, including
12 Magram, for communicating with a the Governor or any state or federal inspector general.

13 75. Magram raised complaints of activities Magram believed to be illegal while he worked
14 for Defendants. Magram believed that it was illegal for Defendant to discriminate and harass
15 him on the basis of his protected status.

16 76. Defendants retaliated against Magram by discriminating against him, harassing him, and
17 taking adverse employment actions, including employment termination, against him.

18 77. Defendants' misconduct was committed intentionally, in a malicious, oppressive,
19 fraudulent manner, entitling Magram to punitive damages against Defendant.

20 78. As a proximate result of Defendants' willful, knowing, and intentional retaliation against
21 Magram, Magram has sustained and continues to sustain substantial losses of earnings and other
22 employment benefits.

23 79. As a proximate result of Defendants' willful, knowing, and intentional retaliation against
24 Magram, Magram has suffered and continues to suffer humiliation, emotional distress, and
25 physical and mental pain and anguish, all to his damage in a sum according to proof.

26 80. Magram has incurred and continues to incur legal expenses and attorneys' fees. Pursuant
27 to Labor Code section 1102.5, Magram is entitled to recover reasonable attorneys' fees and costs
28 in an amount according to proof.

1 81. Defendants' misconduct was committed intentionally, in a malicious, despicable,
2 oppressive manner, and were committed with an improper and evil motive to injure Magram,
3 amounting to malice and in conscious disregard of Magram's rights. Magram is thus entitled to
4 recover punitive damages from Defendants in an amount according to proof.

5 **SIXTH CAUSE OF ACTION**

6 **(Violation of FEHA (Government § 12900, *et seq.*))**

7 **(Discrimination on the Basis of Disability/Medical Condition)--Against Major General**
8 **Matthew P. Beevers; State of California; California Military Department; and Does 1 to 20,**
9 **Inclusive)**

10 82. Magram incorporates the allegations set forth in paragraphs 1 through 29 as though fully
11 set forth herein.

12 83. Pursuant to the California Government Code, § 12940, *et seq.*, it is an unlawful
13 employment practice: (a) For an employer, because of the... physical disability [or] medical
14 condition ... of any person, to... discriminate against the person in compensation or in terms,
15 conditions, or privileges of employment.

16 84. Defendants' conduct, as alleged, violated FEHA, Government Code section 12900, *et*
17 *seq.*, and Defendants committed unlawful employment practices, including by the following
18 bases for liability:

19 a. Discharging, barring, refusing to transfer, retain, hire, select, and/or employ, and/or
20 otherwise discriminating against Magram, in whole or in part on the basis of Magram's
21 physical disability and/or medical condition, in violation of Government Code section
22 12940(a);

23 b. Harassing Magram and/or creating a hostile work environment, in whole or in part on
24 the basis of Magram's physical disability and/or medical condition, in violation of
25 Government Code section 12940(j);

26 c. Failing to take all reasonable steps to prevent discrimination and harassment based on
27 physical disability and/or medical condition, in violation of Government Code section
28 12940(k);

1 d. Retaliating against Magram for seeking to exercise rights guaranteed under FEHA
2 and/or opposing defendants' failure to provide such rights, in violation of Government
3 Code section 12940(h).

4 85. As a proximate result of Defendants' willful, knowing, and intentional discrimination
5 against Magram, Magram has sustained and continues to sustain substantial losses of earnings
6 and other employment benefits.

7 86. As a proximate result of Defendants' willful, knowing, and intentional discrimination
8 against Magram, Magram has suffered, and continues to suffer, humiliation, emotional distress,
9 and physical and mental pain and anguish, all to his damage in a sum according to proof.

10 87. Magram has incurred and continues to incur legal expenses and attorneys' fees. Pursuant
11 to Government Code section 12965(b), Magram is entitled to recover reasonable attorneys' fees
12 and costs (including expert costs) in an amount according to proof.

13 88. Defendants' misconduct was committed intentionally, in a malicious, despicable,
14 oppressive manner, and were committed with an improper and evil motive to injure Magram,
15 amounting to malice and in conscious disregard of Magram's rights. Magram is thus entitled to
16 recover punitive damages from Defendants in an amount according to proof.

17 89. Defendants engaged in, and by their refusal to comply with the law, demonstrated they
18 will continue to engage in, the pattern or practice of unlawful employment practices prohibited
19 by the FEHA unless they are enjoined pursuant to the police power granted by Government
20 Code sections 12920 and 12920.5, from failing or refusing to comply with the mandates of the
21 FEHA, Government Code section 12900 *et seq.*

22 90. Unless Defendants are enjoined from failing or refusing to comply with the mandates of
23 the FEHA, Magram's and other people's right to seek or hold employment free of unlawful
24 harassment will continue to be violated.

25 91. Magram lacks any plain, speedy, adequate remedy at law to prevent such harm, injury,
26 and loss, which will continue until this court enjoins Defendants of unlawful conduct and grants
27 other affirmative relief as prayed for herein.

28 //

1 **SEVENTH CAUSE OF ACTION**

2 **(Wrongful Termination of Employment in Violation of Public Policy (Labor Code § 1102.5;**
3 **FEHA, Government Code § 12900, et seq.)--Against All Defendants and Does 1 to 20,**
4 **Inclusive)**

5 92. Magram incorporates the allegations set forth in paragraphs 1 through 29 as though fully
6 set forth herein.

7 93. Defendants terminated Magram's employment in violation of various fundamental public
8 policies underlying both state and federal laws. Specifically, Magram's employment was
9 terminated in part because of his protected status (i.e., religion, ancestry, and/or good faith
10 complaints). These actions were in violation of FEHA, the California Constitution, and
11 California Labor Code section 1102.5.

12 94. As a proximate result of Defendants' wrongful termination of Magram's employment in
13 violation of fundamental public policies, Magram has suffered, and continues to suffer,
14 humiliation, emotional distress, and mental and physical pain and anguish, all to his damage in a
15 sum according to proof.

16 95. As a result of Defendants' wrongful termination of his employment, Magram has suffered
17 general and special damages in sums according to proof.

18 96. Defendants' wrongful termination of Magram's employment was committed intentionally,
19 in a malicious, despicable, oppressive manner, and were committed with an improper and evil
20 motive to injure Magram, amounting to malice and in conscious disregard of Magram's rights.
21 Magram is thus entitled to recover punitive damages from Defendants in an amount according to
22 proof.

23 97. Magram has incurred and continues to incur legal expenses and attorneys' fees. Pursuant
24 to Code of Civil Procedure sections 1021.5 and 1032, et seq., Magram is entitled to recover
25 reasonable attorneys' fees and costs in an amount according to proof.

26 98. Defendants engaged in, and by their refusal to comply with the law, demonstrated they
27 will continue to engage in, the pattern or practice of unlawful employment practices prohibited
28 by the FEHA unless they are enjoined pursuant to the police power granted by Government

1 Code sections 12920 and 12920.5, from failing or refusing to comply with the mandates of the
2 FEHA, Government Code section 12900 *et seq.*

3 99. Unless Defendants are enjoined from failing or refusing to comply with the mandates of
4 the FEHA, Magram's and other people's right to seek or hold employment free of unlawful
5 harassment will continue to be violated.

6 100. Magram lacks any plain, speedy, adequate remedy at law to prevent such harm, injury,
7 and loss, which will continue until this court enjoins Defendants of unlawful conduct and grants
8 other affirmative relief as prayed for herein.

9 **PRAYER FOR RELIEF**

10 **WHEREFORE**, Magram prays for judgment against Defendants, and each of them, as follows:

11 1. Defendants to pay Magram reasonable front pay and other applicable employment benefits,
12 according to proof at time of trial;

13 2. Defendants to pay Magram compensatory damages for back pay and other applicable
14 employment benefits, in an amount no less than \$1,600,000, together with interest at the legal
15 rate;

16 3. Defendants to pay Magram for any out-of-pocket loss incurred as a result of Defendants'
17 unlawful employment practices;

18 4. Defendants to pay Magram damages sufficient to compensate him for his emotional distress,
19 humiliation and injury;

20 5. For punitive damages, the precise amount to be proven at trial;

21 6. For pre-judgment interest;

22 7. For injunctive relief as follows:

23 a. Defendants immediately cease and desist from discrimination or other unlawful
24 employment practices against Defendants' employees, consistent with the FEHA;

25 b. CMD remove Magram's negative performance evaluations and any other negative
26 record from his Official Personnel File, including, but not limited to: i) removal of the
27 suspension action from April/July 2021 from Magram's State Active Duty and military
28 record; ii) removal of the CMD IG Investigation substantiated in May of 2022; iii) set

1 aside the Aug 10, 2022 DAB findings; iv) set aside the November 9, 2022 State Active
2 Duty separation action for cause; v) set aside the Article 239 action; vi) remove any
3 references regarding retirement or separation documentation from the CA Military
4 Department to the National Guard Bureau, the Air National Guard and the Air Force
5 about being terminated or separated for cause from State Active Duty in the CA Military
6 Department; and vii) provide a summary letter detailing all of the above retractions and
7 corrections so that Magram can counter any future references or mitigate potential harm
8 from defamatory and improperly released information from the Department;

9 c. Beevers participate in at least 8 hours of training that focuses on discrimination,
10 harassment, and retaliation, to be completed within ninety (90) days of the effective date
11 of the Court's order, and annually for five years thereafter;

12 d. Defendants to provide proof to the Court of Defendants' good faith compliance with
13 their respective obligations as ordered by the Court, within one hundred (100) days of the
14 effective date of the Court's judgment, and annually for five years thereafter as of the date
15 of judgment;

16 8. Defendants to pay Magram his costs of suit, including his reasonable attorneys' fees, pursuant
17 to Government Code section 12965, subdivision (b);

18 9. Such other and further relief as the Court may deem just and proper.

19 ADDITIONALLY, Magram hereby demands trial of this matter by jury.

20
21 DATED: January 23, 2024

JWS, PC

22
23 By: //Joseph Singleton//
24 JOSEPH W. SINGLETON
25 Attorney for Plaintiff, Brigadier General
26 Jeffrey W. Magram (Ret.)
27
28