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8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO**
9 **(Central Division)**

10
11 MELODY GODINEZ,

12 Plaintiff,

13 vs.

14 MICKEY KASPARIAN; UNITED
FOOD & COMMERCIAL WORKERS
15 LOCAL 135, a labor union charter; and
DOES 1 to 10,

16 Defendants.
17

CASE NO.

**COMPLAINT FOR DAMAGES FOR
GENDER VIOLENCE
[Cal. Civil Code § 52.4]**

Jury Trial Demanded

18 Plaintiff alleges:

19 **GENERAL ALLEGATIONS**

20 1. Plaintiff Melody Godinez ("Godinez") is and all times relevant to this complaint was
21 a resident of San Diego County, California.

22 2. Defendant Mickey Kasparian ("Kasparian") is and at all times relevant to this
23 complaint was a resident of San Diego County, California.

24 3. Defendant, United Food & Commercial Workers Local 135 ("Local 135") is a labor
25 union charter with its principal place of business in San Diego County, California. At all material
26 times, it was fully controlled by Kasparian as its President and managing agent.

27 4. The true names and capacities of Does 1 through 10 and the facts giving rise to their
28 liability are unknown to Plaintiff at this time. Plaintiff will amend this complaint once their

1 identities have been ascertained as well as the facts giving rise to their liability.

2 5. Plaintiff is informed and believes and thereon alleges that each of the Doe Defendants
3 is responsible in some manner, either by act or omission, strict liability, fraud, negligence or
4 otherwise for the occurrences herein alleged and that Plaintiff's harm was legally caused by conduct
5 of the Doe Defendants.

6 6. Godinez has been employed by the County of San Diego as a deputy clerk since
7 March 2012, which is when she first joined SEIU Local 221, the union representing County
8 employees. It was during Godinez's union activities as a regular member, and later as an elected
9 Executive Board member, that she met Kasparian. At first, she admired Kasparian for his (self-
10 proclaimed) accomplishments, and when they first met, she let Kasparian know that she looked up
11 to him. This personal relationship was strengthened when, at a political rally, Kasparian defended
12 Godinez during an act of aggression directed against her by a man. This initial bond with Kasparian,
13 along with his incessant proclamations of power and Trumpian willingness to attack anyone who
14 crosses him, helps explain why Godinez is just now speaking out about the following six sexual
15 assaults committed against her by Kasparian.

16 7. The first sexual assault occurred in May 2014, in the parking lot of Hunter
17 Steakhouse, in Mission Valley. After a political event, Kasparian convinced Godinez to get into his
18 car with him where he, without Godinez's consent, groped her breasts, inside of her thighs and
19 vaginal area, and attempted to kiss her on the lips. Godinez rejected his advances and left his
20 vehicle.

21 8. The second sexual assault occurred in April 2015, at the Hilton San Diego Bayfront
22 where, using Local 135 money, Kasparian had purchased a large, opulent suite for himself.
23 Kasparian invited Godinez and two other women to the hotel suite, where he eventually had sex with
24 one of the woman (who is now his mistress). Inside the hotel room, but before the sex with the first
25 woman, Kasparian groped Godinez's vaginal area, without her consent, while she was sitting on a
26 couch. Godinez left the hotel room with the second woman, leaving the first woman alone with
27 Kasparian (who later admitted having sex with Kasparian).

28 9. The third sexual assault happened in May 2015, at the ABM parking lot on the corner

1 of Pacific Highway and West Broadway, in downtown San Diego. Like the Hunter Steakhouse
2 incident, Kasparian lured Godinez to his car after a political event where he again fondled her
3 breasts, thighs and vaginal area, and tried to kiss her, all without her consent.

4 10. The exact dates of the next three assaults is unclear, but they all occurred in late 2015
5 and early 2016. On one occasion, Kasparian telephoned Godinez and, during the call, it became
6 clear to Godinez that Kasparian was masturbating. Godinez confronted Kasparian after she heard
7 noises suggesting he had ejaculated, and Kasparian admitted that he had been masturbating and had
8 climaxed.

9 11. Another assault mirrored the Hunter Steakhouse and ABM parking lot incidents, this
10 time in his car at a Corner Bakery parking lot in Mission Valley. As before, Kasparian groped
11 Godinez's breasts and genitals area, and even forcefully grabbed her face and pulled her towards him
12 in an attempt to kiss her, all without her consent. As before, she rejected his advances and exited
13 his car.

14 12. The sixth sexual assault occurred in Kasparian's office at the Local 135 headquarters
15 in Mission Valley. Kasparian convinced Godinez to accompany him into his office after a political
16 event. Kasparian began drinking whiskey and asked Godinez to drink too, but she declined. Soon,
17 Kasparian put his hand down the front of Godinez's pants, making skin to skin contact with her
18 genital area. He groped her breasts and laid on top of her so that she could not leave. Kasparian's
19 conduct was unwanted and done without Godinez's consent. Godinez protested, even reminding
20 Kasparian that he was married. Kasparian answered that he was unhappy in his marriage and what
21 his wife did not know would not hurt her. But the assault continued, which Godinez described at
22 a recent deposition under oath:

23 "He proceeded to turn off the lights inside his office, and he pinned
24 me down against the sofa—against the couch. And the entire time I
25 felt helpless. I knew that there could be ramifications if I brought it
up to anybody. . . I felt I was being raped. . . I felt like the assault that
happened was probably something that he did to other women."

26 13. By committing the assaults above, Kasparian committed "gender violence" as defined
27 by Cal. Civil Code § 52.4, and in doing so was acting in the course and scope of his employment
28 with Local 135, including as its managing agent.

1 14. As a result of Kasparian's incessant threats against other women who dared to cross
2 him, including similar comments he made to Godinez, combined with the continuous and incessant
3 attempts he was making toward Godinez to seduce her, the first sexual assault in May 2014 falls
4 within the three year statute of limitations for Gender Violence pursuant to the continuing tort
5 doctrine.

6 15. As a result of these wrongful acts, plaintiff sustained economic damages for lost
7 wages and benefits, and non-economic damages for emotional distress, anxiety, humiliation and
8 mental suffering.

9 16. Kasparian's conduct was vile and despicable, and he acted with malice, oppression,
10 fraud in conscious disregard of plaintiff's rights and well-being, entitling Godinez to recover punitive
11 damages against Local 135 pursuant to CCP § 3294 because Kasparian was its managing agent.

12 **REQUEST FOR RELIEF**

13 THEREFORE, Plaintiff Melody Godinez requests a judgment against Defendants Mickey
14 Kasparian, United Food & Commercial Workers Local 135, and Does 1to10 as follows:

- 15 a. Special and general damages according to proof;
16 b. Punitive damages;
17 c. Statutory attorney's fees and costs, including expert witness expenses; and
18 d. Other proper relief.

19 **DEMAND FOR JURY TRIAL**

20 Plaintiff demands a jury trial.

21
22 Date: December 13, 2017

The Gilleon Law Firm



Daniel M. Gilleon, Attorneys
for Plaintiff Melody Godinez