



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711
<http://www.dfeh.ca.gov> | Email: contact.center@dfeh.ca.gov

June 6, 2021

Marlea Dell'Anno
1320 Columbia St., 200
San Diego, California 92101

RE: **Notice to Complainant's Attorney**
DFEH Matter Number: 202106-13747402
Right to Sue: Hargrove / NBC Universal

Dear Marlea Dell'Anno:

Attached is a copy of your complaint of discrimination filed with the Department of Fair Employment and Housing (DFEH) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, DFEH will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the DFEH does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Department of Fair Employment and Housing



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June 6, 2021

RE: Notice of Filing of Discrimination Complaint
DFEH Matter Number: 202106-13747402
Right to Sue: Hargrove / NBC Universal

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for DFEH's Small Employer Family Leave Mediation pilot program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in DFEH's free voluntary mediation service. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in DFEH's free voluntary mediation service. A request for mediation must be made within 30 days of receipt of the Notice of Case Closure and Right to Sue. If mediation is requested, the employee is prohibited from filing a civil action until mediation is complete. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from DFEH's receipt of a mediation request under section 12945.21 until mediation is complete. To request DFEH Small Employer Family Leave Mediation, email DRDOnlineRequests@dfeh.ca.gov and include the DFEH matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing



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June 6, 2021

Dorian Hargrove
1320 COLUMBIA ST. SUITE 200, 200
San Diego, California 92101

RE: **Notice of Case Closure and Right to Sue**
DFEH Matter Number: 202106-13747402
Right to Sue: Hargrove / NBC Universal

Dear Dorian Hargrove:

This letter informs you that the above-referenced complaint filed with the Department of Fair Employment and Housing (DFEH) has been closed effective June 6, 2021 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for DFEH's Small Employer Family Leave Mediation pilot program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in DFEH's free voluntary mediation service. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in DFEH's free voluntary mediation service. A request for mediation must be submitted to the DFEH within 30 days of receipt of the Notice of Case Closure and Right to Sue. If mediation is requested, the employee is prohibited from filing a civil action until mediation is complete. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from DFEH's receipt of a mediation request under section 12945.21 until mediation is complete. To request DFEH Small Employer Family Leave Mediation, email DRDOnlineRequests@dfeh.ca.gov and include the DFEH matter number indicated on the Right to Sue notice.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this DFEH Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

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Department of Fair Employment and Housing

1 **COMPLAINT OF EMPLOYMENT DISCRIMINATION**
2 **BEFORE THE STATE OF CALIFORNIA**
3 **DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**
4 **Under the California Fair Employment and Housing Act**
 (Gov. Code, § 12900 et seq.)

5 **In the Matter of the Complaint of**

6 Dorian Hargrove

DFEH No. 202106-13747402

7 Complainant,

8 vs.

9 NBC Universal
9680 Granite Ridge Drive
San Diego, California 92123

10 Respondents

11
12 **1. Respondent NBC Universal is an employer NBC Universal subject to suit under the**
13 **California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).**

14
15 **2. Complainant Dorian Hargrove, resides in the City of San Diego, State of California.**

16
17 **3. Complainant alleges that on or about May 6, 2021, respondent took the following**
18 **adverse actions:**

19 **Complainant was harassed** because of complainant's disability (physical or mental), age
(40 and over), family care or medical leave (cfra).

20 **Complainant was discriminated against** because of complainant's disability (physical or
21 mental), age (40 and over), family care or medical leave (cfra) and as a result of the
discrimination was reprimanded, suspended, demoted, other, denied work opportunities or
assignments.

22 **Complainant experienced retaliation** because complainant reported or resisted any form
23 of discrimination or harassment, requested or used family care or medical leave (cfra) and
24 as a result was reprimanded, suspended, demoted, other, denied work opportunities or
assignments.

1 **Additional Complaint Details:** DFEH Complaint - Right to Sue - Dorian Hargrove v NBC
Universal

2 2021-05-12

3 Introduction

4 Dorian Hargrove is an award-winning journalist who is headquartered in San Diego County.
5 Hargrove is currently employed at NBC Universal-owned station in San Diego, also known
6 as NBC San Diego and KNSD.

7 Last year, while working on an investigation into what is the largest land-deal in San Diego
8 history, and one that has cost taxpayers hundreds of millions of dollars, Hargrove was sent
9 confidential documents that exposed potential wrongdoing by certain elected officials in San
10 Diego.

11 Those same elected officials later disputed the veracity of the report. NBC agreed and
12 punished Hargrove and his manager at KNSD.

13 And while Hargrove did not feel the following suspension without pay was justified, he
14 remained loyal to NBC and served out his suspension and returned to work. Hargrove was
15 demoted and required to go through a 12-week Performance Improvement Plan (PIP).

16 It was during this review period when Hargrove was treated unfairly, discriminated against
17 for his disability, and ridiculed by management.

18 It was during this time when the station's news director called Hargrove a "product defect."

19 The same news director told Hargrove that he would never receive a promotion or be moved
20 to another position from his entry-level position.

21 Hargrove was also told that he was not trustworthy and not a good journalist, this despite
22 numerous awards such as an Emmy, Murrow Award, and a Golden Mike Award, the most
23 prestigious awards in tv news.

24 During his performance plan, Hargrove was not allowed to submit news tips as other
25 employees were allowed. He was told to not file public records requests, as others can.

26 And, despite winning the Murrow Award, the station's news director refused to acknowledge
27 his work on the story, instead listing in a station-wide email every other contributor except for
28 Hargrove.

29 In regards to discrimination, the assistant news director used a scene from a movie during
30 Hargrove's weekly performance review. The scene the assistant news director quoted was
31 from an obscure 1980's film. The manager described a scene where a character turns into
32 an imbecile after getting hit on the head. The manager did this despite knowing that
33 Hargrove nearly died from a traumatic brain injury and has since written books on his injury,
34 and the visions he saw during his 21-day long coma. The manager and the entire newsroom
35 were aware of Hargrove's injury as it was discussed during morning meetings as well as for
36 the fact that Hargrove has a large scar along his head and an indentation at his right temple
37 from brain surgery after the accident.

38 Hargrove's boss, who also received the same discipline, was not treated in similar fashion
39 and is now back working on the same team and allowed to cover city politics.

40 The series of events laid out and supported by documentation should allow for Hargrove to
41 pursue any and all legal remedies available to him.

42 The Discipline

43 On September 21, 2020, managers from NBC San Diego suspended Hargrove and his
44 manager TOM JONES for what they claimed was a failure to authenticate confidential
45 documents.

1 Hargrove and Jones served their suspension. During which, Hargrove pursued potential
2 legal action against the city for defamation among other claims. Jones did not pursue the
3 same legal recourse. Hargrove also submitted a complaint to the company's ethics
4 department. Jones did as well.

5 Before their return, VP of News at NBC San Diego, Greg Dawson, called Jones to welcome
6 him back. Dawson did not do the same for Hargrove.

7 A few weeks into Hargrove's suspension, he checked NBC's scheduling website to look at
8 his schedule. The schedule showed that he would return as a story producer, an entry level
9 job. At the same time, he noticed that his executive producer, a person with less journalism
10 experience and no college degree, would return as a "Special Projects Producer."

11 Finally, Hargrove managed to get a phone call with Dawson.

12 On Friday, November 13 Dawson called Hargrove to discuss his return. Dawson told
13 Hargrove that he could have been fired. He also added new restrictions to his discipline,
14 telling Hargrove that he was prohibited from submitting public records requests to the city.
15 Hargrove challenged this as this prevented public access to a city government. Dawson was
16 not convinced.

17 On November 23, Hargrove returned to work at KNSD.

18 Before beginning his shift, as was his usual custom, Hargrove searched for previously
19 unreported stories that might be able to help the newsroom. He obtained travel numbers
20 from TSA and sent the following email to the Story Ideas email at NBC. This email was set
21 up for the entire newsroom to send new ideas. Hargrove assumed he would be able to
22 continue to send ideas.

23 That day was also Hargrove's first Performance Improvement Review. Managers told
24 Hargrove that the review would focus on his treatment of confidential documents and
25 sources.

26 During the following week, Hargrove continued to send in story pitches, not for him to write
27 but for the newsroom to cover.

28 Westerheide and Hargrove met again the following week to go over the PIP. During the
meeting Westerheide brought up a scene from an obscure movie from the 80's. The movie
was Johnny Dangerously. Westerheide described a scene wherein a character was
repeatedly hit in the head and became an imbecile. He used this example while knowing
that Hargrove suffered from a Traumatic Brain Injury and had a large scar running the length
of his head as well as a deep indentation at the right temple. Westerheide and Hargrove had
discussed his injury before and the newsroom was aware of Hargrove's injury and disability.
Hargrove was scared to say anything about this. He told coworkers that he felt discriminated
against and wondered why Westerheide would have used such an analogy during his
performance improvement plan.

When Hargrove finally gained enough courage to raise the issue to Human Resources,
Westerheide denied ever talking about the scene. He said he remembered quoting another
scene from the movie.

Hargrove reported the issue to Human Resources. The director of Human Resources,
NIRUPAMA HEDGE, told Hargrove that she would talk to Westerheide. She also told
Hargrove that she did not find his comments to be an issue. Hargrove disagreed and
reported the issue to NBC Universal's Ethics Department.

From that point on, management's treatment of Hargrove intensified.

Westerheide told Hargrove that his writing was poor, that his story pitches were not done
right, and prohibited him from sending in other pitches.

1 After a few weeks, Hargrove was told that Westerheide would no longer oversee his
performance review. Instead VP of News Greg Dawson would oversee it.
2 During the meeting with Dawson, he repeatedly criticized Hargrove for his script writing.
Hargrove was surprised as he had only heard good things from his coworkers. Hargrove
3 was confused as to why this was now a part of his performance plan, as it was supposed to
consist of dealing with confidential documents.
4 In other words, the scope of the PIP had changed.
The following week, Dawson met with Hargrove for his annual performance review.
5 During the review, Dawson told Hargrove that he was not trusted. He said Hargrove would
not have a chance for promotion. He said he was only "addressing the elephant in the
6 room."
7 In addition, Dawson told Hargrove that his PIP review would be extended. Hargrove asked
for a written explanation as to why his discipline was extended. Dawson refused before HR
8 Director Hedge said they would provide an explanation.
Hargrove was upset. Why would a News Director openly tell an employee that they would
9 not have a chance to move upward? Why would the News Director do this when the
employee had not asked for a new job or transfer?
10 The following week, Dawson informed Hargrove that his PIP would not be extended.
However, during the discussion Dawson compared Hargrove to a "product defect" in
11 manufacturing
Dawson told him that he may want to go back and trace where the defect began. Hargrove
12 immediately objected to being called defective.
During this time, Hargrove discovered he was one of a handful of people at the station to
13 win a Golden Mike Award for his work on the Stolen series.
Hargrove was told to contact Dawson in order to get a note so that he could receive a
14 trophy. Dawson did not respond. The anchor, Monica Dean, did however, stating that
Dawson only wanted a select group of people to receive the award.
15 This and Dawson's statement that he was a product defect continued to sting Hargrove. The
months of unfair treatment and discriminatory remarks weighed heavily on Hargrove.
16 Unable to get the statement out of his mind, Hargrove sunk down into a deep depression.
He requested a mental health leave to try and gain control of the negative thoughts.
17 While on mental health leave, Hargrove learned that he was also one of the recipients of the
revered Murrow Award also for his work on the Stolen docu-series.
18 Hargrove learned so, however, through the following note from Dawson to the newsroom
where he named all recipients except for Hargrove.
19 When Hargrove raised the issue to Dawson, the VP of News denied knowing that Hargrove
had written numerous web stories for the docu-series. This, despite numerous emails to and
20 from Dawson about Hargrove's role.
21 Management at KNSD have repeatedly punished and mistreated Hargrove, creating an
adverse and hostile work environment.
22

1 VERIFICATION

2 I, **Marlea Francesca Dell'Anno**, am the **Attorney** in the above-entitled complaint. I
3 have read the foregoing complaint and know the contents thereof. The matters
4 alleged are based on information and belief, which I believe to be true.

5 On June 6, 2021, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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San Diego, CA