

# **CONFIDENTIAL LITIGATION FILE ATTORNEY-CLIENT PRIVILEGED**

SMITH & ASSOCIATES LAW FIRM Employment Discrimination Practice Group

CLIENT: Jennifer Martinez DEFENDANT: TechCorp Industries, Inc. CASE TYPE: Employment Discrimination, Retaliation, Wrongful Termination CASE NO.: 2024-CV-5632 (N.D. Cal.) FILING DATE: March 1, 2024

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== CASE OVERVIEW ==  
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This employment discrimination case involves allegations that TechCorp Industries engaged in systematic gender discrimination, sexual harassment, and retaliation against female engineers. The case centers on Plaintiff Jennifer Martinez, a Senior Software Engineer who reported harassment and discrimination, only to face escalating retaliation culminating in her wrongful termination.

TIMELINE COVERED: June 1, 2021 - February 29, 2024 DURATION: 2 years, 9 months PLAINTIFF: Jennifer Martinez DEFENDANTS: TechCorp Industries, Inc.; Michael Stevens (CTO); David Park (VP Engineering) CAUSES OF ACTION: Title VII violations, California FEHA violations, Wrongful Termination

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== PART I: RELEVANT PERSONNEL AND EMPLOYMENT HISTORY ==  
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## **PLAINTIFF AND KEY WITNESSES:**

1. JENNIFER MARTINEZ - SENIOR SOFTWARE ENGINEER (Plaintiff) Employment Period: June 1, 2021 - February 15, 2024 (Terminated)

Background: Martinez holds a B.S. in Computer Science from Stanford University (2016) and an M.S. in Artificial Intelligence from Carnegie Mellon (2018). Prior to joining TechCorp, she worked as a software engineer at Google for 3 years, where she received consistent "exceeds expectations" performance ratings.

Role at TechCorp: Hired as Senior Software Engineer on Machine Learning team. Responsibilities included developing AI algorithms for TechCorp's flagship enterprise software product. She was one of only 3 women on a 25-person engineering team.

Performance: Martinez received "Exceeds Expectations" ratings in her first three performance reviews (Sept 2021, March 2022, Sept 2022). She led two major product releases and received a company innovation award in May 2022.

2. SARAH CHEN - SOFTWARE ENGINEER (Witness) Employment Period: August 15, 2021 - October 30, 2023 (Resigned)

Background: Chen holds a B.S. in Computer Engineering from UC Berkeley (2019). She joined TechCorp's Cloud Infrastructure team as a mid-level engineer.

Relevant Testimony: Chen witnessed harassment of female engineers and reported similar discrimination. She resigned after filing internal complaints that went unaddressed. Her departure followed the pattern of retaliation experienced by Martinez.

**3. RACHEL THOMPSON - SENIOR PRODUCT MANAGER** (Witness) Employment Period: January 10, 2022 - December 15, 2023 (Terminated)

Background: Thompson holds an MBA from UCLA and had 8 years of product management experience. She joined TechCorp to lead the AI products division.

Relevant Testimony: Thompson corroborates Martinez's harassment allegations and testified that male executives made inappropriate comments about female employees' appearance and capabilities. She was terminated after supporting Martinez's internal complaint.

**4. LISA NGUYEN - HR BUSINESS PARTNER** (Witness, Current Employee) Employment Period: March 1, 2020 - Present

Background: Nguyen holds a degree in Human Resources Management and has 12 years of HR experience. She initially handled Martinez's harassment complaints.

Relevant Testimony: Nguyen testified she was instructed by senior management to "handle the Martinez situation quietly" and discourage formal investigations. Her testimony reveals systematic suppression of discrimination complaints.

## **DEFENDANT MANAGEMENT:**

**5. MICHAEL STEVENS - CHIEF TECHNOLOGY OFFICER** Employment Period: January 1, 2019 - Present

Background: Stevens holds a B.S. in Computer Science from MIT (1995) and has 25 years of technology leadership experience. He previously held CTO roles at two other Silicon Valley companies.

Allegations: Named defendant. Accused of creating and perpetuating a hostile work environment for women engineers. Multiple witnesses testified he made comments such as "women aren't suited for low-level programming" and "maybe she should focus on front-end work" (implying women can't handle complex technical challenges).

Pattern of Conduct: Under Stevens' leadership, female representation in engineering decreased from 15% to 8%. Multiple women engineers departed, citing discriminatory treatment.

**6. DAVID PARK - VICE PRESIDENT OF ENGINEERING** Employment Period: March 1, 2020 - Present

Background: Park holds a B.S. in Electrical Engineering from UC San Diego (2005) and has 18 years of engineering management experience. He directly supervised Martinez.

Allegations: Named defendant. Accused of retaliatory conduct including unfair performance evaluations, exclusion from key projects, and ultimately orchestrating Martinez's termination. Park was Martinez's direct supervisor during the relevant time period.

**7. ROBERT WILSON - DIRECTOR OF HR** Employment Period: June 1, 2018 - Present

Background: Wilson holds a degree in Business Administration and has 20 years of HR leadership experience. He oversees all HR functions at TechCorp.

Allegations: Accused of failing to properly investigate harassment and discrimination complaints, retaliating against complainants, and covering up discriminatory practices to protect senior management.

**8. JAMES HARRISON - CHIEF EXECUTIVE OFFICER** Employment Period: January 1, 2015 - Present

Background: Harrison is a co-founder of TechCorp. He holds an MBA from Stanford and previously founded two successful startups.

Relevance: While not directly accused of harassment, Harrison was aware of complaints and took no corrective action. Discovery documents show he was informed of Martinez's complaints but instructed HR to "not make this a big deal."

**SUPPORTING WITNESSES (Not direct parties but relevant):**

**9. AMANDA JACKSON - FORMER ENGINEERING MANAGER** Employment Period: May 1, 2019 - August 30, 2022 (Resigned)

Relevant Testimony: Jackson supervised female engineers and witnessed the discrimination. She resigned after her efforts to support female team members were thwarted by senior management. She testified about the "boys' club" culture in engineering leadership.

**10. KEVIN RODRIGUEZ - SENIOR SOFTWARE ENGINEER (Current Employee)** Employment Period: February 1, 2020 - Present

Relevant Testimony: Rodriguez is a male engineer who witnessed harassment of Martinez and other female engineers. He testified about inappropriate comments made by Stevens and Park during team meetings and performance reviews.

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== PART II: DETAILED CHRONOLOGY OF EVENTS ==  
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**PHASE 1: INITIAL EMPLOYMENT (June 2021 - May 2022) PERIOD CHARACTERIZATION:**  
Successful Performance, Initial Culture Concerns

June 1, 2021: Jennifer Martinez hired as Senior Software Engineer - Starting salary: \$185,000 - Reports to David Park, VP of Engineering - Assigned to Machine Learning team working on TechCorp's flagship AI product

July-December 2021: Strong Initial Performance - Martinez quickly becomes key contributor - Leads development of neural network architecture that improves product accuracy by 23% - Male colleagues and Park provide positive feedback

September 15, 2021: First Performance Review - "Exceeds Expectations" - Martinez receives top performance rating - Park's written review praises her "exceptional technical skills and innovative thinking" - Receives 8% salary increase to \$199,800

October 2021: First Incidents of Discriminatory Comments - Martinez attends engineering all-hands meeting where CTO Stevens makes comment: "We need to hire engineers who can handle the complexity of our systems, not people who will need hand-holding" - Statement made while discussing efforts to increase diversity - Multiple witnesses interpreted this as coded reference to women and minority engineers

December 2021: Exclusion from Key Meetings Begins - Martinez notices she is not invited to technical architecture meetings that other Senior Engineers (all male) attend - When she asks Park, he responds: "Those meetings get pretty intense and technical. I didn't want to overwhelm you." - Martinez has equivalent or superior technical credentials to male engineers who were invited

## PHASE 2: HARASSMENT AND INITIAL COMPLAINTS (January 2022 - June 2022) PERIOD CHARACTERIZATION: Escalating Harassment, First Internal Complaints

January 15, 2022: Offensive Comment at Team Dinner - During team dinner, Stevens comments on Martinez's appearance, stating: "You clean up nice. You should dress like that more often instead of trying to fit in with the guys." - Martinez feels uncomfortable but does not immediately report

February 10, 2022: Technical Competence Questioned - During code review meeting, Park questions Martinez's architectural decisions in condescending manner - Says: "Are you sure you understand how distributed systems work? This seems like a beginner's approach." - Same architectural pattern was previously praised when used by male engineer

March 8, 2022: First Formal Internal Complaint - Martinez reports incidents to HR Business Partner Lisa Nguyen - Describes pattern of exclusion, condescending treatment, and inappropriate comments - Nguyen documents complaint and promises investigation

March 15, 2022: Second Performance Review - Still "Exceeds Expectations" - Despite ongoing issues, Martinez receives another "Exceeds Expectations" rating - This undermines later claims that her termination was performance-based

March 20-April 15, 2022: Sham Investigation - HR conducts perfunctory investigation - Stevens and Park deny wrongdoing - HR interviews only 2 witnesses (both male engineers loyal to Stevens) - Female witnesses with corroborating information not interviewed - Investigation concludes "no evidence of discrimination found"

April 20, 2022: HR Closes Complaint - Martinez notified investigation found "no substantiation of claims" - Advised to "try to get along better with leadership" - No corrective action taken against Stevens or Park

May 12, 2022: Company Innovation Award - Despite filing complaint, Martinez receives company Innovation Award for her AI algorithm work - Award includes \$10,000 bonus and public recognition - This creates documentary evidence contradicting later claims about poor performance

**PHASE 3: ESCALATING RETALIATION (July 2022 - December 2022) PERIOD  
CHARACTERIZATION: Systematic Retaliation Following Complaint**

July 1, 2022: Project Reassignment - Martinez removed from flagship AI product and reassigned to maintenance work on legacy codebase - All male Senior Engineers remain on high-visibility projects - Park claims reassignment is "to give her experience in other areas" but documents show this is pretextual

July 15, 2022: Hostile Interactions Increase - Park begins micromanaging Martinez's work in ways he does not do with male engineers - Requires her to provide daily status updates while male peers report weekly - Criticizes minor code style issues that he ignores in male engineers' code

August 20, 2022: Performance Improvement Plan (PIP) Discussion - Park tells Martinez he is "concerned about her recent performance" and may need to put her on PIP - This occurs despite her consistent "Exceeds Expectations" ratings and recent Innovation Award - Timing (4 months after discrimination complaint) suggests retaliation

September 10, 2022: Third Performance Review - Suddenly "Needs Improvement" - Martinez's rating drops dramatically to "Needs Improvement" - Park's written review contradicts his earlier positive assessments - Cites "communication issues" and "difficulty adapting to changing priorities" - These criticisms never mentioned in prior 15 months of employment - Timing suggests retaliation for discrimination complaint

September 25, 2022: Placed on Performance Improvement Plan (PIP) - Martinez placed on 60-day PIP - PIP requirements are vague and subjective, making them difficult to satisfy - Male engineers with actual performance issues not placed on PIPs - Statistical evidence: 85% of employees placed on PIPs at TechCorp are ultimately terminated

October 15, 2022: Second Internal Complaint - Retaliation - Martinez files second HR complaint, now alleging retaliation - Points to dramatic shift in treatment following first complaint - Provides detailed evidence of differential treatment compared to male engineers - HR again conducts minimal investigation

October 30, 2022: Sarah Chen (Female Engineer) Resigns - Chen, who corroborated Martinez's discrimination claims, resigns - Her resignation letter explicitly cites "discriminatory treatment of women engineers and retaliation against those who speak up" - Loses key corroborating witness (though she later agrees to testify in litigation)

November 15, 2022: PIP "Failure" Determination - Park determines Martinez "failed to meet PIP requirements" - Documentation shows she actually completed all technical requirements - Park subjectively determined her "attitude and collaboration" were insufficient - No specific examples provided despite Martinez's requests for clarity

December 1, 2022: Extension of PIP - Rather than terminating, Park extends PIP for additional 30 days  
- This unusual step suggests company seeking to build stronger documentation for termination -  
Creates appearance of "giving her another chance" while actual intent is to justify termination

**PHASE 4: ADDITIONAL WITNESSES EXPERIENCE RETALIATION (November 2022 - January 2023)**  
**PERIOD CHARACTERIZATION:** Pattern of Retaliation Against Women Who Support Martinez

November 20, 2022: Rachel Thompson Supports Martinez - Rachel Thompson (Senior Product Manager, female) sends email to Park advocating for Martinez - Points out Martinez's strong performance record and questions fairness of PIP - Thompson copied HR Director Wilson on email

December 15, 2023: Rachel Thompson Terminated - Thompson terminated allegedly for "poor performance" - This is first negative performance feedback she ever received - Timing (less than 1 month after supporting Martinez) suggests retaliation - Her termination sends message to other potential witnesses

December 20, 2022: Amanda Jackson (Former Manager) Provides Declaration - Jackson, who resigned in August, provides written declaration supporting Martinez - Describes pattern of discrimination she witnessed during her employment - Confirms differential treatment of male vs. female engineers

**PHASE 5: TERMINATION AND AFTERMATH (January 2024 - Present)**  
**PERIOD CHARACTERIZATION:** Wrongful Termination and Litigation

January 15, 2024: Martinez's PIP Extended Again - PIP extended another 30 days despite satisfactory technical performance - Park continues to cite vague "cultural fit" and "attitude" concerns - Classic pretext for discrimination

February 15, 2024: Martinez Terminated - Martinez terminated allegedly for "failure to meet performance expectations" - Termination occurs 11 months after first discrimination complaint - No male engineer has been terminated for performance issues during comparable period - Severance offer conditional on signing broad release and non-disparagement agreement

February 16-28, 2024: Post-Termination Developments - Martinez declines severance offer after consulting with attorney - Files charge with California Department of Fair Employment and Housing (DFEH) - Files charge with Equal Employment Opportunity Commission (EEOC)

March 1, 2024: Lawsuit Filed - Martinez files lawsuit in U.S. District Court, Northern District of California - Allegations: Sex discrimination (Title VII, FEHA), Retaliation (Title VII, FEHA), Wrongful Termination in violation of public policy - Named defendants: TechCorp Industries, Michael Stevens, David Park

March 15, 2024: TechCorp's Response - Company issues statement calling allegations "meritless" - Claims termination was "solely based on legitimate performance concerns" - Fails to address timing and pattern evidence

April-May 2024: Discovery Process Begins - Plaintiff propounds document requests and interrogatories - Requests all performance reviews, emails, HR complaint files, and diversity statistics

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== PART III: KEY LEGAL MILESTONES AND PROCEDURAL EVENTS ==  
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MILESTONE 1: FIRST INTERNAL DISCRIMINATION COMPLAINT Date: March 8, 2022 Actor: Jennifer Martinez Description: Martinez files first formal internal complaint with TechCorp HR, reporting pattern of gender discrimination including exclusionary conduct, condescending treatment, and inappropriate comments about appearance. This establishes protected activity under Title VII and FEHA.

MILESTONE 2: SHAM HR INVESTIGATION CONCLUDES Date: April 20, 2022 Actor: TechCorp HR Department Description: Internal investigation concludes with finding of "no substantiation" after interviewing only 2 witnesses (both male) and failing to interview female engineers with corroborating information. Inadequate investigation violates company's own anti-discrimination policy.

MILESTONE 3: PROJECT REASSIGNMENT (FIRST ADVERSE ACTION) Date: July 1, 2022 Actor: David Park / TechCorp Description: Martinez removed from flagship AI project and reassigned to maintenance work on legacy system. This occurs 3 months after discrimination complaint. Constitutes first clear adverse employment action following protected activity, supporting retaliation claim.

MILESTONE 4: PERFORMANCE RATING DOWNGRADE Date: September 10, 2022 Actor: David Park / TechCorp Description: Martinez's performance rating drops from "Exceeds Expectations" (Sept 2021 and March 2022) to "Needs Improvement" despite no actual decline in performance. Occurs 6 months after discrimination complaint. Statistical analysis shows only 3% of "Exceeds" ratings decline to "Needs Improvement" in subsequent review period absent legitimate performance issues.

MILESTONE 5: PLACEMENT ON PERFORMANCE IMPROVEMENT PLAN Date: September 25, 2022 Actor: David Park / TechCorp Description: Martinez placed on 60-day PIP based on alleged "performance concerns" that were never raised during her first 15 months of employment. PIP placement itself is adverse action. Company statistics show 85% of PIPs result in termination, making PIP a "kiss of death."

MILESTONE 6: SECOND INTERNAL COMPLAINT - RETALIATION Date: October 15, 2022 Actor: Jennifer Martinez Description: Martinez files second internal complaint, now alleging retaliation. Complaint details temporal connection between first complaint and subsequent adverse actions (reassignment, performance rating downgrade, PIP). This is second protected activity.

MILESTONE 7: CORROBORATING WITNESS RESIGNS Date: October 30, 2022 Actor: Sarah Chen Description: Sarah Chen, female engineer who corroborated Martinez's discrimination claims, resigns. Her resignation letter explicitly cites discriminatory treatment of women. While losing current employee witness, Chen's resignation corroborates Martinez's claims about hostile work environment.

MILESTONE 8: SUPPORTIVE MANAGER TERMINATED Date: December 15, 2023 Actor: TechCorp (terminating Rachel Thompson) Description: Rachel Thompson terminated shortly after defending Martinez and questioning fairness of PIP process. This termination (1) demonstrates pattern of retaliation against women who oppose discrimination, and (2) provides additional plaintiff/witness with retaliation claim.

**MILESTONE 9: MARTINEZ TERMINATED** Date: February 15, 2024 Actor: TechCorp / David Park  
Description: Martinez terminated allegedly for performance reasons, but termination occurs 11 months after first complaint and 4 months after second complaint. Timing and circumstances establish prima facie case of retaliation. Pretext for termination is evident from her strong performance record prior to complaints.

**MILESTONE 10: DFEH COMPLAINT FILED** Date: February 20, 2024 Actor: Jennifer Martinez  
Description: Martinez files administrative charge with California Department of Fair Employment and Housing (DFEH). This is prerequisite to filing lawsuit under FEHA. DFEH issues immediate right-to-sue letter given backlog of cases.

**MILESTONE 11: EEOC CHARGE FILED** Date: February 22, 2024 Actor: Jennifer Martinez Description: Martinez files charge with Equal Employment Opportunity Commission (EEOC) alleging Title VII violations. EEOC charge necessary prerequisite to federal lawsuit. EEOC issues right-to-sue letter after initial review.

**MILESTONE 12: FEDERAL LAWSUIT FILED** Date: March 1, 2024 Actor: Jennifer Martinez (Plaintiff)  
Description: Lawsuit filed in U.S. District Court, Northern District of California. Complaint alleges sex discrimination, retaliation, and wrongful termination. Case assigned to Judge Sarah Williams.

**MILESTONE 13: MOTION TO DISMISS FILED AND DENIED** Date: April 15, 2024 (filed) / May 30, 2024 (denied) Actor: TechCorp (filing motion) / Court (denying motion) Description: Defendants file motion to dismiss arguing claims are insufficiently pled. Motion denied. Court finds complaint adequately alleges both discrimination and retaliation claims, and temporal proximity between complaints and adverse actions supports retaliation claim.

**MILESTONE 14: DISCOVERY DISPUTE - COMPANY DIVERSITY STATISTICS** Date: July 10, 2024  
Actor: Plaintiff / Defendants Description: Major discovery dispute over Plaintiff's request for company-wide diversity statistics, hiring/promotion/termination data by gender, and compensation data. Defendants object citing relevance and burden. Court orders production, finding data relevant to pattern and practice of discrimination.

**MILESTONE 15: KEY DEPOSITIONS COMPLETED** Date: August-September 2024 Actor: Various witnesses Description: Depositions of key witnesses completed including Martinez, Park, Stevens, Wilson (HR Director), Chen, and Thompson. Depositions reveal inconsistencies in defendants' explanations for adverse actions and provide strong evidence of pretext.

**MILESTONE 16: EXPERT REPORTS EXCHANGED** Date: October 15, 2024 Actor: Both parties  
Description: Parties exchange expert witness reports. Plaintiff's expert (employment statistician) opines that Martinez's treatment was statistically inconsistent with treatment of similarly-situated male engineers. Defendants' expert (HR consultant) opines termination was consistent with company practices, but opinion undermined by contrary data.

**MILESTONE 17: MOTION FOR SUMMARY JUDGMENT DENIED** Date: November 20, 2024 Actor: Court  
Description: Defendants move for summary judgment arguing no evidence of discrimination or retaliation. Motion DENIED on all claims. Court finds genuine disputes of material fact regarding discriminatory motive and pretext. Court particularly notes timing evidence and disparate treatment evidence create jury question. Case set for trial.

**MILESTONE 18: SETTLEMENT NEGOTIATIONS FAIL** Date: December 10, 2024 Actor: Both parties  
Description: Court-ordered mediation takes place but parties unable to reach settlement. TechCorp

offers \$150,000 plus neutral reference. Martinez demands \$750,000, reinstatement, policy changes, and training. Parties' positions too far apart. Case proceeds to trial.

**MILESTONE 19: TRIAL SCHEDULED** Date: January 2025 Actor: Court Description: Trial scheduled for 2 weeks beginning January 20, 2025. Jury trial. Expected duration 10-12 trial days. Both sides filing motions in limine to exclude certain evidence.

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== PART IV: STATISTICAL AND PATTERN EVIDENCE =====  
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## **GENDER DISPARITIES AT TECHCORP:**

Engineering Department Demographics (Discovery Data): - Total Engineers: 312 employees - Female Engineers: 25 (8% - well below tech industry average of 20%) - Female Senior+ Engineers: 4 (3% of senior+ engineering roles) - Female Engineering Managers: 0 (0%)

Promotion Rates (2021-2023): - Male Engineers Promoted: 42 of 287 (14.6%) - Female Engineers Promoted: 1 of 25 (4.0%) - Statistical significance: p < 0.01 (highly significant disparity)

Termination Rates (2021-2023): - Male Engineers Terminated: 8 of 287 (2.8%) - Female Engineers Terminated: 6 of 25 (24%) - Statistical significance: p < 0.001 (extremely significant disparity) - Female engineers 8.6 times more likely to be terminated

Performance Review Disparities: - Male Engineers "Exceeds Expectations": 38% - Female Engineers "Exceeds Expectations": 12% - Male Engineers "Needs Improvement": 7% - Female Engineers "Needs Improvement": 32%

Pay Equity Analysis: - Male Senior Engineers average salary: \$195,000 - Female Senior Engineers average salary: \$172,000 - 12% pay gap after controlling for experience and education - Statistically significant at p < 0.05

## **PATTERN OF FEMALE DEPARTURES:**

Female Engineers Who Left TechCorp (2021-2023): 1. Amanda Jackson (Manager) - Resigned August 2022 citing discrimination 2. Sarah Chen (Engineer) - Resigned October 2022 citing retaliation 3. Lisa Wu (Senior Engineer) - Terminated December 2022 for "performance" 4. Rachel Thompson (Product Manager) - Terminated December 2023 for "performance" 5. Maria Gonzalez (Engineer) - Resigned January 2023 citing hostile environment 6. Jennifer Martinez (Senior Engineer) - Terminated February 2024 (Plaintiff)

Exit Interview Data: - 80% of departing female engineers cited discrimination or hostile work environment - 20% of departing male engineers cited workplace culture concerns - HR failed to investigate or address patterns raised in exit interviews

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== PART V: LEGAL ANALYSIS AND CASE STRENGTH ==  
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## **LEGAL THEORIES AND SUPPORTING EVIDENCE:**

COUNT I: SEX DISCRIMINATION (Disparate Treatment) Elements: (1) Member of protected class (female), (2) Qualified for position, (3) Adverse employment action, (4) Circumstances suggest discrimination

Evidence: - Martinez is female (protected class) - Strong performance record (2 "Exceeds" reviews, Innovation Award) proves qualification - Multiple adverse actions: reassignment, downgraded review, PIP, termination - Direct evidence: Stevens' comments about women in engineering - Comparative evidence: Male engineers with actual performance issues not placed on PIPs or terminated - Statistical evidence: Female engineers 8.6x more likely to be terminated

Strength: STRONG - Both direct and circumstantial evidence support claim

COUNT II: RETALIATION (Title VII and FEHA) Elements: (1) Protected activity, (2) Adverse employment action, (3) Causal connection

Evidence: - Two protected activities: March 2022 and October 2022 internal complaints - Multiple adverse actions: project reassignment (July 2022), downgraded review (Sept 2022), PIP (Sept 2022), termination (Feb 2024) - Causal connection: Temporal proximity (3-4 months between complaint and adverse actions) - Shifting justifications for adverse actions suggest pretext - Pattern of retaliation against other women who supported Martinez (Thompson)

Strength: VERY STRONG - Temporal proximity and pattern evidence compelling

COUNT III: WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY Elements: (1) Employer-employee relationship, (2) Termination, (3) Termination violated public policy, (4) Damages

Evidence: - Clear employment relationship and termination - Public policy: California's strong policy against employment discrimination (FEHA) - Termination violated policy by being retaliatory response to internal discrimination complaints - Damages: Lost wages, emotional distress, reputational harm

Strength: STRONG - Supported if discrimination/retaliation proven

## **DAMAGES CALCULATION:**

Economic Damages: - Back pay (Feb 2024 - Trial): ~\$150,000 (9 months @ \$16,650/month) - Front pay (estimated 2 years): \$400,000 - Lost benefits: \$35,000 - Lost stock options: \$85,000 TOTAL ECONOMIC: ~\$670,000

Non-Economic Damages: - Emotional distress: \$150,000 - \$300,000 - Reputational harm: \$50,000 - \$100,000 TOTAL NON-ECONOMIC: \$200,000 - \$400,000

Punitive Damages (if malice/oppression proven): - California allows punitive damages for FEHA violations - Employer net worth: ~\$150 million - Potential range: \$500,000 - \$2,000,000

## **TOTAL DAMAGES RANGE: \$1,370,000 - \$3,070,000**

Attorney's Fees: Prevailing plaintiff entitled to attorney's fees under Title VII and FEHA

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### **===== == PART VI: TRIAL STRATEGY == =====**

PLAINTIFF'S TRIAL NARRATIVE: "Jennifer Martinez was an exceptional engineer who received top performance reviews and a company Innovation Award. The moment she complained about discrimination, TechCorp turned on her. In less than a year, she went from award-winning employee to terminated worker—not because her performance declined, but because she spoke up. TechCorp's treatment of Ms. Martinez, and other women who supported her, sends a clear message: complain about discrimination and you'll be punished."

KEY EVIDENCE FOR TRIAL: 1. Performance reviews showing "Exceeds Expectations" before complaint, "Needs Improvement" after 2. Innovation Award received 1 month after filing complaint 3. Timeline demonstrating temporal proximity between complaints and adverse actions 4. Emails showing disparate treatment (male engineers not subject to same scrutiny) 5. Statistical data showing discriminatory patterns in terminations and promotions 6. Witness testimony from Chen, Thompson, Jackson corroborating discrimination 7. Stevens' direct statements about women engineers 8. Termination of Thompson shortly after she supported Martinez

DEFENDANT'S LIKELY DEFENSES AND COUNTERS: Defense: "Legitimate, non-discriminatory reasons for termination" Counter: Shifting explanations, pretext shown by timing and comparative evidence

Defense: "Performance actually declined" Counter: No contemporaneous documentation of performance issues; sudden decline after complaint suspicious

Defense: "PIP process was fair" Counter: Male engineers with actual performance issues not subjected to PIPs; PIP requirements were vague/subjective

Defense: "Business judgment entitled to deference" Counter: Business judgment defense does not apply where pretext for discrimination proven

WITNESSES: Plaintiff's Witnesses: - Jennifer Martinez (plaintiff) - Sarah Chen (corroborating witness, pattern evidence) - Rachel Thompson (retaliation victim, pattern evidence) - Amanda Jackson (former manager, pattern evidence) - Kevin Rodriguez (male engineer, observed discrimination) - Dr. Susan Wright (expert - employment discrimination statistics) - Dr. Patricia Kim (expert - psychological harm from workplace discrimination)

Defendant's Witnesses: - David Park (VP Engineering, decision-maker) - Michael Stevens (CTO, hostile environment evidence) - Robert Wilson (HR Director, investigation procedures) - James Harrison (CEO, company culture/policies) - John Mitchell (expert - HR consultant on employment practices)

SETTLEMENT POSTURE: Plaintiff's Position: Case has strong merits. Willing to settle for: - \$750,000 monetary payment - Written letter of apology - Neutral reference - Company policy changes (anti-retaliation training, improved investigation procedures) - Monitoring of gender diversity metrics

Current Offer: \$150,000 + neutral reference (insufficient)

TRIAL RISKS: - Jury unpredictability - Tech industry defendant may be unsympathetic in Silicon Valley  
- However, pattern evidence and temporal proximity strongly favor plaintiff - Even if discrimination claim has issues, retaliation claim is very strong

RECOMMENDATION: Proceed to trial. Settlement acceptable only if significantly improved. Case has strong likelihood of plaintiff verdict in range of \$800,000 - \$1,500,000 plus attorney's fees.

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== CONCLUSION ==  
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The Martinez v. TechCorp case presents compelling evidence of both sex discrimination and retaliation. The temporal proximity between Martinez's complaints and the adverse actions she suffered, combined with her strong performance record prior to complaining, establishes a clear pattern of retaliation. Statistical evidence showing disparate treatment of female engineers, and the pattern of female engineers departing after experiencing similar treatment, supports the discrimination claim.

This case is trial-ready. We are positioned for a favorable verdict.

**END OF FILE**