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9 Attorneys for Plaintiff,
10 California Department of Fair Employment and Housing (Fee Exempt, Gov. Code, § 6103)

11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **IN AND FOR THE COUNTY OF SANTA CLARA**

13 CALIFORNIA DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING, an agency of
14 the State of California,
15 Plaintiff,

Case No. 20CV372366

**CIVIL RIGHTS – FIRST AMENDED
COMPLAINT**

16 v.

17 CISCO SYSTEMS, INC., a California
Corporation, SUNDAR IYER, an individual;
18 RAMANA KOMPELLA, an individual,
19 Defendant.

DEMAND FOR JURY TRIAL

20
21 The California Department of Fair Employment and Housing (DFEH) brings this action against
22 Cisco Systems, Inc. (Cisco) to remedy workplace discrimination, harassment, and retaliation
23 violations at its San Jose, California corporate headquarters under the California Fair Employment
24 and Housing Act, Cal. Gov't Code § 12900, *et seq.* (FEHA). Specifically, Cisco engaged in
25 unlawful employment practices on the bases of religion, ancestry, national origin/ethnicity, and
26 race/color against Complainant Chetan Narsude (“Complainant”), and after Complainant opposed
27 such unlawful practices, Cisco retaliated against him. Cisco also failed to take all reasonable steps
28 to prevent such unlawful practices in its workplace, as required under FEHA.

1 **INTRODUCTION**

2 1. Complainant is Dalit Indian, a population once known as the “Untouchables,” who
3 are the most disadvantaged people under India’s centuries-old caste system.¹ As a strict Hindu
4 social and religious hierarchy, India’s caste system defines a person status based on their religion,
5 ancestry, national origin/ethnicity, and race/color or the caste into which they are born and will
6 remain until death.² At the bottom of the Indian hierarchy is the Dalit, typically the darkest
7 complexion caste, who were traditionally subject to untouchability practices which segregated
8 them by social custom and legal mandate. Although *de jure* segregation ended in India, lower caste
9 persons like Dalits continue to face *de facto* segregation and discrimination in all spheres.³ Not
10 only do Dalits endure the most severe inequality and unfair treatment in both the public and private
11 sectors, they are often targets of hate violence and torture. Of India s approximately 1.3 billion
12 people, about 200 million are Dalits.⁴

13 2. Unlike Complainant, most Indian immigrants in the United States are from upper
14 castes. For example, in 2003, only 1.5 percent of Indian immigrants in the United States were
15 Dalits or members of lower castes.⁵ More than 90 percent were from high or dominant castes.
16 Similarly, upon information and belief, the same is true of the Indian employees in Cisco’s
17 workforce in San Jose, California.

18 3. As alleged below, at Cisco’s San Jose headquarters, Complainant worked with a
19 team of entirely Indian employees. The team members grew-up in India and immigrated as adults

20
21 ¹ Complainant is Dalit because of his religion, ancestry, national origin/ethnicity, and race/color. The caste to
22 which someone belongs is immutable and determines their social status in traditional Indian culture. Social
23 stratification and discrimination based on caste persists in India and among those living outside India,
24 including in America. Encyclopedia Britannica, *India: Caste* (June 24, 2020),
<https://www.britannica.com/place/India/Caste> (last visited June 29, 2020).

25 ² Smita Narula, Human Rights Watch, *Caste Discrimination: A Global Concern*, Background:
26 "Untouchability" and Segregation (2001), [https://www.hrw.org/reports/2001/globalcaste/caste0801-
03.htm#P133_16342_4](https://www.hrw.org/reports/2001/globalcaste/caste0801-03.htm#P133_16342_4) (last visited June 29,2020).

27 ³ Human Rights Watch & Center for Human Rights and Global Justice at New York University School of
28 Law, *Hidden Apartheid: Caste Discrimination against India’s "Untouchables,"* at 45 (2007),
<https://www.hrw.org/reports/2007/india0207/india0207webwcover.pdf>

⁴ Office of the Registrar General & Census Commissioner, India, Ministry of Home Affairs, Government of
India, *2011 Primary Census Abstract*, <https://censusindia.gov.in/pca/default.aspx>.

⁵ Tinku Ray, *The US isn’t safe from the trauma of caste bias*, The World (Mar. 08, 2019, 9:00 AM),
<https://www.pri.org/stories/2019-03-08/us-isn-t-safe-trauma-caste-bias>.

1 to the United States. Except for Complainant, the entire team are also from the high castes in India.
2 As beneficiaries of the caste system, Complainant's higher caste supervisors and co-workers
3 imported the discriminatory system's practices into their team and Cisco's workplace.

4 4. Complainant's supervisors and co-workers, Defendants Sundar Iyer and Ramana
5 Kompella, are from India's highest castes. Because both knew Complainant is Dalit, they had
6 certain expectations for him at Cisco. Complainant was expected to accept a caste hierarchy within
7 the workplace where Complainant held the lowest status within the team and, as a result, received
8 less pay, fewer opportunities, and other inferior terms and conditions of employment because of
9 his religion, ancestry, national origin/ethnicity, and race/color. They also expected him to endure a
10 hostile work environment. When Complainant unexpectedly opposed the unlawful practices,
11 contrary to the traditional order between the Dalit and higher castes, Defendants retaliated against
12 him. Worse yet, Cisco failed to even acknowledge the unlawful nature of the conduct, nor did it
13 take any steps necessary to prevent such discrimination, harassment, and retaliation from
14 continuing in its workplace.

15 5. Not only did Cisco disregard Complainant, but also its own workforce. For decades,
16 similar to Complainant's team, Cisco's technical workforce has been and continues to be
17 predominantly South Asian Indian. According to the 2017 EEO-1 Establishment Report (EEO-1
18 Report), for example, Cisco has a significant overrepresentation of Asian employees compared to
19 other companies in the communications, equipment and manufacturing industry (NAICS 3342) in
20 the same geographic area, which is statistically significant at nearly 30 standard deviations.⁶ Such
21 overrepresentation is also present in management and professional job categories. In addition to
22 Cisco's direct workforce, Cisco also employs a significant number of South Asian Indian workers
23 through Indian-owned consulting firms. Outside of San Jose, Cisco's second largest workforce in
24 India.

25 _____
26 ⁶ 2017 EEO-1 Report for Cisco Systems, Inc. at 170 West Tasman Drive in San Jose, California. Because
27 Cisco is a federal contractor and employs 50 or more employees in California and the United States, Cisco
28 is required to file an Employer Information Report EEO-1, also known as the EEO-1 Report. The EEO-1
Report requires employers to report employment data for all employees categorized by sex, race/ethnicity,
and job category. EEOC, *EEO-1 Instruction Booklet*, <https://www.eeoc.gov/employers/eo-1-survey/eo-1-instruction-booklet> (last visited June 23, 2020).

1 or around October 9, 2018, Complainant filed an amended administrative complaint against
2 Defendants Cisco, Iyer, and Kompella. The amended administrative complaint was properly
3 served on all named responding parties on or about October 9, 2018.

4 12. DFEH investigated Complainant’s dually filed EEOC-DFEH charge and complaint
5 pursuant to California Government Code sections 12930(f) and 12963.

6 13. Pursuant to Cal. Gov’t Code § 12965(a), the DFEH convened a mandatory dispute
7 resolution session on or about February 11, 2020. Settlement discussions were unsuccessful. The
8 DFEH and Defendants entered consecutive tolling agreements to toll the statutory deadline for
9 DFEH to file a civil action to June 30, 2020.

10 14. On or about June 30, 2020, DFEH filed a civil rights complaint in the United States
11 District Court for the Northern District of California. On or about October 16, 2020, DFEH
12 voluntarily dismissed the federal civil rights action pursuant to Rule 41(a)(1) of the Federal Rules
13 of Civil Procedure.

14 15. DFEH files this state court action pursuant to the FEHA, California Government
15 Code sections 12930, subdivisions (f)(1), (h), and 12965, subdivision (a), and 28 U.S.C. section
16 1367, subdivision (d). All conditions precedent to the institution of this lawsuit have been fulfilled.
17 The amount of damages sought by this complaint exceeds the minimum jurisdictional limits of this
18 Court.

19 **PARTIES**

20 **Plaintiff California Department of Fair Employment and Housing**

21 16. Plaintiff DFEH is the agency of the State of California charged with the
22 administration, interpretation, investigation, and enforcement of the FEHA, and is expressly
23 authorized to bring this action by California Government Code sections 12930, subdivisions (f),
24 (h), and 12965, subdivision (a).

25 17. Complainant is the person claiming to be aggrieved on whose behalf the DFEH files
26 this civil action. (Cal. Gov’t Code, §§ 12965, subd. (a), 12930, subd. (f), (h).)

27 18. At all relevant times, Complainant was, and remains, an “employee” of Defendant
28 Cisco within the meaning of FEHA. (Cal. Gov’t Code, §§ 12926, subd. (c)-(d), 12940, subd. (a),

1 (j), (k).) On or around October 2015 to November 2018, Complainant worked as a Principal
2 Engineer with Cisco in Santa Clara County, California. Since on or about December 2018,
3 Complainant has worked as a Principal Engineer with Cisco in Santa Clara County, California.

4 19. At all relevant times, Complainant was, and remains, a “person” within the
5 meaning of the FEHA. (Cal. Gov’t Code, §§ 12925, subd. (d), 12940, subd. (h).)

6 **Defendant Cisco Systems, Inc.**

7 20. Defendant Cisco (EEO-1 reporting number N14137) is a leading global high-tech
8 firm founded in 1984. The company designs, manufactures, sells, and supports equipment for
9 internet-based networking. It has approximately 75,900 employees worldwide and is publicly
10 traded on NASDAQ. The firm’s EEO-1 reports places it in the communications equipment
11 manufacturing industry (NAICS 3342). Within California, Cisco employs at least 18,281
12 employees at 19 establishments in 6 different metropolitan areas, including the corporate
13 headquarters in San Jose.

14 21. At all relevant times, Defendant Cisco has continuously been and is now a
15 California Corporation doing business in the State of California and the Cities of San Jose and
16 Milpitas in Santa Clara County and has continuously had at least fifteen employees.

17 22. At all relevant times, Defendant Cisco has continuously been an employer engaged
18 in an industry affecting commerce within the meaning of California Government Code, section
19 12926, subdivision (d).

20 23. At all relevant times, Cisco contracted with and received federal and state funds
21 from the United States and California governments.

22 **Defendant Sundar Iyer**

23 24. At all relevant times, Defendant Sundar Iyer was employed by Cisco as a
24 “supervisor” within the meaning of FEHA. (Cal. Gov’t Code, § 12926, subd. (t).) DFEH is
25 informed and believes that Iyer was a Distinguished Engineer with Cisco. Public records indicate
26 Iyer resided in Palo Alto, California at the time of the events alleged herein.

1 25. At all relevant times, Defendant Iyer was the agent of Defendant Cisco and was
2 acting within the scope and authority of such agency, and Defendant Iyer is jointly and severally
3 responsible and liable to Complainant for the damages alleged.

4 **Defendant Ramana Kompella**

5 26. At all relevant times, Defendant Ramana Kompella was employed by Cisco as a
6 “supervisor” within the meaning of the FEHA. (Cal. Gov’t Code, § 12926, subd. (t).) DFEH is
7 informed and believes that Kompella was a Principal Engineer with Cisco. Public records indicate
8 Kompella resided in Cupertino, California at the time of the events alleged herein.

9 27. At all relevant times, Defendant Kompella was the agent of Defendant Cisco and
10 was acting within the scope and authority of such agency, and Defendant Kompella is jointly and
11 severally responsible and liable to Complainant for the damages alleged.

12 **STATEMENT OF CLAIMS**

13 28. Beginning in the November 1, 2016, Defendants Cisco, Iyer, and Kompella
14 engaged in unlawful employment practices, in violation of California Government Code, section §
15 12940 subdivisions (a), (j), (h), and (k). These practices include but are not limited to the practices
16 described below.

17 29. Complainant’s ancestry, national origin/ethnicity, and race/color is Dalit Indian.
18 Complainant has a darker complexion relative to other persons of non-Dalit Indian descent.
19 Complainant’s religion is Hindu. As a Dalit, he also is known as from the Untouchable or Scheduled
20 Caste.

21 30. Complainant has over 20 years of experience in the software development lifecycle
22 process at startups and established companies. In or around September 2015, Iyer recruited and
23 hired Complainant as a Principal Engineer for Cisco because of his expertise and experience. As
24 the head of the Cisco team, Iyer hired and supervised Complainant, having the authority to control
25 his day-to-day assignments, discipline, discharge, direct, and transfer Complainant. Upon
26 information and belief, Iyer is Brahmin.

27 31. In or around October 2016, two of Complainant’s colleagues told Complainant that
28 Iyer informed them that Complainant was from the “Scheduled Caste” (Dalit) and enrolled in the

1 Indian Institute of Technology (IIT) through affirmative action. Iyer was aware of Complainant's
2 caste because they attended IIT at the same time.

3 32. In or around November 1, 2016, Complainant confronted Iyer about disclosing
4 Complainant's Caste to other Cisco employees. Iyer asked Complainant who claimed he made
5 such a comment. After Complainant shared the names of his colleagues, Iyer denied the comment
6 and stated Complainant's colleagues were not telling the truth.

7 33. In or around November 21, 2016, Complainant contacted Cisco's human resources
8 (HR) and Employee Relations to file a discrimination complaint against Iyer.

9 34. Six days after Complainant's first contact with Cisco's HR and employee relations, Iyer
10 told Complainant he was taking away Complainant's role as lead on two technologies.

11 35. On or around November 28, 2016, Iyer promoted two of Complainant's colleagues to
12 head engineering roles, one of whom was Defendant Kompella. Kompella was made Head of
13 Southbound Engineering. Upon information and belief, Kompella is Brahmin or at least of a higher
14 caste than Dalit. With this new title, Defendant Kompella received a raise of approximately 15% or
15 more. As the Head of Southbound Engineering, Kompella had the ability to direct the day-to-day
16 assignments and recommend employment actions for those on his team, including Complainant.

17 36. On or around November 28, 2016, Iyer also removed team members from the third
18 technology Complainant was working on and did not formally integrate the third technology into
19 either team headed by the two new Heads of Engineering. As a result of these changes,
20 Complainant's role was reduced to that of a system architect as an independent contributor, and he
21 was isolated from all his colleagues.

22 37. On or around December 8, 2016, Complainant submitted a written complaint about
23 Iyer's disclosure of Complainant's caste, Complainant's complaint to Iyer, and Iyer's retaliatory
24 employment actions, including the sudden changes to Complainant's job duties. He also
25 complained that Iyer made discriminatory comments to a colleague and about a job applicant
26 because of the applicant's religion (Muslim).

27 38. Cisco's Employee Relations Manager, Brenda Davis, conducted the investigation
28 into Complainant's December 2016 complaint. Davis' internal investigation notes revealed that

1 Iyer admitted that he told Complainant's colleagues that Complainant was not on the "main list."
2 Among those from India, it is commonly known that students not on the main list are admitted to
3 IIT through an affirmative action program designed for those from the "Scheduled Castes" or those
4 outside the caste system. Therefore, stating that someone is not on the "main list" effectively
5 reveals their caste. Despite this, Davis took no further action and failed to even contact relevant
6 witnesses or Complainant.

7 39. Cisco Employee Relations staff, including Davis, also indicated that caste
8 discrimination was not unlawful. As a result, Davis did not recommend any corrective action
9 against Iyer. Iyer also admitted that he made a joke about Complainant's co worker's religion and
10 talked about an applicant's Muslim-related appearance. Still, Davis did not recommend any
11 corrective action. On or around February 2, 2017, Davis closed her investigation finding all of
12 Complainant's complaints were unsubstantiated.

13 40. Iyer's retaliatory efforts continued. He further isolated Complainant from the team
14 when he disparaged Complainant to other employees, misrepresented that Complainant did not
15 perform his job adequately, and told Complainant's team members that they should avoid working
16 with him.

17 41. On or around March 2, 2017, Complainant sought review of Davis' investigation
18 findings. After repeated attempts to have Cisco review Davis' findings, HR official Tara Powell
19 finally reopened the investigation on or around April 25, 2017. Powell re-interviewed one of the
20 employees to whom Iyer made the comment about Complainant's caste in or around October 2015.
21 The employee stated that he learned about Complainant's caste but refused to tell Powell how he
22 knew, noting that he did not want to say anything about Iyer because they had known each other
23 for a long time. He also stated that he thought Complainant was being treated unfairly and that he
24 was very technically able but was being excluded at work. Powell did not attempt to contact for an
25 interview the other employee who witnessed Iyer's disclosure of Complainant's caste. Two
26 additional witnesses told Powell that they feared losing their jobs or otherwise being retaliated
27 against for speaking out against Iyer. One of those employees also told Powell that he thought
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1 Complainant was very competent and asked appropriate questions, but that Iyer was setting
2 Complainant up to push him out of the company.

3 42. Powell's investigation also uncovered a spreadsheet that showed anticipated yearly
4 raises, bonuses, and restricted stock unit awards that Iyer had promised Complainant. These raises,
5 bonuses, and awards never materialized when promised. But Powell also found that four out of the
6 eight other team members received raises in or around October 2016.

7 43. In or around August 2017, Powell concluded she could not substantiate any caste-
8 based or related discrimination or retaliation against Complainant. Powell, however, determined
9 that Iyer mocked another employee's religion and thus violated Cisco's Code of Conduct. Still, no
10 immediate corrective action was taken.

11 44. Despite Complainant's repeated attempts to bring the caste-based and related
12 discrimination, harassment, and retaliation to Defendant Cisco's attention in 2016 and 2017, Cisco
13 failed to recognize casteism as a form of unlawful religion-, ancestry-, national origin/ethnicity-,
14 and race/color-based discrimination or harassment under state or federal law and failed to conduct
15 a thorough investigation. While the investigation confirmed Complainant was increasingly isolated
16 and treated unfairly by Iyer and Kompella, Cisco failed to take timely and appropriate corrective
17 action. Moreover, Cisco's training was deficient in that it did not adequately train managerial
18 employees on workplace discrimination, harassment, and retaliation, nor did the company prevent,
19 deter, remedy, or monitor casteism in its workforce.

20 45. On or around February 26, 2018, Kompella became the Interim Head of
21 Engineering for Cisco's team after Iyer stepped down. In his new role, Kompella supervised
22 Complainant and continued to discriminate, harass, and retaliate against Complainant by, for
23 example, giving him assignments that were impossible to complete under the circumstances.
24 Kompella also began requiring Complainant to submit weekly status reports to him and Senior
25 Vice President/General Manager Tom Edsall.

26 46. On or around May 21, 2018, Rajeev Gupta took over from Kompella and became
27 the Director of Engineering. In that role, Gupta supervised Complainant.

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1 47. Two months later, in or around July 2018, Complainant applied for the position of
2 Director of Research and Development Operations with Gupta. According to Gupta's interview
3 notes, he ranked Complainant as "below average" in six out of eight categories and as "meeting
4 requirements" in the remaining two categories. But Gupta's assessment of Complainant was
5 improperly influenced by Iyer's retaliatory employment actions. Gupta specifically cited
6 Complainant's lead role being taken away and his job reduced to that of an independent
7 contributor in November 2016. Gupta's notes also reflected Iyer's retaliatory criticisms about
8 Complainant's work product, social skills, and insubordination. Complainant did not get the
9 position.

10 48. The effect of the unlawful employment practices complained of above was to
11 deprive Complainant of equal employment opportunities, and otherwise adversely affect his status
12 as employees, because of religion, ancestry, national origin/ethnicity, and race/color.

13 49. The unlawful employment practices complained of above were intentional.

14 50. The unlawful employment practices complained of above were done with malice or
15 with reckless indifference to Complainant's federally and state-protected civil rights.

16 **FIRST CAUSE OF ACTION**

17 **Violation of FEHA: Discrimination on the Basis of Religion, Ancestry,**
18 **National Origin/Ethnicity, and Race/Color**
19 **(Cal. Gov't Code, § 12940, subd. (a))**
20 **Against Defendant Cisco**

21 51. The DFEH incorporates and realleges all previous allegations as if fully set forth
22 herein.

23 52. The FEHA guarantees all employees a workplace free from unlawful discrimination
24 and harassment based on the employee's religion, ancestry, national origin/ethnicity, and
25 race/color. (Cal. Gov't Code, § 12940, subd. (a).)

26 53. As alleged above, Cisco discriminated against Complainant by subjecting him to
27 disparate terms and conditions of employment based on his religion, ancestry, national
28 origin/ethnicity, and race/color. Among other actions, Cisco reassigned Complainant's job duties
and isolated him from his colleagues, denied him a raise, denied him work opportunities that

1 would have led to a raise, denied him a promotion to the Head of Engineering, and denied him a
2 promotion to the Director of Research and Development Operations.

3 54. Cisco subjected Complainant to discriminatory comments and conduct because of
4 his religion, ancestry, national origin/ethnicity, and race/color

5 55. The alleged discriminatory comments and conduct constitute unlawful
6 discrimination for which Defendant Cisco is liable under California Government Code section
7 12940, subdivision (a). 56. As a direct result of these unlawful employment practices, Complainant
8 suffered economic injuries including, but not limited to, lost wages and other compensation, in an
9 amount to be proven at trial.

10 57. As a direct result of these unlawful employment practices, Complainant suffered
11 emotional distress including, but not limited to, emotional pain, suffering, mental anguish,
12 humiliation, and hopelessness, in an amount to be proven at trial.

13 58. Defendant Cisco's actions were willful, malicious, fraudulent, and oppressive, and
14 were committed with the wrongful intent to injure Complainant and in conscious disregard of his
15 rights.

16 59. Defendant Cisco engaged in, and by its refusal to comply with the law,
17 demonstrated it will continue to engage in, the unlawful employment discrimination described
18 herein unless it is enjoined pursuant to the FEHA. Unless Defendant Cisco is enjoined from failing
19 or refusing to comply with the mandates of the FEHA, Complainant and other persons' rights to
20 seek or hold employment free of unlawful discrimination will continue to be violated.

21 60. Plaintiff DFEH lacks any plain, speedy, and adequate remedy at law to prevent such
22 harm, injury, and loss that is the subject of this complaint and will continue until this Court enjoins
23 the unlawful conduct and grants other injunctive relief as prayed for herein.

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SECOND CAUSE OF ACTION
**Violation of FEHA: Harassment on the Basis of Religion, Ancestry, National
Origin/Ethnicity, and
Race/Color**
(Cal. Gov't Code, § 12940, subd. (j))
Against All Defendants

61. The DFEH incorporates and realleges all previous allegations as if fully set forth herein.

62. The FEHA prohibits harassment based on the employee's protected characteristics including, but not limited to, their caste, which includes religion, ancestry, national origin/ethnicity, and race/color. (Cal. Gov't Code, § 12940, subd. (j).) Employers are liable for the harassment of their supervisors. (*Id.*, subd. (j)(1).) Employees and supervisors are liable for their own harassing conduct. (*Id.*, subd. (j)(3).)

63. As alleged above, as supervisors for Cisco's team, Defendants Iyer and Kompella subjected Complainant to offensive comments and other misconduct based on his caste, which includes his religion, ancestry, national origin/ethnicity, and race/color, so severe or pervasive that it created a hostile work environment. Among other things, Iyer and Kompella's comments and conduct include revealing Complainant's caste to his colleagues, disparaging him to the team, isolating him from the rest of the team, reducing his role to that of an independent contributor, giving him assignments that were impossible to complete under the circumstances, and requiring him to submit weekly status reports. Such a work environment where a stigmatizing personal characteristic such as caste is publicized and used to subjugate an individual in order to maintain a centuries-old hierarchy is hostile, intimidating, offensive, oppressive, and abusive. Other employees corroborated that Complainant was isolated from the rest of the team and that Iyer and Kompella were responsible for it. These were observations Cisco was made aware of during its internal investigations. As evidenced by Complainant's repeated internal complaints, he in fact considered the work environment to be hostile, intimidating, offensive, oppressive, and abusive.

64. As supervisors for Cisco, Defendants Iyer and Kompella subjected Complainant to offensive comments and other misconduct based on his caste, which includes his religion,

1 ancestry, national origin/ethnicity, and race/color, so severe or pervasive that it created a hostile
2 work environment.

3 65. Defendants Iyer and Kompella are individually liable for their own harassing
4 conduct in violation of the FEHA.

5 66. Because Defendants Iyer and Kompella were supervisors within the meaning of the
6 FEHA, Defendant Cisco is liable for their harassing conduct. Defendant Cisco knew or should
7 have known of the conduct as a result of Complainant's internal complaints and is liable for its
8 failure to take immediate and appropriate corrective action.

9 67. As a direct result of these unlawful employment practices, Complainant suffered
10 economic injuries including, but not limited to, lost wages and other compensation, in an amount
11 to be proven at trial.

12 68. As a direct result of these unlawful employment practices, Complainant suffered
13 emotional distress including, but not limited to, emotional pain, suffering, mental anguish,
14 humiliation, and hopelessness, in an amount to be proven at trial.

15 69. Defendant Cisco's actions were willful, malicious, fraudulent, and oppressive, and
16 were committed with the wrongful intent to injure Complainant and in conscious disregard of his
17 rights.

18 70. Defendant Cisco engaged in, and by its refusal to comply with the law,
19 demonstrated it will continue to engage in, the unlawful employment discrimination described
20 herein unless it is enjoined pursuant to the FEHA. Unless Defendant Cisco is enjoined from failing
21 or refusing to comply with the mandates of the FEHA, Complainant and other persons' rights to
22 seek or hold employment free of unlawful discrimination will continue to be violated.

23 71. Plaintiff DFEH lacks any plain, speedy, and adequate remedy at law to prevent such
24 harm, injury, and loss that is the subject of this complaint and will continue until this Court enjoins
25 the unlawful conduct and grants other injunctive relief as prayed for herein.

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THIRD CAUSE OF ACTION
Violation of FEHA: Retaliation
(Cal. Gov't Code, § 12940, subd. (h))
Against Defendant Cisco

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4 72. The DFEH incorporates and realleges all previous allegations as if fully set forth
5 herein.

6 73. California law also guarantees each employees' right to a workplace and business
7 environment free from unlawful retaliation because the employee opposed discriminatory or
8 harassing practices that are unlawful under the FEHA. Employers are liable for the retaliatory
9 conduct of supervisors. (Cal. Gov. Code, § 12940, subd. (h).)

10 74. As alleged above, as supervisors for Cisco, Defendants Iyer and Kompella retaliated
11 against Complainant for opposing their discriminatory and harassing conduct by confronting Iyer
12 and filing internal discrimination complaints. Among other things, Complainant engaged in
13 protected activity by confronting Iyer about disclosing his caste to colleagues and by repeatedly
14 trying to bring the caste-based and related discrimination and harassment to Cisco's attention.
15 Immediately afterwards, Iyer and Kompella subjected Complainant to adverse employment actions
16 including reassigning his job duties, isolating him from colleagues, giving him assignments that
17 were impossible to complete under the circumstances, denying him work opportunities that could
18 have led to a raise, denying him a raise, and denying him promotions. Cisco aided the retaliation.

19 75. As supervisors for Cisco, Defendants Iyer and Kompella retaliated against
20 Complainant for opposing their discriminatory and harassing conduct by confronting Iyer and
21 filing internal discrimination complaints and Cisco aided the retaliation.

22 76. Defendant Cisco is liable for the retaliatory conduct of Defendants Iyer and
23 Kompella.

24 77. As a direct result of these unlawful employment practices, Complainant suffered
25 economic injuries including, but not limited to, lost wages and other compensation, in an amount
26 to be proven at trial.

1 78. As a direct result of these unlawful employment practices, Complainant suffered
2 emotional distress including, but not limited to, emotional pain, suffering, mental anguish,
3 humiliation, and hopelessness, in an amount to be proven at trial.

4 79. Defendant Cisco’s actions were willful, malicious, fraudulent, and oppressive, and
5 were committed with the wrongful intent to injure Complainant and in conscious disregard of his
6 rights.

7 80. Defendant Cisco engaged in, and by its refusal to comply with the law,
8 demonstrated it will continue to engage in, the unlawful employment discrimination described
9 herein unless it is enjoined pursuant to the FEHA. Unless Defendant Cisco is enjoined from failing
10 or refusing to comply with the mandates of the FEHA, Complainant and other persons’ rights to
11 seek or hold employment free of unlawful discrimination will continue to be violated.

12 81. Plaintiff DFEH lacks any plain, speedy, and adequate remedy at law to prevent
13 such harm, injury, and loss that is the subject of this complaint and will continue until this Court
14 enjoins the unlawful conduct and grants other injunctive relief as prayed for herein.

15 **FOURTH CAUSE OF ACTION**
16 **Violation of FEHA: Failure to Take All Reasonable Steps to Prevent Discrimination,**
17 **Harassment, and Retaliation**
 (Cal. Gov’t Code, § 12940, subd. (k))
 Against Defendant Cisco

18 82. The DFEH incorporates and realleges all previous allegations as if fully set forth
19 herein.

20 83. California Government Code section 12940(k) provides that it is an unlawful
21 employment practice for an employer to fail to take all reasonable steps necessary to prevent
22 discrimination, harassment, and retaliation from occurring. Employers have the affirmative duty to
23 take all reasonable steps to prevent and promptly correct discriminatory, harassing, and retaliatory
24 conduct. (Cal. Code Regs. tit. 2, § 11023, subd. (a).) Cisco’s conduct, as described above,
25 constitutes a failure to take all reasonable steps necessary to prevent discrimination, harassment,
26 and retaliation in violation of California Government Code section 12940, subdivision (k).

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1 84. An actionable claim for violation of California Government Code section 12940(k)
2 on behalf of a complainant exists when an underlying claim of discrimination, harassment, or
3 retaliation is established. (Cal. Code Regs. tit. 2, § 11023, subd. (a)(2).)

4 85. As alleged above, Defendant Cisco failed to take all reasonable steps necessary to
5 prevent discrimination, harassment, and retaliation from occurring within its South Asian Indian
6 workforce. Among other things, Defendant Cisco failed to develop anti-discrimination and anti-
7 harassment policies and practices that recognize and prohibit caste discrimination as a form of
8 unlawful discrimination under state and federal law. Defendant Cisco also failed to provide
9 appropriate training to managers, supervisors employees, human resources, and employee relations
10 personnel on how to identify, investigate, remediate, and prevent caste-based discrimination and
11 harassment, or retaliation against employees or persons who oppose discriminatory and harassing
12 practices that are unlawful under the FEHA.

13 86. Defendant Cisco failed to prevent discrimination and harassment by its managers
14 and supervisors against Complainant because of his caste.

15 87. Defendant Cisco failed to prevent retaliation by its managers and supervisors
16 against Complainant because he opposed discriminatory and harassing practices that are unlawful
17 under the FEHA.

18 88. As a direct result of Cisco's failures, Complainant was subjected to unlawful
19 discrimination, harassment, and retaliation by Cisco's managers and supervisors, suffering
20 economic injuries including, but not limited to, lost wages and other compensation, in an amount
21 to be proven at trial.

22 89. As a direct result of Cisco's failures, Complainant was subjected to unlawful
23 discrimination, harassment, and retaliation by Cisco's managers and supervisors, suffering
24 emotional distress including, but not limited to, emotional pain, suffering, mental anguish,
25 humiliation, and hopelessness, in an amount to be proven at trial.

26 90. Defendant Cisco's actions were willful, malicious, fraudulent, and oppressive, and
27 were committed with the wrongful intent to injure Complainant and in conscious disregard of his
28 rights.

1 91. Defendant Cisco engaged in, and by its refusal to comply with the law,
2 demonstrated it will continue to engage in, the unlawful employment discrimination described
3 herein unless it is enjoined pursuant to the FEHA. Unless Defendant Cisco is enjoined from failing
4 or refusing to comply with the mandates of the FEHA, Complainant and other persons' rights to
5 seek or hold employment free of unlawful discrimination will continue to be violated.

6 92. Plaintiff DFEH lacks any plain, speedy, and adequate remedy at law to prevent such
7 harm, injury, and loss that is the subject of this complaint and will continue until this Court enjoins
8 the unlawful conduct and grants other injunctive relief as prayed for herein.

9 93. Plaintiff DFEH also seeks monetary relief for Cisco's failure to take all reasonable
10 steps to prevent harassment from occurring.

11 **FIFTH CAUSE OF ACTION**
12 **Violation of FEHA: Failure to Take All Reasonable Steps to Prevent Discrimination,**
13 **Harassment,**
14 **and Retaliation**
15 **(Cal. Gov't Code, § 12940, subd. (k); Cal. Code Regs. tit. 2, § 11023, subd. (a)(3))**
16 **On behalf of DFEH; Against Defendant Cisco**

17 94. The DFEH incorporates and realleges all previous allegations as if fully set forth
18 herein.

19 95. In an exercise of the DFEH's police powers, the DFEH may independently seek
20 additional remedies for a violation of Cal. Gov't Code § 12940(k). (Cal. Code Regs. tit. 2,
21 § 11023, subd. (a)(3).) As the agency of the State of California charged with the administration,
22 interpretation, investigation, and enforcement of FEHA, the DFEH brings this claim in the name of
23 the DFEH on behalf of all Indian persons who are or are perceived to be Dalit, of lower castes, or
24 who fall outside the caste system, who are employed by or may seek employment with Cisco in the
25 future.

26 96. As alleged above, Defendant Cisco failed to take all reasonable steps necessary to
27 prevent discrimination, harassment, and retaliation from occurring within its South Asian Indian
28 workforce. Among other things, Defendant Cisco failed to develop anti-discrimination and anti-
harassment policies and practices that recognize and prohibit caste discrimination as a form of
unlawful discrimination under state and federal law. Defendant Cisco also failed to provide

1 appropriate training to managers, supervisors employees, human resources, and employee relations
2 personnel on how to identify, investigate, remediate, and prevent caste-based discrimination and
3 harassment, or retaliation against employees or persons who oppose discriminatory and harassing
4 practices that are unlawful under the FEHA.

5 97. Cisco's failure to take any reasonable steps to prevent, deter, remedy, or monitor
6 casteism and related violations in its workforce exposes a significant portion of its South Asian
7 Indian workforce to the risk of discrimination, harassment, and retaliation on the basis of their
8 caste and related characteristics.

9 98. Defendant Cisco engaged in, and by its refusal to comply with the law,
10 demonstrated it will continue to engage in, the unlawful employment discrimination described
11 herein unless it is enjoined pursuant to the FEHA. Unless Defendant Cisco is enjoined from failing
12 or refusing to comply with the mandates of the FEHA, Complainant and other persons' rights to
13 seek or hold employment free of unlawful discrimination will continue to be violated.

14 99. Plaintiff DFEH lacks any plain, speedy, and adequate remedy at law to prevent such
15 harm, injury, and loss that is the subject of this complaint and will continue until this Court enjoins
16 the unlawful conduct and grants other injunctive relief as prayed for herein.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, the DFEH respectfully requests that this Court:

19 1. Grant a permanent injunction enjoining Defendants, their officers, agents, servants,
20 employees, attorneys, and all persons in active concert or participation with them, from engaging
21 in discrimination and harassment based on religion, ancestry, national origin/ethnicity, and
22 race/color.

23 2. Grant a permanent injunction enjoining Defendants, their officers, agents, servants,
24 employees, attorneys, and all persons in active concert or participation with them, from engaging
25 in retaliation.

26 3. Order Defendants to institute and carry out policies, practices, and programs that
27 provide equal employment opportunities for individuals regardless of their religion, ancestry,
28

1 national origin/ethnicity, and race/color, and that eradicate the effects of their past and present
2 unlawful employment practices.

3 4. Order Defendants to make Complainant whole, by providing appropriate backpay
4 with prejudgment interest, in amounts to be determined at trial, and other injunctive relief
5 necessary to eradicate the effects of Defendants' unlawful employment practices.

6 5. Order Defendants to make Complainant whole, by providing compensation for past
7 and future pecuniary losses resulting from the unlawful employment practices described herein, in
8 amounts to be determined at trial.

9 6. Order Defendants to make Complainant whole, by providing compensation for past
10 and future nonpecuniary losses resulting from the unlawful practices complained of herein,
11 including losses such as emotional pain, suffering, inconvenience, loss of enjoyment of life, and
12 humiliation, in amounts to be determined at trial.

13 7. Order Defendants to pay Complainant punitive damages for their malicious and/or
14 reckless conduct described herein, in amounts to be determined at trial.

15 8. Grant such further relief as the Court deems necessary and proper in the public
16 interest.

17 9. Award the DFEH its costs of this action, including reasonable attorneys' fees, as
18 provided by statute.

19 **JURY TRIAL DEMAND**

20 The DFEH requests a jury trial on all questions of fact raised by its complaint.

21
22 Dated: December 11, 2023

CALIFORNIA DEPARTMENT OF
FAIR EMPLOYMENT AND
HOUSING

23
24
25 By: 

26 Assistant Chief Counsel
27 Counsel for Plaintiffs