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 THOMSON REUTERS (MARKETS) LLC,  
 8 JEFFREY WALSH, and YASIR FATTAH

**ORIGINAL FILED**  
 JUN 10 2011  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 E-filing  
 LB

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

13 JUSTIN WONG,

14 Plaintiff,

15 vs.

16 THOMSON REUTERS (MARKETS) LLC,  
 17 JEFFREY WALSH, YASIR FATTAH, and  
 DOES 1 through 25,

18 Defendants.

Case No. \_\_\_\_\_

**DEFENDANT'S NOTICE OF REMOVAL  
 OF CIVIL ACTION UNDER 28 U.S.C. §  
 1332(a) AND 28 U.S.C. § 1441(b)**

20 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO PLAINTIFF JUSTIN WONG  
 21 AND TO HIS ATTORNEYS OF RECORD:

22 PLEASE TAKE NOTICE that Thomson Reuters (Markets) LLC ("TRM"), Jeffrey Walsh and  
 23 Yasir Fattah (collectively "Defendants") file this Notice of Removal. The above-entitled case is a civil  
 24 action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a) and is one that  
 25 may be properly removed to this Court pursuant to 28 U.S.C. § 1441. In compliance with 28 U.S.C. §  
 26 1446(a), Defendants assert the following grounds for removal:

27 1. On or about May 12, 2011, Plaintiff Justin Wong ("Plaintiff") commenced the  
 28 aforementioned action against Defendants by filing a Complaint for Damages in the Superior Court of

1 the State of California, County of San Francisco, entitled *Justin Wong v. Thomson Reuters (Markets)*  
2 *LLC, Jeffrey Walsh, Yasir Fattah, and Does 1 through 25*, Case No. CGC-11-510917 (hereinafter the  
3 “State Court Action”).

4 2. True and correct copies of Plaintiff’s Summons and Complaint, along with the papers  
5 which accompanied the Complaint, are attached as Exhibit A hereto.

6 3. TRM initially received the Summons and Complaint by personal service on its agent for  
7 service of process, Corporation Service Company, on May 13, 2011. Defendants Fattah and Walsh  
8 were served with the Summons and Complaint, if at all, on May 19, 2011.

9 4. On or about May 13, 2011, TRM also was served by Plaintiff’s counsel with a Notice to  
10 Plaintiff, setting a Case Management Conference. A true and correct copy of the Notice to Plaintiff is  
11 attached hereto as Exhibit B.

12 5. On or about June 9, 2011, TRM filed in the State Court its Answer to the Complaint, as  
13 required by the Cal. Code of Civil Procedure Section 431.30(d). A true and correct copy of the Answer  
14 is attached hereto as Exhibit C and is incorporated herein by this reference as if set forth in full.

15 6. Defendants have not filed, served or received any pleadings in the State Court Action  
16 other than those attached hereto as Exhibits A, B, and C.

17 7. This Notice is timely filed in that it is filed within thirty (30) days of service of the  
18 Summons and Complaint on TRM’s agent for service of process in California. *See* 28 U.S.C.  
19 § 1446(b).

20 **Removal Based on Diversity Jurisdiction**

21 8. This Court has original jurisdiction over this action under 28 U.S.C. § 1332(a)(1), and it  
22 may be removed to this Court pursuant to 28 U.S.C. § 1441(b). Specifically, this action involves  
23 citizens of different states and complete diversity (disregarding fraudulently joined defendants Fattah  
24 and Walsh). The amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs,  
25 because Plaintiff alleges that he suffered compensatory damages and emotional distress damages, lost  
26 income, and punitive damages.

27 9. Defendants are informed and believe, based upon information in TRM’s records and on  
28 the allegations in Plaintiff’s Complaint, and allege that Plaintiff was, and still is, a citizen of the State

1 of California. *See* Exh. A, Complaint, ¶ 6.

2 10. TRM is, and was at the time this lawsuit was commenced, a Delaware limited liability  
3 company with its corporate headquarters and principal place of business in the State of New York.  
4 (Declaration of Helen Stamatiadis (“Stamatiadis Dec.”), at ¶3.) TRM was not and is not a citizen of  
5 the State of California. Thus, Plaintiff is a “citizen of a State different from” TRM under the 28 U.S.C.  
6 § 1332(a).

7 11. Defendants deny that Plaintiff is entitled to any recovery in this action, and by filing this  
8 Notice of Removal, Defendants do not waive any defenses that may otherwise be available to them.  
9 Without waiving this position, Plaintiff’s Complaint alleges that he has been the victim of retaliation,  
10 harassment and discrimination based upon taking a protected family leave, and due to his association  
11 with a disabled person. He also alleges he is owed unpaid wages and related premiums and penalties.  
12 He seeks general damages, lost earnings, attorney’s fees, punitive damages, damages for emotional  
13 distress, humiliation, mental anguish and physical suffering, as well as unpaid wages and related  
14 premiums and penalties. Plaintiff’s employment was terminated in or about March 14, 2011, and at the  
15 time of his termination, Plaintiff was earning a base rate of pay equal to approximately \$30 per hour,  
16 and his annualized rate of base pay was approximately \$61,080. (Declaration of Jeffrey Walsh  
17 (“Walsh Dec.”), at ¶2.) If Plaintiff prevails on all his claims, given their nature, it is more likely than  
18 not that he will recover more than the \$75,000 monetary amount required for federal diversity  
19 jurisdiction. The amount in dispute in this matter plainly exceeds \$75,000 exclusive of interest and  
20 costs. *See* 28 U.S.C. § 1332(a).

21 12. TRM is headquartered in New York. Its high-ranking officers maintain their offices  
22 there and direct and control the operations of TRM from that place of business. (Stamatiadis Dec., at  
23 ¶3.) New York, and not California, is TRM’s principal place of business. *See, e.g., Hertz v. Friend*,  
24 130 S. Ct. 1181 (2010) (court clarifies that state where corporate headquarters is located is state which  
25 has its principal place of business).

26 13. Plaintiff has named Jeffrey Walsh and Yasir Fattah as individual defendants subject to  
27 two claims: retaliation in violation of the California Family Rights Act (“CFRA”), and harassment in  
28 violation of the California Fair Employment and Housing Act (“FEHA”) (Plaintiff’s first and fourth

1 causes of action). See Cal. Gov. Code §§ 12940(j), 12945.2. During his employment with Defendant,  
2 Jeffrey Walsh was Plaintiff's supervisor and Yasir Fattah was "Director of West Coast Operations for  
3 Defendant." Complaint, ¶¶ 2, 3. The first and fourth causes of action cannot be asserted against either  
4 individual as a matter of law, and each is therefore a "sham defendant" whose presence should be  
5 disregarded by the Court in determining diversity. The individual defendants were served, if at all, on  
6 May 19, 2011, are represented by the same counsel as Defendant, and will move to dismiss the claims  
7 against them following removal.

8 14. In determining diversity jurisdiction, the Court disregards a non-diverse party named in  
9 the state court complaint "if the non-diverse party is joined as a sham or if the joinder is fraudulent."  
10 *Plute v. Roadway Package System, Inc.*, 141 F. Supp.2d 1005, 1008 (N.D. Cal. 2001). Joinder is  
11 fraudulent where "the plaintiff fails to state a cause of action against the resident defendant, and the  
12 failure is obvious according to the settled rules of the state." *Morris v. Princess Cruises, Inc.*, 236 F.3d  
13 1061, 1067 (9th Cir. 2001). A defendant who seeks removal "is entitled to present the facts showing  
14 the joinder to be fraudulent." *McCabe v. General Foods Corp.*, 811 F.2d 1336, 1339 (9th Cir. 1987).  
15 Courts may look to the pleadings and consider evidence to determine a claim of fraudulent joinder.  
16 *Morris, supra*, 236 F.3d at 1067.

17 15. Plaintiff's joinder of defendants Fattah and Walsh is fraudulent and should be  
18 disregarded in determining whether complete diversity of citizenship exists in this action. Plaintiff  
19 brings only two claims against Walsh and Fattah, both of which fail to state claims as a matter of well-  
20 settled California law.

21 16. In his first cause of action, Plaintiff alleges that Walsh and Fattah retaliated against him  
22 for requesting family leave in violation of the CFRA. However, individual supervisors cannot be held  
23 personally liable for such purported retaliation as a matter of law. See Gov. Code Sec. 12945.2(c)(2),  
24 (l) (prohibiting retaliation by an "employer," and defining "employer" to be "any person who directly  
25 employs 50 or more persons to perform services for a wage or salary"); see also *Nazir v. United*  
26 *Airlines, Inc.*, 178 Cal.App.4th 243, 287, 100 Cal.Rptr.3d 296, 333 (2009) (supervisors not individually  
27 liable for retaliation as a matter of law); *Jones v. The Lodge at Torrey Pines*, 42 Cal.4th 1158, 72  
28 Cal.Rptr.3d 624 (2008) (same).

1           17. In his fourth cause of action, Plaintiff alleges that Walsh and Fattah harassed him in  
2 violation of the FEHA based on his associational status of having disabled parents. Complaint, ¶¶ 40-  
3 44. As a matter of California law, individual supervisors and managers may not be held liable for  
4 actions that involve the making of personnel management decisions. *Reno v. Baird*, 18 Cal. 4th 640,  
5 646-47, 76 Cal.Rptr.2d 499 (1998). “[I]ndividuals who do not themselves qualify as employers may  
6 not be sued under the FEHA for alleged discriminatory acts” because individual supervisors cannot  
7 easily avoid liability when making “necessary personnel management actions such as hiring and  
8 firing.” *Id.* Likewise, personnel decisions and the exercise of supervisory function are not actionable  
9 as harassment as a matter of law. *Janken v. GM Hughes Electronics et al.*, 46 Cal.App.4th 55, 64-65,  
10 53 Cal.Rptr.2d 741 (1996) (dismissing individuals on demurrer, and listing examples of non-actionable  
11 harassment: “firing, job or project assignments, office or work stations, promotion or demotion,  
12 performance evaluations, the provision of support, the assignment or nonassignment of supervisory  
13 functions ...”). While detailed, Plaintiff’s only alleged harassment against Walsh and Fattah consists  
14 of just such personnel actions. Complaint, ¶12 (Plaintiff criticized for taking excess time off, issued  
15 verbal warning, restricted from working premium holiday time, limited in taking vacation days); ¶14  
16 (Walsh issued Plaintiff a critical evaluation); ¶15 (Walsh relocated his workstation closer to Plaintiff’s,  
17 monitored Plaintiff’s performance, investigated Plaintiff’s recordkeeping, and refused time off); ¶17  
18 (Walsh criticized Plaintiff for excess personal calls and restricted his breaks); ¶18 (Walsh issued Wong  
19 a critical performance review and accused Wong of fraudulent record-keeping), and ¶19 (Plaintiff  
20 issued a written warning for misconduct). Because there is no harassment alleged that does not consist  
21 of personnel actions, the individual defendants cannot be personally liable for any such harassment.  
22 *See supra, Janken*, 46 CalApp.4th at 64.

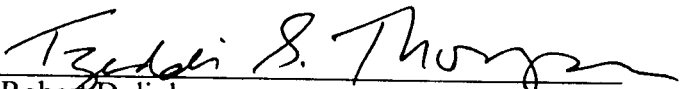
23           18. In accordance with 28 U.S.C. § 1446(d), Plaintiff, through his counsel of record, and  
24 the Clerk of the Superior Court shall be timely served with copies of this Notice of Removal.

25           For all of the foregoing reasons, Defendants respectfully submit that the State Court Action is  
26 removable to this Court under 28 U.S.C. §§ 1332(a) and 1441(b).

1  
2 WHEREFORE, Defendants Thomson Reuters (Markets), Yasir Fattah, and Jeffrey Walsh LLC  
3 pray that this action stand and remain removed from the Superior Court for the County of San  
4 Francisco to this Court.

5 DATED: June 10, 2011

NIXON PEABODY LLP

6  
7 By:   
8 Robert Dolinko  
9 Kent Jonas  
10 Tzaddi S. Thompson  
11 Attorneys for Defendants  
12 THOMSON REUTERS (MARKETS) LLC,  
13 JEFFREY WALSH, and YASIR FATTAH  
14  
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# EXHIBIT A

**SUMMONS  
(CITACION JUDICIAL)**

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**FILE COPY**

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

THOMSON REUTERS (MARKETS) LLC, JEFFREY WALSH,  
YASIR FATTAH, and DOES 1 through 25

**YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

JUSTIN WONG

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

**AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

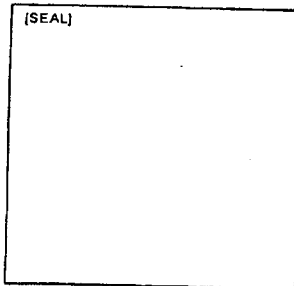
The name and address of the court is:  
(El nombre y dirección de la corte es): **San Francisco Superior Court**  
**400 McAllister Street**  
**San Francisco, CA 94102**

CASE NUMBER  
(Número del Caso): **CGC-11-510917**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
**KOCHAN & STEPHENSON, 260 California Street, Suite 803, San Francisco, CA 94111; 415.392.6200**

DATE: **MAY 12 2011** Clerk, by **P. NATI**, Deputy  
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



**NOTICE TO THE PERSON SERVED: You are served**

- 1.  as an individual defendant.
- 2.  as the person sued under the fictitious name of (specify):
- 3.  on behalf of (specify):
  - under:  CCP 416.10 (corporation)  CCP 416.60 (minor)
  - CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)
  - CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)
  - other (specify):
- 4.  by personal delivery on (date):



ENDORSED  
**FILED**  
San Francisco County Superior Court

MAY 12 2011

CLERK OF THE COURT  
BY PARAM NATT  
Deputy Clerk

1 DEBORAH KOCHAN (S.B. #152089)  
dkochan@kochanstephenson.net  
2 MATHEW STEPHENSON (S.B. #154330)  
mstephenson@kochanstephenson.net  
3 **KOCHAN & STEPHENSON**  
260 California Street, Suite 803  
4 San Francisco, California 94111  
Telephone: (415) 392-6200  
5 Facsimile: (415) 392-6242

6 Attorneys for Plaintiff,

7 JUSTIN WONG

8 **SUPERIOR COURT OF CALIFORNIA**  
9 **COUNTY OF SAN FRANCISCO**  
10 **UNLIMITED CIVIL JURISDICTION**

11 JUSTIN WONG,  
12 Plaintiff,

13 v.

14  
15 THOMSON REUTERS (MARKETS) LLC,  
16 JEFFREY WALSH, YASIR FATTAH, and  
DOES 1 through 25,  
17 Defendants.

Case No. CGC-11-510917  
COMPLAINT FOR DAMAGES

18  
19 Plaintiff alleges:

20 1. Defendant THOMSON REUTERS (MARKETS) LLC (hereafter "THOMSON  
21 REUTERS") is a corporation subject to suit under the California Fair Employment and Housing  
22 Act, Government Code section 12900 et seq. (hereafter, "FEHA"), in that Defendant is an  
23 employer who regularly employs five or more persons.

24 2. Defendant JEFFREY WALSH (hereafter "WALSH") is a person subject to suit under  
25 the California Fair Employment and Housing Act, Government Code section 12900 et seq., in  
26 that said Defendant is a natural person. WALSH was at all relevant times mentioned herein  
27 Plaintiff's supervisor.  
28

1           3. Defendant YASIR FATTAH (hereafter "FATTAH") is a person subject to suit under  
2 the California Fair Employment and Housing Act, Government Code section 12900 et seq., in  
3 that said Defendant is a natural person. FATTAH was at all relevant times mentioned herein the  
4 Director of West Coast Operations for Defendant THOMSON REUTERS.

5           4. Plaintiff is ignorant of the true names and capacities of Defendants sued herein as  
6 DOES 1 through 25, inclusive, and therefore sues these Defendants by such fictitious names.  
7 Plaintiff will amend this complaint to allege their true names and capacities when ascertained.  
8 Each of these fictitiously named Defendants is responsible in some manner for the occurrences  
9 herein alleged, and Plaintiff's injuries as herein alleged were proximately caused by the  
10 aforementioned Defendants.

11           5. Each of the Defendants was the agent and employee of each of the remaining  
12 Defendants and, in doing the things herein alleged, was acting within the course and scope of  
13 such agency and employment.

14           6. The events giving rise to Plaintiff's claims occurred in substantial part in San  
15 Francisco County.

16           7. Plaintiff JUSTIN WONG (hereafter "WONG" or "Plaintiff") is an adult man.

17           8. Plaintiff was employed as a Product Specialist by THOMSON REUTERS from  
18 approximately December 12, 2006 through approximately March 24 2011.

19           9. In each of his annual performance evaluations from his date of hire through 2009  
20 Plaintiff received satisfactory or higher ratings.

21           10. In approximately January 2010, WONG informed WALSH and FATTAH that his  
22 father was a person with physical disabilities and experiencing very serious health issues which  
23 required Plaintiff to take time off to attend to his father's medical needs.

24           11. From the date of his hire until the date of his termination, Plaintiff was continually  
25 employed by THOMSON REUTERS and had completed 1,250 hours of service in the 12-month  
26 period immediately preceding the date he was entitled to family medical care leaves of absence.  
27 Defendants failed to inform Plaintiff of his rights under the Family Medical Leave Act or the  
28

1 California Family Rights Act. Instead, Plaintiff was required to utilize his vacation time to  
2 attend to his father's medical needs.

3 12. Beginning in February 2010 WALSH and FATTAH began to criticize Plaintiff for  
4 excessive time off. On April 15, 2010 WALSH and FATTAH issued Plaintiff a documented  
5 verbal warning accusing him of abusing the THOMSON REUTERS' time off policies. Plaintiff  
6 was required to produce a doctor's note for any absences due to illness during the period April  
7 15, 2010 through July 15, 2010, a requirement to which other employees were not subjected.  
8 Plaintiff was also restricted from working any premium holiday time and limited to a single  
9 vacation day during this period and threatened with termination if he took any additional days off  
10 for any purpose. WALSH and FATTAH also began to hyperscrutinize WONG's performance  
11 and routinely criticized his work product and effort.

12 13. In approximately June 2010, upon Plaintiff's inquiry, THOMSON REUTERS first  
13 informed Plaintiff of his entitlement to family medical leave to attend to his father's medical  
14 issues.

15 14. In approximately July 2010 WALSH issued Plaintiff a Mid-Year Check-In in which  
16 he was highly critical of Plaintiff's performance.

17 15. In approximately August 2010, WONG informed Defendants that his mother had been  
18 diagnosed with terminal cancer and that he needed time off to attend to her physical disability  
19 and serious medical issues. WALSH's and FATTAH's hyperscrutiny and hypercriticism of  
20 Plaintiff escalated, which included, but is not limited to, WALSH moving his workstation to a  
21 position directly across from Plaintiff, placing Plaintiff on monitoring program whereby his calls  
22 with customers were routinely monitored by WALSH, and initiating an investigation into  
23 Plaintiff's record keeping. Additionally, WALSH required that if Plaintiff needed to take time  
24 off to attend to his parents' medical needs he must take time off in half-day increments. Further,  
25 WALSH and FATAH repeatedly refused to allow Plaintiff time off to attend to his parents'  
26 medical issues.

1 16. On approximately December 20, 2010 Plaintiff filed a complaint with the Department  
2 of Fair Employment and Housing alleging discrimination on the basis of his race (Asian) and  
3 denial of family medical leave.

4 17. On approximately January 12, 2011 WALSH criticized Plaintiff for calling his mother  
5 too frequently and restricted the frequency of his bathroom breaks, despite the fact that Plaintiff  
6 had a doctor's note explaining Plaintiff's need to use the bathroom more frequently due to stress.

7 18. On January 21, 2011 WALSH issued WONG a highly critical 2010 Performance  
8 Review in which he rated Plaintiff's performance as substandard. The Review also included  
9 allegations that WONG had engaged in fraudulent record keeping.

10 19. On January 26, 2011 WALSH and FATTAH issued Plaintiff a Written Warning for  
11 Misconduct, which was reviewed and approved by THOMSON REUTERS' Human Resources.

12 20. Despite Plaintiff's repeated complaints to Human Resources about the illegal conduct  
13 alleged herein, and requests for intervention, nothing was done to remedy the wrongful and  
14 illegal conduct. Specifically, Human Resources failed to adequately investigate Plaintiff's  
15 complaints or remedy the illegal conduct to which Plaintiff was being subjected.

16 21. On approximately March 24, 2011 Plaintiff was selected for lay off though there were  
17 other employees in his job classification who had less seniority with THOMSON REUTERS.

18 22. Throughout Plaintiff's employment he routinely worked in excess of eight hours per  
19 workday, worked in excess of forty hours per workweek, and worked seven days per week. He  
20 also typically worked through his lunch break and was not provided regular breaks during the  
21 workday. Plaintiff was not properly compensated for the above worktime.

22 23. On May 11, 2011, and within one year of the illegal conduct herein alleged, Plaintiff  
23 filed charges against Defendants with the DFEH. Copies of said charges are appended hereto,  
24 marked "Exhibit A," and are incorporated by this reference as though fully set forth.

25 24. On May 11, 2011, the DFEH issued to Plaintiff Right to Sue Notices as to the charges  
26 referenced above. Copies of said Right to Sue Notices are marked as "Exhibit B" and are  
27 incorporated herein by this reference as if fully set forth.

28

1 **FIRST CAUSE OF ACTION:**  
2 **VIOLATION OF THE CALIFORNIA FAMILY RIGHTS ACT-RETALIATION**  
3 **(All Defendants)**

4 25. Plaintiff hereby realleges paragraphs 1 through 24.

5 26. Defendants' conduct described above constitutes violations of the California Family  
6 Rights Act (CFRA) in that Plaintiff was subjected to retaliation for opposing Defendants'  
7 unlawful acts relative to the CFRA.

8 27. As a proximate result of Defendants' retaliation against Plaintiff, as alleged above,  
9 Plaintiff has been harmed in that Plaintiff has suffered the loss of wages, benefits, and additional  
10 amounts of money Plaintiff would have received if Plaintiff had not been subject to said  
11 retaliation. As a result of such retaliation and consequent harm, Plaintiff has suffered damages in  
12 an amount according to proof.

13 28. As a further proximate result of Defendants' retaliation against Plaintiff, as alleged  
14 above, Plaintiff has been harmed in that Plaintiff has suffered humiliation, mental anguish, and  
15 emotional and physical distress. As a result of such retaliation and consequent harm, Plaintiff  
16 has suffered damages in an amount according to proof.

17 29. The above-cited actions of Defendants in subjecting Plaintiff to retaliation were done  
18 with malice, fraud and/or oppression, and in reckless disregard of Plaintiff's rights under the  
19 CFRA. Specifically, Defendants engaged in the intentional retaliation alleged above and/or  
20 ratified said intentional conduct.

21 **SECOND CAUSE OF ACTION:**  
22 **VIOLATION OF THE CALIFORNIA FAMILY RIGHTS ACT-DISCRIMINATION**  
23 **(Thomson Reuters (Markets) LLP)**

24 30. Plaintiff hereby realleges paragraphs 1 through 24.

25 31. Defendant's conduct described above constitutes violations of the CFRA in that  
26 Plaintiff was subjected to discrimination for opposing Defendant's unlawful acts relative to the  
27 CFRA.

28 32. As a proximate result of Defendant's discrimination against Plaintiff, as alleged  
above, Plaintiff has been harmed in that Plaintiff has suffered the loss of wages, benefits, and  
additional amounts of money Plaintiff would have received if Plaintiff had not been subject to

1 said discrimination. As a result of such discrimination and consequent harm, Plaintiff has  
2 suffered damages in an amount according to proof.

3 33. As a further proximate result of Defendant's discrimination against Plaintiff, as  
4 alleged above, Plaintiff has been harmed in that Plaintiff has suffered humiliation, mental  
5 anguish, and emotional and physical distress. As a result of such discrimination and consequent  
6 harm, Plaintiff has suffered damages in an amount according to proof.

7 34. The above-cited actions of Defendant in subjecting Plaintiff to discrimination were  
8 done with malice, fraud and/or oppression, and in reckless disregard of Plaintiff's rights under  
9 the CFRA. Specifically, Defendant engaged in the intentional discrimination alleged above  
10 and/or ratified said intentional conduct.

11 **THIRD CAUSE OF ACTION:**  
12 **ASSOCIATIONAL DISCRIMINATION IN VIOLATION OF THE FAIR**  
13 **EMPLOYMENT AND HOUSING ACT**  
14 **(Thomson Reuters (Markets) LLP)**

15 35. Plaintiff hereby realleges paragraphs 1 through 24.

16 36. Defendant's conduct described above constitutes violations of the FEHA in that  
17 Defendant subjected Plaintiff to discrimination on account of his association with a disabled  
18 person, to wit: his disabled father and mother.

19 37. As a proximate result of Defendant's discrimination against Plaintiff, as alleged  
20 above, Plaintiff has been harmed in that Plaintiff has suffered the loss of wages, benefits, and  
21 additional amounts of money Plaintiff would have received if Plaintiff had not been subject to  
22 said discrimination. As a result of such discrimination and consequent harm, Plaintiff has  
23 suffered damages in an amount according to proof.

24 38. As a further proximate result of Defendant's discrimination against Plaintiff, as  
25 alleged above, Plaintiff has been harmed in that Plaintiff has suffered humiliation, mental  
26 anguish, and emotional and physical distress. As a result of such discrimination and consequent  
27 harm, Plaintiff has suffered damages in an amount according to proof.

28 39. The above-cited actions of Defendant in subjecting Plaintiff to discrimination were  
done with malice, fraud and/or oppression, and in reckless disregard of Plaintiff's rights under

1 the FEHA. Specifically, Defendant engaged in the intentional discrimination alleged above  
2 and/or ratified said intentional conduct.

3 **FOURTH CAUSE OF ACTION:**  
4 **HARASSMENT IN VIOLATION OF THE FAIR EMPLOYMENT AND HOUSING ACT**  
5 **(All Defendants)**

6 40. Plaintiff hereby realleges paragraphs 1 through 24.

7 41. Defendants' conduct described above constitutes unlawful harassment against Plaintiff  
8 in violation of the FEHA, on account of his association with a disabled person, to wit: his father  
9 and mother.

10 42. As a proximate result of Defendants' harassment, as alleged above, Plaintiff has been  
11 harmed in that Plaintiff has suffered the loss of wages, benefits, and additional amounts of  
12 money Plaintiff would have received if Plaintiff had not been subject to said harassment. As a  
13 result of such harassment and consequent harm, Plaintiff has suffered damages in an amount  
14 according to proof.

15 43. As a further proximate result of Defendants' harassment, as alleged above, Plaintiff  
16 has been harmed in that Plaintiff has suffered humiliation, mental anguish, and emotional and  
17 physical distress. As a result of such harassment and consequent harm, Plaintiff has suffered  
18 damages in an amount according to proof.

19 44. The above-cited actions of Defendants in subjecting Plaintiff to harassment were done  
20 with malice, fraud and/or oppression, and in reckless disregard of Plaintiff's rights under the  
21 CFRA. Specifically, Defendants engaged in the intentional harassment alleged above and/or  
22 ratified said intentional conduct.

23 **FIFTH CAUSE OF ACTION:**  
24 **VIOLATION OF THE CALIFORNIA FAMILY RIGHTS ACT – INTERFERENCE**  
25 **(Thomson Reuters (Markets) LLP)**

26 45. Plaintiff hereby realleges paragraphs 1 through 24.

27 46. Defendant's conduct described above constitutes violations of the CFRA in that  
28 Defendant interfered with Plaintiff's rights pursuant to the CFRA.

1 47. As a proximate result of Defendant's interference, as alleged above, Plaintiff has been  
2 harmed in that Plaintiff has suffered the loss of wages, benefits, and additional amounts of  
3 money Plaintiff would have received if Plaintiff had not been subject to said interference. As a  
4 result of such interference and consequent harm, Plaintiff has suffered damages in an amount  
5 according to proof.

6 48. As a further proximate result of Defendant's interference, as alleged above, Plaintiff  
7 has been harmed in that Plaintiff has suffered humiliation, mental anguish, and emotional and  
8 physical distress. As a result of such interference and consequent harm, Plaintiff has suffered  
9 damages in an amount according to proof.

10 49. The above-cited actions of Defendant in subjecting Plaintiff to interference were done  
11 with malice, fraud and/or oppression, and in reckless disregard of Plaintiff's rights under the  
12 CFRA. Specifically, Defendant engaged in the intentional interference alleged above and/or  
13 ratified said intentional conduct.

14 **SIXTH CAUSE OF ACTION:**  
15 **FAILURE TO PREVENT DISCRIMINATION, HARASSMENT AND RETALIATION**  
16 **(Thomson Reuters (Markets) LLP)**

17 50. Plaintiff hereby realleges paragraphs 1 through 24.

18 51. Defendant's conduct described above constitutes violations of the FEHA in that  
19 Defendant failed to take all reasonable steps necessary to prevent harassment, discrimination and  
20 retaliation from occurring in violation of Government Code section 12940(k).

21 52. As a proximate result of Defendant's actions against Plaintiff, as alleged above,  
22 Plaintiff has been harmed in that Plaintiff has suffered the loss of wages, benefits, and additional  
23 amounts of money Plaintiff would have received if Defendant had prevented the harassment,  
24 discrimination and retaliation described above. As a result of such failure to prevent harassment,  
25 discrimination and retaliation and consequent harm, Plaintiff has suffered damages in an amount  
26 according to proof.

27 53. As a further proximate result of Defendant's actions against Plaintiff, as alleged  
28 above, Plaintiff has been harmed in that Plaintiff has suffered humiliation, mental anguish, and



1 emotional and physical distress. As a result of such failure to prevent harassment and retaliation  
2 and consequent harm, Plaintiff has suffered damages in an amount according to proof.

3 54. The above-cited actions of Defendant in failing to prevent harassment, discrimination  
4 and retaliation were done with malice, fraud and/or oppression, and in reckless disregard of  
5 Plaintiff's rights under the FEHA. Specifically, Defendant engaged in the intentional conduct  
6 alleged above and/or ratified said intentional conduct.

7 **SEVENTH CAUSE OF ACTION:**  
8 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**  
9 **(Thomson Reuters (Markets) LLP)**

10 55. Plaintiff hereby realleges paragraphs 1 through 24.

11 56. Plaintiff was terminated in retaliation for asserting his rights under the CFRA and  
12 the FEHA and/or for complaining of Defendants' illegal conduct.

13 57. The foregoing conduct of Defendant violated this state's fundamental public policy,  
14 embodied in the FEHA and the CFRA.

15 58. The foregoing conduct of Defendant, in violation of this state's public policy, caused  
16 Plaintiff to suffer compensatory damages in the form of past and future wage loss, loss of  
17 benefits, medical expenses, physical and emotional pain, loss of self-esteem, grief, stress,  
18 anxiety, stigma, humiliation, and loss of enjoyment of life in an amount to be proven at trial.

19 59. Defendant committed the acts here alleged with malice, fraud or oppression, and with  
20 willful and conscious disregard of Plaintiff's rights, thus entitling Plaintiff to punitive damages.

21 **EIGHTH CAUSE OF ACTION:**  
22 **FAILURE TO PAY WAGES EARNED**  
23 **(Thomson Reuters (Markets) LLP)**

24 60. Plaintiff hereby realleges paragraphs 1 through 24.

25 61. California law requires that employers such as Defendant pay employees for work  
26 required, suffered, or permitted by Defendant.

27 62. Throughout the period of Plaintiff's employment, Defendant failed to pay him for all  
28 work required, suffered, or permitted by Defendant. Defendant also failed to make and keep  
accurate time records showing when Plaintiff began and ended each work period.

1 63. By failing to make and keep accurate time records showing when Plaintiff began work  
2 and ended each work period, and by failing to pay for all work required, suffered, or permitted  
3 by Defendant, Defendant violated California law.

4 **NINTH CAUSE OF ACTION:**  
5 **FAILURE TO PAY OVERTIME**  
6 **(Thomson Reuters (Markets) LLP)**

7 64. Plaintiff hereby realleges paragraphs 1 through 24.

8 65. California law requires that employers such as Defendant compensate all non-exempt  
9 employees at a rate of one and one-half (1 ½) times the regular rate of pay for work performed  
10 above eight hours in a workday or above 40 hours in a workweek, and at two (2) times the  
11 regular hourly rate for those hours worked in excess of twelve hours in a workday and for all  
12 hours worked in excess of eight hours on the seventh consecutive day in a workweek.

13 66. Plaintiff regularly worked more than eight hours in a workday and more than 40 hours  
14 per week.

15 67. Plaintiff is a non-exempt employee, and has been and is entitled to be paid overtime  
16 premium compensation for all overtime hours worked.

17 68. At all relevant times, Defendant failed and refused to pay overtime premium  
18 compensation to Plaintiff for hours worked in excess of eight hours in a workday and in excess  
19 of 40 hours per week. Defendant also failed to make and keep accurate time records showing  
20 when Plaintiff began and ended each work period.

21 69. By failing to make and keep accurate time records showing when Plaintiff began work  
22 and ended each work period, and by failing to compensate Plaintiff at a rate of one and one-half  
23 (1½) times the regular rate of pay for work performed above eight hours in a workday or above  
24 40 hours in a workweek, and at two (2) times the regular hourly rate for those hours worked in  
25 excess of twelve hours in a workday and for all hours worked in excess of eight hours on the  
26 seventh consecutive day in a workweek, Defendant violated California law.

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**TENTH CAUSE OF ACTION:  
FAILURE TO PAY WAGES FOR MEAL PERIODS  
(Thomson Reuters (Markets) LLP)**

70. Plaintiff hereby realleges paragraphs 1 through 24.

71. California law requires an employer to provide an employee with a meal period of not less than thirty minutes for any work period of more than five hours. California law also requires an employer to provide employees working more than 10 hours per day a second meal period. Except in specific circumstances not relevant here, unless the employee is relieved of all duties during the meal period, the entire period must be counted as time worked.

72. The nature of the work performed by Plaintiff was not such that prevented him from being relieved of duty during his meal periods. Nevertheless, Plaintiff was often required to work through his meal periods or was not given meal periods at all. Defendant also failed to make and keep accurate time records recording meal periods provided to Plaintiff.

73. Under California law, Defendant is obligated to pay Plaintiff who worked through a meal period or was not given a proper meal period at the rate of one hour of regular pay per violation.

**ELEVENTH CAUSE OF ACTION:  
FAILURE TO PAY WAGES FOR REST BREAK PERIODS  
(Thomson Reuters (Markets) LLP)**

74. Plaintiff hereby realleges paragraphs 1 through 24.

75. California law requires an employer to provide an employee ten minutes of "net rest time" for every four hours worked or "major fraction thereof," with the rest period to be available near the middle of the work period, insofar as is practicable. Any such rest time must be counted as hours worked. Failure to provide a proper rest break results in a penalty of one hour of pay for each day of violation.

76. Plaintiff was required to work through rest breaks or was not given rest breaks at all.

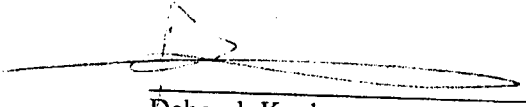
77. Under California law, Defendant is obligated to pay Plaintiff who worked through a rest break or was not provided a proper rest break for every four hours worked at the rate of one hour of regular pay per violation.

1  
2 WHEREFORE, Plaintiff prays for judgment as follows:

- 3 1. For back pay, front pay, and other monetary relief according to proof;
- 4 2. For general damages according to proof;
- 5 3. For punitive damages in an amount appropriate to punish Defendants for their
- 6 wrongful conduct and set an example for others;
- 7 4. For interest on the sum of damages awarded according to proof;
- 8 5. For unpaid wages for all hours worked;
- 9 6. For unpaid overtime premium compensation as required by California law for
- 10 overtime hours worked;
- 11 7. For compensation at the rate of one hour of regular pay for each instance in which
- 12 Plaintiff worked through a rest break or was not provided a proper rest break for
- 13 every four hours worked;
- 14 8. For compensation at the rate of one hour of regular pay for each instance in which
- 15 Plaintiff worked through a meal period or was not given a proper meal period;
- 16 9. All penalties required by California law, including but not limited to Lab. C. §§ 98.1,
- 17 200, 203, 206, 218.6, 223, 1194, 1194.2, 2699, Bus. & Prof. C. §17200 and all other
- 18 applicable authority;
- 19 10. For reasonable attorney's fees and costs, including expert witness fees, pursuant to
- 20 Gov. C. §12965(b), Lab. C. §§ 218.5, 1194, 2699, Bus. & Prof. C. §17200, and all
- 21 other applicable authority;
- 22 11. For costs of suit herein incurred; and
- 23 12. For such other and further relief as the court deems proper.

24 Dated: May 11, 2011

KOCHAN & STEPHENSON

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26  
27  
28  
  
Deborah Kochan  
Attorneys for Plaintiff

\*\*\* EMPLOYMENT \*\*\*

**COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # E201011M6067-00  
DFEH USE ONLY

**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

YOUR NAME (indicate Mr. or Ms.) WONG, JUSTIN TELEPHONE NUMBER (INCLUDE AREA CODE) (415)392-6200

ADDRESS C/O KOCHAN & STEPHENSON 260 CALIFORNIA STREET,  
SUITE 803

CITY/STATE/ZIP SAN FRANCISCO, CA 94111 COUNTY SAN FRANCISCO COUNTY CODE 075

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME THOMSON REUTERS (MARKETS) LLC TELEPHONE NUMBER (Include Area Code) (415)344-6000

ADDRESS 425 MARKET STREET DFEH USE ONLY

CITY/STATE/ZIP SAN FRANCISCO, CA 94105 COUNTY SAN FRANCISCO COUNTY CODE 075

NO. OF EMPLOYEES/MEMBERS (if known) 1000+ DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month, day, and year) 03/24/2011 RESPONDENT CODE 00

THE PARTICULARS ARE:

I allege that on about or before 03/24/2011, the following conduct occurred:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> termination                             | <input type="checkbox"/> denial of employment  | <input checked="" type="checkbox"/> denial of family or medical leave |
| <input checked="" type="checkbox"/> laid off                     | <input type="checkbox"/> denial of promotion   | <input type="checkbox"/> denial of pregnancy leave                    |
| <input type="checkbox"/> demotion                                | <input type="checkbox"/> denial of transfer  | <input type="checkbox"/> denial of equal pay                          |
| <input type="checkbox"/> harassment                              | <input type="checkbox"/> denial of accommodation                                     | <input type="checkbox"/> denial of right to wear pants                |
| <input type="checkbox"/> genetic characteristics testing         | <input checked="" type="checkbox"/> failure to prevent discrimination or retaliation | <input type="checkbox"/> denial of pregnancy accommodation            |
| <input type="checkbox"/> constructive discharge (forced to quit) | <input checked="" type="checkbox"/> retaliation                                      |   |
| <input type="checkbox"/> impermissible non-job-related inquiry   | <input checked="" type="checkbox"/> other (specify) <u>Harassment</u>                |   |

by THOMSON REUTERS (MARKETS) LLC

because of:

<input type="checkbox"/> sex	<input type="checkbox"/> national origin/ancestry	<input checked="" type="checkbox"/> disability (physical or mental)	<input type="checkbox"/> retaliation for engaging in protected activity or requesting a protected leave or accommodation
<input type="checkbox"/> age	<input type="checkbox"/> marital status	<input checked="" type="checkbox"/> medical condition (cancer or generic characteristic)	
<input type="checkbox"/> religion	<input type="checkbox"/> sexual orientation	<input checked="" type="checkbox"/> other (specify) <u>Retaliation for complaining/filing</u>	
<input type="checkbox"/> race/color	<input checked="" type="checkbox"/> association		

State of what you believe to be the reason(s) for discrimination: MR. WONG'S MANAGER, JEFFREY WALSH, AND THE DIRECTOR OF WEST COAST OPERATIONS, YASIR FATTAH, HAVE DENIED HIM LEAVE TO CARE FOR HIS ILL AND DYING PARENTS, HAVE RETALIATED AGAINST HIM FOR TAKING LEAVE TO CARE FOR HIS ILL AND DYING PARENTS, AND HAVE HARASSED HIM ON THE BASIS OF HAVING DISABLED PARENTS. FURTHER, AFTER MR. WONG COMPLAINED INTERNALLY AND WITH THE DFEH OF THIS ILLEGAL TREATMENT, HE WAS SUBJECTED TO RETALIATION FOR HAVING COMPLAINED. SAID RETALIATION INCLUDES, BUT IS NOT LIMITED TO, BEING LAID OFF.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 05/11/2011

At San Francisco

DATE FILED: 05/11/2011

DFE-H-300-03b (02/08)  
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA  


\*\*\* EMPLOYMENT \*\*\*

COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT

DFEH #

E201011M8067-00

DFEH USE ONLY

State of what you  
believe to be the  
reason(s) for  
discrimination

MR. WONG'S MANAGER, JEFFREY WALSH, AND THE DIRECTOR OF WEST COAST OPERATIONS, YASIR FATTAH, HAVE DENIED HIM LEAVE TO CARE FOR HIS ILL AND DYING PARENTS, HAVE RETALIATED AGAINST HIM FOR TAKING LEAVE TO CARE FOR HIS ILL AND DYING PARENTS, AND HAVE HARASSED HIM ON THE BASIS OF HAVING DISABLED PARENTS. FURTHER, AFTER MR. WONG COMPLAINED INTERNALLY AND WITH THE DFEH OF THIS ILLEGAL TREATMENT, HE WAS SUBJECTED TO RETALIATION FOR HAVING COMPLAINED. SAID RETALIATION INCLUDES, BUT IS NOT LIMITED TO, BEING LAID OFF.

\*\*\* EMPLOYMENT \*\*\*

COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT

DFEH # E201011M6067-01

DFEH USE ONLY

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

YOUR NAME (Indicate Mr. or Ms.)

**WONG, JUSTIN**

TELEPHONE NUMBER (INCLUDE AREA CODE)

**(415)392-6200**

ADDRESS

**C/O KOCHAN & STEPHENSON 260 CALIFORNIA STREET,  
SUITE 803**

CITY/STATE/ZIP

**SAN FRANCISCO, CA, 94111**

COUNTY

**SAN FRANCISCO**

COUNTY CODE

**075**

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME

**FATTAH, YASIR**

TELEPHONE NUMBER (Include Area Code)

**(415)344-6000**

ADDRESS

**425 MARKET STREET**

DFEH USE ONLY

CITY/STATE/ZIP

**SAN FRANCISCO, CA 94105**

COUNTY

COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)

**1000+**

DATE MOST RECENT OR CONTINUING DISCRIMINATION  
TOOK PLACE (month, day, and year)

**03/24/2011**

RESPONDENT CODE

**01**

THE PARTICULARS ARE:

I allege that on about or before  
03/24/2011, the following  
conduct occurred:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> termination                             | <input type="checkbox"/> denial of employment  | <input checked="" type="checkbox"/> denial of family or medical leave |
| <input checked="" type="checkbox"/> laid off                     | <input type="checkbox"/> denial of promotion   | <input type="checkbox"/> denial of pregnancy leave                    |
| <input type="checkbox"/> demotion                                | <input type="checkbox"/> denial of transfer  | <input type="checkbox"/> denial of equal pay                          |
| <input type="checkbox"/> harassment                              | <input type="checkbox"/> denial of accommodation                                     | <input type="checkbox"/> denial of right to wear pants                |
| <input type="checkbox"/> genetic characteristics testing         | <input checked="" type="checkbox"/> failure to prevent discrimination or retaliation | <input type="checkbox"/> denial of pregnancy accommodation            |
| <input type="checkbox"/> constructive discharge (forced to quit) | <input checked="" type="checkbox"/> retaliation                                      |   |
| <input type="checkbox"/> impermissible non-job-related inquiry   | <input checked="" type="checkbox"/> other (specify) <u>Harassment</u>                |   |

by **FATTAH, YASIR**

**DIRECTOR OF WEST COAST OPERATIONS**

because of:

- |   |  |
|---|--|
| Name of Person                                    | Job Title (supervisor/manager/personnel director/etc.)   |
| <input type="checkbox"/> sex                      | <input checked="" type="checkbox"/> disability (physical or mental)  |
| <input type="checkbox"/> age                      | <input checked="" type="checkbox"/> medical condition (cancer or genetic characteristic)                                 |
| <input type="checkbox"/> religion                 | <input type="checkbox"/> retaliation for engaging in protected activity or requesting a protected leave or accommodation |
| <input type="checkbox"/> race/color               | <input checked="" type="checkbox"/> other (specify) <u>Retaliation for complaining/filing</u>                            |
| <input type="checkbox"/> national origin/ancestry |  |
| <input type="checkbox"/> marital status           |  |
| <input type="checkbox"/> sexual orientation       |  |
| <input checked="" type="checkbox"/> association   |  |

State of what you believe to be the reason(s) for discrimination

MR. WONG'S MANAGER, JEFFREY WALSH, AND THE DIRECTOR OF WEST COAST OPERATIONS, YASIR FATTAH, HAVE DENIED HIM LEAVE TO CARE FOR HIS ILL AND DYING PARENTS, HAVE RETALIATED AGAINST HIM FOR TAKING LEAVE TO CARE FOR HIS ILL AND DYING PARENTS, AND HAVE HARASSED HIM ON THE BASIS OF HAVING DISABLED PARENTS. FURTHER, AFTER MR. WONG COMPLAINED INTERNALLY AND WITH THE DFEH OF THIS ILLEGAL TREATMENT, HE WAS SUBJECTED TO RETALIATION FOR HAVING COMPLAINED. SAID RETALIATION INCLUDES, BUT IS NOT LIMITED TO, BEING LAID OFF.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

I have not been coerced into making this request, nor do I make it based on fear of retaliation if I do not do so. I understand it is the Department of Fair Employment and Housing's policy to not process or reopen a complaint once the complaint has been closed on the basis of "Complainant Elected Court Action."

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated **05/11/2011**

At **San Francisco**

DATE FILED: **05/11/2011**

**\*\*\* EMPLOYMENT \*\*\***

**COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH #

**E201011M6067-01**

DFEH USE ONLY

State of what you  
believe to be the  
reason(s) for  
discrimination

MR. WONG'S MANAGER, JEFFREY WALSH, AND THE DIRECTOR OF WEST COAST OPERATIONS, YASIR FATTAH, HAVE DENIED HIM LEAVE TO CARE FOR HIS ILL AND DYING PARENTS, HAVE RETALIATED AGAINST HIM FOR TAKING LEAVE TO CARE FOR HIS ILL AND DYING PARENTS, AND HAVE HARASSED HIM ON THE BASIS OF HAVING DISABLED PARENTS. FURTHER, AFTER MR. WONG COMPLAINED INTERNALLY AND WITH THE DFEH OF THIS ILLEGAL TREATMENT, HE WAS SUBJECTED TO RETALIATION FOR HAVING COMPLAINED. SAID RETALIATION INCLUDES, BUT IS NOT LIMITED TO, BEING LAID OFF.



\*\*\* EMPLOYMENT \*\*\*

**COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # E201011M6067-02  
DFEH USE ONLY

**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

YOUR NAME (Indicate Mr. or Ms.) WONG, JUSTIN TELEPHONE NUMBER (INCLUDE AREA CODE):  
(415)392-6200

ADDRESS  
C/O KOCHAN & STEPHENSON 260 CALIFORNIA STREET,  
SUITE 803

CITY:STATE:ZIP SAN FRANCISCO, CA, 94111 COUNTY SAN FRANCISCO COUNTY CODE 075

NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:

NAME WALSH, JEFFREY TELEPHONE NUMBER (Include Area Code)  
(415)344-6000

ADDRESS 425 MARKET STREET DFEH USE ONLY

CITY:STATE:ZIP SAN FRANCISCO, CA 94105 COUNTY COUNTY CODE

NO. OF EMPLOYEES/MEMBERS (if known)	DATE MOST RECENT OR CONTINUING DISCRIMINATION TOOK PLACE (month, day, and year)	RESPONDENT CODE
1000+	03/24/2011	02

THE PARTICULARS ARE:

I allege that on about or before 03/24/2011, the following conduct occurred:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> termination                             | <input type="checkbox"/> denial of employment  | <input checked="" type="checkbox"/> denial of family or medical leave |
| <input checked="" type="checkbox"/> laid off                     | <input type="checkbox"/> denial of promotion   | <input type="checkbox"/> denial of pregnancy leave                    |
| <input type="checkbox"/> demotion                                | <input type="checkbox"/> denial of transfer  | <input type="checkbox"/> denial of equal pay                          |
| <input type="checkbox"/> harassment                              | <input type="checkbox"/> denial of accommodation                                     | <input type="checkbox"/> denial of right to wear pants                |
| <input type="checkbox"/> genetic characteristics testing         | <input checked="" type="checkbox"/> failure to prevent discrimination or retaliation | <input type="checkbox"/> denial of pregnancy accommodation            |
| <input type="checkbox"/> constructive discharge (forced to quit) | <input checked="" type="checkbox"/> retaliation                                      |   |
| <input type="checkbox"/> impermissible non-job-related inquiry   | <input checked="" type="checkbox"/> other (specify) <u>Harassment</u>                |   |

by WALSH, JEFFREY **MANAGER**

because of:

<input type="checkbox"/> sex	<input type="checkbox"/> national origin/ancestry	<input checked="" type="checkbox"/> disability (physical or mental)	<input type="checkbox"/> retaliation for engaging in protected activity or requesting a protected leave or accommodation
<input type="checkbox"/> age	<input type="checkbox"/> marital status	<input checked="" type="checkbox"/> medical condition (cancer or genetic characteristic)	
<input type="checkbox"/> religion	<input type="checkbox"/> sexual orientation	<input checked="" type="checkbox"/> other (specify) <u>Retaliation for complaining/filing</u>	
<input type="checkbox"/> race/color	<input checked="" type="checkbox"/> association		

State of what you believe to be the reason(s) for discrimination: MR. WONG'S MANAGER, JEFFREY WALSH, AND THE DIRECTOR OF WEST COAST OPERATIONS, YASIR FATTAH, HAVE DENIED HIM LEAVE TO CARE FOR HIS ILL AND DYING PARENTS, HAVE RETALIATED AGAINST HIM FOR TAKING LEAVE TO CARE FOR HIS ILL AND DYING PARENTS, AND HAVE HARASSED HIM ON THE BASIS OF HAVING DISABLED PARENTS. FURTHER, AFTER MR. WONG COMPLAINED INTERNALLY AND WITH THE DFEH OF THIS ILLEGAL TREATMENT, HE WAS SUBJECTED TO RETALIATION FOR HAVING COMPLAINED. SAID RETALIATION INCLUDES, BUT IS NOT LIMITED TO, BEING LAID OFF.

I wish to pursue this matter in court. I hereby request that the Department of Fair Employment and Housing provide a right-to-sue. I understand that if I want a federal notice of right-to-sue, I must visit the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of the DFEH "Notice of Case Closure," or within 300 days of the alleged discriminatory act, whichever is earlier.

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By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated 05/11/2011

At San Francisco

DATE FILED: 05/11/2011

\*\*\* EMPLOYMENT \*\*\*

COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT

DFEH #

E201011M6067-02

DFEH USE ONLY

State of what you  
believe to be the  
reason(s) for  
discrimination

MR. WONG'S MANAGER, JEFFREY WALSH, AND THE DIRECTOR OF WEST COAST OPERATIONS, YASIR FATTAH, HAVE DENIED HIM LEAVE TO CARE FOR HIS ILL AND DYING PARENTS, HAVE RETALIATED AGAINST HIM FOR TAKING LEAVE TO CARE FOR HIS ILL AND DYING PARENTS, AND HAVE HARASSED HIM ON THE BASIS OF HAVING DISABLED PARENTS. FURTHER, AFTER MR. WONG COMPLAINED INTERNALLY AND WITH THE DFEH OF THIS ILLEGAL TREATMENT, HE WAS SUBJECTED TO RETALIATION FOR HAVING COMPLAINED. SAID RETALIATION INCLUDES, BUT IS NOT LIMITED TO, BEING LAID OFF.



STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

EDMUND G. BROWN, JR., Governor

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

1515 CLAY STREET, SUITE 701, OAKLAND, CA 94612  
(510) 622-2941  
www.dfeh.ca.gov

Phyllis W. Cheng, Director

May 11, 2011

WONG, JUSTIN  
C/O KOCHAN & STEPHENSON 260 CALIFORNIA STREET,  
SUITE 803  
SAN FRANCISCO, CA 94111

RE: E201011M6067-00  
WONG/THOMSON REUTERS (MARKETS) LLC

Dear WONG, JUSTIN:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 11, 2011 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

This letter is also the 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.

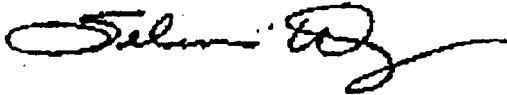
If a federal notice of Right-To-Sue is wanted, the U.S. Equal Employment Opportunity Commission (EEOC) must be visited to file a complaint within 30 days of receipt of this DFEH *Notice of Case Closure* or within 300 days of the alleged discriminatory act, whichever is earlier.

(B)

Notice of Case Closure  
Page Two

DFEH does not retain case files beyond three years after a complaint is filed, unless the case is still open at the end of the three-year period.

Sincerely,

A handwritten signature in black ink, appearing to read "Selena Wong", with a long, sweeping flourish extending to the right.

Selena Wong  
District Administrator

cc: Case File

YASIR FATTAH  
DIRECTOR OF WEST COAST OPERATIONS  
THOMSON REUTERS  
425 MARKET STREET  
SAN FRANCISCO, CA 94105



STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

EDMUND G. BROWN, JR., Governor

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

Phyllis W. Cheng, Director

1515 CLAY STREET, SUITE 701, OAKLAND, CA 94612  
(510) 822-2941  
www.dfeh.ca.gov

May 11, 2011

WONG, JUSTIN  
C/O KOCHAN & STEPHENSON 260 CALIFORNIA STREET,  
SUITE 803  
SAN FRANCISCO, CA, 94111

RE: E201011M6067-01  
WONG/EATTAH, YASIR, AS AN INDIVIDUAL

Dear WONG, JUSTIN:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 11, 2011 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

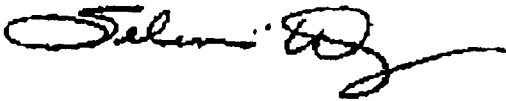
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Notice of Case Closure  
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Sincerely,

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Selena Wong  
District Administrator

cc: Case File

YASIR FATTAH  
DIRECTOR OF WEST COAST OPERATIONS  
THOMSON REUTERS  
425 MARKET STREET  
SAN FRANCISCO, CA 94105



STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

EDMUND G. BROWN, JR., Governor

**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

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(510) 622-2941  
www.dfeh.ca.gov

Phyllis W. Cheng, Director

May 11, 2011

WONG, JUSTIN  
C/O KOCHAN & STEPHENSON 260 CALIFORNIA STREET,  
SUITE 803  
SAN FRANCISCO, CA, 94111

RE: E201011M6067-02  
WONG/WALSH, JEFFREY, AS AN INDIVIDUAL

Dear WONG, JUSTIN:

**NOTICE OF CASE CLOSURE**

This letter informs that the above-referenced complaint that was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 11, 2011 because an immediate right-to-sue notice was requested. DFEH will take no further action on the complaint.

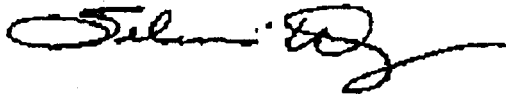
This letter is also the Right-To-Sue Notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint.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

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Selena Wong  
District Administrator

cc: Case File

YASIR FATTAH  
DIRECTOR OF WEST COAST OPERATIONS  
THOMSON REUTERS  
425 MARKET STREET  
SAN FRANCISCO, CA 94105



## EXHIBIT B

**NOTICE TO PLAINTIFF**

A Case Management Conference is set for:

**DATE: OCT-14-2011**

**TIME: 9:00AM**

**PLACE: Department 610  
400 McAllister Street  
San Francisco, CA 94102-3680**

All parties must appear and comply with Local Rule 3.

CRC 3.725 requires the filing and service of a case management statement form CM-110 no later than 15 days before the case management conference.

However, it would facilitate the issuance of a case management order **without an appearance** at the case management conference if the case management statement is filed, served and lodged in Department 610 twenty-five (25) days before the case management

Plaintiff must serve a copy of this notice upon each party to this action with the summons and complaint. Proof of service subsequently filed with this court shall so state.

**ALTERNATIVE DISPUTE RESOLUTION POLICY REQUIREMENTS**

**IT IS THE POLICY OF THE SUPERIOR COURT THAT EVERY CIVIL CASE PARTICIPATE IN EITHER MEDIATION, JUDICIAL OR NON-JUDICIAL ARBITRATION, THE EARLY SETTLEMENT PROGRAM OR SOME SUITABLE FORM OF ALTERNATIVE DISPUTE RESOLUTION PRIOR TO A MANDATORY SETTLEMENT CONFERENCE OR TRIAL.  
(SEE LOCAL RULE 4)**

Plaintiff must serve a copy of the Alternative Dispute Resolution Information Package on each defendant along with the complaint. All counsel must discuss ADR with clients and opposing counsel and provide clients with a copy of the Alternative Dispute Resolution Information Package prior to filing the Case Management Statement.

**[DEFENDANTS: Attending the Case Management Conference does not take the place of filing a written response to the complaint. You must file a written response with the court within the time limit required by law. See Summons.]**

Superior Court Alternative Dispute Resolution Coordinator  
400 McAllister Street, Room 103  
San Francisco, CA 94102  
(415) 551-3876

See Local Rules 3.6, 6.0 C and 10 D re stipulation to commissioners acting as temporary judges

# EXHIBIT C

1 ROBERT DOLINKO, CA Bar No. 076256  
rdolinko@nixonpeabody.com  
2 KENT JONAS, CA Bar No. 55001  
kjonas@nixonpeabody.com  
3 TZADDI S. THOMPSON, CA Bar No. 229018  
tsthompson@nixonpeabody.com  
4 NIXON PEABODY LLP  
One Embarcadero Center, 18th Floor  
5 San Francisco, California 94111-3600  
Tel: (415) 984-8200  
6 Fax: (415) 984-8300

7 Attorneys for Defendants  
THOMSON REUTERS (MARKETS) LLC,  
8 JEFFREY WALSH, and YASIR FATTAH

ENDORSED  
FILED  
Superior Court of California  
County of San Francisco

JUN 09 2011

CLERK OF THE COURT  
BY: ROSSALY DE LA VEGA  
Deputy Clerk

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF SAN FRANCISCO

13 JUSTIN WONG,

14 Plaintiff,

15 vs.

16 THOMSON REUTERS (MARKETS) LLC,  
JEFFREY WALSH, YASIR FATTAH, and  
17 DOES 1 through 25,

18 Defendants.

Case No. CGC-11-510917

**DEFENDANT THOMSON REUTERS  
(MARKETS) LLC'S ANSWER TO  
COMPLAINT**

Complaint Filed: May 12, 2011  
Trial Date: None set

19  
20 Defendant THOMSON REUTERS (MARKETS) LLC (hereafter also "Defendant"), for itself  
21 alone, answers the unverified Complaint ("Complaint") of Plaintiff Justin Wong ("Plaintiff"), as  
22 follows:

23 **GENERAL DENIAL**

24 Pursuant to the provisions of Section 431.30(d) of the California Code of Civil Procedure,  
25 Defendant denies generally and specifically each and every material allegation contained in Plaintiff's  
26 Complaint, and further denies that Plaintiff has sustained damages in the sum or sums alleged, or in  
27 any other sum at all, by reason of any act, breach or omission of Defendant.  
28

1 **AFFIRMATIVE DEFENSES**

2 Defendant alleges the affirmative defenses set forth herein as to each and every cause of action  
3 and claim for relief asserted in the Complaint, unless specified otherwise. By pleading these  
4 affirmative defenses, Defendant does not assume the burden of proving any fact, issue, or element of a  
5 cause of action where such burden belongs to Plaintiff. The Complaint is vague, ambiguous, indefinite  
6 and uncertain. Therefore, Defendant reserves the right to amend or supplement its affirmative defenses  
7 asserted herein, and to present evidence supportive of different and/or additional defenses, upon  
8 ascertaining the specific nature of the claims asserted by Plaintiff.

9 **FIRST AFFIRMATIVE DEFENSE**

10 Defendant alleges based on information and belief, that Plaintiff's Complaint, and each and  
11 every cause of action asserted therein, fails to state facts sufficient to constitute a cause of action  
12 against Defendant.

13 **SECOND AFFIRMATIVE DEFENSE**

14 Defendant alleges based on information and belief that the First, Second, Third, Fourth, Fifth,  
15 and Sixth Causes of Action of Plaintiff's Complaint fall outside the jurisdiction of this Court in that  
16 they concern matters not reasonably related to a charge or complaint filed by Plaintiff in a timely  
17 manner with the appropriate government agency.

18 **THIRD AFFIRMATIVE DEFENSE**

19 Defendant alleges based on information and belief, that Plaintiff's Complaint, and each and  
20 every cause of action alleged therein, is barred by the applicable statutes of limitations, including  
21 Government Code §§ 12960 and 12965, and California Code of Civil Procedure §§ 335.1 and 338.

22 **FOURTH AFFIRMATIVE DEFENSE**

23 Defendant alleges based on information and belief, that the Court has no jurisdiction over the  
24 subject matter of the First, Second, Third, Fourth, Fifth, Sixth, and Seventh Causes of Action of  
25 Plaintiff's Complaint, because Plaintiff's exclusive remedy for his purported injuries is under the  
26 California Workers' Compensation Act.

27 **FIFTH AFFIRMATIVE DEFENSE**

28 Although Defendant denies that it engaged in the conduct attributed to it in Plaintiff's

1 Complaint, if it is determined that the conduct alleged is legally attributable to Defendant, Defendant  
2 alleges based on information and belief that its conduct was based on reasonable, legitimate, and non-  
3 retaliatory reasons, and was based on a good faith belief that the conduct was justified based on facts  
4 separate and apart from any purported protected activity by Plaintiff.

5 **SIXTH AFFIRMATIVE DEFENSE**

6 Although Defendant denies that it engaged in the conduct attributed to it in Plaintiff's  
7 Complaint, if it is determined that the conduct alleged is legally attributable to Defendant, Defendant  
8 alleges based on information and belief, that the alleged conduct would have occurred for legitimate,  
9 independent reasons even if Plaintiff had not engaged in purported protected activity.

10 **SEVENTH AFFIRMATIVE DEFENSE**

11 Although Defendant denies that Plaintiff has been damaged in any way, if it should be  
12 determined that Plaintiff has been damaged, then Defendant alleges, based on information and belief,  
13 that the proximate cause of such damage was the conduct of others for which Defendant was not and is  
14 not responsible.

15 **EIGHTH AFFIRMATIVE DEFENSE**

16 Defendant alleges, based on information and belief, that Plaintiff's claims for relief are barred,  
17 or in the alternative, are offset, by Plaintiff's failure to mitigate his damages, if any, and Defendant  
18 further alleges that, to the extent any damages could have been mitigated, such sums should be  
19 deducted from any award of damages.

20 **NINTH AFFIRMATIVE DEFENSE**

21 Defendant alleges, based on information and belief, that Plaintiff's Complaint, and each and  
22 every cause of action alleged therein, is barred by the doctrines of estoppel, waiver, and/or unclean  
23 hands.

24 **TENTH AFFIRMATIVE DEFENSE**

25 Although Defendant denies that it engaged in the conduct attributed to it, Defendant alleges,  
26 upon information and belief, that it exercised reasonable care to prevent and/or respond to matters  
27 reasonably brought to its attention by Plaintiff, if any, and Plaintiff unreasonably failed to take  
28 advantage of Defendant's policies and procedures to prevent and correct harassment and discrimination

1 in the workplace, or otherwise to avoid harm.

2 **ELEVENTH AFFIRMATIVE DEFENSE**

3 Although Defendant denies that it owes any money to Plaintiff in addition to that paid to him at  
4 termination, if it should be determined that amounts are owed, Defendant alleges, based on information  
5 and belief, that at all times relevant hereto a reasonable good faith dispute existed as to whether any  
6 such amounts were owed to Plaintiff.

7 **TWELFTH AFFIRMATIVE DEFENSE**

8 Defendant alleges, upon information and belief, that the Eighth, Ninth, Tenth, and Eleventh  
9 Causes of Action of Plaintiff's Complaint are barred, in whole or in part, in that while employed by  
10 Defendant, Plaintiff was exempt from the overtime provisions of California law.

11 **THIRTEENTH AFFIRMATIVE DEFENSE**

12 Defendant alleges, upon information and belief, that the Eighth, Ninth, Tenth, and Eleventh  
13 Causes of Action of Plaintiff's Complaint are barred, in whole or in part, because Plaintiff was required  
14 to substantially comply with all of the directions of his employer concerning the services for which he  
15 was engaged, such obedience was neither impossible nor unlawful and did not impose new and  
16 unreasonable burdens upon them, and he nonetheless failed to comply.

17 **FOURTEENTH AFFIRMATIVE DEFENSE**

18 Defendant alleges, based on information and belief, that the First, Second, Third, Fourth, Fifth,  
19 Sixth, and Seventh Causes of Action Plaintiff's Complaint are barred by the after-acquired evidence  
20 doctrine.

21 WHEREFORE, Defendant prays for judgment in this action as follows:

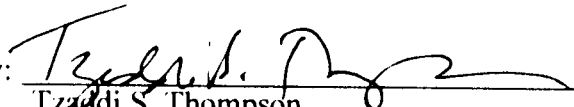
- 22 1. That the Complaint be dismissed in its entirety and with prejudice, and that Plaintiff  
23 take nothing by reason thereof;
- 24 2. That Defendant be awarded its costs of suit incurred herein;
- 25 3. That Defendant be awarded its attorneys' fees to the extent provided by law;
- 26  
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1           4.       That judgment be entered in favor of Defendant and against Plaintiff; and

2           5.       That Defendant receive such other relief as the Court deems just and proper.

3 DATED: June 9, 2011

NIXON PEABODY LLP

4  
5 By:   
6 Tzadi S. Thompson  
7 Attorneys for Defendants  
8 THOMSON REUTERS (MARKETS) LLC,  
9 JEFFREY WALSH, and YASIR FATTAH

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**PROOF OF SERVICE**

**CASE NAME:** Justin Wong v. Thomson Reuters (Markets) LLC, et al.  
**COURT:** San Francisco Superior Court  
**CASE NO.:** CGC-11-510917  
**NP FILE:** 416533.58

I, the undersigned, certify that I am employed in the City and County of San Francisco, that I am over the age of eighteen years and not a party to the within action; and that my business address is One Embarcadero Center, 18<sup>th</sup> Floor, San Francisco, CA 94111. On the date below, I served the following document(s):

**DEFENDANT THOMSON REUTERS (MARKETS) LLC'S ANSWER TO COMPLAINT**

on the parties stated below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

X : By First-Class Mail — I am readily familiar with the firm's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence is deposited with the United States Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in San Francisco, California, for mailing to the office of the addressee following ordinary business practices.

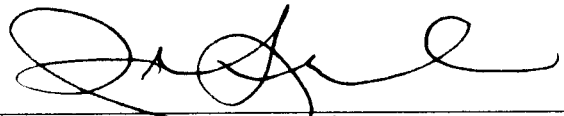
\_\_\_\_ : By Personal Service — I caused each such envelope to be given to a courier messenger to personally deliver to the office of the addressee.

\_\_\_\_ : By Overnight Courier — I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the office of the addressee on the next business day.

\_\_\_\_ : By Facsimile — From facsimile number (415) 948-8300 at approximately \_\_\_\_\_ A.M./P.M., I caused each such document to be transmitted by facsimile machine, to the parties and numbers listed below, pursuant to Rule 2008. The facsimile machine I used complied with Rule 2003(3) and no error was reported by the machine. Pursuant to Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration.

Deborah Kochan, Esq. Mathew Stephenson, Esq. KOCHAN & STEPHENSON 260 California Street, Suite 803 San Francisco, CA 94111	<i>Attorneys for Plaintiff Justin Wong</i>  T: (415) 392-6200 F: (415) 392-6242 Email: dkochan@kochanstephenson.net Email: mstephenson@kochanstephenson.net
---	--

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 9, 2011, at San Francisco, California.

  
\_\_\_\_\_  
Iris Leal / ileal@nixonpeabody.com

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**PROOF OF SERVICE**

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**COURT:** San Francisco Superior Court  
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**NP FILE:** 416533.58

I, the undersigned, certify that I am employed in the City and County of San Francisco, that I am over the age of eighteen years and not a party to the within action; and that my business address is One Embarcadero Center, 18<sup>th</sup> Floor, San Francisco, CA 94111. On the date below, I served the following document(s):

**DEFENDANT'S NOTICE OF REMOVAL OF CIVIL ACTION UNDER 28 U.S.C. § 1332(A)  
AND 28 U.S.C. § 1441(b)**

on the parties stated below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

X : By First-Class Mail — I am readily familiar with the firm's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence is deposited with the United States Postal Service on the same day as collected, with first-class postage thereon fully prepaid, in San Francisco, California, for mailing to the office of the addressee following ordinary business practices.

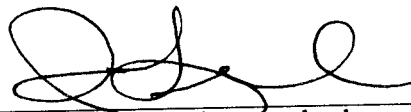
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Deborah Kochan, Esq. Mathew Stephenson, Esq. KOCHAN & STEPHENSON 260 California Street, Suite 803 San Francisco, CA 94111	<i>Attorneys for Plaintiff Justin Wong</i> T: (415) 392-6200 F: (415) 392-6242 Email: dkochan@kochanstephenson.net Email: mstephenson@kochanstephenson.net
---	--

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 10, 2011, at San Francisco, California.



Iris Leal / ileal@mixonpeabody.com