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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

OCT 22 2012

BY Martina Carrillo
MARTINA CARRILLO, DEPUTY

BY FAX

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA - COUNTY OF SAN BERNARDINO

~~FONTANA~~ DISTRICT
CENTRAL

10 JEFFREY GOODWIN,

11 Plaintiff,

12 vs.

13 RAYTHEON COMPANY; and DOES 1 to 10,

14 Defendants.

) Case No. CIVDS 1210997
)
) **COMPLAINT FOR DAMAGES FOR**
) **RETALIATION IN EMPLOYMENT**
) **AND RELATED CLAIMS**
)
) Unlimited Jurisdiction
) Jury Trial Demanded
)
) Judge: To be assigned
) Dept: To be assigned
)
) Complaint Filed: October ____, 2012
) Trial Date: None Set
) #435-121022-0192 m
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1 COMES NOW Plaintiff JEFFREY GOODWIN ("Plaintiff") and for his causes of action against
2 Defendant RAYTHEON COMPANY ("Employer"); and DOES 1 to 10, alleges as follows:

3 **I.**

SUBJECT MATTER JURISDICTION

4 1. This action is brought pursuant to the California Labor Code §§ 1102.5 and
5 1102.6; Civ. Code § 3294; Govt. Code § 12940; and state tort law.

6 2. Plaintiff has exhausted Plaintiff's administrative remedies with respect to the
7 named defendant. True and correct copies of Plaintiff's administrative complaint to, and Right-To-
8 Sue Notice from, the California Department of Fair Employment And Housing are attached hereto
9 as Exhibit "1" and incorporated by this reference in this complaint as though set forth in full.

10 3. This Court has subject matter jurisdiction over the causes of action alleged in
11 this complaint.

12 **II.**

PERSONAL JURISDICTION AND VENUE

13 4. At all relevant times JEFFREY GOODWIN is and was an individual residing
14 in the County of San Bernardino, State of California.

15 5. At all relevant times Defendant RAYTHEON COMPANY ("Employer") is
16 and was a corporation organized under the laws of the State of Delaware, authorized to do and
17 doing business in the State of California, County of San Bernardino.

18 6. The true names and capacities of the Defendants named herein as DOES 1 to
19 10, inclusive, whether individual, proprietorship, partnership, corporate, associate, alter ego, or
20 otherwise, are unknown to Plaintiff who therefore sues such Defendants by fictitious names
21 pursuant to California Code of Civil Procedure Section 474. Plaintiff will amend this complaint to
22 show such true names and capacities when they have been determined.

23 7. The violations of law described in this complaint have been committed within
24 the County of San Bernardino, State of California.

25 8. Pursuant to section 393 of the California Code of Civil Procedure, the County
of San Bernardino is a proper and legal venue for this case.

9. The wrongful conduct of Employer set forth in the General Allegations and
various Causes of Action proximately caused Plaintiff to suffer damages, injuries, loss and/or harm,
including but not limited to physical, mental and emotional injuries and distress, pain and suffering,
lost wages and benefits and health care expenses, and other general, special and statutory damages
in amounts to be proven.

1 III.

2 GENERAL ALLEGATIONS

3 10. Plaintiff Jeffrey Goodwin ("Plaintiff") was employed by Defendant Raytheon
4 Company ("Employer") from approximately August 2011 through his termination on or about April
5 19, 2012. Plaintiff worked at Employer's location in Afghanistan and from his home in San
6 Bernardino, California. Plaintiff's job title was "Logistics Manager 1." He worked under managers
7 and supervisors including Field Operations Directorate David Lytell ("Field Operations Directorate
8 Lytell"). At all relevant times Plaintiff performed his duties competently and satisfactorily.

9 11. In or about late October 2011, Plaintiff expressed to Manager John Shepherd
10 ("Mgr. Shepherd") concerns over safety violations such as violations of government regulation by
11 Mgr. Robert Sandidge and Mgr. Luis Fuentes due to unsafely taking the same route and leaving the
12 base in a patterned manner, and Plaintiff's worries regarding the lack of armed escorts. The day
13 following Plaintiff's complaint, Mgr. Shepherd requested Plaintiff meet with him and at this
14 meeting Plaintiff received a warning letter. Mgr. Shepherd instructed Plaintiff to follow instructions
15 given to him by Mgr. Sandidge, effectively instructing Plaintiff to violate government regulations.
16 Employer's demands would have violated statutes and/or regulations including but not limited to
17 10 USC § 2409 (gross mismanagement, gross waste, danger to public health or safety, or violation of
18 law).

19 12. On or about October 26, 2011, Plaintiff reported to Employer's International
20 Human Resources Manager Warvairv ("HR Mgr. Warvairv") that it had been reported to him by co-
21 workers that Mgr. Fuentes was engaged in a sexual relationship with a subordinate, a violation of
22 Defendant's fraternizing policy. Plaintiff also reported to HR Mgr. Warvairv his concerns about
23 safety that he expressed to Mgr. Shepherd, including Mgr. Sandidge and Mgr. Fuentes unsafely
24 taking the same route, leaving the base in a patterned manner, and the lack of armed escorts. HR
25 Mgr. Warvairv responded to Plaintiff's e-mail report and stated that she would send the message to
Human Resources Representative Diane Walker ("HR Rep. Walker").

21 13. In or about late October 2011, as a result of Plaintiff's reports to Human
22 Resources Mgr. Fuentes, Mgr. Sandidge, and Mgr. Shepherd continued to distribute amongst
23 themselves all incoming employees, resulting in Plaintiff being short-staffed. Plaintiff was
24 repeatedly left out of discussions regarding employees and supplies. Plaintiff's difficulty receiving
25 staff and supplies become noticeably worse after Plaintiff made complaints to International HR
Mgr. Warvairv.

14 14. In or about early October 2011, an email was sent to all employees with the

1 exclusion of Plaintiff notifying them of an investigation into misconduct. During this time Plaintiff
2 was told by several employees that they had been approached by Mgr. Sandidge during dinner and
3 were told in words or substance by Mgr. Sandidge, "I know who the snitches are and I'm going to
4 get rid of them." Plaintiff began receiving tasks that could not reasonably be completed in the time
5 he was given to accomplish them in retaliation for Plaintiff's reporting regulatory, including safety,
6 violations. Plaintiff reported to HR. Mgr. Warvairv the retaliatory treatment in the workplace
7 directed at him, and a site-wide rumor that Mgr. Sandidge threatened to be at Depot 2, the formal
8 name of Plaintiff's worksite, to intimidate Plaintiff.

9 15. Approximately two days later, Plaintiff saw Mgr. Sandidge arrive at Depot 2.
10 Plaintiff left Depot 2 and returned to camp where he contacted International HR. Rep. Walker and
11 informed her that Mgr. Sandidge was at Depot 2. Mgr. Sandidge began asking irrelevant questions
12 to Plaintiff's direct reports regarding Afghan decrees and unfairly and excessively picking on
13 Plaintiff's workers bating Plaintiff into a confrontation. Plaintiff indicated that he did not feel safe
14 to return unless Mgr. Sandidge departed.

15 16. Plaintiff was told by International HR Mgr. Walker to contact Senior
16 Manager Wendell Bradshaw ("Senior Mgr. Bradshaw"). Plaintiff contacted Senior Mgr. Bradshaw
17 and was told to remain at camp. Plaintiff returned to Depot 2 once he was informed that Mgr.
18 Sandidge on the same day. Plaintiff communicated again with HR Mgr. Warvairv at a later time
19 and requested that he be allowed to return to the United States until HR had completed its
20 investigation into the complaints that he had filed with HR as Plaintiff did not want to participate in
21 the illegal activity. Plaintiff's request was granted.

22 17. On or about late October 2011, Plaintiff returned to the United States and
23 visited Employer's corporate headquarters where a meeting was held with Plaintiff, HR. Rep.
24 Walker, HR. Rep. Arnold, Senior Mgr. Bradshaw. The subject of the meeting was to review the
25 investigation held by Defendants into the matter of Mgr. Fuentes' sexual relationship with a
subordinate, safety violations, and mismanagement in the ranks. The conclusion was that the claims
of an affair were unsubstantiated and that corrective action in the form of training would take place
to combat the issues with management. Plaintiff stated he felt the investigation was improperly
conducted and advised that training would not address the core issues involved.

18. In or about December 2011, Plaintiff contacted Raytheon's Ethics
Department via email. Plaintiff discussed the matters leading up to the investigation and the
investigation itself, so that Plaintiff could return to a work environment in Afghanistan that was not
in violation of government regulations. In response, Plaintiff received a reply from Garth Chandler

1 ("Mr. Chandler") of the Ethics Department who informed Plaintiff that the matter would be looked
2 into.

3 19. In or about February 2012, Plaintiff received another correspondence from
4 Mr. Chandler informing Plaintiff that an investigation was taking place. Mr. Chandler reviewed
5 Plaintiff's allegations with Plaintiff and informed Plaintiff that any disciplinary actions that resulted
6 from the investigation were confidential and Plaintiff would not be briefed.

7 20. In or about early March 2012, Plaintiff had a phone conversation with Field
8 Operations Directorate David Lytell and HR. Rep Arnold. Plaintiff was told that he was wanted
9 back in Afghanistan and would be placed in the armory upon his return. Plaintiff was told that his
10 previous position had been filled.

11 21. On or about March 26, 2012, Plaintiff returned to Afghanistan and learned
12 that Mgr. Sandidge had been replaced by In-Country Mgr. Jerry Brown ("In-Country Mgr.
13 Brown"). In-Country Mgr. Brown was at the airport awaiting Plaintiff's return. While on their way
14 to the worksite, In-Country Mgr. Brown described an incident he had the previous day with
15 Plaintiff's direct report Terry LNU and stated in words or substance, "He's a big black guy who
16 wants to do what he wants." Plaintiff is African-American and was offended by the remark. Plaintiff
17 filed a formal complaint against In-county Mgr. Brown with HR Rep. Walker.

18 22. On or about March 27, 2012, Plaintiff was in the armory when former Mgr.
19 Sandidge approached Plaintiff's Deputy Armory Mgr. LNU and began speaking with him about
20 whether Plaintiff was "properly" taking care of the armory, seemingly fishing for pretexts upon
21 which to retaliate against Plaintiff for Plaintiff's safety/regulatory complaints. Plaintiff approached
22 Former Mgr. Sandidge and told him that the armory was in proper care. Former Mgr. Sandidge
23 questioned Plaintiff's ability to run the armory. Later that day, Plaintiff emailed Field Operations
24 Directorate Lytell to inform him that there were no changes at the jobsite despite promises made to
25 Plaintiff by both Field Operations Directorate Lytell and HR Rep Arnold in the November 6, 2011
meeting such as no safety improvements, no changes in travel routes, no armed guards, and
continued violations of the same government regulations.

26 23. In or about late March 2012, Plaintiff was concerned that the armory position
27 would require more frequent communication with the individuals against whom Plaintiff had made
28 his initial reports leading up to his withdrawal from Afghanistan. Field Operations Directorate
29 Lytell told Plaintiff that if Plaintiff rejected the armory position he would be terminated for
30 abandonment.

31 24. In or about late March 2012, Plaintiff learned that Defendant had until

1 approximately April 20, 2012, to amend incorrect armory figures (weapons count) that Defendant
2 had provided to the U.S. government. Mgr. Shepherd instructed Plaintiff that Plaintiff would need
3 to go to the U.S. briefing and explain the situation. Plaintiff responded that he did not work in the
4 armory at the time the incorrect figures were provided to the U.S. Government and that he was
5 under legal obligation to inform the government if there was any erroneous or misleading
6 information regarding the inventory figures. Based on the condition of the armory upon Plaintiff's
7 return and his initial assessment thereof Plaintiff found it difficult to believe that proper armory
8 count figures were provided to the U.S. government. The U.S. Government's, and Plaintiff's, stated
9 concerns communicated to Employer were that it would have been physically improbable for
10 Raytheon to physically count so many weapons in such widely scattered locations requiring
11 carefully (slowly) traversing dangerous areas to accomplish the counts (almost a millions items), in
12 two months, and Employer promised too much to the U.S. Government in its contract. Another
13 stated concern was that the counts seemed high, more consistent with an ideal preservation of
14 weapons, as opposed to the reality of weapons commonly disappearing. Jimmy Carver, who
15 worked for U.S. Government as an auditor (oversight) making sure Employer was in compliance
16 with the contract, confirmed with Plaintiff that Employer was sending erroneous numbers and
17 fraudulently making promises to Employer such as providing cold weather jackets to more complex
18 issues such as Employer's covenant to certify/train employees before being deployed to
19 Afghanistan. Plaintiff expressed concerns to HR Rep Arnold about the armory's reconciliation of
20 inventory, safety concerns, and fraud citing specifically that inventoried items were found next to
21 items that were never opened. Employer's demands to falsify documents to the U.S. Government
22 would have violated statutes and/or regulations including but not limited to California Civil Code §
23 1572 (fraud); 31 USC §§ 3729-3733 (false or fraudulent claim or statement to the Government); and
24 the False Claims Act 31 USC §§ 3729-33 (fraud in governmental programs).

25 25. In or about early April 2012, Plaintiff reported by email to Department of
Defense Inspector General (Fraud, Waste, and Abuse Department Employer's falsification of
documents to the U.S. Government and P's refusal to participate in such activity.

26 26. On or about March 30, 2012, Plaintiff again complained of gross safety
concerns after Plaintiff was asked to have his employees travel when safety conditions were clearly
understood to be "red," unsafe for travel – particularly by civilian contractors. Plaintiff refused the
instruction believing it to directly contradict safety regulations. Employer's demands would have
violated statutes and/or regulations including but not limited to 10 USC § 2409 (gross
mismanagement, gross waste, danger to public health or safety, or violation of law). On or about

1 April 1, 2012, Plaintiff again told HR Rep Arnold that he was not going to participate in the
2 unlawful practice of leaving the work site and that Plaintiff would remain in his camp until
3 Employer could assure compliance with government regulations. HR Rep Arnold, on behalf of
4 Employer, retaliated by stating that Plaintiff would not be paid for his 'time off' on the pretext that
5 Plaintiff's contract did not provide for "sick days" or "holidays," even though neither of those were
involved.

6 27. On or about April 4, 2012, Plaintiff returned to the United States because of
7 Employer's continued violations. Plaintiff requested to go back to the U.S. because he refused to
8 fraudulently mislead the U.S. Government, continued safety concerns and violations, and
9 Employer's continued refusal to correct its illegal conduct. A few days later, a meeting was held
10 between himself and HR. Rep. Arnold. Plaintiff was informed that he was being suspended without
11 pay while Defendant investigated Plaintiff's complaint against in-Country Mgr. Brown. On or
12 about April 19, 2012, Plaintiff was terminated from his employment in retaliation for his complaints
13 of regulatory and statutory violations and also his opposition to racial remarks by a supervisor about
14 a co-worker.

15 28. Employer discriminated and retaliated against Plaintiff based upon Plaintiff's
16 refusal to engage in unlawful conduct. Employer's discriminatory and/or retaliatory adverse
17 employment actions against Plaintiff included excessive and unfair criticism, nitpicking and
18 excessive "supervision," removal of responsibilities, less desirable schedule and pay, reduced
19 opportunity for advancement, assignment to menial and difficult tasks, failure and refusal to stop
20 the discrimination and/or retaliation, denial of training and otherwise discriminating against
21 Plaintiff in the terms and conditions and existence of Plaintiff's employment, and finally
22 terminating, and thereafter refusing to reinstate, Plaintiff's employment.

23 29. As the proximate result of Defendant's wrongful conduct, Plaintiff has and
24 will suffer past and future lost wages and benefits in an amount to be determined by the trier of fact,
25 but estimated to be no less than \$100,000. As the proximate result of Defendant's wrongful
conduct, Plaintiff has and will suffer emotional distress damages in an amount to be determined in
the discretion of the trier of fact, but estimated to be no less than \$100,000.

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1 IV.

2 CAUSES OF ACTION

3 FIRST CAUSE OF ACTION

4 RETALIATION FOR REFUSING TO PARTICIPATE IN, AND REPORTING TO A
5 GOVERNMENT AGENCY, EMPLOYER'S CONDUCT VIOLATING STATUTES OR
6 REGULATIONS

7 Labor Code §§ 1102.5 & 1102.6

8 By Plaintiff against Employer

9 22. Plaintiff realleges and incorporates in this cause of action all numbered
10 paragraphs above that precede the title block for the "First Cause of Action."

11 30. Plaintiff refused to participate in and reported to a government agency
12 Employer's activities that would result in a violation of, or noncompliance with, state or federal
13 laws and/or regulations, including but not limited to California Civil Code § 1572 (fraud); 31 USC
14 §§ 3729-3733 (false or fraudulent claim or statement to the Government); 10 USC § 2409 (gross
15 mismanagement, gross waste, danger to public health or safety, or violation of law); and the False
16 Claims Act 31 USC §§ 3729-33 (defraud governmental programs).

17 23. Employer subjected Plaintiff to adverse employment actions in retaliation for
18 Plaintiff's protected activities, in violation of Labor Code §§ 1102.5 & 1102.6.

19 24. The protected activity of Plaintiff was a motivating factor for the adverse
20 employment decisions and actions by Employer.

21 25. Defendant's wrongful conduct proximately caused Plaintiff to suffer general,
22 special and statutory damages in an amount to be proven, and \$10,000 per violation under CC §
23 1102.5. Plaintiff has been required to hire attorney Geoffrey Lyon of Lyon Law and is entitled to
24 recover reasonable attorney fees. Plaintiff is entitled to injunctive relief including reinstatement and
25 back pay and promotion without discrimination or retaliation.

26 Pursuant to Civil Code § 3294, Employer's wrongful conduct was malicious,
27 oppressive, fraudulent, despicable and not to be tolerated by civilized society and was known,
28 authorized, ratified and/or perpetrated by its managing agents, entitling Plaintiff to an award of
29 punitive and exemplary damages in an amount to be proven.

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SECOND CAUSE OF ACTION
ASSOCIATION DISCRIMINATION BASED UPON RACE/COLOR
-DISPARATE TREATMENT
Govt. Code § 12940(a)
By Plaintiff against Employer

27. Plaintiff realleges and incorporates in this cause of action all numbered paragraphs above that precede the title block for the "First Cause of Action."

28. Plaintiff associated with and/or asserted the rights of employees other than Plaintiff to be free from RACE/COLOR: AFRICAN-AMERICAN/BLACK discrimination, harassment and/or retaliation. Employer associated Plaintiff with other employees in those groups against whom Employer discriminated.

29. Employer knew and had reason to know of the discrimination because: Employer and Employer's managing agents were the ones perpetrating it.

30. As the proximate result of Employer's perception of Plaintiff's association with those in the protected classes, Employer discriminated against Plaintiff in the terms, conditions and existence of Plaintiff's employment in violation of Govt. Code § 12940, including subsection (a).

31. Plaintiff has been required to hire attorney Geoffrey Lyon of Lyon Law, PC and is entitled to recover reasonable attorney fees. Plaintiff is entitled to injunctive relief including reinstatement and back pay and promotion without discrimination or retaliation.

32. Pursuant to Civil Code § 3294, Employer's wrongful conduct was malicious, oppressive, fraudulent, despicable and not to be tolerated by civilized society and was known, authorized, ratified and/or perpetrated by its managing agents, entitling Plaintiff to an award of punitive and exemplary damages in an amount to be proven.

THIRD CAUSE OF ACTION
RETALIATION FOR OPPOSING VIOLATIONS OF GOVT. CODE PART 2.8
(FEHA; GOVT. CODE §§ 12900-12996)
Govt. Code § 12940(h)
By Plaintiff Against Employer

33. Plaintiff realleges and incorporates in this cause of action all numbered paragraphs above that precede the title block for the "First Cause of Action."

34. Employer retaliated against Plaintiff in the terms, conditions and existence of Plaintiff's employment after Plaintiff exercised and attempted to exercise her FEHA rights and after

1 Plaintiff opposed practices of Employer forbidden by FEHA, Govt. Code §§ 12900-12996,
2 including but not limited to Govt. Code §§ 12940 (discrimination), see Govt. Code 12920, 12926,
3 12946, 12948. Employer's retaliation violated Govt. Code § 12940, including subsection (h).

4 35. Defendant's wrongful conduct proximately caused Plaintiff to suffer general,
5 special and statutory damages in an amount to be proven. Plaintiff has been required to hire
6 attorney Geoffrey Lyon of Lyon Law and is entitled to recover reasonable attorney fees.

7 36. Pursuant to Civil Code § 3294, Employer's wrongful conduct was malicious,
8 oppressive, fraudulent, despicable and not to be tolerated by civilized society and was known,
9 authorized, ratified and/or perpetrated by its managing agents, entitling Plaintiff to an award of
10 punitive and exemplary damages in an amount to be proven.

11 **FOURTH CAUSE OF ACTION**

12 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICIES**

13 **Common Law Tort**

14 **By Plaintiff against Employer**

15 37. Plaintiff realleges and incorporates in this cause of action all numbered
16 paragraphs above that precede the title block for the "First Cause of Action."

17 38. Employer discharged Plaintiff in violation of important and well-established
18 public policies, set forth in various statutes and Constitutional provisions including but not limited
19 to Govt. Code § 12940 (discrimination); Cal. Labor Code § 1102.5 (refusal to participate in
20 unlawful conduct); California Civil Code § 1572 (fraud); 31 USC §§ 3729-3733 (false or
21 fraudulent claim or statement to the Government); 10 USC § 2409 (gross mismanagement, gross
22 waste, danger to public health or safety, or violation of law); and the False Claims Act 31 USC §§
23 3729-33 (defraud governmental programs).

24 39. Employer's wrongful conduct proximately caused Plaintiff to suffer general
25 and special damages in an amount to be proven.

40. Employer's wrongful conduct was malicious, oppressive, fraudulent,
despicable and not to be tolerated by civilized society and was known, authorized, ratified and/or
perpetrated by its managing agents, officers or directors, entitling Plaintiff to an award of punitive
and exemplary damages in an amount to be proven.

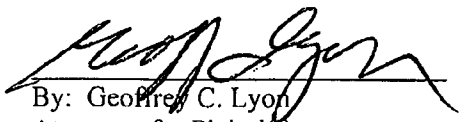
PRAYER FOR RELIEF

WHEREFORE Plaintiff prays for relief on Plaintiff's causes of action as more
specifically set forth in the individual causes of action:

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1. For special compensatory damages, including lost wages estimated to be no less than \$100,000;
2. For general compensatory damages, including emotional distress estimated to be no less than \$100,000;
3. For statutory damages and penalties;
4. For exemplary and punitive damages;
5. For injunctive relief.
6. For reasonable attorneys' fees;
7. For costs of suit;
8. For such other and further relief as the court deems just and proper.

DATED: October 17, 2012 LYON LAW PC

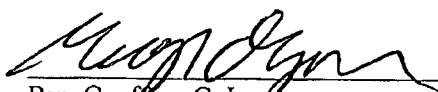

By: Geoffrey C. Lyon
Attorneys for Plaintiff,
JEFFREY GOODWIN

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DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues in this action triable by a jury, including but not limited to issues of liability and damages.

DATED: October 17, 2012 LYON LAW PC



By: Geoffrey C. Lyon
Attorneys for Plaintiff,
JEFFREY GOODWIN