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FILED

Superior Court Of California,
Sacramento

10/28/2019

mwhitaker

Case Number:

34-2019-00267786

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10 **SUPERIOR COURT OF CALIFORNIA**
11 **FOR THE COUNTY OF SACRAMENTO**

12
13 AYANA SUYUNSHALIYEVA,

14
15 Plaintiff,

16
17 vs.

18
19 USKO EXPRESS, INC., a California
Corporation; DOES 1 to 20, inclusive,

20
21 Defendants

Case No.

COMPLAINT FOR DAMAGES:

1. Sexual Harassment in Violation of Cal. Gov't Code § 12940(a) & (j);
2. Failure to Take All Reasonable Steps to Prevent Sexual Harassment in Violation of Cal. Gov't Code § 12940(k);
3. Wrongful Termination in Violation of Public Policy.

JURY TRIAL DEMANDED

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

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

6 Ayana Suyunshaliyeva

DFEH No. 202012-11979803

7 Complainant,

8 vs.

9 Andrey Rassikhin
 3902 Annadale Lane, #95
 Sacramento, California 95821

10 Respondents

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

14 2.

15 3. Complainant **Ayana Suyunshaliyeva**, resides in the City of **Sacramento**, State of
16 **California**.

17 4. Complainant alleges that on or about **September 18, 2019**, respondent took the
18 following adverse actions:

19 **Complainant was harassed** because of complainant's sex/gender, sexual harassment-
20 hostile environment, sexual harassment- quid pro quo.

21 **Complainant was discriminated against** because of complainant's sex/gender, marital
22 status, sexual harassment- hostile environment, sexual harassment- quid pro quo and as a
23 result of the discrimination was terminated, forced to quit, reprimanded, demoted, asked
24 impermissible non-job-related questions, denied or forced to transfer.

25 **Complainant experienced retaliation** because complainant reported or resisted any form
26 of discrimination or harassment and as a result was terminated, forced to quit, demoted,
27 asked impermissible non-job-related questions, denied any employment benefit or privilege,
28 denied work opportunities or assignments.

Additional Complaint Details: Claimant was hired by Respondent USKO Express, Inc.
("Respondent") in or about November 2018 as a personal assistant reporting to Andrey
Rassikhin, the Safety Manager for Respondent USKO Express.

1 request. Rassikhin began telling her again how much he loved her. He approached her closely,
2 saying that she could leave if she wanted, but in fact he was blocking her ability to leave by backing
3 her against a wall. She attempted to push him away, but Rassikhin overpowered her and took
4 Plaintiff into his bedroom, pushed her onto his bed, and sexually assaulted her again.

5 17. Following this second sexual assault, Rassikhin continued harassing and threatening
6 Plaintiff at work by asking her to go out with him again, telling her he looked for her in the parking
7 lot after work, and threatening to fire her. He also continued to engage in the same threatening and
8 intimidating behavior by touching her, blocking her way, and walking close behind her.

9 18. Plaintiff endured this behavior for several months out of fear and intimidation before
10 finally sharing what occurred with a counselor, and then with a manager at her workplace. After she
11 reported all these events to USKO, a manager for USKO, Alex, spoke with Plaintiff following her
12 complaint and told her that she would be subjected to a lie detector test, and if she was lying about
13 what happened she would be fired. He also told her that this was a "secret," and that she would be in
14 jail instead of Rassikhin if she is lying. Plaintiff cried and offered to show text messages from
15 Rassikhin, but Alex refused to look at them.

16 19. Plaintiff also told another manager, Victoria, and the CEO of USKO, Vlad Skots at
17 Victoria's direction. Plaintiff requested time off (for counseling due to the sexual assaults), but
18 Skots sent an email indicating that he had a problem with the time off requests. Thus, Plaintiff had
19 no support from USKO's management, even after reporting sexual assaults at the hands of her direct
20 supervisor.
21

22 20. After the company's despicable response to her reporting sexual assault by her
23 supervisor, Plaintiff had no choice but to stop reporting to work. Plaintiff was constructively
24 terminated on or about September 18, 2019 because Rassikhin remained employed by Defendant and
25 Plaintiff reasonably believed that she was in danger due to USKO's failure to protect her in the
26 workplace and provide a workplace free from sexual harassment.

27 21. Plaintiff is informed and believes, and based thereon alleges, that Rassikhin had similarly
28 harassed another young female employee in the same position prior to Plaintiff, and that person had

1 Rassikhin had communicated to Claimant through Facebook messenger and encouraged
her to apply for the position at Respondent.

2 Even before he hired Claimant, Rassikhin began grooming her. For example, he stated to
Claimant "If I hire you, everything we talk about has to be confidential." He also asked
3 Claimant if she "lived alone," prior to interviewing her. He told her that he would try to get her
hired as his personal assistant, but he expected "loyalty" in return.

4 Shortly after Claimant began working for USKO, Rassikhin began asking Claimant to go out
with him after work. Initially he stated that he just wanted to get to know Claimant better
5 because they were working together, but within a month of Claimant beginning work,
Rassikhin began telling Claimant that he liked her and indicating that he was interested in
6 her romantically.

7 Rassikhin shared with Claimant that he was lonely since he was no longer with his ex-wife,
that he liked Claimant, and that he wanted to see her more. These conversations occurred
8 at work, but also after work and on text messages, all while Claimant reported to Rassikhin
as her direct supervisor.

9 Claimant consistently rebuffed Rassikhin's advances, although she did agree on a few
occasions to meet Rassikhin after work. Although Claimant had a long-time boyfriend at the
10 time, and was not interested in Rassikhin romantically, she understood that her job
depended on her acquiescing to Rassikhin's requests. Claimant felt very pressured by
11 Rassikhin's constant begging and was scared that she would lose her job if she refused.
Rassikhin also retaliated against Claimant by assigning her extra work and being rude
12 toward her when she turned down his invitations to go out.

13 By early December 2018, Rassikhin was asking Claimant out and telling her he liked her
every day. Rassikhin began telling Claimant that he loved her, that he was lonely, and that
14 he wanted to be with her. Rassikhin also frequently touched Claimant, blocked her way
when she was walking, or walked very closely behind her in an attempt to intimidate her.
15 Rassikhin continued this behavior through December, but Claimant believed she could not
report Rassikhin's behavior because he was her manager and she would lose her job.

16 During this time, Rassikhin also stalked Claimant by showing up or driving by her home and
her boyfriend's home on multiple occasions. One on occasion, Rassikhin threatened to
17 shoot Claimant's boyfriend when he saw Claimant had received a text message from her
boyfriend.

18 In early January 2019, Claimant went to Rassikhin's apartment at his request. Rassikhin
approached Claimant and began hugging and touching her. Claimant attempted to push
19 Rassikhin away, but he forced her into the bedroom and onto his bed, all while continuing to
tell her not to push him away, and that he loved her. Rassikhin is much stronger than
20 Claimant and Claimant was unable to get away. Rassikhin then sexually assaulted
Claimant. Afterwards, Rassikhin forced Claimant to take a shower, and began telling her
21 repeatedly that he loved her and that they would always be together.

22 Claimant still did not feel she could tell anyone about what had happened because
Rassikhin began to threaten her, telling her he could replace her with someone else, and
23 also that he would tell her boyfriend and her mother what had happened. He said that her
boyfriend would never accept her after this had happened. Claimant and her boyfriend had
24 been together for several years, and they had never engaged in sex. At the time of
Rassikhin's sexual assault, Claimant was still a virgin. Rassikhin told Claimant that she had
25 to remain with him now because she had been a virgin. Rassikhin also threatened to hurt
Claimant's boyfriend physically if she told anyone what had happened.

1 Rassikhin continued to further manipulate Claimant by apologizing, telling her he still wanted
2 to be friends, and that he was very lonely. Rassikhin told Claimant to watch a movie called
3 "Only Mine," in which a woman is stalked and eventually shot and left for dead by a former
4 boyfriend. Rassikhin told Claimant that he thought he was like the man in this movie, and
5 that he was scared what he might do. Claimant took this as a threat from Rassikhin that he
6 would harm her if she told anyone what had happened.

7 Claimant was afraid of Rassikhin and felt she had to continue to see him occasionally
8 because Rassikhin began to be even more aggressive in his statements to her. Because of
9 this, a short time after the first sexual assault, Claimant again went to Rassikhin's apartment
10 at Rassikhin's request. Rassikhin began telling her again how much he loved her. He
11 approached her closely, saying that she could leave if she wanted, but in fact he was
12 blocking her ability to leave by backing her against a wall. She attempted to push him away,
13 but Rassikhin overpowered her and took Claimant into his bedroom, pushed her onto his
14 bed, and sexually assaulted her again.

15 Following this second sexual assault, Rassikhin continued harassing and threatening
16 Claimant at work by asking her to go out with him again, telling her he looked for her in the
17 parking lot after work, and threatening to fire her. He also continued to engage in the same
18 threatening and intimidating behavior by touching her, blocking her way, and walking close
19 behind her.

20 Claimant endured this behavior for several months out of fear and intimidation before finally
21 sharing what occurred with a counselor, and then with a manager at her workplace. After
22 she reported all these events to USKO, a manager for USKO, Alex, spoke with Claimant
23 following her complaint and told her that she would be subjected to a lie detector test, and if
24 she was lying about what happened she would be fired. He also told her that this was a
25 "secret," and that she would be in jail instead of Rassikhin if she is lying. Claimant cried and
26 offered to show text messages from Rassikhin, but Alex refused to look at them.

27 Claimant also told another manager, Victoria, and the CEO of USKO, Vlad Skots at
28 Victoria's direction. Claimant requested time off (for counseling due to the sexual assaults),
but Skots sent an email indicating that he had a problem with the time off requests. Thus,
Claimant had no support from USKO's management, even after reporting sexual assaults at
the hands of her direct supervisor.

After the company's despicable response to her reporting sexual assault by her supervisor,
Claimant had no choice but to stop reporting to work. Claimant was constructively
terminated on or about September 18, 2019 because Rassikhin remained employed by
Respondent and Claimant reasonably believed that she was in danger due to Respondent's
failure to protect her in the workplace and provide a workplace free from sexual harassment.
Claimant is informed and believes, and based thereon alleges, that Rassikhin had similarly
harassed another young female employee in the same position prior to Claimant, and that
person had reported the harassment to a manager for Respondent. However, nothing was
done in response to this complaint and the employee had been threatened by the manager
and told she would be fired and no one else would hire her.