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F I L E D

Clerk of the Superior Court

APR 16 2010 4:12

By: S. KLAIS, Deputy

6 Attorneys for Plaintiff,
7 **LISA LAKE-CAMPBELL**

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 SAN DIEGO JUDICIAL DISTRICT

10 LISA LAKE-CAMPBELL, individual

11 Plaintiff,

12 v.

13 MCGRAW-HILL BROADCASTING COMPANY,
14 INC., a corporation, KGTV CHANNEL 10, and
15 unknown business entity, SEAN KENNEDY, an
16 individual, and DOES 1 through 25, Inclusive,

Defendants.

) Case No. 37-2009-00088294-CU-OE-CTL

) **DECLARATION OF LISA LAKE IN**
) **OPPOSITION TO DEFENDANTS'**
) **MOTION FOR SUMMARY**
) **JUDGMENT AND/OR SUMMARY**
) **ADJUDICATION OF THE ISSUES**

17
18 I, LISA LAKE, declare as follows:

- 19 1. I am the Plaintiff in the above entitled manner. I am over the age of eighteen years old
20 and make this declaration based upon my own personal knowledge and if called upon as a
21 witness, I could and would testify to the facts set forth below.
- 22 2. I am an African American female. I began my employment with 10News in on or around
23 January 1991 as a tape coordinator. In approximately 1995, I was promoted to co-anchor
24 the morning newscast with Bill Griffith. Mr. Griffith and I were both assigned co-
25 anchors at the same time. I held that position until on or about May 9, 2008 when
26 10News demoted me to reporter. Throughout my employment, including at the time of
27 my demotion, I had always performed my job very competently, and took pride in my
28 position with 10News. 10News never informed me, during my employment, that I was

1 not competently doing my job, or that I needed to change the way I performed my job
2 duties. In fact, I was often told that viewers called in and expressed their pleasure with
3 how I co-anchored the morning newscast.

4 3. While I co-anchored the morning newscast with Bill Griffith, it came to my attention that
5 10News paid Mr. Griffith a considerably higher wage than me. This was true even at the
6 end of our 13-year run together. I thought that it was unfair that Mr. Griffith received a
7 high salary than I did, especially in light of the fact that we shared the same exact
8 responsibilities for the entire 13 years.

9 4. During my employment Sean Kennedy, my supervisor, used inappropriate and highly
10 offensive language toward me. Mr. Kennedy, on numerous occasions, referred to me as
11 "bitch." Mr. Kennedy would say, "You look hot, bitch," "That's hot, bitch," and "You
12 look sexy, bitch." I was not flattered by Mr. Kennedy's statements. In fact, I found his
13 statements to be highly offensive and inappropriate for the workplace. When Mr.
14 Kennedy called me "bitch", I felt demeaned and humiliated, and it created a work
15 environment where I felt the need to avoid him, and constantly worried I would face more
16 harassment. This caused me severe stress and anxiety.

17 5. The last instance of Mr. Kennedy calling me "bitch" happened in the first two weeks of
18 May 2008, which I remember because it was within my final two weeks of employment
19 with 10News. On this occasion, Mr. Kennedy told me, "Come on bitch, sign your
20 contract and let's go shopping." At the time I had my deposition taken, I could not
21 specifically recall each instance that Mr. Kennedy called me "bitch". However, after
22 reviewing James Quinones' deposition, an individual who was present when Mr.
23 Kennedy made this statement to me, I recalled the exact conversation. The conversation
24 concerned my dissatisfaction with 10News failing to honor the automatic renewal of my
25 contract. When Mr. Kennedy made this statement to me, I was offended by it and felt it
26 was very inappropriate.

27 6. My very last employment contract with 10News covered January 15, 2005 to January 14,
28 2008. I did not have any part in drafting this contract; rather, 10News presented me with

1 the contract in its final form to sign. Under the contract, I understood that 10News had
2 the ability not to renew my contract at its choice, but if it did so, it must provide me with
3 notice of that intent no later than on or about November 15, 2006; that date was 60 days
4 prior to the second anniversary of the agreement. 10News never provided me with notice
5 on, before, or after November 15, 2006. Therefore, for the remainder of my contract, I
6 operated with the understanding that my contract would automatically renew for three
7 additional years on or about January 14, 2008. A few months prior to the end of my
8 contract, 10News informed me that my contract was under the radar, which I believed
9 meant they were going to get around to having me sign a contract of the same terms, for
10 three additional years. At all times I believed that the contract would be a three-year deal
11 with identical responsibilities to my previous contract. However, 10News never renewed
12 my contract, and offered me only an at-will contract, while it offered Caucasian
13 employees contracts for definite terms.

14 7. In or around August 2007, I attended the National Association of Black Journalists
15 (NABJ) convention with Gary Brown, the station manager at that time. While at that
16 conference, Mr. Brown made what I considered to be, very degrading and racially
17 discriminatory remarks. Mr. Brown stated, "You can't find a star in a place like this,"
18 and "You're not going to find a star here." I was highly offended by both of these
19 comments, and believed that Mr. Brown's statements projected a dislike and negative
20 feelings for African Americans. I understood his statements to mean that 10News would
21 not even consider hiring a qualified candidate that was African American, simply on the
22 basis of their race. I was disgusted and offended by Mr. Brown's comments.

23 8. Also, when I attended the NABJ convention in or around August 2007, 10News denied
24 my request for reimbursement of my expenses. However, it was not unusual for me, or
25 other 10News employees, to attend these types of conventions. In fact, 10News had a
26 practice of sending other newscasters to various conventions in order to assist them in
27 improving their skills and talents. However, I found it strange that 10News would not
28 reimburse my expenses, because I knew that 10News always reimbursed expenses for

1 Caucasian employees who attended similar conventions. I believe that 10News was
2 refusing to reimburse me for my expenses because of my race, and/or because the
3 convention was held by an African American organization.

4 9. During my employment, I had a good faith belief that 10News was discriminating against
5 African Americans, both in hiring and promoting. In addition to the comments made by
6 Mr. Brown at the NABJ convention, I noticed that 10News did not seem to hire African
7 American employees, despite the fact that I had referred several well-qualified candidates.
8 Therefore, in order to let 10News know that I believed they were discriminating against
9 African Americans, including myself, in hiring and promoting, I made several
10 complaints. I complained to 10News that they did not hire any African American writers,
11 producers or assignment editors. I also brought it to 10News' attention that they had not
12 hired any African Americans in the newsroom between 2000 and 2008. I never suggested
13 to 10News that they had to hire a quota of African American employees, I simply told
14 them that I had a good faith belief that they were discriminating against qualified African
15 American employees and candidates, on the basis of their race, in their hiring and
16 promoting practices.

17 10. On or about May 9, 2008, less than two months after I lodged my complaints with
18 10News, Mr. Kennedy removed me from my position on the morning show and demoted
19 me to a reporter. At the time he removed and demoted me Mr. Kennedy stated to me that
20 my demotion was based on the fact 10News' "audience was changing." I took this
21 statement to reiterate a previous conversation I had with Ed Quinn, wherein Mr. Quinn
22 informed me that 10News did not hire African American employees because they wanted
23 to target the "Hispanic audience," and that the "African American population was
24 declining." This demotion occurred in the middle of ratings, and I was the only employee
25 in the entire newsroom that 10News demoted from anchor to reporter, and the only on-air
26 talent demoted during the middle of ratings.

27 11. Throughout my employment, I made it know to the station managers at 10News several
28 times, that I desired to be promoted to anchoring the evening newscast. However, during

1 my entire 17 years of employment with 10News, I was never promoted to anchor the
2 evening news. I knew of several openings that I was qualified for, but was constantly and
3 summarily overlooked. In fact, on several occasions in which I made my interest known,
4 nobody at 10News ever contacted me to discuss my desires. My desire to anchor the
5 evening news was based on the fact that evening newscasts in general are markedly more
6 appealing and high profile than the morning shows, and therefore are more preferable.
7 Based on statements that were made during my employment, I believed, and believe
8 today, that 10News' failure to promote me to the evening newscast was based on my race.
9 This belief is based on several conversations, including one occasion where 10News
10 informed me that my "race" did not fulfill or fit with the future plans of 10News, because
11 the station wanted to target the "Hispanic audience." In fact, on many of the occasions
12 that I did not receive the promotion, 10News assigned either Caucasian individuals, or
13 Hispanic individuals, but never an African American. Placing a Hispanic anchor in the
14 prime evening newscast supported 10News' statement that it wished to target the
15 Hispanic audience.

16 12. I was qualified to anchor the evening news, and in fact, 10News had me "fill-in" on the
17 evening news when they were short handed. I actually filled-in on the evening show a
18 few months before my demotion, and 10News received very high ratings during that time.
19 I also came to learn that the viewers were very pleased with my performance, and excited
20 to see me anchor the evening news. Therefore, it made no sense that 10News would not
21 promote me to the evening newscast.

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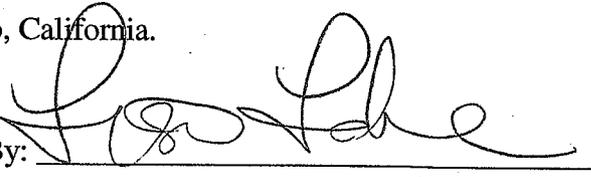
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13. On or about May 16, 2008, I went on stress leave and had no choice but to involuntarily resign my employment with 10News. This was because of 10News' and Mr. Kennedy's harassment, discrimination and retaliation against me. 10News' and Mr. Kennedy's harassment, discrimination and retaliation created unreasonably intolerable work conditions. Furthermore, based on 10News statements to me that my "race" did not fit with its future plans, I felt that I had no future with 10News.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed in San Diego, California

Executed this 16th day of April, 2010 at San Diego, California.

By: 

LISA LAKE