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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF LOS ANGELES

13 JOSEPH BERKOWITZ,
14 Plaintiff,

15 v.

16 MUNCHKIN, INC. and WHY BRANDS, INC.,
17 Defendants.

Case No.:

UNLIMITED CIVIL CASE

COMPLAINT FOR:

1. California Fair Employment and Housing Act, Cal. Gov. Code § 12940 – Gender Discrimination
2. California Fair Employment and Housing Act, Cal. Gov. Code § 12940 – Retaliation
3. California Whistleblower Protection Act, Cal. Lab. Code § 1102.5 – Retaliation
4. Wrongful Termination in Violation of Public Policy

JURY TRIAL DEMANDED

21 **PRELIMINARY STATEMENT**

22 1. This is a case about a War on Families and mothers, and a man who tried to stop it. It is
23 also a story of life-altering retaliation against that man.

24 2. Joseph Berkowitz joined Munchkin, Inc. and WHY Brands, Inc. (collectively, “Munchkin”
25 or “the Company”) as General Counsel riding high on a fifteen-year string of successes. He worked at
26 white-shoe law firms, as personal counsel to Mark Zuckerberg, and as General Counsel of multiple \$1
27 billion plus organizations. He took considerable risks to leave his prior General Counsel and head of
28 corporate strategy role in anticipation of furthering the Company’s mission over the long term.

29 3. Defendant Munchkin designs and develops branded baby and toddler products, such as
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31
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1 sippy cups, highchairs, and diaper pails. It publicly brands itself as a child and caregiver friendly
2 company devoted to “innovative, modern, & credible solutions made to make families’ lives easier.” It
3 purports to support “children and their caregivers.” It claims that its executive team “champions [its]
4 Mission to be the most loved baby lifestyle brand in the world by strategically steering initiatives through
5 collaboration, integrity and inspiration.” And it touts its commitment to women in the workplace, awards
6 for being a “Great Place to Work,” and dedication to “creating a better future for our children.” The
7 Company, in short, positions itself as a utopia for women, children, and families.

8 4. The reality that Mr. Berkowitz encountered was the polar opposite. He arrived to find a
9 company plagued by discrimination, cruelty, and retaliation. This toxic culture, he soon discovered, was
10 led by Chief Brand Officer (“CBO”) Diana Barnes and enabled by the Chief Executive Officer (“CEO”)
11 Steve Dunn. CBO Barnes was engaged in a War on Families that included disparaging mothers as “crazy”
12 or “cowards,” who “can’t have it all,” and even reprimanding them on Bring Your Kids to Work Day
13 *with their children present.*

14 5. Mr. Berkowitz soon learned that CEO Dunn permitted this behavior because of his
15 romantic relationship with CBO Barnes.

16 6. Mr. Berkowitz sought to right the ship by identifying potentially unlawful conduct and
17 fulfilling the Company’s legal duty to investigate. But when Mr. Berkowitz tried to intercede in CBO
18 Barnes’s War on Families, he met swift and personal retaliation: CBO Barnes and CEO Dunn attacked
19 Mr. Berkowitz’s character and competence, sidelined him, and ultimately terminated his employment.

20 7. Through its campaign of discrimination and retaliation, Munchkin has violated the
21 California Fair Employment and Housing Act, California Labor Code § 1102.5, and California public
22 policy.

23
24 **PARTIES**

25 8. **PLAINTIFF JOSEPH BERKOWITZ** was Munchkin’s General Counsel from
26 December 2023 through September 2024. Mr. Berkowitz is domiciled in Porter Ranch and he worked
27 for Munchkin from Van Nuys. At all relevant times, Mr. Berkowitz was an “employee” of Munchkin
28 within the meaning of all applicable federal and state statutes and regulations.

29 9. **DEFENDANT MUNCHKIN, INC.** is a privately held consumer goods company that
30 designs, manufactures, and sells products for infants, toddlers, and parents. Munchkin is incorporated in
31 Delaware with its principal place of business in Los Angeles, California. At all relevant times, Munchkin
32

1 was Mr. Berkowitz’s “employer” within the meaning of all applicable federal and state statutes and
2 regulations.

3 10. **DEFENDANT WHY BRANDS, INC.** is Munchkin’s parent company. WHY Brands is
4 incorporated in Delaware with its principal place of business in Los Angeles, California. At all relevant
5 times, WHY Brands was Mr. Berkowitz’s “employer” within the meaning of all applicable federal and
6 state statutes and regulations.

7
8 **JURISDICTION AND VENUE**

9 11. This Court has jurisdiction, because Munchkin’s principal place of business is situated in
10 the County, Munchkin conducts continuous and systematic business in the County, and Munchkin
11 employed Plaintiff in this County.

12 12. Venue is proper in this County under California Code of Civil Procedure § 395 and
13 § 395.5, because Munchkin’s principal place of business is situated in the County and because the
14 unlawful practices occurred in this County.

15 13. The amount in controversy in this matter well exceeds the sum of \$35,000.00.

16 14. Plaintiff has exhausted his administrative remedies to pursue claims. On July 25, 2025,
17 Plaintiff filed an administrative charge with the California Civil Rights Department and received an
18 immediate Notice of Right to Sue.

19
20 **STATEMENT OF FACTS**

21 **A. Mr. Berkowitz Is an Accomplished Lawyer with a Track Record of Success**

22 15. Mr. Berkowitz holds a Bachelor of Arts and Juris Doctor degrees from the University of
23 California, Berkeley.

24 16. Mr. Berkowitz joined Munchkin with over fifteen years of legal experience in both law
25 firm practice and in-house. He began his career at top-tier law firms Shearman & Sterling LLP and
26 O’Melveny & Myers LLP, working on dozens of multi-million-and even billion-dollar deals, while
27 honing his legal and his business acumen. Mr. Berkowitz next worked at a boutique health care law firm,
28 before joining Kaye Scholer LLP as a Senior Corporate Associate. There he led multiple deals to fruition
29 and served as personal counsel to Mark Zuckerberg.

30 17. Mr. Berkowitz next took his talents in-house. He served first as Global Deputy General
31 Counsel at Xero (an approximately \$20 billion market cap company with approximately 5,000
32 employees). There, he led a global legal team, growing the legal organization from two to eight lawyers

1 while also shepherding the company through major developments in the business’s scope and legal
2 compliance. Mr. Berkowitz next advanced to General Counsel & Corporate Secretary roles at Feedzai
3 (a private company valued at over \$1 billion with over 500 employees) and Pushpay (a public company
4 with over 500 employees before a \$1 billion take-private sale led by Mr. Berkowitz), where he continued
5 his leadership in both legal, corporate strategy, and data privacy and security. He led each company’s
6 legal department while supervising teams ranging from two to ten. He also managed employee relations
7 on a larger scale, overseeing impressive growth in the number of employees and successfully guiding
8 his companies through employee disputes. At Pushpay, Mr. Berkowitz led the company to a favorable
9 resolution of an employment class action lawsuit and ultimately a successful take-private sale of the
10 company in 2023. Across each of these roles, Mr. Berkowitz’s leadership was defined by his
11 commitment to both business growth and legal compliance.

12 **B. Mr. Berkowitz’s Strong Performance at Munchkin**

13 18. Mr. Berkowitz aimed to continue his success at Munchkin. He joined in December 2023
14 as General Counsel intending to serve in a dual role that included both legal and business responsibilities.
15 In its press release announcing Mr. Berkowitz’s hiring, Munchkin lauded his “more than 15 years of
16 experience in leading legal and business teams at innovative technology companies and esteemed law
17 firms” and described him as “instrumental to the future of [Munchkin’s] business.”

18 19. Mr. Berkowitz quickly demonstrated his value, leading key business initiatives and
19 becoming a trusted adviser for other Munchkin executives. He received a glowing ninety-day
20 performance review, completing all goals set for him. CEO Dunn praised Mr. Berkowitz as “extremely
21 approachable,” “very patient while working with managers,” “helping almost every department,”
22 “incredibly knowledgeable,” and “very productive.” He also repeatedly told Mr. Berkowitz that he was
23 in line to one day take over as Chief Executive Officer.

24 **C. Mr. Berkowitz Joins Munchkin and Finds a Workplace in Disarray**

25 20. The more Mr. Berkowitz learned about the Company, however, the more he saw acute
26 cultural issues raising significant compliance concerns. Mr. Berkowitz discovered that he had inherited
27 a company riddled with hostility, impropriety, and intimidation—and that the bulk of this hostility was,
28 ironically for a baby-product company, directed at employees with families. Munchkin’s office culture
29 included frequent verbal abuse and inappropriate sexual remarks from CBO Barnes and CEO Dunn.
30 Corporate retreats became opportunities for company-sponsored romantic liaisons and involved pressure
31 and ridicule of those who chose not to drink to excess or to spend late nights in private suites with CBO
32 Barnes and CEO Dunn. Even the office artwork seemed designed to inspire apprehension, with graphic

1 nude imagery and unsettling depictions of babies—a particularly disturbing aesthetic for a baby-product
2 company. Employees soon began confiding in Mr. Berkowitz about the toxic culture at the company.
3



1 21. There was one person around whom nearly all these concerns centered: Diana Barnes,
2 known as “DB,” Munchkin’s Chief Brand Officer & Creative Director. As part of Mr. Berkowitz’s
3 “informal orientation,” several employees warned him of CBO Barnes’s erratic and bullying behavior,
4 and that CBO Barnes’s menacing presence was felt around the office. They also cautioned Mr. Berkowitz
5 that any attempts to curb her behavior would put his career at risk. The prior General Counsel and the
6 former President had apparently cooperated in a 2017 Board investigation into CBO Barnes’s behavior.
7 The investigation apparently determined that CBO Barnes could not stay at Munchkin, but CEO Dunn
8 turned the tables: He fired the majority of the Board, forced the President and General Counsel out of
9 the Company, and promoted CBO Barnes. This episode became known internally as the “2017
10 Investigation,” or, in CEO Dunn’s terminology, the “attempted coup.” And the sordid fate of participants
11 in the 2017 Investigation—as well as more recent retaliatory firings—helped to perpetuate a culture of
12 fear.

13 22. Other employees soon informed Mr. Berkowitz of Munchkin’s open secret: CBO Barnes
14 and CEO Dunn were involved in a romantic and sexual relationship. Because of this relationship, CEO
15 Dunn was committed to protecting CBO Barnes at all costs, even when her behavior put the company
16 and other employees at risk. And as a result, CBO Barnes in practice wielded the power of CEO Dunn.
17 Colleagues cautioned Mr. Berkowitz against addressing the relationship or any issues relating to CBO
18 Barnes: CEO Dunn had apparently fired numerous employees for raising such concerns in the past. The
19 culture of fear was palpable.

20 **D. Mr. Berkowitz Witnesses CBO Barnes’s War on Families**

21 23. As the complaints and hushed stories about CBO Barnes continued to roll in, a
22 throughline emerged: CBO Barnes’s disdain for workers with families, especially working mothers. Mr.
23 Berkowitz soon witnessed CBO Barnes’s animosity firsthand. She made frequent derogatory remarks
24 about working mothers in his presence, including launching into a monologue declaring that moms
25 “can’t have it all.” She often contrasted her success with the putatively subpar work of mothers,
26 explaining that she believed women with children could never be as committed to or successful in their
27 jobs as she was because they are distracted by their kids. She also complained about mothers taking time
28 to pump breastmilk—ironic given the Company’s focus on infant nutrition and breastfeeding. She made
29 conclusory statements that women on her team who were top employees prior to having children became
30 low performers after having children. And she noted that she surveilled employees’ personal LinkedIn
31 profiles only to become enraged when they posted or liked others’ posts in support of more workplace
32 protections or benefits for moms, such as longer maternity leaves. She even identified specific employees

1 she wished to fire as examples. CBO Barnes soon tried to conscript Mr. Berkowitz into her
2 discrimination campaign, telling him that she was grateful that he was there to protect her from lawsuits
3 when she fires moms.

4 **E. Mr. Berkowitz Becomes a Target of Sexual Harassment**

5 24. The bizarre behaviors soon intensified. For months, CBO Barnes made inappropriate
6 comments to Mr. Berkowitz, remarking on his weight and appearance and installing a light dimmer in
7 his office to set the “mood.” And she made similar comments about others: She often remarked on
8 whether individuals were too unattractive or ethnic for certain roles, such as recruiting or front desk
9 positions. CBO Barnes even told Mr. Berkowitz that she made decisions regarding multi-million-dollar
10 ad-agency contracts based on how attractive the lead males were and identified specific men at the
11 agency Media Monks in whom she had romantic or sexual interest.

12 25. Mr. Berkowitz, too, received these inappropriate overtures. At a board dinner on June 4,
13 2024, CBO Barnes sat very close to Mr. Berkowitz and interrogated him as to whether he was happy in
14 his marriage and whether he loved his wife. Mr. Berkowitz responded that he was very happy and in
15 love with his wife. But CBO Barnes refused to let the topic go, declaring that many men said that they
16 were happy but did not really mean it. Mr. Berkowitz, however, continued to defend his marriage.
17 Eventually, CBO Barnes had apparently had enough and abruptly moved to the other end of the table.

18 26. CEO Dunn did nothing to discourage CBO Barnes’s bizarre behaviors. He continually
19 pressed Mr. Berkowitz to engage with CBO Barnes, noting that it was important for CBO Barnes to like
20 Mr. Berkowitz in order for Mr. Berkowitz to succeed at the company. And, indeed, at one point, CEO
21 Dunn appeared to join in CBO Barnes’s boundary-crossing behavior, questioning Mr. Berkowitz’s
22 sexual orientation.

23 **F. Mr. Berkowitz Tries to Intervene in CBO Barnes’s War on Families**

24 27. On July 17, 2024, CBO Barnes’s War on Families reached a boiling point. Munchkin had
25 designated that day for its annual “Bring Your Kids to Work Day” (“BYKTWD”), encouraging
26 employees to bring their children to work and offering all-day programming like carnival games, parent-
27 child Olympics, and lavish lunch options. Significant planning went into the day, and it should have been
28 a joyous occasion for a baby-product company to celebrate the families of its own employees. Mr.
29 Berkowitz, like many other Munchkin employees, brought his own child, hoping for a fun day with his
30 daughter and colleagues.

31 28. CBO Barnes had other plans. She spent BYKTWD tormenting two of her subordinates,
32 Mara Smalley and Eileen Haniuk, the only two members of CBO Barnes’s department who had brought

1 their kids in for the day. According to Ms. Smalley and Ms. Haniuk, CBO Barnes angrily scowled all
2 day, repeatedly chastised them for attending to their children rather than focusing on work, scheduled a
3 mandatory meeting during the festivities despite Munchkin’s instruction to managers not to schedule
4 any department meetings on BYKTWD, and reprimanded them in front of their children and other
5 employees. Both complained to Chief People Officer (“CPO”) Elaine Cameron that day that CBO Barnes
6 had made them extremely uncomfortable and that they were experiencing retribution for participating in
7 BYKTWD—or perhaps just for having a family.

8 29. At the same time, CBO Barnes was attempting to get ahead of these complaints. During
9 the BYKTWD event, she approached CPO Cameron, and demanded that Munchkin fire Ms. Smalley
10 and Ms. Haniuk. CPO Cameron and Mr. Berkowitz both urged against this course of action, but CBO
11 Barnes and CEO Dunn pulled rank and ordered the terminations. Munchkin fired Ms. Smalley on July
12 18 and planned to fire Ms. Haniuk the next day, but Ms. Haniuk ended up resigning instead under the
13 stated grounds that she could not endure the hostile and toxic work environment under CBO Barnes,
14 concerns that Ms. Haniuk raised to CPO Cameron, CEO Dunn and CFO Tom Emrey.

15 30. Mr. Berkowitz was alarmed by these events and met with CPO Cameron on the afternoon
16 of July 18 to take stock. CPO Cameron told Mr. Berkowitz that during Ms. Smalley’s exit meeting, Ms.
17 Smalley had described CBO Barnes as a “monster” who “hates kids.” Ms. Smalley had also reiterated
18 that CBO Barnes was hostile to her and to her daughter during BYKTWD, an account that was consistent
19 with what CPO Cameron herself described having witnessed on July 17.

20 31. As Mr. Berkowitz and CPO Cameron considered ways to mitigate CBO Barnes’s anti-
21 mom bias, CBO Barnes stormed into the meeting. Mr. Berkowitz attempted to discuss the mom-
22 employees’ complaints with CBO Barnes and to explain the potential consequences of firing them. But
23 CBO Barnes became enraged. She attacked Mr. Berkowitz for not sufficiently protecting her from the
24 “crazy” moms and accused him of trying to damage her reputation, even as he sought only to convey the
25 facts and language of other employees’ complaints.

26 32. CEO Dunn, too, soon stormed into the meeting and joined in CBO Barnes’s attacks, now
27 threatening Mr. Berkowitz with termination. CEO Dunn demanded the names of employees who had
28 lodged confidential complaints about CBO Barnes. Mr. Berkowitz refused to provide the names without
29 a process to protect the complainants against retaliation, but CEO Dunn and CBO Barnes persisted and
30 amplified their attacks on Mr. Berkowitz. They called the complainants “cowards” and “backstabbers,”
31 and CBO Barnes declared—without foundation—that any female employee who complained about her
32 must have a problem with her because she is a “strong woman.” She also said that if Mr. Berkowitz did

1 not summarily dismiss the complaints, then he, too, must have a problem with strong women, and she
2 demanded that he be fired for “not having her back.” Mr. Berkowitz suggested an independent
3 investigation, but CEO Dunn balked at the proposal—apparently worried such an investigation would
4 reveal his relationship with CBO Barnes—and the meeting ended.

5 **G. CEO Dunn and CBO Barnes Wage a Retaliation Campaign Against Mr. Berkowitz**

6 33. The explosive July 18 meeting was the beginning of the end of Mr. Berkowitz’s tenure at
7 Munchkin. After Mr. Berkowitz stood up for the mom-employees and attempted to intervene in CBO
8 Barnes’s War on Families, CEO Dunn and CBO Barnes targeted Mr. Berkowitz with a relentless
9 campaign of retaliation. Over the next two months, they undermined Mr. Berkowitz’s ability to perform
10 his job as General Counsel and made his working conditions unbearable.

11 34. CBO Barnes first sought to isolate and disparage Mr. Berkowitz. She refused to speak to
12 him or even to be in the same room as him. CEO Dunn, in turn, repeatedly berated Mr. Berkowitz for
13 upsetting CBO Barnes, while apparently doing nothing to mitigate the discrimination concerns Mr.
14 Berkowitz had raised.

15 35. Mr. Berkowitz became increasingly concerned by CEO Dunn’s apparent indifference to
16 the complaints against CBO Barnes. Beginning on July 19, 2024, Mr. Berkowitz raised the possibility
17 that CEO Dunn may have a conflict of interest with respect to the complaints against CBO Barnes,
18 because of their romantic relationship. This conflict of interest, Mr. Berkowitz believed, might be
19 causing CEO Dunn to elevate his loyalty to CBO Barnes—his romantic partner and employee—over his
20 fiduciary duties to his shareholders.

21 36. CEO Dunn dismissed the critique and used a range of strategies to try to bring Mr.
22 Berkowitz over to his side. He told Mr. Berkowitz that it was none of his business and accused Mr.
23 Berkowitz of threatening him. He informed Mr. Berkowitz that if Mr. Berkowitz could not appease CBO
24 Barnes, he would be fired. He told Mr. Berkowitz, repeatedly, that the “number one rule is never to upset
25 DB,” and that if Mr. Berkowitz failed to follow this rule, then CEO Dunn would destroy Mr. Berkowitz’s
26 reputation and seek to have him disbarred. CEO Dunn also threatened that he would “hate to see” Mr.
27 Berkowitz “end up” like Munchkin’s former President or General Counsel during the 2017 Investigation.
28 He tried carrots, too, telling Mr. Berkowitz that if he was “loyal,” CEO Dunn would include Mr.
29 Berkowitz in his will and help him become the next Munchkin CEO. Finally, CEO Dunn sought to
30 gaslight Mr. Berkowitz, criticizing Mr. Berkowitz’s communication skills based on a perception that Mr.
31 Berkowitz was autistic. CEO Dunn even went so far as to leave notes from his own therapy session
32

1 regarding how to apologize on Mr. Berkowitz’s desk—apparently blaming Mr. Berkowitz and his
2 perceived disability for the July 18 blowup and subsequent tensions.

3 37. To be sure, CEO Dunn seemed to have occasional moments of clarity in which he
4 apologized to Mr. Berkowitz and acknowledged that Mr. Berkowitz had done nothing wrong. CEO Dunn
5 even acknowledged that CBO Barnes’s unchecked behavior was not only creating a toxic work
6 environment but also adversely affecting the business. In one such moment of lucidity, CEO Dunn
7 encouraged Mr. Berkowitz to work with Board Member Andrew Claerhout to deal with the concerns
8 surrounding CBO Barnes. True to form, however, CEO Dunn later lashed out at them both when they
9 tried to discuss these issues.

10 38. Director Claerhout quickly waved the white flag. During a conversation with Mr.
11 Berkowitz that August, Director Claerhout explained that he was capitulating to CEO Dunn’s preferred
12 course: to ignore CBO Barnes’ misconduct, even as Director Claerhout acknowledged the seriousness
13 of the issues. Director Claerhout also expressly recognized that CEO Dunn was retaliating against Mr.
14 Berkowitz and would continue to do so, but felt that he was powerless to protect Mr. Berkowitz against
15 the Company’s CEO and controlling shareholder, and that he could not help Mr. Berkowitz. This power
16 dynamic was, of course, by design. CEO Dunn repeatedly informed anyone who would listen that
17 Munchkin was his company and that he would do whatever he wanted with it. And Director Claerhout
18 admitted that ignoring the allegations against CBO Barnes might violate his fiduciary duties as a board
19 member, but that he felt his personal loyalty to CEO Dunn—and by extension, CBO Barnes—was more
20 important.

21 39. CBO Barnes soon upped CEO Dunn’s ante: She emailed CEO Dunn and CPO Cameron
22 on July 22 declaring that she was considering legal action against Munchkin based on the July 18
23 conversation with Mr. Berkowitz. In response, Mr. Berkowitz proposed that the Company commission
24 an independent, external investigation into CBO Barnes’s complaints. Doing so, he explained, would
25 guard against conflicts of interest (particularly given that CPO Cameron reported to Mr. Berkowitz and
26 was a material fact witness) and ensure that CBO Barnes’s allegations were thoroughly examined based
27 on the evidence. CEO Dunn, however, initially refused, deeming an investigation unnecessary because,
28 in his view, CBO Barnes would not really pursue these complaints, and they were misguided based on
29 CEO Dunn’s and CPO Cameron’s own observations. But CBO Barnes persisted, later accusing Mr.
30 Berkowitz of “mansplaining” to her in an email exchange. Mr. Berkowitz thus reiterated his call for an
31 independent investigation, but CEO Dunn again vetoed the proposal. This pattern would repeat over and
32 over for the next several weeks.

1 **H. Munchkin Terminates Mr. Berkowitz**

2 40. This campaign of retaliation came to fruition with Mr. Berkowitz’s termination. On or
3 around August 15, Mr. Berkowitz learned that, after weeks of urging an independent investigation into
4 CBO Barnes’s complaint against him, CEO Dunn had finally agreed to have Paul Hastings conduct an
5 investigation. But when Mr. Berkowitz sat down with Paul Hastings, he quickly came to understand that
6 the investigation was a sham and that its outcome was predetermined. Mr. Berkowitz later learned that
7 CEO Dunn had a long-standing relationship with Paul Hastings and that giving CEO Dunn the pre-
8 determined outcome he desired would lead to Paul Hastings being rewarded by becoming primary
9 employment counsel to Munchkin. Rather than trying to uncover the truth, the investigation appeared
10 intended to vilify him and clear CBO Barnes, thereby providing pretext for Mr. Berkowitz’s termination.

11 41. Mr. Berkowitz soldiered on. While Paul Hastings sought to sully Mr. Berkowitz’s
12 reputation, Munchkin employees continued to contact him about CBO Barnes. Mr. Berkowitz, in turn,
13 relayed these concerns to Munchkin’s then-primary employment counsel, Littler Mendelson PC. After
14 Mr. Berkowitz forwarded a particularly shocking statement from CEO Dunn’s longstanding executive
15 assistant, Kelly Mattox, Littler produced a memo that Mr. Berkowitz relayed to the Munchkin Board.

16 42. CEO Dunn exploded in response, berating Mr. Berkowitz effectively for failing to hide
17 the complaints about CBO Barnes’s unlawful conduct. Yet a week later, the Board told Mr. Berkowitz
18 that it had engaged yet another firm, Davis Wright Tremaine LLP (“DWT”), to investigate the allegations
19 against CBO Barnes and CEO Dunn. This message, however, seems to have been designed primarily to
20 mollify Mr. Berkowitz’s concerns. DWT never even interviewed Mr. Berkowitz, and he later learned
21 that the Board abandoned the investigation.

22 43. In a last-ditch attempt to have a responsible actor step in, Mr. Berkowitz informed the
23 Board of CBO Barnes’s and CEO Dunn’s sexually inappropriate and retaliatory behaviors towards him.
24 (Mr. Berkowitz had previously remained silent about the abuse he had personally suffered from CBO
25 Barnes in the hopes that he could help address the broader problems with her and improve the overall
26 culture of Munchkin without risking personal retribution.) But, still, the Board refused to act.

27 44. The retaliation campaign culminated in Mr. Berkowitz’s termination. CEO Dunn first
28 placed Mr. Berkowitz on involuntary leave for one week. Then, CEO Dunn informed Mr. Berkowitz on
29 September 16 that the Board had elected to terminate Mr. Berkowitz “for cause,” meaning he would not
30 receive his contractual severance package or the bonus owed to him. The alleged bases for his
31 termination all related to Mr. Berkowitz’s discussions of the complaints against CBO Barnes. The
32 termination notice accused Mr. Berkowitz of making false statements against CBO Barnes and retaliating

1 against her for her complaint against him, even though Mr. Berkowitz initially raised the complaints
2 against CBO Barnes on July 18, before she made any complaint against him. CEO Dunn also told Mr.
3 Berkowitz that there had been no investigation into any of the complaints against CBO Barnes—neither
4 those made by him nor those made by other employees. Mr. Berkowitz expressed his disappointment
5 and belief that he had been treated very unfairly, but the damage was already done. CBO Barnes and
6 CEO Dunn had finally won.

7 **I. Other Employees Have Experienced Munchkin’s Hostile Work Environment**

8 45. Mr. Berkowitz was not the only employee to observe Munchkin’s hostility towards
9 families. Online reviews from websites like Glassdoor underscore the hostility of Munchkin’s work
10 environment for parents:

- 11 • “Run away! Do not work here! . . . I brought my kids to bring your kids to work day and
12 the CBO literally yelled at me and mistreated me in front of my 4yr old for bringing my
13 kids to work for the event. . . . I watched her wrongfully terminate a co-worker for
14 bringing her daughter to work[,] after that I left. I reported her [but] unfortunately she is
15 still there.”
- 16 • “The amount of harassment I’ve seen on the basis of sex/gender, age, and parental status
17 is insane – and committed largely by the female member/s of the E team. Everyone is
18 constantly afraid, and they know that reporting to HR will only result in retaliation – more
19 unlawful behavior. I have seen coworkers wrongfully let go after voicing opinions or
20 reporting harassment by leadership to HR – it goes straight back to the people responsible.”
- 21 • “There is a specific member of the executive team that has preferential treatment and say
22 over everything. This person can do and say no wrong, even if what they are screaming
23 (literally) about is entirely irrational and unfounded. Those that have reported the
24 harassing behavior or difficulties to HR will find that it falls on deaf ears ... and/or they
25 get fired.”
- 26 • “No matter how outrageous or unethical her behavior, the CBO remains untouchable....
27 [my time at Munchkin] was one of the darkest times of my career.”
- 28 • “The CBO is a pathological liar and clinical narcissist. I have witnessed her bully and
29 harass fellow executives, her own employees, and the CEO himself. Why has she not
30 been fired for creating a hostile work environment? Her relationship and interactions with
31 the CEO are inappropriate – some in the office would call it ‘intimate.’ Their very close
32 relationship is an open secret within the organization, which I found within my first 3

1 weeks of starting.”

- 2
- 3 • “[T]he CBO fostered a culture of fear. On several occasions she made body-shaming
4 comments about coworkers. I heard her make vile comments about pregnant & new
5 mothers’ bodies. On[] two occasions she made racist comments. When two female
6 employees met her wrath for bringing a child to work on Bring Your Kids to Work Day
7 -- a firable offense, apparently -- I realized that parents of young children are
8 disadvantaged at Munchkin and the CEO is fully complicit.”
 - 9 • “Turnover is incredibly high and constant, solely because of the behavior of DB (CBO)
10 and Steve (CEO). You can try to go to HR about the insane things they say and do, and
11 Elaine will fake smile and do nothing. There’s probably not much she can do, given that
12 it’s well known throughout the company that DB and Steve had an inappropriate
13 relationship (not that they try to hide it).”

14 46. Far from a company that “makes families lives easier” and is “creating a better future for
15 our children,” the Company is, in fact, a cesspool of discrimination and hostility directed at women,
16 families, and those who speak up.

17 **CAUSES OF ACTION**

18 **COUNT I:**

19 **VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**

20 **Cal. Gov. Code § 12940, et seq. –**

21 **GENDER DISCRIMINATION**

22 **(All Defendants)**

23

24 47. Mr. Berkowitz re-alleges and incorporates by reference each and every allegation
25 contained in the previous paragraphs as though fully set forth herein.

26 48. Munchkin has discriminated against Mr. Berkowitz in violation of the California Fair
27 Employment and Housing Act (“FEHA”), Cal. Gov. Code § 12940, *et seq.*, by subjecting him to a hostile
28 work environment based on his gender, including by subjecting him to a workplace permeated by
29 widespread sexual favoritism and graphic nude images. Moreover, CBO Barnes sexually harassed Mr.
30 Berkowitz by making sexual advances on him, and on information and belief, Munchkin knew about her
31 harassing conduct and did nothing to stop it.

32 49. Munchkin has failed to prevent, respond to, adequately investigate, and/or appropriately

1 resolve this gender discrimination.

2 50. As a result of Munchkin's conduct, Mr. Berkowitz has suffered and continues to suffer
3 harm, including but not limited to, lost earnings, lost benefits, lost future employment opportunities, and
4 other financial losses, as well as non-economic damages.

5 51. Munchkin's conduct has been intentional, deliberate, willful, malicious, reckless, and
6 conducted in callous disregard of the rights of Mr. Berkowitz, entitling him to punitive damages.

7 52. By reason of Munchkin's discrimination, Mr. Berkowitz is entitled to all legal and
8 equitable remedies available for violations of the FEHA, including an award of compensatory and
9 punitive damages.

10 53. Mr. Berkowitz is entitled to attorneys' fees and costs under Cal. Gov. Code § 12965.

11 **COUNT II:**

12 **VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**

13 **Cal. Gov. Code § 12940, et seq. –**

14 **RETALIATION**

15 **(All Defendants)**

16 54. Mr. Berkowitz re-alleges and incorporates by reference each and every allegation
17 contained in the previous paragraphs as though fully set forth herein.

18 55. Mr. Berkowitz engaged in protected activities, including, but not limited to, relaying
19 complaints of discrimination from employees to CEO Dunn and CPO Cameron, repeatedly urging
20 Munchkin to investigate those complaints, raising concerns that CEO Dunn's romantic favoritism
21 towards CBO Barnes could create liability for both discrimination and breach of fiduciary duties,
22 elevating concerns about the sexually offensive artwork, and making his own sexual harassment
23 complaint.

24 56. Munchkin retaliated against Mr. Berkowitz in violation of the FEHA, including by
25 harassing him, attacking his character and competence, investigating him, and terminating him.

26 57. Munchkin was aware of Mr. Berkowitz's protected activity.

27 58. There was a causal connection between Mr. Berkowitz's protected activity and
28 Munchkin's retaliatory actions. Munchkin's retaliatory acts were a direct and proximate result of Mr.
29 Berkowitz's protected activity.

30 59. As a result of Munchkin's conduct, Mr. Berkowitz has suffered and continues to suffer
31 harm, including but not limited to, lost earnings, lost benefits, lost future employment opportunities, and
32 other financial losses, as well as non-economic damages.

1 punitive damages.

2 71. Mr. Berkowitz is entitled to attorneys' fees under Cal. Lab. Code § 1102.5. He is also
3 entitled to costs.

4
5 **COUNT IV:**

6 **UNLAWFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

7 **(All Defendants)**

8 72. Mr. Berkowitz re-alleges and incorporates by reference each and every allegation
9 contained in the previous paragraphs as though fully set forth herein.

10 73. Munchkin terminated Mr. Berkowitz for unlawful reasons, including because he opposed
11 practices that are unlawful under the FEHA and other laws and made a sexual harassment complaint.

12 74. Mr. Berkowitz's termination violates the fundamental public policy contained in the
13 FEHA that employees are to be free from gender discrimination and retaliation.

14 75. As a result of Munchkin's conduct, Mr. Berkowitz has suffered and continues to suffer
15 harm, including but not limited to, lost earnings, lost benefits, lost future employment opportunities, and
16 other financial losses, as well as non-economic damages.

17 76. Munchkin's conduct has been intentional, deliberate, willful, malicious, reckless, and
18 conducted in callous disregard of the rights of Mr. Berkowitz, entitling him to punitive damages.

19 77. By reason of Munchkin's retaliation, Mr. Berkowitz is entitled to all legal and equitable
20 remedies available, including an award of compensatory and punitive damages.

21 78. Mr. Berkowitz is entitled to attorneys' fees under Cal. Code Civ. Proc. § 1021.5. He is
22 also entitled to costs.

23 **PRAYER FOR RELIEF**

24 **WHEREFORE**, Plaintiff respectfully requests judgment as follows:

- 25 A. Economic and non-economic compensatory damages in an amount of no less than \$10,000,000;
26 B. Punitive damages in an amount to be determined by the Court according to proof;
27 C. All attorneys' fees and costs under applicable law, including expert fees and costs;
28 D. Pre-judgment and post-judgment interest, as provided by law; and
29 E. Such additional and further relief as this Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

Dated: July 25, 2025

/s/ Russell Kornblith

Russell Kornblith

Attorney for Plaintiff Joseph Berkowitz

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