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12 **IN THE UNITED STATES DISTRICT COURT**
13 **IN AND FOR THE DISTRICT OF NEVADA**

14 MISTY CARTER,

15 Plaintiff,

16 v.

17 CHRIS NEVADA, P.C. dba NEVADA REAL
18 ESTATE GROUP, EXP REALTY, LLC, and
19 CHRIS NEVADA,

20 Defendants.

Case No.:

COMPLAINT AND JURY DEMAND

21 COMES NOW plaintiff, through counsel, who hereby complains of defendants Chris
22 Nevada, P.C. dba Nevada Real Estate Group (hereinafter “Group”), eXp Realty, LLC
23 (hereinafter “eXp”), and Chris Nevada, via this Complaint and Jury Demand as follows:

24 Parties, Venue, Jurisdiction and Jury Demand

25 1. Plaintiff is a woman and resides in northern Nevada. All, or almost all, acts,
26 statements, communications and omissions alleged herein occurred in northern Nevada, at the
27 Group’s place of business in Reno, Nevada. Plaintiff hereby requests a jury trial relative to all
28 issues so triable. Plaintiff has obtained a Notice of Right to Sue, dated November 9, 2023, from
the Equal Employment Opportunity Commission, i.e., plaintiff has exhausted administrative

1 remedies in accord with federal law. This Complaint and Jury Demand is timely filed in
2 accordance with the Notices of Right to Sue which accompany this Complaint and Jury Demand
3 and is incorporated herein.

4 2. Defendant Group, is a corporation, limited liability company, partnership or some
5 other legal entity, which employed plaintiff in a non-managerial position from approximately
6 December 1, 2021 until June, 17 2022. At all relevant times defendant Group employed at least
7 fifteen employees for at least twenty weeks per year.
8

9 3. Defendant eXp, is a corporation, limited liability company, partnership or some other
10 legal entity, which employed plaintiff in a non-managerial position from approximately
11 December 1, 2021 until June, 17 2022. At all relevant times defendant eXp employed at least
12 fifteen employees for at least twenty weeks per year.
13

14 4. Defendant Chris Nevada is an individual, who resides in Washoe County, State of
15 Nevada. At all times herein mentioned defendant Chris Nevada had an ownership interest in
16 defendant Group and/or had a sufficiently high level of managerial authority so as to impute
17 his knowledge, at the time of acquisition to defendant Group and to render his actions the
18 actions of the Group.
19

20 5. This Court has venue over this action because all, or almost all, acts, communications,
21 statements and omissions alleged herein occurred in northern Nevada; defendants do substantial
22 business in northern Nevada, e.g., they maintain a place of business in Washoe County, Nevada,
23 at which all, or almost all, acts, statements and omissions which form the basis for this lawsuit
24 occurred. Therefore, this Court has venue pursuant to 42 U.S.C. 2000e-5(f)(3). Defendant Chris
25 Nevada is believed to reside in Washoe County.
26
27
28

1 6. This Court has jurisdiction over this matter as plaintiff's claims arise under Title VII
2 of the Civil Rights Act of 1964, i.e., 42 U.S.C. 2000e, et seq. Subject matter jurisdiction is
3 invoked pursuant to 28 U.S.C. 1343. Jurisdiction exists relative to defendant Group and eXp
4 because plaintiff is a woman who was subject to harassment, and subsequently retaliation
5 "because of sex", as defined by 42 U.S.C. 2000e, et seq.
6

7 7. This Court has jurisdiction over Chris Nevada pursuant to 28 U.S.C. 1367 because
8 the claims against Chris Nevada are so related to the claims against Group/eXp that they form
9 part of the same case or controversy.

10 First Cause of Action

11 (Sexual Harassment)

12
13 8. Plaintiff hereby incorporates all of the allegations of paragraphs 1 through 6 inclusive,
14 as well as all other allegations herein, as though they were fully stated. Only the Group and eXp
15 are named per this cause of action.

16 9. Throughout almost the entirety of plaintiff's employment she was subject to a
17 course of sexual harassment which a reasonable woman could readily have found sufficiently
18 egregious and/or offensive to constitute a work environment permeated with sexual hostility.
19 Plaintiff subjectively experienced her work environment to be hostile and/or offensive,
20 "because of sex", as defined and/or prohibited by 42 U.S.C. 2000e, et seq. Plaintiff's work
21 environment was rendered sexually hostile by the actions and statements of Chris Nevada.
22 Chris Nevada's offensive conduct included, but was not limited to: Offers to take plaintiff on
23 vacations and/or trips; inappropriate questions directed at plaintiff about her body; offensive
24 questions as to plaintiff's personal relationships; offers to pay plaintiff for sex; remarks re how
25 he likes or loves younger women because he can easily pay them for sex; questions re whether
26
27
28

1 plaintiff had had breast surgery; sexual remarks directed at and about other women, including
2 other female employees; unwanted touching, e.g., hugs, which plaintiff considered offensive in
3 context with Chris Nevada's sexual advances and offers of money for sex; a slap or slaps
4 directed at plaintiff's posterior; attempts to kiss plaintiff; etc.; open displays of dating sites on a
5 work computer, on the work premises, which Chris Nevada let it be known he used to "hook
6 up" with women for sex; sexual conduct directed at other female employees on the work
7 premises; an invitation or invitations to attend hot tub parties at his home, in conjunction with
8 discussing plaintiff's lack of a boyfriend; discussions of Chris Nevada's interactions with
9 prostitutes; and sexually oriented texts and other messages.
10

11 10. Plaintiff complained to Chris Nevada and requested an apology re his inappropriate
12 sexual conduct. Chris Nevada failed to apologize to plaintiff and instead criticized plaintiff for
13 failing to better communicate and for otherwise coping with his inappropriate sexually oriented
14 remarks and conduct.
15

16 11. Any diminution or deficiency in plaintiff's work performance is directly
17 attributable to the stress and/or distraction created by Chris Nevada's course of sexual
18 harassment.
19

20 12. Plaintiff was in fact, an employee as opposed to an independent contractor – as
21 were other persons similarly situated. This is so as the result of the manner in which the
22 Group/eXp controlled plaintiff's work environment, and plaintiff, and others similarly situated.
23

24 13. Defendant Group/eXp, at all times, knew of Chris Nevada's conduct, i.e., the
25 knowledge of Chris Nevada is subject to being immediately imputed to the Group/eXp, as of
26 the time of acquisition of that knowledge, because of Chris Nevada's position and level of
27 control over defendant Group/eXp.
28

1 14. Plaintiff's employment was terminated by the Group in response to her opposition.

2 15. As a direct and proximate result of being sexually harassed, plaintiff suffered
3 emotional distress, loss of enjoyment of life, associated sleep and physical symptoms, fear
4 and/or apprehension and general distress. It has been necessary for plaintiff to incur costs and
5 retain counsel in order to attempt to vindicate her federally protected right to a workplace free
6 of sexual harassment and/or retaliation.
7

8 Second Cause of Action

9 (Retaliation)

10 16. Plaintiff hereby incorporates the allegations of paragraphs 1 through 14, inclusive,
11 and all other paragraphs, as though the same had been fully set forth herein. Only the Group
12 and eXp are named per this cause of action.
13

14 17. Plaintiff opposed Chris Nevada's sexual harassment, including his attempts to
15 establish a sexual relationship with plaintiff. Alternatively, Chris Nevada mistakenly perceived
16 plaintiff opposed sexual harassment. Plaintiff's employment was terminated in response to her
17 opposition to sexual harassment perpetrated by Chris Nevada, or alternatively, based on Chris
18 Nevada's mistaken perception plaintiff had engaged in such opposition. The Group and eXp
19 are therefore liable per Title VII, i.e., 42 U.S.C. 2000e, et seq.
20

21 18. As a direct and proximate result plaintiff suffered economic damages and was
22 otherwise injured and/or harmed as described herein.
23

24 Third Cause of Action

25 (Battery)
26
27
28

1 19. Plaintiff hereby incorporates the allegations of paragraphs 1 through 17, inclusive,
2 and all other paragraphs, as though the same had been fully set forth herein. Only Chris
3 Nevada is named per this cause of action.

4 20. The touchings Chris Nevada engaged in constituted batteries, i.e., they were
5 unwanted and unauthorized by plaintiff and were offensive. That is, they occurred in the
6 context of Chris Nevada's offers of sex for money and his unwelcomed sexual advances
7 directed at plaintiff.
8

9 21. Plaintiff was offended by numerous touchings engaged in by Chris Nevada and
10 was injured and did suffer as alleged herein.

11 Fourth Cause of Action

12 (Infliction of Emotional Distress)

13
14 22. Plaintiff hereby incorporates the allegations of paragraphs 1 through 20, inclusive,
15 as though the same had been fully set forth herein, as well as all other allegations stated herein.
16 This cause of action is brought only against Chris Nevada.

17 23. Shortly after plaintiff commenced employment with the Group/eXp, Chris Nevada
18 became aware plaintiff was most likely psychologically vulnerable to sexual predation and/or
19 abuse/unwanted advances.
20

21 24. While possessing such knowledge of plaintiff's vulnerability Chris Nevada
22 repeatedly subjected plaintiff to unwanted sexual advances and offensive sexual statements and
23 conduct, as described herein.
24

25 25. Chris Nevada acted with the intent, or with reckless disregard, so as to inflict
26 intense and severe psychological stress and/or trauma upon plaintiff, and he succeeded in doing
27 so. Chris Nevada compounded and amplified the distress he inflicted upon plaintiff via
28

1 unwanted sexual advances and offensive sexual statements and conduct by terminating
2 plaintiff's employment - and thereby inflicting additional emotional distress. Chris Nevada
3 acted with the intent to inflict severe emotional distress and/or with reckless disregard as to
4 whether such was inflicted upon plaintiff.

5 26. As a direct and proximate result plaintiff was injured and did suffer as alleged
6 herein.
7

8 Fifth Cause of Action

9 (Malicious Interference with Prospective Economic Advantage)

10 27. Plaintiff hereby incorporates the allegations of paragraphs 1 through 25, inclusive,
11 as though the same were fully stated herein. Only Chris Nevada is named per this cause of
12 action.
13

14 28. Chris Nevada terminated plaintiff's employment, and/or plaintiff's economic
15 relationship with defendant Group (plaintiff alleges she was an employee, but defendants may
16 contend plaintiff was an independent contractor), based on a reason violative of public policy.
17 That is, Chris Nevada terminated plaintiff's employment/economic relationship because
18 plaintiff refused to enter into a sexual relationship with him and otherwise opposed the sexual
19 harassment he directed at plaintiff. Chris Nevada acted with malice, for an improper purpose,
20 and succeeded thereby in causing plaintiff economic harm.
21

22 29. As a direct and proximate result, plaintiff was injured and did suffer as alleged
23 herein. Plaintiff also suffered economic harm, i.e., loss of income.
24

25 WHEREFORE, plaintiff requests the following relief:

- 26 1. For awards of compensatory damages;
27 2. For awards of punitive damages;
28

1 3. For awards of costs and a reasonable attorney's fee;

2 4. For an award of economic damages according to proof; and

3 5. For such other relief, including injunctive relief, as the Court or jury may deem
4 appropriate, e.g., for an injunction to compel defendants to enforce a reasonable policy against
5 sexual harassment and/or policies against sexual/gender harassment, retaliatory harassment,
6 and retaliation which the Group, eXp, and Chris Nevada claim to enforce.
7

8 Dated this 16th day of January, 2024.

9
10 **LAW OFFICE OF MARK MAUSERT**

11 By: /s/ Mark Mausert
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16 *Attorneys for Plaintiff*
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INDEX OF EXHIBITS

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November 9, 2023 Issued Notice of Right to Sue.....Exhibit 1