

# Lawsuit: Del Taco, already under EEOC scrutiny, retaliated against woman for reporting sexual harassment

*The company's response to the October attack shines new light on whether Del Taco is truly following 2020's federal consent decree, woman's attorney says*

LOS ANGELES, CALIFORNIA, UNITED STATES, December 16, 2022 /EINPresswire.com/ -- Del Taco

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*Employment Attorney Vincent Calderone*

fired an employee after she reported being groped, subjected to vulgar comments, and sexually propositioned by a newly-hired co-worker during an overnight shift, according to a new lawsuit filed against the fast-food company.

Within hours of first meeting him, the man's predatory behavior had escalated to sending the woman lurid texts that included photos of his penis and videos of himself masturbating, ejaculating and having sex, the lawsuit

states.

“This whole thing smacks of retaliation,” said attorney Vincent Calderone, founder of the [Calderone Law Firm](#), who filed the lawsuit Dec. 15 in Los Angeles County Superior Court on behalf of Daisyrose Spradlin. Spradlin, 24, had just been promoted and was being trained as a new shift manager at the Granada Hills Del Taco. She did not hire the man who harassed her and hadn't met him before the night she was harassed. Employee cellphone phone numbers were posted by the store's weekly work schedule and visible to everyone working there.

Calderone said the company's mishandling of the complaint is especially egregious given that [Del Taco, LLC is under a federal consent decree](#) to stop sexual harassment and retaliation against female employees. The company in December 2020 paid \$1.25 million in monetary relief for failing to stop the behavior as part of a settlement with the U.S. Equal Employment Opportunity Commission. The EEOC had [filed a federal lawsuit](#) over the company's sexually hostile work environment, which violates Title VII of the federal Civil Rights Act.

According to the lawsuit, Spradlin was fired in retaliation for her insistence that her superiors take action to stop to the man's behavior. Her manager repeatedly refused to hear her

complaint, to review the obscene texts she received, or to bring the matter to human resources; instead, he told her he was concerned about having enough staff to keep the restaurant running, the lawsuit states.

The consent decree also included Del Taco handling sexual harassment incidents under the auspices of an EEO compliance officer to ensure the company follows the law.

“She’s the complaining party and they fired her under the pretext of an as-yet-unnamed ‘policy violation.’ It’s a textbook example of mishandling a sexual harassment incident in a very intentional way, which we intend to prove in court,” Calderone said.

If Del Taco is found to be in violation the consent order, the federal case against the company can be reopened, Calderone said. “Del Taco is not adhering to the EEOC’s directives, or even their own policy of how they are to conduct investigations, including taking prompt remedial measures to stop or deter sexual harassment from continuing or occurring,” he said.

“They didn’t keep her informed and acted counter to the consent decree that ordered them to provide a supportive reporting process for any sexually harassed employee. Instead, they were dismissive, then defensive, then aggressive.”

The lawsuit was filed at Los Angeles County Superior Court; Spradlin v. Del Taco LLC, Del Taco Restaurants Inc., and Tristan Ibanez, 22STCV39032 (Dec. 15, 2022).

Lake Forest, Calif.-based Del Taco has nearly 600 restaurants in 15 states and Guam. Jack In The Box, Inc., of San Diego, in March took ownership of the chain in a \$585 million deal.

Over the past 20 years Employment Attorney Vincent Calderone, founder of Calderone Law Firm, has won millions of dollars in verdicts and settlements for victims of discrimination and harassment from some of California’s largest employers.

Robert Frank  
Newsroom Public Relations  
+1 206-790-6324  
[email us here](#)

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