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Filed JUN 10 2020
BRANDON E. RILEY, CLERK
TRUDY L. HALEY
By _____
DEPUTY

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN JOAQUIN

10 SHAYLECE GREER,

11 Plaintiff,

12 vs.

13 PRITCHARD SPORTS &
14 ENTERTAINMENT GROUP, LTD.;
15 "TREY" (LAST NAME UNKNOWN); and
DOES 1-10, inclusive,

16 Defendants.

Case No.:

STK-CV-40E-2020-4736

COMPLAINT FOR DAMAGES AND
PENALTIES FOR

1. HARASSMENT
2. RETALIATION
3. FAILURE TO PREVENT
HARASSMENT AND RETALIATION
4. VIOLATIONS OF LABOR CODE § 269;
ET SEQ. (PAGA)

JURY TRIAL DEMANDED

19 Plaintiff Shaylece Greer ("Greer") brings this action against Pritchard Sports &
20 Entertainment Group, Ltd. ("Pritchard"); "Trey" (Last Name Unknown); and Does 1-10, inclusive
21 as referred to herein, for compensatory damages, punitive damages, injunctive relief, interest,
22 penalties, costs, and attorneys' fees resulting from the defendants' unlawful and tortious conduct.
23 As grounds Greer therefore alleges:

24 PARTIES

25 1. Greer is and/or was at all times relevant herein an individual; a resident of San
26 Joaquin County, California; employed in San Joaquin County, California; and an "employee" as
27 defined by Gov. Code § 12926(c).

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1 2. Pritchard is and was at all times relevant herein a Maryland corporation qualified to
2 do business in California, and an “employer” as defined by Gov. Code §§ 12926(d) and
3 12940(j)(4)(A).

4 3. Trey is and/or was at all times relevant herein an individual and a resident of
5 California.

6 4. Pritchard and Does 1-10 are referred to collectively herein as “Defendants.”

7 5. Greer is not aware of the true names and capacities of the defendants sued herein as
8 Does 1-10, whether individual, corporate, associate, or otherwise, and, therefore, sues such
9 defendants by these fictitious names. Greer will amend this complaint to allege their true names
10 and capacities when ascertained. Greer is informed and believes, and on that basis alleges, that
11 each of the fictitiously named defendants is responsible in some manner for the occurrences herein
12 alleged and that the injuries and damages herein alleged were legally caused by such defendants.
13 Unless otherwise indicated, each defendant was acting within the course and scope of said agency
14 and/or employment, with the knowledge and/or consent of said co-defendant.

15 **VENUE AND JURY TRIAL DEMAND**

16 6. Venue is proper in this Court because unlawful acts alleged herein took place in San
17 Joaquin County and Greer place of employment with Pritchard was at all times relevant herein
18 located within San Joaquin County.

19 7. Greer hereby demands a jury trial.

20 **GENERAL ALLEGATIONS**

21 8. Greer was employed by Pritchard at the Stockton Arena in Stockton, California,
22 from November 13, 2019, until her unlawful termination the week of January 20th, 2020.

23 9. While at work on November 17, 2019, Pritchard manager Trey (last name
24 unknown), who was on assignment from Phoenix, Arizona, was supervising Greer.

25 10. Trey called Greer into a closed office and sexually harassed her, telling her that he
26 would pay her \$50 to go up to his hotel room next door at the Waterfront Hotel Stockton to have
27 sex with him.

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1 11. Trey repeated this illicit proposition, pressuring Greer to go to his hotel room after
2 room for sex.

3 12. Greer complained of and opposed this unlawful harassment to a female supervisor at
4 Pritchard the next day.

5 13. Greer also complained of and opposed this unlawful harassment in writing by way
6 of a November 27, 2019 letter that Pritchard received, by certified mail, on December 2, 2019.

7 14. In response, and in direct retaliation for Greer's complaint of and opposition to
8 unlawful harassment, Pritchard terminated Greer the week of January 20th, 2020.

9 15. Pritchard, through its supervisors and managers, including corporate executives at
10 Pritchard's New York City headquarters, knew of the harassment and retaliation, yet did not take
11 all reasonable steps necessary to prevent the harassment and harassment. Instead, Pritchard,
12 through its managing agents, directors, and/or officers, ratified the unlawful harassment and
13 directly participated in the unlawful retaliation.

14 16. On January 21, 2020, Greer filed a complaint with the Department of Fair
15 Employment & Housing ("DFEH") against Pritchard and Trey based on the unlawful conduct
16 described herein. That same day, the DFEH issued Greer a right-to-sue notice, which Greer served
17 on Pritchard and Trey by certified mail.

18 17. On May 15, 2020, Greer filed an amended complaint with the DFEH against
19 Pritchard based on the unlawful retaliation described herein. That same day, the DFEH issued
20 Greer a right-to-sue notice, which Greer served on Pritchard by certified mail.

21 **FIRST CAUSE OF ACTION**
22 **VIOLATION OF GOV. CODE § 12940(j)**
23 **(Harassment)**
Against Defendants and Trey

24 18. Greer hereby realleges and incorporates by reference each and every allegation set
25 forth above as though fully set forth herein, except as said paragraphs are inconsistent with the
26 allegations of this cause of action.

27 19. The California Fair Employment and Housing Act ("FEHA") prohibits an employer
28 from harassing an employee because of race, religious creed, color, national origin, ancestry,

1 physical disability, mental disability, medical condition, genetic information, marital status, sex,
2 gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
3 Gov. Code § 12940(j).

4 20. Nevertheless, as set forth above, Defendants and Trey harassed Greer in violation of
5 Gov. Code § 12940(j).

6 21. As a result, Greer has suffered damages.

7 22. Defendants' and Trey's actions towards Greer were committed or ratified by
8 Defendants and Trey, and/or their managing agents and/or employees in an oppressive, fraudulent,
9 and malicious manner in order to injure or damage Greer, thereby justifying an award of punitive
10 damages.

11 23. Wherefore, Greer seeks damages as set forth below.

12 **SECOND CAUSE OF ACTION**
13 **VIOLATION OF GOV. CODE § 12940(h)**
14 **(Retaliation)**
Against Defendants

15 24. Greer hereby realleges and incorporates by reference each and every allegation set
16 forth above as though fully set forth herein, except as said paragraphs are inconsistent with the
17 allegations of this cause of action.

18 25. FEHA explicitly prohibits an employer from retaliating or otherwise discriminating
19 against an employee for opposing any practices forbidden under FEHA or for filing a complaint,
20 testifying, or assisting in any proceeding under FEHA. Gov. Code § 12940(h).

21 26. Nevertheless, as set forth above, Defendants unlawfully retaliated and discriminated
22 against Greer for complaining of and opposing practices forbidden under FEHA.

23 27. As a result, Greer has suffered damages.

24 28. Defendants' actions towards Greer were committed or ratified by Defendants,
25 and/or their managing agents and/or employees in an oppressive, fraudulent, and malicious manner
26 in order to injure or damage Greer, thereby justifying an award of punitive damages.

27 29. Wherefore, Greer seeks damages as set forth below.

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THIRD CAUSE OF ACTION
VIOLATION OF GOVERNMENT CODE § 12940(k)
(Failure to Prevent Harassment and Retaliation)
Against Defendants

30. Greer hereby realleges and incorporates by reference each and every allegation set forth above as though fully set forth herein, except as said paragraphs are inconsistent with the allegations of this cause of action.

31. FEHA requires an employer to take all reasonable steps necessary to prevent discrimination, harassment, and retaliation from occurring. Gov. Code § 12940(k).

32. Nevertheless, as set forth above, Defendants failed to prevent discrimination and retaliation against Greer.

33. As a result, Greer has suffered damages.

34. Defendants' actions towards Greer were committed or ratified by Defendants, and/or their managing agents and/or employees in an oppressive, fraudulent, and malicious manner in order to injure or damage Greer, thereby justifying an award of punitive damages.

35. Wherefore, Greer seeks damages as set forth below.

FOURTH CAUSE OF ACTION
VIOLATIONS OF LABOR CODE § 2698 ET SEQ.
(Private Attorneys General Act)
Against Defendants

36. Greer hereby realleges and incorporates by reference each and every allegation set forth above as though fully set forth herein, except as said paragraphs are inconsistent with the allegations of this cause of action.

37. Pursuant to the provisions of Labor Code § 2699.3, an aggrieved employee may pursue a civil action arising under the California Private Attorneys General Act of 2004 ("PAGA") after the following requirements have been met:

- a. The aggrieved employee shall give written notice by certified mail to the LWDA and the employer (hereinafter "Employee's Notice") of the specific provisions of the Labor Code alleged to have been violated, including the facts and theories to support the alleged violations;

b. The LWDA shall provide notice (hereinafter "LWDA's Notice") to the employer and the aggrieved employee by certified mail that it does not intend to investigate the alleged violation within 60 calendar days of the postmark date of the Employee's Notice. Upon receipt of the LWDA's Notice, or if the LWDA does not provide notice within 65 calendar days of the postmark date of the Employee's Notice, the aggrieved employee may commence a civil action pursuant to Labor § 2699 to recover civil penalties in addition to any other penalties to which the employee may be entitled.

38. On January 7, 2020, Greer provided written notice by online submission to the LWDA, and by certified mail to Pritchard of Pritchard's violations of the Labor Code set forth below, including the facts and theories to support the alleged violations. On January 30, 2020, Greer provided amended written notice by online submission to the LWDA, and by certified mail to Pritchard of the Labor Code violations by Pritchard.

39. As of today's date, more than 65 days have passed without the LWDA providing written notice that it intends to investigate the allegations in the January 7, 2020 notice and January 30, 2020 amended notice. Accordingly, Greer has satisfied the administrative prerequisites under Labor Code § 2699.3 to bring a civil action to recover penalties against Pritchard under PAGA.

40. Within the relevant time period, including within the past year, and in accordance with a uniform, statewide policy throughout California, Pritchard failed to pay all wages in a timely manner to its California employees, current and former, exempt and non-exempt, including Greer, in violation of Labor Code § 204. Most recently, Pritchard failed to pay these individuals, who are paid on a weekly basis, every Friday, "not more than seven calendar days following the close of the payroll period" for the payroll period ending on December 20, 2019. Pritchard did not pay regular wages for the weekly payroll period ending on December 20, 2019, to these individuals no later than December 27, 2019 – i.e., "not more than seven calendar days following the close of the payroll period" ending on December 20, 2019, in violation of Labor Code § 204.

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1 41. Likewise, within the relevant time period, including within the past year, and in
2 accordance with a uniform, statewide policy throughout California, Pritchard has enforced an
3 unlawful policy of “automatically” deducting \$25.00 for lost, damaged, or unreturned ID badges,
4 \$25.00 for lost, damaged, or unreturned t-shirts, and \$35.00 for lost, damaged, or unreturned golf
5 shirts as to its California employees, current and former, exempt and non-exempt, to whom
6 Pritchard issued one or more of these items, in violation of Labor Code § 2802. Pritchard has
7 failed to indemnify the California employees, current and former, exempt and non-exempt, to
8 whom Pritchard has issued such ID badges, t-shirts, and/or golf shirts and who have been charged
9 for losing, damaging, or failing to return one or more of these items in the past year for all
10 necessary expenditures or losses incurred by the employee in direct consequence of the discharge
11 of their duties and/or their obedience to the directions of Pritchard, because Pritchard has forced
12 these individuals to incur the purported costs of one or more of these damaged, lost, or unreturned
13 items without indemnification from Pritchard, again, in violation of Labor Code § 2802.

14 42. Wherefore, Greer requests relief as set forth below.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, the following relief is sought:

17 **As to the First Through Third Causes of Action:**

- 18 1. For compensatory, special, and general damages;
- 19 2. For injunctive and declaratory relief pursuant to Gov. Code § 12965, including, but
20 not limited to, a cease-and-desist order requiring Defendants to halt their harassing
21 and retaliatory practices; an order requiring Defendants to conduct training for all its
22 employees, supervisors, and management on the requirements of the FEHA; and an
23 order requiring Defendants to develop and promulgate an effective policy for
24 preventing harassment and retaliation;
- 25 3. For punitive and/or exemplary damages;
- 26 4. For statutory attorneys’ fees and costs, including those available under Gov. Code §
27 12965(b);

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1 **As to the Fourth Cause of Action:**

- 2 1. For civil penalties recoverable under PAGA, including but not limited to those
3 available under Labor Code § 2699(f); and
4 2. For statutory attorneys' fees and costs, including but not limited to those available
5 under Code of Civil Procedure § 1021.5 and Labor Code § 2699(g);
6 3. For prejudgment and post-judgment interest according to any applicable provision
7 of law or as otherwise permitted by law, including those available under Civil Code
8 §§ 3287(a) and 3289(b); and
9 4. For such other and further relief as the court deems just and proper.
10 5. For prejudgment and post-judgment interest according to any applicable provision
11 of law or as otherwise permitted by law, including that available under Civ. Code §
12 3287, according to proof; and
13 6. For such other and further relief as the court deems proper.

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15 **DATED:** May 15, 2020

MAYALL HURLEY P.C.

16
17 By _____



NICHOLAS F. SCARDIGLI
Attorneys for Plaintiff
SHAYLECE GREER