

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Randolph Hammock

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Attorneys for Plaintiff
MICHELLE VAZQUEZ, an individual

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

MICHELLE VAZQUEZ, an
individual,

Plaintiff,

v.

THINK TOGETHER, a California
corporation; and DOES 1-10,
inclusive,

Defendants.

UNLIMITED CIVIL CASE

Amount in controversy > \$25,000

JURY TRIAL DEMAND

Case No.: 20STCV33731

COMPLAINT FOR:

- 1. Retaliation for Disclosing
Employer's Illegal Conduct in
Violation of Labor Code § 1102.5;
and**
- 2. Wrongful Termination in
Violation of Public Policy**
- 3. Civil Penalties Under Private
Attorneys General Act, Labor
Code 2698 et seq.**

Plaintiff, MICHELLE VAZQUEZ, hereby complains against Defendant THINK
TOGETHER, a California corporation, and DOES 1-10, inclusive, and alleges as follows:

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4. All Defendants herein, including all entity, individual and DOE Defendants, shall be collectively referred to throughout this complaint as “Defendant,” or “Defendants,” “defendant,” and/or “defendants,” as may be relevant.

FACTUAL BACKGROUND

5. Defendant THINK TOGETHER, a California corporation (“Defendant”), provides after-school learning programs to over 400 schools throughout the state of California. Defendant’s programs, as relevant to this action, are subject to regulation pursuant to California’s Child Care Facility Licensing Regulations, 22 CCR sections 101152 et seq. (the “Child Care Facility Licensing Regulations”).

6. Defendant employed Plaintiff for almost eight years, beginning in or about September 2011. Plaintiff's most recent job title was Program Manager.

7. During the course of her employment by Defendant, Plaintiff observed, reported, opposed and/or disclosed what she reasonably believed to be a pattern of violations by Defendant of various state or federal statutes, and/or violations of or noncompliance with local, state, and/or federal rules or regulations. In particular, Plaintiff reasonably believed Defendant to be in violation of the Child Care Facility Licensing Regulations by, among other things:

- Operating child care centers without a license
- Lying to the California Department of Social Services and/or any authorized entity about its operation of child care centers without a license
- Requesting that Plaintiff refrain from disclosing to the Department of Social Services Defendant was running a child care center without a license
- Actively deceiving the Department of Social Services by having employees remove children's artwork from the walls of a classroom to make it appear that Defendant's child care center was not yet open, when, in fact, it was fully operational

1 • During a licensing interview with the Department of Social Services, Defendant
2 instructed Plaintiff to tell the state licensing analyst that she would in fact be physically
3 present on a particular site, when, in fact, she may not be on-site

4 • Telephoning the Department of Social Services, pretending to be Plaintiff

5 8. Over a period of several months, Plaintiff reported, disclosed, and objected
6 to Defendant's continued pattern of violating the Child Care Facility Licensing
7 Regulations and its deception of the Department of Social Services, until she was finally
8 terminated in June 2019 in retaliation for reporting, opposing, and disclosing Defendant's
9 violations of the law.

10 **FIRST CAUSE OF ACTION**
11 **RETALIATION IN VIOLATION OF LABOR CODE § 1102.5**

12 9. Plaintiff repeats and incorporates by reference each and every allegation
13 contained in the preceding paragraphs as if set forth here in full.

14 10. Labor Code section 1102.5 provides, in relevant part, that:

15 (a) An employer, or any person acting on behalf of the employer, shall not
16 make, adopt, or enforce any rule, regulation, or policy preventing an
17 employee from disclosing information to a government or law enforcement
18 agency, to a person with authority over the employee, or to another
19 employee who has authority to investigate, discover, or correct the violation
20 or noncompliance, or from providing information to, or testifying before,
any public body conducting an investigation, hearing, or inquiry, if the
employee has reasonable cause to believe that the information discloses a
violation of state or federal statute, or a violation of or noncompliance with
a local, state, or federal rule or regulation, regardless of whether disclosing
the information is part of the employee's job duties.

21 (b) An employer, or any person acting on behalf of the employer, shall not
22 retaliate against an employee for disclosing information, or because the
23 employer believes that the employee disclosed or may disclose information,
24 to a government or law enforcement agency, to a person with authority over
25 the employee or another employee who has the authority to investigate,
26 discover, or correct the violation or noncompliance, or for providing
information to, or testifying before, any public body conducting an
investigation, hearing, or inquiry, if the employee has reasonable cause to
believe that the information discloses a violation of state or federal statute,
or a violation of or noncompliance with a local, state, or federal rule or
regulation, regardless of whether disclosing the information is part of the
employee's job duties.

1 (c) An employer, or any person acting on behalf of the employer, shall not
2 retaliate against an employee for refusing to participate in an activity that
3 would result in a violation of state or federal statute, or a violation of or
4 noncompliance with a local, state, or federal rule or regulation.

5 * * *

6 *Labor Code § 1102.5.*

7 11. By engaging in the conduct alleged herein, and otherwise, including, but not
8 limited to, by retaliating against and terminating Plaintiff for disclosing her reasonable
9 belief that Defendant's violated, among other laws, 22 CCR sections 101156, 101157,
10 101158, and 10215.1, Defendant violated Labor Code section 1102.5.

11 12. As a direct and proximate result of the aforementioned acts of defendants,
12 Plaintiff has and will continue to suffer economic damages, lost income and benefits, and
13 general damages, including, but not limited to, emotional distress, pain, and suffering, all
14 in an amount to be proven at trial.

15 13. The above described acts of Defendants, including, but not limited to, by
16 and through their managing agents, officers or directors, were engaged in with a
17 deliberate, cold, callous, fraudulent and intentional manner in order to injure and damage
18 Plaintiff and/or with a conscious disregard of Plaintiff and his rights. Such acts were
19 despicable, and constitute malice, fraud and/or oppression within the meaning of Civil
20 Code § 3294. Plaintiff requests an assessment of punitive damages against Defendants,
21 in an amount to be proven at time of trial.

22 **SECOND CAUSE OF ACTION**
23 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

24 14. Plaintiff repeats and incorporates by reference each and every allegation
25 contained in the preceding as if set forth here in full.

26 15. Plaintiff engaged in protected activities as described herein, including
27 reporting conduct Plaintiff reasonably believed violated the law.
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1 18. Plaintiff was protected from termination by the fundamental public policies
2 of the Unites States of America and the State of California, including, without limitation:
3 the right to raise reasonable good-faith complaints and/or oppose and/or disclose
4 information concerning the believed violation or noncompliance with a state or federal
5 law, regulation, or rule; and the right to protection for retaliation for doing the same. Each
6 of these fundamental public policies insures to the benefit of the public and not just the
7 private interests of the employer and employee.

8 19. Defendant's decision to terminate Plaintiff was in violation of the public
9 policies stated above and alleged herein.

10 20. As a direct and proximate result of the aforementioned acts and omissions
11 of Defendants, Plaintiff has and will continue to suffer economic damages, lost income
12 and benefits, and general damages, including, but not limited to, emotional distress, pain,
13 and suffering, all in an amount to be proven at trial.

14 21. The above described acts of Defendants, including, but not limited to, by
15 and through their managing agents, officers or directors, were engaged in with a
16 deliberate, cold, callous, fraudulent and intentional manner in order to injure and damage
17 Plaintiff and/or with a conscious disregard of Plaintiff and her rights. Such acts were
18 despicable, and constitute malice, fraud and/or oppression within the meaning of Civil
19 Code section 3294. Plaintiff requests an assessment of punitive damages against
20 Defendants, in an amount to be proven at time of trial.

21 **THIRD CAUSE OF ACTION**
22 **FOR CIVIL PENALTIES UNDER PRIVATE ATTORNEYS GENERAL ACT**

23 16. Plaintiff repeats and incorporates by reference each and every allegation
24 contained in the preceding as if set forth here in full.

25 17. Plaintiff brings this action on behalf of herself and others similarly situated
26 under the Private Attorneys General Act, Labor Code section 2698 et seq., to recover all
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1 penalties, attorney's fees, costs and other damages and/or relief available thereunder based
2 on Defendants' violation of Labor Code section 1102.5.

3 18. On March 16, 2020, Plaintiff gave written notice by online submission to
4 the Labor and Workforce Development Agency ("LWDA") and to defendants, specifying
5 the Labor Code sections violated by Defendants, as alleged herein, and describing the
6 general facts and theories to support the violation(s), with a copy of the notice being sent
7 to Defendant on that date by Certified Mail. To this date the LWDA has not notified
8 Plaintiff that it will investigate his allegations, thereby entitling Plaintiff to pursue all
9 available remedies under Labor Code § 2698 et seq., including the \$10,000 civil penalty
10 provided by section 1102.5(f).

11 WHEREFORE, Plaintiff demands judgment against Defendants for the following:

- 12 1. For damages according to proof;
- 13 2. For pre-judgment interest to the extent allowed by law;
- 14 3. For costs of suit incurred herein;
- 15 4. For punitive and/or exemplary damages in an amount necessary to punish
16 Defendants;
- 17 5. For all civil penalties, attorney's fees, and costs on the Third Cause of
18 Action; and
- 19 6. For such other and further relief as the Court deems just and proper.
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21 DATED: September 2, 2020

The Rutten Law Firm, APC

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23 By: 
24 HOWARD RUTTEN

25 Attorneys for Plaintiff
26 MICHELLE VAZQUEZ
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DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury.

DATED: September 2, 2020

The Rutten Law Firm, APC



By: _____

HOWARD RUTTEN

Attorneys for Plaintiff
MICHELLE VAZQUEZ