

Electronically FILED by Superior Court of California, County of Los Angeles on 03/26/2021 04:08 PM Sherri R. Carter, Executive Officer/Clerk of Court, by H. Flores-Hernandez, Deputy Clerk

Armond M. Jackson, SBN 281547
 Andrea M. Fernandez, SBN 295924
JACKSON LAW, APC
 2 Venture Plaza, Suite 240
 Irvine, California 92618
 Phone (949) 281-6857
 Fax (949) 777-6218

Attorneys for Plaintiff Janette Maravilla

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF LOS ANGELES- STANLEY MOSK COURTHOUSE**

JANETTE MARAVILLA, an individual,

Plaintiff,

vs.

GLOBALEX CORPORATION, a California
 Corporation; OUTPUT SERVICES GROUP,
 INC., a Florida Corporation; and DOES 1-50,
 inclusive,

Defendants.

Case No.: **21STCV11784**

COMPLAINT FOR:

- 1. VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT (GOV'T CODE, § 12940 (A))—SEX DISCRIMINATION)**
- 2. VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT (GOV'T CODE, § 12940 (A))—RACE DISCRIMINATION)**
- 3. VIOLATIONS OF THE FAIR EMPLOYMENT AND HOUSING ACT(GOV'T CODE, § 12940 (H)) – RETALIATION)**
- 4. VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT (GOV'T CODE, § 12940 (J)(1)-HARASSMENT);**
- 5. VIOLATIONS OF THE FAIR EMPLOYMENT AND HOUSING ACT – FAILURE TO PREVENT DISCRIMINATION, HARASSMENT AND RETALIATION (GOV'T CODE, § 12940 (K))**
- 6. WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

7. CLAIM FOR FAILURE TO PAY FOR NECESSARY EXPENSES

8. CLAIM FOR FAILURE TO PROVIDE AND MAINTAIN ACCURATE ITEMIZED WAGE STATEMENTS AND MAINTAIN RECORDS (LAB. CODE § 226(a))

**9. VIOLATION OF THE
CALIFORNIA LABOR CODE
PRIVATE ATTORNEYS
GENERAL ACT OF 2004 (CAL
LAB. CODE §§ 2698, ET SEQ.**

[JURY DEMAND]

GENERAL ALLEGATIONS

The Parties and Jurisdiction.

1. Plaintiff, JANETTE MARAVILLA (hereinafter “PLAINTIFF” or “Ms. Maravilla”) is, and at all relevant times was, an individual with residence within the County of Orange.

2. Ms. Maravilla worked for GLOBALEX CORPORATION, (referred to hereinafter “GC” or “Defendant”) at its office located at 2100 Abbot Kinney Boulevard, Venice, California 90291. Ms. Maravilla is informed and believes and thereon alleges that GC is a California corporation with its principal place of business located at 2100 Abbot Kinney Boulevard, Venice, California 90291. GC’s conduct hereinafter alleged occurred in said County and State. Ms. Maravilla is further informed and believes and thereon alleges GC employs more than 5 persons; and is an employer as defined in the California Fair Employment and Housing Act (“FEHA”).

3. Ms. Maravilla worked for OUTPUT SERVICES GROUP, INC, (referred to hereinafter “OSG” or “Defendant”) at its office located at 2100 Abbot Kinney Boulevard, Venice, California 90291. OSG’s conduct hereinafter alleged occurred in said County and State. Ms. Maravilla is informed and believes and thereon alleges that OSG is a New Jersey Corporation with its principal place of business located at 100 Challenger Road, Suite 303, Ridgely Park, New Jersey 07660. Ms. Maravilla is further informed and believes and thereon alleges OSG employs more than 5 persons; and is an employer as defined in the California Fair Employment and Housing Act (“FEHA”).

4. GC and OSG will be collectively referred herein as “Defendants.”

5. The true names or capacities, whether individual, corporate, associate, or otherwise, are identified herein as DOES 1 through 50, inclusive, are unknown to Ms. Maravilla, who therefore sues said defendants by such fictitious names. Ms. Maravilla is informed and believes and thereon alleges that each of the defendants designated herein as a DOE is legally responsible in some manner for the events and happenings herein referred to, and legally caused injury and damage to Ms. Maravilla as alleged herein.

Vicarious Liability.

6. Unless otherwise indicated, each defendant herein sued is the agent, co-conspirator, joint venturer, partner, and/or employee of every other defendant and, as alleged, has been acting within the course and scope of said agency, conspiracy, joint venture, partnership, and/or employment, with the knowledge and/or consent of co-defendants, and each of them. Moreover, Ms. Maravilla is informed and believes and thereon alleges that each defendant has authorized and/or ratified the wrongful activities of each of the remaining defendants.

7. The corporate defendant's conduct was undertaken by its officers, managing agents and other persons responsible for supervision of employees and for the drafting and implementation of policies and other managerial decisions. The conduct of the officers, managing agents, and other individuals was on behalf of the corporate defendant. Further, the corporate defendant had advance knowledge of such conduct of said individuals whose actions and conduct were ratified, authorized, approved and/or known by the corporate defendant's officers and managing agents.

COMMON ALLEGATIONS TO ALL CAUSES OF ACTION

8. Ms. Maravilla is a Hispanic female. She began her employment with Defendants on or around May 4, 2017, in its finance and accounting department as an office Manager/bookkeeper.

9. During her employment she was treated differently than her male counterparts. After she lodged a complaint about that treatment, her work environment became worse. Defendant's vice-president, "Matthew" continuously singled her out in a way that was embarrassing, humiliating and undermining of her job role. She was assigned tasks that were outside the scope of her role in the finance and accounting department, including "Cleaning Projects" that would include her lifting very heavy boxes and tables. These "Cleaning Projects" included cleaning out the garage, closets and told to make sure the office looked "good." Her co-workers would also be aware that she was performing these cleaning job functions, negatively impacting her ability to be respected as a member in the finance and accounting department.

10. During an accounting meeting, Matthew embarrassingly required Ms. Maravilla to help him throw out a white board to the trash stating: "Hey kiddo help me take this whiteboard to the basura" in front of her coworkers by whom she desired to be respected. When Matthew, a high

1 level executive referred to Ms. Maravilla as “Kiddo” and spoke Spanglish or reference Spanish
2 words to her in front of her male and Caucasian colleagues, it set a tone of disrespect, her lack of
3 authority and worth, embarrassment and humiliation which all negatively impacted her working
4 conditions and negatively impacted her confidence and self-worth as a female Hispanic worker.

5 11. Matthew continued to assign Ms. Maravilla tasks that were inconsistent with her job
6 function as a bookkeeper in the finance department, such as to shipping tasks and constantly
7 messaging her to “Tell SJ to come up here” “Tell Mark Lance to come up here” “Turn on the
8 AC,” treating her as if she was his personal assistant. Her male counterparts were not treated in
9 this manner.

10 12. Ms. Maravilla complained about the treatment to Ivan Camacho many times, but the only
11 response given was “He’s the one in charge so if you want your job you need to keep him
12 happy.”

13 13. Ms. Maravilla became pregnant and informed defendants of her pregnancy.

14 14. About a week later, on or around March 30, 2020, she was given a termination letter
15 indicating that her position, although other’s that did the same job, were not terminated.

16 15. Consequently, Ms. Maravilla has suffered and continues to suffer damages in the form of
17 lost wages and other employment benefits. As a result of the financial losses and the loss of her
18 job, Ms. Maravilla has suffered and continues to suffer a wide range of emotional distress,
19 including, but not limited to shame, humiliation, anger, fear of working in a managerial capacity
20 in the financial services industry or corporate environment, stress and feelings of betrayal,
21 rejection and despair.

22 16. On February 3, 2021, Plaintiff exhausted her administrative remedies by filing a claim
23 with the California Department of Fair Employment and Housing and received a Notice of Case
24 Closure and Right-to-Sue letter.

25 **Defendants Provided Inaccurate Wage Statements**

26 17. Furthermore, throughout Plaintiff’s, employment, its paystubs did not accurately
27 reflect the name and address of the legal entity employer in violation of California Labor Code
28 Section 226(a), specifically section 8.

1 18. Plaintiff is informed and on that basis believes that all other similarly situated
2 employees of Defendants were under the same circumstances and conditions of employment as
3 it. Specifically, all other similarly situated employees were not provided with accurate itemized
4 wages statements and received paystubs that did not reflect their name and address of the legal
5 entity.

6 **Defendant Failed to Reimburse for Business Expenses**

7 19. Plaintiff, and aggrieved employees were regularly required to use their personal cell
8 phones, home landlines, personal computers or tablets, teleconferencing software or hardware
9 and home internet for work purposes and not reimbursed for this expense incurred in order to
10 perform their job duties in violation of California Labor Code section 2802 and the applicable
11 California Industrial Welfare Commission wage order(s). Plaintiff is informed and on that basis
12 believes that all other similarly situated employees of Defendants were under the same
13 circumstances and conditions of employment as it. Specifically, all other similarly situated
14 employees were not provided with reimbursement for business related expenses for Defendant
15 for use of their personal cell phones, home landlines, personal computers or tablets,
16 teleconferencing software or hardware and home internet for work purposes.

17 **FIRST CAUSE OF ACTION**

18 **(Violation of FEHA - California Government Code §12940 (a))**
19 **[Sex-Pregnancy Discrimination] By Plaintiff Against All Defendants and DOES 1-50)**

20 20. Plaintiff hereby incorporates all of the allegations set forth in each of the paragraphs
21 above and below by reference as though set forth in full in this cause of action.

22 21. The California Fair Employment and Housing Act ("FEHA") declares as a matter of
23 public policy that it is necessary to protect and safeguard the right and opportunity of all persons
24 to seek, obtain, and hold employment without discrimination or abridgment on account of sex or
25 pregnancy. (Cal. Gov't Code, § 12920.) The stated purpose of the FEHA is to provide effective
26 remedies that will eliminate these types of discriminatory practices. (Id.)

27 22. Under the FEHA an employer may not discharge any person from employment, or
28 discriminate against the person in compensation or in terms, conditions, or privileges of
employment because of sex, or pregnancy. (Cal. Gov't Code, § 12940, subd. (a).)

1 23. GC and OSG are “employers” within the meaning of California Government Code
2 section 12940 and is therefore subjected to the FEHA requirements. Consequently, Defendants
3 are prohibited from discriminating against qualified employees, including failing to protect
4 those employees from such violations, discriminating against employees based upon sex and
5 pregnancy.

6 24. In violation of Section 12940, subdivision (a) as set forth in paragraphs 8 through 16
7 Defendants treated Plaintiff unfairly when she was targeted because she was a female. Despite
8 her complaints she had to endure the disparate demeaning treatment in which her male
9 counterparts to which her male counterparts were not subjected, which included cleaning
10 projects, being referred to as “kiddo” and was terminated once she informed Defendants that she
11 was pregnant. Despite being a bookkeeper in the finance and accounting department
12 defendants’ managers and high-level executive assigned her janitorial jobs, while her male non-
13 Hispanic counterparts were not treated in such manner. Defendants discriminated and
14 terminated her.

15 25. As a result of Defendants’ violation of California Government Code section 12940, et
16 seq., Plaintiff has suffered damages set forth in paragraph 15 above in an amount that will be
17 determined by proof by a jury at the time of trial, but which amounts will easily exceed the
18 jurisdictional minimums of this court.

19 26. As a further result of Defendants’ violation of California Government Code section
20 12940, et seq., Plaintiff has been required to incur attorneys’ fees, costs, and expert witness fees
21 which, pursuant to California Government Code section 12965(b), she is entitled to receive in
22 this action.

23 27. The wrongful conduct of Defendants described above was intended by Defendants to
24 cause injury to Plaintiff and was despicable conduct carried on by defendants with a willful and
25 conscious disregard of the rights of Plaintiff, subjecting her to cruel and unjust hardship, was
26 done with reckless disregard, and was an intentional misrepresentation and concealment of
27 material facts known to Defendants with the intent to deprive Plaintiff of property, legal rights,
28 or to otherwise cause injury, such as to constitute malice, oppression and/or fraud under Civil

Code section 3294, thereby entitling Plaintiff to punitive damages in an amount sufficient to punish Defendants or to set an example of the Defendants to prevent such conduct by others.

SECOND CAUSE OF ACTION

**(Violation of FEHA - California Government Code §12940 (a)
[Race Discrimination] By Plaintiff Against All Defendants and DOES 1-50)**

28. Plaintiff hereby incorporates all of the allegations set forth in each of the paragraphs above and below by reference as though set forth in full in this cause of action.

29. The California Fair Employment and Housing Act (“FEHA”) declares as a matter of public policy that it is necessary to protect and safeguard the right and opportunity of all persons to seek, obtain, and hold employment without discrimination or abridgment on account of race. (Cal. Gov’t Code, § 12920.) The stated purpose of the FEHA is to provide effective remedies that will eliminate these types of discriminatory practices. (Id.)

30. Under the FEHA an employer may not discharge any person from employment, or discriminate against the person in compensation or in terms, conditions, or privileges of employment because of race. (Cal. Gov’t Code, § 12940, subd. (a).)

31. Defendants are “employer[s]” within the meaning of California Government Code section 12940 and are therefore subjected to the FEHA requirements. Consequently Defendants are prohibited from discriminating against qualified employees, including failing to protect those employees from such violations, discriminating against employees based upon race.

32. In violation of Section 12940, subdivision (a) as set forth in paragraphs 8 through 16, Defendants treated Plaintiff unfairly when it targeted Plaintiff for being an employee of Hispanic descent. Here plaintiff worked as a professional in the accounting department, but was made to do cleaning projects. During an accounting meeting, her boss Matthew embarrassingly required Ms. Maravilla to help him throw out a white board to the trash stating: “Hey kiddo help me take this whiteboard to the basura” in front of her coworkers by whom she desired to be respected. When Matthew, a high level executive referred to Ms. Maravilla as “Kiddo” and spoke Spanglish or reference Spanish words to her in front of her male and Caucasian colleagues, it set a tone of disrespect, her lack of authority and worth, embarrassment and

1 humiliation which all negatively impacted her working conditions and negatively impacted her
2 confidence and self-worth as a female Hispanic worker.

3 33. As a result of Defendants' violation of California Government Code section 12940, et
4 seq., Plaintiff has suffered damages set forth in paragraphs 14 above in an amount that will be
5 determined by proof by a jury at the time of trial, but which amounts will easily exceed the
6 jurisdictional minimums of this court.

7 34. As a further result of Defendants' violation of California Government Code section
8 12940, et seq., Plaintiff has been required to incur attorneys' fees, costs, and expert witness fees
9 which, pursuant to California Government Code section 12965(b), she is entitled to receive in
10 this action.

11 35. Defendants' wrongful conduct was intended to cause injury to Plaintiff and was
12 despicable conduct carried out with a willful and conscious disregard of her rights. The
13 Defendants' revealed its willingness to place profit over the health and welfare of its employees
14 and its discriminatory animus towards Hispanic employees. Defendants' company practices
15 subjected Plaintiff to cruel and unjust hardship, was done with reckless disregard, all with the
16 intent to deprive Plaintiff of her property, legal rights, or to otherwise cause injury, such as to
17 constitute malice, oppression and/or fraud under Civil Code section 3294. Plaintiff is therefore
18 entitled to recover punitive damages in an amount sufficient to punish or to set an example of
19 Defendants to prevent such conduct by others.

20 **THIRD CAUSE OF ACTION**

21 **(Violation of FEHA—California Government Code, § 12940 (h) 22 [Retaliation] by Plaintiff Against All Defendants, and DOES 1-50)**

23 36. Plaintiff hereby incorporates all of the allegations set forth in each of the paragraphs
24 above and below by reference as though set forth in full in this cause of action.

25 37. Under the FEHA an employer cannot discharge, expel, or otherwise discriminate against
26 any person because the person has opposed any practices forbidden under this part or because
27 the person has filed a complaint, testified, or assisted in any proceeding under this part. (Cal.
28 Gov't Code, § 12940, subd. (h).)

1 38. In violation of Section 12940, subdivision (h) as set forth in paragraphs 8 through 16,
2 Defendants subjected Plaintiff to retaliation after she complained of the demeaning disparate
3 treatment and informed her managers that she was pregnant.

4 39. As a result of Defendants' violation of California Government Code section 12940, et
5 seq., Plaintiff has suffered damages set forth in paragraph 15 above in an amount that will be
6 determined by proof by a jury at the time of trial, but which amounts will easily exceed the
7 jurisdictional minimums of this court.

8 40. As a further result of Defendants' violation of California Government Code section
9 12940, et seq., Plaintiff has been required to incur attorneys' fees, costs, and expert witness fees
10 which, pursuant to California Government Code section 12965(b), she is entitled to receive in
11 this action.

12 41. The wrongful conduct of Defendants described above was intended by them to cause
13 injury to Plaintiff and was despicable conduct carried on by defendants with a willful and
14 conscious disregard of the rights of Plaintiff, subjecting her to cruel and unjust hardship, was
15 done with reckless disregard, and was an intentional misrepresentation and concealment of
16 material facts known to Defendants with the intent to deprive Plaintiff of property, legal rights,
17 or to otherwise cause injury, such as to constitute malice, oppression and/or fraud under Civil
18 Code section 3294, thereby entitling Plaintiff to punitive damages in an amount sufficient to
19 punish WFB or to set an example of the Defendants to prevent such conduct by others.

20 **FOURTH CAUSE OF ACTION**

21 **(Violation of FEHA—California Government Code, § 12940 (j)(1)**
22 **[Harassment] By Plaintiff Against All Defendants and DOES 1-50)**

23 42. Plaintiff hereby incorporates all of the allegations set forth in each of the paragraphs
24 above and below by reference as though set forth in full in this cause of action.

25 43. The FEHA prohibits "harassment" in the terms or conditions of employment on the basis
26 of "sex." (Cal. Gov't Code, § 12940 (j)(1).) § (Under the FEHA neither an employer nor an
27 individual supervisor can harass an employee based on sex or sexual orientation. (Cal. Gov't
28 Code, § 12940, subd. (j)(1).)

1 44. In violation of Section 12940, subdivision (j) as set forth in paragraphs 8 through 16
2 Defendants severely and pervasively harassed Plaintiff negatively altering her working
3 conditions through continuous and ongoing derogatory demeaning comments and actions,
4 engaging in targeting activities that caused her to lose respect and confidence.

5 45. As a result of Defendants' violation of California Government Code section 12940, et
6 seq., Plaintiff has suffered damages set forth in paragraph 15 above in an amount that will be
7 determined by proof by a jury at the time of trial, but which amounts will easily exceed the
8 jurisdictional minimums of this court.

9 46. As a further result of Defendants' violation of California Government Code section
10 12940, et seq., Plaintiff has been required to incur attorneys' fees, costs, and expert witness fees
11 which, pursuant to California Government Code section 12965(b), she is entitled to receive in
12 this action.

13 47. Defendants' wrongful conduct described above was intended to cause injury to Plaintiff
14 and was despicable conduct carried on by Defendant with a willful and conscious disregard of
15 the rights of Plaintiff, subjecting her to cruel and unjust hardship, was done with reckless
16 disregard, and was an intentional misrepresentation and concealment of material facts known to
17 Defendant with the intent to deprive Plaintiff of property, legal rights, or to otherwise cause
18 injury, such as to constitute malice, oppression and/or fraud under Civil Code section 3294,
19 thereby entitling Plaintiff to punitive damages in an amount sufficient to punish Defendants or
20 to set an example of the Defendants to prevent such conduct by others.

21 **FIFTH CAUSE OF ACTION**

22 **(Violation of FEHA—California Government Code, § 12940 (k)**
23 **[Failure to Prevent] By Plaintiff Against all Defendants and DOES 1-50)**

24 48. Plaintiff hereby incorporates all of the allegations set forth in each of the paragraphs
25 above and below by reference as though set forth in full in this cause of action.

26 49. Under the FEHA it is unlawful for an employer to fail to take all reasonable steps
27 necessary to prevent discrimination, harassment and retaliation from occurring. (Cal. Gov't
28 Code, § 12940, subd. (k)(h))

1 50. In violation of Section 12940, subdivision (k) as set forth in paragraphs 8 through 16
2 Defendants failed to take reasonable steps to prevent the above-mentioned discrimination,
3 harassment and retaliation against Plaintiff from occurring as they did nothing to prevent such
4 activity.

5 51. As a result of Defendants' violation of California Government Code section 12940, et
6 seq., Plaintiff has suffered damages set forth in paragraph 15 above in an amount that will be
7 determined by proof by a jury at the time of trial, but which amounts will easily exceed the
8 jurisdictional minimums of this court.

9 52. As a further result of Defendants' violation of California Government Code section
10 12940, et seq., Plaintiff has been required to incur attorneys' fees, costs, and expert witness fees
11 which, pursuant to California Government Code section 12965(b), she is entitled to receive in
12 this action.

13 53. Defendants' wrongful conduct described above was intended to cause injury to Plaintiff
14 and was despicable conduct carried on by Defendant with a willful and conscious disregard of
15 the rights of Plaintiff, subjecting her to cruel and unjust hardship, was done with reckless
16 disregard, and was an intentional misrepresentation and concealment of material facts known to
17 Defendants with the intent to deprive Plaintiff of property, legal rights, or to otherwise cause
18 injury, such as to constitute malice, oppression and/or fraud under Civil Code section 3294,
19 thereby entitling Plaintiff to punitive damages in an amount sufficient to punish Defendants or
20 to set an example of the Defendants to prevent such conduct by others.

21
22 **SIXTH CAUSE OF ACTION**
23 **(Wrongful Termination in Violation of Public Policy**
24 **Against All Defendants and DOES 1-50)**

25 54. Plaintiff hereby incorporates all of the allegations set forth in each of the paragraphs
26 above and below by reference as though set forth in full in this cause of action.

27 55. In California an employer's authority to terminate an at-will employee is limited by
28 statute and by considerations of public policy. (*Tameny v. Atlantic Richfield* (1980) 27 Cal.3d
167, 172.) While an at-will employee may be terminated, there can be no right to terminate for

an unlawful reason or a purpose that contravenes fundamental public policy. This theory extends to any adverse employment action taken in violation of fundamental public policy.

56. Plaintiff and Defendants were in an employer-employee relationship at all relevant times.

57. Defendants' wrongful termination of Plaintiff's employment as described herein was in violation of public policy in that it constituted unlawful discrimination and retaliation prohibited by the Fair Employment and Housing Act set forth in Government Code section 12940 et seq., including, but not limited to sections 12940(a), 12940(h), 12940 (j), and 12940(k).

58. As a result of Plaintiff's wrongful discharge in violation of public policy, Plaintiff has suffered damages as set forth in paragraph 14 above.

59. The wrongful conduct of Defendants described above was intended by them to cause injury to Plaintiff and was despicable conduct carried on by Defendants with a willful and conscious disregard of the rights of Plaintiff, subjecting her to cruel and unjust hardship, was done with reckless disregard, and was an intentional misrepresentation and concealment of material facts known to Defendants with the intent to deprive Plaintiff of property, legal rights, or to otherwise cause injury, such as to constitute malice, oppression and/or fraud under Civil Code section 3294, thereby entitling Plaintiff to punitive damages in an amount sufficient to punish Defendants or to set an example of the defendants to prevent such conduct by others.

60. Pursuant to Code of Civil Procedure section 1021.5 Plaintiff seeks an award of attorney fees upon prevailing on this cause of action.

SEVENTH CAUSE OF ACTION

(Provide Accurate Wage Statements in Violation of Labor Code § 226(a) by Plaintiff, Class and Subclass Against All Defendants and DOES 1-50)

60. Plaintiff hereby incorporate all of the allegations set forth in each of the paragraphs above and below by reference as though set forth in full in this cause of action.

61. Plaintiff bring this claim on behalf of themselves, and the Aggrieved Employees.

62. Labor Code section 226(a) requires An employer, semimonthly or at the time of each payment of wages, shall furnish to his or her employee, either as a detachable part of the check, draft, or voucher paying the employee's wages, or separately if wages are paid by personal check or cash, an accurate itemized statement in writing showing (1) gross wages earned, (2)

1 total hours worked by the employee, except as provided in subdivision (j), (3) the number of
2 piece-rate units earned and any applicable piece rate if the employee is paid on a piece-rate
3 basis, (4) all deductions, provided that all deductions made on written orders of the employee
4 may be aggregated and shown as one item, (5) net wages earned, (6) the inclusive dates of the
5 period for which the employee is paid, (7) the name of the employee and only the last four digits
6 of his or her social security number or an employee identification number other than a social
7 security number, (8) the name and address of the legal entity that is the employer and, if the
8 employer is a farm labor contractor, as defined in subdivision (b) of Section 1682, the name and
9 address of the legal entity that secured the services of the employer, and (9) all applicable hourly
10 rates in effect during the pay period and the corresponding number of hours worked at each
11 hourly rate by the employee and, beginning July 1, 2013, if the employer is a temporary services
12 employer as defined in Section 201.3, the rate of pay and the total hours worked for each
13 temporary services assignment. The applicable Wage Order provides: "Every employer shall
14 semimonthly or at the time of each payment of wages furnish each employee, either as a
15 detachable part of the check, draft, or voucher paying the employee's wages, or separately, an
16 itemized statement in writing showing: (1) all deductions; (2) the inclusive dates of the period
17 for which the employee is paid; (3) the name of the employee or the employee's social security
18 number; and (4) the name of the employer, provided all deductions made on written orders of
19 the employee may be aggregated and shown as one item."

20 63. Defendants knowingly and intentionally failed to provide Plaintiff, Aggrieved Employees
21 with timely and accurate wage and hour statements showing the name and address of the legal
22 entity employing them.

23 64. Plaintiff, Class and Subclass suffered injury as a result of Defendants knowing and
24 intentional failure to provide them with accurate the wage and hour statements required by law,
25 which injury shall exceed the jurisdictional minimums of the superior court.
26
27
28

(Claim For Failure to Reimburse Plaintiff for All Necessary Expenses Per Lab. Code § 2802 on Behalf of Plaintiff, Class Member and Subclass Members Against All Defendants and DOES 1-50)

66. Plaintiff brings this claim on behalf of herself and the Aggrieved Employees.

68. At all times herein mentioned Employer was subject to Labor Code § 2802 which states that “an employer shall indemnify his or her employees for all necessary expenditures or losses incurred by the employee indirect consequence of the discharge of his duties, or of his obedience to the directions of the employer.”

70. Plaintiff is entitled to expenses, attorney's fees. Interest, and costs of suit pursuant to Labor Code § 2802(c) for bringing this action.

COMPLAINT - 15

1 necessary expenditures under this section shall carry interest at the same rate as judgment in civil
2 actions. Interest shall accrue from the date on which the employee incurred the necessary
3 expenditure. Plaintiff is entitled to said interest.

4 72. Plaintiff, Aggrieved Employees are entitled to reimbursement for
5 expenses including, but not limited to, reimbursement for the use of their personal cell phones,
6 home landlines, personal computers or tablets, teleconferencing software or hardware and home
7 internet for work purposes when completing duties as required by Employer, attorney's fees,
8 interest, and costs of suit pursuant to Labor code § 2802 for bringing this action.

9 **NINTH CAUSE OF ACTION**

10 **(For Violation of the Labor Code Private Attorneys General Act)**
11 **(Labor Code §§ 2698, et seq. By Plaintiffs Against All Defendants and DOES 1-50)**

12 73. Plaintiffs hereby incorporates all of the allegations set forth in each of the paragraphs
13 above and below by reference as though set forth in full in this cause of action.

14 74. Pursuant to Labor Code § 2699(a), any provision of the Labor Code that provides for a
15 civil penalty to be assessed and collected by the Labor and Workforce Development Agency
16 ("LWDA") or any of its departments, divisions, commissions, boards, agencies or employees
17 for violation of the code may, as an alternative, be recovered through a civil action brought by
18 an aggrieved employee on behalf of himself and other current or former employees pursuant to
19 the procedures specified in Labor Code § 2699.3.

20 75. For all provisions of the Labor Code except those for which a civil penalty is specifically
21 provided, Labor Code § 2699(f) imposes upon Defendants a penalty of one hundred dollars
22 (\$100.00) for each aggrieved employee per pay period for the initial violation and two hundred
23 dollars (\$200.00) for each aggrieved employee per pay period for each subsequent pay period in
24 which Defendants violated these provisions of the Labor Code.

25 76. Defendants' conduct violates numerous Labor Code sections including, but not limited to
26 the following:

27 (a) Violation of Labor Code § 2802 for failure to reimburse of business expenses; and
28

1 (b) Violation of Labor Code §§ 226, 226.3, for failure to maintain records and provide
2 accurate itemized wage statements to Plaintiff and other aggrieved employees as herein
3 alleged;

4 77. Further, Labor Code § 558(a) provides “any employer or other person acting on behalf of
5 an employer who violates, or causes to be violated, a section of this chapter or any provisions
6 regulating hours and days of work in any order of the IWC shall be subject to a civil penalty as
7 follows: (1) For any violation, fifty dollars (\$50) for each underpaid employee for each pay
8 period for which the employee was underpaid in addition to an amount sufficient to recover
9 underpaid wages, (2) For each subsequent violation, one hundred dollars (\$100) for each
10 underpaid employee for each pay period for which the employee was underpaid in addition to an
11 amount sufficient to recover unpaid wages. (3) Wages recovered pursuant to this section shall be
12 paid to the affected employee.” Labor Code § 558(c) provides “the civil penalties provided for
13 in this section are in addition to any other civil or criminal penalty provided by law.”

14 78. Plaintiff is an “aggrieved employee” because she was employed by the alleged violator
15 and had or ore more of the alleged violations committed against her, and therefore is properly
16 suited to represent the interests of all other aggrieved employees.

17 79. On December 17, 2020, Plaintiff sent Defendants by certified mail notice of the facts
18 and theories of its Labor Code violations. Plaintiffs submitted this notice to the Labor Workforce
19 Development Agency via online along with a payment of \$75.00. Plaintiff’s statute of limitations
20 to file a Private Attorney General Act claim was tolled pending the 65 calendar day exhaustion
21 period. (See Cal. Lab. Code § 2699.3(d). Plaintiffs have therefore exhausted the procedural
22 requirements under Labor Code § 2699.3 as to Defendants and is therefore able to pursue a claim
23 for penalties on behalf of himself and all other aggrieved employees under PAGA.

24 80. Labor Code §§ 2698, et seq. imposes upon Defendants, a penalty of one hundred dollars
25 (\$100.00) for each aggrieved employee per pay period for the initial violation and two hundred
26 dollars (\$200.00) for each aggrieved employee per pay period for each subsequent pay period in
27 which Defendants violated the Labor Code.

81. Pursuant to Labor Code §§ 2699(a), 2699.3 and 2699.5, Plaintiff on behalf of all other aggrieved employees is entitled to recover civil penalties against Defendants for violations of the Labor Code sections cited above.

82. The California Supreme Court has held that a representative action does not need to meet the class certification requirements because it is strictly a state enforcement action. *Arias v. Superior Court*, 46 Cal.4th 969, 970-75 (2009).

83. Defendants' conduct as alleged herein, has been and continues to be unfair, unlawful and harmful to Plaintiff and the general public. Plaintiff seeks to enforce important rights affecting the public interest within the meaning of Code of Civil Procedure § 1021.5.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against defendants, and each of them, as follows:

First Through Sixth Causes of Action:

1. For general and special damages arising out of the violation of FEHA, which amount necessarily includes lost wages, lost benefits, emotional distress and other such damages in an amount exceeding the "unlimited" jurisdictional limits of this court, such amount to be subject to proof at the time of trial;

2. For attorney's fees Plaintiff has incurred to enforce his rights pursuant to California Code of Civil Procedures sections 1021.5 and 226(g), and Government Code section 12965, subdivision (b), and other statutory basis for attorney's fees;

3. For prejudgment interest on that amount at the legal rate;

4. For a declaration from this court pursuant to California Government Code section 12965(c)(3) as follows:

- a. Defendants' conduct in terminating Plaintiff was an unlawful practice as provided in the Fair Employment and Housing Act;
- b. Defendants' conduct in allowing Plaintiff to be retaliated against was an unlawful practice as provided in the Fair Employment and Housing Act; and

1 c. Defendant failed to protect Plaintiff against unlawful harassment and retaliation in
2 violation of the Fair Employment and Housing Act, and is hereby ordered to
3 undertake all reasonable measures necessary to prevent unlawful harassment and
4 retaliation, as required by the Fair Employment and Housing Act, from this day
5 forward.

6 4. Punitive damages in an amount sufficient to punish the defendants and/or to deter
7 further malicious, fraudulent and oppressive conduct;

8 5. For injunctive relief arising under FEHA;

9 6. For costs of suit herein, and;

10 7. For such other relief as the Court deems just and proper.

11 **Seventh Cause of Action:**

12 8. For an award for the Plaintiff, Class Members and Subclass Members for penalties pursuant
13 to Labor Code section 226.

14 9. For penalties to recover the greater of actual damages of fifty dollars (\$50) for the
15 initial pay period in which a violation occurs and one hundred dollars (\$100) per employee for
16 each subsequent violation pursuant to Labor Code section 226(e). The exact amount of the
17 applicable damages is an amount to be shown according to proof at trial and within the
18 jurisdictional limits of the Court.

19 10. For costs and reasonable attorney's fees pursuant to Labor Code section 226(e).

20
21 **Eighth Cause of Action:**

22 11. For general and special damages arising out of the violations of the Labor Code, including,
23 but not limited to Labor Code section 2802, such amount to be subject to proof at the time of
24 trial;

25 12. For attorney's fees Plaintiff, Class Members, Subclass Members have incurred to enforce his
26 rights pursuant to California Code of Civil Procedures sections 1021.5 and 226(g), and Labor
27 Code section 1194, subdivision (a) and other statutory bases for attorney's fees;

28 13. For prejudgment interest at the legal rate;

1 14. For costs of suit herein; and

2 15. For such other relief as the Court deems just and proper.

3
4 **Ninth Cause of Action:**

5 16. For civil penalties against Defendants on behalf of all aggrieved employees pursuant to
6 Labor Code §§ 2698, et seq.;

7 17. For reasonable attorney's fees and costs of suit to the extent permitted by law, including
8 pursuant to Code of Civil Procedure § 1021.5 and Labor Code §§ 2698, et seq.; and

9 18. For such relief as the Court deems just and proper.

10 Dated: March 26, 2021

Jackson APC

11
12 By:/s/ Armond M. Jackson

13 Armond M. Jackson
14 Attorneys for Plaintiff

15
16 **DEMAND FOR JURY TRIAL**

17 Plaintiff, Janette Maravilla, demands a jury trial in the above captioned matter.

18
19 Dated: March 26, 2021

Jackson Law, APC

20
21 By: /s/ Armond M. Jackson
22 Armond M. Jackson
23 Attorneys for Plaintiff
24
25
26
27
28