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Attorneys for:
 Plaintiff JESUS SALDAÑA RAMIREZ,
 an individual

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES- CENTRAL DISTRICT
 [UNLIMITED JURISDICTION]

JESUS SALDAÑA RAMIREZ, an individual)

Plaintiff,)

vs.)

RULAS TIRE'S INC., a California)
 Corporation; RAUL VAZQUEZ, an)
 individual; and DOES 1 THROUGH 10,)
 inclusive)

Defendants.)

Case No.: 21STCV15227

COMPLAINT FOR DAMAGES:

- 1. DISCRIMINATION BASED ON DISABILITY;**
- 2. WRONGFUL TERMINATION AND RETALIATION IN VIOLATION OF PUBLIC POLICY;**
- 3. FAILURE TO ACCOMMODATE;**
- 4. FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS;**
- 5. FAILURE TO TAKE REASONABLE STEPS TO PREVENT DISCRIMINATION AND/OR RETALIATION;**
- 6. FAILURE TO PAY OVERTIME WAGES;**
- 7. FAILURE TO PAY MINIMUM WAGES;**
- 8. FAILURE TO PROVIDE MEAL BREAKS;**
- 9. FAILURE TO PROVIDE REST BREAKS;**
- 10. FAILURE TO PROVIDE ACCURATE ITEMIZED STATEMENTS [California Labor Code §226(a)];**

) **11. FAILURE TO PROVIDE**
) **ACCURATE ITEMIZED**
) **STATEMENTS [California Labor**
) **Code §226.1];**
) **12. WAITING TIME PENALTIES**
) **13. WAGE AND HOUR— UNLAWFUL**
) **WITHOLDING OF WAGES;**
) **14. FAILURE TO REIMBURSE**
) **BUSINESS EXPENSES [California**
) **Labor Code §2802];**
) **15. NEGLIGENCE;**
) **16. VIOLATION OF CALIFORNIA’S**
) **UNFAIR COMPETITION LAW**
) **(Cal. Bus. & Prof. C. §§17200-17208)**
) **[DEMAND FOR JURY TRIAL]**
)

Plaintiff JESUS SALDAÑA RAMIREZ (“PLAINTIFF”), an individual based on knowledge as to herself and on information as to all others, complains and alleges as follows:

I. PARTIES

1. PLAINTIFF is, and at all times material hereto was, an individual residing in the County of Los Angeles in the State of California.

2. PLAINTIFF is informed and believes on this basis alleges that Defendant RULAS TIRE’S. INC. (“RULAS TIRE’S”) is, and at all times material hereto was, a California corporation conducting business in California, and located in Los Angeles County.

3. PLAINTIFF is informed and believes on this basis alleges that Defendant RAUL VAZQUEZ (“VAZQUEZ”) is an individual conducting business in California, and in Los Angeles County.

4. The true names and capacities of defendants DOES 1 through 10, inclusive, whether individual, corporate, associate, or otherwise, are unknown to PLAINTIFF at this time, who therefore sues said defendants by such fictitious names; when the true names and capacities of such defendants are ascertained, PLAINTIFF will seek leave of Court to amend this Complaint to insert same. PLAINTIFF is informed and believes and thereon alleges that each defendant named as a DOE is responsible for each and every act and obligation hereinafter set forth.

1 5. PLAINTIFF is informed and believes and on this basis alleges that each defendant
2 named in this Complaint (including DOES) was at all times herein mentioned and now is the
3 agent, servant and employee of the other defendants herein, and was at all such times acting within
4 the course and scope of said agency and employment and with the consent and permission of each
5 of the other co-defendants, and each of the defendants herein ratified each of the acts of each of
6 the other co-defendants, and each of them.

7 **II. FACTS COMMON TO ALL CAUSES OF ACTION**

8 6. PLAINTIFF was employed by Defendants RULAS TIRE'S and VAZQUEZ
9 (collectively, "DEFENDANTS") since on or around 2017 to work in their tire shop.

10 7. PLAINTIFF'S job required him to remove and replace tires on cars amongst other
11 things. His employment, the conditions of his employment and the pay policies he was subjected
12 to, were control by DEFENDANTS and each of them.

13 8. During his employment with DEFENDANTS, PLAINTIFF was paid a salary of
14 \$650 a week as an exempt employee. However, he was not correctly classified as an exempt
15 employee.

16 9. PLAINTIFF often worked in excess of 40 hours a week and was denied compliant
17 rest and meal breaks. Furthermore, to perform his job the PLAINTIFF was required to purchase
18 items, such as a waist harness for lifting heavy tires and rims. However, DEFENDANT did not
19 reimburse the PLAINTIFF for the said purchases.

20 10. PLAINTIFF while performing his job injured his hand. His supervisor, Jose
21 Hernandez noticed that PLAINTIFF's hand was bandaged, learned that he was injured, but did
22 not refer him to workers' compensation or send him for treatment.

23 11. PLAINTIFF was told he could take a few days off without pay if he wanted.
24 However, the PLAINTIFF could not afford to take unpaid time off.

25 12. However, due to the excessive pain caused due to the injury the PLAINTIFF was
26 forced to quit as he could no longer perform his job duties. The PLAINTIFF'S Supervisor was
27 made aware of the same.

1 13. On January 08, 2021 PLAINTIFF complied with *Labor Code* §2699.3(a) in that
2 PLAINTIFF gave written notice by certified mail to the Labor and Workforce Development
3 Agency (LWDA”) and DEFENDANTS of the specific provisions of the labor Code alleged to
4 have been violated, including the facts and theories to support the alleged violation. As of the
5 date of filing this complaint, (more than 60 calendar days after Plaintiff’s LWDA letters were
6 mailed via certified mail), PLAINTIFF has not received any notification that the LWDA intended
7 to investigate the alleged violations.

8 14. In January 08, 2021 PLAINTIFF filed a complaint with the Department of Fair
9 Employment and Housing and on the same day obtained a Right-to-Sue letter.

10
11 **III. FIRST CAUSE OF ACTION**
12 **DISCRIMINATION IN VIOLATION**
13 **OF CALIFORNIA GOVERNMENT CODE 12940 ET SEQ**
14 **(Against RULAS TIRE’S and All DOES)**

15 15. PLAINTIFF hereby incorporates by reference all of the previous paragraphs as
16 though they are fully set forth herein.

17 16. PLAINTIFF is informed and believes that at all times relevant, DEFENDANTS
18 had more than 5 employees.

19 17. During his employment with DEFENDANTS, PLAINTIFF was injured and his
20 injury rendered him disabled within the meaning for disability under the California Fair
21 Employment and Housing Act (“FEHA”).

22 18. DEFENDANTS herein were aware of PLAINTIFF’s injury and disability.

23 19. DEFENDANTS failed to send PLAINTIFF to worker’s compensation, told
24 PLAINTIFF to take three days off without pay, and was otherwise expected to work through the
25 pain without treatment or accommodation.
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1 20. As a result of this intentional and/or reckless behavior by DEFENDANTS,
2 PLAINTIFF was constructively terminated due to his disability.

3 21. PLAINTIFF's injury and disability were substantial motivating reasons for
4 DEFENDANTS conduct that caused the constructive wrongful discharge.

5 22. As a substantial result of DEFENDANTS discriminatory behavior, PLAINTIFF
6 was harmed. Specifically, he lost income, and endured emotional and mental damages, among
7 other related damages.
8

9 23. PLAINTIFF believes that DEFENDANTS' conduct described above was done
10 with malice, fraud and oppression and with conscious disregard for her rights and with the intent,
11 design and purpose to cause her harm. As such, PLAINTIFF is also entitled to punitive and
12 exemplary damages.
13

14 **IV. SECOND CAUSE OF ACTION**
15 **WRONGFUL TERMINATION AND RETALIATION**
16 **IN VIOLATION OF PUBLIC POLICY**
17 **(Against RULAS TIRE'S and All DOES)**

18 24. PLAINTIFF hereby incorporates by reference all of the previous paragraphs as
19 though they are fully set forth herein.

20 25. It is the public policy of the State of California that employers must follow all
21 employment laws and that employees not be subjected to retaliation or any adverse employment
22 action for being disabled. Similarly, it is against the law to discriminate against an employee due
23 to a disability. These policies are enumerated in Labor Code §132(a), FEHA, the California and
24 United States Constitutions, among other laws and regulations.
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1 26. PLAINTIFF was wrongfully constructively terminated and retaliated against by
2 DEFENDANTS as a result of having a disability and being injured and in violation of public
3 policy.

4 27. The fact that PLAINTIFF had sustained an injury while on the job and his
5 complaints about pain that resulted, were substantial motivating factors for the adverse
6 employment actions taken against him by DEFENDANTS.

7 28. As a substantial result of DEFENDANTS behavior in violation of public policy,
8 PLAINTIFF was harmed. Specifically, he lost income, and endured emotional and mental
9 damages, among other related damages.
10

11 29. PLAINTIFF believes that DEFENDANTS' conduct described above was done
12 with malice, fraud and oppression and with conscious disregard for her rights and with the intent,
13 design and purpose to cause her harm. As such, PLAINTIFF is also entitled to punitive and
14 exemplary damages.
15

16 **V. THIRD CAUSE OF ACTION**
17 **DISABILITY DISCRIMINATION – FAILURE TO ACCOMMODATE**
18 **IN VIOLATION OF GOVERNMENT CODE §12940(m)**
19 **(Against RULAS TIRE'S and All DOES)**

20 30. PLAINTIFF hereby incorporates by reference all of the previous paragraphs as
21 though they are fully set forth herein.

22 31. PLAINTIFF could have continued to work for DEFENDANTS if they had sent
23 him to workers' compensation for treatment and had reasonably accommodated him as a result
24 of his injury and disability.

25 32. However, DEFENDANTS failed to do both of these things.
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1 33. As a substantial result of DEFENDANTS behavior and failure to accommodate,
2 PLAINTIFF was harmed. Specifically, he lost income, and endured emotional and mental
3 damages, among other related damages.

4 34. PLAINTIFF believes that DEFENDANTS' conduct described above was done
5 with malice, fraud and oppression and with conscious disregard for her rights and with the
6 intent, design and purpose to cause her harm. As such, PLAINTIFF is also entitled to punitive
7 and exemplary damages.
8

9 **VI. FOURTH CAUSE OF ACTION**
10 **FAILURE TO ENGAGE IN INTERACTIVE PROCESS IN VIOLATION OF**
11 **CALIFORNIA GOVERNMENT CODE 12940(n)**
12 **(Against RULAS TIRE'S and All DOES)**

13 35. PLAINTIFF hereby incorporates by reference all of the previous paragraphs as
14 though they are fully set forth herein.

15 36. DEFENDANTS knew or should have known about PLAINTIFF's injury and
16 disability and as a result were required to engage PLAINTIFF in a "timely, good faith, interactive
17 process... to determine effective reasonable accommodations..." (*Government Code* §12940(n)).

18 37. DEFENDANTS violated this requirement several times. When DEFENDANTS
19 learned of PLAINTIFF's injury and disability, DEFENDANTS took no steps to engage in the
20 interactive process with PLAINTIFF. After PLAINTIFF informed his supervisor the
21 DEFENDANTS still did not take steps to engage in the interactive process. In fact,
22 DEFENDANTS did not refer PLAINTIFF to workers' compensation, a healthcare provider, or
23 offer any accommodation other than a few days without pay.
24

25 38. Instead of engaging in interactive process, DEFENDANTS created an
26 environment wherein the PLAINTIFF was forced to quit his job.

27 39. As a substantial result of DEFENDANTS behavior and failure to engage in the

1 interactive process, PLAINTIFF was harmed. Specifically, he lost income, and endured
2 emotional and mental damages, among other related damages.

3 40. PLAINTIFF believes that DEFENDANTS' conduct described above was done
4 with malice, fraud and oppression and with conscious disregard for his rights and with the intent,
5 design and purpose to cause him harm. As such, PLAINTIFF is also entitled to punitive and
6 exemplary damages.

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8 **VII. FIFTH CAUSE OF ACTION**
9 **FAILURE TO TAKE REASONABLE STEPS TO PREVENT**
10 **DISCRIMINATION AND/OR RETALIATION**
11 **IN VIOLATION OF GOVERNMENT CODE §12940 (k)**
12 **(Against RULAS TIRE'S and All DOES)**

13 41. PLAINTIFF hereby incorporates by reference all of the previous paragraphs as
14 though they are fully set forth herein.

15 42. DEFENDANTS failed to take reasonable steps to prevent Discrimination and/or
16 retaliation due PLAINTIFF's injury and disability. DEFENDANTS turned a deaf ear to
17 PLAINTIFF's complaints and information about his injury and disability and as a result by not
18 doing anything, had condoned, ratified and participated in the acts causing him harm.

19 43. As a substantial result of DEFENDANTS behavior and failure to prevent
20 discrimination and harassment, PLAINTIFF was harmed. Specifically, he lost income, and
21 endured emotional and mental damages, among other related damages.

22 44. PLAINTIFF believes that DEFENDANTS' conduct described above was done
23 with malice, fraud and oppression and with conscious disregard for his rights and with the intent,
24 design and purpose to cause him harm. As such, PLAINTIFF is also entitled to punitive and
25 exemplary damages.
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VIII. SIXTH CAUSE OF ACTION
FAILURE TO PAY PREMIUM OVERTIME WAGES
(Against All Defendants)

45. PLAINTIFF hereby incorporates by reference all of the previous paragraphs as though they are fully set forth herein.

46. PLAINTIFF was at all times relevant a non-exempt hourly employee of DEFENDANTS.

47. PLAINTIFF regularly worked more than eight (8) hours in a day and/or forty (40) hours in a week. However, PLAINTIFF was paid a salary and no overtime pay.

48. As a result of the unlawful acts of DEFENDANTS, PLAINTIFF has been deprived of wages and overtime and double time premium pay in amounts to be proven at trial, and PLAINTIFF is entitled to recovery of such amounts from DEFENDANTS, plus interest, penalties and attorney's fees and costs.

IX. SEVENTH CAUSE OF ACTION
FAILURE TO PAY MINIMUM WAGES
(Against All Defendants)

49. PLAINTIFF hereby incorporates by reference all of the previous paragraphs as though they are fully set forth herein.

50. PLAINTIFF was at all times relevant a non-exempt hourly employee of DEFENDANTS.

51. PLAINTIFF regularly worked more than eight (8) hours in a day and/or forty (40) hours in a week. However, PLAINTIFF was paid a salary and not paid minimum wages or any wages when working more than eight (8) hours in a day and/or forty (40) hours in a week

52. As a result of the unlawful acts of DEFENDANTS, PLAINTIFF has been deprived of wages in amounts to be proven at trial, and PLAINTIFF is entitled to recovery of such amounts from DEFENDANTS, plus liquidated damages, interest, penalties and attorney's fees and costs.

X. EIGHTH CAUSE OF ACTION
WAGE AND HOUR – FAILURE TO PROVIDE MEAL BREAKS
(Against All Defendants)

53. PLAINTIFF hereby incorporates by reference all of the previous paragraphs as though they are fully set forth herein.

54. PLAINTIFF's employment with DEFENDANTS entitled him to meal breaks.

55. PLAINTIFF was at times not given meal breaks and at other times meal breaks which were not complaint with labor laws.

56. PLAINTIFF was often given only 10-20 minutes for his meal break instead of the required 30 minutes.

57. Further, at times PLAINTIFF worked more than 10 hours in a shift; however, he was not given or advised that he may take a second meal break.

58. The exact amount of missed meal break wages owed to PLAINTIFF shall be proved at trial. PLAINTIFF is entitled to his missed meal wages, plus penalties and interest, among other damages.

59. PLAINTIFF is also entitled to reasonable attorney's fees and costs pursuant to California Labor Code § 218 5(a).

XI. NINETH CAUSE OF ACTION
WAGE AND HOUR – FAILURE TO PROVIDE REST PERIODS
(Against All Defendants)

60. PLAINTIFF hereby incorporates by reference all of the previous paragraphs as though they are fully set forth herein.

61. PLAINTIFF's employment with DEFENDANTS entitled him to rest breaks.

62. Throughout PLAINTIFF'S employment, DEFENDANTS typically did not provide him with rest breaks and/or compliant breaks for every four hours of work.

63. An employer who fails to provide rest periods as required by an applicable Wage Order must pay the employee one additional hour of pay at the employee's regular rate of pay for each workday that a rest period was not provided.

64. Plaintiff has been harmed and DEFENDANTS are liable to PLAINTIFF for one (1) hour of additional premium pay at the regular rate of compensation for each day in which the proper rest period was not provided. The exact amount of missed rest break wages owed to Plaintiff shall be proved at trial.

65. In addition, PLAINTIFF is entitled to interest, penalties, attorney's fees and costs against DEFENDANTS.

XII. TENTH CAUSE OF ACTION
WAGE AND HOUR
FAILURE TO PROVIDE ACCURATE ITEMIZED WAGE STATEMENTS,
VIOLATION OF LABOR CODE § § 226(a)(e)
(Against all Defendants)

66. PLAINTIFF hereby incorporates by reference all of the previous paragraphs as though they are fully set forth herein.

67. *Labor Code* §226(a) requires employers to provide accurate itemized wage statements for each wage payment. Labor Code §226 (e) provides for a recovery of the greater of all actual damages or fifty dollars (\$50) for the initial pay period in which a violation occurs and one hundred dollars (\$100) for each violation in a subsequent pay period, not exceeding an aggregate penalty of four thousand dollars (\$4,000) (per employee).

68. Further, Labor Code §226.3 provides for civil penalties against anyone who violates Labor Code §226.

69. DEFENDANTS failed to provide PLAINTIFF with complete and accurate wage statements, willfully or intentionally.

70. DEFENDANTS failed, among other things, to include the total number of hours worked by PLAINTIFF as well as failed to list the appropriate hourly rates PLAINTIFF was legally entitled to. Moreover, the paystubs were for a salaried employee while PLAINTIFF should have been paid as a non-exempt employee.

71. As a result of DEFENDANTS' abovementioned unlawful act, Plaintiff suffered injury and damage.

72. Plaintiff is therefore entitled to recover from DEFENDANTS damages and penalties promulgated under Labor Code §§226 and 226.3.

73. PLAINTIFF is entitled to injunctive relief to ensure compliance with the abovementioned Labor Code provision, and attorney's fees among other damages.

XIII. ELEVENTH CAUSE OF ACTION

WAGE AND HOUR

FAILURE TO PROVIDE ACCURATE ITEMIZED WAGE STATEMENTS,

VIOLATION OF LABOR CODE § 226.3

(Against all Defendants)

74. PLAINTIFF hereby incorporates by reference all of the previous paragraphs as though they are fully set forth herein.

75. *Labor Code* §226(a) requires employers to provide accurate itemized wage statements for each wage payment. Specifically, Labor Code §226.3 provides a penalty of two hundred fifty dollars (\$250) per employee per violation in an initial citation and one thousand dollars (\$1,000) per employee for each violation in a subsequent citation, for which the employer fails to provide the employee a wage statement in compliance with Labor Code §226.

1 76. Further, *Labor Code* §§226 and 226.3 provides for civil penalties against anyone
2 who violates Labor Code §226.

3 77. DEFENDANTS failed, among other things, to include the total number of hours
4 worked by PLAINTIFF as well as failed to list the appropriate hourly rates PLAINTIFF was
5 legally entitled to. Moreover, the paystubs were for a salaried employee while PLAINTIFF
6 should have been paid as a non-exempt employee.

7 78. As a result of DEFENDANTS' abovementioned unlawful act, Plaintiff suffered
8 injury and damage.
9

10 **XIV. TWELTH CAUSE OF ACTION**
11 **WAGE AND HOUR – WAITING TIME PENALTIES**
12 **(Against all Defendants)**

13 79. PLAINTIFF hereby incorporates by reference all of the previous paragraphs as
14 though they are fully set forth herein.

15 80. PLAINTIFF is owed wages by DEFENDANTS

16 81. PLAINTIFF was not paid all of his final wages since his constructive wrongful
17 termination until the date of filing this Complaint.

18 82. DEFENDANTS acted willfully in not paying DEFENDANTS final wages in full.

19 83. As a result of DEFENDANTS' abovementioned unlawful act, PLAINTIFF
20 suffered injury and damage.
21

22 84. As such, DEFENDANTS are liable to PLAINTIFF for her outstanding dues plus
23 the abovementioned penalties, plus interest, and attorney's fees, among other damages.
24

25 **XV. THIRTEENTH CAUSE OF ACTION**
26 **UNLAWFUL WITHHOLDING OF WAGES**
27 **(Against all Defendants)**

1 85. PLAINTIFF hereby incorporates by reference all of the previous paragraphs as
2 though they are fully set forth herein.

3 86. *California Labor Code* §216 provides that it is a misdemeanor for an employer to
4 “willfully refuse to pay wages due and payable after demand has been made” or “falsely den[y]
5 the amount or validity thereof.”

6 87. *California Labor Code* §225.5 provides a penalty of \$100 for an initial violation
7 and \$200 for any subsequent violation of §216 plus 25% of the withheld amount.
8

9 88. Upon her termination by DEFENDANTS, PLAINTIFF was entitled by law to
10 receive all of his wages and her paycheck(s) immediately. Defendants also unlawfully withheld
11 the balance of earned wages, overtime, missed meal and rest break wages, expense
12 reimbursements. Moreover, these wages were demanded thereafter.

13 89. As a result of DEFENDANTS’ abovementioned unlawful act, PLAINTIFF
14 suffered injury and damage.
15

16 90. As such, DEFENDANTS are subject to the *Labor Code* §225.5. PLAINTIFFS are
17 entitled to such penalties plus interest as required by law, plus restitution of all wages earned but
18 not paid, the exact amount of penalties will be proved at trial.
19

20 **XVI. FOURTEENTH CAUSE OF ACTION**
21 **FAILURE TO REIMBURSE EXPENSES**
22 **(Against all Defendants)**

23 91. PLAINTIFF hereby incorporates by reference all of the previous paragraphs as
24 though they are fully set forth herein.

25 92. In California employers must cover employees’ expenses. Pursuant to *Labor Code*
26 §2802(a) an employer is required to “indemnify him or her employee for all necessary
27 expenditures and losses incurred by the employee in direct consequence of the discharge of his

1 or her duties, or of his or her obedience to the directions of the employer..." This includes, "all
2 reasonable costs." (*Labor Code* §2802(c).) Further, the employee may not waive these rights.
3 (*Labor Code* §2804.)

4 93. PLAINTIFF's job profile required him or made it necessary for him to purchase a
5 waist harness and other items as part of his job for DEFENDANTS, and PLAINTIFF did make
6 such purchases for the benefit of DEFENDANTS.

7 94. DEFENDANTS did not reimburse PLAINTIFF for such expenses.

8 95. Therefore, DEFENDANTS are liable and PLAINTIFF entitled to reimbursement
9 of his expenses and other costs needed to adequately perform his job and/or for the benefit of
10 DEFENDANTS. Plaintiff is therefore entitled to reimbursement from DEFENDANT'S pursuant
11 to *Labor Code* §2802(a).
12

13 **XVII. FIFTEENTH CAUSE OF ACTION**
14 **NEGLIGENCE**
15 **(Against All Defendants)**

16 96. PLAINTIFF hereby incorporates by reference all of the previous paragraphs as
17 though they are fully set forth herein.

18 97. DEFENDANTS owe a duty to their employees, and at all times relevant owed
19 PLAINTIFF a duty, to provide a safe, non-discriminating, non-retaliatory and harassment-free
20 work environment, to make sure that its supervisors take action against employees practicing
21 workplace discrimination, retaliation, and harassment, to make sure supervisors and managers
22 look after the safety of employees during their watch, to pay employees proper wages when due,
23 and to provide them with proper wage statements.
24

25 98. DEFENDANTS breached this duty to PLAINTIFF as highlighted above.

26 99. In so doing, DEFENDANTS harmed Plaintiff including causing him to lose his
27 job and emotional damages, and general and consequential damages.

1 100. As a result of this negligence, PLAINTIFF suffered and continues to suffer serious
2 emotional distress in the form of stress, anxiety, embarrassment, and depression. This was a
3 foreseeable result of DEFENDANTS' negligence.

4 101. DEFENDANTS breaches of duty were and are the actual and proximate cause of
5 PLAINTIFF's harm.

6 **XVIII. SIXTEENTH CAUSE OF ACTION**
7 **VIOLATION OF CAL. BUS. & PROF. CODE § § 17200 ET. SEQ.**
8 **FOR UNFAIR BUSINESS PRACTICES**
9 **(AGAINST ALL DEFENDANTS)**

10 102. PLAINTIFF hereby incorporates by reference all of the previous paragraphs as
11 though they are fully set forth herein.

12 103. DEFENDANTS, themselves or through their supervisors, in an effort to exploit,
13 harass, and discriminate against its workers for profit or otherwise, have engaged in the following
14 unlawful, unfair, deceptive, and misleading business practices, amongst others outlined in this
15 complaint:
16

- 17 a. Failing to properly supervise and train its employees;
18 b. Failure to accommodate;
19 c. Wrongfully terminating and retaliating against workers with disabilities; and
20 d. Not properly paying its employees.

21 104. Pursuant to the provisions of Section 17203 of the California Business and
22 Professions Code, this Court should issue an injunction prohibiting DEFENDANTS from
23 engaging in the foregoing unfair, deceptive, and misleading business practices.

24 105. Pursuant to the provisions of Section 17203 of the California Business and
25 Professions Code, Plaintiff is entitled to restoration of lost wages, medical expenses, and profits,
26 DEFENDANTS have collected by the use of the unfair, deceptive, and misleading business
27

practices described in this Complaint.

106. Pursuant to provisions of Section 17203 et seq. DEFENDANTS must be ordered to disgorge to PLAINTIFF ALL the profits in the relevant statutory PLAINTIFF that DEFENDANTS have received from improperly billing Clients and cheating of workers in terms of their hours reported as having been worked but not paid.

XIX. PRAYER

WHEREFORE, PLAINTIFF prays for judgment against DEFENDANTS and DOES 1 through 10 inclusive, as follows:

FIRST thru FIFTH CAUSES OF ACTION

1. General and compensatory damages subject to proof at trial, including but not limited to back pay, front pay, loss of economic benefits, harassment/discrimination damages, and the like.
2. Special Damages
3. Emotional distress damages
4. Punitive and Exemplary damages
5. Attorneys' fees (where provided by law)

SIXTH thru THIRTEENTH CAUSES OF ACTION

1. An award to Plaintiff of damages for an amount of unpaid minimum wages, overtime wages, commissions, meal, and rest period compensation, including interest thereon, subject to proof at trial;
2. Civil and Statutory Penalties
3. Liquidated damages (if applicable)
4. Attorneys' fees (where provided by law)
5. Pre-judgment interest.

FOURTEENTH CAUSE OF ACTION

1. Reimbursement of unpaid expenses
2. Attorneys' fees (where provided by law)

3. Pre-judgment interest.

FIFTEENTH CAUSE OF ACTION

1. General and compensatory damages subject to proof at trial, including but not limited to back pay, front pay, loss of economic benefits, harassment damages, and the like.
2. Special Damages
3. Emotional distress damages

SIXTEENTH CAUSE OF ACTION

1. That Defendant be ordered to pay restitution to Plaintiff pursuant to Business & Professions Code § 17200 et seq. for the four years preceding the filing of this complaint;
2. That Plaintiff be awarded reasonable attorney's fees and costs;
3. For interest pursuant to applicable provisions of law, including Business and Professions Code § 17203;
4. For injunctive relief under Business & Professions Code § 17200 et seq.;

ALL CAUSES OF ACTION

1. Costs of suit
2. For an award of such other and further equitable and legal relief as this Court may deem appropriate.

Dated April 21, 2021

BITTON & ASSOCIATES



OPHIR J. BITTON,
Attorneys for Plaintiff
JESUS SALDAÑA RAMIREZ, an
individual

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Dated: April 21, 2021



OPHIR J. BITTON
Attorneys for Plaintiff JESUS SALDAÑA
RAMIREZ, an individual