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ANTHONY BOUGHTON

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA**

ANTHONY BOUGHTON, an individual,

Plaintiff,

vs.

CAL-PEP, a California non-profit
corporation; MICHAEL BENJAMIN, an
individual; LISA RYAN, an individual; and
DOES 1 through 100, inclusive,

Defendants.

CASE NO.: 25CV113081

COMPLAINT FOR:

- 1. DISCRIMINATION BASED UPON
PHYSICAL DISABILITY IN
VIOLATION OF GOVT. CODE
§12940 (a);**
- 2. DISCRIMINATION BASED UPON
GENDER IDENTITY IN VIOLATION
OF GOVT. CODE §12940 (a);**
- 3. HOSTILE WORK ENVIRONMENT
IN VIOLATION OF GOVT. CODE
§12940 ET SEQ.;**
- 4. RETALIATION IN VIOLATION OF
GOVT. CODE §12940 ET SEQ.;**
- 5. FAILURE TO PREVENT
DISCRIMINATION FROM
OCCURRING IN VIOLATION OF
GOVT. CODE §12940(k);**
- 6. HARASSMENT BASED ON
PHYSICAL DISABILITY AND
GENDER IDENTITY IN
VIOLATION OF GOVT. CODE
§12940 (a);**
- 7. FAILURE TO ACCOMMODATE
PHYSICAL DISABILITY IN
VIOLATION OF GOVT. CODE
§12940(m);**
- 8. FAILURE TO ENGAGE IN A GOOD
FAITH INTERACTIVE PROCESS**

1 IN VIOLATION OF GOVT. CODE
2 §12940(n);
3 9. WRONGFUL TERMINATION IN
4 VIOLATION OF PUBLIC POLICY
5 IN VIOLATION OF GOVT. CODE
6 §12940 *et seq.*;
7 10. FAILURE TO PAY MINIMUM WAGE
8 AND PAY FOR ALL WAGES
9 EARNED (*Labor Code* §§ 204, 1194 and
10 1197; IWC Wage Order No. 4);
11 11. FAILURE TO PAY FOR MEAL
12 PERIODS NOT PROVIDED (Cal.
13 *Labor Code* §§ 226.7, 512);
14 12. WAITING TIME PENALTIES (Cal.
15 *Labor Code* §226);
16 13. FAILURE TO PAY WAGES DUE
17 UPON TERMINATION (Cal. *Labor*
18 *Code* §§201-203);
19 14. FAILURE TO REIMBURSE
20 BUSINESS EXPENSES (Cal. *Labor*
21 *Code* §2802);
22 15. FAILURE TO ALLOW
23 INSPECTION OF EMPLOYMENT
24 RECORDS (Cal. *Labor Code*
25 §1198.5); and
26 16. UNFAIR COMPETITION (Cal. Bus.
27 & Prof. Code §§17200 *et seq.*).

18 **DEMAND FOR A JURY TRIAL**

19 Anthony Boughton (“Plaintiff”) alleges the following:

20 **I. JURISDICTION AND VENUE**

21 1. This Court has jurisdiction over this Complaint under California Government
22 Code §12920 *et seq.*, *Code of Civil Procedure* §410.10 and *Business & Professions Code* §§
23 17200 *et seq.*, and the rules, regulations and directives implementing those statutes,

24 2. Venue is proper in this Court pursuant to *Code of Civil Procedure* §§ 395 and
25 395.5, because the claims made, and the *Government Code* violations as against the persons
26 identified herein, occurred in Alameda County and because Defendant Cal-Pep owned and
27 operated their non-profit corporation in Alameda County.

28 **II. PARTIES**

1 3. At all times relevant hereto, Plaintiff Anthony Boughton (hereinafter “Plaintiff”)
2 was an individual over age 18 and a resident of Richmond, California.

3 4. Plaintiff is informed and believes and thereon alleges that at all times material
4 hereto, Defendant Cal-Pep (“CAL-PEP”), has been, and is a California non-profit corporation,
5 with a principal place of business at 2811 Adeline Street, Oakland, CA 94608. At all times
6 material hereto, CAL-PEP has been, and is, a community-based, African American-centered
7 organization dedicated to providing coordinated HIV, behavioral health, outreach, and
8 navigation services to communities of color in the Bay Area.

9 5. Plaintiff is informed and believes and thereon alleges that Defendant Michael
10 Benjamin (“Michael”) is an individual, who at all times relevant herein, was a resident of
11 Alameda County. Michael is an employee of CAL-PEP and Plaintiff’s former supervisor.

12 6. Plaintiff is informed and believes and thereon alleges that Defendant Lisa Ryan
13 (“Lisa”) (collectively with CAL-PEP and Michael “Defendants”) is an individual, who at all
14 times relevant herein, was a resident of Alameda County. Lisa is the Executive Director of
15 CAL-PEP.

16 7. Plaintiff was employed by CAL-PEP in Oakland, California, as a Counselor.
17 Plaintiff is informed and believes and thereon alleges that at all times material hereto CAL-PEP
18 has been authorized to do business and has been doing business in the State of California.

19 8. Plaintiff is informed and believes and thereon alleges, that at all times relevant
20 herein, Defendants and some of DOES 1 through 100 were the agents, employees, and/or
21 servants, masters, or employers of the remaining DOES 1 through 100, and in doing the things
22 herein alleged, were acting within the course and scope of such agency or employment, and
23 with the approval and ratification of each of the other Defendants.

24 9. Plaintiff is ignorant of the true names and capacities of Defendants sued herein
25 as DOES 1 through 100, inclusive, and therefore Plaintiff sues these Defendants by such
26 fictitious names and capacities. Plaintiff will amend his Complaint to show their true names
27 and capacities when they have been ascertained. Plaintiff is informed and believes and thereon
28 alleges that at all times relevant, each of these fictitiously named DOE Defendants was an

1 individual person who owned, controlled, or managed the business for which Plaintiff worked
2 and/or who directly or indirectly exercised operational control over the wages, hours, and
3 working conditions of Plaintiff. These DOE Defendants held ownership, officer, director
4 and/or executive positions with the remaining Defendants, and acted on behalf of the remaining
5 Defendants, which included decision-making responsibility for, and establishment of, disability
6 and gender identity discrimination and harassment practices and policies, and wage and hour
7 violations, for Defendants which have damaged Plaintiff. Therefore, Does 1 through 100, in
8 addition to the remaining Defendants, are “employers” as a matter of law and are liable on the
9 causes of action alleged herein.

10 10. Plaintiff is informed and believes and thereon alleges that Defendants DOES 1
11 through 100 are, and at all times relevant hereto were, persons, corporations or other business
12 entities organized and existing under and by virtue of the laws of the State of California, and
13 are/were qualified to transact and conduct business in the State of California, and did transact
14 and conduct business in the State of California, and are thus subject to the jurisdiction of the
15 State of California. Specifically, DOES 1 through 100 maintain offices, operate businesses,
16 employ persons, conduct business and engage in disability and gender identity discrimination
17 and wage and hour violations, in the County of Alameda.

18 11. Plaintiff is further informed and believes, and thereon alleges, that each of the
19 fictitiously named Defendants aided and assisted the named Defendants in committing the
20 wrongful acts alleged herein, and that Plaintiff’s damages were proximately caused by each
21 Defendant.

22 **III. PAGA NOTICE**

23 12. Pursuant to the California Labor Code, on or about February 21, 2025, Plaintiff
24 filed a notice with Labor and Workforce Development Agency (LWDA) of her intent to
25 pursue claims against Defendant under the Private Attorney General Act (PAGA). As such,
26 Plaintiff further reserves the right to amend this Complaint once she completes and complies
27 with the provisions under the law.

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2 **IV. FACTUAL ALLEGATIONS THAT ARE COMMON TO ALL CAUSES OF**
3 **ACTION**

4 **Employment Information**

5 13. Plaintiff was an employee of CAL-PEP since on or about June 20, 2022.
6 Plaintiff met with clients, provided counseling and helped clients to adjust to societal life.
7 Plaintiff worked 8 or more hours per day, 5 days per week. Plaintiff earned \$28.00 per hour.
8 She was employed at CAL-PEP until September 12, 2024, when Plaintiff was wrongfully
9 terminated.

10 **Discrimination, Harassment and Wrongful Termination**

11 14. Plaintiff was denied a work environment free of disability and gender identity
12 discrimination and harassment and was targeted for wrongful termination on or about
13 September 12, 2024.

14 15. Plaintiff is a transgender woman, known by the name Charron. Plaintiff alleges
15 that she was treated differently than other employees due to being transgender.

16 16. During her employment at CAL-PEP, Plaintiff never received any write-ups.

17 17. On or about September 6, 2024, Plaintiff's mother became ill and needed to be
18 admitted to the hospital. As a result, Plaintiff informed Michael and Lisa that she needed to
19 take a few days off from work. Both Michael and Lisa approved Plaintiff's time off and told
20 her she could take as long as she needed.

21 18. On or about September 8, 2024, Plaintiff passed out while she was at the
22 hospital.

23 19. On or about September 8, 2024, Plaintiff was diagnosed with Diabetes and
24 hospitalized. As such, this condition constitutes a physical disability, as that term is defined in
25 *Government Code* § 12926(l)(1)(A), (B).

26 20. Plaintiff immediately informed Michael via phone that she was admitted to the
27 hospital. Michael stated he was too busy to speak and that he would call Plaintiff back.
28 However, Michael failed to call Plaintiff back.

1 21. On or about September 12, 2024, Plaintiff was advised by one of her co-workers
2 that Michael told everyone at CAL-PEP that Plaintiff had deserted her position and was no
3 longer an employee of CAL-PEP.

4 22. Michael never reached out to Plaintiff to ascertain her situation.

5 23. As a result of the harassment and discrimination, Plaintiff suffered emotional
6 distress and aggravation of her injury.

7 24. CAL-PEP's wrongful termination of Plaintiff was wrongfully motivated by
8 discrimination against her due to her disability and her gender identity.

9 25. At all times material hereto, CAL-PEP regularly employed five or more persons
10 and therefore are employers, as that term is defined in *Government Code* § 12926(d).

11 26. On February 21, 2025, Plaintiff filed an administrative complaint with the
12 Department of Fair Employment and Housing ("DFEH") alleging discrimination and
13 harassment by CAL-PEP, Michael and Lisa. On February 21, 2025, the DFEH issued to
14 Plaintiff a Right to Sue Notice as to CAL-PEP, Michael and Lisa.

15 **Wage and Hour Violations**

16 27. The employment by CAL-PEP of Plaintiff is governed by Industrial Welfare
17 Commission Wage Order No. 4, which covers those persons employed in the professional,
18 technical, clerical, mechanical and similar occupations.

19 28. CAL-PEP failed to pay Plaintiff minimum wages due to their failure to afford
20 Plaintiff timely meal breaks.

21 29. CAL-PEP failed to afford Plaintiff timely meal breaks.

22 30. As a result of CAL-PEP's failure to afford Plaintiff minimum wages and meal
23 breaks, the wage statements issued to her did not comply with Labor Code § 226 and California
24 Industrial Welfare Commission ("IWC") Wage Order No. 4 in that they did not accurately
25 reflect all wages earned and due and owing.

26 31. As a further result of CAL-PEP's failure to pay minimum wages and to afford
27 meal breaks to Plaintiff, when Plaintiff left their employ, she was not timely paid all wages due
28 her, as required by Labor Code §§ 201, 202 and IWC Wage Order No. 4.

32. CAL-PEP failed to reimburse Plaintiff for her necessary business expenses.

33. CAL-PEP failed to provide Plaintiff with her requested employment records.

FIRST CAUSE OF ACTION

(Discrimination Based on Physical Disability in Violation of Government Code §§12940(a) - By Plaintiff Against Defendant CAL-PEP and Does 1 through 100)

34. Plaintiff realleges and incorporates by reference all of the allegations set forth in this Complaint.

35. Under the California Fair Employment and Housing Act ("FEHA"), Government Code § 12940(a), an employer cannot discriminate against an employee, because of a physical disability.

36. Plaintiff suffered from the physical limitation as set forth above and was therefore a member of the class of persons protected from disability discrimination under California Government Code § 12940(a).

37. Upon learning about Plaintiff's disability, and not wanting a disabled employee, on or about September 12, 2024, CAL-PEP terminated Plaintiff's employment in violation of California Government Code § 12940.

38. By terminating Plaintiff because of her physical disability, CAL-PEP violated Government Code § 12940(a).

39. As a direct and proximate result of CAL-PEP's conduct, individually and collectively, Plaintiff has suffered and continues to suffer substantial losses in income, earnings, and benefits and has been damaged in her capacity to earn her salary, and has lost and will continue to lose employment benefits in an amount within the jurisdiction of this Court, according to proof.

40. As a direct and proximate result of CAL-PEP's actions, Plaintiff has suffered severe and serious injury to her person, all to her damage in the amount of at least \$1,000,000, according to proof.

41. CAL-PEP's conduct in discriminating against Plaintiff because of her physical disability subjected her to cruel and unjust hardship in conscious disregard of her rights, as it was anticipated by CAL-PEP that Plaintiff would be unable to find comparable employment in the foreseeable future. Plaintiff is informed and believes, and thereon alleges, that her wrongful termination by CAL-PEP was done with the intent to cause her injury. As a consequence of the aforesaid oppressive, malicious and despicable conduct, Plaintiff is entitled to an award of punitive damages in a sum to be shown according to proof.

42. Pursuant to California Government Code §12965(b), Plaintiff requests an award of attorneys' fees in this action.

SECOND CAUSE OF ACTION

**(Discrimination Based on Gender Identity in Violation of Govt. Code 12940(a) – By
Plaintiff Against Defendant CAL-PEP and Does 1 through 100)**

43. Plaintiff realleges and incorporates by reference all of the allegations set forth in this Complaint.

44. Under the California Fair Employment and Housing Act ("FEHA"), Government Code § 12940(a), an employer cannot discriminate against an employee, because of gender identity.

45. Plaintiff's gender identity, gender expression, sexual orientation, and/or other characteristics protected by FEHA Government Code § 12940(a), were substantial motivating factors in Defendant CAL-PEP's decision to terminate Plaintiff's employment.

46. CAL-PEP was aware that Plaintiff is a transgender woman and it subjected Plaintiff to adverse action based on her status as a transgender woman, her gender identity/gender expression and because of a discriminatory motive. Plaintiff was subjected to adverse actions by being harassed because of her status as a transgender woman, her gender identity/gender expression and by being wrongfully terminated.

47. At all times relevant, CAL-PEP had actual and constructive knowledge of the discriminatory conduct described and alleged herein, and condoned, ratified and participated

1 in the discrimination. As a result of the hostile and offensive work environment perpetrated
2 and maintained by CAL-PEP, and CAL-PEP's failure to protect Plaintiff from further
3 discrimination, Plaintiff suffered significant emotional distress.

4 48. Plaintiff was harassed and discriminated against based on her gender identity by
5 CAL-PEP and/or its employees.

6 49. CAL-PEP's conduct, as alleged, violated FEHA, Government Code section
7 12900, et seq., and Defendant CAL-PEP committed unlawful employment practices, including
8 creating a hostile work environment and wrongfully terminating Plaintiff, and/or otherwise
9 discriminating against Plaintiff, in whole or in part on the bases of Plaintiff's actual and/or
10 perceived sexual orientation, gender, gender identity, gender expression, and/or other
11 protected characteristics, in violation of Government Code section 12940(a).

12 50. As a proximate result of CAL-PEP's willful, knowing, and intentional
13 discrimination against Plaintiff, Plaintiff has sustained and continues to sustain substantial
14 losses of earnings and other employment benefits.

15 51. As a proximate result of CAL-PEP's willful, knowing, and intentional
16 discrimination against Plaintiff, Plaintiff has suffered and continues to suffer humiliation,
17 emotional distress, and physical and mental pain and anguish, all to her damage in a sum
18 according to proof.

19 52. CAL-PEP's misconduct was committed intentionally, in a malicious,
20 despicable, oppressive, fraudulent manner, entitling Plaintiff to punitive damages against
21 defendants.

22 53. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees.
23 Pursuant to Government Code section 12965(b), Plaintiff is entitled to recover reasonable
24 attorneys' fees and costs in an amount according to proof.

25 **THIRD CAUSE OF ACTION**

26 **(Hostile Work Environment in Violation Govt. Code §12940 et seq.- By Plaintiff Against**
27 **Defendant CAL-PEP and Does 1 through 100)**

1 54. Plaintiff realleges and incorporates by reference all of the allegations set forth in
2 this Complaint.

3 55. The offensive conduct to which Plaintiff was subjected constitutes a hostile
4 work environment in violation to FEHA, California Government Code §12940 et seq. During
5 her employment, CAL-PEP violated FEHA, California Government Code §12940 (j), by
6 discriminating against Plaintiff due to her physical disability and gender identity.

7 56. CAL-PEP's harassment was hostile, abusive, continuous and pervasive to create
8 a hostile work environment for Plaintiff.

9 57. CAL-PEP's harassment was unwelcome, humiliating, offensive and adversely
10 affected the terms of Plaintiff's employment.

11 58. Plaintiff was subjectively offended by CAL-PEP's conduct and any reasonable
12 person in Plaintiff's position would perceive CAL-PEP's conduct as being offensive, hostile
13 and abusive.

14 59. As a direct result of CAL-PEP's failure to take all reasonable steps necessary to
15 prevent discrimination, Plaintiff has suffered and will continue to suffer pain and suffering,
16 extreme and severe mental anguish and emotional distress, loss of earnings and earning
17 capacity, in at least the amount of \$1,000,000, subject to proof at trial.

18 60. Plaintiff is hereby entitled to general and compensatory damages in an amount
19 within the jurisdiction of this Court, subject to proof at trial.

20 61. CAL-PEP did the things hereinabove alleged, intentionally, oppressively, and
21 maliciously with an evil and malevolent motive to injure Plaintiff. These acts were against
22 public policy, were obnoxious, despicable, and ought not to be suffered by any member of the
23 community.

24 62. All actions of CAL-PEP were known, ratified and approved by the officers or
25 managing agents of CAL-PEP. Therefore, Plaintiff is entitled to punitive or exemplary damages
26 against CAL-PEP in an amount to be determined at the time of trial.
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63. Pursuant to California Government Code §12965(b), Plaintiff requests an award of attorneys' fees in this action.

FOURTH CAUSE OF ACTION

(Retaliation in Violation of Government Code §§12940 et seq. - By Plaintiff Against Defendant CAL-PEP and Does 1 through 100)

64. Plaintiff realleges and incorporates by reference all of the allegations set forth above in the Complaint.

65. This cause of action is brought pursuant to the FEHA, Govt. Code §12940(h), which provides that it is unlawful to retaliate against a person "because the person has opposed any practices forbidden under [Government Code sections 12900 through 12966] or because the person has filed a complaint, testified, or assisted in any proceeding under the FEHA."

66. As a result of her physical disability and gender identity, Plaintiff was denied the right to work in an environment free of discrimination and harassment and was wrongfully terminated by CAL-PEP.

67. CAL-PEP's retaliatory conduct toward Plaintiff caused her emotional injury, including, but not limited to, humiliation, anxiety, fear, and loss of self-esteem. CAL-PEP's retaliatory conduct was a substantial factor and the proximate cause of Plaintiff's damages.

68. Plaintiff's physical disability and gender identity were the reasons CAL-PEP retaliated against her.

69. Plaintiff has suffered monetary damages, lost wages and privileges of employment illegally caused by CAL-PEP's discriminatory conduct in an amount within the jurisdiction of this Court, according to proof.

70. CAL-PEP did the things hereinabove alleged, intentionally, oppressively, and maliciously with an evil and malevolent motive to injure Plaintiff. These acts were against public policy, were obnoxious, despicable, and ought not to be suffered by any member of the community.

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71. All actions of CAL-PEP were known, ratified and approved by the officers or managing agents of CAL-PEP. Therefore, Plaintiff is entitled to punitive or exemplary damages against CAL-PEP in an amount to be determined at the time of trial.

72. Pursuant to California Government Code §12965(b), Plaintiff requests an award of attorneys' fees in this action.

FIFTH CAUSE OF ACTION

**(Failure to Prevent Discrimination from Occurring in Violation of Government Code
§12940(k) - By Plaintiff Against Defendant CAL-PEP and Does 1 through 100)**

73. Plaintiff realleges and incorporates by reference all of the allegations set forth above in the Complaint.

74. CAL-PEP's conduct in subjecting Plaintiff to discriminatory conduct due to Plaintiff's physical disability and gender identity constituted breach of their duty under FEHA, including the duty to take immediate and appropriate corrective action and to take all reasonable steps to prevent discrimination and retaliation from occurring pursuant to California Government Code Section 12940(k).

75. CAL-PEP failed to take measures to prevent discrimination and retaliation.

76. As a direct result of CAL-PEP's failure to take all reasonable steps necessary to prevent discrimination, Plaintiff has suffered and will continue to suffer pain and suffering, extreme and severe mental anguish and emotional distress, loss of earnings and earning capacity, in the amount of at least \$1,000,000, according to proof at trial.

77. Plaintiff is hereby entitled to general and compensatory damages in an amount within the jurisdiction of this Court, according to proof at trial.

78. CAL-PEP did the things hereinabove alleged, intentionally, oppressively, and maliciously with an evil and malevolent motive to injure Plaintiff. These acts were against public policy, were obnoxious, despicable, and ought not to be suffered by any member of the community.

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79. All actions of CAL-PEP were known, ratified and approved by the officers or managing agents of CAL-PEP. Therefore, Plaintiff is entitled to punitive or exemplary damages against CAL-PEP in an amount to be determined at the time of trial.

80. Pursuant to California Government Code §12965(b), Plaintiff requests an award of attorneys' fees in this action.

SIXTH CAUSE OF ACTION

**(Harassment Due to Physical Disability and Gender Identity in Violation of Govt. Code
§12940(a)– By Plaintiff against all Defendants and Does 1 through 100)**

81. Plaintiff realleges and incorporates by reference all of the allegations set forth in this Complaint.

82. Beginning in or about September 2024 and thereafter, Plaintiff was harassed by the actions, conduct and comments of CAL-PEP's employees, Michael and Lisa, which actions, conduct and comments combined to create and allow a pattern of harassment towards her due to her disability and gender identity.

83. Defendants' actions constituted a continuing violation of Cal. Gov. Code § 12940, et seq.

84. Defendants negligently and in bad faith failed to properly investigate Plaintiff's claims of disability and gender identity discrimination and harassment and take appropriate remedial action.

85. Defendants engaged in retaliatory actions against Plaintiff due to her disability, gender identity and Plaintiff was subjected to unfair and hostile treatment by Defendants.

86. All of the conduct by Defendants, was done with the full knowledge and ratification of the management employees of CAL-PEP and was consistent with the recognized policies and procedures of CAL-PEP, which tolerated and encouraged such discriminatory conduct.

87. At all times herein mentioned, Defendants were legally required to refrain from discriminating against and harassing any employee on the basis of physical disability and gender identity, among other things. Within the time provided by law, Plaintiff filed a

1 complaint with the DFEH, in full compliance with these sections, and received a right to sue
2 letter.

3 88. Defendants' conduct resulted in the damages and injuries to Plaintiff as alleged
4 in this Complaint. As a direct and proximate result of the conduct of Defendants, Plaintiff has
5 suffered and continues to suffer humiliation, emotional distress, and mental and physical pain
6 and anguish, all to his damage in at least \$1,000,000, subject to proof at trial.

7 89. Defendants did the things hereinabove alleged, intentionally, oppressively, and
8 maliciously with an evil and malevolent motive to injure Plaintiff. These acts, which resulted
9 in Plaintiff's wrongful termination against public policy, were obnoxious, despicable, and
10 ought not to be suffered by any member of the community.

11 90. All actions of Defendants were known, ratified and approved by the officers or
12 managing agents of CAL-PEP. Therefore, Plaintiff is entitled to punitive or exemplary
13 damages against the Defendants, and each of them, in an amount to be determined at the time
14 of trial.

15 91. Pursuant to California Government Code §12965(b), Plaintiff requests an award
16 of attorneys' fees in this action.

17 **SEVENTH CAUSE OF ACTION**

18 **(Failure to Accommodate Physical Disability in Violation of Public Policy, Govt. Code** 19 **§§12940 (m) – By Plaintiff Against Defendant CAL-PEP Does 1 through 100)**

20 92. Plaintiff realleges and incorporates by reference all of the allegations set forth in
21 this Complaint.

22 93. As alleged herein, Plaintiff requested that CAL-PEP make a reasonable
23 accommodation for her physical disability so that she would be able to perform the essential
24 job requirements. CAL-PEP refused said accommodation and refused to discuss any other
25 potential reasonable accommodation it might afford to Plaintiff, wrongfully terminating
26 Plaintiff instead on or about September 12, 2024.

27 94. By refusing to afford Plaintiff a reasonable accommodation, CAL-PEP violated
28 Government Code § 12940(m).

95. As a direct and proximate result of CAL-PEP's conduct, individually and collectively, Plaintiff has suffered and continues to suffer substantial losses in income, earnings, and benefits and has been damaged in her capacity to earn her salary, and has lost and will continue to lose employment benefits.

96. As a direct and proximate result of CAL-PEP 's actions, Plaintiff has suffered severe and serious injury to her person, all to her damage in an amount within the jurisdiction of this Court, according to proof.

97. CAL-PEP did the things hereinabove alleged, intentionally, oppressively, and maliciously with an evil and malevolent motive to injure Plaintiff. These acts were against public policy, were obnoxious, despicable, and ought not to be suffered by any member of the community.

98. All actions of CAL-PEP were known, ratified and approved by the officers or managing agents of CAL-PEP. Therefore, Plaintiff is entitled to punitive or exemplary damages against the CAL-PEP in an amount to be determined at the time of trial.

99. Pursuant to California Government Code §12965(b), Plaintiff requests an award of attorneys' fees in this action.

EIGHTH CAUSE OF ACTION

(Failure to Engage in a Good Faith Interactive Process in Violation of *Government Code* §12940(n)– By Plaintiff Against Defendant CAL-PEP Does 1 through 100)

100. Plaintiff realleges and incorporates by reference all of the allegations set forth in this Complaint.

101. At all times hereto, FEHA, including in particular Government Code §12940(n), was in full force and effect and was binding on CAL-PEP. This subsection imposes a duty on Defendant to engage in a timely, good faith, interactive process with the employee to determine reasonable accommodation, if any, in response to a request for a reasonable accommodation by an employee with a known physical disability or known medical condition.

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1 102. At all relevant times, Plaintiff was a member of a protected class within the
2 meaning of Government Code §12940(a) et seq. because she had a disability, of which CAL-
3 PEP had both actual and constructive notice.

4 103. Plaintiff reported her disability to CAL-PEP, triggering CAL-PEP 's obligation
5 to engage in a good faith interactive process with Plaintiff, but at all times herein, CAL-PEP
6 failed and refused to do so.

7 104. CAL-PEP breached their statutory duty under FEHA to engage in a timely good
8 faith interactive process to determine a reasonable accommodation for Plaintiff's physical
9 disability. Plaintiff further alleges: (1) that CAL-PEP was the Plaintiff's employer; (2) that
10 Plaintiff was an employee of CAL-PEP; (3) that Plaintiff had a disability that required
11 reasonable accommodation and which disability was known to CAL-PEP; (4) that Plaintiff
12 requested that CAL-PEP make reasonable accommodation for her disability and/or physical
13 condition so that she would be able to perform the essential functions of her job requirements;
14 (5) that Plaintiff was willing to participate in the interactive process to determine whether
15 reasonable accommodation could be made so that she would be able to perform the essential
16 job requirements; (6) that CAL-PEP failed to participate in a timely good faith interactive
17 process with Plaintiff to determine whether reasonable accommodation could be made; (7) that
18 Plaintiff was harmed financially; and (8) that CAL-PEP's failure to engage in a good faith
19 interactive process was a substantial factor in causing Plaintiff's damage and harm. Instead of
20 engaging in a good faith interactive process, CAL-PEP, wrongfully terminated Plaintiff on or
21 about September 12, 2024.

22 105. The above acts of CAL-PEP constitute violations of FEHA, and were a
23 proximate cause of Plaintiff's damages as stated below.

24 106. CAL-PEP did the things hereinabove alleged, intentionally, oppressively, and
25 maliciously with an evil and malevolent motive to injure Plaintiff. These acts were against
26 public policy, were obnoxious, despicable, and ought not to be suffered by any member of the
27 community.

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107. All actions of CAL-PEP were known, ratified and approved by the officers or managing agents of CAL-PEP. Therefore, Plaintiff is entitled to punitive or exemplary damages against the CAL-PEP in an amount to be determined at the time of trial.

108. Pursuant to Government Code §12965(b), Plaintiff requests a reasonable award of attorneys' fees and costs.

NINTH CAUSE OF ACTION

(Wrongful Termination in Violation of Public Policy, Govt. Code §§12940 et seq.)

– By Plaintiff Against Defendant CAL-PEP Does 1 through 100)

109. Plaintiff realleges and incorporates by reference all of the allegations set forth in this Complaint.

110. Plaintiff alleges that significant policies exist in the State of California that prohibit discrimination, retaliation, wrongfully terminating an employee for being disabled and based on her gender identity, complaining about harassment and protesting against unlawful employment practices. Among others, the right to be free from discrimination and retaliation are codified in the California and United States Constitutions and the provisions of Government Code §§12900 *et seq.*

111. These policies are set forth in various laws including but not limited to Government Code §§12940 (a), 12940 (k); Cal. Const. Art. 1, §8 (employment discrimination).

112. Plaintiff became disabled while working for CAL-PEP.

113. CAL-PEP, acting through their employees, intentionally created and knowingly permitted the discrimination based on disability, gender identity and harassment.

114. CAL-PEP wrongfully terminated Plaintiff in violation of important and well-established public policies, including, but not limited to, policies against employment discrimination based upon disability, gender identity and against harassment.

115. CAL-PEP's wrongful conduct proximately caused Plaintiff to suffer general, special and statutory damages in an amount within the jurisdiction of this Court, according to proof.

1 116. As a further proximate result of the unlawful acts of CAL-PEP as alleged above,
2 Plaintiff has been harmed in that she has suffered humiliation, mental anguish, and emotional
3 and physical distress that a reasonable person would suffer upon losing her job. As a result of
4 such actions and consequent harm, Plaintiff has suffered such damages in the amount of at
5 least \$1,000,000, according to proof.

6 117. The above acts of CAL-PEP constituted a wrongful termination of Plaintiff and
7 were in violation of public policy as described above. Such termination was a substantial
8 factor in causing damage and injury to Plaintiff as set forth below.

9 118. Plaintiff believes and thereon alleges that engaging in protected activity was a
10 factor in CAL-PEP's conduct as alleged hereinabove.

11 119. As a result of CAL-PEP's conduct, Plaintiff is entitled to recover punitive
12 damages in amount according to proof at trial.

13 120. Pursuant to California Government Code §12965(b), Plaintiff requests an award
14 of attorneys' fees in this action.

15 **TENTH CAUSE OF ACTION**

16 **(Failure to Pay Minimum Wages in Violation of Labor Code §§ 1194, 1197, 1197.1, 1198,**
17 **119, IWC Wage Order No. 4 – By Plaintiff Against Defendant CAL-PEP and Does 1**
18 **through 100)**

19 121. Plaintiff realleges and incorporates by reference all of the allegations set forth in
20 this Complaint.

21 122. *Labor Code* § 1197 states the California requirement that employees must be
22 paid at least the minimum wage fixed by the Commission, and any payment of less than the
23 minimum wage is unlawful. Similarly, *Labor Code* § 1194 entitles "any employee receiving
24 less than the legal minimum wage...entitled to recover in a civil action the unpaid balance of
25 the full amount of this minimum wage." IWC Wage Order No. 4-2001 also obligates employers
26 to pay each employee minimum wages for all hours worked. These minimum wage standards
27 apply to each hour employees worked for which they were not paid. Therefore, an employer's
28 failure to pay for any particular hour of time worked by an employee is unlawful, even if

1 averaging an employee's total pay over all hours worked, paid or not, results in an average
2 hourly wage above minimum wage. *Armenta v. Osmose, Inc.*, 135 Cal. App. 4th 314, 324
3 (2005).

4 123. California Labor Code section 558 provides in pertinent part:

5 (a) Any employer or other person acting on behalf of an employer who
6 violates, or causes to be violated, a section of this chapter or any
7 provision regulating hours and days of work in any order of the
8 Industrial Welfare Commission shall be subject to a civil penalty as
9 follows:

10 (1) For any initial violation, fifty dollars (\$50) for each underpaid
11 employee for each pay period for which the employee was underpaid in
12 addition to an amount sufficient to recover underpaid wages.

13 (2) For each subsequent violation, one hundred dollars (\$100) for each
14 underpaid employee for each pay period for which the employee was
15 underpaid in addition to an amount sufficient to recover underpaid
16 wages.

17 (3) Wages recovered pursuant to this section shall be paid to the affected
18 employee...

19 (c) The civil penalties provided for in this section are in addition to any
20 other civil or criminal penalty provided by law.

21 124. Here, Plaintiff was not paid minimum wages that were due to her because of
22 CAL-PEP's failure to afford compliant meal breaks.

23 125. *Labor Code* § 1194 provides, in part, that any employee receiving less than the
24 legal minimum wage is entitled to recover in a civil action the unpaid balance of the minimum
25 wage, including interest thereon, reasonable attorneys' fees, and costs of suit.

26 126. *Labor Code* § 1194.2 allows an employee to recover liquidated damages in an
27 amount equal to the wages unlawfully unpaid and interest thereon for any action under *Labor*
28 *Code* § 1194. Where an employee, such as Plaintiff is not paid for all hours worked under
Labor Code § 1194, the employee may recover minimum wages for the time associated with
the overtime for which they received no compensation. *See Sillah v. Command Int'l Sec. Servs.*,
154 F. Supp. 3d 891 (N.D. Cal. 2015) (holding that employees suing for failure to pay overtime

1 could recover liquidated damages under § 1194.2 if they also showed they were paid less than
2 minimum wage); *accord Andrade v. Arby's Rest. Grp., Inc.*, 225 F. Supp. 3d 1115, 1132-33
3 (N.D. Cal. 2016).

4 127. Plaintiff suffered and continues to suffer losses related to the use and enjoyment
5 of compensation due and owing to her as a direct result of Defendants CAL-PEP's unlawful
6 acts and Labor Code violations in the amount of at least \$161,280, to be shown according to
7 proof at trial.

8 128. *Labor Code* § 1197.1(a) mandates a civil penalty for failure to pay minimum
9 wages against employers and those individuals acting in their behalf. Plaintiff requests that this
10 Court assess said penalty against Defendant CAL-PEP, in an amount to be proven at trial.

11 129. Therefore, pursuant to Labor Code §§ 200, 203, 218.5, 226, 558, 1194 and
12 1194.2, Plaintiff is entitled to recover the unpaid balances of the minimum wages CAL-PEP
13 owes her, plus interest, penalties, attorneys' fees, expenses and costs of suit, in an amount
14 within the jurisdiction of this Court, according to proof.

15 130. Under *Labor Code* § 1194.2, Plaintiff is entitled to recover as liquidated
16 damages, amounts equal to the wages unlawfully unpaid and interest thereon.

17 **ELEVENTH CAUSE OF ACTION**

18 **(For Failure to Provide Meal Breaks in violation of Cal. Labor Code § 226.7– By Plaintiff**
19 **Against Defendant CAL-PEP and Does 1 through 100)**

20 131. Plaintiff realleges and incorporates by reference all of the allegations set forth in
21 this Complaint.

22 132. California Labor Code § 226.7(a) prohibits an employer from requiring an
23 employee to work during any meal period mandated by an applicable Industrial Wage Order.
24 Section 226.7(b) of the California Labor Code provides that "[a]n employer shall not require an
25 employee to work during a meal or rest break or recovery period mandated pursuant to an
26 applicable statute, or applicable regulation, standard, or order of the Industrial Welfare
27 Commission..."

1 133. California Labor Code § 1198 makes unlawful the employment of an employee
2 under conditions the IWC prohibits.

3 134. IWC Wage Order No. 4 provides, in relevant part: "No employer shall employ
4 any person for a work period of more than five (5) hours without a meal period of not less than
5 30-minutes, except that when a work period of not more than six (6) hours will complete the
6 day's work the meal period may be waived by mutual consent of the employer and the
7 employee."

8 135. IWC Wage Order No. 4 further provides, in relevant part: "Unless the employee
9 is relieved of all duty during a 30-minute meal period, the meal period shall be considered an
10 'on duty' meal period and counted as time worked."

11 136. Section 512(a) of the California Labor Code provides, in relevant part, that:
12 An employer may not employ an employee for a work period of more than five
13 hours per day without providing the employee with a meal period of not less
14 than 30-minutes, except that if the total work period per day of the employee is
15 no more than six hours, the meal period may be waived by mutual consent of
16 both the employer and employee. An employer may not employ an employee for
17 a work period of more than 10 hours per day without providing the employee
18 with a second meal period of not less than 30-minutes, except that if the total
19 hours worked is no more than 12 hours, the second meal period may be waived
20 by mutual consent of the employer and the employee only if the first meal
21 period was not waived.

22 137. The Labor Code and Wage Order provisions cited above require California
23 employers to provide employees with off-duty 30-minute meal periods on or before the fifth
24 hour of their shifts. To satisfy this obligation, California employers must: (1) make employees
25 aware of their right to off-duty 30-minute meal periods before the fifth hour of their shifts, and
26 (2) ensure that employees are actually free of job duties for thirty minutes per day on or before
27 the fifth hour of their shifts.
28

1 138. CAL-PEP violated Labor Code § 512 and IWC Wage Order No. 4 by routinely
2 failing to provide Plaintiff timely meal breaks. Plaintiff's meal breaks were afforded after the
3 fifth hour of work.

4 139. CAL-PEP further violated IWC Wage Order No. 4 and Labor Code § 226.7 by
5 failing to pay one hour of compensation to Plaintiff at her individual and regular rate of pay for
6 each work day that the meal period was not provided, in the amount of \$161,280. This amount
7 remains owed and unpaid.

8 140. Cal. Labor Code § 218 authorizes Plaintiff to bring a private right of action to
9 recover wages due based on the deprivation of timely meal periods under Cal. Labor Code
10 § 226.7(b).

11 141. As a direct and proximate result of CAL-PEP's unlawful conduct as alleged
12 herein, Plaintiff has sustained economic damages, including but not limited to unpaid wages
13 and lost interest, in an amount to be established at trial, and is entitled to recover economic and
14 statutory damages, attorneys' fees and penalties and other appropriate relief due to CAL-PEP's
15 violations of the California Labor Code and IWC Wage Order No. 4.

16 **TWELFTH CAUSE OF ACTION**

17 **(Waiting Time Penalties in Violation of Labor Code § 226 - By Plaintiff Against**
18 **Defendant CAL-PEP and Does 1 through 100)**

19 142. Plaintiff realleges and incorporates by reference all of the allegations set forth in
20 this Complaint.

21 143. At all times relevant hereto, CAL-PEP failed to issue payrolls statements to
22 Plaintiff which complied with *Labor Code* § 226 in that the statements issued to Plaintiff did
23 not properly and accurately pay minimum wages and for meal not timely afforded.

24 144. CAL-PEP knowingly and intentionally failed to comply with *Labor Code* §
25 226(a), causing damage to Plaintiff. These damages, including but not limited to, costs
26 expended calculating the actual hours worked and the amount of employment taxes which were
27 not properly paid to state and federal tax authorities, are difficult to estimate. Therefore,
28 Plaintiff elects to recover liquidated damages of \$50.00 for the initial pay period in which the

1 violations occurred, and \$100.00 for each violation in subsequent pay periods, pursuant to
2 *Labor Code* § 226(e), in the amount of \$4,000.00 plus reasonable attorneys' fees and costs.

3 145. Plaintiff requests a permanent injunction to stop this unlawful conduct, plus
4 attorneys' fees and costs in obtaining the injunction, pursuant to *Labor Code* § 226(g).

5 **THIRTEENTH CAUSE OF ACTION**

6 **(Failure to Pay Wages Due Upon Termination Labor Code §§ 201-203 By Plaintiff**

7 **Against Defendant CAL-PEP and Does 1 through 100)**

8 146. Plaintiff realleges and incorporates by reference all of the allegations set forth in
9 this Complaint.

10 147. Labor Code § 201(a) provides that a discharged employee's unpaid wages are
11 due and payable immediately. Labor Code § 202(a) provides that when an employee resigns
12 from employment, unpaid wages are due and payable within 72 hours of resignation.

13 148. Labor Code § 203(a) provides that if an employer willfully fails to pay wages as
14 mandated by Labor Code §§ 201 and 202, the employee's wages shall continue to accrue until
15 paid, not to exceed thirty days.

16 149. Plaintiff was wrongfully terminated from CAL-PEP's employ and CAL-PEP
17 willfully failed to pay minimum wages, to afford meal breaks to Plaintiff and did not pay her
18 premium pay for meal breaks not afforded.

19 150. CAL-PEP wrongfully terminated Plaintiff on September 12, 2024, yet failed to
20 pay her wages due to her.

21 151. Under Labor Code § 203(a), Plaintiff is entitled to one day's wages for each day
22 she was not timely paid, not to exceed 30 days' wages, interest, and attorneys' fees and costs in
23 an amount within the jurisdiction of this Court, according to proof.

24 **FOURTEENTH CAUSE OF ACTION**

25 **(Failure to Reimburse Business Expenses Cal. Labor Code §2802 By all Plaintiff Against**

26 **Defendant CAL-PEP and Does 1 through 100)**

27 152. Plaintiff realleges and incorporates by reference all of the allegations set forth in
28 this Complaint.

153. Labor Code § 2802 requires employers to indemnify employees for all necessary expenditures incurred by employees in the discharge of her duties.

154. At all times relevant herein, CAL-PEP was aware that Plaintiff was using her personal cell phone and vehicle for business, but failed to indemnify Plaintiff for all her business-related expenses, including wear and tear expenses, in accordance with Labor Code § 2802.

155. As a result of CAL-PEP's conduct, Plaintiff suffered damages in an amount, subject to proof, to the extent she was not reimbursed for all of her business-related expenses incurred in the discharge of her duties.

156. Pursuant to Labor Code § 2802, Plaintiff is entitled to recover the full amount of her unreimbursed business expenses, reasonable attorneys' fees and costs of suit, in an amount according to proof at trial.

FIFTEENTH CAUSE OF ACTION

(Failure to Allow Inspection of Employment Records in Violation of Cal. Labor Code §1198.5 By Plaintiff Against Defendant CAL-PEP and Does 1 through 100)

157. Plaintiff realleges and incorporates by reference all of the allegations set forth in this Complaint.

158. California Labor Code Section 1198.5 provides:

(a) Every current and former employee, or his or her representative, has the right to inspect and receive a copy of the personnel records that the employer maintains relating to the employee's performance or to any grievance concerning the employee.

(b) The employer shall make the contents of those personnel records available for inspection to the current or former employee, or his or her representative, at reasonable intervals and at reasonable times, but not later than 30 calendar days from the date the employer receives a written request, unless the current or former employee, or his or her representative, and the employer agree in writing to a date beyond 30 calendar days to inspect the records, and the agreed-upon

1 date does not exceed 35 calendar days from the employer's receipt of the written
2 request to inspect the records. Upon a written request from a current or former
3 employee, or his or her representative, the employer shall also provide a copy of
4 the personnel records,... later than 30 calendar days from the date the employer
5 receives the request...

6 (k) If an employer fails to permit a current or former employee, or his or her
7 representative, to inspect or copy personnel records within the times specified I
8 this section... the current or former employee may recover a penalty of seven
9 hundred fifty dollars (\$750) from the employer.

10 (1) A current or former employee may also bring an action for injunctive relief
11 to obtain compliance with this section, and may recover costs and reasonable
12 attorney's fees in such an action.

13 159. Additionally, pursuant to IWC Wage Order No. 4, at section 7 re: Records,
14 employers are required to keep accurate payroll records on each employee, and such records
15 must be made readily available for inspection by the employee upon reasonable request. The
16 employer must also maintain accurate production records.

17 160. On or about February 21, 2025, Plaintiff's counsel issued a written request to
18 CAL-PEP for copies of her personnel records.

19 161. Under California Labor Code Sections 226, 432 and 1198.5, such records were
20 to include all records relating to Plaintiff's hours worked, wage statements and compensation.
21 Plaintiff's counsel and CAL-PEP did not enter into an agreement to enlarge the time for CAL-
22 PEP's compliance, and CAL-PEP has failed and refused to permit Plaintiff copies of her
23 records.

24 162. As a direct result and consequence of CAL-PEP's failure and refusal to permit
25 Plaintiff full access to her records, Plaintiff seeks injunctive relief in the form of an order or
26 decree mandating CAL-PEP's compliance. Plaintiff has suffered and will suffer harm as a
27 result of CAL-PEP's ongoing refusal to comply. Plaintiff also seeks recovery of the statutory
28 penalty of \$750 based upon CAL-PEP's violation of §1198.5.

1 **SIXTEENTH CAUSE OF ACTION**

2 **(For Unfair Competition in Violation of Unfair Business Practices, Cal. Bus. & Prof. Code**
3 **§17200 et seq.– By Plaintiff Against Defendant CAL-PEP Does 1 through 100)**

4 163. Plaintiff realleges and incorporates by reference all of the allegations set forth in
5 this Complaint.

6 164. California Business & Professions Code § 17200 et seq. prohibits acts of unfair
7 competition, which shall mean and include any "unlawful and unfair business practices."

8 165. CAL-PEP's conduct as alleged herein has been and continues to be unfair,
9 unlawful, and deleterious to Plaintiff. Plaintiff hereby seeks to enforce important rights
10 affecting the public interest within the meaning of the Cal. Code of Civ. Proc. § 1021.5.
11 Plaintiff is a "person" within the meaning of Business & Professions Code § 17204, and
12 therefore has standing to bring this suit for restitution.

13 166. The payment of minimum wages, affording timely meal breaks, issuing accurate
14 wage statements, paying all wages on termination, reimbursing of business expenses and
15 providing employment records are fundamental public policies of the State of California. It is
16 also the public policy of this State to enforce minimum labor standards, to ensure that
17 employees are not required or permitted to work under substandard and unlawful conditions,
18 and to protect those employers who comply with the law from losing competitive advantage to
19 other employers who fail to comply with labor standards and requirements.

20 167. During the applicable limitations period, CAL-PEP violated Plaintiff's rights
21 under the above-referenced Labor Code sections by failing to pay minimum wages, afford
22 timely meal periods, issue accurate wage statements, pay all wages on termination and
23 reimburse business expenses in violation of *Labor Code* § 2802.

24 168. Through the conduct alleged herein, CAL-PEP acted contrary to these public
25 policies and has thus engaged in unlawful and/or unfair business practices in violation of
26 Business & Professions Code §§ 17200 et. seq., depriving Plaintiff of the rights, benefits, and
27 privileges guaranteed to employees under California law.

28

169. CAL-PEP regularly and routinely violated the following statutes and regulations with respect to Plaintiff:

Labor Code § 1197 and IWC Wage Order No. 4 (failure to pay minimum wages);

Lab. Code § 226.7 (failure to afford timely meal breaks);

Labor Code § 226 (failure to provide accurate wage statements to employees at the time of payment of wages);

Labor Code §§ 202 and 203 (failure to pay wages due at termination);

Labor Code §2802 (failure to reimburse business expenses); and

Labor Code §1198.5 (failure to allow inspection of employment records).

170. By engaging in these business practices, which are unfair business practices within the meaning of Bus. & Prof. Code §§ 17200 et seq., CAL-PEP harmed Plaintiff and gained an unfair competitive edge. Under the Business & Professions Code § 17203, Plaintiff is entitled to obtain restitution of these funds.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court enter judgment in her favor and against Defendants, and each of them, as follows:

1. For compensatory damages in the amount of unpaid minimum wages due to Plaintiff, in an amount of \$161,280;

2. For compensatory damages for lost wages and employment benefits, in an amount of \$161,280;

3. For one hour of pay at the regular rate of compensation for Plaintiff for each workday that a timely meal period was not provided, in the amount of \$161,280;

4. For payment of unpaid wages in accordance with California labor and employment law, in the amount of \$161,280;

5. For compensatory damages for employment benefits, in an amount within the jurisdiction of this Court, according to proof;

6. For compensatory damages for physical and emotional distress, in the amount of \$1,000,000, according to proof:

7. For an award of consequential damages, according to proof;

8. For general damages according to proof;

9. For compensatory damages in the amount of Plaintiff's out of pocket cell phone and vehicle expenses and/or reimbursement of monies incurred while performing Defendant CAL-PEP's business-related duties plus interests, costs and attorneys' fees pursuant to *Cal. Code Civ. Proc.* §2802(c), in an amount according to proof;

10. For a preliminary and permanent injunction ordering CAL-PEP to disclose Plaintiff's payroll records and to prevent CAL-PEP from committing such illegal acts in the future;

11. For injunctive relief requiring CAL-PEP to comply with Labor Code §1198.5(b)(1);

12. For punitive and exemplary damages in a sum to be determined at trial;

13. For reasonable costs, including attorneys' fees, in an amount according to proof pursuant to *Government Code* § 12965(b), Cal. Lab. Code §§ 1198.5(1), 2802 and Cal. Code Civ. Proc. §1021.5;

14. For prejudgment interest, according to proof; and

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

DEMAND FOR JURY TRIAL

Plaintiff Anthony Boughton hereby respectfully requests a trial by jury for all claims and issues raised in her Complaint that may be entitled to a jury trial.

LIPELES LAW GROUP, APC

Date: February 21, 2025

By: Franz T. Reece
 Franz T. Reece
 Attorneys for Plaintiff
 Anthony Boughton