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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA
UNLIMITED CIVIL DIVISION**

JERICO ROBERTSON SR.,

Plaintiff,

v.

DISTRICT WORKS, LLC, and DOES 1-20

Defendant.

Case No.:

COMPLAINT FOR DAMAGES

JURY TRIAL DEMANDED

INTRODUCTION

1. California law provides strong protections for employees in areas related to workplace discrimination, retaliation, wage and hour laws, and employee classification. These protections are codified in various provisions of the California Labor Code (“Lab. Code”), the Fair Employment and Housing Act (“FEHA”), and in conferring private rights of action in the California Private Attorneys General Act (“PAGA”).
2. This case arises from multiple violations by Defendant including racial discrimination, retaliation against Plaintiff for engaging in protected activities, wrongful termination, and failure to pay wages owed under California law.
3. FEHA (Cal. Gov. Code § 12940 et seq.) prohibits discrimination and harassment based on race, disability, and other protected characteristics.
4. Employers may not treat African American employees less favorably because of their race, deny them opportunities for advancement available to non-African American employees, or create a hostile work environment.
5. Employers also may not discriminate against employees for suffering workplace injuries or raising concerns about unsafe working conditions.
6. Defendant engaged in discriminatory and retaliatory conduct against Plaintiff by subjecting him to disparate treatment, denying him promotions, subjecting him to a hostile work environment, and ultimately terminating him under pretextual grounds.
7. Despite Plaintiff’s repeated complaints regarding these unlawful practices, Defendant failed to take corrective action or remediate wrongdoing of its employees.
8. FEHA also strictly prohibits retaliation against employees who report workplace violations. (Cal. Gov. Code § 12940(h)). Additionally, California law provides multiple avenues of protection for employees who report unlawful conduct, including protections for employees

1 from retaliation for disclosing or refusing to participate in violations of law (Labor Code §
2 1102.5), protections for employees from retaliation for complaining about wage and hour
3 violations (Labor Code § 98.6), and protections for employees from retaliation for reporting
4 workplace safety violations (Labor Code § 6310).

5 9. Plaintiff engaged in protected activities under these statutes by raising concerns about racial
6 discrimination, workplace safety hazards, and unpaid wages. In response, District Works
7 failed to remedy these violations and instead retaliated against Plaintiff, culminating in his
8 wrongful termination.

9 10. California's wage and hour laws require employers to compensate employees for all hours
10 worked, including overtime. Defendant failed to comply with these obligations by sometimes
11 requiring Plaintiff to work overtime without compensating him overtime pay.

12 11. The Private Attorneys General Act ("PAGA") (Cal. Lab. Code §§ 2698 et seq.) allows
13 employees to pursue civil penalties against employers who violate labor laws. Plaintiff asserts
14 claims under PAGA on behalf of himself and similarly situated employees who were
15 subjected to Defendant's unlawful wage practices, failure to prevent discrimination, and
16 retaliatory conduct.

17 12. Defendant's actions also violate California's Unfair Competition Law ("UCL") (Cal. Bus. &
18 Prof. Code § 17200 et seq.), which prohibits unlawful, unfair, and fraudulent business
19 practices. Defendant's systemic failure to pay employees properly and its retaliation against
20 workers who reported labor violations constitute unfair competition under California law.

21 13. Through this action, Plaintiff seeks compensation for lost wages, damages for emotional
22 distress, civil penalties under PAGA, and punitive damages for District Work's willful and
23 malicious violations of California law.

24 PARTIES

- 1 14. The Plaintiff, JERICO ROBERTSON, SR. ("Robertson" or "Plaintiff"), alleges employment
2 causes of action against DISTRICT WORKS, LLC. and DOES 1-20, inclusive, his former
3 employer.
- 4 15. At all times relevant to this Complaint, Plaintiff is an African American adult individual living
5 in Oakland, California, a city in Alameda County.
- 6 16. DISTRICT WORKS, LLC. ("District Works") is a Limited Liability Company formed in
7 California, its California Secretary of State Registration Number 202023910820, and has its
8 principal address in Oakland, California.
- 9 17. Plaintiff worked full-time for District Works in Oakland, California.
- 10 18. At all relevant times, District Works regularly employed five or more employees in the State
11 of California and was covered under applicable State and Federal employment laws.
- 12 19. Plaintiff is informed and believes and thereon alleges that each of the fictitiously named
13 Defendants, DOES 1 through 20 ("DOES"), is responsible in some manner for the
14 occurrences herein alleged, and that Plaintiff's damages as herein alleged were proximately
15 caused by those Defendant.
- 16 20. Plaintiff is informed and believes, and thereon alleges, that at all times relevant to this
17 Complaint, all Defendants, including fictitiously named Defendant DOES, were the agents,
18 servants, alter egos, affiliates, employers, principals and/or employees of each other and
19 engaged in the conduct alleged herein within the course, scope and authority of their
20 respective capacities and/or were the joint employers of Plaintiff.
- 21 21. Plaintiff reserves the right to amend this Complaint to substitute the true names and capacities
22 of the Defendants currently identified as DOES 1 through 20, inclusive, when their identities
23 and involvement become known.
- 24 22. Upon obtaining such information, Plaintiff will promptly amend the pleadings to accurately
25 reflect the identities and roles of these Defendants in accordance with applicable law.
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JURISDICTION AND VENUE

23. This Court has subject matter jurisdiction over this matter because the amount in controversy exceeds \$25,000.00 and the causes of action are California employment violations. Code Civ. Proc. § 85(a).

24. Venue is proper because Defendants conducted business and hired employees to work at a jobsite in Oakland, located in Alameda County. Code Civ. Proc. § 395(a).

25. Venue for this action is proper because all the events, acts and omissions giving rise to this action occurred in Alameda County. Code Civ. Proc. § 395.

26. This Court has personal jurisdiction over Defendants because they reside in California and/or have engaged in substantial business activities within this state, giving rise to the claims asserted herein. Code Civ. Proc. § 410.10.

27. Plaintiff was employed in California, and all claims arise from work performed in California. Defendants may not enforce any forum-selection clause (if such exists) to circumvent this Court's jurisdiction. Lab. Code § 925.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

28. A complaint was filed on behalf of Plaintiff with the California Civil Rights Department against Defendants pursuant to the California Fair Employment Housing Act (FEHA) – Government Code section 12900 et seq.

29. The complaint with the appropriate regulatory bodies alleged that the acts described in the complaint violated FEHA. California issued Plaintiff a “right-to-sue” letter on or about February 17, 2025. The right to sue letter specified a one-year timeframe to file a lawsuit.

STATEMENT OF FACTS

30. Plaintiff, Jerico Robertson Sr., is an African American man who was employed by Defendant full-time, District Works LLC, beginning in July of 2023.

1 31. Plaintiff was initially offered the position of Power Washer but was quickly reassigned to
2 Place Manager.

3 32. As Place Manager, Plaintiff was to earn roughly \$ 27.00 per hour, but as Power Washer, he
4 was to earn roughly \$ 30.00 per hour.

5 33. Plaintiff was not given notice or an opportunity to agree to this change in pay and was
6 frequently assigned to one position or the other without notice and without being paid the
7 corresponding rate.
8

9 34. Shortly after Plaintiff was hired, District Works lost most of its Human Resources employees,
10 causing severe disorganization within the company and improper payroll management.

11 35. Some of the Human Resource challenges were endemic, leading to Defendant being subject to
12 a Class Action filed before this Court, Alameda County Superior Court Case Number
13 24CV084040.
14

15 36. Plaintiff was repeatedly reassigned between different roles (Power Washer, Place Manager,
16 and Equipment Operator) without formal notice, consent, or appropriate wage adjustments.

17 37. Despite performing the higher-paying Power Washer duties, he was often compensated at a
18 lower rate without explanation, in violation of California Labor Code.

19 38. Although Plaintiff had notified HR about the wage garnishment order for two children he was
20 supporting, District Works failed to implement the garnishment. As a result, Plaintiff was
21 severely reprimanded in family court and faced the risk of arrest for violating his child support
22 obligations due to Defendant's negligence.
23

24 39. Once a permanent HR leader, "Molly," was hired, the garnishment order was finally
25 implemented. However, this only occurred after Plaintiff personally addressed the issue with
26 Molly, who admitted that District Works had received the garnishment order as early as
27 August 2023 but had failed to act.
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40. Due to the violation of the child support orders, Plaintiff's driver's license was suspended, significantly impacting both his personal life and his ability to work at District Works, as he was required to operate a company truck as a part of his job roles.

41. When Plaintiff complained to HR about his license suspension, HR assured him that his supervisor would resolve the issue. However, the supervisor failed to take any corrective action.

42. District Works' failure to process Plaintiff's wage garnishment was not only negligent but directly resulted in severe financial and legal consequences, including the risk of arrest and license suspension. This failure constitutes a violation of California Labor Code §§ 203 and 226 for unlawful payroll practices.

43. Plaintiff was subjected to a racially hostile work environment at District Works. Workers were reprimanded for minor infractions such as being a few minutes late, while supervisors were permitted to disregard scheduling policies without consequence.

44. Additionally, District Works required employees to promote the company to potential clients and investors without additional compensation, on the job while expected to continue with their duties.

45. Plaintiff's schedule was frequently changed without notice, which resulted in lost visitation time with his children. Despite multiple complaints to HR regarding the impact on his court-ordered visitation schedule, HR failed to take any corrective action.

46. Plaintiff was often required to work alone in dangerous areas in Oakland, where frequent break-ins and carjackings had occurred or would occur. Despite raising safety concerns to management, Defendant took no action to address his concerns. He was told in so many words that danger was part of life in Oakland.

1 47. In July of 2024, Plaintiff was given a “promotion” to Equipment Operator and a wage increase
2 to \$28.50 per hour. However, his paystubs did not reflect the raise until months later, further
3 demonstrating Defendant’s ongoing payroll mismanagement.

4 48. Due to the stressful work environment, Plaintiff requested to return to his former Place
5 Manager position, but Defendant refused his request without justification.

6 49. When Plaintiff was sick, including when he caught pneumonia, he was not paid sick leave but
7 given unpaid time off, violating California Labor Code § 246.

8 50. Plaintiff was often assigned to work with and supervise a white male co-worker, Anthony.
9 Plaintiff was informed that he was the senior employee between the two and held responsible
10 for Anthony’s mistakes. However, Plaintiff was never promoted or compensated for this
11 additional responsibility and supervisory role.

12 51. On multiple occasions, Anthony engaged in reckless behavior, including driving a company
13 truck into a Porsche, causing significant damage. Despite Anthony’s misconduct, Plaintiff, as
14 the so-called "lead," was reprimanded for Anthony’s mistakes.

15 52. Plaintiff was held accountable when Anthony caused damage to company vehicles, even
16 though Anthony was not Plaintiff’s direct report.

17 53. Plaintiff reported Anthony for reckless driving and suspected intoxication on the job.

18 54. On September 7, 2024, Plaintiff and Anthony were working together when Plaintiff observed
19 that Anthony was taking excessively long and frequent bathroom breaks, totaling over an
20 hour. Plaintiff was concerned that he would be reprimanded for delays caused by Anthony’s
21 behavior.

22 55. On September 8, 2024, Plaintiff confronted Anthony about his excessive breaks, attempting
23 to prevent delays in their work.
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1 56. Later that day, Anthony hit a curb while driving. When Plaintiff reprimanded him for unsafe
2 driving, Anthony became agitated and stated, "You're talking to me like a kid. You're acting
3 like an asshole."

4 57. Plaintiff and Anthony frequently exchanged words during work, so Plaintiff did not initially
5 view this as unusual. Plaintiff proceeded to exit the truck and begin his assigned tasks.
6

7 58. Anthony became increasingly agitated, stating, "Fuck this job, I can't do this anymore."

8 59. Anthony then escalated the situation by making racially charged threats. He stated, "I'll beat
9 your ass, nigger. You niggers don't know how to fight."

10 60. As Plaintiff walked away from the truck, Anthony threw a heavy keyring full of keys, striking
11 Plaintiff in the back.

12 61. Several witnesses, including District Works employee Angel and a property owner, observed
13 the entire incident, including Anthony's racial slurs and assault.
14

15 62. Plaintiff reported the incident to his supervisor, who instructed him to return to the office to
16 provide a statement. Anthony was also called into another office to provide a statement.

17 63. Despite Plaintiff being the victim of the racial attack, District Works suspended both Anthony
18 and Plaintiff. Plaintiff was later told that video footage confirmed Anthony throwing the keys
19 but claimed it did not show Anthony directing them at Plaintiff.
20

21 64. After Plaintiff's suspension, he was offered an "on-call" position, a role that did not exist
22 within the company. Plaintiff reasonably believed this offer was a pretext for retaliation and
23 declined the position. Plaintiff believes that "on-call" is a pretext to fire an employee like
24 himself without having to actually go through with termination.

25 65. In contrast, Anthony's suspension ended and he was given a full-time position in Hayward,
26 California. When Plaintiff inquired why Anthony received this position, he was erroneously
27 told that Anthony had more seniority, despite Plaintiff actually having seniority. This disparity
28 further demonstrates Defendant's pattern of race-based discrimination.

66. After the meeting with HR, Plaintiff approached District Works' owner and CEO, Andrew, and informed him of the racial discrimination and assault. Andrew dismissed the complaint, stating something to the effect of, "It's a shame that two grown-ass men can't deal with their problems."

67. Because Plaintiff refused to accept the retaliatory "on-call" position, he was forced to resign. Plaintiff's resignation was not voluntary but was a result of constructive discharge due to Defendant's unlawful and retaliatory actions.

68. Plaintiff seeks relief for the damages suffered as a result of Defendant's unlawful actions, including racial discrimination, retaliation, wage and hour violations, and wrongful termination.

FIRST CAUSE OF ACTION
RACIAL DISCRIMINATION UNDER FEHA
Cal. Government Code § 12940(a)

69. Plaintiff realleges and incorporates herein by reference, each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

70. At all relevant times, Plaintiff was a full-time employee of Defendant, District Works LLC, and Defendant was an employer subject to the requirements of the California Fair Employment and Housing Act ("FEHA"), Government Code section 12940 et seq.

71. FEHA prohibits employers from discriminating against an employee on the basis of race in terms of employment, compensation, conditions, and privileges of employment.

72. Plaintiff is an African American man and is therefore a member of a protected class under FEHA.

73. During his employment, Plaintiff was subjected to discriminatory treatment based on his race.

74. Defendant denied him promotions and advancement opportunities while giving such opportunities to similarly situated non-Black employees.

75. Defendant held Plaintiff accountable for the overtly racist actions of white employees, including Anthony, even though Plaintiff was not responsible for their conduct.

76. Plaintiff was assigned less favorable shifts and work conditions compared to white employees.

77. Defendant also required Plaintiff to work alone in unsafe conditions in areas with frequent criminal activity and also dismissed Plaintiff's concerns about his personal safety.

78. Plaintiff was subjected to racial slurs and threats. Anthony, a white employee, called Plaintiff a "nigger" and stated, "You niggers don't know how to fight." Despite being the *victim* of this racial harassment and physical assault, Plaintiff was suspended alongside Anthony, rather than being protected by Defendant.

79. Plaintiff was also disciplined more harshly than similarly situated white employees. Following these events, Defendant offered Plaintiff an "on-call" position, which was not a standard role within the company and which Plaintiff reasonably believed was a retaliatory act meant to push him out of his employment. No similarly situated white employees were subjected to this treatment. Conversely, Anthony, the white employee, was fully reinstated.

80. Defendant failed to investigate and address Plaintiff's complaints of racial discrimination, creating a hostile work environment that significantly impacted the conditions of Plaintiff's employment. Defendant's conduct and inaction demonstrated a pattern of racial discrimination that resulted in Plaintiff suffering unfair treatment in the workplace.

81. Defendant's actions were willful and intentional, carried out with malice, oppression, or reckless disregard for Plaintiff's rights. As a result, Plaintiff is entitled to seek punitive damages under the law.

82. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff has suffered economic damages, including lost wages and benefits. Plaintiff has also suffered non-economic damages, including emotional distress, humiliation, mental anguish, and harm to his professional reputation.

83. Plaintiff seeks all available remedies under FEHA, including back pay, front pay, compensatory damages, punitive damages, injunctive relief, attorneys' fees, and costs of suit.

SECOND CAUSE OF ACTION
RETALIATION UNDER FAIR EMPLOYMENT AND HOUSING ACT
 California Government Code § 12940(h)

84. Plaintiff realleges and incorporates herein by reference, each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

85. Plaintiff engaged in protected activity when he reported racial discrimination, harassment, and disparate treatment to Defendant's human resources department and management.

86. Plaintiff specifically raised concerns about racial slurs directed at him, unequal discipline compared to his white coworkers, unfair work assignments, and improper wage practices to human resources and/or management.

87. After engaging in this protected activity, Plaintiff was subjected to adverse employment actions by Defendant. Defendant suspended Plaintiff after he reported racial harassment and an assault by his coworker Anthony, despite Plaintiff being the victim.

88. Plaintiff was also offered an "on-call" position that did not exist, which he reasonably perceived as a demotion and an attempt to force him to resign. When Plaintiff did not accept the on-call position, Defendant inappropriately treated it as a resignation rather than reinstating him to his previous role.

89. Defendant's retaliatory actions were intended to punish Plaintiff for reporting unlawful discrimination and were taken with willful disregard for Plaintiff's rights under FEHA.

90. As a direct and proximate result of Defendant's retaliatory conduct, Plaintiff has suffered economic damages, including lost wages and benefits.

91. Plaintiff has also suffered non-economic damages, including emotional distress, humiliation, mental anguish, and harm to his professional reputation.

92. Defendant's actions were intentional, willful, and done with malice, entitling Plaintiff to punitive damages under FEHA.

93. Plaintiff seeks all available remedies under FEHA, including back pay, front pay, compensatory damages, punitive damages, injunctive relief, attorneys' fees, and costs of suit.

THIRD CAUSE OF ACTION
WHISTLEBLOWER PROTECTION ACT
Labor Code § 1102.5

94. Plaintiff realleges and incorporates herein by reference, each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

95. California Labor Code section 1102.5, which prohibits an employer from retaliating against an employee for disclosing information that the employee reasonably believes constitutes a violation of state or federal law.

96. During the course of his employment, Plaintiff made multiple complaints to Defendant's human resources department and management regarding unlawful, abusive and discriminatory conduct, including racial discrimination, harassment, wage violations, and unsafe working conditions.

97. Plaintiff engaged in protected activity by reporting these violations both internally to HR and/or management and externally to the appropriate agencies.

98. In direct response to Plaintiff's protected activity, Defendant took adverse actions against him, including subjecting him to unwarranted discipline, suspending him without cause, and offering him an "on-call" position that did not exist, which effectively forced him to resign.

99. Defendant's actions constitute unlawful retaliation in violation of California Labor Code section 1102.5.

100. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff has suffered economic damages, including lost wages and benefits.

101. Plaintiff has also suffered non-economic damages, including emotional distress, humiliation, mental anguish, and harm to his professional reputation.

102. Defendant's conduct was willful, malicious, and oppressive, entitling Plaintiff to an award of punitive damages.

103. Plaintiff seeks all available remedies under California Labor Code section 1102.4, including reinstatement, back pay, compensatory damages, punitive damages, injunctive relief, attorneys' fees, and costs of suit.

FOURTH CAUSE OF ACTION

RETALIATION

Labor Code § 6310

104. Plaintiff realleges and incorporates herein by reference, each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

105. Defendant violated California Labor Code section 6310 by retaliating against Plaintiff for reporting unsafe working conditions and workplace violations.

106. Plaintiff engaged in protected activity when he reported workplace safety concerns, including working alone in dangerous locations and being required to perform tasks in unsafe conditions to management and/or human resources.

107. Defendant took adverse employment actions against Plaintiff in direct response to his complaints, including for example issuing unwarranted discipline, altering his job responsibilities, dismissing his claims and forcing him into an "on-call" position that did not exist.

108. As a direct and proximate result of Defendant's retaliation, Plaintiff suffered damages including lost wages, emotional distress, and harm to his professional reputation.

109. Plaintiff seeks all available remedies under California Labor Code section 6310, including reinstatement, back pay, compensatory damages, punitive damages, injunctive relief, attorneys' fees, and costs of suit.

FIFTH CAUSE OF ACTION
FAILURE TO PREVENT DISCRIMINATION AND RETALIATION IN VIOLATION OF FEHA

California Fair Employment and Housing Act § 12940(k)

110. Plaintiff realleges and incorporates herein by reference, each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

111. Defendant had a duty under FEHA to take all reasonable steps necessary to prevent discrimination and retaliation from occurring in the workplace.

112. Defendant failed to take reasonable steps to prevent Plaintiff from being subjected to racial discrimination, harassment, and retaliation despite Plaintiff's multiple complaints.

113. Despite Defendant being put on notice, multiple times of Plaintiff's concerns, including discrimination and harassment, it failed to act.

114. As a direct and proximate result of Defendant's failure to prevent discrimination and retaliation, Plaintiff suffered damages including lost wages, emotional distress, and harm to his professional reputation.

115. Plaintiff seeks all available remedies under FEHA, including compensatory damages, punitive damages, injunctive relief, attorneys' fees, and costs of suit.

SIXTH CAUSE OF ACTION
HOSTILE WORK ENVIRONMENT UNDER FEHA
 California Government Code § 12940(j)

116. Plaintiff realleges and incorporates herein by reference, each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

117. FEHA prohibits an employer from subjecting an employee to harassment based on race that is severe or pervasive enough to create a hostile work environment.

118. During his employment, Plaintiff was subjected to a hostile work environment based on his race. Plaintiff endured frequent racial slurs, including his coworker Anthony calling him a "nigger" and stating, "You niggers don't know how to fight."

119. Plaintiff also experienced disparate treatment, including being disciplined more harshly than white employees and being forced to work alone in unsafe areas despite raising safety concerns.

120. Defendant failed to take reasonable steps to prevent or remedy this harassment. Instead of addressing Plaintiff's complaints, Defendant suspended Plaintiff along with his harasser, failed to investigate the racial discrimination, and ultimately forced Plaintiff into an "on-call" position that did not exist, leading to his constructive discharge.

121. Defendant's failure to take appropriate corrective action and its inaction in response to Plaintiff's complaints created a workplace culture in which racial discrimination and harassment were tolerated, making Plaintiff's work environment hostile and abusive.

122. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff has suffered economic damages, including lost wages and benefits.

123. Plaintiff has also suffered non-economic damages, including emotional distress, humiliation, mental anguish, and harm to his professional reputation.

124. Defendant's actions were intentional, willful, and done with malice, entitling Plaintiff to punitive damages under FEHA.

125. Plaintiff seeks all available remedies under FEHA, including back pay, front pay, compensatory damages, punitive damages, injunctive relief, attorneys' fees, and costs of suit.

SEVENTH CAUSE OF ACTION
WRONGFUL DISCHARGE IN VIOLATION OF PUBLIC POLICY
Common Law Tort

126. Plaintiff realleges and incorporates herein by reference, each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

127. California law recognizes that an employer may not terminate an employee for reasons that violate fundamental public policies embodied in constitutional, statutory, or regulatory provisions. These public policies include protections against racial discrimination, retaliation

for reporting workplace safety concerns, and protection for employees who report labor code violations.

128. During his employment with Defendant, Plaintiff engaged in activities protected by public policy.

129. Plaintiff engaged in reporting racial discrimination and harassment, including being called racial slurs by a coworker.

130. Plaintiff also complained about workplace safety concerns, including being required to work alone in dangerous areas with high crime rates.

131. Plaintiff reported wage and hour violations, including Defendant's failure to properly implement wage garnishment orders and failure to pay proper wages for work performed.

132. Plaintiff also reported suspected employee misconduct, including reporting Anthony's reckless driving and possible intoxication on the job.

133. Each of these activities is protected by fundamental public policies expressed in California statutes, including but not limited to the Fair Employment and Housing Act (Gov. Code § 12940), Labor Code §§ 1102.5, 6310, 98.6, and other provisions designed to protect employee rights and public welfare.

134. Following Plaintiff's protected activities, Defendant took adverse employment actions against him, culminating in his constructive discharge.

135. After Plaintiff reported being subjected to racial slurs and physical assault by Anthony, Defendant suspended Plaintiff alongside his harasser rather than protecting him from discrimination.

136. Subsequently, Defendant offered Plaintiff an "on-call" position that did not previously exist within the company. This offer was a pretext for removing Plaintiff from his regular employment and constituted a substantial and detrimental change to the terms and conditions

of his employment. A reasonable person in Plaintiff's position would have felt compelled to resign rather than accept this retaliatory demotion.

137. Meanwhile, Anthony, who had perpetrated racial harassment and assault against Plaintiff, was given a full-time position in Hayward, demonstrating Defendant's discriminatory treatment of Plaintiff.

138. The temporal proximity between Plaintiff's protected activities and Defendant's adverse employment actions, combined with Defendant's disparate treatment of Plaintiff compared to Anthony, demonstrates a causal connection between Plaintiff's protected activities and his constructive discharge.

139. Defendant's owner, Andrew, explicitly dismissed Plaintiff's complaints of racial discrimination and assault, stating something to the effect of "it's a shame that two grown-ass men can't deal with their problems," further evidencing Defendant's disregard for Plaintiff's protected rights.

140. Defendant's actions were willful, deliberate, and committed with conscious disregard for Plaintiff's rights and with the intent to avoid its legal obligations under California employment laws.

141. As a direct and proximate result of Defendant's wrongful discharge of Plaintiff in violation of public policy, Plaintiff has suffered economic damages, including but not limited to lost past and future wages and benefits, as well as non-economic damages, including emotional distress, anxiety, humiliation, and damage to his professional reputation.

142. Defendant's conduct was malicious, oppressive, and in conscious disregard of Plaintiff's rights, entitling Plaintiff to punitive damages in an amount to be determined at trial.

143. Plaintiff seeks all available remedies for wrongful discharge in violation of public policy, including back pay, front pay, compensatory damages, punitive damages, interest, attorneys' fees, and costs of suit.

144. This revised claim more thoroughly establishes the public policy basis for the wrongful discharge claim, strengthens the causal connection between protected activities and termination, and provides detailed factual allegations specific to this cause of action.

EIGHTH CAUSE OF ACTION
NEGLIGENT HIRING, SUPERVISION, OR RETENTION
Common Law Tort

145. Plaintiff realleges and incorporates herein by reference, each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

146. Under California law, employers have a duty to exercise reasonable care in hiring, supervising, and retaining employees to prevent foreseeable harm to other employees and third parties.

147. Defendant District Works owed Plaintiff a duty to hire, supervise, and retain employees who would not pose an unreasonable risk of harm to coworkers, and to adequately supervise employees to prevent workplace harassment, discrimination, and violence.

148. Defendant breached this duty by negligently hiring, supervising, and/or retaining Anthony, despite his demonstrated propensity for aggressive, reckless, and discriminatory behavior in the workplace.

149. Defendant knew or should have known that Anthony posed a risk of harm to Plaintiff and other employees based on Anthony's prior conduct.

150. Specifically, Anthony had engaged in reckless behavior while operating company vehicles, including driving a company truck into a Porsche and causing significant damage.

151. Anthony also demonstrated patterns of carelessness and irresponsibility, including taking excessively long breaks and shirking work responsibilities.

152. Plaintiff had previously reported to management that Anthony was operating company vehicles while potentially impaired.

153. Despite having actual or constructive knowledge of Anthony's dangerous propensities, Defendant failed to adequately investigate Anthony's background or qualifications before hiring him. Defendant also failed to provide adequate supervision of Anthony to prevent foreseeable harm to coworkers.

154. Additionally, Defendant failed to discipline Anthony for his misconduct. Defendant neglected to provide adequate training to Anthony regarding appropriate workplace conduct and racial sensitivity.

155. Most importantly, Defendant failed to remove Anthony from a position where he could cause harm to coworkers, even after incidents of misconduct.

156. Defendant's negligence in hiring, supervising, and retaining Anthony directly and proximately caused harm to Plaintiff, culminating in the September 8, 2024, incident where Anthony directed racial slurs at Plaintiff and physically assaulted him by throwing keys at his back.

157. Furthermore, Defendant negligently hired, supervised, and retained management and human resources personnel who failed to properly address workplace discrimination, harassment, and safety concerns raised by Plaintiff and other employees.

158. Defendant's human resources department repeatedly failed to properly implement wage garnishment orders, failed to respond to complaints about racial discrimination, and failed to address safety concerns raised by Plaintiff, indicating a systemic failure in hiring qualified personnel and supervising them appropriately.

159. Defendant's negligent hiring, supervision, and retention practices directly and proximately caused Plaintiff to suffer physical harm, emotional distress, lost wages, and other damages as described throughout this Complaint.

160. As a direct and proximate result of Defendant's negligence, Plaintiff has suffered economic damages, including lost past and future wages and benefits, as well as non-economic damages,

including physical injury, emotional distress, anxiety, humiliation, and damage to his professional reputation.

161. Plaintiff seeks all available remedies, including compensatory damages for economic and non-economic harm, punitive damages, interest, costs, and any other relief the Court deems just and proper.

NINTH CAUSE OF ACTION

FAILURE TO PAY OVERTIME COMPENSATION

Cal. Labor Code §§ 510 and 1194

162. Plaintiff realleges and incorporates herein by reference each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

163. Plaintiff bases this cause of action upon Defendant's willful and intentional violations of the California Labor Code requirements that Defendant pay Plaintiff for all hours worked, including the requirement to pay premium overtime wages for work he performed in excess of eight (8) hours in a workday and/or forty (40) hours in a workweek.

164. At all relevant times, Plaintiff worked for Defendant as a non-exempt employee under the California Labor Code.

165. On various occasions during Plaintiff's employment with Defendant, the total amount of hourly and overtime wages paid to Plaintiff on his paycheck was less than the amount owed to him for his actual hours worked.

166. Pursuant to Labor Code § 204, as well as other applicable laws and regulations and public policy, an employer must timely pay its employees for all hours worked.

167. Labor Code § 510 provides that "any work in excess of eight (8) hours in one workday and any work in excess of forty (40) hours in any one workweek shall be compensated at the rate of no less than one and one-half times the regular rate of pay for an employee."

168. Labor Code § 1194 provides that “any employee receiving less than the legal minimum wage or the legal overtime compensation applicable to the employee is entitled to recover in a civil action the unpaid balance of the full amount of this minimum wage or overtime compensation, including interest thereon, reasonable attorneys’ fees, and costs of suit.”

169. At all times relevant herein, Defendant’s conduct as alleged herein amounted to a uniform pattern of unlawful wage and hour practices which resulted from the implementation of uniform policies and practices by which Defendant failed to accurately record all hours worked by Plaintiff, thereby denying payment of minimum hourly and overtime premium wages to Plaintiff for his hours worked.

170. In committing the violations of the California Labor Code as alleged herein, Defendant engaged in an illegal attempt to avoid the payment of all earned wages and other benefits in violation of the California Labor Code and other applicable laws and regulations.

171. As a direct result of Defendant’s unlawful wage practices as alleged herein, Plaintiff has been denied full compensation for all hours worked by him including, but not limited to, premium overtime wages for overtime hours.

172. As a direct consequence of Defendant’s unlawful failure to pay Plaintiff the full and accurate amount of all earned wages at the appropriate rate for the true number of hours he worked, Plaintiff has suffered and will continue to suffer economic injuries in an amount which is presently unknown to him, and which will be ascertained according to proof at trial.

173. In performing the acts and practices in violation of California labor laws as herein alleged,

174. Defendant has acted and continue to act intentionally, oppressively, and maliciously towards Plaintiff, with a conscious disregard for his legal rights and the consequences to him, and with the intent of depriving him of his property and legal rights and otherwise causing him injury, in order to increase Defendant’s profits at the expense of Plaintiff.

175. Plaintiff requests recovery of all unpaid wages, including overtime premium wages, in an amount according to proof, interest on such amounts, statutory costs, and the assessment of any and all statutory penalties against Defendant, all in the sums as provided by the California Labor Code and/or other applicable statutes.

TENTH CAUSE OF ACTION
FAILURE TO PROVIDE ACCURATE ITEMIZED WAGE STATEMENTS
Cal. Labor Code § 226

176. Plaintiff realleges and incorporates herein by reference, each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

177. California Labor Code section 226 requires employers to provide employees with accurate, itemized wage statements that include gross wages earned, total hours worked, net wages earned, and all applicable deductions.

178. During the course of Plaintiff's employment, Defendant failed to provide accurate and complete wage statements as required by law. Plaintiff's wage statements contained incorrect information regarding his rate of pay, hours worked, and wage deductions, including but not limited to inaccurate reporting of his hourly wage and improper calculations of wage garnishment for child support payments.

179. Defendant's failure to provide accurate wage statements caused Plaintiff confusion regarding his earnings and made it difficult for him to verify whether he was being properly compensated. Defendant's unlawful payroll practices resulted in financial and legal consequences for Plaintiff, including difficulties in meeting his child support obligations and the suspension of his driver's license.

180. Defendant's failure to provide accurate wage statements was knowing and intentional, as Plaintiff repeatedly raised concerns about payroll discrepancies, yet Defendant failed to take corrective action.

181. As a direct and proximate result of Defendant's violations of California Labor Code section 226, Plaintiff has suffered economic damages, including loss of earnings, financial hardship, and emotional distress.

182. Pursuant to California Labor Code section 226(e), Plaintiff is entitled to statutory penalties, costs, attorneys' fees, and injunctive relief to ensure compliance with wage statement requirements.

ELEVENTH CAUSE OF ACTION
FAILURE TO PAY WAGES FOR ALL HOURS WORKED

Cal. Labor Code §§ 204, 1194

183. Plaintiff realleges and incorporates herein by reference, each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

184. At all relevant times, Defendant was an employer subject to the requirements of California Labor Code sections 204, 510, 1194, 1197, and 1198, which mandate that employees receive full compensation for all hours worked, including overtime and minimum wage payments.

185. During the course of Plaintiff's employment, Defendant failed to properly compensate Plaintiff for all hours worked. Defendant regularly required Plaintiff to work in multiple roles, including as Power Washer, Place Manager, and Equipment Operator, without ensuring that he was paid the proper hourly rate for each position.

186. Plaintiff was frequently assigned to perform higher-paying duties without receiving the corresponding higher rate of pay.

187. When Plaintiff received a promotion, it took months for the pay raise to be demonstrated on his paystubs and Plaintiff was not compensated properly.

188. Defendant also failed to pay Plaintiff for all overtime hours worked. Plaintiff often worked beyond his scheduled hours but was not compensated at the legally required overtime rate. Additionally, Defendant miscalculated Plaintiff's overtime wages and failed to issue timely

1 and accurate payments for hours worked in excess of eight hours per day or forty hours per
2 week.

3 189. Defendant's failure to pay all wages due to Plaintiff was willful and intentional. Despite
4 Plaintiff raising concerns about incorrect pay, including discrepancies in his reported wage
5 rate and unpaid hours, Defendant failed to correct the issues and continued to underpay
6 Plaintiff.
7

8 190. As a direct and proximate result of Defendant's failure to pay Plaintiff all wages earned,
9 Plaintiff has suffered economic damages, including lost wages, financial hardship, and
10 emotional distress.

11 191. Pursuant to California Labor Code section 1194, Plaintiff is entitled to recover unpaid
12 wages, interest thereon, statutory penalties, reasonable attorneys' fees, and costs of suit.
13

14 **TWELFTH CAUSE OF ACTION**
15 **UNFAIR BUSINESS PRACTICES**

16 Business & Professions Code § 17200 Et. Seq.

17 192. Plaintiff realleges and incorporates herein by reference, each and every allegation contained
18 in the preceding paragraphs of this Complaint as though fully set forth herein.

19 193. Defendant engaged in unlawful, unfair, and fraudulent business practices in violation of
20 California Business and Professions Code § 17200 et seq. by failing to properly provide
21 Plaintiff a safe work environment, failing to compensate him for working hours, and
22 retaliating against him for engaging in protected activity.

23 194. Defendant's actions constitute unfair competition and provide an unlawful advantage over
24 competitors who comply with California labor laws.

25 195. As a direct and proximate result of Defendant's unfair business practices, Plaintiff has
26 suffered economic harm and seeks restitution of unpaid wages, statutory penalties, and all
27 other relief permitted under California law.
28

THIRTEENTH CAUSE OF ACTION

TIME PENALTIES
Cal. Lab. Code §§ 201-203

196. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

197. At all relevant times, Defendant was an employer subject to the requirements of California Labor Code section 203, which mandates that an employer must timely pay all earned wages to an employee upon termination or resignation.

198. If an employer willfully fails to pay earned wages upon separation, the employee is entitled to waiting time penalties equal to the employee's daily wage for each day the payment is delayed, up to a maximum of thirty days.

199. Plaintiff's employment with Defendant ended, yet Defendant willfully failed to pay Plaintiff all wages due at the time of separation, including unpaid regular wages, overtime wages, and other compensation to which Plaintiff was entitled under California law.

200. Defendant's failure to pay all earned wages upon termination was willful, intentional, and done without justification, despite Plaintiff's repeated requests for payment. Defendant had the ability to pay Plaintiff's earned wages but chose not to do so in violation of California law.

201. As a result of Defendant's failure to timely pay wages upon separation, Plaintiff is entitled to waiting time penalties pursuant to California Labor Code section 203, in an amount equal to Plaintiff's daily wage for each day the wages remained unpaid, up to a maximum of thirty days.

202. As a direct and proximate result of Defendant's actions, Plaintiff has suffered economic damages, including lost wages and financial hardship.

203. Plaintiff seeks all available remedies under California Labor Code section 203, including waiting time penalties, interest, attorneys' fees, and costs of suit.

FOURTEENTH CAUSE OF ACTION

FAILURE TO PAY SICK LEAVE

Cal. Labor Code § 246

204. Plaintiff realleges and incorporates herein by reference, each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

205. At all relevant times, Defendant was an employer subject to the requirements of California Labor Code section 246, which mandates that employees accrue and be compensated for paid sick leave under the Healthy Workplaces, Healthy Families Act of 2014.

206. Plaintiff was entitled to accrue and use paid sick leave as required by law, yet Defendant failed to provide him with this legally mandated benefit. Plaintiff was not compensated for sick leave despite being eligible for such pay under California law.

207. Defendant failed to notify Plaintiff of his sick leave balance and failed to provide accurate wage statements reflecting accrued and available sick leave, further violating California Labor Code section 246.

208. Defendant's failure to provide paid sick leave was willful and intentional. Despite Plaintiff's entitlement to sick leave, Defendant refused to properly compensate him, causing him financial harm and forcing him to work while sick.

209. As a direct and proximate result of Defendant's failure to provide paid sick leave, Plaintiff has suffered economic damages, including lost wages and financial hardship.

210. Pursuant to California Labor Code section 248.5, Plaintiff is entitled to seek all available remedies, including payment for all sick leave owed, statutory penalties, injunctive relief, attorneys' fees, and costs of suit.

FIFTEENTH CAUSE OF ACTION**VIOLATION OF PAGA**

Cal. Labor Code § 2698 et. seq.

211. Plaintiff realleges and incorporates herein by reference, each and every allegation contained in the preceding paragraphs of this Complaint as though fully set forth herein.

212. At all relevant times, Defendant was an employer subject to the requirements of the California Private Attorneys General Act ("PAGA"), Labor Code section 2698 et seq., which allows aggrieved employees to bring a representative action on behalf of themselves and other current or former employees to enforce violations of the California Labor Code.

213. Plaintiff is an aggrieved employee under PAGA because he was subjected to multiple violations of the California Labor Code, including but not limited to Defendant's failure to provide accurate wage statements, failure to pay wages for all hours worked, failure to pay overtime wages, failure to provide meal and rest breaks, failure to pay waiting time penalties, and failure to reimburse business expenses.

214. Plaintiff has complied with the procedural requirements of PAGA by providing written notice to the California Labor and Workforce Development Agency (LWDA) and to Defendant, detailing the alleged Labor Code violations and affording the LWDA an opportunity to investigate and respond.

215. Defendant's violations of the Labor Code were committed knowingly and willfully, depriving Plaintiff and other similarly situated employees of wages and protections to which they were legally entitled.

216. As a direct and proximate result of Defendant's Labor Code violations, Plaintiff and other aggrieved employees have suffered economic harm, including unpaid wages and statutory penalties.

217. Pursuant to PAGA, Plaintiff seeks to recover all applicable civil penalties on behalf of himself, other aggrieved employees, and the State of California, as well as attorneys' fees and costs as permitted by law.

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF, prays for judgment against the DEFENDANT, as follows:

1. For past, present and future general damages in an amount to be determined at trial;
2. For past, present and future special damages, including but not limited to past, present and future lost earnings for PLAINTIFF and other items of economic damages and others, in an amount to be determined at trial;
3. Any and all appropriate punitive or exemplary damages against DEFENDANT, should they be permissible;
4. For attorney's fees and costs as applicable pursuant to various sections of the California Labor Code against Defendant, or otherwise allowable by law;
5. For attorney's fees and costs as applicable pursuant to California Private Attorney General Act;
6. Any appropriate statutory damages;
7. For costs of suit;
8. For interest as allowed by law;
9. For such other and further relief as the court may deem proper.

Respectfully submitted,

Dated: February 27, 2025

____ DRAFT – NOT FOR FILING ____

Emily Abraham, Esq.
Gautam Jagannath, Esq.
ABRAHAM & GAUTAM, LLP
Counsel for PLAINTIFF
4101 Dublin Blvd., Ste F.
Dublin, CA 94568

JURY DEMAND

PLAINTIFF hereby demand a jury trial on all claims for relief alleged in, and on all issues raised by, this Complaint.

Respectfully submitted,

Dated: February 27, 2025

____ DRAFT – NOT FOR FILING ____

Emily Abraham, Esq.
Gautam Jagannath, Esq.
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