

LAUREL EMPLOYMENT LAW

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Superior Court of California
County of Fresno
By: Emma Lucio, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF FRESNO

ERIKA FUENTES, an Individual,

Plaintiff,

vs.

PATHWAY ASSISTED LIVING AUTUMN
RIDGE LLC dba AUTUMN RIDGE
ASSISTED LIVING, a California Limited
Liability Company; and DOES 1 through 10,
Inclusive,

Defendants.

Case No.: **25CECG04724**

COMPLAINT FOR:

1. Retaliation for Protected Activity (Gov't Code § 12940(h))
2. Harassment and Hostile Work Environment (Gov't Code § 12940(j))
3. Failure to Prevent Discrimination, Harassment, and Retaliation (Gov't Code § 12940(k))
4. Constructive Discharge in Violation of Public Policy
5. Whistleblower Retaliation (Labor Code § 1102.5)
6. Retaliation for Exercising Labor Code Rights (Labor Code § 98.6)
7. Negligent Hiring, Supervision, and Retention
8. Intentional Infliction of Emotional Distress
9. Failure to Pay Minimum Wages (Labor Code §§ 1194, 1197)
10. Failure to Pay Overtime Wages (Labor Code §§ 510, 1194)
11. Failure to Provide Meal Periods (Labor Code §§ 226.7, 512)
12. Failure to Provide Rest Periods (Labor Code § 226.7)
13. Failure to Pay All Wages Due Upon Separation (Labor Code §§ 201-203)
14. Unfair Business Practices (Bus. & Prof. Code §§ 17200, *et seq.*)



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Demand for Jury Trial
[UNLIMITED JURISDICTION]

1 COMES NOW Plaintiff ERIKA FUENTES ("Plaintiff") and hereby brings this Complaint
2 against Defendant PATHWAY ASSISTED LIVING AUTUMN RIDGE LLC doing business as
3 AUTUMN RIDGE ASSISTED LIVING, and DOES 1 through 10 ("Defendants"), inclusive, and alleges
4 as follows:

5 **THE PARTIES**

6 1. Plaintiff is, and at all relevant times herein has been, an individual residing in Fresno
7 County, California.

8 2. Plaintiff is informed and believes, and based thereupon alleges that at all times relevant
9 herein, Defendant PATHWAY ASSISTED LIVING AUTUMN RIDGE LLC doing business as
10 AUTUMN RIDGE ASSISTED LIVING, was a California Limited Liability Company, doing business
11 in Fresno County, California.

12 3. Plaintiff is informed and believes, and based thereupon alleges, that at all times relevant
13 hereto, Defendants, and each of them, were the agents, employees, managing agents, supervisors, co-
14 conspirators, parent corporation, joint employers, alter ego, and/or joint ventures of the other Defendants,
15 and each of them, and in doing the things alleged herein, were acting at least in part within the course
16 and scope of said agency, employment, conspiracy, joint employer, alter ego status, and/or joint venture
17 and with the permission and consent of each of the other Defendants.

18 4. The true names and capacities, whether a corporation, agent, individual, or otherwise, of
19 DOES 1 through 10, are unknown to Plaintiff, who therefore sues said Defendants by such fictitious
20 names. Each Defendant designated herein as a DOE is negligently or otherwise legally responsible in
21 some manner for the events and happenings referred to herein and thereby proximately caused injuries
22 and damages to Plaintiff as alleged herein. Plaintiff will seek leave of the Court to amend this Complaint
23 to show their true names and capacities when the same have been ascertained.

24 5. At all times mentioned here, DOES 1 through 10 were the agents, representatives,
25 employees, successors, and/or assigns of Defendants and at all times pertinent hereto were acting within
26 the course and scope of their authority as such agents, representatives, employees, successors, and/or
27 assigns.
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6. Plaintiff is informed and believes that at all relevant times herein mentioned, Defendant and/or DOES 1 through 10 are and were corporations, business entities, individuals, and partnerships, licensed to do business and actually doing business in the State of California. As such and based upon all the facts and circumstances incident to Defendant's business in California, Defendants are subject to the Fair Employment and Housing Act ("FEHA"), the Labor Code, and the Government Code.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction to hear this case because Plaintiff is informed and believes that the monetary damages sought in this Complaint for Defendants' conduct exceed the minimal jurisdictional limits of the Superior Court of the State of California.

8. Pursuant to the Code of Civil Procedure section 395(a), venue is proper in the above-entitled Court because the majority of all facts giving rise to the causes of action stated herein arose in Fresno County, California.

9. Venue in Fresno County, California, is further proper under Government Code section 12965(b) because the unlawful practices were committed in Fresno County, California. Plaintiff worked in Fresno County, California, and Plaintiff is informed and believes that records relevant to this action are maintained in Fresno County, California.

10. Plaintiff is informed and believes that Defendants, and each of them, committed other wrongful acts or omissions of which Plaintiff is presently unaware. Plaintiff shall conduct discovery to identify said wrongful acts and will seek leave of the Court to amend this Complaint to add said acts upon discovery.

FACTS COMMON TO ALL CAUSES OF ACTION

11. On December 1, 2024, Plaintiff began her employment with Defendants as a full-time Medical Technician and Caregiver at Defendants' facility located at 14280 W Stanislaus Ave, Kerman, California.

12. Plaintiff worked the night shift from 10:00 PM to 6:00 AM, earning \$17.00 per hour, though her shifts regularly extended to ten-to-twelve hours.

1 13. Prior to any alleged retaliation or other adverse employment action, Plaintiff consistently
2 met or surpassed Defendants' performance metrics, competently completed all assigned responsibilities,
3 and received no written warnings or disciplinary actions.

4 14. Defendants implemented a scheme to avoid paying overtime by artificially splitting
5 Plaintiff's night shift across two calendar days.

6 15. Despite Plaintiff regularly working more than eight hours per day and forty hours per
7 week, Defendants' employee handbook incorrectly stated that overtime would be paid only after twelve
8 hours in a workday.

9 16. Throughout her employment, Defendants systematically denied Plaintiff her legally
10 required ten-minute rest periods due to chronic understaffing that made it impossible for her to step away
11 from resident care duties.

12 17. Similarly, Plaintiff's thirty-minute meal breaks were frequently interrupted by work
13 requirements, or denied entirely, without providing premium pay.

14 18. Throughout her employment, Plaintiff's responsibilities were progressively expanded far
15 beyond her original job description without additional compensation. Her duties grew to include laundry
16 services, extensive housekeeping, and resident wound cleaning, a task that typically falls under a
17 Licensed Vocational Nurse's scope of practice.

18 19. On or around May 27, 2025, Plaintiff filed a complaint with Human Resources and
19 reporting violations to state authorities. These complaints documented serious concerns regarding
20 medication mismanagement, resident abuse, and safety violations.

21 20. Following her protected complaints, Plaintiff was subjected to immediate and escalating
22 retaliation. Administrator Karen Dhaliwal began to scrutinize Plaintiff's work performance with
23 unscheduled visits, and coworkers informed Plaintiff that management was actively seeking her
24 replacement.

25 21. Defendants issued Plaintiff pretextual disciplinary write-ups for allegedly missing
26 meetings that were not designated as mandatory.

22. Defendants' management breached confidentiality by disclosing Plaintiff's protected complaints to the coworkers Plaintiff had reported, which created additional workplace hostility and backlash.

23. The escalating retaliation and intolerable work environment culminated in Plaintiff's constructive discharge on July 6, 2025.

24. Unable to endure the continued harassment and systematic retaliation, Plaintiff was forced to resign her position, as the working conditions had become so unreasonable that no employee should be expected to continue employment.

25. Upon her separation from employment, Defendants failed to timely pay all wages due and owing to Plaintiff, including unpaid overtime and missed meal and rest period premiums.

26. Throughout her employment, Defendants failed to provide Plaintiff with accurate, itemized wage statements reflecting all hours worked and all applicable rates of pay, in violation of Labor Code section 226. Defendants also failed to maintain accurate payroll records as required by Labor Code section 1198.5.

27. On August 15, 2025, Plaintiff made a written request for her complete employment and payroll records. Defendants failed to provide these records within the statutory timeframes.

28. Plaintiff filed timely charges with the Civil Rights Department and received notices of the right to sue in a California Superior Court pursuant to Government Code section 12965(b), permitting her to bring this legal action. Plaintiff has therefore exhausted her administrative remedies under the Government Code. Attached hereto and incorporated herein as Exhibit 1 is Plaintiff's Right to Sue Letter.

FIRST CAUSE OF ACTION

Retaliation for Protected Activity

(Government Code section 12940(h))

(Against All Defendants and DOES 1-10)

24. Plaintiff hereby incorporates by reference the allegations in the paragraphs above as though fully set forth herein.

25. At all times herein mentioned, Government Code section 12940(h) was in full force and effect and was binding on Defendants. This statute prohibits employers from retaliating against an

employee for opposing practices forbidden under the Fair Employment and Housing Act or for filing a complaint or assisting in any proceeding under the Act.

26. Plaintiff engaged in protected activity on or about May 27, 2025, when she made formal complaints to Defendants' Human Resources department and to state authorities, reporting what she reasonably believed to be a hostile work environment and other unlawful practices.

27. Immediately following Plaintiff's protected complaints, Defendants subjected her to a series of adverse employment actions. These actions included, but were not limited to, increased and unwarranted scrutiny from Administrator Karen Dhaliwal, the issuance of pretextual disciplinary write-ups, and the disclosure of her confidential complaints to coworkers, which led to threats of termination.

28. The close temporal proximity between Plaintiff's protected activity and Defendants' adverse actions, as documented by text messages and Plaintiff's testimony, establishes that Defendants took these actions because of Plaintiff's protected complaints.

29. As a direct and proximate result of Defendants' unlawful retaliatory conduct, Plaintiff has suffered and continues to suffer substantial damages, including but not limited to lost wages, emotional distress, and humiliation, in an amount to be proven at trial.

30. Defendants' actions were willful and deliberate, and in conscious disregard of Plaintiff's rights, thereby entitling Plaintiff to punitive damages pursuant to Civil Code section 3294.

SECOND CAUSE OF ACTION

Harassment and Hostile Work Environment

(Government Code section 12940(j))

(Against All Defendants and DOES 1-10)

31. Plaintiff hereby incorporates by reference the allegations in the paragraphs above as though fully set forth herein.

32. At all times herein mentioned, Government Code section 12940(j) was in full force and effect and was binding on Defendants. This statute prohibits harassment of an employee and the creation of a hostile work environment.

33. Following her protected complaints, Defendants, through their supervisors and agents, subjected Plaintiff to severe and pervasive retaliatory harassment. This conduct included Administrator

Karen Dhaliwal's constant micromanagement, unwarranted disciplinary actions for matters she was not responsible for, and management's disclosure of her confidential complaints to the subjects of those complaints.

34. The harassment was furthered by coworkers who, with management's knowledge, told Plaintiff she was going to be fired and that her replacement was being sought. This pattern of unwelcome conduct was continuous and created an abusive working environment that was intimidating, hostile, and offensive.

35. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff suffered humiliation, emotional distress, and a loss of dignity, and the conditions of her employment were fundamentally and adversely altered. Plaintiff has suffered and continues to suffer substantial damages, in an amount to be proven at trial.

36. Defendants' actions were willful and deliberate, and in conscious disregard of Plaintiff's rights, thereby entitling Plaintiff to punitive damages pursuant to Civil Code section 3294.

THIRD CAUSE OF ACTION

Failure to Prevent Discrimination, Harassment, and Retaliation

(Government Code section 12940(k))

(Against All Defendants and DOES 1-10)

37. Plaintiff hereby incorporates by reference the allegations in the paragraphs above as though fully set forth herein.

38. At all times herein mentioned, Government Code section 12940(k) was in full force and effect and was binding on Defendants. This statute requires employers to take all reasonable steps necessary to prevent discrimination, harassment, and retaliation from occurring.

39. Defendants knew or should have known about the ongoing retaliation and harassment directed at Plaintiff because management directly participated in and facilitated the conduct. Plaintiff's formal complaint on May 27, 2025, and subsequent communications put Defendants on clear notice of the unlawful environment.

40. Despite this knowledge, Defendants failed to take immediate and appropriate corrective action. Instead of investigating Plaintiff's reports in good faith and stopping the misconduct, Defendants'

management exacerbated the situation by breaching confidentiality, which encouraged further hostility toward Plaintiff.

41. Defendants' failure to implement or enforce adequate policies to prevent such conduct allowed the unlawful retaliation and harassment to persist and escalate, directly contributing to the intolerable working conditions that forced Plaintiff to resign.

42. As a direct and proximate result of Defendants' failure to prevent retaliation and harassment, Plaintiff has suffered and continues to suffer substantial damages, in an amount to be proven at trial.

43. Defendants' actions were willful and deliberate, and in conscious disregard of Plaintiff's rights, thereby entitling Plaintiff to punitive damages pursuant to Civil Code section 3294.

FOURTH CAUSE OF ACTION

Constructive Discharge in Violation of Public Policy

(Against All Defendants and DOES 1-10)

44. Plaintiff hereby incorporates by reference the allegations in the paragraphs above as though fully set forth herein.

45. Defendants, through their agents and supervisors, knowingly created and perpetuated working conditions that were so intolerable that a reasonable person in Plaintiff's position would have been compelled to resign.

46. The intolerable conditions included being subjected to a continuous campaign of retaliation for reporting patient safety and medication mismanagement issues; having her confidential complaints disclosed by management to her harassers; being targeted with pretextual discipline; and enduring a hostile work environment where she was threatened with termination.

47. Defendants' conduct and Plaintiff's resulting constructive discharge on July 6, 2025, violated fundamental public policies of the State of California, including the policies prohibiting retaliation against employees for reporting suspected violations of law to government agencies (Labor Code section 1102.5) and for opposing workplace harassment (Government Code section 12940(h)).

48. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff was forced to resign and has suffered and continues to suffer substantial damages, including loss of income and benefits and severe emotional distress, in an amount to be proven at trial.

49. Defendants' actions in creating these intolerable conditions were willful and deliberate, and in conscious disregard of Plaintiff's rights and public policy, thereby entitling Plaintiff to punitive damages pursuant to Civil Code section 3294.

FIFTH CAUSE OF ACTION

Whistleblower Retaliation

(Labor Code section 1102.5)

(Against All Defendants and DOES 1-10)

50. Plaintiff hereby incorporates by reference the allegations in the paragraphs above as though fully set forth herein.

51. At all times herein mentioned, Labor Code section 1102.5 was in full force and effect and was binding on Defendants. This statute prohibits employers from retaliating against employees for disclosing information to a government agency or to a person with authority over the employee, where the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.

52. Plaintiff engaged in protected activity under Labor Code section 1102.5 on or about May 27, 2025, when she reported to both her supervisors and to state authorities what she reasonably believed to be numerous violations of law. These reports, documented in writing, detailed medication mismanagement including narcotics, resident abuse, and other safety violations that endangered residents and staff.

53. Following Plaintiff's protected reports, Defendants subjected her to a continuous pattern of adverse employment actions. These actions included, but were not limited to, retaliatory scrutiny from Administrator Karen Dhaliwal, the issuance of baseless disciplinary write-ups for infractions she did not commit, and having her confidential complaints disclosed to the subjects of her reports, which incited coworker hostility and threats of termination.

54. Defendants knowingly and intentionally took these adverse actions because Plaintiff disclosed information about unlawful practices. The temporal proximity between Plaintiff's complaints and the commencement of the retaliatory conduct, including a coworker confirming that management suspected her of reporting to the state, establishes a clear causal link.

55. As a direct and proximate result of Defendants' unlawful conduct in violation of Labor Code section 1102.5, Plaintiff suffered a constructive discharge and has sustained substantial damages, including lost wages and benefits and severe emotional distress, in an amount to be proven at trial.

56. Defendants' actions were willful, malicious, and oppressive, and were undertaken in conscious disregard of Plaintiff's rights, thereby entitling Plaintiff to punitive damages pursuant to Civil Code section 3294.

SIXTH CAUSE OF ACTION

Retaliation for Exercising Labor Code Rights

(Labor Code section 98.6)

(Against All Defendants and DOES 1-10)

57. Plaintiff hereby incorporates by reference the allegations in the paragraphs above as though fully set forth herein.

58. At all times herein mentioned, Labor Code section 98.6 was in full force and effect and was binding on Defendants. This statute prohibits employers from retaliating against an employee for exercising their rights afforded under the Labor Code, including the right to report unsafe working conditions and the right to complain about unpaid wages.

59. Plaintiff engaged in protected activity under Labor Code section 98.6 by making good faith complaints to Defendants about their failure to pay overtime wages, provide lawful meal and rest periods, and maintain a safe workplace, as described in her reports to management and state agencies.

60. In response to Plaintiff's exercise of her rights, Defendants retaliated against her by subjecting her to increased scrutiny, issuing pretextual discipline, creating a hostile work environment, and ultimately constructively discharging her on July 6, 2025.

61. As a direct and proximate result of Defendants' unlawful retaliation, Plaintiff has suffered and continues to suffer substantial damages, including lost wages, loss of earning capacity, and emotional distress, in an amount to be proven at trial.

SEVENTH CAUSE OF ACTION

Negligent Hiring, Supervision, and Retention

(Against All Defendants and DOES 1-10)

62. Plaintiff hereby incorporates by reference the allegations in the paragraphs above as though fully set forth herein.

63. Defendants owed a duty to Plaintiff and its other employees to exercise reasonable care in the hiring, supervision, and retention of their employees, including managers and supervisors.

64. Defendants breached this duty by negligently hiring, supervising, and retaining employees they knew or should have known were unfit to perform their duties and were likely to engage in unlawful conduct. Specifically, Defendants knew or should have known that Administrator Karen Dhaliwal and Supervisor Diane Kramer were unfit to supervise employees, as they actively engaged in retaliation, breached employee confidentiality, and failed to prevent harassment. Defendants also knew coworker Malik Skinner was unfit, having received multiple complaints about his neglect and abuse of residents, yet they retained him and failed to take corrective action.

65. As a direct and proximate result of Defendants' negligent hiring, supervision, and retention of these employees, Plaintiff was subjected to a hostile, retaliatory, and abusive work environment that caused her to suffer substantial damages, including her constructive discharge and severe emotional distress, in an amount to be proven at trial.

66. Defendants' conduct demonstrated a conscious disregard for the rights and safety of Plaintiff, thereby entitling Plaintiff to an award of punitive damages.

EIGHTH CAUSE OF ACTION

Intentional Infliction of Emotional Distress

(Against All Defendants and DOES 1-10)

67. Plaintiff hereby incorporates by reference the allegations in the paragraphs above as though fully set forth herein.

68. Defendants, through their managers and agents, engaged in conduct so extreme and outrageous as to exceed all bounds of that usually tolerated in a civilized community.

69. Defendants' outrageous conduct included, but was not limited to, orchestrating a campaign of retaliation against Plaintiff for reporting patient safety violations; deliberately breaching the confidentiality of her complaints to management and inciting hostility from coworkers; issuing disciplinary write-ups in bad faith; and creating an abusive work environment where Plaintiff was told she would be fired, causing her to cry at work and ultimately forcing her to resign.

70. Defendants acted with the intent to cause Plaintiff to suffer severe emotional distress, or with reckless disregard of the high probability that their conduct would cause such distress.

71. As a direct and proximate result of Defendants' extreme and outrageous conduct, Plaintiff has suffered and continues to suffer severe emotional distress, including anxiety, humiliation, and mental anguish, in an amount to be proven at trial.

72. Defendants' actions were malicious, oppressive, and fraudulent, and undertaken in conscious disregard of Plaintiff's mental well-being, thereby entitling Plaintiff to punitive damages pursuant to Civil Code section 3294.

NINTH CAUSE OF ACTION

Failure to Pay Minimum Wages (Labor Code §§ 1194, 1197)

(Against All Defendants and DOES 1-10)

73. Plaintiff hereby incorporates by reference the allegations in the paragraphs above as though fully set forth herein.

74. At all times herein mentioned, Labor Code section 1194 and 1197 were in full force and effect and were binding on Defendants. These statutes require employers to pay employees at least the applicable minimum wage for all hours worked.

75. Throughout her employment, Defendants required Plaintiff, a non-exempt employee, to work numerous hours for which she was not compensated. This unpaid work included, but was not limited to, uncompensated overtime hours worked as a result of Defendants' unlawful overtime scheme, time worked during legally required meal and rest periods that were denied or interrupted, and time spent performing an expanded scope of duties for which she was not paid.

76. As a result of Defendants' failure to pay Plaintiff for all hours worked, Plaintiff's total compensation for certain pay periods, when divided by the total number of hours she actually worked, fell below the applicable California minimum wage. Defendants' failure to pay at least the minimum wage for each hour worked was willful and unlawful.

77. As a direct and proximate result of Defendants' unlawful conduct in failing to pay minimum wages, in an amount to be proven at trial.

78. Pursuant to Labor Code, Section 1194, Plaintiff is entitled to recover the unpaid balance of her minimum wages, including interest thereon, reasonable attorney's fees, and costs of suit.

TENTH CAUSE OF ACTION

Failure to Pay Overtime Wages

(Labor Code sections 510, 1194)

(Against All Defendants and DOES 1-10)

79. Plaintiff hereby incorporates by reference the allegations in the paragraphs above as though fully set forth herein.

80. At all times herein mentioned, Labor Code sections 510 and 1194 were in full force and effect and were binding on Defendants. These statutes require employers to pay overtime compensation at one and one-half times the regular rate of pay for hours worked beyond eight hours in one workday and forty hours in any workweek.

81. Throughout Plaintiff's employment, Defendants implemented and maintained an unlawful scheme to avoid paying overtime by artificially splitting Plaintiff's night shifts across two calendar days. This practice, documented in text messages from management, was designed to circumvent the legal requirement to pay overtime for all hours worked in excess of eight hours in a single workday.

82. Defendants' employee handbook contained a policy that incorrectly stated overtime would only be paid after twelve hours in one workday, in direct violation of Labor Code section 510. As a direct result of these unlawful practices, Defendants knowingly and willfully failed to pay Plaintiff required overtime wages for the hours she consistently worked beyond eight hours per day and forty hours per week.

83. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered and continues to suffer substantial damages in the form of unpaid overtime wages, in an amount to be proven at trial.

ELEVENTH CAUSE OF ACTION

Failure to Provide Meal Periods

(Labor Code sections 226.7, 512)

(Against All Defendants and DOES 1-10)

84. Plaintiff hereby incorporates by reference the allegations in the paragraphs above as though fully set forth herein.

85. At all times herein mentioned, Labor Code sections 226.7 and 512 were in full force and effect and were binding on Defendants. These statutes require employers to provide employees with an uninterrupted meal period of at least thirty minutes for every five hours of work and to pay a premium of one hour of pay for each workday that a compliant meal period is not provided.

86. Throughout her employment, Defendants systematically failed to provide Plaintiff with compliant, uninterrupted thirty-minute meal periods. Due to chronic understaffing, which left only two employees to care for thirty-seven residents, Plaintiff was routinely required to work through her meal breaks or had them interrupted by work-related demands, including text messages from management requiring immediate attention to work matters.

87. Defendants' failure to provide these meal periods was willful and deliberate, as they maintained staffing levels that made it impossible for Plaintiff to be relieved of her duties. Plaintiff never signed a meal break waiver.

88. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered damages in the form of unpaid premium wages. Pursuant to Labor Code section 226.7, Plaintiff is entitled to recover one additional hour of pay at her regular rate of compensation for each workday that a compliant meal period was not provided.

1 **TWELFTH CAUSE OF ACTION**

2 **Failure to Provide Rest Periods**

3 **(Labor Code section 226.7)**

4 **(Against All Defendants and DOES 1-10)**

5 89. Plaintiff hereby incorporates by reference the allegations in the paragraphs above as though fully
6 set forth herein.

7 90. At all times herein mentioned, Labor Code section 226.7 was in full force and effect and
8 was binding on Defendants. This statute requires employers to authorize and permit paid rest periods of
9 at least ten minutes for every four hours worked and to pay a premium of one hour of pay for each
10 workday that a compliant rest period is not provided.

11 91. Throughout her employment, Defendants systematically failed to provide Plaintiff with
12 her legally required ten-minute rest periods. Due to Defendants' policy of chronic understaffing and the
13 expansion of Plaintiff's duties to a dual MedTech and Caregiver role, it was impossible for her to take
14 any rest periods while ensuring resident safety and care.

15 92. Defendants' failure to provide these rest periods was willful, as they knew that staffing
16 levels were inadequate to allow for breaks but took no steps to remedy the situation.

17 93. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has suffered
18 damages in the form of unpaid premium wages. Pursuant to Labor Code section 226.7, Plaintiff is entitled
19 to recover one additional hour of pay at her regular rate of compensation for each workday that a
20 compliant rest period was not provided.

21 **THIRTEENTH CAUSE OF ACTION**

22 **Failure to Pay All Wages Due Upon Separation**

23 **(Labor Code sections 201, 202, 203)**

24 **(Against All Defendants and DOES 1-10)**

25 94. Plaintiff hereby incorporates by reference the allegations in the paragraphs above as though fully
26 set forth herein.

27 95. At all times herein mentioned, Labor Code sections 201, 202, and 203 were in full force
28 and effect and were binding on Defendants. These statutes require employers to pay all wages earned and

unpaid at the time of an employee's separation from employment and impose a penalty for the willful failure to do so.

96. Upon Plaintiff's constructive discharge on July 6, 2025, Defendants willfully failed to pay Plaintiff all wages she was owed. The unpaid wages included, but were not limited to, unpaid overtime compensation and premium payments for missed meal and rest periods.

97. Defendants' failure to pay all final wages was willful, as they were aware of the unpaid overtime and break premiums through their own unlawful policies and practices.

98. As a direct and proximate result of Defendants' willful failure to pay all wages due upon separation, Plaintiff is entitled to waiting time penalties pursuant to Labor Code section 203, in the amount of thirty days of wages at Plaintiff's regular rate of pay.

FOURTEENTH CAUSE OF ACTION

Unfair Business Practices

(Business and Professions Code sections 17200, *et seq.*)

(Against All Defendants and DOES 1-10)

99. Plaintiff hereby incorporates by reference the allegations in the paragraphs above as though fully set forth herein.

100. Business and Professions Code sections 17200, *et seq.*, prohibit unfair competition, including any unlawful, unfair, or fraudulent business practices.

101. Throughout Plaintiff's employment, Defendants engaged in a systematic pattern of unlawful and unfair business practices, which include, but are not limited to, retaliating against Plaintiff for engaging in protected activities; creating and failing to prevent a hostile work environment; failing to pay overtime wages; failing to provide legally compliant meal and rest periods; failing to pay all wages due upon separation; failing to provide accurate itemized wage statements; and failing to provide employment records upon request.

102. As a direct and proximate result of Defendants' unfair and unlawful business practices, Plaintiff has suffered injury in fact and lost money or property in the form of unpaid wages, premiums, and other benefits.

1 **DEMAND FOR JURY TRIAL**

2 Plaintiff hereby demands a trial by jury on all causes of action and claims to which Plaintiff has
3 a right to a jury trial.

4
5 DATED: October 6, 2025

LAUREL EMPLOYMENT LAW

6 *Amanda Collins*

7 Joshua I. White, Esq.

8 Amanda Collins, Esq.

9 Attorneys for Plaintiff, ERIKA FUENTES
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EXHIBIT 1



Civil Rights Department

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 7, 2025

Amanda K Collins

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202510-31603407
Right to Sue: FUENTES / PATHWAY ASSISTED LIVING AUTUMN RIDGE LLC,
dba AUTUMN RIDGE ASSISTED LIVING

Dear Amanda K Collins:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 7, 2025

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202510-31603407

Right to Sue: FUENTES / PATHWAY ASSISTED LIVING AUTUMN RIDGE LLC,
dba AUTUMN RIDGE ASSISTED LIVING

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

This matter may qualify for CRD's Small Employer Family Leave Mediation Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Reproductive Loss Leave, or Bereavement Leave (Government Code sections 12945.2, 12945.6, or 12945.7) has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

Civil Rights Department



Civil Rights Department

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October 7, 2025

ERIKA FUENTES

RE: **Notice of Case Closure and Right to Sue**

CRD Matter Number: 202510-31603407

Right to Sue: FUENTES / PATHWAY ASSISTED LIVING AUTUMN RIDGE LLC,
dba AUTUMN RIDGE ASSISTED LIVING

Dear ERIKA FUENTES:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 7, 2025 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

This matter may qualify for CRD's Small Employer Family Leave Mediation Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Reproductive Loss Leave, or Bereavement Leave (Government Code sections 12945.2, 12945.6, or 12945.7) has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlinerequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



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After receiving a Right-to-Sue notice from CRD, you may have the right to file your complaint with a local government agency that enforces employment anti-discrimination laws if one exists in your area that is authorized to accept your complaint. If you decide to file with a local agency, you must file before the deadline for filing a lawsuit that is on your Right-to-Sue notice. Filing your complaint with a local agency does not prevent you from also filing a lawsuit in court.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

ERIKA FUENTES

CRD No. 202510-31603407

Complainant,

vs.

PATHWAY ASSISTED LIVING AUTUMN RIDGE LLC,
dba AUTUMN RIDGE ASSISTED LIVING

,

Respondents

1. Respondent PATHWAY ASSISTED LIVING AUTUMN RIDGE LLC, dba AUTUMN RIDGE ASSISTED LIVING is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant ERIKA FUENTES, resides in the City of , State of .

3. Complainant alleges that on or about **July 6, 2025**, respondent took the following adverse actions:

Complainant was harassed because of complainant's other. protected characteristics

Complainant experienced retaliation because complainant reported or resisted any form of discrimination or harassment and as a result was forced to quit, other.

Additional Complaint Details: From December 1, 2024, through July 6, 2025, Defendants systematically violated multiple provisions of FEHA and the Labor Code in their treatment of Ms. Fuentes ^{1,2}. Throughout her employment, Defendants willfully violated Labor Code sections 510 and 1194 by implementing an unlawful overtime scheme that artificially split night shifts across calendar days to avoid paying overtime after eight hours, instead requiring twelve hours before overtime compensation ^{1,2}. Concurrently, Defendants violated Labor Code sections 226.7 and 512 by systematically denying meal and rest breaks due to

1 chronic understaffing that left only two employees to care for thirty-seven residents ^{1,2,3}. On
2 May 27, 2025, when Ms. Fuentes engaged in protected activity by filing complaints with HR
3 and state authorities regarding safety violations and medication mismanagement,
4 Defendants immediately commenced a campaign of retaliation in violation of Government
5 Code sections 12940(h) and Labor Code sections 1102.5 and 98.6 ^{1,2,3}. This retaliation
6 included creating a hostile work environment through micromanagement by Administrator
7 Karen Dhaliwal, issuing pretextual disciplinary write-ups, and breaching confidentiality by
8 disclosing Ms. Fuentes's protected complaints to the subjects of those complaints, thereby
9 violating Government Code section 12940(j) ^{2,3}. Defendants further violated Government
10 Code section 12940(k) by failing to prevent, investigate, or remedy the escalating
11 harassment and retaliation despite clear notice, ultimately forcing Ms. Fuentes's constructive
12 discharge on July 6, 2025, while simultaneously violating Labor Code sections 201-203 by
13 failing to pay all wages due upon separation
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1 VERIFICATION

2 I, **Amanda K Collins**, am the **Attorney** in the above-entitled complaint. I have read
3 the foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true. The matters alleged are based
5 on information and belief, which I believe to be true.

6 On October 7, 2025, I declare under penalty of perjury under the laws of the State of
7 California that the foregoing is true and correct.

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LOS ANGELES, CA