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SUPERIOR COURT STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

RAIZEL ARCE, an individual, and
ROULA ARCE, an individual, on behalf of
themselves and Aggrieved Employees

Plaintiff(s),

v.

DOPPIO ZERO LLC, a California Limited
Liability Company, GIANNI CHILOIRO,
an individual, ANGELO SANNINO, an
individual, DOES 1-20, inclusive,

Defendant(s).

Case No.: 23CV423559

**PLAINTIFFS' COMPLAINT FOR
DAMAGES**

1. **Failure to Pay Overtime** (Lab. Code, §§ 510, 1194; Wage Order 5)
2. **Failure to Provide Meal Breaks** (Labor Code § 512, Wage Order 5)
3. **Failure to Provide Rest Breaks** (Labor Code § 226.7, Wage Order 5)
4. **Failure to Provide Itemized Wage Statements** (Lab. Code, § 226)
5. **Failure to Timely Pay Wages During Employment** (Lab. Code, §§ 204, 210)
6. **Waiting-Time Penalties** (Lab. Code, §§ 201-203)
7. **Sexual Harassment (Hostile Work Environment) in Violation of FEHA** (Gov't Code, § 12900 et seq.)
8. **Failure to Prevent Harassment/Retaliation in Violation of FEHA** (Gov't Code, § 12900 et seq.)
9. **Harassment in Violation of FEHA** (Gov't Code, § 12900 et seq.)
10. **Discrimination in Violation of FEHA** (Gov't Code § 12900 et seq.)
11. **Wrongful Termination in Violation of Public Policy Based on Violation(s) of FEHA**
12. **Assault**
13. **Battery**
14. **Sexual Battery**
15. **Negligent Hiring, Supervision, Training, and/or Retention**
16. **Private Attorneys General Act** (Lab. Code § 2699, et seq.)

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I. INTRODUCTION

1. This complaint is brought by Plaintiffs RAIZEL ARCE and ROULA ARCE, former employees of Defendants DOPPIO ZERO LLC, GIANNI CHILOIRO, and ANGELO SANNINO (“Defendants”). During their employment Plaintiffs were subjected to numerous wage and hour violations under the California Labor Code, as well as harassment, retaliation, and constructive termination in violation of the California Fair Employment and Housing Act (“FEHA”). Plaintiffs bring this complaint on behalf of themselves and on behalf of other Aggrieved Employees under the Labor Code Private Attorneys General Act (“PAGA”).

II. JURISDICTION & VENUE

2. This Court has subject matter jurisdiction to hear this case because the amount in controversy exceeds this Court’s jurisdictional minimum and because Defendants were residents of, or were doing business in, the State of California, County of Santa Clara.

3. Venue in this Court is proper pursuant to sections 395 and 395.5 of the Code of Civil Procedure in that at all relevant times herein, one or more Defendants conducted substantial business and/or committed violations of law in the County of Santa Clara.

4. As a result of the violations alleged herein, all Defendants are subject to penalties under the Private Attorneys General Act (“PAGA”), which Plaintiffs Raizel Arce and Roula Arce seek for themselves, for other aggrieved current and former employees of Defendants, and the State of California. Plaintiffs are aggrieved employees within the meaning of Labor Code section 2698, *et seq.* and have complied with the pre-filing requirements of PAGA. Pursuant to Labor Code section 2699.3 (a), Plaintiffs gave written notice of the facts and legal basis for their claims on May 15, 2023, as alleged herein, via online submission to the California Labor & Workforce Development Agency (“LWDA”) and sent notice via certified mail to Defendants the same day. To date, the LWDA has not provided a response to Plaintiffs’ notice. As such, Plaintiffs have exhausted their administrative remedies and may bring an action on behalf of themselves and all other Aggrieved Employees. Aggrieved Employees includes but are not limited to: all non-exempt employees who have or continue to work for Defendants in California from May 15, 2022, to the present.

5. For all causes of action falling within the Fair Employment and Housing Act, Government Code section 12900, *et seq.* (“FEHA”), Plaintiffs have exhausted administrative remedies by filing a claim with the Department of Fair Employment and Housing (“DFEH”) against Defendants concerning all claims asserted against Defendants on September 26, 2023. On this same day, Plaintiffs received notice of the right to sue Defendants from the DFEH and is filing this lawsuit within one (1) year of receiving the right to sue notice.

III. PARTIES

6. Plaintiff RAIZEL ARCE is an individual over the age of eighteen (18). At all relevant times herein, Plaintiff was a California resident, employed by Defendants in Santa Clara County, California.

7. Plaintiff ROULA ARCE is an individual over the age of eighteen (18). At all relevant times herein, Plaintiff was a California resident, employed by Defendants in Santa Clara County, California.

8. On information and belief, Plaintiffs allege that Defendant GIANNI CHILOIRO is an individual and during all times relevant is and was the Managing Partner of Defendant DOPPIO ZERO LLC and, as such, this Defendant GIANNI CHILOIRO is believed to be an “other person acting on behalf of an employer” within the meaning of Labor Code §§ 558 and 558.1.

9. On information and belief, Plaintiffs allege that Defendant ANGELO SANNINO is an individual and during all times relevant is and was the Managing Partner of Defendant DOPPIO ZERO LLC and, as such, this Defendant ANGELO SANNINO is believed to be an “other person acting on behalf of an employer” within the meaning of Labor Code §§ 558 and 558.1.

10. On information and belief, Plaintiffs allege that Defendant DOPPIO ZERO LLC is a California Corporation with its principal place of business in Mountain View, California.

11. Plaintiffs do not know the true names and capacities of Defendants sued in this Complaint as DOES 1 through 20, inclusive, and therefore sues these Defendants by fictitious names. Plaintiffs will amend this Complaint to allege the true names and capacities of DOES 1

1 through 20, inclusive, when ascertained. Plaintiffs are informed and believes, and on that basis
2 alleges, that each of the Defendants named herein as DOES 1 through 20, inclusive, is
3 responsible in some manner for the occurrence, injury, and other damages alleged in this
4 Complaint.

5 12. Plaintiffs are informed and believe, and on that basis alleges, that each Defendant
6 was in some manner responsible for the acts and damages alleged herein, and/or are indebted to
7 Plaintiffs as alleged herein, and that each Defendant was the agent, employer and co-conspirator
8 of each other Defendant, and was acting in the course and scope of such agency and conspiracy.
9 In this Complaint where Plaintiffs refers to Defendant singularly, such reference shall be
10 construed to be a reference to all Defendants named herein, including those named fictitiously.

11 IV. FACTUAL ALLEGATIONS

12 13. Plaintiffs Roula Arce and Raizel Arce began working for Defendants on or
13 around October 2021 and continued working until their constructive terminations in and around
14 June 2022 and December 2022, respectively. Defendant Doppio Zero is a restaurant located in
15 Mountain View, California and employed Plaintiffs and Aggrieved Employees as Hostesses and
16 Bussers.

17 14. Throughout their time working for Defendants, Plaintiffs and Aggrieved
18 Employees endured rest break and meal break violations at least four or five times each week.
19 Defendants either actively prevented them from taking breaks at the required times, or as a result
20 of staffing shortages, Plaintiffs and Aggrieved Employees were required to work through their
21 breaks to attend to restaurant patrons. Plaintiffs and Aggrieved Employees never signed a waiver
22 and did not receive premiums in place of their missed rest and meal breaks.

23 15. On many occasions, Plaintiffs and Aggrieved Employees worked more than eight
24 (8) hours in a day but were not compensated with overtime wages. Defendants clocked Plaintiffs
25 and Aggrieved Employees in and out of their shifts while they were working to avoid having to
26 pay overtime. Plaintiffs are further informed and believe that Aggrieved Employees were also
27 denied overtime compensation for work over eight (8) hours in a day.

28 16. As a result of these practices, Defendants violated their obligation to provide

1 accurate paystubs to Plaintiffs and Aggrieved employees. Additionally, Defendants' conduct
2 constituted a violation of their obligation to timely pay wages to Plaintiffs and Aggrieved
3 Employees.

4 17. During their employment Plaintiffs were subjected to ongoing, severe, and
5 pervasive incidents of sexual harassment by coworkers and supervisors, including but not
6 limited to unsolicited and unwanted sexually explicit comments directed toward Plaintiffs and
7 other female employees, sexually explicit gestures, "dry humping" movements made while
8 standing closely behind Plaintiffs, and multiple incidents of unwanted physical touching.
9 Plaintiffs were intimidated and felt threatened by this conduct on the part of their coworkers and
10 supervisors.

11 18. Plaintiffs complained to management of the ongoing sexual harassment but
12 Defendants took no action for several months, and the harassment became worse. On one
13 occasion, an employee even grabbed Roula's breasts in front of the kitchen staff. In or about
14 March 2022 Defendants finally conducted a sexual harassment prevention meeting for the
15 restaurant's employees, but denied the severity of the complaints made by Plaintiffs and other
16 female employees. The incidents of sexual harassment did not stop and continued for the
17 remainder of Defendants' employment.

18 19. When Plaintiffs complained of these sexual harassment incidents, or wage and
19 hour violations such as being clocked out while working or missing meal and rest breaks, they
20 were berated by their supervisor in front of other restaurant staff, and were told they were easily
21 replaceable. On occasion, Plaintiffs or other employees who made complaints were sent home
22 without a legitimate reason. This conduct led Plaintiffs to believe that their employment would
23 be terminated if they continued to complain of their working conditions.

24 20. Roula also suffered from a medical condition which occasionally caused her to
25 faint during her shift. On these occasions Defendants refused to allow her to take a brief
26 recovery period before returning to her duties, and threatened to terminate her employment if
27 she did not return to work immediately. On another occasion Roula requested time off to recover
28 from injuries she suffered in an automobile accident, and was told she had to return to work

1 within three days or face termination.

2 21. In or about June 2022, as a result of the ongoing harassment Roula was suffereing
3 from fellow employees and supervisors, as well as the denials of her requests for Defendants to
4 accommodate her medical condition and threats of termination, Roula believed she had no other
5 option but to leave her employment with Defendants, and resigned her employment.

6 22. In or about December 2022, Raizel's supervisor became upset at her and pressed
7 his fingers into her chest and pushed her backward. Frightened, Raizel told him not to touch her.
8 On another occasion the same supervisor grabbed Raizel tightly by her wrist, yelled and swore
9 at her, and then pushed her aggressively toward a table that he wanted her to work.

10 23. After these incidents Raizel's work schedule was cut drastically. Finally Raizel
11 was taken off the work schedule completely and was no longer called into work.

12 24. Plaintiffs were ultimately constructively terminated in retaliation for complaints
13 they made about their working conditions and workplace harassment as described above.

14 25. Upon the termination of their employment, Plaintiffs and Aggrieved Employees
15 were not paid all wages due, including outstanding overtime compensation.

16 **V. CAUSES OF ACTION**

17 **FIRST CAUSE OF ACTION**

18 **Failure to Pay Overtime Wage**

19 **(Lab. Code §§ 510, 1194)**

20 **(As to All Defendants)**

21 26. Plaintiffs incorporate in this cause of action each and every allegation of the
22 preceding paragraphs, as though fully set forth herein.

23 27. Labor Code section 510 requires employers to pay overtime compensation to all
24 employees, unless they are exempt from the overtime pay requirements. During all periods of
25 employment, Plaintiffs were misclassified as independent contractors and/or exempt employees.

26 28. Plaintiffs have worked in excess of eight (8) hours in a workday, twelve (12)
27 hours in a workday, and forty (40) hours in a workweek.

28 29. Defendants have failed or otherwise refused to pay Plaintiffs overtime

1 compensation for all overtime hours worked in the manner required by California law.

2 30. As a direct and proximate result of Defendants' unlawful conduct, as set forth
3 herein, Plaintiffs have suffered damages, including loss of earnings for hours of overtime
4 worked on behalf of Defendants.

5 31. Plaintiffs request relief as described below.

6
7 **SECOND CAUSE OF ACTION**
8 **Failure to Provide Meal Breaks**
9 **(Lab. Code, § 512, Wage Order 5)**
10 **(As to All Defendants)**

11 32. Plaintiffs incorporate in this cause of action each and every allegation of the
12 preceding paragraphs, as though fully set forth herein.

13 33. Wage Order 5 and Labor Code section 512 provide that all non-exempt
14 employees are entitled to a 30-minute, uninterrupted meal break for every 5-hour shift worked
15 by the employee and a second meal period for shifts lasting over ten (10) hours.

16 34. An employer's failure to provide an opportunity to take a meal break entitles the
17 employee to an hour of pay for each day an employer fails to provide an opportunity to take a
18 meal break.

19 35. At all times herein relevant, Plaintiffs were non-exempt employees and entitled to
20 meal breaks.

21 36. At all times herein relevant, Defendants employed Plaintiffs for periods of five
22 (5) hours or more without providing meal breaks of at least thirty (30) minutes or a second meal
23 period of at least thirty (30) minutes when Plaintiffs worked more than ten (10) hours in a day.
24 Plaintiffs did not waive their right to meal periods throughout their employment.

25 37. Defendants further failed to compensate Plaintiffs for the premium wage(s) owed
26 resulting from their failure to provide the opportunity to take a meal break.

27 38. As a direct and proximate result of Defendants' unlawful conduct, as sTet forth
28 herein, Plaintiffs have suffered damages, including a loss of wages.

39. Plaintiffs request relief as described below.

THIRD CAUSE OF ACTION
Failure to Provide Rest Breaks
(Labor Code § 226.7, Wage Order 5)
(As to All Defendants)

40. Plaintiffs incorporate in this cause of action each and every allegation of the preceding paragraphs, as though fully set forth herein.

41. Wage Order 5 and Labor Code section 226.7 provides that all non-exempt employees are entitled to at least a 10-minute rest break for each work period of more than four (4) hours, or major fraction thereof.

42. An employer's failure to provide an opportunity to take a rest break entitles the employee an hour of pay for each day an employer fails to provide an opportunity to take a rest break.

43. At all times relevant, Plaintiffs were non-exempt employees and entitled to rest breaks.

44. At all times relevant, Defendants failed to authorize and permit Plaintiffs to take rest periods of at least 10 minutes for each work period of more than four (4) hours, or major fraction thereof.

45. Defendants further failed to compensate Plaintiffs for the premium wage(s) owed resulting from their failure to provide the opportunity to take rest breaks.

46. As a direct and proximate result of Defendants' unlawful conduct, as set forth herein, Plaintiffs have suffered damages, including a loss of wages.

47. Plaintiffs request relief as described below.

FOURTH CAUSE OF ACTION
Failure to Provide Accurate Itemized Wage Statements
(Labor Code § 226)
(As to All Defendants)

48. Plaintiffs incorporate in this cause of action each and every allegation of the preceding paragraphs, as though fully set forth herein.

49. Labor Code section 226(a) requires employers to provide employees with regular itemized written statements showing, among other things, total hours worked, all applicable

1 hourly rates during the pay period, and the corresponding number of hours worked at each rate
2 by the employee. Defendants knowingly and intentionally failed to provide timely, accurate
3 itemized wage statements including this required information.

4 50. Labor Code § 226I provides that an employee suffering injury as a result of a
5 knowing and intentional failure by an employer to comply with section 226(a) is entitled to
6 recover the greater of all actual damages or fifty dollars (\$50) for the initial pay period in which
7 a violation occurs and one hundred dollars (\$100) for each violation in a subsequent pay period,
8 up to a maximum amount of \$4,000.

9 51. Labor Code § 226(e)(2) provides that an employee is deemed to suffer injury for
10 the purposes of Labor Code § 226 if the employer fails to provide the employee his/her wage
11 statement.

12 52. Defendant knowingly and intentionally failed to provide Plaintiffs with accurate
13 itemized wage statements.

14 53. Plaintiffs request relief as described below.

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16 **FIFTH CAUSE OF ACTION**
17 **Failure to Timely Pay Wages During Employment**
18 **(Lab. Code, §§ 204, 210)**
19 **(As to DOPPIO ZERO LLC and DOES 1-20)**

20 54. Plaintiffs incorporate in this cause of action each and every allegation of the
21 preceding paragraphs, as though fully set forth herein.

22 55. Labor Code section 204 requires employees to be paid earned wages at least
23 twice per month. If an employer fails to pay wages during the proper pay period, the employee is
24 entitled to a penalty of \$100 for an initial violation and \$200 for each subsequent or willful, or
25 intentional violation. Additionally, the employee is entitled to 25% of the amount unlawfully
26 withheld.

27 56. Defendants failed to properly and timely compensate Plaintiffs for all wages
28 earned during Plaintiffs' pay period(s).

57. Defendants' acts were willful and/or intentional.

1 58. As a result of Defendants' conduct, Plaintiffs are entitled to the penalty set forth
2 in section 210 of the Labor Code.

3 59. Plaintiffs request relief as described below.
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5 **SIXTH CAUSE OF ACTION**

6 **Waiting-Time Penalties**

7 **(Lab. Code, §§ 201-203)**

8 **(As to All Defendants)**

9 60. Plaintiffs incorporate in this cause of action each and every allegation of the
10 preceding paragraphs, as though fully set forth herein.

11 61. Labor Code §§ 201 and 202 require Defendants to pay their employees all wages
12 due immediately upon discharge, or within seventy-two (72) hours of quitting without notice.
13 Labor Code § 203 provides that where an employer willfully fails to make such timely payment,
14 the employer must, as a penalty, continue to pay the subject employees' wages until the back
15 wages are paid in full or an action is commenced, up to a maximum of thirty (30) days' wages.

16 62. Plaintiffs were discharged from employment by Defendants without being paid
17 all wages that were due to them within the time required by Labor Code §§ 201 and 202.
18 Defendants' failure to pay these wages Defendants have been and continue to be willful.

19 63. As a result of Defendants' conduct, Plaintiffs are entitled to waiting time
20 penalties in the amount of up to thirty (30) days' wages under Labor Code § 203.

21 64. Plaintiffs request relief as described below.

22 **SEVENTH CAUSE OF ACTION**

23 **Sexual Harassment (Hostile Work Environment) in Violation of FEHA**

24 **(Cal. Gov. Code 12900, et seq.)**

25 **(As to All Defendants)**

26 65. Plaintiffs incorporate each and every paragraph set forth above as though fully set
27 forth herein;

28 66. California Government Code Section 12940(j)(1) makes it unlawful employment
practice for an employer "because of...sex [or] gender...to harass an employee..."

 67. Defendants, and of them, are "employers" within the meaning of California

1 Government Code Section 12940(j)(4)(A), and are subject to FEHA and employers of one (1) or
2 more persons.

3 68. Plaintiffs were subjected to unwanted harassment by employees, supervisors,
4 directors and/or managers of Defendants, and each of them, because of their sex and/or gender.

5 69. The harassing conduct was so severe and/or pervasive as to alter the
6 conditions of Plaintiffs' employment and create a hostile and abusive work environment that
7 affected tangible aspects of their compensation, terms, condition, and/or privileges of
8 employment.

9 70. The harassing conduct was so widespread and/or persistent that a reasonable
10 person in Plaintiffs' circumstances would have considered the work environment to be hostile
11 and/or abusive, and Plaintiffs in fact considered the work environment created by Defendants,
12 and each of them, to be hostile and/or abusive.

13 71. Defendants, and each of them, including supervisors and/or agents of Defendants,
14 and each of them, knew or should have known of the harassing conduct and failed to take
15 immediate and appropriate corrective action.

16 72. Defendants, and each of them, are vicariously and strictly liable under FEHA for
17 sex and/or gender-based harassment of Plaintiff by supervisors with immediate or successively
18 higher authority over Plaintiff within the meaning of California Government Code Section
19 1296(s).

20 73. As a direct and proximate result of the acts of Defendants, and each of them, as
21 alleged above, Plaintiffs have suffered and will continue to suffer economic damages, including
22 lost wages and benefits, and other compensatory damages in an amount to be ascertained at the
23 time of trial.

24 74. As a further direct and proximate result of the acts of Defendants, and each of
25 them, as alleged above, Plaintiffs have suffered mental, physical, and emotional distress,
26 including but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and
27 have been generally damaged in an amount to be ascertained at the time of trial.

28 75. As a further direct and proximate result of the acts of Defendants, and each of

1 them, as alleged above, Plaintiffs will continue to expend sums in the further for the treatment of
2 the emotional, physical, and mental injuries sustained by Plaintiffs as a result of said
3 Defendants' acts in an amount to be ascertained at the time of trial.

4 76. The above-described acts of Defendants, and each of them, were willful,
5 intentional and malicious and done with the intent to vex, injure and annoy Plaintiffs and
6 warrant the imposition of exemplary and punitive damages in an amount sufficient to punish
7 said Defendants, and each of them, and to deter others from engaging in similar conduct.
8 Defendants, and each of them, authorized and ratified the wrongful acts of their agents and
9 employees, knew in advance that their agents and employees were likely to commit such acts
10 and employed them with conscious disregard of their rights or safety of others, and/or their
11 officers, directors, and/or managing agents were themselves guilty of oppression, fraud, and
12 malice. Those who terminated and/or otherwise retaliated against and/or harassed Plaintiffs
13 were officers, directors, and/or managing agents who were vested with discretionary authority to
14 make decisions affecting company policy regarding significant aspects of the company's
15 business. These officers, directors, and/or managing agents acted with malice in harassing,
16 terminating and/or otherwise retaliating against Plaintiffs in that they did so because of their sex
17 and/or gender despite knowing it was illegal to do so under California and federal law, in
18 conscious disregard of Plaintiffs' rights. Those officers, directors, and/or managing agents who
19 harassed, terminated and/or otherwise retaliated against Plaintiffs further acted with malice by
20 fabricating false reasons for harassing, terminating and/or otherwise retaliating against Plaintiffs
21 in order to cover up their true, retaliatory reason(s) for doing so.

22 77. As further direct and proximate result of the above-described acts of Defendants,
23 and each of them, Plaintiffs have incurred attorney's fees and costs and, pursuant to the
24 provisions of California Government Code Section 12965(c)(6), Plaintiffs are entitled to the
25 reasonable value of such attorney's fees.

26 78. Plaintiffs request relief as described below.

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EIGHTH CAUSE OF ACTION
Failure to Prevent Harassment/Retaliation in Violation of FEHA
(Cal. Gov. Code 12900, et seq.)
(As to All Defendants)

79. Plaintiffs incorporate in this cause of action each and every allegation of the preceding paragraphs, as though fully set forth herein.

80. California Government Code Section 12940(k) makes it an unlawful employment practice for and employer to “fail to take all reasonable steps necessary to prevent discrimination and harassment from occurring.” Defendants, and each of them, violate this provision including, but not limited to, by ignoring repeated complaints by Plaintiffs of harassment and/or retaliation based on sex/gender; allowing said harassment and/or retaliation to continue; failing to discipline and stop said harassment and/or retaliation/ failing to enforce anti-harassment and anti-retaliation policies and failing to appropriately investigate Plaintiffs’ complaints of harassment and/or retaliation.

81. As a result of the failure by Defendants, and each of them, to take all reasonable steps to prevent harassment and/or retaliation from occurring in the workplace, Plaintiffs were continuously subjected to harassment and retaliation based on their sex and/or gender.

82. As a direct and proximate result of the acts of Defendants, and each of them, as alleged above, Plaintiffs have suffered and will continue to suffer economic damages, including lost wages and benefits, and other compensatory damages in an amount to be ascertained at the time of trial.

83. As a further direct and proximate result of the acts of Defendants, and each of them, as alleged above, Plaintiffs have suffered mental, physical, and emotional distress, including but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and have been generally damaged in an amount to be ascertained at the time of trial

84. As a further direct and proximate result of the acts of Defendants, and each of them, as alleged above, Plaintiffs will continue to expend sums in the future for the treatment of the emotional, physical, and mental injuries sustained by Plaintiffs as a result of said Defendants’ acts in an amount to be ascertained at time of trial.

1 85. The above-described acts of Defendants, and each of them, were willful,
2 intentional, and malicious and done with the intent to vex, injure and annoy Plaintiffs and
3 warrant the imposition of exemplary and punitive damages in an amount sufficient to punish
4 said Defendants, and each of them, and to deter other from engaging in similar conduct.
5 Defendants, and each of them, authorized and ratified the wrongful acts of their agent and
6 employee, knew in advance that their agents and employees were likely to commit such acts and
7 employed them with conscious disregard of the rights or safety of others, and/or their officers,
8 directors, and/or managing agents were themselves guilty of oppression, fraud, and malice.
9 Those who terminated and/or otherwise retaliated against and/or harassed Plaintiffs were
10 officers, directors, and/or managing agents who were vested with discretionary authority to
11 make decision affecting company policy regarding significant aspects of the company's
12 business. Those officers, directors, and/or managing agents acted with malice in harassing,
13 terminating and/or otherwise retaliating against Plaintiffs in that they did so because of their sex
14 and/or gender despite knowing it was illegal to do so under California and federal law, in
15 conscious disregard of Plaintiffs' rights. Those officers, directors, and/or managing agents who
16 harassed, terminated and/or otherwise retaliated against Plaintiffs further acted with malice by
17 fabricating false reasons for harassing, terminating and/or otherwise retaliating against Plaintiff
18 in order to cover up their true, retaliatory reason(s) for doing so.

19 86. As further direct and proximate result of the above-described acts of Defendants,
20 and each of them, Plaintiffs have incurred attorney's fees and costs, and pursuant to the
21 provisions of California Government Code Section 12965(c)(6), Plaintiffs are entitled to the
22 reasonable value of such attorney's fees.

23 87. Plaintiffs request relief as described below.

24
25 **NINTH CAUSE OF ACTION**
26 **Harassment in Violation of FEHA**
27 **(Cal. Gov. Code 12900, et seq.)**
28 **(As to All Defendants)**

88. Plaintiffs incorporate each and every paragraph set forth above as though fully set

1 forth herein.

2 89. California Government Code Section 12940(j)(1) makes it unlawful employment
3 practice for an employer “because of...sex [or] gender...to harass an employee...”

4 90. Defendants, and of them, are “employers” within the meaning of California
5 Government Code Section 12940(j)(4)(A), and are subject to FEHA and employers of one (1) or
6 more persons.

7 91. Plaintiffs were subjected to unwanted harassment by employees, supervisors,
8 directors and/or managers of Defendants, and each of them, because of their sex and/or gender.

9 92. The harassing conduct was so severe and/or pervasive as to the alter the
10 conditions of Plaintiffs’ employment and create a hostile and abusive work environment that
11 affected tangible aspects of their compensation, terms, condition, and/or privileges of
12 employment.

13 93. The harassing conduct was so widespread and/or persistent that a reasonable
14 person in Plaintiffs’ circumstances would have considered the work environment to be hostile
15 and/or abusive, and Plaintiffs in fact considered the work environment created by Defendants,
16 and each of them, to be hostile and/or abusive.

17 94. Defendants, and each of them, including supervisors and/or agents of Defendants,
18 and each of them, knew or should have known of the harassing conduct and failed to take
19 immediate and appropriate corrective action.

20 95. Defendants, and each of them, are vicariously and strictly liable under FEHA for
21 sex and/or gender-based harassment of Plaintiffs by supervisors with immediate or successively
22 higher authority over Plaintiffs within the meaning of California Government Code Section
23 1296(s).

24 96. As a direct and proximate result of the acts of Defendants, and each of them, as
25 alleged above, Plaintiffs have suffered and will continue to suffer economic damages, including
26 lost wages and benefits, and other compensatory damages in an amount to be ascertained at the
27 time of trial.

28 97. As a further direct and proximate result of the acts of Defendants, and each of

1 them, as alleged above, Plaintiffs have suffered mental, physical, and emotional distress,
2 including but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and
3 have been generally damaged in an amount to be ascertained at the time of trial.

4 98. As a further direct and proximate result of the acts of Defendants, and each of
5 them, as alleged above, Plaintiffs will continue to expend sums in the further for the treatment of
6 the emotional, physical, and mental injuries sustained by Plaintiffs as a result of said
7 Defendants' acts in an amount to be ascertained at the time of trial.

8 99. The above-described acts of Defendants, and each of them, were willful,
9 intentional and malicious and done with the intent to vex, injure and annoy Plaintiffs and
10 warrant the imposition of exemplary and punitive damages in an amount sufficient to punish
11 said Defendants, and each of them, and to deter others from engaging in similar conduct.
12 Defendants, and each of them, authorized and ratified the wrongful acts of their agents and
13 employees, knew in advance that their agents and employees were likely to commit such acts
14 and employed them with conscious disregard of their rights or safety of others, and/or their
15 officers, directors, and/or managing agents were themselves guilty of oppression, fraud, and
16 malice. Those who terminated and/or otherwise retaliated against and/or harassed Plaintiffs
17 were officers, directors, and/or managing agents who were vested with discretionary authority to
18 make decisions affecting company policy regarding significant aspects of the company's
19 business. These officers, directors, and/or managing agents acted with malice in harassing,
20 terminating and/or otherwise retaliating against Plaintiffs in that they did so because of their sex
21 and/or gender despite knowing it was illegal to do so under California and federal law, in
22 conscious disregard of Plaintiffs' rights. Those officers, directors, and/or managing agents who
23 harassed, terminated and/or otherwise retaliated against Plaintiffs further acted with malice by
24 fabricating false reasons for harassing, terminating and/or otherwise retaliating against Plaintiffs
25 in order to cover up their true, retaliatory reason(s) for doing so.

26 100. As further direct and proximate result of the above-described acts of Defendants,
27 and each of them, Plaintiffs have incurred attorney's fees and costs and, pursuant to the
28 provisions of California Government Code Section 12965(c)(6), Plaintiffs are entitled to the

1 reasonable value of such attorney's fees.

2 101. Plaintiffs request relief as described below.

3
4 **TENTH CAUSE OF ACTION**
5 **Discrimination in Violation of FEHA**
6 **(Cal. Gov. Code 12900, et seq.)**
7 **(As to All Defendants)**

8 102. Plaintiffs incorporate in this cause of action each and every allegation of the
9 preceding paragraphs, as though fully set forth herein.

10 103. Defendants are an "employer" in the State of California, as defined in the FEHA.
11 Plaintiffs are members of a protected class while employed by Defendants.

12 104. Based on Plaintiffs' sex and/or gender, Defendants, through their agents and
13 employees, engaged in a pattern and practice of unlawful discrimination in violation of the
14 FEHA in connection with the terms and conditions of Plaintiffs' employment.

15 105. Plaintiffs suffered damages which were the direct and proximate result of
16 Defendants' discriminatory employment practices as described herein.

17 106. Defendants' acts were malicious, oppressive, despicable, and in conscious
18 disregard of Plaintiffs' rights. As such, punitive damages are warranted against Defendants in
19 order to punish and make an example of its actions.

20 107. Plaintiffs request relief as described below.

21 **ELEVENTH CAUSE OF ACTION**
22 **Wrongful Termination in Violation of Public Policy Based on Violation(s) of FEHA**
23 **(As to All Defendants)**

24 108. Plaintiffs incorporate in this cause of action each and every allegation of the
25 preceding paragraphs, as though fully set forth herein.

26 109. An employee may bring a wrongful discharge claim against an employer subject
27 to the FEHA based upon the policy prohibiting violations of the FEHA. See *Stevenson v. Sup.*
28 *Ct. (Huntington Mem. Hosp.)*, (1997) 16 Cal 4th 880. An employer's violation of a statute on a
particular subject is also a violation of public policy. See, e.g., *Jie v. Liang Tai Knitwear Co.*,

1 (2001) 89 Cal. App. 4th 654, 660-61. Thus, a violation of Government Code section 12940, et
2 seq., is also a violation of public policy.

3 110. Defendants, and each of them, constructively terminated and/or otherwise
4 retaliated against Plaintiff, in whole or in part, in retaliation for Plaintiff's exercise of rights
5 guaranteed under the FEHA, as described herein.

6 111. The above-described actions caused Plaintiffs to be constructively discharged
7 from their employment, in that any reasonable person in Plaintiffs' position subject to those
8 actions would have resigned or quit their employment as Plaintiffs were compelled by those
9 actions to do. Defendants, and each of them, knew or should have known of the intolerable
10 conditions caused by the acts of harassment and retaliation as alleged above, but failed to take
11 appropriate corrective action to end those conditions. Furthermore, Defendants knew or should
12 have known that Plaintiffs' resignation would result from these actions as alleged herein.

13 112. Defendants discharge of Plaintiffs was in violation of public policy, as found in
14 the FEHA which protects employees from being discharged due to a disability, in retaliation for
15 requesting a reasonable accommodation, or in retaliation for reporting harassment or sexual
16 harassment.

17 113. As a direct and proximate result of the acts of Defendants, and each of them, as
18 alleged above, Plaintiffs have suffered and will continue to suffer economic damages, including
19 lost wages and benefits, and other compensatory damages in an amount to be ascertained at the
20 time of trial.

21 114. As a further direct and proximate result of the acts of Defendants, and each of
22 them, as alleged above, Plaintiffs have suffered mental, physical, and emotional distress,
23 including but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and
24 have been generally damaged in an amount to be ascertained at the time of trial.

25 115. As a further direct and proximate result of the acts of Defendants, and each of
26 them, as alleged above, Plaintiffs will continue to expend sums in the further for the treatment of
27 the emotional, physical, and mental injuries sustained by Plaintiffs as a result of said
28 Defendants' acts in an amount to be ascertained at the time of trial.

116. The above-described acts of Defendants, and each of them, were willful, intentional and malicious and done with the intent to vex, injure and annoy Plaintiffs and warrant the imposition of exemplary and punitive damages in an amount sufficient to punish said Defendants, and each of them, and to deter others from engaging in similar conduct. Defendants, and each of them, authorized and ratified the wrongful acts of their agents and employees, knew in advance that their agents and employees were likely to commit such acts and employed them with conscious disregard of their rights or safety of others, and/or their officers, directors, and/or managing agents were themselves guilty of oppression, fraud, and malice. Those who terminated and/or otherwise retaliated against and/or harassed Plaintiffs were officers, directors, and/or managing agents who were vested with discretionary authority to make decisions affecting company policy regarding significant aspects of the company's business. These officers, directors, and/or managing agents acted with malice in harassing, terminating and/or otherwise retaliating against Plaintiffs in that they did so because of their sex and/or gender despite knowing it was illegal to do so under California and federal law, in conscious disregard of Plaintiffs' rights. Those officers, directors, and/or managing agents who harassed, terminated and/or otherwise retaliated against Plaintiffs further acted with malice by fabricating false reasons for harassing, terminating and/or otherwise retaliating against Plaintiffs in order to cover up their true, retaliatory reason(s) for doing so.

117. As further direct and proximate result of the above-described acts of Defendants, and each of them, Plaintiffs have incurred attorney's fees and costs and, pursuant to the provisions of California Government Code Section 12965(c)(6), Plaintiffs are entitled to the reasonable value of such attorney's fees.

118. Plaintiffs request relief as described below.

TWELFTH CAUSE OF ACTION

Assault

(As to All Defendants)

119. Plaintiffs incorporates in this cause of action each and every allegation of the preceding paragraphs, as though fully set forth herein.

1 120. As alleged above, Plaintiffs were verbally and physically harassed, intimidated,
2 and threatened during their employment by one or more of their co-workers and supervisors.

3 121. In doing the acts described herein these individuals intended to place Plaintiffs in
4 apprehension of offensive contact with their persons.

5 122. As a result of the acts alleged herein Plaintiffs, in fact, were placed in great
6 apprehension of offensive contact with their persons.

7 123. At all times herein mentioned, the individuals committing these acts were the
8 employees and agents of Defendants, and in doing the things herein alleged were acting within
9 the course and scope of their employment.

10 124. As a direct and proximate result of the acts of Defendants, and each of them, as
11 alleged above, Plaintiffs have suffered mental, physical, and emotional distress, including but
12 not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and have been
13 generally damaged in an amount to be ascertained at the time of trial.

14 125. As a further direct and proximate result of the acts of Defendants, and each of
15 them, as alleged above, Plaintiffs will continue to expend sums in the further for the treatment of
16 the emotional, physical, and mental injuries sustained by Plaintiffs as a result of said
17 Defendants' acts in an amount to be ascertained at the time of trial.

18 126. The above-described acts of Defendants, and each of them, were willful,
19 intentional and malicious and done with the intent to vex, injure and annoy Plaintiff and warrant
20 the imposition of exemplary and punitive damages in an amount sufficient to punish said
21 Defendants, and each of them, and to deter others from engaging in similar conduct. Defendants,
22 and each of them, authorized and ratified the wrongful acts of their agents and employees, knew
23 in advance that their agents and employees were likely to commit such acts and employed them
24 with conscious disregard of their rights or safety of others, and/or their officers, directors, and/or
25 managing agents were themselves guilty of oppression, fraud, and malice.

26 127. Plaintiff requests relief as described below.

27 ///

28 ///

THIRTEENTH CAUSE OF ACTION

Battery

(As to All Defendants)

128. Plaintiffs incorporate in this cause of action each and every allegation of the preceding paragraphs, as though fully set forth herein.

129. As described herein, Plaintiffs were subjected to uninvited and unwanted physical touching by one or more by one or more of their co-workers and supervisors.

130. In doing these acts, these individuals acted with the intent to make contact with Plaintiffs' persons.

131. At all times herein mentioned, Plaintiffs found the contact made with their persons to be offensive to their persons and dignity.

132. At all times herein mentioned, the individuals committing these acts were the employees and agents of Defendants, and in doing the things herein alleged were acting within the course and scope of their employment.

133. As a direct and proximate result of the acts of Defendants, and each of them, as alleged above, Plaintiffs have suffered mental, physical, and emotional distress, including but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and have been generally damaged in an amount to be ascertained at the time of trial.

134. As a further direct and proximate result of the acts of Defendants, and each of them, as alleged above, Plaintiffs will continue to expend sums in the further for the treatment of the emotional, physical, and mental injuries sustained by Plaintiffs as a result of said Defendants' acts in an amount to be ascertained at the time of trial.

135. The above-described acts of Defendants, and each of them, were willful, intentional and malicious and done with the intent to vex, injure and annoy Plaintiff and warrant the imposition of exemplary and punitive damages in an amount sufficient to punish said Defendants, and each of them, and to deter others from engaging in similar conduct. Defendants, and each of them, authorized and ratified the wrongful acts of their agents and employees, knew in advance that their agents and employees were likely to commit such acts and employed them with conscious disregard of their rights or safety of others, and/or their officers, directors, and/or

managing agents were themselves guilty of oppression, fraud, and malice.

136. Plaintiff requests relief as described below.

FOURTEENTH CAUSE OF ACTION

Sexual Battery

(As to All Defendants)

137. Plaintiffs incorporate in this cause of action each and every allegation of the preceding paragraphs, as though fully set forth herein.

138. As described herein, during the performance of her job duties, Plaintiff Roula Arce was subjected to uninvited and unwanted physical touching by a co-worker when that co-worker grabbed her breasts.

139. In doing these acts, this individual acted with the intent to cause a physical contact with Plaintiff's intimate parts, and a sexually offensive contact with Plaintiff's intimate parts in fact resulted.

140. At all times herein mentioned, the individual committing these acts was the employee and agent of Defendants, and in doing the things herein alleged was acting within the course and scope of his employment.

141. As a direct and proximate result of the acts of Defendants, and each of them, as alleged above, Plaintiffs have suffered mental, physical, and emotional distress, including but not limited to humiliation, anxiety, nervousness, depression, sleeplessness, and have been generally damaged in an amount to be ascertained at the time of trial.

142. As a further direct and proximate result of the acts of Defendants, and each of them, as alleged above, Plaintiffs will continue to expend sums in the further for the treatment of the emotional, physical, and mental injuries sustained by Plaintiffs as a result of said Defendants' acts in an amount to be ascertained at the time of trial.

143. The above-described acts of Defendants, and each of them, were willful, intentional and malicious and done with the intent to vex, injure and annoy Plaintiff and warrant the imposition of exemplary and punitive damages in an amount sufficient to punish said Defendants, and each of them, and to deter others from engaging in similar conduct. Defendants,

1 and each of them, authorized and ratified the wrongful acts of their agents and employees, knew
2 in advance that their agents and employees were likely to commit such acts and employed them
3 with conscious disregard of their rights or safety of others, and/or their officers, directors, and/or
4 managing agents were themselves guilty of oppression, fraud, and malice.

5 144. Plaintiff requests relief as described below.

6
7 **FIFTEENTH CAUSE OF ACTION**
8 **Negligent Hiring, Supervision, Training, and/or Retention**
9 **(As to All Defendants)**

10 145. Plaintiffs incorporate in this cause of action each and every allegation of the
11 preceding paragraphs, as though fully set forth herein.

12 146. Defendants, and each of them owed a duty of care to Plaintiffs in the hiring,
13 retention, training, and supervision of one or more of their employees or agents.

14 147. One or more of Defendants' employees or agents were unfit to perform the work
15 for which they were hired, and it was reasonably foreseeable that they would engage in conduct
16 that would cause injury to Defendants' other employees such as Plaintiffs.

17 148. Defendants knew or should have known that these employees or agents were
18 unfit and that this unfitness created a particular risk of harm to others, including Plaintiffs.

19 149. In failing to exercise reasonable care in the hiring, supervision, training, and/or
20 retention of these employees or agents, Defendants, and each of them, breached their duty of
21 care owed to Plaintiffs.

22 150. The above-described actions of Defendants, and each of them, caused Plaintiffs
23 to be constructively discharged from their employment, in that any reasonable person in
24 Plaintiffs' position subject to those actions would have resigned or quit their employment as
25 Plaintiffs were compelled by those actions to do. Defendants, and each of them, knew or should
26 have known of the intolerable conditions caused by the acts of negligence, recklessness,
27 carelessness, and/or wrongdoing as alleged above, but failed to take appropriate corrective
28 action to end those conditions. Furthermore, Defendants knew or should have known that
Plaintiffs' resignation would result from their actions as alleged herein.

1 151. The above-described acts of Defendants, and each of them, were willful,
2 intentional and malicious and done with the intent to vex, injure and annoy Plaintiff and warrant
3 the imposition of exemplary and punitive damages in an amount sufficient to punish said
4 Defendants, and each of them, and to deter others from engaging in similar conduct. Defendants,
5 and each of them, authorized and ratified the wrongful acts of their agents and employees, knew
6 in advance that their agents and employees were likely to commit such acts and employed them
7 with conscious disregard of their rights or safety of others, and/or their officers, directors, and/or
8 managing agents were themselves guilty of oppression, fraud, and malice.

9 152. Plaintiff requests relief as described below.

10
11 **SIXTEENTH CAUSE OF ACTION**
12 **Private Attorneys General Act**
13 **(Lab. Code, §§ 2698, *et seq*)**
14 **(As to All Defendants)**

15 153. Plaintiffs incorporate in this cause of action each and every allegation of the
16 preceding paragraphs, as though fully set forth herein.

17 154. Plaintiffs have alleged to the Labor Commissioner that Defendants have violated
18 the following provisions of the Labor Code in their dealings with Plaintiffs and other Aggrieved
19 Employees:

- 20 • Violation of Labor Code §§ 510, 1194; IWC Wage Order 7, § 3 (Failure to Pay Overtime
21 Wages);
- 22 • Violation of Labor Code §§ 512 and 226.7; IWC Wage Order 7, §§ 10(A) and 10(B)
23 (Failure to Provide Meal Periods or Pay Premiums in Lieu Thereof);
- 24 • Violation of Labor Code § 226.7; IWC Wage Order 7, § 11(A) (Failure to Provide Rest
25 Periods or Pay Premiums in Lieu Thereof);
- 26 • Violation of Labor Code § 226 (Inaccurate Wage Statements);
- 27 • Violation of Labor Code §§ 204, 210 (Failure to Pay all Wages During the Pay Period);
28 and
- Violation of Labor Code §§ 201-203, 256 (Waiting-Time Penalties).

155. Plaintiffs seek civil penalties against Defendants as provided in the California Labor Code, or, if no civil penalty is provided, default penalties pursuant to California Labor Code section 2699(f)(2).

156. Plaintiffs seek these civil penalties from Defendants pursuant to California Labor Code sections 2699(a) and 2699.3.

157. As a proximate result of the Defendants' conduct, Plaintiffs and Aggrieved Employees have been damaged and request relief as described below.

PRAYER

1. For general damages according to proof in an amount to exceed \$1,000,000;
2. For special damages according to proof in an amount to exceed \$1,000,000;
3. For exemplary damages, according to proof.
4. For pre-judgment, post-judgment, and statutory interest and all amounts subject herein;
5. For attorney's fees according to statute including Labor Code section 218.5, Code of Civil Procedure section 1021.5, Government Code section 12965(c)(6), and any other relevant provision under California law that provides for the recovery of attorney's fees;
6. For costs of suit incurred in this action;
7. For penalties according to statute;
8. For injunctive relief;
9. For declaratory relief; and
10. For all other relief that this Court deems just and proper.

DATED: September 29, 2023

DREW LEWIS, PC

By: 
Drew Lewis
Attorney for Plaintiff(s)

Exhibit A



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

September 26, 2023

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202309-22109326

Right to Sue: Arce / Doppio Zero et al.

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.

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



Civil Rights Department

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September 26, 2023

Raizel Arce

,

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

CRD Matter Number: 202309-22109326

Right to Sue: Arce / Doppio Zero et al.

Dear Raizel Arce:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective September 26, 2023 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.

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



Civil Rights Department

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September 29, 2023

Drew Lewis
2999 Douglas Blvd. Ste. 180
Roseville, CA 95661

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202309-22109326
Right to Sue: Arce / Doppio Zero et al.

Dear Drew Lewis:

Attached is a copy of your **amended** 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.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You or your client must serve the complaint.

The amended complaint is deemed to have the same filing date of the original complaint. This is not a new Right to Sue letter. The original Notice of Case Closure and Right to Sue issued in this case remains the only such notice provided by the CRD. (Cal. Code Regs., tit. 2, § 10022.)

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

**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

Raizel Arce

CRD No. 202309-22109326

Complainant,

vs.

Doppio Zero
160 Castro Street
Mountain View, CA 94041

Gianni Chiloiro

,

Angelo Sannino

,

Respondents

1. Respondent **Doppio Zero** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant is naming **Gianni Chiloiro** individual as Co-Respondent(s).
Complainant is naming **Angelo Sannino** individual as Co-Respondent(s).

3. Complainant **Raizel Arce**, resides in the City of , State of .

4. Complainant alleges that on or about **December 22, 2022**, respondent took the following adverse actions:

Complainant was harassed because of complainant's sex/gender, sexual harassment-hostile environment, sexual harassment- quid pro quo.

Complainant was discriminated against because of complainant's sex/gender, sexual harassment- hostile environment, sexual harassment- quid pro quo and as a result of the discrimination was terminated, reprimanded, other.

1 **Complainant experienced retaliation** because complainant reported or resisted any form
2 of discrimination or harassment, participated as a witness in a discrimination or harassment
3 complaint and as a result was terminated, reprimanded, other.

4 **Additional Complaint Details:** Plaintiffs Roula Arce and Raizel Arce began working for
5 Defendants on or around October 2021 and continued working until their constructive
6 terminations in and around June 2022 and December 2022, respectively. Defendant Doppio
7 Zero is a restaurant located in Mountain View, California and employed Plaintiffs and
8 Aggrieved Employees as Hostesses and Bussers.

9 Throughout their time working for Defendants, Plaintiffs and Aggrieved Employees endured
10 rest break and meal break violations at least four or five times each week. Defendants either
11 actively prevented them from taking breaks at the required times, or as a result of staffing
12 shortages, Plaintiffs and Aggrieved Employees were required to work through their breaks to
13 attend to restaurant patrons. Plaintiffs and Aggrieved Employees never signed a waiver and
14 did not receive premiums in place of their missed rest and meal breaks.

15 On many occasions, Plaintiffs and Aggrieved Employees worked more than eight (8) hours
16 in a day but were not compensated with overtime wages. Defendants clocked Plaintiffs and
17 Aggrieved Employees in and out of their shifts while they were working to avoid having to
18 pay overtime. Plaintiffs are further informed and believe that Aggrieved Employees were
19 also denied overtime compensation for work over eight (8) hours in a day.

20 As a result of these practices, Defendants violated their obligation to provide accurate
21 paystubs to Plaintiffs and Aggrieved employees. Additionally, Defendants' conduct
22 constituted a violation of their obligation to timely pay wages to Plaintiffs and Aggrieved
23 Employees.

24 During their employment Plaintiffs were subjected to ongoing, severe, and pervasive
25 incidents of sexual harassment by coworkers and supervisors, including but not limited to
26 unsolicited and unwanted sexually explicit comments directed toward Plaintiffs and other
27 female employees, sexually explicit gestures, "dry humping" movements made while
28 standing closely behind Plaintiffs, and multiple incidents of unwanted physical touching.
Plaintiffs were intimidated and felt threatened by this conduct on the part of their coworkers
and supervisors.

Plaintiffs complained to management of the ongoing sexual harassment but Defendants
took no action for several months, and the harassment became worse. In or about March
2022 Defendants finally conducted a sexual harassment prevention meeting for the
restaurant's employees, but denied the severity of the complaints made by Plaintiffs and
other female employees. The incidents of sexual harassment did not stop and continued for
the remainder of Defendants' employment.

When Plaintiffs complained of these sexual harassment incidents, or wage and hour
violations such as being clocked out while working or missing meal and rest breaks, they

1 were berated by their supervisor in front of other restaurant staff, and were told they were
2 easily replaceable. On occasion, Plaintiffs or other employees who made complaints were
3 sent home without a legitimate reason. This conduct led Plaintiffs to believe that their
employment would be terminated if they continued to complain of their working conditions.

4 In or about December 2022, Raizel's supervisor became upset at her and pressed his
5 fingers into her chest and pushed her backward. Frightened, Raizel told him not to touch
6 her. On another occasion the same supervisor grabbed Raizel tightly by her wrist, yelled
and swore at her, and then pushed her aggressively toward a table that he wanted her to
work.

7 After these incidents Raizel's work schedule was cut drastically. Finally Raizel was taken off
the work schedule completely and was no longer called into work.

8 Plaintiffs were ultimately constructively terminated in retaliation for complaints they made
9 about their working conditions and workplace harassment as described above.

10 Upon the termination of their employment, Plaintiffs and Aggrieved Employees were not
11 paid all wages due, including outstanding overtime compensation.

1 VERIFICATION

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

5 On September 26, 2023, I declare under penalty of perjury under the laws of the State
6 of California that the foregoing is true and correct.

7 **Roseville, California**
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Exhibit B



Civil Rights Department

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800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

September 26, 2023

RE: **Notice of Filing of Discrimination Complaint**

CRD Matter Number: 202309-22114427

Right to Sue: Arce / Doppio Zero et al.

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.

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



Civil Rights Department

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September 26, 2023

Roula Arce

,

RE: Notice of Case Closure and Right to Sue

CRD Matter Number: 202309-22114427

Right to Sue: Arce / Doppio Zero et al.

Dear Roula Arce:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective September 26, 2023 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.

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



Civil Rights Department

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September 29, 2023

Drew Lewis
2999 Douglas Blvd. Ste. 180
Roseville, CA 95661

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202309-22114427
Right to Sue: Arce / Doppio Zero et al.

Dear Drew Lewis:

Attached is a copy of your **amended** 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.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You or your client must serve the complaint.

The amended complaint is deemed to have the same filing date of the original complaint. This is not a new Right to Sue letter. The original Notice of Case Closure and Right to Sue issued in this case remains the only such notice provided by the CRD. (Cal. Code Regs., tit. 2, § 10022.)

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

**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

Roula Arce

CRD No. 202309-22114427

Complainant,

vs.

Doppio Zero
160 Castro Street
Mountain View, CA 94041

Gianni Chiloiro

,

Angelo Sannino

,

Respondents

1. Respondent **Doppio Zero** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant is naming **Gianni Chiloiro** individual as Co-Respondent(s).
Complainant is naming **Angelo Sannino** individual as Co-Respondent(s).

3. Complainant **Roula Arce**, resides in the City of , State of .

4. Complainant alleges that on or about **June 1, 2022**, respondent took the following adverse actions:

Complainant was harassed because of complainant's sex/gender, sexual harassment-hostile environment, sexual harassment- quid pro quo.

Complainant was discriminated against because of complainant's sex/gender, sexual harassment- hostile environment, sexual harassment- quid pro quo and as a result of the discrimination was terminated, reprimanded, other.

1 **Complainant experienced retaliation** because complainant reported or resisted any form
2 of discrimination or harassment, participated as a witness in a discrimination or harassment
3 complaint and as a result was terminated, reprimanded, other.

4 **Additional Complaint Details:** Plaintiffs Roula Arce and Raizel Arce began working for
5 Defendants on or around October 2021 and continued working until their constructive
6 terminations in and around June 2022 and December 2022, respectively. Defendant Doppio
7 Zero is a restaurant located in Mountain View, California and employed Plaintiffs and
8 Aggrieved Employees as Hostesses and Bussers.

9 Throughout their time working for Defendants, Plaintiffs and Aggrieved Employees endured
10 rest break and meal break violations at least four or five times each week. Defendants either
11 actively prevented them from taking breaks at the required times, or as a result of staffing
12 shortages, Plaintiffs and Aggrieved Employees were required to work through their breaks to
13 attend to restaurant patrons. Plaintiffs and Aggrieved Employees never signed a waiver and
14 did not receive premiums in place of their missed rest and meal breaks.

15 On many occasions, Plaintiffs and Aggrieved Employees worked more than eight (8) hours
16 in a day but were not compensated with overtime wages. Defendants clocked Plaintiffs and
17 Aggrieved Employees in and out of their shifts while they were working to avoid having to
18 pay overtime. Plaintiffs are further informed and believe that Aggrieved Employees were
19 also denied overtime compensation for work over eight (8) hours in a day.

20 As a result of these practices, Defendants violated their obligation to provide accurate
21 paystubs to Plaintiffs and Aggrieved employees. Additionally, Defendants' conduct
22 constituted a violation of their obligation to timely pay wages to Plaintiffs and Aggrieved
23 Employees.

24 During their employment Plaintiffs were subjected to ongoing, severe, and pervasive
25 incidents of sexual harassment by coworkers and supervisors, including but not limited to
26 unsolicited and unwanted sexually explicit comments directed toward Plaintiffs and other
27 female employees, sexually explicit gestures, "dry humping" movements made while
28 standing closely behind Plaintiffs, and multiple incidents of unwanted physical touching.
Plaintiffs were intimidated and felt threatened by this conduct on the part of their coworkers
and supervisors.

Plaintiffs complained to management of the ongoing sexual harassment but Defendants
took no action for several months, and the harassment became worse. On one occasion, an
employee even grabbed Roula's breasts in front of the kitchen staff. In or about March 2022
Defendants finally conducted a sexual harassment prevention meeting for the restaurant's
employees, but denied the severity of the complaints made by Plaintiffs and other female
employees. The incidents of sexual harassment did not stop and continued for the
remainder of Defendants' employment.

1 When Plaintiffs complained of these sexual harassment incidents, or wage and hour
2 violations such as being clocked out while working or missing meal and rest breaks, they
3 were berated by their supervisor in front of other restaurant staff, and were told they were
4 easily replaceable. On occasion, Plaintiffs or other employees who made complaints were
5 sent home without a legitimate reason. This conduct led Plaintiffs to believe that their
6 employment would be terminated if they continued to complain of their working conditions.

7 Roula also suffered from a medical condition which occasionally caused her to faint during
8 her shift. On these occasions Defendants refused to allow her to take a brief recovery period
9 before returning to her duties, and threatened to terminate her employment if she did not
10 return to work immediately. On another occasion Roula requested time off to recover from
11 injuries she suffered in an automobile accident, and was told she had to return to work
12 within three days or face termination.

13 In or about June 2022, as a result of the ongoing harassment Roula was suffering from
14 fellow employees and supervisors, as well as the denials of her requests for Defendants to
15 accommodate her medical condition and threats of termination, Roula believed she had no
16 other option but to leave her employment with Defendants, and resigned her employment.

17 Plaintiffs were ultimately constructively terminated in retaliation for complaints they made
18 about their working conditions and workplace harassment as described above.

19 Upon the termination of their employment, Plaintiffs and Aggrieved Employees were not
20 paid all wages due, including outstanding overtime compensation.

1 VERIFICATION

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

5 On September 26, 2023, I declare under penalty of perjury under the laws of the State
6 of California that the foregoing is true and correct.

7 **Roseville, California**
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