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FRANCISCO TENO

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

FRANCISCO TENO, an individual,

Plaintiff,

vs.

MIKE PILLAR & SONS HARDWOOD
FLOORING, INC., a California Corporation;
MIKE PILLAR, an individual; MICHAEL
PILLAR, an individual; WENDY PILLAR, an
individual; and DOES 1 through 50, inclusive,

Defendants.

CASE NO: **25STCV31592**

COMPLAINT FOR DAMAGES

- 1. DISABILITY DISCRIMINATION IN VIOLATION OF FEHA- GOV. CODE § 12940(a);**
- 2. FAILURE TO PROVIDE REASONABLE ACCOMMODATION – GOV. CODE § 12940(M)**
- 3. FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS – GOV. CODE § 12940(N)**
- 4. HARASSMENT BASED ON DISABILITY – GOV. CODE § 12940(J)**
- 5. AGE DISCRIMINATION IN VIOLATION OF FEHA- GOV. CODE § 12940(a);**
- 6. HARASSMENT BASED ON AGE– GOV. CODE § 12940(J)**
- 7. RETALIATION IN VIOLATION OF**

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FEHA- GOV. CODE § 12940(H);
8. RETALIATION IN IN VIOLATION
OF PUBLIC POLICY;
9. SAFETY / OSHA RETALIATION
(LAB. CODE §6310)
10. FAILURE TO PREVENT
DISCRIMINATION, HARASSMENT,
AND RETALIATION – GOV. CODE §
12940(K);
11. WRONGFUL TERMINATION IN
VIOLATION OF THE FEHA;
12. WRONGFUL TERMINATION IN
VIOLATION OF PUBLIC POLICY
13. CONSTRUCTIVE TERMINATION IN
VIOLATION OF FEHA AND PUBLIC
POLICY
[AMOUNT DEMANDED EXCEEDS
\$35,000.00]

DEMAND FOR JURY TRIAL

Plaintiff FRANCISCO TENO (hereinafter " Teno" or “Plaintiff”) brings this action against Defendant MIKE PILLAR & SONS HARDWOOD FLOORING, INC., a California Corporation; MIKE PILLAR, an individual; MICHAEL PILLAR; CHRIS STREAM, an individual; WENDY PILLAR an individual; and DOES 1-50 (collectively “Defendants”) and alleges as follows:

PARTIES

1. Plaintiff **FRANCISCO TENO** (“Plaintiff”) is, and at all relevant times was, a 61-year-old individual residing in Los Angeles County, California.
2. Defendant **MIKE PILLAR & SONS HARDWOOD FLOORING, INC.** (“Defendant **PILLAR & SONS**”) is, and at all relevant times was, a California corporation doing business in Los Angeles County, California.

1 3. Defendant Corporation employs more than five employees, and is thus subject to
2 the Fair Employment and Housing Act (Gov. Code § 12900 et seq.).

3 4. At all relevant times mentioned herein, Defendant Corporation conducted and
4 continues to conduct substantial and regular business throughout California and is authorized to
5 do business and doing business in the State of California.

6 5. At all relevant times herein, Defendant Corporation employed Plaintiff within the
7 State of California.

8 6. Defendant MIKE PILLAR is, and at all relevant times was, an owner, officer,
9 director, and/or managing agent of Defendant Corporation, with authority over hiring, firing,
10 wages, working conditions, and employment policies

11 7. Defendant MICHAEL PILLAR is, and at all relevant times was, an owner, officer,
12 director, and/or managing agent of Defendant Corporation, with authority over hiring, firing,
13 wages, working conditions, and employment policies.

14 8. Defendant WENDY PILLAR is, and at all relevant times was, an owner, manager,
15 supervisor, and/or managing agent of Defendant Corporation, with direct supervisory authority
16 over Plaintiff.

17 9. Plaintiff is ignorant of the true names and capacities of defendants sued herein as
18 DOES 1 through 50, inclusive, and therefore sue these defendants by such fictitious names and
19 capacities. Plaintiff will amend this Complaint to show their true names and capacities when they
20 have been ascertained. Plaintiff is informed and believes and thereon allege that at all times
21 relevant, Defendants, and each of these fictitiously named DOE defendants either owned,
22 controlled, or managed the business for which Plaintiff worked and/or who directly or indirectly
23 exercised operational control over the wages, hours, and working conditions of Plaintiff. These

DOES held ownership, officer, director and/or executive positions with the remaining Defendants, and acted on behalf of the remaining Defendants, which included decision-making responsibility for, and establishment of, illegal payroll practices and policies for Defendants which have damaged Plaintiff and others similarly situated. Therefore, DOES 1 through 50, in addition to the remaining Defendants, are “employers” as a matter of law and personally liable on the causes of action alleged herein.

10. Plaintiff is informed and believes, and on that basis alleges, that at all times relevant herein, Defendant **PILLAR & SONS, MIKE PILLAR, MICHAEL PILLAR, WENDY PILLAR** and some of Does 1 through 50 were the agents, employees, and/or servants, masters, or employers of the remaining DOES 1 through 50, and in doing the things herein alleged, were acting within the course and scope of such agency or employment, and with the approval and ratification of each of the other Defendants.

11. Plaintiff is informed and believe, and on that basis allege, that Defendants DOES 1 through 50 are, and at all times relevant hereto were, persons, corporations or other business entities organized and existing under and by virtue of the laws of the State of California, and are/were qualified to transact and conduct business in the State of California, and did transact and conduct business in the State of California, and are thus subject to the jurisdiction of the State of California. Specifically, DOES 1 through 50 maintain offices, operate businesses, employ persons, conducts business in, and illegally pay employees by illegal payroll practices and policies in Yolo County.

12. Plaintiff is informed and believes, and on that basis allege, that each of the fictitiously named defendants aided and assisted the named defendants in committing the wrongful acts alleged herein, and that Plaintiffs’ damages were proximately caused by each defendant.

13. Plaintiff is informed and believes, and on that basis alleges, that at all times herein mentioned, one or more of each named and/or unnamed defendant(s) was in some fashion, by contract or otherwise, the successors, assigns, joint venturers, co-venturers, or partners of one or more of the remaining named and/or unnamed defendant(s), and as hereinafter alleged, was acting within that capacity.

14. Plaintiff is informed and believes, and on that basis alleges, that at all times herein mentioned, one or more of each unnamed defendant(s) was in some fashion, by contract or otherwise, the assured, insured, indemnitor, guarantor of one or more of the remaining named and/or unnamed defendant(s) for the acts alleged herein and was acting within that capacity.

15. Plaintiff is informed and believes, and on that basis alleges, that at all times herein mentioned, one or more of each named and/or unnamed defendant(s) was the alter-ego of one or more of the remaining named and/or unnamed defendant(s), and as hereinafter alleged, was acting for their own benefit and/or the benefit of one or more of the remaining named and/or unnamed defendant(s).

16. Defendants **PILLAR & SONS, MIKE PILLAR, MICHAEL PILLAR, WENDY PILLAR** and some of Does 1 through 50 are hereinafter collectively referred to as "Defendants".

17. As a direct and proximate result of the unlawful acts of Defendants, Plaintiff has suffered and continues to suffer from loss of earnings in amounts as yet unascertained, but subject to proof at trial.

JURISDICTION AND VENUE

18. The amount of damages herein is greater than \$35,000. This case is therefore within the unlimited jurisdiction of this Court.

1 19. This Court has jurisdiction over the parties and claims involved in this action
2 because Plaintiff is a resident of California and Defendant is headquartered in California.

3 20. Venue is proper in Solano County pursuant to California Code of Civil Procedure
4 §395.5 because the events or omissions giving rise to this complaint occurred in this County, and
5 Defendants conducted business here and its principal place of business is located in the County of
6 Los Angeles.

7 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

8 21. Plaintiff began working for Defendants around **1995** and remained employed for
9 approximately **30 years**, until Defendants stopped assigning him work on or about **August 25,**
10 **2025**. He worked as a hardwood flooring employee and was paid per hour.

11 22. During his long tenure, Plaintiff was a loyal, reliable employee who consistently
12 performed his duties competently and professionally.

13 23. In June 2023, while on the job, Plaintiff suffered a heart attack and drove himself
14 to the hospital.

15 24. Plaintiff was off work for approximately one year. His doctor released him to return
16 to work in July 2024 with medical restrictions, and he resumed work in approximately October
17 2024.

18 25. Upon his return, Defendants refused to accommodate his medical restrictions,
19 reduced his hours, and told him he should retire because of his age and medical condition.

20 26. Plaintiff repeatedly complained to Defendants about their failure to accommodate
21 his disability and about unsafe working conditions—specifically, the failure to provide suitable
22 masks or protective gear after his heart surgery, given his compromised cardiac condition.

23 27. Plaintiff also reported violations of California labor laws, including unpaid wages

1 and Defendants' decision to stop reimbursing employees for using their personal trucks for
2 business purposes.

3 28. Following his complaints about unpaid wages, safety violations, and lack of
4 accommodation, Defendants retaliated by cutting his hours and subsequently telling him not to
5 return to work.

6 29. In September 2025, Plaintiff sustained a work-related injury and asked for a day off
7 to recover. Defendant Michael Pillar denied the request, claiming the company "does not offer sick
8 days," and shortly thereafter informed Plaintiff that he was not to return. Plaintiff's daughter was
9 told that Plaintiff was the only employee instructed not to come back.

10 30. During Plaintiff's employment, Michael Pillar told Plaintiff and his daughter that
11 Plaintiff was too old, too slow, and the weakest employee, and that the company decided not to
12 allow him to continue working because he had taken time off for surgery and required
13 accommodations.

14 31. During Plaintiff's employment, Defendant Wendy Pillar repeatedly told Plaintiff to
15 find another job because of his medical condition and age.

16 32. The conduct of Michael Pillar and Wendy Pillar—as owners, managers, and
17 directors of the corporation—was intentional, malicious, and oppressive.

18 33. Plaintiff was effectively terminated as a result of this discriminatory and retaliatory
19 conduct.

20 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

21 34. Plaintiff filed a timely administrative charge of discrimination, harassment, and
22 retaliation with the California Department of Fair Employment and Housing ("DFEH"), now
23 known as the California Civil Rights Department ("CRD"). Plaintiff thereafter received a Right-

1 to-Sue Notice from the DFEH/CRD dated October 22, 2025, and has commenced this action within
2 the time period authorized by law.

3 **CLAIMS FOR RELIEF**

4 **FIRST CAUSE OF ACTION**

5 **DISABILITY DISCRIMINATION IN VIOLATION OF THE
6 CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT, CAL. GOV. CODE
7 SECTION 12940 (a)
8 (AGAINST ALL DEFENDANTS AND DOES 1 THROUGH 50 INCLUSIVE)**

9 35. Plaintiff hereby incorporates by reference all other allegations contained in this
10 Complaint as though fully set forth herein.

11 36. At all times herein mentioned, Government Code§§ 12940, et seq. was in full force
12 and effect and was binding upon Defendants, and each of them.

13 37. At all times herein mentioned, Plaintiff was in the protected class of persons, i.e., a
14 person of disabled status, and one who engaged in protected activities contemplated by California
15 Government Code§§ 12940, et seq.

16 38. The Fair Employment and Housing Act (FEHA), enforced by the California
17 Department of Fair Employment and Housing (DFEH), prohibits employment discrimination and
18 harassment based on a person's disability or perceived disability.

19 39. Plaintiff suffered from a physical disability—namely, a serious heart condition—
20 which substantially limited his ability to work and perform certain physical tasks. As such, Plaintiff
21 was a qualified individual with a disability within the meaning of FEHA.

22 40. Plaintiff was qualified to perform the essential functions of his position with or
23 without reasonable accommodation.

41. Defendants were aware of Plaintiff's disabilities, his medical restrictions, and his
need for accommodations.

1 42. Despite this knowledge, Defendants, including **Mike Pillar & Sons Hardwood**
2 **Flooring, Inc., Michael Pillar, and Wendy Pillar**, discriminated against Plaintiff because of his
3 disability and medical condition by reducing his hours, refusing accommodations, and terminating
4 his employment or constructively discharging him.

5 43. Defendants above actions were due to Plaintiff's disabilities and his requests for
6 accommodations.

7 44. Defendant's conduct was a substantial factor in causing Plaintiff's harm.

8 45. As a direct and proximate result of Defendant's unlawful acts, Plaintiff has suffered
9 and continues to suffer economic loss, including lost wages, salary, and employment benefits; loss
10 of future income and earning capacity; and non-economic harm, including emotional distress and
11 mental suffering, in an amount to be determined at trial.

12 46. Defendant's conduct was carried out with malice, oppression, or reckless disregard
13 for Plaintiff's rights, entitling Plaintiff to an award of punitive damages pursuant to Civil Code §
14 3294.

15 47. As a direct, foreseeable, and proximate result of the wrongful acts of Defendant,
16 Plaintiff has been forced to hire attorneys to prosecute his claims herein and has incurred and is
17 expected to continue to incur attorneys' fees and costs in connection therewith.

18 **SECOND CAUSE OF ACTION**
19 **FAILURE TO PROVIDE REASONABLE ACCOMMODATION IN VIOLATION OF**
20 **CAL. GOV'T CODE § 12940 (m)**
21 **(AGAINST ALL DEFENDANTS AND DOES 1 THROUGH 50 INCLUSIVE)**

22 48. Plaintiff hereby incorporates by reference all other allegations contained in this
23 Complaint as though fully set forth herein.

 49. This cause of action is brought pursuant to California Government Code section
12940, subsection (m).

1 50. At all times herein mentioned, Government Code §§ 12940, et seq. was in full force
2 and effect and was binding upon Defendants, and each of them. Said law required Defendants, and
3 each of them, to take reasonable steps to accommodate Plaintiffs disabilities, or otherwise engage
4 in an interactive process to determine if he could be accommodated.

5 51. At all times herein mentioned, Plaintiff was in the protected class of persons, i.e., a
6 person of disability status, and one who engaged in protected activities contemplated by California
7 Government Code §§ 12940, et seq.

8 52. California's public policy promoting the employment of disabled employees
9 requires a "reasonable accommodation for a known physical or mental disability of an applicant
10 or employee". See Gov. Code § 12940(m).

11 53. "Reasonable accommodations include '[j]ob restructuring, part-time or modified
12 work schedules, reassignment to a vacant position, . . . and other similar accommodations for
13 individuals with disabilities.' " (Swanson v. Morongo Unified School Dist. (2014) 232
14 Cal.App.4th 954, 969.) Furthermore, leave has been explicitly identified as a reasonable
15 accommodation under the ADA in nearly every circuit and is a recognized FEHA accommodation
16 in California.

17 54. Defendants knew of Plaintiff's disabilities.

18 55. Plaintiff requested reasonable accommodations following his surgery, including
19 modified duties, lighter work, and protective equipment. Defendants willfully failed to provide
20 any such accommodations.

21 56. Defendants, and each of them, failed to provide reasonable accommodation of
22 Plaintiff's disabilities in violation of Cal. Gov't Code § 12940 (m).

23 57. Defendant's failure to provide reasonable accommodation was a substantial factor

1 in causing Plaintiff's harm.

2 58. As a direct and proximate result of Defendant's unlawful acts, Plaintiff has suffered
3 and continues to suffer economic loss, including lost wages, salary, and employment benefits; loss
4 of future income and earning capacity; and non-economic harm, including emotional distress and
5 mental suffering, in an amount to be determined at trial.

6 59. Defendant's conduct was carried out with malice, oppression, or reckless disregard
7 for Plaintiff's rights, entitling Plaintiff to an award of punitive damages pursuant to Civil Code §
8 3294.

9 60. As a direct, foreseeable, and proximate result of the wrongful acts of Defendant,
10 Plaintiff has been forced to hire attorneys to prosecute his claims herein and has incurred and is
11 expected to continue to incur attorneys' fees and costs in connection therewith.

12 **THIRD CAUSE OF ACTION**
13 **FAILURE TO ENGAGE IN AN INTERACTIVE PROCESS IN VIOLATION OF CAL.**
14 **GOV. CODE § 12940 (n)**
15 **(AGAINST ALL DEFENDANTS AND DOES 1 THROUGH 50 INCLUSIVE)**

16 61. Plaintiff hereby incorporates by reference all other allegations contained in this
17 Complaint as though fully set forth herein.

18 62. This cause of action is brought pursuant to California Government Code section
19 12940, subsection (n).

20 63. Plaintiff requested that Defendants make reasonable accommodation for his
21 disabilities and medical restrictions.

22 64. Under FEHA, employers must engage in a timely, good-faith interactive process to
23 determine whether an effective accommodation can be made. (*See* Cal. Code Regs., tit. 2, §
11069(b)).

65. The duty to engage in this process is affirmative and continuing, and arises

1 whenever an employer becomes aware, through observation or communication, of an employee's
2 medical condition that may limit his or her ability to perform essential job functions. The onus is
3 on the employer to initiate the interactive process, and the duty is triggered whenever the employer
4 becomes aware of an employee's medical condition which may be a disability. Cal. C. Regs. §
11069(b).

5 66. Plaintiff provided Defendants with medical documentation identifying his
6 restrictions.

7 67. Rather than engage in any discussion or exploration of potential accommodations,
8 failed to engage in a timely, good-faith interactive process to identify effective accommodations.

9 68. As a direct and proximate result of Defendant's unlawful acts, Plaintiff has suffered
10 and continues to suffer economic loss, including lost wages, salary, and employment benefits; loss
11 of future income and earning capacity; and non-economic harm, including emotional distress and
12 mental suffering, in an amount to be determined at trial.

13 69. Defendant's conduct was carried out with malice, oppression, or reckless disregard
14 for Plaintiff's rights, entitling Plaintiff to an award of punitive damages pursuant to Civil Code §
3294.

15 70. As a direct, foreseeable, and proximate result of the wrongful acts of Defendant,
16 Plaintiff has been forced to hire attorneys to prosecute his claims herein and has incurred and is
17 expected to continue to incur attorneys' fees and costs in connection therewith.

18 **FOURTH CAUSE OF ACTION**
19 **HARASSMENT BASED ON DISABILITY – GOV. CODE § 12940(J)**
(AGAINST ALL DEFENDANTS AND DOES 1 THROUGH 50 INCLUSIVE)

20 71. Plaintiff hereby incorporates by reference all other allegations contained in this
21 Complaint as though fully set forth herein.

1 72. Following his medical leave and return to work with restrictions, Michael Pillar and
2 Wendy Pillar, acting as managers and directors, subjected Plaintiff to unwelcome derogatory
3 comments and pressure to quit because of his disability.

4 73. The harassing conduct was severe and pervasive, and created a hostile,
5 intimidating, and abusive work environment that altered the conditions of Plaintiff's employment.

6 74. The harassment was directed at Plaintiff because of his disabilities, medical
7 restrictions, and requests for accommodations, and was ratified, tolerated, and condoned by the
8 corporate Defendants, who failed to take prompt or effective remedial action despite having actual
9 and constructive notice of the misconduct

10 75. As a direct and proximate result of Defendant's unlawful acts, Plaintiff has suffered
11 and continues to suffer economic loss, including lost wages, salary, and employment benefits; loss
12 of future income and earning capacity; and non-economic harm, including emotional distress and
13 mental suffering, in an amount to be determined at trial.

14 76. Defendant's conduct was carried out with malice, oppression, or reckless disregard
15 for Plaintiff's rights, entitling Plaintiff to an award of punitive damages pursuant to Civil Code §
16 3294.

17 77. As a direct, foreseeable, and proximate result of the wrongful acts of Defendant,
18 Plaintiff has been forced to hire attorneys to prosecute his claims herein and has incurred and is
19 expected to continue to incur attorneys' fees and costs in connection therewith.

20 **FIFTH CAUSE OF ACTION**
21 **AGE DISCRIMINATION IN VIOLATION OF THE**
22 **CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT, CAL. GOV. CODE**
23 **SECTION 12940 (a)**
 (AGAINST ALL DEFENDANTS AND DOES 1 THROUGH 50 INCLUSIVE)

24 78. Plaintiff hereby incorporates by reference all other allegations contained in this

1 Complaint as though fully set forth herein.

2 79. At all relevant times, Plaintiff was over the age of 40 and competent to perform his
3 duties, and therefore within the class of persons protected by the California Fair Employment and
4 Housing Act ("FEHA"), Government Code § 12940 et seq.

5 80. Defendants, including Mike Pillar & Sons Hardwood Flooring, Inc., Michael Pillar,
6 and Wendy Pillar, discriminated against Plaintiff because of his age by reducing his hours and
7 terminating his employment as shown by statements that he was "too old" and "too slow." or
8 constructively discharging him,

9 81. Defendants above actions were due to Plaintiff's age.

10 82. Defendant's conduct was a substantial factor in causing Plaintiff's harm.

11 83. As a direct and proximate result of Defendant's unlawful acts, Plaintiff has suffered
12 and continues to suffer economic loss, including lost wages, salary, and employment benefits; loss
13 of future income and earning capacity; and non-economic harm, including emotional distress and
14 mental suffering, in an amount to be determined at trial.

15 84. Defendant's conduct was carried out with malice, oppression, or reckless disregard
16 for Plaintiff's rights, entitling Plaintiff to an award of punitive damages pursuant to Civil Code §
17 3294.

18 85. As a direct, foreseeable, and proximate result of the wrongful acts of Defendant,
19 Plaintiff has been forced to hire attorneys to prosecute his claims herein and has incurred and is
20 expected to continue to incur attorneys' fees and costs in connection therewith.

21 **SIXTH CAUSE OF ACTION**
22 **AGE HARASSMENT- GOV. CODE § 12940(J)**
23 **(AGAINST ALL DEFENDANTS AND DOES 1 THROUGH 50, INCLUSIVE)**

86. Plaintiff hereby incorporates by reference all other allegations contained in this

1 Complaint as though fully set forth herein.

2 87. At all relevant times, Plaintiff was over the age of 40, and therefore within the class
3 of persons protected by the California Fair Employment and Housing Act ("FEHA"), Government
4 Code § 12940 et seq.

5 88. During Plaintiff's employment with Defendants, Defendants made repeated age-
6 based remarks and pressured Plaintiff to retire. Such conduct was unwelcome, severe and
7 pervasive.

8 89. These remarks and actions were intended to humiliate, demean, and undermine
9 Plaintiff's dignity and professional standing because of his age.

10 90. The harassment was severe and pervasive, occurring throughout Plaintiff's
11 employment and particularly after he returned from medical leave, creating a hostile, intimidating,
12 and abusive work environment that interfered with his ability to perform his job duties and altered
13 the conditions of his employment.

14 91. As a direct and proximate result of Defendant's unlawful acts, Plaintiff has suffered
15 and continues to suffer economic loss, including lost wages, salary, and employment benefits; loss
16 of future income and earning capacity; and non-economic harm, including emotional distress and
17 mental suffering, in an amount to be determined at trial.

18 92. Defendant's conduct was carried out with malice, oppression, or reckless disregard
19 for Plaintiff's rights, entitling Plaintiff to an award of punitive damages pursuant to Civil Code §
20 3294.

21 93. As a direct, foreseeable, and proximate result of the wrongful acts of Defendant,
22 Plaintiff has been forced to hire attorneys to prosecute his claims herein and has incurred and is
23 expected to continue to incur attorneys' fees and costs in connection therewith.

SEVENTH CAUSE OF ACTION
RETALIATION IN VIOLATION OF FEHA
(AGAINST ALL DEFENDANTS AND DOES 1 THROUGH 50 INCLUSIVE)

94. Plaintiff hereby incorporates by reference all other allegations contained in this Complaint as though fully set forth herein.

95. This cause of action is brought pursuant to California Government Code § 12940(h), which makes it unlawful for any employer to discharge, expel, or otherwise discriminate against any person because that person has opposed any practice forbidden under FEHA, or because the person has filed a complaint, testified, or assisted in any proceeding under the Act.

96. At all relevant times, Plaintiff was an employee protected under FEHA and engaged in protected activities, including but not limited to:

- a. Informing Defendant of his disabilities and medical restrictions;
- b. Requesting accommodations for his medical restrictions;
- c. Complaining about the failure to accommodate, and retaliatory treatment.
- d. Exercising his rights under California's public policy and FEHA by seeking to return to work with restrictions and insisting upon his right to be accommodated.

97. In retaliation for Plaintiff's protected activities, Defendants engaged in a series of adverse employment actions, including but not limited to reducing Plaintiff's hours, denying leave, and terminating Plaintiff's employment or constructively discharging him.

98. There is a causal link between the adverse employment actions Plaintiff suffered and Plaintiff's protected class and protected activities.

99. Defendants' actions, as set forth above, was a substantial factor in causing Plaintiff harm.

1 100. As a direct and proximate result of Defendant's unlawful acts, Plaintiff has suffered
2 and continues to suffer economic loss, including lost wages, salary, and employment benefits; loss
3 of future income and earning capacity; and non-economic harm, including emotional distress and
4 mental suffering, in an amount to be determined at trial.

5 101. Defendant's conduct was carried out with malice, oppression, or reckless disregard
6 for Plaintiff's rights, entitling Plaintiff to an award of punitive damages pursuant to Civil Code §
7 3294.

8 102. As a direct, foreseeable, and proximate result of the wrongful acts of Defendant,
9 Plaintiff has been forced to hire attorneys to prosecute his claims herein and has incurred and is
10 expected to continue to incur attorneys' fees and costs in connection therewith.

11 **EIGHTH CAUSE OF ACTION**
12 **RETALIATION IN VIOLATION OF PUBLIC POLICY**
13 **(AGAINST ALL DEFENDANTS AND DOES 1 THROUGH 50 INCLUSIVE)**

14 103. Plaintiff hereby incorporates by reference all other allegations contained in this
15 Complaint as though fully set forth herein.

16 104. This cause of action is based upon California's fundamental public policies, as
17 embodied in Labor Code §§ 1102.5 and 2802, OSHA laws, and other provisions of the Fair
18 Employment and Housing Act (FEHA), which collectively prohibit employers from retaliating
19 against employees for engaging in legally protected conduct, including reporting or opposing
20 unlawful practices, requesting accommodations, or exercising rights under the California Labor
21 Code.

22 105. At all relevant times, Plaintiff was an employee of Defendants and performed his
23 duties in a satisfactory manner.

 106. Plaintiff disclosed what he reasonably believed to be violations of law, including:

- a. Informing Defendant of his disabilities;
- b. Requesting reasonable accommodations for those disabilities;
- c. Submitting medical documentation and requesting to engage in the interactive process;
- d. Opposing and objecting to discriminatory conduct in the workplace;
- e. Labor Code §§ 1102.5 and 2802
- f. OSHA safety laws.

107. Defendants, and each of them, were aware of Plaintiff's protected activities and acted with retaliatory motive when they engaged in adverse employment actions against him.

108. In retaliation for Plaintiff's lawful and protected conduct, Defendants took adverse employment actions, including but not limited to denying Plaintiff's accommodation requests and refusing to engage in the interactive process; requiring Plaintiff to perform job tasks that were contrary to his medically documented restrictions; reducing Plaintiff's hours and terminating Plaintiff's employment or constructively discharging him.

109. As a direct and proximate result of Defendant's unlawful acts, Plaintiff has suffered and continues to suffer economic loss, including lost wages, salary, and employment benefits; loss of future income and earning capacity; and non-economic harm, including emotional distress and mental suffering, in an amount to be determined at trial.

110. Defendant's conduct was carried out with malice, oppression, or reckless disregard for Plaintiff's rights, entitling Plaintiff to an award of punitive damages pursuant to Civil Code § 3294.

111. As a direct, foreseeable, and proximate result of the wrongful acts of Defendant, Plaintiff has been forced to hire attorneys to prosecute his claims herein, and has incurred and is

1 expected to continue to incur attorneys' fees and costs in connection therewith.

2 **NINTH CAUSE OF ACTION**
3 **SAFETY / OSHA RETALIATION – Lab. Code § 6310**
4 **(AGAINST ALL DEFENDANTS AND DOES 1 THROUGH 50 INCLUSIVE)**

5 112. Plaintiff hereby incorporates by reference all other allegations contained in this
6 Complaint as though fully set forth herein.

7 113. Plaintiff disclosed what he reasonably believed to be violations of law, including
8 complaining about Defendants' failure to provide protective masks and safe conditions.
9 Defendants retaliated by reducing hours and terminating him.

10 114. In retaliation for Plaintiff's lawful and protected conduct, Defendants took adverse
11 employment actions, including but not limited to reducing Plaintiff's hours and terminating
12 Plaintiff's employment or constructively discharging him.

13 115. As a direct and proximate result of Defendant's unlawful acts, Plaintiff has suffered
14 and continues to suffer economic loss, including lost wages, salary, and employment benefits; loss
15 of future income and earning capacity; and non-economic harm, including emotional distress and
16 mental suffering, in an amount to be determined at trial.

17 116. Defendant's conduct was carried out with malice, oppression, or reckless disregard
18 for Plaintiff's rights, entitling Plaintiff to an award of punitive damages pursuant to Civil Code §
19 3294.

20 117. As a direct, foreseeable, and proximate result of the wrongful acts of Defendant,
21 Plaintiff has been forced to hire attorneys to prosecute his claims herein, and has incurred and is
22 expected to continue to incur attorneys' fees and costs in connection therewith.

TENTH CAUSE OF ACTION
FAILURE TO PREVENT DISCRIMINATION, HARASSMENT, AND RETALIATION –
GOV. CODE § 12940(K)
(AGAINST ALL DEFENDANTS AND DOES 1 THROUGH 50 INCLUSIVE)

118. Plaintiff hereby incorporates by reference all other allegations contained in this Complaint as though fully set forth herein.

119. This cause of action is brought pursuant to California Government Code section 12940, subsection (k), which makes it unlawful for an employer to fail to take all reasonable steps necessary to prevent discrimination, harassment, and retaliation from occurring in the workplace.

120. At all relevant times, Defendants were employers within the meaning of FEHA and were therefore legally obligated to establish, maintain, and enforce policies and procedures to prevent and promptly correct discrimination, harassment, and retaliation.

121. Defendants failed to implement adequate anti-discrimination and anti-harassment policies, failed to train supervisors and managers regarding their legal obligations under FEHA, and failed to respond promptly and appropriately to Plaintiff's complaints of unlawful conduct

122. Defendants, by and through its managing agents, failed to take all steps necessary to prevent discrimination, harassment and retaliation from occurring, as evidenced by the ongoing hostile treatment, lack of accommodations, and retaliatory termination.

123. Defendants' inaction and indifference fostered a workplace culture that condoned and perpetuated unlawful conduct, allowing managers and supervisors to continue engaging in discriminatory and harassing behavior with impunity.

124. As a direct and proximate result of Defendants' failure to take all reasonable steps to prevent discrimination, harassment, and retaliation, Plaintiff was subjected to continued mistreatment, culminating in his termination.

125. As a direct and proximate result of Defendant's unlawful acts, Plaintiff has suffered

1 and continues to suffer economic loss, including lost wages, salary, and employment benefits; loss
2 of future income and earning capacity; and non-economic harm, including emotional distress and
3 mental suffering, in an amount to be determined at trial.

4 126. Defendant's conduct was carried out with malice, oppression, or reckless disregard
5 for Plaintiff's rights, entitling Plaintiff to an award of punitive damages pursuant to Civil Code §
6 3294.

7 127. As a direct, foreseeable, and proximate result of the wrongful acts of Defendant,
8 Plaintiff has been forced to hire attorneys to prosecute his claims herein and has incurred and is
9 expected to continue to incur attorneys' fees and costs in connection therewith.

10 **ELEVENTH CAUSE OF ACTION**
11 **WRONGFUL TERMINATION IN VIOLATION OF THE FAIR EMPLOYMENT**
12 **AND HOUSING ACT – GOV. CODE § 12940 ET SEQ.**
13 **(AGAINST ALL DEFENDANTS AND DOES 1 THROUGH 50 INCLUSIVE)**

14 128. Plaintiff hereby incorporates by reference all other allegations contained in this
15 Complaint as though fully set forth herein.

16 129. At all relevant times, Defendants were employers within the meaning of the Fair
17 Employment and Housing Act (FEHA), Gov. Code § 12900 et seq., and Plaintiff was an employee
18 protected by its provisions.

19 130. FEHA prohibits employers from discharging or otherwise discriminating against
20 an employee on the basis of disability, medical condition, race, color, age, or because the employee
21 has engaged in protected activity, such as requesting reasonable accommodations or opposing
22 unlawful practices.

23 131. Plaintiff was a **qualified individual with a disability**, as defined under **Gov. Code**
§ 12926, and at all times was able to perform the essential functions of his position with or without

1 reasonable accommodation. Plaintiff was also over 40 years of age.

2 132. Defendant was placed on actual and constructive notice of Plaintiff's disabilities,
3 limitations, and requests for reasonable accommodations, both verbally and through written
4 medical documentation.

5 133. Plaintiff was terminated or constructively discharged for unlawful reasons
6 including disability and age discrimination and retaliation for complaints about labor law
7 violations and safety.

8 134. The termination of Plaintiff's employment or constructive discharge was motivated
9 by discriminatory animus and retaliation related to his disabilities, requests for accommodations,
10 age, and protected activity under FEHA and California public policy.

11 135. Defendants' stated reasons for Plaintiff's termination or constructive discharge
12 were pretextual and intended to conceal their true motives — namely, discrimination and
13 retaliation based on Plaintiff's disability, age, medical condition, and protected activity.

14 136. Defendants' actions, as set forth above, was a substantial factor in causing Plaintiff
15 harm.

16 137. There is a causal link between the adverse employment action Plaintiff suffered and
17 Plaintiff's disability, age, medical condition, and protected activity.

18 138. As a direct and proximate result of Defendant's unlawful acts, Plaintiff has suffered
19 and continues to suffer economic loss, including lost wages, salary, and employment benefits; loss
20 of future income and earning capacity; and non-economic harm, including emotional distress and
21 mental suffering, in an amount to be determined at trial.

22 139. Defendant's conduct was carried out with malice, oppression, or reckless disregard
23 for Plaintiff's rights, entitling Plaintiff to an award of punitive damages pursuant to Civil Code §

1 3294.

2 140. As a direct, foreseeable, and proximate result of the wrongful acts of Defendant,
3 Plaintiff has been forced to hire attorneys to prosecute his claims herein, and has incurred and is
4 expected to continue to incur attorneys' fees and costs in connection therewith.

5 **TWELFTH CAUSE OF ACTION**
6 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**
7 **(AGAINST ALL DEFENDANTS AND DOES 1 THROUGH 50 INCLUSIVE)**

8 141. Plaintiff hereby incorporates by reference all other allegations contained in this
9 Complaint as though fully set forth herein.

10 142. Under California law, it is a fundamental public policy that employees may not be
11 terminated or otherwise retaliated against for reasons that contravene statutes or constitutional
12 provisions designed to protect the public.

13 143. Defendants' decision to terminate Plaintiff or to constructively discharging him was
14 motivated by discriminatory and retaliatory animus, in direct violation of the public policies set
15 forth in FEHA, the Labor Code, and the California Constitution.

16 144. As a direct and proximate result of Defendant's unlawful acts, Plaintiff has suffered
17 and continues to suffer economic loss, including lost wages, salary, and employment benefits; loss
18 of future income and earning capacity; and non-economic harm, including emotional distress and
19 mental suffering, in an amount to be determined at trial.

20 145. Defendant's conduct was carried out with malice, oppression, or reckless disregard
21 for Plaintiff's rights, entitling Plaintiff to an award of punitive damages pursuant to Civil Code §
22 3294.

23 146. As a direct, foreseeable, and proximate result of the wrongful acts of Defendant,
Plaintiff has been forced to hire attorneys to prosecute his claims herein, and has incurred and is

1 expected to continue to incur attorneys' fees and costs in connection therewith.

2 **THIRTEENTH CAUSE OF ACTION**
3 **CONSTRUCTIVE TERMINATION IN VIOLATION OF FEHA AND PUBLIC POLICY**
4 **(AGAINST ALL DEFENDANTS AND DOES 1 THROUGH 50 INCLUSIVE)**

5 147. Plaintiff hereby incorporates by reference all other allegations contained in this
6 Complaint as though fully set forth herein.

7 148. This cause of action is pled in the alternative to Plaintiff's claim for actual
8 termination, to the extent Defendants contend that Plaintiff "voluntarily stopped reporting to work"
9 or "was not formally terminated."

10 149. Under California law, an employee is constructively terminated when the employer,
11 through its actions or working conditions, intentionally creates or knowingly permits conditions
12 that are so intolerable or aggravated that a reasonable person in the employee's position would feel
13 compelled to resign.

14 150. A constructive termination constitutes a wrongful discharge when the intolerable
15 conditions were motivated by discrimination, retaliation, or other violations of fundamental public
16 policy.

17 151. Following Plaintiff's disability and medical leave, requests for accommodations,
18 complaints about labor code violations and OSHA safety complaints, Defendants—through their
19 managing agents—refused to accommodate Plaintiff's medical restrictions, reduced his hours, and
20 repeatedly told him he should retire because of his age and health.

21 152. Defendants ridiculed and demeaned Plaintiff, stating that he was "too old," "too
22 slow," and "the weakest employee." These statements were made by ownership and management
23 undermining Plaintiff's dignity and self-respect.

153. Defendants further subjected Plaintiff to ongoing retaliation for engaging in

protected activity—including his complaints about unpaid wages, unsafe working conditions, and the company’s refusal to reimburse employees for use of their trucks.

154. Plaintiff was denied sick days, refused time off after a workplace injury, and ultimately told not to return to work. Defendants’ actions and statements communicated that Plaintiff was no longer welcome in the workplace and that any attempt to continue working would be futile.

155. These acts were not isolated; they represented a course of conduct intended to force Plaintiff to resign to avoid the appearance of a discriminatory or retaliatory termination.

156. Defendants had knowledge of these intolerable conditions and deliberately permitted them to continue.

157. Defendants’ conduct violated California’s public policy embodied in the Fair Employment and Housing Act (Gov. Code §§12900–12996), which prohibits discrimination, harassment, and retaliation on the basis of disability, age, and engagement in protected activity.

158. Defendants’ conduct also violated Labor Code §§1102.5 and 6310, which prohibit retaliation against employees who disclose or oppose unlawful or unsafe practices.

159. The intolerable working conditions and harassment created by Defendants were directly motivated by Plaintiff’s age, disability, and protected complaints, rendering his continued employment impossible.

160. A reasonable person in Plaintiff’s position would have no alternative but to resign under such circumstances. Plaintiff’s constructive discharge therefore constitutes a wrongful termination in violation of FEHA and public policy.

161. As a direct and proximate result of Defendant’s unlawful acts, Plaintiff has suffered and continues to suffer economic loss, including lost wages, salary, and employment benefits; loss

1 of future income and earning capacity; and non-economic harm, including emotional distress and
2 mental suffering, in an amount to be determined at trial.

3 162. Defendant's conduct was carried out with malice, oppression, or reckless disregard
4 for Plaintiff's rights, entitling Plaintiff to an award of punitive damages pursuant to Civil Code §
5 3294.

6 163. As a direct, foreseeable, and proximate result of the wrongful acts of Defendant,
7 Plaintiff has been forced to hire attorneys to prosecute his claims herein, and has incurred and is
8 expected to continue to incur attorneys' fees and costs in connection therewith.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff **FRANCISCO TENO** respectfully prays for judgment against
11 all Defendants, jointly and severally, as follows:

12 **1. For General and Compensatory Damages**

13 For all past and future **economic losses**, including lost wages, salary, bonuses, and
14 employment benefits; Loss of future income and earning capacity; and for **non-economic**
15 **damages**, including emotional distress, humiliation, embarrassment, mental anguish,
16 anxiety, and loss of enjoyment of life, in an amount to be determined at trial.

17 **2. For Special Damages**

18 For consequential and incidental losses proximately caused by Defendants' conduct,
19 including loss of earning capacity, medical and psychological expenses, and all other
20 special damages according to proof.

21 **3. For Front Pay and Reinstatement**

22 For reinstatement to Plaintiff's former position, or in the alternative, **front-pay damages**

1 representing the present value of future earnings and benefits Plaintiff would have
2 received but for Defendants' unlawful conduct.

3 **4. For Punitive and Exemplary Damages**

4 For punitive damages pursuant to **Civil Code § 3294** and all other applicable authority, in
5 an amount sufficient to punish and deter Defendants for their malicious, oppressive, and
6 fraudulent conduct.

7 **5. For Statutory and Civil Penalties**

8 For any statutory penalties available under **Government Code § 12940 et seq., Labor**
9 **Code § 1102.5(f), and Labor Code § 6310**, or other applicable provisions.

10 **6. For Attorneys' Fees and Costs of Suit**

11 For reasonable attorneys' fees, expert-witness fees, and litigation costs pursuant to
12 **Government Code § 12965(b), Labor Code § 1102.5(j), Labor Code § 6310**, and any
13 other applicable statute or equitable principle.

14 **7. For Interest**

15 For pre-judgment and post-judgment interest as permitted by law, including **Civil Code §**
16 **3287 and § 3289**.

17 **8. For Injunctive and Equitable Relief**

18 For such injunctive or declaratory relief as the Court deems appropriate to prevent and
19 remedy ongoing or future discrimination, harassment, or retaliation.

20 **9. For Such Other and Further Relief**

21 As the Court deems just, proper, and equitable in the circumstances of this case.

1 Dated: October 29, 2025

LAW OFFICES OF MORRIS NAZARIAN, APC

2 *Morris Nazarian*

3 Morris Nazarian, Esq.

4 Attorney for Plaintiff,

5 **FRANCISCO TENO**

6
7 **DEMAND FOR JURY TRIAL**

8 Plaintiff hereby demand a jury trial as provided by § 631 of the California Code of
9 Civil Procedure.

10 Dated: October 29, 2025

LAW OFFICES OF MORRIS NAZARIAN, APC

11 *Morris Nazarian*

12 Morris Nazarian, Esq.

13 Attorney for Plaintiff,

14 **FRANCISCO TENO**