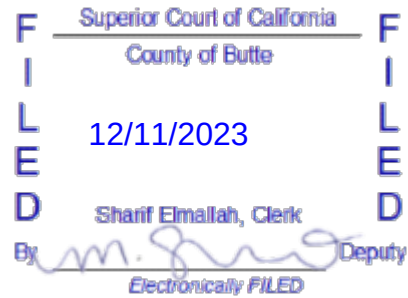


Angela M. Hooper (SBN 334269)
LAW OFFICES OF ANGELA HOOPER
2105 Forest Avenue, Suite 100
Chico, California 95928
Phone: 530-680-4689
Email: ahooper116@gmail.com

Attorney for Plaintiff,
Manuel Rodrigues



SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF BUTTE – CIVIL UNLIMITED

MANUEL RODRIGUES,

Plaintiff,

v.

BUTTE COUNTY OFFICE OF
EDUCATION; and Does 1 through 10,
Defendants.

CASE NO.: **23CV03461**

**COMPLAINT FOR DAMAGES AND
DEMAND FOR JURY TRIAL**

**1. RACIAL DISCRIMINATION
GOV. CODE § 12940(A)**

**2. HOSTILE WORK ENVIRONMENT
GOV. CODE §§ 12923, 12940(J)**

**3 RETALIATION FEHA
GOV. CODE § 12940(H)**

**4. FAILURE TO PREVENT
DISCRIMINATION/ HARASSMENT/
RETALIATION
GOV. CODE § 12940(K)**

**5. RETALIATION - WHISTLEBLOWER
LABOR CODE § 1102.5**

**6. FAILURE TO PAY MINIMUM
WAGES
LABOR CODE § 1194**

**7. FAILURE TO PAY OVERTIME
LABOR CODE § 510**

**8. FAILURE TO PROVIDE MEAL
BREAK OR PREMIUM PAY
LABOR CODE §§ 512, 226.7**

**9. FAILURE TO PROVIDE REST
BREAK OR PREMIUM PAY
LABOR CODE § 226.7**

**10. FAILURE TO PROVIDE
ACCURATE WAGE STATEMENTS
LABOR CODE § 226**

**11. WAITING TIME PENALTIES
LABOR CODE § 203**

**12. PAGA VIOLATIONS
LABOR CODE § 2698 ET SEQ.**

**13. BREACH OF GOOD FAITH AND
FAIR DEALING**

JURISDICTION AND PARTIES

1. Plaintiff Manuel Rodrigues ("Plaintiff") was at all times relevant a resident of Butte County, California.

2. Defendant Butte County Office of Education ("BCOE") was at all times relevant a public agency with its principal place of business located at 1859 Bird Street, Oroville, California, Butte County.

3. Venue and Jurisdiction are proper pursuant to California Civil Procedure code sections 395, 395.5 because, Plaintiff's employment with BCOE took place in Butte County, and Defendant BCOE's principal place of business is located in Butte County.

4. Plaintiff is ignorant of the true names and capacities of the Defendants sued herein as DOES 1 through 10. Plaintiff is informed and believes, and on that basis alleges, that each Defendant sued under such fictitious names is in some manner responsible for the wrongs and damages alleged herein. Plaintiff does not at this time know the true names or capacities of said Defendants but prays that the same may be inserted herein when ascertained.

5. At all times relevant, each and every Defendant was an agent and or employee of each and every other Defendant. In doing the things alleged in the causes of action stated herein, each and every Defendant was acting within the course and scope of this agency or

1 employment, and was acting with the consent, permission, and authorization of each
2 remaining Defendant. All actions of each Defendant as alleged herein were ratified and
3 approved by every other Defendant or their officers or managing agents.

4 **EXHAUSTION OF REMEDIES**

5 6. Plaintiff served his Government Tort Claim on Defendant BCOE via Certified
6 Mail on or about September 20, 2023. Defendant BCOE rejected Plaintiff's Tort Claim on
7 October 6, 2023.

8 7. Plaintiff filed his Private Attorneys General Act Notice with the Labor and
9 Workforce Development Agency on September 20, 2023, a copy of the same was served on
10 Defendant BCOE with Plaintiff's Government Tort Claim. Plaintiff has waited 65 days and
11 having received no communication from the LWDA regarding Plaintiff's PAGA Notice,
12 Plaintiff is ready to proceed with his PAGA claims as a PAGA representative on behalf of the
13 Labor Commissioner.

14 8. Plaintiff filed a complaint with the Department of Fair Employment and
15 Housing and received a Right to Sue Notice on December 6, 2023.

16 **STATEMENT OF FACTS**

17 9. Plaintiff began his employment with Defendant BCOE on or about January 17,
18 2020, as a Transition Specialist 1.

19 10. As a Transition Specialist 1, Plaintiff was an academic and career advisor for
20 the Butte County Office of Education. Plaintiff loved working with underserved juvenile
21 students to achieve their goals when it came to career and lifestyle decision making skills.
22 Plaintiff also connected the underserved communities to resources provided by Butte County
23 to assist with services such as childcare, financial aid, and vocational opportunities.

24 11. Plaintiff would often work at the Juvenile Hall and inside the classrooms with
25 the students.

1 12. While at work, a teacher by the name of Mark Abbay approached Plaintiff at
2 his car and said, “nice car, do you have a Glock in here?” Plaintiff was immediately taken
3 aback by the discriminatory comment, which suggested that as an African American male,
4 Plaintiff would stereotypically be carrying a firearm inside his motor vehicle.

5 13. On another occasion while inside the classroom and in front of the students, a
6 teacher by the name of Dave Luis made several inappropriate and derogatory comments
7 asking Plaintiff why people say the “N” word to each other. Dave Luis turned to Plaintiff and
8 said, “let’s ask Jordan, because he is more street than me.” (Plaintiff also goes by the name of
9 Jordan).
10

11 14. Plaintiff was immediately humiliated and angered by the intentional
12 microaggressions that he was facing from BCOE staff.

13 15. A week later, while in this classroom, Dave Luis showed up to class in “street
14 wear” and said, “I can’t sag, I have never done this.” Luis was referring to sagging his pants,
15 which is a fashion style customarily worn by urban communities.

16 16. Dave Luis than targeted a known unhoused student in front of the classroom
17 and asked the student why he sagged so much. Plaintiff felt this was extremely inappropriate
18 and immediately stood out of his seat to inform Dave Luis that sometimes students cannot
19 afford clothes that fit, and they receive hand-me-downs- not everything is a fashion
20 statement.
21

22 17. At the end of the day, the teacher approached Plaintiff saying I think that
23 particular student just likes to sag. Annoyed and overwhelmed with emotions, Plaintiff
24 responded that he was not doing this today and left work early.

25 18. Plaintiff went to Principal Jennifer Childs and informed her of the
26 discriminatory comments and culture that Plaintiff was experiencing.
27
28

1 19. Jennifer Childs initiated a mandatory diversity and multi-cultural training
2 event for BCOE staff to attend.

3 20. While at the training, the host of the training seminar singled out Plaintiff and
4 asked if Plaintiff wanted to educate and train the attendees. This type of conduct was
5 inappropriate on several levels. Plaintiff was there as a guest not as a show puppet on how to
6 act appropriately around people of color.

7 21. Again, Plaintiff felt this behavior was insensitive and a deliberate attempt at
8 humiliating Plaintiff to the point of not wanting to make further complaints.

9 22. Unfortunately, the culture at BCOE remained the same, even after the multi-
10 cultural training.

11 23. On one occasion Principal Childs approached Plaintiff and asked him if he
12 ever washed his hair. On another occasion, the school counsellor Kim Torrez approached
13 Plaintiff and grabbed his afro.

14 24. Plaintiff turned to Kim Torrez and said please do not grab my hair. Ms. Torrez
15 replied, “it’s ok, I am not like the others. My ex-husband was black.” This comment was so
16 offensive, that a nearby student who heard the comment said, “what the f*ck?”

17 25. Trying to deescalate the moment, Plaintiff informed the student, that if he ever
18 experienced inappropriate comments or behavior in that manner, to immediately inform
19 Human Resources because that type of conduct is not okay.

20 26. In or about 2022, BCOE hired a female transition specialist and asked Plaintiff
21 to train her. During training, the new hire informed Plaintiff she was making \$30.00 an hour.
22 Plaintiff, who had been working for BCOE for approximately two years, was only making
23 \$22.00 an hour.

24 27. Plaintiff reviewed his contract with BCOE and informed his Civil Service
25 Employees Association Union Representative Nancy Eastman, that he did not think it was
26
27
28

1 appropriate that he was making significantly less money than the people he was being asked
2 to train for a subordinate position.

3 28. Plaintiff also complained to Linda Mullick-Wahl and Jennifer Childs about not
4 receiving a promotion or timely step increase.

5 29. Plaintiff decided to apply for other positions within BCOE and took a position
6 with Back to Work in May of 2022, as a Support Service Coordinator.

7 30. As a Support Services Coordinator, Plaintiff assisted with making sure the
8 California careers applications were getting submitted timely, and assuring back to work
9 crews were in compliance with state safety regulations.

10 31. A large portion of the people that Plaintiff worked with were underserved
11 members of the community. Plaintiff would create relationships with the back to work
12 members and inform them of the services and opportunities that Butte County offers.

13 32. Plaintiff's supervisor did not like that Plaintiff was offering information
14 outside of the back to work program and instructed Plaintiff to focus on directing the work
15 crews to utilize the back to work program only. Plaintiff felt like this was withholding
16 information from people who could use the help and assistance of many programs outside of
17 the back to work program. This created a disadvantage to the underserved community
18 members.

19 33. Plaintiff soon realized that he was having medical symptoms related to the
20 stressful work environment he was experiencing at BCOE. Plaintiff requested intermittent
21 leave to seek medical treatment.

22 34. Plaintiff's medical care provider diagnosed Plaintiff with having an auto-
23 immune disease known as vitiligo. Plaintiff's medical care provider informed Plaintiff that
24 this disease could be directly related to his stressful working conditions, and that stress
25 exasperates the symptoms of this disease.

1 35. Plaintiff did not have any of these symptoms prior to working at BCOE and
2 believes that the stressful working environment contributed significantly to the severity of his
3 vitiligo.

4 36. Plaintiff informed his supervisor of the diagnosis and the effect his working
5 environment was having on his health – however, the working environment remained hostile.

6 37. At an employee recognition event, Hearthstone School Principal Matt
7 McGuire approached Plaintiff and grabbed Plaintiff’s dreadlocks. Plaintiff could not believe
8 that another BCOE employee grabbed his hair without consent.

9 38. Infuriated, Plaintiff remained silent and visibly upset for the rest of the event.
10

11 39. That night, Plaintiff wrote a lengthy email to Supervisor Rayan Cruise
12 informing her of the inappropriate assault that he experienced yet again by a BCOE
13 employee.

14 40. In turn, Plaintiff received an email response from Keith Lane scolding Plaintiff
15 for his unprofessional behavior at the employee event. Lane went on to say that Plaintiff
16 needs to handle himself better in those types of situations.

17 41. Additionally, following his complaints, Plaintiff then received an unfavorable
18 performance evaluation from Supervisor Farm Saelee where she attacked Plaintiff’s work
19 performance and threatened Plaintiff. Plaintiff felt that Farm was wrong about her
20 assessments and informed her that he had just received several acclamations about his work
21 performance both in a companywide email and from his co-worker Jocelyn Gonzales at an
22 employee meeting.

23 42. Plaintiff felt the performance review was very adversarial and retaliatory. At
24 the end of the meeting, Farm Saelee told Plaintiff that if he ever “talked shit” about her, she
25 would find out and address it.
26
27
28

1 43. Plaintiff went to Human Resources Director Mikeial Williamson and informed
2 him of Farm’s threats and inappropriate conduct during his performance evaluation. Mikeial
3 Williamson told Plaintiff, “Do you really want to go through with this? You are still on your
4 probationary period.” Plaintiff told Williamson that he is looking for protection and support
5 from Human Resources.

6 44. Soon thereafter, Plaintiff was released from the Back to Work program for
7 poor performance issues. Plaintiff was returned to his position as Transition Specialist, and
8 Plaintiff’s salary was decreased by \$20,000.00 a year.

9 45. Plaintiff eventually applied for a Case Manager position with Butte
10 Community Based Coalition through BCOE. Ironically, Plaintiff was hired by Debbie Morris,
11 the same Director in charge of the Back to Work Program – despite Plaintiff being let go
12 from the Back to Work Program for alleged poor performance.

13 46. While at BCBC, Plaintiff was faced with even more racially charged
14 comments and conduct. Plaintiff was scared to make any more complaints out of fear of
15 losing his job or facing further retaliation.

16 47. Plaintiff’s co-worker Sal Hernandez continuously used the “N” word while
17 talking to Plaintiff. Sal Hernandez stated that he is allowed to use the “N” word because he
18 could relate to “being the black kid and being kicked out of the house.” Plaintiff was
19 extremely uncomfortable and upset.

20 48. Another time at Plaintiff’s office, Sal Hernandez told Plaintiff that, “his cousin
21 was so dark that he could pass off as a black guy.” Sal went on to say that he could go into a
22 room full of black people and say, “Sup N*gg*” and it would be ok. On another occasion, Sal
23 Hernandez told Plaintiff about a Redding City Council meeting where the Council members
24 were openly using the “N” word when describing persons of color while using threatening
25 facial expressions. At this point, Plaintiff was so upset he had to leave the office.

1 49. Plaintiff decided that he had to report this conduct to his Site Coordinator Beth
2 Porter. Plaintiff told Porter about Sal’s racially charged comments. Plaintiff also informed
3 Porter about an experience he had with an employee by the name of Trace Watkins, where
4 Watkins threw a French fry at Plaintiff’s face. Watkins also told Plaintiff that his family was
5 from the Ku Klux Klan and Aryan Brotherhood, and then proceeded to tell Plaintiff awful
6 stories of how his family mistreated people of color.

7 50. The working conditions were so pervasive that Plaintiff asked to go on
8 medical leave. Human Resources advised Plaintiff that he could not go on leave without a
9 doctor’s note approving the leave.
10

11 51. Plaintiff went to the Butte Schools Self-Funded Programs employee clinic and
12 informed the doctor of what he was experiencing at work and the stress that Plaintiff was
13 suffering.

14 52. Unable to continue facing the severe and pervasive working conditions
15 fostered by Butte County Office of Education, Plaintiff was constructively terminated on
16 June 30, 2023.

17 53. During his employment with BCOE, Plaintiff was misclassified as a salaried
18 employee. Plaintiff did not receive twice the minimum wage requirement to be considered a
19 salaried employee.
20

21 54. BCOE did not record how many hours a day Plaintiff worked. Several of
22 Plaintiff’s contracts identified that Plaintiff was supposed to be working seven-hour shifts;
23 however, Plaintiff routinely worked over seven hours. Plaintiff would often work an eight-
24 hour shift and return to work later in the workday for a resource fair. Because BCOE did not
25 accurately record Plaintiff’s working hours in a workday, Plaintiff was not properly
26 compensated for all hours worked or for his overtime hours worked.
27
28

1 55. Furthermore, BCOE failed to ensure that Plaintiff received an uninterrupted,
2 30-minute meal break before the end of his fifth hour of work. Plaintiff would begin his meal
3 break and have to monitor a classroom full of students while he was supposed to be on break.

4 56. BCOE failed to ensure that Plaintiff was receiving rest breaks throughout his
5 eight-hour day.

6 57. BCOE failed to pay Plaintiff premium wages on the days Plaintiff did not
7 receive compliant meal and rest breaks.

8 58. BCOE failed to provide Plaintiff with accurate wage statements reflecting his
9 hours worked, and/or premium wages for missed meal and rest breaks.

10 59. At the time of his separation of employment, BCOE failed to pay all monies
11 owed to Plaintiff pursuant to Labor Code Sections 201, 202, and 203.

12 60. Plaintiff is seeking to assess civil penalties on behalf of the California Labor
13 Commissioner and the Private Attorneys General Act on behalf of himself and similarly
14 situated employees who faced Labor Code Violations while employed by BCOE.

15 61. Additionally, Plaintiff owns and operates his own videography company,
16 Dream House Production Co.

17 62. Plaintiff was approached by Tricia Grunerud, to inquire about Plaintiff filming
18 production pieces for BCOE.

19 63. Plaintiff and Tricia went back and forth for months on the terms of the
20 Independent Contractor's Agreement regarding the scope of the work and Plaintiff's
21 compensation.

22 64. Plaintiff requested a \$10,000.00 retainer as part of the ICA terms. Shafaq
23 Khan, Senior Administrative Assistant reviewed and revised the ICA for final approval.

24 65. Plaintiff signed the contract on March 16, 2023, and on March 22, 2023,
25 Plaintiff went to Redding to perform a full day of filming for BCOE.

1 66. On April 3, 2023, Plaintiff received an email stating that BCOE is unable to go
2 forward with the contract because BCOE is already in a signed contract with another
3 videographer.

4 67. Plaintiff demanded to be paid \$1600.00 for the work he performed.

5 68. BCOE paid Plaintiff through his payroll despite this being a separate and
6 independent contract entered into between the parties.

7 69. Plaintiff is informed and believes, and on that basis alleges, that BCOE did not
8 engage in good faith and fair dealings when they refused to pay Plaintiff's initial \$10,000.00
9 retainer pursuant to the ICA terms.

10 70. Plaintiff is informed and believes, and on that basis alleges, that BCOE backed
11 out of the contract based on Plaintiff's lawful complaints raised about racial discrimination in
12 the workplace.

13 71. Plaintiff seeks compensatory damages in relation to his claims of statutory
14 violations and his claims of breach of contract.

15 72. Plaintiff continues to suffer financially, physically, and emotionally in an
16 amount in excess of the jurisdiction of this court to be determined at trial.

17
18 **FIRST CAUSE OF ACTION**

19 **Racial Discrimination**

20 **Gov. Code § 12940(a)**

21 **Plaintiff against all Defendants**

22 73. The allegations set forth in this Complaint are hereby realleged an
23 incorporated by reference.

24 74. At all times relevant Plaintiff was an employee of Defendants and Defendants
25 were the employer of Plaintiff.
26
27
28

1 75. During his employment with Defendants, Plaintiff experienced racially
2 charged comments from teachers, inappropriate touching of Plaintiff's hair, and explicit
3 conversations containing the use of the "N" word on multiple occasions. Plaintiff was also
4 told by another staff member that the staff member's family were part of a prejudicial
5 supremacy group who mistreated people of color.

6 76. Plaintiff made several complaints regarding this discriminatory conduct to his
7 supervisors, but the pervasive and inappropriate conduct continued throughout Plaintiff's
8 working environment.

9 77. After making lawful complaints regarding the physical assault and
10 inappropriate touching of Plaintiff's hair by a coworker, Plaintiff received an unfavorable
11 performance review from his Supervisor.

12 78. Plaintiff believed the poor performance review was retaliatory for making his
13 lawful complaint and he informed Human Resources. Human Resources asked Plaintiff if he
14 wanted to continue with making a formal complaint because Plaintiff was still in his
15 probationary period.

16 79. Plaintiff went through with his complaint and soon thereafter, released from
17 the Back to Work Program, returned to his previous position with BCOE, and his salary
18 decreased by approximately \$20,000. Annually.

19 80. Eventually, the pervasive working conditions became harmful to Plaintiff's
20 wellbeing as he began suffering symptoms of Vitiligo. Plaintiff went out on medical leave
21 and was eventually constructively terminated from his employment with Defendants.

22 81. Plaintiff has suffered harm, emotional distress and financial loss as a result of
23 Defendants' conduct.

24 82. Plaintiff's race and opposition of discrimination were motivating factors in
25 Defendants' continued discriminatory conduct, including but not limited to, giving Plaintiff a
26
27
28

1 poor performance review, demoting him, decreasing his wages, and constructively
2 terminating Plaintiff's employment.

3 83. Wherefore Plaintiff prays for relief.

4 **SECOND CAUSE OF ACTION**

5 **Hostile Working Environment**

6 **Gov. Code § 12940(j)**

7 **Plaintiff against all Defendants**

8
9 84. The allegations set forth in this complaint are hereby realleged and
10 incorporated by reference.

11 85. At all times relevant Plaintiff was an employee of Defendants, and Defendants
12 were Plaintiff's employer.

13 86. During his employment with Defendants, Plaintiff was subjected harassment
14 based on his race and this harassment created a work environment, that was hostile,
15 intimidating, offensive, oppressive, and abusive.

16 87. Plaintiff experienced racially charged comments from teachers, inappropriate
17 touching of Plaintiff's hair, and explicit conversations containing the use of the "N" word on
18 multiple occasions. Plaintiff was also told by another staff member that the staff member's
19 family were part of a prejudicial supremacy group who mistreated people of color.
20

21 88. After Plaintiff made lawful complaints about the discrimination, Plaintiff
22 faced retaliation in the form of reprimand, demotion, further discrimination, and constructive
23 termination.

24 89. Plaintiff was subject to the harassment because of his race. The harassment
25 was ongoing to the point of being severe and pervasive and polluted the working
26 environment.
27
28

1 90. A reasonable person in like circumstances would have considered the work
2 environment to be hostile, intimidating, offensive, oppressive and abusive.

3 91. Defendants knew or should have known of the discriminatory and harassing
4 conduct and failed to take immediate and appropriate corrective action.

5 92. Plaintiff has suffered harm, emotional distress and financial loss as a result of
6 Defendants' conduct.

7 93. Plaintiff's race and opposition of discrimination were motivating factors in
8 Defendants' continued discriminatory and harassing conduct, including but not limited to,
9 giving Plaintiff a poor performance review, demoting him, decreasing his wages, and
10 constructively terminating Plaintiff's employment.
11

12 94. Wherefore Plaintiff prays for relief.

13 **THIRD CAUSE OF ACTION**

14 **Retaliation (FEHA)**

15 **Gov. Code § 12940(h)**

16 **Plaintiff against all Defendants**

17 95. The allegations set forth in this complaint are hereby realleged and
18 incorporated by reference.

19 96. At all times relevant Plaintiff was an employee of Defendants and Defendants
20 were Plaintiff's employer.
21

22 97. Plaintiff made multiple complaints of discriminatory conduct to Defendants.
23 Plaintiff also informed Human Resources that he believed his poor performance review was
24 in retaliation for making lawful complaints of discrimination.

25 98. Defendants terminated Plaintiff's employment with the back to work program,
26 demoted Plaintiff to a lesser position and decreased his salary by \$20,000 annually.
27
28

1 99. Plaintiff's lawful complaints of discrimination and retaliation were motivating
2 reasons for Defendants' decision to reprimand, demote, and terminate Plaintiff.

3 100. Plaintiff has suffered harm, emotional distress and financial loss as a result of
4 Defendants' conduct.

5 101. Plaintiff's race and opposition of discrimination were motivating factors in
6 Defendants' continued discriminatory and retaliatory conduct, including but not limited to,
7 giving Plaintiff a poor performance review, demoting him, decreasing his wages, and
8 constructively terminating Plaintiff's employment.

9 102. Wherefore Plaintiff prays for relief.
10

11 **FOURTH CAUSE OF ACTION**

12 **Failure to Prevent Discrimination, Harassment, and Retaliation**

13 **Gov. Code § 12940(k)**

14 **Plaintiff against all Defendants**

15 103. The allegations set forth in this complaint are hereby realleged and
16 incorporated by reference.

17 104. At all times relevant Plaintiff was an employee of Defendants and Defendants
18 were Plaintiff's employer.

19 105. Plaintiff was subjected to racial discrimination, harassment, and retaliation
20 during his employment with Defendants.

21 106. Defendants failed to take all reasonable steps to prevent the discrimination,
22 harassment and retaliation.
23

24 107. Plaintiff has suffered harm, emotional distress and financial loss as a result of
25 Defendants' conduct.

26 108. Plaintiff's race and opposition of discrimination were motivating factors in
27 Defendants' continued discriminatory conduct, including but not limited to, giving Plaintiff a
28

1 poor performance review, demoting him, decreasing his wages, and constructively
2 terminating Plaintiff's employment.

3 109. Wherefore Plaintiff prays for relief.

4 **FIFTH CAUSE OF ACTION**

5 **Whistleblower Retaliation**

6 **Labor Code § 1102.5**

7 **Plaintiff against all Defendants**

8 110. The allegations set forth in this complaint are hereby realleged and
9 incorporated by reference.
10

11 111. An employer, or any person acting on behalf of the employer, shall not
12 retaliate against an employee for disclosing information, or because the employer believes
13 that the employee disclosed or may disclose information, to a government or law enforcement
14 agency, to a person with authority over the employee or another employee who has the
15 authority to investigate, discover, or correct the violation or noncompliance, or for providing
16 information to, or testifying before, any public body conducting an investigation, hearing, or
17 inquiry, if the employee has reasonable cause to believe that the information discloses a
18 violation of state or federal statute, or a violation of or noncompliance with a local, state, or
19 federal rule or regulation, regardless of whether disclosing the information is part of the
20 employee's job duties.
21

22 112. Plaintiff made several complaints of discrimination, harassment, and
23 retaliation to Defendants.

24 113. Plaintiff is informed and thereon believes that the practices instituted by
25 Defendants were in violation of, and in non-compliance with, state and/or federal statute;
26 Namely, in violation of Government Code sections 12940 et seq. and labor code 1102.5.
27
28

1 114. Plaintiff's lawful complaints and attempts to bring these issues to the attention
2 of Defendants were the direct cause and a substantial factor in Defendants' decision to harass,
3 demote, and terminate Plaintiff's employment in violation of Labor Code section 1102.5 et
4 seq.

5 115. Plaintiff has suffered harm, emotional distress and financial loss as a result of
6 Defendants' conduct. Plaintiff is entitled to civil penalties, attorney's fees and costs.

7 116. Wherefore PLAINTIFF prays for relief.
8

9 **SIXTH CAUSE OF ACTION**

10 **Failure to Pay Minimum Wages**

11 **Labor Code §§ 1194, 1194.2, 1197, 1197.1**

12 **Plaintiff against all Defendants**

13 117. The allegations set forth in this complaint are hereby realleged and
14 incorporated by reference.

15 118. At all times relevant to this action, California Labor Code § 1194 applied to
16 Plaintiff's employment with Defendants which required that California employees received
17 the minimum wage for all hours worked.

18 119. Defendants misclassified Plaintiff as a salaried employee, but failed to pay
19 Plaintiff twice the minimum wage as required by law.

20 120. Defendants failed to record Plaintiff's daily hours worked, and instead paid
21 Plaintiff anywhere from 7 hours to 7 and 1/5 hours despite Plaintiff working 8 hours in a
22 working shift and returning to work for an additional 2 hours to work a resource event.

23 121. Defendant's failure to properly classify Plaintiff along with Defendant's
24 failure to record Plaintiff's working hours accurately resulted in Defendant's failure to pay
25 Plaintiff minimum wages for all hours worked.
26
27
28

1 122. Plaintiff is entitled to compensatory damages including but not limited to
2 liquidated damages, attorney's fees and costs.

3 123. Wherefore plaintiff prays for relief.

4 **SEVENTH CAUSE OF ACTION**

5 **Failure to Pay Overtime**

6 **Labor Code § 510**

7 **Plaintiff against all Defendants**

8 124. The allegations set forth in this complaint are hereby realleged and
9 incorporated by reference.
10

11 125. At all times relevant to this action Labor Code § 510 applied to Plaintiff's
12 employment with Defendants, which provided that any work performed by an employee in
13 excess of 8 hours in a workday or 40 hours in workweek needs to be compensated at one-
14 and-one-half (1.5) times the employees' regular rate of pay.

15 126. Plaintiff would work over 8 hours in a single working day and return to work
16 for an additional few hours to host a resource workshop. Because Plaintiff was misclassified
17 as a salaried employee, Defendants failed to record Plaintiff's hours accurately and failed to
18 pay Plaintiff 1.5 times his rate of wages for Plaintiff's overtime hours.

19 127. Plaintiff is entitled to compensatory damages including but not limited to
20 interest thereon, attorney's fees and costs.
21

22 128. Wherefore plaintiff prays for relief.

23 **EIGHTH CAUSE OF ACTION**

24 **Failure to Provide Meal Break or Premium Pay in Lieu Thereof**

25 **Labor Code §§ 226.7, 512**

26 **Plaintiff against all Defendants**

1 129. The allegations set forth in this complaint are hereby realleged and
2 incorporated by reference.

3 130. Labor Code § 512 requires California employers to provided employees with
4 an uninterrupted meal period of not less than 30 minutes before the end of their fifth hour of
5 work. If an employer fails to provide an employee with a compliant meal period, the
6 employer shall pay the employee one hour of pay at the employee's regular rate of
7 compensation for each workday that the compliant meal period is not provided.
8

9 131. Defendants routinely failed to provide Plaintiff with an uninterrupted 30-
10 minute meal period before the end of his fifth hour of work. On the days that Defendants
11 failed to provide Plaintiff with a compliant meal break, Defendants failed to pay Plaintiff one
12 hour of premium pay.

13 132. Plaintiff is entitled to compensatory damages, attorney's fees and costs.

14 133. Wherefore plaintiff prays for relief.

15 **NINTH CAUSE OF ACTION**

16 **Failure to Provide Rest Breaks**

17 **Labor Code § 226.7**

18 **Plaintiff against all Defendants**

19 134. The allegations set forth in this complaint are hereby realleged and
20 incorporated by reference.
21

22 135. Employers are required to allow employees to take rest breaks through the
23 workday. The length of the required rest break must be at least 10 minutes for every 4 hours
24 that are worked in the day.

25 136. Defendants failed to provide Plaintiff with compliant rest breaks throughout
26 his workday.
27
28

1 137. For every day that Plaintiff did not receive a lawful rest break, Plaintiff is
2 entitled to one hour of premium pay.

3 138. Plaintiff is entitled to compensatory damages, attorneys fees, and costs.

4 139. Wherefore Plaintiff prays for relief.

5 **TENTH CAUSE OF ACTION**

6 **Failure to Provide Accurate Wage Statements**

7 **Labor Code § 226**

8 **Plaintiff against all Defendants**

9
10 140. The allegations set forth in this complaint are hereby realleged and
11 incorporated by reference.

12 141. Labor Code § 226 requires that pay checks be accompanied by an itemized
13 statement listing the gross wages earned, net wages earned, hours worked, and the
14 employee's hourly rate.

15 142. Defendants failed to accurately record Plaintiff's hours worked, and therefore
16 Plaintiff's wage statements do not accurately depict Plaintiff's gross wages, net wages, or
17 hours worked.

18 143. Additionally, Defendants failed to pay Plaintiff his premium wages for all his
19 missed meal and rest breaks, which means that Plaintiff's wage statements further fail to
20 depict Plaintiff's earned wages accurately.

21 144. Such conduct as alleged herein is unlawful and creates an entitlement to
22 recovery by Plaintiff for all damages and penalties provided for by Labor Code § 226,
23 including but not limited to compensatory damages, interest thereon, attorney's fees and
24 costs.
25

26 145. Wherefor Plaintiff prays for relief.
27
28

1 **ELEVENTH CAUSE OF ACTION**

2 **Waiting Time Penalties**

3 **Labor Code § 203**

4 **Plaintiff against all Defendant**

5 146. The allegations set forth in this complaint are hereby realleged and
6 incorporated by reference.

7 147. Labor Code § 202 provides that if an employee quits without giving 72 hour
8 notice, they must be paid all of their wages within 72 hours of quitting.

9 148. Labor Code § 203 provides that if an employer wilfully fails to pay
10 compensation promptly upon discharge, as required, then the employer is liable for waiting
11 time penalties in the form of continued compensation of up to 30 workdays.

12 149. Plaintiff's forced resignation took place on June 20, 2023.

13 150. Defendants wilfully failed to timely pay PLAINTIFF all owed compensations
14 and wages within 72 hours of Plaintiff's separation of employment. As a result, Defendants
15 owe waiting time penalties together with interest thereon and reasonable attorneys' fees.

16 151. Wherefore Plaintiff prays for relief.

17 **TWELFTH CAUSE OF ACTION**

18 **PAGA Claims**

19 **Labor Code § 2698 et seq.**

20 **Plaintiff on behalf of himself and other aggrieved employees against all Defendants**

21 152. The allegations set forth in this complaint are hereby realleged and
22 incorporated by reference.

23 153. Plaintiff filed his notice with the Labor Workforce and Development Agency
24 (LWDA) and paid that associated filing fee on September 17, 2023.

1 154. Plaintiff's Notice provided the LWDA with facts and legal theories that
2 identify Defendant's pattern and practice of violations of the following California Labor
3 Code section: §§ 201, 202, 203, 226, 226.7, 510, 512, 1194, 1102.5.

4 155. Plaintiff proceeds on behalf of the California Labor Commissioner to assess
5 civil penalties against Defendants for violations against Plaintiff and other aggrieved
6 employees within the PAGA period.

7 156. Plaintiff seeks civil penalties against Defendants pursuant to Labor Code §
8 2699(f) to the extent there is no enumerated penalty provision for the specific sections cited
9 above.
10

11 157. Wherefor Plaintiff prays for relief.

12 **THIRTEENTH CAUSE OF ACTION**

13 **Breach of the Covenant of Good Faith and Fair Dealing**

14 **Plaintiff against all Defendants**

15 158. The allegations set forth in this complaint are hereby realleged and
16 incorporated by reference.

17 159. In every contract or agreement there is an implied promise of good faith and
18 fair dealing. This implied promise means that each party will not do anything to unfairly
19 interfere with the right of any other party to receive the benefits of the contract. Good faith
20 means honesty of purpose without any intention to mislead or to take unfair advantage of
21 another.
22

23 160. Plaintiff and Defendants entered into an independent contract agreement on or
24 about March 16, 2023, for videography services in exchange for \$40,000.

25 161. Plaintiff drove to Redding and performed a full day of filming without
26 Defendants having paid their initial retainer. Plaintiff relied on Defendants acting in good
27 faith in the commission of their contractual obligations.
28

1 162. Defendants failed to pay Plaintiff his retainer and terminated the contract after
2 Plaintiff made lawful complaints of racial discrimination and retaliation.

3 163. When Defendants terminated their contract with Plaintiff they did so in bad
4 faith and in further retaliation against Plaintiff for his complaints of racial discrimination.

5 164. Plaintiff has suffered harm as a result of Defendants' conduct.

6 165. Wherefore Plaintiff prays for relief.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff demands judgment against Defendants, and any other
9 Defendants who may be later added to this action as follows:
10

- 11 1. For Compensatory Damages in an amount according to proof;
- 12 2. For expectation damages, incidental damages, and special damages;
- 13 3. For attorney's fees pursuant to all applicable statutes or legal principles;
- 14 4. For costs of suit incurred;
- 15 5. For prejudgment interest on all amounts claimed;
- 16 6. As to the Twelfth Cause of Action: Penalties according to the following schedule: for
17 any initial violation, one hundred (\$100) dollars for each aggrieved employee per pay
18 period; For any subsequent violation, two hundred (\$200) dollars for each aggrieved
19 employee per pay period; and for all otherwise enumerated specific labor code section
20 penalties; and
21
- 22 7. For such other and further relief as the court may deem proper.

23
24 Date: December 11, 2023

Angela Hooper

Angela Hooper
Attorney for Plaintiff