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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

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

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

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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.

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

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

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

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

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10 **STATEMENT OF FACTS**

11 9. Plaintiff began his employment with Defendant BCOE on or about January 17,
12 2020, as a Transition Specialist 1.

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

18 11. Plaintiff would often work at the Juvenile Hall and inside the classrooms with
19 the students.

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

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

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

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

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

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

16 18. Plaintiff went to Principal Jennifer Childs and informed her of the
17 discriminatory comments and culture that Plaintiff was experiencing.

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

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

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

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

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

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

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

12 26. In or about 2022, BCOE hired a female transition specialist and asked Plaintiff
13 to train her. During training, the new hire informed Plaintiff she was making \$30.00 an hour.
14 Plaintiff, who had been working for BCOE for approximately two years, was only making
15 \$22.00 an hour.

16 27. Plaintiff reviewed his contract with BCOE and informed his Civil Service
17 Employees Association Union Representative Nancy Eastman, that he did not think it was
18 appropriate that he was making significantly less money than the people he was being asked
19 to train for a subordinate position.

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

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

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

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

7 32. Plaintiff's supervisor did not like that Plaintiff was offering information
8 outside of the back to work program and instructed Plaintiff to focus on directing the work
9 crews to utilize the back to work program only. Plaintiff felt like this was withholding
10 information from people who could use the help and assistance of many programs outside of
11 the back to work program. This created a disadvantage to the underserved community
12 members.

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

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

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

23 36. Plaintiff informed his supervisor of the diagnosis and the effect his working
24 environment was having on his health – however, the working environment remained hostile.
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1 37. At an employee recognition event, Hearthstone School Principal Matt
2 McGuire approached Plaintiff and grabbed Plaintiff's dreadlocks. Plaintiff could not believe
3 that another BCOE employee grabbed his hair without consent.

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

5 39. That night, Plaintiff wrote a lengthy email to Supervisor Rayan Cruise
6 informing her of the inappropriate assault that he experienced yet again by a BCOE
7 employee.
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9 40. In turn, Plaintiff received an email response from Keith Lane scolding Plaintiff
10 for his unprofessional behavior at the employee event. Lane went on to say that Plaintiff
11 needs to handle himself better in those types of situations.

12 41. Additionally, following his complaints, Plaintiff then received an unfavorable
13 performance evaluation from Supervisor Farm Saelee where she attacked Plaintiff's work
14 performance and threatened Plaintiff. Plaintiff felt that Farm was wrong about her
15 assessments and informed her that he had just received several acclamations about his work
16 performance both in a companywide email and from his co-worker Jocelyn Gonzales at an
17 employee meeting.
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19 42. Plaintiff felt the performance review was very adversarial and retaliatory. At
20 the end of the meeting, Farm Saelee told Plaintiff that if he ever "talked shit" about her, she
21 would find out and address it.

22 43. Plaintiff went to Human Resources Director Mikeial Williamson and informed
23 him of Farm's threats and inappropriate conduct during his performance evaluation. Mikeial
24 Williamson told Plaintiff, "Do you really want to go through with this? You are still on your
25 probationary period." Plaintiff told Williamson that he is looking for protection and support
26 from Human Resources.
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1 44. Soon thereafter, Plaintiff was released from the Back to Work program for
2 poor performance issues. Plaintiff was returned to his position as Transition Specialist, and
3 Plaintiff's salary was decreased by \$20,000.00 a year.

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

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

11 47. Plaintiff's co-worker Sal Hernandez continuously used the "N" word while
12 talking to Plaintiff. Sal Hernandez stated that he is allowed to use the "N" word because he
13 could relate to "being the black kid and being kicked out of the house." Plaintiff was
14 extremely uncomfortable and upset.

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

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

3 50. The working conditions were so pervasive that Plaintiff asked to go on
4 medical leave. Human Resources advised Plaintiff that he could not go on leave without a
5 doctor's note approving the leave.

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

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

12 53. During his employment with BCOE, Plaintiff was misclassified as a salaried
13 employee. Plaintiff did not receive twice the minimum wage requirement to be considered a
14 salaried employee.

15 54. BCOE did not record how many hours a day Plaintiff worked. Several of
16 Plaintiff's contracts identified that Plaintiff was supposed to be working seven-hour shifts;
17 however, Plaintiff routinely worked over seven hours. Plaintiff would often work an eight-
18 hour shift and return to work later in the workday for a resource fair. Because BCOE did not
19 accurately record Plaintiff's working hours in a workday, Plaintiff was not properly
20 compensated for all hours worked or for his overtime hours worked.

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

24 56. Additionally, Plaintiff owns and operates his own videography company,
25 Dream House Production Co.

1 57. Plaintiff was approached by Tricia Grunerud, to inquire about Plaintiff filming
2 production pieces for BCOE.

3 58. Plaintiff and Tricia went back and forth for months on the terms of the
4 Independent Contractor's Agreement regarding the scope of the work and Plaintiff's
5 compensation.

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

8 60. Plaintiff signed the contract on March 16, 2023, and on March 22, 2023,
9 Plaintiff went to Redding to perform a full day of filming for BCOE.
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11 61. On April 3, 2023, Plaintiff received an email stating that BCOE is unable to go
12 forward with the contract because BCOE is already in a signed contract with another
13 videographer.

14 62. Plaintiff demanded to be paid \$1600.00 for the work he performed.

15 63. BCOE paid Plaintiff through his payroll despite this being a separate and
16 independent contract entered into between the parties.

17 64. Plaintiff is informed and believes, and on that basis alleges, that BCOE did not
18 engage in good faith and fair dealings when they refused to pay Plaintiff's initial \$10,000.00
19 retainer pursuant to the ICA terms.
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21 65. Plaintiff is informed and believes, and on that basis alleges, that BCOE backed
22 out of the contract based on Plaintiff's lawful complaints raised about racial discrimination in
23 the workplace.

24 66. Plaintiff seeks compensatory damages in relation to his claims of statutory
25 violations and his claims of breach of contract.

26 67. Plaintiff continues to suffer financially, physically, and emotionally in an
27 amount in excess of the jurisdiction of this court to be determined at trial.
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1 **FIRST CAUSE OF ACTION**

2 **Racial Discrimination**

3 **Gov. Code § 12940(a)**

4 **Plaintiff against all Defendants**

5 68. The allegations set forth in this Complaint are hereby realleged an
6 incorporated by reference.

7 69. At all times relevant Plaintiff was an employee of Defendants and Defendants
8 were the employer of Plaintiff.

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

14 71. Plaintiff made several complaints regarding this discriminatory conduct to his
15 supervisors, but the pervasive and inappropriate conduct continued throughout Plaintiff's
16 working environment.

17 72. After making lawful complaints regarding the physical assault and
18 inappropriate touching of Plaintiff's hair by a coworker, Plaintiff received an unfavorable
19 performance review from his Supervisor.

20 73. Plaintiff believed the poor performance review was retaliatory for making his
21 lawful complaint and he informed Human Resources. Human Resources asked Plaintiff if he
22 wanted to continue with making a formal complaint because Plaintiff was still in his
23 probationary period.

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

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

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

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

78. Wherefore Plaintiff prays for relief.

SECOND CAUSE OF ACTION

Hostile Working Environment

Gov. Code § 12940(j)

Plaintiff against all Defendants

79. The allegations set forth in this complaint are hereby realleged and incorporated by reference.

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

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

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

5 83. After Plaintiff made lawful complaints about the discrimination, Plaintiff
6 faced retaliation in the form of reprimand, demotion, further discrimination, and constructive
7 termination.

8 84. Plaintiff was subject to the harassment because of his race. The harassment
9 was ongoing to the point of being severe and pervasive and polluted the working
10 environment.
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12 85. A reasonable person in like circumstances would have considered the work
13 environment to be hostile, intimidating, offensive, oppressive and abusive.

14 86. Defendants knew or should have known of the discriminatory and harassing
15 conduct and failed to take immediate and appropriate corrective action.

16 87. Plaintiff has suffered harm, emotional distress and financial loss as a result of
17 Defendants' conduct.

18 88. Plaintiff's race and opposition of discrimination were motivating factors in
19 Defendants' continued discriminatory and harassing conduct, including but not limited to,
20 giving Plaintiff a poor performance review, demoting him, decreasing his wages, and
21 constructively terminating Plaintiff's employment.
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23 89. Wherefore Plaintiff prays for relief.

24 **THIRD CAUSE OF ACTION**

25 **Retaliation (FEHA)**

26 **Gov. Code § 12940(h)**

27 **Plaintiff against all Defendants**
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1 90. The allegations set forth in this complaint are hereby realleged and
2 incorporated by reference.

3 91. At all times relevant Plaintiff was an employee of Defendants and Defendants
4 were Plaintiff's employer.

5 92. Plaintiff made multiple complaints of discriminatory conduct to Defendants.
6 Plaintiff also informed Human Resources that he believed his poor performance review was
7 in retaliation for making lawful complaints of discrimination.

8 93. Defendants terminated Plaintiff's employment with the back to work program,
9 demoted Plaintiff to a lesser position and decreased his salary by \$20,000 annually.
10

11 94. Plaintiff's lawful complaints of discrimination and retaliation were motivating
12 reasons for Defendants' decision to reprimand, demote, and terminate Plaintiff.

13 95. Plaintiff has suffered harm, emotional distress and financial loss as a result of
14 Defendants' conduct.

15 96. Plaintiff's race and opposition of discrimination were motivating factors in
16 Defendants' continued discriminatory and retaliatory conduct, including but not limited to,
17 giving Plaintiff a poor performance review, demoting him, decreasing his wages, and
18 constructively terminating Plaintiff's employment.

19 97. Wherefore Plaintiff prays for relief.
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21 **FOURTH CAUSE OF ACTION**

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

23 **Gov. Code § 12940(k)**

24 **Plaintiff against all Defendants**

25 98. The allegations set forth in this complaint are hereby realleged and
26 incorporated by reference.
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1 99. At all times relevant Plaintiff was an employee of Defendants and Defendants
2 were Plaintiff's employer.

3 100. Plaintiff was subjected to racial discrimination, harassment, and retaliation
4 during his employment with Defendants.

5 101. Defendants failed to take all reasonable steps to prevent the discrimination,
6 harassment and retaliation.

7 102. Plaintiff has suffered harm, emotional distress and financial loss as a result of
8 Defendants' conduct.

9 103. Plaintiff's race and opposition of discrimination were motivating factors in
10 Defendants' continued discriminatory conduct, including but not limited to, giving Plaintiff a
11 poor performance review, demoting him, decreasing his wages, and constructively
12 terminating Plaintiff's employment.
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14 **104.** Wherefore Plaintiff prays for relief.

15 **FIFTH CAUSE OF ACTION**

16 **Whistleblower Retaliation**

17 **Labor Code § 1102.5**

18 **Plaintiff against all Defendants**

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

22 106. An employer, or any person acting on behalf of the employer, shall not
23 retaliate against an employee for disclosing information, or because the employer believes
24 that the employee disclosed or may disclose information, to a government or law enforcement
25 agency, to a person with authority over the employee or another employee who has the
26 authority to investigate, discover, or correct the violation or noncompliance, or for providing
27 information to, or testifying before, any public body conducting an investigation, hearing, or
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1 inquiry, if the employee has reasonable cause to believe that the information discloses a
2 violation of state or federal statute, or a violation of or noncompliance with a local, state, or
3 federal rule or regulation, regardless of whether disclosing the information is part of the
4 employee's job duties.

5 107. Plaintiff made several complaints of discrimination, harassment, and
6 retaliation in violation of Government Code section 12940 et seq. and Labor Code section
7 1102.5 et seq. to Defendants as identified in lines 18, 28, 36, 39, 41, 42, 43, 46, and 49 above.
8

9 108. Plaintiff is informed and thereon reasonably believes that the practices
10 instituted by Defendants were in violation of, and in non-compliance with, state and/or
11 federal statute; Namely, in violation of Government Code sections 12940 et seq. and labor
12 code 1102.5.

13 109. Plaintiff's lawful complaints and attempts to bring these issues to the attention
14 of Defendants were the direct cause and a substantial factor in Defendants' decision to harass,
15 demote, and terminate Plaintiff's employment in violation of Labor Code section 1102.5 et
16 seq.

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

19 111. Wherefore PLAINTIFF prays for relief.
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21 **SIXTH CAUSE OF ACTION**

22 **Failure to Pay Minimum Wages**

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

24 **Plaintiff against all Defendants**

25 112. The allegations set forth in this complaint are hereby realleged and
26 incorporated by reference.
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1 113. At all times relevant to this action, California Labor Code § 1194 applied to
2 Plaintiff's employment with Defendants which required that California employees received
3 the minimum wage for all hours worked.

4 114. Defendants misclassified Plaintiff as a salaried employee and failed to pay
5 Plaintiff for all hours he worked. Because Plaintiff was misclassified as salaried, Defendants
6 did not accurately record all hours worked by Plaintiff.

7 115. Defendants failed to record Plaintiff's daily hours worked, and instead paid
8 Plaintiff anywhere from 7 hours to 7 and 1/5 hours despite Plaintiff working 8 hours in a
9 working shift and returning to work for an additional 2 hours to work a resource event.
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11 116. Defendant's failure to properly classify Plaintiff along with Defendant's
12 failure to record Plaintiff's working hours accurately resulted in Defendant's failure to pay
13 Plaintiff minimum wages for all hours worked.

14 117. Plaintiff is entitled to compensatory damages including but not limited to
15 liquidated damages, attorney's fees and costs.

16 118. Wherefore plaintiff prays for relief.

17 **SEVENTH CAUSE OF ACTION**

18 **PAGA Claims**

19 **Labor Code § 2698 et eq.**

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

21 119. The allegations set forth in this complaint are hereby realleged and
22 incorporated by reference.
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24 120. Plaintiff filed his notice with the Labor Workforce and Development Agency
25 (LWDA) and paid that associated filing fee on September 17, 2023.
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1 121. 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: §§ 1194, 1102.5.

4 122. 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.

7 123. 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

11 124. Wherefor Plaintiff prays for relief.

12 **EIGHTH CAUSE OF ACTION**

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

14 **Plaintiff against all Defendants**

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

17 126. 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.
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23 127. Plaintiff and Defendants entered into an independent contract agreement on or
24 about March 16, 2023, for videography services in exchange for \$40,000.

25 128. 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.
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1 129. Defendants failed to pay Plaintiff his retainer and terminated the contract after
2 Plaintiff made lawful complaints of racial discrimination and retaliation.

3 130. 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.

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

6 132. Wherefore Plaintiff prays for relief.

7 **PRAYER FOR RELIEF**

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

- 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 7. For such other and further relief as the court may deem proper.
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24 Date: March 13, 2024

25 Angela Hooper
26 Angela Hooper
27 Attorney for Plaintiff
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