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Case #26CV497829

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA – UNLIMITED JURISDICTION**

26CV497829

ANGELA CAO,

PLAINTIFF,

v.

THE BOARD OF TRUSTEES OF THE
LELAND STANFORD JUNIOR
UNIVERSITY, and DOES 1 through 100,
inclusive,

Defendants.

COMPLAINT FOR DAMAGES

- (1) Race Discrimination**
- (2) Discrimination Based On National Origin And Ancestry**
- (3) Sex Discrimination**
- (4) Wrongful Termination**
- (5) Retaliation**
- (6) Failure To Prevent Discrimination**
- (7) Discrimination Based On Family Medical Leave Act And/Or California Family Rights Act**
- (8) California Private Attorney General Act**
- (9) Failure To Pay Overtime Wages**
- (10) Failure To Provide Periods**
- (11) Failure To Provide Rest Periods**
- (12) Failure To Provide Accurate Wage Statements**
- (13) Intentional Infliction Of Emotional Distress**
- (14) Negligent Infliction Of Emotional Distress**

DEMAND FOR JURY TRIAL

NATURE OF THE ACTION

1. This action is brought by Plaintiff Angela Cao, a dedicated employee at Stanford University for over ten years. She worked tirelessly and made numerous valuable contributions to the University. Plaintiff was driven by a commitment to operational excellence and fostering collaboration to deliver impactful results. She administrated projects where her clients successfully gained federal and nonfederal sponsorship. Yet, apparently motivated by a discriminatory and retaliatory animus, Stanford University abruptly terminated Plaintiff's employment – shortly after she made complaints of improper conduct by her supervisor and following the commencement of her leave under the Family Medical Leave Act ("FMLA") and the California Family Rights Act ("CFRA").

2. In addition to the above individual claims, Plaintiff is also asserting herein a representative action pursuant to the Private Attorney General Act under Labor Code § 2698 *et seq*, on behalf of herself and other current and former aggrieved employees. As a Research Administrator, Plaintiff's position was misclassified as exempt, and, as a result, she was denied significant overtime premium, as well as missed meal and rest periods. The misclassification has been pervasive throughout all departments within Stanford University, and a class of similarly situated aggrieved former and current Research Administrators will be represented in this action.

PARTIES

3. ANGELA CAO, also known as "ANGELA QIQI CAO" and "QIQI CAO" ("PLAINTIFF") was at all times herein mentioned a resident of California, and entered her employment contract with THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY at its headquarters located in the County of Santa Clara, State of California.

4. PLAINTIFF is informed and believes, and on that basis alleges that at all relevant

1 times relevant to this Complaint, Defendant THE BOARD OF TRUSTEES OF THE LELAND
2 STANFORD JUNIOR UNIVERSITY ("STANFORD" or "DEFENDANT") is a business entity
3 that does and has been doing business in the City of Stanford, County of Santa Clara, State of
4 California, with its headquarters located at 450 Jane Stanford Way, Stanford, California.

5 5. The true names and capacities of Defendants named herein as DOES 1-100
6 inclusive, whether individual, corporate, associate, or otherwise, are unknown to PLAINTIFF and
7 therefore sues such Defendants by such fictitious names. PLAINTIFF is informed and believes
8 that DOE Defendants are subject to the jurisdiction of this court. PLAINTIFF will amend this
9 Complaint to show true names and capacities when they have been determined.
10

11 6. PLAINTIFF is informed and believe, and based on that information and belief,
12 alleges that at all times mentioned in this Complaint, Defendants DOES 1-100 were the agents and
13 employees and/or agents of DEFENDANT, and in doing actions mentioned below were, unless
14 otherwise alleged, acting within the course and scope of their authority as such agents, servants,
15 partners and employees with the permission and the consent of DEFENDANT.
16

17 7. Venue is proper in this court because one or more defendants are subject to
18 personal jurisdiction in Santa Clara County, and because the claims arose in its jurisdictional area
19 where PLAINTIFF was employed.
20

21 8. PLAINTIFF is informed and believes and based thereon alleges that at all relevant
22 times DEFENDANT is a covered employer as defined in the California Fair Employment and
23 Housing Act ("FEHA.")

24 9. Within the time provided by law, PLAINTIFF filed charges with the California
25 Department of Fair Employment and Housing against DEFENDANT and received a "Right to
26 Sue" letter.
27

28 10. PLAINTIFF has filed a notice letter to the Labor and Workforce Development

1 Agency (“LWDA”) regarding violations of the Private Attorney General Act pursuant to Cal. Lab.
2 Code section 2699.3 on May 8, 2026 which sets forth allegations contained herein, with the notice
3 letter served on DEFENDANT by Certified Mail. PLAINTIFF did not receive a response from
4 the LWDA within the 65-day statutory period under Labor Code 2699.3(a)(2)(A). Thus.
5 PLAINTIFF exhausted her administrative remedies and notice requirements under the Private
6 Attorney Generals Act and is authorized to pursue this representative action against
7 DEFENDANT pursuant to Labor Code section 2699.3.
8

9 **FACTS COMMON TO ALL CAUSES OF ACTION**

10 11. In November 2014, PLAINTIFF joined DEFENDANT Stanford University as a
11 Research and Financial Administrator, a position which was subsequently changed to a Research
12 Administrator position. In that role, PLAINTIFF handled research administration within the
13 School of Engineering in accordance with the defined administrative and fiscal policies set by the
14 University. PLAINTIFF performed a range of administrative and customer-service tasks that were
15 associated with sponsored research projects. She had responsibility in coordinating administrative
16 and fiscal activities of the research awards, including initiating, completing, and submitting
17 contract and grant proposals on behalf of Principal Investigators (“PI”) to the University's Office
18 of Sponsored Research (“OSR”).
19

20 12. During her over 10 years of employment at DEFENDANT Stanford University,
21 PLAINTIFF had an outstanding record with the vast majority of her performance evaluations in
22 the highest ratings. PLAINTIFF's performance evaluations speak volumes of her consistent
23 excellence for her work at the university, including her technical skills, her passion, and her
24 commitment to excellence.
25

26 13. As evidenced by numerous glowing evaluations and accolades, PLAINTIFF was
27 widely recognized by faculty and supervisors alike for her professionalism, efficiency and work
28

1 ethics. In addition to the adulation from PLAINTIFF's supervisors and internal clients, she was
2 nominated for the prestigious Client Services Award and the Citizen Award in May 2024 – just a
3 year before her abrupt termination.

4 14. Despite her consistently valuable contributions, PLAINTIFF experienced a pattern
5 of discrimination under a new supervisor Samantha Bologna (who later became Samantha
6 Bologna Tran or Samantha Tran). Ms. Tran became PLAINTIFF's supervisor in November 2023.
7 Even when Ms. Tran first assumed that position, at their first 1:1 meeting - before Ms. Tran even
8 had an opportunity to review PLAINTIFF's work - Ms. Tran told PLAINTIFF that she would
9 never promote PLAINTIFF to the Senior Research Administrator position.
10

11 15. Samantha Tran passed PLAINTIFF over for the promotion even though
12 PLAINTIFF had been performing successfully in her position since 2014. At no time did Ms.
13 Tran provide a legitimate reason as to why she passed over PLAINTIFF or why PLAINTIFF was
14 not considered for the Senior Research Administrator position despite PLAINTIFF's proven track
15 record of success. Instead, Ms. Tran promoted a much less experienced male employee Robin
16 Vroom. With respect to experience, PLAINTIFF had over 10 years of experience at Stanford
17 University as a Research Administrator, which were significantly more experience than Mr.
18 Vroom who joined Stanford only in September 2021 and with no prior experience working at a
19 university in this role. Yet, PLAINTIFF was passed over for this promotion which she well
20 deserved.
21
22

23 16. Moreover, supervisor Samantha Bologna Tran began a campaign of discriminatory
24 and harassing conduct against PLAINTIFF after she requested and began an intermittent leave
25 pursuant to the Family Medical Leave Act (“FMLA”) and the California Family Rights Act
26 (“CFRA”). Due to the impact of a serious illness of PLAINTIFF's immediate family member,
27 PLAINTIFF had to avail herself of a leave under the FMLA in March 2025. Specifically, the
28

Human Resources Department of Stanford University approved PLAINTIFF's intermittent FMLA/CFRA from April 1, 2025 through March 31, 2026.

17. Ms. Tran was visibly upset after learning of PLAINTIFF's intention to take the FMLA leave, and her attitude towards PLAINTIFF drastically worsened. Ms. Tran increased PLAINTIFF's work load in a significant manner. PLAINTIFF was given an unreasonably heavy load of administrative tasks, including being required to provide unnecessarily burdensome and highly time-consuming documentation. In order to satisfy Ms. Tran's herculean demands, PLAINTIFF had to spend exorbitant amount of time to handle these work tasks and her already full work load. These requirements were not imposed on other similarly situated Research Administrators, but placed on PLAINTIFF in a targeted and discriminatory manner.

18. Further, as the only Research Administrator in the Gates team within the Engineering Research Administration Department who is of Chinese descent, PLAINTIFF had experienced a pattern of race discrimination. PLAINTIFF was one of seven employees in the Gates team, including Samantha Bologna Tran, Art Harkin, Sarah Hawks, Robin Vroom, Heid Somsel and Gordon Schwabe. Of these seven employees, PLAINTIFF was the only Chinese-American and Asian-American employee. She was the only one singled out for termination, despite her volumes of excellent performance evaluations and accolades by her supervisors and clients.

19. Even prior to the termination, the pattern of race discrimination was overt. PLAINTIFF was passed over for a promotion to Senior Research Administrator when the position was given to Robin Vroom, as described above. In addition, Samantha Tran herself was promoted to the position of Manager of Research Administration when she had less experience and less seniority compared to PLAINTIFF. While PLAINTIFF had been a Research Administrator at Stanford for over 10 years, Samantha Bologna Tran started her position as a Research

1 Administrator at Stanford in November 2020. Yet, she was promoted to the Manager position in
2 2023. Further, of the entire team of Research Administrators in the Gates team, PLAINTIFF was
3 the only Research Administrator of the Chinese national origin - and the only one terminated.
4 Remarkably, PLAINTIFF was terminated without a prior Written Warning or Performance
5 Improvement Plan.
6

7 20. Significantly, PLAINTIFF was terminated shortly after she raised concerns about
8 her supervisor Samantha Tran's violations of regulations and policies of the University in the areas
9 of Labor Distribution Adjustment and falsification of a grant recipient award documentation.
10 These complaints were made by PLAINTIFF just a month before her abrupt termination.
11

12 21. In light of the escalating hostile and unfair treatment, PLAINTIFF made a
13 complaint to Human Resources about the discriminatory conduct on May 1, 2025. However,
14 instead of conducting an investigation, DEFENDANT terminated PLAINTIFF's employment
15 within weeks on May 12, 2025. That is, shortly after PLAINTIFF's complaint, DEFENDANT
16 retaliated against PLAINTIFF by quickly terminating her.
17

18 22. In a disingenuous manner, DEFENDANT claimed that PLAINTIFF was terminated
19 due to her certification submission in utilizing a newly implemented CPS Certification system.
20 CPS creation and certification by Research Administrators under Principal Investigators'
21 delegation was a longstanding practice for over 20 years. New NCBI/NCBA system introduced
22 recently lacked uniform implementation within the department. PLAINTIFF made the submission
23 based on Principal Investigators' explicitly provided credentials or approval for submission, and
24 thus DEFENDANT's alleged reason for the termination was pretextual and false. DEFENDANT
25 further swiftly terminated PLAINTIFF as an employee with over 10 years of successful
26 employment without even engaging in a formal warning or performance improvement plan
27 process, in violation of DEFENDANT's own internal policies and procedures.
28

23. In addition to the discrimination and retaliation, DEFENDANT also misclassified PLAINTIFF and similarly situated Research Administrators as exempt employees. PLAINTIFF is deprived of her overtime wages in the past 10 years, with frequently missed meal and rest breaks throughout her employment. She is also informed and aware that other similarly situated employees have also been misclassified.

24. To qualify for the "executive exemption" under the Wage Order, for example, an employee must (1) be involved in "management of the enterprise ... or of a customarily recognized department or subdivision thereof," (2) "customarily and regularly direct . . . the work of two or more other employees therein," (3) possess "the authority to hire or fire" or to make recommendations on hiring or firing that "will be given particular weight," (4) "customarily and regularly exercise . . . discretion and independent judgment," (5) be "primarily engaged in duties which meet the test of the exemption,"² and (6) "earn a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment." (Cal.Code Regs., tit. 8, § 11050, subd. 1(B)(1)(a)-(f).)

25. Furthermore, the "administrative exemption" applies to an employee who, in relevant part, (1) performs "office or non-manual work directly related to management policies or general business operations" of the employer or the employer's customers, (2) "customarily and regularly exercises discretion and independent judgment," (3) "performs only under general supervision work along specialized ... lines requiring special training, experience, or knowledge," (4) is "primarily engaged in duties that meet the test of the exemption,"³ and (5) "earn[s] a monthly salary equivalent to no less than two (2) times the state minimum wage for full-time employment." (Cal.Code Regs., tit. 8, § 11050, subds. 1(B)(2)(a)(i), (b), (d), (f) & (g).)

26. In this case, DEFENDANT's Research and Financial Administrator, Research Administrator 1 and Research Administrator 2 positions do not qualify under these exemptions,

when they are not involved in management of the University, not directing work of other employees, and not possessing hiring or firing decisions. They also do not customarily and regularly exercise discretion and independent judgment, when they work under close supervision of their supervisors and adherence to strict guidelines. For example, the vast majority of PLAINTIFF's responsibilities consisted of the following non-exempt tasks:

- Pre-populating ERA's Excel budget template and preparing preliminary budgets;
- Data entry of financial data into Excel spreadsheet;
- Communicating with PIs during the proposal preparation process;
- Following University proposal preparation and submittal instructions in reviewing award applications;
- Reviewing institutional pages of the proposal for accuracy;
- Following up with OSR to have on-time submission;
- Preparing budget based on specifications provided by the sponsor input from PI;
- Coordinating the preparation of collaborative proposals;
- Preparing and editing charts for LDA entries;
- Responding to requests from OSR early accounts and allocations on awards;
- Submitting proposals to foundations through applicable portals; and
- Providing customer service to PIs, and other ERA customers.

27. Based on her job responsibilities, PLAINTIFF's position should have been classified as non-exempt. Moreover, PLAINTIFF regularly worked substantial amount of overtime in the evenings and on weekends in assisting the faculty members who communicated with her during evenings and weekends, due to their limited availability with their teaching schedules. Thus, on a regular basis, PLAINTIFF worked overtime hours, without overtime pay.

28. PLAINTIFF was routinely given the highest number of projects compared to other Research Administrators. For example, as of the time of her termination in May 2025, PLAINTIFF handled 13 portfolios, compared to an average of only 6 portfolios handled by similarly situated Research Administrators – which was approximately twice the workload of other administrators. Critically, her overtime hours were reflected in many remarks by her supervisors Steve Stanghellini, Michael Hitchcock and clients in her Performance Evaluations, stated as follows:

1 "Part of what makes [Angela] so great is that she goes the extra mile. But that leads too
2 often to Angela working **late into the night or the weekends** ."

3 "[Angela] frequently puts in **extra time** to ensure the successful submission of proposals,
4 many of which are requested with little notice before the deadline. "

5 "Angela has been a joy to work with and I have only the highest praise for her. She is
6 super responsive, often replying **around midnight or on the weekends**."

7 "Angela has been absolutely amazing and it has been great to work with her! She has been
8 extremely responsive, diligent and would go over and beyond what is expected to make
9 sure the job was done. **She would stay up and finish a grant and send emails at 1am!**"

10 "Be it **evening, early morning or the weekend**, Angela is responsive, available to help
11 and gets things done."

12 29. In addition, PLAINTIFF was also routinely interrupted during her meal periods,
13 and not provided rest breaks. PLAINTIFF is aware that other similarly situated Research
14 Administrators employed by DEFENDANT have also been subjected to these violations.
15 Consequently, PLAINTIFF is asserting the claims herein based on DEFENDANT's wage and
16 hour violations, as an individual, and as a representative employee under Private Attorneys
17 General Act.

18 **FIRST CAUSE OF ACTION**

19 **RACE DISCRIMINATION**

20 **(Cal. Gov. Code §§12940(a))**

21 **(By PLAINTIFF against DEFENDANT as Individual Claim)**

22 30. PLAINTIFF hereby realleges and incorporates by reference as though set forth in
23 their entirety each and every other allegation herein.

24 31. At all times herein mentioned, the California Fair Employment and Housing Act
25 Government Code §§12940, *et seq.* ("FEHA"), was in full force and effect and was binding on
26 Defendant. PLAINTIFF was, at all times material hereto, an employee covered by the provisions
27 and protections of the FEHA. These sections require DEFENDANT to refrain from
28

1 discriminating any employee on the basis of race.

2 32. The foregoing conduct by DEFENDANT violates the FEHA, Government Code §
3 12940 (a), which provides that discrimination of employees on the basis of race is an unlawful
4 employment practice. The discrimination by DEFENDANT of PLAINTIFF based on her race
5 violates Government Code §12940(a) when DEFENDANT terminated PLAINTIFF, whose race is
6 Chinese.

7
8 33. PLAINTIFF's race was a motivating factor in DEFENDANT's decision to
9 discriminate against, and eventually terminate PLAINTIFF. Such discrimination violates
10 Government Code §12940(a) and has resulted in damage to PLAINTIFF.

11 34. As a legal result of the discrimination of PLAINTIFF described above,
12 PLAINTIFF has suffered and will continue to suffer humiliation, embarrassment, mental anguish
13 and severe emotional and physical distress, all to her damages in an amount to be determined at
14 trial and according to proof.

15
16 35. The acts of DEFENDANT alleged above were done maliciously and/or
17 oppressively. Accordingly, PLAINTIFF is entitled to recover punitive damages against
18 DEFENDANT. PLAINTIFF has incurred and continues to incur legal expenses and attorney's
19 fees. Pursuant to Government Code §12940, *et seq.*, PLAINTIFF is entitled to be reimbursed said
20 legal expenses and attorney's fees by DEFENDANT.

21
22 **SECOND CAUSE OF ACTION**

23 **DISCRIMINATION BASED ON NATIONAL ORIGIN AND ANCESTRY**

24 **(Cal. Gov. Code §§12940(a))**

25 **(By PLAINTIFF against DEFENDANT as Individual Claim)**

26 36. PLAINTIFF hereby realleges and incorporates by reference as though set forth in
27 their entirety each and every other allegation herein.
28

1 37. At all times herein mentioned, the California Fair Employment and Housing Act
2 Government Code §§12940, *et seq.* (“FEHA”), was in full force and effect and was binding on
3 Defendant. PLAINTIFF was, at all times material hereto, an employee covered by the provisions
4 and protections of the FEHA. These sections require Defendant to refrain from discriminating any
5 employee on the basis of national origin.
6

7 38. The foregoing conduct by DEFENDANT violates the FEHA, Government Code
8 §12940 (a), which provides that discrimination of employees on the basis of national origin is an
9 unlawful employment practice. The discrimination by DEFENDANT of PLAINTIFF based on
10 her national origin and ancestry violates Government Code §12940(a) when DEFENDANT
11 terminated PLAINTIFF, whose ancestry and national origin is Chinese.
12

13 39. PLAINTIFF’s national origin and ancestry were a motivating factor in
14 DEFENDANT’s decision to discriminate against, and eventually terminate PLAINTIFF. Such
15 discrimination violates Government Code §12940(a) and has resulted in damage to PLAINTIFF.
16

17 40. As a legal result of the discrimination of PLAINTIFF described above,
18 PLAINTIFF has suffered and will continue to suffer humiliation, embarrassment, mental anguish
19 and severe emotional and physical distress, all to her damages in an amount to be determined at
20 trial and according to proof.
21

22 41. The acts of DEFENDANT alleged above were done maliciously and/or
23 oppressively. Accordingly, PLAINTIFF is entitled to recover punitive damages against
24 DEFENDANT. PLAINTIFF has incurred and continues to incur legal expenses and attorney’s
25 fees. Pursuant to Government Code §12940, *et seq.*, PLAINTIFF is entitled to be reimbursed said
26 legal expenses and attorney’s fees by DEFENDANT.
27

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1 **THIRD CAUSE OF ACTION**

2 **SEX DISCRIMINATION**

3 **(Cal. Gov. Code §§12940(a))**

4 **(By PLAINTIFF against DEFENDANT as Individual Claim)**

5 42. PLAINTIFF hereby realleges and incorporates by reference as though set forth in
6 their entirety each and every other allegation herein.
7

8 43. At all times herein mentioned, the California Fair Employment and Housing Act
9 Government Code §§12940, *et seq.* ("FEHA"), was in full force and effect and was binding on
10 DEFENDANT. PLAINTIFF was, at all times material hereto, an employee covered by the
11 provisions and protections of the FEHA. These sections require DEFENDANT to refrain from
12 discriminating any employee on the basis of sex.
13

14 44. The foregoing conduct by DEFENDANT STANFORD and TOPSPIN violates the
15 FEHA, Government Code § 12940 (a), which provides that discrimination of employees on the
16 basis of sex is an unlawful employment practice. The discrimination by DEFENDANT of
17 PLAINTIFF based on her sex violates Government Code §12940(a).
18

19 45. PLAINTIFF's sex was a motivating factor in DEFENDANT's decision to
20 discriminate against PLAINTIFF by an unfair pay practice and discriminatory termination of
21 PLAINTIFF. Such discrimination violates Government Code §12940(a) and has resulted in
22 damage to PLAINTIFF.

23 46. As a legal result of the discrimination of PLAINTIFF described above,
24 PLAINTIFF has suffered and will continue to suffer humiliation, embarrassment, mental anguish
25 and severe emotional and physical distress, all to her damages in an amount to be determined at
26 trial and according to proof.

27 47. The acts of DEFENDANT alleged above were done maliciously and/or
28

1 oppressively. Accordingly, PLAINTIFF is entitled to recover punitive damages against
2 DEFENDANT. PLAINTIFF has incurred and continues to incur legal expenses and attorney's
3 fees. Pursuant to Government Code §12940, *et seq.*, PLAINTIFF is entitled to be reimbursed said
4 legal expenses and attorney's fees by DEFENDANT.

5 **FOURTH CAUSE OF ACTION**

6 **WRONGFUL TERMINATION**

7 **(By PLAINTIFF against DEFENDANT as Individual Claim)**

8
9 48. PLAINTIFF hereby realleges and incorporates by reference as though set forth in
10 their entirety each and every other allegation herein.

11 49. As promulgated in the California Constitution, Article I, Section 8, a fundamental
12 public policy exists for the workplace to be free from discrimination.

13 50. It is further promulgated in California Government Code Section 12900, *et seq.*,
14 that it is the public policy of the State of California to protect and safeguard the right and
15 opportunity of all persons to seek and hold employment without discrimination, harassment, or
16 retaliation on account of sex, race and/or national origin.

17 51. In taking the actions as set forth above, DEFENDANT wrongfully terminated
18 PLAINTIFF's employment on the basis of her sex, race and/or national origin in violation of the
19 public policy of the State of California as set forth in California Government Code section 12900
20
21 *et seq.*

22 52. As a direct and proximate result of DEFENDANT's wrongful conduct,
23 PLAINTIFF has suffered damages including, but not limited to, loss of income and benefits, and
24 has suffered emotional distress and other damages. As a legal result of the discrimination of
25 PLAINTIFF described above, PLAINTIFF has suffered and will continue to suffer humiliation,
26 embarrassment, mental anguish and severe emotional and physical distress, all to her damages in
27
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1 an amount to be determined at trial and according to proof.

2 53. DEFENDANT committed the acts herein alleged maliciously, fraudulently and
3 oppressively in conscious disregard for PLAINTIFF's rights, entitling PLAINTIFF to awards of
4 punitive damages in an amount according to proof at trial.

5 **FIFTH CAUSE OF ACTION**

6 **RETALIATION**

7 **(Violation of Gov. Code § 12940 (h))**

8 **(By PLAINTIFF against DEFENDANT as Individual Claim)**

9
10 54. PLAINTIFF hereby realleges and incorporates by reference as though set forth in
11 their entirety each and every other allegation herein.

12 55. At all times herein mentioned, the California Fair Employment and Housing Act
13 Government Code § 12940, *et seq.*, was in full force and effect and was binding on
14 DEFENDANT. PLAINTIFF was, at all times material hereto, an employee covered by the
15 provisions and protections of the FEHA. These sections require DEFENDANT to refrain from
16 retaliating against an employee on the basis of her complaint of discrimination pursuant to
17 Government Code § 12940, *et seq.*

18
19 56. The foregoing conduct violates the FEHA, Government Code § 12940 (h) when
20 DEFENDANT retaliated against PLAINTIFF by terminating her employment after she made a
21 complaint of its discriminatory practice.

22
23 57. PLAINTIFF's complaint concerning the discriminatory conduct was a motivating
24 reason for DEFENDANT's decision to terminate her employment.

25 58. As a direct and proximate result of DEFENDANT's wrongful conduct,
26 PLAINTIFF has suffered damages including, but not limited to, loss of income and benefits, and
27 has suffered emotional distress and damages. As a legal result of the retaliation of PLAINTIFF
28

1 described above, PLAINTIFF has suffered and will continue to suffer humiliation, embarrassment,
2 mental anguish and severe emotional and physical distress, all to her damages in an amount to be
3 determined at trial and according to proof.

4 59. DEFENDANT committed the acts herein alleged maliciously, fraudulently and
5 oppressively in conscious disregard for PLAINTIFF's rights, entitling PLAINTIFF to awards of
6 punitive damages in an amount according to proof at trial.
7

8 **SIXTH CAUSE OF ACTION**

9 **FAILURE TO PREVENT DISCRIMINATION**

10 **(Violation of Gov. Code § 12940 (k))**

11 **(By PLAINTIFF against DEFENDANT as Individual Claim)**

12 60. PLAINTIFF hereby realleges and incorporates by reference as though set forth in
13 their entirety each and every other allegation herein.
14

15 61. At all times herein mentioned, the California Fair Employment and Housing Act
16 Government Code § 12940, *et seq.*, was in full force and effect and was binding on
17 DEFENDANT. PLAINTIFF was, at all times material hereto, an employee covered by the
18 provisions and protections of the FEHA. These sections require DEFENDANT to refrain from
19 discriminating or harassing any employee on the basis of sex, race, ancestry, national origin, and
20 the exercise of CFRA rights, among other grounds.
21

22 62. The foregoing conduct violates the FEHA, Government Code § 12940 (k) when
23 DEFENDANT failed to take all reasonable steps to prevent and/or stop discrimination from
24 occurring in the workplace.

25 63. As a direct and proximate result of DEFENDANT's wrongful conduct,
26 PLAINTIFF has suffered damages including, but not limited to, loss of income and benefits, and
27 has suffered emotional distress and damages. As a legal result of the discrimination of
28

1 PLAINTIFF described above, PLAINTIFF has suffered and will continue to suffer humiliation,
2 embarrassment, mental anguish and severe emotional and physical distress, all to her damages in
3 an amount to be determined at trial and according to proof.

4 64. DEFENDANT committed the acts herein alleged maliciously, fraudulently and
5 oppressively in conscious disregard for PLAINTIFF's rights, entitling PLAINTIFF to awards of
6 punitive damages in an amount according to proof at trial.
7

8 **SEVENTH CAUSE OF ACTION**
9 **DISCRIMINATION BASED ON**
10 **CALIFORNIA FAMILY RIGHTS ACT**
11 **(Cal. Gov. Code §§12945.2(a))**

12 **(By PLAINTIFF against DEFENDANT as Individual Claim)**

13 65. PLAINTIFF hereby realleges and incorporates by reference as though set forth in
14 their entirety each and every other allegation herein.
15

16 66. At all times herein mentioned, the California Fair Employment and Housing Act
17 Government Code §§12940, *et seq.* ("FEHA"), was in full force and effect and was binding on
18 DEFENDANT. PLAINTIFF was, at all times material hereto, an employee covered by the
19 provisions and protections of the FEHA.
20

21 67. Pursuant to Gov. Code § 12945.2(a) and 2 Cal. Code of Regs. § 7297.0(e),
22 DEFENDANT is required to refrain from discriminating employees on the basis of their request or
23 use of leave pursuant to the California Family Rights Act ("CFRA") On the federal level,
24 Congress also enacted the Family and Medical Leave Act, 29 U.S.C. §§2601-2654 ("FMLA")
25 providing similar protections to employees taking such leave.

26 68. An employee who takes CFRA leave is guaranteed that taking leave will not result
27 in a loss of job security or in other adverse employment actions. Gov. Code, § 12945.2, subd. (l);
28

1 Cal.Code Regs, tit. 2, § 7297.7, subd. (a).

2 69. The foregoing conduct by DEFENDANT violates Government Code § 12945.2
3 when DEFENDANT retaliated against PLAINTIFF by terminating her employment after she
4 exercised her rights by requesting a leave under the CFRA provisions.

5 70. PLAINTIFF's request and use of her CFRA leave was a motivating reason for
6 DEFENDANT's decision to terminate her employment.

7 71. As a direct and proximate result of DEFENDANT's wrongful conduct,
8 PLAINTIFF has suffered damages including, but not limited to, loss of income and benefits, and
9 has suffered emotional distress and damages. As a legal result of the retaliation of PLAINTIFF
10 described above, PLAINTIFF has suffered and will continue to suffer humiliation, embarrassment,
11 mental anguish and severe emotional and physical distress, all to her damages in an amount to be
12 determined at trial and according to proof.

13 72. DEFENDANT committed the acts herein alleged maliciously, fraudulently and
14 oppressively in conscious disregard for PLAINTIFF's rights, entitling PLAINTIFF to awards of
15 punitive damages in an amount according to proof at trial.

16 **EIGHTH CAUSE OF ACTION**

17 **VIOLATION OF THE PRIVATE ATTORNEYS GENERAL ACT**

18 **(Cal. Labor Code § 2698 et seq.)**

19 **(By PLAINTIFF against DEFENDANT as Representative Claim)**

20 73. PLAINTIFF hereby realleges and incorporates by reference as though set forth in
21 their entirety each and every other allegation herein.

22 74. PLAINTIFF brings this representative claim on behalf of herself and all other
23 aggrieved employees of DEFENDANT under Labor Code section 2698 *et seq.* ("PAGA"). These
24 provisions permit aggrieved employees to bring a lawsuit on behalf of themselves and other
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1 current and former employees, on a representative basis, to address an employer's violations of the
2 California Labor Code. In this case, DEFENDANT violated, *inter alia*, Cal. Lab. Code §§ 201,
3 203-206, 225.5, 226, 226.2, 226.3, 226.7, 512, 558, 558.1, and 1174, (some of which are, in turn,
4 based on IWC Wage Orders), and all other applicable Labor Code sections relating to the causes
5 of action set forth herein.
6

7 75. PLAINTIFF seeks penalties pursuant to the PAGA provisions on behalf of herself,
8 and DEFENDANT's other current and former California employees, and the State of California.

9 76. PLAINTIFF complied with the administrative exhaustion requirement in the
10 manner prescribed in Labor Code § 2699.3, including providing notice as set forth in Labor Code
11 §2699.3(a)(1)(A) to both the Labor and Workforce Development Agency ("LWDA") and to
12 DEFENDANT by certified mail on May 8, 2026. This action is filed upon the expiration of the
13 65-day statutory period pursuant to Labor Code § 2699.3(a)(2).
14

15 77. DEFENDANT is a "person" as contemplated within the meaning of Labor Code
16 §2699(b). PLAINTIFF is an "aggrieved employee" of DEFENDANT within the meaning of Labor
17 Code § 2699(c).
18

19 78. During her employment with DEFENDANT, PLAINTIFF worked in the positions
20 of Research and Financial Administrator, Research Administrator 1 and Research Administrator 2.
21 DEFENDANT misclassified these positions as exempt when in fact these positions should have
22 been classified as non-exempt based on the duties described in their job description and
23 responsibilities, and these positions did not fall under any applicable exemptions.

24 79. As a result of DEFENDANT's unlawful conduct of misclassifying their employees,
25 PLAINTIFF, for herself and on behalf of all aggrieved employees, seeks to recover all applicable
26 civil penalties under Labor Code § 2699(a) for DEFENDANT's violations, including:
27
28

- a. Failure to pay all lawfully earned wages, including final wages upon separation of employment pursuant to Labor Code §§ 201, 203-206, 216, 225.5, 558;
- b. Penalties under Labor Code § 210 for failure to pay wages in accordance with §§ 204 and 205;
- c. Interest for unpaid wages pursuant to Labor Code § 218.6;
- d. Failure to provide itemized wage statements under Labor Code §§ 226, 226.2 and 226.3;
- e. Denial of proper rest periods under Labor Code §§ 226.7, 558, and 558.1;
- f. Denial of proper meal periods under Labor Code §§ 226.7, 512, 558, and 558.1;
- g. Penalties under Labor Code § 558 for violation of provisions regulating hours and days of work; and
- h. Penalties for failure to maintain proper and compliant payroll records under Labor Code § 1174(d).

80. PLAINTIFF individually, and on behalf of all other aggrieved current and former employees within the liability period, seeks to recover all statutory civil penalties specifically provided for by each of the sections of the California Labor Code enumerated above, from DEFENDANT's violation of the Labor Code provisions.

81. Pursuant to Labor Code § 558, which provides for penalties against an employer or person acting on behalf of an employer, and in addition to any other civil penalties statutorily provided per each specific Labor Code section, PLAINTIFF also seeks a statutory penalty of fifty dollars (\$50) for each aggrieved employee per pay period for DEFENDANT's first violation of any provision of the California Labor Code covered by § 558, and one hundred dollars (\$100) for each aggrieved employee per pay period for any subsequent violation by DEFENDANT of any provision of the California Labor Code covered by § 558, in addition to a civil penalty in an amount equal to any underpaid wages.

82. Pursuant to PAGA §§ 2699(f)(2), and in addition to any other civil penalties statutorily provided per each specific Labor Code section, PLAINTIFF seeks a statutory penalty of one hundred dollars (\$100) for each aggrieved employee per pay period for DEFENDANT's first violation of any provision of the California Labor Code, and two hundred dollars (\$200) for each aggrieved employee per pay period for any subsequent violation by DEFENDANT of any provision of the California Labor Code, which is not covered by any other statutory penalty.

83. PLAINTIFF requests the above damages, with reasonable attorneys' fees and cost as provided in Labor Code § 2699, in amounts to be proven at trial.

NINTH CAUSE OF ACTION

FAILURE TO PAY OVERTIME WAGES

(Violation of Labor Code §§ 510, 1194 and 1198)

(By PLAINTIFF against DEFENDANT as Individual Claim)

84. PLAINTIFF hereby realleges and incorporates by reference as though set forth in their entirety each and every other allegation herein.

85. During her employment with DEFENDANT, PLAINTIFF worked in the position of Research and Financial Administrator, Research Administrator 1 and Research Administrator 2. These positions were misclassified by DEFENDANT as exempt when in fact these positions should have been classified as non-exempt based on PLAINTIFF's job descriptions and responsibilities.

86. PLAINTIFF should have been classified as a "non-exempt" employee of DEFENDANT and should have received proper protections and benefits of the laws governing payment of overtime wages accordingly.

87. PLAINTIFF was entitled to overtime compensation under Labor Code sections 510, 1194 and 1198 and IWC Wage Orders for any and all work performed in excess of 8 hours

per day, and/or for any and all work performed in excess of 40 hours per week.

88. DEFENDANT knowingly and willfully failed to pay PLAINTIFF all overtime compensation owed to her, including: (a) 1.5 times her regular rate or pay her hours worked in excess of 8 hours per day and 40 hours per week and during the first 8 hours worked on the seventh day of a workweek: and (b) 2 times her regular rate of pay all hours worked in excess of 12 hours per day and any work performed in excess or 8 hours on any seventh day of a workweek. Instead DEFENDANT paid PLAINTIFF a flat fixed monthly salary without regards of her hours worked, without payment of overtime premium.

89. As a direct result of the foregoing violations by DEFENDANT, PLAINTIFF has suffered and continues to suffer, substantial losses related to the use and enjoyment of such unpaid wages, lost interest on such wages, expenses and attorney's fees. DEFENDANT failed to fully perform their obligations as required by law, all to PLAINTIFF's damage in amounts according to proof at trial.

TENTH CAUSE OF ACTION

FAILURE TO PROVIDE MEAL PERIODS OR PREMIUM PAY

(Violation of Labor Code §§ 226.7 and 512)

(By PLAINTIFF against DEFENDANT as Individual Claim)

90. PLAINTIFF hereby realleges and incorporates by reference as though set forth in their entirety each and every other allegation herein.

91. Labor Code 512 mandates that an employer shall not employ an employee for a work period or more than five hours per day without providing the employee with an uninterrupted, 30-minute meal period. Labor Code 226.7(c) further provides that the employer shall pay the employee one additional hour of pay at the employee's regular rate of compensation for each workday that the meal or rest period is not provided.

1 92. During her employment with DEFENDANT, PLAINTIFF worked in the position
2 as a Research and Financial Administrator, Research Administrator 1 and Research Administrator
3 2. These positions were misclassified by DEFENDANT as exempt when in fact these positions
4 should have been classified as non-exempt based on PLAINTIFF's job descriptions and
5 responsibilities.

6
7 93. PLAINTIFF should have been classified as a "non-exempt" employee of
8 DEFENDANT and should have received proper protections and benefits of the laws governing
9 meal periods. PLAINTIFF was not provided timely uninterrupted 30-minute meal periods due to
10 a heavy workload and exorbitant work demands. Among other things, PLAINTIFF's meal periods
11 were provided late or she was not given the full 30 minutes for meal periods. PLAINTIFF was not
12 provided premium pay for missed meal periods.

13
14 94. As a direct result, PLAINTIFF has suffered and continues to suffer, substantial
15 losses related to the use and enjoyment due to such violations, including the full amount of the
16 unpaid premium pay for missed and noncompliant meal periods, lost interest on such wages,
17 expenses and attorney's fees. DEFENDANT failed to fully perform their obligations as required
18 by law, all to PLAINTIFF's damage in amounts according to proof at trial.

19 **ELEVENTH CAUSE OF ACTION**

20 **FAILURE TO PROVIDE REST PERIODS OR PREMIUM PAY**

21 **(Violation of Labor Code § 226.7)**

22 **(By PLAINTIFF against DEFENDANT as Individual Claim)**

23
24 95. PLAINTIFF hereby realleges and incorporates by reference as though set forth in
25 their entirety each and every other allegation herein.

26 96. Labor Code 226.7(a) prohibits employers from requiring an employee to work
27 during any meal or rest period mandated by an applicable order of the Industrial
28

Welfare Commission. Labor Code 226.7(c) further provides that the employer shall pay the employee one additional hour of pay at the employee's regular rate of compensation for each workday that the meal or rest period is not provided.

97. During her employment with DEFENDANT, PLAINTIFF worked in the position as a Research and Financial Administrator, Research Administrator 1 and Research Administrator 2. These positions were misclassified by DEFENDANT as exempt when in fact these positions should have been classified as non-exempt based on PLAINTIFF's job description and responsibilities.

98. PLAINTIFF should have been classified as a "non-exempt" employee of DEFENDANT and should have received proper protections and benefits of the laws governing rest periods. PLAINTIFF was not provided timely, off-duty 10-minute rest periods for each four-hour work period or major fraction thereof due to a heavy workload and exorbitant work demands. PLAINTIFF was not provided premium pay for missed rest periods.

99. As a direct result, PLAINTIFF has suffered and continues to suffer, substantial losses related to the use and enjoyment due to such violations, including the full amount of the unpaid premium pay for missed and noncompliant rest periods, lost interest on such wages, expenses and attorney's fees. DEFENDANT failed to fully perform their obligations as required by law, all to PLAINTIFF's damage in amounts according to proof at trial.

TWELFTH CAUSE OF ACTION

FAILURE TO PROVIDE ACCURATE ITEMIZED WAGE STATEMENTS

(Violation of Labor Code § 226)

(By PLAINTIFF against DEFENDANT as Individual Claim)

100. PLAINTIFF hereby realleges and incorporates by reference as though set forth in their entirety each and every other allegation herein.

101. Labor Code 226(a) requires that employers to furnish its employees with each wage payment an accurate itemized writing that shows gross wages earned total hours worked, all deductions, net wages earned, the inclusive dates of the period for which the employee is paid, the name and address of the legal entity that is the employer, the name of the employee and the last digits of his or her social security number (or identification number) as required by law, and all applicable hourly rates in in effect during the pay period and the corresponding number of hours worked at each hourly rate by the employee.

102. During her employment with DEFENDANT, PLAINTIFF should have been classified as a "non-exempt" employee of DEFENDANT and should have received proper protections and benefits of the laws governing the requirement for an employer to provide compliant wage statements.

103. DEFENDANT knowingly and intentionally failed to provide PLAINTIFF with proper wage statements as required by Labor Code section 226 through actions alleged herein including, but not limited to, the failure to provide total hours worked, correct gross and net wages earned, the correct hours worked at the correct hourly rates, and the correct hourly rates of pay.

104. DEFENDANT's failure to provide proper wage statements deprived PLAINTIFF with the ability to know, understand and question the calculation and rate of pay and hours used to calculate the wages paid by DEFENDANT.

105. Labor Code 226(e) requires DEFENDANT to pay the greater of all damages or fifty dollars (\$50.00) for the initial pay period in which a violation occurred, and one hundred dollars (\$100.00) per employee for each violation in subsequent pay periods, plus attorney's fees and costs, to PLAINTIFF who was injured by these violations.

106. As a direct result of DEFENDANT's violations, PLAINTIFF has suffered and continues to suffer, substantial losses related to the noncompliant wage statements, resultant lost

1 wages, lost interest on such wages, penalty, expenses and attorney's fees. DEFENDANT failed to
2 fully perform their obligations as required by law, all to PLAINTIFF's damage in amounts
3 according to proof at trial.

4 **THIRTEENTH CAUSE OF ACTION**

5 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

6 **(By PLAINTIFF against DEFENDANT as Individual Claim)**

7
8 107. PLAINTIFF hereby realleges and incorporates by reference as though set forth in
9 their entirety each and every other allegation herein.

10 108. DEFENDANT undertook a series of actions against PLAINTIFF that was
11 outrageous as previously stated herein, was intended to cause PLAINTIFF to suffer emotional
12 distress, or was made with reckless disregard of the probability of causing PLAINTIFF to suffer
13 emotional distress, and the outrageous conduct of the DEFENDANT caused the emotional distress
14 suffered by PLAINTIFF.

15
16 109. DEFENDANT's conduct alleged herein was intentional, outrageous, malicious,
17 and committed for the purpose of causing PLAINTIFF to suffer humiliation, embarrassment,
18 mental anguish and severe emotional distress.

19 110. As a proximate cause of DEFENDANT's acts and/or omissions, as hereinabove
20 alleged, PLAINTIFF were injured in his strength, health, and activity, all of which has caused and
21 continues to cause PLAINTIFF great mental pain, embarrassment, humiliation, distress, anguish
22 and suffering. The intentional infliction of emotional distress by DEFENDANT upon
23 PLAINTIFF, PLAINTIFF sustained damages in sums currently unknown but will be proved at
24 trial.

25
26 111. The conduct of DEFENDANT was undertaken with oppression and malice, and in
27 conscious disregard of the rights of PLAINTIFF, and justifies an award of punitive damages
28

1 against DEFENDANT in an amount according to proof.

2 **FOURTEENTH CAUSE OF ACTION**

3 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

4 **(By PLAINTIFF against DEFENDANT as Individual Claim)**

5 112. PLAINTIFF hereby realleges and incorporates by reference as though set forth in
6 their entirety each and every other allegation herein.
7

8 113. DEFENDANT undertook a series of actions against PLAINTIFF that was
9 outrageous as previously stated herein, was intended to cause PLAINTIFF to suffer emotional
10 distress, or was made with reckless disregard of the probability of causing PLAINTIFF to suffer
11 emotional distress, and the outrageous conduct of the DEFENDANT caused the emotional distress
12 suffered by PLAINTIFF.
13

14 114. As a proximate cause of DEFENDANT's acts and/or omissions, as hereinabove
15 alleged, PLAINTIFF was injured in her strength, health, and activity, all of which has caused and
16 continues to cause PLAINTIFF great mental pain, embarrassment, humiliation, distress, anguish
17 and suffering. As a result of the negligent infliction of emotional distress by DEFENDANT upon
18 PLAINTIFF, PLAINTIFF sustained damages in sums to be proved at trial.

19 115. As a proximate cause of the negligent infliction of emotional distress by
20 DEFENDANT, PLAINTIFF has sustained damages in sums that will be proved at trial.
21

22 **PRAYER FOR RELIEF**

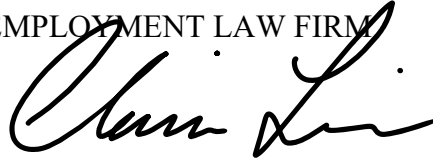
23 WHEREFORE, PLAINTIFF prays for judgment against DEFENDANT as follows:

- 24 1. For compensatory damages, in an amount according to proof;
25 2. For exemplary and punitive damages;
26 3. For statutory penalties and civil penalties;
27 5. For an award of interest, including pre-judgment interest at the legal rate;
28

6. For an award of attorney's fees and costs;
7. For liquidated damages;
8. For costs of suit incurred; and
9. For such other and further relief as the Court deems appropriate.

DATED: July 13, 2026

LIU EMPLOYMENT LAW FIRM



By: _____

CLARICE C. LIU
Attorney for PLAINTIFF ANGELA CAO

DEMAND FOR JURY TRIAL

Plaintiff Angela Cao hereby demands a trial by jury in this action.

DATED: July 13, 2026

LIU EMPLOYMENT LAW FIRM

By: _____

CLARICE C. LIU

Attorney for PLAINTIFF ANGELA CAO