

FILED
2/9/2024 11:53 AM
Clerk of the Napa Superior Court
By: Lori Walker, Deputy

LAW OFFICES OF MORRIS NAZARIAN

Morris Nazarian (SBN 230275)
1875 Century Park East, Suite 1790
Los Angeles, California 90067
Telephone: (310) 284-7333
Facsimile: (310) 284-7332

Attorney for Plaintiff:
NICOLE D RYDMAN

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF NAPA

NICOLE D. RYDMAN, an individual,

Plaintiff,

vs.

YOUR HOME NURSING SERVICES, INC., a
California Corporation; CAMERON BIANCHI, an
individual, and DOES 1 THROUGH 50, Inclusive,

Defendants.

CASE NO.: 24CV000194

COMPLAINT FOR DAMAGES:

1. **RETALIATION IN VIOLATION OF
PUBLIC POLICY**
2. **WRONGFUL TERMINATION IN
VIOLATION OF PUBLIC POLICY**
3. **PENALTIES PURSUANT TO LABOR
CODE SECTION 2699.3, ET SEQ.
(PAGA)**

[AMOUNT DEMANDED EXCEEDS \$35,000.00]

DEMAND FOR JURY TRIAL

Plaintiff NICOLE D. RYDMAN ("RYDMAN " or "PLAINTIFF") brings this action against
Defendant YOUR HOME NURSING SERVICES, INC. and CAMERON BIANCHI (collectively
"DEFENDANTS) and other as of yet unnamed Defendants, Does 1 through 50, inclusive (collectively,
"Defendants"), who are similarly situated.

1 **PARTIES**

2 1. Plaintiff NICOLE D. RYDMAN was, at all relevant times, a citizen of the State of
3 California, residing in Solano County, California. Plaintiff was employed by Defendant as a domestic
4 worker.
5

6 2. Defendant YOUR HOME NURSING SERVICES, INC. and. ("YOUR HOME") is a
7 California corporation with its headquarters in Napa County, California. YOUR HOME is registered to
8 do and does business throughout the State of California, including Napa County.
9

10 3. Plaintiff is informed and believes and thereon alleges that Defendant CAMERON
11 BIANCHI ("BIANCHI") is and at all times relevant hereto was a California resident and an officer of
12 YOUR HOME.

13 4. Defendants YOUR HOME, BIANCHI and DOES 1 through 50 are hereinafter collectively
14 referred to as "Defendants".
15

16 5. Plaintiff is informed and believes, and on that basis alleges, that Defendants directly
17 employed or exercised control over the wages, hours, or working conditions of the Plaintiff.

18 6. Plaintiff is informed and believes, and on that basis alleges, that at all times relevant herein,
19 Defendants were the agents, employees, and/or servants, masters, or employers of the remaining DOES
20 1 through 50, and in doing the things herein alleged, were acting within the course and scope of such
21 agency or employment, and with the approval and ratification of each of the other Defendants.
22

23 7. Plaintiff is ignorant of the true names and capacities of defendants sued herein as DOES 1
24 through 50, inclusive, and therefore sue these defendants by such fictitious names and capacities.
25 Plaintiff will amend this Complaint to show their true names and capacities when they have been
26 ascertained. Plaintiff is informed and believes and thereon allege that at all times relevant, Defendants,
27 and each of these fictitiously named DOE defendants either owned, controlled, or managed the business
28

1 for which Plaintiff worked and/or who directly or indirectly exercised operational control over the
2 wages, hours, and working conditions of Plaintiff. These DOES held ownership, officer, director and/or
3 executive positions with the remaining Defendants, and acted on behalf of the remaining Defendants,
4 which included decision-making responsibility for, and establishment of, illegal payroll practices and
5 policies for Defendants which have damaged Plaintiff and others similarly situated. Therefore, DOES
6 1 through 50, in addition to the remaining Defendants, are “employers” as a matter of law and personally
7 liable on the causes of action alleged herein.
8

9 8. Plaintiff is informed and believe, and on that basis allege, that Defendants DOES 1 through
10 50 are, and at all times relevant hereto were, persons, corporations or other business entities organized
11 and existing under and by virtue of the laws of the State of California, and are/were qualified to transact
12 and conduct business in the State of California, and did transact and conduct business in the State of
13 California, and are thus subject to the jurisdiction of the State of California. Specifically, DOES 1
14 through 50 maintain offices, operate businesses, employ persons, conducts business in, and illegally pay
15 employees by illegal payroll practices and policies in Napa County.
16
17

18 9. Plaintiff is informed and believes, and on that basis allege, that each of the fictitiously
19 named defendants aided and assisted the named defendants in committing the wrongful acts alleged
20 herein, and that Plaintiff’s damages were proximately caused by each defendant.
21

22 10. Plaintiff is informed and believes, and on that basis alleges, that at all times herein
23 mentioned, one or more of each named and/or unnamed defendant(s) was in some fashion, by contract
24 or otherwise, the successors, assigns, joint venturers, co-venturers or partners of one or more of the
25 remaining named and/or unnamed defendant(s), and as hereinafter alleged, was acting within that
26 capacity.
27

28 11. Plaintiff is informed and believes, and on that basis alleges, that at all times herein

1 mentioned, one or more of each unnamed defendant(s) was in some fashion, by contract or otherwise,
2 the assured, insured, indemnitor, guarantor of one or more of the remaining named and/or unnamed
3 defendant(s) for the acts alleged herein and was acting within that capacity.
4

5 12. Plaintiff is informed and believes, and on that basis alleges, that at all times herein
6 mentioned, one or more of each named and/or unnamed defendant(s) was the alter-ego of one or more
7 of the remaining named and/or unnamed defendant(s), and as hereinafter alleged, was acting for their
8 own benefit and/or the benefit of one or more of the remaining named and/or unnamed defendant(s).
9

10 13. Plaintiff alleges, on information and belief, that YOUR HOME at all times relevant to this
11 Complaint, was the alter ego of BIANCHI by reason of the following:

- 12 a. Plaintiff alleges, on information and belief, that said Defendant BIANCHI, at all
13 times herein mentioned in this Complaint, dominated, influenced, and controlled
14 YOUR HOME, as well as the business, property, and affairs of YOUR HOME;
15
- 16 b. Plaintiff allege, on information and belief, that there existed and now exists a unity
17 of interest and ownership between BIANCHI and YOUR HOME; the individuality
18 and separateness of BIANCHI and YOUR HOME have ceased;
19
- 20 c. Plaintiff alleges, on information and belief, that YOUR HOME has been and now is
21 a mere shell and naked framework which BIANCHI used as a conduit for the conduct
22 of her personal business, property, and affairs;
23
- 24 d. Plaintiff alleges, on information and belief, that at all times herein mentioned in this
25 Complaint, the funds of and YOUR HOME were diverted to the personal funds of
26 BIANCHI;
27
- 28 e. Plaintiff alleges, on information and belief, that and YOUR HOME is insolvent and
that said BIANCHI has succeeded to the interests of and YOUR HOME; and

1 f. By virtue of the foregoing, adherence to the fiction of the separate corporate existence
2 of YOUR HOME would, under the circumstances, sanction a fraud and promote
3 injustice in that Plaintiffs would be unable to realize upon any judgment in their favor.
4

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

8 **JURISDICTION AND VENUE**

9 15. The amount of damages herein is greater than \$35,000. This case is therefore within the
10 unlimited jurisdiction of this Court.
11

12 16. This Court has jurisdiction over the parties and claims involved in this action because Plaintiff
13 is a resident of California and Defendant is headquartered in Napa County, California.

14 17. Venue is proper in Napa County pursuant to California Code of Civil Procedure §395.5 because
15 the unlawful acts alleged herein occurred in Napa County
16

17 **FACTUAL BACKGROUND**

18 18. Plaintiff started her employment with Defendants in approximately June 2022 through
19 approximately September 2023.

20 19. Shortly before her termination, Plaintiff informed Defendants that she was not a personal
21 attendant and that Plaintiff was entitled to overtime/double time wages pursuant to Wage Order 15 and
22 not overtime/double time wages pursuant to the Domestic Worker Bill of Rights.
23

24 20. Soon after Plaintiff complained to Defendants, Defendants retaliated against Plaintiff and
25 reduced Plaintiff's hours.

26 21. Then, on or about September 21, 2023, Plaintiff's counsel notified Defendants that Plaintiff
27 was retained by counsel regarding various workplace claims related to Plaintiff's employment with
28

1 Defendant YOUR HOME.

2 22. In response to the September 21, 2023 letter, Defendants stopped contacting Plaintiff to
3 provide Plaintiff with any work assignments or hours.
4

5 **FIRST CAUSE OF ACTION**
6 **RETALIATION IN VIOLATION OF PUBLIC POLICY**
7 **(Against Defendants and DOES 1 through 50 Inclusive)**

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

10 24. California Labor Code section 98.6 protects an employee filing or threatening to file a claim
11 or complaint with the Labor Commissioner, instituting or causing to be instituted any proceeding relating
12 to rights under the jurisdiction of the Labor Commissioner, or testifying in any such proceeding,
13 complaining orally or in writing about unpaid wages, or for exercising (on behalf of oneself or other
14 employees) any of the rights provided under the Labor Code or Orders of the Industrial Welfare
15 Commission, including, but not limited to, the right to demand payment of wages due, the right to
16 express opinions about, support or oppose an alternative workweek election, or the exercise of any other
17 right protected by the Labor Code. In addition to other remedies that might be available, a civil penalty
18 of up to \$10,000 may be awarded to an employee for each violation of Labor Code section 98.6.
19

20 25. California Labor Code Section 1102.5 protects against retaliation for disclosing
21 information, or because an employer believes an employee has disclosed information, to a government
22 or law enforcement agency, to a person with authority over the employee, or to another employee who
23 has the authority to investigate, discover, or correct a violation where an employee reasonably believes
24 that the information discloses a violation of a state or federal statute, or a violation of or noncompliance
25 with a local, state, or federal rule or regulation. In addition to other remedies that might be available, a
26 civil penalty of up to \$10,000 may be awarded for each violation.
27
28

1 26. During Plaintiff's employment, Plaintiff complained to Defendants about her unpaid wages.

2 27. In response to Plaintiff's aforementioned complaint, Plaintiff's hours were reduced and
3 thereafter, Defendants stopped contacting Plaintiff for work thereby terminating Plaintiff's employment.

4 28. Defendants did not attempt to place Plaintiff with another client.

5 29. The conduct of Defendants, was a substantial factor in causing the harm suffered by
6 Plaintiff.

7 30. As a direct, foreseeable, and proximate result of Defendant's actions, Plaintiff has suffered
8 and continues to suffer humiliation, embarrassment, mental and emotional distress and discomfort, all
9 to Plaintiff's damages in an amount in excess of the minimum jurisdiction of this court, the precise
10 amount to be proven at trial.

11 31. As a direct and proximate result of Defendant's conduct, as described above, Plaintiff has
12 incurred, and will continue to incur medical expenses, loss of compensation, benefits, earning capacity,
13 wages, opportunities for employment and advancement, and work experience, all to Plaintiff's damages
14 in an amount according to proof.

15 32. Plaintiff is informed and believes and thereon alleges that the aforesaid acts directed toward
16 her were carried out with a conscious disregard of Plaintiff's rights to be free from such illegal behavior,
17 such as to constitute oppression, fraud, or malice pursuant to California Civil code section 3294 entitling
18 Plaintiff to punitive damages in an amount appropriate to punish and make an example of Defendants.

19
20
21
22 **SECOND CAUSE OF ACTION**

23 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

24 **(Against All Defendants and Does 1 Through 50, Inclusive)**

25 33. Plaintiff hereby incorporate by reference all other allegations contained in this Complaint
26 as though fully set forth herein.

27 34. As set forth above, as a result of Plaintiff's complaints, Plaintiff's employment with
28

1 Defendants was terminated.

2 35. As a direct, foreseeable, and proximate result of Defendant's actions, Plaintiff has suffered
3 and continues to suffer humiliation, embarrassment, mental and emotional distress and discomfort, all
4 to Plaintiff's damages in an amount in excess of the minimum jurisdiction of this court, the precise
5 amount to be proven at trial.
6

7 36. As a direct and proximate result of Defendant's conduct, as described above, Plaintiff has
8 incurred, and will continue to incur medical expenses, loss of compensation, benefits, earning capacity,
9 wages, opportunities for employment and advancement, and work experience, all to Plaintiff's damages
10 in an amount according to proof.
11

12 37. Plaintiff is informed and believes and thereon alleges that the aforesaid acts directed toward
13 her were carried out with a conscious disregard of Plaintiff's rights to be free from such illegal behavior,
14 such as to constitute oppression, fraud, or malice pursuant to California Civil code section 3294 entitling
15 Plaintiff to punitive damages in an amount appropriate to punish and make an example of Defendants.
16

17 **THIRD CAUSE OF ACTION**

18 **LABOR CODE PRIVATE ATTORNEYS GENERAL ACT OF 2004: LABOR CODE SECTION**
19 **26980**

20 **(Against All Defendants and DOES 1 through 25 Inclusive)**

21 38. Plaintiff hereby incorporate by reference all other allegations contained in this Complaint
22 as though fully set forth herein

23 39. During the period beginning one year period preceding the filing of the Complaint in this
24 action (the "Civil Penalty Period"), Defendants violated Labor Code §§ 98.6 and 1102.5.

25 40. Labor Code §2699(a) and (g) authorize Plaintiff who is an aggrieved employee, on behalf
26 of herself, to bring a civil action to recover civil penalties pursuant to the procedures specified in Labor
27 Code §2699.3.
28

1 41. Plaintiff has complied with the procedures for bringing suit specified in Labor Code §2699
2 .3. Pursuant to the California Labor Code Private Attorneys General Act of 2004, Labor Code sections
3 2698-2699.5 ("PAGA"), Plaintiff has provided written notice by certified mail to the Labor & Workforce
4 Development Agency ("LWDA") and to Defendants of the legal claims and theories of this case.
5

6 42. Having satisfied the requirements of California Labor Code § 2699.3(a), pursuant to
7 California Labor Code § 2699, Plaintiff hereby seeks all penalties provided by California Labor Code
8 sections 1102.5 and 98.6 for the violations alleged herein in the amounts to be proved at trial.
9

10 PRAYER

11 WHEREFORE, the Plaintiff respectfully prays that this Court enter judgment in her favor and
12 against Defendants, and each of them, as follows:

- 13 1. For back pay, front pay, and all other damages according to proof;
- 14 2. For General Damages;
- 15 3. For all Statutory Damages;
- 16 4. For Punitive Damages;
- 17 5. For all penalties provided by Labor Code §2699(a)-(f);
- 18 6. An award of pre-judgment and post-judgment interest, as provided by law;
- 19 7. An award of Plaintiff's costs, disbursements and reasonable attorneys' fees to the
20 extent allowable by law on the appropriate causes of action; and
21
- 22 8. An award of such other and further legal and equitable relief as this Court deems
23 necessary, just and proper.
24
25
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Dated: February 9, 2024

Morris Nazarian
 Morris Nazarian, Esq.
 Attorneys for Plaintiff
NICOLE D RYDMAN