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County of Los Angeles
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Attorneys for Plaintiff, CAROLYN DEMORST

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

CAROLYN DEMORST, as an individual,

Plaintiff,

vs.

AMBITIONS CALIFORNIA, INC., a
Washington corporation dba AMBITIONS
COMMUNITY SUPPORTS; and DOES 1
through 50,

Defendants.

Case No. **24STCV19519**

COMPLAINT FOR DAMAGES FOR:

- (1) Disability Discrimination In Violation Of The Feha;**
- (2) Failure To Engage In The Interactive Process In Violation Of The Feha;**
- (3) Failure To Accomodate In Violation Of The Feha;**
- (4) Retaliation In Violation Of The Feha;**
- (5) Failure To Pay All Hours Worked**
- (6) Failure To Pay All Overtime**
- (7) Wage Statement Penalties**
- (8) Violation Of The Unfair Comp. Law**
- (9) Failure To Provide Meal Breaks**
- (10) Failure To Allow Rest Breaks**
- (11) Paga Penalties**

DEMAND FOR JURY TRIAL

1 Plaintiff Carolyn Demorst (“Plaintiff”), an individual, by and through Plaintiff’s attorneys of
2 record, Janelle Carney – Attorney at Law, APC. and Frontier Law Center, APC, hereby alleges and
3 complains against Defendant Ambitions California Inc., a Washington corporation dba Ambitions
4 Community Supports (“Ambitions” or the “Company”) and DOES 1 through 50 (hereinafter
5 collectively referred to as “Defendants”) as follows:

6 **JURISDICTION AND VENUE**

7 1. Jurisdiction and venue are proper in this Court because Plaintiff worked both at
8 client sites and at clients’ homes in Los Angeles County.

9 2. Plaintiff has met all the jurisdictional requirements for proceeding with Plaintiff’s
10 claims under the FEHA, including without limitation, California Government Code Sections 12960
11 and 12965, by timely filing an administrative complaint against Defendant with the California
12 Department of Fair Employment and Housing (the “DFEH”) on or about December 22, 2023. On
13 December 22, 2023, Plaintiff received Plaintiff’s right-to-sue letter from the DFEH against
14 Defendant Ambitions. True and correct copies of the DFEH complaint and right-to-sue letter are
15 collectively attached hereto as Exhibit “1.”

16 **PARTIES**

17 3. Defendant Ambitions is a corporation, authorized to do business in California, that
18 provides services to adults with developmental disabilities. Defendant employs five (5) or more
19 employees. As such, Defendant is subject to the FEHA pursuant to Government Code Section
20 12926(d).

21 **DOE DEFENDANTS**

22 4. Plaintiff does not know the true names or capacities, whether individual, partner or
23 corporate, of the Defendants sued herein as Does 1 through 50, inclusive, and for that reason, said
24 Defendants are sued under such fictitious names, and Plaintiff prays for leave to amend this
25 complaint when the true names and capacities are known. Plaintiff is informed and believes and,
26 based thereon alleges, that each of said fictitious Defendants was responsible in some way for the
27 matters alleged herein and proximately caused Plaintiff to be subject to the illegal employment
28 practices, wrongs and injuries complained of herein.

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6. Plaintiff is informed and believes and, based thereon alleges, that at all times material hereto, each of the Defendants named herein was the agent, employee, alter ego and/or joint venturer of, or working in concert with each of the other co-Defendants and was acting within the course and scope of such agency, employment, joint venture, or concerted activity. To the extent said acts, conduct, and omissions were perpetrated by certain Defendants, each of the remaining Defendants confirmed and ratified said acts, conduct, and omissions of the acting Defendants.

8. At all times herein mentioned, the acts and omissions of various Defendants, concurred and contributed to the various acts and omissions of each and all of the other Defendants in proximately causing the injuries and damages as herein alleged. At all times herein mentioned, Defendants, ratified each and every act or omission complained of herein. At all times herein mentioned, the Defendants, aided and abetted the acts and omissions of each and all of the other Defendants in proximately causing the damages as herein alleged.

9. Plaintiff worked for Ambitions of California, Inc. Defendant as a Direct Support Professional from approximately December 2022 to present, earning \$16 per hour.

2

1 duty.

2 11. Plaintiff felt uncomfortable working there and requested accommodations for her
3 disability, which Defendant failed to provide. Over the next month while Plaintiff was still on
4 modified duty for her back injury, Defendant changed her work schedule in a way that eliminated
5 higher-paying overtime shifts that Plaintiff relied on. This resulted in substantially reduced income.

6 12. Defendant told Plaintiff she would be assigned even fewer days if she did not agree
7 to the new schedule. Based on these facts, Plaintiff has strong claims for disability discrimination,
8 failure to accommodate her disability, and retaliation for engaging in protected activity under
9 FEHA.

10 13. As an actual and proximate result of the illegal employment actions of Defendant
11 Ambitions, Plaintiff has suffered and continues to suffer pain, humiliation, emotional distress,
12 trauma, and sleeplessness. Also, as an actual and proximate result of Defendant Ambitions' illegal
13 employment actions, Plaintiff has suffered lost wages, including without limitation, loss of salary
14 and benefits. Plaintiff also has suffered a loss in earning capacity. Thus, Plaintiff has suffered
15 economic and non-economic losses in an amount greater than this Court's jurisdictional minimum
16 of \$35,000. Plaintiff seeks lost wages and loss in earning capacity, as well as compensatory
17 damages for pain and suffering, inconvenience, and mental anguish. Plaintiff also seeks punitive
18 damages, interest, attorneys' fees, and costs, as permitted by law.

19 **PAGA ALLEGATIONS**

20 14. Pursuant to Labor Code section 2699(a), any provision of the Labor Code which
21 provides for a civil penalty to be assessed and collected by the Labor and Workforce Development
22 Agency ("LWDA") for violations of the Labor Code may, as an alternative, be recovered through a
23 civil action brought by an aggrieved employee on behalf of himself or herself and other current or
24 former employees pursuant to the procedures outlined in Labor Code section 2699.3.

25 15. Pursuant to Labor Code section 2699.3, an aggrieved employee may pursue a civil
26 action under PAGA after the following requirement have been met:

27 16. The aggrieved employee has provided written notice by online filing to the LWDA
28 and by certified mail to the employer (hereinafter "Employee's Notice") of the specific provisions

1 of the Labor Code alleged to have been violated, including the facts and theories to support the
2 alleged violations; and

3 17. The LWDA has provided notice (hereinafter “LWDA’s Notice”) to the employer and
4 the aggrieved employee by certified mail that it does not intend to investigate the aggrieved
5 employee’s claims. Upon receipt of the LWDA’s Notice, or if the LWDA does not provide such
6 Notice within 65 calendar days of the postmark date of the Employee’s Notice, the aggrieved
7 employee may commence a civil action pursuant to Labor Code section 2699 to recover civil
8 penalties in addition to any other penalties to which the employee may be entitled.

9 18. On May 21, 2024, Plaintiff provided written notice by online filing to the LWDA
10 and by certified mail to Defendant of specific provisions of the Labor Code alleged to have been
11 violated by Defendants, including the facts and theories to support the alleged violations.

12 19. The 65-day notice period has elapsed, and the LWDA did not provide Plaintiff with
13 written notice that it intends to investigate the alleged violations of the Labor Code. Thus, Plaintiff
14 seeks PAGA Penalties on behalf of all Aggrieved Employees.

15 20. The Aggrieved Employees are defined as “All other nonexempt, hourly employees,
16 current and former, who were employed by Defendants within one year prior to May 21, 2024,
17 through final disposition of this action.”

18 **FIRST CAUSE OF ACTION**

19 **DISABILITY DISCRIMINATION IN VIOLATION OF THE FEHA**

20 **(Against All Defendants)**

21 21. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as though
22 fully set forth herein.

23 22. At all times mentioned herein, the Fair Employment and Housing Act (the “FEHA”),
24 California Government Code Section 12900, *et seq.*, was in full force and effect and was binding on
25 Defendant, as Defendant regularly employed 5 or more persons.

26 23. Government Code Section 12940(a) prohibits Defendant from discriminating against
27 any employee on the basis of disability. Pursuant to California Government Code Section
28 12926.1(b), “disability” includes, without limitation, protection from discrimination due to actual or

perceived physical or mental condition that is disabling, potentially disabling, or perceived as disabling or potentially disabling.

24. Plaintiff was a disabled individual who had a temporary medical condition which limited Plaintiff's abilities to perform life activities. Specifically, Plaintiff was injured. Plaintiff is informed and believes, and based thereon alleges, that Plaintiff was perceived as disabled by Defendant. Plaintiff is informed and believes, and based thereon alleges, that Plaintiff was transferred to a higher risk position and changes in her work schedule following the injury.

25. As a proximate result of Defendant's discrimination against Plaintiff, Plaintiff has suffered and continues to suffer compensatory damages, including without limitation, lost wages, loss of future earnings and earning capacity, emotional distress, mental anguish, embarrassment, humiliation, and loss of future advancement, in the amount of at least \$35,000.00, according to proof at the time of trial, which is in excess of the jurisdictional minimum for this lawsuit to qualify as an unlimited civil action. Plaintiff claims such amounts as damages, together with prejudgment interest accruing from the date of the filing of this action pursuant to Civil Code Section 3288, and/or any other provision of law providing for prejudgment interest.

26. As a proximate result of Defendant's discrimination against Plaintiff, Plaintiff has been forced to hire attorneys to prosecute the claims alleged herein and has incurred and is expected to continue to incur attorneys' fees. Pursuant to Government Code Section 12965(c), Plaintiff requests the award of attorneys' fees against Defendant.

SECOND CAUSE OF ACTION

FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS IN VIOLATION OF THE FEHA (Against All Defendants)

27. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

28. Government Code Section 12940(n) provides that it is unlawful for an employer to fail to engage in a timely, good faith interactive process with an employee to determine effective reasonable accommodations.

29. Defendant failed to engage in an adequate, good faith interactive process with

1 Plaintiff, including without limitation, failing to see what alternatives could be put in play in order
2 to keep Plaintiff working – despite being put on notice of Plaintiff’s specific need for a reasonable
3 accommodation.

4 30. As a proximate result of Defendant’s failure to engage in the interactive process with
5 Plaintiff in good faith, Plaintiff has suffered and continues to suffer compensatory damages,
6 including without limitation, lost wages, loss of future earnings and earning capacity, loss of
7 bonuses and deferred compensation, emotional distress, mental anguish, embarrassment,
8 humiliation, and loss of future advancement, in the amount of at least \$35,000.00, according to
9 proof at the time of trial, which is in excess of the jurisdictional minimum for this lawsuit to qualify
10 as an unlimited civil action. Plaintiff claims such amounts as damages, together with prejudgment
11 interest accruing from the date of the filing of this action pursuant to Civil Code Section 3288,
12 and/or any other provision of law providing for prejudgment interest.

13 31. As a proximate result of Defendant’s failure to engage in the interactive process with
14 Plaintiff, Plaintiff has been forced to hire attorneys to prosecute the claims alleged herein and has
15 incurred and is expected to continue to incur attorneys’ fees. Pursuant to Government Code Section
16 12965(bc), Plaintiff requests the award of attorneys’ fees against Defendant.

17 **THIRD CAUSE OF ACTION**

18 **FAILURE TO ACCOMMODATE IN VIOLATION OF THE FEHA**

19 **(Against All Defendants)**

20 32. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as though
21 fully set forth herein.

22 33. Government Code Section 12940(m) requires an employer to make reasonable
23 accommodations for physical and/or mental disabilities of an employee. Defendant denied Plaintiff
24 reasonable accommodations in order to address Plaintiff’s medical condition.

25 34. As a proximate result of Defendant’s failure to accommodate Plaintiff, Plaintiff has
26 suffered and continues to suffer compensatory damages, including without limitation, lost wages,
27 loss of future earnings and earning capacity, emotional distress, mental anguish, embarrassment,
28 humiliation, and loss of future advancement, in the amount of at least \$35,000.00, according to

proof at the time of trial, which is in excess of the jurisdictional minimum for this lawsuit to qualify as an unlimited civil action. Plaintiff claims such amounts as damages, together with prejudgment interest accruing from the date of the filing of this action pursuant to Civil Code Section 3288, and/or any other provision of law providing for prejudgment interest.

35. Plaintiff requests the award of attorneys' fees against Defendants under Government Code section 12965.

FOURTH CAUSE OF ACTION

RETALIATION IN VIOLATION OF THE FEHA

(AGAINST DEFENDANT Ambitions AND DOE DEFENDANTS)

36. Plaintiff re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

37. California Government Code Section 12940(h) prohibits employers from retaliating against an employee for requesting accommodation for his or her physical or mental disability, regardless of whether the request was granted.

38. Defendant is liable under Section 12940(h) for retaliating against Plaintiff because Plaintiff exercised the right to request an accommodation.

39. As a proximate result of Defendant's retaliation against Plaintiff, Plaintiff has suffered and continues to suffer compensatory damages, including without limitation, lost wages, loss of future earnings and earning capacity, emotional distress, mental anguish, embarrassment, humiliation, loss of future advancement, in the amount of at least \$35,000.00, according to proof at the time of trial, which is in excess of the jurisdictional minimum for this lawsuit to qualify as an unlimited civil action. Plaintiff claims such amounts as damages, together with prejudgment interest accruing from the date of the filing of this action pursuant to Civil Code sections 3288, and/or any other provision of law providing for prejudgment interest.

40. Plaintiff requests the award of attorneys' fees against Defendant under Government Code 12965.

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1 **SIXTH CAUSE OF ACTION**

2 **Failure to Pay for All Hours Worked**

3 **Against All Defendants**

4 41. Plaintiff incorporates by reference the paragraphs above.

5 42. Labor Code sections 558 and 1194 and the Wage Orders require an employer to pay
6 employees minimum wages for all hours worked fewer than eight hours in a day and/or fewer than
7 40 hours in a workweek.

8 43. Defendants failed to pay Plaintiff for all hours worked as alleged herein.

9 44. Plaintiff is therefore entitled to recover all unpaid wages, liquidated damages,
10 interest, penalties, attorney fees, and costs.

11 **SEVENTH CAUSE OF ACTION**

12 **Failure to Pay All Overtime Owed**

13 **Against All Defendants**

14 45. Plaintiff incorporates by reference the paragraphs above.

15 46. Labor Code section 510 provides that “[a]ny work in excess of eight hours in one
16 workday and any work in excess of 40 hours in any one workweek and the first eight hours worked
17 on the seventh day of work in any one workweek shall be compensated at the rate of no less than
18 one and one-half times the regular rate of pay for an employee.”

19 47. Defendants failed to pay Plaintiff all overtime wages owed as alleged herein.

20 48. Plaintiff is therefore entitled to recover all unpaid overtime wages, interest, penalties,
21 attorney fees, and costs.

22 **EIGHTH CAUSE OF ACTION**

23 **Wage Statement Penalties**

24 **Against All Defendants**

25 49. Plaintiff incorporates by reference the paragraphs above.

26 50. Labor Code section 226(a) requires employers to provide itemized wage statements
27 to its employees that identify accurate information regarding their compensation. Defendants, as a
28 matter of policy and practice, failed in its affirmative obligation to provide accurate itemized wage

1 statements to Plaintiff in violation of Labor Code section 226(a).

2 51. As alleged herein, the wage statements that Defendants issued to Plaintiff were
3 inaccurate and incomplete.

4 52. Defendants knowingly and intentionally issued wage statements that were inaccurate
5 and incomplete, and the issuance of inaccurate and incomplete wage statements caused injury to
6 Plaintiff in that Plaintiff was unable to accurately verify and/or calculate their wages.

7 53. Plaintiff is therefore entitled to the recovery of wage statement penalties, attorney
8 fees, and costs.

9 **NINTH CAUSE OF ACTION**

10 **Violation of Unfair Competition Law**

11 **Against All Defendants**

12 54. Plaintiff incorporates by reference the paragraphs above.

13 55. Defendants' conduct described herein constitutes unfair competition.

14 56. Specifically, Defendants have gained an unfair advantage over other similarly
15 situated businesses by unlawfully reducing their overhead costs by not paying their employees what
16 they are owed.

17 57. Pursuant to Business and Professions Code 17203, Plaintiff is entitled to restitution
18 of all wrongfully withheld wages.

19 58. Plaintiff may recover attorney fees pursuant to Code of Civil Procedure section
20 1021.5.

21 **TENTH CAUSE OF ACTION**

22 **Failure To Provide Meal Breaks**

23 **Against All Defendants**

24 59. Plaintiff incorporates by reference as if fully set forth herein, the allegations of
25 paragraphs above.

26 60. Labor Code §226.7 requires an employer to pay an additional hour of compensation
27 for each meal period the employer fails to provide. Plaintiff alleges that Defendant failed to provide
28 legally compliant meals in addition to impeding, discouraging and/or dissuading Plaintiff from

1 taking legally compliant meal periods. Employees are entitled to a meal period of at least thirty
2 (30) minutes per five (5) hour work period. Plaintiff consistently worked over five (5) hour shifts
3 without meal periods due to Defendant's policy of discouraging, dissuading and/or impeding
4 Plaintiff from taking meal periods. Plaintiff was scheduled by Defendant in such a way that she
5 was not able to take compliant meal breaks and complete her tasks for the day. Additionally,
6 Plaintiff alleges that she was required to take on-duty meal periods and was not provided off-
7 premises, duty-free meal periods. Pursuant to the Code, Plaintiff is entitled to a meal period of not
8 less than thirty (30) minutes prior to exceeding five (5) hours of employment.

9 61. Defendant failed to provide, impeded and/or discouraged Plaintiff from taking timely
10 meal breaks of not less than thirty (30) minutes as required by the Labor Code during the relevant
11 time period. Further, Defendant had a policy and practice of requiring Plaintiff to take on-duty
12 meal periods.

13 62. Pursuant to Labor Code §226.7, Plaintiff is entitled to damages in an amount equal
14 to one (1) hour of wages at the employee's regular rate per missed meal break, in a sum to be
15 proven at trial.

16 **ELEVENTH CAUSE OF ACTION**

17 **Failure To Allow Rest Breaks**

18 (Against All Defendants)

19 63. Plaintiff re-alleges and incorporates by reference as if fully set forth herein, the
20 aforementioned allegations.

21 64. The Plaintiff alleges that Defendants have violated Labor Code §§226.7 & the
22 applicable Wage Order. Section 226.7 of the Labor Code requires an employer to pay an additional
23 hour (1) of compensation for each rest period the employer fails to provide. Hourly non-exempt
24 employees are entitled to a paid ten (10) minute rest break for every four (4) hours worked or major
25 fraction thereof. The Defendant's policy discourages, dissuades, and prevents all hourly non-
26 exempt employees from taking a duty-free rest period break for any work period that is greater than
27 two (2) hours up to four (4) hours. Plaintiff consistently worked over four (4) hours per shift with
28 no duty-free, off-premises rest breaks, due to Defendant's policy of discouraging, dissuading and/or

1 preventing hourly employees from taking said breaks off-premises.

2 65. Pursuant to Labor Code §226.7, Plaintiff is entitled to damages in an amount equal
3 to one (1) hour of wages per rest break violation, in a sum to be proven at trial.

4 **TWELFTH CAUSE OF ACTION**

5 **Private Attorneys General Act**

6 **By Plaintiff and the Aggrieved Employees Against All Defendants**

7 66. Plaintiff incorporates by reference the paragraphs above.

8 67. PAGA permits Plaintiff and the Aggrieved Employees to recover civil penalties for
9 the violation(s) of the Labor Code.

10 68. As alleged herein, Defendants' conduct violates numerous sections of the Labor
11 Code.

12 69. With respect to violations of Labor Code section 1197 for Defendants' failure to
13 compensate Plaintiff and the Aggrieved Employees for all minimum wages earned, the penalties in
14 Labor Code sections 558, 1197.1 and 2699 apply.

15 70. With respect to violations of Labor Code section 510 for Defendants' failure to
16 compensate Plaintiff and the Aggrieved Employees for all overtime wages earned, the penalties in
17 Labor Code sections 558, 1197.1, and 2699 apply.

18 71. With respect to violations of Labor Code section 226(a) for failure to provide
19 accurate wage statements to Plaintiff and the Aggrieved Employees, the penalties in Labor Code
20 sections 226.3 and 2699 apply.

21 72. With respect to violations of Labor Code section 512 and the meal and rest period
22 provisions of the Wage Order for Defendants' failure to compensate Plaintiff and the Aggrieved
23 Employees for all meal and rest period wages, the penalties in Labor Code sections 558, 1197.1,
24 and 2699 apply.

25 73. Additionally, Plaintiff and the Aggrieved Employees are entitled to attorney's fees
26 pursuant to Labor Code section 2699(g).

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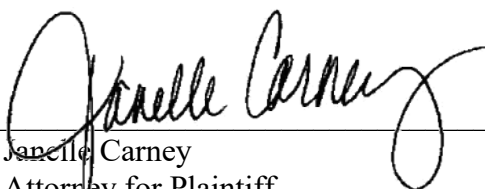
1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff prays for judgment to be entered in Plaintiff's favor and against
3 Defendant for:

- 4 1. All special damages, according to proof;
5 2. General damages for emotional distress and mental anguish in a sum according to
6 proof;
7 3. For all unpaid wages, including minimum wages, overtime wages, meal and rest
8 period penalties, including monetary damages and restitution.
9 4. For all costs and unpaid wages due and other monetary relief, according to proof;
10 5. Prejudgment interest at the prevailing legal rate;
11 6. Attorneys' fees pursuant to California Government Code Section 12965(b);
12 7. Costs of suit;
13 8. Such other and further relief as the Court may deem just and proper.

14
15 Dated: August 5, 2024

JANELLE CARNEY – ATTORNEY AT LAW, APC
FRONTIER LAW CENTER

16
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18 By: 
19 Janelle Carney
20 Attorney for Plaintiff
CAROLYN DEMORST

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DEMAND FOR JURY TRIAL

Plaintiff Carolyn Demorst hereby demands trial by jury.

Dated: August 5, 2024

JANELLE CARNEY – ATTORNEY AT LAW, APC
FRONTIER LAW CENTER

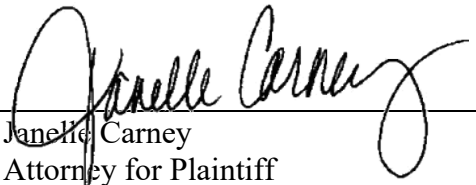
By: 
Janelle Carney
Attorney for Plaintiff
CAROLYN DEMORST

Exhibit 1



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

December 22, 2023

Joseph Gross
23901 Calabasas Rd, Suite 1084
CALABASAS, CA 91302

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202312-23069823
Right to Sue: Demorst / Ambitions of California, Inc.

Dear Joseph Gross:

Attached is a copy of your complaint of discrimination filed with the Civil Rights Department (CRD) pursuant to the California Fair Employment and Housing Act, Government Code section 12900 et seq. Also attached is a copy of your Notice of Case Closure and Right to Sue.

Pursuant to Government Code section 12962, CRD will not serve these documents on the employer. You must serve the complaint separately, to all named respondents. Please refer to the attached Notice of Case Closure and Right to Sue for information regarding filing a private lawsuit in the State of California. A courtesy "Notice of Filing of Discrimination Complaint" is attached for your convenience.

Be advised that the CRD does not review or edit the complaint form to ensure that it meets procedural or statutory requirements.

Sincerely,

Civil Rights Department



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

December 22, 2023

RE: **Notice of Filing of Discrimination Complaint**
CRD Matter Number: 202312-23069823
Right to Sue: Demorst / Ambitions of California, Inc.

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Civil Rights Department (CRD) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

Please refer to the attached complaint for a list of all respondent(s) and their contact information.

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 (voice) | 800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

December 22, 2023

Carolyn Demorst

,

RE: **Notice of Case Closure and Right to Sue**
CRD Matter Number: 202312-23069823
Right to Sue: Demorst / Ambitions of California, Inc.

Dear Carolyn Demorst:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective December 22, 2023 because an immediate Right to Sue notice was requested.

This letter is also your Right to Sue notice. According to Government Code section 12965, subdivision (b), a civil action may be brought under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The civil action must be filed within one year from the date of this letter.

To obtain a federal Right to Sue notice, you must contact the U.S. Equal Employment Opportunity Commission (EEOC) to file a complaint within 30 days of receipt of this CRD Notice of Case Closure or within 300 days of the alleged discriminatory act, whichever is earlier.

Sincerely,

Civil Rights Department

**COMPLAINT OF EMPLOYMENT DISCRIMINATION
BEFORE THE STATE OF CALIFORNIA
Civil Rights Department
Under the California Fair Employment and Housing Act
(Gov. Code, § 12900 et seq.)**

In the Matter of the Complaint of

Carolyn Demorst

CRD No. 202312-23069823

Complainant,

vs.

Ambitions of California, Inc.

,

Respondents

1. Respondent **Ambitions of California, Inc.** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant **Carolyn Demorst**, resides in the City of , State of .

3. Complainant alleges that on or about **October 31, 2023**, respondent took the following adverse actions:

Complainant was harassed because of complainant's disability (physical, intellectual/developmental, mental health/psychiatric).

Complainant was discriminated against because of complainant's disability (physical, intellectual/developmental, mental health/psychiatric) and as a result of the discrimination was reprimanded, denied any employment benefit or privilege, denied accommodation for a disability.

Complainant experienced retaliation because complainant requested or used a disability-related accommodation and as a result was reprimanded, denied any employment benefit or privilege, denied accommodation for a disability.

Additional Complaint Details: Claimant worked for Ambitions of California, Inc. Respondent as a Direct Support Professional from approximately December 2022 to present, earning \$16 per hour. In October 2023, Claimant suffered a back injury at work while assisting a disabled client. She reported the injury to her supervisor the next day and saw Respondent's doctor, who diagnosed her with a back strain and placed her on modified duty. Shortly thereafter, Respondent transferred Claimant to a different home with higher-risk clients, even though she was on modified duty. Claimant felt uncomfortable working there and requested accommodations for her disability, which Respondent failed to provide. Over the next month while Claimant was still on modified duty for her back injury, Respondent changed her work schedule in a way that eliminated higher-paying overtime shifts that Claimant relied on. This resulted in substantially reduced income. Respondent told her she would be assigned even fewer days if she did not agree to the new schedule. Based on these facts, Claimant has strong claims for disability discrimination, failure to accommodate her disability, and retaliation for engaging in protected activity under FEHA.

1 VERIFICATION

2 I, **Joseph Gross**, am the **Attorney** in the above-entitled complaint. I have read the
3 foregoing complaint and know the contents thereof. The matters alleged are based
4 on information and belief, which I believe to be true.

5 On December 22, 2023, I declare under penalty of perjury under the laws of the State
6 of California that the foregoing is true and correct.

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Calabasas CA