

Case Management Conference

01/31/2025 08:30 AM - Department 07

MANAHAN O'DELL LLP

Amanda E. Manahan (SBN 199197)

amanahan@manahanodell.com

Shaheen Anthony Etemadi (SBN 319138)

setemadi@manahanodell.com

7700 Irvine Center Drive, Suite 180

Irvine, California 92618

Tel: (949) 799-8002

Attorneys for Plaintiff

To obtain an ADR packet please visit the court's website.

<https://www.tulare.courts.ca.gov/divisions/civil>

ELECTRONICALLY FILED

Superior Court of California,

County of Tulare

10/03/2024

By: Charisma Hughes,

Deputy Clerk

Assigned to Judicial Officer

Gary M Johnson

For All Purposes

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF TULARE

SELINA TRUJILLO, individually and on behalf
of all other aggrieved employees and the State of
California,

Plaintiff,

v.

WESTROCK SERVICES, LLC; PAUL
CASTRO; and DOES 1 through 10, inclusive,

Defendants.

Case No. VCU313653

COMPLAINT FOR:

1. Assault and Battery;
2. Sexual Battery (Civ. Code § 1708.5);
3. Sexual Harassment—*Quid Pro Quo*
(Gov. Code §§ 12940, *et seq.*);
4. Hostile Work Environment Harassment
(Gov. Code §§ 12940, *et seq.*);
5. Failure to Prevent Harassment (Gov.
Code §§ 12940, *et seq.*);
6. Negligent Hiring, Supervision, and
Retention;
7. Intrusion into Private Affairs;
8. Intentional Infliction of Emotional
Distress; and
9. Civil Penalties and Public Injunctive
Relief under the PAGA (Labor Code §§
2698, *et seq.*)

**REQUEST FOR PUBLIC
INJUNCTIVE RELIEF**

DEMAND FOR JURY TRIAL

1 Plaintiff Selina Trujillo (“Plaintiff”), individually and on behalf of all other aggrieved
2 employees and the State of California, hereby brings this Complaint against WestRock Services, LLC;
3 Paul Castro; and DOES 1 through 10 inclusive (collectively, “Defendants”), and hereby alleges with
4 knowledge with respect to her own acts and on information and belief as to other matters as follows:

5 **INTRODUCTION**

6 1. This case arises out of Defendants’ unlawful harassment of Plaintiff. Plaintiff seeks
7 general and special damages, punitive damages, penalties, interest as allowed by law, attorneys’ fees
8 and costs, and other appropriate and just relief due to Defendants’ unlawful conduct in violation of
9 Plaintiff’s rights under California law to be free from harassment.

10 2. Plaintiff also brings a representative action, under Labor Code §§ 2698, *et seq.*, on
11 behalf of all other current and former employees of Defendants employed in California during the
12 PAGA Period, including exempt, non-exempt, and/or misclassified employees (collectively,
13 “Aggrieved Employees”). The term “PAGA Period” is defined as commencing from one year prior to
14 the submission of Plaintiff’s notice of Labor Code violations to the Labor and Workforce Development
15 Agency (“LWDA”) and Defendants through the date of final judgment.

16 3. This representative action is brought under, *inter alia*, the applicable provisions of the
17 California Code of Regulations, California Code of Civil Procedure § 1021.5, and California Labor
18 Code §§ 2698, *et seq.*, 6400, 6401, 6401.7, 6401.8, 6401.9, 6402, and 6403. Accordingly, Plaintiff
19 brings this representative action for recovery of civil penalties and public injunctive relief under Labor
20 Code §§ 2698 *et seq.*

21 **JURISDICTION AND VENUE**

22 4. This Court has jurisdiction over Defendants because, upon information and belief,
23 Defendants are citizens of California, Defendants have sufficient minimum contacts in California, or
24 otherwise intentionally avail themselves to the California market so as to render the exercise of
25 jurisdiction over them by the California courts consistent with the traditional notions of fair play and
26 substantial justice.

27 5. Venue in this County is proper under Business & Professions Code § 17203 and
28 California Code of Civil Procedure § 395.5 because a substantial part of Defendants’ unlawful

1 conduct, acts, and omissions alleged in this Complaint occurred in this County, Defendants conduct
2 substantial business in this County, and/or Defendants' liability arose in this County.

3 **PARTIES**

4 6. Plaintiff is an individual over the age of eighteen (18). At all relevant times herein,
5 Plaintiff was, and currently is, a California resident. Within the statute of limitations periods applicable
6 to each cause of action pled in this Complaint, Plaintiff was employed by Defendants as a non-exempt
7 employee. Plaintiff was, and is, a victim of Defendants' policies and/or practices complained of in this
8 Complaint and has been deprived of the rights guaranteed by California law.

9 7. Defendant WestRock Services, LLC ("WestRock") is a Georgia limited liability
10 company, with its principal place of business located at 1000 Abernathy Road NE, Suite 125, Atlanta,
11 Georgia 30328. WestRock is, and at all relevant times was, an employer subject to California's wage
12 and hour laws and the Fair Employment and Housing Act.

13 8. Defendant Paul Castro ("Mr. Castro") is an individual over the age of eighteen (18). At
14 all relevant times herein, Mr. Castro was, and currently is, a California resident. At all relevant times
15 herein, Mr. Castro has been employed by WestRock as a "supervisor" as defined by Government Code
16 § 12926(t) and applicable law. *See, e.g.*, CACI No. 2525 (2024 edition).

17 9. Plaintiff does not know the true names or capacities, whether individual, partner, or
18 corporate, of the defendants sued herein as DOES 1 to 10, inclusive, and for that reason, said
19 defendants are sued under such fictitious names, and Plaintiff will seek leave from this Court to further
20 amend this Complaint when such true names and capacities are discovered. Plaintiff is informed, and
21 believes, and based thereon alleges, that each of said fictitious defendants, whether individual,
22 partners, or corporate, were responsible in some manner for the acts and omissions alleged herein, and
23 proximately caused Plaintiff and other Aggrieved Employees to be subject to the unlawful
24 employment practices, wrongs, injuries and damages complained of herein.

25 10. Plaintiff is informed, and believes, and thereon alleges, that at all times mentioned
26 herein, Defendants were and are the employers of Plaintiff and other Aggrieved Employees.

27 11. At all relevant times, each of said Defendants participated in the doing of the acts
28 hereinafter alleged to have been done by the named Defendants; and furthermore, the Defendants, and

1 each of them, were the agents, servants, and employees of each and every one of the other Defendants,
2 as well as the agents of all Defendants, and at all times herein mentioned were acting within the course
3 and scope of said agency and employment. Defendants, and each of them, approved of, condoned,
4 and/or otherwise ratified each and every one of the acts or omissions complained of in this Complaint.

5 12. At all times mentioned herein, Defendants, and each of them, were members of and
6 engaged in a joint venture, partnership, and common enterprise, and acting within the course and scope
7 of and in pursuance of said joint venture, partnership, and common enterprise. Further, Plaintiff alleges
8 that all Defendants were joint employers for all purposes of Plaintiff and other Aggrieved Employees.

9 **GENERAL ALLEGATIONS CONCERNING INDIVIDUAL CLAIMS**

10 13. WestRock is one of the largest packaging companies in the world.

11 14. On information and belief, WestRock operates in 40 countries with 500+ production
12 facilities worldwide and 100,000+ team members.

13 15. Plaintiff is a female.

14 16. Defendants hired Plaintiff in or around August 2022.

15 17. At all relevant times herein, Defendants employed Plaintiff at their production facility
16 located at 701 E Continental Avenue, Tulare, California 93274 (“Tulare Facility”).

17 18. Plaintiff currently works in the forming department at Defendants’ Tulare Facility.

18 19. In or around early October 2022, Defendants’ “supervisor” Mr. Castro stopped Plaintiff
19 while she was pushing trash cans near the back of the Tulare Facility. During this encounter, Mr.
20 Castro asked Plaintiff for sexual favors by asking her to go to “his office in the back” (even though he
21 did not have an office)—presumably because Mr. Castro knew there were no cameras “in the back.”
22 Simultaneously with this request for sexual favors, Mr. Castro thrust his penis/groin into Plaintiff’s
23 hand. Plaintiff did not personally report this incident to Defendants’ Human Resources department
24 because it was embarrassing, she was a relatively new employee, and Mr. Castro was her superior with
25 the ability to discipline her or recommend that she be disciplined. Even though Plaintiff did not
26 personally report this incident to Defendants’ Human Resources department at that time, she discussed
27 it with another WestRock employee. That other WestRock employee then reported the incident to
28 Defendants’ Human Resources department. Nevertheless, Defendants’ Human Resources department

1 failed to discipline Mr. Castro. By Defendants' failure to take all reasonable steps to protect Plaintiff
2 after being warned about the dangerous and violent actions of Mr. Castro, Defendants authorized
3 and/or ratified Mr. Castro's conduct.

4 20. Plaintiff believes and thereon alleges Mr. Castro attempted to trade the absence of
5 negative employment actions to Plaintiff in exchange for sexual favors. Specifically, after Plaintiff
6 declined Mr. Castro's request for sexual favors, Mr. Castro embarked on a harassment and intimidation
7 campaign which ultimately led to Defendants placing him on a different shift than Plaintiff. This
8 harassment and intimidation campaign included Mr. Castro looking for reasons to have Plaintiff
9 written up, among other things. Still, Mr. Castro would come in early to harass and intimidate Plaintiff
10 during her shifts at the Tulare Facility.

11 21. In or around mid-October 2022, Plaintiff injured her back while working at the Tulare
12 Facility. Defendants were immediately notified of Plaintiff's back injury. However, Defendants did
13 not allow Plaintiff to see a doctor until two days after her injury. At Plaintiff's doctor's appointment,
14 Defendants' Environmental Health & Safety ("EHS") manager Ms. Geni L. falsely told Palm
15 Occupational Medicine's Clinical Manager Cassandra Olivares and the treating physician that Plaintiff
16 had expressly consented to Ms. Geni L. being in the room during Plaintiff's medical examination.
17 Through this deliberate falsehood, Ms. Geni L. improperly interjected herself into Plaintiff's private
18 medical affairs. Ms. Geni L. then began answering the physician's questions as if she was the patient
19 instead of allowing Plaintiff to respond to the physician's questions directly. Moreover, Ms. Geni L.
20 made improper medical recommendations to Plaintiff, including telling her that she did not need the
21 physician to prescribe her any pain medication because she was already taking ibuprofen and
22 responding negatively when the physician recommended a pain relieving injection. Worse, when
23 Plaintiff reported Ms. Geni L.'s improper conduct to Defendants' production supervisor Corey Fluid,
24 Mr. Fluid laughed and claimed that Defendants' corporate department pushes its supervisors and
25 managers to do exactly what Ms. Geni L. did in this particular case.

26 22. The alleged harassment has caused significant emotional distress to Plaintiff.
27 Specifically, Plaintiff has endured physical pain, mental suffering, loss of enjoyment of life, physical
28 impairment, inconvenience, grief, anxiety, humiliation, and sleep deprivation.

1 23. The alleged harassment against Plaintiff was condoned, permitted and encouraged by
2 Defendants in a manner which was grossly negligent, reckless, willful, malicious, and deliberately
3 indifferent to the Plaintiff's personal rights to a workplace free from harassment.

4 24. Prior to filing this action, Plaintiff exhausted her administrative remedies by receiving
5 a right-to-sue letter from the California Civil Rights Department.

6 **GENERAL ALLEGATIONS CONCERNING REPRESENTATIVE PAGA CLAIMS**

7 25. During the PAGA Period, Defendants failed to: (a) furnish employment and a place of
8 employment that was safe and healthful for Plaintiff and other Aggrieved Employees; (b) furnish and
9 use safety devices and safeguards which are reasonably adequate to render Plaintiff and other
10 Aggrieved Employees' place of employment safe and healthful; (c) adopt and use practices, means,
11 methods, operations, and processes which are reasonably adequate to render Plaintiff and other
12 Aggrieved Employees' employment and place of employment safe and healthful; (d) do every thing
13 reasonably necessary to protect the life, safety, and health of Plaintiff and other Aggrieved Employees;
14 (e) establish, implement, and maintain an effective injury prevention program; and (f) adopt and use
15 methods and processes reasonably adequate to render Plaintiff and other Aggrieved Employees'
16 employment and place of employment safe and failure to do every other thing reasonably necessary
17 to protect the life, safety, and health of Plaintiff and other Aggrieved Employees. By failing to do each
18 of the foregoing, Defendants required or permitted Plaintiff and other Aggrieved Employees to be in
19 an employment or place of employment which was not safe and healthful.

20 26. Throughout the PAGA Period, the temperatures inside Defendants' Tulare Facility
21 have regularly exceeded 100 degrees Fahrenheit. Defendants know that Plaintiff and other Aggrieved
22 Employees regularly work under these scorching conditions. Notwithstanding the foregoing,
23 Defendants have consistently failed to provide to Plaintiff and other Aggrieved Employees adequate
24 cool-down areas, preventative rest periods, close observation during acclimatization, assessment and
25 measurement of heat, training, prompt emergency response, and feasible control measures.

26 27. Due to Defendants' failures to comply with various Cal/OSHA provisions, on or about
27 July 8, 2024, an employee at Defendants' Tulare Facility collapsed from heat exhaustion. After the
28 employee collapsed, Defendants' supervisors, including Ms. Geni L., did not know what to do.

1 Plaintiff asked Ms. Geni L. to call an ambulance and bring her several wet towels to keep the heat
2 exhausted employee cool until the ambulance. Ms. Geni L. stepped over the heat exhausted
3 employee's body and eventually returned with a single wet paper towel. Accordingly, Defendants
4 failed to provide sufficient first aid or emergency response to the heat exhausted employee. After
5 negligently performing her job duties, Ms. Geni L., who is not a medical doctor, speculated that the
6 heat exhausted employee was sick not due to heat exhaustion but because she may have food poisoning
7 or the flu, or because she may have been drinking on her personal time.

8 28. To be clear, the July 8, 2024 incident of heat exhaustion could have and should have
9 been prevented by Defendants. Accordingly, Defendants violated numerous Cal/OSHA provisions,
10 including Labor Code §§ 6400, 6401, 6401.7, 6401.8, 6401.9, 6402, and 6403.

11 **FIRST CAUSE OF ACTION**

12 **Assault and Battery**

13 **(Against All Defendants)**

14 29. Plaintiff incorporates by reference all previous paragraphs of this Complaint as though
15 fully set forth herein.

16 30. Mr. Castro acted with the intent to threaten Plaintiff with an imminent harmful or
17 offensive bodily contact and caused Plaintiff a reasonable apprehension of such contact.

18 31. Mr. Castro willfully and unlawfully used force on Plaintiff with the intent to cause a
19 harmful or offensive touching of Plaintiff, and a harmful and offensive touching of Plaintiff resulted.

20 32. Plaintiff did not consent to Mr. Castro's harmful and offensive touching.

21 33. Plaintiff was harmed and offended by Mr. Castro's conduct.

22 34. Any reasonable person in Plaintiff's position would have been offended by the
23 conduct.

24 35. At all relevant times referred to herein, Mr. Castro was acting within the course and
25 scope of his employment with Defendants.

26 36. Defendants failed and refused to take action to prevent, stop, and/or discipline Mr.
27 Castro's sexual assault, battery, and harassment of Plaintiff. By their failure to act after being warned
28 about the dangerous and violent actions of Mr. Castro, Defendants authorized and/or ratified Mr.

1 Castro's conduct.

2 37. The alleged acts of Defendants were a proximate cause of Plaintiff's damages.

3 38. By the alleged acts and omissions of Defendants, Plaintiff has suffered general and
4 special damages, according to proof.

5 39. Plaintiff has suffered and continues to suffer physical pain, mental suffering, loss of
6 enjoyment of life, physical impairment, inconvenience, grief, anxiety, humiliation, and sleep
7 deprivation, according to proof.

8 40. Defendants and their managers, officers, and/or directors committed the acts alleged
9 herein maliciously, fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff
10 and acted with an improper and evil motive amounting to malice or oppression, and in conscious
11 disregard of Plaintiff's rights. Moreover, Defendants and their managers, officers, and/or directors
12 authorized or ratified the wrongful conduct of their employees and/or are personally guilty of
13 oppression, fraud, or malice. Thus, Plaintiff is entitled to recover punitive damages, according to proof.

14 **SECOND CAUSE OF ACTION**

15 **Sexual Battery (Civ. Code § 1708.5)**

16 **(Against All Defendants)**

17 41. Plaintiff incorporates by reference all previous paragraphs of this Complaint as though
18 fully set forth herein.

19 42. Mr. Castro acted with the intent to cause a harmful or offensive contact with Plaintiff
20 by use of his penis/groin, and a sexually offensive contact, which would offend a person with a
21 reasonable sense of personal dignity, with Plaintiff occurred as a result.

22 43. At all relevant times referred to herein, Mr. Castro was acting within the course and
23 scope of his employment with Defendants.

24 44. Defendants failed and refused to take action to prevent, stop, and/or discipline Mr.
25 Castro's sexual assault, battery, and harassment of Plaintiff. By their failure to act after being warned
26 about the dangerous and violent actions of Mr. Castro, Defendants authorized and/or ratified Mr.
27 Castro's conduct.

28 45. The alleged acts of Defendants were a proximate cause of Plaintiff's damages.

46. By the alleged acts and omissions of Defendants, Plaintiff has suffered general and special damages, according to proof.

47. Plaintiff has suffered and continues to suffer physical pain, mental suffering, loss of enjoyment of life, physical impairment, inconvenience, grief, anxiety, humiliation, and sleep deprivation, according to proof.

48. Defendants and their managers, officers, and/or directors committed the acts alleged herein maliciously, fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff and acted with an improper and evil motive amounting to malice or oppression, and in conscious disregard of Plaintiff's rights. Moreover, Defendants and their managers, officers, and/or directors authorized or ratified the wrongful conduct of their employees and/or are personally guilty of oppression, fraud, or malice. Thus, Plaintiff is entitled to recover punitive damages, according to proof.

THIRD CAUSE OF ACTION

Sexual Harassment—*Quid Pro Quo* (Gov. Code § 12940, *et seq.*)

(Against All Defendants)

49. Plaintiff incorporates by reference all previous paragraphs of this Complaint as though fully set forth herein.

50. At all times relevant herein, Defendants employed Plaintiff.

51. At all times relevant herein, Defendants employed Mr. Castro as a “supervisor” as defined by Government Code § 12926(t) and applicable law. *See, e.g.*, CACI No. 2525 (2024 edition). For example, Mr. Castro was a “lead” and was authorized to discipline other employees or recommend that they be disciplined.

52. As alleged above, Mr. Castro made unwanted sexual advances to Plaintiff and/or engaged in other unwanted verbal or physical conduct of a sexual nature.

53. On information and belief, terms of employment, job benefits, and/or favorable working conditions were made contingent, by conduct, on Plaintiff's acceptance of Mr. Castro's sexual advances or conduct. Specifically, Plaintiff believes and thereon alleges Mr. Castro attempted to trade the absence of negative employment actions to Plaintiff in exchange for sexual favors. After Plaintiff declined Mr. Castro's request for sexual favors, Mr. Castro embarked on a harassment and

1 intimidation campaign which ultimately led to WestRock placing him on a different shift than Plaintiff.
2 This harassment and intimidation campaign included Mr. Castro looking for reasons to have Plaintiff
3 written up, among other things. Still, Mr. Castro would come in early to harass and intimidate Plaintiff
4 during her shifts at the Tulare Facility.

5 54. At all relevant times referred to herein, Mr. Castro was acting within the course and
6 scope of his employment with Defendants.

7 55. Defendants failed and refused to take action to prevent, stop, and/or discipline Mr.
8 Castro's sexual assault, battery, and harassment of Plaintiff. By their failure to act after being warned
9 about the dangerous and violent actions of Mr. Castro, Defendants authorized and/or ratified Mr.
10 Castro's conduct.

11 56. The alleged acts of Defendants were a proximate cause of Plaintiff's damages.

12 57. By the alleged acts and omissions of Defendants, Plaintiff has suffered general and
13 special damages, according to proof.

14 58. Plaintiff has suffered and continues to suffer physical pain, mental suffering, loss of
15 enjoyment of life, physical impairment, inconvenience, grief, anxiety, humiliation, and sleep
16 deprivation, according to proof.

17 59. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees. Under
18 Government Code § 12965(b), Plaintiff is entitled to recover reasonable attorneys' fees and costs
19 (including expert witness costs), according to proof.

20 60. Defendants and their managers, officers, and/or directors committed the acts alleged
21 herein maliciously, fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff
22 and acted with an improper and evil motive amounting to malice or oppression, and in conscious
23 disregard of Plaintiff's rights. Moreover, Defendants and their managers, officers, and/or directors
24 authorized or ratified the wrongful conduct of their employees and/or are personally guilty of
25 oppression, fraud, or malice. Thus, Plaintiff is entitled to recover punitive damages, according to proof.

26 // //

27 // //

28 // //

1 **FOURTH CAUSE OF ACTION**

2 **Hostile Work Environment Harassment (Gov. Code § 12940, *et seq.*)**

3 **(Against All Defendants)**

4 61. Plaintiff incorporates by reference all previous paragraphs of this Complaint as though
5 fully set forth herein.

6 62. At all times relevant herein, Defendants employed Plaintiff.

7 63. At all times relevant herein, Defendants employed Mr. Castro as a “supervisor” as
8 defined by Government Code § 12926(t) and applicable law. *See, e.g.*, CACI No. 2525 (2024 edition).
9 For example, Mr. Castro was a “lead” and was authorized to discipline other employees or recommend
10 that they be disciplined.

11 64. At all times relevant herein, Defendants employed Ms. Geni L as a “supervisor” as
12 defined by Government Code § 12926(t) and applicable law. *See, e.g.*, CACI No. 2525 (2024 edition).

13 65. As alleged above, Plaintiff was subjected to harassing conduct through a hostile work
14 environment, in whole or in part on the bases of Plaintiff’s sex, gender, physical disability, and/or
15 other protected characteristics, in violation of Government Code §§ 12940(j) and 12923.

16 66. Under Government Code § 12923(b), a single incident of harassing conduct is
17 sufficient to create a hostile work environment if the harassing conduct has unreasonably interfered
18 with Plaintiff’s work performance or created an intimidating, hostile, or offensive working
19 environment.

20 67. A reasonable person in Plaintiff’s circumstances would have considered Defendants’
21 work environment to be hostile, intimidating, offensive, oppressive, or abusive.

22 68. Plaintiff considered Defendants’ work environment to be hostile, intimidating,
23 offensive, oppressive, or abusive.

24 69. At all relevant times referred to herein, Mr. Castro and Ms. Geni L were acting within
25 the course and scope of their employment with Defendants.

26 70. The alleged acts of Defendants were a proximate cause of Plaintiff’s damages.

27 71. By the alleged acts and omissions of Defendants, Plaintiff has suffered general and
28 special damages, according to proof.

72. Plaintiff has suffered and continues to suffer physical pain, mental suffering, loss of enjoyment of life, physical impairment, inconvenience, grief, anxiety, humiliation, and sleep deprivation, according to proof.

73. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees. Under Government Code § 12965(b), Plaintiff is entitled to recover reasonable attorneys' fees and costs (including expert witness costs), according to proof.

74. Defendants and their managers, officers, and/or directors committed the acts alleged herein maliciously, fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff and acted with an improper and evil motive amounting to malice or oppression, and in conscious disregard of Plaintiff's rights. Moreover, Defendants and their managers, officers, and/or directors authorized or ratified the wrongful conduct of their employees and/or are personally guilty of oppression, fraud, or malice. Thus, Plaintiff is entitled to recover punitive damages, according to proof.

FIFTH CAUSE OF ACTION

Failure to Prevent Harassment (Gov. Code §§ 12940, *et seq.*)

(Against WestRock Services, LLC and Does 1 through 10, inclusive)

75. Plaintiff incorporates by reference all previous paragraphs of this Complaint as though fully set forth herein.

76. Under FEHA, it is unlawful for an employer “to fail to take all reasonable steps necessary to prevent discrimination and harassment from occurring.”

77. During Plaintiff's employment, Defendants failed to prevent their employees from engaging in intentional actions that resulted in Plaintiff being treated less favorably because of Plaintiff's sex, gender, physical disability, and/or other protected characteristics.

78. The alleged acts or inaction of Defendants were a proximate cause of Plaintiff's damages.

79. By the alleged acts and omissions of Defendants, Plaintiff has suffered general and special damages, according to proof.

80. Plaintiff has suffered and continues to suffer physical pain, mental suffering, loss of enjoyment of life, physical impairment, inconvenience, grief, anxiety, humiliation, and sleep

1 deprivation, according to proof.

2 81. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees. Under
3 Government Code § 12965(b), Plaintiff is entitled to recover reasonable attorneys' fees and costs
4 (including expert witness costs), according to proof.

5 82. Defendants and their managers, officers, and/or directors committed the acts alleged
6 herein maliciously, fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff
7 and acted with an improper and evil motive amounting to malice or oppression, and in conscious
8 disregard of Plaintiff's rights. Moreover, Defendants and their managers, officers, and/or directors
9 authorized or ratified the wrongful conduct of their employees and/or are personally guilty of
10 oppression, fraud, or malice. Thus, Plaintiff is entitled to recover punitive damages, according to proof.

11 **SIXTH CAUSE OF ACTION**

12 **Negligent Hiring, Supervision, and Retention**

13 **(Against WestRock Services, LLC and Does 1 through 10, inclusive)**

14 83. Plaintiff incorporates by reference all previous paragraphs of this Complaint as though
15 fully set forth herein.

16 84. Defendants owed a duty of care to Plaintiff to appoint, hire, retain, and supervise
17 persons who would not engage in harassing conduct. Defendants owed a duty of care to Plaintiff not
18 to retain managers or employees who would harass employees. Defendants owed a duty of care to
19 Plaintiff to supervise their managers and employees closely to ensure that they would refrain from
20 harassing Plaintiff.

21 85. Defendants breached these duties. As a result, Defendants caused damages to Plaintiff.
22 As a proximate result of Defendants' negligent hiring, retention, and supervision of their managers
23 and employees, Plaintiff has suffered and continues to suffer damages, including physical pain, mental
24 suffering, loss of enjoyment of life, physical impairment, inconvenience, grief, anxiety, humiliation,
25 and sleep deprivation, according to proof.

26 // //

27 // //

28 // //

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

6
7
8
9
0
1
2
3
4
5
6
7
8

2
3
4
5
6
7
8

3
4
5
6
7
8

4
5
6
7
8

5
6
7
8

7
8

1 96. Defendants intentionally or recklessly caused Plaintiff severe emotional distress.

2 97. Defendants' conduct was outrageous.

3 98. As a proximate result of Defendants' conduct, Plaintiff has suffered and continues to
4 suffer physical pain, mental suffering, loss of enjoyment of life, physical impairment, inconvenience,
5 grief, anxiety, humiliation, and sleep deprivation, according to proof.

6 99. Defendants and their managers, officers, and/or directors committed the acts alleged
7 herein maliciously, fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff
8 and acted with an improper and evil motive amounting to malice or oppression, and in conscious
9 disregard of Plaintiff's rights. Moreover, Defendants and their managers, officers, and/or directors
10 authorized or ratified the wrongful conduct of their employees and/or are personally guilty of
11 oppression, fraud, or malice. Thus, Plaintiff is entitled to recover punitive damages, according to proof.

12 **NINTH CAUSE OF ACTION**

13 **Civil Penalties and Public Injunctive Relief Under the PAGA (Labor Code §§ 2698, *et seq.*)**

14 **(Against WestRock Services, LLC and Does 1 through 10, inclusive)**

15 100. Plaintiff incorporate by reference all previous paragraphs of this Complaint as though
16 fully set forth herein.

17 101. On July 22, 2024, Plaintiff notified WestRock, via certified mail, and the California
18 Labor and Workforce Development Agency ("LWDA") via its website, of Defendants' violations of
19 the California Labor Code and Plaintiff's intent to bring a claim for injunctive relief and civil penalties
20 under California Labor Code § 2698 *et seq.* with respect to violations of the California Labor Code
21 identified in this Complaint. More than sixty-five days have passed since Plaintiff notified Defendants
22 of these violations. Moreover, on September 27, 2024, the LWDA determined that WestRock cannot
23 use Labor Code § 2699.3(c) to cure the alleged health and safety violations. The LWDA took no
24 position on the merit of any alleged health and safety violations. Thus, Plaintiff has exhausted the
25 administrative requirements for bringing claims for civil penalties and public injunctive relief under
26 Labor Code §§ 2698 *et seq.* with respect to the violations alleged in this Complaint.

27 102. Defendants have committed several Labor Code violations against Plaintiff and other
28 Aggrieved Employees. Plaintiff, an "aggrieved employee" within the meaning of Labor Code § 2698

1 *et seq.*, acting on behalf of herself and other Aggrieved Employees, brings this representative action
2 against Defendants to recover the civil penalties due to Plaintiff, other Aggrieved Employees, and the
3 State of California according to proof based on Defendants' alleged violations of Labor Code §§ 6400,
4 6401, 6401.7, 6401.8, 6401.9, 6402, and 6403.

5 103. Under Labor Code §§ 2698 *et seq.*, Plaintiff is entitled to recover civil penalties and
6 public injunctive relief for the alleged foregoing violations of the Labor Code.

7 104. Under Labor Code § 2699 and Code of Civil Procedure § 1021.5, Plaintiff is entitled
8 to attorneys' fees and costs incurred in this representative action.

9 **PRAYER FOR RELIEF**

10 **WHEREFORE**, Plaintiff, individually, prays for judgment against Defendants, jointly and
11 severally, as follows:

- 12 1. For general and special damages, according to proof;
- 13 2. For damages for past and future emotional distress, humiliation, grief, nervousness,
14 worry, sadness, anger, frustration, embarrassment, helplessness, stress, and related emotional and
15 mental anguish, according to proof;
- 16 3. For exemplary and punitive damages, according to proof;
- 17 4. For attorneys' fees and costs;
- 18 5. For statutory penalties, as permitted by law;
- 19 6. For interest, including prejudgment interest, as permitted by law; and
- 20 7. For such other and further relief the Court may deem just and proper.

21 **WHEREFORE**, Plaintiff, individually and on behalf of all other aggrieved employees and the
22 State of California, prays for judgment against Defendants, jointly and severally, as follows:

- 23 8. Upon the Ninth Cause of Action, for public injunctive relief under Labor Code §§ 2698
24 *et seq.*;
- 25 9. Upon the Ninth Cause of Action, for civil penalties under Labor Code §§ 2698 *et seq.*;
- 26 10. Upon the Ninth Cause of action, for attorneys' fees and costs under Labor Code § 2699
27 and Code of Civil Procedure § 1021.5; and
- 28 11. For such other and further relief the Court may deem just and proper.

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: October 3, 2024

MANAHAN O'DELL LLP

By: *Shaheen Anthony Etemadi*
Shaheen Anthony Etemadi
Attorneys for Plaintiff

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

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all issues so triable.

Dated: October 3, 2024

MANAHAN O'DELL LLP

By: *Shaheen Anthony Etemadi*

Shaheen Anthony Etemadi
Attorneys for Plaintiff