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Superior Court of California,
County of Placer
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF PLACER

Andrea Rachelle Rollins, an individual,

Plaintiff.

-vs.-

S & D Car Wash Management LLC, a
California corporation; Alexia Ballesteros, an
individual; and DOES 1 through 30, inclusive,

Defendants.

Case No: **S-CV-0052371**

1. Discrimination Based on Physical Disability
2. Failure to Accommodate Actual or Perceived Physical Disability
3. Failure to Engage in Good Faith Interactive Process
4. Intentional Infliction of Emotional Distress
5. Failure to Prevent Discriminatory Practices
6. Fair Employment & Housing Act Retaliation
7. Failure to Provide California Family Rights Act Leave
8. Interference with California Family Rights Act Leave
9. Retaliation for Requesting/Taking California Family Rights Act Leave
10. Failure to Pay Overtime Compensation
11. Retaliation in Violation of Labor Code (Labor Code §1102.5)
12. Wrongful Termination in Violation of Public Policy

DEMAND FOR JURY TRIAL

1 Plaintiff, Andrea Rachelle Rollins, alleges as follows:

2 **PRELIMINARY MATTERS**

3 **(Jurisdiction, Parties, and Venue)**

4 1. At all times mentioned herein, plaintiff Andrea Rachelle Rollins (“Plaintiff” or “Ms.
5 Rollins”) was an individual over the age of 18 and a resident of the County of Placer, State of
6 California.

7 2. At all times mentioned herein, defendant S & D Car Wash Management LLC
8 (“Defendant” or “S & D”) was a California corporation doing business as “S & D Car Wash
9 Management” in the County of Placer, State of California.

10 3. At all times mentioned herein, defendant Alexia Ballesteros (“Ballesteros” or
11 collectively with Defendant as “Defendants”) was employed by Defendant and was and is a resident
12 of Placer County, State of California. At all relevant times, Ballesteros occupied a managerial and/or
13 supervisory position at Defendant, had direct supervisory authority over Plaintiff, and/or exercised
14 supervisory authority over Plaintiff within the scope of their employment and authority. Ballesteros
15 exercised substantial independent authority and judgment in corporate decision-making such that
16 their decisions ultimately determined Defendant’s corporate policy.

17 4. Plaintiff is ignorant of the true names and capacities, whether individual, corporate,
18 associate, or otherwise, of defendants sued herein as Does 1 through 30, inclusive, and therefore sues
19 defendants under such fictitious names. Plaintiff is informed and believes and therefore alleges that
20 each of the defendants designated herein as DOE is legally responsible in some manner for the events
21 and happenings referred to and proximately caused injury and damages thereby to Plaintiff as herein
22 alleged. Plaintiff is informed, believes, and alleges that Does 1 through 30 are residents and citizens
23 of the State of California.

24 5. At all relevant times, each defendant and Does 1-30 were the agents, servants, and
25 alter-egos of each other, and as such, the acts and omissions of one defendant are considered the acts
26 and omissions of all defendants. Plaintiff is informed and believes and alleges that there is such unity
27 of interests and ownership between these defendants that separate status no longer exists and that
28 observance of the fiction of separate existence among these defendants would sanction fraud and

1 promote injustice.

2 6. All actions and conduct of Defendant and Does 1-30 as alleged herein were committed
3 in Placer County, State of California. Plaintiff is further informed and believes that witnesses to the
4 events described herein were and are residents of Placer County, California.

5 7. The damages in controversy demanded by Plaintiff is greater than \$25,000.00.

6 8. Within the time provided by law, Plaintiff filed a complaint with the California Civil
7 Rights Department, in full compliance with these sections, and has received and served a right-to-sue
8 letter. A true and correct copy of Plaintiff's Charge and Right to Sue letter is attached as Exhibit A.

9 **FACTUAL ALLEGATIONS**

10 9. Defendant employed Plaintiff as a Customer Care Advocate from May 29, 2019, until
11 October 27, 2023.

12 10. In or around September 2023, Plaintiff received reports from a subordinate regarding
13 workplace sexual harassment and quid pro quo offers made by a manager at one of S & D Car Wash
14 Management's locations.

15 11. Plaintiff believed the sexual harassment and quid pro quo offers violated law and/or
16 regulations. Therefore, upon receiving these complaints, Plaintiff promptly reported the incidents to
17 S & D Car Wash Management's Human Resources ("HR") department and the regional manager.
18 However, S & D Car Wash Management did not conduct any investigations or take any follow-up
19 actions to address this issue reported by Plaintiff.

20 12. Subsequently, Plaintiff faced retaliation from her supervisor, Alexia Ballesteros, and
21 the customer service head supervisor, Steve Ashley, following her advocacy on behalf of the harassed
22 employees.

23 13. Defendants manifested retaliation against Plaintiff through consistent negative
24 behavior and verbal abuse.

25 14. Furthermore, Plaintiff was not compensated for her overtime work, exacerbating the
26 unfair treatment she endured within the workplace.

27 15. Despite providing the necessary documentation and requesting to work from home,
28 Plaintiff encountered resistance from HR representative, Hannah Flash, who displayed an

1 unsympathetic attitude and failed to facilitate the accommodation requested by Plaintiff. Plaintiff's
2 request for accommodation was denied without any interactive process.

3 16. On or around October 2, 2023, Plaintiff filed for Family and Medical Leave Act
4 ("FMLA") to attend to her son, who has autism.

5 17. Ballesteros refused to accommodate Plaintiff's need for a schedule change to better
6 manage her responsibilities as a caregiver for her son. Instead, she forced Plaintiff to file for FMLA.

7 18. Plaintiff's FMLA request was subsequently denied.

8 19. On or around October 19 to 23, 2023, Plaintiff requested time off, a request that had
9 been approved months in advance. However, she later discovered that the approval was revoked
10 without notice, indicating further arbitrary actions taken against her.

11 20. Ultimately, on or around October 27, 2023, Defendants wrongfully terminated,
12 purportedly for falsely informing clients about account cancellations, despite having no prior
13 disciplinary issues or discussions regarding her performance.

14 21. Upon information and belief, it is the customary practice of Defendants to terminate
15 employees who request accommodations or FMLA leaves.

16 **FIRST CAUSE OF ACTION**

17 Discrimination Based on Physical Disability

18 (Government Code §§ 12940 (a) and 12926 (o))

19 (Against Defendants and Does 1-30)

20 22. Plaintiff refers to and incorporates each paragraph above as though set forth in full in
21 this cause of action.

22 23. At all relevant times, Government Code §§ 12940 (a) and 12926 (o) were in full force
23 and effect and binding on Defendant. These statutes prohibit Defendant from discriminating against
24 any employee based on that employee's actual and/or perceived physical disability.

25 24. Plaintiff alleges that Plaintiff's physical disability was a motivating factor in
26 Defendant's wrongdoing, including, without limitation, the following: (1) Defendant's refusal to
27 reasonably accommodate Plaintiff's disability; (2) Defendant's failure to engage in a timely, good-
28 faith, interactive process with Plaintiff to determine whether a reasonable accommodation could be

provided for their disability; and (3) terminating Plaintiff's employment due to Plaintiff's disability.

25. At all relevant times, Plaintiff was an individual with a disability within the meaning of Government Code § 12926(m). Additionally, at all relevant times, Plaintiff was willing, able, and qualified to perform the duties and functions of the position in which they were employed and/or trained or could have performed the duties and functions of that position with reasonable accommodation. At no time would Plaintiff's performance of the employment position, with reasonable accommodation for Plaintiff's disability, have been a danger to Plaintiff or any other person's health or safety. Reasonable accommodation of Plaintiff's disability would not have imposed an undue hardship on Defendant.

26. Defendant's acts and omissions, including terminating Plaintiff's employment, constitute unlawful and discriminatory employment practices on account of Plaintiff's physical disability, in violation of Government Code § 12900, *et seq.*

27. As a direct, foreseeable, and proximate result of Defendant's conduct as alleged, Plaintiff has suffered and will continue to suffer actual damages, including lost earnings and other employment benefits, in a sum in excess of the jurisdictional limit of this Court, the exact amount of which is not yet known, which amount will be proven at trial.

28. As a direct, foreseeable, and proximate result of Defendant's wrongful acts and failures to act, Plaintiff has suffered and will continue to suffer substantial emotional distress and will incur other incidental and consequential damages and losses, all in amounts to be proven at trial. Plaintiff claims all such amounts as damages, together with prejudgment interest, pursuant to any provision of law providing for prejudgment interest.

29. As a direct, foreseeable, and proximate result of Defendant's discriminatory and wrongful actions against Plaintiff as alleged, Plaintiff has suffered and will continue to suffer special damages that include, without limitation, loss of wages, salary, benefits, and/or additional amounts of money Plaintiff would have received but for Defendant's discriminatory and wrongful actions. Plaintiff continues to suffer the intangible loss of such employment-related opportunities as experience in the position Plaintiff held and advancement opportunities.

30. As a direct, foreseeable, and proximate result of said wrongful acts and failures to act

1 by Defendant, Plaintiff has suffered and will continue to suffer humiliation, shame, despair,
2 embarrassment, depression, and mental pain and anguish, causing Plaintiff to incur damages in an
3 amount to be proven at trial.

4 31. Defendant committed the acts alleged herein maliciously, fraudulently, and
5 oppressively, with the wrongful intention of injuring Plaintiff, and acted with an improper and evil
6 motive amounting to malice or despicable conduct. Alternatively, Defendant's wrongful conduct was
7 carried out with a conscious disregard for Plaintiff's rights. Further, the alleged wrongful conduct
8 was carried out and ratified by a managing agent; or an officer, a director, or a managing agent and
9 Defendant had advance knowledge of the unfitness of its decision-maker and employed them with a
10 conscious disregard of Plaintiff's rights and/or authorized and/or ratified their conduct. As a result,
11 Plaintiff is entitled to recover punitive and exemplary damages commensurate with Defendant's
12 wrongful acts and sufficient to punish and deter future similarly reprehensible conduct.

13 32. Plaintiff is entitled to an award of reasonable attorney's fees and costs pursuant to the
14 Fair Employment and Housing Act.

15 **WHEREFORE**, Plaintiff prays judgment Against Defendants and Does 1-30 as is more fully
16 set forth hereinafter.

17 **first CAUSE OF ACTION**

18 Failure to Accommodate Actual or Perceived Physical Disability

19 (Government Code § 12940 (m))

20 (Against Defendants and Does 1-30)

21 33. Plaintiff refers to and incorporates each paragraph above as though set forth in full in
22 this cause of action.

23 34. At all relevant times, Government Code §§ 12940 (a) and 12940 (m) were in full force
24 and effect and binding on Defendant. These statutes require Defendant to provide reasonable
25 accommodation to known disabled employees.

26 35. At all relevant times, Defendant was fully aware of Plaintiff's disability. Plaintiff
27 attempted to obtain reasonable accommodation from Defendant for their disability. Defendant,
28 through its owners, managers, employees, and agents, refused to provide Plaintiff with reasonable

1 accommodations and engage in any meaningful discussion to determine if Plaintiff could be
2 reasonably accommodated. Reasonable accommodation of Plaintiff's disability would not have
3 imposed an undue hardship on Defendant.

4 36. Defendant's discriminatory and retaliatory actions against Plaintiff, as alleged above,
5 constitute unlawful discrimination in employment on account of Plaintiff's disability, in violation of
6 the Fair Employment and Housing Act, because Defendant failed to reasonably accommodate
7 Plaintiff's disability despite full awareness thereof and despite being requested to provide reasonable
8 accommodations. (See Government Code § 12940 (m)).

9 37. Defendant's acts and omissions, including failing to reasonably accommodate
10 Plaintiff, constitute unlawful and discriminatory employment practices because of Plaintiff's physical
11 disability in violation of Government Code § 12900, *et seq.*

12 38. As a direct, foreseeable, and proximate result of Defendant's conduct as alleged,
13 Plaintiff has suffered and will continue to suffer actual damages, including lost earnings and other
14 employment benefits, in a sum in excess of the jurisdictional limit of this Court, the exact amount of
15 which is not yet known, which amount will be proven at trial.

16 39. As a direct, foreseeable, and proximate result of Defendant's wrongful acts and failures
17 to act, Plaintiff has suffered and will continue to suffer substantial emotional distress and will incur
18 other incidental and consequential damages and losses, all in amounts to be proven at trial. Plaintiff
19 claims all such amounts as damages, together with prejudgment interest, pursuant to any provision of
20 law providing for prejudgment interest.

21 40. As a direct, foreseeable, and proximate result of Defendant's discriminatory and
22 wrongful actions against Plaintiff as alleged, Plaintiff has suffered and will continue to suffer special
23 damages that include, without limitation, loss of wages, salary, benefits, and/or additional amounts
24 of money Plaintiff would have received but for Defendant's discriminatory and wrongful actions.
25 Plaintiff continues to suffer the intangible loss of such employment-related opportunities as
26 experience in the position Plaintiff held and advancement opportunities.

27 41. As a direct, foreseeable, and proximate result of said wrongful acts and failures to act
28 by Defendant, Plaintiff has suffered and will continue to suffer humiliation, shame, despair,

1 embarrassment, depression, and mental pain and anguish, causing Plaintiff to incur damages in an
2 amount to be proven at trial.

3 42. Defendant committed the acts alleged herein maliciously, fraudulently, and
4 oppressively, with the wrongful intention of injuring Plaintiff, and acted with an improper and evil
5 motive amounting to malice or despicable conduct. Alternatively, Defendant's wrongful conduct was
6 carried out with a conscious disregard for Plaintiff's rights. Further, the alleged wrongful conduct
7 was carried out and ratified by a managing agent; or an officer, a director, or a managing agent and
8 Defendant had advance knowledge of the unfitness of its decision-maker and employed them with a
9 conscious disregard of Plaintiff's rights and/or authorized and/or ratified their conduct. As a result,
10 Plaintiff is entitled to recover punitive and exemplary damages commensurate with Defendant's
11 wrongful acts and sufficient to punish and deter future similarly reprehensible conduct.

12 43. Plaintiff is entitled to an award of reasonable attorney's fees and costs pursuant to the
13 Fair Employment and Housing Act.

14 **WHEREFORE**, Plaintiff prays judgment Against Defendants and Does 1-30 as is more fully
15 set forth hereinafter.

16 **second CAUSE OF ACTION**

17 Failure to Engage in Good Faith Interactive Process

18 (Government Code § 12940 (n))

19 (Against Defendants and Does 1-30)

20 44. Plaintiff refers to and incorporates each paragraph above as though set forth in full in
21 this cause of action.

22 45. At all relevant times, Government Code §§ 12940 (a) and 12940 (n) were in full force
23 and effect and binding on Defendant. These statutes require Defendant to engage in a timely, good-
24 faith, interactive process with an employee who has a known disability or known medical condition
25 to determine whether an effective reasonable accommodation can be provided.

26 46. At all relevant times, Defendant knew that Plaintiff had a physical disability, and
27 Plaintiff attempted to obtain a reasonable accommodation from Defendant for their disability.
28 Defendant, through its employees and agents, failed to adequately and timely respond to Plaintiff's

1 requests for reasonable accommodation and refused to engage in any meaningful discussion to
2 determine whether Plaintiff could be provided with reasonable accommodation.

3 47. Defendant refused and failed to engage in a timely and adequate good-faith interactive
4 process with Plaintiff to determine an effective reasonable accommodation in response to Plaintiff's
5 request for reasonable accommodation in violation of Government Code § 12940 (n).

6 48. Defendant's acts and omissions, including terminating Plaintiff's employment,
7 constitute unlawful and discriminatory employment practices on account of Plaintiff's physical
8 disability, in violation of Government Code § 12900, *et seq.*

9 49. As a direct, foreseeable, and proximate result of Defendant's conduct as alleged,
10 Plaintiff has suffered and will continue to suffer actual damages, including lost earnings and other
11 employment benefits, in a sum in excess of the jurisdictional limit of this Court, the exact amount of
12 which is not yet known, which amount will be proven at trial.

13 50. As a direct, foreseeable, and proximate result of Defendant's wrongful acts and
14 failures to act, Plaintiff has suffered and will continue to suffer substantial emotional distress and will
15 incur other incidental and consequential damages and losses, all in amounts to be proven at trial.
16 Plaintiff claims all such amounts as damages, together with prejudgment interest, pursuant to any
17 provision of law providing for prejudgment interest.

18 51. As a direct, foreseeable, and proximate result of Defendant's discriminatory and
19 wrongful actions against Plaintiff as alleged, Plaintiff has suffered and will continue to suffer special
20 damages that include, without limitation, loss of wages, salary, benefits, and/or additional amounts
21 of money Plaintiff would have received but for Defendant's discriminatory and wrongful actions.
22 Plaintiff continues to suffer the intangible loss of such employment-related opportunities as
23 experience in the position Plaintiff held and advancement opportunities.

24 52. As a direct, foreseeable, and proximate result of said wrongful acts and failures to act
25 by Defendant, Plaintiff has suffered and will continue to suffer humiliation, shame, despair,
26 embarrassment, depression, and mental pain and anguish, causing Plaintiff to incur damages in an
27 amount to be proven at trial.

28 53. Defendant committed the acts alleged herein maliciously, fraudulently, and

1 oppressively, with the wrongful intention of injuring Plaintiff, and acted with an improper and evil
2 motive amounting to malice or despicable conduct. Alternatively, Defendant's wrongful conduct was
3 carried out with a conscious disregard for Plaintiff's rights. Further, the alleged wrongful conduct
4 was carried out and ratified by a managing agent; or an officer, a director, or a managing agent and
5 Defendant had advance knowledge of the unfitness of its decision-maker and employed them with a
6 conscious disregard of Plaintiff's rights and/or authorized and/or ratified their conduct. As a result,
7 Plaintiff is entitled to recover punitive and exemplary damages commensurate with Defendant's
8 wrongful acts and sufficient to punish and deter future similarly reprehensible conduct.

9 54. Plaintiff is entitled to an award of reasonable attorney's fees and costs pursuant to the
10 Fair Employment and Housing Act.

11 **WHEREFORE**, Plaintiff prays judgment Against Defendants and Does 1-30 as is more fully
12 set forth hereinafter.

13 **FOURTH CAUSE OF ACTION**

14 Intentional Infliction of Emotional Distress

15 (Against Defendant, Ballesteros and DOES 1-30)

16 55. Plaintiff refers to and incorporates each paragraph above as though set forth in full in
17 this cause of action.

18 56. At all relevant times, Ballesteros occupied a managerial and/or supervisory position
19 with Defendant, had direct supervisory authority over Plaintiff, and/or exercised supervisory
20 authority over Plaintiff within the scope of Ballesteros's employment and authority.

21 57. During Plaintiff's employment with Defendant, Ballesteros committed the following
22 acts toward Plaintiff, including but not limited to the following: micro-management, verbal abuse,
23 intentional denial of reasonable request of accommodation for Plaintiff to care for her son, wrongful
24 termination.

25 58. Defendants' conduct towards Plaintiff, as described herein, was outrageous and
26 extreme. Defendants' conduct was outrageous because it goes beyond all possible bounds of decency
27 and because a reasonable person would regard the conduct as intolerable in a civilized community.

28 59. Defendants intended to cause Plaintiff severe emotional distress or acted with reckless

1 disregard of the probability that Plaintiff would suffer emotional distress, knowing that Plaintiff was
2 present when the conduct occurred.

3 60. Defendants knew that emotional distress would probably result from Defendants'
4 conduct, or Defendants gave little or no thought to the probable effects of their conduct.

5 61. Defendants' conduct was a substantial factor in causing Plaintiff's severe emotional
6 distress.

7 62. As a direct, foreseeable, and proximate result of Defendants' conduct as alleged,
8 Plaintiff has suffered and will continue to suffer actual damages, including lost earnings and other
9 employment benefits, in a sum in excess of the jurisdictional limit of this Court, the exact amount of
10 which is not yet known, which amount will be proven at trial.

11 63. As a direct, foreseeable, and proximate result of Defendants' wrongful acts and failures
12 to act, Plaintiff has suffered and will continue to suffer substantial emotional distress and will incur
13 other incidental and consequential damages and losses, all in amounts to be proven at trial. Plaintiff
14 claims all such amounts as damages, together with prejudgment interest, pursuant to any provision of
15 law providing for prejudgment interest.

16 64. As a direct, foreseeable, and proximate result of Defendants' wrongful actions against
17 Plaintiff as alleged, Plaintiff has suffered and will continue to suffer special damages that include,
18 without limitation, loss of wages, salary, benefits, and/or additional amounts of money Plaintiff would
19 have received but for Defendants' wrongful actions. Plaintiff continues to suffer the intangible loss
20 of such employment-related opportunities as experience in the position Plaintiff held and
21 advancement opportunities.

22 65. As a direct, foreseeable, and proximate result of said wrongful acts and failures to act
23 by Defendants, Plaintiff has suffered and will continue to suffer humiliation, shame, despair,
24 embarrassment, depression, and mental pain and anguish, causing Plaintiff to incur damages in an
25 amount to be proven at trial.

26 66. Defendants committed the acts alleged herein maliciously, fraudulently, and
27 oppressively, and with the wrongful intention of injuring Plaintiff, and acted with an improper and
28 evil motive amounting to malice or despicable conduct. Alternatively, Defendants' wrongful conduct

1 was carried out with a conscious disregard for Plaintiff's rights. Further, Defendants' wrongful
2 conduct was carried out and ratified by a managing agent; or an officer, a director, or a managing
3 agent who had advance knowledge of the unfitness of its decision-maker and employed them with a
4 conscious disregard of Plaintiff's rights and/or authorized and/or ratified their conduct. As a result,
5 Plaintiff is entitled to recover punitive and exemplary damages commensurate with Defendants'
6 wrongful acts and sufficient to punish and deter future similarly reprehensible conduct.

7 **WHEREFORE**, Plaintiff prays judgment against Defendants and Does 1-30 as is more fully
8 set forth hereinafter.

9 **FIFTH CAUSE OF ACTION**

10 Failure to Prevent Discriminatory Practices

11 (Government Code § 12940 (k))

12 (Against Defendants and Does 1-30)

13 67. Plaintiff refers to and incorporates each paragraph above as though set forth in full in
14 this cause of action.

15 68. At all times mentioned, Government Code § 12940 (k) was in full force and effect and
16 was binding on Defendant. This statute required Defendant to take all reasonable steps necessary to
17 prevent discrimination, harassment, and retaliation from occurring in the workplace.

18 69. Plaintiff was subjected to discrimination, harassment, and retaliation due to Plaintiff's
19 physical disability. Defendant failed to take reasonable steps to prevent the discrimination,
20 harassment, and retaliation Plaintiff was subjected to despite Defendant's full awareness thereof in
21 violation of Government Code § 12900, *et seq.*

22 70. As a direct, foreseeable, and proximate result of Defendant's conduct as alleged,
23 Plaintiff has suffered and will continue to suffer actual damages, including lost earnings and other
24 employment benefits, in a sum in excess of the jurisdictional limit of this Court, the exact amount of
25 which is not yet known, which amount will be proven at trial.

26 71. As a direct, foreseeable, and proximate result of Defendant's wrongful acts and
27 failures to act, Plaintiff has suffered and will continue to suffer substantial emotional distress and will
28 incur other incidental and consequential damages and losses, all in amounts to be proven at trial.

1 Plaintiff claims all such amounts as damages, together with prejudgment interest, pursuant to any
2 provision of law providing for prejudgment interest.

3 72. As a direct, foreseeable, and proximate result of Defendant's discriminatory and
4 wrongful actions against Plaintiff as alleged, Plaintiff has suffered and will continue to suffer special
5 damages that include, without limitation, loss of wages, salary, benefits, and/or additional amounts
6 of money Plaintiff would have received but for Defendant's discriminatory and wrongful actions.
7 Plaintiff continues to suffer the intangible loss of such employment-related opportunities as
8 experience in the position Plaintiff held and advancement opportunities.

9 73. As a direct, foreseeable, and proximate result of said wrongful acts and failures to act
10 by Defendant, Plaintiff has suffered and will continue to suffer humiliation, shame, despair,
11 embarrassment, depression, and mental pain and anguish, causing Plaintiff to incur damages in an
12 amount to be proven at trial.

13 74. Defendant committed the acts alleged herein maliciously, fraudulently, and
14 oppressively, with the wrongful intention of injuring Plaintiff, and acted with an improper and evil
15 motive amounting to malice or despicable conduct. Alternatively, Defendant's wrongful conduct was
16 carried out with a conscious disregard for Plaintiff's rights. Further, the alleged wrongful conduct
17 was carried out and ratified by a managing agent; or an officer, a director, or a managing agent and
18 Defendant had advance knowledge of the unfitness of its decision-maker and employed them with a
19 conscious disregard of Plaintiff's rights and/or authorized and/or ratified their conduct. As a result,
20 Plaintiff is entitled to recover punitive and exemplary damages commensurate with Defendant's
21 wrongful acts and sufficient to punish and deter future similarly reprehensible conduct.

22 75. Plaintiff is entitled to an award of reasonable attorney's fees and costs pursuant to the
23 Fair Employment and Housing Act.

24 **WHEREFORE**, Plaintiff prays judgment Against Defendants and Does 1-30 as is more fully
25 set forth hereinafter.

26 **SIXTH CAUSE OF ACTION**

27 Fair Employment & Housing Act Retaliation

28 (Government Code § 12940 (h))

(Against Defendants and Does 1-30)

76. Plaintiff incorporates by reference all prior paragraphs of the allegations as though fully set forth herein.

77. California Government Code § 12940 (h) makes it unlawful for an employer to discharge, expel, or otherwise discriminate against any person, including adversely affecting working conditions, because the person has opposed any practices forbidden under Fair Employment & Housing Act.

78. As alleged, on one or more occasions during their employment, Plaintiff engaged in protected activities, including but not limited to the following:

- (a) Requesting and/or requiring disability-related reasonable accommodations.
- (b) Requesting and/or requiring an interactive process.
- (c) Requesting and/or taking CFRA leave.
- (d) Reporting, opposing, and/or objecting to suspected FEHA violations.

79. Plaintiff is informed, believes, and alleges that their engaging in the above-protected activities, and some combination of those factors, were the motivating reasons and/or factors in Defendants' decisions to subject Plaintiff to the adverse employment actions, including but not limited to their termination.

80. Defendant violated FEHA by retaliating against Plaintiff and terminating Plaintiff's employment for attempting to exercise their protected rights, as set forth above.

81. As a direct, foreseeable, and proximate result of Defendant's conduct as alleged, Plaintiff has suffered and will continue to suffer actual damages, including lost earnings and other employment benefits, in a sum in excess of the jurisdictional limit of this Court, the exact amount of which is not yet known, which amount will be proven at trial.

82. As a direct, foreseeable, and proximate result of Defendant's wrongful acts and failures to act, Plaintiff has suffered and will continue to suffer substantial emotional distress and will incur other incidental and consequential damages and losses, all in amounts to be proven at trial. Plaintiff claims all such amounts as damages, together with prejudgment interest, pursuant to any provision of law providing for prejudgment interest.

83. As a direct, foreseeable, and proximate result of Defendant's discriminatory and wrongful actions against Plaintiff as alleged, Plaintiff has suffered and will continue to suffer special damages that include, without limitation, loss of wages, salary, benefits, and/or additional amounts of money Plaintiff would have received but for Defendant's discriminatory and wrongful actions. Plaintiff continues to suffer the intangible loss of such employment-related opportunities as experience in the position Plaintiff held and advancement opportunities.

84. As a direct, foreseeable, and proximate result of said wrongful acts and failures to act by Defendant, Plaintiff has suffered and will continue to suffer humiliation, shame, despair, embarrassment, depression, and mental pain and anguish, causing Plaintiff to incur damages in an amount to be proven at trial.

85. Defendant 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 despicable conduct. Alternatively, Defendant's wrongful conduct was carried out with a conscious disregard for Plaintiff's rights. Further, the alleged wrongful conduct was carried out and ratified by a managing agent; or an officer, a director, or a managing agent and Defendant had advance knowledge of the unfitness of its decision-maker and employed them with a conscious disregard of Plaintiff's rights and/or authorized and/or ratified their conduct. As a result, Plaintiff is entitled to recover punitive and exemplary damages commensurate with Defendant's wrongful acts and sufficient to punish and deter future similarly reprehensible conduct.

86. Plaintiff is entitled to an award of reasonable attorney's fees and costs pursuant to the Fair Employment and Housing Act.

WHEREFORE, Plaintiff prays judgment Against Defendants and Does 1-30 as is more fully set forth hereinafter.

SEVENTH CAUSE OF ACTION

Failure to Provide California Family Rights Act Leave

(Government Code § 12945.2)

(Against Defendants and Does 1-30)

87. Plaintiff refers to and incorporates each paragraph above as though set forth in full in

1 this cause of action.

2 88. At all times herein mentioned, the California Family Rights Act (“CFRA”) was in full
3 force and effect and was binding on Defendant. The CFRA authorizes eligible employees to take 12
4 weeks of paid or unpaid job-protected leave during a 12-month period.

5 89. Plaintiff requested a CFRA leave of absence from Defendant for their serious health
6 condition. Plaintiff had been employed by Defendant for at least 12 months as of the requested leave
7 date and completed at least 1250 hours of service during the 12 months immediately preceding the
8 request for leave. In addition, Defendant employed at least five employees within 75 miles of its
9 workplace.

10 90. The California Family Rights Act and other applicable provisions make it unlawful
11 for any employer to interfere with, restrain, or deny the exercise of, or attempt to exercise, any right
12 provided under the CFRA.

13 91. Plaintiff asserted their right under CFRA by providing Defendant with reasonable
14 notice of her right to take protected family care and medical leave under the CFRA. Defendant failed
15 to provide Plaintiff with CFRA leave;

16 92. As a direct, foreseeable, and proximate result of Defendant’s conduct as alleged,
17 Plaintiff has suffered and will continue to suffer actual damages, including lost earnings and other
18 employment benefits, in a sum in excess of the jurisdictional limit of this Court, the exact amount of
19 which is not yet known, which amount will be proven at trial.

20 93. As a direct, foreseeable, and proximate result of Defendant’s wrongful acts and
21 failures to act, Plaintiff has suffered and will continue to suffer substantial emotional distress and will
22 incur other incidental and consequential damages and losses, all in amounts to be proven at trial.
23 Plaintiff claims all such amounts as damages, together with prejudgment interest, pursuant to any
24 provision of law providing for prejudgment interest.

25 94. As a direct, foreseeable, and proximate result of Defendant’s discriminatory and
26 wrongful actions against Plaintiff as alleged, Plaintiff has suffered and will continue to suffer special
27 damages that include, without limitation, loss of wages, salary, benefits, and/or additional amounts
28 of money Plaintiff would have received but for Defendant’s discriminatory and wrongful actions.

1 Plaintiff continues to suffer the intangible loss of such employment-related opportunities as
2 experience in the position Plaintiff held and advancement opportunities.

3 95. As a direct, foreseeable, and proximate result of said wrongful acts and failures to act
4 by Defendant, Plaintiff has suffered and will continue to suffer humiliation, shame, despair,
5 embarrassment, depression, and mental pain and anguish, causing Plaintiff to incur damages in an
6 amount to be proven at trial.

7 96. Defendant committed the acts alleged herein maliciously, fraudulently, and
8 oppressively, with the wrongful intention of injuring Plaintiff, and acted with an improper and evil
9 motive amounting to malice or despicable conduct. Alternatively, Defendant's wrongful conduct was
10 carried out with a conscious disregard for Plaintiff's rights. Further, the alleged wrongful conduct
11 was carried out and ratified by a managing agent; or an officer, a director, or a managing agent and
12 Defendant had advance knowledge of the unfitness of its decision-maker and employed them with a
13 conscious disregard of Plaintiff's rights and/or authorized and/or ratified their conduct. As a result,
14 Plaintiff is entitled to recover punitive and exemplary damages commensurate with Defendant's
15 wrongful acts and sufficient to punish and deter future similarly reprehensible conduct.

16 97. Plaintiff is entitled to an award of reasonable attorney's fees and costs pursuant to the
17 Fair Employment and Housing Act.

18 **WHEREFORE**, Plaintiff prays judgment Against Defendants and Does 1-30 as is more fully
19 set forth hereinafter.

20 **EIGHTH CAUSE OF ACTION**

21 Interference with California Family Rights Act Leave

22 (Government Code § 12900, *et seq.*)

23 (Against Defendants and Does 1-30)

24 98. Plaintiff refers to and incorporates each paragraph above as though set forth in full in
25 this cause of action.

26 99. At all times herein mentioned, the California Family Rights Act ("CFRA") was in full
27 force and effect and was binding on Defendant. The CFRA authorizes eligible employees to take 12
28 weeks of paid or unpaid job-protected leave during a 12-month period.

1 100. Plaintiff requested a CFRA leave of absence from Defendant for their serious health
2 condition. Plaintiff had been employed by Defendant for at least 12 months as of the requested leave
3 date and completed at least 1250 hours of service during the 12 months immediately preceding the
4 request for leave. In addition, Defendant employed at least five employees within 75 miles of its
5 workplace.

6 101. The California Family Rights Act and other applicable provisions make it unlawful
7 for any employer to interfere with, restrain, or deny the exercise of, or attempt to exercise, any right
8 provided under the CFRA.

9 102. Plaintiff requested CFRA leave from Defendant for their serious health condition.
10 Defendant terminated Plaintiff's employment while on CFRA leave in violation of California
11 Government Code § 12945.2 for taking time off work due to their disability.

12 103. Defendant terminated Plaintiff for taking CFRA leave, failed to provide CFRA leave,
13 interfered with their statutory right to do so, and retaliated against them for taking and/or requesting
14 CFRA leave. Rather than providing Plaintiff a protected leave of absence, Defendant terminated
15 Plaintiff.

16 104. As a direct, foreseeable, and proximate result of Defendant's conduct as alleged,
17 Plaintiff has suffered and will continue to suffer actual damages, including lost earnings and other
18 employment benefits, in a sum in excess of the jurisdictional limit of this Court, the exact amount of
19 which is not yet known, which amount will be proven at trial.

20 105. As a direct, foreseeable, and proximate result of Defendant's wrongful acts and
21 failures to act, Plaintiff has suffered and will continue to suffer substantial emotional distress and will
22 incur other incidental and consequential damages and losses, all in amounts to be proven at trial.
23 Plaintiff claims all such amounts as damages, together with prejudgment interest, pursuant to any
24 provision of law providing for prejudgment interest.

25 106. As a direct, foreseeable, and proximate result of Defendant's discriminatory and
26 wrongful actions against Plaintiff as alleged, Plaintiff has suffered and will continue to suffer special
27 damages that include, without limitation, loss of wages, salary, benefits, and/or additional amounts
28 of money Plaintiff would have received but for Defendant's discriminatory and wrongful actions.

1 Plaintiff continues to suffer the intangible loss of such employment-related opportunities as
2 experience in the position Plaintiff held and advancement opportunities.

3 107. As a direct, foreseeable, and proximate result of said wrongful acts and failures to act
4 by Defendant, Plaintiff has suffered and will continue to suffer humiliation, shame, despair,
5 embarrassment, depression, and mental pain and anguish, causing Plaintiff to incur damages in an
6 amount to be proven at trial.

7 108. Defendant committed the acts alleged herein maliciously, fraudulently, and
8 oppressively, with the wrongful intention of injuring Plaintiff, and acted with an improper and evil
9 motive amounting to malice or despicable conduct. Alternatively, Defendant's wrongful conduct was
10 carried out with a conscious disregard for Plaintiff's rights. Further, the alleged wrongful conduct
11 was carried out and ratified by a managing agent; or an officer, a director, or a managing agent and
12 Defendant had advance knowledge of the unfitness of its decision-maker and employed them with a
13 conscious disregard of Plaintiff's rights and/or authorized and/or ratified their conduct. As a result,
14 Plaintiff is entitled to recover punitive and exemplary damages commensurate with Defendant's
15 wrongful acts and sufficient to punish and deter future similarly reprehensible conduct.

16 109. Plaintiff is entitled to an award of reasonable attorney's fees and costs pursuant to the
17 Fair Employment and Housing Act.

18 **WHEREFORE**, Plaintiff prays judgment Against Defendants and Does 1-30 as is more fully
19 set forth hereinafter.

20 **NINTH CAUSE OF ACTION**

21 Retaliation for Requesting/Taking California Family Rights Act Leave

22 (Government Code § 12900, *et seq.*)

23 (Against Defendants and Does 1-30)

24 110. Plaintiff refers to and incorporates each paragraph above as though set forth in full in
25 this cause of action.

26 111. At all times herein mentioned, the California Family Rights Act ("CFRA") was in full
27 force and effect and was binding on Defendant. The CFRA authorizes eligible employees to take 12
28 weeks of paid or unpaid job-protected leave during a 12-month period.

1 112. Plaintiff requested a CFRA leave of absence from Defendant for their serious health
2 condition. Plaintiff had been employed by Defendant for at least 12 months as of the requested leave
3 date and completed at least 1250 hours of service during the 12 months immediately preceding the
4 request for leave. In addition, Defendant employed at least five employees within 75 miles of its
5 workplace.

6 113. The California Family Rights Act and other applicable provisions make it unlawful
7 for any employer to interfere with, restrain, or deny the exercise of, or attempt to exercise, any right
8 provided under the CFRA.

9 114. As a result of Plaintiff requesting and taking CFRA leave, Defendant terminated
10 Plaintiff's employment while on leave in violation of California Government Code § 12945.2.

11 115. As a direct, foreseeable, and proximate result of Defendant's conduct as alleged,
12 Plaintiff has suffered and will continue to suffer actual damages, including lost earnings and other
13 employment benefits, in a sum in excess of the jurisdictional limit of this Court, the exact amount of
14 which is not yet known, which amount will be proven at trial.

15 116. As a direct, foreseeable, and proximate result of Defendant's wrongful acts and
16 failures to act, Plaintiff has suffered and will continue to suffer substantial emotional distress and will
17 incur other incidental and consequential damages and losses, all in amounts to be proven at trial.
18 Plaintiff claims all such amounts as damages, together with prejudgment interest, pursuant to any
19 provision of law providing for prejudgment interest.

20 117. As a direct, foreseeable, and proximate result of Defendant's discriminatory and
21 wrongful actions against Plaintiff as alleged, Plaintiff has suffered and will continue to suffer special
22 damages that include, without limitation, loss of wages, salary, benefits, and/or additional amounts
23 of money Plaintiff would have received but for Defendant's discriminatory and wrongful actions.
24 Plaintiff continues to suffer the intangible loss of such employment-related opportunities as
25 experience in the position Plaintiff held and advancement opportunities.

26 118. As a direct, foreseeable, and proximate result of said wrongful acts and failures to act
27 by Defendant, Plaintiff has suffered and will continue to suffer humiliation, shame, despair,
28 embarrassment, depression, and mental pain and anguish, causing Plaintiff to incur damages in an

1 amount to be proven at trial.

2 119. Defendant committed the acts alleged herein maliciously, fraudulently, and
3 oppressively, with the wrongful intention of injuring Plaintiff, and acted with an improper and evil
4 motive amounting to malice or despicable conduct. Alternatively, Defendant's wrongful conduct was
5 carried out with a conscious disregard for Plaintiff's rights. Further, the alleged wrongful conduct
6 was carried out and ratified by a managing agent; or an officer, a director, or a managing agent and
7 Defendant had advance knowledge of the unfitness of its decision-maker and employed them with a
8 conscious disregard of Plaintiff's rights and/or authorized and/or ratified their conduct. As a result,
9 Plaintiff is entitled to recover punitive and exemplary damages commensurate with Defendant's
10 wrongful acts and sufficient to punish and deter future similarly reprehensible conduct.

11 120. Plaintiff is entitled to an award of reasonable attorney's fees and costs pursuant to the
12 Fair Employment and Housing Act.

13 **WHEREFORE**, Plaintiff prays judgment Against Defendants and Does 1-30 as is more fully
14 set forth hereinafter.

15 **TENTH CAUSE OF ACTION**

16 Failure to Pay Overtime Compensation

17 (Labor Code §§ 510 and 1194)

18 (Against Defendants and Does 1-30)

19 121. Plaintiff refers to and incorporates each paragraph above as though set forth in full in
20 this cause of action.

21 122. At all relevant times herein, California Labor Code §§ 510 and 1194, and the
22 applicable Industrial Wage Commission Orders contained in Title 8 of the California Code of
23 Regulation, applied to Plaintiff and provided for payment of an overtime premium of not less than
24 one-and-half (1.5) time the employee's regular rate of pay for all hours worked in excess on eight (8)
25 hours per workday or forty (40) hours per workweek, and two (2) times the employee's regular rate
26 of pay for all hours worked over twelve (12) hours per workday or over eight (8) hours on the seventh
27 workday of the week.

28 123. During Plaintiff's employment, they worked shifts of more than 8 hours a day and/or

1 more than 40 hours a week.

2 124. During Plaintiff's employment, Defendant failed to compensate Plaintiff for overtime
3 hours worked over eight (8) hours per workday or forty (40) hours per workweek and two (2) times
4 the employee's regular rate of pay for all hours worked over twelve (12) hours per workday or over
5 eight (8) hours on the seventh workday of the week.

6 125. As a direct, legal and proximate result of Defendant's violations of the overtime
7 provisions of California Labor Code § 510 and 1194, along with the applicable IWC Wage Orders,
8 there is due and owing to Plaintiff overtime wages.

9 126. Ballesteros was Plaintiff's employer and/or was an "other person acting on behalf of"
10 such employer, as defined by Labor Code § 558.1 (b), and is personally liable for the violations
11 alleged in this cause of action

12 127. Plaintiff is entitled to recover prevailing party attorney's fees pursuant to Labor Code
13 §§ 218.5, 218.6, and 1194.

14 **WHEREFORE**, Plaintiff prays judgment against Defendants and Does 1-30 as is more fully
15 set forth hereinafter.

16 **ELEVENTH CAUSE OF ACTION**

17 Retaliation in Violation of Labor Code

18 (Labor Code § 1102.5)

19 (Against Defendants and Does 1-30)

20 128. Plaintiff refers to and incorporates each paragraph above as though set forth in full in
21 this cause of action.

22 129. At all relevant times, Labor Code § 1102.5(a) was in full force and effect and was
23 binding on Defendant. This law prohibits an employer, or any person acting on behalf of the
24 employers, from discharging an employee or in any manner discriminating or retaliating against, or
25 taking any adverse action against, an employee because, among other things, the employee disclosed
26 information to a government or law enforcement agency, or to a person with authority over the
27 employee or another employee who has the authority to investigate, discover, or correct the violation
28 or noncompliance, if the employee has reasonable cause to believe that the information discloses a

1 violation of state or federal statute, or violation of or noncompliance with a local, state, or federal rule
2 or regulation, regardless of whether disclosing the information is part of the employee's job duties.
3 Pursuant to Labor Code § 1102.5(f), in addition to other penalties, an employer that is a corporation
4 or limited liability company is liable for a civil penalty not exceeding ten thousand dollars (\$10,000)
5 for each violation of this section.

6 130. As alleged herein, on one or more occasions during their employment, Plaintiff
7 engaged in protected activities, including but not limited to the following:

- 8 (a) Reporting, opposing, and/or objecting to suspected FEHA violations.
9 (b) Reporting, opposing, and/or objecting to suspected wage and hour violations.
10 (c) Reporting, opposing, and/or objecting to suspected workplace safety and/or health
11 violations.
12 (d) Reporting, opposing, and/or objecting to suspected to illegal workplace activity.

13 In response, Defendant subjected Plaintiff to adverse employment actions, including, without
14 limitation, termination.

15 131. Plaintiff's reporting of these violations was a motivating and contributing factor for
16 the adverse employment actions by Defendant against Plaintiff. This conduct violates Labor Code §§
17 1102.5 and 1102.6, and such violations were a proximate cause in Plaintiff's damages as hereinabove
18 stated.

19 132. Plaintiff is entitled to a civil penalty not to exceed \$10,000.00 for Defendant's
20 violations of Labor Code § 1102.5.

21 133. As a direct, foreseeable, and proximate result of Defendant's conduct as alleged,
22 Plaintiff has suffered and will continue to suffer actual damages, including lost earnings and other
23 employment benefits, in a sum in excess of the jurisdictional limit of this Court, the exact amount of
24 which is not yet known, which amount will be proven at trial.

25 134. As a direct, foreseeable, and proximate result of Defendant's wrongful acts and
26 failures to act, Plaintiff has suffered and will continue to suffer substantial emotional distress and will
27 incur other incidental and consequential damages and losses, all in amounts to be proven at trial.
28 Plaintiff claims all such amounts as damages, together with prejudgment interest, pursuant to any

1 provision of law providing for prejudgment interest.

2 135. As a direct, foreseeable, and proximate result of Defendant's discriminatory and
3 wrongful actions against Plaintiff as alleged, Plaintiff has suffered and will continue to suffer special
4 damages that include, without limitation, loss of wages, salary, benefits, and/or additional amounts
5 of money Plaintiff would have received but for Defendant's discriminatory and wrongful actions.
6 Plaintiff continues to suffer the intangible loss of such employment-related opportunities as
7 experience in the position Plaintiff held and advancement opportunities.

8 136. As a direct, foreseeable, and proximate result of said wrongful acts and failures to act
9 by Defendant, Plaintiff has suffered and will continue to suffer humiliation, shame, despair,
10 embarrassment, depression, and mental pain and anguish, causing Plaintiff to incur damages in an
11 amount to be proven at trial.

12 137. Defendant committed the acts alleged herein maliciously, fraudulently, and
13 oppressively, with the wrongful intention of injuring Plaintiff, and acted with an improper and evil
14 motive amounting to malice or despicable conduct. Alternatively, Defendant's wrongful conduct was
15 carried out with a conscious disregard for Plaintiff's rights. Further, the alleged wrongful conduct
16 was carried out and ratified by a managing agent; or an officer, a director, or a managing agent and
17 Defendant had advance knowledge of the unfitness of its decision-maker and employed them with a
18 conscious disregard of Plaintiff's rights and/or authorized and/or ratified their conduct. As a result,
19 Plaintiff is entitled to recover punitive and exemplary damages commensurate with Defendant's
20 wrongful acts and sufficient to punish and deter future similarly reprehensible conduct.

21 138. Plaintiff is entitled to recover prevailing party attorney's fees pursuant to Labor Code
22 § 1102.5 (j).

23 **WHEREFORE**, Plaintiff prays judgment Against Defendants and Does 1-30 as is more fully
24 set forth hereinafter.

25 **TWELVETH CAUSE OF ACTION**

26 Wrongful Termination in Violation of Public Policy

27 (As to Defendants and Does 1-30)

28 139. Plaintiff refers to and incorporates each paragraph above as though set forth in full in

1 this cause of action.

2 140. Throughout their employment with Defendant, Plaintiff performed the duties of their
3 work assignments competently.

4 141. Under California law, no employee can be terminated or subjected to adverse
5 employment action for a reason that violates a fundamental public policy.

6 142. Plaintiff believes and, on that basis, alleges that their

7 (a) Requesting disability-related reasonable accommodations.

8 (b) Requesting and/or taking CFRA leave.

9 (c) Reporting, opposing, and/or objecting to suspected wage and hour violations.

10 (d) Reporting, opposing, and/or objecting to suspected FEHA violations.

11 (e) Reporting, opposing, and/or objecting to suspected to illegal workplace activity.

12 and/or some combination of these factors were motivating reasons for their termination. Plaintiff's
13 termination violated the public policy of the State of California and the United States, imposing
14 general business duties with which every business entity must comply. Defendants' conduct violated
15 the California Constitution, the California Fair Employment and Housing Act, codified in
16 Government Code § 12940, *et seq.*, the California Labor Code, etc.

17 143. As a direct, foreseeable, and proximate result of Defendant's conduct as alleged,
18 Plaintiff has suffered and will continue to suffer actual damages, including lost earnings and other
19 employment benefits, in a sum in excess of the jurisdictional limit of this Court, the exact amount of
20 which is not yet known, which amount will be proven at trial.

21 144. As a direct, foreseeable, and proximate result of Defendant's wrongful acts and
22 failures to act, Plaintiff has suffered and will continue to suffer substantial emotional distress and will
23 incur other incidental and consequential damages and losses, all in amounts to be proven at trial.
24 Plaintiff claims all such amounts as damages, together with prejudgment interest, pursuant to any
25 provision of law providing for prejudgment interest.

26 145. As a direct, foreseeable, and proximate result of Defendant's discriminatory and
27 wrongful actions against Plaintiff as alleged, Plaintiff has suffered and will continue to suffer special
28 damages that include, without limitation, loss of wages, salary, benefits, and/or additional amounts

1 of money Plaintiff would have received but for Defendant's discriminatory and wrongful actions.
2 Plaintiff continues to suffer the intangible loss of such employment-related opportunities as
3 experience in the position Plaintiff held and advancement opportunities.

4 146. As a direct, foreseeable, and proximate result of said wrongful acts and failures to act
5 by Defendant, Plaintiff has suffered and will continue to suffer humiliation, shame, despair,
6 embarrassment, depression, and mental pain and anguish, causing Plaintiff to incur damages in an
7 amount to be proven at trial.

8 147. Defendant committed the acts alleged herein maliciously, fraudulently, and
9 oppressively, with the wrongful intention of injuring Plaintiff, and acted with an improper and evil
10 motive amounting to malice or despicable conduct. Alternatively, Defendant's wrongful conduct was
11 carried out with a conscious disregard for Plaintiff's rights. Further, the alleged wrongful conduct
12 was carried out and ratified by a managing agent; or an officer, a director, or a managing agent and
13 Defendant had advance knowledge of the unfitness of its decision-maker and employed them with a
14 conscious disregard of Plaintiff's rights and/or authorized and/or ratified their conduct. As a result,
15 Plaintiff is entitled to recover punitive and exemplary damages commensurate with Defendant's
16 wrongful acts and sufficient to punish and deter future similarly reprehensible conduct.

17 **WHEREFORE**, Plaintiff prays judgment Against Defendants and Does 1-30 as is more fully
18 set forth hereinafter.

19 **PRAYER FOR RELIEF**

20 **WHEREFORE**, Plaintiff prays for judgment against each defendant, as is fully set forth
21 below:

- 22 a. That Defendant and Does 1-30 are found to have violated California Government
23 Code § 12940 *et seq.*;
- 24 b. That Defendants and Does 1-30 are found to have violated the California Labor Code
25 and the applicable IWC Wage Order(s);
- 26 c. That Defendant and Does 1-30 are found to have violated the California Family Rights
27 Act.
- 28 d. That Defendant and Does 1-30 are found to have wrongfully terminated Plaintiff in

violation of public policy;

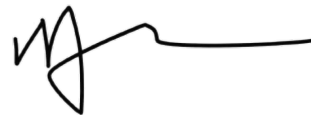
- e. That Defendant and Does 1-30's violations as described above are found to be willful;
- f. For general damages in a sum according to proof;
- g. For special damages in a sum according to proof;
- h. For compensatory damages;
- i. For statutory penalties;
- j. For costs of suit herein incurred;
- k. For pre and post-judgment interest;
- l. For punitive and exemplary damages;
- m. An award of reasonable attorneys' fees and costs in accordance with California law, including but not limited to the California Government Code, Labor Code, and/or Code of Civil Proc. § 1021.5;
- n. For such other and further relief, in law or equity, as this Court may deem appropriate and just.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury.

Dated: March 7, 2024

WILSHIRE LAW FIRM PLC



Yaqi Xie, Esq.
Attorneys for Plaintiff
Andrea Rachelle Rollins

EXHIBIT A



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

February 27, 2024

ANDREA ROLLINS
3055 Wilshire Blvd., 12th Floor
Los Angeles, CA 90010

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202402-23764327
Right to Sue: ROLLINS / S & D Car Wash Management LLC

Dear ANDREA ROLLINS:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective February 27, 2024 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
ANDREA ROLLINS

CRD No. 202402-23764327

Complainant,
vs.

S & D Car Wash Management LLC
,

Respondents

1. Respondent **S & D Car Wash Management LLC** is an **employer** subject to suit under the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

2. Complainant **ANDREA ROLLINS**, resides in the City of **Los Angeles**, State of **CA**.

3. Complainant alleges that on or about **October 27, 2023**, respondent took the following adverse actions:

Complainant was harassed because of complainant's disability (physical, intellectual/developmental, mental health/psychiatric), family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies.

Complainant was discriminated against because of complainant's disability (physical, intellectual/developmental, mental health/psychiatric), family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies and as a result of the discrimination was terminated, laid off, forced to quit, denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-related questions, denied any employment benefit or privilege, other, denied work opportunities or assignments, denied or forced to transfer, denied accommodation for a disability, denied family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies.

Complainant experienced retaliation because complainant reported or resisted any form of discrimination or harassment, requested or used family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies and as a result was terminated, laid off, forced to quit, denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-related questions, denied any employment benefit or privilege, other, denied work opportunities or assignments, denied or forced to transfer, denied accommodation for a disability, denied employer paid health care while on family care and medical leave (cfra), denied family care and medical leave (cfra) related to serious health condition of employee or family member, child bonding, or military exigencies.

Additional Complaint Details: 1. Respondent employed Claimant as a Customer Care Advocate from May 29, 2019, until October 27, 2023.

2. In or around September 2023, Claimant received reports from a subordinate regarding workplace sexual harassment and quid pro quo offers made by a manager at one of S & D Car Wash Management's locations.

3. Claimant believed the sexual harassment and quid pro quo offers violated law and/or regulations. Therefore, upon receiving these complaints, Claimant promptly reported the incidents to S & D Car Wash Management's Human Resources ("HR") department and the regional manager. However, S & D Car Wash Management did not conduct any investigations or take any follow-up actions to address this issue reported by Claimant.

4. Subsequently, Claimant faced retaliation from her supervisor, Alexia Vallistros, and the customer service head supervisor, Steve Ashley, following her advocacy on behalf of the harassed employees.

5. Respondents manifested retaliation against Claimant through consistent negative behavior and verbal abuse.

6. Furthermore, Claimant was not compensated for her overtime work, exacerbating the unfair treatment she endured within the workplace.

7. Despite providing the necessary documentation and requesting to work from home, Claimant encountered resistance from HR representative, Hannah Flash, who displayed an unsympathetic attitude and failed to facilitate the accommodation requested by Claimant. Claimant's request for accommodation was denied without any interactive process.

8. On or around October 2, 2023, Claimant filed for Family and Medical Leave Act ("FMLA") to attend to her son, who has autism.

9. VALLISTROS refused to accommodate Claimant's need for a schedule change to better manage her responsibilities as a caregiver for her son. Instead, she forced Claimant to file for FMLA.

10. Claimant's FMLA request was subsequently denied.

11. On or around October 19 to 23, 2023, Claimant requested time off, a request that had been approved months in advance. However, she later discovered that the approval was revoked without notice, indicating further arbitrary actions taken against her.

12. Ultimately, on or around October 27, 2023, Respondents wrongfully terminated, purportedly for falsely informing clients about account cancellations, despite having no prior disciplinary issues or discussions regarding her performance.

1 13. Upon information and belief, it is the customary practice of Respondents to terminate
2 employees who request accommodations or FMLA leaves.

1 VERIFICATION

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

5 On February 27, 2024, I declare under penalty of perjury under the laws of the State
6 of California that the foregoing is true and correct.

7 **Los Angeles, CA**
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