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 ISALIAH BUSH

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 COUNTY OF SACRAMENTO

ISALIAH BUSH, an individual

Plaintiff,

v.

S&D CARWASH MANAGEMENT, LLC dba  
 QUICK QUACK CAR WASH, a Delaware  
 limited liability company; CHARLES  
 LAMONTE, an individual; NATHANIEL  
 CASTILLO, an individual; and DOES 1-10.

Defendants.

Case No.:

**COMPLAINT FOR DAMAGES AND  
 REQUEST FOR A JURY TRIAL**

1. FEHA HARASSMENT
2. FEHA RETALIATION
3. FEHA DISCRIMINATION
4. FEHA FAILURE TO PREVENT HARASSMENT AND RETALIATION
5. WRONGFUL DISCHARGE IN VIOLATION OF PUBLIC POLICY
6. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
7. FAILURE TO PAY MINIMUM WAGE
8. FAILURE TO PAY OVERTIME
9. FAILURE TO PROVIDE COMPLIANT MEAL BREAKS
10. FAILURE TO PROVIDE COMPLIANT REST BREAKS
11. FAILURE TO REIMBURSE EXPENSES
12. FAILURE TO PROVIDE ACCURATE ITEMIZED WAGE STATEMENTS
13. FAILURE TO PAY ALL WAGES DUE UPON SEPARATION
14. VIOLATION OF CAL. LABOR CODE SECTION 1102.5

COMPLAINT FOR DAMAGES AND REQUEST FOR A JURY TRIAL

BY FAX

**FILED**  
 Superior Court Of California,  
 Sacramento  
 08/13/2020  
 Stewart  
 By \_\_\_\_\_, Deputy  
 Case Number:  
**34-2020-00283275**

**JURY TRIAL DEMANDED  
UNLIMITED CIVIL CASE**

Plaintiff ISALAH BUSH, demanding a jury trial, brings this action against Defendants S&D CARWASH MANAGEMENT, LLC; CHARLES LAMONTE; NATHANIEL CASTILLO; and DOES 1 through 10, for general, compensatory, punitive, and statutory damages, and costs and attorneys' fees resulting from Defendants' unlawful conduct, and as grounds therefore alleges as follows:

**PARTIES**

1. Plaintiff, ISALAH BUSH (hereinafter "Plaintiff"), an African-American male, is, and was at all relevant times herein a resident of the County of Sacramento, State of California.

2. Plaintiff is informed and believes and thereon alleges that Defendant S&D CARWASH MANAGEMENT, LLC doing business as "Quick Quack Car Wash" (hereinafter "QUICK QUACK") was at all times relevant hereto, and currently is, a corporation organized and existing under and pursuant to the laws of the State of Delaware and registered with the California Secretary of State as a foreign limited liability company qualified to transact business in the State of California. At all relevant times hereto, Plaintiff worked for QUICK QUACK at its Sacramento, California location.

3. Plaintiff is informed and believes and thereon alleges that Defendant CHARLES LAMONTE (hereinafter "LAMONTE"), a white adult male individual, is, and at all times relevant hereto was, domiciled, residing, and/or located in the State of California, County of Sacramento. LAMONTE callously, maliciously, for his own personal gratification, and/or because of meanness, bigotry, or other personal motives, and in a manner not necessary to perform his job duties, subjected Plaintiff to racial harassment.

4. Plaintiff is informed and believes and thereon alleges that Defendant NATHANIEL CASTILLO (hereinafter "CASTILLO"), a white adult male individual, is, and at all times relevant hereto was, domiciled, residing, and/or located in the State of California, County of Sacramento. Defendant CASTILLO callously, maliciously, for his own personal gratification, and/or because of meanness, bigotry, or other personal motives, and in a manner not necessary to perform his job duties, subjected Plaintiff to racial harassment.

1           5.       Plaintiff was at all relevant times hereto, unless otherwise mentioned herein, an employee  
2 of QUICK QUACK and was under the management and control of his direct supervisor and manager  
3 LAMONTE, and LAMONTE's direct supervisor and manager, CASTILLO, who are and were at all  
4 relevant times employees of QUICK QUACK and acted as agents of QUICK QUACK.

5           6.       Plaintiff is ignorant of the true names and capacities of Defendants sued as DOES 1  
6 through 10, inclusive, and therefore sues these Defendants by such fictitious names. Plaintiff will  
7 amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is informed  
8 and believes and based thereon alleges that each of these fictitiously named Defendants is responsible in  
9 some manner for the occurrences herein alleged, and that Plaintiff's injuries as herein alleged were  
10 proximately caused by these Defendants.

11           7.       Plaintiff is informed and believes and based thereon alleges that, at all relevant times,  
12 each of the Defendants, whether named or fictitious, was the agent, employee or alter ego of each of the  
13 other Defendants, and in doing the things alleged to have been done in this Complaint, acted within the  
14 scope of such agency or employment, or ratified the acts of the other.

15           8.       Whenever and wherever reference is made in this Complaint to any act or failure to act  
16 by a defendant or co-defendant, such allegations and references shall also be deemed to mean the acts  
17 and/or failures to act by each Defendant acting individually, jointly and severally.

18           9.       On information and belief, QUICK QUACK employs at least five (5) employees and is  
19 therefore subject to the California Fair Employment and Housing Act, California Government Code  
20 section 12900, *et seq.* (hereinafter "FEHA").

21           10.       Plaintiff is informed and believes and based thereon alleges that, at all times material  
22 herein, Defendants and/or their respective agents, employees or supervisors, authorized, condoned  
23 and/or ratified the unlawful conduct of each other.

24           11.       In addition, all Defendants compelled, coerced, aided, and abetted the unlawful  
25 harassment and discrimination, which is prohibited under California Government Code § 12940(i).

26           12.       Plaintiff is informed and believes and based thereon alleges that, at all times material  
27 herein, Defendants, and/or their respective agents, employees, or supervisors knew or reasonably should  
28 have known that unless they intervened to protect Plaintiff, and adequately supervised, prohibited,

1 controlled, regulated, disciplined, and/or otherwise penalized the unlawful conduct of the employees of  
2 Defendants set forth above, the remaining defendants and employees would perceive, and did perceive,  
3 the conduct and omissions as being ratified and condoned.

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

5 13. Plaintiff repeats and re-alleges each and every allegation, fact, and belief set forth above,  
6 and incorporates same by reference as though set forth fully herein.

7 14. Plaintiff worked for QUICK QUACK from approximately January 10, 2020 until he was  
8 wrongfully terminated by QUICK QUACK on May 27, 2020.

9 15. During Plaintiff's hiring interview for the "Store Leader" position of QUICK QUACK's  
10 Sacramento-Madison location, Plaintiff informed QUICK QUACK that although he was currently  
11 gainfully employed—as a single father trying his best to provide for his son—he was looking to secure a  
12 better position affording him greater job security and potential for upward career growth. He was  
13 seeking to stay and grow with a company for the long-term. As his family's sole provider, Plaintiff  
14 informed QUICK QUACK that he needed to make at least \$21.00 per hour for him to be able to make a  
15 move to QUICK QUACK and support his family.

16 16. On January 10, 2020, Plaintiff was hired as "Store Leader In Training" ("LIT") at the rate  
17 of \$21.00 per hour. By virtue of which, Plaintiff successfully earned himself a managerial position at  
18 QUICK QUACK, an enterprise with over one hundred (100) locations. Plaintiff believed so long as he  
19 continued to work hard and perform well at his new job, the possibilities for his family were shining  
20 back at him through newly opened doors. He was excited and eager to work hard to make his dreams  
21 become a reality.

22 17. As a LIT, and as the name implies, he was required to complete a brief training period  
23 prior to becoming Store Leader of QUICK QUACK's Sacramento-Madison location.

24 18. On his first day, Plaintiff met LAMONTE, a white male, and the location's then-current  
25 "Store Leader" and Plaintiff's direct supervisor, manager and mentor. LAMONTE would be personally  
26 responsible for training Plaintiff. Plaintiff was to shadow LAMONTE, train under and report directly to  
27 LAMONTE for all matters throughout the duration of his training. LAMONTE was anointed as  
28

1 Plaintiff's "guru." Upon successful completion, Plaintiff would then be promoted to replace  
2 LAMONTE as Store Leader.

3 19. Plaintiff also met CASTILLO, a white male, who was, and is currently believed to be,  
4 QUICK QUACK's "Regional Leader" of the Sacramento area, LAMONTE's direct supervisor and  
5 manager, and thereby Plaintiff's senior supervisor and manager.

6 20. Plaintiff quickly excelled at QUICK QUACK throughout his training period. Plaintiff  
7 received dozens of commendations from LAMONTE and CASTILLO for his positive attitude,  
8 hardworking demeanor and general ability to manage and provide exceptional customer service. These  
9 praises are evidenced through various text messages, e-mails, phone calls and in-person discussions  
10 among Plaintiff, LAMONTE and/or CASTILLO.

11 21. By way of example, via text messages from LAMONTE to Plaintiff on February 10,  
12 2020:

13 LAMONTE: "Gonna go through the Equipment room and you're going to have to name and  
14 claim it all. How it works what it does..."

15 LAMONTE: "I'm bragging on you."

16 Plaintiff: "I appreciate it I'm going to get ready for sure"

17 LAMONTE: "Absolutely."

18 LAMONTE: "You ain't tha same as other LITs."

19 22. Plaintiff's undisputable success was further evidenced by several positive customer  
20 reviews on business review platforms such as Yelp and Google, specifically naming Plaintiff in the  
21 comments and thanking him for his exceptional service.

22 23. Plaintiff continued to be excited about and take a great deal of pride in his job with  
23 QUICK QUACK.

24 24. Plaintiff continued to exceed expectations of a typical LIT and on numerous occasions  
25 Plaintiff was bestowed the responsibility of operating and managing the location by himself, for the  
26 entire day, and did so successfully without the presence or support of any supervisor or manager on  
27 location. By all measures, Plaintiff was a successful trainee and believed he was on track to make Store  
28 Leader at the end of his short training period.

1           25. In fact, Plaintiff successfully completed the first phase of his training by passing his first  
2 of two performance tests, administered by CASTILLO, with flying colors. CASTILLO commended  
3 Plaintiff. Plaintiff looked forward to the opportunity to pass his second test and earn his position as  
4 Store Leader.

5           26. Despite his ongoing successes, a stomach-churning issue plagued Plaintiff. On numerous  
6 occasions Plaintiff overheard LAMONTE using the racial slurs “nigger”, “niggers” and “nigga”—  
7 iterations of arguably the most emotionally-charged racial slur in the English lexicon—in his comments  
8 regarding customers and co-workers, including Plaintiff. Sometimes these slurs were directed at  
9 specific African American individuals. At other times they were used in passing. When Plaintiff, an  
10 African American, inquired with other co-workers as to LAMONTE’s language, he was provided the  
11 uneasy explanation that LAMONTE was an aspiring rapper<sup>1</sup> and that LAMONTE commonly used these  
12 slurs in his music and everyday conversations, including at the workplace. Apparently, LAMONTE had  
13 been using these racial slurs at QUICK QUACK as far back as Plaintiff’s co-workers could remember.

14           27. Despite the sharp, deeply-rooted emotional pain that came with constantly hearing his  
15 supervisor say “nigger”, and the all-too-familiar struggle of having to unfairly deal as an African-  
16 American male with a racist white superior directly controlling his destiny and possessing the power to  
17 end his ability to earn a living, Plaintiff endured, for exactly those reasons. As a single father he was  
18 determined to continue striving towards his goal of providing the best life and opportunity for his son.  
19 He intended to simply not mention anything, concentrate on his work, and hopefully move on to being  
20 his own Store Leader without LAMONTE around.

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21  
22  
23 FN1. LAMONTE is a part-time amateur/professional rapper having the stage name “Carlo Sauce” and performing with co-  
24 rappers “THE A.F.F.I.L.I.A.T.E.S.” under the amateur/professional label “ANTEUPRECORDS”. LAMONTE and THE  
25 A.F.F.I.L.I.A.T.E.S. promote their music and live performances on several publicly-available platforms such as YouTube and  
26 Facebook (see *A.F.F.I.L.I.A.T.E.S. – “I’ll Kill You”*, <https://www.youtube.com/watch?v=RHnsm057KJk>; *A.F.F.I.L.I.A.T.E.S.*  
27 – “Let’s Go”, <https://youtu.be/hjfThUDT4fs>; and xANTEUPRECORDSx’s YouTube homepage:  
28 <https://www.youtube.com/user/xANTEUPRECORDSx>.)

1           28.     On or around the beginning of March, near the end of Plaintiff's training period,  
2 LAMONTE used the term "nigger" in his conversation with Plaintiff. Finally, no longer being able to  
3 simply remain quiet and endure the racial degradation, in a calm and professional manner, Plaintiff  
4 asked LAMONTE to stop using the racial slur. LAMONTE responded by telling Plaintiff to "stop being  
5 a pussy." LAMONTE proceeded to inform Plaintiff of his criminal past, his time previously served in  
6 prison, and warned that if Plaintiff ever told anyone about it he would "hurt" Plaintiff.

7           29.     Plaintiff had previously viewed LAMONTE's music videos, particularly the song "*Let's*  
8 *Go*" by THE A.F.F.I.L.I.A.T.E.S, wherein LAMONTE repeatedly brags of his gun ownership and drug  
9 use, aggressively mocks the act of pulling a gun trigger, and proclaims: "[b]reathe in, breathe out. Be  
10 gone. Squeeze the grip and squeeze the trigger, hit and bleed him out..." and "...sic the whole clique on  
11 'ya, flip the whole clip on 'ya...put a hit on 'ya, hit 'ya, rip 'ya, ain't it different now when the killers  
12 come to get 'ya? Split 'ya wig, flip you out the picture, flip you and your bitch, I'll hit you like a  
13 Richter." Plaintiff, justifiably, felt deeply intimidated and took this as a credible threat by his direct  
14 supervisor and manager.

15           30.     Pursuant to and in direct accordance with QUICK QUACK's company policy provided in  
16 Plaintiff's employee handbook, Plaintiff immediately reported the aforementioned incident to his  
17 Regional Leader, CASTILLO, who was responsible for directly overseeing LAMONTE and this  
18 QUICK QUACK location.

19           31.     Upon informing CASTILLO, Plaintiff was shocked when CASTILLO's only response, as  
20 Regional Leader, was that it was "just locker room talk" and that LAMONTE "doesn't really mean it."  
21 CASTILLO insisted there was nothing to worry about but that he would "look into it" and get back to  
22 Plaintiff.

23           32.     Shortly thereafter, Plaintiff learned that CASTILLO and LAMONTE were, and are still  
24 believed to be, close personal friends with a history of violating company policy and covering up for one  
25 another. Upon this realization, Plaintiff lost faith in the company's anti-discrimination, anti-harassment  
26 and anti-retaliation policies as provided in its employee handbook. Plaintiff was now an African-  
27 American male, with two direct white supervisors, who either used, perpetuated and/or knowingly  
28

covered up and condoned the rampant usage of racial slurs and intimidation tactics at the workplace against fellow employees and co-workers.

33. Plaintiff never heard back from CASTILLO despite several follow-up attempts. Plaintiff was left by CASTILLO and QUICK QUACK, all alone, to work in a hostile, racially-charged environment without recourse or protection.

34. Despite Plaintiff's fears, Plaintiff was forced to keep quiet so that he could continue working towards his goal of achieving a position with upward career mobility and rate of compensation enabling him, as a single father, to provide for his son. Plaintiff assumed, albeit incorrectly, that if he stayed with the company and performed well enough as his job, the company was sufficiently large such that he could eventually transfer to a different location and altogether avoid dealing with LAMONTE's and CASTILLO's racial harassment.

35. Plaintiff continued to do everything asked of him. Often, Plaintiff was denied or improperly provided with his legally-mandated rest break and meal periods. At all times throughout his employment, Plaintiff was required to—and did—remain nearby on his meal and rest breaks in the event the car wash became "busy", in which case Plaintiff would be called and required to immediately return to work, whether or not his meal and/or rest break had been completed. Often, Plaintiff's meal periods would commence after the fifth hour of work on a day in which Plaintiff worked over six hours.

36. A few weeks after LAMONTE threatened Plaintiff as aforementioned, LAMONTE again harassed Plaintiff. When Plaintiff asked LAMONTE whether the location's storage room had extra belts which he could provide to a newly-hired African American male employee whose pants were sagging, LAMONTE proclaimed, "Belt? No. But grab two black ties and tie them together so he can use that. We can't have him looking like a nigger." Plaintiff again calmly and respectfully told LAMONTE that he was not comfortable with his repeated usage of the racial slur, that it continues to offend him and requested LAMONTE to stop. LAMONTE responded to Plaintiff with a threatening hand gesture commonly interpreted as, "what are you going to do about it?"

37. On or around late-March or early-April, LAMONTE was transferred to another nearby QUICK QUACK location. Since Plaintiff had never heard back from CASTILLO regarding his prior complaints despite his several attempts, Plaintiff believes LAMONTE's transfer was not in connection



1 with his own complaints but, rather, in connection with separate disciplinary issues involving  
2 LAMONTE and another female employee.

3 38. Rather than promoting Plaintiff to Store Leader as LAMONTE's replacement in  
4 accordance with the original hiring plan, Plaintiff learned that QUICK QUACK was passing on him and  
5 bringing in another Store Leader to manage the location. This was despite Plaintiff repeatedly  
6 demonstrating his ability to independently manage the location without any supervision and the  
7 excellent feedback he received.

8 39. Upon learning of his passing up, Plaintiff reached out to CASTILLO for clarification.  
9 Via text message from Plaintiff to CASTILLO, Plaintiff wrote: "[w]ith the news of a new store leader  
10 here at 603 I'm wondering if I'm still in the company's plans moving forward. I know we have a new  
11 store manager coming in tomorrow named [Lo] and I just wanted to know where that puts me. Is he now  
12 training me on the mechanical side of the operation? Will he schedule me hours etc. I have a child I'm  
13 trying to support and I just want to make sure that we still have some sort of plan because I am totally  
14 invested in the company and I would hope that would be reciprocated because I am eager to learn and I  
15 know I can run a store I am a natural born leader."

16 40. CASTILLO never responded back.

17 41. LO PRASAD ("PRASAD") became Plaintiff's new Store Leader, while LAMONTE  
18 continued to work otherwise uninterrupted as Store Leader of a nearby location—the closest location to  
19 Plaintiff's. Considering the recent eruption of the COVID-19 pandemic, Plaintiff hoped his passing over  
20 was merely a temporary operational maneuver by QUICK QUACK and prayed he would still earn the  
21 Store Leader position as promised.

22 42. Over the next few weeks, Plaintiff continued reaching out to CASTILLO for an update  
23 regarding his prior complaints with respect to LAMONTE's racial slurs and credible threats, and  
24 clarifications as to Plaintiff's role with the company moving forward. Plaintiff did not hear back from  
25 CASTILLO whatsoever. Although LAMONTE was no longer working at Plaintiff's location, Plaintiff's  
26 concerns grew tremendously since it was becoming clear that CASTILLO was overriding corporate  
27 safeguards to help his friend. QUICK QUACK could not ensure Plaintiff had a workplace free of  
28 intimidation, racial harassment and discrimination.

1           43.     On or around the end of April 2020, Plaintiff brought the issue to PRASAD's attention as  
2 he was still unsuccessful in reaching CASTILLO. Plaintiff informed PRASAD of his unaddressed  
3 complaints involving LAMONTE, explained that he could no longer reach CASTILLO in this regard or  
4 to take his overdue final training performance test, and further brought to PRASAD's attention his  
5 current concerns over lack of proper Personal Protection Equipment (PPE) for himself and his  
6 coworkers considering the pandemic. PRASAD informed Plaintiff that he would personally follow up  
7 with CASTILLO.

8           44.     On or around the next day, Plaintiff unfortunately encountered another incident of racial  
9 harassment and discrimination at QUICK QUACK, this time committed by PRASAD. PRASAD told  
10 Plaintiff and another female co-worker with him that QUICK QUACK was transferring into their  
11 location a "problematic ghetto girl" who smokes marijuana at work, takes excessive breaks, and is  
12 otherwise disrespectful. PRASAD declared that they needed to build a paper trail so that they could  
13 "legally" terminate her. Plaintiff objected and stated that as a LIT he would not be setting up an  
14 employee for failure, and that, rather he believed the employee should have a clean slate without  
15 preconceived notions and be assisted in becoming a success. PRASAD responded that if Plaintiff  
16 wanted to be a Leader there, he needed to "do what was necessary for the team." It was clear PRASAD  
17 simply wanted to create a paper trail to justify terminating the employee, and now it was even more  
18 clear that Quick Quack cultivated an environment rooted in discrimination and other illegal practices.  
19 Plaintiff refused to be an accomplice in furthering such a despicable objective and undermining the  
20 African-American female employee.

21           45.     Sometime during that week, Plaintiff learned that CASTILLO was on site at Plaintiff's  
22 location. Plaintiff was optimistic that CASTILLO's visit was for the purpose of conducting Plaintiff's  
23 final performance test and that Plaintiff would have a chance to follow up in-person with CASTILLO as  
24 to his complaints.

25           46.     When Plaintiff was called to CASTILLO's office, CASTILLO, with a smirk, informed  
26 Plaintiff he was demoting Plaintiff to "Assistant Store Leader" and reducing his pay from \$21.00 per  
27 hour to \$17.00 per hour. Surprised and in disbelief as to the callousness of the demotion, Plaintiff asked  
28 CASTILLO for the reasoning behind the demotion and reminded CASTILLO that he had informed

1 QUICK QUACK during his hiring interview that he was unable to work for less than \$21.00 per hour  
2 while still supporting his son and himself. CASTILLO shrugged and struggled to provide any response.  
3 After some awkward time passed, he stated he could not provide any specific examples at the moment  
4 but would think about it and get back to Plaintiff, and mentioned vague concepts such as "performance"  
5 and "team unity" issues. Plaintiff had never received any performance or behavior-related write-ups; in  
6 fact, Plaintiff had not received any write-ups at all, and mentioned the same to CASTILLO. CASTILLO  
7 refused to elaborate. Needless to say, this came as a complete shock to Plaintiff and Plaintiff felt he was  
8 being retaliated against for his complaints against LAMONTE and the lack of PPE protection.

9 47. Immediately following the demotion, Plaintiff contacted KENNETH WILLIAMS  
10 ("WILLIAMS"), Director of Human Resources for QUICK QUACK. Plaintiff informed WILLIAMS of  
11 the foregoing incidents, the utter lack of response from CASTILLO and QUICK QUACK as to  
12 Plaintiff's complaints regarding the same, and the unwarranted, illegal retaliatory demotion that  
13 followed. Plaintiff asked if WILLIAMS could recall a previous example where the Regional Leader and  
14 QUICK QUACK had failed to address, or even respond back to, and thereafter regrettably chose to  
15 demote an employee for lodging a serious complaint against a supervisor/manager for workplace  
16 intimidation, racial harassment and discrimination. WILLIAMS replied "no." At this moment, Plaintiff  
17 realized that the opportunity for upward growth within the company was a false promise; without the  
18 ultimate approval of CASTILLO, his Regional Leader, it would be essentially impossible to make Store  
19 Leader. CASTILLO controlled Plaintiff's destiny at the company and he had clearly chosen to protect  
20 LAMONTE, his close friend, at Plaintiff's expense. Nevertheless, Plaintiff could not resign; as a single  
21 father, Plaintiff had no choice but to remain employed by QUICK QUACK in order to continue  
22 providing for his child.

23 48. After further correspondence, WILLIAMS offered Plaintiff two illusory "options",  
24 neither of which were fair, realistic, protected Plaintiff, or even *addressed* the racial discrimination,  
25 harassment and retaliation of which Plaintiff endured and complained. "Option 1" was to force Plaintiff  
26 to unjustly accept the illegal demotion to Assistant Store Leader (consequently lowering his pay to \$15-  
27 \$17 per hour) "in consideration for" transferring Plaintiff to a different carwash located outside of  
28 CASTILLO's Regional Manager jurisdiction; not only would this option force Plaintiff to accept lower

1 pay which QUICK QUACK knew he could not accept, but it would have also added, as QUICK  
2 QUACK was aware, an additional two (2) hours to Plaintiff's already-existing two (2) hour public bus  
3 commute to work—an objectively unfair and unfeasible option. "Option 2" was to "allow" Plaintiff to  
4 retain his Store Leader in Training position at his current location but "in return", Plaintiff was to restart  
5 his training program, from the beginning, under a different Regional Manager—clearly an unjust  
6 alternative which did nothing to address the existing and unaddressed racial harassment, discrimination  
7 and retaliation from CASTILLO, who would continue possessing authority over Plaintiff as a Regional  
8 Manager regardless of who technically re-administered Plaintiff's training.

9 49. Before Plaintiff could even confirm his response to the "options" offered, WILLIAMS,  
10 unsolicited and out of the blue, offered Plaintiff a severance package of ninety (90) days plus full final  
11 week's pay, amounting to approximately \$10,000. Plaintiff had never asked for severance pay  
12 whatsoever. In fact, Plaintiff had never stated he was open to resigning; he was merely following up on  
13 legitimate complaints. QUICK QUACK was clearly attempting to push Plaintiff out of the company,  
14 evidenced by the unwarranted demotion which the Company knew Plaintiff could not afford and the  
15 unsolicited severance offer that followed. Plaintiff, utterly demoralized and disillusioned considering  
16 the forced demotion, lower pay, and loss of growth potential, decided to counter QUICK QUACK's  
17 severance offer with one hundred eighty (180) days' pay, approximately \$20,000. Plaintiff would not  
18 have engaged in any severance-related discussions but-for the company's failure to correct—let alone  
19 address—its workplace harassment, discrimination and retaliation practices, coupled with its undeniable  
20 efforts to force Plaintiff from the company *à la* severance pay. In response to Plaintiff's counteroffer  
21 WILLIAMS stated he would have an answer by that upcoming Friday. WILLIAMS never reverted.  
22 When Plaintiff followed up, WILLIAMS responded by thanking him for his time with QUICK QUACK,  
23 reversing course and stating that the company never offered any severance pay, and stating that the  
24 company (incorrectly) interpreted Plaintiff's concerns as his deciding to resign. Again, Plaintiff never  
25 stated he would resign and informed WILLIAMS of the same. Plaintiff noted to WILLIAMS that  
26 QUICK QUACK was clearly attempting to force his resignation.

27 50. On or around the end of May 2020, Plaintiff received a termination letter stating his  
28 employment was "voluntarily" terminated on May 27, 2020, with the stated reason for separation:

1 "Team Member separated from Quick Quack Car Wash due to demotion conversation with Regional  
2 Leader and interaction with Store Leader."

3 51. Plaintiff was wrongfully terminated in the middle of a world pandemic and local  
4 emergency simply because he could no longer keep his head bowed while being called a "nigger" and  
5 endure the discrimination, intimidation and hostile workplace which QUICK QUACK enabled and  
6 perpetuated.

7 52. Plaintiff is informed and believes that while QUICK QUACK employs a somewhat-  
8 diverse workforce in its client-facing lower-level positions, it maintains a management-level nearly void  
9 of any color or diversity. Plaintiff estimates that throughout the entire company, a mere three (3) to five  
10 (5) non-white employees hold positions of manager or above—a stark contrast compared to its hundreds  
11 of employees ranking below manager.

12 53. On August 12, 2020, Plaintiff exhausted his administrative remedies by timely filing a  
13 Complaint of Discrimination with the California Department of Fair Employment & Housing  
14 ("DFEH"), regarding the claims alleged herein against Defendants QUICK QUACK, LAMONTE, and  
15 CASTILLO. Per Plaintiff's request, an immediate right-to-sue letter was issued on the same day.

16 **FIRST CAUSE OF ACTION**

17 **FEHA HARASSMENT (CAL. GOV. CODE SECTION 12940)**

18 **(AGAINST ALL DEFENDANTS)**

19 54. Plaintiff repeats and re-alleges each and every allegation, fact, and belief set forth above,  
20 and hereby incorporates each and every preceding paragraph as though set forth fully herein.

21 55. This action is brought pursuant to FEHA, § 12940(j) of the Government Code, and the  
22 corresponding regulations of the California Fair Employment and Housing Commission, which prohibit  
23 harassment against a person in the terms, conditions, or privileges of employment on the basis of the  
24 person's race, religious creed, color, national origin, ancestry, physical disability, mental disability,  
25 medical condition, genetic information, marital status, sex, gender, gender identity, gender expression,  
26 age, sexual orientation, or military and veteran status.

27 56. **Protected Employee:** Plaintiff is a protected employee. Cal. Gov. Code § 12940(j). In  
28 doing the things that DEFENDANTS are alleged to have done, DEFENDANTS have unlawfully

1 harassed Plaintiff because of his race, in violation of Government Code § 12940(j). Plaintiff is a  
2 member of a protected category and was performing competently at his job, but suffered harassment due  
3 to his protected status. DEFENDANTS' conduct was intentional and designed to deprive Plaintiff of the  
4 rights and privileges to which he is entitled. Plaintiff's protected status is the determinative factor in  
5 DEFENDANTS' adverse actions against him.

6 57. **Covered Employer:** DEFENDANTS are each and all an "employer" for harassment  
7 purposes, as an employer is "any person regularly employing one or more persons, . . . or any person  
8 acting as an agent of an employer . . ." Cal. Gov. Code § 12940(j)(4)(A). Supervisors, managers and/or  
9 agents such as Defendants LAMONTE and CASTILLO may be held personally liable for harassment.  
10 Cal. Gov. Code § 12940(j)(3).

11 58. QUICK QUACK is strictly liable for LAMONTE's and CASTILLO's racially-charged  
12 harassing conduct because at all relevant times, LAMONTE and CASTILLO, either separately or  
13 together in concert, were acting as a supervisor, manager and/or agent of QUICK QUACK and was  
14 Plaintiff's supervisor, as defined by FEHA, and was acting on behalf of QUICK QUACK at all relevant  
15 times. Alternatively, QUICK QUACK is liable for LAMONTE and CASTILLO racially-charged  
16 harassing conduct because they knew or should have known of the conduct alleged herein and failed to  
17 take immediate and appropriate corrective action. Said conduct violated Cal. Gov. Code § 12940(j)(1)  
18 and other provisions of FEHA.

19 59. **Adverse Treatment:** In doing the things that DEFENDANTS are alleged to have done,  
20 DEFENDANTS subjected Plaintiff to adverse employment actions in the form of job detriments, threats  
21 and intimidation at the workplace, ostracism, failure to promote, wrongful termination and other acts  
22 and conduct by DEFENDANTS as described herein. LAMONTE, Plaintiff's direct supervisor and  
23 manager, engaged in unwelcomed conduct and harassment toward Plaintiff including intimidating  
24 Plaintiff and using racial slurs directed around, towards and specifically at Plaintiff. CASTILLO,  
25 Plaintiff's indirect—and LAMONTE's direct—supervisor and manager perpetuated LAMONTE's  
26 illegal conduct and created a further hostile work environment by deliberately, maliciously and  
27 fraudulently, ignoring Plaintiff's direct complaints and acting in concert with LAMONTE to harass and  
28 intimidate Plaintiff solely because of his race. Even further, DEFENDANTS maintained an overtly

1 hostile environment (*i.e.*, derogatory comments and racial slurs, threats, acts of intimidation, etc.) since  
2 QUICK QUACK, as the ultimate employer, authorized and cloaked both of LAMONTE and  
3 CASTILLO with the supervising and managing authority over Plaintiff and allowed the perpetuation of  
4 acts sufficiently severe enough to alter the conditions of Plaintiff's employment. DEFENDANTS  
5 illegally based their employment decisions and other conduct solely on Plaintiff's race.

6 60. As a direct and proximate result of the above-described misconduct and unlawfulness of  
7 DEFENDANTS, and each of them, and the resulting harassment, Plaintiff has sustained and will  
8 continue to sustain severe physical, mental, and emotional injuries, pain, distress, suffering, anguish,  
9 fright, nervousness, grief, anxiety, worry, shame, mortification, injured feelings, mental suffering,  
10 shock, humiliation and indignity, as well as other unpleasant physical, mental, and emotional reactions,  
11 damages to good name, reputation, standing in the community, and other non-economic damages.

12 61. As a further direct and proximate result of the above-described misconduct and  
13 unlawfulness of DEFENDANTS, and each of them, and the resulting harassment, Plaintiff was and will  
14 be hindered, prevented, and/or precluded from performing Plaintiff's usual activities and occupation  
15 causing Plaintiff to sustain damages for loss of income, wages, earning, and earning capacity, and other  
16 economic damages, in an amount to be ascertained according to proof.

17 62. As a further direct and proximate result of the above-described misconduct and  
18 unlawfulness of DEFENDANTS, and each of them, and the resulting harassment, Plaintiff suffered  
19 incidental, consequential, and/or special damages, in an amount according to proof.

20 63. As a further direct and proximate result of the above-described misconduct and  
21 unlawfulness of DEFENDANTS, and each of them, and the resulting harassment, Plaintiff was required  
22 to and did hire attorneys to prosecute his rights, and therefore is entitled to an award of attorneys' fees  
23 according to proof.

24 64. The conduct of DEFENDANTS and each of them was willful, wanton, oppressive,  
25 fraudulent, despicable, and beyond that which should be tolerated by a civilized society. The acts of  
26 DEFENDANTS and each of them were carried out with a conscious disregard of the likelihood of  
27 causing injury, suffering, or distress to Plaintiff and therefore punitive damages in a sum according to  
28

1 proof, consistent with the net worth of DEFENDANTS and in a sum sufficient to deter similar such  
2 conduct in the future is also sought against all DEFENDANTS.

3 **SECOND CAUSE OF ACTION**

4 **FEHA RETALIATION (CAL. GOV. CODE SECTION 12940)**

5 **(AGAINST QUICK QUACK AND DOES 1-10)**

6 65. Plaintiff repeats and re-alleges each and every allegation, fact, and belief set  
7 forth above, and hereby incorporates each and every preceding paragraph as though set forth fully  
8 herein.

9 66. This action is brought pursuant to FEHA, Section 12940(h) of the Government Code, and  
10 the corresponding regulations of the California Fair Employment and Housing Commission, which  
11 prohibit retaliation against a person who has opposed or complained about an employer's unlawful  
12 discrimination and harassment based on the person's race.

13 67. **Protected Employee.** Plaintiff is a protected employee who engaged in a protected  
14 activity. As a result of engaging in the protected activity, Plaintiff was then subjected to adverse  
15 employment actions in retaliation for reporting and/or opposing the wrongful discrimination and  
16 harassment.

17 68. **Covered Employer.** QUICK QUACK is an "employer" under Gov. Code §§ 12940 and  
18 12926(d).

19 69. **Adverse Treatment.** Plaintiff was discriminated against in the manner set out herein and  
20 retaliated against as shown herein after opposing DEFENDANTS' harassment, discriminatory practices  
21 and/or retaliation by DEFENDANTS.

22 70. **Retaliatory Intent.** There is a causal link between Plaintiff's race and the adverse  
23 action taken by the employer.

24 71. Plaintiff protested LAMONTE's intimidation, harassment and discrimination as alleged  
25 herein and brought said illegal conduct to the attention of CASTILLO and upper management of  
26 QUICK QUACK as alleged herein.

27 72. Plaintiff, after protesting the intimidation, harassment and discrimination by LAMONTE,  
28 was subjected to retaliation by QUICK QUACK, acting through management *à la* CASTILLO,



1 Regional Leader, and WILLIAMS, Director of Human Resources. QUICK QUACK, through said  
2 individuals, rather than taking adequate remedial measures to stop the harassment, instead ignored  
3 Plaintiff's physical, emotional and professional concerns, and chose to demote and wrongfully terminate  
4 Plaintiff.

5 73. Plaintiff is informed and believes, and thereon alleges, that the alleged harassing and  
6 discriminating conduct was, substantially motivated by Plaintiff's complaints of racial harassment.

7 74. The foregoing conduct by QUICK QUACK was in retaliation for Plaintiff's protesting  
8 illegal harassment and is in violation of Government Code § 12940(h) and other provisions of FEHA,  
9 which preclude an employer from retaliating against any employee for protesting conduct prohibited by  
10 FEHA.

11 75. As a direct and proximate result of the above-described misconduct and unlawfulness of  
12 QUICK QUACK and the resulting retaliation, Plaintiff has sustained and will continue to sustain severe  
13 physical, mental, and emotional injuries, pain, distress, suffering, anguish, fright, nervousness, grief,  
14 anxiety, worry, shame, mortification, injured feelings, mental suffering, shock, humiliation and  
15 indignity, as well as other unpleasant physical, mental, and emotional reactions, damages to good name,  
16 reputation, standing in the community, and other non-economic damages.

17 76. As a further direct and proximate result of the above-described misconduct and  
18 unlawfulness of QUICK QUACK and the resulting retaliation, Plaintiff was and will be hindered,  
19 prevented, and/or precluded from performing Plaintiff's usual activities and occupation causing Plaintiff  
20 to sustain damages for loss of income, wages, earning, and earning capacity, and other economic  
21 damages, in an amount to be ascertained according to proof.

22 77. As a further direct and proximate result of the above-described misconduct and  
23 unlawfulness of QUICK QUACK and the resulting retaliation, Plaintiff suffered incidental,  
24 consequential, and/or special damages, in an amount according to proof.

25 78. As a further direct and proximate result of the above-described misconduct and  
26 unlawfulness of QUICK QUACK and the resulting retaliation, Plaintiff was required to and did hire  
27 attorneys to prosecute his rights, and therefore is entitled to an award of attorneys' fees according to  
28 proof.

1           79.     The conduct of QUICK QUACK was willful, wanton, oppressive, fraudulent, despicable,  
2 and beyond that which should be tolerated by a civilized society. The acts of QUICK QUACK were  
3 carried out with a conscious disregard of the likelihood of causing injury, suffering, or distress to  
4 Plaintiff and therefore punitive damages in a sum according to proof, consistent with the net worth of  
5 QUICK QUACK and in a sum sufficient to deter similar such conduct in the future is also sought  
6 against QUICK QUACK.

7           80.     Plaintiff is informed and believes, and thereon alleges, that QUICK QUACK had  
8 advanced knowledge of the unfitness of LAMONTE but employed him nonetheless with a conscious  
9 disregard of the rights and safety of Plaintiff, or ratified and authorized the retaliatory conduct. Further,  
10 the acts of retaliation against Plaintiff were directly undertaken by the supervising and managing agents  
11 of QUICK QUACK. Plaintiff is further informed and believes, and thereon alleges that this advanced  
12 knowledge, or acts of oppression, fraud, or malice or act of ratification or authorization were on the part  
13 of the owners or other managing agents acting on behalf of QUICK QUACK.

14                                   **THIRD CAUSE OF ACTION**

15                                   **FEHA DISCRIMINATION (CAL. GOV. CODE SECTION 12940)**

16                                   **(AGAINST QUICK QUACK AND DOES 1-10)**

17           81.     Plaintiff repeats and re-alleges each and every allegation, fact, and belief set  
18 forth above, and hereby incorporates each and every preceding paragraph as though set forth fully  
19 herein.

20           82.     This action is brought pursuant to FEHA, Section 12940(a) of the Government Code, and  
21 the corresponding regulations of the California Fair Employment and Housing Commission, which  
22 prohibit discrimination against a person in the terms, conditions, or privileges of employment on the  
23 basis of the person's race or protected status.

24           83.     **Protected Employee:** Plaintiff is a protected employee. Cal. Gov. Code §  
25 12940(a). In doing the things that DEFENDANTS are alleged to have done, QUICK QUACK, by and  
26 through its agents LAMONTE, CASTILLO, and WILLIAMS have unlawfully discriminated against  
27 Plaintiff because of his race, in violation of Government Code § 12940(a). Plaintiff is a member of a  
28 protected status and was performing competently at his job; however, he was subjected to discrimination

1 due to his protected status. QUICK QUACK's conduct was intentional and designed to deprive Plaintiff  
2 of the rights and privileges to which he is entitled. Plaintiff's protected status is the determinative factor  
3 in QUICK QUACK's adverse actions against him.

4 84. **Covered Employer.** QUICK QUACK is an "employer" under Gov. Code §§ 12940 and  
5 12926(d).

6 85. **Adverse Treatment:** An employer may not discriminate in compensation, terms,  
7 conditions, or privileges of employment based on race. In doing the things that QUICK QUACK is  
8 alleged to have done, QUICK QUACK subjected Plaintiff to adverse employment actions in the form of  
9 failure to promote, wrongful termination, and other acts and conduct by QUICK QUACK as described  
10 herein.

11 86. **Discriminatory Intent:** There was a causal connection between Plaintiff's race and the  
12 adverse employment actions by QUICK QUACK. Plaintiff's race/protected status were determining  
13 factors in the employer's decisions and conduct when viewing the totality of the circumstances.

14 87. As a direct and proximate result of the above-described misconduct and unlawfulness of  
15 QUICK QUACK and the resulting discrimination, Plaintiff has sustained and will continue to sustain  
16 severe physical, mental, and emotional injuries, pain, distress, suffering, anguish, fright, nervousness,  
17 grief, anxiety, worry, shame, mortification, injured feelings, mental suffering, shock, humiliation and  
18 indignity, as well as other unpleasant physical, mental, and emotional reactions, damages to good name,  
19 reputation, standing in the community, and other non-economic damages.

20 88. As a further direct and proximate result of the above-described misconduct and  
21 unlawfulness of QUICK QUACK and the resulting discrimination, Plaintiff was and will be hindered,  
22 prevented, and/or precluded from performing Plaintiff's usual activities and occupation causing Plaintiff  
23 to sustain damages for loss of income, wages, earning, and earning capacity, and other economic  
24 damages, in an amount to be ascertained according to proof.

25 89. As a further direct and proximate result of the above-described misconduct and  
26 unlawfulness of QUICK QUACK and the resulting discrimination, Plaintiff suffered incidental,  
27 consequential, and/or special damages, in an amount according to proof.

1           90.     As a further direct and proximate result of the above-described misconduct and  
2     unlawfulness of QUICK QUACK and the resulting discrimination, Plaintiff was required to and did hire  
3     attorneys to prosecute his rights, and therefore is entitled to an award of attorneys' fees according to  
4     proof.

5           91.     The conduct of QUICK QUACK was willful, wanton, oppressive, fraudulent, despicable,  
6     and beyond that which should be tolerated by a civilized society. The acts of QUICK QUACK were  
7     carried out with a conscious disregard of the likelihood of causing injury, suffering, or distress to  
8     Plaintiff and therefore punitive damages in a sum according to proof, consistent with the net worth of  
9     QUICK QUACK and in a sum sufficient to deter similar such conduct in the future is also sought  
10    against all QUICK QUACK.

11          92.     Plaintiff is informed and believes, and thereon alleges, that QUICK QUACK had  
12    advanced knowledge of the unfitness of LAMONTE but employed him nonetheless with a conscious  
13    disregard of the rights and safety of Plaintiff, or ratified and authorized the retaliatory conduct. Further,  
14    the acts of retaliation against Plaintiff were directly undertaken by the supervising and managing agents  
15    of QUICK QUACK. Plaintiff is further informed and believes, and thereon alleges that this advanced  
16    knowledge, or acts of oppression, fraud, or malice or act of ratification or authorization were on the part  
17    of the owners or other managing agents acting on behalf of QUICK QUACK.

18                                   **FOURTH CAUSE OF ACTION**

19                   **FEHA FAILURE TO PREVENT HARASSMENT AND RETALIATION**

20                                   **(CAL. GOV. CODE SECTION 12940)**

21                                   **(AGAINST QUICK QUACK AND DOES 1-10)**

22          93.     Plaintiff repeats and re-alleges each and every allegation, fact, and belief set  
23    forth above, and hereby incorporates each and every preceding paragraph as though set forth fully  
24    herein.

25          94.     QUICK QUACK failed to take all steps reasonably necessary to prevent the harassment  
26    against Plaintiff as alleged herein from occurring, as required by Government Code section 12940(k).  
27    Such conduct violated Government Code section 12940(k), and allowed Plaintiff to suffer harassment as  
28    alleged herein.

1           95.     As a direct and proximate result of the above-described misconduct and unlawfulness of  
2 QUICK QUACK and the resulting failure to prevent harassment and retaliation, Plaintiff has sustained  
3 and will continue to sustain severe physical, mental, and emotional injuries, pain, distress, suffering,  
4 anguish, fright, nervousness, grief, anxiety, worry, shame, mortification, injured feelings, mental  
5 suffering, shock, humiliation and indignity, as well as other unpleasant physical, mental, and emotional  
6 reactions, damages to good name, reputation, standing in the community, and other non-economic  
7 damages.

8           96.     As a further direct and proximate result of the above-described misconduct and  
9 unlawfulness of QUICK QUACK and the resulting failure to prevent harassment and retaliation,  
10 Plaintiff was and will be hindered, prevented, and/or precluded from performing Plaintiff's usual  
11 activities and occupation causing Plaintiff to sustain damages for loss of income, wages, earning, and  
12 earning capacity, and other economic damages, in an amount to be ascertained according to proof.

13           97.     As a further direct and proximate result of the above-described misconduct and  
14 unlawfulness of QUICK QUACK and the resulting failure to prevent harassment and retaliation,  
15 Plaintiff suffered incidental, consequential, and/or special damages, in an amount according to proof.

16           98.     As a further direct and proximate result of the above-described misconduct and  
17 unlawfulness of QUICK QUACK and the resulting failure to prevent harassment and retaliation,  
18 Plaintiff was required to and did hire attorneys to prosecute his rights, and therefore is entitled to an  
19 award of attorneys' fees according to proof.

20           99.     The conduct of QUICK QUACK was willful, wanton, oppressive, fraudulent, despicable,  
21 and beyond that which should be tolerated by a civilized society. The acts of QUICK QUACK were  
22 carried out with a conscious disregard of the likelihood of causing injury, suffering, or distress to  
23 Plaintiff and therefore punitive damages in a sum according to proof, consistent with the net worth of  
24 QUICK QUACK and in a sum sufficient to deter similar such conduct in the future is also sought  
25 against all QUICK QUACK.

26           100.    Plaintiff is informed and believes, and thereon alleges, that QUICK QUACK had  
27 advanced knowledge of the unfitness of LAMONTE but employed him nonetheless with a conscious  
28 disregard of the rights and safety of Plaintiff, or ratified and authorized the retaliatory conduct. Further,

1 the acts of retaliation against Plaintiff were directly undertaken by the supervising and managing agents  
2 of QUICK QUACK. Plaintiff is further informed and believes, and thereon alleges that this advanced  
3 knowledge, or acts of oppression, fraud, or malice or act of ratification or authorization were on the part  
4 of the owners or other managing agents acting on behalf of QUICK QUACK.

5 **FIFTH CAUSE OF ACTION**

6 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**  
7 **(AGAINST QUICK QUACK AND DOES 1-10)**

8 101. Plaintiff repeats and re-alleges each and every allegation, fact, and belief set forth  
9 above, and hereby incorporates each and every preceding paragraph as though set forth fully herein.

10 102. Plaintiff was subjected to a pattern of racial harassing and offensive conduct and  
11 retaliation, including race discrimination.

12 103. QUICK QUACK, acting through LAMONTE, CASTILLO, WILLIAMS and  
13 management, intentionally created or knowingly permitted working conditions rife with racial animus  
14 and terminated Plaintiff once he brought up his complaints, including the lack of PPE required due to the  
15 pandemic. These actions by QUICK QUACK violated the public policy of the State of California as  
16 expressed in FEHA.

17 104. The public policy of the State of California, as codified, expressed, and mandated in  
18 FEHA, is that an employer may not subject an employee to racial harassment or retaliate against an  
19 employee for protesting racial harassment or subject the employee to race-based discrimination. This  
20 public policy is for the benefit of the public, is fundamental, and is binding on QUICK QUACK.

21 105. As a result of the intolerable working conditions and his complaints thereof, Plaintiff was  
22 terminated with his departure falsely described by QUICK QUACK as "voluntary", all as a result of the  
23 illegal racial harassment, retaliation, and race discrimination as alleged herein.

24 106. Plaintiff is informed and believes that QUICK QUACK had actual knowledge of, and  
25 created, such intolerable working conditions.

26 107. As a direct and proximate result of the above-described misconduct and unlawfulness of  
27 QUICK QUACK and the resulting wrongful termination, Plaintiff has sustained and will continue to  
28 sustain severe physical, mental, and emotional injuries, pain, distress, suffering, anguish, fright,

1 nervousness, grief, anxiety, worry, shame, mortification, injured feelings, mental suffering, shock,  
2 humiliation and indignity, as well as other unpleasant physical, mental, and emotional reactions,  
3 damages to good name, reputation, standing in the community, and other non-economic damages.

4 108. As a further direct and proximate result of the above-described misconduct and  
5 unlawfulness of QUICK QUACK and the resulting wrongful termination, Plaintiff was and will be  
6 hindered, prevented, and/or precluded from performing Plaintiff's usual activities and occupation  
7 causing Plaintiff to sustain damages for loss of income, wages, earning, and earning capacity, and other  
8 economic damages, in an amount to be ascertained according to proof.

9 109. As a further direct and proximate result of the above-described misconduct and  
10 unlawfulness of QUICK QUACK and the resulting wrongful termination, Plaintiff suffered incidental,  
11 consequential, and/or special damages, in an amount according to proof.

12 110. As a further direct and proximate result of the above-described misconduct and  
13 unlawfulness of QUICK QUACK and the resulting wrongful termination, Plaintiff has and will continue  
14 to incur attorneys' fees and costs in an amount according to proof.

15 111. The conduct of QUICK QUACK and its agents was willful, wanton, oppressive,  
16 fraudulent, despicable, and beyond that which should be tolerated by a civilized society. The acts of  
17 QUICK QUACK were carried out with a conscious disregard of the likelihood of causing injury,  
18 suffering, or distress to Plaintiff and therefore punitive damages in a sum according to proof, consistent  
19 with the net worth of QUICK QUACK and in a sum sufficient to deter similar such conduct in the future  
20 is also sought against QUICK QUACK.

## 21 **SIXTH CAUSE OF ACTION**

### 22 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

#### 23 **(AGAINST ALL DEFENDANTS)**

24 112. Plaintiff repeats and re-alleges each and every allegation, fact, and belief set forth above  
25 and hereby incorporates each and every preceding paragraph as though set forth fully herein.

26 113. The conduct of DEFENDANTS, and each of them, as set forth above was so extreme and  
27 outrageous that it exceeded the boundaries of a decent society and lies outside the compensation bargain.  
28 Said conduct was intended to cause Plaintiff severe emotional distress or was done in conscious

disregard of the probability of causing severe emotional distress. Said conduct was also in direct violation of California law public policy, specifically those found in FEHA.

114. Plaintiff is informed and believes that both Defendants LAMONTE and CASTILLO disliked Plaintiff based upon his race, his complaints of LAMONTE's racial harassment and intimidation tactics, and as close personal friends "had it out" for him. As soon as Plaintiff complained of LAMONTE's racial slur usage—arguably one of the most emotionally-charged and pain-invoking racial slurs in the English lexicon—Plaintiff was met with physical intimidation, belittling, further racial harassment, a complete utter lack of response by CASTILLO and QUICK QUACK, and ultimate wrongful termination, all inflicting further emotional damage to Plaintiff.

115. As a proximate result of the wrongful conduct of DEFENDANTS, and each of them, Plaintiff has sustained substantial losses in earnings and other employment benefits in an amount according to proof at the time of trial.

116. As a further proximate result of the wrongful conduct of DEFENDANTS, and each of them, Plaintiff has suffered and continues to suffer humiliation, embarrassment, severe emotional distress, and mental anguish, all to Plaintiff's damage in an amount according to proof at the time of trial.

117. In doing the acts herein alleged, DEFENDANTS, and each of them, through their managing agents, acted with oppression, fraud, malice, and in the conscious disregard of the rights of Plaintiff; therefore, Plaintiff is also entitled to punitive damages in an amount according to proof at the time of trial.

#### **SEVENTH CAUSE OF ACTION**

#### **FAILURE TO PAY MINIMUM WAGE (AGAINST QUICK QUACK AND DOES 1-10)**

118. Plaintiff repeats and re-alleges each and every allegation, fact, and belief set forth above, and hereby incorporates each and every preceding paragraph as though set forth fully herein.

119. Plaintiff at all relevant times was a non-exempt employee entitled to the protections of California Labor Code (sometimes referred to herein as the "Labor Code") §§ 510 and 194.



1           120. California Labor Code §§ 1182.12 and 1197 and Section 4 of the applicable Industrial  
2 Welfare Commission ("IWC") Wage Orders establish the right of employees to be paid minimum wages  
3 for all hours worked, in amounts set by state law. Labor Code §§ 1194(a) and 1194.2(a) provide that an  
4 employee who has not been paid the legal minimum wage as required by Labor Code § 1197 may  
5 recover the unpaid balance together with attorneys' fees and costs of suit, as well as liquidated damages  
6 in an amount equal to the unpaid wages and interest accrued thereon.

7           121. California Labor Code § 1198 makes unlawful the employment of an employee under  
8 conditions that the IWC prohibits. California Labor Code §§ 1194(a) and 1194.2(a) provide that an  
9 employer who has failed to pay its employees the legal minimum wage is liable to pay those employees  
10 the unpaid balance of the unpaid wages as well as liquidated damages in an amount equal to the wages  
11 due and interest thereon.

12           122. At all relevant times herein, QUICK QUACK failed to conform its pay practices to the  
13 requirements of the law. Plaintiff was not compensated for all hours worked, including, but not limited  
14 to, all hours he was subject to the control of QUICK QUACK and/or suffered or permitted to work  
15 under the California Labor Code and the applicable IWC Wage Orders. Specifically, QUICK QUACK  
16 required Plaintiff, during his legally-mandated rest and meal breaks to remain on or near the premises in  
17 the event the car wash became "busy", in which case Plaintiff was to—and indeed often times did—  
18 immediately return to work on demand. QUICK QUACK would then illegally misclassify such time  
19 worked as "off the clock" meal breaks and/or with respect to Plaintiff's rest breaks, would illegally  
20 consider Plaintiff's rest breaks as legally permitted and authorized. Plaintiff was never truly free to take  
21 his meal or rest breaks without remaining subject to QUICK QUACK's control at all times.

22           123. As a direct and proximate result of QUICK QUACK's unlawful conduct as alleged  
23 herein, Plaintiff has sustained economic damages, including but not limited to unpaid wages and lost  
24 interest, in an amount to be established at trial, and Plaintiff is entitled to recover economic and statutory  
25 damages and penalties and other appropriate relief as a result of QUICK QUACK's violations of the  
26 California Labor Code and applicable IWC Wage Orders.

27           124. QUICK QUACK's practice and policy administration with respect to Plaintiff's illegal  
28 compensation is unlawful and creates an entitlement to recovery by Plaintiff in a civil action for the

1 unpaid amount of minimum wages, liquidated damages, including interest thereon, statutory penalties,  
2 attorneys' fees, and costs of suit according to California Labor Code §§ 204, 558, 1194 *et seq.*, 1197,  
3 1198, and Code of Civil Procedure § 1021.5.

4 **EIGHTH CAUSE OF ACTION**

5 **FAILURE TO PAY OVERTIME WAGES**

6 **(AGAINST QUICK QUACK AND DOES 1-10)**

7 125. Plaintiff repeats and re-alleges each and every allegation, fact, and belief set forth above,  
8 and hereby incorporates each and every preceding paragraph as though set forth fully herein.

9 126. Plaintiff at all relevant times was a non-exempt employee entitled to the protections of  
10 Labor Code §§ 510 and 194.

11 127. Labor Code §§ 204, 510, 558, 1194, and 1198, in part and in summary, provide that non-  
12 exempt employees are entitled to overtime wages for all overtime hours worked and provide a private  
13 right of action for the failure to pay all overtime compensation for overtime work performed.

14 128. At all times throughout Plaintiff's employment, Labor Code § 510(a) was in effect,  
15 provided, and continues to provide that: "[e]ight hours of labor constitutes a day's work. Any work in  
16 excess of eight hours in one workday and any work in excess of forty hours in any one workweek . . .  
17 shall be compensated at the rate of no less than one and one-half times the regular rate of pay for an  
18 employee."

19 129. Pursuant to Section 3 of IWC Wage Order No. 1-2001, employees shall not be employed  
20 more than eight (8) hours in any workday or more than 40 hours in any workweek unless the employee  
21 receives one and one-half (1 ½) times such employee's regular rate of pay for all hours worked in excess  
22 of eight (8) hours in the workday and/or forty (40) hours in the workweek.

23 130. At all times throughout Plaintiff's employment, Plaintiff often worked for QUICK  
24 QUACK during shifts that consisted of more than eight (8) hours in a workday and/or more than forty  
25 (40) hours in a workweek but was not paid proper overtime wages for all overtime hours worked.  
26 Plaintiff was not paid overtime wages for all of his overtime hours worked due to, among other  
27 practices, QUICK QUACK's practice of excluding from its time-worked calculations those common,  
28 aforementioned instances where Plaintiff did not receive legally-mandated and compliant meal and rest

1 periods. Accordingly, including such previously-excluded time in his time-worked calculations results  
2 in Plaintiff working in excess of eight (8) hours per day and/or forty (40) hours per week, for which  
3 QUICK QUACK failed to pay overtime wages for all such overtime hours worked. QUICK QUACK's  
4 policy or practice of improperly compensating Plaintiff further led to incorrect overtime rates for  
5 overtime hours worked by Plaintiff, which resulted in an aggregate loss of wages to Plaintiff.

6 131. As a result of the foregoing unlawful acts, Plaintiff has been deprived of overtime wages  
7 in amounts to be determined at trial and is entitled to recovery of such amounts plus overtime premiums,  
8 including interest thereon, statutory penalties, attorneys' fees, and costs of suit according to California  
9 Labor Code §§ 204, 510, 558, 1194, and 1198, applicable IWC Wage Orders, and Code of Civil  
10 Procedure §1021.5.

#### 11 **NINTH CAUSE OF ACTION**

#### 12 **FAILURE TO PROVIDE COMPLIANT MEAL PERIODS**

#### 13 **(AGAINST QUICK QUACK AND DOES 1-10)**

14 132. Plaintiff repeats and re-alleges each and every allegation, fact, and belief set forth above,  
15 and hereby incorporates each and every preceding paragraph as though set forth fully herein.

16 133. Plaintiff at all relevant times was a non-exempt employee entitled to the protections of  
17 Labor Code §§ 510 and 194.

18 134. Labor Code § 512(a), in part, provides that employers, including QUICK QUACK, may  
19 not employ an employee for a work period of more than five (5) hours per day without providing such  
20 employee with the opportunity to take an uninterrupted meal period of not less than thirty (30) minutes,  
21 except that if the total work period of the employee on such day is no more than six (6) hours, the meal  
22 period may be waived by mutual consent of both the employer and the employee. Employers may not  
23 employ an employee for a work period of more than ten (10) hours per day without providing the  
24 employee with a second meal period of not less than thirty (30) minutes. Furthermore, Labor Code  
25 512(b) requires employers to provide uninterrupted meal periods to employees prior to the  
26 commencement of the employees' sixth (6th) hour of work.

135. Pursuant to Labor Code §226.7(c), if an employer fails to provide an employee with a state-mandated meal period, the employer shall pay the employee one (1) additional hour of pay at such employee's regular rate of compensation for each workday that the meal period was not provided.

136. Throughout his employment by QUICK QUACK, Plaintiff was denied his timely 30-minute, off-duty meal periods to which he was entitled under California law. Specifically, QUICK QUACK would require Plaintiff to remain nearby during his breaks so that he could be recalled immediately if the car wash turned “busy”. Plaintiff was never truly off-duty and continued to remain under the direction and control of QUICK QUACK during all meal periods.

137. Further, Plaintiff regularly would work more than six (6) hours in a single workday but would receive his meal period subsequent to the commencement of his fifth (5<sup>th</sup>) hour of work on such day.

138. As a direct result of QUICK QUACK's violations of Labor Code §§ 226.7 and 512, and the applicable IWC Wage Order, QUICK QUACK is liable to Plaintiff for unpaid meal premium compensation, including interest thereon, statutory penalties, and costs of suit pursuant to the applicable IWC Wage Orders, Labor Code §§ 226.7, 512, and Civil Code §§ 3287(b) and 3289.

### TENTH CAUSE OF ACTION

## FAILURE TO PROVIDE COMPLIANT REST PERIODS

**(AGAINST QUICK QUACK AND DOES 1-10)**

139. Plaintiff repeats and re-alleges each and every allegation, fact, and belief set forth above, and hereby incorporates each and every preceding paragraph as though set forth fully herein.

140. Plaintiff at all relevant times was a non-exempt employee entitled to the protections of Labor Code §§ 510 and 194.

141. Labor Code § 226.7 requires employers, including QUICK QUACK, to provide rest breaks to their non-exempt employees as mandated by state law, including by Order of the IWC.

142. Section 12 of the IWC Wage Order No. 1-2001 states, in part, that every employer shall authorize and permit all employees to take rest periods, which insofar as practicable shall be in the middle of each work period. Employees, including Plaintiff, shall receive a ten (10) minute rest period

1 every four (4) hours or major fraction thereof in which they are required to work, for which there shall  
2 be no deduction from wages.

3 143. Pursuant to Labor Code §226.7(c), if an employer fails to provide an employee with a  
4 state-mandated rest period, the employer shall pay the employee one (1) additional hour of pay at such  
5 employee's regular rate of compensation for each workday that the rest period was not provided.

6 144. Throughout his employment by QUICK QUACK, Plaintiff was denied rest breaks to  
7 which he was entitled under California law. Rather, QUICK QUACK consistently failed to permit and  
8 authorize rest break opportunities by requiring that Plaintiff remain nearby during his breaks so that he  
9 could be recalled immediately if the car wash turned "busy". Plaintiff was never truly off-duty and  
10 continued to remain under the direction and control of QUICK QUACK during all rest breaks.

11 145. Despite QUICK QUACK's violations, it has not paid an additional hour of pay to  
12 Plaintiff at his regular rate of pay for each violation, in accordance with California Labor Code § 226.7.

13 146. The foregoing violations create an entitlement to recovery by Plaintiff in a civil action for  
14 the unpaid amount of rest period premiums owing, including interest thereon, statutory penalties, and  
15 costs of suit pursuant to applicable IWC Wage Orders, California Labor Code §§ 226.7 and 516, and  
16 Civil Code §§ 3287(b) and 3289.

17 **ELEVENTH CAUSE OF ACTION**

18 **FAILURE TO REIMBURSE EMPLOYEE BUSINESS EXPENSES**

19 **(AGAINST QUICK QUACK AND DOES 1-10)**

20 147. Plaintiff repeats and re-alleges each and every allegation, fact, and belief set forth above,  
21 and hereby incorporates each and every preceding paragraph as though set forth fully herein.

22 148. Plaintiff at all relevant times was a non-exempt employee entitled to the protections of  
23 Labor Code §§ 510 and 194.

24 149. Pursuant to Labor Code §§ 2800 and 2802, an employer, including QUICK QUACK,  
25 must reimburse its employee for "all necessary expenditures or losses incurred by the employee in direct  
26 consequence of the discharge of his or her job duties or in direct consequence of his or her obedience to  
27 the directions of the employer."  
28

150. Plaintiff incurred necessary business-related expenses and losses that were not reimbursed by QUICK QUACK. Such expenses and losses include, but are not limited to, Plaintiff's expenditures undertaken to obtain specifically-mandated uniform apparel (such as specific types of pants, shoes, etc.), as well as cellular phone charges for employer-mandated mobile calls and data services.

151. Plaintiff was required to incur various expenses as outlined above in the discharge of his job duties. Although Plaintiff incurred these expenses at the direction of QUICK QUACK and/or in the direct discharge of his job duties, he was not reimbursed by QUICK QUACK for such necessary work expenditures.

152. As a proximate result of QUICK QUACK's policies and/or practices as outlined hereinabove in violation of Labor Code §§ 2802 and 2804, Plaintiff was damaged in sums which will be shown according to proof at trial.

153. Plaintiff is entitled to attorneys' fees and costs of suit pursuant to Labor Code § 2802(c) for bringing this action.

154. Pursuant to Labor Code § 2802(b), any action brought for the reimbursement of necessary expenditures carries interest at the same rate as judgments in civil actions. Thus, Plaintiff is entitled to interest, which shall accrue from the date on which he incurred the initial necessary expenditure.

## **TWELFTH CAUSE OF ACTION**

## FAILURE TO PROVIDE ACCURATE WAGE STATEMENTS

**(AGAINST QUICK QUACK AND DOES 1-10)**

155. Plaintiff repeats and re-alleges each and every allegation, fact, and belief set forth above, and hereby incorporates each and every preceding paragraph as though set forth fully herein.

156. Plaintiff at all relevant times was a non-exempt employee entitled to the protections of Labor Code §§ 510 and 194.

157. Labor Code §§ 226(a)(1), (2), (5), and (9) requires that employers semimonthly or at the time of each payment, furnish each of its employees with an accurate itemized statement in writing showing the gross wages earned, the total hours worked, the net wages earned, as well as the applicable

1 hourly rates in effect during the pay period with the corresponding number of hours worked at each  
2 hourly rate by the employee.

3 158. At all relevant times during his employment, QUICK QUACK issued wage statements to  
4 Plaintiff which were inadequate under the Labor Code. By failing to pay Plaintiff for all hours worked,  
5 including but not limited to, all minimum and overtime wages owed, as well as missed meal and rest  
6 period premiums, the wage statements issued by QUICK QUACK failed to indicate the correct amount  
7 of gross wages, total hours worked, net wages earned, or the correct corresponding number of hours  
8 worked at each hourly rate, all in violation of Labor Code § 226(a)(1), (2), (5) and (9), respectively.

9 159. QUICK QUACK's failure to comply with Labor Code §226(a) was knowing and  
10 intentional.

11 160. As a result of QUICK QUACK's issuance of inaccurate itemized wage statements to  
12 Plaintiff in violation of § 226(a) of the Labor Code, Plaintiff is entitled to recover the greater of all  
13 actual damages or a penalty of fifty dollars (\$50) for the initial pay period in which the violation  
14 occurred and one hundred dollars (\$100) for each violation in a subsequent pay period, not exceeding an  
15 aggregate penalty of four thousand dollars (\$4,000), all pursuant to § 226(e) of the Labor Code, plus  
16 costs and reasonable attorneys' fees.

17 161. The absence of accurate information on Plaintiff's wage statements has delayed timely  
18 challenge to QUICK QUACK's unlawful pay practices, requires discovery and mathematical  
19 computations to determine the amount of wages owed, causes difficulty and expense in attempting to  
20 reconstruct time and pay records, and has led to submission of inaccurate information to state and  
21 federal governmental agencies regarding wages earned and amounts deducted from Plaintiff's wages.

22 162. Accordingly, Plaintiff is entitled to damages according to proof.

23 **THIRTEENTH CAUSE OF ACTION**

24 **FAILURE TO PAY ALL WAGES DUE UPON SEPARATION**

25 **(AGAINST QUICK QUACK AND DOES 1-10)**

26 163. Plaintiff repeats and re-alleges each and every allegation, fact, and belief set forth above,  
27 and hereby incorporates each and every preceding paragraph as though set forth fully herein.  
28

1           164. Plaintiff at all relevant times was a non-exempt employee entitled to the protections of  
2 Labor Code §§ 510 and 194.

3           165. Sections 201 and 202 of the California Labor Code required QUICK QUACK's to pay all  
4 compensation due and owing to Plaintiff at or around the time that his employment was terminated or  
5 ended.

6           166. Section 203 of the California Labor Code provides that if an employer willfully fails to  
7 pay compensation promptly upon discharge or resignation, as required by §§ 201 and 202, the employer  
8 is liable for penalties in the form of continued compensation up to thirty (30) workdays.

9           167. QUICK QUACK willfully failed to pay Plaintiff for all hours worked, including  
10 minimum and overtime wages, meal/rest period premiums, and unreimbursed expenses prior to or upon  
11 termination or separation from employment with QUICK QUACK, all as required by California Labor  
12 Code §§ 201 and 202.

13           168. As a result, QUICK QUACK is liable to Plaintiff for waiting time penalties amounting to  
14 thirty (30) days of wages for Plaintiff pursuant to California Labor Code § 203. *See, e.g. DLSE Manual,*  
15 *4.3.4 (Failure to pay any sort of wages due upon termination entitles an employee to recover waiting*  
16 *time penalties).*

17                           **FOURTEENTH CAUSE OF ACTION**

18                           **VIOLATION OF CAL. LABOR CODE SECTION 1102.5**

19                           **(AGAINST QUICK QUACK AND DOES 1-10)**

20           169. Plaintiff repeats and re-alleges each and every allegation, fact, and belief set forth above,  
21 and hereby incorporates each and every preceding paragraph as though set forth fully herein.

22           170. Cal. Labor Code § 1102.5(a) prohibits an employer, or any person acting on behalf of the  
23 employer, from making, adopting, or enforcing any rule, regulation, or policy preventing an employee  
24 from disclosing information to a government or law enforcement agency, to a person with authority over  
25 the employee, or to another employee who has authority to investigate, discover, or correct the violation  
26 or noncompliance, or from providing information to, or testifying before, any public body conducting an  
27 investigation, hearing, or inquiry, if the employee has reasonable cause to believe that the information  
28 discloses a violation of state or federal statute, or a violation of or noncompliance with a local, state, or



1 federal rule or regulation, regardless of whether disclosing the information is part of the employee's job  
2 duties.

3 171. Cal. Labor Code § 1102.5(c) prohibits an employer, or any person acting on behalf of the  
4 employer, from retaliating against an employee for refusing to participate in an activity that would result  
5 in a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal  
6 rule or regulation.

7 172. Cal. Labor Code § 1102.5(d) forbids an employer, or any person acting on behalf of the  
8 employer, from retaliating against an employee for having exercised his or her rights under subdivision  
9 (a), (b), or (c) in any former employment.

10 173. QUICK QUACK unlawfully discharged Plaintiff's employment in violation of law due,  
11 in part, to Plaintiff making complaints about QUICK QUACK's failure to abide by pandemic  
12 procedures and mandates including, but not limited to, QUICK QUACK failing to provide PPE and  
13 implement safety protocol for employees and the customers. Plaintiff reasonably believed the conduct he  
14 was reporting as illegal was in fact illegal and violated local, state or federal rules, regulations or laws.

15 174. QUICK QUACK retaliated against Plaintiff by terminating him because he reported  
16 conduct he reasonably believed to be illegal and in violation of local, state or federal rules, regulations  
17 or laws. Defendant also believed Plaintiff intended to report this unlawful activity to one or more outside  
18 government agencies.

19 175. As a proximate result of the aforesaid acts of QUICK QUACK, Plaintiff has suffered  
20 actual, consequential and incidental financial losses, including without limitation, loss of salary and  
21 benefits, and the intangible loss of employment related opportunities in his field and damage to his  
22 professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such  
23 amounts as damages pursuant to Civil Code section 3287 and/or section 3288 and/or any other provision  
24 of law providing for prejudgment interest.

25 176. As a proximate result of the wrongful acts of QUICK QUACK, Plaintiff has suffered and  
26 continues to suffer emotional distress, humiliation, mental anguish and embarrassment, as well as the  
27 manifestation of physical symptoms. Plaintiff is informed and believes and thereupon alleges that he  
28

1 will continue to experience said physical and emotional suffering for a period in the future not presently  
2 ascertainable, all in an amount subject to proof at the time of trial.

3 177. The acts taken toward Plaintiff were carried out by QUICK QUACK's officers, directors,  
4 and/or managing agents acting in a despicable, oppressive, fraudulent, malicious, deliberate, egregious,  
5 and inexcusable manner and in conscious disregard for the rights and safety of Plaintiff, and in direct  
6 violation of California law, thereby justifying an award of punitive damages in a sum appropriate to  
7 punish and make an example of QUICK QUACK.

8 178. QUICK QUACK chose to consciously and willfully ignore its own policies and  
9 procedures and therefore, its outrageous conduct was fraudulent, malicious, oppressive, and was done in  
10 wanton disregard for the rights of Plaintiff and the rights and duties owed by defendant to Plaintiff.  
11 Plaintiff should, therefore, be awarded exemplary and punitive damages against QUICK QUACK in an  
12 amount to be established that is appropriate to punish QUICK QUACK and deter others from engaging  
13 in such conduct.

14 179. Plaintiff will also seek a \$10,000 civil penalty pursuant to California Labor Code section  
15 1102.5(f).

### 16 PRAYER

#### 17 **WHEREFORE, Plaintiff prays:**

- 18 1. For general, special, and exemplary damages according to proof;
- 19 2. For interest at the legal rate from the date of injury or pursuant to Code of Civil Procedure §  
20 3287;
- 21 3. For costs of suit;
- 22 4. For all damages and penalties available for violations of the Labor Code;
- 23 5. For attorneys' fees under Gov. Code § 12965(b), C.C.P. § 1021.5, Labor Code § 1194 and as  
24 otherwise permitted by law;
- 25 6. For injunctive relief as deemed appropriate;
- 26 7. For punitive damages as deemed appropriate; and  
27 For other appropriate relief as deemed appropriate.

**DEMAND FOR TRIAL BY JURY**

Plaintiff hereby demands a jury trial on all causes of actions that may be heard by a jury.

Dated: August 13, 2020

**BANSAL LAW, PC**

By: 

Sanjay Bansal, Esq.

Attorney for Plaintiff Isaiah Bush

**VENTURE LAW, PC**

By: /s/ Sam Rezvani

Sam Rezvani, Esq.

Attorney for Plaintiff Isaiah Bush

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