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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF ORANGE (CENTRAL JUSTICE CENTER)**

10

BEATRIZ MENDOZA,  
11  
Plaintiff,  
12  
v.  
13 COUNTY OF ORANGE; and DOES 1-20,  
14 inclusive,  
15 Defendants.

Assigned for All Purposes  
Judge Martha K. Gooding  
Case No. 30-2022-01281642-CU-WT-CJC

- 16 **COMPLAINT FOR:**  
17 **(1) AGE DISCRIMINATION;**  
18 **(2) SEX DISCRIMINATION;**  
19 **(3) MARITAL STATUS**  
20 **DISCRIMINATION;**  
21 **(4) RETALIATION (PROTECTED**  
22 **ACTIVITY);**  
23 **(5) FAILURE TO PREVENT**  
24 **DISCRIMINATION;**  
25 **(6) RETALIATION FOR TAKING**  
26 **PROTECTED SICK LEAVE;**  
27 **(7) RETALIATION IN VIOLATION OF**  
28 **CALIFORNIA LABOR CODE §§ 1102.5**  
**ET SEQ.;**  
**(8) DECLARATORY RELIEF;**  
**(9) FAILURE TO REIMBURSE EXPENSES**  
**INCURRED BY EMPLOYEE (CAL.**  
**LAB. CODE § 2802); AND**  
**(10) FAILURE TO PAY WAGES OF A**  
**DISCHARGED OR RESIGNED**  
**EMPLOYEE (CAL. LAB. CODE §§ 201,**  
**202 AND 203).**

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Plaintiff Beatriz Mendoza (“Plaintiff” or “Ms. Mendoza”) complains and alleges as follows:

1 **GENERAL ALLEGATIONS**

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3 1. Plaintiff at all times herein relevant was an individual residing in the County of Los  
4 Angeles, State of California.

5 2. Defendant County of Orange is a public entity and a political subdivision of the  
6 State of California..

7 3. The true names and capacities of Defendants Does 1 through 20, whether  
8 individual, corporate, associate or otherwise, are unknown to Plaintiff at this time and Plaintiff  
9 will seek leave of Court to amend this Complaint to identify their true names and capacities when  
10 the same have been ascertained. Plaintiff is informed and believes and based thereon alleges that  
11 each of the Doe Defendants is, in some manner, responsible for the events and happenings herein  
12 set forth and proximately caused injury and damages to Plaintiff as alleged herein.

13 4. Plaintiff is informed and believes, and based thereon alleges, that each Defendant  
14 acted in all respects pertinent to this action as the agent of the other Defendants, carried out a joint  
15 scheme, business plan or policy in all respects pertinent hereto, and the acts of each of the  
16 Defendants are legally attributable to the other Defendants.

17 5. Plaintiff is informed and believe, and based thereon alleges, that each of the  
18 Defendants was the agent, servant, and employee of each of the other Co-Defendants, and in doing  
19 the things alleged, acted in the course and scope of such agency and employment.  
20

21 **FACTUAL ALLEGATIONS**

22 6. Ms. Mendoza began her employment with the County of Orange on approximately  
23 March 16, 2021. Specifically, she worked in the Office of County Supervisor (and Chairman)  
24 Doug Chaffee. Ms. Mendoza worked as a Director of Special Projects and as an Executive  
25 Assistant to County Supervisor (and Chairman) Doug Chaffee. Ms. Mendoza was a good and  
26 dedicated employee who received positive feedback on her performance.

27 7. The Chief of Staff of the Office of County Supervisor (and Chairman) Doug  
28 Chaffee is LaShe Rodriguez (“Ms. Rodriguez”). Ms. Rodriguez was unhappy with Ms. Mendoza

1 because she took protected time off and had family obligations. Ms. Mendoza took sick time off  
2 because of her children's illnesses, including for issues related to COVID-19.

3 8. We know of Ms. Rodriguez's unlawful conduct based on the purported  
4 "Performance Evaluation" that she issued to Ms. Mendoza on or about November 17, 2021. Ms.  
5 Rodriguez wrote the following pertinent discriminatory statements about Ms. Mendoza:

6 (a) "Finally, I find Beatriz out of office more than expected due to medical/family  
7 attention and am concerned with her ability to be available and flexible in this  
8 position."

9 (b) "Better balance between work and personal life."

10 (c) "I believe reassigning tasks and redefining roles so to lighten the workload ...  
11 [will help Ms. Mendoza] find a better work life balance."

12 9. Ms. Rodriguez's discriminatory comments in the Performance Evaluation were  
13 also motivated by Ms. Mendoza's gender. Ms. Rodriguez would likely not have made the  
14 comments about a male employee. Moreover, it appears that Ms. Rodriguez disfavored having  
15 more females employees in the Office of County Supervisor (and Chairman) Doug Chaffee. At  
16 some point in about May 2022 when the Office of County Supervisor (and Chairman) Doug  
17 Chaffee was considering a female candidate for employment, Ms. Rodriguez made the following  
18 derisive comment about the candidate: "not another woman."

19 10. Ms. Rodriguez also discriminated against Ms. Mendoza because of her age, who  
20 was 47 years old during the relevant time period. On or about December 17, 2021, Ms. Rodriguez  
21 was in a work meeting with Ms. Mendoza and Field Representative and Policy Advisor Jessica  
22 Guerrero. During the course of the meeting, Ms. Rodriguez made it very clear to both that she  
23 was reassigning a project from Ms. Mendoza to Jessica Guerrero simply because of Ms.  
24 Mendoza's age. Ms. Rodriguez stated to both that because Jessica Guerrero was younger, she  
25 stood a better chance of recruiting more students for the Young Leaders Program.

26 11. On December 21, 2021, Ms. Mendoza complained in writing about the  
27 discrimination and unlawful conduct of Ms. Rodriguez. Ms. Mendoza submitted an EEO  
28 Complaint Form to the County of Orange's Equal Employment Opportunity Access Office.

1 Among other things, she complained about age and marital status discrimination and retaliation  
2 for having taken protected time off as discussed above. Moreover, she complained about what  
3 she believed in good faith to be unlawful nepotism or cronyism. Ms. Mendoza stated in relevant  
4 part: “The Chief of Staff also shows favoritism with an employee which I believe she is in  
5 business with.”

6 12. The County of Orange purportedly conducted an investigation into Ms. Mendoza’s  
7 Complaint. During the course of that purported investigation, the Human Resources Department  
8 met with Ms. Mendoza on at least two different occasions to discuss her complaint. During the  
9 course of this purported investigation, Ms. Rodriguez learned about the complaint made against  
10 her.

11 13. By March 2, 2022, the County of Orange allegedly concluded its investigation. To  
12 be clear, the investigation was a sham that ultimately and incorrectly concluded the following:  
13 “the allegation of a violation of County’s EEO and Anti-Harassment Policy was not  
14 substantiated.”

15 14. Within days of the conclusion of the sham investigation, Ms. Rodriguez and  
16 County Supervisor (and Chairman) Doug Chaffee began to take steps to terminate the employment  
17 of Ms. Mendoza. On April 15, 2022, the County of Orange terminated the employment of Ms.  
18 Mendoza. Ms. Rodriguez and County Supervisor (and Chairman) Doug Chaffee did so to hide the  
19 discrimination against women and older employees going on at the Supervisor’s (and Chairman’s)  
20 Office.

21 15. In an attempt to hide the retaliatory nature of the termination, Ms. Rodriguez and  
22 County Supervisor (and Chairman) Doug Chaffee also attempted to convince Ms. Mendoza to quit  
23 her employment. In a termination meeting, Ms. Mendoza was pressured to sign a resignation form  
24 and a severance agreement immediately. Ms. Mendoza refused to quit, knowing that it was a ploy  
25 to hide the truth. To be clear, Ms. Mendoza never signed any severance agreement or resignation  
26 document.

27 16. The County of Orange failed to pay all of Ms. Mendoza’s wages on the date of her  
28 termination, April 15, 2022. Her last pay was delayed by over two weeks. Moreover, the County

1 of Orange failed to reimburse Ms. Mendoza for all mileage incurred in the last several months of  
2 her employment. In other words, the County of Orange owes Ms. Mendoza significant sums for  
3 mileage incurred in connection with her work.

4 17. Within the time provided by law, Plaintiff filed a complaint with the California  
5 Department of Fair Employment and Housing, in full compliance with these sections, and received  
6 the right-to-sue letter regarding her claims. Moreover, Plaintiff timely filed a “tort claim” with the  
7 County of Orange and has duly complied with the California Tort Claims Act as to all claims that  
8 require a tort claim.

9  
10 **FIRST CAUSE OF ACTION**

11 **AGE DISCRIMINATION**

12 [Against all Defendants]

13 18. Plaintiff hereby repeats, realleges, and incorporates by this reference each and  
14 every allegation from each and every paragraph before and after this paragraph, as though said  
15 paragraphs were set forth in full herein.

16 19. At all times herein mentioned, California Government Code sections 12940 *et seq.*  
17 were in full force and effect and were binding on Defendants and each of them, as Defendants  
18 regularly employed five or more persons. Under the FEHA, it is an unlawful employment practice  
19 for an employer because of the age of a person, to refuse to hire or employ the person, to refuse to  
20 select the person for a training program leading to employment, to bar or discharge the person  
21 from employment or from a training program leading to employment, or to discriminate against  
22 the person in compensation or in terms, conditions, or privileges of employment.

23 20. As a direct, legal, and proximate result of Plaintiff’s age, Defendants terminated  
24 Plaintiff’s employment and discriminated against Plaintiff in the terms, conditions, and privileges  
25 of employment.

26 21. As a proximate result of the aforesaid acts of Defendants, and each of them,  
27 Plaintiff has suffered, and will continue to suffer, economic damages, including without limitation,  
28 loss of wages, salary and benefits, all in an amount subject to proof at the time of trial.

1 22. As a proximate result of the wrongful acts of Defendants, and each of them,  
2 Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and  
3 embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed and  
4 believes and thereupon alleges that she will continue to experience said physical and emotional  
5 suffering for a period in the future not presently ascertainable, all in an amount subject to proof at  
6 the time of trial.

7 23. Plaintiff is entitled to recover attorneys' fees and costs under section 12965(b) of  
8 the California Government Code and other applicable law.

9  
10 **SECOND CAUSE OF ACTION**

11 **SEX DISCRIMINATION**

12 [Against all Defendants]

13 24. Plaintiff hereby repeats, realleges, and incorporates by this reference each and  
14 every allegation from each and every paragraph before and after this paragraph, as though said  
15 paragraphs were set forth in full herein.

16 25. At all times herein mentioned, sections 12940 *et seq.* of the California Government  
17 Code were in full force and effect and were binding on Defendants. Under sections 12940 *et seq.*  
18 of the California Government Code, it is an unlawful employment practice for an employer  
19 because of the sex of a person, to refuse to hire or employ the person, to refuse to select the person  
20 for a training program leading to employment, to bar or discharge the person from employment or  
21 from a training program leading to employment, or to discriminate against the person in  
22 compensation or in terms, conditions, or privileges of employment.

23 26. As a direct, legal, and proximate result of Plaintiff's sex, Defendants discriminated  
24 against Plaintiff in the compensation, terms, conditions, and privileges of employment and  
25 terminated Plaintiff's employment, among other things.

26 27. As a proximate result of the aforesaid acts of Defendants, and each of them,  
27 Plaintiff has suffered, and will continue to suffer, loss of salary, wages, and benefits, all in an  
28 amount subject to proof at the time of trial.

1           28.     As a proximate result of the wrongful acts of Defendants, and each of them,  
2 Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and  
3 embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed and  
4 believes and thereupon alleges that she will continue to experience said physical and emotional  
5 suffering for a period in the future not presently ascertainable, all in an amount subject to proof at  
6 the time of trial.

7           29.     Plaintiff is entitled to recover attorneys' fees and costs under section 12965(b) of  
8 the California Government Code and other applicable law.

9  
10    **THIRD CAUSE OF ACTION**  
11    **MARITAL STATUS DISCRIMINATION**

12    [Against all Defendants]

13           30.     Plaintiff hereby repeats, realleges, and incorporates by this reference each and  
14 every allegation from each and every paragraph before and after this paragraph, as though said  
15 paragraphs were set forth in full herein.

16           31.     At all times herein mentioned, sections 12940 *et seq.* of the California Government  
17 Code were in full force and effect and were binding on all Defendants. These sections require  
18 Defendants to refrain from discriminating against any employee on the basis of marital status,  
19 physical disability, race, religious creed, color, national origin, ancestry and sex, among other  
20 things.

21           32.     Plaintiff is a member of a protected class within the meaning of the aforesaid  
22 sections. At all material times hereto, Plaintiff satisfactorily performed her duties and  
23 responsibilities as reasonably expected by all Defendants.

24           33.     Plaintiff is informed and believes, and based thereon alleges, that her marital status  
25 was the factor in Defendants' actions and decisions to terminate her employment and/or to  
26 otherwise discriminate against her in the terms, conditions, or privileges of employment. Such  
27 discrimination is in violation of sections 12940 *et seq.* of the California Government Code and has  
28 resulted in damage and injury to Plaintiff as alleged herein.

1 34. As a proximate result of the aforesaid acts of Defendants, and each of them,  
2 Plaintiff has suffered, and will continue to suffer, economic damages, including without limitation,  
3 loss of wages, salary and benefits, all in an amount subject to proof at the time of trial.

4 35. As a proximate result of the wrongful acts of Defendants, and each of them,  
5 Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and  
6 embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed and  
7 believes and thereupon alleges that she will continue to experience said physical and emotional  
8 suffering for a period in the future not presently ascertainable, all in an amount subject to proof at  
9 the time of trial.

10 36. Plaintiff is entitled to recover attorneys' fees and costs under section 12965(b) of  
11 the California Government Code and other applicable law.

12  
13 **FOURTH CAUSE OF ACTION**

14 **RETALIATION**

15 [Against all Defendants]

16 37. Plaintiff hereby repeats, realleges, and incorporates by this reference each and  
17 every allegation from each and every paragraph before and after this paragraph, as though said  
18 paragraphs were set forth in full herein.

19 38. At all relevant times herein and in violation of sections 12940 *et seq.* of the  
20 California Government Code, Defendants and each of them, and/or their agents/employees,  
21 retaliated against Plaintiff by terminating her employment and by adversely affecting Plaintiff's  
22 employment after she opposed and complained about discrimination. Defendants' conduct as  
23 alleged above constituted unlawful retaliation in employment on account of Plaintiff's protected  
24 activity in violation of sections 12940(h) of the California Government Code.

25 39. As a proximate result of the aforesaid acts of Defendants, and each of them,  
26 Plaintiff has suffered, and will continue to suffer, economic damages, including without limitation,  
27 loss of wages, salary and benefits, all in an amount subject to proof at the time of trial.

28 40. As a proximate result of the wrongful acts of Defendants, and each of them,



1 Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and  
2 embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed and  
3 believes and thereupon alleges that she will continue to experience said physical and emotional  
4 suffering for a period in the future not presently ascertainable, all in an amount subject to proof at  
5 the time of trial.

6 41. Plaintiff is entitled to recover attorneys' fees and costs under section 12965(b) of  
7 the California Government Code and other applicable law.

8  
9 **FIFTH CAUSE OF ACTION**

10 **FAILURE TO PREVENT DISCRIMINATION**

11 [Against all Defendants]

12 42. Plaintiff hereby repeats, realleges, and incorporates by this reference each and  
13 every allegation from each and every paragraph before and after this paragraph, as though said  
14 paragraphs were set forth in full herein.

15 43. California Government Code, including but not limited to sections 12940(k), were  
16 in full force and effect and were binding upon Defendants and each of them. These sections  
17 impose on an employer a duty to take immediate and appropriate corrective action to end  
18 discrimination and take all reasonable steps necessary to prevent discrimination from occurring,  
19 among other things.

20 44. Defendants failed to take immediate and appropriate corrective action to end the  
21 discrimination. Defendants also failed to take all reasonable steps necessary to prevent the  
22 discrimination from occurring.

23 45. In failing and/or refusing to take immediate and appropriate corrective action to end  
24 the discrimination and in failing and/or refusing to take all reasonable steps necessary to prevent  
25 discrimination from occurring, Defendants violated California law, causing Plaintiff to suffer  
26 damages as set forth above.

27 46. As a proximate result of the aforesaid acts of Defendants, and each of them,  
28 Plaintiff has suffered, and will continue to suffer, economic damages, including without limitation,

1 loss of wages, salary and benefits, all in an amount subject to proof at the time of trial.

2 47. As a proximate result of the wrongful acts of Defendants, and each of them,  
3 Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and  
4 embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed and  
5 believes and thereupon alleges that she will continue to experience said physical and emotional  
6 suffering for a period in the future not presently ascertainable, all in an amount subject to proof at  
7 the time of trial.

8 48. Plaintiff is entitled to recover attorneys' fees and costs under section 12965(b) of  
9 the California Government Code and other applicable law.

10  
11 **SIXTH CAUSE OF ACTION**

12 **RETALIATION FOR TAKING PROTECTED SICK LEAVE**

13 [Against all Defendants]

14 49. Plaintiff hereby repeats, realleges, and incorporates by this reference each and  
15 every allegation from each and every paragraph before and after this paragraph, as though said  
16 paragraphs were set forth in full herein.

17 50. Under *Labor Code* section 246.5(c)(1), an employer shall not discharge an  
18 employee for attempting to exercise the right to use accrued sick days. Under *Labor Code* section  
19 246.5(c)(2), there is a rebuttable presumption of unlawful retaliation if an employer discharges an  
20 employee within 30 days of opposing the unlawful act.

21 51. Moreover, section 233(c) of the California Labor Code states in relevant part: "An  
22 employer shall not deny an employee the right to use sick leave or discharge, threaten to  
23 discharge, demote, suspend, or in any manner discriminate against an employee for using, or  
24 attempting to exercise the right to use, sick leave to attend to an illness or the preventive care of a  
25 family member, or for any other reason specified in subdivision (a) of Section 246.5."

26 52. In the present case, Plaintiff used accrued sick leave and/or planned to use sick  
27 leave. As a result of Plaintiff's use of, or plan to use of, sick leave, Defendants terminated the  
28 employment of Plaintiff and otherwise discriminated against her.

1           53.     As a proximate result of the aforesaid acts of Defendants, and each of them,  
2 Plaintiff has suffered, and will continue to suffer, economic damages, including without limitation,  
3 loss of wages, salary and benefits, all in an amount subject to proof at the time of trial.

4           54.     As a proximate result of the wrongful acts of Defendants, and each of them,  
5 Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and  
6 embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed and  
7 believes and thereupon alleges that she will continue to experience said physical and emotional  
8 suffering for a period in the future not presently ascertainable, all in an amount subject to proof at  
9 the time of trial.

10           55.     Plaintiff is entitled to recover attorneys' fees and costs under section 233 of the  
11 California Labor Code and other applicable law.

12  
13                           **SEVENTH CAUSE OF ACTION**

14                   **RETALIATION IN VIOLATION OF LABOR CODE § 1102.5 ET AL.**

15   [Against All Defendants]

16           56.     Plaintiff hereby repeats, realleges, and incorporates by this reference each and  
17 every allegation from each and every paragraph before and after this paragraph, as though said  
18 paragraphs were set forth in full herein.

19           57.     Defendants retaliated against Plaintiff by terminating her employment and  
20 subjecting her to adverse employment actions in violation of California Labor Code sections  
21 1102.5 *et seq.*, including, without limitation, because she complained about discrimination and  
22 engaged in protected activities, complained about illegal activity, disclosed information that she  
23 had reasonable cause to believe constituted a violation of state or federal law, and/or that her  
24 employer feared and/or suspected that she would report to a government or law enforcement  
25 agency, and/or her employer thought she complained to a government or law enforcement agency,  
26 and/or Plaintiff refused or her employer believed she would refuse to participate in activity that  
27 would result in violations of state or federal law.

28           58.     Defendant's conduct as alleged above constituted unlawful retaliation in

1 employment on account of Plaintiff's protected activities in violation of California Labor Code  
2 sections 1102.5 *et seq.*

3 59. As a proximate result of the wrongful acts of Defendants, and each of them,  
4 Plaintiff has suffered and continues to suffer loss of earnings in an amount to be proven at trial.

5 60. As a proximate result of the wrongful acts of Defendants, and each of them,  
6 Plaintiff has suffered and continues to suffer emotional distress, humiliation, mental anguish and  
7 embarrassment, as well as the manifestation of physical symptoms. Plaintiff is informed and  
8 believes and thereupon alleges that she will continue to experience said physical and emotional  
9 suffering for a period in the future not presently ascertainable, all in an amount subject to proof at  
10 the time of trial.

11 61. Plaintiff will also seek a \$10,000 civil penalty pursuant to California Labor Code  
12 section 1102.5(f) for each violation.

13 62. Plaintiff is entitled to recover attorneys' fees and costs under section 1102.5 of the  
14 California Labor Code and other applicable law.

15  
16 **EIGHTH CAUSE OF ACTION**

17 **DECLARATORY RELIEF**

18 [Against all Defendants]

19 63. Plaintiff hereby repeats, realleges, and incorporates by this reference each and  
20 every allegation from each and every paragraph before and after this paragraph, as though said  
21 paragraphs were set forth in full herein.

22 64. California Government Code section 12920 sets forth the public policy of the  
23 State of California as follows:

24 It is hereby declared as the public policy of this state that it is necessary to protect  
25 and safeguard the right and opportunity of all persons to seek, obtain, and hold  
26 employment without discrimination or abridgment on account of race, religious  
27 creed, color, national origin, ancestry, physical disability, mental disability, medical  
28 condition, genetic information, marital status, sex, gender, gender identity, gender  
expression, age, sexual orientation, or military and veteran status.

It is recognized that the practice of denying employment opportunity and  
discriminating in the terms of employment for these reasons foments domestic strife  
and unrest, deprives the state of the fullest utilization of its capacities for

1 development and advancement, and substantially and adversely affects the interests  
2 of employees, employers, and the public in general.

3 Further, the practice of discrimination because of race, color, religion, sex, gender,  
4 gender identity, gender expression, sexual orientation, marital status, national  
origin, ancestry, familial status, source of income, disability, or genetic information  
in housing accommodations is declared to be against public policy.

5 It is the purpose of this part to provide effective remedies that will eliminate these  
6 discriminatory practices.

7 This part shall be deemed an exercise of the police power of the state for the  
protection of the welfare, health, and peace of the people of this state.

8 65. California Government Code section 12920.5 embodies the intent of the  
9 California legislature and states:

10 In order to eliminate discrimination, it is necessary to provide  
11 effective remedies that will both prevent and deter unlawful  
12 employment practices and redress the adverse effects of those  
13 practices on aggrieved persons. To that end, this part shall be  
deemed an exercise of the Legislature's authority pursuant to  
Section 1 of Article XIV of the California Constitution.

14 66. Moreover, California Government Code section 1 2921, subdivision (a) says in  
15 pertinent part:

16 The opportunity to seek, obtain, and hold employment without  
17 discrimination because of race, religious creed, color, national  
18 origin, ancestry, physical disability, mental disability, medical  
19 condition, genetic information, marital status, sex, gender, gender  
identity, gender expression, age, sexual orientation, or military and  
veteran status is hereby recognized as and declared to be a civil  
right.

20 67. An actual controversy has arisen and now exists between Plaintiff and Defendants  
21 concerning their respective rights and duties as it is believed that Defendants may allege that  
22 Plaintiff's treatment was based on a non-discriminatory, legitimate reason and Plaintiff's age,  
23 gender, marital status, protected complaints, protected activities were not a substantial  
24 motivating reason for the decision to adversely affect his employment. Plaintiff is informed and  
25 believes, and on that basis alleges, that Defendants shall dispute Plaintiff's contention and shall  
26 assert its reason was non-discriminatory and legitimate.

27 68. Pursuant to Code of Civil Procedure section 1060 and other applicable law,  
28 Plaintiff desires a judicial determination of his rights and duties, and a declaration that her age,

1 gender, marital status, protected complaints, protected activities were a substantial motivating  
2 factor in the decision to terminate him.

3 69. A judicial declaration is necessary and appropriate at this time under the  
4 circumstances in order that Plaintiff, for himself and on behalf of employees of the State of  
5 California and in conformity with the public policy of the State, obtain a judicial declaration of  
6 the wrongdoing of Defendants and to condemn such discriminatory employment policies or  
7 practices. *See Harris v. City of Santa Monica* (2013) 56 Cal.4th 203.

8 70. A judicial declaration is necessary and appropriate at this time such that  
9 Defendants may also be aware of its obligations under the law to not engage in discriminatory  
10 practices and violate the law.

11 71. California Government Code section 12965(b) provides that an aggrieved party,  
12 such as the Plaintiff herein, may be awarded reasonable attorney's fees and costs. "In civil actions  
13 brought under this section, the court, in its discretion, may award to the prevailing party, including  
14 the department, reasonable attorney's fees and costs, including expert witness fees." Such fees  
15 and costs expended by an aggrieved party may be awarded for the purpose redressing, preventing,  
16 or deterring discrimination.

17  
18 **NINTH CAUSE OF ACTION**

19 **FAILURE TO REIMBURSE EXPENSES INCURRED BY EMPLOYEE**

20 [Against all Defendants]

21 72. Plaintiff hereby repeats, realleges, and incorporates by this reference each and  
22 every allegation from each and every paragraph before and after this paragraph, as though said  
23 paragraphs were set forth in full herein.

24 73. Section 2802 of the Labor Code requires an employer to "indemnify his or her  
25 employee for all necessary expenditures or losses incurred by the employee in direct consequence  
26 of the discharge of his or her duties, or of his or her obedience to the directions of the employer."

27 74. Defendants required Plaintiff to incur costs in connection with the discharge of her  
28 duties, including using her personal vehicle to attend work related events or meetings. Defendants

1 did not reimburse and indemnify her for some of these costs, including mileage. Plaintiff seeks  
2 reimbursement of all expenditures and losses, plus an award of prejudgment interest, attorney's  
3 fees, and costs.

4  
5 **TENTH CAUSE OF ACTION**

6 **FAILURE TO PAY WAGES OF A DISCHARGED EMPLOYEE**

7 [Against all Defendants]

8 75. Plaintiff hereby repeats, realleges, and incorporates by this reference each and  
9 every allegation from each and every paragraph before and after this paragraph, as though said  
10 paragraphs were set forth in full herein.

11 76. Sections 201 and 202 require Defendants to pay its employees all wages due  
12 immediately at time of discharge of an employee or within 72 hours after an employee quits his or  
13 her employment. Section 203 provides that if an employer willfully fails to timely pay such wages  
14 the employer must, as a penalty, continue to pay the subject employees' wages until the back  
15 wages are paid in full or an action is commenced. The penalty cannot exceed 30 days of wages.

16 77. As alleged above, Plaintiff is entitled to wages. Defendants did not pay Plaintiffs'  
17 last wages at the time of termination and continued to fail to pay such wages for about two weeks.

18 78. More than 30 days have passed since the end of employment of Plaintiff.

19 79. As a consequence of Defendants' willful conduct in not timely paying the sums  
20 alleged above, Plaintiff is entitled to at least 14 days of wages as provided for under section 203.

21  
22 **PRAYER**

23 WHEREFORE, Plaintiff prays for judgment against Defendants, and each of them, as  
24 follows:

25 1. Compensation for all lost salary, wages, and benefits, and for mental and emotional  
26 distress, humiliation, anguish, and other special and general damages according to proof but in  
27 excess of the jurisdictional limit of this court;

28 2. For compensatory and general damages in an amount according to proof;

1           3.       Plaintiff seeks injunctive relief to restrain Defendants from engaging in further  
2 discrimination of its employees, and to order Defendants to take all reasonable steps to prevent  
3 discrimination from occurring, to promptly investigate claims of discrimination, and to prevent  
4 retaliation;

5           4.       For declaratory relief;

6           5.       That Plaintiff be awarded attorney’s fees and costs pursuant to section 12965 of the  
7 California Government Code, sections 233, 1102.5 and 2802 of the California Labor Code, and/or  
8 other applicable law;

9           6.       For the \$10,000 civil penalty pursuant to California Labor Code section 1102.5(f)  
10 for each violation;

11           7.       That Defendants reimburse Plaintiff for all business expenses incurred pursuant to  
12 section 2802 of the California Labor Code;

13           8.       That Defendants are found to have violated sections 201, 202 and 203 for willful  
14 failure to pay compensation at the time of termination of employment as to Plaintiff, plus an  
15 award for waiting time penalties; and

16           9.       For such other and further relief that is just and proper.

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19 Dated: September 18, 2022

HURWITZ, ORIHUELA & HAYES, LLP

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21  
22 By:     *Nicolas Orihuela*    

23                   Nicolas Orihuela  
24                   Attorneys for Plaintiff Beatriz Mendoza