

1 **MILON PLUAS LLP**

2 ANGEL D. PLUAS (SBN: 256478)

3 angel@milonpluasllp.com

4 JOSHUA MILON (SBN: 245287)

5 joshua@milonpluasllp.com

6 CHRISTOPHER J. DeCLUE (SBN: 282807)

7 chris@milonpluasllp.com

8 JOSE L. VALDEZ (SBN: 341234)

9 jose@milonpluasllp.com

10 20 North Raymond Ave., Suite 350

11 Pasadena, CA 91103

12 Tel.: (626) 229-0844

13 Fax: (626) 389-5451

14 **MANN ROGAL APC**

15 Matthew L. Mann (SBN: 276220)

16 mmann@mannrogal.com

17 Justin R. Rogal (SBN: 273352)

18 jrogal@mannrogal.com

19 16501 Ventura Boulevard, Suite 400

20 Encino, California 91436

21 Telephone: (310) 620-2314

22 Attorneys for Plaintiffs

23 GARY HERNANDEZ, RICARDO HERNANDEZ,

24 JUAN MANUEL CARRILLO, ET.AL.

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT**

GARY HERNANDEZ, an individual, JUAN CARRILLO SR., an individual, FRANCISCO BAUTISTA, an individual, LUSIANO MORALES, an individual, RICKY HERNANDEZ, an individual, JOISE MENDEZ AVENDANO, an individual, ROMUALDO GUZMAN, an individual, JOSE LOPEZ GUZMAN, an individual, EFRAIN INDA VERDIN, an individual, POMILIO JACINTO ALTAMIRANO REYES, an individual, PEDRO REYES, an individual, JUAN PABLO CARILLO PADILLA, an individual, ELIAS HERNANDEZ, an individual, ARMANDO REYES, an individual, JUAN CARRILLO DE LA LUZ an individual,

Plaintiffs,

vs.

CLOVER FLAT LAND FILL INC., a California Corporation, UPPER VALLEY RECYCLING, INC., a California Corporation; UPPER VALLEY DISPOSAL SERVICE; a California Corporation; UPPER VALLEY DISPOSAL HOLDINGS, INC.; a Delaware Corporation; VISTA CORPORATION, a California Corporation; WHITEHALL CORPORATION, a California Corporation; WASTE CONNECTIONS US, INC., a Delaware Corporation; WASTE CONNECTIONS OF CALIFORNIA INC., a California Corporation; WASTE CONNECTIONS MANAGEMENT SERVICES, INC., a Delaware Corporation; PESTONI ENTERPRISES LLC, California Limited Liability Company; UVA VINEYARD MANAGEMENT LLC, a California Limited Liability Company; CHRISTINA PESTONI, an individual; and DOES 1 to 50, inclusive,

Case No.:

COMPLAINT FOR DAMAGES:

- 1. VIOLATION OF THE CIVIL RIGHTS ACT OF 1866 & 42 U.S.C. 1983**
- 2. DISCRIMINATION AND RETALIATION IN VIOLATION OF THE FAMILY AND MEDICAL LEAVE ACT 29 U.S.C. § 2615**
- 3. VIOLATION OF LAB. CODE § 1102.5**
- 4. VIOLATION OF LABOR CODE § 244 - IMMIGRATION RELATED THREATS**
- 5. RETALIATION FOR REPORTING EMERGENCY CONDITION IN VIOLATION OF CAL. LABOR CODE § 1139**
- 6. DENIAL OF AND DISCRIMINATION BASED UPON THE USE OF SICK LEAVE**
- 7. RACE AND NATIONAL ORIGIN DISCRIMINATION**
- 8. HARASSMENT**
- 9. DISABILITY DISCRIMINATION**
- 10. FAILURE TO ACCOMMODATE**
- 11. FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS**
- 12. CALIFORNIA FAMILY RIGHTS ACT RETALIATION**
- 13. ASSOCIATIONAL DISCRIMINATION**
- 14. FEHA RETALIATION**
- 15. FAILURE TO PREVENT DISCRIMINATION, HARASSMENT, AND RETALIATION**
- 16. VIOLATION OF LABOR CODE § 246.5**
- 17. VIOLATION OF LAB. CODE § 6310**
- 18. VIOLATION OF LAB. CODE § 6311**
- 19. VIOLATION OF LAB. CODE § 6399.7**
- 20. VIOLATION OF LABOR CODE § 232.5**
- 21. VIOLATION OF LABOR CODE SECTION 98.6**
- 22. WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**
- 23. FAILURE TO PAY MINIMUM OR**

Defendants.

- CONTRACTUAL WAGES**
- 24. FAILURE TO PAY OVERTIME WAGES**
- 25. FAILURE TO PAY MEAL BREAKS**
- 26. FAILURE TO PROVIDE ACCURATE WAGE STATEMENTS**
- 27. FAILURE TO PAY WAGES UPON DISCHARGE**
- 28. VIOLATION OF LABOR CODE § 1197.5 - UNEQUAL PAY BASED ON RACE**
- 29. VIOLATION OF BUSINESS & PROFESSIONS CODE § 17200 ET SEQ.**
- 30. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
- 31. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

DEMAND FOR JURY TRIAL

Plaintiffs GARY HERNANDEZ, JUAN MANUEL CARRILLO SR., FRANCISCO BAUTISTA, LUSIANO MORALES, RICKY HERNANDEZ, JOISE MENDEZ AVENDANO, ROMUALDO GUZMAN, JUAN CARRILLO DE LA LUZ, JOSE LOPEZ GUZMAN, EFRAIN INDA VERDIN, JUAN PABLO CARILLO PADILLA, POMILIO JACINTO ALTAMIRANO REYES, PEDRO REYES, ARMANDO REYES, ELIAS HERNANDEZ (collectively “Plaintiffs”) complain of Defendants CLOVER FLAT LAND FILL INC., UPPER VALLEY RECYCLING, INC., UPPER VALLEY DISPOSAL SERVICE, UPPER VALLEY DISPOSAL HOLDINGS, INC., VISTA CORPORATION, WHITEHALL CORPORATION, WASTE CONNECTIONS US, INC., WASTE CONNECTIONS OF CALIFORNIA INC., WASTE CONNECTIONS MANAGEMENT SERVICES, INC., PESTONI ENTERPRISES LLC, UVA VINEYARD MANAGEMENT LLC, CHRISTINA PESTONI, and DOES 1-50 (collectively “Defendants”) as follows:

INTRODUCTION

This lawsuit stems from years of abuse of the Defendants’ nearly all-Latino workforce.

PARTIES

1
2 1. At all times mentioned herein, Plaintiff GARY HERNANDEZ is and was an
3 individual over the age of 18 years old and a resident of California.

4 2. At all times mentioned herein, Plaintiff JOISE MENDEZ AVENDANO is and
5 was an individual over the age of 18 years old and a resident of California.

6 3. At all times mentioned herein, Plaintiff JUAN MANUEL CARRILLO SR. is and
7 was an individual over the age of 18 years old and a resident of California.

8 4. At all times mentioned herein, Plaintiff FRANCISCO BAUTISTA is and was an
9 individual over the age of 18 years old and a resident of California.

10 5. At all times mentioned herein, Plaintiff LUSIANO MORALES is and was an
11 individual over the age of 18 years old and a resident of California.

12 6. At all times mentioned herein, Plaintiff RICKY HERNANDEZ is and was an
13 individual over the age of 18 years old and a resident of California.

14 7. At all times mentioned herein, Plaintiff POMILIO JACINTO ALTAMIRANO
15 REYES is and was an individual over the age of 18 years old and a resident of California.

16 8. At all times mentioned herein, Plaintiff JOSE LOPEZ GUZMAN is and was an
17 individual over the age of 18 years old and a resident of California.

18 9. At all times mentioned herein, Plaintiff PEDRO REYES is and was an individual
19 over the age of 18 years old and a resident of California.

20 10. At all times mentioned herein, Plaintiff JUAN PABLO CARILLO PADILLA is
21 and was an individual over the age of 18 years old and a resident of California.

22 11. At all times mentioned herein, Plaintiff EFRAIN INDA VERDIN is and was an
23 individual over the age of 18 years old and a resident of California.

24 12. At all times mentioned herein, Plaintiff ELIAS HERNANDEZ is and was an
25 individual over the age of 18 years old and a resident of California.

26 13. At all times mentioned herein, Plaintiff ARMANDO REYES is and was an
27 individual over the age of 18 years old and a resident of California.

28 14. At all times mentioned herein, Plaintiff JUAN CARRILLO DE LA LUZ is and

1 was an individual over the age of 18 years old and a resident of California.

2 15. At all times mentioned herein, Plaintiff ROMUALDO GUZMAN is and was an
3 individual over the age of 18 years old and a resident of California.

4 16. Defendant CLOVER FLAT LAND FILL INC. is a California Corporation that
5 conducts business at various locations, including but not limited to, the 1285 Whitehall Ln, Saint
6 Helena, California 94574 location.

7 17. Defendant UPPER VALLEY RECYCLING, INC. is a California corporation
8 company that conducts business at various locations, including but not limited to, the 1285
9 Whitehall Ln., Saint Helena, California 94574 location.

10 18. Defendant UPPER VALLEY DISPOSAL SERVICE is a California corporation
11 that conducts business at various locations, including but not limited to, the 1285 Whitehall Ln.,
12 Saint Helena, California 94574 location.

13 19. Defendant UPPER VALLEY DISPOSAL HOLDINGS, INC. is a Delaware
14 corporation that conducts business at various locations, including but not limited to, the 1285
15 Whitehall Ln., Saint Helena, California 94574 location.

16 20. Defendant VISTA CORPORATION is a California corporation that conducts
17 business at various locations, including but not limited to, the store located at 1285 Whitehall
18 Ln., Saint Helena, California 94574 location.

19 21. Defendant WHITEHALL CORPORATION is a California corporation that
20 conducts business at various locations, including but not limited to, the 1285 Whitehall Ln, Saint
21 Helena, California 94574 location.

22 22. Defendant WASTE CONNECTIONS US, INC. is a Delaware corporation that
23 conducts business at various locations, including but not limited to, the 1285 Whitehall Ln, Saint
24 Helena, California 94574 location.

25 23. Defendant WASTE CONNECTIONS OF CALIFORNIA, INC. is a California
26 corporation that conducts business at various locations, including but not limited to, the 1285
27 Whitehall Ln., Saint Helena, California 94574 location.

28 24. Defendant WASTE CONNECTIONS MANAGEMENT SERVICES, INC. is a

1 Delaware corporation that conducts business at various locations, including but not limited to,
2 the 1285 Whitehall Ln., Saint Helena, California 94574 location.

3 25. Defendant PESTONI ENTERPRISES LLC is a California limited liability
4 company that conducts business at various locations, including but not limited to, the 1285
5 Whitehall Ln, Saint Helena, California 94574 location.

6 26. Defendant UVA VINEYARD MANAGEMENT LLC is a California limited
7 liability company that conducts business at various locations, including but not limited to, the
8 winery at 1673 Saint Helena Highway S., Saint Helena, California 94574.

9 27. Defendant CHRISTINA PESTONI (“CHRISTINA”) is and was an individual
10 over the age of 18 years old and a resident of the State of California and was always relevant
11 hereto an employee of Defendants Clover Flat Land Fill Inc., Upper Valley Recycling, Inc., and
12 Waste Connections, Inc.

13 28. Plaintiffs are presently unaware of the true names and capacities, whether
14 individual, associate, corporate, or otherwise of Defendants DOES 1 through 50, or any of them,
15 and therefore sues such Defendants by such fictitious names. Plaintiffs will seek leave to amend
16 this Complaint to show the true names and capacities of such fictitiously named Defendants
17 when the same have been ascertained. Plaintiffs are informed and believe and thereon allege that
18 each of the Defendants designated herein as a DOE is legally responsible in some manner for the
19 acts, omissions, and events alleged herein, and have proximately caused damages and injury to
20 Plaintiffs as herein alleged.

21 29. The California Legislature has recently amended the California Labor Code
22 adding section 558.1, which expressly defines “employer or other person acting on behalf of an
23 employer” to include a “natural person who is an owner, director, officer, or managing agent of
24 the employer.” As result, an employee is allowed to bring wage and hour claims against the
25 corporate owners, directors, officers, or managing agents (e.g., department supervisors, payroll
26 managers, human resources managers, other employees with the authority to transact on behalf
27 of the business) who violate or cause to be violated various wage and hour laws in the Labor
28 Code and name them as individual Defendants in a lawsuit.

1 30. At all times herein, each Defendant was the employee, agent, and servant of each
2 other Defendants and in doing the things herein alleged, was acting within the course and scope
3 of their authority as such, and with consent of each other Defendant.

4 31. Plaintiffs are informed and believe and thereon allege that each of the fictitiously
5 named Defendants is in breach of some contract or is tortiously or otherwise legally responsible
6 in some manner for the occurrences alleged in this Complaint and for Plaintiffs' damages.

7 32. Plaintiffs are informed and believe and thereon allege, that at all times relevant
8 hereto, Defendants, and each of them, were the agents, employees, managing agents,
9 supervisors, coconspirators, parent corporation, joint employers, alter ego, and/or joint ventures
10 of the other Defendants, and each of them, and in doing the things alleged herein, were acting at
11 least in part within the course and scope of said agency, employment, conspiracy, joint
12 employer, alter ego status, and/or joint venture and with the permission and consent of each of
13 the other Defendants.

14 33. Plaintiffs are informed and believe, and thereon allege, that there exists, and at all
15 times herein mentioned, there existed, a unity of interest and ownership between Defendants that
16 any individuality and separateness between said entities, have ceased, and said entities, and each
17 of them, are, and at all times herein mentioned were the alter ego of the other.

18 34. Plaintiffs are informed and believe and thereon allege, that Defendants, and each
19 of them, acted in concert with one another to commit the wrongful acts alleged herein, and aided,
20 abetted, incited, compelled and/or coerced one another in the wrongful acts alleged herein,
21 and/or attempted to do so. Plaintiffs are further informed and believes, and based thereupon
22 alleges, that Defendants, and each of them, formed and executed a conspiracy or common plan
23 that they would commit the unlawful acts alleged herein, with all such acts alleged herein done
24 as part of and pursuant to said conspiracy, intended to cause and in fact caused Plaintiffs' harm.

25 35. Plaintiffs are informed and believe and hereupon allege that at all relevant times
26 Defendants and each of them, were Plaintiffs' employers under California law, and that
27 Defendants each did acts consistent with the employer-employee relationship with Plaintiffs.

28 36. Whenever and wherever reference is made in this Complaint to any act or failure

1 to act by a Defendant or co-Defendant, such allegations and references shall also be deemed to
2 mean the acts and/or failures to act by each Defendant acting individually, jointly, and severally.

3 **JURISDICTION**

4 37. This action is based on Plaintiffs' claims of employment discrimination,
5 retaliation, and wage violations, against Defendants, which arise under the Civil Rights Act of
6 1866 (42 U.S.C. § 1981), the Family and Medical Leave Act of 1993 (29 U.S.C. § 2601 et seq.)
7 (FMLA), the California Fair Employment and Housing Act (Cal. Govt. Code §§ 12900, et
8 seq.)(FEHA), the California Family Rights Act (CFRA), and various California Labor Code
9 violations. This court has jurisdiction over Plaintiffs' federal claims pursuant to 28 U.S.C. § 1331
10 and, 28 U.S.C. § 1343 (a)(4).

11 38. This court also has supplemental jurisdiction over Plaintiffs' related state law
12 claims under 28 U.S.C. § 1367. Plaintiffs' state law claims arise from the same common nucleus
13 of operative facts as the underlying federal claims. Resolving all state and federal claims in a
14 single action serves the interests of judicial economy, convenience, and fairness to all parties.

15 39. This action is filed in this judicial district because the Defendants conduct
16 business in the County of Napa and the amount of damages sought are within the jurisdiction of
17 this Court.

18 40. This Court has jurisdiction over Plaintiffs' claims for restitution of unpaid wages
19 and other ill-gotten benefits arising from Defendants' unlawful and/or unfair business practices
20 under Business & Professions Code section 17200, et seq.

21 41. Plaintiffs received their right-to-sue letters from the Department of Civil Rights
22 within the time permitted by statute and have thus exhausted their administrative remedies.
23 Attached as **Exhibit A** are true and correct copies of Plaintiffs' Right to Sue Letters. Therefore,
24 Plaintiffs may proceed with this lawsuit.

25 **GENERAL ALLEGATIONS**

26 **BACKGROUND**

27 42. Defendant UPPER VALLEY DISPOSAL SERVICE ("UVDS") is a solid waste
28 collection, recycling, and disposal company, that operates various facilities located within the

1 County of Napa, California, as well as other locations. UVDS manages and operates the Upper
2 Valley Recycling and Compost site located at 1285 Whitehall Lane, in the City of St. Helena,
3 California (“Whitehall Lane Facility.”)

4 43. According to Defendant UVDS’s website, UVDS was granted its first franchise
5 agreement to dispose of garbage in the Whitehall Lane Facility in 1963. At the time, the Pestoni
6 family, headed by family patriarch Bob Pestoni, father of individual Defendant CHRISTINA
7 PESTONI, owned the Whitehall Lane Facility. The Pestoni family also owned the Pestoni
8 Family Vineyards located next door to the Whitehall Lane Facility. In 1966, the Pestoni family
9 company began to recycle winery waste materials and then processed the grape pomace for
10 compost at their Whitehall Lane Facility, which it then sold to the public. Throughout the years
11 since it opened, UVDS continued to provide garbage disposal and composting services until it
12 sold its operations on or about late 2023 to Defendant WASTE CONNECTIONS, a company
13 that operates approximately 100 domestic landfills.

14 44. Defendant CLOVER FLAT LAND FILL INC. owns and operates Clover Flat
15 Resource Recovery Park and Landfill located at 4380 Silverado Trail North, in the City of
16 Calistoga, California (“Clover Flat Facility.”) For decades, the Clover Flat Facility was and is
17 permitted to operate as a non-hazardous waste disposal site. Like the Whitehall Lane Facility, the
18 Clover Flat Facility was also owned and operated by the Pestoni family before being sold to
19 Defendant Waste Connections, which now runs the landfill under its larger corporate umbrella.

20 45. When owned by the Pestoni family, Clover Flat Facility and Vista Corporation
21 were wholly owned subsidiaries of Whitehall Corporation. Vista Corporation owns and leases
22 180 acres to Clover Flat Facility, including the 78 acres of permitted landfill area. Vista
23 Corporation also owns landfill equipment that converts the landfill gas into electricity, which is
24 then delivered and sold to Pacific Gas & Electric.

25 46. Whitehall Corporation also had two additional wholly owned subsidiaries, UVDS
26 and Upper Valley Recycling, Inc. (which processes, sorts, and sells recyclable material and
27 compost.) Additionally, Whitehall Corporation is affiliated with the following companies
28 through common ownership: Pestoni Brothers, LLC; Pestoni Leasing, Inc.; Pestoni Ranch, LLC;

1 Quackenbush Mountain Resource and Recovery Compost Facility, LLC; Pestoni Family Estate
2 Winery (formerly Rutherford Grove Winery); South Lake Refuse and Recycling, LLC;
3 Deerpond, Inc.; and Pestoni Enterprises LLC. The principal stockholders of Whitehall
4 Corporation are Robert Pestoni, deceased, (90%) and Linda Pestoni-Sereni (10%).

5 47. Defendants' Clover Flat Facility generates up to \$1.36 million in revenue
6 annually, which excludes significant revenue from collecting and processing fire debris caused
7 by wildfires near Napa County. Under a franchise agreement, the Clover Flat Facility receives
8 and processes waste and recyclable products generated in the UVDS service area. The agreement
9 restricts inbound disposal and recycling tonnage into the landfill at 600 tons per day (up to 30
10 tons per day may come from outside Napa County).

11 48. Between 1987 and 2023, Defendants hired Plaintiffs as Drivers, Heavy
12 Equipment Operators, Leads, General Laborers, and Sorters to generally assist in various aspects
13 of the waste disposal process at their Whitehall Lane and Clover Flat facilities. The Drivers'
14 duties included, but were not limited to, driving to commercial or private customer locations,
15 picking up the trash at either commercial or private locations, and then driving it to the
16 designated processing facility, usually Whitehall Lane or Clover Flat. The Heavy Equipment
17 Operators' duties included, but were not limited to, operating bulldozers, excavators, front-end
18 loaders, and other heavy machinery, as well as continuously monitoring the waste processing
19 operations, amongst other work duties. The Laborer/Sorters' duties included, but were not
20 limited to, controlling the traffic of waste collection vehicles for safety and waste disposal
21 purposes; sorting the trash between regular trash, recyclables, green waste, and hazardous waste;
22 and preparing the waste for recycling or for final disposal. The Leads duties included, but were
23 not limited to, supervising the Drivers, Operators and Laborers that reported to them. At all
24 times, Plaintiffs performed their jobs with diligence and professionalism.

25 **DEFENDANTS POLLUTE THE NAPA RIVER AND SURROUNDING WINE-**
26 **PRODUCING AREAS WITH TOXIC LEACHATE CREATED BY ITS GARBAGE-**
27 **PROCESSING OPERATIONS**

28 49. Defendants' Clover Flat Facility is located adjacent to two tributaries of the Napa

1 River. Similarly, the Defendants' Whitehall Lane Facility is located near a tributary to the Napa
2 River and near the Napa River itself. Because landfills and garbage processing facilities like
3 Defendants' Clover Flat and Whitehall Lane Facilities are repositories for a heterogeneous
4 mixture of liquid and solid waste from residential, industrial, and commercial sources, they
5 produce landfill "leachate"—a liquid wastewater product inherent to waste processing that
6 contains a diverse mixture of often extremely toxic chemicals when rain or other water filters
7 through the waste buried in the landfill. Landfill leachate typically contains nitrates, and heavy
8 metals such as chromium, arsenic, iron, zinc, among other very toxic contaminants. Landfill
9 leachate also contains bacteria and various pathogenic microbes.

10 50. At Defendants' Clover Flat Facility, this untreated leachate was a byproduct of its
11 general garbage and waste processing operations in the landfill. At the Whitehall Lane Facility,
12 the leachate was caused by toxic waste liquids from recycling and the grease and oils used during
13 the maintenance of Defendants' fleet of garbage trucks they kept at the facility. Similarly,
14 Defendants also created toxic wastewater through its practice of heavily dosing the waste pond
15 located at their Whitehall Lane Facility with toxic chemicals to reduce noxious smells created by
16 the facility's waste processing operations that neighbors and other community members had
17 complained about for decades.

18 51. Because of the toxic nature of landfill leachate, government regulations mandate
19 that Defendants transport leachate to an offsite wastewater treatment facility to undergo
20 extensive and costly treatment to detoxify the leachate before proper and safe disposal.

21 52. As collectors and processors of garbage, Defendants were required to comply
22 with applicable health, safety, and environmental laws and regulations regarding the safe and
23 appropriate handling and disposal of landfill leachate and other wastewater. These regulations
24 included, but were not limited to, those laws and regulations promulgated and enforced by the
25 U.S. Environmental Protective Agency ("EPA"), the California Environmental Protection
26 Agency ("CalEPA"), the Department of Resources Recycling and Recovery ("CalRecycle"),
27 California Department of Toxic Substances Control ("DTSC"), the California Department of
28 Fish and Wildlife, and other relevant government entities.

1 53. Throughout Plaintiffs’ employment with Defendants, Defendants engaged in an
2 illegal pattern and practice of improperly and illegally disposing of untreated leachate and other
3 toxic wastewater into the environment in violation of applicable health, safety, and
4 environmental laws and regulations to cut costs and increase profits. Specifically, for decades
5 Defendants illegally disposed of the toxic landfill leachate and wastewater by diverting it to the
6 local waterways, including the Napa River and its tributaries to avoid the costs of properly
7 trucking out the toxic leachate to designated facilities for treatment and safe disposal.

8 54. As result of their failure to appropriately dispose of the toxic leachate, Defendants
9 engaged in an illegal pattern and practice of exposing Plaintiffs and other employees to unsafe
10 working conditions rife with toxic chemicals, pollution, and poisons while failing to provide
11 Plaintiffs with proper protective equipment to decrease the effects of the toxic exposure.

12 55. In response to Defendants’ illicit and unsafe business practices, Plaintiffs
13 repeatedly complained to Defendants’ supervisors and managers about the unsafe work
14 conditions and exposure to toxic chemicals without adequate protection. However, Defendants’
15 managers and supervisors disregarded Plaintiffs’ complaints and continued to engage in the same
16 unsafe, illegal and toxic work environment and then engaged in a prolonged campaign of
17 retaliatory acts towards the Plaintiffs (and others) for having complained about Defendants’
18 unsafe and dangerous business practices.

19 56. Due to their failure to properly dispose of the toxic leachate and other wastewater
20 produced by their Clover Flat and Whitehall Lane Facilities, Defendants violated numerous
21 government environmental regulations in which their government-issued operating permits were
22 conditioned, including but not limited to California’s Public Resource Code sections 43020,
23 44104, etc. For example, stormwater discharges associated with industrial activity at the Clover
24 Flat and Whitehall Lane Facilities are regulated pursuant to the National Pollutant Discharge
25 Elimination System (NPDES) General Permit No. CAS000001 [State Water Resources Control
26 Board]; and the Water Quality Order No. 2014-57-DWQ (“Industrial Stormwater Permit”) issued
27 pursuant to Section 402 of the Federal Water Pollution Control Act, Title 33, section 1342 of the
28 U.S. Code. The Clover Flat Facility falls within Standard Industrial Classification (“SIC”) codes

1 4953 (Refuse Systems), 5093 (Scrap and Waste Materials), and 2875 (Fertilizer, Mixing Only.)

2 57. The government’s Industrial Stormwater Permit includes the following
3 requirements for all permittees, including Defendants’ Clover Flat Facility: (1) develop and
4 implement a stormwater pollution prevention plan (“SWPPP”); (2) control pollutant discharges
5 using, as appropriate, best available technology economically achievable (“BAT”) or best
6 conventional pollutant control technology (“BCT”) to prevent or reduce pollutants; (3)
7 implement BAT and BCT through the development and application of Best Management
8 Practices (“BMPs”), which must be included and updated in the SWPPP; and (4) when
9 necessary, implement additional BMPs to prevent or reduce any pollutants that are causing or
10 contributing to any exceedance of water quality standards.

11 58. In addition to violating their operating permits by deliberately releasing untreated
12 toxic leachate into the environment, Defendants’ actions also violated a litany of environmental
13 laws and regulations that individually and collectively prohibit the improper disposal of toxic
14 substances, such as untreated “leachate,” including but not limited to, California Code of
15 Regulations, Title 27, sections 20790, 20820, 20615, 20700, etc.; California Code of
16 Regulations, Title 14, sections 17704, 17709, 17636, 17637, 17867, etc.; as well as various
17 provisions of the Water Code, the Waste Code, the Water Pollution Control Act, and the Health
18 and Safety Code, among others.

19 59. In addition to Defendants disregarding and ignoring their employees’ and
20 Plaintiffs’ complaints of unsafe work conditions and illicit behavior, on or around January 2023
21 and on or around April 2024, the Napa County cities (e.g., Calistoga, St. Helena, Yountville) and
22 County of Napa, which includes City Managers and Elected Officials, ignored the complaints of
23 the workers, including Plaintiffs, about the White Hall Lane and Clover Flat facilities.

24 **DEFENDANTS POLLUTED THE NAPA RIVER AND SURROUNDING WINE-**
25 **PRODUCING AREAS THROUGH USE OF “GHOST PIPING”**

26 60. Throughout Plaintiffs’ employment, Defendants effectuated their illegal scheme
27 of unlawfully dumping their toxic leachate into the environment in a variety of ways. For
28 example, Defendants forced employees, including Plaintiffs, to build and operate an illegal

1 network of unpermitted underground pipes that do not appear on any official blueprints or maps,
2 so called “ghost piping,” to covertly drain the toxic leachate and other contaminated wastewater
3 or stormwater from Defendants’ facilities and into the surrounding hills, streams, public
4 waterways, and/or the Napa River itself. Defendants built, expanded, and surreptitiously used
5 their hidden network of “ghost piping” over a period of decades to drain out their toxic leachate
6 reserves to avoid overflowing them. Defendants engaged in this practice of illegally polluting the
7 Napa River watershed without detection by government inspectors and/or private environmental
8 watchdog groups so as not to pay for the proper treatment and safe disposal of the toxic leachate,
9 as well as to not have to pay the construction costs of building additional reservoirs to safely
10 store the toxic liquid.

11 61. In fact, in late 2023, a group of officials from the San Francisco Bay Regional
12 Water Quality Control Board visited Defendants’ Clover Flat Facility to search for the “ghost
13 piping,” and in October 2023 reported that they had discovered a culvert intercepting the creek
14 and running beneath the access road with an “unknown purpose” as well as a metal pipe in the
15 creek that runs under the access road toward the facility’s wastewater containment pond, and
16 “many pipes” going between the facility’s containment pond and a stormwater drain.

17 62. Unsurprisingly, leachate from Defendants’ Clover Flat Facility has been found to
18 contain toxic per- and polyfluoroalkyl substances (PFAS, which are commonly referred to as
19 “forever chemicals”) which are manmade chemicals that do not break down in the environment
20 and have been linked to cancers and a range of other illnesses and health hazards. In fact, in early
21 2023, the San Francisco Regional Water Quality Control Board sampled a creek downstream
22 from the Clover Flat Facility that is a tributary to the Napa River for eight PFAS, identifying
23 multiple PFAS compounds in each sample, of the same type “detected at the Clover Flat
24 facility.” Notably, the U.S. EPA has listed Clover Flat as one of thousands of sites around the
25 country suspected of handling harmful PFAS chemicals.

26 63. Defendants’ deliberate pollution of the Napa River watershed with toxic
27 wastewater is particularly disturbing because Napa Valley contains some of the most valuable
28 agricultural land in the country, and water from the Napa River is used by local wineries to

1 irrigate Napa's famous vineyards, and is a significant community water resource. Moreover,
2 thousands of people use the Napa River recreationally, such as for swimming or kayaking.
3 Therefore, as result of their deliberate refusal to comply with government environmental rules
4 and regulations and improperly releasing toxic untreated leachate into the Napa River watershed
5 and surrounding environment, Defendants deliberately exposed employees, including Plaintiffs,
6 as well as the general public to highly toxic leachate and leachate residue on a daily basis.

7 **DEFENDANTS' LONG HISTORY OF POLLUTION-RELATED VIOLATIONS**

8 64. While individual Defendant Christina Pestoni, who previously served as Chief
9 Operating Officer for the Whitehall Lane and Clover Flat Facilities and is currently the Director
10 of Government Affairs at Waste Connections, has publicly stated that the company's operations
11 met "the highest environmental standards" and were in full legal and regulatory compliance,
12 Defendants' long track record of known environmental abuses demonstrates their pattern and
13 practice of deliberately polluting the environment and thus exposing the general public, as well
14 as their employees, including Plaintiffs, to extremely toxic chemicals.

15 65. For example, on November 23, 2022, Defendants agreed to a civil penalty of
16 \$619,400 imposed by government officials after a joint investigation conducted by the Water
17 Board, the Napa County District Attorney's Office, and the California Department of Fish and
18 Wildlife found that Defendants had violated their operating permit by discharging approximately
19 40,000 gallons of "leachate-laden" stormwater into one of the streams that fed into the Napa
20 River, among other environmental violations.

21 66. Similarly, in 2019 a California Department of Fish and Wildlife Officer report
22 regarding Defendants' Clover Flat Facility found that the facility had "severely polluted" both
23 streams that flow through the landfill property with "large amounts of earth waste spoils,
24 *leachate*, litter, and sediment," and that, as result, there was "essentially no aquatic life present."

25 67. In 2019, a Regional Water Board inspection also found that Defendants' Clover
26 Flat Facility was improperly discharging "acidic stormwater" into a stream adjacent to the
27 landfill property, lowering the surface water pH in the adjacent streams to acidic levels "toxic to
28 aquatic life." Further, in 2019, the Regional Water Board again observed that Defendants' Clover

1 Flat Facility had failed to inspect its “outdoor equipment and systems to identify leaks” or failed
2 “to implement spill and leak response procedures.” Specifically, the Regional Water Board
3 observed leaks from Defendants’ leachate collection tanks located at the Extraction Well and
4 Leachate Recovery area at their Clover Flat Facility. Moreover, California’s Department of Fish
5 and Wildlife staff also observed “rust and cracking outside the leachate storage tanks” in
6 Defendants’ facility suggesting long-term leachate leaking, lack of maintenance, and
7 Defendants’ evident long-standing awareness of the issue.

8 68. Furthermore, in 2019, a Napa County Environmental Health inspection report
9 regarding Defendants’ Clover Flat Facility determined that the facility had failed to provide
10 “effective stabilization” for finished slopes or other “erodible areas.” As result of Defendants’
11 lack of action, the Napa County Environmental officials also found that sediment and erosion
12 from the facility to nearby streams could reduce the sunlight reaching aquatic life and provided
13 additional “attachment places” for other toxic pollutants to accumulate (*e.g.*, heavy metals.)

14 69. In 2016, the Napa County Planning, Building and Environmental Services
15 Department also investigated Defendants and found that they were in violation of Napa County
16 Code section 16.28.100 – “Reduction of pollutants in stormwater” and section 16.28.090 – “Acts
17 potentially resulting in violation of Federal Clean Water Act and/or Porter Cologne.”

18 70. In 2021, Napa County inspected Defendants’ Clover Flat Facility and reported
19 that the facility released “putrid offensive” smells. The smell was strong enough to cause three
20 complaints to the Napa County’s Local Enforcement Agency (“LEA”.) Upon further inspection,
21 Napa County officials determined that the noxious smell was being caused by the pond of water
22 located in Defendants’ facility that was “saturated with *leachate* rich in organic material.”

23 **DEFENDANTS USE TOXIC LEACHATE TO WATER THE VINES AT PESTONI**
24 **VINEYARD THAT THEN SELLS WINE MADE FROM CONTAMINATED GRAPES**

25 71. In addition to illegally dumping toxic untreated leachate into the Napa River
26 and/or its tributaries, Defendants also improperly disposed of toxic leachate for decades by using
27 to surreptitiously “water” the vines at the Pestoni Vineyard that they also owned and which was
28 located next to their Whitehall Lane Facility. Defendants used their network of “ghost piping”

1 and specially designed valves to connect pipes from their waste-processing facility to the
2 irrigation system they used to water the vines at Pestoni Vineyard. Through this illegal system,
3 Defendants connected the storage tanks/containment ponds that held untreated toxic leachate and
4 illegally disposed of it by piping the leachate to Pestoni Vineyard and using the toxic leachate to
5 water the vines to avoid paying to properly dispose of the toxic leachate. On many occasions,
6 Defendants attempted to hide that they were pumping untreated, toxic leachate into the Pestoni
7 vineyard by turning on the sprinklers on rainy days to cover up the smell of the leachate.
8 Moreover, given that the Napa River and/or its tributaries were located near the Whitehall
9 Facility, Defendants were aware that excess runoff from the rain that then included the toxic
10 leachate they sprayed on the vines eventually drained into the Napa River and polluted it.

11 72. As result of Defendants' surreptitious use of the Pestoni Winery's irrigation
12 system to covertly and illegally dispose of the Whitehall Lane Facility's toxic leachate,
13 Defendants not only contaminated the Pestoni vineyards, but also the resulting wine made from
14 the contaminated grapes that they then sold to the public for as much as \$400 a bottle for rare
15 bottlings and/or vintages. In addition, by deliberately contaminating the vineyards with toxic
16 leachate, Defendants exposed employees, including Plaintiffs, to toxic chemicals.

17 73. In response to Defendants' illegal disposal of toxic leachate water, Plaintiffs
18 complained to Defendants' supervisors and managers about the unsafe work conditions caused
19 by Defendants' illegal disposal of the toxic wastewater and the harm it was causing them and the
20 environment. However, Defendants' managers and supervisors disregarded Plaintiffs' complaints
21 and continued to illegally dispose of the toxic leachate into the environment.

22 74. After Plaintiffs and other employees complained to Defendants' supervisors and
23 managers about Defendants' unsafe, illegal, and unethical business practices, Plaintiffs
24 relationship with Defendants became strained. Defendants began to engage in a prolonged
25 campaign of retaliatory acts towards Plaintiffs (and others) for having complained about
26 Defendants' unsafe and dangerous business practices. Defendants' retaliatory actions towards the
27 Plaintiffs, included but were not limited to, undeserved discipline, write-ups and warnings,
28 reduction in hours, reassignment to undesirable and substantially physically demanding jobs,

1 refusal to promote them, termination, forcing Plaintiffs to drive vehicles with faulty brakes and
2 bald tires, forcing Plaintiffs to drive vehicles without working defrosters or window wipers,
3 forcing Plaintiffs to work putting out fires without training or safety training equipment, forcing
4 Plaintiffs to work sorting hazardous and medical waste without the proper safety equipment,
5 forcing Plaintiffs to work mandatory overtime, changing the garbage truck drivers routes to add
6 additional stops or making it longer, denying Plaintiffs access to the restroom facilities, denying
7 Plaintiffs access to drinkable water, and denying Plaintiffs cool-down breaks.

8 **DEFENDANTS SELL “ORGANIC” COMPOST IT DELIBERATELY**
9 **CONTAMINATED WITH TOXIC LEACHATE TO THE PUBLIC**

10 75. Defendants also engaged in a pattern and practice of improperly disposing of their
11 toxic landfill leachate and acidic stormwater by instructing its employees, including Plaintiffs, to
12 use the polluted water to spray the compost that was being manufactured at their Whitehall Lane
13 Facility from organic winery waste materials such as grape pomace. Excess heat is a common
14 byproduct of the composting process created by normal chemical reactions that occur during the
15 decomposition of organic plant materials. As result, Defendants’ employees, including Plaintiffs,
16 had to regularly moisten the large piles of compost to prevent the compost itself from catching
17 fire, which it often did. However, instead of using water, Defendants ordered Plaintiffs to use
18 toxic leachate to moisten the compost to prevent fires, and to use it to put out any resulting fires
19 in order to avoid paying for the leachate’s proper treatment and safe disposal.

20 76. Defendants then sold the contaminated toxic compost to the general public falsely
21 claiming that it was certified as “organic.” While Defendants advertise on their website that their
22 compost is certified and listed with the Organic Materials Research Institute (“OMRI”), which
23 specifically requires that certifiers *avoid* contamination from pathogenic organisms and *heavy*
24 *metals*, Defendants deliberately *contaminated* the compost with toxic leachate that contained
25 heavy metals and then improperly sold it as “certified organic.” In fact, Defendants’ improper
26 use of toxic landfill leachate and acidic stormwater to water the compost is not just a violation of
27 OMRI Standards, but it is also a violation of government regulations and laws, including Title 7
28 of the Code of Federal Regulations section 205.203.

1 77. Defendants’ practice of selling compost deliberately contaminated with toxic
2 leachate is particularly egregious because Defendants were aware that when the general public,
3 including local wineries, purchased the contaminated compost to use in their homes and
4 vineyards, they would contaminate not only their homes and the vineyards from which they
5 made wine, but would themselves (and their employees) become exposed to its toxic chemicals.

6 78. Plaintiffs are informed, believe, and hereon allege that Defendants’ practice of
7 using toxic leachate to water the compost that Defendants then sold as “certified organic”
8 continues to this day by allowing their contaminated water reservoirs to fill up with rain to
9 overflow and then using the contaminated water it to moisten the compost. In fact, as recently as
10 2023, when Napa County officials inspected Defendants’ facilities, they observed that there was
11 “accumulation of either rainwater or leachate” between composting windrows, which is a
12 violation of Title 14 of the California Code of Regulations section 17863.4.

13 79. Defendants’ supervisors and managers routinely instructed Plaintiffs Luciano
14 Morales and Joise Mendez Avendano (and other Plaintiffs and employees) to use the toxic
15 leachate water to water the compost and extinguish compost fires. As result, Plaintiffs and other
16 employees were often drenched in the toxic leachate water and/or had to inhale the toxic fumes
17 and were thus exposed to the highly toxic chemicals it contained.

18 80. Therefore, as result of their deliberate refusal to comply with government
19 environmental rules and regulations and improperly using untreated toxic leachate during the
20 manufacturing and handling of compostable materials, Defendants deliberately exposed
21 employees, including Plaintiffs, as well as the general public to highly toxic leachate.

22 81. In response to Defendants’ illegal use of toxic leachate water for industrial
23 purposes, Plaintiffs complained to Defendants’ supervisors and managers about the unsafe work
24 conditions caused by Defendants’ use of the toxic water and the harm it was causing them and
25 the environment. However, Defendants’ managers and supervisors disregarded Plaintiffs’
26 complaints and continued to use toxic leachate to water the compost and put out compost fires.

27 82. After Plaintiffs and other employees complained to Defendants’ supervisors and
28 managers about Defendants’ unsafe, illegal, and unethical business practices, Plaintiffs’

1 relationship with Defendants became even more strained. Defendants began to engage in a
2 prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having complained
3 about Defendants' unsafe and dangerous business practices. Defendants' retaliatory actions
4 towards the Plaintiffs are substantial, as described previously herein and throughout the rest of
5 this Complaint.

6 **DEFENDANTS SELL GRAPSEED OIL CONTAMINATED WITH TOXIC**
7 **LEACHATE THAT IS THEN USED IN COSMETICS SOLD TO THE PUBLIC**

8 83. In addition to selling compost for agricultural and gardening use to the public,
9 Defendants also used the grape pomace compost they deliberately contaminated with toxic
10 leachate, and then falsely sold as "certified organic," to manufacture grapeseed oil. Defendants
11 then sold this contaminated grapeseed oil falsely claiming it to be "organic" to various
12 companies that used it to manufacture cosmetics from the contaminated oil that they then also
13 sold to the public as a natural, "organic" product to be used on customers' bodies and faces.

14 84. In addition, Defendants also manufactured culinary grapeseed oil sold for cooking
15 and human consumption from the grape pomace they had deliberately contaminated with toxic
16 leachate. Defendants then sold this contaminated grapeseed oil to the general public falsely
17 claiming it to be "organic" when they were fully aware that customers who purchased the oil
18 would use it for cooking and on their food and thus ingest the contaminated oil.

19 85. As result of Defendants' false representations that their compost and resulting
20 grapeseed oil was "certified organic," Defendants also defrauded the companies that purchased
21 the contaminated oil because the companies relied on Defendants' false representations to
22 incorrectly advertise their cosmetics also as "organic" to the public. Therefore, as result of
23 Defendants' deliberate refusal to comply with government environmental rules and regulations
24 and improperly using untreated toxic leachate during the manufacturing and handling of
25 compostable materials, Defendants knowingly exposed the public to toxic cosmetics. Moreover,
26 Defendants' illicit practices also led to defrauding of companies that relied on Defendants'
27 representations that their product was "certified organic" when purchasing the compost, as well
28 as when advertising their own products as "organic" to the public.

1 86. Again, as result of Defendants’ deliberate refusal to comply with government
2 environmental rules and regulations and improperly using grapeseed oil that was infused with
3 untreated toxic leachate during the manufacturing and handling of grape pomace, Defendants
4 deliberately exposed employees, including Plaintiffs, as well as the public to toxic leachate.

5 87. For example, Defendants’ supervisors and managers routinely instructed Plaintiffs
6 Francisco Bautista and Romualdo Guzman (and other Plaintiffs and employees) to work directly
7 in the vineyard with the grapes and the compost made up of the grape pomace, compost, and
8 grapes, all of which had been “watered” with toxic leachate water and thus contaminated. As
9 result, Plaintiffs and other employees were often drenched in the toxic leachate water and were
10 thus exposed to the highly toxic chemicals it contained.

11 88. In response to Defendants’ illicit business practice of selling products made grape
12 pomace that they had deliberately contaminated with toxic leachate water, Plaintiffs complained
13 to Defendants’ supervisors and managers about the unsafe work conditions caused by
14 Defendants’ illegal use of the toxic water and the harm it was causing them and the environment.
15 However, Defendants’ managers and supervisors disregarded Plaintiffs’ complaints and
16 continued to use toxic leachate to water the compost and put out compost fires.

17 89. After Plaintiffs and other employees complained to Defendants’ supervisors and
18 managers about Defendants’ unsafe, illegal, and unethical business practices, Plaintiffs
19 relationship with Defendants became even more strained. Defendants began to engage in a
20 prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having complained
21 about Defendants’ unsafe and dangerous business practices. Defendants’ retaliatory actions
22 towards the Plaintiffs are substantial, as described previously herein and throughout the rest of
23 this Complaint.

24 **DEFENDANTS ILLEGALLY DISPOSE OF TOXIC LEACHATE BY USING IT FOR**
25 **NORMAL BUSINESS OPERATIONS INSTEAD OF WATER**

26 90. In addition to illegally dumping toxic leachate through the uses described above,
27 throughout Plaintiffs’ employment, Defendants also illegally disposed of toxic leachate by using
28 it during normal business operations. For example, for decades instead of properly trucking out

1 the toxic leachate for treatment and safe disposal, Defendants instructed their employees,
2 including Plaintiffs, to use it for “dust control” instead of water by using leachate to spray the
3 dirt roads leading into and inside the Whitehall Lane and Clover Flat Facilities so that the fleets
4 of trucks and other heavy machinery that regularly drove in and out the facilities would not kick
5 up dust into the air and into the surrounding community.

6 91. However, the result of Defendants’ practice of regularly spraying toxic leachate
7 for dust control was to contaminate the dirt roads and the surrounding community with toxic
8 chemicals and heavy metals. For example, Defendants’ supervisors and managers routinely
9 instructed Plaintiffs Luciano Morales and Gary Hernandez (and other employees and Plaintiffs)
10 to fill up Defendants’ water tanker trucks with toxic leachate and spray the dirt roads in and
11 around their facilities with the dirty toxic water. Ironically, by repeatedly using toxic leachate for
12 dust control, Defendants contaminated the ground so that dust that was subsequently raised by
13 their trucks and other vehicles driving over it exposed the public and their employees, including
14 Plaintiffs, to toxic dust that they would then have to breathe in. As result of using the leachate for
15 dust control, Plaintiffs and other employees were often drenched in the toxic leachate water and
16 were thus again exposed to the highly toxic chemicals it contained.

17 92. Defendants also exposed employees to toxic leachate by forcing employees,
18 including Plaintiffs, to use toxic untreated leachate to “wash” Defendants’ trash trucks, service
19 trucks, and other heavy machinery instead of water. As result, Defendants’ employees, including
20 Plaintiffs, would get regularly splashed with the toxic leachate.

21 93. In response to Defendants’ illegal use of toxic leachate water, Plaintiffs
22 complained to Defendants’ supervisors and managers about the unsafe work conditions caused
23 by Defendants’ illegal disposal of the toxic wastewater and the harm it was causing them and the
24 environment. However, Defendants’ managers and supervisors disregarded Plaintiffs’ complaints
25 and continued to use the toxic leachate instead of water for dust control and other industrial uses.

26 94. After Plaintiffs and other employees complained to Defendants’ supervisors and
27 managers about Defendants’ unsafe, illegal, and unethical business practices, Plaintiffs
28 relationship with Defendants became even more strained. Defendants began to engage in a

1 prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having complained
2 about Defendants' unsafe and dangerous business practices. Defendants' retaliatory actions
3 towards the Plaintiffs are substantial, as described previously herein and throughout the rest of
4 this Complaint.

5 **DEFENDANTS ILLEGALLY DISPOSE OF TOXIC WASTEWATER BY**
6 **DUMPING IT ON NAPA'S BACKROADS**

7 95. Throughout Plaintiffs' employment, Defendants also illegally disposed of toxic
8 leachate by dumping it along the rural, often remote, highways in Napa Valley, thus
9 contaminating the local environment and land from which Napa's wineries made their highly
10 regarded wines. For decades, instead of properly trucking out the toxic leachate for treatment and
11 safe disposal, Defendants instructed their employees, including Plaintiffs, to take trucks
12 containing the leachate and other untreated wastewater and dump the wastewater along the
13 backroads of Napa Valley to reduce the amount of leachate and wastewater that they would have
14 to store at their waste processing facilities, and so as not to have to pay for the leachate to be
15 treated and safely disposed of. Defendants' practice of illegally dumping toxic waste on private
16 and public property is a violation of government laws and regulations, including California Penal
17 Code sections 374.3, 374.4, 374.7 and Napa County Health and Safety Code section 8.52.150.

18 96. For example, Defendants' supervisors and managers routinely ordered Plaintiffs
19 Juan Manuel Carillo and Gary Hernandez (and other Plaintiffs and employees) to fill up
20 Defendants' water tanker trucks with toxic leachate water and illegally dispose of it by dumping
21 in remote, secluded locations along the backroads of Napa County where Defendants' illicit
22 business practices would not be observed by government authorities or the public.

23 97. In addition to dumping leachate and untreated wastewater on Napa's roads,
24 Defendants also engaged in the illegal and unsafe business practice of dumping rotting food
25 wastewater in the backroads of Napa County. For example, Defendants routinely ordered their
26 garbage truck drivers, including Plaintiffs Ricky Hernandez and Gary Hernandez (and other
27 Plaintiffs and employees), to open the trash trucks' sewage-doors and dump the rotting food
28 wastewater in isolated parts of the Napa Valley community where they would not be seen, like

1 Napa's backroads. Defendants' disgusting and unsafe business practice of dumping the
2 wastewater along the backroads led to contamination of the environment surrounding the roads
3 around Napa County, including the Napa River and many wineries. Defendants' illicit practices
4 also exposed employees, including Plaintiffs, to dangerous biohazardous waste and chemicals.

5 98. Again, as result of their deliberate refusal to comply with government
6 environmental rules and regulations and improperly disposing of untreated toxic, food waste,
7 and/or other wastewater, Defendants deliberately exposed employees, including Plaintiff^s Ricky
8 Hernandez, Juan Manuel Carillo, Gary Hernandez (and other employees and Plaintiffs), as well
9 as the general public to highly toxic wastewater.

10 99. In response to Defendants' illegal disposal of toxic leachate and other wastewater,
11 Plaintiffs complained to Defendants' supervisors and managers about the unsafe work conditions
12 caused by Defendants' illegal disposal of the toxic wastewater and the harm it was causing them
13 and the environment. However, Defendants' managers and supervisors disregarded Plaintiffs'
14 complaints and continued to illegally dispose of the toxic leachate into the environment.

15 100. After Plaintiffs Ricky Hernandez, Gary Hernandez, Juan Manuel Carrillo (and
16 other Plaintiffs and employees) complained to Defendants' supervisors and managers about
17 Defendants' unsafe, illegal, and unethical business practices, Plaintiffs' relationship with
18 Defendants became even more strained. Defendants began to engage in a prolonged campaign of
19 retaliatory acts towards Plaintiffs (and other employees) for having complained about
20 Defendants' unsafe and dangerous business practices. Defendants' retaliatory actions towards the
21 Plaintiffs are substantial, as described previously herein and throughout the rest of this
22 Complaint.

23 **DEFENDANTS ILLEGALLY DUMP TOXIC BIOMEDICAL, INDUSTRIAL, AND**
24 **RADIOACTIVE WASTE**

25 101. Throughout Plaintiffs' employment, Defendants engaged in a pattern and practice
26 of illegally taking in hazardous, toxic waste, to illegally increase revenue, despite that their
27 Clover Flat and Whitehall Lane Facilities were only permitted by government agencies to
28 process *non-hazardous* waste. For decades, Defendants illegally accepted Hazardous Waste, as

1 defined by Title 22, of the California Code of Regulations, section 66261.3, including
2 biohazardous waste, discarded commercial chemical products, industrial waste, solvents, etc.

3 102. For example, for decades Defendants improperly and deliberately collected
4 biomedical waste that contained human blood, used syringes, human excrement, etc. Defendants
5 were callously aware that their employees, including Plaintiffs, would come into contact with the
6 biohazardous waste as part of their duties. Defendants were also aware that chemicals from the
7 biohazardous waste that they were illegally taking in would eventually be improperly released
8 into the environment after it was processed in Defendants' facilities and/or buried in the landfill.

9 103. In addition to biohazardous waste, Defendants also illegally took in industrial
10 waste from local factories, plants, and other industrial businesses, such as disposed chemicals
11 and solvents used in their manufacturing and/or industrial processes. Moreover, Defendants also
12 improperly collected radioactive and other toxic military waste and surreptitiously buried it in
13 hidden or distant corners of Defendants' landfill so that government inspectors and/or the public
14 would not find out. Defendants were again aware that toxic chemicals from the industrial and
15 military waste would also be eventually improperly released into the environment after it was
16 buried in the landfill, thus polluting the surrounding areas and exposing employees and the
17 public to highly toxic chemicals from illegally dumped waste.

18 104. Defendants also engaged in the illegal practice of disposing of radioactive sludge
19 in the landfill. On or around 2019, Defendants allowed large frac tanks that had been previously
20 used to store radioactive sludge and which still contained radioactive sludge to be stored at
21 Defendants' facilities in violation of government laws and regulations, including the Resource
22 Conservation and Recovery Act, the Toxic Substance Control Act, California's Health & Safety
23 Code, sections 11374.5, 25200, and Title 22 of the California Code of Regulations, sections
24 66250, et seq. Defendants then ordered employees, including Plaintiffs, to use the contaminated
25 radioactive frac tanks to store the overflowing leachate and toxic wastewater, thereby increasing
26 the wastewater's toxicity by causing it to also become radioactive. Defendants then illegally
27 dumped the toxic, radioactive leachate in Napa's streams, rivers, wineries, roads, etc.

28 105. By illegally receiving and collecting hazardous waste and ordering that their

1 employees, including Plaintiffs, process, move around, and/or bury the hazardous waste in the
2 landfill, Defendants exposed their employees, including Plaintiffs, to dangerous substances that
3 increase mortality or increase irreversible illness in violation of applicable government
4 regulations, including the Resource Conservation and Recovery Act, the Toxic Substance
5 Control Act, California’s Health & Safety Code, sections 11374.5, 25200, and Title 22 of the
6 California Code of Regulations, sections 66250, et seq.

7 106. As part of Defendants’ illegal scheme of accepting hazardous and biomedical
8 waste in violation of government regulations and statutes, Defendants also engaged in illegal
9 conduct by falsifying the documentation of the type of trash that entered their facilities for
10 processing and burial—documents intended for government inspectors’ review. For example,
11 Defendants ordered Plaintiff Juan Manuel Carillo Sr. (and other Plaintiffs and employees) to
12 falsify the documentation identifying the illegally collected hazardous waste as regular
13 nonhazardous trash to hide that Defendants were violating their facilities’ operating permits by
14 illegally taking in hazardous waste. Defendants’ deliberate falsification of documents regarding
15 the type of trash their facilities were taking in was also a violation of government laws and
16 regulations, including Title 27 of the California Code of Regulations sections 20510, 21600;
17 Title 14 of the California Code of Regulations section 18815.3; California Health and Safety
18 Code section 25191; and the California Penal Code section 115.

19 107. When Plaintiffs, including Plaintiff Juan Manuel Carillo Sr., complained about
20 Defendants illegal practice of falsifying documentation regarding Defendants illegally taking in
21 hazardous waste, Defendants’ supervisors and managers became hostile and irate and bluntly
22 told him to “shut-up” and “mind your own business.”

23 108. As result of their deliberate refusal to comply with government regulations and
24 permits by improperly disposing of hazardous, toxic, and/or radioactive waste, Defendants
25 deliberately exposed employees, including Plaintiffs, as well as the general public and the
26 environment to highly toxic chemicals.

27 109. In response to Defendants’ illegal collection and processing of hazardous, toxic,
28 and/or radioactive waste, Plaintiffs complained to Defendants’ supervisors and managers about

1 the unsafe work conditions caused by Defendants' illegal disposal of the hazardous waste and the
2 harm it was causing them and the environment. However, Defendants disregarded Plaintiffs'
3 complaints and continued to illegally collect and dump hazardous waste.

4 110. After Plaintiffs complained to Defendants' supervisors and managers about
5 Defendants' unsafe, illegal, and unethical business practice of collecting and dumping hazardous
6 waste, Plaintiffs' relationship with Defendants became even more strained. Defendants began to
7 engage in a prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having
8 complained about Defendants' unsafe and dangerous business practices. Defendants' retaliatory
9 actions towards the Plaintiffs are substantial, as described previously herein and throughout the
10 rest of this Complaint.

11 **DEFENDANTS IMPROPERLY DISPOSE OF WILDFIRE (DISASTER) DEBRIS**

12 111. Because wildfire debris often includes toxins such as arsenic, lead, mercury,
13 asbestos, and chlorine, it must be legally disposed of in a safe manner that requires proper
14 documentation certifying its safety before it can be buried in a landfill only certified for non-
15 hazardous waste. Napa County landfills are legally prohibited from accepting structural fire
16 debris and ash without proper permits from the Napa County Planning, Building &
17 Environmental Services ("PBES.") The amount of wildfire (disaster) debris a landfill is
18 permitted to receive must be within the limits of their permit unless the landfill receives an
19 emergency waiver per the process outlined in Title 14 of the California Code of Regulations,
20 sections 17210-17210.9.

21 112. Defendants engaged in an illegal pattern and practice of receiving unpermitted
22 wildfire debris in their landfill in their Clover Flat Facility that did not have the proper testing
23 and necessary documentation reflecting that it was *not* hazardous and thus safe and legal to dump
24 at Defendants' facilities. Defendants' actions thus lead to harmful contamination of the landfill
25 and surrounding area and endangering employees, including Plaintiffs.

26 113. Defendants also failed to take adequate safety measures to handle the excessive
27 amount of fire debris that they took in, thus endangering employees, including Plaintiffs, as well
28 as the surrounding community. During times when the Governor of California declared a State of

1 Emergency due to massive fires in Napa County as well as surrounding counties, Defendants
2 regularly requested an increase in the amount of wildfire debris that they were permitted to take
3 in. Defendants falsely asserted in their waiver application that the increase in the amount of
4 waste allowed into the landfill posed no “threat to public health and safety or the environment,”
5 despite failing taking the necessary safety measures required to process such a large increase of
6 additional debris. As result of Defendants’ lack of capacity to safely process and bury the
7 enormous amounts of wildfire debris that they took in, their Clover Flat landfill itself eventually
8 caught fire, endangering their employees, including Plaintiffs, as well as surrounding homes and
9 communities and causing further environmental pollution.

10 114. As result of their deliberate refusal to comply with government regulations and
11 permits by improperly taking in uncertified fire debris, Defendants deliberately exposed
12 employees, including Plaintiffs, as well as the general public and the surrounding environment to
13 highly toxic chemicals contained in the fire debris.

14 115. In addition, Defendants were also aware that the excessive amount of wildfire
15 debris that it took in would lead to an excessive increase in the amount of toxic leachate that the
16 landfill produced. Defendants were also aware that they were not able to contain and/or store the
17 quantity of toxic leachate produced, and as result the leachate found its way into the Napa River
18 and/or its tributaries, thus contaminating the surrounding area and endangering employees,
19 including Plaintiffs, as well as the community at large.

20 116. In response to Defendants’ illegal collection and processing of hazardous,
21 uncertified fire debris waste, Plaintiffs complained to Defendants’ supervisors and managers
22 about the unsafe work conditions caused by Defendants’ illegal disposal of the hazardous waste
23 and the harm it was causing them and the environment. However, Defendants disregarded
24 Plaintiffs’ complaints and continued to illegally collect and dump uncertified fire debris waste.

25 117. After Plaintiffs complained to Defendants’ supervisors and managers about
26 Defendants’ unsafe, illegal, and unethical business practice of collecting and dumping hazardous
27 uncertified fire debris waste, Plaintiffs’ relationship with Defendants became even more strained.
28 Defendants began to engage in a prolonged campaign of retaliatory acts towards Plaintiffs (and

1 others) for having complained about Defendants' unsafe and dangerous business practices.
2 Defendants' retaliatory actions towards the Plaintiffs are substantial, as described previously
3 herein and throughout the rest of this Complaint.

4 **DEFENDANTS DELIBERATELY EXPOSE WORKERS TO DANGEROUS**
5 **BIOHAZARDOUS MEDICAL WASTE**

6 118. As result of their longstanding pattern and practice of illegally taking in
7 biohazardous medical waste mixed with other types of waste material, Defendants deliberately
8 endangered their employees' lives and health, including Plaintiffs. Defendants were aware that
9 Plaintiffs' duties, in particular those who worked as Sorters, required Plaintiffs to sort by hand
10 through waste that Defendants collected in order to separate recyclables from other waste to be
11 buried in the landfill. Defendants demanded that employees, including Plaintiffs, hand sort
12 hazardous waste contaminated with used syringes, used medical supplies, materials covered in
13 blood, human feces, and/or other biological waste. This biomedical waste was then mixed with
14 the regular waste, thus contaminating all of the regular waste.

15 119. Defendants' pattern and practice of illegally dumping hazardous waste materials
16 at its facilities to improperly increase profits lead to their employees, including Plaintiffs, being
17 routinely exposed to hazardous and harmful waste material. For example, as part of their duties,
18 Plaintiffs Lusiano Morales, Jose Lopez Guzman, Pomilio Jacinto Altamirano Reyes (and other
19 Plaintiffs and employees) came into contact with used syringes and other sharp objects
20 contaminated with blood, feces, or other biological materials as they sorted through the trash to
21 pick out recyclable materials. As result of Defendants' dangerous business practices, many
22 Plaintiffs were stabbed by the syringes and/or received cuts or other injuries, and were thus
23 exposed to potentially dangerous, contagious, incurable, and/or fatal infections and diseases.

24 120. Upon recognizing that the waste that Defendants were asking Plaintiffs to sort
25 through was unsafe and potentially dangerous to their health, Plaintiffs regularly complained
26 about Defendants' failure to comply with government regulations and actively advocated for
27 Defendants to adopt and implement appropriate standards and practices. Defendants, however,
28 repeatedly rejected Plaintiffs' requests and/or ignored Plaintiffs' complaints and continued to

1 collect biohazardous medical waste.

2 121. Defendants' dangerous business practice of forcing employees to sort through
3 hazardous biomedical waste was even more egregious due to their deliberate failure to provide
4 Plaintiffs and other employees with adequate protective gear as required by government
5 regulations to improperly cut operating costs and increase profits. As result, Plaintiffs repeatedly
6 complained to Defendants about their refusal to provide them (employees) with protective gear,
7 even when the protective gear was necessary to perform their job duties, such as handling
8 dangerous or toxic chemicals and waste that Defendants illegally took in. Defendants then
9 repeatedly rejected Plaintiffs' complaints and requests to be provided with appropriate and
10 necessary personal protective equipment.

11 122. After Plaintiffs complained to Defendants' supervisors and managers about
12 Defendants' unsafe and unethical business practices of forcing Plaintiffs to sort through illegally
13 collected hazardous waste, Plaintiffs' relationship with Defendants became even more strained.
14 Defendants began to engage in a prolonged campaign of retaliatory acts towards Plaintiffs (and
15 others) for having complained about Defendants' unsafe and dangerous business practices.
16 Defendants' retaliatory actions towards the Plaintiffs are substantial, as described previously
17 herein and throughout the rest of this Complaint.

18 **DEFENDANTS DEFRAUD THE GOVERNMENT AND THE PUBLIC BY**
19 **FRAUDULENTLY CHARGING FOR SEPARATELY PROCESSING GREEN WASTE**

20 123. Defendants had a pattern and practice of deliberately and fraudulently
21 misrepresenting the waste disposal services that they provided to government entities and
22 customers, despite being paid to perform those services. Specifically, Defendants were and are
23 required pursuant to their lucrative government contracts to collect different types of garbage
24 (regular trash, recyclables, and green waste) separately to then independently process the
25 different types of waste and thus reduce the amount of trash that ends up in landfills as required
26 by government regulations, including California's Health and Safety Code section 39730; Public
27 Resources Code section 42652; and Title 14 of the California Code of Regulations section
28 18984.

1 124. Moreover, Defendants also charged community members additional fees for
2 providing them with the service of separately picking up and processing their recyclables and
3 green waste from their regular garbage. Pursuant to their contractual requirements with local
4 governments and individual customers, Defendants were supposed to send different garbage
5 trucks to pick up the different types of waste independently so that recyclable and green waste
6 loads did not mix together with the regular trash and improperly end up in the landfill. However,
7 despite their contractual requirements with local governments and customers, Defendants
8 deliberately mixed garbage loads by frequently sending only one truck to pick up more than one
9 and/or all three types of waste to improperly reduce operating costs and increase profits.

10 125. Pursuant to their fraudulent business practices, Defendants regularly instructed
11 employees driving the trash trucks, including Plaintiffs, to pick up *all* types of trash, when they
12 were supposed to only pick up one type of trash (*e.g.*, recycling, etc.) leading to improperly
13 mixed trash loads that ended up in landfills. Despite being mandated by government rules, as
14 well as contractual obligations to provide recycling services to customers, including the
15 collection, pick-up, and hauling of recyclable materials to reduce the amount of waste that ends
16 up in landfills, Defendants deliberately refused to provide the necessary service while continuing
17 to charge the public for the recycling collection services that it did not provide.

18 126. On other occasions, Defendants ordered employees, including Plaintiffs, to
19 fraudulently report that they (employees) had picked up trash from business customers whom
20 Defendants typically only charged when they actually picked up trash from that particular
21 customer, even when the businesses did *not* have any trash and thus should not have been
22 charged anything. For example, on several occasions, Defendants ordered Plaintiff Juan Manuel
23 Carrillo Sr. (and other Plaintiffs and employees) to report that they had picked up trash from a
24 customer company even when Plaintiffs repeatedly informed Defendants that there was nothing
25 to pick up. Defendants engaged in this practice knowing that most business customers would not
26 scrutinize their bills closely, and even if they did, the customers would not realize that there had
27 been nothing in their dumpsters, thus allowing Defendants to fraudulently increase their profits
28 by charging for work they never performed.

1 Plaintiffs' relationship with Defendants became even more strained. Defendants began to engage
2 in a prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having complained
3 about Defendants' illicit business practices. Defendants' retaliatory actions towards the
4 Plaintiffs, included but were not limited to, undeserved discipline, write-ups and warnings,
5 reduction in hours, reassignment to undesirable and substantially physically demanding jobs,
6 refusal to promote them, termination, forcing Plaintiffs to drive vehicles with faulty brakes and
7 bald tires, forcing Plaintiffs to drive vehicles without working defrosters or window wipers,
8 forcing Plaintiffs to work putting out fires without training or safety training equipment, forcing
9 Plaintiffs to work sorting hazardous and medical waste without the proper safety equipment,
10 forcing Plaintiffs to work mandatory overtime, changing the garbage truck drivers routes to add
11 additional stops or making it longer, denying Plaintiffs access to the restroom facilities, and
12 denying Plaintiffs access to drinkable water and cool-down breaks.

13 131. In fact, Defendants retaliated against Plaintiff Gary Hernandez for complaining
14 about Defendants deliberately overcharging customers, as well as for complaining about
15 Defendants' other unethical and dangerous business practices, by unnecessarily forcing him to
16 remain at work even after he completed his job tasks and work shift in order to prevent him from
17 picking up his son from school; cutting his rest/lunch breaks short; giving additional trash routes,
18 and/or extending his trash routes so as to increase the amount of work he had to do; and giving
19 him trash routes that required him to drive long distances from Defendants' facilities as
20 punishment for his many complaints about Defendants' illicit business practices.

21 **DEFENDANTS DELIBERATELY ENDANGER WORKERS BY FORCING THEM TO**
22 **FIGHT FIRES WITH NO TRAINING OR PROPER EQUIPMENT**

23 132. In addition to improperly overcharging customers for the disposal of their waste,
24 Defendants also engaged in a pattern and practice of endangering their workers by forcing them
25 to work as volunteer firefighters fighting fires and/or clearing fire debris in and around
26 Defendants' facilities. Government regulations, including Health and Safety Code, section
27 13159.1, require that volunteer firefighters be trained and certified to work fighting fires. In
28 addition, the Napa County Fire Department requires that volunteer firefighters receive 144 hours

1 of training before certifying them as volunteer firefighters. Despite these regulations to ensure
2 the safety of the person fighting fires as well as those around him, Defendants regularly forced
3 their employees, including Plaintiffs, to work as volunteer firefighters whenever Defendants'
4 facilities were threatened by wildfires and/or threatened by fires within the facilities caused
5 Defendants' unsafe and illicit business practices.

6 133. Despite the fact that their duties as Sorters, Drivers, and Laborers in Defendants'
7 waste processing facilities were completely unrelated to fighting fires, Defendants callously used
8 their employees, including Plaintiffs, as a captive labor force that they then exploited for their
9 own benefit by illegally risking their employees' lives to protect Defendants' financial interests
10 and property by sending them into the hills surrounding Defendants' facilities to fight wildfires
11 whenever wildfires threatened Defendants' property. For example, on several occasions
12 Defendants instructed employees, including Plaintiffs Joise Mendez Avendano, Juan Manuel
13 Carrillo Sr., Romualdo Guzman, Juan Carrillo de La Luz, Jose Lopez Guzman, Efrain Inda
14 Verdin, Francisco Bautista (and other Plaintiffs) to try to put out the fires around their Clover
15 Flat and Whitehall Lane Facilities despite being aware that Plaintiffs were not trained or certified
16 to fight fires.

17 134. In addition to fighting the fires that affected the community of Napa Valley,
18 Defendants callously used their employees, including Plaintiffs, as firefighters in the numerous
19 onsite fires that ignited due to the poor safety regulations and lack of safeguards. For example,
20 on several occasions Defendants' supervisors and managers instructed employees, including
21 Plaintiffs Juan Manuel Carrillo Sr., Luciano Morales, Francisco Bautista (and other Plaintiffs and
22 employees) to put out the fires around or over the compost or around or over the waste/garbage
23 at the Clover Flat and Whitehall Lane Facilities despite being aware that Plaintiffs were not
24 trained or certified to fight fires.

25 135. Defendants' callous disregard for their employees' lives, including Plaintiffs, was
26 even more egregious because in addition to illegally demanding that Plaintiffs work as
27 firefighters, Defendants also failed to provide Plaintiffs with any proper protective equipment
28 necessary for the task, such as fire smoke graded face masks, fire repellent clothing, fire resistant

1 gloves, helmets, etc. Instead, Defendants forced Plaintiffs and other employees to use their own
2 bandanas, handkerchiefs, and leftover N-95 masks as their only protection from the heavy smoke
3 caused by the massive fires. As result of Defendants' dangerous business practices, many
4 Plaintiffs and other employees, including Francisco Bautista suffered burns, developed hives,
5 respiratory problems, and/or lingering coughs due to their exposure to the fires and fumes.

6 136. Defendants further endangered their employees, including Plaintiffs, by ordering
7 them to clear fire debris from areas within and around Defendants' facilities that had been
8 burned by fires. After the worst of the fires had passed, Defendants forced employees, including
9 Plaintiffs, to walk through smoky, charred, often still smoldering areas to clear out burned trees,
10 poles, man-made structures, etc., using high powered tools that Plaintiffs had never used before
11 and were not trained to use. For example, Defendants ordered Plaintiffs Jose Lopez Guzman,
12 Juan Carrillo De La Luz, Pomilio Jacinto Altamirano Reyes, Pedro Reyes (and other Plaintiffs
13 and employees) to use gas powered chainsaws and tree trimmers without providing them with
14 *any* safety training and/or training on how to use the equipment and/or provided them with
15 protective equipment to safely cut-down trees that ranged from 18 feet to over 30 feet tall.

16 137. Defendants' dangerous practice of sending landfill laborers, including Plaintiffs,
17 into burned out areas to clear fire debris was also dangerous because the fires exposed
18 employees, including Plaintiffs, to toxic chemicals created by the fires such as Hexavalent
19 Chromium 6, a toxic airborne chemical that has been identified as a carcinogen. While the metal
20 Chromium can be normally found in soil, when Chromium is heated by fire it can become
21 airborne and change to the highly toxic Hexavalent Chromium 6. This is especially true in the
22 areas surrounding Defendants' Clover Flat and Whitehall Lane Facilities where the soil naturally
23 contained high levels of Chromium, as did the soils in the wildfire waste Defendants took in
24 from other local wildfires such as LNU, Tubbs and Kincaid fires. As result, Defendants exposed
25 their employees, including Plaintiffs, to highly toxic chemicals by ordering them to work putting
26 out fires and/or to clean up recently burned areas without any proper safety equipment.

27 138. Defendants' selfish disregard for their employees' lives and safety, including
28 Plaintiffs, in order to protect their own property was also evidenced by Defendants' abusive

1 practice of ordering Plaintiffs and other employees to work through their meal and rest breaks so
2 they could continue to work fighting fires and/or clearing our fired debris without rest.

3 Defendants then failed to pay Plaintiffs the meal and rest breaks they forced Plaintiffs to miss.

4 139. On several occasions, Plaintiff Luciano Morales (and other Plaintiffs and
5 employees) complained to Defendants' managers and supervisors that Defendants were
6 endangering the employees by ordering them to fight the fires and clear out fire debris when they
7 were not trained or certified to do so; that Defendants had failed to provide Plaintiffs with the
8 proper safety equipment; and that Defendants had failed to provide Plaintiffs with appropriate
9 safety training. However, Defendants completely ignored Plaintiffs' complaints.

10 140. After Plaintiffs complained to Defendants' supervisors and managers about
11 Defendants' unsafe business practices of forcing employees to fight the fires and clear out
12 burned-out areas without providing them with safety training or equipment, Plaintiffs'
13 relationship with Defendants became even more strained. Defendants began to engage in a
14 prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having complained
15 about Defendants' illicit and unsafe business practices. Defendants' retaliatory actions towards
16 the Plaintiffs are substantial, as described previously herein and throughout the rest of this
17 Complaint.

18 **DEFENDANTS DELIBERATELY ENDANGER WORKERS BY FORCING THEM TO**
19 **WORK THROUGH MASSIVE WILDFIRES VIOLATING EVACUATION ORDERS**

20 141. Defendants also engaged in a pattern and practice of endangering their
21 employees' lives by ordering them to continue to work in areas where large wildfires were
22 actively burning, despite government authorities having issued mandatory evacuation orders for
23 the area. Defendants' actions were thus a violation of government regulations, including
24 Government Code section 8665 and Penal Code section 409.5. For example, Defendants
25 endangered Plaintiffs Gary Hernandez and Ricky Hernandez (and other Plaintiffs and
26 employees) by ordering them to continue to service assigned trash collection routes, even when
27 Defendants were aware that those routes took Plaintiffs dangerously close to burning large
28 wildfires and/or were in areas that were subject to mandatory evacuation orders.

1 142. When Plaintiffs informed Defendants that they could not continue to drive the
2 assigned routes because government authorities had issued a mandatory evacuation for the area
3 and had closed the roads, Defendants ordered Plaintiffs to disregard any safety signs posted by
4 any local agencies stating that the roads were closed and continue to work. Defendants also
5 ordered Plaintiffs to disregard any instructions from local agencies, such as police or firefighters,
6 telling Plaintiffs to not continue to drive into the fires because it was not safe, which is also a
7 violation of government laws and regulations, including Penal Code section 148.

8 143. Defendants' cruel disregard for their employees' safety, including Plaintiffs', is
9 evidenced from the fact that even when Plaintiffs fearing for their lives notified Defendants that
10 the fires were surrounding both sides of the road that they were driving on, Defendants
11 nevertheless ordered Plaintiffs to continue to service their trash routes. When Plaintiffs asked for
12 an explanation as to why Defendants were needlessly risking their (Plaintiffs') lives, Defendants'
13 managers and supervisors repeatedly informed Plaintiffs that the routes needed to be serviced
14 because important, wealthy and/or celebrity customers lived along those routes, including a well-
15 known politician, a sports team executive, and a celebrity winemaker, amongst others.

16 144. On several occasions, Plaintiffs Gary Hernandez and Ricky Hernandez (and other
17 Plaintiffs and employees) complained to Defendants' managers and supervisors that Defendants
18 were improperly forcing them to service the houses where in active fire areas, and in defiance of
19 the firefighters' and local agencies' orders to evacuate. After Plaintiffs complained to
20 Defendants' supervisors and managers about Defendants' unsafe, illicit, and dangerous business
21 practices, Plaintiffs' relationship with Defendants became even more strained. Defendants began
22 to engage in a prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having
23 complained about Defendants' illicit business practices. Defendants' retaliatory actions towards
24 the Plaintiffs are substantial, as described previously herein and throughout the rest of this
25 Complaint.

26 **DEFENDANTS DELIBERATELY ENDANGER WORKERS BY FORCING THEM TO**
27 **DRIVE GROSSLY OVERLOADED TRASH TRUCKS**

28 145. In addition to endangering the garbage truck drivers by having them drive through

1 roads and neighborhoods surrounded by fires, Defendants also endangered drivers, including
2 Plaintiffs, by forcing them to drive grossly overloaded trash trucks. Government regulations,
3 including Title 23, section 127 of the Unites States Code and California's Vehicle Code sections
4 35550 and 35551, require that vehicles, including garbage trucks, driving on the highway to not
5 carry more weight than the manufacturers' stated safe weight for the vehicle, which is based on
6 the number of axles in the vehicle, the distance between axles, and the vehicle's intended use.

7 146. Despite these government regulations, Defendants regularly ordered their garbage
8 truck drivers, including Plaintiffs, to overfill the garbage trucks while collecting garbage from
9 the public to avoid the need for more truck routes or additional trips for the trucks, and thus
10 improperly cut operating costs and increase profits. For example, some of Defendants' garbage
11 trucks were qualified for weights up to 28,000 pounds, but Defendants routinely instructed
12 drivers, including Plaintiffs, to exceed that weight when collecting garbage. Defendants' illegal
13 practice of overloading trucks endangered the garbage truck drivers and other employees because
14 the truck's excessive weight made it very difficult to steer and control the truck due to the
15 imbalance caused by the excessive weight. The danger caused by the drivers' inability to control
16 the truck was exacerbated by the fact that Defendants' drivers had to drive on Napa's
17 mountainous, narrow, and winding roads. Defendants' overloading of their vehicles also
18 increased the chances of catastrophic sudden tire failure and of the vehicle breaking down, thus
19 further endangering employees and other vehicles on the road.

20 147. Unsurprisingly, Defendants' dangerous practice of forcing employees to overload
21 trucks led to several accidents. On several occasions, drivers, including Plaintiffs, lost control of
22 the vehicle due to the overloading causing them to veer off the road and almost overturn the
23 truck. Additionally, on several occasions, some of the trucks caught fire in part due to the
24 excessive amount of trash and types of trash Defendants ordered its employees, including
25 Plaintiffs, to pick-up. On one occasion, Plaintiff Juan Manuel Carrillo's overloaded truck caught
26 fire, and he could not put it out until he reached Defendants' facility and was thus forced to drive
27 the truck while on fire. When Plaintiff complained about his truck catching on fire due to
28 Defendants' illegal directives, Defendants callously told him to "be more careful next time or go

1 find another job if you do not like the working conditions.”

2 148. Defendants’ dangerous practice of forcing employees to overload trucks was also
3 dangerous because in order to force yet more trash into the trucks, employees had to frequently
4 jump in the middle of the garbage in back of the truck and risk injury from the garbage truck’s
5 machinery and/or from dangerous objects in the garbage. For example, per Defendants’ orders,
6 Plaintiff Ricky Hernandez and Gary Hernandez (and other Plaintiffs and employees) had to
7 frequently jump into the garbage inside the back of the truck and use a shovel to manually push
8 down the trash to make room for more because the truck was already full and overweight, thus
9 exposing themselves to injury by doing so.

10 149. On several occasions, Plaintiffs complained to Defendants’ managers and
11 supervisors that Defendants were improperly forcing them to drive overweight trucks. After
12 Plaintiffs complained about Defendants’ unsafe business practices, Plaintiffs’ relationship with
13 Defendants became even more strained. Defendants began to engage in a prolonged campaign of
14 retaliatory acts towards Plaintiffs (and others) for having complained about Defendants’ unsafe
15 business practices. Defendants’ retaliatory actions towards the Plaintiffs are substantial, as
16 described previously herein and throughout the rest of this Complaint.

17 **DEFENDANTS DELIBERATELY ENDANGER WORKERS BY FORCING THEM TO**
18 **USE UNSAFE, POORLY MAINTAINED HEAVY MACHINERY**

19 150. In addition to endangering their garbage truck drivers by having them drive
20 overweight trucks, Defendants also engaged in a pattern and practice of endangering employees,
21 including Plaintiffs, by providing them with unsafe heavy machinery to use, including trucks,
22 forklifts, packing machines, bulldozers, compressing machines, etc. Government regulations and
23 codes, including Title 8, Section 3328 of the California Code of Regulations, requires that
24 “machinery and equipment in service shall be . . . maintained as recommended by the
25 manufacturer” and the “machinery and equipment in service shall be maintained in a safe
26 operating condition.” Despite government requirements, Defendants deliberately failed to service
27 and maintain the machines and heavy equipment used by Plaintiffs and other employees to
28 improperly decrease operating costs and increase profits.

1 151. Throughout Plaintiffs’ employment with Defendants, Defendants’ heavy
2 machinery and equipment used by their employees suffered from numerous extremely serious
3 mechanical and electrical issues, including but not limited to, brake failures, broken hydraulic
4 systems, oil leaks, broken headlights, broken reverse alarms, broken defrosters, broken
5 windshield wipers, no air conditioning (“A/C”), smoking engines, failing brake lights, missing
6 seatbelts, missing seats, and/or bald tires. Whether individually or collectively, these mechanical
7 issues created unsafe work conditions for Plaintiffs and other employees whose safety in the
8 workplace depended on the reliability of Defendants’ machinery and its safety features.

9 152. For example, Defendants’ ongoing failure to properly service and maintain their
10 vehicles, including their garbage trucks led to many of their drivers being endangered by truck
11 fires, trucks tipping over, and trucks breaking down on the road. Specifically, on several
12 occasions, Defendants forced Plaintiffs Gary Hernandez, Ricky Hernandez, Juan Carrillo De La
13 Luz, and Juan Manuel Carrilo Sr. (and other Plaintiffs and employees) to drive poorly serviced
14 and maintained garbage trucks that were exceedingly dangerous to drive. On one occasion,
15 Plaintiff Juan Manuel Carrilo Sr.’s truck caught on fire while he was driving it, endangering his
16 health and his life. Similarly, on other occasions Defendants forced garbage truck drivers to drive
17 poorly serviced and maintained garbage trucks that led to some of their trucks tipping over on the
18 road because of the bald tires not being able to sustain the weight of the truck. Moreover,
19 Defendants also forced Plaintiff Gary Hernandez to drive poorly serviced and maintained
20 garbage trucks that led to his truck breaking down on the road because of the bald tires, poor
21 engines, and/or failure to maintain the suspension system.

22 153. Defendants’ ongoing failure to properly service and maintain their vehicles,
23 including their garbage trucks, led to many of their drivers including Plaintiffs having to
24 frequently drive in inclement weather conditions in trucks that did not have the working
25 equipment necessary to drive in those conditions. Specifically, on several occasions, Defendants
26 forced drivers, including Plaintiffs Gary Hernandez and Ricky Hernandez, to drive in rainy
27 and/or foggy conditions common in winter in Napa in trucks without working defrosters or wiper
28 blades. As result, Defendants’ employees, including Plaintiffs, were forced to drive large trucks

1 on Napa's often narrow, mountainous roads only having extremely limited visibility, thus
2 requiring drivers to further endanger themselves by driving with their heads sticking out of the
3 windows of their vehicles to see. Defendants' failures to maintain their equipment thus
4 endangered not only Plaintiffs, but also all other persons and vehicles on the road.

5 154. Defendants' failure to properly service and maintain their vehicles also forced
6 drivers, including Plaintiffs, to drive large trucks without working backup alarms as required by
7 government regulations. Title 8, section 1592 of the California Code of Regulations requires that
8 vehicle able to haul 2.5 cubic yards of materials must be equipped with a warning device that
9 automatically emits an alarm whenever the vehicle backs up. Despite government regulations,
10 Defendants failed to maintain working backup alarms on Defendants' large vehicles, such as
11 their garbage trucks. As result, Defendants forced employees to drive without working backup
12 alarms, thus endangering their employees, including Plaintiffs, as well as members of the public
13 that happened to be walking near the vehicle when it was in use.

14 155. Defendants' failure to properly service and maintain their heavy machinery and
15 equipment also led to their machinery, such as their packing machines, to regularly leak
16 substantial amounts of oil, creating a fire hazard, environmental pollution, and exposing
17 Plaintiffs and other employees to toxic fumes from the burning oil. Instead of appropriate serving
18 the faulty machinery as required by government regulations, Defendants' managers and
19 supervisors simply ordered employees, including Plaintiffs, to come up with improvised,
20 temporary fixes that also placed employees' safety at risk, such asking Plaintiffs, who were not
21 trained to make such repairs, to crawl under leaking heavy machinery and risk getting burned
22 with hot oil to place jury-rigged patches on the leaks and place canisters under the machines in
23 an attempt to prevent the oil leaks from spreading.

24 156. Additionally, Defendants' trucks and heavy-duty machines were typically so
25 improperly maintained that they regularly refused to start. Instead of properly fixing the
26 machines, Defendants simply ordered Plaintiffs, including Plaintiffs Romualdo Guzman and
27 Efrain Inda Verdin, to use large amounts of starter fluid to start the engines of trucks and
28 machines that refused to start due to poor maintenance. Starter fluid is highly flammable and

1 could easily catch on fire, severely harming Defendants' employees including Plaintiffs. By
2 ordering employees to continuously use excessive amounts of starter fluid to start faulty
3 equipment instead of fixing it, Defendants endangered employees' safety, including Plaintiffs.

4 157. On several occasions, Plaintiffs, including Luciano Morales, Pomilio Jacinto
5 Altamirano Reyes, Ricky Hernandez, and Gary Hernandez (and other Plaintiffs and employees)
6 complained to Defendants' managers and supervisors that Defendants were improperly
7 maintaining the machines and equipment thus endangering them and other employees. However,
8 Defendants ignored their complaints and/or met them with hostility. For example, on one
9 occasion when Plaintiff Ricky Hernandez complained about being forced to drive a large
10 garbage truck with completely bald tires and requested new tires for the truck, Defendants
11 responded to his request by callously telling him: "when the tires pop, *then* you get new tires!"

12 158. After Plaintiffs complained to Defendants about their illicit and dangerous
13 business practices, Plaintiffs' relationship with Defendants became even more strained.
14 Defendants began to engage in a prolonged campaign of retaliatory acts towards Plaintiffs (and
15 others) for having complained about Defendants' unsafe business practices. Defendants'
16 retaliatory actions towards the Plaintiffs are substantial, as described herein.

17 **DEFENDANTS DELIBERATELY FALSIFY VEHICLE SAFETY DOCUMENTATION**
18 **INTENDED FOR GOVERNMENT INSPECTORS OR LAW ENFORCEMENT**

19 159. In addition to Defendants endangering their employees, including Plaintiffs, by
20 failing to service and maintain their machinery, vehicles, and equipment, Defendants also
21 engaged in a pattern and practice of falsifying documentation intended for government inspectors
22 and/or law enforcement so as to hide the deplorable, unsafe condition of Defendants' vehicles
23 and heavy machinery. For example, Defendants regularly ordered Plaintiffs and other employees
24 to falsify the pre-trip inspection reports commercial drivers have to prepare before every work
25 trip and were required to present to law enforcement or other government inspectors upon
26 demand. Defendants specifically ordered employees, including Plaintiffs, to omit serious and
27 dangerous mechanical problems from their vehicle inspection reports that Defendants were
28 aware of, such as faulty brakes, bald tires, broken headlights, faulty steering, missing seatbelts,

1 broken windshield wipers and defoggers, etc. Defendants' deliberate falsification of vehicle
2 inspection reports was a violation of government laws and regulations, including Title 13,
3 section 215 of the California Code of Regulations; Title 49, sections 395.8, 396.11, and 396.13
4 of the Code of Federal Regulations; as well as California Penal Code section 115.

5 160. On several occasions, Plaintiffs Gary Hernandez and Ricky Hernandez (and other
6 Plaintiffs and employees) complained to Defendants' managers and supervisors that Defendants
7 were forcing them to draft false pre-trip inspection reports, and that the vehicles that they were
8 being asked to drive had serious mechanical issues that endangered them and other people and
9 should be documented and that Defendants needed to fix. However, Defendants ignored
10 Plaintiffs' complaints and reiterated their demands to Plaintiffs to draft the false inspections
11 reports bluntly telling Plaintiffs that employees needed to comply with Defendants' fraudulent
12 directives if they wished to continue to work for Defendants.

13 161. After Plaintiffs complained to Defendants' supervisors and managers about
14 Defendants' illicit and fraudulent business practices, Plaintiffs' relationship with Defendants
15 became even more strained. Defendants began to engage in a prolonged campaign of retaliatory
16 acts towards Plaintiffs (and other employees) for having complained about Defendants' illicit
17 and fraudulent business practices. Defendants' retaliatory actions towards the Plaintiffs are
18 substantial, as described previously herein and throughout the rest of this Complaint.

19 **DEFENDANTS DELIBERATELY FALSIFY MANDATORY EMPLOYEE TRAINING**
20 **DOCUMENTATION INTENDED FOR GOVERNMENT INSPECTORS**

21 162. Defendants also engaged in a pattern and practice of creating fraudulent
22 documentation regarding mandatory training that they had failed to provide their employees,
23 including Plaintiffs, and that had to be presented to government inspectors upon demand.
24 Defendants engaged in these illegal practices to hide how little regard they had for employee
25 safety and/or employee training from government inspectors, as well as to improperly increase
26 profits and reduce costs by not having employees take time off from their duties to attend legally
27 required employee training. Defendants' deliberate falsification of documents regarding
28 employee training that they failed to provide to their employees, including Plaintiffs, was a violation of

1 government laws and regulations, including Title 27, Sections 20510 and 21600 of the California
2 Code of Regulations, as well as California Penal Code section 115.

3 163. For example, on various occasions Defendants presented employees, including
4 Plaintiffs Luciano Morales, Gary Hernandez, Ricky Hernandez, Juan Manuel Carrillo Sr.,
5 Filadelfo Romero Salazar (and other Plaintiffs and employees), with documents purportedly
6 “acknowledging” that the employees had received safety and/or other employee training that
7 Defendants had never provided them and then ordered the employees to sign the documents. On
8 other occasions, Defendants even ordered Plaintiffs sign documents falsely attesting that they
9 had attended a “safety training meeting” that had purportedly taken place at Defendants’
10 facilities, even though some of the Plaintiffs had been out working out in the field, and thus
11 could not have attended any such meeting and had never received safety or other training.

12 164. On several occasions, Plaintiffs complained to Defendants’ managers and
13 supervisors that Defendants were forcing them to sign documents falsely acknowledging that
14 Defendants had provided them with employee training when they had not. However, Defendants
15 ignored Plaintiffs’ complaints and reiterated their demands that Plaintiffs had to sign the
16 documents if they wished to continue to work for Defendants.

17 165. After Plaintiffs complained to Defendants’ supervisors and managers about
18 Defendants’ illicit and fraudulent business practices, Plaintiffs’ relationship with Defendants
19 became even more strained. Defendants began to engage in a prolonged campaign of retaliatory
20 acts towards Plaintiffs (and others) for having complained about Defendants’ illicit business
21 practices. Defendants’ retaliatory actions towards the Plaintiffs are substantial, as described
22 previously herein and throughout the rest of this Complaint.

23 **DEFENDANTS DELIBERATELY ENDANGER WORKERS BY REFUSING THEM**

24 **ACCESS TO WATER AND SHADE DURING EXTREME HEAT**

25 166. Defendants also engaged in a pattern and practice of endangering employees’
26 safety, including Plaintiffs, by denying them legally mandated access to water and shade.
27 Government workplace regulations, including Title 8, Section 3395 of the California Code
28 Regulations mandates that employers provide employees that work primarily outdoors

1 unimpeded access to drinking water, access to shade, and the discretion to take unimpeded cool-
2 down breaks, particularly during periods of high heat. Despite these government regulations,
3 Defendants refused to allow Plaintiffs and other employees who worked primarily outdoors in
4 Defendants' Clover Flat and Whitehall Lane Facilities located in California's Napa Valley where
5 summer temperatures regularly exceed 100 degrees Fahrenheit.

6 167. In fact, Defendants' supervisors and managers reprimanded Plaintiffs and other
7 employees for going to get a drink of water and/or for taking a cool-down break under the shade
8 of a truck, bulldozer, or shed nearby even on very hot days. Defendants' supervisors and
9 managers told Plaintiffs and other employees that believed that such breaks were unnecessary
10 and often warning employees that employees who took those breaks were "stealing from the
11 company," or words to that effect. Defendants engaged in these illegal practices because they
12 had no regard for employees' safety and the danger posed by heat illness, as well as to
13 improperly increase profits and reduce costs by not having employees take time off from their
14 duties to drink water, cool down, and/or use the restroom.

15 168. On several occasions, Defendants' employees, including Plaintiffs Luciano
16 Morales, Juan Carrillo de la Luz, (and other Plaintiffs and employees) complained to
17 Defendants' managers and supervisors that Defendants were improperly refusing them access to
18 drinkable water and denying them their cool-down breaks. However, Defendants either ignored
19 their complaints or chastised Plaintiffs for asking for such breaks.

20 169. After Plaintiffs complained to Defendants' supervisors and managers about
21 Defendants' unsafe and illicit business practices of not giving employees access to water and
22 shade, Plaintiffs' relationship with Defendants became even more strained. Defendants began to
23 engage in a prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having
24 complained about Defendants' unsafe business practices. Defendants' retaliatory actions towards
25 the Plaintiffs are substantial, as described previously herein and throughout the rest of this
26 Complaint.

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28 ///

1 **DEFENDANTS ENDANGERED WORKERS BY REFUSING THEM USE OF THE**
2 **RESTROOM WITHOUT JUSTIFICATION**

3 170. In addition to failing to provide employees with cool-down breaks and access to
4 drinking water, Defendants also engaged in an illegal pattern and practice of failing to provide
5 employees, including Plaintiffs, with unimpeded access to clean and properly maintained
6 restroom facilities without any justification for their denial. Defendants' failure to allow
7 employees reasonable access to restrooms violated government regulations, including Title 8,
8 Section 3364 of the California Code Regulations.

9 171. For example, Defendants maliciously and regularly refused to allow Plaintiffs
10 Gary Hernandez, Ricky Hernandez, Romualdo Guzman, Jose Lopez Guzman, Pomilio Jacinto
11 Altamirano Reyes, Juan Carrillo de la Luz (and other Plaintiffs and employees) access to
12 restroom facilities during work hours, even though Plaintiffs' use of the toilet facilities was
13 reasonable, was not disruptive to Defendants' business operations, and there were many other
14 employees available to cover for Plaintiffs while they used the restroom facilities.

15 172. On several occasions, Plaintiffs complained to Defendants' managers and
16 supervisors that Defendants were improperly refusing them access to restrooms, but Defendants
17 simply ignored Plaintiffs' complaints or chastised them for complaining.

18 173. After Plaintiffs complained to Defendants' supervisors and managers about
19 Defendants' unsafe and illicit business practices of not giving them access to the restroom,
20 Plaintiffs' relationship with Defendants became even more strained. Defendants began to engage
21 in a prolonged campaign of retaliatory acts towards Plaintiffs (and others) for having complained
22 about Defendants' unsafe business practices. Defendants' retaliatory actions towards the
23 Plaintiffs are substantial, as described previously herein and throughout the rest of this
24 Complaint.

25 **DEFENDANTS RETALIATE AFTER PLAINTIFFS COMPLAIN TO GOVERNMENT**
26 **AUTHORITIES ABOUT DEFENDANTS' ILLICIT BUSINESS PRACTICES**

27 174. In addition to their internal complaints, Plaintiffs also made several complaints to
28 various government agencies about Defendants' illicit, unethical, and unsafe business practices.

1 On or about December 3, 2023, a group of 24 employees and former employees, including
2 Plaintiffs Gary Hernandez, Luciano Morales, Ricky Hernandez, Juan Manuel Carrillo De La
3 Luz, Armando Reyes, Efrain Verdin, Eliseo Reyes, Elias Hernandez, Martin Carrillo De La Luz,
4 Javier Moreno, Pedro Reyes, Pedro Aguilar, Pompilio Reyes, Juan Carrillo De La Luz, Pablo
5 Carrillo, Carlos Cardenas, Jose Lopez, Geronimo Lopez, Efrén De Anda, and Juan Manuel
6 Carrillo Sanchez, filed a joint complaint with the California Environmental Protection Agency,
7 the U.S. Department of Justice, the California Department of Forestry and Fire Protection, the
8 California Fish & Wildfire Department, the California Civil Rights Department and the
9 California Department of Industrial Relations. Plaintiffs' complaints included among other
10 things, complaints regarding Defendants' health and safety workplace violations, Defendants' for
11 complaining about the hazardous work conditions, Defendants' lack of maintenance to the
12 vehicles and heavy work equipment, Defendants' discrimination towards employees,
13 Defendants' illicit practices of contaminating the environment and the community, Defendants'
14 practice of endangering employees, including Plaintiffs, by forcing them to work putting out
15 fires without proper training or protective equipment.

16 175. After Plaintiffs complained to government authorities about Defendants' unsafe,
17 illicit, and unethical business practices, Plaintiffs' relationship with Defendants became even
18 more strained. Defendants began to engage in a prolonged campaign of retaliatory acts towards
19 Plaintiffs for having complained about Defendants' unsafe business practices. Defendants'
20 retaliatory actions towards the Plaintiffs are substantial, as described previously herein and
21 throughout the rest of this Complaint.

22 **DISABILITY DISCRIMINATION & FAILURE TO ACCOMMODATE**

23 176. In addition to Defendants' failure to provide a safe workplace and their
24 engagement in retaliatory treatment of their employees, including Plaintiffs, Defendants also
25 engaged in illegal and pervasive discrimination towards their disabled employees and employees
26 associated with disabled individuals, including Plaintiffs. As result of Defendants' unsafe work
27 conditions, many of Defendants' employees suffered injuries during the performance of their
28 jobs, including but not limited to, Plaintiffs Armando Reyes, Romualdo Guzman, Francisco

1 Bautista, Juan Manuel Carrillo Sr., Luciano Morales, and Pedro Reyes. After Plaintiffs promptly
2 informed Defendants of their disabilities and need for accommodation, Defendants failed to
3 schedule good-faith interactive meetings and failed to accommodate Plaintiffs in good faith.
4 Instead, Defendants simply disregarded Plaintiffs' complaints and refused to provide them with
5 reasonable accommodations, despite being aware of Plaintiffs' injuries, and/or medical
6 conditions and resulting disabilities.

7 177. Moreover, after employees, including Plaintiffs, reported their medical conditions
8 and resulting disabilities to Defendants, Defendants engaged in a pattern and practice of
9 retaliating against disabled employees, including Plaintiffs, by cutting their work hours, paying
10 them for less hours than they worked, punishing them with more physically demanding work
11 tasks, giving them pretextual warnings and other undeserved discipline, and/or terminating them,
12 among other retaliatory adverse employment actions described herein.

13 178. For example, after Plaintiff Juan Manuel Carrillo Sr. suffered a workplace injury
14 to his eye as result of waste material getting in his eye, he promptly reported the injury to
15 Defendants' managers and supervisors. Because Plaintiff Juan Manuel Carrillo Sr.'s eye injury
16 affected his ability to see and work, among other major life activities, he was disabled under
17 California law. Despite Plaintiff Juan Manuel Carrillo Sr. diligently reporting his injuries to
18 Defendants and requesting reasonable accommodation, such as taking time off work to seek
19 medical treatment and recuperate from his injury, Defendants failed to schedule a good-faith
20 interactive meeting and failed to accommodate or discuss accommodating Plaintiff. Instead,
21 without regard for his medical condition, Defendants blatantly refused Plaintiff's request for
22 reasonable accommodation. Defendants then threatened that if Plaintiff took time off work,
23 Defendants would reduce his pay, discipline him, and/or terminate him.

24 179. Similarly, on several occasions Plaintiff Francisco Bautista's reported to
25 Defendants' managers and supervisors that his wife suffered from renal failure. Because Plaintiff
26 Francisco Bautista's wife's renal failure affected her ability to eat, breathe, and work, among
27 other major life activities, she was disabled under California law. Despite Plaintiff Francisco
28 Bautista diligently reporting his wife's medical condition to Defendants and requesting

1 reasonable accommodations, such as taking time off work to take his wife to medical
2 appointments and/or otherwise care for his disabled wife, Defendants failed to schedule a good-
3 faith interactive meeting and did not discuss accommodating Plaintiff in good faith with him.
4 Instead, without regard for his wife's medical condition, Defendants blatantly refused Plaintiff's
5 request for accommodations such as taking time off work to assist and/or care for his disabled
6 wife. Defendants then threatened if Plaintiff took any time off to care for his sick wife,
7 Defendants would reduce Plaintiff's pay, discipline him, and/or terminate him.

8 180. Additionally, after Plaintiff Luciano Morales suffered a severe back injury, he
9 promptly reported his injury to Defendants' managers and supervisors. Because Plaintiff Luciano
10 Morales' severe back injury affected his ability to stand, walk, and work, among other major life
11 activities, he was disabled under California law. Despite Plaintiff Luciano Morales diligently
12 reporting his medical condition to Defendants and requesting reasonable accommodations, such
13 as taking time off work to seek medical treatment and recuperate from his injury, Defendants
14 never scheduled a good-faith interactive meeting and did not discuss accommodating Plaintiff in
15 good faith with him. Instead, without regard for his medical condition, Defendants blatantly
16 refused Plaintiff's request for reasonable accommodation of taking time off work. Defendants
17 then threatened if Plaintiff took any time off to care for his disability, Defendants would reduce
18 Plaintiff's pay, discipline him, and/or terminate him.

19 181. Similarly, after Plaintiff Juan Carrillo de la Luz suffered from a workplace injury
20 to his hand and tendon after he was cut while separating metal at Defendants' facility, he
21 promptly reported his injury to Defendants' managers and supervisors. Because Plaintiff Juan
22 Carrillo de la Luz's hand and tendon injury affected his ability to grab and work, among other
23 major life activities, he was disabled under California law. Despite Plaintiff Juan Carrillo de la
24 Luz diligently reporting his hand injury to Defendants and requesting reasonable
25 accommodations, such as taking time off work to seek medical treatment and recuperate from his
26 injury, Defendants never scheduled a good-faith interactive meeting and did not discuss
27 accommodating Plaintiff in good faith with him. Instead, without regard for his medical
28 condition, Defendants blatantly refused Plaintiff's request for accommodations, such as taking

1 time off work for his disability. Defendants then threatened if Plaintiff took any time off to care
2 for his disability, Defendants would reduce Plaintiff's pay, discipline him, and/or terminate him.

3 182. After Plaintiffs complained about Defendants' failure to provide them with
4 reasonable accommodations and about Defendants' discriminatory, hostile, and retaliatory
5 treatment, Defendants' hostile treatment towards the disabled and injured Plaintiffs increased.
6 Defendants subjected Plaintiffs' work to unfair scrutiny, whereby Defendants' supervisors and
7 managers falsely and in bad faith criticized and denigrated Plaintiffs' work and berated and
8 yelled at Plaintiffs for any reason no matter how trivial and placed Plaintiffs in more physically
9 demanding and less desired work assignments, among other retaliatory actions, as punishment.

10 183. Seeing that Defendants' failure to provide the injured and disabled Plaintiffs with
11 reasonable accommodations, some of the Defendants' other employees, including the some of
12 the other Plaintiffs tried to assist them with the heavy tasks Defendants had assigned them that
13 were causing them pain. Upon seeing other employees, including Plaintiffs, were helping the
14 injured and disabled Plaintiffs with heavy tasks, Defendants specifically ordered Plaintiffs and
15 other employees not to assist the injured and disabled Plaintiffs with *any* tasks and insisted that
16 the injured Plaintiffs perform all duties by themselves, despite knowing that they were injured, in
17 pain, and that the heavy tasks they assigned to them could be reassigned to other employees
18 without causing Defendants undue hardship.

19 **DEFENDANTS ENGAGE IN EGREGIOUS RACIAL DISCRIMINATION &**
20 **HARASSMENT TOWARDS LATINO WORKERS**

21 184. Defendants also had a pattern and practice of knowingly and brazenly providing
22 preferential treatment to non-Latino employees and treating Plaintiffs and other employees with
23 hostility based on their race, nationality, immigration status, and/or ability to speak English,
24 among other characteristics protected by law.

25 185. Throughout Plaintiffs' employment with Defendants, Defendants' managers and
26 supervisors, including the individual Defendants, repeatedly made derogatory and racist
27 comments to Plaintiffs and other employees intimating that Latinos, immigrants, and/or those of
28 Mexican descent were an inferior and lazy race, including but not limited to, calling them words

1 akin to: “bunch of animals,” “idiots,” and “motherfuckers.” Additionally, Defendants’
2 supervisors taunted Plaintiffs and other employees by regularly making hostile and racist
3 remarks directly stating or intimating that Plaintiffs and other employees must be criminals
4 because they were Latinos, of Mexican descent, and/or were immigrants. For example,
5 Defendants regularly referred to Plaintiffs and other Latino and/or Mexican employees as
6 “narcos,” “drug addicts,” “gang-members,” and “gangsters,” among other racist names.

7 186. Defendants’ supervisors also made racist and mocking remarks directly stating or
8 intimating that Plaintiffs and other ethnically Latino employees were of low intelligence because
9 they were Latinos, of Mexican descent, and/or were immigrants. For example, Defendants
10 regularly called Plaintiffs “worthless,” “stupid,” and “Oaxaquitas,” (a Spanish term referring to
11 people from the predominantly indigenous Oaxaca region of Mexico) among other racist
12 remarks. In addition, Defendants’ supervisors also made disgusting, patronizing comments
13 implying that Latino employees, including Plaintiffs, had no purpose other than to work because
14 Latino employees tend to engage in criminal behavior when not working, such as: “I don’t like to
15 give Mexicans time-off because all they do is go to Mexico and get drunk,” and “those people
16 [Latinos] are only here to work the system.” Plaintiffs were extremely offended by Defendants’
17 unwelcome, degrading, and racist comments.

18 187. Defendants’ supervisors, including Defendant Christina Pestoni Abreu, also made
19 hostile and mocking remarks about the fact that Spanish-speaking Plaintiffs (and other
20 employees) would speak Spanish to other Latino employees, even going as far as mocking the
21 employees’ accents. Defendants’ managers and supervisors frequently instructed Plaintiffs and
22 other employees not to speak Spanish together while working. In fact, Defendants’ supervisors,
23 including Defendant Christina Pestoni, bluntly told employees, including Plaintiffs, that the *only*
24 language employees were allowed to speak at work was English. Moreover, Bob Pestoni made it
25 known that he believed that he could control the Latino employees, saying words akin to “I
26 control these (Latino) people and can get them to do whatever I want.”

27 188. In addition to making demeaning, offensive, racist remarks towards Latino,
28 Mexican, and immigrant employees, including Plaintiffs, Defendants also gave preferential

1 treatment to their non-Latino, non-Mexican, and/or non-immigrant employees, such as ethnically
2 Caucasian and white employees. For example, Defendants gave non-Latino employees and/or
3 non-immigrant employees that Defendants perceived to be “more American” favored and/or
4 easier job assignments or tasks, while assigning Latino, Mexican, and/or immigrant employees,
5 more physically demanding, heavier, and/or more tedious and disfavored work tasks or
6 assignments. In addition, Defendants also improperly gave non-Latino, non-immigrant
7 employees preferential work schedules, reserving coveted shifts, additional shifts, and/or more
8 work hours for non-Latino, non-Mexican, and/or non-immigrant employees.

9 189. For example, Defendants’ supervisors reserved coveted work assignments for
10 white, American-born workers, such as shorter trash collection routes for the white drivers that
11 took less time to complete, and/or trash routes that were in less remote areas or otherwise were
12 not as difficult to access. Defendants also assigned more technical job assignments, such as
13 operating machinery for white, American-born workers while assigning more physically
14 demanding, dirtier, and more dangerous manual labor tasks to Latino and/or immigrant workers,
15 including Plaintiffs, such as digging dirt, shoveling and moving compost, sorting waste,
16 manipulating toxic smelly leachate, etc. Defendants also demanded that Latino employees,
17 including Plaintiffs, do more physically dangerous work tasks, such as improperly forcing them
18 to put out fires and/or to clear fire debris whenever fires threatened Defendants’ facilities—a
19 dangerous task that Defendants did not require white employees to do.

20 190. In addition to discriminatorily reserving coveted job assignments for white,
21 American-born employees, Defendants also modified the terms and conditions of their work
22 environment to make it easier for white employees compared to Latino and/or immigrant
23 employees, including Plaintiffs. For example, Defendants regularly approved white employees’
24 requests for vacation or time off while Defendants regularly denied similar requests from Latino
25 and/or immigrant employees, including Plaintiffs. Defendants also generally did not require
26 white employees to work forced overtime, particularly around the holidays, while forcing Latino
27 and/or immigrant employees, including Plaintiffs, to regularly work forced overtime. In addition
28 to providing white employees with coveted job assignments, Defendants also gave white workers

1 better, less dangerous equipment, such as newer trucks, heavy machinery, and other equipment
2 necessary to carry out their job duties, while giving Latino and/or immigrant employees,
3 including Plaintiffs, the oldest, least reliable, and most dangerous equipment. Similarly,
4 Defendants routinely approved white employees' requests for assistance with their duties or
5 equipment, while regularly denying similar requests from Plaintiffs and other Latino employees.

6 191. Even when both whites and Latino and/or immigrant employees performed the
7 same job assignments, Defendants discriminatorily held Latino workers to an unfair higher
8 standard. For example, Defendants permitted white drivers to rest in the breakroom until their
9 shift was over (while still on the clock and being paid) after the drivers had completed their route
10 picking up trash, whereas Defendants required that Latino and/or immigrant drivers, including
11 Plaintiffs, to drive back out after completing their routes to "assist" other drivers complete theirs.
12 In addition, Defendants also regularly refused to allow Latino and/or immigrant drivers, Latino
13 and/or immigrant employees, including Plaintiffs, to stop during their routes to use the bathroom
14 or get water to drink claiming that the stops caused "too many delays" in completing the routes.
15 In contrast, Defendants gave white drivers the discretion to stop whenever they wanted without
16 repercussion.

17 192. In stark contrast to their favored treatment for non-Latino, non-immigrant,
18 employees, Defendants' supervisors often blamed perceived deficiencies in employees' job
19 performance on the fact that the employees, including Plaintiffs, were foreigners, immigrants, of
20 Latino and/or Mexican descent. Frequently, Defendants would unfairly blame Latino, Mexican,
21 and/or immigrant employees, including Plaintiffs, for mistakes non-Latino employees had made.
22 Defendants would also unfairly blame Latino, Mexican, and/or immigrant employees for work
23 tasks that had not been completed by other employees—often openly blaming Latino employees'
24 "laziness" as the reason a task had not been completed. In short, Defendants regularly targeted
25 Latino, Mexican, and/or immigrant employees, including Plaintiffs, by cutting their hours, giving
26 them disfavored, dangerous, and more physically demanding work assignments, giving them the
27 worst equipment, holding them to a higher discriminatory standard, giving the employees
28

1 undeserved warnings, write-ups, and other discipline, including termination, and making changes
2 to the work environment to make it extremely hostile for the targeted Latino employees.

3 193. Throughout their employment with Defendants, Plaintiffs repeatedly complained
4 about Defendants' discriminatory race-based, ethnic-based, and/or immigration status based
5 preferential treatment and racist comments to Defendants. However, Defendants disregarded,
6 downplayed, and failed to adequately and properly investigate Plaintiffs' and other employees'
7 complaints and failed to take any action to stop the discriminatory practices. Instead,
8 Defendants' managers and supervisors would laugh off the other supervisors' offensive, racist,
9 discriminatory conduct and would even join in insulting the Latino employees.

10 194. After Plaintiffs complained, Defendants targeted Plaintiffs for retaliation and
11 intimidation to punish them and other employees who had complained about Defendants'
12 discriminatory business practices, and/or who supported the Latino, Mexican, and/or immigrant
13 victims of Defendants' discrimination and retaliation in order to silence Plaintiffs and other
14 employees into not making further complaints in the future.

15 **DEFENDANTS ENGAGE IN DISCRIMINATORY AND RETALIATORY**
16 **IMMIGRATION PRACTICES TO HIDE THEIR MISCONDUCT**

17 195. Defendants also had a pattern and practice of using immigration-related practices
18 in an unfair, discriminatory, and/or retaliatory manner. Specifically, Defendants used
19 immigration practices to target Latino employees that they perceived to be immigrants for
20 retribution when they perceived those employees to be troublesome, undesirable, and/or
21 unreliable, such as injured and disabled workers, and/or who asked for accommodations, and/or
22 complained about Defendants' unsafe, harassing, discriminatory, and/or illicit and unsafe
23 business practices, including Plaintiffs. Defendants did this because they believed they could
24 intimidate and take advantage of their predominately blue-collar, lower-educated Latino
25 workforce with its long history of fear of immigration-related reprisals by employers and
26 government authorities.

27 196. Throughout Plaintiffs' employment with Defendants, Defendants repeatedly
28 threatened to call immigration enforcement, among other illegal immigration-related threats, to

1 intimidate and dissuade Plaintiffs and other employees from complaining and/or punish the
2 employees, including Plaintiffs, for complaining about Defendants' illicit and/or discriminatory
3 business practices. For example, on or about May 2024, Defendants' senior management,
4 including Defendant Christina Pestoni angrily called a meeting with employees in order to
5 question employees to determine which of the employees had made complaints to various
6 government agencies about Defendants' illicit, discriminatory, unethical, and unsafe business
7 practices, including misuse of toxic leachate, illegal dumping of hazardous waste into the
8 tributaries, and dumping hazardous waste in the Clover Flat landfill without the proper permit,
9 among other complaints. At the meeting, Defendant Christina Pestoni Abreu specifically
10 threatened employees, including Plaintiffs, with immigration-related reprisals for having
11 complained, bluntly telling employees that those employees who complained would "not be
12 getting their papers," and would "get in trouble" with government authorities.

13 **DEFENDANTS THREATEN EMPLOYEES WITH CRIMINAL CHARGES IF THEY**
14 **DISCLOSE OR COMPLAIN ABOUT DEFENDANTS' ILLICIT PRACTICES**

15 197. In addition to their use of immigration-related threats to silence employees,
16 Defendants also had a pattern and practice of using illegal criminal threats against employees,
17 including Plaintiffs, in order to intimidate employees into not disclosing Defendants' illicit,
18 unethical, and dangerous practices. Defendants' criminal threats to their employees to hide their
19 wrongdoing were a violation of government regulations, including California Penal Code
20 sections 518, 519 and 136.1. Throughout Plaintiffs' employment, Defendants regularly made
21 criminal threats whenever they believed or suspected that Plaintiffs were going to disclose
22 information about Defendants' illegal practices to government authorities. For example, as result
23 of Defendants' practice of illegally taking in hazardous waste, fires regularly broke out at
24 Defendants' facilities. When fires broke out, Defendants specifically forbade employees,
25 including Plaintiffs, from calling the fire department to report the fires. Similarly, Defendants
26 also forbade Plaintiffs from calling paramedics whenever employees, including Plaintiffs,
27 received workplace injuries often caused by Defendants' unsafe and dangerous business
28 practices described above.

1 198. In order to dissuade Plaintiffs and other employees from reporting Defendants'
2 unlawful practices to authorities, Defendants repeatedly made threats to them directly stating or
3 intimidating that Plaintiffs and other employees could be arrested and/or criminally charged if they
4 reported Defendants' wrongdoing. For example, Defendants told Plaintiffs that if they reported
5 anything that "they will go to jail," "be deported," "get in trouble" with the police, among other
6 threatening comments. In order to underscore their illegal criminal threats to Plaintiffs and other
7 employees, Defendants also told them that Defendants and the St. Helena Police Department and
8 the Napa County Sheriff's Department had "a special relationship," and that the law enforcement
9 agencies would "always protect" Defendants should any employee report any of Defendants'
10 illegal practices. As result of Defendants' threatening comments, Plaintiffs and other employees
11 became extremely fearful and oftentimes refrained from reporting Defendants' wrongdoing as
12 well as workplace emergencies.

13 **DEFENDANTS ENGAGE IN A LITANY OF RETALIATORY ACTIONS TOWARDS**
14 **TARGETED DISFAVORED EMPLOYEES**

15 199. Throughout Plaintiffs' employment, Defendants' managers and supervisors used
16 their management and supervisory positions to retaliate against employees that they deemed
17 troublesome and/or unreliable, such as injured and disabled workers, and/or who asked for
18 accommodations, and/or complained about Defendants' unsafe, harassing, discriminatory, and/or
19 illicit and unsafe business practices, including Plaintiffs. Defendants thus retaliated against
20 targeted employees, including Plaintiffs, by engaging a variety of hostile acts towards them that
21 individually or collectively constitute adverse employment actions.

22 200. For example, Defendants retaliated against Plaintiffs by pretextually disciplining
23 Plaintiffs; denying them promotions; reducing their work hours; punishing them by reassigning
24 them to less desirable and more physically demanding jobs; punishing them by forcing them to
25 perform dangerous jobs such as fighting fires and clearing fire debris without appropriate
26 training or protective equipment; deliberately exposing them to toxic, biohazardous, and
27 radioactive waste; ordering them to use toxic leachate to wash vehicles, heavy equipment, and
28 machines; refusing them reasonable access to drinking water, restrooms, and shade; punishing

1 them by demanding that they show up to work for scheduled shifts and then sending them home
2 without justification or pay; threatening to terminate them or actually terminating them; and/or
3 threatening them with deportation, jail time, or other negative legal consequences.

4 201. Defendants also retaliated against Plaintiffs and other targeted employees by
5 endangering their safety and forcing them to use (the most) unsafe vehicles and most poorly
6 maintained heavy equipment in order to punish them for complaining. Defendants engaged in
7 egregious retaliatory conduct because they were aware that employees, including Plaintiffs, were
8 financially vulnerable and depended on their employment with Defendants to support themselves
9 and their families. As result of their numerous retaliatory acts, Defendants created an oppressive
10 and intimidating work environment for employees rife with fear of reprisals.

11 **DEFENDANTS PUNISH EMPLOYEES WHO ASSOCIATE WITH OTHERS WHO**
12 **BELONG TO PROTECTED GROUPS OR ENGAGE IN PROTECTED ACTIVITIES**

13 202. Throughout their employment with Defendants, Plaintiffs regularly associated
14 with other employees including other Plaintiffs who made complaints of race and/or disability
15 harassment, and other types of harassment; complaints of race and/or disability discrimination;
16 who had requested accommodations; who complained about the lack of accommodations; and/or
17 made other complaints about Defendants' illicit, unsafe, and/or discriminatory business
18 practices. As result of their association with other employees, including other Plaintiffs, who
19 were discriminated and/or retaliated against, Defendants also subjected the employees who
20 associated with the aggrieved employees to discriminatory and retaliatory adverse employment
21 actions as punishment for that association. For example, because Defendants knew that Plaintiffs
22 associated with other employees who made protected complaints related to Defendants' ongoing
23 harassment, retaliation, and discrimination, and also knew that Plaintiffs had supported their
24 complaints, Defendants also targeted Plaintiffs for retaliation and intimidation in an effort to
25 punish victims for having made complaints against them, and to punish those employees who
26 associated with and supported the victims, and to attempt to silence Plaintiffs and other victims
27 of Defendants' illicit business practices and keep them from coming forward out of fear.

28 ///

DEFENDANTS SUBJECT EMPLOYEES TO UNLAWFUL PEONAGE

203. Defendants also engaged in a pattern and practice of forcing employees to provide services to them without paying them a proper wage. Defendants viewed and treated the vulnerable, blue-collar, typically immigrant Latino employees, including Plaintiffs, as their own personal servants or peons. As result, Defendants, engaged in illegal peonage, in violation of government laws and regulations, including Title 42, Section 1994 of the United States Code.

204. Specifically, throughout Plaintiffs' employment, Defendants used Plaintiffs as a captive subservient labor force without any rights. As described above, Defendants enforced their disgusting oppressive views of Plaintiffs through mixture of intimidation and coercion via vicious threats and retaliatory acts often so egregious as to callously endanger the lives, health, and safety of Plaintiffs and others who were similarly situated. Unsurprisingly, given their dismissive views of Plaintiffs, Defendants treated them as *de facto* indentured servants who had to comply with all of Defendants' directives or face deportation, criminal charges, eviction (*e.g.*, several employees and Plaintiffs lived on Defendants' properties), and/or other serious consequences. In particular, although Plaintiffs were purportedly laborers in Defendants' waste processing facilities, Defendants regularly 'lent' out Plaintiffs to wealthy friends and associates to perform free labor for those associates. For example, Defendants regularly ordered Plaintiffs to work in Pestoni Vineyard harvesting grapes, working in its fields, and bottling wine. Moreover, Defendants regularly ordered Plaintiffs and other employees to clean up and perform gardening in Christina Pestoni's home and their friends' homes, wash the Pestoni's personal cars, etc. In addition, Defendants also repeatedly sent Plaintiffs to work as servants during high-society parties hosted by Defendants' friends and associates. On other occasions, Defendants forced Plaintiffs to perform free construction work for Defendants' friends and associates, such as repairing fences, recementing driveways, etc. Plaintiffs, including Plaintiff Joise Mendez Avendano (as well as other Plaintiffs and employees), believed that they had no alternative but to perform labor to pay off their living expenses and debts owed to Defendants, including the Pestoni Family, and thus capitulated to Defendants' abusive demands.

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WAGE AND HOUR VIOLATIONS

1
2 205. In addition to all the foregoing, Defendants also had an illegal pattern and practice
3 of not paying employees, including Plaintiffs, their proper wages.

4 206. Throughout Plaintiff’s employment, Defendants required Plaintiffs to continue
5 working over eight (8) hours in a day and over forty (40) hours a week and failed to pay
6 Plaintiffs for these additional hours. Towards the end of their shifts, Defendants regularly
7 instructed Plaintiffs to finish all work assigned by Defendants and/or to continue to “assist” other
8 employees, even though it was already after the scheduled end of their shift. Defendants thus
9 obligated Plaintiffs to stay beyond their regular shifts and continue working without pay.
10 Defendants warned Plaintiffs and other employees that if they left before completing all their
11 work, even though they were “off the clock,” that they would be disciplined and/or terminated.

12 207. Similarly, Defendants frequently demanded that Plaintiffs and other employees
13 arrive at work and start working before the scheduled start of their shifts. According to
14 Defendants, Plaintiffs and other employees had to complete administrative, housekeeping, and/or
15 preparatory tasks required to being their work on their (the employees’) own time before the start
16 of their shift. As result, Plaintiffs and other employees had to arrive significantly early in order to
17 prepare reports and/other necessary paperwork, perform visual inspections and maintenance on
18 Defendants’ vehicles and machinery, locate and prepare tools, among other preparatory tasks.

19 208. Defendants were aware at all times that the amount of work they assigned to
20 Plaintiffs and other employees could not be completed during their assigned shifts and was thus a
21 ploy by Defendants to force Plaintiffs and other employees to work “off the clock,” and thus
22 presumably not have to pay the employees their correct wages or overtime.

23 209. Despite being tasked to work long hours by Defendants, Plaintiffs and other
24 employees were not compensated for the overtime hours they worked. Frequently, Defendants
25 only paid Plaintiffs and other employees for eight (8) hours in a day when they had worked
26 longer than eight (8) hours a day. Other times, Defendants paid employees, including Plaintiffs,
27 less than eight hours in a day when they had worked more.

28 210. Moreover, as discussed above, Defendants frequently demanded that Plaintiffs

1 and others perform free labor for Defendants’ wealthy friends and associates, and did not pay
2 them for their work even though Plaintiffs remained under Defendants’ control when they
3 performed work for Defendants’ associates.

4 211. Despite usually working shifts of over eight hours in a day for Defendants,
5 Defendants did not usually allow Plaintiffs to take meal breaks or rest breaks. Instead,
6 Defendants ordered Plaintiffs to run errands, move supplies, work on vehicles, and/or clean the
7 work area, among other work tasks. Other times, Defendants simply demanded that Plaintiffs
8 keep performing their normal duties and forego their breaks altogether. As result, Plaintiffs often
9 ate their lunches as they worked. On those few occasions when Defendants provided Plaintiffs
10 with meal breaks or rest breaks, Defendants frequently interrupted them and ordered Plaintiffs to
11 work through their meal and/or rest breaks. Defendants did not pay Plaintiffs for the meal and
12 rest breaks that they did not allow Plaintiffs to take.

13 212. When Defendants provided Plaintiffs with paystubs, the paystubs were inaccurate
14 because they reflected less hours and/or other wages than Plaintiffs had worked and earned.

15 213. On numerous occasions, Plaintiffs and other employees complained to Defendants
16 about their failure to pay them their correct wages, but Defendants took no action to address the
17 complaints and continued to interrupt Plaintiffs’ and other employees’ breaks without pay and
18 continued to force Plaintiffs and other employees to work “off the clock” without pay.

19 214. In addition, after Plaintiffs and other employees complained to Defendants
20 regarding their wages, Defendants treated Plaintiffs with hostility, yelled at them, mocked them,
21 and made derisive remarks towards them. For example, when Plaintiffs complained about their
22 wages, Defendants told Plaintiffs “you don’t have to work here” and “you’re lucky to have this
23 job,” among other hostile remarks.

24 215. After Plaintiffs complained about Defendants’ illicit business practice of not
25 paying them their correct wages, Plaintiffs’ relationship with Defendants became even more
26 strained. Defendants engaged in a prolonged campaign of retaliatory acts towards Plaintiffs (and
27 others) amply described above.

28 ///

1 **UNEQUAL PAY VIOLATIONS**

2 216. Defendants also engaged in discriminatory pattern and practice of paying non-
3 Latino employees more than Latino employees on the basis of their race and/or ethnicity,
4 including the Latino Plaintiffs, for performing substantially the same work that Plaintiffs
5 performed.

6 **FIRST CAUSE OF ACTION**

7 **Independent Violation of Violation of the Civil Rights Act of 1866 & 42 U.S.C. 1983**

8 **(All Plaintiffs Against All Defendants and DOES 1-50)**

9 217. Plaintiff hereby incorporates by reference all paragraphs above, as if fully set
10 herein by reference.

11 218. Section 1 of the Civil Rights Act of 1866 which is grounded in the Thirteenth
12 Amendment states as follows:

13 219. “That all persons born in the United States and not subject to any foreign power,
14 excluding Indians not taxed, are hereby to be citizens of the United States; and such citizens, of
15 every race and color, without regard to any previous condition of slavery or involuntary
16 servitude, except as a punishment for crime whereof the party shall have been duly convicted,
17 shall have the same right, in every State and Territory in the United States, to make and enforce
18 contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey
19 real and personal property, and to full and equal benefit of all laws and proceedings for the
20 security of person and property, as is enjoyed by white citizens, and shall be subject to like
21 punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or
22 custom, to the contrary notwithstanding.”

23 220. Defendants had a pattern and practice of engaging in unlawful employment
24 practices in violation of the Civil Rights Act of 1866, *as amended*, 42 U.S.C. § 1981 by taking
25 adverse employment actions against Plaintiffs, such as terminating them from their positions,
26 demoting them, forcing the Plaintiffs to work in unsafe conditions, and providing Plaintiffs with
27 physically demanding and dirty jobs.

28 221. Plaintiffs are informed and believe and based thereon allege that their

1 race/nationality was a substantial motivating factor in Defendants' decision to take adverse
2 employment actions against Plaintiffs, in violation of Civil Rights Act of 1866, *as amended*, 42
3 U.S.C. § 1981.

4 222. Plaintiffs, and other employees are racial minorities and members of a protected
5 class or associated with and involved in protecting a member of a protected class, Plaintiffs were
6 discriminated and or retaliated against for engaging in protected activities, and they were treated
7 differently than white citizens and similarly situated persons.

8 223. As a proximate result of Defendants' wrongful conduct, and each of them,
9 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other
10 employment benefits in an amount according to proof at the time of trial.

11 224. As a proximate result of Defendants' wrongful conduct, and each of them,
12 Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her
13 damage in an amount according to proof at the time of trial.

14 225. In doing the acts herein alleged, Defendants, and each of them, acted with
15 oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs have
16 therefore entitled to punitive damages in an amount according to proof at the time of trial.

17 226. Plaintiffs have also incurred and continues to incur attorneys' fees and legal
18 expenses in an amount according to proof at the time of trial.

19 227. Plaintiffs request that this Court order Defendants to refrain from discriminating
20 against its employees on the basis of their race or nationality.

21 **SECOND CAUSE OF ACTION**

22 **DISCRIMINATION AND RETALIATION IN VIOLATION OF THE FAMILY AND**
23 **MEDICAL LEAVE ACT 29 U.S.C. § 2615**

24 **(All Plaintiffs Against All Defendants and DOES 1-50)**

25 228. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
26 herein by reference.

27 229. The Family and Medical Leave Act at 29 U.S.C. section 2615 makes it an
28 unlawful employment practice for "any employer to interfere with, restrain, or deny the exercise

1 of or the attempt to exercise, any [medical leave] right” or because the employee opposed the
2 unlawful employment practice.

3 230. At all times relevant herein, Plaintiffs were entitled to take up to 12 weeks of
4 family care and medical leave in any 12 month period, having more than 12 months of service
5 with defendant and more than 1,250 hours of service in the 12 month period preceding the need
6 for family care and medical leave, as required by 26 U.S.C. section 2611.

7 231. Plaintiffs required family medical leave, as more fully set forth in the preceding
8 paragraphs of this complaint, for their own and their family's serious health condition. Plaintiffs
9 provided Defendants with the appropriate notice necessary to invoke their FMLA rights and to
10 request FMLA-protected leave.

11 232. Defendants discriminated and retaliated against Plaintiffs by taking adverse
12 employment actions against them for taking protected medical leave in violation of Plaintiffs
13 rights protected by FMLA.

14 233. As a proximate result of Defendants’ wrongful conduct, and each of them,
15 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other
16 employment benefits in an amount according to proof at the time of trial.

17 234. As a proximate result of Defendants’ wrongful conduct, and each of them,

18 235. Plaintiffs have suffered humiliation, emotional distress, and mental pain and
19 anguish, all to her damage in an amount according to proof at the time of trial.

20 236. Plaintiffs have also incurred and continue to incur attorneys’ fees and legal
21 expenses in an amount according to proof at the time of trial.

22 237. In doing the acts herein alleged, Defendants, and each of them, acted with
23 oppression, fraud, malice, and in conscious disregard of Plaintiffs’ rights, and Plaintiffs have
24 therefore entitled to punitive damages in an amount according to proof at the time of trial.

25 **THIRD CAUSE OF ACTION**

26 **VIOLATION OF LABOR CODE § 1102.5**

27 **(All Plaintiffs Against All Defendants and DOES 1-50)**

28 238. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set

1 herein by reference.

2 239. Labor Code section 1102.5(a) makes it illegal for an employer to make, adopt, or
3 enforce any rule, regulation or policy preventing an employee from disclosing information to a
4 government agency where the employee has reasonable cause to believe that the information
5 discloses a violation of state or federal statute, or a violation or noncompliance with a state or
6 federal rule or regulation.

7 240. Labor Code § 1102.5(b) makes it illegal for an employer to retaliate against an
8 employee for disclosing information that the employee reasonably believes violates local, state
9 or federal law.

10 241. Labor Code § 1102.5(c) makes it illegal for an employer to retaliate against an
11 employee for refusing to participate in an activity that would result in a violation of a state or
12 federal statute, or a violation or noncompliance with a state or federal rule or regulation.

13 242. Defendants engaged in an unlawful pattern and practice by retaliating against
14 Plaintiff and other employees for complaining about and reporting Defendants unlawful and
15 illegal business practices internally and/or to authorities, and/or for refusing to engage in illegal
16 activities.

17 243. As a proximate result of Defendants' wrongful conduct, and each of them,
18 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other
19 employment benefits in an amount according to proof at the time of trial.

20 244. As a proximate result of Defendants' wrongful conduct, and each of them,
21 Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her
22 damage in an amount according to proof at the time of trial.

23 245. Plaintiffs have also incurred and continues to incur attorneys' fees and legal
24 expenses in an amount according to proof at the time of trial.

25 246. In doing the acts herein alleged, Defendants, and each of them, acted with
26 oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs have
27 therefore entitled to punitive damages in an amount according to proof at the time of trial.

28 247. Plaintiffs request that this Court order Defendants to refrain from retaliating

1 against its employees on the basis of their complaints of illicit conduct.

2 **FOURTH CAUSE OF ACTION**

3 **Violation of Labor Code § 244 - Immigration Related Threats**

4 **(All Plaintiffs Against All Defendants and DOES 1-50)**

5 248. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
6 herein by reference.

7 249. Labor Code section 244 makes it unlawful to report or threaten to report an
8 employee's, former employee's, or prospective employee's suspected citizenship or immigration
9 status, or the suspected citizenship or immigration status of a family member of the employee,
10 former employee, or prospective employee, to a federal, state, or local agency because the
11 employee, former employee, or prospective employee exercises a right under the provisions of
12 this code, the Government Code, or the Civil Code constitutes an adverse action for purposes of
13 establishing a violation of an employee's, former employee's, or prospective employee's rights.

14 250. Defendants violated Labor Code Section 244 by threatening to report Plaintiffs'
15 and other employees' immigration status or citizenship to authorities because Plaintiffs and the
16 other employees exercised their rights under the provisions of the Labor Code, the Government
17 Code, or the Civil Code, etc.

18 251. As a proximate result of Defendants' wrongful conduct, and each of them,
19 Plaintiffs have suffered and continues to sustain substantial losses in earnings and other
20 employment benefits in an amount according to proof at the time of trial.

21 252. As a proximate result of Defendants' wrongful conduct, Plaintiffs have suffered
22 humiliation, emotional distress, including physical injuries and mental pain and anguish, all to
23 their damage in an amount according to proof at the time of trial.

24 253. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,
25 and in conscious disregard of Plaintiffs rights and Plaintiffs are therefore entitled to punitive
26 damages in an amount according to proof at the time of trial.

27 254. Plaintiffs have also incurred and continue to incur attorneys' fees and legal
28 expenses in an amount according to proof at the time of trial.

1 their damage in an amount according to proof at the time of trial.

2 262. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,
3 and in conscious disregard of Plaintiffs rights and Plaintiffs are therefore entitled to punitive
4 damages in an amount according to proof at the time of trial.

5 263. Plaintiffs have also incurred and continue to incur attorneys' fees and legal
6 expenses in an amount according to proof at the time of trial.

7 264. Plaintiffs request that this Court grant a public injunction against Defendants to
8 refrain from engaging in unlawful immigration-related retaliatory threats.

9 **SIXTH CAUSE OF ACTION**

10 **Denial of And Discrimination Based Upon The Use Of Sick Leave**

11 **(Labor Code §§ 233, 234, And 246.5)**

12 **(Against All Defendants)**

13 265. Plaintiff incorporates, by reference, all the foregoing paragraphs of this
14 Complaint, as though fully set forth herein.

15 266. Labor Code §233 states that “Any employer who provides sick leave for
16 employees shall permit an employee to use in any calendar year the employee’s accrued and
17 available sick leave entitlement, in an amount not less than the sick leave that would be accrued
18 during six months at the employee’s then current rate of entitlement, for the reasons specified in
19 subdivision (a) of Section 246.5.”

20 267. Labor Code §246.5(a) states that upon oral or written request by an employee, an
21 employer shall provide paid sick days for the “Diagnosis, care, or treatment of an existing health
22 condition of, or preventive care for, an employee or an employee’s family member.”

23 268. Both Labor Code §233(c) and §246.5(c)(1) state that an employer shall not deny
24 an employee the right to use accrued sick days, discharge, threaten to discharge, demote,
25 suspend, or in any manner discriminate against an employee for using or attempting to use sick
26 leave to attend to an illness, or for opposing any policy or practice or act that is prohibited by this
27 article.

28 269. Labor Code §234 states that “An employer absence control policy that counts sick

1 leave taken pursuant to Section 233 as an absence that may lead to or result in discipline,
2 discharge, demotion, or suspension is a per se violation of Section 233. An employee working
3 under this policy is entitled to appropriate legal and equitable relief pursuant to Section 233.”

4 270. This is further emphasized by the fact that Labor Code §246.5(c)(2) creates a “...
5 rebuttable presumption of unlawful retaliation if an employer denies an employee the right to use
6 accrued sick days, discharges, threatens to discharge, demotes, suspends, or in any manner
7 discriminates against an employee within 30 days of ... [o]pposition by the employee to a policy,
8 practice, or act that is prohibited by this article.”

9 271. Labor Code §233(d) states that “Any employee aggrieved by a violation of this
10 section shall be entitled to reinstatement and actual damages or one day’s pay, whichever is
11 greater, and to appropriate equitable relief.” Labor Code §233(e) then explicitly creates a private
12 right of action for an employee to seek these remedies and permits the Court to Plaintiffs
13 reasonable attorney’s fees if Plaintiffs prevails.

14 272. Plaintiffs attempted to use accrued sick leave to seek treatment for a medical
15 condition. In response, Defendants ultimately took adverse employment actions against the
16 Plaintiffs.

17 273. As a result of Defendants’ failure and refusal to comply with Labor Code §§233,
18 234, and 246.5, Plaintiff is entitled to recover from Defendants actual damages, including
19 emotional distress damages, equitable relief, attorney’s fees, and costs.

20 **SEVENTH CAUSE OF ACTION**

21 **Race & Nationality Discrimination**

22 **(All Plaintiffs Against All Defendants and DOES 1-50)**

23 274. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
24 herein by reference.

25 275. The FEHA codified in Government Code section 12900, et seq. makes it unlawful
26 for an employer to discriminate against an employee on the basis of the employee’s race,
27 ethnicity, and/or national origin.

28 276. Defendants engaged in an unlawful pattern and practice in violation of the FEHA

1 by taking adverse action against their employees, including Plaintiff, because of their race. As
2 result, Defendants engaged in a discriminatory pattern and practice by ignoring, ratifying, and/or
3 approving of the unlawful discrimination.

4 277. Plaintiff is informed and believes and based thereon alleges that her disability
5 was a substantial motivating factor in Defendants' decision to take adverse employment actions
6 against Plaintiff, in violation of Government Code § 12940(a).

7 278. As a proximate result of Defendants' wrongful conduct, and each of them,
8 Plaintiff has suffered and continues to sustain substantial losses in earnings and other
9 employment benefits in an amount according to proof at the time of trial.

10 279. As a proximate result of Defendants' wrongful conduct, and each of them,

11 280. Plaintiff has suffered humiliation, emotional distress, and mental pain and
12 anguish, all to her damage in an amount according to proof at the time of trial.

13 281. In doing the acts herein alleged, Defendants, and each of them, acted with
14 oppression, fraud, malice, and in conscious disregard of Plaintiff's rights, and Plaintiff is
15 therefore entitled to punitive damages in an amount according to proof at the time of trial.

16 282. Plaintiff has also incurred and continues to incur attorneys' fees and legal
17 expenses in an amount according to proof at the time of trial.

18 283. Plaintiff requests that this Court order Defendants to refrain from discriminating
19 against its employees on the basis of their race or nationality.

20 **EIGHTH CAUSE OF ACTION**

21 **Harassment**

22 **(All Plaintiffs Against All Defendants and DOES 1-50)**

23 284. Plaintiff hereby incorporates by reference all paragraphs above, as if fully set
24 herein by reference.

25 285. The FEHA, codified in Government Code section 12900, et seq., makes it
26 unlawful for employers and individuals to harass an employee on the basis of a protected
27 category, such as age, gender, disability, sexual orientation, race or national origin, etc.

28 286. Defendants had a pattern and practice of harassing Plaintiff and other employees

1 in violation of the FEHA by engaging in offensive conduct towards them, and/or acting in a
2 hostile and abusive manner towards them, based employee's protected characteristic, such as
3 disability, gender, race, sexual orientation, and/or age.

4 287. Defendants engaged in unlawful employment practices in violation of the FEHA
5 by ratifying its employees' conduct and/or failing to take immediate and appropriate action
6 against them for their continued harassment of Plaintiffs.

7 288. As a proximate result of Defendants' wrongful conduct, and each of them,
8 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other
9 employment benefits in an amount according to proof at the time of trial.

10 289. As a proximate result of Defendants' wrongful conduct, and each of them,
11 Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her
12 damage in an amount according to proof at the time of trial.

13 290. In doing the acts herein alleged, Defendants, and each of them, acted with
14 oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs are
15 therefore entitled to punitive damages in an amount according to proof at the time of trial.

16 291. Plaintiffs have also incurred and continue to incur attorneys' fees and legal
17 expenses in an amount according to proof at the time of trial.

18 292. Plaintiffs request that this Court order Defendants to refrain from harassment
19 against its employees on the basis of their disability, race, and nationality.

20 **NINTH CAUSE OF ACTION**

21 **Disability Discrimination**

22 **(All Plaintiffs Against All Defendants and DOES 1-50)**

23 293. Plaintiff hereby incorporates by reference all paragraphs above, as if fully set
24 herein by reference.

25 294. The Fair Employment and Housing Act ("FEHA") codified in Government Code
26 section 12900, et seq. makes it unlawful for an employer to discriminate against an employee on
27 the basis of a protected category, such as the employee's disability or perceived disability.

28 295. Defendants engaged in an unlawful pattern and practice in violation of FEHA by

1 taking adverse employment action against Plaintiff and other employees because of their
2 disabilities or perceived disabilities.

3 296. As a proximate result of Defendants' wrongful conduct, and each of them,
4 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other
5 employment benefits in an amount according to proof at the time of trial.

6 297. As a proximate result of Defendants' wrongful conduct, and each of them,
7 Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her
8 damage in an amount according to proof at the time of trial.

9 298. In doing the acts herein alleged, Defendants, and each of them, acted with
10 oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs are
11 therefore entitled to punitive damages in an amount according to proof at the time of trial.

12 299. Plaintiffs have also incurred and continues to incur attorneys' fees and legal
13 expenses in an amount according to proof at the time of trial.

14 300. Plaintiffs request that this Court order Defendants to refrain from discriminating
15 against its employees on the basis of their disability or perceived disability.

16 **TENTH CAUSE OF ACTION**

17 **Failure to Accommodate**

18 **(All Plaintiffs Against All Defendants and DOES 1-50)**

19 301. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
20 herein by reference.

21 302. Government Code section 12940(m) provides that it is unlawful for an employer
22 to fail to make reasonable accommodation for the known physical or mental disability of an
23 employee.

24 303. Defendants engaged in an unlawful pattern and practice in violation of FEHA by
25 failing to make reasonable accommodation for Plaintiff's and other employees' known
26 disabilities.

27 304. As a proximate result of Defendants' wrongful conduct, and each of them,
28 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other

1 employment benefits in an amount according to proof at the time of trial.

2 305. As a proximate result of Defendants' wrongful conduct, and each of them,
3 Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her
4 damage in an amount according to proof at the time of trial.

5 306. In doing the acts herein alleged, Defendants, and each of them, acted with
6 oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs are
7 therefore entitled to punitive damages in an amount according to proof at the time of trial.

8 307. Plaintiffs have also incurred and continue to incur attorneys' fees and legal
9 expenses in an amount according to proof at the time of trial.

10 308. Plaintiff requests that this Court grant a public injunction against Defendants to
11 refrain them from illegally failing to provide reasonable accommodations to their employees for
12 the employees' disabilities.

13 **ELEVENTH CAUSE OF ACTION**

14 **Failure to Engage in the Interactive Process**

15 **(All Plaintiffs Against All Defendants and DOES 1-50)**

16 309. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
17 herein by reference.

18 310. Government Code section 12940(n) provides that it is unlawful for an employer to
19 fail to engage in a timely, good-faith interactive process with the employee to determine
20 effective reasonable accommodations for the employee's disability.

21 311. Defendants had a pattern and practice of failing to engage in a timely, good-faith,
22 interactive process with Plaintiffs and other employees to determine effective reasonable
23 accommodations for their known disabilities.

24 312. As a proximate result of Defendants' wrongful conduct, and each of them,
25 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other
26 employment benefits in an amount according to proof at the time of trial.

27 313. As a proximate result of Defendants' wrongful conduct, and each of them,
28 Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her

1 damage in an amount according to proof at the time of trial.

2 314. In doing the acts herein alleged, Defendants, and each of them, acted with
3 oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs are
4 therefore entitled to punitive damages in an amount according to proof at the time of trial.

5 315. Plaintiffs have also incurred and continue to incur attorneys' fees and legal
6 expenses in an amount according to proof at the time of trial.

7 316. Plaintiffs request that this Court grant a public injunction against Defendants to
8 refrain them from illegally failing to engage in a timely, good-faith, interactive process with
9 Plaintiffs and other employees to determine effective reasonable accommodations for their
10 known disabilities.

11 **TWELFTH CAUSE OF ACTION**

12 **California Family Rights Retaliation**

13 **(Plaintiff Crockett Against Defendants Crate Modular and Does 1-50)**

14 317. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
15 herein by reference.

16 318. The California Family Rights Act (Government Code § 12945.2) provides that it
17 is unlawful for an employer to retaliate against an employee for requesting or taking family care
18 or medical leave.

19 319. Defendants are subject to the provisions of the California Family Rights Act
20 ("CFRA") because they employed fifty (50) or more full time or part time employees. Plaintiffs
21 are entitled to the benefits of CFRA because they worked for Defendants for more than one year
22 and had at least one-thousand two-hundred and fifty (1,250) hours of service in the year
23 preceding their CFRA leave.

24 320. Defendants had a pattern and practice of retaliating against Plaintiffs and other
25 employees because they engaged in protected activities, such as taking or requesting family
26 leaves of absence to care for their families or for their own medical conditions.

27 321. As a proximate result of Defendants' wrongful conduct, and each of them,
28 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other

1 employment benefits in an amount according to proof at the time of trial.

2 322. As a proximate result of Defendants' wrongful conduct, and each of them,
3 Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her
4 damage in an amount according to proof at the time of trial.

5 323. In doing the acts herein alleged, Defendants, and each of them, acted with
6 oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs are
7 therefore entitled to punitive damages in an amount according to proof at the time of trial.

8 324. Plaintiffs have also incurred and continue to incur attorneys' fees and legal
9 expenses in an amount according to proof at the time of trial.

10 325. Plaintiffs requests that this Court grant a public injunction against Defendants to
11 refrain from retaliating against employees who rightfully request and/or take leave to bond with
12 their newborn children and/or request or take medical leaves.

13 **THIRTEENTH CAUSE OF ACTION**

14 **Associational Discrimination**

15 **(All Plaintiffs Against All Defendants and DOES 1-50)**

16 327. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
17 herein by reference.

18 328. The Fair Employment and Housing Act ("FEHA") codified in Government Code
19 §§ 12900, et seq. makes it unlawful for an employer to discriminate against an employee on the
20 basis of the employee's association with a person who is member of a protected class.

21 329. Defendants engaged in unlawful pattern and practice in violation of the FEHA by
22 taking adverse action against their employees because of their association with a person or
23 persons who were victims of Defendants' unlawful discriminatory practices.

24 330. As a proximate result of Defendants' wrongful conduct, and each of them,
25 Plaintiffs have suffered and continues to sustain substantial losses in earnings and other
26 employment benefits in an amount according to proof at the time of trial.

27 331. As a proximate result of Defendants' wrongful conduct, Plaintiffs have suffered
28 humiliation, emotional distress, including physical injuries and mental pain and anguish, all to

1 their damage in an amount according to proof at the time of trial.

2 332. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,
3 and in conscious disregard of Plaintiffs rights and Plaintiffs are therefore entitled to punitive
4 damages in an amount according to proof at the time of trial.

5 333. Plaintiffs have also incurred and continue to incur attorneys' fees and legal
6 expenses in an amount according to proof at the time of trial.

7 334. Plaintiffs request that this Court grant a public injunction against Defendants to
8 refrain from illegally engaging in adverse employment actions against their employees because
9 of their associated with protected individuals.

10 **FOURTEENTH CAUSE OF ACTION**

11 **FEHA Retaliation**

12 **(All Plaintiffs Against All Defendants and DOES 1-50)**

13 335. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
14 herein by reference.

15 336. Government Code section 12940(h) provides that it is unlawful for an employer to
16 retaliate against an employee for engaging in a protected activity, such as complaining about
17 and/or opposing illegal discrimination and harassment in the workplace, and/or requesting an
18 accommodation for a disability or taking medical leave.

19 337. Defendants had a pattern and practice of engaging in unlawful employment
20 practices in violation of the FEHA by taking adverse employment actions against Plaintiff and
21 other employees, such as failing to promote them, terminating them from their positions, and/or
22 subjecting them to unnecessary disciplinary actions because the employees engaged in a
23 protected activity.

24 338. As a proximate result of Defendants' wrongful conduct, and each of them,
25 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other
26 employment benefits in an amount according to proof at the time of trial.

27 339. As a proximate result of Defendants' wrongful conduct, and each of them,
28 Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her

1 damage in an amount according to proof at the time of trial.

2 340. In doing the acts herein alleged, Defendants, and each of them, acted with
3 oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs are
4 therefore entitled to punitive damages in an amount according to proof at the time of trial.

5 341. Plaintiffs have also incurred and continue to incur attorneys' fees and legal
6 expenses in an amount according to proof at the time of trial.

7 342. Plaintiffs request that this Court order Defendants to refrain from retaliating
8 against its employees on the basis of their disability, perceived disability, nationality, or race.

9 **FIFTEENTH CAUSE OF ACTION**

10 **Failure to Prevent Discrimination, Harassment, and Retaliation**

11 **(All Plaintiffs Against All Defendants and DOES 1-50)**

12 343. Plaintiff's hereby incorporates by reference all paragraphs above, as if fully set
13 herein by reference.

14 344. The FEHA codified in Government Code section 12900, et seq., makes it
15 unlawful for an employer to fail to prevent discrimination, harassment, and/or retaliation.

16 345. Defendants engaged in unlawful employment pattern and practice by failing to
17 take immediate and appropriate action against their employees for their continued discrimination,
18 harassment, and/or retaliation against Plaintiff and other employees despite Defendants'
19 longstanding awareness of the unlawful retaliation, discrimination, and/or harassment..

20 346. As a proximate result of Defendants' wrongful conduct, and each of them,
21 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other
22 employment benefits in an amount according to proof at the time of trial.

23 347. As a proximate result of Defendants' wrongful conduct, and each of them,
24 Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her
25 damage in an amount according to proof at the time of trial.

26 348. In doing the acts herein alleged, Defendants, and each of them, acted with
27 oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs are
28 therefore entitled to punitive damages in an amount according to proof at the time of trial.

SIXTEENTH CAUSE OF ACTION

Violation of Labor Code § 246.5 et seq.

(Against Defendants Relish Labs, LLC, and Does 1-50)

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4 349. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
5 herein by reference.

6 350. Labor Code section 246.5, et seq., makes it unlawful for an employer to retaliate
7 against an employee who uses sick leave, attempts to use accrued sick leave, or opposes a policy
8 or practice that violates California sick leave law.

9 351. Defendants had a pattern and practice of engaging in unlawful employment
10 practices in violation of the Labor Code by taking adverse employment actions against Plaintiffs
11 and other employees, such as failing to promote them, terminating them from their positions,
12 and/or subjecting them to unnecessary disciplinary actions because the employees engaged in a
13 protected activity of using sick leave, attempting to take sick leave, and/or for complaining about
14 Defendants' illicit practices regarding California sick leave law.

15 352. As a proximate result of Defendants' wrongful conduct, and each of them,
16 Plaintiffs have suffered and continues to sustain substantial losses in earnings and other
17 employment benefits in an amount according to proof at the time of trial.

18 353. As a proximate result of Defendants' wrongful conduct, Plaintiffs have suffered
19 humiliation, emotional distress, including physical injuries and mental pain and anguish, all to
20 their damage in an amount according to proof at the time of trial.

21 354. In doing the acts herein alleged, Defendants acted with oppression, fraud, malice,
22 and in conscious disregard of Plaintiffs rights and Plaintiffs are therefore entitled to punitive
23 damages in an amount according to proof at the time of trial.

24 355. Plaintiffs have also incurred and continue to incur attorneys' fees and legal
25 expenses in an amount according to proof at the time of trial.

26 356. Plaintiffs request that this Court grant a public injunction against Defendants to
27 refrain from illegally engaging in adverse employment actions against their employees because
28 the employees engaged in a protected activity related to using sick leave.

SEVENTEENTH CAUSE OF ACTION

Violation of Lab. Code § 6310

(All Plaintiffs Against All Defendants and DOES 1-50)

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4 357. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
5 herein by reference.

6 358. Labor Code §§ 6310, et seq., makes it unlawful for an employer to terminate or
7 in any manner discriminate against any employee for making a bona fide oral or written
8 complaint to his or her employer of unsafe working conditions and/or work practices in his
9 employment or place of employment.

10 359. Labor Code §§ 6310, et seq., further makes it unlawful for an employer to
11 terminate or in any manner discriminate against any employee who is perceived to have made a
12 bona fide oral or written complaint to his or her employer or to responsible governmental
13 agencies of unsafe working conditions and/or work practices in his or employment or place of
14 employment.

15 360. Defendants engaged in an unlawful pattern and practice by retaliating and/or
16 discriminating against Plaintiff and other employees for complaining internally and/or to a
17 government agency about Defendants' unlawful practice of maintaining unsafe working
18 conditions and/or practices, including, but not limited to, Defendants' unlawful practice of
19 placing their financial self-interest ahead of patients' health and safety.

20 361. As a proximate result of Defendants' wrongful conduct, and each of them,
21 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other
22 employment benefits in an amount according to proof at the time of trial.

23 362. As a proximate result of Defendants' wrongful conduct, and each of them,
24 Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her
25 damage in an amount according to proof at the time of trial.

26 363. In doing the acts herein alleged, Defendants, and each of them, acted with
27 oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs are
28 therefore entitled to punitive damages in an amount according to proof at the time of trial.

1 expenses in an amount according to proof at the time of trial.

2 **NINETEENTH CAUSE OF ACTION**

3 **Violation of Lab. Code § 6399.7**

4 **(All Plaintiffs Against All Defendants and DOES 1-50)**

5 373. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
6 herein by reference.

7 374. California Labor Code § 6399.7 states that “no person shall discharge or in any
8 manner discriminate against, any employee ... because of the exercise of any right afforded
9 pursuant to the provisions of this chapter on such employee's behalf or on behalf of others, nor
10 shall any pay, seniority, or other benefits be lost for exercise of any such right.”

11 375. Defendants engaged in an unlawful pattern and practice by retaliating and/or
12 discriminating against Plaintiffs and other employees for refusing to perform their work under
13 unsafe working conditions, as discussed in detail above.

14 376. Plaintiffs, on their own behalf and on behalf of other aggrieved employees,
15 exercised their right to a safe and healthful workplace environment by requesting safe working
16 conditions, requesting Defendants enforce a safe working environment, and refusing to work if
17 Defendants presented a danger to themselves or other employees.

18 377. As a proximate result of Defendants’ wrongful conduct, and each of them,
19 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other
20 employment benefits in an amount according to proof at the time of trial.

21 378. As a proximate result of Defendants’ wrongful conduct, and each of them,

22 379. Plaintiffs have suffered humiliation, emotional distress, and mental pain and
23 anguish, all to her damage in an amount according to proof at the time of trial.

24 380. In doing the acts herein alleged, Defendants, and each of them, acted with
25 oppression, fraud, malice, and in conscious disregard of Plaintiffs’ rights, and Plaintiffs are
26 therefore entitled to punitive damages in an amount according to proof at the time of trial.

27 381. Plaintiffs have also incurred and continue to incur attorneys’ fees and legal
28 expenses in an amount according to proof at the time of trial.

TWENTIETH CAUSE OF ACTION

Violation of Labor Code section 232.5

(All Plaintiffs Against All Defendants and DOES 1-50)

382. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set herein by reference.

383. California Labor Code section 232.5 prohibits employers from retaliating against employees who disclose information about their working conditions.

384. Defendants engaged in an unlawful pattern and practice by retaliating against Plaintiffs and other employees for complaining about Defendants' unlawful practice of maintaining unsafe working conditions and practices, including, but not limited to, ongoing sexual assaults and/or harassment, unsafe building temperatures, unsafe equipment and unsafe and unsanitary premises.

385. As a proximate result of Defendants' wrongful conduct, and each of them, Plaintiffs have suffered and continue to sustain substantial losses in earnings and other employment benefits in an amount according to proof at the time of trial.

386. As a proximate result of Defendants' wrongful conduct, and each of them, Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to their damage in an amount according to proof at the time of trial.

387. In doing the acts herein alleged, Defendants, and each of them, acted with oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights and Plaintiffs are therefore entitled to punitive damages in an amount according to proof at the time of trial.

388. Plaintiffs have also incurred and continue to incur attorneys' fees and legal expenses in an amount according to proof at the time of trial.

TWENTY-FIRST CAUSE OF ACTION

Violation of Labor Code section 98.6

(All Plaintiffs Against All Defendants and DOES 1-50)

389. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set herein by reference.

1 of the State of California for an employer to violate the FEHA and/or the Labor Code.

2 398. Defendants had a pattern and practice of taking adverse employment actions
3 against Plaintiff and other employees based on grounds that violate California public policy, such
4 as because the employees were members of a protected class or associated with members of a
5 protected class, such as being disabled or female, etc.; or because the employees engaged in a
6 protected activity by requesting disability accommodations, taking medical leave, complaining
7 about discrimination, harassment, or retaliation in the workplace, complaining about unsafe,
8 illegal, and unethical business practices by the employer.

9 399. As a proximate result of Defendants' wrongful conduct, and each of them,
10 Plaintiffs have suffered and continue to sustain substantial losses in earnings and other
11 employment benefits in an amount according to proof at the time of trial.

12 400. As a proximate result of Defendants' wrongful conduct, and each of them,
13 Plaintiffs have suffered humiliation, emotional distress, and mental pain and anguish, all to her
14 damage in an amount according to proof at the time of trial.

15 401. In doing the acts herein alleged, Defendants, and each of them, acted with
16 oppression, fraud, malice, and in conscious disregard of Plaintiffs' rights, and Plaintiffs are
17 therefore entitled to punitive damages in an amount according to proof at the time of trial.

18 **TWENTY-THIRD CAUSE OF ACTION**

19 **Failure to Pay Minimum or Contractual Wages for all Hours Worked**

20 **(All Plaintiffs Against All Defendants and DOES 1-50)**

21 402. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
22 herein by reference.

23 403. At all relevant times, Plaintiff was an employee of Defendants covered by the
24 Labor Code and applicable Wage Order(s).

25 404. Pursuant to the Labor Code and applicable Wage Order(s), Plaintiff were entitled
26 to receive minimum wages for all hours worked. Defendants failed to pay Plaintiff minimum
27 wages for total hours worked in violation of Labor Code and applicable Wage Order(s).

28 405. Plaintiff is informed and believes and thereon alleges that at all relevant times

1 within the limitations period applicable to this cause of action, Defendants' payroll policies and
2 procedures failed to compensate employees, including Plaintiff, for all hours worked.

3 406. Plaintiff is informed and believes and thereon alleges that at all relevant times
4 within the limitations period applicable to this cause of action Defendants' illegal compensation
5 of wages resulted in Defendants' failure to compensate each employee for all hours worked in
6 violation of Labor Code Sections 1194 and 1197.

7 407. As a result of Defendants' unlawful conduct, Plaintiff has suffered damages in an
8 amount, subject to proof, to the extent they were not paid minimum wages for all hours actually
9 worked. Pursuant to Labor Code Sections 1194 and 1194.2, Plaintiff is entitled to recover the full
10 amount of unpaid minimum wages, interest thereon, liquidated damages, reasonable attorneys'
11 fees and costs of suit.

12 **TWENTY-FOURTH CAUSE OF ACTION**

13 **Failure to Pay Overtime Wages**

14 **(All Plaintiff Against All Defendants and DOES 1-50)**

15 408. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
16 herein by reference.

17 409. At all relevant times, Plaintiff was an employee of Defendants covered by the
18 Labor Code and applicable Wage Order(s).

19 410. Pursuant to Labor Code sections 510, 1194 and applicable Wage Order(s)
20 Plaintiffs were entitled to receive overtime wages at a rate of 1.5 times their regular rate of pay
21 for any hours worked in excess of eight (8) hours in a day, and/or forty (40) hours in a week,
22 and/or the seventh working day in a week. Plaintiffs were also entitled to receive two (2) times
23 their regular rate of pay for any hours worked in excess of twelve (12) hours in a day.

24 411. Plaintiffs are informed and believe and thereon alleges that at all relevant times
25 within the limitations period applicable to this cause of action, Defendants' payroll policies and
26 procedures failed to compensate their employees, including Plaintiffs, for all overtime hours
27 worked and sometimes only compensated them for eight (8) hours day or forty (40) hours a week
28 or less regardless of their actual work hours.

1 412. Defendants' illegal payroll practices resulted in Defendants' failure to pay
2 Plaintiffs' overtime wages and to those employees that worked in excess of eight (8) hours a day
3 or forty (40) hours a week for the combined minutes in violation of Labor Code Sections 510,
4 1194 and applicable Wage Order(s).

5 413. As a result of Defendants' unlawful conduct, Plaintiffs suffered damages in an
6 amount, subject to proof, to the extent that he was not paid a proper overtime rate for the
7 overtime worked.

8 414. Pursuant to Labor Code Sections 1194 and 1194.2, Plaintiffs are entitled to
9 recover the full amount of unpaid overtime wages, interest thereon, liquidated damages,
10 reasonable attorneys' fees and costs of suit.

11 **TWENTY- FIFTH CAUSE OF ACTION**

12 **Failure to Pay Meal Breaks**

13 **(All Plaintiffs Against All Defendants and DOES 1-50)**

14 415. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
15 herein by reference.

16 416. At all relevant times, Plaintiffs were Defendants' employee covered by the Labor
17 Code and applicable Wage Order(s).

18 417. Plaintiffs are informed and believes and thereon alleges that at all relevant times
19 within the limitations period applicable to this cause of action, Defendants regularly denied
20 and/or interrupted Plaintiffs' and other employees' meal/lunch breaks and rest periods.

21 418. At all times herein mentioned, Defendants failed to pay their employees,
22 including Plaintiffs, for such meal and rest breaks that they did not receive.

23 419. Pursuant to California Labor Code Sections 218, 218.5 and 1194, as well as the
24 applicable Wage Order(s), Plaintiffs are entitled to recover unpaid compensation, plus interest,
25 plus applicable penalties, reasonable attorneys' fees and costs.

26 ///

27 ///

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TWENTY-SIXTH CAUSE OF ACTION

Failure to Provide Accurate Wage Statements

(All Plaintiffs Against All Defendants and DOES 1-50)

1
2
3
4 420. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
5 herein by reference.

6 421. At all relevant times, Plaintiff was Defendants' employee covered by the Labor
7 Code and applicable Wage Order(s).

8 422. Pursuant to Labor Code Section 226(a), and the applicable Wage Order(s),
9 Plaintiff was entitled to receive, semi-monthly or at the time of each payment of wages, an
10 accurate itemized statement showing: a) gross wages earned; b) the total hours worked by the
11 employee; c) net wages earned; and d) all applicable hourly rates in effect during the pay period
12 and the corresponding number of hours worked at each hourly rate by the employee.

13 423. Defendants failed to provide Plaintiff accurate wage statements in accordance
14 with Labor Code Section 226(a). Plaintiff is informed and believes and thereon alleges that at all
15 relevant times within the limitations period applicable to this cause of action, Defendants'
16 payroll policies and procedures of not compensating their employees for all hours worked.
17 Instead, Defendants maintained a policy or practice of not paying Plaintiff wages for all hours
18 worked, but only paying wages for the understated number of hours inaccurately reported as
19 worked on wage statements on those occasions when wage statements were even provided.

20 424. Defendants' failure to provide Plaintiff with accurate wage statements was
21 knowing and intentional. Defendants had the ability to provide Plaintiff with accurate wage
22 statements, but intentionally provided wage statements that Defendants knew were not accurate
23 and/or failed to provide any wage statements at all.

24 425. As a result of Defendants' conduct, Plaintiff suffered injury. The absence of
25 accurate information on their wage statements has prevented earlier challenges to Defendants'
26 unlawful pay practices, required discovery and mathematical computations to determine the
27 amount of wages owed, caused difficulty and expense in attempting to reconstruct time and pay
28 records, and/or led to the submission of inaccurate information about wages and amounts

1 deducted from wages to state and federal government agencies.

2 426. Pursuant to Labor Code Section 226(e), Plaintiff is entitled to recover fifty (50)
3 dollars for the initial pay period within the applicable limitations period in which a violation of
4 Labor Code Section 226 occurred and one hundred (100) dollars for each violation of Labor
5 Code Section 226 in a subsequent pay period, not to exceed an aggregate penalty of four
6 thousand dollars (\$4,000) per employee.

7 427. Pursuant to Labor Code Sections 218 and 226(e), Plaintiff is entitled to recover
8 the full amount of penalties due under Labor Code Section 226(e), reasonable attorneys' fees and
9 costs of suit.

10 **TWENTY- SEVENTH CAUSE OF ACTION**

11 **Failure to Pay Wages at the Time of Separation**

12 **(All Plaintiffs Against All Defendants and DOES 1-50)**

13 428. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
14 herein.

15 429. At all relevant times, Plaintiffs were Defendants' employee covered by Labor
16 Code Section 201 or 202. Pursuant to Labor Code Sections 201 or 202, Plaintiff was entitled
17 upon separation, to timely payment of all wages earned and unpaid prior to separation.

18 430. Defendants failed to pay Plaintiffs and other employees all wages earned and
19 unpaid prior to termination in accordance with Labor Code Section 201 or 202.

20 431. Defendants regularly forced Plaintiffs and other employees to work more than
21 eight hours in a day and not compensated them for overtime hours worked. Defendants also
22 prevented Plaintiffs and other employees from taking their meal periods and rest breaks
23 permitted by law. Defendants have failed to pay Plaintiffs and other employees these wages
24 since their termination.

25 432. Pursuant to Labor Code Section 201 or 202, Plaintiffs are entitled to all wages
26 earned prior to termination that Defendants did not pay them.

27 433. Pursuant to Labor Code Section 203, Plaintiffs are entitled to continuation of his
28 wages, from the day their earned and unpaid wages were due upon termination until paid, up to a

1 maximum of thirty (30) days.

2 434. As a result of Defendants' conduct, Plaintiffs have suffered damages in an
3 amount, subject to proof, to the extent she was not paid for all wages earned prior to termination.

4 435. As a result of Defendants' conduct, Plaintiffs have suffered damages in an
5 amount, subject to proof, to the extent she was not paid all continuation wages owed under Labor
6 Code Section 203.

7 436. Pursuant to Labor Code Sections 218, 218.5 and 218.6, Plaintiffs are entitled to
8 recover the full amount of unpaid wages, continuation wages under Section 203, interest thereon,
9 reasonable attorneys' fees, and costs of suit.

10 **TWENTY-EIGHTH CAUSE OF ACTION**

11 **Violation of Labor Code § 1197.5 - Unequal Pay Based on Race**

12 **(Against Defendants Relish Labs, LLC, and Does 1-50)**

13 437. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
14 herein by reference.

15 438. Labor Code § 1197.5(a) states that no employer shall pay any individual in the
16 employer's employ at wage rates less than the rates paid to employees of another race or
17 ethnicity in the same establishment for equal work on jobs the performance of which requires
18 equal skill, effort, and responsibility, and which are performed under similar working conditions,
19 except where the payment is made pursuant to a seniority system, a merit system, a system which
20 measures earnings by quantity or quality of production, or a differential based on any bona fide
21 factor other than race or ethnicity.

22 439. Defendants violated Labor Code section 1197.5 by paying Plaintiffs and other
23 similarly situated Latino and African-American employees less than members of other racial
24 groups.

25 440. As a result of Defendants' actions, Plaintiffs are entitled to wages, interest,
26 liquidated damages, costs, and attorney's fees pursuant to Labor Code § 1197.5(g).

27 ///

28 ///

TWENTY-NINTH CAUSE OF ACTION

Violation of Business & Professions § 17200 et seq.

(All Plaintiffs Against All Defendants and DOES 1-50)

441. Plaintiff hereby incorporates by reference all paragraphs above, as if fully set herein by reference.

442. Defendants' unlawful conduct alleged herein constitutes unfair competition within the meaning of Business and Professions Code Section 17200. Due to their unfair and unlawful business practices in violation of the FEHA and Labor Code, Defendants have gained a competitive advantage over other comparable companies doing business in the State of California that comply with their obligations under the law.

443. As a result of Defendants' unfair competition as alleged herein, Plaintiff suffered injury in fact and lost money or property. Plaintiff was not paid overtime wages or for missed meal periods and rest breaks, and Defendants terminated Plaintiff for her race, for requesting and/or taking sick leave, and/or for complaining about not being paid properly.

444. Pursuant to Business and Professions Code Section 17203, Plaintiff is entitled to restitution of all wages and other monies rightfully belonging to him that Defendants failed to pay her and wrongfully retained by means of unlawful and unfair business practices.

THIRTIETH CAUSE OF ACTION

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(All Plaintiffs Against All Defendants and DOES 1-50)

445. Plaintiffs hereby incorporates by reference all paragraphs above, as if fully set herein by reference.

446. Defendants' conduct as described above was extreme and outrageous and was done with the intent of causing Plaintiff to suffer emotional distress or with reckless disregard as to whether their conduct would cause him to suffer such distress.

447. By the aforesaid acts and omissions of defendants, and each of them, Plaintiff has been directly and legally caused to suffer actual damages including, but not limited to, loss of earnings and future earning capacity, attorneys' fees, costs of suit and other pecuniary loss not

1 presently ascertained.

2 448. As a further direct and legal result of the acts and conduct of defendants, and each
3 of them, as aforesaid, Plaintiff has been caused to and did suffer and continues to suffer severe
4 emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, pain,
5 discomfort, anxiety, physical pain and suffering. The exact nature and extent of said injuries is
6 presently unknown to Plaintiff. Plaintiff does not know at this time the exact duration or
7 permanence of said injuries but is informed and believes and thereon alleges that some if not all
8 of the injuries are reasonably certain to be permanent in character.

9 449. Plaintiff is informed and believes, and thereon alleges, that the defendants, and
10 each of them, by engaging in the aforementioned acts and/or in authorizing and/or ratifying such
11 acts, engaged in willful, malicious, intentional, oppressive and despicable conduct, and acted
12 with willful and conscious disregard of the rights, welfare and safety of Plaintiff, thereby
13 justifying the award of punitive and exemplary damages in an amount to be determined at trial.

14 **THIRTY-FIRST CAUSE OF ACTION**

15 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

16 **(All Plaintiffs Against All Defendants and DOES 1-50)**

17 450. Plaintiffs hereby incorporate by reference all paragraphs above, as if fully set
18 herein by reference.

19 451. In the alternative, Defendants' conduct, as alleged above, was done in a careless
20 or negligent manner, without consideration for the effect of such conduct upon Plaintiff's
21 emotional well-being.

22 452. By the aforesaid acts and omissions of Defendants, and each of them, Plaintiffs
23 have been directly and legally caused to suffer actual damages including, but not limited to, loss
24 of earnings and future earning capacity, attorneys' fees, costs of suit and other pecuniary loss not
25 presently ascertained.

26 453. As a further direct and legal result of the acts and conduct of Defendants, and
27 each of them, as aforesaid, Plaintiffs have been caused to and did suffer and continues to suffer
28 severe emotional and mental distress, anguish, humiliation, embarrassment, fright, shock, pain,

1 discomfort, anxiety, physical pain and suffering. The exact nature and extent of said injuries is
2 presently unknown to Plaintiffs. Plaintiffs do not know at this time the exact duration or
3 permanence of said injuries but is informed and believes and thereon alleges that some if not all
4 of the injuries are reasonably certain to be permanent in character.

5
6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiffs pray judgment as follows:

- 8 1. The entry of judgment in favor of the Plaintiffs on each and every cause of
9 action;
 - 10 2. General Damages in an amount of at least \$100,000,000.00;
 - 11 3. Special Damages, including but not limited to lost wages, in an amount
12 according to proof;
 - 13 4. Punitive Damages in an amount of at least four times the amount of the General
14 and Special damages in this action, and according to proof;
 - 15 5. Damages for unpaid minimum wages;
 - 16 6. Liquidated damages;
 - 17 7. Injunctive relief preventing Defendants from engaging in unlawful
18 discrimination, from failing to accommodate disabled employees, and from
19 failing to engage in the interactive process with disabled employees;
 - 20 8. Statutory penalties under Labor Code Sections 1102.5, 226(e) and others;
 - 21 9. Damages for unpaid wages earned;
 - 22 10. Restitution of all unpaid wages and other monies owed and belonging to Plaintiff
23 that Defendants unlawfully withheld and retained for themselves;
 - 24 11. Reasonable attorneys' fees;
 - 25 12. Costs of suit;
 - 26 13. Interest;
 - 27 14. Such other relief as the Court deems just and proper.
- 28

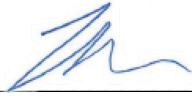
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DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury on all issues that are so triable.

Dated: October 28, 2024

Respectfully Submitted,
MILON PLUAS LLP

By: 

ANGEL PLUAS
JOSHUA MILON
CHRISTOPHER J. DeCLUE
JOSE VALDEZ
Attorney for Plaintiffs

EXHIBIT A



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26846528
Right to Sue: Hernandez / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

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

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

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

Sincerely,

Civil Rights Department



Civil Rights Department

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1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

RE: Notice of Filing of Discrimination Complaint
CRD Matter Number: 202410-26846528
Right to Sue: Hernandez / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department

**Civil Rights Department**

KEVIN KISH, DIRECTOR

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1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Gary Hernandez
c/o Milon Plusas LLP, 20 N Raymond Ave., Suite 350
Pasadena, CA 91103

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202410-26846528
Right to Sue: Hernandez / Clover Flat Land Fill Inc. et al.

Dear Gary Hernandez:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlinerequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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

Sincerely,

Civil Rights Department

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

In the Matter of the Complaint of

Gary Hernandez

CRD No. 202410-26846528

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections Management Services, Inc.

1 1285 Whitehall Lane
Saint Helena, CA 94574

2
3 Pestoni Enterprises LLC.
1285 Whitehall Lane
4 Saint Helena, CA 94574

5 UVA Vineyard Management LLC.
1285 Whitehall Lane
6 Saint Helena, CA 94574

7 Christine Pestoni
1285 Whitehall Lane
8 Saint Helena, CA 94574

9 Respondents

10
11 **1. Respondent Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 **2. Complainant is naming Upper Valley Recycling, Inc.** business as Co-Respondent(s).
14 Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
15 Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
16 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
17 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
18 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
19 Complainant is naming **Waste Connections of California, Inc.** business as Co-
Respondent(s).
20 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
Respondent(s).
21 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
22 Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
23 Complainant is naming **Christine Pestoni** individual as Co-Respondent(s).

24 **3. Complainant Gary Hernandez,** resides in the City of **Pasadena,** State of **CA.**

25 **4. Complainant alleges that on or about June 1, 2023,** respondent took the following
26 adverse actions:

27 **Complainant was harassed** because of complainant's ancestry, national origin (includes
28 language restrictions), color, genetic information or characteristic, medical condition (cancer
or genetic characteristic), age (40 and over), marital status, other, association with a
member of a protected class, bereavement leave, disability (physical,

1 intellectual/developmental, mental health/psychiatric), family care and medical leave (cfra)
2 related to serious health condition of employee or family member, child bonding, or military
exigencies, race (includes hairstyle and hair texture).

3 **Complainant was discriminated against** because of complainant's ancestry, national
4 origin (includes language restrictions), color, genetic information or characteristic, medical
5 condition (cancer or genetic characteristic), age (40 and over), marital status, other,
6 association with a member of a protected class, bereavement leave, disability (physical,
7 intellectual/developmental, mental health/psychiatric), family care and medical leave (cfra)
8 related to serious health condition of employee or family member, child bonding, or military
9 exigencies, race (includes hairstyle and hair texture) and as a result of the discrimination
10 was terminated, laid off, forced to quit, denied hire or promotion, reprimanded, suspended,
demoted, asked impermissible non-job-related questions, denied any employment benefit or
privilege, other, denied work opportunities or assignments, denied or forced to transfer,
denied accommodation for a disability, denied bereavement leave, denied employer paid
health care while on family care and medical leave (cfra), denied family care and medical
leave (cfra) related to serious health condition of employee or family member, child bonding,
or military exigencies.

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

18 **Additional Complaint Details:** Claimant was discriminated, harassed and retaliated against
19 based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
20 national origins, age, engagement in protected activities, medical leave, and wrongful
termination.

1 VERIFICATION

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

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26848028
Right to Sue: Carrillo, Sr. / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

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

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

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

Sincerely,

Civil Rights Department

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26848028

Right to Sue: Carrillo, Sr. / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department

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October 28, 2024

Juan Manuel Carrillo, Sr.
c/o Milon Plusas LLP, 20 N Raymond Ave., Suite 350
Pasadena, CA 91103

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202410-26848028
Right to Sue: Carrillo, Sr. / Clover Flat Land Fill Inc. et al.

Dear Juan Manuel Carrillo, Sr.:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



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

Sincerely,

Civil Rights Department

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

In the Matter of the Complaint of

Juan Manuel Carrillo, Sr.

CRD No. 202410-26848028

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Christina Pestoni
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections Management Services, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

UVA Vineyard Management LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation

Date Filed: October 28, 2024

1 1285 Whitehall Lane
Saint Helena, CA 94574

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3 Whitehall Corporation
1285 Whitehall Lane
4 Saint Helena, CA 94574

5 Waste Connections US, Inc.
1285 Whitehall Lane
6 Saint Helena, CA 94574

7 Pestoni Enterprises LLC.
1285 Whitehall Lane
8 Saint Helena, CA 94574

9 Respondents

10
11 **1. Respondent Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 **2.** Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).
14 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
15 Respondent(s).
16 Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
17 Complainant is naming **Waste Connections of California, Inc.** business as Co-
18 Respondent(s).
19 Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
20 Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
21 Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
22 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
23 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
24 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
25 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).

26 **3.** Complainant **Juan Manuel Carrillo, Sr.**, resides in the City of **Pasadena**, State of **CA**.

27 **4.** Complainant alleges that on or about **April 18, 2023**, respondent took the
28 following adverse actions:

Complainant was harassed because of complainant's ancestry, national origin (includes language restrictions), color, religious creed - includes dress and grooming practices, genetic information or characteristic, medical condition (cancer or genetic characteristic), age (40 and over), marital status, other, association with a member of a protected class,

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was terminated, laid off, forced to quit,
13 denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-
14 related questions, denied any employment benefit or privilege, denied accommodation for
15 religious beliefs, other, denied work opportunities or assignments, denied or forced to
16 transfer, denied accommodation for a disability, denied bereavement leave, denied
17 employer paid health care while on family care and medical leave (cfra), denied family care
18 and medical leave (cfra) related to serious health condition of employee or family member,
19 child bonding, or military exigencies.

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

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave, and wrongful
termination.

1 VERIFICATION

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

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA



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October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26848528
Right to Sue: Bautista / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

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

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

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

Sincerely,

Civil Rights Department

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint
CRD Matter Number: 202410-26848528
Right to Sue: Bautista / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department

**Civil Rights Department**

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October 28, 2024

Francisco Bautista
c/o Milon Plusas LLP, 20 N Raymond Ave., Suite 350
Pasadena, CA 91103

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202410-26848528
Right to Sue: Bautista / Clover Flat Land Fill Inc. et al.

Dear Francisco Bautista:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlinerequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



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

Sincerely,

Civil Rights Department

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

In the Matter of the Complaint of

Francisco Bautista

CRD No. 202410-26848528

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Pestoni Enterprises LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections Management Services, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation

1 1285 Whitehall Lane
Saint Helena, CA 94574

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3 Waste Connections of California, Inc.
1285 Whitehall Lane
4 Saint Helena, CA 94574

5 UVA Vineyard Management LLC.
1285 Whitehall Lane
6 Saint Helena, CA 94574

7 Christina Pestoni
1285 Whitehall Lane
8 Saint Helena, CA 94574

9 Respondents

10
11 **1. Respondent Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 **2.** Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
14 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
15 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
Respondent(s).
16 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
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20 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
21 Complainant is naming **Waste Connections of California, Inc.** business as Co-
Respondent(s).
22 Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
23 Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).

24 **3.** Complainant **Francisco Bautista**, resides in the City of **Pasadena**, State of **CA**.

25 **4.** Complainant alleges that on or about **October 28, 2024**, respondent took the
26 following adverse actions:

27 **Complainant was harassed** because of complainant's ancestry, national origin (includes
28 language restrictions), color, religious creed - includes dress and grooming practices,
genetic information or characteristic, medical condition (cancer or genetic characteristic),
age (40 and over), marital status, other, association with a member of a protected class,

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was laid off, forced to quit, denied hire
13 or promotion, reprimanded, suspended, demoted, asked impermissible non-job-related
14 questions, denied any employment benefit or privilege, denied accommodation for religious
15 beliefs, other, denied work opportunities or assignments, denied or forced to transfer, denied
16 accommodation for a disability, denied bereavement leave, denied employer paid health
17 care while on family care and medical leave (cfra), denied family care and medical leave
18 (cfra) related to serious health condition of employee or family member, child bonding, or
19 military exigencies.

20 **Complainant experienced retaliation** because complainant reported or resisted any form
21 of discrimination or harassment, requested or used a disability-related accommodation,
22 requested or used a religious accommodation, participated as a witness in a discrimination
23 or harassment complaint, requested or used bereavement leave, requested or used family
24 care and medical leave (cfra) related to serious health condition of employee or family
25 member, child bonding, or military exigencies and as a result was laid off, forced to quit,
26 denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-
27 related questions, denied any employment benefit or privilege, denied accommodation for
28 religious beliefs, other, denied work opportunities or assignments, denied or forced to
transfer, denied accommodation for a disability, denied bereavement leave, denied
employer paid health care while on family care and medical leave (cfra), denied family care
and medical leave (cfra) related to serious health condition of employee or family member,
child bonding, or military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave.

1 VERIFICATION

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

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26848728
Right to Sue: Morales / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

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

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

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

Sincerely,

Civil Rights Department

**Civil Rights Department**

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint
CRD Matter Number: 202410-26848728
Right to Sue: Morales / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department

**Civil Rights Department**

KEVIN KISH, DIRECTOR

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October 28, 2024

Lusiano Morales
c/o Milon Plusas LLP, 20 N Raymond Ave., Suite 350
Pasadena, CA 91103

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202410-26848728
Right to Sue: Morales / Clover Flat Land Fill Inc. et al.

Dear Lusiano Morales:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlinerequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

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

Sincerely,

Civil Rights Department

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

In the Matter of the Complaint of

Lusiano Morales

CRD No. 202410-26848728

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections Management Services, Inc.

1 1285 Whitehall Lane
Saint Helena, CA 94574

2
3 Pestoni Enterprises LLC.
1285 Whitehall Lane
4 Saint Helena, CA 94574

5 UVA Vineyard Management LLC.
1285 Whitehall Lane
6 Saint Helena, CA 94574

7 Christina Pestoni
1285 Whitehall Lane
8 Saint Helena, CA 94574

9 Respondents

10
11 **1. Respondent Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 **2.** Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
14 Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
15 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
16 Complainant is naming **Waste Connections of California, Inc.** business as Co-
Respondent(s).
17 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
Respondent(s).
18 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
19 Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).

20 **3.** Complainant **Lusiano Morales**, resides in the City of **Pasadena**, State of **CA**.
21

22 **4.** Complainant alleges that on or about **March 8, 2024**, respondent took the
following adverse actions:

23 **Complainant was harassed** because of complainant's ancestry, national origin (includes
24 language restrictions), color, religious creed - includes dress and grooming practices,
genetic information or characteristic, medical condition (cancer or genetic characteristic),
25 age (40 and over), marital status, other, association with a member of a protected class,

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was terminated, laid off, forced to quit,
13 denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-
14 related questions, denied any employment benefit or privilege, denied accommodation for
15 religious beliefs, other, denied work opportunities or assignments, denied or forced to
16 transfer, denied accommodation for a disability, denied bereavement leave, denied
17 employer paid health care while on family care and medical leave (cfra), denied family care
18 and medical leave (cfra) related to serious health condition of employee or family member,
19 child bonding, or military exigencies.

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

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave, and wrongful
termination.

1 VERIFICATION

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

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26849128
Right to Sue: Hernandez / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

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

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

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

Sincerely,

Civil Rights Department

**Civil Rights Department**

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

RE: Notice of Filing of Discrimination Complaint
CRD Matter Number: 202410-26849128
Right to Sue: Hernandez / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department

**Civil Rights Department**

KEVIN KISH, DIRECTOR

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October 28, 2024

Ricky Hernandez
c/o Milon Plusas LLP, 20 N Raymond Ave., Suite 350
Pasadena, CA 91103

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202410-26849128
Right to Sue: Hernandez / Clover Flat Land Fill Inc. et al.

Dear Ricky Hernandez:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlinerequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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

Sincerely,

Civil Rights Department

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

In the Matter of the Complaint of

Ricky Hernandez

CRD No. 202410-26849128

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Christina Pestoni
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

UVA Vineyard Management LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation

Date Filed: October 28, 2024

1 1285 Whitehall Lane
Saint Helena, CA 94574

2
3 Waste Connections US, Inc.
1285 Whitehall Lane
4 Saint Helena, CA 94574

5 Waste Connections Management Services, Inc.
1285 Whitehall Lane
6 Saint Helena, CA 94574

7 Pestoni Enterprises LLC.
1285 Whitehall Lane
8 Saint Helena, CA 94574

9 Respondents

10
11 1. Respondent **Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 2. Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
14 Complainant is naming **Waste Connections of California, Inc.** business as Co-
15 Respondent(s).
16 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
17 Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).
18 Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
19 Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
20 Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
21 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
22 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
23 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
24 Respondent(s).
25 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).

26 3. Complainant **Ricky Hernandez**, resides in the City of **Pasadena**, State of **CA**.

27 4. Complainant alleges that on or about **November 1, 2023**, respondent took the
28 following adverse actions:

Complainant was harassed because of complainant's ancestry, national origin (includes language restrictions), color, religious creed - includes dress and grooming practices, genetic information or characteristic, medical condition (cancer or genetic characteristic), age (40 and over), marital status, other, association with a member of a protected class,

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), race (includes hairstyle and hair texture) and as a result of the
11 discrimination was terminated, laid off, forced to quit, denied hire or promotion, reprimanded,
12 suspended, demoted, asked impermissible non-job-related questions, denied any
13 employment benefit or privilege, denied accommodation for religious beliefs, other, denied
14 work opportunities or assignments, denied or forced to transfer, denied accommodation for
15 a disability, denied bereavement leave, denied employer paid health care while on family
16 care and medical leave (cfra), denied family care and medical leave (cfra) related to serious
17 health condition of employee or family member, child bonding, or military exigencies.

18 **Complainant experienced retaliation** because complainant reported or resisted any form
19 of discrimination or harassment, requested or used a disability-related accommodation,
20 requested or used a religious accommodation, participated as a witness in a discrimination
21 or harassment complaint, requested or used bereavement leave, requested or used family
22 care and medical leave (cfra) related to serious health condition of employee or family
23 member, child bonding, or military exigencies and as a result was terminated, laid off, forced
24 to quit, denied hire or promotion, reprimanded, suspended, demoted, asked impermissible
25 non-job-related questions, denied any employment benefit or privilege, denied
26 accommodation for religious beliefs, other, denied work opportunities or assignments,
27 denied or forced to transfer, denied accommodation for a disability, denied bereavement
28 leave, denied employer paid health care while on family care and medical leave (cfra),
denied family care and medical leave (cfra) related to serious health condition of employee
or family member, child bonding, or military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave, and wrongful
termination.

1 VERIFICATION

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

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA



Civil Rights Department

KEVIN KISH, DIRECTOR

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1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: Notice to Complainant's Attorney
CRD Matter Number: 202410-26846928
Right to Sue: Mendez Avendano / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

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

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

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

Sincerely,

Civil Rights Department

**Civil Rights Department**

KEVIN KISH, DIRECTOR

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26846928

Right to Sue: Mendez Avendano / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department

**Civil Rights Department**

KEVIN KISH, DIRECTOR

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October 28, 2024

Joise Mendez Avendano
c/o Milon Plusas LLP, 20 N Raymond Ave., Suite 350
Pasadena, CA 91103

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202410-26846928
Right to Sue: Mendez Avendano / Clover Flat Land Fill Inc. et al.

Dear Joise Mendez Avendano:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlinerequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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

Sincerely,

Civil Rights Department

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

In the Matter of the Complaint of

Joise Mendez Avendano

CRD No. 202410-26846928

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections Management Services, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.

1 1285 Whitehall Lane
Saint Helena, CA 94574

2
3 Pestoni Enterprises LLC.
1285 Whitehall Lane
4 Saint Helena, CA 94574

5 UVA Vineyard Management LLC.
1285 Whitehall Lane
6 Saint Helena, CA 94574

7 Christina Pestoni
1285 Whitehall Lane
8 Saint Helena, CA 94574

9 Respondents

10
11 **1. Respondent Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 **2. Complainant is naming Upper Valley Recycling, Inc.** business as Co-Respondent(s).
14 Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
15 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
16 Respondent(s).
17 Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
18 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
19 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
20 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
21 Complainant is naming **Waste Connections of California, Inc.** business as Co-
22 Respondent(s).
23 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
24 Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
25 Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).

26 **3. Complainant Joise Mendez Avendano**, resides in the City of **Pasadena**, State of **CA**.

27 **4. Complainant alleges that on or about October 28, 2024**, respondent took the
28 following adverse actions:

Complainant was harassed because of complainant's ancestry, national origin (includes language restrictions), color, genetic information or characteristic, medical condition (cancer or genetic characteristic), age (40 and over), marital status, other, association with a member of a protected class, bereavement leave, disability (physical,

1 intellectual/developmental, mental health/psychiatric), family care and medical leave (cfra)
2 related to serious health condition of employee or family member, child bonding, or military
exigencies, race (includes hairstyle and hair texture).

3 **Complainant was discriminated against** because of complainant's ancestry, national
4 origin (includes language restrictions), color, genetic information or characteristic, medical
5 condition (cancer or genetic characteristic), age (40 and over), marital status, other,
6 association with a member of a protected class, bereavement leave, disability (physical,
7 intellectual/developmental, mental health/psychiatric), family care and medical leave (cfra)
8 related to serious health condition of employee or family member, child bonding, or military
9 exigencies, race (includes hairstyle and hair texture) and as a result of the discrimination
10 was laid off, forced to quit, denied hire or promotion, reprimanded, suspended, demoted,
asked impermissible non-job-related questions, denied any employment benefit or privilege,
denied accommodation for religious beliefs, other, denied work opportunities or
assignments, denied or forced to transfer, denied accommodation for a disability, denied
bereavement leave, denied employer paid health care while on family care and medical
leave (cfra), denied family care and medical leave (cfra) related to serious health condition
of employee or family member, child bonding, or military exigencies.

11 **Complainant experienced retaliation** because complainant reported or resisted any form
12 of discrimination or harassment, requested or used a disability-related accommodation,
13 requested or used a religious accommodation, participated as a witness in a discrimination
14 or harassment complaint, requested or used bereavement leave, requested or used family
15 care and medical leave (cfra) related to serious health condition of employee or family
16 member, child bonding, or military exigencies and as a result was laid off, forced to quit,
17 denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-
18 related questions, denied any employment benefit or privilege, denied accommodation for
19 religious beliefs, other, denied work opportunities or assignments, denied or forced to
20 transfer, denied accommodation for a disability, denied bereavement leave, denied
21 employer paid health care while on family care and medical leave (cfra), denied family care
22 and medical leave (cfra) related to serious health condition of employee or family member,
23 child bonding, or military exigencies.

24
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26 **Additional Complaint Details:** Claimant was discriminated, harassed and retaliated against
27 based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
28 national origins, age, engagement in protected activities, medical leave, and wrongful
termination.

1 VERIFICATION

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

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA



Civil Rights Department

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26852029
Right to Sue: Guzman / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

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

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

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

Sincerely,

Civil Rights Department

**Civil Rights Department**

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

RE: Notice of Filing of Discrimination Complaint
CRD Matter Number: 202410-26852029
Right to Sue: Guzman / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department

**Civil Rights Department**

KEVIN KISH, DIRECTOR

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October 28, 2024

Romualdo Guzman
c/o Milon Plusas LLP, 20 N Raymond Ave., Suite 350
Pasadena, CA 91103

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202410-26852029
Right to Sue: Guzman / Clover Flat Land Fill Inc. et al.

Dear Romualdo Guzman:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlinerequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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

Sincerely,

Civil Rights Department

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

In the Matter of the Complaint of

Romualdo Guzman

CRD No. 202410-26852029

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Christina Pestoni
1285 Whitehall Lane
Saint Helena, CA 94574

UVA Vineyard Management LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.

1 1285 Whitehall Lane
Saint Helena, CA 94574

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3 Waste Connections of California, Inc.
1285 Whitehall Lane
4 Saint Helena, CA 94574

5 Waste Connections Management Services, Inc.
1285 Whitehall Lane
6 Saint Helena, CA 94574

7 Pestoni Enterprises LLC.
1285 Whitehall Lane
8 Saint Helena, CA 94574

9 Respondents

10
11 **1. Respondent Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 **2.** Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).
14 Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
15 Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
16 Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
17 Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
18 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
19 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
20 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
21 Complainant is naming **Waste Connections of California, Inc.** business as Co-
22 Respondent(s).
23 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
24 Respondent(s).
25 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).

26 **3. Complainant Romualdo Guzman,** resides in the City of **Pasadena,** State of **CA.**

27 **4. Complainant alleges that on or about May 1, 2024,** respondent took the following
28 adverse actions:

Complainant was harassed because of complainant's ancestry, national origin (includes language restrictions), color, religious creed - includes dress and grooming practices, genetic information or characteristic, medical condition (cancer or genetic characteristic), age (40 and over), marital status, other, association with a member of a protected class,

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was terminated, laid off, forced to quit,
13 denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-
14 related questions, denied any employment benefit or privilege, denied accommodation for
15 religious beliefs, other, denied work opportunities or assignments, denied or forced to
16 transfer, denied accommodation for a disability, denied bereavement leave, denied
17 employer paid health care while on family care and medical leave (cfra), denied family care
18 and medical leave (cfra) related to serious health condition of employee or family member,
19 child bonding, or military exigencies.

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

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave, and wrongful
termination.

1 VERIFICATION

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

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA



Civil Rights Department

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calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26849728
Right to Sue: Lopez Guzman / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

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

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

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

Sincerely,

Civil Rights Department

**Civil Rights Department**

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26849728

Right to Sue: Lopez Guzman / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department

**Civil Rights Department**

KEVIN KISH, DIRECTOR

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calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Jose Lopez Guzman
c/o Milon Plusas LLP, 20 N Raymond Ave., Suite 350
Pasadena, CA 91103

RE: Notice of Case Closure and Right to Sue

CRD Matter Number: 202410-26849728

Right to Sue: Lopez Guzman / Clover Flat Land Fill Inc. et al.

Dear Jose Lopez Guzman:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlinerequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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

Sincerely,

Civil Rights Department

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

In the Matter of the Complaint of

Jose Lopez Guzman

CRD No. 202410-26849728

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

UVA Vineyard Management LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections Management Services, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.

Date Filed: October 28, 2024

1 1285 Whitehall Lane
Saint Helena, CA 94574

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3 Waste Connections of California, Inc.
1285 Whitehall Lane
4 Saint Helena, CA 94574

5 Pestoni Enterprises LLC.
1285 Whitehall Lane
6 Saint Helena, CA 94574

7 Christina Pestoni
1285 Whitehall Lane
8 Saint Helena, CA 94574

9 Respondents

10
11 **1. Respondent Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 **2.** Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
14 Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
15 Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
16 Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
17 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
18 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
19 Respondent(s).
20 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
21 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
22 Complainant is naming **Waste Connections of California, Inc.** business as Co-
23 Respondent(s).
24 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
25 Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).

26 **3. Complainant Jose Lopez Guzman,** resides in the City of **Pasadena,** State of **CA.**

27 **4. Complainant alleges that on or about October 28, 2024,** respondent took the
28 following adverse actions:

Complainant was harassed because of complainant's ancestry, national origin (includes language restrictions), color, religious creed - includes dress and grooming practices, genetic information or characteristic, medical condition (cancer or genetic characteristic), age (40 and over), marital status, other, association with a member of a protected class,

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was laid off, forced to quit, denied hire
13 or promotion, reprimanded, suspended, demoted, asked impermissible non-job-related
14 questions, denied any employment benefit or privilege, denied accommodation for religious
15 beliefs, other, denied work opportunities or assignments, denied or forced to transfer, denied
16 accommodation for a disability, denied bereavement leave, denied employer paid health
17 care while on family care and medical leave (cfra), denied family care and medical leave
18 (cfra) related to serious health condition of employee or family member, child bonding, or
19 military exigencies.

20 **Complainant experienced retaliation** because complainant reported or resisted any form
21 of discrimination or harassment, requested or used a pregnancy-disability-related
22 accommodation, requested or used a disability-related accommodation, requested or used a
23 religious accommodation, participated as a witness in a discrimination or harassment
24 complaint, requested or used bereavement leave, requested or used family care and
25 medical leave (cfra) related to serious health condition of employee or family member, child
26 bonding, or military exigencies and as a result was laid off, forced to quit, denied hire or
27 promotion, reprimanded, suspended, demoted, asked impermissible non-job-related
28 questions, denied any employment benefit or privilege, denied accommodation for religious
beliefs, other, denied work opportunities or assignments, denied or forced to transfer, denied
accommodation for a disability, denied bereavement leave, denied employer paid health
care while on family care and medical leave (cfra), denied family care and medical leave
(cfra) related to serious health condition of employee or family member, child bonding, or
military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave.

1 VERIFICATION

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

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA



Civil Rights Department

KEVIN KISH, DIRECTOR

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calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26850728
Right to Sue: Verdin / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

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

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

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

Sincerely,

Civil Rights Department



Civil Rights Department

KEVIN KISH, DIRECTOR

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint
CRD Matter Number: 202410-26850728
Right to Sue: Verdin / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department

**Civil Rights Department**

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Efrain Inda Verdin
c/o Milon Plusas LLP, 20 N Raymond Ave., Suite 350
Pasadena, CA 91103

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202410-26850728
Right to Sue: Verdin / Clover Flat Land Fill Inc. et al.

Dear Efrain Inda Verdin:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlinerequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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

Sincerely,

Civil Rights Department

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

In the Matter of the Complaint of

Efrain Inda Verdin

CRD No. 202410-26850728

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

UVA Vineyard Management LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.

Date Filed: October 28, 2024

1 1285 Whitehall Lane
Saint Helena, CA 94574

2
3 Waste Connections Management Services, Inc.
1285 Whitehall Lane
4 Saint Helena, CA 94574

5 Pestoni Enterprises LLC.
1285 Whitehall Lane
6 Saint Helena, CA 94574

7 Christina Pestoni
1285 Whitehall Lane
8 Saint Helena, CA 94574

9 Respondents

10
11 1. Respondent **Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 2. Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
14 Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
15 Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
16 Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
17 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
18 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
19 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
20 Complainant is naming **Waste Connections of California, Inc.** business as Co-
21 Respondent(s).
22 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
23 Respondent(s).
24 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
25 Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).

26 3. Complainant **Efrain Inda Verdin**, resides in the City of **Pasadena**, State of **CA**.

27 4. Complainant alleges that on or about **October 28, 2024**, respondent took the
28 following adverse actions:

Complainant was harassed because of complainant's ancestry, national origin (includes language restrictions), color, religious creed - includes dress and grooming practices, genetic information or characteristic, medical condition (cancer or genetic characteristic), age (40 and over), marital status, other, association with a member of a protected class,

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was laid off, forced to quit, denied hire
13 or promotion, reprimanded, suspended, demoted, asked impermissible non-job-related
14 questions, denied any employment benefit or privilege, denied accommodation for religious
15 beliefs, other, denied work opportunities or assignments, denied or forced to transfer, denied
16 accommodation for a disability, denied bereavement leave, denied employer paid health
17 care while on family care and medical leave (cfra), denied family care and medical leave
18 (cfra) related to serious health condition of employee or family member, child bonding, or
19 military exigencies.

20 **Complainant experienced retaliation** because complainant reported or resisted any form
21 of discrimination or harassment, requested or used a pregnancy-disability-related
22 accommodation, requested or used a disability-related accommodation, requested or used a
23 religious accommodation, participated as a witness in a discrimination or harassment
24 complaint, requested or used bereavement leave, requested or used family care and
25 medical leave (cfra) related to serious health condition of employee or family member, child
26 bonding, or military exigencies and as a result was laid off, forced to quit, denied hire or
27 promotion, reprimanded, suspended, demoted, asked impermissible non-job-related
28 questions, denied any employment benefit or privilege, denied accommodation for religious
beliefs, other, denied work opportunities or assignments, denied or forced to transfer, denied
accommodation for a disability, denied bereavement leave, denied employer paid health
care while on family care and medical leave (cfra), denied family care and medical leave
(cfra) related to serious health condition of employee or family member, child bonding, or
military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave.

1 VERIFICATION

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

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26849328
Right to Sue: Altamirano Reyes / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

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

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

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

Sincerely,

Civil Rights Department



Civil Rights Department

KEVIN KISH, DIRECTOR

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26849328

Right to Sue: Altamirano Reyes / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department



Civil Rights Department

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October 28, 2024

Pomilio Jacinto Altamirano Reyes
c/o Milon Plusas LLP, 20 N Raymond Ave., Suite 350
Pasadena, CA 91103

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202410-26849328
Right to Sue: Altamirano Reyes / Clover Flat Land Fill Inc. et al.

Dear Pomilio Jacinto Altamirano Reyes:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



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

Sincerely,

Civil Rights Department

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

In the Matter of the Complaint of

Pomilio Jacinto Altamirano Reyes

CRD No. 202410-26849328

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Pestoni Enterprises LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.

1 1285 Whitehall Lane
Saint Helena, CA 94574

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3 Waste Connections Management Services, Inc.
1285 Whitehall Lane
4 Saint Helena, CA 94574

5 UVA Vineyard Management LLC.
1285 Whitehall Lane
6 Saint Helena, CA 94574

7 Christina Pestoni
1285 Whitehall Lane
8 Saint Helena, CA 94574

9 Respondents

10
11 **1. Respondent Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 **2.** Complainant is naming **Vista Corporation** business as Co-Respondent(s).
14 Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
15 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
16 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
17 Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
18 Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
19 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
20 Complainant is naming **Waste Connections of California, Inc.** business as Co-
21 Respondent(s).
22 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
23 Respondent(s).
24 Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
25 Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).

26 **3. Complainant Pomilio Jacinto Altamirano Reyes,** resides in the City of **Pasadena,** State of
27 **CA.**

28 **4. Complainant alleges that on or about October 28, 2024,** respondent took the
following adverse actions:

Complainant was harassed because of complainant's ancestry, national origin (includes
language restrictions), color, religious creed - includes dress and grooming practices,
genetic information or characteristic, medical condition (cancer or genetic characteristic),

1 age (40 and over), marital status, other, association with a member of a protected class,
2 bereavement leave, disability (physical, intellectual/developmental, mental
3 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
4 employee or family member, child bonding, or military exigencies, race (includes hairstyle
5 and hair texture).

6 **Complainant was discriminated against** because of complainant's ancestry, national
7 origin (includes language restrictions), color, religious creed - includes dress and grooming
8 practices, genetic information or characteristic, medical condition (cancer or genetic
9 characteristic), age (40 and over), marital status, other, association with a member of a
10 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
11 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
12 employee or family member, child bonding, or military exigencies, race (includes hairstyle
13 and hair texture) and as a result of the discrimination was laid off, forced to quit, denied hire
14 or promotion, reprimanded, suspended, demoted, asked impermissible non-job-related
15 questions, denied any employment benefit or privilege, denied accommodation for religious
16 beliefs, other, denied work opportunities or assignments, denied or forced to transfer, denied
17 accommodation for a disability, denied bereavement leave, denied employer paid health
18 care while on family care and medical leave (cfra), denied family care and medical leave
19 (cfra) related to serious health condition of employee or family member, child bonding, or
20 military exigencies.

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

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave.

1 VERIFICATION

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

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA

Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannon Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: Notice to Complainant's Attorney
CRD Matter Number: 202410-26850028
Right to Sue: Reyes / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

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

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

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

Sincerely,

Civil Rights Department

Civil Rights Department

KEVIN KISH, DIRECTOR

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1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
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October 28, 2024

RE: Notice of Filing of Discrimination Complaint
CRD Matter Number: 202410-26850028
Right to Sue: Reyes / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department

Civil Rights Department

KEVIN KISH, DIRECTOR

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October 28, 2024

Pedro Reyes
c/o Milon Plusas LLP, 20 N Raymond Ave., Suite 350
Pasadena, CA 91103

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202410-26850028
Right to Sue: Reyes / Clover Flat Land Fill Inc. et al.

Dear Pedro Reyes:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlinerequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

Civil Rights Department

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

Sincerely,

Civil Rights Department

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

In the Matter of the Complaint of

Pedro Reyes

CRD No. 202410-26850028

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Christina Pestoni
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
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Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
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Pestoni Enterprises LLC.
1285 Whitehall Lane
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UVA Vineyard Management LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation

Date Filed: October 28, 2024

1 1285 Whitehall Lane
Saint Helena, CA 94574

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3 Waste Connections US, Inc.
1285 Whitehall Lane
4 Saint Helena, CA 94574

5 Waste Connections of California, Inc.
1285 Whitehall Lane
6 Saint Helena, CA 94574

7 Waste Connections Management Services, Inc.
1285 Whitehall Lane
8 Saint Helena, CA 94574

9 Respondents

10
11 1. Respondent **Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 2. Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).
14 Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
15 Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
16 Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
17 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
18 Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
19 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
20 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
21 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
22 Complainant is naming **Waste Connections of California, Inc.** business as Co-
23 Respondent(s).
24 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
25 Respondent(s).

26 3. Complainant **Pedro Reyes**, resides in the City of **Pasadena**, State of **CA**.

27 4. Complainant alleges that on or about **March 8, 2024**, respondent took the
28 following adverse actions:

Complainant was harassed because of complainant's ancestry, national origin (includes language restrictions), color, religious creed - includes dress and grooming practices, genetic information or characteristic, medical condition (cancer or genetic characteristic), age (40 and over), marital status, other, association with a member of a protected class,

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was terminated, laid off, forced to quit,
13 denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-
14 related questions, denied any employment benefit or privilege, denied accommodation for
15 religious beliefs, other, denied work opportunities or assignments, denied or forced to
16 transfer, denied accommodation for a disability, denied bereavement leave, denied
17 employer paid health care while on family care and medical leave (cfra), denied family care
18 and medical leave (cfra) related to serious health condition of employee or family member,
19 child bonding, or military exigencies.

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

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave, and wrongful
termination.

1 VERIFICATION

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

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26850328
Right to Sue: Carillo Padilla / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

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

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

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

Sincerely,

Civil Rights Department

**Civil Rights Department**

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26850328

Right to Sue: Carillo Padilla / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department

**Civil Rights Department**

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October 28, 2024

Juan Pablo Carillo Padilla
c/o Milon Plusas LLP, 20 N Raymond Ave., Suite 350
Pasadena, CA 91103

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202410-26850328
Right to Sue: Carillo Padilla / Clover Flat Land Fill Inc. et al.

Dear Juan Pablo Carillo Padilla:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlinerequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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

Sincerely,

Civil Rights Department

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

In the Matter of the Complaint of

Juan Pablo Carillo Padilla

CRD No. 202410-26850328

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Pasadena, CA 94574

Waste Connections of California, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

UVA Vineyard Management LLC.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.

1 1285 Whitehall Lane
Saint Helena, CA 94574

2
3 Waste Connections Management Services, Inc.
4 1285 Whitehall Lane
Saint Helena, CA 94574

5 Pestoni Enterprises LLC.
6 1285 Whitehall Lane
Saint Helena, CA 94574

7 Christina Pestoni
8 1285 Whitehall Lane
Saint Helena, CA 94574

9 Respondents

10
11 1. Respondent **Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 2. Complainant is naming **Waste Connections of California, Inc.** business as Co-
Respondent(s).
14 Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
15 Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
16 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
17 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
18 Respondent(s).
Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
19 Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).

20 3. Complainant **Juan Pablo Carillo Padilla**, resides in the City of **Pasadena**, State of **CA**.

21
22 4. Complainant alleges that on or about **August 1, 2022**, respondent took the
following adverse actions:

23 **Complainant was harassed** because of complainant's ancestry, national origin (includes
24 language restrictions), color, religious creed - includes dress and grooming practices,
genetic information or characteristic, medical condition (cancer or genetic characteristic),
25 age (40 and over), marital status, other, association with a member of a protected class,

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was terminated, laid off, forced to quit,
13 denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-
14 related questions, denied any employment benefit or privilege, denied accommodation for
15 religious beliefs, other, denied work opportunities or assignments, denied or forced to
16 transfer, denied accommodation for a disability, denied bereavement leave, denied
17 employer paid health care while on family care and medical leave (cfra), denied family care
18 and medical leave (cfra) related to serious health condition of employee or family member,
19 child bonding, or military exigencies.

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

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave, and wrongful
termination.

1 VERIFICATION

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

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26851029
Right to Sue: Hernandez / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

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

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

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

Sincerely,

Civil Rights Department

**Civil Rights Department**

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26851029

Right to Sue: Hernandez / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department

**Civil Rights Department**

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October 28, 2024

Elias Hernandez
c/o Milon Plusas LLP, 20 N Raymond Ave., Suite 350
Pasadena, CA 91103

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202410-26851029
Right to Sue: Hernandez / Clover Flat Land Fill Inc. et al.

Dear Elias Hernandez:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlinerequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



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

Sincerely,

Civil Rights Department

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

In the Matter of the Complaint of

Elias Hernandez

CRD No. 202410-26851029

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Christina Pestoni
1285 Whitehall Lane
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Upper Valley Recycling, Inc.
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1285 Whitehall Lane
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7 UVA Vineyard Management LLC.
1285 Whitehall Lane
8 Saint Helena, CA 94574

9 Respondents

10
11 **1. Respondent Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 **2. Complainant is naming Waste Connections of California, Inc.** business as Co-
Respondent(s).
14 Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).
Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
15 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
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17 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
18 Respondent(s).
Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
19 Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).

20 **3. Complainant Elias Hernandez,** resides in the City of **Pasadena,** State of **CA.**

21
22 **4. Complainant alleges that on or about March 8, 2024,** respondent took the
following adverse actions:

23 **Complainant was harassed** because of complainant's ancestry, national origin (includes
24 language restrictions), color, religious creed - includes dress and grooming practices,
genetic information or characteristic, medical condition (cancer or genetic characteristic),
25 age (40 and over), marital status, other, association with a member of a protected class,

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was terminated, laid off, forced to quit,
13 denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-
14 related questions, denied any employment benefit or privilege, denied accommodation for
15 religious beliefs, other, denied work opportunities or assignments, denied or forced to
16 transfer, denied accommodation for a disability, denied bereavement leave, denied
17 employer paid health care while on family care and medical leave (cfra), denied family care
18 and medical leave (cfra) related to serious health condition of employee or family member,
19 child bonding, or military exigencies.

20 **Complainant experienced retaliation** because complainant reported or resisted any form
21 of discrimination or harassment, requested or used a disability-related accommodation,
22 requested or used a religious accommodation, participated as a witness in a discrimination
23 or harassment complaint, requested or used bereavement leave, requested or used family
24 care and medical leave (cfra) related to serious health condition of employee or family
25 member, child bonding, or military exigencies and as a result was terminated, laid off, forced
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denied or forced to transfer, denied accommodation for a disability, denied bereavement
leave, denied employer paid health care while on family care and medical leave (cfra),
denied family care and medical leave (cfra) related to serious health condition of employee
or family member, child bonding, or military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave, and wrongful
termination.

1 VERIFICATION

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

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA



Civil Rights Department

KEVIN KISH, DIRECTOR

651 Bannan Street, Suite 200 | Sacramento | CA | 95811
1-800-884-1684 (voice) | 1-800-700-2320 (TTY) | California's Relay Service at 711
calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: **Notice to Complainant's Attorney**
CRD Matter Number: 202410-26851229
Right to Sue: Reyes / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

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

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

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

Sincerely,

Civil Rights Department

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint
CRD Matter Number: 202410-26851229
Right to Sue: Reyes / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department

**Civil Rights Department**

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October 28, 2024

Armando Reyes
c/o Milon Plusas LLP, 20 N Raymond Ave., Suite 350
Pasadena, CA 91103

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202410-26851229
Right to Sue: Reyes / Clover Flat Land Fill Inc. et al.

Dear Armando Reyes:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlinerequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



Civil Rights Department

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

Sincerely,

Civil Rights Department

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

In the Matter of the Complaint of

Armando Reyes

CRD No. 202410-26851229

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Christina Pestoni
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.

1 1285 Whitehall Lane
Saint Helena, CA 94574

2
3 Waste Connections Management Services, Inc.
1285 Whitehall Lane
4 Saint Helena, CA 94574

5 Pestoni Enterprises LLC.
1285 Whitehall Lane
6 Saint Helena, CA 94574

7 UVA Vineyard Management LLC.
1285 Whitehall Lane
8 Saint Helena, CA 94574

9 Respondents

10
11 **1. Respondent Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 **2.** Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).
14 Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
15 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
16 Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
17 Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
18 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
19 Complainant is naming **Waste Connections US, Inc.** business as Co-Respondent(s).
20 Complainant is naming **Waste Connections of California, Inc.** business as Co-
21 Respondent(s).
22 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
23 Respondent(s).
24 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
25 Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).

26 **3. Complainant Armando Reyes,** resides in the City of **Pasadena,** State of **CA.**

27 **4. Complainant alleges that on or about October 28, 2024,** respondent took the
28 following adverse actions:

Complainant was harassed because of complainant's ancestry, national origin (includes language restrictions), color, genetic information or characteristic, medical condition (cancer or genetic characteristic), age (40 and over), marital status, other, association with a member of a protected class, bereavement leave, disability (physical,

1 intellectual/developmental, mental health/psychiatric), family care and medical leave (cfra)
2 related to serious health condition of employee or family member, child bonding, or military
exigencies, race (includes hairstyle and hair texture).

3 **Complainant was discriminated against** because of complainant's ancestry, national
4 origin (includes language restrictions), color, religious creed - includes dress and grooming
5 practices, genetic information or characteristic, medical condition (cancer or genetic
6 characteristic), age (40 and over), marital status, other, association with a member of a
7 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
8 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
9 employee or family member, child bonding, or military exigencies, race (includes hairstyle
10 and hair texture) and as a result of the discrimination was laid off, forced to quit, denied hire
11 or promotion, reprimanded, suspended, demoted, asked impermissible non-job-related
12 questions, denied any employment benefit or privilege, denied accommodation for religious
13 beliefs, other, denied work opportunities or assignments, denied or forced to transfer, denied
14 accommodation for a disability, denied bereavement leave, denied employer paid health
15 care while on family care and medical leave (cfra), denied family care and medical leave
16 (cfra) related to serious health condition of employee or family member, child bonding, or
17 military exigencies.

18 **Complainant experienced retaliation** because complainant reported or resisted any form
19 of discrimination or harassment, requested or used a disability-related accommodation,
20 requested or used a religious accommodation, participated as a witness in a discrimination
21 or harassment complaint, requested or used bereavement leave, requested or used family
22 care and medical leave (cfra) related to serious health condition of employee or family
23 member, child bonding, or military exigencies and as a result was laid off, forced to quit,
24 denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-
25 related questions, denied any employment benefit or privilege, denied accommodation for
26 religious beliefs, other, denied work opportunities or assignments, denied or forced to
27 transfer, denied accommodation for a disability, denied bereavement leave, denied
28 employer paid health care while on family care and medical leave (cfra), denied family care
and medical leave (cfra) related to serious health condition of employee or family member,
child bonding, or military exigencies.

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave.

1 VERIFICATION

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

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA



Civil Rights Department

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calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Angel Pluas
20 N. Raymond Ave., Suite 350
Pasadena, CA 91103

RE: Notice to Complainant's Attorney
CRD Matter Number: 202410-26851929
Right to Sue: Carrillo De La Luz / Clover Flat Land Fill Inc. et al.

Dear Angel Pluas:

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

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

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

Sincerely,

Civil Rights Department



Civil Rights Department

KEVIN KISH, DIRECTOR

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October 28, 2024

RE: Notice of Filing of Discrimination Complaint

CRD Matter Number: 202410-26851929

Right to Sue: Carrillo De La Luz / Clover Flat Land Fill Inc. et al.

To All Respondent(s):

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. You may contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.

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

No response to CRD is requested or required.

Sincerely,

Civil Rights Department

**Civil Rights Department**

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calcivilrights.ca.gov | contact.center@calcivilrights.ca.gov

October 28, 2024

Juan Carrillo De La Luz
c/o Milon Plusas LLP, 20 N Raymond Ave., Suite 350
Pasadena, CA 91103

RE: Notice of Case Closure and Right to Sue
CRD Matter Number: 202410-26851929
Right to Sue: Carrillo De La Luz / Clover Flat Land Fill Inc. et al.

Dear Juan Carrillo De La Luz:

This letter informs you that the above-referenced complaint filed with the Civil Rights Department (CRD) has been closed effective October 28, 2024 because an immediate Right to Sue notice was requested.

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

This matter may qualify for CRD's Small Employer Family Leave Mediation Pilot Program. Under this program, established under Government Code section 12945.21, a small employer with 5 -19 employees, charged with violation of the California Family Rights Act, Government Code section 12945.2, has the right to participate in CRD's free mediation program. Under this program both the employee requesting an immediate right to sue and the employer charged with the violation may request that all parties participate in CRD's free mediation program. The employee is required to contact the Department's Dispute Resolution Division prior to filing a civil action and must also indicate whether they are requesting mediation. The employee is prohibited from filing a civil action unless the Department does not initiate mediation within the time period specified in section 12945.21, subdivision (b) (4), or until the mediation is complete or is unsuccessful. The employee's statute of limitations to file a civil action, including for all related claims not arising under section 12945.2, is tolled from the date the employee contacts the Department regarding the intent to pursue legal action until the mediation is complete or is unsuccessful. Contact CRD's Small Employer Family Leave Mediation Pilot Program by emailing DRDOnlineRequests@calcivilrights.ca.gov and include the CRD matter number indicated on the Right to Sue notice.



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

Sincerely,

Civil Rights Department

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

In the Matter of the Complaint of

Juan Carrillo De La Luz

CRD No. 202410-26851929

Complainant,

vs.

Clover Flat Land Fill Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections US, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Recycling, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Service
1285 Whitehall Lane
Saint Helena, CA 94574

Upper Valley Disposal Holdings, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Vista Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Whitehall Corporation
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections of California, Inc.
1285 Whitehall Lane
Saint Helena, CA 94574

Waste Connections Management Services, Inc.

1 1285 Whitehall Lane
Saint Helena, CA 94574

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3 Pestoni Enterprises LLC.
1285 Whitehall Lane
4 Saint Helena, CA 94574

5 UVA Vineyard Management LLC.
1285 Whitehall Lane
6 Saint Helena, CA 94574

7 Christina Pestoni
1285 Whitehall Lane
8 Saint Helena, CA 94574

9 Respondents

10
11 **1. Respondent Clover Flat Land Fill Inc.** is an **employer** subject to suit under the California
12 Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

13 **2. Complainant is naming Waste Connections US, Inc.** business as Co-Respondent(s).
14 Complainant is naming **Upper Valley Recycling, Inc.** business as Co-Respondent(s).
15 Complainant is naming **Upper Valley Disposal Service** business as Co-Respondent(s).
16 Complainant is naming **Upper Valley Disposal Holdings, Inc.** business as Co-Respondent(s).
17 Complainant is naming **Vista Corporation** business as Co-Respondent(s).
18 Complainant is naming **Whitehall Corporation** business as Co-Respondent(s).
19 Complainant is naming **Waste Connections of California, Inc.** business as Co-
Respondent(s).
20 Complainant is naming **Waste Connections Management Services, Inc.** business as Co-
Respondent(s).
21 Complainant is naming **Pestoni Enterprises LLC.** business as Co-Respondent(s).
22 Complainant is naming **UVA Vineyard Management LLC.** business as Co-Respondent(s).
23 Complainant is naming **Christina Pestoni** individual as Co-Respondent(s).

24 **3. Complainant Juan Carrillo De La Luz,** resides in the City of **Pasadena,** State of **CA.**

25 **4. Complainant alleges that on or about March 8, 2024,** respondent took the
26 following adverse actions:

27 **Complainant was harassed** because of complainant's ancestry, national origin (includes
28 language restrictions), color, religious creed - includes dress and grooming practices,
genetic information or characteristic, medical condition (cancer or genetic characteristic),
age (40 and over), marital status, other, association with a member of a protected class,

1 bereavement leave, disability (physical, intellectual/developmental, mental
2 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
3 employee or family member, child bonding, or military exigencies, race (includes hairstyle
4 and hair texture).

5 **Complainant was discriminated against** because of complainant's ancestry, national
6 origin (includes language restrictions), color, religious creed - includes dress and grooming
7 practices, genetic information or characteristic, medical condition (cancer or genetic
8 characteristic), age (40 and over), marital status, other, association with a member of a
9 protected class, bereavement leave, disability (physical, intellectual/developmental, mental
10 health/psychiatric), family care and medical leave (cfra) related to serious health condition of
11 employee or family member, child bonding, or military exigencies, race (includes hairstyle
12 and hair texture) and as a result of the discrimination was terminated, laid off, forced to quit,
13 denied hire or promotion, reprimanded, suspended, demoted, asked impermissible non-job-
14 related questions, denied any employment benefit or privilege, denied accommodation for
15 religious beliefs, other, denied work opportunities or assignments, denied or forced to
16 transfer, denied accommodation for a disability, denied bereavement leave, denied
17 employer paid health care while on family care and medical leave (cfra), denied family care
18 and medical leave (cfra) related to serious health condition of employee or family member,
19 child bonding, or military exigencies.

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

Additional Complaint Details: Claimant was discriminated, harassed and retaliated against
based upon Claimants' disabilities and/or perceived disabilities, medical condition, race,
national origins, age, engagement in protected activities, medical leave, and wrongful
termination.

1 VERIFICATION

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

5 On October 28, 2024, I declare under penalty of perjury under the laws of the State of
6 California that the foregoing is true and correct.

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Pasadena, CA

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

GARY HERNANDEZ, an individual, JUAN MANUEL CARRILLO SR., an individual, FRANCISCO BAUTISTA, an individual, LUSIANO MORALES, an individual, RICKY HERNANDEZ, an individual, JOSE MENENDEZ AVENDANO, an individual, ROMUALDO GUZMAN, an individual, JOSE LOPEZ GUZMAN, an individual, EFRAIN INDA VERDIN, an individual, POMILLO JACINTO ALTAMIRANO REYES, an individual, PEDRO REYES, an individual, JUAN PABLO CARILLO PADILLA, an individual, ELIAS HERNANDEZ, an individual, ARMANDO REYES, an individual, JUAN CARRILLO DE LA LUZA an individual,

DEFENDANTS

CLOVER FLAT LAND FILL, INC., a California Corporation, UPPER VALLEY RECYCLING, INC., a California Corporation, UPPER VALLEY DISPOSAL SERVICE a California Corporation, UPPER VALLEY DISPOSAL HOLDINGS, INC., a Delaware Corporation, VISTA CORPORATION, a California Corporation, WHITEHALL CORPORATION, a California Corporation, WASTE CONNECTIONS US, INC., a Delaware Corporation, WASTE CONNECTIONS OF CALIFORNIA, INC., a California Corporation, WASTE CONNECTIONS MANAGEMENT SERVICES, INC., a Delaware Corporation, PESTONI ENTERPRISES LLC, California Limited Liability Company, UVA VINEYARD MANAGEMENT LLC, a California Limited Liability Company, CHRISTINE PESTONI, an individual, and DOES 1 to 50, inclusive

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES) Napa County

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) Napa County

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Milon Plusas LLP Angel Plusas (SBN 256478), Joshua Milon (SBN 245287) Christopher DeClue (SBN 282807), Jose Valdez (SBN 341234) 20 N. Raymond Ave., Suite 350, Pasadena, California 91103 (626) 229-0844 Mann Rogal APC Matthew E. Mann (SBN 276220), Justin R. Rogal (SBN 273352) 16501 Ventura Boulevard, Suite 400, Encino, California 91436 (310) 620-2314

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff X 3 Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PERSONAL INJURY, TORTS, PRISONER PETITIONS, HABEAS CORPUS, OTHER, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- X 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation-Transfer 8 Multidistrict Litigation-Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. § 1981, 29 U.S.C. § 2601 et seq, Cal. Govt. Code §§ 12900, et seq, 28 U.S.C. § 1331, 28 U.S.C. § 1343 (a)(4), 28 U.S.C. § 1367 Brief description of cause: 42 U.S.C. § 1981, 29 U.S.C. § 2601 et seq, Cal. Govt. Code §§ 12900, et seq, 28 U.S.C. § 1331, 28 U.S.C. § 1343 (a)(4), 28 U.S.C. § 1367

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ TBD CHECK YES only if demanded in complaint: JURY DEMAND: X Yes No

VIII. RELATED CASE(S), IF ANY (See instructions):

JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) X SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE October 28, 2024

SIGNATURE OF ATTORNEY OF RECORD

Handwritten signature

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

Authority For Civil Cover Sheet. The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the “defendant” is the location of the tract of land involved.)
- c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section “(see attachment).”
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an “X” in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
 - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an “X” in this box.
 - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an “X” in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an “X” in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
 - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
 - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
 - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket. Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an “X” in this box if you are filing a class action under Federal Rule of Civil Procedure 23. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction. Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: “the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated.”
- Date and Attorney Signature.** Date and sign the civil cover sheet.