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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES – CENTRAL DISTRICT

JANE ROE,

Plaintiff,

v.

SEAN COMBS, an Individual; COMBS
ENTERPRISES, LLC, a New York Limited
Liability Company; TRI STAR SPORTS AND
ENTERTAINMENT GROUP, INC., a
Tennessee Corporation; 200 S. MAPLETON
DRIVE, LLC, a California Limited Liability
Company; and DOES 1 through 50, Inclusive,

Defendant(s).

Case No. **22STCV31383**

COMPLAINT FOR DAMAGES AND
OTHER RELIEF FOR:

1. Discrimination Based on Sex and Pregnancy (Gov. Code §§12940 (a) & 12926 (r));
2. Violations of the California Family Rights Act (Gov. Code § 12945.2);
3. Violations of the Pregnancy Disability Leave Law (Gov. Code § 12945);
4. Retaliation in Violation of the Fair Employment and Housing Act (Gov. Code §§12940 (h) & (m)(2));
5. Failure to Prevent Discrimination (Gov. Code §12940 (k));
6. Wrongful Termination in Violation of Fundamental Public Policy;
7. Failure to Pay for All Hours Worked at the Correct Rates of Pay (Lab. Code §§ 204, 510, 1194 & 1198);
8. Failure to Provide Meal and Rest Periods (Lab. Code §§ 226.7, 512, & 1198);
9. Failure to Provide Accurate, Written Wage Statements (Lab. Code § 226); and
10. Failure to Timely Pay All Wages at Termination (Lab. Code §§ 201-203)

DEMAND FOR JURY TRIAL

1 Plaintiff, JANE ROE (“Plaintiff”) alleges:

2 I. PARTIES

3 1. Plaintiff JANE ROE is an individual who at all times relevant hereto, resided and
4 worked in Los Angeles County, California. Plaintiff is commencing this action using a pseudonym in
5 order to protect her and her minor children’s privacy, and to prevent harassment, ridicule, personal or
6 professional embarrassment, and damage to her career/mitigation efforts.

7 2. Plaintiff is informed and believes and thereupon alleges that at all times relevant
8 hereto, Defendant SEAN COMBS was and is an individual residing in Los Angeles County,
9 California.

10 3. Plaintiff is informed and believes and based thereon alleges that at all times relevant
11 hereto, Defendant COMBS ENTERPRISES, LLC, was and is a New York Limited Liability
12 Corporation doing business in Los Angeles County, California, as well as nationally.

13 4. Plaintiff is informed and believes and based thereon alleges that at all times relevant
14 hereto, Defendant TRI STAR SPORTS AND ENTERTAINMENT GROUP, INC., was and is a
15 Tennessee corporation doing business in Los Angeles County, California.

16 5. Plaintiff is informed and believes and based thereon alleges that at all times relevant
17 hereto, Defendant 200 S. MAPLETON DRIVE, LLC, was and is a California limited liability
18 company with its principal place of business located in Los Angeles County, California.

19 6. Defendants SEAN COMBS, COMBS ENTERPRISES, LLC, TRI STAR SPORTS
20 AND ENTERTAINMENT GROUP, INC., and 200 S. MAPLETON DRIVE, LLC (hereinafter
21 collectively referred to as “COMBS”) are/were joint employers, integrated enterprises and alter egos
22 of each other and during all times relevant herein, jointly employed Plaintiff.

23 7. Plaintiff is informed and believes and based thereon alleges that Defendant SEAN
24 COMBS is an individual residing in Los Angeles County, California, and at all relevant times an
25 “owner” “officer,” “director,” and/or “managing agent” of Defendants COMBS ENTERPRISES,
26 LLC, TRI STAR SPORTS AND ENTERTAINMENT GROUP, INC., and 200 S. MAPLETON
27 DRIVE, LLC. At all relevant times, SEAN COMBS directly or indirectly, or through an agent or any
28

1 other person, employed or exercised control over Plaintiff's employment and her wages, hours, or
2 working conditions.

3 8. The true names and capacities, whether individual, corporate, associate, or otherwise,
4 of the Defendants named herein as Does 1 through 50, inclusive, are unknown to Plaintiff at this time
5 and therefore said Defendants are sued by such fictitious names. Plaintiff will seek leave to amend this
6 Complaint to insert the true names and capacities of said Defendants when the same become known
7 to Plaintiff. Plaintiff is informed and believes and based thereon alleges that each of the fictitiously
8 named Defendants is responsible for the wrongful acts alleged herein, and is therefore liable to Plaintiff
9 as alleged hereinafter.

10 9. Plaintiff is informed and believes and based thereon alleges that at all times relevant
11 hereto, Defendants, and each of them, were the agents, employees, coconspirators, parent corporation,
12 joint employers, alter ego, and/or joint venturers of the other Defendants, and each of them, and in
13 doing the things alleged herein, were acting at least in part within the course and scope of said agency,
14 employment, conspiracy, joint employer, alter ego status, and/or joint venture and with the permission
15 and consent of each of the other Defendants.

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

19 II. JURISDICTION AND VENUE

20 11. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through
21 10 as though fully set forth herein.

22 12. Venue is proper under California Code of Civil Procedure sections 395 and 395.5 in
23 that the acts and omissions of the Defendants that form the basis of each cause of action in this
24 Complaint occurred in the County of Los Angeles, State of California, and that Plaintiff's injuries
25 were incurred within this jurisdiction. Sub-venue is also proper in the Central District pursuant to Los
26 Angeles Superior Court Local Rule 2.3(B).

1 III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

2 13. Pursuant to California Government Code section 12960, on or about September 16,
3 2022, Plaintiff timely filed an administrative Complaint of Discrimination with the California
4 Department of Fair Employment and Housing (“DFEH”) against Defendants. The DFEH issued a
5 “Right to Sue” notice to Plaintiff against Defendants on or about September 16, 2022. Accordingly,
6 Plaintiff has exhausted her administrative remedies.

7 IV. FACTUAL ALLEGATIONS

8 14. Plaintiff, Jane Roe, is the niece of the late Kim Porter, who was the former romantic
9 partner of music mogul, Defendant Sean Combs, and the mother of his twin daughters. In or around
10 September 2018, Plaintiff began employment as Ms. Porter’s personal assistant, assisting Ms. Porter
11 with creative projects in addition to helping her nanny with the care of her daughters. On November
12 15, 2018, Ms. Porter tragically passed away. The next day, Defendant Sean Combs personally asked
13 Plaintiff to come live at his estate located at 200 S. Mapleton Drive and become a full-time nanny to
14 the twins. In honor of Ms. Porter, whom she was extremely close with, Plaintiff agreed.

15 15. As a full-time live-in nanny, Plaintiff was like a second mother to Defendant Sean
16 Combs’ twin daughters. She provided stability during an extremely challenging time for the twins,
17 who had just lost their mother, and contributed to a safe, nurturing, and stimulating environment in
18 which they felt secure and loved. Plaintiff’s duties included, but were not limited to, completing
19 household chores, preparing meals, transporting the children to and from school and other activities,
20 arranging and participating in playdates and outings, helping with homework, and more.

21 16. Throughout her employment, Plaintiff was responsible for the twins’ 24/7 care.
22 There were no other nannies or family who helped take care of them. For the majority of her
23 employment, Plaintiff even lived in the same bedroom as the Defendant Sean Combs’ daughters with
24 her own son.

25 17. In or around August 2020, Plaintiff announced that she was pregnant and would need
26 to take maternity leave. COMBS, including but not limited to COMBS’ family manager, April Butler,
27 were infuriated and reacted with hostility to the news. In retaliation, COMBS began a campaign to get
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1 Plaintiff fired. COMBS representatives, including without limitation, April Butler, even concocted
2 rumors that Plaintiff was resigning from her position, which was completely untrue.

3 18. Plaintiff protested and complained about Defendants' retaliatory conduct including,
4 but not limited to, Defendants' efforts to place Plaintiff out of work because of her pregnancy
5 internally to Defendants, including without limitation, Defendant Sean Combs himself.

6 19. At or about the same time Plaintiff was set to begin her maternity leave, in or around
7 January 2021, COMBS terminated Plaintiff's employment. COMBS, through their representatives,
8 communicated that Plaintiff was being fired because she was pregnant and unmarried, which
9 purportedly set a bad example for Defendant Sean Combs' daughters. When Plaintiff pleaded with
10 Defendant Sean Combs to keep her job and for healthcare coverage, Defendant Sean Combs responded
11 by yelling and cussing at Plaintiff and refused to honor his promise to get Plaintiff and her then 5-
12 year-old son, "the best health and dental insurance" and to take care of Plaintiff's medical costs.

13 20. During her employment, Plaintiff was also improperly classified and treated as a
14 salaried employee. Plaintiff regularly worked overtime hours but was not compensated for the work
15 she performed in excess of eight hours per day and/or 40 hours in a week. She was also not provided
16 with all required meal and rest periods in accordance with California law, nor was she provided pay
17 for missed meal and rest periods. COMBS further failed to provide Plaintiff with accurate written
18 wage statements as required by California Labor Code section 226, subdivision (a). Rather,
19 Defendants' method of paying Plaintiff was haphazard and untimely.

20 21. Plaintiff was routinely on duty for more than 12 hours in a workday, was not provided
21 at least 12 consecutive hours free of duty during each workday, and was required to work more than
22 five days in any one workweek without a day off and without being compensated for overtime work.

23 22. The herein described activities of Defendants and their agents constitute a continuing
24 series of related discriminatory and retaliatory acts and a systematic policy, pattern and practice of
25 discrimination and retaliation by Defendants targeting Plaintiff because of her sex/gender and
26 pregnancy and because she needed to take maternity leave, as herein above described. Said individual
27 acts by the employees, managers, supervisors, directors, officers, and/or managing agents of
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1 Defendants herein named are related and represent a series of continuing efforts targeting Plaintiff,
2 which were designed to and did deprive Plaintiff of her rights, terms and conditions of employment.

3 23. The acts taken toward Plaintiff were carried out by and/or ratified by Defendants
4 and/or officers, directors and/or managing agent employees of Defendants acting in an oppressive,
5 deliberate, egregious, and inexcusable manner in order to injure and damage Plaintiff, thereby
6 justifying an award to her of punitive damages in a sum appropriate to punish and make an example
7 of Defendants, and each of them.

8 24. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff
9 has been harmed in that Plaintiff has suffered actual, consequential, and incidental financial losses,
10 including without limitation, loss of salary and benefits, loss of future earning potential and wages,
11 and the intangible loss of employment-related opportunities for growth in her career and damage to
12 her professional reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such
13 amounts as damages together with prejudgment interest pursuant to the California *Civil Code* Sections
14 3287, 3288 and/or any other provision of law providing prejudgment interest.

15 25. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff
16 has suffered and continues to suffer severe anxiety, worry, embarrassment, humiliation, shame, mental
17 anguish, and emotional distress. Plaintiff is informed and believes and thereon alleges that she will
18 continue to experience said emotional suffering for a period in the future she cannot presently
19 ascertain, all in an amount subject to proof at the time of trial.

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21 FIRST CAUSE OF ACTION

22 Discrimination On the Basis of Sex and Pregnancy

23 (Gov. Code §§12940(a) & 12926(r))

24 (Against all Defendants)

25 26. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through
26 25 as though fully set forth herein.

27 27. Throughout her employment, Plaintiff performed her job duties in a satisfactory
28 manner.

1 28. Defendants are employers that regularly employ five (5) or more persons.

2 29. In or around August 2019, Plaintiff announced that she was pregnant and would need
3 to take maternity leave. COMBS, including but not limited to COMBS' family manager, April Butler,
4 were infuriated and reacted with hostility to the news. In retaliation, COMBS began a campaign to get
5 Plaintiff fired. COMBS representatives, including without limitation, April Butler, even concocted
6 rumors that Plaintiff was resigning from her position, which was completely untrue. At or about the
7 same time Plaintiff was set to begin her maternity leave, in or around January 2021, COMBS
8 terminated Plaintiff's employment. COMBS, through their representatives, communicated that
9 Plaintiff was being fired because she was pregnant and unmarried, which purportedly set a bad
10 example for Defendant Combs' daughters. Defendants terminated Plaintiff's employment because of
11 her pregnancy and because she requested maternity leave.

12 30. Defendants' discriminatory conduct constitutes unlawful discrimination on account
13 of sex and pregnancy in violation of the California Fair Employment and Housing Act ("FEHA"),
14 Government Code sections 12940, subdivision (a), 12945 and 12926, subdivision (r), and Title 2 of
15 the California Code of Regulations, sections 11039, 11042, and 11043.

16 31. The above recited actions of Defendants in discriminating against Plaintiff were done
17 with malice, fraud and/or oppression and in reckless disregard of the rights of Plaintiff under the
18 FEHA. Plaintiff is informed and believes and on that basis alleges that the wrongful acts taken towards
19 her were carried out by Defendant Sean Combs and the officers, directors and/or managing agents of
20 COMBS entities and/or with the ratification and approval of Defendant Sean Combs and the officers,
21 directors and/or managing agents of COMBS entities in a malicious, oppressive and fraudulent manner
22 in order to harm Plaintiff, or with a willful and conscious disregard of Plaintiff's rights, thereby causing
23 her unjust hardship, humiliation and/or emotional distress. Such conduct was despicable, and justifies
24 an award of punitive damages against Defendants in an amount sufficient to punish and make an
25 example of Defendants, and each of them, and to deter them from engaging in such conduct again in
26 the future, in an amount according to proof at time of trial.

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1 32. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff
2 has been harmed in that Plaintiff has suffered actual, consequential and incidental financial losses,
3 including without limitation, loss of salary and benefits, and the intangible loss of employment-related
4 opportunities and damage to her professional reputation, all in an amount subject to proof at the time
5 of trial. Plaintiff claims such amounts as damages together with prejudgment interest pursuant to
6 California Civil Code sections 3287, 3288 and/or any other provision of law providing for prejudgment
7 interest.

8 33. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff
9 has suffered and continues to suffer extreme anxiety, worry, embarrassment, humiliation, mental
10 anguish, and emotional distress. Plaintiff is informed and believes and thereon alleges that she will
11 continue to experience said emotional suffering for a period in the future she cannot presently
12 ascertain, all in an amount subject to proof at the time of trial.

13 34. WHEREFORE, Plaintiff seeks judgment against Defendants, and each of them for:

14 (A) All actual, consequential and incidental financial losses, including but not
15 limited to loss of earnings and benefits, according to proof, together with prejudgment interest
16 pursuant to Civil Code sections 3287 and/or 3288;

17 (B) General damages in a sum in excess of the jurisdictional minimum of the
18 Superior Court;

19 (C) Attorneys' fees pursuant to Government Code section 12965, subdivision (c),
20 Code of Civil Procedure section 1021.5, or any other provision allowed by law;

21 (D) Expert witness fees pursuant to Government Code section 12965, subdivision
22 (c), or any other provision allowed by law;

23 (E) Prejudgment interest;

24 (F) For injunctive relief, including without limitation, a requirement that
25 Defendants, under court supervision, conduct training for all employees, supervisors and management
26 on the requirements of the FEHA, the rights and remedies of those who allege a violation of the FEHA,
27 and the employer's internal grievance procedure;
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1 (G) For injunctive relief restraining Defendants from engaging in any further acts
2 of discrimination and/or retaliation for opposing discrimination and/or exercising rights under the
3 FEHA;

4 (H) For such further injunctive relief as the court may deem appropriate to both
5 prevent and deter unlawful employment practices and redress the adverse effects of those practices on
6 Plaintiff and other aggrieved persons;

7 (I) Costs of lawsuit;

8 (J) Punitive damages in a sum in excess of the jurisdictional minimum of the
9 Superior Court; and

10 (K) Such other and further relief as the Court deems proper.

11 SECOND CAUSE OF ACTION

12 Violations of the California Family Rights Act

13 (Gov. Code § 12945.2, *et seq.*)

14 (Against all Defendants)

15 35. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through
16 34 as though fully set forth herein.

17 36. Defendants are employers that regularly employ five (5) or more persons.

18 37. Indeed, upon information and belief, Defendants are employers that regularly employ
19 fifty (50) or more persons.

20 38. Plaintiff was employed by Defendants as a nanny from approximately November
21 2018 to January 2021.

22 39. Throughout her employment, Plaintiff performed competently and capably in her
23 position.

24 40. Defendants are subject to Government Code section 12945.2, commonly known as
25 the “California Family Rights Act” or “CFRA.”

26 41. Prior to her termination, Plaintiff was employed by Defendants for more than twelve
27 months and she worked at least 1,250 hours during the previous twelve months.
28

1 42. Plaintiff is informed and believes that Defendants employed fifty (50) or more
2 persons within 75 miles of Plaintiff's worksite.

3 43. Plaintiff requested CFRA-protected leave to give birth and bond with her new child
4 starting on January 2021.

5 44. Plaintiff informed Defendants that she would be unable to work as part of her
6 maternity leave and to bond with her new child.

7 45. Plaintiff provided reasonable notice to Defendants as soon as practicable of her need
8 for CFRA-protected leave, when the leave would begin, and how long it was expected to last.

9 46. Defendants retaliated against Plaintiff for requesting CFRA-protected leave and
10 ultimately terminated Plaintiff's employment while she was on CFRA-protected leave.

11 47. Plaintiff's written and/or verbal notifications provided sufficient notice to Defendants
12 that Plaintiff qualified for leave(s) under CFRA.

13 48. Defendants, and each of them, failed to provide Plaintiff with her rights and
14 responsibilities under the CFRA.

15 49. Defendants, and each of them, refused to grant Plaintiff's request(s) for CFRA leave.

16 50. An employee is entitled to leave of absence under the California Family Rights Act
17 for maternity leave and in order to bond with a new child.

18 51. Pursuant to Government Code section 12945.2(a) and Title 2 of the California Code
19 of Regulations section 11089, subdivisions (a) and (c), an employer must reinstate an employee to the
20 same or a comparable position at the conclusion of the leave.

21 52. Defendants failed to reinstate Plaintiff to her position at the conclusion of her CFRA-
22 protected leave. Rather, Defendants terminated Plaintiff's employment in or about January 2021,
23 while Plaintiff was on CFRA-protected medical leave.

24 53. It is an unlawful employment practice for Defendants, and each of them, to violate
25 an employee's rights under the California Family Rights Act. (Gov. Code, §12945.2(a).) This
26 includes failing or refusing to grant a request for leave to an eligible employee, failing or refusing to
27 designate that employee's leave as a CFRA-protected leave, interfering with the employee's rights
28

1 under CFRA, and failing or refusing to provide an employee with her rights and responsibilities under
2 CFRA. (*Id.*; 2 Cal. Code Regs. §11091 (a)(1)(A).) In addition, an employer may not discriminate,
3 retaliate against, refuse to hire, and/or discharge an employee for exercising any right under the CFRA.
4 (Gov. Code §12945.2(l); 2 Cal. Code Regs § 11094.)

5 54. In denying Plaintiff her request for CFRA leave, failing to provide Plaintiff with her
6 rights and responsibilities under CFRA, retaliating against Plaintiff because she exercised her rights
7 under CFRA, interfering with her rights under CFRA and terminating Plaintiff's employment for
8 requesting and/or taking CFRA-protected medical leave, Defendants, and each of them, violated
9 Government Code section 12945.2 and the corresponding regulations, including, without limitation,
10 sections 11088, *et seq.*

11 55. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff
12 has been harmed in that Plaintiff has suffered actual, consequential, and incidental financial losses,
13 including without limitation, loss of salary and benefits, and the intangible loss of employment-related
14 opportunities and damage to her professional reputation, all in an amount subject to proof at the time
15 of trial. Plaintiff claims such amounts as damages together with prejudgment interest pursuant to Civil
16 Code sections 3287, 3288 and/or any other provision of law providing for prejudgment interest.

17 56. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff
18 has suffered and continues to suffer severe anxiety, worry, embarrassment, humiliation, shame, mental
19 anguish, and emotional distress. Plaintiff is informed and believes and thereon alleges that she will
20 continue to experience said emotional suffering for a period in the future she cannot presently
21 ascertain, all in an amount subject to proof at the time of trial.

22 57. The above recited actions of Defendants in violating Plaintiff's rights under CFRA
23 were done with malice, fraud and/or oppression and in reckless disregard of the rights of Plaintiff
24 under the California Family Rights Act. Plaintiff is informed and believes and on that basis alleges
25 that the wrongful acts taken towards her were carried out by Defendant Sean Combs and the officers,
26 directors and/or managing agents of COMBS entities and/or with the ratification and approval of
27 Defendant Sean Combs and the officers, directors and/or managing agents of COMBS entities in a
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1 malicious, oppressive and fraudulent manner in order to harm Plaintiff, or with a willful and conscious
2 disregard of Plaintiff's rights, thereby causing her unjust hardship, humiliation and/or emotional
3 distress. Such conduct was despicable, and justifies an award of punitive damages against Defendants
4 in an amount sufficient to punish and make an example of Defendants, and each of them, and to deter
5 them from engaging in such conduct again in the future, in an amount according to proof at time of
6 trial.

7 58. WHEREFORE, Plaintiff seeks judgment against Defendants, and each of them for:

8 (A) All actual, consequential and incidental financial losses, including but not
9 limited to loss of earnings and benefits according to proof, together with prejudgment interest pursuant
10 to Civil Code sections 3287 and/or 3288;

11 (B) General damages in a sum in excess of the jurisdictional minimum of the
12 Superior Court;

13 (C) Attorneys' fees pursuant to Government Code section 12965, subdivision (c),
14 or any other provision allowed by law;

15 (D) Expert witness fees pursuant to Government Code section 12965, subdivision
16 (c), or any other provision allowed by law;

17 (E) Prejudgment interest pursuant to the Civil Code, or any other provision
18 allowed by law;

19 (F) Costs of lawsuit;

20 (G) Punitive damages in a sum in excess of the jurisdictional minimum of the
21 Superior Court;

22 (H) For injunctive relief, including without limitation, a requirement that
23 Defendants, under court supervision, conduct training for all employees, supervisors and management
24 on the requirements of CFRA, the rights and remedies of those who allege a violation of CFRA, and
25 the employer's internal grievance procedure;

26 (I) For injunctive relief restraining Defendants from engaging in any further acts
27 of discrimination, interference and/or retaliation in connection with employees' exercise of CFRA
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1 rights;

2 (J) For such further injunctive relief as the court may deem appropriate to both
3 prevent and deter unlawful employment practices and redress the adverse effects of those practices on
4 Plaintiff and other aggrieved persons; and

5 (K) Such other and further relief as the Court deems proper.

6 THIRD CAUSE OF ACTION

7 Violations of the Pregnancy Disability Leave Law ("PDLL") (Gov. Code § 12945)

8 (Against All Defendants)

9 59. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through
10 58 as though fully set forth herein.

11 60. During her employment with Defendants, Plaintiff requested and began taking leave
12 because of pregnancy, childbirth or a related condition, and for reason of the birth of her child.

13 61. Defendants failed to provide Plaintiff with leave and retaliated against Plaintiff and
14 terminated her employment because of her pregnancy, for requesting reasonable accommodation for
15 her pregnancy, and for requesting and taking leave because of pregnancy, childbirth or a related
16 condition and for reason of the birth of her child.

17 62. Defendants' failure to provide Plaintiff leave, and retaliatory conduct in terminating
18 Plaintiff because of her pregnancy, for requesting reasonable accommodation for her pregnancy, and
19 for requesting and taking leave because of pregnancy, childbirth or a related condition and for reason
20 of the birth of her child violated the provisions of the PDLL. *Gov. Code* § 12945; 2 CCR § 11039 (a).

21 63. The above recited actions of Defendants in failing to provide Plaintiff with pregnancy
22 disability leave and retaliating against her were done with malice, fraud and/or oppression and in
23 reckless disregard of the rights of Plaintiff under the PDLL. Plaintiff is informed and believes and on
24 that basis alleges that the wrongful acts taken towards her were carried out by Defendant Sean Combs
25 and the officers, directors and/or managing agents of COMBS entities and/or with the ratification and
26 approval of Defendant Sean Combs and the officers, directors and/or managing agents of COMBS
27 entities in a malicious, oppressive and fraudulent manner in order to harm Plaintiff, or with a willful
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1 and conscious disregard of Plaintiff's rights, thereby causing her unjust hardship, humiliation and/or
2 emotional distress. Such conduct was despicable, and justifies an award of punitive damages against
3 Defendants in an amount sufficient to punish and make an example of Defendants, and each of them,
4 and to deter them from engaging in such conduct again in the future, in an amount according to proof
5 at time of trial.

6 64. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff
7 has been harmed in that Plaintiff has suffered actual, consequential and incidental financial losses,
8 including without limitation, loss of salary and benefits, and the intangible loss of employment-related
9 opportunities and damage to her professional reputation, all in an amount subject to proof at the time
10 of trial. Plaintiff claims such amounts as damages together with prejudgment interest pursuant to Civil
11 Code sections 3287, 3288 and/or any other provision of law providing for prejudgment interest.

12 65. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff
13 has suffered and continues to suffer extreme anxiety, worry, embarrassment, humiliation, mental
14 anguish, and emotional distress. Plaintiff is informed and believes and thereon alleges that she will
15 continue to experience said emotional suffering for a period in the future she cannot presently
16 ascertain, all in an amount subject to proof at the time of trial.

17 66. WHEREFORE, Plaintiff seeks judgment against Defendants, and each of them for:

18 (A) All actual, consequential and incidental financial losses, including but not
19 limited to loss of earnings, according to proof, together with prejudgment interest pursuant to Civil
20 Code sections 3287 and/or 3288;

21 (B) General damages in a sum in excess of the jurisdictional minimum of the
22 Superior Court;

23 (C) Attorneys' fees pursuant to Government Code section 12965, subdivision (c),
24 Code of Civil Procedure section 1021.5, or any other provision allowed by law;

25 (D) Expert witness fees pursuant to Government Code section 12965, subdivision
26 (c), or any other provision allowed by law;

27 (E) Prejudgment interest;
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1 (F) For injunctive relief, including without limitation, a requirement that
2 Defendants, under court supervision, conduct training for all employees, supervisors and management
3 on the requirements of the PDLL, the rights and remedies of those who allege a violation of the PDLL,
4 and the employer's internal grievance procedure;

5 (G) For injunctive relief restraining Defendants from engaging in any further acts
6 of discrimination, non-compliance and/or retaliation for opposing discrimination and/or exercising
7 rights under the PDLL;

8 (H) For such further injunctive relief as the court may deem appropriate to both
9 prevent and deter unlawful employment practices and redress the adverse effects of those practices on
10 Plaintiff and other aggrieved persons;

11 (I) Costs of lawsuit;

12 (J) Punitive damages in a sum in excess of the jurisdictional minimum of the
13 Superior Court; and

14 (K) Such other and further relief as the Court deems proper.

15 FOURTH CAUSE OF ACTION

16 Retaliation in Violation of the Fair Employment and Housing Act

17 (*Gov. Code* §§12940 (h) & (m)(2))

18 (Against All Defendants)

19 67. Plaintiff incorporates by reference the allegations contained in paragraphs 1
20 through 66 as though fully set forth herein.

21 68. Plaintiff requested reasonable accommodation for her pregnancy-related
22 disability.

23 69. Plaintiff opposed Defendants' discriminatory efforts to place Plaintiff out of work
24 because of her pregnancy and to ultimately terminate her employment.

25 70. In response to Plaintiff's requests for reasonable accommodation and her
26 opposition to Defendants' discriminatory conduct, Defendants retaliated against Plaintiff and
27 ultimately terminated her employment.
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1 71. Defendants' retaliatory conduct constitutes unlawful retaliation in violation of
2 the Fair Employment and Housing Act, *Government Code* Sections 12940(h) & (m)(2).

3 72. As a proximate result of the wrongful acts of Defendants, and each of them,
4 Plaintiff has been harmed in that Plaintiff has suffered actual, consequential, and incidental
5 financial losses, including without limitation, loss of salary and benefits, and the intangible
6 loss of employment-related opportunities and damage to her professional reputation, all in an
7 amount subject to proof at the time of trial. Plaintiff claims such amounts as damages together
8 with prejudgment interest pursuant to California *Civil Code* Sections 3287, 3288 and/or any
9 other provision of law providing for prejudgment interest.

10 73. As a proximate result of the wrongful acts of Defendants, and each of them,
11 Plaintiff has suffered and continues to suffer from severe anxiety, worry, embarrassment,
12 humiliation, shame, mental anguish, and emotional distress. Plaintiff is informed and believes
13 and thereon alleges that she will continue to experience said emotional suffering for a period
14 in the future she cannot presently ascertain, all in an amount subject to proof at the time of
15 trial.

16 74. The above recited actions of Defendants in retaliating against Plaintiff were done
17 with malice, fraud and/or oppression and in reckless disregard of the rights of Plaintiff under the
18 FEHA. Plaintiff is informed and believes and on that basis alleges that the wrongful acts taken towards
19 her were carried out by Defendant Sean Combs and the officers, directors and/or managing agents of
20 COMBS entities and/or with the ratification and approval of Defendant Sean Combs and the officers,
21 directors and/or managing agents of COMBS entities in a malicious, oppressive and fraudulent manner
22 in order to harm Plaintiff, or with a willful and conscious disregard of Plaintiff's rights, thereby causing
23 her unjust hardship, humiliation and/or emotional distress. Such conduct was despicable, and justifies
24 an award of punitive damages against Defendants in an amount sufficient to punish and make an
25 example of Defendants, and each of them, and to deter them from engaging in such conduct again in
26 the future, in an amount according to proof at time of trial.

1 75. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff
2 has been harmed in that Plaintiff has suffered actual, consequential and incidental financial losses,
3 including without limitation, loss of salary and benefits, and the intangible loss of employment-related
4 opportunities and damage to her professional reputation, all in an amount subject to proof at the time
5 of trial. Plaintiff claims such amounts as damages together with prejudgment interest pursuant to
6 California Civil Code sections 3287, 3288 and/or any other provision of law providing for prejudgment
7 interest.

8 76. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff
9 has suffered and continues to suffer extreme anxiety, worry, embarrassment, humiliation, mental
10 anguish, and emotional distress. Plaintiff is informed and believes and thereon alleges that she will
11 continue to experience said emotional suffering for a period in the future she cannot presently
12 ascertain, all in an amount subject to proof at the time of trial.

13 77. WHEREFORE, Plaintiff seeks judgment against Defendants, and each of them for:

14 (A) All actual, consequential and incidental financial losses, including but not
15 limited to loss of earnings and benefits, according to proof, together with prejudgment interest
16 pursuant to Civil Code sections 3287 and/or 3288;

17 (B) General damages in a sum in excess of the jurisdictional minimum of the
18 Superior Court;

19 (C) Attorneys' fees pursuant to Government Code section 12965, subdivision (c),
20 Code of Civil Procedure section 1021.5, or any other provision allowed by law;

21 (D) Expert witness fees pursuant to Government Code section 12965, subdivision
22 (c), or any other provision allowed by law;

23 (E) Prejudgment interest;

24 (F) For injunctive relief, including without limitation, a requirement that
25 Defendants, under court supervision, conduct training for all employees, supervisors and management
26 on the requirements of the FEHA, the rights and remedies of those who allege a violation of the FEHA,
27 and the employer's internal grievance procedure;

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1 (G) For injunctive relief restraining Defendants from engaging in any further acts
2 of discrimination and/or retaliation for opposing discrimination and/or exercising rights under the
3 FEHA;

4 (H) For such further injunctive relief as the court may deem appropriate to both
5 prevent and deter unlawful employment practices and redress the adverse effects of those practices on
6 Plaintiff and other aggrieved persons;

7 (I) Costs of lawsuit;

8 (J) Punitive damages in a sum in excess of the jurisdictional minimum of the
9 Superior Court; and

10 (K) Such other and further relief as the Court deems proper.

11 FIFTH CAUSE OF ACTION

12 Failure to Prevent Discrimination (Gov. Code § 12940 (k))

13 (Against all Defendants)

14 78. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through
15 77 as though fully set forth herein.

16 79. Plaintiff is informed and believes and thereupon alleges that Defendants knew or
17 reasonably should have known of the other Defendants' and other co-employees' unlawful
18 discrimination in the workplace and that they should not have been employed with the remaining
19 Defendants, and Defendants should have investigated and restrained such other Defendants from
20 engaging in unlawful and discriminatory conduct and should have provided training and instruction to
21 them on the laws pertaining to discrimination. Defendants failed to take all reasonable steps necessary
22 to prevent or stop discrimination from occurring.

23 80. At all times herein mentioned, Government Code section 12940, subdivision (k) was
24 in full force and effect and binding on Defendants. This subsection requires Defendants to take all
25 reasonable steps necessary to prevent discrimination from occurring. As alleged above, Defendants
26 violated this subsection by failing to take all reasonable steps necessary to prevent, investigate,
27 remedy, or stop discrimination from occurring. Plaintiff complained of discrimination to Defendants'
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1 management and/or management personally observed some of the discrimination. To Plaintiff's
2 knowledge, no meaningful or adequate disciplinary action was taken. By engaging in the acts
3 described above, the Defendants failed to prevent, investigate, and remedy discrimination against
4 Plaintiff in violation of the FEHA.

5 81. Plaintiff is informed and believes and thereupon alleges that Defendants failed to
6 provide adequate training to their owners, supervisors, and managers.

7 82. The above recited actions of Defendants in failing to prevent
8 discrimination/retaliation against Plaintiff were done with malice, fraud and/or oppression and in
9 reckless disregard of the rights of Plaintiff under the FEHA. Plaintiff is informed and believes and on
10 that basis alleges that the wrongful acts taken towards her were carried out by Defendant Sean Combs
11 and the officers, directors and/or managing agents of COMBS entities and/or with the ratification and
12 approval of Defendant Sean Combs and the officers, directors and/or managing agents of COMBS
13 entities in a malicious, oppressive and fraudulent manner in order to harm Plaintiff, or with a willful
14 and conscious disregard of Plaintiff's rights, thereby causing her unjust hardship, humiliation and/or
15 emotional distress. Such conduct was despicable, and justifies an award of punitive damages against
16 Defendants in an amount sufficient to punish and make an example of Defendants, and each of them,
17 and to deter them from engaging in such conduct again in the future, in an amount according to proof
18 at time of trial.

19 83. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff
20 has been harmed in that Plaintiff has suffered actual, consequential and incidental financial losses,
21 including without limitation, loss of salary and benefits, and the intangible loss of employment-related
22 opportunities and damage to her professional reputation, all in an amount subject to proof at the time
23 of trial. Plaintiff claims such amounts as damages together with prejudgment interest pursuant to Civil
24 Code sections 3287, 3288 and/or any other provision of law providing for prejudgment interest.

25 84. As a proximate result of the wrongful acts of Defendants, and each of them, Plaintiff
26 has suffered and continues to suffer extreme anxiety, worry, embarrassment, humiliation, mental
27 anguish, and emotional distress. Plaintiff is informed and believes and thereon alleges that she will
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1 continue to experience said emotional suffering for a period in the future she cannot presently
2 ascertain, all in an amount subject to proof at the time of trial.

3 85. WHEREFORE, Plaintiff seeks judgment against Defendants, and each of them for:

4 (A) All actual, consequential and incidental financial losses, including but not
5 limited to loss of earnings, according to proof, together with prejudgment interest pursuant to Civil
6 Code sections 3287 and/or 3288;

7 (B) General damages in a sum in excess of the jurisdictional minimum of the
8 Superior Court;

9 (C) Attorneys' fees pursuant to Government Code section 12965, subdivision (c),
10 Code of Civil Procedure section 1021.5, or any other provision allowed by law;

11 (D) Expert witness fees pursuant to Government Code section 12965, subdivision
12 (c), or any other provision allowed by law;

13 (E) Prejudgment interest;

14 (F) For injunctive relief, including without limitation, a requirement that
15 Defendants, under court supervision, conduct training for all employees, supervisors and management
16 on the requirements of the FEHA, the rights and remedies of those who allege a violation of the FEHA,
17 and the employer's internal grievance procedure;

18 (G) For injunctive relief restraining Defendants from engaging in any further acts
19 of discrimination and/or retaliation for opposing discrimination and/or exercising rights under the
20 FEHA;

21 (H) For such further injunctive relief as the court may deem appropriate to both
22 prevent and deter unlawful employment practices and redress the adverse effects of those practices on
23 plaintiff and other aggrieved persons;

24 (I) Costs of lawsuit;

25 (J) Punitive damages in a sum in excess of the jurisdictional minimum of the
26 Superior Court; and

27 (K) Such other and further relief as the Court deems proper.
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1 anguish, and emotional distress. Plaintiff is informed and believes and thereon alleges that she will
2 continue to experience said emotional suffering for a period in the future she cannot presently
3 ascertain, all in an amount subject to proof at the time of trial.

4 91. WHEREFORE, Plaintiff seeks judgment against Defendants, and each of them for:

5 (A) All actual, consequential and incidental financial losses, including but not
6 limited to loss of earnings, according to proof, together with prejudgment interest pursuant to Civil
7 Code sections 3287 and/or 3288;

8 (B) General damages in a sum in excess of the jurisdictional minimum of the
9 Superior Court;

10 (C) Attorneys' fees pursuant to Code of Civil Procedure section 1021.5, or any
11 other provision allowed by law;

12 (D) Expert witness fees;

13 (E) Prejudgment interest;

14 (F) Costs of lawsuit;

15 (G) Punitive damages in a sum in excess of the jurisdictional minimum of the
16 Superior Court; and

17 (H) Such other and further relief as the Court deems proper.

18 SEVENTH CAUSE OF ACTION

19 Failure to Pay for All Hours Worked at the Correct Rate(s) of Pay

20 (Lab. Code §§ 204, 510, 1194 & 1198)

21 (Against all Defendants)

22 92. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through
23 91 as though fully set forth herein.

24 93. At all relevant times during her employment, Plaintiff was a non-exempt employee
25 of Defendants and entitled to the benefits and protections of California Labor Code sections 204, 510,
26 1194 and 1198, and the applicable Wage Order(s).
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1 94. Employers must compensate non-exempt employees for “off-the-clock” work if the
2 employers knew or should have known that the employees were working those hours. (*See Morillion*
3 *v. Royal Packing Co.* (2000) 22 Cal.4th 575, 585.)

4 95. Throughout her employment, Plaintiff was misclassified and treated as a salaried
5 employee. Defendants required Plaintiff to work in excess of eight hours per day and/or 40 hours in a
6 week. As a full-time live-in nanny, Plaintiff was responsible for the 24/7-hour care of Defendant Sean
7 Combs’ daughters. Defendants failed to pay Plaintiff wages for all hours worked beyond eight hours
8 in a day and 40 hours in a week. Defendants knew or should have known that Plaintiff was performing
9 work in excess of eight hours per day and 40 hours per week without separate compensation for such
10 work.

11 96. Plaintiff was routinely on duty for more than 12 hours in a workday, was not provided
12 at least 12 consecutive hours free of duty during each workday and worked during all hours, was not
13 provided at least three hours free of duty within 12 hours span of work during each workday, and was
14 required to work more than five days in any one workweek without a day off, all without being
15 compensated for her overtime work.

16 97. Plaintiff is informed and believes and thereon alleges that, at all relevant times,
17 Defendants have maintained a policy, practice, or a lack of a policy which resulted in Defendants’
18 failure to compensate Plaintiff for all hours worked at the correct rate(s) of pay.

19 98. As a result of Defendants’ unlawful conduct, Plaintiff has suffered damages in an
20 amount, subject to proof, to the extent she was not paid the full amount of wages earned during each
21 pay period of her employment, including overtime wages.

22 99. Pursuant to Labor Code section 1194, Plaintiff is entitled to recover unpaid overtime
23 wages, interest thereon, and awards of costs and reasonable attorneys’ fees, all in amounts subject to
24 proof.

25 100. WHEREFORE, Plaintiff seeks judgment against Defendants, and each of them for:
26 (A) All actual, consequential and incidental financial losses, including but not
27 limited to unpaid wages, according to proof, together with prejudgment interest pursuant to Civil Code
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1 sections 3287 and/or 3288;

2 (B) Statutory damages;

3 (C) Restitution;

4 (D) Equitable relief;

5 (E) Pre-judgment interest;

6 (F) Statutory penalties;

7 (G) Civil penalties;

8 (H) Interest;

9 (I) Costs of lawsuit;

10 (J) Attorneys' fees pursuant to Labor Code section 1194, or any other provision
11 allowed by law;

12 (K) Expert witness fees; and

13 (L) Such other and further relief as the Court deems proper.

14 EIGHTH CAUSE OF ACTION

15 Failure to Provide Meal and Rest Periods (Lab. Code §§ 226.7, 512 & 1198)

16 (Against all Defendants)

17 101. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through
18 100 as though fully set forth herein.

19 102. At all relevant times during her employment, Plaintiff was a non-exempt employee
20 of Defendants and entitled to the benefits and protections of Labor Code sections 226.7, 512, and 1198
21 and the applicable Wage Order(s).

22 103. *Labor Code* section 1198 states:

23 The maximum hours of work and the standard conditions of labor
24 fixed by the commission shall be the maximum hours of work and
25 the standard conditions of labor for employees. The employment of
26 any employee for longer hours than those fixed by the order or under
conditions of labor prohibited by the order is unlawful.

27 104. *Labor Code* section 512 states, in relevant part:

28 An employer shall not employ an employee for a work period of
more than five hours per day without providing the employee with

1 a meal period of not less than 30 minutes, except that if the total
2 work period per day of the employee is no more than six hours, the
3 meal period may be waived by mutual consent of both the employer
4 and employee. An employer shall not employ an employee for a
5 work period of more than 10 hours per day without providing the
6 employee with a second meal period of not less than 30 minutes,
except that if the total hours worked is no more than 12 hours, the
second meal period may be waived by mutual consent of the
employer and the employee only if the first meal period was not
waived.

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8 105. Section 11 of Industrial Welfare Commission Order No. 15-2001 (hereafter “the
9 Wage Order”) states in relevant part:

10 **Meal Periods.**

11 (A) No employer shall employ any person for a work period of more than
12 five (5) hours without a meal period of not less than 30 minutes, except that
when a work period of not more than six (6) hours will complete the day’s
work the meal period may be waived by mutual consent of the employer
and the employee.

13 (B) An employer may not employ an employee for a work period of more
14 than ten (10) hours per day without providing the employee with a second
15 meal period of not less than 30 minutes, except that if the total hours worked
16 is no more than 12 hours, the second meal period may be waived by mutual
consent of the employer and the employee only if the first meal period was
not waived.

17 (C) Unless the employee is relieved of all duty during a 30 minute meal
18 period, the meal period shall be considered an “on duty” meal period and
19 counted as time worked....

20 (D) If an employer fails to provide an employee a meal period in accordance
21 with the applicable provisions of this order, the employer shall pay the
employee one (1) hour of pay at the employee’s regular rate of
22 compensation for each workday that the meal period is not provided.

23 106. In relevant part, section 12 of the Wage Order states:

24 **Rest Periods.**

25 (A) Every employer shall authorize and permit all employees to take rest
26 periods, which insofar as practicable shall be in the middle of each work
27 period. The authorized rest period time shall be based on the total hours
28 worked daily at the rate of ten (10) minutes net rest time per four (4) hours
or major fraction thereof. However, a rest period need not be authorized for
employees whose total daily work time is less than three and one-half (3

1 1/2) hours. Authorized rest period time shall be counted as hours worked
2 for which there shall be no deduction from wages.

3 (B) If an employer fails to provide an employee a rest period in accordance
4 with the applicable provisions of this order, the employer shall pay the
employee one (1) hour of pay at the employee's regular rate of
compensation for each workday that the rest period is not provided.

5 107. In addition, *Labor Code* section 226.7 provides:

6 (b) An employer shall not require an employee to work during a meal or
7 rest or recovery period mandated pursuant to an applicable statute, or
8 applicable regulation, standard, or order of the Industrial Welfare
Commission, the Occupational Safety and Health Standards Board, or the
Division of Occupational Safety and Health.

9 (c) If an employer fails to provide an employee a meal or rest or recovery
10 period in accordance with a state law, including, but not limited to, an
11 applicable statute or applicable regulation, standard, or order of the
Industrial Welfare Commission, the Occupational Safety and Health
12 Standards Board, or the Division of Occupational Safety and Health, the
employer shall pay the employee one additional hour of pay at the
13 employee's regular rate of compensation for each workday that the meal or
rest or recovery period is not provided.

14 108. Pursuant to Labor Code sections 226.7 & 512 and the applicable Wage Order(s),
15 Plaintiff was entitled to uninterrupted meal periods of at least 30 minutes for each day she worked five
16 or more hours.

17 109. Pursuant to Labor Code section 226.7 and the applicable Wage Orders, Plaintiff was
18 entitled to uninterrupted rest periods of at least 10 minutes for each four-hour period of work or major
19 fraction thereof.

20 110. Defendants failed to provide Plaintiff with all required meal and rest periods in
21 accordance with California law. Defendants knowingly required Plaintiff to work more than ten hours
22 in a day without 30-minute meal periods during which she was relieved of all duty and did not
23 authorize or permit her to take paid 10-minute rest periods every four hours worked (or major fraction
24 thereof) during which she was relieved of all duty. Defendants failed to pay Plaintiff wages required
25 by Labor Code section 226.7 on days they failed to provide Plaintiff with one or more uninterrupted
26 meal or paid rest periods.

27 111. Plaintiff is informed and believes and thereon alleges that, during the relevant time
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1 period, Defendants maintained a policy, practice, or a lack of a policy which resulted in Defendants
2 failing to provide Plaintiff with meal and rest periods and/or premium wages for all workdays they
3 failed to provide Plaintiff with one or more meal or rest periods in compliance with California law.

4 112. As a result of Defendants' unlawful conduct, Plaintiff has suffered damages in
5 amounts subject to proof to the extent she was not paid premium wages owed for all workdays
6 Defendants failed to provide one or more meal or rest periods during which she was relieved of all
7 duty.

8 113. By reason of the above, Plaintiff is entitled to wages for workdays in which one or
9 more rest periods were not provided to her pursuant to Labor Code section 226.7 and the applicable
10 Wage Order(s).

11 114. WHEREFORE, Plaintiff seeks judgment against Defendants, and each of them for:

12 (A) All actual, consequential and incidental financial losses, including but not
13 limited to unpaid wages, according to proof, together with prejudgment interest pursuant to the Civil
14 Code sections 3287 and/or 3288;

15 (B) Statutory damages;

16 (C) Restitution;

17 (D) Equitable relief;

18 (E) Pre-judgment interest;

19 (F) Statutory penalties;

20 (G) Civil penalties;

21 (H) Interest;

22 (I) Costs of lawsuit;

23 (J) Attorneys' fees pursuant to Labor Code section 1194, or any other provision
24 allowed by law;

25 (K) Expert witness fees; and

26 (L) Such other and further relief as the Court deems proper.
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1 NINTH CAUSE OF ACTION

2 Failure to Provide Accurate, Written Wage Statements (Lab. Code § 226)

3 (Against all Defendants)

4 115. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through
5 114 as though fully set forth herein.

6 116. At all relevant times, Plaintiff was an employee of Defendants and entitled to the
7 benefits and protections of Labor Code section 226.

8 117. Pursuant to Labor Code section 226, subdivision (a), Plaintiff was entitled to receive,
9 semimonthly or at the time of each payment of wages, an accurate itemized statement showing:

- 10 A. Gross wages earned,
11 B. Total hours worked by the employee,
12 C. The number of piece rate units earned and any applicable piece rate if the
13 employee is paid on a piece-rate basis,
14 D. All deductions, provided that all deductions made on written orders of the
15 employee may be aggregated and shown as one item,
16 E. Net wages earned,
17 F. The inclusive dates of the period for which the employee is paid,
18 G. The name of the employee and only the last four digits of his or her social
19 security number or an employee identification number other than a social
20 security number,
21 H. The name and address of the legal entity that is the employer, and
22 I. All applicable hourly rates in effect during the pay period and the corresponding
23 number of hours worked at each hourly rate by the employee.

24 118. Pursuant to Labor Code section 226, subdivision (e), an employee suffering injury as
25 a result of a knowing and intentional failure by an employer to comply with subdivision (a) is entitled
26 to recover the greater of all actual damages or \$50 for the initial pay period in which a violation occurs
27 and \$100 per employee for each violation in a subsequent pay period, not to exceed an aggregate
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1 penalty of \$4,000, and is entitled to an award of costs and reasonable attorneys' fees.

2 119. Pursuant to Labor Code section 226, subdivision (e), an employee is deemed to suffer
3 injury if the employer fails to provide a wage statement. Also, an employee is deemed to suffer injury
4 if the employer fails to provide accurate and complete information as required by Labor Code section
5 226, subdivision (a) and the employee cannot "promptly and easily determine" from the wage
6 statement alone one or more of the following:

- 7 A. The amount of the gross wages or net wages paid to the employee during the pay
8 period or any of the other information required to be provided on the itemized
9 wage statement pursuant to items (2) to (4), inclusive, (6), and (9) of subdivision
10 (a) of the California Labor Code section 226;
- 11 B. Which deductions the employer made from gross wages to determine the net
12 wages paid to the employee during the pay period;
- 13 C. The name and address of the employer; and
- 14 D. The name of the employee and only the last four digits of his or her social security
15 number or an employee identification number other than a social security
16 number.

17 120. "Promptly and easily determine," as stated in Labor Code section 226, subdivision
18 (e), means a reasonable person would be able to readily ascertain the information without reference to
19 other documents or information.

20 121. Defendants failed to provide regular and properly itemized wage statements to
21 Plaintiff that itemized Plaintiff's gross and net wages earned, total hours worked, applicable hourly
22 rates, and corresponding number of hours worked at each hourly rate in each of her itemized
23 statements. As a result, Defendants have violated Labor Code section 226.

24 122. Defendants' failure to provide Plaintiff with accurate wage statements was knowing
25 and intentional. Defendants had the ability to provide Plaintiff with accurate wage statements but
26 intentionally provided wage statements that Defendants knew were not complete or accurate.

27 123. As a result of Defendants' failure to provide regular and properly itemized wage
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1 statements, Plaintiff has suffered injury. Plaintiff's legal rights to receive accurate wage statements
2 were violated, and she was misled about the amount of wages she had actually earned and was owed.
3 Plaintiff has also been prevented from immediately challenging allegedly unlawful pay practices,
4 compelled to reconstruct time and pay records and perform mathematical computations to determine
5 the amounts of wages she has earned, and has had inaccurate information about her work and wages.
6 Further, Plaintiff was not able to ascertain from the wage statements whether Defendants complied
7 with their obligations under Labor Code section 226, subdivision (a).

8 124. Pursuant to Labor Code section 226, subdivision (e), Plaintiff is entitled to recover
9 the greater of actual damages, or penalties of \$50 for the initial pay period in which a violation of
10 Labor Code section 226, subdivision (a) occurred and \$100 for each violation of Labor Code section
11 226, subdivision (a) in a subsequent pay period, not to exceed an aggregate penalty of \$4,000, and is
12 also entitled to an award of costs and reasonable attorneys' fees.

13 125. WHEREFORE, Plaintiff seeks judgment against Defendants, and each of them for:

- 14 (A) All actual, consequential and incidental financial losses according to proof,
15 together with prejudgment interest pursuant to Civil Code sections 3287 and/or 3288;
16 (B) Statutory damages;
17 (C) Restitution;
18 (D) Equitable relief;
19 (E) Pre-judgment interest;
20 (F) Statutory penalties;
21 (G) Civil penalties;
22 (H) Interest;
23 (I) Costs of lawsuit;
24 (J) Attorneys' fees;
25 (K) Expert witness fees; and
26 (L) Such other and further relief as the Court deems proper.
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- 1 (B) Statutory damages;
2 (C) Restitution;
3 (D) Equitable relief;
4 (E) Pre-judgment interest;
5 (F) Statutory penalties;
6 (G) Civil penalties;
7 (H) Interest;
8 (I) Costs of lawsuit;
9 (J) Attorneys' fees;
10 (K) Expert witness fees; and
11 (L) Such other and further relief as the Court deems proper.

12 Respectfully submitted,

13 DATED: September 26, 2022

MOZAFFARI LAW

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17 By: _____
18 AFSHIN MOZAFFARI
19 Attorneys for Plaintiff, JANE ROE
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DEMAND FOR TRIAL BY JURY

Plaintiff JANE ROE hereby demands a trial by jury.

Respectfully submitted,

DATED: September 26, 2022

MOZAFFARI LAW



By: _____
AFSHIN MOZAFFARI
Attorneys for Plaintiff, JANE ROE