

COPY

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY: Scott D. Myer MYER LAW FIRM 1800 Century Park East, Suite 600 Los Angeles, CA 90067-1508 Phone (310) 277-3000 - Fax (310) 855-3380		STATE BAR NUMBER 126048	Reserved for Clerk's File Stamp
ATTORNEY FOR (Name): Plaintiff, NORMA E. GUZMAN-MORALES, aka NORMA GUZMAN		CONFIRMED COPY ORIGINAL FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES APR 05 2013	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS: 111 North Hill Street, Los Angeles, CA 90012			
PLAINTIFF: NORMA E. GUZMAN-MORALES, aka NORMA GUZMAN	INTR	A Clerk, Executive Officer/Clerk Glorietta Robinson Deputy	
DEFENDANT: MACROLIFE NATURALS, INC.; et al.	RY		
AMENDMENT TO COMPLAINT (Fictitious / Incorrect Name)		CASE NUMBER: BC489103---Dept. 48-Hon. White	

FICTITIOUS NAME (No order required)

Upon the filing of the complaint, the plaintiff, being ignorant of the true name of the defendant and having designated the defendant in the complaint by the fictitious name of:

FICTITIOUS NAME DOE i

and having discovered the true name of the defendant to be:

TRUE NAME JOHN GROGAN & ASSOCIATES

amends the complaint by substituting the true name for the fictitious name wherever it appears in the complaint.

DATE April 4, 2013	TYPE OR PRINT NAME Scott D. Myer (SBN 126048)	SIGNATURE OF ATTORNEY 
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INCORRECT NAME (Order required)

The plaintiff, having designated a defendant in the complaint by the incorrect name of:

INCORRECT NAME

and having discovered the true name of the defendant to be:

TRUE NAME

amends the complaint by substituting the true name for the incorrect name wherever it appears in the complaint.

DATE	TYPE OR PRINT NAME	SIGNATURE OF ATTORNEY
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ORDER

THE COURT ORDERS the amendment approved and filed.

Dated

Judicial Officer

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ATTORNEY'S CERTIFICATE OF SERVICE BY MAIL

[Code Civ. Proc. § 1013a(2)]

I, SCOTT D. MYER, certify:

I am, and at all times mentioned herein was, an active member of the State Bar of California and not a party to the above-entitled cause. My business address is Myer Law Firm, 1800 Century Park East, Suite 600, Los Angeles, CA 90067.

I served, will serve or will cause to be served, the attached **AMENDMENT TO COMPLAINT (DOE 1)**, on April 4, 2013, [] **BY PERSONAL HAND-DELIVERY AT DEFENDANTS' PLACE OF BUSINESS**, [-X-] by depositing a copy of the document in the United States mail at City of Los Angeles, County of Los Angeles, State of California, in a sealed envelope, with postage fully prepaid, [] **EXPRESS MAIL**; [] **PRIORITY MAIL**; [-X-] **Regular Mail**; **AND BY** [] **Fax** (when a fax number is listed below), addressed to:

<p>Mr. Michael G. Dave (SBN 035898) MARCUS, WATANABE & DAVE, LLP 1901 Avenue of the Stars, Suite 300 Los Angeles CA 90067-6005</p> <p>Phone: (310) 284-2020 Fax: (310) 284-2025</p>	<p>Defendants, MACROLIFE NATURALS, INC.; FIT FOR YOU, INC.; FFY, INT'L, dba FIT FOR YOU; MIRACLE GREENS, INC.; SYLVIA ROSALINDA ORTIZ, aka SYLVIA ORTIZ; JOSE ROBERTO ORTIZ, aka J.R. ORTIZ, and Cross-Complainant, SYLVIA ORTIZ</p>
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who are the attorneys of record for the Defendants (or the Defendants themselves) in the above-entitled cause. At that time there was regular delivery of United States mail between the place of deposit and place of address, [] and in the usual course such method of service would usually be received by the addressees no later than the next Court day after filing this document with the Court (USE FOR MOTION OPPOSITIONS).

Dated: April 4, 2013


SCOTT D. MYER, ESQ.

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ATTORNEY FOR (Name): Plaintiff, NORMA E. GUZMAN-MORALES, aka NORMA GUZMAN			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS: 111 North Hill Street, Los Angeles, CA 90012			
PLAINTIFF: NORMA E. GUZMAN-MORALES, aka NORMA GUZMAN			
DEFENDANT: MACROLIFE NATURALS, INC.; et al.			
AMENDMENT TO COMPLAINT (Fictitious /Incorrect Name)			CASE NUMBER: BC489103--Dept. 48-Hon. White

FICTITIOUS NAME (No order required)

Upon the filing of the complaint, the plaintiff, being ignorant of the true name of the defendant and having designated the defendant in the complaint by the fictitious name of:

FICTITIOUS NAME DOE 2

and having discovered the true name of the defendant to be:

TRUE NAME JOHN GROGAN

amends the complaint by substituting the true name for the fictitious name wherever it appears in the complaint.

DATE April 4, 2013	TYPE OR PRINT NAME Scott D. Myer (SBN 126048)	SIGNATURE OF ATTORNEY <i>[Signature]</i>
-----------------------	--------------------------------------------------	---------------------------------------------

INCORRECT NAME (Order required)

The plaintiff, having designated a defendant in the complaint by the incorrect name of:

INCORRECT NAME

and having discovered the true name of the defendant to be:

TRUE NAME

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I served, will serve or will cause to be served, the attached **AMENDMENT TO COMPLAINT (DOE 2)**, on April 4, 2013, [] *BY PERSONAL HAND-DELIVERY AT DEFENDANTS' PLACE OF BUSINESS*, [] by depositing a copy of the document in the United States mail at City of Los Angeles, County of Los Angeles, State of California, in a sealed envelope, with postage fully prepaid, [] **EXPRESS MAIL**; [] **PRIORITY MAIL**; [] **Regular Mail**; **AND BY** [] **Fax** (when a fax number is listed below), addressed to:

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SCOTT D. MYER, ESQ.

GOP

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ATTORNEY FOR (Name): Plaintiff, NORMA E. GUZMAN-MORALES, aka NORMA GUZMAN			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS: 111 North Hill Street, Los Angeles, CA 90012			
PLAINTIFF: NORMA E. GUZMAN-MORALES, aka NORMA GUZMAN			CASE NUMBER: BC489103--Dept. 48-Hon. White
DEFENDANT: MACROLIFE NATURALS, INC., et al.			
AMENDMENT TO COMPLAINT (Fictitious / Incorrect Name)			

FICTITIOUS NAME (No order required)

Upon the filing of the complaint, the plaintiff, being ignorant of the true name of the defendant and having designated the defendant in the complaint by the fictitious name of:

FICTITIOUS NAME DOE 3

and having discovered the true name of the defendant to be:

TRUE NAME LISA JAVORIC & ASSOCIATES

amends the complaint by substituting the true name for the fictitious name wherever it appears in the complaint.

DATE April 4, 2013	TYPE OR PRINT NAME Scott D. Myer (SBN 126048)	SIGNATURE OF ATTORNEY <i>Scott D. Myer</i>
-----------------------	--------------------------------------------------	-----------------------------------------------

INCORRECT NAME (Order required)

The plaintiff, having designated a defendant in the complaint by the incorrect name of:

INCORRECT NAME

and having discovered the true name of the defendant to be:

TRUE NAME

amends the complaint by substituting the true name for the incorrect name wherever it appears in the complaint.

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Dated

Judicial Officer

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6 600, Los Angeles, CA 90067.

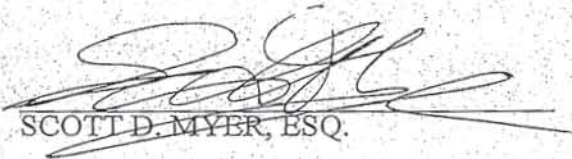
7 I served, will serve or will cause to be served, the attached AMENDMENT TO
8 COMPLAINT (DOE 3), on April 4, 2013, [] BY PERSONAL HAND-DELIVERY AT
9 DEFENDANTS' PLACE OF BUSINESS, [-X-] by depositing a copy of the document in the
10 United States mail at City of Los Angeles, County of Los Angeles, State of California, in a sealed
11 envelope, with postage fully prepaid, [] EXPRESS MAIL; [] PRIORITY MAIL; [-X-] Regular
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14 MARCUS, WATANABE & DAVE, LLP
15 1901 Avenue of the Stars, Suite 300
Los Angeles CA 90067-6005
16 Phone: (310) 284-2020
Fax: (310) 284-2025

Defendants, MACROLIFE NATURALS,
INC.; FIT FOR YOU, INC.; FFY, INT'L,
dba FIT FOR YOU; MIRACLE GREENS,
INC.; SYLVIA ROSALINDA ORTIZ, aka
SYLVIA ORTIZ; JOSE ROBERTO
ORTIZ, aka J.R. ORTIZ, and Cross-
Complainant, SYLVIA ORTIZ

18 who are the attorneys of record for the Defendants (or the Defendants themselves) in the
19 above-entitled cause. At that time there was regular delivery of United States mail between the place of
20 deposit and place of address, [] and in the usual course such method of service would usually be
21 received by the addressees no later than the next Court day after filing this document with the Court
22 (USE FOR MOTION OPPOSITIONS).

23 Dated: April 4, 2013

24 
SCOTT D. MYER, ESQ.

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ATTORNEY FOR (Name): Plaintiff, NORMA E. GUZMAN-MORALES, aka NORMA GUZMAN		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS: 111 North Hill Street, Los Angeles, CA 90012		
PLAINTIFF: NORMA E. GUZMAN-MORALES, aka NORMA GUZMAN		
DEFENDANT: MACROLIFE NATURALS, INC.; et al.		
AMENDMENT TO COMPLAINT (Fictitious /Incorrect Name)		CASE NUMBER: BC489103--Dept. 48-Hon. White

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FICTITIOUS NAME DOE 4

and having discovered the true name of the defendant to be:

TRUE NAME LISA JAVORIC

amends the complaint by substituting the true name for the fictitious name wherever it appears in the complaint.

DATE	TYPE OR PRINT NAME	SIGNATURE OF ATTORNEY
April 4, 2013	Scott D. Myer (SBN 126048)	

INCORRECT NAME (Order required)

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INCORRECT NAME

and having discovered the true name of the defendant to be:

TRUE NAME

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DATE	TYPE OR PRINT NAME	SIGNATURE OF ATTORNEY

ORDER

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Dated

Judicial Officer

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2 [Code Civ. Proc. § 1013a(2)]

3 I, SCOTT D. MYER, certify:

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6 600, Los Angeles, CA 90067.

7 I served, will serve or will cause to be served, the attached AMENDMENT TO
8 COMPLAINT (DOE 4), on April 4, 2013, [] BY PERSONAL HAND-DELIVERY AT
9 DEFENDANTS' PLACE OF BUSINESS, [] by depositing a copy of the document in the
10 United States mail at City of Los Angeles, County of Los Angeles, State of California, in a sealed
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Los Angeles CA 90067-6005
16 Phone: (310) 284-2020
17 Fax: (310) 284-2025

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INC.; FIT FOR YOU, INC.; FFY, INT'L,
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INC.; SYLVIA ROSALINDA ORTIZ, aka
SYLVIA ORTIZ; JOSE ROBERTO
ORTIZ, aka J.R. ORTIZ, and Cross-
Complainant, SYLVIA ORTIZ

18 who are the attorneys of record for the Defendants (or the Defendants themselves) in the
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23 Dated: April 4, 2013

24 
SCOTT D. MYER, ESQ

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1 MYER LAW FIRM
 SCOTT D. MYER, ESQ. (SBN 126048)
 2 1800 Century Park East, Suite 600
 Los Angeles, CA 90067
 3 Phone (310) 277-3000
 Fax (310) 855-3380
 4 sdm@myerlaw.com

5 Attorney for Plaintiff,
 NORMA E. GUZMAN-MORALES,
 6 aka NORMA GUZMAN

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

JUL 26 2012

John A. Clarke, Executive Officer/Clerk
By  Deputy
SHAURYA WESLEY

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA, UNLIMITED JURISDICTION
9 FOR THE COUNTY OF LOS ANGELES
10

11 NORMA E. GUZMAN-MORALES,
12 aka NORMA GUZMAN,

CASE NO. BC 489103

13 Plaintiff,

COMPLAINT FOR DAMAGES,
INCLUDING PUNITIVE DAMAGES,
AND INJUNCTIVE RELIEF; AND, JURY
DEMAND

14 vs.

15 MACROLIFE NATURALS, INC.; FIT
FOR YOU, INC.; FFY, INT'L, dba FIT
FOR YOU; MIRACLE GREENS,
16 INC.; SYLVIA ROSALINDA ORTIZ,
aka SYLVIA ORTIZ; JOSE ROBERTO
17 ORTIZ, aka J.R. ORTIZ; and, DOES 1
TO 100, inclusive.,

18 Defendants.
19

20 Plaintiff complains and alleges as follows:

21 PARTIES

22 1. At all material times, plaintiff NORMA E. GUZMAN-MORALES, aka
23 NORMA GUZMAN, (hereinafter, "Plaintiff" and/or "GUZMAN"), was a resident of the
24 State of California.

25 2. Plaintiff is a Hispanic, of Central-American and Guatemalan national origin,
26 and protected by the race and national origin discrimination laws.

27 3. The employment on which she sues herein was in and performed in the County
28 of Los Angeles, State of California.

1 4. Further, Plaintiff is informed and believes that the employment records at issue
2 are located in the County of Los Angeles, State of California.

3 5. Plaintiff is informed and believes that defendant MACROLIFE NATURALS,
4 INC., (herein sometimes referred to as "MACROLIFE"), is a California corporation with its
5 principal place of business in the County of Los Angeles, State of California.

6 6. Plaintiff is informed and believes that defendant FIT FOR YOU, INC., (herein
7 sometimes referred to as "FIT"), is a California corporation with its principal place of
8 business in the County of Los Angeles, State of California.

9 7. Plaintiff is informed and believes that defendant FFY, INT'L, dba FIT FOR
10 YOU, (hereinafter, "FFY"), is an unknown business entity with its principal place of business
11 in the State of California.

12 8. Plaintiff is informed and believes that defendant MIRACLE GREENS, INC.,
13 (hereinafter, "MIRACLE"), is an unknown business entity with its principal place of business
14 in the State of California.

15 9. Herein, MACROLIFE, FIT, FFY and MIRACLE will be individually and
16 collectively referred to as "EMPLOYERS."

17 10. Plaintiff is informed and believes that defendant SYLVIA ROSALINDA
18 ORTIZ, aka SYLVIA ORTIZ, (hereinafter, "S-ORTIZ"), is a resident of the State of
19 California. Plaintiff is informed and believes that at all material times, defendant S-ORTIZ
20 was and is an owner and/or managing supervisor, and was and is a Co-founder, Creator,
21 Executive Director, and as such was a managing agent of Defendant EMPLOYERS, and was
22 acting at least in part within the course and scope of his/her employment with Defendant
23 EMPLOYERS.

24 11. Plaintiff is informed and believes that defendant JOSE ROBERTO ORTIZ, aka
25 J.R. ORTIZ, (hereinafter, "JR-ORTIZ"), is a resident of the State of California. Plaintiff is
26 informed and believes that at all material times, defendant JR-ORTIZ was and is an owner
27 and/or managing supervisor, and was and is Vice President, Sales, and as such was a
28 managing agent of Defendant EMPLOYERS, and was acting at least in part within the

1 course and scope of his/her employment with Defendant EMPLOYERS.

2 12. Herein, S-ORTIZ and JR-ORTIZ will be individually and collectively referred
3 to as "INDIVIDUALS."

4 13. Plaintiff is informed and believes that each of the supervisors, managers, agents
5 and employees of Defendant EMPLOYERS, in doing the things alleged herein, were acting
6 at least in part within the course and scope of his, her or its employment or agency with
7 Defendant EMPLOYERS.

8 14. The true names and capacities of the defendants named herein as DOES 1 TO
9 100, inclusive, (hereinafter, "DOES"), whether individual, corporate, associate, or otherwise,
10 are unknown to plaintiff who therefore sues such defendants by fictitious names under
11 California *Code of Civil Procedure* §474. Plaintiff is informed and believes that the
12 Defendant DOES are California residents. Plaintiff will amend this Complaint to show such
13 true names and capacities when they have been determined. Plaintiff is informed and believes
14 that each defendant was an agent of the other defendants and ratified the conduct of the other
15 defendants.

16 15. Herein, Defendant EMPLOYERS, Defendant INDIVIDUALS and Defendant
17 DOES will be individually and collectively referred to as "Defendants" and/or "Defendant."

18
19 **FACTUAL BACKGROUND**

20 16. Plaintiff was a shipping/packer for the Defendants. Plaintiff began her
21 employment for the Defendants at least as early as 2002 or 2003. Plaintiff's employment was
22 wrongfully terminated on or about July 27, 2010.

23 17. In or about July to August 2010, and at other times, the Defendants, and each
24 of them, harassed the Plaintiff, demanding that she admit to stealing an expensive ring that
25 the Defendants, and each of them, lost. Defendants told the Plaintiff that she should take
26 money from them and return to where she came, i.e., Central America and Guatemala, in
27 consideration for their demand that she falsely admit to stealing the ring, which she did not
28 steal.

1 18. Plaintiff is informed and believes that the Defendant was looking for a way to
2 cover up the fact that she lost the ring, so that her husband who gave her the ring would not
3 be as upset and so that she could make an insurance claim for the loss of the ring.

4 19. On or about July 26, 2010, Defendants, and each of them, took the Plaintiff
5 against her will to a Polygraph company, to perform a polygraph and/or lie detector test on
6 her. The Defendants, and each of them, keep the Plaintiff waiting at this third party location
7 for approximately three hours to interrogate her.

8 20. This polygraph was taken not only without the willful and written formal
9 consent, but also without even the willful and oral consent, of Plaintiff, and in violation of
10 State and Federal law.

11 21. Thereafter, on or about that same date of July 26, 2010, the Defendants, and
12 each of them, took the Plaintiff against her will to a jewelry shop on Broadway in Los
13 Angeles in order to further attempt to harass her into falsely admitting to something she did
14 not do.

15 22. Thereafter on that date of on or about July 26, 2010, the Defendants, and each
16 of them, release the Plaintiff and tell her she was told to report to work the following date,
17 i.e., on or about July 27, 2010.

18 23. On or about July 27, 2010, Plaintiff returns to work as instructed. However,
19 instead of being allowed to work as usual, she is instructed to proceed to a different location.

20 24. Then, sometime on or about July 27, 2010, the Defendants, and each of them,
21 took the Plaintiff against her will to the Defendant INDIVIDUALS' residence, where they
22 further harassed her and held her against her will, demanding that she admit to something she
23 did not do.

24 25. Then, while being held by the Defendants, and each of them, at the Defendant
25 INDIVIDUAL's residence, the Defendants, and each of them, have the police department
26 come and arrest her on false charges, and the Defendants', and each of their, demand to take
27 possession of all of the Plaintiff's personal effects on her person, and to take position of her
28 house key.

1 26. Plaintiff remained falsely imprisoned on these false charges in jail for about
2 two weeks, as a result of the Defendants' false accusations.

3 27. On or about August 10, 2010, the Plaintiff was released on bond.

4 28. On or about August 19, 2010, the Defendants continued to harass the Plaintiff
5 by having a female from the polygraph company call her to give up information on someone
6 they claim purchased the ring.

7 29. At various times, the Defendants told the Plaintiff that she should just lie and
8 "admit" to stealing the ring and go back "home" to Guatemala, and that they would pay her
9 money if she did so. Plaintiff refused to participate in such illegal activity.

10 30. The criminal case against the Plaintiff was dismissed in the interests of justice
11 on or about March 20, 2012.

12 31. Plaintiff is informed and believes, and based upon such information and belief,
13 the Plaintiff alleges that currently, the Defendant S-ORTIZ is being criminally prosecuted
14 for various crimes, including but not limited to her alleged grand theft of monies from a
15 business partner.

16 32. The Plaintiff's claims have been equitably tolled during the period of her
17 confinement and during the period of the prosecution against her, i.e., from on or about July
18 27, 2010, to on or about March 20, 2012.

19 33. During the above periods of time, the Defendants, and each of them, stated and
20 implied that Plaintiff was a thief because she was a certain type of Hispanic and from Central
21 America and from Guatemala.

22 34. Defendants, and each of them, have stated that certain Hispanics, particularly
23 from Central America and Guatemala, are, words to the effect, thieves.

24 35. Plaintiff is informed and believes that Defendant EMPLOYERS failed and
25 have failed to the present time to take any disciplinary action against the employees/agents
26 who discriminated against and/or harassed the Plaintiff, such as issuing a formal warning,
27 providing counseling, or imposing probation, suspension, or termination.

28 36. Plaintiff is informed and believes that Defendant EMPLOYERS have never

1 had a written policy about age discrimination and harassment, has never conducted any age
2 discrimination and harassment training, and has never posted any age discrimination and
3 harassment policies for its supervisors and employees.

4
5 **FIRST CAUSE OF ACTION**

6 **(Race and National Origin Discrimination—California Government Code §12940)**

7 37. Each of the allegations in the paragraphs above are realleged and incorporated
8 herein by reference. This cause of action is pleaded against the Defendant EMPLOYERS.

9 38. Defendants were at all material times an employer within the meaning of
10 California Government Code §12926(d), and, as such, barred from discriminating or
11 retaliating in employment decisions on the basis of race and national origin as set forth in
12 California Government Code §12940.

13 39. Plaintiff was at all material times an applicant covered by California
14 Government Code §12940 prohibiting discrimination, harassment or retaliation in
15 employment, including during the application process, on the basis of race and national
16 origin.

17 40. Defendants and each of them engaged in a pattern and practice of
18 discriminating against employees of Hispanic, Central American, Indian, and/or Guatemalan
19 race and/or national origin, including Plaintiff, on the basis of race and/or national origin in
20 violation of California Government Code §§12940 and 12940(a) by engaging in a course of
21 conduct that included subjecting Plaintiff to age discrimination because of her race and/or
22 national origin.

23 41. Defendant EMPLOYERS failed to exercise reasonable care to prevent and
24 promptly correct the race and national origin discriminatory behavior.

25 42. Further, the Defendant DOES, and each of them, aided and abetted Defendant
26 EMPLOYERS in engaging in illegal discrimination on the basis of race and/or national
27 origin against employees, including subjecting Plaintiff to race and national origin
28 discrimination because of her race and/or national origin, in violation of California

1 *Government Code* §12940(i).

2 43. On or about July 26, 2012, Plaintiff filed timely charges of race and national
3 origin discrimination with the California Department of Fair Employment and Housing
4 (“DFEH”), and she has received her right-to-sue letters. Thus, Plaintiff has exhausted her
5 administrative remedies. During the period of the criminal prosecution against the Plaintiff,
6 the DFEH one-year period was equitably tolled.

7 44. As a proximate result of Defendant’s conduct, Plaintiff has suffered and
8 continues to suffer substantial losses incurred in seeking and performing substitute
9 employment and in earnings, and other employment benefits he would have received had
10 defendants not taken such adverse employment actions against her as a result of her race
11 and/or national origin.

12 45. As a proximate result of Defendant’s conduct, Plaintiff has suffered and
13 continues to suffer embarrassment, anxiety, humiliation, and emotional distress, as well as
14 medical expenses, all to her damage in an amount according to proof.

15 46. Defendants committed the acts alleged herein maliciously, fraudulently, and
16 oppressively, in bad faith, with the wrongful intention of injuring plaintiff, from an improper
17 and evil motive amounting to malice, and in conscious disregard of Plaintiff’s rights. Plaintiff
18 thus is entitled to recover punitive damages from Defendants in an amount according to
19 proof.

20 47. As a result of Defendant’s discriminatory acts as alleged herein, Plaintiff has
21 no plain, adequate, or complete remedy at law, and Defendants continue to engage in said
22 alleged wrongful practices. Therefore, Plaintiff requests:

- 23 (a) That she be made whole and afforded all benefits attendant thereto that
24 would have been afforded Plaintiff but for said discrimination; and
25 (b) That Defendants, their agents, successors, employees, and those acting
26 in concert with them be enjoined permanently from engaging in each
27 of the unlawful practices, policies, usages, and customs set forth herein,
28 and that they be required to develop posting policies, grievance

1 procedures, and training regarding race and national origin
2 discrimination and harassment.

3 48. As a result of Defendant's discriminatory acts as alleged herein, Plaintiff is
4 entitled to reasonable attorney fees and costs of suit as provided by California *Government*
5 *Code* §12965(b) and other authorities.

6 WHEREFORE, Plaintiff requests relief as hereinafter provided.
7

8 **SECOND CAUSE OF ACTION**

9 **(Race and National Origin Harassment—California *Government Code* §12940)**

10 49. Each of the allegations in the paragraphs above are realleged and incorporated
11 herein by reference. This cause of action is pleaded against all Defendants.

12 50. Defendant was at all material times an employer within the meaning of
13 California *Government Code* §12926(d), and, as such, barred from harassing employees and
14 job applicants on the basis of race and/or national origin as set forth in California
15 *Government Code* §12940.

16 51. Plaintiff was at all material times an applicant covered by California
17 *Government Code* §12940 prohibiting discrimination, harassment or retaliation in
18 employment on the basis of race and/or national origin.

19 52. Defendants and each of them engaged in a pattern and practice of
20 discriminating against and harassing employees of Hispanic, Central American, Indian,
21 and/or Guatemalan race and/or national origin, including Plaintiff, on the basis of race and/or
22 national origin in violation of California *Government Code* §§12940 and 12940(j)(1) by
23 engaging in a course of conduct that included subjecting Plaintiff to race and/or national
24 origin harassment because of her race and/or national origin.

25 53. Defendant EMPLOYERS failed to exercise reasonable care to prevent and
26 promptly correct the race and national origin harassment.

27 54. Further, the Defendant DOES, and each of them, aided and abetted the
28 Defendant EMPLOYERS, and the other Defendants, and each of them, in engaging in illegal

1 harassment on the basis of race and/or national origin against employees and applicants,
2 including subjecting Plaintiff to age harassment because of her race and/or national origin,
3 in violation of California *Government Code* §12940(i).

4 55. On or about July 26, 2012, Plaintiff filed timely charges of race and national
5 origin discrimination with the DFEH, and she has received his right-to-sue letters. Thus,
6 Plaintiff has exhausted her administrative remedies. During the period of the criminal
7 prosecution against the Plaintiff, the DFEH one-year period was equitably tolled.

8 56. As a proximate result of Defendant's conduct, Plaintiff has suffered and
9 continues to suffer substantial losses incurred in seeking and performing substitute
10 employment and in earnings, and other employment benefits she would have received had
11 defendants not discriminated against her and harassed her as a result of her race and national
12 origin.

13 57. As a proximate result of Defendant's conduct, Plaintiff has suffered and
14 continues to suffer embarrassment, anxiety, humiliation, and emotional distress, as well as
15 medical expenses, all to her damage in an amount according to proof.

16 58. Defendants committed the acts alleged herein maliciously, fraudulently, and
17 oppressively, in bad faith, with the wrongful intention of injuring plaintiff, from an improper
18 and evil motive amounting to malice, and in conscious disregard of Plaintiff's rights. Plaintiff
19 thus is entitled to recover punitive damages from Defendants in an amount according to
20 proof.

21 59. As a result of Defendant's discriminatory and harassing acts as alleged herein,
22 Plaintiff has no plain, adequate, or complete remedy at law, and Defendants continue to
23 engage in said alleged wrongful practices. Therefore, Plaintiff requests:

24 (a) That she be made whole and afforded all benefits attendant thereto that
25 would have been afforded Plaintiff but for said discrimination and
26 harassment; and

27 (b) That Defendants, their agents, successors, employees, and those acting
28 in concert with them be enjoined permanently from engaging in each

1 of the unlawful practices, policies, usages ,and customs set forth herein,
2 and that they be required to develop posting policies, grievance
3 procedures, and training regarding race and national origin
4 discrimination and harassment.

5 60. As a result of Defendant's discriminatory acts and harassment as alleged
6 herein, Plaintiff is entitled to reasonable attorney fees and costs of suit as provided by
7 California *Government Code* §12965(b) and other authorities.

8 WHEREFORE, Plaintiff requests relief as hereinafter provided.
9

10 THIRD CAUSE OF ACTION

11 (Retaliation—California *Government Code* §12940(h))

12 61. Each of the allegations in the paragraphs above are realleged and incorporated
13 herein by reference. This cause of action is pleaded against Defendants, and each of them.

14 62. Defendants, and each of them, have retaliated against Plaintiff In violation of
15 California *Government Code* §12940(h), by engaging in a course of retaliatory conduct,
16 including, among other things, the conduct set forth in the paragraphs above, when she
17 complained about harassment, discrimination and hostility and conduct based on her race and
18 national origin. This retaliation continued until Plaintiff's termination, and even thereafter,
19 at least through the date of the dismissal of the criminal complaint against the Plaintiff,
20 carried out by Defendants, and each of them, and/or employees acting within the course and
21 scope of their employment.

22 63. On or about July 26, 2012, Plaintiff filed timely charges of race and national
23 origin discrimination with the DFEH, and she has received her right-to-sue letters. Thus,
24 Plaintiff has exhausted her administrative remedies. During the period of the criminal
25 prosecution against the Plaintiff, the DFEH one-year period was equitably tolled.

26 64. As a proximate result of Defendant's conduct, Plaintiff has suffered and
27 continues to suffer substantial losses incurred in seeking and performing substitute
28 employment and in earnings, and other employment benefits she would have received had

1 defendants not discriminated and/or retaliated against her and/or harassed her as a result of
2 his age.

3 65. As a proximate result of Defendant's conduct, Plaintiff has suffered and
4 continues to suffer embarrassment, anxiety, humiliation, and emotional distress, as well as
5 medical expenses, all to her damage in an amount according to proof.

6 66. Defendants committed the acts alleged herein maliciously, fraudulently, and
7 oppressively, in bad faith, with the wrongful intention of injuring plaintiff, from an improper
8 and evil motive amounting to malice, and in conscious disregard of Plaintiff's rights. Plaintiff
9 thus is entitled to recover punitive damages from Defendants in an amount according to
10 proof.

11 67. As a result of Defendant's discriminatory, retaliatory and harassing acts as
12 alleged herein, Plaintiff has no plain, adequate, or complete remedy at law, and Defendants
13 continue to engage in said alleged wrongful practices. Therefore, Plaintiff requests:

14 (a) That she be made whole and afforded all benefits attendant thereto that
15 would have been afforded Plaintiff but for said discrimination,
16 retaliation and harassment; and

17 (b) That Defendants, their agents, successors, employees, and those acting
18 in concert with them be enjoined permanently from engaging in each
19 of the unlawful practices, policies, usages, and customs set forth herein,
20 and that they be required to develop posting policies, grievance
21 procedures, and training regarding race and national origin
22 discrimination, retaliation and harassment.

23 68. As a result of Defendant's discriminatory acts and harassment as alleged
24 herein, Plaintiff is entitled to reasonable attorney fees and costs of suit as provided by
25 California *Government Code* §12965(b) and other authorities.

26 WHEREFORE, Plaintiff requests relief as hereinafter provided.

27 ///

28 ///

1 **FOURTH CAUSE OF ACTION**

2 **(Failure to Maintain Environment Free from Harassment-**

3 **California Government Code §12940(k))**

4 69. Each of the allegations in the paragraphs above are realleged and incorporated
5 herein by reference. This cause of action is pleaded against the Defendant EMPLOYERS.

6 70. Defendants failed to take all reasonable steps to prevent discrimination and
7 harassment against plaintiff from occurring, and to take immediate and appropriate corrective
8 action to remedy the discrimination and harassment, in violation of California *Government*
9 *Code* §12940(k), by engaging in the course of conduct set forth in the paragraphs above,
10 among other things.

11 71. The Defendant EMPLOYERS failed to exercise reasonable care to prevent and
12 promptly correct the race and national origin discrimination, retaliation and harassment.

13 72. Further, the Defendant DOES, and each of them, aided and abetted the
14 Defendant EMPLOYERS in engaging in illegal harassment on the basis of race and/or
15 national origin against employees, including subjecting Plaintiff to race and national origin
16 harassment because of her race and national origin, in violation of California *Government*
17 *Code* §12940(i).

18 73. On or about July 26, 2012, Plaintiff filed timely charges of race and national
19 origin discrimination with the DFEH, and she has received his right-to-sue letters. Thus,
20 Plaintiff has exhausted her administrative remedies. During the period of the criminal
21 prosecution against the Plaintiff, the DFEH one-year period was equitably tolled.

22 74. As a proximate result of Defendant's conduct, Plaintiff has suffered and
23 continues to suffer substantial losses incurred in seeking and performing substitute
24 employment and in earnings, and other employment benefits he would have received had
25 defendants not discriminated against him and harassed him as a result of her race and
26 national origin.

27 75. As a proximate result of Defendant's conduct, Plaintiff has suffered and
28 continues to suffer embarrassment, anxiety, humiliation, and emotional distress, as well as

1 medical expenses, all to her damage in an amount according to proof.

2 76. Defendants committed the acts alleged herein maliciously, fraudulently, and
3 oppressively, in bad faith, with the wrongful intention of injuring plaintiff, from an improper
4 and evil motive amounting to malice, and in conscious disregard of Plaintiff's rights. Plaintiff
5 thus is entitled to recover punitive damages from Defendants in an amount according to
6 proof.

7 77. As a result of Defendant's discriminatory and harassing acts as alleged herein,
8 Plaintiff has no plain, adequate, or complete remedy at law, and Defendants continue to
9 engage in said alleged wrongful practices. Therefore, Plaintiff requests:

10 (a) That he be made whole and afforded all benefits attendant thereto that
11 would have been afforded Plaintiff but for said discrimination and
12 harassment; and

13 (b) That Defendants, their agents, successors, employees, and those acting
14 in concert with them be enjoined permanently from engaging in each
15 of the unlawful practices, policies, usages, and customs set forth herein,
16 and that they be required to develop posting policies, grievance
17 procedures, and training regarding race and national origin
18 discrimination and harassment.

19 78. As a result of Defendant's discriminatory acts and harassment as alleged
20 herein, Plaintiff is entitled to reasonable attorney fees and costs of suit as provided by
21 California *Government Code* §12965(b) and other authorities.

22 WHEREFORE, Plaintiff requests relief as hereinafter provided.

23
24 **FIFTH CAUSE OF ACTION**

25 **(Violation of the Employee Polygraph Protection Act of 1988 and Other Law)**

26 79. Each of the allegations in the paragraphs above are realleged and incorporated
27 herein by reference. This cause of action is pleaded against Defendants, and each of them.

28 80. In forcing and coercing the Plaintiff, against her will, into having a lie detector

1 and/or polygraph test performed upon her, the Defendants, and each of them, have violated
2 her rights under the *Employee Polygraph Protection Act of 1988*, 29 USC §2001, et seq., and
3 other State and Federal law, which prohibits employers from using, threatening, requiring
4 that an employee take a lie detector and/or polygraph test.

5 81. The conduct set forth above was extreme and outrageous and an abuse of the
6 authority and position of the Defendants, and each of them. Said conduct was intended to
7 cause severe emotional distress, or was done in conscious disregard of the probability of
8 causing such distress.

9 82. The foregoing conduct did in fact cause the Plaintiff to suffer extreme
10 emotional distress. As a proximate result of said conduct, Plaintiff suffered pain, discomfort,
11 anxiety, humiliation, and emotional distress, and will continue to suffer said emotional
12 distress in the future in an amount according to proof.

13 83. In addition to other damages sought herein, lost wages and benefits, medical
14 expenses, emotional distress, punitive damages, etc., the Plaintiff additionally seeks the
15 \$10,000.00 Civil Penalty pursuant to 29 USC §2005(a)(1).

16 84. In addition to other damages and penalties sought herein, the Plaintiff
17 additionally seeks her costs and attorneys' fees pursuant to 29 USC §2005(c)(3).

18 WHEREFORE, plaintiff requests relief as hereinafter provided.
19

20 SIXTH CAUSE OF ACTION

21 (Wrongful Termination in Violation of Public Policy)

22 85. Each of the allegations in the paragraphs above are realleged and incorporated
23 herein by reference. This cause of action is pleaded against Defendants, and each of them.

24 86. Plaintiff was employed by Defendants, and her employment was terminated on
25 or about July 27, 2010, in violation of well-established, substantial and fundamental public
26 policies of the State of California. Said policies are set forth in the California *Fair*
27 *Employment & Housing Act*, Cal. Gov. Code Section 12900 et seq, the California
28 Constitution, the Social Security Administration regulations, the Mandatory Reporting Laws

1 the *Employee Polygraph Protection Act of 1988*, 29 USC §2001, et seq., and other statutory
2 and common laws. Plaintiff was terminated, at least in part, because of these violations of
3 law, and/or her complaints and findings of violations of such.

4 87. Plaintiff's termination was wrongful in violation of well-established,
5 substantial and fundamental public policies of the State of California prohibiting termination
6 of an employee based on discriminatory reasons, in violation of the California Constitution,
7 including but not limited to in violation of Article I, Section 8, which states that "A person
8 may not be disqualified from entering or pursuing a business, profession, vocation or
9 employment because of sex, race, creed, color or national or ethnic origin."

10 88. Defendants' termination in wrongful violation of well-established, substantial
11 and fundamental public policies of the State of California and other public policies caused
12 Plaintiff to suffered damage, loss and harm. As a direct and foreseeable result of the
13 aforesaid acts of Defendants, their agents and employees, Plaintiff has lost and is continuing
14 to lose income and benefits in an amount to be proven at the time of trial.

15 89. Plaintiff has also incurred attorneys' fees. Plaintiff claims such amount as
16 damages together with pre-judgment interest pursuant to *Civil Code* §3287 and/or any other
17 provision of law providing for pre-judgment interest.

18 90. Plaintiff was terminated, at least in part, because of these violations of law,
19 and/or her complaints and findings of violations of such, including but not limited to, her
20 complaints about discrimination, retaliation and/or harassment and/or the illegal actions of
21 Defendants', including an illegal polygraph test.

22 WHEREFORE, Plaintiff requests relief as hereinafter provided.

23
24 **SEVENTH CAUSE OF ACTION**

25 **(False Imprisonment)**

26 91. Each of the allegations in the paragraphs above are realleged and incorporated
27 herein by reference. This cause of action is pleaded against Defendants, and each of them.

28 92. The above actions by Defendants, and each of them, were conducted in such

1 a way that the Plaintiff felt reasonably restrained from leaving and thus was held against her
2 will, including but not limited to, while being taken to and while at the polygraph testing,
3 while being taken to and while at the Defendants' home address, and while being taken to
4 and while at the other locations. Such conduct by Defendants, and each of them, constitutes
5 a unlawful violations of Plaintiff's personal liberty.

6 93. The conduct set forth above was extreme and outrageous and an abuse of the
7 authority and position of the Defendants, and each of them. Said conduct was intended to
8 cause severe emotional distress, or was done in conscious disregard of the probability of
9 causing such distress.

10 94. The foregoing conduct did in fact cause the Plaintiff to suffer extreme
11 emotional distress. As a proximate result of said conduct, Plaintiff suffered pain, discomfort,
12 anxiety, humiliation, and emotional distress, and will continue to suffer said emotional
13 distress in the future in an amount according to proof.

14 WHEREFORE, plaintiff requests relief as hereinafter provided.

15
16 **EIGHTH CAUSE OF ACTION**

17 **(Abuse of Process)**

18 95. Each of the allegations in the paragraphs above are realleged and incorporated
19 herein by reference. This cause of action is pleaded against Defendants, and each of them.

20 96. Defendants, and each of them, made a malicious and deliberate misuse or
21 perversion of regularly issued court process not justified by the underlying legal action.

22 97. Defendants, and each of them, had an ulterior purpose or motive underlying
23 the use of process, based upon information and belief, in order to attempt to coerce the
24 Plaintiff falsely admit to, or falsely be convicted of, the theft of jewelry in order that the
25 Defendants could submit a false insurance claim on said item.

26 98. Defendants', and each of their, use of the legal process was not proper in the
27 regular prosecution of the proceedings.

28 99. The Defendants', and each of their, actions lead to the Plaintiff's unjustified

1 arrest or an unfounded criminal prosecution.

2 100. As a proximate result of these wrongful actions by Defendants, and each of
3 them, as aforesaid, Plaintiff has suffered injury, expenses, and costs, and continues to suffer
4 embarrassment, humiliation, emotional distress and anguish, all to her damage in an amount
5 according to proof.

6 101. Defendants, and each of them, committed the acts alleged herein maliciously,
7 despicably, fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff,
8 from an improper and evil motive amounting to malice, and a conscious disregard of
9 Plaintiff's rights. Plaintiff, thus, is entitled to recover punitive damages from Defendants, and
10 each of them, in an amount according to proof.

11 WHEREFORE, Plaintiff requests relief as hereinafter provided.

12
13 **NINTH CAUSE OF ACTION**

14 **(Defamation)**

15 102. Each of the allegations in the paragraphs above are realleged and incorporated
16 herein by reference. This cause of action is pleaded against Defendants, and each of them.

17 103. Defendants, and each of them, individually and through their officers, partners,
18 agents and employees, acting within the course of their employment, caused to be published
19 false and unprivileged communications tending to directly injure Plaintiff and her business
20 and professional reputations. Specifically, Defendants, and each of them, made untrue
21 statements to Plaintiff's co-employees, and each of them, and others, among other things, that
22 she was a thief and a liar and had stolen jewelry from Defendants, when such was not true.

23 104. The statements set forth above were published with express and implied malice
24 on the part of Defendants with the designed intent to injure Plaintiff and her good name,
25 reputation and employment.

26 105. As a proximate result of the defamatory statements made by Defendants, and
27 each of them, as aforesaid, Plaintiff has suffered injury to her business and professional
28 reputation, and further has suffered and continues to suffer embarrassment, humiliation, and

1 anguish, all to her damage in an amount according to proof.

2 106. Defendants, and each of them, committed the acts alleged herein maliciously,
3 despicably, fraudulently, and oppressively, with the wrongful intention of injuring Plaintiff,
4 from an improper and evil motive amounting to malice, and a conscious disregard of
5 Plaintiff's rights. Plaintiff, thus, is entitled to recover punitive damages from Defendants, and
6 each of them, in an amount according to proof.

7 WHEREFORE, Plaintiff requests relief as hereinafter provided.

8

9

TENTH CAUSE OF ACTION

10

(Invasion of Privacy)

11

12

107. Each of the allegations in the paragraphs above are realleged and incorporated
herein by reference. This cause of action is pleaded against Defendants, and each of them.

13

14

108. Defendants, and each of them, without the Plaintiff's consent, repeatedly
intruded into the Plaintiff's privacy by the conduct set forth above.

15

16

17

18

109. Defendants, and each of them, ratified each of the other Defendants' conduct
invading Plaintiff's privacy and directly violated Plaintiff's privacy by the above conduct,
and by communicating private information about Plaintiff to other employees who had no
need to know the information.

19

20

21

110. The intrusions described above were offensive and objectionable to the
Plaintiff and to a reasonable person of ordinary sensibilities. The intrusions were into aspects
of the Plaintiff's life that were private and were entitled to remain private.

22

23

WHEREFORE, Plaintiff requests relief as hereinafter provided.

24

25

ELEVENTH CAUSE OF ACTION

(Intentional Infliction of Emotional Distress)

26

27

111. Each of the allegations in the paragraphs above are realleged and incorporated
herein by reference. This cause of action is pleaded against Defendants, and each of them.

28

112. The conduct set forth hereinabove was extreme and outrageous and an abuse

1 of the authority and position of Defendants, and each of them. Said conduct was intended to
2 cause severe emotional distress, or was done in conscious disregard of the probability of
3 causing such distress. Said conduct exceeded the inherent risks of employment and was not
4 the sort of conduct normally expected to occur in the workplace. Defendants, and each of
5 them, abused their position of authority toward Plaintiff, and engaged in conduct intended
6 to humiliate the Plaintiff and to convey the message that she was powerless to defend her
7 rights. Defendants, and each of them, abused their authority and directly injured the Plaintiff
8 by his, her and/or its ratification of the other Defendants acts and by their employees' actions
9 in failing to protect and violating the rights and privacy of the Plaintiff.

10 113. The foregoing conduct did in fact cause the Plaintiff to suffer extreme
11 emotional distress. As a proximate result of said conduct, the Plaintiff suffered
12 embarrassment, anxiety, humiliation, and emotional distress, and will continue to suffer said
13 emotional distress in the future in an amount according to proof.

14 WHEREFORE, Plaintiff requests relief as hereinafter provided.

15
16 **TWELFTH CAUSE OF ACTION**

17 **(Negligent Infliction of Emotional Distress)**

18 114. Each of the allegations in the paragraphs above are realleged and incorporated
19 herein by reference. This cause of action is pleaded against Defendants, and each of them.

20 115. In carrying out the above conduct, Defendants, and each of them, breached a
21 duty owed to Plaintiff to provide a workplace free from unfair treatment, discrimination, and
22 retaliation, and abused their positions of authority toward her. Said conduct exceeded the
23 inherent risks of employment and was not the sort of conduct normally expected to occur in
24 the workplace. Each of the Defendants violated said duty directly by ratifying conduct of
25 each of the other Defendants.

26 116. Defendants, and each of them, knew, or should have known, that said conduct
27 would cause Plaintiff extreme emotional distress. As a proximate result of Defendants', and
28 each of their, negligent conduct, Plaintiff suffered and will continue to suffer extreme

1 humiliation, embarrassment, mental anguish, and emotional distress in an amount according
2 to proof.

3 WHEREFORE, Plaintiff requests relief as hereinafter provided.
4

5 **THIRTEENTH CAUSE OF ACTION**

6 **(Wage and Hour and Overtime Violations)**

7 117. Each of the allegations in the paragraphs above are realleged and incorporated
8 herein by reference. This cause of action is pleaded against Defendants, and each of them.

9 118. In carrying out the above conduct, Defendants, and each of them, regularly had
10 the Plaintiff work in excess of eight (8) hours a day and in excess of forty (40) hours per
11 week, without paying for the overtime, and having the Plaintiff perform menial labor not only
12 at the office, but in and at the Defendants' personal residence.

13 119. As a result, the Plaintiff seeks wages, penalties, attorneys' fees, and other
14 damages as a result of these violations, in such amounts either as amended or as proved at
15 trial.

16 WHEREFORE, Plaintiff requests relief as hereinafter provided.
17

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff requests relief against Defendants on all Causes of Action,
20 as follows:

- 21 1. For special and economic damages, including back pay and front pay;
- 22 2. For general and noneconomic damages;
- 23 3. For punitive damages, according to proof;
- 24 4. For a \$10,000.00 penalty per each illegal lie detector and/or polygraph test
25 conducted.
- 26 5. For prejudgment interest at the prevailing legal rate;
- 27 6. For injunctive relief including requiring defendants to adopt reasonable
28 postings and changes in personnel policies and procedures regarding race and national origin

1 discrimination and harassment, requiring training about race and national origin
2 discrimination and harassment for all employees, for a permanent injunction enjoining
3 defendants, their agents, successors, employees, and those acting in concert with them from
4 engaging in each unlawful practice, policy, usage, and custom set forth hereinabove, and for
5 such other injunctive relief as the Court may deem proper;

6 7. For costs of the suit, including reasonable attorney fees; and


7 8. For such other and further relief as the Court may deem proper.

8 It is respectfully submitted.

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DATED: July 26, 2012

MYER LAW FIRM


BY: SCOTT D. MYER, ESQ.
Attorney for Plaintiff,
NORMA E. GUZMAN-MORALES,
aka NORMA GUZMAN

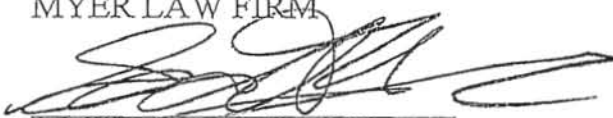
JURY DEMAND

Plaintiff demands trial by jury in this action.

It is respectfully submitted.

DATED: July 26, 2012

MYER LAW FIRM


BY: SCOTT D. MYER, ESQ.
Attorney for Plaintiff,
NORMA E. GUZMAN-MORALES,
aka NORMA GUZMAN

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