

OCT 13 2020

AFTER 4:00 P.M.

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8  
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF VENTURA**

11 MIRIAM ESTRADA,  
12 Plaintiff,

13 vs.

14  
15 S&F SONICS, INC.;  
and DOES 1 through 100, Inclusive,  
16 Defendants.

- ) Case No.  
) **PLAINTIFF'S COMPLAINT FOR DAMAGES**  
)  
) (1) **FOR PERCEIVED AND/OR PHYSICAL DISABILITY HARASSMENT, DISCRIMINATION AND RETALIATION IN VIOLATION OF CALIFORNIA GOVERNMENT CODE §§12940 ET SEQ. [FEHA];**  
)  
) (2) **FOR HARASSMENT, DISCRIMINATION AND RETALIATION IN VIOLATION OF CALIFORNIA GOVERNMENT CODE §§12945.2 ET SEQ. [CFRA];**  
)  
) (3) **FOR PERCEIVED AND/OR AGE HARASSMENT, DISCRIMINATION AND RETALIATION IN VIOLATION OF CALIFORNIA GOVERNMENT CODE §§12940 ET SEQ. [FEHA];**  
)  
) (4) **FOR WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**  
)  
) (5) **FOR DECLARATORY RELIEF**

JF

1 ) JURY TRIAL DEMANDED

2 ) UNLIMITED JURISDICTION;  
3 ) CASE VALUE IN EXCESS OF  
4 ) \$25,000.00

5 COMES NOW Plaintiff MIRIAM ESTRADA (hereinafter referred to as "ESTRADA" or  
6 "Plaintiff") and complains against the above-named Defendants and for causes of action against  
7 the Defendants, and each of them, alleges as follows:

8 I.

9 FIRST CAUSE OF ACTION

10 (For Perceived and/or Physical Disability

11 Harassment, Discrimination and Retaliation in Employment

12 [California Government Code §12940 et seq.]

13 Against All Defendants and DOES 1 Through 100, Inclusive)

14 1. At all times mentioned herein, Plaintiff was, and now is, an individual  
15 residing in the County of Ventura, State of California.

16 2. Plaintiff is informed and believes, and thereon alleges, that at all times relevant  
17 herein, Defendant S&F SONICS, INC. (hereinafter referred to as "Defendants") were, and now are,  
18 valid businesses of form unknown duly organized and existing under the laws of the State of  
19 California, having its principal place of business in the County of Ventura, State of California.

20 3. Plaintiff is ignorant of the true names and capacities, whether corporate, associate,  
21 successor, alter ego, fictitious, individual or otherwise, of Defendants sued herein as DOES 1 -  
22 100, Inclusive, and therefore sues said Defendants, and each of them, by such fictitious names.  
23 Plaintiff will seek leave of court to amend this Complaint to assert the true names and capacities of  
24 the fictitiously named Defendants when the same have been ascertained. Plaintiff is informed and  
25 believes, and thereon alleges, that each Defendant designated as "DOES" herein is legally  
26 responsible for the events, happenings, acts, occurrences, indebtedness, damages and liabilities  
27 hereinafter alleged and caused injuries and damages proximately thereby to the plaintiff. as  
28 hereinafter alleged.

1           4.       Plaintiff is informed and believes, and thereon alleges, that at all times relevant  
2 herein, each Defendant designated, including DOES 1-100, herein was the agent, managing agent,  
3 principal, owner, partner, integrated enterprise, subsidiary, wholly owned subsidiary, partially  
4 owned subsidiary, joint venturer, joint employer, direct employer, special employer, client  
5 employer, labor contractor, alter ego, representative, supervisor, manager, servant, employee and/or  
6 co-conspirator of each of the other Defendants, and was at all times mentioned herein acting within  
7 the course and scope of said agency and employment, and that all acts or omissions alleged herein  
8 were duly committed with the ratification, knowledge, permission, encouragement, authorization  
9 and consent of each Defendant designated herein.

10           5.       At all times herein mentioned, for over eleven (11) years until Plaintiff's wrongful  
11 termination on or about October 14, 2019, Plaintiff was employed by Defendants and each of them,  
12 including as a Lead Person in Defendants' Transducer Wiring Department, by Defendants and  
13 DOES 1 through 100, Inclusive, and each of them, who were also, at all times herein mentioned,  
14 Plaintiff's employers, managers and supervisors.

15           6.       Plaintiff is over the age of forty and sixty-four (64) years old.

16           7.       At all times herein alleged, Plaintiff had the perceived and/or physical disabilities of  
17 an ulcer to Plaintiff's right leg, varicose veins, trouble walking, weakness and pain in both legs,  
18 and associated conditions and others.

19           8.       Prior to October of 2019, Plaintiff developed and/or aggravated and/or sustained  
20 perceived and/or physical disabilities of an ulcer to Plaintiff's right leg, varicose veins, trouble  
21 walking, weakness and pain in both legs, and associated conditions and others.

22           9.       Plaintiff placed Defendants, and each of them, on notice of Plaintiff's physical  
23 disability(s).

24           10.      Plaintiff requested and/or was entitled to and/or was granted CFRA and/or other  
25 medical and/or other negotiated leave in order to recuperate and heal.

26           11.      On or about June 6, 2019, Plaintiff complained to Defendants, and each of them,  
27 that she was being mistreated by Defendants, and each of them, and specifically, Elias Juarez, who  
28 was making things up about Plaintiff, lying about Plaintiff to other employees and cursing at

1 Plaintiff. Despite Plaintiff's complaints about Juarez, Defendants, and each of them, instructed  
2 Plaintiff to train Juarez. Plaintiff explained that she did not want to train Juarez because he  
3 mistreated Plaintiff and lied about her to other employees.

4 12. On or about October 14, 2019, Defendants, and each of them, retaliated against and  
5 wrongfully terminated Plaintiff for the false and/or exaggerated and/or pretextual reason that  
6 Plaintiff refused to train another employee.

7 13. Defendants violated California Unemployment Insurance Code §1089 et seq., and  
8 California Code Regs. Title 22, § 1089-1, et. seq., by failing to provide Plaintiff with written notice  
9 of her unemployment insurance benefit rights, and written notice regarding the change in her  
10 employment status. Defendants failed to give Plaintiff written confirmation of the change in her  
11 employment status, in preparation and anticipation of arguing false and shifting termination  
12 reasons, which is further evidence of Defendants' pretextual reasons and motives for Plaintiff's  
13 termination.

14 14. From prior to October of 2019, and continuing at least until October 14, 2019, and  
15 continuing, Defendants and DOES 1 through 100, and each of them, discriminated, harassed, and  
16 retaliated against Plaintiff on the basis of Plaintiff's perceived and/or physical disability(s), by the  
17 following continuous actions, and conduct, among others:

- 18 a. Failing to determine the extent of Plaintiff's disability(s) and how they could be  
19 accommodated;
- 20 b. Failing to take any affirmative steps to inform Plaintiff of any job opportunities  
21 within the company;
- 22 c. Failing to consider Plaintiff for and move Plaintiff into openings for which Plaintiff  
23 was qualified and could handle subject to Plaintiff's disability(s);
- 24 d. Failing to engage in a timely, good faith, interactive process with Plaintiff to  
25 determine effective reasonable accommodations;
- 26 e. On or about October 14, 2019, retaliating against and wrongfully terminating  
27 Plaintiff for the false and/or exaggerated and/or pretextual reason that Plaintiff  
28 refused to train another employee;

- 1 f. Plaintiff is informed and believes, and thereon alleges, that Defendants, and each of
- 2 them, replaced Plaintiff with and/or kept and/or treated more favorably a non-
- 3 disabled individual(s) and/or substantially younger individual(s);
- 4 g. Harassing, discriminating and retaliating against Plaintiff on the basis of Plaintiff's
- 5 perceived and or physical disability(s);
- 6 h. Harassing, discriminating and retaliating against Plaintiff on the basis of Plaintiff
- 7 requesting and/or taking and/or being entitled to CFRA and/or other lawful medical
- 8 leave, as hereinalleged;
- 9 i. Harassing, discriminating and retaliating against Plaintiff on the basis of Plaintiff's
- 10 perceived and/or age;
- 11 j. Failing to rehire and/or reemploy Plaintiff.

12 15. The acts and conduct of Defendants, and each of them, as aforesaid, was in  
13 violation of California Government Code §12940 et seq. Said statutes impose certain duties upon  
14 Defendants, and each of them, concerning harassment, discrimination and retaliation against  
15 persons, such as Plaintiff, on the basis of perceived and/or physical disabilities and the prohibition  
16 of perceived and/or physical disability harassment, discrimination and retaliation. Said statutes  
17 were intended to prevent the type of injury and damage herein set forth. Plaintiff was, at all times  
18 material hereto, an employee with a perceived and/or physical disability(s), and within the  
19 protected class covered by California Government Code §12940, prohibiting perceived and/or  
20 physical disability harassment, discrimination and retaliation in employment.

21 16. By the acts and conduct described above, Defendants, and each of them, in violation  
22 of said statutes, knew about, or should have known about, and failed to investigate and/or properly  
23 investigate, prevent or remedy the perceived and/or physical disability harassment, retaliation and  
24 discrimination. The acts of discrimination, retaliation and harassment described herein were  
25 sufficiently pervasive so as to alter the conditions of employment, and created an abusive working  
26 environment. When Plaintiff was harassed, discriminated against and retaliated against, Plaintiff's  
27 perceived and/or physical disability(s) and/or complaints about the unlawful conduct were a  
28 substantial factor motivating and/or motivating reasons in Defendants' conduct.

1           17. By the aforesaid acts and conduct of Defendants, and each of them, Plaintiff has  
2 been directly and legally caused to suffer actual damages pursuant to California Civil Code §3333  
3 including, but not limited to, loss of earnings and future earning capacity, medical and related  
4 expenses for care and procedures both now and in the future, attorneys fees, and other pecuniary  
5 loss not presently ascertained, for which Plaintiff will seek leave of court to amend when  
6 ascertained.

7           18. As a direct and legal result of the acts and omissions of Defendants, and each of  
8 them. Plaintiff was rendered sick, sore, lame, disabled and disordered, both internally and  
9 externally, and suffered, among other things, numerous internal injuries, severe fright, shock, pain,  
10 discomfort and anxiety. The exact nature and extent of said injuries are not known to the plaintiff,  
11 who will pray leave of court to insert the same when they are ascertained. Plaintiff does not at this  
12 time know the exact duration or permanence of said injuries, but is informed and believes, and  
13 thereon alleges, that some of the said injuries are reasonably certain to be permanent in character.

14           19. As a further legal result of the acts and omissions of the Defendants, and each of  
15 them, Plaintiff has been forced to incur expenses for medical care, X-rays, and laboratory costs  
16 during the period of Plaintiff's disability, and is informed and believes, and thereon alleges, that  
17 she will in the future be forced to incur additional expenses of the same nature, all in an amount  
18 which is at present unknown. Plaintiff will pray leave of court to show the exact amount of said  
19 expenses at the time of trial.

20           20. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but  
21 since said incidents has been unable to engage fully in Plaintiff's occupation, and is informed and  
22 believes. and thereon alleges, that Plaintiff will be incapacitated and unable to perform Plaintiff's  
23 usual work for an indefinite period of time in the future, all to Plaintiff's damage in an amount  
24 which is at present unascertained. Plaintiff will pray leave of court to show the total amount of  
25 loss of earnings at the time of trial.

26           21. As a further direct and legal result of the acts and conduct of Defendants, as  
27 aforesaid, Plaintiff has been caused, and did suffer, and continues to suffer severe and permanent  
28 emotional and mental distress and anguish, humiliation, embarrassment, fright, shock, pain,

1 discomfort and anxiety. The exact nature and extent of said injuries is presently unknown to  
2 plaintiff, who will pray leave of court to assert the same when they are ascertained.

3 22. Plaintiff has been generally damaged in an amount within the jurisdictional limits of  
4 this court.

5 23. The aforementioned acts of Defendants, and each of them, were wilful, wanton,  
6 malicious, intentional, oppressive and despicable and were done in wilful and conscious disregard  
7 of the rights, welfare and safety of plaintiff, and were done by managerial agents and employees of  
8 Defendants and DOES 1 through 100, and with the express knowledge, consent, and ratification of  
9 managerial agents and employees of Defendants and DOES 1 through 100, thereby justifying the  
10 awarding of punitive and exemplary damages in an amount to be determined at the time of trial.

11 24. As a result of the discriminatory acts of Defendants, and each of them, as alleged  
12 herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as specifically  
13 provided in California Government Code § 12965(b).

14 **II.**

15 **SECOND CAUSE OF ACTION**

16 **(For Violation of the Family Rights Act**

17 **[California Government Code § 12945.2]**

18 **Against All Defendants and DOES 1 Through 100, Inclusive)**

19 25. Plaintiff incorporates herein by reference Paragraphs 1 through 24 as though set  
20 forth in full herein.

21 26. Plaintiff was an employee of Defendants who qualified for leave due to physical  
22 disability(s) pursuant to California Government Code §12945.2 et seq.

23 27. At all times herein mentioned, Defendants were "Employer[s]" within the  
24 definition of Government Code §12945.2, in that Defendants regularly employed 50 or more  
25 people and/or adhered and/or abided by CFRA and/or gave their employees equal or greater leave  
26 protection than CFRA.

27 28. From prior to October 2019, and continuing at least through October 14, 2019, and  
28 continuing, Defendants and DOES 1 through 100, and each of them, interfered with, denied and/or

1 retaliated against Plaintiff for being entitled to and/or requesting and/or taking Plaintiff's Family  
2 Rights and Family Care and Medical Leave, by the following actions, among others:

- 3 a. Defendants, and each of them, harassed, discriminated against and retaliated against  
4 Plaintiff, as herein alleged, in the terms and conditions of Plaintiff's employment;
- 5 b. Defendants and each of them, retaliated against Plaintiff because of Plaintiff's  
6 entitlement and/or request and/or taking of the right to medical leave in violation of  
7 Government Code §12945.2 et seq. by, amongst others, failing to return Plaintiff to  
8 work and/or terminating Plaintiff.

9 29. By the acts and conduct described above, Defendants, and each of them, in violation  
10 of said statutes, knew about, or should have known about, and failed to investigate and/or properly  
11 investigate, prevent or remedy the retaliation and discrimination in violation of the Family Rights  
12 Act. The acts of discrimination described herein were sufficiently pervasive so as to alter the  
13 conditions of employment, and created an abusive working environment. Plaintiff's request and/or  
14 taking and/or right to take, Family Medical Leave, and/or Plaintiff's complaints about the unlawful  
15 conduct were motivating reasons in Defendants' conduct.

16 30. Plaintiff filed timely charges and complaints of retaliation, harassment and  
17 discrimination in violation of the Family Rights Act with the California Department of Fair  
18 Employment and Housing pursuant to California Government Code §12965(b), permitting Plaintiff  
19 to bring this legal action. Attached hereto and incorporated herein as Exhibit "A" are said  
20 Complaints and by reference hereto are made a part hereof. Attached hereto and incorporated  
21 herein as Exhibit "B" are said Right to Sue Notices and by reference hereto are made a part hereof.

22 31. By the aforesaid acts and conduct of Defendants, and each of them, Plaintiff has  
23 been directly and legally caused to suffer actual damages pursuant to California Civil Code §3333  
24 including, but not limited to, loss of earnings and future earning capacity, medical and related  
25 expenses for care and procedures both now and in the future, attorneys fees, and other pecuniary  
26 loss not presently ascertained, for which Plaintiff will seek leave of court to amend when  
27 ascertained.

28 32. As a direct and legal result of the acts and omissions of Defendants, and each of

1 them, Plaintiff was rendered sick, sore, lame, disabled and disordered, both internally and  
2 externally, and suffered, among other things, numerous internal injuries, severe fright, shock, pain,  
3 discomfort and anxiety. The exact nature and extent of said injuries are not known to the plaintiff,  
4 who will pray leave of court to insert the same when they are ascertained. Plaintiff does not at this  
5 time know the exact duration or permanence of said injuries, but is informed and believes, and  
6 thereon alleges, that some of the said injuries are reasonably certain to be permanent in character.

7       33. As a further legal result of the acts and omissions of the Defendants, and each of  
8 them, Plaintiff has been forced to incur expenses for medical care, X-rays, and laboratory costs  
9 during the period of Plaintiff's disability, and is informed and believes, and thereon alleges, that  
10 she will in the future be forced to incur additional expenses of the same nature, all in an amount  
11 which is at present unknown. Plaintiff will pray leave of court to show the exact amount of said  
12 expenses at the time of trial.

13       34. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but  
14 since said incidents has been unable to engage fully in Plaintiff's occupation, and is informed and  
15 believes, and thereon alleges, that Plaintiff will be incapacitated and unable to perform Plaintiff's  
16 usual work for an indefinite period of time in the future, all to Plaintiff's damage in an amount  
17 which is at present unascertained. Plaintiff will pray leave of court to show the total amount of  
18 loss of earnings at the time of trial.

19       35. As a further direct and legal result of the acts and conduct of Defendants, as  
20 aforesaid, Plaintiff has been caused, and did suffer, and continues to suffer severe and permanent  
21 emotional and mental distress and anguish, humiliation, embarrassment, fright, shock, pain,  
22 discomfort and anxiety. The exact nature and extent of said injuries is presently unknown to  
23 plaintiff, who will pray leave of court to assert the same when they are ascertained.

24       36. Plaintiff has been generally damaged in an amount within the jurisdictional limits of  
25 this court.

26       37. The aforementioned acts of Defendants, and each of them, were wilful, wanton,  
27 malicious, intentional, oppressive and despicable and were done in wilful and conscious disregard  
28 of the rights, welfare and safety of plaintiff, and were done by managerial agents and employees of

1 Defendants and DOES 1 through 100, and with the express knowledge, consent, and ratification of  
2 managerial agents and employees of Defendants and DOES 1 through 100, thereby justifying the  
3 awarding of punitive and exemplary damages in an amount to be determined at the time of trial.

4 38. As a result of the discriminatory acts of Defendants, and each of them, as alleged  
5 herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as specifically  
6 provided in California Government Code § 12965(b).

7 III.

8 **THIRD CAUSE OF ACTION**

9 **(For Perceived and/or Age Harassment, Discrimination, and Retaliation in Employment**

10 **[California Government Code §§12940 and 12941 et seq.]**

11 **Against All Defendants and DOES 1 Through 100, Inclusive)**

12 39. Plaintiff incorporates herein by reference Paragraphs 1 through 38 of this Complaint  
13 as though set forth in full herein.

14 40. Plaintiff is over the age of forty and sixty-four (64) years old.

15 41. At all times herein alleged, Plaintiff had the perceived and/or physical disabilities of  
16 an ulcer to Plaintiff's right leg, varicose veins, trouble walking, weakness and pain in both legs,  
17 and associated conditions and others.

18 42. Prior to October of 2019, Plaintiff developed and/or aggravated and/or sustained  
19 perceived and/or physical disabilities of an ulcer to Plaintiff's right leg, varicose veins, trouble  
20 walking, weakness and pain in both legs, and associated conditions and others.

21 43. Plaintiff placed Defendants, and each of them, on notice of Plaintiff's physical  
22 disability(s).

23 44. Plaintiff requested and/or was entitled to and/or was granted CFRA and/or other  
24 medical and/or other negotiated leave in order to recuperate and heal.

25 45. On or about June 6, 2019, Plaintiff complained to Defendants, and each of them,  
26 that she was being mistreated by Defendants, and each of them.

27 46. On or about June 6, 2019, Plaintiff complained to Defendants, and each of them,  
28 that she was being mistreated by Defendants, and each of them, and specifically, Flias Juarez, who

1 was making things up about Plaintiff, lying about Plaintiff to other employees and cursing at  
2 Plaintiff. Despite Plaintiff's complaints about Juarez, Defendants, and each of them, instructed  
3 Plaintiff to train Juarez. Plaintiff explained that she did not want to train Juarez because he  
4 mistreated Plaintiff and lied about her to other employees.

5 47. Defendants violated California Unemployment Insurance Code §1089 et seq., and  
6 California Code Regs. Title 22, § 1089-1, et. seq., by failing to provide Plaintiff with written notice  
7 of her unemployment insurance benefit rights, and written notice regarding the change in her  
8 employment status. Defendants failed to give Plaintiff written confirmation of the change in her  
9 employment status, in preparation and anticipation of arguing false and shifting termination  
10 reasons, which is further evidence of Defendants' pretextual reasons and motives for Plaintiff's  
11 termination.

12 48. From prior to October of 2019, and continuing at least until October 14, 2019, and  
13 continuing, Defendants and DOES 1 through 100, and each of them, discriminated, harassed, and  
14 retaliated against Plaintiff on the basis of Plaintiff's perceived and/or physical disability(s), by the  
15 following continuous actions, and conduct, among others:

- 16 a. Failing to determine the extent of Plaintiff's disability(s) and how they could be  
17 accommodated;
- 18 b. Failing to take any affirmative steps to inform Plaintiff of any job opportunities  
19 within the company;
- 20 c. Failing to consider Plaintiff for and move Plaintiff into openings for which Plaintiff  
21 was qualified and could handle subject to Plaintiff's disability(s);
- 22 d. Failing to engage in a timely, good faith, interactive process with Plaintiff to  
23 determine effective reasonable accommodations;
- 24 e. On or about October 14, 2019, retaliating against and wrongfully terminating  
25 Plaintiff for the false and/or exaggerated and/or pretextual reason that Plaintiff  
26 refused to train another employee;
- 27 f. Plaintiff is informed and believes, and thereon alleges, that Defendants, and each of  
28 them, replaced Plaintiff with and/or kept and/or treated more favorably a non-

1 disabled individual(s) and/or substantially younger individual(s);

2 g. Harassing, discriminating and retaliating against Plaintiff on the basis of Plaintiff's  
3 perceived and or physical disability(s);

4 h. Harassing, discriminating and retaliating against Plaintiff on the basis of Plaintiff  
5 requesting and/or taking and/or being entitled to CFRA and/or other lawful medical  
6 leave, as hereinalleged;

7 i. Harassing, discriminating and retaliating against Plaintiff on the basis of Plaintiff's  
8 perceived and/or age;

9 j. Failing to rehire and/or reemploy Plaintiff.

10 49. The acts and conduct of Defendants, and each of them, as aforesaid, was in  
11 violation of California Government Code §12940 et seq. Said statutes impose certain duties upon  
12 Defendants, and each of them, concerning harassment, discrimination and retaliation against  
13 persons, such as Plaintiff, on the basis of perceived and/or age and the prohibition of perceived  
14 and/or age harassment, discrimination and retaliation. Said statutes were intended to prevent the  
15 type of injury and damage herein set forth. Plaintiff was, at all times material hereto, an employee  
16 with a perceived and/or age, and within the protected class covered by California Government  
17 Code §12940, prohibiting perceived and/or age harassment, discrimination and retaliation in  
18 employment.

19 50. By the acts and conduct described above, Defendants, and each of them, in violation  
20 of said statutes, knew about, or should have known about, and failed to investigate and/or properly  
21 investigate, prevent or remedy the perceived and/or age harassment, retaliation and discrimination.  
22 The acts of discrimination, retaliation and harassment described herein were sufficiently pervasive  
23 so as to alter the conditions of employment, and created an abusive working environment. When  
24 Plaintiff was harassed, discriminated against and retaliated against, Plaintiff's perceived and/or age  
25 and/or complaints about the unlawful conduct were a substantial factor motivating and/or  
26 motivating reasons in Defendants' conduct.

27 51. By the aforesaid acts and conduct of Defendants, and each of them, Plaintiff has  
28 been directly and legally caused to suffer actual damages pursuant to California Civil Code §3333

1 including, but not limited to, loss of earnings and future earning capacity, medical and related  
2 expenses for care and procedures both now and in the future, attorneys fees, and other pecuniary  
3 loss not presently ascertained, for which Plaintiff will seek leave of court to amend when  
4 ascertained.

5         52. As a direct and legal result of the acts and omissions of Defendants, and each of  
6 them, Plaintiff was rendered sick, sore, lame, disabled and disordered, both internally and  
7 externally, and suffered, among other things, numerous internal injuries, severe fright, shock, pain,  
8 discomfort and anxiety. The exact nature and extent of said injuries are not known to the plaintiff,  
9 who will pray leave of court to insert the same when they are ascertained. Plaintiff does not at this  
10 time know the exact duration or permanence of said injuries, but is informed and believes, and  
11 thereon alleges, that some of the said injuries are reasonably certain to be permanent in character.

12         53. As a further legal result of the acts and omissions of the Defendants, and each of  
13 them, Plaintiff has been forced to incur expenses for medical care, X-rays, and laboratory costs  
14 during the period of Plaintiff's disability, and is informed and believes, and thereon alleges, that  
15 she will in the future be forced to incur additional expenses of the same nature, all in an amount  
16 which is at present unknown. Plaintiff will pray leave of court to show the exact amount of said  
17 expenses at the time of trial.

18         54. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but  
19 since said incidents has been unable to engage fully in Plaintiff's occupation, and is informed and  
20 believes, and thereon alleges, that Plaintiff will be incapacitated and unable to perform Plaintiff's  
21 usual work for an indefinite period of time in the future, all to Plaintiff's damage in an amount  
22 which is at present unascertained. Plaintiff will pray leave of court to show the total amount of  
23 loss of earnings at the time of trial.

24         55. As a further direct and legal result of the acts and conduct of Defendants, as  
25 aforesaid, Plaintiff has been caused, and did suffer, and continues to suffer severe and permanent  
26 emotional and mental distress and anguish, humiliation, embarrassment, fright, shock, pain,  
27 discomfort and anxiety. The exact nature and extent of said injuries is presently unknown to  
28 plaintiff, who will pray leave of court to assert the same when they are ascertained.



1           61.     At all times herein mentioned, the public policy of the State of California, as  
2 codified, expressed and mandated in California Government Code §12945.2 was to prohibit  
3 employers from discriminating and retaliating against any individual based on their taking,  
4 requesting or needing Family Medical Leave. This public policy of the State of California is  
5 designed to protect all employees and to promote the welfare and well-being of the community at  
6 large. Accordingly, the actions of Defendants, and each of them, in discriminating, retaliating and  
7 terminating Plaintiff on the grounds of stated above, or for complaining about such discrimination  
8 and retaliation, was wrongful and in contravention and violation of the express public policy of the  
9 State of California, to wit, the policy set forth in California Government Code §12945.2 et seq.,  
10 and the laws and regulations promulgated thereunder.

11           62.     At all times herein mentioned, the public policy of the State of California, as  
12 codified, expressed and mandated in California Government Code §12940 was to prohibit  
13 employers from discriminating, harassing, and retaliating against any individual based on an  
14 employee's perceived and/or age. This public policy of the State of California is designed to  
15 protect all employees and to promote the welfare and well-being of the community at large.  
16 Accordingly, the actions of Defendants, and each of them, in discriminating, retaliating and  
17 terminating Plaintiff on the grounds of stated above, or for complaining about such discrimination,  
18 retaliation and harassment, was wrongful and in contravention and violation of the express public  
19 policy of the State of California, to wit, the policy set forth in California Government Code §12940  
20 et seq., and the laws and regulations promulgated thereunder.

21           63.     By the aforesaid acts and conduct of Defendants, and each of them, Plaintiff has  
22 been directly and legally caused to suffer actual damages pursuant to California Civil Code §3333  
23 including, but not limited to, loss of earnings and future earning capacity, medical and related  
24 expenses for care and procedures both now and in the future, attorneys fees, and other pecuniary  
25 loss not presently ascertained, for which Plaintiff will seek leave of court to amend when  
26 ascertained.

27           64.     As a direct and legal result of the acts and omissions of Defendants, and each of  
28 them. Plaintiff was rendered sick, sore, lame, disabled and disordered, both internally and

1 externally, and suffered, among other things, numerous internal injuries, severe fright, shock, pain,  
2 discomfort and anxiety. The exact nature and extent of said injuries are not known to the plaintiff,  
3 who will pray leave of court to insert the same when they are ascertained. Plaintiff does not at this  
4 time know the exact duration or permanence of said injuries, but is informed and believes, and  
5 thereon alleges, that some of the said injuries are reasonably certain to be permanent in character.

6 65. As a further legal result of the acts and omissions of the Defendants, and each of  
7 them, Plaintiff has been forced to incur expenses for medical care, X-rays, and laboratory costs  
8 during the period of Plaintiff's disability, and is informed and believes, and thereon alleges, that  
9 she will in the future be forced to incur additional expenses of the same nature, all in an amount  
10 which is at present unknown. Plaintiff will pray leave of court to show the exact amount of said  
11 expenses at the time of trial.

12 66. Prior to the occurrence of the incidents, Plaintiff was an able-bodied individual, but  
13 since said incidents has been unable to engage fully in Plaintiff's occupation, and is informed and  
14 believes, and thereon alleges, that Plaintiff will be incapacitated and unable to perform Plaintiff's  
15 usual work for an indefinite period of time in the future, all to Plaintiff's damage in an amount  
16 which is at present unascertained. Plaintiff will pray leave of court to show the total amount of  
17 loss of earnings at the time of trial.

18 67. As a further direct and legal result of the acts and conduct of Defendants, as  
19 aforesaid, Plaintiff has been caused, and did suffer, and continues to suffer severe and permanent  
20 emotional and mental distress and anguish, humiliation, embarrassment, fright, shock, pain,  
21 discomfort and anxiety. The exact nature and extent of said injuries is presently unknown to  
22 plaintiff, who will pray leave of court to assert the same when they are ascertained.

23 68. Plaintiff has been generally damaged in an amount within the jurisdictional limits of  
24 this court.

25 69. The aforementioned acts of Defendants, and each of them, were wilful, wanton,  
26 malicious, intentional, oppressive and despicable and were done in wilful and conscious disregard  
27 of the rights, welfare and safety of plaintiff, and were done by managerial agents and employees of  
28 Defendants and DOES 1 through 100, and with the express knowledge, consent, and ratification of

1 managerial agents and employees of Defendants and DOES 1 through 100, thereby justifying the  
2 awarding of punitive and exemplary damages in an amount to be determined at the time of trial.

3 70. As a result of the discriminatory acts of Defendants, and each of them, as alleged  
4 herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as specifically  
5 provided in California Code of Civil Procedure §1021.5.

6 V.

7 **FIFTH CAUSE OF ACTION**

8 **(For Declaratory Relief Against All Defendants and DOES 1 -100, Inclusive)**

9 71. Plaintiff incorporates herein by reference Paragraphs 1 through 70 as though set  
10 forth in full herein.

11 72. Depending on the outcome of this lawsuit via dispositive motion and ruling and/or a  
12 trial and verdict in this matter, Plaintiff hereby requests this Court issue an affirmative and binding  
13 Declaration of Rights and Duties pursuant to the ruling in *Harris v. City of Santa Monica*, (2013)  
14 56 C.4th 203, declaring that Defendants, and each of them, their successors, agents,  
15 representatives, employees and all persons who acted alone, or in concert with said Defendants,  
16 and each of them, committed acts and conduct of harassment, discrimination, retaliation, or other  
17 similar acts including, but not limited to, the violations alleged in all of the relevant Causes of  
18 Action herein, and as proved and/or shown at the time of the ruling(s) and or verdict(s), and as  
19 prohibited by the Fair Employment and Housing Act, California Government Code §§12900 -  
20 12996, and any other applicable laws, cases, codes, regulations and statutes.

21 73. At the time of the request for Declaratory Relief, there exists and/or will exist a  
22 present and actual controversy among the parties.

23 74. This Complaint, and the relevant causes of action herein, specifically plead an  
24 actual, present controversy, and the facts of the respective and underlying claims.

25 75. At the time of the request for Declaratory Relief, the facts of this case will have  
26 congealed to the point that the Court can determine issues and grant relief through Declaratory  
27 Relief and issue a decree of a conclusive character, with the force and effect of a Final Judgment.

28 76. As a result of the wrongful acts of Defendants, and each of them, as alleged herein,

1 Plaintiff requests that this Court issue an Order and Ruling permanently enjoining Defendants, and  
2 each of them, their successors, agents, representatives, employees and all persons who acted alone,  
3 or in concert with said Defendants, and each of them, from committing acts and conduct of  
4 harassment, discrimination, retaliation, or other similar acts including, but not limited to, the  
5 violations alleged in all of the relevant Causes of Action herein, and as proved and/or shown at the  
6 time of the ruling(s) and or verdict(s), and as prohibited by the Fair Employment and Housing Act,  
7 California Government Code §§12900 - 12996, and any other applicable laws, cases, codes,  
8 regulations and statutes.

9       77. As a result of the wrongful conduct of Defendants, and each of them, as alleged  
10 herein, Plaintiff is entitled to reasonable attorneys' fees and costs of said suit as specifically  
11 provided in California Government Code § 12965(b) and as specifically mentioned in *Harris v.*  
12 *City of Santa Monica*, (2013) 56 C.4th 203.

13       **WHEREFORE**, Plaintiff **MIRIAM ESTRADA** prays for judgment against the  
14 Defendants, and each of them, as follows:

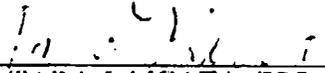
- 15           1. For general damages in an amount within the jurisdictional limits of this  
16           Court;
- 17           2. For medical expenses and related items of expense, according to proof;
- 18           3. For loss of earnings, according to proof;
- 19           4. For loss of earning capacity, according to proof;
- 20           5. For reasonable attorneys' fees and costs of said suit as specifically provided  
21           in California Government Code §12965 (b), according to proof;
- 22           6. For reasonable attorneys' fees and costs of said suit as specifically provided  
23           in California Code of Civil Procedure §1021.5, according to proof;
- 24           7. For a permanent injunction against Defendants, and each of them, their  
25           successors, agents, representatives, employees and all persons who acted  
26           alone, or in concert with said Defendants, and each of them, from  
27           committing acts and conduct of harassment, discrimination, retaliation, or  
28           other similar acts including, but not limited to, the violations alleged in all of

1 the relevant Causes of Action herein, and as proved and/or shown at the time  
2 of the ruling(s) and or verdict(s), and as prohibited by the Fair Employment  
3 and Housing Act, California Government Code §§12900 - 12996, and any  
4 other applicable laws, cases, codes, regulations and statutes;

- 5 8. For reasonable attorneys' fees and costs of said suit as specifically  
6 mentioned in *Harris v. City of Santa Monica*, (2013) 56 C.4th 203;  
7 9. For prejudgment interest according to proof;  
8 10. For punitive and exemplary damages, according to proof;  
9 11. For costs of suit incurred herein; and  
10 12. For such other and further relief as the court may deem just and proper.

11  
12 Dated: October 12, 2020

MANCINI & ASSOCIATES  
A Professional Law Corporation

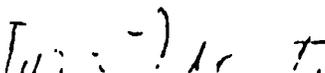
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14  
15 By:   
TARA J. LICATA, ESQ.  
Attorneys for Plaintiff  
MIRIAM ESTRADA

16  
17 **DEMAND FOR JURY TRIAL**

18  
19 Plaintiff **MIRIAM ESTRADA** hereby demands trial by jury.

20  
21 Dated: October 12, 2020

MANCINI & ASSOCIATES  
A Professional Law Corporation

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23  
24 By:   
TARA J. LICATA, ESQ.  
Attorneys for Plaintiff  
MIRIAM ESTRADA

*EXHIBIT* “A”

1 COMPLAINANT OF EMPLOYMENT DISCRIMINATION  
2 BEFORE THE STATE OF CALIFORNIA  
3 DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING  
4 Under the California Fair Employment and Housing Act  
(Gov. Code, § 12900 et seq.)

5 **In the Matter of the Complaint of**  
6 MIRIAM ESTRADA

DFEH No. 201910-08002622

7 Complainant,

8 vs.

9 S & F SONICS, INC.  
330 East Easy Street Unit A  
Simi Valley, California 93065

10 Respondents

11  
12 1. Respondent **S & F SONICS, INC.** is an **employer** subject to suit under the  
13 California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.).

14 2. Complainant **MIRIAM ESTRADA**, resides in the City of **Sherman Oaks** State of  
15 **California**.

16 3. Complainant alleges that on or about **October 14, 2019**, respondent took the  
17 following adverse actions:

18 **Complainant was harassed** because of complainant's family care or medical leave  
(cfra) (employers of 50 or more people), disability (physical or mental), age (40 and  
19 over), other.

20 **Complainant was discriminated against** because of complainant's family care or  
21 medical leave (cfra) (employers of 50 or more people), disability (physical or mental),  
22 age (40 and over), other and as a result of the discrimination was terminated, denied  
23 hire or promotion, reprimanded, asked impermissible non-job-related questions,  
24 denied any employment benefit or privilege, denied reasonable accommodation for a  
disability, denied family care or medical leave (cfra) (employers of 50 or more  
25 people), other, denied work opportunities or assignments, denied or forced to  
26 transfer.

27 **Complainant experienced retaliation** because complainant reported or resisted  
28 any form of discrimination or harassment, requested or used a disability-related

1 accommodation, participated as a witness in a discrimination or harassment  
2 complaint, requested or used leave under the california family rights act or fmla  
3 (employers of 50 or more people) and as a result was terminated, denied hire or  
4 promotion, reprimanded, asked impermissible non-job-related questions, denied any  
5 employment benefit or privilege, denied reasonable accommodation for a disability,  
6 denied family care or medical leave (cfra) (employers of 50 or more people), other,  
7 denied or forced to transfer.

8 **Additional Complaint Details:** From prior to 10/2019, and continuing at least  
9 through 10/14/19, and continuing, I was harassed, discriminated against and  
10 retaliated against based on my perceived and/or physical disability(s) (vericose  
11 veins; associated conditions; others) and my perceived and/or age (over forty).  
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1 VERIFICATION

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

5 On October 22, 2019, I declare under penalty of perjury under the laws of the State of  
6 California that the foregoing is true and correct.

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**Sherman Oaks, CA**

*EXHIBIT "B"*



**DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**

KEVIN KISH, DIRECTOR

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758  
(800) 884-1684 (Voice) | (800) 700-2320 (TTY) | California's Relay Service at 711  
<http://www.dfeh.ca.gov> | Email: [contact.center@dfeh.ca.gov](mailto:contact.center@dfeh.ca.gov)

October 22, 2019

MIRIAM ESTRADA  
c/o Mancini & Associates 15303 Ventura Boulevard Suite 600  
Sherman Oaks, California 91403

**RE: Notice of Case Closure and Right to Sue**  
DFEH Matter Number: 201910-08002622  
Right to Sue: ESTRADA / S & F SONICS, INC.

Dear MIRIAM ESTRADA,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective October 22, 2019 because an immediate Right to Sue notice was requested. DFEH will take no further action on the complaint.

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

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

Sincerely,

Department of Fair Employment and Housing