

ORIGINAL

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10 ATTORNEYS FOR PLAINTIFF
11 JOSE LOPEZ

FILED
Superior Court of California
County of Los Angeles

DEC 29 2017

Sherri R. Carter, Executive Officer/Clerk
By Nancy Alvarez Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10 JOSE LOPEZ,

11
12 Plaintiff,

13 v.
14

15 SUGI AMH, INC., a California corporation
16 doing business as YOSHINOYA, TERESA
17 BERSONDA, an individual, and DOES 1
18 through 100, inclusive,

19 Defendants.
20

CASE NO.

BC 6 8 8 6 9 6

**CIVIL UNLIMITED COMPLAINT
FOR DAMAGES**

- (1) DISCRIMINATION;
- (2) HARASSMENT;
- (3) RETALIATION;
- (4) FAILURE TO PREVENT DISCRIMINATION, HARASSMENT AND RETALIATION;
- (5) INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS;
- (6) NEGLIGENT HIRING, SUPERVISION, TRAINING AND RETENTION OF EMPLOYEE; AND
- (7) CONSTRUCTIVE DISCHARGE IN VIOLATION OF PUBLIC POLICY.

DEMAND FOR JURY TRIAL

12-29-2017

CIT/CASE: BC688696
LEA/DEF#:

RECEIPT #: CCH451233078
DATE PAID: 12/29/17 03:52 PM
PAYMENT: \$435.00 310
RECEIVED:

CHECK: \$435.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$0.00

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42/29/2017

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Plaintiff Jose Lopez alleges:

INTRODUCTION

1. Plaintiff Jose Lopez was employed as a cook by Defendant Sugi AMH, Inc. doing business as Yoshinoya. During Plaintiff’s tenure, he was forced to endure a work environment that was racist and hostile because of his actual and/or perceived race/national origin and/or sexual orientation. Plaintiff’s supervisor, Teresa Bersonda, mocked Plaintiff’s accent and dialect, continuously made racist comments directed at him, and otherwise made derogatory comments on a regular basis. After Plaintiff complained to owner Yasuhiro Sugimoto about the racist and hostile environment he had been enduring, Plaintiff’s work conditions worsened and he was ultimately constructively terminated.

PARTIES/VENUE

2. Plaintiff Jose Lopez was at all relevant times an employee of Defendant Sugi AMH, Inc. At all relevant times, Plaintiff worked in the County of Los Angeles and he is one of its residents. The events that form the basis of this lawsuit took place in the County of Los Angeles.

3. Plaintiff is informed and believes, and upon that basis alleges, Defendant Sugi AMH, Inc. doing business as Yoshinoya, is a California corporation authorized to and conducting business in the County of Los Angeles (“Yoshinoya”). At all relevant times, Yoshinoya employed Plaintiff.

4. Plaintiff is informed and believes, and upon that basis alleges, Defendant Teresa Bersonda was at all relevant times working in the County of Los Angeles for Yoshinoya. Defendant Bersonda was a supervisor, as defined under the Fair Employment & Housing Act.

5. The true names and capacities of Defendants DOES 1 through 100 are unknown to Plaintiff, who therefore sues these Defendants by such fictitious names. Plaintiff will seek leave to amend this complaint to allege such names and capacities as soon as they are ascertained. Plaintiff is informed and believes, and upon that basis

1 alleges, that each of the fictitiously named Defendants is in some manner responsible,
2 liable, and/or obligated to Plaintiff in connection with the acts alleged herein.

3 6. Plaintiff is informed and believes and upon that basis alleges that DOES 1
4 through 100 are the controlling entities and/or alter egos of the other Defendants, and of
5 each other, and ratified, authorized, and/or directed the conduct of Sugi. In doing the
6 things hereinafter alleged, the Defendants, and each of them, acted as the agents, servants
7 and employees of their co-defendants, who acted within the course and scope of their
8 agency and employment, and with the knowledge, consent and approval of their co-
9 defendants whereby their conduct was ratified by their co-defendants. Plaintiff is
10 informed and believes and upon that basis alleges that DOES 1 through 50 are individual
11 Defendants liable to Plaintiff for harassment or otherwise facing tort liability for their
12 intentional conduct directed at Plaintiff.

13 EXHAUSTION OF ADMINISTRATIVE REMEDIES

14 7. All legal prerequisites for proceeding with the claims contained in this
15 complaint have been met.

16 8. Plaintiff filed with the California Department of Fair Employment and
17 Housing a complaint naming each Defendant which is attached hereto as Exhibit A.

18 9. Plaintiff received a right-to-sue letter against each Defendant which is
19 attached hereto as Exhibit B.

20 FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS

21 10. Plaintiff Jose Lopez began working for Yoshinoya on or about August 2014
22 as a cook. Throughout Mr. Lopez's tenure with Yoshinoya, his supervisor, Teresa
23 Bersonda, harassed and discriminated against him because of his actual and/or perceived
24 race and/or national origin and/or sexual orientation.

25 11. Mr. Lopez, who is from El Salvador, was constantly mocked and mimicked
26 by supervisor Bersonda because of his accent or dialect. Defendant Bersonda constantly
27 ridiculed and mocked plaintiff's accent and dialect while calling him stupid, making
28 statements like, "You are a stupid ass because you don't know English."

1 12. Defendant Bersonda constantly made direct and indirect comments related
2 to race and/or national origin about Mr. Lopez and Hispanics/Latino immigrants in
3 general. Her comments included, but are not limited to:

- 4 a. "Fucking Mexicans!"
5 b. "Latino immigrants should all go back to their country."
6 c. "Fucking wetbacks."

7 13. Defendant Bersonda would also frequently make comments regarding Mr.
8 Lopez's sexual orientation including, but not limited to:

- 9 a. "Jose is a faggot."
10 b. "Jose is gay."
11 c. "Jose is a faggot who does not know how to do anything."

12 14. Defendant Bersonda also expressed her political views regarding
13 immigration policies and often yelled out, "I'm glad Donald Trump won so he can throw
14 out all the immigrants" and "Build that wall!" Ms. Bersonda would tell Mr. Lopez that
15 Trump will throw him and other immigrants out of the country making comments like, "I
16 really wanted Donald Trump to win because he will throw you out of the country." Ms.
17 Bersonda also threatened Mr. Lopez constantly with termination.

18 15. Ms. Bersonda's additional derogatory comments include but are not limited
19 to:

- 20 (a) "Jose is a fucking wetback."
21 (b) "Jose is a fucking ugly immigrant."
22 (c) "Why are there so many Jose's and Marias in Mexico?"
23 (d) "You are worthless because you are an immigrant."
24 (e) "You are a stupid immigrant who can't even speak English."
25 (f) "Is Jose even your real name? All you immigrants lie about your
26 names."

27 16. Mr. Lopez complained to upper management, including Chau Nguyen,
28 about the ongoing harassment and discrimination and requested that he be transferred to a

1 different schedule away from harasser Bersonda. Mr. Lopez’s schedule was briefly
2 changed but eventually he returned to a work schedule under the supervision of
3 Defendant Bersonda, who once again started belittling him about his race/national origin
4 and sexual orientation. Mr. Lopez again complained. He was told by company
5 management that he needed to deal with it or leave. As upper management failed to
6 intervene in the ongoing harassment and discrimination, Mr. Lopez obtained legal
7 counsel to protect his rights and stop the ongoing unlawful conduct. Upon receiving a
8 letter of representation from Mr. Lopez’s legal representative, owner Yasuhiko Sugimoto
9 met with Mr. Lopez and threatened him with Homeland Security if he didn’t dismiss his
10 claims against his store and harasser Bersonda.

11 17. Mr. Lopez was constructively terminated on or about February 2017.

12 **FIRST CAUSE OF ACTION**
13 **FOR DISCRIMINATION (DISPARATE TREATMENT)**
14 **AGAINST DEFENDANT YOSHINOYA**
15 **AND DOES 1 THROUGH 100**
16 **California Government Code Section 12940(a)**

17 18. The allegations set forth in paragraphs 1 through 17 are realleged and
18 incorporated by reference as though fully set forth herein.

19 19. Plaintiff was treated differently on account of his actual and/or perceived
20 race and/or national origin and/or sexual orientation. Plaintiff was subjected to different
21 terms, conditions and/or privileges for his continued employment on account of these
22 protected categories. Plaintiff was ultimately constructively terminated on account of
23 these protected categories. Plaintiff’s protected categories were a substantial motivating
24 reason for the disparate treatment he experienced and his constructive termination.

25 20. Plaintiff’s disparate treatment consisted of working in a hostile working
26 environment where abusive comments and behavior were directed at him or near him on
27 account of his actual and/or perceived race and/or national origin and/or sexual
28 orientation. It also includes Plaintiff’s supervisor, Teresa Bersonda, continuously making

1 racist comments directed at him and others around him.

2 21. At all relevant times, Plaintiff was an employee of Defendant Yoshinoya.

3 22. Plaintiff was harmed.

4 23. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

5 24. As a proximate result of Defendants' willful, knowing, and intentional
6 discrimination against Plaintiff, he has sustained and continues to sustain losses in
7 earnings and other employment benefits.

8 25. As a proximate result of Defendants' willful, knowing, and intentional
9 discrimination against Plaintiff, he has suffered and continues to suffer emotional
10 distress, mental and physical pain, anguish, pain and suffering, loss of sleep, loss of
11 appetite, anxiety, depression and shame.

12 26. In light of the willful, knowing and intentional discrimination, Plaintiff
13 seeks an award of punitive and exemplary damages in an amount according to proof at
14 trial.

15 27. Plaintiff has incurred and continues to incur legal expenses and attorneys'
16 fees. Plaintiff will seek the recovery of his attorneys' fees and costs at the conclusion of
17 this lawsuit.

18 **SECOND CAUSE OF ACTION**
19 **FOR HOSTILE WORK ENVIRONMENT HARASSMENT**
20 **AGAINST ALL DEFENDANTS**
21 **AND DOES 1 THROUGH 100**
22 **(Violation of Government Code § 12940(j))**

23 28. The allegations set forth in paragraphs 1 through 27 are realleged and
24 incorporated by reference as though fully set forth herein.

25 29. At all relevant times, Defendant Yoshinoya employed Plaintiff.

26 30. Plaintiff was subjected to unwanted harassing conduct by his supervisor,
27 Defendant Bersonda, on account of his actual and/or perceived race and/or national
28 origin. Defendant's harassing conduct created a hostile or abusive working environment

1 for Plaintiff Lopez. The harassment includes the factual allegations contained in
2 paragraphs 10 through 17 and is incorporated by reference herein. Defendant Bersonda's
3 harassment included, but was not limited to, making fun of his accent, calling him stupid
4 because he could not speak English, referring to him as an immigrant in a derogatory
5 manner, calling him "gay" and "faggot," and repeatedly making derogatory comments
6 directed towards Plaintiff on account of his actual and/or perceived race and/or national
7 origin and/or sexual orientation.

8 31. At all relevant times, the harassment was severe or pervasive.

9 32. A reasonable person in Plaintiff's situation would have considered the work
10 environment to be hostile or abusive. Plaintiff considered the work environment to be
11 hostile or abusive.

12 33. At all relevant times, Defendant Bersonda was Yoshinoya's employee and
13 supervisor. Defendant Bersonda engaged in the harassing conduct. Defendant
14 Yoshinoya either knew or should have known about Defendant Bersonda's conduct and
15 failed to take immediate and appropriate corrective action.

16 34. Plaintiff was harmed by the harassment.

17 35. The harassment was a substantial factor in causing Plaintiff's harm.

18 36. As a proximate result of Defendants' willful, knowing and intentional
19 harassment against Plaintiff, he has sustained and continues to sustain losses in earnings
20 and other employment benefits.

21 37. As a proximate result of Defendants' willful, knowing and intentional
22 harassment against Plaintiff, he has suffered and continues to suffer emotional distress,
23 mental and physical pain, anguish, pain and suffering, loss of sleep, loss of appetite,
24 anxiety, depression and shame.

25 38. In light of the willful, knowing and intentional harassment, Plaintiff seeks
26 an award of punitive and exemplary damages in an amount according to proof at trial.

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T. Joshua Ritz & Associates
Attorneys-At-Law
www.trhlip.com 818.788.1123

2102452424

1 39. Plaintiff has incurred and continues to incur legal expenses and attorneys'
2 fees. Plaintiff will seek the recovery of his attorneys' fees and costs at the conclusion of
3 this lawsuit.

4 **THIRD CAUSE OF ACTION**
5 **FOR RETALIATION**
6 **AGAINST DEFENDANT YOSHINOYA**
7 **AND DOES 1 THROUGH 100**

8 **California Government Code Section 12940(h)**

9 40. The allegations set forth in paragraphs 1 through 39 are realleged and
10 incorporated by reference as though fully set forth herein.

11 41. Plaintiff complained numerous times about Defendant Bersonda's
12 discrimination and harassment. Plaintiff was ignored when voicing objections to the
13 discrimination and harassment he was experiencing. Defendant Yoshinoya engaged in no
14 investigation, counseling and took no corrective action when the complaints were made,
15 and by their inaction, ratified Defendant Bersonda's conduct. Plaintiff's work
16 environment worsened after making his protected complaints. Following his complaints,
17 Defendant Bersonda escalated her harassing and discriminatory behavior and Plaintiff's
18 work conditions continued to worsen. Plaintiff was ultimately constructively terminated.
19 Plaintiff's protected complaints were a substantial motivating reason for Defendants'
20 retaliation.

21 42. Plaintiff was and continues to be harmed.

22 43. Defendants' retaliation was a substantial factor in causing Plaintiff's harm.

23 44. As a proximate result of Defendants' willful, knowing, and intentional
24 retaliation against Plaintiff, he has sustained and continues to sustain losses in earnings
25 and other employment benefits.

26 45. As a proximate result of Defendants' willful, knowing, and intentional
27 retaliation against Plaintiff, he has suffered and continues to suffer emotional distress,
28 mental and physical pain, anguish, humiliation, pain and suffering, loss of sleep, loss of

1 appetite, anxiety, depression and shame.

2 46. In light of the willful, knowing and intentional retaliation, Plaintiff seeks an
3 award of punitive and exemplary damages in an amount according to proof at trial.

4 47. Plaintiff has incurred and continues to incur legal expenses and attorneys'
5 fees. Plaintiff will seek the recovery of his attorneys' fees and costs at the conclusion of
6 this lawsuit.

7 **FOURTH CAUSE OF ACTION**
8 **FOR FAILURE TO PREVENT DISCRIMINATION, HARASSMENT AND**
9 **RETALIATION AGAINST DEFENDANT YOSHINOYA**
10 **AND DOES 1 THROUGH 100**

11 **California Government Code Section 12940(k)**

12 48. The allegations set forth in paragraphs 1 through 47 are realleged and
13 incorporated by reference as though fully set forth herein.

14 49. Plaintiff was subjected to discrimination, harassment and retaliation
15 because of his actual and/or perceived race and/or national origin and/or sexual
16 orientation. Defendant failed to take all reasonable steps to prevent the discrimination,
17 harassment and/or retaliation Plaintiff suffered while working at Yoshinoya.

18 50. Plaintiff was harmed.

19 51. Defendant's failure to take all reasonable steps to prevent the
20 discrimination, harassment and/or retaliation was a substantial factor in causing
21 Plaintiff's harm.

22 52. As a proximate result of the failure to prevent discrimination, harassment
23 and/or retaliation, Plaintiff has sustained losses in earnings and other employment
24 benefits.

25 53. As a proximate result of the failure to prevent discrimination, harassment
26 and/or retaliation, Plaintiff has suffered and continues to suffer humiliation, emotional
27 distress, mental and physical pain, anguish, pain and suffering, loss of sleep, loss of
28 appetite, migraines, panic attacks, anxiety, depression and shame.

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54. In light of the willful, knowing and intentional failure to prevent discrimination, harassment and/or retaliation, Plaintiff seeks an award of punitive and exemplary damages in an amount according to proof at trial.

55. Plaintiff has incurred and continues to incur legal expenses and attorneys' fees. Plaintiff will seek the recovery of his attorneys' fees and costs at the conclusion of this lawsuit.

**FIFTH CAUSE OF ACTION
FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
AGAINST ALL DEFENDANTS
AND DOES 1 THROUGH 100**

56. The allegations set forth in paragraphs 1 through 55 are realleged and incorporated by reference as though fully set forth herein.

57. Defendants intended to cause Plaintiff emotional distress, or at a minimum, acted with reckless disregard of the probability that Plaintiff would suffer emotional distress. Defendant Yoshinoya's knowledge of Defendant Bersonda's unlawful behavior and its failure to act or otherwise respond appropriately constitutes ratification.

58. Plaintiff has suffered severe emotional distress and physical manifestations of that emotional distress.

59. Defendants' conduct was a substantial factor in causing Plaintiff's severe emotional distress.

60. Plaintiff's damages include, but are not limited to, lost earnings, future earning capacity and other employment benefits. Plaintiff has also suffered and continues to suffer depression, anxiety, loss of sleep, loss of appetite, humiliation, emotional distress, pain and suffering, anxiety, depression and shame.

61. In light of the willful, knowing and intentional infliction of emotional distress, Plaintiff seeks an award of punitive and exemplary damages in an amount according to proof at trial.

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**SIXTH CAUSE OF ACTION
FOR NEGLIGENT HIRING, SUPERVISION, TRAINING
AND RETENTION OF EMPLOYEE
AGAINST DEFENDANT YOSHINOYA
AND DOES 1 THROUGH 100**

62. The allegations set forth in paragraphs 1 through 61 are realleged and incorporated as though fully set forth herein.

63. Plaintiff has been harmed because Defendant Yoshinoya negligently hired, supervised, trained and/or retained employee Teresa Bersonda.

64. Defendant Bersonda was unfit to work in an environment requiring no harassment or discrimination. Defendant Yoshinoya knew or should have known Defendant Bersonda was unfit to remain an employee of Yoshinoya.

65. Plaintiff has been harmed. The unfitness of Defendant Bersonda harmed Plaintiff.

66. Defendant Yoshinoya's negligent hiring, supervision, training and/or retention of Defendant Bersonda was a substantial factor in causing Plaintiff's harm.

67. Plaintiff's damages include, but are not limited to, lost earnings, future earning capacity and other employment benefits. Plaintiff has also suffered and continues to suffer emotional distress, anxiety, loss of sleep, shame, loss of appetite, humiliation, pain and suffering, depression and shame.

**SEVENTH CAUSE OF ACTION
FOR CONSTRUCTIVE DISCHARGE IN VIOLATION OF PUBLIC POLICY
AGAINST DEFENDANT YOSHINOYA
AND DOES 1 THROUGH 100**

68. The allegations set forth in paragraphs 1 through 67 are realleged and incorporated by reference as though fully set forth herein.

69. Plaintiff was constructively discharged. No reasonable employee could continue to endure the discrimination, harassment and retaliation Plaintiff was

1 experiencing if any reasonable alternative existed. Plaintiff's constructive discharge was
2 substantially motivated by his actual and/or perceived race and/or national origin and/or
3 sexual orientation, his complaints concerning the discrimination and harassment he was
4 subject to, and his refusal to consent or otherwise acquiesce to the legally actionable
5 misconduct detailed in paragraphs 10 through 17. Plaintiff's constructive discharge
6 violates the public policies contained in the California Fair Employment & Housing Act
7 and Article I, Section 8 of the California Constitution.

8 70. Plaintiff has suffered and continues to suffer harm due to the discharge.

9 71. Defendant Yoshinoya's constructive discharge of Plaintiff is a substantial
10 factor causing his harm. As a proximate result of the constructive discharge, Plaintiff has
11 sustained losses in earnings and other employment benefits. As a proximate result of the
12 constructive discharge, Plaintiff has suffered and continues to suffer humiliation,
13 emotional distress, mental and physical pain, anguish, pain and suffering, loss of sleep,
14 loss of appetite, anxiety, depression and shame.

15 72. In light of Defendants Yoshinoya's constructive discharge of Plaintiff,
16 Plaintiff seeks an award of punitive and exemplary damages in an amount according to
17 proof at trial.

18 **REQUEST FOR JURY TRIAL**

19 73. Plaintiff requests a trial by jury.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff prays for judgment, including joint and several liability,
22 against all of the Defendants as follows:

- 23 1. For compensatory damages, including lost wages (back pay and prospective
24 compensation), employment benefits and medical expenses;
- 25 2. For mental and emotional distress damages;
- 26 3. For punitive damages;
- 27 4. For attorneys' fees;
- 28 5. For an award of interest, including prejudgment interest, at the legal rate;

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6. For costs of suit incurred; and

7. For such other and further relief as the Court deems just and appropriate.

DATE: December 28, 2017

BY: _____



T. JOSHUA RITZ
SKYLAR R. PASCAL
ATTORNEYS FOR PLAINTIFF
JOSE LOPEZ

T. Joshua Ritz & Associates
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4303463434

12/29/2017



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

May 12, 2017

RE: Notice of Filing of Discrimination Complaint

DFEH Matter Number: 738387-284540

Right to Sue: LOPEZ / SUGI AMH, INC. Doing Business As YOSHINOYA

To All Respondent(s):

Enclosed is a copy of a complaint of discrimination that has been filed with the Department of Fair Employment and Housing (DFEH) in accordance with Government Code section 12960. This constitutes service of the complaint pursuant to Government Code section 12962. The complainant has requested an authorization to file a lawsuit. This case is not being investigated by DFEH and is being closed immediately. A copy of the Notice of Case Closure and Right to Sue is enclosed for your records.

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

No response to DFEH is requested or required.

Sincerely,

Department of Fair Employment and Housing

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Co-Respondents:

TERESA BERSONDA
2850 South Crenshaw Boulevard
Los Angeles California 90016

CHAU NGUYEN
2850 South Crenshaw Boulevard
Los Angeles California 90016

YASUHIKO SUGIMOTO
2850 South Crenshaw Boulevard
Los Angeles California 90016

YOSHINOYA BEEF BOWL RESTAURANT

2850 South Crenshaw Boulevard
Los Angeles California 90016

SUGI AMH, INC.

2850 South Crenshaw Boulevard
Los Angeles California 90016

12/29/2017
DFEH 9021

1
2 **Additional Complaint Details:**

3 Jose Lopez was employed by Sugi AMH, Inc. dba Yoshinoya from on or about August
4 2014 as a cook.

5 Mr. Lopez has been discriminated based on his race/national origin and sexual
6 orientation by his supervisor Teresa Bersonda throughout his tenure with Yoshinoya.
7 Manager Bersonda constantly made direct and indirect comments related to race and/or
8 national origin about Mr. Lopez and Hispanics/Latino immigrants in general. Her
9 comments included but are not limited to "fucking Mexicans!" Latino immigrants should
10 all go back to their country and Fucking wetbacks

11 Manager Bersonda would also direct much of her discriminatory attention to Mr. Lopez
12 and without any hesitation yell out "Jose is a fucking wetback." Manager Bersonda
13 would also make comments regarding Mr. Lopez`s sexual orientation including "Jose is
14 a faggot," "Jose is gay," and "He`s a faggot who doesn`t know how to do anything."

15 Ms. Bersonda would also express her political views regarding immigration policies and
16 often yelled out "I`m glad Donald Trump won, so he can throw out all the immigrants,
17 and "Build that wall!" Ms. Bersonda would also tell Mr. Lopez that Trump will throw him
18 and other immigrants like him out of the country. "I really wanted Donald Trump to win
19 because he will throw you out of the country."

20 Ms. Bersonda would also mock Mr. Lopez`s accent and make derogatory comments
21 such as "You are a stupid immigrant who cant even speak English, and is Jose even
22 your real name? All you immigrants lie about your names." She would also threaten Mr.
Lopez constantly with termination.

Mr. Lopez complained to upper management including Chau Nguyen about the ongoing
harassment and requested that he be transferred to a different schedule away from
harasser Bersonda. Mr. Lopez was briefly accommodated but eventually returned to a
work schedule under the supervision of harasser manager Bersonda, who once again
started belittling him about his race/national origin and sexual orientation. Mr. Lopez
again complained but was told by company management that he needed to deal with it
or leave. Subsequently, as upper management failed to intervene in the ongoing
harassment, Mr. Lopez obtained legal counsel to protect his rights and stop the ongoing
harassment. Upon receiving a letter of representation from Mr. Lopez`s legal
representative, owner Mr. Yasuhiko Sugimoto met with Mr. Lopez and threatened him
with Homeland Security if he didn`t dismiss his claims against his store and harasser
Bersonda. Mr. Lopez was constructively terminated on or about February 2017.

1 VERIFICATION

2 I, **T. Joshua Ritz**, am the Attorney for Complainant in the above-entitled complaint.
3 I have read the foregoing complaint and know the contents thereof. The same is
4 true of my own knowledge, except as to those matters which are therein alleged on
information and belief, and as to those matters, I believe it to be true.

5 On May 12, 2017, I declare under penalty of perjury under the laws of the State of
California that the foregoing is true and correct.

6 **Sherman Oaks CA**
7 **T. Joshua Ritz**

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DFEH 902-1

12/29/2017



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

May 12, 2017

JOSE LOPEZ
14724 Ventura Blvd Ste 510
Sherman Oaks, California 91403

RE: Notice of Case Closure and Right to Sue
DFEH Matter Number: 738387-284540
Right to Sue: LOPEZ / SUGI AMH, INC. Doing Business As YOSHINOYA

Dear JOSE LOPEZ,

This letter informs you that the above-referenced complaint was filed with the Department of Fair Employment and Housing (DFEH) has been closed effective May 12, 2017 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 visit 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

4272972017



DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

2218 Kausen Drive, Suite 100 | Elk Grove | CA | 95758
800-884-1684 | TDD 800-700-2320
www.dfeh.ca.gov | email: contact.center@dfeh.ca.gov

DIRECTOR KEVIN KISH

Enclosures

cc: TERESA BERSONDA

CHAU NGUYEN

YASUHIKO SUGIMOTO

YOSHINOYA BEEF BOWL RESTAURANT

SUGI AMH, INC.

12/29/2017

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
T. JOSHUA RITZ SBN: 172364
ATTORNEYS-AT-LAW
14724 VENTURA BLVD, STE 510
SHERMAN OAKS CA 91403
TELEPHONE NO.: (818) 788-1123 FAX NO.: (818) 788-1126
ATTORNEY FOR (Name): Plaintiff Jose Lopez

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles Superior Court
STREET ADDRESS: 111 North Hill Street,
MAILING ADDRESS: 111 North Hill Street,
CITY AND ZIP CODE: Los Angeles, CA 90012
BRANCH NAME: Stanley Mosk Courthouse - Central

CASE NAME:
Lopez v. Yoshinoya, et al.

FOR COURT USE ONLY
FILED
Superior Court of California
County of Los Angeles
DEC 29 2017
Sherri R. Carter, Executive Officer/Clerk
By Nancy Alvarez Deputy

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000)
 Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter **Joinder**
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:
JUDGE: **BC 688696**
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|--|---|--|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37) | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) |
| Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23) | Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26) | Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20) |
| Non-PI/PD/WD (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35) | Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38) | Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42) |
| Employment
<input checked="" type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): Seven (7)

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: December 29, 2017

T. JOSHUA RITZ
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

ORIGINAL

SHORT TITLE: Lopez v. Yoshinoya, et al.

CASE NUMBER

BC 688696

CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION (CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? [X] YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL 7-10 HOURS/DAYS

Item II. Indicate the correct district and courthouse location (4 steps - If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.3.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- 1. Class actions must be filed in the Stanley Mosk Courthouse, central district.
2. May be filed in central (other county, or no bodily injury/property damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office
11. Mandatory Filing Location (Hub Case)

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

Table with 3 columns: A Civil Case Cover Sheet Category No., B Type of Action (Check only one), C Applicable Reasons - See Step 3 Above. Rows include Auto Tort, Asbestos, Product Liability, Medical Malpractice, and Other Personal Injury/Property Damage/Wrongful Death.

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SHORT TITLE: Lopez v. Yoshinoya, et al.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2.,3.
Employment	Wrongful Termination (36)	<input checked="" type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	2., 5., 6, 11 2., 5, 11 5, 6, 11
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Real Property	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE: Lopez v. Yoshinoya, et al.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2., 8.
		<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2.
		<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
		<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.		
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 9.
		<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
		<input type="checkbox"/> A6190 Election Contest	2.
<input type="checkbox"/> A6110 Petition for Change of Name		2., 7.	
<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.		
<input type="checkbox"/> A6100 Other Civil Petition	2., 9.		

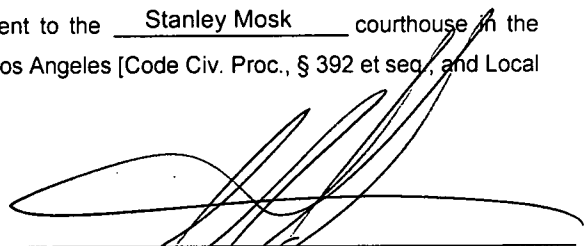
SHORT TITLE: Lopez v. Yoshinoya, et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., **Step 3** on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input checked="" type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.			ADDRESS: 2850 S. Crenshaw Blvd		
CITY: Los Angeles	STATE: CA	ZIP CODE: 90016			

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.3, subd.(a)].

Dated: December 29, 2017



(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/15).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

LACIV 109 (Rev. 3/15)