

1 Victor Viramontes (State Bar No. 214158)
2 Miranda Galindo (State Bar No. 308499)*
3 MEXICAN AMERICAN LEGAL DEFENSE
4 AND EDUCATIONAL FUND
5 634 S. Spring St., 11th Floor
6 Los Angeles, CA 90014
7 Telephone: (213) 629-2512
8 Facsimile: (213) 629-0266
9 Email: vviramontes@maldef.org
10 mgalindo@maldef.org

11 *Attorneys for Plaintiffs*

12 *application for admission to E.D. Cal. forthcoming

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 JIMMY DAVID RAMIREZ-
16 CASTELLANOS and FRANCISCO
17 JAVIER GOMEZ ESPINOZA,

18 Plaintiffs,

19 vs.

20 NUGGET MARKET, INC. DBA
21 NUGGET MARKETS and ONE STOP
22 SERVICES DBA ONE STOP
23 SOLUTION, and DOES 1-10,

24 Defendants.

Case No.

**COMPLAINT
DEMAND FOR JURY TRIAL**

INTRODUCTION

25 Plaintiffs allege as follows:

26 1. This civil action challenges NUGGET MARKET, INC.’s and ONE STOP
27 SERVICES’ (“Defendants”) discrimination and retaliation against JIMMY DAVID RAMIREZ-
28 CASTELLANOS and FRANCISCO JAVIER GOMEZ ESPINOZA (“Plaintiffs”), in the form of
a hostile work environment, discrimination, retaliation, and wrongful discharge. Plaintiffs allege
Defendants discriminated against them on the basis of Plaintiffs’ Latino/Hispanic national origins
and also retaliated against them for complaining about discrimination. Defendants’ unlawful

1 employment discrimination violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1981,
2 California's Fair Housing and Employment Act, and common law prohibitions on wrongful
3 discharge. 42 U.S.C. §§ 1981, 2000e *et seq.*; CAL. GOV'T CODE § 12940 *et seq.*

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5 **JURISDICTION AND VENUE**

6 2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1343(a), and
7 1367, as well as under 42 U.S.C. § 1988. Under 28 U.S.C. § 1391(b), venue is proper because
8 Defendants reside in the Eastern District of California and the events giving rise to the claims
9 occurred in this district.

10 **PARTIES**

11 **Plaintiffs**

12 3. Plaintiff JIMMY DAVID RAMIREZ-CASTELLANOS is an individual of
13 Latino/Hispanic national origin. He resides in the Eastern District of California and worked for
14 Defendants during the events alleged in this action.

15 4. Plaintiff FRANCISCO JAVIER GOMEZ ESPINOZA is an individual of
16 Latino/Hispanic national origin. He resides in the Eastern District of California and worked for
17 Defendants during the events alleged in this action.

18 **Defendants**

19 5. Defendant NUGGET MARKET, INC. DBA Nugget Markets is a corporation
20 located in the Eastern District of California. Defendant Nugget Market, Inc. employed Plaintiffs
21 when it engaged in the conduct challenged in this action. Defendants Nugget Market, Inc. and
22 One Stop Services jointly employed Plaintiff Ramirez-Castellanos when they engaged in the
23 conduct alleged in this action.

24 6. Defendant ONE STOP SERVICES DBA One Stop Solution is a corporation
25 located in the Eastern District of California. Defendants One Stop Services and Nugget Market,
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1 Inc. jointly employed Plaintiff Ramirez-Castellanos when they engaged in the conduct challenged
2 in this action.

3 7. The true names and capacities of and the true involvement of the Defendants sued
4 here are 1-10 inclusive are unknown to Plaintiff and who therefore sues these Defendants by
5 fictitious names and will amend this complaint to show the true names, capacities and
6 involvement when ascertained. Plaintiff is informed and believes and alleges that each of the
7 Defendants designated as a Doe is responsible in some manner for the events and happenings
8 referred to here, and that Plaintiffs' injuries and damages were proximately caused by these
9 Defendants.
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11 **FACTUAL ALLEGATIONS**

12 8. On or around November of 2014, Defendant One Stop Services hired Plaintiff
13 Ramirez-Castellanos, and assigned him to work at Defendant Nugget Market, Inc.'s grocery store
14 on Mace Boulevard in Davis, California ("Store"), as a floor cleaner.
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16 9. Defendant Nugget Market, Inc. obtains floor cleaners for the Store though a
17 contract with Defendant One Stop Services.

18 10. Defendant Nugget Market, Inc. jointly employed Plaintiff Ramirez-Castellanos
19 because it retained control over the terms and conditions of his employment, including the power:
20 to cause his termination, to control his worksite, to supervise his work, and to change the way he
21 did his work.
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23 11. Additionally, Defendant Nugget Market, Inc. interfered with Plaintiff Ramirez-
24 Castellanos' employment relationship with Defendant One Stop Services by having sufficient
25 control over his job market and retaliating against him for complaining about workplace
26 discrimination by ordering his dismissal from the Store.

27 12. Beginning sometime in or around the spring of 2015, Nugget Market, Inc.
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1 subjected Plaintiff Ramirez-Castellanos to a hostile work environment because of his
2 Latino/Hispanic national origin.

3 13. Plaintiffs complained to Defendants' management and managers about workplace
4 discrimination.

5 14. On or around December 10, 2015, Defendants One Stop Services and Nugget
6 Market, Inc. terminated Plaintiff Ramirez-Castellanos because he complained about workplace
7 discrimination.

8 15. Defendant Nugget Market, Inc. hired Plaintiff Gomez-Espinoza on or around
9 November of 2011.

10 16. Beginning sometime in or around 2015, Nugget Market, Inc. subjected Plaintiff
11 Gomez-Espinoza to a hostile work environment because of his Hispanic/Latino national origin.
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13 17. Mr. Gomez-Espinoza complained to Nugget Market, Inc. about workplace
14 discrimination.
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16 18. Following Plaintiffs' complaints, Nugget Market, Inc. continued to subject them to
17 a pattern of discriminatory harassment.

18 19. Plaintiffs believed that their work environment was hostile and abusive.
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20 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

21 20. Plaintiffs re-allege and incorporate by reference the allegations set forth in all prior
22 paragraphs of this Complaint.

23 21. Plaintiffs timely exhausted their administrative remedies by filing complaints
24 against Defendants with the Economic Opportunity Employment Commission and the California
25 Department of Fair Employment and Housing. Plaintiffs subsequently received right-to-sue
26 notices.
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28 **FIRST CAUSE OF ACTION**

**Hostile Work Environment
Title VII**

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3 22. Plaintiffs re-allege and incorporate by reference the allegations set forth in all prior
4 paragraphs of this Complaint.

5 23. Nugget Market, Inc. subjected Plaintiffs to a pattern of discriminatory harassment
6 at the Store that was sufficiently severe or pervasive to alter the conditions of their employment.

7 24. Nugget Market, Inc. directed anti-Latino/Hispanic insults, jokes, and comments to
8 Plaintiffs because of Plaintiffs' national origins.

9 25. Nugget Market, Inc. perpetrated a national-origin-motivated pattern of
10 discriminatory harassment against Plaintiffs that involved interfering with their work and
11 unjustifiably harming their reputations among Nugget Market, Inc. employees, which made
12 Plaintiffs' jobs harder.

13 26. Nugget Market, Inc. subjected Plaintiff Ramirez-Castellanos to a pattern of
14 discriminatory harassment lasting approximately 10 months.

15 27. Nugget Market, Inc. subjected Plaintiff Gomez-Espinoza to a pattern of
16 discriminatory harassment lasting approximately one year.

17 28. Reasonable employees would have believed that Plaintiffs' work environment was
18 abusive and/or hostile.

19 29. Plaintiffs believed that their work environment was abusive and/or hostile.

20 30. Defendants' management failed to undertake, or ineffectually undertook, prompt,
21 effective remedial action reasonably calculated to end harassing conduct against Plaintiffs, which
22 they had notice of.

23 31. Plaintiffs complained to Defendants' management and managers about workplace
24 discrimination.

25 32. Defendant Nugget Market, Inc. jointly employed Plaintiff Ramirez-Castellanos,
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1 and/or interfered with his employment relationship with One Stop Services.

2 33. As a result of Defendants' maintenance of a hostile work environment, Plaintiffs
3 suffered harm, including economic losses and emotional distress, in an amount to be determined
4 at trial.

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6 **SECOND CAUSE OF ACTION**
7 **Hostile Work Environment**
8 **42 U.S.C. § 1981**

9 34. Plaintiffs re-allege and incorporate by reference the allegations set forth in all prior
10 paragraphs of this Complaint.

11 35. Nugget Market, Inc. subjected Plaintiffs to a pattern of discriminatory harassment
12 at the Store that was sufficiently severe or pervasive to alter the conditions of their employment.

13 36. Nugget Market, Inc. directed anti-Latino/Hispanic insults, jokes, and comments to
14 Plaintiffs because of Plaintiffs' national origins.

15 37. Nugget Market, Inc. perpetrated a national-origin-motivated pattern of
16 discriminatory harassment against Plaintiffs that involved interfering with their work and
17 unjustifiably harming their reputations among Nugget Market, Inc. employees, which made
18 Plaintiffs' jobs harder.

19 38. Nugget Market, Inc. subjected Plaintiff Ramirez-Castellanos to a pattern of
20 discriminatory harassment lasting approximately 10 months.

21 39. Nugget Market, Inc. subjected Plaintiff Gomez-Espinoza to a pattern of
22 discriminatory harassment lasting approximately one year.

23 40. Reasonable employees would have believed that Plaintiffs' work environment was
24 abusive and/or hostile.

25 41. Plaintiffs believed that their work environment was abusive and/or hostile.

26 42. Defendants' management failed to undertake, or ineffectually undertook, prompt,
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1 effective remedial action reasonably calculated to end harassing conduct against Plaintiffs, which
2 they had notice of.

3 43. Plaintiffs complained to Defendants' management and managers about workplace
4 discrimination.

5 44. Defendant Nugget Market, Inc. jointly employed Plaintiff Ramirez-Castellanos,
6 and/or interfered with his employment relationship with One Stop Services.
7

8 45. As a result of Defendants' maintenance of a hostile work environment, Plaintiffs
9 suffered harm, including economic losses and emotional distress, in an amount to be determined
10 at trial.

11 **THIRD CAUSE OF ACTION**
12 **Hostile Work Environment**
13 **CAL. GOV'T CODE § 12940 *et seq.***

14 46. Plaintiffs re-allege and incorporate by reference the allegations set forth in all prior
15 paragraphs of this Complaint.

16 47. Nugget Market, Inc. subjected Plaintiffs to a pattern of discriminatory harassment
17 at the Store that was sufficiently severe or pervasive to alter the conditions of their employment.

18 48. Nugget Market, Inc. directed anti-Latino/Hispanic insults, jokes, and comments to
19 Plaintiffs because of Plaintiffs' national origins.

20 49. Nugget Market, Inc. perpetrated a national-origin-motivated pattern of
21 discriminatory harassment against Plaintiffs that involved interfering with their work and
22 unjustifiably harming their reputations among Nugget Market, Inc. employees, which made
23 Plaintiffs' jobs harder.

24 50. Nugget Market, Inc. subjected Plaintiff Ramirez-Castellanos to a pattern of
25 discriminatory harassment lasting approximately 10 months.
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27 51. Nugget Market, Inc. subjected Plaintiff Gomez-Espinoza to a pattern of
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1 discriminatory harassment lasting approximately one year.

2 52. Reasonable employees would have believed that Plaintiffs' work environment was
3 abusive and/or hostile.

4 53. Plaintiffs believed that their work environment was abusive and/or hostile.

5 54. Defendants' management failed to undertake, or ineffectually undertook, prompt,
6 effective remedial action reasonably calculated to end harassing conduct against Plaintiffs, which
7 they had notice of.
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9 55. Plaintiffs complained to Defendants' management and managers about workplace
10 discrimination.

11 56. Defendant Nugget Market, Inc. jointly employed Plaintiff Ramirez-Castellanos,
12 and/or interfered with his employment relationship with One Stop Services.

13 57. As a result of Defendants' maintenance of a hostile work environment, Plaintiffs
14 suffered harm, including economic losses and emotional distress, in an amount to be determined
15 at trial.
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18 **FOURTH CAUSE OF ACTION**

19 **Retaliation**

20 **Title VII**

21 58. Plaintiffs re-allege and incorporate by reference the allegations set forth in all prior
22 paragraphs of this Complaint.

23 59. Defendants retaliated against Plaintiffs because they complained about workplace
24 discrimination.

25 60. Plaintiffs engaged in protected activities by complaining to Defendants'
26 management and managers about workplace discrimination.

27 61. As alleged above, Defendants had notice of Plaintiffs' discrimination complaints.

28 62. Defendants subjected Plaintiffs to adverse actions after Plaintiffs' discrimination

1 complaints.

2 63. Defendant Nugget Market, Inc.'s participation in the termination Plaintiff
3 Ramirez-Castellanos the day after he complained about workplace discrimination was an adverse
4 employment action.

5 64. Defendant One Stop Services' termination of Plaintiff Ramirez-Castellanos was an
6 adverse employment action.
7

8 65. Additionally, Defendants subjected Plaintiffs to adverse actions including, but not
9 limited to, maintenance of a hostile work environment despite Plaintiffs' numerous complaints.

10 66. As a result of Defendants' retaliation, Plaintiffs suffered harm, including economic
11 losses and emotional distress, in an amount to be determined at trial.

12 **FIFTH CAUSE OF ACTION**

13 **Retaliation**

14 **42 U.S.C. § 1981**

15 67. Plaintiffs re-allege and incorporate by reference the allegations set forth in all prior
16 paragraphs of this Complaint.

17 68. Defendants retaliated against Plaintiffs because they complained about workplace
18 discrimination.
19

20 69. Plaintiffs engaged in protected activities by complaining to Defendants'
21 management and managers about workplace discrimination.

22 70. As alleged above, Defendants had notice of Plaintiffs' discrimination complaints.

23 71. Defendants subjected Plaintiffs to adverse actions after Plaintiffs' discrimination
24 complaints.
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26 72. Defendant Nugget Market, Inc.'s participation in the termination Plaintiff
27 Ramirez-Castellanos the day after he complained about workplace discrimination was an adverse
28 employment action.

1 73. Defendant One Stop Services' termination of Plaintiff Ramirez-Castellanos was an
2 adverse employment action.

3 74. Additionally, Defendants subjected Plaintiffs to adverse actions including, but not
4 limited to, maintenance of a hostile work environment despite Plaintiffs' numerous complaints.

5 75. As a result of Defendants' retaliation, Plaintiffs suffered harm, including economic
6 losses and emotional distress, in an amount to be determined at trial.
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8 **SIXTH CAUSE OF ACTION**
9 **Retaliation**
10 **CAL. GOV'T CODE § 12940 *et seq.***

11 76. Plaintiffs re-allege and incorporate by reference the allegations set forth in all prior
12 paragraphs of this Complaint.

13 77. Defendants retaliated against Plaintiffs because they complained about workplace
14 discrimination.

15 78. Plaintiffs engaged in protected activities by complaining to Defendants'
16 management and managers about workplace discrimination.

17 79. As alleged above, Defendants had notice of Plaintiffs' discrimination complaints.
18

19 80. Defendants subjected Plaintiffs to adverse actions after Plaintiffs' discrimination
20 complaints.

21 81. Defendant Nugget Market, Inc.'s participation in the termination Plaintiff
22 Ramirez-Castellanos the day after he complained about workplace discrimination was an adverse
23 employment action.

24 82. Defendant One Stop Services' termination of Plaintiff Ramirez-Castellanos was an
25 adverse employment action.
26

27 83. Additionally, Defendants subjected Plaintiffs to adverse actions including, but not
28 limited to, maintenance of a hostile work environment despite Plaintiffs' numerous complaints.

1 84. As a result of Defendants' retaliation, Plaintiffs suffered harm, including economic
2 losses and emotional distress, in an amount to be determined at trial.

3 **SEVENTH CAUSE OF ACTION**
4 **Common Law Wrongful Discharge**
5 **California's Anti-Discrimination and Anti-Retaliation Public Policies**

6 85. Plaintiffs re-allege and incorporate by reference the allegations set forth in all prior
7 paragraphs of this Complaint.

8 86. Defendants directly and/or jointly employed Plaintiff Ramirez-Castellanos.

9 87. Defendant Nugget Market, Inc. caused Plaintiff Ramirez-Castellanos' discharge,
10 and Defendant One Stop Services directly discharged Plaintiff Ramirez-Castellanos.

11 88. Defendants discharged, and/or caused the discharge of, Plaintiff Ramirez-
12 Castellanos as retaliation for complaining about workplace discrimination, and/or as part of their
13 national-origin based discrimination against him; in violation of California's anti-retaliation and
14 anti-national-origin discrimination policies.

15 89. Defendants' discharge of Plaintiff Ramirez-Castellanos harmed him, including
16 economic losses and emotional distress, in amounts to be determined at trial.

17 90. Defendants' actions were wilful, malicious, oppressive, and committed with the
18 wrongful intent to injure Plaintiff Ramirez-Castellanos, and in conscious disregard of his rights.
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21 **JURY DEMAND**

22 91. Plaintiffs demand a trial by jury.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that this Court enter Judgment granting

Plaintiffs:

1. General damages, including compensatory damages according to proof;
2. Punitive damages according to proof;
3. The costs of the suit;
4. Reasonable attorneys' fees and expenses of this litigation, including under 42 U.S.C § 1988;
5. Interest at the maximum legal rate for all sums awarded; and
6. Such other and further relief as the Court may deem just and proper.

Dated: May 16, 2017

Respectfully submitted,

MEXICAN AMERICAN LEGAL DEFENSE AND
EDUCATIONAL FUND

/s/ Victor Viramontes

Victor Viramontes
Miranda Galindo

Attorneys for Plaintiffs