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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JIMMY DAVID RAMIREZ-
CASTELLANOS and FRANCISCO
JAVIER GOMEZ ESPINOZA,

Plaintiffs,

vs.

NUGGET MARKET, INC. DBA
NUGGET MARKETS, ONE STOP
SOLUTIONS, ISSA QUARRA, and
BUILDING MAINTENANCE GROUP,

Defendants.

Case No. 2:17-CV-01025-JAM-AC

**FIRST AMENDED COMPLAINT
DEMAND FOR JURY TRIAL**

Action Filed: May 16, 2017

Judge: Honorable John A. Mendez

INTRODUCTION

Plaintiffs allege as follows:

1. This civil action challenges NUGGET MARKET, INC.’s and ISSA QUARRA (“Defendants”) discrimination and retaliation against JIMMY DAVID RAMIREZ-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 employment discrimination violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1981,

1 California's Fair Housing and Employment Act, and common law prohibitions on wrongful
2 discharge. 42 U.S.C. §§ 1981, 2000e *et seq.*; CAL. GOV'T CODE § 12940 *et seq.*

3 **JURISDICTION AND VENUE**

4 2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331, 1343(a), and
5 1367, as well as under 42 U.S.C. § 1988. Under 28 U.S.C. § 1391(b), venue is proper because
6 Defendants reside in the Eastern District of California and the events giving rise to the claims
7 occurred in this district.

8 **PARTIES**

9 **Plaintiffs**

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

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

16 **Defendants**

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

22 6. Defendant ONE STOP SERVICES DBA One Stop Solution is a corporation
23 located in the Eastern District of California. Defendants One Stop Services and Nugget Market,
24 Inc. jointly employed Plaintiff Ramirez-Castellanos when they engaged in the conduct challenged
25 in this action. On information and belief, the owner of One Stop Solutions dissolved the
26 corporation sometime in 2016. On information and belief, One Stop Solutions was an unlawful
27 corporation because there are no records that One Stop Solutions registered as a corporation with
28 the California Secretary of State.

1 Quarra's companies, including Defendants One Stop Solutions and Building Maintenance Group,
2 for janitorial services at the Store. Sometime during or before 2017 through the present,
3 Defendant Nugget renewed its contract with Defendant Issa Quarra's company, specifically
4 Defendant Building Maintenance Group, for janitorial services at the Store.

5 13. At all relevant time, Plaintiff Ramirez-Castellanos was employed by one of
6 Defendant Issa Quarra's companies.

7 14. Defendant Issa Quarra failed for properly register Defendant One Stop Solutions
8 as a corporation with the California Secretary of State, and at all time failed to follow corporate
9 formalities as the owner of Defendant One Stop Solutions.

10 15. Defendant Nugget Market, Inc. jointly employed Plaintiff Ramirez-Castellanos
11 because it retained control over the terms and conditions of his employment, including the power:
12 to cause his termination, to control his worksite, to supervise his work, and to change the way he
13 did his work.

14 16. Additionally, Defendant Nugget Market, Inc. interfered with Plaintiff Ramirez-
15 Castellanos' employment relationship with Defendant Issa Quarra's company by having
16 sufficient control over his job market and retaliating against him for complaining about workplace
17 discrimination by ordering his dismissal from the Store.

18 17. Beginning sometime in or around the spring of 2015, Nugget Market, Inc.
19 subjected Plaintiff Ramirez-Castellanos to a hostile work environment because of his
20 Latino/Hispanic national origin.

21 18. Plaintiffs complained to Defendants' management and managers about workplace
22 discrimination.

23 19. On or around December 10, 2015, Defendant Issa Quarra's company and Nugget
24 Market, Inc. terminated Plaintiff Ramirez-Castellanos because he complained about workplace
25 discrimination.

26 20. Defendant Nugget Market, Inc. hired Plaintiff Gomez Espinoza on or around
27 November of 2011.

28 21. Beginning sometime in or around 2015, Nugget Market, Inc. subjected Plaintiff

1 Gomez Espinoza to a hostile work environment because of his Hispanic/Latino national origin.

2 22. Mr. Gomez Espinoza complained to Nugget Market, Inc. about workplace
3 discrimination.

4 23. Following Plaintiffs' complaints, Nugget Market, Inc. continued to subject them to
5 a pattern of discriminatory harassment.

6 24. Plaintiffs believed that their work environment was hostile and abusive.

7 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

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

10 26. Plaintiffs timely exhausted their administrative remedies by filing complaints
11 against Defendants with the Economic Opportunity Employment Commission and the California
12 Department of Fair Employment and Housing. Plaintiffs subsequently received right-to-sue
13 notices.

14 **FIRST CAUSE OF ACTION**

15 **Hostile Work Environment**

16 **Title VII**

17 27. Plaintiffs re-allege and incorporate by reference the allegations set forth in all prior
18 paragraphs of this Complaint.

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

21 29. Nugget Market, Inc. directed anti-Latino/Hispanic insults, jokes, and comments to
22 Plaintiffs because of Plaintiffs' national origins.

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

27 31. Nugget Market, Inc. subjected Plaintiff Ramirez-Castellanos to a pattern of
28 discriminatory harassment lasting approximately 10 months.

1 32. Nugget Market, Inc. subjected Plaintiff Gomez Espinoza to a pattern of
2 discriminatory harassment lasting approximately one year.

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

5 34. Plaintiffs believed that their work environment was abusive and/or hostile.

6 35. Defendants' management failed to undertake, or ineffectually undertook, prompt,
7 effective remedial action reasonably calculated to end harassing conduct against Plaintiffs, which
8 they had notice of.

9 36. Plaintiffs complained to Defendants' management and managers about workplace
10 discrimination.

11 37. Defendant Nugget Market, Inc. jointly employed Plaintiff Ramirez-Castellanos,
12 and/or interfered with his employment relationship with Defendant Issa Quarra's company, One
13 Stop Services.

14 38. As a result of Defendants' maintenance of a hostile work environment, Plaintiffs
15 suffered harm, including economic losses and emotional distress, in an amount to be determined
16 at trial.

17 **SECOND CAUSE OF ACTION**

18 **Hostile Work Environment**

19 **42 U.S.C. § 1981**

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

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

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

26 42. Nugget Market, Inc. perpetrated a national-origin-motivated pattern of
27 discriminatory harassment against Plaintiffs that involved interfering with their work and
28 unjustifiably harming their reputations among Nugget Market, Inc. employees, which made

1 Plaintiffs' jobs harder.

2 43. Nugget Market, Inc. subjected Plaintiff Ramirez-Castellanos to a pattern of
3 discriminatory harassment lasting approximately 10 months.

4 44. Nugget Market, Inc. subjected Plaintiff Gomez Espinoza to a pattern of
5 discriminatory harassment lasting approximately one year.

6 45. Reasonable employees would have believed that Plaintiffs' work environment was
7 abusive and/or hostile.

8 46. Plaintiffs believed that their work environment was abusive and/or hostile.

9 47. Defendants' management failed to undertake, or ineffectually undertook, prompt,
10 effective remedial action reasonably calculated to end harassing conduct against Plaintiffs, which
11 they had notice of.

12 48. Plaintiffs complained to Defendants' management and managers about workplace
13 discrimination.

14 49. Defendant Nugget Market, Inc. jointly employed Plaintiff Ramirez-Castellanos,
15 and/or interfered with his employment relationship with Defendant Issa Quarra's company, One
16 Stop Services.

17 50. As a result of Defendants' maintenance of a hostile work environment, Plaintiffs
18 suffered harm, including economic losses and emotional distress, in an amount to be determined
19 at trial.

20 **THIRD CAUSE OF ACTION**

21 **Hostile Work Environment**

22 **CAL. GOV'T CODE § 12940 *et seq.***

23 51. Plaintiffs re-allege and incorporate by reference the allegations set forth in all prior
24 paragraphs of this Complaint.

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

27 53. Nugget Market, Inc. directed anti-Latino/Hispanic insults, jokes, and comments to
28 Plaintiffs because of Plaintiffs' national origins.

1 discrimination.

2 65. Plaintiffs engaged in protected activities by complaining to Defendants'
3 management and managers about workplace discrimination.

4 66. As alleged above, Defendants had notice of Plaintiffs' discrimination complaints.

5 67. Defendants subjected Plaintiffs to adverse actions after Plaintiffs' discrimination
6 complaints.

7 68. Defendant Nugget Market, Inc.'s participation in the termination Plaintiff
8 Ramirez-Castellanos the day after he complained about workplace discrimination was an adverse
9 employment action.

10 69. Defendant One Stop Services' termination of Plaintiff Ramirez-Castellanos was an
11 adverse employment action.

12 70. Additionally, Defendants subjected Plaintiffs to adverse actions including, but not
13 limited to, maintenance of a hostile work environment despite Plaintiffs' numerous complaints.

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

16 **FIFTH CAUSE OF ACTION**

17 **Retaliation**

18 **42 U.S.C. § 1981**

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

21 73. Defendants retaliated against Plaintiffs because they complained about workplace
22 discrimination.

23 74. Plaintiffs engaged in protected activities by complaining to Defendants'
24 management and managers about workplace discrimination.

25 75. As alleged above, Defendants had notice of Plaintiffs' discrimination complaints.

26 76. Defendants subjected Plaintiffs to adverse actions after Plaintiffs' discrimination
27 complaints.

28 77. Defendant Nugget Market, Inc.'s participation in the termination Plaintiff

1 Ramirez-Castellanos the day after he complained about workplace discrimination was an adverse
2 employment action.

3 78. Termination of Plaintiff Ramirez-Castellanos by Defendant Issa Quarra's
4 company, One Stop Services, was an adverse employment action.

5 79. Additionally, Defendants subjected Plaintiffs to adverse actions including, but not
6 limited to, maintenance of a hostile work environment despite Plaintiffs' numerous complaints.

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

9 **SIXTH CAUSE OF ACTION**

10 **Retaliation**

11 **CAL. GOV'T CODE § 12940 *et seq.***

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

14 82. Defendants retaliated against Plaintiffs because they complained about workplace
15 discrimination.

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

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

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

21 86. 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 87. Defendant One Stop Services' termination of Plaintiff Ramirez-Castellanos was an
25 adverse employment action.

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

28 89. As a result of Defendants' retaliation, Plaintiffs suffered harm, including economic

1 losses and emotional distress, in an amount to be determined at trial.

2 **SEVENTH CAUSE OF ACTION**

3 **Common Law Wrongful Discharge**

4 **California's Anti-Discrimination and Anti-Retaliation Public Policies**

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

7 91. Defendants directly and/or jointly employed Plaintiff Ramirez-Castellanos.

8 92. Defendant Nugget Market, Inc. caused Plaintiff Ramirez-Castellanos' discharge,
9 and Defendant Issa Quarra's company, One Stop Services, directly discharged Plaintiff Ramirez-
10 Castellanos.

11 93. 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 94. Defendants' discharge of Plaintiff Ramirez-Castellanos harmed him, including
16 economic losses and emotional distress, in amounts to be determined at trial.

17 95. 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.

19 **JURY DEMAND**

20 96. Plaintiffs demand a trial by jury.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiffs respectfully pray that this Court enter Judgment granting
23 Plaintiffs:

24 1. General damages, including compensatory damages according to proof;

25 2. Punitive damages according to proof;

26 3. The costs of the suit;

27 4. Reasonable attorneys' fees and expenses of this litigation, including under 42

28 U.S.C § 1988;

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- 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: November 13, 2018

Respectfully submitted,

MEXICAN AMERICAN LEGAL DEFENSE AND
EDUCATIONAL FUND

/s/ Andres Holguin-Flores

Denise Hulett

Tanya Pellegrini

Andrés Holguin-Flores

Attorneys for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2018, I electronically transmitted the attached documents to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all ECF registrants in this matter.

DATED: November 13, 2018

/s/ Andres Holguin-Flores
MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND