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15 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**  
16 **COUNTY OF FRESNO**  
17 **UNLIMITED JURISDICTION**

18 YOLANDA ALCALA,

19 Plaintiff,

20 v.

21 HARRIS RANCH BEEF COMPANY, a  
22 California corporation; HARRIS FARMS,  
23 INC., a California corporation; CENTRAL  
24 VALLEY MEAT HOLDING COMPANY, a  
25 California corporation; and DOES 1-20,  
26 inclusive,

27 Defendants.

Case No.

**COMPLAINT FOR DAMAGES,  
DECLARATORY RELIEF, AND  
INJUNCTIVE RELIEF FOR  
EMPLOYMENT DISCRIMINATION**

**(FAIR EMPLOYMENT AND HOUSING ACT,  
CAL. GOV. CODE §§ 12940, ET SEQ.; UNFAIR  
BUSINESS PRACTICES ACT, CAL. BUS. &  
PROF. CODE §§ 17200, ET SEQ.; AND PUBLIC  
POLICY)**

**DEMAND FOR JURY TRIAL**

28  
Case No.

COMPLAINT

1 **NATURE OF THIS ACTION**

2 1. This is an action for relief from Defendants’ violations of Plaintiff’s civil rights.  
3 These violations, which are more particularly alleged herein, include: disability discrimination,  
4 failure to reasonably accommodate, failure to engage in the interactive process, and retaliation in  
5 violation of California’s Fair Employment and Housing Act (FEHA); unlawful business  
6 practices in violation of California’s Unfair Business Practices Act; and wrongful termination in  
7 violation of California’s public policy.

8 2. Plaintiff Yolanda Alcalá (“Plaintiff”) is a person with disabilities. She was  
9 employed as a meat trimmer at Harris Ranch Beef Company, a beef processing plant in Selma,  
10 California. For more than twenty years, Ms. Alcalá was a dedicated and hardworking employee.  
11 She regularly received attendance bonuses and was well-liked by her managers and peers. In  
12 May 2017, Ms. Alcalá was diagnosed with breast cancer and, on July 27, 2017, she went on  
13 medical leave to undergo surgery. Ms. Alcalá attempted to return to work on August 28, 2017,  
14 but was unable to complete her shift due to the effects of chemotherapy. Shortly thereafter, Ms.  
15 Alcalá submitted a doctor’s note placing her back on leave from August 29, 2017 until May 1,  
16 2018. On January 19, 2018, Defendants unlawfully terminated Plaintiff’s employment.

17 3. Plaintiff seeks lost wages, other employment benefits and compensation lost,  
18 compensatory and punitive damages, restitution, declaratory relief, injunctive relief, and  
19 reasonable attorney’s fees and costs for Defendants’ violations of her rights.

20 **JURISDICTION AND VENUE**

21 4. Venue is proper in this Court under California Code of Civil Procedure § 395  
22 because Defendants are located in the County of Fresno, and the events or omissions giving rise  
23 to this action occurred in the County of Fresno.

24 5. Jurisdiction is proper in this Court because the unlawful practices alleged herein  
25 were committed by Defendants within the County of Fresno and the amount of damages sought  
26 exceeds the minimum jurisdiction of this Court.

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**PARTIES**

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2           6.       Plaintiff Alcala is a resident of Tulare County and was employed by Defendants  
3 in Fresno County.

4           7.       Plaintiff is a person with a disability under the FEHA. Plaintiff also has a record  
5 of disabilities within the meaning of state disability nondiscrimination laws. Plaintiff is  
6 informed and believes, and thereon alleges, that Defendants regarded her as disabled within the  
7 meaning of state disability nondiscrimination laws.

8           8.       In April 2016, Plaintiff Alcala fell at work and developed chronic left knee pain.  
9 She has also been diagnosed with osteoarthritis. As a result, Ms. Alcala is limited in her ability  
10 to stand and sit.

11          9.       In May 2017, Plaintiff was diagnosed with breast cancer.

12          10.       Plaintiff is an otherwise qualified person within the meaning of disability  
13 nondiscrimination laws, including the FEHA. At all relevant times, Plaintiff was qualified to  
14 perform the essential functions of her position, with or without reasonable accommodation.

15          11.       Defendant Harris Ranch Beef Company is a California corporation doing business  
16 in California. At all relevant times, Defendant Harris Ranch Beef Company employed more than  
17 five employees and is therefore an employer covered by the FEHA.

18          12.       Defendant Harris Farms, Inc. is a California corporation doing business in  
19 California and owned Defendant Harris Ranch Beef Company during all incidents alleged  
20 herein. At all relevant times, Defendant Harris Farms, Inc. employed more than five employees  
21 and is therefore an employer covered by the FEHA.

22          13.       Defendant Central Valley Meat Holding Company purchased Defendant Harris  
23 Ranch from Defendant Harris Farms, Inc. on April 9, 2019. Defendant Central Valley Meat  
24 Holding Company is a California corporation doing business in California. At all relevant times,  
25 Defendant Central Valley Meat Holding Company employed more than five employees and is  
26 therefore an employer covered by the FEHA.

27          14.       The true names and capacities of the defendants named herein as DOES 1-20, are  
28 unknown to Plaintiff, who therefore sues such defendants by fictitious names pursuant to

1 California Code of Civil Procedure § 474. Plaintiff is informed and believes and based thereon  
2 alleges that at all times relevant herein each of the DOE defendants was responsible in some  
3 manner for the occurrences and injuries alleged in this complaint. Plaintiff will amend this  
4 complaint to show such true names and capacities when the same have been ascertained.

5 15. At all times relevant herein, each of the named Defendants was the agent or  
6 employee of each of the other Defendants and was acting within the course and scope of such  
7 agency and/or employment and/or with the knowledge, authority, ratification, and consent of the  
8 other Defendants.

9 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

10 16. Plaintiff has exhausted all administrative remedies.

11 17. Plaintiff filed an administrative charge of discrimination with the Equal  
12 Employment Opportunity Commission (EEOC) on November 9, 2018. The charge was cross-  
13 filed with the California Department of Fair Employment and Housing (DFEH).

14 18. Plaintiff received a right-to-sue notice from the DFEH on March 6, 2019. This  
15 notice was tolled pending the EEOC investigation, which continued. *See* Cal. Gov't Code §  
16 12965(d); codifying *Downs v. Department of Water and Power of City of Los Angeles*, 58 Cal.  
17 App. 4th 1093 (1997).

18 19. Plaintiff received a right-to-sue notice from the EEOC on December 11, 2019.

19 20. Plaintiff timely files this Complaint.

20 **FACTS COMMON TO ALL CAUSES OF ACTION**

21 21. Plaintiff Alcala began working with Defendants in November 1996. Plaintiff  
22 worked as a meat trimmer at Defendants' beef packing plant in Selma, California.

23 22. On April 11, 2016, Plaintiff Alcala fell and injured her knee at work. In May  
24 2016, Plaintiff Alcala's doctor released her to work on modified duty and Defendants placed  
25 Plaintiff Alcala in a modified duty position called glove duty, which required sorting and pairing  
26 gloves.

27 23. Plaintiff Alcala's managers did not express any reservation with Plaintiff serving  
28 in the glove duty position, and Plaintiff remained in that position until her termination.

1           24.     On May 11, 2017, Plaintiff Alcala was diagnosed with breast cancer. Shortly  
2 thereafter, Plaintiff contacted Maria Cuevas from Defendants' Human Resources department to  
3 submit a Family Medical Leave Act request with her doctor's certification substantiating the  
4 need for a leave of absence.

5           25.     Plaintiff Alcala's doctor placed her on a leave of absence from July 27, 2017 to  
6 August 27, 2017 for surgery and recovery.

7           26.     Plaintiff Alcala returned to work on August 28, 2017, as scheduled. Plaintiff was  
8 unable to finish her shift due to the effects of chemotherapy. Plaintiff contacted Ms. Cuevas to  
9 inform her she did not feel well and needed to see her doctor. Upon hearing this, Ms. Cuevas  
10 warned Plaintiff that Defendants would fire her if she were unable to work for more than three  
11 months. This frightened Plaintiff, but she nevertheless submitted her doctor's note placing her  
12 back on leave from August 29, 2017 until May 1, 2018.

13          27.     On January 19, 2018, while Plaintiff Alcala was on her leave of absence,  
14 Defendants' representative called her to request that she come to the office. When Plaintiff  
15 Alcala arrived at the office, the representative informed her that she had been terminated  
16 effective January 19, 2018 because she had exhausted all available leaves. At the time of her  
17 termination, Plaintiff had 101.96 unused vacation hours and 103.08 unused sick hours.

18          28.     On April 12, 2018, Plaintiff Alcala was released to return to work by her  
19 oncologist. Plaintiff returned to work to request her job back. Plaintiff met with Human  
20 Resources manager Jesus Alvarado who informed her she could not have the glove duty job back  
21 because it was reserved for people who were hurt and on modified duty. Plaintiff told Mr.  
22 Alvarado that she still could not be in the freezer or stand all day because of her arthritis and  
23 ongoing knee pain.

24          29.     Mr. Alvarado asked Plaintiff what other jobs she could perform. Thereafter, Mr.  
25 Alvarado told her there was no work for her and sent her home.

26          30.     Prior to terminating Plaintiff, and despite Plaintiff's twenty-one years of  
27 successful service with Defendants, Defendants did not engage in the interactive process with  
28 Plaintiff. Defendants did not attempt to find positions consistent with Plaintiff Alcala's

1 restrictions, nor did Defendants extend Plaintiff's leave of absence.

2 31. Despite her best efforts, Plaintiff has been unable to secure other employment.

3 **FIRST CLAIM FOR RELIEF**

4 Disability-Based Discrimination in Violation of  
5 California's Fair Employment and Housing Act  
6 Cal. Gov't Code § 12940(a)

7 32. Plaintiff alleges and incorporates by reference the allegations in the preceding  
8 paragraphs.

9 33. It is unlawful under the FEHA for an employer to discriminate against an  
10 employee based on the individual's physical disability. Cal. Gov't Code § 12940(a). The FEHA  
11 also requires employers to provide reasonable accommodations to employees with disabilities,  
12 and to engage in an interactive process with employees to determine appropriate accommodations.  
13 Cal. Gov't Code §§ 12940(a)(1), (m)-(n).

14 34. In violation of Plaintiff's rights under the FEHA to be free from disability-based  
15 discrimination in employment, Defendants terminated Plaintiff while she was on a medical leave  
16 of absence, a reasonable accommodation. In further violation of Plaintiff's rights, Defendants  
17 failed to engage in a good faith, interactive process with Plaintiff Alcala when Plaintiff requested  
18 an extension of her leave as a reasonable accommodation. Instead, Defendants terminated  
19 Plaintiff based on her disability and/or her need for a reasonable accommodation.

20 35. Moreover, when Plaintiff sought to return after her oncologist released her to  
21 work, Defendants denied her reinstatement and made no effort to locate vacant positions that  
22 could meet her disability-related restrictions with or without reasonable accommodation.

23 36. Defendants' unlawful actions were intentional, willful, malicious, and/or done  
24 with reckless disregard of Plaintiff's right to be free from disability discrimination under the  
25 FEHA.

26 37. As a direct and proximate result of these unlawful acts, Plaintiff has suffered and  
27 continues to suffer lost wages, employment benefits, pension benefits, and other compensation,  
28 in an amount to be proven at trial.

38. As a further proximate result of these unlawful acts, Plaintiff has suffered and

1 continues to suffer injury, including emotional injury.

2 39. Plaintiff is entitled to compensatory damages, lost wages and benefits, declaratory  
3 and injunctive relief, attorneys' fees and costs, and other appropriate relief as determined by this  
4 court.

5 **SECOND CLAIM FOR RELIEF**

6 Failure to Accommodate in Violation of  
7 California's Fair Employment and Housing Act  
8 Cal. Gov't Code §§ 12940(a)(1), (m)-(n)

9 40. Plaintiff alleges and incorporates by reference the allegations in the preceding  
10 paragraphs.

11 41. Under the FEHA, it is an unlawful employment practice for an employer to fail to  
12 make reasonable accommodation for the known physical disability of an employee, or to fail to  
13 engage in a timely, good faith, interactive process with an employee who needs an  
14 accommodation. Cal. Gov't Code §§ 12940(a), (m)-(n).

15 42. In violation of Plaintiff's right to reasonable accommodations under the FEHA,  
16 Defendants refused to extend Plaintiff's medical leave of absence, declined to offer any  
17 alternative reasonable accommodation, including but not limited to placement in a position that  
18 would accommodate her disability-related restrictions, and terminated her employment.

19 43. In further violation of Plaintiff's rights, Defendants failed to engage in a timely,  
20 good faith interactive process to discuss Plaintiff's need for accommodation, and to determine  
21 and implement effective reasonable accommodations that would have enabled Plaintiff to retain  
22 her employment, including extending her medical leave of absence and thereafter returning her  
23 to the position she held at the time of her leave of absence, or alternatively, to a position that  
24 would accommodate her disability-related restrictions.

25 44. Defendants' unlawful actions were intentional, willful, malicious, and/or done  
26 with reckless disregard of Plaintiff's right to reasonable accommodation under the FEHA.

27 45. As a direct and proximate result of these unlawful acts, Plaintiff has suffered and  
28 continues to suffer lost wages, employment benefits, pension benefits, and other compensation,  
in an amount to be proven at trial.





1 **FOURTH CLAIM FOR RELIEF**

2 Retaliation in Violation of  
3 California's Fair Employment and Housing Act  
4 Cal. Gov't Code §§ 12940(h), (m)(2)

5 55. Plaintiff alleges and incorporates by reference the allegations in the preceding  
6 paragraphs.

7 56. Under the FEHA, it is unlawful for an employer to retaliate against an individual  
8 for engaging in protected activities such as requesting a reasonable accommodation under the  
9 Act. Cal. Gov't Code §§ 12940(h), (m)(2).

10 57. Plaintiff engaged in protected activities under the FEHA and was exercising her  
11 rights under the FEHA when she took a medical leave of absence as a reasonable  
12 accommodation for her disability.

13 58. In violation of the FEHA, Defendants retaliated against Plaintiff by terminating  
14 Plaintiff while she was on a medical leave, by failing to provide a reasonable accommodation,  
15 and by failing to engage in a timely, good faith, interactive process.

16 59. Defendants' unlawful actions were intentional, willful, malicious, and/or done  
17 with reckless disregard to Plaintiff's rights under the FEHA to be free from retaliation.

18 60. As a direct and proximate result of these unlawful acts, Plaintiff has suffered and  
19 continues to suffer lost wages, employment benefits, pension benefits, and other compensation,  
20 in an amount to be proven at trial.

21 61. As a further proximate result of these unlawful acts, Plaintiff has suffered and  
22 continues to suffer injury, including emotional injury.

23 62. Plaintiff is entitled to compensatory damages, lost wages and benefits, declaratory  
24 and injunctive relief, attorneys' fees and costs, and other appropriate relief as determined by this  
25 court.

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1 **FIFTH CLAIM FOR RELIEF**

2 Unlawful Business Practices in Violation of  
3 California’s Unlawful Business Practices Act  
4 Cal. Bus. & Prof. Code § 17200, *et seq.*

5 63. Plaintiff alleges and incorporates by reference the allegations in the preceding  
6 paragraphs.

7 64. Unfair practices prohibited by California’s Unfair Business Practices Act include  
8 “any unlawful, unfair or fraudulent business act or practice.” Cal. Bus. & Prof. Code § 17200.

9 65. Defendants have committed unlawful and unfair business practices, including but  
10 not limited to the following: (1) failing to reasonably accommodate Plaintiff; (2) failing to  
11 engage in a timely, good faith, interactive process to determine effective reasonable  
12 accommodations for an employee with a disability; (3) retaliating against Plaintiff for exercising  
13 her rights under the law; and (4) terminating Plaintiff on the basis of disability.

14 66. As a proximate result of the unlawful and unfair business practices of Defendants,  
15 Plaintiff has suffered injury in fact and has lost money or property.

16 67. Plaintiff is entitled to restitution, declaratory relief, injunctive relief, and  
17 attorneys’ fees and costs.

18 **SIXTH CLAIM FOR RELIEF**

19 Disability Discrimination and Wrongful Termination in Violation of  
20 California’s Public Policy

21 68. Plaintiff alleges and incorporates by reference the allegations in the preceding  
22 paragraphs.

23 69. It is the public policy of the State of California to bar employers from  
24 discriminating against their employees because of their disabilities as well as to require them to  
25 reasonably accommodate employees with disabilities. Cal Gov’t Code §§ 12920, 12940(a).  
26 Discrimination includes failure to accommodate, failure to engage in interactive process,  
27 termination, and retaliation. This public policy is well grounded in state statutes, including the  
28 FEHA.

70. In violation of Plaintiff’s right to be free from disability-based discrimination

1 under California public policy, Defendants terminated Plaintiff because of her disability.  
2 Defendants refused to reasonably accommodate Plaintiff, and further failed to engage in a good  
3 faith, interactive process to determine effective and reasonable accommodations that would have  
4 enabled Plaintiff to retain her employment.

5 71. Defendants' unlawful actions were intentional, willful, malicious, and/or done  
6 with reckless disregard to Plaintiff's right to be free from discrimination on the basis of her  
7 disability.

8 72. As a direct and proximate result of these unlawful acts, Plaintiff has suffered and  
9 continues to suffer lost wages, employment benefits, pension benefits, and other compensation,  
10 in an amount to be proven at trial.

11 73. As a further proximate result of these unlawful acts, Plaintiff has suffered and  
12 continues to suffer injury, including emotional injury.

13 74. Plaintiff is entitled to compensatory damages, lost wages and benefits, declaratory  
14 and injunctive relief, attorneys' fees and costs, and other appropriate relief as determined by this  
15 court.

16 **DECLARATORY RELIEF**

17 75. Plaintiff alleges and incorporates by reference the allegations in the preceding  
18 paragraphs.

19 76. An actual controversy exists between the Plaintiff and Defendants concerning  
20 their respective rights and duties. Plaintiff contends that Defendants willfully violated her rights  
21 under the FEHA, California's Unfair Business Practices Act, and California's public policy.

22 77. Plaintiff is informed and believes that Defendants denies that these actions were  
23 unlawful. Declaratory relief is therefore necessary and appropriate.

24 78. Plaintiff seeks a judicial declaration of the rights and duties of the respective  
25 parties, including a declaration of Defendants' duty to comply with the law.

26 **INJUNCTIVE RELIEF**

27 79. Plaintiff alleges and incorporates by reference the allegations in the preceding  
28 paragraphs.



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**JURY DEMAND**

Plaintiff demands trial by jury of all claims and causes of action so triable.

Dated: January 6, 2020

Respectfully Submitted,

Alexis Alvarez  
Rachael Langston  
Sairah Budhwani

LEGAL AID AT WORK

By: /s/ Alexis Alvarez  
Alexis Alvarez  
Attorneys for Plaintiff