

THE PARTIES

3. HEATHER MONASKY (hereinafter referred to as “MONASKY”), is an individual, who was employed by THE MATIAN FIRM, APC, and Shawn Matian. Hereinafter referred to as “DEFENDANTS.”

4. MONASKY, based upon that information and belief alleges, that Defendant: THE MATIAN FIRM, is A Professional Corporation, (hereinafter referred to as “TMF”) was, at all relevant times mentioned herein, was A Professional Corporation, located at 3731 Wilshire Blvd Suite 610, Los Angeles, CA 90010, County of Los Angeles, State of California, involved in fraud and legal malpractice and preying on Latinos. The firm is a criminal enterprise disguised as a law firm and is dedicated to committing fraud, preying on the Latino community, using non-lawyers to decide everything about thousands of cases, using non-lawyers on a sales team, that are paid commission for overtly lying to clients and to do anything at all to sign up clients. MONASKY was an employee of DEFENDANTS from February 2018 to April 2018

5. MONASKY, based upon that information and belief alleges, that Defendant: TMF, (is hereinafter referred to as “TMF”), TMF, located at 3731 Wilshire Blvd Suite 610, Los Angeles, CA 90010, County of Los Angeles, State of California, and is a criminal enterprise disguised as a law firm and is dedicated to committing fraud, praying on the Latino community, using non-lawyers to decide everything about thousands of cases, using non-lawyers on a sales team, that are paid commission for overtly lying to clients and do anything at all to sign up clients. MONASKY, an attorney, was employed by TMF and opposed the activities of this criminal organization. She was terminated for refusing to commit crimes as part of her legal work as an employee of the DEFENDANTS.

6. Shawn Matian, hereinafter referred to as (“SM” or “Matian”) and George Fernandez is an individual, hereinafter referred to as “GF”, are both professional criminals, who operate and is the mastermind of the criminal enterprise, and supervise the criminal activities and a principal with The Matian Firm. SM is further dedicated to committing fraud, praying on the Latino community, using non-lawyers to decide everything about

1 thousands of cases, using non-lawyers on a sales team, that are paid commission for overtly
2 lying to clients and do anything at all to sign up clients. MONASKY, an attorney, was
3 employed by TMF and opposed the activities of this criminal organization. She was
4 terminated for refusing to commit crimes as part of her legal work as an employee of the
5 DEFENDANTS.

6 **7. MONASKY was employed by TMF as an attorney and Monasky is informed**
7 **and witnessed firsthand the crimes discussed herein, and based upon those**
8 **observations, alleges that Defendant TMF, is dedicated to committing fraud, preying**
9 **on the Latino community, using non-lawyers to decide everything about thousands of**
10 **cases, using non-lawyers on a sales team that are paid commission for overtly lying to**
11 **clients and do anything at all to sign up clients, such as MONASKY, and commits**
12 **wholesale deception and fraud, to pocket millions of dollars. The allegations of this**
13 **complaint stated on information and belief are likely to have evidentiary support after**
14 **a reasonable opportunity for further investigation or discovery.**

15 8. Defendants Doe 1 through Doe 25, inclusive, are sued herein under fictitious names.
16 Their true names and capacities are unknown to Plaintiff. When their true names and
17 capacities are ascertained, Plaintiff will amend this complaint by inserting their true names
18 and capacities herein. Plaintiff is informed and believes and thereon alleges that each of the
19 fictitiously named defendants is responsible in some manner for the occurrences herein
20 alleged, and that Plaintiff's damages as herein alleged were proximately caused by those
21 defendants. Each reference in this complaint to "Defendant," "Defendants," or a
22 specifically named defendant refers also to all defendants sued under fictitious names. The
23 Plaintiff does not know the true names of the Doe Defendants 1 through 100, and thus sues
24 them by such fictitious names. The Plaintiff will amend the complaint when he learns the
25 true names and capacities of said doe defendants when ascertained.

26 10. Plaintiff is informed and believes and thereon alleges that, at all times herein mentioned,
27 each of the defendants sued herein was the agent and/or employee of each of the remaining
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1 defendants and was at all times acting within the purpose, course, and scope of such agency and
2 employment.

3 11. Defendants, and/or Does 1 through 100 have such a unity of interest and ownership that
4 the separate personalities do not in reality exist and that the corporate structure is just a shield
5 for the alter ego of each other. Inequity will result if the acts in question are treated as those of
6 one of these Defendants over the other. Defendants and DOES 1 through 100 should be held
7 collectively liable for the acts complained of herein.

8 12. Each act was done with malice, oppression, and was despicable conduct entitling Plaintiff
9 to punitive and exemplary damages.

10
11 **FACTUAL BACKGROUND**

12 13. On January 26, 2018 to April 3, 2018, all DEFENDANTS hired MONASKY as a
13 criminal Defense attorney.

14 14. DEFENDANTS demanded that MONASKY engage in their mail fraud schemes, lie
15 to clients and steal money, and cover-up the DEFENDANTS active and overt fraud.

16 MONASKY personally witnessed the following illegal practices first hand and reported the
17 illegal practices to MATIAN himself and the other overseers, proxies and managers of
18 TMF, including but not limited to:

19 A. violations of the California Rules of Professional Conduct

20 B. Having employees who are non-lawyers, give legal advice, having non-
21 lawyers decide the actions the attorneys must take.

22 C. Having a “sales team” that lies to clients and overtly defrauds all clients by
23 having non-lawyers lie about what will happen with the case, and the non-lawyers further
24 give legal advice in the process of defrauding the clients.

25 D. Clients are lied to as a standard practice.

26 E. The Matian firm only causes harm. There is never a benefit for the client.

27 15. On or about April 3, 2018, Monasky noticed that the criminal conduct of the
28 defendants that she witnessed daily and then came to understand that the fraud was

1 systemic, intentional, and after her complaints or reports and/or her refusal
2 to engage in unlawful activity, she was forced to quit because the firm demanded that she
3 commit crimes described in paragraph 14, which everyone knew was illegal, in violation of
4 the Business and Professions code. She was further buried in work and assigned 240 cases
5 plus about 10 other cases each weekday to go to court on. This forced Monasky to quit
6 because she could NOT go forward with the firm giving her crazy amounts cases that no one
7 could work.

8 16. Ms. Monasky's employment was constructively terminated in retaliation for her
9 complaints or reports, and/or because she refused to engage in unlawful conduct and as a
10 pre-emptive strike because her employer anticipated that she might report the unlawful
11 conduct to a government agency. Monasky witnessed the fraud and thieving on a daily
12 basis at TMF's offices but was told that each incident was a "mistake" and she was given
13 other excuses for the thieving the firm prides itself in. All employees, including Monasky
14 are/were well aware of the fraud as they witnessed it daily. The TMF attorneys all reviewed
15 many cases, all of which involved thieving and fraud and encountered many clients who were
16 told them about how they have been scammed.

17 17. The constructive termination of Ms. Monasky started on or about a week after she
18 began working for TMF. She complained about TMF being the chop shop that it is. In
19 retaliation and to force her to quit, Monasky was immediately assigned more and more cases
20 that anyone could ever handle. TMF kept piling on cases until Monasky had over 240 cases,
21 as punishment for repeated complaining of illegal acts and retaliating for whistleblowing.

22 18. With 240 cases, she was still given 20 cases a day to go to Court on. With the
23 hundreds of cases she had, which in total were over 400[which includes cases assigned daily
24 plus the permanently assigned cases]. This is incredulous as it means she can NEVER
25 spend a full day on each case. Monasky was ordered to plead everyone regardless of the
26 case, and her objections were met with the assignment of hundreds of cases, way more than
27 10 lawyers could handle, all at the expense of the clients.

1 **FIRST CAUSE OF ACTION**

2 Whistleblower Retaliation

3 (Statutory Claim – Violation of Labor Code §§ 1102.5(b) and (c))

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5 19. Plaintiff re-alleges and incorporates the other paragraphs of this complaint as if fully set
6 herein.

7 20. At all relevant time periods, Plaintiff was an employee of DEFENDANTS.

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9 21. **From January 26, 2018 to April 3, 2018, Plaintiff repeatedly saw for herself the**
10 **crimes committed by Defendants and repeatedly complained to Defendant’s managing**
11 **agents that Defendant’s activities violated the law.** Specifically, Plaintiff witnessed and
12 complained of the acts in paragraph 14 which she witnessed daily, and further, the crimes were
13 reported to Monasky by clients, leading Monasky to complain with the overseers of the criminal
14 schemes and Matian himself.

15
16 22. On or about April 3, 2018, Defendant terminated Plaintiff’s employment because of
17 Plaintiff’s complaints described above and/her refusal to crimes as described in paragraph 14.
18 As a direct, foreseeable and proximate result of Defendants’ wrongful acts, Plaintiff has suffered
19 special and general damages in an amount in excess of the minimum jurisdiction of this court,
20 according to proof.

21
22 23. Defendants’ actions were taken with malice and oppression such that punitive damages
23 should be awarded.

24 **SECOND CAUSE OF ACTION**

25 (Wrongful Termination and Constructive Discharge in Violation of Public Policy)

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27 24. Plaintiff re-alleges and incorporates the other paragraphs of this complaint as if fully set
28 herein.

1 25. As set forth in the foregoing, Defendant terminated Plaintiff's employment because
2 Plaintiff complained to DEFENDANTS and DEFENDANTS owner and managing agents that
3 DEFENDANTS activities violated the law and Plaintiff refused to participate in Defendant's
4 unlawful activities. She was then given the choice of committing crimes or working for the
5 DEFENDANTS. She witnessed these crimes being committed daily. Monasky reported

7 26. The termination of Plaintiff's employment contravened the substantial fundamental
8 public policy to deter noncompliance with law that is embodied in California statutes such as
9 Labor Code § 1102.5, which prohibits an employer from retaliating against an employee for
10 refusing to participate in illegal conduct.
11

12 27. Plaintiff's termination constitutes a tortious discharge in violation of public policy
13 pursuant to the holding in *Collier v. Superior Court* (1991) 228 Cal.App.3d 1117, and other
14 cases citing with approval the *Collier* holding, including the California Supreme Court in *Green*
15 *v. Ralee* (1998) 19 Cal.4th 66, 87.
16

17 28. As a direct, foreseeable and proximate result of Defendants' wrongful acts, Plaintiff has
18 suffered special and general damages in an amount in excess of the minimum jurisdiction of this
19 court, according to proof.

20 29. Defendant's acts as hereinbefore described were committed maliciously, fraudulently or
21 oppressively with the intent of injuring Plaintiff, and/or with willful and conscious disregard for
22 Plaintiff's right to work in an environment free from retaliation. Because DEFENDANTS and
23 DEFENDANTS' managerial agents carried out these acts in a despicable, deliberate and
24 intentional manner, Plaintiff is entitled to recover punitive damages of an amount sufficient to
25 deter such future conduct.
26
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1 29. Plaintiff is in the process of obtaining administrative exhaustion, and when said
2 exhaustion occurs, the Plaintiff will amend to complaint and see attorneys' fees.

3
4 **THIRD CAUSE OF ACTION**

5 (Violation of Labor Code Section 970, et seq.- Against All Defendants and
6 DOES 1-100)

7 30. The allegations set forth in Paragraphs 1 through 28 are re-alleged and incorporated herein
8 by reference.

9 31. At all times herein mentioned, California Labor Code §§ 970-972, were in full
10 force and effect and was binding on Defendants.

11 32. California Labor Code § 970 states, in relevant part:

12 "No person, or agent or officer thereof, directly or indirectly, shall influence,
13 persuade, or engage any person to change from one place to another in this State or
14 from any place outside to any place within the State, or from any place within the State to any
15 place outside, for the purpose of working in any branch of labor, through or by means of
16 knowingly false representations, whether spoken, written, or advertised in printed form,
17 concerning either:
18
19

20 (a) The kind, character, or existence of such work;

21 (b) The length of time such work will last, or the compensation therefor."
22

23 33. Plaintiff believes and thereon alleges that she was engaged by agents/officers of TMF to
24 change her residence from the Susanville, CA all the way to Los Angeles, CA, where she entered
25 in to a lease for \$2,400 a month. This is \$1,600 greater than she was paying in Susanville, CA.
26 for the employment opportunity with Defendants.
27

28 34. In engaging Plaintiff, Defendants made knowingly false representations both

1 orally and in writing concerning the length of time that Plaintiff would be employment and the
2 compensation for the work, and the kind and character of the work Plaintiff was to perform.

3 35. Plaintiff was told that she TMF fought criminal cases and actually lifted a finger to help
4 clients. None of this is/was true. Plaintiff was also told by SHAWN MATIAN that she would
5 actually be working on cases, instead of engaging in the fraudulent thievery which is what TMF
6 does exclusively.
7

8 36. Yet, these statements were made even though it was known by Matian that they were
9 false. Defendants had no intention of employing Plaintiff for a period of one (1) year
10

11 37. Defendants further violated California Labor Code §§ 970-972 by purposefully
12 concealing the fact that they had no intention of complying with California Law as it related
13 to the business and professions code, as well as the rules of professional responsibility. The
14 Defendants made representations that they actually did legal work and worked on cases. Thus,
15 they concealed that they were scammers running a chop shop.
16

17 38. As a proximate result of Defendants' willful, knowing and intentionally false
18 representations regarding the kind, character, length of time, legality and compensation of the
19 work, Plaintiff has sustained and continues to sustain substantial losses in earnings and other
20 employment benefits.
21

22 39. Plaintiff has suffered and continues to suffer humiliation, emotional distress, and
23 mental and physical pain and anguish, all to her damage in a sum according to proof. Defendants'
24 intentionally false representations regarding the kind, character, length of time, lawfulness and
25 compensation of the work, entitles Plaintiff to double damages under California Labor Code
26 Section 972.
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1 **FOURTH CAUSE OF ACTION**

2 (Defamation - Against All Defendants and DOES 1-100)

3 40. Plaintiff re-alleges and incorporates the other paragraphs of this complaint as if fully set
4 herein.
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6 41. The Plaintiff, based upon information and belief and client complaints from multiple
7 sources that indicated that after she left the criminal enterprise, the other attorneys who are
8 participating in crimes and TMF principals, were repeatedly telling clients that the Plaintiff was:

- 9
- 10 a. Incompetent;
 - 11 b. Repeatedly committed malpractice;
 - 12 c. Repeatedly engaged in legal misconduct; and
 - 13 b. Terminated for legal misconduct and malpractice

14 42. Shockingly, as the only non-thief and the only person at the firm that was adverse to
15 fraud, scamming and thieving, she is still not immune from these slanderous statements.
16

17 43. Plaintiff at all material times herein, was a licensed California attorney, who took an oath
18 to defend the constitution.

19 44. Plaintiff had a stellar reputation at all times material hereto.

20 **45. The allegations of this complaint stated on information and belief are likely to have**
21 **evidentiary support after a reasonable opportunity for further investigation or discovery.**
22

23 46. All defendants, including but NOT limited to, Matian and TMF, and their professional
24 thieves in their employ, were individuals employed and working in the City of Los Angeles, and
25 entities conducting business in the City of Los Angeles, all of whom were acting with the
26 consent and approval of all other Defendants, as well as instructions from all other Defendants to
27 commit the slander and defamation alleged above.
28

1 47. This is a cause of action for slander and defamation. Plaintiff, who previously enjoyed a
2 good reputation in the community, was defamed by Defendant's assertions that she was
3 incompetent, and fired for repeated incompetence, misconduct and malpractice which was so
4 egregious that she was fired as a result. These statements are absolutely false in their entirety
5 and the opposite is true.
6

7 48. Such statements constituted slander per se in that they are slanderous on their face as they
8 hold someone licensed to practice law up as having violated things that are associated with her
9 profession. Further, TMF scammers and liars told clients in the last month or so, that Plaintiff
10 was inept when it comes to her profession. Such statements damaged Plaintiff as a natural
11 consequence of the words, and amount to slander per se.
12

13 49. Such statements were defamatory in that they falsely allege professional incompetence
14 and malpractice against a licensed California attorney that is exceptionally gifted at the practice
15 of law. At least one member of the public understood them to be defamatory because witnesses
16 indicated that they believed the statements and the statements came from all defendants.
17

18 50. The exact opposite of these allegations is the truth. These above mentioned statements
19 were patently false.
20

21 51. As a direct and legal result of Defendant's publication and/or announcement of false
22 assertions, Plaintiff has suffered per se damages in respect of her business, trade, profession or
23 occupation.
24

25 52. Such assertions also were not privileged because and were the Defendants acted with
26 malice in fact or actually malice, in the sense that Defendants had a state of mind arising from
27 hatred or ill will toward the Plaintiff because Plaintiff opposed the criminal thievery and
28 scamming practices of all Defendants.

1 53. Defendant knew that such statements were false, or acted with reckless disregard as to
2 their truth or falsity.

3 54. Defendant's statements were at least negligent, in that they were not made with the
4 caution or care of a reasonable person and were made when the Defendants knew that they were
5 NOT true.
6

7 55. In addition to per se damages, Plaintiff is entitled to punitive damages pursuant to Civil
8 Code Section 3294 in that all statements made were done with fraud oppression and malice.
9

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff prays for damages against Defendants and each of them, as
12 follows:

- 13 1. For a money judgment representing compensatory damages including back pay, front
14 pay, wages, earnings, retirement benefits, and other employee benefits, and all other sums
15 of money, together with interest on these amounts, according to proof;
- 16 2. For a money judgment for mental pain and anguish and emotional distress, according to
17 proof;
- 18 3. For consequential damages, according to proof;
- 19 4. For special damages according to proof;
- 20 5. For punitive damages according to proof;
- 21 6. For costs and expenses of suit incurred herein;
- 22 7. For pre and post-judgment interest on the sum of damages awarded as allowed by law;
- 23 8. For attorneys' fees and costs pursuant to law;
- 24 9. For statutory awards as permitted by law;
- 25 10. For injunctive relief from Defendant's unlawful conduct; and
- 26 11. Such further legal and equitable relief as this Court may deem just and proper.

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DEMAND FOR JURY TRIAL

Plaintiff respectfully demands a trial by jury on all issues so triable.

Date:

Respectfully submitted,

THE OKOROCHA FIRM

By:

OKORIE OKOROCHA
Attorneys for Plaintiff