

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
ORIGINAL SOLO PARA USO DE LA CORTE
Superior Court of California
County of Los Angeles

JUN 12 2018

Sherri R. Carter, Executive Officer/Clerk
By: Glorietta Robinson, Deputy

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

MATIAN LAW FIRM, A professional corporation, SHAWN MATIAN,
an individual; and DOES 1 through 100, Inclusive,

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

DEJUAN VALENTINE, an individual,

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Los Angeles Superior Court-Central
111 N. Hill St, Los Angeles, CA 90012

CASE NUMBER:
(Número del Caso) **BC 7 09 5 47**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Okorie Okorochoa, The Okorochoa Firm, 117 E. Colorado Blvd. Suite 465, Pasadena, CA 91105 P:310 497 0321

DATE: JUN 12 2018
(Fecha)

SHERRI R. CARTER

Clerk, by
(Secretario)

[Signature]
Glorietta Robinson

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
- by personal delivery on (date):

UNIFORMED COURT
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 12 2018

Sherri R. Carter, Executive Officer/Clerk
By: Glorietta Robinson, Deputy

1 OKORIE OKOROCHA (SBN 226658)
2 THE OKOROCHA FIRM
3 117 E. Colorado Blvd. Suite 465
4 Pasadena, CA 91105
5 Email: OO@OOESQ.COM
6 Tel: (310) 497-0321

Attorney for the Plaintiffs

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT

9 DEJUAN VALENTINE, an individual,
10 Plaintiffs,

11 vs.

12 MATIAN LAW FIRM, A professional
13 corporation, SHAWN MATIAN, an
14 individual; and DOES 1 through 100,
15 Inclusive,
16 Defendants.

) CASE NO. BC 7 0 9 5 4 7

) UNLIMITED JURISDICTION DAMAGES
) SOUGHT OVER \$25,000.00

) COMPLAINT FOR DAMAGES FOR:

) 1. WHISTLE-BLOWER RETALIATION
) CALIFORNIA LABOR CODE 1102.5.
) (VALENTINE)

) 2. RETALIATION IN VIOLATION OF
) LABOR CODE §98.6 (VALENTINE)

) 3. WRONGFUL TERMINATION AND
) CONSTRUCTIVE TERMINATION IN
) VIOLATION OF PUBLIC POLICY
) (VALENTINE)

) DEMAND FOR JURY TRIAL

22 GENERAL ALLEGATIONS

23 JURISDICTION AND VENUE

24 1. This Court has jurisdiction over this action pursuant to Code Civ Pro. § 410.10. The
25 action is brought pursuant to Code Cipro. § 382 and Civ.Code § 1781 *et seq.*

26 2. Venue is proper in this Court pursuant to Code Civ.Proc. § 395 and § 395.5 because the
27 suffered damages to Plaintiff alleged herein occurred in the City of Los Angeles, California,
28 County of Los Angeles.

By Fax

1 OKORIE OKOROCHA (SBN 226658)
2 **THE OKOROCHA FIRM**
3 117 E. Colorado Blvd. Suite 465
4 Pasadena, CA 91105
5 Email: OO@OOESQ.COM
6 Tel: (310) 497-0321

7 Attorney for the Plaintiffs

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**
11

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27 suffered damages to Plaintiff alleged herein occurred in the City of Los Angeles, California,
28 County of Los Angeles.

THE PARTIES

3. DEJUAN VALENTINE (“VALENTINE”), is an individual who was employed by THE MATIAN FIRM, APC, and Shawn Matian, as the human resources director. Hereinafter referred to as “DEFENDANTS.”

4. VALENTINE, 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, 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 necessary to sign up clients. VALENTINE was an employee of DEFENDANTS from January 2018 to June 2018. The firm also misclassifies employees to steal from the employees and further hires undocumented workers, all of which VALENTINE complained about.

5. VALENTINE, 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. VALENTINE, the human resources director, was employed by TMF and opposed the activities of this criminal organization, including but not limited to the misclassification of employees to avoid paying overtime. He was terminated for refusing to commit crimes as part of his work as an employee of the DEFENDANTS and was also terminated for being a witness in an investigation/proceeding as stated explicitly by SHAWN MATIAN.

1 6. Shawn Matian, hereinafter referred to as (“SM” or “Matian”) is a professional
2 criminal, who operates and is the mastermind of the criminal enterprise and supervise the
3 criminal activities and a principal with The Matian Firm. SM is further dedicated to
4 committing fraud, preying on the Latino community, using non-lawyers to decide
5 everything about thousands of cases, using non-lawyers on a sales team, that are paid
6 commission for overtly lying to clients and do anything at all to sign up clients.
7 VALENTINE was employed by TMF and opposed the activities of this criminal
8 organization. he was terminated for refusing to commit crimes as part of his legal work as
9 an employee of the DEFENDANTS.

10 7. VALENTINE was employed by TMF as human resources manager since January,
11 2018, and also witnessed firsthand the crimes discussed herein, and **who complained about**
12 **the hiring of illegal workers and employee misclassifications to Shawn Matian.**

13 8. Defendants Doe 1 through Doe 25, inclusive, are sued herein under fictitious names.
14 Their true names and capacities are unknown to Plaintiff. When their true names and
15 capacities are ascertained, Plaintiff will amend this complaint by inserting their true names
16 and capacities herein.

17 9. Plaintiff is informed and believes and thereon alleges that each of the fictitiously
18 named defendants is responsible in some manner for the occurrences herein alleged, and that
19 Plaintiff’s damages as herein alleged were proximately caused by those defendants.

20 10. Each reference in this complaint to “Defendant,” “Defendants,” or a specifically
21 named defendant refers also to all defendants sued under fictitious names. The Plaintiff does
22 not know the true names of the Doe Defendants 1 through 100, and thus sues them by such
23 fictitious names. The Plaintiff will amend the complaint when he learns the true names and
24 capacities of said doe defendants when ascertained.

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

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

6 13. Each act was done with malice, oppression, and was despicable conduct entitling Plaintiff
7 to punitive and exemplary damages.

8
9 **FACTUAL BACKGROUND**

10 14. In January 2018 to April 3, 2018, all DEFENDANTS hired VALENTINE as a human
11 resources director.

12 15. DEFENDANTS demanded that VALENTINE engage in the illegal hiring of
13 undocumented workers and misclassifying them. VALENTINE personally witnessed the
14 following illegal practices first hand and reported the illegal practices to MATIAN himself
15 and the other overseers, proxies and managers of TMF, including but not limited to:

16 A. violations of the California Rules of Professional Conduct

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

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

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

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

24 F. The Matian firm hires undocumented workers and misclassifies many
25 employees to steal from the employees.

26 16. Mr. VALENTINE’s employment was terminated in retaliation for his complaints or
27 reports, and/or because he refused to engage in unlawful conduct and as a pre-emptive strike
28 because his employer anticipated that he might report the unlawful conduct to a government

1 agency.

2 17. VALENTINE, the Human Resources Director, became disgusted with what he saw,
3 and contacted Plaintiff's counsel to tell him about what was happening, and to become a
4 witness in support of other employees.

5 18. On June 5, 2018, VALENTINE travelled to Plaintiffs counsel's office to discuss
6 what he was witnessing, and to offer to be a witness for VALENTINE. TMF hired a person
7 to follow VALENTINE and had observed him entering the building where Plaintiffs'
8 counsel's office was located at, who then advised VALENTINE that he had been following
9 VALENTINE. Ten minutes later, VALENTINE received an email from Matian telling him
10 that he had been terminated from employment from TMF.

11
12 **FIRST CAUSE OF ACTION**

13 Whistleblower Retaliation

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

15
16 By VALENTINE)

17 19. Plaintiffs re-allege and incorporate the other paragraphs of this complaint as if fully set
18 herein.

19 20. From January 2018 to June 5, 2018, VALENTINE repeatedly saw for himself the crimes
20 committed by Defendants and repeatedly complained to DEFENDANTS' managing agents that
21 DEFENDANTS' activities violated the law. Specifically, VALENTINE witnessed and
22 complained of the acts stated hereinabove which he witnessed daily, leading VALENTINE to
23 complain with the overseers of the criminal schemes and Shawn Matian himself.

24 21. On or about June 5, 2018, DEFENDANTS terminated VALENTINE's employment
25 because VALENTINE had been discussing the illegal activities at DEFENDANTS employment
26 with Plaintiff's counsel for the purpose of reporting them to the appropriate government or law
27 enforcement agency.

1 22. As a direct, foreseeable and proximate result of DEFENDANTS' wrongful acts,
2 VALENTINE has suffered special and general damages in an amount in excess of the minimum
3 jurisdiction of this court, according to proof.

4 23. DEFENDANTS' only explanations for their discharge of VALENTINE are pretextual.

5 24. DEFENDANTS' actions were taken with malice and oppression such that punitive
6 damages should be awarded.

7 **SECOND CAUSE OF ACTION**

8 (Retaliation Pursuant to Labor Code §98.6)

9 (By VALENTINE)

10 25. Plaintiffs re-allege and incorporate the other paragraphs of this complaint as if fully set
11 herein.

12 26. DEFENDANTS engage in conduct in violation of the Labor Code. Specifically, they
13 violated

14 27. VALENTINE exercised his rights under the Labor Code AND complained to Shawn
15 Matian and other of DEFENDANTS' principals because he complained about DEFENDANTS'
16 employment practices of hiring illegal aliens in violation of Labor Code §2805, and to the
17 intentional misclassification of employees as exempted from overtime pay pursuant to Labor
18 Code §§ 510 and 515.

19 28. DEFENDANTS discharged VALENTINE because he exercised his rights under the
20 Labor Code to complain against DEFENDANTS' employment practices of hiring illegal aliens in
21 violation of Labor Code §2805, and to the intentional misclassification of employees as
22 exempted from overtime pay pursuant to Labor Code §§ 510 and 515, both for DEFENDANTS'
23 principal's financial gain.

24 29. DEFENDANTS' only explanations for their discharge of VALENTINE are pretextual.

25 30. As a direct, foreseeable and proximate result of DEFENDANTS' wrongful acts,
26 VALENTINE has suffered special and general damages in an amount in excess of the minimum
27 jurisdiction of this court, according to proof.
28

1 31. DEFENDANTS' actions were taken with malice and oppression such that punitive
2 damages should be awarded.

3
4 **THIRD CAUSE OF ACTION**

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

6 (By VALENTINE)

7 32. Plaintiffs re-allege and incorporate the other paragraphs of this complaint as if fully set
8 herein.

9 33. As set forth in the foregoing, DEFENDANTS terminated VALENTINE's employment
10 because he complained to DEFENDANTS and DEFENDANTS owner and managing agents that
11 DEFENDANTS activities violated the law, and he refused to participate in these unlawful
12 activities. he was then given the choice of committing crimes or working for the
13 DEFENDANTS. VALENTINE witnessed these crimes being committed daily, and ultimately
14 reported them to VALENTINE's counsel for purposes or reporting them to public agencies and
15 law enforcement.

16 34. The termination of VALENTINE's employment contravened the substantial fundamental
17 public policy to deter noncompliance with law that is embodied in California statutes such as
18 Labor Code § 1102.5, which prohibits an employer from retaliating against an employee for
19 refusing to participate in illegal conduct.

20 35. Plaintiff's termination constitutes a tortious discharge in violation of public policy
21 pursuant to the holding in *Collier v. Superior Court* (1991) 228 Cal.App.3d 1117, *Gelini v .*
22 *Tishgart* (1999) 77 Cal.App.4th 219 [91 Cal.Rptr.2d 447] and other cases citing with approval
23 the *Collier* holding, including the California Supreme Court in *Green v. Ralee* (1998) 19 Cal.4th
24 66, 87.

25 36. As a direct, foreseeable and proximate result of DEFENDANTS' wrongful acts,
26 VALENTINE has suffered special and general damages in an amount in excess of the minimum
27 jurisdiction of this court, according to proof.

1 37. DEFENDANTS' acts as hereinbefore described were committed maliciously,
2 fraudulently or oppressively with the intent of injuring Plaintiff, and/or with willful and
3 conscious disregard for Plaintiff's right to work in an environment free from retaliation. Because
4 DEFENDANTS and DEFENDANTS' managerial agents carried out these acts in a despicable,
5 deliberate and intentional manner, VALENTINE is entitled to recover punitive damages of an
6 amount sufficient to deter such future conduct.

7 38. VALENTINE is in the process of obtaining administrative exhaustion, and when said
8 exhaustion occurs, VALENTINE will amend to complaint and see attorneys' fees.

9
10 **PRAYER FOR RELIEF**

11 46. 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 civil penalties in violation of the Labor Code §§1102.5 and 98.6;
 - 17 3. For a money judgment for mental pain and anguish and emotional distress, according to
18 proof;
 - 19 4. For consequential damages, according to proof;
 - 20 5. For special damages according to proof;
 - 21 6. For punitive damages according to proof;
 - 22 7. For costs and expenses of suit incurred herein;
 - 23 8. For pre and post-judgment interest on the sum of damages awarded as allowed by law;
 - 24 9. For attorneys' fees and costs pursuant to law;
 - 25 10. For statutory awards as permitted by law;
 - 26 11. For injunctive relief from Defendant's unlawful conduct; and
 - 27 12. Such further legal and equitable relief as this Court may deem just and proper.
- 28

DEMAND FOR JURY TRIAL

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

Date: June __, 2018

Respectfully submitted,

THE OKOROCHA FIRM

By:

OKORIE OKOROCHA
Attorneys for Plaintiff